

George W. Bristow
1951-1961

© Illinois Supreme Court Historic Preservation Commission
Image courtesy of the Illinois Supreme Court

George Washington Bristow was born on September 23, 1894, in the tiny Ohio River community of Grand Chain in Pulaski County. He would spend over half his life of sixty-seven years as a judge. His father, John David Bristow, was a judge. He lived with his parents and attended local public schools in Metropolis, then worked his way through college at the University of Illinois, where he received a Bachelor of Arts degree in 1916.¹

He enrolled in Harvard Law School for the following autumn term and all went well until near the end of the year when an eye disease from which he had been enduring worsened and nearly blinded him. He was unable to read, but since he refused to drop out



he had other people read aloud the course material necessary for completion of the term. He claimed later that he had to train himself to listen well and remember, skills that he said were very useful throughout his career. He completed his second year at Harvard shortly after the United States entered World War I. Anxious to serve, his efforts to enlist were rejected several times because of his bad eyesight. He managed to obtain a copy of the eye chart used by the army doctors to test recruits then memorized it so he could fool them into believing that his vision was not seriously impaired. He wound up spending twenty-three months in the army,

fifteen of which were overseas. He was assigned to ordnance and spent his time “hauling ammunition to the front lines”²

After the war he moved to Paris, Illinois in 1920 to live with his uncle Frank Bristow while he completed his legal training in the law office of Frank Van Sellar. In that same year he was admitted to the bar and was elected State’s Attorney for Edgar County, where Paris was the county seat. Paris would be his home for the rest of his life. There, on June 24, 1921, he married Beryl Franklin Love of Danville, and together they had three children.³

At the end of his term as State’s Attorney in 1924 he was not reelected. He served a few years as Master in Chancery for Edgar County, and in 1927, at age thirty-three, he was elected judge of the circuit court as a Republican. He was reelected in 1933, when not many Republicans won elective office. He was reelected in 1939 to a third term and again in 1945 for a fourth term. During his years on the circuit bench, the governor appointed him to the Appellate Courts in Ottawa in 1938 and in Mt. Vernon in 1942. He was elected justice of the Supreme Court in the judicial election of June 4, 1951, to succeed Justice Walter T. Gunn, who had retired for health reasons. He was reelected for another nine-year term in June 1960, but he died sixteen months into his term. He served as Chief Justice for the year beginning September 1954, and assumed the position again in September 1961, but filled that role barely two months before his death.⁴

Bristow was on the Supreme Court during a tumultuous time in Illinois judicial history. The state was operating under a nineteenth-century constitution that was more than eighty years old. There were difficulties in applying the constitution to some of the legal problems of the post-World War II world, but the greatest problem was the years-long backlog of cases that put undue strain on the bench and bar and raised questions about the fair administration of justice for

the state's citizens. Judges throughout the state called for an immediate solution by increasing the number of judges in the circuit courts. Supreme Court justices were at the apex of the judicial system. In that role Supreme Court justices also have responsibilities for the operation of the state's court system so in June 1960, George Bristow was joined by Justices Byron House and Joseph Daily in petitioning Governor William Stratton to increase the number of judges by fifteen. Nothing, however, corrected the defects in the judiciary until the entire judicial article in the state's constitution was replaced in 1962. Bristow had been active in the constitutional crisis since the late 1950s when he was involved in statewide judicial conferences as part of the effort to ameliorate the constitutional problems.⁵

Bristow wrote over 300 opinions while on the Supreme Court, yet one of the opinions for which he was most noted was written while he sat on the Appellate Court. In the case of *Johnson v. Luhman* in 1947, he was responsible for the first higher court decision in Illinois holding that minor children might sue for damages against a woman for alienating the affections of their father and depriving them of his support and disrupting their home.⁶ One of his more notable opinions while on the Supreme Court was his dissenting opinion in *In re Anastaplo*.⁷ The most controversial issue during his entire career on the bench was the issue of admitting George Anastaplo to the bar of Illinois. In November 1950, Anastaplo finished law school at the University of Chicago and passed his bar exam. When he went before the Supreme Court's Committee on Character and Fitness, he refused to answer a question about membership in the Communist Party. The committee refused to certify him and the court did not admit him to the bar. The issue was to carry on for more than ten years until the United States Supreme Court, in a divided opinion, upheld Anastaplo's denied bar admission. The case is still discussed in literature on bar admissions. Anastaplo maintained that any questions the Committee might have

concerning his political philosophy was irrelevant to his bar admission and that he therefore did not have to answer inappropriate questions. Justice Joseph Daily's opinion for the four-to-three majority held that since the Communist Party intended to overthrow the United States government and the Constitution, and since an oath to support the Constitution was required for bar membership, the question was relevant. Bristow dissented on constitutional grounds in a scholarly opinion that impressed many who disagreed with him. In 1961 the United States Supreme Court refused to review the matter, stating that Anastaplo's non-cooperation was sufficient to deny bar admission. Anastaplo went to a brilliant career producing scores of articles and books on the law, but he was never admitted to the bar.⁸

Early in October 1960, he was diagnosed with pancreatic cancer. He was admitted to the hospital at the University of Illinois medical center in Chicago on October 25 and underwent surgery five days later. His recovery advanced and retreated for a short time but then he developed pneumonia and slipped into a coma. He died November 12, 1961, at age sixty-seven. His remains were returned to Paris where his funeral was held at the First Methodist Church followed by interment at Edgar Cemetery. His funeral was attended by current Governor Otto Kerner, former Governor William Stratton, the other members of the Supreme Court, townspeople and members of the bench and bar from around the state. He was survived by his widow, Beryl, a son Dr. David Bristow of Effingham, Illinois, a daughter Mrs. Leonard Wolfe of Paris, and another daughter Mrs. Leonard Perlmutter of Denver, Colorado and eleven grandchildren.⁹

Having served on the circuit bench in Paris for more than twenty years before joining the Supreme Court, he was a prominent and well-liked person in his community. He even had a reputation as a bridge master with national standing for that card game. To commemorate his

contribution to the community and the Edgar County bench and bar, the local bar association created a foundation to establish and maintain the Justice George W. Bristow Memorial Library in the courthouse at Paris.¹⁰

¹ *Paris Beacon-News*, 13 November 1961, p. 1.

² *Ibid*; 26 Ill. 2d. 11.

³ *Ibid*; *Paris Beacon-News*, 13 November 1961, p. 1.

⁴ *Ibid*; 26 Ill. 2d. 11; *Chicago Tribune*, 13 November 1961, p. 1.

⁵ “Judicial Conference of Illinois,” *Journal of the American Bar Association*, Vol. 44 (September 1958), p. 837; “The Need for Judges Now,” *Chicago Bar Record*, Vol. 42, no. 5 (1960-1961), p. 213.

⁶ *Johnson v. Luhman*, 330 Ill. App. 598 (1947); 26 Ill. 2d. 11.

⁷ *In re Anastaplo*, 18 Ill. 2d 182 (1957).

⁸ *Ibid*; for the federal ruling see *In re Anastaplo*, 366 U.S. 82 (1961).

⁹ 26 Ill. 2d 11; *Paris Beacon-News*, 11 November 1961, p. 9; *Paris Beacon-News*, 13 November 1961, p. 1.

¹⁰ 26 Ill. 2d 11.