

A photograph of the Illinois Supreme Court building facade, featuring a large stone statue of Justice and Liberty. The statue depicts a seated female figure (Justice) holding a scale and a standing male figure (Liberty) holding a tablet. The background shows the building's classical architecture with columns and windows.

Annual Report 2020

Illinois Supreme Court
Historic Preservation Commission

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ILLINOIS SUPREME COURT HISTORIC PRESERVATION COMMISSION

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www.IllinoisCourtHistory.org

January 26, 2021

Hon. JB Pritzker, Governor
State of Illinois
207 Capitol Building
Springfield, IL 62706-1150

Hon. Emanuel Chris Welch, Speaker
Illinois House of Representatives
300 Capitol Building
Springfield, IL 62706

Hon. Anne M. Burke, Chief Justice
Supreme Court of Illinois
200 East Capitol Avenue
Springfield, IL 62701

Hon. Don Harmon, President
Illinois Senate
327 Capitol Building
Springfield, IL 62706

Dear Chief Justice Burke, Governor Pritzker, President Harmon, and Speaker Welch:

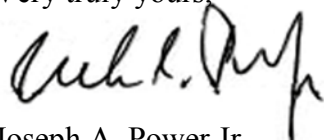
Enclosed is the Annual Report of the Supreme Court Historic Preservation Commission (Commission) filed in accordance with Section 25 of the Supreme Court Historic Preservation Act (705 ILCS 17). The Annual Report reflects the activities undertaken by the Commission in calendar year 2020 to further its mission as articulated in the Supreme Court Historic Preservation Act.

This calendar year was particularly challenging for the Commission with the onset of the COVID-19 pandemic. Most of the activities planned for the year were postponed, cancelled, or altered to allow for social distancing. In addition, a number of public presentations, one of the Commission's principal outreach methods, had to be cancelled or transitioned to online-only. Perhaps the most consequential postponement was the next presentation of the Commission's History on Trial program concerning the trial of the Chicago White Sox 1919 team that allegedly threw the World Series.

Despite these challenges, the Commission continued its mission to preserve the history of the Illinois judiciary, and there were some notable activities. A series of public programs related to an exhibit of the 100th anniversary of the passage of the Nineteenth Amendment transitioned to YouTube, allowing thousands of people to view the exhibit. The Commission received several new collections to add to its expanding archive. More activities can be found in the Report.

It is with sadness to report the death of Commission chair Governor James R. Thompson, a steadfast supporter of historic preservation and the legal profession. Governor Thompson's knowledge, enthusiasm, guidance, and leadership will be missed.

Very truly yours,



Joseph A. Power Jr.
Chair

ADMINISTRATIVE

Mission

The Supreme Court Historic Preservation Commission was created in 2007 by an Act of the General Assembly (705 ILCS 17) to:

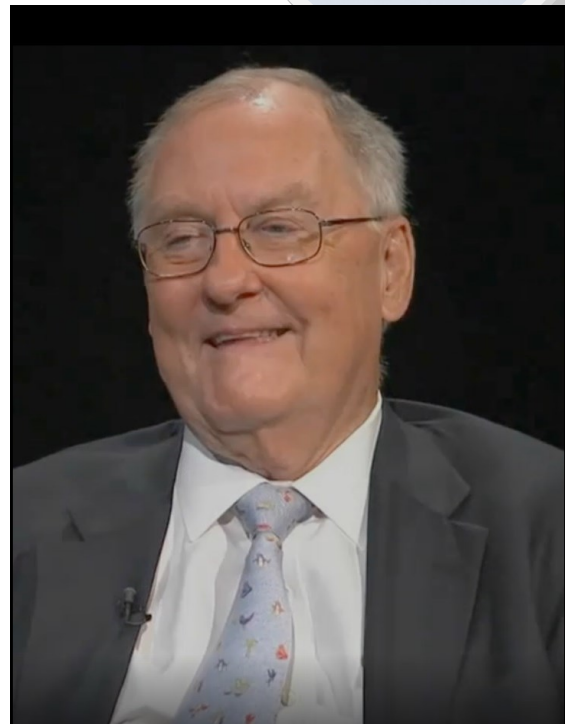
assist and advise the [Illinois Supreme] Court in regard to the acquisition, collection, documentation, preservation, cataloging, and related matters with respect to historic aspects of buildings, objects, artifacts, documents, and information, regardless of form, relating to the Illinois judiciary.

In Memoriam

The Commission is saddened by the death of its long-time chair, former Governor James R. Thompson, who passed away on August 14, 2020.

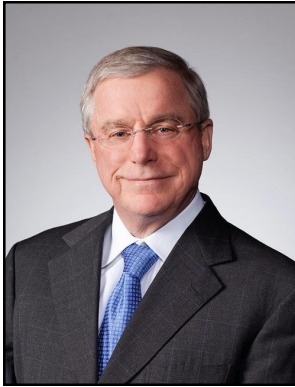
Born in Chicago on May 8, 1936, Thompson received his J.D. from Northwestern University and his license to practice law in 1959. He worked in the Cook County State's Attorney's office, handling many cases. Thompson frequently argued before the Illinois Supreme Court in the 1960s, claiming that only one attorney handled more cases before the state's highest court: Abraham Lincoln.

President Richard M. Nixon appointed him U.S. District Attorney for the Northern District of Illinois, where he prosecuted former Governor Otto Kerner. In 1976, Thompson won the first of four elections as Illinois governor, serving for a total of 14 years.



Upon his retirement from politics, he returned to the practice of law with Winston & Strawn. He was Chairman and CEO of the firm from 1993 to 2006, and retired as Senior Chairman in 2015. Thompson was appointed as an Illinois Supreme Court Historic Preservation Commissioner in 2007 and as chair in 2012. Thompson supported and encouraged historic preservation, particularly for Illinois's legal history. He will be missed by those in Illinois government, politics, legal profession, and Illinois history.

Commissioners



Joseph A. Power Jr.

Joseph A. Power Jr., Chair
Hon. Vincent F. Cornelius
Hon. Kirk W. Dillard
Pauline Montgomery
James M. Morphew
J. William Roberts
Dr. David M. Sokol
Marcia M. Meis, *ex officio*,
Director, Administrative Office of the Illinois Courts

The Illinois Supreme Court appointed Joseph A. Power Jr., long-time Commission member, to become Chair on September 14, 2020, upon the death of Governor James R. Thompson. Power is a Founding Partner of the Chicago law firm Power Rogers and has been listed in “The Best Lawyers of America” since 1987.

Governor JB Pritzker appointed Dr. David M. Sokol to the Commission on July 10, 2020, succeeding William J. Quinlan. Dr. Sokol is an emeritus professor of Art History at the University of Illinois Chicago and had taught for more than 40 years. He served as Director of the Terra Museum of American Art and the Spertus Museum.

Supreme Court of Illinois Liaisons



Hon. Anne M. Burke,
Chief Justice, Illinois Supreme Court



Hon. Rita B. Garman,
Justice, Illinois Supreme Court

Associate Commissioners

The Associate Commissioners serve as the operational body, in support of the Commission, which serves as the governing body. Associate Commissioners attend meetings and provide input into the Commission’s programmatic activities.

Hon. Joy V. Cunningham, Chair
Matthew R. Carter
Hon. Neil H. Cohen
Hon. Margarita Kulys-Hoffman
Hon. Margaret McBride
Hon. Aurelia Pucinski
Scott J. Szala

Staff

John Lupton, Executive Director and Director of History Programs
Matt Burns, Director of Administration and Director of Outreach
Virginia Geiger, Administrative Assistant
Benjamin Belzer, Collections, Oral History, and Research

Meetings

The Commission met three times in 2020 on June 12, August 28, and December 4. The scheduled meeting on March 20 was cancelled due to COVID-19. Meeting agendas and minutes are available upon request to the Executive Director. Pictured below, the Commission holds its quarterly meeting via Zoom.



Office

The Commission is located on the second and third floors of the Booth-McCosker Building at 231 South Sixth Street at the northwest corner of Sixth and Monroe Streets in Springfield. Utilization of the 4,800 square feet of space includes staff offices, library, collections room, conservation/preservation room, and space to exhibit artifacts.

SUPREME COURT OF ILLINOIS

The Commission continues to work closely with the Supreme Court of Illinois to preserve its history and to make that history easily accessible to the public.

Oral Arguments

The Supreme Court has held oral arguments in other locations in Illinois to raise awareness of the judicial branch and of the important role the court system has in interpreting state laws. This outreach into various communities in Illinois has been a tremendous success, particularly with high school students, who gain a better understanding of state civics and the role of the judiciary in interpreting laws. With a new emphasis on civics education in middle school, the Commission and the Court is uniquely positioned to continue to visit communities in Illinois to have oral arguments and instruct middle and high school students about the operation of the judicial branch.

In the past, the Court has met at Mt. Vernon in 2008, Ottawa in 2014, Lisle in 2016, Champaign in 2018, and Alton in 2019. The Court began plans to have oral arguments in central Illinois, but when COVID-19 caused travel to shut down, the Court decided to have students attend the oral arguments virtually. The Commission worked with the Rock Island County regional superintendent, who contacted principals at the numerous high schools in the area. A number of schools responded with interest, and many were able to attend the oral arguments in two cases on September 23, 2020.

The Commission assisted the Court with providing background material for students and teachers.

Portraits

In addition to the pandemic, the year 2020 brought an overdue reassessment of public art that symbolizes and honors racist figures in American history. In the Illinois State Capitol, the House removed a portrait of Stephen A. Douglas because he profited off of his wife's Mississippi plantation. On the Capitol grounds, a statue of Douglas was removed as well as a statue of Illinois's first lieutenant governor Pierre Menard because of its colonialist depiction of Menard standing above a sitting Native American.

Stephen A. Douglas was a member of the Illinois Supreme Court from 1841-43, and a newspaper reporter asked if the Supreme Court would remove Douglas's portrait from the Attorneys Room, which contains a portrait of every justice who has served on the Court. In a statement, the Court acknowledged that previous members of the Court, including Douglas, held racist views, but decided to leave Douglas's portrait on the wall. Douglas's portrait does not hold an honorific location—his is merely one in a string of portraits.

After further research, the Commission found several other Supreme Court justices had ties to slavery. After resigning as Illinois’s first Chief Justice, Joseph Philips returned to his home state of Tennessee and owned a plantation consisting of nearly 50 slaves. John Reynolds owned two slaves in Illinois, and Thomas Reynolds owned one. Sidney Breese owned one slave and even petitioned a court to have his slave whipped for failing to obey.

The Commission is planning to erect a museum-quality display in the Attorneys Room to inform the public and acknowledge its history about early court ties to slavery.

Supreme Court Building Tours

During most of 2020, Supreme Court building tours were suspended because of COVID-19. One tour that was not canceled was Associate Commissioner Scott Szala’s University of Illinois Law School class. This was not done in-person, but virtually. Director of Administration Matt Burns recorded Executive Director John Lupton giving a tour, which was then posted on YouTube (<https://www.youtube.com/watch?v=JeJOES8YIR4>) for the class to watch. Lupton joined the class via Zoom after the tour to answer any questions the students had. Burns and Lupton are preparing to make a more professional video for permanent viewing on YouTube.



Executive Director John Lupton leads a virtual tour of the Illinois Supreme Court Building.

Learning Center

Several state supreme courts across the country have created learning centers to assist in educating the public about the role of the judicial branch in state government. The Commission is planning to create a small learning center at the Supreme Court Building. The old Appellate Court conference room is now used as an alternate reading room for the Supreme Court Library. Roughly 12 x 28 feet, the former conference room will be ideal space for displaying artifacts collected by the Commission, rotating tower exhibits, and installing permanent exhibits to tell the story of the Illinois Supreme Court.

Chief Portraits

Recently, the Commission created copies of the Chief Justice portraits that hang in the second floor hallway of the Supreme Court Building. The copies were made available to the former Chief Justices or their families to hang in a public and prominent location of their choosing. Former Chief Justice Benjamin Miller requested that his portrait be hung in the Sangamon County Courthouse because he began his judicial career there as a Sangamon County Circuit Court judge.



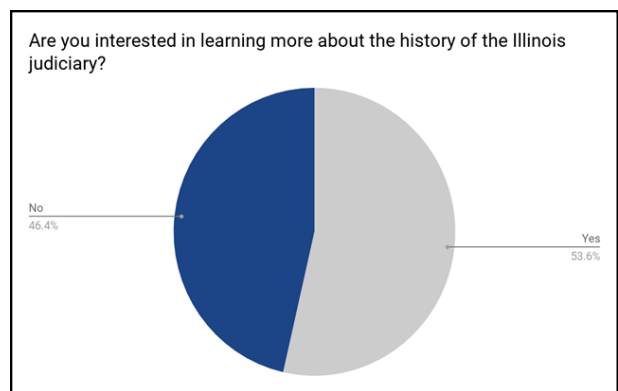
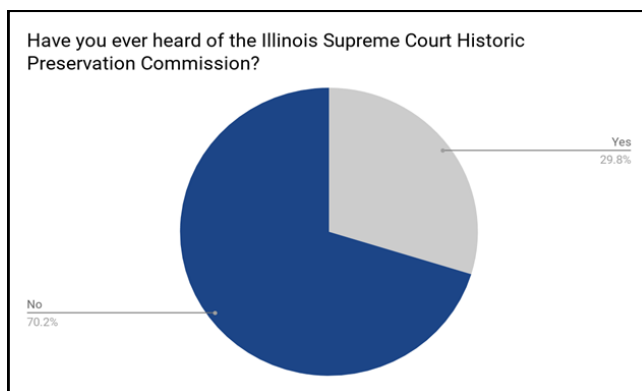
Former Chief Justice Benjamin Miller speaks at the unveiling of a copy of his Chief portrait. Seated at left re Justice Lloyd Karmeier and Justice Rita Garman in attendance.

OUTREACH

Website & Social Media

The Commission currently operates three separate websites: www.illinoiscourthistory.org, www.historyontrial.org, and <https://illinoiscourthistory.wordpress.com>. All three websites contain considerable judicial history material that is of interest to attorneys, historians, and the general public. The Commission also has a Facebook page (<https://www.facebook.com/judicialhistory/>) that is primarily used to make announcements and to direct users to the website, where more detailed information is available. This year, the Commission began a Twitter account (<https://twitter.com/judicialhistory>) to provide legal history tidbits and redirects to larger stories.

Grace Geiger, a 2020 Georgetown University School of Continuing Studies graduate, completed her capstone project by providing a Communication Plan to the Commission. She conducted a thorough survey that demonstrated a “current lack of awareness for the [Commission], but a willingness to learn more” about it and Illinois’s legal history. To rectify this knowledge gap between the public and the Commission, Geiger recommended generating increased awareness of the Commission’s activities through a series of social media campaigns, product development and enhancement, and events. The Commission has begun to implement her suggestions with a complete overhaul of the Commission’s website, which will integrate all of the Commission’s websites into one with better connectivity to its social media outlets. Geiger is the daughter of Administrative Assistant Virginia Geiger.



The two graphs demonstrate a lack of public knowledge about the Commission, but also a desire to learn more about Illinois’s judicial history.

The website has become one of the Commission’s primary methods of locating and communicating with persons interested in legal history. The Commission continues to add material on individual Supreme Court Justices and on county courthouses and their histories.

Public Presentations

The pandemic affected public presentations most dramatically. Staff of the Commission is frequently sought to speak at annual dinners, monthly meetings, and school groups. COVID-19 caused at least a dozen speaking cancellations in 2019. Notable cancellations included the Gilder-Lehrman Institute of American History program, Road Scholar programs, and the Association of Lincoln Presenters.



John Lupton (upper right) leads a webinar on the 1918 Influenza pandemic, showing a San Francisco court meeting outdoors.

Executive Director John Lupton was a featured speaker at Pandemics and Technology: Past, Present, and Future, one of the sessions of the State and Federal Seminar for Illinois judges. Lupton provided information about prior pandemics in American history, particularly the 1918 Influenza epidemic and its parallels with COVID-19. Lupton also spoke about several lawsuits that directly related to the 1918 flu and how those cases continue to resonate today.

John Lupton was scheduled to speak at several events related to the Illinois Judges Association commemorations of the 19th Amendment, which provided women the right to vote. The events were cancelled, but the Illinois Judges Association repurposed the program. More information can be found in the “Exhibits” section.

History on Trial: Black Sox

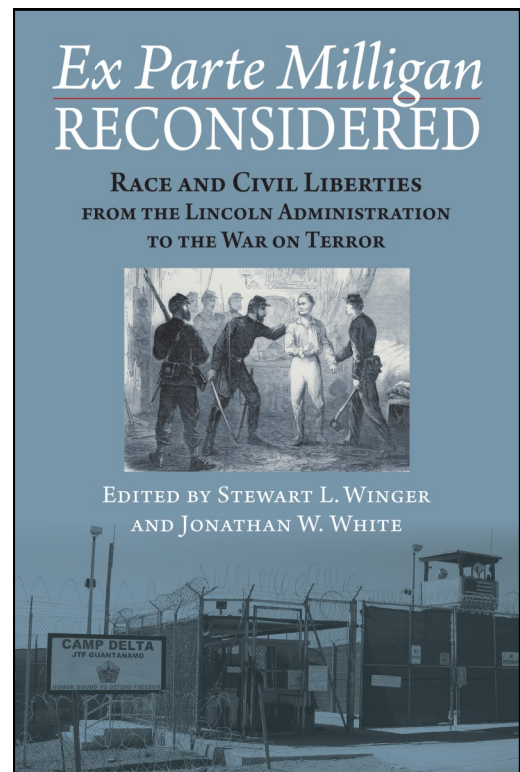
The pandemic resulted in the postponement of the History on Trial: Chicago Black Sox presentation. The Commission had planned for an early 2021 event and even considered doing the presentation via the Internet. After consultation with the Chicago White Sox and DePaul University Theatre School, the Commission decided to postpone the event until COVID-19 is under control. No specific date has been set, but research continues.

In 1919, the Chicago White Sox lost the World Series due to several players taking bribes to throw the series. A 1921 Cook County Circuit Court trial resulted in the acquittal of eight players who had been tried for conspiracy, but the new Commissioner of Major League Baseball banned the eight players for life. Associate Commissioner Scott J. Szala is the chair of the History on Trial: Black Sox Committee.

Publications

John Lupton authored a chapter in a book published by the University Press of Kansas entitled *Ex Parte Milligan Reconsidered: Race and Civil Liberties from the Lincoln Administration to the War on Terror*. Lupton's chapter, "Ex Parte Milligan in the State Courts: Madison Y. Johnson's Vindication in Illinois," examines an 1867 Illinois Supreme Court case to demonstrate the effect *Milligan* had in state courts. The book is available at <https://kansaspress.ku.edu/978-0-7006-2936-7.html>.

The Supreme Court Communications Office publishes *Illinois Courts Connect*, an online monthly newsletter that provides information about the judicial branch to the public. The Commission contributes an article for each issue highlighting the history of the Court. Articles written by Commission staff can be found at <http://www.illinoiscourts.gov/Media/enews/default.asp>.



January 2020
February 2020
March 2020
April 2020
May 2020
June 2020
July 2020
August 2020

Stephen Douglas
Ferdinand Barnett
Influenza Epidemic of 1918-1919
Mary Welles and the Cholera Epidemic of 1854
Nineteenth Amendment
Juvenile Courts
Appellate Courts
Slavery and the Illinois Supreme Court

October 2020
November 2020
December 2020

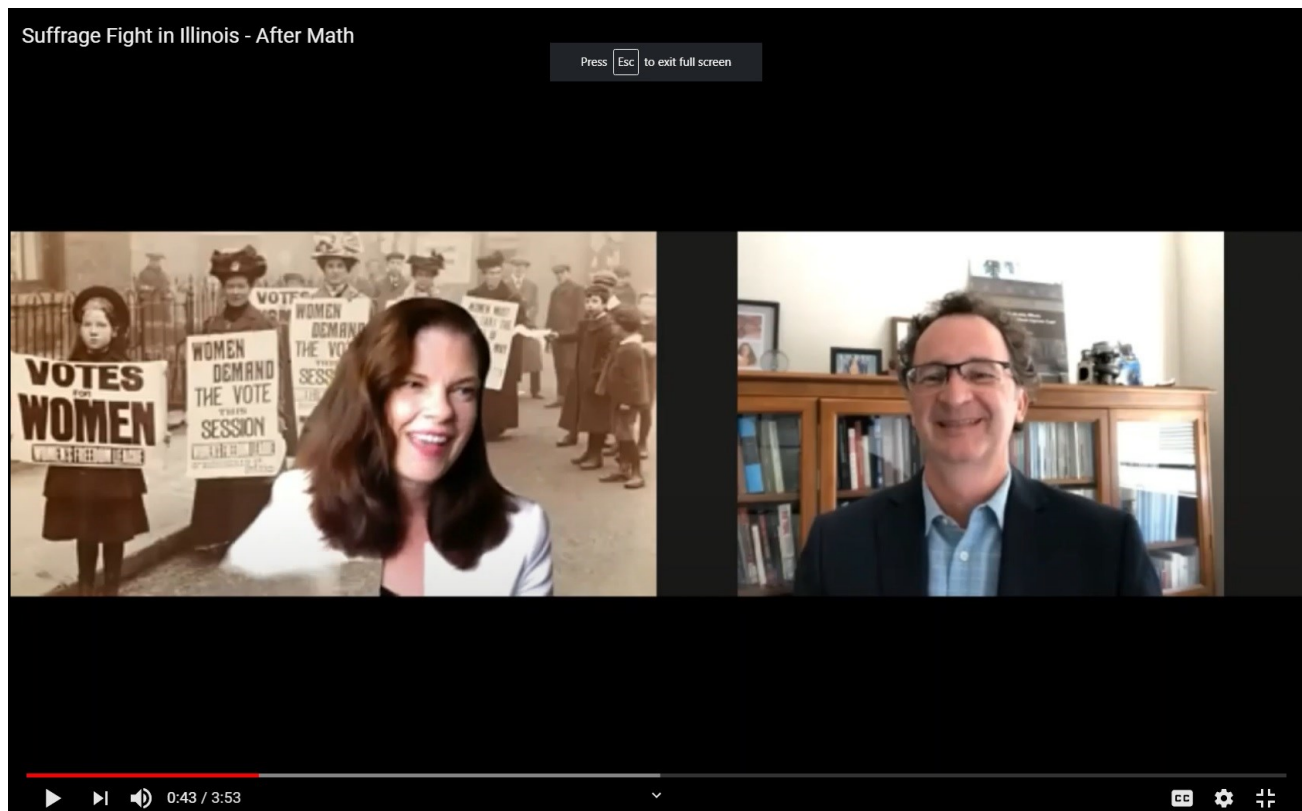
History of Illinois's Elective Judiciary
Court in Course
Fencing

Upon the death of Illinois Supreme Court Justice Charles E. Freeman in March 2020, the Commission published the proceedings of the Court's memorial service, which took place during the September 2020 term.

The Commission also reprinted a popular pamphlet that is distributed to thousands of newly licensed attorneys across the state. The pamphlet describes the imagery on the Illinois law license.

Exhibits

The Commission produced a new exhibit in 2020 to commemorate the 100th anniversary of the passage of the Nineteenth Amendment to the U.S. Constitution, giving women the right to vote. The exhibit was created in consultation with the Illinois Judges Association, which had planned to host events in each of Illinois's five appellate judicial districts. After the COVID-19 pandemic prevented large gatherings, the Illinois Judges Association decided to move the exhibit online.



First District Appellate Court Justice Eileen O'Neill Burke chats with John Lupton about the Nineteenth Amendment in Illinois.

There are ten panels to the exhibit, each one providing an explanation of the progression toward women’s right to vote. A judge interviewed John Lupton in ten separate YouTube short videos to explain the panel more deeply. The videos, titled “Suffrage Fight in Illinois” can be found here: <https://www.youtube.com/channel/UCPtzGkNLngJjVLDaHXzIdhQ/videos>.

The Illinois Judges Association awarded John Lupton the Founders Award for his work on the Nineteenth Amendment exhibit. The Founders Award is given to a person who is not a member of the judiciary but is dedicated to creating and maintaining an independent judiciary.

The National Archives and Records Administration provided 2,500 pop-up Nineteenth Amendment displays available to small museums across the country. The Commission applied for and received one of displays.

Collections / Oral History

Benjamin Belzer, the Commission’s part-time Collections Manager, continued responsibility for managing the small archival collection. The Commission received several new donations, including the Frederic DeYoung Collection, donated by grandson James De Young. The collection consists of artifacts belonging to Justice Frederic DeYoung, who served on the Illinois Supreme Court from 1924 to 1934.

Another noteworthy collection is the Fourth Appellate District justice portraits. Donated by Louis Green, the son of Appellate Justice Frederick S. Green, the



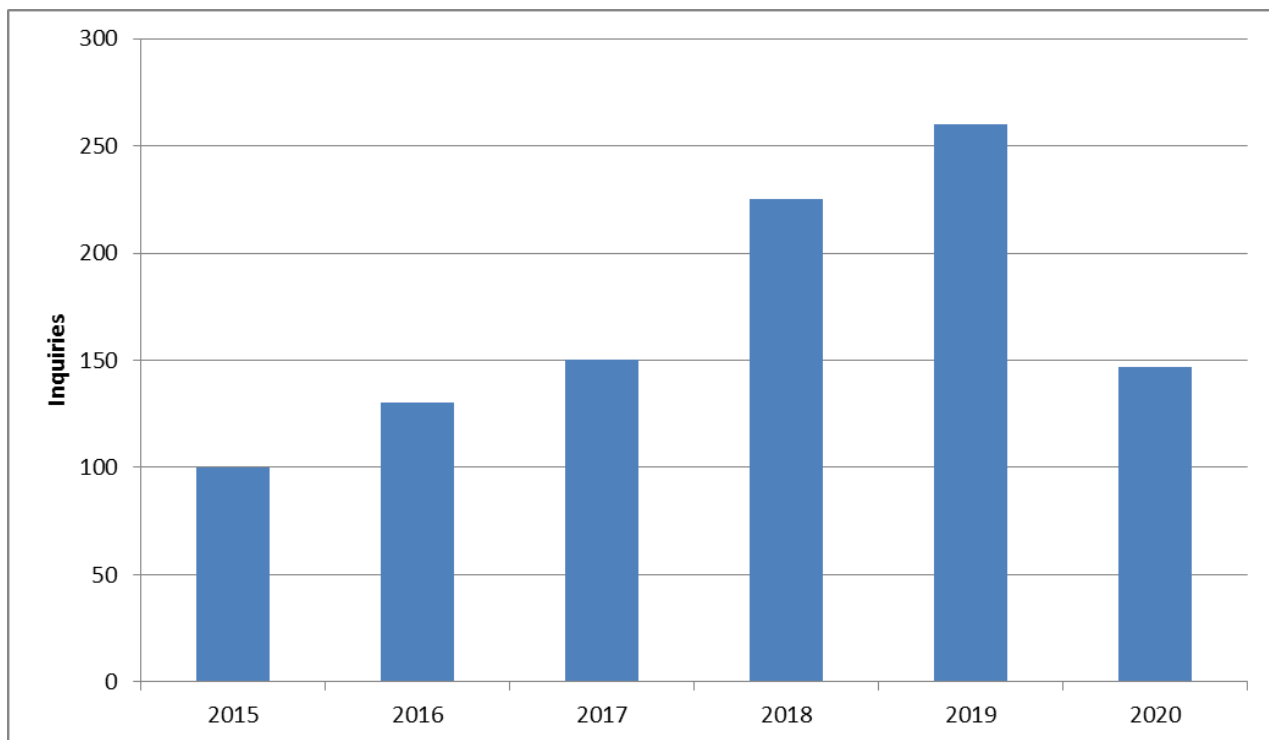
Fourth District Appellate Justices James Craven, Harold Trapp, Thomas Appleton, Richard Mills, Frederick Green, and A. G. Webber III.

portraits show the justices at the bench from 1980 to 1994. The Commission already has a large collection of portraits of Illinois Supreme Court justices on the bench, and this collection adds to that wealth of photographic history.

With the retirements of Justices Robert R. Thomas and Lloyd A. Karmeier and the non-retention of Justice Thomas L. Kilbride, the Commission plans to conduct interviews of each of the Supreme Court justices for its oral history collection.

Information Source and Impact

The staff of the Commission has become experts in the fields of legal and judicial history. Outside entities and media outlets frequently solicit the Commission for information on the history of courthouses, justices, the legal profession, and court cases. In 2015, the Commission began monitoring inquiries. In 2020, it received more than 140 queries about legal-related topics. In 2019, the Commission dealt with more than 260 queries. The chart demonstrates the effect of COVID-19 on inquiries. As other organizations reduced activities, the impact affected the Commission.



Inquiries to the Commission for judicial history information rose each year until 2020. The decline is attributed to COVID-19.

Preservation / Conservation

The Illinois State Archives houses the original Illinois Supreme Court case files from 1819 to 1971. The Commission submitted a proposal to the National Historical Publications and Records Commission (NHPRC) to digitize and make

freely available over the Internet approximately 18 cubic feet of case files from 1819 to 1848—the period of the first Illinois Constitution. This pilot project will serve as a guide for digitizing case files after 1848. While the Commission successfully passed the first round of applications, the NHPRC did not select the proposal for funding during the final round. The Commission will continue to seek funding for this important project.

Another project the Commission plans to undertake involves conservation of Illinois Supreme Court case files. Many case files from 1868 to 1971 are folded and bundled together with string. The Commission will hire a conservator to hydrate, flatten, clean, and repair the case files in order to file them properly in acid-free folders for permanent storage. These case files currently consume nearly 7,300 cubic feet of storage space. After conservation, which will be a multi-year effort, the case file storage at the Illinois State Archives will be reduced by nearly 20 percent.

FISCAL SUMMARY

The Commission bounced back from its 2018 budget difficulties, which had caused layoffs and a reduction in operations. Renewed funding in 2019 and 2020 allowed the Commission to return to normal operations. Once COVID-19 shut down much of the economy in March, the Commission was unable to solicit funding for additional projects like the conservation work on the Illinois Supreme Court case files. One funding request was submitted before March, to the National Historical Publications and Records Commission (NHPRC) for assistance to digitize Supreme Court case files from the period of the first Illinois Constitution. The application consisted of two rounds, preliminary and final. The Commission successfully passed the preliminary round, but the NHPRC did not fund the request in the final round. The Commission will continue to solicit funding from federal granting agencies to assist with specific projects.

FY20 Expenditure Detail (July 1, 2019-June 30, 2020)

<i>Item</i>	<i>Expenditure</i>
<i>Regular Positions</i>	\$264,864
<i>Benefits</i>	\$227,526
<i>Lease</i>	\$40,860
<i>Contractual Services</i>	\$10,767
<i>Telecommunications</i>	\$6,148
<i>Printing</i>	\$2,641
<i>Commodities</i>	\$1,980
<i>Travel</i>	\$1,205
<i>EDP</i>	\$550
<i>Equipment</i>	\$497
<i>Total</i>	\$557,038

Appropriations and Expenditures (Supreme Court Historic Preservation Fund — 0428)

<i>Fiscal Year</i>	<i>Appropriation</i>	<i>Change</i>	<i>Expenditures</i>	<i>Change</i>
2009	\$10,000,000	--	\$177,300	--
2010	\$10,000,000	0%	\$805,400	354.3%
2011	\$10,000,000	0%	\$919,800	14.2%
2012	\$10,000,000	0%	\$579,300	-37.0%
2013	\$10,000,000	0%	\$628,800	8.5%
2014	\$10,000,000	0%	\$598,100	-4.9%
2015	\$10,000,000	0%	\$643,100	7.5%
2016	\$10,000,000	0%	\$556,100	-13.5%
2017	\$10,000,000	0%	\$514,300	-7.5%
2018	\$4,500,000	-55%	\$390,000	-24.2%
2019	\$4,500,000	0%	\$526,800	35.1%
2020	\$4,500,000	0%	\$557,000	5.7%
2021	\$4,500,000	0%	\$596,100 (est.)	7.0%

Cash Balance (Supreme Court Historic Preservation Fund — 0428)

<i>Date</i>	<i>Amount</i>
<i>December 31, 2009 (FY10)</i>	\$4,775,722
<i>December 31, 2010 (FY11)</i>	\$3,929,711
<i>December 31, 2011 (FY12)</i>	\$3,207,802
<i>December 31, 2012 (FY13)</i>	\$2,568,486
<i>December 31, 2013 (FY14)</i>	\$1,749,061
<i>December 31, 2014 (FY15)</i>	\$1,152,920
<i>December 31, 2015 (FY16)</i>	\$636,960
<i>December 31, 2016 (FY17)</i>	\$243,347
<i>December 31, 2017 (FY18)</i>	\$17,057
<i>December 31, 2018 (FY19)</i>	\$1,021,695
<i>December 31, 2019 (FY20)</i>	\$986,463
<i>December 31, 2020 (FY21)</i>	\$415,337

LOOKING AHEAD

While the COVID-19 pandemic continues into 2021, the Commission remains involved in planning for activities and events.

- Managing webinars to reach new and diverse audiences
- Hiring additional staff for conservation and preservation work
- Completing and opening the Supreme Court's Learning Center
- Applying for additional sources of funding
- Implementing the Communication Plan
- Launching new, improved, and integrated website
- Publishing new material on Illinois judicial history
- Working with circuit clerks statewide to digitize historic case files
- Planning the History on Trial: Chicago Black Sox Trial event

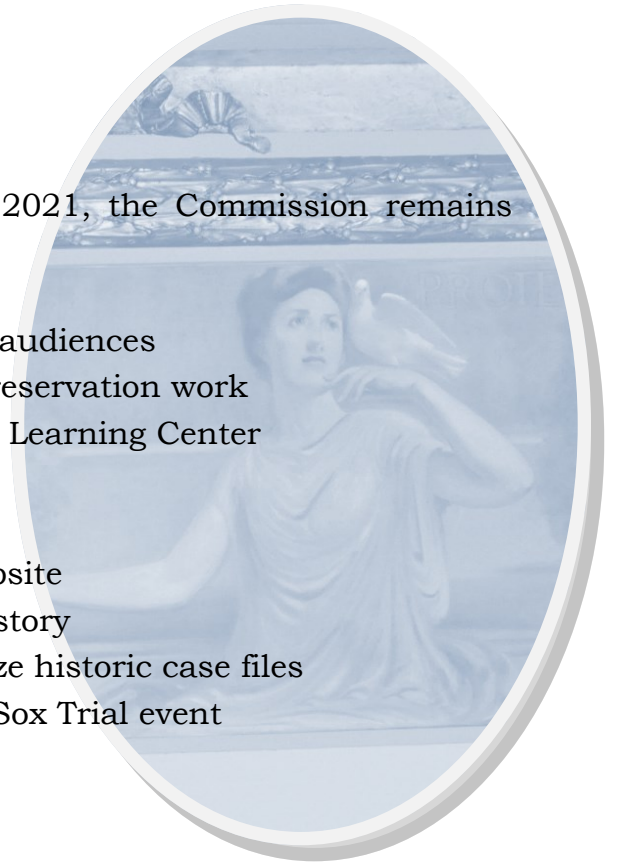


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- Cover: “Justice and Power” statue by Charles Mulligan, photo by Matt Burns
P. 3 Governor James R. Thompson, courtesy of Winston & Strawn
P. 4 Joseph A. Power Jr., courtesy of Power Rogers
P. 4 Chief Justice Anne M. Burke, courtesy of the Supreme Court of Illinois
P. 4 Justice Rita B. Garman, courtesy of the Supreme Court of Illinois
P. 5 Commission Meeting, photo by John Lupton
P. 7 Supreme Court Building Tour, video by Matt Burns
P. 8 Benjamin Miller Unveiling, photo by John Lupton
P. 9 Pie Graphs, courtesy of Grace Geiger
P. 10 San Francisco Court, courtesy of Library of Congress
P. 11 *Ex Parte Milligan* book cover, courtesy of the University Press of Kansas
P. 12 Eileen O’Neill Burke and John Lupton, video by Illinois Judges Association
P. 13 Fourth District Appellate Court, courtesy of Louis Green
P. 14 Inquiries Graph, courtesy of Supreme Court Historic Preservation Commission

