

THE ORAL HISTORY

OF

JUDGE HARLINGTON WOOD, JR.

**UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

AS TOLD TO

**COLLINS T. FITZPATRICK,
CIRCUIT EXECUTIVE**

1997

CTF: This is an Oral History of Circuit Judge Harlington Wood, Jr. and today is the 19th of February 1997. We are in Judge Wood's Chambers in Chicago. I am Collins Fitzpatrick, the Circuit Executive, and with me also are Michael Siegel and Jeff Rogers, Chicago attorneys, who are former law clerks of Judge Wood.

Judge Wood, maybe you can start by telling us where your mother and father's ancestors came from. How did they eventually come to Springfield?

HW: I'll start with my mother's ancestry first because it's a shorter history. I don't know much about that side of my family. That's the side of the family that was part Indian, American Indian. My mother looked the part, but they don't know what tribe or how it happened. When I was growing up they didn't talk much about it. They didn't feel about it then like I feel about it now. My grandmother told me that she was part Irish and part Indian. Her mother, my great grandmother, even when I was a little boy looked very Indian to me. I never doubted what they told me. Some other family history lends support to that view. It's kind of frustrating not to know the details. People would sometimes ask me what tribe were your ancestors, and I would just pick out some tribe like Sioux or anything. I didn't think anybody believed me anyway.

I understood that at Wounded Knee one of the government people there with Community Relations Service was asked by a member of the American Indian Movement (AIM) if I could possibly be part Indian. I didn't think I showed it, but they were suspicious. Anyway, that part of the family was Irish and American Indian, but I'm not sure what portion. My daughter, Alexa, shows a little of it, too.

On my father's side, I know more about them. I heard about them from my father and his mother. Recently, I found a family letter written many, many years ago that told about one of our early ancestors in this country, a man named Miles, who came from Wales along the Bristol Channel just a few miles from where I was stationed briefly during World War II. John Miles came over here in 1661. He was a minister in a Baptist Church in Massachusetts somewhere. He ran a little school on the side and taught language, Latin, Greek, and Hebrew. I don't know how he could master all those languages. That trait didn't get down to me. He served as a chaplain in a company of militia in King Phillip's War. That was a little bigger Indian battle than the normal raid on some settler's home.

CTF: Where was King Phillip's War?

HW: It was in Massachusetts and, as I understand, King Phillip was just a name they gave the Indian leader. The settlers there had bought a lot of land from him and his tribe. Then King Phillip decided they had all been cheated, and they were coming to get their land back. They probably had been subject to some sharp practices and, of course, they didn't get it back. John Miles' house was known as the headquarters of Miles' Garrison. He was not just a preacher, but also a fighter. He had a son named Samuel who graduated from Harvard in 1684. Samuel went to England, and he took orders from the church there. He then came back to Boston and became the first rector of King's Chapel in Boston. That's an old church right in downtown Boston, still one of the leading churches. He was rector there for twenty-nine years. My family took me there to see it when I was in grade school, just to give me some idea about my ancestors.

The thing that interested me, too, was the ancestor who came from Swansea, Wales, who had served in the Revolutionary War. One of his sons served in the Revolutionary War and another died on the way home from the final battle of Yorktown. One of his other sons was the grandfather of General Nelson Miles who developed quite a reputation during the Civil War. After that was over, he was sent to the frontier, and his troops unfortunately were involved in the original Wounded Knee in 1890. It was really a massacre. Although they were his troops, he wasn't present. The general was up in Rapid City, South Dakota, not too far away, when he heard what had happened. He rode to Wounded Knee and immediately relieved his officers who were in charge. He made it known that they had disobeyed his orders, and that he greatly regretted what had happened. For the rest of his military career he wanted to court-martial those who had disobeyed his orders. The military of that day was not too sympathetic and took a hard view about Indian matters. He was always dissatisfied for never getting the incident finally resolved.

That's the Miles side on my Grandmother's side down in Menard County. My grandmother Miles met a traveling salesman from New York. She was a country girl living there, and he must have been a pretty good salesman because he not only sold her family some fruit trees, but he sold himself, too. They got married and bought the little farm where my wife and I live today, in Menard County just outside of Petersburg, just a rough forty acres.

CTF: Was that the original size of the farm?

HW: Yes. It doesn't qualify as a Centennial Farm because it's not been in the family continuously for a hundred years. It got out of the family for about four or five years before the family bought it back. That's where my dad lived when he was a boy. The old brick house got in bad repair later. Nobody could afford to keep it up. When we went down there, after our court changed the rule about living here, my wife and I had hoped to redo the old house, but we couldn't save it. So what we did was save as much of the original materials as we could, the outside bricks, the beams that were in the house, the walnut doors, some old wavy glass and other things. The bricks had been made on the place, and the walnut trees had grown there, so we saved all of that. My wife and I refinished the wood beams, the walnut mantel, etc., and the builders used the old to accent the new.

CTF: You're named after your father, who is Harlington Wood. Where does the name come from?

HW: Well, I heard from my grandmother, his mother, that when my father was born they were wondering what to name him. There was a judge up in Minnesota named Harlington who got some good publicity. He had done something that they thought was pretty good, and so my grandfather and grandmother just picked up that name from the newspaper, almost like Abraham Lincoln Marovitz, his family picking out Abraham Lincoln for him. I became Junior, and I've kept it that way. I've talked to some of my law clerks because the name Harlington is going to run out. Mike here, and Jeff, I suggested to them that they adopt that name for their next male child. I've had fifty some law clerks and nobody will perpetuate that name.

CTF: It's probably like Yahweh, a name that should be revered through the years.

HW: Well, that helps me get out of that one.

CTF: What do you know about your grandfather? He was a traveling salesman who came from New York.

HW: He was from upper New York. We have some distant relatives still back there, no close family. My family is very small. But grandfather bought our place and went into the nursery business. We have some of his wholesale catalogs which are really antique works of art. Some of them are hand colored.

CTF: But you don't know why he eventually left New York particularly for Petersburg and Menard County?

- HW:** Well, I think my grandmother had something to do with it.
- CTF:** But that was only after he had met her, right? He had gone throughout the whole Midwest.
- HW:** He was traveling around and selling his stock. He would get it from Michigan and upper New York, grapevines, everything. He died before I was born.
- CTF:** Do you know where he was born?
- HW:** I think Cuba, New York, someplace up there, up in the Finger Lakes area. I'm not sure.
- CTF:** Were your great grandmother and grandfather from the Petersburg area? When did they eventually settle in that area in Menard County?
- HW:** They came at different times. It was before Lincoln's time. One of the Miles, my great grandfather, married a woman from Kentucky named Jane McCoy. You know the Hatfields and McCoy's. She was Jane McCoy, she got away from the feuding, came to Menard County and married into the family. Most of them were farmers.
- CTF:** Obviously at that time Lincoln, New Salem was a thriving metropolis or at least for a short period of time. Is there any evidence that any members of the family knew him? Or voted for or against him in his election campaigns?
- HW:** Well, they had some contact with the people of New Salem, but not directly with Lincoln though. I never heard that, but my great grandmother was Billy Herndon's second wife. Billy Herndon was Lincoln's law partner for seventeen years, the longest association of any of Lincoln's partners. And so they were very close to Billy Herndon.

The only thing I ever heard about Lincoln was from my grandmother. Her nickname was Lizzy. She remembered in April, the middle of April in 1865, when she was a young girl, somehow hearing about Lincoln's assassination. Her father was out plowing the fields, and she remembered running out across the furrows to tell her father that Lincoln had been killed.

Uncle Jim Miles, my grandmother's brother, lived on the original Miles farm down there, just south of New Salem, just right up to the park. He was an old timer who had fallen on hard times. I would stop to see him when I was practicing part time in Petersburg and help him out a little bit, but I wasn't doing too well either. He had a big pencil portrait of Anna Miles who

married Billy Herndon. That's now in the book, *Lincoln's Herndon*. It's a good biography of Herndon. Uncle Jim would talk about Herndon, but he would also talk about some of the other settlers around New Salem. One was Mentor Graham who got Lincoln interested in schooling. He was the school master there. My uncle said the old school master dropped by his house one day, that house incidentally, was just torn down. It was built about the same time as our original house, but it lasted longer because no one could afford to tear it down. In that house, he told me that Mentor Graham dropped by one evening. Uncle Jim, a young boy, was there. The new seed catalog had just come that day. On its cover was a picture of a flower called phlox. So Mentor Graham apparently saw that catalog, and he thought he would catch Jimmy. He asked Jim, "How do you spell phlox?" Jim just looked over at the catalog and spelled it for him. The school master thought this was the brightest young man in the county.

Uncle Jim is now buried just down the road from where that house stood. But Mentor went off to North Dakota or South Dakota for awhile. Nevertheless, he went to Lincoln's inaugural, got a new suit and everything, went down there for the occasion. Lincoln saw him down in the front row of the crowd while he was about to get sworn in at the Capitol. Lincoln sent somebody for him, and Mentor came up and sat on the rostrum near Lincoln.

CTF: When you were growing up, were you as knowledgeable about Lincoln as you are now? For example, when I learned about Washington and Lincoln, they were both of equal stature, but they were distant people. I knew that Lincoln came from Springfield, Illinois, but I never felt close to him like I might have if I had lived in New Salem.

HW: I think that there may be a little difference in the feeling because my dad was from Petersburg. We had a little law office there for a while when I first started to practice. The Lincoln story was just like part of my growing up. It was almost like Lincoln was part of the family because of the respect and admiration all had for him, but I'm not as knowledgeable about Lincoln as I would like to be. There was a time when I kept up with all the latest biographies, but I've always had a great interest in him and some of it I got from being in the Boy Scouts. They've got a Lincoln Trail originating at New Salem. You walk from New Salem to Lincoln's tomb in Springfield. It's about twenty miles. The scouts come from all over the country to do that. Each scout had to read a Lincoln biography and do a book report to qualify. Then they could take that hike. I did that, and again later when I was a Scout Master. I've spoken at his tomb when they had a scout jamboree there, and there were several thousand Boy Scouts out on that lawn in front of the tomb. You stand upon the front balcony of the tomb and talk to them. I've done it a

couple of times. Then you walk downtown from there with the Scouts. I have never heard any complaints about Lincoln or anything bad said about him until more recent times. Of course, I wouldn't let anybody say anything bad anyway. If they did say it, I wouldn't believe it. Now there are those trying to rewrite history.

I got involved in the Abraham Lincoln Association as my father had been. It is an old prestigious association in Springfield that celebrates Lincoln's birthday with a dinner, prominent speaker and does research, and publishes Lincoln materials. I was president of that for awhile. Then I was chairman of the Lincoln Legals Project when it first got started, which has developed quite a bit since then. I got out of that partly because they had to raise private money, and I couldn't be associated with raising private money. But now, after about ten years or so, it's the most scholarly research done about Lincoln's law practice. His law practice in his biographies was only touched on superficially with just a few of the cases and stories. But now, they've found materials all over Illinois. There is no question that he was a leading lawyer of the state. He had more cases in the Illinois Supreme Court than anybody else, maybe even since. That will all soon be available on CD Rom.

CTF: Was your mother born in Menard?

HW: No, she was born in Clinton, Illinois. Her dad was a railroad engineer working on one of the lines heading west. I never knew him either. He died before I was born.

CTF: How did your parents meet?

HW: My father was a young lawyer in Springfield, and my mother was a legal secretary in the State House. So he was over there wandering around and saw her, and that was it. I was their only child.

CTF: Your maternal grandmother, do you know where she was born? She was the one who was part Indian.

HW: Yes, she was born someplace down in southern Missouri. I wish that I had talked to her more about family history when I had the chance. I thought she was a wonderful woman. I enjoyed her, and she had a great sense of humor.

CTF: But you don't know where she was born.

HW: No, I don't. Something happened to her family, and she was raised by somebody else. I remember her mother who was an old lady when I was a kid. She looked at the time very different to me, she looked Indian, had a very strong prominent nose and sharp face, and I think that's where the Indian came from. Otherwise, it was mostly Irish lineage.

CTF: What year was your grandmother born?

HW: I don't know when my maternal grandmother was born, maybe there are some papers around there. I'll find something, but there wasn't much on that, and I was too young at the time my grandfather was alive. It was easier on my father's side. We are trying to explore that now.

CTF: You were born in Springfield.

HW: 1920, in the middle of April.

CTF: At this time you lived in Springfield and not out in Petersburg.

HW: Yes, my dad had come to Springfield and was practicing law there.

CTF: But he still maintained an office in Petersburg?

HW: No. We didn't have an office in Petersburg at that time. He got elected county judge of Sangamon County. By the time I was in high school and college, he had served sixteen years in that job. He was elected for four terms. That adds up to eight elections, four primaries and four elections. Before I was born, he lost one race for state's attorney but after that, in spite of the regular Republican organization opposition, he won anyway. There was tight political control that didn't suit my father's personality or the way officials should be chosen by a few. It was not new then and it's not gone away, just different people. So I inherited some of my father's rebellious attitude toward political control.

CTF: So he served as a county judge from what years? You were in high school?

HW: Yes, I was in high school, during the war and while I was in law school. Then after serving sixteen years as judge, Dad was coming up for another election. He just decided that he would come into practice with me, and I was delighted. It was a father and son partnership. He was a great help to me. He practiced law until just a few days before he was ninety. After I was on the U.S. District Court, just a quarter block from our old office, he would still be going by to the county courthouse with some client in tow. He had old clients

who never deserted him. He would sometimes come into the courtroom, sit in the back on the bench for a little while, then get up and slowly go on his way back to his office. He practiced law until he died.

CTF: When did he die?

HW: He died, let's see, I went on that district court bench in 1973. He died in April of 1974. Then I came up here in 1976 on this court. When I was sworn in the district court, he was there for that ceremony, but he didn't know anything about this appointment to the court of appeals.

CTF: Going back to growing up, what did you do as a kid? Were you in the Boy Scouts?

HW: What did I do as a kid? Is this supposed to be a confession? We lived on a street in Springfield called South Spring Street, had a little house.

CTF: I'm not going to ask you necessarily what you did on Halloween night.

HW: I can remember some of those things better than anything you've asked me so far. Our house on South Spring Street was just a block off South Grand, which is one of the major streets on the south side of town. We lived there for about five years, and then Dad bought a better house on Whittier Avenue which was a little toward the better side of town, but not on the best side, just out that direction. Then in Springfield on Spring Street was an interurban. Do you boys know what those things are?

Rogers: No.

Siegel: No.

CTF: Electric street trolleys.

HW: Yes, it had a rod on top that reached up in contact with an electric wire along the route. They would run from town to town. I used to go back and forth to the University of Illinois on one. Dad would ride down to St. Louis when he had business there. The motorman would let him off at his front door. Because of the interurban, he was always worried about me running out of the yard into the street, so he hired a fellow to put up a fence. He built a nice fence all around the yard. It was a beautiful fence for climbing and before the fence was even finished, I was using it as a jungle gym. I'd go up one side and down the other. I don't remember much except climbing that fence.

When I was in the Boy Scouts, I rose to the high rank of second class. It was a Boy Scout troop at our church. My only excuse for not being first class is because the troop went bust.

CTF: When did you start horseback riding?

HW: Well down at the farm where my grandmother lived, they had an old horse or two.

One was called Lady, I remember. They put me on that horse very early. My feet couldn't reach the stirrups. I loved to be in the barn. I loved the smell, the atmosphere. Later on I could handle that horse by myself. In Springfield I missed that horse, so I found out about some riding academies. I say academies, they really weren't academies, just a place where you go to rent a horse to learn to ride. Sometimes they charged you, and sometimes you worked for rides. I kept it up as long as I could and as often as I could. There was one good place out by Illini Country Club. There was a wealthy man with a couple of ponies, one named Dixie, a little white pony. I remember when I first got on the pony and discovered that he could go like a rocket. That's when I really got excited about horses. I rode that pony, never got hurt; neither did the pony. The horses had something to do with where I went to college. I didn't get into any high school sports. I played tennis on the side.

CTF: Were you in any plays or anything like that?

HW: Yes, I was in a couple of plays, minor roles. In grade school, I had what didn't sound like a big role but it was because I played an elephant. I had an elephant suit, but that was about the extent of my acting.

CTF: Republican leaning even back then.

HW: I never thought of that, but that may be why. If I still had that suit, I'd wear it up here for you sometime. I also did a little art work that my mother would get framed once in awhile. I had a high jump pit in the backyard. My dad had been a high jumper at the University of Illinois and won some medals and his letter. He also participated in the hammer throw and discus throw. I liked the high jump, so I dug a hole in the back yard, and filled it with sawdust. Then I made the stanchions and a bamboo rod. I jumped out there all the time. We also put up a basketball backboard.

CTF: Did you do it for high school?

HW: No, I had my eye on getting into athletics in college, but I didn't know what I would try for. I played a little football in grade school, I was a guard on the

school team. I think I almost got killed. I was just too tall and skinny to be a guard.

CTF: What about summer jobs, did you work during the summers?

HW: Yes, I did. I worked at a gas station one summer, and I had other summer jobs. You make me think of things I had forgotten about. I worked at a gas station down on South Grand Avenue. I think the proprietor was a client of my father's, so I didn't have any trouble getting the job. But he worked me to death. It was a hell of a minimum wage then, must have been half of what they make now. It kind of discouraged me. Then I worked as a soda jerk in a chili parlor for another client of my dad. Then I did lawns. I wasn't scholarly enough to read all summer. We did a lot of traveling because my dad was president of Optimist International, and they had conventions throughout the country, and he liked to travel anyway. By the time I got out of high school, I had been to every state in the union, so our summers were spent a good part on the road.

CTF: Did you know that Judge Luther Swygert was a member of the Optimist Club?

HW: You know, I'm glad you mentioned that. I think that I did know that.

CTF: Judge Swygert liked to read to his law clerks the jokes from the Optimist newsletter. They were pretty funny, but Judge Swygert would be laughing even before he ever got the story out. Well you know how he used to be.

HW: Oh yes! I know how he laughed and told stories. He was one of the greatest characters.

CTF: I wonder if he knew your Dad was president of the Optimist.

HW: I hope he did, but I doubt it. Because Dad died before I got here, and I never thought about mentioning the Optimist Club to Luther. That was one of Dad's favorite things. Well, he was in the Masons, but he wasn't very regular in attendance. I always wished he would go marching around the town carrying his Knight Templar saber and wearing his feathered hat. I still have his saber. I wasn't a joiner.

CTF: In late grade school, you were at the end of the Roaring Twenties, the Prohibition period. My guess is that you probably didn't know about the Roaring Twenties growing up?

HW: I knew more about the Roaring Twenties than you think. My family was very conservative. They never drank anything alcoholic, at least not much. During Prohibition, I remember that about two houses from us on Whittier were some good people named Gibson, great favorites of mine. They bottled their own beer in the basement. I'd be down there and see all kinds of apparatus in that house.

CTF: Were they ever raided by the police?

HW: No, I think they just did it for themselves and friends. My uncle, husband of my grandmother Lizzy's daughter, had different ideas than Lizzy in those days. She was very conservative, too. I'm sure she never touched alcohol. He would collect blackberries and raspberries on the farm, and he had a place where he was making raspberry brandy, or whatever it was, and put it in old medicine bottles. He'd slip a bottle to my mother every once in a while when she would visit the family in Petersburg and she enjoyed it, but I don't know what it tasted like.

CTF: Did the Great Crash in the beginning of the Depression have much impact at all on your life?

HW: Yes it did. I remember I was in one of the upstairs bedrooms when Dad came home one afternoon and said something terrible had happened financially. He said that the Ridgely Farmers State Bank had closed, and I think he had some connection to the bank. It was kind of difficult for me to understand what had happened. The way it affected mother and the way it affected him, I knew it was pretty serious business, but we didn't suffer like other people did. My father's business was pretty steady, and then bankruptcies picked up and other things like that. We were never wealthy by any stretch of the imagination but we did all right, were frugal. I think that was one reason he ran for county judge, to get a steady income and to help me get through college. That was part of his motivation.

CTF: When you decided to go to Illinois, why don't we talk a little bit about that.

HW: Well, when I got near the end of high school, they were trying to figure out a place for me to go to college. Dad had been on the Illinois track team. So we'd go over there and see the sporting events. I remember seeing football games and the great band on the field with Chief Illiniwek. When it came time, however, for me to go to school, they got the idea that their green kid should not be off to that big state university. So they had me lined up to go to Springfield Junior College which was only as far away as the other side of

Springfield. It was one building on the north side of town, but it's a good school, but I wasn't just looking for a good school.

There was a sheriff in town named Eielson who had played on an All American football team. He was a great character. I always enjoyed him. When he heard about the possibility I would be just going across town he was over at the house one night. He said, "Well, Harlington, when you get ready to go to junior college, I'll come down to the city bus stop at the corner and wave good-bye." I decided it was not for me, so I turned thumbs down on that. Mother and Dad didn't object. I think Dad really wanted to see if I could be an athlete like he had been. I wanted a letter from there, too.

Harry Eielson had a friend in Springfield who ran a wholesale business that sold fireworks for the Fourth of July. There were no restraints on fireworks then. I saved a little money in anticipation, and went down there with Harry. Harry put more money in the project. We had the whole back seat of Harry's car filled up with roman candles, sky rockets, etc. You know in those days you could buy a tremendous amount of real fireworks. So we all went out to his place at the lake on the Fourth of July. We piled up all those fireworks in his yard. We fixed a little wooden trough pointed upward where we could light sky rockets and send them off. Harry was shooting some at the sailboats going by on the lake. The sailors would stand up and shake their fists at him. Then one of the roman candles backfired and went right into that pile of fireworks, and everything went up at once. It was the damndest Fourth of July celebration I ever saw, all my money and all those fireworks, one big demonstration. The sailors were jubilant. Mother and Dad were sitting there, and I think it was Mother who out of fright went over backwards in her chair. Harry always claimed as we ran up the hill one of those sky rockets got him and increased his pace.

But anyway, they figured they'd choose another smaller college for me, still not the University of Illinois. A lot of my classmates from Springfield were going to Greencastle, Indiana, to DePauw University, a good school with a good reputation. I wouldn't be all alone over there. So they took me over there, and we looked it over, just a quick trip. They had fraternities, including a DEKE house. My dad was one of the founders of the DEKE Chapter at the University of Illinois about 1904. When it really came time to enroll, they loaded me up and took me over there and found me a room in some boarding house. To get accepted in a fraternity, I would have to go through rush week and see if I got chosen. Then I went through rush week, and they went home because I was established in this place. I registered for classes. That's when I got serious about looking around campus more carefully. There wasn't a horse in town. I didn't even see a horse pulling a

milk wagon like you did in Springfield. They had no polo team, and they had no military. When I had visited the University of Illinois in the fall for football games, on some of the same days they would often have a polo game, too. The polo field was a great big open space just outside the north end of Memorial Stadium. It was a beautiful thing. It was a couple of hundred yards long and about a hundred yards wide. It was like a golf course green. When playing out there, I noticed pretty girls would be cheering on the players. Then I also saw that Illinois had a horse cavalry troop. They would sometimes ride by. The officers would be in their brown Sam Brown belts and military boots and spurs, long columns of horsemen on all kinds of horses. It looked great to me. But there was none of that at DePauw. So when Mother and Dad went home, I got to thinking about this. I'm all by myself, and my life's my own to some extent. I decided I'd get out of this place. So I checked out of DePauw, got myself over to the University of Illinois and into my dad's fraternity. They had rushed me when I thought I might have a chance to go there. The DEKEs said sure, we'll take you in. They had room for another pledge.

You didn't have to take an SAT test or something else to get into college back then. If you were a resident of the state you could register without any problems. My high school grades got transferred, and I got all the details worked out so I was in right away. I was happy. Military training was required, so I was lucky enough to get into the cavalry. Then I went out for freshman polo and made the freshman team. I had never had a polo mallet in my hand before. So life was great. I ended up as a senior as one of the ranking officers in the horse cavalry and the captain of the polo team, one of the main joys of my life.

CTF: What did your parents think of the switch?

HW: It wasn't long before they were all for it. They never gave me a bad time about it. Before it was over, I think they were very happy because the war came on. In 1942, when I'd had only one year of law school which counted toward my undergraduate liberal arts degree, I went right in the Army from law school as an officer; otherwise I would have been drafted. Dad thought it was better to be an officer, and so did I, even if only a second Lieutenant. And as for polo, I got my numerals the first year and Varsity I letters the other year before leaving for the war. So it worked out.

CTF: How much while you were at the University of Illinois were students aware of the rise of Mussolini and Hitler and the invasion of Manchuria by the Japanese and world events?

HW: I know I was, and I think the others were too. We didn't know what was all going to happen, but among the college students there was a concern about the conditions of the world, and I remember the Manchurian problem.

CTF: The Midwest was generally known as sort of the isolationist part of the country. Would you say the campus reflected that isolationism?

HW: I don't know, Collins. I never thought of myself one way or the other, just dealing with what you had to deal with. I'd hate to think that I was ever an isolationist because I've always been concerned with what was going on in other places. I remember the first day I went to military class as a freshman, just after we had gotten our uniforms issued. The freshman cavalry didn't have boots. The enlisted regular army staff and the students wore puttees that lace up the side. On that first day when we lined up in the armory for class according to height I was the next to the tallest guy in the class in the front row. That tall guy on my right looked like a basketball player. They had a couple hundred kids in that class. The regular army officer in charge was a stern officer named Stovall, Major Stovall. He was a tough looking guy. He opened up the class by getting us lined up at attention, and then he told us what had just happened in Germany. Germany had made one of its first aggressive moves. "This may be an omen for you men." He said, "It wouldn't surprise me if this gets worse." To me, it was just talk, a long way from war, but the big guy next to me listened to that for a few minutes, and then just fainted. He fell flat out on that hard cinder armory floor, and they had to revive him. It was too much for him to stand there and think about getting involved in a war, but it kind of excited me. I was an officer, a student officer, when Pearl Harbor happened, and that really changed things on campus. In fact, I had military on Monday, December 8th, the day after Pearl Harbor.

CTF: You were a senior at this point?

HW: Yes, and everybody began to take military more seriously. We began to see we were going to be on our way soon. In fact, I turned in my issue Sam Brown belt I was wearing and bought myself a really fine Sam Brown, a wonderful leather belt you could hang your saber on. But I no more than got that paid for, when the army did away with them. And I never wore one in the army. It's down in our basement today, but sadly unused. Then I got on a train in Champaign and went off to my first duty station down in Florida. In the ROTC cavalry we studied Civil War cavalry tactics and Jeb Stewart and all those cavaliers. I was sent to the 21st Bomb Group and became a squadron adjutant at McDill Field airbase.

CTF: So it was after Pearl Harbor that the army says that there isn't going to be any horse cavalry?

HW: Yes, so they put some of the cavalry graduates in the tanks. I didn't think I was the right size for tanks. I was glad about that. They put anyone anywhere they needed officers when we graduated in June of 1942. I knew nothing about the military other than the horse cavalry, so I got put in the Air Force—not as a flyer, but as an administrative officer. I had always been interested in flying. Lindbergh was my hero, as he had flown the mail in and out of Springfield. So I went off as a squadron adjutant to a B-25 Medium Bomber outfit down in Florida at McDill Field. I tried to get into flying, but they wouldn't take me out of the ground corps as they needed officers there, too. My unit was first transferred to Key Field, Meridian, Mississippi, and then to Lake Charles, Louisiana. There I went to the nearest civilian airport around Lake Charles and started taking private flying lessons. When I got back from the army after the war and back at Illinois to finish law school, I also registered in the School of Aeronautics. When I finally graduated I received both my pilot's license and my law degree. While I was stationed at Lake Charles, I applied for a newly formed service I heard about. It was the Transportation Corps which operated cargo and troop ships. I was tired of just shuffling papers as an adjutant. I was accepted and first was sent to the Boston Port of Embarkation to be on that staff. Soon I volunteered for a position on Liberty cargo ship heading to Europe. That was an interesting trip. No German sub got us, but they were around and active. When I got back to Boston, I was transferred to the San Francisco Port of Embarkation along with my boss, Major General Kells, a man I liked very much. I became Deputy Chief of Staff of the San Francisco Port of Embarkation, which was a pretty busy port because we were anticipating the invasion of Japan. I was stationed at Fort Mason on the edge of San Francisco Bay. It was a big operation, troops going and coming.

CTF: What would be the year?

HW: About 1944, I guess it was. The war was going on out in the Pacific. It was not looking too good.

CTF: Bad in the sense that it would have required an invasion of Japan?

HW: The war was all over the Pacific, and it would take a while. We were moving a large amount of supplies out that way. There had seemed to be more chance for action in the Transportation Corps and going overseas, so I had gotten into that. That's General Kells whose picture is on the wall there. He was a little bit heavy and roly poly. He didn't look like the MacArthur type, but he was

one hell of a general. Nobody ever doubted his authority. He took to me, and I took to him, and when we got transferred to San Francisco to take over that port operation I was pleased, for the action was going to be in the west, not the east any more. He had said to me, "We'll go straighten this thing out in San Francisco, and then you and I are going over for the invasion at the other end of the line." In the meantime, he'd sent me to Command and General Staff School at Fort Leavenworth, Kansas, which was one of the better army schools, not the Army War College, but it was next to that for general staff officers. That was tougher though than law school, but I got out of that all right. In San Francisco I met my first wife, Rosemary, and we got married. She was a fine person, but I guess we just weren't suited for each other.

General Kells then got transferred back east to New York to take on that port, and he asked me to go back with him and help him at the New York Port of Embarkation. I declined because the action was not back that way anymore. He said they'd make me a major if I went to New York. I was a captain by then, but I turned it down. He was very gracious about it. Then he got a request for me from the Armed Force's Western Pacific Headquarters to join that staff which had moved through San Francisco heading for the Philippines to set up and get ready for the invasion. I had met one of the young staff officers of that headquarters when he had come through San Francisco, and I worked with him there. Then I got the request to join them out there in Manilla which I wanted to do, and that's why I didn't want to go back to New York. I never saw General Kells again. I went to the Philippines, and he died before the war was over.

But while I was still in San Francisco, I had fallen in love and got married. It was not like a modern romance, there was no sex or that kind of stuff, which may surprise you. It was just a real old fashioned fall in love thing. Then I went overseas. I knew Rosemary, I think, for maybe thirty days before we got married. The war was on, and I was going overseas. My mother and father had just been out there for a visit, and they had never heard of Rosemary. They no more had got home and got unpacked than I told them I was getting married, so they came back for the wedding. Anyway, my daughter was born after the war when I was practicing law, and that was wonderful and made that marriage worthwhile.

CTF: Going back to the Philippines, there was some story you mentioned before about the Boston Port Authority when you were in the operations there. I can't remember what it was.

HW: About Boston?

CTF: Yes. I mean, basically what you're doing is loading and moving ships out for Europe.

HW: I didn't do any supervising of loading. The stevedores did that. The Boston Port was very busy at that time as they were supplying the Allies, getting ready for the Normandy invasion, and bringing prisoners back from North Africa. The commanding general, as I mentioned before, was General Kells.

It was very important in those days that the loaded railroad cars arrived at the Port from all over the country on time with the supplies to load on the ships. The railroad cars could go right down on the pier to ship side. The ships were all going to different destinations so they had to load them according to a plan. They could not put the heavy stuff, for instance, in the wrong place. The ships had to be balanced out. If the railroad cars didn't get there at the right time, the whole place was jammed up and other ships would be affected. There were no computers then to keep track of things. There was one officer in charge of trying to keep all these railroad cars and ships straight with only a card index file. One day he got all messed up, and everything was coming to a stop. The general called me, and he said "Wood, go down there and get that place straightened out. We've got to get back in business." So I went down to that little office to see what I could do about it. I didn't even know railroad cars had numbers, but there were many different railroad lines. They all had different numbers. I didn't know anything about it, but I went down there anyway and tried, as I had no choice. I had one secretary. Everything was supposed to be kept in that card file, where these cars were coming from across the United States, where they were at the moment, and how many of them would be in Boston and when. When they arrived they had to be routed onto the pier to the right ship. I went to that office and tried, then the general called me to his office one day and said "Wood, you've been down there a couple of days now, and that place ought to be in pretty good shape." I said "Yes, Sir, General. I think we've got it in pretty good shape." I didn't want to say we didn't have. And he said "Find out where this railroad car is for me right away, will you?" He gave me a car number on a slip of paper. I said "I'll be right back, General." I ran down the hall, down to another floor and looked in my card file. The car was coming through Pennsylvania or some place like that. So I ran up and said "General, we know where that car is. It's on this railroad line going through Harrisburg, Pennsylvania, heading for Boston." He said "The hell it is! Look out that window." That car was sitting on the railroad track right outside the General's office window. He had a third floor office in a little headquarters building. I said "I'm very sorry, General. It's going to take a little longer than I thought."

I hated that assignment. I don't think I ever got it straightened out, so I went to see him one day. I said "General, we're really in the ocean shipping business, but I don't know anything about ocean shipping. All these Liberty ships are going out of here every day and other ships are coming in. If this is where we're going to be and this is our business, I think one way for me to learn the business better would be to sail out of here on one of those Liberty ships, go to England and see what happens and how, and then make a report on how it all went." We were having lots of problems with ships being sunk by subs, cargo disappearing at destinations and even ships going to the wrong port. He said "That might be a good idea. We'll put you on temporary duty, assign you to a Liberty ship leaving soon."

So I got assigned to a ship, and went down to the pier, introduced myself to the captain and moved onto the ship, when we got the thing loaded we sailed out. That was 1944, and there was a lot of submarine activity in the North Atlantic, a lot of concern around Boston about loose talk, that the Germans knew when the ships were sailing and were waiting to sink them. The Liberty was a cargo ship that had been developed so that it could be produced quickly and cheaply. I think Kaiser in California had begun putting these ships together like they do cars on an assembly line. They built them fast and cheap. The Liberties were wonderful ships that helped win the war, but they never got much credit for their contribution. Anyway, I was put on the ship as a Cargo Security Officer, the only Army guy on board. The Liberties were manned by volunteer merchant seamen. A lot of them had been retired. The captain looked to me like he was too old to walk up the gangplank. He looked like he was about three feet tall and wouldn't even be able to see over the ship's wheel in the deckhouse on the bridge. He turned out, however, to be a wonderful captain, very seasoned. Well, we got the ship loaded and took off. In those days, they had a steel submarine net across Boston Harbor to keep German subs out. We went out through the net when it was opened for us, and joined other ships just lying off Boston a ways until they got the convoy assembled. We had blimp security overhead, planes flying around and some cutters patrolling. Then we headed for Halifax where we were going to join other ships, some Canadian ships. We spent a few days in Halifax and sailed out of there to join a big convoy near the Grand Banks. We had over 70 ships in that convoy. It was an interesting experience. There were no lights at night, everything was covered, no radio.

CTF: What kind of an escort did you have?

HW: We had planes for awhile, but the blimps went back to Boston long before that, but we picked up some Corvettes, very small destroyer type ships. They weren't much more than what you see running around Lake Michigan, good

sized motorboats with light armament. We had some of those and were thankful for them. I think out front someplace, in front of the convoy, we may have had a destroyer. They would drop depth charges here and there whenever they got wind of some submarine activity. They would sometimes come back and drop them right alongside our ship. The explosions would rock the ship, water would shoot way the hell up in the air and scare everybody. We'd run and get our life jackets and go to the boats sometimes thinking we had been torpedoed. The first time that happened and we were ordered to go to the lifeboats, I was so scared I forgot my life jacket, and I can't swim ten feet. I had to run back down in the ship and find my life jacket. We had tons and tons of ammunition on board. That was a large part of our cargo. If anybody had ever torpedoed us, it would have been like that big Fourth of July at Springfield, only a lot bigger.

CTF: Did you lose any ships?

HW: I don't think so. Some ships disappeared from the convoy, and we never knew what happened to them. There wasn't anything that came to my attention about torpedoes hitting anybody, but a few ships did disappear.

CTF: Does that mean they had a different port to go to, or does that . . .

HW: Or broke down, and disappeared during the night. We broke down. We found out we weren't loaded quite right. I didn't plan the loading. If you get in a certain kind of sea, the ship only had one, not twin propellers, if it came out of the water it would be spinning in the air and you'd get nowhere. So we had to shift oil to the back of the ship so the propellor would stay in the water more. But then straining to keep up with the convoy, our engines quit. So we had to drop out. A Corvette stayed with us for awhile and then it left, and we thought sure as hell we would be a casualty because there were submarines in the area. In a day or so, we got the engines going again and as the convoy was on a zig zag course, we caught up with it. Then we were put in the back in the convoy's "coffin corner". It was the place where submarines liked to knock off a ship.

We had a naval officer on board with a small naval gunnery crew, and I became part of that gunnery crew. He was a lawyer from New York named Ty Dillard. I liked him. I've tried to find him since the war, but I don't know what happened to him. Every time he looked over the rail, he thought he saw a periscope. He kept us all on edge the whole damned trip. He'd yell "periscope," and we'd all run to our gun stations. He just saw things like that all the time.

CTF: Your armaments were only good against the surfaced submarine, right?

HW: Yes, we had nothing else. I forget the caliber right now, but we had two bigger guns on the bow and another on the stern, and some 40 mm machine guns on each side. If a submarine had surfaced and tried to capture us, we could have put up a little fight but, if they had torpedoed us, it would have been all over.

One day during some very heavy weather, I heard the damndest banging down in the cargo holds. I thought the whole ship was going to come apart. It was like we had run aground. When the ship would roll, whatever it was would roll back to the other side. We had a pretty good idea of what had happened. Since I was the Cargo Security Officer, I took one of the mates and went down into this dark, damp hold to find out what was going on. We had loaded flat cars with different size railroad wheels for England than would fit ours. So when we would get there and unload, the first thing to come out of the hold were the wheels. You would put the wheels right on the rails along side with a big crane. Then the next thing to come out were the railcar beds, and we'd lower them right onto the wheels. The stevedores would connect the wheels, and you had a rolling car ready for the cargo to go right on the newly assembled cars. What we discovered was that during this storm some of those wheels had come loose, and they were rolling back and forth across the top of the boxcars. The wheels were welded to their axles. They were a unit, so they just were like barbells. They were rolling and hitting the side of the ship with abandon. We went down into the hold in the dark. It was pretty scary because you never knew where those wheels were coming from. We managed to get some dunnage, which are just boards put in there to separate and secure the cargo. We finally captured and secured those wheels.

We docked in Barry, South Wales. After we were unloaded, I went into London and came back to the United States on a regular passenger liner which had been converted to a troop ship. I believe her name was "Siboney."

CTF: What did you learn about any problems on the receiving end? What I'm wondering about is what was your report on problems on the shipping of war goods to England, I mean that was the reason you were going over there. Did you find anything?

HW: I did a report, and I don't think anybody ever looked at it. The general had given me permission to take my thirty dollar Eastman movie camera - you know they were very cheap little things - so I took some movies of the unloading process. I don't think anybody wanted to see those either. I didn't care because I had had a great adventure.

CTF: Do you still have the movies?

HW: Yes. They're not very good by today's standards. I've got some taken aboard the ship at sea and some unloading. One day at sea during a storm, I climbed up the mast and took movies of the seas coming up over the ship with the ship rolling heavily.

CTF: When did you develop your interest in photography?

HW: Early on. I always had some kind of box camera, Eastman box camera.

CTF: Grammar school?

HW: Yes, grammar school.

CTF: So this report on the shipping is gathering dust somewhere?

HW: "I imagine it was thrown out early. I don't think it's gathering dust because I think the general just knew I was restless and wanted to do something, and he just let me do it.

CTF: You were transferred then to San Francisco. How long were you in San Francisco before you shipped out to the Philippines?

HW: I don't know, not very long. I left about the time they formed the United Nations. I was, very briefly for one excursion, a military aide for Batista who was dictator of Cuba. He was in San Francisco for the United Nations, and I took him and his family out on the general's motor launch, gave them a tour of the Bay. I was also detailed to do that for our Secretary of State Stetinius, but he told me I wasn't needed, which was all right with me. Later I went to hear him make a speech, when the United Nations meeting was on, broadcast worldwide from Treasure Island naval base. After that speech was over, I went to an all-night restaurant in San Francisco, Fosters, before I went back to my barracks. I sat next to some homeless guy who was in there about 11:00 p.m. also getting something to eat. We got talking, and the guy had some ideas about foreign affairs and the war. As I sat there listening to him I thought, this guy who just came in off the street may know more about what's going on in the world, and has more common horse sense than our Secretary of State. I remember that night.

And then I flew out to the Philippines. I made in all, I don't know, three or four trips back and forth from the Philippines.

CTF: Now was that because the Philippines was going to be the staging area for...

HW: Yes. It was the headquarters of the Armed Forces Western Pacific in Manila, and I was put on the staff of Major General Levy, Edmund Levy, who was a West Point engineering officer serving as Deputy Chief of Staff.

CTF: But would the invasion have come out of the Philippines? I mean, Japan is a long way from the Philippines.

HW: There would have been forward positions. I forget the names of some of those islands. I was on Okinawa for a while, which would have served that purpose, and briefly on Guam.

CTF: Now at this point, when you got to the Philippines, is it completely cleared of Japanese, or were they still in the jungles?

HW: When I got there, there were still a few Japanese on the loose. I went out and visited Bataan and Corregidor, about like a tourist. There were still some Japanese hiding in those tunnels on Corregidor who they caught later. Yamashita was the commanding Japanese general of the Philippines. I was present when he surrendered. He walked down the mountain one day up in Northern Luzon and surrendered to surprised American officers. We had just dropped the atomic bomb, so it all ended quickly.

CTF: So he really didn't surrender until the summer of 1945 or something?

HW: Yes, September 1945.

CTF: Now you also got eventually up to, what was it, Tokyo Bay?

HW: Yes, I went to Tokyo after the war was over.

CTF: But weren't you on the *USS Missouri*?

HW: No. I still have trouble with that around Springfield, as people at home know I attended one of the ceremonies and think it was the big one, but it wasn't.

CTF: So the ceremony you attended was in the Philippines.

HW: That was in the Philippines the day after the *Missouri* surrender, September 3, 1945, and was General Yamashita's surrender.

CTF: And where was that surrender?

HW: At a place called Baguio in Northern Luzon. It had been the summer house of the last U.S. Commissioner of the Philippines. We didn't need the ceremony in the Philippines as far as I was concerned because the main one had taken place on the *Missouri* the day before. MacArthur had spent time in the Philippines and had strong feelings about those islands.

CTF: He was run out of the Philippines.

HW: Yes, but he was ordered out by the President. Before that though, he was the High Commissioner. He was there after he retired from the Army. He had a suite in the Manila Hotel. He wanted to have a little fun in the Philippines, and so he ordered this surrender ceremony the day after the *Missouri*. General Yamashita, was the highest ranking Japanese general in the field. Early in the war, General Wainwright on MacArthur's staff had been the commander of Corregidor when MacArthur left to go to Australia. He left "Skinny" Wainwright in charge. Wainwright was captured and went through the Bataan Death March and then was imprisoned in Manchuria. Another general that Wainwright met while he was imprisoned was General Percival who had been commander of the British garrison at Singapore. He had gotten captured by General Yamashita after weakly surrendering Singapore. He never got to be a hero like Wainwright. They were in prison sometime together. When the war deteriorated for the Japanese, they were both rescued. MacArthur had them on the *Missouri* for that ceremony and then had them flown down during the night to Manila for Yamashita's surrender. Yamashita was the Japanese general who had taken Percival prisoner in Singapore. That is where Yamashita got the "Tiger of Malay" tied on him by the press. MacArthur wanted General Percival to sit across the surrender table from Yamashita, but this time the tables were turned. Wainwright had been captured at Corregidor, but not by Yamashita. That was a different Japanese general.

CTF: Was he prosecuted for war crimes too?

HW: Yes, but later. I was assigned a part in Yamashita's surrender ceremony, and I have a video clip of it. The surrender scenario was written out by General Styer, who was a friend of Justice Brennan of the United States Supreme Court. Justice Brennan told me later that he was supposed to go on Styer's staff in Manila, but then he got some other kind of an assignment and didn't go, but he did make it to the Supreme Court. He was very fond of General Styer. Brennan might otherwise have been out there with us. General Styer turned the actual ceremony over to the general I worked for, General Levy. Styer was that kind of a person. He would let his number two general take the spotlight.

They had the ceremony all lined up to be held in a big dining room-like place in the High Commissioner's summer home at our Camp John Hay. It's in northern Luzon, at Baguio in the mountains, a summer retreat. We had some of the generals who had really been fighting the Philippines war at the table together with Wainwright and Percival. I met them all there just before the ceremony. Wainwright was emaciated looking, but still sharp. They sat there and glared across the table at General Yamashita. The surrender document was a big document, about eighteen inches long and maybe a foot wide with a gold cord holding its pages together. My job was -- the Japanese first had to sign it -- was to carry it around to the other side of the table. General Levy didn't want any contact between himself and the Japanese across this table. They weren't as far apart as Jeff is from me now. I was the youngest, tallest staff officer around so that's how I got the job. I was to carry it to the Japanese, get it signed and then bring it back to the American generals around the table. Some American major assumed a role for himself, so it didn't work out quite that way.

After the signing, they put General Yamashita in a room upstairs. My Jeep driver. . . did you ever hear of short snorters? They were dollar bills that were scotch taped together and carried in your wallet. When you went into a bar or some such place where many often had more to drink than they should, they often would start signing everybody else's short snorters. It was like a souvenir. My Jeep driver wanted me to take his dollar bill and see if I could get General Yamashita to sign it, which was a pretty big assignment. So they had the General locked in this room upstairs with a guard outside. I went up there, and our guard let me in. General Yamashita was alone sitting there on a chair, a stool. I showed him the dollar bill. He couldn't speak English, but he knew right away what it was. Somehow he knew. I suppose they had yen short snorters in the Japanese army. But he very graciously signed my short snorters. He signed mine, he signed my Jeep driver's, and gave them back to me. He was very pleasant. Then I left. But I loaned my short snorter to my daughter after the war to take to a history class at Springfield High School, and I never saw it again. Yamashita was then taken to a prison in Manila, and right way, they got ready to try him for war crimes. You can find it right over there in the *Supreme Court Reports, In re Yamashita*, 327 U.S.1, 1946. If you haven't read it, it is an amazing commentary on a chapter in American justice of which we cannot be very proud. MacArthur appointed the judges, they were all officers of his own staff, not a one of them was even a lawyer. MacArthur wrote out the. . .

CTF: Charges?

HW: No, the charges were drafted by members of his staff, but not a grand jury like we are used to. He did write out the rules of procedure to take the place of regular court martial procedures and of our Federal Rules of Criminal Procedure. Hearsay was permitted. Any evidence was considered admissible that might have some bearing on the case. The prosecutors had had some prosecutorial experience. The defense lawyers appointed for Yamashita were officers under his command, in the lower ranks with very minimal experience, but they did a great job. They even got praise from the Supreme Court later, but they had an uphill battle. MacArthur kept the pressure on to get Yamashita out of the way quickly. The defense lawyers didn't get a complete bill of particulars until the day the trial started. Yamashita was convicted really of negligence for not being able to control his troops, but there was no proof that he had anything to do with the atrocities. There were atrocities committed by the Japanese, but Yamashita was not tied in to them. It is doubtful that he even knew they were going on because he was retreating under constant bombardment by the American forces. As a result he was charged with having disorganized forces, which we disorganized for him. He was hiding in the mountains with poor communications and because he couldn't control his troops, we hanged him.

CTF: Unbelievable.

HW: It was not the way American justice is supposed to work. A lot of people thought the Japanese general deserved to hang, but so far as our law is concerned, that wasn't the way to do it. So anyway, I went to the trial, but I didn't know how bad it was until I read the Supreme Court report of his appeal later. He was quickly hanged. It all happened very quickly. The war crime trials at Nuremberg and Tokyo were different. They had international judges and fair rules, but this thing was a kangaroo trial, which satisfied MacArthur's purposes.

After the surrender signing, I picked up the blotters that had been used, so I have the blotters that show the signatures of the Japanese. They ruined one of the surrender documents, so before I left I grabbed it. I wrote my mom and dad a letter on it. When I got home, I found my mother had saved it. In that letter I told some of the details of that day.

CTF: When did you muster out?

HW: I wasn't satisfied with what I had had a chance to see and do out there, so I declined a chance to go home right away. I got sent on short details to China and South Korea. I ended up going to Peking, Canton, Hong Kong, and Seoul. What's that big port in South Korea?

CTF: Inchon Peninsula, is it?

HW: Yes, I believe it was Inchon. In the wintertime it was pretty rough. Then I came back to Manila, and I had some duties regarding small boats. It was like being in charge of railroad cars again. I didn't know a damn thing about it either. Then I came home.

I started back at the University of Illinois, registered in law school. I registered also in the School of Aeronautics and got my flying and law licenses together later on. So, I was in law school and aeronautics school at the same time. To get in the aeronautics school, I told them I intended to specialize in aeronautical law. I thought that sounded pretty good. I didn't know we even had aeronautical law, but I got in. But later on, I did represent Ozark Airlines. They were a good paying client, and those were kind of hard to find in those days. They had a general counsel in Missouri which was their headquarters, but Illinois was their biggest single state operation. There was more Ozark activity in Illinois than anywhere else.

CTF: How did you link up with them?

HW: There was a lawyer in Springfield named Hugh Dobbs, and Dad had had something to do as county judge with Hugh's appointment to the airport commission. County judges had some non-judicial duties, detention home and the airport, and all kinds of administrative duties in the county. Hugh represented the airport. Ozark had asked him if he could represent Ozark, and he thought that would be a conflict of interest. So I guess out of friendship with Dad, he recommended me, and Ozark hired me. I represented them in various things.

Commuter airlines were getting started in those days and when they applied for a license before the Illinois Commerce Commission, I'd go over there and oppose them. They spread rapidly. One day I was cross examining an executive who was head of a commuter airline which wanted to come to Springfield. And you know, as a lawyer you are not supposed to ask an adverse witness a question that you don't already know what the answer was going to be. Well, I thought I'd take a chance because I noticed that he had said that sometimes they carried maybe eight passengers, sometimes nine passengers, and I couldn't understand that. So I said "How come on the same flights you can get nine in there one time but only eight in another time?" Well, he said "When things are busy, we don't use a co-pilot, we put a passenger in the co-pilot's seat." I think I won that one.

CTF: Did you always know that you wanted to be a lawyer?

HW: Well, it's like I say. I wasn't much of an independent thinker in those days. Kids were more homebodies, they weren't as rebellious. I think I did in a way. My dad never pressured me. Sometimes neighbor kids and I would play lawyer in the summertime, you know, and sometimes I'd go down to court. It just seemed the way to go. There seemed to be no other choice, and it was all right. I'd thought about staying in the Army and becoming a professional soldier, but I didn't know how to get to West Point. My family was giving me no help with that. I wanted to be in the State Department, too, but I didn't know how to go about doing it. Now you have all kinds of career opportunities. I didn't care much for law school, but I enjoyed private practice, and I enjoyed being United States Attorney later more than anything.

CTF: When you came back to Springfield, did your dad leave the bench then?

HW: No, a little later.

CTF: So you started practicing by yourself?

HW: Yes. I rented one room in the Reisch Building on the west side of the square in Springfield, one little room and no secretary. I had some of Dad's old furniture, a desk and a swivel chair. He had some *Illinois Reports* that were outdated, but they looked all right up against the wall. I started getting business right away, I think largely because they connected me with him. After a while I was able to hire a secretary, but we had to share the same office. She typed in there but when I had a client, I had to ask her to wait out in the hall because you couldn't interview somebody about a private matter with a secretary sitting there. Then Dad quit the bench, and we got a better office.

We had several different offices at various times in Springfield, and one of them was with a member of the Miles family who was a cousin of mine. We shared office space.

CTF: You were a general practitioner?

HW: Very general. I was a specialist in anything that a client needed to have done, whether it was a divorce or anything else. Cathryn, my present wife, and I drove by Divernon, Illinois the other night. I had had a client down there named Marie Birch. She and her brother didn't get along very well. They raised pigs, and for some reason or other they got into odds about who owned a big sow. Marie had it in a pig pen on her farm. Her brother lived on the adjacent farm. He got mad and wanted the sow, so he brought a replevin suit. We had the trial about that sow in the justice of the peace court. You know, in

those days you could get a lot of cheap, quick justice in a justice of the peace court. In the middle of this suit before the justice of the peace, the sow had pigs. That made a very complicated legal question because we didn't know if we had to file a separate replevin suit for each piglet or whether they went with the sow. Anyway, it was almost too much for the justice of the peace. But then somebody killed that sow. I never knew what happened, but that ended that family lawsuit.

When I was on the district bench, we had a big lawsuit about a prize-winning black Angus bull. Were you there then, Jeff? Do you remember that lawsuit?

Rogers: Yes. I think they were upset because somebody was selling a bull for breeding that didn't have proper papers so it was depleting the purebred pool.

HW: I'll tell you a sequel. The man who owned that prize black bull had other bulls, but he was winning all the big prizes. He'd go to Kansas City or down to Kentucky somewhere, and this bull would take the prizes. Then somebody began to get suspicious that maybe this bull didn't have pure blood. The Angus Association is very careful about pure blood. So they tried to blood test this prize bull, but each time before they could get this bull tested, the owner would always load the bull up and be gone. They played those games for a while, and finally they blacklisted the bull so he couldn't be shown. The owner brought an antitrust suit against the Black Angus Association. They countered that the bull had never been tested, and the bull's heritage was in doubt.

But the reason I think about that is in the middle of that bull trial, that bull got killed like the sow had been. We had an autopsy done at the University of Illinois, and we had all those experts in court with slides and everything trying to figure out how that bull got killed. The owner of the bull claimed that the prize bull got into a pen with another bull, they had a big fight and the other bull killed the prize winner. The autopsy suggested that they could have been butting their heads against each other. The Black Angus Association claimed that he had been beaten over the head. I did an interim opinion that came up here and got affirmed. As a preliminary matter, before the prize winning bull met his untimely death I ordered that the bull be tested under court supervision. Incidentally, I doubt if there's another bull autopsy in the record of the federal court. It was like a coroner's hearing. But when we got the test lined up — I think Judge John Paul Stevens wrote this court's opinion to affirm the testing plan — we were going to test that bull under controlled circumstances. The owner really couldn't then say that he didn't want to test it. I finally had to disqualify myself before it was over because a

man that I knew gave me some prejudicial information. I was coming up here anyway. So they settled the case, but I don't know for how much.

But the sequel is, I'll tell you quickly, the man that owned that bull was a man named McCleary. He showed up in Springfield with his family about a year ago. He was a lawyer by then and had done some cases with an Assistant United States Attorney in Springfield who had been a lawyer earlier in the South. They were both interested in civil rights and the Assistant United States Attorney later came up here to Springfield, and McCleary and the Assistant became good friends. Then they lost track of each other. Later this McCleary and his wife and children came to Springfield and times have changed. The story is that he had some mental problems. I don't know what that situation was. But the family entered into – this story's been in the press. They allegedly entered into a suicide pact, and the son confessed to killing his dad with a butcher knife in a motel. They allegedly were going to all kill each other. But just this past week the son got probation in state court. Nice looking boy. They didn't think it was an intentional vicious murder.

CTF: He's a fairly young kid, the son?

HW: Yes, but I'm not sure of his age. Nobody complained about the judge's decision. It was just a terrible, tragic family situation.

CTF: When you came back and set up your practice, when did you start getting interested in politics?

HW: Well, I always had some interest in politics. Dad had run, and I grew up with him campaigning, listened to his and other political speeches. I helped nail up little signs with his picture on them as a candidate on telephone poles all over the county. I think I knew every telephone pole in the whole county from tacking up those signs. And after listening around the dinner table at night, public service began to interest me.

CTF: You were talking about your interest in public service and getting into politics after you came back to Springfield from the war.

HW: I thought a little bit about running for Congress but we had a popular Democratic Congressman in Springfield who would have been hard to beat, and I liked him anyway. He helped get elected by giving chocolate bars to school kids. He would go around the county and pass them out. Peter Mack was his name. But I never did anything about running. It takes money and an organization, and the Republican organization was not really part of our life, so I would have had to run as an independent. But one day a stranger showed

up in the office. He just came in unannounced, saying he was from the Republican National Committee in Washington. He was a professional politician. He had come out to Illinois to try to find somebody around town who would beat the Democratic candidate for Congress. My name had been mentioned to him, so he just came by to get acquainted. Ray Humphreys was his name. We hit it off right away. I liked him, and he seemed to like me. I decided I didn't want to do it then, and I don't think he thought it was a good thing either. He then began to use me in his Republican National Committee work. Since I had been United States Attorney, he wanted me to talk about election law. He'd have these great big seminars around the country, and I would go and speak for an hour or so and participate in those seminars. He stayed in touch with me.

CTF: How did you become an expert in election law?

HW: Well, I had been hired as counsel for an Illinois legislative committee trying to reform state election law. I wasn't an expert, but at least I had had some exposure to campaign problems. Back in the Goldwater days, I went to a reception for Senator Charles Percy whom I knew a little bit. I went through the reception line and met him and his wife out in the yard at the home of Mark Roberts, a lawyer in Springfield and a friend of my family. A lady came out of the Roberts' home and said I had a long distance call. I went in to the phone. It was Ray Humphreys calling from Washington. Goldwater had been speaking at the Illinois State Fair that day. They always had a Republican Day and a Democratic Day. They were major political events. Many people had come to hear Goldwater, the Presidential candidate. I thought Goldwater was a little too conservative for me. Anyway, I didn't even bother to go out to the fairgrounds to hear him. At this reception were some of the politicians who had come to town to hear Goldwater. Ray Humphreys said to me "I want you to join the Goldwater campaign, and I want you to come to Washington right away to be on my staff." Humphreys then had some big job in the Goldwater campaign. I said, "Sure, fine, I'd love to." I didn't tell him I hadn't even gone out to hear Goldwater.

So I went down to my office after the Roberts reception and got hold of my secretary. She came down to the office, and we arranged a few things. Dad came down and agreed to help out with some pending matters I had, and then I took off. This was the first part of August, 1964. I went to Washington and joined the staff and didn't come back again until after we lost the election in November. My staff assignment was to be in charge of what they called "ballot security" because they thought Kennedy had stolen the election in Chicago during the prior campaign.

So I was off again on trips around the country, over ten thousand miles flying around with Humphreys and some of the others. They would put on a political program, and part of it would be ballot security. I would talk about keeping the damn Democrats from stealing the election again. At this time I also got acquainted with a former number two man in the FBI named Lou Nichols who had retired before the campaign. He recruited me in between these political program sessions to join with him to help out in a lawsuit in the Chicago federal court against the Democratic organization. The purpose was to try to get some election laws enforced before it was too late. I didn't think there was anything to the lawsuits, I thought we were going to lose them, almost frivolous, but the politicians thought they'd have a good psychological advantage anyway, and we sure as hell lost those cases.

Bert Jenner actually tried the cases. I think they were all thrown out, but as you know, Goldwater lost badly anyway. There wasn't any election to keep them from stealing because he lost so bad it didn't make much difference. I wrote Lou Nichols afterward. I'd gotten a taste of roaming around in private practice. I wrote him a letter when Nixon later became President after Goldwater's loss. Nichols remembered me and gave my name to a man named Kleindienst. I had asked Lou Nichols if he might know of some available position that would excite me. Kleindienst out of the blue called me. I had never heard of him; and he had never heard of me except from Nichols. He wanted somebody to head the United States Attorney's operation for the Department of Justice in the new administration. He saw that I had been a United States Attorney and had been active in the Goldwater campaign. Kleindienst was close to Goldwater; they both had come from Arizona. Kleindienst said, "I want you to come down here to New York tonight." The new Nixon administration was getting organized in New York at the Hotel Pierre, I think it was. John Mitchell, the new attorney general to be, was there, and Kleindienst said they were putting together the Department of Justice staff. I was headed for Washington that day anyway on other business, so I had my suitcase down at the office ready to go. My daughter Alexa was waiting for me in the car as she was going to Washington with me for a little education. I went down and said, "Alexa, we're not going to Washington, we're going to New York!"

We went to New York that night and went right to the hotel and to the desk to inquire for Kleindienst. The last time I sat in New York on the Second Circuit I went down and looked around that hotel just to see if the whole hotel set-up was the same. I recognized it right away. You could look from the front desk right into the dining room. The desk clerk kid said to me, "Mr. Kleindienst is in the dining room having dinner." I said, "I'll wait until he's through." "No, he said that when you came in, to let him know." So, the clerk

did. And then I saw some guy come up to the cashier's desk in the dining room and look out our way while he was talking on the phone. He said to me, "Are you that tall drink of water, standing out there at the clerk's desk?"

I said, "Yes."

He said, "Well, come on in here."

I said, "My daughter is with me, and we'll wait until you're through with dinner."

He said, "Well, bring her, too." So we went in, and he interviewed me at the dinner table with a couple of other guys. I don't remember who they were. He offered me the job as the head United States Attorney, and it sounded kind of exciting, so I said "Yes." Then I went down to Washington from New York because he said, "You'll need the okay of Senator Dirksen. You know you have to get political clearance from home." So Alexa and I went to Washington, went over to the Capitol and got ushered in to see Senator Dirksen. I had presided at a Lincoln program when we had presented him a Lincoln gift on behalf of the Abraham Lincoln Association, so he remembered me. When I told him why I was there, he said, "Absolutely not. You threw rocks at some of your fellow Republicans when you were United States Attorney." I had prosecuted a Republican friend of his in the Governor's office, and got a conviction. So that's it. "You'll never have another appointment." He had been responsible for my appointment as United States Attorney. I always enjoyed the guy. He was a great orator. He was very blunt about it with me, very frank. I left. He had an assistant in the office named Harold Raineville. I knew him because I had done some work for him from time to time for nothing. He said, "The Senator misunderstood. He doesn't want you to ever have another presidential appointment. If you're just going to be another lower level staff guy in the Department of Justice, he won't object to that."

So I went and told Kleindienst I did get the job. But I went home and told my dad about it. My dad was upset. He didn't want me to leave him to take the job and leave the practice. I was not that hot about being head of the United States Attorneys anyway. It was another administrative job. So Dad said, "Call him up now and tell him you can't come." I said, "Dad, Kleindienst was so nice to me and so gracious, I'll go tell him in person and explain to him why I've changed my mind. I told him I would take it, so I'll try to explain to him why I've changed my mind." I went to New York, back to the hotel, walked in and Kleindienst was there. I told him I had come to explain to him why I couldn't accept the job after all. He was really upset. He

said, "You wait in that room there!" So I waited. He finally came in and made one hell of a speech about my serving the country. He said, "You always wanted to serve your country, now you have been called so now you're saying 'no'. You belong here to help with this thing." I said, "Okay." I went home and explained it to Dad, and he was all right about it this time.

Dick Kleindienst said, "I want you to stay here now. Hell, I don't want you to go home again. Just stay, and we'll go to work right now." I said, "That's nice, but I've got a federal criminal case at home set for trial. It's set in the federal court the day after tomorrow, income tax evasion, some guy in Quincy, Illinois. I have to go home and take care of that." He said, "Well, go home and take care of it, then get right back here. While you're out there you'll have some free time, so I want you to start calling some people to be United States Attorneys in various places." So I made some calls. One was to Barney Donaldson over in Iowa. I remember talking to him. He was amazed to get the call because he had been a Rockefeller Republican, not for Nixon. He became a United States Attorney and later a state judge.

Anyway, I had filed a motion to dismiss the criminal tax case, but nobody had paid any attention to it. The United States Attorney thought it was just a technicality, and there was nothing to it. But I thought that there might be something to it. I argued before Judge Poos. Poos said, "You know you're wasting everybody's time." I said, "Judge, give me a chance to show you the motion has merit." He gave me a little more time and, hell, he dismissed the lawsuit, and I got out of town immediately. I went back to Washington and went to work in my new job.

CTF: Let me jump back. How did you get the United States Attorney appointment?

HW: That goes back to Mark Roberts, a lawyer in Springfield. The United States Attorney at the time was a good friend of mine, very popular, John Stoddard. He's dead now.

John got an offer to go with Prudential which must have been some big money. Part of his family was George Edward Day, who was then Postmaster General. They were somehow related. So, John resigned as United States Attorney, and became general counsel for Prudential. So now there was a vacancy in the United States Attorney position, but I never really paid any attention to it. One day out of the blue, Mark Roberts called me. He said, "Harlington, you know that position has been vacant over there for a couple of months now. Why don't you get interested and write Senator Dirksen about being United States Attorney and see what he says about it. I didn't know who else was interested in the position. So I went in to my Dad's office and

said, "Dad, Mark Roberts just called me and asked why I didn't just write Senator Dirksen a letter about the United States Attorney vacancy and see what happens." So I wrote Dirksen a letter, and the next I heard was that the FBI was running around investigating me. Then one morning an old lawyer friend from Chicago who was working in Springfield called and said, "Congratulations." I said, "What the hell for!" He said, "Eisenhower has just sent your name to the Senate to be United States Attorney." And that's how it happened.

CTF: Who were the Republicans you threw rocks at?

HW: As United States Attorney the IRS came to see me. They had a case against a man named Smokey Downey who was the number one assistant to Governor Stratton, the Republican Governor of Illinois. They later indicted Stratton in Chicago and tried him. Dirksen came out and testified for the Governor as a character witness, and Stratton was found not guilty. That was not my case, and I knew nothing about that case. But we had a good case against Smokey Downey which we largely developed in the grand jury, so we indicted Downey. There was one hell of a lot of publicity because he was the Governor's number one man. The *St. Louis Post Dispatch* gave it big play. We were getting ready for trial. I only had one assistant in Peoria and one in Springfield, so I had to do everything; run the investigations, draft the indictments, and argue the motions, even come up here to argue appeals. I was getting ready to try the Downey case. Marks Alexander was the Assistant U. S. Attorney in Springfield. He was about my father's age and a great help. I don't know if I could have ever succeeded as a United States Attorney without him. If I didn't know enough about it, he was there, but I had to take the oars. We got ready for trial, but at the last minute Downey wanted to plead guilty. All the reporters were there. The judge accepted the plea as expected. Then in a week or so we had the sentencing hearing, and the place was packed with press. The judge and the defendant were close friends, political friends, personal friends, and I think a recusal would have been in order for Judge Poos, but I trusted the right thing would be done anyway.

At the sentencing hearing, the judge asked me as United States Attorney if there was anything I wanted to say. I got up and started in. We had a couple of different income charges against the defendant, but the judge cut me off short. He said, "Well is this what this case is about?" The counts were all part of the same pattern, so he put an end to my reciting any more of the facts in open court. Then we had the imposition of the sentence. We didn't have Sentencing Guidelines then. I wanted to put the defendant in the pen. He had violated the public trust, all his cheating, and there was more of it around, but we just hadn't gotten that far yet. The judge cut me off again. I

had my assistant Marks sitting there at the counsel table with me. Marks tugged at my sleeve and said, "Harlington, if you don't sit down and shut up, you're the one who's going to the pen." Hell, the judge gave the guy probation. I was so upset that I was ready to quit. I went back to my office and was going to resign.

So it really upset Dirksen because he and Stratton were friends and Smokey was a very likeable Irish guy. I liked him too, but we had the goods on him. I never thought about Dirksen blocking any future appointment for me because I didn't think that far ahead. But I knew there would be a lot of mad Republicans. But you take the oath, you have a job to do, so I did it as I saw it. As far as I was concerned politics was no issue.

CTF: Did the prosecution of Orville Hodge come out of your office?

HW: No, I forget what the timing of that was, but I didn't have anything to do with that case, or with Paul Powell. I wasn't the United States Attorney at those times. But Otto Kerner, who was later on this court, had been Governor of Illinois. I had never met him. He had been the United States Attorney in Chicago. One morning I got a call when I was in private practice. My secretary said, "Governor Kerner is on the phone for you." I figured it was Gilbert Scheller, a close personal friend just putting me on, but I played it straight. "Hello," I said, and he said, "We've never met, but the Legislature has created the Illinois Crime Investigating Commission." I think he explained to me that it had to have appointments from both political sides. As I had been the United States Attorney, he said, "Would you be interested?" I had never even heard of the thing, but I said, "Yes." So, I got mixed up in that, and it became a wild ride. Later he called me another time and said. . .

CTF: Why was it wild?

HW: It was kind of an open public grand jury investigation with no set rules. We hired a man named Charlie Siragusa, a Sicilian, who had been an undercover United States drug agent all over the world; brave, smart. He really got us into things around the state. We held hearings at the Cook County Building and elsewhere. We had hoodlums in there and victims testifying sometimes from behind screens, etc.

Siegel: Who was your Democratic counterpart?

HW: Former Northern Illinois District Judge Prentice Marshall was also named to the Commission. Pren and I were friends. When the investigation was over, the Commission majority whitewashed it all. Pren and I had seen and heard

enough not to go along with any whitewash. But under our rules, we couldn't reveal any of the evidence, so he and I got together and wrote a joint dissent, and filed it. That received a lot of attention, but we couldn't reveal any of the details. At least it showed that a Republican and a Democrat thought there was more to the investigation than the majority. We thought we were getting close to Paul Powell!

Siegel: Did that ever get published, the dissent?

HW: Oh yes, that got published because there was nothing in it that was against the rules, but it did show that we forcefully dissented on the basis that we believed there were charges which should be made public to be followed up on.

Siegel: Did they ever release the rest of the investigation, or is it still secret?

HW: No, it was never released, but I still have a complete file on it all.

CTF: Well, you were about to say something about the second appointment from Kerner.

HW: I got another call from him one day, and he said, "Would you like to be on the Board of Directors of the Illinois Bureau of Race Track Police?" I immediately said, "Yes." I didn't know what that was either. I had never heard of it. It had just been formed. Professor Inbau of Northwestern University, the lie detector expert, I, and a lawyer from Joliet and some others were appointed to that Board. I got the feeling, particularly on the Race Track Board, that it really was a fast track; that there was something going on that was going by me and maybe by some of the others. There was a prominent fellow here in Chicago named Miller who was involved with the Racing Commission, and we had to work very closely with him. The Commission went out, found and hired a retired special agent who had been in charge of one of the FBI's big offices. We hired him as our Commission investigator, like we had hired Charlie Siragusa on the Crime Commission. Then it wasn't long before I found out that, hell, Miller had given our chief investigator a gift. We came to find out that Miller had given our FBI investigator a race horse. There were a couple of other things.

CTF: Miller was later implicated in the criminal case against Judge Kerner.

HW: A man named Isaacs who was State Director of Finance, called me one day when I was in all these investigations and said, "You're doing a lot of work for the state for nothing since you don't get paid for work on these commissions." He said, "We have to acquire some land in Springfield for the new Illinois

Department of Transportation Building." I had done a lot of condemnation work for the State in the past when Latham Castle was then Attorney General. Later Castle was on our court. So I agreed to do the work to condemn that land for the state building. I kept track of my hours, spent a lot of time negotiating and all that. Then some of that land suddenly ended up elsewhere with a politician. I forget now just how that was. This whole thing began to give me an uneasy feeling, so I just resigned from handling it. I refused to send a bill. I didn't even get my expenses. I didn't want to get paid because I just had the feeling that something was going on and that it was being kept from me.

Later on, not too much later, was when Kerner got in all his trouble and went to the penitentiary. I had resigned by then from both commissions although Kerner didn't want me to. When I did, Inbau also quit the Race Track Commission. That was the end of all that. I hadn't seen anything wrong, but I just had a bad feeling about it all, that was enough. As you know, Kerner later came to this court. Personally, I liked him.

CTF: What other prosecutions do you remember from when you were U. S. Attorney?

HW: Well, it was the usual kind of things. We had some bank robbers. You know in those days we had white slave cases; prosecuted one woman named Margie Brown who was a big time operator near the Mississippi River. She got hired by some guy in Iowa and had put on some big sex shows for him and his business buddies. It was a big commercial operation, so we indicted him too. We had no sooner indicted him than we found out he was the brother of the Democratic Chairman of California. Then the press was suspicious that there was a political motivation to our indictment. I had no idea of any political connection. So that got a big flap going too.

One of the funniest cases was with an undercover agent who came in to see me as United States Attorney. He said he had some work for us. His name was Tony DeStaphano, an undercover agent for Fish and Wildlife. I didn't even know that he had been working in the district for about six months or longer as an undercover agent investigating illegal hunting. I wasn't a duck hunter. Tony would go out and get in with the duck hunters up and down the river. They were hunting game ducks and selling them for the market in violation of federal law. The big part of the market was up here in Chicago. Tony had opened a sting operation. He would buy ducks from these hunters in their homes or wherever they were. He'd take them to his car and tag them. They were all dressed and ready for market. Then he'd bring the ducks to Springfield and put them in a freezer. So when he came to see me, the cases

were already made. We arrested a hell of a lot of guys down there along the river. We arranged for magistrates to be available so there would be no delays. This caused a big uproar up and down the river. We tried a bunch of them, and some pled guilty. One of them didn't. He was well known along the Illinois River. He went to the pen. He had threatened the agent. He appealed to the Circuit, and I came up to Chicago and argued it at the old courthouse at 1212 Lake Shore Drive. The interesting thing is that just in the last few months, one of his friends whose name I recognized, Hamm, has written a book about the "market hunters" along the river in those days, how life really was up and down that river, how they all cheated, and how he even used to get ducks for a federal official in Peoria. I got a copy of the book the other day. Otherwise, we had big drug cases.

CTF: Any impact of the Red Scare?

HW: As far as subversive things? I don't remember anything of that sort, not down there in the country anyway. It was called the Southern District of Illinois, but it didn't include Southern Illinois across from St. Louis. It was really central Illinois from near a line just inside the Indiana border and across the state to Quincy and Rock Island. There were other big investigations, however, that we had. The State's Attorney from Rock Island came down one day to Springfield and said that on a big toll bridge across the Mississippi River at Rock Island they were sure the bridge toll takers were really "taking" the tolls. He claimed the toll takers were taking the tolls home for themselves. He said he needed some help with this investigation and that he didn't know how to approach that prosecution. It was our view that since it was an interstate highway over an interstate bridge with the toll takers on this bridge out in the middle of the Mississippi River that there ought to be federal jurisdiction. So I cleared it with the Department of Justice, and they said to go ahead. It was a hell of an investigation. We indicted some of those people. I went up to argue the case in Peoria before Judge Mercer. He heard the argument for just a little while and then abruptly dismissed the case as in his view there was no federal jurisdiction. We didn't appeal his decision although we came awfully close to doing so. The Department would have unenthusiastically supported the appeal. The unfortunate part about that investigation was that the toll takers who had cooperated with us got on the local black list and were pretty badly hassled. I felt bad about losing that case, but it must have stopped the stealing.

Rogers: Judge, how long was your term as U. S. Attorney?

HW: Fifteen years. (Laughter) About three years. Then the administration changed. I didn't even serve out one full term. Kennedy came in and it wasn't long before Phillip Modlin, who was a staffer in the Executive Office

of the U. S. Attorney, called and asked for my resignation. I thought that was very impertinent as I had a four year presidential appointment. Later on he worked for me when I headed the office, and we became close friends. When I got to this court I hired his daughter as a law clerk.

CTF: Going back to your appointment as the head of the U. S. Attorney's Office at Justice.

HW: It was a very small office and I had, I think, three secretaries, a man who was supposed to know something about the budget, and Phil Modlin. I'm not sure whether the budget man really knew what was going on. I would have to go up to the Hill to testify about the U.S. Attorney's budget. He was always telling me, "No problem, no problem." But there was always one problem after another when I got to the Hill.

CTF: When did Jerry Fines come with you?

HW: Jerry came with me right out of Kentucky law school to be my assistant as Executive Head of U. S. Attorneys. He already had a Masters in business and had been teaching business at Eastern Illinois University. He was a farm boy. He was a tremendous help, and we went through all the Vietnam demonstrations in Washington together. When I went to the Civil Division he came along. After I left, he headed the Executive Office and then came to Springfield as U.S. Attorney. He crossed up the local Republican cabal by prosecuting and convicting one of them. Then they went after him and put their man in as U.S. Attorney. But then our court appointed Jerry a bankruptcy judge which he has enjoyed more than anything. He now travels all over Central Illinois to handle bankruptcy matters.

CTF: When you were head of the Executive Office, you got various unrelated assignments due to the Vietnam War, but what was going on in the Executive Office that may have been different?

HW: I got some adverse information about a couple United States Attorneys, so I called one on the phone and got his immediate resignation. For another I made the trip out there to see him personally. He was from a western state. I walked into his office and before I got through talking to him I had his resignation, too. But otherwise they were a great bunch of good lawyers. I helped select and process them. We started having educational meetings for them around the country, and sometimes brought them in to Washington. One of the first I was chairing was in a Washington hotel. We were studying the drug problem. The director of the Drug Enforcement Agency was talking to the group. I had just introduced him. I stepped out in the hall for a moment,

and there came along Congressman Rooney from New York who was a very influential, important congressman and on our budget committee. I stopped him in the hall and reintroduced myself and told him what we had going on in there and would he mind coming in and speaking briefly to all these United States Attorneys. He came in. I interrupted the DEA program, and the Congressman started speaking. He had an appointment in the hotel to speak to the Longshoremen Convention. He got all mixed up about where he was. He started giving his Longshoremen's speech. Well, I was sitting there, and I couldn't believe my ears. I said, "Oh my gosh, what have I gotten us into, because the Congressman is going to be mad." So somehow I quietly got his speech to us over with and escorted him down to the proper room where the Longshoremen were waiting for him.

CTF: Now the U.S. Attorneys were all selected by the state political officials, weren't they?

HW: Primarily, you know if they had a senator or a congressman from that state, or someone prominent of the same party, but there were places where we had to do some searching.

CTF: It was pretty open?

HW: Yes, pretty open, but not entirely. The Republican leaders would make suggestions, and those suggested would be investigated. I'd go over the papers and make recommendations to the Attorney General, and the candidate would be brought in for an interview with the Deputy Attorney General. We had a really good bunch except for a couple of bad apples that we had to fire, which I've already mentioned. We kept some, too, who had been appointed by the previous administration. You might see some political considerations in that as they were favorites of Senator Eastland. We kept both Democratic United States Attorneys in Mississippi, his home state, because Senator Eastland was chairman of the Judiciary Committee and those were his people. But they were both superior United States Attorneys. We couldn't have done better anywhere. We similarly kept a United States Attorney in Texas who was related to Congressman Mahon from Texas. So where it served a political purpose, we reached out to the other party. He was also superior and became a United States District Judge.

CTF: This is a side thing that we can take off the tapes, but I was interested to find out that Charles Clark was the Attorney General from Mississippi who argued against the admission of James Meredith to the University of Mississippi, I think that was the case, when John Minor Wisdom was on the Fifth Circuit.

Clark later became the Chief Judge of that Circuit, very distinguished, very impressive, very nice person.

HW: Very distinguished, well thought of lawyer.

CTF: But it was kind of a shock when I learned that he was the Attorney General from Mississippi arguing what I would consider to be the poor side of the issue.

HW: Yes, I'm surprised too!

CTF: I learned that from Judge Wisdom. The tension between those two never subsided.

HW: You know, Judge Wisdom was one of the judicial leaders of all times. He came up here and sat with us a few times.

CTF: A couple of times.

HW: He's still alive isn't he?

CTF: Yes.

HW: He just looks like a wise judge, doesn't he?

CTF: Yes, and he certainly has been. After you got the U.S. Attorneys office organized, what were some of the key things, obviously training, but I assume that decisions on what kinds of cases that the administration wanted to emphasize?

HW: There was little of that, as usually those matters rose through the particular divisions in the Department of Justice. We did not get involved in the criminal cases unless something came through the Assistant Attorney General in charge of the Criminal Division. We would try to coordinate. Just political influences were not acceptable, but the administrative policies were. The U.S. Attorneys would sometimes disagree with some of the Assistant Attorney Generals, then we would have to iron the problems out. The United States Attorney for Southern New York, Whitney North Seymour, whose dad was the president of the ABA, got into a fight with somebody, and we had to work that out. We would try to trouble-shoot around the system where needed. I'd go out and inspect their offices and meet all the personnel and make sure the staffing was all right. I traveled a lot, including to our office in Panama. We had a United States Attorney in Puerto Rico, and we had one in the Virgin

Islands and those offices got checked, and Alaska, too. So there was some checking to do, and it was very important to keep even our far flung offices feeling they were part of the system.

CTF: That checking and trouble-shooting carried on and at some point the higher ups in the Department of Justice started to send you on other missions.

HW: I had some special assignments. Herb Stern was the United States Attorney in New Jersey and a close friend. He later became a district judge. He had replaced Leonard Garth who went to the Third Circuit. But Herb got wind one day that there were some narcotics in a van being shipped in from Europe, to a port in New Jersey. He got a warrant, examined the van, and found a secret compartment which they pulled apart to find it full of narcotics of some kind. They waited for some person to come pick up the van, then they arrested him. His alibi was that the van and all the narcotics belonged to a high French official who was with the French equivalent of our FBI. So on that grounds, Herb proceeded to get a grand jury indictment of this high French official who had never been in the United States. Attorney General John Mitchell had just gotten back from France where he had worked in Paris with the French government, and they're not the easiest bunch to deal with. The French government agreed to cooperate with this country concerning the drug laboratories in Southern France which were part of the flow of narcotics coming up from the Near East through Yugoslavia and then to this country. Our indictment blew Mitchell's new government accord right out of the water just after the accord had been announced, and he had received some public praise for it. Then the French started to try to find out what the case actually was all about. They had a French judge over there who was head of their investigation who sent over interrogatories to New Jersey for the van owner to answer because it had caused a French scandal. There were all kinds of interrogatories and questions coming from France. Herb Stern was uncooperative, and sent back evasive answers. The interrogatories were all bound with ribbons and gold. Herb wouldn't pay any attention to them, and the French got frustrated, and our French relations got worse and worse. Kleindienst finally said, "Go over there and straighten it out."

I didn't know what the hell I would do, but Paris sounded all right to me. So I went to Paris and met with the Minister of Justice and the French judge in charge of this investigation. I listened for a while about Herb not answering the questions or cooperating in any way. It was hard for me to defend because our responses weren't what they should have been. We had tried to prompt Herb to cooperate, but he'd do the same thing over again. He was a brilliant guy, very smart, but just didn't like the French interference. While in the meeting with the French in Paris, I had a sudden inspiration, why

doesn't the French judge just come to the United States, and we'll arrange for him to meet the defendant and Herb personally and get the information he needed first hand. We ironed it out for him to come to New Jersey to get the answers without all the ribbon protocol. Attorney General Mitchell approved, and so did the French government. The French judge arrived at Kennedy Airport and as the French consul in New York knew he was coming he offered to loan us a big fancy limousine to meet the French judge at the airport. It was still early in the day when the judge arrived, so we went right over into New Jersey as the U.S. Attorney was expecting us. We got there for our initial meeting even before the judge went to his hotel. I had arranged for that French big stretch limousine to park right in front of the Federal Building in a "no parking" area. We went inside for the meeting and then came back out in a little while to find somebody had stolen the limousine. The driver had just taken a little walk and when he had returned his car was gone.

Rogers: No!

Siegel: No!

HW: We still had a hard time with Herb. Then we took the judge down to Washington, and tried to show him a good time there. I forget how it all ended, but I don't think it was very satisfactory. The indictment, I think, finally was dismissed.

Then I was sent to Yugoslavia for the Bureau of Narcotics and Dangerous Drugs. Yugoslavia was cooperating with us in narcotics matters, but their police didn't know how to run an interdiction operation. A lot of the narcotics came on trucks from somewhere around Istanbul. I went to Yugoslavia to try to help launch a joint American training effort with the Yugoslav police, and I did the same later in South Korea. Then, of course, came all the Vietnam demonstrations at Washington, Alcatraz, Wounded Knee and the trouble down at the Culebra bombing range. That was a NATO naval gunnery range. I also served as an advisor to the Attorney General of Puerto Rico on protest problems. They were having wild times in the Carribean.

CTF: A lot of these assignments arose from your relations with some of those involved in the march on Washington protesting the Vietnam war. This was the peace demonstration where they wanted to tear up the city of Washington.

HW: Yes, those were pretty serious days. The anti-war demonstrations were the largest demonstrations ever seen in our history.

John Dean had done some of the early government contacts with those groups, but then he got promoted to the White House. Actually, I was sort of jealous of his promotion, but only for a while. I thought he was a young whipper-snapper driving around in a fancy car, not married and having a big time all the time, and here I am in the salt mines. Anyway, Kleindienst needed a replacement for Dean, and he told me that I would be named the government representative to meet with the demonstrators. We worked out camping and march route permits with them and got through it all in pretty good shape. I got to know most of the demonstration leaders and the lawyers who represented many of them. Attorney Phillip Hirschkop represented most of the demonstrators who came to town. Phil and I developed a working relationship. He was good to work with, and we became friends when it was all over. There was one big wild day on the last demonstrations. The intent of the demonstration was to shut down the government. There were groups that were going to do whatever they wanted to do to accomplish that end regardless of any permits and government cooperation or agreements. We had provided cars, radios, portable toilets and camping facilities for the demonstrators to give them a reasonable opportunity to fully exercise their First Amendment rights. You know it was a different government reaction than the public really perceived it, but that last time they really tried to shut down Washington and the government.

CTF: Were they going to close off the bridges?

HW: Yes, I've got copies of their plans. They published their schedule because they had people all over town. They weren't that well organized so they put it out in a little newspaper, *The Quicksilver Times*. They had a map of Washington with the critical intersections, bridges and buildings numbered. Then there would be a paragraph that would tell what was planned for that locale. They had a good battle plan, but the government had one, too. The word went out to government employees to come earlier than usual that day, so before protestors could put their early morning plans in place at the bridges most of the bureaucrats would already be in their offices. But they did try to trash the town, and there were a lot of arrests because they almost overwhelmed the city police. We didn't make any arrests at the Department. The DC police were in charge of that. The police couldn't fill out their customary street arrest forms under the circumstances, which would state who, when, where and how about the particular arrest. There were a lot of people penned up, but we finally got them all out on bond.

CTF: You had talked about getting to know some of the leaders.

HW: Yes! Renny Davis and some of the others, I can't remember their names, but there were all kinds of people, including avowed Communists. But one funny thing did happen. We worked long hours and Dick Kleindienst, then Deputy Attorney General, had the office next to mine. My office was a little nondescript office which opened into his which was a nice corner office. He had an impressive setup with a big conference hall. He usually stayed in the District at night for dinner and sometimes all night because of all this trouble in town. He had a young lawyer assistant named Richard Rolapp. I never knew for sure what Rich did around there, but he was a pleasant fellow, and I liked him. He was a friend of Dick's. When Dick went out to dinner one night, I noticed that Rolapp went into Dick's office and was sitting at his desk with his feet up on it. He looked like he was dreaming that he was the Deputy Attorney General of the United States. I thought I'm going to break this up, so I said, "Rich, I just got a call from the guards downstairs." This was about 8:00 at night. "They say a bunch of the demonstrators have broken through the police guard and are running loose in the building." Rich said, "Don't worry about it. The guards will get them. Don't worry about it." So I shut my door and went back to my office. I had a big rubber mask in my office for some reason. I don't know why. It was left over from something, terrible looking thing, long scraggly hair, fit over your whole head. So I donned the mask, put my raincoat on, and turned up the collar. Kleindienst had three doors to his office, one was mine, and one was into a private hallway that went to the Attorney General's elevator like our judges' elevator here. Then there was a big front entrance. So I went out into that narrow hall, and I made a hell of a ruckus. I was banging things, and then I threw myself against his door and flung it wide open and jumped right out in the middle of the office! Rolapp was sitting there looking straight at me still dreaming he was the Deputy. Boy, he got his feet off Dick's desk down on the floor in a second, jumped up, threw his hands in the air and yelled, "I'm not Kleindienst!" He had heart palpitations and had to sit down again. I was worried about him.

You asked me about Jerry Fines. Dick Kleindienst was out late again one night. He had a little bedroom upstairs over his corner office on Constitution Avenue, just a little alcove bedroom. So when he was out one night Jerry and I had a discussion, "Let's go short sheet the Deputy Attorney General of the United States." So we went up there, remade his bed and short sheeted it. You know what that is, don't you?

CTF: Sure, I've done that.

HW: I had a big eight by ten picture of Ramsey Clark, I don't know where I had gotten it, just as a souvenir. We scotch taped that at the head of the stairway, the private stairway that went to that little bedroom. We put a note on the

picture that said, "Welcome to my bedroom, signed Ramsey!" Dick went up there and was pretty tired. He probably had had a couple of drinks. Jerry and I were listening and when he got in that bed, we heard things that I have never heard said before or since. He could talk like a Marine sergeant when necessary.

I remember the time Kleindienst and I were at the office late one night and some legal question came up, but there was nobody around to ask, no law clerks, nobody to help. We were on our own. The answer was somewhere in the statutes he had in his office. We got down on our hands and knees, crawling around looking in the books. Hell, they were about five years old. They weren't up to date, and we're crawling around at night in the United States Deputy Attorney General's office trying to find a federal law. We never did.

Then other nights when things were quiet we played golf around the reception area, miniature golf and bet a little on it. He was darn good at it. We were just waiting for something to blow up around town. His secretary was named Ann Marie Dunne, and she was scared to death of mice, terrified, like Cathryn is with snakes. There was a closet near the end of her desk where she kept all the supplies. She got suspicious that there were mice in there, so she put a little box of Decon on the floor just inside that closet door. The office was carpeted in royal blue, a very elegant royal blue. I got there early one morning. I took a lead pencil with a rubber eraser on it, she wasn't there yet. I opened the closet door and dipped the eraser in that Decon and tapped little foot prints on the blue carpet right out to where the footprints went under her desk. She got there, saw that, and was sure there was now a mouse under her desk because the foot prints only went one way. She thought that mouse had been in that Decon and was now hiding in her desk. She called the building maintenance people. They came right up and looked around, but they didn't see anything. They unhooked her telephones, carried her desk into the hall and searched it. They never did find out what happened to that mouse. Kleindienst was mad because his secretary wasn't getting anything done. I just kept quiet, no confession.

Another time I put on that same mask during a demonstration and popped in on Phil Modlin, who was then still in the Executive Office for the U.S. Attorneys. His door opened into the hall. So I made a commotion at his door. I put that mask on and jumped in the middle of his office, and hell, he was having a meeting. He said, "Damn you, I know who you are!"

Anything else, Collins?

CTF: After you went through the peace demonstrations in Washington, what's the next special assignment you got?

HW: Phil Hirschkop was a lawyer who handled a lot of liberal causes around the United States. He officed in Alexandria, Virginia, and represented most of the demonstration groups. We both played it straight. He had a client to represent and so did I. When it was all over, the leadership of those demonstrations got together for a luncheon celebration party at one of the hotels. Jerry Fines and I were invited. We went and sat down with all the demonstration leadership. Phil didn't tell anybody who we were. I think they might have fired him if he had. Some of them may have recognized us, but we got along real well and had a good time. It was a different thing than the public saw or understood.

The Island of Culebra problem came about then. That was a small island off San Juan, Puerto Rico. People lived on one end of the island, but at the other end was a naval gunnery range for NATO. NATO ships would cruise by and lob shells on that end of the island. That got a little tiresome to the inhabitants around there. They didn't like it, so one time when NATO maneuvers were scheduled for that gunnery range, the islanders started a big demonstration, some of it in San Juan. The only thing that made a difference was that out on the Island of Culebra a bunch of them hauled a lot of building materials to the middle of the range and started to build a church. They had this building all framed up. I was sent down there with the marshals to do something about that so NATO maneuvers wouldn't be delayed. We had a look-out post where we could see down on the beach where they were doing the building. The Puerto Rican U.S. Marshal helped work something out with them to vacate the range. We got out of that problem. There was a big demonstration in San Juan when they heard what we had done, but it all quieted down. I doubt if there was ever a service held in that new church.

We were flying back that night from Culebra in a helicopter. The thing sounded so rough and uncertain I was thinking that we weren't going to make it. That was the last flight that helicopter ever made. It just clunked out and quit after we landed.

Siegel: Maybe you could talk about Alcatraz next.

HW: Alcatraz, as you know, is in the middle of San Francisco Bay. The Indians had taken it over and wouldn't let anybody on it. All the navigational aids were shut down. San Francisco port couldn't operate without the lights, and the audible navigational signals for shipping. Dick Kleindienst sent me to San Francisco to do something. I didn't have the slightest idea what to do. I had been in San Francisco as Deputy Chief of Staff of the port early in 1945, so I

at least knew where it was. I first tried to negotiate with the Indians. The Indian I negotiated with looked like a young edition of the Indian on the buffalo nickel. They wanted title to the island, but they went about it all the wrong way. The Department of Justice, however, went so far as to research whether or not title could be conveyed to them under some circumstances. The Department decided it could not legally be done. It would take an act of Congress. But it wasn't practical anyway because water had to be hauled out there, and there were other practical problems. You know it's just an isolated rock. So we didn't get anything negotiated. It was becoming a public embarrassment. Sightseeing boats would go out in the Bay, and all the tourists wanted to see Alcatraz and what was going on. The Indians started shooting arrows at the tourists. One arrow stuck in the hull of one of the sightseeing boats, but nobody got hurt. I was sent there with the Chief Marshal to see what could be done. We were talking to the United States Attorney in his office on a Saturday morning, and we didn't have any idea what the hell we were going to do about it. Then we got a call with some information about the Indian leadership. The number of Indians on the island fluctuated. They had a boat somebody had given them. A bunch of the leaders, we were told, had come ashore with that boat full of copper pipe they had stripped out of Alcatraz. This meant theft of government property. The information was that they were selling it to a junk dealer, so we authorized warrants. We arrested a bunch of them on the pier where they were getting ready to get back out to Alcatraz. We corralled some Coast Guard boats, and the marshals went out to Alcatraz and just walked ashore. Only women and children were left, and there was no resistance. The marshals loaded them on the boats and took them back to San Francisco. While all this was going on, we arranged to house and feed the women and children and the few other Indians, too, through a Catholic monsignor. The leadership didn't want anything from the government. We got the housing and food for them on a temporary basis. None of them were arrested. I remember Kleindienst wrote the monsignor, sent him a check for his expenses and thanked him. We got out of that one, too.

I was head of the Civil Division at the time of Wounded Knee; I can't tell the whole story in the time we have. I went home late one Friday. We put in long hours in the Department. I usually got to the office by seven and would get home at eight or nine o'clock, and worked all Saturdays and some Sundays. Anyway, when I got off that Friday night I figured it would be a nice quiet weekend and I'd have time to recuperate. When I got to my little efficiency apartment in Alexandria I heard the phone ringing. I wasn't expecting any calls. I went in, answered it, and it was Kleindienst. He never said who he was. He didn't have to. He called me "Mother" because I shepherded all the U.S. Attorneys and looked after them and all their problems

like a mother hen. He just said, "Mother, I want you to start for Wounded Knee and don't stop until you get there, and don't let anything bad happen out there!" Clunk went the phone. So here it is almost eight or nine o'clock. I called my secretary and told her what was happening. I got myself a reservation right away out of National Airport for Chicago. I didn't know how to get from there to Wounded Knee that night. I had a vague idea where it was, but I didn't know if I had to go through Minneapolis or Denver. I told my secretary what my problem was. I said, "Figure out how to get me from Chicago to Wounded Knee, and I'll call you from Chicago." When I called her from Chicago, she had a flight reservation from Chicago to Denver and a private plane lined up to take me in the middle of the night from Denver somewhere close to Wounded Knee. She had also arranged for the marshals to pick me up at the little airstrip in northern Nebraska.

So I got there. A friend from the Department named Ralph Erickson was in charge at the scene. He had been Deputy Attorney General for a while. He was awaiting an appointment to the Ninth Circuit, which never happened. I don't think he knew I was coming. He had had none of the experience with other demonstrations. He was a scholarly guy, a good lawyer, but I didn't think he really belonged at Wounded Knee, but he would have made a good judge.

So I was around Wounded Knee for a few days conferring with him and looking the scene over. I wasn't sent out there to be in charge, but I knew from what Dick told me that if something didn't look right, I'd have to step in or get Kleindienst to do so. Ralph and I didn't fully agree on the way things ought to proceed. He would negotiate with them. Then he'd have a press conference and tell the newspaper what was going on, then the Indians would read about it. Ralph was starting to tighten the thing up. I had gotten him to loosen up the road blocks hopefully to lessen the tensions in the hope that it would improve the negotiating climate, not being hard on them and not harassing them. I just thought, hell, if he and I can't agree, there's no point in my being here. I had a division to run, so I called Kleindienst to let me come back to Washington. I wished Ralph well and left.

Then one noon about a week later, I got a call from Wayne Colburn at Wounded Knee. He was Director of the United States Marshal Service. He said, "I know you don't have anything more to do with this out here, but I thought you'd just like to know what's going on." So he told me they were putting back the road blocks and tightening things up some more. The word was that Ralph Erickson wasn't going to negotiate anymore as it was a waste of time and unless there was really something to talk about, all that was over. I said I was disappointed to hear that. Colburn was a law enforcement guy,

and he was ready to go, so was the FBI, so were all of them. I no sooner hung up from talking to Colburn than Kleindienst called and said, "I want you to go see the Deputy Attorney General right away. He has some new ideas so get ready to go back to Wounded Knee, but this time you are going to be in charge."

So, I went up to see Joe Sneed, the new Deputy Attorney General, and he said, "Well, we've exhausted all our peaceful options. There's nothing else to do except for you to gather up the forces you need, FBI and marshals, and to go back out there and put an end to this thing, just take it by force." I was stunned. After a long pause I told him politely I wouldn't do it. I was ready to go home. I figured I'd be fired. I thought Kleindienst must have changed his attitude about this, too. So I told Sneed that I wasn't going to do it because I didn't think that all the peaceful options had been exhausted. I asked Sneed, "Do you mind if I go talk to the Attorney General?", in effect, go over his head. He was very nice about it, and told me to go see Kleindienst. So I went back to the Civil Division, called Dick's office and his secretary said he had just gone down to get in his limousine to go to National Airport, as he was leaving for Cincinnati to make a speech. She advised me that, "If you hurry, you might catch him." I ran through the hall and out the side door, and there he was just getting into his car. I said, "I need to talk to you." He said, "Get in." He was a very informal man. So he sat there and listened to me on the way to the airport. He said, "Okay, go do it your way." I really didn't have a way except to continue the negotiations. I went back and told Sneed that the Attorney General had disapproved of the use of force. He was fine about it and fully supportive thereafter.

I was supposed to go right away, so that afternoon I called a person I had worked with during the Vietnam demonstrations. He was head of the Mayor's Civil Defense Control Center in the District. They kept track of all the problems in town, particularly during demonstrations. It was like a little war room. When I knew I had to go back, I had an idea that there must be some connection between what was going on at Wounded Knee and the big demonstrations in Washington. Maybe some of the same people were involved at Wounded Knee that I had gotten along with so well in DC. Maybe there's somebody there who trusted me that I could talk and reason with to try to work something out. He said he didn't know, but he would try to find out. He called back in a little while and gave me the name of the Reverend John Adams whom I had not met. He was one of those activist preachers running around trying to do good everywhere. He had been at the tragic Kent State University protest. The mayor's aide said Adams was in Wounded Knee with the Indians. He was looking after the Indians' interests, but he's really not in touch with the government out there. He advised me to get in touch with

Adams when I got there. I said, "Try to send him word that I'm coming and that I would like to meet him right away."

I got to Wounded Knee early the next morning, and Adams came to see me. I said I figured that he knew what I wanted to do, open up negotiations again. He had anticipated that. The marshals had a plan to storm the place which I didn't know about then. They were going to drop leaflets and warn the Indians to get out quickly and to surrender, or the government forces were going to start dropping gas canisters on the place and then the marshals would be deployed to take the village by force. It was to be a real military operation. Colburn had been in the Marine Corps. He knew how to do it, but now I'm ahead of myself. Adams ran to a phone and called down to Wounded Knee. There was only one line into the village. It was a difficult thing to use. Then he came back to see me and said they are not coming out to talk to me. There were two big perimeters around Wounded Knee. There was the large marshal's and FBI perimeter, and then down toward and around Wounded Knee itself was a small Indian perimeter where they had the roads blocked. They had armed Indians stationed in the hills. The negotiations prior to that time had been held in the neutral zone between those two lines of government law people and the Indians. There was a teepee in that zone. Erickson would go there, and they would sit out in front of the teepee, smoke a pipe of peace, and then nothing would happen, and they'd all go off and have press conferences. The Indians were tired of it. They said "We're not going to do it anymore. You (meaning me) will have to come down by yourself inside if you want to talk. We'll talk but only in the village with no law enforcement people." I said to Adams, "Let's go." I had no option. I asked Adams if he would drive me, and he said that he would.

We got in his car and went through the FBI road block, then drove down to the Indians' roadblock. They had a real roadblock consisting of some old cars and cement blocks. There were just the two of us. Adams was acceptable to the Indians there. As we got near their roadblock a bunch of young Indians with rifles stepped out from behind and leveled their rifles at us, motioning for us to get out. I got out on the passenger side and Adams on the other side. Adams later said he was afraid. I really wasn't because I thought it was just for show. I didn't think they'd do anything bad to Adams or to me. That would just make things worse for everybody, and that's all it was, just show. When we got out, the leadership came from around the back of their fortifications, and the young Indians stepped aside. I went up and started to shake hands with them. It was all friendly, businesslike and cordial. They escorted us around their roadblock where we found a lot of other armed Indians. The leadership explained to me that these armed Indians were there for my protection because, as they explained, they did have some "crazies,"

that was their term, in there who might try to get me. It was like having a Secret Service escort. We had about a mile or so to walk into Wounded Knee. They had prepared for us. Their forces were all lined up on each side of the road, many of them armed. They were lined up and down both sides of the road for maybe a quarter of the way. We walked along toward the village. A couple of times I would see some Indian who was watching me, and didn't look too mean or like he was going to attack me, so I'd just walk over and shake hands with him, which would totally surprise him. Some would change hands with their gun so they could shake hands. Some of them were standing port arms. We went into Wounded Knee and had a meeting in a little house with the leadership. Lunch was served by some Indian ladies. I hadn't been briefed, and I didn't even know what the issues were. That meeting started with an Indian prayer. I figured with that help maybe we could solve the problem.

I came back out of Wounded Knee and tried to figure out what kind of proposal I could give them. I wrote something down and called my secretary in Washington, dictated it to her and told her to take it to the Attorney General and the Deputy Attorney General and see what they thought about it. Part of it was to get the negotiations started again, but this time out of the Wounded Knee area. Some Indians could stay in charge of Wounded Knee, but I would take the leadership to Rapid City and get a conference room in a hotel there. The Department of Interior, who was in charge of the Bureau of Indian Affairs, was absolutely adamant about not negotiating with the Indians "under the gun." Well, I thought if we could get some cooperation and get them and the guns out of Wounded Knee to the hotel and give them some guarantees, maybe we could find a solution. I got a call back pretty quickly, and everybody had approved it.

Early the next morning, however, Sneed called me and said that during the night the Bureau of Indian Affairs had changed its mind and that the Secretary of the Interior had too. Part of the plan had been to send the top Indian official in the Bureau of Indian Affairs out to Wounded Knee. The Indians had wanted to meet with him, and I had gotten approval for him to come and help. He was a reservation oriented Indian who had a good reputation. Sneed told me they were not going to do it now and that if I wanted to come back to DC right away, I could do what I could to save our plans. He said he could help, and for me to get on an airplane and come right back. The marshals drove me to Rapid City to catch a plane through Minneapolis and on back, then right over to the deputy's office. When I arrived the deputy told me, "We have to go to the White House in the morning." The next morning we both went to the White House.

We met with some of the presidential advisors, I think one was Leonard Garment. I had never met him before. He was a lawyer. He listened to me. He had some Interior people there, one being the Indian that the Indians at Wounded Knee wanted to meet. He told them, "You are going to do it the way Wood wants to do it," and he told the Indian Department official, "and you're going back with him." I said I wanted to get back right away before somebody got killed. At any time we could lose control, and it would be even more dangerous.

We were sent to Andrews Air Force Base where they had a military passenger plane standing by to take us to Wounded Knee. We took the Bureau of Indian Affairs official and went back out to Wounded Knee. I handed Adams my proposal which I had not been able to do before because the Department of Interior had taken away my authority, but it didn't go over very well. The next thing I knew the Indians had a big ceremony burning my proposal. Then I quickly did an amended proposal which was a variation of some kind. I still have copies of those proposals. There were plenty of details. I took the new proposal to Adams, and that didn't work either. I got sick as hell, a flu bug. I only had a leather jacket, no hat and no way to treat the flu. It was terrible. I couldn't think well. My head was clogged up. I was kind of worried about not being able to think if we really had a crisis. I called Kleindienst and asked to be relieved. He said sure. The White House, Leonard Garment I think it was, called and wanted me to stay, but I got out of there and came home. I was pretty sick for a while and went to Florida to recuperate.

The Department sent out another friend, Kent Frizzell, who was head of Land and Natural Resources in the Department. He had been Attorney General of Kansas. He had a harder attitude about this situation. He had been critical of me previously, but he seemed to have mellowed a little. He was in charge now. He did a little negotiating and instead of taking them to Rapid City they all wanted to go to Washington. They arranged for the Indian leadership to come to Washington to meet with some Congressional leaders. I had never thought of that. Anyway, the crisis finally ended, but the ending was just about the same as our scenario, only at a different location. The newspapers had begun to lose interest, and the thing dragged on for seventy some days. It just sort of went away. I didn't really solve it.

CTF: Were there any other special things that you did at the Justice Department?

HW: They had an Indian takeover of a little park here in Chicago on North Michigan Avenue.

- Siegel:** It was a missile base along Lake Shore Drive.
- CTF:** Sure, during the fifties, it was for surface to air missiles. Stopped the Russians from coming across the lake. It worked!
- Rogers:** Judge, didn't you go to South Korea to train some people?
- HW:** Yes, South Korea for some drug assignment. For the Chicago problem they sent Wayne Colburn and me. We got in the marshal's car and drove up and down Lake Shore Drive a couple of times looking this thing over, and came back to think overnight about what we were going to do. In the meantime the Chicago police went in and cleared them out. Jim Thompson was Governor in those days. He said, "While you guys were sitting around trying to figure out what to do, Chicago's best went over there and did it for you." That is just the way it should have been handled anyway.

The South Korea assignment was a drug related police training session. We ran some practical exercises through the streets of Seoul. We met with the Minister of Justice from South Korea.

- CTF:** What do you mean practical exercises?
- HW:** The police would get in cars with our DEA Agents who would show them how to fan out, how to stop trucks, how to make arrests in the street, and how to search for drugs in trucks, and techniques like that. The Minister of Justice got to be a friend. I get a Christmas card from him every Christmas. He's in private practice, and he's president of the South Korean Bar Association this year. He took us to a geisha girl tea house one night for dinner. It wasn't what you might think it was. It was a high class restaurant where the geisha girls come around to politely serve you as you're sitting on the floor. That's all that it was.
- CTF:** How did the appointment to the district bench come about?
- HW:** Well, that's just because I was next door to Kleindienst and he had a lot to do with picking judges. He just asked me one day if I wanted that job back home, and I did. In the meantime, Watergate blew up and Dick left the Department for his home in Arizona. I walked out of the building with him, which was a sad thing for both of us. He had brought me into the Department. We went down to clean out his locker at the FBI gym, and I walked out with him as he got in a cab and left. I was still there as head of the Civil Division. Elliott Richardson took over, and I knew Elliott a little. He had been a United States

Attorney in New York when I was in Illinois, so my nomination stayed right on track. Then I got sworn in.

CTF: Was Dirksen still alive at that time?

HW: No, he died. I wouldn't be here today if he hadn't. I didn't wish him any bad luck, but it was either his bad luck or mine for doing my duty as U.S. Attorney without regard to politics.

Siegel: When Nixon was re-elected for the second time, were you one of the people connected with Nixon he asked to resign like he did Kleindienst? Were you asked to send in your letter of resignation with everybody else at Justice?

HW: No. I had nothing to do with Watergate and knew only what I saw in the *Washington Post* every morning, which continued to astound me. Kleindienst never mentioned it to me.

Everybody relaxed a little after the election had been won. I don't think Watergate had happened yet. I'm not sure, as I was not involved. Some may have been asked for their resignations, but I was not. That's about the time, I guess it was a little after that, that Erlichman was the person who conveyed a message I heard loud and clear. He came to the Department one time during the Vietnam demonstrations when demonstrators were planning to try to close down the town. He had a meeting with all of us in the Department who were involved with the demonstrations. He spoke very plainly. We had the Army General there who served as our liaison with the Army in case we needed troops. He was there so he could advise the Army in case the President ordered troops in. Erlichman said, "If they close this town down, it's going to be somebody's . . .", and Kleindienst added, "Yeah, and they're all in this room." But the demonstrators didn't get the town shut down. Erlichman was a tough character.

Gordon Liddy used to come to the Department of Justice once in a while. Cathryn, my wife, had met him there and considered him a real weirdo. He'd come in and click his heels together and give the Nazi's salute. I never met the guy. Of course, John Dean was around. John Dean and I parked next to each other in the basement, and I enjoyed him. He was very friendly and smooth. He moved in different circles than I did, and he was good. I was a country boy, and he was a suave type of operator.

CTF: Who else was there at that time?

HW: There was one other person, Bud Krogh, a presidential assistant who graduated from Principia College in Illinois, which is a church school downstate. Bud was a very nice person.

CTF: Was he at Justice?

HW: No, he was a presidential advisor at the White House. He later got in some trouble, but it wasn't too bad. Anyway, he called me over one day. I had done some things with him, and I liked him. He warned me about Charles Colson. I didn't understand what he was talking about. I didn't know anything about the Watergate intrigue and all their games. I guess he thought I did. He said, "Whatever you do, don't get close to that guy." I think maybe he was trying to be nice to me to tell me if I was so inclined not to get involved with Colson. Then the whole Watergate situation began to unravel. I never met Colson before or after. I appreciate Krogh's warning even though I didn't need it.

CTF: When you got the appointment to the district bench you talked about some of the cases. Any particular ones stand out?

Siegel: The Springfield desegregation case for one.

HW: Oh yes, we had the Springfield desegregation case.

CTF: School?

HW: Yes, the Springfield School District. The bull case was the most interesting case, however.

CTF: The Springfield desegregation case never came up to the Court of Appeals, did it?

HW: No, it got settled, but I wrote an interim decree reminding all that Springfield was, after all, Lincoln's hometown.

CTF: You must have pleased a lot of people.

HW: I didn't get the case finished. I came up here first, but I was kind of glad to get out of town.

Siegel: You wrote the initial decision.

HW: Yes, I said what had been proposed by the city counsel was not good enough. Percy Julian, a black lawyer from Wisconsin who was well known and highly

regarded, represented the black students. His father was quite famous. The government later did a stamp dedicated to his father. Mr. Julian was a good lawyer to work with. Mike did you work on that?

Siegel: Actually that was a decision you wrote from beginning to end, absolutely by yourself. It was one of the most eloquent decisions. I remember you saying, "This is one I better do myself."

HW: Did Shelby (our secretary) really write it and I just said I did it myself?
(Laughter)

Siegel: No. What you were basically doing was calling both parts of the community to do better. It was calling on the spirit of Lincoln. It was really a well done decision.

HW: It didn't get appealed, otherwise it might have been reversed. The parties did work it out. One of the reasons they worked it out was because there was a lawyer on the other side, Dick Grummond, who was a very conscientious lawyer who believed in what he was doing and wanted to work it out. There was no trouble.

CTF: What do you think in terms of that one as opposed to the Rockford School District case? We have had three of those cases set for argument on what's known as a Fitzpatrick theme day. We had four of them scheduled but one of them settled out.

HW: I read about that in the paper, but I did not follow them or have any part in them.

CTF: Well, when you think in terms of the number of appeals that we have had in the Indianapolis school case and the couple out of Milwaukee.

HW: I think Springfield may have been a little embarrassed to have constructed a historic site around Lincoln's home, office and tomb, and then to have a school segregation problem.

Siegel: I think it was an embarrassment.

CTF: It's interesting because when District Judge Jim Parsons was in high school, Springfield is where he got his first taste of discrimination.

HW: He came from Decatur, didn't he?

CTF: Right. Decatur seemed to be not very conscious of race, but Springfield was. He was in the high school band. They performed at the Capitol and went to lunch at one of the big hotels. They wanted Parsons to sit out by the kitchen, and so the band leader said, "Okay kids, get up and go." They had a problem getting something to eat anywhere else. Then they all went to the theater and were all sitting up in the balcony. The usher came and said to Parsons that you can't sit here. Actually, there is a funny line where the usher comes with a flashlight and says, "Sir, you can't sit here. Colored sit over there." And Jim Parsons says, "Well, I'm not colored." The guy says, "Well, you look colored to me." So Parsons moved over, and all his white friends moved with him to sit with him. The usher came back and said to Parsons' friends, "You guys can't sit over here." Parsons did say that at one point they did take out their Boy Scout knives and cut the seats up pretty badly.

HW: Did they really? With their Scout knives? I've never heard that story.

CTF: These were high school students but they took out their Scout knives.

HW: When I first met Jim Parsons he was on the District Court. I was chairman of some kind of a ceremony at Lincoln's Tomb in Springfield, and he came down as the principal speaker. I was sitting in the front row, and Leslie Uggams, a famous and attractive black woman, was there. I sat in between them and got acquainted with them, and that's how I met Jim Parsons.

At one point when I was a United States Attorney, I got a call from the University of Illinois to see if I was interested in having an intern, somebody to work in our office. We have interns now occasionally. The school said that he's black. I said, "So what." They sent him over. His name was Clarence Crooks. He was going to work in our Peoria office because I think he was from there. We had only had one assistant there and another in Springfield. The assistant in Peoria named John Dougherty was glad to have him. I interviewed Clarence first and approved hiring him. Everybody in that Peoria office customarily went across the street to a little restaurant for lunch. They would all walk over there together. Clarence called me one noon and said he had gone to eat with the others, but the restaurant manager wouldn't let him in the restaurant. He was pretty upset. I asked him, "You real hungry?" He said, "Yes." I said, "I'm coming right up, so wait for me anyway." I left the office, got in my car and drove from Springfield to Peoria. I said to Clarence when I arrived, "Are you more hungry now?" He said, "Yes." I said, "Then we're both going back to that restaurant." The restaurant people knew who I was, the United States Attorney. Clarence and I walked in together. We sat down and had lunch. Clarence never had any trouble from then on. He is a

successful lawyer in Chicago now. We had some discrimination around in those days.

Rogers: When you were on the U.S. District Court, was your bench part of the rail or something from your father's state judge bench?

HW: Do you see those things up there on that back shelf that look like Greek pillars? That was part of my father's state court bench. It was a little decorative connection from the side of his bench over to a little area fenced off, a little bigger than this arm chair, which was the witness stand. It was actually part of his bench, not federal. I bought his state court bench for a dollar at auction when they restored that courthouse to the way it was in Lincoln's day and got rid of what was not from that era. His bench is in my office in Springfield now. I had to do a lot of work on it. It had been in my father's garage for storage for several years when I was in Washington. It was a beautiful piece. Then the garage roof fell in on it. Some other things also stored there just rotted away, including a sleigh and a surrey. I saved some things, plus his bench. The old courthouse was the original state capitol when Lincoln was practicing law. The capitol was moved from Vandalia and established in Springfield with Lincoln's help. They took out everything that had been put in there since Lincoln's day. Then I got the glass out of his door which is now the glass of my door in my Springfield office. It says "Judge's Room" and not "Judge's Chambers." At the auction I bought another bench which was steel and very heavy which was the probate court bench before which I had appeared a number of times. It's also in my Springfield office.

CTF: How did you come to meet Senator Percy? You arranged for a Lincoln Day presentation in Springfield.

HW: No, that was for Dirksen when I was president of The Abraham Lincoln Association, but you are talking about Percy. I don't know. I really wasn't actually into politics. I may have gone to a meeting or something. Somehow I had met him. Then I got invited by him to preside at a political rally at the old Lincoln Railroad Station in Springfield. I was emcee. As far as I recall that was my first real contact with him. He had asked me, I guess, it was because I had been a Republican federal office holder in Springfield, but was then in private practice. I had been United States Attorney and apparently my prosecuting some Republicans didn't turn him off. I liked him. He was a fair and decent person. He owed me nothing, but that's how I met him.

CTF: How did your appointment to the Court of Appeals come about?

HW: Well, it was Lincoln's birthday in 1976. Some horsemen down there in the country were getting ready to celebrate the Bicentennial. They were putting together a group that was to be outfitted like Civil War soldiers to recreate the Illinois Seventh Cavalry which had been recruited in Central Illinois under a music teacher named Grierson. He lead them down through the South and around Vicksburg and helped Grant take Vicksburg. He cut off Confederate supplies from the east. He got to Baton Rouge with practically no casualties. Their daring raid made a big difference. I don't think anybody was killed on that raid. They all came back to Central Illinois. Dee Brown wrote a book about it called, *Grierson's Raid*, which has just been republished.

That group of present day horsemen called me one night at home. We lived out on the Old Jacksonville Road and had a couple of horses. They told me what they were planing. Two of them were on the phone, and they said, "We understand that you had some cavalry training at the University of Illinois, but it never did you a damn bit of good since you were sent to the Air Force." There was no more horse cavalry by World War II. They said, "We don't know anybody else who has had any cavalry training. If you would come join the group, we'll make you the commanding general." I said, "That promotion is long overdue." I joined up, and we had a great time. We were just getting organized and planned our first ride together. We didn't have our full uniforms yet, but we did before it was over. Later we really looked like we were right out of the movies. Our first ride was to be from New Salem to a little town called Athens, Illinois. It was about an eight mile ride, or something like that. The reason was that on the morning of February 12, 1976, Percy was going to speak in Athens. There was an old frame building there in the middle of town that I had never really noticed. You can go through the whole town before you hardly know it. They were going to dedicate that building as an historic site or a Lincoln museum or something, because that's the building where Lincoln and some other legislators from Central Illinois had met to plan their strategy to get the capitol moved from Vandalia to Springfield. They were called the Long Nine because they were all tall. I think Lincoln was the tallest. The building had that Lincoln significance. We trailered our horses over to New Salem and rode to Athens, and we all just about froze to death with the horses jumping and snorting. It was a very cold morning. When we arrived in Athens, we kept the horses away from the crowd that was assembling in front of this building. Then I heard someone say, "Here comes Percy!" Percy was walking down the street alone. It turned out that he was to be the principal speaker. I saw him coming, so I got off my horse, spoke to him, and introduced him to the other riders. We all said "goodbye" and he walked in and gave his speech. We got our horses out of there before the crowd disbursed because we didn't want the

kids or anybody wandering around among those jumpy horses. We rode on into Springfield.

That night I had to go to the annual Abraham Lincoln Association banquet and recite the impromptu speech from memory that Lincoln had given at Independence Hall in Philadelphia on his way to Washington to be sworn in as President. It was a wonderful speech. It's not very long, about a page and a half. He talked about the Declaration of Independence and how he lived by those ideals. The prophetic thing he said was, "I would rather be assassinated on this spot than to depart from those ideals that are in the Declaration of Independence." Then he went on to say, "I may have said something indiscrete here today, but I mean it."

After that banquet that night I went home tired as hell. It had been a very busy day. I had had to get out of my horse clothes and into a tux for that banquet. I got out of that tux as soon as I could and was sitting there resting. The phone rang, Cathryn answered and said to me, "It's somebody who says he's Senator Percy." I said, "Aaah, sure, it's only Gilbert."

CTF: Who is Gilbert?

HW: He's an old friend, who is a real character. He retired from the FBI and had returned to Springfield. Later he became the United States Marshal, then he became a United States Probation Officer. He was a lot of fun.

Siegel: They had escalating practical jokes that became close to being out of hand. They almost burned each other's home down.

HW: I went to answer the phone and it really was Senator Percy. It was around eleven o'clock at night. He said, "I'm at O'Hare, and I'm on my way back to Washington. Would you like to be on the United States Court of Appeals?" That had never entered my mind. I knew that Justice Stevens had been gone from our court a couple of months after he was appointed to the U. S. Supreme Court, but I was so happy being back home in Springfield on the district bench. It was where I had grown up professionally, in that district court room. I only hesitated a little bit, however. Then they updated the FBI investigation on me. President Ford sent my nomination to the Senate, and the day that my hearing was set—Mike, you were there, weren't you?

Siegel: Not in Washington.

HW: No, I mean in Springfield when I was getting ready to leave for my hearing. Some people from the Clerk's Office had come in to congratulate me and to

wish me well in Washington. As I was putting on my raincoat ready to go out the door for the airport, the phone rang. Shelby said, "It's someone from the Senate Judiciary Committee, who wants to talk with you." I answered the phone, and it was a staffer from the Senate Judiciary Committee. I thought they just wanted to confirm my hearing time for the next day. He said, "I just wanted to let you know in advance that you are going to have some opposition tomorrow at your confirmation hearing." Then he gave me the name of the person and said they had allotted him a half hour. I had never heard the name before. There were a lot of courthouse people in my office, so I asked them all if they had heard of this person before. Were you standing in the room, Mike?

Siegel: No.

HW: Nobody had, but the Marshal thought he might have. He said, "Wait a minute Judge, don't leave until I run down to my office. I want to check something." When he came back, he was a big heavy person, and was all out of breath. He said, "I thought I recognized that name from somewhere before." He said, "Judge Poos had a lot of trouble with him in some case down in Alton." It was a bankruptcy case. "The person owned a golf course and got very uncooperative with the Judge, so Judge Poos got mad and held him in contempt. We haven't been able to find him since. Judge Poos had authorized a warrant for him." The Marshal said, "So, you have a warrant to arrest this man for contempt of court." I said, "Marshal, do you mind if I borrow that?" He said, "No." I put it in my jacket pocket and went to the airport. The objector was in Washington, and appeared before the committee. They swore him in, and he testified. It was very apparent that he was talking about Judge Poos and not me. He didn't call Judge Poos by name, but it didn't sound like it was anything that I had ever handled as district judge. The presiding senator asked me if I wanted to respond and, of course, I did. After I was sworn I said, "First thing is he has the wrong judge. He has been talking about Judge Poos. Judge Poos has taken senior status, and this hearing is not about him. I had nothing to do with this man's case. I didn't know anything about his case, but all he's saying about Judge Poos is not true. Judge Poos is a very fine judge." I said, "Furthermore, I'm glad he's here because we've been looking for him back in our district. I have a warrant with me for his arrest that Judge Poos authorized for contempt of court." So, that was the end of my hearing. I got confirmed and came up here to Chicago on the Court of Appeals.

I'm not changing these stories from time to time, am I? (Laughter)

CTF: One position that you didn't take was the Director of the FBI. Do you have any regrets about that?

HW: None.

CTF: Why don't you tell that.

HW: I was sitting at this desk one afternoon. My Chicago secretary, Wilma said, "Judge you have a call from the Department of Justice." I got on the line, and it was one of the career women in the Department of Justice, Mary Laughton, I had known when I was there, very high on the Attorney General's staff. She said, "How would you like to be head of the FBI?" I almost fell out of the chair, but I expressed interest. She said, "Well, you'll hear from us."

I told these two (Mike Siegel and Jeff Rogers), what the call was about. I was kind of reluctant to resign from the court to go down there and be a policeman, but these two, Mike and Jeff, gave me the biggest sales talk I have ever heard. They said, "You ought to go, it would be the greatest thing. We want to go with you." They didn't say they were both looking for jobs because their year here with me as clerks was about up.

So, I said "yes" just to accommodate these two.

Rogers: That's right.

Siegel: Boy, is that true.

HW: I got called down to Washington as soon as my FBI report had been updated. They had three or four others who were being considered. There was somebody out of Detroit who apparently didn't do too well in his background check. They said my FBI report turned out well. It was the most thorough investigation I've ever had. They even interviewed Bill Webster, who was vacationing on a beach in Honolulu. He was then on the Eighth Circuit. The FBI agent, Bill told me later, walked down the beach and interviewed Bill about me. The FBI even went to people whom I had tried cases against in private practice. So, I went to Washington for a meeting with the Selection Committee. I remember one of them was Mayor Bradley of Los Angeles; another was Clarence Kelly who was retiring as the head of the FBI. We met in a hotel I'd never heard of, a small hotel. It was supposed to be a secret meeting. I was fully interviewed. Then I came back, and soon got a call from somebody on Attorney General Griffin Bell's staff to come back and to meet with him that same day. I went. He talked to me a little bit. I had never met him before. He said, "Now we're going over to the White House." So he took me over to the White House and into the President's waiting room. Then he excused himself. He had something else to do. It was just me and the President's secretary. I was to sit there and wait, as President Carter was

having a press conference. They were canceling the contract for the B-1 Bomber or some big deal like that. She said, "It won't be long now." I guessed the press conference was about over, so I stood up not far from her desk. I could see right into the Oval Office. Somebody came up behind me. I hadn't heard him coming. He slapped me on the shoulder, and as I turned around, he said, "Hi, I'm [Vice President Walter] Fritz Mondale, come on in." We went into the Oval Office, and I sat about in the center of a couch. Mondale sat over this way, to my right in an arm chair, and very shortly the President came in and sat to my left. They interviewed me, very friendly, very casually. I was impressed about how the President had done his homework because he knew all about me. He knew where I'd been, what I had done. Watergate never came up. I had no connection with Watergate, as I've mentioned. After discussing the FBI position, the President was very relaxed, just chatting. I said, "Mr. President, I was in the Illinois Seventh Cavalry and rode in your inaugural parade. We were all dressed in Union Civil War uniforms. When we came past the reviewing stand the officers out in front pulled their sabers and saluted you, our new President. They all noticed that our new southern President didn't flinch a bit; we didn't frighten you at all." He responded with a smile, "Oh no, you didn't scare me. That was my favorite parade." When the interview was over I walked out of the Oval Office with the Vice President. He said, "You had all the right answers, that's what we wanted to hear." Then I walked out the front door of the White House and found the press was waiting. I said to myself, "This is really getting serious now." I had really gotten involved in it because you two guys pushed me on a quiet day. The press wanted to know what was said in there with the President, but I wouldn't tell them. "That conversation belongs to the President," I responded. I answered a few press questions, but not very well.

I went home to Chicago where we lived then and thought about it over the weekend. First thing on Monday morning, I got hold of Attorney General Griffin Bell and told him I just couldn't do it, thanks anyway. He wanted to know if my change of mind was politically motivated. I said, "No," that my mother was very sick, very upset about all this, and she didn't want me to go. I didn't see how I could leave her. She lived alone in Springfield and wasn't in good health. I really had also decided I just wasn't cut out to be a policeman. Part of it was, maybe even before I went down for the interview, an FBI agent came to interview me. He sat in that chair right there. It all had the old fashioned FBI tone about it. Something about it just didn't appeal to me. It was an exciting prospect, but I really didn't want to get mixed up in it. I don't regret it. It would have been exciting, but I really don't know what would have happened.

Walter Cummings was presiding one day after this got some publicity. Judge Bill Campbell from the district court was also on the panel. Bill said to me, "I don't know why you would give this court up, you've got the best job in the world. Don't give this up just to go down there to be a policeman." That also helped me change my mind. A couple of days after I had called Griffin Bell, I heard from the FBI liaison agent to the White House whom I had known when he had been on the staff with Governor Askew in Florida. We had worked together on the Miami political convention demonstrations in 1972. Askew was a Democrat, but we got along beautifully with him and his staff. Askew introduced me at a meeting of his cabinet when the conventions had ended and was very laudatory of us from the Department of Justice. They were all Democrats, but there had been no politics in our endeavors. The FBI liaison called me and said, "I'm very sorry you backed out. Do you know that you backed out only a few minutes before your appointment was going to be made public at the White House that you were going to head the FBI?" He said, "You got out just in time if you really didn't want it." If that had been publicly announced, I couldn't have gotten out of it.

Siegel: You were an hour ahead of us though.

HW: That was kind of scary. My mother thought that I was going to be in daily gun battles with the Mafia. I was glad I didn't go for lots of reasons, but it was very nice of them to invite me. I think they were looking for somebody from the opposite political party. They went to Judge Webster next, looking for somebody who had some judicial background and might not be tainted with ordinary political things. They were interested in the standards of the FBI because of the criticism of Gray and Hoover. I remember telling them that if there were going to be two standards to operate by, the FBI ought to adhere to the higher. The job could be done effectively by faithfully guaranteeing the constitutional rights of everybody.

CTF: When you were appointed to the Court of Appeals, Luther Swygert was the Chief Judge and pushed hard for everybody to live in Chicago and have just the one chambers. You did move up here. I think that presented a tension for you, I assume, because of your love for the country and the Springfield area and your mother.

HW: Yes, it did. We had a country house there in Springfield, and we had to rent that out, then move up here and buy a house. I really wasn't financially able to be that flexible. We bought a house in Winnetka which in the long run we ultimately made some money from when we sold it and went back home. I enjoyed living up here contrary to what I had expected. Luther Swygert was very strong for that. So I just did it. My wife got a job in a book shop in

Winnetka. We went home almost every weekend to see my mother, drove to Springfield. We had almost no weekend life here in Chicago. When the rules changed, I was glad to go home. We built a new house down there in the country on the farm where my father had been born. I think we were the only circuit that had that "live here" policy, Collins.

CTF: We were the only one other than Washington, DC. But in DC it was by necessity.

HW: Luther Swygert was one of my favorite people of all times. He had a very strong feeling that it was better for the court's collegiality that we would all be here together and work together.

CTF: He picked that idea up from Judge John Hastings. Hastings had been our chief judge and thought everybody should live and work here. The only one who didn't really was Ryan Duffy in those days, who was from Milwaukee.

Rogers: Judge Swygert was from Indiana. Where was Judge Hastings from?

CTF: Vincennes, Indiana, southern part of the state.

HW: Judge Thomas Fairchild was Chief when I came to the court. He was a very friendly gentleman and gave me a warm welcome to the court. I felt at home right away. Mike, my clerk in Springfield on the district court, came with me. He's going to make a great lawyer. He's the only one I ever had for two years. Mike had been with me on the district court for one year. Then he and I came up here. It was Judge Fairchild who recommended you, Jeff. Jeff started in the Clerk's office and as a staff law clerk. I interviewed Jeff and felt Judge Fairchild had done me a great favor in recommending Jeff.

Siegel: You couldn't get rid of either one of us.

HW: I think it worked out fine for everybody. You two worked well together on a lot of things. It was a good break for me.

CTF: What gives you the most pride looking back on what you've done, which is a lot.

HW: Not getting caught in something. (Laughter) No, I think probably the little non-judicial things, like the thing I really enjoyed as much as anything was being captain of the University of Illinois polo team. I enjoyed my flying license and flying around. Just individual things. My best job was being U.S.

Attorney. In that job you are not just a referee, but you can do for your community what needs to be done.

CTF: What makes Harlington Wood tick? What motivates him? What do you take pride in?

HW: Well, I don't know. I've had interests, like in foreign affairs that is still of big interest to me. I had some early secret ambition of getting into the State Department. That's the reason I went to Washington the first time, to try and prepare myself maybe for Congress in case I decided to run. I went to Europe when they were building the Berlin Wall just to see what was going on. I walked down one night, and went through Check Point Charlie into East Berlin before the wall was completely built. Our soldiers checked me to see what I was doing.

CTF: Did they close the gate?

HW: The wall was being built, but they would let you through the Check Point. You also had to go across a little area on the other side of the wall and be checked by their East German soldiers. It was a very very interesting evening. Then I left Berlin and went on to Russia for the first time.

CTF: Is that when you took the Trans Siberian Railroad?

HW: No, that was later, I've been to Russia six times. It was to the Soviet Union five of those times. One of those trips, I don't know which one it was, but I took the Trans Siberian which was a big adventure. Halfway between Moscow and the Pacific near Irkutsk in the middle of Siberia, I got off for a week and went down into Outer Mongolia and stayed in a yurt in the Gobi Desert on the steppes. Then back to Irkutsk to get back on the train to finish the trip to the Pacific. Then I went down to Tokyo on a Russian ship where I had been during the war, then to Taiwan, formerly Formosa.

Before I left home, since the Vietnam War was on, I went to my local newspaper and talked them into giving me a letter saying that I was a newspaper reporter with a special assignment in Vietnam. I had that letter in my pocket. I knew Ray Coffey, who is now a reporter here in town on the staff of the *Chicago Daily News*, now the *Chicago Sun Times*. He was a real foreign correspondent in Vietnam, very classy guy. I liked him and admired him. I contacted him in advance and told him what I wanted to do. He said, "Come down to Vietnam, and get hold of me in Saigon." I flew into Saigon one night and got in touch with him the next day. With that letter from Springfield, he took me to the Army Press Office in Saigon and introduced me

as a newspaper reporter from Springfield. That office let me go out on a brief search and destroy mission. It was right before the Tet offensive when the Communists overran Saigon.

It was very interesting flying from Taiwan to South Vietnam. I remember flying over at night and looking down. You could see the fighting, bursts of gunfire and tracers coming up in the air. I don't know what the hell arrangement they had that let commercial planes get through. We landed in Saigon at night, very dark, a very eerie place. There were very few people on that plane, no Americans. I got off and I'm standing in the middle of this little terminal wondering what to do next when they started turning off all the lights. There was one taxi driver sitting there, and he was watching me closely. He wanted to know if I wanted a ride into town. I was really afraid to get into his cab, and I said, "No" as I wanted to wait until I had the lay of the land. Then when the lights were about all off, I figured I better get out of there, so I got in his cab. It was a very interesting ride into town that night, seeing the guards around and all the security. I had made a reservation at a hotel in Saigon by Western Union from Springfield, and to my surprise the hotel had the reservation for me. It was a very pleasant hotel in the middle of downtown Saigon.

I went on that search and destroy mission one morning. I went by staff car out of Saigon to a battalion headquarters which had been getting a little action. They had been shelled the night before by the Viet Cong from somewhere in the jungle. There was a detachment of American soldiers out looking for the Viet Cong who had shelled them. That shelling had come awfully close to their ammunition dump. They gave me a couple of pieces of the shrapnel for souvenirs that had dropped in the headquarters area. When I left headquarters by helicopter I joined those soldiers who were there taking a little breather in the rice paddies, having just come out of the jungle. I spent some time with them. There was no shooting or anything while I was there. I talked to all of them. I made some notes and took some photographs. I remember one of the young soldiers said his father was a lawyer in Rockford. I got their names and some of their addresses and put them in my little notebook. The helicopter came back at night and picked me up and took me back to Saigon.

The next day Coffey had another thing for me to go out on. The Press Office, however, decided I had better have full gear, helmet, heavy shoes and all that regular gear which I didn't have, so I didn't get to go on that mission. On that one I was going to stay out a couple days. I guess they could tell I was pretty damn green and not equipped for this and had never done it before. So, I didn't get to go. Then I left Saigon and went to Cambodia. There was a lot

of trouble then in Cambodia. The Angkor Wat jungle ruins were just incredible.

On a South Korean trip for the Department after that I figured, since I hadn't had any vacation I would use South Korea as a starting point. At my expense I would go on leave and make the rest of the trip around the world. I had been to North Africa, but I wanted to see southern Africa, including Kenya which is in the east and then go down to Victoria Falls and do that area. I took off and went first to India and then I went out to Tree Tops in Kenya, which is an old English game observation camp built up in a big tree. It was a tree house, but pretty elaborate. It slept several people, and they served meals. There's a deck where you can watch the animals go to the water hole. The King and Queen used to go there. When they drive you in there, they warn, "Get up that ladder in a hurry before something gets you, like a lion." You didn't waste any time getting up that ladder. Anyway, I'm sitting up there with a Polish diplomat who was one of the other guests. He had a newspaper, and he could speak a little English. He's reading his paper. He asked me what I did for a living. I told him I was in the U.S. Department of Justice. He said, "Do you know any of these people?" He held the front page of his Polish paper out for me to see, and hell if there wasn't a picture of Kleindienst and Erlichman. The President was going to let those people go. The President got Kleindienst to agree to go with the others at the same time. That put Kleindienst in a bad light. But, anyway, there they were on the front page of that paper, and it was all news to me. He told me what it said, and it said they were being asked to quit. They were on the way out. I decided to cancel all the rest of my trip to southern Africa. I got back out of the jungle and went to our embassy in Nairobi. There I made a call to the Department of Justice, and the Deputy Attorney General confirmed the firings. All those things had really happened. I said, "Well, I'm coming home." Kleindienst was so good to me, I just wasn't going to be on a vacation when he walked out of the Department. The embassy helped me get a plane reservation, and I flew off to Khartoum, Zurich and home. As it turned out, it cost me several thousand of my own money to make that quick trip around the world without seeing much. I did all that in little less than a week, but I got there in time to walk out the door with Kleindienst.

CTF: You had mentioned the birth of your daughter. You mentioned it earlier. You didn't talk much about it, you just mentioned your marriage.

HW: Alexa, regardless of the failure of the marriage, was one of the greatest things of all. She took to horses right away. She's now a superb horsewoman. I sent her down to a Mexican riding school near San Miguel for a while run by retired Mexican cavalry officers. We had Appaloosas at home, and Alexa

really looked Indian. There's one of her horse pictures. She won the national costume stake in New York on her Appaloosa. Appaloosa is an Indian breed from the Nez Perce tribe in Idaho. There were a lot of chiefs in the New York competition, all in their colorful war bonnets, racing around the ring like crazy. I had fixed Alexa a travois like Chief Bigfoot rode on at Wounded Knee. He was the Indian who came into Wounded Knee when his people got killed. They were plains Indians. The travois was simple to make. Then, with branches I made a little cage on the back. Some friend for a joke had given me a stuffed chicken. I put that stuffed chicken in that cage. Then I got some hides from a Yellowstone Park trader. I put them on the travois too. One of Alexa's boyfriends from high school had given her a racoon. Raccoons can be kind of dangerous, but this raccoon had grown up as a pet with Alexa in the stall with the Appaloosa. That raccoon would go in the stall at night and eat some of the horse's grain. The horse would try to get his head in there to get dinner, but the raccoon would reach up and tickle the horse's nose. Anyway, they were good friends, and that raccoon liked to ride with Alexa on her Appaloosa named Wing. The raccoon would get up on the shoulder of her Indian costume. There was no way anybody could beat her. The crowd went wild with that little live raccoon riding around with her.

She also won out in Spokane, Washington. She was a queen contestant and a runner up in the National Show in Oklahoma City. Now she's the manager and part owner of a big family ranch in Glen Ellen, California.

CTF: She also does hand-painted silk blouses.

HW: Yes, she's very arty and has real talents, and her mother did, too. It's a shame that Alexa can't pursue her art interests. She started doing hand-painted silk blouses. When we went to a dude ranch in the southwest she went around to some of the stores and showed her wares. She got several outlets willing to handle her blouses, but she never followed up on it. She was so busy running the ranch and putting in the vineyards that she never did.

She has also done some commercial art. She did a children's coloring book which was in many airports in the country for a while, and she did some package designing for a local company. She has done some of the pictures hanging in my office in Springfield.

I took Alexa and her two children, Lauren and Alex, to the Mediterranean this past summer. The kids were old enough to benefit from it. I'd been to Istanbul and Greece and Italy before and didn't particularly care to go back there, but that's where they wanted to go. They wanted to see

different cultures and different people. So, we went first to Istanbul. I'd heard about a dinner cruise you could take on some kind of a launch on the Bosphorus, so I made reservations on that. We got to that launch on time and went sailing across the Bosphorus. We had a little table on the stern. You couldn't get more than four tables on this small boat. As we were ready to get off that boat late at night I was kind of worried about getting a cab at the dock and getting back to the hotel. I didn't feel real easy about being in that neighborhood at night. The boat had pulled in, and we were getting ready to settle up our bill. Alexa, she's a pretty strong character and a good business woman. She was going to take care of it, not pay it, but just take care of the credit card while I went to find a cab. After a moment my grandson Alex came out to the street, and said, "Granddad, I think you better come back in here, Mom's having some trouble." I went back, and it was the damndest thing. She was sitting at the table, and the owner of the yacht was a big tough looking Turkish man. He's leaning across there, and they are having an argument, and my granddaughter Lauren is sitting at one end. She had her hand on her mother's arm. Lauren was upset about the way things were going. They didn't want to take a credit card. Of course, it had been agreed to in advance. They wanted cash, and the bill was a lot more than what the stated price had been, which was to include everything. It was much more than Alexa was going to pay. Then there was another guy who was part of the crew who came out on the stern, a big heavy guy, looked weird as hell. He had a teddy bear strapped on his chest. He had this little teddy bear, and it was like in a little swing. Then some gal who looked like Mae West came in. She got in the argument, too.

When I came back from the street there was a sudden change of atmosphere. We signed the credit card slip. We got out of there all right, but Alexa said, "Dad I can never describe to you what went on. What that was like in there before you came back. I'll have to draw the scene for you." So this Christmas we got a big color drawing from her, absolutely professional. I could recognize everybody in it. It was a marvelous depiction of that occasion, teddy bear, Mae West and all. That's hanging in our house.

CTF: When did you meet Cathryn?

HW: I met her when I was in Washington in the Department of Justice.

CTF: Did she work there?

HW: Yes, she worked for Justice. I got divorced while I was there. Cathryn ended up as secretary to Bill Rucklehaus, who was Deputy Attorney General. Then he took her with him to the Rockefeller Institute when he left the Department.

Later after I was back on the district court Cathryn and I got married. That has been . . .

CTF: A few years. As long as you remember the anniversary date, you're okay.

HW: I write that in my date book every year so that I don't forget it. I think it was 1974 that I did, but never again. All of this talk is surely enough on this subject.