

**THE ORAL HISTORY**

**OF**

**JUDGE WILLIAM J. CAMPBELL**

Tape 1

Wang No. 7380L

Oral Tape Interview of Judge and Mrs. William J. Campbell - interviewed May 24, 1984 by Ray Solomon, Director of the Court History Project and Collins Fitzpatrick, Circuit Executive.

My name is Judge William J. Campbell (WJC).

I was born on March 19, 1905 in Chicago. I attended the parochial school of St. Agatha at Douglas Boulevard and Kedzie Avenue and from there I graduated in 1918. In 1918 I entered St. Rita College Preparatory on the south side and attended there for four years getting regular high school and pre-legal education. In September of 1922 I entered the night school at Loyola University School of Law and studied there for four years graduating with the degree of LLB. which was later changed to JD. I took two years more of courses at Loyola night school and received the degree of LLM which permits me to teach law or do whatever a masters degree allows.

Ray Solomon (RS) interviewing: What about your early childhood and family?

Where did your family live in Chicago?

WC: They lived in St. Agatha Parish while I went to the school there. It was on west 16 Street. That was before the streetcars ran on Kedzie Avenue. Then we moved to 3312 West Lexington Street, and I attended St. Rita's from there. I graduated from St. Rita's in 1922 with

sufficient pre-legal education to enter the night school at Loyola University in September of 1922.

RS: Were the neighborhoods that the family chose to live in at Kedzie picked because of there being family or friends in the neighborhoods?

WC: The latter neighborhood Lexington Street was picked because it was close to Sears Roebuck & Company where my father was head of the Commercial Tailoring Department. The earlier neighborhoods, I don't know why they were picked.

Collins Fitzpatrick (CF) interviewing: Why did you go to night school?

WC: Because I couldn't afford to go to day school.

CF: Where did you work?

WC: During part of the time when I was able to commence working I worked first for Maurice Mandeville and Company as an accountant in his office. They were egg brokers on the Chicago Mercantile Exchange. I later worked for Travelers Insurance Company where I was a claims investigator, and later as an attorney after I was admitted to the bar.

RS: How many brothers and sisters do you have?

WC: I have one brother who is eighteen months older than I am and that's all. Another brother died in infancy.

RS: What did your father do?

WC: My father was originally a wholesale woolen merchant. He originally represented Skinner Brothers Woolens in Chicago and later he changed his employment to Sears Roebuck and Company where he was head of the Tailoring Department of Sears Roebuck.

RS: Had he been born in the United States?

WC: He was born in Scotland and came to the United States with his parents. My mother was born in Denmark and she came to the United States with her parents. They were married in San Francisco and I was born as I said in Chicago.

RS: Why did they choose Chicago?

WC: I think he had a brother. My father had a brother who ran a wholesale woolen business here in Chicago known as the Campbell Woolens Company. He came here to take it over because the brother had died. Trouble in the family resulted in his leaving there after a few years and going with Sears Roebuck and Company.

RS: Did you live in a house or an apartment?

WC: An apartment, always.

RS: Was your father active in fraternal groups?

WC: Yes, he was very active in the Catholic Order of Foresters and also active in what was then known as the Royal Arcanum. I don't know if it is still in existence or not.

RS: So their activity revolved around the church?

- WC: Well not the Royal Arcanum, the other one did. No, neither one of them revolved around the church. He was active in the Holy Name Society first at St. Agatha's Parish and then at Our Lady of Sorrows Parish.
- CF: At St. Rita's you were obviously interested in being a lawyer because you took pre-legal?
- WC: That's right.
- CF: Why did you decide to go into the law?
- WC: Well it seemed to me to be a good profession and one that I could afford and one that I could learn at night school.
- RS: Were any of the teachers at the high school important in your developing?
- WC: Yes, Father Ford an Augustinian priest who ran St. Rita's. He arranged a scholarship for me for the first year at night school at Loyola Law School. Also, one of the best teachers out there was a Father O'Neal who was also an Augustinian priest.
- RS: When you were at night school at Loyola, were the courses of education different from the three year JD program now?
- WC: Yes, it's four years at night and we had the benefit of lawyers who practiced in the daytime as teachers; and also, if we had an occasional day off we could go over to the local court and watch them in trial. They were a very good group of lawyers on the faculty and I think I profited from the experience.

RS: Did they also offer some english literature?

WC: I got that at St. Rita's.

RS: Were there any lawyers who taught you who were important in directing your career?

WC: Yes, there was a Mr. Touhy who was very important. He was a very good trial lawyer. Mr. Joe Elward was also a very good trial lawyer and those are the two I can think of off hand. They were important in terms of teaching you how to be a good lawyer? That's right. The trouble with most eastern law schools is that the lawyers get out here and don't know their way to the courthouse. Well, we knew our way very well.

RS: Why did you want to get the LLM Degree? Was it because you thought you might want to teach?

WC: I might want to teach law and also to complete my legal education.

RS: Did you specialize in something when you took courses relating to the LLM Degree?

WC: Yes, insurance practice and torts.

RS: Did you have to write a thesis or something?

WC: Yes, I wrote a thesis on the family purpose doctrine in Illinois, this was then quite current. It is the responsibility of the head of the family for what happens to the family car.

RS: When you finished school, you went into insurance work?

WC: I went into claims work for the Travelers Insurance Company and later became their lawyer in Chicago.

RS: I noticed in your biography that you had worked for the insurance company for a while and then you opened up an office?

WC: I first worked for the American Eagle Insurance Company, one of the America Four Group, as an accountant. That was during part of the time I went to law school. Then I was hired by Travelers as a claim's agent. After that, I went into private practice as Campbell and Burns. I was head of the firm and we did tort work and insurance company work.

RS: Who was Mr. Burns?

WC: William O. Burns was a practicing lawyer in Chicago who had been my classmate at Loyola University.

RS: You and Mrs. Campbell married in New York City in 1937?

WC: I met her there. Among other things that I did in my practice, I represented the Archdiocese of Chicago and its Auxiliary Bishop, Bishop Sheil at that time; that work, occasionally brought me to New York where I conferred with authorities in the youth work in the Archdiocese of New York and it was there I met my wife.

RS: How did you come to represent the archdiocese?

WC: Well, I guess they just hired me as a good trial lawyer. Cardinal Mundelein did not care if you were a Catholic or not. I know there was considerable objection because my mother was never a Catholic and she was a deep sea hard shell salt water Baptist. She never joined the holy Roman Irish

Catholic Democratic Church but Cardinal Mundelein was a man who appointed on the basis of merit and he didn't give a hoot what your religion was.

RS: You had been active in the church?

WC: Oh, yes.

RS: You attended church regularly?

WC: Yes, the Holy Name Society at Our Lady of Sorrows Parish and in the Catholic Youth Organization. I was one of the co-founders of the Catholic Youth Organization with Bishop Sheil. The Catholic Youth Organization was founded at the height of the depression in 1929.

RS: In what part of the city while you were in law school for instance, did you live? At home?

WC: Yes, I lived at home while I went to law school. Indeed, I lived at home until I got married. I was married in 1937 in New York.

RS: Did your brother move out or was he at home at the same time?

WC: No, well he was part of the time. Then he got married. He married before I did. Then of course he moved out.

RS: What kind of work did he do?

WC: Well he was first a cashier of the Service State Bank. Before that, he worked at the Continental Commercial Bank and Trust Company. He left the Service State Bank and went with Marshall Field's as a

buyer in which position he remained at until his retirement a few years ago.

RS: And your parents lived until when?

WC: Let's see my father died in 1929. My mother died about thirty or thirty-five years ago. She passed her seventy-fifth birthday when she died and that would be about thirty or thirty-five years ago.

RS: So, your father worked at Sears until his death?

WC: Yes. My father died suddenly of heart disease. He had an attack.

CF: During this time where you active in politics?

WC: Reasonably, I was active in my local Democratic Organization and I was very active in Washington. I headed the Young Democrats when they were first formed by the then candidate Roosevelt, Governor of New York. I was more active nationally than locally.

CF: How did you meet Governor Roosevelt?

WC: I met Governor Roosevelt because he was active in the CYO. He was not Catholic as you know, but he was active in the CYA of New York. I was of course, active in the CYO here in Chicago and helped found it. He knew of my work with the CYO and in his campaign for the first time for presidential office, I headed the Young Democrats in forty-six of the forty-eight states. I organized them on behalf of Roosevelt.

RS: That was in '36 or '32?

WC: His first term was '32.

- RS: What was your involvement on the local level?
- RS: Were you in an important precinct and ward in the city?
- WC: Oh no! No, I was very nominally active in the precinct organization and I was very active in the Washington organization principally because I had met the Governor Roosevelt through the CYO.
- RS: So for instance, that was the period when Mayor Cermak was elected?
- WC: That's right. By the way that was no accident -- they were out to get Cermak. You don't double cross the mob and get away with it in this town.
- RS: What had he done?
- WC: I don't know.
- CF: So that wasn't meant to be?
- WC: They were not shooting at Roosevelt at all. Those boys never miss. They were shooting at Cermak and he had defied the mob locally and I think made some deals with them and didn't carry them out.
- Mrs. Campbell: I don't think that family ever wanted that to be known.
- WC: No, that's private information. The Cermak family don't want that. Mayor Cermak stated that I'm glad it was me instead of you to Roosevelt after he was shot.
- RS: He lived about two weeks didn't he or thereabouts?
- Mrs. Campbell: Not too long after that.
- RS: Judge Kerner, Sr. was a friend of Mayor Cermak.

Mrs. Campbell: It was Mayor Cermak's daughter who married Otto Kerner who was Attorney General of Illinois.

WC: I came back to Chicago from Washington as United States Attorney. I succeeded Judge Igoe as United States Attorney in 1937.

CF: Normally there is a sponsor for the U.S. Attorney?

WC: This was a presidential appointment. I had no local sponsorship.

CF: Did that create political problems within the state?

WC: It did a little bit but President Roosevelt was not a man to buckle to opposition. He said he wanted me as United States Attorney out here. That did it.

CF: Who was your opposition?

WC: Well Judge Igoe was the United States Attorney and he was promoted to the bench. Canady, his first assistant would have been my opposition. He was sponsored by the local organizations.

RS: Had you stayed pretty much neutral? At least from my reading, there was a contest; most appointments at that time were highly contested between the Governor Horner faction and the Kelly faction.

WC: Both factions approved me because I was a presidential appointee. I stayed completely clear. As a matter of fact, during all of that fight I represented President Roosevelt in negotiating with both sides: Horner & Kelly.

RS: I had heard or someone has written that at the time of your appointment, Igoe was promoted to the district bench and Kerner was put on the Court of Appeals.

WC: The same day he (Kerner) was sworn in, I was sworn as United States Attorney.

RS: There was some story that the two sides didn't trust each other, something about the delivery at the commissions too.

WC: Joe Keenan, an Assistant Attorney General, came out with the commissions.

RS: Because nobody trusted the other?

WC: Nobody trusted anybody.

RS: There was a story about that. It allowed the appointment of Judge Treanor two years earlier because they had stalemated.

WC: Yes, Judge Treanor was from Indiana and he was appointed about two years before Judge Igoe went on the district bench and I became United States Attorney.

RS: Is that because the Roosevelt people couldn't get somebody satisfactory to both sides?

WC: Both sides, that's right.

RS: That's why he took it to Indiana?

WC: That's right.

RS: I guess that created a new judgeship on the Court of Appeals?

WC: Yes, and Otto Kerner, Sr. was sworn in the same day that I was.

RS: You had helped organize the Roosevelt forces and the parade, et cetera?

WC: I had always represented Roosevelt out here, all during the campaign. The principal incident I think was the time that the Roosevelt delegation, which at that time had troubles even in New York State and the Roosevelt delegation arrived at the convention in Chicago. They couldn't get a permit for the CYO band to march the delegation down Jackson to Michigan and down Michigan to the hotel. Their headquarters was in the Conrad Hilton Hotel. I think it was still called the Stevens Hotel in those days. I remember that I asked Bishop Sheil to march with the New York delegation and bring the CYO band with him and so they did and without a permit they stopped the traffic at Jackson and also stopped the traffic on Michigan until they got the delegation including Governor Roosevelt who was being pushed in a wheelchair down Jackson and down Michigan Avenue to the Stevens Hotel. That's the famous incident of the parade.

RS: Well okay.

WC: They raised a lot of Cain because they said he had no permit for the parade and so Bishop Sheil said since when do I need a permit to march down the streets of Chicago with my band and so he didn't. He confronted each officer at each intersection. "Oh yes Bishop come right on, come right on", so there was no trouble at all.

RS: Before becoming United States Attorney, you headed one of the youth corps during the new deal?

WC: Oh yes, I helped on that, I helped organize the National Youth Administration. I helped organize that in Washington and headed it in Illinois for a good number of months or years.

RS: You did that nationally?

WC: Nationally.

RS: Your responsibilities weren't just that of Chicago?

WC: I had the responsibility locally with the Catholic Youth Organization.

RS: You continued to try cases during that time?

WC: Oh yes, I tried cases for the dioceses and also for insurance companies. We had two or three insurance company clients.

RS: What was trying cases like in those days?

WC: Well you just hoped that the local court was not fixed against you, if it was, then there was no chance, you had to try your case for the appellate court but I should say the trial of cases in those days wasn't much different than it is today. You had to be a good trial lawyer.

RS: You were doing mostly jury trials?

WC: Oh yes, especially where we weren't sure of the judge we would always demand a jury.

CF: You didn't have the discovery and the pre-trial?

WC: No, you did all that yourself and then in those days they were very circumspect about protecting the work product of the attorney and you did your own investigations. You didn't tell the other side anything. There was no discovery and you pulled surprise witnesses in court and all of that sort of thing.

RS: Would jury trials last about a day or so in these kinds of actions?

WC: No they would usually last about three days.

RS: When the insurance company would come to you, would you settle most of the cases?

WC: No they would settle their own cases and we got those that were going to trial.

RS: I see, so you didn't help hammer out settlement agreements?

WC: Oh no, we didn't have much to do with that at all. When I was claim's agent for the Travelers, before I was admitted to the bar, then I did settlements.

CF: Was most of your work then in the state courts?

WC: Oh yes, practically all of it. I don't think I had any work over here until I became United States Attorney. Oh maybe a prohibition case or two. Yes, there was prohibition in those days. I had one or two. I used to represent Rosie's Snake Pit and Rosie ran a speak-easy at the corner of Randolph and Franklin and all of the cook county judges could be found there almost any afternoon.

WC: Well I was trying a case for Rosie. He had been pushed over by Yellowly, who was the prohibition agent in this area and the guy right ahead of me was an Italian fellow and Judge Wham was on the bench. They brought him up from downstate and he was cleaning up the prohibition calendar and this guy he never gave more than fines so everybody pled guilty and I was among those that wanted to plead Rosie guilty and get him a fine so the fella right ahead of me an Italian fella represented by Nash of Nash and Ahern. He came up there and Wham says \$500.00 and costs. He says that's easy judge, I got that right here in my ass pocket. Wham without batting an eye says and six months in the county jail. Do you happen to have that in your ass pocket?

Mrs. Campbell: "I don't think that goes on today, do you?"

WC: That's a colorful case. My case was called next and I thought oh God he is in bad humor now so, "I plead guilty your honor."

Mrs. Campbell: Everybody got a fine.

WC: "Yes, guilty your honor and we throw ourselves on the mercy of the court." Judge Wham: "\$500.00 and costs and call the next case."

Mrs. Campbell: "Automatic."

WC: Yes.

RS: So Rosie would open the same day?

WC: Oh sure, Yellowly pushed him over the one afternoon and the next day we were in before Wham.

RS: What sort of cases would you work on for the archdioceses? Would they be contract?

WC: Usually divorce, where the archdioceses approves of a divorce and they grant an annulment and they have a civil divorce before the archdiocese will give a decree of annulment. I would take the case usually by reference from the archdioceses for handling in the civil divorce court.

RS: So those were more contested?

WC: No usually noncontested, sometimes they were, but not very often. Of course, in a noncontested case in those days we would always ask for a jury even though we were a defendant.

RS: How long would those trials take?

WC: Oh they went very fast. Old Judge Sabbath used to preside in the divorce court. He would hear two at a time, a witness on each side of the bench.

CF: Why would you have a jury?

WC: I would ask for a jury because in those contested cases you never know what the other side is going to spring and they might have a fix in with the judge and those would go to another judge other than Sabbath. Sabbath only heard noncontested divorce cases.

CF: So you wouldn't know what the judge would be or who would be assigned to it?

WC: No frequently Judge Rush whose son later worked for Kirkland and Fleming. Rush was one of the leading trial judges over there in my time.

RS: So you would also handle cases with buying or selling of land or something like that?

WC: Occasionally but their corporate counsel was Weymouth Kirkland. He would represent them in most of the land deals although, occasionally I would get one.

RS: At that time, would you also be giving administrative advice at times to the archdiocese?

WC: To Bishop Sheil, yes.

CF: What would be the fee, let's say a contested divorce?

WC: \$100.00.

CF: What about an uncontested divorce?

WC: Oh that's a no contest. We have to pay the reporter out of that and et cetera. A no contest would be \$100.00 per day for as long as the trial lasted in a contested.

CF: What about the insurance cases?

WC: For insurance cases, I got \$100.00 a day in the state court.

RS: You were defendant?

WC: I was always defendant.

RS: Did you do any plaintiff work at all?

WC: Oh occasionally - we would get a plaintiff's case but not very often. Those were always taken on a contingent basis. One-third was the contingency fee.

RS: What was the largest claim that you had to defend against?

WC: I don't recall. Some of them were pretty large. Oh, I would say a million dollars.

RS: Oh they would be that much?

WC: Yes.

RS: I didn't know they would be that much. I thought they would be mostly three or four thousand dollar cases.

WC: Some of them would be for only that and those were tried in the municipal court. The above one thousand I think in those days went to the circuit or superior courts which were of course of concurrent jurisdiction.

RS: Did you and your partner have younger associates working?

WC: Yes, we had three or four.

RS: Would they be law students or graduates?

WC: They would be young lawyers, graduates who were usually from Loyola.

RS: Then they would go out on their own?

WC: Sometimes and when I left the firm to become United States Attorney there were still three or four that I had hired that stayed with Burns.

RS: How large was the U. S. Attorney's office when you took it over?

WC: About twenty attorneys, twenty assistants.

RS: What kinds of cases were there because prohibition was over?

WC: All federal cases including prohibition. Of course, Roosevelt repealed prohibition the first year he was in so that I didn't have much of that, only the hangover, the hold over cases.

Mrs. Campbell "The hangover!".

RS: What sort of cases were there?

WC: The same as now, dope. We had a lawyer, an assistant named Mary Bailey that handled all the dope cases. She was a very good assistant and did a wonderful job.

RS: Would those usually be cases that the FBI brought in at that time?

WC: No the dope cases were brought in by Treasury. Treasury investigators investigated all the dope and, of course, all of the revenue cases. The biggest case I handled in the office was the Annenburg prosecution. He had defaulted or evaded and defeated the alleged sum of six or seven million dollars of his taxes through various enterprises such as the rundown sheets which were used in race horse parlors. We prosecuted him and he finally pled guilty.

RS: Did you handle that personally?

WC: I handled that personally. That is still the largest income tax case on record.

RS: Did your office initiate that?

WC: We initiated it and prosecuted it and Weymouth Kirkland defended him. MacIntagart of New York also defended him. He was a Philadelphia publisher. He published the Philadelphia Inquirer and his principal opponent was David Stern who was a strong supporter of Roosevelt. Roosevelt gave me the Annenberg case and protected me from John Roggie who was Chief of the Criminal Division of the Department of Justice and from Morris who later became Judge Morris. I have

forgotten his first name. He was head of the Tax Division and they of course wanted to move in on the case and Roosevelt personally saw to it that I was protected from their interference.

RS: How often did you see the President or talk to him?

WC: I would say about once every three or four months.

RS: Would you go out to Washington?

WC: Oh, naturally. I helped the day he came here to dedicate the Outer Drive Bridge and I arranged the luncheon between himself and Cardinal Mundelein because Roosevelt at the time was in the dog house at having appointed Hugo Black who was a prominent Ku Klux Klansman from the South and so while he was out here dedicating the link bridge between the north and the south sides, I arranged a luncheon with Cardinal Mundelein at the Cardinal's residence which was very well written up.

RS: And they patched up their differences?

WC: Yes. That took the curse off Roosevelt because Mundelein, as I said earlier, didn't care whether you were a Catholic or what you were. If you were able in that field, he would appoint you.

CF: What was the caseload like as prohibition was going out?

WC: In the U.S. Attorney's Office we had some hold-over cases from prohibition. I would say the caseload was about four hundred cases.

Mrs. Campbell        You had some torts.

RS: Did you have a big backlog when you came in or was the office pretty much up-to-date?

WC: The office was fairly up-to-date.

CF: What was the mix between criminal and civil?

WC: I would say about three to one criminal.

CF: What would be a typical civil case? Would it be in defense of the government?

WC: In defense of the government, in land and tax cases. That's about all I think, land and taxes. In the U.S. Attorney's office, we had one murder. It was on a government reservation at Great Lakes. I personally prosecuted the sailor who was sentenced to death.

RS: That must have been an interesting time as they had just revised the Federal Rules.

WC: Well the Federal Rules came in about a year after I was United States Attorney and they were known as the new rules and they were the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

RS: Were the Illinois Rules, the state court rules a lot different?

WC: Yes, they were a lot different. Illinois was then a purely common law state and the first article of the Illinois Constitution read at the time that the fundamental law of Illinois shall be the common law of England as it existed in 1776 except as herein amended by the Legislature.

RS: So that must have taken you some work when you came over to the federal bench.

WC: They were a great boon because common law pleading is the worst morass that anyone ever stepped into. You carry on the pleading all the way to the surrebuttal, from complaint and answer and then rebuttal et cetera, six or seven steps until you got to surrebuttal.

CF: What about bank robberies?

WC: Those were prosecuted in the federal court under the criminal rules.

CF: Were there very many?

WC: Not too many. I tell you we had more post office robberies than we did bank robberies. For some reason or other, the robbers thought the post office was an easier push-over and I guess it was because most of the banks had guards whereas most of the post offices had none.

RS: Also the theft from mail and things like that?

WC: Oh yes, we had the regular regulation of the post office too.

CF: What kind of syndicate type claims did you have?

WC: Mostly hangover from prohibition and tax. Capone, as you know, was sent to jail by George E. Q. Johnson for not cutting uncle in on the swag. He didn't pay his federal tax and that is why he went to federal prison.

RS: We are now at the time of your marriage, maybe we could ask some questions to Mrs. Campbell?

RS: Mrs. Campbell you were working in New York?

Mrs. Campbell Yes.

RS: Did you grow up in the city?

Mrs. Campbell: Yes, I was born there.

RS: Your family came from where?

Mrs. Campbell: Ireland, I am an only child.

RS: You were born in Manhattan?

Mrs. Campbell: Manhattan.

RS: Your parents, they had already come over?

Mrs. Campbell: Yes.

RS: What sort of work did your father do?

Mrs. Campbell: Well he worked for the Edison Company and then when I got married, being the only child, they both came out here to Chicago and they made their home with us all the years they lived out their life.

RS: What part of the city did you live in when you first got married?

Mrs. Campbell: When we first got married, we lived in the Austin area for about a year. Then we moved up to Highland Park and lived there for about seventeen or eighteen years. Then we came down to the city when the youngest of the boys was about two and spent the rest of our time at 199 East Lake Shore Drive.

WC: Her father died in Highland Park.

Mrs. Campbell: And, mom came down with us. She lived until all the children were born. She was about eighty-three or so. About seven years ago, we left Chicago and moved to Palm Beach.

CF: How did you adjust to leaving Manhattan for Austin?

Mrs. Campbell: Well I was lonesome for the first year or so.

WC: She use to make frequent visits home.

Mrs. Campbell: Bill was with the National Youth Administration and he had offices all over the state. So I didn't have anything much else to do to keep me so I traveled with him but it wasn't easy. Really, I found it hard. I think that perhaps if I had worked here or had a career or some kind of profession, I could have, but then after the second year I started my family. Then, we had eight children and that took completely over.

WC: I must tell you one story which is funny. On your first years here, of course, everyone was saying how do you like Chicago?

Mrs. Campbell: Now this was a joke!

WC: And, mommy was of course fed up with the question. I remember we were having dinner one night with Mayor Kelly and Mayor Kelly asked the sixty-four dollar question: "Tell me Mrs. Campbell: How do you like Chicago?"

Mrs. Campbell "Well I'll tell you your honor, I like it very much but then always in New York I had a desire to live in a small town."

Mrs. Campbell: That was terrible.

RS: Did he laugh?

WC: He got a big chuckle out of that.

Mrs. Campbell: He didn't quite expect it and I don't know how I had the nerve to come out with it but I did.

WC: You were fed up with the question, that was it.

Mrs. Campbell: People would always say: "How do you like it?" And, now they say to me: "How do you stand it in Florida? It must be awful hot in the summer?"

Mrs. Campbell: Well, it is my year around place.

RS: Did you get involved in church activities in Chicago?

Mrs. Campbell: Not too much, I was really mostly at home with my family. Outside of sharing a social life and getting into the children's school activities. Really to tell you the truth, I stayed with it and that was about it.

Not too much with women's clubs or anything. I thought I would like to but Bill said that they will be there when the children are gone, why don't you stay with what you are doing. It was enjoyable and I met many nice people. We became friendly with the judges and their wives and that was really Bill's whole life. These were mostly all our friends because, more or less we were surrounded by that circle and that is where we spent most of our time.

RS: There are some people that feel there are restrictions caused by being the wife of a judge?

Mrs. Campbell: I never felt it that way. They seem to make a lot of it now.

WC: Yes.

Mrs. Campbell: They have a course in ethics or something.

WC: Judge Tamm and Judge Markey run the course. I run the seminar for newly appointed judges in Washington. We call Judge Tamm, Father Abbott you know. He is holier than thou. Either he or Markey lectures. Markey usually lectures all the new judges and their wives and I am ordered by the Chief Justice to include that in the course otherwise I would leave it out.

RS: You have never found that you had to watch?

Mrs. Campbell: Nobody had to watch. I think in any profession if you are a doctor or something and want to get people who want to come along and get your advice for free, you know and I remember with the long trips back and forth from Highland Park the lawyers had come and sit next to him. The only reason I would live up there was so that he could read his paper. Of course, the children were small.

Mrs. Campbell: We had one funny incident about Mr. Leleware, he was a hatter (insert) \* \* \* \* \* so it won't be a total loss. I got a case now in the court.

Mrs. Campbell: You will get that? We used to have people come up and visit us, come up and ring the doorbell. Bill would then say, well you know, you got to have your own lawyer. I wouldn't know much about the law in any way so I wasn't much of a help that way but I never restricted my friends one way or another. It wasn't purposeful. It was just going along with the mothers and people who have children of the same age in the school but now days they seem to make more of that. I noticed that they have that course for judges and their wives. They give them a little talking to. I don't know. I think

with a bit of intelligence you know you are not going to tell your husband to take the case.

Mrs. Campbell: You can figure it out.

WC: Usually the next day after Judge Markey lectures the wives and the judges together or husbands as it may be. I tell the class (which are only judges) to forget everything you heard yesterday and just do the best you can.

RS: Did you think while you were U.S. Attorney of being a district judge?

WC: Oh yes, as a matter of fact I was willingly kicked upstairs. I was indicting many of the wrong people. They passed a special bill creating a vacancy on the district bench that I took and as I say I was willingly kicked upstairs. I wanted to be a federal judge and that is the reason that I took the U.S. Attorney appointment because President Roosevelt asked me to.

CF: Who were you indicting at the time?

WC: I was indicting the local branches of the Kelly/Nash Machine that were working hard with the local bookies and there was quite an organization going. Now you must remember that Roosevelt was coming up for his first re-election and he needed the Kelly/Nash machine to carry Illinois. Horner was going along pretty well with it for downstate and so when the opportunity came I told him I was willing to be as we say in Canon Law "promoveatur ut removeatur".

\_\_\_\_\_ " We promote  
in order to remove and I was anxious to become a  
federal judge so they created a vacancy and appointed  
me to it.

CF: Who were the other judges on the bench when you were  
appointed?

WC: Wilkerson, was chief judge. They then called him  
senior judge. Woodward, Barnes, Holly and Igoe.

WC: Oh Sullivan, yes, I forgot him.

WC: What were they like?

WC: They were nice men. I got along with them.

CF: I know of Igoe, Barnes was a character.

Mrs. Campbell: Barnes was a colorful character.

WC: Barnes was affectionately known as "iron pants."

Mrs. Campbell: He was nice.

WC: Actually, Judge Barnes was a very sympathetic and  
hardworking man.

CF: But he had the reputation of being a terror to lawyers.

WC: Tough and he built that himself to cover his own soft  
heartedness. He was deliberately severe so that he  
wouldn't be accused of being soft hearted.

RS: When you came on the court on the Northern District,  
the Seventh Circuit just moved to its new quarters?

WC: They moved out of our new building and moved up to  
their quarters on the North Side a year or so earlier  
and, we used up all their space. Of course, they  
didn't have too much. I took over their old library  
as my chambers.

CF: Were the district judges to some extent happy to see the Court of Appeals move out of the building?

WC: I would say yes. They were sick and tired of being landlord for the Court of Appeals now they are back in the same position again.

RS: Did they interact much with the Court of Appeals once they moved? Did the judges have lunch together?

WC: No, very little. In fact Judge Schnackenberg used to oppose the fraternizing with district court judges at all so the separation was complete.

CF: Did the district judges generally have lunch together?

WC: No they always went by themselves. Occasionally at the monthly meetings, we would have lunch but that is all.

RS: When you had the monthly meetings would you talk about things like sentencing?

WC: We sometimes discussed sentencing, but mostly that was left to each individual judge. We usually discussed court procedures, how we could improve the clerk's office, and things of that sort.

CF: Were court procedures fairly uniform at that time?

WC: No, different courts, I used pretrial for example. No other judge did. Then Judge Holly came to use it, Wilkerson resigned without ever having held a pretrial conference.

RS: Did Sullivan or Igoe use it?

WC: Finally Sullivan did and Igoe too but it took quite a long time.

CF: Why did Wilkerson resign? Was he the one that wasn't confirmed?

WC: No, Wilkerson was chief.

RS: He was not the one, Johnson was?

WC: George E. Q. Johnson, yes. He was the man who prosecuted Capone.

RS: Right.

WC: Wilkerson just resigned rather than retire and then he went back to the practice of law, mostly patent cases.

RS: Judge Holly was Clarence Darrow's law partner?

WC: Yes, he was his partner.

RS: Was he perceived as very liberal?

WC: Yes, he was considered the liberal on the court and I think I was next.

RS: Did that strain relationships at all?

WC: Not at all. The judges got along fine.

RS: What was Judge Sullivan like?

WC: Well he was chief for a while, senior they called him. This was after Charlie Woodward died. He was a nice even going fellow. He didn't cause much trouble. They had a lot of trouble in the family. His brother was indicted for something or another. I forgot what it was. It almost killed the poor judge. Harold Sullivan, his brother was indicted and later convicted. They brought in an outside judge to try him because none of us wanted to try him and they brought in Gunnar Nordbye from Minnesota and he convicted him and sentenced him I think to three years.

CF: Who were the bankruptcy judges, the referees in bankruptcy?

WC: The referees in bankruptcy was Chummers, and I have forgotten the other name. I later appointed Ward, my former First Assistant United States Attorney. I appointed him when the turn came to me to appoint a referee. I appointed Martin Ward.

CF: Now at that time there was a regular circulation so that one judge would be responsible for a particular appointment.

WC: Oh yes. In fact for quite a while we each had our own referee.

CF: So all the decisions of your referee would be appealed to you?

WC: That's right, those of our own referee.

CF: Were the commissioner's being used at that time?

WC: There was old man Walker. He was the sole commissioner and he just set bonds, that's about all.

WC: He never issued warrants?

WC: Rarely.

RS: In those first years, what kinds of cases did you mostly have as a district judge? Do you remember what kind?

WC: There was quite a backlog of criminal cases that I couldn't take when I got on the court and so I got my compliment of civil cases. We had about about six hundred that they gave me, all the cats and dogs; and then to make up for not sitting in criminal cases, I

sat for a while in Washington and for a while in New York where I could hear criminal cases and where the backlog was also criminal.

RS: What sort of civil cases did you have?

WC: Mostly diversity jurisdiction and the insurance companies always brought their cases over here because most of them were chartered out of the state and our backlog was so great that they got a delay by bringing them here. Gradually, we removed the backlog. When I went to New York to sit and when I went to Washington to sit, they sent a judge out here who could try criminal cases.

CF: How many patent and anti-trust cases did you pick up in that first draw?

WC: I picked up quite a few.

Mrs. Campbell: He used to work at home a lot and then he would ask for my opinion and he would say that's wonderful and then he would write the "opera" after I cooked or served an orange crush or something.

WC: Yes, orange crush, that was a famous trademark case. One of the cats and dogs that I inherited and I gradually worked through the calendar and brought it up to date.

CF: You might be interested that the Denver Broncos football team was known as the "Orange Crush", a nickname. The company went after them for referring

to their football team as "Orange Crush" in order to protect their name.

Mrs. Campbell: An infringement on their name?

WC: Yes.

CF: I think that just occurred within the last few years.

Mrs. Campbell: You might want to mention about Judge Barnes that he lost two boys in World War II.

WC: I took him off the bench each time.

Mrs. Campbell: He was a wonderful, wonderful man. The boys were only about nineteen or twenty.

WC: The second time that I went up to him, he fainted in my arms coming down from the bench.

CF: He was a big man too.

WC: Yes, he was very heavy man.

Mrs. Campbell: After that, that was the beginning of the end.

CF: Did he have any other children?

WC: Yes, a son and a daughter. His son is general counsel for AT&T, somewhere or other in Maryland or Virginia.

Mrs. Campbell: These were the two younger children. A daughter who is married and many grandchildren.

CF: Did you have in the first years a law clerk or was your secretary your law clerk?

WC: There was a provision for a law clerk but Congress didn't appropriate for it, so we didn't have a law clerk. I had to write my own opinions.

CF: Was that because of the war?

WC: No it was just because Rooney was Chairman of the Subcommittee for Appropriations for the courts.

Mrs. Campbell: Wouldn't he give any money?

WC: He wouldn't give any money for district court law clerks and then finally I got the Chief Justice. Who was ahead of Warren?

RS: Vincent.

WC: So I got Chief Justice Vincent to appoint me Chairman of the Budget Committee and I put a lot of good Irish Catholics on the Budget Committee and we worked on Rooney and we got the appropriations for law clerks for district judges.

CF: How long were you Chairman of the Budget Committee?

WC: Ten years. I don't know the exact dates but the records will show.

RS: But it was in the forties?

WC: Yes.

RS: Did you have just a secretary?

WC: Yes, just a secretary. We were allowed a secretary. That's all they appropriated for.

RS: Would you hire someone who could also help you with some legal research?

WC: No, I didn't. I hired a good stenographer who could take dictation. I had to dictate my own opinions and do my own research.

RS: So you would have to spend the time in the library?

WC: Exactly right.

RS: In those early days were you perceived as a tough sentencer?

WC: I think I was perceived as reasonably tough.

Mrs. Campbell: On dope cases.

WC: On dope cases, I always threw the book at them. Yes, they would always try to get a change of venue from me and it was always denied.

RS: Did people find in the diversity cases you were assigned that some of the plaintiff's lawyers felt that you might be pro-defense because of your previous background?

WC: No, I never had a petition for a change of venue. As a matter of fact, I think it is safe to say, that I was known for fairness on the bench. Tough sentencer, but known for fairness.

RS: How long before your first case did you get reversed? Did it take a long time?

WC: I don't even remember.

RS: Was it something that you were aware of? You didn't think about it.

WC: Once I finished a case, I forgot it and I didn't care what the Court of Appeals did. That was their duty from then on.

CF: There are a lot of district judges who keep a box score but there is nobody who admits that they keep a box score.

WC: No, a lot of them do, but I truthfully never did. It didn't bother me at all. I didn't care whether I was reversed or affirmed.

CF: What was the German saboteur case?

WC: Oh, I tried that as a judge. I tried their parents. The army had tried in the military court the fellows that landed from the submarine. They were found guilty by the jury and I sentenced the men to death and the women to life in prison and I was reversed by the Court of Appeals. As a matter of fact, Judge Lindley came down and told me. He used to sit regularly with the Court of Appeals and he came down and told me, well if you sentence these men to death, we are going to reverse you. I said that is your job.

RS: That was the Haupt case?

Mrs. Campbell: Mrs. Kate Wergin was the girl -- the woman -- she came up with that. She was going to poison the reservoir. She came over with whatever kind of poison would polute the entire reservoir.

WC: The Court of Appeals didn't like the death penalty. That was all. And they fly specked it until they found some reason for reversal. It was just silly. I said well it is my duty to impose what sentence is proper and the only reason that I don't sentence them all to death is that I have a natural compassion for women and for mothers and so I gave them life and gave the men the death penalty and was reversed by the court of appeals in a fly specked opinion.

RS: By that you mean that .....?

WC: They just went through the record trying to find out some peg to hang their hat on.

RS: Were they re-tried then?

WC: They were re-tried by Judge Barnes and sentenced to life. He got the message from the Court of Appeals and followed it.

RS: And that was affirmed, I take it?

WC: Oh, yes.

CF: What were the facts? You mentioned some? I am not familiar with the case.

Mrs. Campbell: The girl, the woman, I was just thinking, I think her name was Kate Wergin.

WC: Yes, she was one of them.

Mrs. Campbell: The woman, brought over some kind of (I don't know if the word is right) microbes to poison the supply of water. They had maps and everything all throughout the United States that were in evidence where they were going to take care of this.

WC: They were guilty as sin. There is no question about it but the Court of Appeals just didn't have the guts to affirm the death sentence that's all.

Mrs. Campbell: Oh yes.

CF: Now were the parents naturalized citizens?

WC: All were naturalized. All were born in Germany. There was Hans Max Haupt, his son Herbert Haupt and Wolfgang Wergin, a friend.

CF: So they had gone back to Germany prior to the war?

Mrs. Campbell: For training.

CF: For training and then they came back?

CF: Yes, they came back as naturalized American citizens.  
They had American passports.

Mrs. Campbell: They were sort of motherly type of women.

WC: They were nice looking women. But oh boy when you got them on that subject, oh brother were they strong for Hitler.

WC: When was the trial?

WC: 1941 or thereabouts.

CF: So prior to our participation in the war?

WC: No, it was after our participation in the war, so it must have been later.

Mrs. Campbell: It was in 1944 maybe?

WC: It was the first year we were in the war.

RS: Was that the most prominent criminal trial that you did at the time?

WC: Well, I would say yes, the treason case.

Mrs. Campbell: A lot of publicity.

WC: I would just as soon have avoided it but it fell to me on the draw.

RS: Cases were in those days assigned by draw?

WC: By draw. That was the system originally invented by Judge Wilkerson so as to have an even distribution of the bankruptcy cases which were then the largest that is the reorganization cases, Chapter 11 in those days.

WC: I appointed the trustee.

- RS: So that was perceived as a way of being able to reward your friends?
- WC: That's right, some of the faithful.
- RS: So there was never any stacking of the cases?
- WC: Barnes was. He was dismissing everything as fast as it came up and one side or the other wouldn't appear so he would dismiss it with leave to reinstate so the case got on somebody else's calendar. There was one chance in six that it would land back on his and so he kept current that way until the rest of us discovered what he was doing and then we lowered the boom.
- CF: Did you institute the rule that once it is dismissed and reinstated it goes back to the same judge?
- WC: It goes back to the same judge so there is no sense in dismissing it.
- RS: In those early days there would be a probation report, I guess?
- WC: Oh yes, we had a probation officer who was an ex-FBI man and he recommended probation for nobody, but we granted it anyway, usually on our own, especially where we conducted the trial. And I did frequently in cases where they pled guilty and there was no prior record. I was known for granting probation even though it wasn't recommended by the probation officer.
- RS: Let me go back to your time as both the United States Attorney and your time on the bench. How much did you participate in plea bargaining? Was it quite a common practice?

WC: Every case that I could, I participated in plea bargaining unless the defendant absolutely refused and that was rare. I would always agree to a lower sentence if they pled guilty, somewhat to the chagrin of the United States Attorney. But I figured it was the only way of keeping current with the criminal calendar.

RS: So it was mostly you who felt it was necessary to keep current?

WC: To keep current with the criminal calendar, certainly.

RS: The volume was too large?

WC: Too great a volume.

RS: Did you ever feel that some people were not guilty and pleading guilty just to avoid sentencing?

WC: Yes, since they had no records, they pled guilty frequently just to get probation since I was notorious for granting it if there were no records.

RS: So some of them may well have been guilty?

WC: Sure some of them were guilty as hell.

CF: Was the chief probation officer appointed by the court at that time?

WC: Yes, Chief Judge Wilkerson (Senior Judge Wilkerson) had an affection for him because he was an ex-FBI man.

CF: What were some of the other criminal cases that you remember from that period -- the forties?

WC: Oh, quite a few.

Mrs. Campbell: Didn't you have something that Capone came back, that you kept?

WC: No that was George E.Q. Johnson's case but I presided at his parole. I made a condition that he never again come into the Northern District of Illinois.

Mrs. Campbell: And, when he paid the money?

WC: Oh yes, this is amusing too isn't it, the attorney was a fellow named Titlebaum, whom I had known quite well in private practice and Titlebaum wanted to negotiate a settlement of the fine and the fine was several million dollars. That is to say, the back taxes were several million dollars and he wanted to negotiate a settlement of those and I absolutely refused. I said nothing doing and they wouldn't let him out of the penitentiary until he paid up all of the back taxes so Titlebaum delivered over here to the then courthouse, I don't know how many trunks full it was of pennies legal tender for its total amount.

CF: How long between when you denied the motion to reduce the fine to when they paid? How long did it take them to get the money?

Mrs. Campbell: Not long.

WC: Oh no, they had the money right away. It took them a few days to get the pennies and it took us, -- of course. I kept them right in the clink until we counted everyone of them. We divided them among the banks to use their automatic counters for us and they counted everyone of the pennies and the full amount was there and then I consented to the parole on the ground that he would never again come into the

Northern District of Illinois and he obeyed that provision.

RS: Did the judges take turns going to Freeport?

WC: Yes, usually at least for the first two or three years. The youngest judge got stuck with Freeport and then I convinced them that they should rotate it. Also, Judge Woodward liked Freeport because he was a country judge any way and so he used to go out there. Occasionally, I would relieve him but then we would rotate it.

CF: Where was he from?

WC: He lived in LaGrange while he was on this bench and I think he was originally from Rockford.

RS: Did you develop an especially close friendship with any one of the judges in particular?

WC: Oh yes, Judge Holly and Judge Sullivan. Judge Barnes, I was very close to. In fact when he became chief judge, or senior judge, he had me run the court for him. He didn't like the administrative work at all so I took that on as well as my other work.

RS: What sort of things were you involved in off the bench? Did you stay active in church matters?

WC: Principally with the CYO, the Catholic Youth Organization, and the Holy Name Society here in Chicago. That didn't interfere in any way with my work on the bench. I did represent for a while, the Big Brothers and they tried their cases in the Municipal

Court but I couldn't do that of course after I went on the bench.

CF: After your appointment did you still have contacts with President Roosevelt?

WC: Oh yes. In fact when Shay Minton was appointed to this court, the Court of Appeals, Roosevelt wanted me to take the appointment and I convinced him that where I was as a district judge, I was my own boss and I could knock off for two or three days and do an assignment for him whereas as a circuit judge I would have to get the consent of at least two others if it was the day we were sitting and that's how Shay Minton got the appointment. Indiana wasn't due either. They had Treanor and they were only entitled to one.

WC: He was the lame duck Senator from Indiana.

RS: What kinds of assignments did you work on?

WC: For the President, mostly political. I carried on the negotiations between Horner and Kelly for example.

RS: That was usually a matter of just trying to talk to one or the other?

WC: I could talk to each of them.

Mrs. Campbell: You also wrote a good deal of New Deal legislation.

WC: Oh yes, I wrote a good deal of New Deal legislation. I was a draftsman for the President also.

RS: So he would call you up and tell you that he wanted you to work on?

WC: Yes, he would call me up and tell me that he wanted me to work on this type of legislation and I usually worked with Tommy Corcoran.

RS: Do you remember which specific bills you worked on?

WC: Yes, I worked on the SEC and I worked also on what was then called the RFC I worked also on the relief bills for Harry Hopkins, the granting of relief directly by the Federal Government and work projects.

CF: When you were negotiating with Kelly and Horner would that be over trying to get a unified Illinois Delegation?

WC: Yes, supporting the President and each of them would talk to me and I would trade this one and that one and get a delegation that was satisfactory to the President and satisfactory to each one of them.

CF: Were there others at this time that came to you for advice?

WC: No, just the President.

RS: Did Judge Kerner, Senior Judge Kerner, also stay active when he was on the bench?

WC: No.

WC: No. That is why I said that I wouldn't go on the Court of Appeals when he first offered it to me and said I ought to take it and I said no because as it is you call me up and give me an assignment and I tell the boys that I will be back three days from now or two days from now or tomorrow and I am my own boss but if I am on the Court of Appeals, I am not. So Shay Minton got the appointment.

RS: Did you see the President when he would come out here often?

WC: Oh every time he came here I would see him but usually I went to Washington. He didn't come here very often.

RS: Were you friendly then with Truman?

WC: No, it didn't last after Roosevelt died.

RS: What about the other judges that came on during that period after you Judge LaBuy and Judge Elwyn Shaw, who used to be in the Illinois Supreme Court.

Mrs. Campbell: He was from Freeport.

WC: Yes, since he came on, he took Freeport because that is where he lived.

Mrs. Campbell: He died shortly after. He didn't last very long.

RS: About four or five years.

WC: He is the one that once quieted Barnes' ire at a judges meeting when he arrived fifteen minutes late when Barnes was chief. He said I am sorry chief I missed the twelve o'clock elevator. Everybody burst out in laughter. So he got by with being late, otherwise he would have been excoriated.

Mrs. Campbell: He was a lot of fun.

RS: So in those days there would be just the weekly or monthly meeting.?

WC: The monthly judges meetings.

RS: When you had a difficult case or something was troubling you about a sentence, would you go to one of the others and talk it over with them?

WC: No, and they didn't come to me.

RS: Was that the general practice among all of you?

WC: Yes, they left you alone until we formed the Sentencing Council which was some years after I was chief judge.

CF: During the forties what other criminal and civil cases do you remember as being big cases?

WC: Gee, I don't remember very many.

Mrs. Campbell: Taxes and dope cases you had.

WC: Dope cases, I was notorious. I always threw the book at them. I hated dope peddlers. They would always fight to get on somebody else's calendar.

WC: Bill Holly was always lenient.

Mrs. Campbell: All you could give. I remember one day going down there and ....?

WC: Yes, I said the only reason that I was giving ten years is that's all that I can give him by the statute.

Mrs. Campbell: Ten years, how terrible that's all you can give. We have that going on now in West Palm Beach with the dope. It is terrible.

WC: The judges are entirely too lenient.

RS: Wouldn't that be a problem with the prisons being too full?

WC: Oh yes, they were always building new prisons and so forth but I never concerned myself with that. That was the problem for the Executive Branch.

RS: You must have developed a lot of contacts with other judges in other parts of the country?

WC: Oh certainly. Certainly, through my administrative duties. Barnes didn't like it at all. He didn't like administration either. He just turned it all over to me.

RS: Would he go to the Judicial Conferences or not?

WC: I usually went to represent him. That is in the years that a district judge was a member. For the first several years, no district judge sat on the conference.

RS: Was that after 1948?

WC: Yes, something like that. They changed the statute. They let one district judge from each circuit come to the conference and that improved them because they were a very autocratic group before that.

CF: There is a pattern that I noticed in reading the history on some big cases that the chief judge of the Court of Appeals would switch judges around.

WC: Yes, Judge Evans was great for that. He used to transfer judges occasionally and after Evans died or even the last years he was there, we took that power away from him. We said that the district court would do its own assignments.

CF: You mean he would switch cases within the Northern District?

WC: Yes, he would try to switch judges on certain cases and we would always rise up in opposition and he would change his mind but then we took that power away from him altogether.

CF: Why was he interested in doing that? What would be an example of a switch?

WC: I think he would have favorites in the district court. Barnes was then one of them. Later they became enemies.

RS: I was going to say that I thought that there was a lot of strain?

WC: There was between Evans and Barnes, but originally they were very close.

RS: Was there a falling out over a case?

WC: I don't know what caused it but they became bitter personal enemies.

RS: Yes, I know Mr. Carrick tells a story of Barnes coming in and responding to a mandamus and wanting to give his response to the Court of Appeals orally when the Court of Appeals was sitting.

WC: Yes, he was a man of courage.

RS: How often did you see the judges from the other districts in the circuit, like Judge Swygert for instance?

WC: Oh at the annual conference of the Seventh Circuit. I ran that for two or three years when I was junior.

CF: How collegial were the judges from the respective districts?

WC: Oh very. Yes they got along fine. We had no problems and very few with the circuit judges while we were in conference but they had personal friends and enemies I guess and they let that creep into their opinions

sometimes but never at the conference, we always got along fine, all the judges did.

RS: Judge Evans never assigned you to Indiana?

WC: Once in a while to Indiana. Yes, that's all.

I would go down and relieve Judge Slick at Indianapolis where he had to disqualify himself on a case and also Swygert in Hammond. Once or twice I relieved him where he had to disqualify himself, and once in South Bend. Evans usually would ask me to go down.

CF: At that time, Swygert had a reputation of throwing the book at most defendants?

WC: Yes he was very stern. Now he has changed completely.

RS: So defendants were glad when you showed up?

WC: Yes, I would always be willing to plea bargain and Swygert never was. He laid it on them. He was a tough judge.

CF: You were chief judge during the time when the old courthouse which was torn down. Who made that decision?

WC: I did. We petitioned and Rooney gave me the money for building a new courthouse.

CF: Then you worked with Judge Hastings to bring this the Court of Appeals to the building?

WC: Oh yes. I had nothing to do with fixing up their quarters at all, just turned that space over to them.

CF: What was the background of getting the Court of Appeals together with the District Court?

WC: Well the only ground was that the only way we could get a new courthouse was to combine them again and Rooney made that very clear and that's the only way he would give us the money and so Hastings had to come along with us because that's the only way they would get a new courthouse and they were out growing that one.

CF: Was there any disagreement, either among the district judges or the circuit judges, about combining the two courts again or about giving up the respective buildings which were both in need of space?

WC: We were outgrowing ours and they were outgrowing their's so the only answer was to build a new courthouse. I was able to get the money from Rooney and he would grant it only on the condition that the two courts combine again so we assigned the 26th and 27th floors to the Court of Appeals and that's all they wanted. All I had to do with it was to assign it and they would develop their own chambers and so forth under Judge Hastings.

CF: Would you do it again?

WC: What, build a courthouse?

CF: Put them both together again?

WC: Yes, I think it works. It's convenient for the lawyers. I think it is a maximum utility use of the building.

RS: In the fifties did the types of cases change? Do you remember any difference between the types of things you were doing the first ten years you were on the bench from the next ten years or fifteen years?

WC: No, I don't think there was any great difference.

RS: The mix of cases?

WC: It was about the same.

RS: Then Judge Perry came on early in the fifties?

WC: Yes, Sam came on and was sworn in out in the Western Division which infuriated Barnes who gave him holy hell. I don't know who he had officiate at his induction. I forgotten who?

Mrs. Campbell: Why didn't he want to be sworn in, in Chicago?

WC: Well he thought that he wanted to be the judge in the Western District because he was from Glen Ellyn so he had himself sworn in during summer recess out in Freeport and Barnes didn't like that.

RS: We can call a halt to it for today?

WC: Why don't you think of anything else you want and come in any morning next week at 9:30.

Mrs. Campbell: That might be better, you would all be fresh.

Tape 2

Wang No. 7389L

Oral Tape Interview of Judge Campbell interviewed May 29, 1984 by Ray Solomon, Director of the Court History Project and Collins Fitzpatrick, Circuit Executive.

CF: This is a continuation of the oral history of Senior District Judge William J. Campbell on Tuesday, May 29, 1984 being interviewed by Raymond Solomon, the Court Historian and Collins Fitzpatrick, the Circuit Executive.

Judge, I thought that we would take up your role as chief judge in the Northern District and the changes you saw during your tenure.

WC: I was for many years chief judge in the Northern District during which time we modernized the clerk's office.

CF: Maybe you could tell us a little bit more about what that meant?

WC: Well that meant putting in various machines that otherwise the clerk's office didn't have. We put in NCR's the National Cash Register machines that started to do the bookkeeping and the docketing work for the clerk's office, thus modernizing it. We also combined the bankruptcy clerk with the regular clerk and had the one clerk's office for both courts. The referees

in bankruptcy of course were appointed by each judge. Each judge had his own referee but they had separate clerk's office for the referees in bankruptcy. We consolidated that with the main clerk's office of the district court.

CF: Did each referee have a clerk's office to himself to some extent?

WC: No there was one clerk's office for all the referees but it was a completely separate office. We consolidated that with the regular clerk's office.

RS: How much of the change and in what ways were the changes the result of the Administrative Office studying the problem and doing it or was this your own?

WC: They were entirely the result of the Administrative Office's examination of the clerk's office because I brought them in for that purpose and told them that I wanted a plan to consolidate the two offices and modernize the equipment.

RS: Did this become a pilot program for the rest of the country?

WC: It did and then later on they separated the bankruptcy again. Why, I will never know. That was done after my term.

CF: That was done by Congress, by statute.

WC: Oh probably, when they created the new court. I see.

CF: At the time when you became chief judge, about how many employees were in the clerk's office?

WC: I guess about forty or so and we saved a good many positions. I also made independent the minute clerk of each judge. He worked in the judge's chambers thereafter and not in the main clerk's office. However, when he wasn't busy with a judge, he assisted in functions in the clerk's office. I upgraded the minute clerks and gave them a salary commensurate with their duties and responsibilities. They responded very well.

CF: Were you still using the legal size paper at that time?

WC: Yes and that was one of the economies we put in. We cut it down to letter size.

CF: Were the papers still being folded as they were over at the Circuit Court of Cook County?

WC: Yes sir. We changed that of course. We modernized it with the National Cash Register machine. Although those who participated in the survey did not include National Cash Register. There were two or three companies that participated in the survey for the Administrative Office and I thought, of course, with the hope of getting some of the business but all the mechanization was NCR.

CF: During that time I think there was a rule that was passed regarding putting the obligation on the attorneys to tell the clerk how to invest money that was on deposit in the court's registry fund?

WC: Well, we had an advisory committee but it still remained pretty largely the clerk's function and I saw that he exercised that function under the supervision of the Federal Reserve Board.

CF: But at some point, it became the rule that each judge would have to enter an order on the request of the parties as to how to invest the monies?

WC: Oh yes, oh certainly, in a given estate how they wanted to invest it. Because what we wanted to do was satisfy the individual trustees of each estate and, then in that way, we did exactly what they wanted done.

CF: What was the impetus for that rule?

WC: Well, just fairness I guess, the fact that I wanted to make sure that every trustee of every estate got a fair shake and that if he had a plan for his estate it was carried out because I assume that was with the consent of the beneficiaries.

CF: That rule, like many other things became a pilot for the rest of the country?

WC: That's right, for the rest of the country. The rest of the country followed that.

RS: At this time, you had your own office, your own staff?

WC: One secretary and the chief judge was allowed two law clerks. But, I used a law clerk and a crier. The crier drove my car and did such other personal things as a personal bailiff would.

RS: Did your clerks tend to stay with you?

WC: They stayed with me for only two years. One year they worked for me and the other year I worked for them. I was kind of teaching them. I carried a full load of cases for about half of my term and then I took a half a load because the administrative duties were getting too great both here and in Washington. I had a lot of administrative work in Washington too.

RS: At this time, assignments were still on the wheel, still on a draw?

WS: Oh yes, that was in before I came in as chief. That was put in by Wilkerson when he was chief judge. We called him senior judge at that time.

CF: What was your most difficult personnel problem as chief judge?

WC: Picking a clerk, I would say and for a while I had a woman clerk.

CF: Why was that the most difficult?

WC: Because I wanted someone who had the maximum efficiency and also who could get along with me which wasn't the easiest thing in the world. Mrs. Colby was clerk for a while and then we picked the bankruptcy clerk to take over when we consolidated the offices. He became clerk. What was his name? He died.

CF: Wagner?

CF: Yes, I think that was his name. He died at the rostrum of the Federal Judicial Center. He was lecturing on how to consolidate the functions of the offices and fell over the rostrum with a heart attack -- no warning.

RS: Soon after you became chief, the Warren Court started issuing a number of famous opinions?

WC: Yes.

RS: Did the expansion of habeas and all that bother you?

WC: It didn't bother us at all because we were operating under the new system and I was personally a devotee of Chief Justice Warren and he had been my assistant when I was United States Attorney and prosecuted the rundown sheets and the nationwide news service. He joined for the State of California and sat behind me during that trial.

RS: Oh, so you had a prior relationship?

WC: Oh yes. I knew him and was very much in favor of all of the decisions that his court handed down. They were on the liberal, leftist side.

RS: I would guess that during that time probably the thing that would have the greatest impact might be the Speedy Trial Act?

WC: No, that didn't come in until after I was chief judge. I still think that the best thing that Congress could do is repeal it. Once they take away from the courts, the running of the court, personally,

I think it is unconstitutional. Congress tells the court how to run. That isn't the way the system works in my judgment.

RS: Which of the due process rulings at all do you think, had the most impact?

WC: Probably the great writ of habeas corpus.

RS: That sort of changed the tenor of the work?

WC: Oh yes. It was largely pro forma theretofore and it became necessary to give each habeas corpus an individual trial after that first decision of the Warren court.

CF: Did you have any problems in dealing with the other judges in the district?

WC: Yes, each is a prima donna. Each one is a law in himself. I followed the same system there that I had followed in the United States Attorney's office and that is never let a matter come into a meeting unless you have enough votes. That is, you know you have enough votes to swing it your way. The way I frequently had to handle the district judges was I would go ahead and do something and then they had to take affirmative action to undo it and that is much more difficult. I would always say, between now and the last meeting gentlemen, I have done thus and so, you can either repudiate me or can approve it; but if you repudiate me, I am going to have enough votes to win and then in that way I ran the court.

CF: Did they ever reject?

WC: Oh Judge Austin used to lead the pack once in a while. He thought that I was interfering too much in the patronage of the bankruptcy system, I think. He caused me a little trouble but I always was sure I had enough votes to beat him before I called a meeting.

CF: Can you explain what the issues would be?

WC: Well, I think it was on the matter of appointment of trustees in bankruptcy and that which formerly was the patronage of the individual judge. I thought it better to make it the patronage of the bankruptcy judge because he was close to the administration of the estate and also he was responsible to an individual judge and it worked much better that way than it did allowing the judges the independence of naming a trustee when that might agree with the creditors.

RS: Was bankruptcy the greatest source of administrative matters?

WC: Oh no, the clerk's office was too. The combination of the two. The efficient operation of the clerk's office. Many of the judges thought that I was too autocratic in taking away certain independence of the individual clerks but I fought for the independence of the minute clerk. The judges who liked to operate a certain way could continue doing so because they had both the naming and the control of their own minute clerk. I got them a decent salary concurrent with giving them the new responsibilities and it worked very well.

RS: Did you feel that you often had to interfere in terms of speeding a judge's docket along?

WC: Yes, on that I used publicity. And, the judge that wasn't carrying his weight in the boat; formerly, the previous chief judge would get him some relief. He would divide the cases among the other judges, or some other relief. I would not. Instead of that, I would call in the press once a year and say I would like to tell you the condition of the calendars. Judge so and so's calendar is woefully behind because he has been dragging his feet and has not been working. One publication of the Tribune with that usually did the trick.

CF: Who were the judges?

WC: I won't name the judges.

RS: It probably wasn't the same judge each year?

WC: Oh no and sometimes there was a legitimate reason. He was sick and I would say because he has been sick his calendar is heavy and we are going to divide it, so many cases from his calendar among the rest of us by lot.

RS: We were talking the last time about whether you would go to another judge and discuss a difficult case. Were there times when people would come to you as chief and want to discuss a case?

WC: Very rarely. Sometimes in a case of a new judge -- he would come. During my administration as chief judge, we started the sentencing council whereby almost all

the judges joined the council. I think one or two of them did not join. They submitted their cases to all of the other judges and the sentence was the combined judgment of the members of the sentencing panel.

RS: The panel was advisory?

WC: Oh yes, it was still the responsibility of the individual judge. He doesn't have to follow it but invariably he did because that is why he joined the council.

RS: Would you discuss at lunches?

WC: The meeting was always a dinner meeting.

RS: Would there be other times during the week when a number of you would have lunch together?

WC: No. There was very little of that. Each judge went their own way and had his own luncheon friends.

CF: When did the institution of going over to the Standard Club come into being?

WC: That was subsequent to my administration. I would always use the Union League Club for the judges meetings. I don't know who started that custom. Although, they had a table at the Union League Club for the federal judges.

CF: Oh did they?

WC: Yes, during my administration. Mostly, appellate judges sat there, sometimes a district judge too.

CF: What would you list as what you thought were major accomplishments?

WC: The remodeling of the clerk's office, number one, the institution of the sentencing council, number two, and the general matter of promoting the independence of each judge, number three, which is what I did. I have a deep and abiding conviction that this country is great just as long as the judges are independent. I did everything I could toward that goal.

CF: What would be some example of encouraging the independence? You already mentioned about the minute clerks and putting them with the judges?

WC: In putting them in the judge's office and also the matter of judges not trying to take an individual case as it was filed. We stopped this, principally for the bankruptcy cases. They all went to the referees by assignment of the clerk and we didn't bother with them at all except on appeal. If there was an appeal from our referee, we heard it. The judge who appointed the referee heard it so that we presented a united front to the Court of Appeals which was the next court, the court of last resort in most bankruptcy matters.

RS: What was some of your work in Washington at this time?

WC: Head of the Budget Committee and as such, I got the funds for the Administrative Office as well as the funds for the various districts and for the various courts of appeal. Of course, I saw to it that my district was not short changed.

RS: So that would involve you in testifying before Congress, lobbying?

WC: Oh yes, it would involve my getting very close to Congressman Rooney who was Chairman of the subcommittee in charge of our courts.

RS: Was he the chair, the whole time you were?

WC: Oh yes, well when the Republicans were in part of the time and Frank Bove of Ohio, with whom I got along equally as well.

RS: Would your budget committee also be involved in requests for the expansion of the number of district judges in certain districts?

WC: Oh yes, very and during my administration as Chairman of the Budget Committee Rooney would almost knife anything that I didn't approve of.

RS: The court expanded fairly rapidly during the sixties while you were chief?

WC: Yes, the number of filings and the number of judgeships increased. I thought we were overloaded and the judges were carrying too heavy a calendar and I supported the legislation for new judges -- additional judges to the court.

CF: When you came to the court, about how many cases did you inherit?

WC: I inherited eight hundred when I first came on to the court and they were all the cats and dogs of the whole court.

CF: I assume that was because there was a backlog?

WC: Oh sure, that would always let the heavier cases  
accumulate in the backlog.

Tape 3

Wang No. 7392L

Oral Interview of Senior Judge William J. Campbell by Rayman Solomon, Director of the Court History Project and Collins Fitzpatrick, Circuit Executive on Thursday, May 31, 1984.

CF: Judge when we left off last we were starting to talk about your role as chief judge and the changes that you saw as chief judge.

WC: Yes, right.

CF: What we thought might be helpful is to talk about your perceptions and relations with particular individuals. Why don't we start with the Court of Appeals judges?

WC: All.

CF: At the time that you were chief judge, was Judge Hastings the chief judge in the Court of Appeals for the entire time or was Judge Duffy?

WC: No, Judge Duffy was chief judge of the Court of Appeals when I came on. No, actually Evan Evans was chief judge of the Court of Appeals when I came on in 1940.

RS: Right, he would be chief judge until 1948, I think.

WC: Yes, and then he was succeeded by Duffy, who in turn was succeeded by Hastings. Then Castle succeeded. It was less than two years and then it went to Swygert, then to Fairchild.

CF: What were your relations with Judge Evans?

WC: Very good. I sat with the court now and again because they had a backlog and he would preside and Sparks and I would sit with him. My relations with them were very good. They were on the north side of the courthouse and Otto Kerner (Senior) was sworn in as a judge of that court, the same day I was sworn in as United States Attorney.

CF: Did the chief judge of the circuit have much to do with the operations of the Northern District of Illinois?

WC: Yes, he use to try to assign himself to -- You see all of the patronage in those days was Chapter 7 cases or reorganization cases and the trustee was considered quite a plum if you got trustee of a large corporation and there were many of them going into bankruptcy or failing at that time and would reorganize in the district court. He used to assign himself regularly to some of those receiverships and that started a fight with Judge Barnes of our court, who was senior to me. He used to get along very nicely with Evans in fact. The Barnes and the Evans were a foursome. They had a falling out and after that Barnes saw to it that Evans got no more patronage in the district court.

RS: Do you know why?

WC: He wanted the patronage.

CF: What other relations would you have with the chief judge?

WC: Just to go up there and sit occasionally is all.

CF: Did the chief judge have much to do with talking about the adequacy of the jury selection program in the Northern District?

WC: The chief judge in the circuit, no. The chief judge in the district and the judges of our own court regulated that entirely with the supervision of the Administrative Office, of course, who were always crying that we were spending too much money on juries. But we had such a backlog here that we had to maintain a jury pool expensive as it was and we did and we never ran out of jurors -- occasionally we would. There is a funny incident, I was going to lunch one day with the head of Price Waterhouse and Company a man by the name of Christensen. He shot some ducks downstate and we were having a duck luncheon over at the Union League Club and he was the host, of course. I had run out of veniremen before lunch and so I issued an order to the marshal to pick up men on the street. Women were not qualified to sit on the juries then. I said marshal, by the time I get back here, have me enough to work on so as to finish the jury. We waited and waited for our host at lunch and he never showed and so finally, he called and he said he was in the marshal's lock-up over here having been picked up on my writ. I told the marshal to release him right away so we could go ahead and eat. He happened to be walking by on Dearborn Street when the marshal came down.

CF: What was Judge Duffy like as chief judge?

WC: Well, he was a little more pedantic than Evans and I thought a better chief judge but he didn't bother us much. We got along fine.

CF: Did you continue to sit with the Court of Appeals?

WC: No I didn't sit much once in a while during Duffy's administration and occasionally during Hastings because our work here was so heavy that I really couldn't in good conscience and be consistent with my work in Washington carry many cases in the Court of Appeals.

CF: During that time were there any problems that the district court had that became involved with the chief judge?

WC: No we didn't have any. They ran their own court and we did the same. You see we had the old building and they were up on north Michigan Avenue and the two courts operated very much apart.

CF: What about relations with Judge Hastings?

WC: Very excellent. They had no problems at all.

WC: In fact, we used to invite him to all of our meetings if he would care to come. He was very friendly to our court and all of the judges. We met once a month at the Union League Club for dinner and we discussed the business of the court. When I was chief, we used to ask him.

RS: Would he show up?

WC: Yes, he would come occasionally. He was very friendly with us.

CF: I know under Judge Duffy's chief judge stewardship, he often assigned judges to one district or another in sensitive cases?

WC: Yes, but we didn't participate in that because we had enough of our own judges that we could substitute and we were so busy that we couldn't afford to allow a judge to go to another district. Occasionally, we did but he understood our problem and he usually assigned from the other outer districts.

RS: Did you quite often have a visiting judge sitting in the Northern District of Illinois?

WC: Occasionally, but because we weren't contributing to the other program he wouldn't send us a judge very often.

CF: Did you have much relation other than at the annual circuit conference with the other members of the Court of Appeals?

WC: No, just with the chief. We had such a terrible backlog, a huge case load here, that we didn't have any chance to fraternize at all with the circuit judges.

RS: Did that change at all with the early sixties when some of the Chicago judges like Judge Kiley were put on the Court of Appeals? Had you known Judge Kiley before that?

WC: Yes, I spoke at his induction and I have known him before. He was with the law firm of Nash and Ahern; against whom and with whom, I have tried many cases as

a lawyer They frequently appeared in criminal cases when I was United States Attorney and so Roger and I were in some lawsuits together. In fact, he knew me better than he knew any other federal judge and so he chose me to speak at his induction.

CF: What were your relations both prior to becoming chief judge and as chief judge with some of the other members of your own court, for example, Judge Knoch?

WC: Yes, I inducted Win Knoch and also I attended his party when he was made a circuit judge and we didn't like to lose Win because he was a good trial judge and he disposed of his calendar very well. Of course, he had to go wherever the Senator told him. I think he would have preferred to stay on our court but he went upstairs of course when he had the chance.

CF: It raises an interesting point. Let me bring it in this way. I asked Phil Tone when he stepped down as circuit judge if he would have left the judiciary if he was still a district judge and he said he didn't know.

WC: He might not have. The work on the Court of Appeals, while I always hurt their feelings by telling them that it is leisure time activity; but frankly, the work on the Court of Appeals is neither as confining nor in my judgment as interesting as the trial of cases. Therefore, an active trial lawyer like Phil Tone, used to enjoy trial work and he tried many cases before me in the district court. Also, I was on the

he came on and he enjoyed his work as a trial judge very much because he was an active trial lawyer and the work on the Court of Appeals is of necessity, sedentary and not as much effort is required. You don't work as many long hours, or anything of that kind.

RS: Do you find the actual decision making different?

WC: Oh yes.

RS: Do you find questions framed differently effect the way in which you decide?

WC: Oh yes, because the trial of a lawsuit if you conduct it properly is essentially a quest for truth. The work of the circuit judge is essentially reading the record to see how many mistakes the district judge made and if there aren't too many, he is affirmed. You can't run a lawsuit without making some mistakes because everyone is human. The work of a circuit judge I would say is certainly less interesting than the work of a trial judge.

CF: Is part of that just due to the fact that a trial judge interacts with many more people?

WC: Oh yes. He meets the bar directly and meets the defendants and plaintiffs, the litigants, the parties personally, in every case. There is a greater chance for the exercise of the personality feature in the decision of lawsuits in the trial court.

CF: Obviously a good judge can do either?

WC: Oh yes.

CF: Do you think that there are certain personalities that are more at home with one than with the other?

WC: Oh yes, I am an example of that, I twice turned down the Court of Appeals. Once by President Roosevelt and once by President Truman and I would rather remain a trial judge than become a circuit judge. I do it now only in my retirement.

RS: And you also think that probably it works the other way around? There are judges that may well have been far better circuit judges than trial judges?

WC: Yes, a professor who never tried any cases is better off on the circuit or Supreme Court than he would be on the trial court. I don't know how you regard Judge Posner here but I think he makes a much better circuit judge than he would a trial judge.

CF: But he has actually been trying cases?

WC: Yes, because he needs the experience.

RS: I was also thinking of someone like Judge Sprecher who always seemed to be by personality really enjoying the job of being a circuit judge?

WC: Judge Sprecher, yes, he enjoyed that very much.

CF: What was your relationship with the other judges on your court during this period?

WC: Very good.

RS: Let me ask you some questions first about all of that. Would you be consulted generally by the Justice Department before an appointment was made?

WC: Only the FBI investigation.

- RS: The senators nor the Justice Department wouldn't?
- WC: Some of the senators did. Ev Dirksen always called me up telling who he was considering nominating and so did Paul Douglas. One a Democrat and the other a Republican and they were both from this state but other than that I wouldn't be consulted by the Department.
- CF: Speaking of Paul Douglas at least there were some thoughts that he may not have had a strong a hand on judicial appointments as for example then Mayor Daley of Chicago?
- WC: That is true. Daley had most of the clout and if Douglas wanted to be re-elected he had to go along with Daley but in some way he was independent with the appointees. Walter Cummings for example is one of them.
- RS: He was as to Judge Will.
- WC: No, Will was close to Mayor Daley. Will was head of a city program. He was the head of some city government department under Daley. He was very friendly with Daley.
- RS: Had you known Daley before becoming United States Attorney?
- WC: No, he wasn't mayor before I became United States Attorney either. Kelly was Mayor and head of the Machine and I knew Kelly very well.
- RS: Had you known Daley at all from the early time of the machine?

WC: Oh yes. He had been County Clerk and I knew him as County Clerk and then he had been in the State Senate for a while and I knew him down there as Senator but just a "how do you do" and "how are you."

CF: Did you later come to know him better?

WC: Oh yes. When I became chief judge and certainly when I was United States Attorney because he was active in the Democratic machine although it was then the Kelly Nash machine and I prosecuted several of their henchmen for income tax violations. They were all taking money from the various bookies that were allowed to operate in the wards and they weren't splitting it up and didn't give "uncle" his share, so I was out after them.

CF: What was your most difficult decision as chief district judge?

WC: Oh I don't know, I can't point to any. One is more difficult than the other. Perhaps, the reorganization got me into more trouble with my brother judges and so forth. They all eventually came along.

CF: That was the reorganization of the clerk's office.

WC: The Clerk's office and the combination of the bankruptcy.

CF: Why was there opposition?

WC: Principally a matter of patronage and jobs, that's all and it was human and so I understood. If it was necessary, I wielded the axe temporarily, I wasn't friendly with some of my own judges.

CF: Was there an Executive Committee when you were chief judge?

WC: Yes sir and I ran it.

CF: When was that originally instituted?

WC: It was instituted under Judge Wilkerson I believe.

CF: And at that time, who was on the Executive Committee?

WC: Wilkerson, Woodward and Barnes.

CF: It was just a three member committee?

WC: Yes. They stayed in office most of time. We used to rotate it when I became chief judge each year.

CF: No, that's all history.

CF: What judge succeeded you, Judge Robson?

WC: Yes, we were the same age and he was anxious to be chief judge and so I deliberately retired at 65. I didn't have to until seventy and that is, give up the chief judgeship. I gave it up and became a senior judge on my sixty-fifth birthday so Ed would have five years as chief judge. He was chief judge a little over a year when he came to me and said he would like to give it back. I said no thank you, it is all yours.

RS: Did one opinion or one case in the last fifteen or twenty years stand out as the most difficult?

WC: Maybe the treason case does. I tried that as a district judge and that was difficult. Warnholtz, an attorney with a strong German accent represented most of the defendants which I thought was silly and he had Ben Short associated with him but he wouldn't let Ben do any of the talking. He did all the talking. The

jury was of course after the first day prejudiced against him because we were at war with Germany. I would say that was the most serious because I had on the stand a couple of the saboteurs who came on from a German submarine and who were members of the German Navy. This fellow who practically was one of them had knocked down the doors of the FBI; they wouldn't listen to him. It was too bizarre and he was a witness on my stand and of course several members of the FBI. Then Mrs. Warnholtz took the stand in her own defense I remember because she was accused of and then it was proven that she carried the poison to poison the reservoir here in Chicago and kill everybody here in the City of Chicago and so that was an interesting trial. Perhaps, the most interesting of any.

RS: Was the most controversial trial, the Chicago Seven Trial?

WC: Yes, that was under Judge Hoffman. I was chief judge though. I used to beg Julius every morning "hold them in contempt, give them six months for contempt committed in the presence of the court", I said it's not appealable. At the end of six months, let it go to another judge for re-trial and let them get ready again. But he wouldn't do it. He loved the publicity, bad as it was. I remember his once answering me, " Bill, don't you realize that the Editor of the London Times himself called me

yesterday." I said well, I express my opinion of the London Times.

CF: You have the accent down very well.

WC: Oh yes. Julius was a dear friend but his own worst enemy.

RS: Some of the other judges at that time, Judge Miner.

WC: Well he is famous for the division of trials with one trial for liability and another for damages and he brought that rule to us and I had all of the judges adopt it. I thought it was a good rule and if occasionally, as occasionally they do, defense won, then you didn't need any trial on the issue of damages.

RS: Had he done that in state court or something?

WC: Yes, I don't know where he got the idea from but I got that from him when I was chief judge and I got from Judge Igoe the idea of an impartial medical examiner being appointed by the court and he worked out the arrangements with the Chicago Medical Society to give us a panel of good doctors, specialists in each field, that we could appoint as the court's witness and then levy costs against one side or the other to pay them.

RS: Judge Austin?

WC: Judge Austin was a good judge. He was famous for one liners. He would make wisecracks right on the bench but he was a very good judge and got rid of his call routinely well.

RS: There was Judge LaBuy.

WC: Yes, LaBuy was a nice judge too. He wasn't as industrious as some of the others but a lovely fellow and he is godfather of one of my children.

RS: Let's see Judge Parsons came on in 1961?

WC: Yes, Judge Parsons came on from the state court and he was our first Negro judge.

RS: Did Judge Austin, Parsons, Will and Decker, all come on the same that year?

WC: Pretty near the same year. Decker was appointed by Democratic President Kennedy, although on recommendation of Senator Dirksen and he is a Republican. He was very active in Lake County in Republican politics.

RS: Some of the political scientists who write about appointments always use that appointment as an example of horse-trading. It was the exchange of the judgeship for Dirksen's support of Kennedy's legislation.

WC: For Kennedy, yes, in the Senate. Ev said he should have one of the new judgeships and Kennedy gave it to him. Ev was working regularly with Kennedy in those days.

RS: I guess Marovitz came next in 1963.

WC: Yes, He was a direct Daley appointee.

RS: As was I guess Judge Lynch?

WC: Oh yes, Lynch also. Lynch was his former law partner. A very brilliant man but the poor fellow was a bachelor and he drank too much.

RS: I guess Judge Napoli was next.

WC: He was also a very excellent judge. He came from the state court. Very excellent man. He was a hardworker. As indeed, was Judge Lynch.

CF: Did the appointment of Judge Parsons to the bench as the first black judge in the country create any problems?

WC: Not on the bench. None of the judges resented him. They all liked him and he got along fine with all the judges. I think he made a very good chief judge and I think there was some resentment locally. I know the Union League Club up until then gave all of us honorary memberships and they fought against giving a black honorary membership so I immediately stopped holding any judges meetings there and thereafter, held them at the Standard Club which did give Parsons a honorary membership.

CF: Has the Standard Club given honorary memberships prior to that time?

WC: Yes, to certain judges who requested it and were granted honorary membership. Some of them accepted it and never used it. I always used it.

RS: Was the appointment of Judge Parsons with Paul Douglas behind it or was it the mayor?

WC: I think it was both. I think they agreed on him. Certainly, it was time we had a black judge.

CF: During your time on the bench, the courts have started to utilize the six person jury which is utilized in almost every district in the circuit.

WC: Yes, in the civil cases only.

CF: What are your views as to this utilization?

WC: I think that a six person jury is just as efficient, just as able to administer justice as the twelve. I don't think there is any at all romance connected with twelve on the jury.

CF: Would you suggest it in criminal cases?

WC: Yes, I would. I think it is easier to pick six people than it is to pick twelve and I think they arrive at verdicts quicker. I think you get six people that are bound to know and can exercise judgment in the facts of the case.

CF: What are your views on the unanimous verdict?

WC: I would have a majority verdict rather than unanimous. Unanimous is very difficult to get but since the Constitution requires it in a criminal case you have to have a constitutional amendment to bring it about. I think we can do it internally in civil cases. I don't think we are allowed to in criminal cases.

CF: If you are using a six person jury in your talking about a less than unanimous verdict, would it be a four-two or?

WC: No, I would require a five-one.

CF: So really just to deal with the obstinate hold-out?

WC: That's right. That's a problem in the present jury system and I don't know whether some lawyers get to a juror or how he becomes obstinate. It could be just his own persuasion but the one obstinate juror has caused more havoc in the trial of jury cases than anything else I can think of.

CF: In your experience as a trial judge, have you ever found yourself in agreement with the obstinate juror in a hung jury situation?

WC: No.

RS: Did you often enter judgment notwithstanding verdict?

WC: Not very often. I usually agree with the jury and I think we have been fortunate in the type of jurors we get in the district court here and I think basically they are fair. That's really all you are after.

RS: Right.

CF: During your time as the chief judge and Judge Hastings's time as chief judge, the Criminal Justice Act came into play?

WC: Right.

CF: This district I know was one of the first in the country to develop it, I think?

WC: We had one before the statute was passed. We had a federal defender's office and I raised the money for it independently. I held a luncheon once a year and invited the heads of the commercial establishments, the heads of the leading law firms and so forth and

... solicited donations from each of them.

CF: When was that first organized independently?

WC: About two years before the statute become effective and I put in Ray Berg, a former law clerk as the first federal defender and had him recruit. He recruited top flight trial lawyers.

RS: Before that there had been appointment of attorneys from the firms.

WC: Yes, I always appointed attorneys from the firms to whom I gave the business in the largest bankruptcy cases.

RS: Would their attorneys be paid?

WC: Oh no, no pay.

RS: All pro bono?

WC: All pro bono.

WC: Another milestone of my administration as Chief Judge was the creation of the Federal Defender Program to take over completely the job of representing indigent defendants in our Court. Under the expert direction of Terence F. MacCarthy, a former law clerk of mine, this program has developed into a model for the entire country and is one of which our Court may justly be proud."

CF: You mentioned earlier that one of the most important things to the judiciary is to protect the independence of the judges?

WC: Right.

CF: What other things need to be done within the judiciary? What are your recommendations? A wide open question.

WC: Yes, I have all of the newly appointed judges now for the Federal Judicial Center and I have one week with them in Washington in a course that I have designed. The main thing is to teach them patience and to listen and not to participate in a trial. Listen and remain boss of their courtroom. Listen to the lawyers, they will give you a liberal education if you listen to them. If you go up there thinking that by putting on the black robe you know everything about the case and everything about the law, you are in for trouble.  
Boys, I have to go to work.

RS and CF: Thank you, Judge.

WC: Thank you very much.