

THE ORAL HISTORY

OF

FRANK J. McGARR

RETIRED DISTRICT JUDGE

OF THE

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

AS TOLD TO

MARGARET McGARR, his wife, BILL McGARR, one of his sons,

AND

COLLINS T. FITZPATRICK,
CIRCUIT EXECUTIVE OF THE SEVENTH CIRCUIT

2012

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CTF: This is the Oral History of District Judge Frank McGarr. Today is Tuesday, August 11, 2009, and we are at the home of the McGarrs where I am recording the oral history of former District Judge Frank McGarr. His wife, Margaret McGarr, and one of their sons, Bill McGarr, are here. This is Collins Fitzpatrick, the Circuit Executive of the Seventh Circuit

Judge McGarr, maybe you could tell me a little bit about where the McGarrs came from, initially on the paternal side and then we'll do the maternal side.

FMcG: Like most families there was a feud and therefore one half of the family didn't speak to the other half for some years. So I know a lot about the maternal side, but I don't know a lot about the paternal side.

What I do know is my maternal grandfather came from Ireland as a young boy. He joined the Chicago Police force. He was a police captain of the District near the Old Resurrection Church, the Austin District I think they called it. He was a heavy set man and very strict and very stern. We were terrified of him. But he was really a gentle guy and I can still remember as a young child he would cross his legs and we could bounce on his knee. Every time we visited, that was a great treat we got.

My grandmother knew him in Ireland although they were several years apart. She was shipped over here to marry him and she had very, very little knowledge of him. But it worked out as they were married for many years. But in any event, I guess that was common at the time. I remember she was about eighteen years old and they shipped her over here and she had her husband all picked out for her. That was family history.

CTF: Where did they come from in Ireland?

FMcG: I wish I knew. I don't know.

MARGARET: We think around Kerry, maybe.

CTF: Then what year would this have been that your grandfather arrived?

FMcG: In the 1890's. They had one child who achieved the greatest deal of fame the family had ever known. His name was Ed Moore and he was County Commissioner or some such thing, whatever it was in those days, and the State Chairman for the Republican Party for a time.

CTF: And his name was Ed Moore?

FMcG: Yes. He was the great hero of the family because every summer he got me a new job. There were two summers I worked as an electrician, a very good trade to learn. I worked as a messenger boy and I remember one of my jobs, as I look back on it now, obviously manufactured, was I worked with the street department. They dug holes in the street to repair things and as they backfilled them they had to let them settle. So my job was, with a pocket full of street car tokens, to go to all these sites and measure how far they had settled. And my report would finally indicate the proper depth and then they would go out and fill them. I took this responsibility very, very seriously, I can tell you. Anyway, I had a number of such jobs. Obviously, the kind of jobs you get when you are the nephew of a prominent politician. I will never cease to be grateful.

MARGARET: Your Great Uncle Powers was very proud of you.

FMcG: Oh, Alderman Johnny Powers was my great uncle. Johnny “the Pow” Powers. Hint, he was a . . . , you know his reputation. The Lords of the Levy is the name of a wonderful book and Johnny “the Pow” and Hinky Dink—I don’t remember Hinky Dink’s last name—figured in it.

CTF: Kenna.

FMcG: Kenna. They were the two most powerful and most corrupt aldermen Chicago ever had. So Johnny “the Pow” is known by all his relatives as being very wealthy and they all hoped fervently for his death when they were sure of his estate. But about three years before he died, he married a girl in her 20's and she got everything. And I can still remember my grandmother saying this of her, “She got everything, the dirty thing!”

What I remember of the history of the old country is really very, very little because my grandmother, who was the young lady who came over in her teens, apparently was still, late in life, saddened by her departure from Ireland, and we would gather around the family piano and we all sang. But we couldn't sing “I'll Take You Home Again Kathleen” because she cried all the way through. But she was a lovely lady.

MARGARET: She was widowed for a long time.

FMcG: She was the wife of the Police Captain, Morris Moore. She came to live with us. I can still remember. We thought she was absolutely wonderful. I have fond memories of her. She had a big wedding ring—a big, fat, heavy wedding ring—and her form of punishment, if you were doing something you shouldn't have, was to bang you on the head with that. I think I had brain concussions a couple of times. But it was a very, very fond and happy

family and I still remember all my teen years with great joy. Except when it came time to picking my bride and I picked this girl out and my mother decided I should not get married. But I solved the breach by marrying her anyway.

FMcG: Let me talk about my grandfather, Frank McGarr, who I was named for.

Frank McGarr died when I was quite young, but I do remember visiting his plumbing shop on the south side. If I ever knew him, I was too young to remember. My grandmother, a young widow, had four sons and three brothers. The brothers had a tendency to feud with one another. My father came from the South Side, 63rd and Ashland, where his father had a plumbing business. He was a plumber and in business with his father. My mother, on the other hand, was a West Side Irish girl, and the West Side tended to look down on the South Side Irish. So I did not know much more about my South Side relatives. We would go to the wakes and have a wonderful time with relatives we scarcely knew. I had very little association with my grandmother, Mary Ann McGarr, except I remember when on one occasion we had rented a summer cottage and my mother invited Grandma to stay at the cottage for a week.

So anyway, she came out to visit and we were delighted to have my grandmother in town. I knew her from her earlier occasional visits. When she arrived I couldn't wait to take her for a boat ride. So we had to get Grandma into the boat, but Grandma missed the boat and fell into the water. So we rescued her and my mother took her upstairs. She had not been able to fit all of her clothes in her suitcase so she had worn double of everything. We filled the whole clothesline with Grandma's clothes after she fell in the water.

Mary Ann McGarr was an interesting lady who inherited a fairly substantial sum of money. The story was she went to Ireland for two years and came home broke, another disappointment to the whole family.

CTF: Where was the lake?

FMcG: This was on the Fox River. We had a cottage every year on the Fox River. I grew up on the Fox River. As a matter of fact, one of my first truly heroic feats was to dive off the Fox River bridge into the water, as a result of which I've had a bad back my entire life. But it was worth it. I was a hero of the locale. I came to learn later that a young man had died doing the same stupid stunt.

CTF: How old were you then, Frank?

FMcG: Oh, early high school, sixteen or so.

CTF: So the stupidity was not fueled by fire water?

FMcG: Not yet.

After our vacation with my grandmother, she came to stay with me when I had the measles. We were under quarantine. In those days they taped a sign on the door and nobody could come in. And I guess somebody had to take care of me so grandma volunteered and she came and lived with me and we had the most wonderful time. We would sing Irish songs and I still remember her ironing. She would take the ironing board out and she would spread something on it, getting all the wrinkles out, and then we would sit down and talk to one another, eat cookies, and so forth. Then after an appropriate interval she would fold up the ironing board and put it away. And she would say, "Now that's ironed."

She used to make prunes and we would throw away the fruit and drink the juice. I thought that was the most marvelous thing that ever

happened to me because I love prune juice and I dislike prunes. When I got them from my mother I had to eat the damn prunes before I got the juice.

But anyway, the families were always pretty separate and drifted further apart. And now I have South Side cousins and relatives, some of them I didn't know, many of them. Yes, and it is kind of a shame what happens to families.

CTF: What are their names?

FMcG: Well, I had an Uncle Frank McGarr, whom I was named after. You know, some of the others I don't even remember. I have come to know more about my South Side relatives because a woman named Patricia McGarr called me up and said that she would like to interview me. She had decided to do an interview. She came out and interviewed me and we sat on the porch. She was the loveliest girl. She sent me a copy of the interview and it was true to life. See Appendix A.

That takes care of that generation pretty well.

CTF: Okay, Frank, where did you live ?

FMcG: We lived in Austin near North Avenue and Austin Boulevard, the far West Side.

My father was a plumber and I remember as a young child it was my job to sit in the window. We had an apartment with an octagon front so if you sat in the right window you could look down the street to North Avenue and the street car stop. At 5:30 or so I was assigned to watch for my father's street car. If he had no tools with him, I would tell my mother he was carrying no tools, and, if he had his tools, that meant the job was over and he did not have a job tomorrow. I still remember that my mother would be so sad when I would say, "Dad has his tools!" I didn't know what I was conveying at the time, but that was my job.

MARGARET: That was in the Depression years, too.

FMcG: Later in Dad's career he became a plumbing inspector for Chicago, which was a decent job. That was an era in life when we could afford the summers on the Fox River. My father had a wonderful sense of humor and was quite a character. I can remember everybody who came—we backed up to a golf course and all the guests who came, and many guests came, would bring their clubs and my father would have to take them out for a game because he was the host. I can still see him. He would put two or four balls in one

pocket, a handful of tees in the other pocket, he would pick up a driver, a putter and a five-iron in his hand—he didn't even have a bag—and he would go out and go around the course with them and do a good job of shooting a decent score. He was the hero of the golf club all the time. But he was a wonderful father and I had a wonderful mother. I remember them with great joy. Like most Irish families, he was not the boss. My mother was very dominant and my father's great job in life was to do and be whatever the hell my mother wanted him to do and be.

CTF: That's a good way!

FMcG: He did a good job of it. And that is where I learned my relationship with Margaret. I just do what my father did. "Yes, dear," are the only two words that you have to know to have a happy marriage.

MARGARET: Take that out of there.

FMcG: No. It's true, Margaret. It is true.

So, my father and mother were wonderful people. I had two sisters, and we had a loving family.

CTF: Are they older? Younger?

FMcG: Oh, younger. I was the oldest. We still see a lot of them.

CTF: What are their names?

FMcG: Catherine and Maureen. Catherine Krichl has eight children and lives in Oak Park, and Maureen Niemeier is divorced and so she is Maureen McGarr again. She is a lawyer, although she is not active now. But she was for some years. And she has two children. She went to Kent at night. I am very close to both Catherine and Maureen.

She went to Kent. I don't know how we let her get out of going to Loyola, but somehow she wound up at Kent, the only mistake I ever made. In later years, as I look back on Loyola, and I'll come to that later, I am really eloquent on that subject. I loved that school. I loved the people there.

CTF: You lived near North and Austin and you went to school, not at Fenwick.

FMcG: I don't know how that happened.

CTF: Not at St. Mels, not at St. Phillip, not at Holy Trinity, but at St. Ignatius.

FMcG: My parents did that. How they ever knew. Here they were, totally unsophisticated in the world of education. Somebody had raved to them about St. Ignatius. We went down for an interview—at that time funds were a little bit low—to see if I could get a scholarship. During the interview they said, no, I couldn't get a scholarship. But they took my parents on a tour of the school. They were so impressed they decided, "You are going to go there." I took the streetcar every day for one hour each way. I got some homework done. I got some reading done. It wasn't bad. And coming home, if I was lucky enough to have fifteen cents I had a transfer junction at North Avenue and Grand. Well, the Grand Avenue streetcar crosses North Avenue and there was a White Castle, and hamburgers were a nickle and a Coke was a nickle, and I don't think we had sales tax in those days. So every day on the way home I had my White Castle stop. So it wasn't bad. It broke the trip in half.

So I did that and I did the same thing at Loyola. I graduated from St. Ignatius, signed up for Loyola, and we still lived in the same place, still took the same streetcar trip to the far north side until I was old enough to drive. And then we had a car pool with some neighbors.

CTF: What activities were you in in high school?

FMcG: Well, I was captain of the debating team. And I was on the swim team. That's right. I used to do the back stroke. I was good at the back stroke, better than at anything else. So that was my assignment and I hated it. Every time I would win a race, I would climb out of the pool and go into the washroom and throw up. I kept begging the coach to let me swim something else. "Oh, no. You are our back stroke guy." But that was my only formal athletic activity. I am not an athlete. I figured that was a waste of time.

What else did I do in school? I had all sorts of things. The debating team. I had something to do with Greek. We had a society that had to do with Greek language students so I was involved in that.

CTF: With the study of classic Greek?

FMcG: Yes, classic Greek—four years of Latin and two years of Greek. That was standard at St. Ignatius and I treasured it. I never regretted it. I always believed, and I believe now, that the study of another language, particularly Latin, gives you an understanding of English that you would not otherwise have. I really enjoyed them. I got to the point where I could read a bit in Latin, but I have lost that. And a little bit in Greek.

CTF: What about Loyola?

FMcG: Loyola was a sort of forgone conclusion because of St. Ignatius. I always wondered why people who left Ignatius didn't go to Loyola. But when you read from the graduation bulletin, people going to different schools all over the country, I couldn't understand that.

One of the great joys of a Jesuit education was that the priests lived in the same building. In those days there were mostly Jesuit priests on the faculty, though there are not very many now. I had some close friendships with some of these priests. I had some priests who I can look back on and say, really some of these Jesuits shaped my life. And to a lesser extent I had the same experiences at Loyola.

As a grade school student I was a terrible student. I can remember sitting in a movie theatre on Sunday afternoon and sitting there and seeing the feature twice because I didn't want to go home because I knew, sooner or later Monday would come and I would have to go back to school. But in eighth grade I had an absolutely wonderful nun who took me in hand, Sister Virginia Marie, Sisters of Providence. She knocked some sense into me. She was a little free with the hand, but I survived. And she picked out a certain number in her class that she was training to earn a scholarship and I

was booted forcefully into that group. She worked with us, made us stay late, studied with us over time, and I learned an awful lot. She turned me from an errant into a student. Only trouble is I didn't get a scholarship. I took the exams but I didn't get one. My parents were very disappointed.

CTF: What parish were you in?

FMcG: I was in what was known in those days as St. Angela. Later we moved a little farther west to St. Giles. But we moved in the middle of my eighth grade so I finished at St. Angela. I used to roller skate back every morning. It was a long skate, too. It took me twenty or thirty minutes. The nun would not let me keep bringing my skates in the classroom so I would hide them in the back of the church. One day I went in there and they were gone. Can you imagine stealing roller skates out of a church? I had to walk all the way home and get new skates. But I finished at St. Angela which was wonderful.

CTF: These are the roller skates that fastened on to the shoes?

FMcG: Oh, those kind, yes, with the key. There weren't any other kind. If you lost the key, you were in great trouble. But I had it tied to my belt. My mother was very wise.

BILL: Dad, what about your primary years? Where did you go to kindergarten through seventh grade. St. Angela?

FMcG: We didn't have kindergarten in those days. Then in eighth grade—when I graduated from eighth grade, something wonderful happened. While I was in eighth grade, I was the police boy in charge of the lunchroom. Well, for some strange reason—it was totally not understandable—the rule was silence in the lunch room. There are fifty kids eating their lunch in silence. Well, no, forty-nine eating in silence, one of them was talking incessantly. This one. Her name was Margaret Summers. That's where we met if you can imagine. I became very enamored of her.

MARGARET: Not until you got in high school.

FMcG: I came back one year

MARGARET: No! You are not going to tell that story.

FMcG: Well, I'll tell you after you turn the recording off.

CTF: Okay. But you said you were in Resurrection.

MARGARET: When I was in kindergarten, we lived in Austin when I was young, but then my parents moved out to around Belmont and Central and they bought a house during the Depression, and later lost it, of course. They sent me to St. Angelas because my mother and everybody else in the family was working. So I was a latch-key kid and my uncle would drive me to school in the morning and I would walk a few blocks to school. He would leave me off on Central Avenue I guess it was and then I guess I took a bus from there, but I don't remember that.

FMcG: Anyway, that is where the faith brought us together, good old St. Angelas. I think it's gone now.

CTF: What did you study at Loyola?

FMcG: I was a major in philosophy and a minor in the classical languages. And my experience at Loyola—once again, was one that I can never say enough wonderful things about the Jesuits. Although I'm sure other orders are the same, but I have had this Jesuit education my entire life. It was a life-changing experience. It turned me into a student. I loved school. From hating school to loving school, that was the bridge between grammar school and high school and my extra curricular activities were an important part of

my education. My parents were delighted, I was delighted, and my high school and college days were the happiest years of my young life.

I had the same experience at Loyola. I chose to go to Loyola to find more of the same Jesuit experience. I can remember I was the only honor student in philosophy in my senior year. The chairman of the department was Father McCormick, who was a huge man, always smoked a yellow pipe. Since I was the only student, there was no reason to go to the classroom. So all the courses he taught were in the dormitory where the Jesuits lived. He had trouble reading, but had a device that could project books on the ceiling. I would sit in the big reclining chair next to him so we could both see the text and I would do my hour course in philosophy. I did two or three courses that way. And boy, if there is ever a good way to take courses it is being the only one in the class! It was just wonderful, a great experience.

CTF: Let me ask you about some world events. You are a teenager during the Depression. We have already talked about how it was important on a daily basis as to whether your dad had a job or did not have a job. What impact did the Depression have on you?

FMcG: I never felt the slightest impact from the Depression. Every time we sat down to dinner, we had a lovely meal. I know for my mother and father it was a terrible time, but somehow that was never conveyed to us. We never did a lot of things we might otherwise have done. Of course, the Fox River days had not yet come. We had a ratty old car, but none of that meant anything to me. I mean, there were people talking about the Depression, but we were not allowed to feel the impact. Nobody ever told me I was too poor to do something. Maybe they told me I couldn't do it, but they never told me why. And I think I owe my parents a lot of credit for that.

CTF: You were at Loyola when the signals of war in Europe come about. How much were you aware of Adolf Hitler before Adolf Hitler started to take over countries?

FMcG: Well, by that time we are semi-adults and current history had a meaning to it and I was very aware. I followed those events very carefully, read the newspapers every day, and knew sooner or later that we would be involved, that I would be involved, and I ultimately was. Many of my friends were drafted and I was not because I had a student deferment to allow me to finish college. Somewhere in the summer before my senior year I had a deal that I would go to officer's training upon graduation which would allow me to finish school. So I graduated school at Loyola and went to Notre Dame

for Midshipman school and then to active service straight from there. When was that?

BILL: That would be around 1942, I expect.

MARGARET: And you graduated with honors, too, didn't you?

FMcG: Oh, yes.

CTF: You come from an Irish family and an Irish community, not a lot of love for the Brits who are at war with the Germans.

FMcG: I never got the feel for that. I know about it, I have read about it, but I never sensed it. Of course, my father was in WWI and my uncles were all in WWI. They all had military experience. They were all loyal. That comment, too, brings to mind that circumstance. I never averred to it. It never even occurred to me.

CTF: You graduate from Loyola and then you go off to officer candidate school. Where was that?

FMcG: I graduated from Officer Training School at the University of Notre Dame. My family, the loyal segment of my family, including my famous Uncle Ed, had a graduation party for me at the Bismark Hotel, a lovely dinner. I couldn't attend the dinner. I attended it, but I had to leave I was feeling so sick. They get me home and I am in terrible shape. Margaret can tell that story.

MARGARET: He became delirious and we could not get doctors to come to the house and he had terrible headaches, just terrible headaches. And all the while we were at the dinner party he kept running down to the bathroom all the time. And then the next day he was delirious and we could not get any doctors to come out. So then we called the Navy, and of course as he was in the Navy and he had just graduated as the "ninety-day wonder" at Notre Dame OTS, they rushed him out there – and they expected him to die. He had spinal meningitis. They had him in isolation for about six months and the only thing that brought him back to life was sulpha, a just-created medicine. They did not know much about it, but they started giving it to him. And then he got all kinds of reactions from that. He lost his memory, he had double vision, he was paralyzed for a while.

FMcG: The dosage regimen for sulpha was developed on me. They kept trying different doses and I got overdosed a couple of times.

CTF: Where was the hospital?

FMcG: At Great Lakes Naval Air Station in Glenview.

MARGARET: He was there for about six months and then he recovered enough to walk around. He had to wear a patch on one eye.

FMcG: Something happened to my eyes. When both looked straight ahead, they didn't focus. So everything I looked at was double and I would trip over curbs because I would pick the wrong one or reach for a jar and it wasn't there. The solution was to cover one eye. So I walked around Great Lakes with a patch on my eye and everybody thought I was a war hero. It was a very delightful life when I was well enough to do it.

Anyway, I finished Great Lakes and, not knowing what to do with me, I got assigned to a bunch of schools while they were trying to figure it out. Compass compensating school, and signal school, and I went to New Orleans, I went to Boston. My final assignment was Boston to a ship that was being built in the Boston shipyard.

MARGARET: That was the U.S.S. Lewis in Boston.

FMcG: So I was the executive officer on the ship based upon my vast experience at sea. I think they knew I had been in a canoe when I was young, so I was a senior officer on a destroyer escort of all things. So it took special training for the navigation and all that stuff. Finally the ship was commissioned and away we went.

CTF: When was that?

MARGARET: Well, that was on our honeymoon that we went to New Orleans. And then we went to Port Arthur, Texas.

FMcG: What a lovely place!

MARGARET: You could tell him the story of your first ship.

FMcG: Yes. Port Arthur, Texas was my first real naval assignment.

CTF: This was before the assignment to the destroyer escort ship?

FMcG: Yes. It was an anti-submarine warfare assignment out of Port Arthur, Texas, and the Navy took it seriously, but it was a joke. They had commandeered pleasure vessels. I was the captain of a ship with a crew of

three that had been somebody's cabin cruiser. We had one depth charge, which we launched by cutting the ropes with a knife, and we had a 50-caliber machine gun which we were afraid to fire because it was so insecure on the deck they thought it might fall off. We were sent out to hunt for submarines in that. And thank God we never found one.

CTF: There were some though, weren't there?

FMcG: There were. At that time, though it is hard to imagine, the entire east coast all the way down and around Florida and into the Gulf was blacked out every night because that whole area was patrolled by foreign submarines. There were times when they were shooting at them from the shore if they could see them. At that point in the war we were in bad shape because of Pearl Harbor.

Then I was sent to Key West. Now I remember this. We were doing these anti-submarine exercises on a real ship. So I wasn't a total loss when I went with my own ship to sea. But anyway, a destroyer escort is a slightly smaller destroyer designed basically to escort the fleet and to participate in anti-submarine activity. So the whole ship was designed with depth charges in the front, depth charges in the back, all sorts of under-water sonar, and so

forth. Oh, I went to sonar school, too. They had me pretty well trained. It was just actual experience on the water that I didn't have.

We reported to our first training base in Port Arthur. There was an old retired captain who had been called back to supervise. He was a tough old bastard and he had little respect for these greenies who were being sent to him. So I remember we arrived and we unpacked our gear and we all report, and he says, "Everybody into the boat!" And there was a boat hanging on davits like you see on a ship. And we all looked at him and we all run to the boat. And he says, "Lower it you idiots!" And we're fumbling and we finally get the thing in the water. We all jump into our seats and we all row off and then discover we're going backwards. We never lived that down! But after a couple of months under this guy we felt more like seamen.

And then there was New Orleans and compass compensating school. I went to mass at the cathedral and I thought, "What am I doing here without my girl?" So I decided to go home and call her up and propose. I got a leave, came home, had a wedding, and then she and I together did a little bit of traveling around the country.

Then I went to Boston where our ship was launched. I was assigned to the ship in Boston and that was our farewell meeting there. We set off and in the middle of a typhoon in the Pacific, when I did not think I was going to live to see her, I got a message. She was pregnant.

CTF: So you went to Norfolk, Virginia on the U.S.S. Lewis. What was your job on that ship?

FMcG: Executive Officer. Number Two on the ship.

CTF: So you then went down through the Panama Canal to get to the Pacific?

FMcG: First we went way up north to Maine to pick up the battleship Iowa, which was coming off some shipyard there, and escort it down into the Panama Canal and down to the Pacific. And in the meantime, through all of this, we learned that we had a captain that was an idiot. The fellow officers on the ship, there were eight or seven of us, they were a good group. We became good friends. We worked together very well. And the exercise escorting a battleship was kind of a lesson. Not alone, of course. There was a whole screen around it of seven or eight ships. But we learned very quickly that our captain was a real flake. He had gone to Annapolis, graduated, never went on to the Navy. But the Navy was so desperate in those days of the

war that they went back to their Annapolis graduates who were not Navy people and brought them out and gave them a little more education and assigned them to ships. He had gotten some sort of a patrol boat and did a reasonably good job on it so they promoted him to Captain. They were building ships faster than they could man them. So they promoted him to be Captain of a destroyer. And I'm the Exec. So the traditional role of the Captain is that he gives all the orders and the Exec. carries them out. So I was in contact with him constantly and we were heading for Honolulu, Hawaii. Pearl Harbor.

We were heading for Pearl Harbor and our experience coming down the East Coast with him and the several days through some storms—we had one experience that settled in my mind what I had to do. I'm in charge of the ship and the Captain is down below in his cabin sleeping. We pick up the target on radar and it's on a collision course with us. I cannot avoid him because I am on the left wing of the whole big convoy. Everywhere I go there is a ship in front of me, around me, except to drop back. And we are all proceeding dark, all with lights off. Well, we finally see the lights of this ship and we know from tracking that he is going to hit one of our ships and probably us and I am on the radio trying to raise contact with him and finally I get a very guttural form, "Hello hello hello," and I holler, "Hard

right rudder! Hard right rudder!” and he must have understood. That damn thing turned and went by us so close we could see the people on it.

MARGARET: Hold on a second. Was that a merchant ship?

FMcG: Yes. Some rinky-dink merchant ship, a foreign merchant ship. All the while I am reporting this to the Captain and in the middle of this horrible episode when I’m trying to raise this ship, he comes to the bridge and looks around and then retreats, saying, “I haven’t got my night vision,” and runs down to his cabin. And I said, “I don’t want to go to sea with this dumb son of a bitch.” And the other officers had similar experiences with the Captain.

We finally get into Boston and I’m so excited because Margaret is coming to meet me in Boston. Anyway, we get into Boston and I’m all ready to go to shore to meet Margaret who has come down on the train, which was quite an experience in those days, and the Captain is walking around the ship and he finds a first aid out of place, something that should be here and it’s not there, it’s somewhere else. And he comes up to me and he says, “Are you aware of that?” And I said, “No, I am sorry I missed that.” And he said, “You are restricted to the ship for this misconduct,” and he gets into a boat and goes ashore. We were in the Boston Navy Yard at

the time, I remember. And I know Margaret is in a hotel and she is waiting for me and I am restricted to the ship. Every sailor on the ship knew my predicament and I had total loyalty from the crew. I went ashore. I could have been court-martialled for it.

The crew was getting telephone messages to me about when I should return to the ship. They had spies at the officers club watching the whereabouts of the Captain, but I had no problem there because the Captain usually would drink until closing. Margaret went home and we left for Pearl Harbor.

The other episode involving him was more serious. We had no idea as we approached Pearl Harbor. We all wrote letters. Everybody sat in the wardroom and said we cannot go to sea with this guy. We have to do something. All seven officers wrote letters asking for a change of duty. And every letter that left the ship had to go through the Captain. So he read all seven letters. He didn't say a word to us. Never mentioned it. We get into Pearl Harbor and we find out that he has radioed ahead that his ship is in a state of mutiny and he wants to be met by a military squad. So we get in and we throw over our lines. We're just so glad to be in Pearl Harbor, and this Marine bunch comes aboard and arrests all of us. "You are under arrest." Now, the Marines didn't know what the hell to do with us either.

So the Captain agreed that, if we were restricted to the ship, he was satisfied. The next thing you know they convened a military hearing board to hear his accusations of mutiny. The thing was asinine and a joke and was serious as hell and we were scared to death. We didn't know what to do. Three of the top brass, I forget their ranks, something just below an admiral, came aboard. They started the hearing and we started to tell our story. We went through a very superficial hearing one day and then the next night they were going to come back. They said, "We're coming back after duty hours. Prepare for the hearing to go late."

So in the meantime, when you are ashore or near the shore, you can have movies on board. You have them on the deck and they have a screen. So all the crew is delighted because we got movies. We have not seen movies for a long time. And Lena Horne is the star in this movie. I cannot remember the name of the movie, but I will never forget Lena Horne. I remember she was a real sexpot and everyone was waiting to see the Lena Horne movie. So the Captain decides he is going ashore, and as he leaves he says, "I'll be back at 8 o'clock, do not start the movie till I get here." The next thing I know another admiral comes aboard and introduces himself and says, "I heard you had a Lena Horne movie." So we said, "Welcome aboard Admiral," bowing and taking him to the front seat. And he said, "Start the movie." I said, "Well, I have a problem. I have been instructed

not to start the movie until the Captain comes back.” The Admiral told me to start the movie. So the Captain comes back and I meet him at the deck and say, “The Admiral told me to start the movie.” Well, he wouldn’t confront an admiral. He is only a Captain. So the next thing I know he goes up to his quarters and he calls down to me, “Send up the yeoman,” (who is like a secretary) and he dictates an angry letter to the CENTCOM complaining that an admiral has taken over his ship without permission. It was a very irate letter. The yeoman was a young kid that I had befriended. And he came down and he said, “The Captain dictated a letter to CENTCOM. Let me tell you what he said.” And he told me what was in the letter. He went and typed it up and he sealed it and delivered it to the Captain. The Captain came down with the letter and he said, “I want this mailed as soon as humanly possible.” I took the letter. I called for a boat. I went to the post office in the middle of the night and slept on the front stair of the post office until some guy came and found me sleeping there and woke me up and I mailed the letter. I then go to another ship where I visited with a friend for a couple of hours. I come back in mid-morning and the Captain is pacing waiting for me. “Did you mail that letter?” I said, “Sir, yes sir. I mailed that letter. You told me to mail that letter and I mailed it.” The poor guy was so upset. I have never been happier in my life. The next thing I know the hearing officers came aboard the next morning and said,

“The hearing is cancelled. You are all discharged.” And the whole mess was over.

The Navy ordered all of the officers to be reassigned to other ships and the Captain was assigned to a repair ship.

On my new ship, the Captain was a young, fairly decent guy. We got along well the rest of the war. So that is the famous story of my first ship. So any time anyone asks me what ship I was on, I was on two ships. I had very strenuous duty on the first one. I got as far as Pearl Harbor and that was as far as I got. But the second tour of duty, our youngsters we call them, they were all kids—the crew was 18, 19, 20—and for some reason they were all from the South. Most of them were volunteers and they must have picked them all out of one school somewhere. They were the greatest bunch. They were all kind of rural, funny, you enjoyed working with them.

CTF: Was this another destroyer escort?

FMcG: Yes. It was another destroyer escort.

CTF: And so where did you go when you sailed from Pearl Harbor?

FMcG:

We joined the Fifth Fleet. The Fifth Fleet had a home base called Ulithi, which is a little atoll of an island in the middle of the Pacific which had two important roles. It had an airbase because the flying time to the far advanced bases like Okinawa required refueling. So Ulithi was an air base for refueling. At that point the war was advancing toward where we finally stopped it, which was Okinawa. But there was a period of many months where we were involved with Okinawa. As a matter of fact, I was in on the invasion of Okinawa. It was months and months later before they established the base from which the atom bomb flew to Japan. Distances were very important if you jumped the Pacific because of the fuel limitations on the ships. So I was stationed in Ulithi and we did submarine searches constantly. We just searched the whole area. Only one time did we ever find one that we think we sank. But they wouldn't allow you credit for sinking a submarine unless you brought home some debris. We got oil and nothing else so we couldn't bring home any debris. So we painted the submarine on our ship anyway. We defied the rule.

Ulithi was kind of a boring little island. You got to go ashore if you were in the harbor and it was a large atoll with a huge summit that went for several miles, which gave you a protected area in the middle of the ocean. The harbor was filled with ships coming and going—supply ships, military ships of all kinds. We sailed out of there every second or third month. We

were at sea usually six or eight weeks at a time, then we'd come in. And the whole idea when you came in is you wanted to go ashore. Ashore in Ulithi meant two baseball diamonds and a grassy area and a beach. That was it. But the main reason the crew loved shore was you could drink beer. Somehow, and I don't know who engineered this, I pretended I didn't know about it, we had beer on board. I made sure it was securely locked up, but Ulithi didn't serve much beer. But we brought our own when we went. We had two dozen cases of it. I have no idea where we got them. So it was a matter of great ceremony, I would supervise the unlocking of the beer and loading it, and then we would lock it up again. They never brought any back, I can tell you.

Oh. There is one more war story we have got to go with first. There was one other near-death experience. I started to mention it. The Fifth Fleet got orders to leave this sheltered harbor in Okinawa because it was about to be hit by a typhoon. So we all left and the idea was to disperse. Everybody to get as far as they could from everyone else. So here we are in our little destroyer and we dispersed right into the middle of the typhoon. One man was washed overboard. And we didn't lose him because he was washed on-board again. He was washed over the bow of the ship. We found his mangled body still alive under the depth charge rack on the stern

of the ship. A wave washed him into the ocean and a wave washed him back on to the ship. The guy was badly injured, but he survived.

And I have one more story. One guy was standing inside a waterproof door, a big heavy metal door. A wave hit the side of the ship and it blew the whole door in and it damaged him very badly. I never heard if he survived. Both of them were in serious condition and we shipped them out.

We have an inclinometer on the ship which shows how far we were rolling. There was a little red dot on the inclinometer and the red dot, it was explained to us, was the indicator for the maximum roll you could take before you went over. I can remember standing there holding on tight so I didn't fall down on watch. That thing was running very close to that dot, but it never got there.

We had one occasion, the night my oldest son was born, we were in a major typhoon. That event was very threatening and we were lucky to survive.

We had one great adventure at Ulithi. Japan had mini-submarines. One-person crew. It had a torpedo affixed to it and it could fire one

torpedo. The port of Ulithi had a gate, an underwater gate. It was just a big net and you would wait and they would raise the whole big thing up. The ship would come in and it would come down and the gate would close. Somehow this little mini-sub got in to the harbor. We were all at anchor next door and taken by surprise by a tremendous explosion.

A torpedo had hit a nearby ship broadside. The word went out. "Submarines in the harbor!" And really there was only one, but we didn't know that. So we were all trying to get underway. We finally got underway and as we were proceeding along the side of the atoll we see a little submarine. The sub was trying to get out of the harbor and had hit the rocks, hit the beach and run aground. We watched as this little submarine came up on the beach and this little guy climbed out of it and started to run. And every gun on our ship opened up. They were shooting five-inch shells, machine guns. This poor little guy, whoever he was, was blown to pieces in the first few minutes. That was our first engagement. We put that in the books as our first major battle. We captured a sub. We really did.

CTF: In early August of 1945, how long did you think you were going to be at war?

FMcG: We speculated. We really never knew. I went to sea in 1942. I came back in 1946. I was in Loyola's first law school class when the school reopened and I graduated in 1950. I was there four years. So I came back in '46, I guess. Anyway, I come with those two dates in mind because that is how long the war lasted. When I went in and when I got out. I was on the U.S.S. Lewis DE 533 for more than two years.

CTF: But did you think, before the atom bombs were dropped, that you would be at war for quite a while?

FMcG: At that time, we had been informed that they were gradually moving the whole fleet from the Atlantic to the Pacific in preparation for the invasion of Japan. They expected losses to be enormous. So that was the mind set we had. Sooner or later we were going to invade Japan. In the meantime, though, we had progressed to Okinawa, and we were bombing Japan, although the atom bomb was something we hadn't heard of yet. And then one day we heard the news of the atom bomb. Two atom bombs. Remember, they dropped two of them.

Following the bombing of Japan, Japan surrendered within a week. It came as a surprise to us all, a total change in our mindset. I never knew when I would be home and in truth, I wasn't at all sure I ever would be. But

after the surrender caused by the atom bomb, we all felt confident that we would come home to our families.

Oh, but let me say first that we were in on the invasion of Okinawa. That wasn't bad. All we did was give them guns, shore-line firing at everything that did not move. And very little fire returned to us because we were firing at installations. That was our assignment. So the whole fleet was anchored in Okinawa. That was the end of a very fierce and difficult invasion and the Marines fought a terrible fight there and there was a very high death rate and horror stories of on-shore battles.

The Japanese, the Okinawans who were essentially Japanese, had a burial custom of burying their dead in a snail-like tomb. There was some belief that evil spirits would not enter the tomb if they had to go around the corner to get into it. And when the Japs were finally on the defensive there and losing the war, they would take to hiding out in these tombs. And the tombs were not in a cemetery. They were around everybody's houses. So everywhere you went, you never knew where some guy would pop out of one of the tombs and start shooting at you. So the Marines were taking a terrible beating there. We were giving them what support we could, but it was not enough. The Japanese were bombing the fleet in Okinawa every night.

The one thing we did that was probably the closest that I have ever come to death. There was a particular assignment. We had an outpost about 50 miles out and that would guard the rest of the fleet, where they would come in. So the guard ship could warn everybody in Okinawa the time was coming. That the Japanese air fleet, their fleet, was coming in. And the first thing they would do when they came in, is they would see this destroyer out there and they would dive bomb it. Kamikaze it. And day after day, the remnants of these destroyers who were on guard were getting towed in. We were scheduled to be on guard one night and were very sure it would be the end of us. The night we were on guard, the Japanese planes came in. One of their planes was dispatched and was kamikaziing us, coming in towards us. We were firing everything we could possibly fire. Whether it was our fire or whether it wasn't, I don't know, but the plane did not hit our ship. It just skimmed over us and took the top of our mast off and crashed into the ocean. We all sat there looking at it. That was the closest to death I ever came.

You have events like that happen and you figured the world was going to end and you were pretty sure you would never survive it. But you know, it is a mindset. You get used to it. It gets to be silly to be impressed by things like that. Our crew was such a jovial bunch that they were always laughing, always joking. And they used to tease me all the time because,

when I got on board the ship, I never drank my coffee. The watchman at night did not discourage several very clever kids who used to take resistance wire and make hot plates with it. So gun mounts had a hot plate with coffee. When I first started making the rounds of all these gun stations at night they would offer me coffee and I would say, "No, thanks." Then after a while they would offer me coffee and I would say, "Okay." Close to the end of the war I was drinking coffee at every gun mount down the line. Everybody used to tease me as the coffee drinker on the ship. And I have been drinking it in wholesale quantities ever since.

When I had a watch, in the wardroom we had a hot plate. So what did I want? What did I like? It wasn't beans. Peas, peas! We had a special cook for the officers and he had his own pantry and I would sort of sweet talk him when I had the night watch into giving me a can of peas. I would pour those peas into an empty coffee pot and heat them up and take them with me. I love peas. I don't know why. Everybody thought I was a gourmet. I loved peas.

CTF: When did you decide to go to law school, that you wanted to be a lawyer?
You were a philosophy major.

FMcG: It sticks in my mind that I came home from the war. I was married to Margaret. We had a little apartment on North Clark Street.

MARGARET: Remember we were with my mother for six months when you started school. But you went over to Western Electric. The next day after he got off. He would not even take a week off.

FMcG: I came home. Wife, baby, big responsibilities, got to get a job. We had a friend who was going out on a double date with us and I was to pick him up at Western Electric. I was early. I parked outside and there was this sign that said Employment Office. I went in, started to talk to the hiring guy. It turns out that Western Electric manufactured a sonar system for the Navy during the war. I had trained on sonar on his equipment. I was the first person he had ever met who knew anything about this equipment. We were intimate friends in about six minutes. The next thing I know he offered me a job.

Did you ever notice how much a role luck plays in my life? Luck is the wrong word. Maybe it is divine providence. Whatever it is.

So I come out an employee of Western Electric about five days after I got out of the service. But I didn't decide on law school then. I remember

the minute, Margaret. We invited Father Finnigan down for dinner in our ratty little apartment. He was the Dean of Arts and Sciences. He married us.

Father Finnigan was a wonderful old guy. He came down for dinner and we were chatting and he said, "What are you going to do with your life?" And I said, "Well, I don't know. I have a good job with Western Electric." He asked, "What do you do?" And I told him and he looked at me in disbelief. I was designing switching equipment. I didn't know what the hell I was doing, really, but I was trying. I had helpers who were helping me out. He said, "Did you ever think of law school?" I said, "I thought of it, but I don't know what to do about it." He said, "Well, it is the law. It is time for you to sign up, get to law school!" And I got to law school.

CTF: Under the GI Bill?

FMcG: Yes. I would not have been able to do it without the GI Bill. That was a godsend. They paid for books and tuition. Did you have that advantage? No? It was the greatest boon. It occurs to me that to me that the smartest thing Congress has ever done was the GI Bill. It just gave opportunity to thousands who would not have had it otherwise. It made for success stories.

When I start to tell you about my days in law school—those were the days—but anyway, I signed up for law school and started night school in 1946 and graduated in 1950.

CTF: You worked while you were going to law school.

MARGARET: You worked with Father Finnigan. You taught English and speech.

FMcG: Oh, that's right! He called me up and said, "How would you like to teach remedial English?" I said, "Sure." A little while later we extended that to speech. So for the four years of law school, I was on the faculty and loved every minute of that because it gave me so much freedom. I had all my law stuff on my desk and, as faculty I would have hours between classes, I could do my homework. And I enjoyed the teaching.

BILL: He had famous students like Congressman Henry Hyde. Didn't you teach public speaking to Henry Hyde, dad?

FMcG: Yes, I did.

CTF: You take the bar exam in 1950. How was it looking for jobs?

FMcG: I remember sitting in a restaurant with some of my classmates talking about our futures after we passed the bar, and I said, "All I want in this life is a job that will pay me \$5,000 a year." I still remember that so vividly. And I lucked out. I got a job that paid me \$6,000.

John Waldron was a member of the law faculty and a very wonderful human being and I got very close to John when we were in law school. He was a partner at Dallstream, Schiff, Stern & Hardin. That was their name then. And I was interviewing for jobs. I still remember interviewing at one of the big firms at the time--this is one of my favorite stories--and John called me and said to interview at such-and-such a firm. I called them and I got an interview. It was Sidley & Austin. I do not remember the name of the partner who interviewed me. I was so impressed. He sat in the reception room and they had law books lining the wall. I got in this guy's office and I thought, "This is really the world." And I get a very cursory interview and at the end when it is over he finally says, "We don't make any decisions til the eastern graduates come in." I knew that was my death knell. I went to Waldron and I said, "You know, have you ever had the sense that big Chicago law firms are the eastern firms, and the whole rest of the law in Chicago is Irish and Catholic, Loyola graduates, DePaul graduates, and Northwestern graduates?" Everywhere you go you

find them. But the eastern graduates are the heads at a couple of the big blue chip firms.

So I told John Waldron my story and he laughed, and he said, "Well, come on and interview at my firm." I did and he hired me. I had a wonderful time there. I got very close while I was there to a man named Tom McKay. We became good buddies. I was happy doing what I was doing, but Tom McKay had a dream of having his own law firm.

Tom McKay was determined to start his own law firm and he never stopped selling me on the idea that I should come with him. So after a couple of good years at Dallstream, well, it was Dallstream then, now it is Schiff Hardin. After a couple of good years at Dallstream I realized that it would be a hell of a long time before I would ever be a partner in this firm so I decided to go with Tom. So he left and I left and we started up McKay, Moses & McGarr. I enjoyed my experience with McKay. We had some interesting cases.

Then another life-altering experience occurred. I was asked to join the U.S. Attorneys Office after Bob Tieken was appointed.

Bob Teiken was in a big law firm. I don't remember which one. He was a partner. He was a rustic sort of a fellow. He had a home in Libertyville which was a little farm. He had horses. He was not a sophisticated city slicker type at all. He was a real human rustic sort of a guy. As it it turned out there was a vacancy at the U.S. Attorney's Office and Bob Tieken was recommended by Senator Everett Dirksen and appointed. He did an unusual thing. He said, "I want three assistants. I want a First Assistant-Criminal, a First Assistant-Civil, and a First Assistant-Administrative."

He wanted a Jew and a Protestant and a Catholic. Can you imagine picking them on that basis today?

So anyway, he goes and calls up Loyola and tells them, "I just got this job and I would like a first assistant. He has to be a Catholic." They gave him my name and he called me up and gave me the job. There goes luck again, right?

And I get two other guys, the Jewish guy is Mitchell Rieger, who became a dear friend. And the other one was Al Walters. Al didn't stay long. Mitch and I became dear friends over the years.

BILL: Dad, do you remember any of your more famous investigations when you were at the U.S. Attorney's Office? You once told me about a Congressional hearing that took place when Bob Tieken was the U.S. Attorney. He was either asked or subpoenaed?

FMcG: Henry Crown was involved in the construction of the extension of Interstate 294. As part of the construction plan, the U.S. Attorney Bob Tieken had part of his farm condemned by the government for the road construction. As an interesting sidelight, Tieken began a grand jury investigation into alleged irregularities of the extension of the toll way.

Henry Crown is alleged to have persuaded an influential member of Congress from New York to hold Congressional hearings on the conduct of the U.S. Attorney.

Bob Tieken, as I said, I fell in love with him. He was a sterling human being, but he wasn't polished at all. He was sort of the rugged type. And one of the people he did not like was the owner of Material Service, Inc. Henry Crown. They are extending a major highway and it goes past Libertyville and it looks to take a corner off of Bob Tieken's farm. And he refuses to sell it because he does not like the price. So they convene a hearing. A condemnation hearing. And Bob Tieken calls in a friend of his,

whose name I don't remember. Another sterling guy. And he says, "You represent me." Ticken was honorable almost to a fault. "You represent me. Don't tell me anything about it. I'll take any price you would agree to. Let me know when it is all over with." And his other honorable friend did just that. Well, that did not satisfy anybody because nobody believed it was that honorable. But that is the way it went.

Well, then there became something of a scandal over the cost of the building of this freeway.

CTF: This is the Tri-State Toll Road, right?

FMcG: Yes. Henry Crown is involved. So it became a scandal that Crown was doing something wrong. I don't know what. And Ticken was supposed to investigate him.

In response to allegations of impropriety, the U.S. Attorney issued G.5 subpoenas to multiple contractors working on the project. Ticken's critics alleged that the issuance of the G.5. subpoenas was done for an improper purpose. Many thought at the time that Material Service used its considerable influence to pressure Congressman Manny Celler to convene Congressional hearings concerning Ticken's conduct.

CTF: Chairman of the House Judiciary.

FMcG: Yes. Chairman of the House Judiciary to look into Tieken's role in all of this. We go down there and I am Tieken's lawyer. I don't know whether he made a good choice or not, but anyway, we are doing our best against the worst rigged hearing I have ever seen in my life. Congressman Celler was absolutely ruthless. I can remember in one instance he called a witness. The witness was going into something purely objectionable. I raised my hand and he looks at me, "What do you want?!" he said. I stood up and I said, "I would like to object to that question. It is obviously erroneous, blah blah blah." He says, "Your objection is overruled." I sat down, and I tried again about three times and was overruled each time. In one instance where it got really, really bad and the witness was somebody that I thought was mine, I stood up and I said, "Do I have standing to instruct the witness not to answer?" Well, that blew his hand. All the while he started criticizing me for everything I had done. They finally said, "Be silent!" Here I am, lawyer for the witness in this case and I am the one ordered to be silent! So the whole thing ends. The government's case is put out. Congressman Emanuel Celler says, "The hearing is terminated. Everyone is excused." I rush up and I say, "I have a right to cross-exam so-and-so, the key witness, and I have some questions here." He said, "Let me see the questions." He looks at them and he says, "Let the record show these are in handwriting

and I cannot read them,” and dumps them in the waste basket. I had a feeling things would not go well. But what happened was, there was a Committee report critical of Tieken, and a Minority Report favorable of Tieken. It should have been favorable because he had been honorable through the whole thing. Anyway, that was one of my more notorious cases.

CTF: When you are representing Tieken, are you also in the U.S. Attorney’s Office?

FMcG: I could not have been. I was either in private practice or with Tieken at the time. I wish we could get the chronology of which came first, Bill. I graduated from law school, I go to Waldron, I leave Waldron where I go to McKay.

BILL: No, I think you go to the U.S. Attorney’s after Dallstream. Isn’t that your understanding, Collins? And then after your tenure with the government you went into private practice with McKay. Then you were in private practice for many years, and then you went back into government again.

FMcG: No. I was with McKay a couple of years and after where ever, and then I went back to McKay. And I was only there for a few months before I went on the bench.

BILL: Okay, Pa. You left and went to work for Bill Scott in his first or second term and you ran his office. You were First Assistant Attorney General.

CTF: Yes. You were a First Assistant Attorney General in 1969-70.

FMcG: Didn't I leave McKay to do this?

BILL: Yes.

FMcG: Okay. Now I have it straight. And after that I went back.

CTF: You keep saying McKay, but it shows that it is Moses, McGarr, Gibbons & Fox.

FMcG: No. Well, it started at McKay, Moses & McGarr. Moses was an honorable old guy. First Jewish President of the Chicago Bar Association and a great friend. Then after a while it became Moses, McGarr, Gibbons & Fox. Bill Gibbons was a classmate of mine and a friend from Loyola Law that we

hired. I don't know where we got Tim Fox, but he was also a friend. So that name went through a couple of changes. Then Moses dropped out so it was McKay, Gibbons, McGarr. I never remembered where the hell I was. They had some formula by which they decided the order of the names. That is probably right because I was more cogent when I dictated that. Let's stick with it.

CTF: Was Jim Parsons [District Judge James B. Parsons] in the U.S. Attorney's Office when you were there?

FMcG: Yes. He was. He had a special assignment, but I don't recall what it was.

CTF: Well, he prosecuted some Selective Service cases.

FMcG: Yes, his special assignment was Selective Service. That is practically all he did. I was the First Assistant then and he was head of the Selective Service Division. Another great human being. My life has been helped by so many wonderful people. Jim Parsons was another one. He was such an interesting guy. Do you remember when Jim Parsons received a threat? He was never happier. They assigned deputy marshals to him and escorted him to his home in Michigan every day. They stayed with him. They shared the

cottage with him and his meals. He was the happiest man in the world. I think he wrote the threat letter himself. I saved that.

BILL: [Showing a picture of the United States Attorney's Office] Lots of old, familiar faces you might recognize, Collins. A lot of the old guys.

MARGARET: Mitch Rieger. Mitch and a lot of the old guys.

CTF: And Jim Montgomery's in there, Harvey Silets, Ed Callahan, Larry Fisher, who was a bankruptcy judge, Bill Hardin, Bill Barnett, Tom James, Anna Lavin, Jewel LaFontant.

FMcG: Jewel Lafontant. She was Jewel Rogers in those days. She became the Solicitor General of the United States.

CTF: Dick Ogilvie.

BILL: The governor's in there. Nick Manos—he was a good friend of dad's.

CTF: Ray Smith.

FMcG: That was a good picture. That picture was probably the wisest thing I ever did. We had a farewell party to display it, and everyone who came had to pose for a picture. And when I go to U.S. Attorney's reunions now I bring it with me every time. They put it on a pedestal and everybody checks it out.

CTF: What are some of your cases that you remember from the U.S. Attorney's Office in particular? You know, that was the time of the Senator Estes Kefauver hearings, which is a Congressional side, but it dealt with the infiltration of the mob into restaurants and restaurant support businesses. Did the U.S. Attorney's Office have any role at all in any of those matters.

FMcG: I did, but no official role. I am trying to remember the guy's name. I had one guy under investigation and that is what he did. I remember Margaret was downtown for some reason and we decided to go to dinner at a fairly exclusive steak house—cannot think of the name. But we went to this restaurant, all full of people, and here at the bar is this guy I am investigating. He comes down from the bar, puts his arm around my shoulder, "Glad to see you," and he tries to pick up my check. I could not get out of there fast enough. In any event, as First Assistant, you oversee a lot of the stuff, you see somebody else doing the work on these big cases. I had the Contract Buyers Case. I remember the fellow I investigated, but I just don't remember his name right now.

It was about as general as a law firm can get. We had a whole variety of clients. There was no specialty. I did a lot of grand jury stuff and I had trials I would go in on. What I would usually do is, someone in the trial department would try the case and I would sit and advise them. I don't remember exactly, but it was not an exciting time.

BILL: You did a lot of defense work, Pa. You did some unfair trade practice defense and anti-trust defense, Justice Department prosecutions. Jim Coulas is a perfect example.

MARGARET: Yes, you did defend him in your private practice.

FMcG: I did. But we were talking about when I prosecuted.

BILL: Oh, right. I'm sorry.

FMcG: We will get to Jim in good time.

CTF: Well, let's get to Jim now. Who is Jim Coulas?

FMcG: Jim Coulas. Yes. He had a dear friend who was a distant relative of mine named John Moore. John Moore was Jim Coulas's attorney. Jim had a

very successful plumbing supply company and he had a process where he would import from Europe rough fittings and finish them in the United States. He found it cheaper than doing the whole process. Then he would sell them out of a room of telephone salesmen. It was a unique way to do business. He had business all over the country and he was very, very successful. So successful that he inspired the jealousy of the whole other plumbing industry. So a committee of them went to the U.S. Attorney and said that he was violating the law because the products he sold did not say "made in China," or "made in Europe," or wherever. His theory was that they were made here. He just bought the raw material elsewhere. The government bought it. They indicted him for not properly marking his product which was a real crisis for him and what it cost for his business. So he went to his attorney, John Moore. John must have been the defending lawyer, but he was not a trial lawyer. John asked me to take the case and I did. I defended Coulas and he was acquitted. That was one of the more memorable trials I remember.

CTF: Who was the trial judge?

FMcG: It wasn't Igoe. I think it was Judge LaBuy, but I am not sure. That reminds me of another one.

I was prosecuting a murder case. The murder case was against a woman, in front of Judge Igoe

CTF: Frank, where was the murder committed? Because they have to be on a federal enclave.

FMcG: It happened at Great Lakes. It was a federal jurisdiction crime. The man involved was a doctor or a dentist there and this was either his wife or his girlfriend from way back. And he was having an affair with a current girlfriend it turns out and she knew about it. So she came into his office, quite by surprise, she had traveled half-way across the country to get there, had a big argument with him, drew a gun and threatened him. The current girlfriend rushed in to save him and she killed the current girlfriend. I remember now her pictures in the morgue, which were quite vivid I might say. So in any event, trial for murder, Judge Igoe and I had never tried a case like that before. We get all done with the case—I convicted this guy—he had a black attorney whose name I don't remember but who later became prominent.

We convicted him in front of a jury. Judge Igoe had to sentence this woman. He put her on probation. I got all my horror and murder stories and put them in this case. It made no impression on him at all. He felt sorry

for her. After all, she was a wronged woman and she had been driven to it by her husband as they argued. So that was my famous murder trial. I don't remember any others.

We really should have done this interview a few years ago. Its my fault that we didn't. I know you asked and I was derelict in my duty.

CTF: Were you active politically?

FMcG: Never.

CTF: At some point you get the call to be Bill Scott's First Assistant Attorney General.

FMcG: Somehow, somewhere in my career, I was introduced to Senator Everett Dirkson. And I got to know him really well. We were close to being good friends. How the association began, I'm trying hard to remember. Anyway, it was that simple.

FMcG: Scott had been my law clerk much earlier in his career and only later had worked in the U.S. Attorney's Office.

CTF: Part of the problem in the Illinois Attorney General's Office, Frank, was that the pay was a lot lower and the jobs were less prestigious than the Assistant U.S. Attorney's positions, so it was tougher, I think, to get really top notch people. So you moved from one office where you have got some top notch assistants to another office where maybe they are not of the same caliber.

FMcG: And all having some political aspirations of one kind or another. It was a looser office, there is no doubt about that, and Scott was no disciplinarian by any means. He was a remarkable man in this respect, he had a great brain. The duties of office were not as formed to Bill Scott as what his future was and what he was doing and how he planned it. So I often remember there would be a hearing of some kind. He would be required to be there. He would expect to be quizzed by the press. He stopped by my office and picked me up and as we walked over. I would brief him as to what he might expect and what the issues were and so forth. And he would get up on the witness stand and you would think he had the case almost licked.

Now I don't know how many times, maybe a dozen times we did that. He was a remarkable performer. But then he would go back to his old concerns which had little to do with how I ran the office, all the day-by-day

decisions. No question I ran the office. And we had a drawer in his office—all the papers that had to go through to him for signature or otherwise went on his desk. The things I wanted him to take special note of went in a certain drawer. So he agrees that his First Assistant was supposed to be familiar with them on any assignment. But he did a good job. It worked out. We served the public well between us.

CTF: What do you remember as important cases where you represented Illinois during that time period?

FMcG: Most important was I was the delegate for its Constitutional Convention, the Illinois Constitutional Convention (“Con Con”). I spent some time on that.

CTF: Were you an elected delegate or were you the delegate for the Attorney General’s Office?

FMcG: I participated in Con Con as the representative of the A.G.

BILL: Didn’t you argue the Constitutionality of the Illinois Income Tax in about 1968 or ‘69?

FMcG: Yes, I did.

CTF: Is that before the Illinois Supreme Court then?

FMcG: Yes. That was another one of my assignments while I was at that office. Illinois—there was a state court judge named Napolitano and he, for some reason, always had an exhibit at the Illinois State Fair. Why he did I forget. But there was some shenanigans about getting the best station to exhibit. He had some business on the side and there was some shenanigans about how he had this large space. It was always a fight for where you go. He was accused of some misconduct in connection with getting the preferred space, and they added to it his misconduct that he was abusing his judicial office with his business activities.

So once again, that was the Illinois Attorney General's job to prosecute. And I prosecuted Napolitano for those offenses. He was found guilty.

You know where that picture came from, two days ago. One of my relatives was shopping in an antique store in Michigan City, Indiana, and came home with that. I will treasure that. I never had a good picture.

Anyway, I prosecuted Judge Napolitano. I remember a hearing on him in the Federal Building. Probably a grand jury, and I don't know

whatever came of it. But that's about the best I can do. If I can freshen it up, I'll let you know.

CTF: You're First Assistant Attorney General. You get a call at some point. "Are you interested in becoming a federal judge?" I assume that is how it came down. Somebody called you.

FMcG: Bill Scott. And I said, "Sounds like a good idea to me." But I didn't go to the federal judgeship from the Illinois Attorney General's office. I went from the firm, didn't I?

MARGARET: Yes. You went from the firm.

CTF: Oh. You went back to the firm?

FMcG: I must have gone back to the firm for a short time.

BILL: I think the appointment was in November and he actually went back to his own law firm for a short period of time before the nomination was made by the White House.

FMcG: I got the call and for a time they told me you got it, and then there was some question of timing before it was confirmed.

CTF: Did you get a call from the President?

FMcG: Oh, I did. That's right.

MARGARET: You did? And Judge Austin called me to tell me.

CTF: So President Nixon called you?

FMcG: President Nixon called me. Very short and sweet, but very nice. Very pleasant to be called on a Friday night. I said, "I'm happy to accept and I thank you much for the nomination." He wished me well and that was the end of it. It was shortly after that that the big inauguration took place.

BILL: Dad, your confirmation hearing in the Senate was done with another appointment? Who was it?

CTF: John Paul Stevens to the Seventh Circuit Court of Appeals.

FMcG: That's right. And three or four others. And there was a love fest. Nobody asked me anything serious. They asked me a couple of questions: how did I feel about it, did you think you can do it, are you happy to do it? Then we all shook hands and I went home. Not like the confirmation hearings today, I am glad.

CTF: None of President Obama's judicial nominees have been confirmed as we speak. Dave Hamilton is Chief District Judge in Indianapolis in Southern Indiana. He has been on the bench for fifteen years. He was the first nominee of the President. He is supported by Senator Lugar, a Republican, and Senator Bayh, a Democrat, and he still has not been confirmed. So it is a terrible system.

FMcG: There are others, as we all know, even in the good times who after they designated them waited a year or a year and a half before the nomination ever came. One of these was through before he was nominated because he said, "It is ruining my law practice." He laughed to learn about McGarr's law.

MARGARET: I don't think you better do it!

FMcG: No, no. McGarr's Law. He will understand. He is a nice guy.

MARGARET: Yes, but it is going into the record.

FMcG: I don't care. It is true. In all my dealings with the government, as a judge and any other ways I have ever dealt with any of them, federal, state or city, there is one principle that dominates everything and I have learned that principle: "Whatever government does, it does more or less badly. And the good stuff they do is good only because it is better than the bad." It isn't perfect, but we have to have a fire department. We have to have a court system. They do the necessary things fairly well. When I was a commencement speaker at the law school some years ago I told them about McGarr's Law and I don't know how this ever got out, but my sister came to me some time later with a little book of famous quotations and I was in it!

CTF: Good! So you are appointed to the Court. You get your assignments. In those days you got the dregs of everybody else.

FMcG: Absolutely. Trying all the tiny little cases nobody else wanted. I got through them all.

CTF: A lot of patent cases?

FMcG: Yes, a lot of patent cases. Nothing unusual about that. On one of the cases I remember that got a lot of press and a lot of emotion was the Contract Buyer's League. It was a class action by a group of homeowners who alleged that the contracts that they had for the purchase of their homes had been devious and misleading and they had all been misled. Most of them lost their homes. It was almost like what is going on today.

CTF: Exactly the same. Except it does not have the racial issue that the Contract Buyers had.

FMcG: You are right. That did have the racial issue. Well, there were a lot of attorneys in the case representing different groups and I got the idea and I called them in one at a time, sat down with the defendants, gave them a lecture on the fact that you are wrong, you are in trouble and you are going to settle with these people. By the time I got through with that process there were only a handful of defendants left, and there were several of them who were not going to settle on any basis but did not have much of a case anyway. So I dismissed it, which I should not have done as I look back on it, and that is a fact Collins, but there was only a handful of people that had given me a lot of trouble in the settlement conference.

Charlie Finley, the baseball case. *Charles O. Finley & Co., Inc. v. Kuhn*, 569 F.2d 527 (7th Cir. 1978). That was my most famous case. Everybody in the courtroom was a sports fan and I didn't know a damn thing about him, and they were lined up down the halls as you may remember, waiting to get in. Old Charlie Finley would show off with a girl on each arm and sit in the front row, which had been reserved for him. Well, it went round and round and round, but the fact is, whatever Charlie Finley had done, and however unhappy the Baseball Commissioner was with him, the agreement that created the Commissioner did not give them any authority to dump anybody from major league baseball. That was serious litigation. We don't like him, we want him out. They didn't say I had authority to do so.

CTF: This was to kick him out of baseball.

FMcG: Yes. To kick him out of baseball. They said they had the authority to kick him out of baseball. I had no jurisdiction to kick him out of baseball. They had no contractual basis. So I dismissed the case.

CTF: This is on Finley's contract?

FMcG: Yes.

CTF: An interesting point is that John Paul Steven represented Finley in private practice in anti-trust actions early on. Obviously before you both went on the bench.

FMcG: He had no role in my trial.

CTF: *Amoco Cadiz. In re Oil Spill By the Amoco Cadiz Off the Coast Of France On March 16, 1978*, 491 F. Supp. 161 (N.D. Ill. 1979).

FMcG: Amoco Cadiz. Well it has the distinction of being one of the longest cases I ever tried. It took over a year. Secondly, as was often said to the attorneys who represented Amoco, "It is the best prepared case I have ever seen."
What firm was it?

CTF: Kirkland, Frank Cicero.

FMcG: They sent a team of lawyers over there on the Amoco Cadiz case who lived in Brittany for a while. Interviewed everybody who had ever heard of the case, and then they did the same thing on the entire damage case. I investigated every damage case. The plaintiffs' attorneys, who are a group of good lawyers whom aren't nearly as good as the defense lawyers, didn't have the means to do the job that the defendants had, so the defendants put

on a much better case. Big problem I had with the case was the witnesses were all from abroad, and somehow I had the notion that they thought all they had to do was make a claim and it would be honored. And while I'm making it, I'll blow it up a little bit. So they get on the stand to prove a half-million dollars worth of damages and they had to buy a new tractor, then the cross-examination would be, "How much was the tractor." "Well, it was three thousand dollars because it was used." So when I granted damages, as I did in some substantial amount, they weren't nearly as substantial as the plaintiff's request. I know they were disappointed.

But anyway, it was an interesting case. One of the sidelights of that case was I've always had an interest in cathedrals. I just love cathedrals. Any time I travel any more where there is a cathedral and I have to go look at it. And when I travel in Europe I'm in seventh heaven looking at cathedrals. And somehow, some of the attorneys knew that story. I don't know how it got out. So every time they put a witness on the stand from some sweet little town in France, "Does your town have a cathedral?" "Well, yes it does." And I would get the cathedral from every question. I finally called the attorneys on it and said, "Ok, fellas, enough about cathedrals. Let's get on with the case."

It was a good case and a long case that took many years to try.

MARGARET: You had them in different languages, too, remember that? German.
Swiss. Italian.

FMcG: The crew were mixed in terms of national background. So the crew spoke in four different languages. And then the claimants were all speaking in French.

CTF: And the claimants all came from Brittany?

FMcG: Yes, they did. It just slows everything down terribly. The trial took twice as long because of the language problems. But anyway, I did it and I think I did a decent job on it, and I gave everybody something. They weren't all of them very happy, but that wasn't my fault. I didn't have a basis in the record to give them more.

MARGARET: Did they appeal it?

CTF: Yes. Some aspects of it were appealed. I remember reading the decision, but I couldn't tell you one thing the Court of Appeals decided.

FMcG: It never came back to me.

CTF: No. It did not. It was affirmed.

FMcG: Some of my findings were changed. I don't know what they were. They could not have changed findings based on the damage evidence. I don't think they had jurisdiction to do that. Whatever it was, it came and it went.

The story of the Amoco Cadiz is a fascinating story. The Amoco headquarters was in Chicago. All the top brass were in Chicago. When the ship got in trouble, the first thing they did was radio Chicago. From then on Chicago took charge of the whole problem and took charge rather badly. They did not want to hire a salvage ship because they would lose the ship. Actually, the law of the sea is, if you salvage a ship, you own it. If the salvage guy went out there and saved that ship when nobody else could, it would be his ship. Amoco was terrified of that. So they kept holding back on hiring anyone. When they finally hired someone, they hired the best salvage guy in the business. But the trouble was, he was a hundred miles away and all the while, while he was coming full steam, the ship was drifting closer and closer to the shore. They had power but they had no rudder so they could not steer. They were trying to turn the ship using propellers, but it would not turn into the wind. So they were struggling to just stay sideways toward the shore. Finally the tug arrived, put a line over the stern to take it out backwards. I will never forget the testimony of the

captain of the tug. He said, "We have never had our engines revved that high. The entire tug was shaking." He said, "I knew we were damaging the boat. There were plates sliding off the tables, pictures flying off the walls, but we could not move it. And finally the towing line snapped. We put on a heavier towing line, tried to take it out by the bowhead and had the same experience. And while the line was still on there, it ran aground."

So the local French people and the French Navy saved all the crew that were left onboard, but the captain would not leave. That was very dramatic. I never heard from the captain. He would not testify because the French men were boarding the rafts. But I had a transcript. He refused to leave his ship and they made him leave. They put him in handcuffs and put him in jail for negligence, the poor guy. He was an Italian. He had been to Italian navigating school and captain's school. He had certificates covering the wall, a really experienced guy. So he said, "The hell with them. I will never testify again." He would not give a deposition. I tried to get the Italian courts to order him to a deposition, and they wouldn't. Anyway, we went through the whole trial without him. He could have saved a lot of his side, I think, because he really had serious problems. But he did make a first mistake. His first mistake, he insisted on taking the ship bow out. The rudder, which we had pictures of, was as big as a billboard. This was a mammoth ship. The rudder in the rudder steering compartment had broken

off and was flapping back and forth in the heavy waves, and, as it crashed, it really threatened to damage the hull of the ship. If it had broken one more set of stocks they would have gone through the side. Not the rudder itself, but the top compartment. So they had these people down there putting lines on. They would get a line on and one was over on one side, and then another wave would come in and was snapping hawsers like they were thread. So, I think there was expert testimony in the pulling the ship out by the stern that it would have been safer than pulling by the bow. But the captain would not agree with it so they did it by the stern, then decided it to be the wrong way. I think he might have saved them on that point if he had testified because there was no opposing testimony.

Anyway, it was an interesting trial. It took a long time. I had a motion call every morning during the trial, but obviously I couldn't try anything else. So I was on trial for over a year.

CTF: That would be a particularly good case for our former executive officer from the U.S. Navy to be handling.

FMcG: Well, I wouldn't go that far. I knew the terminology

BILL: Did you talk about the GM case, Pop? The engine interchange? *In Re General Motors Corp. Engine Interchange Litigation*, 594 F.2d 1106 (7th Cir. 1979), *cert. denied*, 444 U.S. 870, 100 S. Ct. 146, 62 L. Ed. 2d 95 (1979).

FMcG: Oldsmobile was using Pontiac engines. There seemed to be very little liability and I forget how it turned out, but they ran out of the engines that belonged in this particular model so they stole some from another model, made a few modifications and put them in. The major complaint was that when a guy with his Oldsmobile, or whatever it was, drove in for service, the mechanics didn't know what the hell they were confronting. The engine was not the one they expected to find in a Buick or an Oldsmobile. How did that one turn out? I don't remember. I think there were damages, but they were not enormous.

So that takes us to airline flight attendants. *Stewards v. American Airlines, Inc.*, 11 Empl. Prac. Dec. (CCH) P10941; 12 Fair Empl. Prac. Cas. (BNA) 1463 (N.D. Ill. 1976).

CTF: Was that a pregnancy issue?

FMcG: That was a pregnancy issue.

CTF: United Airlines?

FMcG: Yes. If you got pregnant, you lost your job. I started to try that, but my memory at the airlines collapsed on that.

MARGARET: I think at a certain age they were not allowed to serve any more. Wasn't that it? And if they got pregnant they lost their job.

FMcG: Oh, yes. The age discrimination was also an issue. But the plaintiffs' class action case was well presented. They made a compelling case. The pregnancy case, the airline agreed to modify it in some satisfactory way. If you got too big, there was the first three months or something like that. But the big, big deal was the age discrimination. I kind of blew them out of the water on it.

MARGARET: And they had weight discrimination, too, didn't they.

FMcG: And I kind of blew them out of the water on that and forced them into a settlement.

CTF: You were Chief District Judge for five years. What were the toughest problems you had to deal with?

BILL: Pa, wasn't there a pornography case that involved Larry Flynt? Donny reminded me of it.

FMcG: I was chief at that time. There was a pornography case being tried in California in the federal court. Larry Flynt was one of the defendants and he was released on bond under orders not to leave the jurisdiction. He got an invitation from some pro pornography group to speak in Illinois. He hopped on a plane and went. The Marshal found out that he had left the jurisdiction, got an order from the Judge, and he gets off the plane in Chicago and was arrested.

In his wheelchair they bring him to the Federal Building and they bring him to Magistrate Olga Jurco—one of the nicest women I ever met. I didn't know that Olga was a little concerned about dealing with Larry Flynt. She came to talk to me about it. I said, "I'll tell you what Olga. Send him to me and I will take care of him." She was very relieved. So we do it in the Metropolitan Correctional Center. They had some sort of a hearing there and I did not want to wheel him into the courthouse because he had a habit of taking his clothes off when he appeared in court. So then they would cover him with a blanket and tie it around him. He was quite a guy. He went absolutely crazy.

So I'm sitting up there and they wheel in this guy and, in this instance he was half clothed

MARGARET: He had a diaper on, didn't he?

FMcG: Yes. He always wore a diaper. Whether necessary I don't know. He had a diaper on and some sketchy thing on his shoulder. So they called him in and the U.S. Attorney asked if I minded the way that he was dressed. I said, "No. Let's go ahead." So they wheeled him up to me and he looks at me and spits at me. And I said, "Move him out of spitting distance." So they moved him back about ten feet. He spit once again, but he didn't come close to making it. So I held him in contempt on the spot and we went on with the hearing and I ordered him removed back to his own jurisdiction. The big trouble was, he had a lawyer, two lawyers, a man and a woman, that went with him everywhere he went. And they were there. They were not charged with anything, but they asked to talk to me in chambers, a lot about arrangements for flying him back. And they said, "We'll take him back and it will save the Marshal the trouble." I said, "You brought him here, didn't you?" "Well, no, we didn't. He called us and we came." Anyway, I sent him back with the Marshal. But these two people were sort of stranded in Chicago. They had been called at a moment's notice, they had rushed to the airport, flown here, and had no place in the proceeding at all, did not know

what the hell to do or why they were there. I said, "Get on a plane and go home. There is nothing you can do." But I felt sorry for them. Obviously, Larry Flynt did not have very sophisticated lawyers.

That was a fascinating case. That was a spitting contest case. On the contempt citation, I think he did some time, but it didn't matter. He was in custody anyway. I forget what I gave him. Six months? Oh, I know what I gave him. I gave him a speech and said, "You are welcome to keep spitting, but each one is going to cost you six months. Now it is up to you." After that he stopped spitting.

CTF: What other problems or issues did you have?

FMcG: As chief judge I had no problems. I had the best court there ever was. We had a monthly luncheon meeting to talk over whatever difficulties there were. They were quickly resolved.

BILL: Dad, were there types of cases when you were on the district court that sort of inundated the court? I remember civil rights litigation in your tenure went up astronomically, prisoner cases, especially a lot of habeas cases. I remember you talking to me as a teenager about how these cases were sort of enveloping the court.

FMcG: I know what you mean, but I cannot think of any.

FMcG: One of the jobs as a the chief judge that I kind of relished and enjoyed—I started hearing from lawyers on the street. There is no communication between the state court and the federal court. We do not talk to each other, there is no cooperation, and that is kind of a shame. So I forget who was the chief of the state court at the time, but I called him about this and I said, “I would like to work with you. I am new at this, just call me at any time.” He said, “Well, we are having our annual judges’ dinner. Why don’t you come?” And I did. And from then on I made every one of the annual judges’ dinners. I got to know a lot of them. We had a good rapport and, every once in a while on sentencing, I would call one of them up who had just sentenced a guy to get some sense of what he was doing. And I think this still is true. I hope it is still true. And we worked out a very pleasant relationship.

CTF: For seven years now we have had a conference, an educational program for the state and federal judges, both from the trial and the appellate courts under the auspices of the Chicago Bar Association. That has been a very positive thing.

FMcG: It is positive. I never had that. It’s a wise move.

CTF: You finish your chief judgeship. You stick around for a couple of years as a senior judge, and then you decide on a new adventure.

FMcG: A new adventure. By this time Foley & Lardner had become a pretty big firm, with a big litigation department, and—who was the head of it?

BILL: Dad, when you left the bench you went to work with Phelan, Pope & John.

FMcG: I remember. But Foley & Lardner and Phelan, Pope & John had merged. Foley and Lardner was a big Milwaukee firm. A surprisingly big firm for Milwaukee. And so they merged.. And once again, I have a friend in Dick Phelan. He and I became good friends. While I was there, we worked together on a variety of things.

CTF: He was president of the County Board, too.

FMcG: Oh. That was it. The County Board. He brought me to the firm. He sat down one day, we had gone out to lunch, and he said, “How would you like to come with the firm?” And at that time I had something of a crisis financially. You do not put kids through college and law school on a judge’s salary.

MARGARET: Or medical school.

FMcG: Yes, and we had another one in medical school. So I thought this would be a good time to up the old income, and I went. It wasn't for a totally selfish reason. I wanted to get back where the action was. Senior judges are doing interesting things, but the same interesting things I'd been doing for 18 years, so it didn't challenge me very much. I went back with the firm and I enjoyed it very much. I did very little court appearance. I was kind of the major advisor for the whole litigation department. We discussed all the cases and tactics and so forth. That was about my job there.

CTF: You became, also, a well-respected arbitrator.

FMcG: Oh, that is true. I did go into arbitration at that time.

BILL: Ok, Pa, you went to Phelan, Pope & John for some time. Dick Phelan went on the County Board. You stayed there during his term. He came back to the firm and then they became part of Foley & Lardner. So you were actually with Phelan, Pope & John, or the survivor of that firm for about eight years before you started with Foley.

CTF: So you started handling arbitrations for the American Arbitration Association, JAMs, and End Dispute.

FMcG: The name was JAMs and End Dispute when I went there. Who got me into that I cannot remember. Anyway, I did a lot of it. I enjoyed it. I had some interesting cases. One of the cases was a big one..

BILL: *Arizona v. California?*

CTF: Well I know you had *Ortho* and *AMGEN* . . .

FMcG: That is the one I'm trying to think of. I enjoyed that case. Excellent lawyers on both sides. It took a long, long time. We did it in pieces. We would do it for a week and then we would take time off. Once again, I have trouble remembering how that turned out. I do not remember a big judgment. I know that during the course of the case I settled a whole variety of issues, but I do not remember the finality of any of it. But there was not much of the case left by the time I finished with it.

At the very, very end I remember saying goodbye to all the attorneys, and I know I had supervised settlement discussions which I was sure were going to end the case. Amgen was a starter in the bio-field at that time. A

model company, a small company, an energetic company. And Ortho was the General Motors in the field.

CTF: Ortho was a division of Johnson & Johnson.

FMcG: That's right. A big giant, cumbersome, difficult-to-get-them-to-move-to-talk, very fast, putting on witnesses who did not have too clear a distinction between truth and shame. But anyway, I got a line on it. I cannot remember the finality. I remember being satisfied that the case was substantially over and that it turned out all right.

BILL: Hey Dad, didn't you do a water dispute between two states? You were appointed as a Special Master by the Supreme Court?

FMcG: That was *Arizona v. California*.

CTF: Over the Colorado River.

FMcG: I was appointed by the Supreme Court on that one. That was a big one, too. I'm glad that Bill remembered that. It involved Indian water rights and States' boundaries dispute.

Well, it was a complicated case and a fascinating one and we finally resolved the whole thing.

CTF: And what about the Creche case? City Hall.

FMcG: The Nativity scene! The Christmas Creche! I never disagreed with the Seventh Circuit Court of Appeals. I said, "They are smart. They are doing what they are supposed to do." And in every case I have known that to be true, except this one. They loused it up bad. I don't know who wrote the opinion on it

CTF: I think Joel Flaum.

FMcG: Joel Flaum. I had a little talk with Joel about that. He thought it was amusing. To give you a little background, the Christmas scene at City Hall was challenged because it was a violation of separation of church and state. They had other things. They had secular decorations. They had invited the Jews in and they had a Menorah. So I ruled in the obvious way that this was not the singling out of any particular religion and so forth. I don't know what got into Joel, but he saw it a different way. He just said I was totally wrong and reversed it.

BILL: There was a lot of press on that case, wasn't there?

CTF: There was a lot of politics. Well, there have been a lot of Nativity cases and eventually the Supreme Court affirmed your decision, put everything in there.

CTF: Let me ask you a question, Frank. What motivates you? What makes you tick?

FMcG: Three things. Number one: my upbringing, a good Catholic family teaching me religion; secondly, my educational experience with the Jesuits, from start to finish; and third and most important, the girl I married. Can I tell them now when I fell in love with her?

MARGARET: If it is off the record.

FMcG: We should have done it while you were changing. I'll tell you anyway. Well, first I told you I always had trouble with her. I was the patrol boy in charge of the lunchroom.

CTF: And you had this one person who wouldn't shut up.

FMcG: She was my disciplinary problem from start to finish. So anyway, for some reason, I cannot remember, I came back to the school in high school. She was in eighth grade and I was a freshman in high school and they were rehearsing for the annual play. She was the Statue of Liberty. It was a dress rehearsal. All out. Some careless nun put a floodlight behind her and I could see through her dress. And I said, "This is the girl I am going to marry." Well, I didn't really say that, but I came close I gotta tell you.

MARGARET: If you print that I will kill you! [All laughing]

FMcG: So anyway, we got to be friendly and she lived some distance from me. I can remember riding my bicycle over to her house on summer evenings.

MARGARET: What happened was, you were friends with my cousin, the guy that lived next door to me. He was my cousin and I used to come over so I would be able to see him. I had some devious plan.

FMcG: I said to her one time, long after we were married, I said, "Isn't it fate and isn't it wonderful that so many circumstances fortuitously brought us together?" She said, "Let me tell you something. I planned it. I knew you were going to be there and so I was there." I didn't know that. I was stupid. I didn't know what was going on.

MARGARET: Well, its lasted sixty-six years. It could not have been all that bad.

FMcG: I always tell her if she remains as good as she is, she is 70, I am certainly going to keep her.

CTF: Well, that is what I wanted to put on the record. So if there is anything you want to put on there, we can add it, otherwise, thank you very much.

FMcG: All I wanted to add is that I have had a wonderful, happy life, largely due to the family I have had. The children I have had. The wife I have had.

CTF: Actually, we ought to list the children and the grandchildren here.

FMcG: I can list the children, but the grandchildren, I may need a lot of help.

BILL: Well, obviously, he has Frank, Ray, Mary, Pat, Mike and myself. Almost all of us have children. We will put a list together for you.

CTF: Good.

FMcG: We will start with Frank. Frank had two daughters.

MARGARET: The one you just met, that is Frank's daughter Debbie. And this is her husband Donny. And there is Michele and her husband John. And that is it. And they both have their families. Who comes next?

BILL: Ray.

MARGARET: Ray had two, a boy and a girl. Raymond, Jr. and Meagan. Neither is married. Ray is now deceased.

CTF: He was the doctor?

MARGARET: Yes. A medical doctor. A very good one. Died too young. Died at fifty-eight.

BILL: Mary's next in line.

MARGARET: Mary has four children: three boys, one just got married, that was the wedding we went to, and one girl. She has no grandchildren yet.

BILL: Mary's children are Andy, Tommy, Danny and Margaret.

MARGARET: And then we have Mike who has no children.

BILL: Then Patty has three children. She has a boy named Frank, Jr., and she also has Katy and Karen, two daughters, and she does not have any grandchildren yet.

And I'm the last one, and my wife is Diana and my son is David.

MARGARET: So only Frank's children have given us great grandchildren.

BILL: Their five great grandchildren are: DJ, and Jordan, Marissa, Monique and John.

FMcG: Now we got them.

BILL: Dad, I think you have made an impact on at least two generations of lawyers in Chicago because rarely a month goes by where some lawyer figures out that my name is McGarr, and comes up and says, "Is your father Frank McGarr?" or "I knew your father." And I mean lawyers from as old as you are down to in their early forties.

FMcG: I should have talked about the Loyola Law faculty. I suppose I was a youngster with very little information about law schools. John Fitzgerald was Dean. He had people on the Law faculty like James Forkins, John

Waldron and John Hayes, and a variety of others. It was a wonderful time and I welcomed the intellectual challenge of the law. The whole subject of the law was so fascinating and it was being taught so well. It was a life-changing experience to graduate from Loyola Law School. To have been there, even to this day, brings back wonderful memories. I fondly remember the people who shaped me in a very real way.

CTF: Frank. You have two things that we need to put in. One is, your service on the Judicial Conference of the United States. You were elected as a district judge representative from the Seventh Circuit.

FMcG: That is correct. I served on it for a year or two. Actually, there was not an awful lot that the Judicial Conference had to do, although we did have an instance of recommending the removal from the bench of one judge. But other than that, occasionally there would be a discussion of some particular role of the court. I only remember three or four meetings. They were kind of impressive. You would go to the Supreme Court and sit with Chief Justice Warren Burger, who was our Chairman, of course.

CTF: Why don't you talk about the vote on Hastings? I think that is pretty interesting.

FMcG: Okay. A Judge named Alcee Hastings from Florida was charged with bribery, with taking a bribe to fix a case. Our job was to look into it. We had no punishing powers, but we had investigative power. So we called a bunch of witnesses and Alcee Hastings himself, and listened to it as you listen to any other trial. The evidence was overwhelming that he was guilty. Then at the end of the hearing, we sat down with all the judges and I apparently had the first vote and I said, "Guilty as hell!" And then was surprised that the vote went around and other judges hemmed and hawed and thought for awhile, and shouldn't we do this, and what about the reputation of the judiciary. And finally after some heated arguments in which I took an active part, everybody voted, some with some slight evident reservation, to recommend that he be removed from the bench.

CTF: He would have been removed by Congress.

FMcG: That's right.

CTF: He was later then elected to Congress and serves as we speak.

FMcG: He was removed from the bench, ran for Congress and was elected. That says something about Florida. I don't know exactly what.

CTF: We also talked about your meeting President Carter when President Carter was looking for a person to be appointed as the Director of the Federal Bureau of Investigation.

FMcG: I got a call from the White House asking me to come down for an interview in connection with the job of Director of the FBI. And, of course, I agreed to come. As I talked to other people about it, I was told, whether accurately or not, that we were down to two candidates: myself and Judge Webster. He was from St. Louis, Missouri.

FMcG: I had known him casually over the years. We had a very friendly relationship. Anyway, I said to Margaret, "How would you like to move to Washington?" and I got some very negative responses. So I said, "Well, I have got to go, Margaret. Maybe I will take the job, maybe I won't. I don't know what to do." I said, "I promise you I won't take it then if it is offered, I will have to come home and talk to you."

When we got down there, I met President Carter. It was very interesting to be in the Oval Office. He was very gracious. Carter was a very gracious man.

So in the meantime I had just-oh, a month earlier I had had occasion to sit with a group of FBI agents. They were concerned very much about some rule that bound them that they thought was unfair to them. It had to do with compensation. So we all finished and the President said to me, "If you were Head of the FBI, is there anything that you would change?" And I said, "Well, I am sure that there might be some things, but one thing comes to mind first." So I laid out the case that these FBI agents had given me about this unfair rule on compensation. I said, "That is probably one of the things I would be prepared to change." He looked at me rather strangely and I think that was the last answer in the world he expected. Anyway, a short time later he made his decision and Webster got the job.

CTF: One of the things that we did not cover—which we talked about before we started—I was not aware of was your service on the Death Penalty Commission in the State of Illinois. Did you serve on that?

FMcG: I was the Chairman. And I enjoyed that. I had a bunch of very, very fine people. The Governor, of course, was the one they put in jail, George Ryan. We had a sterling group. We had one individual who was the only civilian. He had Attorney Generals, States Attorneys, all sort of people on it. I was quite impressed with them all.

CTF: And that was a very successful Commission.

FMeG: It was. We spent a lot of time on it. We studied the states that had the death penalty and those that did not. We recommended not the abolition of the death penalty, but some dramatic changes limiting its use. And then, with some considerable jockeying back and forward, and then with our compromise, the bill. It was a good one. And Ryan apparently was certainly not for the abolition of it. Ryan took our report and made no mention of it, wasn't too much in favor of it. He immediately granted leniency to half a dozen people who were awaiting the death penalty on one route or another. That gave you an idea how he felt about it.

But it was interesting work. It was time consuming, but it was a joy working with a lot of intelligent people. There is no greater pleasure than to sit down with a lot of smart people and try to agree on something. I enjoyed it very much.

One of the pleasures that came out of that is that we were all invited to spend the night in the Governor's Mansion in Springfield. We had a lovely dinner with George Ryan and his wife. We got to look in the Lincolns' room, got up the next morning and had breakfast in the Governor's Mansion. He lived in it. He showed us around. Gave us the

history of the furniture, and the pictures and the rest. I got to like him even though he had a sad ending. Some of the people in jail are quite likeable.

CTF: They are human!

FMcG: Yes. That is right.

CTF: They have faults like the rest of us. Well, thank you.

FMcG: You are welcome.

APPENDIX A

INTERVIEW WITH

FRANK J. McGARR

RETIRED DISTRICT COURT JUDGE

of the

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS

by PATRICIA L. McGARR

Dated: June 9, 2003



Patricia L. Beaver-McGarr
& Associates, Inc.

Affiliated with

Integra Realty Resources—Chicago

Real Estate Appraisers & Consultants

Patricia L. Beaver-McGarr, MAI
State Certified General Appraiser
Illinois Certificate Number 153-000621
Indiana Certificate Number CG49600131

June 19, 2003

Judge Frank J. McGarr
4146 Venard Road
Downers Grove, Illinois 60515

Dear Judge McGarr:

I wanted to thank you for giving me the interview, and for having the opportunity to meet with you and your lovely wife. I really enjoyed our visit. I submitted the interview for my class and received an "A". I thought that you might want a copy of the interview assignment, which includes the list of questions and my "self-evaluation."

Terry's sisters are working on the family tree and will forward it when they are done. Please keep my phone numbers and call me next time you are downtown, I would love to meet you for lunch, my treat.

You can reach Terry and I at our home, which is 773-784-4578, or my office which is 312-346-3200 x 109. Again thank you for the interview and the "A".

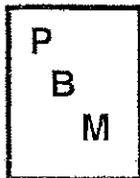
Respectfully,

Patricia L. McGarr (the new one!)

Home Address: 5516 North Virginia
Chicago, Illinois 60625

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May 29, 2003

Judge Frank J. McGarr
4146 Venard Road
Downers Grove, Illinois 60515

Dear Judge McGarr:

I am your cousin, Don McGarr's daughter-in-law, and we have briefly met at family functions. I am currently taking a Communications class at North Park University, which has a requirement that I formally interview someone that I admire. While I understand that even in "retirement" you have a very active arbitration and mediation practice, I was hoping that you could grant me the opportunity to interview you within the next two weeks.

In addition to this class, I have been invited to be a guest speaker in September at this year's Eminent Domain Conference for trial attorneys. The topic that has been assigned to me is "Preparing Your Expert Witness to be Effective." Given your 53 years in the legal profession including more than eighteen years as the Judge of the United States District Court for the Northern District of Illinois, I can not image anyone having more insight as to what makes an effective expert witness. I would like your opinions on effective expert witnesses.

I would be happy to meet you at your office or home for the interview. Please contact me at my office (312) 346-3200 x109, or at my home at (773) 784-4578 so that we can make arrangements. I hope that we can get together, because when it comes to people that I truly admire, I have no second choice.

Respectfully,

Patricia L. McGarr (the other one!)

PATRICIA L. BEAVER-McGARR & ASSOCIATES
♦ INTEGRA REALTY RESOURCES ♦ REALTY CONSULTANTS, USA

Patricia L. McGarr
Communicating in Organizations
Interview – Judge Frank McGarr
June 9, 2003

Questions:

1. What was the most exciting or interesting case that you were involved in, in which the expert opinions(s) were critical?
2. You have the unique experience of observing witnesses from both sides of the bench. Which traits do effective expert witnesses share?
3. Who was the best expert that you have witnessed and why was s/he so effective?
4. How important are academic credentials in evaluating the credibility of an expert witness?
5. In 1988 you awarded \$117.5 million in damages to the spill victims in the 1978 wreck of the Amoco Cadiz, the very large crude carrier (108 feet longer than the Exxon Valdez) that crashed into the Portsall Rocks at the northwest tip of France. This award was only a fraction of what the victims claimed. You noted a tendency toward exaggeration and a lack of evidence supporting claimed costs. In my eminent domain experience, we often see a large disparity between opinions of value and damages caused by a taking between property owners and condemners. What is the effect on a judge's or jury's judgment when two opposing experts conclude to opinions that reflect a huge disparity?
6. What is your opinion of trial consultants or psychologists who are hired by trial attorneys to review not only the opinions of expert witnesses but also their appearance, presentation and mannerisms?
7. When testifying at trial, in which the expert has testified to well-supported opinions and made strong arguments that refute the opposing side's experts, how does an expert protect or guard themselves against personal attacks that are made to "destroy the credibility of the witness"?
8. With regard to a jury trial, how effective are trial exhibits that are used in conjunction with the witness' testimony?
9. What is your opinion of allowing juror questioning of the witnesses, in addition to trial attorneys?
10. Can the sex of the expert have an impact on their credibility with a jury? If so, how could this be reduced or neutralized?

The Interview:

When we were first given the assignment to interview someone, I thought that this would provide me with the perfect opportunity to meet and get to know my father-in-law's cousin, Judge Frank McGarr. Ever since I started testifying in court as an expert witness five years ago, whenever I am seated in the witness chair, the presiding judge will lean over and ask me if I am any relation to Judge McGarr. When I respond that I am, through marriage, the judge will excitedly gush on that he clerked for the great man, or studied one of his famous cases. Since the people that I am trying to impress are so impressed with Judge McGarr, I thought that I should at least make an attempt to get to know the "famous legal expert" with the same last name as mine.

When ever I want to try to learn something about someone well-known, I turn to the Internet as my "jumping-off" point. I was quite surprised when I typed his name in to the search engine and got 145 hits. I found out what the general public knew about him: that he was a lawyer, and a teacher at Loyola University and John Marshall Law School, that he partnered in the firm of Moses, McGarr, Gibbons, Abranson and Fox, and in 1970 he was named as Judge of the United States District Court for the Northern District of Illinois by President Nixon, and eventually became that court's Chief Judge and Senior Judge. When he left the bench in 1988 he returned to practice at the firm of Phelan, Cahill, Quinlan & Devine, Ltd., and now at the age of 82 years, has a private practice specializing in Arbitration and Mediation. In 2000 he was appointed Chairman of the Illinois Governor's Commission on the Death Penalty by then Governor George Ryan. By reviewing his CV (curriculum vitae) that was posted on the Internet, I also learned that there was something I already knew about him -- that he was a McGarr. He listed his qualifications and experience in order of importance. The

first item on his CV, after his name, was "Married 60 years, 6 children." I married into a clan that is so family oriented, that I recognized immediately the familiar trait, pride of family. I knew that I was going to like him right away.

The specific goal that I wanted to reach was to gain some insight into what makes an expert witness effective in court. Judge McGarr practiced law and was a renown trial attorney, he was an instructor in Public Speaking and Law, he was a Judge of one of the highest courts in Illinois, and he now mediates/arbitrates solutions between opposing attorneys, all of which has given him incredible experience in dealing with and evaluating expert witnesses. I met the Judge at his home in Downers Grove, which was large but cozy and decorated with a lifetime's worth of treasures. On the walls and every polished surface there were family pictures of weddings, babies, and couples. He told me the story of how his father had become estranged from the McGarr clan before he was born, and that he did not really get to know the south side McGarr's until he was in his thirties. I told him that my father-in-law had followed his career and was very proud of him, especially when he mediated a lawsuit involving the commissioner of professional baseball.

When I complimented his home, he smiled and stated that it was decorated "by my beautiful, sweet wife," who had just come in to greet me. They made me feel welcome, and walked me through the house to their enclosed porch. Since it was such a lovely day, and the view was of the adjoining forest preserve, they thought that this would be most quiet. I felt very comfortable with this couple, not unlike the first time I met my husband's parents. We sat down, and chatted a short while about the recent events that have occurred to both the "south side McGarrs" and the "west side McGarrs." Mrs. McGarr brought me a glass of water, then sat back in an overstuffed chair, and said, "Please go ahead and start, we do not want to keep

you from your interview.” With that, the Judge offered me the chair with a table in front of it so that I could write, pulled up a straight back chair near mine for himself, and we began.

I had spent a week reviewing some of his cases and prepared a list of questions that I thought would be interesting to him, and helpful to me in my career. I initially wanted to know, in his 53 years experience, what was the single most exciting case in which the expert opinions were critical.

In Federal Court in 1988, Judge McGarr presided over the Amoco Cadiz case, as Amoco Oil was based in Chicago at that time. He awarded \$117.5 million in damages to the spill victims in the 1978 wreck of the Amoco Cadiz, (an oil tanker that was 108 feet longer than the Exxon Valdez) which crashed into a port near the northwest tip of France. Judge McGarr stated that the trial lasted eleven months, of which almost eight months of the trial consisted of expert witness testimony. The expert opinions regarding environmental damage, economic damage to the beachfront resorts, oyster farms and area fishermen, and clean-up costs by France and the area municipalities needed to be heard, evaluated and considered prior to his final ruling. In his ruling, the judge noted a tendency toward exaggeration and a lack of evidence supporting claimed costs. In situations like this, when there are experts representing opposing interests reflecting a huge disparity, it is difficult for the jury or trial judge to determine which expert is right or “most-right.” According to the Judge, it is the responsibility of the attorneys to help the jurors/jurist determine which expert to believe. This is done by demonstrating that the basis for the other side’s opinions were based on incomplete information or contained errors which resulted in the wrong or flawed conclusions. The attorney should also state that if the study was based on the *correct information*, that the opposing side’s expert would have come to the same correct conclusion that their expert had

come to. This trial technique results in a lot of expert witness testimony on direct examination of the witnesses, cross-examination of the witnesses and rebuttal testimony.

Based on his experience, the Judge made the following observations with regard to expert witnesses. First off, there are always two of them, each representing the interest that hired them, so the court would expect their opinions to differ. In qualifying the witness for the jury in the direct examination, the witness can state their qualifications, such as education, experience, and knowledge with the subject matter. Academic credentials are good to note, if the witness has them, but they are not critical to a witness's credibility, especially if the witness has extensive knowledge or experience gained outside of a formal learning institution. He also believes that to a jury, the witness' appearance can be more important than being smart. By this he means more than just their physical appearance, although "a professional, well-groomed appearance would certainly be more effective than dread-locks and a T-shirt." The witnesses' attitude, reflecting a professional knowledge of the subject matter and reverence for the proceeding, is a basic trait shared by effective witnesses. In addition, the witness should be personable, confident, and poised, without being condescending or arrogant. When the witness is on the stand, they should testify to the jury, not the person asking them the questions. This helps the jury develop a relationship with the witness.

The attorney whose interest the witness is representing is also responsible for the effectiveness of the witness. The attorney must lay a solid foundation with the witness prior to the actual court testimony including rehearsing direct examination and cross-examination. The attorney must know that the witness has a complete understanding of the case and facts. In addition, the witness should inform his attorney of possible problems, such as recently discovered errors, or prior testimony which is inconsistent with their current testimony.

The real test of the expertise of a hired witness is how they handle cross-examination. Academic witnesses tend to bristle when having their opinions challenged, and may respond with inappropriate hostility, or respond sarcastically, both of which can destroy their credibility and negatively reflect on the witness personally. It is very important for the witness to show the same degree of respect for the opposing attorney, as he does for his attorney. Even if the attorney becomes aggressive and hostile, the witness should attempt to remain calm and wait a few minutes before responding. This is important because it allows the witness to think about the correct response, but more important, it gives his attorney time to object to the question. If the attorney does not object, and the witness is uncomfortable with the question, he may either ask the judge if he must answer it, or first state "That I believe the question is improper, but if I must answer ...", and complete the response. These two techniques cause the jury to note the opposing side's unprofessional behavior. In addition, if on cross-examination the witness makes a mistake, and opposing counsel notes it, the witness should state that he did say that, but can offer an explanation as to why he said it. If the attorney does not let him explain, then the jury will be waiting for the explanation on re-direct by the witness' attorney. The Judge feels very strongly that an effective expert witness must always appear that the purpose of being in the courtroom is to "search for the truth," and therefore should never be evasive.

Any tool that a witness can use to aid the jury or judge in understanding their opinion is an advantage, such as visual exhibits or demonstrations. While computer "PowerPoint"-like exhibits can be effective, physical exhibits, such as pictures mounted on boards can be more effective since the jury can take these exhibits into the jury room and use them during deliberations.

Finally, I wanted to know if the sex of the witness could have any impact on their credibility with a jury. Judge McGarr believes that society as a whole has moved forward and generally, women are just as accepted as experts as men by juries, although you can not always determine what is in the minds of all people. He stated a perfect jury would consist of people who did not have any prior life experience before entering the courthouse, but since that can not be, that we have the next best thing. Just verdicts can not come from computer models programmed to compute the correct verdict, since they would lack the compassion, the empathy, and the consideration that are needed to determine the fairness of each unique situation.

Self-Evaluation:

I had sent the Judge a letter to which he responded and called me at my office. He said that he would be happy to meet me, although he no longer keeps an office in the Loop and that I would need to come to his home. While I had prepared for the interview by researching his history and cases, I lost the piece of paper with his address and phone number. I searched the house for an hour before I jumped on the Internet and tried the White Pages, and of course, he was unlisted. BUT for only \$9.95 (payable by credit card) whitepages.com would sell me his address! I was on the road, but twenty minutes late, and nervous about my first impression being ruined.

Before I could ring the doorbell, Judge McGarr opened the door, with a great big smile and a warm greeting. He refused to let me apologize for being late, and really put me at ease. There were a few awkward moments, when I had to try and explain to Judge McGarr how we were related. It was then that he explained to me that the families had been estranged and his

family had always regretted this. Both he and his wife wanted to spend some time catching up on family information, which took about a half-hour. I did not feel uncomfortable about this since I had an open schedule, although I did feel slightly guilty for not following the interview rules that we learned in class.

When the interview started, I gave a copy of my questions to Judge McGarr, and I was amazed at how quickly he scanned the paper, and looked up ready to answer all of them. When I started the first question, he said that it would have a similar answer to question five, and then he asked me if it would be OK if he just talked a little bit about what he knew about expert witnesses, and then go through the questions. Again, I felt slightly guilty because the interviewee was taking control - another "no-no," but I figured this guy counsels heads of state, if he is not used to taking control, who is. I will say that doing it his way made the interview flow much better. The interview felt more conversational, even though we touched on everything in my questions. At one point when I was talking about a professional experience, and we were both enjoying the funny story, the fellow next door started his lawn mower and we could not hear each other. Judge McGarr stood up and suggested that we move in doors, the annoying guy on the lawnmower was his son-in-law, the doctor, and if he has learned anything in life, it was never stop a golfer who is mowing your lawn.

I did notice that my interview request letter was sitting perfectly smooth on the living room coffee table. He must have showed it to some of his children, since one of his daughters and son, stopped by to meet me. I could tell that he was a little surprised at how much I knew about him and some of his cases. When he asked me how I got this information, I told him that I just typed his name on the Internet and got more than 100 references. He was surprised, and told me that he has never used a computer and was somewhat curious about what kind of

information people had access to. I showed him some of the things that I printed up, including a personal letter he had sent to the head of the Landmark Preservation Council regarding his legal opinion with regard to the sports authority's rights to redevelop Cominsky Park. He received only one phone call while I was with him that he took, and that was involving the Governor's office and his recommendations for the state's death penalty policy.

I was very pleased with this interview. Even though I did not perform the interview according in the specific manner that we were instructed to do, I learned so much about being an effective expert witness, and hopefully developed a relationship with a great human being. If I took one lesson with me, it was that a person could become wildly successful at their chosen career and still put their family first.