

THE UNFINISHED ORAL HISTORY OF
DISTRICT JUDGE JAMES BENTON PARSONS

May 1996

THE UNFINISHED ORAL HISTORY OF
DISTRICT JUDGE JAMES BENTON PARSONS

Forward

The oral history of District Judge James Parsons was never finished. Judge Parsons died before the recordings were finished or the transcript reviewed by him. Anyone who knew Judge Parsons would wonder if his history could ever be finished in his lifetime. He was a superb raconteur who never ran out of new ideas which were firmly anchored in what is good in the past.

Due to problems with the tape recordings, some parts of the tapes were extremely difficult and even impossible to transcribe. This project could not have been finished without the extremely hard work of Kathy Engel and Charlene Purcell of the United States Court of Appeals who spent hundreds of hours listening to the tapes to hear Judge Parsons's words and transcribing them. Circuit Librarian Janet Wishinsky also dedicated hundreds of hours to reviewing the transcripts while listening to the tapes, making corrections, and adding bracketed background material that will greatly aid the reader.

If you the reader can supply any additional information or make corrections, please send them to me.

Collins T. Fitzpatrick

INDEX

	Page
Tape 1 (March 23, 1988) . . . . .	.1
Tape 2 (March 23, 1988) . . . . .	.23
Tape 3 (March 23 & 24, 1988) . . . . .	.47
Tape 4 (March 24 & June 7, 1988) . . . . .	.59
Tape 5 (June 7, 1988) . . . . .	.71
Tape 6 (June 23, 1988) . . . . .	.93
Tape 7 (July 6 & 7, 1988) . . . . .	.115
Tape 8 (July 8, 1988) . . . . .	.137
Tape 9 (July 8 & 25, 1988) . . . . .	.161
Tape 10 (July 25 & December 8, 1988) . . . . .	.183
Tape 11 (December 8, 1988) . . . . .	.207

TAPE 1 (Side 1)

This is an oral history tape of Senior District Judge James B. Parsons for the Northern District of Illinois. Collins T. Fitzpatrick, Circuit Executive for the Seventh Circuit, is conducting the interviews. The date is Wednesday, March 23, 1988 and we are in Judge Parsons' chambers.

CTF: Judge why don't you tell us a little bit about the first part, the early part of your life? You were born in Kansas City, Missouri, right?

JBP: Yes, I was born August 13th and I understand that was a Sunday in 1911 in Kansas City, Missouri. And the reason I was born in Kansas City, Missouri was that my parents hadn't measured the time that I would get here. I was an emergency. They were on their way back to St. Louis from Denver. My father was an evangelist from the Disciples of Christ Church and he had spent some time out there with my mother, with a half brother who also was an evangelist, and they started back to St. Louis and they didn't get there in time. So he ended up with my mother in a parsonage next to the Divine Street Christian Church in Kansas City. There a minister, a Reverend Abbott, had my father preach the Sunday morning service during the course of which I understand he thought that I was about to happen in the midst of his sermon. It did turn out that way.

After awhile they continued on. Eventually we lived in several other places, such as Lexington, Kentucky. I have only a faint memory of Lexington. In Dayton, Ohio -- I have a faint memory of Dayton -- I remember the address was 97 Sprague Street. I remember getting locked in an ice-box which was sort of a cabin at the back of the lot of the house where we lived, out of which the family sold ice on the side. My full memory of Dayton is lax. I remember our stopping off in Indianapolis. I fell in love with a beautiful girl then. I had to look way up at her.

CTF: How old were you then?

JBP: [Laughter.] I had to have started school. But she was -- she ended up here and we became friends here in Chicago, years and years later. Her name, she is dead now, was Henrietta McMillan, but her name then was Henrietta Harrod. The Reverend Harrod was pastor of the Second Christian Church of Indianapolis. He was a friend of my father. My father conducted what was called a protracted meeting. Evangelists moved about from place to place and conducted 10 day meetings and tried to convince everyone else to join the church.

Then I remember a little bit about Vine Street in Bloomington. But my going to school, which was a strong

period of memory for me, was in Decatur. We ended up in Decatur. There, I understand, not because of there being a church for my father to pastor -- he was still moving about from church to church and working for the United Christian Missionary Society that had its headquarters in Indianapolis on the campus of Butler University -- but because they had a good school system. He and my mother, I suppose, were determined that my sister and I get a good education. I had two older brothers who had graduated and lived away from us. The older of them was ten years older than I and the one just above me was seven so that there was a bit of a hiatus between us. They were always pretty close but not necessarily that close that I didn't consider the family much more than just my sister, myself, my mother and father.

CTF: Now did the family always go with your dad when he was conducting the meetings?

JBP: I remember when we came out of Dayton, and I know now that the oldest brother, Abbot, was working at the Delco Electric Company. It was sort of a school training job. He stayed on. I understand that's what happened. He didn't join, he never really joined us. When he left there, he went to college. When he left there, he went to Nokomis. He got married in Nokomis, Illinois, a country town about 50 miles southwest of Decatur. The older brother was with us but he wasn't with us when we were in Indianapolis, I remember that. He probably went on or he stayed over with friends until the end of the school year and then came on to join us. He was with us in Decatur for sometime but he was older and I didn't pay much attention to him except to admire him, to learn all I could from him. He was mechanically -- he was a mechanic at heart. He taught me how to drive a car.

CTF: You said your dad did not have a church in Decatur?

JBP: No.

CTF: So how did he support the family?

JBP: He was still on the road, he was still going places.

CTF: So he just established the home in Decatur and then he would be on the road.

JBP: He would be gone for two, three weeks at a time and then back in. When he finished Dexter, which is one of the little schools that had been started by the United Christian Missionary Society, which is a mission group of the Disciples of Christ Church, a young church in American

life, he went to Butler and then he and his half brother became, after studying there, evangelists. And they were put on the road. My father was given Missouri and Kansas instead of churches. His brother was given Nebraska and Colorado.

CTF: Where did they come from originally? Where did they grow up before they went?

JBP: From just south of Hannibal, Missouri, a little town there. I haven't seen it for many years. But my sister saw it a few years ago and she described it to me. A place called Higby near Troy, on the Troy River which was a tributary of the Missouri River just south of Hannibal. I visited there when I was a kid. My grandmother, my father's mother, had a farm. She was on the east side of the Troy River. I remember that. I spent a couple of weeks there one summer tagging along behind her as she plowed the field. Shifting her pipe from one side to the other of her mouth, reaching down and tying again the knot that she had inside of her long dress, and answering my questions, and I was full of questions, with philosophy. I remember asking her why she made this beautiful horse do the work and that ugly cow up there in the field do nothing but eat and eat. It took a long time for her to answer that. Finally at the end of the furrow, the row she was plowing, she said, "you wanted to know why I make the horse work and let the cow eat the grass? The answer is that I can't get milk out of the horse." That made sense to me. It hadn't occurred to me that there is a division of labor between animals. So I remember her.

CTF: Now there was a senator from Missouri that you told me about, Senator Benton? I think it was? Wasn't there a Senator Benton? [1782-1858].

JBP: Yes, Thomas Hart Benton. The Benton name is a family name of my family. I have a document, I can give it to you, that traces the Bentons out, from beginning into the United States out to that place in Missouri, out near there. It's an interesting document. It was given to me, sent to me by a young man who came here in 1967. In 1967 we had the great snow in January, was it?

CTF: Right.

JBP: January or was it February 26, 1967?

CTF: I don't know, I was at school, I was at law school.

JBP: Yes, January 26, 1967. I had friends complaining about the fact that the new Connecticut Mutual Building had been

constructed up here just across from the Daley Center, the Civic Center, had allowed them to move in but, after finding that they were black, didn't want them. So this group of lawyers were housed out of offices up above the Drexel Bank at the north end of Drexel Boulevard. The address was on 39th Street and there were two white lawyers in the group and one black lawyer who looked like he was white. Two members of that group, one white and this black lawyer who looked like he was white, were the ones who negotiated for the space. They arranged to have the space. Then, when after spending a great deal of money in fixing up the space and getting ready to move in, they did start to move in. A halt was called to it by the building management until they could work out what to do about the fact that most of the lawyers in this group were black.

I was an activist at that time. I shouldn't have been. I should have been attending to my work on the bench. They came to me and I wrote Connecticut Mutual a blistering letter, indicating that I had been trying to cover for a lot of these errors of these corporations had been committing, but this was the end, this was the last. I had to do something about it. I didn't hear directly from Connecticut Mutual. What happened was that they sent two men out here and they didn't arrive on the date when they were supposed to because of the storm. It began on a Friday or Thursday and they didn't get here until the following Tuesday. They were held up in Cleveland or some point east of here.

When they got here, they went about their work and then called and arranged to see me and came in to talk with me. They introduced themselves as J. Peter Parsons, which took me back a little bit, and Thomas Benton. I thought a joke had been played on me. I didn't mention anything about the similarity of names, my name is James Benton Parsons. One, was middle height with auburn colored hair; the other one was tall, very blond colored hair. Then I took them to lunch. They let me know that everything had been taken care of. They had changed the management and the Connecticut Mutual arranged that there be no discrimination and the people could come in. The capability of maintaining the office and the quality of the people was all that counts. They welcomed this law firm in. Stark & England was the name of the firm at the time.

I was sort of in a daze about this name situation but I still didn't want to bring it to their attention. I couldn't resist it after I had taken them over to the club for dinner. It was about the end of the day and I would see them no more. I said, "well now, what's this about the names, is this a sort of joke? What is it?" They were

both vice presidents of Connecticut Mutual out of Hartford. They said, well, it was just a coincidence. They had thought about it and perhaps that was the reason that the two of them decided to come together. They had no idea that I was colored but that was how it happened. But they said that they would see what they could do to give me some background on it. I told them that I didn't want to be bothered with any part of any background out east in Connecticut. In a few weeks I got this letter from them with these biographical sketches that had been brought up to date from some historical societies out east. It did account for the presence in north central Missouri for the Parsons and Bentons. That is where Pop came from, Mom came from down in the central part of Missouri in a town called Fulton.

CTF: Was her name Benton?

JBP: No her name was -- Benton was always in the Parsons' family name. I am James Benton, my oldest brother was Abbott Benton. Then if you go over to the half brothers, William Benton, Thomas Benton. The middle name was [always] Benton.

CTF: Was there at one point a last name?

JBP: No there was a marriage in between and the name got carried over with the Parsons. It was not hyphenated, straight Parsons, James Benton Parsons.

CTF: Well I was thinking in terms of John Fitzgerald Kennedy.

JBP: Oh yes.

CTF: Fitzgerald comes from his mother's maiden name.

JBP: Yes. No, that was before me, my father's name was James Benton and so it was before him. Yes, there was a marriage between the Parsons and the Bentons back then that gave them that name. So it was.

CTF: Did your dad talk, or did your mom talk much about their life growing up?

JBP: My father didn't talk much about it. He was careful to see that each of us spent a little time with his mother. He didn't say to me much about his full brother, he had a full brother named Henry. His full brother also became a minister in this church. His full brother was much younger. He didn't say anything to me about his half brother. He and his half brother had left from that area down there in Missouri at the same time and had gone out to

conquer the world together. They went up into the Dakotas and became lumberjacks, worked their way down through the Dakotas and down into Iowa and down into this place called Des Moines. That's where they went to Dexter. They got a job working and then they went on into college. They finished the family school there at the farm in Missouri and then their work at Dexter, and from Dexter they went to Butler, both of them became evangelists at the same time. Later he got his brother Henry to go into the ministry. That was much later. That was at the time when my father was what was called a principal of a school down in Texas. He had been sent down there by the United Christian Missionary Society. It was called Jarvis Christian Institute. It is now Jarvis College.

It was the favorite charity, by the way, of President Johnson and at one of the big state dinners at the White House that Johnson had. He had me there at the table seated with the last member of the Jarvis clan. The family that had started Jarvis, down there. He knew about them.

Henry Loscious was one of the Parsons who didn't carry the Benton name. He was a school teacher for awhile. He had a family of four girls, pretty girls too, I thought. Then he deserted his wife and ran off with a student of his, out to Denver. He just ran off with her. He started another family out there. They are much younger than the family that would be in my age bracket so that I have cousins, first cousins who call me uncle, out in Denver. But that is as close as I could get to the family in getting me acquainted with them.

I did later have an opportunity not only to visit with my grandmother but I also had an opportunity to go down into southern -- down south of Hannibal during the 30's, the late 30's when I was teaching at Lincoln University of Missouri. During that period of time when I was teaching at Lincoln, I gave the commencement address at a colored school in Hannibal, Missouri. That was publicized. While I was talking, I did notice in the audience a white man. This was not unusual but they had a colored assistant superintendent in charge of the two or three colored schools there. Missouri at that time had a law against blacks attending white schools and whites attending black schools.

CTF: Along with the teachers, segregation of the teachers, too?

JBP: Yes. That was never changed until much later, until after Brown v. Topeka Board of Education, although some effort was made to change it earlier, in the late 30's.

When the commencement was over and people were coming up and meeting me and shaking hands, this fellow came up and said that he was aware of my background and wondered if I would like to stay overnight and come down and let him take me down and show me and meet some people. I did stay and he came back the next day. The first day he had driven up in a wagon but then he came back in a car and he drove me down to Troy and I saw as a grown up person there were families and people, settlements. Saw my grandmother who was very ill. She died within a year after that. I met people. That was it.

As far as Mom is concerned, her name was Mason. She was born in Fulton -- Fulton, Missouri. A family of two boys and two girls. She had a sister and two brothers. When they got up to the high school level, they were bussed or carried by wagon for twenty miles into Jefferson City to attend high school in what was called a practice teaching high school attached to Lincoln Institute or Lincoln College. Students used it to practice teaching. She went there and then she graduated from Lincoln Practice High School and started at Lincoln Institute at a time when my father came in as a chaplain. He had to come in every Sunday and preside over religious services. My father fell in love and got married.

Sure, I got to see my mother's mother also. I spent two or three weeks with her one summer. The next year my sister got to do this. I spent a couple weeks with Grandma Mason. I didn't like her so much. I respected her. She was in a wheelchair, but she could out speed me as I ran. She could catch me in her wheelchair. She was so large and partially paralyzed. I had a penchant for swinging on the gate of the picket fence.

The place was sort of in the center of town, large plot of land. She had a man milking the one cow that she had there and I learned to milk the cow from him. I remember that eating was in a separate cottage a few feet to the right of the house in which there were stoves and tables. It was connected with a path over which there was a roofing. Morning glories grew up along the side of it. So you went to the house across over into the cottage for purposes of eating. I liked that because there was always an opportunity to go over in the evening without her bothering and see what I wanted and fix myself something over there and sit around. If there had been television at that time, I would have preferred that to being over there. I had never seen that kind of a setting where the kitchen was separate.

CTF: Having the kitchen facilities separate is not unusual but

having the eating facilities separate with the kitchen is. Did either Grandmother Mason or Grandmother Parsons talk at all about their life, how they arrived in Missouri?

JBP: My Grandmother Parsons said that she was picked up off the slave lot in St. Louis. She did not know too much about it. But that's where she said they picked her up and they brought her up there.

CTF: So she was a slave in that portion of Missouri?

JBP: She was not a slave. She was to be sold. She was on the slave block. She had come there from somewhere. Later I understand that she had come there from Texas with her mother and her mother was sold out from over her. Whereupon she was standing on the block as a little girl and nobody paying any attention to her, a kid grabbed her and stole her and hid her under the straw in the wagon. They were on their annual trip into St. Louis to get rid of the produce for a year's work. It was quite an installation that they had on both sides of the river, three sections of land.

CTF: That's a lot. A section is 640 acres?

JBP: I don't know. They had quite a bit of land and quite a bit of work. It was a train, a wagon train. I understand that the fellows thought it was cute when they discovered it on their way back. They allowed him to house her across the river until she was reading and writing. He went back and forth to the school. The school belonged to the farm, to the family and the workers who worked on the farm. So it had the name of Parsons School.

CTF: Did she go to that school?

JBP: No, he taught her. He had children by her and then he married and had children of his own. I suppose the two families became intermixed a little bit.

CTF: Sure. What about Grandmother Mason?

JBP: I don't know how she became paralyzed but she was the daughter of somebody, a slave in Missouri. Her father had her and he had been brought to Missouri from Virginia and he had the name Mason. So she kept the name Mason but at the same time she had those children, they kept the name Mason. I understand that there was behind that with her father, a coal mine on the same land there, she was pretty comfortable. I considered her pretty comfortable, as a kid. I admired her house. So well off she seemed to be. But at least she didn't have to plow the fields.

I was never too close to that part of the family. Later after I went to Lincoln University to teach, I met first cousins who lived there in Jefferson City and her brother Dennis' children lived there. My mother's brother's children were there. The last of those I saw was a fellow named James Mason, Dennis Mason's son, and he was head waiter at French Lick. You have been there?

CTF: Sure we had the [Seventh Circuit] Judicial Conference there a couple of times.

JBP: When we had the Judicial Conference, there was the head waiter whose name was James Mason. He was a first cousin by way of Mom. He had me over to his house a couple of times while I was there. I introduced him to the Chief Justice, Chief Justice Burger. And then later Chief Justice Burger sat by a table and the three of us sat down and chatted about it. I was catching up with what had happened to the others.

CTF: Now did you know that he was there?

JBP: No it was a total surprise. But he had read about me.

CTF: What a delight.

JBP: Yes, he was a delightful person and still is, I suppose. I haven't kept up with him. Two or three years there we wrote back and forth and sent cards, but I'm not very good at that. That's my fault, I should get down there and we won't be going there next year either?

CTF: No, we are going to Indianapolis. What was life like in Decatur growing up for you? Was there a one room school house or was there a much bigger school house?

JBP: No, Decatur was quite a place. When we got to Decatur, they had, I understand, 58,000 people. Right now it's, what, the third or fourth largest town in Illinois. Is it the fourth? Well over 100,000. When we got to Decatur, why we stayed with some people named Dansby until our house was opened up and then we moved into the house. [Mr. Dansby was a successful dental technician with two children. I was buddies with his son, Junior.]

We enrolled in school. The house was one large enough for a bedroom for mother and father, one for my sister, one for me and one for my older brother.

I had to start school then. Oakland School was one, two, three -- three blocks away and in those days you came

home for lunch. You run to school in the morning. You run home at noon and run back after lunch and run back in the evening. My sister and I didn't go at the same time. I didn't like the idea of having to tag along with a sister. So I was always there first and always back first running in different directions so I wouldn't have to be chaperoning my sister who was two years younger.

I remember a few little items. It was just school. You go to school. You have a fight. You feel ashamed if you are congratulated because you do better than someone else. So you try not to. You try to keep from being special. I was there for some time. I was a bit special, primarily because of the work that my mother did with me and my sister in the fine arts, number one, speech arts, drama, music, and also because every once in awhile my father coming home would say now let me see all of your papers. I would have to gather them up and show the grades. He would look over everything, talk with me about things that he had read, things that he had done.

There were occasions when my sister and I got to go along with my father on some of these tours of duty, some of these protracted meetings. I remember our going down to Louisville, Kentucky. The only time that I had ever been there before, before I had the Jeffboat case, there was a protracted meeting in a tent. Our going to Nashville, Tennessee, the same kind of situation. Then we got to stay with the family of the minister in both of those situations. We made friends.

My mother played piano. My father sang. They wrote songs and their songs were published in Gems of Love by a music publishing company for Protestant music. They were always composing songs.

CTF: Now did you play an instrument at that time?

JBP: Oh yes, they got me started. I was in the fourth grade when my first instrument came along. I was ten. That came as a present from my oldest brother. I didn't do too well with it. It was a violin. In fact I didn't like it. I had to pretend to. I took lessons. Eventually the word got back to them and he and my older brother let me graduate from that into a real man type instrument which was a French horn. Then my older brother paid for my lessons for the French horn. That was my introduction into music. All of the time of course, they had to, the two older brothers just as I and my sister had to -- as soon as we were old enough to sit at the piano, we had to start the scales under Mom. She taught us. She was mean as a teacher. That is I thought so at the time. You did it.

You discovered that you disliked being told to do it, but you did not dislike what you were doing. I was a product of parents who had a semi -- but they would be well into their hundreds if they were alive now and they were one generation out of slavery -- semi collegiate experience.

CTF: It sounds like they had a very collegiate experience. Both of them.

JBP: Yes. And so it was that I kept right on. Junior high school, I went from there to junior high school and there I began to become conscious of a career, purpose, conscious of a race problem that I hadn't been before. I began to read a great deal, over and beyond what you had to read in school. Read, read, read. I discovered magazines. Magazines weren't anything then like they are today, where without solicitation, you get a hundred a month. But then I did discover that there was something new in weekly magazines. Weekly newspapers.

I remember lying on the floor every week with a coal oil lamp and reading a newspaper called Chicago Defender, Chicago Defender newspaper, reading about people like myself. We were called colored people then. There were pictures of them, getting in and out of automobiles with chauffeurs in Chicago. Beautiful mansion houses in which they lived. Magnificent attire, parties, all of these social pictures, social pages, very much like the things that you read about in the literature of the period. I didn't see any of that in Decatur. With the 58,000 people in Decatur, there were only 1800 of my race there. You didn't see that group together very much at any one time.

CTF: Was the --

JBP: Church colored? No.

TAPE 1 (Side 2)

CTF: The Disciples of Christ, I think, has never had discrimination?

JBP: No, we attended the Central Christian Church.

CTF: What about for housing?

JBP: When we first got there, we stayed with the Dansbys. Mr. Dansby was a very successful man, a black fellow. He was a dental technician for the city's most prominent dentist. He had a beautiful Dutch colonial and lots of room and we were there for several weeks until our house became vacant.

When we moved into the house, Pop had bought it, paid down on it to buy it. And it was a house in a block on Howard Street, 1021 West Howard, and we were the only blacks there.

I remember the first other family, the other black family to move in, wasn't long afterwards, was diagonally across the street, the Thompsons. Next to them came their cousins, the Russells. Next to them, the Livingstons. One of my good friends here in Chicago, a doctor -- I remember when he was born -- Russell. He was the one who helped me plan this library for the Mayor.

CTF: Did the neighborhood change in the residents?

JBP: A little at a time, more and more came in. It was this influx, a growing influx of blacks primarily from Brownsville, Tennessee. They were all sort of related. They sent back for other relatives.

CTF: Where is Brownsville, Tennessee?

JBP: I don't know. I never got there. I just know as they came in, they were sort of related. Their families came and their friends came and so many of them were related to each other. Then they brought in other friends and associates. This is a movement that transpired before World War II. It was pretty well built up. The colored population in the area just a little north of where we lived and in another area that was immediately south of the business part of town they developed. And over there in that area there was a street called Greenwood, a street that led to the Greenwood Cemetery, that had two colored churches, sprang up. They became pretty good size churches.

When I was in high school, I went to work playing organ in one of those churches. They had the new building by then, St. Peter's A.M.E. Church. But I was sort of excused from going to my own church. My father didn't push us too hard about going to church. My mother saw to it that we went. Central Christian was a nice large church. We went to Sunday school, treated all right. We went to church and sat in the church, sang. I think my mother was working with the program that children give where they speak speeches on Easter Sunday or something like that and play piano. My father always away, coming in and out.

CTF: As a young child, what kind of games would you play? Were there organized sports or were there -- you certainly had music. You did a lot of reading. Your father made sure that you were doing well in school. For example, when did you join [Boy] Scouts?

JBP: Number one, there was a sort of gang thing going in the neighborhood, little kids. And I joined that. Mostly that started with roller skating. And roller skating went into baseball in the vacant lots. I remember the first thing that I wanted and longed for was a pair of roller skates. Then the family adjusted to the fact that I should be able to go down the street and down another block to play baseball. Everybody was. It was a lot of fun. I was never excellent. I wasn't any worse than anybody else. I could run but I couldn't bat. I could catch a ball and throw a ball but I couldn't bat. Later I found that I could do a little track. Then of course in high school I was doing basketball.

CTF: What events did you do in track?

JBP: Well, the 100 yard.

CTF: Sprints.

JBP: Sprints.

CTF: Did you run hurdles ever?

JBP: I tried but fell [laughter].

CTF: Crash? [Laughter.]

JBP: I had coordination but I didn't really have the spring that it takes. Had to be lanky, and have a little more muscle and body.

CTF: In high school you played basketball?

JBP: Yes.

CTF: What position?

JBP: Back center. Other things I wanted to do, it confused, track and basketball got in the way of them. Yes, so I was on the team in '28 and '29. That was my senior year. We took the state "Sweet Sixteen" down at Champaign.

CTF: Terrific.

JBP: The coach, Gay Kintner. He was still coach years and years later, until after I became a federal judge. Altgeld Gardens took second. First went to Decatur. Altgeld High School, I went out there for the homecoming. We got booed a little bit because Decatur showed them down. That same spring Gay Kintner had died at one of the games. He was a long time in Decatur.

I became a favorite of a fellow who had a great deal of influence on me while I was in junior high school and that was the head of our band. I tried hard to live up to his expectations. So when sports came in the way of that, I set aside sports. I was in both band and orchestra.

CTF: Do you ever talk to [the late District Judge] Henry Wise [E.D.IL] about basketball? He had played on their Danville team when they took the state championship, and I can't remember the year.

JBP: Henry and I were on the phone during the time my nephew, my older brother's son, was on a team in a little town called Nokomis, Illinois. They were in Champaign in the finals. Just a few years ago, not too long before he died. We were watching the game and yelling at each other on the phone at the same time. Nokomis didn't take it. They lost out. Gregory was right there as center, 6'4." Greg. Just trying his best to make it in Decatur, trying to pick up the pieces for a new generation. He has a baby and another one on the way, married. Greg. Yes, Wise and I were very conversant about it and talked about it all the time, watched the games, the "Sweet Sixteen" tournaments.

CTF: But you had to play, you would have been pretty close to contemporaries, weren't you in those tournaments?

JBP: I think we were about the same age. We never --

CTF: matched up against each other?

JBP: Never knew that we matched up together.

CTF: You mentioned one time about the band's trip to Springfield.

JBP: That was when I was in high school. We were to play for some reason on the grounds of the Capitol. We were a 105 piece band, magnificent red and white uniforms. We played, we got our playing over and then we were to go to lunch at the Leeland Hotel. The Leeland Hotel was the smaller of two: there was a new Abraham Lincoln Hotel and the Leeland Hotel was the older. They had a banquet room on the ground level on the side west of the entrance. You could see it from the windows, into this beautiful banquet room. Because of the size of our band, why that's where we would have lunch.

When we got there, the fellows put our instruments up in the buses and we got there, two or three at a time. I with my buddies, two of them, walked on in and the head

waiter saw me -- he was a black fellow -- and clapped his hands and did some motioning around and went over and somebody came over and ushered me up while I stood there while they set up a new table on the side with a table cloth on it, a glass of flowers in the center. They made it look pretty. It was much nicer than the long table. They gave me this special seat of honor I thought. All the other fellows looked at me and kidded me and some were a little upset about it -- why I should have this special honor -- because I hadn't done that well. In fact I hadn't done well enough really to get by without criticism for what I had done playing. "Why are they doing this for you? You didn't do that well."

So this kind of thing went on as we were seating ourselves. I was sitting there and trying to think that I must have done something very, very well, but then, Rex Reese, the bandmaster, came in. Immediately he saw. He came over and looked at me and without saying anything to me, he went to what would be the head waiter. There was some loud talking and then they worked their way back toward the entrance. And Mrs. Reese, his wife, who traveled with him always, a little short woman, she raced out and she wasn't gone but a minute or two when she raced back in. Rex Reese called us to attention. I mean saying, "Attention. Everyone rise. Stand up." We tried to be as military as we could. We did come to attention, standing up.

He told us that he was passing out a dollar bill to each of us and we were instructed to go out and get our lunches wherever we chose. We would not have lunch at this place. We were to meet at the bus at a certain time, I think it was like 2 o'clock. I didn't leave immediately, but I stayed a little behind. I didn't talk with him but I heard him and the management argue. He was then in good, profanity, complaining about the fact that he had no segregation or discrimination against me because of my race. That was the last thing in the world that should have done. They were also talking about the food that they had prepared and he was telling them where they could stick it. If they didn't like it, they could sue.

Well we went on out. I and my buddies went out to -- what do you call it -- White Castle? Fast food.

CTF: Had you ever been to White Castle before?

JBP: Yes, they had a couple of them in Decatur and down in St. Louis. So we went to White Castle and from there we went to the Abraham Lincoln Theater because we had some time and we had a little money left over from that \$1.00 each.

While we were in the theater, we were in the second balcony, up in the balcony. It was sort of empty, not many people were there. We made a whole row of the center section. There was one row of us sitting side by side. I was next to the end on the left and when the lights came on in between, the usher looked over and he saw me and he came up to me and he said: "I'm sorry sir, you will have to sit over there." And he pointed to the corner set of seats on the other side of the aisle. There wasn't anyone else in the whole balcony. Then I said, "Why do you say that?" And he said, "colored are supposed to sit over there and white are supposed to sit here." I said, "Why are you telling me that for, I'm not colored." I remembered saying that. I guess I didn't know what to say. He said, "Well I'm sorry sir, but you look like you are."

So I said okay, and went on over there and sat down and then all my buddies came over there, everybody. They all went over there. He was really hurt, he was upset, saying, "You can't do that. You're supposed to sit over there. You can't sit over here. This is for colored over here, not for you. You got to sit over there." He was going to get the manager so somebody said let's leave, let's get out. And some of the rest of us had, I didn't but I wish I had, Boy Scout knives or new knives and took a little slice of this piece of leather of the seats and raced out of there. As we were going through the door, Mr. Reese was coming in. Somehow he heard about some disturbance there. I don't know to this day what happened after he was there. He was there a long time. We waited, waited, he came back and we left.

This kind of thing could never happen in Decatur. This was my first trip into the business part of Springfield, Illinois. I grew up discovering that Illinois was very much like spots on a leopard. Decatur was one way and Springfield was the other. There was never any suggestion that I couldn't go anywhere I wanted in Decatur but I discovered that there were places where you just didn't go. The schools in Springfield were set up so they were practically segregated.

CTF: You mentioned earlier that your dad wanted to move to Decatur because the schools were better. Did you think that the people were more educated or did Millikin University exercise a leadership in Decatur that made the difference between there and Springfield?

JBP: I understand that there had been a study of schools in the Midwest or something like that, and it was one of those that came out very well that year and it was necessary for him to move into that area that he and perhaps my mother

had earlier made a tour. They tried out Bloomington, Champaign, and Decatur and had decided on Decatur. At that time he was getting churches started in those three towns and that's why I know about Vine Street in Bloomington.

CTF: Was he paid a salary from the Disciples of Christ or did he rely somewhat on the collections?

JBP: I understand that from the very beginning he was paid a salary. I understand that when he first started, that included a horse, a few dollars a month. But of course he received collections. He did pretty well. He did well enough that he decided to take the time out, while we were in Decatur, from the ministry and get in on something that sort of paved the way for the future for his family. He started in the real estate business. He was responsible for getting some of those houses right next door to where we were and finding these people in Brownsville and getting them into the houses, selling them and collecting commission.

Then I remember in 1928 when my father was really sitting pretty high. My father said he was going to buy houses but we were getting along pretty well, between his real estate and his other things and at that time he and Mr. Dansby, his first friend, and another fellow over in Champaign whose friendship he had made, had gone up to a little town in northern, a place in northern Indiana just developing and had invested money in lots, a town called Gary. He was getting ahead. So he was sort of riding a little high on things. He wasn't doing too much of this going back and forth with evangelism. Mom looked better.

We all were dressed better and then he decided he wanted a car. He told my older brother, "let's go buy a car." He said that he wanted the finest car they had. My older brother took him about and my older brother had already made up his mind where the place would be. I got a chance to go with him that third day when we finally went to the place where this is what it would be. It was a Packard. We went in. My father said he wanted to buy a car. The man said, "that's fine, come right over here," and he started leading us into the garage area to show us some used Packards. But my father said that he wanted a new one and so eventually he ended up showing him the best.

Believe it or not it cost a whole \$2,800. That must have been a lot of money then for their best Packard. The man was very nice about that. He said, "well I can show you how you can pay for it with a loan system that we have," as my father, broached the price. Then he took out of his pocket a clean beautiful white envelope and pulled

out and counted out 28 \$100 bills. He told my brother, "JB and I are going on back. You bring the car. You stay here and get it and bring it on home." I wanted to stay with my brother but I was proud of my father so I walked with him. We walked back home. That was the car, the family car.

Years later, when I left in 1934 to go to Missouri to teach, he still had the car. He could never learn to drive and my mother hadn't either. My older brother had driven and I had. The car had gotten old and it was sitting there so my father suggested that I take it. So I left home in the family car, the '28 Packard and I shan't forget his insistence and my proudly taking it. His driving with me throughout Decatur and St. Louis. Driving out to the edge of town, his riding on, and said, "let's go a little further," and we went just a little further, "then I'll get out here and I'll go back."

CTF: Now how did he get back? Did he walk?

JBP: Walked. I guess he got out and I got out with him. And we hugged and I got back in the car and I was looking back all the time as long as I could. He was waving at me. I remember when the car had 100,000 miles on it. It sort of fell apart.

CTF: Why did you decide to go to Millikin?

JBP: That was the only college. It was there. It was the only chance of going then. Things happened in the next year. I was quite aware of the fact that my parents couldn't send me to school. I had to make it on my own. I tried that summer to get some work but it didn't come around very easy then. Incidentally the stuff over here at Gary fell flat and my father lost and fell flat on his face.

CTF: Was that because of the Depression?

JBP: Yes. It knocked me out. Knocked out my chance of being sent to school and the only way to go would be to work and I did. If you had relatives in places where there was a college that you were close to, they would come over here and they were doing that. We didn't have that. Pop apologized. He apologized.

I tried to get a job at this church where I had been working, playing the organ for the choir? At the other church, St. Peter's AME. One of their good members, a fellow named Williams, Forrest Williams, who was the head waiter at the Orlando Hotel. He said come in and I will teach you to be a waiter. I took lessons from him on how to wait tables. He put me to work on my first job which

was a Rotary banquet. Monday Rotary luncheon, weekly is it or monthly? First Monday luncheon. And I had the head table, it was easier to learn to do the head table than it was to do the other tables because you didn't have the rush. The first set-up should be done without anyone there so I had the head table. A man on the end of the head table named, I now know, Ed Ames. He later incidentally became a national branch commander of the American Legion. He yelled at me and called me Sambo. He wanted me to get him some Worcestershire sauce. I guess I was insulted. More of an insult than anger, but a little anger too. When I got down to the pantry, next to it was the locker room so instead of reaching in and getting the sauce, I turned around and got my cap, my cap and went home. That was the end of it.

I got another job. My father got that job for me. The one big men's clothier right in the center of town called Bachrach. Mr. Bachrach lived west like we did. He lived on Wood Street and I got a job driving. It was the 4th of July. Pulled his car out and turned it around and his daughter was to be taken down to the Bachrach store so that she could do the book work -- the store would be closed -- and then come back. I went to work that morning and I got in this car in the garage behind the house and I backed up, but then I had to get out and look to see how I could get out. I had to make a sharp turn backing west to backing south. There I would be in a very narrow space between a picket fence and the house. My brother hadn't taught me how to back. Eventually I got so far out into the street I had -- You know there used to be a steel drawer lever hinged at the top for coal chutes into which they dumped coal. That was on the way, on the pavement, and four or five pickets were hooked up with the car out in the street. I got fired. Immediately. He let me know that my father would have to pay for it.

CTF: Now is this the same place that your brother had gotten the suit from?

JBP: No, later I had done this with Bachrach. No, he got the three piece suit from around the corner. But there the third thing happened that same summer. A man who ran the newspaper, named Schaub, called me. I never talked to him in my life. He asked me if I would like to have a job? I said: "Yes sir. How did you know I would like to have a job?" He said, "I didn't know but I thought if you did, we would have a place for you."

I had graduated number three in the class, class orator, and my speech and my two buddies speeches -- incidently, we were buddies all the way through school,

from junior year high school. Walter Reed, Johnny Regan, and I graduated one, two, three. Our speeches were with our pictures in the newspaper. He had a little bit of a problem about complaining because there hadn't been any negroes who were working. They decided to start out and offered me a job. They hired me, then they decided what to do.

I went to work for them immediately selling classified over the counter and then when I had to start working out and getting ready for school, they put me on a night job, an evening job. I worked there in different locations in the newspaper. I sold classified, I read proof, read copy. I worked in stereo typing, worked in the composing room, worked as a grease monkey for a while in the press room, worked on circulation delivery, worked for five years.

CTF: Did you ever work on the Packard?

JBP: While I was there? Yes. But I worked there for five years and they paid my tuition ahead of schedule and took it out of my salary. Millikin also has a bank there, Millikin National Bank, so I did business with them at the time.

The namesake, they were the moving force behind the naming of the school after me after I became a federal judge. I just got a note from the PTA there thanking me for the gift that I sent down for Founders Day.

It's 12 o'clock. [Break.]

CTF: Right after we broke for lunch, you were mentioning that your dad, as a preacher, had hand written his sermons, and that your sister has those all neatly tucked away.

JBP: Yes, my father folded them up and put them in boxes. When he died, I was not at home. My mother and my sister were there and they preserved them in a trunk.

I remember his practicing. Sometimes the window would be open to the sort of office room that he used up on the second floor and I would hear him on the outside. There were times I questioned him about it. I asked him why do you do it and how do you decide what to say. He gave me some ideas. He did a lot of reading and he did a lot of practice writing. He would practice, he would write it out and then practice it aloud to see if it sounded right and then write it again and write it again.

CTF: Then you said he would memorize it?

JBP: Yes. He would memorize his sermons so that I didn't know

how otherwise it would have been done anyway. I had only him as a model, until later I discovered that it wasn't quite that easy. It was done much more easily when made by others. I recall running into another minister named Hackley who was similar to my father. He came in, an older person, as a minister at St. Peter's AME church, that's African Methodist Episcopal Church. That was the second of these two colored churches in Decatur that came about there. They built a nice structure, brick structure, on the corner of Greenwood and something. I was attracted to the church because they had an organ in it. They had a nice choir in good tone and he also delivered careful sermons.

CTF: Had you played the organ at Millikin or how did you learn to play the organ?

JBP: Well let's go back to taking piano lessons. When I graduated from Mom and piano lessons, well then I had to be sent out for piano lessons. Then I thought it would be much more interesting after I was out taking lessons, and I was taking lessons over at the Conservatory at Millikin. The teachers and some of the students had rooms over there where private persons could come in and take private lessons. I found a person who was interested in my working with piano who also taught organ. Her name was Wilna Moffitt. I hadn't thought of that for years. Miss Wilna Moffitt. She was tall, gangly, a middle aged woman, living two blocks away. I started with her, sort of graduate piano from Mom and from there I went to organ. So I was going back and forth out to Millikin's Conservatory taking organ lessons from her while I was in junior high school. That seem much more mature. In addition to that, the organs in the theaters were always very interesting.

You know I came along in the day when they had movies in theaters and they were just graduating from silents to sound movies and the organs were still in the theaters. It was interesting to go to a theater and there would be a section of the organ even though it wasn't used with the movie. The organist still would be playing for some still films and always the news was with headlines and stills, in between movies. It gave me an opportunity to listen to the organs. I found it exciting. They were like orchestras. Of course, you couldn't have one at home. I thought you couldn't.

My older brother told me on a couple of occasions that he had a chance to sit down at an organ at the theater. He also played but he played by ear. He proceeded to forget what Mom taught him as fast as he learned it and expanded upon it, then he did what he heard.

One of the real inspirations that I had with relation to this keyboard was after a friend of my father who visited in Decatur -- when he did a series of concerts. His name was Boone, B-o-o-n-e. I don't remember his first name but he was advertized as Blind Boone. He was blind. He didn't look blind but his eyes never moved and you had to lead him around and he played piano and organ. Blind Boone would play anything he heard. He would listen to it, sometimes a second time and then he would imitate it, right straight through. Very severe classic, he could do that.

Well he was a greater influence on my brother than on me. Until my brother thought you don't have to learn how to read music to know all that and put up with your mom. You just sit down and go along and you hear it and you reproduce it. He became pretty good at it.

The oldest brother, the older of the two of them had taken up sax. I don't remember why or what circumstances he picked it up, but he was in a jazz band and he was a sax player while he was attending school in Bloomington, Illinois Normal. That was just before he married. On a couple of occasions, he would come home, bring his sax. My older brother would get with him and they would play and I would want to be able to join in on that group.

CTF: Did your sister [Mary Parsons Waters] play an instrument too?

JBP: Yes, she came on with the piano and she not only went through the steps, [but she became a musician and taught piano. They named a church after her in Springfield on Champlain Street.]

TAPE 2 (Side 3)

This is an oral history of Senior District Judge James B. Parsons for the Northern District of Illinois. Collins T. Fitzpatrick, Circuit Executive for the Seventh Circuit, is conducting the interviews. The date is Wednesday, March 23, 1988 and we are in Judge Parsons' chambers.

JBP: My sister finished high school and went directly into the conservatory at Millikin. She is two years younger than I am, two years and a month. That would make her 75 as of last September. She had a recital with 32 students last week in Springfield and this was a city-wide recital. These were the best of the students that she had over several years, and she had recitals here in Chicago for some of her students. I remember getting a great pianist here, the name slips me now. I'll think of it. Like ten or twelve years ago. They were wonderful people. They had a fabulous place up in Lakeside and a home over here near the Chicago Historical Society. She had been an accompanist for Marian Anderson in her early days. She died about 5 or 6 years ago. She attended a concert which my sister put on here, a recital with some of her students. She picked up on one kid and sent him off to the Julliard School of Music. So she has been pretty good at it.

CTF: Did you play -- you named four instruments already that you played.

JBP: Some I kind of fumbled with, fumbled around. There is of course, all the way through, the piano and picking up on organ later. Then there was the French horn but I dropped back to trumpet. The French horn is hard to master. Then I came along and I got excited about a little girl when I went into high school, the last three years of high school. She was in the orchestra. They didn't need me in the orchestra. I was surplus with the trumpet and I wasn't good enough with the French horn. I was good enough for the band but not the orchestra. I wanted to be in there so I asked Mr. Reese about it and he said why don't you try out for the viola. So somebody lent me one and I didn't make good at it. I didn't like the strings.

CTF: Well that's consistent with your early violin.

JBP: [Laughter.] So eventually however I did go back to Jenkins Music Store. By that time I had a rapport with Grover Jenkins' Music Store. His sister was a teacher at my junior high school. Everybody knew the Jenkinsons, all of us who were in music. I told him I would like to try another instrument. He said, "well you're growing pretty tall, why don't you try cello. He said if you do, I'll get

somebody to give you the lessons." You had to have nine lessons before Mr. Reese would even listen to you. Well I did. He told me to climb up on the shelf and see what I could find for myself. I climbed up on the shelf and selected a cello and a bow and he let me work for it, work it out, and the lessons too. I got into the orchestra. In the last year of high school, I made it into the orchestra with the cello.

CTF: Was she still in the orchestra?

JBP: Yes [laughter], she was still in the orchestra.

CTF: Well that's perseverance.

JBP: Yes, I made it. Later I became rather serious with the cello, I took my instrument with me. While I was at Lincoln University teaching, I commuted back and forth to Kansas City and took lessons from the concert cellist of the Kansas City Philharmonic. Fritz Hanlein.

CTF: How long did you teach at Lincoln?

JBP: Six years.

CTF: Ok, then you spent some summers up at the University of Wisconsin?

JBP: Yes. The first summer I was there I went up to Wisconsin. The second summer, the third summer, and the fourth summer and then I got caught up with a little business to think of which I shouldn't have. So I missed the fifth summer and the sixth summer I took off. It was really the beginning of a sabbatical when I took off and went out to North Carolina. But while I was at Wisconsin, I continued the cello. I had thought that Hanlein was a very fine teacher but I changed from taking cello lessons while I was at Wisconsin during the summer to lessons and techniques of the baton as I had been working with bands and orchestras of my own. I studied then and came down from Milwaukee once a week with a private lesson in orchestration and conducting and the techniques of the time from Dr. Seigert Prager. He was the Director of the Wisconsin Federal Symphony.

CTF: At Wisconsin, you were taking political science courses?

JBP: Yes, I wouldn't go into music, I was still wanting to go into law. I majored in political science at Millikin.

CTF: Then why did you take the job at Lincoln when you finished at Millikin?

JBP: When I was going to Millikin and ready to graduate, I still didn't have money to go on to law school. There was no law school at Millikin or in Decatur. I needed to reach out and get another step before I could do it. So I stayed on, that's where I stayed on, for an extra period of time in the conservatory entirely. During the summer of '34, 1934, in the class there in orchestration and conducting in the conservatory, each of the students in the class had to conduct concerts at the park. By class I'm talking about eight or ten students who were taking orchestration and conducting and we worked with ensembles, true life musicians, each of us and all of us together, but, we conducted strings. All right it's your turn and we would point out the right and wrong about it. And the students, I mean the musicians, were from the local Macon County WPA [Works Progress Administration] Symphony. You have heard of the WPA?

CTF: Sure.

JBP: Were you old enough?

CTF: No, but I read enough about it.

JBP: Well that was income.

CTF: I'm one of those people who looks around and sees all the good that came from it and I know it got a lot of criticism but it looked like a good program to me.

JBP: Well Macon County had a WPA Symphony with 72 musicians, adults, all white musicians, a properly instrumented orchestra. But also part of their work was to break up into ensembles and be available for which I suppose they received pay at Millikin. One of those uses was ensembles for purposes of the class on conducting so that you worked with ensembles and then getting ready for your summer concerts, you worked with larger groups and larger groups. That summer I did an all Tchaikovsky. It was early summer at the end of June or the first part of July, in Central Park, a block and a half from the center of the city, the bandstand, outdoor benches, full crowd, audience.

There was visiting with my father at the time, a fellow named I. C. Tull. My father had known Tull for years and years. The fellow was the business manager of Lincoln University. He went to the concert. It shocked him to see this skinny, tall colored boy conducting the all Tchaikovsky concert with 72 white musicians, adults. So he just said, "that's it. You have to come and build our program at Lincoln University." We have become a university. We are no longer Lincoln Institute, no longer

Lincoln College. It's a university. Lincoln University is a state school.

The State of Missouri maintained their colored college and their University of Missouri, 30 miles away. So it was he who insisted and he who got me set up down there. But I told him I didn't want to go into music, I wanted to be a lawyer. I had decided I wanted to be a lawyer. That decision I have had now since I was in junior high school. Actually I toyed with the idea before I knew what a lawyer sounded like or acted like except -- we didn't have a radio or TV to listen to. Oh I had -- what do you call it -- a crystal set.

CTF: Did you make it or did you buy it?

JBP: No, I think I bought it. I didn't hear anything on the radio or TV. Not until I discovered that my best friend's father was a lawyer and we went over to watch him. Then I really decided that's what I wanted. Then of course my teachers began to tell me that's what you should be. Mainstream guidance there was Sophia Drovish. That's what you're going to have to be. That's what I wanted to be.

So that's why when I was an undergraduate, I was in political science, getting ready for the law. I talked to counselors about it and people who helped me planning with my courses -- law. I still, except through Mr. Regan, Johnny's father, had never seen another lawyer. Yes I had, I had seen Emmanuel Rosenberg too. Well I had to wait until I was 39 and graduated from law school, attending law school anyway. I had already graduated from law school out here at the University of Chicago before I saw a black lawyer. I had never seen one.

I wanted to be a lawyer and that was it. I didn't want to let this music thing get in my way. Especially since my father compromised his dream about my being a preacher, instead being a lawyer. So when they got me at Lincoln, I went there with the understanding that I was going to be teaching political science. I would just help them out with the music on the side. So they gave me a class to teach in political science and the rest of the week I helped out with music until I was actually carrying the music faculty and the music department. During the last two years, I was the acting head of the music department. So it was music, but I still didn't get into law. I didn't have the money to be able to get into law school.

CTF: You had said that in junior high school is when you decided you wanted to be a lawyer. Maybe you can tell the story

about that. I think it is a very interesting one.

JBP: Well that was a decision on top of something, I had been discovering a little bit about law.

CTF: From Billy Regan's father?

JBP: Johnny Regan. You know if he didn't start inviting me to his house -- when you grow-up a little bit at a time, your friends begin to introduce you to their parents. You're friends before they know about it. We were friends all along, a number of years before I met his father. Then I heard about lawyers. You read about them all through history. He was a very nice fellow to meet, to get along with. He seemed pleased with his son's best friend. Johnny was the only child. His son's best friend was me.

We tried to get Walter Reed to decide to be a lawyer too, but he wouldn't. He was going to be an accountant like his father. Walter finished at the top of his class. The three of us went right through junior high and high school together, except for the one year when I was away from there.

During that one year, it was an interesting experience. I went to Missouri. I went to Lincoln High School down in the hills where my mother had attended. [It was an all black school started by black Civil War veterans.]

My parents got the idea that I hadn't a relationship with the people of my own race and that I should cultivate it, they thought that I should be more exposed to them. I referred to people of my own race as them rather than us, and accidentally so, but it sort of upset them. It upset my parents. They decided to send me down there and had me stay with a family that they were acquainted with and I started out in the fall semester and I thought that otherwise it would be my first year in high school. Going to this school and this school also had ROTC. But I was from the North, a Yankee. I wanted to show those guys that they didn't know what it was all about. I sharpened up my uniform and made it fancy and I didn't take orders too well. I eventually ended up with a strange situation and away from home too. Really I was having a hard time getting along with [Charlie] Hayes, this instructor in military science. Then one time I made the bad mistake of lunging at him. I found myself on the ground, and then found myself up in front of the principal, then found myself sitting in the principal's office until my father could get there because I got kicked out.

CTF: Kicked out of Lincoln?

JBP: Yes.

CTF: What had triggered the lunge at Hayes?

JBP: His disagreeing with my attire. I didn't realize that military is military. Couldn't I make it fancy, you know? Did I have to wear the same tie? Couldn't I put another tie on? Especially couldn't I wear a bow tie? It's much more proper than this straight ugly brown tie and since we were given leggings, couldn't I wear the leggings whenever I wanted to? That was the one that set him off. Here I came up as though I was a westerner, somebody who rode the horses or something for drill. We had drill.

CTF: The ride home to Decatur must have been about a couple of years with your Dad, I would guess?

JBP: It was a little time before he got there. So each day I sat there in the principal's office. The principal of the school was under the president of the institute. The principal of the school, I sat in his office until Pop got there. Well he didn't say much to me. He helped me pack my things. He took me, got on the train with me without talking much to me. Asking questions but not much, we went on to St. Louis. From there we changed trains and went to Indianapolis. From Indianapolis we went to a military academy called Grandville, outside the city of Indianapolis. Grandville, Indiana, a military academy. So the second half of my first semester in high school and my second semester in high school was spent at Grandville. Now, it happened to be that Grandville also was favored by the United Christian Missionary Society though it was not maintained and I had a hard way to go. I got a big indoctrination about militarism and what it was like.

CTF: At Grandville?

JBP: Yes.

CTF: Why?

JBP: Well the first thing that happened was when I got there, I wasn't there but a couple of days and guys tackled me and got me down and they took a pair of clippers and clipped right down the center of my hair and made me look like a Zulu.

CTF: It was racial?

JBP: Yes. It was though Pop were saying, "Look son, you haven't

learned how to get along with your own people. I will give you a chance to really get along with some people." And they were really rough.

CTF: How long were you there?

JBP: Ralston Bushard was my roommate. Ralston's father was the dean or a high faculty member at, what's the name of the college in northern Kentucky, a religious school, a good school. He beat the hell out of me all the time. He really, really tore me up. I fought back. I wasn't any match for him. He called me all kinds of dirty names. There was a fellow who was down the hall who was a little sympathetic to me. His name was Merrill Cummings. He was from Joplin, Missouri. He talked with me one day and he said, "why don't you stop fighting back." I told him he's too religious for me. I don't like that. I have to fight back; but he said, "if you don't fight back, he won't hit you." And so I tried it. He knocked me, he knocked over my ink well. We were on the floor. He was pounding me and I didn't hit him. I didn't try to fight back. I took it. He stopped and said, "why don't you hit back, you are supposed to hit back." I didn't hit back. Then he quit. He tried it again and I did that and it worked. He then became sort of my protector from there on.

CTF: What was the racial population of the school?

JBP: One out of the rest of them. I was the only one. I saw Merrill years later when I was teaching at Lincoln. By that time he had gotten into the movies and his name was Robert. He had a big homecoming. This was something brand new in the movies, big homecoming in Joplin, Missouri and I, on a gamble, with my friend, Miss Wise, drove down to his homecoming and stopped and introduced myself and he remembered us. We became part of his party.

CTF: This was Bob Cummings!

JBP: Yes. I really, really had a hard way to go that first year. I was so pleased when Pop said now you're coming home. I couldn't make it at one school, couldn't make it too well at the other. I was determined to really get in and take care of myself at Decatur High School. Johnny was glad to see me. Walter Reed was glad. Mr. Reese was glad.

I went out for track, gave it up. I didn't like the track coach. I went out for basketball. The captain took an interest in me. I needed someone to take an interest in me, the sort of pampering that goes along with the extra kid. If you can live up under it, why fine. If you can't, why you're disappointing people and I tried never to

disappoint people that were backing me. So it was. With this determination to go ahead in law of mine, I still wasn't able to go ahead with it even after I taught at Lincoln. If I could get away, maybe I could get a chance of doing it. I took this job out in North Carolina.

CTF: What was the job there?

JBP: Music.

CTF: Where at?

JBP: Near Greensboro. The first thing that happened was . . .

CTF: Was that a school, a university?

JBP: It was a girl's college. Bennett College for girls.

CTF: That figures, all the way up you are chasing women.
[Laughter.]

JBP: Near the end of the year, there was a concert -- they always had these concerts at Lincoln -- by the then greatest of black composers in the history of that time, a fellow by the name of R. Nathaniel Dett. Dr. Dett had been a teacher at Lincoln in the early days. His studio was in the tower where mine was. He was there as acting head. I was really helping to put on the show in relation to this concert that day. During the afternoon with nothing really preventing my doing it, I sat down with some of his music and played and listened to it. He wrote for chorals, for choirs.

The most famous of his chorales was one called "Listen to the Lands." I was working on that and I wasn't too acquainted with it. I had never seen him. There were parents and others who were visitors coming in and around, going through the buildings, especially through Memorial Hall which was famous for matters going back to slavery. I saw this little fellow come in, paid no attention to him, continued with what I was doing and he asked me, "What do you think of that?" I said, "I think that he ought to be writing for orchestras. His capacity to be big outstretches any capability of chorales, groups of singers. He ought to be scoring for orchestras." I said, "Listen to the Lands" and I changed it around to see it as if given the sound that an orchestra would have. He said, "that's interesting," turned away and went on.

In fact I told him, "you listen to him tonight and you will see." That night he was the guy. He was the one who came on the stage, R. Nathaniel Dett. That evening at a

meeting with him at a reception after the concert, he proposed that I come out to where he was teaching at Bennett College and help him rescore some of his chorales for orchestra. I didn't accept right away. But he would call, he would write. During the early part of the summer, I decided to do it. So I went out there, but while I was there I didn't make very much progress at it. I didn't really like being around him that much. In addition, why there came this other job of supervisor of music in the colored schools -- they called them city schools -- in Greensboro.

Miss Quinn was ill. She couldn't continue, in fact she never continued. The position was open. I had already played one concert at A & T College, while I was there William Tarpley who was the head of the colored school system had heard me and he heard that I was unhappy with the job and he proposed that I come over. I wasn't at Bennett but a few months and I went over to the city schools in Greensboro. I took over the instrumental music. They had a band in high school and a band in one of the junior high schools. I began immediately developing band and began feeder classes in the elementary schools. There was one in each of the junior high schools and three in the high school. By the end of the year, I had a three level band in high school. When the next year started, I started at full force. Two years, the second year before it was over, it came the time for going into the service. I went into the service with nine of my seniors and the rest of them were from the A & T College band and other bands in the state, school bands and colleges.

CTF: Drawing your attention back to the time when you were in junior high, why don't you tell the story about your brother's contract.

JBP: Yes, Miss Sophia Drovish had talked with me again and again about what I was going to do, why it would be important to go into law. I told you about the time when she asked me why I needed to do it so well. In studying about the Constitution, she knew that I could be a Justice of the United States, the Supreme Court of the United States at my age. Just like you're sitting there. This was in a class. I don't remember if she put it all, "at your age, you're not a lawyer, you aren't old enough to vote, and in spite of your color," I think she said that I'm not sure "You could be a Justice of the Supreme Court of the United States right now if the President appointed you and you were approved by the Senate."

"Now why did they do that? Why did they make it that way?" She would pace the floor and laugh. She never gave

me the answer. I said, "I don't know." She asked the class. They didn't know. She left the question hanging. She persisted in needling me with that. But it was after that that this thing came along about her saying you, "are you going to be a lawyer, aren't you," and then keeping after me with that. Then came along my brother who was, as I mentioned before, my favorite family relative. I really idolized him, the older one, the one who did not go on to college.

He had bought a suit. He was going on 21 years of age and he was unaware of the fact that he should have had his father's consent. He didn't have it. He brought the suit home, bought it on time. He worked for a man who had a cleaning and pressing business. When my father found out that he had this -- he had it a couple of weeks -- he made him take it back. He took it back and he ended up with their garnishing his wages for the rest of the money. His wages were stopped and then he talked with me. "If you are going to be the lawyer, you're the lawyer in the family, what shall I do? That's not fair." His own wife, she was really upset about it. So I went to school, I just decided to see if I could find some kind of law to help my brother.

CTF: Do you remember how much he was making at that time or what the payments were?

JBP: It was by the week. He later bought the business. I just didn't think that was fair. I looked and looked. I couldn't find anything. I asked Miss Drovish. She would only answer with questions. "Do you think you ought to look at this? Do you think you ought to look at that?" She did help me with the idea of how do you cross reference ideas in looking through statute books. So then I would go from there, I would go down to the public library and there they had law books. But this that I found was not in a law book, it was in the statutes. I think it was in an Illinois statute with relation to disclaimer by minors.

CTF: Now had anybody said to you the possibility that . . . ?

JBP: I read it and supposed this sounded like he could disclaim it. He could backup on it, and they would have to do equity. If he does equity, they would have to do equity. It even says if within a reasonable time after reaching the majority. So, I sat down and I wrote out this lengthy dissertation with a lot of whereases, my brother etc., etc., whereases, whereas, and whereas. I told the whole story and said, and ended up "now therefore." Where did I get all this? You run into this kind of stuff as you read, "now therefore." I finished it up and I showed it to my brother and he got brave enough to say he would show it to

-- we called him Judge, he was Justice of Peace Moran. He made some arrangements so that we could be heard. Then he wanted me to go along so I played hooky from school. I went with him to appear before Rudolph Lorenz. Did I say Moran? It was Lorenz, Rudolph Lorenz. In this hall, Masonic Hall, at the end of East Main Street, upstairs, I shan't forget. The room had sort of naked walls.

We went in and saw this desk way down at the other end of the hall and we went on up to the desk. I stayed behind him while he threw over the papers and said, "here it is, sir." There was a man standing to the side of him, tall fellow, very well dressed, handsome fellow. Judge Lorenz read what was on the paper and read it a second time. He said to my brother, "who wrote this?" My brother said, pointing to me with his thumb over his shoulder, "he did it." I was frightened. I tried to hide farther behind him. Judge Lorenz called me around and said, "you did this?" I said, "yes, sir." Then he handed it up to this fellow standing beside him at the desk and he said, "Manny, it looks like the kid beat you." I shan't forget those words, "It looks like the kid beat you." Then, he wrote out a note for my brother to give to his boss. He said, "you give this to your boss and get your money."

Then I ran, we both ran. Then I was on the outside, I had to -- school wasn't out so I had to keep walking for the rest of the afternoon. I couldn't go home because they would find out. So I didn't go home until otherwise it looked well enough for me to be going home, only early then. I went on home and hurried upstairs so as to stay away. I knew that as soon as my father got in and I didn't know when he would get in, he would doubtless find out about it. He always found out about everything and I would really get a whipping. I would get killed for that because Pop wouldn't want me to do a thing like that. That was doubtless violating the law. It was acting like a grownup. It was condoning my brother's not telling his father what he had done.

No, so I hid and sure enough as evening came on I heard my father yell up from downstairs. I heard these voices down there, these heavy male voices and he called me JB, that's for James Benton. He yelled at me, "come down here." So I got myself together and thought if there were some way I could be sure I wouldn't get -- See Pop would never hit me -- in his life, that I could remember. Well I could let him whip me, I could take it. Well I came down the stairs reluctantly and I saw them standing there in the center, Judge Lorenz and this fellow Manny, later known as Rosenblum. Pop was smiling and I came up and I saw him smile at me so I came up closer and he put his arm around

my face. This Manny fellow patted me on the head and said, "look, there is a box out in the car. Go out there and bring it in." I went out to his car and here was a big sort of wooden box, I mean sort of big. It looked big to me then and it was heavy enough that I couldn't carry it and I had to drag it on the end, pull it up by a board, pull it up the steps, and pull it into the front room which was the parlor, right there on the carpet. Set it down and it was full of books. He told me to "read them, young man, and reread them. You are going to be a lawyer one of these days." They were old law books. They seemed to relate to everything. They didn't relate to any one thing. I knew then that I was going to be a lawyer. The decision was already made.

CTF: Earlier in your relationship with your father, he wanted you to be a preacher.

JBP: Yes.

CTF: At this point did he realize that you really ought to be a lawyer?

JBP: He compromised and I think he was sort of proud.

TAPE 2 (Side 4)

CTF: You were saying that after a year at North Carolina the War was on and Pearl Harbor had happened and you went into the U.S. Navy.

JBP: Yes, there was a group of us that went over to the Navy to enlist. We were pushing something. We knew that there had not been any college type people in the Navy, no negroes. And we were all going, Bill Goldsboro who taught political science at Lincoln U. and Ernest Fry, and one other, and myself. We went together to the recruitment office to enlist, in the Navy. We chose the Navy. They took our applications for enlistment and sent us home. Nothing happened.

But I do know that about that time, Roosevelt's administration was trying to get something done about it. There hadn't been anyone but mess attendants. There had been one fellow, I didn't know about that until quite recently when a medical doctor brought me up-to-date -- why you had Camp Small. It's out at Great Lakes. It was named for a negro in the Islands who had been taken over into the Navy as a medic. He finished his career as a medic inside the Navy, a naval officer. He even rose to the grand old rank of lieutenant which is nothing.

But there hadn't been any there. We knew that. We were trying to sort of create a problem. In the meantime they were trying to figure out what to do with it and they decided to have these bands in four locations, large regimental bands, only on the campuses of universities that were under contract to house the Navy preflight training program which were to be housed at the University of Alabama and University of Georgia, Rome, Georgia, University of North Carolina at Chapel Hill, University of Iowa at Ames, University of California at St. Mary's. They started out with Rome, Georgia and they said no, we will discontinue the contract. We would rather not have it if you have to bring them here. We don't even like your Yankee trainees. We certainly don't want you to bring any blacks onto the campus. North Carolina had a different setting. The head fellow named (Brahms?) he was governor. You had President Graham of North Carolina University, he was a brain truster under Roosevelt, one of his advisors. You had very strong heads of black universities, a fellow named Charles Bluford at A & T College, a man named Charles Shepard from North Carolina State University and two or three other colleges. When they were brought together and asked, can you help push this through, they agreed upon a program by which all of these enlistees would themselves be college men on that level. Putting them on campus of the university would make them indigenous to it more than if they were on another level. In addition, why they would be all North Carolina people, North Carolinians. So they got the band together.

They got a fellow out of the Navy, retired, named Dudrow and sent him down to recruit a band and promised everybody that they would be spending the whole duration of the war on the campus of the University of North Carolina. And so they got all these people and offered the job of director to -- they wanted -- the understanding of these college presidents was that they would have a black leader, even though Dudrow was a musician, retired chief musician, warrant officer, much beloved by my men.

They selected Bernard Lee Mason who was the head of the musical units of the band at A & T College and Assistant Professor of Music. He had bad feet, bad heart, and bad everything else, you name it. They just weren't going to take a chance on him in the Navy under any circumstances. He just didn't make it. So they came over and knocked on the door. Had heard about me, and asked me to come in and take it so that's where I began.

So eventually they got the Great Lakes program going, the Camp Small program. By that time we had been in the Navy and we were out in the Pacific. We had been in the

Navy for two years before the Great Lakes program got underway. We were out in the Pacific. They got me mixed up with the Great Lakes program, but we had been in for two years before they got underway. Georgia bowed out, Iowa bowed out and California bowed out, and only North Carolina got staffed. After we were in for a couple of years, they shipped us into the Pacific. They went back on their promise. That wasn't their fault. It was the fault of our first commanding officer who was determined to get his band, as he called it, with him in the Pacific.

CTF: Now where did you go in the Pacific?

JBP: He was the base commander for the Halsey Fleets, the Third and Eighth Fleets. Our orders read FFT, proceed to Receiving Barracks; Schumacher, California for further transfer to COM 14 for assignment to duty. COM 14 was Command to the Fourteenth Naval District and that was down under. We got to COM 14. We got to Pearl Harbor and we were too big a unit to go further and our orders were lost and we were there for some time. Eventually we were picked up, and this guy, this guy Oliver O. [Kessing] who was our first commanding officer of Chapel Hill when we got there, later became the base commander for the Halsey Fleet, and he determined to have his band out there and he flew back and forth into Washington until he got our orders changed. We discovered that nothing was stable and any promises, we couldn't keep them. We found ourselves shipped to the Pacific. We went out there and performed out there.

CTF: I noticed that they have you listed as U.S. Navy Reserve?

JBP: Yes, yes we were all Reserve, not regular Navy. It was the B-12 Program, B-6 Program?

CTF: B-6.

JBP: B-6 Program. We went in. We stayed pretty nearly together. We lost men along the way. When we shipped, we lost four of them immediately. They did things to themselves to make themselves unable to go. They said they would kill themselves. One guy inoculated himself with a venereal disease. Then another one deliberately fell off the third level bunk and busted his clavicle. They healed him up and shipped him on anyway. One went crazy, just rank crazy. He claims he didn't, but he did a good job of putting on a good show. He was our host by the way when we were together at our reunion in '86. Our next reunion is this coming May or June, I'm not sure which.

CTF: Where is it going to be?

JBP: In California. We have a fellow who is on our list out there, who lives out there. He called last week as I hadn't sent in my -- okay, I'll be there. But of the original 45 there are about 32 or 33 who are around. They all look so young to me.

CTF: You got out of the Navy . . . ?

JBP: I got out of the Navy, a complete discharge on the 21st of December, 1945. I came directly into -- there was a telephonic appointment made the day before into the law school at the University of Chicago. I met with the Dean. He later turned out to be Ed what's his name?

CTF: Levy.

JBP: Levy, but the Dean was not Levy at that time. He was on the faculty. He was young. He was very nice.

CTF: But did you originally get placed in the political science department as a special student at the University of Chicago?

JBP: Yes. In January. He asked me to defer.

CTF: So you could go through with the class.

JBP: So I could go through with the military class that was all going to be beginning in the October term. He said, "you got all of these credits from the University of Wisconsin." I had my credits sent in when I was in Hawaii. He said, "you put in your time, your residence, and do the special work and we'll combine your work."

CTF: So you got a Masters in political science then first.

JBP: Yes. And I don't know what they call it. It says on -- I have it right here on the wall. It says Doctor of Law, not laws, not Juris Doctor but Doctor of Law. I understood it was an academic, that's different from the professional degree and that's the degree they awarded at that time under those circumstances if you did it as a two layer. There were four or five of us who were awarded that degree at the same time. And everybody else was awarded the JD degree. In the class with me were --

CTF: Was Milt Shadur in the class? [District Judge Milton I. Shadur, N.D.IL]

JBP: Yes. John Schwartz [Bankruptcy Judge John D. Schwartz, N.D.IL], Chuck Kralovec who was with the U.S. Attorney's Office. A number of the attorneys who practice regularly

around here, here in court. We were reminiscing about it just the other day. It was a good class, whittled down from 160 to 44.

But when I landed in political science -- I came back on January 2nd -- I had as the chairman of my committee -- you work under a chairman of the committee in political science when you are working on a graduate degree -- a fellow name Herman Pritchit. He wrote a series of books on the justices of the Supreme Court. Professor Herman Pritchit, was a graduate of Millikin.

Very, very interesting from the very beginning. That day was a surprising day for me. When I came back January 2nd, I was really in a hurry to try to find a place to stay and everybody wanted me to do this and do that. He wanted me to meet the chairman of my committee and he told me how to get here and there and the other place and on my way over I came around the corner of a series of offices in that part of the building -- I don't remember the name of it -- and here was a door sign, Doctor James B. Parsons. [Laughter] It turned out that it was James Burton Parsons.

CTF: He misspelled it. [Laughter].

JBP: Yes, Doctor James Burton Parsons. I went on around until I found out, who is it? I never met Burton Parsons, Doctor James Burton Parsons, until later. I got into trouble because of him. I got upset because of him. I put my little bank account in University National Bank and it got mixed up with his account and they asked me to get out. So I went to the Southside Bank and Trust Company and later after I became a federal judge and I was over in the old building on the second floor, I came up with the opportunity to swear-in some new citizens and at that time we had sponsors attend the swearing-in, citizen sponsors. Here was a person who was from the Orient I suppose, and his family were being sworn in as citizens and their sponsor was this Parsons. He asked to see me afterwards so I had him come to my chambers with the people that he sponsored and we laughed and talked about the similarity of names. That was it.

CTF: When you moved in, I think you lived in Hyde Park at the time you were going to law school, and you were on the GI Bill, weren't you?

JBP: Yes.

CTF: You told me some stories about the neighborhood. I think you stayed with a family?

JBP: I first tried to find a room west of Cottage Grove. I heard that Cottage Grove was sort of a dividing line and I -- No, I went to the placement office and they had some addresses and they sent me to this one place. I went there and I was there two days and the woman was making a pair of red pajamas and wanted me to try them on. Her husband worked at night and ran an elevator. She wasn't bad looking which made matters worse. I just didn't want to get in -- the best thing for me to do was to cut this short. I went back and I was there just a couple of days. I went back and here I went to another place and it was not far from there on Champlain, was it Champlain or Langley. They had a family and they had roomers, students. I was given a room with a fellow named Louie something. He was from Panama.

I discovered that when this woman's husband went to work -- he worked out in Maywood at night in one of the industries out there -- she would come and knock on the door and say, "Louie, he's gone now, you can come in." Louie would get up and leave and come back in the middle of the night, huffing and blowing, out of breath. I decided after the second of that experience that this was too dangerous. Is this guy out there? At night he reports for work or they might just close down the factory, might have some kind of power shut off and he would be told to come home. Come home in the middle of the night and find Louie in bed with his wife and he would kill all of us including me. I didn't like the idea anyway, so I left. I went back over and asked them deliberately can you put me east of Cottage Grove. They gave me three places.

The first place I went to, they wouldn't have me and I knew that. The lady, I saw her inside the door. The light was on. I saw her turn off the light as I approached and that was it. Nobody came to the door. The second place where I went, the lady was so very nice but she just rented the room. You know years later after I was a judge, this woman was on a grand jury -- no, after I was a prosecutor. She told me she remembered my name because the school sent these out ahead of time.

CTF: Before our break we were talking about -- you had gotten to the second place east of Cottage and a woman rented the room to you and she later turned up on a grand jury when you were an Assistant U.S. Attorney.

JBP: She didn't rent it.

CTF: Oh, she didn't.

JBP: No she said, I'm so sorry, you just missed renting it. But

she remembered it when she came on the grand jury. But the third place was an old woman, beautiful face, white hair with those thin glasses that pinch your nose, without rims, a chain coming down. She had a duster in her hand and she smiled and said: "Oh, I'm so glad you're a colored boy. Come in." I went in. She introduced herself and she told about her background, her husband, her family. She was from South Carolina and she was an Anglican. She had gone to school and she had first finished -- what's the name of it in Nashville, Tennessee? Peabody, Peabody College? Or Vanderbilt?

CTF: Well Vanderbilt's there. Isn't Austin Peay somewhere down there?

JBP: It's either Peabody or Vanderbilt. And then University of Chicago. She went back and taught at Atlanta University which is an all black group of black colleges and there she came to be very intrigued by another teacher there and I suppose that she fell in love with him, a fellow named W. E. Burghardt DuBois, the founder of the NAACP.

CTF: Sure.

JBP: She became very much a champion of affairs of that nature and many of her students come through -- now a number of them are right in Chicago and she wanted me to meet them. So she planned to have -- I didn't have meals there -- she planned to have me come home for dinner from time to time and she would invite new guests and let me meet them. So I went on to school when I was there and came in at her invitation.

The first couple who were there came, a man and his wife and two children. One was a boy close to the age of her adopted son, Theodore, Mrs. Kauffman's son. [That was Sidney Jones, Jr.] Mae Owens Kauffman. She married a man named Kauffman and they had adopted a nephew of hers, kid who was eleven at the time. The father was Sidney Jones. Have you heard of him?

CTF: Sure.

JBP: Sidney A. Jones, I met the Jones. Later we became the very, very best of friends.

CTF: That's really Sidney Sr. right?

JBP: Sidney Sr. yes; his son is Sidney Jr., and there is Sidney III. Sidney the III is a [Cook County Circuit Court] judge right now. Sidney Sr. is retired, he is in his eighties now. He was still running the Department of Licenses I

believe, License Bureau. [Mayor's License Control Commission] We became very good friends and remained so through the years, and over the years. I spent just this last New Year's Eve with Sidney and his wife, Roma.

Another couple that came in was named Truman Gibson. Truman A. Gibson and his father was the head of an insurance company. Gibson at that time had just finished a tour of duty as an aide to the Secretary of War. He went back to get started in law. Not long afterward she introduced me to another Atlanta graduate and I can't remember which one that was.

I remember that on the fourth occasion, it was the occasion of her having some people named DePriest. When I was in political science, I studied Oscar DePriest [black Republican U.S. Congressman 1929-1935] and wrote one summer on what was called political leadership by Oscar DePriest and when she was telling me about this woman, Lydia DePriest, I asked her if this woman was colored and she said she didn't remember. She said just a minute and I will go call her and ask her. And she was serious about it. She was sincere. She just couldn't remember. And the little boy laughed about it too and not long after that was the time when she and her husband went to the night games that were just starting at Sox Park and lights were a novelty. They loved that novelty. While they were gone, Ted stayed behind, he stayed upstairs while I worked. There was a younger person around. They were living in the front part of the third floor, where two nurses, white nurses from Billings [Hospital], and on the second floor was an FBI agent in front and his wife, and behind them the Kauffmans lived and then of course they had the first floor. It was a mansion house, quite a place, 1035 East 45th Street.

Incidentally, when I registered to vote in Chicago, Mr. Kauffman took me all the way around, after I registered, took me all the way around the first voting to what was called something hotel on 46th Street or 47th, 46th Street, and they wouldn't let me come in to vote. He raised hell and she raised hell and they permitted me to go downtown and vote.

CTF: You couldn't vote in the precinct?

JBP: The first time I voted in Chicago, I couldn't. I will think of the hotel's name. It isn't there now. But that night while they were gone, he answered the phone, the kid, Ted. It was a moment or two and then he came back and he was smiling and he said, "I guess I told them." "What was that?" He said, "they asked me if you were colored and I

told them I hadn't noticed."

There had been this discouraging of blacks moving into that area. There had been some bombing over on Maryland Street, in that area. The first families moving into the area. In addition to that, why, the girl who I was sort of spending a little time with, Shirley Workheimer. Shirley Workheimer was working in the office of the Oakland Kenwood Property Owners Association. She was going to school and she was bringing me all the information about what they were planning to do. They were planning to stop this moving in of blacks into the neighborhood. The next morning the kid came up missing. The kid was nowhere to be found, he was supposed to have been at mass, he was an altar boy at -- was it Holy Name Cathedral?

CTF: It is not Holy Name there.

JBP: Not Holy Name, but Holy Angels?

CTF: Was it Holy Angels?

JBP: On 47th Street.

CTF: I don't know the parishes as well there. Holy Angels is down on Oakwood Boulevard.

JBP: This was down on 47th.

CTF: Corpus Christi.

JBP: I forget the name of it. He wasn't there. He didn't show up at noon. I was at school. When I came home, everyone was all upset. Mrs. Kauffman was prone on the sofa and the doctor was working on her. Mr. Kauffman looked like he wanted to kill me, couldn't tell me what was wrong. Some neighbors were in there and a couple of policemen and they told me that he had been missing. I knew it was because of me. The lights were all on. I knew that the next thing would be a bomb on the porch. It happened the same night or the night before on Maryland Street. When this loud thump sort of shook the front of the house with something landing on the porch, I raced out to get it. The men raced out to a car and it sped away. I raced around the corner to get it and there was this bundle. I stopped and looked and it was this kid. I picked him up like that and carried him inside. I untied him and stood him on his feet and he was grinning. Pulled the tape off his face, he had gone through hell. Later we found that they had him in the back end of a car all day long. There was a tag on this rope, like a shipping tag. It said, "this is to teach him to notice when a nigger is a nigger."

This was a lesson and it also said to me that this is coming too close to these people who had been wonderful to me and I'll have to get them out from under it. I came back and moved. The next day I got another place. She paid my first month's rent there. She ordered up a lot of furniture and stuff like that and had it shipped over. The holidays were coming up and she saw to it that I got a one thousand dollar Christmas present from the family, that was quite a bit.

CTF: This kid must have been -- was it Ted?

JBP: Yes.

CTF: Must have been a pretty, oh I would say, neat person.

JBP: Yes. Some of the finest people that I have ever known.

CTF: Yes. A courageous wit.

JBP: Yes. She died and left him wealthy. So I moved, I moved back west of Cottage. I didn't try it any more. Except, oh no, when I first moved, I didn't move immediately, I moved to a hotel. It was an apartment hotel on University Avenue called University Apartments. It was sort of an apartment hotel that had been changing to one room apartments, kitchenettes. The very day I got that. A friend of mine got it. He was a classmate of mine, he got it with me. He was in political science. He also went into law. His name was Charles Kralovec. He and I ended up in the U. S. Attorney's Office at the same time.

CTF: Did you work during the summers at all when you were in law school?

JBP: Only there weren't any summers.

CTF: You went straight through.

JBP: We went straight through twenty-seven months, nine terms without stopping, except there were these little short, a week and a half in between exams and the beginning of the next class. Yes, I went straight through that way.

CTF: You mentioned about registering to vote and trying to vote in Chicago. Had you voted in --

JBP: I never voted before in my life.

CTF: I was going to ask you that and I was going to ask you what was your perception of Roosevelt during the Depression.

JBP: He was an idol. I was at the University of Wisconsin in summers if you recall about that time. What we were studying was a new area of political science called administrative law. The development of the new fourth branch of government and the great science, political science of that day, we were reading it. And this is where you would have a fourth branch made up with the consent of the other two branches, of all three, with quasi-legislative, quasi-executive and quasi-judicial power, hearing officers in the executive. It started out with the development of a beginner of this before them. They were talking about . . .

CTF: Federal Trade was first.

JBP: Federal Trade Commission, right. But after then, came these regulatory agencies, one after another, made necessary by the whole change of pattern of life in the United States and of the world. Now we have four branches instead of the three. We have a government in which there are three times as many people in the fourth branch as are in the other three.

CTF: When you graduated from law school, I think you went to the Corporation Counsel's Office. Is that right?

JBP: Yes. Not quite immediately, but I did go there pretty soon. I made a good friend, a fellow who became my good friend named Johnny Sengstacke. He had just come into full responsibility for the Chicago Defender newspaper, a few days before that, few weeks before that. His uncle had died and had left one third to him, one third to his relatives, and one third to Abbot's own widow. He had a little battle and he finally won out and got in charge of the whole thing. He's still my best friend.

CTF: Did it require you to be active politically at that time.

JBP: John?

CTF: No, not him, but in order to get the Corporation Counsel's job. In the past as you know sometimes there has been letters from ward committeemen.

JBP: Remember when I was in North Carolina teaching?

CTF: Yes.

JBP: I was mentioning a fellow who was a coach or athletic director of Dudley High School [in Jefferson City]. It was maintained by Lincoln. He also lived next door, roomed. We fellows roomed. I had my meals over where he lived and

I lived over next to him. We ran together so to speak. His name was Bill Hercran. Hercran, without my knowing him at that time -- I didn't pay any attention to it -- had set up with us for the Navy, but not being accepted, went ahead, and went into the Army. He was a little later, like six months later, and then he ended up in Hawaii, just before the war was over, and we met and we talked. Talking with him caused me to write to the University of Wisconsin and have them send my transcripts over. We met at the Liberty, USO, and he would come over on the base and we hobnobbed about. Then we agreed that when he got out of the service, why on his way through, he would come through Chicago, and see how I was doing. He was going to go back to work. Sure enough, six months later, after I was here, he came out and I met him. He called me. There was a hotel where I met him. It was called the Stevens Hotel.

CTF: Conrad Hilton.

JBP: It's the Conrad Hilton now. It was called the Stevens Hotel. He was there. I was treated nicely, went into the hotel, met him. While we were talking, he said that when he was at Hampton, he had a roommate who was a newspaper man here in Chicago. He works for one of the papers now, name of John Sengstacke. I never heard of him, but let's try to find him. We called, I remember I was the one who put the call to the Tribune and they said, just a minute, and they looked through their records and said we don't have one working here. He put calls through a couple of others and then finally I said well maybe he works for this colored paper, they have a colored paper here. Maybe he works for that. So I put the call and this gal I later learned her name was Pino. And she said "Hello-o-o, Chicago Defender." I said: "Do you have a Mr. John Sengstacke that works for you at the paper?" "Yes we do-o-o, just a minute." I gave the phone to him. It was just that fast. "Yea man," laughing and talking over the phone, we made arrangements to meet him that evening. It was called the Well of the Sea which was a bar, dining, after hours, lovely place at the lower level of the then Sherman Hotel. What a fabulous evening it was, spending it with him and meeting the guy. It was so much fun and seeing the two of them. Then he had us on the Sunday, two days later, at his house for dinner, at his apartment. He lived in the Roosevelt Apartments. I met his wife and then I got to go back and forth afterwards and he introduced me to my Amy that I later married. His wife did.

CTF: Oh, his wife introduced you?

JBP: Yes. We just became friends like that and then one day out of the clear blue sky, I -- incidently I had gone into, I

was on the schedule to go into Washington. I had to wait over until I passed the bar anyway. I went on, got linked up, Mrs. Kauffman had me linked up with Gassaway and Cross and Turner in this little office called Gassaway, Cross, Turner, & Parsons.

But the University placement officer had set up some appointments with me in Washington to see what there was in government there. While I was doing that, a professor that I had -- I had worked for him too. I had done a bit of translating for him on the works of Pijonaire, from Belgium/French to English. I translated for him. Doctor Max Rheinstein knowing that I was going into Washington said, "look I want you to make an appointment. I will make it for you and give you this letter of introduction and send it ahead of time to my friend, we were on the Nuremburg trials together and see if he can't locate something for you."

So I walked into the office of the Airlines, American or -- He was the general counsel. His name was Charles Fahy. He was from Rome, Georgia, with this deep, soft, gentle, Georgian voice. I said, "I thought I remembered reading about you. You were Solicitor General of the United States. You argued the Screws case [Screws v. U.S., 325 U.S. 91 (1945)] before the Supreme Court, didn't you?" Yes, we talked a great deal. He took an interest in me because I had written on that. This was the criminal counterpart of §1981 and §1983. He said: "You know the President has just appointed me as chairman of his committee to eliminate discrimination in the [Armed Forces]."

TAPE 3 (Side 5)

This is an oral history tape of Senior District Judge James B. Parsons for the Northern District of Illinois. Collins T. Fitzpatrick, Circuit Executive for the Seventh Circuit, is conducting the interviews. The date is Wednesday, March 23, 1988 and we are in Judge Parsons' chambers.

CTF: We were talking about Mr. Fahy.

JBP: Yes. Mr. Fahy said that "the President has just appointed me head of his committee to eliminate discrimination in the armed forces of the United States and you might work with my committee." He took a great interest in me, getting into it and then asked me more questions about what I thought about Screws, U.S. v. Screws.

CTF: Now you had written about it at the University of Chicago, is that it? Did you write for the Law Review?

JBP: Yes. It was a part of the political science thing, interpretation actually it grew out of the interpretation of the civil rights statutes, the history of the Civil Rights Section of the Criminal Division of the Department of Justice had prosecuted this case, a criminal prosecution for the denying of civil rights, and had sent it through to the Supreme Court. Mr. Justice Douglas wrote the opinion. According to Fahy, he felt that while Douglas sustained their position, that he had lost the real substance of the use of the criminal statute. But he was so enthusiastic about it that the very next day he made arrangements for me to go out and see and meet the fellow who was sort of setting the whole thing up, James Evans, who had been administrative aide to the Secretary of War. I saw him out at the Pentagon. I got back to his office the next afternoon.

He said, "look there is one thing that I would like for you to do. There is a colored fellow in Chicago. He is Vice Chair and he is going to have more to do with this than perhaps anybody else. Why don't you go back to Chicago and look him up. Now he has some newspapers and his name is John Sengstacke. You get him on your side and everything will be all right. I would like to have you with me." We laughed about it. The last time I saw him was when I was [sitting by designation] on the Court of Appeals for the District of Columbia Circuit.

I went back and I talked to John and he said, "no, there is something I want you to do first. It is much more important than that. Major" so-in-so, whose name slips me now, "is dying. The only position in the Corporation

Counsel's Office that colored have ever had. I want you to take it. I will give publicity to the cases which you work on."

CTF: It wasn't Colonel Arvey was it?

JBP: No, a colored man, Major somebody. But when I got there, I later found that there was an older woman. A lawyer. She had diabetes. Anyway I went to the Corporation Counsel's Office. And from there I went to the Appeals and Review Division.

[BREAK]

Today is Thursday, March 24, 1988 and this is a continuation of the oral history of Judge Parsons.

CTF: Judge, you were just mentioning about one of the persons who made a strong impression on you, Professor Albert Mills, the Chairman of the Political Science Department at Millikin.

JBP: Yes I majored in political science and he took an interest in me and recommended me to the University of Chicago. I did research for him on religious education in penal institutions. Those thoughts of penal institutions grow into what we are working with today. This I think I acquired from him. He was my major professor and as such there the major professor helped you on your career and watched you. Dr. Mills was the one who started talking to me about the University of Chicago, even after I left the school. He lectured at the University of Chicago in the summers. I had heard about the University of Chicago and we talked about what was important. I majored in political science and English literature. My English teacher was a woman named Davita McCaslin. I had known Miss McCaslin. She lived around the corner on Hayworth Street, a grand, not too large but grand style house, with her mother. I remember seeing them drive past in the electric car. Both took an interest in me and my career. The electric car was sort of like a sedan with a little bit of engine space in front and behind, with levers instead of wheels for steering. An elegant lady, she never married. There was a vacant lot beside her house. We played softball and we got to see them and later I mowed her lawn. Dr. McNabb headed the Department of Fine Arts. I studied under him for voice and speech.

CTF: Were you in any plays?

JBP: Yes. There was all kinds of plays with singing.

CTF: Were there also dramatic productions?

JBP: Yes, every year they were pretty important ones.

When I left Mae Owens Kauffman's, she got me a place at a rooming house. At that rooming house there was a group of Panamanians, four. One of them turned out to be a very close friend of Sylvester White. Another was Luther Graham. Luther became an architect. He is the one who designed the spaghetti bowl where Congress and the Kennedy and the Dan Ryan meet, the exits and entrances on the expressways.

CTF: But he came from Panama?

JBP: Yes. Luther retired just a few years ago. One child, Luther Junior. I was his godfather. Not too long ago Luther retired and went out to California where his son was working with a company that got the job of repairing the same spaghetti bowl. So the son came here to supervise and repair that.

CTF: You know, it is interesting neither of those names would be ones that I would guess for Panamanian names, not that I know what a Panamanian name, is but it doesn't sound Spanish at all.

JBP: The people were brought into Panama from other Caribbean Islands and different other places.

CTF: They were less of an indigenous population?

JBP: Yes, and much less Spanish than other American countries.

CTF: We were talking about people you had met at the boarding house and people with influence on you.

JBP: While in my last year of law school, one young man I met was Fred Ford. Fred came from a family down in East St. Louis. I had known about the family. Their father who was quite concerned that his son come up and visit, a very unusual thing at that time. Fred went into accounting at the University of Illinois. He went to work for McDonald's. He set up and managed their restaurants. He worked in getting his family to get him started in the Chicago area.

There was one woman, a black woman who came in off the street and wanted to hire an accountant. In the mean time with his parents help he got himself a piece of income property and then decided he should put that income property under management with Draper & Kramer. It then

became profitable.

He went to work with Draper & Kramer. Their annual report shows that they manage millions and millions of square feet of property, purchase and sale of property, many properties that they owned. They operated out of offices here, Indianapolis, and St. Louis. As to grammar school, if you were to ask me the names of some of the elementary school teachers that I had, I don't remember that. I understand that I went for part of the year to Champaign and part of the year to Bloomington and that I was in kindergarten in Dayton, Ohio but I really don't remember the schools. I don't remember the teachers.

CTF: You mentioned to me a unique, I think it is unique I guess because I wasn't aware of it, the Parsons family tradition that the person having the birthday give presents to the other people.

JBP: I don't know where that started but when we came along, all I remember was that I was told, look it's going to be your birthday next week, you will give a party for the family. Why don't you start saving up and getting yourself some presents to give and I'll help you get the food together but you'll have to do it. It happened just that way.

With my oldest brother's birthday, he came home and he came with presents for everybody, and everybody said what is he going to bring? What is he going to do? His birthday was in warm weather, I remember that. He would sometimes come in and have us go with him to the parks and stuff. So eventually it became my turn. I grew up thinking, oh I have to furnish the presents. It didn't seem unusual for me to furnish birthday presents. Mom always helped plan something. She said, what do you think your father would like? Then I had to start doing my own, making my own presents.

CTF: At family gatherings were you with people other than the immediate family? You mentioned yesterday that you didn't have a knowledge of your cousins.

JBP: There were friends, friends of my father would come.

I remember the Purndos. I don't remember Mr. Purndo but I do remember Mrs. Purndo who was a very close friend. There was a Purndo in junior high school who was a year behind me. His name was Milo Purndo. Milo was a good friend. He wasn't a real close buddy like Johnny Regan and Walter Reed. But next to them he was somebody whom I would mention, at least once or twice a month. I'd say look I think I'll go out and see Milo. They lived north of

Decatur, just like a quarter of a mile beyond the city limits. The TB Sanitarium was out there. Mr. Purndo wore a little longer hair I suspect than other men wore then. He wasn't so well dressed like Mrs. Purndo who was active in one of the churches in the city. She and my mother were often together socially or working at the church. Mr. Purndo was the brother of a woman named Annie Purndo. She lived in Princeton, Illinois and became a multi-millionaire developing a hair product called Purol. Then she took all of her brothers to Princeton. She got all of her nephews to go to college. They finally moved the headquarters to St. Louis. Milo Purndo headed the Northwestern shows.

Yes, people like that came in and out. The great experiences of family life centered around several red letter days like Halloween, Thanksgiving, Christmas. Thanksgiving and Christmas, the family would always go home. The family. People would gather around the family house, around the table. My oldest brother and his wife and children, my older brother and his wife and two boys would ride over. I would be there. We would be planning for it. My Mom would be planning for it.

We would be outdoors playing. Even then there was a form of you-don't-fall-on-the-ground football. I don't remember if we called it touch football or not. You'd catch it, run with it. Pop would be out refereeing. Then Mom would come out and yell, "Benton, Benton, you boys come on in now and get ready." We would come in laughing and talking, climb the stairs so that we could get all washed up. Milo would be there and the Dansbys. Pop would go around and see that everybody's tie was straight. Then he went back and reached up on the shelf and he'd come up with some little bottle with some kind of whiskey and we would pass out these little glasses similar to the ones that you take communion with in the church. He'd pour a little bit, even for me. He would raise the glasses and toast.

We would go on downstairs and gather around and Pop would stand behind his chair and we would have to stand. The prayer would go on and on and on, it seemed to me. I would look up with one eye and look over with the other eye. Nobody said anything until Pop sat down. He would pass the whiskey around in order of rank. Mom would be next and then the oldest would be next and so on. I remember Mother's never talking, sitting there, and getting up until everything was there. She would get up and bring it. When it was over, she and my sister and the other women would get a large tablecloth and put it over everything. They would take nothing off the table. We all left out of there and went to both front rooms, two rooms. Mom would sit down and Pop would sit down. We'd start

singing one after another. The singing would go on until we had used up all the songs that everybody knew. Thanksgiving was always the same songs, "The Battle Hymn Of The Republic." Patriotic songs and not revolutionary. We were involved, it didn't stop us from being primarily Americans.

TAPE 3 (Side 6)

This is a continuation of the interview with Judge Parsons by Collins Fitzpatrick on Thursday, March 24th.

CTF: Judge we were talking about your working for the Corporation Counsel's Office perhaps you can talk a little bit about that.

JBP: Overnight I was trying to locate the name of this neighbor who had the one job there that died and the job became available. I can't think of his name. I have not had a chance to talk to anyone who might have been around. That was 100 years ago. Not very many people are left. Well I went in there, the Appeals and Review Division and I was first given an assignment to work with appeals and matters sent for an advisory opinions for city departments. Then they assigned me matters from the Comptroller's Office and I wrote three or four memoranda involving the Comptroller's Office. Then I got involved and went back to the Police Department on two matters and it took up most of the time I was there. One was the fact that there was a transfer to the Police Department of the policemen for the Chicago Park District. They were being absorbed by the Chicago Police Department. The Park District had police power and that was because the City of Chicago had it. The City of Chicago had the police power in the park district and also the matter of equalizing pay. Litigation had already gone on about these matters. The other related to the victims of the joint subject of concern in state litigation. It came in the performance of governmental function and the performance of the corporate function. This is a matter of substantial concern because the law was beginning to develop in the states regarding liability of governmental employees. The courts were beginning to distinguish between when they were performing what was called a governmental function and when they were performing functions that were strictly corporate. For a substantial period of time, that distinction was of paramount importance. The difference was between a policeman who was on his way to answer an emergency call with a fireman on his way to answer an emergency telephone call. Someone is standing on the corner when they turn and hit him because he did not get out of the way. The city was immune because

of the work he was doing. The only reason was to determine how much you were going to have to pay.

CTF: Were the lawsuits also brought against the drivers individually?

JBP: No, the drivers were excluded by the same concept whether or not the conduct was intentional or accidental. It did not keep the city from having to consider that if it were corporate, but not if it was governmental. In other words, they should not be excluded if the police were on their way very hurriedly with their instruments to line up for a parade because they are part of the marching band. I think that's the purpose of governmental immunity.

Much of this grew out of the differences between the performance of police at the park district. They were going over there to monitor the setting up of those exhibits at the fireman's thrill show. The fire department would provide some security for fires. They wouldn't otherwise furnish the services and they would not be put on in the city as they were not governmental. So came about the great distinction.

A third area began to develop and that I endeavored to study: municipal liability potential in violation of the federal law. Looking back upon, not just the Screws case, but there were other cases indicating the possibility that there was excessive force. In the early days that was just beginning to develop. I became somewhat bothered by the magnificent record of cleaning up the gangs on the south side of Chicago.

CTF: So you argued some of these cases before the Illinois Supreme Court and the Illinois Appellate Court.

JBP: Not the appellate court, primarily the Supreme Court, the branch here.

CTF: When you came out of law school, what other positions did you think about? You had mentioned the possibility of the vice-presidency of the federal government Commission on Desegregation of the Armed Forces, but you ended up in the Corporation Counsel's Office. What other possibilities did you consider and what other possibilities could you consider?

JBP: I had two concerns that were pulling at me. One is this concern of bureaucratic preoccupation with political science and with this facility of two languages. In Washington I ended up not only not accepting the offer of Charles Fahy but also not accepting the offer of the

Department of Interior in Washington. Another offer was foreign service. Both of them required some additional training. I didn't accept any of them. I went back to Chicago and found myself also picking up on the job that he left just a short time earlier, a fellow who was teaching, at Wisconsin Law School in political science, a classmate, Paul Douglas. Paul Douglas who had become United States Senator.

CTF: When did you decide to go to the U.S. Attorney's Office?

JBP: That decision was made for me, I did not make it. My friend John Sengstacke called me and said, "say, do you have time this afternoon to meet me in the office down the street from where you are?" I said, "well yes, but what was it about?" He said, "well I would like to meet with you in the office of a judge by the name of [William J.] Campbell (Hon. William J. Campbell, U.S. District Court, N.D. IL)." What is this about? "Just come down and I will talk with you when you get there." I supposed I ought to do that and I came on down and found the office of a judge named Campbell. When I got there waiting -- in the first place he had a secretary who was colored and waiting was this round faced fellow, Charley Brown. He was seated at the desk. He had two telephones that he was answering all the time and three secretaries. One thing after another. John introduced me to him. But Charley Brown interviewed me for Judge Campbell. Otto Kerner (Hon. Otto Kerner, Jr., U.S. Attorney, N.D. IL, 1947-1954, U.S. Circuit Judge, Seventh Circuit, 1968-1976) was the U.S. Attorney. He became the governor later. Before Kerner got there, he had already told me about this position that was opening in the U.S. Attorney's Office. There were two positions. Both of them were in the Criminal Division. There had never been a negro in the Criminal Division. There had always been one around here in Chicago. He was in the Civic Center. The person that I met, I met over in Hawaii, William Sylvester White, Judge White now.

Bill White then was a lawyer. I met him at the time he was there as an aide to Forrestal and was setting up a panel for investigating of what you call the Guam riot. I was assigned to the panel. I happened to have gotten to Hawaii not too long afterward and they looked out to the highest ranking noncommissioned officers in the Navy first class petty officer. So they put me on it too. We went over to Guam to gather all the evidence.

The situation grew out of the landing on Guam and the building of air landing fields up in the fields. After the invasion of the occupied island, Guam still had a great number of resisters left on the island. As they were going

up in the morning, the sea-bees were there and there were also MPs and as they were going up into the hills each day, the sea-bees were carrying equipment, supplies, food, and metal sections of runway to be laid down. The men were going up and they were not going up to fight. They were building the airfield. But they were protected from both sides by military marines and MPs. After they were some distance, some snipers up in the trees, never disturbed these sea-bees, these black workers who were unarmed in the first place. But they shot at the others. They were shooting at the armed whites.

CTF: Now were the sea-bees all black?

JBP: That particular company of sea-bees was black. On the way back to the base at night, the same thing happened. It was nothing other than rank confusion. Whites wanted to take it out on the black sea-bees. The authorities wanted to delay the finish of the airfield until the snipers were wiped out.

I met this fellow who was from Great Lakes. He was William Sylvester White, a graduate of the University of Chicago Law School.

CTF: So at this time there are black officers?

JBP: At that time there had been, yes.

CTF: But when you went in?

JBP: I'd been in for two years before the Great Lakes Project came about. Most of them I met came west. One I met was named Harvard, Ensign Harvard. Everybody liked him. He was also good in the field of athletics. He ended up here in Chicago too. His wife was very pleasant. He told me about his practice of law, family, his wife. He described his sister-in-law in glowing terms. They seemed to be an enterprising family. They developed a restaurant at 51st Street and Michigan which was then recognized as a Czech area. I looked the restaurant up when I got here. I found it had moved to Cottage Grove, right across the street from the big giant theater called the Tivoli. Behind the counter was his sister-in-law who was very pretty. How did I get back there?

CTF: Well you had told me you were in Hawaii and I was asking what other things you had done, what were the job possibilities and so this started. You had mentioned that somebody had run across you when you were in Campbell's office. Kerner, Sengstacke and Charley Brown.

JBP: So the idea was that he had these two vacancies and he had agreed that he would take seriously the recommendation of the Defender. The Defender recommended that one fellow be me. The other was a white fellow who was the son of an attorney. So Kerner took us. We had a very quick FBI investigation. It was not completed when we started. We had a week to start, had to clean up everything.

CTF: Was Campbell the Chief Judge then?

JBP: No, he was a power. He was well known. He had his hands in everything. He had this woman working for him who was a secretary he had borrowed from the Defender.

He assigned us both to the Criminal Division and rearranged the attorneys so as not to be caught slipping his black attorneys dog cases. First thing he gave me a desk and a room. After Kerner left, Brown became the Acting U.S. Attorney. Anyway, I went up to his office and then they reassigned me into another office with a fellow who was on his way out. Then they gave me the whole file of Selective Service files. There was still 63 cases to try. He assigned cases to me in the Criminal Division. Here you take that one. You're colored, you take this one. I prosecuted a series of Selective Service cases.

General [Lewis Blaine] Hersey came out and I got a picture of us. I was then assigned a civil rights case, a conspiracy under the Civil Rights Act not to put out a fire by the firemen. It was a very interesting experience, the trial experience.

It wasn't too long before the election and also was of course this matter of watching the polls and then the Republicans came in. With President Eisenhower, Brownell became Attorney General. His first order was to discontinue any private undertakings by assistant United States Attorneys. That was the last time that you were allowed to have private undertakings as long as you did not do them on your forty hour week responsibility and as long as it did not involve the federal government. I had been with a group of lawyers by the title of Gassaway, Crossinger & Parsons.

Gassaway handled only federal cases. He also handled tax, real estate tax matters. As I was getting started, he let me sit in his office on Saturdays. I got my first case from him. There was an accident out in the suburbs. People came in looking for a lawyer to go out. He gave that one to me. So on off hours, I developed a substantial domestic relationship practice, while I was with Kerner. I handled divorces out in Chicago Heights where they were

allowed agreed divorces.

CTF: Were there Saturday hearings?

JBP: Yes. Saturday mornings I would come back with three divorces. They would collect the fees which would be \$75.00. I was given an interesting case. She was a native Italian woman who had remarried and had a 48 apartment building on Belmont. Her name was Annie Mirabelli. She had a hard time getting a lawyer as she was a difficult client. The Defender called me and said they had the case which was to go to court the next morning. It was before a referee named Austin Hall on a Chapter XI. I brought in Gesas. Gesas lived in the Belmont Hotel, I went there and they would not take me up the elevator because I was negro. First I got angry. Michael Gesas, Leonard's father came down and raised hell with the hotel. Michael Gesas filed suit. Won it. No defense. The following Monday he and his family moved. He sued them under the Illinois Civil Rights Act of 1873.

TAPE 4 (Side 7)

This is an oral history tape of Senior District Judge James B. Parsons for the Northern District of Illinois. Collins T. Fitzpatrick, Circuit Executive for the Seventh Circuit, is conducting the interviews. The date is Thursday, March 24, 1988 and we are in Judge Parsons' chambers.

CTF: There were nine counts of the complaint.

JBP: Yes.

CTF: What was their defense?

JBP: The defendants apologized. Their lawyer advised them to settle it. We worked on the settlement. The settlement was a simple one that we can test. Not only with regard to going up and down the elevator. But also staying in the transient hotel or any other hotel and that it would be tested.

CTF: Did they accept the settlement?

JBP: Yes. Well I was wondering about the money, at first. But they accepted the settlement. It was not that serious a situation because I had an advance fee in the case. I got married on that.

CTF: You had mentioned yesterday that you met Amy through one of your friends, I can't remember who it was.

JBP: Sengstacke. Amy was a Northwestern graduate.

CTF: What did she die from?

JBP: Cancer.

CTF: At different time periods in the U.S. Attorney's Office, it was a patronage office according to my understanding. Did Brownell change that?

JBP: I don't know that it was. Certainly I was taken seriously by Kerner. When the Republicans came in, I got a letter from this new guy named Robert Tieken (Robert Tieken, U.S. Attorney, N.D. IL, 1954-1961). Everybody got a letter. You were given 90 days to arrange for new employment. In the meantime, he asked that you take responsibility but do not be offended if we put somebody in your place from time to time. That happened, cleaned out, except that they kept on four older lawyers. At that time I had many trials and I had taken over all of the presentations to the grand jury even though I didn't do all of the trials. Other

assistants would second chair in the office. One of them was John Grady (Hon. John F. Grady, U.S. District Court, N.D. IL. 1976 to date). Another was Bill Hart (Hon. William T. Hart, U.S. District Court, N.D. IL, 1982 to date). I'm talking about the investigation from the Treasury Department, cases involving bills. I let go more of the Selective Service cases and other jobs.

CTF: They only kept four assistants?

JBP: They kept four. I think they kept two that everybody knew they would keep. One of whom was a fellow named John Peter Lulinski. He was a giant in appeals. He knew and did the appellate work at the Court of Appeals. These four were Ed Calihan, Ann Lavin, John Peter Lulinski and myself. So we stayed on. It wasn't long after that the government screened 7 or 8 of us. I had in depth checks by the FBI and I was called into the office of the new United States FBI agent-in-charge, an older person from Florida or Louisiana. He was referred to as Colonel something. Well maybe never really a Colonel, but given that name because it was an honorary title. He was very enthusiastic and a very effective person. I was in the office with him, Bob Tieken, and Bob Tieken's right hand man, Frank McGarr (Hon. Frank J. McGarr, U.S. District Court, N.D. IL. 1970-1988) and two FBI agents. I talked with him and they wanted me to go to school. You had reading material, some photocopies, some mimeograph papers, some printed pamphlets, some files given. I looked through all of this. So I studied and then we began to work. They took me out on the streets. Then I came through it, eventually it was in full press. Somehow it didn't get beyond bad relations between blacks and whites.

CTF: Where did you know Lightfoot [U.S. v. Lightfoot, 228 F.2d 861 (7th Cir. 1956) rev'd Lightfoot v. U.S., 355 U.S. 2 (1957)] from?

JBP: The Communist Party at that time was underground. And his was the first prosecution which provided for advocating of the overthrow of the government by being members or participating in an organization that has as its purpose advocating the overthrow of the government of the United States by force and violence.

CTF: So the elements of proof are to prove that the Communist Party had that as its mission and to prove that he was a member of it.

JBP: More than that, it was to prove that he was advocating himself.

CTF: You had to advocate it yourself?

JBP: Yes. You were actually organizing, working jointly to bring about the overthrow, some overt act. I had two cases one here, the Lightfoot case and one in which I sent up to Milwaukee. It was transferred here and the indictment was here, called John Killian [U.S. v. Killian, 246 F.2d 77 (7th Cir. 1957)] involving a plant in Milwaukee, Allen-Bradley.

CTF: Now what were the charges in Killian?

JBP: Organizing the overthrow of the government.

CTF: Were you active at this time or could you be active in local political or national political affairs? Was there a prohibition on that in the U.S. Attorney's Office?

JBP: I really never was active. I knew about this stuff. One of the courses that I took at the University of Wisconsin was on political leadership. We were at that time studying Huey Long and personalities like that, what makes them tick. I used to come into Chicago and study Oscar DePriest, first black congressman after Reconstruction Days, Republican, and he lived in Chicago. "Yes, follow me around be glad to have you."

CTF: Did you ever think of yourself as running for office in the legislative or executive branch?

JBP: I use to go back and forth with John Sengstacke about Attorney General. He had a place up on Covert Road south of South Haven.

CTF: Covert Road.

JBP: Do you know it?

CTF: Yes. Covert Township is near our farm. I often go through Covert.

JBP: You know it if you have gone back and forth from the place. Nice place, big ranch house with a delightful recreation things he built on the side of it. We used to go back and forth, just like it was our own every weekend. Incidentally, there was one little problem with it and that was it was one of the places that Lightfoot used. He was in the area. Eventually I got the place up there at Lakeside.

CTF: Now when did you get the place there?

JBP: I went up to look at a place with a couple of fellows, one

was in real estate the other was a lawyer who had bought in a place at Union Pier called Lake Villa. It was a double row of cottages, like eight little cottages, single path down the center of them, common beach, those were full. They would be for sale, sort of like, \$1200. So I went up with these two fellows to look at them and I liked it a little bit. I went into the store to find something with some other fellow and drove back down to the store to get a pack of cigarettes. There I met with a very effervescent person. I didn't recognize him and he said "Why don't you take a look at the place and see if you like it."

The next summer she let me rent the big house at Union Pier. But before that I was back and forth with John Sengstacke. I was at the Bell's place at Lakeside in Union Pier on Sunday. He and his wife and their little boys Robert and Louie went up to our cottage.

We were getting ready for a nice picnic. John called me on the phone and said, "look, I want you to run for office." I said, "what do you mean?" He said, "well I would like you to run for the Superior Court in Cook County." He said, "I have to have an OK on it right away because some plans have got to be made tomorrow." I said, "I don't know anything about it. What is this all about?" He laughed. "I am going to be up there in a few minutes, hold on and I will be up there." Sure enough, he came. We laughed and talked. I had to come back into Chicago and finish something. I had to see Amy. He made me promise that I would say OK. I told him to call me the next morning at 9:00 o'clock. So 9:00 o'clock the next morning Congressman Dawson called me, called me by my first name, Jim. I was elected because I hadn't been in politics. It was a blue ribbon panel, good men against good men. "The Republicans have already set up their panel. You'll fill ours out." Sure enough I was picked to run against Archibald J. Carey, a long time Republican politician.

CTF: The Republicans had decided to run a black for the judgeships?

JBP: Five positions, Superior Court positions, one was Black, one was Irish, one was Italian, one was Swedish and one was Jewish. Democrats, and none of them were in politics. They were lawyers. One had the name Boyle. He had been State's Attorney, the Irish candidate. The Scandinavian was a publisher of the Swedish newspaper. The Italian was already a state judge but had a political background, and I, and the Jew was Abe Russell. So we became a team to run against the others. But I had a very strong push from the mayor as a result of some of the earlier cases that I had in the U.S. Attorney's Office and some suggestions from

Sengstacke.

Irv Cohen, that's his name into whose office I came when I first came here and who later became acting U.S. Attorney when Kerner resigned to become a county judge, knowing that the handwriting was on the wall about being replaced by Bob Tieken. John arranged for a fellow who was a labor leader. I went in and Mayor Daley met me there and with me was somebody from Sengstacke's office.

We went in. Irv Cohen was there and also there was this old man, Fred _____. He had retired as city manager for Cincinnati and came to Chicago. Before he became city manager in Cincinnati -- he took over that from a former city manager, both of whom served on the faculty at the University of Wisconsin and established the concept of city manager as opposed to a mayor. I had studied municipal corporations with Fred _____ and Dr. Taylor at the University of Wisconsin.

I walked in and he had no idea that I was included in the group and we talked and we got acquainted. Weren't you in my class and then he began to teach me. They wanted me to take the position that had opened up. It opened up at the first of the year. This was between Christmas and New Year's in 1958. Sain, who was warden of the House of Corrections which was the jail for those who were sent to jail from the Municipal Court of Chicago, not from the Circuit Court of Cook County. We need somebody who can do that and you know this.

CTF: So this was just an offer to be superintendent or warden, whatever it was.

JBP: I said I would like to see what it was like and get back to you tomorrow. It was Saturday. On Monday, Fred _____, Irv Kupcinet (Chicago newspaper columnist and television talk show host), and I. Irv drove us out to House of Corrections so I would get a chance to see it. It meant also a job for \$1,750 a month. It meant chauffeurs, limousines. It meant house servants. One of the things which it had was a farm. The inmates ran the farm and a factory.

Coming back the next day, something happened. Irv Kupcinet said, "I don't think you should do this, Jim. There is someone coming in to check out the House of Corrections, a reporter from one of the newspapers who is linked up with one of the judges who is taking a pretended conviction, that he is going into the House of Corrections." Kup said, "the investigation shows that there is an awful lot of graft and councilmen are getting

their food from the farm. They are getting their furniture and other things from the factory and their getting their delivery back and forth by limousines and by automobiles. You don't want that." Fred took over the job and got caught. He never regained his health.

CTF: Did you run for a specific position or were there five against five?

JBP: One against one. I ran against Carey.

CTF: So the match up right down the line was ethnic?

JBP: Right down the line. Arch Carey and I agreed not to talk about each other. I had someone who was from the national campaign. I was picking up some of the stuff that I had heard about in the school, books, political leadership, and just liking people anyway, this whole background of things. So I had to go that afternoon to the central committee. I went in and sat. They asked me questions. I answered. They enjoyed me and I think it was sincere appreciation from the central committee. The word came out that the Mayor had made me the choice. So I ran, but I had to donate right away \$12,000. I sent in my resignation from the U.S. Attorney's Office, effective the end of August. Incidentally, before getting there that noon I talked with Bob Tieken and a lot of other people, my sisters, a fellow named Ward Cahill the night editor of the Chicago Daily News, remember him?

TAPE 4 (Side 8)

JBP: Cahill and I had something in common -- we both had worked at the newspaper. When I got there, he took me through the plant and he showed me the plant. We talked about the newspaper business.

CTF: What was your newspaper there in Decatur?

JBP: Decatur Herald Review. Remember when I went to Millikin. The editor called me and they put me to work whenever I needed to work. In order to meet my schedule I worked for five years. Even when I left, I needed money to cover my bills when I went to the university.

The next thing I knew I was invited to Ward Cahill's home, met his wife. He lived on north Magnolia. Interesting place to walk along the wall, the brick wall from both sides of the door. We rang the buzzer and were buzzed in.

The newspapers were nice to me. They got me to make a political spot to be broadcast on radio stations that were out in the suburbs.

CTF: Did they run pictures?

JBP: Yes, with a little bit of a story. I had met in the early part of the campaign, John F. Kennedy. He took an interest in me.

CTF: You talked to him about the Navy, didn't you?

JBP: Yes. In addition, we met accidentally when he was not yet in the office.

CTF: I think that's a cute story.

JBP: Did you hear about the dedication of the new and enlarged and remodeled campaign headquarters here in Chicago? We were on a low platform. I was caught in the pictures, shaking hands with this new Senator, a future president of the United States and I didn't know the guy. I wasn't going to force myself on the guy. I stood up there and people shoved me back and forth, finally somebody got the two of us together to shake hands and said smile and look at the camera. We looked at the camera and we were shaking hands. No one had investigated it. All I said was, "You're sort of tall, aren't you?" He dropped my hand when the picture was over and he walked away. That was the same day when he had the debate.

What a crowd, a lot of people, the Democratic candidates on the ticket were on the platform.

Incidentally, I was number five of the judges, and the judges were on the bottom of the ballot. That meant I was all the way around being in front on the left side because of the TV cameras. I found myself in the front on that corner. That was all right. Eventually we got aboard the platform. It was so hard to get through the crowd and then get onto the platform, past the curtains. Everybody was up and around trying to get a picture with him, trying to yell and shake hands. Slowly he worked his way through and finally worked his way up to the platform and walked over to the lectern and spoke for about seven or eight minutes. He then started back out. Then there is screaming and yelling and clapping began all over again and the crowd all jumped up to get around him. I stayed where I was, alone. As he was passing out going beyond the curtains, just about beyond the curtains, he just turned, looking back, and saw me and walked over to me and shook hands. Some people were following him and looked that way but he did it before they

left, shook hands and looked at me and said you're pretty tall yourself. He had remembered me from that morning.

I got on the speakers group because I did not have enough cash. The only cash that I could raise was from selling a piano. Those little things that I had done during that period where I did practice law was to clean up the estate for Judge Otto Kerner (Hon. Otto Kerner, U.S. Court of Appeals, Seventh Circuit, 1938-1952).

Lyon and Healy sent out their appraiser. He suggested that I take this amount for the studio concert grand piano. They wheeled it off to the warehouse. It was a 1927 Crosley studio concert piano. There was just so many of them. I decided to keep it. In fact I can remember watching with a great deal of pride as they delivered it there to the three story building where I was living. They tied it to the truck docks on the other side of the street and swung it up through the air to and inside the bay window. I needed the money for the campaign. I remember I changed banks. Bob Wallace, Senator Douglas's aide, had some kind of an interest in this bank. I went there. "Who do you know?" "I know Bob Wallace." "Well, sit down." I borrowed the money. Eventually he put me on a speakers' bureau, small group of speakers who went on tour to the south suburbs of Chicago. The other tour went with Kennedy by train to stop at one location after another where the local politicians had gathered in front on prebuilt platforms. The train would come right up to the platform and you would walk right out of the train onto the platform and there was an audience already there.

The primary was a set slate of candidates. There was no primary contest.

CTF: So you really didn't need to do anything until it came time for the general election?

JBP: So there I was in the general election campaigning for the office. I didn't campaign against Archibald Carey. I campaigned about anybody who didn't want Kennedy because he was a Catholic. "If you can't vote for a candidate for President of the United States because he is Catholic, forget about me, I don't even want your vote." These people would cheer.

That was 1960 when they had the Democratic convention which was during the campaign in Chicago at the Medina Temple. Every group of candidates had a representative to speak and being the last at the bottom, our group had a representative to speak and I was the one. So I was the last on the program. At that time some of the people had

begun to leave in the top balcony. Then one great old politician asked me what I was going to say. He made a couple of little changes. I had memorized it. It was just five minutes long.

CTF: How did the election go? I know you won.

JBP: I got 1,128,000 votes. I was way up, way up.

CTF: What did Carey do? I mean this is a town that I would think went heavily for Kennedy and usually it's a fairly solid ticket.

JBP: Kennedy barely squeaked through Illinois. I was sworn in after Christmas.

Superior Court was just an additional court that you had to plea. I got paid both through the county and through the state in order to add more judges and after they were able to really revise everything so that they had a broad Circuit Court. Then the Superior Court was dissolved as such.

CTF: Now you could have been assigned to civil cases as well.

JBP: Yes. In fact the head of my court went downtown. He was the chief judge of the Superior Court.

CTF: Now I noticed in your book that one of the big cases that you handled over in the Superior Court was the Summerdale Police scandal.

JBP: Yes. Some policemen in the police department were charged with burglarizing businesses while on duty.

CTF: Well those were the days, wasn't it, when each police district had the same boundaries as the ward.

JBP: Yes.

CTF: And the captain of the police station was really picked by the alderman or committeeman.

JBP: I didn't know anybody, I didn't know I was being selected for this case. I didn't know what I was getting into. I had been a very good prosecutor. The first case I had over there involved a murder.

CTF: How long were you on that case?

JBP: I discovered that I didn't have to accept the plea of guilty. I entered the motion to accept the plea and

continued it. You know I continued that motion for the nine months that I was on the state bench and never ruled.

CTF: How long were you on the bench when you got the Summerdale case?

JBP: Not too long, not too long. I was there a total of nine months and four months were on the Summerdale case.

CTF: I just saw the clippings and I noticed that George Cotsirilos was there among others.

JBP: There was the great Charlie Bellows. Who was the prosecutor? A country gentlemen, Barnabas Sears. He was asked by the Governor to do this because of the fact that he didn't want political lines to interfere. You have to give him credit. Dan Ward was the States Attorney.

I remember being asked to go for a ride with the police while they worked. It was in the evening so I jumped in the car with two agents and rode with them. They're just about an hour behind, hour and a half behind this girl. She's spreading this counterfeit money. They were following her trail through Chicago and St. Louis. They picked out the right spot to go into. They were able to locate counterfeit money in the cash register. This was the people who saw her and the circumstance and then go to the next place and the next place. Finally our group were met by a group coming up. This is my crime in action. Before we got to Springfield, they picked her up and we came on back. We had followed her all the way down. I just rode along. It was an interesting experience, a great deal of professionalism.

CTF: This is a continuation of the oral history of District Judge James B. Parsons being interviewed by myself, Collins Fitzpatrick, on Tuesday, June 7, 1988.

Judge, when we last were here, which was some time ago, we had just started to talk about your call from President Kennedy, at your home at Lakeside and the appointment over here. We had finished up with talking about your time at the Superior Court of Cook County and your assignment to the Summerdale Police case. What can you remember, what can you tell us about your inauguration and your swearing in as a federal judge?

JBP: Well before I was sworn in and after I was appointed, I had to take time out to finish the Summerdale case. So I was in the process of getting ready for the installation for about two months, I was finishing the Summerdale case. Yes about a month, it took about a month. During that time

something happened. My new chief to be, Bill Campbell, he had me come in and take a look at where I was going to be seated, where I was to hold court, on the second floor in the old building.

I was going to take over a courtroom that was being vacated at the time by Judge [Julius J.] Hoffman (Hon. Julius J. Hoffman, U.S. District Court, N.D. IL. 1953-1983) who was moving up to the sixth floor of the old court building across the street. Hoffman had volunteered on his own to recarpet it for me. He did a beautiful job of putting in new red plush carpeting in. In those days, of course, you had government issue or you did it yourself.

I also had a chance to take a look at the furniture and decided to do it myself with some help. I arranged for that through a couple of companies in the city and through an office interior expert who did a very good job of suggesting what I should use. I also had a great experience of finding that other people were interested in going along with it. One of whom was the chief clerk in the U.S. Attorney's office. He was the one who went out and found my first secretary for me because the girls in the U.S. Attorney's office nine years earlier when I had gone there, they had refused to type for me or take dictation as secretary. He found Catherine Fitzgerald. She wanted to transfer from Justice to the court system to be with me. John Dziejczak was the chief clerk. He arranged for her and he arranged for his own and they got their seniority or whatever it was, carried over and everything. It was put into the court system so that they were able to retire just as if they would have stayed with Justice.

So there was a lot of planning that was underway at the time. I was told by the Chief Judge that of course you know you are to entertain all of the judges at a luncheon immediately after you are sworn in. I would like to know who is going to be on your program with you. He said that I suggest that you have your minister if you want to. I suggest that you have this and that and the other.

I made those arrangements while I was still finishing the Summerdale case. I did the last work in the Summerdale case about two days before I was sworn in. In the meantime, the black bar, the Cook County Bar Association, at that time was headed by Ed Toles (Hon. Edward B. Toles, U.S. Bankruptcy Judge, N.D. IL., 1968-1986) who later became a judge on our bankruptcy court, and prominent in it was a black judge who decided that -- he was a Kappa man too and I had been a Kappa man -- the Kappas should give me a blowout and he made arrangements for a 1,000 person

banquet at the then Sherman Hotel. It isn't there now. It was a great hotel -- in the Gold Room. But to plan that so that it would go around this reception that I was to give to the general public that was in accord with the traditions. He had to make it the next night. I think that my wife took care of most of the rest of the arrangements. She saw to it that my relatives knew about this and so there we were.

CTF: What is Kappa, a Greek orientation fraternity?

JBP: Yes a fraternity, Kappa Alpha Psi. I started to pledge Kappa while I was a student at Millikin University. Of course, I couldn't pledge at Millikin because there wouldn't have been anyone else to pledge with me. There were only two or three blacks at Millikin at the time.

CTF: So it is a Greek fraternity with black membership.

JBP: Yes. It was at the University of Illinois. That was the Beta house. The Alpha house, the beginning house of Kappa was at the Indiana University. The University of Illinois was Beta house and quite a chapter. Beta house had, I suppose, twelve, fifteen rooms run by a fellow who had also had his doctorate in something. They invited me to come over and see if I couldn't find an interest in Kappas and I went over there a couple of times while I was attending Millikin. Eventually I said well, all right, I will pledge. So I became a pledge along with several others, one of whom I became well acquainted with was from Marquette University. We were from out of town, from other neighboring colleges where there weren't enough blacks to have a black fraternity. He was from Marquette, he was Ralph Metcalf (Congressman Ralph H. Metcalf). We pledged at the same time and then came "Hell Week" and we started but we decided that it was really too much. We both quit.

TAPE 5 (Side 9)

This is an oral history tape of Senior District Judge James B. Parsons for the Northern District of Illinois. Collins T. Fitzpatrick, Circuit Executive for the Seventh Circuit, is conducting the interviews. The date is Tuesday, June 7, 1988 and we are in Judge Parsons' chambers.

JBP: You know I didn't go through with the pledge at the University of Illinois. When I got over to Lincoln University after I finished Millikin several years later and saw how prominent the fraternities were in campus life, I chose between the Alphas and the Kappas and the Omegas, all of which were pretty strong on campus, and decided to go Kappa anyway, with the insistence, really of a couple of other teachers who were Kappas who I began to lean on heavily for guidance, being there with an all black faculty. I had my reservations about it and I let them know what they were, why I had refused to go through it at the U. of Illinois campus in Champaign and they saw to it that during "Hell Week" there it was monitored. It was monitored by the then national grand polemarch. That was a head guy of the whole thing, all across the country, who came there either from Springfield or Chicago, I'm not sure. His name was Earl B. Dickerson who was more recently found here in Chicago, one of the great black lawyers, a University of Chicago graduate.

CTF: Were all fraternities at this time separate?

JBP: Yes. I had almost messed up Tau Kappa Epsilon which was a white fraternity on the campus of Millikin because they had me spending a great deal of time there, if not almost staying there. They wanted me to pledge. They were almost thrown out.

CTF: Because of the national?

JBP: The Greek letter men at Millikin, none of us understood what it was all about but it came out that of course you just can't, you don't do that, he's not welcome. He's not only not welcome, he can't belong.

CTF: I get the impression from just talking to you that in race relations Decatur and certainly Millikin was very progressive for the time that it was at.

JBP: Millikin wasn't heavily faced with the problem. There is a difference between having a heavy problem and being progressive with relations and not really having that much of a problem and paying no attention to it. They accepted new people very easily. Millikin, of course, Decatur

itself was . . .

CTF: For all practical purposes, you could have been an immigrant from Mars.

JBP: Yes that's exactly the way it was, or an immigrant from Russia or Germany. Decatur was an oasis, an island so to speak. We were 36 miles away from Springfield where you would run into what I did at the Abraham Lincoln Theater.

So along with Earl Dickerson was the grand exchequer of the record and he was from Chicago, I knew I remembered reading about him from the information that I had to learn anyway was that his name was J. Ernest Wilkins. J. Ernest Wilkins was a prominent lawyer here in Chicago who later became Solicitor of the United States, and his son J. Ernest Wilkins, Jr. a long time academic great, here in Chicago. So they were there and I went through with it. I became a Kappa man.

I have never been a heavy organization person. I could get in the thing and if they gave me a special task to do, I would perform it well. But I wouldn't be one to say, now make me the chairman of this and a chairman of that or I would like to be a leader of this or a leader of that. Hey, be sure that I am in this picture. That has never been myself. It's not that I was retreating, it's just that I didn't depend upon organizations. So I didn't become too active in it but I, nevertheless, remained a Kappa member.

It was the Kappas that put on this banquet the day after my installation. It was sold out and there were 1,000 people there. It was quite a crowd. Many of the judges here, friends throughout the city were there. The evening of my installation, my reception, at the Pick Congress Hotel, the grand ballroom. We used the smaller ballroom for assembly and then we stood in the grand ballroom. Quite an affair. The Blue Jackets, a choir from Great Lakes, sang on the platform for about thirty-five--forty minutes and then took a recess and came back and sang for awhile and also there was a glee club from DuSable High School. The black high school students sang and in between there were just a few little remarks made, but the rest of it was just standing in a line receiving the guests. We had over 3,000 people parade through that line. They signed up, I have the books which they signed up. I suppose that some local politicians had something to do with it, it was quite a publicized affair, seeing everybody. I have a copy there in the desk, a leather bound book of the installation ceremony, a transcript of it.

CTF: Who brought your name to the attention of the Justice Department and the President? Was it the Mayor? Was it Congressman Dawson or who?

JBP: Neither the Mayor nor Dawson. In fact that was one of the problems I had to face was how to make them feel that they had done it. I had met the Mayor.

CTF: You had met the President campaigning.

JBP: I mean the President.

CTF: Was it based on that meeting?

JBP: Based on that meeting primarily and also, I suppose, because there doubtless had been some type of committee work spearheaded by this friend that I mentioned named John Sengstacke who was the Chicago Defender newspaper. I told you what happened when I got the telephone call?

CTF: Yes.

JBP: I said that he couldn't announce it that day because there were persons I had to talk with about it. First I had met the President during the campaign and then we had toured together. It was a very friendly experience, this whistle stopping, down state and back. I was along with the group from the speakers panel, speakers bureau. The Central Committee put me on the speakers bureau to help me out a little bit. That cut my costs, but at the same time I was an orator. We didn't talk too long at one time.

At the convention they shoved me up to make the speech on behalf of the five of us who were running for the Superior Court. We were at the bottom of the ticket by the way. I had this very brief little speech prepared and it was the last one. It came down the ticket so to speak and they had just one of us. The audience had begun to leave. This was at the Masonic Temple. So I got up to make this little speech and they stopped leaving and started coming back in. The theme of the speech was of course, if you can't vote for him because he is a Catholic, don't go any further down the ballot, don't even bother to vote for me. I don't want you to do it. And that just sort of thrilled the conference crowd. We got acquainted. Then we got acquainted with -- married into his [Kennedy's] family, he was from here, his name slips from me --

CTF: Shriver [R. Sargent Shriver, Jr.].

JBP: Sarge Shriver who took a heavy interest and delegated a great number of the young Dems to my organization and who

talked with them, and also, was it Franklin Roosevelt, Jr.?

CTF: Right, the congressman if I'm not mistaken.

JBP: Yes. From upstate New York, wasn't he?

CTF: Upstate New York, I think, yes.

JBP: He toured. Also I toured with him the south and west suburbs. We were met on those tours on two occasions by Kennedy also. So we were on a much more than a speaking relationship. I told you that the committee for the black bar, the National Bar Association, had gone to see Kennedy and had gone to see Nixon during the campaign and asked them what they were going to do about the fact that there has never been a . . . we used the word Negro then, a Negro Article III judge in the history of the United States. Nixon said that you can rest assured that, if he was president, he would not distinguish between people because of race, creed, or color. He would not do that.

Then when they talked with Kennedy, he gave what I considered to be a first and rather innocent example of affirmative action. He said you mean there never has been, and we said no, there never has been. Then he said my first order of business will begin to make some appointments. So after he got his omnibus judgeship bill through, why he just decided. He got together this group of people and apparently they were there with him that morning when he or someone -- I understand from John Sengstacke was that he suggested, "Well, what about your man out there in Chicago." John said that's fine. But when he called me, I told him that I would have to talk with these people and he couldn't announce it that day. I named them, my Senator, Paul Douglas who would have to see me through. "By the way he was one of my teachers," I said. I know him well but I would still have to talk with him. And then his secretary in Washington, aide in Washington, former roommate, we were students together. He has always been a helper for me to plan. "By the way you know him Mr. President, you just named him Under Secretary of Interior, Bob Wallace. I would have to talk with Bob. Then I would have to talk with the fellow who had a string of Negro newspapers throughout the country. You may have heard of him, his name is John Sengstacke. I couldn't do that today."

He said, "well, just a minute, those three persons are among the people with me in my office now, just a minute, please." He put John Sengstacke on the phone and John came on the phone, sort of a kidding laugh. "Don't you know what's going on, man." I said, "no John what are you

doing?" Bob Wallace was the other one who took the phone and Bob said, "Jim, you know the Senator and I have had something to say about this. We've been sort of helping the President plan all the time he's been in office."

Incidentally the Senator was like a dean, like an academic dean to Kennedy. When Kennedy came to the Senate, Paul Douglas was already there. He was housed immediately across the corridor from him. He became a very close friend of Bob Wallace who was really running Douglas' office and he was closer to his own age.

CTF: When you said the support of the black bar association, did you mean the National Bar Association or Cook County?

JBP: No, the National Bar Association which incidently was the product of the Cook County Bar. Primarily the Cook County Bar really developed it, the National Bar. Yes.

CTF: I know Ed Toles had been active to greatly increase the number of blacks throughout the country in the judiciary.

JBP: Yes. Very active and for many years and is known as the historian. But the National Bar did not begin before the Cook County Bar. The Cook County Bar began first.

CTF: The Cook County Bar is an outgrowth of discriminatory practices of the Chicago Bar?

JBP: More or less, more or less, yes, I would say so. When I finished law school, the application for membership in the Chicago Bar Association was not passed out if you were colored. And I didn't join it. When I came up for the interview with the Chicago Bar Association for the Superior Court job, they were very pleasant with me but they did say right away, we notice that you are not a member of the Chicago Bar. I told them that when I could have been, immediately out of law school, they wouldn't have me. I said forget it. That's the way it's been. I was elected, without saying anything to me about it, the Chicago Bar voted for me for membership. That's the status of my membership in the Chicago Bar ever since. But they have been very fine.

So there I was. One of the things that Wallace, Bob Wallace, said, "Look Jim, let's get practical about this, there is something you can do as soon as you possibly can, it would help us." I said what is that. He said, "well we haven't had time to announce, and it's a little late for us to go by way of the Congressman [Dawson] and the Mayor [Daley] and we would want them to feel that they were a part of this. Can't you do something for us in that

respect?" And I said yes, I think I can. I did it just that way. The reason I did it that way was because I knew that John Sengstacke was very close to both of them and I figured that he could help. What John did was to tell me, "Look why don't you call them and thank them for having done something for you. Thank them for this. If it hadn't been for their suggestion, why I would never have been selected by the President." So I made Sunday calls from Lakeside to the Mayor who was just about eight miles this side of Lakeside in Grand Beach. And he probably thought that he did. He was very pleased to know about it and he said, "well I thought that you would make a good one." I think he had never mentioned it. I got a hold of the Congressman and left the message. I mean I got a hold of his residence and left a message for him, appreciation for his having suggested my name to the President. So when it came to the reception, the day of the installation, it was a big affair, heavily attended. My memory slips me now, but I should know, because he has been a very prominent and a great politician. Hyde Park.

CTF: [Marshall] Korshak?

JBP: Korshak. Did you know, did you know that it was he who volunteered to take charge of the reception.

CTF: No.

JBP: He planned the thing and stood there right beside me and introduced me to everyone as they came along. He not only planned it, but he had taken an interest, a personal interest, even before then when I was a state judge. He made me use his chauffeur. He didn't have a chauffeur. He used a limousine service. He paid by the month. Then he made me use the same limousine service and pay by the month. He called me and said I want you to go here. I want you to go there. This is important to you. I don't know why Korshak took a personal interest and he volunteered to take this over and he arranged everything. He arranged for the "Blue Jackets." He arranged with the school for the DuSable Choir. He arranged the place where it was to be given. He made those arrangements. It was his style of doing business.

The other affair was the next night. That was at the Sherman Hotel. That was planned by Fred "Duke" Slater, former football all-American from Iowa who became a judge of the state court here in the Superior Court of Cook County. Judge Slater was a great Kappa man. He planned that whole thing up there, even to the point where he came out with the sale of tickets, with four or five hundred dollars left over which he used to pay to present to me,

ahead of time that night, life memberships in the NAACP and the National Urban League. So I have life memberships as a result. My family came and those remnants of my family came. They sat in the jury box, my wife, my son, my brothers and their wives, and my sister and her husband. Then they stayed over for the next day. My son just went about, sort of, why don't you hurry and get this over.

CTF: How old was he at the time?

JBP: Dieter was about fifteen. He was at Morgan Park Academy. He was fifteen. He was sort of bored with it all, but he liked to get in the picture but he always looked bored.

CTF: What teenager isn't.

JBP: Yes. When I came back from Lakeside, Sunday -- that was in early August when Kennedy had called me. When I got back -- we lived on the third floor of 423 East 60th -- that building was surrounded by cars, that is both sides of the street and around the corner. Two of these vans with heavy cables running up the side of the building and into the windows. Dieter and I decided to go around, and come in the back and slip in. When we got inside, the house was full. My wife was very at home and just enjoying herself. She loved to entertain, serving cocktails to the press. Immediately that night it was on TV and I guess all over the nation, with the black stuff. That went on until midnight. Others were coming, members of the press were coming. It was not just because it was I, it was a first.

When it came time for the proverbial Burke experience. Not Burke, what was his name, more recently, [Robert H.] Bork (Hon. Robert H. Bork, U.S. Court of Appeals, D.C. 1982-1988, rejected by Senate for Supreme Court).

CTF: Oh, Bork, the hearings.

JBP: My hearing came off not too long afterwards. All I know is that I at first was a great friend of the night editor of the Daily News, Ward Cahill. He was a great friend to me and he volunteered to be on my campaign committee for 1960. He remained quite a friend. He had given several parties for me out at his place in Magnolia, a beautiful place behind a brick wall. It was like an oriental garden with a colonial house behind it.

Ward called me and told me that I was to go into Washington for the hearing, "look I have the tickets for us" and he said, "I'm going." He first asked if Amy were going. I said no. The next day he said he had the tickets. He also had given me my first robe, the year

before as a state judge. Ward went with me. We flew down together and stayed at the Willard. We went that morning to the Senator's office. He had never been in the Willard before, nor had he been in the Senate Building before, nor had I. We asked our way around and after spending a little time with the Senator, the Senator said it was time for us to go on, let's go. The Senator sent ahead and arranged for another chair. I later discovered that he put Ward to my right and he told me that he and I would be up front, and we were, the three of us. By up front I mean we were in a long large room, Senate meeting room. Lengthwise it was quite extensive. It was packed when we got there. The ushers had to open, stand through the crowd, the standing crowd, there wasn't even standing room. People were on the outside of the door. Incidentally, Howard University faculty came en banc. That's the black university in D.C.

I just followed where I was told to go, made the way through and there were three chairs up front. We sat there on these. Incidentally they were very much like Coca Cola chairs, round bottoms, no arms. We sat there. You couldn't see what was behind you, but that you felt the vastness of this tight mass of people. They went through one thing after another, including for the first time, the statement of recommendation from the Attorney General of the United States. That was read by the head of the Marshall's Service, read into the record, and recommendations from bar associations, beautiful recommendations. You name them, they had them. Nothing was said derogatory. Finally the senator in charge, the chairman, said incidently there had been some effort on his part to try to get his man in first, his man was second, Wade McCree.

CTF: Was Wade McCree sixth?

JBP: No he was second. He was after me.

CTF: No I mean the Sixth Circuit.

JBP: Yes he was from the Sixth Circuit, he was from Detroit.

CTF: So it was a northern senator who chaired the committee.

JBP: Yes. On the committee was Dirksen but he absented himself graciously. We listened to this, full of testimonials, one after another. Then finally Senator Hart, who by the way is from Michigan too, he was Chairman. Senator Carroll of Colorado was with him. He said, "we will open it up for any objections or comments from the floor." He sat there for a long time hitting his pencil or pen on the pad that was in front of him and I was counting subconsciously the

seconds as they were turning into minutes, it seemed to me. There was this sea of silence behind me. Then finally came this voice. He perhaps moved over to a microphone, because it could be heard, earlier a microphone had been placed and I couldn't see it. In this magnificent southern dialect, "Senator, as you know, Senator, my name is Bill Jordan, I am the Washington Assistant to Senator Russell of Georgia. I wonder, Senator, if you could let your records show that my presence here today is with the approval of the Senator from Georgia." He sat down which in fact was a tacit approval of the South because Russell--

CTF: Dick Russell ran the Senate.

JBP: That's right and Paul Douglas put that lame right hand, you know his right hand was lame because of an injury in World War II, put his hand over on my left leg. He leaned over and said, "you see, Judge, I do my homework." That was all that was said about that. They had then in front of us an acknowledgment of a unanimous vote of the subcommittee that would be presented to the committee as a whole the next morning and be presented to the floor at the earliest possible date. Announcing that, there was a recess.

Who was your first administrator of the AO
(Administrative Office of the United States Courts)?

CTF: First one?

JBP: Yes.

CTF: I can't remember.

JBP: His assistant was Will Shafroth or something like that, from Denver. Your first AO man was appointed by --

CTF: It was back in the 30's, when they split off from the Department of Justice.

JBP: Yes, but the AO came a little later. The Judicial Conference came right away, and that Shafroth.

CTF: Will Shafroth is a name that rings a bell.

JBP: He was deputy and the top man was appointed by Chief Justice Warren, Earl Warren, who had been Governor of California and he appointed an Attorney General from California.

CTF: I don't know, he appointed Ernie Friesen, who was one of his picks.

JBP: It will come to me. Will Shafroth came up and met me and met Ward Cahill and told me that we have quite an itinerary. He did that when I was -- the crowd didn't leave, you know they were all standing around, shaking hands, and I had to meet all of the members of the faculty at Howard and just lots and lots of other people. Then we left. We went by way of the Senator's office and then down into Shafroth's car. He drove us to the Supreme Court building where we did meet Earl Warren and were greeted by him and by Shafroth's boss whose name I have forgotten. [Warren Olney III] Some calls were made and we raced over to the White House and there we stood with some press, handshakes outside on the steps with the President, and then to see the AO which was housed in military camp buildings. What are they called? Quonset huts?

CTF: Quonset huts.

JBP: Yes. They weren't in the building that you have now, there on the corner. These were quonset huts. I was introduced around and taken around as a sort of celebrity. Introduced around and assured of cooperation and health and happiness and wished health and happiness and success and eventually we were, Ward and I, delivered back to the hotel. We checked our timing and we saw that there was time for a bit of a walk and talk before dinner. We decided to have dinner at the airport and fly back. So we walked back out into the long palisade between the White House and the Capital, across Pennsylvania Avenue from the Willard Hotel. We walked it, not the whole length of it, but part of the length of it. We talked and walked back. Our bags we packed very quickly to get to the airport, and came back.

So when it came time to be installed why there was time for everybody to get used to it. I gave that time by just asking not to do it until a date which was arbitrarily set by Judge Campbell and that was the 21st, was it the 21st or 22nd of September. On that day I was sworn in. Speaking on the occasion was one of my best friends, a man with whom I competed with for the position in Superior Court, Reverend Archibald J. Carey.

CTF: He was the Republican candidate.

JBP: He was the Republican candidate for the Superior Court. Son of a bishop in the African Methodist Episcopal Church. A brilliant man I thought, a University of Chicago graduate, Northwestern University man, also.

CTF: He later served on the court.

JBP: Yes. I think the thing came off all right. Campbell

didn't talk too much and my response was rather brief. I will give you a copy of that transcript. A priest, a rabbi, and a minister spoke. I was the one who suggested that and they were selected by friends. My wife was very pleased. She was very proud.

CTF: What was your case load when you started?

JBP: Between one hundred and eighty and two hundred cases. At that time we didn't have any rules with regard to the assignment of cases and naturally I got my old dogs like every other new judge. It was tradition.

CTF: A longer hell week.

JBP: Yes. It was sort of a joking tradition. Everybody knew it. You expected it. I was told that that's what would happen to me by the predecessor who came on a month ahead of me, Judge [Richard B.] Austin (Hon. Richard B. Austin, U.S. District Court, N.D. IL. 1961-1977). He had been my chief judge while I was out at the Criminal Courts Building.

TAPE 5 (Side 10)

JBP: The building on that occasion was strangely full. You know you had a circular rotunda. You didn't see it, you were too young. It was in the old courthouse. The dome was fourteen stories into the air and the building extended out from the rotunda, empty all the way down to the first floor, the landing floor, except for the space that was used by the blind man with his magazine stand. Elevators in four areas, four corners; three corners and the stairs going up the fourth, with balconies around on each of the floors. The flight from the first to the second floor was the longest, the highest. It was the highest ceiling. Second to the third was a little less and third to the fourth was still less. But you had your courtrooms on the sixth floor, the large regular courtrooms that sat 600 people, each one.

CTF: Six hundred people?

JBP: Yes, each one. Those four courtrooms were a massive construction.

CTF: So they were bigger than the ceremonial courtroom?

JBP: Oh yes, Oh yes. Twice the ceremonial courtroom size. Those were the four courtrooms. Now up above that, of course, were some other courtrooms that were smaller. One

courtroom was up above that. That belonged to Chief Judge Campbell and that was a winding kind of an area up there that had once been the courtroom for the Court of Appeals. But there had been devised two courtrooms on the second floor, not the regular size. These were very much like what we call senior judge courtrooms here. The chambers were fairly nice, three large rooms. The courtroom was modest in size, one story in height. So mine was to be one of those courtrooms.

At the time of the installation, counting the sixth floor, the audience spilled out into the corridor and the circular that goes around, and they had a sound box on the outside, which Campbell had arranged for that too. The audience also was down on the next level and the next level and down to and including the bottom of the rotunda and people were standing, so to speak, down in the center at the bottom, thousands of people.

When we gave the reception that evening, as I told you, I shook hands with 3,000 people. These were not all black people. No, it wasn't that. There was a sort of healthy city wide feeling about it.

CTF: When you were sworn in there was a policy, I think, at the Union League Club to give honorary memberships to federal judges and your coming in the role as a federal judge created a dilemma for the Union League Club because as I understand it, even though it's called the Union League Club after the Civil War Union, they had never admitted blacks.

JBP: You heard about that.

CTF: Yes.

JBP: Yes, it is true. The Union League Club, I suppose, didn't know what to do. I don't know that there was a feeling of power in the judges to tell them what they should do.

The question was raised first by Irv Kupcinec who had a column. Later I appeared many times on his programs with him. But before then I had appeared with him in a series of programs helping to raise, they were called "At Random," he had a radio program called "At Random," and then he did this little stage act at different locations and there was fund raising, to raise money to build a new home for the aged, home for Jewish aged men. The home that was to be vacated was located on the north corner of now King Drive and 55th Street, northwest corner. It used a square block there.

CTF: I was by there Sunday, or rather Saturday, on my bike.

JBP: Was there a kind of a food store there?

CTF: A gas station, I think, and then a plaza, and then there are some food stores.

JBP: Yes. That used to be, we all referred to it as the "old man's home." In deep red brick, it was quite a place surrounded with some trees and very decorative for the neighborhood. They were raising money to build a new place for them. This was a project that I contributed to. Irv Kupcinec and I had met in that respect and we had done acts so to speak at his "At Random" on the stage at programs where we are raising funds.

He came out with his daily column asking what are we going to do about Judge Parsons at the Union League Club. I didn't pay much attention to it, I hadn't even thought about it. He wrote extensively on it day after day after day, asking the question. I just watched it.

CTF: You mean that the Union League Club had given memberships all the way up through Dick Austin.

JBP: That had been explained as honorary memberships. Nothing had happened. Finally after many such stories, I think that September and October had passed. The meeting I don't remember whether there wasn't one or I didn't go to it in October. But it was time for the November meeting and Bill Campbell said to me, "Look, you will walk over with me. You needn't worry about it. Everything is going to be all right." So we left. The meetings were in the evening. They were dinner meetings. We left and came out the east entrance to the old building, went down to Jackson and crossed over and walked over to the entrance of the Union League Club. As we got to the entrance, why two people stepped out from the entrance and there was some shaking hands and looking around and the next thing that I knew I was standing shaking hands with this white gentleman. I was on the right, I believe, and in between us standing a stoop higher was Bill Campbell and out in front of us was a photographer. The next morning there was a large picture, I have a copy of it, in the Tribune; "Judge Parsons welcomed." Was the Tribune the morning paper then?

CTF: Tribune to my knowledge had always been the morning paper.

JBP: It was the Sun Times.

CTF: Well Tribune and Sun Times and there was the Chicago American probably at that time in the afternoon.

JBP: That was the afternoon paper and the Daily News. But no, this was the Tribune, "Judge Parsons welcomed into the Union League Club." That is welcomed into the building I suppose. Then just a short time after that -- and I did go in -- I was visited in my office -- my secretary called for me to come up and talk with these gentlemen -- by two men who introduced themselves as the chairman of the board and manager of the Standard Club. They told me that the Standard Club had had a meeting, an official meeting. Their board of directors and managers had voted that if I would accept it, they would vote me membership, full membership in the Standard Club. They resented what had happened to me and that they had arranged for an expression of charity to be made in my name. I didn't know that it was one of the requirements. The law firm of Fifer and Cohen, Cohen and Fifer, 105 West Adams, had that project and so they did that, they paid for one of the rooms in the new building that was being, Baumgarten was being built out at Michael Reese Hospital in my name. I accepted and I became a member of the Standard Club.

Then [Julius H.] Miner (Hon. Julius H. Miner, U.S. District Court, N.D. IL. 1958-1963), Miner was already a judge, just as Hoffman was already a judge. Miner came and talked with me and said, "what I want you to do is write each judge individually, not to the judges [as a whole], and invite the judges to be your guest at your club at the next meeting." That I did and I got rather overnight back acceptances from everybody including Bill Campbell. Sure enough when that meeting came, we were at my club. What a place and what a meeting and what a dinner, it was fabulous. Some of the behind the scenes, I think, had been handled by Miner, Julius Miner, Judge Miner. Yes, they came to that meeting and the same two men asked if they could be heard and they came in and they said that they had voted and that they will accept you, honorary membership for the district judges, all the district judges. There was a voice vote right on the floor and everybody accepted and so did they and we got our membership notice and everything else and we then transferred all of our meetings to the Standard Club.

That continued when the Court of Appeals moved from 1212 to this new building here, why they also were voted in and that continued on for both courts until 1970 and the number of judges was that large that it dwarfed the appearances of propriety with relation to the number of rabbis who were honorary members and it was not discontinued but it was cut-off for the time being. None have been added since.

Now during my several first years, I came to the

conclusion that it would be better for me to withdraw as an active member because I had two memberships, I had the honorary membership and I had the active membership and that was a little expensive too. So I spoke to them about it and they were very pleased to do it. I withdrew as an active member and became merely an honorary member.

CTF: Did the Union League Club ever offer an honorary membership to you at some point? I mean, they admitted you for the judges meeting.

JBP: No. The next thing that happened -- I know it was much later -- they sent me an invitation to accept what is called "House Privileges" which was done for all the judges up in the mid '70's. But I didn't refuse it. I said, thank you, I would think about it. They did come over and offer that honorary membership. Before the "House Privileges" thing came along, the president of the club came over and got me and took me over and gave me a tour of the building. I saw everything from the top down. I saw the man with the uniform of the day and the gymnasium and the swimming pool being nude. I hadn't seen that, all novel to me. I don't know whether it is at the Standard Club or not. But there it was. I saw the very fine dining rooms, but no finer than the ones at the Standard Club.

Yes, when Irv Kupcinec asked me what I, when he was writing his stories, what I thought would happen, what I would do about it. I told him that I thought that it would work its way out because after all they'll do the right thing because they are the present generation. Their parents were generals in the Union Army. I am sure that they would want to finish their project. So it became that way. Right now our membership, even our honorary membership, has dwindled down to almost none. The only regular member of the Standard Club that I can think of is Judge Posner in your court. As far as honorary members are concerned, we are all senior judges, the few of us. Those of us who came before '70 are, and those who have come since then are not. Most of the judges I believe go to the Union League Club for the house privileges but I don't think it's too regularly.

CTF: From the early '60's when you were on the bench, what are the cases that you remember most, the very important ones?

JBP: I would like to, overnight, make a list of those so that I won't leave any out.

CTF: I would like to get that all the way, not just through the early '60's, your perspective on the cases that you think were important.

JBP: I will get a list together on that. I would like not to leave any out. There have been some that have given me the feeling of contributing somewhat to the body of law that, I think, are very important. They are not always the ones that you enjoy the most. They are the ones that you doubtless have to work hard at. I enjoy a case with good lawyers in it. I enjoy working with and trying to keep up with them.

CTF: When I have interviewed other judges, even without any racial aspect, there has always been interesting relations between the different judges within the district courts, within the court itself as well as with other courts.

JBP: You mean like me and Hu Will (Hon. Hubert L. Will, U.S. District Court, N.D. IL, 1961 to date).

CTF: What about Hu Will?

JBP: Well Hu came on a month after I did. We were both University of Chicago grads. Both lived in that area. He lived in Hyde Park while I was living out in Washington Park at the time. Bill Campbell had the idea that if -- there was a tradition that the newest judge on the bench has the dirty work to perform. He's the sergeant at arms at the meetings. He does the minutes. If there is an assignment to this awful thing out in the Western Division that's an emergency, assign and send him out there. If there is an assignment to the committee to help get together to do all the foot work, or leg work, in getting together the Judicial Conference, or serving on the Judicial Conference committee, planning the program, helping to carry the program through, that always fell to the neophyte, the newest one, not only on our court but also on the Court of Appeals and other courts too. This was a tradition, a great old tradition.

But we were so close together that he put us together on that so we both, Hu and I both were secretaries, Hu and I were both sergeant at arms. The first thing that we knew here it was that in May was it and we were getting ready for the Judicial Conference, he and I both had the job of helping to plan it. Of course, our judicial conferences were all right here in Chicago at that time. So we planned it together. Then for a long time, it was very much like that.

CTF: So you and Judge Will shared all these duties. Who would take the minutes or did you take turns?

JBP: No, sometimes we did them both at the same time. When it came to secretaries, I think he would take it and then I

would take it. I don't remember how we handled that. I will have to ask him how we did that.

CTF: What about bringing justice to the great western portion of the Northern District of Illinois?

JBP: Oh, that fell to me from the very beginning and I went out. There was a little preempting of that during our early years by Judge [J. Sam] Perry (Hon. J. Sam Perry, U.S. District Court, N.D. IL, 1951-1984) who I believed lived in the area.

CTF: Naperville.

JBP: Somewhere out that way and it was only when he was busy that somebody had to go out.

CTF: I guess Glen Ellyn actually.

JBP: Yes, Glen Ellyn.

CTF: Win Knoch (Hon. Win G. Knoch, U.S. Court of Appeals, Seventh Circuit, 1958-1974; U.S. District Court, N.D. IL, 1953-1958) was from Naperville.

JBP: Yes, I didn't mind it. I liked the country. I liked the smaller towns because I was part of it, it is part of me. Decatur was what about 70,000 when I grew up there, a little over 100,000 now. It was enjoyable to get away. But when I first got out there, I wrote a report on the Western Division court and the building itself, the structure and what was going on for Bill Campbell. He took that report and went into Washington and got some money to repair it, to remodel it. Then he gave that job to me so I went back out and I remodeled the building, the courtroom. I have that old report if you would like to see it. I did it with humor. You know, if you were to walk in and Abraham Lincoln was standing there, you wouldn't do a double take because he would be so indigenous to the surroundings, so usual for this kind of a thing. In order for the jury to be sure that they knew the law, they placed the judge's library in the jury room so that the jury could look up the law if they didn't believe what the judge said.

CTF: It saves time, you don't have to instruct them.

JBP: Yes. It was that kind of a thing that caused Judge Campbell to decide to attach it just as it was to his application for funds, additional funds and he got them. So I went about the job of remodeling the building and Senator Dirksen came out for our rededication of the federal building in Freeport. It was Freeport, yes. Of

course, I was Chief Judge when we built the one in Rockford and transferred everything from Freeport to Rockford.

CTF: It is amazing how little there was of complaint at all from the Freeport bar when that occurred. Which means that was not a very organized bar.

JBP: Well we worked with it. You mean when it was transferred to Rockford. In addition to that Senator Percy at my suggestion got acquainted with [Stanley] Roszkowski (Hon. Stanley Roszkowski, U.S. District Court, N.D. IL, 1977 to date) who was the head of the bar in Winnebago County, proposed his name, and he was appointed [to the District Court].

CTF: He was a Stevenson appointment, wasn't he?

JBP: Wasn't it Percy who -- or was it Stevenson?

CTF: I thought it was Stevenson.

JBP: Whichever one it was.

CTF: Because Roszkowski had been a candidate for the Illinois Supreme Court as a Democrat. He was appointed October 11, 1977.

JBP: Stevenson?

CTF: Yes, that was Stevenson.

JBP: Well, he was well liked out there and I suppose that they didn't want to offend him. It is a matter of driving the distance whether you drive 29 miles from Rockford to Freeport or from Freeport to Rockford. Very little happened west of there and it made little difference whether they went to the one or to the other. You know the one at Rockford seemed to take off. The real strong bar was the Winnebago Bar.

CTF: Bigger town?

JBP: Yes.

CTF: More of a metropolitan type. Let me ask you a couple of questions. You talked the other day about when you first met your wife, I think it was through John Sengstacke?

JBP: His wife, through his wife.

CTF: Then you were married when?

JBP: Christmas Eve, 1952.

CTF: Ok. Then you adopted a son?

JBP: Yes.

CTF: Tell me a little about that.

JBP: Well, we determined that we would not be having children. We were older persons to begin with. So we decided, really before marriage, that we would adopt. We had some physical examinations that caused us to feel that we were really pushing hope against hope. So she became acquainted with organizations that help sponsor children for adoption. I made it known to one person or another that I knew or I had spoken that I was interested. Actually perhaps the person who was most concerned about our having a baby was Sister Mary Alice. Do you remember her?

CTF: No.

JBP: What is the orphanage?

CTF: There is Angel Guardian.

JBP: No.

CTF: The one right off, near St. Patrick's, downtown.

JBP: It's out there near a church, north toward the cathedral.

CTF: I don't know.

JBP: I will think of it, I'll think of it. A child, an interracial child was left alone with a note on it in the University Apartment Hotel on South University Avenue in the 6100 block. The mother had disposed of herself by jumping out the window. She called us and we went. She had the child. The police had taken the child here. She said this is for you. That was it. Saint Agnes?

CTF: Could be.

JBP: Is there a Saint Agnes?

CTF: I don't know.

JBP: Sister Mary Alice, I will find out. I will get it. Very strong, sturdy, important person who ran that building with an iron hand. She seemed to run everybody with an iron hand. So we worked toward that. We went through the application program, but my wife ended up with the woman in

charge of children for what do they call them, Cook County Services. At that time it was operating out of the Juvenile Home.

CTF: Do you mean the Department of Children and Family Services?

JBP: Yes. The woman who had the responsibility for placing children like that for adoption purposes was an arch enemy of my wife. They had in their days back at Northwestern a sort of clique. They hated each other, I guess. Looked down on each other and she blacklisted us. It didn't go through. Even with the help of Bob Tieken and a good friend that he had in this woman who was very high in that field.

CTF: Were you with the U.S. Attorney's office at the time?

JBP: Yes. He came into help while he could. It didn't go through. We ended up standing in front of the judge who, knowing no other way to do it, was calling us no good SOB's because who was going to look after the baby.

CTF: Was your wife working?

JBP: Yes.

CTF: So therefore you couldn't --

JBP: He said, "you should be ashamed of yourself." He had an Irish name.

CTF: Could be there were a lot of Irishmen on that bench.

JBP: We were very embarrassed and her too, because this child needed somebody and we were able to furnish it, a great deal of help. Well eventually we ended up with an interest in another orphanage that was interested in the development for placement of older children. This boy was at Randel House. He was in school at Randel House because down the street from Randel House -- Randel House was on the 4700 block on Greenwood, right next door to Harvard School for Boys. He was in school on the very next block on the other side of the street, a private school called St. George. It was run by a Mrs. Tyson, Mrs. Ann Tyson who also could speak German. A Lutheran Orphanage at Addison had placed him in the Randel House because of the arrangements they could make for him to go to St. George. His native mother had placed him. She was in America at the time. She had come to America first and when her husband went back, that is her German husband, and I went back to Germany and got him from his grandparents where she had left him and brought him over and placed him in the orphanage at Addison

who placed him at Randel House. Then this placement agency got in touch with my wife. So we took a look at him. We went over and met him at St. George school. He sort of took a liking to us.

CTF: How old was he?

JBP: He was eight. Eventually why he decided it was right to have a family, he made the decision. Once it was made, it was made for life. The orphanage that handled it, of course, was Lutheran Orphanage at Addison. Later St. George school combined with Harvard, now it's called Harvard-St. George. Ann Tyson's retired and her daughter runs the private school.

CTF: So when was the adoption, what year?

JBP: 1955. In 1956, the adoption went through. He came to live with us in 1955 and was adopted later. So we went the route of everyone else, being monitored by the committee, visited regularly by a social worker and filling out this and filling out that. Then when it happened, why he was very pleased too. Then he was pleased when he was made an American citizen by Judge Perry. He liked that very much. Judge Perry did a private ceremony for his naturalization.

CTF: The first child, the baby, you said it was multi-racial?

JBP: Yes.

CTF: Was it [from] a University of Chicago student?

JBP: No.

CTF: Was the baby placed in your house for awhile?

JBP: No. We didn't get it at all. No, it was just nipped in the bud.

CTF: Well it was probably better to have it nipped in the bud. I can imagine the trauma of having a baby and growing attached and . . .

JBP: Then having it taken away, yes.

CTF: Like a death.

JBP: Right. No this was, moving along very well with the help of Bob Tieken, particularly with the help of his friend, Mrs., I forget her name, she was a wealthy socialite, social worker, Miss Geary. More will come back to me about her later. Bob Tieken was a wonderful person. I liked him

very much.

CTF: You mentioned how Dieter was bored during the inauguration. Was he a typical teenager? Here his father is a district judge, national media.

JBP: At the same time, that same week, my relatives stayed over into the 3rd or 4th day and they got to go with me out to North Park Academy where he was playing football and watched him. He was real proud of that. He was the scene. He was the center of everything. He was real proud of himself. He did a good job too. It is a very great thrill that a father has when he sees his son running down, up under the ball, you know.

CTF: I agree. Or doing anything well.

JBP: Yes. It's an equally great thrill when you begin to discover that your son really counts on you. That came to my attention more forcefully than ever very early when Dieter did not call my wife, Mother or Mom. I begged him to. He called me Pop, very early. It was easy. Hey Pop. I think that he made that one up I don't think I said to say Pop.

CTF: That's what you called your Dad. You called your Dad, Pop too.

JBP: Yes. It runs in the family, I guess. But with her it was a little hard for him. I told him that now you are adopted you have to call her Mother. He didn't like that. He would refer to her as "your woman," references like that. Mostly when he was talking to me he would say, "Well I told your woman this and I told your woman that." He would never refer to her as Mother.

Well the first time he called me Pop was when we were at a grocery store, we were doing some grocery shopping on a Saturday at a shopping area over on South State at that time. He was in one part with her. He liked her all right. I was somewhere else and I heard him yell across the room, "Hey Pop." It was the first time he said it. I didn't recognize it was he because of what he said. Then he yelled again, "Hey Pop." I came over. He was trying to get me to act on that guy who was weighing this stuff in the bag. He should weigh it on the scale without its being in the bag. It was at the fruit or vegetable counter or something. "He's cheating you, he's cheating her. He's making her buy the bag too."

He wouldn't call her Mother but eventually I got on him about it.

TAPE 6 (Side 1A)

This is an oral history tape of Senior District Judge James B. Parsons for the Northern District of Illinois. Collins T. Fitzpatrick, Circuit Executive for the Seventh Circuit, is conducting the interviews. The date is Thursday, June 23, 1988 and we are in Judge Parsons' chambers.

JBP: So I got on him about not calling Amy, Mother or Mom or something. I decided to preach and move out with some strength, after all I was ordering him to do it and he resisted very heavily. Finally he threw a bit of a tantrum and he ran and grabbed his things and started stuffing everything into that one bag that still had those stickers that they put on your carrying cases when you board a ship. He came by ocean liner, across the ocean. I stopped him at the door as he was pacing and storming and fussing and yelling that he was going back. He called it "Wendel House." "I go back to Wendel House, you don't love me." As he was storming out, I confronted him at the door. I said, "Put your bag down and put up your fists. You are going to have to whip me to get out of this house. You are not going to come here and take our love and then run and take it away. You'll have to fight to do it." He looked at me and I said, "Go ahead, go ahead. You will have to knock me out, believe me." Then he said, "You fight me to keep me from leaving?" "Yes I would. You'll leave over my dead body." So he said, "Well all right, hey, Mom." He went on back in, "I'll call you Mom, then." That he did. Mom, Mom. Then there were times when he would come and sit in the chair with me and say, "tell me about when you would fight to keep me from leaving, would you?" Thirty times he asked to be told the same story.

Then one time I had forgot and left him at the day camp at the Hyde Park Y. I was to pick him up at 4:30 every day because they closed the Y and I was late getting off and I forgot all about it. I really was late. It was around 6:30 when I thought about it, it was 6:00 o'clock anyway. I raced out and got in the car and drove as fast as I could. I called at home first and he wasn't there. I was sure that he wouldn't know the way either. I got over there and he was seated on the curb. He got up and got in the car and before moving I said, "just a minute. I want to apologize to you. I am ashamed. I owe you an apology. I left you here waiting. I forgot about you. I promise never to do it again as long as I live, but I'm sorry." Oh, he said, "That's all right Pop. I'd have waited for you. You waited for me. Look how many years you waited for me. I can wait for you for a couple of days, can't I?" That's the way he took it. That's my son.

CTF: Should we take a break?

JBP: Yes.

CTF: This is a continuation of the interview of Senior District Judge James B. Parsons by Collins Fitzpatrick on Thursday, June 23, 1988.

Judge, when we last left off, one of the things that we were going to talk about were some of the judges that you knew both from your days as an Assistant U.S. Attorney as well as your days as a district judge. We talked somewhat about your occasion to become an Assistant U.S. Attorney when you met Judge Campbell and you met the U.S. Attorney. Was it Bob Teiken?

JBP: No it was Otto Kerner.

CTF: Otto Kerner, that's right.

JBP: When I met Campbell, he was the first federal judge I ever saw in my life. I'd never seen a federal judge before. But it wasn't long before I had an opportunity to see another. I was motioned in to the federal court soon after that by the fellow who was heading the little law firm that I was a part of. His name was Antonio M. Gasaway. Tony Gasaway had practiced as a prosecutor during World War II in the federal system and filled the job that had been occupied by -- he's now a judge -- William Sylvester White. Gasaway was a very mild, quiet, genteel person, an Ohioan. He had come through the University of Chicago of all places, class of 1925. Tony said all right I will move you in to the federal court and he arranged for me to meet him there. He filled out whatever documents that were to be filled out. I don't recall whether I signed anything or not. But it came up before a Judge named [Michael L.] Igoe (Hon. Michael L. Igoe, U.S. District Judge, N.D. IL. 1938-1967). He performed a quick little ceremony. Tony Gasaway never talked very loudly, at any time. So even though there were a number of people in the courtroom there, he'd seem to whisper something about me and Igoe had the clerk administer the oath and then he said very little else.

Then I went on my way. I went back out into the corridor and Gasaway said, "Now look, you're a lawyer now and you can appear before the court at any time and this is a federal court and I have a case in there and I have got another one upstairs." I guess he meant up in Judge Campbell's courtroom because he was the only one that had a higher courtroom than on the same floor where Igoe was. He just begged and pleaded with me to go on in [to

represent the defendant]. He said that "he was just going to be sentenced, I have already pleaded him guilty. He is just going to be sentenced." But I said "What do I say? How do I do?" "Just say he's a nice man." Then he raced off and left me there with his client standing there outside the doors of Igoe's courtroom.

So I did the best I could. I went in with the young fellow. He was older than I was. He impressed me as being a young fellow. I heard all of this vicious tirade about this man and what he had done, this terrible record that he had from a prosecutor named Maurice Handelman, an older person. It sounded as though that he had the duty to see to it that this fellow was locked up for the rest of his life. I really did not know what the charges were all about. I stood there and couldn't think of what to say when the judge asked me, "What do you have to say?" And after quite a bit of wait, I said, "Well, Judge, he's a good man." That's what Gasaway told me to say and Igoe sat for a moment longer and looked at me and said, "Is there anything else you want to say?" "Well, no, Judge, nothing except that he is a good man." Igoe sort of turned to his side and hid himself so that the others wouldn't see that he was laughing. He turned back and he said "You were just motioned in before me, weren't you?" I said "yes, sir." He said "Well still, don't you have something else to say." I said "only this Judge, just take it easy because he is a good man." I didn't know what to say. Igoe gave him probation.

I stood there not knowing that the whole thing was over. The guy himself had to grab me by the sleeve and said "Come on, come on, let's get out of here" to get me away from the bench. We got out in the hall and he was jumping all over me with joy. Gasaway also was there and hadn't really gone up stairs. He just watched from the outside possibly with the door cracked open and he said, "Oh you're a great lawyer, you're a great lawyer." Here he gave me, he said, "I am giving you half of the fee." He gave me \$300. I pleaded not to take it because I hadn't earned it, I hadn't done anything. He said, "You did very well and you handled it well. Look he's got probation, with a record." My first appearance before a federal district judge was with Igoe.

CTF: What was Judge Igoe like?

JBP: He seemed to recognize me personally and he was, I thought, careful and fair and would allow me an opportunity to express myself after later I was able to do it.

It wasn't long after I was in the U.S. Attorney's office before I was motioned in before the Court of Appeals and that was a slightly similar situation. By that time I had already handled a matter on trial, a draft case. The case was on appeal. The lawyer on the other side was the great . . . His name slips me now, I could recall it later, who was general counsel for Jehovah's Witnesses, here from Washington. I put up I thought a good battle on trial against him and he appealed. So the lawyer who was in charge of the appeals named John . . .

CTF: Peter Lulinski. [John Peter Lulinski]

JBP: Yes. He said that you might just as well argue your own case on appeal. I will move you in. So he appeared with me. At that time the Court of Appeals was at 1212 North Michigan. I was there and I was well prepared at that time. I knew I was. I had been rather successful in handling those cases at the trial level. This was my first attempt at the appellate level, and my first appearance as an appellate lawyer. On the bench was seated in the middle a fellow named Earl Major. (Hon. J. Earl Major, U.S. District Judge, S.D. IL, 1933-37, U.S. Circuit Judge, Seventh Circuit, 1937-1972)

CTF: J. Earl Major from Hillsboro, Illinois.

JBP: Whose barber at one time was my brother. At that time I didn't know that.

CTF: Did you know that he used to always talk about that. He always went down to the barber shop to find out what was happening?

JBP: Yes.

CTF: He told those stories.

JBP: The fact that at his funeral my brother sat with the family. It was in Hillsboro. His barber shop was in a little village just east of Hillsboro called Nokomis, N-O-K-O-M-I-S.

I think I made a success of that appearance. The first thing that happened was of course motions for admissions were held and mine was one of the early motions. Then after that was made and I was admitted and said nothing about that except to take the oath. I sat down and waited until our case was called.

Then when the case was called, he did one of those things which I think I have learned to help put a new

young lawyer at ease when he's nervous. He looked across the bench at me. He said, "You were just sworn in?" Just like Igoe had said several years earlier. I said yes. He said, "What is this case all about?" That gave me a break that I needed and one that caused me to throw away the traditional approach to handling a matter on appeal, I shoved my notes to the side and stood around to the side, the right side of the lectern, and began out with once upon a time story about this fellow who was born over in Gary who was a Jehovah's Witnesses. I went through with the whole thing. That case went to the Supreme Court, the Sicurella case [U.S. v. Sicurella, 213 F.2d 911 (1954), rev'd, 348 U.S. 385 (1954)]. But he gave me a real break in allowing me to be a little less formal and a little less argumentative and more informative.

I use that quite often now because really it doesn't help me too much with an arguing lawyer to be more argumentative than informative. I need the benefit of his information. First on the facts and then as he sees the law and then his approach to the law.

So it was, I was admitted by both courts and I have my plaques of admission hanging up here. I consider them with great pride. I haven't been admitted to the Supreme Court. I became a federal judge before I ever had a case important enough to take to the Supreme Court myself. I saw no reason for being admitted to it.

Among the other early judges, of course, on the bench at that time was [Phillip] Sullivan (Hon. Phillip L. Sullivan, U.S. District Judge, N.D. IL. 1934-1960). It was his vacancy I ended up filling later on. He was rather difficult, and I think he was difficult because he didn't quite understand what the problems were all of the time, the issues. But nevertheless I won everything that I had before him.

CTF: He was appointed in '34 and then he became chief judge in '57.

JBP: Yes.

CTF: Died in 1960.

JBP: He was chief judge after the great John Peter Barnes (Hon. John Peter Barnes, U.S. District Judge, N.D. IL, 1931-1959). There is a judge that I appeared before perhaps more than before any other judge, John Peter Barnes.

CTF: What was he like? He had a big red beard I understand.

JBP: My first case before him, I had to get prepared as much as I could. I knew that but he raked me over the coals. Everything I said was wrong. Even in examining the witnesses, I would object at the wrong spot. He was very watchful of that. I would use the traditional, "I object" and then fill in with "irrelevant, immaterial and incompetent." He would still look at me for a silent moment and then he would say, "which one is it?" It didn't occur to me that it wouldn't necessarily have to be all three, that if I really knew what was wrong with it that I would know which one it was. That just seemed to be the phrase that everyone was using. I used it too. He kept after me especially in presentation of first witnesses to the point where I almost was in tears, angry, frightened, and his voice was loud and he had this bad habit of stroking his beard and looking right in my eyes, almost as though he was doing so with contempt. Finally he took a recess and we were standing about. Immediately after the recess in the courtroom, his bailiff, what's his real name, young fellow who had, on the west suburbs of the town he had a camp. What do you call it, a trailer camp. I should remember his name because later with his help I managed to get a family of gypsies in line with the Selective Service System and then I got to be adopted into their gypsy family. The ceremony was out at his house on his camp where these gypsies were living.

The judge sent for me and I went into his office. He said, "You know you're new around here and I would like for you to be good." He said, "Don't pick up the bad practices. Don't pick it up. Study the proper way to present everything and you will be good. I will work with you." Here was a judge telling me that he just wanted me to be good in what I was doing, not that he would give me anything other than he wanted me to be good, on my side so to speak. I became attached to this judge, John Peter Barnes. I never lost a case before him. The oftener I got a case before him, the harder I worked to be sure I was right, to be sure my presentation was correct. I learned a great deal from just watching my opponents. I had very good opponents too, especially in this higher echelon of lawyers who were trying Selective Service cases then. The defendants in the Selective Service cases that went to trial were dealing in legal principles and beliefs and not just reluctant individuals. I learned a great deal from watching him and from watching others appear before him and I respected him all the way through.

Eventually I met a new judge who came on the bench, for whom I took a great deal of liking, his name was Knoch, Win Knoch. I think he came on, didn't he, Win Knoch before? Did he come before J. Sam Perry?

CTF: He [Knoch] came in 1953.

JBP: Yes, it was quite early.

CTF: It was right after. Perry in 1951. Perry was a Harry Truman appointment.

JBP: He was there when I got there.

CTF: Also on the bench at that time was Judge La Buy (Hon. Walter J. La Buy, U.S. District Judge, N.D. IL, 1944-1967) of the La Buy instructions. [Jury Instructions In Federal Criminal Cases (1965)]

JBP: Walter J. La Buy.

CTF: Campbell whom we have talked somewhat about was also there.

JBP: La Buy was a genteel person. It was easy to present yourself before him. You learned to appreciate having a case before him because it was not a difficult case to handle before La Buy. At the same time La Buy was watchful. I had my first real, heavy case experience before La Buy. That was the Cicero riot case. Have you ever heard of that one?

CTF: No.

JBP: You will have to get the name of the case, the case begins with the name of the mayor of Cicero. I should get it for you. The government was represented by a lawyer appointed by the U.S. Attorney. It was a special prosecutor.

CTF: Why did they do that?

JBP: I'm not sure, but it involved local politicians and police, etc. and it was something of a first case. I will get this information together so that I can give you the right names of the people. This woman, a native Italian woman, Chicagoan, nevertheless, had bought a multiple apartment building in Cicero. They had resisted her buying the building in the first place. But once she bought it, she did something worse. She moved in a black family. That was a violation of the unwritten rules of Cicero. The citizens rose up against it and with the assistance of the town sheriff and the chief of police of the city and later with the fire department, they began to prevent this family from moving in, presumably also seeking to maintain the peace so that the riot would not get out of hand. But it did get out of hand, the local riot. It was well known as the Cicero Riot case.

Her building was burned of course and the civil rights case was brought here against the village, against the mayor and its chief of police, and chief of the fire department. When I was in, that was being handled and being prepared for trial from the U.S. Attorney's Office by a man whose position I was to take, he was hanging on, named Bob Downing. So Bob took it.

I acquired first in the U.S. Attorney's Office the whole Selective Service file in order that there would be no discrimination in my acquiring the cases. You see there had been no problem about blacks on the civil side but coming in on the criminal side, there was a question, is he just to prosecute only criminals who are blacks, or is he to prosecute anyone? To solve that problem, Kerner said here is one file you will take and that is the draft file. At that time you can understand this was 1952 in the height of the Korean conflict and the draft was a big problem. The file sat at 1600 cases at the time. 1600 persons being investigated at the time and I had to handle all that resulted in prosecutions.

We didn't prosecute all of the cases. If you located somebody, you would give them an opportunity to change their mind and go on over and be inducted. After generally one night or two nights in the lockup waiting for an indictment, they would decide that they might just as well get this over with and join. Then you would call the Selective Service Office and they would send someone over and the commissioner, who is like a magistrate now, would release them into the custody of the officer from Selective Service who would just walk them over to what is now the Post Office Building where they would be inducted. You get them over there by noon, they would go through the entire process, be inducted, and on their way to camp before the office closed at the end of the day.

But then there were other cases that were intellectual cases such as the Jehovah's Witnesses cases. There were many different types of those intellectual cases. In one year I tried a large number of cases. Won all of them. Some sixty odd cases, won all of them and got an award from General [Lewis Blaine] Hershey who flew out here with a team of his people to make a presentation to me. I have the award on a plaque over there with a picture.

So with this opportunity to work with criminal cases came the opportunity to look at some of the other work that Bob Downing had been doing and this was this case. Though the special lawyer, this one dollar special prosecutor, fellow by the name of Leo Tierney from 111

West Jackson, was to try himself, I sat second chair with Leo Tierney and watched him. I got to examine one witness of our witnesses and to cross-examine in part one of the other witnesses, but the rest of my being there was really doing nothing. I thought I might write a note to send to him, give him suggestions, but he had everything so well handled. He was, I understand, a very great trial court lawyer, corporation lawyer, Leo Tierney. Opposed to Leo Tierney was the heavy defense headed by a man who had been a member of the Supreme Court of Illinois, named Floyd Thompson. He was one of the founders of what is now the Jenner & Block law firm.

From watching those two, I learned a lot of how do you present your evidence, how do you get it in, do you always ask the question that gets the right answer very quickly, or do you play around with it? According to your jury, do you watch the jury and if you see from the eyes of the jury that you are moving too slowly, do you move quickly into the thing? Or if you are moving too fast, they are intrigued about this fact, do you play around with the fact before you bring it out?

I observed for example, Thompson, who was very good, with this capacity at making that exhibit, that exhibit that he was having identified, so important in the minds of the jury and the judge that for the other side to get that exhibit held out would be to perform an impossible task. He would bring a document up to the witness and hand it to him, say, "I'm showing you this exhibit which carries the court number." He would read the number and he would just stand beside him, shoulder to shoulder, and look at it as he would hand it over and he would say, take a look at this, now look at it real good, and he would look at it and then he would let the witness have it and walk away. "By the way let me see that once more" and he would go back over and get it and walk around with it. By that time your appetite to see that exhibit if you are a juror or the judge is so whetted. By the time he would play with you with that exhibit, there isn't any way that anyone would hold it out of evidence. He was a master at that.

Tierney was a master at cross-examination too. I watched him never ask a cross-examinee, never ask the witness for the other side, a direct examination question. Never let him say anything but yes or no or I don't know. Everything is placed in a declaratory statement punctuated with an interrogatory. "Isn't that right" is the way he would finish off his question, and, "didn't you." "Then you did this, that or the other, did you not." This was a great experience for me, a great opportunity. This nine

year stance that I had in the U.S. Attorney's Office helped me a great deal.

CTF: Now you were the first black Assistant U.S. Attorney?

JBP: No. In the criminal side. In the civil side, you remember I mentioned [Antonio M.] Gasaway was there.

CTF: That's right.

JBP: William Sylvester White was out fighting in the military. They had preceded me. But when I came aboard it still was that unsettled that the secretary who was assigned to me couldn't type, couldn't take dictation from me, my speech wouldn't be understandable, she said. I didn't talk that differently. She just wouldn't do it.

They tried one girl after another and finally Kerner sent John Dziedzic who was the chief clerk out into the government, other offices to locate a secretary who would be a secretary for a black lawyer. Negro as we were called then. And Johnny Dziedzic finally located a woman in one of the administrative departments of the government named Catherine Fitzgerald and asked her if she would have any objections to being secretary for a colored man. She said, "What is a colored man?" He said, "Well you're hired." She came on over and she stayed with me actually after I left the U.S. Attorney's and went to the state court. When I returned to the bench a year later, then she transferred over to the court system and stayed with me until she retired. She was my secretary for 22 years.

The judges in the order in which they impressed me. I liked all of them. Number one, John Barnes who seemed to have a sincere interest, like a sponsor behind me. Number two was this fellow Igoe who just thought I was an interesting person. He was always pleasant, was never difficult. If he had to rule against me, he ruled but never really difficult. One of the interesting things that happened before Igoe which caused him to recess in the middle of the motion call was, early in the hearing in the morning he would invite me into chambers. It grew out of a Selective Service case where the defendant was from downstate Illinois, in fact he was from a little town called Sullivan, Illinois. His name was Harshman, he was heir to the throne of the Harshmanite faith. [U.S. v. Moore, 217 F.2d 428 (7th Cir. 1954)] Harshmanites were like Quakers or like, what are these who wear the square beards and round hats?

CTF: Mennonites, Amish.

JBP: Amish. They were a communal church started under a fellow by the name of Harshman. All of the members worked for the church and the property was all owned by the church. They were in farming principally. We had here in Chicago the induction office for all of Illinois, except for the near St. Louis area in St. Louis. They came from southern Illinois into Chicago to be inducted and their refusal to submit to induction was a violation of the law in Chicago. Here I get a report from the agent who sits down with me and tells me that this is a fellow that is heir apparent to the throne of the Harshmanite faith and they refused to in any way be involved in the Selective Service System. He would register but he won't go in the service. He won't even accept conscientious objector. So we had to go ahead and indict him.

TAPE 6 (Side 2A)

JBP: I told you earlier about the time when I made this decision that I was going to be a lawyer. It wasn't made just one day. It didn't happen that way. But I told you about my helping my brother.

CTF: Right. And then the lawyer Manny.

JBP: Yes. But I also followed that up with telling about my best friend. My best friend had been my best friend from the time we were in sixth grade in Oakland, lived in a wealthy neighborhood over there, and then in junior high school and then high school until we graduated. There were three of us who graduated one, two, three. Walter Reed, you can understand that Walter's hair was red as fire, Walter Reed. John Regan and myself. John's father was a lawyer. After that opportunity to be told, look, read some of the law, then I got interested in John's father's profession and on occasion we would slip away from school and watch him in the courthouse perform. We just decided that we were both going to be lawyers. But because we were already pledged to be friends for life, the closest friends possible for life, we were going to be law partners.

Then later as we got older when we visited different places, one of the places that we went to was Sullivan. The girls were nicer on Saturday nights and once in a while we would get a pick-up on the corner. Johnny Regan didn't have a car but his father had one and occasionally he would let him use it. It was such a nice life being a son, only son and his sister, an only son of a lawyer. They had money. They had farmland. They took vacations. I admired him. He always had quite early whatever I

wanted and had to wait to get.

Along the way we decided that we were going to be lawyers, we were going to be partners and eventually we also decided we were going to open our office in Sullivan, Illinois. But I didn't have the opportunity to go right on through and get these things right away. John did. While I was down wasting time down in Lincoln University teaching after finishing college, and by the way they took him out of Millikin and sent him on to the University of Illinois and from there to the University of Denver.

On one occasion when I came home for the summer on my way to the University of Wisconsin, I had a few days lag and I looked up Johnny and where is he. His mother told me that he is practicing law. He has an office over in Sullivan. My brother lent me his car and I drove to Sullivan. I went on this one street, I don't remember the name of it, businesses all over, two sides of one street, there was but one place on this main street I stopped and saw it. Right away, stopped and got out of the car and walked across the street. A store front was black painted so that you couldn't see in with a gold trim about two-thirds of the way to the top over the black and on in a nice arch on the front in the center was "Regan and Parsons, Attorneys at Law." I went in and he said just these words, "Why you been so long? I'm already here." But I still didn't get to be a lawyer like he did right away.

We never ever appeared in a courtroom together after we finished high school until this case was called and I am a Selective Service prosecutor here in the courtroom up here with Igoe as the judge. I walked in the court and I looked over to see my defendant and my agents all practiced ready to present our case. Indicted in the dark so to speak and made bond downstate and brought up here, was this young fellow named Harshman. With him was the head of the Harshman faith, also one by the name of Leah Harshman, who was his aunt.

CTF: The Harshmanites tend to be a communal church just in the Sullivan area or were there . . . ?

JBP: That's where their headquarters are. There were others, but around as far as Champaign. But it was all one faith, all one unit, in the same general area and in farming particularly. Now this fellow, I understand, was very well liked. He was a good basketball player in high school and there wasn't any reason why he shouldn't be a fighter, a military man. But I go in that morning and start my Harshmanite case and here seated with Harshman

and his aunt Leah was their lawyer, Johnny Regan.

Then, when the case was called I asked Judge Igoe if we could continue the case, at least continue it until the afternoon until some other arrangements could be made because I would have to get out of the case. And Judge Igoe said why? I said, "well I can't try the case. I can't because I can't try it against the lawyer who is representing him. I just can't do that." And he said why? And I told him this was the first time we had ever been in court since we've grown up and we had known each other all our lives and we were to have been law partners instead of opponents and I would like time to find someone else to represent the government. He thought that was interesting and he said, "just a minute" and recessed the matter and went into chambers and sent his bailiff out and brought us in and we told him how far back we go and how it happened. He thought it was terribly interesting and he sat there and enjoyed the whole recess.

I ran out. I think I got a fellow who was just in the office understudying me. Whose mother had come over as a secretary for the new U.S. Attorney named Bob Teiken and had just finished law school, a fellow from [Waukegan] named John Grady, who is now chief judge of our court. I think he took that case over and I think John gave it up too, he gave it to somebody else.

CTF: Judge, did you ever appear in the state courts in Lincoln, Illinois?

JBP: Not in the state courts. You mean why do I have an honorary doctorate?

CTF: No, no, I knew you were in Lincoln University but . . .

JBP: Lincoln University is in Jefferson City, Missouri.

CTF: Right, I'm trying to remember a story that I heard in the state courts about the judges there and it might have been one that Judge Toles told me about appearing in court there. The reason I raise it is you know it always impressed me about you that with all the different incidents of discrimination, there has never been as far as I can see any bitterness. You have always been a gentleman who has moved ahead. Maybe you can talk about that because its obviously something that had to at times bother you. I mean that in the Navy you should have been an officer.

JBP: I came upon it slowly, I told you in the last session about the time that I was when I was given an opportunity

to eat with my buddies in Springfield, I was in the high school band then and we went to Springfield. But Springfield and Decatur were as different as white and black.

CTF: You told me about school too at U.C. and housing accommodations.

JBP: Oh yes, later. Yes.

CTF: And the kidnapping of that little boy.

JBP: Yes. I have a picture of him, I will show it to you. Anyway, John Regan turned his case over to a fellow who was Herr Doctor Francis Heister, who became eventually my greatest opponent in Selective Service cases, Doctor Heister who lived in Chicago. Swiss, PhD from a Swiss University as well as a doctor's degree of law here in the United States. Heister, I learned to respect very, very much. He was damn good. He liked the intellectual battles. I met him even after I became a judge. And later -- remember I was telling you about being down at Monterey, California?

CTF: The Federal Judicial Center.

JBP: In 1962. By that time he had moved to Monterey, California, to Carmel on the beach rather, wealthy I suppose. His daughter was a psychiatrist who lived down in New Orleans. I often wonder if that's his daughter who is the head of one of the departments out at Masonic Hospital now. Dr. Heister.

I had a very good extern last summer, a year ago this summer from the University of Iowa, named John Heister. I suppose I selected him because of his last name. He was very good. As an extern we worked on one case and I developed an opinion and I published it. The Black and Decker case. [Pittway v. Black & Decker, 667 F. Supp. 585, 5 U.S.P.Q. 2d 1052 (N.D. IL 1987)] The Heister name comes back as a part of this thing because Harshman was turned over to Heister.

Then I didn't feel too badly when Igoe in that case ruled against us, ruled against the government. Well Johnny didn't try it either. We have talked about this once since then in the summer of 1979 when our high school class had its 50th reunion, I mean its golden anniversary reunion. We hadn't had one every year, down in Decatur. I brought the book back, DHS, and the brick to wrap the garment about it with the red school house on it. DHS 1929, we were all given one of those at that. Johnny

Regan. How did I get started on that?

CTF: Well we talked about your Selective Service cases and tied it into the early history of your being a lawyer and how it grew on you. But let me get back to that other question that I had. How, internally, have you been able to deal with overt discrimination and yet, not at least in all our talkings and our long friendship, I have never seen you with any bitterness when you talk about the incidents. You tell them as historical circumstances.

JBP: I skip a year or two and say one of the most amusing incidents in my life was my first trip into the southeast. I was scared to death. It was in the year 1940. I taught at Lincoln which was semi-South, Jefferson City, Missouri, but it wasn't really South, Missouri which had always had a statutory prohibition against white children going to public schools with what we call black children now, and black children going to schools to be with what is easy to say white children. No black teacher may teach in white schools and no white teacher may teach in black schools. They always had that but they also had never had any discrimination on the buses or the transportation. Never had, nor never permitted it.

Finally I'm, in 1940, leaving Lincoln, had gone to Wisconsin and come back, answering an invitation that I had gotten from a great negro musician named R. Nathaniel Dett, composer. R. Nathaniel Dett, composer of great fame, who invited me to join him on the faculty at Bennett College in Greensboro, North Carolina. I accepted the invitation and headed for North Carolina. The terminal of all places is Chicago. I went up to Chicago on the train and took the train to North Carolina. In Cincinnati we were to go further into the South. This is the South I dreaded. It was the South I thought was still ante-bellum.

I then was moved up into a small coach. We shared that coach with luggage and everyone in the coach was negro. I did it peacefully. My ambition was to get there and get this experience over with. I looked forward to the opportunity to score for instrumental music and for orchestra, the great things that he had done for chorale, that's a choral group. I just had that object in mind so I didn't want to disturb anything. I sat peacefully, even more peacefully than the others in the second half of the luggage coach and rode on into Greensboro. I got to Greensboro in the dark of the night and I got off.

I needed to go to the bathroom right away. I didn't want to break any laws. I was the only one that got off

the train at that place. There was a fellow in uniform, a white fellow in uniform, looked as though he was a conductor or something like that. So I made peace with this fellow with these words when I walked up to him, words which I considered to be southern dialect. I said, "Can y'all tell me where the colored folks waiting room is?" To which he replied, "Say where do you come from?" I said, "Tennessee." I couldn't say Illinois because we didn't talk that way in Decatur. But I figured that perhaps they talked that way in Tennessee because I heard some people from Tennessee talk that way. Whereupon he said, "you certainly must come from some place like that because nobody talks that way around here." He said, "we don't have one anymore, just use that one." But it must have been the one that was colored because there were two. Neither had a sign on it.

I came out and took a cab to Dr. Dett's home and went about my work. The things that I remember about Greensboro at the outset were, number one, I ended up in a black community, black people, very much like Lincoln had been. It was an academic community. The people were collegians. The girls in the college, it was Bennett College, a women's college. The girls, they were in college. The teachers were collegians. I didn't notice or pay much attention to it when I had an occasion to go into the city off the campus.

The first such occasion I recall was an attempt to see a movie at the biggest movie house. I went there with another person whom I had met who was not on the faculty but had worked about the campus at Bennett College and he showed me how you do it. We got to the side of the building and off to the side was an elevator, I mean a fire escape ladder going all the way to the top and at the bottom was a ticket office. I bought my ticket there at the bottom of the fire escape and walked up the fire escape like on the side of the building and went into what would be the second balcony door into the colored balcony, saw the movie and came out. I didn't see any white people because they weren't on that side. They didn't go onto that balcony. They didn't see me. I felt put upon by it, but my desire to see the movie was more important to me than trying to break up the world because of that situation. I just endured it. I decided just to do it.

After awhile I discovered that I could move around very freely in Greensboro. It was a different kind of a city than it has become since then. But it was a city made up of people who attended two school systems, the white schools and the black schools. The white schools were called the public schools and the black schools were

called the city schools, all under the same superintendent. There was an assistant superintendent in charge of the colored schools who was called the superintendent of colored schools. I eventually worked for him.

I left Bennett College after a short stay there and took this vacancy that opened up to supervise music for the city schools. It opened up because of the sudden illness and death of the woman who had that responsibility. From there I moved about within just the community there on one street to the next, down to this very elegant, beautifully constructed high school with lots of land on streets that were bordered with houses that were called upper middle class compared with what I had grown up with in Decatur. They were all negroes or blacks. I ran across many who were collegians. I hadn't run across that in Decatur. I had run across it in Jefferson City but they were not in the immediate community of Jefferson City. They were always up on the hill of the university which was off to itself.

So I managed there in Greensboro for a year and a half when I went into the service. I don't know how I have taken, I hurt and I hate, and I hurt but I understand that my immediate resentment to it won't solve it and I have to balance goals in a separate way. So that is my goal today. And that's the way I do it.

But I grew up in the type of integration where it wasn't, it wasn't brought up. It wasn't talked about and I suppose that had its impact on me. I disliked it but I find myself today wondering how off base my own people may be getting by being over protective of their color and making everything black. It's got to be black this or black that or it doesn't make it. Now you know I'm supposed to start wearing a mustache or had you noticed.

CTF: No.

JBP: Oh yes, that's part of it, the look. My little grandson came by Sunday and he is trying to grow one. One year in college and he's trying to grow a mustache. That's his picture over there.

CTF: What about [discrimination] in the law when you came as an Assistant U.S. Attorney. You know the problem. I mean you first had to decide what kind of work you were going to do here and who you were going to prosecute. And second find a secretary. What about from the bench or opposing counsel?

JBP: I think, now that I think back upon opposing counsel, I think I was accepted from the very beginning as a person, as a lawyer. I think in the legal field I have never been given a reason to feel any kind of racial resentment. I can't think that I felt that.

CTF: Good.

JBP: The closest I came to it was like the first week or so when I was on the bench here as a federal judge on a case that came to me where the lawyer said that it was a civil rights case, asked if he could talk with me in chambers. I said we will have to have counsel for both sides and he went over and spoke to the other lawyer and so we went into chambers. He told me the problem that he had.

Incidentally that morning I had my assigned deputy marshal in court. In those days we always had one. His name was Pete Wilson, from a very fine family. He was an accountant whose brother was an accountant but also he was deputy marshal. Their father was Mr. Black Republican for a long time in Chicago. Pete Wilson. I had a young fellow whom John Dziejczak, who was my minute clerk, was training as a possible minute clerk, a black fellow who was subbing that morning. I had as a court reporter, the extra court reporter that each judge was required to have. We had this appointed court reporter and then we insisted on the appointed court reporter maintaining through his fees a deputy court reporter so to speak. When I took the job, I spoke to each of the three applicants about whether or not he or she would get a black, or then I said negro, as a deputy court reporter. I selected the one who said yes I know one. I selected Joe Betts, because he said yes, I know one. He got a very good one, I thought, a fellow named Giles. Did you know Roscoe?

CTF: Sure I knew Roscoe, well respected.

JBP: His father was a doctor. He has a street out there, Giles Street, named after his father, half a block west of King Drive from 31st Street to 36th or 37th Street, Giles Street. So Giles was there that morning. Joe Betts wasn't there. That's where it gave a black picture all the way across. I was in the center, court reporter on my left and the minute clerk sub was subbing, I don't think it was our young head of the court deputies. What is his name?

CTF: John Knox.

JBP: It may have been Knox, learning, and over to the side was Pete Wilson. I went into chambers with this lawyer, these

two lawyers, and he without any court reporters sat down and said, "Your Honor." The lawyer said "I have a problem. My client is charging a violation of his civil rights." He's white and the defendants were the officials of a little village just south of Chicago called Robbins, Illinois. He said that we had checked it out and it is all colored and all people there are colored. He said "My client came through a traffic trap. He was picked up for speeding when he wasn't speeding and for running a light when there was no light there. He was hauled by the black policeman into the jail where everybody was black and there he remained until eventually somebody came to see him and he was a black fellow. Then he went in before a black judge early the next morning and was given a fine twice what it should have been even if he had been guilty."

"He wasn't guilty. He decided to call upon the laws of the United States to fight this discrimination thing that he had been discriminated against in this incident because of his color. So he comes to the great court of the United States, judge, and he sits in court and he said, 'Look there it is all over again.'" I said, "What's that?" He said, "you are all black. You are all colored, the whole colored courtroom." It hadn't occurred to me that the white man sitting out there looking at this array of four people up there can if he wants to discover that he is looking at four blacks. They're the court. I told him that I can understand how he could come to that conclusion except for one thing and that is that he has forgotten that this is not the state court. This is the United States Court and we don't pay any attention to color here. I wasn't very convincing. I denied his motion for the change of venue as he called it. I think I ruled for him right. I think that I was right in ruling for him. I didn't rule because of race or in spite of it. You just have to look at it objectively as you go along.

CTF: Sure.

JBP: I remember . . .

CTF In my experience with legal services in dealing with Robbins, I would think it had nothing to do with race when he was there. He could have been black, white, yellow and they would have treated him the same way. I can name a number of . . .

JBP: Sure. Put them in all the same trap.

CTF: All white suburbs that would have done the same thing and it had nothing to do with race.

JBP: Right. Not his race anyway.

CTF: No, it had to do with running a kangaroo court.

JBP: Right. On the other hand there had been times when it had been very painful and difficult. But generally at this level, the intellectual level, face to face, people are more likely to consider the issues that they are discussing than they are to consider race generally, there are exceptions always of course. I have never gotten used to it and at the same time I suppose others have never gotten used to me.

I did, coming into Chicago once, stop at a fast food place, sit at the counter and have people seated at the counter to the right and the left after I came in get waited on and then they came to wait on me -- this was on 95th Street, west of Western -- then have somebody come and say we don't serve colored people here. I don't know if they said colored people or negroes or black. It was too long ago to use blacks. I think they said colored people. I gave an interesting -- I shan't forget it. I remember the remark, "Well I didn't expect that, I don't eat them either. I just want hamburgers."

Some times you get angry, a little disgusted, you can get fighting angry or you can get sort of a disgust, a disdain, or feeling of maybe the thing isn't going to work out. Right now we have that experience, occasionally feeling it's hopeless. The proposed legislation is supposed to compensate for failure to integrate, saying a reduction of value of your property because of the changing neighborhood. State legislature goes all out for it and enacts it. And the press sort of thumbs down your mayor because he vetoes similar orders. By all means he should. For the answer is not to be found there. The reason for setting up the entire program is a bias. It accepts as a way of life the bias. It says we won't give in. We won't change. So let's compensate for this. Do you know what I'm taking about?

CTF: Sure, the home equity program.

JBP: Others go along with it because they say it mean taxes.

CTF: Well on that issue, I come out as a proponent of it on the basis that what it does is, I think -- I have long been an advocate that the push for open housing should not be made in the areas that are all black, 90% black on one side of the street or railroad tracks and 90% white on the other. In a perfect world, maybe. But my thoughts are jump a mile and promote the integration in other areas.

JBP: Well there are those who say that what's called succession. That's what you're describing where it moves along a block at a time. It doesn't have the serious impact on property values that an invasion has if there is a skipping of a block or two because the property that's left in between is the one that gets caught. But on the other hand if the quality of the people, if the quality of the property is maintained and the quality of the people who come in is sufficiently high and there is no bias, why the property won't lose its value nor will it all turn out to be black. At the same time I do acknowledge this and that is that this desire or this feeling of the propriety of getting the house next door is equally as much the product of the feeling of need for comfort of the black person who moves in beside another of the same color as it is the desire of the broker to sell property, as you call it, be a block buster. Yes there is this thing that causes the development of a fraternity based upon color. You have to have a memory of it. Something's wrong with you if you are not. This is increasing, this is a frightening fact that it is. So we get a mayor and we decide we want everything else that the mayor can only give. We want it all black, in every office, we don't want any white people in anything. That doesn't make sense either.

CTF: Sure. No, the object is to be color blind.

JBP: That's right. We have to be. Blacks have to be that way too.

CTF: Sure, everybody.

JBP: If you can, to the extent which they can. I had a girlfriend when I first came to Chicago when I was living over on Evans just a half a block west of Cottage Grove and 63rd. Living there, and going around the corner to where I said that there was this yellow line down the middle of Cottage Grove and crossing the street, and occasionally dropping into a restaurant called the Home Cafeteria or going into the Tivoli Theater with a girl who looked like she was white. She was negro. In fact her own father left his wife and vanished into the white race during the war when her brother who was older was in the service. When he came out of the service, her father reached around the family and grabbed the son and said come home with me and be white and he did. Well she and her mother were going it alone, but she looked white and the horrible looks that she would get on the corner of 63rd and Cottage standing with me from other blacks was frightening. But she always barked back, "What are you looking at me like that for, I'm the same thing" [that you are].

TAPE 7 (Side 3A)

This is an oral history tape of Senior District Judge James B. Parsons for the Northern District of Illinois. Collins T. Fitzpatrick, Circuit Executive for the Seventh Circuit, is conducting the interviews. The date is July 6, 1988 and we are in Judge Parsons' chambers.

CTF: You were remembering about your early days.

JBP: Yes, and this was sort of school days or preschool days when we were in Champaign for some reason, and we [mother and I] were walking and a white man and woman came and it was during the snow and she and I were made to get off into the snow so that they could go past on that path that was just wide enough for one person at a time. I knew that was because of my color. It hurt my mother. I asked her all kinds of questions about it. It hurt. But you run into these things from time to time. At the same time, if you have had a life in which you have been accepted and you accept others without regard for that, it doesn't hit as hard as it does for those where you are among those who never have known anything different.

I hate to suggest it but what is your time?

CTF: Why don't we finish up on the sitting judges when you were Assistant U.S. Attorney and your analysis of them. We didn't talk about Judge Campbell very much other than that he was the chief judge.

JBP: When I met him, he had a secretary who was a black woman and she had worked for the [Chicago] Defender. I understand that she is retired and she lives over in Michigan, in a small community over there in a house. That was many years ago.

Bill Campbell, he was very, very interested in me. He would ask how I was getting along. He'd ask for me when we would take a recess. He'd send for me to come over to the door when he was leaving and asked as though he was sort of supervising Otto Kerner who put me to work. You know I went to work not long after I met Otto Kerner in Campbell's office. Sengstacke had asked me to meet him in Campbell's office.

CTF: Right, I noticed also on the outer reception area the proclamation signed by Gov. Otto Kerner, Jr. in 1966, I think it is, or 1967, naming District Judge James B. Parsons Day by act of resolution of the state legislature. It has Otto Kerner's signature on it.

JBP: Yes, he did it. He had somebody put it through. He was a courageous person in that respect, I thought. A very fair person who followed through, who watched and did whatever he could to see that it didn't become an uncomfortable situation for me in his office.

CTF: What was Judge Campbell like when you tried cases before him?

JBP: Lost my first one. The defendant's lawyer was a fellow named John Gannon and he let me put in the sweetest, finest case of refusal to submit to an induction and then I rested without having the defendant pointed out. He wasn't fingered. He [Gannon] got up and asked the Judge if the Judge would inquire of me once and for all if I rested and Campbell probably realizing what I had done, gladly did it. "Are you sure you have rested?" "Yes sir." "Now what is it Mr. Gannon?" "I move to discharge the defendant. The defendant has not been identified as the person about whom all of this is going on." Nobody has fingered him. I hadn't fingered him.

I told you about that other incident when I had one of my witnesses fail to finger one of my police defendants.

CTF: I don't remember that.

JBP: That was one of the great cases I think that I had. It was the first use of the criminal section of the civil rights statutes in the north. I was the prosecutor in the Worhowski and Porterfield case before Judge Win Knoch. Worhowski and Porterfield were Chicago policemen. Their victim was Vladamir Koprowski. You can take from those names the suggestion that none of them were blacks. Porterfield might have been, but he wasn't. The victim is Koprowski.

CTF: That's never been a black name that I know of.

JBP: No. [Laughter.] You know at that time there was this thing going on with the police department that if you had an accident on the street, why a policeman would come along and then tell you where to take your car unless he had you leave it there until it was hauled away. In that area out in the north part of Chicago, near what was known as Broadway Buick, the proper place to take your car for repair was Broadway Buick. Koprowski had had an accident and without waiting to be cleared by the policeman, he drove off to Broadway Buick. No, the proper place was not Broadway Buick, that was it. It was some other place in the neighborhood. He drove off to Broadway Buick. The

policemen saw it happening and they came in on time in their squad car and got out and went in and a quarrel ensued about the whole thing and that quarrel continued out onto the sidewalk near the entrance to the garage.

Standing to the side was this little insignificant but unnecessarily quick on his feet fellow named Koprowski who listened and heard. And for some reason he said, "Well that's funny. You're wrong too. Look there. Your car is parked beside a fire plug." This he said to the policemen. They were very angry about it so he was grabbed and before he was handcuffed, no, he was never handcuffed. But before they took him away in the squad car he was made to lean up against the side of the car with his arms outstretched, then searched, made to stand around and for something that he said again, he was what was called eagle whipped. Do you know what that is?

CTF: No.

JBP: There is an eagle at the peak of the front of the cap of the policemen. He takes the cap off and holds it from the back and scratches you across the face, just scratches your face open right and left and you bleed. Shoved him in the squad car in the front seat in between the two policemen and they drive off. They're pounding on him. A short distance away, the squad car comes to a stop as it crosses the railroad track and the policeman on the outer side opens the door and pulls his gun and tells him to get out and run for it. Run down the track. Get out and run for it. Koprowski begged and begged and begged and held on to the leg of the other policeman who was driving. So they took him to the police station and locked him up.

Civil Rights. The Screws case in Chicago, not in Georgia where the victim was black but in Chicago where the policemen and the victim are all white. From the press and the reports of the FBI to Washington, Washington asks that we look at it with an eye toward bringing a prosecution. I said yes, under section 242, 243 is it, or 242? Section 242, some of the experience in being tried where the victim is not black. Our principle eye witness in the first part of this was a man named Romma who lived with this sort of porch light extension to a bay window, this overlooking at it from upstairs, beside the garage. He watched everything from that point. He did very well because Worhowski was the one, was the real heavy culprit. He said he could always recognize him.

At the trial I backed into the case with a jury, at that time I backed into the \$64,000 question. "Will you look around the courtroom and tell us if you see that man

about whom you have been testifying." I let him testify for a full hour and then point out the defendant. That's the tactic, that skillful utilization of the courtroom. And he said, "yes I can, I see him, I can point him out." Well, then I walked to the far end of the courtroom, turned around. "Mr. Witness, would you look about the courtroom and if you see him, would you point him out please?" And seated there right at the table, the defendant table behind the other defendant, was the second one on that side, the lawyers are on the other. And I'll be damned if this witness didn't look all over the courtroom, look at me sort of as though he was saying, "hey help me" and looked back around the courtroom, looked all over and looked past my table to a chair off to the side but nevertheless going off to the side because it had been moved over there otherwise it would be at the table, to the fellow who was understudying me on the case. That's John Grady, big John Grady. He said, "That's the man." [Laughter] He identified the wrong man. So I had to dismiss.

CTF: Oh, it's a lot funnier telling the story a long time afterward, I bet?

JBP: No, it was not funny at that time.

CTF: No, I'm sure it wasn't.

JBP: I perspired all the way through. Not knowing how to salvage it. Having the sympathy of Win Knoch, too. He finally called us inside his chambers, both of us, and let me know that sometimes that happens. He asked me if I needed a recess, things like that. He was always a little kindly to me. He was very friendly after I took the bench. I visited him at his home down in . . .

CTF: Naperville.

JBP: Naperville. 100 South Main Street. He talked German with my new son, Hans Dieter. They began to become very, very friendly. On two or three summer weekends that summer, Dieter and I drove out and we went to his little island. Have you ever seen that?

CTF: Sure.

JBP: There in the branch of the DuPage River.

CTF: Knoch Knolls.

JBP: Knoch Knolls, right.

CTF: Which is now a forest preserve of DuPage.

JBP: Go across the bridge there. That's where I went when he became ill and that's where I went when Judge Knoch died. Win Knoch.

On the whole the judges, the older judges, had been very, very warm and receptive. Perry telling me how he came out of, where is it? Alabama?

CTF: Alabama. Family coal mine down there.

JBP: Yes. One after another. Yes, beginning all the way back there with what's the name of my first picture up on the wall, who was chief judge when I came aboard from the U.S. Attorney's Office, Barnes. Campbell was not chief judge then. He didn't become chief judge for some time. Barnes was followed by Sullivan, wasn't he?

CTF: Barnes was chief judge until '57.

JBP: And then who was chief judge?

CTF: Sullivan till '59.

JBP: Then it was Campbell, '59 to '71.

CTF: Yes. Campbell was in '59. Was it a fairly collegial group when you came on?

JBP: Yes. They gave me a big brother, a big brother idea. They gave me as my big brother Julius Miner.

Hoffman was nice. He carpeted his chambers so that it would be available for me. I was to take his chambers on the second floor and he went up to the sixth, isn't it? [The old U.S. Post Office and Courthouse.] He carpeted all over again for me. That he did out of his own pocket.

Miner considered himself a teacher. He'd come stalking into the courtroom from the entrance right out of the hall without a jacket on, with his shirt sleeves on, and motion with his finger, "come on into the chambers here I want to talk with you," in the midst of something I was doing. I mentioned it to Campbell once and he said, "why don't you have your bailiff alerted so that as soon as he walks in, he raps everybody to rise. He's a judge." So I did. He started in and everybody rose and turned around and looked at him. Twice like that and he stopped it. The first time he said, "look here you are just wasting your time in this case. This case should be settled. You're never going to get justice out of this

case by bringing it to a conclusion," -- the Tell City air crash. It was a very difficult case. It was one of three mirrored plunges to the earth of the same type aircraft which was called the Electra, all occurring within the time span of about six months. This was Northwest Airlines going south out of Chicago and going across southern Indiana and over to a place called Tell City. The same thing happened that happened to Braniff with one of these Electras going out of New Mexico into Mexico, into South America. The same thing happened with another airline. I forget where they were going. The plane going over to Tell City at the time was driven to failure in a matter of seconds, less than sixty seconds of a minute. The right wing was driven to failure and fell off. The plane plummeted to the ground. Everyone was killed. A number of people filed here in Chicago. Some of them got the famous personal injury lawyer.

CTF: Phil Corboy?

JBP: Corboy's teacher, what was his name? He ended up a justice on the State Supreme Court [of Illinois].

CTF: Dooley.

JBP: Dooley, Jim Dooley. He was an epileptic, or did you know?

CTF: I did not know that.

JBP: He could easily have a seizure on the courtroom floor and yet he was so matchless in his capacity to manage the case. At the trial in this case, he had a seizure and we had to recess and he was able to come back in about two hours. He had charge of the case and Miner thought that I should settle the case, to get enough out of them to settle it. I was just enjoying seeing the jury get the rest of it and letting them worry about it. Finally, why, I yielded to his request and let him have these lawyers. He took them to his chambers and came back with the case settled.

Miner had a son who was having problems with a term paper at Northwestern. He had chosen the selective service draft to write about. He asked me to help him on that. I think the son learned to dislike me for some reason.

CTF: Should we take a break?

JBP: Yes, how are we on timing?

CTF: Good.

BREAK

CTF: Ok. This is the continuation of the oral history of Judge Parsons, as interviewed by Collins Fitzpatrick on July 6, 1988.

JBP: Yes.

CTF: Judge, before we get going here you mentioned that you had first met the President, then the Vice Presidential candidate Lyndon Johnson, at a democratic fund raising dinner at the Morrison Hotel here. You both had a connection to Jarvis College in Texas which I think it would be interesting if you would go into a little bit.

JBP: Well, I read up on these candidates as best I could before I met them. I read up what I could find on Kennedy and what I could find on Johnson, like Kennedy was a senator and Johnson was a congressman, had been a congressman from Texas.

CTF: Well, they both had been congressmen.

JBP: Yes.

CTF: But at this time they were both senators.

JBP: Both senators, yes. Johnson, I read, had as his favorite charity a little college in Texas called Jarvis Christian College in Hawkins, Texas. I remembered that very vividly at the time because that was also one of the first assignments my father had when he came out of Butler as an evangelist in the Christian Church. He was principal of Jarvis for a period of time. When the occasion came during the campaign of 1960 for Johnson to come into Chicago -- it had already occurred for Kennedy -- and came time for Johnson to come into Chicago, all of the candidates were lined up out at the O'Hare Field in a reception line. It was a bright morning. I remember our getting up early to get out there in order to be there in the line when he arrived. I was at the end of the line because my name was at the end of the ticket. The five candidates for the Superior Court of Cook County were at the end of the ticket and my name was the fifth name on the list. So I was in line, at the end of the line, and as Johnson and Mrs. Johnson came by, whoever it was that was introducing us introduced us and I daringly shook hands and said to him, "How is Jarvis?" He asked me, "what do you know about Jarvis?" I ignored his question and acknowledged the introduction of Mrs. Johnson and changed the conversation. So they were swept on.

But during the banquet that noon, the luncheon at the Morrison at noon, I was seated at the lower level tables with the candidates while he was at the head table with the notables, I guess, in the party, and as I would turn around and look back at him he would look at me and motion with his finger for me to come up here. He wanted to talk to me. It was obvious. I knew what he wanted to ask me. What about Jarvis? I avoided him. It wasn't too long after that I was interviewed by an agent from the FBI, and I was well acquainted with the Bureau because of work together as a prosecutor when I was a prosecutor, just about the relationship that I might have had with Jarvis. I explained what it was. That I sense was for the benefit of Johnson. Well all the way through it was a matter of curiosity as to exactly how heavily connected he was with Jarvis and I suppose he was thinking about me too in that respect. I'm sure he learned about it.

Much later in 1967, I'm sure of the date now because we just looked up the date of his appointment and Thurgood Marshall's appointment, I was at the White House at a party given in honor of the Prime Minister of West Germany. It was a big affair. I enjoyed it, I was alone. I don't remember whether my wife had died or was quite ill. It was in '67. She died in July of '67. I remember arriving at the [Mayflower] Hotel in Washington. The [Mayflower] Hotel was sort of the meeting place for Chicagoans, for Chicago Democratic politicians.

I recall that American Express set up my entire itinerary, the tickets and all the rest. I had for a driver, I had a limousine to drive me from the [Mayflower] to the White House. I had the driver who traditionally always drove us Chicago politicians. He knew all about the mayor and all about the various politicians from Chicago. He even told me about my timing when I said I'm ready to go. I came down and said I'm ready to go. He said, "what kind of a judge are you?" I told him, "I'm a United States District Court Judge." He said, "Oh, you're too early." He said, "you have to arrive according to protocol. You will be getting there too early." But he said, "you get in and I will show you about. We'll get there in the right timing."

So we did. I got into his limousine and he drove me about and pointed out points of interest near the White House and then when it came time according to him that we should be arriving, then he sped right on over. At the gate it didn't take anything. They recognized him and we were rushed in. He said, "this is Judge Parsons from Chicago," and we went right on in. As I got out of the limousine, I was greeted by one of these fellows in an

Eton jacket and he called me by name. So I was ushered on in.

It wasn't long before I discovered that I was in a party, a group who were to be seated at the special table and at this table was a Miss Jarvis. She was a woman who appeared to me then to be in her late 70's, a very old woman and she told me she was from the Jarvis family and she was the last of the Jarvises. I surmise that she was the last of the Jarvis clan, the family who had started Jarvis College. Jarvis Christian Institute was what it was when my father was president. I told her all that I knew about it when Pop was down there and she told me what she knew about the school. We sat at the same table, right straight through the banquet in straight chairs, up and down, up and down for the toasts. Incidentally they toast each other back and forth very formally at a Johnson formal and the last toast is that of the President. This occurred just after the time when there had been two American ships shot down, I believe. There was great grieving about the situation. He mentioned it in his speech.

After the [dinner] was over, he came to our table and shook hands again with me and with Miss Jarvis. But he had already found out that the relationship that I had with Jarvis was through my father and it occurred to me that I should, one of these days, I should like to see Jarvis Christian Institute.

To bring this Jarvis thing up to date, I have a cousin, had a cousin, my father's brother's youngest daughter by his first marriage who died just two years ago in Indianapolis, Ruth Parsons who married a fellow named Dixon, an undertaker in St. Louis and moved into Indianapolis. The older of her two children was Douglas Dixon. When she died two years ago, Doug was here in Chicago living at the Seminary House behind the Christian Church, the University Church of Disciples of Christ United Church of Christ right on the campus of the University of Chicago. He was a graduate of Jarvis Institute, Jarvis Christian College, apparently a minister. Incidentally I don't know what has happened to him. He sort of disappeared. I kept up with him during the two years that I knew about his being there at Chicago. I don't know where he is now.

CTF: When you were appointed on the President's Commission to Study Crime, the National Commission, was it Johnson remembering his contacts from here or how did your name surface to the President? You became friends with J. Edgar Hoover as well.

JBP: Yes, I think that it came about by a discussion between Hoover and Johnson about blacks who should be on the commission and they selected me. I was told about it by the agent in charge of the FBI here before I got the invitation from the President. The agent in charge of the FBI here and I had talked about some of these things off and on. Was it Marlin Johnson?

CTF: I don't know back then.

JBP: Yes. I think he was the agent in charge. Yes, he was the agent in charge. In fact I was in and out of Washington on several other occasions at the invitation of Hoover, and then I had been conducting every three months a lecture at the FBI Academy. This was in Washington. A lecture on the role of the prosecution witness, how to be an effective prosecution witness. This put me in and out of the presence of Hoover. Each time such an occasion occurred as it did during my membership on the President's Crime Commission, I was picked up at home by an agent and taken to the airport and I was met by an agent at the airport in Washington and driven past the FBI to go in to see Hoover and spend a few minutes with him and from there to be taken onto the hotel.

CTF: Did Hoover ever talk to you about the '68 Democratic Convention in Chicago or about the Conspiracy Eight, later to be Conspiracy Seven, trial?

JBP: Yes. I didn't get to see him immediately after the Conspiracy Eight trial, but it was not long after that when I did see him. But what had intervened of course, in that, was the fact that also in '68, was it? Yes. Before the convention I was at my place up in Lakeside, Michigan and I got a telephone call on a Monday morning during the summer, that summer, from Marlin Johnson here in Chicago, the head of the FBI. He said he would like to see me right away, if I could come in. I thought he meant some time that week. I said surely I would be glad to come in. He said, "can you come in today?" I said "yes, I guess I can. How soon did you want to see me?" "Well I would like to see you as fast as you can get here." I said, "all right, I will get ready and come on in." So I got my clothes on. I was in blue jeans. I changed clothes and got some clothes on and the bailiff was with me and we got in the car and started up the hill out of my place and as we got to the top of the ridge of the drive of Lake Shore Road, I saw on the other side, on either side of the hedges, on either side of the drive beyond the hedges, Michigan squad car. The policeman from the first car came back to us and told us that we were going in a hurry and that they were to lead us to Indiana and that we will be

escorted from Indiana overto Chicago.

So, the bailiff liked that because we sped along at a very high speed all the way through the LaPorte turnoff where we were picked up by two Indiana squad cars, state squad cars and delivered right fast about 95 to 100 miles an hour to Chicago where two police squad cars picked us up on the Chicago Skyway and brought us right on down here into the basement of the building. I got out and there were two FBI agents who escorted me immediately up the elevator onto, I believe the FBI headquarters were on the seventh floor then, right into Marlin Johnson's office. There he was seated with his first deputy or assistant with one other person from the FBI. I forget his name. It will come to me in a few minutes because we spent a lot of time together. With the United States Marshal at that time, I will think of his name in a few minutes also and Chief Judge Campbell. He said, "I don't want you to be in any way alarmed by this, won't you have a seat?" We want to get down to business right away. He said, "yesterday, Sunday afternoon," at a certain time -- I don't remember the exact time he gave us -- "there was a meeting that occurred" at a certain address -- he gave me the address -- "in Los Angeles. Attending that meeting were fifteen men who are members of various groups of the Black Panthers." I said, "well do you mean the gangs?" He said, "we know of them as gangs but you also know that they are more than just gangs and they were deciding what should be done to catapult their group into national prominence during the politics that were coming on and the campaign. They decided that they should assassinate a half a dozen or so prominent Negroes" -- the term Negro was used then -- "who are symbols of the power structure and he said your name headed the list. We were there," he said, meaning an informant of the FBI was in the meeting.

TAPE 7 (Side 4A)

JBP: We are tightening up security for at least two more years, '68 and '69.

I will think of his name. [The deputy is the agent in charge.] He lives between here and Elgin, what is it?

CTF: Between here and Elgin?

JBP: Yes.

CTF: This side of Schaumberg or past Schaumberg?

JBP: No it's on 29 as you go straight across.

CTF: There are a lot of suburbs out there.

JBP: Yes. You go up north. There is a little college out there, I forget the name of it. He's still there.

CTF: Lisle.

JBP: No. I have not done very much in the way of helping him with the problem he called me about three months ago. There was a black girl, a Negro girl who was a special agent for a period of time. They called them investigative assistants. She had an excellent background for this. She was a southern girl and they performed as two agents and she had been through almost all of the period where, in this instance, I think it was for three or four years, she served very fine service along with his daughter and she was about ready to come out of the FBI. He wanted me to help her get placed. After a background like that, it shouldn't be hard to place her and yet it was. This was a few months ago.

Marlin Johnson. I don't know where he is. But he is still carried on the list of trustees of the Masonic Hospital here. I serve on their Citizens Advisory Board. But I don't think he is in charge.

CTF: During the time of the Chicago Seven trial that Judge Hoffman tried, Judge Campbell at least talked about the need to talk to Judge Hoffman every day about that case over at the Standard Club at lunches because the antics of the defense counsel would get under Judge Hoffman's skin, so to speak, and there was a need to have him remember who the judge was.

JBP: Yes, I remember one occasion when Judge Campbell got me and someone else, I don't remember who the other judge was, and we went to Judge Hoffman during a recess in the middle of the afternoon and Judge Campbell talked with him then. I understand that he had to go back and forth again and again to Judge Hoffman during that trial. We had our ups and downs.

CTF: That was a case also that there was a tremendous amount of interest by J. Edgar Hoover in whether there would be an indictment and what was happening at the trial and, as I understand it, what the chances were of reversal in the Court of Appeals, things of that nature.

JBP: Yes. It was a great concern that he not hurt the trial, Judge Hoffman, not injure it. It took a bit of skill for Campbell to be able to work with it. He did work with it.

CTF: Judge Manion (Hon. Daniel A. Manion, U.S. Circuit Judge, Seventh Circuit, 1986 to date) was telling me the story that you told him that you also met President Reagan a long time before he was President.

JBP: Oh, we were scouts. We were Boy Scouts.

CTF: Maybe you want to tell that story.

JBP: That's an incident that I didn't think anything about and didn't know anything about until afterwards, years later, when I was active with the National Board of Directors of Boy Scouts of America at one of our meetings. Every year one of the meetings would be somewhere other than the headquarters, the headquarters at the time was in New York. I mean a meeting at the headquarters. It wasn't really New York but we met at New York always, except one meeting a year would be away and during that meeting why we would always have some kind of an affair using Eagle Scouts to give respect and honor to the chief executive of the state or city where we were. This time we were in San Francisco. I was with a group of scouts. I was one of three members of the Board of Directors of this committee and we went to the presentation to the then Governor of California [Ronald Reagan] in his Los Angeles office. I met him there.

While we were standing about and being treated very nicely, chatting, why he came over and chatted with me for awhile and I asked him if he were ever in scouting and he said yes he was. And he began telling me about when he was a scout back in Illinois and I told him that I was from Illinois and I started about the same time. I think we discovered at that time in talking that our ages were about six months different, he was about six months older than I. That we had both attended an encampment in Ottawa which was the parent troop of scouting. You know scouting in the United States really began in Ottawa, Illinois with Troop Number One. I was from Troop Eleven in Decatur and we proceeded on up to this encampment and we got to Ottawa. But we left Ottawa the same day and went to the encampment, what I understand is still there, called McCormick Farm. What a place! The stables were like castles. The troops were there from all over Illinois. Select members of troops were there. We had met and he was there. He said he was there too. Then we traded. We went from there on over to Starved Rock. I don't remember how we went, we may have gone as a group or we may have gone in cars with the scoutmasters who attended with us. From there we set up an encampment of our own, camps and things like that.

Then later down toward the Illinois River, the branch of the Illinois River where we are allowed to participate in some merit badge work. I decided to try for my badge in swimming and I had to be pulled out. The guy pulled me out and he said, "you mean you were the one who had to be pulled?" I said yes. "What was your name?" I said "James, everybody called me James." "Were you Jimmy?" I said yes. "Don't you know who pulled you out?" I said no. He said, "I was the one who pulled you out." I said, "I didn't know. Pleased to meet you Mr. Governor. You were the one."

During that same meeting there, we also talked about something else and that was that he attended Eureka College. Eureka College is in that area where he grew up near Dixon and also Eureka College is Disciples of Christ, the [school] was put up by the same committee from the United Christian Missionary Society out of Butler University that put up Dexter in Des Moines where my father had attended, years before. So I discovered that he also was going to go to heaven like I was. He was a Disciple of Christ. That's the end of our conversation. I haven't met him since.

Except he remembered when I sent through my 1981 -- when I sent through my notice that I was taking senior status, stepping down, taking senior status. You have to send that notice to the President so that he can know that there is a vacancy. Why, his letter of acknowledgement was signed Ron and he had written on the outside of the "Dear Judge Parsons," he wrote "Dear Jimmy." Crossed out Judge Parsons so he had seen it, anyway. I remembered it. So I met him.

I suppose I never knew one more than I knew Johnson because I later was in and out of the White House during that President's Crime Commission quite often, carrying messages, taking messages back to the people. There was a bit of a quarrel, a disagreement between Hoover and Johnson over wiretapping. Hoover was very, very much in favor of it in the right hands and Johnson was very much against it. He stated that he's not going to approve the report if it contains any authorization for that. But we worked it out and he approved it.

CTF: Now you used to have breakfast in your room and have some of the members of the Commission over to work out some of the thorny problems.

JBP: Yes, well particularly Powell.

CTF: That was Lewis Powell (Hon. Lewis F. Powell, Jr., U.S.

Sup. Ct. Justice, 1971 to present, was President of the ABA in 1964-1965) who was President of the ABA at the time.

JBP: Yes, particularly Powell. We seemed to be on the same beam in relation to prosecution. I was a little pro prosecution hangover I suppose from my days as a prosecutor. But in addition to him I began to get the confidence of Weaver, was it Weaver? Not Weaver, but who was the other black man in the picture? We have a school named after him and his sister is right here in Chicago and is a very good coach and friend of mine.

CTF: I mean I know, I have seen him but I can't name him.

JBP: I'll get his name for you in a minute. It will come to me. He died over in Egypt, two years later. From Minneapolis.

CTF: Was Irving Kaufman on that committee too?

JBP: Irving Kaufman is here, yes.

CTF: Dean Vorenberg?

JBP: Vorenberg was our recorder or reporter, and he acted as the executive and served as a leader in the place of the chairman. The chairman, of course, when we first started was Katzenbach. Then, was he the first? And then he was followed by what's his name's son who was justice . . . he was our circuit justice when I came on the bench? Tom Clark (Hon. Tom C. Clark, U.S. Sup. Ct., 1949-1967).

CTF: Ramsey Clark.

JBP: Ramsey Clark followed Katzenbach. They were Attorneys General, weren't they?

CTF: Right.

JBP: And so the Attorney General was the chairman and seated right beside him was the one who really did the work, who was . . . you named him?

CTF: Dean Vorenberg.

JBP: Yes, he became a dean later, he was from the faculty up there.

CTF: Harvard?

JBP: He later became Dean at Harvard much more recently. He

was on the faculty at Yale, wasn't he?

CTF: Well when I was in law school, he had just come from the commission and he was on the faculty at Harvard.

JBP: At Harvard.

CTF: So he may have been at Yale prior, I don't know.

JBP: I thought he was a very functional, very intelligent person about it. He worked very hard at it and had a great deal of knowhow and understanding of the problems, problems of the investigator, problems of the prosecutor and problems of law enforcement when faced with statutes that don't really give them room to turn around in and court decisions that are difficult. All of which, of course, are not happy with the role of civil rights and how to blend this thing together was a big responsibility. I'll have to get the names of those fellows to really remember the different things about them that I remembered most. [Looking at photograph of the Commission.] About the chief of police, what is it, San Francisco? Looks like a policeman. Here is, of course, a newspaper man from California, what was his name? Here he is. No, here's Vorenberg and here's the other district court judge. He was in the District of Columbia at the time. His name shouldn't slip me so easily.

CTF: Was that Mayor Wagner, Bob Wagner was on there?

JBP: Yes, from New York. Oh I can get those. Genevieve Blatt and, Whitney Young of course was the one I was trying to think of, and Julia Stewart were the two women. Genevieve Blatt was Attorney General of Pennsylvania. Julia Stewart was the head of the League of Women Voters of the United States, if you recall. Kingman Brewster, you recognize him?

CTF: Sure.

JBP: Otis Chandler was a newsman from California, Leon Jarworski, of course, was Johnson's best friend and Jarworski always came to the meeting by way of the White House and he was the one who carried the messages for Johnson. Tom Lynch and Ross Malone. You've heard of Ross Malone?

CTF: No, who was he?

JBP: Ross Malone was at one time, wasn't he, Attorney General?

CTF: Could have been, I don't remember.

JBP: Yes. And William Rogers you remember him?

CTF: Sure, William Rogers.

JBP: Luther Youngdahl is that other district court judge who was from the District of Columbia, but he was really from up in Minnesota. The people in the district are from other places too. Tom Cahill the policeman. Very elegant group I thought. Jim Vorenberg, of course, kept the thing going. We had quite a staff of people in Washington and I had a law clerk who got himself attached to this. I have his picture in this book.

CTF: Other than wiretapping, what were issues that really were hard ones for the Commission?

JBP: Relationship between state and federal crimes was a very serious problem and the interplay between law enforcement agencies. A serious concern about the fact that we have so many people looking out, looking over the shoulders of all people. How many prosecutors do we have in the United States on city level, in county level, at state level and then the federal level? Each going his way with his own set of laws and the laws were all intertwined. The same thing is true with the law enforcement officers, the policemen themselves. How many people have power to arrest? And to what extent should we grant that same power of arrest to those who are hired as specialized police for special programs which were hired by industry, or hired by private individuals? To what extent should we extend to them the authority to arrest, the authority to enforce law. Carrying guns, gun control is a serious problem. A lot of debate about it. Corrections came in for its big play. There, Luther Youngdahl was quite an interesting conversationalist and ardent about corrections.

Luther Youngdahl was also on a committee with me. I was on the Probation Committee from the Judicial Conference of the United States at the outset when that committee was given the task of developing training with relation to sentencing. It started the meetings of the judges around at the different prisons throughout the country. Luther Youngdahl was a member of that committee and he was chairman of the committee at the outset.

CTF: Did the Commission also have much discussion about capital punishment?

JBP: Yes. There was a split you could see on which side you fit, except that there were those who weren't sure of which side in which they really fit. Those who really

believe in it and those who really don't believe in it. Then there are those in between who don't know whether to make the decision and rather not face the problem. This is the way we are today. Those who believe in it and those who don't believe in it. Those who find it religiously offensive and those who make their religion accommodate it.

You would have found on this committee a rather general cross section of thought reflecting the people, general public. I don't know how they devised this list of people. I do believe that Hoover had a great deal to do with it, the selection of the people. The invitation came to me in a letter. I had been to the White House before. There were occasions when Johnson called me by telephone.

CTF: What would be those occasions?

JBP: Appointments, especially with relation to black judges. Do you know this person? Do you know that person? Thinking in terms of the possibility that I might. I kept pace with a fellow who was right here who seemed to know so many of the people.

CTF: Was that Ed Toles?

JBP: Judge Toles, historian.

But yes, he [Johnson] called many times. Do you know so-in-so? He would be just touching base. The call would be personal, person to person.

CTF: Now did you serve on any other governmental commissions, either federal or state?

JBP: Committees of the federal, I mean committees of the Conference.

CTF: You served on Judicial Conference but I will get into that later.

JBP: Yes. And committees of the Judicial Conference. No, no other presidential commission.

CTF: Anything on the state or the city level?

JBP: Yes, we had a sort of counter part of that in Chicago or did you know that?

CTF: I didn't know that.

JBP: We came out with a book called -- it fell out when you put these back in just a moment ago.

CTF: You don't mean the Walker report do you?

JBP: No, I mean the Police and Public: a Critique and a Program. Police and the Public: A Critique was the name of it. [Chicago Citizen's Committee to Study Police-Community Relations 1967] We even backed it in blue like that. Tom Mulroy was chairman and I was vice-chairman, appointed by the Mayor and our Vorenberg, so to speak to the committee, who was responsible for really drafting it, was a youngster at the time, Judge Aspen (Hon. Marvin E. Aspen, U.S. District Judge, N.D. IL, 1978 to date). You can ask him about it and he will tell you all about it because he really did all of the work for us.

CTF: Was that set up probably in reaction to some problem. The Mayor [Daley] didn't usually appoint blue ribbon commissions without a problem.

JBP: Yes, this was in answer to the problems developing over race relations in Chicago. It was in answer to a problem that was raised in the Chicago Conference on Religion and Race: whether or not there should be some school of training for policemen on how to work in a city with the race problem as it was developing in Chicago. He made this approach. I think it was a very intelligent approach. Its purpose was to develop something in the way of a text for policemen. Police and Public: A Critique. I was very active with it. Tom Mulroy and I did a great deal of pulling it together that resulted in the full report itself. Local committee like that -- to a certain extent the President's Crime Commission, they just meet and they adopt proposals that were developed for them as they come through. One or another may take an assignment and report back. They, of course, discuss each item very thoroughly. If you have your team, your staff beneath you that are developing the materials for you. To a certain extent, that was true with this. I suppose the hardest working one on our local commission was Judge Aspen. He was just a youngster then, out of the Corporation Counsel's Office, and the Mayor selected him at the suggestion of the Corporation Counsel.

BREAK

CTF: This is a continuation of the oral history of Judge Parsons as interviewed by Collins Fitzpatrick on July 7, 1988.

Judge, you were mentioning about, we had talked a

little bit about your earlier leading the band for the Navy during World War II and your assignment to Chapel Hill. Why don't we go into a little bit more into what it was like in Chapel Hill during that era.

JBP: When we finally were told that we were going to leave Chapel Hill and leave Norfolk Naval Training Base and come into our own base which was on the campus of the University of North Carolina, we were finally given instruments. We had been using the instruments of the Norfolk band on the few occasions that we had to work out in their place. So we got a lot of new instruments, all brand new, for the whole 45 pieces. Each man had his own instrument and other gear with it.

The band master, the navy band master was a warrant officer, an old man in his sixties I believe, who had been sent down to work with us while we were at Norfolk on the side. He really worked with drilling until he was able to get the Norfolk Band to lend us instruments and let us play with them. Then came our getting instruments. The instruments all arrived and we loaded onto the bus and started from Norfolk to Chapel Hill, North Carolina where we were going to be based for the duration. Dudrow was very proud of the work he had done and he was particularly proud of the drill work. He sort of beamed when we stopped the buses with a message from the commander of the base that he wanted us to line up in front of the pre-flight trainees who were already there, a whole regiment of them, in formation on the highway just as you get to the town. We had to walk around them carrying our instruments, our music and all and line up in front of them and march into Chapel Hill.

For the first time I met Oliver O. Kessing who was the commanding officer there at Chapel Hill, an older person who had been brought back into the Navy. I later learned that he was a close friend of and an Annapolis classmate of Halsey. Kessing was glad to see us and he said the town is going to be glad to see you and they are out to welcome you in. It had been raining and a little drizzle was still coming down.

We opened up and we strode into town with the troops behind us. I don't remember the march we did but it was one of our favorites. We just did that one over and over. As we paraded through the main part of town, we were booed very heavily. Racial epithets were cast from the sides and younger people threw rocks and mud at us. I was hit with a glob of mud. I was right flank to the front row and one of the sousaphones was hit with a rock and put a dent in it. But we marched on, straight through on to the

gates of the University of North Carolina and on into the gates and off to the side where the troops came in behind us. So it was.

We weren't liked by the town's people. I think there was a distance kept between us, between us and the pre-flight trainees. I later learned that they were all from the North. A large number of them were from Pennsylvania and New Jersey.

But at Chapel Hill, there are two little towns there together. One town is heavily black in population and Chapel Hill is heavily white. I'm talking about the local people, not the students on the campus. While we were there, while we were working out there, we found that we were not welcomed into the stores and we were some eighteen miles from Durham. The men used to go up to Durham and buy things at the drug store rather than to be insulted in the stores in Chapel Hill.

Carrboro which was the baby town next to it was just about as bad. They didn't have anything. We spent almost all of our time either on our base practicing, working out, drilling, going into the music or on the campus playing for the troops in formation, regular drill sessions every day, and then getting ready for concerts. They liked the idea of concerts and those concerts were heavily attended by the troops also. The chaplain at the university in Chapel Hill, University of North Carolina, began to work out some kind of program of association between my men and some of the students and discovered that our men were college men, mostly college men. They were North Carolinians and were not used to associating with whites so they looked upon the whites that wanted to associate as persons who were out trying to break the race problem.

CTF: You mean most of your band was from North Carolina?

JBP: Yes, twenty-five were from A&T College in Greensboro. There were eleven from the North Carolina State which is in Durham, a black college, and several from Johnson C. Smith College somewhere in North Carolina. Nine of them were my high school seniors. My high school seniors from the high school senior band.

When we finally found ourselves with a little bit of liberty, time on our hands, my men began having trouble with what to do with that time. Some of them started bringing their families, their girls, or their wives over to Chapel Hill. They started renting houses in the black neighborhood adjacent to us and utilized that as a basis

with which to spend their leave time, liberty. Others just spent it around the base. A few who were athletically inclined went over and watched the athletic groups over at the University, the teams' practice and workout.

We weren't replacing the university band so we didn't play for the football games but some of us attended them. But going in and out of the stores was difficult at the outset. We talked about it among ourselves and then Oliver O. Kessing came over and talked with us in a group, not in a military formation but in a friendly setting. Saying that I think that you should use this opportunity to prove to the other people out there that you are just as good as they are and make them like you. This wasn't too easily done. Some of the fellows were clumsy with starting acquaintances across the race line. As a result the first visit we had from the county sheriff and the town policeman came as a result of one of the fellows trying to talk with a group of white young people and those were boys and girls on the street. He wanted me to know that they we were not to insult these townspeople.

Another occasion a little later grew out of this same thing. That happened after everyone was asleep. The men were all in the bunks and I was awakened by a ringing at the door. I got up and went to the entrance and here was this sheriff, town policeman. They had a woman with them, a white woman. They said that this woman had been assaulted by one of my men and they wanted me to get them up and line them up on the drill court so that she could check them out and select the one that did it. So I asked them to wait outside while I got the men together. They were in the lower deck asleep and I would have to wake them and have them dress and take a few minutes.

I then went on back in to my office which was on the drill floor lower level and called the officer of the day who was on duty and told him what was going on. He said he would call me back and in a few minutes I got a call back from him with a message that the commander said don't do anything. So I didn't do anything except they rapped again, they got impatient, and I let them come into the drill core. I said it's taking the men a little time to get up, but I hadn't woke them. Not too long a time after that, there were station wagons of Marines that pulled in around the base.

TAPE 8 (Side 5A)

This is an oral history tape of Senior District Judge James B. Parsons for the Northern District of Illinois, Collins T. Fitzpatrick, Circuit Executive for the Seventh Circuit, is conducting the interviews. The date is July 8, 1988 and we are in Judge Parsons' chambers.

CTF: Judge, yesterday when we finished up, you were telling the story about the sheriff and the police officers from the town of Chapel Hill coming and wanting to have your men line-up to be identified in the middle of the night to see which one had assaulted this girl.

JBP: Yes.

CTF: You had called the commanding officer who had said don't do anything. Why don't you go on with the story.

JBP: So I went back and eventually I had them come into the drill hall and wait. I hadn't woke the men. Is that the right word woke?

CTF: I think awakened isn't it? I hadn't awakened the men, I don't know, I will look it up.

JBP: We awakened, one's transitory and one's intransitory. We awakened, the other awakes us. I had difficulty with it. I have difficulty nowadays with everyone on radio and TV now uses "you and I" even though it's in the objective mode, instead of the subjective mode. So he told you and I what to do, instead of you and me.

But so we were there for just a few minutes, I went out as though I were going down, back down to the lower level to wake the men. I didn't. Did I say that I got this call and they told me, don't do anything?

CTF: Right.

JBP: So I didn't, and in a few minutes, it wasn't very long, some station wagons filled with Marines pulled up around the barracks and they came in through the windows and doors, front and the back doors and up the side stairs, up the side entrance, through the windows, through the area that was occupied by me, and they put these people under arrest.

CTF: The sheriff and the police officers?

JBP: The sheriff and the police officer and the girl and took them down to the Navy brig on the base. Eventually I

think the sheriff was removed from that area. I don't think that Chapel Hill was the county seat so there's a deputy type of sheriff and the policeman, we never saw him again. There were other incidents, rather similar incidents like that, and I was able to, without as much drama, get help out of the base with relation to the men, but I didn't like it. But we went ahead with performing our duties and moving back and forth through the days while we were there. The men found themselves more and more welcomed into the town.

CTF: Originally you weren't served in the stores, right?

JBP: No, we couldn't be served in the stores, but eventually they were and there were times later when I found them sitting at the counter in the restaurants and at the counter in the drug store and being invited also to the homes of some of the people who were in some of the churches and the chaplain went on a program of trying to get us integrated into the community. And it worked out very well. After awhile, for example, our units were dispatched, there were small groups at the schools and things like that through the community. When we left Chapel Hill, we went out, so to speak, out the same entrance we came in. They had the buses parked outside of the town and we paraded out and the people cheered us and it was really a very well meant demonstration that "we like you and take care of yourself." All of that as we left. We boarded the train.

Did I tell you that there were two of my men who didn't leave with us, one who crashed the door when he heard that we were to be shipped. I received the orders, the orders read to me and the following 44 men. Then there was one, Big Cole. We called him King Cole, a jazz pianist and trombonist. He deliberately, I think, rolled out of the third level bunk. The troop cars we were in were filled with three levels of bunks on either side, it was sort of like hammock type bunks. We were aboard those cars for a long time. The train routed itself like any train in the military period without advanced notice and we would be stalled one place for a long time, for a day, and then we would move a few hundred miles and then we would take another route through a different way. We went by way of South Carolina. That's where Cole rolled off. He was taken off the train, and he was sent back. But he eventually caught up with us. He had broken his clavicle.

CTF: Most of the men, or many of the men were from North Carolina and had thought that they were going to serve out the war there.

JBP: We had been assured that we were enlisting for the duration to be in North Carolina, for the duration. Everyone had that idea and that was widely publicized and we were so told. But it turned out differently. But I didn't know why it turned out differently. I thought that it was because I had been rather rebellious about this idea of being there for the duration. After all I was a foreigner, I was from Illinois. Down there in North Carolina, it didn't mean anything to me to just sit around in North Carolina. I wanted to get in the middle of the action. "Why can't I get into the middle of it? I hope we go. I hope they take us somewhere." I spilled this all along, that they knew that, when I had gone into Anacostia for five weeks and came back and just said after a short time, like three weeks or so, the orders came down to transfer us, they knew that I had done something to get it done. So these men didn't like me for that. They knew that I was really the cause of it. They began to pull away from beside me so to speak, a little at a time. Then eventually when we landed in Pearl Harbor.

CTF: You took the train out to San Diego?

JBP: Eventually our train, our cars hooked on to one train and then another train, we came through Chicago, believe it or not. Oh, I can't forget one thing, in Chicago I was big enough to arrange for liberty for myself and the men didn't get it. I did arrange for it for myself when I came into the city and then went back to north of Chicago where you have Ravinia.

CTF: You mean Great Lakes?

JBP: Yes, well Ravinia is --

CTF: In Highland Park.

JBP: In Highland Park and heard a girlfriend that I had in Greensboro in concert. She saw me but she didn't get to sit with me. She didn't get to talk to me. She hadn't seen me in uniform and I wasn't sure at the time that she really recognized me. Well she was a concert artist. She was a colored girl, soprano and she had a part in Porgy and Bess. It was on tour. So I got to see her and hear her. Went back while I was still on leave, I went back to Great Lakes and I selected additional men who later caught up with this outfit. When they caught up with us, the complement was added to increase by twelve men, eleven men. Twelve men, but one of the original men never did catch up with us. So it was. We had eleven plus one. So eventually our train landed in San Francisco and we bused back north to Shoemaker which was a giant base.

CTF: Shoemaker is north of San Francisco.

JBP: California, yes. Shoemaker is the launching off pad, so to speak, being used at that time. While we were at Shoemaker, we were given one weekend pass. Then we were on daily orders and that meant that we got our gear together and we reported at a set time to the courts awaiting the bus that would drive us to the ship and we would wait all day and then go back to the barracks. Come back and wait the next day. So it was.

On one of those occasions though they were going to have to go ahead without me, I was called into the -- while a member there on the court, I was called into the administration building and went in and the commanding officer was very pleasant. Shook hands with me. He said, "You have some liberty." I said, "What is that?" He said, "You can go into San Francisco and come back by 2:00 tomorrow afternoon." I said, "Well what is it all about?" He said, "A friend of yours is waiting for you right in there." So I went into the next room and there was Ethyl Wise, this colored girl soprano. So I took off and we went to San Francisco and spent the night and I left her there and came on back. Now a week or so later why we finally made it to the boat, to the one boat. It was a converted Dutch cargo vessel, converted into a troop carrier. All Dutch crew, they didn't speak English.

CTF: It was a Dutch crew?

JBP: Yes. A civilian, but it was a troop carrier, cargo vessel and there we sailed across. There wasn't too much animosity. There was some concern about whether I was being truthful with them when I said I had nothing to do with it. While we were aboard ship, it was pleasant. The weather was good. The trip was a delightful experience. I remember lying aboard on top deck in the starlight and I still had that one Christmas present sometimes that you get as a child that you keep forever. It was a mouth organ, harmonica. I laid there and started playing. The fellows gathered around and sang, and after awhile a whole bunch of them were up there and gathered around singing to my harmonica accompaniment. I shan't forget that.

I shan't forget our landing. Like within an hour, in fact, we were on the flats. We called them basketball courts but they were convertible courts for all kinds of sports, cement flats, lined up with our duffel bags all in order and each with his own in front of him. There we were hour after hour. But we saw a frightening thing, real frightening for us because we hadn't seen any combat, we hadn't seen any violence. We hadn't seen any enemy all

this time we were in the service. Little did we know that there were . . .

CTF: Enemy submarines.

JBP: Yes, off the coast of North Carolina. But we hadn't seen anything. There we saw two boats go out and they were LSNs or LSTs. I don't remember. But we saw men in the air from the explosion, went up one, two, striking, like the usual distance from here to the lake. We could see it. There it was hit just out of the harbor.

We weren't billeted right away. We were sort of shifted off to the seabee camp, the camp Wanaloa? No, I will think of the name of this camp. It was counter clockwise around the island from the other side of Pearl City. This was a seabee barracks in camp. The men were working in other camps and they put us to work doing what we could to help build the morale of the other men. Some of our fellows were . . .

CTF: Now you left your instruments, though, back in North Carolina.

JBP: No. We left the instruments. No instruments.

CTF: No instruments.

JBP: No instruments, no, we had none.

CTF: Forty-four men and your harmonica.

JBP: [Laughter.] By that time you know the men were pretty upset with me. So we were there at the seabee barracks, living, one barracks to ourselves. The seabees were the first black seabees that had come over there. While we were there, others began coming from Great Lakes into the Pacific while we were there. We were there about four months. We saw a number of them coming in, I met one fellow that came in from Chicago. He was an ensign. He was a gold braid, first colored gold braid ensign that I had ever seen, a fellow named Harvard, Ensign Harvard. After I came out of the service and came to Chicago. I later saw him driving a South Parkway bus, bus driver. But I met him and a number of the others and then it was a little later that our complement was increased by these men from Great Lakes. While there, we saw them coming through, in a large group. We broke up from Camp Manana Barracks. We were housed down in Pearl City.

CTF: How do you spell that, do you remember?

JBP: M-A-N-A-N-A, Manana. We were housed down at Pearl City and after we got all of our instruments and were in the process of things, I was given also a gold braid as the administrator, so to speak. His name was Carl Horton. I was really royally treated. I was [First class musician] at the time and yet I moved over from the barracks to the officers at Pearl Harbor, not with my own men. This all happened after we were located. We were located, we had been there three, three and a half, four months and in came these jeeps. I shan't forget that because I understand that everybody drew to attention as soon as the admirals drove, were driven on the base in the jeeps, two of them and right down to where our men were working and the fellows saw and recognized Oliver O. Kessing. He was a commodore. Do you know the rank of a commodore, a war time rank, what would be otherwise a one star admiral, Commodore Kessing. With him was Admiral Halsey. They put Kessing on the shoulders and oh how happy they were. They all raced inside and listened to him and listened attentively to Halsey saying that he had to agree to get Kessing coming out here instead of the base commander, that Kessing could have his band. Kessing had tried very hard a long time to getting his band out here. When we went to Chapel Hill, Kessing was the commanding officer there. He was the commanding officer there for almost the first year, but he had left.

CTF: He had retired originally from the Navy but Halsey brought him back.

JBP: Yes. There was a band master Dudrow who retired from the Navy too, who was a warrant officer chief.

CTF: It is interesting talking about the Navy that you have an award and I can't remember it but I think we may have talked about it. Reverend Fowler and the Third Baptist Church presented you, it's like an American Heritage Award or something --

JBP: Yes.

CTF: That had gotten its name, it was originally named after a Navy seaman who fought in the battle of Pearl Harbor. He was a cook. He was on one of the ships. I can't remember which one it was. The men who were manning this machine gun got killed. He grabbed the machine gun and shot down one or two Zeros, Japanese Zeros and received a medal for that. Of course, the Navy in its infinite wisdom put him back to being a cook for the rest of the war, didn't use his other skills.

JBP: You have a very good memory. Have you seen that out

there? It's on the wall out there.

CTF: Yes.

JBP: They put those awards up there. Who was the Congressman who got an award out there too, South Carolina, North Carolina Congressman?

CTF: I don't remember that. I obviously picked out your name. It's interesting then that your paths with this man that you had never met would cross probably at Pearl.

JBP: Yes. I met a number of others as they came through there. I haven't told you about the Guam riot?

CTF: No. You were transferred from Hawaii?

JBP: No, we weren't in it. We weren't in it. But I was the senior black enlisted personnel out there at the time when there was this investigation of the Guam riot. I think they referred to it as Guam riots in plural. I was assigned to sit with that investigative group. And that was headed by Forrestall, and Forrestall had as an aide in gold braid uniform beside him a fellow whom I met for the first time then, named William Sylvester White who was from Chicago. We became well acquainted and I thought over a period of time indicated that one of these days I'm going to go to the University of Chicago like you went. He went to the University of Chicago Law School. He was going to be a lawyer. He said, "well when this war is over, you come look me up and I will be there." I did. One of the first persons I went to see after I got out of the service was William Sylvester White. Bill White is a judge here.

CTF: Right and he was Assistant U.S. Attorney with you.

JBP: Right.

CTF: He handled the civil side.

JBP: That's right I went into the U.S. Attorney's office. More than that, when I was here and after I got located I had looked him up. He had a restaurant on 61st. He was opening a new restaurant on Cottage Grove in the neighborhood there. It was a new structure that was called The Ebony. It was right across the street from what was called the Tivoli Theater and he had waiting on people behind the counter his wife's sister. She was a divorcee, a very pretty girl, long hair, auburn hair, and just a very pretty woman. Her name was Malinda if I can remember it, had two little children. I started escorting

her little children off to see the Museum of Science and Industry once in a while in order to be around her. Eventually through her we met a very nice couple, a fellow named Johnson, the publisher of Ebony and his wife Eunice. Started playing bridge on Saturday nights at their house, they lived on Champlain.

CTF: Champlain?

JBP: Not Champlain, but Langley, sixty hundred block. I met others. I should go back to where I left you. I left you back in Hawaii.

CTF: Right, we were about to go to Guam, Guam Riots. Did you go over to Guam?

JBP: No I heard part of the hearing on it in relation to it. I can tell you what happened.

CTF: Because you sat as the most senior black enlisted person in the Navy.

JBP: That's right. What had happened was that when we landed, when we took Guam, there were a lot of people still up in the hills. There were a lot of Japanese up in the hills and it was a matter of cleaning it out, getting all the way up into a landing area for a landing port for the planes to land. That was being done by black seabees and seamen under white command. Our commanding officers were white and they were being protected. They had shovels on their shoulders as they left each morning from camp on the seashore to get back up into the hills to finish laying the steel base from the landing ships, hewing down the trees and they were carrying tools to work with so that Marines would be carrying arms and going along the side, on either side and then they would return back at night to the base. The seamen and seabees in one section and the marines had their own barracks. But what happened was that the Japanese took advantage of the known ethnic disparity within America so they didn't bother the black seabees and sailors as they went up into the hills in the morning and while they were working and as they came back at night. They bothered only the marine guards. They shot from the trees. They sniped, only at the guards, only after the whites. The blacks would work even without guards, come back at night stepping over the bodies of their guards, come on back safe and uninjured. This wasn't very pleasant. It was just before Christmas when this riot began. It had to be quelled pretty fast by military action. That was a reason for it. Later they mixed them up and they increased the number of white seabees and that went by the wayside. They put in charge

of that unit and later in charge of the seabee group out there, a black man named Hope, from a famous educated family.

CTF: University of Chicago John Hope Franklin?

JBP: Northeastern, he. You're talking about John Hope Franklin. His name Hope is taken from the Hope family, like somebody else would give the second name Franklin. That's what happened in this case. The Hope family was a South Carolina family, mulattoes, light complexion blacks, and all academicians.

CTF: Now your inquiry board was for purposes of finding out what the cause of what happened. So it really wasn't in terms of a court martial?

JBP: No. It was an inquiry board on which we sat there and just listened and discussed what happened. Forrestall was in charge of it.

CTF: Now you were mustered out from Hawaii.

JBP: Not until after we had gone further down and had done a number of shows. We would fly in and out. You could understand that my group was so large that I couldn't take it down to Bougainville where we were really based. I could only take part of the unit so we would work with half a unit back in Hawaii, Pearl Harbor. Then we would work out in Scofield Barracks. You've heard of Scofield Barracks from the days of Pearl Harbor?

CTF: No.

JBP: There was an air force there, a landing, an army/air force base. They could accommodate us. There we would work with the show. For example we had a USO show, or let's take a Jimmy Durante Show that came over from the main land. We worked with the show. We backed the show. We would take half of the unit to do it. After we had it down, then we would tour the various bases in the island group. Then we would go down to Bougainville and we would take off from there by flight. We would go out to task forces and de-plane and go on to carriers and set up and then spend a little time in the sick bays and talking with the men and encouraging them, tear down, get back, back out and fly out to another one, maybe do three in one day. Back and forth and this would go on for a period of time and then that unit would have to be taken back to Pearl Harbor. When we went back to Pearl Harbor, that unit would be taken out for a period time to a rest camp on the island called Kauai. Have you heard of Kauai?

CTF: I've been there, its really nice.

JBP: You're old enough to have been in the service?

CTF: No, but I have been, we went on our honeymoon to Kauai.

JBP: It was a garden island, a circular island. It was rather primitive but it was a rest place, really restful place. The encampments were interesting. They would be named after cities and there would be streets and the barracks. We would rest and we would go back. I would leave that group and go back and start working with the other group. After a period of rest and come back and work with the next group. I would take the next group down. They would return back to the base from the main land and do the military work while the other half were out playing.

So we exchanged like that three times, it was only three times but it seemed as though it was many, many times, a lot of going and coming. But by that time, the war was over. It was something that we knew about before it happened. Actually, I think we knew that it was going to be over at a date certain before that date arrived. We talked about it. Those last few days and then we heard by radio the announcements in the United States and how the people were cheering and what was going on there. Of course, my band got a chance to lead the victory parade through the streets of Pearl Harbor behind the command of admirals. We were a favorite of Admiral Gorman. He was a commodore of the Fourteenth Naval District and he was sort of the host admiral to the Navy out there. He had the biggest house along admiral's row. That's on the side of the island over from Pearl, isolated to the south.

Oh, I, shan't forget an interesting experience I had there. The commanding officer of this base, this first base before we left, Honolulu. We had gotten a few instruments for a small group so we could go over there and play for them. Then when I was working out with the group, they were beginning to reorganize the whole program of entertainment. They were going to put in charge of it a great musician. They got the fellow who had been over here at Grand Ballroom at the Palmer House. A long time, he used to broadcast from there, he used to have a singer named Wee Bonny Baker. What was that guy's name, Tucker, Owen Tucker. He came out there and he was put in charge of all entertainment. I was working out with the band. This was when we first got our instruments and we began working out. He wanted to take over. He had this desire to get that baton in his hand. I told him that only one of us could run the band and in fact he ordered me to turn over the baton and I refused. I ordered him out of my

room, out of the band room. He came back with some SPs. Are you familiar with them?

CTF: Sure, Shore Patrol.

JBP: He came back and I was put under arrest.

CTF: Hope you didn't give up your baton.

JBP: No, for disobeying an order, disrespect. So I was marched on over to the office of the AD Building. On my way in, what's the secretarial type of person in the military?

CTF: It's a clerk, isn't it.

JBP: No, I mean a yeoman who was working telephone exchange, saw me coming in and saw the whole parade coming in, knew what was going to happen. I was going to be court martialed. Incidentally one of the fellows on the side of me, a rather short fellow who was on the side of me who was a fellow named Gibbons. He also came to Chicago and we became very close friends when I got back. They marched me on into his office and he sat there and he got red in the face. We listened to Tucker tell how disrespectful I was and he began and a call came in just about that time. This yeoman directed, directly into there and he stopped long enough to pick up the phone and said "Yes sir! Yes sir! He's right here!" and then he said, "the Admiral wants to speak with you," and he passed up the telephone to me. He had a group of officers in that evening and they were going to have an opportunity to see "Rhapsody in Blue" that had just come out, come out of Hollywood that a film had been flown out to it. He'd like to have about twelve men. "Can you get me about twelve men? Yes, Master Parsons, can you do that?" "Yes sir, as long as it is all right with the commandant here." He got on the phone with him and he said "Oh yes sir, yes sir, yes sir, yes sir, he'll be there, yes sir." He put the phone down and he said, "Now Parsons you know, you get along with the people, and you get along with these musicians. Now you go on back and be good and don't miss a thing tonight." Oh what an experience. [Laughter.] But eventually I told you that this fellow Carl Horton from New York was put in charge of all of our affairs. He was not a musician but he managed us as though he were the big brother to every one of us. All kinds of arrangements for this and for that. He flew every where we went. He interceded on our behalf. Carl had a string of small movies theaters in New York City and I've seen him two or three times since. I have a book here that he gave me on independence, the whole thing, historically.

- CTF: You mentioned that he, that you knew that V.J. Day was coming.
- JBP: Yes we had the ear to the ground so to speak. We could listen and knew just about the day. I think that we knew about four or five or six days ahead of time.
- CTF: Gee, that's interesting because one of the rationales given by President Truman for the dropping of the bomb was that the Japanese didn't look like they were going to give up. It looked like it would require an invasion.
- JBP: This is different. There was a disagreement between military forces up there and the President with relation to the bomb. The Navy didn't need it and didn't want it. They were ready. They were properly poised to have taken Japan. They didn't appreciate the idea of having to wait on something to intercede. I remember that. It cut them off.
- CTF: So they thought they could win it without the bomb?
- JBP: Yes. There was a difference of opinion about that. We didn't know that there was a bomb. We only knew that something was going to happen that would stop it. The timing was down to the point ten days or less than two weeks. I said to him whatever it is, is it going to happen? If it's going to happen, when? In a few days. I think we were sort of holding our breath.
- CTF: So the men knew that there was going to be something big happen, but didn't know what it was?
- JBP: We were at Pearl Harbor at the time. So, finally the thing was over and I was older than most of my men. I was separated earlier than them, between then and my separation, I quickly got messages in to have my academic credentials sent from Millikin and from University of Wisconsin to the University of Chicago Law School. I made up my mind I was going to get it over with. Knew about the G.I. Bill of Rights. I knew what we were going to get when we got out. So I had already scheduled. Pretty soon I came and it was my turn to leave. I was among several others. I left earlier and I came on this ship. I was the only one of my unit on the ship. It was a converted . . . it was a great ship.
- CTF: An ocean liner type?
- JBP: It was a great carrier, the second time they rebuilt it.
- CTF: An aircraft carrier.

JBP: The Hornet, the Hornet was rebuilt. It was as a troop carrier, reconstructed troop carrier. I came back on the Hornet, lined with bunks, thousands of them. They took the place of the planes on the decks, the flight decks and hanger decks, the mess halls were neat and in rows. We had a four day trip. Coming back was to a certain extent delightful. Of course I had this experience with a fellow coming through with gold braid, having been in the service a few hours, an ensign, or something a little better, to gather up, "you, you, you, and you" to break stores. Short term quick employment. I was selected. I was a smart aleck. So I got reported on that and then came down some other people and here I was swept on away and one of the officers up there, in headquarters when I came on up there -- I was going to argue my case. I didn't care. This Millikin graduate, he asked me a lot of questions, what's your name, where are you from. He was a graduate from Millikin. He thought he heard of me. He said, "You play the organ, don't you?" I said yes. So they talked about it and a little later why they came and got me and asked me if I would play. I remember they had an organ, a Hammond. It doesn't require a virtuoso or anything like that so I improvised at the organ during meals. I was moved away from the barracks and taken up to the captain's bridge. I also ran into two fellows.

TAPE 8 (Side 6A)

CTF: You said you met two men and one was from Chippewa Falls, Wisconsin.

JBP: Yes and I have to go back into my records to get his name because we struck up a friendship, a lasting one, very lasting. He had also gone to Wisconsin. I had gone to Wisconsin. He was not as old as I but he was an older person. It used to be that way coming out, in that same age group that was coming out at the same time. Later we visited back and forth. He and his wife visited here in Chicago. Our families became very close friends.

The other was a black fellow, a mulatto, from Cleveland, Ohio, whose granddaughter now is finishing at the University of Ohio.

Came back and we went to, no we didn't go back to Shoemaker. We went to a closer base. It was right in San Francisco near Oakland or somewhere around on that side of the Bay. We weren't there very long and we took the train and ended up right at Great Lakes.

The second day I was there, I had one day out and

then came back. I came out on that one day. I went directly to the University of Chicago and got to meet a young fellow working in the place of the dean, named Ed Levy. He convinced me to hold over until October so I could come ahead and finish my work for my masters in political science in the interim. So I went out and signed up for all my courses. They gave me an advisor, a fellow by the name of Pritchit, who happened to be a graduate of Millikin University and took a special interest in me that caused him to visit my courtroom after I became a chief judge. He's dead now.

So I ended up at the University of Chicago with the G.I. Bill of Rights that they gave you. I saved up some money from my salary, put it in the University National Bank. I ended up rooming at a place where the people were very nice, didn't want to charge me.

CTF: I think we covered that portion. Let me jump again to the jury viewing that we talked about, the policy that you and Judge Perry had that wasn't well received by your fellow judges.

JBP: I think I was looking through some of my clippings and you sent me some clippings. Didn't you send me a clipping on the Sheridan case in 1970?

CTF: I was here then.

JBP: Yes. No you are talking about the fact that I first held court at the institution. We skipped that, did we?

CTF: Well, we talked about it but it didn't record. That was talking about holding court outside of the courthouse when it's necessary to educate the jurors or the judge as to what I think is called in the common law viewing the scene.

JBP: Yes. Well, I thought it was rather a regular procedure and it seemed to me that that's what I was learning from the lawyers. I had no experience with that as a prosecutor, but as a judge you learn from lawyers some of the things that you do and my first experience with it came with the tearing up of the land that was going to be used for the building of the Tri-State Tollway.

CTF: That was a case involving land right at the Wisconsin-Illinois border?

JBP: Yes. This one farm was being divided into three parts. I so wish I could think of the name of the lawyer, I have a great deal of respect for him and I later had him in a

case involving -- or did I have him in that case when I was a prosecutor, involving a member of the MacArthur family and the trusts that he was in charge of. He still is, he's in charge of it now. It's this trust that is given out -- they walk up and find somebody and they don't say anything to anybody until he has been selected to receive so much money. Do you know about that?

CTF: Yes.

JBP: Well what is his name? [Laughter.]

CTF: I didn't know, I didn't know yesterday either. [Laughter.]

JBP: He was representing the property owner out there. So he told me, "Judge, here's what to do." He said, "I hope you don't mind my telling you the way this is done." He told me that you recess court and reconvene court there on the site. The lawyers, either through witnesses or by themselves, describe for the record what is there and you are in a position to see it when you have to make this decision. Then we argued the case back in the courtroom.

We went out there. We went out, I think. The cars went out at the same time, three cars, loads of us. I took my court reporter, my minute clerk. I took a law clerk and myself and we went out and I stood there, I didn't have to put on my robe but I took it with me. They stood on different sides, on either side and here I think this farmer testified and he said did you see this and did you see that. Then they made other representations for the record of this and that and the other and then we returned.

I think we did it also a second time but I don't think he was the attorney on that one with relation to the property that belonged to or was next to the property that belonged to Bob Tieken who had been U.S. Attorney while I was there. He called it Starvation Hill, out in the area near Libertyville. We held court on the site, so it didn't seem unusual to me to indicate in the Sheridan case that I would hold court on the site. The public thought it was very great. I received a great deal of very favorable press about the handling of the Sheridan case and it was the beginning of the strength of Pat Murphy who is now the Public Guardian in that field. Pat Murphy from the society of bleeding heart lawyers, I forget what they called themselves, was the one who was representing these kids at Sheridan. There were kids, a great number of them there who should not have been there.

I think that his book on this is the best source of the information about it. I could tell you the title if you would like to know it. Our Kindly Parent, The State. [Murphy, Patrick T. Our Kindly Parent, The State: The Juvenile Justice System and How It Works (1977)] But I didn't have to go to Sheridan. I didn't go. Very quickly Judge Austin saw to it that there was a resolution passed against a judge leaving his court to hold court outside of this building except with the approval of the Executive Committee.

CTF: Now you had handled the air traffic controllers case prior to that.

JBP: Yes.

CTF: And gotten a lot of publicity, good publicity on how that had been resolved based on your holding court outside.

JBP: Yes, the air traffic controllers case was a case in which the controllers had gone on strike, a concerted strike. The attorney who led them was in charge of their position, who was their general counsel for their organization, was F. Lee Bailey in Washington. He was here for the first part of the case, but something caused him to have to be away as the case progressed.

What happened was that the case was brought by the government in an emergency motion to break up a strike to order them back to work and he made, I think, a very, very moving presentation of the position that these men were in, greatly in need of concern for lack of cooperation from FAA. They didn't have the right equipment. They really hadn't had in some of their men the right training. They had bad schedules that caused them sometimes to work fourteen hours out of a twenty-four hour day. Then there was this matter of the pressure of the FAA men in supervision. This I found when we held court out at Aurora. This was a revealing thing for me. There is no way to supplement visualization with just words in a record. You have to see it.

We got out there. We traveled out there, the car loads again with staff and when we came to the center, it was the center that was in control of traffic in the air of an area approximately 200,000 square miles in central United States. Ships coming east from Denver were picked up very quickly in sector one and ships going further east were picked up, east after they were close to Pittsburgh.

This place surprised me. It wasn't a giant tower up in the air. I thought it would be. It was a low flat

school looking thing behind a tall, wrought iron fence and inside of that were bushes and trees and then you finally saw it, a flat sprawling place. You went into the dim lit entrance and into the still dimmer lit large room. I saw these screens on which you could see a little bit of light, that was a plane moving slowly. They used a chip that they put on there and scooted along with the plane. The chip would have a number. They were in constant communication via phone system that broadcast with the pilot as the ship was going through the sector. It would finish one sector and go into the next and then into the next. But the sectors were doubled. There were two, side by side. One man at each sector, I mean at each screen on the one sector. Standing behind the two of them, the one would be the principal controller and the other the trainee, standing behind them was a representative of the FAA management, standing with his arms folded, every minute of the time. This is rough on your nerves on an eight hour day.

CTF: Sure.

JBP: And you go from one to the other, to the other, all the way around. I saw them landing ships at South Bend by radar by command from Aurora without any visualization whatsoever at South Bend. They were landing the same way in Springfield. Both from Aurora, without visualization from a tower in Springfield. The towers were inoperative. The strike was down to 40%, I mean the air traffic throughout the United States down 40%. We took the court from there to, you called it the other day, what was it called, Palwaukee?

CTF: Palwaukee.

JBP: From there out to O'Hare and then back to the court room. We made those trips one day after the other.

CTF: Now your order in that case was very successful --

JBP: Yes.

CTF: -- in resolving the dispute.

JBP: It resolved the dispute. I had first refused to order them back to work until I could see it and then the order also ordered FAA to do certain things. That's where the problem came. FAA by counsel in Washington and -- such a pretty thing that happened you know. In the midst of this, they sent out an attorney from Washington, Jim. What is his name? I'll think of it in a minute, a black fellow. He was FAA general counsel, formerly in the

Department of Justice too. He came out. Handled the case himself. We became buddy-buddy. Brother this. Brother that. Let's go to lunch together. Let's go visit together.

You know on the weekend I carried him with me all the way up to Lakeside and entertained him up there. He would try to get into a conversation about the case and I would never talk about it. I refused to talk to him about it without telling him, look I'm not going to talk with you about it and change the subject. He knew what he was doing. They tried everything but finally I came up with the order. They said, "But Judge, you can not order the government. We're the plaintiffs in this case." I think I said what I heard Judge Barnes say once before a lawyer, "Counsel, you just stand right there and watch me do it."

I wrote out the order restraining FAA from certain things and then setting up this continued program to further research into it, with representatives, not just the FAA and the controllers but also the owners of airports and our O'Hare, the airline makers of planes, representative each of those groups; the airlines manufacturers of planes, the owners of the airports and a continuous conference on it and then put an air pilot named Johnson, from American Airlines, Captain Johnson as chairman of the discussion so that it could go on nonstop. It went on nonstop two days and they came up with a suggested list of things for me to do. Some changes I went ahead with and they went back to work. Everybody was happy.

CTF: A similar order was entered in other courts.

JBP: Fifteen other courts. This was primarily the work of Bailey plus this young fellow whose name I forget, from Aurora who had his first big case. But he was so good. He was surprising. He was very, very good. He ended up back in Hawaii as a priest there. He became a priest there in Hawaii. I've got to read this story to remember what his name was. I have some press on it.

CTF: You mentioned that right after that you flew out to Denver.

JBP: Oh, well the first thing that happened was that there was this ad in the Tribune that said "Thank God For Judge Parsons." It was in the classified section. Somebody called it to my attention. It had bold lines around it so it stood out. I guess they paid for that too, wives of the air traffic controllers. Then not long after that I headed for Denver for one of the conferences that we had,

a conference that I was to chair if I remember. The plane let down, going into Denver, and taxied on up to the ramp that would go up onto the platform. Standing on the platform were a group of thirty-five or forty people who began to applaud as I got off the plane. In fact I looked around when I got off to see why they were -- who it was they were applauding. One of them came out and took me by the arm and took me on up. They shook hands with me, the traffic controllers as well as their wives. Should I tell about what happened on the way back?

CTF: Yes, I think that's a great story on the way back.

JBP: So silly it was.

CTF: I know but it's --

JBP: I'm really ashamed of it because it's not judicious, it's not modest. What I did was silly.

CTF: But it provides you a nicer ride. [Laughter.]

JBP: Yes, but at the same time, it sort of said there can be reward over and beyond your own self appraisal when you have done what you think is the proper job. When you compare it with the last handling of the air traffic controllers strike, you can see there was a difference of day and night and that difference made a difference between twenty years of modernization and then its leveling off in a period of ten years after which it needed further modernization which the government said no, we are going to fire you if you strike and did it. That was the President handling of it.

When I got on the plane for the flight back, we were in a storm, a very heavy storm. As we were coming over Denver, leaving Denver, it was violent and uncomfortable. The plane was rough, the ride was rough. The stewardesses were not serving anything, were getting ready, I guess, to bolt themselves down. I wrote a little note and I asked the stewardess if she would give it to the Captain. I wrote it on a piece of paper it was, "Captain, when you reach the first sector of the Chicago area command, will you give them the regards of Judge Parsons, the best regards of Judge Parsons and sign it James B. Parsons." She assured me that "Oh, yes, I will be sure to do that. I will give it to him. Now you sit back and don't be nervous and you will be all right. Everything is going to be all right." She got up and I saw her sort of snickering with the other stewardess. They'd had a crackpot. There is this silly crazy guy back there. Silly, writing letters to the Captain.

Eventually though she did go in to share the joke with the pilots. She was there a long time, but it wasn't long before our plane began to circle upward and to the left, wide circle, a continuous circle it made and then back around toward the right over many, many miles I'm sure we traveled and quite fast until we were above the clouds and while we were up there, the Captain came aboard, I mean, came on the air and announced that we had a VIP aboard, as the result of which they rerouted us he said and we were now ready to begin a straight projectory to set down into Chicago.

CTF: I think that's a great story.

JBP: We came right straight down from the north of us, around I suppose up around Minnesota, above there, in that direction. Got here twenty minutes ahead of schedule and he came out and shook hands with me as we were taxiing in.

CTF: Now when Judge Austin made the suggestion that the rules be changed, did he talk about these cases or did he just talk in generalities?

JBP: No he talked about this. He is going to do this in the Sheridan case. I think it's wrong. He didn't talk with me. He talked with the others about it and then suddenly it was already enacted. It was passed just like that. He asked me not to go to Sheridan, I recall that. He seriously didn't -- I think he was very much against it.

CTF: Did he give any reason?

JBP: I don't know as though it was some tradition that you don't do that. It may have been a state court tradition, but I never heard of it in the federal court and I had done it several times before.

They do it all the time. I can understand in a state court unless you are assigned to one little courthouse and then to another one, and then to another one, you don't hold court where you're not assigned. But we have a jurisdiction which is not limited by the boundaries of the building in which we are. It just isn't. Don't we hold court right out on the open lands whenever necessary.

CTF: I'm corrected. Judge Perry used to do that too, didn't he?

JBP: Yes, oh yes. I understood that if you are the emergency judge and you don't get down there in time, that you can do it by telephone call. The only thing is that if you leave the jurisdiction, if you leave the jurisdiction of

the court, I mean the territorial jurisdiction of the court, then you have a different problem.

CTF: Right, you have no jurisdiction.

JBP: I had one case. The ships, what was the case? They needed an injunction and I told them that I will come in and they said it's all right. It's pleasant weather we will come on up there. I was at my place in Michigan. I said you had better let me get a hold of the clerk. I was emergency judge. No, it was my case. I got a hold of [Stuart] Cunningham and he said yes but you're going to have to enter an order and it's better to do it by stipulation. So I got a hold of Johnny Dziejczak and he typed up a stipulation and he got it around to these lawyers and they signed it and they got in their cars and they came on up to my place at Lakeside and we held court in my bar. I sat behind the bar and we made the decision and the court reporter took it down. Joe Betts was there and everybody was happy that the decision was done. But they had to agree to it and that agreement was filed as part of the record to the case. One of these days I will think of that case and I'll find that record.

But there isn't any reason why there should be any restraint upon a judge if his case requires that he leave the confines of his courtroom. When you have territorial division of responsibility -- after all, you have a Western Division judge -- normally you would decline in favor of their using the Western Division judge. I have a case where somehow -- I don't know why I'm getting a case here which I think ought to be out in the Western Division. Both sides say no, that the principal parties are here, but I don't think so. This is called that lake out near Galena.

CTF: Lake Carroll.

JBP: Lake Carroll, the property's around Lake Carroll, but they got it transferred in. I think that's what happened. I've got the file right there. I have to look into it. But somehow they got it transferred in. But there just might be the necessity of taking a look at it.

I do remember one case that we held out in Freeport, where we went to Galena on site to see something. While we were there, Judge Campbell said there are some people who needed to be naturalized out that way, too. We held court in Galena. From Rockford we went to Galena and everybody enjoyed going. A whole cavalcade of cars went, knowing that there was going to be something like that and going on and naturalizing citizens. Why I added a little

glamour to it and put a wreath at the tomb of Ulysses Grant, and making a sight seeing tour on the way there to hold court in Galena. We have traditionally held court. The magistrates have done it for us. There have been often occasions when bankruptcy court judges have held court in Joliet. We regularly have rented a court, used out of graciousness the county courthouse down in Joliet for bankruptcy.

CTF: In downstate Illinois we have used the Holiday Inns.

JBP: That's right. Without any special orders, but now we have it as part of the rules of our court. But he [Austin] and I never got along too well.

CTF: Judge, a tough time in your life came with the death of your long time wife Amy.

JBP: Yes. She died in '67. She was buried on her birthday July 27, 1967. It was a serious loss. We had a real companionship going, I just never believed that she was that ill. It wasn't long, a period of two years, raging cancer. It first came up when she found some shadows over at Billings and then she went out to Northwestern. Her doctor was also at that time doctor for the Cubs. After about a year, eight months going back and forth, he arranged for her to have surgery. He arranged for her to go first before having surgery to Rochester, Mayo Clinic.

She was there the summer, the whole summer of '66. Her friends and I alternated a week at a time. I rented some space there at the Kahler Hotel which is right opposite the entrance to the main hospital. One friend was the wife of Harry Ash, Dorothy is still one of my good close friends. Harry was there too. Dorothy and I would alternate. She would come up and I would come back. She would come up and I would pick her up at the airport and bring her on in and she would take me back to the airport and I would fly into Chicago. She would stay the whole week and I would come back. She'd stay during the court days of the week and I would come back on the weekend. On a couple of occasions, I took my son and we drove up, at least we had a trip.

She was there the whole summer and then she came back and looked like she was going to spark back, good. She was quite a socialite. Amy was a member of the many women's groups on the South Side of Chicago. Very well dressed and, oh for several years, she was one of the ten best dressed in the Ebony selection in the country. And a real, real supporter and help and a bit of financial help to me at times, too. Well anyway I managed to get a place

up at Lakeside. She said, "well look, I will take care of the cost here at the apartment and you put your money in there and get started." When '67 began, she was up and down. She would be out at Northwestern for awhile and then she would come home by way of the beauty parlor and ready for the parties and dances and bridge parties.

She had retired from her job. Amy was the top fiscal officer at the Chicago Housing Authority, CHA. She was its first cashier when CHA was limited to its first project which was Ida B. Wells. She finished in that field at Northwestern just in time to get a job at and really set up good record keeping at Provident Hospital. She set those books and records up and got them started. Then she came over to Ida B. Wells under a fellow named Brown when he took over as the first man in charge of a housing authority in the country. That was the first one that was built in the United States, Ida B. Wells. She was his cashier and she was still living at Ida B. Wells when I met her. In fact we got married in her apartment at Ida B. Wells. That was before they enacted that you don't live -- we didn't live there. We got married there but I didn't stay there. I had my own apartment until we got one together at 423 East 60th.

Let's see. She was a well loved, happy person who was for me, all the way, all the time. As spring came she bounced a little bit, but then there would be bad days. She'd be in for two weeks at Northwestern and then she'd be out. Her principal doctor was Bauer, a fellow named Bob Bauer and Doctor Sutker. Finally when it came around to the beginning of good weather, why it was really rough. I had to have a maid, a housekeeper, and then I had to add a nurse, then two nurses, then three nurses around the clock until we found one who lived in. One girl came and she did a good job living in.

When the Fourth of July came around, why she wanted to be sure to preside over the dinner at Lakeside. Our friends were to be there. So I picked her up at the hospital with the nurse and housekeeper. I had already hired somebody up there to prepare the meals so we drove right straight on up to Lakeside. I had to carry her into the bedroom. It was a little strenuous, the trip was, but dinner was served and she walked out and was healthy looking and as straight as ever, presided, laughed and talked with everyone, then she wanted me to leave and come on back and I didn't want to do that. So the only way to compromise with her, and she was pretty strong willed, was then she would come back and I would stay up there. So she and the maid and the nurse came back and then in just a couple of days, the nurse was on the phone and said,

"We're taking Mrs. Parsons back to the hospital and going into emergency." So I said I would be right in as fast as I can. Then she was at the hospital. It was right after the Fourth. It was on the sixth floor, southwest area. Down at the end of the hall as you come off the elevator and go around the first room which was occupied by a lawyer who was a real teacher for me, a fellow by the name of Gesas, Michael Gesas. Michael Gesas was 84 years of age at that time. Amy was down two doors from him. During that two weeks, a week and a half I was there, Leonard, his son, was very much like a brother to me.

On Friday Michael died and on Sunday Amy died. I had not had a loss like that even with my mother and father. Well, that's it.

CTF: That had an impact on you on the bench to some extent. At least that's what I understand. I mean it took you through a stage of depression.

JBP: Yes, I think so. I look back upon it. Yes, ten months to a year, suffering from depression. A real help out of that came from Dieter, my son. Then he ended up being depressed too. I had to get him some psychiatric help and that carried on for another year or so. Finally he ended up in a hospital, my son. This began with this beating by a policeman. We eventually discovered that his problems were neurological, thanks to the wonderful help of a fellow named Rovner.

CTF: Ilana's (Hon. Ilana D. Rovner, U.S. District Judge, N.D. IL 1984-1992, U.S. Circuit Judge, Seventh Circuit 1992 to date, was Judge Parson's law clerk 1972-1973) husband?

JBP: Dick Rovner was my son's doctor. He was a neurologist and he found the problem. So from there on closing out the decade and on into '70 was one little problem after another. '69, of course, was the death threat; following in '70 was another one, late '70, and then a short respite from having to have Marshals around me all of the time. But I think I began coming through in '71 or '72.

TAPE 9 (Side 7A)

This is an oral history tape of Senior District Judge James B. Parsons for the Northern District of Illinois. Collins T. Fitzpatrick, Circuit Executive for the Seventh Circuit, is conducting the interviews. The date is July 8, 1988 and we are in Judge Parsons' chambers.

CTF: You were mentioning that it was difficult to get a good law clerk.

JBP: Yes.

CTF: They talk about being a trial judge is a lonely job. I'm not sure how much of that is brought on by the individuals or by their colleagues. But there is no doubt in my mind by just studying it that it is a lonely job and there is a tendency never to ask for help. Your system of using big brothers here is, I would say, somewhat unique.

JBP: Well we had big brothers when I came on the bench.

CTF: But that's long gone now.

JBP: My one big brother had died. That was Judge, oh I remember him so well. Judge Campbell had appointed him.

CTF: Well let me look, I'll look for that. But let me ask you another question that we talked about.

JBP: Miner.

CTF: Miner, Judge Julius Miner.

JBP: Julius Miner. He died. Besides, I didn't take advice very well except from Bill Campbell.

CTF: Well you don't get a choice in taking advice from Bill Campbell, you get it.

JBP: [Laughter.] He made me work with one thing after another. He put me to work with other things to get my mind off it. He worked with the centennial of Loyola University. Of course he moved into the senior core of directors of Boy Scouts of America and paved the position for me on the National Board of Directors of B.S.A., Boy Scouts of America. He had done that earlier. He gave me the job for example of rehabilitating the Western Division out at Freeport.

CTF: Right.

JBP: Remodeled that.

CTF: I think we put that portion on. You also mentioned that Judge Robson (Hon. Edwin A. Robson, U.S. District Court, N.D. IL, 1958-1986) was very helpful in the transition to becoming chief.

JBP: During the last year, there was a lot of effort to try to get me not to go on, not to accept it, to forget about it, and not be the chief judge. When he talked with me about it, he said that he was going to reach the age in so many months, nine or ten months, and he said that you are going to be the chief judge. I want you to know exactly what it is all about and he became a real good advisor, sort of like a big brother teacher. When we were talking about big brother, he took me with him all the time. I respected him, right on to the very end. I'll send my speeches about Ed Robson. I have given a number of speeches about Ed Robson and a memorial about Ed Robson. I enjoyed the trips with him. We went to Orlando together, Orlando, Florida. We went to Monterey again.

CTF: This is with the Metropolitan Chief Judges?

JBP: Yes, I remember my blasting at some woman in a restaurant near where we came in from Monterey to San Francisco to get our plane in San Francisco. We came in on a bus and near where we got off there was a restaurant. We went to the restaurant, he and his wife and myself. This woman came in just at that time when everybody was talking about stop smoking, it gets into the air, and people breathe it 100 miles away. This woman came in way across the dining room, you know, basketball court distance away, and Ed Robson -- cigarette was it or was it cigar?

CTF: I think he smoked both.

JBP: Yes I think so, and with him was another judge, Hoffman (Hon. Walter E. Hoffman, U S. District Judge, E.D. VA, 1954 - to date).

CTF: Walter Hoffman?

JBP: Walter Hoffman.

CTF: With cigars, definitely.

JBP: Cigars. So the both of them were at this table, the four of us, Hoffman, Robson, Mrs. Robson, and myself. This woman came all the way across the room, all the way across the room. I didn't see her but she started talking. I bawled her out. They had to quiet me down. They quieted

me down.

No, he carried me through executive committee meetings. I sat and amended the rules to provide that the next judge to be the chief judge was an ex officio member of the executive committee and when I became chief judge, the next judge to be chief judge under me became a member of the executive committee without a vote. He had the right to express his opinion.

CTF: Judge, there was some discussion that the executive committee system was designed because you were going to be chief judge? You know the thought was that, as I understood, that some people questioned whether or not how strong a chief judge you would be, and so the thought would be to have an executive committee.

JBP: Yes. We discussed that. I discussed that with Ed Robson too. So he appointed a committee to revise the rules and I was chairman of the committee and he put on it [Stuart] Cunningham and a tall fellow with the U.S. Attorney's office who was First Assistant.

CTF: Jones, Gregg Jones.

JBP: Gregg Jones and somebody from Probation. It wasn't the head of the Probation.

CTF: It wasn't Pilcher. Fogarty?

JBP: It was somebody under Pilcher. So we worked with the rules and we put through a total revision and that set-up the executive committee. We also took away committees and set-up supervisory judges so that each judge had a particular area of the court in which he had a personal responsibility.

CTF: So somebody was in charge of magistrates, bankruptcy.

JBP: That's right. It was my idea.

CTF: Probation, court reporters.

JBP: It was my idea to do away with the committees. Well, you run into this problem of people being involved in two or three committees and they attend meetings like they were doing out in California. I watched them out there. Al -- what's his name, the Chief Judge out in Los Angeles, a very good friend, Al -- used to stay at his house when I went out there. I also used to stay at the house of the Chief Judge in San Diego when I went out there. They were very gracious to me.

Anyway he complained about committee problems. The judges had about ten committees and the judges served on two or three different committees and they didn't have time to do any work because every time there would be a committee meeting. A lot of wasted time was spent in work with the committees, and so I got the idea of getting rid of the committees and use only individual judges and center their work with a report. Each judge made an annual report to the court. I think the judges liked that. Each of the judges had a responsibility. They may not have liked the particular area that was assigned to them but they worked. I think they are doing that now, more and more.

CTF: Judge, before you were chief judge, the question came up as to whom the Kerner case, U.S. v. Isaacs, 364 F. Supp. 895 (N.D. IL. 1972), aff'd 493 F.2d 1124 (7th Cir.), cert. denied, Kerner v. U.S., 417 U.S. 976 (1974), would be assigned. Do you want to relate about that?

JBP: Well it came up rather as a bit of a surprise to me because acting in the place of Ed Robson was Dick Austin who was next in line. Dick Austin was in excess of the age of being chief judge but he was still the next senior judge. He came on the bench about two months before I did. So he took the bull by the horns and without saying anything to anybody he asked -- who did he ask?

CTF: Judge Swygert (Hon. Luther M. Swygert, U.S. Circuit Judge, Seventh Circuit, 1961-1988, U.S. District Judge, N.D. IN, 1953-1961).

JBP: Judge Swygert, to arrange for a judge from out of the district to try the case and so they just went ahead and arranged for Judge Taylor (Hon. Robert L. Taylor, U.S. District Judge, D. TN, 1949-1987) from Tennessee.

CTF: Well Judge Swygert then called the Chief Justice [Warren E. Burger] who got Judge Taylor.

JBP: Yes that's how it happened. I was very much against that. I was very much against it and we had a hearing on it, a big issue on it and I wrote a dissent. The issue was heard with the lawyers in front of the executive committee and so I was on the committee with Judge Robson and Judge Will. I think it was the three of us who sat on that and they won and I lost. But I had a dissent in that pile of opinions there saying that it was wrong. Not that any one judge would be eligible to do it but at least each judge should disqualify himself.

CTF: Your attack was on somebody saying that you were recused

without asking you.

JBP: That's right, and I still believe that they shouldn't do that. They should never do that. We run into the situation now when a question comes up, should we say, look, I would prefer not to hear an argument in a case before me by a judge who was just yesterday or the day before yesterday brother judge and today he's just another lawyer.

CTF: Or sister judge.

JBP: Or sister judge. But I find it very, very difficult, I find it very difficult, and Judge Leighton (Hon. George N. Leighton, U.S. District Judge, N.D. IL, 1975-1987, resigned, after taking senior status in 1986. Judge Leighton was the second African American appointed to the N.D. IL.), with whom I was very close during our judgeships together, Judge Leighton, to come out in front of me, and he's been in front of me ever since he came off the bench, since January. He came in before January when he came in on the case involving the creche that the city had down at the Daley Center. He's been here and he's here now in the Slazengers case Slazengers Ltd. v. Stroller, et al., No. 88 C 3722, N.D. IL. 5/26/88, summary judgment denied, 16 USPQ 2d 2007 (N.D. IL. 1989) which is heavily litigated with lawyers very strong on both sides.

It involves tennis rackets. The first instance in which I know of a seizure under the 1984 statute or '86 statute that provides for marshal seizures in patent and copyright cases. You know we have a contempt in that situation going on now, a contempt citation. So I say, look I'm going to disqualify myself. My first feeling about it was that when you find a friend out there, but he can't forget that he was a judge. It is so hard to get over that. He's still acting judiciously. At one time he ranted off about the noise that people were making in the courtroom, advising me from the floor. I said what about that and then I thought about it. Yes, sooner or later I will disqualify myself. We've gone too far in this case, ready for an opinion.

I don't believe we should quit our jobs. I think that the real purpose is defeated. The purpose of the framers of the Constitution in setting it up for a life job is defeated when you walk in and out of it on personal grounds: you need more money, you quit, and you say that's all right. But you say what are you going to do? Well I suppose I could. What about the other judges that sat? You know that just since January there are three new ones. There is somebody around. There are three new ones just

since January and since Susan (Hon. Susan Getzendanner, U.S. District Judge, N.D. IL, 1980-1987, resigned. Judge Getzendanner was the first woman appointed to the N.D. IL.) stepped down, there are four. Somebody could take it. But no they had to bring somebody from Tennessee and that was selected by Burger. I didn't like that.

CTF: You had known Kerner from when he was a governor?

JBP: Yes.

CTF: And you had known him obviously when he hired you?

JBP: He was my boss.

CTF: Through Campbell's intercession when he was the U.S. Attorney.

JBP: He was my boss in the U.S. Attorney's office when I went into the U.S. Attorney's office at the end of '52. The change over from the Democrats to the Republicans came at the end of '53 and '54 and he left and became a judge of the County Court of Cook County as it was organized then. It had just one judge and that was his responsibility. From there he eventually became governor of Illinois. When he left though, I had understudied under him in the U.S. Attorney's office and became acting U.S. Attorney until the job was taken over by Bob Tieken. Incidentally, when Tieken came on board, why we all got letters giving us 90 days to find other attachments. It was all Democratic and he was Republican with the change in administration. But he, not very long after that, called in, one at a time, four of us who were experienced trial prosecutors and asked us to disregard the letter and stay on.

CTF: You had mentioned that the other day. What are your impressions of Judge Kerner?

JBP: He was brilliant. He was a very orderly man in mind and private. He was, I think that he was dedicated to great concepts in American life. I think that he was determined to see that there was fairness always. This caused him to want to look over cases before they went in. In other words, he wasn't interested in seeing the prosecutor make himself a path of light out of felony prosecution. He wanted the job well done.

When it came to his governorship, I assumed that he was doing a good job. I didn't follow that too well except to talk with him from time to time about his problems. He had me serve on some commissions. I served

as vice chairman of the commission on the World Fair in New York, the Illinois exhibit at the World Fair in New York. The chairman of that commission was -- What is his name, the Lincoln scholar? Incidentally on that commission also was a fellow whom I later became acquainted with named Cab Calloway. He graduated from Crane. I didn't know that he was a Chicagoan.

Then Kerner had me down at the convocation of the Senate, a bill at the Senate, and later when they named a school after me over in Decatur, he popped up just as I did, coming over from Springfield, with his driver sitting behind and he was chauffeuring him, his usual method of driving. I stood there with him and he showed me how to cut the ribbon. Somewhat related to Millikin of course is Lincoln, and I had been in Springfield before on Lincoln at the time of the centennial of the emancipation so I ended up with Lincoln finding an interest in me and I gave the commencement at Lincoln College in Lincoln, Illinois and he showed up for that.

Yes, then for a substantial period of time, I would say for a period of a year and a half while he was governor, regularly once a month he came by and sat and rested so to speak and talked shop with people that he trusted. He did that over at the home of, what is his name, this Lincoln fellow? [Ralph Newman] Anyway it's up here on one of these short streets on the near northside.

In addition, why one of his very best friends was always there who had worked with me with the Chicago Conference for awhile. He was public relations director for the First National Bank. What's his name?

CTF: Norman Ross.

JBP: Norman Ross and I would be there. We would sit around and we would talk and tell about his problems. This was once a month, Saturday evenings, and that went on for about a year, his problems.

No, I also was on the Trotting for Charities Committee. The legislature authorized the setting up of the program by which the race tracks would give the first day or the first six days in trotting to charities and the fund would be distributed by the committee to certified charities according to needs and things like that. I served on that committee. The chairman of that committee was a great man from the World Book. He became the head of Field Enterprises.

CTF: I don't know.

JBP: I forget his name. I liked him so much. He was a go getter and get-things-done kind of guy. He was chairman of that and we met regularly at the opening of each of the tracks. After the opening, the results of the opening came to us and then we designated the different charities and the amounts that they would receive. That went on for a very long period of time. He had me serve on the commission as a trustee of what is it, this thing is called, slips my memory. I'll have to recapture this and just see some of the things that I have, such as the ribbon that you wear under your tuxedo or under your full dress. This is a hall of fame of great Illinoisans so to speak. We helped to select them, actively selected four.

[BREAK]

CTF: This is a continuation of the oral interview of Senior District Judge James B. Parsons by Collins T. Fitzpatrick on July 25, 1988. Judge, you were talking before about the Doran case.

JBP: I forget the names of the syndicate crowd who were involved in it, but it's in the opinion, who were in prison because of it. I remember so well the head guy who was Eugene Greco and he got twenty years out of it. But it's in the opinion. I thought that it was an experience that everybody in the U.S. Attorney's office was looking to have that kind of an experience, trying one of those big gangster cases, and I got it.

CTF: How did you pick up the case? How was it assigned to you? Did you pick it up at the investigation stage before the grand jury?

JBP: Yes, I got it at the very outset. The reason, of course, was that I had, from my other work, worked first with Selective Service, the entire Selective Service file and had tried many cases. I was trying upwards of forty cases a year in Selective Service and some of them were serious cases.

CTF: Those were Selective Service cases arising from the Korean War predominantly?

JBP: Arising, yes, from the draft that was in the 1950's and the reluctance of religious zealots to go into the service so that they were cases involving some ideology, not just meanness or thoughtlessness on the part of the draft inductees. The kind of case that illustrates it is the time when we had Elijah Mohammed's two favorite sons who were picked up. I told you about that?

CTF: No.

JBP: Well you know Elijah Mohammed earlier during World War II, when we were at war with Japan, together with sixty odd members of his men who were members of his faith, were in prison because of their strong dislike for American whites, their belief that what they were doing to blacks in the United States they were seeking to do to the Japanese. The advocacy of the race was the center of their religious responsibility, was very high, and of course the Muslims, as they were called, didn't, those who had grown up in the religion didn't know any better. They didn't realize that the founder of it, Elijah Mohammed, who was a fellow named Alexander Poole, had created this as a gimmick, in the early days over in Detroit. Then they built it up until it spread throughout the country. He was really run out of Detroit, you know. He came to Chicago and made this his headquarters.

But people like his own sons grew up and they knew nothing different. They did not register. They didn't recognize the United States. They called all white persons "devils" and the government of the United States was "a tool of the devil." So, not registering, they had the problem of what to do. I, working with the forty odd men in the FBI who were handling Selective Service cases, had about five or six of them just on these cases. I and they decided that we should try one big push to try to get them to register. If we could only get them to register, we might have some halfway meeting point. If we could get them to register, perhaps we could get them to say that they were conscientious objectors and thus they would be deferable but at least we would get them to respect the law.

So I talked this matter over with General Hershey. Finally he made a visit out here to Chicago to talk about this. He made a stop over. He was going on his way back to Washington from the West Coast. He made a stop over in Chicago and sent for me and I went out to spend an afternoon talking with him at Great Lakes. We decided that we would go ahead and pick up some of the sons of the leaders of this group and charge them with failure to register. And we did. We picked up a fellow named Townsend Mohammed and Elijah Mohammed, Jr. Elijah Mohammed, Jr. was a stutterer. He was really frightened when he was brought in before the judge for arraignment. Who was it but Judge Barnes who would frighten anyone. He stood there in front of him trembling, actually trembling. I walked up and held his hand for him. He had no lawyer beside him and asked the judge if he would continue it until he could get a lawyer. So the judge continued it

until the next day and the next day when the case was called, he stood there trembling again and his lawyer was a large white man, a lawyer from Milwaukee.

This time I stood up beside Elijah Mohammed, Jr. and told Judge Barnes that I would like for him to, if he would, continue it for another day because these people believe that all white people are devils and I am sure that this young man is not going to be represented by the fellow over there from Milwaukee because he would thus be represented by a devil, I suggested. So Barnes continued it another day. That kept Elijah in there for two days.

By that time the thing that I thought would happen, did. A messenger was sent to see me. His name was Brother Lucius. Brother Lucius was able to speak to the general public. He was a communicant for Elijah who never talked with anyone outside of his organization. I talked with Brother Lucius about it. I even propositioned him with the idea that if you will get your men to register, I will see to it that Selective Service says that they can be considered by their local board for religious deferment, that as long as they grew up in the church, that it was to them a religion and was not a joke and be seriously considered for religious deferment.

Of course, in a deferment you have to be deferred on the ground that you do not believe in participation of war in any form. There are two types of beliefs; those conscientious objectors against participation in war in any form and those who were conscientious objectors about engaging in combat. The classifications differ. If it is outright conscientious objector, you were deferred. If you are only conscientiously opposed to participation in combat, then as a civilian you can be called upon to do duty, services as a civilian for a period of two years. Usually that duty would be served in hospitals in the main land. So he said that he would look into it and that meant that I had to get the case continued again. This time it was over a weekend. It was his understanding that all he had to do was to start them registering throughout the country and these two boys up here, the sons of Elijah Mohammed, would be able to be considered as conscientious objectors. I also went through Hershey and got the information down to the local boards that the two local boards that they would address themselves to, that they were to be considered as religious objectors and not this evil people who are refusing to be a part of the service.

Well when the case was called on the Monday morning, the FBI came in and said you have to hold it up for a little bit because we are getting a message from New York

that they are registering in New York and we would like to see what happens. And so I got Judge Barnes to hold it until 11 o'clock. By that time we had the message that they were registering. As the clock rolled around you see, across the board, hour by hour, across the country, they registered all the way across. On that day over 1500, 1500 draft dodgers who had never registered, who belonged to the temple of Islam religion, registered. By 4:00 o'clock that evening, I appeared again and had Elijah brought down from the lockup before Judge Barnes and moved to allow him to sign his own recognizance on the promise that he would go out and register too. And he did. Eventually we dropped the case against him and his brother Townsend.

I, at the time, had an interesting experience that followed that, not very far in time. We were living at 423 East 60th and it was my job on Wednesday evenings to take the laundry around to 61st and down a block to a public launderette and put the laundry through the launderette. That was my family chore. I discovered Elijah Mohammed, Jr. rooming diagonally across the street on 61st Street and coming over and putting his laundry through the launderette too. He said hi. This kid and I talked and we became somewhat friends. He went out to Evanston Hospital as a conscientious objector and worked his turn out and had a good record with Selective Service.

But interestingly in that same vein, I had another experience out of those cases. Elijah Mohammed had a publication called Mohammed Speaks. He wanted to distribute it. He wanted it sold on the street corners throughout the country and particularly around here in Chicago. He needed a newspaper company to print it. What's-its-name's press? Slips my memory now. They are still going.

CTF: The Messenger wasn't it, the Messenger Press?

JBP: No.

CTF: I can remember seeing the sign around 26th and just near Chinatown, right on the other side of the Dan Ryan from Chinatown. They used to have there a big advertisement about Mohammed Speaks there.

JBP: Well anyway, the Chicago Defender agreed to print it for them. I talked with the head of the Defender, John Sengstacke and got him to volunteer to do the printing. We wanted to at least keep in touch with what was going on in the written field as fast as we could know everything that was going on. He hired a fellow. He had one as advertising manager who went over and worked out a deal

with them. He called it sweep up program and printed it on Thursday night. They did the make up, set up, and ran the press and swept up even the last piece of paper after they finished and delivered it. They delivered it in bulk to the Mohammed Speaks office. Maybe that's where you are thinking about on the other side of Chinatown.

CTF: Is that where their office is?

JBP: Yes, I think so. Anyway so he printed this thing for a long period of time. Along the road in this thing, I happened to be a guest of Irv Kupcinet on one of his programs. He had a series of programs called "At Random," believe it or not. Well, I was on "At Random" with Irv Kupcinet. I was on a couple of times with him. I became rather popular. At that time I was doing a lot of speaking all over, especially for high school commencements and college programs and things like that. Also with one of his projects, we worked together a sort of play that we put on called "At Random," he and I. We played it around to raise funds to develop a new [Jewish Old Men's Home].

TAPE 9 (Side 8A)

JBP: So I went on and I brought [the history] all the way up to date including the period of time when they had some program that even bordered on the possibility of human sacrifices and devil worship but a communal organization where all of their money came into the center. He [Elijah Mohammed] controlled everything. If you worked on any job, you really worked for him. Eventually his being moved out of Detroit by the police department, moving his headquarters to Chicago and setting up, et cetera, et cetera in Chicago. I brought it on down to date and then, now I'm jumping my time, year or so later, Elijah Mohammed is beaming his message by radio over 4 or 5 stations into Central and South America. Stations, radio stations that were along the periphery of the United States on a half hour, twice a week program.

CTF: Who was the audience from Central and South America, was it Indians or Hispanics or Black Hispanics?

JBP: Blacks and Hispanics. Along came the U.S. Information Service, the government, and bought this half hour of me and Irv Kupcinet. Actually I had accidentally started out talking and continued without interruptions for twenty minutes of that half hour. Irv Kupcinet may have suggested it to them, I don't know. But you know when you are on a program like that, when you go in, you sign away

your rights and they get your signature before the program begins. So I didn't own it, couldn't have refused it, and the government picked it up and threw that on the next half hour between each of those broadcasts. Whereupon I really became the devil's angel, I was worst than that I would say the devil's handy boy. I was the "white folks nigger" and that was punishable.

Eventually they were coming up to Savior's Day. Savior's Day was the third Sunday in February of each year. That was for the Muslims what they called Savior's Day. It was dedicated to Elijah Mohammed, their savior. It was on that day that his ministers from his different mosques throughout the country converged that weekend in Chicago at an annual convention, so to speak, to hear the messages of Elijah. But on Savior's Day that Sunday morning, they laid their gifts, their money gifts on the alter in front of them and decided, the decision was made that I should be brutally punished. The responsibility was turned over to Malcolm X who was a young upcoming and reliable lieutenant on this team. All I knew about it was that when I was told, "look throughout this weekend, we want you to stay right in your apartment, we want all your family to stay in your apartment until this thing blows over."

CTF: When is this, Judge?

JBP: We are talking about the later part of February of about 1955, somewhere along there.

CTF: So you were an Assistant U.S. Attorney at the time?

JBP: Yes. My bailiff stayed and moved into the house, named Ted Cotton. My family, my wife stayed home from work on that Friday and my son stayed in. We all stayed in. I don't know whether I had my adopted son there or not. We all stayed in. And it was hard to stay in.

There were three agents inside the apartment with us, all that Friday, Friday night, and that Saturday. All the time we were in, we could see on the outside. Incidentally, the agents went out and did the shopping for us and for themselves too. We could see on the outside city police squad cars parked around the building. Well fairly safe, bored as hell from staying inside all Saturday.

Sunday morning, I looked out and I saw a couple of the squad cars pulling away. I thought they would be replaced, but they weren't. Then I saw another one pull away. I got concerned and I talked with the agent, one of

the agents, or the agent in charge and he said let's check it out. They got me on the phone and they told me that earlier that morning, you may have noticed, that some of the cars were pulling away. But earlier that morning Elijah came down into the meeting of his lieutenants and said that he had had a change of plans and he said, "let him alone. Let him alone. I may need to use him someday, just call him an Uncle Tom," talking to Malcolm X, "just call him an Uncle Tom," in his speech that morning.

At that time they had already attacked and brutally beaten a reporter for the United Negro Press in New York just a few weeks earlier, and I was concerned whether or not this really was going to take off on me. I understand that the FBI was in the meeting. They were there by way of an informant. So they pulled away.

There did come a time later when I was able to be of some service to a fellow by the name of Burg who was a feature writer for the New York Times. He decided, because the pressure had been growing for elevating the image of blacks in the United States, he'd do a series on great leaders, black leaders in the United States. Somewhere along the way, I had read a couple of the items. It was a weekly. He was going to do ten or twelve items in a row. I had read about one or two of the items. I got a letter and a telephone call from this fellow Burg and he said he would like to interview me. So he came on out to Chicago and I explained to him that I was not the kind of person to be a leader in this situation. That I thought that a really important leader, though I didn't agree with his philosophy, was this fellow Elijah Mohammed. That he might be on the threshold of changing his philosophy, a little bit more cooperative with the American scene.

He said that he'd thought about Elijah Mohammed but as you know Elijah Mohammed has a rule that he would not talk with a white man and he has to talk with him, he has to interview him. I said, "well maybe I can see what he can do, maybe he is. I understand that he's out in Phoenix, out in Arizona because of his asthma. His home, he has a big house out there and that maybe he will let you interview him." I called the Defender and talked with a fellow who was circulation manager who had this contact with Mohammed and was printing Mohammed Speaks in the Defender building and told him what the whole thing was about. He said, "well look Mr. Parsons, why don't you just stay right there and let me see what I can do." It wasn't long and he came back on the telephone and he said that everything was set up. He talked with Elijah and Elijah Mohammed said that he would be pleased to be one of

those in that group and tell Mr. Burg to come on out, right away.

So Burg left me and flew into Phoenix and after a few days he came back by way of Chicago and came to see me and thanked me. He had his article. He had the information.

He described his visit as a most exciting, most interesting thing. He arrived there. He called the number that he was supposed to call when he got in town. They told him where the reservations had been made for him at a hotel. He went there. He was picked up by a limousine and carried the next morning to Elijah Mohammed's palatial place and there he was allowed to put his tape recorder, like a suitcase, on the desk, on the table, and sit on the other side and Elijah Mohammed recounted for himself all through that whole day and the next morning he continued on. He asked questions and Elijah Mohammed gave him answers, he was very courteous. He was a little afraid because there were giant black bucks standing at the various entrances into this room and there were guards at the doors as you walked in.

But even so an interesting thing happened. He ran out of tape the second morning and he was told that's all right, I am taping this too. He didn't see any mikes. So when they got through, why they gave him a tape of what had gone on it. So he said that he was already set and he had his article for the next week for the next edition. He flew on into New York and it was a couple of weeks and the article appeared.

But another thing happened that came about even later. By that time I was not working with Selective Service. But at the same time I was a sort of big shot in the black community because of my image. I was in the press all the time. I took cases that were assigned to me. I took one case after another in the U.S. Attorneys Office that drew a lot of press. Bob Tieken was the U.S. Attorney. He had kept me and a few others on as, what we were called, experienced trial attorneys. He turned these big cases over to us. Ed Calihan, if you remember, was one of them.

Well I was invited by a fellow who had a background of excellence in writing, a black fellow named Roy Otley who was also a writer for the Chicago Tribune. I had lunch with him. I went to lunch with this fellow Otley and I went over and he carried me to a lunch room that was frequented by the Tribune people. I think it's in a building that the press personnel frequented, the building just across Illinois Street, that goes down under the

bridge under the Tribune?

CTF: I'm not sure.

JBP: Just on the north side of that street, I had lunch with him. Then a very prominent black lawyer who was the attorney for the Muslims. A brilliant lawyer, I don't want to use his name here. He later became a judge. Then eventually they told me about a proposition. They explained to me that Elijah Mohammed had all these properties in which the people lived and for which they paid money into this trust. He had the farms out of which the food that they ate and the milk that they drank came, from which all of that came. That doubtless his personal income was somewhere in the range of a couple of a million dollars a year for which he was paying no taxes. But if I could get Washington to set up a tax case, Roy Otley could have more to write about, a real thrilling series of stories and with his background in the Muslims, anyway he knew about everything anyway, and the other fellow would have a job representing him in the court. That hit me. I finished the lunch in great style and pleasantness and turned back to the building really insulted and feeling, no matter how bad Mohammed was, he wasn't nearly as bad as either of those fellows.

Tieken said, "Look Jim, why don't you fly into Washington. You can do it yourself." He said, "I can go in but I'll tell them that you want to see the Criminal Division in Washington. You're going in." I went into Washington. Then I was working on other cases at the time and I knew them in the Criminal Division and I explained to them and suggested that they follow a procedure that had been followed by the Internal Revenue and the Tax Office of the Attorney General's Office, Tax Division, Attorney General's Office, in cases of Daddy Grace and Father Divine. They waited until they died and went against their estates. I asked them if they wouldn't do that. They agreed to do it and they did.

I know finally when it came after his death to Chicago and his estate, a good friend of mine who was a black attorney, one of the top attorneys in tax, Internal Revenue here in Chicago, he left Internal Revenue. He picked up his packet and with that he sold himself a position with Sidley & Austin. I remember so well how his enthusiasm ran and he said, "you know Jim, I am going to be seeing the top man there this afternoon. He wants to talk with me about what I am going to receive in the way of salary and about my staff, what I need in the way of a staff. What do you think that I should ask for?" I asked him, "what did you plan to do?" He said, "well I'm

getting \$35,000 and I should, I think that I should ask for \$40,000, maybe \$45,000, don't you?" I said, "why don't you just start out doubling that, ask for \$85,000 and then let him bring you down. You know how far down you can go. In the middle of that afternoon, I got a call and he was on the other end of the line, just shouting, "It worked." When he ended up in the top man's office and they told him, "look we are going to talk about your staff and about your salary, what salary do you think you should have?" He said I told him, "well, I think about \$85,000" and he said, "well that's all right, now what about your staff?" Didn't even quarrel about it.

The only reason was that they had this representation in this case as part of his portfolio. So it has been with the Muslims. The Internal Revenue did wait until afterwards. Unfortunately, there hadn't been in this family of children any brilliant persons and so there was no one to continue the leadership, or heredity, after his death, or even during the later part of his illness. Eventually this fellow came along from out in one of the temples, outside of one of the temples, and started waging war for the leadership in the Muslim group.

CTF: You mean [Louis] Farrakhan?

JBP: Yes.

CTF: This is an interesting aside but Farrakhan who also took his cue from Elijah Mohammed's earlier rallying against the white devils, lived in my neighborhood, Beverly Hills, and lived there for a long time until the church bought a parsonage over in, I think in Kenwood, or in Hyde Park. But his kids went to the local public school with all the other kids.

JBP: He changed the format around.

CTF: Yes.

JBP: Back to the latter part of my working in the U.S. Attorney's Office, I went with Treasury cases. Treasury agents began reporting to me their cases. Others came along and took over. The draft pile began to play down. When I picked the draft pile up, when I went into the U.S. Attorney's Office, it sat at 1600 and even after I left to go. I think I gave the draft pile to Bill Hart who came in and second chaired me through about sixty days, Judge Hart. Another who came in the same way, I don't know whether he came before Bill or after Bill is John Grady, he second chaired me. I told you about John Grady?

CTF: Yes, you told me about him getting identified as a defendant.

JBP: Yes, as Worhowski. In the Worhowski-Porterfield case. So I was not listed in any of that anymore. I was with Treasury cases. One of the delightful cases was a girl. We were just a few hours behind her cashing her counterfeit checks. Right in behind her, following, picking them up and the agents let me go with them. Those agents were interesting. They allowed me to watch them. I didn't do any investigating, I just went and watched, just to see how it was done. I had the experience of watching some FBI agents once in locating some people hiding in the bushes, coming out with them as they raced out and grabbed the people.

So I was with Treasury for a while but I ended up with the necessity of working with Internal Security. It became a really serious problem in the United States because of the growth of strength and power of the underground Communist movement, underground, totally underground. So it was decided after some investigation that they would prosecute the leaders in the midwest of the underground Communist movement as they would be prosecuting in the east and the southeast and out in California. The leader in this area was a fellow named Claude Lightfoot. U.S. v. Lightfoot, 228 F.2d 861 (7th Cir. 1956), rev'd 355 U.S. 2 (1957). He was a black.

To select somebody for this, the FBI asked for a special attorney, a special one of us. Four of us were given to them to make the selection from the four. Tieken named the four and he said, "which one?" They put the four of us out for an intense check, background check, which was far deeper than any that had been done on any of us and as a result of that background check, I was selected. So then I left all the rest of my work. An agent came here, special agent came here from Washington. A special Assistant U.S. Attorney General came in from Washington and they moved in, practically moved in with me. The first thing that happened was that I became a student. I had to learn what communism was all about. I had to read. They gave me literature to read, books to read. They gave me questions and answers, even gave me tests. I spent five weeks in intense study, doing nothing but studying and reciting and answering questions and studying and answering questions. At the same time, they were investigating and setting up the investigation and investigating Claude Lightfoot who was the head of the Communist Party here.

Also that meant of course using some informants, some

paid informants. There is a difference between an informer and informant, you know. An informer is a person who just tells them about others. The informant is a paid, hired person who goes in for the purpose of getting the information and comes out. He's on salary.

The informant in this, one of the informants in this one, is a fellow from Detroit. I got to go with them on several of their trips. They went and interviewed him, and got materials from him and sleuthing around, watching them, just going around watching them. Eventually it was time to return the indictment.

There was another angle that was going on at the same time that gave me trips in this preparation, gave me trips up into Michigan, in the areas of Michigan where I had been vacationing, had spent time, summer after summer, in and about areas up there. So also this gave me trips into Milwaukee.

There was a fellow named John Joseph Killian. John Joseph Killian was a graduate of the University of Wisconsin and then by way of that he was a student organizer at University of Wisconsin in Milwaukee and he was working at the Allis Chalmers plant and was an organizer within Allis Chalmers and was building his hierarchy through the workers in Allis Chalmers. So we had the experience of getting up there and talking with, not only the agents, the rest of the agents up there from this group, but also with their informants. And then being able to see the plant under cover of night, so to speak, so as to visualize the location of everything that was going on. That accounted for several trips to Milwaukee while we were working similarly with the background of the Lightfoot case here. There were places where he had operated his underground functioning up in lower Michigan.

CTF: What particular area in Michigan?

JBP: The area around Covert.

CTF: What did they, what did Lightfoot do up there in particular, just organize?

JBP: Yes, he used that for a meeting place. So eventually the case came off, went to trial.

CTF: What was he charged with?

JBP: A new statute, overthrowing the government by force and violence.

CTF: The McCarran Act.

JBP: Advocating the overthrow, yes, the McCarran Act. Advocating the overthrowing of the government of the United States by force and violence. Activity with intent to do that and with intent to bring about the overthrow, not only doing it but with intent to bring about the overthrow. Well, so I lived with the Lightfoot case and right on into the trial of it and the press every day. The publicity on it was very much like the Summerdale case, very heavy. I have clippings and clippings on that one.

But that was because of those cases, I suppose, that my name was prominent enough to cause them to suggest as they did in 1958 that Daley asked if he could meet me and I was introduced to him at the suggestion of John Sengstacke by a fellow named Willard Townsend who knew Daley very well. Willard Townsend was a member of the AFL-CIO top hierarchy and was head of the Red Caps Union.

Incidentally, when I married, I moved into the apartment that he had had, 423 E. 60th. He was a friend of my late wife's mother's family. This was during the recess, the holidays between Christmas and New Year's, 1958. In November there had been an election and a fellow named Sain who was Warden of the Chicago House of Corrections was elected Sheriff of Cook County to take office on January 1st.

I was taken in to meet him [Mayor Daley] on a Saturday morning. There weren't many people around, but there were a few people there in City Hall. I'd never met him. I'd never seen the Mayor's office. Willard met me outside and then we went on in. He was very nice about it. He had two advisors in there. One was a fellow named Irv Cohen, who had been in the U.S. Attorney's Office, who had the Selective Service file, who turned those files over to me when I went into the U.S. Attorney's Office in '52, but stayed on after the election and change of office in '52 or was it '54. Yes, because the Republicans took over.

CTF: '52 was when the Republicans took over.

JBP: Yes, well anyway the change of office.

CTF: Well, '52 they were elected, in '53 would be when they took office.

JBP: Yes. Then Kerner resigned and became County Judge. He stayed on as Acting U.S. Attorney, Irv Cohen, and then

when he left, he became chief investigator for Mayor Daley. He became chief investigator. He was in there. And then there was an older man in there. I had read about him because I had noticed his name in the paper, who had been hired by Daley as an advisor. He was a former professor at the University of Wisconsin. Then he had left the University of Wisconsin and had followed Dykstra who was a great advocate of city managers, as city manager of Cincinnati. He had retired from that over these many years that had past and was a retiree, living on his pension in Chicago with his wife. His name was Doctor Hayler, Fred Hayler. Well, I recognized him and I didn't. We got our names together and when we were meeting there in the Mayor's office, I discovered that I had been a student of his when I was at Wisconsin back in the '30s, at the University of Wisconsin, Fred Hayler. And of all things, I had taken a course in municipal corporations and taken another course on municipal finance under Fred Hayler, summer courses. So we sat there and we talked about it and then the Mayor said, "well here's what I have and here's why I wanted to meet you. Mr. Sain is leaving that office as Warden of the Chicago House of Corrections to become the Sheriff on the 1st of January and I wanted to elevate some of your people in my administration and I wondered if you would like, and I would like for you to have and I think with your background you should do a good job of it, the job . . ."

CTF: This is, Jim, where you would have been walking into a hornets' nest, right?

JBP: You mean with Daley?

CTF: No, at the House of Corrections.

JBP: I would have been, yes. He wanted me to take that job. I told you about this?

CTF: Yes, I think we got that portion on it.

JBP: Where Fred Hayler was given the job to clean it up for me and I went back to the U.S. Attorney's office. Then he got caught. Clean man, it was tragic to have him get caught in that situation. I might indicate that all along the way, I had developed a friendship with a fellow who was a night editor of the Chicago Daily News from the time when the Daily News was located over on Wacker Drive. You don't remember that?

CTF: No.

JBP: The Daily News Building was a big building on Wacker Drive

and Kerner had sent me over there to meet this fellow to explain to him why I was doing this to some of my cases and try to get him to soften his criticism of the U.S. Attorney's Office about these cases. I met this fellow who looked at me and took an interest, discovered that a newspaper had sent me through college and took me down to show me the press. I had never seen presses, a string of roller presses like there was in the basement of that building, I had never seen anything like that. He took an interest in me and went further to invite me to his house. So I and my wife became very good friends, Ward Cahill and Ginny Cahill, his wife. Magnolia Street, have you ever heard of Magnolia?

CTF: Yes, I have.

JBP: 40 or 4100 block north on Magnolia is where the Cahill's lived. Shan't forget them. This guy Ward Cahill and I became very good friends. All the way up through the time when I went into Washington and was interviewed with the Senate for this position. Ward went with me on that. Ward picked up on this thing about what was going on out there at the House of Corrections. He was a great advocate that there should be only one city-county jail and not a House of Corrections and he editorialized that issue a great deal. So I left it alone and forgot about it.

TAPE 10 (Side 9A)

This is an oral history tape of Senior District Judge James B. Parsons for the Northern District of Illinois. Collins T. Fitzpatrick, Circuit Executive for the Seventh Circuit, is conducting the interviews. The date is July 25, 1988 and we are in Judge Parsons' chambers.

JBP: Back to the Lightfoot case?

CTF: Yes.

JBP: The only thing that I remember very seriously about it, of course, and these are the high spots. My going to the courtroom and it was Judge Sullivan who was the judge and the woman sitting and standing beside the door, I didn't know who she was, was Mrs. Lightfoot. For the first time that I supposed it ever happened to me in my life, the woman swung and hit me as I was going into the door and knocked me into the courtroom. The marshals ran over, nothing came of it. I could understand her being mad at me. I don't remember what dirty words she called me, but she called me something. But I do remember the incident. I remember that one of my professors from the University of Chicago Law School attended the trial off and on during the trial and I thought that he was unduly interested in it. His name was Sharp.

CTF: Sharp?

JBP: Malcolm Sharp, is it? Professor Sharp. Later, and you must understand that Lightfoot was represented by an attorney from Detroit, who is now a prominent judge in Detroit, a black attorney, and by the General Counsel for the Communist Party of the United States whose name is -- slips me, I'll get it later. But I was just interested in why is Malcolm Sharp attending the trial off and on. Later, much later, I know why. First, what had happened was that he asked to appear amicus curiae on behalf of some organization and he was told that, look the case hasn't been tried yet. The judge said, "amicus is a friend of the court. It helps the court with the law. But if we don't have the law before us, we have to have the facts to know what to apply the law before we can decide what law applies, you're premature." Then he waited until the trial was over and then he asked to appear amicus curiae and this was after the jury had come in with a conviction and the motions were made after the jury rendered the verdict. He sought to be amicus curiae also, at which time he was told, "Look, do you have your brief, you don't offer to do something like that until you have the material to examine." Judge Barnes, or was it

Judge Sullivan?

CTF: Sullivan.

JBP: Sullivan. Then, finally he did the brief and then he was told by the judge that I don't need any friend of the court, but he never developed his brief all the way through. Printed it and everything else. I have that somewhere in the closet.

Highlights in the case: the press was generous, I thought, with me. Criticism was high in the black neighborhood. The Defender was loyal to me which held criticism down quite a bit. It wasn't bad. I think that wraps up the Lightfoot case. Is there any question that you need to ask me?

CTF: What was the outcome?

JBP: Convicted.

CTF: How many years?

JBP: I think, if I'm not mistaken, five years.

CTF: What happened to the --

JBP: It was reversed. Not because of the Lightfoot case, but because of the technicality with the law and the requirement as they had originally done way back in the days of Screws, if you remember, why was Screws reversed. Because it was "special intent" that [Justice] Douglas said that it should of had and should have proved: that their work had the special intent to bring about the overthrow by force and violence not just to bring it about.

CTF: Now, did you ever prosecute any of the cases coming out of Milwaukee.

JBP: Yes, I did the Killian case. I prosecuted the Killian case.

CTF: Was that a McCarran Act case?

JBP: Yes, that was before Judge Win Knoch. Incidentally, I was affirmed in the Killian case but I had the benefit of my knowledge about the Screws case, I was able to prove very easily what I could have proved in Lightfoot. The Killian case was intriguing and interesting because it did involve intellectuals and it did get me off of this matter of a black man prosecuting a black man.

CTF: Was that tried up in Milwaukee?

JBP: No, it was tried right here.

CTF: Now, you started to go into a little bit about your work with the Treasury Department and I take it --

JBP: I argued the appeal on that and on the appeal, the court sat up in Milwaukee. Hasn't this court sat in Milwaukee?

CTF: Not very often.

JBP: I think they sat up there on that case on appeal. What was it you were about to ask?

CTF: We had talked at one point a little bit about the Doran case dealing with the counterfeiter and you mentioned in the conversation so far that you had a close working contact with Treasury people. Is that what led you to the prosecution of Doran?

JBP: Doran was a check case.

CTF: Counterfeiter?

JBP: It was a counterfeiting check case, believe it or not. That's the route that it took to become that kind of a case as it involved counterfeiting checks. There was this organization, the syndicate by which they used cabbies to latch onto conventioners who were coming into Chicago for conventions and wanted to have a good time. And to take them from place to place but eventually end them up at one place where they then were preyed upon by the girls who utilized their talents at getting them to spend their money until they'd spent out, and then showed them that because you've been such a wonderful patron, you just buy anything you want and write your check. So then they would write their checks and then before they could get home, those checks had been duplicated so perfectly that they were not discernible and those checks had gone on back home and had depleted their bank accounts. This is the Doran case. It was an intriguing, interesting kind of case.

CTF: How many defendants were there?

JBP: Oh, if you let me grab the paper, I can read them off for you.

CTF: Okay.

JBP: Ray Shift, Doran, Grieco appeal their judgments on one

ground. LoCelso appealed from the judgment that held him guilty on another ground. There were four. LoCelso was a cab driver. Grieco was the owner of the 24-hour Shopping Center. Abbrescia was the manager and Doran was the one who got twenty-five years. He was the counterfeiting architect, the artist.

CTF: But basically how this probably came to the grand jury was complaints from out-of-town conventioners that they were getting billed for things that they didn't purchase.

JBP: [Reading from the opinion at page 513.] "Cab drivers would seek out nightlife-bound visitors in Chicago and drive them to the Show Lounge. There they would be drawn into the net of an unlawful scheme by companionable female employees of the lounge." [Judge] Kiley got a kick out of writing this. "The unlawful aim of these companions was to exhaust the cash reserves of the victims and aid in inducing, as quickly as possible, drunkenness by means of frequent or spiked drinks. Once out of cash, the victims were induced to sign checks already "made." Once written, the checks were used as models for tracing forged copies. The copies were then used in various ruses to induce the writing of additional and substitute checks. First endorsements were generally fictitious to give the appearance of genuineness and to conceal the culprits. The checks were negotiated to persons like Grieco, and institutions like the 24-hour Shopping Center that he owned having bank accounts as they did. The checks were deposited in the accounts and thus placed in channels which led to the mails, eventually to the drawee banks," not only "in Illinois" but in "other states."

LoCelso was a cab driver; Grieco owner of the 24-hour Shopping Center, whose bank account and his own were at the Merchants National Bank in Chicago; Abbrescia was manager of the Lounge and Doran his assistant."

There was another, Harris, and Schulman. They didn't appeal. DiDomenico died pending the trial. Korbos was dismissed before the trial. When it came to the problem of the fellow Schulman in the trial of the case and the arguing of the case, I used a tactic, I invented I guess, in my closing argument. I asked the jury to maybe just bring one count in on Schulman because he was just on the inside a little bit. He wasn't like this other guy, he wasn't like the other guy. I made my closing argument a plea in abatement for Schulman and that sold the case to the jury. They convicted Schulman too. It at least sold the case to the jury.

CTF: But only on one count?

JBP: Yes, I was hoping that he would get probation anyway. He was just a borderline defendant. It was fun trying those things, those tactics. So it was the Doran case.

CTF: Moving along. We talked about the Summerdale case as a state judge. But then as a federal judge you had a couple, you had Miller v. Gillis, [315 F. Supp. 94 (N.D. IL. 1969)] the long hair case out of the Barrington Consolidated High School.

JBP: Yes. I talk about the little girl who said, I asked her the question of whether they tell her in school what is meant by democracy. She was the head of the student council. She said, "majority rules." I asked her did they tell you anything in school to the effect that in certain things the individual is so important that he becomes a majority and the rest of the whole United States are the minority. That he is the majority. "They didn't tell us that." It's tough giving a definition of civil rights.

But you were telling me about the cases.

CTF: Well that's one that was a big case early on.

JBP: Yes, you mean

CTF: Precursor of Tinker.

JBP: Yes, I think it was interesting that he came out of Barrington, Barrington Consolidated High School, a very fine high school, a good school. There was a very fine relationship between the students and teachers and faculty out there and, that as it should be, also with the Parents Teachers Association, the parents. That this young man who stuck by his rights. It wasn't a matter of his hair being dirty, falling into or over the food of the classmates or something like that. That is the way he wanted to wear his hair. Then when his brother took the stand in his reserve uniform and took off the net that he had on his hair, his hair fell down on his shoulders too. He was allowed to wear it in the military with a net on it, tied up.

The school was behind times. There are certain things that go over the borderline. But certainly, this didn't. Their dress code was rather severe. It was almost like the dress code of a boarding school where everybody dresses alike. But it was somewhat of a pattern for the country. It was the way the best schools were being handled throughout the country.

Now the questions is have we gone too far? Have we given too much freedom to the children? I don't know.

It wasn't long ago that I entertained some students here, during Law Week of May, is it?

CTF: May 1.

JBP: I had one boy who was from the school out on the West Side called Westinghouse. He was a little black kid, slight of stature, who had very good speech, decent attire, and very respectful. I took him to lunch with me downstairs in the cafeteria floor and into the judges' meeting room and there were three other judges seated, two other judges seated at the table, they invited me and him and we came over and sat with them. He handled his food well. He even handled his hands well when he was conversing when they asked him questions. One of the questions they asked him was how bad is the drug thing at your school. He said about half of the fellows are going into it. Some of the girls. You mean using it? No. They're moving it. Some of them are using beepers.

I didn't know about beepers until the next issue of Time magazine told about beepers that children were using in school. Run to the phones on the corner and make deliveries around the corner to cars as they pass in front of the school, behind the school, and inside of it. The parents themselves are pleased to get the \$300 and \$400 a week that these children are bringing home. You can swing that pendulum too far in the other direction too. But that's neither here nor there.

CTF: Occasionally we will see a case, I saw where Thornton High School just banned beepers on kids at school.

JBP: Really?

CTF: Yes. High school students can't have beepers and I take it that that's been done across the country in many school districts. But it was news to me.

JBP: Why should they have beepers in the first place?

CTF: That's right.

JBP: I ran across my first doctor with a beeper, Dr. Amico who was looking at my spine. He said, "look, would you dial me and then after you hear three buzzes, dial your number and push this add figure and hang up and I'll call you back as soon as I can get to the phone." That's how it worked. That's how we've been dialing him from the office

here. I'd never used one before. I'm old timey.

CTF: What about the Monroe v. Pape [221 F. Supp. 635 (N.D. IL. 1963)] case?

JBP: There is a real tragedy. But it's a tragedy of the obtuseness that accompanies law enforcement agencies for a long time until they can catch up with themselves. Our law enforcement agency was very, very obtuse, in this respect. Pape was a head of an investigative unit in the Chicago Police Department. Monroe was a man who was out of prison back home, lived in a house not too far out there on the South Side, a two-story house. A woman who had been robbed, I believe, I don't know if there was rape involved in it or not, a white woman, had been shown mug pictures that they had and she selected the pictures of this man, named Monroe. So they knew that was the one that they wanted and plotted to get him.

Pape and his plainclothesmen decided that the time to enter was at a certain time after midnight. They went to this address. Some went to the front. Some went to the back and knocked on the door. A little boy came to the door and they said, "Where's your father?" He said, "He's inside," They walked in. They found Monroe and his wife in bed without clothes on. They got them up and lined the children up beside their naked parents and then proceeded to go through all of the drawers and everything looking for this whatever it was that they needed that was evidence of the crime.

Then they took them on downtown. The children were taken too but they weren't locked up. Finally, when the next morning and late in the day she [the white woman] came and she saw him in person and said, "That's not the man," so they took him home. I don't know that they even apologized. He sued and I think it was an illustration of just how far police work has gone in many, many instances without proper constitutional cause. Many is an incident of a man, maybe he's a good boy or bad boy on Saturday night being, just stopped on the side of the street by policemen who searched him, searched the car and then told to go on his way because they didn't find anything.

But these things are rectifying themselves slowly. But a large city police department doesn't improve overnight. It takes one case after another for them to change. I got the case, of course, when it was sent back for a retrial. So I tried it and I got all of the evidence, all the information went in, and I went back into the law with relation to civil rights, the right of the individual, due process, equal protection. I think

that the instructions that I gave to the jury were the result of hard work and examples of instructions which should be given in a conspiracy case. But it's published.

CTF: Another case -- from what you have said, that's interesting because Jerry Solovy from Jenner & Block, I think, represented both Monroe on the retrial as well as Whitherspoon.

JBP: Yes.

CTF: Maybe you can talk a little bit about the Whitherspoon case.

JBP: Whitherspoon was a drunk and his arrest occurred there on South State Street in the area between the police station and the Pacific Garden [Mission]. But the arrest isn't the story. The real story is the selection of the jury that brought in a guilty verdict, the result of which he was sentenced to the electric chair. I think that the story is still there, the question is still there as to what constitutes a fair and impartial jury and what constitutes a venire in which a fair and impartial jury can be selected. We're just touching it a little bit in our court of appeals cases where right now, quite recently, where we recently determined that for example, a person can't claim Des Plaines as a community in which he lives, as a community from which a jury can and should be selected.

CTF: I just read your opinion in that this morning.

JBP: You did?

CTF: Yes.

JBP: You mean in the Des Plaines [Davis v. Warden, 85 C 4120 (N.D. IL. Feb. 24, 1988), rev'd, 867 F.2d 1003 (7th Cir. 1989)] case?

CTF: Yes. I was working on setting the calendar for the court of appeals and I read that one. There is also one out of Wisconsin in which the state trial judge in a murder case basically would ask people if it would be an economic hardship if they stayed around for this trial and let a lot of people go because of that and a lot of other different reasons and the question there is whether or not that's a fair selection of a representative jury. Slightly different but it's in the same vein as your case involving the Des Plaines murder.

JBP: Yes. Well, strange it is that we are still working with

these cases, but the thing that we don't realize is that police departments are not that old. They don't go back in history as long as police work goes back. I think that our first police department in the United States was in 1821, New York. So we're talking about something 160 years old. Before that, of course, why everyone was a policeman who took his turn to do the work and before then there were no policeman except those that the rich hired. The military involved the center of government.

This whole police thing has grown very slowly and our Marshal system, our bailiff system with relation to the courts, just goes back about 400 years. They had no great departure from what they started out to be in the first instance. But the law has had to develop up around it. Now, we're beginning to ask questions, is this or is this not police work. Questions, serious questions. What is the responsibility of the prosecutor, the government's prosecutor with relation to his arresting officer, the arresting personnel? What is his responsibility with relation to the FBI agent or the deputy marshal?

You had a case on appeal that I had. You had to walk in, break in, in carrying out a copyright seizure, emergency seizure under the new copyright law. The Sixth Circuit has cases in this situation. The U.S. Attorney was faced with whether or not to send somebody in. He had to represent the policemen, really, the marshals, the deputy marshals, so to speak, in the question of a rule to show cause why the owners of the businesses should not be held in contempt for obstructing the marshal. They decided just yesterday morning that no, they would suggest that I drop that rule to show cause and they would decide whether or not to indict under the straight statute, under the older statute, and to proceed under this new one. So we're in growing stages.

CTF: Getting back to the Whitherspoon case. You had it. Did you have it from the original habeas?

JBP: Yes, from the original habeas. It was a state case of course. I appointed Solovy.

CTF: Was it a pro se then prior to this?

JBP: Yes, I appointed Solovy and he went to work on it. I was pretty pleased with the work that he did. At the same time I thought it was an important enough case that I should like to see it thinking of a better source of justice than myself. So I ruled against him so that he could appeal. Then his firm put their own money behind it and proceeded all the way to the Supreme Court. Because

without that help, they would have never gotten that far. We needed the Supreme Court decision and we got it. The result, of course, was a number of people on death row in various states, held up, and a good look has been taken, not only at the civil rights issues that are involved in those cases, the jury selections involved, but also in the equality of sentencing, in announcing the selection of sentences for the people. I was not involved in this Illinois case. Now we have how many states have started doing away with the death penalty altogether. Eighteen or nineteen, aren't there?

CTF: Yes.

JBP: One of my interests was in not pursuing too much criminal law. It grew out of working with the grand jury while I was chief judge, because all of my prior work had been with criminal work. Criminal prosecution and big criminal cases that I tried. And subsequent to that I had this experience with the grand jury and I decided that as a senior judge, I could perhaps had better let criminal matters go to the wayside.

A big question came to mind just the other day as an emergency, I tried one of these cocaine cases coming out of Nigeria involving a college student and she lost. She was convicted and I sentenced her to thirty-six months and this was before November and the indictment was before November of last year so that the old law applied. But I tried to see if deportation would lie back to Nigeria so I took the chance, with some study in it, I also ordered her deported. I finally realized that now she comes back before me to reduce the sentence and I looked into the report from the Parole Commission as to what amount of time she would have to serve. It turns out to be about thirty to thirty-six months. They wanted me to reduce, and the statute provides that I can reduce below that and I asked why. Her attorney says, "Because, Judge, no useful purpose is going to be served. You are just spending the government's money." Why isn't it? "Because she's going to be deported." Why? What message are you sending back? Are they getting the message? Do they hear about it? Will they know about it? Who are you telling?

CTF: Yes, no penalty. Well, I mean she had to, she probably wasn't a United States citizen in any event.

JBP: No, she wasn't.

CTF: So she had to go back to Nigeria at some point and anybody who comes over here --

JBP: If it is deterrence, she's not going to run back to Nigeria and brag about what she did over here. So the deterrent effect won't be there. The Nigerians, nobody is drug testing it around here. Well, what other purpose is there in sentencing? You tell me.

CTF: Well, see I think that there is a deterrence there. There is certainly a specific deterrent.

JBP: It deters her.

CTF: Deters her and it makes her less likely to come back to this country as we know many immigrants have done.

JBP: After they have been deported.

CTF: Right, and engage in that kind of activities. And probably --

JBP: You mean they can come back here?

CTF: Probably dissuades her from going to some other country and doing the same thing.

JBP: Yes. Well --

CTF: Well, we're a world community now.

JBP: It's a big problem, and I am glad I can get through the rest of my career without too many of those.

CTF: Talking about the grand jury matters, you had a lot of grand jury matters as the chief judge, probably the FALN was one of the ones that used up a lot of your time.

JBP: Yes. The Archuleta case came at a time when the question was how do you use the lock-up to force people to do what you tell them to do before the grand jury. How do you make them obey the order that they give a sample of their handwriting or that they identify an object or that they testify, not about themselves, but somebody else. How do you use the grand jury for that purpose and then how long do you twist their arms to try to make them obey.

Archuleta, I twisted his arm to go all the way up until he almost ran out of the time, the maximum time you could keep him in. It was not as bad as the son of a prominent lawyer, he was a lawyer that I once knew who was here in the lock-up because he wouldn't testify. Wouldn't testify because it was against his principles to testify against his family. I kept him there for a long time. He came back on motion to be released, to be let out. Over

month after month, he came back and argued his case. I held onto him until he changed his mind, until I became convinced it wasn't going to do any good. He wasn't going to change his mind, the time was going to run out, and he would have to be turned loose anyway so I turned him loose. But Archuleta, that was a real case that was about how long you hold on to them, twist their arm and make them tell.

Next time I'll tell you the facts and the story behind this bomb factory here in Chicago that these FALN people were developing and maintaining.

TAPE 10 (Side 10A)

This is an oral history tape of Senior District Judge James B. Parsons for the Northern District of Illinois. Collins T. Fitzpatrick, Circuit Executive for the Seventh Circuit, is conducting the interviews. The date is Wednesday, December 8, 1988 and we are in Judge Parsons' chambers.

CTF: Judge, we were going to talk today about some of the cases that you had as a judge. You were just mentioning about the grand jury cases as chief judge.

JBP: Well, I became chief judge in 1975 and it carried on until 1981 and during that period of time we had the beginning of a great deal of grand jury investigative work. I think that the decisions that we rendered, none of which I think was reversed, were pretty important. The problems that they presented were pretty important. Problems involving the locking up of members of the FALN because they refused to testify before the grand jury.

CTF: The FALN was the Puerto Rican terrorist group. (Fuerzas Armadas de Liberacion Nacional Puertorriquena)

JBP: Yes, at the time when we were sure that Chicago was a bomb making factory and the government was concerned about that and so the follow-up is the responsibility of the court who assists the grand jury in its investigation at the request of the prosecutor, the U.S. Attorney, and to what extent may the court use its authority, its power, to twist the arm so to speak, of witnesses and make them testify. Lock them up until they decide to do it. Then comes the question, of course, of fairness before the grand jury when there are persons who are subject to the investigation who come from one ethnic group who were rarely represented on juries and who aren't on the grand jury at all. I dealt with that this matter in 76 Grand Jury 1128 called. In re Pedro Archuleta and Morez and

Morena Lopez and Jose Lopez and Juana Alberto Lopez witnesses before the Special February 1975 Grand Jury was police protection work, including its research into the jury selection plan which we have here in the City of the Chicago, the nature of the questionnaires that we send out in the selection of the jury and the fairness of our jury selection program.

CTF: Did you usually send these off for publication?

JBP: I've never been one to seek out publication. If the printer discovers it or one of the parties writes in and I get an invitation from the publisher, than I would go ahead and send it out for publication. I don't know whether that was published or not. I really don't know. The other thing is that I am always reluctant to publish when a matter is pending on appeal. I believe Archuleta went up on appeal and was pending. If there is a publication, it's bound to relate back.

CTF: Later on in this case, there is an historic issue that Judge Leighton handled as the trial judge which is the admissibility of the video camera recordings in the home over a lengthy period of time in which they would be sitting around the kitchen table making bombs silently with the radio blasting in the background so you can't hear anything that they say, you can just see them doing it, and the question of course, and Judge Leighton dealt with this, is whether or not that was admissible and then that went up on appeal. [U.S. v. Torres, 751 F.2d 875 (7th Cir. 1984)] But did you have anything to do with the

--

JBP: Yes, I authorized it.

CTF: You authorized the --

JBP: I authorized it. All of these matters came to me as chief judge. As chief judge I didn't have a regular run of cases. Since then I believe our chief judges have taken some regular run of cases, but I didn't. I had only grand jury matters and mass sentencings and in the carton cases, the carton box cases, I had the mass sentencing of eighty defendants, all in the offices of corporations. [U.S. v. Alton Box Board Co., No. 76 CR 199 (N.D. IL, Mar. 4, 1977)]

CTF: At the time that the federal agents were thinking of this video camera being secreted in the apartment or house, was there any precedent or any authorization of such a --

JBP: There is an authorization of it, I think its accounted for

in the opinion.

CTF: No, but is there any precedent of a video camera being used?

JBP: There was no precedent. There were borderline matters of that nature that would cross my attention and also brought to my attention was the Mathews undercover entries into properties and the court authorization, knowing that no one was there, for the purpose of discovering information or planting these instruments. The question of planting them in the desks of judges in the Circuit Superior Courts of Cook County, came before me.

CTF: So the original requests of bugging in the Greylord, before it was probably called Greylord.

JBP: Yes, I had the original request for bugging. I didn't have the Greylord cases but I had the bugging cases and authorized them.

They began with a degree of caution there, and it was not just every judge who was involved and there was a very substantial amount of evidence that was presented to me before I made the authorization, evidence which indicated that the authorization would pin down what they already knew to specific incidents.

CTF: Then some of those original cases probably dealt with those people where there was a government informer.

JBP: Oh yes. Lawyers who practice before the state court and a lawyer from down state Illinois, what's his name? A judge, a state judge from down state Illinois who was informing the FBI.

CTF: What is the toughest grand jury matter that you think you had to address in your term as chief judge?

JBP: I think the Archuleta case was the toughest. It was tough for a number of reasons. Number one, there was a very substantial Spanish speaking following that the witnesses that we were concerned with and deposed defendants, the accused people, sympathized with. So much so that when there were grand jury hearings and they were open, they were in the open. They were not secret hearings. When those hearings came off, the people found out about them and they were present and they would fill the Ceremonial Courtroom. I remember a number of time going into the Ceremonial Courtroom and turning around and coming back out because of the boos from the chorus of people who were in the audience, filled with 250-300 people filling the

room and booing at the tops of their voices. I remember when I finally determined to go on in. I did that after on one occasion I had gone in long enough that the marshals became quite concerned and tried to stop it, where occurred a bit of a battle in which a couple of marshals were injured. Federal marshals were injured.

So we eventually went on in, during these sessions and decided eventually to wait until the booing quieted down. Usually strange things would happen. After questions were started, they stopped booing to listen. When the arrestees were brought in to see if they had changed their mind and were willing to go ahead and testify, there would be cheers for them. I would have to wait until that and then when questions were asked of them, they would stop booing in order to hear. I discovered that on a couple of occasions I made statements that they heard and they cheered me so that they were operating not on person but on principle as they thought it. But I ruled against them and left them in until I determined that there was nothing that I could do in the way of imprisonment that would cause them to change their mind and I followed it. The imprisonment is limited by its effectiveness. If it's not going to be effective, then you don't do it.

CTF: And it's also limited by the length of the grand jury.

JBP: The length of the grand jury.

CTF: Why didn't you clear the courtroom?

JBP: It was impossible. You know Judge Leighton had the same problem.

CTF: Why?

JBP: And his was in a small courtroom, regular sized courtroom.

CTF: And he had the folks going through a metal detector and all kinds of other security to get in there.

JBP: Yes, but they also sat on the floor and they just filled the room and they sat throughout the entire courtroom and filled the floor. But he came off to figure out what to do in the midst of it. The second time he came off, not having been able to get along with the situation, he called me on the phone. I was chief judge and he said, "what the hell do you do with this situation?" I looked at the clock and I said, "why don't you just stay off and wait and send back some words to the principals that you are going to reconvene at 2 o'clock."

During the lunch hour they began leaving and going out to lunch and they didn't return in the afternoon. Just a matter of using psychology. So it was.

Another problem that presented itself to the grand jury was whether or not to subpoena lawyers. To what extent is the relationship a confidential relationship between a lawyer and his client, that he may withhold any information that he receives from his client whether the information involves the admission of the commission of the crime, I don't know. I dealt with that involving a number of law firms and this is one, a memorandum opinion, where I was learning how to be a chief judge at the time but I think I was right. I think I was affirmed on this. I think I'll check that out and see if it didn't go up to the Seventh Circuit Court of Appeals.

Another area of grand jury work which I thought was very important and had not cleared itself well also was whether or not other government agencies can acquire information from grand juries. Can the grand jury get information with the power of subpoena? It was the Baggett case and there was an opinion in Baggett.

CTF: Why don't give these just to put them on the record, the Archuleta case is No. 76 GJ 1128, the case dealing with the subpoena of attorneys is 76 GJ 560 and the last one which deals with James Baggett is 76 GJ 534.

JBP: You were with Judge Fairchild at the time then. You remember Baggett.

CTF: No, well I wasn't working as a law clerk at that time, but I remembered Baggett and we had those cases out of Central Illinois where people wanted the transcripts of the grand jury testimony. The Block cases.

JBP: I think one of the more interesting cases of cooperation between the court and the prosecution. An area on which I lectured once to the Brookings Institute, the area of cooperation between the court and the prosecution and the degree to which it is proper. It involves the use by investigators of the grand jury for investigative purposes in areas in which they can't make the investigation. They can't do it. So we'll use a grand jury not to review the evidence that we have acquired to determine if there is a violation of law and reasonable cause to believe, but use it as an investigative tool, an assist to the government investigator, executive branch investigative body. One of the most interesting ones, and I don't remember whether it was appealed or not, was a case in which a fellow was asked to give a convoluted type of exemplar of his

handwriting. Not to give his natural handwriting . . .

CTF: I remember that.

JBP: . . . but to try to convolute his handwriting and make it look like it belonged to someone else so that the handwriting expert could determine whether or not he was the person who had made the convoluted handwriting. I think that was [Leiden] in 1977-78.

CTF: At this time, how many grand juries were taking place?

JBP: Oh, about four. Four or five. We had some grand juries that had not been called back in, always. There were some that were waiting but they had recessed while the agencies went ahead with the investigation. They had been granted extensions of time and hanging on and there was always the regular grand jury, including three extras. One of the most interesting experiences that I had was the grand jury's going over a second time the situation involving a man who had been brought to the grand jury as a result of his conduct at Great Lakes which is on a government reservation. As a result of his conduct eventually we declined prosecution in favor of his being hospitalized in a mental institution, a mental patient. The state had him and they thought maybe they'd cured him or they got tired of him, turned him loose, and there he was right back out committing crime all over the town. But this caused us and the grand jury to take a look at this system in the state of Illinois and the handling of criminal mental patients in the state of Illinois. I attended a number of the sessions in which the evidence was brought in by subpoena before this grand jury which went on and on. They published, and I think it's in one of the volumes, the Report of the September 1980 Grand Jury which I think was --

CTF: This is U.S. v. Nills Milson, 80 DJA 494.

JBP: It represents a great deal of work on the part of the two Assistant U.S. Attorneys who were working on it, on the part of the secretary and the foreman of the grand jury and themselves in writing and on the part of the court. I have already brought to your attention, I believe, some of the cases that I have had that I think were interesting but I don't think really that important since taking senior status. I did the Piarowski case which we talked about that, didn't I.

CTF: You've got to give me the facts, I'm not clear.

JBP: The State Junior College out here, what's the name of it?

CTF: Oh that's the art case.

JBP: Yes.

CTF: Yes, I remember that.

JBP: Yes.

CTF: That's the one involving Prairie State College. Piarowski v. Prairie State College, 759 F.2d 625 (7th Cir. 1985).

JBP: Yes.

CTF: Well, I remembered but why don't we put it on tape.

JBP: But I thought it was particularly interesting because I stuck to my guns against so-called civil rights and I've been accused, I suppose, of being too pro-government. Here, Piarowski thought that he had a real good case. His lawyers so thought and so did some of the law people at the University of Chicago Law School and certainly did the head of the Department of Art of the University of Chicago think that Piarowski had a good case. Piarowski was the head of the art department at this college. By the way, the college had just finished a new building, a magnificent administration building that occupied a large space. But it was not very high. I think it was in steel and glass, the building in which you can go in one part and go directly to a wide entrance into a center area that was used for many purposes. Many purposes, assembly, cafeteria, graduation, I think that they had some gymnasium, multiple purpose center of a first floor and as you went into it, you would pass by some windows to the left and windows to the right for a space of about fifty-sixty feet and then you would come into the main lobby area that was for all purposes.

In going around that lobby area were, of course, the offices and farther on, some classrooms. The main offices were just to the right if you were enter and to the left, there was this small but elegant, nice room which they used for purposes of exhibition, setting up, and showing off things about which this university was proud, trophies, programs.

They said to the art department for our first year here, why don't you place your annual faculty exhibit of the work of each of the members of the art department's faculty during the last year, the best work from each one's faculty be on exhibit in this room so that the public can see it better. They could see it from the outside. They could see it as they come in. They can

come into the main entry and then go around and look at it. They gladly did it. They moved it out. They programmed their exhibit instead of having it on the fourth floor where they had their own exhibition room, they had it there next to the lobby.

Albert Piarowski, the chairman of the faculty of the art faculty, had as his exhibits, a series of windows done in stained glass that were replicas or were imitations of the works of a great artist, of the Toulouse-Lautrec era, who did things in black and white in black lines or paint lines as we call them on white paper so that he did just the outlines of objects as Toulouse-Lautrec would have done. Like Toulouse-Lautrec, he favored materials that would have been borderline and there even after he begged his sponsors and his printer to destroy everything that he did. There did come out, nevertheless, a volume on the collected drawings of Aubrey Beardsley, who was this artist, and they came out in 1967. It was some of these drawings of Beardsley that Piarowski placed in stained glass, cut bits of stained glass into windows and framed them and he hung four of those at angles, at eye height, out from the wall but at angles so that a passerby could see them from each of the windows or come inside and see them. They were not just against a wall. They were out and into the room. And they were pornographic, I considered them, somewhat pornographic.

But in his choice of colors of stained glass, he didn't use just the black lines. He used other colors besides white. It turned out that his male objects were all white. Their garments were black if they had garments on them. The female subjects were a pink, brownish tint. The themes were built around some Greek myth, [Aristophanes' Lysistrada] wives of the Greek gods when the gods would go out and have their thing and would come home and would be uninterested, and find their wives uninteresting, [the wives] decided to go on a strike. So the wives did and as result you get these various stories about the tales that grew out of that experience.

But one of the pictures that he did was called the "Adoration of the Penis". I think that's the name of it.

CTF: That sounds familiar.

JBP: In that, the woman's position, she sat on her knees and

her body and her head hid her private parts, except for one which was the subject of the worship which stuck up. It protruded up above his head, it was that large and bogus, and comical. An exaggeration, of course. But it looked as though this [worshipper] was not a white person and the god was Greek and white. [A person said] that the char women said that they wouldn't even go in there and clean up the room. The next thing is that the neighborhood began to get up in arms and yet they had sent to the school, to the high school, an invitation for this special exhibit without thinking that this would be the subject of the art. Finally, the president of the university said to Mr. Piarowski, take it down. He didn't take it down. So he [the president] had it taken down and put it in a closet. He packed it nice and put it in a closet until he could put it up on the fourth floor, but he can't have it down here. Piarowski became insulted, he said you can't break up a faculty exhibit. The others would want to take theirs out too so that everybody took theirs out. It was a threat. Then he sued the university. There was a constitutional right to freedom of expression and there's a special freedom of expression as it addresses itself in professors or faculty teachers.

I held that there is a special responsibility that is posted in the head of the school, which is a state university to monitor even the conduct of the professors to see that their conduct fits the decorum of the college and that the president was free to do what he did. I was affirmed in this, wasn't I?

CTF: Yes.

JBP: ACLU took it on up.

CTF: Didn't go anywhere.

JBP: It didn't go anywhere but to the Seventh Circuit.

CTF: It's an interesting case.

JBP: Yes.

CTF: Although running through it, I always thought, you know, if the president of Prairie State College had moved more quickly he wouldn't have had the problem to begin with.

JBP: He procrastinated in it a little bit but then there came to him a committee, representing the people of the community, and he took a second look at it and that one I think I'm in print on that. I know the Seventh Circuit

is.

CTF: Did you have anything to do with the early police cases, the Brasch cases were all prior to your tenure as chief, right?

JBP: I was in the Summerdale case.

CTF: Right, but I'm thinking of the one that would involve the little club and the big club up at the Rush Street area.

JBP: No, I didn't. I had my problems with the police because when I was an Assistant Corporation Counsel, I was out running back and forth closing up cases on policemen. Complaints about policemen was one of my areas of responsibility but then I ended up as a state judge with the Summerdale case and then ended up here with case after case against the police.

CTF: When you were an Assistant United States Attorney, did you have much practice before the grand jury?

JBP: Yes, I was only in the Criminal Division. At that time I made just a prima facie presentation and it seemed as though the grand jury was always a rubber stamp. But subsequent to that time, under the leadership of other United States Attorneys, the grand jury developed the investigative approach, and I don't recall my presenting anything to the grand jury that didn't go through any faster than I could get out of the room.

CTF: What do you attribute that change in the grand jury to?

JBP: I think it comes off of the lectures that the chief judge gives to the grand jury when he impanels them and the method by which, perhaps without being aware of those lectures, the value of them may be whittled on by the prosecutors and their side remarks as they present the matters to the grand jury. I don't think that they come in for alacrity, from grand jurors. They are molded by the chief judge and the prosecutors and defense attorneys that appear before them.

CTF: Is part of the activist grand jury an outgrowth of the need of the prosecutor to educate the grand jurors to what the crime was as opposed to, in earlier days the types of cases that came to the federal system were traditionally your bank robbery, narcotics, moonshine.

JBP: A good prosecutor then as well as now when he brings a case before a grand jury, he begins by describing the law and the problems that are involved because

of the necessity of enforcing the law. And now we have a problem to present the files and so there is a great deal of prosecutorial teaching that goes on. Now, the teaching that goes on between the judge, the chief judge, and the grand jury is very unique in this district because here, according to our local rules, the grand jury belongs to the chief judge. It doesn't belong to an assignment judge or a motion judge or judges in rotation as you have in many other districts.

CTF: Do you know what the origin of that rule is?

JBP: Well, it started with Judge Campbell when he was chief judge and he just decided that he would take over the grand jury and he did. Before then, I think it was what was called the judge on duty or the motion judge or assignment judge and he changed that rule. When I came along, I got Assistant U.S. Attorney Greg Jones and [Stuart] Cunningham in the Clerk's Office and a magistrate, Olga Jurco, and myself. We took the rules of the United States District Court and remodeled them from beginning to end and then we barely got those adopted one at a time by the judges. For example, up until that time there had been no rules setting up the organization of the clerk.

CTF: So it was just by tradition?

JBP: Just by tradition. So we set it up. We set all of this up. What is the role that we assigned to the chief judge? The chief judge was the judge who was in charge of the grand jury. That's one of his responsibilities. I think it's still that way. I have prepared lectures to the grand jury that brings up their history from the very beginning and gives the historical basis for their so-called independence and tells them what they're looking for. Tells them that they don't have to decide guilt or innocence The weight of the evidence takes them back to the days when the king's court was on tour from county to county. At that time the sheriff in each county imprisoned felons, accused felons. They'd have to stay locked up in the dungeons until the judge got around. And half of the time the cases weren't any good anyway. Half of the cases, there's nothing to this, there's nothing to that. This took up a lot of time. And the judges all in a hurry to get back to Buckingham for the festivities because they were lords in the palace. It defines the idea of the selection of twenty-three of the peers. We can understand the peers involved --

CTF: Not common folk.

JBP: Not common folk, that's it, yes. So those thankfully would hear the matter as the judge would, say, look at this, and get rid of this. Get rid of this as it was so the people wouldn't have to be stuck in prisons or the dungeon for so long a period of time. The judge would get only good cases. He could get through and go on to the next county. So that their job was just to get rid of the bad cases, save the good ones. Those hopelessly marred for lack of evidence or whatever the principles, what are the steps of conviction here, what has to be proved to have each of these and if one of them is missing. You can't prove an indictment, if one of those items is missing.

When they get that lecture, they're ready to do a good job. But they can be spoiled.

CTF: Did you ever have to as chief judge sort of referee disputes between the grand jury in the form of the foreman and the U.S. Attorney or his assistant?

JBP: Yes, I had a number of them involving the request to appoint a new foreman. Occasionally a citizen who is difficult, and he is appointed by the judge. The judge will appoint and the next thing that happens is that you get a message from the U.S. Attorney or the head of the Criminal Division. He comes and sits down and talks with the judge. You know you appointed a pretty difficult person. You have problems and how you work with it? You didn't want to call in some other grand jury. You don't want to leave it to the grand jury to decide.

CTF: Were there other disputes that you can remember, for example, where the grand jury foreman wanted to conduct an investigation and the U.S. Attorney wasn't interested?

JBP: Yes, where the grand jury wanted to turn itself into the investigative unit. And that was historically the role that they played. They decided whom to call in as witnesses and under their leadership and leadership of the foreman and we graduated from that. So you have to quiet them down.

Generally, the judge can talk to the foreman and occasionally talk to the whole grand jury about matters for all of them. The chief judge who works with that, year after year, becomes an expert.

CTF: You'd recommend this system of having the chief judge impanel the grand jury.

JBP: I'd recommend this system of having the chief judge

impanel the grand jury and I also recommend the system of having either the chief judge or an emergency judge granting mass sentences where there are a lot of people to be sentenced if for no other reason, that this takes too much time for one judge. Another is coordinating the sentences out of one case so that they will not skew the results. You can go many different directions and never miss the consistency between them. It necessitates someone who can spend the time with it.

CTF: Does the chief judge at the grand jury proceedings handle all warrant applications? What happened when a warrant application dealt with some matter before the grand jury, would the U.S. Attorney, just as a normal course, bring that to you as the chief or would it go to the magistrate?

JBP: It would normally go to a magistrate if the chief judge were not available. If he were, it would go to the chief judge. Sometimes you would get requests in the middle of afternoon. I would say never a month passed that you're not in session with warrants for the grand jury for an hour, an hour and a half, two hours overtime a couple of days a month. Two or three hours, after hours, you get used to them. Sometimes they just bring them, leave them on your desk. You read them over and decide them the next morning.

CTF: Are there other grand jury cases that you particularly remember?

JBP: Oh I thought those were the interesting ones. I enjoyed them, enjoyed all of them. I think that the sentencing of multiple defendants was interesting.

CTF: That's the Folding Carton case.

JBP: That's the Folding Carton case where we have multiple corporate defendants. Then we developed a project as part of the sentences for them to work on.

[Gap]

CTF: And out of that arose the Safer Foundation. Maybe you could describe a little bit of that.

JBP: Well, the important thing about it was, of course, that he himself, the defendant himself, as a part of his sentence was to devote part of his time to the Probation Department to do its work in finding employment for persons who had been on probation and who'd been in prison.

TAPE 11 (Side 11A)

This is an oral history tape of Senior District Judge James B. Parsons for the Northern District of Illinois. Collins T. Fitzpatrick, Circuit Executive for the Seventh Circuit, is conducting the interviews. The date is Wednesday, December 8, 1988 and we are in Judge Parsons' chambers.

JBP: This woman had some defendants in this case, big firms have plaintiffs in the case because they were all corporate people and I asked her to work for this committee to develop this project and she was really a great worker. She came up with the report of this committee on R. Harper Brown Project out of which grew the Safer Project. Harper Brown continued working with it after his time was over and his wife worked with it too and his firm under his guidance left the fund, I think, \$100,000 which was used and was responsible that the project got underway. They helped persons who were out of prison. They organized efforts to find work for them.

So there it was. You were present when I introduced the idea for this when I had a number of people present at the North Hall for luncheon and presentation for our underground project.

CTF: Shifting gears other than the grand jury proceedings as chief judge, and as I mentioned we have covered a couple of cases, what are the cases that you remember as a district judge either prior to your service as chief judge or subsequent.

JBP: Recalling names is difficult, recalling places where they can be found in print is difficult because I never looked for any in print. But remembering cases is a goodly different. I remember with great horror the case against police officers that was tried just a couple three years ago by a lawyer who was a prima donna and still didn't have money to continue to finance the case that he was hired to finance. The police officers really shot a man, a man was killed. There was no reason for it at all. They were insulted by him and they were absolved by the police system, systematically. They came in with this investigative unit that night and looked everything through and got nice pronouncements and laid a pretty picture. I granted a new trial.

There was no one left but the boy's mother. She was a third party so to speak and had nothing to do with it. He was maybe 20, 21, 22 years of age at a gas station out on Ashland after hours. The station was an all-night station, and diagonally across the street there is an all-

night sandwich shop. Important buses come and stop there and keep moving in the city's transit system. This is why at the time this happened there were people who were in the sandwich shop who saw it. They didn't know what was going on until it became quite, quite exciting, and brought right into the face of the southside of the window. The victim was holding down the station for a friend of his who went out to get something. Went somewhere, maybe he went home or, he was just gone. The victim was standing out in the station. It was one of those stations with a small hut in the northeast corner and along the east wall, there was a pile of boxes, row of boxes, soda pop bottle boxes and then it was empty going over on other sides on the other side of course was the north side and the west side, there were entrances for drivers and the pumps were down.

This fellow was standing out overlooking the north street. He must have made some remark at these two policemen dressed like young men out for a cruise, cruising. They would be dressed not like police officers, they were off duty and they didn't have any police attire on. They were not only casual, it was warm weather, it was nice, balmy, warm weather. They were not only casual, they were trying to make themselves alluring, I guess. Top down as they drove past, he made some untoward remark about them which undoubtedly was insulting.

Their attire may have been asking for it. As they passed on by, one of them said to the other, you know we ought to go back there and get him straightened out. He said yes let's go back and straighten them out. So they came back and pulled into the corner of the gas station and the car went toward him and told him, look you said that to us. You better take it back because we aren't what you said. He joked back with them and said you know you must be, the way you look etc., etc. They pursued it further and further and they started to go after him physically and coming toward him, he backed up and at one point he reached around and grabbed one of the empty pop bottles and smashed it and had a jagged pop bottle in his hand and told them you come, come and get it if you think you can, that kind of thing. Whereupon they then reached down in their socks and pulled out guns and pulled out there badges and said we're police officers. He said you're not police officers.

By this time someone else was listening. So they continued to approach and he didn't give up and swung at them and they started shooting. One bullet was in the front of him. The rest of the bullets were in his back as he ran from them across the street over into the front of

this sandwich shop and fell dying and dead on the ground right in front of this big plate glass window. Then they got busy like policemen and called vice squad. They called an ambulance and they reported everything and had everything investigated as it was progressing right from the very beginning and they were very cooperative in wrapping the thing up and they were given a clean bill of health. All they did was protect themselves against a person who had a jagged bottle from which they were threatened.

CTF: The early part of your story never appeared in the report?

JBP: All of it.

CTF: But I mean about them cruising down the street?

JBP: All of it, the jury fed it in.

CTF: No, but I mean in their report to the city.

JBP: No, no, no they didn't use it instructively. That came out. The boy was dead.

CTF: And the jury came back with a verdict for the defendant?

JBP: Police.

CTF: Ok, you granted a new trial and then what?

JBP: They couldn't follow through on it.

CTF: You mean the plaintiff couldn't . . .

JBP: The lawyer didn't give his time or money and the plaintiff was a poor woman with nothing.

CTF: How many times have there been --

JBP: Cases like that?

CTF: How many times have you ever seen cases like that where a jury comes back and you wonder if they were at the same trial that you were?

JBP: Like the case where the two policemen were summoned because a man who owned the building, lived in the building, third floor, went crazy. He lived alone, threw his furniture out the window, out on the porch, in the yard in the building and then he jumped out at that time. Police had been summoned by some neighbors, saying there is a man here throwing furniture out in the yard. They

came from several different directions. I don't know what kind of call it went out on, what kind of police summons but there were police approaching from three different angles. Then he began tearing up, he jumped out the window himself and he began tearing up the furniture and banging it around and breaking legs off of things. Not paying any attention to anybody, he didn't respond or pay any attention to the policemen when they followed him and begged him and pleaded him to stop what he was doing. And when they said stop or we will shoot, he kept right on disobeying them as though he were oblivious of what they were saying. Then they shot him. Butcher block shot him. Butcher block shooting.

CTF: What is butcher block shooting?

JBP: Hog killed.

CTF: And that was called a verdict for the defendant?

JBP: Yes. I may be a little bit more sensitive to this. I should be because in the first place, one of my best friends was a police officer. From the very beginning, from the very first time I got back to community service, when I got out of the service and came here to go to school, I wasn't here three months before I ran across a friend that I made over in the Manana Barracks in the Pacific. He had the job of marching me down to the commander's office so I had captains mass. I was saved by a telephone call, but actually

CTF: You had mentioned that.

JBP: Yes, this fellow Larry Gibbons, who was here in Chicago and he was a police officer. We became very good friends, through him that I told you about the story about Two Gun Pete, Sylvester Washington, and how I learned what isn't due process involved. I told you about that.

CTF: I remember you talking about Sylvester Wright, I can't remember.

JBP: Sylvester Washington.

CTF: Sylvester Washington.

JBP: Yes he was a police man who had killed his wife.

CTF: Let's repeat it.

JBP: We became friends with Washington. He was a gallant fellow. He had a great record. He cleaned up the gangs

in the area in which he was assigned and that's the area, I don't remember the police district but it would be south of 55th Street and west of King Drive now, in that area. Englewood is in that area.

You know the best way to clean out gangs is to shoot them, to get rid of them. They would just stay away from that area. Things were too hard on them. But he was a very wonderful person. Later after he retired and was somewhat mentally ill, he had a tavern, I forget the name of it now, on Oakwood Boulevard just as you come across the Outer Drive, just before you get to it on the left side of the street.

One evening we went to his house, I and Larry went with him. It was a lovely place, a small place over near what we would call Washington Park area, west on Michigan and we went in and he introduced us to his wife, just inside the door. She was doing something and she was very pleasant, and then she excused herself and she moved on away and we stood there laughing and talking about something and our being inside, and his being just where you close the door and looking. We saw him looking at her and stop talking. Then we stopped and saw him leave and walk around to her. She was over by the fireplace standing, and doing something and he walked over to her and with his fist he hit her once on the side of the face and struck her to the floor. Then as she scrambled, crying and getting up saying, "you didn't tell me not to do that." The thing that I heard was him saying, "well now you know." That stuck with me all through law school, and through my studies that I was working with, and even in my thesis in political science on civil rights, the Civil Rights Section of the Criminal Division of the Department of Justice. I wrote the history of it up to that time. What is due process of law, what's due process? You hit first and say, "now you know" is not due process. Due process is just the opposite, notice and an opportunity to be heard before you get hit. That stuck with me.

CTF: In the two cases that you mentioned where the jury ruled in favor of the police officers, was race an issue at all?

JBP: No.

CTF: It was just your typical [police brutality].

JBP: The policemen were white. Victims were white.

CTF: That's just proof then I guess of the fact that jurors and the public are often willing to say that the coppers are

always right. What other cases can you remember from those days before you were the chief judge that stand out?

JBP: I would have to go back and look at the calendar to pop some into memory. My memory isn't as good as it was.

CTF: Well what about subsequent to the chief judgeship? I know you have the New Albany case.

JBP: I find it delightful.

CTF: I appreciate your taking that.

JBP: I find it delightful because of the quality of people I'm working with, the lawyers are among the finest I have ever come across on both sides, the lawyers from Indianapolis. This young fellow who incidently from time to time asks to be excused about a date because he had been representing whatever business. With the witnesses he is not as good as he is with briefs and with argument.

CTF: Is that Ron Elberger?

JBP: Yes.

CTF: He was a classmate of mine from law school.

JBP: He is very good. He carries brunt of the work. On the other hand we have a similar situation with the then attorney for Jeffboat who has a little bit of how do you handle a witness, where do you notice that it is not needed. He handled his arguments very well.

Yes I enjoyed that very much, Corn Products Grain Processing Corp. v. American Maize-Products Co., 840 F.2d 902 (Fed. Cir. 1988) was an experience in knowledge of science which has always been intriguing to me. It has caused me perhaps to believe, to make myself believe that I like patent cases more than any other. I like the scientific method, I like to see them grow, learn from them, and visualize additions to them. I have been doing that ever since I was in high school. I'm just not a scientist, but I like to think in terms of scientific matters. I do enjoy, I enjoyed this matter. I sat for ten weeks listening intensely and being taught. You see in admiralty and in patent law the judge has got to be taught. I shan't forget that same message from the great lawyer in admiralty. What is his name, from Milwaukee? "If it please the court, you understand that it is with apology that I say to you that you're a new judge and you want to know about this."

CTF: What was the patented item in the corn products case? Was it the processing of food stuffs or something?

JBP: Yes. It is a substance. It's a hydrolysate, a substance that is used for purposes of keeping a mixture mixed, or keeping a mixture that has been made clear, clear. Otherwise our soda pop for example made to sustain throughout the substance that gives it color would allow that substance to settle to the bottom and separate and they wouldn't have it. The same thing is true, for example with gravy, the gravy mixture, you open a can of gravy that has been sitting on the shelf for ten years and you pour it out and it is still a mixed gravy. Without the hydrolysate in it the gravy, the meat portions would be on the bottom and the lighter weight portions would be in the middle and on top.

CTF: They had the patent on this process?

JBP: They had been working on this, all companies had been working on this for a long, long time. I realize that we are dealing with the in-between companies, I found it very fascinating, the patent field, just the matter of the box cases, or in between companies. Continental Can makes the can for the manufacturer of the food. It says, boxes made by Kellogg. Well Kellogg doesn't make the box. They have an in-between company that ships the box there and perhaps if you want them to, they put the pictures on the front and the back of the box and you just fill it up with your product.

So it is an in-between type of company, so are the people who are supplied, like Corn Products Company, by the defendant in the case of American Maize. They make this hydrolysate. They make the various types of hydrolysate.

The scientists in the field have been working for years and years and things have advanced faster than they needed to. What came up ten years ago, this study that Corn Products had been working on it from before then, all the way up to this time, was being worked on by others. It was pretty close to it anyway. The differences are very small differences between this and most of the other products. I found in this that the distance was the capacity of this substance to maintain long time parity in the course of the trial of the substances manufactured by American Maize.

Their witnesses and the attorneys stirred some of the substances up in glasses in front of you. Pour water in and make them all the same, put one substance in and

another in the next batch, and another in the next batch. We watched it. And of course you have to have scientists who test that to let them see what is happening but you could see it clear. The one thing that Corn Products substance had, and by the way it is not being manufactured or sold, they had a patent and they were holding onto it. They even had their own but it wasn't as good as this one. The one thing that it did have was longer time clarity. I dare say that if that glass was still out there a year later it would still be clear because eventually after awhile, four or five days, six, seven days later, some of the others begin to cloud a bit, but this one sat right there just as clear as it could be. They even forgot about it in the course of the trial and we went on with a lot of other stuff. So they have something.

CTF: Did this case go up on appeal?

JBP: Yes. But I found, I came to the conclusion that what constitutes parity is itself a degree. You just can't say it's a long time here because other substances were pretty clear too. We're talking about a mathematical difference of proof and this is in the patent itself, right in the claim. About 2, not less than about 2 point up to a certain percentage. And then further that 1.89 was considered, I considered it not less than about 2 points. .11 less would still be about 2 with the lower level. One of defendant's products comes to 1.84, not 8 or 9 but .84, and the Federal Circuit said that was infringing. On all of my others, they affirmed me, but they reversed me on that one. So that was infringing.

It came back to me to enter the orders and grant the relief and I entered the order granting the relief which was an injunction but they have stayed any appeal from the stipulation where there's any product that American Maize manufactures under 1.84 as not infringing. They say that what they manufacture is that now. There are to be some more hearings about what they are arguing.

I had another one that was very interesting. It involved a substance that goes in the drain in the hospitals.

Corn Products too. Corn Products, you know, used to be right down here in Argo. Corn Products is out in Iowa now.

CTF: They still have a plant in Argo, don't they?

JBP: Oh yes, but I mean headquarters is out there now. The things that we have as part of modern civilization,

they're incredible, the number of things you pay no attention to. And the importance they are to the industry. I can see that as far as the genius of the founders of our Constitution was saying that among the first things that they want Congress to do was to encourage patent law. That's one of the powers of Congress in the Constitution itself.

CTF: That's one of the things that probably is skipped over in most civics classes.

JBP: Yes. The lawyers who really don't, the judges don't get it until they get the cases. They don't know much about it. Patent law in law school, it is very much like admiralty. You don't get much of that.

A good old patent lawyer made the same point in a preliminary opening statement years ago when I was first a judge. An old lawyer from up in Milwaukee whose name I should remember, presented to me his first case in admiralty. As he said, "Your Honor with permission this is my opening statement, I want you to know that it is my responsibility to the judge is to teach in my opening statement. I wonder if you would sit back and allow me to give you a very brief lecture on towage." I sat back and he taught me what was meant of the law in relation to towage. It was towing. The same thing I got from the lawyers . . . it may be the same firm that's representing them now. He lectured me. I found it very important.

I found in this case a great lecturer, the lawyer representing American Maize, whose name was Lucas. I understand he's getting along all right in a hospital. He's an old man, Lucas and Lucas out of New York, both were here in this case, brought here I guess by a relative who was named Lucas over here in Hammond, Indiana.

CTF: Bob Lucas.

JBP: Must be a relative. An old man. Beautiful lectures. So I was captivated by the case from the very beginning. I like that. I can feel that they want me to feel that I am being fair, I guess.

I think my favorite field of law is patent law. In the presentations before me, lawyers are always ready and when they begin the case, they put it before you, the documents that all had been stipulated to. All these things prepared. You sit there and open the book, a loose leaf notebook with each page, embalmed in glassines so to speak. And that they teach you. And this is wonderful. I like new ideas. I like the lawyers.

CTF: Are there other cases that come to mind since you were Chief Judge?

JBP: I had a real exposure to civil rights, discovering it now, that what is right and what is wrong is a variable. The difference between proper and improper conduct of the party accused varies according to the importance of the subject matter. Talk about reversal, I'm learning. I was a little to the left. I was too concerned about a right, but not concerned enough about the general welfare. This is what I get from Judge Posner's opinions on civil rights. One of them was from the University of Illinois.

CTF: You have seen the Court of Appeals go from a court that had people such as Otto Kerner, Roger Kiley, Luther Swygert.

JBP: Can you go father back then that? Earl Major and you remember Elmer Schnackenberg.

CTF: So you have seen over the years a lot of changes.

JBP: Yes. What was the one who was at Notre Dame, was a part of the football team, Roger Kiley, Walter Linley, John Hastings, Ryan Duffy, all the way back.

CTF: Latham Castle and Win Knoch.

JBP: Knoch of course, was on the district court before he went there. I used to go to Win Knoch's farm, Saturday afternoons, every two or three months. As my boy grew up -- I adopted a boy from Germany. When we actually got him, he was eight and a half. When we got him, he didn't speak any English, only German. Just a word here and there. He understood me better than I could understand him. For some reason, we went out to Knoch Knolls which is a sort of an island of DuPage River? It splits into half south of the town and there's an island in there. This was part of his property and you got onto it from this swinging bridge, Knoch Knolls. Judge Knoch would use my son after he would get into German, talk and would let his granddaughter hear German. There was a couple of times I would ask him [Judge Knoch] if he could find out something for me.

CTF: Going back, the Court particularly let's say in the late 60's and early 70's was a lot different Court of Appeals, philosophically, than it is now. How does a trial judge who has been on the bench and spans that period, how is it adjusting to the changes?

JBP: I go back to the period of time that when you presented

yourself before the Court of Appeals, you were uninterrupted for a substantial period of time on either side. You were uninterrupted and generally there were only one or two questions posed to you on either side. I remember my very first time at the Court of Appeals, I had been motioned in by the U.S. Attorney's Assistant, named John Peter Lulinski. The case involved in the Selective Service. I was the prosecutor in the Selective Service. The man I had to argue with that morning, the fellow on the other side, was general counsel for the Jehovah Witnesses. He argued the case before the Supreme Court. He was the appellant. I represented the government. After he made his presentation, there was a series of questions. Then I got up. The one in the center, Judge Earl Major, said, "you were just admitted by motion before us." Yes. He said, "what is this case all about?" The way he said it allowed me to close up my notes and walk around to the side of the lectern and begin off by telling, once upon a time, so to speak. It involved the heir to the throne of a sect down in Central Illinois. It involved Lea Harshman the daughter, the heir to the Harshman Estate, a communal religion, one family so to speak, many families, and the control of this church. This is Lea Harshman's nephew, heir to the throne. U.S. v. Harshman, 307 F.2d 590 (7th Cir. 1962), vac'd 372 U.S. 607 (1963).

I was telling how this organization developed when the court went right into the differences of opinion about engaging in war. They were able to get up under the case and pick up, and according to this case such and such and then according to this case such and such and according to this case such and such, to give them the real substances of how the cases come along and help that. They only accompany it, the law becomes much more of a central pin.

When I sat on the bench, the first lawyer appearing and not having a chance to say anything but questions started out and continued all the way through until the time was over. We figured we have to ask some questions or we would look like we were dumb. I found it a little difficult in that approach. It may have been a difference in philosophy.

TAPE 12 (Side 12A)

JBP: I am reminded of the Christmas music case. Grutzmacher v. Public Building Comm. of Chicago, 87 C 10746, 88 C 8708, N.D. IL. 1217188. The question dealt with songs such as "O Holy Night," "Away in the Manger" or "Silent Night." They came prepared and I accepted it and I said that would

be the limitation of it, to substitute for those from the vast repertoire of Christmas music that doesn't point its finger at the Jews and says hey this isn't for you, this is for us Christians, such as "Jingle Bells." It doesn't say whether you have to be a Christian or a Jew to sing "Jingle Bells," such as "Rudolph The Red Nosed Reindeer" or "I'm Dreaming Of A White Christmas." Or what is the dance from the Nutcracker Suite? Many, many items of music that were just as much a part of Christmas which doesn't play up to the religious differences. Finding the real secret to each one is if you can go back to the cases and try to find them, you have to read and read. What was this all talking about, the decision in this goes on and on and on. So it is the same, then you go back and try it again and you try it a third time and then you discover that maybe a phrase in a sentence where the real difference is. That's the only difference. Nobody talked it out, we discovered it ourselves, our law clerks in working with it, in reading and reading and reading it down. That maybe each time you had to tell the whole background, it takes too much. Don't start out writing.

CTF: Let me get back to the original question. How do you adjust? We had the Supreme Court case involving the creche, we had the Seventh Circuit case involving the creche, the defense in that case says they are indistinguishable and the majority says they are distinguishable. But you're the trial judge and over the years, almost three decades you have been the trial judge, and you have to do justice based on these changing laws.

JBP: I have to come to the conclusion based, not upon just the last decision, but upon that decision as a part of the package of laws coming down from the Supreme Court or that comes down from the Seventh Circuit. If you take one case, you have to take the whole package of cases upon which it grows. You don't miss it as easily in the Supreme Court as you do in the Circuit. Because with the Circuit you begin to discover the flavor of personality of the judges and the panels. One panel will show one flavor and another another. There may be just a little bit larger spoonful of something in one than in the other that would make the difference. You have to find those cases. It's a little difficult. Then after you find them, you have to live with the necessity of all knowing that that's what it is when in your own heart you feel that was a mistake that made that case. It is too much, that mistake through a verbosity, a desire to reach out and bring in other illustrations from the right and the left which really aren't, are not really -- do you know what I mean?

CTF: I think that's the right answer, looking for the body of

law and the thrust as opposed to the last pronouncement on the subject.

JBP: Yes, the last pronouncement can throw you way off. Sometimes there may be a difference of philosophy that is so fundamental that a majority where a panel in which you have a weak third person who says I'll just go along to reach a majority. I still feel rather strongly about my decision in the case involving the lawyer over in Indiana who was leveled with the fine so to speak and costs. This case involved a lawyer that brought a claim that the board had made a mistake, reading what the criminal record turned out to be with regard to the defendant. I concluded that what he had meant to do, what he had sought was very elusive. I may not have come out the way he wanted it, but I didn't think that he was being frivolous. It seemed to me that, without saying to him we think you might be frivolous in this and giving him a chance to say that it was a serious problem. Without even any encouragement from the other side, we level him with refusing to acknowledge it. It's carrying Rule 11 too far.

CTF: Jim, what would you have missed most if you hadn't been a judge? In other words, what have you really enjoyed the most in this position?

JBP: You mean in law?

CTF: No, being a judge. I knew from early on you wanted to be a lawyer. I don't know when the jump came that you wanted to be a judge.

JBP: I didn't, I just yielded to pressures and became one.

CTF: What would you have missed if you had been out there practicing law?

JBP: I missed the opportunity to examine witnesses, I think. I like the staging. I like the action. I like the drama. I like the opportunity to ask a question in two parts and hang your voice in the middle of the air and walk all the way across to the opposite corner of the room and finish it. And to discover that I do a better job when I don't try to bring a jury into it overtly and consider them somebody watching something on TV, but aware of the fact that they are indeed the audience. I like that. I enjoy that little drama that was involved.

I was always frightened as a lawyer when I found that I had something that I didn't really like. I just didn't like it. I tried to avoid making it an issue. I had only

one murder case as a private attorney. I was saved from having it. I labored with the investigation and I finally found one day the facts that the prosecution accepted. They found the other fellow who did it. That scared me. I left.

When you get the jury and you go from there and plead your case, I would enjoy that very much. I guess I enjoyed the years in the U.S. Attorney's Office as much if not more than my years on the bench.

Being a judge is rewarding in some respects. The day-to-day work is getting severe. It is a job now for a good manager who has to manage his team. Let the team do the work. At the same time, he [the trial judge] is frightened by the feeling that if he's reversed one time by a group of judges, they will look more severely at whatever he does next time and the next time. You have to wait until one of them salvages you in a rather obvious case and then perhaps he relaxes his surveillance.

I think that it might be good if we had a repeat of the old court system that we had during the early period of the second seventy years of the life of the court system. Then a judge served on the appellate bench as well as on the district bench. It's good for you to switch. Otherwise he becomes just a laborer. The years are not as interesting. If he tries to make it so, he publishes everything. You can see how fast F. Supp. grows with his opinions, the district court opinions. Everything goes in, everything. Some of us send everything, and now I get these threatening letters that you are being a bad district judge from West because you are not sending up your opinions. They have been begging me for the Cox case, Cox v. the City of Chicago, begging. We asked you for this in August. You haven't sent it in yet. You'd be surprised how curt the letters can be.

CTF: You know it's interesting because that's a public record if they wanted to take it out of the clerk's office and publish it, there's nothing to prevent them from doing so.

JBP: It's already in, what's this other service? [Lexis] I was just waiting for the Court of Appeals. I went that far, feeling that maybe the Court of Appeals would get it right, that I had missed it. It involved the fire department, I didn't feel about that as I did about . . . I felt a little out on the limb because I think if there had been other people working out there in setting up rules already. There's a little about that of course in the Christmas tree situation because already there has been some aid by decisions of the past.

Judge McGarr had a case that went up, that was a creche inside of city hall, being in city hall itself. And that was easily distinguished now from what we had in the Daley Plaza. All you had to do was describe the metes and bounds and services that they performed in city hall, the crossroads of people back and forth between the offices of the mayor and the city council. Where in the plaza, it serves no purpose except art and architecture unless it's for the public. The Daley building itself doesn't even enter on to the plaza, it enters from the east and the west. It occupies the north third of the whole square block. All you can do from the building is look out on the plaza if anyone is passing by.

From the very beginning, they put controversial things on it, spots of controversy about the statue. Benches around the beautiful multi spout fountains, grass and shrub areas that separated that. It was intended that way.

But when you get to the airport, you don't want anybody to say that this [religious] message had a chance to get through the crowd. You were there standing, laughing, with the Christmas trees, even singing "Jingle Bells." You are dealing with a people moving business and that's number one. Nice to make it pleasant as possible. The city and the airport authority have done that. They even had already in existence for some time a format about freedom of speech. Here's what we do. Here's what you do. It looks beautiful. You can be well proud of it.

It still is a narrow problem.

The airport authority made one mistake in planning it. When they developed this chapel which was on a lower level. Then somebody, I don't know who or why or how it came about, said to the authority if you ask, I'm sure the cardinal will furnish you a chaplain. So they asked and were furnished a full time salaried chaplain and then an assistant to manage the whole thing. So then the airport gave him the title of the airport chaplain. He in turn tendered use of this chapel to the Protestant group, the Church Federation of Greater Chicago and the Chicago Board of Rabbis. The Church Federation said all right, we'll mark out some time on Sunday and we will provide somebody to give a Protestant service on Sunday. The Jewish group and the Chicago Board of Rabbis were unable to come to the conclusion of any kind of participation. One of the reasons being that the Orthodox Jews could not even go in for religious purposes, even if you were to remove the crucifix on one side of the chapel and the communion table and moved them into a side room closet and put menorahs

up. They could not enter for some reason as their religious beliefs the area as having been exposed to Christianity, it had been tainted.