THE ORAL HISTORY

OF

JUDGE LUTHER M. SWYGERT *

AS TOLD TO

COLLINS T. FITZPATRICK, CIRCUIT EXECUTIVE

&

RAY SOLOMON, DIRECTOR OF THE COURT HISTORY PROJECT

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

1985

*Judge Swygert was unable to review the transcript of the tape recordings prior to his death.

Tape 1

Wang No. 7558L Tape No. 1

Recording of Senior Circuit Judge Luther M. Swygert as interviewed by Ray Solomon, Director of the Court History Project and Collins Fitzpatrick, Circuit Executive on Thursday, March 21, 1985.

CF: Judge maybe you can tell us a little bit about your early history, the family history of the Swygerts and your mother's family.

LS: Well I was born, according to hearsay I guess, on February 7, 1905. I was born on a farm in Miami County, Indiana. The farm was located about two-and-a-half miles west of a tiny little village called Gilead. It did not have many houses and only one or two grocery stores at that time. I am talking about later on I guess as to Gilead. I wouldn't know at the time I was born but I am sure it wasn't much different. In any event, I was born on this farm and my parents, my dad and mother lived with my grandparents on this farm. My grandfather bought the farm in 1887 as I recall it. He came from Pennsylvania to Miami County when he was a young man. There was a small pocket of Pennsylvania-Dutch people who lived in Miami County not too far from where I was born and he migrated there from Pennsylvania. He lived in a place called Schuylkill Haven near Reading, Pennsylvania. That was also largely populated by so-called Pennsylvania-Dutch, Germans really. My great-great-grandfather as I

understand it was born in Germany and probably I think my great-great-grandmother. In any event there were a lot of Swygerts in Schuylkill Haven. My grandfather had a number of brothers and sisters. He came to Miami County. He was born in 1848 and he came to Miami County sometime when he was maybe twenty or twenty-five years old. He was too young to be in the civil war. In any event, he met my grandmother, her name was Amanda DeWald. She was also of Pennsylvania-Dutch extraction. Her family had already come from Pennsylvania earlier and she was born in Miami County. My mother, her name was Katherine Hoover, her father was Joseph Hoover and her mother's maiden name was Tracy. As I understand my history I think the Hoovers had originally migrated from Ohio and they were a mixed group of nationalities, i.e. Scotch, Irish, some Dutch I guess. In any event, my grandfather Hoover was a civil war veteran. He was captured I think once or twice by the Confederate armies and he fought in several battles.

RS: Did your grandfather Swygert come to Miami County by himself or did some of the other family come too.

LS: Only himself. Well there was a Swygert in South Bend. We called him Uncle John and that group also came from Pennsylvania but it was a cousin or a second-cousin and he lived in South Bend. My grandfather was the only one of his immediate family that came to Miami County. After he married he moved to South Bend--not South Bend itself--but near South Bend on a farm. He and my grandmother, his

wife, set up housekeeping and my father was born in St. Joseph County. He was an only child. Then they moved north of Rochester, Indiana for a few years and then south of Rochester, for another couple of years or so and finally into Miami County. My grandfather bought eighty acres of land.

RS: What did they farm?

LS: As I was growing up, we grew wheat, corn, oats, hay, and had some chickens, hogs, and dairy cattle (about seven or eight cows). We sold some milk, eggs, and pigs. Well anyway, my grandfather built this house which is still there and also the barn and the other buildings to go with the farm and my dad he grew up there and he went to a one-room school and graduated. Then, I don't know at what stage, but as a young man he went to take some courses at Purdue University. They called them short winter courses in agriculture. I still have some of his writings in notebooks that he used at that time. My mother graduated from high school. High school education at that time was perhaps like college today--in the sense of people not going to high school. So then my mother and father were married in 1903. My mother had four brothers and she was the only girl. They lived in Akron, Indiana which was about four miles from Gilead. This area is about fifty miles west of Fort Wayne, about sixty miles south of South Bend and about seventy miles northeast of Lafayette and about ninety miles north of Indianapolis. It is about

eighteen miles north of Peru, Indiana and Peru is the County Seat of Miami County. It is on the Wabash River, the conflux of the Mississinewa and Wabash Rivers. Previously it was a rather large Indian village at that point of Miami Indians and that is the reason why Miami County is named after the Miami Indians.

RS: How did your parents meet? Did they just know each while growing up?

LS: I suppose so. Well my dad lived on a farm four miles from where my mother did. I have no idea how they met.

RS: Did they attend the same church?

LS: No, my mother was a member of the Methodist church. My grandfather was I guess baptized as a Lutheran and I think my dad may have been baptized as a Lutheran but they were not active as Lutherans. They were not church-goers.

CF: When your dad was taking the short courses at Purdue, did he have to go to Lafayette?

LS: Yes. We went down there a couple of times later on when he was getting up in years. In fact, the last time that I made arrangements was again when he died in 1959 at the age of eighty-one. I had arranged to go down to the farm and pick him up and take him to Purdue. Unfortunately, he had a stroke a couple of days before we were suppose to take that trip. We had made another trip down there and he had been to Purdue and back in later years.

RS: So you were born a couple of years after they were married? You were the only child?

LS: Yes, they were married in 1903 and I was born in 1905. I had no other brothers and sisters.

RS: In growing up did you travel back to Pennsylvania with the family to visit relatives?

LS: No my grandfather went back a couple of times and then some of his brothers came and maybe a sister, I am not sure. I visited Schuylkill Haven a couple of times but I never got in touch with any of my distant relatives. There used to be a lot of Swygerts there but the last time I was there, there seemed to be less Swygerts than before which was a matter say of ten to fifteen years between visits. Schuylkill Haven is a small mountain village in Pennsylvania Dutch country around Reading or Pottsville, Pennsylvania, the northern part of Pennsylvania.

RS: Your grandfather had never been a miner before he come out?

LS: No. I think they were farmers.

CF: There is an interesting story about your birth. Maybe you would want to tell it? The doctor almost didn't show?

LS: Well, allegedly it was a very cold winter in 1905 and there was a lot of snow and particularly on this particular day when I was born and he had to come out from this little town of Akron on a sleigh and he had a rough time getting out there. But I guess he apparently made it because he was there when I was born.

RS: So you went to school in Miami county?

LS: The first five grades. I was also in a one-room school. This was about a half-a mile from my house at Pleasant Hill.

CF: How many other students were in the school?

LS: About twenty-five.

CF: They represented all eight grades?

LS: All eight grades. Three in my class, two boys were behind and a young lad by the name of Oscar Bowen who was a cousin of Governor Bowen. He lived right next to our house and a little girl by the name of Mary Swope and the three of us were first graders.

RS: Did you play with them after school?

LS: Well with Oscar I did because our farms were right next to each other. His house was within a stone's throw of the schoolhouse. He and I were very close as young boys.

RS: Did you work as a young boy on the farm during the summer?

LS: Well when I got to be ten or twelve, or whatever, yes.

CF: What did you do?

LS: Well from fourteen I would say plow, worked with the horses and plowed corn and helped make hay. We used a binder at that time. Helped chopped the oats and wheat. When we made hay, somebody would place the hay on the hayrack and then somebody would proportionate it around the wagon. I think I did some of that or else I drove the horses and I was very active of course and as the older I got, the more work I did.

CF: Did these tend to be group events with your neighbors?

LS: No, not except hay thrashing; that was about all.

CF: Did someone own the thrasher and let everybody use it?

LS: There was a man by the name of Ed Arter. He was our thrasher and there were thrashing rings. I would say about maybe ten or twelve farmers would go into a thrashing ring and they would help each other with thrashing, and Ed Arter would bring his three units, one a tractor, a thrashing engine, and the equipment that did the thrashing, separating the wheat from the chaff, thrashed the wheat out. That was called a separator. Then there was a water wagon which you used to get water out of some stream because of the steam engine. You had to put water into the engine to keep it going. You had to fire it with wood or coal. The thrashing crew consisted of three men, one man who had to watch the engine, one did the work on the thrasher itself and then a blower-man who would sit there. The blower was like a funnel. He would make straw stacks and then there was also a water boy who would go and get the water out of the stream and bring it back. He kinda had like a pump that was on top with rubber tubing, he would put it into the stream and put some water into his tank and take it back to the engine. Then there was a belt from the engine over to this thrasher.

CF: Was there any other equipment that was jointly used by farmers?

LS: Yes there was also the same thing when they did clover seed. They used a different type of thrasher, but the same idea.

RS: Did the farmers go together to say sell their grain?

LS: No. These farmers would come in and go out into the field and get the grain and get the sheaves and take them to the thrasher and throw them in. My grandfather was more traditional. He did things that were done before him probably in Pennsylvania. We stacked these sheaves of grain, oats, wheat before the thrasher got there. He was always very precise in how he made these stacks and all he had to do was have the thrasher come in and go up near the barn and put the thrasher next to these stacks and the people would throw the sheaves into the thrasher.

RS: Was it a fairly prosperous community or farm? Since farming is a very cyclical business, where there are very good times and very bad times, is your memory of it pretty steady?

LS: Pretty steady. It was not a large income but it was a steady income. My dad bought 40 more acres so that made it 120 and then he bought 80 more acres later on. When I was growing up we had 120 acres. Some of it was woodland. We were frugal but we had enough money to buy an Auburn car in 1911 and then a Buick in 1916. We were one of the first farmers I think around and a few others who had cars in that period of time.

RS: Did you go on any longer trips than just into town?

LS: No we usually would drive to South Bend about once or twice a year to see my uncle whom I mentioned. We would go down to Peru and different places like that on Sunday afternoon and take rides. The ride to South Bend was a rather adventurous trip because there were no pavements and the roads were not leveled off particulary near Rochester. Near the Tippecanoe River north of Rochester, there was a very steep hill so we would have to get on the top of that hill and my dad would accelerate this car as fast as it could go which was about thirty miles an hour and then we would start to descend the other side. By the time we would get to the top on the other side, we would wonder if we would make it or not. Then of course, there was a lot of dust, we had dusters and that sort of thing. Usually there was always a blow-out. The tires were very fragile. They had inner tubes so the inner tubes would sometimes--I don't know what happened to them but they were not very well made of course and they were prone to have punctures so what we would have to do is to take out the jack, jack-up the tire if we had a puncture blow-out, and get another wheel. We would always have another spare tire. My dad usually had a pair of extra overalls and a jacket so he wouldn't soil his good clothes. He would jack-up this car and we would all sit on the grass on the side while he was doing this. He would jack up this car and take off this wheel, this tire, and then he had a puncture set, a repair set. This set had a plate and on

top of the plate was some kind of a cup he would put some gasoline in that and between the two plates he would put the tube and put a prepared patch on and put these two plates together and screw them down and put on this substance like gasoline. It wouldn't explode because it was open and then it would seal that. Soon as that was done, we put it into the tire and pumped it up with a crude pump. You had to pump it up around thirty-five pounds. There was a lot of work and then we would take the jack off and start our tour again.

CF: How long did it take to change the tire?

LS: I would say at least an hour.

RS: Did your mother learn to drive?

LS: No. I don't think so.

RS: Did you grow up going to the Methodist church with your mother?

LS: Yes. I went to a Sunday School.

RS: What about politics? Were your father and grandfather very political and did they talk about it at tables?

LS: They had been Bryan populists.

RS: They were?

LS: They belonged to the Grange. My grandfather belonged to the Grange. They were very ardent Democrats, Bryan democrats.

RS: They never argued politics, for example at dinner or something?

LS: Oh yes. I had a lot of arguments with my grandmother because she was very much a Bryan. As I grew up, ten or twelve years old, or even less, I was a very ardent admirer--and he was my hero, . . . Theodore Roosevelt.

RS: So 1912 must have been hot conversations when you were seven.

LS: Yes, I remember, I tell a story, I must have had some keen awareness of politics by that time because I remember when Roosevelt and Taft had a battle. Then Taft won the Republican nomination and then Roosevelt split off and formed the Bull Moosers. I remembered that we got the Indianapolis Star, that was our paper. I read it and we had no television of course or radio. I read this account of Roosevelt being defeated by Taft. I remember that I went out into the barn and cried and cried and cried because my hero had been defeated.

CF: You had told me about the Klan. This would have occurred later on?

LS: Yes, later on. From 1907 to 1915. The First World War. I remember very well the advent of the First World War.

RS: Your grandparents and parents weren't isolationists, were they?

LS: No, I don't think they had any particular views until America entered the war in 1917. In any event, I remember very well, very distinctly, the announcements coming in on big headlines in the Indianapolis Star--Austria--declares war on Serbia and then Russia declares war on Austria--and

then Germany. Then England declares war on Germany and so on. There were a lot of declarations of war at that time, coming about once every day or two. That was the event.

RS: A lot of the populists I think were opposed to America getting involved?

LS: I think so. I am not sure. But I remember very well the First World War, when we first entered into it. At that time there was even rationing. There was a lot of restriction on people travelling.

CF: Generally there had been less restrictions on farmers is that true, at that time?

LS: What do you mean?

CF: Well, generally when there is rationing, such as tires or gas or food, there had been less for farmers.

LS: Oh yes. In the First World War, I don't think we had any gas rationing. There weren't enough cars at that time to bother about rationing gasoline. I think it was just a question of travelling. I remember that I went with my dad and mother up to Elkhart and we were a little apprehensive about going that far. Usually it wasn't so much governmental regulations but sort of a vigilante type of feeling that you were not patriotic if you were not conservative in travelling.

RS: So going back to education a minute, after the first five years, then you went to what type of school?

LS: A consolidated school, in Gilead. They had high school and grade school. I went to sixth, seventh and eighth

grades at Gilead consolidated school. The number of high school students at Gilead were about sixty. There were nine in my particular class, seven boys and two girls.

CF: You were also active as a Lone Scout? Maybe you could explain this?

LS: Well, my first venture in organizations was a bird club. Some farm paper had the bird club so I subscribed for the material. About three or four of us in our neighborhood organized a bird club and talked about different birds and making bird houses and so forth. Then I don't know how I got into the Lone Scouts but that was a national organization. It was geared to farm boys. I don't think there were any girls involved. They had a national magazine. I am sorry that I don't have any of those magazines but I subscribed and they would send out my request or purchase, various degrees, I mean little booklets which would show you how to become a first-class, second-class, whatever, and you could get up to as far as maybe Eagle. This was similar to the Boy Scouts.

CF: Was it connected at all with the Boy Scouts?

LS: No, I don't think so.

RS: It also wasn't a troop or anything? You just did this through correspondence?

LS: Yes, we had correspondence. I still have some correspondence with various boys over the country. I remember in Pennsylvania. I still have some of his correspondence and then we also had off-shoots, that is,

little magazines, that young Lone Scouts would publish. They were usually published by carbon copies. You could submit articles or little stories.

CF: Was your friend in the Lone Scouts also?

LS: No I don't think so. I think I was about the only Lone Scout.

RS: Did they have a uniform?

LS: No. The only uniform that I had was when I was about five years old, I had an indian suit. That was a great thing.

CF: Where did you get that?

LS: Sears and Roebuck. That was a great institution because all of us could hardly wait for a box to come from Chicago whenever we ordered.

CF: Did you spend a lot of time pouring over the catalog?

LS: That was one of my great pastimes wishing I could buy various things particularly in the toy department and the guns.

RS: Did you hunt when you were growing up?

LS: Sorry to say, yes.

RS: I assumed it was part of the culture.

LS: Oh sure, counting rabbits. I trapped a lot for money. I trapped muskrats. Go down in the morning and pick out muskrats with a steel trap, then kill them, skin them, put them on a board, and sell them like that. I did the same thing with skunks.

CF: What did you do with the skunks?

LS: Well that was a little touchy, believe me, particularly when he was alive when you went to see the trap. You had to be a little circumspect.

CF: What if he was alive? What did you do?

LS: Well you would hit him in the head or something to kill him.

RS: Would you take the skins into Gilead and sell them?

LS: No, there was always a trapper, a merchant who would come around. I also sold rabbits too. I boxed trapped rabbits and sold them to a merchant who would come around. Not the hides, I sold the bodies. Thirty cents a piece.

CF: Thirty cents a piece, that would have been good money at that time?

LS: I think so.

CF: Did you ever hunt bigger animals, deer?

LS: No. There were no deer around there. There were some fox but we never trapped fox. There were deer of course over in other sections of Indiana but not in our area.

RS: Did you also fish?

LS: Not too much. I did a little bit of small fishing. We called them millponds, little creeks that sort of thing, little lakes, but not much.

RS: Did you do a lot of reading as a child?

LS: Yes, I think so. I went to the Carnegie Library in Akron and they had a pretty fair assortment of books. Well there was the Rover Boys Series, I read those backwards and forwards. These were after Tom Swift. In any event,

Rover Boys was very popular and I had a batch of them. The Rover Boys on Motorcycle, or the Rover Boys doing this, doing that. Then when I got a little older I went to the library and discovered Cooper's Deer Slayer, for example and particularly Tom Sawyer and Huckleberry Finn and some O'Henry, Call of the Wild, that sort of thing.

RS: Do you remember what you imagined yourself growing up to be when you were that age?

LS: Well at that time I wanted to be an Indian or something like that or a deer slayer. I used to sit out in the woods and pretend different roles and watch for groundhogs and other animals and see if I could sit there and wait for them.

RS: Did you have any sense of what your parents expected you to do when you grew up? Whether they expected you to stay on the farm?

LS: Not really, my mother and my dad both thought that I ought to get a better education than they had. I guess that was standard at that time. In fact my class was rather unusual in high school because out of the nine, seven went to college and this was a very high percentage.

RS: Did most of them go to Purdue?

LS: Two of them went to Purdue, one went to North Manchester College, that was a relatively small school close-by. My first wife was a member of that class, she went to the University of Michigan. I went to Notre Dame. I am

trying to think of where else. There were seven of us that went to college.

RS: How did you choose Notre Dame?

LS: That's a complex matter, I thought about it a great deal. There were various theories and reasons in my mind. Reasons more than theories. In the first place I knew about Notre Dame. I would go up to South Bend with my so-called uncle and he lived very close to Notre Dame and I use to see Notre Dame when we use to drive out there. Of course, it was like a fortress at that time. Not very accessible to the public. You could drive in it but I didn't know anybody. Of course football was in the air at this time about 1920, the early twenties, 1920, 21, 22 maybe even 23, so that had something to do with it. I wanted to go to law school and it was attractive from the standpoint that it was only four years and I could get one year of pre-law of undergraduate and three years of law. There were other reasons I think. There was the Klan that was very prevalent during that period. It was beginning to become quite prevalent, influential; and a lot of people around our town were Klansmen, not our town but our community. I think I felt that my folks had always been liberal and had imbued me with a lot of liberal ideas and tolerance so I think that had a great deal to do with it.

RS: Picking up on one of your reasons, were you active on the football team in high school?

LS: In high school, we had no football. I never saw a football until I got into Notre Dame.

CF: Were there any sports?

LS: In high school, there was basketball. That's about the only thing. We played a little baseball but there weren't enough boys around to play baseball. In fact, we didn't have enough boys in high school. We had, I only think about ten boys that were quite active on our basketball team.

RS: Do you remember why you were trying to go to law school? Were you involved in high school either in politics or in debate?

LS: Well, I had some interest in politics. I don't really know why. Oh yes I do know, I have one definite reason and I still have it. I often ask people in the New York University Root-Tilman program when was the first time they ever thought about being a lawyer? It is very difficult sometimes for people to know when you experience the first impulse or idea. I think I can pinpoint my first idea about the legal career. My dad had some ditch proceedings in the county court. We had to go through some legal formalities, file petitions and so forth, to get certain ditches built by the farmers. You started a ditch say, on our farm and go through several other farms, so as a result you had to have a legal structure to get that accomplished, so my dad went down to Peru, our county seat, to talk with his lawyer. He would take me down

there and I would listen to all this talk about the ditch proceedings and then Mr. Lawrence, the attorney would prepare petitions. He would read them and I couldn't understand it very well. I must have been probably about ten years old. He had this roll-top desk with all these pigeon holes and I became very fascinated with all of this. I still have this little day-book that my grandmother or somebody gave me and so I started to write pretend legal documents. I have one that I would like to show you that says Luther Swygert v. Amanda Swygert, my grandmother and the complaint was that she sold me a calf that was over-priced and I demanded some damages. So I had this book with several pages of pretended litigation.

RS: So you think that had something to do with it?

LS: I am sure that it did.

RS: In Gilead there wasn't an attorney? None of your classmates were the son or daughter of an attorney? I take it you never went over to the courthouse?

LS: No.

CF: That was sixteen miles away?

LS: Eighteen miles away. Oh sure we would go to the courthouse to pay our taxes. That was my start I think of the law, and then of course later on I guess that I felt that my folks thought that I ought be something besides a farmer. My grandfather particularly felt that.

CF: Wasn't there some concern about somebody keeping the family farm?

LS: Well . . . I don't think we ever thought too much of that. I am sure that later on my dad felt that he made a mistake by encouraging me to become a lawyer. I know he said so, not to me, but to other people.

RS: He would have preferred you to be a farmer?

LS: Well he was ambivalent about that.

RS: Was it because that you would get into too much trouble as a lawyer?

LS: Well, there was no way. When he got to the point where he couldn't farm, he felt that I would have taken over. So I am sure that he had some regrets about encouraging me to become a lawyer.

RS: Your grandparents, both survived?

LS: Both of my grandfathers were alive until I was in college. I was about twenty-five. My grandmothers survived until I was in the thirties.

RS: You would also go over and visit your mother's family at that time?

LS: Yes, very frequently. First by horse and buggy and then later by car.

CF: They only lived four miles away?

LS: Four and one-half miles really.

RS: You had some cousins from that side of the family?

LS: A lot of cousins.

RS: Were you close to them?

LS: Oh sure, they would come down to the farm and visit and I would go up there and visit. Elkhart, usually, is where they lived.

RS: What sort of work did they do?

LS: My one uncle was a carpenter and one was a butcher as well as having other jobs. Then I had two uncles who had migrated to Oregon.

RS: The family never went out to visit them in Oregon?

LS: Yes, once when I was about four years old. I don't remember hardly anything about that.

CF: How did you get out there?

LS: Train. My mother, dad and I slept on the seats. There were no pullmans or anything. We couldn't afford them and so we slept on the seats. My mother had a sort of cloth box, I think I might still have it, or maybe I threw it away, she would pack various food i.e. potato chips, crackers and that sort of thing. We ate on the train. We bought maybe a few things when we would stop once in a while. I remember I ate so many of the potato chips that I got sick and I couldn't eat potato chips for years. I remember just a little bit about the trip. I remember I have a vague recollection of the Pacific Ocean and something about the trip on the train.

RS: That was the one big trip on the train? Did you have other trips on that scale going out to New York or anything like that?

LS: No. That was the big trip. My mother, dad and I and my grandparents too all went to Oregon.

RS: Did your uncles farm in Oregon?

LS: No, one was in business making donuts in Portland. I don't know what the other one did.

CF: Did you go in the winter?

LS: No I think it was in the fall.

CF: After the crops?

LS: Yes. We went the northern route so-called and came back through the Grand Canyon, the Royal Gorge, stopped there. I remember a little about that. There is a story which of course I wouldn't remember but my mother used to tell this story and my grandfather too. We would always get out when we would stop. We had some tins, some buckets like that of a coffee-pot with a top on it so we would go out and get some water. When we got to the Royal Gorge according to this tale, we stopped so my grandfather got out. It was at night and there were electric lights which were blue, red and green and water was coming over this gorge or rapids and so my grandfather got out and got some water from this--he was able to reach over the railing and get some water and, the next morning he said to my grandmother, "Vi, all the color is out of this water."

CF: Going back to the political area in 1912 you had mentioned that you were interested in President Roosevelt, Teddy Roosevelt, and Wilson won. Did you look forward to

Wilson's term as President. You were only seven but he was there for eight years?

LS: I got a little more sophisticated as the time went on, of course. The World War was on. Everybody was in the developments of the war. The trenches, the Verdun battle, and other famous battles, and of course the casualties were enormous. I know my dad was intensely partisan in his support of Wilson. I am sure although I can't pinpoint it that we were supporting the League of Nations. In 1920 Harding came along defeating Davis. John W. Davis, the famous lawyer.

CF: When did you first notice the rise of the Klan?

LS: I would say it started at the end of the war. The war ended in 1918.

CF: In what form did that take?

LS: Well they would have meetings with hoods, white gowns with masks over their faces with peaked hats and they would burn crosses in various places. Particularly in Catholic communities, I think it was more anti-Catholic than anti-black.

CF: Were there many blacks in your part of Indiana?

LS: No, a few in Peru. I remember my first sight of the blacks was . . . I guess even as a young kid I wasn't aware of them. Maybe through Huckleberry Finn I knew something about black people but I never saw one until we used to go to Peru and I would see the black people there. The Klan started to take hold particularly in

Indiana for some reason and became very powerfull politically.

RS: So some of the farmers in the area were being . . . ?

LS: Because I went to Notre Dame, I was singled out as was my family. My dad more or less knew of a lot of talk, "Why did Luther go to Notre Dame, this Catholic school in South Bend?" They couldn't understand it. There was some animosity, I am sure. We had a few people who were of kindred spirits and they got hold of a list of all of the Klansmen in our community so we were able to know who they were. Some were close neighbors and one was particularly close to my family. We discovered he was a Klansman. He never said he was to us but we discovered he was going to Klan meetings.

CF: What would you do?

LS: Nothing . . . didn't do anything. He used to put the Firey Cross magazine in our mailbox. I guess that was about the worst thing. Once they had a meeting at Akron, the Klansmen had a meeting, I played in the band--I was a snare drummer of sorts. We use to play on band concert nights. There was a big guy, I can't remember his name but he was the base drummer--so he and I were pals. Well anyway they wanted this Akron band to lead the parade and I said that I wouldn't be part of it. My dad backed me up and was very supportive.

RS: The band was sponsored by the high school?

LS: No the town of Akron.

CF: Did anybody else not participate?

LS: No I was the only one that did not participate. The only dissenter.

CF: Sounds familiar.

LS: Yes.

CF: Did you play any other musical instruments?

LS: No. But I did play in high school. I have a good friend, who is still living, Albert Fox. He played the piano and the violin and we got a job at the local theatre in Akron. He would play the piano and I would play the drums. We would play the Sheikh of Arabi and a few other old time songs.

RS: So you got to see a lot of movies? Or you got to see some movies a lot of times?

LS: Oh sure. Fairbanks, Gloria Swanson and Mary Pickford.

RS: Was there a theatre in Gilead?

LS: No, that was too small. You had to go to Akron. We would go there by horse and buggy.

RS: Your parents didn't take you to the movies by the time that you got to be in your early twenties, before you went to college, say high school?

LS: No I had my own car.

RS: When did you get that?

LS: When I was seventeen. I got a Model T Ford.

RS: Was it a new car?

LS: Three hundred and fifty dollars.

RS: Black?

LS: Black.

CF: That must have made you popular with the girls?

LS: I think so. I had two cars. One and then I bought another one. A coupe. I still have a picture of it.

CF: What did your family do for entertainment? Did the circus come to Akron?

LS: No, we went to the circus at Peru before the season started. Wallace Hagenback, Wallace was from Peru. They spent the winter there so we would go in the spring before they would start on their tour and we would see the try-outs. For other things we would go to picnics in summer. There were a lot of community picnics around, church picnics or just community picnics. There were also fairs, the Rochester Fair, the North Manchester Fair. They had horse racing. The people would bring in pumpkins, watermelons, beets and corn and they would be judged and get awards.

RS: Your family never participated?

LS: Yes, my grandfather would grow pumpkins, great big pumpkins, four feet across. He even used some artificial means of getting them bigger. He had some kind of method where he would slit the vine that went into the pumpkin and then he would insert a rag into the pumpkin and put the other end of the rag into a pan of milk so he would feed this pumpkin some milk to grow bigger.

CF: So there were some steroids in the milk?

LS: Well he claimed that is how he got such large pumpkins.

RS: You should check that out with the Agriculture Department.

CF: Speaking of that, were there agriculture agents who came around and helped the farmers?

LS: There was an agent but I am not sure what he did.

CF: The crops that were sold, how did you sell them? Would you go into Peru?

LS: No, we would take them into Akron. The wheat was usually put into bins at a grainery. Then periodically my dad would sack it up and take it to town and sell it. That took a lot of time sacking it. They were put into canvas sacks. I don't know what the circumstances were; I guess the market had something to do with it.

RS: Was it mainly the wheat that you would sell?

LS: No, we sometimes would sell rye, oats, corn, and also pigs, veal calves, and heifers and other cattle. We would raise and sell usually one or two steers. We also sold chickens, eggs and cream. We would separate the cream from the milk. And we would use the milk to feed the hogs.

CF: You would feed the milk to the hogs? Would you make cheese out of the cream?

LS: No we sold it.

CF: Did you make cheese?

LS: Cottage cheese.

RS: So would you also slaughter some of the pigs for home use?

LS: Oh yes, everything was usually butchered--about four or five hogs. We would get them fat and then butcher them. We used to butcher one early, say in November and then

maybe again around Christmas time we would butcher the other four. There would be usually three or four neighbors who would go together and butcher them. We would go to the Smiths, help butcher there; and then down to the Bowens. We would spend the whole day butchering.

CF: Why was the sharing on the butchering done? Was it just because of the sheer weight of the animals?

LS: Well weight and that whole day was a big day, first we would kill the animals, kill the pigs and put them into a barrel of hot water. You would slit their throats and let the blood out of them. My dad would take a rifle and shoot these hogs and as soon as the animal would drop he would take a butcher knife and slit the jugular veins and the blood would flow out and then we would drag the hog over to the barrel which was on a kind of slanted platform and put it into the barrel hot water with some ashes and that would loosen up the hair and then everybody would be grabbing hair and throwing it down on the ground and then you finally got some scrapers. I still have one. It is kind of like a dish. It is metal with a handle and you would scrape the body and get all that hair off until it was a white carcass. Then you would use a three prong wooden post with hooks and you would put that hog up on it by its hind legs and the hog would be hanging down towards the ground. You would cutoff the head and then you would slit down the belly and you would take the rest of the insides out and then you finally would have carcass. You

would then take the head and cook it and take off the meat and that was what was called head-meat. The intestines we would clean and those were used as casings for the sausage. This was the whole big operation during the day. This was winter, so the whole carcass would cool off, so we would then split the carcass down by using an ax and this would give us three parts, i.e. the spine, that was the porkchops, eventually we would cutoff the feet, shoulders and all the lard would be cut off and later during the day, we would put all these pieces of fat into a kettle outside and build a fire in this huge iron kettle and melt down the fat into lard. We would put some of the meat into a sausage grinder, then you would stuff the sausage, and this was the last operation. In the meantime, we would eat some of that sausage. I never was quite geared up to that. Seeing a hog in the morning and eating it that night in the form of sausage.

CF: A little adjustment! When you went up to Notre Dame what was the tuition?

LS: Two hundred and fifty dollars for a semester.

CF: Did that include room and board?

LS: No that was just for tuition. Board, I ate in the Commons. That was about two hundred dollars too. The lodging I think was forty dollars per semester. Of course, you also had to purchase your books.

RS: Was it a big adjustment for you?

LS: Oh yes, very much so. Extremely so because I had never been around Roman Catholics or around people who had an urban background.

RS: Was there a compulsory chapel for the non-Catholics?

LS: No. I usually went to mass on Sundays. Sometimes during the week I went to services at the church.

RS: How big was the student body?

LS: About three thousand.

CF: How many non-Catholics?

LS: I would say about five percent.

CF: They would tend to be Indiana students?

LS: No, some were out of South Bend like Judge Grant, Judge Beamer. There were some Jews. A couple of my very close classmates were Jewish. One of my very close friends, was Boris Epstein who came from Russia in 1923. He stopped off in Berlin for three years to see his brother who had an interesting career himself. He was the first of the family who came from near Minsk to the United States. His father died and the mother and these children were living in Minsk. His brother moved to Pennsylvania. He had a college education. He got it someway. He was very instrumental in old age pension among other things. He also wrote a book on old age pension.

CF: Was he the same age as you were or was he older?

LS: The brother was older. These people would send other Jewish families, immigrants, enough money so that they could come to the United States and this particular friend

who later changed his name to Bernard Epstein. He stopped off in Berlin for three years and then came to South Bend where his brother lived. There was a man by the name of Frank Herring who was head of the Eagles. The Eagles had a lot to do with promoting old age pension. This Frank Herring was very prominent in South Bend. He was instrumental in having this brother of my classmate come to South Bend. He couldn't speak any English when he came to South Bend.

CF: Did you have a roommate at Notre Dame?

LS: The first two years I was there I was living in dormitories.

CF: That was a big part of the adjustment?

LS: Yes, that's right. I never had any roommates as such. At Badin Hall we had individual rooms and at Corby Hall we had individual rooms.

RS: The first year of your program which was the pre-law, were your classes with other people who were also pre-law or were you just part of the first year program?

LS: Yes. Just part of the first-year program.

RS: How many people sort of came with the idea of getting a law degree?

LS: We had a big class. I have forgotten, it must have been at least one hundred and fifty.

RS: Were most of the courses taught by religious?

LS: Pre-law, well in the first year we had laymen and also a man by the name of Schuster who later became head of

Hunter College. He was commissioner in Germany appointed by Roosevelt. Anyway, he came back to Notre Dame under Father Hesberg and was sort of a vice president. He was one of my more influential teachers. I did have some clergy teachers too. Father O'Hara who later became archbishop at Buffalo and also president of Notre Dame. He was a religious teacher and he came from Peru, that is his family came from Peru so I had good relationships with him. We use to spend a lot of time together. He published a religious letter every week. Later on his nephew became one of my law clerks, John O'Hara.

RS: How did the Klan activities affect the student life?

LS: Well it certainly was a kind of threatening environment. There is a famous story about the Klan coming to South Bend for a meeting which they arranged deliberately. This was about 1926. They came to South Bend for a meeting. The students saw this as sort of a challenge. The authorities could sense that there could be some problems so they forewarned students not to be going to South Bend. However they did go, some of the more adventurous ones; they got into an altercation one night downtown, a few people and some of the Klansmen and they broke a couple of arms in scuffles with Notre Dame boys. This spread like a wildfire at Notre Dame. The atmosphere was charged with excitement and intense feeling. There was an announcement of a big meeting the last night of the convention. Father Walsh, the president, called the Notre

Dame student body together and said, "Don't go to South Bend" but that didn't dissuade the students. Everybody around the school learned that the Klan was fighting with the students at Notre Dame so all commandeered the trolley car. They were even hanging on the side of the trolley trying to get down to South Bend to support their classmates. That was the first round. The second night, Father Walsh asked to stay on campus but that didn't work very well. Anyway terrible thunderstorm occurred about the time that the confrontation was imminent and so the great battle of the Klan vs. Notre Dame didn't occur. It was dampened by the storm.

RS: Did you have your car up there?

LS: No. I left the car at home.

RS: I was wondering whether you were driving people back and forth to the meeting?

LS: No. You couldn't hardly get out of Notre Dame. As a freshman student you were only permitted two times a month to go to South Bend. They took a check at ten o'clock in the dormitory rooms.

RS: In addition to the social changes coming into the Catholic institutions with a lot of urban people, how did you find yourself on the academic side? Were you overwhelmed? How did your high school prepare you for the challenge?

LS: I made good grades, except for French. I thought I would like to learn French. A priest by the name of Father Doremus was the professor. Paul Butler, who was later on

the National Chairman of the Democratic party was a member of the French Class and many others had taken French in high school, so about the third day, I could see that I was going to fail completely. I switched in time to take Spanish. We had a priest by the name of Father O'Donnell who was the teacher. He had been in Mexico. There were a lot of journalists one was John (Red) Smith. We didn't learn much Spanish but we all passed. Father O'Donnell had been in Mexico. He had been stationed at Guadalajara. We would usually say, "Father what did you do in Guadalajara?" We never heard more in Spanish during that session.

CF: Who gave you the nickname Mike?

LS: I don't know, I guess they just didn't like Luther around there or something. I don't know what the origin was really.

CF: Did you pick it up in freshman year?

LS: Yes.

CF: You know for a long time I thought your middle name was Michael, figuring that, that was the explanation. Who were you named after?

LS: I don't know, I think a lawyer. There was a person by the name of Luther Essex who owned a farm right next to ours who had a lot of acreage. He was a lawyer in Rochester, twelve miles away. My parents named me after him.

CF: What about Merritt?

LS: I have no idea where they got it. They must have looked it up in the dictionary.

RS: So you just went home at Christmas break and spring break?

LS: Yes.

RS: Did your parents come up to visit?

LS: Once in awhile, in the fall, they would drive up and bring some fried chicken, watermelon and we would go out to the park and eat.

CF: Did you go to the football games?

LS: With them? No, I would go by myself.

CF: Your dad didn't have any interest in it?

LS: Yes, but he didn't know anything about football. He played some baseball. He liked baseball very much. He was a better baseball player than I was.

CF: Did you try any sports at Notre Dame?

LS: Everything.

CF: Did you go out and play football then?

LS: When I was a freshman. Didn't you ever hear that story?

CF: No.

LS: Well, when I wanted to get a suit, I met O'Boyle and all these people who became famous as Notre Dame's Four Horsemen. They were a year ahead of me. Rockne had assistant coaches and George Kegan was one. He later became the baseball coach. Anyway the coaches would have this suit size all there who tried out and who had been recruited. I was waiting for my name and of course, it didn't show up. Finally, it got pretty close to the end

and they asked if there was anybody who could wear a size twelve shoe? This was about two sizes too big for me but I said yes, I would take those. So I was given a suit. I went out and had no idea about fast ball or how to play it I couldn't even catch one. George Kegan divided the freshmen into five squads, there were a few left over, I was one of the leftovers. That was a bobtailed team. So anyway, we would go out there and try to hit this dummy. And they would throw the football and I couldn't catch it. One day we all got our picture taken. I immediately got a copy and sent it to my folks to show them I was on the freshman team. That was the apex of my career because about three days later I went over to get my suit. I opened up my locker and there was no suit in it. I knew then that my career as a football player at Notre Dame was at an end.

CF: What about baseball or basketball?

LS: Basketball, I played intramural. I was on the Badin Hall team. I concocted a team of some of the stars on my team and some others and we went down to Akron and played the ex-high school team down there. That was during the Klan period. So it was Notre Dame Badin Hall vs. the Klan.

Tape 2

Wang No. 7610L, Tape No. 2

Recording of Senior Circuit Judge Luther M. Swygert as interviewed by Ray Solomon, Director of the Court History Project and Collins Fitzpatrick, Circuit Executive, on Thursday, March 21, 1985. George McAndrews, a former law clerk to Judge Swygert and now a Chicago attorney, joined for the interview after lunch. The interview continues after some unrecorded conversation.

LS: I guess Judge Schnackenberg had been before Judge Page as a lawyer and Page had ruled against him or something. So they had this portrait of Page--which was hung on the mezzanine floor at 1212 Lake Shore Drive. We all had chambers on the mezzanine. Schnackenberg had the corner room that had been occupied by the first Judge Kerner--Page's portrait was hung outside of Judge Schnackenberg's door and so every time he would open the door to go out of his office he would be looking at Page's portrait. He couldn't stand it so he went to Mr. Carrick, the clerk, and said, "Mr. Carrick I want you to change these portraits around. I have been looking at this guy Page long enough. I didn't like him and I don't want to see his portrait anymore. Will you change this arrangement around so that I don't have to see this man's portrait--a former judge that I don't like?" So Carrick shifted the portraits around.

GM: The longest case that you had ever sat on spanning time was probably Linde Air Products Company. You had it in

the district court, it went to the Supreme Court twice and I think it started in 1945?

LS: Yes in 1945.

GM: In 1962, seventeen years later, he was appointed by the Court of Appeals to sit as a special district court judge because of his knowledge of the case and we had hearings at 1212 North Lake Shore Drive, preliminary hearings that were down to the accounting stage. That case established law all over the area, not just for patent cases but I think--Rule 52--the clearly erroneous rule--Judge Swygert issued his opinion--the Seventh Circuit reversed him--the Supreme Court reinstituted his decision?

LS: In 1950.

GM: He would have ultimately been right all the way through except by that time the Supreme Court got tired of hearing the case--so the Seventh Circuit chipped away at the Supreme Court?

LS: Yes, Judge Dewey came to Hammond and tried it the second time. Then the Seventh Circuit approved--that was the contempt aspect of it. I remember that I had one law clerk who said while we were trying some phase of it in the fifties. "Judge I think that I am going to be a patent lawyer." I asked him why? Maybe it was you George, I don't know. I don't think so, but anyway, he said, "When you get a case like Linde Air, that's all you need, one case like that and your career is made."

GM: There would be as many as twenty lawyers who would show up to discuss a motion for continuance and they would be coming in from Cleveland, and . . . .

LS: Yes, some from Cleveland, a famous former United States Attorney in New York and, then, of course, Casper Ooms was in on it.

GM: Thomas Koykka from Cleveland?

LS: Yes.

CF: He died. Just a couple of months ago.

LS: Ooms was from Chicago.

RS: He was a good friend of Mr. Carrick's.

LS: Yes.

CF: Is that why Thomas Koykka stayed with the Seventh Circuit Bar Association? He used to come to the Seventh Circuit Judicial Conferences all the time and nobody could figure out why this guy from Cleveland always came to the circuit conference.

LS: Well he had been around here so long during that case.

CF: Well he knew all the other leaders of the Seventh Circuit Bar.

LS: Sure, he knew Casper Ooms and George Haight, the patent lawyer, from Wisconsin.

RS: He was a friend of Judge Evans. I see the correspondence all the time.

LS: His uncle--you know--he was with Williams for awhile. They were good pals.

RS: Yes he set-up the Wisconsin foundation. I think they were important in that.

GM: I am now thinking of a different story. You will have to jog your memory. You told me that you had gone through some bad book years. You couldn't pay your secretary when you were practicing law in Michigan City. That it was the Depression. I think you were married and I think you had your first son, but I am not certain and you saw an ad for a part-time prosecutor. I thought it was in South Bend or it could have been in Gary but I still say it was in South Bend. I think you said that you stayed at the YMCA or the hotel that began with a "W" down there. You said somebody told you to go down there because they needed a part-time either a St. Joseph County prosecutor or the U.S. Attorneys, they needed a part-time prosecutor. You said things were very, very bad and you went down and you applied and, when you got there, they said they had already given the job to somebody, but that they would have liked to talk to you. You told me you went back and locked yourself into the hotel room and cried. You were feeling so bad, so deep down, now you are going to have to come back. I haven't picked this up anywhere else. I can't give you the specific time because it was--you told me you felt so downcast--because as you probably would during the Depression. The private practice, you couldn't pay your secretary, you had your books, your expenses exceeded your income.

LS: Listen, I think you got me mixed up with somebody else.

CF: Well your income wasn't very much in Michigan City?

LS: No, I got the books here.

CF: I have seen that and it wouldn't take very much expenses to exceed your income?

GM: You said you needed a job and you told me that the old Republican senator.

CF: How did you move over to Hammond?

LS: I went from Notre Dame. I graduated in June. On July 22, 1927 my dad took me to the Lake Erie and Western Station at Macy which was about seven or eight miles from Gilead. I moved to Michigan City on my own. I set-up shop there. I borrowed six hundred dollars. I lasted six months and I was completely broke. Then Bill Travis was over at Hammond. He was married, had a wife and she was working as a secretary. He had some means of eating so he asked me to come over there and we would start together. So I went over to Hammond and we set-up a little office in Hammond. We were subletting from a guy by the name of Milton Silverman who still lives out there on the South-Side. He is about ninety years old. He was a salesman. We had an office in the Calumet National Bank Building in Hammond.

RS: What kind of clients did you have?

LS: Collections, mostly.

GM: See, I totally remember that now. Keep going because there is something in here.

CF: You became a prosecutor part-time?

LS: Well then I came into politics. Travis left me and he went with a big firm by the name of McAlear, Dorsey & Clark.

GM: Were you married then?

LS: No, I got to Hammond on January 1, 1928 and I didn't get married until 1931. This I do know, maybe this is what I am trying to say to you. I got into politics--eventually I got to be a prosecutor. Then for some reason I was told that I might be an assistant United States attorney but for some reason the United States attorney wasn't ready to get me into the United States attorney's office right away.

GM: Where was that?

LS: In Hammond and so I am out as a prosecutor. There was about a year or almost a year that I was completely on my own.

GM: Were you dating your wife then? All right, now we are getting down to this because this is--okay. You were just married, your wife is later expecting a baby and you are on your own because right now I remember everything you are saying. I didn't dream this up. You told it to me.

LS: That's true. I got out of one job and didn't have the other one and I am still on the State Democratic Committee with no job.

CF: Was this the State Central Committee?

LS: Yes.

RS: You didn't reopen an office or you did?

LS: Well I had an office.

GM: You said that your wife was expecting, you were married and you didn't have a good income. I think you said you didn't have any income. That your expenses were exceeding your income and that there was an opening in South Bend. I don't know if it was St. Joseph County or if it was the U.S. Attorney at that time.

LS: Fort Wayne. I was half promised that at the time. There is just a gap there. I didn't have any job.

GM: You said you went there and something fell through. You didn't get it.

LS: Yes, I didn't get it because the United States Attorney, Mr. Fleming, had some kind of an understanding with the then judge that the man that I was to replace as an assistant United States attorney was to be kept on as a favor to the judge. So the judge induced Mr. Fleming although they were opposite politically to keep him for awhile so he could find another job and that is why I was sacrificed.

GM: You needed the job because your wife was pregnant and it was the Depression.

LS: I was pretty desperate.

CF: Was it Slick that wanted somebody else?

LS: No.

GM: Should you tell them why they call you Mike?

LS: Yes.

CF: Well we didn't find out who tagged him.

GM: It was guys at Notre Dame--wasn't it?

CF: Well we didn't find out who tagged him.

LS: I don't know. They didn't like the name Luther, I know that. It didn't sound very good in an Irish school.

RS: Would the faculty call you Mike as well or would they call you Mr. Swygert in class?

LS: Manion, I am sure called me Mike because we were good friends.

GM: Doesn't Galvin still call you Mike?

LS: Oh sure. All those guys do. Bob Grant. If they say Luther, I am mad at them.

CF: All those people do.

LS: If other people say Mike, I wonder who they are talking about.

CF: I have the vision of you two leaving 1212 to go out for lunch sort of the early "Blues Brothers."

GM: You are right. We both are over six feet. You know the judge has a little weight. We have exchanged profiles. We would drift down literally like dirigibles. He would wear sunglasses. I can't get over that. He would send me in as his watchdog to make certain that it was first of all respectable. That was the euphemism to make certain that there were no Tribune photographers around. I would go in and check and then we would go in and have a late afternoon, sometimes we would go for lunch, not just on the main street of Rush Street but the side streets and we

would wander and some of the places were pretty old and ramshackle, but they would have a nice little coffee shop.

LS: On the corner, do you remember where that restaurant used to be?

GM: That's right, Mitchell's.

CF: It was probably better that you two were on this side of the Lake Shore Drive instead of the other checking out the people on the beach.

LS: I think George did that.

GM: Oak Street, Mike Fenner and I used to do that.

LS: Who was Judge Kiley's non-Notre Dame law clerk?

GM: Mike Fenner was Kiley's clerk when I was there.

CF: Did Mike go to Notre Dame?

GM: Yes, he was my roommate at Notre Dame and that is how we knew each other. I want to see Bill Plaine. He was Hastings' clerk at the time and then Murray, and then Bea Fox was there.

CF: Then Murray Milne was Judge Castle's permanent law clerk.

GM: Who? You know they didn't come out very often.

CF: No, they never did when I clerked either.

GM: He would go into that office and you wouldn't really see him during the day. He didn't come out and socialize. He didn't get out to lunch with the group. Ken Carrick would. Tom Strubbe would.

LS: I am trying to think, who else was a law clerk around there?

GM: Duffy's law clerk use to come down from Milwaukee with him.

LS: Didn't he have a woman law clerk?

GM: I think he did and she would just come down when he was sitting.

LS: Judy Borg followed.

CF: Who preceded you first?

GM: Ed O'Toole.

CF: Oh.

LS: Ed was with me in Hammond for just a couple of months and then I came up here.

GM: We both became patent lawyers. How is Ed, I haven't seen him for a while?

CF: I see him pretty much on the train.

GM: White hair, he is down in Beverly.

CF: He lives about a mile from me. He is down in St. Barnabas, George. We are in Christ the King.

GM: We were both patent lawyers you know. We both took engineering. We both were about the first two law clerks at 1212 who were engineers and patent lawyers.

CF: I remember that neither of them were electrical engineers, right?

GM: No, nor chemical engineers. He is a civil engineer and I am a mechanical engineer. When the judge got the chemical cases, he would go down to Kroch's and Bretanno's. I think he would send me down to get a glossary of chemical terms. He would be in his stocking feet at his pulpit over there--not that one--but he had a bigger one than that--a standing lectern--and he was trying to figure out

what the briefs were referring to because they would refer to chemical terminology and he had What Everybody Should Know About Chemistry--trying to learn the case.

LS: What about Major's case?

CF: Was that where the electrician came in and helped you out?

LS: Not me, him.

CF: Well, why don't you tell it.

LS: Well Major said he told this long afterwards because he didn't want to admit it for several years but he came up here from Hillsboro and he never heard of patent law or patents I guess. He got a patent case involving electrical devices of some kind and they had all these exhibits, so, he we was assigned to write the case. He was staying at the Knickerbocker, alone. Mrs. Major didn't come up with him. He took these devices with him, putting them into his briefcase and went over there. Well something happened to the light in his room so he called down and they sent up an electrician from the hotel. So this man came up and fixed the light and then he saw these electrical gimmicks and asked, "Are you in the manufacturing business of this equipment?" Judge Major replied, "No, I am a judge." So Major said, "By the way, you know something about electrical gadgets how they work, would you mind sitting down here and explain some of these things to me." So this fellow sat there, looked them over, and asked him what do you want to know? Major replied what is this, what is that, how does it work? In

an hour or two, he told me how all this stuff worked and so Major got much better acquainted with the case by reason of this conversation and, therefore, he was able to write the opinion. He was stumped up until that time because he didn't know anything about electricity.

GM: Was he raised on a farm? Because Will Freeman, our senior partner, had been raised on a farm. Will was arguing a patent case and Major leaned forward and he said and it had to be, it was a patent on a manure spreader and Major said I want to tell you Mr. Freeman that this is the first patent case I feel totally at home with. I can understand everything about it. Will Freeman said I feel at home with it too. I remember that, two farmers.

RS: Didn't he used to have a contest with Evans?

LS: Yes, that's a good one. Major would say I have come up from Hillsboro. I got all my cases decided. I went down to the barber shop and would talk with all the guys that hang around the barber shop there at Hillsboro. I would tell them about these cases and they know just exactly how they ought to be decided so I got all this barber shop law that I could apply up here.

CF: He had a contest with Evans over their farms as to who could produce the biggest ear of corn? Wasn't that it?

RS: Right.

LS: I thought you saw the biggest ear of corn up there. Don't you remember that?

GM: No, I don't remember that.

LS: I have more evidence than that story.

CF: Well they went to Evans's funeral.

LS: First, they had the argument as to whether or not Evans grew bigger corn on his farm up there in Baraboo. He and his brother owned the farm up there. Although Major was a lawyer in Hillsboro, they had farms too outside of Hillsboro. They both had been born on a farm. So they had this contest as to who grew the bigger corn. They made a bet. Major said to him you bring in an ear of corn from your farm and I will bring in one from mine. So they brought in a sample, maybe two, but at least one, ears of corn. Evans won having the bigger ear of corn. I don't know whether they actually had any money on the line or not. So then maybe in a year or less but at least within the year, Evans died in 1949. Judge Igoe and I and Major and his driver went up to Evans funeral in Baraboo. The funeral, better say was at one o'clock, and so we got up there maybe around twelve o'clock. The funeral was on the porch--homestead. Judge Will Sparks was going to conduct the ceremony. Anyway, he conducted the services and made a kind of a sermon not a eulogy really. Before that, Major said to me knowing that I had some connection with farms, let's go out and look around the farm. So we went out and ran into Evans's hired hand. Major identified himself to the hired hand and says, "You know Judge Evans and I had a contest as to who grew the best ear of corn. Judge Evans brought an ear of corn down to Chicago to

compare and it was bigger and longer than my ear of corn, in what field did that ear grow?" The hired hand gave a big laugh and said, "You want to know the truth about that? Well this is the story, Judge Evans told me that he and you had this bet, so he said to me, 'Let's go over to the elevator at Baraboo this coming Saturday.' So we went over there and hunted a couple of hours and picked the biggest and longest ear of corn." Major said, "I'll be damned. I wish I would have known that."

CF: We now go back to the early part of this tape where we were talking about your athletic career at Notre Dame. You had been telling us about basketball and football and particularly the grudge match down in Akron between the clan and Catholics.

LS: At Corboy Hall, we picked up students from all the dormitories. It wasn't really a Corby Hall team.

CF: Some ringers.

LS: Ringers, that's right. They lived at Sorin Hall, but we picked them up anyway. It was kind of ad hoc Badin Hall team.

CF: Was there ever a request for a rematch?

LS: I don't think so, we were treated pretty cooly. I tell you I was so happy that we won at the last minute. I only got in the game just a little bit I think because of the fact that my folks were there and wanted to see me in uniform but otherwise I was a second-stringer.

CF: What about your track career?

LS: Mine lasted for a day or two. I thought I would be a cross-country member since I was from the farm. I thought I would be what they called a harrier at that time. They gave me shoes which had spikes in the toes but no spikes in the heels. You ran on your toes. So I went out with a batch of freshman long distance runners. I hadn't conditioned myself. The next morning, I couldn't even get out of bed. The calves of my legs were just like marble. You could not have sawed them with a hacksaw. I could hardly walk for several days. That ended that career.

CF: What about baseball?

LS: I never got into baseball but I did get into track. I wanted to be a discus thrower. There was a discus thrower by the name of Tom Lee on the varsity team. His brother by the way was a federal judge. Tom Lee was a beautifully built man. He threw the javelin and also the discus. I could still see him at Notre Dame at Cartier Field throwing this discus. I thought I would try to emulate Tom Lee so I bought a discus for five dollars and took it home and used to throw it out into the fields but I didn't get too far with that. Then, I thought I would be a miler so I entered an intramural contest once at Cartier Field. Rockne took a big interest in all of this. His interest wasn't just football. He was athletic director of everything. He would run these intramural contests. Again, I was in poor condition but I entered for the mile contest. Again I was representing Badin Hall. I started

out pretty good and right with the pack for the first half or three-fourths of a mile, then I started fading a bit. Pretty soon they are a half a lap ahead of me and Rockne said, "Hey you, I got this gun in my hand [his starting gun], if you don't get up there in the front with the rest I am going to shoot you in the behind." I didn't let him do it. I dropped out at the end of that field; that ended my career as a trackman.

RS: So you went back to the books?

LS: I wanted to be a baseball player too. I bought a baseball earlier and use to throw it at the side of the barn. Did you see that movie on baseball? Remember he used to throw it at the side of the barn?

RS: Oh yes, the "Natural."

LS: I did the same thing. I put a chalk square on our red barn. I got a book on how to pitch.

CF: Did you play at all in the leagues when you were a kid or did you just play pick-up games?

LS: Just pick-up games. I played some baseball in that league but not at Notre Dame.

CF: Were you active in any other activities either in high school or in college? I noticed that you were an assistant advertising manager at the Dome?

LS: At the Notre Dame Lawyer.

CF: You were one of the founders of that?

LS: Travis, Ready, and Butler. I was circulation manager and then advertising manager.

CF: Well we can eliminate the possibility of you being in French Club.

LS: I was on the Debating Club.

CF: That was what I wondered.

LS: I never got very far with either. I never got on the team.

CF: What did you do dating?

LS: At what point?

CF: In high school? Well we knew you had a car at seventeen and we can go from there.

LS: When I first started dating, we went by horse and buggy to the church suppers.

CF: Was this at the Methodist Church?

LS: Yes at the Pleasantville Methodist Church.

CF: I got the impression that there wasn't a lot of dating up at Notre Dame?

LS: No.

CF: It was more of a monastic life?

RS: They wouldn't have parties with St. Mary's?

LS: Oh no. They would sometimes have dances or teas but you had to know somebody at St. Mary's. You just couldn't go over and get a date. Usually it would happen that a student would have a sister over at St. Mary's and he would work it out with a classmate to meet his sister. Otherwise, you had no opportunity to get acquainted with any St. Mary's girls. It was almost like a wall between the two institutions.

RS: Did the Klan leave St. Mary's alone?

LS: Oh yes. The Klan never came out to Notre Dame.

RS: In your second year, you then started your law courses?

LS: Yes.

RS: That was just the regular law, i.e. contracts?

LS: Yes, contracts, torts, evidence, I don't know where we got evidence maybe in the second year.

RS: It was a Socratic method?

LS: Not too much. It was mostly lectures. There were a couple of very bad teachers. One by the name of Judge Wooten. He had been a frontier judge in Montana and all he did was tell anecdotes about his practice before a Justice of the Peace in Montana. They were very colorful stories but you didn't learn much torts law.

RS: Did they use part-time instruction from practitioners or something like that?

LS: No.

RS: What year did you start the journal?

LS: In 1926.

RS: What did you do during the summer?

LS: Work on the farm.

RS: You would go back home in the summer?

LS: Usually I would go back home. A couple of years I planted pickles on a couple of acres and made some extra money.

CF: Aren't they tough to harvest? Don't you usually have to harvest them at a particular time?

LS: Not necessarily. They were rated, the bigger the pickle the less. We had a certain kind of pickle, not the little ones, but medium size.

CF: I thought that there is a particular time to pick them so far as ripeness is concerned?

LS: When they get to be a cucumber, they didn't like those.

RS: So you didn't have any occasion to use your law training during the summers? You didn't work with a local firm or anything like that?

LS: No. There wasn't an opportunity that I knew of.

RS: Were you the only one in your area that was taking law training at that time?

LS: Well my classmates, two of them were engineers at Purdue. One went into teaching and my wife went to the University of Michigan where she took psychology as her major. Then she went to work when she came to the Chicago area.

CF: Did she go to Marshall Field as a buyer?

LS: No she was secretary to the president at that time.

CF: Did you continue to date her? Did you start dating her in high school or did you just continue on?

LS: More or less. She was at Michigan and I was at Notre Dame. She had to work to put herself through school up at Michigan. Her folks didn't believe in college. She had to do it all on her own. She went to northern Michigan and worked as a waitress during the summer.

CF: Did you meet her through the church socials?

LS: No, no, she and I were classmates.

RS: Were her family farmers?

LS: Yes, they were farmers.

RS: Had they been in the county about the same length of time?

LS: Yes, they were Germans. They were a different sect. They belonged to a kind of modified liberal Dunkerds. They are even farther removed than Amish but they are in that Mennonite followers of the group.

CF: What were they?

LS: Well they were an offshoot of the Amish. Then there was a brethren which was an offshoot of the Dunkerds, but it was more of a austere type of religious group.

CF: Her name was Mildred Kircher.

LS: Yes, Mildred Kircher.

CF: Did she have brothers and sisters?

LS: One brother who is still living.

CF: You have a father and a grandfather who were Lutherans and a mother who was Methodist and you go to a bastion of Catholicism for the Midwest. How did you see yourself religiously?

LS: Well to be honest about it. I became less religious in any formal way.

RS: Did you change?

LS: I became more aware and tolerant of Catholics and Jews. I didn't know anything about Jews until I ran into this Jewish friend of mine at Notre Dame. I never saw a Jew before that I knew of. There were a few Jews around

Rochester and Peru but they were merchants and very clannish. They were the only Jews in town that I knew of.

RS: Did you become more politically involved during those years at Notre Dame?

LS: Well more liberal but not necessarily political. Right after that I became very active in the Al Smith campaign. At Notre Dame I wasn't too active politically.

RS: But you were sort of aware that you were becoming more active politically, that is your views were?

LS: Yes I was an admirer of Henry Mencken, who published The American Mercury. I used to go to the library in South Bend and read it.

CF: They wouldn't subscribe to it at Notre Dame?

LS: No.

RS: Your liberalism really wasn't under the tutelage of any of your teachers?

LS: I think Clarence Manion. He was against prohibition of alcoholic beverages. That was one of the big issues at that time.

RS: As most law schools educations are, it was a fairly apolitical education.

LS: Well there was the Republican Club headed by a student from Gary. Of course, Gary at that time was Republican. He came from a Republican family in Gary. He later became a Democrat. I was very liberal, particularly in religious matters.

CF: Did you have any incidents like the Arkon refusal to march in the band to lead the Klan during college?

LS: No, I can't remember anything like that.

RS: Did you get involved at all in the Stevenson case?

LS: Yes, but that was much later on.

RS: That would have been after you graduated?

LS: Yes.

RS: When you were finishing your fourth year of college, did you have some idea how you were going to practice? I know that firms didn't come to recruit.

LS: Well, I didn't know where I was going to practice. There were a dearth of jobs. I was telling Judge Grant yesterday a story that there was a man by the name of Albert Chipman, who just died in January. He was eighty-nine. He had gone to Northwestern. He came from around Plymouth, I guess. I don't know where he was born, but in any event he became a lawyer at Akron. There were two banks, the Exchange National Bank and the State Bank. The Exchange National Bank had been there for years. The State Bank was sort of an upstart. There was a lawyer there by the name of Rubin Carr who had been a lawyer at Akron and he became the judge at Rochester, Fulton County and Plymouth in Marshall County. When Carr died Chipman was appointed county judge by Governor Leslie. Judges were elected in those days. Anyway, he became judge of Plymouth and Rochester. Then the circuits were split and he became a judge at Plymouth. He came to Arkon about six

months before I got out of Notre Dame when he became a judge. I am a little ahead of my story. He was a lawyer for two or three years while I was at Notre Dame. He got on the bench and a young man by the name of Patterson who was the son of the president of the bank also graduated from Northwestern and he took over Chipman's practice in Akron. So this newer bank wanted a lawyer and they pressured me to come to Akron to start practicing law. The whole board of directors of the bank came up to my farm. They tried to prevail on me by offering me free space in their bank as a lawyer and you could imagine the temptation that it was but I could forsee that there wasn't enough business in Akron for two lawyers. My dad was sort of urging me to take it but I resisted then I could see that I wouldn't be having enough business that I would be drifting back and forth to the farm and thus would become a farmer which I wanted to get away from. So I said no and I went to Michigan City on my own.

CF: Why did you pick Michigan City?

LS: I thought it was an up and coming city which turned out not to be true. I saw that Gary was blooming at that time and I figured Michigan City was next.

CF: Did you at this time have to go to law school in order to practice law in the State of Indiana?

LS: Well, you could have.

CF: Were there many people who didn't go to law school?

LS: Yes, they became lawyers, but by happenstance. For example in Fulton County there were two judges who had not been lawyers. They had been elected clerks of the court first which helped them to become acquainted with routine court procedure. A justice of the peace once in a while would quit his practice and become a lawyer, I think but there weren't too many in my time that didn't go to law school at some time or another.

RS: Did you have to take a bar exam?

LS: When I got out?

RS: Yes?

LS: Of sorts.

RS: It wasn't as formal as now?

LS: No, the bar exam at Michigan City was sort of a charade. They tested Neville Williams and I, two young lawyers, or neophytes. His father, Walter Williams, was a lawyer and he had a partner by the name of Judge Tuttle who had been a roving judge at Hammond and Michigan City. Afterwards he became a lawyer in Michigan City. He and Mr. Williams, and then Neville who was the heir of this firm. I didn't have such an opportunity, but anyway we became very close friends in that six months. I had no business at all and Neville didn't either in a way and so most of the time we would talk and go hunting or do something like that. The bar finally decided to give us an examination. There were two opposing firms who had a lawsuit involving surety-ship. So the Bar thought they would give us some

questions on surety-ship. They turned us loose at the court library and we started looking up some of the answers.

CF: That's about all the examination that was given by the Michigan City Bar.

LS: Yes.

CF: That's interesting.

LS: I shouldn't admit that we tried to find the answers in the law books.

CF: It was an open book test.

LS: That's right. Neither one of us had any acquaintance with surety-ships or guarantees in law school.

RS: The whole process of opening your office, I take it you hadn't had much preparation at Notre Dame for what you ought to do to open an office?

LS: None. I looked through the ABA Journal at that time and I saw an ad in Davenport, Iowa. I wrote to this lawyer. He said he would like to have me come out and see him so I was about ready to go to Davenport and then I thought to myself I am too far away from my folks and I would rather be closer.

CF: You didn't consider coming to Chicago?

LS: No.

RS: Did you do the sort of thing in Michigan City like join the Rotary Club or groups like that?

LS: No. I didn't have any money.

RS: It takes money to make money?

LS: I guess so. The only kind of business I got was handouts from this local lawyer. For example--not, it wasn't Moore, his name was Purple. For example, he had a small practice and he gave me two or three cases, one involving a note for ten dollars.

RS: What was your first trial?

LS: I don't know but my first client was a German in Michigan City. He had a bad case to start with. He ran a hotel at the north-end of Franklin Street allegedly a little shady. The City Commission decided to close the alley in back of his hotel. The owner came to my office. I was just sitting there with a typewriter, Corpus Juris, Indiana Statutes, and a set of form books. I had no idea what to do. I didn't even know how to file a complaint. I had a hard time with that case and I finally went to the meeting where the Council was going to take up this matter. I asked for a continuance in a very frightened manner. They gave me a continuance. I had forgotten how it came out, but I think they withdrew the petition. I think I got a fee of twenty-five dollars--my first fee.

CF: Your first big fee. Didn't you have some small fees? I can remember looking through some of your records where you received fifty cents listed for filing a document in court.

LS: That's in Hammond, not in Michigan City.

CF: That's all in Hammond?

LS: In 1927, 1928, 1929. 1928 that's a lost year, except for politics. Al Smith.

CF: Did you work a lot on the Smith campaign?

LS: Quite a bit.

RS: So, when business was slow you got involved in politics in the Al Smith campaign?

LS: Yes, first in 1928. Then in 1929 I got on the Election Board in Hammond.

RS: Was Hammond basically a Democratic town at this time?

LS: No, it was a Republican.

RS: That's why somebody from out of town, who was young?

LS: Yes, I was about the only young Democrat, a lawyer. There was a John Phrommer who was the Democratic City Chairman who had to fill a vacancy--on the Election Board. There was a Democratic member, a Republican, and the City Clerk on the Election Board. So I became the Democratic member and I received five hundred dollars. That really saved me. I would have starved.

CF: Would you have gone back to the farm?

LS: I think so. I don't know what else I would have done.

RS: What kind of activities did you do in the Smith campaign?

LS: I was the head of the Democratic County Speakers Bureau. Congressman Barrett O'Hara. I got him to come out and speak at Hammond.

CF: He was a long time congressman from the Hyde Park area that Ab Mikva eventually took on. O'Hara was told that it

was his last term by Daley. At least that's the story. The next time around they slated Mikva.

LS: There was a vacant theatre on State Street in Hammond and we hired it for five dollars, a minimal amount of money for the Democratic Central Committee, and I got O'Hara to come out there and make a speech. I did all the arrangements for speeches.

RS: Did Smith himself come out?

LS: No, but I came here to Chicago and heard him speak in the Coliseum.

RS: How much were you in contact or would you go home to the farm?

LS: My folks would once in a while drive up in the fall.

RS: Were they worried about whether or not you were going to make it?

LS: Of course.

CF: When were you married?

LS: In October, 1931. That was a tough time. Of course, my wife was working but then she had to quit after several months because of pregnancy so then I really had a hard-time of it.

RS: She worked for you?

LS: No, she was a secretary over at Marshall Fields.

RS: She stayed at Fields even after you were married?

LS: Yes, until she became pregnant.

RS: She would commute by train?

LS: That's right. We had an apartment in Hammond.

CF: When your first son was born, that was Robert, right?

LS: Yes.

CF: There was a problem?

LS: Yes, he was a congenital problem. He never walked. He was weak in other parts of his body, but particularly his legs.

CF: When did you learn that?

LS: I didn't know it and neither did my wife, maybe we were aware of it but we probably didn't want to become aware of it. We noticed that he wasn't crawling. My mother and mother-in-law felt that there was something wrong. I finally went to the doctor that delivered him. His name was Dr. Emmiliser. He said that there was something terribly wrong and that we better go to Billings Hospital. So we brought the boy to Billings. He was about a year or a year-and-a-half old. A neurosurgeon by the name of Buchanan. He is still alive. He took very much of an interest in the case. He finally said it was a hopeless situation.

CF: What was the problem?

LS: He had a genetic mutation.

CF: Lack of control?

LS: No, if you slice the spinal cord--you will see the cord and then there is what is called a snyopse--and then these ganglia run off into nerves. Ordinarily there are thousands of these, but his were very sparse. Not enough to give the muscle a tone.

CF: Did that only affect the legs?

LS: No, more of his legs, the body, his arms and neck were weak too. He had a good mind, very sharp.

CF: When did he die?

LS: In 1945, when he was thirteen. He was born in 1932.

CF: So that must have been tough? When was Mike born?

LS: In 1939. He was about seven years old. There was seven years difference.

RS: I am going to ask you about when we talked earlier about the Stevenson case. What do you remember? Judge Sparks tried it. Judge Treanor wrote the dissent.

LS: I didn't remember that.

RS: Yes, in the Supreme Court when I was doing my research I came across that. Judge Treanor wanted to reverse it.

LS: He got a life imprisonment. He tried to get out on a habeas, in my time.

CF: Stevenson was the leader of the Klan.

RS: Yes.

LS: He made governors. He elected Governor Leslie and McCrae. He took a woman, and under certain circumstances that were not too clear in my mind, to Hammond and I think he poisoned her.

RS: I think he actually had taken her from Chicago, across state line. It was a charge of kidnapping or false imprisonment. She eventually jumped out of a window?

LS: That's right, at the Hammond Hotel.

RS: He was holding her in this room giving her some sort of poison or something. She tried to escape. The legal question was whether it was murder or not?

LS: Sparks tried it. That is what brought him here.

RS: Yes, he got a lot of publicity.

CF: Was that tried in Lake County, Crown Point?

LS: I don't think so.

RS: Maybe they moved it downstate.

CF: Maybe he is from around there?

LS: Sparks was from Rush County. I don't understand. Maybe the trial was in Indianapolis. The trip started in Indianapolis.

RS: Senator Watson had just made peace with the Klan?

LS: I don't know too much about that. I knew Watson, I saw him several times and he was a fourflusher if there ever was one. He was the same kind like that we were talking about at noon. He would say, "How are you, I haven't seen you for a while." Although he never even laid eyes on you before. "How's things been going with you?"

CF: Is that the story apocryphal about Watson--talking about Anderson?

RS: Oh, he took him into see Coolidge?

LS: Yes.

CF: Why don't you tell that one. I love that story.

LS: Well, the story is that Anderson of course was so tyrannical and despotic on the bench.

CF: He was a sole judge? The only one in the district of Indiana?

LS: A sole judge. There were all kinds of stories of his highhandedness. Hughes was an associate on the Supreme Court and then he ran for president against Wilson. He was defeated in 1916. When Harding came along, I think he appointed Hughes back to the Supreme Court as Chief Justice. In the interim, Hughes practiced law. It was some kind of a labor case, I am not sure what it was an injunctional case before Anderson at Terre Haute, a miners town. It had to do with the miners. Hughes was out there arguing according to my understanding of the story and Anderson was contentious of all lawyers and the bigger the lawyer the more contentious he was and high-hatted and discourteous. One of the ways that he would show his contempt would be to swing his chair around and kind of look out of the window into space, at the wall, and not look at the lawyer addressing him.

CF: Did he do this in jury trials too?

LS: I don't know what he did in jury trials but at least he did this to Hughes among other things to try to humiliate him. Hughes wasn't about to take it because he had been on the Supreme Court so he proceeded to lecture Anderson and said I didn't come out here from New York to be treated this way and he proceeded to say how belittled he was being treated by Anderson right to his face. Anderson took it and became a little more courteous.

CF: Now Anderson didn't usually travel outside of Indianapolis?

LS: No. The story about getting Anderson up here is that I'm sure its probably apocryphal Watson could have invented the story very easily. He had no misgivings about anything. It's like Mark Twain said about Huckleberry Finn--talking about Mark Twain--he mostly told the truth. Well, anyway the story is that in the old days the candidate for the appointment of a federal judge--the senator would take the candidate to the president and introduce him and say here is my candidate, or after he had been appointed, he would introduce him--one way or the other. So Anderson went down to Washington and Watson was the senior senator. He had been there for years. He had a lot of seniority. He brought Bings Anderson to the President in the oval room and presented him to President Coolidge and said, "Here is our candidate for the Seventh Circuit." He said, "You know he has unique qualifications. He is a good lawyer. He has been on the bench a long time and the bar is well acquainted with him. I can tell you Mr. President that all the bar--all lawyers in Indiana want Judge Anderson to be promoted on the court of appeals in Chicago." The president said, "Well, that is very unusual." Watson says, "Yes, half of them want him to go up there because they think he might be qualified, a good lawyer, and the other half want to get rid of him." Allegedly, Coolidge of course, wasn't given to too much levity but he cackled and thought that

was a great joke. So, they left and said their good-byes and after they shut the door to the White House, Anderson looked a little puzzled. He said to Watson, senator, you know you said something and I am a little confused about. Are you really sure that you think all the lawyers want me to go to Chicago? I know you said half of them want to get rid of me and the other half thought I was able to do a job. Oh, Watson said, "I don't know, it might even have been forty-sixty."

CF: How did you get the job as the assistant United States attorney?

LS: Well, I worked hard during the Roosevelt campaign. I was on the state committee.

CF: That was in 1932?

LS: Yes, in 1932. I worked very hard. We carried Lake County. The Legionnaires helped. Frank McHale and some others. They built the young Democratic machine in Indiana on that basis. McNutt had been the National Commander of the American Legion. They were from Indiana University. They were dynamic men. I didn't have any connections with the Legionnaires. I drifted over to Senator Van Nuys. There was a split. Not a bad split but there was some hostility. There were just different camps in the Democratic party in these groups, senators, the old timers, like the man that I worked for, Mr. Flemming. He had been in the legislature in 1911 and 1912 with Van Nuys. Van Nuys came from Rushville. Flemming came from

Portland, Indiana which is south of Fort Wayne, down in that area between Muncie and Fort Wayne. They were good friends. I don't know under what circumstances but I got acquainted with a person by the name of Will Smith, who was Van Nuys' right-hand man and became the head of the Internal Revenue Service in Indiana under Roosevelt. In any event, I fell into that faction and so one day I was at the Claypool Hotel on political business and Mr. Flemming who I never heard of before was going to be appointed as the United States Attorney. Someone introduced me to him and we had a private conversation and he said, "I want you to be my assistant in Indiana." I said, "You mean you want me to be an assistant United States Attorney?" He said, "Yes, I want you to come over to Portland to see me." So I went over there and stayed overnight and we talked for a little while and he said, "I want you to be my assistant."

RS: He had just one assistant?

LS: He had another. A first assistant and I was the second.

RS: Before that you had been an assistant prosecutor?

LS: Yes. Then that was the gap.

RS: That was the gap between those two jobs?

LS: Yes.

CF: The prosecutor for Hammond was really sort of like a corporation counsel--handling traffic?

LS: No, he was a state prosecutor.

CF: Like the DA? But it was a part-time job wasn't it?

LS: Well, my job in Hammond was part-time, yes. I was an assistant deputy prosecutor. We were on a fee basis for awhile.

CF: What did you get paid?

LS: On drunk charges there was a forty dollar fine for public drunkenness and twenty-five dollars went to the prosecutor. All liquor violations were twenty-five dollars and there were a lot of them because it was illegal at that time and there was a lot of illegal drinking. You could see this in 1930, 1931 and 1932 from my records. I was on a prosecutor salary but before that, I had prosecutor fees of two hundred dollars.

RS: Before you went to the prosecutor's office, had you had many significant trials at all? Had you just been doing collection work?

LS: Divorce. I had a few criminal cases.

RS: Some of these were real jury trials?

LS: A few of them but I learned most of my skills as a lawyer in the U.S. Attorney's office.

RS: The United States Attorney's Office?

LS: Yes, most of them.

CF: As a prosecutor in the state system, could you also at the same time be representing defendants in criminal cases?

LS: No.

CF: Not in the same case but I just wondered at the time?

LS: No.

CF: So, it was just strictly a civil practice?

LS: You could do civil practice work. The same thing when I was an assistant United States attorney but you couldn't take certain kinds of cases.

CF: You could have a civil practice?

LS: That's right. You couldn't work on certain cases.

CF: You couldn't take federal tax cases?

LS: No, like bankruptcy. I didn't try to abuse it but there were some assistant United States attorneys who would. I would do abstract work, at night, that sort of thing and default matters instead of trials because I felt that was taking time from the government.

CF: How long did Flemming stay as United States Attorney?

LS: Until 1941 . . . from 1933 to 1941. I was an assistant from 1934 until he quit. Then the other assistant became United States attorney. Alex Campbell and then I became his assistant and then I became United States District Judge in 1943.

RS: The sort of political work that you were involved in really didn't translate into many clients or practice at all because you had that period when there was a gap?

LS: No. I stayed away from influence, tried to. I refused to sell influence. I am not trying to show my self-righteousness. I did a lot of political favors for which I got no money even though I was offered.

RS: The Depression hit pretty hard in that area?

LS: Oh sure. I wasn't hurt too much. It was adequate. We had a full-time, live-in maid for my boy.

RS: Your wife never went back to work after that?

LS: Later on, in the fifties. We always drove a second-hand car until 1937.

CF: Was there any problem in the fact that you got the judgeship and Campbell, who was the United States Attorney, didn't?

LS: Yes, two distinct reasons. One, I was sort of the favorite of Mr. Flemming. I worked harder, I think and he depended on me.

CF: But you weren't made United States Attorney?

LS: No, and the reason why is because he wanted me to be the judge. He already made these decisions. He wanted Campbell to be lawyer. He thought I would be a better judge than Campbell.

CF: So he wanted Campbell to be the United States Attorney and wanted you to be the judge? Then he got Slick to go along?

LS: Then he set-up Campbell with a big firm which is still going in Fort Wayne, Indiana. The Yoder firm.

CF: Was Campbell upset that he didn't get the district judgeship?

LS: Yes, I think a little bit but he knew the script. He worked awfully hard for me. Senator Van Nuys came to Hammond once during the Second World War. He looked at the plants building tanks. We took him around to all the plants in Gary where Campbell and I arranged to have him go to U.S. Steel and see the big shots of U.S. Steel and

Pullman and so forth. These were two types of campaigns, one for Van Nuys and one for Swygert.

RS: A little more about what you were doing as a prosecutor in the United States Attorney's Office, were these mostly prohibition violations?

LS: As soon as I got to be a United States Attorney Prohibition was out. We dismissed, I would say, a hundred indictments.

RS: So you were doing tax matters?

LS: I was doing mostly civil work, as well as mail fraud, Dyer act, was the big thing and also white slave cases and frauds of various kinds, i.e. bank frauds.

RS: Those were mostly all before Judge Slick?

LS: All of them. On the civil side, I was mostly on a lot of the civil stuff. On appeals, that is where I got my experience . . . on war risk insurance.

RS: These were GI's who had insurance policies from the First World War?

LS: Yes, they got a term insurance of ten thousand dollars and that you could get benefits if you proved to be permanently and totally disabled as a result of a war injury. These cases began to filter up in the thirties. There were dozens and dozens of them in the northern part of Indiana.

RS: So it would be like the black-lung cases and cases like that?

LS: Yes.