

## **An Interview with Hugh J. Graham III**

### **Illinois Supreme Court Historic Preservation Commission**

Hugh J. Graham III, a graduate of the University of Illinois at Urbana/Champaign College of Law, was in private practice with the firm Graham & Graham in Springfield, Illinois from 1961-2013.

Interview Dates:

May 28<sup>th</sup>, and December 11<sup>th</sup>, 2015

Interview Location:

Graham's home in Springfield, Illinois

Interview Format:

Video

Interviewer:

Justin Law, Oral Historian, Illinois Supreme Court Historic Preservation Commission

Technical Assistance:

Matt Burns, Director of Administration, Illinois Supreme Court Historic Preservation Commission

Transcription:

Interview One: Benjamin Belzer, Research Associate/Collections Manager, Illinois Supreme Court Historic Preservation Commission

Interview Two: Audio Transcription Center, Boston Massachusetts

Editing:

Justin Law, and Mr. Graham

Total pages:

Interview One, 44; Interview Two, 66

Total time:

Interview One, 01:29:24; Interview Two, 02:13:16

## **Abstract**

### **Hugh J. Graham III**

#### **Biographical:**

Hugh J. Graham III was born in Springfield, Illinois on February 16, 1937, and spent his early life in Springfield, Illinois. After graduating from Cathedral Boys High School in 1955 he attended and graduated from the University of Illinois at Urbana/Champaign in 1958 with a degree in Mathematics. Graham attended and received a law degree from the University of Illinois at Urbana/Champaign College of Law in 1961, and was admitted to the bar that same year. Graham was engaged in the private practice of law from 1961 until 2013 with the firm of Graham & Graham. Graham and his wife Sallie have three children.

#### **Topics Covered:**

Parents and family history; Springfield in the 1940s; WWII and home front; early education; dance lessons; adolescence; Pill Rollers club; attending Cathedral Boys School; family; Elizabeth Graham and Vachel Lindsey; tv show; memories of James McMahon Graham; family history; Hugh Graham Sr.; deciding to attend the University of Illinois; fraternity life; early jobs; memories of college; extracurricular activities; decision to study law; meaning of “north-ender”; Springfield high schools; race relations in Springfield; University of Illinois College of Law; political and social outlook as a young man; 1960 election; Kennedy assassination; law school; returning to Springfield; Graham & Graham in the early 60s; local bar; courthouse story; courthouse memories; Ray Terrell; camaraderie of local bar; abstracts; local bar; court appointed attorney work; Noletti case; early appellate work; memories of judges and appellate court justices; magistrates and j.ps.; Spence v. B & O case; Cuban missile crisis and Kennedy assassination; local hotels; Vietnam and LBJ; Chicago, Burlington & Quincy v. Ommen case; early practice; running for political office; serving on the County Board; attorneys fees; Springfield College of Illinois; work with Liquor Control Commission; Nixon and Watergate; People v. Doe case; memories of judges; Collins v. Associated Pathologists case; Graham & Graham; Merrill v. Chicago & Illinois Midland case; family; Henry v. St. John’s Hospital case; Roman Catholic Diocese of Springfield in Illinois v. Maryland Casualty Company case; handling difficult cases; S.E.C. v. Parks case; specialization; role of a lawyer in society; lawyers and political work; politics of the judiciary; cameras in the courtroom; the media and the judiciary; civic and philanthropic activities; bar associations; changes in the practice of law; thoughts on career, legacy and future of the profession.

#### **Note:**

Readers of this oral history should note that this is a transcript of the spoken word, and that it has been edited for clarity and elaboration. The interviewer, interviewee, and editors attempted to preserve the informal, conversational style that is inherent in such historical sources while also editing for clarity and elaboration. The Illinois Supreme Court Historic Preservation Commission is not responsible for the factual accuracy of the oral history, nor for the views expressed therein.

### **Hugh Graham III: An Oral History**

LAW: [This is an oral history interview] with Hugh J. Graham III, today's date is May 28<sup>th</sup>, 2015, we're at his home here in Springfield, Illinois, and today is interview number one and were gonna cover his background. Mr. Graham I thought we would start with when and where were you born?

GRAHAM: I was born here in Springfield, February the 16<sup>th</sup>, 1937 at St. John's Hospital.

LAW: St. John's, ok, tell me a little bit about your mother and father.

GRAHAM: Dad was born in Springfield, Illinois, in 1910. My mother Edith was born in Chicago, again in the year 1910. Dad went to the schools here in Springfield, mother in Chicago. They met at the University of Illinois [at Urbana-Champaign] probably in 1925/[19] '27, dad graduated from the University of Illinois school, both undergrad and law; that was the same with me. Mother was at the University of Illinois at the same time, they married in 1934.

LAW: Now his name was Hugh J. Graham Jr.

GRAHAM: My father's name was Hugh J. Graham Jr., that's right.

LAW: And you're Hugh Graham III, so I'm assuming Hugh Graham Jr's father was Hugh Graham Sr.?

GRAHAM: That's right, just plain Hugh J. Graham.

LAW: And now he was from Springfield too wasn't he?

GRAHAM: No, my father was, my grandfather no, my grandfather was probably born in Ivesdale, [Illinois], although I'm not sure of that.

LAW: Ok, do you have any memories of him?

GRAHAM: Very much so, he died in August of 1972, he was a practicing lawyer until the time of his death. I started the practice of law in 1961 following graduation from the University of Illinois, I practiced with him then, my grandfather Hugh, from the years of 1961 until the time of his death in 1972. He was there at the office every day, his home where he lived was the eleven hundred block on South Seventh Street, our law office was twelve hundred block on South Eighth Street, so it was just right behind it. He died at age ninety-five, my father died in 1995 and he was eighty-four at the time of his death.

LAW: Ok, so you grew up in Springfield, [Illinois], then?

GRAHAM: Yes, that's correct.

LAW: So, tell me about, what are your memories of growing up in Springfield in the [19] '40's?  
Any memories of growing up in Springfield in the [19] '40's?

GRAHAM: I was a young kid then, I remember we lived on Glenwood Street, 2009 South Glenwood, I think mother and dad bought that house about six weeks after I was born. Actually the day was rather simple, it was playing baseball all day long with young kids. There were a number of boys on the block of the same age, and so you simply rolled out of the house into a ball diamond and there you spent the whole day up until lunch then you ran home and then you came back in the afternoon, but that was the routine. I guess I spent – dad was in the [U.S.] Navy in WWII, he was stationed in the Panama Canal and that would be about the third grade for me, second and third grades. So, mother when my younger brother Phil, the three of us then drove to Florida, to Fort Lauderdale, where we lived for two years, a year-and-a-half to maybe two years, ending in the year 1945 when

the war was over then we came back home, but we lived there on Northeast Tenth Street in Fort Lauderdale for a year-and-a-half in a small little five-room home, four-room probably.

LAW: So when you think back to WWII you think of Fort Lauderdale then?

GRAHAM: Right. For entertainment then, because no one had any funds, we would go down to the Navy port at Fort Lauderdale and go on ships, we'd go on a destroyer, we'd go on an air craft carrier, whatever it was for the day; I remember that as a regular routine. I remember also, on occasion, you could see prisoners of war walking along the streets in Fort Lauderdale.

LAW: Really, Germans?

GRAHAM: Yes, or Italians.

LAW: Ok.

GRAHAM: I at that time would have been about eight years old, seven or eight.

LAW: Now after the war do you remember, well, first I should say, do you remember doin' any scrap drives or gardening or anything for the war effort?

GRAHAM: Yes.

LAW: What comes to mind when you think of that?

GRAHAM: We had what we called a victory garden, it was behind Bill Forsythe's house on Wiggins Avenue and mother belonged to a bridge club [card playing club] with a number of women who played bridge every, once a week I suppose, I don't know how often it really was. In any case, many of their husbands were in the service, and so the women,

generally, with the men's help until they were drafted or they volunteered or whatever, they would plant in this large field in the back of Forsythe's house, I guess it was about, it looked awfully large to me as a little kid, but I suppose it was a couple hundred feet each way. You remember the foodstuffs. I remember that one thing that comes to my mind was the margarine, there's a little [food-coloring] bean in it and you'd color it [the margarine].

LAW: Oleo.

GRAHAM: You'd poke the bean, but sometimes when you poked the bean you poked the bag and the thing would blow up on you. We had to regularly collect grease in frying pans and take it over to the grocery store at the end of the week, it'd be around the corner and down a block or so. Christmas tree ornaments were the ends of the can, you'd cut out the bean or the corn, whatever it was, you'd save the ends, you'd smash the can and take it over to the grocery store too. You'd put a stamp or seal on the end of the can to hang it on the Christmas tree. I've raised a calf, if you see on the picture on the wall, I was in the 4-H Club and I raised a calf, my guess is I was about nine or ten there, that'd be in the late [19] '40's, [19] '48/[19] '49, there was a polio epidemic in the country and I stayed out on the farm that year; that's a beast, that's probably about an eight hundred pound calf, somethin' like that.

LAW: When you say, "Out on the farm," what farm are you referring too?

GRAHAM: When I stayed on the farm, my uncle Stuart was a farm manager for others and so one of the farms where he had a tenancy I stayed out there, it was just for two weeks or so, three weeks, maybe even longer; but it was a short duration.

LAW: Was this your dad's brother or your mother's brother?

GRAHAM: No, neither, my dad's sister, it was his sister's husband, Stuart Brown.

LAW: Now, you attended, I'm guessing, the local Catholic schools?

GRAHAM: Yes, what they called Blessed Sacrament grade school, I was there the whole while, except for the two years or year-and-a-half in Florida. I graduated in [19] '51 from grade school.

LAW: What do you remember about Blessed Sacrament?

GRAHAM: They were good years.

LAW: Yeah.

GRAHAM: Growing up as a kid, I remember some of the dance lessons you'd have, Miss Leticia Hoffmann was the teacher.

LAW: Ok, you'd said dance lessons?

GRAHAM: Dance lessons. What I mean of dance lessons I'm speaking of kids, second grade or third grade kids, so you'd try and walk around like an elephant, tried to walk like a dog or whatever, do exercises; I think I caught her later in life, she was a delightful woman. Here's a good story for you, we had three daughters, my wife and I, and the youngest one, Susan, was in school and sister Maureen, sister Maureen Mahaffey was a teacher for her and for me earlier 'cause I had gone out to Child Garden school [pre-kindergarten], which is out in Springfield College out on the Brinkerhoff property, sister Maureen was the teacher and she said, "We'd like to have someone to pray for the day, who'd you like to have to pray for?" Susan said, "For Wilbur." Sister Maureen knew our family well and

she didn't know of any Wilbur so she called up my wife, "Why is it you are praying for Wilbur, I didn't know there were any problems?" Well she said, "Well there isn't, Wilbur's a monkey." "What do you mean, what's happened?" "Well we were supposed to have the Segatto's monkey spend two weeks there at our home. It's about a four foot tall monkey, so when the monkey was about to come it got caught up in electrical wires and burnt his hands so he can't come to stay with us," so Susan said, "So I want you to include him on our prayer list so his hands get healed and so he could spend time with us at our house." Sister didn't know who Wilbur was, she knew Hugh, she knew Edith, she knew these names, but she didn't know Wilbur.

LAW: (Chuckling) Now, when you were a teenager I saw an article that you and some friends were able to put together some money to go out to Colorado?

GRAHAM: Right, we did.

LAW: Do you remember that trip, Estes [Park]?

GRAHAM: Oh sure, yes, we were, my friends were Al Eck Jr. and Bill Forsythe, Jack Rourke, Charlie O'Brien, and then myself, in any case we were gone for a month, we had the Rourkes' car, we each had about a hundred bucks in our pocket and went out to Colorado and spent the month, we didn't quite consume our one hundred bucks.

LAW: That's a fair amount of money for that time.

GRAHAM: It was, at that time I had just finished my first year of high school and the others had just finished their second year of high school.

LAW: Ok.



GRAHAM: I was with Bill Forsythe last night, I wondered why we did it, I don't know what was the encouragement for the trip; I just don't recall.

LAW: What was your first impression of the mountains?

GRAHAM: Unbelievable, I had been there earlier, we were in the Estes Park area, just above Boulder, [Colorado], I had been there as a kid once with mom and dad, probably five years beforehand, so I knew of the extreme heights of the Rocky Mountains; yeah they're unbelievable.

LAW: I have a brother that lives in Fort Collins, [Colorado].

GRAHAM: That's north, it'd be a little bit north and east from there.

LAW: But I've been up to Estes, that's quite a drive now.

GRAHAM: Isn't though.

LAW: Yeah, beautiful country. Did you go up into Rocky Mountain National Park?

GRAHAM: Yeah that's where we were most of the time.

LAW: Camping?

GRAHAM: Right.

LAW: That's where my brother had his bachelor party, up there, Rocky Mountain National Park. Anyways, so, tell me about being a teenager in Springfield, [Illinois] what did teenagers?

GRAHAM: Same as any time.

LAW: What were you doin', tell me about that time, what were teenagers doin' in the late [19] '40's/early [19] '50's?

GRAHAM: Oh, I played football, I was a very, very, very, mediocre player.

[00:15]

LAW: (Chuckles) Okay.

GRAHAM: In high school I didn't play, in grade school, basically, I don't think of basketball very much either, mainly it was baseball that was the most prominent one. In high school I belonged to a club called the Pill Rollers.

LAW: Yeah, I was gonna ask you about that, first, what was that club?

GRAHAM: High school kids, it was under the direction of a fella named Charlie Duggan, D-U-G-G-A-N, it was mainly Springfield High School-oriented kids, I was at Cathedral Boys High School, which was a different one, Lanphier High School, I don't think Feitshans [High School] had any kids in this, it would be about eighty/ninety kids, first through fourth year of high school, it was a social club, when I say social it didn't play basketball or baseball it was just to do civic work once in a while and mainly get the kids, I think, to have them a place to go; a fella by the name of Hammerick was also the helper to Charlie Duggan.<sup>1</sup>

LAW: I found a picture of you from that timeframe. I was gonna ask you about Mr. Duggan.

GRAHAM: Well go ahead.

LAW: Well, who was he?

---

<sup>1</sup> Charles Dungan. Joseph Hammerslough. See, *State Journal Register*, September 8, 1954, pg. 24.

GRAHAM: He was a pharmacist.

LAW: Did he have any influence or impact on your life?

GRAHAM: Yes, he very definitely did, he was – I was the president of Pill Rollers, for some reason. I can't read this well, but apparently, this must be one.

LAW: Oh, I just wanted to show you the picture is all, young Mr. Graham, and it's also got Mr. Duggan in there. This was when they installed you as the new president at the [Springfield] Elks Club, shown left to right are C. W. Neeld, installing officer, Robert Page, retiring officer.

GRAHAM: Bob Page, he was the guy, he was from Springfield High School, he's with the newspaper business and now out in California, very able guy.

LAW: It says here they were giving scholarships to some students to attend Illinois College.

GRAHAM: That could be.

LAW: So it was just kind of a civic organization and stuff.

GRAHAM: Yes. Duggan was a bachelor, Duggan, the sponsor, if you will, was a bachelor, lived in the Elks Club and was very much committed to helping young kids do well. I don't know how it all started, the organization, I just don't know, it was predominately kids who were from Springfield High School, there were several from Griffin, or, Cathedral then, it couldn't have been any more than a handful though.

LAW: Now, the city schools were pretty competitive in sports at the time, I've been told.

GRAHAM: Oh, very definitely, the schools, the high schools, sports were very active and they were very able kids, Springfield High School had an exceptionally strong football team, so did Lanphier, Cathedral Boys High School would from time to time.

LAW: Now Cathedral, it was an all boy's school?

GRAHAM: That's correct, there were about three hundred and fifty kids when I was there.

LAW: Now, did you go to that school because of your Catholic background or why Cathedral, not one of the public schools?

GRAHAM: Cathedral was available, there was a time, say twenty years before that, where they didn't have a Catholic boy's high school.

LAW: Ok.

GRAHAM: But there was one, all the while I was there.

LAW: So it's just availability, it was there.

GRAHAM: For one, we were very comfortable in the Catholic education.

LAW: Yeah. Did Springfield have a pretty large Catholic population?

GRAHAM: Springfield High?

LAW: No, the city of Springfield, [Illinois] it had a pretty good size Catholic population?

GRAHAM: Yes, I'd say so, I don't know what the numbers would be; I'd say twenty-five percent.

LAW: Ok.

GRAHAM: I don't really, honestly know.

LAW: Right, was it just the main Cathedral [of the Immaculate Conception] downtown, or I guess it would be on 6th Street?

GRAHAM: Yes that's the Cathedral, the Cathedral Parish is the diocese head and the diocese of Springfield is probably about twenty-eight counties; Springfield is the seat of the governance for the diocese.

LAW: Okay, so your family attended?

GRAHAM: Blessed Sacrament Parish.

LAW: Ok, now where was that located?

GRAHAM: It'd be on Laurel [Street] and Ash [Street], wait now, Laurel and Glenwood [Avenue].

LAW: So it was nearby home?

GRAHAM: That's correct. The beauty of our home – I lived in 1934 South Glenwood after my wife and I were married and came back from school, that's where we lived then for our kids to go to school, they'd walk out of the house and down the block and they're in their church or school, and I grew up six houses south of there.

LAW: Yeah, were your parents still living there?

GRAHAM: Yes. Mother died in [19] '85 and dad in [19] '94.

LAW: You have a pretty tight-knit family?

GRAHAM: Definitely.

LAW: Tell me about the Graham family, get-togethers, what do you remember about those times, that time?

GRAHAM: There are very strong memories about the family. My mom and dad lived at 2009 Glenwood, my grandfather lived on Eighth Street, or Seventh Street, right near the law office, dad's older brother, Dr. Graham, lived at 2149 South Glenwood, just south of where we lived, Dr. Graham had six children, Mac Graham, James M. Graham the architect was the oldest child of Dr. James E. Graham, he was James Edward. Dad had three sisters, one was by the name Betty Martin, she's a lawyer, lives in Chicago, Clara Graham, Clara Brown, Stuart Brown's wife, she lived in Springfield, another one, Catherine, lived in Washington D.C., she had no children. There are a number of relatives, the Fogertys, who are related to the Grahams.

LAW: Now were you related to the school teacher, Elizabeth Graham?

GRAHAM: No, we are not, she was a very good friend of my father's, in particular, he was one of her better students in her mind; yes that's Elizabeth Graham.

LAW: Now, I read somewhere that you were in some way connected with [American poet Nicholas] Vachel Lindsay?

GRAHAM: Well that would be dad and, again, Elizabeth Graham.

LAW: Okay, I see.

GRAHAM: I think that she, Elizabeth Graham, was very much a proponent of Vachel Lindsay. Dad was a student at high school with this Elizabeth Graham the teacher and it was out of that that she developed – dad was an excellent student and so I'm sure out of

that knowledge of him as a student, and he workin' on projects and the like, I'm sure that's what caused the closeness with dad and Elizabeth Graham; we represented or helped Elizabeth Graham her whole life, we, dad or myself.

LAW: Yeah, she was long associated, also, with his home, I guess.

GRAHAM: That's correct, on Fifth Street.

LAW: Yeah, so what are your memories of Vachel Lindsay, just Mrs. Graham and your dad and the house and stuff?

GRAHAM: Right, one of our children had some project that they did, they used the format for the Vachel Lindsay home and had a conversation with Miss. Graham, an interview with her much like you and I are doing now, and she ended up getting an award for it, a pretty significant award; I think our daughter at that point was in sixth grade, something like that, her name was Elizabeth Graham too and she was doing the interviewing with Elizabeth Graham.

LAW: That would be the person to talk to about Vachel Lindsay I'm sure.

GRAHAM: That's true.

LAW: Yeah, yes, indeed. Let's see here. Did you play golf at all out at the country club or anything?

GRAHAM: No, I did some swimming, but not much.

LAW: Some swimming, okay.

GRAHAM: In truth, as I say, most of time I remember baseball being a principal feature of it all.

LAW: Okay, did you follow professional baseball?

GRAHAM: Not that much, no.

LAW: Not that much, so I can't ask you if you are a [St. Louis] Cardinals or a [Chicago] Cubs or a [New York] Yankees fan?

GRAHAM: No you could ask me, (chuckling).

LAW: What would you tell me?

GRAHAM: I'd tell yah, no, I'm a Cubs fan.

LAW: Okay, interesting, alright.

GRAHAM: I figure the Cubs need all the help they can get. (chuckling) I think, largely, because so many of the kids on our block were for the Cardinals, it drove me to pick up the Cubs. Hi mom (wife, Sallie, enters the room).

SALLIE GRAHAM: Hi there, I was gonna ask if I could bring anybody a lemonade?

BEN: I'll have some.

SALLIE: You would?

BEN: Yeah.

SALLIE: Good!

LAW: Sure, sure, thank you.

SALLIE: On the way.

LAW: Ok so you graduated?



GRAHAM: 1955 from high school.

LAW: Okay.

GRAHAM: There's another one thing you might have figured out more than I, I was on a TV show as a kid in high school, WICS [News Channel], they must have had some blank-time around five o'clock; I don't know for how long a time this went on, I just don't remember. I'd go down to the radio station/TV station, to the Leland Building.

LAW: Now what was the show, what was it about?

GRAHAM: It was about high school kids, kids would come in and talk, just a talk-show. As I say, the main thing I remember about TV at that time-frame was mainly it was on wrestling and the blank dots on the TV screen because there was nothing on. TV was not commonly in the homes at that time, I would say we were probably in high school, maybe eighth grade, I don't think much before though did we have TV.

LAW: Now I told you I was gonna ask you, do you have any memories of your great-grandfather [James McMahan Graham]?

GRAHAM: Yes.

LAW: What comes to mind when you think of him?

GRAHAM: He died in 1945, just, if my memory runs, at the end of the [Second World] War; I think he saw the end of the war, I was eight years old at the time. I remember tales of him and I suppose as I think back I can't tell if it was what he said or what others said of him. I think the most profound thing I got out of grandpa, great-grandpa, was the idea, the need, for education. I think he had none. He came over as an immigrant from Ireland,

seventeen or eighteen year old young man, some will say, they will mention Valparaiso University, I don't think he graduated, at least not in the orderly way we think of eight years of grade school, four years of high school, and a college of four years, I just can't appreciate that at all, meaning I can't accept that at all, I don't think he did it.

LAW: But he was a voracious reader.

GRAHAM: Oh yes, he was a voracious reader, you're absolutely right. I remember him well telling the story of what he called the "hedge school". Apparently the notion was (wife brings in lemonade).

LAW: Go ahead Mr. Graham.

GRAHAM: I had heard also that the "hedge school" idea was the instance where in Ireland the British did not want the children to be educated, so what would happen is the mothers would walk along, pick up kids, along the way and go walk along the streets, basically in the country, and she'd drill in the kids letters, alphabets, numbers, and

[00:30]

when the British would come along they would, in order to not to appear to be doing anything they would duck around behind the hedge so hopefully the British troops wouldn't see them, what they're doin'. So when the threat was gone they would get back up on those roads and start goin' on their way to wherever they were headed, but it's called a "hedge school" because, again, I don't know about the truth of grandpa having said these things to me or others have said it to me of him, I just don't know.

LAW: So it was kind of part of the family lore.

GRAHAM: Right, it's just assumed that it's true, but, whatever else is said, my strong belief is that the need for education for everyone comes most strongly from great-grandpa.

LAW: Yeah, and he was even on the school board in the 1890s.

GRAHAM: He was, he was. (phone ringing, pause in interview)

LAW: I gather from this that the family was strongly pro-Ireland.

GRAHAM: Oh that's true.

LAW: And maybe anti-British?

GRAHAM: No I wouldn't say that, I would say pro-Irish but I wouldn't say they're against the British, no.

LAW: Okay, so do you think maybe he came to the United States – what was the motivation, what was the family story for why he came to the United States?

GRAHAM: I think, if you pick up on it, there's another brother who was over here, must have been older brother, I don't know but I just assumed that he came over here into this area because he had another brother or an uncle or something of that sort that would have brought him into this area rather to central Iowa or something like that. I think three or four of the boys must have come over, boys meaning great-grandpa's brothers, it would seem to me as though they came over here because there was probably no work for them over there in Ireland. And they didn't have the, which I suppose we can't appreciate now, at least I can't, I try but I can't, the idea of having the freedom of movement and all, being free of control by some force you really don't like, maybe not don't like but you're not willing to tolerate any longer, I suppose the lack of employment and the problems of

the famine, whatever, but it would largely be because of the size of the – yeah, what do you want mom? Yes. (Sally walks in to offer a snack, pause in interview).

GRAHAM: Susan our youngest, lives around the block, that's her son there that's playing in the state tournament.

LAW: Anyways, so, freedom of movement, opportunity for employment, had family here, voracious reader, he became a teacher from what I've gathered and then later read law and after he moved to Springfield and became an attorney, served in the state legislature and was in congress in the 1900s.

GRAHAM: I think 1908 through [19] '14 was in congress.

LAW: So it's certainly an American story, I guess.

GRAHAM: Pardon?

LAW: It's an American story, I guess.

GRAHAM: Oh yes.

LAW: I'll put some footnotes in the oral history about the editorials and what-not. Now your grandpa, he had a pretty long career as well.<sup>2</sup>

GRAHAM: Yes, he was a very able person, I think I practiced with him for about seven or eight years.

LAW: And he went to the University of Illinois [at Urbana-Champaign]?

---

<sup>2</sup> For more on James McMahon Graham, see, *State Journal Register*, October 25, 1945, pg. 1, 6, and 8. For more on Hugh Graham Sr., see, *State Journal Register*, August 1, 1972, pg. 4. For more on Hugh Graham Jr., see, *State Journal Register*, September 26, 1994, pg. 9.

GRAHAM: He did, my memory is, I think he probably graduated about 1902/1901, something like that.

LAW: Ok, now was that.

GRAHAM: His brother, he had a brother who was a lawyer too, James J., so when I came from school in 1961 there was Hugh J. Graham Jr., Hugh J. Graham, and James J. Graham there. James M. Graham, their father, had died earlier on, so there were four of them, four of us I guess; grandpa, his brother, dad, and myself, four Grahams.

LAW: Now, was that it?

GRAHAM: Yes that was the extent of it.

LAW: The four of you.

GRAHAM: Right.

LAW: Before we get there, though, I want to ask you about college.

GRAHAM: Sure.

LAW: Now, did you go to the University of Illinois because of the family history with the University or what was the reason for going there?

GRAHAM: I know I did not go there because of the family.

LAW: Okay.

GRAHAM: I'm sure, I remember as a kid in high school, going on our summer vacation with the family, going to various schools, Cornell [University], Harvard [University], or wherever, just to see, not to go there, but just to see the schools, just to see what we were

talking about in terms of the idea of college. I do remember, specifically, at Easter Time once, which is kind of a funny story, my father took me, we drove, to Ithaca, New York, to see Cornell with the idea of being a student there, this would be about when I was a senior in high school, I don't know why I was belligerent as I was but I don't recall any conversation with my father going all the way out nor way back, which I think is a very bad performance on my part. At any case I remember coming back over to Springfield, returning from Cornell, coming over the over-pass – now this was a first for the interstate highway system, 1955, first thing they did was build over-passes, then they put in the pavement, there was no I-55 [Interstate 55] then but there was an overpass at Sangamon Avenue, I remember going over the overpass and saying, "I'm going to Illinois," that was the end of the discussion (chuckles). I just think of how kids now so often are thought of as being unfair to their parents, and I think of myself, it wasn't very nice on my part some fifty years earlier. I could have gone, I'm sure, to Iowa [University of Iowa College of Law], had I been able to be admitted, but Iowa did not appeal to me, and I guess I just didn't think much about it in terms of how it all has to work out, but in any case I do remember specifically the Sangamon Avenue story.

LAW: So in a way it was kind of, you were kind of chiding your father.

GRAHAM: I'm sorry?

LAW: You were kind of giving him the rub a little bit?

GRAHAM: (Chuckling) Yes, I suppose.

LAW: So what were your first impressions – did you live in Urbana or Champaign?

GRAHAM: Champaign.

LAW: Champaign,

GRAHAM: I lived in a fraternity house called Beta Theta Pi.

LAW: Will you say it for me one more time?

GRAHAM: Beta B-E-T-A, T-H-E-T-A, P-I, Beta Theta Pi.

LAW: Ok.

GRAHAM: There were about fifty kids in it. Actually it was a wonderful thing to belong to it because the University of Illinois around that time was about nineteen thousand students, well it all of a sudden made it so it's not a nineteen thousand bunch of students your talkin' about, you're talkin' about fifty kids and it breaks it down, and the people who are there in the house, presumably, are actively supportive of the others and their proponents for them, they would cause you to have study hours, such as that; I thought it was a good influence, I think I profited from it immensely.

LAW: So you lived at the house, studied there.

GRAHAM: Yes, yes.

LAW: Did you have any jobs or anything?

GRAHAM: No, I had no jobs as a student, I had jobs every summer while I was a student.

LAW: Tell me about, what were your summer jobs?

GRAHAM: They were odd ones, they were wonderful ones; I use the word odd, they seemed odd.

LAW: No, I understand.

GRAHAM: One of my first years I was an operating engineer in the Operating Engineer's Union [International Union of Operating Engineers Local 965], I drove a rubber-tire roller on the highway, we were putting in the I-55, so I would drive, the roller would compact the dirt, or the rock, the underlayment for this concrete; it was a wonderful job, very high-paying for a kid.

LAW: Right, yeah.

GRAHAM: Once I was a crane operator, again operating out of 965 Union. Once I was, we were working on an air compressor or an oiler for the compressor.

LAW: So what did all these union men think of this college kid working with them, was there ever any friction or anything?

GRAHAM: Never.

LAW: Never any friction?

GRAHAM: No. One of the times when I was an oiler for a crane, the oiler is the guy that starts the engine up and cleans it up and makes it go somewhat, actually the operator for the crane, not me, I was the oiler for the crane, the operator of the crane was a guy who was a doctor, he was teaching physics at Notre Dame University, so you had all sorts of interests going on.

LAW: Okay, interesting, interesting crew. Now, were those some of your first jobs, did you work when you were in high school, back home in Springfield?



GRAHAM: Yes, I'm sure that I was the oiler, my rubber-tire roller scheme, I'm sure, running that for the highway, I'm sure I was in high school, I was about a sophomore or junior, wouldn't have been a sophomore, would have been a junior.

LAW: Okay, so you had had some previous experience doing that?

GRAHAM: Yes. One year I was a janitor at City Water, Light and Power [CWLP], my job was just to clean the floors with a broom, sometimes the temperature would be one hundred and twenty degrees; it would be pretty miserable stuffing those boilers.

LAW: So what were you studying at the U of I, what was your major as an undergraduate?

GRAHAM: I started with the idea in mind of pre-law.

LAW: Okay, so you had some idea of where you were goin'.

GRAHAM: Partly.

LAW: Partly.

GRAHAM: (Chuckling) Right, what I mean by that is I was there six weeks, I took a course in political science, I liked the teacher, I got a D on my first hourly and I went in to talk to the guy, I thought, "This is ridiculous," we were to write a story about, our exam paper was on, let me think for a second.

LAW: On the presidential race, maybe?

GRAHAM: No, the theory of gerrymandering, gerrymandering was the issue, so write a thesis on this, so I wrote down, I said, "Gerrymandering is power." I thought that's the end of the story, there's no sense in worrying about the size or shapes of the district it's just about who has the ability to shove around, it's not a science at all, but that isn't what

he wanted to see. So I challenged him on it, about the paper, about the topic, he said, “That’s ok, you’ll do alright, don’t worry about it.” Well, I got a B in the course finally but I decided this doesn’t make good sense and I switched into mathematics, so I got my degree in mathematics.

LAW: That’s quite a switch.

GRAHAM: It was actually easier, I had very good teachers in the arithmetic department; I had good times with them. I took one course, Introduction to Analysis of Real Variables (Graham’s wife Sallie comes in to ask if we want the lawn men to leave for the remainder of the interview because their noise is interfering). Sallie while don’t you get ‘em to shut it down.

SALLIE: Get ‘em to shut it down?

LAW: Yeah, I mean, we don’t wanna.

[00:45]

BELZER: It might interfere with the sound on the tape.

GRAHAM: We don’t want to do this again for poor old Ben and Justin.

LAW: It’s hard to tell sometimes how bad it will interrupt.

GRAHAM: It’ll pick it up.

BELZER: I think it will pick it up, (tape is paused).

LAW: (Tape resumes) Okay go ahead.

GRAHAM: There were twelve students in the class, they were all pre-doctoral candidates, they had done all of their course work that was required and all they hadn't done was write a paper and take this course which was one of the last, it was, the course sits on top of advanced calc [calculus], well I was in that when I was a junior in school, I thought it was wonderful to listen to these guys talk about the way arithmetic would be helpful to them in their chemistry or their physics or their electrical engineering or whatever; somehow I got a B out of the course, I really think I got a B because the teacher no longer thought I was a threat and I wasn't goin' on into mathematics, so it worked well for both of us.

LAW: So tell me about the social life of an undergraduate at that time, tell me what you did for fun, extra-curricular activities, whatnot; mainly, was it mainly just fraternity stuff?

GRAHAM: Yes and no, as freshmen the house would have an arrangement with another girls house and so they'd have exchanges, so you'd go over to a different house for an exchange, sometimes they'd get involved in a project and summer/spring carnival, there would be activities, they'd be making floats or such as this, you'd team up with another girl's sorority house to work the project. I was the track coach, the track manager my third year, you did some of these activities as a track manger, for example, what I'd do is often times I would act as the starter for the relays, the one hundred yard, the one hundred and twenty, the one hundred and ten, whatever it was, four-forty, such as that, so I'd be the starter with the gun. I was in the Navy ROTC [Reserve Officers' Training Corps], it was required at that time that you have two years of military-science if you are at the University of Illinois, you didn't have to have that, military, if you were at Bradley [University], I'm not sure about that, but at Illinois it was a requirement.

LAW: The Navy ROTC, that was to fulfill your [Military] Selective Service [Act] requirements, your draft requirements?

GRAHAM: Your draft requirements.

LAW: I think I might have read somewhere or you might have spoken about it, your dad was in the [U.S.] Navy wasn't he?

GRAHAM: Dad was in the Navy, he was in the Navy for probably three years, I would guess, essentially from [19] '42 or [19] '43 on to [19] '45.

LAW: Now, you then at some point decided you wanted to go to law school.

GRAHAM: That was at the very end, I'm sure.

LAW: Yeah, tell me a little bit about that? Well first, let me put it this way, why the study of law, why did you decide to study law, why law school?

GRAHAM: I think one of the main reasons I did it was because I was – for some reason, I don't know why, I had a very good friend that was in the mathematics department, a fellow by the name of Bill Ferguson, he was the head of undergrad math and I was talking with him about going on into mathematics, then as I began to think more calmly about it all I decided I didn't really have the background in mathematics, he said, "Well, statistics is a good field." So I think he was about ready to arrange me for a master's degree in statistics at the University of Wyoming, now how that came about I don't have any idea, in any case, as I thought more and more about it it didn't seem to me that numbers were a really smart thing to do so I just said, "Well, I'll go to law school instead," and I don't think – it was mainly out of default I guess you see, or maybe I

shouldn't say default, I certainly wasn't driven to go to law school, that wasn't what; I don't know that I had a firm idea of what I was actually headed to do. I know that while I was in college I loved the opportunity to take the different courses you could take, so I didn't just stay in the mathematics department. One of the benefits of getting a degree in mathematics, to me, was it had the fewest number of hours required for your major, it was only twenty hours, history, for example, had about twenty-eight hours. Well I took courses in accounting, statistics, economics, money and banking, I went in once to [Bill] Ferguson to get a course in circuitry/electrical engineering, Ferguson says, "Wait a minute, you don't have any pre-requisites for that," I said, "Well that's alright Ferguson, let me take it anyhow," he said, "No, not goin' to," so he had gotten me in most other courses that I had had taken without benefit of pre-qualification but he drew the line on my circuitry issue, so I never got to take circuitry.

LAW: It sounds like you were intellectually curious.

GRAHAM: Well I don't know about that, but I certainly loved the courses. I thought it was a very real opportunity, I thought. I guess one summer during that timeframe I worked at Sangamo Electric [Company] too.

LAW: Ok, yeah, which was on the north side of Springfield, [Illinois].

GRAHAM: That's right, it's basically where the EPA [Illinois Environmental Protection Agency] thing is.

LAW: Now, as a long-time member of the Springfield community, how do you define a "north-ender," what is a "north-ender" to you, and how was it when you worked at Sangamo Electric, how did you understand that area of the city?

GRAHAM: Well it's amorphous for one.

LAW: Amorphous?

GRAHAM: When I say amorphous I mean it's not something that's some static line. The "north-ender" in my mind – when I went to high school I was at the north end, at Eighth and Converse [Street], that's where the railroad track hits Eighth Street, let's take it this way, everything north of North Grand [Avenue] would be "north-ender", again, this is not gonna be a tight legal description you're gettin'.

LAW: Right. So for you it's geographic.

GRAHAM: Right, definitely.

LAW: But what about the people, are the people any different?

GRAHAM: Often times, you see, the "north-ender" commonly, well I shouldn't say commonly, it doesn't sound like the right word, it was regularly thought that Sangamon Avenue/North Grand Avenue, the likelihood was strong they would be employed at Pillsbury Mills, Sangamo Electric, Hummer Manufacturing [Company], there was a fair amount of industry there, and often times you'd find that someone of the family was employed there, a brother or a parent, again, again things were very much geographic. Lanphier High School had limits that extend only so far south and then you got into Feitshans [High School].

LAW: Feitshans was on the east side?

GRAHAM: Yes, southeast, basically it's supplanted by Southeast High School.

LAW: Ok.

GRAHAM: Feitshans itself is right at Bunn Park, Eleventh Street, a little bit north of Bryn Mawr [Boulevard].

LAW: What about in terms of race and ethnicity?

GRAHAM: Say it again?

LAW: What about in terms of race and ethnicity?

GRAHAM: I don't think we distinguished between whether a person was black or not. There were two or three kids who were black that were in, in my vernacular, as a matter of propriety we referred to them as a Negro.

LAW: I mean in the schools, was the north side primarily white?

GRAHAM: Oh yes, well it'd be, I don't even remember that, in terms of geography, I just don't recall that, there's no distinguishing, a couple of my good friends were football players, were black, and didn't think that much about it, personally, and I don't think others did either. The percentage of black I'm just not sure what it would be at Springfield High School, I just don't know.

LAW: But Cathedral Boys School was integrated?

GRAHAM: Yes, there were not a lot, maybe it's cause the cost of tuition, I don't have any idea, but there was – I don't recall it being a factor.

LAW: Okay.

GRAHAM: Some of the kids from Springfield High School, Nelly Cummings or Hugh White, both black, they were wonderful, they were older than I about two years/three years, they were terrific athletes; everybody respected them for that.

LAW: Okay, so you decided to go to law school, or, before we get to law school, was Bill Ferguson, was he kind of the most important professor to you as an undergraduate?

GRAHAM: I'd say very important, yes.

LAW: Do any other teachers come to mind?

GRAHAM: Not by name.

LAW: So, law school, let's talk about law school. What kind of legal principles and skills were you learning at the U of I Law School, what kind of law school was it, give me, help me understand better the kind of law school that it was?

GRAHAM: It was small, I think we had a hundred and twenty-five kids in our freshman class, we graduated about eighty or seventy-five, something like that; it was quite a fall-off. There were probably three hundred in the school altogether, three [hundred and] fifty maybe. We were married at the end of my first year of law school.

LAW: You and Sallie.

GRAHAM: Sallie, that'd be 1959.

LAW: While we're on that I found your wedding announcement in the newspaper.<sup>3</sup>

GRAHAM: Oh really.

LAW: Yeah, I'll have to show it to you, but anyways, was there any kind of legal philosophy associated with the law school?

---

<sup>3</sup> See, *State Journal Register*, August 22, 1959, pg. 11.



GRAHAM: Not that I recall. They would try and teach you principle and they would have a case, your course on torts or contracts or whatever it was, and they would illustrate the principle by a case, they'd send you to *Jones vs. Brown* or whatever; it was what they called the case method of study.

LAW: Okay, here it is, "Hugh Graham III claims Dixon girl as bride".

GRAHAM: There you go.

LAW: Philip Graham was best-man.

GRAHAM: That's my younger brother.

LAW: And Dave Denby?

GRAHAM: David Denby, he married a cousin of mine, he's now gone.

LAW: Richard Keeler?

GRAHAM: Richard Keeler, he was a very good friend of mine in high school.

LAW: "Craig Davison, Robert Parker, all of Springfield and Philip Larman of Detroit, [Michigan], seated the guests."

GRAHAM: Right.

LAW: I just wanted to include that. Okay, so it was the case method

[01:00]

maybe a little Socratic dialogue in class?

GRAHAM: Oh there's a lot of that, each person would somehow be called upon to talk about that case or the other one, whatever. There were about thirty kids per class, maybe forty.

LAW: Now, did the wider world ever impact you in law school, the big constitutional issues at the time, did they ever have any impact on you as a law student? This would have been in the late [19] '50s, so, civil rights, maybe.

GRAHAM: There was a spot before the civil rights, what was it, *Brown vs. Board of Education* was in [19] '55?

LAW: [19] '54, so yeah, I guess what I'm getting at is did you ever have a constitutional law class?

GRAHAM: Oh yeah, that was our second year.

LAW: Okay, do you remember what was goin' on in that class?

GRAHAM: No, not now. I guess I do remember, yes *Brown vs. [Board of Education]* school board, that thing, was certainly one we would have talked about on a day-to-day basis.

LAW: But were the law students, were they kind of engaged at all in their community or were they kind of to themselves?

GRAHAM: I'd say to themselves. Basically, many of the kids in my class in law school were married, and there was no – the commitment was to do your studying, and do your studying as much as you could at law school or at home, whatever, some had jobs but most didn't, most of the students didn't, sometimes their spouses did, often times the spouse did I guess, but there was no getting out. We had two daughters, all three of our daughters went to University of Illinois undergrad, and they would come home and report

on events where they as a part of their sorority would have a walk-a-thon or they would clean up the park or such as this, there were projects where you'd get other people to engage in it, help with it; there was none of that going on, as I recall, when we were going there, it was much more you're a student and you're here to get your work done. I would say the outside world really didn't, that was not the same as for you as it was for the student.

LAW: Okay, how would you describe your political and social views as a young man?

GRAHAM: I was a democrat, I was in the Democratic Party, our family basically was relating more to the Democratic Party, great-grandpa ran on the Democratic ticket, I ran on the county board years ago as a Democrat; I suppose that'd been in the early [19] '60s, not sure when it was.

LAW: So you kind of inherited your political views from your family.

GRAHAM: Right.

LAW: Do you recall the 1960 election at all? That would have been the first election you could vote in; [John Fitzgerald] Kennedy and [Richard Milhous] Nixon.

GRAHAM: Oh sure, yeah, I get confused because mother was – I guess [Adlai] Stevenson that was two years before, no, I remember Nixon well 'cause we had seen Nixon, I guess, he was involved as an attorney in one of the earlier scandals, as I recall, but no, Nixon, I remember Nixon and I was never very much sold on him.

LAW: Do you recall watching or listening to the debates?

GRAHAM: Yes, Nixon, Kennedy out-distanced him miserably.

LAW: Now did you watch the debates or listen to them?

GRAHAM: Oh, no, we would watch them.

LAW: You watched them on TV.

GRAHAM: Right.

LAW: And based on what you saw – ‘cause I’ve heard that the people who watched it thought Kennedy won and the people that listened to it thought Nixon won.

GRAHAM: That could be, I can’t answer that one.

LAW: But would you describe yourself as a Kennedy supporter?

GRAHAM: Yes, not because of any pre-disposition, he seemed to be an active sort of person, a very able person, and presented well. I have forgotten when Nixon’s “Checkers” event [Checkers speech] had occurred.

LAW: Oh that was earlier, I think that was in [19] ’52 or it could have been [19] ’56, it was when he was [U.S.] Vice President.<sup>4</sup>

GRAHAM: Vice President.

LAW: Yeah, and [U.S. President Dwight David “Ike”] Eisenhower kept him on the ticket.

GRAHAM: (Chuckles)

LAW: Well, I wanna ask you about a couple historic events from that period, do you have any memories of the Cuban Missile Crisis?

---

<sup>4</sup> September 23, 1952. The speech was given prior to him being Vice President, given during the campaign.

GRAHAM: I'm not sure, I'm not sure if they were one's that were actually occurred to me at the time or whether I was seeing them since then.

LAW: What about the [U.S. President John Fitzgerald] Kennedy assassination?

GRAHAM: Well that one I remember that well, everybody is supposed to say they knew where they were and this is true of me in this instance, I was at the St. Nick Hotel having lunch when the word came out he had been shot; I do remember that event.

LAW: Did you go home after that?

GRAHAM: I think I probably did, I don't honestly recall. I remember, the more startling one to me, I shouldn't say more, but it was the twin towers [World Trade Center] when it got knocked down, actually, as I first saw the first one I thought it was a Mickey Mouse [Disney] cartoon, what I mean is I couldn't believe what I was seeing in terms of actually the blowing up of this thing.

LAW: I think that's one historic event I think both of us could agree on having that same reaction.

GRAHAM: Yeah, it's just not real.

LAW: Okay, back to law school, what was the kind of law that you were drawn to, was it torts, was it criminal law.

GRAHAM: No it was not, I think I liked just the general curriculum, I did not – again, living the event I don't recall looking forward, to say, criminal law, I like criminal law alright. But, later on in life I did represent several people in criminal matters, what disturbed me about it was the fact you're often times using witnesses that are not reliable to prove

things that are gonna end one guy spending time in a jail, and I never liked the idea- having the thought that some person is being in a prison and tied up because of such fragile type of testimony; so I didn't like it. Everybody did a fair amount as they were starting out in first year following the admission to practice. We were just required to take the cases there on the federal court, for example, the court would just appoint you, it was non-pay, it didn't matter what it was, you did it, and that was true also for a state court; there wasn't a public defender's office then.

LAW: Okay, so basically they were preparing you to be a general practice attorney?

GRAHAM: General practitioner.

LAW: Now when you got out into the world practicing law do you feel like your law school education prepared you for the actual practice of law, or did you have to do some on-the-job training?

GRAHAM: I think it was a good preparation. That's such a hard one to answer too because you're talking about that one slice in time, "Do you think it was a good education, was it a good preparation?"

LAW: Looking back, looking back now?

GRAHAM: Yes, if the thought is to say, "Looking back, would you suggest something different?" I would not, "Could it have been better?" I can't honestly say that it would have been better had we taken a different course here, a different course there; I can't really say that. I think it teaches you tools, I think it's nothing more than my arithmetic, the arithmetic teaches you to ask another question.

LAW: Were they teaching you what the law is, or how to apply the law, or both?

GRAHAM: I think it was more teaching us what the law is.

LAW: Okay, any influential or important law school professors?

GRAHAM: I liked one in particular, Nelson Young, in tax. He was a very able guy, we had other able teachers; we had very good property people. Some of the courses I liked more than others, some I had an interest in more than others, but by-and-large they were very good teachers; as I say, Young stands out.

LAW: Because of his teaching method or the skill as a teacher, what was it about him?

GRAHAM: Well I guess it was a combination, I thought he was a very good instructor, he could instruct well, he seemed like he was a very good person, he seemed to exercise good judgment; I thought he was a very able fellow. There were others there, professor Cribbet was a very able fellow.

LAW: Now was he dean at the time?

GRAHAM: Oh no, Sullivan, Eugene Sullivan was the dean.

LAW: Okay, now when you graduated, and you passed the bar [exam], why did you decide to come back to Springfield?

GRAHAM: I suppose it was to practice with dad, I mean, I don't recall thinking I was going to go to Iowa to practice, I don't recall ever thinking that way.

LAW: And then why private practice, I guess it was because of your dad's firm, but then sometimes people go into, like, they become an Assistant State's Attorney or U.S.

attorney; did you have an idea that you were gonna come back and work in private practice and that's what you were gonna do?

GRAHAM: Yes, but I don't know how that all evolved, I never had the desire to be in State's Attorney's office.

[01:15]

LAW: Okay, so when you first got back what kinds of cases were they giving to you to handle since you're this new attorney; give me an idea of the structure of the office or how the work was organized and distributed?

GRAHAM: Grandpa did his own work, I followed instructions, what dad suggested I do, Grandpa, again, had his own things, you must understand he must have been 75, 78, something like that at that time, I guess grandpa would have been older than that, but in any case they were independent and doing whatever they were doing and they'd call in the secretary and discuss what you want, "Do you want to write a letter or you're going to the library, the [Illinois] Supreme Court Library, and be back in two hours, hang on to my messages if you would." My office, you must understand, my office had a table, it was like a garden table; we were in the Reisch Building then.

LAW: There was a lot of attorneys in that building?

GRAHAM: There were, there were about thirty of them, I say thirty, it could have been forty, it could have been twenty-five, there was an awful lot, that's true. There were small groups, there would be two or three or four men, Gillespie, Burke & Gillespie would be one of the larger ones that would later become Hinshaw & Culbertson [LLP] that we see today.



LAW: Brown, Hay & Stephens, [LLP]?

GRAHAM: They'd be in the First National Bank building, that'd be just south. The Reisch Building's on the square, it's an eight story building on the west side, like the Myers Building.

LAW: Now were most of the attorneys in town, downtown?

GRAHAM: Yeah, we moved out to where we are now at 1201 South Eighth Street, we moved there in 1965; that was unusual. There were some that were out, but I can't think of right now, there would not be three or four of them, that were not right on the square.

LAW: Ok, yeah.

GRAHAM: Here's a good story for you. You asked what I was doing sometimes, every once in a while. I was collecting money for – they were going to have to raise, or lower, whatever it was, the Sangamon County Courthouse, so I went in and I caught my grandpa, I said, "Grandpa, I'm trying to get you to make a contribution if you could, but don't if you don't want to, make a contribution to what we're gonna do is lower the courthouse, knock one floor out of it, that's what were gonna do," and grandpa said, "That's fine, do what do you want," I said, "I'd like to have you contribute to it," he said, "Ok, that's alright, but you must understand fifty years ago I was going around collecting money to get contributions so they could raise the courthouse," (laughing) and I said, "Ok gramps, you win."

LAW: Now, this is back when the courthouse was at what is now the Old State Capitol?

GRAHAM: It was the courthouse though, in my time, the county building.

LAW: It was the county courthouse. Now, did you argue cases when it was the county courthouse?

GRAHAM: Sure.

LAW: Tell me, what do you remember about, where was everything located and tell me about that; what are your memories?

GRAHAM: I was on the third floor most of the time, I say I was on the third floor, that's where the courtrooms were, the clerk's office was up there too, I'm not sure of the clerk's office; the courtroom itself was on the third floor on the west side of the building. On the second floor was the probate court, Judge Stan Thomas was there.<sup>5</sup> States Attorney's office was on the third floor I remember, on the northwest wing of the courthouse just next to where the courtrooms were, probation offices were around there too I think.

LAW: Now this would be when Ray Terrell was the State's Attorney?

GRAHAM: Late [19] '60s, right.

LAW: Do you have any memories of him?

GRAHAM: Again we didn't have that much to do with the criminal law.

LAW: Ok.

GRAHAM: Actually where I ran into Ray, I would go to lunch with my grandfather, we'd go to Schindley's Tavern, Schindley's Tavern was on Fifth and Madison, the Illinois Central

---

<sup>5</sup> Judge Stanley Thomas was first elected a County Judge of Sangamon County in 1950, and served in that position until 1958 when he was elected a Probate Judge for Sangamon County. He was reelected to that position in 1962 and then under the new Judicial Article became an Associate Circuit Judge in 1964. He retired from the judiciary in 1965 but was later appointed an Associate Circuit Judge in DuPage County in 1970. Prior to serving as a judge he was the Corporation Counsel for the City of Springfield from 1946-50 and an assistant city attorney from 1939-43. He was also a special Assistant State's Attorney for Sangamon County from 1966-70.

Railroad track, and often times a bunch of lawyers who would go to lunch there at Schindley's, and Ray was often times there.

LAW: Okay. Was there a great deal of camaraderie in the local bar at that time?

GRAHAM: Yes, yes, there was, yeah I think there was a closeness. I would, for example, as a first year practicing, I felt no hesitancy to go up to catch Ed Burke, of Gillespie, Burke & Gillespie, and say, "Hey Mr. Burke I've got a question?" Burke would be my grandfather's age too, and so I'd say, "I have a question, do you have a moment?" And he'd say, "Certainly, sit down." And this would be the way Tony Manuel and Frank [S.] Calandrino, who were on my same floor, again they'd say, "Hey, what do you think about this issue?" So I would often times take home an abstract at night and I'd read it, I'd have a question, "How does homestead waiver occur?"

LAW: Tell us what an abstract was.

GRAHAM: An abstract would be a written compilation of all the entries regarding that property. So it would start from the time it was deeded over from the state of Illinois, and they would follow through from all deeds and mortgages thereafter, divorces that the people had had, it would be all of those various entries, and so you'd check them out to make sure that who you are paying your money to is in fact the person that should properly get the money. Now it's all handled by title insurance, title insurance came along, we used to use title insurance just in the instance where we found there was something wrong in the title in the abstract, but we felt, "Hey wait a minute, there's still some risk in that so go get a policy to insure against it," so it was a "belt-in-the-suspenders" issue.

LAW: So I guess what you're sayin' is that they were available to help you out, and answer questions, their door was always open.

GRAHAM: Oh definitely, it always was, they never said otherwise.

LAW: In terms of composition of the local bar, how big was it?

GRAHAM: I was secretary of the bar association at one time, what years, I don't remember; I'd say there were two hundred [and] fifty.

LAW: Two [hundred and] fifty.

GRAHAM: But later on, of course, the number of state lawyers very definitely increased.

LAW: That's what I wanted to ask you, is, what was the proportion at that time?

GRAHAM: I don't remember, again, when I first came I was not aware of very much engagement by lawyers, who were with the state, with the local bar, I just don't recall it.

LAW: But you were at least aware that there was a fair amount of lawyers engaged in state work and then there was lawyers practicing, I guess?

GRAHAM: I knew there were some number, I had no idea of the immensity of the number, I just knew there were others that were lawyers that were with the state and would not surface at our local bar on the same way; whether it's high or low, Justin, I really had no feel for at the time.

LAW: Okay, well, we've gotten you from birth to practicing law, are there any other topics you want to discuss about your background? We've covered a little bit about your family history, talked about your education, college and law school, we've got you to practicing

law; so that's all I really had on your background unless there's anything else you want to add.

GRAHAM: No that's fine.

LAW: Yeah, make sure I don't have anything else. Well I guess we could end on, I found this article, when you first came to Springfield as an attorney in [19] '61, "Fourth generation attorney to be admitted to bar," and there was a sort of ceremony held at the Elks Club in honor of the group, Thomas [S.] Edmonds of Chicago spoke, he was the former president of the I.S.B.A. [Illinois State Bar Association]; it was at the Centennial Building. Any memories of that?<sup>6</sup>

GRAHAM: I have no memory, let me see it Justin.

LAW: I guess what that illustrates to me is that you were welcomed into the local bar.

GRAHAM: Well that's true.

LAW: And we kind of talked about that, a little bit about that with the camaraderie.

GRAHAM: There very definitely was a— I would go to have coffee, I didn't drink coffee, then or now, but I'd go grab a coke at the local Woolworth Building, it was just right next to the Reisch Building, and at lunch time, well at ten-thirty [a.m.], or four o'clock, three-thirty [p.m.] or whatever, Fred Pefferle, or Tony Manual, or "Si" [Simon L.] Friedman, or whoever, would come knockin' on the door and say, "I'm goin' to get a coke, you wanna grab one," so they'd sit down there on the bench and just sit and talk about it, of course you'd talk about whatever is current in time, *Brown vs. [Board of Education]* the school board or whatever the case may be.

---

<sup>6</sup> See, *State Journal Register*, November 28, 1961, pg. 2.

LAW: Whatever the case may be, “talkin-shop”.

GRAHAM: That’s right, but everybody, there were thirty or forty guys there and you might try a lawsuit against one of them the next day, and you just knew, I shouldn’t say you knew, you just felt comfortable in whether you happen to be trying a lawsuit against them or whether you happen to be havin’ a coke with them.

LAW: Well, Mr. Graham I’ll think we’ll end there.

GRAHAM: This (picture) must have been at the same time we were admitted to the bar.

LAW: Yes, yes. Mr. Graham, I think we’ll end there and next time we’ll get into your legal career proper.

GRAHAM: All right.

[Total Running Time: 01:29:24]

**END OF INTERVIEW ONE**

## BEGINNING OF INTERVIEW TWO

LAW: This is an oral history interview with Hugh Graham III. Today's date is December 11<sup>th</sup>, 2015. We're in his home here in Springfield, Illinois, and today we're going to talk about his legal career. Mr. Graham, I thought we would start today with when you first came to town in the early '60s, what do you remember about the system of court-appointed attorneys? Do you ever remember being a court-appointed attorney?

GRAHAM: Yes. We were appointed in -- I was-- at that time, in the early '60s, I was doing a fair amount of work in the Federal District Court. At that time, I would appear there on behalf of various clients in civil matters. There were often times at that time of our century -- there were an awful lot of Dyer Act [National Motor Vehicle Theft Act] claims. Those were claims where a person has driven a car across state line and they were federal charges. I would oftentimes be appointed in the federal court to represent some of these innocent indigents that had been arrested for Dyer Act violations. There may have been other violations that resulted in the federal district jurisdiction at the time other than Dyer Act, but the bulk of them clearly were Dyer Act and it was out of that experience then that I had represented a number of defendants in the Federal District Court, and again that was in the early '60s. On occasion, I'd be appointed in the state court system. It was not -- I was not appointed as many times in the state court system as I was in the federal court. Sometimes it resulted in jury trials, sometimes you'd be appointed to represent them alone, sometimes you had co-counsel. I had two or three in the state court systems that were -- I was directed -- to handle by way of appeal. I -- as I think back, in both the federal court and the state court system, on occasion, I did have

the occasion several times to have jury matters before the state court or federal court because of these appointments. I did not have much criminal experience apart from that, by way of appointment. I had one or two, but they were not of much moment, frankly.

LAW: How did the Judges decide who to appoint? Did they just have a list?

GRAHAM: My guess is they did. In the federal court, of course, you had but a single Judge and it was simply by way of by appearing in court regularly in the federal court system and the Judge would say, "I have a new appointee for you in this city prison for whatever the reason that you go to talk to him." I don't think there's any formality to it in terms of a list in the federal court system. There may have been, but I don't recall it talked of in those terms. In the state court system, of course, you had several different Judges. I'm not sure how they worked it out amongst themselves.

LAW: I did find one case that you were involved in as a court appointed attorney and I was wondering if we maybe had any memories of it. It was the one involving Joseph Nastasio alias Tony Noletti.<sup>7</sup>

GRAHAM: Right. Noletti. That was a murder. What happened there was Tony Noletti was accused of having murdered a girl and that for some reason, I don't think there's ever any criminal charge placed against him. There may have been, but he -- what I ended up with was the Noletti case on an attempt to break from jail because he did jump -- I don't recall now whether or not he actually got out of jail or was arrested down the street or not, I don't remember that. But I had him by way of appointment and I could actually of had it in the trial court level as well. I'm not sure, I don't remember.

---

<sup>7</sup> See, *Illinois State Journal*, September 13, 1963, pg. 15. Also see, *People v. Nastasio*, 30 Ill. 2d 51 (1963), and, *People v. Nastasio*, 19 Ill. 2d 524 (1960).



LAW: I think Bob Heckenkamp had it at the trial.<sup>8</sup>

GRAHAM: Is that right? And then I picked it up?

LAW: Yes.

GRAHAM: The -- one of the things that I remember on the appeal was one of the record objections that I made. It was not successful. It was affirmed in the Supreme Court, that is the conviction was affirmed. I think a five-year conviction is what it was.

LAW: Yes.

GRAHAM: The main point I was trying to make there was that in the course of the argument to the jury, at least my memory of it, Justin, in the argument to the jury, the State's Attorney showed a rap sheet and he said, "Hey, wait a minute, look how long this guy's rap sheet is." My point was wait a minute. You can impeach it or put together, testimony against a witness or the defendant if it's by way of the written record. You have to get a record of conviction and you have to get proper proof of the conviction to establish the idea that there was a conviction you're using to impeach the guy with. In the trial court, my notion was not accepted nor in the Supreme Court, that's the main the issue that I remember from that case.

LAW: Now did you make the oral argument?

GRAHAM: Yes.

LAW: Was that your first time at the Supreme Court? Arguing? Do you remember?

GRAHAM: Probably was. What was the year?

---

<sup>8</sup> See, *Illinois State Journal*, August 24, 1961, pgs. 1, 4. Also see, *Illinois State Journal*, July 12, 1962, pg. 6.

LAW: Nineteen sixty-three.

GRAHAM: Yeah, that would've been pretty early on. Yes. That -- I don't think I was in the Supreme Court before then. Could've been, Justin, but I don't recall it.

LAW: And do you -- so when you think back on that case, you remember arguing that point that you were just discussing in front of the Supreme Court?

GRAHAM: Yeah, I was with co-counsel. Bob Cohen.

LAW: That's right.

GRAHAM: There was the two of us. And I don't remember how we split up argument, I just don't remember.

LAW: Okay. Now the --

GRAHAM: We were both appointed.

LAW: That's right, yes. Now the Judge on circuit level was DeWitt Crow.

GRAHAM: He'd be the trial court Judge.

LAW: Yes. Any memories of DeWitt Crow?<sup>9</sup>

GRAHAM: He was a very able Judge. He would have been older. He probably was twenty-five years older than I. He was an experienced trial court Judge and as you're saying, I'm two years out of law school.

LAW: That's right. And Cohen was probably was a relatively new attorney as well.

---

<sup>9</sup> DeWitt Crow was first elected a Circuit Judge in 1947, he retired in 1964.

GRAHAM: Cohen? Yes. Bob would be -- I'm not sure, I'll miss it by two years, but not more than that. He's the same year as I am, he may be two years younger than I -- older than I -- but that'd be about it.

LAW: Do you recall any of the other Judges from that period of time in Sangamon County?  
One would be --

GRAHAM: Sam Smith was another one.<sup>10</sup>

LAW: Okay.

GRAHAM: He was a very able Judge; he was also on the appellate court.

LAW: That's right, yes.

GRAHAM: The appellate court at that time, I'm not sure if it was by way of appointment or not. I just get confused. But he is a very able Judge and we -- he was from, I'll say, Girard. He'd be my father's age.

LAW: I believe your dad, he was a clerk for Justice Trapp, wasn't he?<sup>11</sup>

GRAHAM: Yes. Dad was a judicial clerk for -- that'd be Harold Trapp.<sup>12</sup>

LAW: That's right.

GRAHAM: He's from Lincoln, Illinois. Now that's probably dates from 1972. Now that's a guess, Justin.

---

<sup>10</sup> Judge Samuel O. Smith became a Circuit Judge in 1957 and served in that position until 1964. In 1960 he was appointed to the Appellate Court, and served in that position while still serving as a Circuit Judge. In 1964 he was elected a Justice of the Appellate Court and retired from that position in 1974.

<sup>11</sup> See, *Illinois State Journal*, December 15, 1964, pg. 12.

<sup>12</sup> Justice Harold F. Trapp was elected to the Appellate Court in 1964, and retired from that position in 1986.

LAW: Well, I found an article that he was appointed in '64 and then in his obituary it said he was a clerk for seventeen years.

GRAHAM: He was for Trapp, but I think he was a clerk for another judge, too.

LAW: Okay.

GRAHAM: Earlier on. Harold Trapp was dad's exact age.<sup>13</sup>

LAW: Did you have occasion to meet any of the Justices with your dad being their clerk?

GRAHAM: You knew most of them. Just because they'd been earlier on in the trial court level --

LAW: Okay.

GRAHAM: Where you'd run into them. Harold was in the office all the time, because dealing with dad as the appellate court clerk.

LAW: What are your memories of him?

GRAHAM: He was a terribly able guy. He was a -- he thought very highly of dad in terms of his ability. Harold may have been a year or two younger than dad, but not by much. They -- he'd -- dad would ride -- Harold would say, "Why don't you take care of this one," or whatever he would say. And then Harold would -- dad would write the opinion, a suggestion, oftentimes it was accepted without more. Sometimes Harold added to them or sometimes he changed them entirely. They had a good relationship. I wouldn't of thought dad was the appellate court clerk for seventeen years with Trapp. I wouldn't of thought it was that long. It could've been. Harold was elected to the appellate court,

---

<sup>13</sup> Both Justice Trapp and Hugh Graham Jr. were born in 1910.

apparently from what you're saying, in 1964. That was the year of the convention, I think, and so the democrats ended up with two of the appellate court clerks, two of the appellate court Judges --

LAW: Right.

GRAHAM: As a result of the election in 1964, which was the landslide election. I don't remember who the third one was.

LAW: I think the other democrat elected was [James C.] Craven.<sup>14</sup>

GRAHAM: Jim Craven and Harold Trapp were the two democrats.

LAW: And then I think Smith was the third.

GRAHAM: Sam Smith was the third?

LAW: I believe so.

GRAHAM: He had been a republican.

LAW: That's right.

GRAHAM: Yeah, they were all -- all of them. Now Jim Craven is a little bit younger than dad. Not a lot.

LAW: Now what about some of the other local judges like Creel Douglas? Do you remember him?<sup>15</sup>

---

<sup>14</sup> Justice James C. Craven was an Assistant Attorney General and later was in private practice in Springfield prior to his election to the Appellate Court in 1964. He served in that position until 1981.

<sup>15</sup> Creel Douglass was elected a Probate Judge in 1950, and then a Circuit Judge in 1957. He was retained under the new Judicial Article in 1964 and again in 1970. He resigned in 1971.

GRAHAM: I didn't have any -- I don't recall having had any cases before Creel. He did mainly criminal matters.

LAW: What about William Conway?<sup>16</sup>

GRAHAM: He was, I think, probably called a justice of peace. He was there by way of appointment. He was in the third floor of the police station. That's where he resided.

LAW: Okay, he was like a police magistrate?

GRAHAM: There you go, exactly right, Justin.

LAW: That's another interesting thing about when you first started is there's these -- there's multiple courts. It wasn't just the circuit court.

GRAHAM: No, there's J.P. court too.

LAW: Did you ever have any -- appear in front of any J.P.s?

GRAHAM: Oh sure, you did all the time.

LAW: Tell me about that.

GRAHAM: Joe Maddox was one.<sup>17</sup>

LAW: Okay.

GRAHAM: Joe would be ten years older than I. He was the very practical sort. We would oftentimes have lunch with Joe. It was very common in that regard. We'd go down to,

---

<sup>16</sup> William Conway was elected a Police Magistrate in 1939, and served in that position until his election as County Judge in 1958. When the Judicial Article went into effect in 1964 he became an Associate Judge. In 1971 he became a Circuit Judge, and he retired in 1976.

<sup>17</sup> Joseph W. Maddox was a Justice of the Peace from 1953-64, and a Magistrate from 1964-65. He also served as a Public Defender from 1965-66. From 1966-2011 he was in the private practice of law.

there'd be of a number of fifteen different lawyers go down to Shindley's Tavern, which is right near the Illinois Central Station. It's now been renovated.

LAW: What about Lawrence Swinyer?<sup>18</sup>

GRAHAM: He was another one.

LAW: Okay. He would have been down there at the tavern, too?

GRAHAM: Yes. Commonly we would grab lunch together at the -- Schindley's.

LAW: Do you recall any of the other magistrates, like August Caylor?<sup>19</sup>

GRAHAM: No. I don't recall him.

LAW: Pat Cadigan?<sup>20</sup>

GRAHAM: Well, Pat Cadigan was not a magistrate.

LAW: Just for a few years, but you never --

GRAHAM: Was he really? I didn't remember that.

LAW: Okay.

GRAHAM: Pat's a year ahead of me.

LAW: Okay.

---

<sup>18</sup> Lawrence Swinyer was a Magistrate Judge from 1965-1968. Swinyer, a WW1 veteran, served as an Assistant State's Attorney, Justice of the Peace, Public Defender, and Assistant City Attorney throughout his 50 plus year legal career. For his obituary, see, *State Journal Register*, January 8, 1976, pg. 8.

<sup>19</sup> August Caylor was a Magistrate Judge from 1968-1971. Prior to becoming a Judge he was the State's Attorney of Cumberland County, and practiced law in Springfield beginning in 1957. He died in 1971. See, *State Journal-Register*, November 30, 1971, pg. 10 for his obituary.

<sup>20</sup> Patrick Cadigan was a Magistrate Judge from 1965-1968. Prior to becoming a Judge, he served as a parliamentarian for the Illinois Senate, and after being a Judge he served as an aide to House Minority Leader T. Arthur McGlooin. He was later elected to and served as President of the Springfield Park District. He died in September of 1996.

GRAHAM: Pat spent the bulk of his time with Hinshaw and Culbertson. Actually, with -- it was Gillespie Burke and Gillespie and then later became Hinshaw Culbertson. I didn't remember Pat was justice of peace. He may have been, I just don't remember.

LAW: Well, he would have been a magistrate appointed by the Circuit Judges. I think it was in the mid '60s. Just for a couple of years.

GRAHAM: Could be. You did digging more than I have. I'm dealing with a faulty memory, Justin.

LAW: Let's talk about another case.

[00:15]

Another one of your earlier ones was this *Spence versus the Baltimore and Ohio Railroad*?<sup>21</sup>

GRAHAM: Right. See, that was in the federal court and that's why I -- because I was over there with such occasions as Spence, that's how I ended up being appointed in the federal courts on the criminal side.

LAW: Now had the firm been associated with the B&O Railroad?

GRAHAM: Yes, over the years.

LAW: Okay. What are your memories of that case?

GRAHAM: That was an interesting case. What had happened was that during the Korean War -- maybe the Vietnam -- but the point was that the war... and a shipper by the name of Spence, he'd gotten a federal court order to order the B&O Railroad to deliver five

---

<sup>21</sup> See, *Spence v. Baltimore & Ohio Railroad Company*, 360 F. 2d 887 (7<sup>th</sup> Cir. 1966).



cars per day for a -- box cars to this fella's property down there in southern Illinois. And I -- it started with the fellow receiving, Spence, getting a temporary restraining order or actually, probably, a preliminary injunction against the railroad ordering it to deliver the five cars. The railroad contacted us saying, "But we don't have that number of the cars that we can allocate to this fellow. They're all being moved, the cars are all being moved to carry goods out to the west coast for shipment overseas. We don't have that number of cars available," so I said, "We can't do that," told the court, "We can't do that. It's simply not possible." Jurisdictionally, what we said was the federal court does not have the jurisdiction to order cars, order cars to be used by any specific railroad in any specific manner. If anybody -- so that was the issue as framed in the Federal District Court. We had a motion, the temporary injunction or preliminary injunction against us requiring or ordering that we deliver the cars. We filled a responsive pleading, saying but wait a minute, the court does not have jurisdiction. That's the issue that went up to the Seventh Circuit Court of Appeals wherein they reversed the trial court and said that the Federal District Court does not have authority to enter such an order against the railroad for the delivery of cars. We said further, if you were to say that, this Federal District Court can do that, why not also, are you also saying then that state courts have the right to enter such an order against the railroad for the delivery of cars? Is the same thing true with regard to other Federal District Courts? Well, obviously enough just to ask the question means you have to answer as we did. Namely -- you'd have chaos if that were the case. And that was the way the issue was framed in the Federal District Court and the way that it was handled on appeal and the appellate court seventh circuit, as I say, said that by the

way, the court does not have authority to do this. So they reversed the district court.

That would -- when was that? 65'?

LAW: 65', '66. Would the District Judge in that case -- that'd been Poos?

GRAHAM: Omer Poos, yes.<sup>22</sup>

LAW: What do you remember about him?

GRAHAM: He was a very able and practical guy. I remember in the trial of that case, for example, I had a witness say, testify that their cars were not available for usage. Judge Poos says, "Okay, I have a couple questions for him." And so he, the Federal District Judge, inquired my witness. So my witness said, "Yes, but there are more cars around in my backyard here and the yard in southern Illinois. You could probably repair some of them, I'm supposing, and maybe you could have more than just a few cars we have available for allotment, but they're not being used now and it would take a while to repair them." Poos, as I said, was a very able guy as a Judge, as I say, and he started making inquiries about the cars and so he knew from his own experience as a practitioner that probably -- although there were not cars available -- there probably was some amount of running repairs that could be made available. I think that the net of it all was that the appellate court decided that that's really not the issue. It doesn't matter what the man -- the witness -- says in terms of how many cars are available for repair. The fact of the matter is you still can't have the method of allocation that they're handling here with one court saying that, by the way, make the delivery of cars available and another having the same power to do it. You can't do that.

---

<sup>22</sup> Judge Omer Poos was a Federal District Judge from 1958-1976.

LAW: Now I think they ultimately sent in some agents from -- what was it? The Bureau of -- I'll have to find it, give me one second. The Bureau of Railroad Safety and Service- Interstate Commerce Commission? I guess they ultimately sent them in to determine the allocation of the cars. Do you remember that?

GRAHAM: No.

LAW: Because I was wondering how it finally was resolved.

GRAHAM: I lost track of it. It was when the seventh circuit court of appeals reversed the district court.

LAW: Right.

GRAHAM: And then it went back to the district court and I would of thought it ended there. But it could be that -- you would have -- we certainly said in the argument to the appellate court that by the way, if anybody has jurisdiction to the issue of these cars or as you are doing now, if anyone has the right to do that it must be the Interstate Commerce Commission. Now whether or not the Interstate Commerce Commission has that authority is another issue, but certainly that the theory is that it cannot be given -- that the right to assign cars could not be given to more than one person. That's the only point. It could be the Interstate Commerce Commission intervened in the case in the seventh circuit, I just don't know. Just don't remember, Justin.

LAW: Okay. Now was that the first time you were before the court of appeals?

GRAHAM: Probably was.

LAW: How was that, I mean, how was that experience for you?

GRAHAM: That was a pleasure. The Seventh Circuit Court of Appeals has very able judges. They're appointed by the President. They're very able. They have a terribly wide breadth of experience. I would say it's a very real pleasure to argue before the seventh circuit. Always felt that way.

LAW: Now I did want to ask you about a couple historic events.

GRAHAM: All right.

LAW: From the early '60s. I was wondering if you had any memories of the Cuban missile crisis?

GRAHAM: Not that are original thoughts, no. I remember somewhat of seeing the Russian ships but I can't remember frankly well enough, or know if I'm seeing them for the first time now or whether it refreshes my memory. I'm not sure, honestly. But yes, I can visualize the Russian ships coming down the way.

LAW: How about the Kennedy assassination?

GRAHAM: Yes, there the issue of course is always what were you doing.

LAW: Do you remember?

GRAHAM: Yes, I do. I was sitting in the St. Nicholas Hotel about lunchtime and the shooting occurred then. I was in the -- I had said we oftentimes went to a tavern called Schindley's. We also commonly went to the St. Nicholas Hotel, the big inn, twenty to twenty-five different lawyers from time to time would drift in. That's where I was at the time.

LAW: I was wondering, is the St. Nicholas Hotel, was that sort of the democratic hotel and the Leland was the republican?

GRAHAM: Yes, yes. That'd be correct. You'd place labels on them just like that, that's correct. But that, as I say many lawyers generally, I'd say fifteen to twenty, twenty-five, whatever, would go there from time to time. There could be as many as two tables of eight at any one day, but those that went would be republican or democrat or whatever. That wasn't -- there was no label required to be able to be served at the St. Nick.

LAW: Right, I understand. I understand.

GRAHAM: Okay.

LAW: I guess we would call that that they had the reputation of being the democratic hotel.

GRAHAM: That's true.

LAW: More along the lines in that's where democratic politicians would stay and have meetings.

GRAHAM: And they would. That's where Powell was in the time of his death when they found his cash, the shoebox full of cash. Well, he was staying there at the hotel, the St. Nick.

LAW: Do you have any memories of that? That whole incident?

GRAHAM: Not really.

LAW: I believe there was a local Judge sort of involved in that tangentially if not directly.

William Chamberlain?<sup>23</sup>

GRAHAM: Yes, he was in our office. Bill's three or four years younger than or older than I, maybe five, I'm not sure, Justin. Yes, he was in our office, and then he was over with the Secretary of State's office. Actually, I think he may have been parliamentarian of the house at the time because what happened as I remember, somewhat, he left the office or work that he was doing in the House of Representatives and then became a Circuit Judge.

LAW: That's right.

GRAHAM: This would be the order of things as I recall.

LAW: I believe he took over for Crowe in '64.

GRAHAM: Is that right? Lots of times -- and I don't remember the particulars for it -- lots of times a judge will be appointed for a while to fill an interim level and then finally stand for election in the next term, the earliest time. That's probably what happened with regard to Bill, but I'm not sure.

LAW: Okay, these are also the early years of the Vietnam War. Do you recall your earliest memories of the Vietnam War?

GRAHAM: I only -- I don't really place any time frame on it. I remember that basically, and it could have happened in the reverse order, I remember that there were concerns with regard to our involvement in Cambodia that was a next-door neighbor to Laos and Vietnam. And it was the distinct fear that, and it wasn't spoken of in those terms, but it

---

<sup>23</sup> A former Legal Advisor and Legislative Assistant to Gov. Otto Kerner, and then Secretary of State, William Chamberlain was elected a Circuit Court Judge in 1964 and served in that position until his death in 1972.

was a distinct concern that maybe this thing is going to become a broader type of event. One thing I do remember, particularly, just as I said, I do recall where I was when we find -- I was going to change gears on you. I remember where I was sitting when President Johnson decided he was not going to run for re-election, which was all out of the Vietnam era issue.

LAW: Right.

GRAHAM: It was in March, I think, of 1968 that he decided he's not going to run and I remember sitting there on a stool in our home at 1934 Glenwood and I said to Sallie, who was sitting the kitchen, I said, "Sallie, there's something going to happen today, I can just feel it." And sure enough he announces he just feels that this thing is not proper for him to run for office again. So he didn't run. I think that was March that I distinctly -- March 30 -- I believe it was.<sup>24</sup>

LAW: That's right.

GRAHAM: I do recall that one.

LAW: What were your thoughts on the war? Were you a critic of the war or --

GRAHAM: No, no. I wasn't that. You see, when we went to school, I graduated from Illinois and finally, I say finally law school in '61. We had military service, we had to belong to an NROTC unit there at your hi-- at the University of Illinois. So I was in the navy in NROTC for three years, I guess. It was just assumed you were going to end up in the military. When I was graduating from the school, they had the Lebanon crisis in I think 1959? '58 or '59 -- something like that -- where there was other trouble in the Middle

---

<sup>24</sup> March 31, 1968.

East that got kind of bothersome.<sup>25</sup> I just think we just assumed that military service was a required event. Actually, I did not serve in the navy. I ended up going to volunteer for the air force but I was not accepted there. It was just assumed you were going to have service. That's my message, frankly. So this is in response to your question, what did you think of the war? I don't think very many people thought adversely against war. I'm sure I'm not right on numbers, but my basic memories of our friends are that they did not make the decision that it was an inappropriate thing, I think. We rather felt we had the obligation to serve.

LAW: Okay, I wanted to ask you about another case from this period. This is the *Chicago, Burlington and Quincy Railroad* --

GRAHAM: That was an interesting one.

LAW: *Versus Ommen*.<sup>26</sup>

GRAHAM: Ommen, right.

LAW: Or Ommen, Okay.

GRAHAM: I don't know how you say it, but that's good enough, Justin. That was a funny one. I represented the CB&Q and that was -- what had happened was that a fellow by the name of Ommen was driving his car. He got stuck on the tracks. A CB&Q train came along, applied the emergency air and blew a couple of cars off the track, damaging them and requiring the repair of the ties and tracks that were there. So what we had, was the

---

<sup>25</sup> 1958.

<sup>26</sup> See, *C, B & Q Railroad v. Ommen*, 93 Ill. App. 2d 299 (4<sup>th</sup> Dist. App. Court, 1968), and *C.B. & Q Railroad v. Ommen*, 130 Ill. App. 2d 713 (4<sup>th</sup> Dist. App. Court 1970).



CB&Q was suing the local farmer in the local court. This was over in Cass County. So I tried it and in two weeks of trial and the state court in Virginia -- Cass County and I was allowed to instruct only damages in the amount of, I will say \$1,015, or something like that.

LAW: It was relatively small. It was \$1,833.49.

GRAHAM: Eighteen hundred forty-three?

LAW: Eighteen hundred and thirty-three and forty-nine cents.

GRAHAM: Okay, I thought it was only \$1013, all right, but what had happened was the trial court would not allow me to instruct on the cost of cars or destroyed or damaged and it wouldn't allow me to recover for the rail that was replaced. It would allow me only to recover certain smaller portions of repair items or labor items for the cars to handle the wreck itself. So Country Mutual was the insurance company for Ommen, they just assumed that the jury would not come back against the farmer in favor of the railroad. But they did. The jury came back in exactly in the amount of money that the court allowed us to talk to them about. So the first appeal was to say, hey, wait a minute. We did not get the right to talk about the true value of the damages that we sustained and the appellate court agreed. The reason the railroad did it in the first place was that there was apparently, which I learned later, there are a number of different problems where they had derailments and the railroads were not allowed to demonstrate that the cost of repair of the cars, the costs of cars damaged or destroyed or whichever, the railroads method of proving that loss really was not a proper one. The insurance industry said, hey, wait a minute, you can't recover for this item of damage or that item of damage or whatever. So

really, it was the fact that the railroad wanted to have the lawsuit establish the way in which you show cost of repair or damage to book value of the equipment. So to prove the value of the equipment, what I did was I got -- I relied on a couple of thoughts. One, I got an assignment from the railroad that owned the car, giving to me this railroad, the CB&Q, giving it the right to sue for the damage of the equipment. And secondly, I relied upon the idea that I had just the inherent right to sue because of the so-called bailment idea. The bailment is simply the idea that the person who has possession of the car and can sue for the value of the car that's actually been destroyed. Now, the fellow that holds the bailment has the duty to account back to the true owner, but at least from the surface he can go ahead and sue in his own right. So I was proceeding in two rights with regard to the other equipment from the New York Central or whoever it was. The right to sue because of the bailment or the right to sue because of a specific written assignment from them. But none of that was to any avail to the trial court. They would not talk to them about it. That's why I went up -- that's why they brought the lawsuit in the first place and that's why we pursued it so much as we did, we the Burlington.

LAW: Now, I noticed on the first appellate court opinion that it was written by Justice [Caswell J.] Crebs?<sup>27</sup>

GRAHAM: I don't remember him.

LAW: Well, I just noticed that was unusual because he was not sitting in the fourth district at the time and so I wondered if maybe he substituted for Trapp because your dad was a clerk. Maybe Trapp recused himself.

---

<sup>27</sup> Justice Caswell J. Crebs was a Circuit Court Judge from 1945-64, an Appellate Court Justice from 1968-69 and 1971-75, and a Supreme Court Justice from 1969-70 and 1975-76.

GRAHAM: It could be. I just don't have any idea. I don't remember the name of Crebs.

LAW: The other. The second one was written by Smith.

GRAHAM: Sam Smith?

LAW: But it was the same situation, except in the sense that Trapp didn't sit on the case. In this case, it was Chamberlain.

GRAHAM: Oh, is that right? I don't remember that, either.

LAW: I highlighted something from the second opinion I thought was of note. It said, "The quarrel between the parties is the method used to ascertain both figures. A method accepted throughout an entire industry as proper and fair computation of damages ought not be rejected by the court as a fair method of computing damage nor readily provable nor misleading to a jury."

GRAHAM: It was a damage issue and it was affecting the industry. As a result of all these things, at about that same time, which you don't have there which I did write down, the Illinois Central called me on and asked me to help them with what they had lost -- went up in Pontiac. Again it was a semi-trailer banged into one of our trains and knocked it off the rail. It was much more significant damage than the Ommen one. But the whole issue of proof of loss and what's reasonable for recovery when there is truly damage and the method to show the recovery, it was a very live problem then for them. The railroads, that is.

LAW: Okay, so did you have occasion then to travel outside of Sangamon County to hear cases or was this -- or to practice cases -- or was this an unusual thing going over to Cass County?

GRAHAM: Oh, no, no. I would regularly try cases in Cass County, Peoria, Sangamon, which is ours, Logan, Christian, Montgomery. There'd be ten of them surrounding Springfield. I'd be involved there. I'd try several cases, for example, four juries in Christian County for this C&IM Railroad. I tried some in Mason County for the C&IM Railroad.

LAW: So, we could say then that --

GRAHAM: Then there'd be the -- with all that as I say, they're all adjoining counties.

LAW: Right.

GRAHAM: I didn't, I didn't try any in McLean County, that'd be Bloomington. On occasion, I'd get to Decatur, but not often. I don't recall having tried any cases. I'd been over there in motion practice and just general litigation in Decatur, but never in the jury trial setting.

LAW: So it would be fair to say then that for your firm, a good portion of the business was devoted to the railroads?

GRAHAM: That'd be true.

LAW: I mean, what would be -- what kind of legal work would you be doing for the railroads besides this trial work? Or was it just the trial work?

GRAHAM: No. It all varies. Over the years, I entered a very large -- quite a bit of commerce commission work.

LAW: Okay.

GRAHAM: In particular, for the C&IM and for the CB&Q and the Southern Pacific, which then became part of Union Pacific.

LAW: Did this go back pretty far? I mean, were these clients of your father's and grandfather's?

GRAHAM: Yeah, that'd be true.

LAW: Is the firm still associated with the railroads?

GRAHAM: Yes, but not in the way it used to-- not in the breadth that it used to. Most of it's done locally -- that's not well said. Most of the railroad work is done in house.

LAW: Okay.

GRAHAM: Rather than on a local basis as they had been.

LAW: Gotcha. Okay. I also saw that you got involved a little bit in politics in the late '60s.

GRAHAM: Right.

LAW: I think you served on the county board.

GRAHAM: That's correct.

LAW: And you were a, I think it was a supervisor or something for Capital Township?

GRAHAM: No. I was on the county board.

LAW: Yes.

GRAHAM: But it's because I was elected from Capital Township.

LAW: Oh, okay. I see.

GRAHAM: At that time, I think --

LAW: Supervisor.

GRAHAM: Supervisor of assessments. I don't think you call it a supervisor of assessments, just supervisor.

LAW: Assistant supervisor, yep. I guess it was --

GRAHAM: And that's a different issue.

LAW: Okay. Right.

GRAHAM: That was on the -- when I was the supervisor of assessments -- assistant supervisor of assessments or whatever they called it -- you could appeal issues with regard to how your real estate taxes are valued.

LAW: Right, right. The Sangamon County Board of Review.<sup>28</sup>

GRAHAM: There you go, that's what it was.

LAW: Okay, but this was a little bit earlier.

GRAHAM: Okay.

LAW: What I have here is you were at least on there by '66, but the assistant supervisor I have here that you were elected in early 1969.<sup>29</sup>

GRAHAM: That could be.

---

<sup>28</sup> See, *Illinois State Journal*, August 24, 1966, pg. 7.

<sup>29</sup> See, *Illinois State Journal*, April 2, 1969, pg. 1.

LAW: The democrats basically won a bunch of seats on Capital Township's --

GRAHAM: Board of supervisors, I think they called us.

LAW: So do you remember anything from that election?

GRAHAM: Yeah, there were nine people, nine offices available. As I remember, there were nine seats up in Capital Township. I think there were about fifty-one members of the total county board at that time. Later they shrunk it down. Now I think they're twenty-nine or so, there's a smaller number. But there were fifty-one or so and in Capital Township's part there were nine that were up and eight were elected that were democrats. Characteristically, you would not have that democratic result in Springfield now. It's, my guess is if it's twenty-nine members, it's twenty-four or twenty-five republican and five or six democrat. I don't truly know what it is, but it's out of that background when they have nine seats up and available for Springfield. If eight of them are elected that are

[00:45]

democrats, that's totally unusual. We were one of them.

LAW: Why do you think the nine swept the elections in that year?

GRAHAM: I don't remember -- what year was it?

LAW: Nineteen sixty-nine.

GRAHAM: I can't have an easy answer for you. At that time, I think, I can tell you why the results.

LAW: Okay.

GRAHAM: We had a bunch of friends, Bill Forsyth, Al Eck and whatever and we decided that we were going to have an adventure. So what we did is, I said I'm going to run for office, and I asked them hey, would you go ahead and walk a precinct for me? And so Bill walked ten precincts with my cousin Mac, my brother Phil, my brother Donny, they took different precincts, walked them. And people -- this is my opinion, the voter was not as used to the candidate actually coming along and saying will you vote for me? And so, I think that's the result for it. I can tell you that years ago, it's about the same time frame, a good friend of ours, Bill Telford, was running for office as mayor and he lost demonstratively in the primary to Nelson Howarth.<sup>30</sup> Somewhere along the way, for whatever reason I don't recall, that same cast of characters said to Telford, would you like to have us help you? And none of us had any experience in politics or whatever or interest in it. Well, interest, that's not right to say there wasn't interest in it. But not being a participant in it. And so with that, we found -- I walked about ten precincts myself for Bill Telford. I had my daughter, eldest daughter Betsy, walk one side of the street and I'd walk the other. She was about seven or eight or something like that. It was interesting. The vote for the precincts, if you took those same eight measured precincts that I walked, the same was true with the others as well, if you took the votes that were cast in the primary and looked what was cast in the final election, there are about fifty to seventy-five more votes in the second election than there were in the first. And the swing that was the plurality in favor of Telford, he won rather than having lost as he had in the primary. So it seemed to lend itself to the simple notion of hey, wait, a minute, if you

---

<sup>30</sup> The primary took place on Feb. 11, 1975. Incumbent Mayor William Telford placed second in a field of three, with former Mayor Nelson Howarth placing first, and local teacher A.C. "Bud" Rudin placing third.



take a truly active participation in the election, you will probably have some luck. Same thing you're seeing Obama say today, apparently.<sup>31</sup>

LAW: So walking the precincts for Telford, would that have been about 1971?

GRAHAM: I don't remember. Yes, about that, again, it could be '68 or '69.

LAW: Okay.

GRAHAM: I would of thought frankly it preceded my running. I'm not sure, Justin.

LAW: I think, if I recall correctly, I think Telford was mayor from '71 to '79.

GRAHAM: Oh.

LAW: I may have that wrong. I know he ran against Howarth I think twice.<sup>32</sup>

GRAHAM: That could be. I'm not sure of that. I just don't recall all of that. My main thought was only that I had thought that probably our walking for our -- meaning my wife and myself and my friends and whatever -- walking for Telford was all before I ran for the office and for the supervisor of assessments, or Capital Township supervisor.

LAW: Okay.

GRAHAM: I would have thought it preceded it, but maybe it didn't.

LAW: So by being a supervisor for Capital Township, that meant you were also then --

GRAHAM: On the county board.

LAW: On the county board.

---

<sup>31</sup> The general election took place in April 1 with Telford garnering nearly sixty percent of the vote to Howarth's forty.

<sup>32</sup> William Telford and Nelson Howard only ran against each other for Mayor once, in 1975.

GRAHAM: That's where I would of been.

LAW: And do you recall any of the big issues on the county board at the time or in Capital Township?

GRAHAM: Not really. We had. Well problem one, I don't remember the details of it, there was some problem with regard to the thought that there was the wrongful handling of money with regard to the parking garage underneath the state capitol. We had to try to make some findings as to whether or not there was something inappropriate. There were two or three members of the board that were appointed to try and figure it out. I was one of them. I never -- I did not ever, could find that there was any wrongdoing. There was some error in bookkeeping, but that was about it. I think another one, very likely the same time, was county zoning. And I'm not sure of that. County zoning was a real problem of concern in that timeframe, Justin, but I don't know if it'd be '68 or '71 or '73 or whatever.

LAW: Okay.

GRAHAM: My memory is that I was on the county board for a shortened period of time because I think they downsized the county board from, as I said, I think, fifty-one down to twenty-nine or so.<sup>33</sup>

LAW: Okay.

---

<sup>33</sup> See, *Illinois State Journal*, June 15, 1971, pg. 1, and April 5, 1972, pg. 1. The County Board of Supervisors was reorganized to comply with the U.S. Supreme Court's "one man, one vote" rule. The Board created twenty-nine districts to replace the old system of representation based on township in the summer of 1971, and an election was held in April of 1972 for the new board. Graham was not selected by a party caucus in February of 1972 to run for the Board, and his term ended in April. He did continue to serve as a Capital Township Supervisor until 1973.

GRAHAM: And so in the fact that they just eliminated the job and started up with a new house, if you will, but twenty-nine members. And I think that's how we ended up being - - our terms simply ran out, but there was no roof over our head, so to speak.

LAW: Okay, I understand. Okay. All right. I wanted to ask you about one other case just as a means of talking about fees. This was the case involving B.G. Colburn, he was an attorney over in Jacksonville, and it was a dispute over his attorney's fees.<sup>34</sup>

GRAHAM: Right.

LAW: Do you remember that case? So, I don't really necessarily want to talk about that specific case, but I did want to get an idea of what -- how were fees determined back then and how did all of that work at that time? Fees and such.

GRAHAM: I think you went to the court and at that time, generally speaking, we had a schedule of fees.

LAW: Okay.

GRAHAM: And it was a suggestion, there was nothing binding about it, but it was a suggestion. It was an established fee for preparing a deed or writing a contract for the sale of your house or buying a car or whatever. And it would have -- some of the things were ones from which we charged as we made on our hourly basis. Some was a specific item, a simple will would be \$50 or some such thing. Some such amount. That was the way in which this was handled. I think that the case you referred to, he charged on the basis of a third. I think it was a -- we're more used to, we as lawyers, we're more used to having a percentage. Were more used to the percentage notion when it came to a

---

<sup>34</sup> See, *Hofing v. Willis*, 83 Ill. App. 2d 384 (4<sup>th</sup> Dist. App. Court, 1967).

personal injury claim. The percentage was not as common outside of personal injury matters, was not commonly used. Again, this was back in the '60s and '70s.

LAW: Right, yes.

GRAHAM: The fee schedule was something that was uniform. I think, I don't know if the Sangamon County fee schedule would necessarily be useful help, or used for those in Jersey County, I'm not sure how they looked at it. But it was a guide.

LAW: Did most attorneys abide by that schedule?

GRAHAM: I would say so. I had no reason to believe that they didn't. I think at one time, I was at the secretary of Sangamon County Bar Association, probably would be in that same timeframe and I would keep track of this stuff. It was a printed manual, the fee schedule if you will. It had a specific charge for bankruptcy, as I said preparing a deed, adoption, wills, and then it would say if someone it would be better to use a percentage basis, then it would spell out a percentage. That was what that fight was all about. My memory is, and it's not accurate on that one. My guess is that it's probably saying that you shouldn't use a percentage on a, I think it was a will contest, actually it was-- I didn't have anything to do with it. It began with it came to me on appeal. Yes, my memory is, was that I was dealing with that at about exactly the same time as I was Spence.

LAW: This was -- well, the appeal was filed in the summer of '67. So yeah, roughly the same period of time. Okay. Now, a little bit after this, you also got involved with Springfield College of Illinois?

GRAHAM: Yes.

LAW: Tell us about that college and how you became involved with it.

GRAHAM: I was on the county board, not the county board, I was on the board of directors of Springfield College. It was an Ursuline ordered function if you will. The Ursuline sisters had always been very wonderful to my mind. I had had them in grade school and I did not go to the junior college, I went to Illinois the whole while. But I was on the board with the -- actually, I was, this would be, probably '70. I'm not sure. There were a number of men on the board that were older than I. [Willard] "Bunch" Bunn was on the board, Marshall Luthringer was with the C-I-P-S [Central Illinois Public Service Company] as I remember.<sup>35</sup> C.A. Dawson was on the board. These men would all be a generation above me. I think all of us were interested in the college because it afforded an option for education for some that would not otherwise have that available and we all knew that for each of our various dispositions, I guess [Francis] "Bud" Budinger was on it, too.<sup>36</sup>

LAW: Okay. He was associated with like a local insurance company, right?

GRAHAM: Right. Franklin Life.

LAW: Franklin Life, that's right. I think he was also involved with Sangamon State, wasn't he? Budinger?

GRAHAM: Probably was, yes. Francis.

LAW: Yes, that's right.

---

<sup>35</sup> For more on Bunn, see, <http://www.idaillinois.org/cdm/compoundobject/collection/uis/id/1191>.

<sup>36</sup> For more on Budinger, see, <http://www.idaillinois.org/cdm/compoundobject/collection/uis/id/1163>.

GRAHAM: We were interested. The college had always had a history of being troublesome in terms of actually being a moneymaking proposition, like all colleges. But we, as I say, shared the hope that the school would be allowed to stay open. It would probably have two hundred or -- I have forgotten the figures now -- probably about, at one time we probably had five hundred students there. When I was on the board, probably was more on the level of three hundred. Maybe three hundred and fifty. I'm not real sure, Justin.

LAW: Now you were also, in the '70s, a member of the Liquor Control Commission?<sup>37</sup>

GRAHAM: That's right.

LAW: Under Telford?

GRAHAM: That's probably true.

LAW: Any memories stand out from your time on that particular commission?

GRAHAM: I remember one fellow who had taught me a lesson.

LAW: Okay.

GRAHAM: We had some fellow, some owner of a tavern was accused of selling liquor to a minor and we would commonly have that claim made. Generally speaking, if we would oftentimes discover there was some degree of fault. But generally speaking, we would never assess a closure for more than two weeks. We sometimes would, but we commonly wouldn't. And at one of the hearings, we had a fellow called upon to testify and he was speaking in support of the bartender, saying the guy had not violated any rule

---

<sup>37</sup> See, *Illinois State Journal*, April 24, 1974, pg. 7.

by selling to a minor. And we said, "How do you know that?" And he said, "I know he didn't do it because he's," -- We said, "Do you have any connection with this fellow, this

[01:00]

tavern keeper?" He said, "Well yes, I do". I said, "Well how is that?" He said, "Well, I borrowed \$2 from him and I had paid him back 50 cents two weeks ago and I paid him another 10 cents a week ago and I only owe him a \$1.40 now." And he's says, "That's accurate," the bartender says, "That's absolutely accurate, that's how much I owe him." I decided if we're going to have the idea of licensure hinging on testimony of 50 cents or for 20 cents or 10 cents, I'm not sure I can rely upon the relator. Not speaking to truthfulness, but I just don't think we're actually weighing the same things. I found it very bothersome to think that we have -- I had that same trouble with the criminal's side, generally. Sometimes, the witnesses and what they say they saw is sometimes, probably something that should be further questioned. And to think that a guy spent a period of time in the jail because of this type of testimony about which I have concern, I just don't like it.

I had another one, dramatically so, in one of my Dyer Act things. I had a nice young kid from Indianapolis, and the long and the short of my story, the young man from Indianapolis was a kid of about twenty-one, something like that. And he had stole a car from Indiana and drove across the state line and got picked up in Danville. As I talked to him, as I did over the time that follows the arrest and all, I was appointed to him in the federal district jail there in Springfield, that's where I spoke with him first. His statement

was that he stole the car knowing that what he was doing was a violation of the federal law because he wanted to be arrested because he wanted to be able to find that he could be sentenced five years in prison, he'd get the prison of his choice in Ohio, because Ohio had one of the better schools for aviation mechanics. So once he got out of the prison, he would have been able to demonstrate he is now an accredited mechanic for airplanes so he could get a job. So he conceived upon this plan of stealing the car in order to obtain his college education. I thought that was a little bit strong.

LAW: So you do think maybe that would of just been a story he was telling?

GRAHAM: Oh, I think it was absolutely true. He knew that-- he had found from his reading, you know, that they did have this cracker -- and they did. They have this crackerjack mechanic school in Ohio. And that's where, when it came to his sentencing like, I had told Judge Poos. It was again, Judge Poos. I had told him my story and I said, "By the way, I'll plead guilty to the charge, but I want five years," and Poos says, "Well you can't possibly get five years on this. The guy's first offense." I said, "I don't want to even talk about the first offense idea, but I do demand to be able to know that I'll be able to agree to the five years if I can go to the Ohio Institution." The Judge says, "That's fine, it will do." That's where he went, I never heard from him since.

LAW: Any other memories from the Liquor Control Commission?

GRAHAM: No. I don't know how long I was on there, it wasn't very long. Probably two years, three years.

LAW: Okay. Okay, so this is also the 1970s. We've moved into a new presidency. Richard Nixon. Thoughts? Memories of Nixon?



GRAHAM: Nixon was not number one in my mind.

LAW: Any thoughts on Watergate?

GRAHAM: Yes, that was -- many books are written on that. I do remember in Watergate, again, I remember when the little guy who was -- I'm going to say his name is [Alexander] Butterfield, but I'm not sure if that's right -- he was asked about the tapes and he said, "Yes, we do have tapes." I thought that came as a shock to everybody, frankly, if I think about his downfall. But if you take the characters, the Archibald Cox, the guy who I think he resigns in October. He's supposed to clean up this thing and then Nixon would not allow him to have access to the things he wanted. No. Nixon resigned August 9; we were married August 8 of a different year.

LAW: Okay, you were also doing work for St. John's Hospital?

GRAHAM: Yes.

LAW: How far did that go back?

GRAHAM: Probably fifty years. Maybe forty.

LAW: Now what all would that have involved?

GRAHAM: This is the general counsel for the hospital. It'd be all sorts of things.

LAW: Any memories of this *People versus Doe*? Was the one where you defended the nurse, Elaine McCall?<sup>38</sup>

GRAHAM: Yes. You say that's the appellate court, but not accepted in the Supreme.

---

<sup>38</sup> See, *People v. Doe*, 103 Ill. App. 3d 56 (4<sup>th</sup> Dist. App. Court, 1981). Also see, *State Journal-Register*, June 9, 1981, pg. 1, June 12, 1981, pg. 1, October 21, 1981, pg. 9, March 30, 1982, pg. 1, June 3, 1982, pg. 52, and July 2, 1982, pg. 60.

LAW: That's correct, yup.

GRAHAM: My memory is again, the witness is Elaine McCall, very strongly felt that she shouldn't be talking about things that she learned of in the psychiatric unit. That's the sense of the problem.

LAW: I guess we should maybe give the background of the case at first.

GRAHAM: Was that the murder?

LAW: The axe murder case.

GRAHAM: Yes. The Lauterbach's people. There was a fellow there -- and I don't remember now if it was a man or a woman -- but there was a person there in the hospital in the psych ward. And they somehow wanted Elaine to testify and I don't remember the details, whether or not it was medical records that they wanted or whether they wanted her to testify. Not sure, don't recall that. But the person that was in the hospital was there shortly after the time the axe murder occurred, which was at 15<sup>th</sup> and South Grand. Our point was that we were responsible for the healing of the people, we're not the investigation arm for the State's Attorney office, therein laid the problem.

LAW: Any other memories of that case? I believe that was in front of Judge Simon Friedman?<sup>39</sup>

GRAHAM: That'd be right.

LAW: So this might be a good opportunity to ask you what your memories of him are

GRAHAM: He was a very able guy. I liked Si very much. He was one that was regularly at Schindley's. He practiced mainly with a fellow name of John Curren. So it was Si

---

<sup>39</sup> Simon Friedman was appointed as Circuit Judge in 1972, filling the vacancy created by the death of Judge William Chamberlain. He was elected to that position in 1974, and served until 1990.

Friedman and John Curren. John was older than Si, not by much, but he did an awful lot of criminal work. Si did do some criminal work, but he also had an awful lot of school board work. Certainly, at least for the state, I think the city as well, but I'm not sure. Not the city but the school district, the local school district. Si's a very levelheaded person. As I say, I regularly had lunch with him at Schindley's or at St. Nick. He was a democrat.

LAW: What about do you have any memories of Judge Harvey Beam?<sup>40</sup>

GRAHAM: Yes. Harvey was a very fine guy. Harvey was with Al Manson's old firm. Let's see, Brunsmann Beam and Crane was the name of the law firm. Brunsmann Beam and Crane. George Kenney later joined them. Harvey Beam was from, I say, Rochester, basically he's from more rural than city and he was regularly at Schindley's. He did more property work.

LAW: Another magistrate who later become a Judge I wanted to ask you about was Jerry Rhodes.<sup>41</sup>

GRAHAM: Yes, Jerry Rhodes. He's about -- he's a couple years older than I, but not many. Jerry was a high-class guy and a good Judge.

LAW: Any other Judges from the '70s who we should take note of? Local Judges?

---

<sup>40</sup> Harvey Beam was first elected a Circuit Judge in 1970, by a slim margin of 102 votes. Beam, running as a democrat, defeated Jay Waldo Ackerman, running as a republican, for the judgeship. After the election a lawsuit was filed in the Sangamon County Circuit Court demanding a recount by Ackerman. The suit was later dropped when Ackerman was appointed to the Circuit Court to fill the vacancy created by the retirement of Creel Douglass in 1971. Beam was retained in 1976 and retired in 1982.

<sup>41</sup> Jerry Rhodes was a Magistrate Judge from 1965-71, then became an Associate Judge, was appointed a Circuit Judge in 1981, and elected in 1982. He retired from the bench in 1987.

GRAHAM: I think Dick Cadigan was one of the ones that were elected amongst, not Pat, but Dick.<sup>42</sup> I think he was possibly one of the eight that was elected in the supervisor thing.

LAW: I think that's right, yes. And then later, he later was a Judge. Now, he had a pretty close election for Circuit Judge, didn't he?

GRAHAM: I don't remember that. Could very well be, but I don't recall it.

LAW: What about Wally Ackerman?<sup>43</sup>

GRAHAM: He's a little bit older. He was the Federal Judge. He followed Poos, as I recall. No, he didn't follow Poos. Probably following Poos in the federal, I meant.

LAW: I think it was Wood. Harlington Wood.<sup>44</sup>

GRAHAM: Harlington, I think you're right. Harlington followed Poos.

LAW: That's right.

GRAHAM: Then Ackerman went over there. Ackerman was first a state court Judge, and I think he was State's Attorney.

LAW: He was.

GRAHAM: This would probably be in the '60s or '70s; I'm not sure, exactly. Wally, I mean.

LAW: Late '50s.<sup>45</sup>

---

<sup>42</sup> Richard Cadigan became a Magistrate Judge in 1970, and continued to serve as an Associate Judge until his election as a Circuit Judge in 1978. He retired in July, 1995.

<sup>43</sup> Jay Waldo Ackerman was appointed a Circuit Court Judge in 1971, to fill the vacancy created by the resignation of Creel Douglass. He was elected to that position in 1974, serving until his appointment as a Federal District Judge in 1976. He served as a Federal District Judge until his death in 1984.

<sup>44</sup> Judge Harlington Wood Jr. was a U.S. District Court Judge from 1973-76, and U.S. Court of Appeals Judge from 1976-2003. For more on Wood, see his autobiography, *An Unmarked Trail: The Odyssey of a Federal Judge* (H.C. Johnson Press: Rockford, Illinois, 2008).

GRAHAM: Late '50s?

LAW: He was before Ray Terrell.<sup>46</sup>

GRAHAM: He preceded Terrell? I would have had it reversed.

LAW: Dick Cadigan was one of those --

GRAHAM: Eight?

LAW: Yeah. As was George Kenney.

GRAHAM: There's one that didn't make it.

LAW: Tom Langford?

GRAHAM: Maybe it was Tom, I'm not sure. I don't recall.

LAW: Oh no, I'm sorry, it was Albert Bietsch. Or Bietsch.

GRAHAM: Oh, Bietsch. B-I-E-T-C-H?

LAW: And Rudy Davenport.

GRAHAM: Oh, yes, he's -- I've seen Rudy in the last couple of weeks.

LAW: Okay. Another suit involving St. John's was that associated pathologist case.<sup>47</sup>

[01:15]

GRAHAM: Yes.

---

<sup>45</sup> Ackerman was State's Attorney of Sangamon County from 1956-1960.

<sup>46</sup> Judge Raymond Terrell was State's Attorney of Sangamon County from 1960-68, and a Circuit Judge from 1983 until 1991.

<sup>47</sup> See, *Collins v. Associated Pathologists, Ltd.*, 676 F. Supp. 1388 (1987), and *Collins v. Associated Pathologists, Ltd.* 844 F. 2d 473 (7<sup>th</sup> Cir. 1988).

LAW: Which more or less amounted to an anti-trust case.

GRAHAM: That's correct.

LAW: Any memories of that?

GRAHAM: That was one that we went by way of a motion. The way that that thing got to the seventh circuit was we were in the federal district court and I think we were in the federal district court in Peoria. I think that the federal district judge there handled that one.

LAW: Mihm?<sup>48</sup>

GRAHAM: Judge Mihm. The issue there was one, should we make a separate contract with the pathologist even though he cannot -- he had been let go by his group. And what we said that we had the right to figure out how we're going to run our hospital and he doesn't have the right to demand that he be hired to do the pathology work, so it was an anti-trust notion. We won at the trial court level, what you call a motion for summary judgment, and it went up on appeal. And the trial court's judgment was that it was not an anti-trust event, and it was affirmed on appeal.

BELZER: We have fifteen minutes.

LAW: Working for St. John's as the general counsel, I was wondering if you ever had the occasion to participate in any labor disputes? Was there ever any union organizing drives at the hospital?

GRAHAM: We never had anything to do with the labor. That was handled by Chicago counsel.

---

<sup>48</sup> Mike Mihm was State's Attorney of Peoria County from 1972-1980. In 1982 he became a U.S. District Judge for the Central District of Illinois, and served in that position until he took senior status in 2009.

LAW: Okay. So you're mainly dealing with --

GRAHAM: Other than --

LAW: Civil suits between malpractice cases and --

GRAHAM: That and when the contracts they would have with the pathologists. Contracts would be where they bought ground next door to expand the hospital. Employment issues. We basically had the responsibility for everything beyond the labor issue.

LAW: Now was this a client that your dad had brought into the firm?

GRAHAM: Yes, probably true. That's a guess.

LAW: I'm curious, how long did he practice for?

GRAHAM: Dad died -- mother died in '85, he died in '94. Dad was eighty-four when he passed away, he was practicing at the office, probably through eighty-three, the age of eighty-three, that's a guess.

LAW: Okay. So he stayed pretty busy then.

GRAHAM: Yes.

LAW: At any point, did he sort of turn the reigns over to you? I mean, I'm wondering how that all worked.

GRAHAM: He was actually doing work. I did some work with him. He did lots of work. I guess a lot of the work that he was doing I ended up doing. Rick Wilderson in our office was one who would deal with a lot of work that dad had done. And then he did do more because dad did less. I suppose that's true of myself as well.

LAW: About, I mean how, we talked a little bit in the last interview about the firm. Had it grown at all by the 1980s or was it just a handful -- I mean, how was the office organized?

GRAHAM: There was -- there are five of them now because I'm not there. In the '70s, for example, that you speak of, dad and I were there and yet his father was there, my grandfather was there. Grandpa died at age ninety-four. Grandpa was there and he wasn't doing much legal work, but he was there at the office. He'd come in every day. That was probably true until two years of his death. As to Dad, I had just -- I don't really remember that well as to whether or how, what amount of time he had spent in the office the last year of his death -- until his death. Or two years before. I just had never tried to quantify it. I just don't know.

LAW: Were you bringing in other attorneys to work in the firm?

GRAHAM: They came along. I think that Nancy Martin's been there about twenty-five years. A fellow named Brad Huff's been there about twenty years. And Nathan [Wetzel] has been there about ten years.

LAW: So really up until the time of your dad's passing, it was just you and him.

GRAHAM: No, no. No, Rick was there.

LAW: Oh, and Rick, I'm sorry, yes, that's right.

GRAHAM: Brad was there, Nancy was there. There's another -- a young lady, Jennifer [J.B. Haas], along with Nathan. They're there more recently. There'd be -- it grew from when I first came, there were just dad, myself.



LAW: Right.

GRAHAM: And then Rick probably came ten, I say ten years after that, maybe fifteen. And then Nancy came in another five years, Brad came in another five years.

LAW: Okay. So it began to grow really then in the latter part of the '70s and into the '80s then?

GRAHAM: That's probably right.

LAW: Okay. All right, another railroad case is the *Merrill versus Chicago & Illinois Midland*?<sup>49</sup>

GRAHAM: Yes.

LAW: All right, I must admit, this is a pretty sharply written opinion.

GRAHAM: You're right.

LAW: I mean, what was your response to this opinion? Were you the lead counsel that he's referring to?

GRAHAM: It was a younger associate in our offices, and I think generally, I haven't read the opinion in years.

LAW: Okay.

GRAHAM: Generally what would happen was, what was the verdict? It was a terrible verdict.

LAW: The railroad did not win.

GRAHAM: No, no, but it lost miserable.

---

<sup>49</sup> See, *Merrill v. Chicago & Illinois Midland Railway*, 751 F. Supp. 770 (1990).

LAW: Very much so.

GRAHAM: Right.

LAW: And it was very sharply written. I think [Judge Richard] Mills wrote this opinion himself.<sup>50</sup> It, for the most part, amounted to jurisdictional question.

GRAHAM: That's right, the question is whether or not the Jones Act [Merchant Marine Act] or the Longshoremen's Act [Longshoremen and Harbor Worker's Compensation Act] or the FELA Act [Federal Employer's Liability Act] applies.

LAW: Right, right.

GRAHAM: What happened was, about the day the trial was to begin in this case, the U.S. Supreme Court came down with a companion case. I say companion, a like case, out of the east coast, saying that by the way, this action does not properly fall within the FELA. And so I then popped up and said wait a minute, the thing doesn't belong here. And that's what caught the ire of the court.

LAW: It did.

GRAHAM: Right, it caught its attention. It was settled after it didn't go up on appeal. It started to, if I remember rightly. It started to up on appeal, but it did not because the thing was settled.

LAW: Okay. So it never went to this --

GRAHAM: Didn't get the appellate sentence.

---

<sup>50</sup> Judge Richard Mills was elected a Circuit Judge for the Eight Judicial Circuit in 1966, and then elected an Appellate Court Justice in 1976. He was appointed a Federal District Judge for the Central District of Illinois in 1985, and assumed senior status in 1997.

LAW: LHWCA hearing?

GRAHAM: Pardon?

LAW: It never went to the board that handled the Longshoremen and Harbor Workers' Compensation Act?

GRAHAM: Oh, it may have been filed over there, but my memory of it all is it just stopped because of settlement. And it wasn't because of the Longshoremen Board handling it that the thing stopped.

LAW: This was another case that kind of came out of Cass County.

GRAHAM: That's correct.

LAW: This was another railroad that I'm assuming the firm was connected to because it was a wholly owned subsidiary of Commonwealth Edison. Or were you just handling it because you handled work for the railroad?

GRAHAM: The latter.

LAW: The latter? Okay.

GRAHAM: It was C&IM.

LAW: Okay.

GRAHAM: It was called Illinois and Midland.

LAW: Well, because the reason I asked that is I found some other cases involving your dad with Commonwealth Edison and --

GRAHAM: Well, that's correct, but we don't -- the Commonwealth Edison may have contacted us on matters from time to time, which they would do. But the reason we represent, Commonwealth did in fact own C&IM. It's not true now, but it was then.

LAW: Right. Yeah, I believe they maybe sold it right around the time of this lawsuit.

GRAHAM: That's I'm not sure. I don't remember the time.

BELZER: About five minutes.

LAW: Okay. Okay. In this case, it was completely a federal case then.

GRAHAM: What?

LAW: This Merrill case. It was completely a federal case.

GRAHAM: Yes.

LAW: Okay.

GRAHAM: And as I say, it was a jurisdictional issue, mainly.

LAW: Okay.

GRAHAM: But I think it was settled following -- the mechanics would be the trial court would have to accede. The federal district would have to accede to the fact that it didn't have jurisdiction. And that's probably the way it was left there at the trial court level.

LAW: Okay. Now, during this time period you're also -- you have a family. How did you balance work and family?

GRAHAM: Try the best you could. You had work to do and you had the family. I guess I could say in that regard we have three girls, the older two are lawyers. They went to

University of Illinois and then Notre Dame. All three of them went for Notre Dame to do their graduate work. Two of them are lawyers, one of them is M.B.A. Again, Notre Dame.

LAW: Do they practice around here or did they go someplace else?

GRAHAM: No. They're elsewhere. One lives in Minneapolis with three kids. One lives in Kentucky with three kids. And the third one, Susan, is here with three kids.

LAW: Do you think the two became lawyers because of the family history?

GRAHAM: Never asked them. My guess would be that it had some bearing on it.

LAW: I'm just wondering if they were down at the law offices when they were growing up.

GRAHAM: Well not as interested students.

LAW: Right.

GRAHAM: I can tell you that Betsy, the oldest, she's 55 or 54 --

LAW: Okay.

GRAHAM: The kids knew they had a job to do in the lawn, mowing the lawn and trimming the bushes. And that was their job. One day Betsy came in and she tells her grandfather -- my father -- saying I've cut the cord on the electric clippers. Dad said, "That's all right." About twenty minutes later, she goes back out there, I don't know what they had done but they had modified it, she said she cut it again. It happened a third time and Dad said, "Better go home, I'll talk to your father about it." They did not come down there to work in the law offices as a student or such.

LAW: Just visiting.

GRAHAM: Right. And, as they say, they had to mow the lawn. They had a regular job during the summer to maintain the lawn.

LAW: Okay. Mr. Graham, let us put in a fresh tape.

[01:30]

BELZER: It's ready whenever you are.

LAW: We're going?

BELZER: Yup.

LAW: Okay, I have one more about St John's. This is a malpractice case. It's that *Henry versus St. John's*. Any memories of that one?<sup>51</sup>

GRAHAM: Well, that was one that we lost on badly, too. See, that's one where it was a question, of the construction of joint tortfeasors. Can you sue if you have a verdict against two people? Can you sue against the one for all losses or can you require contribution such that and in fact there's proportionality figured out by the jury at the same time as they figure liability?

LAW: So the hospital was sued, as was the drug company.

GRAHAM: Right.

LAW: The jury said that the drug company was mostly to blame, like ninety-something percent.

GRAHAM: There you go.

---

<sup>51</sup> See, *Henry v. St. John's Hospital*, 138 Ill. 2d 533 (1990). Also see, *State Journal-Register*, January 22, 1986, pg. 1, August 19, 1986, pg. 15, August 20, 1987, pg. 14, and March 21, 1989, pg. 8.

LAW: But they ended up settling with Henry.

GRAHAM: That's correct.

LAW: For less. And basically left St. John's to foot the remainder.

GRAHAM: Right.

LAW: And St. John's obviously contested that.

GRAHAM: Right.

LAW: And I believe you won on the appellate court, but not in the Supreme Court.

GRAHAM: In the Supreme Court, we were found wrong.

LAW: I think that was before Richard Cadigan.

GRAHAM: That's correct. It's the whole notion of contribution is one -- is the bothersome issue there. Does a joint verdict preclude contribution? How does it work? What they're doing and they're saying is the plaintiff has a right to recover no matter what. And that you cannot say you have to take your fractional part from this defendant. And that was a sharply contested issue, that's all true.

LAW: Now, there was a dissent. Justice Ryan dissented. And I noticed a line that he wrote in here that I thought was memorable. "Settlement agreements should be not be used as an instrument of conspiracy to quote 'gang up on' end quote a non-settling defendant, thereby shifting a substantial part of the liability to one not a party to the agreement." So was that one of your arguments? That the defendant and the drug company were ganging up on St. John's, conspiring to leave St. John's to cover the remainder, the bulk of the claim way beyond the original 7%?

GRAHAM: I don't know what words you choose to characterize it, whether it's conspiracy or whatever. But the idea was that somehow the jury verdict of 7% should be given meaning. That's what the jury said. If you don't want to pay attention to what the jury says, make it clear that's the deal. And that's what that case was all about. It says hey wait a minute, the joint notion, the idea that the plaintiff can make full recovery is not going to be diminished at all. There's no risk to it at all, they can seek recovery from whomever they wish for the whole amount. And the fact that they've made -- the juries have also figured out the comparability or contribution, that's not going to be the controlling feature. And that is a rule today, not what we proposed.

LAW: Now, I think also the firm was associated with the local Catholic diocese?

GRAHAM: Yes, that's correct.

LAW: I'm not sure how to approach this Catholic diocese case versus the insurance company.<sup>52</sup>

GRAHAM: That's the insurance. The long and the short of it is the diocese case is one where the insurance company was -- I've forgotten the rules exactly -- but the basic notion is that the insurance company has a duty to defend. If there's any reason one would believe that there's a claim out there, the insurance company's got a duty to defend its insured. That's their obligation. They can't just say hey, wait a minute, there's a claim out there that we're not going to defend for you. They don't have that privilege. They've got two duties, they've got a duty to pay on a judgment and they've got the duty to defend. And in that event, the duty to pay. What that case is saying is that the handling by the insurance company was so poor that they no longer have the right to say they don't have

---

<sup>52</sup> See, *Roman Catholic Diocese of Springfield in Illinois v. Maryland Casualty Company*, No. 97-2482 (7<sup>th</sup> Cir. 1998). Also see, *State Journal Register*, November 9, 1993, pg. 1, April 8, 1994, pg. 11, May 27, 1995, pg. 7, December 13, 1995, pg. 22, December 19, 1995, pg. 10, October 31, 1999, pg. 1, March 13, 2005, pg. 10, April 29, 2006, pg. 8.



any duty to defend. They have the duty to pick up the defense's claim from the first go-ahead of and separate and apart from the duty to pay. That's what that case is saying.

The insurance company, when they were first confronted with the claim, they just pitched it out of hand saying they've got nothing to do with it. We were saying they don't have that privilege.

LAW: I guess, they were saying that they didn't have to because it had occurred so long ago and they were no longer the insurer?

GRAHAM: I doubt if that's the thrust. I don't think, as I recall there never was any thought that, wait a minute, the wrongful events preceded the term of the policy. I don't recall it framed that way. I think it was assumed it happened within the term of the policy.

LAW: They just didn't; then what you're saying is, they didn't think the policy covered what happened.

GRAHAM: That's correct.

LAW: I feel like we need to add -- there's more questions are needed in this, with this case. I mean, what were your thoughts on this abuse, being a practicing Catholic? Did you know this priest? I know he was never tried and they are allegations, but did you have any thoughts on all this?

GRAHAM: What do you mean, thoughts on this? I mean am I passing out placards? I'm not here to defend the priest.

LAW: I understand.

GRAHAM: My role was to defend the diocese.

LAW: Right. But you couldn't help but have your own opinions on all of this.

GRAHAM: Here, wait a minute, I have no trouble saying I wasn't -- I cannot encourage any claim to wrongdoing.

LAW: I guess what I'm getting at is--it would seem that it would be a difficult case for a person to handle. Would that be a fair way to put it? Help a non-lawyer understand how you handle a case like this.

GRAHAM: I guess the same way I handle some of the criminal defendants. I mean, it's not my -- my role is to defend the client or to try to defend, to try to somehow deal with the situation. My job, I represented Noletti. It's not my call to sit back and say, wait a minute, the guy murdered these two kids. I have a different role, don't I? I don't sit back and for one moment congratulate the priest on what he's done. It's not my privilege, frankly, to sit back and say wait a minute, was there some justification? Did it even occur? That's not for me to do. I was asked by the seventh circuit and they say -- the Judge says, and the seventh circuit is the one who said that by the way, there is recovery on the policy. They reversed the trial court. One of the Judges of the seventh circuit said to me, in the argument, "Hey, wait, a minute now, when did you first become aware of any of this?" And I said, "When I got the complaint for the lawsuit, that's my first knowledge of it." Now the point I make on that is this, in my mind, I as the lawyer with the case, I have no right to sit back and start talking about things such as when I first received notice of it, unless it's in the record from the trial court. It was not in the record for the trial court. The court asked me not what my own thoughts are. But what had in fact occurred, but not within the record. I let the other guy have-- I paused, I gave no answer. The court repeated its question. I then responded. My role is to sit back and try

to do what the law says I'm supposed to be doing. Again, in the seventh circuit, when it's clear that I've told the other fellow, complain before I respond if you want to complain. I didn't say those words, but by my actions and pausing before I answered the question to the court, I have done what I think I'm supposed to do by way of the law when a question outside of the record is asked of me. All through this business, the whole fifty years, you're dealt with questions like this. I mean, how do I respond? What is proper? Can I respond?

LAW: And you think that the diocese has dealt with the problem sufficiently?

GRAHAM: I think they've done a good job. You're dealing with a situation where you try to, I'm speaking for myself --

LAW: That's what -- I'm asking you as an individual now. Not as their attorney.

GRAHAM: In my mind, they tried to do a very good job. It is difficult. Lots of -- you're asking have they done the best they can? I don't know that they have done the best they can. I think they try to do the best they can. A lot of these things, I think if there's any inkling of -- it's simple -- if there's any inkling of wrong, there's immediately something done to deal with it. There was a time when I think the doctors, the medical people, would say hey, wait a minute. This bit of business we're talking about is something that is treatable. Others will say it's not. I don't know what the answer is. I think that the diocese has done a very good job in terms of trying to get it onto -- to watch out for this, to make sure that it doesn't occur in the future. We had the ones, the case in what, the '80s?

LAW: The one involving the insurance company?

GRAHAM: Yes.

LAW: Nineties.

GRAHAM: Nineties?

LAW: But the --

GRAHAM: The events probably occurred in the mid-'80s.

LAW: Late '70s, early '80s. Just it came out later. Like the case happened about ten years after the --

GRAHAM: After the events? No one likes to see it but on the other hand as they say, I think that in their efforts of trying to deal with it they have various commissions now. They try to police the situation now much more carefully probably because of some of these events that did turn out wrong.

LAW: Okay. One last case and then I want to ask you some philosophical questions. The last one is this *S.E.C. versus Parks*.<sup>53</sup>

GRAHAM: Okay.

LAW: It's the one that dealt with the Strategic Investment Advisory Incorporated Company. They were more or less suggesting people purchase certain stocks that they had an interest in.

GRAHAM: Did I have anything to do with that one?

[01:45]

---

<sup>53</sup> See, *S.E.C. v. Parks*, 222 F. Supp. 2d 1124 (2002). Also see, *State Journal-Register*, January 9, 1999, pg. 1.

LAW: I'm pretty sure you argued it. You and April Troemper.<sup>54</sup> Your client was P. Brendan Gebben.

GRAHAM: Oh, yes. I did have Brendan. Yes, I had Brendan. That is correct.

LAW: And it was sort of the first case of its type, from what I've been able to read. They called it, in the papers, they called it a "touting" case.

GRAHAM: The name Parks doesn't mean anything to me.

LAW: Parks was just another defendant.

GRAHAM: I'm confusing it with there's a name, there's a recent guy that has gotten in trouble with the bankruptcy stuff and all.

LAW: Oh, no, you're thinking of [Jeffrey] Parsons?

GRAHAM: Parsons, Okay. (laughter)

LAW: This is something different.

GRAHAM: That one was one where Brendan was a young kid, a young man. And Brendan was hired, his job was to sell securities and I had forgotten all the details at the bottom, but basically we ended up in a jury trial, two jury trials. One for the issue of whether or not we had done wrong and secondly, that was before the jury, that was in the federal court and the other was the enforcement, as I remember. Go ahead with your questions, you're going to have to refresh my memory on that one, too, as we go.

LAW: Well, no, I was just going to ask if you had any memories of that case and it seems like -- I just, I don't know how this case, how you got this case.

---

<sup>54</sup> Judge April Troemper became an Associate Circuit Judge in 2009, and was appointed a Circuit Judge in 2015.

GRAHAM: Oh, I'm a godfather for Brendan.

LAW: Oh, Okay. So there's a family connection then.

GRAHAM: Right, right, right.

LAW: I see. Well, I didn't think you'd done a lot of securities law.

GRAHAM: Oh, wait a minute, I have not done any securities law. But in that regard, many of the cases, I'd never had anything to do with pathology before, either.

LAW: Right.

GRAHAM: Nor railroad train damages.

LAW: So how do you prepare yourself?

GRAHAM: You just go back to the books and start reading.

LAW: This kind of raises a question for me. Going back in the early days, I think we've established that most attorneys were general practice.

GRAHAM: Right.

LAW: Did you find that you were a general practice attorney throughout most of your career? Or did you become more specialized over time?

GRAHAM: I would say I was a general attorney all the time, but I had different emphasis. The practice has changed. There was, for example, I used to take home abstracts. I would read abstracts every night. One or two abstracts. Harvey Beam would do the same thing. Harvey did a lot of real estate. He was the Judge you asked about earlier -- you did an awful lot of that and real estate work. They don't do that today; it's all done

with title insurance. But when I was actively practicing, at least until the last twenty years, until that time I did a lot of regular real estate work. Mainly examining abstracts. So the emphasis has changed. You don't do that anymore, you end up doing more in terms of other types of work.

LAW: Okay. What would be examples of that, of those other types of work?

GRAHAM: You end up doing tax work. I suppose some started doing more domestic relations. I mean we've never done any of that. Some end up doing more banking. I ended up doing more trial work. Again, one time I did an awful lot of commerce commission work. That's not true today.

LAW: So over this long period of time, what do you think you've learned about the legal system?

GRAHAM: I think you learn the idea that is you've got to have a decent set of rules and you have to be willing to live by them. I find that practicing law was very satisfying because it dealt with many of people's problems. You're left with the responsibility of trying to cure them, deal with them the best you could.

LAW: If I asked you what is the role of a lawyer in society, what would you say?

GRAHAM: What would I say the role of the lawyer is?

LAW: In society.

GRAHAM: I would say to work on behalf of his client in an appropriate fashion given the demands upon the dictates of society. The dictates of society. I think there are curbs on what a lawyer can do, limits to what a lawyer can do, but his general responsibility is to

his client. That's the first responsibility. He has to make sure that what he is doing on behalf of the client is commensurate with what society accepts. I don't think it's the duty of the lawyer to become the mayor or the city treasurer.

LAW: You know, that's one question that I didn't ask you, is starting out were there political lawyers? Well, no, I did ask you that. These days, let me frame it this way, are there more lawyers today that are politically involved?

GRAHAM: I don't get your drift.

LAW: Are there more lawyers today that are involved in local politics, or that, in this community, are working for state government than there were when you first started out?

GRAHAM: You mean are there more lawyers in town now that are employed by the state or the city or the counties, the government if you will?

LAW: That and doing political work like lobbying or things of that nature.

GRAHAM: Let me take the ones I can answer.

LAW: Okay.

GRAHAM: In my mind, there are many more lawyers today who are involved in the business of running government or advising government than there were when I was here. When I first started. There are many more. It was rare, there were some, it was rare though that a lawyer-in-practice in Springfield was also an employee of the state. Some were, but there were not very many.

LAW: What about the politics of the judiciary? Has that changed at all over time? Has it become more political?



GRAHAM: It probably has. I say it now because I know if you take a look at the number of men who are running for the office of Associate Circuit Court Judge, the one that's appointed, there are many more people that are asking for that work than is the case when I was here, when I was practicing. If you go back forty years ago, there wasn't the number of men signed up for that.

LAW: Why do you think that change happened?

GRAHAM: I don't know. I don't know whether there's not work to be done, I don't know if more lawyers want the public work. I can't answer.

LAW: Okay. Well, going back to when you first started, were most of the Judges republicans, democrats, or was there an even split? And did that have any influence on how they were as a Judge?

GRAHAM: My guess would be that, I'm speaking now to the Circuit Court Judges, my guess would be that the bulk of the Circuit Judges were republican, not democrat. I think I try to think of the Judges in particular. Creel Douglas, I believe, was a republican. Sam Smith was a republican. DeWitt Crowe was republican. I would think they were predominately republican. But I don't think -- let's go to your second question. My belief would be that politics was not going to be a determining on how they'd rule on something. In fact, they're probably going to really, it's probably a non-issue again in my experience.

LAW: Now did that change over time?

GRAHAM: I don't think that I think of the Judges as being likely to rule in favor of a democrat issue or a republican issue. I don't see that.

LAW: So there isn't like a local machine that controls the judiciary?

GRAHAM: Not in my mind.

LAW: Okay. Okay. What are your thoughts on cameras in the courtroom and how should the judiciary and the lawyers relate to the media? And vice versa, how should the media relate to the judiciary and the lawyers?

GRAHAM: I don't see that the cameras add much. I'm not offended by them but I don't see that they're necessary. Mechanically, it probably just means something you have to, that you, the lawyers, on behalf of either one of the parties, have got to accommodate to. But so far as it being a...Do I have some sharp philosophical feeling against the use of cameras? Not really. But I ask myself, what's the benefit of it? You know, I can't say that it's going to help necessarily come to a more appropriate resolution of an issue.

LAW: Thoughts on the media and the judiciary? What has been your experience with the media?

GRAHAM: Generally, over the years, I made no effort to seek out the media. I would respond sometimes to the media. Generally speaking, it was one that said I don't think I'm at a privilege to be able to talk to you openly on this issue, even though I might like to. But I don't have that privilege. Usually they come about with such things as you've said. Elaine McCall. Where the basic issue is you're not to talk about it, she's not to. And so for me to sit back and comment much on what you're saying to the client or

[02:00]

whatever, when you're in a situation where you're not supposed to be talking anyhow, it's kind of difficult to add much to the situation unless you simply say I cannot talk.

Same is true with Noletti, such as that.

LAW: What kind of civic engagement have you been involved in? Or philanthropic work?

GRAHAM: Nothing organized.

LAW: And that would be in regards to philanthropic?

GRAHAM: That's true.

LAW: But what about civic engagement?

GRAHAM: I really can't think of anything. For the city of Springfield you mean, such as that?

LAW: Well, I mean, civic engagement could encompass a whole wide variety of things, from being involved in your church or, you know, local organizations --

GRAHAM: Well, obviously.

LAW: Or charity organizations, or voter registration drives, or whatever the case might be. However you understand that.

GRAHAM: I think basically what I've been involved in is activities on behalf of the church and the two or three, as they say, the Springfield College work. I don't know how long I was president there. I just don't remember.

LAW: Is the Catholic Church pretty influential in the community?

GRAHAM: I suppose it depends on who you ask. It seems to me as though probably the Catholic Church, probably a fourth of the voting population is Catholic. That's a guess, it's close. I think the church has a rather real influence in this community. I can't prove to you the day or the hour, but it would be my impression that they are.

LAW: Have you been a member of any bar associations and what's the nature of the relationship between the bar associations and the judiciary?

GRAHAM: I was a member for years of the Sangamon County Bar.

LAW: And is the Sangamon County Bar Association, is it -- how does it interact with the judiciary here locally? What's the nature of the relationship?

GRAHAM: I have not had any -- I was secretary years, years, and years ago. I'm really at a loss. I think what we did once, back then, is we wrote rules for the court to operate under. Basically how you handle discovery, deposition, and such as that. I don't know if they do that anymore. I just don't have any idea, frankly, as to what extent the bar association helps the judiciary in those types of matters. They used to. You mentioned, you asked about the fee schedule. Fee schedule is something the bar association promulgated. I don't think they did it with the blessing, with the direction of the court. I think they did it on their own account.

LAW: How has that changed? Fees and such over time.

GRAHAM: Oh, there's been, my guess is there's been decided drifting away from the percentage recovery to an hourly recovery.

LAW: What do you think has motivated that?

GRAHAM: I don't know. I think probably it started from the Supreme Court. The Supreme Court, years ago, had a case in Virginia where some person went into have a purchase of a home and somehow they got nineteen fees, nineteen estimates of cost for the work, and apparently they were all the same. With that, the Supreme Court said that's not lawful. It is anti-trust.<sup>55</sup> Fee fixes, fee arrangements, like that. I think it starts from that, that's my guess.

LAW: Okay. This is a general question, but how has the practice of law changed here over time? Is it just specialization? Are there any other big changes we should take note of?

GRAHAM: I think that there's -- when I first started to practice, it was understood that you had to give due respect to the other party. In my mind, there's been more of a drifting towards actions solely directed for your client. I think there's an absence of camaraderie today that there was present years ago.

LAW: Is that because of generational change?

GRAHAM: I can't tell you what the cause is. I think there was much more of a willingness to rely upon the other guys' word, the opponent's word, than there is today. I think that people, the lawyers, are much more formal in their handling and I think sometimes they are too aggressive on behalf of their client.

LAW: Okay

GRAHAM: Hi.

SALLIE: Hi. I don't know when I can talk, I don't know if you're recording. Everything okay?

---

<sup>55</sup> See, *Goldfarb v. Virginia*, 421 U.S. 773 (1975).

GRAHAM: Yes, fine.

LAW: You've got how much longer do you think it will be, honey?

GRAHAM: It will be short.

LAW: A couple of more questions and we'll be done.

LAW: Okay, because I was going to go to the grocery, but if you're going to be done shortly, I'll, Okay.

LAW: I just want to ask him two more things.

SALLIE: Okay.

LAW: Okay. Well, my next one was just going to be if you had to do anything differently would you? In regards to your legal career.

GRAHAM: I don't think so. I think that the law has been very good. I've enjoyed it immensely. I think I've profited from it in many ways. I have found that there's satisfaction with the work. You're left with conflicts. When I say conflicts, I mean you have situations that call for some independent thought to figure out what to do. But I think I've been very fortunate. Take the St. John's case, for example. There were two lawyers, there were lawyers -- there were three sets of lawyers, I was one of the three. The other two represented either the plaintiff, the pathology group, or the individual pathologist. I made the decision and so told the client. The only thing we've got here are people who are representing these parties who are experts in this anti-trust field and that they're from Chicago. In my mind, it's better if we not have Chicago counsel because the others have Chicago counsel. I think we can make the point easily enough that we

can document the propriety of the way we were handling this transaction and the reason why we're not going to have a separate group of people do the pathology. Or three different. How did you ask anesthesiology, you've got three different groups or two different groups or one? We're not going to handle pathology that way. I think we can make the point better if we stay individually on this thing with us as local counsel rather than having us to get Chicago counsel because I think it would get lost in it all if you have three Chicago counsels take care of everything. It has absolutely no local impact so we chose to do this, I say, we'd remain in it and we'd remain in it through to the end. That's what we did. To figure out the reason of what I've proposed is a bit of work. I mean, you have to figure out that I may make these claims but can I defend them? Same with the Spence versus B&O. In arguing the court, with the court, and the seventh circuit then, the judge says to me, "How can you prove the any case law that says what you are saying is correct?" And I said, "I can't say there's any case that I can look to, to say what I'm telling you. All I can say to you is you have these various principles sitting out there, what are you going to do if you're going to say that three circuit courts can go ahead and handle this thing differently? Are you going to say that's going to work with the national, uniformed railroad system? Can you say those two ideas are compatible? I say you can't." Well, you know the result of the appellate court. These are fun issues. They're a variety of issues. So whether it be Elaine McCall or whether it be the railroad or whether it be the hospital, I've been very fortunate in the types of issues we've had the good fortune of being able to deal with. So would I do it any differently? My answer is no. I think I've been fortunate in every regard, whether it be the law, or three daughters,

two of which are lawyers, or a wife or whatever. I can't figure out very many reasons to lament.

LAW: What do you want to be remembered for? What is your legacy?

GRAHAM: I'm not interested in my legacy. I simply just try to do what I can. How others judge me, that's for them.

LAW: What do you think the future of the profession holds?

GRAHAM: I think there's always need for people who are honest and who can help others. I look upon it as a privilege. I had the good fortune to practice with a grandfather and a father. I was lucky.

LAW: Mr. Graham, that's all I have for you today unless there's anything else you want to add.

GRAHAM: That's got it. I've enjoyed the time with you all.

LAW: Me too.

GRAHAM: I hope I gave answers that will pass your muster.

LAW: I think you did, thank you sir.

Total Running Time [02:13:16]

**END OF INTERVIEW TWO**

**END OF ORAL HISTORY**