

Interview Log

0-5 minutes

Introduction, childhood in New Bedford and Cape Cod Massachusetts, life in an isolated immigrant community

5-10 minutes

Life in Cape Verdean community, lack of public school experience, meeting the Melvert Felton, the independence of Cape Verde

10-15 minutes

Life on Brava, Educational experiences in Massachusetts, working in agricultural Massachusetts, withdrawal from school

15-20 minutes

Why Leighton wanted to go to Howard University, intellectual influences from father, attendance of WPA classes, finding a fitting school, financial problems of attending college, winning scholarship writing contest

20-25 minutes

August 1936 leaves New Bedford, experiences racism for the first time in Washington DC, succeeding at Howard University, desire to go to Harvard

25-30 minutes

Dean of Howard aids in admission to Harvard University, hitchhikes to Harvard, obtains a full scholarship University, choosing Chicago to practice law

30-35 minutes

Hardships in Chicago, arguing cases for death penalty clients, arguing before the Supreme Court, friendship with Christopher C. Wimbish

35-40 minutes

President of 3rd Ward Democratic Organization, Major Richard J. Daley asks Leighton to run as a candidate for judgeship, circuit court judgeship

	phone call to sit on appellate court
40-45 minutes	First African American man to be an appellate court judge in Illinois, nominated for lifetime federal judgeship, discusses benefits of federal judgeship, retirement from judgeship in 1987, discusses being nominated today versus receiving a nomination twenty years ago
45-50 minutes	Difficulty finding a job in Massachusetts, experience fighting in the Pacific theatre in World War II, affiliation with the NAACP, meeting Walter White in NAACP, race restrictive covenants
50-55 minutes	Meeting Thurgood Marshall, work with the NAACP, why he believes Major Daley asked him to be a lawyer, Betty and Donald Howard case
55-60 minutes	Betty and Donald Howard case continued, Harvey Clark case
60-65 minutes	Leighton's indictment, indictment dismissed, lessons learned from going before a grand jury
65-70 minutes	Relationship with Thurgood Marshall, how Leighton became interested in law, working in the cranberry bogs, went to Howard with dream of becoming a lawyer
70-75 minutes	Backup plan if not accepted into Howard, family life in Chicago
75-80 minutes	Two grandchildren that cross the race line, Velsicol Chemical Corporation case, Bee Gee's copyright infringement case
80-85 minutes	Bee Gee's copyright infringement case continued, dismissal of 85 million dollar judgment, discusses being a member of

Democratic Party in Chicago

85-90 minutes

Current political situation, war in Iraq, discusses John Paul Stevens and the Supreme Court, discusses the selection of judges and federal judgeship, "Broken Bottle Judge" case and media attention, and impeachment proposal

90-95 minutes

Leighton followed by reporters, how Leighton would like to be remembered, discussion of health,

95-98:23

Words of advice to lawyers, question for interviewers, conclusion

History 483: Oral History Method and Practice

Cook County Oral History Project

Interview with: Judge George Leighton, October 27, 2007

December 2007

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Judge George Leighton

Interview Abstract

The interview with Judge George N. Leighton was conducted on October 27, 2007, at the Daley Center, in Chicago, Illinois. The interview is part of the Cook County Oral History Project, which seeks to document the life stories of the judges who have served in the Cook County Circuit Court. The interviews are conducted by students in Loyola University Chicago's graduate-level course Oral History: Method and Practice. The interview was conducted by graduate students Abbey Cullen, Ashley Eckhardt, Brian Jolet, and Kristy Noga.

Judge Leighton discussed his childhood growing up in the Cape Verdean community of New Bedford, Massachusetts, and the sacrifices he made to his own education so that he could work from a very young age to help support his family. Leighton managed to enter college on a scholarship and received his B.A. Magna Cum Laude from Howard University in 1940 and went on to earn his law degree from Harvard University in 1946. Leighton then moved to Chicago where he practiced law, often taking death penalty and civil rights cases. He distinguished himself as a lawyer in Chicago and in 1964, Mayor Richard J. Daley nominated him for the Circuit Court. In 1969 he was appointed to the Illinois appellate court, the first black person to be a justice of that court. In 1987, President Gerald Ford appointed Leighton as a U.S. District judge, a lifetime position, which he held until he retired from the bench. Judge Leighton still practices law in Chicago at the age of 92. In this interview, he discusses several of his more well-known cases, including the Harvey Clark case that resulted in his own

indictment. Leighton also discusses his involvement with the NAACP played on his law career, especially his friendship with Thurgood Marshall.

Additional notes: When the interviewers transcribed this interview, they attempted to transcribe every word Judge Leighton spoke, including any repetition or colloquialisms. For clarification purpose for future generations, the group decided to make the century of a date in brackets, where he did not qualify; ex: [19] 35. Also, Judge Leighton became noticeably tired toward the end of the interview; as a result, the interviewers were unable to ask further questions about aspects of his life that they wished to understand more fully. The interviewers attempted to conduct a second interview, but time constraints prevented this from materializing. The questions sent to Judge Leighton for the follow up; and copies of the correspondences with the group and Judge Leighton's secretary are part in Appendix 1. Appendix 2 holds the email correspondences between the group and Dr. Manning, recommending that a second interview be conducted by the next group of interviewers for the Cook County Oral History Project.

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Kristy Noga: Today is October 27th, and it's 10:17 in the AM. We're interviewing Judge George Leighton at the Daley Center, in room 2508. The questions we will be asking today pertain to Judge Leighton's childhood, educational experiences, time on the bench, and views on judicial politics. Brian is going to start off asking the questions.

Brian Jolet: Alright Judge Leighton, um, first I'd like to ask you about your parents- uh if there is any specific memories, you have about them. Uh, if you could give us a brief history of your parents.

Judge Leighton: My mother and father were immigrants. From the Portuguese Cape Verde Islands... which is.... an archipelago...off the coast of Africa. They migrated to New Bedford Massachusetts, my mother, in 1907, and my father, in, uh, 1887. They married in a small town outside of, uh, uh, Towstown Massachusetts, and then moved back to New Bedford, where all of us were born. I was a twin. And I was born in the early morning hours of October twenty two, a Tuesday...1912, So that last Monday, I took note of my 95th birthday. All of my growin' up years I lived in New Bedford Massachusetts, and Cape Cod Massachusetts, all of my growing up years, and spoke only Creole at home, and some English outside the home.

BJ: Uh is there any memories you have specifically about growing up in Massachusetts?

JL: What's that?

BJ: Uh is there any memories uh bout growin' up in Massachusetts?

JL: Yes, yes I do. Uh, Massachusetts is a state, particularly, the part in which I was born, which is Cape Cod...I don't recall, all of my grown up years, any incident that had any adverse, race... aspect...so that I didn't know it made any difference that I was black... you see. Although I wasn't African American, I was Cape Verdean, you see. Uhm...I grew up in, in New Bedford most of the time, my mother and father were itinerant...agricultural, workers. They worked on cranberry bogs...strawberry patches...blueberry bushes. And uh we went to Cape Cod in March, early in March, and we came back to New Bedford late in December. I have said somewhat facetiously about my background that we really didn't live in New Bedford, we hibernated there, and I always add that [laughter] those of us who think we know the English language know the difference between living and hibernating...you see. For example, in all of my boyhood I don't remember, uh being a member of any organization...never participated in any intramural sports. The Cape Verdean community is a self-isolated ethnic community...and, stayed within themselves...never mixed with African Americans, although there were some in New Bedford. And, a few on Cape Cod. Stayed just together, stayed just among Cape Verdeans, speaking the dialect of the Cape Verdean language, Creole. I don't 'member ever knowin' anything, or hearin' anything uh as I grew up about elections, or membership in any organizations 'cause Creole people don't intermingle...you see. But it was a uh, comfortable, life, and also, it was a good life. For example all through my growing up years, I never knew anything about crime, drugs, violence, never heard anything about that. All this is something new, uh, in New Bedford, Massachusetts today as well as other parts of New England were there are Cape Verdeans...you see. So that's, that's the background I have. Now, the thing that I derive

from all this is that it served me well. I was disciplined, not educated because I never went to public school of any uh regularity, you see we worked in the cranberry bogs, strawberry patches, blueberry bushes from early March to late December while most of the school years, through by then, you see. So I never went to public schools...never entered a high school, never had any high school education, you see. But it was good, disciplined, uhh...when Hilary Rodham Clinton wrote her book *It Takes a Village* it reminded me of my mother and father. My mother and father lived by what Hilary Rodham Clinton espouses in that book, because everybody in New Bedford who was Cape Verdean had the permission, of my mother and father to discipline me if they caught me doin' something [laughter] that I had no business doin'. There was no limit or restrictions, and then when they learned about it I had [laughter] another [laughter] you see. Now I don't I don't complain about that, I don't find it cruel or harsh or anything, because its, it, it, its disciplinary, sure that's.... Uh...I have no ill feelings about um, growin' up in a small city like New Bedford uh in a small little enclave of the city, separated. I never knew any African American people...in all of my grown up years, with one exception. In, uh the period 1934 to 1936, I attended a lot of uh WPA classes and uh night school.¹ And I met an African American man, his name was, Melvert Felton. He was a second African American to be a full time teacher, in the New Bedford Public High School, this was 1934, [19] 35. Now at that time, I was trying to make up the loss of education that I had suffered at being ah uh ah a agricultural worker, bog worker,

¹WPA stands for Works Progress Administration, and was a program in the New Deal. The program provided jobs, and an income, to the mass amount of unemployed people during the Great Depression. The program also collected and distributed food and clothing to the less fortunate. It was the largest New Deal program and helped millions of Americans survive the Depression.

strawberry picker, blueberries, raspberries and so forth. And I met Melvert Felton... Um, so to answer your question, I have a fond, warmhearted recollection of my life hood, my, my boyhood, uh in New Bedford Massachusetts.

BJ: Uh is there any other way, uh growing up in a community, of uh you say you grew up in a community of Cape Verde immigrants...

JL: What's that?

BJ: You grew up in a community of Cape Verde immigrants...

JL: That's right

BJ: Is there any other way that shaped uh or influenced your uh identity, or your up bringing, coming up?

JL: No...no. Uh cape Verdean people, you know there is a great deal of attention being paid presently to Cape Verdeans, because they are an unusual self isolated ethnic group. It's now an independent country. It gained its independence from Portugal in 1975...and is now a member of the United Nations, has its own government. But it doesn't have anything else, because the Cape Verde islands...are probably the most bereft place in the world when it comes to natural resources. For example, the island in which my mother and father were born, the island of Brava, which is in the southwestern edge of the archipelago. I believe it is true that that island doesn't even have a well. You know water, is one of the most fundamental necessary, resource...water. Brava doesn't have a well in it, because it doesn't have any means of having water out of the ground. It is a volcanic,

island of volcanic origin, you see. It doesn't have any oil, it doesn't have any coal, it doesn't have any uh fruits but like, uh, pineapple, bananas. Um, but that's the, that's the background of my mother and father, and all the people among whom I grew up as, as a boy in New Bedford.

BJ: Alright uh, switching directions just a little bit, uh, still in ah Massachusetts, is there any uh as far as your educational influences, you say you didn't go to public school... uhm...

JL: Well, I attended public school in New Bedford this way... As I told you my mother and father worked on cranberry bogs on Cape Cod. In March, early in March, this is true today as it was when I was born, ninety-five years ago. Um, in March water thaws, when the water thaws, people begin working on the cranberry bogs. Lettin' the water out, uh clearing the debris over the bogs... weeding the bogs, sanding, planting. So...in March my mother and father used to move us, physically, from New Bedford to, Wareham where we went to the bogs. Well that terminated my attending school in New Bedford... in March. I worked on the bogs and picked strawberries, and blueberries, and so forth, until the end of December...we'd come back to New Bedford. As a result, I never attended regularly, a public school.

I married a, a woman, who was a school teacher, educated as a school teacher, Virginia Barry Quibert, and she once did an analysis of my attendance record in public schools. And she told me that I actually probably did, um...one or two grades in public school. In 19- uh- 29...December 1929, and to be more exact about it, it was December 14, 1929, my mother...somehow learned that a boy who was over sixteen, was not subject to the

mandatory school law of Massachusetts, in other words he doesn't have to go to school. Now mind you I was born October 22, 1912, so that by December 14, 1929 I was seventeen years old. I didn't have to go to school, so my mother took me out of school, got me a job on an oil tanker...in Fall River Massachusetts, and that was the end of my attendance in public school...in the sixth grade, you see. [quiet laughter]

BJ: Alright, so uh you mentioned the WPA program, uh, classes, courses you t-took, is that right? Can you, uh explain that a little more, what kind of classes...what uh other ...work in the WPA you did?

JL: Well you know, yeah, what you make me think of, what your driving at is, why did I go to WPA classes? Uhm, to answer your question this way, see presently I'm a graduate of Howard University in Washington D.C. I'm a graduate of the Harvard Law School. You might ask how did you get to Howard University, you never went to a school, you never went to high school, huh? Well, I cannot tell you what is it that drove me to the idea of going to Howard University. [laughter] I really don't know. I don't have a single recollection of having talked with anybody, either my mother, or my father, or some kinfolk, or relative, or neighbor, who told me 'Look Leighton, [laughter] going to college is good idea.' [laughter] Or, or as you hear today, it is publicly said, that if you go to college and get a college degree your income possibility triples that of a person who doesn't go, to college, see. Well I never had anybody, I don't, I don't 'member anyone telling me something like that. So where did I get this idea of going down t-to the WPA classes? I don't know. I did go...because some how and someway I wanted to be educated. My father wasn't educated, but he was highly literate. He read the Bible, he

knew the classics...I knew the, stories of Shakespeare's plays... while I was working on the cranberry farm [laughter] from my father, who would tell me the story of, uh, Romeo and Juliet, Julius Caesar, so forth, Plato, Socrates, uh, so on and so forth. Uh...but I got the idea of going to school, so I went to the WPA classes. And then, in 1934, I think it was, [19] 34 [19] 35, might be [19] 35...I was then twenty-three years old. I decided to find a school that I could enter. I became a walking encyclopedia, on American colleges and universities, I went to the New Bedford Public Library and I borrowed the, this compendium, and I think it is still published. You can find out everything about every American college and university in one of these compendiums. Well, I studied Howard University. I found out that Howard University in Washington DC was founded, by the first director, of the Freedman's Bureau, and that was the, organization created by Congress to help newly freed slaves, become, American citizens. And so I decided that Howard was for me. Why? The competition there would be about my level. I had never gone to a high school, didn't have any diploma or anything. So I wrote to Howard University, and had the audacity to ask them to give me a scholarship. Well they wrote back, [laughter], I still have that letter in among my private papers, and they told me that I couldn't enter Howard University because I had never gone to a high school. Then they left a-a condition, it said however, if you want to, you can come to Howard on your own...pay your own tuition, [laughter] enter Howard, and if you prove to your professors and instructors that you can do college work, without having gone to a high school, we would consider making you a candidate for a degree. Well, [laughter] uh, this was 1934, I think it was, or early [19] 35. And I said, well that's, well that's worth a chance. You know. So, I then began working toward getting enough money to go to Howard

University. And I did. For example, I had a... a stroke of good luck. Uh...there was a- a disaster off New Bedford... a steamship was coming from London to New York and it ran off course, and sank a Coast Guard ship. In that Coast Guard ship were four Cape Verdean's from New Bedford Massachusetts. So the people of New Bedford, all Cape Verdeans decided, to sponsor a scholarship, essay contest, and give two \$200 prizes. I entered the contest. And as it turned out later I t-, I told them I wasn't a high school graduate, but I was writin' this essay, when the winners of the, there were two winners, of the essay contest were, uh, determined I was one of them. So I had two hundred dollars. Now in 19...

[mumbles] Ok Ted, see ya. [Ted Swain, co-coordinator of program]

In 1934, well this is [19] 35 now, two hundred dollars was a lot of money. But I had two hundred dollars, you see. I made money workin' in hotels and so forth and so on. With the \$200 in 1936, August 1936, I left New Bedford Massachusetts alone. My father had been disoriented by the death of my mother, early in the year, uh, my brothers and sisters were spread around among kinfolk and friends. I was alone in New Bedford and I left New Bedford. Now here [laughter] here's the thing, I don't remember now, and I haven't been able to recall, at that time I was twenty fo- I was gonna be twenty-four in October. I was twenty three years plus [mumbles]... I don't remember how I learned, how you get from New Bedford Massachusetts [laughter]...to the District of Columbia, it's a big- it's a long distance. But I made it. So I went to Howar-, I went to District of Columbia, nation's capital. And you asked me a question bout, uh, life in New Bedford. From the time I was born until the time I got to Washington D.C, no one had ever told me, that

being *black* meant something, ya know, no one. It was in Washington D.C [gets emotional] that I learned that lesson, when I went to a little, coffee house right next to the...uh...uh...Senators Ballpark in Washington D.C. And I went in and asked for a cup of coffee and a slice of apple pie, and the man looked at me and said, "Boy you don't know, we don't sell to niggers in this place." [laughter] That was the first time that I learned it, in Washington D.C [raps on table]. But any rate, I got to Washington! And I had two purposes of finding Howard's campus. You see I had never been to Washington [laughter], I had never been there. And I had to find the campus... and I did find the campus. I wanted to find out, if my \$200 winning had been sent from New Bedford. So when I got to the campus, I found the treasurer's office, and I found Howard University, sure enough two hundred dollars [laughter], that's how I entered Howard University, in September 1936. And, I'm happy to tell you that from day one, I was on the honor roll of uh the Howard University. And in 1940, March 1940, Howard University notified me, now mind you I wasn't a candidate for a degree when I entered, they notified me that I was going to be awarded an A.B. degree from the college of Liberal Arts, Magna Cum Laude, and that I had earned all the qualifications to be admitted to Phi Beta Kappa, which I was. Now based on that... when I had, when I got this re-, letter, telling me that I was gonna be graduating Magna Cum Laude, some how, now who told me this I don't know... I came to the conclusion that I could enter any law school that I wanted. Which law school did I choose? [laughter] Haryard Law School...But I didn't have the money! [laughter] I was too broke...like I was when I entered, Howard University. *But*... I spoke with a man whose name was, uh, William H. Hastie... who was then Dean...of the Law School...at Howard University. And I told Dean Hastie what I wanted to do, I wanted to

go to Harvard. I told him about my academic record, which he knew something about. Uh...I don't remember what he told me, what he said to me. But in any event, what I didn't know, and it shows you how *luck*, accident...plays such an important part in life, ya know. I didn't know when I spoke with Dean Hastie that *he* was a graduate of Harvard Law School. I didn't know that. Not only that, I didn't know, that he was a classmate, of James McCauley Landis who then was Dean at Harvard Law School [raps on table]. I didn't know that. So I parted company with Dean Hastie. He was polite to me. He didn't tell me: "Look Leighton, forget it, you're crazy, don't." He didn't say that. He didn't say anything to me. I went back to my room and did whatever I was doing, this was March 1940. And I was goin' to be graduated in June 1940. And um... uh, I went back...doin' my work, when I received a hand-written note from a man, who told me his name was James McCauley Landis, Dean of the Harvard Law School. And the note said simply, "When you are in Cambridge, stop in and see me. Landis." Well, the following weekend, I was in Cambridge [laughter]. Those days I used to hitchhike most of the time... and I found my way to Cambridge, called Dean Landis' office and his secretary told me he would see me, and in about a half hour later I was seated in this little room in Langdell Hall. Do any of you know anything about Harvard?

KN: No.

JL: Well, Harvard has a building called Langdell Hall. It's uh... uh... a, a, a place of worship for Harvard Law students [laughter]. So I was in that room with James McCauley Landis. I wanted him to admit me to Harvard Law School, and give me a scholarship. So I sat down, and talked with him. Told him who I was, [raps on table for

emphasis] my parents, you know. He didn't say a *word* to me. Finally when I finished, he said to me very quietly, he said, "When you finish Howard," he said, "...come to Harvard Law School" [laughter], like that. He didn't tell me how or what. I picked up my things [laughter] and left, went back to Washington and then I received a letter from the secretary of Harvard Law School telling me, that James McCauley Landis had given me a scholarship, to Harvard Law School. See, I tell people that I attended the Harvard Law School because, I couldn't afford to go anywhere else [laughter]. Which is physically true. It was the only law school that gave me a scholarship and also, it was the only law school that I applied to. So I went to Harvard Law School...and I finished Harvard Law School. Now here's the other thing...I had never been in Chicago. I had never lived in Chicago. I didn't know anyone in Chicago. I finished Harvard Law School on October 2... 1946... And, I came almost directly...to Chicago. Now how did I choose, uh, Chicago? Well, see by this time, I had accomplished what I set out to do the day that I left New Bedford and went to, Washington, D.C. ...August 1936. You see? Now...so here I had my degree from Howard, Magna Cum Laude. You know, whenever you tell people that... Phi Beta Kappa? Sure. Harvard Law School. *And...* I took the bar examination in Massachusetts before I finished my studies at the Harvard Law School and passed! So I had my license to practice law. Where was I gonna, gonna go? Now, you're gonna ask me I suppose some question about how did I get to be a judge. Well, uh, first you have to practice law. I didn't have a place to go. I decided that Chicago was the place for me. I didn't know anybody. Now, you saw Judge Jones here a moment ago. When I decided to come to Chicago I stopped in Washington, D.C. and spoke with a secretary of Howard University. See by this time I was fairly well-known. It was

known that I had obtained a scholarship to Harvard Law School. So I went back and talked to this secretary, James Neibert, and he sat down in his desk and wrote names, of people I should talk with when I got to Chicago. [raps on table] One of the names he wrote on the sheet of paper was Judge Jones' father, Sidney A. Jones Jr.... you see. I came to Chicago, didn't know anyone here...didn't have a job...didn't have an offer. I didn't know where I was going to live. I stayed at the Y.M.C.A. Hotel at 38th and, uh, Wabash Avenue in Chicago. That's where I stayed. But do you know, from the day [raps on table] that I got here, the people of Chicago have given me a chance. You see I already was a lawyer when I arrived here on October 14 1946. *And...* the rules of admission were so worded that being a lawyer in Massachusetts allowed me to, practice law, to a limited extent, in Chicago, and I did that.

Now, the most fortuitous occurrence, uh, and this is related to becoming a judge. I, I began practicing, began going to court, began arguing cases. And I was soon arguing cases in the Supreme Court of Illinois...a year or two afterwards. I began taking death penalty cases, representing people who didn't have any money, but were sentenced to death, you know. My name was in the newspapers, you know. [laughter] Every time somebody was about to be executed, "Leighton..." [laughter] And uh, ah...the nice thing that happened to me was, I met a man named, Christopher C. Wimbish. Christopher C. Wimbish was a lawyer in Chicago. When I met him, I had never seen him before. I was told to go to his office and see if he would, uh, let me come into his office at 35th and State, right where Cominsky Park is ya know? I went and met C. C. Wimbish. We became friends. Now C. C. Wimbish was ward committeeman, of the Third Ward. He was also an Illinois State Senator, hmm? And he was a colleague, of William L. Dawson.

So here I was now, practicing law in C. C. Wimbish's office. I got to know William L. Dawson. I got to know, uh, Cornel Davis. Uh, in fact, in the book that Judge Henry just showed me, he has a picture of Fred Smith, Senator Fred Smith. I got to know Senator Fred Smith. I had a case in which I got a man out of, the Illinois penitentiary who had been there for, seventeen years, for a murder he had not committed. And Senator Fred Smith, proposed a bill in the Senate that paid Howard Pugh \$51,000, for 17 years of unjust imprisonment. Now use a little arithmetic you will notice, that, 17 times 3,000 is 51. I got to know Fred Smith. I became President, of the Third Ward Regular... Democratic organization. I became president of the... [loud background noise] Are you leaving, Judge?

Judge Henry: I am. Thank you very much, for coming. I really appreciate that and the students...

JL: Alright.

JH:...will appreciate it and I, uh, love you very much, buddy. See ya. I have to go to a...

JL: I think I'm shortening it by telling them before they ask me. Am, am I going along the lines of what you wanted me to?

KN: Yes, yes. Most definitely.

JL: Alright.

KN: Yes, Thank you. Bye. Thank you.

JL: You see, when you get to know, when you get to know, um, William L. Dawson, and the ward committeemen of your ward and you're president of your organization, naturally you're known, but. Well... after eighteen years of practicing law, from October 14, 1946 to, 1964, I got a phone call from Mayor Richard J. Daley. I had my office at 123 West Madison Street, right here in Chicago. Mayor Daley called me. Now this was not an accident 'cause Mayor Daley knew me and I knew Mayor Daley. But I was no *pal* of Mayor Daley, I was no... uh... I was no insider. Well, I had been president of the ward organization. I had done a lot of work... for the party. I had handled well-known cases. Mayor Daley called me and asked me, "Would you be a candidate... in next November's election for judges?" This was August 1964, and he was talking about, November, 1964. I accepted. I have, I have said facetiously, in public, uh, comments I have made, that anyone who knows anything about Chicago, in 1964 would know, that for a lawyer to receive a phone call, from Mayor Richard J. Daley [laughter] asking him if he would be a candidate, was as if that lawyer was elected by a landslide right there and then. [raps on table] That's how it was. I was elected. I became a judge in the Circuit Court of Cook County. Now the other thing, which makes me different I am sure from most people you will talk with... I never solicited that phone call from Mayor Daley. I never asked him. I never told Mayor, I never told William L. Dawson that I wanted to be a judge. I never told C. C. Wimbish, who was my law partner, that I wanted to be a judge. It was Mayor

Daley who called me. While I served at 26th and California, that was the same place that I had worked for eighteen years, practicing law, defending people, charged with murder, rape, robbery, all street crimes. Then, uh, as luck would have it...I had met, uh, Walter V. Schaefer, who became Chief Justice of the Supreme Court of Illinois, after I was on the bench for, uh...[19] 64 to [19] 69, about five years. Chief Justice Schaefer called me. I was at my work in, in this building, this was 1969. And he asked me if I would accept, being assigned to sit on the appellate court. And I had an office, my chambers in this building, was, uh, 2401, just a floor below. And I told Justice Schaefer I would like to. And so I went to the appellate court. Now mind you, in the whole history of Illinois... from 1818 to 1964, no 1969, no black person had ever been an appellate court justice. I was the first one. I served on that court...uh, and when I became an appellate court justice, this was noted by a lot of people, uh, a lot of newspaper work, publicity, and so forth. Then, I received a phone call from, um, Charles Percy. That name sound familiar to you? Well in 19...75, Charles Percy was the Senior United States Senator from Illinois. He was a Republican. I was a Democrat, well-known Democrat, not only that, a Democrat, the worst kind of Democrat, uh, in the eyes of, certain, uh, conservatives. Uh, I was a liberal Democrat 'cause I was president of the NAACP, I had s-saved a lot of people from execution, you know. [laughter] I had done everything, and I had been in favor of, uh, women's rights and, uh, everything. He was a... uh, uh, uh... a Republican. He asked me if I would accept the nomination, from Gerald Ford, who also was a Republican, was then President of the United States, for a lifetime, federal judgeship. Course I did. I accepted. I was nominated. I was confirmed. Then I served. I served for long enough to be qualified to retire. I have told a lot of people... and I have told law

students and lawyers...being a United States District judge, a lifetime federal judge, you don't have to run for any, election, you don't have to do anything but, do your job. You have all the power in the world. When the time comes, you sit there as a judge of the United States of America. The power is, just indescribable. You're given two law clerks, secretary, a marshal, uh...a court reporter. I have a staff of about fourteen people. It's a wonderful job. And I served until the time that I was eligible to retire, and I retired... in 1987. Been exactly twenty years ago that I retired. And I've been back, practicing law... which I enjoy. Now the other thing...as I've told you already...when Mayor Daley called me and asked me if I would be a candidate for judge, I didn't ask for that phone call. When Justice Walter Schaefer called me and asked me if I would be an appellate court justice, I never solicited that phone call. I welcomed it. The other thing I did from the very first...time that I began serving as a circuit court judge...I made it a point whenever I decided an important matter, to issue an opinion. I wrote it out. And I believe, that one of my opinions got into the hands of Justice Schaefer and he read it said, "Well, this guy can write [laughter]. I'm going to ask him if he'll, if he'll sit as an appellate court judge," you see. Also, I never solicited the phone call from, uh, Charles Percy. I welcomed it. Here I am a Democrat, a liberal Democratic Party, uh, member, and I get a call from a Republican United States Senator, of course. And I was uh, nominated. No one raised any question about my, uh, being a liberal, ya know. They, they do now, you know. There'd be a stop...put on my nomination. 'Cause I represented, uh, Charley Townsend, and saved him from electrocution and, uh... uh, Earl Howard Pugh, and people like that. That, that makes me *persona non grata* [laughter], as they say. No. But that's...that's how things are. Now I'm, I'm quite sure, if you carefully

talk with other, judges who have had the same general experience – you have to begin somewhere – they’ll tell you slightly different. Another way of doing it, I assume, if I wanted to, I could have gone to Congressman Dawson, who was a friend of mine, and said, “Look, I’m tired of being a lawyer [laughter], put me on the...” I could’ve done, but I never did...Now! suppose you ask me some more questions.

BJ: Sounds good. Uh, you mentioned the NAACP, your affiliation with them. Would you like to speak a little bit more about, uh, that some of the work you might have done...

JL: That’s one of the greatest things I did. Again, uh, at my age when I’m going back, reflecting, I wonder, “What is it that led me to do what I did?” When it was clear to me... Well, for one thing I got word that I had passed the bar in Massachusetts before I finished my law studies...and I knew I was going to have a license. I hadn’t quite decided where I was going to go because I had no offer, no offer of a job. I hadn’t found any place in Massachusetts, even though I was born there. For example right now, there are people in New Bedford that say, “Well, this guy Leighton, what did he do? Got an education. What did he do? He ends up in Chicago.” Yeah, I told them recently...”You never offered me a job.” No one in New Bedford, no one in Massachusetts said, “Leighton, come over here we’ll give you uh...” Nobody. Was I going... let, all this...? See I was exactly ten years struggling...to become educated. *Exactly ten years.* August 1936, when I went to the District of Columbia alone... October 1946, after fighting in World War II. I took off four years, served as an army officer in the Pacific theater. I

was in combat in Guadalcanal, Bougainville, Green Island, Finschhafen, Morotai. And as I've said, there were times when there were bombs, bullets, and bayonets all around me. Not one hit me. So all of that, when I got through at How, at Harvard Law School on October 2, 1946, I had no job in... so I... came here. Uh... but before I did, before I did... I had done a lot of reading while a student at Howard University, about the NAACP... the race riot in Springfield, Illinois that began the NAACP in 1909. I read about the cases they brought, in the courts of the South, uh, demolishing race segregation, race discrimination. And I got, I admired that. So as soon as I knew I was gonna to be a lawyer, I communicated with Walter White, who was Secretary General of the NAACP and I asked him if I could come and see him in his office. On October 4, 1946, I went from Cambridge, Massachusetts, to New York City, where the NAACP was, had its national office and I met Mr. Walter White. He was a fine, gregarious, friendly person. And, uh, he said, "By the way, there's a big meeting here today in the NAACP, lawyers from all over the country are gonna be here, and they're discussing the race restrictive covenants." You ever hear of that? Huh?

KN: Yeah.

BJ: Yeah.

JL: Well you know, the race restrictive covenants is one of the most vicious, discriminatory idea, I think, racists ever thought of. They thought of the idea of having white people, in a city block, enter into an agreement with each other, covenant, agreement, that they wouldn't sell their house, to a black person, *or* a Jew, and in some instances they expand... [laughter] ya know, racism has a way of spreading itself, or they

wouldn't sell to Catholics. And the lawyers, then, then, drafted this agreement and all the owners would sign and they'd record it! Make it part of the title. Then if one of them, one of the white persons changes his mind and sells his house to a black...even though the black person, just simply buys the house, pays the white person, who... doublecrosses his neighbor, [laughter] he could go and get an injunction...and put the black person out on the street. Well, that day, October 4, 1946, there was this huge meeting of lawyers, and, and Mr. White invited me to, well here I am now, you see, I'm uh, grad, I've finished my studies at Harvard Law School, I had a law degree, I had my license to practice law, I was Magna Cum Laude from Howard, ya know, I was, so he introduced me to this group. Who was there? 'Member I told ya I spoke with, uh, Dean Hastie? Well, Dean Hastie was there. Well, we're great, uh, "Leighton, how've you been?" [laughter] And I sat there in the middle of that, uh, that kind of reaction, in walks a big, heavy guy and Mr. White said to me, "Meet Thurgood Marshall." That's how I met Thurgood Marshall... see. And I worked here with the NAACP. You see... that helped me. I became president. I got cases in the Deep South representing blacks in Alabama and other states, and I got to know Thurgood, I got to know, uh, leaders of the NAACP. It was, uh, a good thing... see. That, that was my, then, of course, I was a member all the time. Became a life member of the NAACP, and, uh... it worked out. Sure. I am sure that when Mayor Daley, thought of calling me to ask me if I would be a candidate for judge of the Circuit Court of Cook County, he went over all these things. Been president of the Third, Third Ward Regular Democratic organization. I had managed the campaign of Ralph Metcalfe against, uh, Archibald Carey, uh, who had been an alderman, he was a fixture. Ralph Metcalfe, ya know the runner? The athlete?

Well, Ralph Met, Ralph Metcalfe became an alderman in Chicago as result of that work.

Well, I'm sure that Mayor Daley went over all these, they all do, they, ya know. In other words, what they do, the, the, the brownie points. That's what it amounts to. Sure...

Yep.

BJ: I was wondering about, uh, the specific cases, uh, that you, that you took as a lawyer.

Um, did you have any, uh, affiliation you had, uh, with, um, with Betty and Donald Howard?

JL: Huh?

BJ: Did, did you represent Betty and Donald Howard, uh, in their effort to...?

JL: Oh, Donald Howard.

BJ: Right, right.

JL: Donald Howard was an African American man who was married to a, a woman who was so fair, uh, in, in, in African American culture she's called "high yaller."² She was [laughter] she passed for white. She went to the Chicago Housing Authority and, uh, applied for a, an apartment and they rented it to her. See, lookin' at her, I don't think she had any of her children with her, looked at her and she gave the information, she had a family of two kids and her husband was Donald Howard. And they assigned, them an

² Grammatically, it is "high yellow", however Judge Leighton pronounced it "yaller".

apartment in Trumbull Park. But when they got to move in, however, her husband was there helpin' carry the furniture and he's a black man. All hell broke loose in Trumbull Park. There was a race riot. And they s-set fire all around the place, ya know.

AC: What year is this?

JL: Then when I went there and I, I represented Donald Howard and, uh, I, I use-, went several t-times, several nights stayed with 'em, in this... They were all hemmed in by these people throwing fire bombs and [laughter]... And I filed a lawsuit on behalf of, uh Donald Howard and his family and the case ultimately was settled. Now that's one of them. The other case like it, I thought you would ask me about the case of Harvey Clark. Harvey Clark was a, resourceful, African American young man who served in World War II. When he was discharged in 19... he terminated his service in 1951. He came to Chicago with his wife and two little children, but he couldn't find an apartment in Chicago. It was that bad, then. Uh, you couldn't, there were no homes to be found... so he couldn't rent an apartment anywhere in Chicago, but he had the adventuresomeness of going to Cicero. And what he didn't know was that there was a woman, whose name was Camille DeRose and who was engaged in a feud with the people in Cicero. Cicero had rent control, and she was engaged in a feud with the rent control commission in Cicero, and she thought of the diabolical idea, of renting an apartment in this building, multi-unit building, to a black man. And there weren't any blacks in Cicero. So, uh, Harvey Clark was happy. He, uh, gave the Camille DeRose the \$50 deposit, took the key, but when he went to move in, the police in Cicero wouldn't let him move in because he was black.

So, he came back to Chicago. I was then, uh, chairman of the, uh, legal redress committee of the Ch, Chicago branch. And they sent him to my office and I talked with him. And he asked me, if he had a right to move into the apartment. I said, "Well...it's your apartment. You rented it from the owner. You gave her \$50?" "Yeah." "She took it?" "Yeah." "Gave you a receipt?" [laughter] "And then she gave you the keys?" "Yeah." "Well, it's your apartment. The police have no business, uh, stopping you from moving in just cuz you're black. Now it'd be different if you were goin' there startin' trouble, ya know, ya know, committing a riot or something, but if you just tryin' to move in..." Well, I ended up filing a lawsuit on behalf of Harvey Clark against the town of Cicero and everybody in sight. And, um, Judge, uh, uh, uh, very famous federal judge then, uh,... uh, John Parks Barnes, issued a ruling...directing the peo-, the government of Cicero and the police to move out of the way and let Harvey Clark... go into the building. I was there, I went with him and they, uh, and his family, and the marshal, but by the time we got to the building it was on fire. The riot had set the building on fire. It was a cause celebré all over the world they had pictures of this building on fire only because a lil' black man and wife and two little kids were trying to move into the apartment. Well, it was a cause, that was attracted attention. The aftermath of it was, that John Boyle...who was chief, no, John Boyle at that time was state's attorney of Cook County, impaneled a grand jury... to find out how come. How'd this riot start? They didn't need a grand jury to tell them that. Everybody knew how it started. Just the people in Cicero didn't want a black person to live in Cicero. At any rate, they summoned me, to the grand jury. When I got there, summoned, I was the lawyer who had advised them to move in. So, the foreman asked me, "Why would you tell a white

man, I mean, why would you tell a black man and his wife that they have a right to move into Cicero?" I said, "Sir, it's because the Constitution of the United States says so. The apartment was his." I said that, [laughter] "as I understood it," I said, "I might be mistaken, but as I understand it, if you go to a landlady, pay her \$50 for an apartment, she takes your \$50, gives you the key, it's your apartment! And nobody has a right to stop you from movin' in because you're white or black or whatever." He said, "Well, is that right." I said, "Well, sure." So, when they, when they returned the indictments, they indicted me! [laughter] Yeah, I was a defendant. Yeah. It was a court order. Even, even the *Tribune* wrote an editorial against me, like. At any rate... I spent, you see by that time, this was 1951, by that time I had represented a lot of people, who had been sent to the penitentiary, even though they were innocent. So, I *knew* being innocent isn't a guarantee that [laughter] isn't a guarantee in, in a [laughter, undecipherable]. So, all of the time I was sittin' in my bed, I said, "Oh, Leighton here I am, here I am over here, got this law license that I worked for, for so hard, now I'm under, under indictment." So, finally there was a lot of commotion, all the lawyers in Chicago, uh, there was, and I had a room full of lawyers representing me, some of the best lawyers in Chicago. And when Thurgood Marshall came from New York to represent me, and the indictment was dismissed. Yeah. But until then... as I have said, I've said in writing and I've said a number of times, that grand jury taught me a lesson, that I never would've learned... and that is: when somebody tells you, a-as I have a lot of times from the bench, I've said, the defendant says, "Judge, I, I ain't guilty, I, I,..." Well, I could listen to them [laughter]. I could understand them. Because I went through the same thing. Ya know? So, uh, uh, now that's the Harvey Clark case. Uh, um, sure the indictment was dismissed, but if you

go to the, uh, records of the Cook County Circuit Court, uh, Cir, Cir, Circuit Court Clerk's office, you'll see my name there, as one of the defendants. It's still there. Sure.

[Interviewers discussing]

BJ: Should we take a break?

AC: Yeah.

KN: Would you like to take a break for a little bit? Like, have some water and just relax, or would you like to keep going?

JL: Well, we almost, it's supposed to last until, I'm almost, I'm almost through...I'm, I'm through rather.

AC: Can I ask you...?

JL: Unless you have another question.

AC: Yeah.

KN: Yeah, we have a few more questions.

AC: Can I ask you just a few questions?

JL: Sure. Or if you want a break, I'll take a sa-, break.

AC: Oh, no, it was just some clarification questions. Nope, it's just...

KN: It's just [undecipherable] questions.

BJ: We don't have to take a break, I just...

JL: OK.

AC: Um, I was just wondering, just to clarify, um, you said you learned, the, we're talking about your childhood, you said you learned, uh, the stories from your father and that was a lot of your education. Where did you learn English, if you spoke Creole at home?

JL: Well, you see I did go to public school from grade, um, well, grade one to grade six.

KN: It was just sporadic, right?

JL: Oh, I might tell ya another thing....um, my name, George N. Leighton, L-E-I-G-H-T-O-N, is not my family name. Uh, the records of the New Bedford, uh, civic records show

my name as George... Neves, N-E-V-E-S... Leitão, L-E-I-T-A-O. That's Portuguese. The Portuguese, have a diphthong, A-O, with a diereses over it pronounced "oun." Lay-toun. That's my name. Now, you might ask you how do you get to be Leighton. Well, this is how it happened, when I was in the fourth grade in New Bedford, Massachusetts, late one Friday afternoon, a tall, angular, I still remember her, a tall, angular teacher came to take over the class. Her name was Mary Fitzgerald and she came to me as she did to, oh, all of them, get the names of each pupil. "What is your name," she asks. I looked up at her and says, "My name is George Neves Leitão." She looked down at me and says, "Your name is George N. Leighton." And she spelled it. That's how I got to be Leighton. [laughter]

KN: Wow. My gosh

JL: So.

AC: Go Ahead.

BJ: You mentioned, uh, you had a relationship with Thurgood Marshall. Uh, could you elaborate on that at all?

JL: Well, Thurgood, as those people who knew him well...was just an ordinary Joe. But, he had an unusual propensity for analyzing, rights of oppressed people. He, and the leaders of the NAACP of his time did that to racism...race segregation, especially, uh,

what is called *de jure* segregation. That is, segregation operated by law, which is true in the Deep South, and to some extent, is still true. Um...this is where he made his mark, but he was a nice fellow, and I, uh, had a friendship with him until he died, based on the fact that I worked with the NAACP branch here in Chicago.

AC: Um, you mentioned also, that you had no direct influence of going to Howard University. I'm just wondering, when you were at Howard, how did you become interested in, or why did you want to go into law?

JL: Well, that's why...oh. I've been asked that question before. I never had any law-trained person in my family. I had never spoken to a lawyer. I didn't know what lawyers did. Nonetheless, when I was young, about fourteen years old, I was working on a cranberry bog, and near Plymouth Massachusetts. My mother and father were there, we're working, we're agriculture workers working for this, uh, bog owner. It was a hot August day. Now, do you know anything about cranberry bogs?

AC: No.

JL: Well, let me explain it to you. Cranberry bogs are vines and, uh, they have, um, oh, prickly things on them. When you kneel on a cranberry bog to weed it, your, your knees are injured by the, by the vines. So, I was there with my knees on the cranberry bog, this hot sun hitting me in the head, when it occurred to me that I wanted to be a lawyer. Now, I've said, when I was inducted, when I became a lifetime federal judge, the *Chicago*

Tribune published, and my remarks. I told them that, when the thought came to me, in this, on this cranberry bog, to be a lawyer, I didn't know what lawyers did. I didn't know, uh, what it amounted to be. I had no relatives, kinfolk, friends, I had never spoken to a lawyer, but, it must've been, that, with the heat hittin' me on the head and the vines eatin' away at my knees, it must've occurred to me that there just had to be a better way of making a living. [laughter] And that's how, and, and here's the other thing. Ya know, that idea never left me? I was fourteen, or thereabouts. I never forgot it. Also, as I told the audience over here at the Dirksen Building when I was inducted at the office, I never told anybody about this wild idea. They would've thought I was crazy. [laughter] But I never lost it. So that day in New Bedford Massachusetts, in August 1936, when I decided to go to Washington, D.C. to see if they would let me into Howard University, it was the pursuit of that objective. And, when I, when I got the word from Howard University, that they were gonna confirm me my degree Ma-Magna Cum Laude... here it was! And the next thing that I had to do was find a way to get to Harvard Law School. This is how. I, I talked to Judge Hastie. By the way, he became a judge. He became a federal judge, in Philadelphia. And by the way, how I learned about him, was from his son, William H. Hastie, Jr., who is a lawyer in San Francisco now. He told me about his father, having gone to Harvard, Law School, his father was from one of these, um, well-off, uh, miscegenated African American families, ya know, you've heard of them, uh, and uh, that's the explanation.

AC: Did you have a backup plan, if you didn't get into Howard?

JL: *Oh*, I might tell you this about the backup plan. Um, when I took the bar... in Massachusetts... in April 1946, um, before, before I went to Howard University, I, I worked in restaurants hotels. The summer of 1936, I worked in a little restaurant that used to be on the corner of Massachusetts Avenue and Commonwealth Avenue in Boston. It was called Lee's Lunch. And um... uh... that's how I got... money to go to Howard University, see. Now what was the question?

AC: What was your backup plan, if you didn't get in?

JL: *Oh*... yeah. What happened well, when I took the bar, I went back to Lee's Lunch and saw Mr. Lee. And I told him, I said, "Mr. Lee, I've taken the bar exam, uh, do I have my dishwashing job [laughter] if I don't make it?" He said, "George, you were the best pearl diver we had here." [laughter] They called dishwashers pearl divers, ya know. And they, that's what he told me. Now, one of the mementoes, if you go to my office... well, I'm quite sure, yeah, I have it, right over here, in the, in the 203, uh, North LaSalle, on my desk in a Lucite... in a Lucite block... is the little rock... which is the size of a potato, that I found in Lee's Lunch, while I was working there. And I took that... rock, a little rock, because it was peculiar-shaped, I washed it, put a date on it, it was March 17, 1936. I kept that rock as a memento, of the work I was doin', when I found it. I have it on, on top of my desk over here. So, I had a backup plan, but I never had to use it. See, because I passed the bar. Once I passed the bar, the next job was to find a place where I could put it to, into work, ya know? And, uh, as I've said already, I didn't have it in Massachusetts. Now a lot of this, ya know, brings up, um, religious faiths, ya know?

AC: Mmhmm.

JL: Uh ... What lead me to Chicago? I've been here sixty ... one years and... um, I've had everything I'd that I, I was entitled to have. A chance to practice law, raise a family here, I have, umm, two daughters ... uh, my older daughter holds a Doctor of Philosophy degree from Iowa State University. She is a mother of four children, all grown up, all college educated ... and uh ... I have another grandchild by my younger daughter, a young man who finished Florida A&M, with honors and he is hired by Ford Motor Company, while he was a student. He still is working for Ford Motor Company... he now has an emotional attachment to Ford Motor Company [laughter] .. and, ah, and ah, I'm looking forward to host a family Thanksgiving dinner ... on Thanksgiving day this year. All of them, have all of them come, come there from different parts of the country, I'm their great grandfather three and two thirds [laughter and a fist slam on the table] and I might tell you the nicest thing about it ... I have two grandchildren, one a girl one a boy, who cross the race line [laughter]. Uh, David married to a very very nice uh, young woman from Pennsylvania, and they have a little boy called Jackson and, ah, Lucilla, uh, the granddaughter married an Irish fellow in, um, Columbus Ohio. Nice young fellow, so I'm hosting a dinner, Thanksgiving day with all branches of t-the Leighton clan. [laughter then bangs fist three times on the table] So...

AC: Do you want to ask it?

BJ: Uh, as far as your, [clears throat] experiences as judge, uh, were there any difficult cases you had to handle?

JL: Hmmm?

BJ: Do you remember any of t-the cases, uh, the most difficult ones?

JL: Oh yeah, oh yes, lets see .. One of the umm, let me see. I had occasion to talk yesterday with, uh, with a lawyer about a case I decided... in the Dirkson Building. The Velsicol Chemical Corporation was investigated by the United States Government around 19-um, [19] 80-81. Ah, the government claimed that the executives of that corporation had lied to the Environmental Protection Agency about the results of certain chemical tests they made on, ah, pesticides. The government claimed that the pesticides were carcinogens.... and that these executives hid the tests on all, so they keep making the pesticides and selling it. But the government procured the indictment against these six executives, by having a lawyer who, conducted a civil investigation in the District of Columbia, and then he would get on a plane and come to Chicago, and give the Grand Jury here, the information he gathered from the civil...investigation. I ruled that that conduct of the, uh... United States Attorneys violated the rights of those defendants, to a fair, hearing before the Grand Jury. Because they were commingling, evidence they got from a civil investigation with evidence procured here, by the FBI. Well, they were angry as hell about me, saying that I had dismissed this important by then they had been investigating people over five or ten years, and all of it went down the drain when I,

issued this memorandum opinion. Well I heard from, uh, various sources in the corridors of the Dirkson building that the government was going to appeal which the government could, because I dismissed the indictment. However, they never got permission. The law is that before the government can appeal the ruling of a U.S. District judge that appeal that appeal has to be approved by the Solicitor General. And it just happened that the Solicitor General, who was in office at the time, was a classmate of mine from Harvard [laughter] Law School. I've always thought, although I've never spoken with him, he is now dead, I've never spoken with him, but I've, I'm quite sure that Ray Mc Cree read my memorandum and just decided, look, we, we aren't going to get in the way of this, forget it [clap then laugh]. That's one, the other time, the other case I think of quite often, I had the Bee Gees before me, ya know the B.. the old Bee Gees ?

KN: Yeah

JL: When they were all alive. Um... a garage mechanic, here in Chicago, composed a song... and umm, he called it, uh whatever he named it you know. But he never, he never published it... but he got a copyright for it. And he had a recording of it, and one, one day, at his home, he was about to go into his house he heard the music. And it was his song. And he went over to where the boy was, next-door neighbor, and he said, "Where did you get that music?" He said, "Well I bought it, it the Bee Gee's." "Well," he said, "that's my song," he says. So he sued the Bee Gee's [laughing]. Now the Bee Gee's, had a song that was identical [slaps table] with the song this guy had composed. And so they had the, the case was heard in my courtroom, in the Dirkson Building and

the Bee Gees, they were, were world famous, at least they were at one time. Most of them are dead now, they came to my courtroom, the four of them, and listened to the playing of their music. And one of their attempts that they made before me was that they were above... the *crass* idea of copying the song that was composed by a garage mechanic in Chicago, they wouldn't do a thing like that, go why they said, why we have the Blue label we have the Gold label the, and they said we have the right to play all this music for the jury. I said "you're right, you have a right, if that's your defense, well,"...so for a week and a half, my courtroom was a concert hall [laughter] for all these big and, and, the jury awarded them, awarded the, this mechanic, this garage mechanic, I think \$85 million. Well, I wrote a memorandum, I wrote the memorandum, I did a lot of study and thought about it, and umm, there is a famous American judge, oh, who wrote an opinion and he cited authority and so forth. He said that, if two poets -one in the Himalayas, one in New York City -were to write the words of *Gray's Elegy* in a country church house, identical words, but they never came in touch with each other ... one didn't have the chance to copy the other. They each would own, the poem. And one cannot sue the other, for copyright infringement, because copyright infringement, requires the ability to copy. Well I wrote the memorandum, setting aside the \$85 million judgment on the ground that the evidence showed, that, the Bee Gee's never had access to this song this guy [laughter] composed in Chicago. Well, the case went up to the court of appeals and Judge Posner whose, have you ever heard that name? Richard Posner he is famous, uh, as a judge. Uh, he wrote, uh, an opinion affirming the ruling I made. Upholding the, the dismissal of the judgment on the ground that there was no access, ya see, that's another one...

BJ: Ah, I think we just have another, a fe-few more questions.

JL: Hmm?

BJ: I said we, I think we have just a few more questions.

JL: Sure.

BJ: If you want to talk for a little bit more?

JL: Huh?

BJ: I said, you still willing to talk for a little bit more?

JL: Alright.

BJ: Okay, um first, I would like to know maybe a little bit more about the Democratic Party in Chicago.

JL: The what?

BJ: The Democratic Party, uhh, you know, the individuals you were affiliated with as you had made mention of before... [trails off]

JL: Well um, I've always been a democrat. Not ideologically ... um. I've always agreed with the policies they expound on here in Chicago. Uh ... I've been a member of the party ... and um. It's alright I, I, I have nothing to, uh, right now I think the democrats are, are going to take over both houses by large ... large, uh, preponderance, both houses. Um, I also believe that, um, we are in one of the worst periods of American History right now. Uh ... uh ... take, um, this thing going on in Iraq. It irks me that very rarely do you see in the news media, the electronic or the journal, that they understand that there is not a war in Iraq going on, there never was a war. A war is a military confrontation between two, national groups usually, with some declaration of the war. The people of Iraq had never declared war on the people of the United States, as far as I know. No Iraqi has ever declared war against anyone in the United States or done anything against anyone in the United States. Yet we get all these billions of dollars used, for example, \$196 billion being sought to continue the war in Iraq and in Afghanistan. I begin to wonder when is it going to eat the substance... of this country? Is there no bottom... no bottom to this? Uh ... you see signs of, uh, economic, uh, down turn. One day you are going to wake up and there will be another Black Monday, or like they had in 1929, you know... that's how things are...

AC: Go ahead.

BJ: Uh, what about any uh, changes to the ju- judiciary system that, ah, you might have, ah, observed?

JL: Well you know there is a, uh, great, there's a great deal being said right now. For example the *New York Times* says uh, uh *Time Magazine* article about John Paul Stephens...uh, um, being a liberal although I, he says he is a conservative. I think they, they pick on what, on really, ah, superficial things ... ah, superficial. Now the Supreme Court in the United States, no question about it, has changed. No question about it, ah ... I find the present Chief Justice, uh, somewhat, uh, superficial. Uh, at least, at least from what I can tell, and I follow the courts decisions all the time. But that, that's Rome, that's the court we have. You're not going to be able to do anything about that. Those people die off and someday, um, uh somebody will appoint others and uh, uh ... so.

KN: Are there any changes maybe you'd like....?

JL: Hmm?

KN: Are there any changes maybe you'd like to see in the court system as opposed to like the merit system things like that in Chicago, how do you feel about that? [Largely undistinguishable because talked over by Judge Leighton]

JL: Oh, I, oh I, oh I, I believe personally, I believe in merit selection of judges also. I believe in lifetime...judges.

KN: Okay.

JL: I've served under both systems. When I was elected a judge in Cook County I was elected, for ten years. When I was made a United States District Judge, I had a lifetime tenure. I know how it feels secure, that you can make a decision, and you don't have to worry about being, oh, they'd write stories about you, they attacked me when I first became a judge, by they I mean the *Chicago Tribune*, the *Chicago's American*, the *Chicago Daily News*, *Chicago Sun Times*. They attacked me because I found a, I found two Mexican American lads innocent of aggravated battery on a police officer. I ruled, that from the evidence I had heard, the two young men did not attack the police officer. The two police officers attacked them, four o'clock in the morning on North Clark Avenue, North Clark Street. I, I made all those findings, yet they attacked me, they assaulted me, they said I was, uh, pro-defendants and that I hadn't, uh, ... seen clearly. That now I was a judge, and not a defense lawyer. That's what I was all the time before. Oh, they did that, they attacked me, they said I should be impeached. They had my name on all the newspapers, oh, for months they did it. Eh, I stood, I, I just let it go, and then after awhile it wore off, and wore off. But, as a lifetime Federal Judge, you don't have to worry about being shhh, well they, they said I should be removed from Twenty Sixth and California. Uh, I wasn't removed. But that's what they editorial on. They also proposed that I be impeached and there was a resolution introduced in the House of Representatives in Springfield to impeach me. Sure! But none of them had read the opinion I had written.

KN: Right.

JL: Huh, cause I ruled that a broken beer bottle... is not a dangerous weapon, per say. As I said, for all we know, this young man who had this broken beer bottle in his hand at four o'clock on the morning on North Clark Street ... was looking for a barrel to throw it in. [laughter] That's how, I mean, j-just seeing a man walking down the street with a broken beer in his hand, he might be looking for ya know. But the police officers claim that he had a dangerous weapon. But he wasn't usin' it!

KN: Right.

JL: You see. Oh they, they editorialized against me. They had, they made me famous. All over the country, I was called the "Broken, B-uh, Broke Bottle Judge." [laughter]

KN: How did that make you feel, like?

JL: Huh?

KN: , What was it like living through? How did it make you feel? Did it affect your family life at all?

JL: Well, well every morning I, every morning when I got up in the morning at my home at eighty four hundred South Berg there was a courtroom of, of ah, television cameras all around. I couldn't go anywhere. Oh yes, by the way I know how it feels, some, every time, they had a camera in front, I mean a microphone.³ I mean, what do you think of, one of them asked me, uh... "Are you going to resign?" I said, "No, I'm not going to resign. I am planning to live until my old age on the bench." [laughter] [emphatically slams fist on the table]. Mayor Daley called me, told me I shouldn't talk like that.

KN: [more laughter] Oh goodness.

JL: Now, there is a difference. I believe that the lifetime appointment of judges, with needs of uh, course judges are human:

KN: Right.

JL: They do wrong. But it's very simple to find those that do wrong ... uh ...

AC: As a judge and a lawyer, how would you like to be remembered?

JL: As a lawyer, cause you, that is, I think being a lawyer is greater than being a judge. The lawyer who becomes a lawyer is a lawyer for life. If he, uh, lives by the cannons of ethics, doesn't commit any crime, doesn't engage in any fraudulent activity, he has that

³ Judge Leighton meant to say microphone. This was when he was becoming visibly tired.

position. Um, and it's a great way of being of service, you see. Uh, by, by the way I'm still practicing law. As I tell them, I'm practicing. I haven't perfected it [laughter].

Yeah, I'm ninety five you know and I'm, I, I uh, ninety five last... yeah last Monday.

KN: Mmm, Happy Birthday!

JL: Thank You! Ninety-five, and the most wonderful thing about it is... I say thankfully to the god that I worship, I've never been in a hospital for any period of time, or hospitalization. I've never been operated on by, any surgeon. I've never been diagnosed, with any serious ailment of any kind. Uh, I've never been wounded, injured. I was in combat in, uh, for two years and, a few months, and there were dark times when bayonets, bombs, bullets all around me. None went off, or touched me. I'm just blessed. Someone says to me, uh, asked me what's your secret. I don't have any secret. I've been above board, open, I, I, I don't have any secret, I've just been fortunate. Of course I also have, due modesty, I haven't done anything to injure my health, or expose myself to any danger. I don't do that. I don't smoke, never smoked in my life. Uh, I don't use drugs, uh... I'm thankful.

KN: Yeah, it's a great life. That, I mean, it is so impressive.

JL: Sure.

KN: So as a judge, how would you like, like as, as Abbey was saying how would you like to be remembered? Like do you have something like any words of advice to people who want to become a judge or, how, your own legacy?

JL: You know what I tell lawyers? First be a good lawyer, ...

KN: Mmhmm.

JL: ... first be a good lawyer the best lawyer you can be. And, um, uh... be sure that all your private matters are above board, honest, and, um, second, uh, see that you uh, contribute as you go along. Uh, I always advise them to join organizations like the American Bar Association all the Bar Associations, and, American Civil Liberties Union, UAW, uh, NAACP, I have said both in writing and, and publicly that if this country didn't have the American Civil Lib-Liberties Union and the NAACP, it's history would have been entirely different. I'm not saying, uh, that it would be better or worse, it would be different. Because those organizations have contributed, to the betterment of things. Uh, take, take right now what they are doing with immigrants. Uh, you know, uh, because I have, ah, my mother and father were immigrants. Uh... all of my k, kin, kinfolk, all of my close associates were immigrants in New Bedford. Uh ... but, there, there's a hatred, uh, you know that's uh stirred up uh all of this talk about terrorism. Its, its, this talk about terrorism is a phantasm, it's imagined. Most of it is imagined. Uh, sure you, sure there are terrorists. There are a lot of people who are terroristic, sure, but they, aren't, they don't amount to that much. Uh um...uh, but I hope times will change for the better. Uh...

AC: Well we just wanted to thank you...

JL: Alright.

AC: For your interview today.

JL: Alright.

AC: We really appreciate it.

JL: Thank You.

AC: Do you have a question for us or anything?

JL: Well, um, what are you going to do with all of this material your gathering
[laughter]?

AC: Um, Dr. Manning is collecting all the interviews and, I, this is a project that has
been going on for a couple of years now, and he's collecting the oral histories, and he is
going to, uh, deposit them or archive them into a library, eventually.

JL: That's good that's good, yeah.

AC: And so our project is...

JL: Well, I've, I've told you some things which are original with me, uh, because my background is different.

AC: Right.

JL: My background is different. Uh... and um so you, you. [slap on a table] Alright?

KN: It was very interesting, thank you!

Group: Yes, Thank you

JL: Alright.

AC: Can we....

BJ: Alright, anything else?

JL: No.

BG: Before we finish?

JL: No!

BG: Okay.

KN: I just want to fill out the biographical information sheet, so I just need your like address and stuff, would you like me to fill it out or would you like to fill it out?

JL: Hmmm?

KN: This is just information for like, it will go in front of the...

JL: Oh.

KN: Oral history, it's just going to, I filled in your birthday and then you said your wife's name is Virginia so I filled that in. So if you could fill in the rest that would be great.....

END

Appendix 1
Judge George Leighton Interview
Correspondence with Patricia Monreal, Judge Leighton's secretary

From: Abbey Cullen
To: pmonreal@nealandleroy.com
Subject: RE: Oral History project follow up questions

Dear Patricia:

After discussing with my group and Dr. Manning, we will not be doing the follow up interview with Judge Leighton. What he has to say is very important, and not something for a phone interview or to be rushed. Our due date for the final transcription has also been moved ahead and so it isn't feasible for us to be able to add to the transcription project. Dr. Manning said that Judge Leighton will be part of next years project (hopefully), so that these questions will get answered.

Thank you so much for corresponding with me

Tell Judge Leighton, Thank you again for his interview and we hope he will participate again in the future.

Abbey Cullen

>>> "Monreal, Pat" <pmonreal@nealanderoy.com> 11/19/07 8:17 AM >>>

Hi Abbey,

Judge Leighton did review your questions and is interested in answering them over the phone. He will be in the office today, tomorrow and part of Wednesday and then will be out of town until Monday. You can call him at (312) 641-7144 or please provide me with a number where he can call you.

Patricia Monreal

Assistant to Judge George N. Leighton

and Deborah F. Hamilton

Neal & Leroy, E.E.C.

203 North LaSalle Street, Ste 2300

Chicago, Illinois 60601-1213

(312) 628-7064

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-----Original Message-----

From: Abbey Cullen [mailto:acullen@luc.edu]

Sent: Sunday, November 18, 2007 6:50 AM

To: Monreal, Pat

Subject: Oral History project follow up questions

Dear Ms. Monreal

Thank you for getting back to me. Our group has discussed things and would like to extend the offer of email responses, due to time constraints in the class (our due date was moved up). We would greatly appreciate it if you could pass these questions on to the Judge and send

email responses.

Thank you SO much

Abbey Cullen

Dear Judge Leighton:

Thank you very much for being so willing to share further insights with us, but unfortunately the deadline of our project has been moved earlier and we will not have the time to properly transcribe a telephone interview. However, we would still very much like to record your responses to the questions we e-mailed you earlier so that we can include this information with the other interview documents. We feel this information would greatly add to the interview conducted at the Daley Center. We would greatly appreciate it if you would e-mail us your responses to the questions, if this will not be too much of an inconvenience for you. Thank you so much for taking the time to share your life story with us, both at the Daley Center and through these follow-up questions. If you have any questions, please do not hesitate to ask.

Here are the questions again:

Questions

What was the topic of the essay that won you the scholarship so you could attend Howard University?

How did it feel transitioning from an agricultural community to an urban college? Describe the tensions and triumphs that occurred while you were at Howard and Harvard.

Did you encounter any racial tensions while at Harvard?

Describe your time in the Army. Did you experience any racial tensions in your unit?

What effects did WWII have on your education? Did it contribute in anyway to your desire to become a lawyer?

What neighborhood did you live in when you moved to Chicago, did this influence your position or outlook on the politics of the city?

How did the upheaval of the 1960s influence your law practice and time on the bench?

Could you explain some of the specific cases you took as a defense lawyer in Chicago, particularly defending clients like Charlie Townsend and Earl Howard Pugh against execution?

Why do you think President Ford appointed you to the U.S. District Court? (you could also ask this same question about Daley)?

During your tenure as a US District Judge you spoke of the power that the position encompassed. What was it like to possess such power?

What was the charge when you were indicted during the Harvey Clark case?

What was it like as an outsider (not from Chicago) to be apart of the Chicago Democratic Machine? Did this effect your ability to maneuver within the machine or were you not cognizant of its presence?

Can you elaborate on the Civil Rights Cases you took in the South?

Please email your responses to this email address, acullen@luc.edu.

Our group, Dr. Manning, and the project as a whole really appreciate your time in responding to these questions.