

Cook County Court Oral History Project

Judge Bernetta D. Bush

Interview Abstract, Transcript, and Topic Guide

Interview Date: October 13, 2007

Interviewers:
Thomas Campion
Kristina Maldre
Eric Nethercott

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Interview Abstract

Loyola University Chicago graduate students Thomas Campion, Kristina Maldre, and Eric Nethercott interviewed Judge Bernetta D. Bush at the Daley Center in Chicago, Illinois on October 13, 2007 for the Cook County Court Oral History Project. Nethercott served as the lead interviewer, while Campion and Maldre compiled notes and follow-up questions. Throughout her narrative, Judge Bush emphasized her personal and professional development as an independent black woman. In the first half of the interview, Judge Bush discussed issues of race, ethnicity, family, and public schooling in her reminiscences on growing up on Chicago's Near West Side. Additionally, she recalled her Chicago-area university and law school experiences, her work as an elementary school teacher and university professor, and her personal involvement and knowledge of Chicago politics prior to her 1992 election. Furthermore, Judge Bush discussed the importance of community and its support in her desire to run for judge and her impressions of working within the legal system. The second half of the interview focused on Judge Bush's multifaceted experiences within the circuit court, her thoughts on improving the legal system, and her future plans.

In the following literal transcription, Campion, Maldre, and Nethercott chose to omit the utterances 'umm' and 'uhh' and note the discourse marker 'you know' as universal throughout the transcript. Additionally, they utilized ellipses for both repetition and Q & A interruptions and commas for both pauses and idea shifts. Brackets and footnotes designated editorial clarification, the notation of laughter and emphasis, and additional commentary as necessary.

Cook County Oral History Project

Judge Bernetta D. Bush

Interview Transcript

6:53

Interviewer: Okay, so, it is ten twenty [a.m.] on October thirteenth, two thousand seven, and we are at the Daley Center, and my name is Eric Nethercott. I will be conducting the interview initially. I am talking to Judge Bernetta Bush about her career as a judge in the Cook County Courts. Thank you for meeting with us today.

Bush: My pleasure.

7:15

Interviewer: What I'd like to start out with is just some general questions about your background, then we could move on further into understanding your experiences as a judge. So first off, we'd like to know, can you tell us a little bit about your background, like, where did you grow up?

Bush: I'm a native Chicagoan. I was born in Chicago on the South Side where I currently reside. As a youngster, I moved with my family from the near South Side, which is now known as Bronzeville, in The Gap, to the West Side, in an area that's bounded by Roosevelt Road and Fourteenth Street, a...a...adjacent to the Italian and Puerto Rican community, Taylor Street area. I attended elementary school at Jefferson Elementary School, and, which was basically an Italian, Puerto Rican, and black school. I graduated from there. I went to Richard T. Crane High School, where I received my...my diploma. In high school, I was, participated in many of their activities. French, and, was like, one of my favorite subjects. And, I was in the honors society, I was in the honor roll, I was the vali [sic], the salutatorian of my high school class. Then I went on to college. I...I had gotten scholarship to Northern Illinois University, where I attended for only one semester, and I came back to the city and went to Northeastern Illinois University where I got a degree in history and education, a bachelor's degree. And, later went back and got a master's degree in...in education. I taught elementary school from, for three years. And then, when I got my bachelor's degr [sic], my master's degree, I started teaching at the university, and I taught history education courses and the like. At the, university, I decided to go to graduate school to get a doctorate degree, and I enrolled in a program at Northwestern University in the history of education. After one semester, I was so totally bummed out and bored, [laughter] I decided to change my direction, and I went to law school. I took the LSAT and I went to law school. I wanted to, having participated in academia, which I liked, you know, teaching at the university level, the college level, education courses, which you know, was...was interesting, and, but, I...I...I didn't feel that I had, like, any kinda real control over my career. I, you know, I was gonna be subject to doing papers, and, da da da da da, and I really didn't want that. I wanted ta [sic], I wanted to have more independent focus, and as I thought about what I wanted to do, law seemed to be the appropriate thing. I could practice, and be my own boss, and if I worked for someone else, if I got tired, I could always go. If I got, if I got bored, or if I got disappointed, I could always go start my own practice, it was a way to be independent, and that was...that was really the driving force for me to choose the legal profession. While in law

school, I...I discovered it was something that I really liked. It was, like, being just sorta like, really finally finding the kind of academic experience that I thought would be impactful [sic] for me and give me the kind of flexibility that I...I wanted. Of course, this is in retrospect, an analysis of what I was doing. During the time, I was just sorta like, you know, in the process. But I did, I had just a wonderful experience. I went to DePaul University. At the...at the time that I enrolled in law school, there was just a real press for minority students because of the law school's was, that was just a derk [sic] of no...no black students anywhere, and DePaul had a very aggressive program, as did Northwestern and Loyola, but I chose DePaul because DePaul had the, it had the most diverse student body. It had a, you know, a...a...a...a real diverse student body, and I enrolled in their day program, and just had a fantastic experience in learning about the law, interacting with professors, and just sorta like finding my...my niche intellectually in what I...I...I wanted to do. Law school was a...a very, very positive experience for me, so. That's what got me into the legal career. I can just continue, if you like. [laughter]

11:58

Interviewer: Actually, I had one quick question, if that's okay.

Bush: Course.

Interviewer: Diversity seems to be a major theme in the story you just told us. Your multiethnic neighborhood growing up on the Near West Side, taking French, I mean, being exposed to so many different ethnic groups and races. Do you think that was a very positive experience for your preparation to go into law, or how would you think that that might have prepared you for...

Bush: Well...

Interviewer: ...your legal career?

Bush: ...it...it...it certainly...it certainly widened my scope. You know, most...most of the...the, most of the time, you...you know, locked into the, you know, the neighborhood in which your born, when you're growing up, but fortunately, my mother, even though she was...she was from the South, and you know, we were not, you know, expensively, I mean, we were like, poor like everyone else, but she was an avid reader, and she always encouraged us to...to read, and required us to do it, you know, during the summers and so forth so, being in a diverse environment was, you know, was a natural kinda thing, and I think what it did, it...it...it gives you a sense of, you know, other people, you're able to interact, it gives you a sense of confidence that you don't, you would not normally get if you were, you know, locked into a specific community. It gives you a level of tolerance that you would not had, even though you're not conscious of these things as they're happening, just the interaction with people and your experiences with them is what colors your view. And, I think that that interaction and that experience certainly gave me a...a sense of...of security that it didn't make any difference where I was, you know, I...I entered, I interacted. Now, having said that the diversity was there, it does not mean that I did not come into a conflict, you know, in terms of, you know, racial issues and social issues, it's just that I was able to handle them, and were...were not damaged by the experience, in...in the sense that it did not impede me from doing what I wanted to...wanted to do, and there were just, you know, in...in all of my...my experiences, offtimes [sic] I was in

situations where I was, like, in a non-diverse situation, like when I went to college up at Northeastern, I don't think that there were ten black students in the whole college at the time. But I had professors who were extremely nurturing and extremely sensitive to that situation and, sorta like, bridged the gap. I...I recall my biology professor and my...my...my, like...like, econ [sic]...anthropology professor, both very, very supportive kinds of individuals and opened up opportunities for me to, sorta like, help me, you know, as I...as I traveled through these diverse waters. So I guess, I...I guess to...to say that your question, yes, I think that it broadened my experience, I think it made me a very tolerant and open person, in terms of dealing with people, it...it...it provided no barriers for me in terms of interacting with people, and I...I guess it has played a...a role in the kind of career I have chosen and the kind of work that I do.

15:12

Interviewer: Could you tell us a little bit about the role your family played in your early childhood and your...

Bush: My mother, as I indicated, yeah, I grew up, I'm one of nine children. I'm the oldest girl. I have two sisters and six brothers. And, as the oldest girl, I had a lot of familiar responsibilities, so, in terms of, being tenacious, in terms of keeping schedules and stuff like that, I think that came out of my...my...my family background. My mother, my father died when I was sixteen, so I was basically raised by my mother, and my brothers and sisters, and my mother was very focused on a education, and very supportive of all the kinds of things that I was always interested in and she always thought that my interest, whatever it was, whether it was motivated or not, she always did. But she could see that those things were...were achieved. My brothers and sisters were supportive. I was the first to graduate from college, and I have four of my other siblings also have college...college degrees as a result, so. But others are in technical or business kinds of arrangements, so. I think that the...the...the focus, you know, when we were growing up my mother made sure that, and...and also the school environment, my mother made sure that we did museums, we did libraries, we used to go to the Museum of Science and Industry to the Christmas thing, we used to have to do the summer library reading program, we went to the Shriner's Circus, we...we did those kinds of things in spite of, you know, our...our...our economic level, and also at the time, the school also provided a lot of social inter...interactions. We had, like, after school programs, we had people come in from, you know, different places to give presentations, we had social studies, we had, I mean, we just had a lot of different kinds of crafts and things that would occupy our time so, we were busy all the time, you know, even though we, even though the, you know, economic situation wasn't accelerated, certainly the...the cultural milieu that we were available to us is, was there, and I think it was because of the, you know, the...the diversity in...in the area. And of course, it was also open to whether or not you took advantage of it, and my mother was a person who took advantage of everything that was available, so. We were able to get those kinds of activities despite our economic situation.

17:55

Interviewer: Seems like your mother was quite an inspiration for you...

Bush: Oh, very.

Interviewer: ...when you were growing up.

Bush: Very.

Interviewer: Would she be a role model that you carried through throughout your legal career?

Bush: Well...well, certainly, you know, the principles and the, my focus on...on how I interact with people, how I treat people, my...my tolerance, all of that came...came out of, you know, my mother's teachings, you know. She was...she was...she was not, my mother graduated from high school, but she had no...no, and...and she did that after she went back to school after she raised us. She went back and got her high school diploma and did some college. But she always was focused on education and required us to, you know, achieve at a certain level, and, you know, some were successful, some were not, you know, it was...it was the diversity of the family, you know, it was not like a perfect situation, but it was a wholesome situation. And it was a nurturing situation. And it was a situation where individuals in the family all knew that they were a part of the family and we, you know, was not a, it was a supportive kind of environment. Everybody sorta like, worked together for whatever the other person needed, so, to that extent, yes, very, very impactful [sic], and a, you know, person who...who influenced my life and was always someone I could talk to when I had a problem. And always had a solution, whether I agree with the solution or not was another question, [laughter] but she had one, so it was good at that.

19:29

Interviewer: It seems like you had such a strong sense of family, and, your mother being such an inspiration to you, did you find that to be an exception, rather than the rule, in your neighborhood?

Bush: You know, I really wasn't conscious of that. I...I...I...I really wasn't conscious. I...I...I really couldn't make a qualitative analysis of whether it was the exception and the rule. My friends, they seemed to be similar to me in terms of the restrictions that they had from their parents, you know, the curfews that we had, I mean, none of us had free reign. I mean, I think that the whole discipline thing was a little different than it is today, and you know, you really just didn't question the things that your parents told you to do, you just kinda, like, did them. And, that seemed to be the character of my friends, and, my, and...and the neighborhood. I...I really, I...I was just conscious of my family, and what we did, and, you know, what my limitations were, so, I...I really couldn't, I really wouldn't say that we were an exception, certainly my mother's concept about what children were supposed to do differed from some of my friends, and she, and I was restricted in relationship to that, but, overall, I...I would say that it was, it was normal. I, sorry. [laughter] That's just, that's all I, it was...it was the norm, it was all I could tell you, it was normal, we all sorta like seemed to have the same kind of restrictions, so.

20:55

Interviewer: Were there any particular instances from growing up in your multicultural neighborhood that you carried with you as you moved forward in law? Was there anything that stood out as something that may have been a lesson learned or, something along those lines? Cuz it seems that this neighborhood and your experiences aren't typically the monolithic ethnic or racial experience.

Bush: Well, at, here...here's, this is the way the community was set up. You know, Roosevelt Road was kinda like the dividing line, and Roosevelt Road, that's where the black families lived. Then, Taylor Street was where the Italian families lived, and then across Ashland [Avenue] was where the Puerto Ricans, so they sorta like had, you know, little c...communities where we all came together in the school. And we all interacted in the school. The families participated in the school. I had a, I had two friends that were...were not black. One was Puerto Rican and one was an Italian girl, Sharon Trakas [sp?]. I remember Sharon very well, and I can't remember, Lupi [sp?], but I can't remember her last name. She was Puerto Rican. And those were my friends. And, of course I had all of my black friends that integrated, and so, I don't remember any particular, you know, incidents that were, was...was...was different, I mean at the time it appeared to me that, you know, the teachers, I always had a great time in school and the teachers were always, were...were always fine with me, but that's cuz I was a bright student, not much, I'm not talking about that, but I was always a teacher's pet, I real, I really was, [laughter] I always got to do the special things because of...of, and teachers always had their pets, and, you know, that was sometimes the point of conflict with some of my other friends but, you know, that, that's the way that that worked out, so. So, I...I, that's what I remember and I remember, I mean there...there were the...the...the kinda inter, in-school conflicts, you know, we had all of those things, and then it was a...a, it was nothing out of the ordinary in that regard, but I do believe that the, you know, the whole relationship to the school was different than the relationship is now, the focus was on, and my mother was like a very, you know, intricate participant in that process, so she was up at school all the time, you know, the teachers knew my mother and they knew that if anything, any one of us did any thing they knew where to go to get...get a correction, so we were, sorta like, actively involved in that. And, that's the best I can do on that, I don't...I don't know that it...it...it certainly, that whole...that whole...that whole experience impacted me, you know. Now, during my...my college experience, and during, you know, I grew up in the area of...of...of the civil rights movement, and I was definitely involved in the student movement and the activities of, dealing with the...the questions of education, you know, dealing with the questions of the, you know, voting rights act, and I participated in some of the things that Doctor [Martin Luther] King did, even though he...he was assassinated early on in that process but, following that, I was very active in the student movement and went to alot of conferences and participated on that level.

24:08

Interviewer: Could you describe your college experience maybe a little bit more, in terms of, preliminary or early interest in law, or...

Bush: I had no early interest in law. When I went to...when I went to college, my, panacea of my career was to be a teacher. And that's because I had such...had such a great experience, you know, in school, and I thought, you know, being a teacher was, you know, a noble profession and I...and I had, you know, my third grade teacher, Missus Bertrand [sp?], who I still know, and I still associate with now, even though she's, you know, quite elderly. She was very impactful [sic]. I had my gym teacher, Mister Anderson, you know, I...I, he had an impact, this...this is in elementary school. I had an eighth grade teacher that, you know, everybody was afa [sic], afraid of. Missus...Missus Darren was her name. And, then I had a...a math teacher, Missus Karecki...Karecki [sp?], and a art teacher, Missus Papadopoulos [sp?]. I would.

[laughter] I remember these people because, you know, they were impactful [sic] in...in my...in my life, and they...they provided, you know, positive experiences for me. I did, you know, I had conflict of course, if I was a...a...a very independent thinker and if I thought of something, you know, I wasn't gonna change my mind, so that, I mean, that wasn't something that happened very early on. So I...I think that my school experience certainly influenced the career choice I initially made, and, like I said, being a teacher was all I wanted to do. And I, sorta like, followed through on that, in getting my degree. And when I graduated from college, I took all the necessary exams, I was certified, and I became a, an elem [sic]...elementary school teacher at, and I was assigned to a school on the west side called Chalmers Elementary School. And I...I picked the school because it was next to a park, and it was sorta like a...a pl [sic], it was a nice facility, really a very nice facility. And at that time, you could...you could, you had choices about where you wanted to go, and that's where I...I...I chose to go. And I was there for [pauses] three years, and after the second year, I was like a master teacher curriculum specialist, or something like that. And I did curriculum programs in the summer with...with...with students, and I did some teacher training. I don't know why they picked me to do that, but, you know, apparently they thought I had something to...to offer. So I, that's what I did. And...and after I was there, like I said, almost immediately after I graduated and started teaching, I went back to...to get a master's degree, because I wanted to get some additional. I had...I had thought at the time that I wanted to be a principal of...of the school, and so, you know, I needed to get the additional credits and information. And while I was in, getting my master's degree, I got involved in the university that I was with in a project, as a...as a fellow for one of the professors. And, that sorta got me interested in teaching at the graduate level, so when I graduated, because I had this relationship, I was able to get a good job at the university as an associate professor, and that's what I did, for. And then, while I was there, I decided I wanted to get a doctor's degree because, if you're gonna be at, on the college level, you need to get a...a doctorate degree. And that's what led me to...to go to the, to go to enroll in the Ph.D program at North...Northwestern. And while I was there, I just decided that that really wasn't what I, was interested in doing, once I got, sorta like, into the program I was trying to figure out where that degree would lead, and would it...would it really do what I...I wanted to do. Would it...would it really give me the kind of flexibility that I was looking for, and all of this was...was precipitated by the fact that I never really wanted, I always wanted to do what I wanted to do. [laughter] I never really wanted to have to do what someone else wanted me to do. And, I was always very conscientious about what I was doing. I just didn't want any supervisory directions. So, that was the...the...the stimulating point for each career change I made. I wanted to be freer [sic] and freer [sic] to make my own decisions about what I wanted to do. And the law seemed to be an excellent one. Cuz with the law degree, teach, practice, you could work for, you know, an agency, you could do whatever you wanted to do, so.

28:54

Interviewer: Since you had put so much work in teaching before, I mean, getting that teaching experience, doing the job, going, seeking higher education for it, did you have to do any, like, soul searching or anything to decide whether or not you wanted to jump into the law? I mean...

Bush: No.

Interviewer: ...it seems like that's a different track.

Bush: No.

Interviewer: No?

Bush: No. [laughter] No, I mean it was just, I mean, no! I just, and it was sorta like, just like I just said. It was like I was trying to think about, you know, when I was in the graduate program, I knew that, that was not, I didn't wanna spend four years doing that program. So I knew that. But I knew I wanted a...a advanced degree. And I wanted a advanced degree in something that once I got the degree, I would have lot, a lot of options. And, actually, I think the experiences were very helpful, I mean, the academic experience was very helpful in law school because, more than anything, I think, law school is a reading, writing experience. More of a cognitive kind of thing than it is a legal kinda thing. I mean, in terms when I say a legal kinda thing, you don't really get into practicing the principles of law until you practice law. I mean, what you do when you're learning law, is you learn the...the, you learn the theories, and you learn process, but it's all about, you know, cognitive experiences. It...it...it doesn't require me to know the subject matter content. I mean, that subject matter content is con...is contained in the...the cases that you do. It's your ability to read and analyze, your analytical skills, it's a critical factor in...in practicing law, or teaching law, or being involved in law, and that's your ability to analyze and read. And that's what you do. And then the...the...the specific content of the law, like constitutional law, or contract law. You learn that as you practice. I mean, you can, and...and the...the...the key skill in law school is research. You need to know how to do research. And I do research. You can always read the case, understand the law, and proceed, so.

31:02

Interviewer: Can you describe your experiences after law school?

Bush: After law school, I...I...I...I, after I graduated from law school, I was still working at the university, cuz doing law school I continued to work at the university so, I was looking for a job, I didn't know what area I wanted to go in, so I took a, an initial assignment with the Legal Service Foundation doing elder law, and...and that was a very interesting experience, cuz elderly people have a lot of issues that need attention and oftimes [sic] they are not, intellect, their...their capacity, they're, you know, they operate at...at diminished capacity, and they don't know how to handle a lot of their issues like Social Security and now Medicaid, and just housing issues, and questions of...of, you know, protecting them from abuse, the...the whole, all those issues are prevalent there, and the Legal Services Found...company had a...a program on elder law and I became one of the att [sic]...staff attorneys and I would work on these cases. I did that for about a year, and then I took a job as. Well, no. I went into private practice. I was in private practice for, I think, a couple years after that, and I did all kind of cases, real estate, I even did one very, very, complex murder case, and I did. But basically I did civil work, that was my area. Then I took a job with the State Superintendent of Education, since I had all of this experience, you know, in education, and as a teacher and as a professor and...and I took a job as legal counsel to the State Superintendent of Education. And in that job I worked initially specifically in the area of special education litigation, and I was a litigator for the state on enforcing the...the disability act with the special education students. I did, I, in...in, I was like a special assistant attorney general to handle litigation for the state Board of Education in that...in that capacity. That position expanded, and I was, like senior counsel to the State Superintendent of Education and I

expanded to do general advising to the...to the board, and...and also writing legislation that affected special education, doing rules and regulations, also did a lot of administrative hearings in the area of licensing of teachers, teacher certification, and all of the programs that...that came underneath there, so I did that and also represented the...the, them in federal court in both legislative issues and special education issues and compliance issues with the Office of Civil Rights.

34:18

Interviewer: At any time during these early experiences in law, did you find that your race and gender helped you or hindered you or how would that have impacted?

Bush: It was...it was...[laughter]...it was always a factor, but it was a, it was a deter [sic], it...it was a base. I guess it was how you looked at it. At the State Board of Education and all these...all these things that I've talked about in terms of the law, I was generally the only black person that...that participated in the process. I don't think the state has had another black attorney since I left. I was...I was *the* [emphasis noted] black attorney and probably the only black attorney that they had.

Interviewer: Wow.

Bush: And oftimes [sic], all of the situations I was involved in, it was with basically a white audience and I was a black...black attorney there. But, you know, I always thought it was competence that...that mattered and I just always tried to do a competent job and I was never, like, impacted by that in...in the sense that it impeded me from doing what I needed to do. Certainly I ran into some conflicting situ...situations and conflicting, you know, interpersonal experiences with people on the job, but, that was their problem, you know. I just did what I needed to do, and if I ran into a situation, I was always able to handle it, so that I was able to...to...to go ahead and move where I needed to do, needed to go. I, in...in terms of my work situation, I had a, the...the woman who was direct counsel, like it was like, counsel, senior coun [sic], it was like counsel, then it was senior counsel, then there was junior counsel, so I had sorta like, what, there were like eight lawyers in the department and we had various, you know, staff, so I was able to move up in...in...in that department because my boss was a very flexible woman. She was an Irish woman. She liked my work, and I just never really had any real issues in terms of my flexibility and my movement, in the...in the agency, so. That's where I stayed there in excess of ten years, that's where I did...I did a lot of, and...and because I was able to expand and do different things there, in different departments. I was not stagnated in any particular area, so. That...that...that precip [sic]...precipitated my tenure there. And I got a lot of exposure, you know, in the state, I just, I...I did all kinds of things, so it was...it was...it was a very productive experience for me.

36:50

Interviewer: What are your thoughts on the politics of working for the state, or the politics of the offices? I'm sure that brought you into contact with many different types of opinions and peoples.

Bush: Oh God yes. [laughter] One of the, you know, we were...we were like a state agency, we're not a code agency, which...which there's a...there's a distinct difference in terms of how you related to the legislature. One of the things that I did, as I indicated, I wrote legislation, so it was my responsibility to also present the legislation, talk to the...the legislature, so, it gave me inroads into state government. I was often, you know, in Springfield doing...doing that kind of...doing that kind of work. In terms of the...the...the administrative hearings, I, with...with...with teachers and school districts, I got a lot of interaction there, and in terms of the litigation, I got a lot of action working with school districts, doing mental health work, just doing a whole, just a whole bevy of things that...that, you know, expanded my knowledge and my...my...my legal expertise, so. I think it was a very productive experience, you know, so.

37: 59

Interviewer: I can see how your prior experience as a teacher must have clearly helped you out.

Bush: Oh no, it was...it was absolutely one of the reasons that I chose the...the Department of Education because I already had an understanding. And one of the reasons they wanted me as a lawyer, because of my...my educational background, which proved to be very, very helpful.

38:17

Interviewer: Did you come into contact with city politics at all, in the state department, or did you...

Bush: Only...only as it related to the Chicago Public School, in terms of implementing programs and compliance issues that they had with special education and other government-funded or state-funded programs, so, yes, to...to...to that extent, yes. But not directly with any political issues there, you know, no. Not...not...not directly with any political issues there. All my po [sic]...political contact with the city was an independent kind of thing, working on a political committee, campaign, or participating in polit [sic]...politics. As a result of my involvement with the Harold Washington and the Sawyer campaign I was appointed to the board of the City Colleges [of Chicago] and I worked on the board of the City Colleges [of Chicago] for two years as a board member dealing with policy issues for city college, still while I was working for the state, that was not a conflict, so I was able to do that. And another thing that I did while I was there that was outside of the office, I was on the judicial inquiry board for the ARDC, which is a regulatory agency for attorneys, so. I did both of those things while I was...

39:40

Interviewer: ARDC?

Bush: Yeah. Attorney Registration and Disciplinary Commission. That, what they do is they regulate attorneys and they have...they have several levels of hearing. They have, like, an inquiry board, where the initial complaints go and you make a determination if they're gonna go to the, go to hearings. So I...I participated on that board for about three years, and I did the City College [s of Chicago] thing for about two and a half years. And I did...I did the City College [s of Chicago] thing until I decided to run for judge. That's when I resigned from both positions.

40:11

Interviewer: These experiences are amazing, and it comes at such an interesting time in Chicago history, too. I mean, with so much going on...

Bush: I suppose so.

Interviewer: ...I mean not only locally but nationally too.

Bush: Right.

Interviewer: What were your thoughts on that at the time, prior to you running for elected office?

Bush: Well, like I said, I...I participated, you know, directly in...in some of the political activity cuz I wasn't pr [sic] ...precluded from doing that in terms of the election of Mayor Washington and some of the, you know, I worked on some of his political committees, and it was...it was a...a very fascinating experience, and Mayor Washington was a, you know, very unique individual, extremely, an extremely bright man with...with an idea about what he wanted to do and...and clearly a...a seasoned politician in...in...in...in that area. I mean he had been a congressman for a while and he knew all of the nuances and it was just interesting to see how he brought that whole process together, and ultimately was able to fight all of the really strange issues that came up around, you know, so. It was very interesting, very educational, and of course, the process also gave me an opportunity to meet a whole bunch of people, which influenced my determination. I mean, that experience probably, more than anything, influenced my determination or my...my desire to...to get into the judicial process to see, to make some, have some impact in...in...in how the laws were interpreted and...and the rules, so. So consciously it probably impacted that decision.

41:53

Interviewer: When you were working for the state and when you were doing this political work as well, did you become involved at all, or, what were your thoughts on when Illinois altered its constitution in 1970?

Bush: I wasn't really, in 1970, I was still in law school, so. I did, however, have an opportunity to...to look at the...the convention that...that...that whole convention thing, but that came through my involvement with the, Reverend Jackson's presidential campaign. I worked on his, as his Illinois counsel, on the, on his campaign when he first ran for president, and I was on the platform...platform committee, which meant that I had to attend a lot of these meetings, so. I got involved with the state constitution in relationship to that, as it related to electing the delegates and that kind of stuff, so.

42:53

Interviewer: That's awesome. So when you decided to run for judge, did you utilize all these experiences as kind of a foundation to prove, propel you forward, or what...

Bush: Well, you know...

Interviewer: ...why did you decide to run?

Bush: Here, here is...here is what happened. In Illinois, normally, to be a judge, you had to run countywide or you had to get, and...and...and to do that you had to get the political support of all of the committeemen. However in nineteen ninety one, and, which became effective in nineteen ninety two, the legislature passed a new law regarding the election of judges. It was the creation of subdistricts. And the reason that they did that was because of the same question, the diversity question. They had, you know, blacks getting on the bench is very difficult because you either had to, you know, suck up to the political parties, quote that. You know, you had to be a part of the political mil [sic]... milieu, and running countywide if you were not, you know, it would just kill you. I mean, you just...you just, and unless you were Irish, you know, you, and...and...and you know that people change their name to be Irish so they can run for judge, [laughter] and, you know, unless you were Irish or you had a lot of support from the pa [sic]. It was just an impossible thing. And even getting employed was a impossible because you had to have all the political connections. Now while I interacted in politics, I never wanted to be a part of the, you know, that whole...that whole process, but when they developed the subcir [sic]... sub...subcircuit process, it meant that they developed these districts, and you could run in the district where you, the neighborhood that you lived in. And the reason that they wanted to do that is because they wanted to get more diversity in the bench, so. I was a part of the Fifth...the Fifth Subcircuit, I mean the Fifth Subcircuit came up. I picked up the paper one day, and I read about it, and I says, 'Oh, I think I wanna do that.' And that's what I did. I circulated peti [sic]...petitions, and I ran in nineteen ninety two. Now, you also must note that nineteen ninety two was the Year of the Woman. So even though I had male...male com [sic], everybody was voting for women. And...and so all the black women won, we all won! [laughter] Carol Moseley Braun run as senator, everybody that was a woman won. I mean, the number of women that came into politics who were, to office that year, and that's how I won. Even though I, you know, my activities, you know, I was very active in the community, I was very active in the church, so, you know, I had name recognition in the area that I'm talking about cuz I did a lot of community service work, I worked with kids, I worked with organizations, I worked with churches, so, you know, people knew me and that helped me a lot, you know, in...in that process, and I didn't need any real political help, cuz I had the community, and that was one of the real positive things about the subcircuits, even though, you know, politicians tried to get in and control it, they were, they have never been able to do that. If you, the individuals, the community work is what has...what has driven, you know, the elections, and as a result of that, I think, you know, the...the complexion of the bench has...has totally changed because you get more Hispanics, you get more blacks, you get more women, you get than you've ever had before, and that's because of this...this sub. We still have the county elections, but we have these fifteen districts that go into the various neighborhoods and people are able to run in a...in a more, and...and that broke the...the hold that the Irish had on always getting elected, so. That's how I became a judge, out of that...that process.

46:29

Interviewer: That subcircuit that you ran in and community support that you gained, was that still in that near West Side community that you...

Bush: No, this is the...the fifth sub, the fifth, I...I, but, what happened was, after I graduated

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from college, I moved back to the neighborhood that I originally grew up in on the we [sic]...on the *South* [emphasis noted] Side...

Interviewer: Bronzeville?

Bush: Yep, Bronzeville. I moved back there, that's where I live now. I...I moved back to, initially, I...I moved to Lake Meadows, which was a...a...a...a mixed, you know, race, kind of, high-rise complex, and then, I bought a house in the neighborhood and renovated it, you know. When I first moved in the neighborhood it was, you know, very, very ethnic and very, you know, a lot of the people who had been there, you know, the housing stock needed rehabilitating, so I bought a...a brownstone and completely renovated it. So that's where I live now. I moved back to the neighborhood, down the street from the elementary school that I originally went to. I live right down the street from Douglas Elementary School. And...and I've been there in excess of twenty years, I mean, I love the neighborhood, and now it's changing, much, much more, we're getting many more diverse people in it, and then the...the housing stock has just skyrocketed [Bush inaudible while interviewers laugh], so. So, it was this community – the Second Ward – the...the subcircuit... the Fifth Subcircuit included the Second Ward, the Third Ward, the Fourth Ward, the Fifth Ward, I think the Sixth Ward, and the Eighth Ward. So it was basically, with the exception of Hyde Park, it was basically a black community, with Hyde Park being the most diverse area because it was more integrated. Now, where I live, now the second, the...the...the Second Subcircuit is...is because of the...the boundary change of the ward, it goes and it picks up a lot of the South Loop, and it goes down and it picks up all of that area around the University of Illinois, so, it's...it's a more diverse community now, too. And, so, that's where...that's where I was elected and retained. I was, I...I...I ran...I ran three times. I was elected, then I was retained twice, so. I was on the bench for sixteen years.

48:46

Interviewer: I know in nineteen ninety two when you first started, when Mayor Daley, he'd only been mayor for a couple years and the machine politics of yesteryear...

Bush: Right.

Interviewer: ...were definitely changing.

Bush: Right.

Interviewer: But I find it really interesting though that, I mean, you were able to garner the community support and not have to go to, like, the ward committeeman or get that political background...

Bush: Right.

Interviewer: ...so you can move forward.

Bush: Right.

Interviewer: Can you maybe describe a little bit more the interaction between the community and politics?

Bush: Well, in terms of...of the...the...the...the elections, certainly when, you know, you circulated your petitions and you...you got on the ballot, the politicians wanted you to seek their...their endorsement, and they would have meetings, and they wanted to control the process, but because it was, you know, because it was, because it gave the people an opportunity, it...it just was not necessary, so you know you really didn't have to, it sort of like, broke a tradition of having to pay politicians 'X' amount of dollars for them to put you on their...their thing. Put you on their...their list, or...or you had to be indebted to someone because they did something for you. Just sort of like freed...freed that process, I mean, I didn't have to report to anybody but the people, I was respon [sic], and that's the way it *should* [emphasis noted] be, judges should be, the only people that they should have to deal with are the people, and that sort of like, has worked out. I mean, there are few exceptions in a few areas where politicians have been able to...to garner that process, but generally speaking, you know, people who all the politicians were against because they had the people behind them have won these elections because it's really the people and the number, your...your...your popularity in the community, your interaction with the community, that is what really gets you into office in those areas, so. I...I think it has been very good in that regard.

50:38

Interviewer: It seems to be a far cry from the days of Dawson...

Bush: Oh, absolutely!

Interviewer: ...when everybody had to fall into line.

Bush: Absolutely! Absolutely! Absolutely, a totally, total difference. I mean, I don't even remember who the committeeman was when I ran [laughter] cuz I never talked to them. I just talked to the people. That's how I dealt with it.

Interviewer: In saying that, I mean, that in and of itself is a huge statement to make...

Bush: Right.

Interviewer: ...in Chicago politics.

Bush: That's correct. And like I said, it was a...it was a refreshing experience. And, it, it's...it's the way we, it...it was the way it was handled. I mean, of course, after you...you...you...you win, the politicians want to be your friends, and so, you know, they'll come and talk to you, [laughter] but you know, you really don't, it's really...it's really truly an...an independence that you enjoy when you...when you come on that way cuz you don't owe anybody anything. So, it works well.

51:26

Interviewer: Could you talk about your experiences initially in, as a judge in the subcircuit?

Bush: Well, once you, the...the subcircuit was the base that you were elected. Once you were elected, you become a countywide judge. I mean, you...you work for the county, you have no restrictions in terms of that, only, you know, and...and then it became a question, because once you, once you're elected in the subcircuit, when you run for retention you have to run countywide, so everybody votes for you. I mean, you just...you just get into office in the subcircuit, but then when you run for retention, you're on the bench for six years and then you run for retention, you run countywide. Everybody in the county votes for you. But, because you've had an opportunity to participate, you know, unless you've done something extremely egregious and, you know, your record is out there, people generally reelect you. I mean, it's not...it's not really a...a big issue for getting retained. People generally retain judges who have been on the bench and have not done anything really crazy, so it becomes less a...a factor of race once you've been on the bench, because you don't have to, you're not competing with anybody, you're not running for anybody, you're running against yourself. So if your record has been good, and the Bar Association's, and, but it really don't even make any difference, cuz some, if the Bar Association endorse you, that used to be the politics, but now, if your record, and the people like you, they vote for you, that's the way it is. It's, the Bar Association's, they give you, they rate judges, they say you're qualified, not qualified, and in some instances, they have found people not qualified, and they have run for retention and the people say, 'fine, we want 'em anyway,' so, they vote them back in, [laughter] so. That's...

53:04

Interviewer: How long were you on the bench?

Bush: Sixteen years. Actually, I had, I'm, I was retained until two thousand and ten. I mean, I didn't have to run again until two thousand and ten. I just, when I...I decided to retire when I looked at my state time and my judicial time and I decided I had enough time to retire and, you know, pursue some other interests that I have. So, that's what I did.

53:31

Interviewer: What are your overall impressions of the Cook County Circuit Court during that, during your tenure?

Bush: Well, I absolutely had a phenomenal experience. I think it was one of the, well, let me just say this: I think every experience that I've had has built upon my previous experience and...and just sort of like expanded my...my view of...of things, and I, and...and...and no less with the judiciary. It has...it has some political under [sic] ...undertones, but generally speaking, it's a process that allows you to really accelerate or develop at your desired level. I mean, if you have a, an interest and you're...and you're tenacious, this...this process is probably one of the best developing experiences you can have. The opportunities for interacting with people and learning, having learning experiences, getting continual...continual education, and participating in, at all levels in...in...in...in different forms is...is phenomenal and it just, can just sort of like open up a whole process for you, and it also has something to do with the kind of call or the kind of cases that you handle. When I first came on the bench, as Judge Remus [sp?] said, you know, for the first couple years you just sort of like, run around, they send you over to the municipal, you're in the municipal division and you do all of the...the...the, what we call 'cattle call' type

of work, you do traffic, you do misdemeanor court, you, and, but these are important areas because, generally speaking, this is the only experience the public's gonna have with...with...with a judge, and so you want to make sure that you're doing, you know, you have the proper temperament, you interact with...with the people appropriately, and you...you...you, you know, you give them their due respect. You know, judges look like everybody else, brings, bring their prejudice...prejudice to the office, which you should not let that influence how you...how you operate, and one of the things that the court system has been working on is...is...is training and sensitivity training and intensifying experiences so judges understand that, you know, they are working with a diverse population and they need to be more sensitive to it. It has been impacted, I think there's been a lot of movement, but I think there's still problem areas in that regard. You know, judges take the bench and they confuse their...their...their power as a personal kind of thing and they run their courtrooms in that way, but that is being rooted out, you know, really...really, it's really being something that is really being looked at. I mean, it's a...it's a critical area, I think, and the criminal justice system, you know, that's a real problem in terms of the...the way, you know, the conviction rate and the kind of, but that has more to do with the prosecutorial aspect than the judicial aspect, so it's, that's a problem, you know. And it has had to do with the police and, you know, their arresting strategy, and the way they interpret the law, so that's a problem that I think is, you know, people are looking at more and more, they are...they are addressing the...the...the...the disparity, they're addressing the disparity in the way that the laws are written. For instance, a judge in a criminal court, if you arrest, if someone is arrested for five grams of, say, crack cocaine, they get one kind of sentence. If you get, if you have powdered cocaine, you get another kind of sentence, and the difference between the two is the users, more poor people, black people, Hispanic people using crack cocaine, and more of the white, middle-class, upper people using powdered cocaine, and the sentences are totally, they're the same substance, they're just different derivatives of it and the sentences are totally different. Well, judges have to impose the sentences that are given, so that, but it, it's a...it's a, something that you see coming through the judicial system that you, you're concerned about. And, like, in traffic court, you also find, as, sitting as, sitting on the bench you also find, in traffic court, you also see the...the, that kind of diversity, you will see more Hispanics and blacks with tickets than you're gonna see other people. It's not because they're driving any different, it's just that they're stopped more. And so you have to deal with those kinds of...those kinds of issues when you are ruling on the...the cases, you know, and you have to make a determination in terms of the health and safety of the community and the other issues that are presented to you, so you can be just to the people who come before you. I mean, you just can't ignore the fact that on one given day, you got a neighborhood where they got sixty people who've come in from a ticket from one individual person and all the people that he's sent to the court are Hispanic, you know, [laughter] so, you know, that's a problem, so you have to deal with, cuz you don't want the people, then, you want the people to think that they're getting justice, you know. They say, 'look, we were not doing anything, you know, this guy was sitting over here, it was like a speed trap,' and you...you...you, I mean, you begin to see that, and you say, 'okay, fine, everybody can go home.' You know, you just let 'em go, because you want people to understand that there is some measure of justice in these situations, so you have to deal with those kinds of situations and then you have to deal with the, you know, the...the...the...the real balance, you know, 'well, that's what you say is the issue, but these are the facts, you were doing seventy-five in a thirty mile zone, in an area where there are kids. He was supposed to stop you.' So, you know, you have to make those kinds of...those kinds of calls and those kinds

of determinations, in addition to just doing the actual impact of the law, you have to also take in, you have the issues that determine justice, so. So, I did that for three...two and a half years. I was in the traffic court, the marriage court, the housing court, contract court. I did that mis [sic], I did that municipal thing for two and a half years and then I was assigned to the county division, and in the county division I did adoptions, mental health, tax-related issues, tax deeds, and it was a very interesting area. The adoption area was just really sorta like blowing up, where you had all of these issues of who had the right to the child, the husband, and...and I had a couple of really complex cases in that regard, and making those decisions were...were very hard, cuz you in...in some instances where you had had fraudulent representation by the biological parent that the father had given consent for the adoption of a...of a child, and you later found out that that did not occur, so...so you go, [multiple 'you'] do the adoption, and then the biological father comes on the scene and says, 'you know, this is fraud, I never gave my consent, I was not given notice of this adoption.' This is maybe why this, in...in my particular instance, the father had been looking for the...the child maybe two years, and finally discovered that the child had been adopted, because he didn't know where the...the mother was, and the mother had brought another person in to say that he was the biological father and that's the person who signed consent. The lawyer knew about it, the lawyer who represented the...the agency knew that that had occurred. We didn't know. I, no, I didn't know anything about it. And then, subsequently the father found out and he came in and he objected. Well, here's the problem: the little girl had been placed with the biolo [sic], with the...with the adoptive parents for two years. The adoptive parents certainly didn't know anything about what...what had happened, so they had come and got the...the child, and then you have the biological father over here who's saying 'but I want my child, I didn't...I didn't give her up.' So those are the kinds of issues that you have to... you have to deal with. You deal with the...you deal with, and...and here the...the...the adoptive family, I mean, they're just like, you know, into this kid, cuz they really wanted a child and they, she's in a wonderful environment and, you know, doing well, but then, you have the father over here who says, 'that's my child, and I never said that she could be adopted, you know, this is a fraud.' So you have to make a...a determination, and...and those cases are very, very difficult. Very, very, *very*, [emphasis noted] very difficult to do.

1:02:12

Interviewer: How did that case end up?

Bush: Well, what I dec [sic], what I did was, I terminated the biologic [sic], the...the adoptive parents, I terminated the adoption. I re [sic]...I re [sic]...I gave the biological father back his parental rights, I gave the adoptive parents continual custody of the child for a period of eight months so that the transition could take place and she could go back to the...to the adoptive father, because the adopt, there was nothing wrong with the adoptive father. You know, he just, he wasn't as wealthy as the other...as the other people, but he was, you know, he was...he was, he had a...a whole family network set up, the grandmother, everybody was in...in court crying cuz they'd been looking for this...this baby all these years, you know. And what, [laughter] it was just a, it was just a very heart-wrenching kind of thing, so that's how you had, you know, I worked it out, and then you had the adoptive parents sitting there crying, because now they're losing the child that they thought that they had. As a result of that, the lawyer was disbarred. I started an ARDC proceeding on him and he was disbarred.

1:03:17

Interviewer: Wow.

Bush: Yes.

Interviewer: Before I move forward with your other experiences in the court, would it be okay if we took a five-minute break...

Bush: Sure.

Interviewer: ...so I can confer with my group members? [laughter]

Bush: Yes. You get me talking, I'll just go on forever, you know. [laughter]

[The break lasted roughly twenty minutes. Judge Bush, Campion, Maldre, and Nethercott reconvened in the courtroom. Nethercott continued the interview. The second part of the interview was saved in a different file in the digital recorder.]

:02

Interviewer: Okay, when we left off, we were talking about some of your experiences in the Circuit Court. You gave us the one really interesting example of that custody case.

Bush: Mmmhmm. [sic]

:13

Interviewer: Are there any other cases that you feel were very significant to your time on the bench?

Bush: Oh absolutely. I, when I left the...when I left the county division, which I was assigned for, I think, maybe five years, I came to the Chancery Division. Chancery is another whole world. It is a, it is one of the most dynamic experiences that you can have in terms of a...a...a judicial, jud [sic]...jud [sic], judicial ca [sic], career I believe, because it is very diverse, and it's...it's all, it, incidentally, my whole career in the judiciary has been in civil [law]. This various levels of civil...civil litigation, and each time that I have gotten another assignment, it has been a, just more complex assignment. So, in chancery we do very complex litigation. And we do all kinds of across the board in terms of the legal spectrum. Because chancery is a equitable remedies court. So, people whether its contract, whether it's an insurance case, it can even have some personal injury issues related to insurance, trust cases, employment cases, neighborhood fighting, neighbors fighting over fence cases, anything can come to chancery, because we do extraordinary remedies and we do...we do injunctions. And so, if a party has a conflict that requires them to request an injunction, they would come to chancery. And people like to come to chancery for whatever reason, because they think they get a more expeditious kind of experience, so, in chancery you got the range of...of courses, cuz it could like...like I said, it could be any kind of issue. And if they need an injunction, they're gonna show up in chancery, so as a result of that, you know, I'd be, one of the cases that I always laugh about is the Michael Jordan case. I had that...that case with the...the woman, Karen Knafel, because they

came in for injunctive relief, and that was my case.¹ So, I had that...that particular case for...for a long period of time. I had the, I just recently when I just, when I re [sic], retired because it was a class action case, not because they were asking for injunction. I did the *Sun Times* case where they were talking about the...the circulation, the under quoting of circulation fi [sic], figures and we, I was able to settle that case and...and...and distribute a whole lot of funds to charitable organizations as a result of that. And then I did the...the *Chicago Defender* case.

The...the...the trust case that related to the *Chicago Defender*, that was one of my cases. I was able to complete that. And I just had, just a...a bevy of very interesting kinds of cases, in the Chancery Division, cuz you get to...to deal with so many, you just never know what's gonna come in, you know. They get, you know, if they close the street, the people may come in [laughter] for an injunction and you may, you...you get the case, I mean, it's...it's, that's...that's how it works in chancery, so. Yes, so those are some of the kinds of cases that I had that I thought were, you know, very impactful [sic], so.

3:27

Interviewer: Is there one particular case though that you think is like a milestone for your career that maybe, or maybe one that really tested your ability as a judge, or one that really brought in all those prior experiences?

Bush: Well all of the...the, see, all of the cases test your experience [laughter] as a judge, because you just really never know what the complexities, complexes gonna be, you know, you could get a case and you'd think, 'okay, it's just this,' but then when you really get into the factual analysis of it you find that you have to really just learn another whole branch of law. Or you have to, or you're dealing with...you're dealing with complex or complicated lawyers and, you know, you have to, you know, you have to address those issues. Or you're dealing with emotional issues, you know, that, or parties that have real emotional issues because of...of the dispute. So you gonna have, you're gonna be challenged at different levels for different reasons. And...and...and the reason that I take this pos [sic], take the position, you know, I...I...I think that every case does that. And it depends on how you approach that particular case based on the facts, so. I've just given you what I consider to be some...some notable cases in terms of the notoriety and...and the public but, some of the insurance defense cases have been extremely challenging because, in...in some instances you're dealing with, I...I don't re [sic], know if you recall the case where those five women, there was a, an accident on one of the highways, and five women, they were driving somewhere and five women were killed in this...this van. It was a...it was a big deal on television. That case came up on an insurance coverage case, and why are insurance coverage cases important? Because, if the people...if the people who were in [sic], the...the people who were involved, it...it...it determines how much money they're gonna get for...for the...the death of their loved ones. And so some of the carriers have a little money, and them some have alotta [sic] money, so the question becomes who is liable and how does...does that in particular insurance policy trigger? And those are the decisions you have to make. If you make a decision that the insurance policy doesn't trigger, that means that these people who were injured, and this very severe way the families who lost loved ones, are not gonna have any basis for getting, you know, compensated because the insurance company didn't

¹ A copy of the complaint for declaratory judgment and injunction filed in the Chancery Division of the Circuit Court of Cook County by Michael Jordan lists a Karla Knafel as the defendant. It can be found through the following link: <http://fl1.findlaw.com/news.findlaw.com/hdocs/docs/jordan/jordanknafel102302cmp.pdf>

have any money, and of course the people, I mean if...if you don't get the insurance, the people don't have any money to compensate the...the parties at the level of their...their loss, so. Those cases can be very, very, con [sic], con [sic], very, very challenging because you have to make those kinds of decisions about who gets what, or if they get anything. Whether the insurance. You have to go look at the language of the insurance policy and make a determination if these facts triggered that, triggered the operation of this policy, and of course, there all kinds of exclusions. And does this exclusion apply, does it not apply, so those cases can be very, very challenging. You know, coverage cases can...can, because you dealing with real live people, and, you know, how they have been injured in these cases, so. So that's why I said, it's every case depends upon, I mean, some are more notable than others, but if you're doing what you're supposed to do as a judge, you look at each case individually and you apply the necessary application to...to...to the case, to...to the case. I've had some cases, and of course this is a developmental kinda thing, I mean, when you start out things are more difficult as you get involved, but I can tell in chancery, the Chancery Division, it is always a challenging experience cuz you always get issues that you have not encountered before, and situations that you haven't dealt with, and of course your responsibility is to be able to look at that situation, sift through the information, and come up with an objective analysis. Sometimes that you don't like, because you're dealing with people, but at the same time, you have to apply the law. Or, you have to create an area that will allow that to take place. And so, chancery is probably one of the most appealed divisions in the Circuit Court. Everything goes up on appeal. Fortunately, I've had good luck in those cases and I've won a lot of my, most of my appellate cases, so. That mean they've come back affirming, that's what I mean.

7:50

Interviewer: In those fifteen years that you were in the Circuit Court, did you notice a change over time? Was there anything that surprised you about, from when you first started to this past summer when you ended? Any reflections on, maybe the growth and development of the court?

Bush: Well...well, I certainly think that the court has become more diverse, and such, certainly much more representative of the populations, and I do believe it the, it has impacted how people view the court. Because, see I think that people feel more...more comfortable in coming in the court and I...and I believe that they believe, because of the...the diversity in the...in the focus of the court that they are probably gonna have a...a much better chance in assessing. And...and why is that? I mean...I mean, why should diversity make any difference in...in...in...in terms of justice? Because, if you are dealing with people that you know and understand, in terms of their community backgrounds and stuff, you're gonna have a different perspective about...about that person, and that person, you're not gonna be influenced by that. You're gonna be able to use that in...in helping you assist you in...assist you in the process. You know, sometimes people [laughter] walk in the room and they say, 'oh no. I know I'm not going get any justice,' just by looking at the person on the bench, they don't know anything about them, but they feel more comfortable if they come in and they see across the hall, you know, they feel different about the system because they feel at least their...their views are being, they, people know about them, and...and...and...and their views are being, that their views are being heard. I mean one of the things that you try to do, and the way I always tried to run my courtroom, was to make everybody comfortable. That didn't mean that I was gonna rule for you. But you at least had the respect of knowing that when you came into court you were gonna get the respect,

you were gonna be, have an opportunity to be heard, and then a decision was gonna be made, based upon the facts, not about who you were or...or who. Cuz you know, there were some lawyers that I didn't like at all. I would rule for them if they had facts. And there some lawyers that I liked a lot. I would not rule for them if they did not have the facts. [laughter] I mean, so you, it...it, it's, it, that has nothing to do with making people feel that the system is open and just, because people knew that they were gonna be, that I was going to listen to what they had to say, I was gonna read their...their...their work, and I was gonna rule based upon the facts. Nothing else. Period. That was the way that it was gonna go, and you wanna...you wanna get that kind of reputation. You wanna have people feel comfortable about coming in your courtroom. You want have people to feel that while you are, while...while, they are respected, that the...that the decisions are gonna be fair and equitable based upon the law, and not on anything else. And...and I think that that's more of the...the kind of attitude that you...you see coming out of the court, I mean, the court has had several real scandals in it based upon that particular issue. We had the Gaylord, the Greylord thing, and that was, like, a very terrible thing. You know, where people were paying for what they got, and, so, you know, you...you have to overcome...you have to overcome those kinds of issues. You also had, you know, a sense of, you know, people feeling that, because they were black, Hispanic, or something else that, you know, they weren't gonna get a fair case, well now, the...the court system has interpreters, they have people, you know, who deal with those particular issues, and people feel much more comfortable coming cuz they believe that, you know, the court system is gonna be open and accessible to them. And that's what we really wanted to...to achieve. I...I think under the leadership of at least the last two chief...chief judges in the system, I think the judges have felt that they are more supportive and that the system is more open for movement in the system. It used to be that if you came in, and if you were black and you came in to the system, and you were, sorta like, regulated to certain kinds of courtrooms. You didn't get the due, you didn't get chancery. I mean, that was like an exclusive white male oriented thing...thing. Now, and no women. Now, it's very diverse, they have women, they have black people, they have Hispanic people. They have all kinds of people in the division, which is what it should be. You know, it should, there should be nothing that's...that's off the limit. If the people are scar [sic], are...are able to handle the call, they should have an opportunity to go and practice in that area. You should not limit your experience. And fortunately, my court, my experience has been a very positive one. I have always been able to move up in...in the system. And, get the...get the assignments that I wanted, you know. 'What do you wanna do?' 'I wanna go here.' 'Good. Go there.' You know, and that's...that's, that's very...that's very helpful to you, you know. It makes you feel good about coming to work. And, when you know you're in a, you know, in, you're, like that, and I think the court system has opened up like that, both for the judges and for the people. I think that...that...that...that is a changing issue. As I indicated, I think there's some issues in the...the criminal justice system, you know, in terms of, you know, the disparity, in...in...in...in...in terms of, you know, who's convicted, who's in court, and where that goes, but, that is not just a judicial issue, it's a whole system, systm [sic], systemic issue, that has to be addressed, so. I think, you know, race politics are always peripheral things around the court system. Our struggle in the judicial system is to...to remain, maintain our impartiality and be able to look at...look at the sit [sic], the situation, free of those influences, and that's...that's what you have to strive for. And I think that, that's where the court system is...is going, in terms of its leadership, in terms of the kind of judges, and in terms of the diversity that they're getting, and I think that has been one

of the very positive factors about what is happened in the way that, you know, judges are put on the bench, the way their assignments are done, I think that that's been a very positive change.

13:22

Interviewer: So, now that you've retired, it seems like your major critique with the system isn't so much with the court itself, but the overall system. I...I mean, the overall justice system. So, is that correct?

Bush: Yeah.

Interviewer: So, would you, if given the opportunity, what would you change about the system to make it much more diverse? Make it more...

Bush: Well, I, I think...I think, I, I think one of the things that has happened in the court system itself has been the educational, the education and the...the opening up of the...of the...of the system by the court...by the court system. I...I think that, I think more of that is always necessary and needed. I think that the more informed that...that...that you have, the more sensitive people are to...to the situation, and the more they understand that we are public servants, or we, I put that 'we' [made quotation mark signs with her hands] are public servants. We're here to serve the public. In the capacity of giving them a sense of security in that, they will have a place to come to get their issues adjudicated so that, they will not believe that they have no recourse, and do things that...that would disrupt society, rather than...than...than...than help society, so the courts system should be seen as a user friendly place for people to come to resolve their disputes. Rather than as a...a place where they're gonna be dumped on. I mean, and...and...and so you will fi [sic], so you wanna open up the system, so people utilize the system more, rather than taking things into their own...own...own hands, and...and however they...they do it, you know, so, for...for resolving disputes. So, and I think the only way you can do that is if people feel comfortable about court system. And even though they may lose, they wanna know that they heard, that their...their...their cases were heard. And the person that heard them was an open and fair person, ruling on the facts in the case. Nothing else. That's...that's the kind of image that I think the court wants to put out there. And I think that they're...they're striving to do that.

15:20

Interviewer: Do you feel you were able to maintain the level of independence that you've mentioned throughout the interview? I mean...

Bush: Oh, absolutely. I...I absolutely think that I was able to maintain [laughter] a level of independence. I think that, you know, because any time that I felt that that was...was challenged, I asserted it. Be it with my, you know, in the court system you have tiers of the supervision but, be it with my immediate sss [sic], what they call a presiding judges, or with the chief judge. We had access to speak our mind to the chief judge. He's the judge over all of the systems. You could always address that issue. And...and yes, I absolutely believe that I was able to do it because I wasn't influenced by any of those things. Absolutely. And I think more and more judges feel that way too, I mean, there is...there is always the undercurrent, you know, in, in a...in a...in a system. There's always a dialect, it's a give and take, the pull and...and the

push. But there, an, and there's always a surge down the middle for people to...to move and maintain a...a...a...a certain level, and I think those forces interplay on each other, and depending on what the leadership is, and what the...the...the climate is, that's how the people move. I think right now we're in a climate now where people feel that they can express themselves, they can address these issues, and they can, and they, they're not...they're not stymied by external influences. They...they know what their job is, they know what their...their...their flexibility is and they're, they...they kinda, like, move in that direction. Or at least that's what I did. You know. I can speak for myself.

16:53

Interviewer: So, in order for a community to become more involved, especially in the judicial system, and with your comments that you said about how there needs to be, or there should be, a overall change in the system, not just in, if there was a problem with the court, but in the overall criminal justice system, what would you advise for community leaders or people of influence in a community, what do you think that they would need to do in order to create this change?

Bush: Well, you know. Change always starts. Most people think change is top down. I think change is bottom up. I think that the people need to speak to the issues. I mean, there is a great deal of complacency in the, in...in society as a whole. And even though some of the stuff is, like, up front and in your face, you find people retreating, and they do that for a lot of reasons. They do it out of an insecurity for whatever their job situation is and they, or they just, based upon their education or their ethnic or social background, they have a tendency not to want to confront the issues that impact them on a day to day, daily basis. So, you will...you will find certain communities where the police has, is being over aggressive, you will find people not...not moving on that. I think that people need to speak to these issues. Politically, they need to vote, they need to express themselves in the process so that they elect people who reflect what they're...they're talking, what they're talking about. But because of the, you know, the persuasiveness of, you know, of...of...of suppressing people, for instance, the Hispanic community. They have hanging over, they have the immigration issue, you know, and they don't want to deal with that. That means that people are gonna be able to exploit them on that issue, rather than, ra [sic], and...and they're are not gonna feel comfortable, no matter how much you say when you need to get out, you need to, you know, register to vote, you need to, you know, go through the process. They're not gonna do it, because they are afraid. They're afraid of the fact that they're gonna get deported, and they make that a, you know, big issue in the community. Well if you do this, this is gonna happen. If you do that, that's gonna happen. You know, while I believe that...that the appropriate thing for people to do who've come in this country is to go through the process. I don't think people should be, you know, terrorized about, [laughter] you know, moving out, as a result of that. I, you know, I...I...I definitely believe that the process is important and I believe that we should open up avenues for that to happen. For people to be able to get their credentials so that they can fully participate in...in society. I think they need to follow the law, but I also believe that there needs to be something open for them to...to ac [sic], access what they need to do to be, you know, full citizens in...in...in...in the country. I think it's like a two-sided kinda thing. So I think that the best way to...to, for change to happen is for the people to make it happen, and I think that only education, and...and open, I think government has a role in...in providing that, and I...and I think each individual also has a...has a role in doing that, so. That is why I...I involve myself in community activities, that's why I

participate in, you know, educational forums, that's why I, you know, I do volunteer work at school districts, but, you know, and I think you start with the children, so, you know, that's...that's what I think.

19:57

Interviewer: So overall, your impression of the circuit court seems to be pretty positive, I mean, you had the opportunity to express your independence, you could speak to your peers about issues in the court, you were able to bring in that community involvement. Is there anything that you would want to say further about your experience that we haven't covered?

Bush: I...I. I think, that, you know, this experience for me personally was a very dynamic one and it...it certainly changed the, it certainly was life altering in...in terms of my education, and the, you know, the...the things that people have brought and I believe you that you can make that experience happen, if you take advantage of the...the things that are there. I...I think that there's probably a, you know, with...with...with everything, you know, there is the good and the bad, and I think we all have to be cognizant of that tension, and...and not get complacent in...in, ev [sic], you know, you see progress, but there's always ways for more progress. And so I think that's true with the court system too. I think there's been progress, but I think there's room for more progress. I think there's room for, you know, more sensitivity training, more education, more, all of those things that make society function, you know, at...at an appropriate level, and. So what I'm doing in my assessment is, I'm looking from the narrow view of what, you know, what my experiences were, and, like I said, I had challenges, but, you know, I was able to work those out. And, my narrow experiences, but...but, and...and how that has impacted the overall...the overall questions, so. I apparently, wanted to do something different, that is why I retired. I cer [sic], I had...had three more years on my. I'm retained 'til two thousand ten, so I could...could have stayed until two thousand and ten, without having to do another election, but because I have other interests, and, I wanted to, I didn't want my last experience to be my judicial experience, you know, I just wanted to see what else was available, out, in. And I wanted to free myself from the restrictive nature of being, you know, one of the...one of the real issues with being a judge is the restrictions you have because you have to be impartial. You know, you can't ha [sic], have political speech. You can't, I mean, the...the canons did not allow you do it because, you don't want...you don't want to, you don't want people to feel that your personal experiences is influencing you in any way, so. You know, I may feel very strongly about abortion, but I certainly couldn't...couldn't go out and do an, abortion clinic. I may feel very strongly about a...a...a political issue that's going on, but I can't go out and picket because I'm a judge, and because if ka [sic], some kinda of conflict comes up, I may have to hear that issue. So we have to restrict our public speech, we have restrict our, so...so, one of the reasons that you...you wanna do something else is so you can have greater, you know, flexibility in...in...in moving about in doing what you do because you do have to maintain a certain level of restrictive decorum as a judge. Like he indicated, I would never give this interview.² I would never have this discussion with you if I was sitting on the bench, because you don't want that personal stuff to...to be a part or your opinion or, what you think, you don't want that. But now that I'm not on the bench, I can tell you what I think. [laughter] So, that's...that's...that's...that's the flexib [sic], that's...that's the restriction, restrictive nature of

² Judge Bush is referring to Judge James F. Henry, who spoke to the assembled judges and oral history graduate students prior to the judges and students breaking into groups and conducting interviews that day.

being a judge, because you have to always appear to be impartial, not have a view about anything, and if you have one, you don't want it to become, you know, pa [sic], because people, knowing, people knowing people, they gonna think you have a biases, you know. And...and it's very hard to strike that balance, it's...it's very, very difficult to strike that balance.

23:37

Interviewer: How was trying to strike that balance for those fifteen years? Trying to...

Bush: Well, you know, it's a growing process, you know, it's...it's a, it...it is a growing process, and having had experience as a lawyer, I had a concept about how I wanted to be treated as a lawyer and how I wanted my case to be heard, so I tried to convey that and do that. I never wanted to walk in a courtroom and feel that the judge had a...judge had a predisposition about an issue, or a...a...a person. I didn't want them to give deference to anyone. I wanted to walk up and feel that when I made a presentation, I was heard. And that's the way I conducted my courtroom. All the time. And if I found that I was having any difficulty in...in making that because of the parties, the issue, I recused myself. I didn't do the case. I would say, 'I'm not gonna do the case because I can't.' Whenever you recuse yourself, it's saying that there's something about the case that you don't feel comfortable with about making a decision in the matter. And you don't want the parties then to suffer, so you say, 'I recuse myself, I won't do the case.' I've only done that three times, and...and, you know, the times that I've done it's because, I either knew the lawyers in the case, or I was familiar with the parties, or there was some kinda personal connection with the case. And I don't think you should those kinds of cases. Even though I think even in those situations, I could have been object, objective. But what you have to deal with as a judge, is the appearance of an impropriety. You know, and if people felt, if it was something that people could feel uncomfortable with, you didn't need to do it. So, that was the basis.

25:06

Interviewer: Now that you don't have to worry about those problems, what kind of plans to do you have now that you've retired?

Bush: Well, [sighs] one of the things that I've done, I've been doing, is doing a, an...an extensive amount of travel. I've been going to places that I have not ha [sic], did not have the time to spend. The kinda time that I want, I wanted to do there, and I'm also going to be doing mediation and arbitration cases. I've affiliated with a company called JAMS, and we'll, I'll...I'll...I'll be doing that. In addition, I'm involved in a, another history project on the trans, it's on the, I'm on the State Commission for the...the study of the transatlantic slave trade, which is a national kinda thing, and, you know, I'm participating in that, and I'm giving that a lot of my...my...my energy and time to look at that...that particular question, and I'm, you know, doing some volunteering. And I'm gonna pick up some more interest in this project with Judge [James F.] Henry, so.

26:01

Interviewer: Well, best of luck in all your endeavors. [laughter] I think that concludes all the questions we have.

Bush: Okay. Oh great.

Interviewer: I can't thank you enough for your time.

Bush: My...my pleasure.

Interviewer: If...

Bush: I didn't even know I knew this much stuff about myself. [laughter] It's one of the things you don't do as a judge is talk about yourself. But...but, I...I understood what your purpose was so, I was trying to give you the kind of information you needed because I think this kind of project gives people greater insight into, you know, what the judicial process is about, the kind of people, and I...and I think we have, on the bench, you know, the people who come, they're all overachievers, you know. Just at different levels, you know. Just at different levels. You know, you have some who are underachievers but, and who are political hacks, but we don't get alotta [sic] that anymore. We get people who are genuinely, you know, well-educated, all interested in what they're doing and very diverse in that, so.

Interviewer: Well again, thank you very much, and best of luck.

Bush: Thank you.

Cook County Court Oral History Project

Judge Bernetta D. Bush

Interview Topic Guide

[The first half of the interview is in an audio file labeled 'Judge B. Bush, Part I']

6:53 – Start of the interview, time, place and parties involved.

7:15 – Early background: childhood and education through law school.

11:58 – Diversity and race.

15:12 – Role of family in early childhood.

17:55 – Mother as a role model.

19:29 – Family support and relationship to neighborhood.

20:55 – Multiethnic nature of Near West Side neighborhood, Italian and Puerto Rican friends, their impact on her future life, college experience and the Civil Rights Movement.

24:08 – Teachers, development of interest in the law.

28:54 – Decision to go to law school and attend DePaul University School of Law, what one learns and does not learn in law school.

31:02 – Experiences practicing law after law school, employment with the Illinois State Department of Education.

34:18 – Issues of race within her state job.

36:50 – Politics and state job.

37:59 – Value of previous teaching experience.

38:17 – Impact of Chicago politics on state job, outside posts (Attorney Registration and Disciplinary Commission, City College Board) during state employment.

39:40 – Additional information on outside posts.

40:11 – Political context of times and effect on decision to run for judge, working for Mayor Harold Washington's campaign.

41:53 – Illinois state constitution of 1970, involvement in Rev. Jackson's presidential campaign.

42:53 – Decision to run for judge, 1991 legal changes creating subcircuits, 1992 elections.

46:29 – Subcircuit and community support.

48:46 - Changes in Chicago politics, community support versus traditional ward politics.

50:38 – Further details concerning Chicago politics.

51:26 – Early experiences as a judge, election and retention.

53:04 – Time on the bench.

53:31 – Impressions of the bench, experiences in Municipal Division, disparities in sentencing laws, police discrimination against minorities, experiences in County Division, adoption cases and a specific case where fraud was committed and child returned to its biological father.

1:02:12 – Additional information on adoption case.

1:03:17 – Break.

[The second half of the interview is in an audio file labeled 'Judge B. Bush, Part II']

0:02 – Experiences in Chancery Division.

3:27 – Types of cases in Chancery Division, insurance cases, challenges of dealing with disputes fairly while applying the law.

7:50 – Changes over Bush's time as judge, growing diversity; need for fairness; abuses and corruption scandals; need to address systemic injustices.

13:22 – Problems with the justice system, expanding education of judges on sensitivity and fairness issues and advances in serving the public.

15:20 – Ability to maintain her independence while a judge.

16:53 – Overall changes in justice system, police aggressiveness toward minorities, immigration.

19:57 – Reflections on her time on the bench, progress in the court system and the need for more, her decision to retire, restrictions on activities as a judge.

23:57 – Being balanced and impartial as a judge.

25:06 – Retirement plans and current interests.

26:01 – Wrap-up and end of interview.