Interview with Arnold Kanter

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Interview # 1: December 17, 2009

Interviewer: Mike Czaplicki

Czaplicki: Today is Thursday, December 17, 2009. My name is Mike Czaplicki; I am a staffer with the Abraham Lincoln Presidential Library and Museum in Springfield, Illinois. I'm doing this interview today with Arnold Kanter, for the Gov. Jim Edgar Oral History Project. Arnie was Governor Edgar's chief counsel, and he has graciously agreed to sit down with us today and share the story of his life, his professional background, and his years in the Edgar administration. So good afternoon, Arnie. How are you?

Kanter: Good afternoon.

Czaplicki: Before we get started, I wanted to ask if you had a middle initial. Because just by coincidence, there are two other Arnold Kanters from the Chicago area, from your generation, who also went on to do pretty important things with their life.

Kanter: I don't have a middle initial. I am familiar with Arnold B. Kanter, and I am also familiar with Arnold Kanter in Washington, D.C.

Czaplicki: So there is something in your name. (laughter)

Kanter: Yes. Evidently.

Czaplicki: We may as well begin at the beginning, and I'll ask when and where were you born?

Kanter: I was born on December 9, 1945, in Chicago, Illinois, at Mount Sinai Hospital, on Chicago's West Side.

Czaplicki: And how did your family happen to come to that area?

Kanter: My dad's father came to Chicago in 1889, from a small town in what is now Belarus. One of his great stories, which I always tried to explain to my kids, was that, of course, like all immigrants at that time, they lived in

the Maxwell Street area; there was a big Jewish concentration. He had to leave school when he was in fourth or fifth grade, my grandfather, and he was selling papers. He told me that the first money he made selling papers, he bought a dictionary, because he wanted to learn how to speak English without an accent. So he learned how to read a dictionary's pronunciation notes. Grew up in an Orthodox Jewish family and never had an accent.

Czaplicki: Do you know if he ever had any encounters with the settlement workers, anybody down there taking classes…?

Kanter: No. My father did, at the Hull House, and worked with… Actually, my father went to classes with Wallace Kirkland, who was a famous photographer who worked out of the Hull House.

Czaplicki: Wow.

Kanter: Yes. They lived across the street of the Hull House.

Czaplicki: Fascinating. So that was on Polk Street, I believe?

Kanter: Halstead Street.[1]

Czaplicki: Halstead?

Kanter: Yes.

Czaplicki: Right. And how about your mother's side?

Kanter: My mother came to the United States in 1920, from Poland. Her father had been here for about seven to eight years, had built a business, and then brought the rest of his family over—brought his wife over and my mother's sister.

Czaplicki: Do you know from where in Poland they……

Kanter: From a town called Chiechanow, C-i-c-h-a-n-something or other. (laughter) Every time you talked to someone who came from that area, it was always, "it was near Warsaw." I have figured out it's about 80 miles from Warsaw.

Czaplicki: North? Northwest?

Kanter: It was northwest of Warsaw. Yes.

Czaplicki: What did they do for work?

[1] Hull House was located at 800 S. Halstead, the intersection of Halstead and Polk.

Kanter: My mother's father owned a furniture store and did quite well, as stories are told, until the Depression. My dad's father was a tailor, and he and his four brothers owned a clothing store. They made their own suits, and they owned a clothing store. And were quite successful, again, until the Depression.

Czaplicki: So what's your sense of what happened in the Depression?

Kanter: Oh, I think, probably like everyone else, they were relying upon consumer demand. Kind of what happened in the United States this past two years for small businesses that relied upon consumer demand and went down the drain. Basically lost everything.

Czaplicki: Were they able to weather it in their line of trade, or did they have to pick up an entirely new—

Kanter: My dad's father became a traveling salesman throughout Illinois for a company—I believe it was called, in those days, U.S. Rubber. He sold shoes, and worked out of Moline, Illinois.

Czaplicki: And how about your dad?

Kanter: My father graduated high school, went to college for a couple years, and then went into the dry-cleaning business in the mid-thirties.

Czaplicki: Tough years to be in the cleaning business.

Kanter: Yes. And I think he bought his first plant in, probably the late forties, and was in the dry-cleaning business for thirty years.

Czaplicki: Did he ever pass down any mafia stories? (both chuckle)

Kanter: Yeah.

Czaplicki: Any coercion?

Kanter: No. Actually, there was—

Czaplicki: That was the time of the Laundry Wars. (overlapping dialogue, inaudible)

Kanter: Yeah, that was the Laundry Wars. That's correct. And no, quite the contrary. (laughter) But that's for another day, and not when a tape recorder is on. They grew up in the Halstead Street neighborhood, Taylor Street neighborhood, so they were well acquainted with lots of people. Consequently, they were respected.

Czaplicki: Interesting. And how about your mom? Did she work?

Kanter: My mother never worked. It's almost preordained, I guess. We have a property on the West Side of Chicago; it's a low-income assisted-living building at 1245 South Wood. My mother lived one block east of where the building is right now, to the address: 1245 South [Paulina]—and I forgot the north/south street that's just east of Wood. That's where she lived when she came to the United States.

Czaplicki: Wow. Maybe Winchester or Wolcott? Kanter: No, no. It wasn't that. I'm trying to remember. I will remember it at some point in time.

Czaplicki: Did you have any brothers and sisters growing up?

Kanter: I have two brothers.

Czaplicki: Older or younger?

Kanter: They're both older. My brother Marv is seventy-two. He is a physician in Los Angeles. My brother Mort is sixty-eight. He is a Ph.D. at Ohio State.

Czaplicki: Thinking back, do you recall anything about your parents' political views, their ideology, or who they voted for? It's an interesting background, and seeing (overlapping dialogue, inaudible??)

Kanter: Yeah. They were Roosevelt Democrats. Actually, my father used to vote for one Republican every election, which caused great consternation if you grew up in the—I think we were in the 24th Ward in those days—because you walked into the machine, you pulled the lever for the straight party, and you walked out. Our pediatrician was a doctor by the name of Ralph Kunstadter, and Ralph Kunstadter was a dyed-in-the-wool Republican. He was very close to a guy by the name of Park Livingston. Park Livingston was a trustee of the University of Illinois, Republican. Dr. Kunstadter always would ask my father to please vote for Park Livingston, and my father would always vote for Park Livingston.[2]

Czaplicki: A personal connection?

Kanter: Personal connection, yes. Precinct captains, of course, would wonder, What's going on? Why is he taking more than three seconds?

Czaplicki: (laughter) He had some explaining to do, you might say.

[2] Livingston (1906-June 4, 1999; R-LaGrange), a former University of Illinois class president and vice president of the Dean Milk Company, served for twenty-four years as a state university trustee, including stints as board president from 1943-1958, 1951-1954, and 1957-1959. He also ran an insurgent campaign in the 1952 gubernatorial primary, taking second place behind William Stratton, and lost his 1954 primary bid for U.S. Senate to Joseph T. Meek. *Chicago Tribune*, April 10, 1952; April 14, 1954; March 13, 1959; June 9, 1999.

Kanter: Yeah. Those were the days where you voted straight Democratic in the city, and you voted for all the Jewish judges. That's how you made up your mind. The Irish voted for all the Irish judges.

Czaplicki: And did your mom vote?

Kanter: Yeah. My mom voted. She would just vote a straight Democrat ticket.

Czaplicki: So what was it like for you, growing up as a kid in that neighborhood?

Kanter: I grew up at a point when the neighborhood was really beginning to change. The Eisenhower Expressway was being built, and that created a lot of turmoil in the neighborhood. Big apartment buildings were being condemned, and synagogues. So it was really a time of flux in the early fifties in that neighborhood. That began, really, the Jewish migration to the suburbs. Actually, the city *and* the suburbs; in those days, Hollywood Park, Peterson Park, Skokie, Lincolnwood. So you had a pretty broad migration during those years.

Czaplicki: When would the Ike have come in? Fifty? Fifty-one, you said?

Kanter: A little later, I think.

Czaplicki: Maybe '55, something like that?

Kanter: Yeah, Maybe '53, '54. Right around there.[3]

Czaplicki: Was that something people talked about a lot? Later on, for instance, by '79 people successfully mobilize and kill the Crosstown…

Kanter: The Crosstown, right.

Czaplicki: So how about for the Eisenhower? Or was it just something that's, This is progress; we have to go?

Kanter: This is progress; we have to go. And you know, that was a neighborhood of immigrants. It wasn't necessarily a neighborhood of homeowners. Those were apartment buildings, so you had renters. There was always this underlying thought process that, Well, someone in the Democrat machine has all the condemnations down, so there is nothing we can do. So it was really an interesting time in terms of the entire area and the migration from the area.

Czaplicki: And so you moved out—

[3] Construction on the Congress Expressway, which later became the Eisenhower Expressway, began in 1949. For a 1951 photo conveying the highway's physical impact, looking west from Canal Street toward Kanter's father's old neighborhood, see *Encyclopedia of Chicago*, http://www.encyclopedia.chicagohistory.org/pages/10585.html.

Kanter: We didn't move.

Czaplicki: You stayed put?

Kanter: We stayed put until 1959. I was at Marshall Grammar School until 1957, and then for seventh and eighth grade I went to a Jewish day school.

Czaplicki: The name of that school?

Kanter: Chicago Jewish Academy. On Wilcox, next door to Delano School.

Czaplicki: So where did you go in '59?

Kanter: Fifty-nine, we moved north to Peterson Park. But my parents bought a home.

Czaplicki: That must have been a pretty big deal.

Kanter: Major. Major deal. That's kind of the dream of everyone. They bought a two-story typical Chicago Georgian on a 25-foot by 125-foot lot. No garage. No side yard.

Czaplicki: Did they have a mortgage on that?

Kanter: Yeah, they did. Actually, when my dad died—quite a while, twenty years—I remember going through the papers, and I think they paid twenty-six thousand dollars for the home, and I think they had a twenty-thousand-dollar mortgage.

Czaplicki: And I'm really pushing your memory here, but do you recall, was that an FHA mortgage?

Kanter: No. It was Bell Savings and Loan.

Czaplicki: Thinking about that, did your father serve in the military at all?

Kanter: No. My dad didn't. I guess they considered, believe it or not, dry-cleaning as essential industry, and he had two kids. He was never called.

Czaplicki: So a deferment?

Kanter: Yeah.

Czaplicki: So when you were growing up as a kid, before you move up to Peterson Park, and the highway was coming through, kind of shredding your neighborhood—what was that like? Were there still a lot of friends to play with? Did they all kind of go away?

Kanter: They kind of went away. We lived in a building that was owned by Congressman Sabath, who was a longstanding Congressman, directly across the street from Garfield Park. I remember spending an inordinate amount of time in the park, is what I remember. I remember walking with my mother to Sears, which was where you did everything. There was a little grocery store in the apartment building, in the basement, where you bought everything. So it was a very confined existence.

Czaplicki: Any ball-playing?

Kanter: Oh, yeah.

Czaplicki: Hide and seek?

Kanter: Every day. Every day. Yeah. Every day in the park. A lot of ball-playing. A lot of playing in the streets. Fifth Avenue had trolley cars, the old electric trolley cars.

Czaplicki: Oh, we still had the trolley then?

Kanter: Not the trolley; I'm sorry. I think it was called the Green Hornet. Those were electric buses, attached to overhead lines, that ran on track. I think they were called the Green Hornets. And I remember getting on those to go to Marshall, to go to school.

Czaplicki: Back then, did you have any thoughts of what you wanted to be when you grew up? Any role models around you?

Kanter: I once told Mayor [Richard M.] Daley, that when I was ten years old, the precinct captain gave me—I think it's fifty cents—and a sign that said, "Elect Richard J. Daley," and asked me to walk up and down in front of a polling place.

Czaplicki: (laughter) And you met Daley?

Kanter: No. Oh, no. But I had the sign.

Czaplicki: So an early introduction to politics?

Kanter: Early introduction to politics—about as early as it gets.

Czaplicki: And your parents, aside from voting and the earlier stories you told, were they involved more formally in the organization in the ward?

Kanter: No, not at all. My father knew the folks, but he worked. We always had newspapers in our house. In those days, it was *Chicago American*, the *Daily News*, *Chicago Sun-Times*. No one ever got the *Tribune;* that was verboten.

Czaplicki: Too conservative?

Kanter: When you grew up in a very Jewish home in a very Jewish neighborhood, the *Tribune* was considered to be anti-Semitic. Colonel McCormick was considered to be anti-Semitic. The two things you didn't do growing up in that era if you were Jewish were, you didn't buy Ford cars, and you didn't read the *Chicago Tribune*.[4] That was kind of the standard.

Czaplicki: How about languages in your home?

Kanter: My grandparents spoke Yiddish. My mother's parents lived with us. My mother's father spoke Yiddish, spoke Russian, spoke Polish. But they communicated in Yiddish, which worked until I was about six or seven years old, and then I knew what they're talking about. So that was kind of the end of that.

Czaplicki: You lost it?

Kanter: Yeah.

Czaplicki: Did they seem concerned with that?

Kanter: No, they were fine. They were fine. English was the primary language. I went to Hebrew school, so I learned some Hebrew.

Czaplicki: Growing up in the neighborhood—I'm trying to think of a way to put it—how were relationships with different neighborhoods?

Kanter: Parishes, not neighborhoods. If you grew up in Chicago, you grew up in parishes. Even in my world, we knew that we lived in Our Lady of Sorrows.

Czaplicki: Really?

Kanter: Yeah. When you went to the public school, in those days, on one afternoon or two afternoons a week, all the Catholic kids would leave school to go to catechism classes.

Czaplicki: Was there as much tension between kids at the time?

Kanter: No.

Czaplicki: There's a lot of juvenile delinquency panic in the fifties; people are worried about fights and things like that,

[4] Robert R. McCormick , who had served as an army colonel in World War I, owned the *Chicago Tribune*. As for Ford, Jews boycotted his products during the 1920s, in response to the publication of antisemitic articles in the *Dearborn Independent*, a newspaper Ford owned. Spencer Blakeslee, *The Death of American Antisemitism* (Westport, CT: Praeger, 2000), 83.

Kanter: West Side was a changing neighborhood in the fifties. I would say not in the area that we lived; probably further west. There were these stories in the Austin area—

Czaplicki: Lawndale—

Kanter: —about more tension between various ethnic groups. But where we lived, as I said, you had the Expressway, you had Van Buren, Central Park; you had apartment buildings down Central Park. Not necessarily a whole lot of families in those; a lot of single room stuff. So you didn't have that same kind of tension going on.

Czaplicki: Let's get you out of being a kid.

Kanter: Good. I'm glad.

Czaplicki: (laughter) Head off to high school and college.

Kanter: Von Steuben High School, the only school, I think, in the city of Chicago at that time that didn't have a football team. That's what it was famous for. It was a great college prep school. I spent four years there, and I initially went to the University of Illinois at Navy Pier.

Czaplicki: That was a campus before the Circle gets built, right?

Kanter: Yes. We used to call it "Champaign on the Rocks." That's what we used to call it.

Czaplicki: Great name.

Kanter: Yeah.

Czaplicki: And what did you major in?

Kanter: First year, I think it was accounting. My second year—I'm trying to remember—I think I switched to history. I loved reading. I loved political novels.

Czaplicki: Stuff like Michener?

Kanter: Oh, yeah. Well, not Michener. The guys who did *Seven Days in May* and—I'm trying to remember—Allen Drury.

Czaplicki: *Advise and Consent*? [5]

[5] Fletcher Knebel and Charles W. Bailey, *Seven Days in May* (New York: Harper & Row, 1962); Allen Drury, *Advise and Consent* (Garden City, NY: Doubleday, 1959).

Kanter: *Advise and Consent*, which I found fascinating. I always found those kind of books fascinating. So political science, history—whatever it was called at that time.

Czaplicki: And you said you "initially" went there, so did you transfer?

Kanter: I transferred to Roosevelt University. I was an English major.

Czaplicki: Quite a change.

Kanter: Yeah. I figured I had to learn how to write—which I still can't do—and graduated from Roosevelt in '68. Nothing extraordinarily eventful. I think I worked on a political campaign in 1968.

Czaplicki: A local race?

Kanter: Senator [Everett] Dirksen. And again, our family pediatrician got me involved in it.

Czaplicki: The Republican conduit? (laughter)

Kanter: The Republican conduit. He took me to see Ronald Reagan. I'm trying to remember the year. It may have been 1964. There was a thing called the Executives Club, in Chicago. Reagan gave a speech at the Executives Club. I remember—I was eighteen years old or so—kind of mumbling, "Why am I going to see this guy?" He said, "You go see him. He's going to be somebody someday."[6]

Czaplicki: How did you feel once you were there at the speech? Was it remarkable? Did it strike you?

Kanter: No. It didn't really strike me as remarkable. But during that period of time, I remember reading Barry Goldwater's book, *Conscience of a Conservative*. I was kind of interested. So even though I hadn't designated that career in my mind, that's kind of where I thought the dream world was.

Czaplicki: So if you graduated in '68, of course, '68 is a pretty big year.

Kanter: Yes.

Czaplicki: In Chicago, and in terms of national politics and student movements. What was the environment like in that? Did that affect you much?

[6] March 19, 1965, Reagan gave his speech to the Executives Club of Chicago. *Chicago Tribune*, March 20, 1965.

Kanter: You know, it really didn't. And sometimes I feel bad about that. I was in student government at Roosevelt. Roosevelt was a pretty liberal university at that time.

Czaplicki: What did you do in student government?

Kanter: I was just on the student senate, involved in student government. Elected to the student senate. I guess I probably was what we would call, right now, a Libertarian. I understood the demonstrations, and certainly didn't have a problem with people demonstrating. But I also didn't understand, for example, when a company was on campus recruiting and the demonstrators would block access to the recruiters because it was a company who "supported" the war in Vietnam. I couldn't agree with that method. I'm kind of a Libertarian in view. Everyone has a right to do whatever they feel is appropriate, so long as they're not infringing on anyone else's rights.

Czaplicki: So speech until it turns to conduct?

Kanter: Yeah. Absolutely. Yeah. I've gotten in a lot of trouble for that.

Czaplicki: Yeah, I was wondering how your fellow students saw you.

Kanter: They weren't thrilled. They weren't thrilled. But I've always felt very deeply about that. There are issues that arise in which I clearly don't agree with the nature of the speech. But the other end of it is: it's such a fundamental right, that when you start questioning it, that, to me, is the slippery slope.

Czaplicki: Do you recall any of the companies that they were blocking?

Kanter: Dow Chemical. (laughs)

Czaplicki: I figured it'd be a big one. Right.

Kanter: I'm trying to remember who else. Dow always stood out. That was the one that stood out.

Czaplicki: Was there a ROTC [Reserve Officers' Training Corps] program at Roosevelt?

Kanter: No.

Czaplicki: How about at University of Illinois?

Kanter: Yes, at University of Illinois. But you are talking about a sea change between 1963 or '64, and 1968. 1964, it was ROTC was ROTC. Guys were in ROTC in high school.

Czaplicki: So what was your own draft status?

Kanter: (chuckles) It was an interesting situation. I was graduating Roosevelt, and I knew I was going to be drafted. It was a lottery. My recollection is I had a very, very low lottery number.

Czaplicki: "Low" in terms of likely to be picked, or low—

Kanter: Likely to be picked. I went down for my physical. One of my professors was an Air Force Reserve guy, and we had discussed, What do we do now? He said, "Go get your physical. There is a five-year program"—or whatever it is—"and we'll sit down and talk about it."

Czaplicki: This is at Roosevelt?

Kanter: This is at Roosevelt. A marketing professor, Dr. Snyder. I went down for my physical. Nobody liked the idea of having to go for a physical, so you stayed up all night and became as debilitated as you possibly could. (Czaplicki chuckles) But I passed everything, and I came to the last doctor. He listened to my chest and said, "Have you ever had asthma?" And I said, "Yes." He said, "1-Y."

Czaplicki: And 1-Y was?

Kanter: Medical deferment. Now, let's go ahead two years, and I am finishing my second year in law school.

Czaplicki: So this is 1970? Sixty-nine?

Kanter: Seventy. I'm getting married, and I have the best summer internship known to mankind, at the United States Attorney's Office [for the Northern District of Illinois]. I think two weeks before the wedding, I get a letter from my draft board saying, "Please report for a physical." (laughter)

Czaplicki: Really?

Kanter: Yes. I went down for that physical, and passed *that* with flying colors. I appealed to my draft board; my position at that point was, "Let me finish law school." I would not have been able to finish law school, because they were drafting hot and heavy in 1970. That was kind of the end of the build-up and the beginning of the draw-down, but there was that massive build-up. The board took my appeal, and I stayed 1-Y. So that's my military story. When I wanted to go, they didn't want me. Not that I wanted to go so badly, but they didn't want me when I…

Czaplicki: So you did want to go that first time around?

Kanter: Yeah. I would have gone. I was twenty-one years old, twenty-two years old, and I thought it would be kind of an interesting… I wasn't going to be an infantryman. Hopefully, I was going to get into this Air Force program; it was a five-year program. I thought it would be interesting. I was not a Canadian type.

Czaplicki: Did you have any friends—say, who you grew up with and from your high school—that you saw getting drafted?

Kanter: No.

Czaplicki: College classmates?

Kanter: It certainly wasn't a broad war in terms of that. If you went to college, you had your four-year deferment. Then there were—

Czaplicki: That ends at some point, though.

Kanter: It ended, but there were marital deferments, there were deferments for teaching in public schools; there was a whole list of deferments that were available to you. Lots of guys chose those deferments. I had a couple of friends who went in the Marines, but they didn't see service in Vietnam. They were stateside. So it really wasn't a broad-based war.

Czaplicki: What were your views of it? You said, initially, you didn't mind going when you were twenty-one. Did your views of it change over time?

Kanter: Yeah. When you don't understand what the mission is, yeah, that's when views change. I don't think any of us understood why we were there in the first place. When Kennedy went in there and you started reading about it, it was, We're going in because the French were here, I guess. What was its strategic value? Then you had the old "domino theory," which was if Vietnam falls, then Thailand will fall, and then Japan will fall, and—you know? Then you had the "Red China" issue, and no one appreciated Red China and Russia hating each other. It was a monolithic… So what was my view? I didn't know enough to really *have* a view. It was the most televised war to that point, but that didn't mean a whole hell of a lot during those days. I think ultimately, I voted for Nixon in '72 because I thought Nixon had the best chance to end the war. I voted for McCarthy in '68, so…

Czaplicki: Interesting. So it did play a role in your political choices.

Kanter: Yeah.

Czaplicki: Because McCarthy was pretty definitely the anti-war candidate.[7]

Kanter: Absolutely. Why are we there? Things don't make sense.

Czaplicki: God, I would love to just keep on talking about Vietnam, but we have to move on.

Kanter: Well, we were probably there because we knew it would become a place where we would all get our clothes.

Czaplicki: How did you decide on the law? You mentioned you had this internship. You studied political history, then you were an English major, but you end up…

Kanter: I graduated, and I didn't know what I was going to do. I really didn't. I think that's probably one of the problems in America: you are twenty-one years old or twenty-two years old—what are you going to do? You really don't have any life experience. I thought it might be interesting to go to law school, kind of see how it played out. I don't think I ever thought I would practice, quite frankly. Then I fell into this internship.

Czaplicki: Just checking it out?

Kanter: Yeah.

Czaplicki: Where did you go to law school?

Kanter: At Chicago-Kent.

(pause in recording)

Czaplicki: We're back after a quick email break. We were talking about you in law school, at Chicago-Kent. Just exploring the law, seeing what it was about, and you fell into this internship.

Kanter: I think I applied sometime in late June (laughter) to get into law school. I really didn't know what I was going to do. A couple of my friends were in law school, and I thought it might be interesting. So I started law school in September of '68. I liked it. It was intellectually interesting and something that really challenged you in a different fashion.

Czaplicki: What was the curriculum like there? Was it something that was more old cases, or were they really engaged with a lot of the current debates?

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[7] Edgar, as well as others in his circle, shared similar views. All interviews cited in the notes were conducted, unless otherwise indicated, as part of the Jim Edgar Oral History Project at the Abraham Lincoln Presidential Library, Springfield, IL. Jim Edgar, interview with Mark DePue, May 22, 2009, 38-39 and 44-46; Al Grosboll, interview by Mark DePue, May 20, 2009, 8; Tony Sunderman, interview by Mark DePue, May 21, 2009, 23-26.

Because there are a lot of free speech debates and these things you mentioned earlier.

Kanter: You don't get there. (laughter)

Czaplicki: No?

Kanter: No. In those days, you took torts, you took contracts, you took property law. It was very basic legal writing. So it was very core. Two hundred people started, and at the end of the first year, there were sixty or fifty left. It was intense. Once you had started doing it, you had to have the commitment. It was the old joke: Look at this side, and look on your other side; they'll be gone and you are here.

Czaplicki: So outside of the formal content, then; with your classmates, were you heavily engaged in the issues of the day, thinking about the legal ramifications—

Kanter: There were a couple of guys—

Czaplicki: —you had some big cases then.

Kanter: Yeah. You had Kent State. We had one classmate who was a Weatherman, and she dropped out after a period of time, when that whole Weatherman thing went down in Chicago, in which Sheriff Elrod was injured. There was some kind of riot, the Weathermen were involved, and Elrod at that point—I don't know if the name means anything to you; he is a judge now.

Czaplicki: Right. I remember something. I am trying to think if that was part of the Days of Rage, or if it was a separate—

Kanter: It was Days of Rage.[8]

Czaplicki: That did happen during them?

Kanter: Yeah.

Czaplicki: Where they went downtown and smashed up—

Kanter: Yeah. I think. That's what, '69, '70? She dropped out the next week. But most of the people at the school were working. I was working.

Czaplicki: Where did you work?

[8] The assistant corporation counsel for Chicago, Richard J. Elrod, fractured his neck while attempting to tackle a demonstrator during the Days of Rage protests in October 1969. The incident left him partially paralyzed. *Chicago Tribune*, August 21, 1970. Elrod later served as Cook County sheriff (1971-1986) and has been a circuit court judge since 1988.

Kanter: I worked at Marina City Bank.

Czaplicki: Those accounting courses came in handy.

Kanter: Kind of, yeah. I was doing basic loan stuff, and new accounts—real basic. But I had worked there during the summers when I was in college, and I just stayed on during law school. So when you're wearing a suit and a tie every day (chuckle) to go to school, you kind of have a different attitude.

Czaplicki: You are not going to go out and raise hell?

Kanter: Right.

Czaplicki: I should mention you are smiling here as you say this. (laughter)

Kanter: Yes.

Czaplicki: So you applied for this internship at the U.S. Attorney's Office.

Kanter: I worked at the public defender's office at—

Czaplicki: For the city of Chicago?

Kanter: No. Federal Public Defender, as an extern during the school year. I think we got credit for it in our sophomore year or second year.

Czaplicki: So in 1969?

Kanter: No, 1970. Judge Bill Bauer was the U.S. attorney at that point. William Bauer. He is now a federal appellate court judge, the Seventh Circuit. I got a *great* recommendation from someone who was very close to him.

Czaplicki: Law school faculty, or outside?

Kanter: Outside lawyer at McDermott Will & Emory, whose name I can't remember. We knew the family; he knew me, he liked me, and he gave me this tremendous recommendation. I guess he was very close to Bauer. All of a sudden, I got a call. I was a summer intern with Jim Burns. You know who Jim Burns is? Jim Burns is now the inspector general for the secretary of state's office. He ran for governor a number of years ago. He was U.S. attorney.

Czaplicki: Yeah, I remember him as U.S. attorney.

Kanter: Jim Burns was there that summer; Gary Starkman, who was Jim Thompson's legal counsel in Springfield; and me. So it was a nice class.

Czaplicki: Quite the lineup, yeah.

Kanter: It was a great lineup. It was the best summer of my life. It was fascinating watching this.

Czaplicki: What was so great about it?

Kanter: I got to write a brief, which I later argued in front of the Seventh Circuit. It was a total setup. They gave me the worst case known to mankind. I'll tell you how bad this case was, and I'll briefly describe it to you.

In those days, we prosecuted draft evaders. There was a judge in Chicago by the name of Julius Hoffman. You might know that name. The Conspiracy Seven case? He was the judge in the Conspiracy Seven case. He was prone to strange statements and the like. So this young draft evader pleaded guilty. He was sentenced by Hoffman. He was given five years, but as a condition of avoiding the five-year sentencing, he could be inducted into the United States Army. So this poor guy goes down to be inducted in the United States Army; he fills out the forms. One of the questions in 1970 was, "Have you ever been convicted of a felony?" He says, "Yes." So he was brought back in the court for a violation of the conditions of his probation.

Czaplicki: (laughter) Oh, the updating of *Catch-22*, right?

Kanter: Right. That was the first case I ever argued on the Seventh Circuit. They are going to kill me. I walked in there, and I think I may have had that suit on (points to a photo), or something like that, with a blue shirt—which became a dark blue shirt because I was sweating so much as I was arguing. (Czaplicki chuckles)

Czaplicki: And what was the outcome?

Kanter: The outcome was that it was reversed. (laughs) It was reversed immediately.

Czaplicki: A good learning lesson, I guess.

Kanter: Yes. I wrote a lot of appeals. I spent the first couple of years in that office doing appeals. I never knew whether I felt I was up to doing hard-time criminal work; just attitudinally, I wasn't sure. But I loved doing appeals. I always found them fascinating. I had the opportunity to argue a couple of times en banc, so you're arguing in front of the full court. Not just three appellate judges—you are arguing in front of twelve, fifteen judges. A great experience. Absolutely wonderful experience.

Czaplicki: So public speaking was never that difficult for you?

Kanter: The first few words are a bit difficult. It takes me a while to find the first few words. After that, I'm fine.

Czaplicki: Was it always like that, or is that something you had to develop over the course of…

Kanter: No. It's always been like that.

Czaplicki: Always?

Kanter: Yeah. Don't ask me to make a toast.

Czaplicki: (chuckles) How do you move from being an intern to actually ending up working for the U.S. Attorney's Office?

Kanter: They made me an offer I couldn't refuse. Actually, at that time, I was graduating law school, and—

Czaplicki: So was this '71?

Kanter: Seventy-one. And I had continued on working at the U.S. Attorney's Office, so I was working virtually full-time at the U.S. Attorney's Office during the day; going to school. I took a lot of classes in the afternoon and at night—Kent had a night school at that time, so you could kind of play it around—and got full credit for my work at the U.S. Attorney's Office. So I had that going. I had a great labor lawyer teacher at Kent, a terrific guy. He urged me to apply to the NLRB, [National Labor Relations Board] which I did. I got accepted at the NLRB. It would have meant we had to move to Kansas City; that was where the opening was. We kind of discussed it and decided we didn't want to move, and I took the job at the U.S. Attorney's Office.

Czaplicki: Before we go further—I know you said "we," so I assume you got married along the way?

Kanter: Yes. I got married in 1970.

Czaplicki: What's your wife's name?

Kanter: Yvette. Y-v-e-t-t-e.

Czaplicki: What was her maiden name?

Kanter: Morris.

Czaplicki: And I also meant to ask you earlier: your mother's maiden name?

Kanter: Holtzman. That's not their real name. Their real name is Galina.

Czaplicki: How'd you meet Yvette?

Kanter: A couple of buddies—we were going to University of Illinois. He was going down to see his girlfriend, and I was going down to go out with this girl. We [also] gave this girl a ride so she could go down and be with her boyfriend, and it happened to be Yvette. So that's how I originally met Yvette. And then we were fixed-up by some mutual friends the year later.

Czaplicki: So married in '70?

Kanter: Right.

Czaplicki: Then the attorney's office made you an offer you couldn't refuse?

Kanter: Correct.

Czaplicki: And Jim Thompson's running the office by then, correct?

Kanter: I think Bill Bauer was still there. He hadn't been elevated yet to the district court. But Thompson for all practical purposes was running the office. Sam Skinner was head of the Criminal Division. I'm not quite sure whether Joel Flaum had come over from the attorney general's office yet.

Czaplicki: So they brought you in to be in the Civil Division, correct?

Kanter: They brought me in, in Appeals. Everybody came in to Appeals. That's where you came in first.

Czaplicki: Why is that?

Kanter: You don't need the courtroom experience. You are reading transcripts, so you are getting an overview of how other lawyers act, the appropriate way to ask questions; and you are dealing with specific issues on appeal: the mundane evidentiary issues, the admission of certain things, Fourth Amendment issues, more search and seizures. Those are kind of real basic bread and butter issues that you should know before you walk into a courtroom. Theoretically, you should have learned them in law school, but now you are reading real transcripts, not reading a judge's opinion.

Czaplicki: Things are in flux then, too. When is *Miranda*? When is that case?

Kanter: Oh, *Miranda*'s earlier.

Czaplicki: That's earlier?

Kanter: Yeah. *Miranda* is in the mid-sixties.

Czaplicki: Sixty-four, maybe?[9]

[9] *Miranda v. State of Arizona*, 384 U.S. 436 (1966).

Kanter: Yeah. But inevitable discovery wasn't thought of in those days, which is now kind of the standard in Fourth Amendment cases. In those days, you were dealing with "fruit of poisonous tree" issues.

Czaplicki: It's all [thrown] out?

Kanter: Yeah. So now it's a lot broader. Good faith defenses. Those things were all issues that we dealt with on a regular basis.

Czaplicki: How long were you in that division for?

Kanter: I came in '71, full-time. I was probably in that division for eighteen months or two years. Then I moved into the Civil Division, and handled a lot of cases dealing with government claims and lawsuits, et cetera. I got into a niche, which was kind of interesting, which evolved into that. There was a case in the Supreme Court called *Bivens v. the United States*. I think it was *Bivens v. the United States*.[10] What the Supreme Court did is it established a civil right of action against an officer of the government who commits an act outside the scope of their duties. You always had sovereign immunity, and that was always your issue. Everybody started filing lawsuits. If you remember, during that period of time, you had the illegal wiretapping issues, the Nixon wiretaps—all that kind of good stuff going on. You had that intelligence—

Czaplicki: COINTELPRO? [COunterINTELligenePROgram]

Kanter: COINTELPRO, yeah. I think I still may have some COINTELPRO memos sitting in my house someplace. So I started defending these cases. Nobody else wanted to do it in the office, because they were kind of heater cases. Joel Flaum, who was first assistant, gave me the first couple of cases to take care of. I took care of them well. They were interesting cases, number one. Number two, you had to really develop a rapport with the agent, because while you were representing them, you weren't indemnifying them. There were all kinds of issues that floated out of that.

Czaplicki: Who gave you those cases, did you say?

Kanter: Joel Flaum was the first assistant, and he began—he assigned a couple of those cases to me. He may be on senior status, but he is a Seventh Circuit judge.

Czaplicki: And a "heater case"—do you mean political heat? Press attention?

Kanter: Press attention, yeah. And one that involves that governmental action.

[10] *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

Czaplicki: It's interesting, because I think the conventional wisdom would say, what U.S. attorney *wouldn't* want a heater case?

Kanter: Not on this side. You want it on the *other* side. You want it when *you're* the prosecutor. These are not cases—

Czaplicki: I see. Since you are defending—

Kanter: You are defending activities that are not looked upon favorably, in the press or otherwise. I used to tell the assistants—and I think this is Thompson's quote—"Your job on these cases is to keep *your* name out of the paper, *my* name out of the paper, and *everybody's* name out of the paper."

Czaplicki: So what was it like, then, under Thompson when he takes over? What it was like to work in that office? How was he as a manager? As a mentor?

Kanter: Oh, I think he was a great manager. Yeah. He set a pretty high threshold. He was a super bright guy. The Civil Division kind of ran on its own, because that's not where you made your name. So it was pretty independent in terms of how it operated. John Simon, who is now a partner at Jenner & Block, was the chief when I got into the Civil Division. It was fairly autonomous, just because of the nature of what you're doing. I kept doing a couple of criminal appeals during that time. So I did stuff with Danny Webb, and I did stuff with Ty Fahner. I don't know if those names mean anything to you.[11]

Czaplicki: No.

Kanter: Webb was George Ryan's attorney from Winston & Strawn. So I kept my finger in it, and I kind of enjoyed it.

Czaplicki: You must have been good at it, because eventually, you're elevated to become head of the Civil Division, correct? And you are only twenty-nine years old—

Kanter: Yes.

Czaplicki: —by that point. I don't know what the normal lifecycle is in terms—that seems like a pretty quick rise.

[11] Fahner would eventually be tapped by Governor Thompson to fill the vacancy created by the conviction of Illinois Atty. Gen. William Scott in 1980. His pick of Fahner came six months before he picked Jim Edgar as the new secretary of state, following Alan Dixon's move to the U.S. Senate. For Edgar's thoughts on the divergence between his and Fahner's political careers, see Jim Edgar, interview by Mark DePue, June 15, 2009, 58-59 and 93-94.

Kanter: It was. I was very lucky, and I kept my head together, which was very important in those days. I was on trial for eighteen months, so I wanted to…

Czaplicki: Let's talk about that trial briefly, because you have been referring to it in the background and pointing to this great photo here of you standing with Clarence Kelley, who was Director of—what is he?

Kanter: Director of the FBI.

Czaplicki: Director of the FBI in 1977. What was this case?

Kanter: This was the civil action brought by the survivors of a police raid on December 4, 1969, on the apartment of Fred Hampton, in which Fred Hampton was killed, and Mark—

Czaplicki: One of the leaders of the Black Panther Party.

Kanter: Black Panthers, in Chicago.

Czaplicki: Mark Clark?

Kanter: Mark Clark. That's correct. The families filed a civil rights lawsuit—actually, a *Bivens*-type lawsuit—alleging a conspiracy between the Chicago Police Department and the FBI, and specific agents. Along with a departmental attorney out of Washington and a young lawyer in the office, I represented three FBI agents and the informant, in effect. So we were on trial for eighteen months.

Czaplicki: Eighteen months?

Kanter: Yeah.

Czaplicki: What would a normal trial length be?

Kanter: Three, four months, maybe. It almost becomes a routine of your life. (laughter) It was quite debilitating.

Czaplicki: Why the length? What do you think was behind that?

Kanter: The judge, who was a very nice man, was rather elderly and lost control of the courtroom—didn't control his courtroom. So it kind of went all over the place. There were document issues that came up during the course of the case, where, as an assistant U.S. attorney, you didn't have the type of access to documents that you would have liked, especially when you were dealing with the FBI. The FBI was very circumspect in terms of what they let assistants see, and that became an issue. The plaintiffs were quite correct on that issue.

Czaplicki: So you weren't getting information that you wanted from the FBI, let alone the plaintiffs?

Kanter: Right.

Czaplicki: I mean, you yourself weren't—

Kanter: Discovery. The issues were terribly limited. After the whole thing blew up in the courtroom—there was another seven, eight months of trial—the documents were voluminous. You talked about COINTELPRO. COINTELPRO became an issue in the case.

Czaplicki: I remember reading something about that, where somebody arrived with crates upon crates—

Kanter: That's me.

Czaplicki: That was you?

Kanter: Yeah, that's me. Which puts you in a very uncomfortable position, to say the least. So you had this dynamic going on. You're fighting your own side as well as (laughter) fighting the other side.

Czaplicki: So this would have been a heater case?

Kanter: That's why it's a heater case. And that one, I wasn't fortunate enough to keep everybody's name out of the paper.

Czaplicki: I'm trying to think how to phrase this—were the events that led to this trial—because that raid happened in '69; this trial was going on in '77.

Kanter: Seventy-five. I think '75.

Czaplicki: It started in '75, but it's still ongoing, as you said, eighteen months and…

Kanter: Right.

Czaplicki: Obviously, there would be certain constituencies who would be very interested in this case. But say the city of Chicago, your average Joe—was this something that people were still really caught up in? Or do you think it was something that people were just forgetting about?

Kanter: They were forgetting about it. I think the only thing that kept it alive was that Ed Hanrahan, who was one of the defendants, would periodically announce he's running for mayor. And—

Czaplicki: He was state's attorney, right?

Kanter: He was state's attorney and lost his second term.

Czaplicki: But he signed off on the raid, correct?

Kanter: Correct. So was it a heater case where we had a full courtroom every day? No. But there was pretty good press coverage of the case during that time, especially on days when the informant, William O'Neal, would take the stand. You had to develop a rapport with the informant. I spent a lot of time with the informant. He was under witness protection at the time.

Czaplicki: I was going to say, he must have been out of sight.

Kanter: Yeah. You got death threats; it—

Czaplicki: What was his state of mind? Was he shaken? Was he—

Kanter: No, he wasn't shaken. He was probably one of the smartest guys I—he killed himself a number of years ago. He was a unique personality. I don't think I can tell you what he did—because there's probably people still alive—but the career that we took him from, to bring him back so he could testify on behalf of the government, was a significant career.

Czaplicki: In law enforcement?

Kanter: Yeah. He was an extraordinary personality. Extraordinary personality. The guys I worked with were fascinating guys. Judge Kocoras, Charles Kocoras, who used to be chief judge of the federal district, was an assistant U.S. attorney at that time. We had to convince Bill O'Neal to come back to Chicago to testify, to go back in the program. He had a family; he had a career. So pretty interesting.

Czaplicki: I understand there was some controversy about a mockup of the apartment?

Kanter: Oh god, yeah.

Czaplicki: What was this model? It cost forty thousand [dollars]. Was this a full-scale—

Kanter: It was a full-scale mockup of the apartment that had been done by the FBI for purposes of the state grand jury. There had been a state grand jury investigating whether criminal charges should be brought against Hanrahan et al., and the FBI did this mockup. The state defendants are criticizing the FBI mockup. I've got an FBI agent on the stand, who put together the mockup, and I don't want to say a word.

Czaplicki: There never was a criminal action brought against—

Kanter: There was.

Czaplicki: Oh, there was?

Kanter: Yes. There was a criminal action brought against Hanrahan and some of the attorneys, and they ultimately were found not guilty.

Czaplicki: My understanding—part of the reason why your civil trial went eighteen months was that this was always seen as the trial that might give us some answers.

Kanter: Correct.

Czaplicki: Because the other stuff didn't give us the answer—

Kanter: Yeah.

Czaplicki: —so it almost transcended the raid itself .

Kanter: Yeah, it did. And that's why. When you got into all the intelligence programs… I remember some guy coming down from Washington with a recorder like the one you have and playing a tape of wiretaps of the Cuban Embassy during the sixties. I'm kind of sitting there going, "Okay…" You know? So there was a lot of stuff that I was exposed to in that case that made it interesting, made it difficult, stressful.

Czaplicki: Obviously, you have a role to play; when you are an attorney, you have duties. But just internally, as you are getting this kind of evidence, as you see COINTELPRO— you described yourself before as kind of this libertarian—how did you feel personally?

Kanter: (laughs)

Czaplicki: Or did it change your views of government at this time?

Kanter: How did it change my views.

Czaplicki: And it may not have.

Kanter: It did. I think I reflected upon the amount of minutiae the government gets involved in that had absolutely no bearing on anything, and whether that time could be better spent doing something else. Clearly, there were lots of things that the public now takes for granted in terms of personalities who were anti-war activists; that they were just anti-war activists. Well, they weren't. They were doing much more at that time. But did we have a right to wiretap them? Ah… That's kind of an interesting question. I don't think anyone was as innocent as they appeared on the anti-war side, and I don't think anyone on the governmental side was as dangerous as they appeared in later documents. I found this interesting in terms of the Bureau, at least during that decade, the Hoover era: you wrote your memos in a certain

fashion in order to get Washington's eye. So there were a lot of overstatements.

Czaplicki: To make things seem more important or impressive?

Kanter: Right. Or how many informants you might have had. Because on the intelligence/counterintelligence stuff, there is always a push to develop informants. So you had all of that going on.

Czaplicki: If you had to draw a line from there to now—discussions of the PATRIOT Act, post-9/11 wiretapping, that kind of thing—does it influence your views on those kinds of debates? Do you think they are totally different animals?

Kanter: I think they are totally different animals. But I will tell you I think the most important date in the United States intelligence world was probably the date at which the Church Committee issued its report; I think that changed the face of our intelligence methods. I wouldn't render a comment as to whether it was good, bad, or indifferent, but boy, it changed everything. It really did. You went from unfettered to fettered.

Czaplicki: Fair enough.

Kanter: Can we take a break?

Czaplicki: Sure.

(pause in recording)

Czaplicki: We are back after another telephone break. We were talking about U.S. Attorney's Office work, the Panther case… I'm catching up my brain here. It seemed like there was another little area of expertise, perhaps, that you might have developed; you started doing a lot of work on environmental cases—

Kanter: Yeah.

Czaplicki: —during your time there, which I thought was an interesting thing, because Carter Hendren mentioned it when we were talking to him about the campaign. He was talking about Governor Ogilvie's defeat in '72 to Walker, and suggested that he never thought the tax issue was all that important in his defeat. He actually thought the EPA was as, if not more important, because people saw that as so intrusive of private property rights.[12] So I was thinking, you were somebody who was well suited, in a

[12] Carter Hendren, interview by Mark DePue, May 7, 2009, 11. Also see Jim Edgar, interview by Mark DePue, May 28, 2009, 29-32, for a more detailed discussion of the Illinois Environmental Protection Agency's initial political impact.

way, to gauge the perception of the new wave of environmental regulations that came, since you were filing—

Kanter: To the business world, it was hell on wheels. Actually, other than the U.S. Steel case, which was a major piece of litigation up in Waukegan, most of the time, I was defending the federal government (chuckles) from the attorney general of Illinois, William Scott, who was filing lawsuits every day.

Czaplicki: I was going to ask you about the relationship—

Kanter: None.

Czaplicki: At the time, it seemed that this was a new field of regulation, so there's a lot of jockeying—

Kanter: Yeah. There was.

Czaplicki: —as to who was going to have the authority, Chicago or the state of Illinois, or the federal EPA; whose law would rule. I was just wondering if you could speak to some of those tensions.

Kanter: The city wasn't in the business. They really weren't. It wasn't on their radar at all. Bill Scott, who was attorney general, was a very active guy in terms of the environmental litigation. He was bringing lawsuits against everybody. Jointly, we brought the lawsuit against U.S. Steel. That was both a state and federal lawsuit against U.S. Steel for their discharges into Lake Michigan out in Waukegan. In fact, I don't think it's been cleaned up to this day. It's thirty years later.

Yeah, there was tension. You had a new agency, a governmental agency, which was kind of feeling its way through. One of our assistants went over there as general counsel to the Chicago branch. Jack Schafer was his name. He became the general counsel over there. So they were kind of pulling people out of our offices to create their legal end; this is six years into it or something. I remember there was a lot of antagonism going on. I think the feds came in and wanted to do a lot of joint operations with the state; I don't think the state was that big on doing those at that time. That changed over the years. The feds became preeminent in it. You go where the money is, and the money was with the feds, and they built a pretty big bureaucracy. But it was pretty slim in those days, as I recall.

Czaplicki: So when Scott was filing his initial wave of lawsuits, do you think he was motivated more by, "Hey, let's fulfill the mandate of these laws?" or do you think he was trying to carve out—

Kanter: Carve out.

Czaplicki: —"Illinois will be the one who will"—

Kanter: I think he was trying to carve out for himself personally. The attorney general in Illinois can't prosecute criminal cases; I don't even know whether the attorney general could convene grand juries in those days. They had very limited authority, and basically, it was civil-type authority. So consumer protection, environmental—those were the things that got you into the newspapers.

The environment was really not a defined issue back then. I live half a mile from Fort Sheridan now, but I remember going out to Fort Sheridan because they used to dump directly into Lake Michigan. You had a power plant at Fort Sheridan that was full of PCBs that were buried on site. So no one paid much attention to it. Now the area's gone through remediation. They have capped out certain areas; they have re-dug certain other areas thirty years later. But it wasn't a major issue to the public, and people didn't appreciate what was going on. It was a new science.

In fact, there were lots of problems with the labs, I recall, including labs that we relied on, because it [environmental legislation] created a push that didn't exist before. Everybody was kind of jockeying to, let's get this water tested, and let's do this, and let's do that. What you found was a lot of bad science going on, all in the name of, "We have got to get this out there."

Now, thirty-five years later, there is a real concern. We are revisiting everything we did back then, because we really didn't understand remediation back then. We didn't know what it would take. We would stick something in the ground, you've got groundwater, and see where it's going and take it from there.

Czaplicki: Right. It did seem like you started with water, and then the issue moved to air. I think you were part of a pretty major suit against—was it Inland Steel, where you shut down the coke ovens? One hundred coke ovens that you had to close or something?

Kanter: Yeah. You know what? The funny part about it is some of these cases just were… I really don't remember that one. I remember someone trying to close down O'Hare for noise pollution. I remember that case because I remember the guys from the FAA [Federal Aviation Administration] went a little nuts on that one. Those were the type of cases that were going on. I remember sitting in the tower at O'Hare, watching how the hell this thing works, and going to a meeting where—I forgot who the congressman was who was talking about the fact, "We can't permit this noise any longer!" and so on, and so forth. I was there with the FAA counsel. I don't know why, but I got up at one point and I just said, "You know, I think we'll close down the airport tomorrow." There was this hush over the crowd.

Those cases, while in retrospect were significant cases, at the time, they were just coming fast and furious.

Czaplicki: What was your workload like? On any given week in that attorney's office what would you be juggling?

Kanter: Oh, god. Any assistant would have between five and ten major cases. Then you had a whole bunch of other things going on. There was a Collections Division, there was a Forfeiture Division, Malpractice cases within there. So it was pretty active.

Czaplicki: Did you have informal press work? Were you working the phones? Were there reporters that you talked to on a—

Kanter: No. The guys I knew—like the guys who wrote that story; I remember Dennis Fisher specifically, because Dennis went on to become the assistant U.S. attorney, went to law school. First of all, there was a press corps at the Federal Building. So you ate lunch with the guys, or you had breakfast with them downstairs, or you went in the press room and smoked a cigarette. There was very little of an adversarial-type relationship, because you hung out together. You went drinking together, you know?

Czaplicki: Right. Moving in that same orbit?

Kanter: Yeah.

Czaplicki: So you worked under some pretty heavy hitters, then.

Kanter: Yeah.

Czaplicki: Thompson. But then, after he moved on—

Kanter: Skinner.

Czaplicki: —Skinner gets elevated. And of course, Samuel Skinner goes on to become U.S. transportation secretary, and later, chief of staff to Pres. George H. W. Bush. I was wondering if you could spend a moment just comparing the two men, comparing their leadership/managerial styles.

Kanter: Thompson was a great delegator, and real smart in terms of—he could pick up a legal issue in half a second. Skinner was hard driven, not a delegator. He wanted to know everything that was going on; who was doing what, and where and how; and wanted to be kept advised at all times. So I think that was the major distinction between the two of them. Thompson was a charming guy. Sam was more driven. I mean, I loved Sam. Sam hired me, in effect. So I always had a great relationship with

him. And a very smart lawyer. Thompson is a very intellectual lawyer. Thompson is at a place that I will never be.

Czaplicki: How so?

Kanter: His intellectual capacity was extraordinary. I think he's one of the brightest minds around. And a great politician.

Czaplicki: I'm going to push you a little bit more on this. How do you describe the intellect side of the law? So it's more than just a matter of kind of recognizing points of law to be derived from situations?

Kanter: It's the ability to look at a problem and—a trite phrase—look outside the box. We all know stare decisis, and we can all go look up a case. The question is, are there other cases that may merit the… I did it once in my career. I will tell you. I did it once in my career. I didn't even tell anybody I was going to do this, because I was afraid that they'd shoot it down. When a jury deadlocks, the judge gives what they call a "dynamite charge." It's a charge to the jury that says you have an obligation to go back, review each other, give respect to each other, each other's views, et cetera. This was a case out of the Seventh Circuit, and this was also a case I argued en banc.

Czaplicki: So all the judges?

Kanter: Take that scenario. The Supreme Court only takes a limited amount of cases. When they don't take a case, it's called "denying certiorari." That means there is not—I think it's four votes to hear the case. This issue of a dynamite charge, the case that everyone relied upon occurred in 1897. This is 1975 or '76, and the case is *United States v. Silvern*.[13] You can look this case up; now they call it "the *Silvern* charge," actually. Between 1897 and whenever I argued the case, there had been maybe thirty cases that the Supreme Court denied certiorari. Now, there is a well-founded standard in judicial review, which says that you are not to give weight to the fact that the court denied certiorari; that, on its own, should not give weight.

I decided that if you take something for eighty years and it's never been overturned, then you should give weight to all those denials, because that means this is still the law. The defense lawyer, I think, was Tom Sullivan, who became U.S. attorney after Sam Skinner. So their argument was, other courts have modified this case, boom, boom, boom. I stood up in front of the court and just held my breath, and I said, "I am aware of the admonition that you shouldn't give weight to a denial of certiorari, but the *Allen* case"—which is the original dynamite charge—"was decided eighty

[13] *United States v. Silvern*, 484 F.2d 879 (7th Cir. 1973). The earlier case was *Allen v. United States*, 164 U.S. 492 (1896).

years ago. There have been forty instances when the Court could have heard challenges to that case. The Court has refused to hear challenges to that case. So *Allen* is the law of the land. Period." Now, I had other arguments. That's the *one* instance in however long I practiced law where I felt that I honestly did something that's kind of outside the box.

Czaplicki: So it's not just that you're applying the law to the case at hand and winning or losing it—you are actually kind of moving the law a little bit?

Kanter: Right. Yeah. Thompson's intellect—

Czaplicki: He could just do that.

Kanter: He could do that. Yeah, he could do that. And the rest of us try to do the best we can within the constraints of our intellect.

Czaplicki: Any cases that Thompson did that in, which stand out in your mind?

Kanter: No.

Czaplicki: That's really interesting to hear, because I've heard this a lot. People are kind of in awe of Thompson's…

Kanter: Yeah.

Czaplicki: So it's interesting to get your perspective on that. And Skinner?

Kanter: As I said, I think Sam is a really bright guy, hard driven, a real workaholic, very smart. He's a hard-working guy who's smart—and a *great* trial lawyer. As is Danny Webb. All those guys—really top-notch trial lawyers, as indicated by the fact they are the leading trial lawyers in the country.

Czaplicki: You make the decision to leave. I think you left about the same time as Skinner. Am I correct in that? In '77?

Kanter: Yeah, I left in '77. In those days, you didn't hang around in the U.S. Attorney's Office. You were there for four or five years, and then you moved on. Nowadays, it's kind of a career for folks, which may not be the best idea.

Czaplicki: You don't think?

Kanter: No.

Czaplicki: How come?

Kanter: Because I don't think you should be a prosecutor all your life. I think you lose a sense of what's real. We don't live in a perfect world; it's a nice

idea to sit on the other side once in a while. That's my thought. To the extent when we were there, I think there was one guy who was career in the office, out of maybe sixty lawyers. Everybody else was, come in, spend three to five years, and leave.

Czaplicki: So your clerical staff, were they kind of like glue?

Kanter: Yeah.

Czaplicki: Did they transcend individual—

Kanter: Yeah, they transcended. When you became chief of the Civil Division, you got—I think her name was Angie—you got Angie. It didn't make any difference. Angie had her way of doing things, and of course you'd come in and you'd say, "Don't do it this way—do it this way." And Angie would look at you and smile and do what she wanted to do.

Czaplicki: (laughter) It's like those stories you hear from the army about top sergeants and ROTC lieutenants.

Kanter: Yeah, you're right. A lieutenant comes in with him; he's not going to be here.

Czaplicki: Do you remember Angie's last name?

Kanter: I can't.

Czaplicki: Where did you go to work after that?

Kanter: I went to Burditt & Calkins. I was doing drug defense work, and I was doing some FDA work, Food and Drug work. And I did some state criminal work for the first time in my life, which was kind of interesting. (chuckles)

Czaplicki: You were living in Chicago at the time that you did this?

Kanter: We were living in Chicago, yeah.

Czaplicki: Where were you living? What neighborhood?

Kanter: We were living in Lake View. I used to get off the train at Wrigley Field and walk back.

Czaplicki: So how did you get hooked up, then, with Eugene Sawyer?[14]

[14] After Harold Washington died in office November 25, 1987, Eugene Sawyer (September 3, 1934-January 19, 2008) was selected by the city council on December 2, 1987, to fill the remainder of Washington's term. Sawyer had migrated to Chicago from Alabama in 1957 and won election as 6th Ward

Kanter: My dad, when he left the dry-cleaning business, went to work as a salesman of rubber hosing and boots, and just general rubber products. I guess he had known Sawyer from years ago—I don't know whether they had met casually—and he struck up a friendship. This is the early eighties, I guess? He struck up a friendship with him. They would go out for lunch, and I would come with and join them.

Czaplicki: Was Sawyer closer to your dad's age or your age?

Kanter: Gene died [when he] was about seventy-five. So he's about fifteen years older than me.

Czaplicki: Kind of in-between?

Kanter: Yeah, kind of in-between. He loved my dad. He just got a kick out of him, and my father got a kick out of Sawyer, and I'd kind of hang out. Then after a while, I was doing, quote/unquote, "governmental work" at Altheimer in addition to litigation, so I'd go out to pitch Sawyer on ideas, things that I thought would be beneficial. I represented a number of black businessmen who were interested in getting involved in city business.

Czaplicki: What would an example of that be? Somebody want to open up a restaurant, that kind of thing? Or bigger?

Kanter: Someone wants a franchise at the old Midway Airport. He wants to run a restaurant there. Somebody's a bond guy and wants to know how he can get on the list of being a bond dealer with the city. Those kind of things. So Gene and I would meet, and it grew into a friendship as well. I became very close with—actually, much closer with—his brothers, Ernest and Charles. And John. But John was out of town. John was in, I think, Dallas at that time. We'd see each other socially.

I never expected Gene Sawyer was going to become mayor. That was not something that I thought about. But Gene was a pretty heavy guy in the city, and ran a very good ward, had a great reputation; and actually was the first black alderman to endorse Harold Washington in 1983, when Washington ran against Byrne and Daley. Sawyer endorsed Washington. Sawyer was a regular Democrat. Even guys like John Stroger endorsed Daley. Sawyer broke and did that. So he had a lot of credibility. It's a shame what later happened, but he had a lot of credibility.

So that was the relationship. The relationship was social; it was business on one level, and it was social with his brothers. In fact, I talked to Charles today, because we almost share a birthday. His is the eleventh;

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alderman in 1971, the position he held when he was chosen to be mayor. He lost the 1989 Democratic primary to Richard M. Daley. *Chicago Tribune*, January 21, 2008.

mine is the ninth, so we always make sure we get out for lunch or dinner or something. That was really it. There was no great seismic event.

Czaplicki: But from what I have read, you were there when Harold Washington unfortunately did die, and then when the moment of selection came—there is one story that characterized it as the Sunday afterwards, you two huddled for twelve hours, and then the next two days.

Kanter: That's not that far [off]. Actually, I was at the Como Inn eating lunch with a client when Harold Washington died.

Czaplicki: What was it called?

Kanter: It was called the Como Inn. It was on Milwaukee Avenue. It was an old Italian restaurant right off the expressway on Milwaukee and probably Erie.[15] We were sitting in the bar and eating lunch, and they came out with the bulletin. This client, who was from out of town, looked at me and said, "Who is going to be the next mayor?" I said, "I know one guy that's not." Because I didn't think that was going to happen. Everybody kind of paid attention to the event, but I didn't pay attention to it in that context.

Then the next morning, I got a call from—it may have been Ernest or Charles—and they kind of brought me up to date as to what was going on. This was Thanksgiving. They kind of brought me up to date as to what was going on, and that there had been—and this was always something that never was in the press—a meeting of, I think, thirty aldermen, including Gutierrez and a number of the other independents, and they had decided on Gene. Could I meet with them later that day, because they would need resources that we could bring to the table?

Czaplicki: So what would "resources" in this context mean?

Kanter: One of our associates was chief lawyer for the Finance Committee under Ed Burke. At that time, there was a partner in the firm by the name of Oscar D'Angelo, who knew everybody. Jim Kane, who was formerly head of the Department of Housing for the city, was in the firm. So there was a core group of people who would begin to work on the parliamentary—because we knew there were going to be objections. Certainly by Friday, you saw everything that was happening. It was a free-for-all. Everybody was waiting for Jesse Jackson to fly back in from Syria or Iran or wherever he was. People were saying, "You shouldn't take the office until a respectful period of time." David Orr had seized the…and said, "I'm the mayor."

So you had a lot of stuff going on. It was our goal, at that point, to make some sense out of it. I probably spent eight to twelve hours in

[15] The Como Inn was one block south, at Ohio Street & Milwaukee Avenue.

Gene's ward office, meeting with alderman and on the phone, and… I was a new guy to the game at this point. But in politics, it takes about five seconds. People either trust you or they don't trust you. Fortunately, these guys started to trust me. So that was it. Back at the firm, we were doing scenarios that we might have to do. We're drafting lawsuits. We're doing everything that might have to be done just in case, creating all the scenarios. So, yeah, it was pretty exciting.

Czaplicki: Heady stuff.

Kanter: I have been bald like this probably since the late seventies, early eighties. They broadcast the city council across the country. So my brother in California was watching this, and he called my wife—because nobody had cell phones in those days-- and said, "I think I just saw Arnie's head. Is he down there?" (both chuckle) So yeah, it was pretty heady, and it was interesting as hell. You had to keep all the aldermen in place. We had the doughnut patrol; we were having people go out there making sure everybody had doughnuts and coffee, and the whole deal.

Czaplicki: So when you were doing that, what were you drawing on in terms of political skills, political connections? I mean, did you learn more of that working at the law office? Were some of those childhood lessons of what was going on in your ward?

Kanter: Probably childhood… (laughs)

Czaplicki: Did you stay current in Chicago politics?

Kanter: Yeah, I kind of stayed current. But you know, I was at the periphery. I wasn't active in anything, certainly. "What did I draw upon?" I guess instinct. You kind of know what to do; you have a mission, and fulfill your mission. As long as you have it, then you can figure out how to do it.

Czaplicki: You mentioned you wanted to take a break here.

(pause in recording)

Czaplicki: And we're back after our break. You probably can't tell us exactly, but what kind of advice were you giving him? What sorts of areas were you—

Kanter: Suddenly, the scrutiny became intense in terms of his income tax returns, in terms of general financial issues, interests he had in entities. He had been divorced, so suddenly everybody wanted to know why his wife had filed an action alleging physical cruelty. So all of those types of things were going on, which were extra-governmental, and those were the types of things that I was either handling or advising on.

Czaplicki: How savvy was he? Were you informing him of some things that he never realized would become issues? Or—

Kanter: Yeah.

Czaplicki: —was he kind of aware, and he just wanted to know how to do deal with them?

Kanter: I think he became aware very quickly (chuckles) that there was going to be an intense level of scrutiny, and that's really what we got involved with. Even issues about his official residence, where he was living at that time.

Czaplicki: Where was he living?

Kanter: I can't remember the address, but it wasn't in the ward. There was some issue about some other residence he had, which was not in the ward. So we had to go through—you name it. I remember the night of the election, getting the documents certified. You had to find the clerk; you had to make sure the clerk was there to sign off on the certification of intent to run for mayor. There was a document. One of the guys back at the law firm ran over and said, "There's a document called 'certified intent to run for mayor.'" I said, "What is it?" And he said, "This is it. I was looking through the municipal code. We've got to file this." Now we've got to find the city clerk. Well, the city clerk wasn't there, so we had to get a hold of Ed Burke's brother, the deputy city clerk. Then we had to figure out whether the deputy could sign this, whether it was permissible. And we had to make sure the language was appropriate. Then during this period of time, person after person is coming in to poor Gene's office and just beating the hell out of him. "You can't do this." "You've got to wait for…" The one thing I constantly remember is everyone saying, "You have got to wait for Jesse to come back."

Czaplicki: So that was the counterargument?

Kanter: Yeah. So it was a pretty intense night. Finally at—I don't remember the time; one o'clock or 1:30 in the morning, or two o'clock—I had a very expensive pen, I gave him the pen, and he signed the intent. I went to take the pen back, and he put it in his pocket, and I figured this was not the time to say, "Give me my pen back." I took the intent down, and then about a half-hour later, he came downstairs.

We worked on the speech. I still have an original copy of the speech. We worked on the speech he gave, which probably nobody in the world watched; it was about four o'clock in the morning. We delivered the speech, and we walked out of the building. I'll never forget it: City Hall was empty when we walked out. The sun was coming up. There were a

couple of us there, and I think we all kind of looked at him and said, "The city is still here. It's still here. Now it's yours."

Czaplicki: No big key? (chuckles)

Kanter: No big key, no nothing. A lot of garbage on the main floor of City Hall. It was certainly an extraordinary four or five days.

Czaplicki: Yeah. Did you have breakfast, or did you just part ways and go home?

Kanter: I'll tell you what I did. I called my wife—I belonged to the East Bank Club in those days—and I said, "Do me a favor: give a suit and shirt" and whatever to one of my friends who was coming down—we always met at like six o'clock in the morning. I changed clothes there, which I think was for the first time in about twenty-four hours, and went to sleep for about an hour in one of their little rooms. Got up, and went to Gene's house. So it was very interesting.

Czaplicki: Why was everybody asking to wait for Jesse Jackson?

Kanter: Because Gene had the support of the white alderman, and that was not looked upon as the way to elect a black mayor. It was not pure.

Czaplicki: And these were also the people that were leading the Council Wars against Washington?

Kanter: Yeah, some of them. Not all of them—guys like Burt Natarus, who was a Washington guy. So the black aldermen who stayed with Gene—Anna Langford I remember specifically, and I think she is still alive. Anna Langford was this great woman from the 16th Ward, just sort of a civil rights warrior; a long history. We were sitting in a room. It was Anna Langford, and Ed Burke came into the room, and Anna gave Ed Burke a hug and said, "I didn't think we would ever be able to do this again." The divisions were extraordinary, absolutely extraordinary, at that time. We were down in the little anteroom—I wish I had a camera for this—outside of the City Hall. The Wyatts—they were Gene's ministers, Addie Wyatt, who was an old-time organizer, and her husband—we all joined hands. When I tell you the people who joined hands had not joined hands in the previous five years or more—it was a very unique experience. Yeah. It was a very, very unique experience. If I wrote well, I would have sat down and wrote about it. You know?

Czaplicki: Did you have much interaction with Harold Washington prior to that?

Kanter: Very little, other than the fact that he filed a complaint against (laughs) me.

Czaplicki: (laughs) Oh, as part of your role in the Panther case, right?

Kanter: Yes.

Czaplicki: You were one of the attorneys that he wanted removed?

Kanter: Yes.

Czaplicki: Did you ever talk to him about that?

Kanter: Once. He kind of laughed it off.

Czaplicki: Moving more into when you get involved with Jim Edgar—

Kanter: So here is how I met Jim Edgar.

Czaplicki: Well, before we get to Edgar.

Kanter: Okay. (laughs)

Czaplicki: (laughs) That's the question after this question. You apparently met a lot of useful contacts in the black community—

Kanter: Tons.

Czaplicki: —through your association with Eugene Sawyer.

Kanter: Both friends and foes.

Czaplicki: How many were through Sawyer? Was that really the main way that you got involved? Or did you have some independent ties that you had been developing over the years?

Kanter: I guess some independent ties. But by and large, it was the folks I interacted with those couple of years that really formed the basis of relationships. Again, I kind of hung out on the South Side. It would not have been unusual for my wife and I to be one of the few white couples at a party. It was far more unique in those days. Chicago is a very segregated city.

Czaplicki: Yeah. Whereabouts in the South Side?

Kanter: South Shore.[16]

Czaplicki: South Shore? Okay.

Kanter: Yeah. Chatham, South Shore. So we developed friendships.

[16] South Shore was also the neighborhood where Edgar's budget director, Joan Walters, grew up. Joan Walters, interview by Mark DePue, July 15, 2009, 4-9 and 16.

Czaplicki: That was also a pretty important Jewish neighborhood for a while.

Kanter: South Shore was a big-time Jewish neighborhood, yeah.

Czaplicki: What happened to Sawyer in '89?

Kanter: What happened to Sawyer in '89? Gene relied upon some people for political expertise who didn't have it. There were comments made early on that, "No one's going to run against you, you are going to be a coalition guy. Daley won't run." These were guys who had been around for twenty, thirty years in the black community, had been very successful in their business endeavors, and were counseling him on these issues. I certainly was in no position to counsel him on those issues. I remember telling him, "Daley is running against you." Probably nineteen other people are going to run (chuckles) against you, too.

Czaplicki: You still had the free-for-all in your mind?

Kanter: Yeah. It didn't take a great political mind to figure that out. Everybody realized he was a very weak mayor. Gene was a get-along guy, which was the other problem: he wouldn't hammer. I don't know if you ever watch *Morning Joe*, with Joe Scarborough? It's a great show on MSNBC at six o'clock in the morning, a wide-open roundtable of political discussion. A great show. They were discussing the fact of whether Obama is too loved and not enough feared. I think the fine combination of both is you can be loved, but you better be feared. Nobody feared Gene.

Czaplicki: How about Thompson? I always get the impression that everybody loved him.

Kanter: Everybody feared him, too.

Czaplicki: Yeah?

Kanter: Yeah. Thompson was a very loyal guy, but Thompson knew the limits and made certain everybody else knew the limits, too. He was a politician.

Czaplicki: So how do you get hooked up with Jim Edgar? How do you enter his orbit?

Kanter: So I am at a small law firm—Freeman Atkins & Coleman is the name of the law firm—and I am representing a company that is then known as Capital Cities Cable.

Czaplicki: What year would this be?

Kanter: It's probably '84, and I'm probably not at Freeman—I'm at Altheimer & Gray. I'm representing a company called Capital Cities Cable. They are

my client. They are the cable licensee for Highland Park, Highwood—a whole bunch of the communities up there. I had been representing them since their formation. They were bought by Capital Cities, which was a major media company out of New York that owned lots of TV stations, and whose offices were next door to the Palace Hotel in New York, in this old, stately building. The very unique thing about Capital Cities was that Capital Cities had six people at corporate headquarters. Everything was done in the field. So if you ran one of their operations, you had virtual autonomy. You didn't have a whole progression. The Chicago facility was under construction. They had a general manager here, and they fired him. I worked to build a consensus in the city to get the system built, to work with the engineers and the whole deal.

Long story short, the law firm they had in New York, which let me do everything, never even bothered me, called me one day and said they had a client with a securities problem—in those days, it was a "blue sky problem"—a registration problem.

Czaplicki: "Blue sky problem?"

Kanter: It meant they hadn't properly registered their security before they sold it, in Illinois. You get rescission; there is a whole bunch of potential remedies, and you certainly want the least of the potential remedies. Securities were regulated by the secretary of state. Jim Edgar was secretary of state. Jim Edgar's chief or first deputy—I don't know what he was called—that first deputy or chief of staff was Wayne Andersen, who is now a federal judge. I had known Wayne, because Wayne and I had been partners at Burditt & Calkins, and we had been pretty good friends. So I called up Wayne and I said, "Wayne, this client called me. Here's the problem. Who do I talk to?" He said, "You talk to Erhard Chorle." Erhard was securities commissioner.

So Erhard and I had lunch, and we became fast friends. I think he introduced me. We had lunch with Edgar one day, and I'm trying to remember whether that was the year Edgar was chairman of the campaign to elect Chuck Percy. Chuck Percy, that year, had fallen off the charts of the Jewish community. I mean, he was just nowhere.

Czaplicki: And this was over the AWACS [Airborne Warning And Control System] sales to Saudi Arabia—

Kanter: Yeah.

Czaplicki: —and some other stuff, right?[17]

[17] Carter Hendren, interview by Mark DePue, April 28, 2009, 42-44.

Kanter: I forgot what it was. I remember the event the night before we had lunch. Percy spoke at our synagogue.

Czaplicki: What was your synagogue?

Kanter: Beth El, in Highland Park. There were probably two thousand people there. It reached (laughs) a point at one point where Percy was just getting pummeled by questions, and he just wasn't there. Finally he said, "My top aide is Jewish." So you know what happened then with the crowd. You want to lose a crowd: "Some of my best friends…" He was running against Paul Simon in that election. But the Jewish community was so infuriated at Percy that they put up somebody in the primary. There was a guy out of California whose name I forget, who financed this guy's primary. A guy by the name of Corcoran ran against Percy.

So we were having lunch, and I was telling Edgar this story. I said, "He just lost that community. It's gone." One of the things you learn about politics and the Jewish community, at least here in Illinois—and I'm sure it's probably wherever there is substantial—it's not so much the amount of Jews of voting age, it's the fact that Jews vote disproportionately for their numbers. Everybody else might vote 40 or 50 percent; Jews vote 70 percent. The other thing is that the Jewish population is very politically active in terms of fundraising. So when you tap into that, you tap into a lot of money. Now, it's changed over the years, but back in the seventies and eighties, that's kind of where you were. We began that discussion, and we talked about it, and we talked about introducing him to the community.

Czaplicki: You were having this discussion with Edgar?

Kanter: Yeah.

Czaplicki: In '83 and '84?

Kanter: Eighty-four, I think. Eighty-four, '85. Yeah.

Czaplicki: So he was looking ahead.

Kanter: I can't remember when he went to Israel. We got him to go to Israel with one of the big honchos from Jewish Federation.

Czaplicki: That was one of your suggestions?

Kanter: Yeah. It's kind of like a rite of passage. In the old days you used to talk about "three I's"—Italy, Ireland, and Israel—if you wanted to cover your bases. So we got him there. It was an easy sell with the governor. He was pro-choice; the bulk of the Jewish community is pro-choice. He was separation of state and religion, and that was a fundamental tenet for him.

The bulk of the Jewish population is right there. The only problem he had: he was a Republican.

Czaplicki: I was going to ask you that. It's '84; you go down there to solve the securities problem. You end up talking to the secretary of state.

Kanter: Yeah. But not right away.

Czaplicki: Not the same day but later that year?

Kanter: Yeah. Later that year, and maybe into the beginning of the next year.

Czaplicki: Was that something where Erhard was soliciting you to offer advice to Governor Edgar?

Kanter: Erhard and I became fast friends; we would spend a lot of time together. Erhard would spend time at my house. Erhard kind of knew what our world was like. My wife was—I don't know if at that time—probably president of the Young Women's Board of Jewish Federation, or a campaign chair of Jewish Federation. So we were very involved in the Federation, which is kind of the umbrella organization. These were my contacts. Erhard and I would talk about it, and he was really the one who would say, why don't we get so-and-so to meet with him? This may have been '86, because—I'm just wondering whether he [Edgar] was running for reelection.

Czaplicki: Yeah, because that was the '86 campaign when he had to run again.

Kanter: Right. And I think that was his first run.

Czaplicki: He ran in '82. He was appointed—

Kanter: Appointed in '81.

Czaplicki: —so he had to run in '82 for his first, which Carter Hendren saw.

Kanter: I did not know him then. I had no involvement in Springfield. So it was around that time. I'm not sure whether it was before or after the campaign [in 1986] that we met. I think it was before, because I remember making one of the few political contributions I've ever made, to him.

Czaplicki: That was partly what else I was wondering. I know you voted for Nixon in '72, but Vietnam seemed to be the controlling issue there. But here we are up in '86. You've met this guy. Are you initially attracted to him ideologically, politically, even though you hang out in all these Democratic circles in Chicago? Or is it more just making a contact, like, "This could be good for business"?

Kanter: No. First of all, I always voted for Thompson.

Czaplicki: You did?

Kanter: Yes.

Czaplicki: And you worked for him?

Kanter: Yeah. I always voted for him. Second, the last time I voted for a Democrat for president was probably Gene McCarthy. I voted for Nixon, I voted for Ford, I voted for Reagan. So I have been kind of consistent on that. One-on-one, he [Edgar] is probably the best personality I have ever seen, because he comes across what he *is*. There are no airs, there is nothing—it's Jim Edgar.

Czaplicki: Even better than Thompson?

Kanter: Yeah. Because Thompson is a politician. (clears throat) I digress. When he ran against Hartigan, Hartigan had certain private sector jobs over the years; Jim [Edgar] really never had a private sector job, other than being the guy for state governments in Colorado for a while, and selling some insurance.[18] Jim was the outsider; Hartigan was the insider. There is a personality that makes you feel comfortable, makes you feel that this guy is in charge, he knows when he's talking about, he is not in it because he wants anything personally out of it. I don't know how else to explain it.

Czaplicki: Authentic? Would that be the word?

Kanter: Yeah, "authentic" is a great word. He is authentic. (phone rings)

(pause in recording)

Kanter: There we go. Sorry.

Czaplicki: All right. We're back again, after another phone break. We're talking about the authenticity of Jim Edgar.

Kanter: Absolutely. Bob Schrayer, who since has passed, was a major player in the Jewish community. Bob hosted a—I don't even know if you want to say fundraiser; it was more of a get-together at his house for Jim Edgar, for people to meet Jim. Without shock, people met him, immediately liked him. We did some planted questions: "What's your position on the separation of church and state? What's your position on a woman's right to choose?" Yes, we planted those issues, but he has an ease about him, and—

[18] For Edgar's time selling life insurance and his work with the NCSL Jim Edgar, interview by Mark DePue, May 29, 2009, 52-53, 56-68, and 89. Also see Bill Lair, interview by Mark DePue, May 5, 2009, 10.

Czaplicki: Were people aware of his Baptist upbringing? Was that a concern before the questions?

Kanter: They were concerned until he explained what kind of Baptist he is. When he explained he was an American Baptist, much like Rockefeller, they felt at ease.[19]

Czaplicki: So that what his phrase—"American Baptist"?

Kanter: Yes. I think he said, "I am a Baptist like Rockefeller is, an American Baptist." I think he called it "an American Baptist."

Czaplicki: One of the things you always hear about in this 1990 campaign is that Jim Edgar broke prior assumptions about how the Republican Party could win in Illinois—

Kanter: Absolutely.

Czaplicki: —which is to make some inroads into areas that were normally seen as untouchable, particularly in Chicago, but also other cities like Peoria or East St. Louis. Going in, trying to get black support, trying to get Chicano and Latino support. I'm curious where this strategy originated: if this was something that Edgar's people were already talking about when you encountered them; if this was something that you were trying to help them see through your contacts that you brought to them. Do you have any sense of where that came from and how this strategy really came about?

Kanter: Yeah. I think I convinced Erhard, number one, and Erhard was a key person in the campaign. Erhard introduced me to Carter.

Czaplicki: Carter Hendren?

Kanter: Right. I did a memo, and for the life of me I wish I had it. I did a memo that analyzed the black vote in Chicago, beginning with probably Bilandic or Jane Byrne, and moving through Harold Washington's first election and Harold Washington's second election. What you saw was that if this is Jane Byrne and the black vote right here, and this is Harold first term; second term Harold is over here.

Czaplicki: So the graph goes down.

Kanter: Turnout was lower. The graph goes down. What you began to see was that the activists in the community were more important than the politicians. That with the exception maybe of a guy like Gene Sawyer, or John Stroger, the black wards did not have terrific turnouts.

[19] For Edgar's attitude toward the separation of church and state, see Jim Edgar, June 15, 2009, 83.

Czaplicki: Why do you think that was?

Kanter: I think what happened was there were rising expectations with the election of Harold Washington. Four years later: "Okay, so how did that help me? Is my life any better? Is my CHA [Chicago Housing Authority] project any better? Am I living any better?" And when that happens, people become disinterested in politics.

Czaplicki: Do you think it was bread and butter issues, basically? The jobs?

Kanter: Jobs, yeah. It was jobs. But I think the biggest thing was political expectations. Not that different than what's occurring right now. Obama: "Yes, we can. Maybe we can. Maybe next year, we will." It's reasonable; it's normal. And when I saw that and talked to some of my friends in the community—it's outreach, not necessarily to Gene Sawyer's friends, but even people who opposed Gene. When they were opposing Gene, they were opposing Gene because Gene was part of the machine. So it was logical to reach out to these folks because Hartigan was machine, and we all knew it was going to be Hartigan. The big thing that helped me enormously—Carter is the best, because Carter used to say, "You can't do anything unless you raise the money yourself." That was always Carter's line: "No. No money. No money." But Edgar bought into the idea early, before the primary.

Czaplicki: While he was secretary of state, even?

Kanter: While he was secretary of state, he bought into it.

Czaplicki: Things like the reading program, for instance?

Kanter: Absolutely. Absolutely. And by doing that, it created a sense of credibility that candidates just generally don't have in the community. Everybody expects the candidate to hit the church the day after they have the nomination. No one expects the candidate to invite the minister to his office and sit down with him and talk about his vision. That's what Edgar did.

Czaplicki: And he did that with—

Kanter: He did it. I think to a large extent, the campaign down in Springfield was benign neglect as far as I was concerned. They didn't care what I did, so long as I didn't interfere with what *they* were doing.

Czaplicki: So you pretty much stayed up in Chicago and worked Chicago?

Kanter: I never came out of Chicago. Erhard and I worked Chicago for a year. And we had every community activist. We were on the West Side with Illa Daggett, who was in Austin, was a community activist.[20]

Czaplicki: What's her first name?

Kanter: Illa. She was attacked and suffered a stroke during the campaign, and her daughter—I can't remember her daughter's name—[Sharon Grant] assumed the mantle. We spent nights at her house. We were on the South Side with Bob Lucas, of the Kenwood-Oakland [Community] Organization—a big-time community organization—working with Bob. We were all over the place. Edgar was good enough to reach out to these people, and to bring them in and say, "Here is what I stand for." He was unique. I mean, candidates don't do that kind of stuff.

Czaplicki: Do you think that was a hard sell to people?

Kanter: It was until they walked out. I will tell you that when they walked in, Lu Palmer, who was an icon in the black militant community, absolute icon, met with Edgar and just said, "There's my guy."[21] I have to tell you, I don't think I was in a half a dozen of those meetings. I mean, they would be one-on-one meetings. Even better.

Czaplicki: Yeah. How about a hard sell in terms of traditional Republican operatives at the statewide level? You said "benign neglect" from Springfield. Did you get the impression that some people were thinking, Why is he even wasting…

Kanter: Oh, yeah. (laughter) Sure. But then they began to see some results; they began to see we started getting the endorsements. Erhard and I kept this real close to the vest in terms of who we were talking to, what endorsements we were working on.

Czaplicki: You didn't want to announce that with a big fanfare?

Kanter: Oh, no. No, no, no. We wanted everything in place before anybody announced anything. I remember Don Rose, who is a political consultant,

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[20] Illinois "Illa" Daggett (1928-2006) and her husband, Paul, were black pioneers in Austin, which had been a predominantly white neighborhood in the 1960s. She was an important community organizer in the 1970s and 1980s, served as a precinct captain, and eventually worked as a neighborhood center director for the Chicago Department of Human Services. In the summer of 1990, she suffered a life-threatening attack by the husband of an employee she had reprimanded. One of her daughters, Sharon Grant, eventually served as president of Chicago Board of Education. *Chicago Tribune*, February 7, 2006.

[21] Lutrelle F. Palmer (March 28, 1922-September 12, 2004), "the Panther with a pen," began his career as an activist media figure when he joined the *Chicago Defender* in 1950. The HistoryMakers, "Lutrelle F. Palmer Biography," Chicago, IL, http://www.thehistorymakers.com/biography/biography.asp?bioindex=266&category=civicMakers.

was on the payroll of the campaign. I remember a meeting with Don and Erhard and I—and I forgot who else—Carter, I think, was there. Don was talking about some inroads into Chicago, and mentioning names, and Erhard and I would go, "We got them. We got them."

Czaplicki: (laughter) Must have felt pretty good.

Kanter: Oh, yeah. It blew me away.

Czaplicki: In Carter's interview, he talked about hoping that your campaign could get 27 to 32 percent in Chicago.[22] When that number first came out in your discussions, was that kind of pie in the sky? How ambitious did that goal seem to you at the time?

Kanter: It was ambitious. I probably looked at 23, 24, 25 percent as being maxed out. But the one thing I knew was that there wasn't going to be a big turnout.

Czaplicki: Because you had been doing your analysis?

Kanter: Yeah. Voter registration was down, you had the Harold Washington Party in there; there was just tons of stuff going on. So you anticipated there was going to be a letdown from then on, and if you got 25 percent of a low turnout, that's enormous. That's enormous.

There were a lot of sleepless nights. I remember on election night, we were in the hotel room. I had a cell phone by then, and my wife calls me and says, "Channel 2 just announced Hartigan won." I went, "They're wrong." We weren't sure, but we just kind of knew. Phil O'Connor, I'm sure you've talked to Phil—

Czaplicki: I haven't, no.

Kanter: Phil is there working numbers with Carter, and we are looking at the city numbers and—

Czaplicki: Steeper is the name I hear a lot.

Kanter: Oh, yeah—Steeper was genius. Genius.[23]

Czaplicki: He was kind of in the war room?

Kanter: Yeah.

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[22] Hendren, May 7, 2009, 23.

[23] Fred Steeper was a nationally prominent pollster hired by the Edgar campaign. On his role in the campaign, see Hendren, May 7, 2009, 42 and 57-58; Mike Lawrence, interview by Mark DePue, April 1, 2009, 43.

Czaplicki: Carter said he could look at a precinct and tell you—

Kanter: Boom! Right. Right away.

Czaplicki: —what that meant for the whole picture.

Kanter: Yeah. It was kind of heady and neat. The Republican National Committee let us do a focus group. They had never done this before; they let us do a black focus group. What we found in that black focus group was the following. Number one: blacks were far more aware of political candidates than their white suburban counterparts. That's number one. Number two: community leaders were more important than political leaders. Those were the two salient points. So if you could play off of that, because your community leaders were by and large anti-machine—the blacks had been taken for granted for generations by the Democrats. "What has it gotten you?" That was the play.

Czaplicki: So when Rudy Giuliani sneered at community organizers, then, that probably didn't go over too well with some people.

Kanter: No. Right. But that is the community. This is a community that depends on government services, to a large part, for its existence, so they are going to be more finely attuned to the political process. It may impact me in Highland Park, but in those days, for someone at Cabrini—boy, it impacted them a hell of a lot more.

Czaplicki: On that note, it's sort of easy to say—the questions that I'm asking you—"the black community," but obviously, we don't want to make that a monolith, right?

Kanter: Oh, sure.

Czaplicki: There's a lot of different factions and different groups in there. Were there some areas of the Chicago black community that supported or were more receptive to your message than other areas? Were there particular wards that you felt stronger in? Were there certain kinds of people, either certain occupations or lines of industry that they were in?

Kanter: Again, I haven't looked at the numbers. (phone rings) I think we did real well in strong black middle class wards. In Gene's ward, Sawyer's ward, I think relative to other candidates, we did remarkably well. I think we did somewhat well even in Stroger's ward. So in wards that had good organizations, where people were politically attuned, had good turnouts, we did well. In Shaw's ward, which I think was the 13th Ward—which is all the way on the Southeast Side; it's now Alderman Beale, the Pullman area—I think we came within one thousand votes of taking that ward.

So you began to look at the numbers early on. And we did a lot of stuff. The last couple of weeks of the campaign, the campaign was real tight. It was *real* tight, one of those stomach tights—and I can't remember what the event was, but we did something for Edgar. And then Edgar looked at Erhard and I and said, "You guys just tell me where to go over the next couple of weeks." Which was a great feeling, but also, "Holy… I don't want to be…"

Czaplicki: So he had a real sense of the importance of—

Kanter: He had a real sense of the importance. Right.

Czaplicki: How did you guys become aware of that as the campaign progressed? Initially, it's benign neglect; by the end, it's man, we're doing something here, and we need this. When did that shift happen?

Kanter: Probably about a month-and-a-half out of the campaign, maybe two months; I want to say beginning in August… Carter can certainly tell this better than me. I think at some point in time, you always look… I may even have it. I kept this, and I don't know what I did with it. It was a poll that was done by Steeper. Here it is.

Czaplicki: Wow, right in your drawer, huh? (laughs)

Kanter: . I told him that one of the things that we discovered afterwards was that everyone applauded the governor for holding the line, and everyone felt differently about the legislature. As they were walking into this thing, he said, "What do you think?" I said, "I think you've got to take the high road. You have got to say you are there for the people. Your guy is the governor twelve months out of the year; legislatures come and go." So I pulled this out and found this. One of the things you find in the black community is that for races that are down the line—not the governor or the secretary of state—you can have a pretty good approval number, but the question is whether that number stays, has sustaining power. Generally, around September, the number starts going like that.

Czaplicki: It's dropping down?

Kanter: It's dropping down. Now, our number did drop, but our number dropped, like, from 35 percent to 32 percent. I think that what happened was that Carter and the guys down there said, "This might be real." And then we started rolling with the endorsements—Nikki Zollar, who was on the Board of Elections and a Harold Washington person, and then we got Harold Washington's brother to endorse us. Then we had massive endorsements. The other thing is they let us run the media ourselves, separate and distinct from the campaign.

Czaplicki: But out of the general campaign funds?

Kanter: Out of general campaign funds, but we could run the media. One of the things we did which worked so well—I can't even tell you—was you know how in today's world, your PR guy pre-releases your radio commercial, your TV commercial, to the press?

Czaplicki: Right.

Kanter: We didn't release anything to the press. We were running ads on black radio stations and waiting for the white media to pick it up. Which they did. And it became a story. Not the story that we were running the ads—the story of how *well* we were doing, all these endorsements. That's kind of what we did in the ads. The ads were all endorsement ads. It was, "I am…"

Czaplicki: This community leader, and I…

Kanter: Right. So we did all that under the radar.

Czaplicki: What was the cost of that? Would the rates be the same? Would you get charged more? Less?

Kanter: They were the same. We had a really limited budget. If we spent forty or fifty thousand dollars on the whole media campaign? We were very limited in scope. We knew what we were doing. We had a couple of community newspapers that we worked with which were very important in the campaign.

Czaplicki: Do you recall the names of any of those?

Kanter: Oh, yeah. What's the guy's name? It begins with a G. God! He's still around. I'll try to remember the name, so make a note. [Bill Garth]
Czaplicki: That's something you can always put in later, but just to think about that, it would be good to know.

Kanter: But those were weeklies, so they're much less expensive. The good thing about a weekly: it sits there all week. Once you get Jim Edgar's picture on the front of that newspaper, it's sitting there in the bank, in the grocery store—it's a freebie!

Czaplicki: And you're right: it stays there.

Kanter: It stays there all week.

Czaplicki: In Hyde Park, I always see the community papers in the places I go.

Kanter: Yeah. So all of these were types of things that were the net result of what Erhard and I did for this period of time. And it worked.

Czaplicki: My understanding is that the Harold Washington Party—

Kanter: Great people.

Czaplicki: Part of their motivation was—"dislike" might be too strong of a word, but irritation at Hartigan for—

Kanter: Not supporting—

Czaplicki: —backing Washington's opponent—

Kanter: Mr. Hynes.

Czaplicki: Did you vary your appeal to people? Like some people, you'd offer community benefits—this is what we're going to do for you as governor; other people, saying, "Hey, how can you support this guy? He went against Washington?" How much was Edgar's message, Edgar's personal appeal, what he might do as governor, versus "I'm angry at Hartigan for not supporting Washington?" Do you have a sense of that balance?

Kanter: First, understand that—and again, I'm going from memory—Jim Edgar met with every one of these people. There was nothing where we were their surrogate. There may have been some community guys who were block guys, but in terms of the major players, Jim Edgar met with everyone. Now, whether they did it because they liked him or they did it because they wanted to do it to Hartigan, it's hard to say. But we had a tremendous advantage. When we worked with the Harold Washington group, we put their name on our palm cards. Why not?

Czaplicki: So they were running people down race?

Kanter: Yeah.

Czaplicki: And you'd let them share?

Kanter: Absolutely. The Harold Washington Party was a big deal at that point. Richard Phelan was the candidate for county board president. He had beaten Teddy [Lechowicz]—I forgot his name. Boy, I'm bad on names—in the primary, who was the party guy. So you didn't have a lot of contests going on.

We did a thing down on Forty-Seventh Street. Forty-Seventh Street in those days was a tough street, tough area, and we did a thing with Edgar down on Forty-Seventh Street: eating lunch down there, meeting people.

Czaplicki: Do you remember how far west on Forty-Seventh?

Kanter: East Forty-Seventh. You've got South Park—

Czaplicki: This would be Cottage Grove?

Kanter: Cottage Grove, yeah. Right in that area. This is 1990, so about the only thing you had was the mosque and the shopping center where the Co-op was.

Czaplicki: Right, right by Woodlawn and Forty-Seventh.

Kanter: Yeah. But if you went down the side streets, it was bombed out. There was nothing there. We took Edgar down there, and Edgar spent time with Bob Lucas, who was the big honcho down there. We used those pictures, and Hartigan made a crack about, "Big deal—Edgar visited Forty-Seventh Street." The response back—I think it was Mike Lawrence or someone who said, "At least he knows where Forty-Seventh Street is."

Czaplicki: Ouch.

Kanter: Yeah. So we went into the neighborhoods. We took him on in the neighborhoods. In brief, that's how it happened.

Czaplicki: Did you go by the Checkerboard?[24]

Kanter: Oh, yeah. I went to Checkerboard at *night*. There is a group of guys I knew, Chicago coppers I knew; it was a men's group. I forgot the name of it—it was a club on South Michigan Avenue—and we'd go over there and meet with these guys. Anytime, anyplace—Erhard and I were in our cars; I'm driving back out to the suburbs at two o'clock in the morning.

Czaplicki: I was going to ask you how you went about implementing the strategy, which in many ways you already told me. But I'm thinking about how you monitored your efforts. How did you stay on top of it? You mentioned endorsements. What other signs did you look for to see if your message was taking, and to see if you really were going to get that vote out that you expected?

Kanter: First of all, we had a staffer—and I can't remember her name either. [Rose Jennings]

Czaplicki: That wasn't Arabelle, was it?

Kanter: No, not Arabelle. Arabelle was Hispanic.

Czaplicki: She was working that community, right?

(pause in recording)

[24] One of Chicago's legendary blues clubs, which at the time was located on Forty-Third Street, just east of Martin Luther King Drive. Several years after the club closed in 2003, it relocated to its present location at 5201 S. Harper Avenue.

Czaplicki: Back from another break. I was asking how you stayed on top of your efforts and gauged the efficacy of it as the campaign rolled on. You mentioned that you had a staffer.

Kanter: We had a staffer. We were in constant contact with all these people. We really were. Fortunately, Jim Edgar won, because I wouldn't have had a law practice (laughs) to go back to. But it was very time consuming. How did we know the numbers? We monitored voter registration. We met with Gene Sawyer. I told Gene what we were doing. I set up a meeting for Gene to meet with the governor. They got along. Gene looked at me and said, "We're not going to hurt him." That tells the world to me. I'm not a numbers guy in that sense. I used to look at the guys and say, "Do you know that there are forty thousand voters in the 6th Ward? How many communities in Illinois have forty thousand voters?

Czaplicki: And Edgar won by eighty-nine thousand, or something in that ballpark?[25]

Kanter: Right.

Czaplicki: So that's not insignificant.

Kanter: Right. That was my sell. My sell was, here is a ward with forty thousand voters. Okay? So let's presume that turnout's 50 percent. That's twenty thousand. If we get five thousand of those votes or six thousand of those votes, that's pretty good.[26]

Czaplicki: So when Gene Sawyer says, "We won't hurt him," what does that mean exactly? How does he operationalize that out in the field? Does that just mean he tells the guys, "Don't work so hard for Hartigan?"

Kanter: Probably. Yeah. "Don't push to get out the vote." It means that we don't have to put any resources in, from the campaign's perspective, because someone else is doing it for us. So all those factors come into play. That's why we could do it on much leaner resources, because there were just people that we could deal with who would tell us, "Here is what I need for get out the vote. I need X amount of money." But we don't have to put people in there; we don't have to do any of that.

Czaplicki: The U.S. Attorney's Office figures into this again, too. Carter mentioned something about pretty strong ballot security for it.

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[25] Edgar defeated Hartigan 1,653,126-1,569,217, a margin of 83,909 votes. State of Illinois, *Official Vote Cast at the General Election, November 6, 1990*.

[26] Hartigan defeated Edgar in the 6th Ward, 13,474-4,137, but the numbers mask the story of turnout. While Chicago's general election turnout declined between 1986 and 1990, Edgar was able to hold his losses in the 6th Ward to 572 votes. Hartigan, however, suffered a decline of 6,477 votes from his 1986 6th Ward total in the attorney general's race. State of Illinois, *Official Vote Cast at the General Election*, for 1986 and 1990.

Kanter: Oh, yeah. Yeah. I think Fred Foreman was a U.S. attorney at that time. And yeah, we did a very aggressive ballot security.

Czaplicki: It's a contentious issue these days. Probably since 2000, really, with Gore/Bush in Florida. A lot of people go back and forth: is it ballot security or is it suppression? Which way do you go?

Kanter: That's right. We did something else, too. In the city, we closely monitored the absentee ballots. We had—I want to say about twenty or twenty-five two-man groups of lawyers and some coppers, off-duty—and we had them go out. Dorothy Tillman, for example.

Czaplicki: Of the hats?[27]

Kanter: Of the hats. We would have them go out to a precinct where we knew there were lots of absentees. But we'd have them there at six o'clock in the morning. Then we would have them back at 7:15. Then we have another group in there at 8:30. We only did this with maybe two dozen, three dozen precincts. One of my friends calls me and says, "How many groups have you got out on the street? They are screaming about the fact that your guys are coming in every fifteen minutes." Now we did that, as I said, maybe thirty or forty precincts out of how many precincts in the city of Chicago.

Czaplicki: So they were going to the main polling station in that precinct?

Kanter: Yeah. They were going to the polling station, but one group would go in at six, one group would go in at 7:15, another group would show up at 8:30… All of a sudden, everybody is going, "They must have hundreds of people out on the street."

Czaplicki: How does that work? Do you have to declare yourself?

Kanter: No, no. You get credentials as a poll watcher.

Czaplicki: And what does that let you do?

Kanter: That lets you look at the book. It lets you check the ballots. We already had a list of the absentees, so we knew who had voted. We wanted to make sure [there was] no double voting. All those types of things.

Czaplicki: To make sure that you didn't have an absentee ballot from them *and* they had also signed the book that day to cast an actual—

[27] Dorothy Tillman, who developed a stylistic trademark of wearing flamboyant hats, was alderman of Chicago's 3rd Ward,

Kanter: Correct. There was a lot of stuff. Jim Montana was down at the election office. We had worked very closely with Mickey [Levenson]—whose name I can't remember—who worked at the Board of Elections, who was a friend of mine. Mickey gave us a lot of access down there.

Czaplicki: And you had worked with Montana…

Kanter: In the U.S. Attorney's Office.

Czaplicki: You were both there at the same time, right?

Kanter: Right. And I had known Jim for years. Jim did our ballot security down there. We kind of knew everything going on. We had an inside guy.

(phone rings; pause in recording)

Kanter: Where were we?

Czaplicki: You were talking about your poll watching efforts. Your inside guy.

Kanter: We just had a good grasp of what was going on. We had a good grasp of any problems that were out in the city. We just had a lot of people reporting in. And friends—not necessarily poll watchers, but just kind of political types who would be out there and passing out palm cards—who could tell us stuff.

Czaplicki: Did Hartigan ever become aware of the danger, that you know of?

Kanter: They didn't believe the numbers. I don't think they believed the numbers. I think by the time they did, it was a little too late. I think this is in the papers someplace. I think it was the week before or two weeks before the election. Muhammad Ali went out with Hartigan into the black community, some places. And this is what somebody told me: Muhammad Ali was going, "It's the champ and the chump." (laughter) Now, that's what I was told. That's what I was told. There may be something in the newspaper files.[28]

Czaplicki: A ringing endorsement.

Kanter: A ringing endorsement. But you know, he started late. I think it wasn't until after September that they began to realize that there were some heavy duty numbers here. I think Jim Burns was running for lieutenant governor at that time. I knew Jim. Jim and I would talk. And my recollection is that Jim would complain about him; that he wasn't… He was doing what you were supposed to do. He was going to a ward committeeman, and sitting

[28] Ali accompanied Hartigan for the latter's campaign walk down Forty-Seventh Street, October 27, 1990. At the same time, Edgar was joined at a rally in Butler, Illinois, by Vice Pres. Dan Quayle. *Chicago Tribune*, October 28, 1990.

down with the ward committeeman. Well, you had a remarkable year in '90: that was not working.

Czaplicki: You hear this a lot about certain southern states, rural areas: the tradition of street money in Chicago?

Kanter: Oh, no—that's "walking around money."

Czaplicki: That's what you call it here?

Kanter: Yeah. "Walking around money."

Czaplicki: "Walking around money?"

Kanter: Yeah.

Czaplicki: Is that something every campaign has to have?

Kanter: Every campaign has to have it. That's how you get your guys out in the morning. They're out there—

Czaplicki: Who does that go to? Does it go to the precinct captain?

Kanter: It goes to the precinct captain, and he gives it to the workers to make sure the workers are out there passing palm cards. It doesn't go to the voter. (laughter) It doesn't go to the voter.

Czaplicki: What's the rate tend to be?

Kanter: I haven't been involved in this in fifteen, eighteen years. I don't know what it is today. It was ten bucks, fifteen bucks, twenty bucks. It was virtually nothing.

Czaplicki: Per worker?

Kanter: Yes. But I can tell you one thing we did with guys—and these were field guys that somebody had—you buy a field crew. I'm trying to remember: I don't think Jesse Jackson would invite Edgar to Operation PUSH. So they were inviting Hartigan, and we knew it. And at five o'clock that morning, we had a crew on Drexel Boulevard putting "Edgar for Governor" posters on every tree and every light in the neighborhood. And when Hartigan turned the corner…

Czaplicki: (laughs) Made it rain?

Kanter: It just was all over the place. Edgar signs were *all over* the place. I think there was an article about that. Not that we called anybody in the press to tell them that. So those were all the things that… People see this and they begin to say, "Ooh, this guy is for real. He is making inroads." Our poll

numbers are good. There is a presence in the community. Even though maybe that presence was a month ago, but the community newspapers show him (phone rings) in different pictures every week.

(pause in recording)

Czaplicki: Back after another telephone call. Erhard—does he have deep Chicago roots? What's his background?

Kanter: His brother-in-law was a Republican state rep., Mike Abramson. Erhard—I don't know how he got into the Thompson administration originally, and then went to work for Edgar in the secretary of state's office. He grew up in Chicago, went to Catholic school in Chicago, went to Loyola Academy.

Czaplicki: That makes sense, because as you were discussing these efforts, it's clear that both of you have a pretty strong knowledge of Chicago.

Kanter: Right. Yeah.

Czaplicki: And how stuff works in Chicago. Also, you mentioned that the RNC—the Republican National Committee—paid for the focus group within the black community. So they did that in Chicago's black community?

Kanter: Yeah, they did it in Chicago's black community.

Czaplicki: Do you know who authorized that? Who was okay with that at the RNC?

Kanter: No. But I know Carter would probably know that, because it went through Carter. We were kind of pushing and pushing for it. The RNC came in at one point and brought in their black media consultant; they came up with these really brilliant commercials out of a barbershop. We all kind of listened to this, and we nodded yes. I think Carter then arranged to get the focus group, and then we didn't use anything that—we used the focus group, but we didn't use anything…

Czaplicki: I remember Carter had mentioned one of the things he wanted to do with Edgar—I'm trying to remember if this was the gubernatorial campaign in 1990, or if this was his first secretary of state; I think it was the gubernatorial campaign—he mentioned that he tried to organize people by occupation. What made me think of this was "barbershop"—you had "Barbers for Edgar," "Hairdressers for Edgar," "Insurance executives for Edgar." Did those efforts extend to the black community in Chicago? Would you go into black barbershops and try to get them?

Kanter: No. What we did was we went to groups like Black Contractors United—a very prominent group. They came out and endorsed Edgar early. *Early*.

Czaplicki: Independently? You guys wanted to keep that under wraps, but they still…

Kanter: We did a big endorsement. They got more heat from the black aldermen in Chicago for doing that. These guys were real heroes—Larry Huggins—they came out and stood behind Edgar. We made commitments. I think the one thing that you will find in the black community is there is nobody who will say that we didn't keep the commitments that were made. When Jim Edgar, six years ago, I guess, was thinking about running for Senate, I got a call from Lu Palmer's guy, Eddie Read. Google him—he is an interesting character. R-e-a-d. Eddie called me and said, "Arnie, are you going to be involved with any of this?" I said, "Oh, I don't—I'm too old." And he said, "Can you tell the governor that we want to be with him?" So that says a *world* to you that these guys came back. They were willing to come back.

Czaplicki: On that note, overall, when you think about the campaign and any lessons from it, was that something that other Republican groups were able to build on? Did you kind of change the playbook?

Kanter: No.

Czaplicki: Or did that effort become something that was just really unique to Jim Edgar?

Kanter: It was unique to Jim Edgar. It really was. Yeah. You couldn't change the playbook. First of all, you can't change the playbook, because of people's philosophies.

Czaplicki: Ideology still matters?

Kanter: Ideology still matters, yeah. And the other thing you can't do—there's a primary example right now in the Republican primary—no one's going to spend any time in the city. That's not where the votes are. Well, now, you win in February, you start coming… People don't trust you anymore. So unless you have a long history, or you create the history, which is what Edgar did when he became secretary of state. The libraries program, and all that good stuff into the community—that's how you create the history. So people trusted him and realized he wasn't just coming in because now he was up for election. That was *always* an issue. "How do we know the day after…" Go and sit down with him.

Czaplicki: Was there an attempt? Was this something that either you or other people on Edgar's staff would try to share with other potential Republican candidates on the bench? Sort of, "When it's your turn to run, pick up where we left off, and keep this relationship alive"? Because now if somebody did it, they'd have to start over, seems to be what you are saying.

Kanter: To my knowledge, the only candidate who really picked up on it was the guy who won the state's attorney's office in '94 or '90. Ninety, maybe. Ninety-two. Won the state's attorney's office in '92.[29] [Jack O'Malley]

Czaplicki: I just came to Chicago at that point. I'll have to look that up.

Kanter: I think he won in '90. I take that back. That was the only one I remember who really worked the community.

Czaplicki: So really, you were talking to Edgar in '84. He was doing a minimum six, seven-year process just to get it rolling?

Kanter: Yeah. And then the other events which occurred—the death of Harold Washington, declining black vote… If you have been in Chicago since 1990, you know—Cabrini-Green is no more. When I wrote my memo in 1988 or '89, I wrote a comment that the only way there will be an accelerated black vote, which would be helpful to Hartigan, is if Mayor Daley tore down Cabrini-Green. But I was wrong. He tore down Cabrini-Green, and it didn't matter. But there had to be a flashpoint, and without a flashpoint, Jim Edgar was going to do real well. People liked him, I'm telling you. The likeability factor, and they trust him and they like him. That's why he's got great approvals right now.

Czaplicki: Especially now. People are kind of reassessing—

Kanter: Yeah.

Czaplicki: There's a lot more we could probably dig into, but I think we have a good idea of the general thing. But after all that work, election day comes—and you already said you were at the hotel. What was that day like for you? What do you remember about election night and the back and forth, and the tension?

Kanter: Oh, God. The tension was overwhelming. It was absolutely overwhelming. At one point, I remember Carter and Phil O'Connor called me into the room because they were concerned about the vote count out in Will County, I think it was, and the votes weren't coming in out of Will County, and we had problems out there, and, "Get a helicopter! Get out there!"

Czaplicki: Did you have any other roles? You were really running Chicago, but did you have other sites that you were responsible for?

Kanter: No.

Czaplicki: Just Chicago?

[29] Possibly Jack O'Malley (1990 and 1992).

Kanter: Just Chicago. So it was, "Get out there!" I'm going, "Geez, what am I doing?" (laughs) Carter's got an imposing personality. We're all smoking every second; it was cigarettes all over the place.

Czaplicki: Did you ever doubt?

Kanter: Did I ever doubt? Oh, yeah. Absolutely. I doubted, because the downstate numbers started coming in and Hartigan was stronger than he should have been. Oh, yeah. I think we all doubted at that point. And Hartigan had better county numbers, collars, than we had anticipated—I think we had anticipated. So when all that stuff coming, yeah, your stomach is going like that. You don't have the computers that you do today, and you don't know fifteen minutes afterwards.

Czaplicki: I know I'm really taking you back, but can you think of the moment when you thought, Wait, we got this?

Kanter: We started hearing the Chicago numbers.

Czaplicki: Which you knew really well, since that's the area you had been working.

Kanter: Yeah. I started hearing those numbers. I felt good, because it would be, "Carter, what do we need out of the city to make this?" That's the kind of thing: what do we need out of the city? What do we need out of county? We were doing well in the county, Cook. And when the city numbers looked as good as they did, it was like we all felt good. I was not in that war room, but I had my people getting me the numbers.

Czaplicki: Telling you stuff?

Kanter: Yeah.

Czaplicki: Were there any bellwethers you were looking for? Was it sort of, "I want to know when this ward comes in?"

Kanter: Gene's ward, clearly. Forty-one, I think. I'm trying to remember what Cullerton's ward was in those days. A couple of the Northwest Side wards, when they started coming in pretty good. Lakefront wards. You know, traditional stuff. But when we started seeing what the South Side wards were doing, that made it a lot easier to breathe.

Czaplicki: So what was it like when the actual announcement finally got made? How did you feel?

Kanter: Relieved. Relieved.

Czaplicki: You delivered?

Kanter: Yeah. And then Edgar—I think it was one of the nicest things I have ever heard: "Where's Arnie? Bring him in here."

Czaplicki: Bringing you into where?

Kanter: He was in a suite with his family, across the hallway.

Czaplicki: That's right. Brenda was in there with him. And Mike went in, and they set up the call with Hartigan.[30]

Kanter: Right.

Czaplicki: So he brought you in for that?

Kanter: Yeah. So that was kind of the nice one. Then the rest of the night, I don't think I slept until four o'clock, five o'clock. I couldn't fall asleep. When he was out shaking hands at the train stations, I was sleeping.

Czaplicki: (laughs) Did you know Hartigan at all?

Kanter: Yes.

Czaplicki: So when did you see him next?

Kanter: I don't remember. I had seen him, actually, with Gene Sawyer even before Edgar announced. We had talked, and he had said, "Will you help me out?" I said, "I'll be very honest with you: if Jim Edgar is the candidate, I'm working for Jim Edgar."

Czaplicki: All right. Is there anything you would like to add that we haven't talked about today, in terms of the campaign or anything else prior to this?

Kanter: I think the greatest success that we had in the city was the fact that Hartigan underestimated what we did and who we did it with. We didn't go the traditional route—we went a very untraditional route. Nobody anticipated that those folks would have an impact. We were underestimated. That was the best thing that happened to us.

Czaplicki: Well, thank you very much for today. I think we'll do one more interview; we'll talk about the transition, and we'll talk about your years in Governor Edgar's administration, and that'll wrap it up. So thanks a lot.

Kanter: My pleasure.

(end of interview #1)

[30] Lawrence, April 1, 2009, 45.

Interview with Arnold Kanter

ISG-A-L-2009-043.02

Interview # 2: December 29, 2009

Interviewer: Mike Czaplicki

Czaplicki: Today is Tuesday, December 29, 2009. I'm Mike Czaplicki; I'm with the Abraham Lincoln Presidential Library in Springfield, Illinois. I'm here today in the Northfield office of Arnie Kanter. We're going to pick up where we left off last time for a second interview talking about the gubernatorial transition of Governor Edgar, as well as Arnie's time within the administration of the governor. Welcome back, Arnie.

Kanter: Thank you.

Czaplicki: As we left off, you had won the election; you were talking about what it was like in the hotel at the end of that really closely contested race in 1990. But now you've won, and Edgar has to develop an administration. You are one of his picks to the transition team. I'm curious about what it is that a gubernatorial transition team does.

Kanter: What do they do? In its briefest explanation, the purpose of the transition team is to understand where government is at a certain time; to make recommendations in regard to what one would call "short term goals," which would be the establishment of a new budget. In Illinois, the election is in November; the governor takes office in January, right at the beginning of January. There's a little over a month-and-a-half, and then the governor delivers the budget message, if I recall correctly, in February. So you have a very short period of time in which to garner all the facts necessary to establish your first budget. Really, that's the first order of business. If I recall, in our transition, one of the most important issues was how deeply in debt were we at that time? That became a major issue of the transition.

A lot of my compatriots on the transition team had been in state government. I had not. So it was probably a higher learning curve for me in terms of the various agencies, where they stood, and I tried to focus in

on the legal liabilities that we would be facing as we took office.[31] That was really the first order of business: what we could do and what we couldn't do. Nothing changes as time proceeds—we had a problem with Medicaid funding.

Czaplicki: Yeah, we'll get into some of those issues.

Kanter: So those were the type of issues that I looked at in terms of the transition. I think I attended as many meetings as I possibly could. But more to the point, the various agencies had done briefing books. And I remember reviewing, with some detail, the briefing books that had been prepared, specifically reviewing those areas in which I would have oversight. Because the way the—

Czaplicki: That's what I was going to ask you here, if I could backtrack just a little bit. What was the structure of the team? Was there a leader besides Governor Edgar, or somebody who coordinated all the work?…

Kanter: Mike Belletire internally coordinated. I'd say Mike was really the leader of the team in terms of staff. Paula Wolff was the chair, and Paula and I met with various existing directors, reviewed their agencies—Paula more than me, in all honesty. Again, she had been in government for all those years with Thompson, so she had a wonderful oversight. She is a brilliant woman.

Czaplicki: What was her background again? Where did she come out of?

Kanter: I think Paula comes out of the Ogilvie administration, in the budget area.[32] Ogilvie had brought all these new folks into government in 1968, including, I think, Jim Edgar, who came in either during Ogilvie or as an aide to Senator…

Czaplicki: Senator Arrington?

Kanter: Arrington, right. So Paula had been in government for a long time. Kind of a policy wonk. Really a bright, bright lady who sat around and thought about all these great ideas. It was kind of fun working with her, because she really did have an extraordinary grasp of government. Mike Belletire, who had been around—again, he was director of Mental Health under Thompson, and was Jim Edgar's policy person during the campaign—Mike had a significant role in kind of coordinating the transition.

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[31] For one view of the gap in Arnie's experience, see Joan Walters, interview by Mark DePue, July 29, 2009, Jim Edgar Oral History Project, Abraham Lincoln Presidential Library, Springfield, IL, 52-53. Unless otherwise indicated, all interviews cited in the notes were conducted as part of the Jim Edgar Oral History Project.

[32] For more on Wolff's background and some of her work during the Thompson administration, see Walters, interview by Mark DePue, July 15, 2009, 28-37.

Czaplicki: So you are already kind of getting at this: how was the team put together? What kind of decision making goes into deciding who goes on the transition team, if you were privy to any of that for the people who came after you…?

Kanter: Yeah. My recollection is that by and large, it was people who had been active in the campaign, one; and two, people who had some historical value in terms of their expertise. For example, I think Al Lerner from the Medical Society was on the transition. Al dealt with those issues which affect the Medical Society: Medicaid issues, public health issues—those type of things. Hopefully, I remember this. We weren't set in terms of each department. We were set on much broader areas: public safety, finance… Those were really the areas, and that's how we were set up.

Czaplicki: Functional—

Kanter: Functional, yeah. Again, from my perspective, I was looking at the legal issues that accompanied all of that more than I was on the policy considerations at that point.

Czaplicki: What's the distinction there? Like what might a typical legal issue be—

Kanter: DCFS, the Department of Children and Family Services, was under attack at that time. There was a pretty significant lawsuit brought by the ACLU, I believe.

Czaplicki: Yeah, and a couple of other groups. But the ACLU was the main one.

Kanter: Right. And that lawsuit could have significant budgetary impact. It had been going on for a very, very long time. So that was the type of issue that I would focus in on. *Rutan* was another issue that I focused in on early on, because that dealt with a whole bunch of policy questions, but ultimately, it was how do we meet the standards of the Supreme Court, pass muster in terms of the district court, in terms of a new system?[33] Because we had to put a system in place; we could no longer just have a, quote/unquote, "hiring freeze."

So those were the type of legal issues that I dealt with during the transition. I recall, once, being down in Springfield; I walked over to Thompson's office and said, "Can I talk to you about *Rutan*?" I just kind of wanted to talk to him and see how he looked at it, how he would resolve the case. Again, are they policy? I guess in the broadest sense, they are policy, but they are really legal impact cases that can affect the course

[33] *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990). By a 5-4 vote, the decision extended the rule of *Elrod v. Burns*, 427 U.S. 347 (1976) and *Branti v. Finkel*, 445 U.S. 507 (1980), determining "that promotions, transfers, and recalls after layoffs based on political affiliation or support are an impermissible infringement on the First Amendment rights of public employees."

of policy in the administration. So the goal, number one, was to settle *Rutan* under the terms most favorable to us. We worked on that, I think, and we got that done in about a year-and-a-half or so, or a year. The DCFS case, outside counsel was—she's now in the White House; I can't remember her name. She was a lawyer at Skadden Arps—Julie something or other. I can not remember her last name.

Czaplicki: What was the name of the firm?

Kanter: Skadden Arps. S-k-a-d-d-e-n, A-r-p-s. That case was particularly troubling because it dealt with something that was a newspaper headline. It had dealt with the management of kids who were in foster care.

Czaplicki: And there were a lot of articles and things written about—

Kanter: Oh! Just tons.

Czaplicki: —horrendous conditions and—

Kanter: Correct. So you had two things going in that type of case. You had the cost of remaking the system, which had to be done, and you had the issue of the kids. And you had the potential for the court to take over the department.

Czaplicki: Put it under court supervision?

Kanter: Yeah. And ultimately, that is, in effect, what we agreed to. We agreed for a monitor to be appointed, under a very, very long settlement document. (phone rings) Excuse me.

(pause in recording)

Kanter: The unofficial portfolio would be, for example, telling the director of Corrections at that time—I apologize; I don't remember his name—that he wasn't going to be there much longer. I also remember—

Czaplicki: You delivered that news?

Kanter: Yes, I delivered that news. I also remember Edgar, governor-elect at that time, making clear that he wanted an African American to be director of the Department of Corrections. Again, that was a sea change.[34] I would say you had your traditional African-American cabinet positions: maybe DCFS; maybe Aging; maybe Public Aid. One of the things that was really great about the Edgar administration is you suddenly had Nikki Zollar over at Professional Regulations. You had—now our protocol chief—

[34] For Howard Peters's rise to the directorship, see Peters, interview by Mark DePue, December 21, 2009.

Czaplicki: Desirée Rogers.

Kanter: —Desirée Rogers at Lottery. You had Howard Peters at the Department of Corrections. So these were nontraditional positions in State of Illinois history for African Americans.[35] I think it had some significant impact. It was going on during the transition.

Czaplicki: And how was that perceived? Was everybody okay with that?

Kanter: Yeah. Well, "is everybody okay with that?" I think the Department of Corrections issue was not perceived with open arms. I think there was a degree of antagonism to the idea that we weren't having one of the insiders move up. Even though Howard had been in Corrections all those years and had been a warden, he wasn't a deputy director, so he wasn't moving up in there. But I think he had a tremendous amount of support. Howard had a large degree of support. Ultimately, one of my functions was to conduct a thorough investigation, because there were all kinds of allegations; you would get these letters, unsigned letters, with spurious allegations. Edgar did ask me, now, to make certain that there was no problem. So I think it probably took an additional couple of weeks. I spent a lot of time with Howard and spent a lot of time just dealing with people in his past and interviewing people, and came back to the governor-elect and said, "He is okay."

Czaplicki: So you would show him a letter and say, "There is this charge against you?"

Kanter: Oh, yeah. Absolutely.

Czaplicki: Or did you try to paint around the edges and—

Kanter: No, no, no, no, no. No. You had to deal with the stuff head-on.

Czaplicki: There's a lot of issues here that we're bringing up. I guess we'll stay with this one for—

Kanter: I was going to say the other one is the Kirk Brown issue, because historically, the Department of Transportation had been the hub of patronage, and Kirk was a lifer. He wasn't a political guy, and that job had always gone to a political guy. I seem to recall that there was a *Tribune* editorial that talked about the fact, It's time to move away from the politics of the Department of Transportation. I didn't know Kirk at that time; again, I knew very (laughs) few people. I know his appointment was probably met within the political realm with a gasp of some significance, but in the public realm, it was a breath of fresh air.

[35] Mike Lawrence also saw this as a hallmark of the Edgar administration. See Lawrence, interview by Mark DePue, April 1, 2009, 3-5.

Czaplicki: Yeah. The *Tribune* writes, basically, a Valentine's Day letter to Kirk Brown. It comes out on the fourteenth of February. They are very pleased with the pick.

Kanter: Right.

Czaplicki: I believe the expectation was that it was going to go to Gene Reineke, correct?

Kanter: That's correct. It was going to go Gene Reineke, and I think there was some pretty significant concern among the governor's staff. Not that anyone was criticizing Reineke's abilities, but the issue of do you follow the historical political path, or do you break new ground? And the governor chose to break new ground.[36] Now, Gene became head of the state Republican Party, I believe, and certainly has prospered and done well as head of Hill & Knowlton. But I think at that time, it was a pretty bold move by the governor.

Czaplicki: He had campaigned on that pledge in part, right, as a way to distinguish what would be different about his administration?

Kanter: Right.

Czaplicki: So in a way, keeping the promise.

Kanter: Right. And I think we had a number of the important African Americans in our campaign who were part of the transition and had lots of input. We really worked on some significant issues to make certain that everyone was empowered, because of what they had done for the governor in terms of getting him elected.

Czaplicki: So the Chicago strategy, for instance? A lot of those people that you worked with?

Kanter: A lot of the guys from Black Contractors United. I forgot to mention this last time—just as an aside—but Black Contractors United was the first major black organizational endorsement that the governor received. I know these guys went out on a limb to do this, and got criticized by a number of prominent black politicians at that time for endorsing Jim Edgar—guys like Larry Huggins. These guys—the bulk of their business was city business, so it really was an act of courage for them to do it. But they also knew they would have an open door.

[36] On Brown's appointment, see George Fleischli, interview by Mark DePue, January 27, 2010, 26-27. For Brown's perspective on his selection, see Kirk Brown, interview by Mike Czaplicki, December 22, 2009, 54-57.

Czaplicki: What's your sense of what happened to them after? Did they lose some city business?

Kanter: No. I don't think they did. But the threat was out there. The amount of state business paled in comparison to the amount of (phone rings) city business. Excuse me.

(pause in recording)

Kanter: So they had an impact on the transition. They had an impact: Eddie Read, Lu Palmer. These were strong black activists who had really strong educational agendas. I think all those things came into play.

Czaplicki: So when you say "an impact," is it mainly in terms of getting you to consider hiring certain people? Or are they actually shaping the agenda and the items that Jim Edgar is going to pursue as governor?

Kanter: I think they shaped his views to some extent, the give and take. I remember one meeting—this was after he was governor, and it was pretty early on—and I think it was Lu Palmer and a gentleman by the name of Conrad Worrill. I'm trying to remember who the third person was. The three of them were pretty strong—not "pretty strong"—they were African-American activists. There was a significant amount of hesitation, on the part of many in the staff, to Edgar meeting with them. This is part of what I said last time about Edgar. They came in to the governor's mansion in Springfield; they talked about education. Edgar made it clear his mandate was public education; that he didn't believe in supporting private schools at that point. They probably spent forty-five minutes with the governor, got up, left, and said it was the best meeting they ever had. If you ask me the particulars, I can't remember the particulars, but I do remember that there was this sense of calm in the room.

When we had to announce our budget cuts, I brought in a number of the black activists into pre-budget meetings so they would be aware that that first year we were cutting, why we were cutting, what the long-term goal was in terms of our budget. I got a sense that that had never been done before. People got budget briefings, but you didn't bring in this group of people and say, "You are community activists, and here is what's going to happen, and you are finding out about it not five minutes before it happens—you are finding out about it a day before it happens. Here is why, and here is our budget analyst, and he'll explain to you why we have to do this." I think that went a long way, in that first year at least, of keeping everybody onboard. But I think part of that had been his accessibility during the transition period. That made a tremendous amount of difference.

Czaplicki: It's sending a signal that they'll be included.

Kanter: Right.

Czaplicki: What's your sense of what some of the concern was of the staffers who were a little worried about Edgar meeting with these people?

Kanter: These were radicals. Lu Palmer was a radical. Quote/unquote, "radical." Conrad Worrill was head of the Black Studies program at Northeastern. I mean, these were militant guys, who had been great during the campaign, but I think in a lot of people's mind, "The campaign is over; they were great, this was nice, and we'll see you in three years."

Czaplicki: Is this something the press secretary would worry about it? Is it sort of [the fear] that Republican rivals will generate headlines from this?

Kanter: I think the press secretary was worried about it. Everybody was kind of worried about what the outcome of the meeting would be…whether you were going to have three guys now going out there and, Let's hang this man in effigy. That may have been a legitimate concern. But Edgar said, "Yeah, let's meet." I think I said to him, "Lu Palmer wants to meet with you down in Springfield," and he said, "Okay." There was a degree of mutual respect.

Czaplicki: Yeah, they came down to Springfield.

Kanter: Yeah.

Czaplicki: Before we get too much into policy areas, back to this issue of vetting. You mentioned that with Howard Peters, you would get these anonymous letters; you looked into the allegations. I read a story in the *Tribune* that mentioned that someone who you are familiar with, Anton Valukas, was taking people to the woodshed, as it were, (laughs)—

Kanter: Vetted us all.

Czaplicki: —and vetting. I was wondering who brought Valukas on board, if he came on prior to you or if he came in after, and if the two of you were responsible for—

Kanter: I am trying to remember whether I recommended Tony, or how it came about. I may have recommended him to do vetting on the major appointments, yeah.

Czaplicki: Who vetted you?

Kanter: Tony.

Czaplicki: How did that work? Governor Edgar made you counsel?

Kanter: No, I wasn't counsel at that point.

Czaplicki: To the transition?

Kanter: Oh, yeah—counsel to the transition, correct. But I think that was more of a title (laughs) than anything else. But once Edgar had indicated he wanted me to come on board, then I went through the vetting process. The vetting process wasn't on the transition; it was on the appointments. I think I vetted Nikki Zollar; we had a series of questions, questionnaires—all that kind of stuff.

Czaplicki: What is that like? Is that a pleasant process? Are people generally agreeable to it? Are they surprised by the kinds of things you ask?

Kanter: I think they are surprised by the kinds of things you ask. I remember a debate about the issue of asking someone whether they ever smoked marijuana. The debate was, "Do we ask them whether they *ever* smoked marijuana, or do we ask them whether in the last ten years they have smoked marijuana?" Because a lot of people were children of the sixties. So you are going through those types of questions, and you are asking about families; you are asking, Is there anything embarrassing in your immediate family—brothers, sisters, husband, wives, children? So you have all those kinds of questions that are asked. Is it comfortable? No, it's never comfortable.

Czaplicki: Did you check bank statements, or did you ask for financial information from people?

Kanter: No, we really didn't. We really didn't. I think what we asked was for them to indicate that their income taxes were up to date. I think we had *one* person who had a problem with that.

Czaplicki: Did they get the job? (laughs)

Kanter: No. I think we ran everybody through the Department of Revenue. We ran everyone through Department of Revenue.

Czaplicki: For the state of Illinois or the IRS?

Kanter: State of Illinois. Because if they're up-to-date with us, in all likelihood, they are going to be up to date with the IRS.

Czaplicki: Beyond this vetting, what kinds of skills and qualities did you generally look for in people? Was this something that Edgar dictated to you? Said, "I want these kinds of people?" Or was this something he just sorted of trusted you to—

Kanter: Oh, no. Edgar looked for management skills, because the way the governor's office was set up, you had people who had oversight over broad areas. So Felicia Norwood had oversight over all of health care.

Czaplicki: Is this the "Super Cabinet" concept?

Kanter: The Super Cabinet, correct. Erhard Chorle was financial agencies. Mike Belletire had gaming revenue, those agencies. You didn't have day-to-day—you weren't concerned about getting a memo every fifteen minutes. The agency head was the person running the agency. You helped them with their budget; you presented their budget; you reviewed their budget with them. That's what you did as part of the Super Cabinet. So what did he look for? He looked for strong managers, people who could handle issues and were smart enough to know when to call the governor's office when there was a major issue. In terms of those, I had the easiest of anybody, because I had Terry Gainer and Corrections, and Howard Peters, who were both extraordinarily competent.

Czaplicki: Is it G-a-y-n-o-r?

Kanter: G-a-i-n-e-r. Now he is the sergeant at arms in the United States Senate. Whenever you see the president go over to the Senate, you will see a squatty, short, semi-bald-headed guy walking with him. That's Terry Gainer. Terry had been on Sam Skinner's staff at Transportation, in Washington, and wanted to come back to Illinois. I knew Terry through some other people, and we really pushed to get Terry back here to run State Police.

Czaplicki: Along that note, what were the general channels from which potential staff picks came before you, to get vetted? What percentage would you say came from Janis Cellini? How many did you get to go out on your own and tap because you knew what you needed to fill? How many did the agency heads bring you? Governor Edgar himself?

Kanter: I would say that I filled one job. Seriously. I didn't know these folks. And it wasn't—

Czaplicki: You were the guy in Chicago?

Kanter: Yeah. I was the guy in Chicago, and this government was not running out of Chicago. So there was absolutely nothing… I remember there was a woman, who was a lawyer at one of the agencies, who had been a reporter for the *Chicago Sun-Times;* I knew her from my days in federal court. I saw her, we talked, and I said, "What are you doing?" She told me. And I said, "Let's move you up a little bit." But I think Gene Sawyer's son. I know Gene Sawyer's son; I had him hired over at Employment Security. Those were the types of things. It was few and far between, because we weren't hiring in Chicago. It's not like the subsequent administrations that

have moved more and more… Jim Edgar was a Springfield governor. He lived in the mansion. Our meetings on Sunday mornings were in Springfield. I'd get a call at eight o'clock in the morning, and the governor wants to have a meeting at noon. So you'd get down there. Now, I lived in the hotel four days a week, five days a week.

Czaplicki: Which hotel?

Kanter: What's now the Abraham Lincoln. The Cellini hotel?[37]

Czaplicki: I know it well.

Kanter: The Cellini hotel. So I had very little of that. If I needed something—quite frankly, if I wanted someone hired—I would usually go to Bill Ghesquiere, and I'd say, "Bill, how do I get this done?" Or I'd go to Janis on these positions. They were exempted positions, so they didn't require any testing or anything. But they were never assistant directors or associate directors.

Czaplicki: As you were vetting people, did you have a sense for where the main pipelines were coming from?

Kanter: I think—

Czaplicki: Who was feeding you names to check?

Kanter: I think Janis was a major one. I wouldn't say the governor was, at that time. But I think Janis was probably primary. The vetting really didn't go much below deputy director. So it wasn't as though third-line staff were being vetted. It was a simple vetting process. It was a written vetting process. It was not an oral vetting process. It was more to the point of, Let's make sure we're covered.

Czaplicki: So these questions you would ask them, they were given to them in written form?

Kanter: Yeah. And not to the extent that you did with the directors or the deputies—clearly not to the extent. There was a hiring committee out of the transition identifying people as well. My recollection is that Al Lerner was the chair of that. And I'm trying to remember who else was on that. It might have been either Bill Cellini or Janis—I'm not sure. But I know Al was on it. So you had that coming at you. You had letters on top of letters on top of letters coming in. You weren't looking to expand government, and (laughs) it wasn't as though there was a mass resignation and

[37] Kanter is referring to William Cellini's role in developing the hotel project, for which he secured state financing in 1982. *Peoria Journal Star*, July 16, 1995.

everybody walked out. Someone said to me, "Here is your secretary"; that was my secretary. And I got to choose my secretary in Chicago. But—

Czaplicki: What were their names?

Kanter: Huh?

Czaplicki: What were their names, just for—

Kanter: Maxine Snipes. And actually, she came to me from Eddie Read; Eddie Read was Lu Palmer's right-hand guy. Eddie knew her, and she was terrific—absolutely terrific. Actually, she stayed with me through Chicago HMO and then my other positions, so Maxine was with me probably for seven, eight years.

Czaplicki: So she was your secretary in Chicago?

Kanter: She was my secretary in Chicago, and I am trying to think of my secretary's name in Springfield. Sandy Pecori. Her husband was a big Republican down in Springfield. She was there; she had been someone else's secretary. Again, I really have to tell you, I really didn't realize how Springfield-oriented the government was. I say that with all candor, because I'm a kid who grew up in Chicago. I didn't know who my state rep was when I grew up. I knew who my alderman was. I even knew who my committeeman was. (laughs) You didn't pay attention to that.

Czaplicki: I was wondering if you could talk a little bit more about that, just what the difference would be between the show in Springfield and how the politics are working there versus what you were familiar with in Chicago.

Kanter: I think you were familiar with one party in Chicago. It was one-party rule. And you went down to Springfield and realized that there was kind of a vigorous debate that sometimes transcended party lines but most often did not. You also saw that government functioned, you know? It was an interesting lesson. You also learned how dependent the city [Chicago] was on the state—in terms of transportation dollars, in terms of education dollars—things you really take for granted, but then you realize that this is coming from the state, and the state is going a long way in supporting these activities. Again, for me, it was fascinating. I wish I would have had a better grasp of the budget, school funding mechanisms… I can go through three or four things.

Czaplicki: That was going to be one of my questions. What did you enter the transition thinking you needed to know, and did your experience bear that out? And what did you wish you *had* known—

Kanter: Yeah. I really wish I had taken a course on state budgeting so I understood the liability concept. It was on-the-job learning. I think at the end of the

first session, I had a pretty good idea of how it operated. And I even figured out how to get more money into public aid at that time by delaying payment a little bit more, which everybody signed off on. But it's very complex. It's a very complex mechanism, and you really don't have an appreciation for it unless you've been involved in it. That's why you have the type of professionals—guys like Kirk Brown and Howard Peters, and John Lumpkin over at Public Health. These were guys who had been around and really understood the process, and you appreciate how important it is to understand it. They were also forward thinkers, which is the second nice thing.

Czaplicki: Did you have any guides as you were going through this steep learning curve and piecing together Springfield who—

Kanter: Bill Ghesquiere was very important internally. I don't think I could have existed without Bill. We were fortunate. One of the things—and Edgar gave me the leeway to do it; he told me I could choose the counsels for the agencies. I sat down with a number of the large firms in Chicago and said, Why don't you give me your top associate for a couple of years, in an area of expertise, and let them go to work for the state for a couple of years? We had great agency lawyers, absolutely great agency lawyers.

Czaplicki: I was going to give you a name here: David Engel, hired away from Sidley to serve as—

Kanter: Yeah, in the EPA.

Czaplicki: So you were very involved with that?

Kanter: Yes. The directors were very nervous about it. They were very, very nervous about it. You had Ed Gower over at Transportation; Ed had been partner at, I think, Hopkins. And in fact, he was recommended to me by Jim Burns. His wife, Elena Kezelis, who later became Edgar's counsel, is probably the smartest lawyer I have ever met. I mean, she is brilliant—absolutely *brilliant*. She worked part-time. Then we had a bond lawyer who was working part-time in the office. I had these two *great* lawyers working part-time. We just had very, very good lawyers at the other agencies.

As I said, the directors didn't like the idea initially. I think Tim O'Brien over at Public Aid, I forgot who was at Public Health—they didn't like it because they wanted their own person. I wanted these guys to be responsive to me, because I wanted to know what was going on, and Edgar gave me the leeway to do it. So it was a nice mix for me.

Czaplicki: Was this something you asked of him?

Kanter: Yes. I asked two things of him: I asked the ability to pick the department lawyers, and I asked the ability to do the, quote/unquote, "pinstripe patronage." Those were the two things I asked.

Czaplicki: All right. We'll get to the second one in a minute.

Kanter: (laughs)

Czaplicki: We'll talk a little bit more about the first one. When you say you wanted the top associates, what would the typical age be? Are these young folks that you're pulling in?

Kanter: In their early thirties.

Czaplicki: Early thirties?

Kanter: Yeah. In their early thirties, they're willing to make a commitment. I think we got some bad press at EPA. I remember there was an article that [Rick] Pearson did for the *Tribune* because the EPA position was a Springfield position. So that meant travel-wise, he [Engel] wasn't supposed to receive funding when he was in Springfield; he was supposed to receive funding when he was in Chicago. We had to reverse it. We kind of had to reverse it around, and we caught some heat from the *Tribune* because of that. Then I remember talking to Rick Pearson and saying, "You know, Rick, you're not going to get good guys when you do stuff (chuckles) like this. People don't want to read their names in the paper, and when they do, they are going to go, 'Why do I need to do this?'"

Czaplicki: What was your pitch to the associates? They are making, presumably, much more money working for Sidley and places like that than they are going to make for the state of Illinois, so how would you…

Kanter: The pitch was you could run your own shop. And the pitch was that you are going to be in the middle of some pretty high-profile policy stuff. Mary Gade, the EPA director, was a national figure who had come back to Illinois. So to be her general counsel was pretty good stuff. At Transportation, we had issues with airports going on; we had all kinds of interesting issues, and Ed Gower—I think Ed *was* a partner, and left—and Ed and his wife decided they didn't want to live in Chicago anymore. They wanted to live in Springfield. Tim O'Brien had been in government. I think Tim was with the State Police for a while, and just wanted to get back in. Now he's a very successful lobbyist.

So there were different motivations, but the point of the matter was that all these folks had a degree of expertise, and that degree of expertise was very useful to *me*, certainly. If I am the smartest person in the room, you are in trouble. I am serious. I like the idea of having a lot of really smart people around me; it makes me feel much more comfortable. The other end of it is, I remember on some instances bringing in

the general counsel to a meeting with the governor because they had more expertise on an issue than I did, and why not bring them in? And that's kind of nice. So I was very lucky. I had a lot of good lawyers around me. But Ghesquiere was the best. He was an institution; Bill knew everything.

Czaplicki: So he was the main person you leaned on? Was there anybody else that you would talk to? Would you talk to the governor at all about tactics or reading a situation?

Kanter: It depends. Sometimes, you didn't want to talk to the governor because you didn't want him to know about it, so that if an issue came up, he could honestly say, "Oh, I don't know about that." We tried to fire the head of the Criminal Justice Authority. I don't even know if it still exists. It was an agency funded by federal dollars, and it was a grant-making agency. This guy had been there for I don't know how many years, and he wouldn't even take your phone call. So Bill and I took a look. (laughter) I remember this: we took a look, and you couldn't fire him. You could appoint him, but other than for misconduct, you couldn't fire him. Well, he was upgrading all of his seats on airplanes to first class. We couldn't get rid of him. We had to buy him out. Terry Gainer had gotten—I don't know if the name means anything to you—Peter Bensinger to be head of the Criminal Justice Authority, to be the chairman. Peter was Nixon's drug czar in the seventies, and a very, very well-respected person.[38]

So we had to buy the guy out. There was this whole story in the newspapers about how he had to fly first class because he was too fat to fit into a coach seat, and how we were firing him. I remember either Mike Lawrence or the governor calling and screaming at me. (Czaplicki laughs) "Why didn't I know about this!" I said, "Because if you knew about it, you'd have to answer. This way, you don't have to answer. You can tell him that your crazy lawyer did it."

Czaplicki: Is that a standard role a chief counsel tends to play, would you say?

Kanter: I don't think so. (laughs)

Czaplicki: No?

Kanter: Maybe.

Czaplicki: Is that more Chicago style?

Kanter: It's probably more Chicago style. Probably more Chicago style. But it was a judgment call that I made. I thought this was something he shouldn't get in the middle of, because if he does get in the middle of it, he's going to

[38] Bensinger served as DEA administrator from 1976 to 1981. On his previous service as director of the Department of Corrections, see Jim Edgar, interview by Mark DePue, May 22, 2009, 71-72.

get criticized one way or the other. So those are the type of things you do. There's a lot of other things you do that really don't meet the standards of a recording device.

Czaplicki: You can always add restrictions. (laughs)

Kanter: You can add restrictions. But there are relationships that you build in order to be certain that the governor's interests are being taken care of, and that there are no surprises. So you call the U.S. attorney in Chicago, and you say, "Look, if anything is going to happen that's adverse, can you give me an hour's warning?" Or, "Can you give me a day's warning?" Those are the type of things that you do as a general rule. You spend time with judges to get kind of the lay of the land, to feel out how their thoughts are going.

Czaplicki: So would you just—

Kanter: Took them to dinner.

Czaplicki: —invite them to dinner?

Kanter: Yeah, go have dinner.

Czaplicki: Your dime?

Kanter: My dime. Yes. No expense accounts. No expense accounts.

Czaplicki: We'll move on to some other issues here, but one last thing about you putting together this legal team: when did you realize you wanted to do that? Was this something you realized during the transition?

Kanter: Yes.

Czaplicki: Like, I need sources of information? Or is this something you were thinking about during the campaign?

Kanter: No. It was during the transition. It was really once Edgar offered me the position. It was when I came back to him; I said, "This is what I need." He never hesitated. He didn't hesitate at all. I don't think he thought we would be able to do it, but he certainly didn't hesitate on it. These were pretty good positions.

Czaplicki: Were you satisfied with the amount and the quality of information you were getting initially? Because for instance, earlier, you mentioned a big issue was trying to find out how deep the hole was in the budget. I know there were also some newspaper stories about that, where the transition team seemed surprised once they actually did get a hard number. So was

there an information-sharing issue going on, where you said, "I need my own sources?"

Kanter: No. You know what? I can't answer that. Because again, that was so inside-Springfield baseball; it was inside baseball in Springfield. I don't think people really appreciated the degree of liability that the state had. Again, you've got to remember the state at that point was paying hospitals in six months, and doctors in eight months, and we faced the potential for —who is the senator? Boren Amendment. There was a statutory requirement that certain providers be paid within a certain timeframe.[39]

Czaplicki: For Medicare?

Kanter: For Medicaid. The Illinois Hospital Association was talking about filing a lawsuit. So you are going to walk in the first day and you're going to—

Czaplicki: On top of your DCFS lawsuit?

Kanter: Right. Now you are going to have a lawsuit, and you don't have the cash to pay even if they win the lawsuit. So now you've already said you are making that quarter of a percent income tax hike permanent—

Czaplicki: The surcharge, right.

Kanter: —the surcharge, and you are going to use that for education. You are not going to be able to go back and do another income tax hike, so where are you going to find this revenue all over the place? So you had all those kind of issues rolling around. I remember Ken Robbins, who was head of the Hospital Association, being very charming—wanted to meet with the governor. I think we may have been in office for two or three weeks, and he files a lawsuit: the Illinois Hospital Association against Governor Edgar. I remember saying, "We are not talking to you. When you dismiss the lawsuit, then we'll come back to the table and talk to you." Because they were interested in budget issues. There's all kinds of things going on constantly. *Constantly*.

One of the proposals was to do away with General Assistance. General Assistance was in Chicago, and General Assistance was a major issue that sparked a lot of debate. I remember attending a meeting—I think it was in Speaker Madigan's office—with Tim Degnan from the City of Chicago, who was head of Intergovernmental; he was Daley's guy in Springfield. "How can you do this? This is going to cause riots in the

[39] Pair of changes to the Medicaid Act, which Congress passed in 1980 and 1982 and named for David L. Boren (D-Oklahoma). The Boren Amendment was repealed in 1997. Malcolm J. Harkins III, "Be Careful What You Ask For: The Repeal of the Boren Amendment and Continuing Federal Responsibility to Assure That State Medicaid Programs Pay for Cost Effective Quality Nursing Facility Care," *Journal of Health Care Law & Policy* 4 (2001), 168-70.

street," et cetera, et cetera. So we were biting a lot of bullets (chuckles) at that—

Czaplicki: Were you having that meeting during the transition? Was this plan coming up as a way to plug up a hole?

Kanter: I don't think we had thought about it at that point. Because again, I think one of the things—as the newspaper articles point out—it kept getting bigger. It kept getting bigger. So I don't think we thought about it.

Czaplicki: You were just trying to get a handle on what the problem was?

Kanter: Right. Those were the governor's call. In terms of the alternatives that the budget people would give him, that's the governor's call; then we deliver the message, which is the way it should work. So we are delivering the message to the constituent groups, we are meeting with the constituent groups, and we are telling, this is what it's going to be.

Czaplicki: As that policy is drawn up, who is drawing it up? Do you know who the plan to cut General Assistance came from, or were there people arguing this sort of early on?

Kanter: Boy, I don't remember where it came from. I remember—

Czaplicki: Because I assume they would check with you, just in terms of the legality of it.

Kanter: Right. I mean, they checked the legality with me. I remember my two cents on policy was, It's like one hundred dollars a month, and that's not supporting anybody; that's not doing it. So I think I was one of the people who said, "Yeah, let's get rid of it. We can find something else to do." But in terms of the legality of that issue and doing away with it? Yeah, absolutely. Just like the tax cap issue for real estate, the tax cap, which was a major, major issue.

To give you an idea. I don't know what the right word is—innocent my mind was, campaign-oriented my mind was initially**,** first few months—somebody brought that up in a meeting. We are talking about it, and they handed me a document—the legislation. I looked at the legislation and I said, "Okay." And they said, "What do you think?" I said, "The legislation is totally unconstitutional the way it was drawn." They said—I don't know what it was—"Why didn't you tell us before?" I said, "Because I didn't believe you guys were serious about this." But when you come out of a campaign mode—and I think that's the other issue—it takes you a period of time to get into a governing mode. Now, Jim Edgar

came out of it and was in a governing mode.[40] I had never been in a governing mode. I had been in campaign mode. So for me, it took a while to understand that; now you govern. I think it took two or three months, but I remember that one specifically, because I remember looking at the initial—or maybe it was the second draft or third draft and saying, "It's unconstitutional." Then it became constitutional, so…

Czaplicki: In general, how do you think the information sharing was with the outgoing Thompson administration? Was it generally cooperative? Do you feel like you got what you needed to get?

Kanter: I think we got what we needed to get. I don't think—

Czaplicki: Did they worry about you because of the house-cleaning (laughs) rumor?

Kanter: Probably to some extent. Who was chief of staff at the end? God, I can't remember his name. He went to work for Aon. There was stuff that we wanted to have the Thompson people do during the transition period—things that were important to us, a couple of projects that we wanted to see get off the dime—and they were very cooperative in doing that. I think the information sharing was fine. I think most people understood that this was going to be a new administration. I don't think there was any antagonism. Maybe people were moving out and going into different jobs and the like, but I think there was a real… I seem to remember that anyone who wanted to stay around—not that they stayed around in that position, but people were moved around to accommodate. There wasn't a wholesale, let's cut everybody off. Yeah.

Czaplicki: Something I mentioned last time: some of the stories referred to you as Mayor Sawyer's unofficial transition chief. You are on the Edgar transition. How would you compare the two transitions?

Kanter: Oh, Sawyer had no transition. There was no (laughs) transition. He didn't have time for a transition.

Czaplicki: Boom—he was mayor?

Kanter: Boom, and he was mayor, right. Yeah. There was no time for a transition. Those stories far outweighed my… I wasn't the head of any transition. I worked, and I was a working lawyer, and I was doing governmental stuff. So there was no real transition, no. I think they [the media] had me doing a hit list, they had me doing this—you know? I think the only person I—

Czaplicki: Yeah, the main one, I think, was that you were drawing up who was going to get…

[40] For an illuminating example of Edgar's shift to "governing mode," see Mike Lawrence, interview by Mark DePue, April 1, 2009, 54.

Kanter: Yeah. The only one I would say that I went to bat for, I really pushed, was Sharon Gist Gilliam to be his chief of staff. She has been the head of CHA; she was the first Mayor Daley's deputy budget director. She is a pro. Just a really bright, bright lady. So that was the only one; that was probably the only person I pushed at all for anything. He did appoint her chief of staff.

Czaplicki: Would you say transitions are a common thing at the municipal level? Do you think—

Kanter: No.

Czaplicki: —that happens in Chicago?

Kanter: You know what? You haven't had that many mayors. (chuckles) So I suspect not. Although Mayor Daley has a new chief of staff about every eighteen months, I think. His own transition.

Czaplicki: Reflecting back, then, on the transition process as a whole, do you think it is an adequate mechanism to prepare, to switch out of campaign mode and get to governing? Or is there something you think could be changed?

Kanter: I would like to see a little longer time and maybe a little more staff funding. The idea that you could rely…

Czaplicki: How was this funded?

Kanter: There's a certain amount of money that's put aside. It's legislated for transition, but it's pretty limited. What winds up happening is you have a transition which is packed with people who have their own jobs and their own lives, who are not on a payroll of the state and can't devote the necessary time. So you've got to rely on existing staff, you have got to rely on the agency staff, and it's not the cleanest process because of that. It's not like a transition in Washington where you have all this money and bring in all these people, and you say, "Here is what you are going to be doing for the next ninety days. Go sit in that agency, learn this agency, and tell me what we should do." You don't have that luxury.

So what happens is you rely upon existing staff in the agencies to fill you in, and then you rely upon external people who have an expertise. So you've got the highway builders, and you've got their representative, and you've got the representative from the Medical Society, and you have got the representative from the Hospital Association. Now, the question is whose interests are they going to be promoting? Are they going to be promoting the governor's interests, in terms of saying, "This is where we should be" on a transition? Or are they going to promote their own narrow interests? So if it were better funded, yeah. I think it's pretty important.

I think the other thing is, by and large, I was always impressed with the mid-level state folks in terms of their competency and their dedication. I've always said the one problem I see in state government is that—and I think this is across the board—no one has figured out how to devise an incentive for becoming smaller and better versus always expanding and having a larger budget. That's the easy part. If I want to move up in the organization, I want more people reporting to me. If I want more people reporting to me, I need more money to spend. Well, that goes on and on and on. But we have no incentives in government for saying, maybe I can do this job with two less people. I haven't had a secretary now in five years, six years. I find it fascinating now that I write my own letters, I edit them; I do all that stuff. But if you asked me ten years ago could I exist without a secretary, I would have looked at you like you were crazy.

Czaplicki: On that note, then, when you are transitioning, you are ready to govern, but you don't have that luxury, right?

Kanter: Right.

Czaplicki: Nineteen ninety-one, some cuts have to be made because of this budget crisis. So my first question for you would be why do you think it was so difficult to get your hands around how deep the hole really was?

Kanter: I have a sense of memory that tells me that there were financing commitments out there. RTA may be one where we agreed to put a certain amount of money into the backup bonds for RTA out of general revenues. Again, we had commitments to the CTA—Chicago Transit Authority. We had education commitments. You had falling revenues at that time, income tax revenues, and your market was flat, so you weren't getting any capital gains coming in. So it's like the perfect storm, where you have got all this stuff going—your revenues are going down; it's like it is today, revenues—

Czaplicki: And they're all moving.

Kanter: —have gone down—yeah. You have these established commitments—not creating new commitments—but established commitments that are going to run you money. I have a recollection that—for example, in the RTA—by moving something from June thirtieth to July first, you are going into a new budget year, so you could take that money out of the pot. I also have a recollection that we skipped a school aid payment. There were always two payments in June, and I think what we did was we skipped one of the June payments and moved it into July. Now, you could say that those are accounting tricks, but the fact remains if we didn't do that, we had a tremendous budget hole.

Then you had the specific cuts that you go through, your downsizing. The problem in state government, as I have learned, is that if you take your agencies that deal with the health and welfare of your citizens and the public safety of your citizens and you cut everything else out, you are going to cut out less than a billion dollars out of what was then a fifty-four-billion-dollar budget, fifty-two-billion-dollar budget. So that's where the hard choices become. Sometimes you do stupid things, like you are not going to pay for funerals, and then you realize you can't do that.

Czaplicki: I imagine that there were some intense debates over what should get cut or what could be cut.

Kanter: Yeah. Certainly in the public health arena—

Czaplicki: Within the administration?

Kanter: Within the administration. Joan Walters was, Let's cut. Sometimes correct, and sometimes incorrect, but that was kind of Joan's mandate. Which I didn't—

Czaplicki: From Governor Edgar?

Kanter: Yeah. I got very involved with the hospitals, dealing with some ideas that I remember I had given to Governor Edgar during the campaign, on a presentation in terms of figuring out a way to match funds and steal—not "steal"—but to garner more federal funds. So while Joan was looking at cutting, I was looking at expanding. Working with Felicia Norwood, we were able to put together a program, which was basically free money from the feds, by taxing the Medicaid payments, which then went into a pool of money, which then came back to the Medicaid facilities, which were then matched by the federal government.

Czaplicki: This was the Hospital Assessment Program?

Kanter: Yeah. It was the "double your money."

Czaplicki: So when you say "Medicaid payments," federal government payments to—

Kanter: State payments.

Czaplicki: State payments?

Kanter: The state pays, and the feds match that payment. So here is what we did: we said, Let's do a Medicaid tax. So Hospital A, you get one hundred thousand dollars from Medicaid.

Czaplicki: From the state of Illinois.

Kanter: From the state of Illinois in Medicaid payments. We are going to tax you one hundred thousand dollars. You are going to pay us, in a lockbox that immediately comes back to you, and then we are going to submit a voucher to the federal government that says it's two hundred thousand, that we've raised your rate. So now we are going to get another two hundred thousand from the feds, and we'll raise your rate by 80 percent. That's kind of it in a nutshell. We did that the first year. It was a little bit of controversy.

Czaplicki: Illinois was the first state to do it, correct?

Kanter: The second state to do it. I had learned about it during the campaign. I had read some things out of Texas. This is what I remember; it was a long time ago: Parkland Hospital had an office that was used by the state in their facility. And the state was able to match the cost of that office and receive additional match from the federal government. It was kind of a hospital assessment. It would donate its services. Then there were a couple of rulings by the IRS, which said you could do A, B, and C. I remember sitting with Mike Belletire, Edgar, and Kustra, and trying to explain this scheme to them. If you ever saw three or four people—whoever was in that room—fall asleep? Everybody was kind of looking at me going, huh? But the idea was you could take your own money, double it up, but you had to raise the rates. So that made the hospitals happy. They got back the money.

Czaplicki: So you say "raise the rates."

Kanter: The rates you pay the hospitals—

Czaplicki: At which you'd match—

Kanter: —for public aid recipients. Yeah. The second year was more difficult, because the feds said, "Oh, you can't do that (laughs) anymore." So it was a little bit more difficult. We had what was called the "granny tax" the second year, and it was a big political issue.

Czaplicki: Why was it called the "granny tax?"

Kanter: Because the second year that we did this, it required everyone, Medicaid and non-Medicaid, to be taxed. Okay? I'm focusing in on nursing homes because I remember this best: so now these homes that had no Medicaid whatsoever were suddenly taxed per resident, per month. They couldn't raise their rates. They couldn't pass on the tax; that is what the legislation prohibited, passing on the tax.

So it was a little bit more controversial than it was the first year. But we got it passed. That kind of stabilized the Medicaid area. I know personally, I did not want a hospital in Chicago to close under Governor Edgar's watch. The basic reason was because the papers were calling him anti-Chicago at that point. So the idea that a hospital would close, and three or four or five hundred people would be put out of work in a bad economy when you had all kinds of issues about access to medical care in the first instance—you know? So we worked really hard at making sure that didn't happen.

Czaplicki: What were you hearing from Lu Palmer and the other activists who supported you on this issue? Were they understanding?

Kanter: They were very understanding on it. Yeah, very understanding on it. We had a lot of bipartisan support on the tax issue—a lot of bipartisan support. Yeah. That was a great issue for us. Another issue which, just thinking about bipartisan support—and I just saw it a couple days ago—Roger Keats, who was a Republican state senator, had a bill to create additional sub-circuit judicial districts. You know how you vote right now? You didn't always. You voted county-wide, city-wide. The purpose of that [bill] was to open more judgeships to minorities, because the areas would be smaller. That was another bipartisan—the black caucus and groups of Republican senators—who got that passed. So those were the kind of things we were doing.

But the Chicago issue—I don't even know if I ever communicated to Edgar, but in my mind, it was so important not to have a hospital close in Chicago. Hospitals like Mount Sinai, which were really in depressed areas and were always on the brink—we kept them alive.

Czaplicki: My understanding of the sources of that budget hole—the Hospital Assessment Program is a pretty big finger in the dike, right? Wasn't that one of the major—

Kanter: Yeah. That was a major issue, because we were out six, eight months in terms of our payment cycle. Yeah. It was a fun issue. I used to go to Washington once a week to meet with the Medicare director out in HHS [U.S Department of Health and Human Services], and—

Czaplicki: Do you recall the name of the person you were meeting with?

Kanter: Oh, what was her name? I can't remember her name. And Representative Michel at that point, and Rostenkowski, who was great for us, and Alan Dixon. They were all terrific for us in terms of getting this issue… Rostenkowski helped us enormously in the House, because there was a move to ban these type of taxes. Rostenkowski and Michel did this little debate; I had a hand in doing the back and forth on the debate, which was

kind of fun. So that was a significant thing I was involved with. I am very proud of it.

Czaplicki: Let's talk about *Rutan*, go back to that for a minute. What was the impact that that had, do you think, on getting your governing team together?

Kanter: It didn't have an impact on getting the team together. What it had an impact in was it was the death of patronage. Government had always run on patronage. One of the things that was always done is you'd do a hiring freeze. Why would you do a hiring freeze? Because you had to have specific approval to hire somebody.

Czaplicki: But supposedly, as we read in the papers, a new system was invented to take its place, right? The so-called "pinstripe patronage."

Kanter: Well, yeah.

Czaplicki: Your thoughts about that? If you think there is such a thing?

Kanter: As pinstripe patronage? Oh, yeah. Absolutely. Absolutely.

Czaplicki: And if it was something created in response to *Rutan*, or if it's something that had always gone on?

Kanter: It always had gone on. It came to the fore. When you didn't have a patronage army out there, you had to find another way of campaigning. The way to campaign is to raise a lot of money and go on TV. So now you had your pinstripe patronage, which became your major fundraisers.

Czaplicki: You had said earlier that you were very involved with that. I was wondering in what sense you…

Kanter: I chose the lawyers who would do the bond deals. I chose the underwriters. Now, I say "I." I'm not saying I "I," but I would bring the governor a list of three lawyers—I'd bring the governor a list of three houses on negotiated deals that we thought could do the deal. He would ultimately choose. But that was major. Then we'd sit down and do a list of the subs, the other brokers on it. Again, I think the goal here was to bring in as many minorities as possible, which I think we met in the first year or first couple of years. I think all the minority firms were very, very happy with us in terms of their involvement in the bond deals. We broadened it out.

One of the old things was you had your name on the block, on the—I forgot what they call it. But you'd see" Merrill Lynch," "Bear Stearns," and boom-boom-boom, "managing underwriter," and then you'd have maybe ten other small firms. One of the things we found out was some of these guys never got anything out of the deals. They didn't get

any bonds to sell. Erhard [Chorle] and I worked very closely on this stuff. So we would make certain that if you were running the deal, everybody had to get bonds to sell. If they didn't sell them, they didn't make any money. But the point of the matter was we wanted to make sure the allocations were appropriate. We really spent a lot of time kind of opening up the process.

Czaplicki: In what sense?

Kanter: In the sense that we brought people who had never been involved in it before, or who thought it was so closed there was no reason to get involved with it, into the process. We got them involved. Sometimes, we forced (chuckles) them to get involved. Because we told them we were running this straight. We didn't have a rotator. It wasn't Bear Stearns this week and Lehman next week—I'm only talking about firms that have gone out of business—and Merrill Lynch the week after.

Czaplicki: I was going to ask how you distributed it: if there was a logic behind it; if there was a—

Kanter: No. You know what? The logic was the capacity of the firm, and the ability of the firm to be fair to everyone if they were running the deal. The ability to be fair.

Czaplicki: But where does the patronage come in, then?

Kanter: What happens on the back end of that is that your committee to elect is going to call that firm two months from now and say, "We are doing a fundraiser for the governor." So that's—

Czaplicki: "And we've been fair to you"—

Kanter: Right.

Czaplicki: —is kind of the implication?

Kanter: Yeah. You don't have to say it. You certainly don't have to say it. Now, so long as you have divorced it and you are not picking up the phone five minutes—"Oh, by the way, there is a deal coming up. We got a fundraiser…" You know? But if three months from now someone is calling you up and then going, "We are doing this. The governor has worked with your firm and has a great deal of respect for it; we would like to see you as a sponsor." Then there came a time when the firms couldn't donate money. There was an SEC rule that prohibited them from doing it, because it was abused. We had guys flying in from all over the place.

Czaplicki: I'm worried that we might not have enough tape. We might. So I'll ask this next question, and I might have to stop you. But would part of this process

have involved the review of contracts that, as I understand it, Governor Edgar asked you, and possibly some others, to undertake? As I understand it, it was a very long process, which finally culminated in a Memorial Day barbecue—

Kanter: Oh, yeah.

Czaplicki: —as the story goes, at your house. Could you talk about the process, and how much work this was?

Kanter: First of all, what we did was we sent out an RFP. We asked everyone to submit an RFP.

Czaplicki: "Request for proposals?"

Kanter: Yeah, a request for a proposal. There's a whole bunch of things that attach to it.

Czaplicki: When you say "everyone," do you mean companies—

Kanter: All the major firms.

Czaplicki: —which had done bonds with you before? Or just anybody, whether they had done it or not?

Kanter: Anybody. Let me go back two steps. When I began to review the process with Erhard and a few other people—and Belletire and Joan—what we discovered was we were paying enormous rates to law firms for opinions on general obligation [GO] bonds, which, with all due regard—once it's in the word processor, you can do twenty of them. It's not changing that much. And these firms were charging us on a per-bond basis, the law firms. Great law firms—Chapman & Cutler, top-notch law firms.

So process number one was, Okay, legal work on the GO is going out for bid. My recollection was that we cut the rate by probably 50 or 60 percent by doing that. The second thing we did was we reviewed what lawyers are doing what work. Are we getting the best deal for the buck? Understand that these aren't direct budget costs, but they are indirect budget costs because they are built into the bond. You have got to have enough money coming out of that bond to pay the lawyer. So that means the bond is larger than it would have to be [if] it didn't have all these costs in it. Ultimately, that costs you money down the line. It doesn't cost you money this week, but it costs you money down the line.

So we reviewed all of our bonding structure, from Housing Development Authority and the Finance Authority; what lawyers were working on what, who was getting paid what—all the stuff that's really off the balance sheet. That was pretty significant. (laughs) It was pretty

significant. As I said, Erhard and I—I think it was Memorial Day—sitting on my deck, going through these things for hours after hours after hours, and coming up with: These folks are going to do this deal. These folks are going to do that deal. These folks are going to be over at IHDA [Illinois Housing Development Authority] or IDFA [Illinois Development Finance Authority]for a year; for the next year, they are going to have all the bond deals. These are the firms who are also going to be involved with it. These are going to be the law firms. These are going to be the minority firms on these projects. Take it or leave it; if you guys want to do business, this is how we do business.

Czaplicki: So was this an idea that Edgar himself pitched to you all and assigned you to do? Or was this something where you were in the transition and looking at the data and the info, and said, "Wait a minute. Governor, you could be saving a lot of money here?" How does that policy—

Kanter: I think we went to him with that and said, really, we're overpaying. We're overpaying. I remember we were paying a firm in Washington—Covington & Burling—some enormous amount of money to monitor federal legislation. Why? We had an office in Washington. We had very competent people in Washington. Why are we paying these guys four hundred thousand dollars a year to do this stuff?

Czaplicki: Was there any mechanism for verifying the service that you received?

Kanter: No, we were clearly getting service. There was no question about it. We were getting service, but the question was whether we needed the service.

Czaplicki: It's like the old critique of lobbies: are they really doing anything for you?

Kanter: Right. It's the same kind of thing. I just think what had happened was you had one administration in there for fourteen years, and you stop paying attention after a while.

Czaplicki: How about the DCFS lawsuit, the settlement process behind that? Was that something still adversarial? Was it something that you felt the parties were willing to cooperate on, given how deep the budget crisis was?

Kanter: This was prior to my becoming counsel; this was during the transition—I remember going into Judge [John] Grady's chambers and sitting with the judge and telling him, we are going to settle this.

Czaplicki: He is a district court judge?

Kanter: He is a district court judge. It was his case. We said, "We are not going to make any representations we can't meet," number one, because there had been all these representations that had been made and nothing had happened. And I said, "You have got to give us time. Whatever we say we

will do, we will do. But here is the problem: we have a budget issue here. We have to see how to resolve that." Our long-term goal was to settle this case. So I don't think it was really adversarial once we got it going. I'll be very honest with you: Bill Ghesquiere was just amazing on that case, as was this lawyer with Skadden, Arps who is now in the White House. So that's how it's settled. We wanted to get it off the books. We wanted to have a reasonable settlement.

Czaplicki: And the ACLU was willing? Because I read some stories where it sounded like some of the groups were holding out, but the ACLU was ready to deal.

Kanter: Yeah. They were ready to deal on it. Once we agreed that there was going to be a court monitor to it, I think that took the edge off of everything. Now it was no longer, well, the state says they will do this. Now there is a monitor who can go back in the federal court. So that went a long way in resolving it.

Czaplicki: What was the significance of that for the budget?

Kanter: It was probably pretty neutral in the short term. In the longer term, I don't think it broke the bank. I mean, in the longer term, I left. (chuckles) But I think the first year or so, it really was establishing the principles and… I'm trying to remember, but I think it was pretty neutral in the first couple of years. Longer term, it had some impact on the budget, but it wasn't… I tend to think that the issues revolved around levels of care to a far greater degree than cost analysis. So there may have been some marginal costs, but nothing that overwhelming.

Czaplicki: I'm jumping around here because there are just so many issues, so if I'm—

Kanter: No, go ahead.

Czaplicki: Third Airport. A lot of that heats up after you are gone, but…

Kanter: I was involved in the Lake Calumet issue. Yeah.

Czaplicki: Would you be willing to just talk about what those negotiations were like, and how that compared to some of the other issues that you were dealing with?

Kanter: That was a great issue. That came out of the blue. Mayor Daley announced that he wanted to build an airport in Lake Calumet. It was kind of like when the mayor announced he wanted to build casinos. We didn't know about it; we didn't hear about it. But ultimately, there was a commission, and Kirk Dillard was sitting on that commission—a tri-party commission

of city, state, and Indiana.[41] And ultimately, they all agreed on Lake—I think the vote was maybe Senator DeAngelis was the one vote against.

Czaplicki: I don't remember the vote. I just remember that in theory, Chicago and Indiana together could have enough votes.

Kanter: Correct.

Czaplicki: Because I think Indiana had four, Illinois had four, and Chicago had three.

Kanter: Right. And it was decided that Lake Calumet would be the spot. Or it was—I can't remember—

Czaplicki: (unintelligible) Gary, and they were dueling.

Kanter: Yeah. Somehow, the Lake Calumet site was dropped on us. I only say that because I remember the first session we had where we brought all the Illinois parties together, which was the County Board; it was forest preserve land, and there was this and that. I remember asking someone who was on the Speaker's staff at that time, "Is the Speaker sending anyone?" They said, "To what?" And I said, "We are having this meeting." And they said, "Nobody told the Speaker." That's why I seem to remember it being dropped on us, the Lake Calumet [site]. Maybe it was, Lake Calumet was dropped on us, and then it was approved as a site.

Czaplicki: When you say "dropped on you," there was already a list of potential sites? Or this is when you were making the list of sites?

Kanter: This was, I believe, when the commission was making a list of sites. Gary was the primary site, or one of the primary sites.

Czaplicki: Governor Bayh was a big backer of that.

Kanter: Right, right. The governor [Edgar] wasn't real big on the airport issue. It wasn't a primary issue for him. I think Kirk Dillard and I kind of pushed it.

Czaplicki: "Pushed it" in what sense? That the state should be—

Kanter: Involved in this. Yeah, yeah.

Czaplicki: What made you feel that way about it? Especially given that you are coming out of Chicago and that area.

[41] The inability of the contending parties to come to an agreement on a third airport is one of Dillard's main regrets from his time in the Edgar administration. Kirk Dillard, interview by Mark DePue, November 9, 2009, 59. See also, Kirk Brown, 101-113.

Kanter: Because we looked at what an economic engine O'Hare really was, and how beneficial it was to the city in terms of a dollar—a viable issue. So we looked at Lake Calumet and said, "This could be great for the state as well."

Czaplicki: So you were pushing on Lake Calumet?

Kanter: Yeah.

Czaplicki: I thought you meant—

Kanter: We were pushing Lake Calumet. But we wanted to create two authorities. So this is my recollection, and I don't know whether it's in any of the documents. I was negotiating, I think, with David Mosena, who was then chief of staff to the mayor. They had their lawyers from Hopkins & Sutter. I had Ed Gower, and we had our lawyers from Schiff Hardin. It was pretty good negotiations in terms of city and state. But one of the things that we felt very strongly about was that we wanted to exercise control over O'Hare Airport. So we were looking at really two authorities. One authority would run Lake Calumet, and would be a tri-party authority, with the city of Chicago having the bulk of the votes. So in effect, the city would run that. And then looking at O'Hare, we said that would be a joint [authority] between the state and the city.

Czaplicki: One can imagine how Richard Daley felt about that. (laughs)

Kanter: Surprisingly—again, I'm giving you my recollection, because I remember sitting with Daley, David Mosena, the governor, and I'm trying to remember who else was in the room. I think Kirk Dillard was in the room. My argument on this issue was that we would be willing to cede authority to the city on Lake Calumet, because that was the city's sphere of influence. It was going to be the rebirth of the Southeast Side. You were going to get rid of major pollution problems. You were going to build, in effect, what had happened to O'Hare. But we didn't want O'Hare Airport to be downgraded, in a sense, because of all the assets going into this new facility. We had a vested interest in maintaining O'Hare, and the city had a vested interest in maintaining and building Lake Calumet. So that was the argument that I made at that point—

Czaplicki: And Edgar is there?

Kanter: Yeah. Edgar was there.

Czaplicki: And Daley is there, too?

Kanter: Daley was there.

Czaplicki: Is this like arguing before the Supreme Court? They—

Kanter: Kind of. (laughter)

Czaplicki: —don't say much, and you and Mosena get up and present your arguments?

Kanter: Right.

Czaplicki: Is that how it works?

Kanter: Yeah, it was kind of like that. Edgar looked at me and said, "Well, Arnie, just go ahead and…"

Czaplicki: And where did you have this meeting?

Kanter: In Edgar's office.

Czaplicki: Down in Springfield?

Kanter: No, up here, actually.

Czaplicki: Oh, in Chicago? At the Thompson Center?

Kanter: The Thompson Center. And I remember the mayor agreeing in principle. Then we were working on legislation. Then it passed out of the House.

Czaplicki: So someone did tell the Speaker? (laughter)

Kanter: Someone did tell the Speaker. It passed out of the House. And we also had a lot of Republican support on it. Lee Daniels, who was the House minority leader, put his troops on this bill.

Czaplicki: Were they hoping in part that the state would stop expansion at O'Hare?

Kanter: I think that was part of it. And I think the other issue was, Hey, we're going to own an airport. That's pretty neat, you know? For years, Republicans had railed against the airport, and Mayor Daley, and all the jobs and all this. All of a sudden, the potential to have airport control was sitting out there. I didn't realize how little support we had in the Senate—and we had little support in the Senate.

Czaplicki: Why do you suppose that is?

Kanter: I don't know. Pate Philip was adamantly opposed. I remember going up to his office and sitting with him, trying to be very logical, and talking about the benefits of it. He would look at me and say—I forgot the name of the area over there; there was some area, a neighborhood—"No. You are going to destroy a neighborhood." I can't remember the name of it. [Hegewisch]

Czaplicki: It's not Bensenville? No.

Kanter: No, no. That's O'Hare. This was Lake Calumet. There was an area around Lake—

Czaplicki: Chatham?

Kanter: No, further. Further. Keep going. I can't remember the name of it. It's in the newspaper clippings I am sure, because Pate made a point of that. Totally outside, and nowhere near his district. What then occurred to me is there was probably something else going on at this point, (laughter) beyond me, in the Senate. The governor said, "Lay off." I'm trying to remember if there was a vote, or if it never came to a vote in the Senate. I know he [Edgar] was working behind the scenes with a couple of the senators. But Pate had his caucus, and to my knowledge, it was a caucus vote, so you had to break the caucus. And that's not easy.

Czaplicki: When the governor tells you suddenly to lay off, what does that mean operationally?

Kanter: That means don't go out contacting senators, don't—

Czaplicki: Do you stop picking up the phone on that issue?

Kanter: Right. So that was the end of that issue. Then Peotone came into play, and I was gone.

Czaplicki: Yeah, I was going to ask you that. It's interesting that you said that the airport wasn't really that big an issue for the governor, because later on, he kind of does put his political capital out there on the airport issue, and on Meigs, especially.

Kanter: Oh, yeah. Yeah.

Czaplicki: He really puts it out there for that, which…

Kanter: Yeah. Well, I was gone, but I can tell you that—and I was still there when Peotone was announced—the reason he moved to Peotone so quickly was because of the fallout. You know, he was the "do-nothing" guy. He didn't move this. He let it die in the Senate. So as a political issue, he moved to Peotone that quickly. That was really the reason that happened.

Czaplicki: Interesting. Any thoughts about Meigs?

Kanter: No. We all like flying into it. (chuckles) It's convenient.

Czaplicki: Very convenient.

Kanter: Right.

Czaplicki: Moving away from policy for a minute, what's a typical day look like for you as counsel when you start working there? When did it start? Who'd you meet with? Did you have any particular rituals? Were there things that you would always do?

Kanter: No. You would work on an issue. I will tell you I think I worked harder during those two years than I probably worked at any time. It was ten o'clock, eleven o'clock, twelve o'clock—up for a six o'clock meeting at Phil Rock's office in the morning…

I remember we tried to close some State Police offices, another blow-up because we were cutting back. People don't realize the State Police live in their cars. They take their cars home. It's a twenty-four-hour job, so when they talk about a "State Police office," there is nobody there, or maybe there's one person there. These communities would go nuts because we were closing an office. But there is one person in the office. "Well, it's part of our community. It's public safety." It wouldn't affect public safety—it didn't affect anything. So you sit there and go, Can we get real for a second? But you learn that it's not going to get real; the fact that there is an office there and it's being closed has an effect on people.

Czaplicki: I'm going to pause the tape right here for a second.

(End of Audio File Two; Audio File Three begins)

Czaplicki: We're back after some technical difficulty. So we had left off with you basically saying there was no typical day for you.

Kanter: No. There really wasn't. I can't even remember. I think at one point, I tried to keep a log of what I was doing, and then I just gave up on it. Monday morning staff meeting, Tuesday morning staff meetings, irregular staff meetings, regular staff meetings. You were always involved in some project. Again, the stuff I remember the most was getting heavily involved in that hospital tax issue. That became a major issue for me probably from about, let's say, May of '91, and then into the next year as well. So that was a continuing issue. I think at one point—I remember Kirk Dillard told me—I had spent more money on travel than anybody else in the office because I was going to Washington all the time. So that took up a lot of time. The bond issues took up a lot of time. Just a myriad of issues.

Czaplicki: I meant to ask you about those trips to Washington. I assume that was because, obviously, you needed federal cooperation—

Kanter: Right.

Czaplicki: —to get this plan in motion. How did the feds receive your plan?

Kanter: They said it was a scam.

Czaplicki: That's what they said?

Kanter: Yes. (laughter)

Czaplicki: So they were resisting you, then?

Kanter: They were resisting. Resisting, yes.

Czaplicki: But you got this done.

Kanter: Yes.

Czaplicki: So from the standpoint of the federal level, how did you guys swing that?

Kanter: We had a great senator, Alan Dixon. And we had Bob Michel, who was minority leader, and Dan Rostenkowski, who was chairman of Ways and Means.

Czaplicki: So when you were referring earlier to the good work that they were doing—

Kanter: They were doing great work. The governor—I remember being in his office, and I think he called—we had a conference call with Dixon and Paul Simon. The governor spoke to Dixon; Dixon said, "I'll carry this for you. I'll do what I can." And Paul Simon said, "I will as well." And Rostenkowski was on board. Interestingly, the Bush administration didn't want to do this, and they were resisting us.

Czaplicki: And you have a line in with Skinner.

Kanter: Well, you know…

Czaplicki: It only goes so far?

Kanter: It only goes so far. (chuckles) Only goes so far. So there was a real resistance on the part of the Bush administration to this issue, justifiably, because if we did it, everybody was going to do it.

Czaplicki: And blow a hole in their budget?

Kanter: Correct. And those were not the best of times either, for the president.

Czaplicki: Did they come back at you with counterproposals?

Kanter: No. It was an all-or-nothing type of situation. They were just adamantly opposed. They were going to try to bar us by rule from imposing these taxes. They got half a loaf the next year because it had to be a broad-based

tax. It couldn't just be on one level of income. But for the last sixteen years, the state of Illinois has received the benefit of those schemes, and still receives it. There was just recently a hospital assessment tax.

Czaplicki: And other states have adopted it as well?

Kanter: Other states have also adopted it. Everybody's got a little kick to it, but it's pretty basic.

Czaplicki: When you say that Congressmen Michel and Rostenkowski and Senators Simon and Dixon were really helpful and really good, did they need to get legislation passed at all? Or were they just using their position?

Kanter: In the second year, what they needed to do was to make certain that the legislation proposed by the White House did not get passed. Or alternatively—and I am trying to remember exactly—I think we may have needed legislation in order to obviate the potential reg that the Department of Health and Human Services was looking at. So it was one way or the other. There was a compromise on the legislation: as I said, it had to be a broad-based tax; it couldn't be narrow. So it had to include people who didn't have Medicaid recipients, or had low Medicaid recipients. They were going to be losers in this mix because they would be paying a tax that they couldn't recapture.

Czaplicki: Okay. More nuts and bolts on how process is working in the administration: when it comes to making statements—talking to the press, trial balloons, or just talking about everyday affairs—how much were you allowed to go out on your own and talk to people? How much had to be run through Lawrence? What kinds of issues?

Kanter: On stuff like the airport or this hospital assessment, I don't think I would talk without Mike's approval. There were some reporters I knew from previous campaigns who I could deal with off the record. But in terms of being on the record, never be on the record without Mike's agreement.

Czaplicki: Was that a policy that got set up during the transition? Was that subject to a meeting, or is that just the way things worked and—

Kanter: That's just the way things worked.

Czaplicki: —you all know how it goes?

Kanter: Yeah. My feeling about it was he is the press secretary, and therefore, the governor is the one who should be in the newspaper. If it's not the governor in the newspaper, and you're in the newspaper, then it has to be because the governor said, or the press secretary said, "You take this question." I think Mike did that a lot during the airport. I remember

getting calls from reporters telling me that Mike Lawrence had said that I would talk to them.

Czaplicki: I know the *Tribune* liked tweaking you, back in your Sawyer days, about your name in the press.

Kanter: Oh, yeah. All the time.

Czaplicki: Springfield life. So you don't really have a ritual, nothing you are doing every single day, but you mentioned the fact that you are kind of an outsider. What was it like to move there? What was that transition like for you and your family?

Kanter: Oh, my family didn't move.

Czaplicki: Your family didn't move?

Kanter: My family stayed up here. I would try to go down to Springfield on Mondays and come back on Fridays.

Czaplicki: Did you fly or take the train?

Kanter: I would fly. Or drive. Fly or drive. Well, in the first year, the governor forbade everyone from leaving Springfield from May on. I snuck out. I remember at one point, I absolutely snuck out because my kids were going away to camp and I wanted to see them. The night I snuck out and came back, there was a prison riot. Howard Peters was on an airplane to Harvard for a graduate program, the state plane. I was sitting on my deck at my house, and I got a call saying there was a riot in—I forget which facility that was. I contacted State Police, and said this and that. Quite frankly, what I was trying to do was keep the lid on it so it didn't hit the ten o'clock news. It was very close to that timeframe. So it didn't hit the ten o'clock news. I remember picking up the phone and calling the governor, and saying, "Governor, there is a riot." He had no idea whether I was where I was. But I was home. (laughter) I was not in Springfield.

Czaplicki: What was social life like down there? Were there frequent haunts, like if you had to go meet people? You mentioned you might have to take a judge out to dinner. I assume that was more in Chicago, but…

Kanter: No, it was done there, too. There is a private club down there that—

Czaplicki: Sangamo?

Kanter: Sangamo Club. The bar at The Globe—it's still there; the same bartender—was a big meeting place. Sometimes I'd go out to dinner with staff. That was kind of it. There wasn't a whole lot else to do. I think I went to a movie a couple of times, if I was down there Sunday night. Jack

Schaffer, [assistant Senate minority leader] and his wife—Jack's wife was our education person—we would have dinner periodically together at some restaurant. The boring times were when you would be down there on a weekend, on a Sunday. Try to find a *New York Times* in those days. (Czaplicki chuckles) So there wasn't a whole bunch of things. My wife came down a couple of times. My youngest at that time was twelve, so the other two kids—my daughter was, I think, a senior in high school, and my son was at the University of Illinois. The kids were still young enough so someone had to be home, so there wasn't a whole lot of that. As I said, during the session, I would be down there five days a week, sometimes six days a week. The governor would, from time to time, call a meeting on Sunday, and everybody—Felicia and I, Kirk Dillard, and Erhard—would have to figure out how to get down to Springfield, because we had three hours to get down to get the meeting. So it was a lot of fun. It was exhilarating in that strange sense of you forgot about the hours. You just did the work.

Czaplicki: How old were you at this point?

Kanter: My mid-forties. I'm about six months older than the governor. Which he used to remind me. (Czaplicki laughs)

Czaplicki: Forty-four, something like that?

Kanter: Yeah. I was forty-four, and I'd be forty-five in December of '90.

Czaplicki: And just to put it on the record, because I'm not sure that we mentioned it in the first interview, what are your children's names?

Kanter: Jeremy, who is thirty-seven, soon to be thirty-eight; Lindsey, who is thirty-five; and Ben, who is thirty. They all are married, and they all have children.

Czaplicki: Lucky you.

Kanter: They're there, right there. That's the latest picture.

Czaplicki: Would there be much interaction between the legislative staff and executive staff once the workday was done—

Kanter: Oh, yeah.

Czaplicki: —down in Springfield?

Kanter: Yeah. You worked with staff.

Czaplicki: I'm just thinking off-hours. Is it off-hours, but with work still being done? Or could you ever just shut it down and—

Kanter: Work was never shut down. It was never shut down. There was always some agenda. Everybody has an agenda. So either they're telling you their agenda or you are telling them your agenda. Sometimes, you are getting a view of how someone is going to feel about an issue. I don't think it ever shuts down in Springfield, quite frankly. It's a twenty-four-hour—whatever the timeframe is.

Czaplicki: Does the mood ever change in those interactions? Particularly, I'm thinking—

Kanter: And let me just tell you: we spent a lot of time—I did, and Felicia, and Erhard, but not Kirk—at Aldo DeAngelis's apartment. Aldo was a great cook. He was a state senator from Flossmoor. He was a great cook, loved to cook, and he would cook these great dinners. Doug Whitley and Mary Gade—we would all be over there, and a lot of his compatriots, [like] Dick Luft, who was a Democratic senator—it was kind of an open group. You would deal with issues, and you wouldn't deal with issues. There were lobbyists there. It was a party three nights a week.

Czaplicki: Like a salon?

Kanter: Actually, yeah. Not as sophisticated, but certainly—I mean, that's what you did. You would find out about issues. You would come back in the next day and say, "Geez, you know what's going to happen?" It's a very open—it was, at least—it was a very open relationship in terms of that. And staff would be there, and you were all in the (chuckles) same boat.

Czaplicki: Where was his apartment?

Kanter: Where? You know where Maldaner's is?

Czaplicki: I don't think so.

Kanter: Do you know where Congressman Aaron Schock's office is?

Czaplicki: Um-hm.

Kanter: Across the street is Maldaner's, I believe.

Czaplicki: And Café Brio is now there. There's a restaurant on the corner.

Kanter: Yeah. Well, Café Brio is at the end of the block.

Czaplicki: Here is Schock, and Brio is across the street.

Kanter: Brio is across the street? Okay. I think Maldaner's is like, right here. It's either on that street, or it's on the next street over.

Czaplicki: That would be the northeast corner.

Kanter: Northeast?

Czaplicki: Somewhere around there.

Kanter: I never got my directions down. So he had this nice apartment, and we'd just have a lot of fun. It was very, very interesting. Made a lot of good friends; Aldo was a dear friend, and Dick Luft was, until he moved. In fact, Dick Luft was the Democratic senator who the governor later appointed to be commissioner of Banks and Trusts.[42]

Czaplicki: Would the governor ever make an appearance at those?

Kanter: No.

Czaplicki: I have two questions for you, so I'll ask this one first. Would the mood ever change? I'm thinking particularly, for instance, during the budget standoff that first year of the administration, where the legislature was testing the mettle of Governor Edgar. When you were in those social gatherings, did they get trimmed back? Did the vibe feel different, different—

Kanter: No.

Czaplicki: —people show up?

Kanter: First of all, the Speaker never showed up. (laughter) I think what was going on at that point was this was a test of wills. They were going to see who could blink first. Beyond that, it didn't change.

Czaplicki: So that didn't filter down to the staffs?

Kanter: No, that really didn't filter down to the staffs. At one point, the Speaker's staff was criticizing anybody who left during this timeframe. My recollection is that Brenda took her daughter to college, and took a state police—and there was an article about it in the paper. This is what you do when you have too much time on your hands. I wanted to go home, because this was the weekend my kids were going to camp. I called the Speaker, who I knew from, again, a previous life, and he came down to my office. We were sitting and talking, and I said, "Look, I want to go home this weekend, I want to see my kids off, and I don't want to read about it."

Czaplicki: And how did he respond to that?

[42] On May 4, 1993, Edgar named Sen. Richard Luft (D-Pekin) commissioner of banks and trusts. *Chicago Tribune*, May 5, 1993.

Kanter: He was fine. And I didn't read about it.

Czaplicki: I'll ask you a little bit more of that in a second, but back to these gatherings. Assume you learned about a new issue, all right? Something that wasn't on your radar. How do you get that back to the governor? For instance, when I talked to Kirk Brown, he said he actually didn't get to deal with the governor very much, but I assume that was the nature of the position. You seem like somebody who, because of your duties and your responsibilities, probably saw him more often.

Kanter: I saw him more often. But we dealt with the issues during staff meetings. That's where we really worked the issues. It was more of Dillard's—and I guess Mike Lawrence, I think, to some degree as well—to go back to the governor with these. If there was further clarification, then it became another presentation for "face time," as we called it. But I think by and large, Governor Edgar was a very disciplined guy, so he wanted a briefing paper.

Czaplicki: He wouldn't pop in on the staff meetings?

Kanter: He would pop in very infrequently on the staff meetings—very infrequently.

Czaplicki: And what was your sense of what would determine an appearance? Was it more the importance of the issue, or was it just random?

Kanter: Random. Really random. Sometimes there was an issue that arose that you couldn't share with the staff for one reason or another, so at that point, you would go to Sherry and say, "I really need to see him on something that is very important."

Czaplicki: And Sherry was his assistant?

Kanter: That was his assistant in Springfield.[43] Sherry would let those she liked in, and those (laughter) she didn't like, she wouldn't let in.

Czaplicki: I bet she got a lot of holiday cards.

Kanter: Sherry was the gatekeeper. As I said, Jim Edgar is a very disciplined guy. So if there was an issue that he had a problem with, he didn't understand, he wanted to discuss—he let you know that.

I remember the first year, we had an issue about redistricting. It never made any papers or anything, but you had a Democratic House and

[43] Sherry Struck was Edgar's personal assistant for all of his years as governor. Anna Marie Dwyer was Edgar's personal assistant in Chicago until the last year of his second term, when her role was filled by Carla Stone.

a Democratic Senate, a Republican governor, and it was a census year. So on June thirtieth, which was the last day of the session—I think earlier that week, or maybe midweek, I gave the governor a memo on what I believe he had to do in terms of the Constitution in regard to taking a bill that we knew would pass out of both the Senate and the House, for redistricting; why he had to immediately veto the bill. If it ran past June thirtieth, there was some question as to whether he could veto it. You can use sixty days or forty-five days to veto a bill. However, for some reason—this was another project—I had Sidley & Austin do a project; their summer interns did a project for us determining when the governor had to sign the veto. They came to the conclusion you had to sign it immediately. On June thirtieth—or June twenty-ninth, whatever date it was—I'm sitting, arguing with the governor because he was a staffer at the constitutional convention. We're having an argument, and I'm going, "No, you have to veto it at this point." Those were the type of issues, do you get face time? That's an issue you get face-time.

Another issue I remember during that budget period was the issue of Medicaid dollar payments—not healthcare—but actual dollar payments to recipients of Medicaid, aid to dependent children. So they're actual dollars. Well, if you don't have a budget, how do you make the payment? You don't have the authority to make the payment. There was a case filed in the federal court. I remember sitting with the governor, and this was both a political judgment and a legal judgment: I said, "I think the best thing you can—the only thing the Chicago papers will care about is this issue, because this is a real, tangible issue. Everything else is not. This is a real, tangible issue. We'll agree to an order which will permit us to pay. It will be under federal court." There was a way around it. And we did an agreed-upon order with—I don't know if it was Legal Aid or whoever—to make certain that those payments went out.

So did we spend time on that? Yes, we spent time on that. But those were the kind of issues—you asked me, "What did you do every day?" That's what you kind of did every day. So you would have those kind of issues that would arise, and you satisfied them.

Czaplicki: Did you get any sense that there was already thinking going on about the next campaign?

Kanter: Oh, I think by '92, everyone was getting ready for the next campaign, yeah. I remember we had a retreat out at Janis's [Cellini] house to talk about the legislative agenda for the following year. I think people were gearing up for the campaign at that point.

Czaplicki: Was it just how they talked about the legislation, or was it the kinds of things they wanted?

Kanter: The kind of things—impact type.

Czaplicki: So what would be an example of that?

Kanter: With all honesty, I don't remember. I really don't remember, because I think to some extent, I was pretty disengaged.

Czaplicki: If I could go back to it for a second, since you said you were familiar with Madigan from another life, and Edgar—obviously, these are the two main characters in that budget fight; the "test of wills," as you called it—compare and contrast them. Personality? Leadership style?

Kanter: Oh, I think they're very much alike. Very much alike. Once you know them, they're very personable. If you don't know them, they are very aloof. I mean, I have been at a campaign event where Madigan is off in a corner by himself. But that was the same thing with Jim Edgar during the campaign. I remember during the campaign, we used to have to force him into the room to meet people and engage.

Czaplicki: What would their demeanor be like when they were in that situation? Did they seem worried? Or was it just kind of in their own world? Or sort of waiting for someone to talk to them?

Kanter: Kind of waiting for someone to talk to them. But again, once you meet them and you understand them, I think they are very similar personalities. I think that's why the testing of wills was kind of interesting. You didn't have a gregarious governor, a back-slapper who was going to walk into the caucus and turn everybody around. That wasn't Edgar's style. Edgar had a great deal of respect—and I think I said this to you—for the legislative process.

Czaplicki: You said this off the record.

Kanter: Did I?

Czaplicki: Yeah. And now we're on.

Kanter: I think he had a tremendous amount of respect for the legislative process. I was thinking that when people were criticizing Obama on healthcare, you could see Edgar saying, "Congress, you figure this out. Then I may have my input, but I shouldn't be the one."

Czaplicki: Did you ever talk to him about that? Or is it just something you observed?

Kanter: I think there were a couple of times when issues came up and he would say, "That's what the legislature has to deal with." I know on the hospital tax issue, he wouldn't let us initiate anything. He said, "We can build off

existing legislation, but we are not going to initiate." So that led you to look at it and say that he had a great deal of reverence for that process.

Czaplicki: Do you think that's probably rooted in his background in the legislature?

Kanter: Yeah. He came out of it. That's where he came out of. So I've always really respected that. I found it frustrating, but you've got to respect someone who holds firm to that belief.

Czaplicki: Now, most stories portray him as a pretty cool customer.[44]

Kanter: Yeah.

Czaplicki: Did you ever see him lose his temper? Like during the budget fight, did he get mad at all?

Kanter: I know he did. I just can't remember the (laughs) instance. I know he had a staff that smoked, and he would… Very calm while the rest of us were smoking cigarettes down to our fingernails.

Czaplicki: Could you smoke in the governor's mansion?

Kanter: Not in the mansion. You smoked in the office. Everybody smoked. I think Mike smokes pipes. So everybody smoked. Belletire smoked cigars.

Czaplicki: I knew there was no drinking, so I wasn't sure if…

Kanter: There was no drinking. Not that everybody didn't have a bottle in their desk, but there was no drinking in the mansion.

Czaplicki: You've mentioned it several times as we've gone along. Eventually, you do depart. I know you departed under some difficult circumstances. I was wondering if you would be willing to talk about that.

Kanter: Yeah. (laughs) So it means I can edit it back with that understanding?

Czaplicki: Um-hm. Certainly.

Kanter: I had blown a case before I got into the governor's office, just screwed around for a year-and-a-half with it, and there was a complaint filed with the ARDC.[45] Actually, I went to see the governor after I got the complaint.

Czaplicki: When did you get the complaint?

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[44] See Brown, 52; Kirk Dillard, November 9, 2009, 12; Al Grosboll, interview by Mark DePue, June 4, 2009, 19-20 and 48-50; Grosboll, interview by Mark DePue, July 23, 2009, 1-4; and Jim Edgar, interview by Mark DePue, June 15, 2009, 103-105.

[45] Illinois Attorney Registration and Disciplinary Commission.

Kanter: I got it in late June of—

Czaplicki: Ninety-two?

Kanter: —ninety-two. Yeah.

Czaplicki: My understanding is you met in August, but I could be wrong.

Kanter: Well, it was late June, and I think at that time, I had retained counsel. I wasn't sure what I was doing, and I know I went to see him.

Czaplicki: And who filed the complaint? I think you used an acronym there.

Kanter: Buckeye Products, or—I forget—Keeley, I think, the guy's name. I went to see the governor and said, "This is the situation that I have." He was extraordinarily gracious. I said, "I'll resign." He said, "Do you have to resign now? Do you have anything else?" I said, "No." And he said, "Well, don't resign." It was a private meeting; I don't know who else knew what, where, and how at that time.

Then there were a couple of other things that happened. There is an ex-client of mine who has a license from the Gaming Board, and there was an allegation that I had intervened in that. I was probably federally investigated for about a year, a year and a half. Nothing happened. Those allegations all fell by the wayside.

Czaplicki: The allegations came out after you had resigned?

Kanter: Correct.

Czaplicki: Did you talk to Governor Edgar after, though? At the second week—

Kanter: You know what? No.

Czaplicki: Or was anybody in the administration angry with you?

Kanter: Oh, I would think there were a whole bunch of people in the administration. I know one person in the administration, who really tried to set me up on the Gaming Board issue. Fortunately, (chuckles) I didn't do anything inappropriate, so there was no way to set me up. But they did set me up. I had people come to me and make comments. I had an idea something was going on, but I hadn't done anything inappropriate in terms of intervening on anyone's behalf. I had brought the parties together; I had never denied it. I just told everyone I had brought the parties together. They were looking for a minority; here was a wealthy minority, who I still happen to be very close friends with and see socially, and he still owns the Casino Queen.

So those were very, very difficult days. You begin to question yourself, and it was almost like every Friday, there would be a subpoena from somebody. And you go, Gee, just tell them not to give me a subpoena this week. My kids were in finals at Illinois and at Northwestern. I remember telling my lawyer that he better tell the Attorney Registration—because they were leaking like a sieve—that I am not going to be happy if anything comes out during this timeframe when my kids are in finals. Lo and behold, nothing came out during that timeframe when my kids were in finals. I remember sitting with Ray Gibson at the *Tribune*, and Ray had questions. Ray was an honest guy, a good reporter; took off after me—that was fine. But he didn't make stuff up. There were other guys who did make stuff up.

I basically took a hiatus from getting involved with the governor or any issues. I was working for Chicago HMO, and they were great to me during that timeframe. They knew when they hired me that these issues existed.

Czaplicki: What was the name of the company?

Kanter: Chicago HMO.

Czaplicki: That was the name of the company?

Kanter: Yeah.

Czaplicki: I thought you said "a Chicago HMO." (laughter)

Kanter: No. I had told my lawyer to fully brief them on everything. There were no surprises from their perspective when they hired me. So it was a hell of a couple of years.

Czaplicki: That must have been hard, because basically, you are not talking to the governor's office at all?

Kanter: You know what? I shouldn't say that. I—

Czaplicki: And they are not talking to you much?

Kanter: They are not talking to me much, but there are people in the governor's office that I continued to talk to: Mike Belletire for one, Erhard for another; I continued to talk to some of the directors who I had good, strong relationships with. So I didn't talk to a lot of people in the governor's office.

Czaplicki: Would you still get information from your counsels that you had helped to bring on board?

Kanter: No. Because I didn't want to do that to them. That really would have been inappropriate. So I dealt with the department directors. I think I may have called Bill Ghesquiere periodically, just kind of to check in and say hello. I knew subpoenas were flying all over the place.

Czaplicki: Um-hm. I lost my train of thought for a second, sorry. Did you try to get involved in the campaign for '94 at all?

Kanter: I got involved in the campaign in '94—very limited, but I did get involved. I was asked to get involved on a very limited basis, and stayed out of—actually, I think Andy Foster was the one who asked me to get involved in that campaign.

Czaplicki: More Chicago stuff like you did in the first one or a different—

Kanter: Yeah, a little bit of the Chicago stuff, and that was about it. I didn't get grossly involved in it. Just, Andy had some questions, introduction to people. He was a good guy. I don't know if you have talked to Andy yet. Andy was really a bright guy. Came out of Washington and came into the administration, and ran the campaign that year.

Czaplicki: In terms of the second allegations, about the Gaming Board, I understand that what made them look into things was that your friend reported your relationship on a state form, and that you had consulted for him and he paid you this much, but that you hadn't reported that payment.

Kanter: Correct.

Czaplicki: And that under Governor Edgar's executive order—was that the issue?

Kanter: It was a Thompson executive order.

Czaplicki: I wasn't clear on whether it was Governor Edgar or Governor Thompson. But there was an executive order that said you were supposed to report these things.

Kanter: Right.

Czaplicki: So I was curious why you didn't report it; if it was a cultural thing, like not their business, or…

Kanter: Yeah, I think so.

Czaplicki: It kind of goes back to the vetting?

Kanter: Yeah, I think so. I think that's probably about the best explanation.

Czaplicki: And I don't want to put words in your mouth. I'm just—

Kanter: No, no. You know what? It wasn't anything that we hid. Clearly, it wasn't anything that we hid. I can't really give you a good explanation. I really can't.

Czaplicki: I don't want to put words in your mouth. It was just striking to me that as you've talked, you mentioned that sometimes with Governor Edgar, there's things that counsel needs to be able to do, or people around him need to be able to do, so he can say, "I don't know." I wonder if part of it is just a counsel's thing?

Kanter: I'm not going to say—

Czaplicki: Is there something about transparency?

Kanter: Yeah.

Czaplicki: Or you talked about delaying a story when the prison riot happened: you wanted to keep a lid on it at least that night, for the ten o'clock news; delay it till the next day. Some people who would really advocate strong transparency, they—

Kanter: They don't do that. (phone rings)

Czaplicki: Right.

Kanter: Transparency is all well and good, and we're all observing the great transparency in Washington right now, in the most transparent of all administrations. It's a wonderful topic, but the reality of these types of issues: if you don't know about something—the prison riot is an example. All I know is I am sitting in Highland Park and there is a riot in Elgin or wherever. I don't know how many people, I don't know the extent of how many guards we have, I don't know whether State Police is on the way—all I know is this minimal amount of information. So unless I know the whole picture, I don't think it's a matter of transparency. You can't be real-time on these issues. You really can't. And there are just some things that require negotiations and policy discussions. The deliberative process has always been excluded from FOIA. Well, why is that? Because people have differing views, and they'll argue something, and they'll argue back. "Transparency" is a wonderful word; I'm just not sure what it means.

What I did was inappropriate in terms of filing my ethics statement; I don't deny it. It was absolutely inappropriate. I amended it, late, and suffered the consequences. But in terms of what did that mean? Well… "Jap Planes Cross Coast."

Czaplicki: The headline on your wall over there, in that collage.

Kanter: The headline on my wall. That was dead wrong. That was dead wrong. I presume some guy said, "Here is real-time. Here's what's going on." So it's a wonderful thought process, and now that we have the trite twenty-four-hour news cycle, you always have to have information coming out. But transparency doesn't work in a deliberative process. It only works after the process has reached a conclusion. So I don't know what your question was, but that's…

Czaplicki: Fair enough.

Kanter: Yeah. I understand exactly what that means, and—

Czaplicki: I don't want to say "professional ethics," that's probably too strong of a statement, but are certain positions that lend themselves better to transparency than others? Are there some positions which by nature will be in—

Kanter: I don't know.

Czaplicki: —conflict with people's goals to know and report?

Kanter: Take Mike Lawrence's position. Mike was privy to virtually everything, and Mike had to filter. I guess if you define transparency as "lack of a filter," I would think most people would say that's a bad idea, because getting unfiltered information is very dangerous. Remember when the Oklahoma City bombing occurred, and the first reaction to everyone was that these were foreigners who had come in and we had an Arab radical bombing our post office?

Decision-making in government is not simple. If it was, we would have a tanker flying right now that has been under the deliberative process for about eight years, I think—the Boeing tanker.

Czaplicki: The 767s, yeah.

Kanter: Yeah, right. Lockheed files suit after Boeing gets selected—and the deliberative process, and open it up. What's the old thing about two things you should never watch is legislation and sausage making? Yeah. That's the deliberative process.

Czaplicki: Okay. In terms of how one follows up on a scandal, one thing I found interesting, in your case, is that the response of the Edgar administration to the Gaming Board issue after you resigned was, "The State Police is looking into it." When Mike Lawrence got the letter later on for the MSI scandal, the same response: he'll tell you he took that letter straight to the State Police. Why the State Police as opposed to, say, the feds, going to the U.S. attorney?

Kanter: First of all, the question is whether there is a federal crime. That's number one. And number two, this is your investigative agency. It's, quote/unquote, an "independent agency" that's going to investigate. I think I had a double job. I think I had (laughs) the feds. I had like three—

Czaplicki: I think eventually, the feds did get involved, correct?

Kanter: Yeah. I had the feds, I had the Attorney Registration Commission, and the State Police. I had everybody going. That's your first reaction. You are a state official, you get a letter—as Mike did—and who are you going to hand it to? You hand it to your State Police to conduct the investigation. Your presumption is they are going to conduct a full and complete and honest investigation. I can tell you, I didn't talk to Terry Gainer for a year-and-a-half after I left, and I was pretty close to Terry. But I knew I shouldn't be talking to Terry Gainer. The guys investigating me were IRS guys, because they were out of the Gaming Board.

Czaplicki: So when did you get the all-clear?

Kanter: I want to say some time in '94. (laughs) I remember somebody called me: Andy Shaw did a story on it, that I had been cleared of any illegal allegations.

Czaplicki: Was there a secondary clearance in terms of your relationship with the Edgar administration?

Kanter: Again, I would see the governor periodically. But in terms of the administration, I'm trying to remember. Reilly was his chief of staff at that time. I had a great relationship with Reilly from his days at McPier/ McCormick Place, or whatever it was in those days. So I don't think I had a bad relationship. I can't classify it as a bad relationship. I knew enough to stay… I knew where I shouldn't be.

Czaplicki: Of course, in 1998, Governor Edgar appointed your wife to the state's Human Rights Commission.

Kanter: Yes. In 1998, he appointed Yvette to the Human Rights Commission. Which was something I had asked Andy Foster about.

Czaplicki: How long before the appointment?

Kanter: About four years? Three years? It was interesting, because I think the consideration was, Is this appointment going to raise eyebrows? And it really didn't. I think Rick Pearson called me a "political consultant" in the paper, and that was about it.

Czaplicki: It's striking that he did it. I thought that was interesting when I read it. And you're right: there was no real fallout or anything.

Kanter: Yeah, yeah.

Czaplicki: I think some other people might have just dusted their hands and not done anything.

Kanter: Oh, I think so. But I told you that when he told me not to resign, that was probably one of the most significant things anybody could ever say to you at that point. You are standing there, you are offering to resign—and you've outlined what the problem is; there is going to be bad press on this—and he says, "You don't have another job? No? Okay. Well..."

Czaplicki: Looking back, then, at the sweep of your service, both when you were there and after you had left, what's most striking to you about Jim Edgar's administration? What do you think his most notable achievement was?

Kanter: I think he stabilized Illinois. I think he brought a degree of stability—

Czaplicki: Financial?

Kanter: Financial, moral… It's interesting. There have been a lot of comments about bipartisanship of late, and a lot of people have been talking about Eisenhower as being the true bipartisan president. Well, look at Edgar. Edgar had Madigan for four years after '90, then had Lee Daniels for a couple years, and then had Madigan. He worked great with Madigan. I think they had a significant amount of mutual respect for each other.

Czaplicki: Do you think the budget standoff was key to that?

Kanter: Oh, I think that established the ground rules. But I think ultimately, as I have said to you, both men looked at their duty to the state as being the primary motivating factor. Phil Rock was president of the Senate. When Phil Rock resigned, Edgar said, "We're really losing a great person," because he had respect for Rock, and Rock had respect for the process. I think that's what happened with Madigan as well. I think there was a degree of mutual respect, because they both had respect for the process. They both got results, the results were important, but process was important. And when you lose that, when you had the last governor, who had no respect for the process whatsoever…

What's the legacy of Jim Edgar? If you polled people today, you would probably find 65 percent of them would prefer Jim Edgar to be governor of the state of Illinois. What people remember about Edgar is that when he said something, he said the truth. That's a big issue. And I don't think anybody ever perceived that Jim Edgar was in it for Jim Edgar.

Czaplicki: Any issues that we haven't talked about? Anything you wish—

Kanter: Oh, God.

Czaplicki: —we had touched on or you want to make sure gets in there?

Kanter: You know what? There probably are. You've jogged my memory into three important cases in my career. And by the way, he did veto the legislation, the redistricting legislation. We got it at 11:30. I had someone over at the secretary of state's office, and they brought it over to the governor's office; the governor signed it, and had it back in the secretary of state's office. My recollection is one of Speaker Madigan's staffers was waiting to see whether it got there in time. So those were highlights, absolute highlights.

Czaplicki: Did he give you the pen?

Kanter: No. I told you, I got the pen for the Medicaid. That's what I got the pen for.

Czaplicki: So is that the thing you are most proud of in your service?

Kanter: I think what I'm proud of is that we stabilized hospitals in the Chicago metropolitan area. The issue had always been access. The issue was not access at the end of Edgar's administration. (phone rings) The issue may have been money, but it wasn't access. I think that is something that Edgar really doesn't get enough credit for, because we couldn't have done that without his acquiescence. And it was the antithesis of a Republican and a fiscal conservative. I remember looking at him and saying, "This is the most socialistic thing I have ever seen in my life. This is sharing the wealth."

Czaplicki: The White House didn't want it?

Kanter: The White House didn't want it. He said, once he gave us the go-ahead…

(The last five seconds are inaudible because Kanter removed his mic as he prepared to leave)

Czaplicki: Thank you.

(end of interview #2)