

## Interview with James Thompson

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Interview # 1: July 17, 2013

Interviewer: Mark DePue

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DePue: Today is Wednesday, July 17, 2013. My name is Mark DePue; I'm the director of oral history with the Abraham Lincoln Presidential Library. Today, I'm in downtown Chicago, Illinois, and I'm sitting across the table from Gov. Jim Thompson. Good afternoon, Governor!

Thompson: Good afternoon, Mark.

DePue: We've been talking about doing this for a long time, (Thompson laughs) so it's about time we get started. I always like to get a little bit of background, and in your case I'm hoping to get a lot of background, and have you talk about growing up, your memories about the family, and things like that.

Thompson: Sure.

DePue: Let's start with the basics and ask when and where you were born.

Thompson: Born in the city of Chicago, on the West Side in the old 28th Ward, at Franklin Boulevard Hospital on Franklin Boulevard in Chicago, on May 8, 1936.

DePue: The biography that Robert Hartley wrote in 1979 said that you were born in Lutheran Deaconess Hospital.<sup>1</sup>

Thompson: No, I think that's wrong.

DePue: So the very first fact that he lays out in his biography on you is wrong!

Thompson: (laughs) Like most of his book.

DePue: Well, I'll keep that in mind as we go forward on this, then. Tell me a little bit about your parents. What was your father's name?

Thompson: My father was James Robert Thompson, so I'm a junior. His mother always called him Bob, the diminutive of his middle name, from the time he was born. And his friends and colleagues later in life called him Tommy, the diminutive of his last name. So he was never a James or a Jim. But I was always a Jim.

DePue: How come he wasn't Jim himself?

Thompson: I don't know. His mother was, I guess, funny like that. She liked nicknames. One of my aunts, whose name was Mary Genevieve, was always called Jay. In fact, when I tried to find her one time in a hospital, I couldn't find her for twenty minutes because she was in there under her original name and I had never heard it. (laughs) They were a farm family out in DeKalb County, and his mother, my grandmother, called her kids by variations of their names.

DePue: Do you know how the family ended up in farming in DeKalb County?

Thompson: Well, my grandfather was a Thompson and my grandmother was a McAlister(?), and their parents were immigrants from Ireland and Scotland. As the families came over, maybe a couple of generations back, they landed on the East Coast, then moved to Ohio, and then eventually ended up in Illinois like a number of immigrant families did, whether they were Irish or Scottish or English or Swedish. The same thing happened to my mother's side of the family. They were Swedish immigrants and eventually wound up in Illinois after moving through the country from the East.

DePue: What was your mother's maiden name?

Thompson: She was Agnes Josephine Swanson, and she was born and raised in the city of DeKalb. My father was born and raised in the southern part of DeKalb County, and he lived in various places in the south county until he met my mother one day at the library in the city of DeKalb. They eventually got married, and they moved into the city of Chicago so that my dad could study

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<sup>1</sup> Robert E. Hartley, *Big Jim Thompson of Illinois* (Chicago: Rand McNally, 1979). This is the book DePue refers to throughout this session.

to be a doctor. They were the only ones of my relatives with the courage to leave the countryside (laughs) and move into the city of Chicago.

DePue: Apparently, your father wasn't enamored by the farming lifestyle?

Thompson: He enjoyed it. I mean, he went to a one-room schoolhouse, and he detasseled corn, and he did all the things that a youngster would do out there. But he wanted to be a doctor, so he decided that he'd have to finish his education in the city of Chicago. He spent one year at the University of Illinois, in the School of Agriculture, and then decided to move to Chicago. He took a job as a morgue attendant, and later met a doctor whose family owned a coal company. And that doctor loaned him the money to get through medical school, which he did.

DePue: Did he like the work of being a morgue attendant, or was it just a means to an end?

Thompson: I think it was a means to an end while he went to school at night. I'm not sure what school he went to at night. Lewis University, does that sound right?

DePue: Lewis Institute.<sup>2</sup>

Thompson: Lewis Institute.

DePue: And the years, I think, are important here, to get that frame of reference. From what I read—again, a lot of this is going to be from the biography today, so—you have to forgive me for that—he was at the University of Illinois in 1929.

Thompson: Okay.

DePue: There's a lot going on late in 1929, and apparently he's trying to do this medical school thing, or maybe just get his undergraduate degree in the midst of the Depression?

Thompson: Right.

DePue: He was a morgue attendant during those years?

Thompson: Yes.

DePue: When did he get married?

Thompson: I don't know; '33, I guess.

DePue: Was he in high school? How old was he when he first met your mother?

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<sup>2</sup> Lewis Institute was located at the southeast corner of Madison Street and Damen Avenue until 1940, when it merged with the Armour Institute of Technology to form the Illinois Institute of Technology.

- Thompson: You know, I'm not sure. I would think maybe after his first year at the university. But I haven't thought about that in a long time, so I'm not sure. But they got married, I thought, three years before I was born, so sometime before that.
- DePue: The biography says 1934.
- Thompson: Whatever the biography says.
- DePue: You just said, though, that you can't count on what's in the biography.
- Thompson: That's later. (laughter)
- DePue: I have other sources to get to by that time, and not have to rely so much on that.
- Thompson: All right.
- DePue: Was it always his intention, while he was trying to get his college degree, that he was going to be a doctor?
- Thompson: I think so. And where that came from, I don't know, because there weren't any other doctors in our family.
- DePue: When you were growing up, did your grandparents still live on the farm?
- Thompson: Yes.
- DePue: Did you have a chance to go out and spend some time with the grandfolks?
- Thompson: I did, a lot. We lived on the West Side of the city of Chicago in Garfield Park, and I spent a fair amount of time during the summer out on my grandfather's farm. He didn't own it, he was a tenant farmer. He worked in a barb wire factory in the city of DeKalb for U.S. Steel, and my grandmother raised chickens and sold eggs and milk. They rented this farmhouse from a family named Doulder(??), who owned a fair amount of property in the Hinckley area, Hinckley, Illinois. His farm was just outside the city of Hinckley. So while I was growing up, my dad would take us out there for a couple of weeks in the summer while he went back to the city. And I stayed with my grandparents. It was sort of an idyllic time, having that opportunity to be on the farm in the summertime. And then, of course, we'd go out there for family occasions; Christmas, Thanksgiving were always spent out at the farm while my grandparents were alive.<sup>3</sup>

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<sup>3</sup> The home of inventor Joseph Glidden and investor Isaac Ellwood, DeKalb was a center of American barbed wire production. In 1898, Ellwood sold his interests to the American Steel & Wire Company, which became a subsidiary of U.S. Steel in 1901. The company moved production to Waukegan and Joliet in 1938. Cindy Ladage, "Isaac Ellwood, Illinois King of Barbed Wire," *Illinois Times*, May 27, 2010.

DePue: In the mid to late 1930s you would have been awfully young, but what's your sense of how well your grandparents were able to do on farming? Those were very tough years. And I assume it's a pretty small farm, as well.

Thompson: Yeah, but they didn't farm for a living. My grandfather worked in the barb wire factor, so the farm was simply a place where they lived. He apparently was also a thistle inspector (DePue laughs) for, like, a hundred dollars a year. And as I say, my grandmother would sell eggs and milk for pin money. So they got along okay.

DePue: But he was fortunate to hold and keep that job all the way through the Depression?

Thompson: Right.

DePue: What would you say were your earliest memories growing up?

Thompson: Oh, I suppose, again, on the West Side, in the Garfield Park area. We once lived across the street from the Garfield Park Conservatory, which is probably one of the famous conservatories of the world, and I spent a lot of time in there after school. And just living in that neighborhood and going to birthday parties of other kids, you know, when you were four or five or six years old. When I was in grade school, it was a different time then. The city was a safe place, and we did things that kids don't do today. Saturday was a big day; we'd go to the movie theater down on Madison Street, shop for clothes down on Madison Street or up on Chicago Avenue in the Italian neighborhood. The area where I lived underwent a change while I was growing up. It was originally an Irish neighborhood, and then it was an Italian neighborhood, and then it was a black neighborhood. It's still a black neighborhood today.

DePue: When did it evolve into more of a black neighborhood?

Thompson: Oh, I think when I was around twelve or thirteen, maybe.

DePue: Which would put it right about the middle or late World War II era.

Thompson: Ah...

DePue: Well, after that. Late forties.

Thompson: After that, yes, because I can remember V-E Day.<sup>4</sup>

DePue: Do you remember Pearl Harbor? Awfully young at that time.

Thompson: No, I don't remember Pearl Harbor. But I remember the war, because I remember rationing. We, like other neighbors, had a patch in the victory

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<sup>4</sup> Victory in Europe.

garden. I collected newspapers for the war effort. I collected bacon grease, which I took to the butcher every Saturday, because they used it to make ammunition.

DePue: Did you understand at the time what it was going to be used for?

Thompson: Yeah, sure. I remember blackout curtains and air raid practice. That was all very exciting for a kid. And of course, we didn't have any television until I was thirteen years old. So it was all radio. It was radio news, or at the movies every Saturday, the old newsreels that followed the progress of the war. And I can remember being in the basement of our apartment building, my mother was doing the laundry, and the news came over the radio that it was V-E Day, which was special to me because it was also my birthday. So it would have been May 8, 1945, V-E Day. And Harry Truman's birthday.

DePue: You would have been nine years old.

Thompson: Nine years old, yeah.

DePue: Harry Truman's birthday as well?

Thompson: Yeah.

DePue: At that time, he had been president, what, about a month?

Thompson: Yup.

DePue: Do you remember FDR dying?

Thompson: No.

DePue: Tell me, Governor, what were your favorite radio shows, growing up?

Thompson: *Thin Man, Fibber McGee and Molly, Jack Armstrong, The Shadow, Duffy's Tavern.* Those are right at the tip of my tongue, at the moment.

DePue: How would you describe your father?

Thompson: I thought my father was a great man. Very hard-working when he was a young doctor. He started out as a general practitioner, but he also had a day job as a pathologist at the Municipal Tuberculosis Sanitarium in the city of Chicago. So he would be in the laboratory during the day, then he'd leave the laboratory at 5:00 or 4:30. He had a medical office at the corner of Cicero and Madison, on the West Side of the city of Chicago, up above the Walgreen Drug Store. And he'd hold office hours from six to nine, see patients. Then from nine to midnight, he'd do house calls, back when doctors did house calls. And in the early days, from midnight until two, he'd do insurance exams.

Office visits were three dollars, I think, house calls were five dollars, and insurance exams were two dollars. So a lot of times, if I wanted to spend some time with him, I'd go down to his medical office and have dinner with him at the diner next to the Walgreens. Then I'd sit in his waiting room, do my homework, and sometimes I would ride with him on night calls. Very hard worker; very kind, very generous man; his family came first—he was a great father, you know? And when I ran for governor the first time, I'd meet people who would say to me, who didn't know me, "Well, if you're half the man your father was, you'll be all right," which was a great thing to hear.

DePue: A compliment to you and to your father at the same time.

Thompson: Well, a tentative compliment to me. (laughter)

DePue: Because there was that qualifier in there?

Thompson: I mean, they didn't know me yet. It started with an "if."

DePue: How about your mother? How would you describe her?

Thompson: My mother was also hard-working, although she didn't work, she never worked. She was a homemaker. But she kept her home spotless. Took care of her kids, made sure that we studied and were good kids. Later on, when the family could afford a cleaning lady once a week, she'd clean for the cleaning lady. She didn't want the house to be dirty when the cleaning lady came. (laughs) Which I never understood, but I was just a kid, what did I know? Anyway, she was a great lady. Lived until ninety-six. Amazing.

DePue: Wow.

Thompson: Hope I have some of her genes.

DePue: You said she was Swedish?

Thompson: Yes.

DePue: One hundred percent Swede?

Thompson: One hundred percent.

DePue: Did both sides of the family come post-Civil War era?

Thompson: Yes.

DePue: And fairly quickly, then, migrated their way out to the Midwest?

Thompson: Yes. So on my mother's side I'm Swedish; on my father's side I'm Scotch, English, Irish with a little bit of German.

- DePue: Gosh, where did the German sneak in there?
- Thompson: I had a grandmother, great-grandmother, by the name of Christiana Working(?).
- DePue: Who would you say you took after more? Your mother or your father?
- Thompson: My dad.
- DePue: In what respects, Governor?
- Thompson: I guess maybe my personality, some of my interests. Although later in life, some of my interests rubbed off on my father. I'm an inveterate art and antique collector; my folks never had an antique in their life until I started being interested in it. I talked them into buying their first painting at a house sale down the street. So you pick up, I think, unconscious things from your parents. I like people and I've always been at ease with people, and my dad was too, necessarily, being a doctor.
- DePue: I understand he didn't even really start medical school until right at the beginning of the Second World War. When did he actually earn his medical degree? Was that before the end of the war?
- Thompson: Yeah. I can remember his interning at County Hospital for something like eighteen dollars a month. And I had my tonsils out there. Sometimes I'd go with him to the hospital, and we'd have dinner on the West Side. When I had my tonsils out, they had me in a ward with about forty other children. Imagine that! (laughs) Your hospital would be closed today for putting forty kids in the same ward, you know, with all differing diseases.
- DePue: In a certain respect, that sounds like a little bit of fun!
- Thompson: Well, (laughs) if you survive, yeah.
- DePue: Did you have any siblings?
- Thompson: Yes. I've got a brother, Donald, four years younger than me, who is a retired professor of geology and college administrator out in Pennsylvania. I've got a brother, Larry, who is a lawyer out in Naperville. And I've got a sister, the youngest, who is a retired judge now living in Wisconsin.
- DePue: The ages that were in the book, again—1940 for Donald, 1949 for Larry, and 1951 for Karen.
- Thompson: It sounds right.
- DePue: The question is, that's quite a stretch between you, who came along in 1936, and 1951.



Thompson: But my sister was my mother's last try for a girl after three boys! (laughs) My mother was in her forties when she had Karen, and that was quite a feat back then. But she got the girl.

DePue: Four years is a bit of a stretch, but were you and Donald something of running buddies when you were growing up?

Thompson: Yeah, we had some of the same friends. We did a lot of things together. To show you what simpler times prevailed back then, one day I read about a trip to Niagara Falls. I was thirteen and my brother was nine. It was a weekend in Niagara Falls, so my parents took us down to Union Station in Chicago and put us on the train for Niagara Falls. That was Friday night. Slept on the train, got off at Niagara Falls Saturday morning, toured the falls, rode on *The Maid of The Mist*, and went souvenir shopping. I bought my mother a pair of nude salt and pepper shakers, which I never saw again after I gave them to her. We got back on the train Saturday night and arrived in Chicago Sunday morning. And my parents picked us up. Now, imagine that today, putting your thirteen-year-old and nine-year-old on a train for New York, by themselves. But as I said, those were simpler times.

DePue: A happy memory for you, I assume?

Thompson: It is, yeah. And sometimes I'd go downtown by myself at an early age. I was adventurous. I mean, back then we used to play in closed-up factories. Imagine what OSHA would think about that today.<sup>5</sup>

DePue: Some of these things, they'd be accusing the parents of child abuse.

Thompson: Well, yeah. We'd go in these abandoned factories and climb over the machinery. It was exciting. Or we'd walk along the railroad tracks, looking for pieces of coal that fell off the train. Once, we made firecrackers. Of course, I was the ringleader in that effort. (DePue laughs) I didn't want to be caught, so I got the recipe for gunpowder and made sure that I bought each separate ingredient in a different drug store. Then we made firecrackers and blew them up in the alley.

DePue: Gosh, where would you even go to get saltpeter today, huh?

Thompson: I don't know.

DePue: These are rather nostalgic memories about growing up.

Thompson: They are. Whether it was the farm in the summertime or the city streets the rest of the time, that was back when people in the summer would sit out on their front porches and watch their kids play in the street. And kids played

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<sup>5</sup> Occupational Health and Safety Administration, a federal agency created within the Department of Labor in 1970 to regulate health and safety in the workplace.

street games. We didn't have television, as I said, until I was thirteen. We got our first set, a black and white seven-inch screen. You'd play street games: a game called pinners, where you'd take a tennis ball and bounce it up against the bottom of a brick apartment building; or "Ring Around the Rosie"; or what was the game where everyone went and hid, and you had to go find them?

DePue: Something more elaborate than hide and seek?

Thompson: I guess it was hide and seek. Those were sort of what I used to describe as "Norman Rockwell times."

DePue: Are we better off today with how society has evolved?

Thompson: In some respects, yes. Certainly in terms of technology aiding productivity, and how technology aids education. But in terms of childhood and the safety of the city, kids growing up without facing crime or death ... I mean, the most exciting thing that ever happened to me as a kid, we had a candy factory about two blocks from my house, Bunte Brothers.<sup>6</sup> On Saturday mornings, all the kids would go over to the back door of the candy factory, and they'd hand out sacks of broken candy. And sometimes if you didn't get home quick enough, the bigger kids would chase the little kids, trying to get their candy. I mean, that was crime in the city, not shootings and violence.

DePue: Did you even hear about things like gangs?

Thompson: No. A gang to me was a group of kids who rode around on bicycles with me; that was our gang.

DePue: Without capital letters, just a bunch of kids together.

Thompson: Yeah, right.

DePue: How about when the neighborhood started to change from very much Irish to an Irish and Italian mix? Were there any tensions involved with that?

Thompson: Not really. The Irish moved out. Italians took over. Chicago Avenue became a street of Italian shops, often times with window signs in Italian, grocery stores, delicatessens.

DePue: Did the Thompsons stay in the neighborhood during that transition?

Thompson: Oh, yeah. Sure.

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<sup>6</sup> The company's factory at Franklin and Homan Avenues operated from 1917 to 1961. At the time of this interview, Westinghouse College Prep's football field occupied the factory site. WTTW, "Ask Geoffrey," *Chicago Tonight*, June 12, 2014, <http://chicagotonight.wttw.com/2014/06/12/ask-geoffrey-612>.

DePue: How about when it started to change into a more black neighborhood?

Thompson: Well, we moved, I'd say, when I was thirteen, just about ready to go to high school. My parents bought their first house. We had lived in apartments up until that time. The house was out west in the 36th Ward, which was mostly an Italian neighborhood. The neighborhood was Galewood, just north of Oak Park, just east of Elmwood Park. And I went to high school up on the North Side, so it was easier to get there from my new neighborhood because I rode with my father. He was still at the sanitarium, and he would drop me off on his way.

DePue: I definitely want to talk about the high school years, but I want to back up a little bit here, if I could.

Thompson: Sure.

DePue: Growing up, did you have a nickname?

Thompson: No.

DePue: Anybody call you Jimmy at the time?

Thompson: Oh yeah, sure.

DePue: How about religion? Was your family one to go to church every Sunday?

Thompson: Oh yeah, Presbyterian.

DePue: Was it a neighborhood church?

Thompson: Yeah. There was a church on Warren Boulevard in the old neighborhood, and then in the new neighborhood there was a church in Oak Park just south of Galewood. So it was always neighborhood churches.

DePue: Now, Galewood is a Chicago neighborhood?

Thompson: Yeah.

DePue: Oak Park is a suburb, though?

Thompson: Right.

DePue: Pretty well-to-do suburb at that time?

Thompson: I wouldn't say well-to-do.

DePue: But it's got the Frank Lloyd Wright connection there, that's why I was thinking that.

Thompson: Mostly a modest neighborhood with some well-to-do homes because it was a suburb. River Forest was an even better suburb. The further west you got, the more well-to-do it was. But our neighborhood in Chicago, Galewood, I wouldn't describe as a well-to-do neighborhood. It had bungalows.

DePue: Do you remember the year that you moved there?

Thompson: As I say, I'm thinking it was when I was starting in high school, or maybe my second year of high-school.

DePue: Nineteen fifty? Somewhere in that neighborhood?

Thompson: Yeah, that would be about right.

DePue: Going back to church, how important was religion to your family when you were growing up?

Thompson: It was important. My dad was a member of the session.

DePue: The session?

Thompson: The session, which is the governing body of the Presbyterian Church. And for a couple of years, when I was a little older, I was a deacon, which meant I was an usher. Yeah, they were regular church goers.

DePue: I know your father started his medical career in 1944, or at least I think that was the case. Did he serve in the military at all?

Thompson: No, not until later. He served during the Korean War. During World War II, he had a medical deferment. I don't remember what it was. But then when the Korean War came on, they passed what they called the Doctor's Draft Law. And under the Doctor's Draft Law, doctors were given a choice. There were no medical deferments; they would take a doctor with one arm. So you either enlisted as a captain or you were drafted as a private. Now, there was a choice.

DePue: Well, if you're drafted as a private, it doesn't sound like you're going to be a physician for the army!

Thompson: (laughs) No! So he enlisted as a captain, spent six months down in Texas undergoing training, including crawling under barbed wire. (laughs)

DePue: At Fort Sam Houston, possibly?

Thompson: Yeah, it sounds like it.

DePue: That's where medical training was.

- Thompson: Yeah, and then came back. By this time, I was in college, and he was assigned to 5th Army Laboratory in St. Louis. So we lived in a suburb of St. Louis for a year, during my junior year in college.
- DePue: That's a little bit ahead in my timeline here, so if you don't mind me jumping back and forth—
- Thompson: No, go ahead.
- DePue: —it's fine in your respect to do that. Did you have any relatives who fought in World War II?
- Thompson: My Uncle Roy, my dad's younger brother, fought in World War II, then came home and worked for the VA. He lived out in DeKalb with the rest of the family.
- DePue: When you were growing up, do you remember politics being a subject of discussion? Were your parents involved in politics at all?
- Thompson: No, they weren't. But I was. (laughter)
- DePue: Even as a little guy?
- Thompson: As a little guy. There was the famous radio interview when I was nine. WGN Radio, which was probably the city's premier radio station at the time, each Sunday would visit a church in Chicago and interview the Sunday school kids. And this one particular Sunday, they came to my church and interviewed a group, including me, and the interviewer went around the room and asked each kid what they wanted to be when they grew up. The usual suspects were mentioned—policemen, firemen—and they got to me, and I said, "president of the United States," which was looked upon, I'm sure, with great horror at the time! (laughter) That's what I wanted to be. I was always a big newspaper reader, and I found the subject of politics fascinating.
- DePue: In those days, there would only have been one president that you ever knew anything about, and that had to be FDR.
- Thompson: Well, it was local politics, Chicago, which were plenty exciting, and maybe a little bit state. I'm sure I knew about the president, but I didn't pay that much attention to national politics until later.
- DePue: So what possessed you to say you wanted to be president of the United States?
- Thompson: Because that was the top job in politics.
- DePue: Were you otherwise politically inclined, or you just knew that that sounded like something interesting to do?

- Thompson: I kept track of what was going on in my ward. I started out playing sandlot ball in Alderman Kells Field. He was the Irish alderman. And then I would read about the politicians when the ward turned Italian, because there was what they called the West Side Bloc back then, which was the group of Italian politicians from the Near West Side, some of whom were alleged to have syndicate ties. That was exciting too.
- DePue: So you knew what the Syndicate was, growing up?
- Thompson: Oh, sure.
- DePue: What age were you when this WGN interview happened?
- Thompson: Nine.
- DePue: So you're still in grade school?
- Thompson: Yeah.
- DePue: In the book, you were described as "precocious" at that age.
- Thompson: I guess. When I was in the eighth grade, I won the American Legion award for the graduating class of my grade school. I think I also won a history prize for the city of Chicago, in a city-wide competition.
- DePue: Were your political aspirations something that you had to live down with some of your buddies?
- Thompson: No.
- DePue: Nobody gave you grief about that at all?
- Thompson: Well, I didn't talk about politics with my buddies.
- DePue: Why not?
- Thompson: (laughs) Because they were interested in other things.
- DePue: Like sports?
- Thompson: Sports, or just hanging around the neighborhood.
- DePue: In Garfield Park and Galewood, what are your sports allegiances in those neighborhoods?
- Thompson: Oh, you were a Cubs fan. If you were born north of Madison Street in the city of Chicago, which was the dividing line between north and south, you were a Cubs fan. If you were born south of Madison Street, you were a White Sox fan. Period. It wasn't something you chose, it was imposed on you.

DePue: Non-negotiable.

Thompson: Non-negotiable. And there were instances in which people tried to claim they were both, and they were roundly disbelieved. It was not until I became governor and, as a Cubs fan, built the White Sox baseball stadium that I had to adopt dual allegiance. But then I was forgiven, because I built the stadium.

DePue: Were you truly an avid follower of baseball at the time?

Thompson: Yeah, absolutely. My dad took me to games at Wrigley Field. He even took me to a couple of football games when the Bears played at Wrigley Field. And we sat in the bleachers. Later years, when I was governor, we sat in the box seats, and I took him. So we had worked our way from the bleachers to the box seats. (laughs)

DePue: You said later in life, you became an antique collector. Were you a baseball card collector, by chance?

Thompson: I'm sure I had baseball cards. I had the stuff that kids collect growing up: marbles, baseball cards, postage stamps, Indian Head pennies, and stuff like that. But I didn't get into antiques until I was U.S. attorney.

DePue: Where did you attend grade school and middle school? Was that public or private school?

Thompson: Public. It's Samuel F.B. Morse Elementary School, West Side of Chicago. Elementary school was public school, and high school was a private school, North Park Academy on the North Side of the city. College was two years in a public university in the University of Illinois at Navy Pier. And then one year at Washington University in St. Louis, and then Northwestern Law School. So I had the benefit of both a public and a private education, just like my daughter subsequently had.

DePue: Mm-hmm. I read that you knew how to read even before you got to grade school.

Thompson: That's true. Yeah, my mother taught me to read. And I was a ferocious reader, you know, like some kids; I'd have the flashlight under the covers at night, reading. I read everything I could get my hands on. That's why I say I was reading the newspapers at the age of nine.

DePue: And listening to the radio news, especially?

Thompson: Radio news, yes.

DePue: What newspapers did the family get, growing up?

Thompson: We got the *Tribune* and the *Daily News*.

- DePue: The *Tribune* at that time, I would think, is definitely a conservative, more Republican-leaning newspaper?
- Thompson: Oh, absolutely.
- DePue: Was your father a Republican? Was that a subject that came up in conversation?
- Thompson: I think he would have described himself as a Democrat, but not a very partisan one. And I really don't recall a lot of conversations with my folks about politics.
- DePue: Do you know how they would have voted in national elections? Would they have been FDR, Demo—
- Thompson: I'm sure they would have voted FDR, yeah. I mean, they lived through the Depression when they were young marrieds; they would have voted Democratic.
- DePue: And it sounds like it wasn't until after World War II, when he finally got a medical degree, that the family started to do a little bit better financially?
- Thompson: Right.
- DePue: So would you describe your family as poor or just middle class, growing up?
- Thompson: I wouldn't say we were poor, because we always had a roof over our heads and things to eat, and clothes. But we were of modest means while my dad was going to medical school and in the early days. But after he became a doctor, and especially since he was working so many jobs, the family did better. When we eventually moved to a house out in Galewood, my dad had a car.
- DePue: That's a move that I wanted to focus on a little bit more, and maybe this is one of the things you would take issue with the book about. Bob Hartley characterized that move as much to do about you being able to go to a private school because the neighborhood was becoming increasingly black, and the family was hearing about some of the stories that were coming out of the public high school in Garfield Park.
- Thompson: If that was true, I don't remember it. Because I don't remember talking about the neighborhood. My folks, I think, were grateful for my public education in grade school. But they had heard about this school up north, North Park Academy, which was a Mission Covenant school run by the Swedes. I think my mother must have heard about it because of her background. And they visited there, and that's where they thought I should go.
- DePue: Was that a Lutheran affiliation, then?



- Thompson: No, it was Mission Covenant.
- DePue: A separate religion altogether?
- Thompson: Swedish-based, yeah.
- DePue: And that was her religious background, was it?
- Thompson: No, she was Lutheran.
- DePue: Were the schools down in Garfield Park becoming integrated at that time?
- Thompson: Oh, I think they were—
- DePue: Your last couple of years, do you remember ever having some African American students in class with you?
- Thompson: No, because I lived on the north side of Garfield Park. It would have been more integrated on the south side of Garfield Park, south of Madison Street. Down around Roosevelt Road, maybe. If I had stayed in the neighborhood, I would have gone to a public school further north. That would not have been, as far as I can remember, an integrated school. So it didn't make much difference whether I went to a private school or the public high school, my high school would have been north rather than south.
- DePue: This might be a little bit early, but certainly by the fifties and definitely into the sixties you could describe what was going on demographically in the city as white flight, as the neighborhoods were definitely shifting. But do you think there was any of that in your parents' move?
- Thompson: No, I don't think it was. I think it was probably true of a lot of the Italians in the ward; they moved west as the blacks were moving in, in the southern part of the ward. But I don't remember any blacks in our neighborhood until after we left. Most of the black neighbors were, as I say, south of Madison Street, in fact, fairly south of Madison Street. So I don't know. I mean, we never had black neighbors while I was living there.
- DePue: Did you have any black friends either in junior high or high school?
- Thompson: Yeah, there were a couple of kids in my high school class, but not more than that.
- DePue: Tell me a little bit more about North Park Academy.
- Thompson: North Park Academy was part of the Private School League with other religious-based high schools—Luther North, Luther South, and then came east to take in Francis Parker and Chicago Latin, which still exist. The Lutheran schools are gone, and North Park Academy is gone. When I went to high

school there, there was a high school and a seminary. Today there is a university and a seminary.

DePue: What's the university?

Thompson: North Park University. The university replaced the high school in later years. In fact, I'm going to get an award there this fall as a graduate of the class of 1953 in the high school, sixtieth anniversary of my high school graduation! (laughs)

DePue: Is it true you skipped a grade early on?

Thompson: Yeah, I skipped two grades in grade school.

DePue: Two grades?

Thompson: A year in grade school.

DePue: So you went to first grade and then you ended up in fourth grade?

Thompson: No, not in a row. I skipped one of those early grades, and then a couple of years later, I skipped another one.

DePue: Governor, were you a big enough kid to be able to hold your own once you skipped a couple of grades?

Thompson: Oh, sure.

DePue: The other thing you always hear about young kids who skip grades, were they socially mature enough to be able to do that?

Thompson: Oh, yeah. Not a problem. Skipped a year in grade school, skipped a year in college—I only went to college for three years—and right into law school. When I got to law school, I was at least two years younger than my classmates, and in some cases where they had served in the armed forces, maybe four years younger than my classmates.

DePue: I would imagine that the year you skipped in grade school, that was your parents' idea to move you forward?

Thompson: No, it was the teacher's.

DePue: The teacher's?

Thompson: Yeah. I said okay.

DePue: Going back to high school years, was it a coed school?

Thompson: Yeah.

DePue: How would you describe the academics there?

Thompson: They were pretty rigorous.

DePue: Any teachers that you especially remember?

Thompson: Yeah, Mr. Safstrom, the chemistry teacher. I used to write a column for the school newspaper called "Diogenes T"; always searching for the truth was the subtext of the—

DePue: Diogenes T?

Thompson: Yeah. Diogenes searched for the truth.

DePue: Oh, okay.

Thompson: And my name was Thompson, so it was Diogenes T. I was very much affected back then. (DePue laughs) And I once satirized the chemistry teacher, Mr. Safstrom. Of course, the administration made me get his approval to satirize him before (laughter) I could write the column, which he gave.

DePue: So it must have been a little bit on the gentle side, then.

Thompson: Well, of course.

DePue: What other kind of things were in this newspaper column that you were writing?

Thompson: Sometimes it was about politics, sometimes it was about campus life. Sometimes it was agitation to allow seniors to go across the street and eat lunch; I mean, this was a pretty strict school.

DePue: That's bold stuff at that time!

Thompson: Bold stuff! (laughs)

DePue: What were your favorite subjects?

### From 'H' to 'O'

Senneth Kafstrom, Chemistry Professor at Pork Park Academy, was laying out his instruments for the day's Chemistry classes. Putting the mechanical grasshopper to one side, he dragged down his old catcher's mask as a precaution against students with strong throw-



Father of Chemistry

ing arms and weak minds. The mechanical grasshopper was a story in itself; he had used it before.

He recalled with particular delight the uproar created when he put the hopper down next to Stean Jacy just as she was concluding a five hour experiment. After the sulfuric acid had been wiped from the ceiling and walls, he calmly announced that the person responsible for such waste would be toasted slowly with a Bunsen burner. He gave Sallen Andstrom such a fierce scowl that Sallen collapsed against the reagent shelf upsetting the ammonium hydroxide and hydrochloric acid. Sallen escaped in the resulting smokescreen.

(Continued on page 6, col. 4)



North Park Academy News  
June 3, 1953

### From 'H' to 'O'...

(Continued from page 5, col. 4)

After tripping up the three flights of stairs to lab, Mob Boyat appeared at the door. He waved to Mr. Kafstrom and Mr. Kafstrom waved back, at the same time letting go of the sharpened thistle tube he clutched in his hand. Mob hollered that his aim was getting pretty bad. Mr. Kafstrom replied with a guttural snarl and threw a neat block at Wave Ditt who was just coming in the door with his eyes closed and mouth open. "Ha! Ha!" cried Mr. Kafstrom, "that'll teach you to take chemistry!"

Refreshed by this bit of horseplay, Mr. Kafstrom retired to his office to run little red lines through the grades in his book.

Leaving the students to their own devices, Mr. Kafstrom browsed through the latest edition of *Chemical News*. He was refreshed by the news of students swallowing arsenic compounds and running thistle tubes through their ears. When the phone rang, he picked it up hoping for that raise in pay to be announced, but was informed by the office that two men from the Treasury Department wanted to talk to him about some missing ethyl alcohol shipments during Prohibition. He put down the receiver and went into the lab.

"Students," he said, "I am going to leave you." The lab went wild. Equipment was tossed into the air. A cheer went up. "Students," he said, "I am touched by your demonstration, I will stay." The lab went wild. Wave Ditt charged with a lighted Bunsen burner. Debris flew through the air toward Mr. Kafstrom. Frightened, he ran out into the hall where the T-men were waiting. As they carried him off, he shrieked for everyone to hear, "Don't sacrifice your time, money and effort for the advancement of high school students as I did, they're not worth it."

(This article appears only because of the good-naturedness of Mr. Kenneth Safstrom and is not meant to be taken in any way but in fun.)



**Sweden Shop**  
DeGrasse Arts & Crafts  
GIFTS — Cards from Sweden  
ART MATERIAL — HOBBIES  
3313 Foster IR 8-0327

Thompson: History and political science. But history, American history.

DePue: Were there good enough classes in that to keep your appetite whetted?

Thompson: Oh, yeah. Sure.

DePue: Any kind of history that you especially gravitated to?

Thompson: American history.

DePue: And your aspirations by then?

Thompson: Still there.

DePue: Politician. Wanted to be president of the United States.

Thompson: Well, that's what my school yearbook said.

DePue: Did you write that? Or somebody quoted you as saying that?

Thompson: I think that was their assumption, my classmates. Whoever edited the school book.

DePue: I have a quote here. Bill Seawell, is that familiar?

Thompson: Billy Seawell? Yeah.

DePue: Here's what you wrote in his high school yearbook: "Good luck to North Park's best athlete"—

Thompson: True. He was a football player.

DePue: I assume you weren't one of the best athletes at North Park?

Thompson: I wasn't an athlete at all.

DePue: "Jim Thompson, president of the U.S., 1984-1992."

Thompson: That was my signature, yeah, there you go. Eighty-four to ninety-two? Missed it.

DePue: You got closer than most, I'd have to say. (Thompson laughs) What was it at that time? It was always there?

Thompson: Yeah.

DePue: How would you describe your politics at that time?

Thompson: When I was in high school, I was a liberal.

- DePue: Espoused liberal? An FDR type of liberal?
- Thompson: No. Uh-uh. It was more, I think, personal. I was sort of upset about Senator McCarthy and Senator Jenner, and some of those folks. And I was really upset when Eisenhower seemed to back off from Senator McCarthy, instead of confronting him. Wasn't it McCarthy who accused General Marshall of treachery of some kind? I forget what it was.<sup>7</sup>
- DePue: I think that was around the '53, '54 timeframe?
- Thompson: Yeah.
- DePue: And you graduated in 1953?
- Thompson: Yes. And in the Eisenhower-Taft contest, Republican primary for the presidency, I was a Taft supporter. So I got pushed over to being for Adlai Stevenson because I was disappointed with Eisenhower. Stevenson had been the governor of my state, and I thought he was a stand-up guy. Used to carry his picture in my wallet.<sup>8</sup>
- DePue: There's a quite a stretch between Adlai Stevenson and the conservative wing of the Republican Party with Robert Taft.
- Thompson: Yeah; see, it's all personal.
- DePue: (laughs) So it was a matter of personalities?
- Thompson: Not personalities so much, but my abhorrence of McCarthy and his crew, and my disappointment with Eisenhower for giving in to McCarthy.
- DePue: And this would have been early in Eisenhower's administration.
- Thompson: Yeah.
- DePue: How about 1948? Being politically precocious, let's say, at that timeframe, would you have been for Truman or Dewey? Do you remember?
- Thompson: I don't think I was for either.

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<sup>7</sup> Sen. Joseph McCarthy (R-WI) and Sen. William Jenner (R-IN), who were leading promoters of the postwar Red Scare. On June 14, 1951, McCarthy gave a long speech in the Senate attacking former secretary of state and then-defense secretary George Marshall for advancing the interests of the Soviet Union and Communists in other nations, implying Marshall did this deliberately. He later published his speech as *America's Retreat from Victory* (New York: Devin-Adair Company, 1952).

<sup>8</sup> Robert A. Taft (R-OH). Coincidentally, his grandson Bob Taft was an assistant director in Illinois governor Richard Ogilvie's Bureau of the Budget. A fellow assistant director, Robert Mandeville, later served as Thompson's budget director, while Thompson's last chief of staff, Jeff Miller, began his career as a budget analyst under Taft.

DePue: Just kind of avidly watching from the sidelines?

Thompson: Yeah.

DePue: Was the subject of politics something that came up in discussions at home with your parents?

Thompson: No.

DePue: Who were you talking politics with?

Thompson: Myself. (laughs)

DePue: Not your buddies either?

Thompson: No. In high school, maybe. But not so much.

DePue: You're how tall, Governor?

Thompson: I was six-six. And then they beat me down while I was governor. So I'm now probably six-five.

DePue: That's plenty big in anybody's book. How big were you in high school?

Thompson: I was a late bloomer. I was still growing in college.

DePue: So there weren't football coaches or basketball coaches salivating over this big, tall kid?

Thompson: No. And I had no athletic talent. The only athletic talent I ever displayed was when I was governor and learned to play racquetball. I was a solid B player.

DePue: I know enough about racquetball that you don't have to chase the ball very far before it comes back at you.

Thompson: Well, sometimes you do, depending on who you're playing.

DePue: Hopefully you don't get smacked by the ball, huh?

Thompson: Yeah, one time I was down at the University of Illinois playing the coach of the women's racquetball team, who was in his seventies. And he just chased me all over the court without breaking a sweat. He *walked* to the shots. Just (mimics the coach making shots) all in the wrist, and I was—ah!

DePue: Do you take after your dad in that respect as well, that neither one of your parents was very athletic?

Thompson: Right.

- DePue: Were you involved in student politics in high school?
- Thompson: Yeah. Well, starting in grade school. I think in grade school I was president of the student council. Two of us who were running were sent outside the class while the other kids voted, so you wouldn't know who voted for who. And each of us voted for the other, because that's what the teacher told us we had to do.
- DePue: (laughs) That was in grade school?
- Thompson: Yeah. I forget exactly what I did in high school, but I think it was student council. Then in college, at the University of Illinois, I ran for—I don't think it was called "student council," but it was the unit of school government. And I was a write-in candidate.
- DePue: A write-in candidate?
- Thompson: Yeah, I decided I wanted to run for the council, so the night before the election, I went off to my church and borrowed their mimeograph machine and mimeographed a whole bunch of little stickers that said, "Student Fares on the CTA: Vote for Jim Thompson for Student Council," or whatever it was. Then I cut those up, and I stuck them on every locker in the city, on the combination lock. And I got elected.
- DePue: Some grassroots politicking. How would you define your personality, then, by the time you got to high school?
- Thompson: Outgoing.
- DePue: Popular?
- Thompson: Yeah, I think so.
- DePue: With the boys and the girls?
- Thompson: Yeah.
- DePue: Were you doing any dating at the time?
- Thompson: In high school? No. No, because they didn't have the usual things that you would find in high schools today. The school was strict, they would not have dances.
- DePue: Not even something like the prom?
- Thompson: No. That was against the tenets of the Mission Covenant Church. It was a far cry from the high schools of today.
- DePue: Were you a little bit on the girl-shy side at the time?

Thompson: No, I don't think so. I got along well with the girl students. In fact, when I was in high school, I was enamored of the girl who lived across the street from me and sent her a note asking if we could go on a date. I got a note back from her mother saying, "She's far too young to go out on dates."

DePue: Governor, I've got to ask you—

Thompson: That was the end of that! (laughs)

DePue: —was she Irish, Italian, or something else?

Thompson: She was Italian.

DePue: Were you involved in any other activities while you were in high school?

Thompson: Choir. I was a tenor in high school. We had a pretty famous choir at the high school, and we would play concerts around the city. And because I was a tenor and my voice still had range, sometimes to amuse myself in a choral group I would sing with the sopranos without the choirmaster knowing what I was doing. Or I'd sing with the baritones. But I enjoyed the choir. And the choir had a quartet, and I was a member of the quartet.

DePue: Two boys and two girls?

Thompson: Yeah.

DePue: Did that get you around town, as well?

Thompson: Yeah.

DePue: Did you get outside the city in some of the travels?

Thompson: No, just inside the city.

DePue: How about something like debate? I would think you'd be a natural for debate.

Thompson: We didn't have any debate. No.

DePue: There's a lot of references in the book about public speaking, and even at an early age, you enjoying opportunities for public speaking. Do you remember any of that?

Thompson: Oh, I'm sure I did in high school, in college. But I don't have any specific recollection on it.

DePue: How would you describe the group of kids that you hung around with, that you ran with? Maybe "clique" would be too strong a word.



Thompson: In high school, there wasn't any clique or group, and I knew everybody and was pretty outgoing. We all did things together, went to football games and stuff like that. In grade school, it was just the neighborhood kids.

DePue: Did you work during high school at all? Did you have any jobs?

Thompson: No, but I would sell things door to door. I sold greeting cards at Christmastime. I sold seeds.

DePue: Flower seeds?

Thompson: Flower seeds, vegetable seeds. I sold White Cloverine brand salve.

DePue: (laughs) Who were your customers for that?

Thompson: Neighbors.

DePue: The women?

Thompson: Yeah. One year, I made nativity scenes. I had rubber molds and I made plaster nativity scenes, and I painted them and sold them door to door. And when the *Lone Ranger* radio series offered a pedometer which you could strap to your ankle and keep track of how far you walked, I offered to go to the store for neighbors for a penny a mile—

DePue: A penny a mile?

Thompson: Yeah, I did that for two days and then decided that was the wrong charge! (laughter)

DePue: Were you doing that for several neighbors at the time?

Thompson: Yeah. But I soon quit, because that was not profitable. (laughs)

DePue: They thought it was a good deal, probably.

Thompson: I'm sure they did. So those were my jobs, until I got to college, and then at Christmastime, I would work at Marshall Field's.

DePue: Stocking shelves, or sales—

Thompson: No, salesman. Women's shoes and Christmas cards and rugs.

DePue: That's an interesting mixture.

Thompson: Yeah. And then in my junior year of college, when we lived in Clayton, Missouri, I worked at the Clayton Public Library.

DePue: Who got you started in the sales business? Is that just something you took on yourself?

Thompson: Oh, yeah. They'd hire college kids for Christmas jobs.

DePue: But I'm talking about going around in the neighborhood and selling stuff.

Thompson: That was me. I was an entrepreneur. That was after the lemonade stands and stuff like that.

DePue: In other words, a self-starter at a pretty young age.

Thompson: Uh-huh.

DePue: What did your folks think about your activities? Beating the street, looking for money?

Thompson: Oh, they were all for it. Yeah.

DePue: What were your plans, then, as you approached your senior year in high school?

Thompson: Since my father had gone to the University of Illinois for a year, I went down there to see what it was like, and it was so huge, it scared me to death.

DePue: You mean, just as a visitor?

Thompson: Yeah. And I went right back to the city of Chicago. A buddy of mine was going to the University of Illinois at Navy Pier, and I said, "I'm going with you."

DePue: Here's my perspective. Growing up in a small town like I did, the city of Chicago is huge.

Thompson: Right.

DePue: And the University of Illinois might have had a big campus, but it wasn't huge. That wasn't how you looked at it, though, apparently.

Thompson: No.

DePue: Did you just get concerned that you'd be just another number on a roster and lost in the shuffle?

Thompson: No, I just looked at it, and I thought, That's not where I want to go to school. I had come from a neighborhood grade school and a smaller high school, and then I went with my buddy and we looked at the University of Illinois at Navy Pier. I said, "Well, this is fine." It's right out on a pier in Lake Michigan, and it's confined, and it looks okay to me.

DePue: How was it that first year?

Thompson: It was fine. It was fine.

DePue: Your major?

Thompson: Poli Sci.

DePue: Was it already in your mind that you wanted to follow the law school track, even at that age?

Thompson: Maybe a little later. I really decided to become a lawyer in aid of a political career.

DePue: So when you first got there, you were still thinking politics, it sounds like.

Thompson: Right.

DePue: But again, I've got to ask you, Governor, this would have been 1953, '54 you're into now.

Thompson: Yeah.

DePue: You describe yourself as a liberal, but it doesn't—

Thompson: Well, only in the Eisenhower-Stevenson contest.

DePue: But it doesn't sound like you're really all that philosophical about your political views.

Thompson: I wasn't.

DePue: What was it about politics, even when you're seventeen or eighteen years old?

Thompson: I thought it was exciting. Just the idea of it was exciting.

DePue: So for you, it was kind of like somebody who's following the sports page all the time and being excited about that?

Thompson: Yeah. And then when I got to law school, in terms of legal beliefs, I became a liberal. My heroes were Black and Douglas.<sup>9</sup>

DePue: All the FDR appointees, I think?

Thompson: Yeah.

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<sup>9</sup> Hugo Black and William Douglas, staunch New Deal liberals appointed by Franklin Roosevelt.

DePue: Now, we've been kind of flirting around this: you graduated high school in '53.

Thompson: Yeah.

DePue: That's the tail end of the Korean War.

Thompson: Yeah.

DePue: That's the height of the draft.

Thompson: Yeah.

DePue: Where were you as far as the draft was concerned?

Thompson: I was 4F.

DePue: You already knew that? What led you to be 4F?

Thompson: A hernia.

DePue: When had you had a hernia?

Thompson: I don't know. High school, late high school, maybe?

DePue: Do you recall when that happened?

Thompson: It wasn't a happening, it's just a condition.

DePue: And I read someplace you also had asthma at the time?

Thompson: Yeah.

DePue: So military requirement was never a concern of yours, it sounds like.

Thompson: No.

DePue: Before we actually get into the college years, who would you consider as your most important mentors, growing up? People who influenced you the most?

Thompson: I guess my dad. That would be it. I didn't really have mentors until I got into law school.

DePue: When you're going to school down at Navy Pier, were you staying at home at the time?

Thompson: Yes.

DePue: Was that one of the appeals of it?

Thompson: Yes.

DePue: How did you get back and forth to school?

Thompson: Streetcar.

DePue: They're not around either anymore, are they?

Thompson: No. (laughs)

DePue: The times have changed. And that's long before the—

Thompson: There might have been a bus by then. Streetcars when I was younger.

DePue: When did they start building the freeways in Chicago?

Thompson: Oh, gosh, I think the Eisenhower Expressway, which began life as the Congress Expressway, was late fifties, early sixties, maybe.<sup>10</sup>

DePue: Now, I've got this image of Navy Pier, and that huge building.

Thompson: Yes.

DePue: Was that essentially what the campus was like, that one huge building there?

Thompson: That was it. Navy Pier began as a commercial pier, and during World War II, the Navy took it over. And then the Navy left.

DePue: What was the Navy doing with it in World War II? A dock? A training center?

Thompson: Both, I think. And when they abandoned it, it started falling apart. But the University of Illinois was looking for a place in Chicago, hence, they fastened on the pier. And it's called Harvard on the Rocks. (laughs)

DePue: Was this just a temporary home, as far as the university was concerned?

Thompson: Yeah, but it coincided with my first two college years.

DePue: So these are not brand new buildings you're going to classes in?

Thompson: No. Kids would roller skate to class, down the length of the pier. The library was out at the end of the pier. Classrooms along the way.

DePue: I haven't really asked you how rigorous a student you were in high school. But high school and college, how would you describe—

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<sup>10</sup> Land clearance for the Congress began in 1944, but the highway did not fully open to traffic until 1960.

Thompson: I was a good student.

DePue: Straight A student?

Thompson: No, not straight A, but a good student. When I was in my third year of college at Washington University, I was probably a straight A student. And in fact, to pick up some extra credit to get into law school early, I took AP exams and got the credit for the course without taking the course; I did three of those, I think.

DePue: But never actually graduated from college, as I understand.

Thompson: No. I could have gotten a college degree after my first year of law school if I paid Northwestern ten dollars. But I decided I didn't care about that, so I didn't. So I only have a law degree; I don't have a college degree.

DePue: The book talked about you skipping classes a lot when you were at Navy Pier.

Thompson: During the Army-McCarthy hearings, [because] I found those fascinating. I would go to the department stores, maybe Marshall Field's, to the floor where they sold television sets, and stand there for hours, watching this.

DePue: Outside the windows or inside them?

Thompson: Inside.

DePue: It was reported in the book that you were attending Chicago City Council sessions.

Thompson: No. I don't have any memory of that. At least today; maybe when he wrote the book, but not today.

DePue: You already mentioned the move for your father down to St. Louis, because of this obligation he had in the military.

Thompson: Right.

DePue: Why not stay up in Chicago and continue your schooling up there?

Thompson: Because I wanted to stay with the family. You know, I had two younger brothers, and I looked at going to Clayton as kind of an adventure.

DePue: That was the suburb they lived in?

Thompson: Yeah. And that's where the interest in law really started to blossom, because we lived a block from the courthouse. In St. Louis—

DePue: The county courthouse?

- Thompson: Yeah. And there was a very famous criminal lawyer there, I think by the name of Shaw.<sup>11</sup> I used to haunt the courthouse, watching him try cases. So that's where the legal thing really started to grow, from then on. When I was going to law school, I just had it in my head that I wanted to try cases. In fact, when I graduated from law school, I told my professor, one of my first mentors, Fred Inbau, that my goal was to go to the West Side of the city of Chicago, open up an office next to the criminal courthouse, and defend criminals. He was a law-and-order type, nicknamed Freddy the Cop, and he was just horrified at this notion. But as he put it to me, "You don't know how to try cases yet." And he said, "Go to the state's attorney's office first and learn how to try cases. And then if you want to be a defense lawyer, fine." So I said, "Okay."
- DePue: Perhaps hoping in the back of his mind, Okay, we can steer him in the right direction... (laughs)
- Thompson: He was right. (laughs)
- DePue: I've never been to the Washington University campus, but my guess is, it's much more like the University of Illinois campus than it is Navy Pier.
- Thompson: Actually, it was like neither. A very beautiful campus. Smaller.
- DePue: Is it in the heart of St. Louis?
- Thompson: No, in the suburb of University City, just outside of St. Louis. And it was a beautiful, green campus with Victorian buildings, and it was sort of a movie version of the college campus. I really enjoyed that school. And my family enjoyed the year in St. Louis. In fact, my parents liked it so much, they went back every summer for twenty or thirty years. I mean, St. Louis, then, had the Municipal Opera and the zoo. And it was just a great park system. It was just a neat time, and it was a neat city.
- DePue: Were you involved in any other extracurricular activities, in either one of these places you went to college?
- Thompson: No, just working in the library in Clayton, where I made them abolish the Dewey Decimal System and file the books under a system I had invented.
- DePue: That you had invented?
- Thompson: Yeah. It was more or less an alphabetical system.
- DePue: Alphabetical by title, or author?

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<sup>11</sup> Charles Shaw grew up and practiced in Clayton. For one account highlighting Shaw's stature, see William Stage, "For the Defense," *Riverfront Times*, October 23, 2002.

Thompson: Author, I think.

DePue: For a librarian, this might have been rather radical.

Thompson: It was radical. (laughter) And I don't know why they let me do it.

DePue: For what library were you working at the time?

Thompson: Clayton Public Library.

DePue: Let's get to your law school years.

Thompson: Yeah.

DePue: And I think we wanted to spend some time there. Fall of 1956, is that when it started?

Thompson: Yes.

DePue: Where did you end up going to law school?

Thompson: Northwestern.

DePue: Why Northwestern? You had a lot of choices.

Thompson: Yeah, but that was rated as the best law school of the city at the time.

DePue: Better than University of Chicago?

Thompson: I thought so. I was still living in Clayton when I applied. And there was no LSAT exam then.

DePue: Oh, really?

Thompson: Thank God!

DePue: But I would think it would be a disadvantage not having a college degree at the time.

Thompson: No, back then you could go to law school after three years.

DePue: But what determined how you're going to be admitted?

Thompson: Your college record. So it combines six years. I wrote a letter to the dean, and I said, "I'd like to attend your law school. I intend to practice in the city of Chicago, and Northwestern's where I want to go." He wrote back and said, "Okay." (laughs) Far cry from getting into law school today, that's for sure!

DePue: Yeah.



- Thompson: I don't think I could pass the LSAT today. You have to be an engineer to pass the LSAT. Ridiculous!
- DePue: How was the family going to pay, or how were you going to pay for law school?
- Thompson: I got a partial scholarship, and my dad paid the rest. And I would work; I think I went back to Marshall Field's maybe one more time to work. So we got through that way.
- DePue: Was your father still doing this ungodly type of schedule?
- Thompson: No. By that time, he had given up the lab and the general practice, and he was simply a pathologist at a hospital on the West Side.
- DePue: By this time, what were you doing in the summertime? Were you still heading out to the farm?
- Thompson: No, not so much. Not so much. My family, by then, I think had moved off the farm. My grandfather had died, and my grandmother moved with a couple of her daughters to the town of Waterman. So there really was no farm anymore.
- DePue: Were you working then, in the summertime?
- Thompson: I might have worked at the law school, but doing what, I don't remember. I might have worked in the library at the law school.
- DePue: Governor, I'll confess that my image of going to a top-tier American law school was formed by watching *Paper Chase*.<sup>12</sup>
- Thompson: Really? (laughs)
- DePue: Was your experience anything like that? With this very domineering and intimidating professor, and the incredible work?
- Thompson: No. I mean, it was a lot of work, yeah. But I had excellent professors, and I enjoyed the school. I formed a real close bond with the professor of criminal law, Professor Inbau. And I was the student editor-in-chief of the *Journal of Criminal Law, Criminology and Police Science*, which was sort of a sister publication to the law review.<sup>13</sup> So I spent a lot of time on that.

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<sup>12</sup> John Houseman earned an Oscar for his portrayal of a coldly demanding law professor in the 1973 film.

<sup>13</sup> Thompson was the editor-in-chief from fall 1958 through summer 1959. He contributed the following articles: "Self-Incrimination and the Two Sovereignities Rule," 49, no. 3 (1958); "The Role of Common Law Concepts in Modern Criminal Jurisprudence (A Symposium): III. Common Law Crimes against Public Morals," 49, no. 4 (1959); "Police Controls over Citizen Use of the Public Streets," 49, no. 6 (1959); "Student Counsel—New Aid for Indigent Criminal Defendants," 50, no. 1 (1959).

DePue: The sister publication? Because its focus was different?

Thompson: Yeah. There were three opportunities to write in law school; there was law review, which most law schools had, and then Northwestern had this *Journal of Criminal Law*, which was my interest. So I went out for that, and I was accepted. And I eventually became the editor. Then there was a third publication, I think the *Aviation Law Journal*. So we had three opportunities at Northwestern to write while we were students.

DePue: What appealed to you about criminal law, versus all the other areas of law?

Thompson: I don't know. It was probably formed in part by television, maybe. *Perry Mason*.

DePue: I was going to ask, did you grow up watching *Perry Mason*?

Thompson: Absolutely! And partly because of my experience during my junior year in college watching trials in St. Louis. It seemed to me, that's where the action was—trial lawyer, criminal law.

DePue: I'm thinking of a couple of the classic movies. *To Kill a Mockingbird*, I think that was 1960. So you would have been out of law school by that time.

Thompson: Yeah.

DePue: *Anatomy of a Murder* was about that timeframe as well.

Thompson: The only one that I really remember was, was it *Dial M for Murder*?

DePue: But there is very little of the law in that one. That was your classic Hitchcock murder mystery.

Thompson: I'm thinking of another one, then, which focused around this trial, criminal case in Wisconsin. And I forget who played the judge, but it was a very classic legal trial.<sup>14</sup>

DePue: So the romance of being on the defense side is what appealed to you, would that be fair to say?

Thompson: Yeah.

DePue: Tell me about Professor Inbau, then, because you've mentioned that name a couple of times already.

Thompson: Fred Inbau was the professor of criminal law at Northwestern, and he was quite a nationally—in fact, internationally—renowned professor of criminal law. He started life as a polygraph examiner in the city of Chicago, and then

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<sup>14</sup> *To Kill a Mockingbird* (1962) and *Anatomy of Murder* (1959).

became a lawyer and a law professor. He had written a couple of casebooks. He was the leader of the law enforcement wing of law professors. And he took me under his wing, although I was sort of his philosophical nemesis, because by that time, I was a pro-defense student. But he tolerated me.

DePue: But why you?

Thompson: Because there were only two of us in our class who had any interest in becoming criminal lawyers. It was just unheard of back then.

DePue: Really? What other kind of law were they more interested in?

Thompson: Civil law, real estate law, tax law.

DePue: Because that was seen as more lucrative?

Thompson: And more appropriate. (laughter) I mean, the notion of defending criminals didn't get you very far in law school.

DePue: But I've got to believe one of the huge draws for you to go into law school was, in your heart of hearts, you still wanted to be a politician.

Thompson: Yeah, but that's how it started. That's why I wanted to go there. But once I was there, I fell in love with the law. So the politics waited until 1975.

DePue: Would it be fair to say, then, that once you got bit by the law bug, that that was on the top of the list?

Thompson: Absolutely.

DePue: Inbau described you this way: "Jim was one of those students who, from the beginning, showed the markings of an outstanding lawyer."

Thompson: There you go.

DePue: Would it be fair to say that it was in law school that you really blossomed?

Thompson: Probably.

DePue: And what did it mean at that time to be an outstanding lawyer? What does it take?

Thompson: First of all, it takes a passion for the law. And secondly, it takes willingness to work hard at it. Thirdly, it takes a desire to succeed in your chosen branch. And you have to move from passion, which is emotion, to success, which is an achievement. So it takes all three of those. It takes a person who enjoys research. Research then was different than today, you know? Back then, it was going to the law books in the library, going through volume after volume after volume looking for the cases and learning the law. Today, it's all kids on their

computers. They never go to the library. In fact, at our law firm now, we don't even have a library anymore.<sup>15</sup> It's all on computers.

DePue: You describe yourself as being outgoing, very personable. How does that fit with the research that you've got to do, which is a very solitary kind of thing?

Thompson: Yeah, yeah, it is. It's just two sides of your personality, that's all.

DePue: Any other particular courses that really struck your interest?

Thompson: I like admiralty.

DePue: Maritime law?

Thompson: Yeah, law of the sea. I liked that.

DePue: How about constitutional law?

Thompson: I like that.

DePue: And you said your heroes at the time were who?

Thompson: Black and Douglas.

DePue: Why?

Thompson: I don't know.

DePue: And we're talking about Hugo Black?

Thompson: Yeah. I guess because they, in their criminal law opinions, would come down more often on the side of the defendants.

DePue: What appealed to you about being the defendant's advocate, versus the state's advocate?

Thompson: I didn't think very much about the state's advocate. The romance was in defending people, not prosecuting them.

DePue: Defending innocent people.

Thompson: Defending your clients. (DePue laughs) Whether they were innocent or not was not up to me.

DePue: How about legal ethics? Did you have some classes in that?

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<sup>15</sup> Thompson is talking about Winston & Strawn.

Thompson: Sure.

DePue: How would you define what you were being taught about the ethics of law, especially when you want to go into something like criminal law?

Thompson: Not inconsistent at all, because legal ethics very clearly state that you are entitled to defend your clients. It's not up to you to judge them as guilty or innocent, it's up to you to make the prosecution prove that they're guilty.

DePue: Let's go back to Professor Inbau, then, because I'm not sure that—well, it would be unfair for me to say that he had a different view of things.

Thompson: Absolutely. He was pro-prosecution.

DePue: What does that mean? What did it mean at that time?

Thompson: It means his sympathies came down with the prosecution and police side of the case. He came out of the tradition of law enforcement, and his friends and associates were all in the business of law enforcement.

DePue: You got the passion, the bug, for law at the time. How would you define your legal philosophy in those early years?

Thompson: I was on the defense side of things, until I became an assistant state's attorney and just flipped.

DePue: In today's terminology, we're so caught up with what goes on at the Supreme Court and how you deal with the U.S. Constitution. I don't even know if it factored into the equation at that time.

Thompson: Yeah, it did.

DePue: How would you define yourself in that continuum of strict constructionist versus somebody who saw it as a flexible document?

Thompson: Oh, you mean—no, it didn't apply at the time. That's more political than legal, in my view.

DePue: So there wasn't even a discussion about that at the time?

Thompson: No. They were over issues of how do you deal with confessions, what's the law of coerced confessions, what's the right of self-incrimination, and things of that sort. Legal questions, rather than strict construction or a living constitution, or whatever labels they put on these things to disguise their own personal views.

DePue: You said all of that with a certain disdain, Governor.

Thompson: (laughs) It's not disdain; amusement is more like it.

DePue: Amusement. I'm dying of curiosity now. How would you put yourself on that spectrum today?

Thompson: Today? I pretty generally agree with the Roberts Court today, but you get more conservative as you get older, I think.

DePue: So you don't think you would have been there at that time, if it had been a matter of discussion?

Thompson: Right.

DePue: I also know that towards the end of your time in law school, you authored an article, "The New Act for the Indigent." Tell me about that.

Thompson: It was for the *Journal of Criminal Law*. I wrote an editorial, I think it was titled, "Student Counsel for Indigent Defendants." And this was when the right to counsel by people of limited and no means wasn't as broad as it is now. I advocated letting senior law students assist practicing lawyers with the defense of cases, so that people would get a broader representation, and law students would get an earlier education in what a trial really meant.

DePue: Didn't the government already have a burden to provide legal counsel for criminals?

Thompson: Yeah, but in misdemeanor cases, it didn't go quite as far. And that's what this was aimed at. The Supreme Court eventually adopted the rule. I think it's called the seven-eleven rule.<sup>16</sup>

DePue: The state or the U.S. Supreme Court?

Thompson: The Illinois Supreme Court.

DePue: Did you get a chance to do any of that yourself?

Thompson: No.

DePue: Because you were prohibited by law to do that?

Thompson: Yeah. My one brush with representing somebody while I was in law school: Prisoners in the penitentiary, when they had run through their lawyers and exhausted them, would write up petitions under the Post-conviction Hearing Act, which was a new thing, challenging their convictions on constitutional grounds.

DePue: Again, the state law?

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<sup>16</sup> Supreme Court Rule 711: Representation by Supervised Senior Law Students or Graduates.  
[http://www.illinoiscourts.gov/SupremeCourt/Rules/Art\\_VII/artVII.htm#711](http://www.illinoiscourts.gov/SupremeCourt/Rules/Art_VII/artVII.htm#711).

Thompson: Yeah.

DePue: Constitutional grounds—the U.S. Constitution or the state constitution?

Thompson: Both.

DePue: Okay. When they would get denied, as a next step the prisoners would send them to the law schools and ask for help. And since I was only one of two kids in my law school class who was interested in the criminal law, after these petitions ended up in the registrar's office for some reason, they would send them to me.

DePue: I'm intrigued it even got to the registrar's office in the first place.

Thompson: Yeah.

DePue: They would have to go through the Department of Corrections before it got to you, I would think.

Thompson: Yeah, but they couldn't stop people from mailing these things. So they'd send them to Northwestern Law School. They didn't know what to do with them at the law school, so they gave them to the registrar. And the registrar didn't know what to do with them, so she called me, and said, "Here, you're interested in criminal law." I'd start reading these, I'd be intrigued, and I would rewrite the petition and sign it, "Jim Thompson, Senior Law Student." Then I would go file it with the trial judge, or eventually they had a judge assigned to nothing but post-conviction as these things got more popular. I was doing that, and these cases were going to Judge Lupe, who was amused to have me showing up, I guess.

DePue: Did you have any standing or authority to do this in the first place?

Thompson: No. No, no, no. So one day I get a call from the Supreme Court of Illinois in the person of Justice Walter Schaefer, who was the justice for Chicago. He called me into his office, and he said, "Listen, if you want to be disbarred before you're even barred, you'll keep doing this! You understand me?" And I said, "Yes, sir!" He said, "Don't do this anymore!" I said, "Yes, sir!" He later became a mentor of mine when I became a prosecutor. So I thought, This is not right, these folks need representation. Then I thought, Wait a minute, the court could appoint me as an amicus curiae, a friend of the court. And a friend of the court doesn't have to be a lawyer. So I went to see Judge Lupe. I said, "Judge, I can't represent these cases in your court anymore." And he said, "Why not?" I said, "Because the Supreme Court has threatened me." (laughter) "Oh," he said. I said, "However, if you appoint me as amicus curiae, I don't have to be a lawyer." He said, "Okay." So we went on, and I was an amicus curiae instead of a lawyer. And I didn't hear from the Supreme Court.

- DePue: The relationship between Lupe and Schaefer, was there anything there?
- Thompson: No.
- DePue: I understand that you also got a chance to do some public speaking by this time, that Inbau had probably got—
- Thompson: Yeah, I was doing radio shows.
- DePue: Radio shows?
- Thompson: Television shows on legal subjects.<sup>17</sup>
- DePue: How was your name coming up for stuff like that?
- Thompson: From Inbau. If he didn't want to do it, he'd recommend me.
- DePue: What were they asking you about? What were the subjects?
- Thompson: Things like free press—fair trial, and stuff like that.
- DePue: Free press—fair trial? What does that mean?
- Thompson: Where defendants would allege that they couldn't get a fair trial because their case had been so much in the press that jurors would be prejudiced. It was the right of a defendant to a fair trial versus the right of the free press to talk about the case.
- DePue: What did you have to say about that, as a person who grew up devouring this stuff in the newspapers?
- Thompson: I just explained what the law was. I didn't take a philosophical view. And if I did, it was on the side of the defendant.
- DePue: Which would say to—
- Thompson: And the other thing I did was, I was asked by the chief judge of the criminal court, Judge Austin, who later became another mentor of mine, to join the joint committee of the Chicago and Illinois bars to revise the Illinois criminal code.<sup>18</sup> I was a member of that committee before I got out of law school. We worked for two years and eventually produced the criminal code of 1960. That was passed by the legislature.

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<sup>17</sup> For example, the evening of January 25, 1959, Thompson and Richard Samuels discussed “Should We Have a Teen-Age Curfew?” on Channel 9’s *Your Right to Say It*.

<sup>18</sup> Prior to his service on the criminal court, Richard B. Austin was an assistant state’s attorney in the 1930s and 1940s. A Democrat, in 1956 he challenged incumbent Republican governor William Stratton, losing narrowly by just under 37,000 votes. President Kennedy nominated him to the federal bench in 1961.



- DePue: That's pretty heady stuff for a person who's not even out of law school!
- Thompson: Yeah. And after we did that, we did the code of criminal procedure of 1963.
- DePue: Was this typical of senior law students?
- Thompson: No, I was the only student on the commission. All the rest were judges, lawyers, and law professors.
- DePue: What led to you being on those kind of positions?
- Thompson: Inbau recommended me.
- DePue: You mentioned at least three justices at this time, or professors, who were important to you.
- Thompson: Yeah.
- DePue: Was there something unique about the law profession where the more mature lawyers would look for people to mentor—
- Thompson: Oh, sure. Judges had clerks, for example. And professors had students. It was sort of natural. I did the first thing before I graduated, and then I carried on with the second, the code of criminal procedure, after I graduated.
- DePue: I read also that—
- Thompson: And just finished six years revising the criminal code once again.
- DePue: You've been doing it again from a different perspective, this time.
- Thompson: Well, yeah. Some fifty years later.
- DePue: Now again, as somebody who is completely foreign to all of this, when you say you're revising or updating the criminal code, what exactly does that mean? Does this end up being a law that is passed that completely replaces all the old criminal code?
- Thompson: Right.
- DePue: What the statutes are, the definitions, the crimes and the punishments that go along with it?
- Thompson: Correct. I guess it was six years ago now, Paula Wolff called me up and said, "Listen, we're going to revise the criminal code once again." I said, "Good for you." And she said, "And I want you to help." And I said, "I know, I've been

there, I've done that once." "That's why you need to help!" It's like the fiftieth anniversary!<sup>19</sup> (laughter)

DePue: It had been that long?

Thompson: Oh my God, yeah. So I did. Only, this time, I was the co-chair of the committee.

DePue: I read also that Inbau had you speaking at an annual prosecutors workshop.

Thompson: Yeah. I started that before I graduated too.

DePue: What was that all about?

Thompson: Inbau thought up the short courses, summertime short courses at the law school. They started out as a short course for prosecutors. And that proved to be popular, so they did a short course for defense lawyers. And then they did a short course for reporters. Those three. He had me start lecturing at those in my senior year. I lectured about search and seizure, and confessions.

DePue: Short course for reporters?

Thompson: Yeah.

DePue: This is not pitched towards law students, or was it?

Thompson: No. This was for prosecutors, then defense lawyers, and then newspaper reporters.

DePue: Practicing newspaper reporters, or journalism students?

Thompson: Practicing.

DePue: When you're about ready to get your law degree done, were you still toying around with the notion of eventually going into politics? Or did you want to establish yourself in law?

Thompson: No, that had been sublimated by then. By then I was just totally in love with the law. And a classmate of mine, a kid by the name of Bob Schear, was the godson of the state's attorney, Ben Adamowski. So I made a deal with him. I would help him pass the bar exam, and he would introduce me to his

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<sup>19</sup> Thompson and Gino DiVito co-chaired the Criminal Law Edit, Alignment and Reform (CLEAR) Commission, which operated from 2004 to 2006. The General Assembly gradually implemented most of its recommendations, yielding an updated Criminal Code of 2012. Paula Wolff was a senior executive at Chicago Metropolis 2020, the civic organization that developed this initiative; she was also one of the most important people in Governor Thompson's administration, serving for the duration as head of his program staff.

godfather, who interviewed me for a job as an assistant state's attorney. Ordinarily, those were very political jobs.

DePue: Was this for Cook County?

Thompson: Yeah, Cook County.

DePue: Which was an elected position?

Thompson: Yeah. Adamowski liked me. He liked the fact that I was from Northwestern, because most of the assistant state attorneys were from DePaul or Loyola. He hired one other kid that year who was from Harvard. So we were his two shiny examples. And he gave us a salary \$3,000 above the normal starting salary. The normal starting salary was \$9,000. We got \$12,000.<sup>20</sup>

DePue: Which in 1959—

Thompson: I thought that was so cool, I went out and bought a white Thunderbird. (laughter) But didn't have quite enough money for air conditioning.

DePue: I imagine it was respectable even compared to what your father was earning by that time.

Thompson: No, he was earning more than that.

DePue: What did you parents think about your chosen profession?

Thompson: They thought it was great.

DePue: Supported you throughout this whole experience?

Thompson: I said I didn't want to be a doctor, my father worked too hard. Little did I know (laughs) what I was letting myself in for!

DePue: I was going to say. You might have made a mistake in that respect.

Thompson: Yeah, I might have made a mistake.

DePue: This was summer of '59 when you were looking for a position?

Thompson: Yes.

DePue: When did you take the bar?

Thompson: Summer of '59.

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<sup>20</sup> A salary equivalent to \$96,000 in 2013. U.S. Bureau of Labor Statistics Inflation Calculator, <http://data.bls.gov/cgi-bin/cpicalc.pl>.

DePue: I read that you actually were in a position before you had taken the bar, or you had done something official before you had even taken the bar?

Thompson: Yeah, I went to work for the state's attorney in the summer as an intern. Started writing Supreme Court briefs, and I got sworn in early after the bar results came out. I got sworn in early by Justice Schaefer, so I could go down and argue in the September '59 term of the Supreme Court.

DePue: The Illinois Supreme Court?

Thompson: Yeah.

DePue: This is the same justice that had cautioned you that he'd torch your career if you had—

Thompson: Yeah, right. Same guy.

DePue: Did he have a little twinkle in his eye, or a little sense of humor about those—

Thompson: We had become friends by then.

DePue: How do you become friends, as a senior law student, with somebody on the Illinois Supreme Court?

Thompson: Through people you know. Later when I was a prosecutor arguing appeals, we'd sometimes appear on motions before the Supreme Court. Since he was the only justice in Chicago, you'd go appear before him in his chambers. And back then, I took up the evil habit of smoking, because most of the lawyers I knew smoked and drank—terrible habits. One day, I was opposing this other lawyer in chambers. The justice was smoking, so I lit a cigarette. And he made me stay after the hearing, and he said, "I don't want you smoking anymore!" He didn't mean just in his chambers, he just didn't want me smoking, period. I said, "But you smoke!" And he said, "That's different!" So I didn't smoke in front of him anymore.

DePue: But you did keep smoking.

Thompson: Yeah, intermittently. I mean, I went from a nonsmoker to maybe a pack a day, because habit, seeing other lawyers do it. And I didn't drink very much in college or law school, but lawyers drank, so I started having a cocktail. (DePue laughs) So it wasn't until 1971, when I was the first assistant U.S. attorney. Judge Bauer was a smoker. He was the U.S. attorney, and I was sitting in his office. I reached across his desk to pick up his pack of cigarettes, and he said, "Listen, you ought to either quit smoking or buy your own." I said, "I believe I'll quit." Back on May 13, 1971, and I haven't had a cigarette since then.

DePue: Just like that?

Thompson: Just like that. It was tough the first year when I was having a drink, because then the desire to smoke was sort of strong, you know? But not since then.

DePue: What was your social life like while you were in law school and making this transition just starting to work? How would you describe that?

Thompson: For the first year of my legal career it was non-existent, because in that first year in the state's attorney's office, I worked every weekend but one. And I would work five nights a week, because Adamowski was getting ready to run for re-election in 1960, and he had me doing appeals during the day. There were a lot of them. We were a very small appellate division, but a lot of appeals, because the Supreme Court in 1960 had just given indigent defendants the right to a free transcript of their trial. So we were inundated. And every felony case went directly to the Supreme Court. Today they don't, they go to the appellate court. But back then, they all went to the Supreme Court, so the Supreme Court was inundated. I would go down there and I'd argue maybe five cases in a day, maybe fifteen cases in two weeks.

DePue: This would have been 1960?

Thompson: Sixty, sixty-one. Yeah, that time. But that first year. And then Adamowski started suing Mayor Daley, so one of my other fellow appellate attorneys and I were the guys who wrote the lawsuits. We did cases against the mayor at night, and appeals during the day. That's all I did, was work.

DePue: Before we go too much into that, tell us who Benjamin Adamowski was. His own background.

Thompson: He was a former alderman and Democrat.

DePue: Did he go back all the way to Anton Cermak days?

Thompson: No. Maybe when he was younger. But he was an associate of Daley's, then he ran against Daley for mayor, lost. Ran for state's attorney as a Republican and won.

DePue: What year did he run against Daley? Was that '60?

Thompson: No, it was earlier. He became state's attorney in '56. He was elected in '56. He was running for re-election in '60.<sup>21</sup>

DePue: I understand at that time, he's a Republican.

Thompson: Yes.

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<sup>21</sup> Adamowski ran against Daley in the 1955 Democratic primary. He also ran as a Republican against Daley in the 1963 general election.

DePue: Why did he make the switch?

Thompson: I guess because he figured he wasn't going anywhere in the Democratic Party after having run against the mayor. So, I was one of two assistant state's attorneys that campaigned for him in his re-election campaign in '60, because he had given me the job. I was very grateful to him. I liked him. He gave me a lot of responsibility, so I felt obliged to help him in his campaign for re-election. And this kindled my political interest again, so I would ride along with him at night, while he was campaigning. Sometimes I would be sent out by myself to campaign.

DePue: Always off the clock, I would assume?

Thompson: Oh, yeah. Not during the day. But at night. In fact, he got the bright idea, or his staff did, I guess, to tape a political speech and give the two of us who were willing to campaign for him miniature tape recorders that we were supposed to take to political meetings and play. And the first one I ever went to was in Cicero. I climbed the stairs to the second floor headquarters in Cicero, walked in on a meeting of precinct captains, and the committeeman said, "Who are you?" And I said, "My name's Jim Thompson, I'm the assistant state's attorney. I'm here for State's Attorney Adamowski." And they said, "Well, where is he?" And I said, "He has another meeting, but I've got a tape recording of his speech here." And they said, "Ah, no, we don't do that. If you want to represent him, you get up and make a speech." So I did. It was my first political speech. From then on, I threw away the tape recorder.

DePue: Doesn't that mean that you're somewhat of a marked man, helping the Republican state's attorney run in Democratic Chicago?

Thompson: Yeah, right. In fact, when Adamowski debated Dan Ward, who was his Democratic opponent, I asked Dan Ward a series of very tough questions. So I became a doubly-marked man. And then Adamowski lost because of chicanery on the West Side of the city of Chicago. Vote fraud.

DePue: This is perhaps one of the most famous political elections of American history.

Thompson: Yeah.

DePue: This is the 1960 election where Daley helped get Kennedy elected.

Thompson: Well, everybody thought Daley had the votes stolen on the West Side to get Kennedy elected. That wasn't true. Daley had the votes stolen on the West Side of the city of Chicago to get Adamowski defeated. Politics is local, you know. So I would have been a marked man after that, since I was now sitting in the office of the man whom I had campaigned against, right? And I had no political sponsorship. Fortunately for me, Judge Austin was still the chief judge of the criminal court. He called up the state's attorney, and he said, "Mr.

State's Attorney?" He said, "Yes, Judge?" "That kid, Thompson, in your office?" "Yes?" "He's mine." "Oh, okay." So I stayed.

DePue: "He's mine?"

Thompson: "He's mine."

DePue: There's a lot packed into those two words.

Thompson: Yeah.

DePue: What exactly does that mean?

Thompson: It means, Don't fool with me. So I stayed three years under Ward. Then the head of appeals retired. I wanted the job, and another friend of mine who worked for Ward wanted the job. Neither of us got the job, so we both left.

DePue: I've got to go back and ask a couple of questions, here. What was it about Adamowski that the Democratic machine, and Daley in particular, despised? Would that be the correct term?

Thompson: To begin with, he was suing him on just about every question he could think of.

DePue: Political corruption? Or other hidden issues?

Thompson: No, it was more stuff like, Adamowski thought that city council meetings should be open to television. So we filed a lawsuit in the Supreme Court of Illinois, *People Ex Rel. Adamowski v. Daley*, to compel the opening of the city council to television. That was denied, so we filed another one to end double-dipping, where people would hold two political jobs at the same time. That was denied, so we'd file another one! I mean, Daley began to regard Mr. Adamowski as a nuisance.

DePue: These are all the things that get right at the heart of the Democratic machine.

Thompson: Sure!

DePue: And the strength of the machine.

Thompson: Certainly!

DePue: Were there also some corruption cases that were being pursued?

Thompson: Yeah, the investigation of the traffic court started under Adamowski, and I was part of that. We indicted some Democratic judges, and we indicted the Democratic clerk in the municipal court.

DePue: I'm looking for something on my outline about a police department scandal.

- Thompson: Oh, the Summerdale scandal.
- DePue: The Summerdale scandal.
- Thompson: Yeah, but that took place under Ward.
- DePue: So that's later.
- Thompson: That was later. I got involved in that too.
- DePue: What do you know about the nature of the chicanery that was going on in the West Side voting precincts?
- Thompson: In that election of 1960, I was part of what they called Operation Eagle Eye, so I was riding with state's attorneys' investigators on the West Side of the city, where there was always vote fraud, checking out polling places for evidence of chicanery. And we pulled up to one polling place, which was in the basement of a store. It had the old voting machines, the big steel voting machines with the curtain across the top. I'm looking through the window, and there's four legs under the curtain. Whoa!

So hustled right in there, threw the curtain back, and there's the precinct captain telling the guy how to vote. And I said, "Out of there!" The guy running the election came up and said, "The boss wants to see you." I said, "Who's the boss?" "Alderman Marzullo wants to see you." "Yes, and where is he?" "He's in his headquarters." I said, "Yeah, well, where is that?" He told me. So I went over there. And Alderman Marzullo was this little, tiny fellow. He said, "What are you doing in my ward?" I said, "I'm enforcing the voting laws, Alderman. And we don't have four-legged voters." "Well, well, you shouldn't be in this ward." I said, "I'll be in this ward as long as it takes to have an honest election in this ward." "Okay, all right, it'll be honest." I said, "Okay, fine, I'll resume my patrol."

Later, Alderman Marzullo and I became fast friends. When I was governor, I named an intern program after him, the Marzullo Fellowships. And whenever I needed votes from West Side legislators who were not otherwise inclined to vote my way, I would call Alderman Marzullo, and the votes would come. I once introduced Alderman Marzullo to the pope. The pope came to Chicago, and I went out to meet the pope.

- DePue: Was this John Paul II, by chance?
- Thompson: Yeah, I think it was John Paul II. I went out to meet the pope, who came in on the military side of O'Hare. And there was a mob scene, you know, flying nuns all over the place, and priests and press and politicians, and everybody. I'm walking towards the plane, the pope had just come down the ladder, and all of a sudden, there's this guy tugging at my sleeve, saying, "Jim, Jim, I want to meet the pope!" And it was Vito. Given his height, he was having a



tough time getting through the crowd. I said, "Okay." I grabbed him by the hand, and I walked him up to the pope. Being a Presbyterian, I didn't know how to address the pope. So I said, "Pope, this is Vito. Vito, this is the pope!" (DePue laughs) Vito was thrilled to meet the pope!

DePue: Going back to the election, you mentioned that your guy, Adamowski, lost because of the chicanery. Are you willing to state with some certainty that there was enough illegal voting going on to—

Thompson: Well, it was a very close election. And the West Side of the city of Chicago is notorious for vote fraud. In fact, there was vote fraud going on in the West Side of the city of Chicago when I was governor. My closest race in '82, I lost 100,000 votes in the city of Chicago because of vote fraud.

DePue: How was it done when you first were coming up?

Thompson: The precinct captain would go right into the booth with the voter and make sure he voted straight Democratic.

DePue: I've heard other stories about people who they knew were going to vote differently would stand in line so long that they would get discouraged and leave.

Thompson: And that was part of it.

DePue: Or you rounded people up and gave them a bottle of whiskey, and things like that.

Thompson: That was part of it. Not so much the whiskey by the time I was active.

DePue: But all those things you read in Royko's articles?<sup>22</sup>

Thompson: Yeah, it's all true.

DePue: Was Adamowski going after the mayor for some of that?

Thompson: No. The first chance I had to observe the role of the state's attorney in an election case was '60, so I don't know what was going on before that. But they stole from me in '82. I mean, we had one Democratic precinct captain on the West Side of the city of Chicago, on skid row, who, after the polls were closed, took a straight Democratic ballot, ran it through the machine 200 times, and reported that as a vote total.

DePue: And that was discovered and prosecuted?

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<sup>22</sup> Reference to legendary newspaper columnist Mike Royko.

Thompson: Yeah. Dan Webb prosecuted eighty people, sent them to the penitentiary. I thought I had ended vote fraud when I was U.S. attorney. And it came back to bite me when I was running for re-election.

DePue: I was just going to ask this. Is it still going on? Do you still hear stories?

Thompson: No, not really. If there is, it's miniscule.

DePue: We've been at this for a little over two hours.

Thompson: Wow.

DePue: I'd like to certainly spend a little bit more time talking about your time with Daniel Ward, before you move onto later parts of your career. Can we pick that up tomorrow, then?

Thompson: Well, sure.

DePue: Would that be okay?

Thompson: Sure.

DePue: Thank you very much!

## Interview with James Thompson

# IST-A-L-2013-054.02

Interview # 2: July 18, 2013

Interviewer: Mark DePue

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DePue: Today is Thursday, July 18, 2013. My name is Mark DePue. I'm the director of oral history with the Abraham Lincoln Presidential Library, and today is my second session with Gov. Jim Thompson. Good morning, Governor.

Thompson: Good morning!

DePue: We've got a hot one this morning.

Thompson: Yeah, this is dog days in July, not even August yet.

DePue: You've got a lovely home, here.

Thompson: Thank you.

DePue: Overlooking the lake, but as you mentioned, opening the blinds when the sun is shining through on a hot day like this—

Thompson: (laughs) Not a good idea.

DePue: No. When we finished off yesterday, we had you working with Benjamin Adamowski in the state's attorney's office. I wanted to just ask a couple more quick questions about that election of 1960. And you mentioned very clearly that you kind of put the political ambitions behind you and were focused on law.

Thompson: Right.

DePue: But do you recall how you voted in that election in 1960? Did you vote in the primary, first of all?

Thompson: I'm sure I did, because my boss would have been running. I would have voted for him, which means I voted in the Republican primary.

DePue: How about the general election?

Thompson: In '60?

DePue: In 1960.

Thompson: Oh, I'm sure I voted for Nixon.

DePue: Talk about the transition, then, how you managed to stay in the office even though it was going from Adamowski to Daniel Ward.

Thompson: Because one of my mentors—the man who had put me on the committee to revise the Illinois criminal code—was still the chief justice of the criminal court of Cook County, which, of course, was the most important judge to the

state's attorney.<sup>23</sup> He called the new state's attorney, Dan Ward, and said, "Thompson is my guy." So they left me alone. And in fact, Ward brought in a first-rate staff—Ed Egan, who became the first assistant, and Lou Garippo, who became the chief of the criminal division. Both men later became judges, and both men became friends of mine. So life went on. I stayed in the appellate division. I was moved from the downtown office to the Criminal Court Building.

DePue: Which was where, at the time?

Thompson: Twenty-sixth and California. Same place it is now. They used me not only for appeals, which was my natural spot at the time, but for trials and investigations. I stayed there until the chief of appeals retired. I wanted his job, and so did Marv Aspen, who was an assistant state's attorney along with me. And neither of us got it; it went to an older-timer. So we both left. He went to the corporation counsel's office, and I went back to the law school to teach.

DePue: That was 1964?

Thompson: Yeah, somewhere around there.

DePue: During the time you're in the appellate division, what does that mean to the novice, somebody outside?

Thompson: It means that when criminals are convicted, they appeal their convictions either to the appellate court, which back then took the misdemeanor appeals, or to the Supreme Court, which took the felony appeals. While the attorney general of Illinois was nominally in charge of the appeal from the prosecution standpoint, in reality, the briefs were written by the state's attorneys in whose county they were convicted. Then they were shipped down to the attorney general, he put his name on them, and they went to the Supreme Court as preparation for the argument. And the assistant state's attorney who was assigned to the appeal argued the case in front of the Supreme Court.

DePue: You mentioned yesterday that was essentially why, for a while, you didn't have much of a social life, because you were presenting cases to the Supreme Court?

Thompson: Yeah, it was a lot of work. Back then, the Supreme Court of Illinois would sit for two weeks at a time, hearing nothing but criminal cases. They don't do that now, because the felony cases now go to the appellate court first and only occasionally to the Supreme Court. But back then, a two-week session meant eight, ten cases a day they would hear. I might have half of them, or I might have two or three of them. So I not only had to write the briefs, I had to be down in Springfield for two weeks at a time, and I had to prepare for

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<sup>23</sup> Thompson is talking about Richard B. Austin.

arguments; it was a lot of work. And then in Adamowski's last year, we were doing his daily litigation, as well.

DePue: Cook County at that time represented at least half the population of Illinois. Would that be about right?

Thompson: That would be about right.

DePue: Did each county have its own state's attorney office?

Thompson: Yes. Cook was the biggest. DuPage might have been the second biggest. Then Lake, Kane, Will—the Collar Counties of Chicago; downstate—Madison, St. Clair, Rock Island.

DePue: But again, all the rest of them added together would equal about the workload that you had, it sounds like.

Thompson: That's correct. And while there were many more cases to be briefed and argued, there still weren't that many more assistant state's attorneys doing it. I mean, until the hiring caught up with the volume, there were maybe six of us doing criminal appeals for Cook County. That's a lot. That's a small number of people, and a large number of cases. And later on, I was doing investigations as well: Under Adamowski, the traffic court scandal, but those cases were [still] there under Ward, and I participated in the trial of a couple of those. The Babbling Burglar case.<sup>24</sup>

DePue: Are there any colorful stories about some of those?

Thompson: Obscenity cases. I was called in one day to the first assistant's office, and he said Father Lawlor, who was a Catholic priest in Chicago campaigning against obscenity, had been pushing the state's attorney's office to do something about obscenity. So he pointed at me and said, "Okay, you're the obscenity prosecutor." (laughs) I said, "Why me?" He said, "Because you're not married." I thought, What's that got to do with it? I mean, that was the same answer he gave me when I asked for a pay raise! He said, "No, you're not married, you don't need it!" (laughter) I said, "Wait a minute!"

DePue: But you said earlier that you'd been pushing to have something being done on that. Why?

Thompson: Not me, no. Father Lawlor had been pushing the state's attorney to do something about obscenity that was being sold in the bookstores. So to get

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<sup>24</sup> The press dubbed Richard Morrison "the Babbling Burglar" after he revealed that eight Chicago police officers in the Summerdale district had helped him carry out a string of burglaries in 1958. Stephan Benzkofer, "The Summerdale Scandal and the Case of the Babbling Burglar," *Chicago Tribune*, July 7, 2013.

him off their back, they said, “Okay, we’ll investigate.” They said, “Thompson, you’re it.”

DePue: Well, Governor, let’s face it, (Thompson laughs) once you’re dealing with obscenity, was this the kind of thing that the newspapers loved to run with in the local media?

Thompson: Oh, yeah!

DePue: I think you’d develop a reputation just because you’ve taken that on.

Thompson: True. I did that, and one day I did a gambling raid in the city of Chicago and seized a bunch of slot machines. I filed suit against them.

DePue: In local bars and taverns?

Thompson: Yup.

DePue: Which makes you not necessarily popular in those neighborhoods, I would think. (Thompson laughs) Were you targeting specific neighborhoods?

Thompson: No, just wherever we saw them. Downtown, mostly.

DePue: I assume they weren’t hard to find.

Thompson: They weren’t hard to find. Chicago was a big slot machine manufacturing city. Most of the major slot machine manufacturing companies were Chicago companies.<sup>25</sup>

DePue: I read that you also had an opportunity to prosecute Lenny Bruce for an obscenity charge.

Thompson: That’s true.

DePue: Tell me about that. First of all, remind everybody, who was Lenny Bruce?

Thompson: Lenny Bruce was a nightclub comedian. Every time he came to town, the Chicago police would be in the audience and they would arrest him. I guess the last time he was arrested, he was set for trial. I tried the case with one of the first women assistant state’s attorneys in Cook County, who later was on the Illinois Supreme Court—Mary Ann McMorrow was my trial partner in the Bruce case. And Bruce didn’t show up for trial. So he was tried in absentia,

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<sup>25</sup> Backed by language in the new state criminal code he had helped produce, Thompson and Lt. John Corless also led a major raid on six gambling equipment manufacturers on February 9, 1963. A week later, however, circuit court judge John Lupe ordered the machines returned, ruling the raids violated an injunction protecting manufacturers who produced slots for clients where gambling was legal. Robert Wiedrich, “Raiders Strike Export Firms for Gamblers,” *Chicago Tribune*, February 10, 1963; John Oswald, “Slot Machine Seizure Voided in Court Order,” *Chicago Tribune*, February 16, 1963.

found guilty, [based on] testimony of the police officers as to what they heard him say in his act.

DePue: Can you divulge what he said in his act?

Thompson: Well, I'd rather not. It was pretty blue.

DePue: Okay.

Thompson: I mean, for those times. Today, you can turn on cable television and see it, [even] worse. So he was convicted. Case went up to the Supreme Court of Illinois. I argued it, I lost. They were following a recent Supreme Court of the United States decision that held that what he had said would not be considered obscenity, so basically the law changed between the time of the trial and the time the case got up to the Supreme Court of Illinois on appeal.<sup>26</sup>

DePue: But wouldn't it be the state's prerogative to determine what was obscenity?

Thompson: No. Well, it was, but the defense was free speech.

DePue: The First Amendment right?

Thompson: Yeah, so it would have been the Supreme Court's prerogative by that time. So I had a varied and checkered career as a young prosecutor. (laughs)

DePue: And again, I read that you had the reputation of being the "porno prosecutor."

Thompson: Yeah, right.

DePue: Just the kind of phrase the newspapers could run with, I guess.

Thompson: Well, you know. They weren't too excited about it back then.

DePue: Were you looking for the publicity?

Thompson: Nope. I was doing what I was assigned to do; both the gambling investigation and the pornography investigation were assigned to me.

DePue: But you're six-foot-six tall by this time?

Thompson: Yeah.

DePue: Already developing a reputation as a colorful personality?

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<sup>26</sup> Bruce had been arrested during his set at the Gate of Horn, 1036 N. State Street. "Comedian to Face Charges of Indecency," *Chicago Tribune*, December 6, 1962. In *People v. Bruce*, 31 Ill. 2d 459 (1964), the Illinois Supreme Court reversed judgment, citing the U.S. Supreme Court's decision in *Jacobellis v. Ohio*, 378 U.S. 184 (1964).

Thompson: Well, I wouldn't say I was a colorful personality.

DePue: You weren't obscure.

Thompson: I wasn't obscure, no.

DePue: And you weren't trying to be obscure, it sounds like.

Thompson: No.

DePue: So you didn't mind the publicity, would that be fair to say?

Thompson: That would be fair to say. But there wasn't anything I could do about it, anyway, because back then, there was a lot more press resources devoted to criminal cases than there are now. The Criminal Court Building had its own press corps. They didn't just show up for trials, they were there every day. So they knew every prosecutor in the building, and they knew all the defense lawyers in the building. You were a known item pretty quickly, especially if you had off-the-wall things like that, as well as the official corruption cases.

DePue: Was there anybody else in the office in the early sixties who had a more prominent reputation beyond Ward and Adamowski, perhaps, than yourself?

Thompson: The first assistant and the chief of the criminal division—Egan and Garippo—would have, yeah. But probably not.

DePue: Where were you living at the time?

Thompson: I think I moved into my own apartment sometime during the four years I was an assistant.

DePue: And before that time, you were still living with your parents?

Thompson: Yeah.

DePue: Downtown apartment?

Thompson: No, the lakefront. Up in Uptown.

DePue: Were you still attending church during that time?

Thompson: Yeah.

DePue: Where did you go to church?

Thompson: Out with my parents.

DePue: It sounds like you kept pretty close ties to the family, then.



Thompson: Yeah, as I say, I had three siblings; we were a tight-knit family.

DePue: And not much social life, based on your work schedule.

Thompson: Right.

DePue: Did you have any opportunities to take a case from the state level to the U.S. Supreme Court?

Thompson: Twice. Well, twice in terms of argument. Several more times in terms of writing a brief with somebody else, usually Joel Flaum, arguing it.

DePue: I know one of the cases was *Escobedo v. Illinois*, which is a very famous case. Let's start with the other one. Do you recall the other one?

Thompson: Yeah, and I was trying to think of the name of it last night. I'll dig it up. The name Williams sticks in my mind, but that name may not be right. My wife will remember it, because I did this one when I was in the attorney general's office. She was my law clerk then, and she did the first draft of the brief.<sup>27</sup>

DePue: So that's going to come later, in a different position for you?

Thompson: Yeah.

DePue: Then let's talk about *Escobedo v. Illinois*.<sup>28</sup> Can you give us the background on that, first of all?

Thompson: Until *Escobedo*, when you were arrested, you had no right to a lawyer in the police station while you were being questioned. This guy named Danny Escobedo was arrested one day in Chicago and taken to the police station for questioning. And he demanded the right to have a lawyer with him in the station.

DePue: What was he charged with?

Thompson: I don't remember. Some felony.

DePue: I think it was murder of his brother-in-law, or something like that.

Thompson: Yeah, it might have been. They denied him counsel. They said, "No, you can't have a lawyer." Case went up to the Supreme Court of Illinois, and they affirmed there was, at that time, no constitutional right to have a lawyer with you in the police station. Case went up to the Supreme Court of the United States, which agreed to hear it. And I lost that case. I argued that case in the Supreme Court in the United States, and I lost that, five to four. And they held

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<sup>27</sup> *Williams v. Illinois*, 399 U.S. 235 (1970).

<sup>28</sup> *Escobedo v. Illinois*, 378 U.S. 478 (1964).

for the first time that, if you request a lawyer, your own private lawyer, the police have to give you that.

One of the arguments that I made was, If you do it for him, you're going to have to do it for someone who is indigent and has no money for a lawyer, otherwise it would be a denial of equal protection. So I was trying to forecast the *Miranda* case, which came along soon enough, and I was right! (laughs)

DePue: What was your personal feeling about the issue at the time? Or aren't you allowed to have a personal view?

Thompson: I don't think I really had a personal feeling about it. I was just arguing for my client, the State of Illinois. Interestingly enough, by the time Escobedo got to the Supreme Court, he had two brothers who were representing him. I don't remember whether they were appointed, or he paid them. They were sort of never heard from again, and I went around the country lecturing on *Escobedo* to police and prosecutors groups, warning them what was going to come in the next case, which would have been, as it turned out, *Miranda*.

DePue: *Miranda v. Arizona*?<sup>29</sup>

Thompson: Yeah.

DePue: I knew that you had been around the country lecturing, but basically, from what you just said, you're lecturing from the standpoint that this is a fait accompli, it will happen.

Thompson: That's right.

DePue: How did that message go over with the local law enforcement?

Thompson: They weren't thrilled. I said, "But guys, it's going to happen. It has to, because if the court holds that it's reversible error if you have a lawyer and you request him and the police say no, then they're going to have to do the same thing for an indigent person or it will violate equal protection of the laws.

DePue: The implication, then, is that the local prosecuting officers are required to make sure that a lawyer is present when those interrogations are going on?

Thompson: If he's asked for it, yes.

DePue: That's an expensive proposition, isn't it?

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<sup>29</sup> *Miranda v. Arizona*, 384 U.S. 436 (1966).

- Thompson: It's a very expensive proposition. So in the *Miranda* case, the court said if a man's in custody, before you can take a confession or ask him questions you have to warn him that he has a constitutional right to a lawyer, and if he cannot afford a lawyer, a lawyer will be appointed for him. And I forecasted, that'll be the end of confessions—because you always make the push argument. Well, it hasn't really ended confessions. For a whole variety of reasons, people will talk even after they've been warned. But it certainly has impacted confessions. And now the quarrel is about, What were the warnings and how good were they? Were they delivered appropriately? Do you have a record of them? Is the defendant saying he wasn't given any warnings—which they'll sometimes say, but it's become such rote now that police read it off a card.
- DePue: At the time of the arrest?
- Thompson: Yeah.
- DePue: Were you disappointed by the ruling of the Supreme Court?
- Thompson: Yeah, I mean, you hate to lose. So in that sense, I was disappointed. I've always been disappointed when I lose a case. But otherwise not.
- DePue: How did your old heroes of the Supreme Court come down on this issue?
- Thompson: Oh, they were against me. (laughs)
- DePue: Did that change your view of Douglas and Black?
- Thompson: No. But see, once I became a prosecutor, I adopted a prosecutor's mentality. So my new heroes were Harlan and Whizzer White, and folks like that.<sup>30</sup>
- DePue: Let's go to the mentor that you had for quite a few years by this time, Inbau.
- Thompson: Yeah.
- DePue: And he was a guy, from what I read, who had as much of a reputation for being the prosecutor's friend as anybody in the country.
- Thompson: That's true. When I went to Northwestern to teach after I left the state's attorney's office, I became sort of his partner in teaching criminal law. We taught seminars together. He still taught the freshman criminal law course, but occasionally I would appear there and do my obscenity, search and seizure, and all the stuff that I had done in the short courses. And that first summer teaching at the law school, he said, "It's time to revise my casebook on criminal law, and I want you to be a co-author with me."

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<sup>30</sup> John Marshall Harlan II and Byron White. Both wrote dissents in *Escobedo* and *Miranda*.

So I spent that summer in the moot courtroom of the law school, putting together a new version of his casebook. And when we did that, we did a second book on criminal procedure. It was interesting, because at that same time, I still had a little more moderate view of the criminal law and criminal procedure than he had. We'd each pose questions to the students at the end of a chapter, and oftentimes you could tell whose questions they were by the philosophical bent of the question, which we thought was kind of an interesting way to present the issues.

DePue: That sounds like it was very deliberate of the two of you to come up with questions that would get them to think about both sides.

Thompson: Yeah, but they also reflected a little more closely our philosophies, because he was much more conservative than me. And then we went on to found an organization called the Americans for Effective Law Enforcement, which was supposed to be a counterweight to the ACLU.<sup>31</sup> And where the ACLU would file amicus briefs in the Supreme Court, so would we. And we raised money for it. And it was a pretty effective organization for a while.

DePue: So you'd be applying amicus briefs in behalf of law enforcement?

Thompson: Prosecution. Yeah, right. For example, the stop-and-frisk case, *Terry v. Ohio*. We filed one there. We won that case.

DePue: Tell me a little bit more about that case, then.

Thompson: The question in *Terry* was: Was the fact that police officers would stop somebody on the street and ask them questions, while lacking probable cause to believe that a crime had been committed or that the person who was being stopped had committed it, consistent with the Fourth Amendment prohibition against arrest without probable cause? The court held that it was not an arrest simply to stop somebody on the street and ask them questions, and if the officer reasonably feared for his personal safety, he could frisk them while he was asking questions.<sup>32</sup>

DePue: Then you get into the definition of what's reasonable, don't you?

Thompson: Yeah, you do. But it's a lesser standard than probable cause, which had been the standard for arrest, probable cause to believe that a crime had been committed and that this person committed it. This was something less. This was investigating suspicious circumstances like, for example, police walking down the street, guy coming towards, he sees the police, runs into an alley. There's a stop-and-frisk case.

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<sup>31</sup> American Civil Liberties Union, which played a key role in the decisions that challenged police practices during the 1960s.

<sup>32</sup> *Terry v. Ohio*, 392 U.S. 1 (1968).

DePue: That's not probable cause?

Thompson: That's not probable cause, no. But it is suspicion.

DePue: It sounds like there is very specific legal definition of what probable cause would be.

Thompson: Oh, yeah, sure.

DePue: You've got to remember, Governor, you're talking to somebody who is not a legal mind here, or trained at all in that respect.

Thompson: Yes, I understand.

DePue: A couple more comments or questions for you in terms of Inbau's views, and I'll read a couple of quotes about him, or that were attributed to him. The first one was probably around the time of *Miranda*, which was 1966, and he said, "It annoyed the hell out of me that guilty people were set free." I'm sure you heard that over and over again when you were out in the circuit talking to—

Thompson: Sure, I did.

DePue: Did it annoy you?

Thompson: No, because it became part of my teaching apparatus. Look, I've always been a very devout believer in the Supreme Court, and once they decided *Miranda*, as far as I was concerned, that was it. I continued to participate in the short courses from the time I was a senior in law school up until the time I became U.S. attorney. I tried to teach the police and the prosecutors and law students to do it the right way; to understand what *Miranda* was, why it was adopted, how to follow it, and if a person has decided to talk after being given a warning, that was his decision.

DePue: Following the *Escobedo* case, when you were touring around the country, was that something that you were promoting, or were the law enforcement communities looking for you to come—

Thompson: They were looking for me, yeah. Because you've got to remember, since I had been doing the short courses by that time for a number of years, I had a reputation around the country of someone who would lecture to police and prosecutors' offices. And later on, Inbau and I got a grant from the Ford Foundation to start a police legal advisor program, where we would take graduate students, guys who were lawyers who wanted their master's degree, and train them at the law school and then put them in the back seat of a squad car. They would be lawyers for the police during a tour of duty by the police, so that if a legal question came up about arrest or confessions, or search and seizure, there was a lawyer in the back seat. That was a pretty good program.

DePue: Great training for the lawyers, as well.

Thompson: Oh, yeah. Ty Fahner, who I appointed as attorney general, and who recently stepped down as the chairman of Mayer Brown, was a police legal advisor. I took him out of Detroit and brought him to Chicago and put him in that program.

DePue: One more question about Inbau. Here's how the *New York Times* obituary started their obit on Inbau, 1998. I suspect you remember that, being one of your main mentors.

Thompson: Yes.

DePue: They described him as an "early criminologist who helped elevate trickery and deceit to a high art of police interrogation."

Thompson: Well, that's partially right. He... The law was that police tactics of trickery or deceit would not cause a person to make an untrue confession. And that being the law, Inbau taught the police how to use that. If, for example, the police would tell somebody, "We found your fingerprint at the scene." Is that going to make an innocent man confess? No. He would continue to deny it. That's all that meant.

DePue: But the police saying that they had found the fingerprints when they had not found the fingerprints?

Thompson: Right, that's the trickery part. Or, "Well, we have an eyewitness." Is that going to make an innocent man confess? Now, brutality, that would make an innocent man confess, but not trickery or deceit. That had always been the law. Still is the law today. And all they meant by that was that Inbau was a longtime police educator and noted author and contributor to police journals, so he was a renowned authority on confessions and appropriate police tactics. And that was one of them.

DePue: Were you as comfortable with those techniques as he was?

Thompson: Oh, yeah, sure.

DePue: Was he at odds with some of the other members of the faculty?

Thompson: I don't think they paid much attention to the criminal law. We were sort of the outliers. That's hard to think of in today's law school world, but back then, people who taught civil pro or admiralty or, you know, tax or real estate, they didn't pay much attention to criminal law.

DePue: But it's the criminal law that's getting all the headlines and getting all the press.

- Thompson: Yeah, but... Everybody sort of did their own thing back then.
- DePue: So he wasn't a marked man either way because he was—
- Thompson: He was not. No, he was a much loved member of the faculty.
- DePue: It's one thing to defend a lot of cases in the Illinois Supreme Court, and I suspect that was exciting for you, at least initially.
- Thompson: Sure. It still is.
- DePue: What was it like to go up to the U.S. Supreme Court level?
- Thompson: It was even more exciting. (laughs)
- DePue: Do you have any memories about that experience?
- Thompson: Yeah, the first time I argued a case, which would have been *Escobedo*, I went down there a day early so I could attend the court. I'd never been there before. I went down and got sworn in, and watched a day's worth of arguments. The first case I saw was an antitrust case involving the movie industry. On one side was a New York lawyer by the name of Louis Nizer, and the other side was a Washington lawyer by the name of Edward Bennett Williams. I watched these two titans of the bar argue, and when the case was over, I said to myself, "I can do that!" So the next day, I argued my case.<sup>33</sup>
- DePue: Were you at all nervous?
- Thompson: I don't think so. I don't know why, I should have been. I mean, in recollection, I don't think I was nervous. Whizzer White later came to Northwestern Law School to judge moot court finals, and told the crowd that was the best argument he had heard.
- DePue: In all of the years he served on the court?
- Thompson: That's what he said. Now, whether he was hometowning or not, I don't know. (DePue laughs) But that's what he said, made me feel pretty good.
- DePue: How old were you at the time you defended that?
- Thompson: Oh, gosh, I was teaching by then, so... When I argued the case?
- DePue: Yeah, it sounds like you'd be twenty-eight?

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<sup>33</sup> The argument Thompson watched was *Viking Theatre v. Paramount Film*, 378 U.S. 123 (1964). Readers can listen to Thompson's argument at IIT Chicago-Kent College of Law's Oyez Project. *Escobedo v. Illinois*, U.S. Supreme Court Oral Argument, Part 2, (April 29, 1964), <https://www.oyez.org/cases/1963/615>.

Thompson: Something like that.<sup>34</sup>

DePue: Pretty young for that level, I would think.

Thompson: Well, yeah. So I've argued two cases in the Supreme Court and lost them both. One nine to nothing, one five to four. And my wife has argued two cases in the Supreme Court of the United States, and she won both, so—

DePue: Is this a subject that comes up occasionally?

Thompson: Not if I can help it. (laughter) She says if I had listened to her on the case I lost nine to nothing, I wouldn't have lost it nine to nothing. And I said, "Sweetheart, listen to me. Every justice who sat on that case that I lost nine to nothing had previously participated in an opinion that said I was right." They changed the law, unanimously changed the law.

DePue: "They" being the Supreme Court?

Thompson: Yeah, they changed the law.

DePue: I thought the Supreme Court wasn't supposed to do that.

Thompson: Well, they did.

DePue: I need to ask what the specifics of that case were, then.

Thompson: The issue was, back in the old days, you could be convicted of a crime and sentenced to, say, thirty days in jail and a five hundred-dollar fine. So thirty days is up; you did your thirty days. Then they'd say, "Okay, where's the five hundred?" And the defendant would say, "I don't have it." "Then you've got to work it off at \$5 a day," or whatever it was back then.

DePue: While you're in prison?

Thompson: Yeah. Work in prison. That had *always* been upheld by the Supreme Court as constitutional—working off the fine. Every justice who sat on my case had been there when that was upheld in the past, every single one. So I thought, how hard can this be, right? All the previous decisions had been nine to nothing. Well, I get down there and argue this one, and I'm in the middle of my argument, and Thurgood Marshall looks down at me and says, "Mr. Thompson, let me see if I understand your argument. Rich man goes free, poor man goes to jail, is that right?" And I say, "No! No, no, no, it's got nothing to do with rich man, poor man. It's got to do with, you know, you were sentenced to a period of imprisonment, so both a rich man and a poor man would have to do the thirty days. Then the fine. And if you didn't have

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<sup>34</sup> Thompson argued the case a little over a week before his twenty-eighth birthday.



the fine, you worked it off, until you had accumulated enough hours to pay the fine.”

DePue: Pay your debt to society.

Thompson: Yeah. It's just no different than the jail sentence. Five minutes later, “So, rich man goes free, poor man goes to jail,” he said. I said, “No. Every member of this court has participated in an opinion in previous cases that have said that's okay.” Five minutes later, “Do I understand you to say rich man goes free and poor man goes to jail?” (laughter) I said, “Yes. And this court has previously sustained that as constitutional.” I lost nine to nothing.

DePue: And all three times, this was Thurgood Marshall?

Thompson: Yes, sir.

DePue: Was this the Warren court, still?

Thompson: (laughs) Yeah!

DePue: So Governor, what had changed in those years?

Thompson: Courts' notions of what the law required. Equal protection. Equal protection being an evolving concept in the Supreme Court. (laughs)

DePue: So it came down to the Fourteenth Amendment in that case?

Thompson: Yeah. Every once in a while when I tell that story, my wife will say, “And if you had listened to me...” Yeah, I would have done it different!

DePue: What was she advising you to do?

Thompson: Oh, she just had a different brief. And I put hers aside, which offended her, and wrote my own. (laughs)

DePue: I'm going to step away from that discussion and ask you about the climate of the times. I wanted to hear your personal views of the Kennedy administration.

Thompson: I don't know, I suppose I was like everybody else, taken with a young, vigorous president.

DePue: The whole notion of Camelot?

Thompson: Yeah. I mean, I wasn't a *People* magazine kind of person, but yeah, this was something new and exciting, especially as opposed to Nixon or to Johnson.<sup>35</sup> And he was young, I was young. There was admiration for him in society at large, and I suppose I was part of that.

DePue: Do you remember the day he was assassinated?

Thompson: I do.

DePue: What comes to mind?

Thompson: I was sitting in a judge's chamber with police, a prosecutorial partner of mine, and the judge, watching a dirty movie, which was going to be evidence in an upcoming obscenity case. See, people will always remember where they were, right? That's where I was. Bailiff walked in and said, "The president's been shot!" We were all shocked, and we turned off the projector and went for the radio.

DePue: What emotions were you experiencing when you heard that?

Thompson: I was shocked, you know? Popular young president, shot.

DePue: Were you surprised at all by the outpouring of attention at his funeral, and the whole—

Thompson: Not really.

DePue: That's roughly about the time frame that it sounds like you were looking to move on from being in the state's attorney's office.

Thompson: Yeah.

DePue: That was November of '63. Before we get there, though, and this is going to suggest that we need to get into a much more lengthy conversation, I want you to just reflect on your impressions of the Otto Kerner administration from where you were at that point in your life, in 1963, '64.

Thompson: I don't think I knew much about it.

DePue: You weren't paying much attention to it?

Thompson: No.

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<sup>35</sup> *People* began publication in the mid-1970s and focused on personality-driven coverage that was somewhere between a tabloid and news magazine.

DePue: Any thoughts about the Bedsheet Ballot of 1964?<sup>36</sup>

Thompson: I thought it was goofy. It's like the judicial ballot today: to expect the average voter to look at all those names and make rational choices other than the ethnicity and gender of the name is just goofy. So was the Bedsheet Ballot. Now, in defense of the Bedsheet Ballot, I would say at least most of those candidates were otherwise known from having held other offices. The judicial ballot is just a befuddlement to the average voter today, especially in Cook County. Not true downstate; people know their judges downstate. They don't know them in Cook County. And there are so many. But people who were on the Bedsheet Ballot had been state reps, or local county officials or municipal officials, maybe. So at least in downstate Illinois, there would have been a spark of recognition. Maybe up here in Cook County a little less.

DePue: I suspect you can remember—I should know and I can't recall—the Supreme Court case that forced that whole decision in the first place.

Thompson: I don't remember it.

DePue: Essentially it was that the old system where you can have states like Illinois, and you have senatorial districts that had a much smaller population.

Thompson: Oh, yeah. Yeah, one man, one vote.

DePue: Was that *Baker v. Carr*?

Thompson: Yeah.

DePue: Were you okay with that decision?

Thompson: Sure.

DePue: Because that dramatically changed politics in the United States.

Thompson: Yeah, I know, but I always thought that was appropriate.

DePue: Let's talk about your decision, then, to go back to Northwestern University and serve on the faculty there.

Thompson: A position opened up to run the appellate division, and I thought, Why not me? And Marv Aspen thought the same thing. He had come in under Ward, and both of us were disappointed when an older guy, who had come under

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<sup>36</sup> November 3, 1964, saw Illinois hold “the nation’s first at-large election of the entire membership of a legislative chamber.” The candidates for 177 state representative positions were listed on a thirty-three-inch orange-colored ballot. Democrats picked up 118 seats to the Republicans’ 59, while the Republicans held the Senate 33-25. Thirty-seven incumbent Republicans lost their seats, and the count was not announced until December 3. James L. McDowell, *The Politics of Reapportionment in Illinois* (Carbondale: Public Affairs Research Bureau, Southern Illinois University, 1967), 54-58.

Ward as well, got the job, so we both decided to leave. I went back to the law school at Professor Inbau's invitation. Marv went to the corporation counsel's office, and later became a federal district court judge and chief judge of the Northern District.

DePue: Did you entertain any thoughts about going into private practice?

Thompson: No.

DePue: Why?

Thompson: I was hooked. (laughs)

DePue: Hooked on?

Thompson: I was hooked on the prosecutor's office. I enjoyed my time teaching at Northwestern Law School, but I left Northwestern when the opportunity arose to go to the attorney general's office, back in public service. So I wouldn't have wanted to go to private practice.

DePue: What did you find so appealing about being in an academic environment?

Thompson: It combined a little bit of what I did as a senior law student, teaching, and it sort of kept me fresh, I think. The enthusiasm of the students was different from what I had been doing for the past four or five years in the prosecutor's office. It gave me the chance to be back with my first mentor, Inbau. It gave me the chance to write, as it turned out, three case books: criminal law for law students, criminal procedure for law students, and then a combined criminal law/criminal procedure book for university students.

DePue: What about the writing experiences?

Thompson: I liked the writing experience, which was a natural outgrowth of my brief writing experience.

DePue: Is that because you could impact that next generation of lawyers?

Thompson: Yeah. So I went from being Inbau's junior author to being Inbau's co-author, to, these days, being a senior author. I haven't touched that book in years, but my name is still on it. I still get a royalty check.

DePue: And it's still being used?

Thompson: It's still being used. Now my royalties are something like \$300 a year, (laughs) but at one time, for a young kid as a co-author, they were pretty good. But it's lasted for forty-seven years. That's pretty good.

- DePue: That's pretty impressive, from my limited experience in these things. Did you like the idea of playing to an audience, the students?
- Thompson: Well, it's part of teaching. I met this very nice young lady, one of my students, named Jayne Ann Carr. Later got to hire her as a clerk in the attorney general's office.
- DePue: Were you dating at all while she was a student?
- Thompson: No.
- DePue: Would anybody have considered that inappropriate if you had?
- Thompson: Yeah, they would have. They would have.
- DePue: You first got to law school, and Inbau takes a look at you and says, "Now here's a young comer; I'm going to work with this guy, I'm going to mentor him."
- Thompson: Yeah.
- DePue: Did you do the same thing with some of your students? Or were you a little bit too young to be doing that at the time?
- Thompson: No, not too young. Towards the end of my teaching career, one of my students—I was his senior advisor—was Tony Valukas who, today, is the chairman of Jenner & Block in Chicago.
- DePue: Tony Valukas?
- Thompson: Valukas. Yeah. I was his senior advisor, when he was a senior law student at Northwestern. He went to work for me later as an assistant U.S. attorney, and I got him appointed as U.S. attorney. And then he went to Jenner & Block, which is a renowned Chicago law firm, and eventually became chairman. Still is chairman today. Fahner was a student of mine, chairman of Mayer Brown. Those are the two I can think of as students.
- DePue: But did you have that same kind of mentor relationship that you had with Inbau.
- Thompson: Not as close, because they moved on once they graduated. Inbau and I stayed there together.
- DePue: The next question is one of your aspirations at the time. We talked about the evolution from being the kid who wrote in the high school yearbooks that you were going to be the president of the United States, to now having fallen in love with the law. Was that still your focus at this time?

Thompson: Yeah.

DePue: Again, I'm going to take a quote from Robert Hartley, who said that you were, "One who had an eye for opportunity and the boldness to seize it."

Thompson: I think that's fair.

DePue: But what's the opportunity here? Because loaded in that is the suggestion that this is a good launching pad for a political career. But you're now saying that wasn't necessarily the case.

Thompson: Not then, no.

DePue: So what were your long term aspirations at that time?

Thompson: I didn't know. I didn't know what was going to happen to me after I was teaching. I got the opportunity to join the attorney general's office. And I was trying to remember how I came to the attention of Attorney General Scott. He had just been elected, and he was staffing up his office.<sup>37</sup> I think, maybe, it might have been Inbau who recommended me.

DePue: Would this be '68 we're talking about?

Thompson: Yeah, right after he was elected. I think it was '68. He offered me the position of chief of the criminal division, which also included the antitrust division and the appellate division. So a pretty weighty responsibility for a relatively young guy.

DePue: Here's a point of confusion I have here, Governor. William Scott was the Illinois state attorney general.

Thompson: Yes.

DePue: So would this mean that you would be working directly for the state attorney, or would you be part of the Cook County—

Thompson: No, no. I was gone from Cook County by then. This opportunity was handed to me while I was teaching.

DePue: Right. So would you be working in Springfield at the time?

Thompson: No, Chicago, although I'd be down in Springfield. They have offices in both places.

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<sup>37</sup> Republican William J. Scott first won election as attorney general in 1968, carrying ninety-one counties in his 256,588-vote defeat of Francis S. Lorenz. He quickly became a popular official, and his ambition for higher

- DePue: What's the difference with being in the Cook County's state's attorney's office—
- Thompson: Cook County is a local prosecutor, just for Cook County. Attorney general is statewide.
- DePue: But you're still prosecuting the same laws, correct? The state law?
- Thompson: No, the attorney general did not have what they call original criminal jurisdiction—he had no grand jury, couldn't indict people, couldn't prosecute people. That was the job of the state's attorney. The attorney general was the legal advisor to the governor and the General Assembly, like Lisa Madigan today.
- DePue: Right.
- Thompson: And had ultimate responsibility for the appeals, but not first responsibility. The attorney general is both a civil lawyer, primarily a civil lawyer, but had a much wider range than a state's attorney— antitrust cases, environmental cases. So it was a different kind of job.
- DePue: And what, specifically, were you brought in to do?
- Thompson: I was brought in to run what he called a "criminal division," even though we didn't have any criminal jurisdiction over trial cases. So that encompassed appeals, civil and criminal, antitrust, environment. I filed the first antitrust case against U.S. Steel for polluting Lake Michigan. So it was just different than being a local prosecutor.
- DePue: More challenging? Or a different challenge?
- Thompson: Different challenge, yeah.
- DePue: It sounds like to a certain extent you're away from the front lines of criminal law, though?
- Thompson: True.
- DePue: Did you find that as rewarding to do that job?
- Thompson: Oh, I did. I did. Although, I wasn't there that long before Bauer snatched me away.
- DePue: I think you mentioned it briefly, but I wonder if you can go back and tell me again how you ended up getting this opportunity?
- Thompson: I think Inbau recommended me to him.
- DePue: Did you know Scott at all?

- Thompson: I did not know Scott. And Scott was probably the most popular Republican politician in the state.
- DePue: He would have won election in '68, is that right?
- Thompson: I think that's right.
- DePue: That was the same year that Ogilvie won the governorship?
- Thompson: Yes, and I stayed with Scott until '70.
- DePue: Since we're talking about 1968, I want to get your reflections on that particular year, which historians now look back as perhaps the most tumultuous year in American political history in the last half-century or so.
- Thompson: Right.
- DePue: Before we get into any of the specifics of that year, what were your feelings about the civil rights movement that had been going on for most of the 1960s?
- Thompson: I thought its time had come. I thought the United States was fairly well backwards in the civil rights area, in large part because of southern states' grip over the U.S. Senate. It wasn't until Johnson forced through the Civil Rights Act when he succeeded to the presidency that they took a big step forward.
- DePue: Illinoisans would say that Everett Dirksen had a lot to do with that.
- Thompson: He did. So I think any thinking person back then would have said it's time; we've got to move this nation forward on the issue of civil rights. But I didn't have any official role at the time, so I was like any other citizen, basically.
- DePue: But being on the prosecution side of this argument that was going on in legal circles at the time, was there any tension in that respect? Because oftentimes the people being charged were minorities?
- Thompson: No. By that time, I was out of the prosecution business, in terms of being an assistant state's attorney. And while I was an assistant state's attorney, I don't recall any civil rights cases that I encountered, or what you would call civil rights cases.
- DePue: Do you recall when Martin Luther King came to Chicago?
- Thompson: Oh, I'm sure I read about it.
- DePue: I can't remember the year.<sup>38</sup> Let's change to the other big issue of the time: 1967, and certainly 1968, Vietnam was on everybody's mind.

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<sup>38</sup> King moved into an apartment on the West Side in January 1966.



Thompson: True.

DePue: What were your views about the Vietnam War?

Thompson: I guess because American troops were over there, I supported it. But I can also remember thinking about the drain it was posing on the nation. And my most vivid memory—by this time, I was U.S. attorney. The war was becoming exceeding unpopular. And I remember Nixon starting a national tour to prop up support for the war. I think the first place he came was to Chicago, because Mayor Daley was a supporter of the war, and thus a supporter of Nixon in that effort. The mayor held a reception for the president, to which I was invited. It was in a hotel ballroom, downtown. I can remember standing in line, waiting to meet the president, who I hadn't met before, although he had appointed me U.S. attorney. When I got up to him, I introduced myself. He said, "Oh, I'm pleased to meet you." And he said, "And you"—and he started poking me in the stomach with his finger—"ought to lose some of this weight and get out there and run, because there's too many turkeys in politics these days!" (DePue laughs) Wow! How about that? I guess that put an idea in my head, right?

DePue: Probably one of the last things you thought would be coming up.

Thompson: Yeah.

DePue: Did you go out there and do more exercise?

Thompson: (laughs) I guess I did!

DePue: But he wasn't anywhere close to six-foot-six, was he?

Thompson: No, he wasn't.

DePue: So your stomach came up to his finger, huh?

Thompson: But he was the president, and I suppose he could poke me in the stomach if he wanted to.

DePue: Wow. Going back to April 1968, Governor, and Martin Luther King's assassination, do you remember that one?

Thompson: Oh, yeah. The city was in flames. Who could forget that? That was a very, very tough time in American life. Chicago, Los Angeles, New York—very tough time.

DePue: As a guy who had come up on the prosecution side, and then seeing the nation coming apart. Of course, that's a year or two after the Detroit riots and snipers on the streets shooting innocent civilians and going after police, and things like that.

Thompson: Yeah.

DePue: Let's throw in Robert Kennedy's assassination in June, at the end of the California primary.

Thompson: Right.

DePue: What's going through your mind by that time?

Thompson: When is this going to stop? I mean, I thought the nation was in some peril, if you could not have the president safe, or a city safe, or a candidate for president safe. It was just a very tough time in America. At the same time, I thought the mob and the looters were wrong. My law enforcement background would have led me to that conclusion; I don't think there's any rationale by which people can take the law into their own hands and riot, kill other people, and burn down stores and loot and endanger neighborhoods. So there was enough on both sides.

DePue: You get to August of 1968, and by that time, Johnson, many months before, had bowed out of the presidential race, which surprised most people.

Thompson: Yeah.

DePue: That's why Robert Kennedy was running, and Eugene McCarthy, and Hubert Humphrey by that time. By August, the nation's attention, and probably the world's attention, is right here in Chicago.

Thompson: Right.

DePue: And the Chicago Democratic convention.

Thompson: Oh, yeah. That was exciting. (laughs)

DePue: Lay out your views of that whole situation.

Thompson: I didn't like what Daley did. I didn't like the "shoot to kill," and I didn't like the anti-Semitic remark he directed at a senator from out East—oh, gosh, it's too long ago.<sup>39</sup> But it was fascinating to watch. I mean, for somebody who was interested in politics, it was absolutely fascinating to watch.

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<sup>39</sup> Reference to one of Daley's most famous statements, which came a week after the West Side riot. Outlining his expectations for the city's policemen, Daley said, "I assumed any superintendent would issue instructions to shoot arsonists on sight and to maim looters, but I found out this morning this wasn't so and therefore gave him specific instructions." In popular memory, this has been condensed to "Shoot to kill...shoot to maim." Christopher Chandler, "Shoot to Kill...Shoot to Maim," *Chicago Reader*, April 4, 2002. At the convention, Daley shouted at Connecticut senator Abraham Ribicoff.

- DePue: Where were you? Were you looking out the windows of skyscrapers and watching this? Or on the streets?
- Thompson: I wasn't on the streets, no, although I lived near the northern end of Lincoln Park. But I was not on the streets. And the attorney general really didn't have any role in this. This was federal law enforcement, City of Chicago law enforcement.
- DePue: Were you sympathetic at all with the protestors that were out in the street?
- Thompson: I was sympathetic to their ideas. I wasn't necessarily sympathetic to their actions, depending on what they were doing at the time.
- DePue: When you say "ideas," what ideas were you drawn to?
- Thompson: That this was an imparted outgrowth of the Vietnam War, which I thought had consumed too much in American treasure by that time—lives and money. I guess I was never a big fan of Johnson, apart from the Civil Rights Act. Otherwise, he was just another Democratic president.
- DePue: Were you thinking it was time for the United States to figure out a way to get out of the Vietnam War?
- Thompson: Sure, most people were. It's like Afghanistan today. Ten years later, we're still there. What are we doing there? Afghanistan has defeated every invader since the beginning of time and will continue to, you know? I mean, it's time to go.
- DePue: You said "invaders." Do you see the United States in Afghanistan today as the invader?
- Thompson: Well, we did invade. Right? We went after the Taliban, and Osama bin Laden and Mullah Omar, so sure, we invaded. And we were right to invade, but we're wrong to be there ten years later. Taliban today is in Pakistan, for the most part. And the notion that we're going to stay in Afghanistan for years is just crazy! How many more American lives do we need to lose for something that's not going to end well? And the notion that, Oh, we can't leave, because otherwise it will dishonor the men who have already been killed. Excuse me? We've got to have more killed to honor the ones who are already killed? That doesn't make any sense. So yeah, we should be out of there. Everybody wanted to be out of Vietnam, obviously. We weren't winning.
- DePue: Going back to 1968, certainly there was an element of the protesters that were deliberately trying to gin up the violence and the—

Thompson: Oh, sure. The SDS, and who else?<sup>40</sup>

DePue: Abbie Hoffman—the Chicago Eight, which became the Chicago Seven.

Thompson: Yeah. Well, I ran into them later.

DePue: Did you have any sympathies for what they were trying to do?

Thompson: No.

DePue: Jerry Rubin—

Thompson: They were too radical. I later took over as the U.S. attorney and had to defend those cases on appeal, and the cases involving the lawyers' contempt.

DePue: Which we'll get to at probably the next session, if you don't mind, Governor, because that's certainly interesting. What did you think about Dan Walker, when he was put in charge of the commission to examine the police response to this, using the phrase that caught everybody's attention in that commission report, "police riot."

Thompson: Well, that was probably mostly true. If you watched the news, you could pretty well see the police cracking down on people in the park, and it did go too far. At the same time, some of the protestors went too far.

DePue: Moving a few months forward to the general election, it's Hubert Humphrey versus Richard Nixon. How did you come down on that vote?

Thompson: Oh, I voted for Nixon. Sure.

DePue: What was it about Nixon that appealed to you? What was he saying that appealed to you?

Thompson: He was a Republican, and I was a Republican. I thought he was a smart man. And he had appointed me as U.S. attorney, so I was a member of his administration. How would I not vote for him?

DePue: Well, this was '68, you weren't there at that time.

Thompson: Oh, I'm sorry. I voted for him.

DePue: Did his law-and-order part of his campaign appeal to you?

Thompson: Oh, I'm sure that was part of it, yeah.

DePue: I suspect that Inbau was a strong supporter?

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<sup>40</sup> Students for a Democratic Society.

Thompson: I presume so. I don't remember.

DePue: And a supporter also for Ogilvie?

Thompson: Yeah.

DePue: Did you have any relationship with Ogilvie at that time?

Thompson: No.

DePue: You already talked a little bit about working for the state attorney general.

Thompson: Yeah.

DePue: And it would have been, what, July of 1970 that you moved into the U.S. attorney's office?

Thompson: I think it was earlier than July, but sometime in there.

DePue: I guess before we get to there, we did want to talk about something you and I were chatting about before we started recording today, and that was an attempt to go before the Cook County Republican slating committee?

Thompson: Yes.

DePue: Central committee, is that what it's called?

Thompson: Yeah.

DePue: And looking at the possibility of being a Cook County state's attorney.

Thompson: I guess it was state's attorney, but I'm going to confirm that with Judge Flaum.

DePue: What do you remember about that experience?

Thompson: It was pretty bold! Walk in off the street and say, "Hey, nominate me for state's attorney." "Well, have you ever served in the party before?" "No." (laughs)

DePue: Governor, I want to take a step back here, because I think for political novices or people who aren't familiar with the way politics worked in Illinois or Cook County at that time, what the heck was a slating committee? How does that all work?

Thompson: It was a committee of the fifty Republican ward committeemen—there were Republican ward committeemen in each ward of the city of Chicago—plus all the Republican suburban township committeemen. So maybe seventy, eighty people, presided over by the chairman of the Cook County Republican Party.

DePue: Who was at that time?<sup>41</sup>

Thompson: I don't remember. They didn't just let anybody in, but because I lived in what was then a Republican ward on the North Side of the city of Chicago, and Allen Freeman, the Republican committeeman of my ward, the 48th ward, had also been in the state's attorney's office under Adamowski, he let me in to talk to the slatemakers.

DePue: What, you explained to him that you wanted to have a chance to make your case to run for that office?

Thompson: Yeah. He said, "But Jim, Bob O'Rourke's going to run!" (laughs) I said, "Well, I'd like to make my case."

DePue: I thought that's what primaries were supposed to determine.

Thompson: Yeah, but this wasn't for a primary, this was for slating.

DePue: To run in the primary.

Thompson: Yeah. I wanted to go into the primary as the slated candidate, as opposed to just somebody who collected enough signatures to get on the ballot. I wanted to be the endorsed candidate of the party.

DePue: What were the dynamics of this committee? On the Democratic side, it was clear that Richard J. Daley was at the heart of that, and if he—

Thompson: Yeah, but there were also some other very powerful Democratic bosses besides Daley. But he was number one.

DePue: But on the Republican side, in a strongly Democratic town—

Thompson: No, there wasn't any number one. So it was up to the ward committeemen and the township committeemen.

DePue: So apparently by '68, you had some political aspirations.

Thompson: I certainly wanted to run for the state's attorney, if that's what the office was, and subsequently for sheriff. Got talked out of that one, though. (laughter)

DePue: You had to be a little bit disappointed when you kind of got the door slammed in your face.

Thompson: Oh, I don't know. Flaum and I thought this was just terrific. I was in there, I was able to make my case, and we felt so good about it. Fritzel's, a very

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<sup>41</sup> Edmund Kucharski took over as party chairman from Timothy Sheehan in June 1968, and served until January 1974. Sheehan had backed John Henry Altorfer over Richard Ogilvie in the 1968 gubernatorial primary, while Kucharski was Ogilvie's campaign manager in Cook County.

famous Chicago restaurant saloon was on the corner, and we said, "Let's go celebrate!"<sup>42</sup> (laughter) I'm sure the vote was eighty to nothing! If my own ward wasn't going to support me, I don't know who else would.

DePue: But if nothing else, you got your name—

Thompson: And the rest of them were probably saying to Allen Freeman, "Who is this guy? Where did he come from? How did he get in here?" Yeah, it was pretty bold, but it was fun.

DePue: Well, it's a learning experience, I would think.

Thompson: It certainly was. It absolutely was.

DePue: I haven't talked much about this side of your life, but once you got into a university environment and you got into this next position, did you have a little bit more of a social life?

Thompson: Yes, but still working a lot. I had a passion to succeed at what I was doing, and that took a lot of time.

DePue: Were you dating much at the time?

Thompson: Some. Some when I was a professor. Of course, once I got into the U.S. attorney's office, whoa! I offered Miss Carr a job as an assistant U. S. attorney, and she turned me down. I was shocked! Nobody turns down the job of assistant U.S. attorney. I said, "Why?" And she said, "I've worked for you long enough." I said, "Whoa!" (laughs)

DePue: She was working for you when you were in the—

Thompson: Attorney general's office.

DePue: Doing what at the time?

Thompson: She was a law clerk. And when she was a student of mine at Northwestern, I had gotten her a summer job with the state's attorney's office.

DePue: During either of these, were you dating at all?

Thompson: No, later. And then I started thinking, Well, what the hell? If she's not going to work for me, I don't want to lose her. Ah, maybe I'd better start thinking about marrying her, right? (DePue laughs) Which I told her, in the thirty-seven years we have been married, was her biggest mistake! She should have taken the job—

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<sup>42</sup> Fritzel's restaurant and Chez lounge was located at State and Lake Streets.

DePue: And not said yes to the other proposal?

Thompson: —and not said yes to the proposal, yes! She would have been *much* better off.

DePue: Are you suggesting, Governor, that at the time you first asked her out for a date, you were already thinking about the next—

Thompson: No. No, no, no, no. It took nine years. God! So whenever I ask my daughter when she's getting married, she says, "Well, Dad, I'm still younger than you were." What can I say about that?

DePue: (laughs) You'd mentioned that we probably went a little bit long yesterday.

Thompson: Yeah.

DePue: Is this a good place for us to break off the conversation today?

Thompson: Probably, yeah. I found myself yesterday afternoon thinking, "Why am I so tired?" And my wife said, "Because you've been talking for three hours!" (laughs)

DePue: It's certainly fun to sit here—

Thompson: It was fun!

DePue: And we're just getting into the meaty part of your career.

Thompson: Oh, I know.

DePue: Thank you, Governor.

Thompson: My pleasure!



Interview with James Thompson

# IST-A-L-2013-054.03

Interview # 3: September 19, 2013

Interviewer: Mark DePue

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DePue: Today is Thursday, September 19, 2013. My name is Mark DePue, director of oral history at the Abraham Lincoln Presidential Library. I'm sitting in the law offices of Winston & Strawn, and that can only mean one thing. I'm sitting across the table from Gov. Jim Thompson. Good afternoon, Governor!

Thompson: Good afternoon, Mark!

DePue: Normally, you'd have a great view out your window. Not today.

Thompson: A little foggy today.

DePue: Driving in, it looked like the whole town was in a cloud.

Thompson: (laughs) We had a terrific thunderstorm this morning on my way to the dentist, sheets of rain. I only hope it went on to Michigan and watered my grass.

DePue: Do you have a summer place in Michigan?

Thompson: Yeah.

DePue: Northern Michigan?

Thompson: No, just about an hour forty-five from Chicago. Straight across.

DePue: Last time we met, we talked about your years working in the university, and then the state's attorney's office. I wanted to start today with July 1970 and William Bauer's selection as U.S. attorney, and I want you to give me some background for how all that happened, and your connection with that.

Thompson: It began with a notion on my part that I wanted to run for sheriff of Cook County. I decided that the place to start would be to call up the governor of the state, who had once been the sheriff of Cook County and went on to be governor.<sup>43</sup> So I called him up and asked if I could come down and see him. He said yes, and I drove down to Springfield. I went in to see him, and he said, "I know why you're here." I thought, That's surprising, since I hadn't told anybody, including him. I said, "Yeah?" He said, "Yes. Bill Bauer wants you to be his first assistant U.S. attorney." I said, "No, that's not why I'm here." (laughs) He said, "Well, why are you here?" I said, "Because I want to run for sheriff." He said, "Why would you do that?" I said, "So I could run for governor." He said, "That's a crazy idea." And I said, "Well, I know somebody who did it." He laughed and said he didn't think that was a very good idea, and that I should go back to Chicago and talk to Bill Bauer.

So I agreed. A luncheon was set up—I believe it was the Chicago Club—between me and Bill Bauer and Jerry Marsh, who was Governor Ogilvie's counsel, and the governor. And at that lunch, I was being importuned to accept Judge Bauer's offer to be his first assistant U.S. attorney.

DePue: You say Judge Bauer, but he wasn't at that time, was he?

Thompson: Well, he was a circuit court judge in DuPage County, so he was a state court judge.

DePue: How did you know him?

Thompson: He had seen me argue, he said, in the Supreme Court of Illinois. I guess he had an argument down there the same day, and he was sitting in the back of the courtroom while I did my argument. That brought me to his attention. And at the end of the lunch, I was not persuaded. But Bauer didn't give up that easily, and he said, "Let's go over to Binyon's Restaurant and have a martini." Well, this is now about three o'clock in the afternoon, so I said, "All right." We went over there, and we had a martini. Might have had two martinis. And by the time he finished selling me on the position, I agreed. I don't remember whether he said in that conversation—I think he did—that he didn't plan to be U.S. attorney for a very long time, that Senator Percy had said that he would get a shot at the first vacancy on the district court, and that I could be his successor as U.S. attorney, if I came there as first assistant. That sounded like a better deal. So I agreed.

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<sup>43</sup> Thompson is talking about Gov. Richard B. Ogilvie.

- DePue: (laughs) Maybe even better than the Cook County sheriff?
- Thompson: Better than Cook County sheriff. As it turned out, I had gone and appeared before the slating committee of the Republican Party, seeking to be slated for sheriff. They unanimously chose my alderman, instead. (laughs)
- DePue: I think we talked about that last time.
- Thompson: We did, yes. This was a pretty good offer.
- DePue: Here's my question for you, Governor.
- Thompson: Yeah?
- DePue: How old were you when all of this was being discussed?
- Thompson: Thirty-five.<sup>44</sup>
- DePue: That seems to be pretty young.
- Thompson: Yeah, it was pretty young.
- DePue: And pretty early in your career for that kind of a position, and the promise that you can be the heir apparent.
- Thompson: By this time, I had been an assistant state's attorney, a law professor, and then assistant attorney general. So in terms of experience, it wasn't that out of the ordinary. In terms of age, it probably was out of the ordinary.
- DePue: Was William Scott one of the proponents, one of the backers for this, as well? Did you know him well?
- Thompson: I worked for him. No, I wouldn't say he was one of the proponents. I was only with Bill for a year and a half. I mean, he was a good friend of mine, and I was glad to be part of his administration when he was the attorney general. But he and Ogilvie had a sort of—I don't know what the appropriate word would be. But they were two different guys in the Republican Party of Illinois at that time, and each one wanted to be independent of the other.
- DePue: So that means Scott had some ambitions for higher office?
- Thompson: Yes.
- DePue: Like governor?

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<sup>44</sup> Born in 1936, Thompson would have been thirty-four.

Thompson: Yes. So he would be suspicious of any Ogilvie move. And I think fair to say the same thing was true of Ogilvie. If Ogilvie was part of the group urging me to do this, I think Scott would have been a little less than enamored of it.

DePue: Am I correct to think that this conversation you had with Governor Ogilvie, and then later on, that second conversation, happened even before Bauer got the position?

Thompson: Yes.

DePue: Do you know the background for why he was being selected for U.S. attorney?

Thompson: I think he was a favorite of Chuck Percy. It was Percy's choice, the U.S. attorney. And Bill had an excellent reputation out in DuPage County. He had been an assistant state's attorney, the state's attorney, and then circuit court judge, so he was well-regarded. The appointment of Bauer as U.S. attorney would have been well thought of in the legal and political community. It was a Percy choice.

DePue: Now, I might be characterizing this a bit wrong, but I believe in our last conversation, you were indicating in some of these earlier positions that your political aspirations were kind of taking a back seat for a while.

Thompson: Right.

DePue: But obviously, by the time you get to 1969, they're up in front again. So were you being a little coy last time? Or did something happen here in the late sixties?

Thompson: No, I don't think they were up in front again, because they were certainly put on hold while I was teaching at Northwestern, put on hold while I was in Scott's office, and put on hold while I was U.S. attorney. But, you know, if you decide at the age of nine you want to be president of the United States, once the seed is planted, it's in there, somewhere. Being U.S. attorney was one of the most extraordinary jobs I ever had, so I didn't have a lot of time to think about politics then.

DePue: We're going to get into that later on in our discussion, either today or probably much more tomorrow. There's lots of other people who were observing what you were doing in the U.S. attorney's office and had just the opposite view.

Thompson: Yes, but they had their biases.

DePue: Everett Dirksen certainly would have been a player, but he had passed away before this decision was made.

Thompson: Right. No, this was Percy's choice.

DePue: Did you know Percy very well at all?

Thompson: No, not really.

DePue: So Percy was getting this information from...

Thompson: Bauer.

DePue: Talk about what you first did, then, when—were there any difficult nomination challenges that Bauer had?

Thompson: Yeah. Bauer had no problems being nominated by the president. And I had no problems with becoming the first assistant. Tom Foran was still the U.S. attorney, but he resigned. I went over to the U.S. attorney's office. I think Jack Schmetterer, who was Foran's first assistant, became acting U.S. attorney for a week, and I was his first assistant for a week. (laughs) Then they both left, and I became the acting U. S. attorney, because Bauer's nomination hadn't been confirmed by the Senate yet. He got caught up in what was called the Cambodian debate. The Vietnam War was going on. There was a lot of controversy about what we were doing in Cambodia during the time of the Vietnam War.

DePue: So this was after Nixon made the decision to invade Cambodia, and probably after Kent State?

Thompson: Yes. That set the Senate on its ear for a while, so nothing was getting done before the Cambodian debate was over. I became, by appointment of the judges, the acting U.S. attorney. I thought, This is pretty good! The timetable's been moved up! (laughs) After a couple of weeks, I picked up the phone one day and called Bauer, and I said, "Hey, listen, your nomination's still hung up. What do you think about you staying out there in DuPage as circuit court judge until the first vacancy for district court judge comes along, and we'll skip this interim?" And there was this silence on the end of the phone. He said, "Listen, kid, I sent you there to plant the flag, not wave it." (DePue laughs) I said, "Yes, sir!" So we waited for his nomination. And I served as his first assistant for a year until the judgeship came along, then he was nominated and I was nominated.

DePue: Beyond that first experience over the telephone, how would you describe your relationship with Bauer?

Thompson: Oh, terrific. Yeah, it was outstanding. I was teasing him, in a way. I would have loved it if he had said yes, but there was no way that was going to happen! We were a really close-knit team for that year when I served as his first assistant.

DePue: How would you describe the job as first assistant?

Thompson: Under Bauer, it was, in one sense, a joy, because Bauer is not a fancy guy. He had no problems with turf, or influence, or who was in charge of what, or who did what. He had a good relationship with all of his assistants, especially with his chiefs—first assistant, chief of the criminal division, chief of the civil division, and so forth. Every afternoon at five o'clock, the chiefs and I would gather in his office. He'd pour a drink, we'd discuss the day. We'd talk about cases coming up. He'd solicit the opinions of his assistants, the chiefs. He was pretty democratic in his administration of the office. He never forgot that he was the boss, but he and I shared a lot of stuff—who to hire as assistant U.S. attorneys, cases to bring, things of that sort. He was very good in that regard. And his assistants really thought very highly of him and still do to this day. I mean, you're talking now about forty-three years later; there's a lot of us still kicking around, and all of us are still intimate friends of Judge Bauer. He was a joy to work with.

DePue: I'm wondering how much these positions—first of all, the U.S. attorney, but then also all of the assistant attorneys—are patronage positions? Was Foran a Democrat?

Thompson: Foran was a Democrat, yes. U.S. attorney has traditionally been thought of as a political position, simply because it's chosen by the president and on the recommendation of the senior senator of the president's party. In that sense, it is a political position, just as the attorney general of the United States would be a political position, because the appointment comes about through the political process.

DePue: And you want somebody who reflects the view of the president and his administration.

Thompson: Oh, yeah, absolutely. You'll recall that when President Clinton was elected, one of the first things he did was fire all the U.S. attorneys. Every one of them.

DePue: Which became an issue of the last elections, that—

Thompson: It became an issue for a while, but he did it to make it clear that these were his appointees. But Bauer didn't use politics in selecting me. And he and I did not use politics in selecting others in the U.S. attorney's office, whether they were line assistants, or whether they were chiefs of divisions.

DePue: Were there a lot of resignations when Bauer first got there?

Thompson: No.

DePue: So this is a reflection of Nixon's boosting up the number of attorneys working in these offices?

Thompson: Right. Bauer was an admirer of talent. Heck, some of the chiefs were long-time assistants in the office, whom he promoted. They were people he found there, not brought in from the outside. In fact, I was one of the few brought in from the outside, in terms of a chief. Maybe the only one. The rest came from that office. And the line assistants that we hired were not from the political process. There might have been one or two whom Bauer knew from prior acquaintanceships or knew their family, but that was a rarity.

When I became U.S. attorney, I was probably one of the first to be selected without regard to prior political activity. And that situation went on for the next three or four U.S. attorneys; we established something extraordinary in the Northern District of Illinois, that four or five of the young assistants that I had, when I was U.S. attorney, went on to become U.S. attorney. Now, they certainly had a political sponsor after that, me. And I was the governor, so I could influence the selection. But they weren't selected because they were Republicans. They were selected because I knew them from my work with them under Bauer, and I trusted them. And they turned out to be extraordinary people. Today they're federal judges, and they're chairmen of major law firms. You couldn't do any better than that.

DePue: Would it be fair to say that this particular office, the Northern District office, is one of the most high-profile offices in the country?

Thompson: I think that's fair to say.

DePue: It certainly has been the last few years.

Thompson: No, it's been that way, I think, since 1970. So forty years.

DePue: Governor, when you say the "line assistants," what does that mean to a layman?

Thompson: Oh, it's simply an assistant U.S. attorney who tries cases or writes appeals. Doesn't hold any supervisory position. So you would have the U.S. attorney, the first assistant, the supervisors—the chief of criminal, chief of civil—and then the assistant U.S. attorneys, what we call the line attorneys, who were day in and day out in the courtroom.

DePue: Were you not just the first assistant, but heading up one of those divisions as well?

Thompson: No. Just first assistant.

DePue: Did you focus your energies on any particular area during that first year?

Thompson: Yeah, probably I focused more on the criminal side than the civil side. Nothing that office does is routine, but compared to the criminal side, the civil side was more routine, more predictable, less extraordinary.

- DePue: Were there prohibitions on the members of the staff there participating in politics in any way?
- Thompson: Oh, you couldn't. It was federal law. The Hatch Act. Federal employees could not participate in politics.
- DePue: What kind of guidance were you and Bauer getting? In terms of the kinds of cases, the kinds of focus?
- Thompson: That Bauer was getting? He could have only gotten guidance from the attorney general. None. No, we were an independent office. I mean, we relied upon the attorney general's office for resources, how many assistants we could have, and what our budget was. And obviously, we followed Justice Department policy, but Justice Department policy was something that didn't change very much from administration to administration. You know, the U.S. attorneys had their handbooks. I don't even remember what they looked like, but they just set out broad areas of Department of Justice policy on how U.S. attorneys were to conduct themselves.
- DePue: So you weren't getting much guidance? And Bauer wasn't from John Mitchell?
- Thompson: No. I can remember one time he got guidance. I think Bauer was still the U.S. attorney, or I might have been. I'm not clear. But back at that time, which was part of the Cold War, the government had ballistic missile sites up and down the lakefront in Chicago.
- DePue: Nike Herc sites. Nike Hercules.<sup>45</sup>
- Thompson: Right. And one day, a band of Indians protesting some Indian policy of the government broke into a site and had a sit-in. Naturally, both the Department of Defense and the attorney general had a policy about that. And it was determined, on orders from Washington, that I (laughs) would go out there and sit down and negotiate with the Indians. So I did. Sat under the tree with the purported chief, chief spokesman, whoever the hell he was, and they had some kind of crazy demands having to do with Indian policy out West, I think.
- DePue: I was going to say, because there weren't any Indians in Illinois by that time.
- Thompson: There were not. We negotiated all day. And it came to naught. So the next day, the policy of the government was the bulldozers came and tore down the

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<sup>45</sup> Surface-to-air missile developed and operated by the U.S. Army to guard American cities, military bases, and other strategic sites from Soviet bombers. June 14, 1971, roughly fifty members of the Chicago Indian Village, led by Michael Chosa, occupied an abandoned Nike site on Belmont Harbor. The army had planned to return the land to the Chicago Park District, but the group wanted the land for public housing. "Indians Demand Nike Base for Housing, Cultural Center," *Chicago Tribune*, June 16, 1971. At the end of July, the group targeted the Nike site at Argonne National Laboratory.



fence and took away the Indians. That's the only time I can remember we had any guidance from Washington.

DePue: I'm going to jump way ahead into contemporary times, because I'm sure you recall not more than a month or two ago, Eric Holder issued some guidance to the various district attorneys about how to apply the law, and—

Thompson: Right. Narcotics offenses.

DePue: Was that out of the norm of what normally happens in the relationship?

Thompson: I wouldn't say it's out of the norm. Obviously, that had to be a joint decision of the Department of Justice and the White House, and it grew out of a rather alarming increase in narcotics offenses over the years, and a recognition of the futility of trying to deal with them with long sentences for what were essentially non-violent crimes. But that wasn't the burning issue of the day back in the sixties and seventies. If you were handling a tax case back then, the assistant attorney general in charge of the Tax Division would have policies about how tax cases were to be handled. But they were not person-specific, they were just general guidance on, This is how we do tax cases. You must submit a prosecution memo to the attorney general in charge of the Tax Division in Washington, and you cannot bring a tax case, unless he approves—that kind of stuff. What the lines of command were, lines of authority were, and how cases got decided, or how they got prosecuted. I mean, the mechanics of it, not who was prosecuted or why they were prosecuted. But other than that, no.

DePue: One of my curiosities about this, though, Governor, is that I know Richard Nixon ran on a platform of being tough on crime.

Thompson: Mm-hmm.

DePue: And as you mentioned already, this is the Vietnam era, and there's all kinds of crazy stuff that's going on in the streets.

Thompson: Yeah.

DePue: The crime bill of 1970 basically put policy to his campaign pledge, and it also, I think, resulted in a dramatic increase in the staffing that you got.<sup>46</sup>

Thompson: Right. But hey, U.S. attorneys were tough on crime! (laughs) They took that to be their mission. They didn't have to be told by Washington to be tough on crime.

DePue: What were the specific areas of emphasis that Bauer had?

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<sup>46</sup> Organized Crime Control Act of 1970.

Thompson: I don't think it's fair to say that he had specific areas of emphasis. Bauer was more about getting the best people he could to work in the office; having the reputation of the office highly thought of in the legal community and the community at large; and prosecuting crime where you found it, and filing civil cases where you found cause to do that. He didn't come in with a battle plan of action to say we're going to hit hard at this. There was plenty to do in the U.S. attorney's office. There were a lot of cases; you were dealing with a number of different federal investigative agencies, and while they may have had their priorities—I suspect they did. The FBI had its priorities, postal inspectors had theirs, and the IRS agents had theirs. So they competed for the attention of the U.S. attorney, and for their fair share of the cases that we brought.

We never [had a specific emphasis] at that time, the year under Bauer and then four years under me, with the exception of political corruption, which started under me because Bauer's time in that office was so short. We did, for the next four years, a focus on that without giving up any other priorities. We still did organized crime cases in conjunction with the strike force, which was the office down the hall from us but was a separate unit operating directly under the Justice Department. Civil rights cases were another priority. So it wouldn't be accurate that Bauer came into office and said, "This is my number one priority."

DePue: Was there any sense that Bauer was just marking time until he did get the judgeship?

Thompson: It was pretty clear that's what he wanted. And it was pretty clear that's what Percy had promised him.

DePue: That was basically stated straight out in the meeting that you attended, right?

Thompson: Yeah, correct. But Bauer was never about marking time. He anticipated that a vacancy would arise, as they do from time to time, and that he would get first crack at it. But whether that was going to be one year or two years, nobody knew. And if you know Bill Bauer, you know that he was never marking time. (DePue laughs) He was in charge.

DePue: You alluded to something that I need to personally understand before we really go forward, and that's the relationship between the U.S. attorney, the office, and the various other federal agencies that are doing the investigations.

Thompson: Right.

DePue: How much investigatory power does the U.S. attorney's office have, or are you simply receiving information from these other agencies?

Thompson: It was a combination. Most of the cases were brought to the U.S. attorney's office by the various investigative agencies—the FBI, the postal inspectors, the IRS agents, the DEA agents, the Fish and Wildlife agents. But you could

also have a situation where information was given to the U.S. attorney's office that looked like it should be investigated, in which event the U.S. attorney's office would go to the investigative agency and say, "Here's what we have. Give me some investigators, and let's go do this together." Or, the FBI or one of the other agencies would bring a matter to the U.S. attorney's office, and then the U.S. attorney's office would take it over and direct the subsequent investigation. It could be any one of those combinations. They could have brought you a case all wrapped up, could have brought you a preliminary case and you directed how you wanted it investigated, or you could have sent a case to the appropriate investigative agency and directed it from then on.

DePue: Part of the equation, I'm sure, was whether it was within the state's jurisdiction or federal jurisdiction.

Thompson: That was part of it.

DePue: Was the cooperation there between state law enforcement officials and the FBI, for example? Or directly to your office?

Thompson: Both between the U.S. attorney and the state's attorney, and between federal law enforcement agents and state law enforcement agents, the relationship was pretty good. A lot of times, state law enforcement agents would bring us a case because the federal government had greater resources for investigating and prosecuting a case than the locals did. Sometimes they would defer to us and sometimes we would defer to them, where something was both a federal and a state crime. It just depended.

DePue: Do you remember any specific cases that stick with you today during that time frame when Bauer was there?

Thompson: No, you see, it's hard for me after forty years, because we worked so seamlessly. Whether something started under Bauer and continued under me, or started under me, without going back and reading the clips—which I'll try to do tonight—it would be hard for me to say.

DePue: Let's jump ahead to November 29, 1971, when Bauer gets appointed to the U.S. district court.<sup>47</sup> I know you were thirty-five at that time. Do you remember anything about your nomination process?

Thompson: No, I think it was pretty routine. A first assistant succeeding a U.S. attorney, and everybody was in agreement—Bauer, Percy, Justice Department, the president.

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<sup>47</sup> Nixon appointed Thompson as Bauer's replacement on October 20, 1971. Both were sworn in on November 29, 1971, with Judge Austin administering Thompson's oath. "Bauer is Sworn in as District Judge," *Chicago Tribune*, November 30, 1971.

DePue: But I would assume you did have to appear before the U. S. Senate?

Thompson: I simply don't remember whether I had to go before the Senate committee. I know that judges went before the Senate Judiciary Committee, but I'm not sure it was a common practice for the U.S. attorney to go before the Judiciary Committee. In any event, I don't remember it.

DePue: But you did have to have confirmation by the Senate?

Thompson: Oh, yeah.

DePue: We talked about this already, but just to reiterate, did you have a meeting at all with John Mitchell or anybody at the Justice Department?

Thompson: No. Uh-uh. Back then, it was pretty clear that the U.S. attorney was the senator's choice, so that would not have been unusual.

DePue: Who did you answer to, then?

Thompson: What do you mean, answer to?

DePue: The government always runs on a hierarchy.

Thompson: Yeah, but as first assistant, I was already a member of the administration, right?

DePue: So you would have been answering to Bauer?

Thompson: To Bauer, and from Bauer up to the assistant attorney general in charge of the office of U. S. attorneys.

DePue: Okay.

Thompson: There was an assistant attorney general, who was the sort of manager of U.S. attorney's offices. You wanted something from the Justice Department, you went to him. Say I need two more assistants for this, you'd go to him. And only on rare occasions would you go beyond him. If he said, for example, "I can't do it."

DePue: I know I'm belaboring this point, but after your nomination was approved to become the U.S. attorney, did you meet with whoever that was? Did you sit down and talk about the job?

Thompson: Oh, the assistant attorney general in charge of the U.S. attorney's offices?

DePue: Yeah.

Thompson: I knew him, because he had been a judge in downstate Illinois who went to the Justice Department and became the assistant attorney general in charge of U.S. attorneys. So I knew him from a prior life.

DePue: What was his name?

Thompson: I knew you were going to ask me that. (DePue laughs) His nickname was Woody. Harlington Wood. I'm trying to remember now where in downstate he was, probably Springfield.

DePue: But everything you've said up to this point, it sounds like once you've got the position, there's a great amount of autonomy.

Thompson: Yes, that's true. That is true.

DePue: So going into the job, what were the goals for your office?

Thompson: Since I had been Bauer's first assistant, they were the same sort of goals. Get the best people you can; that's always been a lifelong priority of mine, whether it was in the attorney general's office, or the U.S. attorney's office, or the governorship, or here at the law firm—that's my first priority, good people.

DePue: Can you go through some of the names?

Thompson: Yeah. There was a young man by the name of John Simon in the U.S. attorney's office, a line assistant. I think Bauer promoted him to deputy chief of the civil division, and when I was U.S. attorney, I appointed him as the chief of the civil division. He was a Democrat. His father was a Democrat.

DePue: Not related to—

Thompson: Seymour Simon.

DePue: Okay, so not the other Simon.<sup>48</sup>

Thompson: No, this is Seymour Simon, who was president of the Cook County board, and then later a justice on the Supreme Court of Illinois. His son was in the U.S. attorney's office, and went in there under a Democratic administration. And we not only kept him, but promoted him; Bauer first, and then me. In fact, when I was governor, I appointed him chairman of the racing board, because I didn't want any funny business at the racing board.

Thompson: Sam Skinner was a young assistant in the office when Bill and I got there. I remember going over to the district court before I went in as first assistant,

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<sup>48</sup> Paul Simon, a Democrat from Troy who held various elected positions in Illinois government before ending his career with two terms in the U.S. Senate.

maybe a day or two before, just to get a feel of the place. I think the Conspiracy Seven trial was just going on then. I was sitting in the back of the courtroom, when this young guy came in the courtroom, sat down beside me, and said, "Hi, I'm Sam Skinner. I'm an assistant here, I can show you around." (DePue laughs) Sam was always a hustler, just a hustler. I said, "Okay, sure, thank you!" Well, we became fast friends. I later appointed him as the chief of the special investigations division, which was a division I created when we started going after official corruption. And he was my successor as U.S. attorney, so from a line assistant in a prior administration to the U.S. attorney. Then I persuaded George H. W. Bush to appoint him as secretary of transportation. And Bush later appointed him as chief of staff in the White House.

Who else? Ilana Rovner, now a judge on the Seventh Circuit. One of the first women hired in the U.S. attorney's office. I promoted her to be chief of the civil rights division. She later became my deputy counsel as governor. And I persuaded Senator Percy to appoint her as a U.S. district court judge, and then as a Seventh Circuit judge. Tony Valukas, who today is the chairman of Jenner & Block in Chicago. Tony was a student of mine at Northwestern, I was his senior advisor. And after he got over wanting to be a federal defender for a few months, I finally lured him into the U.S. attorney's office.

DePue: Isn't that the route that you took as well? Or at least flirted with the idea of being—

Thompson: No. Well, yeah, I wanted to be a criminal defense lawyer at 26th Street. Yeah, that was a crazy idea. Tony was one of my young assistants who became U.S. attorney, same way as Skinner. And not only today chair of the law firm of Jenner & Block in Chicago, but was the majordomo in the Lehman Brothers investigation.

DePue: Mind if I mention a couple of names, here?

Thompson: Sure.

DePue: Joel Flaum.

Thompson: Joel Flaum! How could I forget Joel Flaum?

DePue: I'm going to get you to say that again.

Thompson: (laughs) Joel and I met each other at Northwestern. I was teaching, he was getting his master's degree. And when I became U.S. attorney, I had him come over, and he was my first assistant.

DePue: From the very beginning?

Thompson: From when I became U.S. attorney, yes, until he became a U.S. district court judge and then a Seventh Circuit judge. Same route, Percy. Who else you got?

DePue: Gary Starkman?

Thompson: Starkman, yeah. I don't remember, at the moment, whether Starkman was there, or whether we brought him in. But Gary became chief of the appellate division and was responsible for the appeal in the Conspiracy Seven case, which was one of the times I didn't go to the assistant attorney general in charge of the U.S. attorney's offices for help.

I was in Washington for a conference of U.S. attorneys. There was going to be a special meeting over at the Smithsonian, across from the Justice Department. So a bunch of us were walking across the street, going over to the Smithsonian. I ended up walking next to Kleindienst, to the deputy attorney general.<sup>49</sup> And I said, "General, you know, we've got this Conspiracy Seven appeal, and it's going to decimate my office with all the assistants I have to assign to it, because it's just a massive, massive case. I need help." Kleindienst turned to the guy, his assistant, walking next to him, and said, "How many vacancies do we have in the U.S. attorneys' offices?" The guy said, "For the whole country?" He said, "Yes." And he gave a number, I forget what it was, six, seven, eight. And he said, "Give it to Thompson." Which, of course, made me *instantly* unpopular with every other U.S. attorney in the nation for a while. (DePue laughs) They got raped!

DePue: While we're in the neighborhood, let's go ahead and pursue the Chicago Seven appeal a little bit more. Appeal, because the trial occurred during Foran's tenure.

Thompson: Yes, we inherited it.

DePue: But I've got to believe that there were few higher profile cases going on.

Thompson: Oh, it was a very high-profile case, yes. High-profile under a Democratic administration, so it was certainly high-profile under a Republican administration. But we were in charge of it. I mean, there were no special instructions. It's something we had to defend on appeal. The conviction of the Conspiracy Seven lawyers for contempt was a different matter.<sup>50</sup> That I had to go down to Washington for, because the Justice Department lawyers wanted to get rid of it, and I protested.

DePue: They wanted to—

Thompson: Dismiss it.

DePue: Robert Hartley mentioned that you had a meeting with Robert Bork.

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<sup>49</sup> Richard Kleindienst, who served as the deputy attorney general from 1969 to June 1972, when he succeeded John Mitchell as attorney general.

<sup>50</sup> William Kunstler and Leonard Weinglass were the defense attorneys.

Thompson: Yes. Sure did.

DePue: And that this was right after the Saturday Night Massacre. So perhaps he was a little distracted at the time.

Thompson: No, no. Uh-uh. The Saturday Night Massacre came along and...

DePue: That was probably the October of '73 timeframe we're talking about?

Thompson: Yeah, the attorney general was Elliot Richardson. He refused to fire the special prosecutor, Archibald Cox, and resigned in protest. And Bill Ruckelshaus, who was his deputy, also refused to fire Archibald Cox and resigned. Bork, who was the solicitor general, said, "I'll fire him," which he did. And he became the acting attorney general, because that's how it goes in the Justice Department order.<sup>51</sup>

So with all this Saturday Night Massacre, and everything else going on in Washington, the career prosecutors in the Department of Justice didn't want to mess with the Conspiracy Seven lawyers' case anymore. They wanted peace to break out, because they had enough on their plate. And I thought that was terrible, that if lawyers could get away with what these lawyers got away with in the courtroom, no judge would be safe. I protested, and I said, "I can't dismiss the case. And I want to come down to Washington and talk about this."

So they said, "Come ahead." We had a meeting in Bork's office. I'm not sure who else was there, whether it was the assistant attorney general in charge of the criminal division, but there were three or four career guys there who had had enough of all the controversy. And they argued against pursuing this case. I argued for pursuing the case, because I thought judges were entitled to a civil courtroom, and not one—

DePue: So this is, essentially, the contempt of court?

Thompson: Yeah. Bork said, "It's getting to be lunchtime. I'll decide after lunch." So they all disappeared. Bork said, "Do you want to have lunch?" I said, "Yeah." Now, every other time I had been in Washington and had lunch with officials with the Department of Justice, they took me to a department store cafeteria down the block. Bork said, "Okay, I know a great place, cheeseburgers and martinis." "Okay!" It's my kind of attorney general at last, right? (DePue laughs)

Thompson: Oh, I forgot. Bork had picked me up at the airport. That was a first!

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<sup>51</sup> Nixon ordered Cox's firing after Cox refused to drop his subpoena for copies of President Nixon's White House tapes.



DePue: He was driving?

Thompson: He was driving.

DePue: Wow!

Thompson: That was a real first. And he was driving this old beater car; the driver's side had been caved in, and it was held together with rope tied around the front and rear window. (laughs) So we went to a nearby saloon, and we had cheeseburgers and a martini. Went back to the office, the meeting re-assembled, and Bork said, "Well, I've been giving this a great deal of thought, and I think Thompson's right, so we'll go ahead with this." Yes! Victory over the bureaucrats, right? Great!

Then it was about three o'clock, I guess. And he said, "Hey, you want to come out to the house and have a drink?" I said, "Sure!" This day was going well, right? He said there was a visiting professor from Yale there, a friend of mine, and we'll just sit on the porch and have a drink, which we did. Had several more martinis. Finally, Bork's wife came in and said, "What time is your plane?" I told her, and she said, "You need to get going." Bork said, "I'll drive him to the airport." She said, "No, you won't! I'll drive him to the airport." (DePue laughs) And she did. So I have great fondness for Bork, obviously. And when he was nominated to the Supreme Court, President Reagan asked me to testify in front of the Senate Judiciary Committee—chaired by Joe Biden—on his behalf, which I did.

DePue: Was Ted Kennedy also a member of that committee?

Thompson: Yeah, I think so.

DePue: So you remember Kennedy's diatribe against Bork?

Thompson: Yeah.

DePue: Well, Governor, what did you think about the way he was treated in those hearings?

Thompson: I thought he was treated badly. He became a verb.

DePue: Yeah.

Thompson: He got "Borked"!

DePue: Big chunks of American political history, just in that phrase right there.

Thompson: Absolutely.

DePue: A couple other assistants here, because we got off track a little bit, but I had to get into that story. Gordon Nash.

Thompson: Gordy Nash, yes. Gordy Nash was another young lawyer who had come in under the prior administration, the Democratic administration. And a member of a very, very famous Democratic family in Chicago, the Nash family, that went back to the turn of the century. In fact, he and his brother were both in the office. His brother left not too long afterwards, but Gordon stayed. He eventually became chief of the civil division, and whether it was under Bauer or under me, I'm not sure. I think maybe Bauer appointed him chief of the civil division, and that's when Simon became the deputy chief. That could be. A wonderful lawyer, exceedingly well thought of.

And when we got into all of this litigation over the doings of Conrad Black at the *Sun-Times*, the Hollinger case, Gordon was my attorney. That's when I was here as a partner at Winston. I chose Gordon as my attorney. He's a wonderful man. And he's currently Rahm Emanuel's attorney in the investigation of the recently-departed city comptroller.<sup>52</sup>

DePue: I've only got one more name listed here. I'm sure there's plenty of others—

Thompson: Oh, there were plenty.

DePue: —that you will recall later on. But D. Arthur Connelly.

Thompson: D. Arthur Connelly was a career assistant U.S. attorney. Bauer appointed him as chief of the criminal division. A dear, dear man. And he probably had been there fifteen, twenty years, something like that. But again, it shows you what Bauer and I were up to in terms of the people we surrounded ourselves with.

DePue: You've mentioned one female in this group.

Thompson: Yeah.

DePue: I'm wondering if there was more, and if there were any other minorities that would have been on your staff.

Thompson: There were. But they weren't in management, they were line assistants, trying cases. I think Ilana was the only woman manager, as chief of the civil rights division. You've got to remember too, at that time, forty years ago, there weren't a lot of women lawyers and there certainly weren't a lot of black lawyers, just as when I went to law school, there were five women in my class.

DePue: Out of how many?

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<sup>52</sup> Comptroller Amer Ahmad had resigned from Mayor Emanuel's administration two months before this interview. In December 2013, he pleaded guilty to bribery and conspiracy at his previous job, deputy state treasurer of Ohio.

- Thompson: It would have been 150 to 200. There was one black in my class. He later became a district court judge in Georgia. (laughter) They were scarce.
- DePue: How would you describe your management style, once you moved into the position? You had a chance to watch how Bauer did things, and you'd seen other managers prior to this time.
- Thompson: Yeah, I think I would describe it as hands-on. I wasn't married yet, and I didn't have a family. I didn't have any other thing that was a priority in my life, so this was my life, you know? I devoted a lot of hours to it, as did my assistants.
- DePue: Some would say that if you're too hands-on, you're a micromanager. Were you accused of that?
- Thompson: No. No, I was never a micromanager. I was a leader. And there is a difference. But given where I had been before I came to the U.S. attorney's office, and then my year there under Bauer, I had as much or more experience as a lot of the attorneys in the office. So I wanted to be involved in the decisions. I didn't want to run their cases. I didn't want to try their cases. The Kerner case I tried because the attorney general of the United States said I had to. (DePue laughs) That if I was going to sign my name to the indictment of the first federal judge in history, by God, I was going to sit there at the table and try it! The only other case that I remember trying—oh, there were some others—but I once was second chair to one of my young assistants. This was his first case. I let him be first chair, and I went up there and I functioned as his assistant. Judge Austin looked askance at the idea of the U.S. attorney being the assistant to the young assistant, and only let me do it if the jury was not told that I was U.S. attorney. And of course, once we started the trial, the judge was forever issuing orders to me from the bench: go fetch this, go fetch that!
- DePue: (laughs) Relishing it, I suspect!
- Thompson: Relishing it. Oh, yeah. He was a dear friend of mine, and he was going to have his day, his fun.
- DePue: You mentioned that there was a difference between being a manager and a leader.
- Thompson: Sure.
- DePue: How would you describe that?
- Thompson: A manager makes sure the boats are provisioned and ready to go, and a leader decides where the boats are going, I suppose is the difference.
- DePue: You mentioned you weren't dating a lot at the time. How would you describe your typical day?

Thompson: Oh, Lord.

DePue: You were pretty wedded to the job, it sounds like.

Thompson: Yeah. All day at the office, and a lot of my assistants worked at night.

DePue: When would you arrive?

Thompson: Oh, I don't know, nine o'clock. Stayed until five, six, seven, depending on what was going on, maybe later. Weekends.

DePue: Adjourn for dinner someplace with some of the staff?

Thompson: I probably went to the homes of the assistant U.S. attorneys I was working with and had dinner there with their families. Back in the state's attorney's office, my first job, I did the same thing. But we would go to a restaurant nearby, then go back to the office. We'd do that here too; we'd go over to Binyon's, which was across the street from the courthouse, have dinner and come back to the office. But sometimes we'd just go to the assistant's house, play with the kids and have dinner, then I'd go home.

DePue: Where was home?

Thompson: For most of that time, it was up on Lakeview Avenue, just north of Fullerton, on the lakefront.

DePue: When did you and Jayne start dating?

Thompson: In the attorney general's office.

DePue: Seventy-four, '75 timeframe?

Thompson: Oh, gosh—

DePue: I suspect when we ask her, she'll have a more definitive answer.

Thompson: Yes, she will. I'm sure she'll have it down in black and white.

DePue: Let's go back to the position, and I'd like to ask you a few questions. Early on, it sounds like you decided that you wanted to tackle political corruption.

Thompson: Yep.

DePue: That was your decision?

Thompson: Yes.

DePue: Explain to me why you made that decision.

Thompson: Because at the time, there was only one U.S. attorney's office in the country that was renowned for that, that was active in that, and that was the U.S. attorney for the Southern District of New York, Manhattan office. I didn't see any reason why that was the only U.S. attorney's office in the country that cared about corruption cases, and we had such a fertile field in Chicago.

DePue: Do you recall your counterpart in New York? That's before Giuliani was there?<sup>53</sup>

Thompson: Yeah, before. I don't recall. And as it turned out, after I did it, then some other U.S. attorney's office started doing it; Glen Beall in Maryland, of Spiro Agnew fame, picked up where we were going.<sup>54</sup>

DePue: How much of that decision had to do with your own ambitions?

Thompson: None. It was just what I thought was a need in Chicago, which had been under one party rule for so long that they got either careless or criminal. And as it turned out, it was pretty widespread. But it wasn't only the city of Chicago, it was the suburbs as well. We went out and prosecuted corrupt Republican officials in the suburbs.

DePue: You got there late '71, correct?

Thompson: Yeah.

DePue: By that time, Dan Walker was running for governor, and his whole campaign was based on anti-Daley. And he pursued that with a passion, from what I can tell.

Thompson: He did.

DePue: Were you as passionate? Would you describe your feelings about the Democratic machine, and corruption in general, as hatred for it?<sup>55</sup>

Thompson: No.

DePue: I think that would be an appropriate word for Dan Walker's feelings about it.

Thompson: It might be. I can't speak for Dan. I knew Dan. I had been a member of the board of directors of the Chicago Crime Commission when he was the chairman, so I knew him from that time. But mine was not an anti-Daley thing, and it was not an anti-Democratic thing; it was an anti-corruption thing. Now, if one party controls the city lock, stock, and barrel for how many

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<sup>53</sup> Whitney North Seymour Jr. (1970-1973) and Paul J. Curran (1973-1975) held the New York post during Thompson's tenure as U.S. attorney.

<sup>54</sup> J. Glenn Beall was a Republican U.S. senator from Maryland. Thompson is thinking of his brother, George Beall.

<sup>55</sup> Dan Walker, interview by Mark DePue, August 21, 2007, 30.

years—fifty, sixty, seventy—and there's corruption, that's where you're going to find it, amongst the Democratic office holders. Just as you would find it in the suburbs in the Republican office holders.

DePue: I think in Chicago's case, it went all the way back to the late twenties, early thirties with Cermak.

Thompson: Sure. The last Republican mayor was, what, Big Bill Thompson?<sup>56</sup>

DePue: No relation, I assume.

Thompson: No relation. I mean, it was just natural [to pursue corruption].

DePue: Was there any specific incident that really motivated you? Something that happened to you personally?

Thompson: No.

DePue: When you decided to make that move, was there any kind of adjustment within the staff of how you wanted to pursue this?

Thompson: At some point I created the special investigations division, whose focus was official corruption, and named Skinner to head it. That was the only thing we did.

DePue: Was there one case or one piece of corruption in particular you wanted to start with?

Thompson: Not that I recall.

DePue: I've got several I wanted to ask you about, and I don't know in the sequence of things how they sorted themselves out, but let's start with corruption within the police department.

Thompson: (pauses) If you read the papers, you soon became convinced that it was pretty notorious. So it didn't take a lot of investigating to turn that up. And there were always people who were willing to talk. I was part of that when I was a young assistant state's attorney with what was referred to as the Babbling Burglar case. Richard Morrison, who was a thief, had thrown his lot in with a group of corrupt police officers out of the Foster Avenue police station, Summerdale. It was the Summerdale police scandal. Morrison would go steal stuff, and then the cops would help him fence it. This was back in the early sixties, when I worked for Dan Ward.

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<sup>56</sup> William Hale Thompson served as mayor from 1915 to 1923 and 1927 to 1931, his tenure interrupted by reform Democrat William Dever.

So that was where I first saw police corruption, as a very young lawyer, like, two, three years out of law school. And I forget how the case came into the state's attorney's office. I mean, it didn't come into my level; I was just a young assistant. That obviously came in to the state's attorney and his first assistant, Ed Eagen, and his chief of the criminal division, John Stamos. They called me up to the front office one day and said, "We need you to draft a search warrant." I had never drafted a search warrant before. And the search warrant was for the search of the houses of four or five police officers, looking for the stolen merchandise that they had gotten from Morrison.

That was my first exposure to police corruption, and it just continued until we started [pursuing it when I was U.S. attorney]. I don't remember how we got into it, whether it was a complaint by citizens, or whether the FBI brought it to us. But I can recall going over to Mayor Daley's office when we were about to return these big indictments—I think Flaum was with me—to tell the mayor that we were as sorry as we knew he would be to learn of this corruption in the police department. He indeed was sorry, told us he appreciated us coming over, and said as we walked out, "Good luck to you in whatever it is you're doing over there." I always thought that was a prophetic phrase, which Flaum and I still laugh about. (laughs)

DePue: Was that the first time you met Daley?

Thompson: It might have been.

DePue: What was your impression of the man at that time?

Thompson: He was the man. He was in charge. He ran everything. But ethnic politics were more important then than they were later. You had a huge Polish population, so the Poles always had a choice spot in the city government, and Bohemians and the Irish. They had it pretty well divvied up. So there were a lot of powerful chieftains in Democratic politics. Daley was the boss, no question about that, but he had to let others into running the city. When his son, Rich, was mayor, a lot of those people had gone to the suburbs, and Rich actually ended up with more power than his father did, I thought. And Rahm has a whole different dynamic to deal with.

DePue: You were dealing with police corruption just a year or two after the '68 convention and the resulting investigation into what happened with the riots in the street. In fact, Dan Walker led that commission investigation, and the report called it a police riot. So these are tough times for the police department.

Thompson: They were.

DePue: Was your sense the police department's morale was pretty low at the time, as well?

- Thompson: All except for the guys who were doing the bad stuff, yeah.
- DePue: Were you finding that police officers, low ranking police officers or other department officials, were coming to you with complaints as well?
- Thompson: They might have gone to the FBI, not coming in to us. I think that's the way it would have worked.
- DePue: My understanding, though, is that's always a tough nut to crack, especially something like a brotherhood like that would have been.
- Thompson: Oh, absolutely.
- DePue: To get people to testify against each other.
- Thompson: Right.
- DePue: How were you able to crack into that problem?
- Thompson: You probably did it through the criminals they were operating with, rather than their brother police officers.
- DePue: Or community leaders, or bar owners, or people like that?
- Thompson: Yeah, victims.
- DePue: Did you have some success, then, in convicting some of the police?
- Thompson: We did.
- DePue: Do you remember any of the specifics on it?
- Thompson: No. One of those cases was Webb's.
- DePue: Webb?
- Thompson: Dan Webb. You should put his name on that list of famous former assistant U.S. attorneys, later U.S. attorney.
- DePue: You're obviously proud of all of these people who worked for you.
- Thompson: Yeah. Later, director of the Department of Law Enforcement when I was governor. Later, chairman of Winston & Strawn. He's my boss. Went from being my protégé to my boss, how do you like that? I guess I chose well, right?
- DePue: Not such a bad track. Let's move on to the county assessor's office. Do you remember that one?



- Thompson: Was that Cullerton? Parky Cullerton?<sup>57</sup>
- DePue: No, I couldn't tell you the name. I'm afraid I don't have that.
- Thompson: Yeah, I don't have much memory of that.
- DePue: Here's a name for you, county clerk Edward Barrett.
- Thompson: Eddie Barrett, yeah. I'd have to go back and read the clips to remember exactly what that involved.
- DePue: I'm afraid I'm putting you on the spot with all of these today.
- Thompson: No, I've got them at home, so I could take a look at them tonight.
- DePue: I know that he was indicted for bribery, mail fraud and perjury.
- Thompson: Well, those were the usual charges. (laughs) Pretty much had the blank forms for those!
- DePue: (laughs) Sounds like a line from a classic movie.
- Thompson: Yeah, right. Fill in the name!
- DePue: Here's one that gets to the heart of the machine's power, if you will, vote fraud investigations.
- Thompson: Vote fraud. Well, I love vote fraud, since I was the victim of it as well as the prosecutor of it. My dealings with vote fraud went back to my days in law school. Back in the late fifties, various civic agencies who were concerned with vote fraud would recruit young law students to work on Election Day as poll watchers and be on the lookout for vote fraud. I did some of that when I was at Northwestern. And the first year I became an assistant state's attorney, my boss, Ben Adamowski, was running for re-election, and I was one of maybe two assistant state's attorneys who signed up to campaign for him. I was on Election Day duty in the election of 1960, and assigned to the West Side wards, the "River Wards," as we called them back then, West Side Bloc, where most of the vote fraud occurred.

I was riding with a state's attorney's investigator that day, and we were going from polling place to polling place to check what was going on. And I remember pulling up to one polling place that was in a basement store with a big plate glass window. The old fashioned voting machine—with the curtain, where you threw back the lever—was right in the window, and there were four legs under the curtain. So we, of course, came to a screeching halt

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<sup>57</sup> P.J. "Parky" Cullerton was an alderman between 1935 and 1958, when he became the Cook County assessor. John Cullerton, the Illinois Senate president at the time of this interview, is Parky's cousin.

and went in there. I walked over to the booth and pulled back the curtain, and there was the precinct captain showing the voter how to vote!

Once we got that settled, the guy in the back of the precinct polling place said, "Ah, the boss wants to talk to you." And I said, "Who's the boss?" He said, "Alderman Marzullo." I said, "He runs this polling place?" "No, no, no, he runs the ward. He wants to talk to you." I said, "Where is he?" "He's at ward headquarters." I said, "Where is that?" And he told me. So we went over there, and it's where I first met Alderman Marzullo. Wanted to know what I was doing in his ward. I said, "Trying to stamp out vote fraud, Alderman, that's what we're doing in your ward." "Don't you understand this is my ward, and I run it?" I said, "Yes, I certainly do! So I want to make an official report to you: there's vote fraud going on in your ward." I eventually left.

Later, when I was governor, I became friendly with Alderman Marzullo. Back then, we had three representatives in the House from each district, and in the city there'd be two Democrats and one Republican. The Republican would be on the payroll of the Democratic machine, he wasn't a real Republican. So whenever one of these West Side Bloc Republicans was giving me trouble on a bill, I'd pick up the phone and call Alderman Marzullo, and five minutes later, the guy was in my office saying, "What do you want me to do? What do you want me to do?"

DePue: Which reflects the clout that those aldermen had.

Thompson: Well, he was ward committeeman too. And he was an old-time Italian...

DePue: What other kinds of vote fraud were you encountering?

Thompson: We'd find voter intimidation with absentee ballots, precinct captains bringing absentee ballots to the person's home and then sitting there while they filled them out, or intimidation in the polling place, or paying money in the polling place—they had all these things.

DePue: The classic line is always they were voting in the graveyard. Were you finding that?

Thompson: Not so much. Yeah, they had sloppy registration back then, and they weren't too keen on striking off names. They liked a lot of voters, right? I don't recall we saw so many cases of that. It was more what was going on in the precinct at the election time. I mean, I prosecuted vote fraud and convicted, what, seventy, eighty people? They went to jail. And then when I was running in my third election for governor, I got to be the victim of vote fraud. In one classic case, when the polls closed, the Democratic precinct captain wasn't satisfied; he threw out all the punch cards, took a straight Democratic punch card and ran it through the machine two hundred times, and turned in the total. Webb sent him to jail. Now it's pretty good. You know, finally, they don't need to do that anymore.

- DePue: I don't want to read too much into this or put words in your mouth, but did you see going after vote fraud as going after, essentially, the heart of the machine's power?
- Thompson: No, see, we didn't think like that. It wasn't an anti-machine thing. It was just a violation of law, it was a criminal offense to do this. It wouldn't make any difference who was doing it. And the machine didn't *have* to do it, you know? They were just arrogant. They didn't have to do it.
- DePue: They're going to win the elections anyway.
- Thompson: They're going to win the election anyway, it was a Democratic city. A good precinct captain didn't have to resort to that kind of chicanery, because he spent the entire year doing favors for voters—getting the trees cut, getting the curb fixed, getting the garbage taken out. So naturally, when he came around before elections and said, "Here's the list we'd like you to vote for," they said, "Sure!" That's the guy who took care of them. This was their representative to city government, so of course. They didn't have to do this. They either did it because they were corrupt, or they were lazy, or they were arrogant. Or all three.
- DePue: You mentioned the one time that you were a victim of it, it was your third time running. So that's 1982, and the election was razor thin.
- Thompson: Five thousand seventy-four votes was the official margin out of three million. That's pretty good!
- DePue: So truly an opportunity when vote fraud could have made a difference.
- Thompson: Based on Dan Webb's prosecutions as U.S. attorney after that election, where he sent eighty people to jail.
- DePue: So it wasn't just this one case that you were talking about.
- Thompson: No. Reasonably conservative estimate was that I had a hundred thousand votes stolen against me in the city of Chicago.
- DePue: That's not insignificant, Governor.
- Thompson: Not at all. My official winning margin was 5,074 out of three million plus cast, or less than one vote a precinct, statewide. So if I had had those hundred thousand votes that I lost in the city, it would have been a more normal governor's race. Before I was elected the first and second times, governor's races were won by anywhere from 50,000 to 150,000, usually no more than that. The state was pretty evenly divided. When I won by 1.6 million in the first race, that was unheard of for a governor's race. And I think in my second election against Bakalis, I won by 600,000, something like that. Then 5,074? Something wrong here! And it wasn't just that we were in the worst recession

since the Great Depression. That was part of it, but I didn't get my normal margin in the city. And by that time, I had the support of the labor unions and a lot of the ethnic Democrats. You know, something was wrong there. But I'm proud of the 5,074! Because I've got the largest margin in state history and the smallest margin in state history, except for when we only had twenty thousand people in the whole state.

DePue: In future sessions, Governor, we'll talk at much more length about each one of these elections you just referred to here.

Thompson: Yeah, that'll be fun.

DePue: I'm looking forward to it. In all these corruption cases we've been talking about, and some more we'll talk about, you're going after the machine's power base, you're going after powerful people, and you're going after the police department. Were you getting any blowback because of all of that? Threats to you personally, anything like that?

Thompson: Oh, only once. We got a report, I forget who it came from, that this special investigator, who worked undercover for Mayor Daley, was going up and down Rush Street looking for hookers to see if they had any dirt on me. The minute we heard that, they all got bounced right into the grand jury, and that stopped, overnight.

DePue: All of the hookers who had been solicited?

Thompson: No, this guy was going around to the Rush Street hookers trying to find out whether they had anything on me. So the minute we heard that, I put Flaum in charge. He brought that guy into the grand jury, and that stopped.

DePue: There were some high-profile Daley associates that you went after as well. I've got some here, and you've probably got a couple more names for me. Let's start with Earl Bush.

Thompson: Earl Bush. He was his press secretary.

DePue: Do you remember any particulars about any of these cases?

Thompson: No.

DePue: I know he had mail fraud and extortion, and again, the typical charges, huh?

Thompson: Yeah! That's what they were doing, so... (laughs)

DePue: Paul Wigoda?

Thompson: Wigoda was an alderman. Yeah, that was an interesting case. Don't quite remember what the charge was, I think it was bribery.

- DePue: Tax evasion dealing with a rezoning scheme was what I read.
- Thompson: Yeah. Bribery. That was tried in front of Judge Marovitz. I forget which assistant of mine tried that case.<sup>58</sup> Maybe it was Flaum. But we discovered that when Judge Marovitz was in the Marines, he sustained a flesh wound on the field of battle—got shot in the butt—and Wigoda was a medical corpsman who patched him up. So we went to Judge Marovitz and sort of suggested that perhaps he wasn't the right judge to try this case, given the nature of the relationship. (laughs) He got all hot and indignant about that, hung on to the case, and found him guilty.
- DePue: Matt Danaher is the next name.
- Thompson: Yeah, what was Danaher? Was he city clerk?
- DePue: Cook County clerk?<sup>59</sup> Conspiracy and tax evasion. Anything come to mind for that case?
- Thompson: No.
- DePue: Thomas Keane.
- Thompson: Oh, yeah, Tom Keane. Second most powerful man in the city, Mayor Daley's floor leader in the city council.
- DePue: An alderman himself.
- Thompson: Yes. I think that was a bribery case.
- DePue: Seventeen counts of mail fraud and conspiracy.
- Thompson: Yeah. Bribery. There was this period where juries returned guilty verdicts in three high-profile corruption cases, three days in a row, which just drove the press nuts. And I think Keane was one of those. I forget the other two.
- DePue: A lot of these cases have mentioned mail fraud, and you always say, "bribery." And mail fraud, to the average layman, doesn't sound very serious.
- Thompson: Mail fraud's a catch-all offense. If you use the mails in the perpetration of another crime, a fraud, then you always charge mail fraud in addition to all the other crimes that are associated with it, whether it's tax evasion, or false statements, or wire fraud. It's just the use of the mails to further an offense.

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<sup>58</sup> Judge Abraham Lincoln Marovitz. Dan Webb prosecuted Wigoda.

<sup>59</sup> Matthew Danaher was the Cook County circuit court clerk, and for many years had served as Daley's patronage chief and right-hand man. Prior to becoming clerk, he was alderman for the 11th Ward from 1964 to 1968.

DePue: Are there some pretty hefty sentences that could come down because of that?

Thompson: Oh, sure.

DePue: Why that, instead of just more straightforward fraud or bribery cases?

Thompson: We probably did them all. You follow the prosecutors' slogan when you're dealing with defendants like this, people of power or influence. It's called, "Don't pink the dragon."

DePue: Don't paint the dragon?

Thompson: Pink.

DePue: Don't pink?

Thompson: Or poke the dragon. Either kill him, or leave him alone. So if you were going to kill him, you filed every charge there was: mail fraud, wire fraud, tax evasion, perjury, false statement—whatever fit.

DePue: So that's part of the strategy of going after these men?

Thompson: Absolutely! Oh, certainly!

DePue: How else would you describe the strategy that you and Skinner were trying to develop?

Thompson: We were trying to get across to the public and the office holders of the district that you can't do this stuff. You just can't do this stuff. The voters are entitled to more than this, the public's entitled to more, and this is as heinous a crime as murder or robbery or rape. It's striking at the foundations of government. It's not honest. It's just corrupt!

DePue: Was it one of your goals, then, to shift public opinion about these kinds of things?

Thompson: I didn't have to shift it. It shifted. And that's still true today; to get a verdict of acquittal in a corruption case in the federal court in Chicago, boy, you've got to be pretty damned good or the evidence has got to be pretty damned weak.

DePue: I think this is fair to say, though, that the citizens of Chicago and the citizens of Illinois have the reputation of having a higher tolerance for corruption than many other places you go in the country.

Thompson: Well, I don't think that's entirely true. You take a state like Rhode Island, Providence.

DePue: The other states you hear that rival Illinois for political corruption are Louisiana and New Jersey.

Thompson: Yeah, so it's not something that attaches to Chicago all by itself. And I think it's not really accurate to describe it in terms of citizens' tolerance for corruption. If you ask the average person on the street whether he tolerated political corruption, he'd be highly offended. It's just that these guys who come from wards or places where they've been forever and control, and nobody runs against them, and then they go out and do these things and get caught, sometimes the voters don't have a lot of choice, you know? Unless somebody's brave enough to step up there. And then usually the incumbent has all the money, all the workers, and all the jobs, back in the days when there was patronage as an accepted legal proposition.

DePue: You just described a scenario where the average voter might be incredibly frustrated about it all because he feels like he can't do anything to change it.

Thompson: Right. That's right.

DePue: So you come in, and I'm surprised you say you weren't more of a target, because you were going after these people so vigorously.

Thompson: No. Look, nobody wants to mess with the U.S. attorney or the FBI. That wouldn't be a productive use of your time. There would be consequences.

DePue: Well, I can't help but think of the old TV show, and especially the movie, *The Untouchables*, back in the thirties.

Thompson: Oh, yeah, but that's when—

DePue: When the FBI was just getting started.

Thompson: Yeah. And when you had Prohibition, which ran counter to the popular mores of the time, so a lot of average citizens were involved in what was a crime.

DePue: Let me shift gears a little bit on you and ask about one of the tactics that I think you used quite a bit, and that was to grant immunity to lower-level criminals so that you could go after the bigger fish.

Thompson: Right.

DePue: Why that particular tactic?

Thompson: Because offenses like bribery and fraud and other forms of corruption—and conspiracy to commit those offenses—are by their nature secretive crimes, where the fact of the crime is known by the corrupt official, his associates, and the victims, if there were identifiable victims. And depending how entrenched a defendant is, or how entrenched a corrupt public official is, a lot of times it would be difficult to get victims to testify. So who else knew about these crimes but the underlings and the associates? Or as we used to say in closing

argument to the jury, “I didn’t pick Joey Snitch as his conspirator, he picked him!”

DePue: Any regrets that you let the little fish go?

Thompson: Not in the slightest. Not in the slightest. How else would you do it?

DePue: How about organized crime? Do you remember any particular cases that were—

Thompson: Yeah, but see, we didn’t have responsibility for that.

DePue: You didn’t?

Thompson: No. You would today. But back in my time, and in Bauer’s time, organized crime cases were prosecuted, for the most part, by a group known as the strike force. And the strike force was a group of federal prosecutors with investigators assigned to them who worked under the direction of the Department of Justice in Washington. They were oftentimes housed with the U.S. attorney’s office—in my case, Strike Force was at the end of my hall—but I was not their boss, they were not part of my office. They were a separate office. So we didn’t get the organized crime cases, unless they were a part of something like police corruption.

DePue: Was this a carryover from Bobby Kennedy’s days as attorney general?

Thompson: It might have been. There was a guy named Sheldon Davidson, and then later a guy by the name of—oh, his name slips my mind at the moment. There were two strike force attorneys during the time I was U.S. attorney. We might have cooperated sometimes, but it was their show. So we didn’t have that.

DePue: The kind of people that you’re going after in these political corruption cases are the kind of things that newspaper reporters loved to report on and give lots of attention. And from what I understand, you didn’t shy away from the public eye in these things.

Thompson: Well, how could you?

DePue: Was that a deliberate decision that you kept a high-profile on these? You thought that was more effective to go after them, or what?

Thompson: There was no way you could keep a low profile. If you indict a former governor and federal judge, it’s going to be a high-profile case. And anybody associated with it, whether it’s the prosecutor or the defense attorneys, are going to be high-profile. Look at the attorneys you had for the defense in the Kerner case, at least starting out. Edward Bennett Williams. You didn’t get much higher profile than that, or who was the other guy?



- DePue: I know who you're thinking of, and I can't recall his name now.<sup>60</sup>
- Thompson: The defendants in that case had the cream of the cream of the criminal bar of the United States. It was a headline case, and it was in the papers every day during the trial, and there was no way you were going to avoid a high-profile. And the same was true of any of the corruption cases. It attached to you. I mean, you couldn't refuse to talk to the press when an indictment was returned. You couldn't refuse to talk to the press when a conviction was had. You couldn't refuse to have the press in the courtroom. They control that.
- DePue: This is a subject we'll certainly take up again tomorrow. But because these things are so high-profile, and because when you first went into the position, you went into Ogilvie's office and said, "I want to have your job."
- Thompson: Why, certainly! Anybody would want to have his job!
- DePue: There you go. You can't separate the high-profile nature of the kind of convictions you're going after and your political ambitions at the same time.
- Thompson: I don't think it's fair to say "my political ambitions." I think you could say you can't separate my days as U.S. attorney from my subsequent political career, because that's what made me known to the people of the metropolitan Chicago area, which was a third of the state of Illinois. But I was virtually unknown downstate.
- DePue: Are you saying, though, that never was going on in your mind as you're pursuing these cases, that this might be advantageous to a future political career?
- Thompson: It would have been advantageous to any kind of career, political or otherwise. It would have been advantageous to a law firm career, as folks like Valukas, and Skinner, and Fahner—there's another name on your list.
- DePue: Ty Fahner?
- Thompson: Yeah. Chairman of Mayer Brown, one of the most powerful law firms in the world. Attorney general of Illinois, by my appointment.
- DePue: So I'm taking that as a yes.
- Thompson: Yeah, so if you are a gang-busting U.S. attorney for four years, you've got a leg up on almost anything you want to do in the legal profession or, as it turned out, in the political profession.

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<sup>60</sup> Thomas Patton.

DePue: I think I want to end on this question today for you, then, Governor. Was there ever any thought, did you ever have any angle or way to go after the biggest fish? Go after Mayor Daley?

Thompson: We once got an allegation about Mayor Daley that we investigated like we investigated every other allegation of its type against anybody. And after investigation, we didn't find any crime. That was the end of the matter. We got an allegation against another high-ranking state politician, which after investigation showed no crime. And I remember meeting with him and telling him that.

DePue: You don't want to mention that name?

Thompson: No, because he's still alive. So there was no need to make up crimes. There was plenty—

DePue: Plenty to do?

Thompson: (laughs) Yeah, there was plenty to do.

DePue: In your gut, did you think that Daley was involved in a lot of things that maybe he should have been prosecuted for, or you just didn't know about them?

Thompson: No. I didn't think so. That was my personal opinion.

DePue: That he kept himself above that?

Thompson: Yeah. No, I never thought, when I was U.S. attorney or subsequently, that Mayor Daley had violated any laws.

DePue: Tomorrow, we get to talk about the Otto Kerner trial.

Thompson: Okay.

DePue: Thank you very much, Governor!

Thompson: I'm going to go home and take a nap!

## Interview with James Thompson

# IST-A-L-2013-054.04

Interview # 4: September 20, 2013

Interviewer: Mark DePue

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DePue: Today is Friday, September 20, 2013. My name is Mark DePue, the director of oral history of the Abraham Lincoln Presidential Library. Today is session four with Governor Thompson. Good morning, Governor!

Thompson: Good morning!

DePue: We are in your condo apartment at 57 W. Delaware, and as I look around, I'm surrounded by the art work that you've collected over the years. I wanted to have you describe for us your taste in art (Thompson laughs) and when you started to collect all of this.

Thompson: I started to collect a few antiques, very modestly, back in the early seventies when I was U.S. attorney. I started because one of my young assistants, John Simon, had worked in an antique store while he was going to law school. The apartment that he and his wife had was filled with antiques, and I thought they were interesting. But I started very modestly, with antique picture frames and small postal scales. That was forty-some years ago. (laughs) And obviously, I've run amok since then!

DePue: How would you describe your taste in antiques?

Thompson: Oh, I think the taste is eclectic. The furniture runs, or did run, from Chippendale to contemporary. I like figural things. I like starting new

collections because it's a learning experience; you get interested in something, whether it's pottery or porcelain or bronzes or paintings, and you buy what you can afford, and you learn along the way. Then you start what we call "trading up," selling the lesser pieces that you bought when you were first collecting and learning, and buying better things, cutting down the size of collections and starting new ones. So I've been doing that for forty years.

DePue: We met in your office yesterday, and at the end of that session you showed me perhaps your newest acquisition?

Thompson: Yes, the Lincoln floor screen. This is an extraordinary piece. I saw it in an auction catalog for James Julia Auctions in Maine last month.<sup>61</sup> It's a hand-carved screen about six feet high and three feet wide, probably done around 1875, with a big framed bust of Lincoln. At the top, it's got an eagle and the American flag flowing down the sides of the frame. And then below Lincoln's bust is an illustration of the White House and the log cabin in which Lincoln was born. I've never seen anything like it. I like folk art, so I collect folk art. I like wood carving, and I collect that. I obviously like Lincoln, and I collect that. So this was a three-fer. I don't know who carved it, I don't know why it was carved, and I don't know where it's been for 140 years. But it's extraordinary. And it finishes off my office, which is now all about Abraham Lincoln and Teddy Roosevelt and the Civil War history of Illinois.

DePue: You've got a very impressive collection on both Lincoln and Teddy Roosevelt. Why those two people?

Thompson: They certainly were two of our greatest presidents. Abraham Lincoln was probably the greatest president of all; an Illinoisan and a lawyer, and a man who got this nation through its only civil war. At the same time, he expanded the economy of the United States, encouraging the westward migration spurred on by the development of the railroads, which brought settlers and manufactured goods out to the West and brought wheat and corn and cattle back to the East. And Teddy Roosevelt, simply because he was a progressive Republican who engaged in big fights on behalf of ordinary citizens. He busted the trusts, took an extraordinary interest in the environment and conservation, and built up the defense of the United States. He had the Great White Fleet, which roamed the world. He was just a heroic figure, in a different way than Abraham Lincoln, who was also a heroic figure. If Lincoln is the greatest president and Teddy was one of the greatest, it's not surprising that they both appeal to me.

DePue: If you were to pick a character trait or two for Lincoln that you most admired, what would you look at?

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<sup>61</sup> James D. Julia Inc. is an auction house based in Fairfield, Maine.

Thompson: Patient leadership, I think. Doris Kearns Goodwin's book, *A Team of Rivals*, illustrates this very nicely. It's an extraordinary book, one I just reread again. It showed that Lincoln reached out to put the best people around him when he was elected president: his cabinet included some who had been his rivals for the Republican nomination, and he picked people according to their talents. And he stayed with those people, even when some were criticized by outsiders and by the rest of the cabinet.

On issues like slavery and its impact on the course of the Civil War, he had the patience and the wisdom to take it a step at a time. If he could have ended the Civil War and not ended slavery, he would have done that. But later in his administration, he decided that slavery was the greater evil and that he would, within his power, do away with it. At the same time, he was prosecuting the war. He refused to end the war on terms that would have allowed the South to keep slavery. He raised the armies, he encouraged the troops, and he devoted himself to his job. His leadership paid off in a victory for the Union in the Civil War, and the end of slavery, first by the Emancipation Proclamation and then by the Thirteenth Amendment. So I think patient leadership is the trait that comes through loud and clear on Lincoln, and it's the one I most admire.

DePue: We get to talk about an important chapter in your life today, and that's the case on Gov. Otto Kerner, and the eventual conviction of Governor Kerner. I suspect you needed some patience sometimes as you were going through that. (Thompson laughs) But I wonder if there's a couple of housecleaning things that you wanted to mention from our conversation yesterday.

Thompson: Yes. When we were discussing the assistants in my office as U.S. attorney, and the role that women and minorities played, I should have mentioned that the first black woman assistant U.S. attorney in over twenty years in the U.S. attorney's office came under me. Carol Moseley Braun, who later became a state legislator and a United States senator from the state of Illinois, was an assistant of mine. And in a staff of about sixty-eight, I guess, we had six women and two black lawyers. In the 1970s, it was not easy to find either women attorneys or black attorneys for the position of assistant U.S. attorney, because the law schools just then were opening their doors to women and minorities. Previously, the law schools had been almost exclusively the province of white men. Later, as governor, I was able to do more in terms of the appointment of women and minorities. But back in the seventies, it was sometimes slim pickings. But Carol should be mentioned because of the ground-breaking role she played in that office, and then later, for herself, elected as a United States senator, an extraordinary rise.

DePue: In 1992, when she was elected.

Thompson: Yes.

DePue: That leaves the conversation for the rest of the day dealing with Gov. Otto Kerner's case. And I wondered if you wanted to give some background on who Governor Kerner was, or if you would mind if I gave a little bit of a background sketch.

Thompson: Why don't you start?

DePue: Son of a Chicagoan, of Bohemian descent, proud to be a Bohemian, and his father came up at the same time as Anton Cermak, who was also a Bohemian, a colleague. His father was later a judge, and Illinois attorney general for a few years, something that I think Otto was always very proud about.

Thompson: Mm-hmm.

DePue: He joined an Illinois National Guard unit that was drilling very close to here at the old Chicago Avenue Armory right on the lakefront, the Black Horse Troop, which was the ceremonial troop for the Illinois National Guard. When World War II came along, he served active duty and was decorated as an officer; he was actually the executive officer for William Westmoreland. Then he came back to Chicago and eventually worked his way to the position of Cook County judge, so he already had a law degree by that time. And you might have cause to challenge this, but he had a reputation for integrity and honesty, somebody who the Chicago Democratic machine always was proud to point to as a person who's got great integrity, and who's part of the machine.

Thompson: He had a sterling reputation.

DePue: He was also married to the daughter of Anton Cermak, a divorcee, Helena Cermak. Very interesting marriage; when he got married, he adopted Helena's daughter, Mary Alice. In 1953, Mary Alice died in a tragic auto accident in Wisconsin, but by that time, she had two children of her own, Anton and Helena. Both were adopted by the Kerners, and he raised them as his own children.

Was elected governor in 1960, and obviously it helped a lot that he was a protégé and certainly a person in the Democratic machine. He served close to two terms, from 1961 to '68, and had the reputation of being a fairly progressive governor: major initiatives on mental health, on starting a lot of the community colleges around the state, especially with the legislation of '65, economic development, housing, civil rights issues. He played a pretty significant role in helping get Fermilab here, to the Chicago suburbs.

In 1967, President Lyndon Johnson selected him to chair the National Advisory Commission on Civil Disorders, which has been known ever since as the Kerner Commission. Shortly after he was done with that, he made a major change in his life. He always wanted to return to the judiciary, and he had an opportunity to take a seat on the Seventh Circuit Court of Appeals here

in Chicago. He did that in early 1968, so he handed over the governorship to Sam Shapiro at that time. By the time you were in the U.S. attorney's office, I believe the case against Otto Kerner was already in the works, maybe as early as 1969 with some of the investigations. And certainly I want to turn it over to you.

Thompson: All that you've recounted of Governor Kerner's career and reputation are certainly true. He had a fine reputation. And that reputation made it all the more shocking to learn of the things of which he stood accused, when he was indicted in 1971 while serving on the United States court of appeals. In fact, he was the first court of appeals judge ever to be indicted in the history of the United States. My recollection is that it was around 1970—it might have been earlier—that the investigations were begun into the transactions which later led to Otto Kerner's indictment. They were not begun by the United States attorney's office in the Northern District, certainly not begun by me. They were begun by the tax division in the Department of Justice in Washington, later joined by the criminal division in the Department of Justice in Washington, and they were part of a national crackdown on official corruption.

They were pursued, these investigations, by career prosecutors who predated the Nixon administration. So they were begun by lawyers who were, A, not political; B, not appointees of the president. And they were begun in Washington without the knowledge of the U.S. attorney in Chicago, either Bill Bauer or me, until very late in the investigation, when we were finally told. I don't recall whether it was in Washington or in Chicago. I think Bauer was told in Washington, and he came back from Washington and told me and Sam Skinner about the investigation that he had just learned of.

DePue: That had been going on for—

Thompson: That had been going on for over a year.

DePue: Is that part of the Justice Department's CRIMP program? I think that's the acronym.

Thompson: I think that was the acronym, yeah.

DePue: Crime, Racketeering, Influence, Money, and Politics, is what it stood for.

Thompson: That pretty well describes it.

DePue: (laughs) This question will probably come up a couple more times in our conversation: Did you have a sense early on, or even later in this, that Richard Nixon himself was targeting Governor Kerner, or maybe going after the Daley machine?

Thompson: Oh, you know, there were allegations of that by Democrats, or by people who didn't like the president or who admired Otto Kerner. But I never saw or heard of any evidence that suggested that this was a personal priority of the president. And as I say, the investigation that led to the indictment of Kerner was begun and carried out by career prosecutors in the Department of Justice who had no political axe to grind.

DePue: I've got a couple of names here, and we'll see if these are some of the people that you're referring to. Henry Petersen?

Thompson: Henry Petersen was the chief of the criminal division, and had been in the Department of Justice a long time.<sup>62</sup>

DePue: At the U.S. level?

Thompson: Yes.

DePue: And he was one of the people involved with this?

Thompson: He was responsible for supervising it, I guess it's fair to say, when the criminal division joined together with the tax division. And I'm sure he was kept abreast of it, as he should have been, since it was going to result, if it was successful, in the criminal indictment.

DePue: And I understand he was a Democratic appointment?

Thompson: Yeah, he was.

DePue: How about Jack Walsh? Does that name ring a bell?

Thompson: No, not really.

DePue: One of the things I'm sure you've heard several times is that Nixon, who today certainly has a reputation for being vindictive, was thinking back to 1960, where he personally felt that the election, in Illinois at least, was kind of stolen from him.

Thompson: I don't think there's much doubt about that.

DePue: (laughs) You personally think that that was the case?

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<sup>62</sup> Petersen began his career as an FBI clerk in 1947, during the Truman administration. He was most famous for handling the investigation of the Watergate break-in prior to the appointment of Archibald Cox as special prosecutor. John Keeney, a former deputy assistant attorney general, credits Petersen with creating the organized crime strike forces, which Thompson mentioned in his third interview, in September 1966. John C. Kenney, interview by David M. Nissman, October 13, 1998, *United States Attorneys' Bulletin* 47 (March 1999), 7, <http://www.justice.gov/sites/default/files/usao/legacy/2006/06/30/usab4702.pdf>.



- Thompson: I do. Illinois and Texas, and the two together elected Jack Kennedy.
- DePue: Why do you say that?
- Thompson: Because it would have shifted the electoral votes of those two states.
- DePue: Are you saying that there were things going on in Chicago, in southern Illinois, major vote fraud?
- Thompson: It wasn't southern Illinois; it was the West Side of the city of Chicago; it was the West Side wards. I saw it, because I was involved in that campaign as a young assistant state's attorney. And my theory always was that the machine stole votes in that election not necessarily to elect Jack Kennedy, but to defeat Ben Adamowski. Daley wanted to be rid of this troublesome prosecutor. It was a very, very narrow election of Kennedy in Illinois, and defeat of Adamowski, so Daley got what he wanted there. But I think there's a lot of truth behind the notion that enough votes were stolen in Texas and in Chicago to impact the presidential election. Just a personal conclusion.
- DePue: (laughs) I understand. Getting back to Kerner, then, do you have any reason to think that Nixon in particular would be pursuing Kerner as a way of punishing the Daley machine?
- Thompson: No, I don't think so. I don't think the connection there works. Kerner, obviously, was the candidate of the Democratic Party for the governorship of Illinois and supported by Daley, but he was never really a Daley guy in that sense. I don't remember much evidence that he was that close to Daley. So if the president had designs on the Daley machine as revenge for the election of the president, he wouldn't have fastened on the Kerner case.
- DePue: I've also heard, maybe a counter to this argument, that Daley certainly had the reputation of being tough on crime, which fit into Nixon's view as well.
- Thompson: He was. And when Nixon was under severe attack for his prosecution of the Vietnam War, just a drumbeat of criticism all across the country, he started out on a tour of the country to attempt to persuade Americans that he was following the right course in pursuing the war. One of his stops was in Chicago, and his reception in Chicago was sponsored by and hosted by Mayor Daley, who was a close ally of Richard Nixon on the issue of the Vietnam War. He was one of the last few defenders of the president, certainly among Democrats in America, but also among others—Republicans, independents. And I remember that very vividly, because I attended that reception.

I was the U.S. attorney in Chicago, and when the president was in town, I was invited by Daley to attend the reception. I remember going through the receiving line and shaking hands with the president. And the president, when he was introduced to me, said, as he poked me in the stomach, "Listen, you ought to lose a few pounds and get out there and run, because

there's a lot of turkeys in public office." I did a double-take, and kept going down the line towards the mayor. So it's things like that, and my guess that Nixon would not have really identified Kerner with Daley, that I think don't support the idea that the Kerner prosecution was Nixon's revenge for the election that he lost.

DePue: Is that the first time you'd ever met Nixon?

Thompson: I think it was the first time I'd met the president.

DePue: Do you think he had any reason to know who you were or what you were doing there?

Thompson: Oh, he knew who I was, sure.

DePue: Once you and Bauer discovered it, what had been the course of the investigation up to that point?

Thompson: There had been an investigation into Kerner's activities in owning racing stock while he served as governor. And that was of importance and interest because in Illinois, racing dates for the tracks are set by the Racing Board. They have a life-or-death decision over track owners, in the award of racing dates. You could either be successful or a failure, depending on the dates that you're given by the board.

DePue: You mean versus the dates that another track might be given?

Thompson: Correct. And the Racing Board was appointed by the governor. So in a very real sense, the governor sat at the top of the pyramid, the Racing Board under him, and the tracks under them. For a governor to hold stock in a racetrack was sort of a stunning thing. Now at the time, it was not illegal for a governor to own stock in a racetrack. But it was illegal for a governor to secretly own stock in a racetrack. And that was made illegal in a law signed by Governor Kerner. Naturally, the investigation of that led to issues of tax, and led to issues of conflict of interest. How did he get the stock? How did he pay for the stock? Why was it secretly held? Did Marge Everett's track, Arlington, benefit from Kerner's holding of racetrack stock? And it just broadened beyond there.

DePue: You talked about racing dates, and why the industry was so subject to corruption. But I'm curious why several tracks couldn't have the same dates—

Thompson: Not necessarily corruption as such, but subject to political influence, certainly, and if it broadened to corruption, certainly. You had two kinds of racing in Illinois, thoroughbred racing and harness racing, and there were thoroughbred tracks and harness tracks. If you awarded the same dates to more than one track for, let's say, thoroughbreds—which was what was involved in the Kerner case—you obviously promoted competition between the tracks. That

wouldn't necessarily be a bad thing, competition, but the problem was there were only so many good horses and only so many good trainers and owners. If you had split the pool of horses between two tracks, it would have been damaging to the industry. That's why they allocated specific dates that ran from the winter, when harness racing largely took place, through the course of the spring and the summer and the fall. So it was the availability of horses who could command track attendance that led to the allocation of dates.

DePue: Was that a function of Illinois law, or something that the industry insisted on?

Thompson: Well, it was both.

DePue: You mentioned Marjorie Everett. I wonder if you could tell us a bit more about who Marjorie Everett was.

Thompson: Marjorie Everett was the owner of Arlington Park Racetrack, prominent in both Illinois and United States racing circles. She was the daughter of Ben Lindheimer, who had owned the track before her; she inherited it from him. Ben Lindheimer was a very prominent figure in racing and business and politics in the Chicago and Illinois area. And a relationship grew between Marge Everett and Otto Kerner. She contributed heavily to his campaign for governor. Such contributions were legal then, but they were big contributions. If my recollection is correct, she contributed \$40,000 and loaned him another \$150,000.

DePue: In both election cycles?

Thompson: I think it was in the first one.

DePue: In 1960.

Thompson: She might have done it in the second one too, but... She also had a close relationship with William Miller, who was the chairman of the Racing Board, a Kerner appointee, who encouraged her to get close to the governor. As it turned out later at the trial, Kerner denied before the grand jury that he had ever interfered in the awarding of racing dates. And we put on two former members of the Illinois Racing Board who testified that they, in fact, had been told by the governor to change racing dates. That was what lay behind the count of perjury in the indictment.

DePue: How about Ted Isaacs?

Thompson: Ted Isaacs was Kerner's director of revenue, close to the governor. He also got stock in the tracks. He was one of the go-betweens between Marge Everett and the governor.

DePue: He's typically described as Kerner's closest advisor and longtime friend from his National Guard days.

- Thompson: I think that's right. Certainly a member of Kerner's inner circle, and someone that Kerner thought he could confide in and impose discretion.
- DePue: Some of the things I've read about Ted Isaacs in particular, he's not necessarily a reputable character. So was some of Kerner's problem the decisions he was making and who he was allowing himself to associate with?
- Thompson: I think there's no question that Isaacs was not a benign influence on the governor. He was, in fact, a more harmful influence on the governor. Why Kerner reposed his trust and confidence in somebody like Isaacs, I don't know. But he did. Brought him into the scheme, used him as one of the participants in this scheme. He certainly didn't do Kerner any favors.
- DePue: I want to make sure I've got the timeline right. You became U.S. attorney late in '71?
- Thompson: November.
- DePue: November 1971. The date I have for grand jury testimony beginning is February of '71.
- Thompson: Yeah.
- DePue: So that would have been under Bauer's tenure?
- Thompson: Correct.
- DePue: Do you remember anything about the grand jury investigation?
- Thompson: No, not really, because I wasn't involved in that so much.
- DePue: I know that there was something like a hundred witnesses or so.
- Thompson: Oh, I'm sure there was, simply because you had a multiplicity of potential charges, and you had two different divisions of the Department of Justice working on the case. And you had a multiplicity of federal investigative agencies. You had the FBI, you had the IRS, and you had the postal inspectors, each looking at a particular section of the federal criminal code to see whether the facts fit. I mean, you were dealing with the man who had served as governor of the state and was a sitting federal judge, so you had to do it in a very meticulous way. You didn't want to be wrong.
- DePue: When do you recall the findings came down from the grand jury?
- Thompson: In December of 1971. The indictment was returned seventeen days after I became U.S. attorney. And there was a reason for that. We had all assumed that the indictment would be returned while Bauer was still the U.S. attorney. And I felt that was just a big risk for Bill; that was my opinion, and I told him

so. I said, "Look, you're about to become a federal judge. Kerner sits as a court of appeals judge, will be sitting over you in your new position. I don't think it's fair to you, to have you sign the indictment and then have to sit in the same judicial system that he does. It's better to delay the indictment until I become U.S. attorney, I'll sign it, and you won't be in that awkward position." He finally agreed to that, and that's what we did.

DePue: Once you got the indictment and signed the indictment, did you have any discretion at all of what you could do, or were you obligated to pursue the case from there?

Thompson: Oh, we were obligated. We went to Washington before the decision was made to indict, and there was this big conference with the criminal division and the tax division—

DePue: "We" being?

Thompson: I'm not sure whether Skinner was with me or not, but I was there, Henry Petersen was there, the assistant attorney general in charge of the tax division was there, and...

DePue: But Bauer was not?

Thompson: Bauer was not. And it was made pretty clear to me that the final decision was mine, even though the investigation had been started by the Department of Justice, but that if an indictment was going to be returned, I had to try the case. Henry Petersen told me point blank, "The attorney general wants to make sure that if, for the first time in United States history, a federal judge is to be indicted on a criminal charge, that the U.S. attorney who brings the indictment is going to sit at the table and try the case." Because I hadn't planned to try the case, I had planned to have Skinner try the case. But I was told point blank that that was not an option.

DePue: This is quite a way to kick off your career as U.S. attorney.

Thompson: Yeah! (laugh) Seventeen days and history is being made!

DePue: I read that there were nineteen counts in the indictment?

Thompson: Yes.

DePue: Does that sound right?

Thompson: Yes.

DePue: Can you name off some of the more significant ones?

Thompson: I will, if you let me go to that book for a moment.

(pause in recording)

DePue: Okay, Governor, the indictments?

Thompson: I can't name all the counts, but mail fraud, ITAR bribery—I think Interstate Transmission in Aid of Racketeering is the technical name of the statute—perjury, false statements, and tax evasion. That was most of it.<sup>63</sup>

DePue: Extortion?

Thompson: Yeah, extortion too. That proved to be an interesting point in the trial. Marge Everett was also a track owner in California, and she was desperate to keep her California racing license. So she refused to say that she had bribed the governor. Her contention was that she was extorted by the governor. William Miller, the governor's racing chairman who was a government witness, on the other hand, always claimed that it was a bribe. So here we were, two star witnesses; one supporting one theory of the case, the other supporting the other theory of the case. We included both in the indictment to see how the evidence played out before the jury. And for a while during the trial, it wasn't pretty (laughs) to say the least!

DePue: Not being a law school graduate, can you explain to me the legal definition of extortion?

Thompson: Yeah, where I command that you give me money, or another valuable thing, under the threat of taking some action against you.

DePue: I read in many places that Marge Everett arranged for Isaacs and Kerner to purchase some racetrack stock, and they were able to sell it at a very handsome profit—

Thompson: Correct.

DePue: —like, \$150,000, in that neighborhood, for each. What would be the charges springing from that, if any?

Thompson: My recollection is he bought the stock for around forty cents—forty cents doesn't sound right, but maybe it was forty cents—when the market price of the stock was \$2.50. So there was this huge differential between what the governor paid in this secret transaction and what the going rate for the stock was to the public. They held it for a short period of time and then sold it. And I think the profit in the sale of the stock figured into the tax count, either in the way he reported the transaction or in the way he treated the transaction for tax purposes.

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<sup>63</sup> Not to be confused with a second ITAR acronym, International Traffic in Arms Regulations, first implemented in 1976.

DePue: Tax evasion.

Thompson: Yeah, right. Tax evasion.

DePue: And something else that's been discussed a lot about this case ever since, this notion of the intangible right of honest service.

Thompson: Yeah.

DePue: Explain what that is, first of all.

Thompson: That was a theory of mail fraud. The mail fraud statute had been interpreted fairly recently. In fact, the first prosecution of the mail fraud statute for an honest services violation was in the Northern District of Illinois when Bauer was U.S. attorney. It didn't involve a public official, it involved a purchasing agent for some company out West, who took a bribe from a vendor for the sale of goods to this purchasing agent's company. And we prosecuted that as a mail fraud under the theory that honest services could include intangible honest services; that you owed a duty of fidelity and loyalty to your employer, and that if you took a bribe in the performance of your duty, you were depriving your employer of the honest services that he expected from you. I can remember arguing for the indictment in that case, in that five o'clock meeting in Bauer's office, because he didn't think much of that! (laughs) We had to talk him into it. So it was later applied to official corruption cases.

DePue: And in this case, we're talking about the honest services that the public should be able to expect from public servants?

Thompson: From the governor, yes.

DePue: Was this something of an invention of the prosecutors in your office, of you, perhaps?

Thompson: No, I don't think so. I mean, other prosecutors used it as well; it became a national thing. It's still in existence today.

DePue: Well, I think that it's been adjudicated, and the Supreme Court has ruled on it.

Thompson: Well, it's been tweaked, let's say: you have to have an economic gain, bribery or something of that sort. You just can't charge honest services, period, because that's too vague. So it's been narrowed since the Kerner time, but that was never an issue in the Kerner case, because it was clear that he was either guilty of bribery or extortion, depending on which government witness you believed.

DePue: Was this part of the existing statutes that dealt with mail fraud, explicitly stated in the legislation, or was it something that prosecutors kind of extended out of the mail fraud statutes?

Thompson: The use of the mail fraud statute in an official corruption case was sort of a new thing. It had been used in business cases. But it certainly fit the facts of official corruption cases where money changed hands, so it wasn't that revolutionary.

DePue: Had mail fraud been a function of going after organized crime, though, as well?

Thompson: I'm not sure.

DePue: I want to get to the strategy that you take going forward, after you've signed the indictment. Still quite a bit of investigating to do at that point?

Thompson: Yeah. In one sense, you're always investigating right up to the moment of trial, and maybe even during trial, just to clean up loose ends. There are loose ends in any investigation.

DePue: Is that people in your office? Or you solicit the support from the FBI?

Thompson: Both.

DePue: IRS, other?

Thompson: It was combined, assistant U.S. attorneys and the federal agents. And preparing for trial, getting clear the theory of the case and what evidence supported each of the counts. You have to do a pretty meticulous preparation in a case like this, because there's a lot of documents, a lot of witnesses. Nobody was thrilled to have to testify in this case. And then you assign responsibility between the U.S. attorney and the assistant U.S. attorneys who are going to try the case; who's going to do what in terms of the remaining investigation, and who's going to do what at the trial. Early on, since our two main witnesses were Marge Everett and William Miller, we divided the effort. Skinner took Marge Everett, and I took William Miller. William Miller, at that time, owned a racetrack down in Crete, Illinois, the far south suburbs.

DePue: Wait a minute, we're talking about the chairman of the race—

Thompson: Former chairman of the Racing Board.

DePue: Did he own the racetrack after he was out of the position?

Thompson: Yes.

DePue: Okay.

Thompson: It must have been almost a year between the indictment and the trial. Skinner got to go to Arizona in the winter to prepare Marge Everett, and I got to go to Crete in the winter to prepare William Miller. Hardly a fair division of labor.



DePue: "Prepare" is an interesting verb.

Thompson: Sure, go through his testimony, again and again and again.

DePue: That gets to one of the issues that you were challenged on, because as I understand, both of these people were granted immunity so you could get their testimony?

Thompson: Absolutely.

DePue: Explain the reasoning behind that decision.

Thompson: Whether you were going to prove extortion or bribery, you would need to prove the corrupt intent. You couldn't just prove the purchase of the stock, you've got to prove a corrupt intent in purchasing the stock. You would have to get into the minds of the participants in the transaction, which means that Marge Everett had to be a government witness. And William Miller, who was in charge of the Racing Board while Kerner was governor and who knew about this transaction, had to be a witness. They weren't going to be witnesses for the government if their testimony at Kerner's trial was going to lead to their prosecution. So you had to choose between potential defendants. Are you going to indict and prosecute a person who was extorted? No, you wouldn't do that. If you were going to prosecute a public official who had taken a bribe, would you rather prosecute the public official or the person who paid the bribe, if you couldn't prosecute both successfully? A prosecutor has to use his discretion, which is a big part of the job, prosecutorial discretion, and choose.

That's not unusual at all. You see that often in conspiracy cases, where one of the participants in the conspiracy testifies to the existence of the conspiracy and the acts in furtherance of the conspiracy, which you have to prove in order to get a guilty verdict on a conspiracy charge. There are very few cases where you can prove it simply by documents that are unchallenged. A lot of times, criminal cases require the testimony of live witnesses, and in some cases, it requires testimony about people who were part of the enterprise. And prosecutors have to make choices. That's what we did.

DePue: So why not give immunity to Isaacs and Kerner, and go after Marge Everett and Miller?

Thompson: You would have me give immunity to a man who served as governor of the state of Illinois, betrayed his trust, later became a federal judge, and would have walked out of a courtroom still sitting on the federal bench? I don't think so.

DePue: Do you recall when you and Sam Skinner delivered the indictment to Kerner himself? December 14, 1972.

Thompson: Yes.

DePue: Can you tell me about that meeting?

Thompson: It was part of my, I guess, prosecutorial personality that if we were going to take what I regarded as a grave action against somebody in public life, or involving somebody in public life, or touching on somebody in public life, the prosecutor ought to be man enough to go say, "Here's what the grand jury has done, and here's why they did it."

DePue: Where was the meeting?

Thompson: In his judicial chambers at the federal building. If you recall, I did that with Mayor Daley before the police indictments. I went and visited the mayor and said, "I'm sorry to have to tell you, but..."

DePue: But another layer of drama, that you're going to his legal chambers.

Thompson: Right. I mean, that was really the only place we could see him. He was upstairs.

DePue: What do you recall his reaction was?

Thompson: (laughs) He knew it was coming, I think. Sam and I went in there, and I said, "Your Honor, it's my sad duty to have to tell you that today, the grand jury returned an indictment against you for actions you took while you were governor involving racing stock and the Racing Board." He listened in what I would regard as stony silence, and then said, "A fine Christmas present this is." And we left.

DePue: How much was this investigation a subject of discussion among the news media up to that point?

Thompson: Oh, I don't think there was a lot. There was some. When you have people trooping in and out of the grand jury, and you have investigators all over town, word gets out. But I don't recall that there was a whole lot of pre-indictment publicity. I could be wrong about that, but I don't think there was that much. So the indictment came as sort of a shock.

DePue: The trial begins January 3, 1973. Let's start with the defense team, first of all. What do you recall about the defense team?

Thompson: They were prominent and renowned and experienced, to say the least.

DePue: Somewhat intimidating for you as a young prosecutor?

Thompson: No. But they were the best of the criminal bar. Well, first of all, Judge Austin, who was the chief judge of the district court, before whom we returned the indictment. One of my mentors!

DePue: Was that something of a matter that the courts were going to select who would sit on the trial?

Thompson: Yeah.

DePue: Would you craft your case based on who you thought you were going to go to?

Thompson: No. Oh, no, no, no, no, no. You wouldn't have the slightest idea. But when the indictment was returned before Judge Austin, he said, "It would not be appropriate for any of the judges who sit in the Northern District of Illinois to try this case, because they are all acquaintances of and colleagues of the defendant." So he did what you do in those cases, and he asked the chief justice of the United States to assign a judge from somewhere. The chief justice was Warren Burger. Judge Austin transmitted his request to Warren Burger, and Warren Burger answered the request by appointing a federal district judge from Tennessee, Robert Taylor. I forget where his chambers were. I don't think he sat in Nashville, I think he sat somewhere else.<sup>64</sup>

DePue: Republican? Democrat?

Thompson: He came from one of those families that was both. I don't know whether this is still true or not, but it was certainly true then and was true for a long time before then, Tennessee was divided, mostly as a result of the Civil War. Half the state was Republican, half the state was Democratic. Families intermarried, and you could have relatives on both sides of the divide. So you could have Republicans and Democrats in your family. I think Bob Taylor was a Republican.

DePue: That also would have been back in the days of conservative southern Democrats.

Thompson: Yeah. True.

DePue: Who else on the defense team?

Thompson: Bill Barnett, I think, represented Miller. F. Lee Bailey represented Faith McInturf, Miller's secretary. Miller's secretary got a more prominent lawyer than Miller got, sort of strange.

DePue: Was she also Miller's mistress, perhaps?

Thompson: I'm not sure she was. I don't think so. But she was surely one of the keepers of the secrets, so he made sure she had a prominent lawyer.

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<sup>64</sup> Taylor sat in Knoxville from 1949 to 1985.

DePue: Well, we haven't been able to incorporate sex into this whole scandal at the point—

Thompson: There wasn't any.

DePue: Probably didn't need that extra layer, huh?

Thompson: No, we had plenty. Edward Bennett Williams later dropped out of the case, so Kerner, at trial, was represented by Williams' partner, Paul Connolly, who was as accomplished a lawyer as Williams was, but without Williams' reputation. Williams was number one in that firm, Connolly was number two, and they were both named partners.

DePue: I would think with Williams and F. Lee Bailey, you've got two of the most prominent lawyers in the entire country involved with this.

Thompson: That's true. And the first time we all appeared in court, it was down in Tennessee. We walked into this—I won't say it was a country courtroom, because it was still the United States courtroom, but it was certainly more folksy than you would have found in Chicago! (laughs) And I just stood back in amazement as this parade of the best of the professional bar appeared before the judge. It was quite something. There was later a book about Edward Bennett Williams—I don't think he wrote it, I think it was a biography of Williams—that alleged that Williams dropped out of the case for two reasons; one, he thought Kerner was dumb, and two, he thought Kerner was guilty. Now, that's the allegation in a biography of Edward Bennett Williams.<sup>65</sup>

DePue: I didn't think defense attorneys normally worried about that second part.

Thompson: Yeah, I know, but he was just offering his opinion. I mean, he was a big cheese, so he could say what he wanted.

DePue: I've got a couple of other names, and I would imagine these might be farther down on the teams, but maybe not. Warren Wolfson?

Thompson: Warren Wolfson ultimately ended up as the lawyer for Isaacs.

DePue: And Tom Patton?

Thompson: Yeah, and I'm not remembering now just exactly what Patton did, whether he was a co-counsel for Kerner with Connolly, or not.

DePue: I've got a timing question. If you delivered the indictment to Kerner, and I assume Isaacs—

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<sup>65</sup> Evan Thomas, *The Man to See* (New York: Simon and Schuster, 1992).

- Thompson: No, we didn't hand him the indictment, we just told him about it.
- DePue: Isaacs was informed about the same timeframe, so December of '72 to January 3, 1973, that's not much time to get ready for the case.
- Thompson: Well, it's over a year.
- DePue: December of '72 or '71? Did I get the year wrong?
- Thompson: Seventy-one, just a little over a year.
- DePue: That makes a lot more sense, then. Any challenges in selecting a jury?
- Thompson: Oh, yeah. (laughs) You were prosecuting a man who had been the governor of the state, and presumably some or all of the people on the jury might have voted for him.
- DePue: So the trial was in Chicago?
- Thompson: In Chicago.
- DePue: No attempts to have a change of venue?
- Thompson: No. We maybe had two court appearances in Tennessee, and after that, the judge came to Chicago. The trial was in Chicago, so the potential jurors certainly would know the defendant, just like the jurors in the Ryan case or the Blagojevich case would know the defendant.<sup>66</sup>
- DePue: So from the prosecution side, when you have a potential juror sitting in there, what are the things that would cause you to want to exclude? And the same thing on the defense side.
- Thompson: I can't tell you what the defense was looking for. It wasn't so much a matter of excluding anybody, but this was going to be a case involving financial transactions and documents that would not be within the ordinary purview of a lot of the jurors, and the case would have to be very carefully put together and explained to the jury through the witnesses and in closing argument or opening statements. I guess we were looking for jurors who impressed us as people of experience, people who might have understood financial transactions in their everyday lives, people who were educated. Picking a jury is not science, it's art. It's just hunch, intuition.

During the course of picking the jury, we had been questioning a waitress. I liked her. My colleagues on the prosecution team didn't like her. A lot of grumbling back and forth between us, and finally I declined to overrule them. So we challenged her, and she stepped down. Later, I saw her in the

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<sup>66</sup> Illinois governors George Ryan and Rod Blagojevich.

hallway, and she came marching right up to me and said, “Why did you take me off that jury? I know you, I like you, I’ve waited on you—what’s wrong with you?” Went right back in the courtroom, got my assistants and said, “Let me tell you what this lady just said to me!” (DePue laughs) So you don’t know. You don’t know.

DePue: Would public employees automatically be eliminated from the pool?

Thompson: We probably wouldn’t take somebody who was employed in a governmental office that had a political base to it.

DePue: And that would be the other part of it. The Democratic machine was quite large and vibrant. Would you try to screen people who were part of that machine?

Thompson: No. I mean, you only get so many peremptory challenges. You don’t want to waste them. You can micromanage jury selection to the Nth degree, and in the end it won’t make any difference. Look what happened during the trial. One day, as the court was adjourning for the day, the judge got up and was walking back to chambers. The jury had arisen for the judge to walk out, and the juror in the front row started throwing up blood and toppled over the box onto the courtroom floor. He was rushed off to the hospital. The jury had already been seated, and they were sequestered. The marshals went back to the motel where the jurors were staying to pick up his things and bring them to his hospital room. And one of the things they picked up was a diary he had been keeping during the trial, in which he made it absolutely clear that he hated the U.S. attorneys, would never vote to find Kerner guilty, hated the rest of the jury, wouldn’t talk to the rest of the jury, and had just isolated himself from them. So who picked *him*? I don’t know! Who knew, right?

DePue: That could have made a huge difference in the case.

Thompson: Whoa, no kidding!

DePue: Wasn’t expecting that story.

Thompson: I wasn’t either.

DePue: This case was extremely high profile. You knew it going in, that’s why you were directed to make sure that you were one of the people sitting there in the prosecuting box. Do you think all of that worked to your advantage or disadvantage?

Thompson: The fact that the case was high profile? No, I don’t think it gained an advantage or disadvantage. You still were going to have to prove the case. Headlines alone were not going to prove it. And the press was not unanimously pro-prosecution. There was a reporter on the *Chicago Sun-Times*, Paul Galloway, who wrote column after column after column just

criticizing the prosecution at every step, and pro-Kerner at every step. So not all the press was on our side. They—Galloway, in particular—had pretty much bought Kerner's story. And he had this reputation which we had to get past with the evidence. It was not a slam dunk. Jury was out, what, three days, I think?

DePue: Enough to make you sweat.

Thompson: Absolutely. Yeah.

DePue: Did you enjoy the role of being the public face of the prosecution?

Thompson: Certainly. I loved my job. This was the biggest case I was ever going to try.

DePue: I would think there was an element—

Thompson: Let me amend that. I don't think "enjoy" is the right word there. I thought it was my duty. This was a prosecution that had roots in what I had done very early in my prosecutorial life as assistant state's attorney. I investigated and prosecuted all kinds of cases, although certainly not of this magnitude, including official corruption, in the state's attorney's office, working for a Democratic state's attorney. Between the cases I prosecuted there and the investigations I conducted there, my work in the attorney general's office, and my work at Northwestern Law School, where I was teaching young lawyers, this was the culmination of my experience. And it was a role that, on the one hand, made me sad because of what was involved. I couldn't imagine a public official betraying a public trust, because I had been a public official from my earliest days in law. On the other hand, I was proud of the fact that we had uncovered and prosecuted this, as we did so many other cases—the Barrett case almost at the same time, the Keane case. I mean, there was one in a series. Our office was known for that. We took it seriously, people took it seriously, the press took it seriously—if you read the editorials after the conviction, they were all laudatory—so it was a big deal.

DePue: I'm going to get us a couple of levels above the actual case itself, just for a couple of questions here. One goes all the way back to October of 1970, when secretary of state Paul Powell was discovered dead in Minnesota. I think he might have been taken to the hospital before he passed away. And then \$800,000 was discovered afterwards in his hotel room in Springfield.

Thompson: Right.

DePue: And the legend is a shoebox.

Thompson: Shoeboxes. It is not a legend at all! (laughs)

- DePue: That was one of the places, and briefcases, and shirt boxes, and other things.<sup>67</sup>
- Thompson: A lot of money.
- DePue: Did that factor in the type of investigation? Because now it was obvious that there was major corruption going on, at least within the state level of Illinois politics.
- Thompson: I didn't make any connection between that and the Kerner case, except the lady I later married, Mrs. Thompson, went after that money as an assistant attorney general.
- DePue: Went after that money?
- Thompson: Yeah!
- DePue: To seize the money?
- Thompson: Yeah, certainly! Forfeit it back to the people. Yep, that was her case. She can tell you all about that.
- DePue: We'll have to remember that when we interview her. (Thompson laughs) That would be great.
- Thompson: I think she and Joel Flaum did that. Small world, huh?
- DePue: Oh! Nineteen seventy-three, the Kerner case is going on at the same time much of the public attention is riveted to what's going in Washington, DC, and Watergate.
- Thompson: Yeah.
- DePue: How did that affect, if it did at all, what you were doing?
- Thompson: It didn't. There is a funny story out of that, but that's about the only connection. I was invited to attend the Gridiron Dinner, which was a big deal. So off I went, with my tuxedo in hand, to the Gridiron Dinner. During the cocktail party, I saw this guy in a tuxedo, and we were identical twins. We stared at each other, and then we both walked over and looked in a mirror, and you couldn't tell us apart. I was maybe an inch taller, but otherwise, dressed in tuxedos, which aided the resemblance thing, we looked exactly alike, just exactly alike. And we laughed about that. He turned out to be a Democratic congressman from Los Angeles. And he said, "No wonder I've been catching hell all night from Democrats for putting them in jail!" (laughter)

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<sup>67</sup> Two months after Powell died, estate executor John S. Rendleman famously revealed his discovery of \$800,000 in Powell's rooms at the St. Nicholas Hotel in Springfield. The money was "mostly in \$100 bills" and had been stored in "a shoe box, two leather brief cases and three steel strong boxes which were hidden behind old whisky cases." *Chicago Tribune*, December 31, 1970.



So we go in to dinner, I'm sitting at my table, and about fifty or sixty feet over is a table that's occupied by Messrs. Haldeman and Ehrlichman, the president's chief of staff and the president's assistant.<sup>68</sup> So being the shy and retiring type, I got up and strolled over to the table and introduced myself. (laughs) And it was small talk, you know, as you would, standing at a table where—

DePue: They were both still working for the president at that time?

Thompson: Oh, yeah. So as I got ready to go back to my table, Ehrlichman says to me, "Listen, come by the White House tomorrow and see me." I said, "Whoa, sure!"

Next day, I show up at the White House. There's all these reporters running around the lawn. I go in and see Ehrlichman, and we chat. "How are you doing in Chicago? What's going on?" You know, yadda, yadda. And I said, "Say, I noticed all of these reporters out on the lawn. What's going on?" He said, "Oh, the president's going to make a statement on Watergate today, and it will be his first statement on Watergate." And I said, "Oh, okay." Then the phone rang, he answered it, and he said, "Excuse me a minute," and went to see the president. Out he went, and I'm sitting there. He later came back, we finished our conversation, and he said, "Now, you can count on me as your man in the White House." I thought, Wow, that's pretty good, I got a man in the White House! I don't think I needed the airplane to go back to Chicago, right? (DePue laughs)

I never knew what went on in the meeting between Ehrlichman and the president until later. Got a call one day from a guy by the name of Richard Ben-Veniste. Richard Ben-Veniste was a former student of mine at Northwestern Law School, getting his master's degree. He later turned out to be the number two Watergate prosecutor. He called me up, and he said, "Jim, are you sitting down?" I said, "Should I be?" And he said, "Yeah." I said, "Okay, I'm sitting down." He said, "Do you remember coming to the White House after a Gridiron Dinner and meeting with Ehrlichman in his office?" I said, "Yeah." He said, "You remember Ehrlichman excusing himself from that meeting and going in to see the president?" I said, "Yeah." He said, "Did you ever know what he talked to the president about?" I said, "No." He said, "Well, it's all on tape." I thought, Oh, God! Now what? What in the world would these two say about me that's on tape in the Watergate scandal?

I said, "Okay, so what happened?" He said, "Ehrlichman came into Nixon's office, and he said, 'I've got young Jim Thompson in my office.' And the president said, 'Who's he?'" I thought, Oh, thank God! (laughter) Thank God! And Ehrlichman said, "He's the young U.S. attorney in Chicago." "Oh, yeah, okay." Now, this is the time they were searching for a new director of the FBI. Ehrlichman said to the president, "What about Thompson for head of

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<sup>68</sup> H.R. Haldeman and John Ehrlichman. Ehrlichman was Nixon's domestic affairs advisor.

the FBI?” And Nixon said, “No, too young!” And that was the end of the conversation. (laughs) But he had me at, “Who’s he?”

DePue: Really! Was that prior to the ‘72 election?

Thompson: Gosh, I don’t know when it was.<sup>69</sup>

DePue: Because it didn’t amount to much before the election, and it really started to pick up steam after the election.

Thompson: Yeah. But this is where, I guess, the head of the FBI had just recently resigned, and they were looking for a new head. I was too young and not known, thank God! I would have taken the job, but...

DePue: Didn’t expect that story either, Governor.

Thompson: That’s a pretty good story.

DePue: What memories do you have from the trial itself? Share a couple of the stories that especially stay with you.

Thompson: The juror falling out of the box, who hated us, that was a good one! It’s normal during the course of a trial for all the lawyers to go back in the judge’s chambers and talk to the judge about procedure and things like that, and I learned on one of those occasions that the judge was a devoted baseball fan. On my team of assistants in the case was a youngster by the name of Steve Kadison.<sup>70</sup> Steve Kadison was an assistant U.S. attorney, pretty young, but we had picked him for the team. And he had, for a short time, been a member of the Minneapolis Twins baseball team. Well, the light bulb went off in my head, and young Steve Kadison, who had been sitting in the most junior seat at counsel table, got moved up the next day to a more senior seat at counsel table. And thereafter, when we went back to talk to the judge in chambers, I made sure that Steve did a lot of the talking. I don’t know what effect that had, if any, but I just thought that was neat, because the judge enjoyed talking to this prosecutor who had been a baseball player.

When it was my turn to put Miller on the stand—now, you have to

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<sup>69</sup> Given FBI director J. Edgar Hoover did not die until May 2, 1972, and Nixon fired Ehrlichman on April 30, 1973, Thompson probably attended the Gridiron Dinner of March 10, 1973. He may have met with Ehrlichman the following day, but he also met with him April 17, 1973. Ehrlichman and Haldeman met with Nixon that evening, where Ehrlichman suggested Nixon appoint Thompson as White House counsel, arguing, “He was here today, which is what made me think of him. Big, tall, good-looking guy, very robust. But he also just gives Daley fits because of his anti-corruption stand. He’s the nation’s leading corruption cleaner-outer at the moment and he would be seen to personify a new broom sweeping clean.” Nixon then asked, “Could he be the director of the FBI?” Watergate Special Prosecution Force, “Transcript of a Recording of a Meeting Among the President, William Rogers, H.R. Haldeman, and John Ehrlichman, on April 17, 1973, from 5:20 to 7:14 P.M.,” Tape Number 429, Conversation 3, Nixon Presidential Library & Museum, Yorba Linda, CA, <http://www.nixonlibrary.gov/forresearchers/find/tapes/watergate/wsp/429-003.pdf>.

<sup>70</sup> Thompson’s assistants were Skinner, Kadison, and DOJ tax division attorney Darrell McGowen.

understand, Miller was a cantankerous old guy, full of himself, in his late '70s, didn't give a shit.

DePue: And you were the one who had prepped him, you said?

Thompson: Yeah. He was my witness. So I put him on the stand. After we got his name and address and all that background, I started asking him about the case. And he started saying, "I don't remember. I don't remember. I don't remember." That was it, that was his complete answer, "I don't remember." And the jury is looking like this, the defense lawyers are sitting there like this, and I'm dying on my feet. And the judge is looking down, the courtroom's—there were about seventeen "I don't remembers" in a row, and I remember thinking, This is going to be a disaster, and he's my witness! And how am I going to get in all of this stuff he told me in this year of preparation? Finally, I think I counted them, the eighteenth answer, he started to remember. And then after that, he was a good witness. But he was just—

DePue: What was going on?

Thompson: —pimping me something fierce!

DePue: Oh, you think that's what it was?

Thompson: Yeah. He was just going to show who was the boss here. I mean, this is a guy, in terms of witness preparation, who would never come down to our offices. Pete Stufflebeam, who was my IRS investigating agent in the case assigned to Miller, and I would have to drive down to Crete, to the racetrack, to interview Miller. And Miller wouldn't talk to us until he had pulled out a bottle of vodka and started drinking, and we had to drink with him, or else we got no cooperation. Of course, the more he drank, the more he talked. And one day, during one of those sessions, he unlocked this filing cabinet, which contained all sorts of good stuff.

DePue: You mean alcoholic beverages?

Thompson: No, evidence.

DePue: Documents?

Thompson: Evidence that he had never told us about before. And we would drive back to Chicago after one of these sessions, just literally holding our heads and praying that we would make it back to the city. I mean, he was that kind of guy. He was just weird. But when he gave me seventeen "I don't remembers" in a row, I thought we were just cooked.

DePue: Well, Governor, you needed to have figured out how to get him a little bit of vodka before he got up there.

Thompson: I guess so. My preparation wasn't complete.

DePue: Any other memorable witnesses?

Thompson: Kerner. When Kerner took the stand.

DePue: And I understand that he insisted that his defense team did not want him up there.

Thompson: I'm sure that's right. He was a terrible witness. Arrogant. And we were loaded for bear on cross examination.

DePue: Who did that cross examination?

Thompson: I did. He told his life story, and he told about joining the National Guard. Now, I knew why he joined the National Guard. He joined the National Guard so he could play polo at the armory; that's why he joined the National Guard. So he's giving this razzmatazz. We had a juror who, for almost the entire trial, looked like he was asleep, which also was of great concern, right? If a juror was sleeping through this trial! He sat in the front row, and he was always like this. We'd knock a book off the table so it would fall on the floor with a bang, or we'd walk near the jury box and raise our voice asking a question—oh, Skinner and I were doing everything possible to wake up this goddamned juror!

So when Kerner was on the stand and asked by Paul Connolly about why he joined the National Guard, he said, "I joined the National Guard so I could fight the Germans," at which point this juror's head popped up. He looked square at Otto, put his head back down again. He was German. And contrary to everybody's notion that he was asleep during the trial, jurors, when we interviewed them later, told us he knew everything. He was quoting witnesses, he was quoting evidence, he had a command of the case, he knew it; he just looked like he was asleep. He was not asleep. The only time he looked up through the *entire* goddamn trial was when Kerner said he joined the National Guard to fight the Germans.

DePue: Well, as I recall, he joined the National Guard several years before we were even close to being at war.

Thompson: I know.

DePue: Were you able to bring out in your questioning that polo might have been a factor as well?

Thompson: No, I very wisely left it alone. He had done himself in with his direct testimony on fighting the Germans. I was not going to gild the lily.

DePue: So what was the nature of your questioning of Kerner?

Thompson: I took him through the transactions and asked him to explain. He was hostile to me in his attitude on the stand. At one point he said, "I'll bet I know what your next question's going to be." I said, "Well, is that a fact? What is it going to be?" So he gave some horseshit question, and I said, "All right, why don't you answer that question?" It was one of those.

DePue: You walked right into that one.

Thompson: Yeah. I asked him whether he had anything to do with racing dates, which he stoutly denied. And in the course of the investigation, it was one of these clean-up parts of the investigation after the indictment, it became known to us that Kerner had donated his papers from his time as governor to the Illinois State Historical Library and taken a \$70,000 write-off. He had his papers appraised by Ralph Newman, the famous Lincoln expert in Chicago who had the Abraham Lincoln bookstore. So one day, before the trial, I got the bright idea of going down to Springfield and going over to the library and looking through the collection of Kerner documents. His diary included a record of appointments in his office and who was there. He had testified he never interfered or gave orders in racing dates, and we had other evidence to the contrary, the testimony of two of the racing commissioners that he had called them up and ordered them to change racing dates.

But he had also specifically testified that he had never met with Miller on a certain date to discuss racing dates, when the truth was found in his diary that he, in fact, had. So I put Ralph Newman on the stand to provide the foundation for introducing his diary into evidence, since he had appraised it. And of course, when I asked Ralph about the value of what he had appraised, the value of the papers, and the fact that the governor was then able to take a tax deduction for donating the value of the papers, the defense lawyers were screaming like hell. This was terrible, blah; people throughout history had donated their papers and been able to take a tax deduction, and on and on and on. But the evidence went in. But Kerner's testimony certainly stood out in my mind. And then closing arguments stood out in my mind.

DePue: We'll get to that in a little bit.

Thompson: Yeah.

DePue: Here's what Sam Skinner said about Kerner's testimony. I got this from Bill Barnhart's book on the trial: "Kerner killed himself as a witness. He turned the jury against him. I've never seen a more arrogant witness. He lied about little things, and the jury didn't like that."<sup>71</sup>

Thompson: Yeah, it's true. All true.

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<sup>71</sup> Bill Barnhart and Gene Schlickman, *Kerner: The Conflict of Intangible Rights* (Champaign: University of Illinois Press, 1999).

DePue: Was Kerner's family in the courtroom for most of this?

Thompson: Yes.

DePue: Any memories about them being there?

Thompson: His kids, yes. They were there every day.

DePue: His wife? Was she already de—

Thompson: No, she was deceased.

(pause in recording)

DePue: Okay, just a very quick break. We were talking about Kerner's family, especially the two children, Anton and Helena. Any memories about the way they were reacting to things going on in the courtroom?

Thompson: No. They were sitting behind me, so it was not possible for me to see their reactions to the witnesses or the testimony. We obviously got stares as we walked out of the courtroom. But, you know, that's natural. The children loved him, and he was their father. And they believed in him. I suppose if it had been my father, I would have reacted the same way.

DePue: What was the nature of media coverage? In part, what was the media allowed to do in the courtroom?

Thompson: They had sketch artists, so there were a lot of sketches that were drawn and later put on the evening news, of courtroom scenes, or witnesses testifying, or lawyers arguing. And they took notes, but that's all they were allowed to do.

DePue: So no recordings?

Thompson: No.

DePue: Do you think their coverage was generally fair?

Thompson: Yeah, with one or two exceptions, it was, in our opinion.

DePue: Do you remember what the exceptions might have been?

Thompson: Galloway.

DePue: I would assume the defense was out there in the media as well.

Thompson: Sure.

DePue: They consistently painted this as nothing more than—now, maybe I'm misstating this a bit, but you were part of the defense argument.

Thompson: Sure. Absolutely.

DePue: That you were nothing more than a political opportunist.

Thompson: Right. In fact, Paul Connolly said during his closing argument for Kerner that I was an ambitious U.S. attorney who was going after Kerner for my own political gain.

DePue: And your response to that?

Thompson: My response was that ambitious U.S. attorneys don't indict federal judges, because if they're wrong, it's the end of their ambition.

DePue: They also were emphasizing that it was William Miller who was the villain in this case.

Thompson: Oh, yeah, he was the scum of the earth, sure. That was their theory.

DePue: That you should have been going after Miller instead of Kerner?

Thompson: Certainly. Absolutely.

DePue: Which gets us back to the question of immunity. Were they challenging you because you gave both Everett and Miller immunity on this?

Thompson: Certainly.

DePue: The nature of their challenge was that you were hounding Miller, and that you could get anybody to say almost anything if they had been threatened with prosecution.

Thompson: Yeah, sure. That was the basis of their argument. But of course, that didn't answer the documents, did it?

DePue: Let's get the closing arguments, then. What was the essence of Connolly's closing arguments?

Thompson: The essence of his closing argument was that Kerner was an honorable man, he had a great reputation, he had accomplished many great things in his public life, and that this was a political prosecution; that I was the tool of the administration, I was feathering my own political nest by doing this, and my witnesses were all liars and ne'er-do-wells that should have been in the dock. That was essentially it. Same argument I would have made if I were the defense lawyer.

DePue: A "tool of the administration," of the Nixon administration?

Thompson: Yeah, sure.

DePue: So kind of a backhanded way to get Watergate into this?

Thompson: Yeah.

DePue: As you were working on your closing comments, what was your goal? What did you want to achieve?

Thompson: I wanted to remind the jury of the evidence that they had heard. I mean, this was a long, complicated trial.

DePue: How long was the trial?

Thompson: Oh, I don't know, weeks. And Sam had given the opening argument for the prosecution, so he had gone through a lot of the documents and the witnesses. I didn't want to repeat everything he said. So I emphasized the things that I thought were important and born out by the evidence, quite apart from Miller or Everett. I wasn't going to pitch my whole case on those two, because they were subject to a merciless attack by the defense; whereas they couldn't quite explain why the governor of the state, who controlled racing dates, could buy racing stock and make a handsome profit on it. Their only defense to that was, It wasn't illegal. Well, yeah, it was illegal to secretly do it.

And [I emphasized] that Kerner had, in fact, interfered in the awarding of racing dates, and that he had lied about that—lied to the grand jury, lied to the agents. And that this was all part of one scheme that the evidence showed to have existed, no matter what you think of Miller or Everett. They were his co-conspirators, not mine. I didn't choose them. I didn't make him buy stock. I didn't make him conceal his profit. I didn't order him to change racing dates. Yeah, probably talked about the need for prosecution of public officials who betray their trust with the voters. Typical argument.

DePue: By most all accounts, you did a sterling job of delivering your closing comments. And I'm going to quote Hartley's book again. You're commenting directly to Connolly's charges that you're a political opportunist as much as anything else: "That's me, a hard-charging, vigorous, ambitious prosecutor. But it won't lead to political longevity, because an ambitious prosecutor doesn't indict a federal judge, particularly in Chicago. He just goes after the poor, the weak, the friendless, the powerless, and ends up with a 95 percent conviction rate."

Thompson: Right.

DePue: The *Wall Street Journal*, reporting on your closing comments and the trial in general, said, "His remarks left several of the jurors visibly moved."<sup>72</sup>

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<sup>72</sup> Robert E. Hartley, *Big Jim Thompson of Illinois* (Chicago: Rand McNally, 1979), 59.



Thompson: Hope so. That's the function of closing argument.

DePue: So after the closing arguments, do you remember anything about the judge's guidance to the jurors?

Thompson: They were long, complicated instructions, but the instructions were not much in controversy.

DePue: Then it's up to the jury.

Thompson: Right.

DePue: What was your team's feelings of your chances at that moment?

Thompson: We thought we had proved an overwhelming case, but with juries, you never know. Even though you interrogate potential jurors, the judge does and both sides do, you don't know enough about the jury and their personal feelings towards you, or towards the defendant, or towards politicians, or towards law enforcement, or—you had no clue. It's in that sense a haphazard business. As I said before, it's more art than science to pick jurors and hope for the best. We had to overcome the undoubted fact of Kerner's public reputation in his prior positions, which the defense made a great deal of. I mean, they had William Westmoreland come in and testify for Kerner.

DePue: Maybe not quite as valuable a testimony by that time in Westmoreland's career, huh?<sup>73</sup> (laughter)

Thompson: Probably not! And there were times during the trial when lawyers for Kerner were fighting with lawyers from Isaacs, and we just sat back and watched. But they got a fair trial from the judge. So did we. I remember one funny thing. Judge Taylor was an older judge, short little guy. And watching him for the weeks of the trial, I noticed what I thought was a tick on his part. When the lawyers were in front of him arguing, his head would start to go back and forth. It was obviously a tick, because it happened when nobody was saying anything controversial or impassioned.

I just chalked it up to that, and didn't pay any attention to it. Well, Connolly didn't catch it as a tick. And Connolly could be pretty hard-charging in his argument up in front of the bench to the judge. The louder Connolly got, the more the judge would shake his head like this, which led Connolly to believe that the judge was disagreeing with what he was saying, and made him all the louder and more impassioned. Finally, the judge would say, "Mr.

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<sup>73</sup> Westmoreland was the U.S. military commander in Vietnam between 1964 and 1968, when he became the U.S. Army's chief of staff until 1972. DePue is referencing the unpopularity of the Vietnam War by that point, as well as controversy over some of Westmoreland's reforms as chief of staff.

Connolly, just tone it down there, tone it down. I understand what you're saying, but..." (laughter)

The other strange moment was when the verdict was delivered. Connolly and I were standing together in front of the judge. I forget who read the verdicts, the clerk or the judge or the foreman. But when the first verdict was delivered on the first count, and they said, "Guilty," Connolly turned to me and said, "Congratulations."

DePue: You were sitting right next to him?

Thompson: Yeah. And shook my hand. Which I took as the response of a professional to another professional that one of them had achieved victory and the other one defeat, and he was congratulating the victor. It was sort of a courtesy of the profession, right? But Kerner was watching and listening to this, and I thought he was going to have a heart attack right in the courtroom as he watched his lawyer turn to me, shake my hand and say, "Congratulations," as the verdict of the jury was announced. It was just one of those moments in the trial that you never forget.

DePue: Verdict for Isaacs? Guilty?

Thompson: Guilty.

DePue: On several counts?

Thompson: Both of them guilty on all counts, yeah.

DePue: Nineteen counts against Kerner?

Thompson: Right.

DePue: To include the count of honest service?

Thompson: Yeah.

DePue: I'm going to ask you to read the mind of Otto Kerner during the trial itself. Did Otto Kerner think that he was an innocent man?

Thompson: Certainly.

DePue: No doubt?

Thompson: I think he did. That was his mindset. He could do no wrong. He couldn't have been guilty.

DePue: Was that a factor of his arrogance, perhaps?

Thompson: Yeah.

- DePue: So what was his response when the verdict came down against him?
- Thompson: He didn't have any.
- DePue: Stone face?
- Thompson: Yeah. Stoic.
- DePue: I assume the case, it was almost immediately appealed?
- Thompson: Yes.
- DePue: How did the appeal go?
- Thompson: Against Kerner. I argued it.
- DePue: You did?
- Thompson: And they brought in three appellate court judges from other parts of the country to hear it.
- DePue: Was Connolly still on the defense side?
- Thompson: Yes. One of the judges they brought in was quite a renowned court of appeals judge from the Second Circuit, Judge Friendly, often mentioned for the Supreme Court.<sup>74</sup>
- DePue: The appeal must have been fairly soon after the trial itself, then.
- Thompson: You had to get the record together, a lot of transcript. Although we may have been ordering daily transcript from the court reporter, so maybe the transcript didn't take so long. The briefs had to be written on both sides, for both defendants, so that took a while.
- DePue: What was the nature of the appeal, do you know?
- Thompson: Oh, it just asserted trial errors by the judge, sufficiency of the evidence, and the usual stuff.
- DePue: I know that Kerner ends up going to prison in Kentucky, July 29, 1973.
- Thompson: Right.
- DePue: Released a little short of two years later because of poor health.
- Thompson: Right. He developed cancer.

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<sup>74</sup> Henry Friendly.

DePue: Your opinion about being released early?

Thompson: I supported it. When he asked for early release, I wrote a letter in support of it.

DePue: Stating what in the letter?

Thompson: That because he was suffering a grave illness, he ought to be released.

DePue: And he died of cancer May 9, 1976, so just a little bit more than a year afterwards.

Thompson: Right.

DePue: In assessing the man's life and career, and then, obviously, having the obligation of prosecuting him, what would you say about his life?

Thompson: I guess I would say that he served both the state and the nation honorably and well, except for when he did these things for which he was prosecuted and convicted.

DePue: Does that make him a tragic figure in American politics?

Thompson: Very tragic. Had achieved the highest honor his state could give him, had achieved the second highest position in the American judicial system, and the thanks of the nation for his work on the Kerner Commission, and threw it all away.

DePue: A tragic flaw?

Thompson: Very.

DePue: What was it?

Thompson: I think he was one of these guys who thought that nothing he did was wrong, and he was also influenced by others—Isaacs, Miller. So he wasn't smart enough to live up to what he had undertaken in terms of his gubernatorial service. He let greed get in his way. And he refused to acknowledge to himself, or to others, what he was doing. And then when he was caught, he lied about it.

DePue: The arrogance of power?

Thompson: Oh, not so much the arrogance of power, because power doesn't corrupt a lot of public officials. The arrogance of feeling that he knew best, that he knew right from wrong, and he could act without reference to the appropriateness of what he was doing.

DePue: You're, what, forty-some years removed from all of this now?

Thompson: Yes.

DePue: Any regrets that you were involved in it?

Thompson: Not at all. I was involved on the other side in later years—the Ryan case, the Blagojevich case. So, you know, the wheel turns.

DePue: I know you are aware that Anton Kerner has spent much of his life ever since that time trying to exonerate his father's reputation.

Thompson: Right.

DePue: Did you have any personal contacts with Anton?

Thompson: Just one. When I was running for governor the first time, late in the campaign Daley invited him to appear before the Cook County Central Democratic Committee. It was their last meeting of the season before the election, when they rally the faithful and rah-rah the troops, and he went there and gave a speech condemning me. It didn't have any impact on the election.

And then later, when I was governor, the governor is automatically the president of the Lincoln Academy of Illinois. And part of the bylaws of the Academy is that all governors of the state, living or deceased, are recognized as—I forget what the title is—a fellow of the Lincoln Academy, or distinguished fellow of the Lincoln Academy, or whatever. The governor presides over the awards ceremonies, and the award is given to people active in business, or labor, or academia, or whatever. Usually six or seven winners every year, and any former governor. So Kerner was slated to be awarded this honor. He was deceased by then. The governor fastens the medal around the neck of each winner, and Tony was going to be there representing his father. And the head of the Lincoln Academy called me up and said, "It's probably going to be awkward to do this, but Tony Kerner insists that it's you that awards him the medal." I said, "It doesn't bother me." So we did.

DePue: And that event was rather uneventful?

Thompson: Yes.

DePue: In this kind of trial, especially with it being so prominent an individual that was involved with the prosecution, there's usually controversy that extends beyond it. I wanted to ask you about one piece of that controversy, and it deals with Marge Everett going out to California, asking to get a license for the Hollywood Park racetrack, and your testimony to that effect. I wonder if you could address that? Was that even prior to the trial?

Thompson: It was. Because they made a big deal about it at the trial. Under Marge's theory of the case, which I was not going to contradict, she had been extorted by the governor. And so I went out to a session of the California Racing Board, as she asked me to do. I cleared it with my superiors in Washington,

and they said, "Go ahead." I went out there and said, "This is what's going on in Illinois, this is what happened, and Mrs. Everett says, and will so testify at the trial, that she was extorted by the governor." That was it. So she kept her license out there.

DePue: The allegations are saying that you did not actually say that.

Thompson: That I said what?

DePue: I can't recall the specifics.

Thompson: I don't know what else I would have said. I mean, that was the theory of the case.

DePue: Here are some other specifics that I know, in part, were stemming from this particular incident out in California. One, that the Nixon administration had targeted Governor Kerner as far back as 1970, and it was their attempt to weaken the Daley administration. And this is coming from Charles Colson.<sup>75</sup>

Thompson: (laughs) The reformed Charles Colson?

DePue: (laughs) Whether that was before or after he found Christ, I don't know.

Thompson: Yeah, I don't know either. I never saw any evidence of that.

DePue: And we've already talked quite at length about that one.

Thompson: Yeah.

DePue: That the indicting of Governor Kerner was a condition to be met by you before you got the job as U.S. attorney.

Thompson: Oh, crazy, just crazy. The final decision was mine, not the president's, not the attorney general's, not the criminal division or the tax division; it was mine.

DePue: Here is the next one, and we've touched on this a little bit. You've already said that you were the one who was working with Miller, preparing him for testimony, that he was a key witness. And [the allegation is] that he was interrogated, threatened, and cajoled until he turned government witness.

Thompson: He certainly was interrogated. He wasn't threatened. And if you want to say he was cajoled, you might say that. But he needed a lot of cajoling because that was just the kind of guy he was. He needed to feel wanted, loved, appreciated, important, whatever.

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<sup>75</sup> President Nixon's special counsel.

DePue: And here's the last one, that Washington was pulling the strings at the Kerner trial, evidenced by your trip to California to testify in Marge Everett's license hearing.

Thompson: Washington didn't have anything to do with the conduct of the trial. We had one guy who sat with us at counsel table who was from the tax division, Darrell McGowen. But that was a courtesy since they had begun the case, and I couldn't say no to having one of the lawyers who had begun the case sit at the counsel table. I had two other assistant U.S. attorneys sitting with me, so we were the team, we made the decisions. We consulted with McGowen, but the trial strategy was mine and Skinner's. Nothing came from Washington on how to try the case.

DePue: Several of these things have a certain flavor of conspiracy as well.

Thompson: Oh, yeah. Well, I was not a participant, so I can't tell you.

DePue: Governor, I feel like I've put you through the wringer to a certain extent.

Thompson: You certainly have!

DePue: Any final comments about this case, because it's one of the more important chapters of your life.

Thompson: Yeah, it is. I think you've captured it well. And it was interesting this morning, reading some of the clips again, because you forget so much. But I just grabbed one of the scrapbooks. I think there are twelve books in there. This was one in the middle of the line, and it turned out to be the one with the Kerner stuff in it.

It's also interesting, I've finally made clear this business about running for sheriff or state's attorney. Remember I had mixed up some of the dates of all of that? The first time, Flaum and I were in the attorney general's office then, and we decided I should run for state's attorney. So I went over to the slate making committee and made a speech. And we were so excited about what a good job I did, that we went to Fritzel's for lunch and celebrated. We kept looking around for "Kup's Column," the *Sun-Times* reporter, never saw him, and they gave the nomination to my alderman, Bob O'Rourke.<sup>76</sup> Two years later, I went down to see Ogilvie because I wanted to run for sheriff, and that's what led to him saying to me, "I know why you're here, you want to be Bauer's first assistant." I said, "No, absolutely not." So I was confused about those two things.

DePue: What we're referring to, and what you're looking at now, is one of many binders you have with all of the press clippings. Who was putting this together for you?

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<sup>76</sup> Irv Kupcinet, whose columns were frequently saved in the scrapbooks kept by Thompson's aunt.

- Thompson: My maiden aunt, who taught school in Chicago Heights for fifty years.
- DePue: And this is a pretty thorough collection of clippings of your career.
- Thompson: It is. It goes back to the very beginning of my career as an assistant state's attorney. (cell phone rings)
- DePue: I think we hear somebody else is calling here.
- Thompson: Hold on one second. I'll call her back, my secretary. But just look at that! Good grief!
- DePue: (laughs) You were a little younger in that picture. Well, let's go ahead and close for today. No other comments, then, Governor?
- Thompson: No, I don't think so.
- DePue: Thank you very much!

## Interview with James Thompson

# IST-A-L-2013-054.05

Interview # 5: June 11, 2014

Interviewer: Mark DePue

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- DePue: Today is Wednesday, June 11, 2014. My name is Mark DePue, director of oral history at the Abraham Lincoln Presidential Library, and today I'm in



downtown Chicago, talking to Gov. Jim Thompson. Good morning, Governor!

Thompson: Good morning.

DePue: I didn't realize until I got here, we've had four sessions already, but the last one was in September of 2013.

Thompson: (laughs) It's been a delightful winter.

DePue: It's been a brutal winter, in most people's estimation.

Thompson: It was terrible.

DePue: But we've had an opportunity, Mike Czaplicki and I, to interview several people in your administration: Dr. Mandeville has been interviewed, Greg Baise, just finished one with Dave Gilbert, and David Bourland. So we're collecting lots—

Thompson: Rascals, all!

DePue: —of interesting stories about you (Thompson laughs) that you can either confirm or deny.

Thompson: I hope some of them, at least, are true.

DePue: But you had just mentioned before we started, yesterday was something of a major surprise, politically, at the national level. Eric Cantor, who is the majority leader in the U.S. House of Representatives, was beaten in a primary by David Brat, who is, at least if you read the news media, a Tea Party candidate. So here is the first majority leader ever to be defeated in a primary. Wanted to get your reactions to that.

Thompson: Stunning! John sent me a text last night, "Cantor got beat." And I went right to CNN, and—

DePue: John Frier?<sup>77</sup>

Thompson: Yeah. I looked at it and thought, Oh, my God. I would say a couple of things, I guess. One, it's really a little unnerving to think that leadership in the House, with all the implications that has for the national scene in an era of divided government, can be decided by a small number of voters in the Republican Party in a small, rural, conservative Virginia congressional district. There is no way in the world that the makeup of that district reflects the makeup of the United States, okay? Now, I know we have all our different political cultures

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<sup>77</sup> The last of Governor Thompson's travel aides, who he affectionately referred to as "bag boys." Frier followed Thompson to Winston & Strawn, where he worked as his assistant. On the bag boys, see Greg Baise, interview by Mark DePue, August 6, 2013.

in the United States; Illinois is different than Wyoming, and they're both different from South Carolina. But you're talking one tiny, conservative rural area has now engendered sort of a cataclysm for national politics for at least the next year and a half. This will give much more strength to the conservative caucus in the House Republican caucus. And I think it means that immigration reform is dead until 2017.

DePue: After the next presidential election?

Thompson: Right. I didn't have very high hopes for it anyway, because it was clear that the House was not going to pass the Senate bill. So immigration reform would have to depend on an independent bill in the House that the Senate could buy and the president could buy. Now, there's a whole bunch of things in the Senate bill that didn't need to be there. The guts of immigration reform have to be, I think, that the people who are here now are put on a legal status—forget citizenship for the moment—just put on a legal status, so they're secure in their ability to stay, and we can stop chasing them. The issues relating to agriculture have to be in there, and the issues relating to border security have to be in there. And that's it. Whether these eleven million people ever get citizenship is a separate question; it doesn't have to be decided now. What really needs to be decided now is their legal status.

But it was going to be hard enough just to enact those provisions, given the feelings of Republican members of the House, because the first thing they'll tell you is, "We can't trust the president to administer any law we pass, because look at what he does with other statutes, like the Affordable Care Act, Obamacare. If he doesn't like a provision in that, he just bypasses it." That's their argument, you know?

DePue: I think the president has also made executive orders in reference to deportations.

Thompson: And he's said pretty plainly that if Congress doesn't act, he's going to do some more. Well, the Republican congressmen, conservative congressmen, listen to that, and they say, "What the hell? Why should we pass a law if he's just going to do what he pleases?" But with the Cantor defeat, that feeling is going to be even more intense, because the campaign against Cantor revolved around the allegation that he was willing to enact some kind of immigration reform. That was the issue of the campaign. And he got whacked. What does that say to all the other Republican congressmen? Now, it's too late, in most states, for them to be subject to a primary. But these guys have memories, and they're thinking about the next term too, every two years. They don't want to see a Tea Party candidate jumping up on the issue of immigration, starting tomorrow, for the 2016 congressional election. So I think it's gone.

You also have the concurrent phenomenon of fifty-seven thousand unaccompanied children coming across the borders. You listened to the news last night, and we're going to spend millions building camps to put these kids in. What are you going to do with all these twelve-year-old, thirteen-year-old,

fourteen-year-old kids who are coming up from Honduras and Central America? There isn't a chance in the world you're going to find their parents! How are you going to do that? What are you going to do, deport them to where? Keep them here in camps? And already, you've got some of the Hispanic congressmen giving interviews saying, "These quarters they're being kept in are not first-rate. There's too many beds, and"—you know, the average American looking at that on television, thinking, Where, the Ritz Carlton for these people flooding across our borders? I mean, it's just... I don't know.

DePue: You and I are—

Thompson: You're getting me all excited this morning! You see? (DePue laughs) First you get me on the mansion, now you're getting me on immigration. My blood pressure's up twenty points.

DePue: Oh, my gosh! Well, we had the mansion discussion offline.

Thompson: Yeah, that's too bad.

DePue: We can get to that later.

Thompson: Yeah.

DePue: And I know that many sessions from now, as we get towards your post-gubernatorial years—and you've had quite a series of careers after that—

Thompson: Only twenty-three of them!<sup>78</sup> (laughs)

DePue: —we'll be able to talk much more about your views as a moderate Republican, and what has happened to the Republican Party in the last twenty years.

Thompson: Right.

DePue: But let's go back and talk about some earlier times, and if you don't mind, I'm going to do some clean-up on some things that we kind of skipped over before.

Thompson: Sure, go ahead. See if my memory's any better today.

DePue: July of 1962, you were assistant state's attorney at the time?

Thompson: Yeah.

DePue: There was an execution scheduled for Paul Crump.

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<sup>78</sup> Thompson is referencing the number of years since he left office.

Thompson: Yes. I do remember that.

DePue: Do you have any reflections you want to share on that?

Thompson: In retrospect, it was a pretty heavy assignment to give a young kid prosecutor. But of course, at the time, I thought I was just all ready for it, right? I can do it! And I did do it. It was the first death penalty case I ever encountered.

DePue: Were you in the position of having to argue to have the death sentence carried out?

Thompson: Yes. That goes against your human instincts, you know? I guess if you approached it from the outside, you'd say, I want to be on the side of saving somebody. But I was the prosecutor; he'd been found guilty, sentenced to death, and no doubt he committed the crime. We had the death penalty in Illinois and it had been reviewed and affirmed, so my job was to see that it was carried out. I guess in some ways, it was a compliment to me to be entrusted with that kind of case at my age. What was I? Twenty-six?

Since this was the first death penalty to be carried out in Illinois for a while, it had gotten a lot of publicity. We had some national talent come in on the other side. (laughs) So it was a big deal, and it was on television, and it was in the newspapers. The question was whether Governor Kerner would commute his sentence. Donald Page Moore came in, and somebody else came in, of even more prominence than Moore. Some filmmaker came in too, so it became a cause célèbre for a while in the Chicago press.<sup>79</sup> And Governor Kerner finally decided to commute the sentence based on Crump's prison rehabilitation. I think that was the rationale for what Kerner said.

DePue: Okay, I'm going to pause for just a second.

(pause in recording)

DePue: Did your reputation suffer any because you had lost the case?

Thompson: No. I had another death penalty case, Ciucci, and I won that one.<sup>80</sup>

DePue: Was that another one that went before Governor Kerner?

Thompson: I don't remember whether that was Kerner or somebody else.

DePue: Kerner was there from '61 to '68.

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<sup>79</sup> Donald Page Moore and Louis Nizer were Crump's attorneys. Moore later headed Gov. Dan Walker's controversial Office of Special Investigations, which Thompson eliminated in his 1977 reorganization of state law enforcement agencies. Ty Fahner, interview by Mike Czaplicki, April 16, 2015. Several filmmakers were at work on this case, resulting in two documentaries: William Friedkin's *The People vs. Paul Crump*, and Gregory Shuker, Robert Drew, and Richard Leacock's *The Chair*.

<sup>80</sup> Vincent Ciucci, whose 1962 execution was the last one carried out in Chicago.

Thompson: Okay, so it would have been.

DePue: The next piece of housecleaning I wanted to ask you about was somewhere between '67 and 1969, and I'm sure you recall the racial conflict that was going on in Cairo, Illinois.

Thompson: Yeah.

DePue: And this group called the White Hats that the sheriff of Alexander County—

Thompson: No, the coroner.

DePue: The coroner?

Thompson: Mm-hmm.

DePue: I want you to recount your involvement with that experience. (Thompson laughs) Obviously, that one rings with some familiarity!

Thompson: That rings a lot of bells! I had just gone to Bill Scott's office as an assistant attorney general. I guess it was in the summer. He called me in and said, "I want you to go down to Cairo, Illinois. You know where that is?" And I said, "Yeah, it's at the bottom of the state."

DePue: Had you ever been there before?

Thompson: Never been there before. I said, "What do you want me to do in Cairo?" And he said, "I want you to take away the guns from the White Hats." I said, "What? What do you mean?" He said, "There's a vigilante group down in Cairo. They've been given badges by the coroner so they can carry guns. They're known as the White Hats, and they're raising all sorts of hell in the city and terrorizing the black community. It could get violent." And I said, "And you want me to go down there and take away their guns, right?" He said, "Yes."

DePue: As I understand it, it had already gotten a little bit violent.

Thompson: Oh, yeah.

DePue: The thing that triggered it was an African American had been arrested, then was found hung in his jail cell?

Thompson: Yeah. I said, "Okay, so how do I get down there?" And he said, "I suppose you'll drive, because you'll need a car down there. Why don't you call George Lindberg and borrow his car?" I don't know why I didn't have a car; I must have had a car. So I called George Lindberg. He had just bought a brand new convertible. (laughs) He loaned me his car!

DePue: His private car?

Thompson: Yeah, his private car. And I drove down to Cairo.

DePue: What was Lindberg's position at the time?

Thompson: I don't know whether he was a state representative, or what he was. He was later a judge.

DePue: He was later comptroller, as well.

Thompson: Yeah. I don't remember what he was doing at that time. But he was a friend of mine, because he had been involved with the lie detector company, John E. Reid and Associates. They were involved with Professor Inbau at Northwestern, so I had known them. And George was one of their top executives before he went on to public life.<sup>81</sup> So I got into George's car with my trusty map, drove all the way down to Cairo, Illinois, and checked into the local motel. It was owned by the Republican county chairman, who, as I later found out, was bugging my phone. Didn't know it at the time. Unpacked my bags, went out, stopped in the local drugstore, was going through the postcard racks, picked out a postcard that said, "Cairo, Illinois, where the darkies pick cotton all day."<sup>82</sup> And I thought, What? In Illinois, in 1969? I said, "Holy cow!"

DePue: How would you describe Cairo at that time?

Thompson: Like a southern sleepy town, at least to me, from Chicago. Remember though, Cairo, Illinois, was well south of the Mason-Dixon Line. Cairo, Illinois, was closer geographically to Mississippi than it was to Chicago, and culturally, much closer to Mississippi than it was to Chicago. This was fifty years ago, and they still had those attitudes, and they were on public display in a thing like the postcard. I thought, Oh, boy, this is going to be something!

I went and met with the state's attorney and with the circuit court judge, because I knew I'd have to be dealing with them.<sup>83</sup> They were not at all friendly. They were civil, but they weren't friendly because they were all in cahoots down there. I said, "The attorney general of the State of Illinois has

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<sup>81</sup> John Reid was a member of the Chicago Police Scientific Crime Detection Laboratory from 1939 to 1947, before founding his company in Chicago. Inbau added Reid as a co-author for his 1953 update of *Lie Detection and Criminal Interrogation*. Lindberg was vice-president and legal counsel for the company. Richard O. Arther and John E. Reid, "Utilizing the Lie Detector Technique to Determine the Truth in Disputed Paternity Cases," *Journal of Criminal Law, Criminology, and Police Science* 45 (1954-1955).

<sup>82</sup> Reporter Paul Good was also struck by this incongruity, including it in a report for the Commission on Civil Rights: "But today's postcards greeting visitors as motel desks feature scenes of cotton fields with blacks bent low, trailing gunny sacks, dark fingers reaching for white bolls. The postcards, offensive to 40 percent of Cairo's citizens in their recollection of black exploitation, are an anachronism." Paul Good, *Cairo, Illinois: Racism at Floodtide*, Clearinghouse Publication No. 44 (Washington, DC: U.S. Commission on Civil Rights, 1973), 9.

<sup>83</sup> The state's attorney was Peyton Berbling, who died in 1975.

sent me down here to de-deputize the White Hats. And if we can't get that done, then you're going to see a whole lot more down here besides one assistant attorney general." I'm trying to remember how I intended to do it. I guess I was going to file something in the circuit court to take away their guns. I don't remember, frankly, what the petition would have been, or however I was going to do this. Probably made most of it up. I spent several days trying to persuade the Republican leaders in the town, particularly the state's attorney and the circuit court judge, who were all Republicans and knew Scott and had supported Scott, since he was very popular in the Republican Party of Illinois.

And then I started trying to understand and deal with the black community. Tensions were pretty high, and it wasn't until later I discovered that the county chairman was tapping my phone at his own motel. (laughs) The situation got pretty hairy, because I was told it was only safe to go into the black community at night, not during the day. Not for fear of the black community, but so as not to be seen negotiating with them by the White Hats and the vigilante groups. And there was a big housing project in the city called Pyramid Courts. I went there one night to talk to the black leaders of the community, and for the first time, met a young Jesse Jackson. He was not far out of school; I guess he had gone to the University of Illinois undergrad and played football. And of course, he had gone to divinity school, but he was still pretty young.

DePue: Would this, do you recall, was this before or after Martin Luther King was—

Thompson: Before.

DePue: Before he was assassinated?

Thompson: Oh, yeah. So I guess Jesse was just starting to rise through the ranks. But there in Pyramid Courts one night in Cairo, Illinois, I met Jesse Jackson, and that spawned an acquaintance now that's gone on for fifty years. I don't quite remember the details; I do remember that the situation was so tense that I spent at least one night, and maybe two, in a motel in Kentucky, across the river, because there were bullets flying around in parts of Cairo.

But I finally got the badges away from the White Hats, and it sort of settled down, until I ran for governor the first time, in 1976. As the campaign was coming to a close, a radical minister down there in the black community, whom I had met when I was down there as a young assistant attorney general, did two things: he endorsed me for governor, then he tried to set fire to the town. I lost Alexander County in the campaign by about 140 votes.<sup>84</sup> Given that confluence of events. (laughs)

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<sup>84</sup> Thompson was not far off; he lost Alexander County by 323 votes, with 5,465 ballots cast. State of Illinois, *Official Vote Cast at the General Election, November 2, 1976*.

- DePue: Your comment about trying to set the town on fire, is that to be taken literally?
- Thompson: Literally! Oh, yeah. So of course, people in Alexander County were a little aggrieved at this guy who had just endorsed me for governor.
- DePue: And he was arrested and convicted on arson charges?
- Thompson: I don't know whether he was convicted, but he certainly was arrested. (laughs) The only other county I lost in that race was Gallatin.
- DePue: That was the only one that Edgar lost in the '94 race.
- Thompson: It's a Democratic county. But I carried Madison, Hardin, and all the tough Democratic counties in southern Illinois, all four times. Never had a problem. But Gallatin I lost by about forty votes, because the Democratic county chairman was Mike Howlett's best friend.<sup>85</sup> So the people of Gallatin County were voting for Howlett because of their attachment to their local Democratic leader. Those were the only two counties that I lost, and that was why, in both counties. (laughs)
- DePue: Let's move up to the early seventies, and there's lots of twists and turns in your career.
- Thompson: No kidding!
- DePue: The U.S. Department of Justice assigns you to defend the department against a case that Spiro Agnew had brought against you guys.
- Thompson: Oh, yeah. I haven't told this story yet?
- DePue: No, you have not.
- Thompson: Oh, it's a great story! Almost as good as the White Hats. (laughs) Agnew was indicted for bribery.
- DePue: And tax evasion?
- Thompson: And tax evasion, of course, yeah. And as the evidence would later show, sitting in the White House, he would call up various crooks in Maryland who had bribed him while he was governor and demand that they pay the rest of the bribes. Now, that takes some doing, doesn't it? (laughs) It's almost funny, it's so terrible. So he gets indicted for bribery and tax evasion by the U.S. attorney in Maryland, George Beall, whom I had known. He was a young U.S. attorney, and we had met at U. S. attorneys' conferences. We had talked about official corruption, because we were going after it pretty heavily in the Northern District of Illinois and he had heard of what we were doing. At one

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<sup>85</sup> Thompson lost Gallatin by 31 votes.



U.S. attorneys' conference at some beach resort—it might even have been in Maryland—he and I were standing in the ocean up to our necks, talking about political corruption. He was asking what statutes we used in Chicago, you know, the Hobbs Act, all the others. So Agnew gets indicted, and the case is done by Justice in coordination with U.S. Attorney Beall.

In the pretrial phase, there were a number of what appeared to be grand jury leaks. It was kind of rare, leaks coming out of the grand jury. So Agnew's lawyer filed a motion with the—I guess the indictment was returned by then, so maybe it was the judge who was supposed to try the case, who had drawn the indictment on the wheel. Files a motion to quash the indictment on the grounds of the grand jury leaks, meaning, the prosecutor was responsible, since the prosecutor was the only one in the grand jury, aside from clerks and agents. And then filed a list of witnesses of those who he intended to call to testify in support of his motion.

On the list of witnesses is Glen Beall and all of his assistants. They can't fight the motion, they're all witnesses, right? And he names as potential witnesses the attorney general of the United States, the assistant attorney general in charge of the criminal division, and on down the line of main Justice in Washington. So they can't fight the motion. I get a call from Henry Petersen, who was the assistant attorney general in charge of the criminal division, a long-time career guy, and a friend of mine. And he asked me if I would go to Baltimore and defend the government, take the place of the U.S. attorney for the purposes of this motion. I said, "Sure," being assigned to the hottest case of the nation, right? Great stuff!

I told Joel Flaum, who was my first assistant, "Hey, we're going to go to Maryland and defend the government in the Agnew case." So we two hearty souls get in the airplane and fly to Washington to interview the first witnesses, the guys in the Department of Justice. We're given an office in the Department of Justice, and we make appointments to see all these top dogs, and we start with the attorney general, Elliot Richardson. Now understand, the only way you can prepare a witness for his testimony is to cross examine him. He's been accused of leaking secrets from the grand jury, or being responsible for those who did, so the question is, what did he know and when did he know it? So you start out with a presumption of guilt and cross examine.

Flaum and I are in his office. So we start cross examining the attorney general of the United States. And I'm thinking, Wow, here we are, a U.S. attorney from the middle of this country and his first assistant, we're sitting in the office of the attorney general, and we're asking him some very hard questions. And Elliot, who was a wonderful man, whom I had known and admired, wasn't taking too kindly to these questions. (DePue laughs) I could see he was getting more and more upset. He had a habit of doodling while he talked to you, answering questions, and when he finished his doodle, whatever it was, he'd crumple it up and toss it in the wastebasket across the room,

which had a basketball net over the top of it. So this must have been a pretty good habit, because he was pretty good about hitting the net. And after about twenty minutes of cross examination, he said, "Excuse me, I'll be right back." We never saw him again. He was not taking any more of this bullshit, right? (laughs) Out he went! So we said, "Okay, let's go find our next subject."

DePue: How long did you wait before you decided he wasn't coming back?

Thompson: About a half an hour. I said to Joel, "He's really pissed! I don't know if he's coming back or not." And he didn't. So I said, "Let's go find Henry Petersen," our next person to be interviewed. Go to his office, and we're told he's not available. And we had a couple of others on our list; nobody was available. I said to Joel, "You know, something's going on which has nothing to do with our task here, and nothing to do with our interrogations. Something's going on. All of these guys have disappeared."

By this time, it was late afternoon, so I said, "Well, let's go to dinner." And I left the address of where we would be having dinner with somebody's secretary, maybe Henry Petersen's secretary, maybe Richardson's secretary, so we could be reached if anybody wanted to talk to us. (laughs) We went off, and we were sitting there in this really nice Italian restaurant. I forget what district of Washington. It was a famous restaurant. I had been there before, and it was nice. And all of a sudden, the maître d comes up and says, "Are you Mr. Thompson?" I said, "Yes." He said, "There's a phone call for you." I said, "Okay."

The only phone was at the maître d's station. A blinking light was going, so I picked up the phone. I said, "Hello," and he said, "Jim, this is Elliot Richardson." I said, "Yes, General." "No, Jim, it really is Elliot Richardson." "Yes, I know, I recognize your voice." "Jim, tomorrow in the federal district court in Baltimore, the vice president of the United States will—" And I said, "Excuse me one minute, General," because the phone was ringing. So I put the general on hold, picked up the phone, took a reservation for 8:00, (DePue laughs) and went back to the attorney general, who said, "Tomorrow, in Baltimore, the vice president of the United States will plead nolo contendere to the indictment." I said, "Wow!" "So you're to go to Baltimore tomorrow. Don't tell anyone! And the case will be over. Now, Jim, don't tell anyone, and I want you to fly back to Chicago under assumed names to preserve the secrecy"—imagine that today, right? (laughs) Wouldn't get very far! So the phone rings again, and I said, "Just one second, General." And I took a second reservation. Got back to him, and I said, "Fly back to Chicago tomorrow, after the hearing in Baltimore, under assumed names. Okay, got it." Hung up.

I went back and told Flaum, who was flabbergasted at that notion; so was I. But we had a nice dinner, and I had said earlier to Joel, before we went to the restaurant, "These guys all gone at the same time? I'll bet you there's a

deal cooking up somewhere.” And as it turned out, that was exactly right. They were all in some secret location, some motel, all the big shots, working out the deal for Agnew’s plea.

We go to court early the next morning and we sit in the front row, since we’re there to represent the government on the motion to quash the indictment, as far as anybody knew. Then all of a sudden, all of the U.S. attorneys’ assistants came in the back of the courtroom and sat down. So they obviously knew what was going to go down. And then the defendant, Agnew, had subpoenaed all of the newspapers that had printed the story coming out of the grand jury, obviously in an attempt to find out what their sources were. So in came this big gang of very high-priced counsel from New York and Washington, guys from the top firms, who represented the *New York Times*, *Wall Street Journal*, *Washington Post*, et cetera, and they said, “We’re here to move to quash the subpoenas. You’re sitting in our seats. It’s our motion to quash.” I said, “No, it’s our motion to quash the indictment. You can sit there!” I mean, we weren’t going to be muscled out of our seats by these guys at the trial of the century, right? (DePue laughs)

The judge comes in, takes the bench, dead silence in the courtroom. From a side door, in walks the vice president of the United States. And there was a collective intake of breath in the courtroom; I thought the walls were going to pop in, because everyone went (gasps)! They called the case, and the judge said, “I understand the defendant wishes to enter a plea of nolo contendere.” And another intake of breath. Then the judge started reading him the plea warnings, “I understand you want to plead...” “Yes, Your Honor.” “You take this plea freely and without any mental reservation or coercion?” “Yes, Your Honor.” “Now you know you have the right to a jury trial?” “Yes, Your Honor.” I turned to Joel, and I said, “Same thing they say to a shoplifter before they take a plea, they’re saying to the vice president of the United States.”

They go all through the nolo contendere plea, which is accepted. Judgment on the plea, and vice president leaves by that same door. And what does he do? He goes down on the street, where he’s surrounded by a mob of reporters, to announce that he’s not guilty. We leave the courtroom, and he’s still down there pontificating about what a tragedy this whole thing is, and he’s not guilty of any crime. The reporters are saying, “But you just entered a plea upstairs.” “Well, yes, just to be rid of the case.” So he goes away.

The reporters turn around and see me, so they come over to me, “The vice president says he’s not guilty.” I said, “Did you see him enter a plea?” “Yes. Well, he says he’s not guilty.” I said, “He’s a crook, and the country is well rid of him.” And we left. Got on the plane, under our own names, and came home. Got off the plane, and we’re surrounded by Chicago reporters. They said, “You called the vice president of the United States a crook?” I said, “Yes.” So they eventually let us go.

The next morning, I got a call from Henry Petersen. He said, “Jim, the old man is very upset.” I said, “Who’s the old man?” “The attorney general.” I said, “Why is he upset?” “Because you called the vice president of the United States a crook.” I said, “He is a crook!” “I know, I know, but you’re not going to call him a crook again, are you?” I said, “No, once is enough.” “Okay, good, good. I’ll tell the attorney general.” Because what had happened was, the vice president, reading this in the paper, went beefing to the AG about what I said.

So that’s the story. (DePue laughs) The headline went around the world. People kept sending me papers from around the world with the headline in it. “Thompson says, ‘Agnew’s a crook,’” from Manila, and crazy places like that.

DePue: All these cases, you’re making friends in all these interesting places!

Thompson: (laughs) So now, what did Richard Nixon say when he was accused?

DePue: “I am not a crook.”

Thompson: I am not a crook...*mm-hmm*.<sup>86</sup>

DePue: I wanted to ask you what your feelings were when you heard about the Saturday Night Massacre, and what had happened to Elliot Richardson.

Thompson: Oh, Lord! It happened so fast, you couldn’t hardly have feelings, I guess, at the moment. I mean, all the guys that got fired were friends of mine. First the attorney general goes, Elliot Richardson; then they call on his deputy, Bill Ruckelshaus, and he refuses to fire Archibald Cox, so he’s gone in thirty seconds. And then they get the next highest guy in the department, the solicitor general, Bork. And he says, “I’ll fire Archibald Cox!” (laughs) So he does, and he’s the acting attorney general, who later became one of my favorites. Did I tell you the Bork story?

DePue: No, I don’t think you did.

Thompson: Oh, I should tell you the Bork story, why he was my favorite. I worked for seven attorneys general in four years.

DePue: And of course, he will be well-known in history because he was never appointed to the Supreme Court.

Thompson: Right. And I ended up testifying for him to be appointed before the Senate Judiciary Committee, chaired by Joe Biden.

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<sup>86</sup> Thompson seems to be suggesting that Nixon’s choice of words was not a coincidence.

DePue: Is that still while you were governor?

Thompson: Yes, Reagan asked me to do that. So Bork's the acting AG. Now, the Conspiracy Seven defendants' verdict was reversed. And their lawyers had been found guilty of contempt by Judge Hoffman. The lawyers, you know, went a little crazy during the trial.

DePue: This is Julius Hoffman?

Thompson: Yeah. They were convicted of contempt, and the appellate court reversed that and sent it back for a new trial, on the lawyers. Even though this occurred before I became U.S. attorney, now it was my case. So I said, "Okay, we'll try it." The Seventh Circuit had the Supreme Court send in a judge from another district to try it, to get it away from the Chicago judges who sat on the same bench as Hoffman. They assigned Judge Gignoux from the district court of Maine, a very pre-eminent district court judge, well-regarded, to come to Chicago and sit on this case.<sup>87</sup>

I get a call from Washington—I guess it was Henry Petersen—and I'm told that the Department of Justice doesn't want to try the case, they want it dismissed. I said, "Why? These lawyers were contemptuous. I don't care what their reasons were, they were contemptuous. You have to try this case because you owe it to all the district court judges not to put a stamp of approval on this kind of conduct in the courtroom!" "Oh, no. Jim, Watergate, you know, we want to put all this behind us." These were career guys, right? They were tired of being in the spotlight, they had gone through the rolling AGs in the Saturday Night Massacre and beyond. I said, "I'm not going to drop this case, unless I'm ordered to drop it by the attorney general himself." They said, "Then you've got to come to Washington and talk to us." So I flew out to Washington. To my great surprise, who picks me up at the airport? The attorney general! Now, that had never happened before.

DePue: Who was the attorney general at that time?

Thompson: Bork, still. Not only picks me up at the airport, to my utter amazement, but he's driving some beater car that had been in a wreck, because the driver's door is roped shut. So he has to get in from the passenger's side. I said, Well, it's going to be an interesting day. And I didn't know Bork.

We go to the Department of Justice, and the assistant attorney generals, the staffers under Petersen, are making their arguments: They just want to get rid of this case; they don't want any more focus on the Department of Justice; they went through hell with Watergate, blah, blah, blah. And Bork's sitting in. So I give my rationale on why this case has got to be tried. It comes about twelve o'clock, and the attorney general says, "I'll think about it

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<sup>87</sup> Edward T. Gignoux, for whom the district courthouse in Portland was renamed in 1988.

during lunch. We'll reconvene at 1:30." They all leave. Bork says, "You want to grab some lunch?" I say, "Yeah!" Every other time I had gone to Washington as U.S. attorney and was taken to lunch by somebody in the Department of Justice, where did we go? We went to a nearby department store cafeteria. Where does Bork take me? To a saloon! (DePue laughs) Where we have cheeseburgers and a martini. I thought, Hey, this guy's all right! He's okay! Picked me up at the airport in his beater car, taking me out for a cheeseburger and martini. We come back to the meeting and he says, "I've decided Thompson's right; we'll try the case."

DePue: Did you talk about the case while you were at lunch?

Thompson: No. I mean, he had heard it all. So they left. He said, "Listen, I've got a friend of mine visiting, a professor from Yale"—because Bork had been from Yale—"out at the house, you want to come out and meet him?"<sup>88</sup> I said, "Yeah, sure." So we go out to Bork's house and sit on his screened-in summer porch and drink more martinis. Finally, at 3:30, his wife comes out and says, "What time's your flight?" Looking at me. And I say, "I guess I'd better leave for the airport." Bork says, "Oh, I can go take him." She says, "You're not going to take him. You've had enough martinis. I'll take him to the airport." So she took me to the airport. I flew back to Chicago and told the guys, "We're going to try this case," which we did. I think Gignoux found them guilty, but suspended any sentence.

DePue: But who were you supposed to have met at Bork's house?

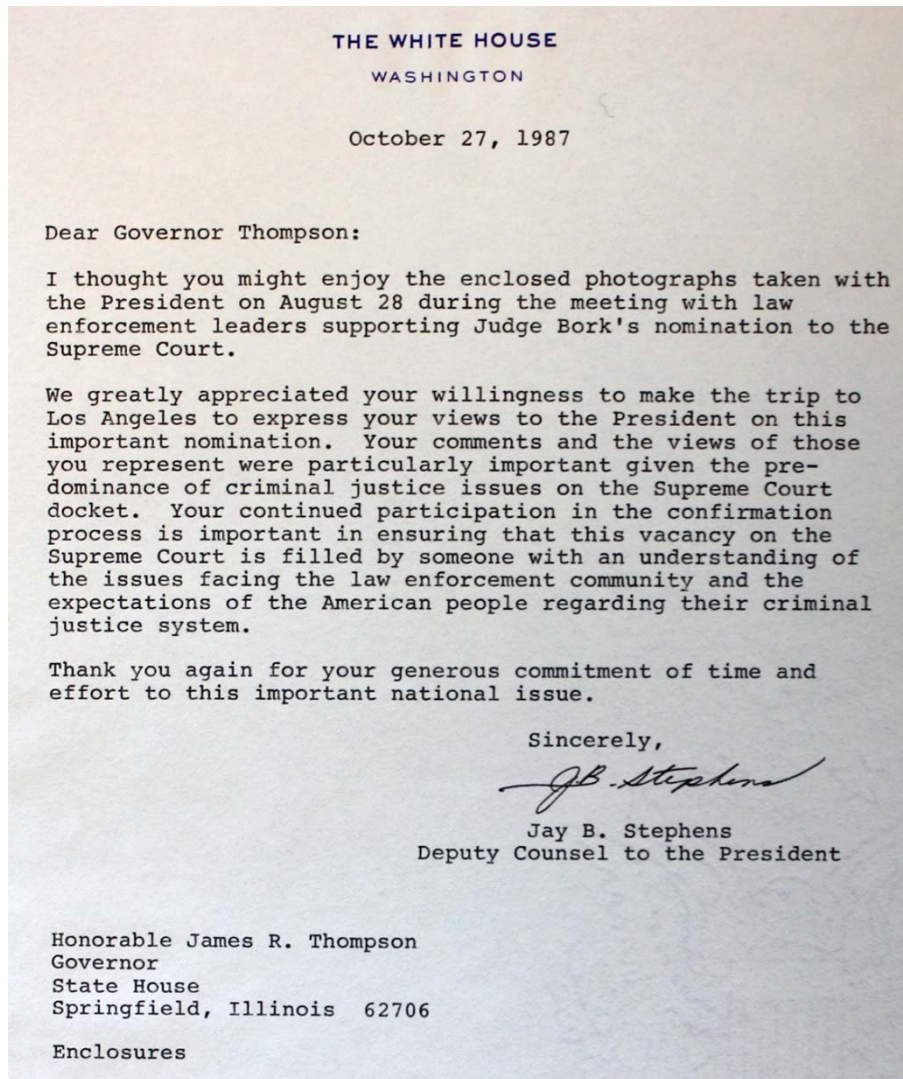
Thompson: Some professor from Yale. I don't remember his name.

DePue: I was waiting to hear that this was somebody prominent.

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<sup>88</sup> Bork earned his law degree from the University of Chicago, then was a professor at Yale.

Thompson: No, just a friend of Bork's who was visiting. Based on that episode, he became my favorite attorney general out of all those I had served with. When Reagan was president, and had nominated him to the court and got all this



blowback, he convened a meeting. We were in Los Angeles for something, and Reagan asked me to join a small group to talk about giving help to Bork in his nomination. I agreed to do it, so I subsequently went back and read all the criminal law opinions that Bork had written while he was a circuit court judge. It turned out he was a pretty moderate fellow on the issue of criminal law; he was neither crazy right or crazy left. And I testified before the Senate Judiciary Committee, with Biden presiding, to that end. It wasn't enough.

Others from that meeting with Reagan testified on other aspects of Bork's career, but, you know, the Democrats were gunning for him.<sup>89</sup>

DePue: We got a new verb out of the whole experience.

Thompson: Yeah, to get "Borked."

DePue: What did you think about Kennedy's comments, his characterization of Bork?

Thompson: I don't remember them, really. Was that the, "Women will have back alley abortions with coat hangers, and..."<sup>90</sup>

DePue: Yeah, essentially. I take it you were disappointed when his nomination wasn't approved?

Thompson: Yeah, absolutely. A friend of mine going to the Supreme Court? Absolutely, I was disappointed.

DePue: Ready to move on to the next piece of housecleaning, here?

Thompson: Sure!

DePue: This one deals with Lester Crown, and I think it goes by the name of the Cement Bribery case?

Thompson: Oh, yeah.

DePue: I think that it has its origins in 1972, but as these things play out, it takes several years and probably came to its fruition while you were actually running for governor.

Thompson: Yeah.

DePue: Tell us about who Lester Crown is, and what that case was all about.

Thompson: Lester Crown is a representative of the Crown family, which was one of the two prominent Jewish business families in Chicago, the Crowns and the Pritzkers. And they were in different businesses; one of Crown's holdings was General Dynamics, the big defense contractor, while the Pritzkers were in manufacturing and hotels. I had known Crown, like you know all the big business guys when you're U.S. attorney. That was a bribery case involving

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<sup>89</sup> At the time of this interview, Thompson had this letter from the White House, thanking him for his efforts on behalf of Bork, in his unsorted office files at Winston & Strawn.

<sup>90</sup> One of the most commonly cited parts of Kennedy's polarizing attack on Bork began, "Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police could break down citizens' doors in midnight raids, schoolchildren could not be taught about evolution..." James Reston, "Kennedy and Bork," *New York Times*, July 5, 1987.



members of the state legislature. And it was over the passage of some kind of legislation, I forget what it was.

DePue: As I understand it, Crown wanted to raise the weight limit for cement trucks on the highways.

Thompson: Maybe that was it. And the allegation of the indictment was that these legislators sold their votes for \$100 apiece. You can tell how long ago—

DePue: Republicans, Democrats? Both?

Thompson: Both.

DePue: House? Senate? Both?

Thompson: No, House, I think it was. I don't remember any Senate. And when I first talked to my assistants about the case, I was very hesitant, because I was afraid that juries would not believe that a legislator would sell his vote for \$100. That seemed to me to be sort of incredible, right?

DePue: You're selling yourself cheap?

Thompson: Yeah, exactly. And I made that argument to my assistants, who argued back that it was credible because they did it in volume. These guys had sold their votes in other cases for a hundred bucks, so \$100 adds up after a while. That was their argument. So I was finally persuaded. We returned the indictments. I don't remember whether it was Lester himself, or somebody else from the Crown company, who had to be a witness in the case. I don't think it was Lester. Lester was just upset that this whole thing had descended on his company, a very proud man.

And there was a second cement company run by some other prominent family, I forget who, a competitor of Crown's, who had turned evidence and become a government witness. Lester was upset that they were being treated differently than his company was being treated. So I had to go see him and say, "Lester, it's because they came in and cooperated. Naturally, they're going to get treated differently than a company that didn't cooperate." Two things came out of that episode; one, I thought Lester would be mad at me forever. He wasn't, and he isn't. He and I have done things together in a very friendly way since that time. He and I were in Jerusalem at the same time, and I spent a day touring the Holy City with Lester and the mayor of Jerusalem, who was kind of famous, Teddy Kollek. And Lester and I have done charitable things together. So he never held it against me. He was just upset at the time.

DePue: But I'm confused on this. I understood that you had granted him immunity to get his testimony. Or is that the other person?

Thompson: That's the other guy.

DePue: Was he ever charged?

Thompson: No. No, no, no, no, no.

DePue: Why not?

Thompson: Because there was no proof that he was responsible for the bribe.

DePue: That it was his lieutenant?

Thompson: Somebody else.

DePue: That he didn't know about it?

Thompson: Right.

DePue: Did you believe that?

Thompson: Yeah.

DePue: Why?

Thompson: I couldn't conceive of Lester Crown doing something like that, just knowing him.

DePue: But you've also characterized these legislators on a regular basis took bribes—

Thompson: Took bribes from other people.

DePue: —from lots of other companies as well?

Thompson: Yeah.

DePue: That was kind of the standard rate?

Thompson: Yeah. But these guys, I mean, I'm still shocked at the notion that you would sell your vote for \$100. Anyway, they're convicted.

DePue: The legislators are.

Thompson: Yeah. The convictions were later reversed by the appellate court on some ground, I don't remember what it was. So I got to go down there as governor, and these guys are in the legislature. (laughs)

DePue: Republicans and Democrats again?

Thompson: Yeah. One of them was a Democrat from somewhere around the Rock Island area. I forget what his name was. He was also a union official in the carpenters' union, or something like that. He hated me forever; you know, when I came by a table where he was sitting, and I was shaking hands around the table, he'd just sit there like this. The other guys were what we used to call West Side Blocsters, Republicans from the West Side of the city of Chicago who were minority legislators in the city.

DePue: Oh, the cumulative voting days.

Thompson: Yeah. So these guys could get elected with two hundred votes. And they were absolutely in the pocket of the Democratic ward committeemen, so they were not really Republicans, except in name. The only time they would vote Republican was to elect a Speaker or to vote for the Republican candidate for Speaker, and after that, they were gone.

DePue: Or a minority leader.

Thompson: Yeah. They were gone. But when I needed them, they were there for me. They used to rarely be on the House floor. They'd be over in a room in the Stratton Building, playing poker. I can recall on one bill, I forget what it was, but it was a very controversial bill, where I needed every vote. And nobody else could get their vote. But I went over to the Stratton Building, walked into the poker game, sat down, and said, "Guys, I really need you on this bill." And they said, "Oh, yeah, sure, Jim, we'll do it." Now, these are guys I had indicted and convicted. You know? But to them, it was business. It wasn't personal. To this other guy, this Democrat, it was personal. Even though I didn't know him from a load of hay when he was indicted. But to these guys, the West Siders, it's okay.

There was a big fight on ERA. And these guys came from a very conservative Italian neighborhood, so you knew where they were on ERA. I was being just beaten to death by the ERA people, even though I had nothing to do with ERA, because it wasn't going to come to my desk if it passed. It was a resolution. One time, I was out of commission with a terrible bad back, lying in bed at the executive mansion, and I needed this guy's vote just to show I'm really trying; as opposed to Phil Rock, who got away with murder, because he wasn't going to let ERA out of his Senate chamber, but he didn't get any of the blame.

DePue: That was '82.

Thompson: Clever devil! (laughter) I can't complain, "What about the Senate and Rock!" "No, we're concentrating on the House first, Jim, and you've got to persuade them." Yeah. So I had one of these West Side Blocsters, whom I had indicted and convicted, come to my bedside in the mansion and tell me that even though his wife and mother would kill him for voting for ERA, he'd do it for

me, this one time, in committee. And he did. That's old fashioned politics, I've got to tell you.

DePue: Now, the way this is going to play out in the election that we'll eventually get to, the '76 election, is the concerns that were raised because you're giving immunity to certain people to go after other folks.

Thompson: Yeah.

DePue: And you've already stated that this one person, whose name you can't recall, was given immunity to testify against all these legislators.

Thompson: Mm-hmm.

DePue: Why make those decisions, similar to what you did in the Kerner case?

Thompson: What do you mean, why make those decisions?

DePue: Who to give immunity to and who to go after?

Thompson: Usually the first in the door gets immunity. If you're sitting there and you need a deciding piece of evidence in order to make the case, and you can get it from one of two people or one of three people because they were all part of the plot, then one of the ways you get it is by showing leniency to the person who's willing to come forward and say, "Yes, I did it, and here's what happened." Pretty straight forward.

I mean, start at the beginning. Criminal conspiracies are, by nature, secretive, right? Nobody announces on the street corner that they're a member of a criminal conspiracy to commit an offense, bribery, or whatever. So you've got to penetrate that conspiracy, you've got to penetrate that secrecy; you've got to take the mask of secrecy away. And the only way you can do that, since there's rarely any physical evidence of a conspiracy—there might be circumstantial evidence—you want direct evidence. And since there's no physical evidence, like a murder weapon, you've got to persuade one of the conspirators to break his silence and testify. To get that kind of testimony, you've got to show some sort of leniency, whether it's immunity, which you sometimes use, so that there's no prosecution of that person, or you make a deal that he'll plead guilty but get a reduced sentence, as opposed to the conspirators who go to trial.

Prosecutors have always used, and still use today, one of those two inducements, depending on how much evidence the prosecutor has, or will have, against that person that you're going to either immunize or show leniency in sentence. Another consideration is the issue of culpability; was this person that you're going to immunize less culpable in the conspiracy than, say, the mastermind, the person who started the conspiracy? Was this guy picked up in the unfolding of the conspiracy? So prosecutors look at

culpability, they look at what part did he take in the conspiracy: Was he an originator or a later tag-on? What's his record? Has he done this before, or is this his first offense? What evidence is he going to give? All those things go into a decision to grant immunity or not grant immunity. Those same factors and other factors may come into play if you're doing, not an immunity route, but a reduced sentence route for a plea. That's been used by prosecutors from time immemorial, and is used today.

DePue: Were there some indictments issued against the bribers, or was it focused on those receiving the bribes?

Thompson: I don't remember whether or not we had briber indictments. And I suppose the reason I don't remember was because they were not the notorious defendants, and by notorious, I mean those who held public office and took the bribe.

DePue: Were you more concerned about the public servants?

Thompson: Oh, absolutely, positively. They took an oath; they held themselves out to the public. They, by their actions, corrupted a public transaction. I thought they were more culpable than those who bribed them, and I think every prosecutor would feel that way. Now, you might feel differently on some other evidence, where you'd go after the bribers as heavily as you would the bribees, but most likely, in that case, you would have enough evidence from other sources, maybe wiretaps or something of the sort, so that you didn't need to rely on those who paid the bribes. Each case is going to be different.

DePue: One more piece of housecleaning here, and this towards the end of your time as U.S. attorney.

Thompson: Mm-hmm.

DePue: It goes back to the Kerner case, which we talked about extensively last time. Any discussion about the appeal that the Kerner family made on his behalf? Or that Otto Kerner made himself?

Thompson: What do you mean, the appeal?

DePue: Appealing his case to be reviewed, after the conviction.

Thompson: Oh, up in the Seventh Circuit?

DePue: Mm-hmm.

Thompson: It was a normal appeal. They brought in three circuit judges from across the country, so there was no local judge on the case in the court of appeals. They brought in one guy, who was an appellate court judge of some renown, Henry Friendly. And I think he might have written the opinion. It was a straight-forward appeal, raising the questions that had been raised by the defense at the

trial, dealing with the errors that they claim the trial judge made. There was nothing out of the ordinary about the appeal.

DePue: Next question, then, is your opinion about his release.

Thompson: I advocated his release.

DePue: And that was May of 1975.

Thompson: Yeah, because it was reported that he was suffering from cancer, and I thought that under those circumstances, given the seriousness of his health, he had been punished enough. In some ways, it was what I felt about the sentence in the Ryan case. Now, I was one of George's lawyers. And he was my lieutenant governor, and he was a friend of mine. Whatever you think about what he did, and whatever you think of the verdict, I thought that was pretty tough punishment for a man of his age. Look at what happened to him during the time that he was in prison; I was hoping he would get released earlier than his sentence, so I'm looking at that, not at the trial.

Here's a man who lost his wife while he was serving time. Yeah, they let him out to be at her bedside when she died, but they wouldn't let him out for the funeral, so there was no funeral. Lost his brother, lost his good name, lost his reputation, lost his pension while he was in the penitentiary, and lost his social security. Came out of there with all of those things taken away from him. And I thought, That's enough. He's out now, and July third or fourth, his probation or parole status is over, so he's a free man to do what he pleases. He doesn't have to report to the probation department or the parole officer, doesn't have to have permission to do anything.

So I thought, given Governor Kerner's age and all he had lost by being convicted—his name, his reputation, his office—and now facing what appeared to be a fatal cancer, he ought to be released. I said so, publicly, and I said so to the Department of Justice and the Department of Corrections. And he was released.

DePue: Do you remember the warm welcome that Springfield gave Kerner when he returned to Springfield after his release?

Thompson: No. Wouldn't surprise me. Springfield's a very forgiving town.

DePue: And he was popular in Springfield?

Thompson: Yeah.

DePue: His death on May 9, 1976, what was your reaction to that? Do you remember?

Thompson: Not really. I mean, it was expected.

DePue: Would you have sent condolences to the family?

Thompson: I didn't. It was clear the family had no use for me.

DePue: We'll get to some of the family a little bit later, as well. Any other highlights that you wanted to talk about in your time as U.S. attorney?

Thompson: Can't think of them. We got the first civil rights conviction in the history of the Northern District of Illinois. I think it was a police brutality case. And there had never been a civil rights conviction in the Northern District of Illinois, which is kind of surprising for a northern area of the country, when there had been civil rights convictions in the Deep South. So we indicted this case, I think it was police brutality, and got a conviction. Ilana Rovner was the head of the civil rights division in the office, and I remember walking her around the U.S. attorney's office, stopping at every door, to announce to the assistant U.S. attorney inside there what she had accomplished; that this was an extraordinary day, a proud day for the office, first one in history. And it said something about us. I remember that.

It's not a highlight, and I don't remember whether I've talked about it or not, but the way Judge Bauer conducted himself as U.S. attorney was always an inspiring thing to me. He was an admirable prosecutor; smart, tough, fair, willing to listen to a defendant's side of the story before an indictment was returned, willing to ask his assistants questions, probe the strength of their case, and listen to his assistants. Very open man. I think I told you, he gathered us in his office every afternoon at 5:00, after we were all through in court, to have a drink and talk about the day and talk about tomorrow. Just an admirable man. And to me, that is one of the highlights of my time as U.S. attorney, that year being his first assistant.

The other, I think, would be the quality of the assistants he and I hired, and that I hired after he left. You see by how they've turned out in the community what amazing, talented people they were.

DePue: A lot of prominent names!

Thompson: Gosh, just look at Tony Valukas today, appointed the bankruptcy trustee in the Lehman Brothers' case. It took almost two years to untangle that thing, to great renown for his report. And now he just finished his stint as the independent investigator in the General Motors recall case, again to great renown. Chairman of his law firm, one of the best in the nation. He was my young kid assistant. I mean, I taught him in law school. Rovner, Flaum, Webb, Fahner, Kocoras—I mean, it goes on and on.

DePue: Would you consider that Bauer was a mentor for you?

Thompson: Yes. Absolutely. He picked me to be his first assistant, which gave me the chance to be U.S. attorney, which gave me the chance to be governor, which

gave me the chance to be chairman of Winston & Strawn. What the hell, that's (laughter) pretty good, huh?

DePue: It's opened a few doors for you!

Thompson: Pretty good! Well, he opened one door, and then I opened the rest. But because he had opened the first door, just like Fred Inbau, my mentor at Northwestern, opened that door, which opened...

DePue: Which one do you think would have the bigger impact on your future, or can you judge something like that?

Thompson: You can't because they were different. Fred was the first, and he gave me a chance to shine at Northwestern and in the legal community based on stuff I was doing at Northwestern. That led to Bauer hearing me on a Supreme Court appeal one day, and that opened up Bauer. So I've spent the rest of my career opening up doors for youngsters, you know, just do it every day now.

DePue: Okay.

(end of interview #5)

(end of volume #1)