

Madison Historical: The Online Encyclopedia and Digital Archive for Madison County, Illinois

Philip Rarick Oral History Interview

Steve Hansen, Interviewer

Callis, Papa, & Szewczyk, P.C., Granite City, Illinois

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Editor's Note: This transcript was lightly edited by Philip Rarick. It may differ slightly from the original audio recording.

Steve Hansen (SH): Judge what we'll do is ah send you a copy of the tran- a written transcript.

Philip Rarick (PR): Uh-huh.

SH: And let you then uh review it and correct it and uh...

PR: Sure, okay.

SH: Change anything you wish that might be a little...that you wish you hadn't said...

PR: Okay.

SH: ...or something that you might want to include that you forgot.

PR: inclu...Okay.

SH: You'll take one of those and I'll take the other one.

PR: Certainly.

SH: Thank you, sir. [Pauses – paper rustling] So today is September...twentie...nineteenth? Nineteenth.

PR: Uh...Nineteen.

SH: Nineteenth and we're in the law offices of uh Judge Philip Rarick and retired Supreme Court justice, Illinois Supreme Court Justice. I am Steve Hansen and we're um talking today generally with the Judge about his life and career and um the history of Madison County. You witnessed...at least....

PR: Uh yes I did. I saw some changes, yes.

SH: A lot of dynamic changes over the time...

PR: Yes, indeed.

SH: And you grew up in Troy?

PR: No, I was born in Troy in 1940. Ah my dad was a machinist working in East St. Louis and when World War II broke out, there was gash...gasoline rationing was a big thing and there was carpooling out of Collinsville for the folks who worked where my dad worked. And, we moved to Collinsville uh when I was...uh two years old and that's where I was raised. I...ultimately moved back near Troy. I lived on uh...a little farm south of Troy since...1973.

SH: So your dad then was a machinist...

PR: Machinist in East St. Louis.

SH: ...in East St. Louis and uh...did he...was it in...was he working in the armaments?

PR: Yes, in a defense...defense firm as they were called back then. It was known as Walworth Valve. They made all sorts of valves. I mean they did other things but the primary product was valves that were used...uh essentially, I think, in the Navy. Ah it was actually, I said, East St. Louis but it was truly at Washington Park a suburb of East St. Louis.

SH: So you grew up in in Collinsville um and what was that like? What are some of your memories of...of your childhood?

PR: Well, we lived on the west end of Collinsville which is the older...older part of Collinsville. Ah now the west end has been long ago subdivided. That wasn't so when I was a child. Ah the paved street ended a couple blocks from our house and there was a big wooded area that ran all the way down to [Illinois Route] 157 which, of course, now is all subdivided and they have all of ah the development there in the bottom area which was all farms when I grew up. In fact, I worked on farms there as a as a youngster. But the Gateway Center and all of that was horseradish and ah corn...more of a truck-patch sort-of thing and sweet corn and tomatoes all that as opposed to like the agriculture and uh... out where I live now. But uh coal mining was still the big industry. There was the ketchup factory. The ketchup bottle survived. I mean I can still remember the smell of ketchup growing up and then there was the...a lot of some of the women worked in a garment factory there on West Main Street not too far from my house. Martha Manning and we commonly called it the dress factory. But coal was the big industry. Uh it was...um I remember the coal trucks going up and down Main Street...it seemed to be all hours of day and night and most of it going to St. Louis. But...ah everyone in my neighborhood and most neighborhoods heated with coal still. Ironically, I was just reading an article here about President Trump's attempts to revive the coal industry. But at any rate, it was certainly the dominant thing in...and all the men in my family were coal miners. I was the first to... **(05:03)**

SH: Except for your father? Or...

PR: Well my father, I think, started and got out early. But his father, all of my uncles and everyone...all of the men were coal miners. In fact, I was the first to graduate from...first in my family...first male in my family to graduate from high school. My grandfather started in the coal industry at age twelve.

SH: Wow. In this area?

PR: Glen Carbon. His father started at age nine and I wish I would've...somewhere I have an uh article

outlining that.

SH: And um um...but you...did your father and your mother kind of shape you so that you didn't even think about going into coal.

PR: Oh, no. Yes that's right. No, they didn't. My grandfather, of course, ah in particular, certainly didn't want me in the mine. No. I mean that was...that was pretty well...I was destined to avoid that by all accounts, yes.

SH: Okay. And because of hazards or...?

PR: Well, hazards...working conditions way back were deplorable. By the time I came along, the United Mine Workers were a force and they had improved working conditions greatly. And so, I mean, it wasn't...it was still dangerous, dirty work...unhealthy. But uh you know, by then you know it was still a good wage. When my grandfather started, uh you still had the company store. You know, you bought your...the equipment all came was bought from the company. You were paid, not an hourly wage, but a production. How many of those buggies you loaded with coal depended on how much money you got at the end of the week.

SH: Sixteen tons, huh?

PR: Yeah. [Steve laughs] That's right.

SH: Yeah. And so you said you were the first male to graduate high school.

PR: Yes. My mother finished high school, yes.

SH: And how did they create expectations for you to go to college? Or how did you end up there?

PR: Well...I ended up there because I was fortunate that SIU came along...they [cough] had the East St. Louis center as I told you. That's where...most of the St. Clair County people I was Collinsville's right on the border. I could've gone to Alton. They had the... they called it residence ah ah ...I can't remember what they were...they had a name for it but anyway uh it was held in the old East St. Louis high school. East St. Louis had built a new high school and that's the Alton facility was held at the old Shurtleff College...Uh I think it's on College Avenue appropriately named College Avenue there if my memory serves me. But uh I was able to go there. I had to work I worked over here at the steel mill uh a big part of the time that I went to school. Uh the steel mill over here runs 24/7 and uh only the old-timers had the day jobs so I had the midnight shift or the afternoon shift ah a big part of the time I went to college. Ah I was laid off periodically and had a lot of jobs in between uh but um back in those days I could pretty well count on working every other weekend because the mill paid twice weekly, I mean monthly.

And pay day they anticipated a bunch of [laughs] work people calling off, you know, and their pay check and they didn't [Steve laughs] weren't gonna work and I was on the list there and uh I was called all the...in very frequently. I never turned it down, never once turned down. **(09:23)**

SH: And when did you graduate?

PR: Ah well, I want to...I started in [1958] back in those days though, you could start law school after three years. You didn't have to have a degree. So I had um by [1961] I...when I started law school I hadn't yet graduated from SIU but I either went back and took a cou...I was real close I think I went back and took another course or two in the summer and graduated later. About the time not...I graduated from law school in [1966] I think I graduated from SIUE in [1965] because I went back one of those summers and took some courses to finish my degree.

SH: How did you become interested in the law?

PR: [Laughs] Ahh well, you know, I've often thought about that. When I went to college, I had no idea what I wanted to do in undergraduate school. I had a notion I might want to become a veterinarian. I took um ah biology and some chemistry and some science courses and it soon was apparent to me that...that I wasn't cut out for that. Ah I liked the social science courses, the political science courses, and the business courses. And, uh I took a course called Business Law and loved it. Um I took a criminal a juvenile delinquency and a criminal and I liked both of those plus I made A's in all of them. So, I thought this is maybe what I should be doing. [laughter] And that's the only way I can explain it. I didn't know anyone who was a lawyer. I didn't have any relatives who were lawyers. I'd never been in a courthouse. I'd never been in a law office. But that...that's probably what led me into law school.

SH: That's interesting. You found your passion then?

PR: Well, I did. And you know not long ago I speak periodically at new judges' seminars and Justice Karmeier had me speak at the admission ceremony here last year in Collinsville where the new lawyers are admitted to the BAR. And, I remember telling them I'd...I'd been a lawyer fifty years at that point in time or fifty-one years maybe. And I told them as I look back over those fifty years, never once did I think I'd ever made the wrong...excuse me [coughs] raspy throat this morning. Never once did I ever think I'd made even my worst day I don't think I ever thought I'd made the wrong decision. (12:07)

SH: Well that's great. That's great. And how did you become involved in politics? Was your family political?

PR: Yes, yes. I grew up with it. I grew up at the kitchen table listening to my grandfather and my father who... ah grandpa was the Collinsville Township Democratic Committeemen's um ah Chairman. The Chairman of the Democratic Committeemen in Collinsville Township. At one point in time, it was before I was born, my grandpa was chairman, his father was a committeeman and my father were a committeeman. There were three of them serving as precinct committeemen. So, anyway, I came by it naturally. I listened to it when I was a little boy growing up. I went house to house with grandpa passing out literature, putting up signs, ah and so it was just a natural.

SH: So they were all New Dealers...

PR: Yeah, absolutely.

SH: Right. Abso... Okay. And so it was natural then when you got into law and you got your law degree then you also then were already interested in politics?

PR: Oh abs- not question. Yes, absolutely. Yeah. I was active in... in a lot of political matters and we'll get to this eventually but in 1964 when I was in law school, there was the...the you will talk about the Blue Ballot and the changing of court system to a statewide system. I was a Collinsville Township delegate to the convention that nominated three judges who were running for the appellate court which the new uh ah...I'll explain that a little later in detail. But no, I mean it... it was predestined for me to become a political animal. **(14:09)**

SH: So take me then through your career from when did you graduate from law...

PR: I graduated in 1966 and I began working shortly well right after graduation for a law firm in East St. Louis, Illinois. It was a ah what's known as a casualty insurance defense firm. Our clients were ah not people coming in off the street. We represented insurance companies who were representing people who were being sued. And, ah I was there a year and a half. Also ah during that year and a half, I set up a little office in Collinsville. That I worked evenings and back in those days we worked Saturday mornings at the law firm and so I had evenings and ah office hours there on Saturday afternoon. But, East St. Louis was a much different place back in those days. The big law firms in the Metro East were centered there. There was one firm in Alton that had five or six lawyers but the big firms were in St. Clair County. Most of them were in East St. Louis and had been for years and years and years. But, you know, so much industry over the years down there. Ah the firm I worked with had, I think, eight or nine lawyers and down the street was another that had eight or nine and there were several that ah the only one here was the one I mentioned in Alton had five or six lawyers. By today's standards, something like seventy eighty lawyers but I worked there for a year and a half I realized I wanted to get back on my own plus Collinsville Township had called me and wanted me to become their attorney and I was offered an Assistant State's Attorney job in Madison County. So I had my little law practice and uh I could see that I could get by and would probably be my advantage to get out of there and uh get on my own up here in Collinsville which, you know, was my home. And that's what I did. Ah I was there for maybe on my own for a year and a half when Moses Harrison called me, he and Dwight Taylor had a law office in Collinsville. Ah Moses became my mentor over the years. I followed him to the Circuit Court and then to the Appellate Court and then to the Supreme Court. Ah they had a general practice and they needed a trial lawyer and that's what I had been with my law firm there. Ya know I didn't do commercial work or anything like that. I did basically trial work. And so I went with them and I stayed with them uh until uh let's see 1975 I left there and something happened along the way. Dwight Taylor, who was my partner, was a victim of a car bombing. It was written up. You can go back and you know the detail, or what detail was known about it we still aren't real certain of what happened. We think we know he became involved with a lady and it was matter of the heart, I suppose you could describe it. But, at any rate, our that firm dissolved and Judge Harrison and I continued on and we brought in a lawyer named Bob Cadigan and... and uh when Moses went to the bench it was Bob Cadigan and I continued on till I went on the bench in 1975. But I was city attorney and township attorney and an Assistant State's Attorney and I was attorney for Jarvis Township which uh is the township where I live now. So I had a lot of municipal law experience uh in addition to what I was doing. I started off doing mostly personal injury and trial work. And then after Moses left I got into doing more probate and that sort of thing and [cough] Bob came in and took over the other part. **(18:37)**

SH: Your appointment for city attorney for Collinsville, was that a uh appointed position?

PR: It is, yes. Or it was. Appointed by the mayor. Uh in the commission form of government that we had then, the mayor appointed the city attorney and the other attorney which was known as the corporation consul. The corporation consul advised the city council, went to the meetings. The city attorney did all of the courtrooms work and that's what I did.

SH: Okay then you did the courtroom work weren't doing the...

PR: I did not.

SH: ...advising on policy for legislation?

PR: I did not, no, no, no. None of that.

SH: Okay. Alright. Good. So after, then from Collinsville you you went to the bench?

PR: Okay, 1975 I was appointed as what was called then an associate judge. Still is. And that's what we'll need to get to eventually because when I started practicing law, the Blue Ballot Amendment from 1964 was just just getting going. And that unified the court system in the state of Illinois. When I was a youngster growing up, we had uh the circuit court in Edwardsville. You had ah a probate court. A separate, elected judge. Each county, if they were big enough. Ah Madison County had a probate judge. They also had what was known as the county judge and he was by far the most important politically because he controlled all kinds of jobs. That you had a city court if you were here in Granite City and in Alton. Then you had Justice of the Peace, Police Magistrates, and you had all that just here in Madison County. Now Chicago had like a hundred different courts and eventually, you know, it wasn't very workable. In 1964, they all became unified. All of the court people. When I say that, the judges, ah the probation people, and all that ah became state employees not county employees. Now the clerk is a different matter. That's still a county office. But it was a unified system and in those days we initially, we had circuit judges, associate judges, and magistrates. And the magistrates, have heard small claims, traffic, misdemeanor, and that... that sort of thing. Ah the associate judges, initially were, the city the old city judges who had been elevated to the bench and circuit bench. But when they died or retired, that office was eliminated. Then eventually came the change where the magistrates became what was known as associate judges. The salary increased substantially. They were assigned larger matter, you know, more significant cases I guess is a better way of putting it. And when I went on the bench in 1975, that was the arrangement that we had. Prior to that though, I mean, I can remember as a youngster ah you had the Police Magistrate that's when and these were township employees, not city or county. Ah that was the Justice of the Peace for the civil, the minor civil cases. People, the shopkeeper who didn't get paid, ah little automobile accident, fender bender, or something. And the Police Magistrate did the minor - the kids who got in trouble, ah altercation in a bar, you know, or something like that. But all of that went away and became un-, you know, much better of course in the unified system that we have today. Ah and that's when, in 1965, that's what I was telling you, I was selected as a delegate to we had a convention held over in Belleville because they sent up the appellate court there were three to be three judges in thirty-seven counties. That's the Fifth District. The state was divided into districts. Five different districts. And ah we nominated three judges- it was a Democratic convention and we nominated three judges to run for the appellate court in the coming-up election the election which was coming up. So, I mean that then then we got into the unified system which, you know, as I say was a big improvement. Somewhere around here, if

you think it'd be helpful, I've got a history and you can get it on the website. DuPage County has a big article about it and... (23:33)

SH: Okay.

PR: ...how it used to be going way back when and all of the different courts. I I'm pretty sure I'm telling you correctly, Chicago had over a hundred different courts. You know... justices of the peace, maybe two hundred I'm not sure if about the number but it was massive. Most of whom were either city employees, county employees, or township employees. Very few state employees. Originally, and if you look at Edwardsville there in the courthouse, the third floor had two big courtrooms and those were Circuit Judge Courtrooms. And the Circuit was really big. Meaning it went Madison County way down to Chester, I think, that was before the what I just described to you uh and there were two Circuit Judges. And on the second floor, on the one side was the probate court. The other courtroom was the County Judge who presided over all sorts of municipal kinda things and governmental things. But he was the important person because he controlled all kinds of jobs: appointments to sanitary districts, ah drainage districts, I can't think of all of the appointments he had. Similar to what the County Chairman has today, you know, I mean that was all done by the County Judge back in the day. (25:13)

SH: Let me take you on a on a side trip here. Let's leave your career for a moment...

PR: Okay.

SH: ...and talk to me about ah about the political structure and the power of the political party um organizations. Because you said you were you started as precinct or your parents?

PR: Yeah. Right.

SH: Your father and grandfather...

PR: Yes. Right.

SH: ...were precinct captains...

PR: Right.

SH: ...and committeemen and they the structure doesn't seem quite so tight today or...?

PR: Oh no, no, no. Not at all. No, not at all. When the neighborhood I lived in, for instance, if somebody new moved in the neighborhood, my grandfather would be the first person there welcome him. "I'm Phil Rarick," my grandfather would say, "I'm the Democratic precinct committeeman. Anything I can do for you, you let me know, right here is where I live. Come see me. By the way, election time would it be alright we put a sign in your yard?" I mean it was very, very cohesive back then. I mean, that was just our precinct, you know. Because he was chairman, he ran the whole the whole township: Collinsville and Maryville. But ah no, I mean, it was much tighter uh...I don't know how to...

SH: Or central-controlled?

PR: Less central-controlled. More the committeemen back in those days knew everybody. They could pretty well tell how many votes they were going to get, they pretty well knew, not for sure but a pretty good idea, how you voted, if you voted, and they knew if you voted. I guarantee you they knew that. Ah if you needed a ride to get there, they provided that ride. If you had problems, you got laid off, got hurt in the mine, or something, they made sure that, you know, you had your family had food. It was, it was a lot different.

SH: The Madison County Democratic Party had somewhat of a reputation. I don't know how it compared to St. Clair County or Cook County...

PR: No.

SH: ...but it had a bit of a reputation as being a political machine?

PR: It did. Yes, it did.

SH: Can you describe how that worked?

PR: Central control did exist. Ah but it, it would be the county chairman. The Madison County Democratic Chairman would know he had every chairman from all of the thirty-six townships. You know, they met on a regular basis. They had, you know, their marching orders, you know, "here's what we need to do." Ah they cooperated with each other, ah they shared information. Um ah most important, what I remember, the big difference was the committeemen got out into their precinct and really worked the precinct, you know, no emails or no "where's a letter you Mr. Committeeman you sign it and send it." No, actual, physical, face-to-face contact on a regular basis that's the big, that's what I see. I mean that's the big difference I see today and that is what- that plus the jobs. I mean, that was the big thing, of course. But...

SH: Patronage jobs.

PR: Patronage jobs, yes.

SH: And what do you think, how do you, why do you think the Madison County, doesn't matter which party, but why do you think the does those the machine still exist anymore, the structure?

PR: Well, the structure is certainly changed. I'm not so sure, I mean, we've gone, Madison County has gone from a blue-collar, industrial-type economy to...something, you know, big changes. A lot of demographic changes in the county. Ah one time when I worked there, four thousand men worked over here at this mill right down the street here. They are back to work now, but they got eight or nine hundred maybe. Uh same thing of the oil refineries. The industrial core just started in Alton and it ran oil right down the river here down through St. Clair County. St. Clair County was the same. Ah I think those were changes in the economic conditions and what I'm going to call the demographic theme changed a bit. Um I don't know. I'm not sure I can pinpoint things other than that. We have a lot more people now who are college graduates than we had back in those days. But, I mean, I think it's changed on both sides. Now where I grew up in Collinsville, Collinsville was as Democratic as could be. Um I mean there was Precinct Twelve, I think it was the newer subdivision. That was a Republican subdivision. Um very few, I

could probably count on my hands and my feet how many Republicans lived where I lived [Philip laughs]. But, you know, it was justice. Of course, you know, other areas in, for instance, when I was chief judge, I had, we'd go to the Chicago meetings and my counterpart DuPage county. Carl Henninger, wonderful guy, and we were good, very good friends. No, no Republican judges, at all, were in my county. No Democratic judges were in DuPage, no.

SH: DuPage. [Steve Laughs]

PR: We were the, you know, the reverse of each other.

SH: Now you've seen then this this huge shift in in people and in the economy in Madison and St. Clair County from heavy industrial...

PR: Right.

SH: ...to something else.

PR: Yeah.

SH: And what do you think are the combination of factors that have led to those big shifts in the economy and, and in people?

PR: You know, I'm not equipped to answer that. Um my youngest brother is a PhD at up at Purdue. He's retiring this year. But he was, his specialty was international economics, you know, and he always said to me, "You've never understood economics and you never will." And I, he was, I...I think he was right about that [Steve laughs]. I'm not... I just don't know. I mean, I saw the big change. Madison County was industrial here, agricultural to the east. Ah when I first moved back to Troy there south of Troy, um that precinct was overwhelmingly Democrat. It's just the opposite now. But the subdivision came in behind me and other than the first house, the guy who works for the city, one, two, three either are in the military at Scott Field or work there or retired from there ah and that's true of a lot of those people living there. And it's not just that. There is that demographic change, you know, people moved in from other areas. I vividly remember, you know, this being all the way down just heavy, heavy industry and it was always rural. But the rural area, unlike today, was much more Democrat than Republican. (33:52)

SH: Interesting. Let's get back to you then.

PR: Okay.

SH: You ah went to the bench in 1975?

PR: Right.

SH: Okay. So then what, how does your...

PR: Well I was an associate judge there.

SH: Okay.

PR: And ah after a couple years I was appointed by the chief judges as chief associate judge, and I held that judge until 1980 when I ran for Circuit Judge and I was elected in 1980 and in 1985 I was elected as Chief Circuit Judge. Um I uh, early on, associate judges were not permitted to do criminal felony matters unless the chief judge made a request to the Supreme Court that they be certified. That was the word that was used then to handle criminal felony matters and early on, I was certified to do that which accounted for a big part of my career being in the criminal court, criminal bench. As a circuit judge I was doing ah mostly criminal. I was presiding judge of the criminal felony division for a number of years. I did also some civil from time to time as was needed but the bulk of my career on the Circuit Court was either as Chief Judge or as Presiding Judge in criminal felony cases.

SH: And were there are there cases that stand out in your mind? (35:20)

PR: From the Circuit Court days? Yes, I mean there's a few. Um I...I had one that was particularly troublesome for me. Um i'm not going to mention any names, but a school teacher from Alton who was accused of, what was called in those days as indecent liberties with a child or sexual abuse of a child. And I presided over his trial as a jury trial and he was convicted. And I didn't, he had been out on bond throughout the whole trial from the time he was charged he had made bail initially and was never in jail. And they asked me to hold him in jail after the conviction and to my knowledge there had been no indication of any problems during his prior to his sentencing. You know, during the time he was on bail and prior to sentence. So I didn't hold I let him remain on bail. Over the weekend, his home burned down and his wife died. He was shortly thereafter charged with arson. And of course you can imagine what happened. Then I end up with the murder, the first-degree murder case seeking a death penalty. And of all things they waived the jury. So I'm saddled now with a capital case um and it was very well presented and very well defended. I mean, expert witnesses from New York and from here and from there and, um ah you know, you're trying to establish the cause of a fire by circumstantial evidence. And I had I struggled, we went through it for weeks going through. And the trial, I mean, I don't remember how many days that was. Eighteen or nineteen days of testimony, maybe. Something like that. It was almost three weeks, I think, of testimony. And I had took weeks thereafter, I went through. Of course, you don't have the luxury of not doing your other docket. You know, you've got to try and go through all of this and review all of it in addition to what you are doing. So it took quite a while. Eventually I found him, found the defendant guilty. I did not impose a sentence of death. I found him guilty of one of the counts, that was aggravated arson. And there was an oddity in the law that didn't provide for a death penalty. It does today because of that case, you know, they just didn't realize that they hadn't included it back in those days as part of the capital murder scheme. But at any rate, I mean, that one stands out always in my memory.

SH: What, what, what were some of the challenges you faced as being a judge of the Circuit Court? What are some of the difficulties...?

PR: Well, you know, it it sort of depends being a civil... Some judges have only done civil matters. Now in Madison County that means normally "L" cases. The associate judges do the family court, the juvenile court, the probate court and all of those things. The Circuit Judges typically do either criminal or felony, or they do the major civil which is uh injury cases primarily. Now, of course, we have for years we've had this asbestos docket here in Madison County. A judge, one judge, Judge Stobbs, that's all he does is the asbestos docket. But, ah to answer your question there, I think it depends on what is your assignment. Ah in the criminal court, I mean we didn't have the big numbers that they have today, but there were only two

of us. I was the Presiding Judge and I had another Circuit Judge who I assigned cases, you know, I did the administrative stuff and the trials, but I only had one helper so to speak. Now they've got three or four. But, the the docket, the numbers, the cases [coughs] Excuse me. And then it was very busy ah docket. Uh It took... I guess it was maybe more intense also. And when I say intense, I mean, you know, you're dealing with people's lives and liberty and emotions are higher and that sort of thing. And I found, you've got to become a pretty good listener too. I mean ah, in the civil cases, the juries make practically all of the decisions. That's not so in the criminal because you have all kinds of pretrial matters. What evidence are we going to permit in here? Ah are we going to let that confession, is that truly a confession or was that ah taken in violation of his of the defendant's rights. You have all of that pretrial stuff before you ever get to the trial. Now you have some of that, of course, in the civil but not to the same degree. But I mean that would be the answer I would present to you because, I think, it does depend on what is your assignment.

SH: What makes a good judge?

PR: Well, I'm not, [Laughter] I don't know. I have my own idea. I mean, I think the most important thing is a sense of fairness and treating and, of course, obviously following the law. But ah again, you know, you've got to be a pretty good listener. Patience, maybe, is another thing that you need. A lot of people are going to be appearing in front of you and they're going to want to talk and talk and ya know some of it is relevant and some of it isn't. If you don't listen, they walk out thinking, "That guy didn't even listen you know... he didn't care about me." There's some things like that and when you talk in the criminal court, you're not going to be able to converse with those defendants as you would in the university having a conversation back and forth across. They wouldn't have any idea what you're talking about in large measure. So, maybe those are the things that, obviously, uh follow the law. I mean, I think it's just a matter of trying to strike a balance and being, being fair and treating everyone the same.

SH: What happened then after your, after the Circuit Court?

PR: In 1988, I ran for the Appellate Court. That is the court that sits in Mt. Vernon. It was a banner year because the Appellate Court the legislature authorized two new judges down there because their docket had increased so much. And there was a Supreme Court judge being elected. So there were five of us on the ballot that year. Uh anyway, that's the south. The 37th southern county starts up there and about twenty miles south of Springfield and runs down to the end to Kentucky and then from border to border across the state. And I was there uh fourteen years. A lot of that time, I served on a specialized division called the Industrial Division of the Appellate Court. And that's a specialized court that hears only workers' compensation cases. One judge from each of the five districts is appointed by the Supreme Court and we go, we went in those days, we went around the five districts hearing workers' compensation cases that came out of that district or that area. So, I mean, I heard cases there, regular cases in Mt. Vernon. But I also had the workers comp- compensation docket. So I was doing, I enjoyed it because I enjoyed workers' compensation law but it was extra duty. Ah you know, I'd end up hearing twenty cases in Chicago, for instance, and then I'd go down and hear ten or twelve cases ah in Mt. Vernon. Those were oral argument in addition to all the paperwork that you did. So it was busy, busy, busy. **(44:30)**

SH: So, excuse my ignorance, but you said fourteen years on the appellate. Did you face voter retention?

PR: Yes, yes, it's a ten-year term. I was initially elected in 1988. Retained in 1998.

SH: And that required sixty percent?

PR: Sixty percent, yes. Out of all those 37, you know, that's a lot of travelling time. You know, there's a lot of geography. Ah I remember in [1988] we tried to keep track of how many miles we had driven and we came close to one hundred thousand. I mean, we're in automobile. Pretty much wore out the automobile. But you had somewhere you had to go every night to a political meeting or a civic group. Weekends you had county fairs and parades and I don't know. It was a second full full-time job.

SH: Help me explain how you managed then the conflict between being a judge and then also the politics of being a judge and the pressure from the political party on being...

PR: And invariably being asked questions that you're not permitted to answer. "Judge Rarick, how do you feel about, what's your opinion on abortion?" Appellate judges don't hear that sort of thing to start with. I mean, I have my own thought about it but as a judge I must follow the law. I can't, you know, some some of my colleagues would just simply say, "That's a question I can't answer." "What do you think about the death penalty?" Well, you know, judge, ah there's a moratorium on it. I mean, you know, you follow the law but they want...invariably you're going to be asked questions that, you know, you just can't answer an without violating the standards to which we're held. But, you did have the political thing. Ah you know, "Will you support John Smith? He's running for whatever he's running for over there." "Well, we're on the same ticket, yeah." There was.... one of the answers back then we had the straight ballot. You could put an "X" there at the top. "We encourage you all to vote. Your county is whatever number it is. Vote that way you get us all." We had...we had... some of the county chairman had different ideas about things. So you had to do a little tap dance a little bit, I guess. [Steve laughs]

SH: Okay, they ahh... who can you think of that has been particularly colorful attorneys that came before you or that pulled different kinds of courtroom antics?

PR: Well you know...there were some. And more so back in the early days. I mean, they had one was considered himself he spoke as if he were coming out of maybe the early nineteenth century ah we had some characters. You know, most of them as I sit and think about it were from the Alton area. [Steve laughs] But ah there were certainly some colorful attorneys. Ah the one attorney, I mentioned to you the case about the capital murder case. Well I had the same and he was one of the colorful attorneys. He was a old-time criminal lawyer ah who kind of put on an air of "I'm not sure I understand you." The other side makes an objection. Objection sustained. "Thank you." He would say "thank you." He would thank me for sustaining the objection and then he would say "How should I ask that question, judge?" I said, "Well I can't." And this is right in front of the jury. "I can't tell you how to answer that question." I remember the indecent liberties trial. In his opening statement, he would say trying to explain to the jury his theory of the prosecution what it was all about. And he said, "Ladies and gentlemen of the jury, this thing this case reminds me of what happened years and years ago up in that place." Uh ah like he couldn't remember. "What was the name of that place, Judge?" "I don't know what the name of that..." You know, Salem, he was trying to say they burned witches and all. That's what he was this is a witch hunt that's what he was trying to. But, you know, we don't have a whole lot of people like that today. At least I don't see them. And I didn't see them. Once I got out of the Circuit Court you don't see that very often. The courts of review are much more formal. Eh but, yeah, we had some characters. (49:49)

SH: Were they often effective?

PR: This man didn't have too good a track record with me. But he in his previous, [PR coughs] in his prior years he had been a pretty effective criminal attorney. Yes, yes, I mean, he was. Not the smartest guy, I don't think. [Steve laughs] But uh he had a little personality. Jurors liked him, you know, he got right down front and ah they sort of, you know, he developed a rapport. And, I mean, this thing went, what's the name of that? I can't be talking to you. You know, first of all I'm thinking, I almost said to him, hell..."I can't answer those questions." You talk to the jury, not me. But, yeah there were some...there were several.

SH: So from the Appellate Court then you went...

PR: Then I was appointed to the Supreme Court when Justice Harrison retired.

SH: Okay.

PR: And unfortunately, after I went there September of 2002 and February 1st uh I had a bad, a very bad stroke. And I was off for several months and I went back and finished uh that year, and the next year, uh then the election was uh the following year. I was not, ah didn't consider myself physically able to continue at that point in time. So I retired in 2004 December, the first Monday in December. And then I came here in February March of 2005 and I've been here ever since.

SH: Do you think election of Supreme Court justices is the right system?

PR: I do. And I, I say that without hesitation because I've seen the other methods. They're just, the election of Supreme Courts of any judge has a political influence, unquestionably. The other stuff, the appointed is just another form of politics. I wish I could remember his name but I think it was '80... well sometime in the '80s. There was a judge appointed in Missouri to the Missouri Supreme Court who had never been a judge, who had never been in a courtroom as a lawyer. His claim to fame was Chief of Staff for the then governor.

SH: I remember that. I remember that.

PR: Okay... Paul, my good friend, Senator Paul, former Senator Paul Simon and I saw eye-to-eye on most everything except that. And he and I debated that one time. He favored appointed judges, merit selection. Now, in my view, you know, those are, it's a buzz word. The merit has very little to do with appointments by political. Now there's been a lot of other suggestions. Maybe the governor won't do it. But maybe let the Supreme Court make the appointment. We've had, all of that's been fought with difficulty.

SH: Uh-huh...

PR: Why should it be any different? I mean, the people who make your laws are elected. The people who enforce your laws are elected. Why not the people who interpret the laws? That's, and that's just my inference.

SH: Okay good. What challenges did you face as Supreme Court justice?

PR: In those days, when I started. Let's go back to when I first started. We were inundated with ah what we had way too much work. Number one, we had the...every death penalty case came to us. And by the time it comes to us, the record is about boxes maybe this much...ya know. They were fought with problems. They were so serious, you had to take so much time. Ah I felt that, you know, we're neglecting part of the other side. But it's important we have to do this. The other thing was called the Petitions for Leave to Appeal. Most cases don't get to the Illinois Supreme Court unless the Supreme Court agrees to take them. That's not true with death penalty. They automatically go there. A case where a judge in the lower court has declared it unconstitutional goes there. Ah there's a couple other minor categories. Other, but the bulk of the cases only get there if the Supreme Court grants leave to Appeal. And when I was on there, we were doing about fifteen hundred of those a year.

SH: Wow.

PR: Yeah. And, I mean, the paper really, you just, I would work evenings when we had term. When I was in Springfield getting ready for that. Nights, I mean it was just, the paperwork was overwhelming. But, now that's all part of being a judge. Nowadays, they don't have the death penalty cases. You know, that's been, that's no longer ahh in effect in Illinois. So that cut out a lot of the work there, a lot of the time. They have, the for some reason, their caseload is not, isn't as heavy. They don't take as many cases. But they don't have as many Petitions for Leave to Appeal and I can't ex-p I can't tell you why that is. But there's another aspect to that that most people, would have...until they've been there, you'd have no idea. The administrative responsibility that you have. We would have, for instance, one day we did nothing but attorney registration and discipline cases. An entire day. Every other month. Ah you had all kinds of requests coming in from different things. You'd have requests for this or requests for that [Philip coughs]. Speaking engagements um [Philip coughs] I've had nothing but horrible allergies this year. Excuse me.

SH: That's quite alright.

PR: Ah. We would have appointments to different committees and to we would appoint vacancies. And uh all of that was in addition to our basic job was hearing and deciding cases, obviously. You know, I've explained to you the death penalties and PLA's. That took up a great deal of time. But the administrative end was equally ah challenging. Ah just too much work really. Ah I think as I've explained to you, they don't have the death penalty any cases any longer. That was a big time-saver. And there's less PLA's.

(57:29)

SH: Judge, when you were on the Supreme Court did state politics were all swirling around you in Springfield did, how, did they impact the court in...?

PR: Not much. Not much at all, no. Budget-wise, you know, they're always trying to cut our budget. They always thought we could get by on less. That was always a battle. "Well why do you need all that?" "Do you need that many probation people and the salaries for the public defender? I mean why do we have to do all?" You know, that's a constant battle. But that was, no, no, there was very little political, the political stuff seldom came, we're across the street. No not much if any.

SH: You said that you were on the court when Blagojevich was governor?

PR: Yeah. Yeah.

SH: So you were able to just view that.

PR: Well, see, he was prosecuted federal, you know federal. His prosecution was federal. But since you mentioned that, you know, I was the most popular judge in the entire state of Illinois for at least a day, or two, or three because of a case called Jorgensen verse Ann Jorgensen, judge of the Circuit Court in Cook County, versus Rod Blagojevich, governor of the state of Illinois. And it was an attempt to diminish or cut back a cost of living thing that we had. And I authored the opinion. And ah It was the independence of the judiciary from the other uh... uh the executive branch in this instance. And when I ruled what he attempted to do he couldn't do, I was getting phone calls and letters from judges all I've never met or any sort of thing. It was one we put a lot of work into. I say we, I mean my staff and I. And it got a lot of attention all around the country. But uh to answer your, I mean, there... there was very little attempt to influence whatever could come from across the street.

SH: Good. Good. And does Madison County, uh how did it get the reputation of being a judicial hellhole? And does it deserve that?

PR: No. I mean, in a word, no. And I wish I had called to check on the verdicts of the last few years and I can say this without fear of contradiction. If you go back and start going through those jury verdicts the last five, ten years, you're going to see more verdicts for defendants and more lower verdicts than we had historically. Uh I uh I know it has that it has a reputation. I don't believe it's deserved. I mean, I can vouch for the judges in Madison County for their integrity. Ah I think I know all of them personally. Um I think a lot of this we get, a lot of this came from the asbestos. Ah there's a perception about that case is coming in from other jurisdictions. And, and frankly, I think there's been some cases now the Illinois Supreme Court has ruled, I think we're going to start seeing less and less of that sort of thing. Because of the United States Supreme Court case and one or two the Illinois Supreme Court has decided recently. But I can, I mean, I've served there, and I've served with some of these judges. Most of them are retired. But I know. Some of them I appointed when I was on the Supreme Court. Some of them I helped, I was chairman of their election. I know all of them. And I'm satisfied, you know, it's a good bench. And I'm satisfied with the integrity of all of them.

SH: One argument has been, [rustling] and I'd like your reaction to it and your opinion, is that there is little an individual can do um against a corporation except for to go to court and that it's a great, leveling sort of instance.

PR: Indeed it is. I mean, the right to a jury trial is the key to justice that most working men and women have. Without that, you know, big business corporations are not going to be good citizens. Profit is, they're there for profit. And profit at what expense. "We don't really care." I know that's not, that's a pretty broad indictment. It's basically correct I believe... in my view. And the jury trial, the jury of twelve or six people, has historically been what you're talking about an economic, you know, when back in the olden... that was against the crown, and against the king and all, you know, all of that sort of thing. The Magna Carta and all of that. But presently it's an economic thing, yes. I firmly believe that.

SH: I guess my last question is um, how would you characterize, or could you characterize the changes

you've witnessed in the court system over your career?

PR: Well, I've known a couple things worth mentioning, I think. Um the first is the specialized courts that have developed since I've... it started maybe when I was there but has expanded. By that I mean, in the criminal area we had a so called "drug court" court. Where people, appropriate people, appropriate candidates are diverted, so to speak, from law prosecution into a treatment approach. And they don't just walk off scot-free, but, you know, they end up being, doing supervise and getting themselves cleaned so to speak, off of drugs. And they do get a reward, a lesser penalty. We we've seen that in, we have another one for mental health. Folks with mental health issues. They get, it's an attempt to divert out of the criminal court. That and the veterans' court. Men, women suffering post-traumatic stress syndrome from the military are pulled, nothing on real serious criminal cases. You know, armed robberies and murders, I mean, none of that is diverted. But the lesser offenses, if they fall into some of those categories. I made a prediction, I think I was on the Appellate Court when Judge Ferguson, who's a longtime friend of mine, started the drug court. He was the perfect person to do it. He was patient, he recognized that failure was part of the process, and I said, "Ed, you're wasting your time. You know, not this thing will all fall apart." Well it didn't. And he was successful. And part of my penalty, I agreed to come back for every graduation, they called it, [cough] when a person went through the program, they had a little ceremony and they recognized them. So for several years I had to go there and acknowledge "I was sure wrong about this." [Steve laughs] And I was. But, I mean, that's a big change that I have seen. The other is what what I'm going to call the pro-se. When I was on the Circuit bench, we had very few people attempting to represent themselves. From what I see and hear up there now, it is a big, big thing. And we have a self-help center in the courthouse. I think in the basement. Some of the members of the BAR volunteer their time to advise people who can't afford an attorney. The public ah um defender, of course, represents criminal. I'm not talking about that. I'm talking about civil matter. We have the the Land of Lincoln Foundation which represents people who can't afford an attorney. There's several organizations that do, they're overwhelmed. They can't take care of it all. So some of the lawyers volunteer their time. And there's another person there who just helps with, people fill out little small claims pinpoint and all minor stuff. But that has become a big thing. The judges tell me we're hearing as many pro se cases as we are attorney representation today and in some areas more. Family court particularly. That's a court I don't know anything about. I never was involved in, I always avoided it. One time, I'll digress for a second or two. As Chief Judge, and the family judge, our judge, went on vacation, whatever they were shorthanded. So I went out to volunteer. I tried to help out. And two of the attorneys who were long-time attorneys, my colleagues my age and my friends. At a recess said, "Philip, you know we love you. You don't know what you're doing. More harm than good. [Philip laughs] This isn't working. Why don't you go find a criminal case or a railroad case or something?" You know, and I said, "Fine. I just thought I'd come volunteer to help out." And they were right. I didn't, I wasn't suited for it. I'd never done, I'd never practiced that kind of law. Never did it as a judge an...but anyway, I digress. The family court tells me there are way more people representing themselves today than ever before. Probably so in maybe some of the probate and guardianship matters. The criminal court we have the public defender, of course who. Another one who's overworked. Another office needs way more help and way more money. That was always a struggle when I was our Chief Judge. I go from the county board seeking an appropriation to represent, you know, hire lawyers to represent criminal defendants. An you know, talk about political, "why the hell do we have to hire all those no-good so and so's?" I said, "Well it's not me, you know, saying this. The United States Supreme Court has dictated this." "Yeah, but I uh, you know, they don't have to pay for it" you know,

fight every step of the way. That's a perennial. That's true in every county everywhere in Illinois and probably elsewhere.

SH: Well, thank you so much for your time. I wonder when you think back growing up in Collinsville, a family of coal miners and mechanics and your progression that parallels the progression of the region and the changes in the region.

PR: Well yeah, I mean, you know when I look at my own family, I told you my youngest brother is a PhD at Purdue, my other brother is a uh certified public accountant. He's in San Francisco in the Bay Area up there. And uh we, you know, for coming out of the coal mine, we did pretty well. And I think that's not just me. I mean, that was true with a lot of the youngsters who I grew up with ah in this area. I mean, I credit the university. You know I couldn't have gone anywhere except SIU, financially. So, you know, it's, as far as I'm concerned, you know, the university's been a god-send to this area.

SH: It's been a powerful engine.

PR: Oh indeed it has. I've served on some things up there. After my wife died, I set up a partial scholarship in the School of Nursing, which was one of her favorite ah things. But I'm on the Italian Studies. I've got no Italian blood at all but I got roped into the Italian Studies Culture Committee up there. And ah a couple others. I've enjoyed every bit of it though. I mean, I'm so happy we have that university.

SH: Well great.

PR: Yeah.

SH: Well and did you have a role in bringing, opening up the Edwardsville campus?

PR: No, not really. I remember, you know, it was one that first got started. Um I was just getting out of high school. Um one of the farmers, actually there was, it's recorded somewhere. A helicopter the farmer was shooting a shotgun. You know, it was twenty-six hundred acres. You know, and it's a place, you know, I've stopped there a time or two and get...I repeat this every time. It's a place of natural beauty, tolerance, I mean, it's right down my alley.

SH: Yeah. And did you know John Rendleman?

PR: Yes. Yes, I did.

SH: I understand he was quite the guy.

PR: Yeah. That he was.

SH: And...uh

PR: Yeah, I, you know, as they say, I'm trying to maintain some contact with the school all throughout the years but uh I have a granddaughter who's graduating from high school this year. And that's exactly where she, you know, she's going there.

SH: Excellent. Excellent. I'm glad to hear it.

PR: Yeah.

SH: Well, Judge, thank you very much.

PR: Okay. I've enjoyed talking with you.

SH: I've enjoyed talking with you too, sir. Thank you.