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Interview with Judge Robert E. Quinn, June 28th, 1972

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My great grandfather, Patrick Quinn, came over here from Ireland in 1832. He came from Harmare which is up to the north. He came here in 1832 and stayed for a while and finally went back to Ireland. His sons remained here and my grandfather, Peter Quinn, was a stone mason and largely earned his living by working on the railroad building bridges and so forth from Providence to Willimantic. He worked his whole life as a stone mason and his children were born in the town of Warwick. He built his house where I was born. My grandfather, uncles and aunts grew up there and most of his children worked in the dye print works

My uncle Henry studied law and became a member of the Rhode Island Bar in 1895. At that time he was also active in the political world and he was also active in the Knights of Labor which, I suppose, was the predecessor of the American Federation of Labor. He also became chairman of the Town Committee of the old town of Warwick and was very active in organizing opposition to the men who then who then controlled the town of Warwick. The knights who owned and who were a very rich family and most of the of the state worked through a man called Charlie Brigham who I guess was the undisputed boss of the state of Rhode Island in the days was I was young. He, I suppose, was an agent of Nelson W. Goldrich. I think that Goldrich

was perhaps the real power, but the operating political force in the state when I first knew what was Charlie Brigham and he of course came from Warwick. Warwick was a predominantly republican town, as were most of the towns in the state of Rhode Island in those days. The city of Providence eventually got to the point where they would elect a democratic major every other year, but most of the towns were in control of the republican organization and Charlie Brigham was the high man on the ^{rod} pole as far as the republican organization was concerned. The fact that the towns were republican due to the amendment whereby they allow the did not own \$134 of real property I certainly feel they played a substantial part in keeping Rhode Island under the control of the republican organization ~~for which I am greatly~~. In 1901 the republication organization had a policy enacted where it provided the governor's nomination of executive officers or administrative offices like the tax commissioner or State Board of Public which were probably appointed by the governor which is the ^{prevailing} ~~prevailing~~ custom of every state in the union. In 1890 John W. Davis was elected as to governor and there was a bitter fight for a whole year whether or not he had won or lost. In other words, there were signs on the horizon in the early 1890's that the state was about even; that is the number of democrats and republicans were the same, so Charlie had in the legislature an act providing that ^{if} the governor sent an ap pointment out for the tax commissioner or member of the State Board

Roles or Public Utilities Commission to the senate they would that appointment on the table for three days and if it was not confirmed within three days ~~they~~ had the power to elect the officer in question. And, of course, the senate at that time was in control of the republican party and it appeared to most political observers that it would be almost impossible to ever get a majority of senators elected by the democratic party. It appeared to be physically impossible although the state was well ^{rural} as far as ~~little~~ towns having gas. For instance, West Greenwich had a senator ~~with~~ and had a population of 485 people and Exeter had a senator and had a population of 500 or 600. Block Island had a senator and had a population of about less than 500 people. They were in complete control of the republican party, so it appeared in 1900 that it would almost be impossible to elect a majority ^{state} of senators by the democrats and the house to some extent was made up the same way, but Providence did have 12 members of the house and they were elected at lodge and the City of Providence elected 12 representatives and could ~~not~~ all be democrats and they were at times in the 1890's. So there was little republican chance in the house, but not enough, but ~~to~~ ^{obtained} yet the same situation to a lesser extent ~~attained~~ in the House of Representatives. But the senate appeared to be impregnable as far as the republican party was concerned. So Brigham had the legislature pass an act which surrendered the governor's executive power but he still had the power to appoint so if you had a republican governor, of course, the senate would naturally approve if you had a democratic governor by any chance, for instance when Bill Flynn came in in ³²1932, of course every nomination he made would be turned down and the nomination would be laid ~~on~~ on the table for three days and then the senate would proceed to elect its own man which would be, of course, the incumbent. In other words, if was turned down as a ^{member of the} tax commissioner they would keep the nomination on the table for three days and then proceed to elect their own man.

Blitz who
William C. was the chairman of the Public Utilities Commission
at the stand point of
and he had a very powerful office money raising and so forth and
they would let us turn down his nomination
to the
so under that 1901 statute even though the democrats were elected governor
all
he would be practically powerless and he would have in the way of
power=~~would~~ to nominate or to select somebody to administer the
administrative offices of the state would be his own secretary and
that would be the extent of his power. The first governor that I remember
myself was Governor Gobb of Cumberland and he was elected governor in 1901-02
and then reelected. He had no power except the power of persuasion and
he was a good campaigner. I remember him going to Rocky Point on Sundays
whether he had little or no hope of making it effective. Then in 1907
Mayor
Governor Higgins who had been Governor of Pawtucket; Pawtucket was thick
democratic in the sense of having the majority of democrats the old
Board of
machines was controlled by the Alderman. But actually they were
on the state system ~~and of course~~ so even though the
mayor would be elected, the Board of Alderman and the city
council would ~~control~~ control. The same thing was true for
the city of Providence. We elect mayors in the city of
Providence and, of course, I know that you remember the old
who were in Providence for fourteen years which
was in 1910 to 1925 approximately. Near the turn of the
century, most of them were republicans. The majority of the
voters in Providence, Pawtucket, Woonsocket and Central
Falls were getting to be democrats but they could not

get control of the city governments because the control was in the City Council and the Board of Alderman and there you have the proper^y qualifications and that kept the control. ~~In~~ The 1900 World War was ~~a~~ perpetuating the power of the rotten system in the state of Rhode Island. A dozen very small towns could perpetuate the control of the republican organization in the state senate. Were there religious overtones besides economic and political overtones that the immigrant communities

~~There would definitely be~~ There definitely were religious overtones from the days that the Irish ~~beea~~ were granted land in this country in the 1930's and I would say that they were regarded up until 2nd class citizens. In Boston ~~in~~ the early 1900's up until Nixon's election there were signs in the Boston homes and businesses discriminating against the Irish people.

I don't think that it was quite as bad in the Rhode Island area. In fact, I think that the Irish people went into the homes and worked for them of the rich on the East Side and were highly regarded as good citizens and as being honest and the religious training, I think, was a big asset for people who were looking for help. ~~It~~ There definitely was some discrimination against the Irish people when they came here, and I think there was discrimination against the Italian people, the French, and the Portugese ~~against~~ ~~the Irish people~~. when they came here although they were given work in the mills. Later on they ~~ea~~ all were given work in the industrial units of our community but of course for small

in the Pawtucket Valle
wages. In the days when I was a young man or boy, a dollar
a day was about the average pay for a man or a women who went
in the cotton mills
to work. You probably went to work at 6:00 am and came out
at 6:00 pm from sun up to sun down.

My aunts went to work in the cotton mills for the maximum of
a dollar a day.

What about your own family, Judge, do you have brothers and
sisters? I ~~have~~ had one brother who is now dead, and I
still have 2 sisters who are still living. My earliest sister,
who was the oldest member of the family, became a teacher
and taught in the public school systems West Warwick and Warwick
teacher,
for fifty years. She became assistant principal, principal,
and superintendent of schools, and worked altogether for 52
years in the school system. She was given an honorary degree
by the Rhode Island College of Education and was quite a
distinguished educator. She is now eighty years old. My
other sister married a man who died when he was quite young. He
was about 37 years old. She has one child who works for the
Industrial National Bank and he has one child. My brother
died about 2 years ago at the Veterans Hospital. He has
a son Henry, who is the assistant principal of the North
Kingston High School or vice principal. He also had a
daughter who is a teacher in ~~the~~ one of the West Warwick

schools and has another daughter who is married to a chemical engineer here in Providence and also has another boy who works at Quonset Point. In other words he had a family of five or six children all of whom are very very good citizens and have fairly responsible jobs. My sister, Mazy, received many honors from the education system and she did a remarkable job. The first school I ever attended when I was five years old was Phenix School which was where my father went. I only went there for about one year and then we moved to Artic and I went to St. James Parochial School. I graduated from St. James and then went to West Warwick High School. There was no high school in Kent County at the time was I was in grammar school. But the town of Warwick built a high school in Westerly? and it is still there, but it has closed since they have the new high school. It was about a mile and a half to walk to Phenix. Even on rainy days I had to walk because there was no money tow waste. I went through the rail road tracks which was the shortest way. My sister Mazy was in the first class to graduate from Warwick High School ^{in 1905.} I went in 1907 and I graduated from Warwick High School in 1911. All of my brothers and sisters and most of my nephews and nieces have gone to

~~At that time there were children from Kent County, Scituate~~

almost all of
At that time Warwick High School accommodated ~~all~~ of Kent County
quite a few
that is we had children from Coventry, Scituate, and East
Greenwich had its own East Greenwich Academy and most of the
children from East Greenwich went to East Greenwich Academy.
About almost all of the family went to parochial schools for
grammar school and then went to West Warwick High Schools
and then went to other schools and stayed. You have a
reputation for being a good speaker, did you ever participate
in debating clubs. Yes, from the very start I was on the
debating team.

Jack Cardigan who was the ~~federal~~ judge here in the federal court
~~died~~ a few years ago died three or four years ago. He went to Brown.
John Mahoney who was a former judge here was a student at Brown.
There were young Irishmen going to Brown before I ever got there.
I might have been ~~the~~ one of the first from the ^{Pawtucket} ~~Pawtucket~~ Valley.
But I don't think that was unusual because that was the only College
to go to in Rhode Island. Providence College did not exist in those
days. It would probably cost more to go to Yale, Harvard, or
Dartmouth ~~because~~ than Brown. The tuition at Brown was \$150. I
used to ride in on the train. The train came from Clyde Station
which was right near where I lived. I would come in on the train
at about 7:40 and leave at 5:00. I commuted for the entire 4 years.
You could do your studying on the train the only thing was that
it was bad on your eyes. I study for the four years on the train.
I also had a classical education. I have latin, french, german
and italian. Also I had Political Science. the social sciences.

logic, argumentation. When did you decide to go go Law School? I knew I wanted to go on to Law School when I was in grammar school. I definitely wanted to become a lawyer. My uncle, ~~who~~ was a leader in the political field, but ~~who~~ was a lawyer, so I naturally decided that I wanted to become a lawyer. While the time that I was at Brown, our office was at the foot of the hill, 19 College Street, so I would go from the ~~office~~ college down to the bus and run errands. I would do my college work and work from the office which was very good for me of course and gave me the foundation to stay in law. I suppose Harvard was regarded as the best law school in the country. I think that was the general reputation that it had and I was among the first 3rd in the class. In other words you had to be among the first 3rd in your class at Brown in order to get into Harvard Law School. I did have a good education of course I have good professors at Brown and in those days, the professors at Harvard were probably regarded as the best in the world. They were internationally known professors and I think all in all that, ~~it would~~ as far as that day was concerned, I think that it would be hard to group together an aggregation of that would be able to match those that were at Harvard in those days. Were there any in particular that you ~~were~~ were especially fond of. I suppose ^{Wiliston} Lewiston was the outstanding man of course he has written several books. He was ^{our} professor for contracts. ^{Beale} I think that perhaps he was the most famous law professor in the world - certainly in the United States in those days. Then there was Professor Beale I had him for International Law,

Austin Scott who by the way is still there. He is retired but is still there and still goes to his office in the library and I guess he gives a lecture once in a while. Two other professors Ed Warren and Joe Warren. Ed Warren taught ^{Wills} property and Joe Warren taught ~~Rules~~ and Trusts. Austin Scott also taught trusts and has several books out ~~on that subject~~ and is a good authority on trusts. Then we have Professor ^{Wills} who is about to begin on the Supreme Court. He became known world wide as being a professor of evidence and criminal law. He taught me criminal law. Also, a man named Hill was a District Attorney in Boston at that time. He was only in a year or two because the regular ~~of Dean~~ professor who was the Dean ~~there~~ just before I entered there had died. He was substituting for a year or two. But he was the United States District Attorney in Massachusetts at the time. All the men who were attached to Harvard Law School at that time became famous men, and I would say that they are regarded as ^{Lewiston} outstanding professors of law in this country and would be worldwide as far as his reputation is concerned. So we had a fine aggregation of teachers. We had to more or less do our own work. ~~They~~ did not care whether you came to class or not. It was up to you. In other words if you had the ambition and the incentive to get an education in the law you took part in class, if you did not it was up to you. You got no marks during the year. Everything went on the ~~final~~ final examination. Your whole year depended on the final examination. I don't know if I would have made it if I had to commute. I was there from 1915 to 1918 and then the war broke out. I went back in 1919 after the war. The war broke out between 1915 and 1918.

I received my degree in 1920. When I went in to Harvard Law School I was ~~21~~21. When I got my degree I was 24. I began practicing law long before then in the sense that I knew all of the ropes. I used to go into court with my uncle on many a case. And actually we had most of the cases in Kent County. Most of our work was done in the old Kent County Courthouse. We had about 80% of the cases. If you take a calendar for 1931-32-33-34, you would find that 80% of the cases were I became third member after the war in 1919.

I was actually going into court from the time I was in high school and all the time I was at Brown and Superior Court then was about quarter where it is now only on a ~~corner~~ corner of that square. Our office was on the lower quarter. I used to run errands. It was a general practice and we handled all kinds of cases.

I used to run errands in the clerks' offices and the judges' offices from the ~~time~~ time I was 15 or 16 and from then on I was in and out until of the courthouse ~~from~~ from the time I became a judge in this state.

My uncle was about 25 years older than me. I was born in 1894. I think he might have been born in 1872 or 73. He lived in New Clyde. My grandfather built the house that they lived in and that they children were brought up in. He had four ~~brothers~~ brothers and five sisters. They were inclined to like politics and arguments. The oldest boy, Peter, died fairly young. He was a ~~be~~ ^{an} debator and politician in the sense of being interested in political figures. His father lived to be 76. My uncle Bob who was the youngest one in the family lived to be 83 or 84.

He practice law from 1895 until he died which was maybe about 10 years ago. He was very active all of his life. He was a practicing ~~in-the-sense-that~~ lawyer and ~~had~~ tried alot of cases. I would say my uncle Henry was probably as active a practicing lawyer as there was in the state of Rhode Island from 1895 until 1955 or whenever it was that he died. Of course at that time John Fitzgerald was

There ~~were~~ were a few young Irishmen who became lawyers the same time, as my uncle. I would say that they all were about the same vintage and they all John Canning, Jim McGovern they were all very successful lawyers and good reputations I think that perhaps was a little more interested in the political field than the others. They all ~~were~~ interested but he had been the state chairman, ~~of-the~~ ^{he was} of the Democratic National Committeeman, and was ~~town~~ ~~committeeman~~ chairman of the Town Committee. He was probably the most active and political lawyer that we had in the democtratic party in the state of Rhode Island. Although they were all active but he was the moving force behind the division of Warwick. I will tell you how that happened.

in Warwick

In those days we had the town meeting, and we still have the town meeting. In those days they appropriated the money to run the town. But they also fixed the tax rate. In other words you appropriate one million dollars to run the town of Warwick. The school system and the road system and all of the utilities, but of course you did not have garbage pickup in those days. The public school system was good in those days. In other words, you would have to appropriate as much money as the administration had to have to run the town for a year. The administration almost invariably was in control of the republican party. It was an impossibility for the democrats to win. In 1899 for instance there was a citizens ticket who joined with the democrats and they nominated the same men as the democrats and the combined vote they beat the republican party. I doubt very much that there was any corruption in those days. At least there was none to my knowledge. They were honest. Of course the taxpayer always wanted to pay as little as he could so they elected the republican ticket in November, they my uncle would go to the town meeting in April and would put in a resolution to establish a tax rate of \$1.00 and the republican taxpayers would vote for the ~~republican-ticket~~ resolution. In other words, they would support Colonel Patrick H on the floor of the town meeting and year after year they would vote for the \$1.00 tax rate and the result would be that the republican administration would have enough money to run the town.

That went on for several years. When I was a young man I would go down to the town meetings.

The republicans who voted for them on election day wanted the ^{1.00} \$~~1.00~~ tax rate, so they voted against them in April. It became so difficult to run the town of Warwick on the ^{1.00} \$~~1.00~~ tax rate that they embarked upon the proposition of getting rid of these from the Pawtuxet Valley. So

In 1912 they were in complete control of the legislature program.

In fact Charlie *Bigham* was still alive. It was that time that he died. They put through an act dividing the town.

There were five representative districts in the town of

Warwick. They were divided so that ^{two} 2 went to Warwick, of course it was much bigger territory than West Warwick, and 3 went to West Warwick. And when the town was divided in

1913, we had three representatives in the legislature and Warwick

only had two. The reason why the towns of Warwick and West

Warwick were divided was because Patrick H. Quinn put in the

resolution year after year to fix the tax rate at \$1.00 and

and that was a tremendous embarrassment to the republican

organization. I think there were two 1899 and 1912 or 13

were the combination of citizens ticket and democratic *ticket*

PART I

Mr. Smith:

There's McKeeon and the Marine. I don't know if you had anything to do with that one in the fifties.

Judge Quinn:

That didn't get up.

Mr. Smith:

That never came up.

Judge Quinn:

That didn't actually get up to our court. Do you mean where they marched the boys into the swamps there?

Mr. Smith:

Right.

Judge Quinn:

Well, the Marines washed their own dirty linen in that case. And so it never got up to the level where we had anything to do with it. Of course, we had jurisdiction only on rather serious cases. In other words unless the penalty is one year imprisonment, or a

or a lesser penalty coupled with a BCD, bad conduct discharge, the case is not within our jurisdiction. In other words, in order to qualify for getting to the highest court, Court of Military Appeals, you have to have a penalty of either one year imprisonment or we say six months plus a bad conduct discharge. Otherwise, the only cases that could come before us would be cases that were certified up to us for consideration by the judge-advocate general of the respected services- the Army, the Navy, the Air Force, or the Coast Guard.

But the ordinary case that comes to our attention is what might be called a felony in the civilian sphere. The court, of course, was created as a result of considerable agitation after the first World War about justice in the military services. In other words, of course, during the First War, we had, well over three million men under arms. There weren't very many women in those days. There were a few nurses. And maybe a few yeomen, in the Navy- yeowomen. But the military forces in the first World War was composed largely of men. We had over 3 million men underarm. And , of course, the court-martial system in those days was designed for disciplinary purposes, largely.

In other words, the theory I think in those days was that if the general charged you with a crime, you were guilty of the crime. And if you weren't guilty, he wouldn't have charged you in the first place. And once you were accused of being absent without leave, or desertion, or assault and battery and so...well, I think we were talking about justice, the military justice system in the First World War. And so really it was, you know, a mentality disciplinary system. And if the admiral or the general brought charges against an individual, it was assumed that he was guilty. In other words, our fundamental system in the civilian field is every man is presumed to be innocent until he is proven guilty beyond a reasonable doubt hardly attained in the military justice system during the first World War.

Mr. Smith:

Judge, can I ask you one question?

Judge Quinn:

Yes,

Mr. Smith:

In my own experience in the army, I used to do some work on court-martial cases. I was struck by the severity of the military code compared to civilian law and even for minor offenses hard labor and stockade being passed out very even for stealing petty objects and so forth. It struck me as being a real night and day change from civilian law and at the same time, I don't know the derivation of it, but is this something that's matured within the military itself as you...?

Judge Quinn:

Well, I would say that as you came down through the centuries, Matt, that disciplinary procedures were essential to the type of function of a military establishment. And so that the penalties would be a lot severer for even minor offenses. And I think that that was what we were up against in World War I. But during the Civil War there were very severe penalties, of course, you know, for desertion, and absences without leave and what you might call in a civilian

community "minor offenses". But on the otherhand, of course, to run a military establishment, the one thing perhaps more than anything else that you've got to have is strict discipline. So I think from that evolved the idea that military law was a lot stricter than civilian law. And I think to some extent that that was true.

But I think as a result of the service of three or four million men in the First World War and the type of court-martial that they came in contact with may have even perhaps served on court-martial during the war, or were court-martialled, or had their friends court-martialled and I think there was a general feeling among the veterans of the first World War who were largely draftees, of course, at least came from the civilian community, in other words, and were not soldiers in the sense of being in the regular diet. In other words most of these men who served in the first World War were civilians, essentially civilians and on their way back to civilian life as soon as they could get there. And the result was that I think that most of those men who served on court-martial, saw men court-martialled

or had anything to do with court-martial came to the idea that... came to the conclusion that justice was a subordinate part of the procedure and that discipline was the major part and that justice in the sense that you and I regard it in the civilian community was absent from the court-martial proceedings in World War I. And I think that was a justifiable conclusion. And as a result of their experiences in one way or another with our military judicial system if we had one in the first World War, there were complaints. There were movements to reform the situation and the judge-advocate general of the army at the end of the first World War, General Green, I'm quite sure it was, rather indicated that substantial changes should be made. And there was agitation and there were complaints from the legion and the Veterans of Foreign Wars and so on and so forth. But with the coming of the "roaring twenties" when everybody had a chicken in his pot and two cars in his garage, military justice was soon forgotten. And the result was that it dragged along without any real reform. There were some minor changes

in the articles of war in the twenties. But generally speaking the military justice system was about the same in 1941 as it was in 1921. Then with the outbreak of WWII, of course, the military establishment became a much larger institution. In other words, actually 15 million men and women under arms in WWII. And so with the increase in numbers of men and women who served in the military services, in other words, the number of women serving in WWII was infinitely greater than it was in WWI and so generally speaking, I think the feeling that military justice needed something done about it increased with the increase in numbers of men and women in the service.

Naturally the Secretary of the Navy, of course, at the outbreak of WWII, that Forrestal was the Deputy Secretary of the Navy. And he apparently came to the conclusion very early in the war that something needed to be done. Of course, he had no jurisdiction over the Army because he was assigned to the Navy. But, nevertheless, what went for one would naturally go to the others. The Army had actually made some substantial changes about the time of the outbreak of WWII

in the articles of the war. The Navy hadn't made any changes in the articles of the government of the Navy from 1862-1947 or '48. Actually 1951. But Forrestal, who had his supervision included military justice. But he appointed a committee consisting of Arthur Valentine, a very prominent New York lawyer, who was Under-Secretary of the Treasury under Herbert Hoover, and who was asked to be ranking member of the firm that Tom Dewey joined after his defeat for President. After he had been district attorney and so forth, he joined the firm of Valentine, Dewey, so and so and so and so. Probably, there was eighty or ninety members of that firm. But Arthur Valentine was the head of the firm in 1943. And Forrestal requested him, Professor Dowling of Columbia University Law School and myself to make a survey of the articles that the government had made and to suggest some needed changes. And so we met in Washington several times and looked the situation over and we did make recommendations to Secretary Forrestal as to what could be done to improve the conditions of military justice in the Navy.

Mr. Smith:

And, of course, you were, at that time you were in the Navy.

Judge Quinn:

Yes, I was in it. I was then the commander in the Navy.

I was legal officer of the first naval district. And as a result of that there were some substantial changes made in the practices within the Navy itself, but nothing really legally done to change the articles of the government of the Navy, until the Military Justice Act of 1951. So it was really as a result of the suggestions made to Secretary Forrestal that further study was made. Judge McGuire who was the chief judge of the 7th district court, District of Columbia made a study and reported to Forrestal after his findings. Admiral White who was a chaplain in the Navy, but also a former dean of the Catholic University Law School made a study for Forrestal and made a report. And then Secretary Patterson who was Under-Secretary of War under Secretary Simpson for the Army made a further study and as a result of these reports from Secretary Simpson,

...Secretary Forrestal, of course, became Secretary of the Navy after Knox died and then, of course, he was the first Secretary of Defense. In other words, in 1947, there was a consolidation of the Army, Navy, Air Force, and Coast Guard, and so forth, into one system as far as military justice was concerned. And Professor Morgan of the Harvard Law School became Chairman of the Committee appointed by Forrestal or by the Department of Defense to make a report to Sanders. And as a result of his studies and reports, and severe studies by the Armed Services Committee of both the House and the Senate, there resolved a uniform code of Military Justice that was adopted in 1950 and was to take effect on the thirty-first of May 1951. Now that set up the Court of Military Appeals. And that was referred to by some writers as perhaps the most revolutionary part of the Uniform Code of Military Justice with the creation of a civilian court of Military Appeals, the court of last resort. In other words, the law provides that the very top echelon of the military justice system would be three civilians appointed

by the President with the advice and consent of the Senate. So that the court of last resort of our system is a purely civilian tribunal. And we have really tried to shape the law in the field of Military Justice to the civilian image. Now, of course, there's got to be some differences. But, actually under the teachings of the court... Uniform Code of Military Justice, the United States Court of Military Review, civilian principles apply in the military justice sphere just the same as they apply in the United States Supreme Court. Fundamentally, the laws the same. Now, of course, you'd have crimes that would be crimes in the military system and not crimes in the civilian system. In other words, if a fellow leaves his job over in Browne and Sharpe's and just goes out and quits and wants to look for another job or doesn't like it and so forth, he has a right to do it. It may be a civilian infraction, but its not a criminal infraction. But, if you're on Military Duty as you know in the Army or the Navy and you decide you don't like it and you leave your job, that is a criminal offense. So that, of course, there are

things that obtain in the military system that are crimes and which are punishable by imprisonment and dishonorable or bad conduct discharges that would be nothing but ordinary infractions in the civilian field. Why you couldn't even be punished. You could be fired from your job, but you couldn't be punished in the sense of criminal penalties. So that there is a difference between the military judicial field and the civilian system as far as it applied. And that has been the philosophy which underlies the decisions of the Court of Military Appeals for the twenty-two years that I have been on the Court.

Mr. Smith:

Do you want to end it there, Judge?

Judge Quinn:

I think maybe... Of course, when the court was first instituted, there was a big scramble to get appointed to the court. In other words, there was an awful lot of lawyers from all over the country that had military background that were interested in appointments to the court. And President Truman told me he had set up a screening

largely, I think perhaps through the Department of Defense. As I recall it, General Marshall was then the Secretary of Defense, and he was, of course, an extremely able man in more ways than one. I mean more than the military sense. I think he was a very, very, able man. In the process of selection, they apparently interviewed a lot of perspective judges, and checked the records, I guess, of many thousands of lawyers who were interested in Military law. President Truman told me that apparently they had something like 35-3600 applications for appointment to the court. And that they had finally narrowed it down to a couple of dozen and so forth. And at the time that I first talked to him, he had told me that they had come to the conclusion that after looking over all the records, that he had thought that I was the best man for the job as Chief Judge of the court. But my experience and my record and so forth was such that in his opinion I'd make a good man to kind of form the court and get it started. He told me that he didn't know very much about courts in the general sense of the word, that he was not

a lawyer. And in some respects he was a little bit suspicious of the lawyers. But he did know something about military courts. He had served on them. And that he thought that he perhaps would identify better with the United States Court of Military Appeals than any of the existing courts because of his experiences in the military service. He had served on the courts, and I think perhaps ~~one~~ or twice as lawyer for an accused, although he wasn't a lawyer. Of course, you didn't have to be a lawyer to represent an accused as counsel in the old system and as a matter of fact, up until ~~after we were~~ were established you didn't actually have to be a lawyer to represent one in the new system. Of course, there was ~~always~~ a client or an accused could ~~always~~ represent himself. In other words, if you were accused of desertion, or assault and battery, or murder or whatever it was, you had the right to be your own counsel if you saw fit. Although, ~~under~~ our system, everyman accused of a crime, of course was advised of his rights and entitled to a lawyer without any charge, a competent lawyer to represent

him. And so chances are that 999 out of every 1000 cases that a man accused of crime would have a lawyer and be represented by a lawyer. In other words, he always had the same in the law that a man who represents himself is accused of a crime. And which is pretty nearly true. But, of course, you've seen examples in the Chicago seven cases and in some of these civil rights cases which have been tried in the past few years where individuals would insist upon representing themselves. And I think mainly because of their desire to break up the trial, not that they feel that they are able than some good lawyer to bring out the legal points that might be in their favor and so forth, but because they want to disrupt the procedures. In other words the strong arm surprise. But, I'd say you'd find very little of that in the military system. Almost everybody is represented by a lawyer and is advised of his rights- military defense counselor available at every large installation. And if there isn't any available at the installation, they would get one for you. In other words no question. We in our system were way ahead were way ahead of the civilian system as far as protecting the rights of people accused of crime. And we required warrants and we required representation by competent counsel and knowledge of their constitutional rights long before the Warren Supreme Court began to extend it to civilians in every field.

So that I would think it's a fair thing to say that as far, as far as our system is concerned, we were in the ^{band}~~band~~ guard. we really paved the way, I think for what afterwards became the law of the land under the Supreme Court rulings under Chief Justice Warren. But now, there's been a little change in atmosphere in the Supreme Court and I think perhaps a receding of insistence upon all the constitutional rights that existed ten years ago. The rights are still there, but it's a question of interpretation of what the rights are. In other words, the Warren Court undoubtedly would go very much further in protection of fundamental rights of individuals than the Burger court. Although fundamentally, I think they both guarantee constitutional rights. But as you know, in the last year or so, there's been a tightening up of the interpretation of the Constitution and many of those decisions are 5-4 decisions. And a change in the personnel of the court might mean a change in the decision. And the death penalty decision, of course, was really not a majority as far as the court was concerned... A number of opinions. It's true that the death penalty has been more or less abolished. But there's been no straight majority decision. One judge says one thing; another judge says another. I think there are maybe three judges that would go all the way. And so that the death penalty was unconstitutional.

There are three or four judges that would go just the other way. And then there are two or three in the middle that tell that in the case before it, it was unconstitutional. But their reasons, of course, hardly coincide with the reasons of the other judges. And so you haven't got a clear cut decision by the United States Supreme Court today that the death penalty is unconstitutional. It's kind of a difficult thing to interpret. But you have no clear cut majority in the Supreme Court that says that the death penalty in itself is unconstitutional. So there'd be further arguments and refinements of that issue. And, of course, in the civilian sphere you'd find a great difference of opinion as to whether or not the death penalty could be abolished completely. Or whether maybe it would be limited to cases of first degree murder, or if malice of fore-thought, or perhaps cases of rape where the individual was actually killed in the process. There are spheres where I think very difficult to decide how a majority of the American people might feel. But, for instance, enough since the decision came down, you find an awful lot of people in the ordinary fields that are horrified that- at the decision at the abolition of the death penalty. They say what about this guy, Sirhan, who killed Robert Kennedy? Why should he be living at the expense of the taxpayer? And yet, there are other people, who, of course,

are just against the death penalty no matter what the circumstances that surrounded the crime. We have never faced the proposition of passing upon its constitutionality. I would say in the past, my guess would be if we had to rule upon the constitutionality of the death penalty, that our court would have upheld it. Whether the court today would feel that way or not, I just don't know. But, of course, we have to, you'd naturally have to look into the arguments, read the briefs, and there are many, many things that enter into the decision of a case. It's hard to say, offhand, that I would do this or do that. Personally, I am not opposed to the death penalty. I mean, I have no moral scruples against the death penalty. I believe frankly, that if I were sitting on a Supreme Court that had to pass upon the constitutionality of the death penalty as far as Mr. Sirhan is concerned, I'd have no compunction as to where my vote would go. But, of course, that's an offhand opinion. You have to listen to the arguments. You have to read the briefs. You have to study the cases. In other words, no judge can say offhand as I am talking to you now, that my decision would be this or that. You'd have to weigh all the facts, look at the evidence, read the briefs, listen to the arguments of counsel and so forth, and then come to what you'd consider to be a fair decision. And, I think almost every good judge would feel the same way. In other words, offhand, there are curbstone opinions as to what you

would do in a case not worth the paper they're written on. It's only after carefully studying all the facts, studying the transcripts, listening to the arguments, reading the cases, considering your briefs, listening to the arguments of counsel and so forth that you'd finally come to a decision, and after fair and complete discussion with your confers on the court.

In other words, you may go into the conference room at the end of the argument in some case with one impression and after listening to the arguments of your brothers on your court, why you'd change your mind. So in other words, reaching a decision in a case is a complex process. And you have to have an open mind and you really should only be governed by the arguments and the law as you find it. So that to say what your decision would be in the case before you go through the necessary processes and so forth is not worth very much. It's a curbstone opinion and amounts to very little. It's only after...

Judge Quinn:

Because in reaching a decision you keep an open mind, you listen to the arguments of counsel, you read the briefs, you read the cases, you listen to your brethren, argue one way or the other the way the decision should go. And personalities either of the accused, or their lawyers, or their friends really play no part in the decision. And I would say that most of the federal judges now have an open mind. I think some have their predilections one way or the other. There's no question, but what a judge like William O. Douglas who is still on the Supreme Court. He's physically not too well. He has a pace-maker in his heart. But he's an opinionated man. Of course, he himself said only a day or two ago that he was apparently the choice of President Roosevelt to be his successor. But the question was whether it was he or Harry Truman who was going to get the Vice-President. They had definitely decided that Wallace was not going to be put on the ticket in 1944. And Douglas says it was narrowed down to him and Harry Truman. Now I'm not sure that that was exactly the facts. He definitely was under consideration. There isn't any question about that. I think that perhaps it is true that President Truman had the support of a powerful group of men in the United States Senate. And that perhaps was the decisive factor in his selection.

Whereas Douglas, perhaps, would be somewhat the same category as Wallace was in. That may have been why he didn't get it, if he actually was under consideration.

Mr. Smith:

Maybe somewhat of a flamboyant life style, that Justice Douglas.

Judge Quinn:

Very much so. That played a part, you know, in the decision. He never was a very attractive man on the platform, either you know. He was a learned man. But, for instance to address an audience of 500-600 men. I mean I've been on the same platform with him and he certainly wasn't an inspiring speaker. I guess mentally his capacity was fairly large. But he was a controversial figure. And, of course, I don't agree very much with his philosophy as a judge. But, however, he's an able man and it may be that it did come down to the question of a choice between Douglas and Truman. That I really don't know. That's

an assertion that he made here last week. I doubt that as such.

Mr. Smith:

Did you know Truman well, Judge?

Judge Quinn:

Yes. Yes. I knew Truman quite well. I have a very high opinion of Truman.

Mr. Smith:

I met him once in 1959 out at his- the library in Independence. We were out there. I was most impressed by him as a forthright individual.

Judge Quinn"

Very much so. Very much so. He doesn't beat around the bush, Matt. He's an honest man. He's a simple man. And he tells the truth without hesitation. When we were talking about the court, I thought one of the highest compliments I ever had was the fact that he told me that after considering all the applications, he and his assistant-Donald Dorson, I think was his personnel man at the time in 1950 or 1951 and the President told me that

after going through the whole list of applicants under consideration that he had come to the conclusion that I was the most capable man in the country to do this job.

Mr. Smith:

That's a high compliment. But maybe because you're somewhat like him.

In your own...

Judge Quinn:

Well, I think maybe , maybe so as I say he had told me about, you know, he had served on court-martial so he knew something about it... " But I don't know too much about the courts, you know, Governor, as a whole. But I do know something about military courts." And then another instance of where he expressed his opinion about some of the judges, in other words, when we, we had to get a court-house which was no simple thing to do in 1951. Of course, space was always at a premium in Washington. But particularly at that time, why it was difficult to find a place where the court was going to set up house-keeping and have a court room. And after looking around and considering this, that, and the other, we came to the conclusion that perhaps the best place for us would be the Court of Appeals Building in Washington where the Circuit Court of Appeals has sat for some years. But there's the new court house just under construction. It was going to be completed in October of that year. And the United

States District Court and the Courts of Appeals for the District of Columbia were to move over into the new building, where they have little better quarters in some respect although Judge Stevens who was then the Chief Judge of the Court of Appeals for the District of Columbia told me, of course, that he hated to leave the old building. And our building does have a certain charm to it, which you don't get in the new...

Mr. Smith:

That's it here?

Judge Quinn:

Yes, that's the Court of Appeals building. That's now our building. But in any event the question was could we get that building. And Judge Stevens who was the Chief Judge of the Court of Appeals, and Judge Bolitha Laws who was the Chief Judge of the District Court. I think there were fifteen district judges. And they all moved into the new building. Under the law they had the right to assign this building to whoever was going to get it for the future. And Judge Stevens had already been requested by the Chief Judge of the Court of Customs and Patent Appeals to do what he could to get them our present building. They were in the Internal Revenue Building. So the question arose as to whether we could get this building

which apparently would be just about the right size for our court. We looked at the law and we found that perhaps Judge Stevens and Judge Laws would be instrumental in making a selection. But I talked it over with Senator Green I think at the time and came to the conclusion that the best thing to do was to tell the President what the situation was because he had asked us to serve on the court and it more or less was his baby and so forth. And so I went over to see the President, told him the predicament we were in, and he wanted to know who had the say. So I told him that I thought, you know, it would be Judge Stevens and Judge Laws. And he said, "Oh, well, I wouldn't mind talking to them, Governor, if you want me too. But until you know there are a couple of son of a bitches on that court that I wouldn't even speak to. They had a controversy about the dollar-line on the Pacific coast. And the Court of Appeals had decided against the United States. And one of the judges was Dennis Clark who was the son of the former speaker of the House of Representatives, Champ Clark who at one time was a very popular figure, you know in the political life of the United States. In fact, he was a candidate for President in 1912 and was the leading candidate I think, in the early days of the campaign. Of course, Woodrow Wilson nosed him out and was nominated by the

Democratic Party for President and was elected. But Champ Clark was in the lead, and it was his son Bennett who was then one of the judges that decided against the United States in that dollar-line case, involved in many, you know, of the large liners on the Pacific coast, you know. And the President I think felt that there might have been some personal feeling involved in the case and I think when he referred to some son-of-a-bitches on that court, he wouldn't even speak to, Clark was one of them and I've forgotten who the other was. But Stevens apparently was friendly with him. Stevens had been an Assistant Attorney General under Homer Cummings back when I was governor. So I had known him from 1935 on. Homer Cummings, of course, was a very good friend of mine. Of course, he was national committeeman from Connecticut and my uncle, Patrick H. was national committeeman from Rhode Island for over twenty years. So they were friendly and I knew Homer Cummings very well and so I knew Harold Stevens. And so I think, perhaps, the old friendships helped a little bit, but it was the President, it was really the President who got us the Court House. I have my doubts as to what would have happened. There were many influences that would play a part and it was a highly desirable building from the standpoint of a court house. As far as we were concerned, it was just about the right-size...three judges. It could accommodate more, but it was built for three

judges. And our staff was just about large enough to fill the court house up without a further problem. So it was Harry Truman who really gave us the court house. And so we've been there ever since although there have been one or two attempts on the part of people in Washington, to take it away from us. As a matter of fact when things were coming to a crucial point in 1964 or 1965 we'd say, I went to Ramsey Clarke who was then the Attorney General and told him the story and that was the end of it. In other words, Ramsey immediately put the kibosh on any attempt to push us from our building into some other. But, of course, there's a large expansion in the District of Columbia that created a new superior court and where in 1951 there might have been say 15, 18, well maybe 21 judges in the District of Columbia there's probably 55 or 60 today. So space is at a premium. And there's grasping for quarters and so forth.

Mr. Smith:

There'd be jealousy and...

Judge Quinn:

Yes, there's a lot of in-fighting, you know. It's hard to...

Of course, the committees of the District of Columbia Bar Association played a part, but generally speaking may be the Department of Justice would be influential in determining those matters. And so there might be attempts in the future that I would say to , because we're located in

what's called Judiciary Square That is the center of the court system. And that building of ours is a fine old building. True, it's old but we've got a beautiful court room. We've got beautiful quarters as far as the judges are concerned. Adequate places for secretaries, commissioners. and so forth. So it's a very good place to be. And I would think perhaps that the court would want to stay there if it could when they built the new Court of ~~Ac~~^Cclaims building which is across from the White House, they offered us an opportunity to come in with the Court of ~~Ac~~^Cclaims, and that they would build us suitable quarters at that time. But at that time we had decided no; we were going to stay where we were.

Mr. Smith:

Any other anecdotes about Truman, Judge? Your own personal relationship with him? Did it last on after his presidency?

Judge Quinn:

Oh yes. Well, to the extent of keeping in touch. In fact when they gave me the award down there at the Rhode Island Society, of course, they wrote me a nice, a very nice letter, you know, congratulation me. As a matter of fact, I suppose, they have a dozen or more letters from President Truman, you know, from the time when he first ~~ent~~ met for me until today. We've always kept in touch. I don't mean to say that I'm an

intimate friend of his but I was always a good friend.

Mr. Smith:

How did you meet him, Judge? I mean besides that, of course, he was in the Senate, well from what the middle thirties on.

Judge Quinn:

Yes. I think I first, I'm not sure about this now, Matt. Maybe, I'm a little...I think I first met him up here at the Friendly Sons of St. Patrick dinner. He came up here to speak, you know, as the main speaker, you know, as a toast to the United States sometime I would say in the forties. I think he was then a United States Senator, you know from... Of course we had--It was more or less the custom in those days. You had Senator Kennedy. In fact, I pinched hit for Senator Kennedy one night here at the Friendly Sons where he had said he would come, but then got tied up. I think he came the next year. But they called me at the last minute, Matt, and asked me if I would respond to the toast, and since then I did. So, of course I knew, of course I knew Sen. Kennedy. I knew President Kennedy from the time he was a little boy. Of course, I knew Joe Kennedy very well, the father. And I knew the children, I knew President Jack Kennedy much better than I knew the other fellow. Of course, I knew Bobby Kennedy, and of course, I know Teddy Kennedy. But I think I knew Jack Kennedy. Of course, Jack ^{was} a pretty close friend of John Fogarty, you know.

John was one of his earliest and and ardent supporters, I would say. And he thought the world of John Fogarty. He was really very close to him. And so I got to know him, when he was in the House of REpresentatives with John. Of course, John had him up here, you know. I remember speaking with him up at the Hop^e High School one night. I think probably ma^ybe 1958 or something like that. It was before he wa^s President. He was in the Senate at that time. But I knew him from the time of course that he went into the House of Representatives, President Kennedy. And President Truman, I think the first time I met him was up here at the Friendly Sons of St. Patrick. But then I met him once or twice, you know, in the Senate, I mean through Higgins or Breen or McGraw. Some-I can't remember. But I never really got to know him too well until he was President. During the time he was President when he sent for me to come down to talk to him, I think he liked me. And I liked him. Because I remember going into the office one day and He came out of the rose garden. He was having a group of young people in the rose garden. And took me out with him, said a few words to them and then we came back and we discussed the proposition about the courts. And I don't kn^ow whether that was about the court house or whether it was about setting up the courts or wh^at it was. And he was very proud of the United States Court of Military Appeals, because he could understand that. In other words, the other courts he was

a little skeptic about. He wasn't a lawyer and he didn't understand the niceties of legal procedure which you can very well understand. But he did know what a military court was because he had served on one and he was a military man and he felt at home, I think. And he realized ~~that~~ something needed to be done because he had had a taste of military justice in the old days and he realized that there was room for improvement and so he thought that this was a good idea and I guess perhaps his friends in the Congress, of course, had talked with him about it before the law was adopted which would be in 1950. And I think his interests judicially was greater as far as our court was concerned than it was in any other court in the land. And I got to know him quite well and I certainly got to admire him. I mean he was a man of his word, he was a man of decision, and boy those two items are very large items in my book. I would say he didn't have a tremendously deep education; of course he wasn't a college graduate. I think he was very interested in history. I remember giving him a volume on Thomas Jefferson that he hadn't seen before which he appreciated very much. And I think he was a deep student of history, [✓] but certainly he didn't have a classical education in the sense that Woodrow Wilson would have, you know, or some of our other presidents. But I think he's a great man.

Mr. Smith:

I think overall he should go down, if he hasn't already gone down as one of the ten greatest presidents.

Judge Quinn:

I would agree with that, Matt. Although, of course, I don't know whether... Did you hear Justice Douglas on the...

Mr. Smith:

No, I...

Judge Quinn:

...Television...

Mr. Smith:

That's news to me, Judge.

Judge Quinn:

Of course, another thing he said was that if he had been President and he might very well have been; if he had got the nomination he would have been. He would never have dropped the bomb on Hiroshima or Nagasaki.

Mr. Smith:

I think that's a little bit of hind sight, isn't it, Judge?

Judge Quinn:

Well, I would say so. And I would think all in all while it would be something we'd hate to do, I think that President Truman felt that he was going to save the lives of thousands and thousands of American boys. And after all, I think that would be the paramount consideration with me.

I think. I don't know. I think if I had been in Harry Truman's place, I would have done the same thing he would have. So I think for Douglas to come out and say that he wouldn't have done this and so forth. Of course, I don't agree with him on most things anyway. So perhaps there's a natural disagreement in our philosophies.

Mr. Smith:

So it's been twenty years actually Judge, right?

Fifty Two? You formally opened the court in 1952?

Judge Quinn:

1952.

Mr. Smith:

Now it's 1972

Judge Quinn:

June of 1952 we opened the courts. I think it was June. June 19, 1952. Of course, the law was past in the 1950's. Let me see. 1951 I believe it was that we opened the courts. 1951 I think.

Mr. Smith:

I was just looking at this, June 20, 1951. So it's the 21st year.

Judge Quinn:

Actually the law was past on May 31, 1950. The law took effect. But then, of course, the President had to nominate the judges. And then the judges had to set up the courts and so forth. So actually the law took effect on

May 31, 1950. So it was about one year later that we actually got into operation. Of course, President Truman definitely did have a warm spot in his heart for the courts. In other words, I think as I say that he understood some of the other courts in the land. Because he wasn't a lawyer. I think he's a man of great common sense. And, of course, he understook ordinarily the operation of our judicial system. But not being a lawyer, I think he appreciated the courts that he had served on. Now he hadn't the Court of Military Appeals wasn't in existence at that time but the "court-martials" were in existence of course from time immemorial. And he was, ...he played a part in the first stage of the court-martial process.

Mr. Smith:

I don't know if I told you that my wife asked him a question that day that we met him out there- the time of those TV scandals, Van Doren and the \$64000...

Judge Quinn:

Oh yes, yes.

Mr. Smith:

She said, "What would you have done?" "I would have thrown the rascals the hell out. That was the one line reply and he went on to the next question.

Judge Quinn:

Well, that's probably what he would have done. I mean he had very positive ideas. And he had courage. No question about that. He had the courage to do what ever he thought was

necessary to do. And he didn't...no "hm and haw" or beating around the bush.

Mr. Smith:

Was J. Howard McGrath close to him, Matt, at one time? Of course, I don't know whether I said anything about this to you or not. But do you know at the time that President Truman was in Washington in 1949...He was elected, of course, in 1948. In other words, of course, he was the President from 1945 on when President Roosevelt died. But then he won that tremendous election, of course, in 1948 when nobody gave him a chance. Very few people did. In other words, I can remember Kaltenborn, and Walter Winchell, and so forth saying the odds were 150:1. This was the night before the election. 150:1. In other words Truman didn't have a chance. And all these greater authorities on election predictions and so forth had elected-Dewey was the President. Well, Truman came in in his own right, of course in 1949, inaugurated President on his own. In other words he had won a tremendous election. Probably the greatest. I supposed victory that any man had ever had in the history of the country. And at that time, I think Howard McGrath, our former governor was very high in the estimation of Harry Truman. It seems to me. He had been elected to the senate, McGrath had, and was offered the post of Attorney General by President Truman. He had been solicitor general. In other words, Howard McGrath had resigned as governor in 1945 as I

recall it to become Solicitor-General of the United States which, of course is the next most important post in the Department of Justice to the Attorney General. He's number two man. And he argued all the cases for the United States before the Supreme Court. In other words, legally, he was supposed to be really number one man in the Department of Justice. The Attorney-General, of course, was more or less a political figure. So Howard became Solicitor-General in 1945, and he remained there for some time. I don't know whether he ran for...he ran for the Senate either in '46 or '48. I'm not sure. But, you're right. I think it was in '46.

Mr. Smith:

I think it's '46, Judge. Was he that good a lawyer ...was he, I mean without...?

Judge Quinn:

Who? McGrath?

Mr. Smith:

McGrath?

Judge Quinn:

No, I would say not. Now Howard McGrath was a capable man. a shrewd politician probably a capable governor, although at the time that he was governor, of course, you know, the going was pretty easy. In other words, the unemployment situation didn't exist. And that's always one of the things that the governor has to wrestle with. I don't think that Howard had ever tried. I would say, maybe, he'd never tried a case. Now maybe that's an exaggerated statement. He might have tried one or two. But he certainly was not a lawyer of any great standing.

Mr. Smith:

That's the impression I had in the sense that nowhere do you find him actually excelling as a lawyer, I mean in his career. I mean, I'm hard

pressed to think of.

Judge Quinn:

I think it's very...

Mr. Smith:

He had a very rapid rise straight up.

Judge Quinn:

He'd become, of course, the United States District Attorney here under President Roosevelt in 19...well 1933 or 1934. And he was in the office, you know, of the District Attorney for some years. But I don't think he ever tried any cases. George Troy I think was in there as his number one man and maybe...I don't know who else he had. He had a couple of assistants, anyway that did all the work, Joe Howard, I would say probably never tried a case downstairs. Now that as I say that might be an exaggeration. But he was not a lawyer in the sense of being regarded as an outstanding trial man. But he was an able fellow. Howard had brains. There's no question about that. And ingenuity. And so as I say he was elected to the senate and then was offered the post of Attorney-General and of course, became Attorney-General about 1950 perhaps. Matt, I'm not sure. I can't exactly remember. Of course, in any event he became Attorney General and, of course, he had been chairman of the Democratic National Committee, and I guess that was perhaps at the request of President Truman, you know, and probably 1947 or '48. So he had been chairman of the Democratic National Committee, U.S. Senator, Governor, and became Attorney General of the United States. And in 19- we'll say this will be in 1951, perhaps 1951, there was a good deal of clamor about the mess in Washington, you know. In other words the Republicans were clamoring to get back into power. And of course, they had found Henry Vaughn getting a nice boy or deep freeze. And maybe one or two others getting some rather unsequential gifts but anyway the mess in Washington.

In other words, Republicans have always had the control of the press. I would say. And so there were a large group of news papers who were pounding on the mess in Washington. And so, I guess, they were pushing the President pretty hard and McGrath pretty hard and Howard McGrath apparently decided to bring in somebody from the outside who could not be tarred with the claim that he was a part of President Truman's administration or had anything to do with Harry Vaughn or any of the boys who were reaching into the till. So he brought down a man named Neubold Morris who had run for mayor of New York in 1950. I would say. In other words he was a son-in-law of a famous federal judge named Leonard Hand.

Mr. Smith:

Oh yes.

Judge Quinn:

Who was supposed to be about the best man on the federal circuit courts in the nation. Very learned man. His son-in-law was Neubold Morris. He'd been candidate for mayor of New York on the independent ticket.