

YOUNGSTOWN STATE UNIVERSITY

ORAL HISTORY PROGRAM

Judges

Personal Experience

O H 1438

DON HANNI

Interviewed

by

Michael Graham

on

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Donald Lamar Hanni of Youngstown, Ohio, was born on August 25, 1925, to Donald L. Hanni and Josephine Amato Hanni. Mr. Hanni grew up in Youngstown, Ohio, where he attended the Youngstown schools but dropped out of East High School to enter the military.

Mr. Hanni entered the United States Army on October 24, 1942. He was discharged from active services on March 26, 1946. Mr. Hanni returned to Youngstown, obtained his GED, and attended the Youngstown College, where he graduated with a Bachelor's degree in social science. Mr. Hanni received his Juris Doctoral degree in 1953.

Mr. Hanni began as an assistant prosecutor. In 1959, Mr. Hanni was elected to the Youngstown Municipal Court, where he served one term. He was and still is the youngest person to have been elected to the Municipal Court.

Mr. Hanni is active in politics and has been Chairman of the Mahoning County Board of Elections since 1979. Mr. Hanni is still a practicing attorney. He is a member of Our Lady of Mount Carmel Church.

Mr. Hanni is the Chairman of the Mahoning County Democratic Party and a member of various organizations. Some of these organizations include the Veterans of Foreign Wars, the Catholic War Vets, the Ohio Association of Criminal Defense Lawyers, and the Mahoning County Bar Association Executive Committee. Mr. Hanni lists one hobby, and that is the Ohio Democratic Party. Mr. Hanni has been actively involved and met with numerous presidential and congressional candidates, as well as numerous presidents and congressmen.

Mr. Hanni has seven children. They are as follows: Don L. Hanni, III, age 44, Keith M. Hanni, age 43, Robin K. Hanni, age 39, Mark A. Hanni, age 30, Heidi A. Hanni, age 27, Holly M. Hanni, age 25, and Dru L. Hanni, age 22.

G This is an interview with Attorney Don Hanni for the Youngstown State University Oral History Program, by Michael Graham, at his office in Youngstown, on November 20, 1991, at 1 00 pm

Tell me about growing up, your early years, your parents, and things such as that

H I was born on McKinney Street on the South Side of Youngstown, but actually spent most of my childhood on the East Side of Youngstown. While growing up, I lived first on Wilson Avenue at 662 Wilson Avenue. My first memory takes me back to 662 Wilson Avenue, that particular address comes to mind because I know that we lived there in 1937.

I can remember the little steel strike in 1937, and I remember the strikers being across the street from our house. They would be on the North Side of the river and firing shots into the mill, which would be across the river on the south side. That is very vivid in my mind. I can remember, I think I started school at Myrtle Avenue School over on the South Side, but I transferred to Sheehy Street School perhaps in the third grade.

Then, as I recall, I think Sheehy Street School only went up to the sixth grade, and when you passed into the seventh grade, you went to a junior high school, which would be Lincoln School, also located on the East Side. You did your seventh and eighth grade years at Lincoln School, and there after, transferred to East High School.

I went to East High School and completed my junior year. I quit school in my junior year and joined the Army in 1942, when I was seventeen years of age. I lied about my age to get into the Army. I joined the Army in October, and I was sworn in October 24, 1942. I got out of the Army on either March 24 or March 26 of 1946.

My experience in the Army was probably one of the turning points in my life. It was during my tour of duty in the United States Army that I came to learn the value of an education. While in the Army, I saw a lot of people that I felt did not have as much on the ball as I did, but because they had one or two years of college, they automatically became officers. The highest rate that I ever achieved was Technical Sergeant, which was a five striper, which was very high for a kid my age.

When I left the Army in 1946, which would be March of 1946, I did not become twenty-one until August of that same year. I know that I made up my mind while in the Army. I thought to myself, what the hell am I doing sitting over here in this snow in Germany when I could be back home in a nice warm school room? Immediately upon my return, I went to the Board of Education to make inquiry as to how I could get back into high school.

At that time, they informed me that if I were to take a GED examination and pass it, I could bypass high school and enroll in Youngstown College. So, I took the GED examination, was successful, and in September of 1946, I started at Youngstown State University. It was then called Youngstown College.

Like so many other returning veterans from WWII, we were an older group than the average student. One of the first things we did was we formed our own fraternity. I think we felt somewhat out of place in some of the existing fraternities because they were top heavy with kids two to three years our junior.

The name of our fraternity was the New Sigma Rho. I was the first president, and we were very active on the campus. We used to get very involved in the selection of all the queens and so on and so forth. I do not mind telling you because our particular fraternity was most of the football players and street guys.

We were very successful in fraternity affairs. It was while I was a member of the fraternity, I think the fraternities were kind of representative of the Student Council. I cannot remember if I was elected to Student Council. At any rate, there came a point in time when I served on Student Council. I had known Harry Meshel, who was the Senator Meshel. We grew up on the East Side, and he went to East High School when I did. He was a grade or two ahead of me.

At any rate, he and I became very close companions in under graduate school. Harry was not a fraternity man. We tried many times to get him to join our fraternity, but he did not want to pledge to a fraternity. Harry and I were very active together in Student Council. The two of us brought in the first big bands that ever would come into Youngstown College. I know that we brought Ray McKinley and Johnny Long in. This was the big band era.

It seems to me that we brought Charlie Ventura, but I know he and I used to collaborate with the assistance of a fellow named Tony Cavalier, who owned the Elms Ballroom and Idora Park. With his assistance, he helped us book these bands in. All during our four years on campus, we did that.

I graduated in 1949. I started Law School in 1949, so I was going to undergraduate school in the daytime and Law School at night. Finally, I graduated from Law School in 1953. Youngstown College, in my opinion, probably had one of the best law schools in the state of Ohio. In those days, the casualty rate for taking the Bar sometimes got as high as forty or fifty percent. Roughly, the advocates that took the Bar were not successful.

Our casualty rate at Youngstown was never more than five or ten percent. The year I took the Bar, in 1953, I think there was twelve of us that took the Bar. I think either all of us passed or one failed. I cannot remember which, but I know it was fantastic as to the state percentage of casualties. At one time, practically every judge on our benches were Youngstown College law graduates, and there are still a number of them right now.

I know that Judge O'Neil is a graduate from Youngstown College, and Judge Denofrio is a graduate from Youngstown College. Judge Lescavansky is graduate from Youngstown College. Judge Regalhop, who is a former judge, Judge Cavalier, who is still alive, and, of course, Judge Regalhop, who is dead, all went to Youngstown College. Judge Bannen on the Common Pleas Court is a Youngstown College graduate. Unless I am mistaken, Judge Economus might be. I am not sure. It appears to me his father was, though.

I can remember a time when there were three judges sitting on the Youngstown Municipal Court. There was myself, Judge Lescavansky, and Judge Cavalier, who were all Youngstown College graduates. At that time, I think there were three on the Court of Appeals, which would have been Judge O'Neil, Judge Donahue, and maybe Judge Donofrio, all three Youngstown graduates. The Court of Common Pleas, at that time, was almost all Youngstown graduates.

The Youngstown College graduates varied really well when it came to holding judicial office. I was elected municipal judge. Unless I am mistaken, it had to be 1959. I

was nominated as a democrat and I ran against the incumbent by the name of Robert Nevin. He was a republican who had been on the municipal bench for about two or three terms. He had been there for about twelve or eighteen years, and he was considered practically unbeatable. I beat him.

Like I said, I think that was in 1959, which means I would have been the youngest municipal judge in the history of the city. More recently, I do not know if Pat Kerrigan or if Andy Polivishek were that young when they went on the bench, but I do not think so. I think I still have that record.

I served on the municipal bench for six years. I had a rather stormy rain as a municipal court judge. I have often said that I think in terms of the words of Harry Truman when he said that he was elevated to the United States Senate. He spent the first six months in the Senate trying to figure out how the hell he ever got there. There, after that, he said, "I spent the next five years and six months wondering how the hell all the rest of these bastards got here."

I will never forget when I won the judgeship and was sworn in as a judge. I think that probably one of the first secret inquiries that ran across my mind was, I am a Judge. Now, what do I do? At first, I sort of felt inadequate until I found out, sort of like Truman, that I was not as dumb as I thought that I was as apposed to some of the lawyers who practiced before me in the courts. I am not referring to them as dummies, but I was selling myself short, so to speak.

In my opinion, as I look back, I was too young for anybody to go on the bench primarily because I was too energetic. I was probably lacking the patience it takes to be a good judge. I am not saying that I was not a good judge. I am just saying that I was a little too impetuous to be a judge. As a result there of, too often I used to throw myself into the lawsuit meaning. I would stop and make inquiries of the party litigants and ask the lawyers questions. Sometimes, I got a little too impatient with the lawyers with regards to their lack of preparation, and this is something a judge should not do.

After thirty-eight years in the practice of law, I have come to conclude the real role of a judge is not unlike that of a baseball umpire. It is his job to stand behind the home plate and call the balls and strikes, not tell the batter how to swing at the ball or tell the outfielders how to catch the ball. I found myself doing that.

Just based on my own experience, I would suggest that as a practical matter that no one should become a judge until they are fifty years of age. In addition to that, although there is a certain amount of prestige and glory attached to being a judge, when you are in your younger years in the practice of law, those are your productive years. Those are the years you should be going out and making money for yourself.

When I ran for municipal judge, I just started doing well as a practicing lawyer, and then, I sort of ran for judge as sort of a quirk because everyone said that Bob Neven was unbeatable. Of course, that was a challenge, plus the fact that I did not like the man. He was a tyrant on the bench. In short, he was a son of a bitch. He put his own grandmother in jail. I can recall one case just prior to the time I decided to run.

A woman from Michigan was in the city of Youngstown, and she had a very small child. Judge Nevin had a standing rule that if you got caught driving over sixty miles an

hour, it was an automatic five days in jail. Well, this woman, passing through Youngstown got caught going sixty-one or sixty-two miles an hour in the city. He not only sentenced her to jail, he had the child welfare come in and pick up her child and hold her child for five days. Well, I thought that was completely uncalled for. After all, the woman was a stranger. How did she know where the city limits were? Again, I thought that the guy was a tyrant.

Yet, when I beat him, surprisingly enough, I found myself feeling sorry for him. I knew that he had been out of the practice of law so long that he was not going to be able to make a living out of the practice of law. He could not. He left the judgeship and the Common Pleas Judges. The majority of who were Republicans in those days appointed him to the Legal Aid Society. I found myself feeling sorry for him, even though I did not like him when I beat him.

I had a love of politics. In those days, there were some restrictions on a judge's involvement in politics, but I always ignored those. If there was a fight going on down in Alliance, I would run down to find out who the two participants were, so I could jump in on somebody's side. That is an exaggeration, of course. I used to get all involved in politics. I would support different people for public office.

In fact, Tony Vivo, who is clerk of courts right now, came to see me when I was a municipal judge because he wanted to run for Sheriff. I talked him out of running for Sheriff and made him run for clerk of courts, and he won the job. He has been there ever since. Because of my great love for politics and because of the large amount of time and energy I used to devote to politics, I really had a better political organization, then.

I am the democratic county chairman right now. After it came my turn to run for re-election, I was beaten. Of course, the newspaper used to hate me, and when I say used to hate me, that is wishful thinking because I think they still hate me. That is none the less been unimportant to me over the years. Judge Donofrio, who was the city prosecutor at the time, ran against me and beat me.

I went right out to the practice of law and, thank God, I did real well afterwards. In fact, it was in 1978 that I was trying a very high profile and celebrated murder case up in Warren, that my oldest son and fourth son, who were very much involved in politics, availed upon me to run for county chairman.

In those days, it was unheard of to unseat an incumbent county chairman. I did not really devote that much time to it because I was in the midst of trying this murder case up in Warren. For the most part, they did most of my campaigning, and we won. I won for county chairman.

Incidentally, the murder case I allude to was the State of Ohio versus John Tidwell. That case is the longest jury trial in the history of Trumbul County. The longest jury case in the history of Mahoning County was the State of Ohio versus Steven Masters. I defended Masters, too. I won the one up in Trumbul County and lost the one in Mahoning County.

Over the years, I have probably tried more murder cases and defended more murder cases more than any other lawyer at this Bar, and I think the Masters' case was the only case I ever lost. When I say lost, I mean lost to the indictment. Sometimes, I would be defending a guy for first degree murder, and he would be convicted of man slaughter of the first degree. The only case I can think of that I lost to the indictment was the Steven Masters case. Of

course, my most recent was the Magorou case which was last year, and, of course, we had him acquitted

G First of all, this is something that have always wondered, and the outcome from a lawyer's perspective then a judges perspective, although you can do it in both ways if you like Has anybody that you know of ever gotten off even though you know that they are guilty?

H Sure, a lot of them

G How do you do that?

H Well, let me say this to you I do not know what area of study you find yourself in, but let me give you a classic example What if you were Jewish by religion, you were a doctor, and you were walking down the street, and the fellow in front of you fell down with a heart attack? You turned him over, and he was Adolf Hitler Would you try to save his life?

G Yes.

H Okay, so you have answered my question. You see the function of a defense lawyer is not to prejudge the guilt or innocence of the accused but to give the accused the benefit of good representation and make sure that he gets a fair trial Now, it is the jury. They have a separate function. Their job is to determine the facts and determine his guilt or innocence It is the prosecutor who has a different function, yet His job is to present the evidence from the State and make sure that the state gets a fair trial

The judge has a fourth function. It is his job to sit and let both sides square off He is the umpire, and he makes sure that everybody plays according to the rules For example, take homicide itself, or killing a person There are five or six different degrees of homicide A jury makes that determination Did he commit aggravated murder, did he commit plain murder, did he commit man slaughter, and did he commit negligent man slaughter? There are all these different degrees of homicide, and yet, the victim is still dead

At first, let's say, for example, a person gets struck with a car Probably, our initial observation would be that that person died of negligent homicide, or a traffic homicide Yet, it might develop

What if I willfully take my automobile and run up onto the sidewalk in an effort to kill you? It could be aggravated murder if I planned on it, and I watched you for a couple of weeks. I watch you cross the same crossway everyday for a month I also figure out that at 2.00 today, Mr Graham is going to be in that crosswalk, and I am going to take his life with my car. It could be an aggravated murder, right? So, again, like I said, it is not for the defense lawyer to judge the guilt or innocence of the accused. It is his duty and his oath to give the accused the best defense that he can within the rules

G Where were you at in the Army? You said Germany How far into Germany?

H I went all the way through Europe I was in England, of course Then, I went to France and Germany I was just all over Europe

G Did you go for D Day?

H No, I was in Europe on D Day, but I did not go into battle on D Day

G I was talking to the judge, and he said something that interested me You did, as well You both mentioned the fact that Youngstown in the fifties was a lot of Republicans How did that change, and why did it change?

H Well, Frank Kryson, of course, gave me my first job in politics When he was elected Mayor, he appointed me as an assistant city prosecutor. In fact, Judge Lescavansky and I went to Law School together and took the Bar together He appointed us both as assistant city prosecutors. As I recall, I think that Frank was elected mayor in 1955

I think that the fellow who was mayor when I first got out of the Army was Ralph O'Neil, who was Judge O'Neil's father He was bested for the job by Charlie Henderson who later went on to become probate judge Then, Kryson came along and knocked off Henderson All of the Common Pleas Court Judges in those days were Judge Doyle, Judge Ford, and Judge Madden, but the Common Pleas Trial Bench was almost exclusively Republican.

G Why did that change?

H The Democrats had a better political organization. I will tell you that I really do not remember being privete to, but it is a fact In the Roosevelt landslide in 1932, Roosevelt swept a lot of congressional candidate into office with him but not in Youngstown The Congressman who was elected from Youngstown was a fellow by the name of John Cooper He was a Republican and had been in the Congress for about twenty-two years He was re-elected in the 1932 landslide. He did not get defeated by that guy up there Mike Kerwin beat him in 1934, but that was two years after Roosevelt was elected Campbell, Ohio, for example, has probably two dozen Republicans in the city Back in those days, there were only two dozen Democrats in the whole city of Campbell They were all Republicans

G It was the organization.

H That is right It was the Democratic organization who turned all of those things around

G You mentioned your sons? Who were the two sons?

H My son, Don, is my oldest, and, of course, the apple did not fall too far from the tree in his case He is the fellow who is on the school board now He always has been very active in politics, and he has got a combative nature just like his father Don actually should have

been a lawyer and just never found time. He was too busy doing other things.

My fourth son is Mark. I have always said that I think he will either become a millionaire or will die in the penitentiary because he is a mover and a hustler. My son, Robin, would be my third son. He was career oriented as far as the services are concerned. He was a Captain in the Army, and then, he got a disability and was discharged.

My son, Keith, is sort of the odd man out. He is my second son. He graduated from Ohio University, but even at forty-three years old, he is still the bachelor in the family. He has not sort of found himself yet, I do not think. In fact, Keith was the runt of the litter, so to speak. In the sixties or maybe in the seventies, he fought in the Golden Glove and became the 135 pound champion. He was devoted the most promising young boxer in the tournament.

G: Were your parents a big influence on you?

H: Yes and no. My mother and father were divorced when I was twelve. I had one sister, Francis, who is married to the orchestra leader, Angelo LaCivita. Then, my mother remarried, and I had another brother, Jim, and my sister, Mary Jane. I think that probabilities were the biggest influences on my life. Living in the ghetto was an influence because that was the ghetto.

G: Was it even back then on the East Side?

H: Yes, that part of the East Side was especially. Later on, we arrived, so to speak, and we moved out of the Wilson Avenue area and up to Fruit Street. I think initially when I lived on Wilson Avenue, that was the ghetto. I think that made a lasting impression on me. I think it made me sympathetic to the black man. I saw it first hand because many of our neighbors were black.

The discrimination that they suffered was not necessarily racial discrimination because I think that racial tension was almost non-existent in those days. Economically, we were all in the same boat, but the blacks were worse off than we were. In other words, if we were eating mush with milk and sugar, they had to eat plain mush. That made a lasting impression on me.

Then, there was a school teacher. Her name was Powell. I was talking about her yesterday. I can remember she had bright red hair, and she gave me a lot of self confidence.

I think that in my eighth or ninth grade year in school, the Army had a profound influence on me. In fact, I got married while I was in the Army. I got married at nineteen. I married a young girl over in Whales. She was eighteen. She was a war bride. I brought her back with me.

Leela had a very positive effect on my life. She was a great, great woman, and it was a marriage that I screwed up drinking and whoring around. And, everything else like a prize fighter who suddenly finds himself the world's champion with a lot of money in his pocket, a lot of friends, and a big commentate. What is the saying, "We grow too soon old and too late smart?" If I had to live that portion of my life again, I would certainly change that a

whole lot I do not know how that woman put up with my shit over the years She was really a great, great lady, and she had a great influence on my life

Mike Kerwin, who was the Congressman from the 19th District, probably had a real great influence on my life Mike was guy who had a lot of practical common sense I probably learned more politics from him than anybody Then, there was another fellow who is still alive He plays cards downstairs He goes by the name George Glaris He had a great influence on my life politically

When we moved up to the upper East Side, the boss of the Democratic Party was my next door neighbor His name was John Vitullo I think that as I look back now, I always had a great interest to become the County Chairman even back then I always had a great admiration for John Vitullo I thought that he was the last word He was the "it" guy

Then, there were different people along the way There was a fellow in law school who taught us contracts His name was Noles Wyatt If I had to single out one man who was most responsible for making lawyers out of us at Youngstown College, it was that man He was a strong disciplinarian. We started out with a class of 45 By the time we finished, I think there was 13 of us He was so tough that some of the guys just cracked him to the pressure

The law business is a pressure business I do not care what kind of law you are practicing You can be a real estate lawyer and still have a great deal of pressure on you Noles Wyatt taught us how to take pressure He had a great influence on my life Undoubtedly, I have left some people out, but these are people that just come to my mind as I sit here and converse with you.

G You were talking about the Youngstown Law College Why do you think you were so successful? Was it such a good program, were the people good, or was it a combination?

H First of all, it is like being price fighter All the great fighters are hungry We were all hungry Most of us that went to law school did not have fathers that were lawyers or uncles that were lawyers. That does not include all There were some fellows like Clyde Osborne His uncle was a lawyer There were few that came from families with a legal background

I think for the most part that we were hungry I think that I started law school in 1949 The first assignment that I had in law school was to put to memory the definition of a contract Here we are forty-two years later, and I can still tell you that a contract is an agreement between two or more parties based upon a sufficient consideration to do or not to do a lawful possible thing That was my first assignment in law school in September of 1949

The following quarter he taught a course in torts. My next assignment was the definition of a tort. A tort is a violation of a legal private act other than the mere breach of contract. Also, there are damages in which may be recovered in a court of law. This guy made you learn.

In 1949, when I graduated with my under graduate degree, I started to teach school I went to Petersburg and started to teach school there between 1950 and 1951, and then, between 1950 and 1952 I still taught, but I was also the principal The first year that I

taught school, I taught for \$2000 a year. The year that I was principal, I made \$2500 that year.

I used to drive a 33 Oldsmobile in those days. By then, I think that Leela and I had two or three children, and we had moved to Elm Street. I used to drive all the way from Elm Street to Petersburg in my 33 Oldsmobile. It was the best car that I ever owned. I should have never gotten rid of it. Teaching school was a really satisfying assignment. I really enjoyed it. I think that some time this month or early next month, one of the graduating classes, some of who are already grandparents, are having a class reunion, and they always invite me.

G About being a judge, what were your typical duties? What were some of the things you had to do daily as a municipal judge?

H On the Municipal Court, probably one of the major mistakes I made in life was to run for the Court of Common Pleas. I was three years into the municipal judgeship. I ran for the Court of Common Pleas, but I got bested by Judge Regalhop. I have news for you. As I look back, that was probably one of the best things that ever happened to me because Sid Regalhop was probably one of the best judges that I had ever come across since I have been practicing law. If I had that to do all over again, I would have never run for the Court of Common Pleas, and if I had my choice of a Judgeship right now, I would select the Municipal Bench. More people come in contact with the Municipal Judges than any other branch in the Judiciary.

I think that a judge can do a whole host of things from that vantage point that you cannot do from any of the higher courts. I think that you can leave people with a lasting impression of justice. You have to understand the municipal court has sort of a Judge Wapner flare to it. Sometimes municipal judges let themselves down and the legal profession down by not keeping a degree of magistracy in the court. You will find that probably eighty percent of the people who have contact with a court, their only contact is with the municipal court.

I think it is important that municipal judges make a lasting impression on the people that appear in front of them. More importantly, they must be fair. We have got too many people that are serving on municipal benches around Ohio and perhaps, the country that should be selling shoes some place. They are just inadequate and incompetent, and many of them feel that they have been ordained as apposed to being elected.

I would like to see the entire system for the selection of judges changed to some extent, in the degree in that they talk in the terms about judges being appointed after they been recommended by the Bar Association. I am not sure that I am in step with that idea, but I would like to see judges elected or appointed in some fashion or another for life.

In other words, I think that judges are under severe pressure from the media. As a result there of, many of them have really distorted the law into something terrible. Many facets of the law are in absolute abortion.

If you take the fourth amendment of the constitution, it protects you against unlawful searches and seizures. That has practically been litigated out of being. Areas of double jeopardy have been litigated out of being. There have just been so many intrusions suffered

as far as the Bill of Rights is concerned that it is almost stupid

For example, the right to trial by jury in the federal district courts. If you read the Constitution of the United States, it guarantees the accused to a trial by jury by his peers. Yet, you cannot waive your right to a trial by jury in the federal system without the approval of the federal prosecutor.

Who the hell ever said that the United States of America was entitled to a trial by jury? The federal system. As far as I am concerned, if I had my choice, we would do away with the whole federal system. We do not need federal courts. I think that all the judges in the state courts are sworn in to uphold the Constitution of the United States, the Constitution of the State of Ohio, the laws of Ohio, and the laws of the United States.

What the hell do we need federal judges for? Many of them are just political hacks who are there because they happened to support somebody who is running for President, or they had some large contributor support, or somebody that was running for President. The fact that they had a relative to that contributor resulted in being appointed to the federal bench.

I have never felt inadequate in the presence of a federal judge because as far as I am concerned, it is still like playing baseball. Whether you are playing up at Oakland Field or Yankee Stadium, it is the same game, just a different ballpark. And yet, some of the Federal Judges that you talk about have the God complex. It is absolutely ridiculous. Some of them think that they are an absolute direct descendant of Moses.

G What was a day like when you were a judge?

H I used to get to work at about 8:30 or 9:00. In those days, we used to have a drunk line up. My bailiff was Scotty Harold. He is now dead. He would bring all the drunks in front of me. They probably spent the night in the tank called the bull pen. As a rule, before Scotty brought them in front of me, he used to keep a jug of bootleg whiskey around. He would give them all a shot of bootleg whiskey in tin cups to keep them from shaking, so that they would be in shape to walk to court.

Then, they would come downstairs, and we would find out what kind of shape they were in. If we felt that they needed some sort of medical attention, we would send them up to the hospital. We never kept them in jail. In fact, probably one of my biggest shortcomings as a municipal court judge was putting very few people in jail. The only people that I put in jail, quite frankly, were the people that did not support their children.

I had a large family, and I had to support my kids. By damn, if I could support mine, they could support theirs. So, I put belly robbers in jail. That is what I used to call them. We would take arraignments in the morning, or the people that were going to plead guilty or not guilty would parade in front of us. We would set all those cases for hearing. Then, in the later morning, we would hear cases. Either preliminary hearings or hear trials and misdemeanor cases, and that was pretty much it.

When I took over the municipal judgeship, Judge Neven's civil docket was a couple years behind. Because of my youth and energy, I used to set pretrials every fifteen minutes. I say that I was on there almost a year, and that docket was almost current. I went right

through it. Some of the lawyers did not like it. I told them to be there for the pretrial, or I would dismiss their case. That was it.

G Did you do any sentencing?

H Like I said, I did not put that many people in jail. That was probably one of my short comings as a judge. Because, how could I sit there and put a guy in jail for gambling when maybe the Saturday night before, I had been in a poker game with Judge Cavalier. I just could not stomach the hypocrisy involved. Or put a guy in jail for drinking too much when I had been half-stiff myself at a party a couple days before.

G This is more of an opinion, and there is still a couple more questions. Have people gotten worse? Have the criminals gotten worse?

H Son, let me tell you something right now. Criminals have not changed since the days of Christ. People have not changed, but the uniforms have changed. Judges have not changed since Pilate. Recall when Christ was taken before Pilate. He really found Jesus not guilty because he said so. He said that he washed his hands in the blood of this innocent man. He did not have enough courage or guts to go against the mob, and that is what is wrong with justice today.

Too many judges rule on a particular case, ignore the law, and answer to the roar of the Mob that has been stirred up by the media. I will say that I think that when you ask if people have gotten worse, we have more violence around today primarily for two reasons. We did not have the drugs around in those days like we do today. I have always felt that drugs are the product of an affluent society.

It is like the Indians. They did not know how to make whiskey. The first swallow of whiskey an Indian took was the white man's whiskey. I think that we have introduced drugs to the black people. What are drugs any how? They are no more than an escape from reality.

It is understandable to me that if I lived in the ghetto or some place where I might want to escape from reality on a daily basis, then, I might. That is number one and number two. Stop and think about this. It costs us \$17,500 a year to keep a man incarcerated in the penitentiary, and yet, we live in a society where we would rather keep a bunch of people locked up as opposed to giving them a \$15,000 a year job. The math does not add up. In my opinion, a lot of people hesitate to say this, but you would be a damn fool if you could not come up with this conclusion.

Walk through the county jail, and you will see that 75% of the population is black. We would rather keep a black man locked up in jail than give him a job. It upsets me that the basic wealth of a nation is measured in terms of the natural resources of that nation. If you were unfortunate enough to be born in Bangladesh or some country that is bankrupt resource wise, it is unfortunate. But one of the basic natural resources is the ingenuity of its popularity.

To me, look around the city of Youngstown. I have been after municipal judges for

five or ten years to get them to put people out to clean the streets and the grass out between the sidewalks as opposed to keeping them locked up in the county jail. It does not make any sense to me to keep them locked up in the county jail. It does not make that much sense to me that we have got that many people in jail. I honestly feel that half of those people would not be in jail had they gotten a job.

You take a young black man as no different than a young white man. He has a girlfriend that he wants to take to the movies and out to dinner. He wants to buy a decent car, so that he can court a young lady. Well, hell, if he cannot get a job, where he can buy that car? Then, he is going to sell crack cocaine.

This is one of the things that has been the devastating part of trade unionism. This idea that every one has to make \$17.00 any hour is shit. Right today, I could probably hire 500 people who would be willing to work for \$5.00 hour if I could find them jobs. People want to work, and I keep alluding to the black man because they are at the bottom of the totem pole. I think that they want to work. After they get a taste of the big bucks, they do not want to work, and the next thing you know, they are over having gun fights over territory rights.

This is the situation that we created for them. It is insanity. Look at the decadence of our inner cities. Not just Youngstown, all of them. With so much to be done, how could we justify having about twenty percent of our population sitting on the welfare roles, on their hands, or in jails? It is crazy. This is man power that we should be utilizing. It is a hell of a flaw in our system.

We run around telling everyone that we have the best system in the world. Like hell we do. We run around telling everyone that we have the best educational system in the world. It is more propaganda. We do not have the best educational system in the world. It is only since the advent of television that transcontinental communication has taught us that we are nowhere near the top. Too many times, our kids cannot compete.

Look at our high schools. We graduate kids by the tens of thousands by the year. They cannot read and write. It is insanity. What is the reason why they cannot read and write? We have a bunch of horses asses in the schools teaching people who can barely read and write themselves. Anytime you have a system or a society where you pay the garbage man more than you pay the school teacher, again, there is something wrong with the system.

Let's face it. Who are you going to attract into teaching the schools at less than garbage man wages? There used to be a cliché that said something like those who can, do, and those who cannot, teach. That is a disgrace to our nation. When many of our school teachers start off, they want to become engineers. They cannot cut the mustard, so they become math teachers. They want to become lawyers, but they cannot cut the mustard. They become social studies teachers. They want to become doctors, but they cannot cut the mustard. They become chemistry teachers. We have got too many damn failures teaching in our public school system. Is it any wonder that we do not come up with a better finished product?

G. When you lost your election after you were municipal court judge, was it hard to start up, again?

H Well, I borrowed \$5,000 from a friend of mine because I was completely broke. The three years before that, I ran for Common Pleas Judge. One thing about me is that I throw into the affray. I blew every quarter I had. When I went back out into the law business, I was just penniless. Jean Fox is a dear friend of mine who lent me \$5,000 to go into the law business. I jumped right in, and I can still remember my first plan. After I was judge, Nickey Petrella was it.

G Are the criminals different?

H I think that the people are more violent today than they were because I think they are more desperate. First of all, we have taken these drug crimes, and we are passing out very large amounts of time for people who are drug peddlers. So, when the stakes were higher, it was just unheard of for anyone to shoot or kill a policeman. Today, that is nothing because if that policeman catches me, I am going to be put away for the rest of my life.

In the old times, the safe crackers and the burglars never carried a gun because getting found with a gun carried too much time. Let's say that a guy got caught cracking a safe. He was going to do a one to fifteen. If he got caught in a robbery, it was a ten to twenty-five, so he never carried a gun.

We live in much more violent times today primarily because I think that the stakes are higher if you lose. One reason that I am totally against gun control is the fact that if I am a guy going out to rob a bank, what do I care what additional time I am going to give for carrying a gun? I think that if gun control that goes to disarm the honest guy, then, the guy only wants to protect himself. Sure we have a few people that die accidentally as a result of the carelessness in handling fire arms, but if you are going to outlaw guns on that basis, then, you ought to outlaw automobiles.

I think that last year we probably killed 45,000 people on our streets and highways with automobiles that are geared to run 100 miles per hour, and yet, no place in the nation is it lawful to drive a car more than 70 miles per hour. So, we cannot use that mentality for outlawing weapons. Plus, the Constitution of the United States states that you have a right to carry gun.

G I really want to know if you think that this guy is guilty of something else, or do you think that he is not necessarily guilty of the crime he has been charged with? When you sentence him, does that affect your mind?

H. If I am a judge doing my job right, then, the jury may return a verdict against you. First of all, if I am doing my job right, and after all the evidence is in, the jury will not get a chance to convict you. When your lawyer makes a motion for directed verdict, I will direct the case out of court.

This again is where the media comes into play. They hire these reporters who make \$75.00 a week and who know nothing about the law. They are saying that the judge is a big prick or was paid off because he threw Mike Graham's case out of court. The rule of thumb is that the law is better, but ten guilty men go free or a hundred guilty men go free. Then,

one innocent man be innocently convicted

Yet, it takes a lot of courage to be a judge. It takes a lot of courage to do the right thing. It would have taken a lot of courage for Pilate to free Jesus when the mob was screaming to have him crucified, but Pilate did not measure up to be a judge.

We have got too many Pilates sitting up on the bench today who keep one eye on the media and one eye on the mob. They do what the Mob tells them to do, or more importantly, they do what the media tells them to do. The media is not trained lawyers. It does not know what the hell is right and what is wrong.

If the burden is on the state to prove Mike Graham's guilt beyond the existence of a reasonable doubt, and the State does not do so. Then, my duty, as a judge, is to free Mike Graham. I do not give a damn what the media says. That is one of the reasons that I am not on the bench today. Because I used to apply that.

If the police department came in and did not do their job, then, they did not prove you guilty. I find you not guilty even though in my mind, I may have felt that you were guilty. If they did not prove your guilt, I would find you not guilty. That is what it is all about. Supposition, innuendo, and intuitive feelings have no place in the law. It is proof beyond the existence of a reasonable doubt. Mike remember this. In your opinion, what is the worst type of criminal?

G I would say a child molester

H In my opinion, you are right in some extent, but how about a trader? How about a guy who sells out the whole country? He sells out the children in the country. He sells out the child molesters in the country. He sells out everybody. He is the worst kind of criminal, or a trader.

You want to remember the fine distinction between a patriot and a trader. The patriot wins the war, and the trader loses the Revolution. The men who wrote the Constitution of the United States in 1787 and adopted it were all traders. When they wrote the Constitution, they did not mean for it to be easy to convict anybody of a crime. Mind you, this is a group of Revolutionaries that revolted against the English Crown. They wanted you to have the right to carry a gun in case some soldier would attempt to intrude upon you. They did not want you to have to have the truth beat out of you.

They gave you the fifth amendment, and they gave you the right not to testify. They did not want the State to tell you what church to go to, so they gave you the freedom of religion. They did not want you to not be able to talk against the government, so they gave you the freedom of speech. They did not want the soldiers to come down your street, come in your house, and start searching your house for contraband, which gave you the fourth amendment. Here was a group of criminals who drew up the Constitution of the United States of America. I bet you never thought of that.

G No, not like that. No, I have not.

H Now, stop and go a step back further in history. The first English Colony in the United

States or in the New World was in Jamestown, Virginia in 1607. Do you know what they settled America with? We always talk about Australia, and how they emptied out the prisons and everything else. What the hell do you think we did here? We were long in front of Australia. They emptied out all of the dead beats of the deader prisons. All of the criminals the insane asylums were sent to the New World. Do you know why?

If they populated a particular colony and ran the flag of the mother country up, then, that particular land belonged to the mother country back in Europe. These people run around beating their chests about their ancestors coming over on the Mayflower. What the hell, they were nothing but a group of malcontents. They moved to Holland first, but they could not even get along in Holland. They could not even get along in Holland, so they threw them the hell out of Holland.

Plus, because of the hardships that they had to endure in the New World, if you lived to 35, then, you were lucky. So, who the hell wanted to come over here? When you think of our history, people talk in terms of the savage instincts of the black man. You want to remember one thing. The first slaves who came to America in 1620 came to the same colony of Jamestown, Virginia. Which means that 1620 was only 370 years ago.

What do you think the white man was like 370 years out of the caveman era? Three hundred and seventy years ago, the black man's ancestors were sitting in the trees waiting for an elephant to run under the God damn tree, so that he could fall off on it, hit it with an ax, and have lunch. Did you ever think of that? It is only a grain of sand as far as the time and the history of the world is concerned. Obviously, some of these things have shown through. The same thing came through in our blood lines 350 years out of the caveman era. When you stop to think about it, the black man has done remarkably well.

G What did you get your bachelor's degree in?

H Social studies and social science

G Who would you say are some of the more notable people who you have defended or have run into?

H Harry Truman was one of the more notable people that I have run into. Mike Kerwin, of course, I have already mentioned him. John Kennedy, of course, Robert Kennedy, and Ted Kennedy I know better than I know you. I have really had a chance to observe the human side of most of these people.

Let me tell you a little story about President Truman. We had him here for a speaking engagement, and this was while I was a municipal judge. I was the toast master at the banquet, and after the banquet, we went over to the Pick Ohio Hotel. I was driving the car. We got upstairs into the hotel, and he said, "Judge, make me a drink." I said, "What would you like? Scotch?" He said, "Scotch? Hell no. I do not drink scotch. I drink Bourbon America whiskey."

In those days, they had heavy glass goblets in the hotels, and I would pick up a bottle of old Grand Dad. I put about two inches of Old Grand Dad in this goblet, and I was going

to hand it to him. He said, "Who the hell taught you to pour a drink?" I asked him if it was too much, and he said, "Hell no, fill it up." Here I filled this water glass full of Bourbon and Old Grand Dad, and Harry went zing, down the hatch. He said, "That was great. I think I will have another." He drank two water glasses full of whiskey, and he was in his seventies in those days.

Without question, they had some real men in the Congress in those days. Harry Truman, in my opinion, was the greatest President in the history of the United States, and that takes in Lincoln and the whole damn group of them. He was a real leader as far as this country is concerned. People do not realize in this community that Mike Kerwin and Harry Truman were on a first name basis. They were big, big pals.

Mike was one of the most powerful men in the Congress. Mike Kerwin was a great man and a great leader in the Congress. We do not have those people serving America anymore. Guys like Mendel Rivers from South Carolina and Carl Albert from Oklahoma. These were all people that Mike Kerwin put me in touch with because even as municipal court judge, I was sort of his gopher. I would follow him around, drive him around, and everything else because it was like experiencing a page out of history for him. I still get goose bumps talking about it.

Those two people were the most notable. Like I said, John Kennedy was sort of a guy who did not get too public with too many people, and all these things about his private life nobody really took note of. I would say out of the three Kennedy brothers that I made contact with, Teddy Kennedy is by far the most personable.

Jack was laid back and very reserved. He knew the magistry of the presidency, and he did not let it down. I have met so many people. Lyndon Johnson was a two-faced son of a bitch. He is a guy that is probably not going to take his rightful place in the history of the country. He had some sayings that I am particularly fond of. Especially, one that he would say when you find a skunk in the camp: "Better to have him inside the tent pissing out than, outside the tent pissing in." Johnson was a real arm twister and a great man in the Senate. There is no question about it. Johnson was one of the casualties of the Vietnam War. That was what absolutely killed that man.

Jimmy Carter probably would have done better as the bishop of the Presbyterian or Baptist Church or something. I never really got turned on by Carter. I will tell you right now that I think Dick Nixon was a great President. Of course, he sat on the other side of the aisle as a Republican. I think that Nixon had a bunch of fascists around him that absolutely ruined the guy.

When you stop to think about the chain of events that took place in history during the Nixon days, you see that he is the guy who started to taunt with China and with Russia. I think that Nixon was a very meaningful President. I met him very briefly one time through Mike Mendel Rivers from South Carolina was the head of the committee on military affairs. He was quite a guy and a big, martini drinker.

G Did a lot of those people drink?

H I never met one that did not. Let's put that way. Mike Kerwin was a big, bourbon drinker,

or Old Forester As you have probably guessed by now, I have got a fabulous memory, particularly when it comes to what a man drank

G When I asked Judge Crison to mention some people in that area, he did not go quite into detail He said that there were some people that I have mentioned, but they are gone now He had to come into contact with Orlando Krabea

H I doubt if he ever did First of all, Frank was a starving lawyer when he got elected major, and I know he had no criminal practice at all and very little civil practice After he got beat for major, actually, they appointed him to the municipal court because he was starving to death. I do not think that he came into contact with Orlando Krabea, but, of course, I have

G What was he like?

H. Orlando Krabea is now doing life in the penitentiary Orlando Krabea has no business being in the penitentiary today He should really be in some sort of an institution for crazy people Charlie Krabea was a client of mine Charlie was sort of a likeable guy He and I had a fist fight one day, and I knocked him out. That was after he got out of the penitentiary, but you could not help but like Charlie

I knew all the Naples brothers Billy Naples and I were contemporaries We went dancing at the Elms together when we were kids. I knew the older brother, Sandy. In fact, Judge Lescavansky and I, as assistant prosecutors, prosecuted Sandy Naples the only time he was ever convicted of anything John and I convicted him, and he was sent to jail

Joey Naples is a heel of a nice guy He is just as nice of a guy as you would ever want to meet. Again, I can only pass judgement on a guy as to whatever I saw him do There were only two people in public life that went to his funeral Judge O'Neil and myself Judge O'Neil, as days had gone by, had represented him, and, of course, I knew him I was not ashamed to say that I knew him because he was always a gentlemen around me

G Do you think that the Naples Brothers had a lot of influence at that time?

H In a certain circle Ask me if I think they ever made campaign contributions to politicians. Obviously, they did I do not say that in degradation of the politician involved. Modern day politics has become a race to the bank Which guy can raise the most money and buy the most television? He is the guy that usually gets elected. As a result there of, the pressure is on to raise as much money as you can Of course, one of the ways that they raised money was when they held these fund raisers that sold tickets

Well, I give you a hundred tickets to go out and sell, and I do not tell you who to go sell them to If you are one of my camp followers and you expect something from me by way of retribution if I win the office, you are going to go out and sell all the tickets you can You are going to sell them to anybody that you can.

G Thank you very much

H I enjoyed it. Mike, there is a fellow that I forgot to mention when you mentioned my under graduate work in history. I took a lot of history courses as an under graduate student from Dr. Clarence Gould who was absolutely a super teacher. In fact, I used to be a teacher assistant. I used to grade papers for him and things like that.

He gave those people who took his classes a new perspective of the Civil War. He was from Maryland and obviously a southern sympathizer, but he gave you a different view of the Civil War. I took one course particularly was the Constitutional History of England. Too bad that every fellow who has every ambition to become a lawyer could not take that class with Dr. Clarence Gould. I started off as far as constitutional law is concerned when I took that class in law school way ahead of my contemporaries because of Dr. Gould.

There was another fellow who taught at Youngstown State. He died while he was teaching there. He was a fellow by the name of Kramer. He was a specialist on Abraham Lincoln. He had the biggest Abraham Lincoln library in the country. Of course, he was a big northern sympathizer, so that if you took classes from both of these individuals, you got the southern point of view from Dr. Gould and the northern point of view from Dr. Kramer.

I will be honest with you. I think that we had better professors than you guys have now. I think that particularly substance wise. I think that they knew their subject matter a little better. That is probably an unfair statement on my part because, obviously, I have not gotten a chance to watch any of the newer fellows in action. I think that there was more professionalism.

I hate to see a situation where we have the Teacher's Association, and they have to have collective bargaining for college professors. I know that the real world probably demands that. I think that a college professor gives up a portion of his professionalism, and a teacher gives up a portion of his professionalism when things like that take place. Like I said, we had some damn fine teachers back then.

I know this much because as I look back at my own career as a lawyer, there were a couple of courses that I had not taken that I wish I had taken. For example, I wish I had taken a good course in Physiology, or the parts of the body. Also, I wish I had taken a course in the Bible. I think that they had Bible courses when I went there. If I were an advisor to pre-law students today, Shakespeare would be a must, the Bible would be a must, and Physiology would be a must.

There are certain courses, in those days, that your advisor told you had to take. Such as, all of the history courses that you should take. For example, if the Constitutional History of the United States and the Constitutional History of England were so overlapping, then, there really was not anything worth while.

I think that advisors who are advising pre-law students missed the boat that lawyers are often alluded as to being mouth pieces, and that is what we are. If I represent you, then, I am telling your side of the story for you. I do not think that pre-law students take enough English. I think that they should take more English, writing courses, and all the English Literature that they can take. Again, what are we talking about? We are talking about communication. If I had to do it over, those are the classes that I would be taking.

We were nowhere near the size that you folks are today. I think that we had a great school. I am very proud of the fact that I graduated from Youngstown College and that I

graduated from Youngstown College Law School I see guys who graduated from Yale and Harvard who I met in the arena, and I beat the hell out of them I was not impressed with their credentials from Yale or Harvard You have heard the cliché that says, “You can tell a Harvard man, but you cannot tell them much ”

G Thank you very much

End of Interview

YOUNGSTOWN STATE UNIVERSITY

ORAL HISTORY PROGRAM

Judges

Personal Experience

O H 1438

DON HANNI

Interviewed

by

Michael Graham

on

November 20, 1991

Donald Lamar Hanni of Youngstown, Ohio, was born on August 25, 1925, to Donald L. Hanni and Josephine Amato Hanni. Mr. Hanni grew up in Youngstown, Ohio, where he attended the Youngstown schools but dropped out of East High School to enter the military.

Mr. Hanni entered the United States Army on October 24, 1942. He was discharged from active services on March 26, 1946. Mr. Hanni returned to Youngstown, obtained his GED, and attended the Youngstown College, where he graduated with a Bachelor's degree in social science. Mr. Hanni received his Juris doctoral degree in 1953.

Mr. Hanni began as an assistant prosecutor. In 1959, Mr. Hanni was elected to the Youngstown Municipal Court, where he served one term. He was and still is the youngest person to have been elected to the Municipal Court.

Mr. Hanni is active in politics and has been Chairman of the Mahoning county Board of Elections since 1979. Mr. Hanni is still a practicing attorney. He is a member of Our Lady of Mount Carmel Church.

Mr. Hanni is the Chairman of the Mahoning County Democratic Party and a member of various organizations. Some of these organizations include the Veterans of Foreign Wars, the Catholic War Vets, the Ohio Association of Criminal Defense Lawyers, and the Mahoning County Bar Association Executive Committee. Mr. Hanni lists one hobby, and that is the Ohio Democratic Party. Mr. Hanni has been actively involved and met with numerous presidential and congressional candidates, as well as numerous presidents and congressmen.

Mr. Hanni has seven children. They are as follows: Don L. Hanni, III, age 44, Keith M. Hanni, age 43, Robin K. Hanni, age 39, Mark A. Hanni, age 30, Heidi A. Hanni, age 27, Holly M. Hanni, age 25, and Dru L. Hanni, age 22.

G This is an interview with Attorney Don Hanni for the Youngstown State University Oral History Program, by Michael Graham, at his office in Youngstown, on November 20, 1991, at 1 00 pm

Tell me about growing up, your early years, your parents, and things such as that

H I was born on McKinney Street on the South Side of Youngstown, but actually spent most of my childhood on the East Side of Youngstown. While growing up, I lived first on Wilson Avenue at 662 Wilson Avenue. My first memory takes me back to 662 Wilson Avenue, that particular address comes to mind because I know that we lived there in 1937.

I can remember the little steel strike in 1937, and I remember the strikers being across the street from our house. They would be on the North Side of the river and firing shots into the mill, which would be across the river on the south side. That is very vivid in my mind. I can remember, I think I started school at Myrtle Avenue School over on the South Side, but I transferred to Sheehy Street School perhaps in the third grade.

Then, as I recall, I think Sheehy Street School only went up to the sixth grade, and when you passed into the seventh grade, you went to a junior high school, which would be Lincoln School, also located on the East Side. You did your seventh and eighth grade years at Lincoln School, and there after, transferred to East High School.

I went to East High School and completed my junior year. I quit school in my junior year and joined the Army in 1942, when I was seventeen years of age. I lied about my age to get into the Army. I joined the Army in October, and I was sworn in October 24, 1942. I got out of the Army on either March 24 or March 26 of 1946.

My experience in the Army was probably one of the turning points in my life. It was during my tour of duty in the United States Army that I came to learn the value of an education. While in the Army, I saw a lot of people that I felt did not have as much on the ball as I did, but because they had one or two years of college, they automatically became officers. The highest rate that I ever achieved was Technical Sergeant, which was a five striper, which was very high for a kid my age.

When I left the Army in 1946, which would of been March of 1946, I did not become twenty-one until August of that same year. I know that I made up my mind while in the Army. I thought to myself, what the hell am I doing sitting over here in this snow in Germany when I could be back home in a nice warm school room? Immediately upon my return, I went to the Board of Education to make inquiry as to how I could get back into high school.

At that time, they informed me that if I were to take a GED examination and pass it, I could bypass high school and enroll in Youngstown College. So, I took the GED examination, was successful, and in September of 1946, I started at Youngstown State University. It was then called Youngstown College.

Like so many other returning veterans from WWII, we were an older group then the average student. One of the first things we did was we formed our own fraternity. I think we felt some what out of place in some of the existing fraternities because they were top heavy with kids two to three years our junior.

The name of our fraternity was the New Sigma Rho. I was the first president, and we were very active on the campus. We used to get very involved in the selection of all the queens and so on and so forth. I do not mind telling you because our particular fraternity was most of the football players and street guys.

We were very successful in fraternity affairs. It was while I was a member of the fraternity, I think the fraternities were kind of representative of the Student Council. I cannot remember if I was elected to Student Council. At any rate, there came a point in time when I served on Student Council. I had known Harry Meshel, who was the Senator Meshel. We grew up on the East Side, and he went to East High School when I did. He was a grade or two ahead of me.

At any rate, he and I became very close companions in under graduate school. Harry was not a fraternity man. We tried many times to get him to join our fraternity, but he did not want to pledge to a fraternity. Harry and I were very active together in Student Council. The two of us brought in the first big bands that ever would come into Youngstown College. I know that we brought Ray McKinley and Johnny Long in. This was the big band era.

It seems to me that we brought Charlie Ventura, but I know he and I used to collaborate with the assistance of a fellow named Tony Cavalier, who owned the Elms Ballroom and Idora Park. With his assistance, he helped us book these bands in. All during our four years on campus, we did that.

I graduated in 1949. I started Law School in 1949, so I was going to undergraduate school in the daytime and Law School at night. Finally, I graduated from Law School in 1953. Youngstown College, in my opinion, probably had one of the best law schools in the state of Ohio. In those days, the casualty rate for taking the Bar sometimes got as high as forty or fifty percent. Roughly, the advocates that took the Bar were not successful.

Our casualty rate at Youngstown was never more than five or ten percent. The year I took the Bar, in 1953, I think there was twelve of us that took the Bar. I think either all of us passed or one failed. I cannot remember which, but I know it was fantastic as to the state percentage of casualties. At one time, practically every judge on our benches were Youngstown College law graduates, and there are still a number of them right now.

I know that Judge O'Neil is a graduate from Youngstown College, and Judge Denofrio is a graduate from Youngstown College. Judge Lescavansky is graduate from Youngstown College. Judge Regalhop, who is a former judge, Judge Cavalier, who is still alive, and, of course, Judge Regalhop, who is dead, all went to Youngstown College. Judge Bannen on the Common Pleas Court is a Youngstown College graduate. Unless I am mistaken, Judge Eonomus might be. I am not sure. It appears to me his father was, though.

I can remember a time when there were three judges sitting on the Youngstown Municipal Court. There was myself, Judge Lescavansky, and Judge Cavalier, who were all Youngstown College graduates. At that time, I think there were three on the Court of Appeals, which would have been Judge O'Neil, Judge Donahue, and maybe Judge Donofrio, all three Youngstown graduates. The Court of Common Pleas, at that time, was almost all Youngstown graduates.

The Youngstown College graduates varied really well when it came to holding judicial office. I was elected municipal judge. Unless I am mistaken, it had to be 1959. I

was nominated as a democrat and I ran against the incumbent by the name of Robert Nevin. He was a republican who had been on the municipal bench for about two or three terms. He had been there for about twelve or eighteen years, and he was considered practically unbeatable. I beat him.

Like I said, I think that was in 1959, which means I would have been the youngest municipal judge in the history of the city. More recently, I do not know if Pat Kerrigan or if Andy Polivishek were that young when they went on the bench, but I do not think so. I think I still have that record.

I served on the municipal bench for six years. I had a rather stormy run as a municipal court judge. I have often said that I think in terms of the words of Harry Truman when he said that he was elevated to the United States Senate. He spent the first six months in the Senate trying to figure out how the hell he ever got there. There, after that, he said, "I spent the next five years and six months wondering how the hell all the rest of these bastards got here."

I will never forget when I won the judgeship and was sworn in as a judge. I think that probably one of the first secret inquiries that ran across my mind was, I am a Judge. Now, what do I do? At first, I sort of felt inadequate until I found out, sort of like Truman, that I was not as dumb as I thought that I was as apposed to some of the lawyers who practiced before me in the courts. I am not referring to them as dummies, but I was selling myself short, so to speak.

In my opinion, as I look back, I was too young for anybody to go on the bench primarily because I was too energetic. I was probably lacking the patience it takes to be a good judge. I am not saying that I was not a good judge. I am just saying that I was a little too impetuous to be a judge. As a result there of, too often I used to throw myself into the lawsuit meaning. I would stop and make inquiries of the party litigants and ask the lawyers questions. Sometimes, I got a little too impatient with the lawyers with regards to their lack of preparation, and this is something a judge should not do.

After thirty-eight years in the practice of law, I have come to conclude the real role of a judge is not unlike that of a baseball umpire. It is his job to stand behind the home plate and call the balls and strikes, not tell the batter how to swing at the ball or tell the outfielders how to catch the ball. I found myself doing that.

Just based on my own experience, I would suggest that as a practical matter that no one should become a judge until they are fifty years of age. In addition to that, although there is a certain amount of prestige and glory attached to being a judge, when you are in your younger years in the practice of law, those are your productive years. Those are the years you should be going out and making money for yourself.

When I ran for municipal judge, I just started doing well as a practicing lawyer, and then, I sort of ran for judge as sort of a quirk because everyone said that Bob Nevin was unbeatable. Of course, that was a challenge, plus the fact that I did not like the man. He was a tyrant on the bench. In short, he was a son of a bitch. He put his own grandmother in jail. I can recall one case just prior to the time I decided to run.

A woman from Michigan was in the city of Youngstown, and she had a very small child. Judge Nevin had a standing rule that if you got caught driving over sixty miles an

hour, it was an automatic five days in jail. Well, this woman, passing through Youngstown got caught going sixty-one or sixty-two miles an hour in the city. He not only sentenced her to jail, he had the child welfare come in and pick up her child and hold her child for five days. Well, I thought that was completely uncalled for. After all, the woman was a stranger. How did she know where the city limits were? Again, I thought that the guy was a tyrant.

Yet, when I beat him, surprisingly enough, I found myself feeling sorry for him. I knew that he had been out of the practice of law so long that he was not going to be able to make a living out of the practice of law. He could not. He left the judgeship and the Common Pleas Judges. The majority of who were Republicans in those days appointed him to the Legal Aid Society. I found myself feeling sorry for him, even though I did not like him when I beat him.

I had a love of politics. In those days, there were some restrictions on a judge's involvement in politics, but I always ignored those. If there was a fight going on down in Alliance, I would run down to find out who the two participants were, so I could jump in on somebody's side. That is an exaggeration, of course. I used to get all involved in politics. I would support different people for public office.

In fact, Tony Vivo, who is clerk of courts right now, came to see me when I was a municipal judge because he wanted to run for Sheriff. I talked him out of running for Sheriff and made him run for clerk of courts, and he won the job. He has been there ever since. Because of my great love for politics and because of the large amount of time and energy I used to devote to politics, I really had a better political organization, then.

I am the democratic county chairman right now. After it came my turn to run for reelection, I was beaten. Of course, the newspaper used to hate me, and when I say used to hate me, that is wishful thinking because I think they still hate me. That is none the less been unimportant to me over the years. Judge Donofrio, who was the city prosecutor at the time, ran against me and beat me.

I went right out to the practice of law and, thank God, I did real well afterwards. In fact, it was in 1978 that I was trying a very high profile and celebrated murder case up in Warren, that my oldest son and fourth son, who were very much involved in politics, availed upon me to run for county chairman.

In those days, it was unheard of to unseat an incumbent county chairman. I did not really devote that much time to it because I was in the midst of trying this murder case up in Warren. For the most part, they did most of my campaigning, and we won. I won for county chairman.

Incidentally, the murder case I allude to was the State of Ohio versus John Tidwell. That case is the longest jury trial in the history of Trumbul County. The longest jury case in the history of Mahoning County was the State of Ohio versus Steven Masters. I defended Masters, too. I won the one up in Trumbul County and lost the one in Mahoning County.

Over the years, I have probably tried more murder cases and defended more murder cases more than any other lawyer at this Bar, and I think the Masters' case was the only case I ever lost. When I say lost, I mean lost to the indictment. Sometimes, I would be defending a guy for first degree murder, and he would be convicted of man slaughter of the first degree. The only case I can think of that I lost to the indictment was the Steven Masters case. Of

course, my most recent was the Magorou case which was last year, and, of course, we had him acquitted

G First of all, this is something that have always wondered, and the outcome from a lawyer's perspective then a judges perspective, although you can do it in both ways if you like Has anybody that you know of ever gotten off even though you know that they are guilty?

H. Sure, a lot of them.

G How do you do that?

H Well, let me say this to you I do not know what area of study you find yourself in, but let me give you a classic example What if you were Jewish by religion, you were a doctor, and you were walking down the street, and the fellow in front of you fell down with a heart attack? You turned him over, and he was Adolf Hitler Would you try to save his life?

G Yes

H Okay, so you have answered my question You see the function of a defense lawyer is not to prejudice the guilt or innocence of the accused but to give the accused the benefit of good representation and make sure that he gets a fair trial Now, it is the jury They have a separate function Their job is to determine the facts and determine his guilt or innocence It is the prosecutor who has a different function, yet His job is to present the evidence from the State and make sure that the state gets a fair trial

The judge has a fourth function It is his job to sit and let both sides square off He is the umpire, and he makes sure that everybody plays according to the rules For example, take homicide itself, or killing a person. There are five or six different degrees of homicide A jury makes that determination Did he commit aggravated murder, did he commit plain murder, did he commit man slaughter, and did he commit negligent man slaughter? There are all these different degrees of homicide, and yet, the victim is still dead

At first, let's say, for example, a person gets struck with a car. Probably, our initial observation would be that that person died of negligent homicide, or a traffic homicide Yet, it might develop

What if I willfully take my automobile and run up onto the sidewalk in an effort to kill you? It could be aggravated murder if I planned on it, and I watched you for a couple of weeks. I watch you cross the same crosswalk everyday for a month I also figure out that at 2 00 today, Mr Graham is going to be in that crosswalk, and I am going to take his life with my car It could be an aggravated murder, right? So, again, like I said, it is not for the defense lawyer to judge the guilt or innocence of the accused. It is his duty and his oath to give the accused the best defense that he can within the rules

G Where were you at in the Army? You said Germany How far into Germany?

H I went all the way through Europe I was in England, of course Then, I went to France and Germany I was just all over Europe

G Did you go for D Day?

H No, I was in Europe on D Day, but I did not go into battle on D Day

G I was talking to the judge, and he said something that interested me You did, as well You both mentioned the fact that Youngstown in the fifties was a lot of Republicans How did that change, and why did it change?

H Well, Frank Kryson, of course, gave me my first job in politics When he was elected Mayor, he appointed me as an assistant city prosecutor In fact, Judge Lescavansky and I went to Law School together and took the Bar together He appointed us both as assistant city prosecutors As I recall, I think that Frank was elected mayor in 1955.

I think that the fellow who was mayor when I first got out of the Army was Ralph O'Neil, who was Judge O'Neil's father He was bested for the job by Charlie Henderson who later went on to become probate judge Then, Kryson came along and knocked off Henderson All of the Common Pleas Court Judges in those days were Judge Doyle, Judge Ford, and Judge Madden, but the Common Pleas Trial Bench was almost exclusively Republican

G Why did that change?

H The Democrats had a better political organization I will tell you that I really do not remember being privy to, but it is a fact In the Roosevelt landslide in 1932, Roosevelt swept a lot of congressional candidate into office with him but not in Youngstown. The Congressman who was elected from Youngstown was a fellow by the name of John Cooper He was a Republican and had been in the Congress for about twenty-two years He was re-elected in the 1932 landslide He did not get defeated by that guy up there Mike Kerwin beat him in 1934, but that was two years after Roosevelt was elected Campbell, Ohio, for example, has probably two dozen Republicans in the city Back in those days, there were only two dozen Democrats in the whole city of Campbell They were all Republicans

G It was the organization

H That is right. It was the Democratic organization who turned all of those things around

G You mentioned your sons? Who were the two sons?

H My son, Don, is my oldest, and, of course, the apple did not fall too far from the tree in his case He is the fellow who is on the school board now He always has been very active in politics, and he has got a combative nature just like his father Don actually should have

been a lawyer and just never found time. He was too busy doing other things.

My fourth son is Mark. I have always said that I think he will either become a millionaire or will die in the penitentiary because he is a mover and a hustler. My son, Robin, would be my third son. He was career oriented as far as the services are concerned. He was a Captain in the Army, and then, he got a disability and was discharged.

My son, Keith, is sort of the odd man out. He is my second son. He graduated from Ohio University, but even at forty-three years old, he is still the bachelor in the family. He has not sort of found himself yet, I do not think. In fact, Keith was the runt of the litter, so to speak. In the sixties or maybe in the seventies, he fought in the Golden Glove and became the 135 pound champion. He was devoted the most promising young boxer in the tournament.

G Were your parents a big influence on you?

H Yes and no. My mother and father were divorced when I was twelve. I had one sister, Francis, who is married to the orchestra leader, Angelo LaCivita. Then, my mother remarried, and I had another brother, Jim, and my sister, Mary Jane. I think that probabilities were the biggest influences on my life. Living in the ghetto was an influence because that was the ghetto.

G Was it even back then on the East Side?

H Yes, that part of the East Side was especially. Later on, we arrived, so to speak, and we moved out of the Wilson Avenue area and up to Fruit Street. I think initially when I lived on Wilson Avenue, that was the ghetto. I think that made a lasting impression on me. I think it made me sympathetic to the black man. I saw it first hand because many of our neighbors were black.

The discrimination that they suffered was not necessarily racial discrimination because I think that racial tension was almost non-existent in those days. Economically, we were all in the same boat, but the blacks were worse off than we were. In other words, if we were eating mush with milk and sugar, they had to eat plain mush. That made a lasting impression on me.

Then, there was a school teacher. Her name was Powell. I was talking about her yesterday. I can remember she had bright red hair, and she gave me a lot of self confidence.

I think that in my eighth or ninth grade year in school, the Army had a profound influence on me. In fact, I got married while I was in the Army. I got married at nineteen. I married a young girl over in Whales. She was eighteen. She was a war bride. I brought her back with me.

Leela had a very positive effect on my life. She was a great, great woman, and it was a marriage that I screwed up drinking and whoring around. And, everything else like a prize fighter who suddenly finds himself the world's champion with a lot of money in his pocket, a lot of friends, and a big commmentate. What is the saying, "We grow too soon old and too late smart?" If I had to live that portion of my life again, I would certainly change that a

whole lot I do not know how that woman put up with my shit over the years She was really a great, great lady, and she had a great influence on my life

Mike Kerwin, who was the Congressman from the 19th District, probably had a real great influence on my life Mike was guy who had a lot of practical common sense I probably learned more politics from him than anybody Then, there was another fellow who is still alive He plays cards downstairs. He goes by the name George Glaris He had a great influence on my life politically.

When we moved up to the upper East Side, the boss of the Democratic Party was my next door neighbor His name was John Vitullo I think that as I look back now, I always had a great interest to become the County Chairman even back then I always had a great admiration for John Vitullo. I thought that he was the last word He was the "it" guy

Then, there were different people along the way There was a fellow in law school who taught us contracts His name was Noles Wyatt If I had to single out one man who was most responsible for making lawyers out of us at Youngstown College, it was that man He was a strong disciplinarian We started out with a class of 45 By the time we finished, I think there was 13 of us He was so tough that some of the guys just cracked him to the pressure

The law business is a pressure business I do not care what kind of law you are practicing You can be a real estate lawyer and still have a great deal of pressure on you Noles Wyatt taught us how to take pressure He had a great influence on my life Undoubtedly, I have left some people out, but these are people that just come to my mind as I sit here and converse with you

G: You were talking about the Youngstown Law College Why do you think you were so successful? Was it such a good program, were the people good, or was it a combination?

H First of all, it is like being price fighter All the great fighters are hungry We were all hungry Most of us that went to law school did not have fathers that were lawyers or uncles that were lawyers That does not include all There were some fellows like Clyde Osborne. His uncle was a lawyer There were few that came from families with a legal background

I think for the most part that we were hungry I think that I started law school in 1949 The first assignment that I had in law school was to put to memory the definition of a contract Here we are forty-two years later, and I can still tell you that a contract is an agreement between two or more parties based upon a sufficient consideration to do or not to do a lawful possible thing That was my first assignment in law school in September of 1949

The following quarter he taught a course in torts. My next assignment was the definition of a tort. A tort is a violation of a legal private act other than the mere breach of contract. Also, there are damages in which may be recovered in a court of law. This guy made you learn

In 1949, when I graduated with my under graduate degree, I started to teach school I went to Petersburg and started to teach school there between 1950 and 1951, and then, between 1950 and 1952 I still taught, but I was also the principal The first year that I

taught school, I taught for \$2000 a year. The year that I was principal, I made \$2500 that year.

I used to drive a 33 Oldsmobile in those days. By then, I think that Leela and I had two or three children, and we had moved to Elm Street. I used to drive all the way from Elm Street to Petersburg in my 33 Oldsmobile. It was the best car that I ever owned. I should have never gotten rid of it. Teaching school was a really satisfying assignment. I really enjoyed it. I think that some time this month or early next month, one of the graduating classes, some of who are already grandparents, are having a class reunion, and they always invite me.

G About being a judge, what were your typical duties? What were some of the things you had to do daily as a municipal judge?

H On the Municipal Court, probably one of the major mistakes I made in life was to run for the Court of Common Pleas. I was three years into the municipal judgeship. I ran for the Court of Common Pleas, but I got bested by Judge Regalhop. I have news for you. As I look back, that was probably one of the best things that ever happened to me because Sid Regalhop was probably one of the best judges that I had ever come across since I have been practicing law. If I had that to do all over again, I would have never run for the Court of Common Pleas, and if I had my choice of a Judgeship right now, I would select the Municipal Bench. More people come in contact with the Municipal Judges than any other branch in the Judiciary.

I think that a judge can do a whole host of things from that vantage point that you cannot do from any of the higher courts. I think that you can leave people with a lasting impression of justice. You have to understand the municipal court has sort of a Judge Wapner flare to it. Sometimes municipal judges let themselves down and the legal profession down by not keeping a degree of magistracy in the court. You will find that probably eighty percent of the people who have contact with a court, their only contact is with the municipal court.

I think it is important that municipal judges make a lasting impression on the people that appear in front of them. More importantly, they must be fair. We have got too many people that are serving on municipal benches around Ohio and perhaps, the country that should be selling shoes some place. They are just inadequate and incompetent, and many of them feel that they have been ordained as opposed to being elected.

I would like to see the entire system for the selection of judges changed to some extent, in the degree in that they talk in the terms about judges being appointed after they been recommended by the Bar Association. I am not sure that I am in step with that idea, but I would like to see judges elected or appointed in some fashion or another for life.

In other words, I think that judges are under severe pressure from the media. As a result there of, many of them have really distorted the law into something terrible. Many facets of the law are in absolute abortion.

If you take the fourth amendment of the constitution, it protects you against unlawful searches and seizures. That has practically been litigated out of being. Areas of double jeopardy have been litigated out of being. There have just been so many intrusions suffered

as far as the Bill of Rights is concerned that it is almost stupid

For example, the right to trial by jury in the federal district courts. If you read the Constitution of the United States, it guarantees the accused to a trial by jury by his peers. Yet, you cannot waive your right to a trial by jury in the federal system without the approval of the federal prosecutor.

Who the hell ever said that the United States of America was entitled to a trial by jury? The federal system. As far as I am concerned, if I had my choice, we would do away with the whole federal system. We do not need federal courts. I think that all the judges in the state courts are sworn in to uphold the Constitution of the United States, the Constitution of the State of Ohio, the laws of Ohio, and the laws of the United States.

What the hell do we need federal judges for? Many of them are just political hacks who are there because they happened to support somebody who is running for President, or they had some large contributor support, or somebody that was running for President. The fact that they had a relative to that contributor resulted in being appointed to the federal bench.

I have never felt inadequate in the presence of a federal judge because as far as I am concerned, it is still like playing baseball. Whether you are playing up at Oakland Field or Yankee Stadium, it is the same game, just a different ballpark. And yet, some of the Federal Judges that you talk about have the God complex. It is absolutely ridiculous. Some of them think that they are an absolute direct descendant of Moses.

G What was a day like when you were a judge?

H I used to get to work at about 8:30 or 9:00. In those days, we used to have a drunk line up. My bailiff was Scotty Harold. He is now dead. He would bring all the drunks in front of me. They probably spent the night in the tank called the bull pen. As a rule, before Scotty brought them in front of me, he used to keep a jug of bootleg whiskey around. He would give them all a shot of bootleg whiskey in tin cups to keep them from shaking, so that they would be in shape to walk to court.

Then, they would come downstairs, and we would find out what kind of shape they were in. If we felt that they needed some sort of medical attention, we would send them up to the hospital. We never kept them in jail. In fact, probably one of my biggest short comings as a municipal court judge was putting very few people in jail. The only people that I put in jail, quite frankly, were the people that did not support their children.

I had a large family, and I had to support my kids. By damn, if I could support mine, they could support theirs. So, I put belly robbers in jail. That is what I used to call them. We would take arraignments in the morning, or the people that were going to plead guilty or not guilty would parade in front of us. We would set all those cases for hearing. Then, in the later morning, we would hear cases. Either preliminary hearings or hear trials and misdemeanor cases, and that was pretty much it.

When I took over the municipal judgeship, Judge Neven's civil docket was a couple years behind. Because of my youth and energy, I used to set pretrials every fifteen minutes. I say that I was on there almost a year, and that docket was almost current. I went right

through it. Some of the lawyers did not like it. I told them to be there for the pretrial, or I would dismiss their case. That was it.

G Did you do any sentencing?

H Like I said, I did not put that many people in jail. That was probably one of my short comings as a judge. Because, how could I sit there and put a guy in jail for gambling when maybe the Saturday night before, I had been in a poker game with Judge Cavalier. I just could not stomach the hypocrisy involved. Or put a guy in jail for drinking too much when I had been half-stiff myself at a party a couple days before.

G This is more of an opinion, and there is still a couple more questions. Have people gotten worse? Have the criminals gotten worse?

H Son, let me tell you something right now. Criminals have not changed since the days of Christ. People have not changed, but the uniforms have changed. Judges have not changed since Pilate. Recall when Christ was taken before Pilate. He really found Jesus not guilty because he said so. He said that he washed his hands in the blood of this innocent man. He did not have enough courage or guts to go against the mob, and that is what is wrong with justice today.

Too many judges rule on a particular case, ignore the law, and answer to the roar of the Mob that has been stirred up by the media. I will say that I think that when you ask if people have gotten worse, we have more violence around today primarily for two reasons. We did not have the drugs around in those days like we do today. I have always felt that drugs are the product of an affluent society.

It is like the Indians. They did not know how to make whiskey. The first swallow of whiskey an Indian took was the white man's whiskey. I think that we have introduced drugs to the black people. What are drugs any how? They are no more than an escape from reality.

It is understandable to me that if I lived in the ghetto or some place where I might want to escape from reality on a daily basis, then, I might. That is number one and number two. Stop and think about this. It costs us \$17,500 a year to keep a man incarcerated in the penitentiary, and yet, we live in a society where we would rather keep a bunch of people locked up as opposed to giving them a \$15,000 a year job. The math does not add up. In my opinion, a lot of people hesitate to say this, but you would be a damn fool if you could not come up with this conclusion.

Walk through the county jail, and you will see that 75% of the population is black. We would rather keep a black man locked up in jail than give him a job. It upsets me that the basic wealth of a nation is measured in terms of the natural resources of that nation. If you were unfortunate enough to be born in Bangladesh or some country that is bankrupt resource wise, it is unfortunate. But one of the basic natural resources is the ingenuity of its popularity.

To me, look around the city of Youngstown. I have been after municipal judges for

five or ten years to get them to put people out to clean the streets and the grass out between the sidewalks as opposed to keeping them locked up in the county jail. It does not make any sense to me to keep them locked up in the county jail. It does not make that much sense to me that we have got that many people in jail. I honestly feel that half of those people would not be in jail had they gotten a job.

You take a young black man as no different than a young white man. He has a girlfriend that he wants to take to the movies and out to dinner. He wants to buy a decent car, so that he can court a young lady. Well, hell, if he cannot get a job, where he can buy that car? Then, he is going to sell crack cocaine.

This is one of the things that has been the devastating part of trade unionism. This idea that every one has to make \$17.00 any hour is shit. Right today, I could probably hire 500 people who would be willing to work for \$5.00 hour if I could find them jobs. People want to work, and I keep alluding to the black man because they are at the bottom of the totem pole. I think that they want to work. After they get a taste of the big bucks, they do not want to work, and the next thing you know, they are over having gun fights over territory rights.

This is the situation that we created for them. It is insanity. Look at the decadence of our inner cities. Not just Youngstown, all of them. With so much to be done, how could we justify having about twenty percent of our population sitting on the welfare roles, on their hands, or in jails? It is crazy. This is man power that we should be utilizing. It is a hell of a flaw in our system.

We run around telling everyone that we have the best system in the world. Like hell we do. We run around telling everyone that we have the best educational system in the world. It is more propaganda. We do not have the best educational system in the world. It is only since the advent of television that transcontinental communication has taught us that we are nowhere near the top. Too many times, our kids cannot compete.

Look at our high schools. We graduate kids by the tens of thousands by the year. They cannot read and write. It is insanity. What is the reason why they cannot read and write? We have a bunch of horse asses in the schools teaching people who can barely read and write themselves. Anytime you have a system or a society where you pay the garbage man more than you pay the school teacher, again, there is something wrong with the system.

Let's face it. Who are you going to attract into teaching the schools at less than garbage man wages? There used to be a cliché that said something like those who can, do, and those who cannot, teach. That is a disgrace to our nation. When many of our school teachers start off, they want to become engineers. They cannot cut the mustard, so they become math teachers. They want to become lawyers, but they cannot cut the mustard. They become social studies teachers. They want to become doctors, but they cannot cut the mustard. They become chemistry teachers. We have got too many damn failures teaching in our public school system. Is it any wonder that we do not come up with a better finished product?

- G. When you lost your election after you were municipal court judge, was it hard to start up, again?

H Well, I borrowed \$5,000 from a friend of mine because I was completely broke. The three years before that, I ran for Common Pleas Judge. One thing about me is that I throw into the affray. I blew every quarter I had. When I went back out into the law business, I was just penniless. Jean Fox is a dear friend of mine who lent me \$5,000 to go into the law business. I jumped right in, and I can still remember my first plan. After I was judge, Nickey Petrella was it.

G Are the criminals different?

H I think that the people are more violent today than they were because I think they are more desperate. First of all, we have taken these drug crimes, and we are passing out very large amounts of time for people who are drug peddlers. So, when the stakes were higher, it was just unheard of for anyone to shoot or kill a policeman. Today, that is nothing because if that policeman catches me, I am going to be put away for the rest of my life.

In the old times, the safe crackers and the burglars never carried a gun because getting found with a gun carried too much time. Let's say that a guy got caught cracking a safe. He was going to do a one to fifteen. If he got caught in a robbery, it was a ten to twenty-five, so he never carried a gun.

We live in much more violent times today primarily because I think that the stakes are higher if you lose. One reason that I am totally against gun control is the fact that if I am a guy going out to rob a bank, what do I care what additional time I am going to give for carrying a gun? I think that if gun control that goes to disarm the honest guy, then, the guy only wants to protect himself. Sure we have a few people that die accidentally as a result of the carelessness in handling fire arms, but if you are going to outlaw guns on that basis, then, you ought to outlaw automobiles.

I think that last year we probably killed 45,000 people on our streets and highways with automobiles that are geared to run 100 miles per hour, and yet, no place in the nation is it lawful to drive a car more than 70 miles per hour. So, we cannot use that mentality for outlawing weapons. Plus, the Constitution of the United States states that you have a right to carry gun.

G I really want to know if you think that this guy is guilty of something else, or do you think that he is not necessarily guilty of the crime he has been charged with? When you sentence him, does that affect your mind?

H If I am a judge doing my job right, then, the jury may return a verdict against you. First of all, if I am doing my job right, and after all the evidence is in, the jury will not get a chance to convict you. When your lawyer makes a motion for directed verdict, I will direct the case out of court.

This again is where the media comes into play. They hire these reporters who make \$75.00 a week and who know nothing about the law. They are saying that the judge is a big prick or was paid off because he threw Mike Graham's case out of court. The rule of thumb is that the law is better, but ten guilty men go free or a hundred guilty men go free. Then,

one innocent man be innocently convicted

Yet, it takes a lot of courage to be a judge. It takes a lot of courage to do the right thing. It would have taken a lot of courage for Pilate to free Jesus when the mob was screaming to have him crucified, but Pilate did not measure up to be a judge.

We have got too many Pilates sitting up on the bench today who keep one eye on the media and one eye on the mob. They do what the Mob tells them to do, or more importantly, they do what the media tells them to do. The media is not trained lawyers. It does not know what the hell is right and what is wrong.

If the burden is on the state to prove Mike Graham's guilt beyond the existence of a reasonable doubt, and the State does not do so. Then, my duty, as a judge, is to free Mike Graham. I do not give a damn what the media says. That is one of the reasons that I am not on the bench today. Because I used to apply that.

If the police department came in and did not do their job, then, they did not prove you guilty. I find you not guilty even though in my mind, I may have felt that you were guilty. If they did not prove your guilt, I would find you not guilty. That is what it is all about. Supposition, innuendo, and intuitive feelings have no place in the law. It is proof beyond the existence of a reasonable doubt. Mike remember this. In your opinion, what is the worst type of criminal?

G I would say a child molester.

H In my opinion, you are right in some extent, but how about a trader? How about a guy who sells out the whole country? He sells out the children in the country. He sells out the child molesters in the country. He sells out everybody. He is the worst kind of criminal, or a trader.

You want to remember the fine distinction between a patriot and a trader. The patriot wins the war, and the trader loses the Revolution. The men who wrote the Constitution of the United States in 1787 and adopted it were all traders. When they wrote the Constitution, they did not mean for it to be easy to convict anybody of a crime. Mind you, this is a group of Revolutionaries that revolted against the English Crown. They wanted you to have the right to carry a gun in case some soldier would attempt to intrude upon you. They did not want you to have to have the truth beat out of you.

They gave you the fifth amendment, and they gave you the right not to testify. They did not want the State to tell you what church to go to, so they gave you the freedom of religion. They did not want you to not be able to talk against the government, so they gave you the freedom of speech. They did not want the soldiers to come down your street, come in your house, and start searching your house for contraband, which gave you the fourth amendment. Here was a group of criminals who drew up the Constitution of the United States of America. I bet you never thought of that.

G No, not like that. No, I have not.

H Now, stop and go a step back further in history. The first English Colony in the United

States or in the New World was in Jamestown, Virginia in 1607. Do you know what they settled America with? We always talk about Australia, and how they emptied out the prisons and everything else. What the hell do you think we did here? We were long in front of Australia. They emptied out all of the dead beats of the deader prisons. All of the criminals the insane asylums were sent to the New World. Do you know why?

If they populated a particular colony and ran the flag of the mother country up, then, that particular land belonged to the mother country back in Europe. These people run around beating their chests about their ancestors coming over on the Mayflower. What the hell, they were nothing but a group of malcontents. They moved to Holland first, but they could not even get along in Holland. They could not even get along in Holland, so they threw them the hell out of Holland.

Plus, because of the hardships that they had to endure in the New World, if you lived to 35, then, you were lucky. So, who the hell wanted to come over here? When you think of our history, people talk in terms of the savage instincts of the black man. You want to remember one thing. The first slaves who came to America in 1620 came to the same colony of Jamestown, Virginia. Which means that 1620 was only 370 years ago.

What do you think the white man was like 370 years out of the caveman era? Three hundred and seventy years ago, the black man's ancestors were sitting in the trees waiting for an elephant to run under the God damn tree, so that he could fall off on it, hit it with an ax, and have lunch. Did you ever think of that? It is only a grain of sand as far as the time and the history of the world is concerned. Obviously, some of these things have shown through. The same thing came through in our blood lines 350 years out of the caveman era. When you stop to think about it, the black man has done remarkably well.

G What did you get your bachelor's degree in?

H Social studies and social science

G Who would you say are some of the more notable people who you have defended or have run into?

H. Harry Truman was one of the more notable people that I have run into. Mike Kerwin, of course, I have already mentioned him. John Kennedy, of course, Robert Kennedy, and Ted Kennedy I know better than I know you. I have really had a chance to observe the human side of most of these people.

Let me tell you a little story about President Truman. We had him here for a speaking engagement, and this was while I was a municipal judge. I was the toast master at the banquet, and after the banquet, we went over to the Pick Ohio Hotel. I was driving the car. We got upstairs into the hotel, and he said, "Judge, make me a drink." I said, "What would you like? Scotch?" He said, "Scotch? Hell no. I do not drink scotch. I drink Bourbon America whiskey."

In those days, they had heavy glass goblets in the hotels, and I would pick up a bottle of old Grand Dad. I put about two inches of Old Grand Dad in this goblet, and I was going

to hand it to him. He said, "Who the hell taught you to pour a drink?" I asked him if it was too much, and he said, "Hell no, fill it up." Here I filled this water glass full of Bourbon and Old Grand Dad, and Harry went zing, down the hatch. He said, "That was great. I think I will have another." He drank two water glasses full of whiskey, and he was in his seventies in those days.

Without question, they had some real men in the Congress in those days. Harry Truman, in my opinion, was the greatest President in the history of the United States, and that takes in Lincoln and the whole damn group of them. He was a real leader as far as this country is concerned. People do not realize in this community that Mike Kerwin and Harry Truman were on a first name basis. They were big, big pals.

Mike was one of the most powerful men in the Congress. Mike Kerwin was a great man and a great leader in the Congress. We do not have those people serving America anymore. Guys like Mendel Rivers from South Carolina and Carl Albert from Oklahoma. These were all people that Mike Kerwin put me in touch with because even as municipal court judge, I was sort of his gopher. I would follow him around, drive him around, and everything else because it was like experiencing a page out of history for him. I still get goose bumps talking about it.

Those two people were the most notable. Like I said, John Kennedy was sort of a guy who did not get too public with too many people, and all these things about his private life nobody really took note of. I would say out of the three Kennedy brothers that I made contact with, Teddy Kennedy is by far the most personable.

Jack was laid back and very reserved. He knew the magistry of the presidency, and he did not let it down. I have met so many people. Lyndon Johnson was a two-faced son of a bitch. He is a guy that is probably not going to take his rightful place in the history of the country. He had some sayings that I am particularly fond of. Especially, one that he would say when you find a skunk in the camp. "Better to have him inside the tent pissing out than, outside the tent pissing in." Johnson was a real arm twister and a great man in the Senate. There is no question about it. Johnson was one of the casualties of the Vietnam War. That was what absolutely killed that man.

Jimmy Carter probably would have done better as the bishop of the Presbyterian or Baptist Church or something. I never really got turned on by Carter. I will tell you right now that I think Dick Nixon was a great President. Of course, he sat on the other side of the aisle as a Republican. I think that Nixon had a bunch of fascists around him that absolutely ruined the guy.

When you stop to think about the chain of events that took place in history during the Nixon days, you see that he is the guy who started to taunt with China and with Russia. I think that Nixon was a very meaningful President. I met him very briefly one time through Mike. Mendel Rivers from South Carolina was the head of the committee on military affairs. He was quite a guy and a big, martini drinker.

G Did a lot of those people drink?

H I never met one that did not. Let's put that way. Mike Kerwin was a big, bourbon drinker,

01 Old Forester As you have probably guessed by now, I have got a fabulous memory, particularly when it comes to what a man drank

G When I asked Judge Crison to mention some people in that area, he did not go quite into detail He said that there were some people that I have mentioned, but they are gone now. He had to come into contact with Orlando Krabea

H I doubt if he ever did First of all, Frank was a starving lawyer when he got elected major, and I know he had no criminal practice at all and very little civil practice After he got beat for major, actually, they appointed him to the municipal court because he was starving to death I do not think that he came into contact with Orlando Krabea, but, of course, I have

G What was he like?

H Orlando Krabea is now doing life in the penitentiary Orlando Krabea has no business being in the penitentiary today He should really be in some sort of an institution for crazy people Charlie Krabea was a client of mine Charlie was sort of a likeable guy. He and I had a fist fight one day, and I knocked him out That was after he got out of the penitentiary, but you could not help but like Charlie

I knew all the Naples brothers Billy Naples and I were contemporaries We went dancing at the Elms together when we were kids I knew the older brother, Sandy In fact, Judge Lescavansky and I, as assistant prosecutors, prosecuted Sandy Naples the only time he was ever convicted of anything John and I convicted him, and he was sent to jail

Joey Naples is a heel of a nice guy He is just as nice of a guy as you would ever want to meet Again, I can only pass judgement on a guy as to whatever I saw him do. There were only two people in public life that went to his funeral Judge O'Neil and myself Judge O'Neil, as days had gone by, had represented him, and, of course, I knew him I was not ashamed to say that I knew him because he was always a gentlemen around me

G Do you think that the Naples Brothers had a lot of influence at that time?

H In a certain circle. Ask me if I think they ever made campaign contributions to politicians Obviously, they did I do not say that in degradation of the politician involved Modern day politics has become a race to the bank Which guy can raise the most money and buy the most television? He is the guy that usually gets elected As a result there of, the pressure is on to raise as much money as you can Of course, one of the ways that they raised money was when they held these fund raisers that sold tickets

Well, I give you a hundred tickets to go out and sell, and I do not tell you who to go sell them to If you are one of my camp followers and you expect something from me by way of retribution if I win the office, you are going to go out and sell all the tickets you can You are going to sell them to anybody that you can

G Thank you very much

H I enjoyed it. Mike, there is a fellow that I forgot to mention when you mentioned my under graduate work in history. I took a lot of history courses as an under graduate student from Dr. Clarence Gould who was absolutely a super teacher. In fact, I used to be a teacher assistant. I used to grade papers for him and things like that.

He gave those people who took his classes a new perspective of the Civil War. He was from Maryland and obviously a southern sympathizer, but he gave you a different view of the Civil War. I took one course particularly was the Constitutional History of England. Too bad that every fellow who has every ambition to become a lawyer could not take that class with Dr. Clarence Gould. I started off as far as constitutional law is concerned when I took that class in law school way ahead of my contemporaries because of Dr. Gould.

There was another fellow who taught at Youngstown State. He died while he was teaching there. He was a fellow by the name of Kramer. He was a specialist on Abraham Lincoln. He had the biggest Abraham Lincoln library in the country. Of course, he was a big northern sympathizer, so that if you took classes from both of these individuals, you got the southern point of view from Dr. Gould and the northern point of view from Dr. Kramer.

I will be honest with you. I think that we had better professors than you guys have now. I think that particularly substance wise. I think that they knew their subject matter a little better. That is probably an unfair statement on my part because, obviously, I have not gotten a chance to watch any of the newer fellows in action. I think that there was more professionalism.

I hate to see a situation where we have the Teacher's Association, and they have to have collective bargaining for college professors. I know that the real world probably demands that. I think that a college professor gives up a portion of his professionalism, and a teacher gives up a portion of his professionalism when things like that take place. Like I said, we had some damn fine teachers back then.

I know this much because as I look back at my own career as a lawyer, there were a couple of courses that I had not taken that I wish I had taken. For example, I wish I had taken a good course in Physiology, or the parts of the body. Also, I wish I had taken a course in the Bible. I think that they had Bible courses when I went there. If I were an advisor to pre-law students today, Shakespeare would be a must, the Bible would be a must, and Physiology would be a must.

There are certain courses, in those days, that your advisor told you had to take. Such as, all of the history courses that you should take. For example, if the Constitutional History of the United States and the Constitutional History of England were so overlapping, then, there really was not anything worth while.

I think that advisors who are advising pre-law students missed the boat that lawyers are often alluded as to being mouth pieces, and that is what we are. If I represent you, then, I am telling your side of the story for you. I do not think that pre-law students take enough English. I think that they should take more English, writing courses, and all the English Literature that they can take. Again, what are we talking about? We are talking about communication. If I had to do it over, those are the classes that I would be taking.

We were nowhere near the size that you folks are today. I think that we had a great school. I am very proud of the fact that I graduated from Youngstown College and that I

graduated from Youngstown College Law School I see guys who graduated from Yale and Harvard who I met in the arena, and I beat the hell out of them I was not impressed with their credentials from Yale or Harvard You have heard the cliché that says, “You can tell a Harvard man, but you cannot tell them much ”

G Thank you very much.

End of Interview