



Memorial Service

Held in the Supreme Court of Illinois
at the September 2013 Term on the
Life, Character, and Public Service
of the Late Justice Moses W. Harrison II

Tuesday, September 24, 2013
1:30 p.m.

Senate Hearing Room 212
(former Illinois Supreme Court Courtroom)
Illinois State Capitol
Springfield, Illinois

SUPREME COURT OF ILLINOIS
JUSTICES

THOMAS L. KILBRIDE, Chief Justice
Rock Island, Illinois (3rd District)

CHARLES E. FREEMAN
Chicago, Illinois (1st District)

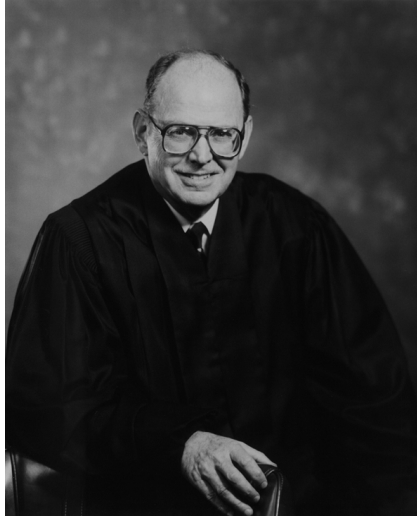
ROBERT R. THOMAS
Wheaton, Illinois (2nd District)

RITA B. GARMAN
Danville, Illinois (4th District)

LLOYD A. KARMEIER
Nashville, Illinois (5th District)

ANNE M. BURKE
Chicago, Illinois (1st District)

MARY JANE THEIS
Chicago, Illinois (1st District)



Justice Moses W. Harrison II
March 30, 1932 – April 25, 2013

At 1:30 p.m. on Tuesday, September 24, 2013, other business being suspended, the following proceedings were had:

CHIEF JUSTICE KILBRIDE:

Good afternoon. Welcome to our temporary home away from home. This is the chambers that once served as the chambers of the Illinois Supreme Court from 1878 until 1908. As many of you know, we are undergoing a relatively inexpensive renovation project, and we wanted to have this here in Springfield to accommodate the Harrison family.

Welcome to this special memorial service of the Illinois Supreme Court in honor of Justice Moses W. Harrison II. We especially welcome Mrs. Sharon Harrison and her son Judge Clarence Harrison and the entire Harrison family. We are all gathered here as family and friends of the late Moses W. Harrison II. On behalf of the Illinois Supreme Court, the full Court is assembled here today, and all retired members, including Chief Justice Thomas Fitzgerald

and Justice Phil Rarick, who are also present, I extend to you our heartfelt sympathies.

When Justice Fitzgerald, Justice Thomas, and I joined the Court simultaneously in 2000, Moses was then the Chief Justice. He welcomed us warmly, graciously, and humorously. In fact, he called me to tell me—this is a typical Moses Harrison line—“this is worth a nickel’s worth of nothing. We drew lots on seniority for the three of you, and Tom, you are lucky number seven.” Moses personified the epitome of the word gentleman. He was in fact gentle, for the most part, except when he forcefully argued a point of law he passionately believed in, but all in all, he was a classical true gentleman. I’ve always placed Moses in the category of the million dollar club, not because he had a million bucks, but Sharon, maybe he did and I don’t know it, but more importantly because he always made everyone around him feel like a million bucks. He had that way as one from the greatest generation ever of always being gracious to everyone. When he was in the majority he delightfully welcomed any dissent, the more forceful all the better, according to Moses. I don’t recall the case, but my colleague Justice Thomas, who joined the Court with me, tells this story all the time. One particular case when Justice Thomas was in the dissent and Moses was the author of the majority, he said, “Bob, that’s a great dissent. I couldn’t have written a better dissent myself,” and that’s how he was.

While Moses left no one guessing where he stood on the death penalty, we all knew that he also took seriously attorney misconduct. Whenever we convened the disciplinary conference in our conference room at the Supreme Court, we would inevitably hear Moses proclaim time and time again, “This is the worst thing I have ever seen.” We all jokingly wondered whether he would impose the death penalty for attorney misconduct, but that would have been illegal.

The headline in the April 29, 2013, *Chicago Daily Law Bulletin* read, “A Justice Who Didn’t Hold Back.” That headline fits Moses to a “T.” In fact, in one of the dissents summarized in the booklet, *Sollami v. Eaton*, involved a suit against a trampoline manufacturer, the injury involving a fifteen-year-old girl. Moses thought the case should go to jury, but the majority of our Court decided as

a matter of law that the case should not proceed. He wrote in his dissent, “This Court (average age, approximately 61; predominate sex, male; trampoline experience, negligible) is ill-equipped to assess what 15-year-old girls know or should know about trampoline gymnastics, potential knee injuries, or any other topic.” I was the father of three daughters who were in that same age group at that time, and also for reasons of law, I probably joined in that dissent.

In closing, attorney John Hopkins wrote a column titled “The Champion of Liberty” on June 12, 2013, in *The Telegraph* newspaper, and he concluded his column by saying, “The heart of the champion of working people now lies still, his eternal reward was assured for a life well and truly lived. It is an example from a different kind of Moses, but there’s still a pathway through the wilderness of indifference and apathy.” Thank you. Our next individual to present this afternoon, about to say this morning, is Steve Miller, a senior law clerk now for Justice Lloyd A. Karmer and previously a senior law clerk for Justice Moses Harrison. Mr. Miller, please proceed.

MR. STEVE MILLER:

Thank you, Chief Justice Kilbride. It was my great privilege to work with Justice Harrison for seventeen years. Today, it is my great honor, at the request of his beloved wife Sharon, to speak to you on behalf of the Harrison family. I will begin as Justice Harrison himself would have begun by expressing appreciation to the Court and the Clerk’s office for arranging this thoughtful tribute. Chief Justice Kilbride and Carolyn Taft Grosboll have done an enormous amount of work over the past few months in preparation for today’s services. The courthouse renovation project made it especially challenging; we’re very grateful for all you’ve done.

It’s fitting, by the way, that circumstances have brought us here rather than the Court’s regular home across the street. It may not be widely remembered, but one of Justice Harrison’s priorities as building liaison and then as Chief Justice was to work with Juleann Hornyak, the previous Clerk of the Court, on the difficult task of preserving and improving the Court’s historic building, which even then, was showing significant signs of age and neglect. Justice Harrison would be delighted to see how the Court has built on that

legacy with renovations now underway. The work is desperately needed and long overdue.

Justice Harrison used to say that “no one is forgotten faster than a retired judge.” Looking out at this crowd I cannot help but think of how pleased he would be to see, at least in his case, that was not so. Justice Harrison hated memorials, avoided ceremonial events whenever possible, accepted awards only with the greatest reluctance. If there were honors to be given out he always thought they should go to someone who is in real need of a leg up, not just piled on the same group of people over and over. He had all the accolades he needed, thank you, give someone else a turn. On the very few occasions Justice Harrison would agree to be recognized, whether it was by his high school, his college, his law school, the NAACP, or some other group, there was always a reason for it, and the reason was always the same: to use the opportunity to thank those who helped shape him as a person, as a lawyer, and as a judge.

If Justice Harrison were here today, and I feel very much as if he is here today, he would not be much interested in hearing about himself. Instead, he would want to talk about all of you and how important you were to his life and his career. He’d recall those wonderful days in that storefront office in Granite City, which though simple as this building is grand, had the advantage of possibly the nicest landlady in the history of landladies, Mrs. Storm, but also it would be right next door to the law offices of Morris Chapman, the great Illinois traffic attorney whose friendship, values, and spirit of adventure were an inspiration to Justice Harrison throughout his career.

How glad he’d be to see Bogie Redmon, Marcia Billhartz, the Allens, and so many other friends and neighbors from Collinsville, his hometown. He’d recall with unending gratitude Kurt Reeg’s critical help during that first campaign for the appellate court and Glenn Bradford’s equally important role in the Supreme Court campaign twelve years later. He’d want the Cueto family to know how much he appreciated their support during his career and their kindness following his retirement. How delighted he would be to see the Cooks, the Callises, Congressman Costello, Secretary of State White, the Bruce family, Justice Barry, Herb Franks, Joe

Power, and how honored Leonard Amari would be to speak on his behalf. Irmgard, Vic Len, Lou Costa, Kim Noffke, Mary Nalefski, Roy Dripps, Lois Meyenburg, Michelle Broadwater, all people who worked with and for him; it's so wonderful you could all be here.

He would say the same of Juleann Hornyak, Mary Wight, Doug Smith, Brenda Larison, Carolyn Taitt, Brian Irvin, and Celeste Bailey, who staved off morning sickness to make that brave flight on that very small plane to help with the swearing in ceremony in Carbondale so many years ago. And Roxie, Helen, Bob Schumer, and all the other Supreme Court staff who were such an important part of his work family, and of course Justice Rarick. Moses was born an only child, but Justice Rarick was truly his brother in the law and as trusted and loyal a friend as one could ever have. Justice Chapman, Justice Harrison was so moved when you called on him to administer the oath of office following your retention election last fall. He was grateful, Justice Karmerier, for the hospitality, respect, and consideration that you showed in his retirement. Of course, he would want to thank the colleagues with whom he served on the Court and would want them to know how much he enjoyed working with all of you even when you and he disagreed on matters of law, which was often.

People assume, by the way, that because Justice Harrison wrote so many dissents, I might add, his relationship with other members of the Court must have been acrimonious. Nothing could be further from the truth. As wrong as he thought they were on so many points of the law, he always was able to separate his view of their work from his view of them as people. In that regard their party affiliation was completely irrelevant. In fact it was often the case that he got along with the Republicans on the Court as well, if not better, than he did with the Democrats. For him, the test of a good colleague was character not politics.

I've mentioned some people by name this afternoon; if I did not mention you, please do not feel slighted. In truth there is not one person among you whom Justice Harrison did not hold in the highest regard. Today's invitation list is in fact a kind of honor roll; if you are here, it is because you were special to him, because you made a difference in his life, and because he wanted to have this one

final opportunity to make sure you knew it. I said when I started that Justice Harrison wouldn't want me to use my time to talk about him, but I can't help but mention that more than any person I ever met, Justice Harrison had the ability to see the potential in other people. To him everyone had promise; redemption was always possible. People just needed the chance, and he would do everything in his power to see that they got it.

Justice Harrison was also the most optimistic person I ever encountered—not just optimistic, relentlessly, wonderfully optimistic. If you were down it was just because you weren't thinking right, that thing that was bothering you, to use a signature phrase, “that was just a nickel's worth of nothing.” It might be irritating, but at least “it was better than a poke in the eye with an umbrella.” In fact, you might not realize it, but your life is almost picturesque. “It's all buggy rides and picnics,” he'd say. If you doubted him, well then he'd keep after you until you came to your senses; self pity was not allowed. With Justice Harrison's optimism came an infectious enthusiasm for life. People kid that he thought every meal was the best he'd ever eaten, every movie the best he'd ever seen, and every book the best he'd ever read. He realized that others had that impression of him, and he would sometimes make fun of himself for it, but he was completely and utterly sincere; for him, life was a miracle to be embraced.

How he loved his work on the Court—if ever anyone was born to be a judge, it was Moses Harrison. Every stage of his life, his childhood in Collinsville, his work out west making brick and driving trucks, his studies at Colorado College and Washington University, his mastery in the practice of law in southern Illinois. All of this, directly or indirectly, helped steer him to this place at this time to do this historic work. Every now and again he thought being a cowboy might be pretty great too, but he knew in his heart that law was his true calling. How fortunate for the people of Illinois that he heeded that call. The eloquence of his words and the passion of his commitment to fundamental fairness provided a beacon of hope for the weak, the powerless, and the disenfranchised. It is a beacon that will continue to guide the way in Illinois until we can rightfully say that we have made good on that promise of equal justice for all.

Often in our office, when the judge wanted to take a break, he'd stick his head in the door and say "let's take a mini-vacation" or "can I buy you a Coke?" This was our cue to put down whatever it was we were doing and gather in the conference room to talk about the day's events. I remember distinctly one particular day, not long after he first joined the Supreme Court, when we were sitting around the conference table after he returned from Springfield. He related how well his new colleagues, now long dead or gone, had said how much more significant the work seemed once that judge finally realized that the cases the Court was working on involved real people with real problems. Justice Harrison was dumbfounded by this; for him it was inconceivable that a justice of the state's highest court could ever have failed to appreciate the true nature of the Court's work. For Justice Harrison there was never anything abstract or theoretical about it. Helping real people with real problems was the Court's only purpose, and that purpose was obvious to him from that very first day in 1958 when he raised his right hand to take the oath as an attorney and to count himself a colleague of Lincoln and Darwin.

When I think of Justice Harrison, I'm often reminded of Atticus Finch's unswerving faith in our court's ability to serve as the "great leveler." But in spirit he was Tom Joad. "Wherever there's a fight, so hungry people can eat, I'll be there. Whenever there's a cop beatin' up a guy, I'll be there. *** Rich fellas come up an' they die out, an' their kids ain't no good an' they die. *** But we keep a-comin'. We're the people that live. They can't wipe us out, they can't lick us. We'll go on forever, cause we're the people." This was Moses Harrison.

When the time finally came for Justice Harrison to put down the gavel and retire from public life in 2002, he did so with grace and dignity, but his passion for justice never waned. The truth is he wished it could go on without end. The reality was that his body simply would not permit it. Eleven years later when Justice Harrison made that final trip to the hospital, knowing it would be his last, how his heart must have broken at the thought of being separated from Sharon, the love of his life, of not seeing his grandchildren grow into adulthood, of not being able to put on a "Harrison for

Judge” t-shirt and lead the campaign for his son Clarence’s election to the circuit bench. He was so proud of you, Clarence. It was time to go and he went, not with regret but with gratitude for the life he had been given and the wonderful friends and colleagues he was blessed to have known. For Justice Harrison let me say once again, thanks to all of you.

CHIEF JUSTICE KILBRIDE:

Thank you, Mr. Miller. Moses was very proud of you. Our next speaker is Paula H. Holderman, an attorney and president of the Illinois State Bar Association.

MS. PAULA H. HOLDERMAN:

May it please the Court. Mrs. Harrison, distinguished guests. As president of the ISBA, I am well acquainted with the legacy of Justice Moses Harrison as a lawyer and a judge. I am privileged to speak to you this afternoon on behalf of the 32,000 lawyer members of the Illinois State Bar Association. Justice Harrison was an active member of many bar associations but especially the ISBA. He was a member for 54 years, and during that time he served in many capacities, including being elected to and serving on the ISBA Board of Governors. He was also a member of many standing committees on lawyer referral service, conventions and meetings, individual awards of merit, local bars, and administration. In addition, he served on the special committee to study the structure of the annual meeting. He was active in local bar politics as well, having been the president of the Madison County Bar before he went on the bench. He was a great friend to the Justinian Society of Lawyers, and I know his very dear friend Leonard Amari will talk to you more about that in his remarks.

Justice Harrison’s service to the bar went beyond committees and bar positions. In his professional life his greatest contributions were to pro bono, access to justice, and as he put it, ordinary people. Justice Harrison had strong opinions and didn’t back down from his convictions. He was a former Teamsters organizer, and he never forgot his blue-collar roots. He saw his position as a judge as a way to protect the unprotected. In an article by Nancy Mayes,

Justice Harrison was quoted as saying, “That’s the role of a judge, to shield the ordinary citizen from corporations, the governments, and large, powerful people. That’s what I tried to do.”

As you all know he started his career as a lawyer in 1958 and practiced in East St. Louis near his hometown of Collinsville. He was a partner at Harrison, Rarick, and Cadigan. During his law career, he made a point of trying to perform one hour a day of pro bono work. Much of that pro bono work might have been considered routine legal work, like deeds, powers of attorney, wills. But as Justice Harrison later noted, “People need small things done every day. It may seem inconsequential to others but to them it’s absolutely important.” Although I notice Mr. Miller mentioned that Justice Harrison did not particularly like to receive awards, he was gracious enough to accept the ISBA Access to Justice Award in 2001, and upon receiving that award, he urged all attorneys in Illinois to do the same and give at least one hour a day in free legal service to the poor and disadvantaged. As a Justice on the Supreme Court, he worked to have a committee on pro bono established and was committed to increasing the annual registration fee to support legal aid. He was also an advocate of educating citizens about the courts—a challenge that both the ISBA and the Illinois Judges Association continue to advance today.

After his election to the Illinois Supreme Court in 1992, as you know, Justice Harrison became interested in the debate on the death penalty. He noted that he had never been personally involved in a death penalty case. He had never tried a case as a lawyer, nor had he ever heard one as a trial judge or an appellate justice. He said it wasn’t until he sat on the Supreme Court, reviewing capital cases, that he began to understand the issues and the possible flaws in our system. He is credited with shifting the state’s view on the death penalty, a position for which some praised him and for which others criticized him. In 1998, Justice Harrison wrote a landmark dissent in *People v. Bull*, where he stated that, “Illinois’s death penalty should be thrown out because the execution of an innocent person is inevitable.” It was during his tenure as Chief Justice when the Illinois Supreme Court adopted sweeping new rules governing the conduct and trial of death penalty cases. As many of you know,

he appeared on *60 Minutes* with the late Mike Wallace to discuss the Illinois death penalty and also appeared in the documentary *Too Flawed to Fix: The Illinois Death Penalty Experience*.

While Justice Moses Harrison was a man of strong conviction and courage, he was universally known as a gentleman and a person with a sense of humor who enjoyed his family and friends. I know that Leonard Amari, again, will cover the famous and legendary fishing trips, those with Herb Franks and the Justinian Society of Lawyers, and of course because of my gender I was never allowed to attend said fishing trips. In any case, Judge Harrison was a great participant, along with Jesse White, and I understand perhaps there might have been card playing involved, but again I will leave that to Mr. Amari.

The ISBA is grateful to Moses Harrison the lawyer, the judge, the Justice, and the gentleman for his many contributions to our profession, and we extend our deepest sympathies to Mrs. Harrison and to Judge Harrison and to your entire family. We understand that while our loss is heartfelt, your loss is deep and eternal and that no words can erase that feeling, but hopefully you are comforted knowing that your dear husband, father, and grandfather lived a life of integrity and justice and that he loved you all very much. Our thoughts are with you. Thank you, Mrs. Harrison for allowing me to be a part of today. Thank you.

CHIEF JUSTICE KILBRIDE:

Our next speaker is Leonard Amari, attorney with the Justinian Society of Lawyers.

MR. LEONARD AMARI:

I am truly honored to say a few words in memory of the Honorable Justice Moses Harrison II, who passed away on April 25, 2013, at the age of 81 after a famous career as a decorated jurist. Those of us who knew Moses, just about everybody in this room, knew him as a man of great compassion, a traditionalist in the true sense of the word, and a true Democrat. He lived his life humbly and with great passion.

The Justice, as we all know, was born in Collinsville, Illinois, in the southern part of the state, where he resided his entire life. Raised humbly, he was the son of a neighborhood dentist and a nurse—his mother’s maiden name was Darfado, an Italian-American—and this the Justice wore on his shoulder his entire life. Educated in public schools in Collinsville before attending Colorado College where he put himself through school as a ranch hand and a truck driver, the result of which he became a card-carrying Teamster, something he bragged about his entire life. He graduated from Washington University in St. Louis in 1958, was a general practitioner until 1973—you’ve heard the history before—he became a judge in Madison County, elected Chief Judge for two terms. In 1979, he became a justice in the Fifth Appellate District, and elected to the Illinois Supreme Court in 1992, where as we know, or as we heard, he served with distinction until 2002. He became Chief Justice of the Illinois Supreme Court in the year 2000. A 1999 *Chicago Tribune* profile of the Justices described him as, “A gentleman rebel, a distinctly gracious man whose convictions were firm, his manner mild.”

As I mentioned, Justice Harrison was a man of great compassion. His whole career can be seen as an advocate for the poor and the elderly, with opinions written against corporate or governmental policies that were unfair to the less powerful, including those on death row—a cause he took up with great energy and in no small part distinguished his career on the Court. In an early written article about the Justice, and another example of his compassion, the Justice was quoted as saying, “the reason for our existence is to help other people, and the way you should judge people is how they treat other people on a day-to-day basis.” By the Justice’s standards, because of his great compassion, he can only be described as a great jurist and a wonderful human being. To Justice Harrison, every day was good neighbor week.

As a professional, as a lawyer, and as a judge, the Justice was first, foremost, and always an ISBA member and a Justinian. Moses ascribed to the tenets of the Justinian Society of Italian Lawyers because they so mirrored his own life’s values: helping others, caring, mutual amity and respect, and the like. He was the first Ital-

ian American on the Illinois Supreme Court and its first Chief Justice. Of course, that's been changed ever since they got Justice Bob Thomas. The Justice first became aware of and introduced to the Justinians in about 1990 when he was planning to run for the Illinois Supreme Court. He was involved in the Italian American National Judges Association and met two giant Justinians at the time, both passed, Judge Charlie Porcellino and Judge Tony Scotillo. They suggested, as much for the Justinians as the Justice's judicial ambitions, that he interface with a very active Chicago Justinian chapter—probably the third largest bar association and one of the oldest in the state.

Once introduced to the Justinians he became an involved and lifelong member, a leader, and a role model. The first fundraiser in Cook County was held by the Justinian Society in 1990, at the old Como Inn, where we raised a ton of dough for our charismatic and new friend. Throughout his career he attributed that early Justinian fundraising event as a reason for his subsequent ability to raise other dollars in Cook County and help to be elected to the bench. He said we gave him credibility in that part of the state.

The Justice, as we've heard, was a very sensitive human being. He loved many things. He was a true lover of life, a true man's man, but besides his beloved Sharon and his children and grandchildren, he loved the St. Louis Cardinals, mostaccioli with marinara sauce, he loved Sharon's homemade cookies, and he especially liked the times when he would drop a lure in the water as an avid fisherman. He relished those annual trips, fishing trips for trout in Arkansas, the annual Justinian fly-fishing trips in Canada. He and Jesse always got into who caught the most and the biggest and the first. The reality was he would always say he didn't, but he always did because he was a man's man. He caught the first, the biggest, and the largest and always a muskie. As I said, the Justice was a man's man, and nobody caught more fish than Moses.

He never missed a Justinian event, and he especially looked forward to the annual installation and awards dinner, many of which you folks have attended. He honored us by accepting our Award of Excellence early on after having been elected to the Illinois Supreme Court. When he became Chief Justice, the Justinian Society

honored the Justice by creating the Justinian Society Moses W. Harrison Recognition Award, and among some of the paragraphs written on the award are these words, “Now therefore, because of the great respect and esteem in which he is held in the state of Illinois, the Justinian Society has created an award in the name of Justice Moses W. Harrison II, someone of dignity and great esteem to have demonstrated the path of the Justice, a career of improving the condition of people in the state of Illinois.” I volunteered to create a plaque that was given with this recognition. I wrote those words that became part of the award that is given from time to time. I wrote those words thinking of the Justice, what he meant to me, what he meant to all of us, and I say in hindsight with 20/20 vision, how fitting. This year with the direction and assistance of Mrs. Harrison and C.W. and as a result of the memorial contributions this spring, the Justinian Society has created the Moses W. Harrison Scholarship Award in his memory, given to a working law student based upon scholarship and need.

Remembering Moses, however, would be incomplete without having mentioned his darling Sharon. As we know, the Justice retired from the Illinois Supreme Court just before the end of his term, his reason being, in his own words, “She’d taken care of me all these years, and I’ll take care of her.” They spent the balance of their lives together inseparable—right until the end, it was never just Moses it was always the Justice and Sharon. The Justice rarely used the proper noun “I,” it was always “we,” never excluding Sharon from anything or any part of his life. She was an important part of his life, as were his children C.W. and Luke and their grandchildren. Sharon doted on the Justice, and he loved being doted upon by his Sharon. They were high school sweethearts in Collinsville who lived for each other. We can all imagine how difficult this is on Sharon. Fortunately, she’s truly blessed with many friends who will always remember to keep in touch.

There are many things in so many of our lives, all of our lives that remind us of our brother Moses. I have a lot of photos and gavels and such. Every time I look at a keepsake I think of the Justice, and I recognize how much he was in my life and our lives,

he had been a part of it for so long. I'm going to miss him. Happy fishing, Mose.

CHIEF JUSTICE KILBRIDE:

Thank you, Mr. Amari. As it has been noted, we have many dignitaries here, and Moses was not one to spend time talking about that he was a dignitary, but I do want to acknowledge that we have Illinois Secretary of State Jesse White, who is present, and wants to make a special presentation.

SECRETARY JESSE WHITE:

Somebody asked me if I'd mind folding the American flag, and having served in the military for many, many years, I said yes. Mrs. Harrison, will you please step forward? This flag flew over the capitol today. It's only fitting and proper that we present it to you. Our thoughts and prayers are with you, Mrs. Harrison. I did a lot of fishing with him; your husband was a gentleman and a scholar.

MRS. SHARON HARRISON:

Thank you.

CHIEF JUSTICE KILBRIDE:

Thank you, Secretary White. I have 32 days left as Chief Justice, and this is one of my proudest moments here. Mr. Marshal, the Illinois Supreme Court is adjourned.

