

**ORAL HISTORY OF JUDGE MICHAEL W. FARRELL**  
**FIRST INTERVIEW**  
**JULY 30, 2013**

The interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewee is Judge Michael W. Farrell. The interviewer is Lory Barsdate Easton. The interview is taking place on July 30, 2013, at the District of Columbia Court of Appeals. This is the first interview.

Mrs. Easton:                   So, I guess that I'll more officially start this, even though this is an unofficial preliminary get-together with Judge Michael Farrell.

Judge Farrell:               Pleasure to be here.

Mrs. Easton:               Well thank you! Thank you! You know that the classic way to begin an oral history is at the beginning, and so— (laughter)

Judge Farrell:               You don't really want to embarrass me, do you?

Mrs. Easton:               Oh certainly not, certainly not, but I do want to get to know you, and so I'd like to find out where you grew up.

Judge Farrell:               Well, I grew up in the state of New Jersey in Essex County. This is sort of in north central New Jersey. I was born—do I have to give this kind of confidential data? I was born in 1938. I was the second youngest of a family of eight children, and I, to this day, remember the day when my little sister, the last, came home from the hospital. It was traumatic and never left my memory because as you can imagine at that moment I was displaced.

Mrs. Easton:               Absolutely.

Judge Farrell:               In the affections of my mother.

Mrs. Easton:               Oh dear.

Judge Farrell: And never got over it. I spent most of my, all of my childhood in the Oranges, West Orange New Jersey, which is part of Essex County. I went to high school locally, in a private Catholic school. I went to a college out in Indiana, Notre Dame.

Mrs. Easton: I've heard of it.

Judge Farrell: You've heard of it? They once upon a time had a good football team, so that's why you may have heard of it. And, when I came back from college to the East, I decided I would wander around for seven or eight years, in my twenties, and I spent a good deal of time in Europe and so forth. We can talk a lot about that.

Mrs. Easton: I'd like to.

Judge Farrell: Yeah and eventually way down the road toward the end of the Sixties, I came to Washington D.C., we'll talk about what brought me here, where I met my first wife, who told me I should change careers. I was teaching then, she was also teaching. She told me I was a terrible teacher, I'll tell you why. And she suggested I do something else if I was going to support her in the way she was accustomed to being supported. And so I went to law school then, night school, while I was still the chairman of the English Department at a prep school. And that kind of started my legal career and the rest is what we have here, a number of steps along the way, until finally they put me out to pasture as a semi-retired judge.

Mrs. Easton: They keep you very busy as a "semi-retired judge," by all reports.

Judge Farrell:

Thank you.

Mrs. Easton:

Let's go back to Essex, New Jersey and talk about your family. What did your parents do?

Judge Farrell:

My father was a newspaper editor for the *Newark Evening News*, which at the time was one of the, I think, premier evening newspapers, in the East anyway. There were such things as evening newspapers then, there are no longer, really, but this one was in Newark, New Jersey and he had been with them for twenty or thirty years. My mother was a "domestic engineer," a stay-at-home mom who had a hell of a time, excuse me, raising eight children, including myself, five girls and three boys. It was your kind of normal, large, second-generation or third-generation immigrant family, Irish-Americans: Large families, a lot of kids running around. It was somehow rather easier then; I should say it's never easy to raise eight children, but for my mother it was somewhat easier than it would be today because the kids just had the neighborhood to themselves, the mother didn't have to worry about them, we were out playing all the time with one another or our friends. I grew up in a very conventional, middle class existence in West Orange New Jersey. My father was not wealthy by any means, newspaper people have never been paid well, at least other than the owners. But we were reasonably well off. He could afford to, for example, get all of the girls braces on their teeth, because that was very important in those days, in the Thirties and Forties, you can

imagine why: to make them presentable. The boys, on the other hand, got no braces; I didn't get braces, which my dentist keeps telling me I should have had years ago. On the other hand, the boys got—and this is kind of a sad commentary in a way—the boys got first dibs at going to college. In that time, the Thirties and Forties and into the Fifties, unless a girl in the family showed some promise academically, she was kind of nudged in the direction of two-year programs. Remember they used to have things like secretarial school? A lot of friends of the family used to come down to Marymount in Arlington which was then a two-year girls' school. We used to call them “finishing schools,” I don't know quite what they were. But because the parents could afford those, it was two years for the girls in the family, whereas for the boys it was expected you'd have to do four years. This was in order for you to catch the right mate, that kind of thing. This sounds like another century, but it wasn't so long ago. So that's the kind of upbringing we had, it was very conventional. It was customary then for children of Catholic families, immigrant families to go to public schools for the first seven or eight grades, but then when you reached an age where you started thinking about the other sex, for example, and marriage might come down the road some years later, it was kind of thought important that you maybe shift over to Catholic school. Plus you were at an age where you were starting to get ideas of your own and the parents wanted to be sure they kept you on the straight

and narrow. So after eighth or ninth grade they sent me to a preparatory school in South Orange, New Jersey, Seton Hall Preparatory School, it's associated with what is Seton Hall University. Believe it or not, this will be shocking to you, I used to hitchhike every day about seven or eight miles from home as a high school student to my high school classes. You could do it in those days, safely, and it was a thrill, it was an adventure. You can't believe it nowadays that that would have occurred but it was the case.

Mrs. Easton: Did you hitchhike home too?

Judge Farrell: Yes, hitchhiked home, occasionally I would get a ride part way and then get a bus, but normally. My high school career, four years, was interesting, kind of uneventful. I will say I was an ordinary student, probably better than average student, because I dutifully did what I was told to do and studied hard. I was also a sports person at the time, because my older brothers were sports people. I played basketball in high school. And occasionally my father would wonder why I was spending so much time practicing basketball, he didn't really think I had much future there, and not enough time on the books. But I rather disagreed with him, I thought the basketball was more important then. I graduated from high school in 1956. This is during the Eisenhower administration, and we can talk more about that because it has something to do with whether or why not, why I wasn't really interested in being a lawyer at that time.

Mrs. Easton: Well, I definitely want to know that. But I'm interested in just a couple more things about your high school career. Were on the school's varsity basketball team?

Judge Farrell: I was on the varsity basketball team, I was All-Essex County in my senior year. I was quite a jock. Because as you know, back in those days, white men did not have to jump, (laughter) in order to be good basketball players. We couldn't jump, but the game was different and you didn't have to be able to jump and you could still kind of distinguish yourself.

Mrs. Easton: What position did you play?

Judge Farrell: I was the kind of the center under the old way they used to play basketball, because I was about six foot one or two, still growing, and I sort of fit into that position even though I was skinny. I was not muscular, nobody was in those days. Very few people were. It was fascinating, although as I look back, it was in some ways very sad, because most of the teams we would play in high school were suburban white basketball teams. Occasionally, we would play against the African American black kids from Newark or Southside Newark or Eastside or Orange, and it was—it reflected the segregation of the times. Not necessarily de jure segregation but de facto segregation in neighborhood patterns. And the truth of the matter is almost every time we ran up against the good black basketball teams from the inner city, they beat the heck out of us because they could jump (laughter)

and they could shoot and they were good! And some of those fellows who I got to know in those games went on to become outstanding African American basketball players in college and so forth. I never kept in touch with them, but I knew them at the time and I was proud to know them and they succeeded in basketball, far better than I ever did. But I had some distinction at the time: I was recognized as a fairly good shot, I could shoot reasonably well.

The result of this is that I got a couple of scholarship offers. One of them was from William and Mary down here in Virginia. And I very much wanted to go there, first because it was an honor to have been offered a scholarship there and I thought maybe I should do it. I knew about it from friends, it's a good small school at the time. My father would have nothing to do with that, he said "I'm not sending you off to some secular school where you will lose the one and only true apostolic faith, you're going to Notre Dame in Indiana." I've known Notre Dame from childhood as a football place and of course I liked them, but I really didn't want to go to Indiana. I had never been west of probably Philadelphia. (Laughter.) And he said, "You're going out there." Now Notre Dame did not offer me a basketball scholarship, and I thought it would be totally demoralizing to go there without a scholarship because even if they let me on the team, I'd be considered a second-class basketball player. They used to call them "walk-ons," people who were not given scholarships but would try out for the team

and so forth. So I didn't go to William and Mary, I went to Notre Dame.

That gets us into my college experience but maybe, what else do we need to talk about regarding my high school? Not really much. I was a reasonably good student, I think I was, I think this was generally true, even in college and after college, I matured intellectually very slowly. It may have been a result of the fact that, you know, my parents really didn't have the time with eight children to spend a lot of time with each boy or girl reading to them, reading with them, testing them. We weren't a family like, oh I always think of this as an extreme example, the James family, Henry James and William James, the New Englanders [*The Bostonians*] and so forth, whose father was a theologian philosopher. Every night the father kind of made them perform at the dinner table, they had to recite poetry, they had to answer philosophical questions, they had to do everything. None of that at our table: My father just wanted to know, basically, did you behave today? So I dutifully went about what I was required to do in high school and I studied and learned my lessons; education then was very rote, you basically memorized facts and so forth.

Mrs. Easton: Did you have any favorite subjects in high school?

Judge Farrell: Not at the time. It was all a matter of just pleasing my parents by doing as best as I could with my grades. I had never any gift in the sciences, I don't know why that was. Nobody in the family had a gift

in the sciences; I don't think it's genetic, I think it's simply the fact that my parents knew nothing about the sciences, they weren't involved in that, or in math. There was also a cultural kind of thing then back in the Forties—the fear that somehow the sciences could lead you astray from the proper path of religion and things like that. This was a pervasive kind of cultural thing in the Northeast in immigrant communities. And that's one reason why historically some of the greatest lawyers, for example, have come from the immigrant communities, like the Irish and so forth. But very few physicists, chemists, biologists, scientists, mathematicians generally. I think that has been overcome greatly now, but that was the kind of thing back then. So my parents didn't really—it didn't bother them too much if I got B's or a C+ in math, as long as I got B's and A's in History, English and things like that, and in Latin.

Mrs. Easton: Clearly, your father was literate and attuned, and the newspaper editor is somebody who is probably going to be appreciating the liberal arts anyway.

Judge Farrell: Exactly, exactly. He was—his obsession, not only his profession, his obsession was politics. He came from, in a way, a political family. His father had grown up in Trenton, New Jersey, as a—not a lawyer, but as a kind of a political know-it-all and do-it-all who knew the legislative system of the state of New Jersey intimately, so much so that when Woodrow Wilson became governor of New Jersey, fresh out

of being president of Princeton, Wilson hired my father's father as what they called a "secretary" back then, his personal secretary. For the four or five years when Wilson was governor, my father's father was his right hand man, which basically meant showing him how the legislature works, so that he could get along with those fools over in the state house. Wilson was a very patrician guy and it was hard for him to kind of press the flesh with grubby politicians who had come up through the political system in the state house, and my father's father was kind of a mediator with that.

Mrs. Easton: Now had your father's father immigrated himself?

Judge Farrell: His parents had immigrated, so it's kind of a second, I'm—

Mrs. Easton: So your grandparents—

Judge Farrell: My grandparents—

Mrs. Easton: Or your great-grandparents?

Judge Farrell: My great-grandparents immigrated in the 1860s or so, at the time of the Potato Famine and everything else in Ireland. And they all—and they settled in the North Jersey area, mostly in and around Newark, New Jersey, and then down into Trenton, particularly on my mother's side. And it was all very ethnic, and they—for a number of generations, they lived in this tight little world of the people that they knew best and feared and disliked any other ethnic group. You know, this was kind of the way it was.

Mrs. Easton: Right, yeah. Same in my mother's extended family. You know, not the Italians. (Laughter.) Or whatever.

Judge Farrell: It was amazing as I look back, how my parents could share these subtle distinctions of class, not to mention race, goodness, but even class. So that even among the Irish, there are these gradations.

Mrs. Easton: Oh.

Judge Farrell: There were the—there were the “lace curtain Irish.” They were the really snooty ones, and my mother was proud she was not one of them.

Mrs. Easton: Okay.

Judge Farrell: I don't know where that comes from. They had lace curtains on their lovely homes. And then there were the “shanty Irish” at the other extreme. You can imagine what that is.

Mrs. Easton: Okay.

Judge Farrell: They kind of lived down the hill—because there are a series of hills going out from Newark—

Mrs. Easton: So literally—

Judge Farrell: Literally, in New Jersey out toward the Delaware Valley. And depending on what kind of status you had reached, how reasonably successful you were, you were able to move up one hill, over to another hill. (Laughs.) This is kind of crazy. So that it became easy to sniff at the poorer folks, including the poorer Irish who hadn't made it up the hill and still lived down in the valley. And of course, the Italians, they lived down in Orange.

Mrs. Easton: Right.

Judge Farrell: They haven't even made it to the valley, you know. But this was the kind of things you grew up with and you took for granted. And when you look back at it, you say, "Oh, my Lord, bless them, but uh—"

Mrs. Easton: I'm curious, if you know, how your father's father, as a child of immigrants, got so politically knowledgeable and connected.

Judge Farrell: I don't know in detail, but I suspect what happened was that he was—probably grew up in and around the Newark area, somehow or other migrated down to the state capitol, which was Trenton. Probably began at a very early age, right out of high school, which is all anybody ever attended then, generally. Probably became something like a page boy or something in one of the state house offices down there. Learned the trade, learned the mechanics, never went on to any more formal education, but probably apprenticed in a number of law firms or elsewhere, but never became a lawyer. And just learned the political system at the state level and made a kind of a career out of it. You know, nobody asked him, "Where's your Ph.D.? Where's your law degree?" It was basically, you just—if you knew your way around, if you were a combination of being a nice person who got along, but also somebody who was intelligent enough to know how to get around and operate in a legislative milieu like that, you could succeed. And he succeeded, within limitations, and did a pretty good job.

Mrs. Easton:

Did he move on with Wilson through Wilson's career?

Judge Farrell:

I don't know what happened after that. I mean, a few years ago when I kind of gave a little eulogy for my oldest brother when he died, I did just a little research, but my little speech kind of ended with Wilson passing on to the White House. And obviously, my grandfather didn't go with him. He stayed in Jersey and that became—that's all I knew about him. In the meantime, though, my father—I don't know really what, other than happenstance, caused him to gravitate toward the newspaper business. And he began, I think, with the *Newark Evening News*, the paper he ended up with. He began with them in the early 1900s, maybe 1915. He was born right at the turn of the century. He probably began with the newspaper as what they called a cub reporter—the junior-most kind of person who went out and, you know, covered social events in the neighborhood and reported on them and so forth. He was a reporter for some time—five, ten, fifteen years or so—then went into management, became the assistant editor, associate editor, and was managing editor at the time he retired in 1959. So it was his entire career. And it was very interesting for us, not only because he would come home—he worked incredibly hard, he used to, basically, because they had a Sunday paper and a weekly paper, and he was managing editor of both, so he was always there. But he would come home with these fascinating stories about people they had interviewed and so forth. So it was an interesting thing. It also made

an interesting childhood for me in a way, although I think I appreciate it more now than I did before, because my father acquired an enormous number of friends in New Jersey politics and in New Jersey law and things like that. In fact, my brother—one of my brothers used to refer to it as the “Irish mafia” that got together every Friday night at the house of one or more of these people for poker games.

Mrs. Easton: Ahhhhh.

Judge Farrell: So my father, you know, once a month, or once every six weeks or so, would have a Friday evening poker game with some fascinating people. And when I tell people this, they say, they don’t understand why I didn’t acquire a burning desire to become a lawyer, because four or five of the people in this revolving poker game were lawyers and judges, in this little “Irish mafia”—some people who in later years, I came to recognize as pretty good jurists in the state of New Jersey. One of them was John J. Francis, whom I got to know as a kid, but only as a kid. He was then [later] on the New Jersey Supreme Court and was very influential, and indeed—I realized later on—was the author of one of the first major products liability cases, *Henningsen v. Bloomfield Motors* [32 N.J. 358, 161 A.2d 69 (N.J. 1960)] was a famous strict liability and tort case. And there were others. One, John Mulligan [William Hughes Mulligan], went on to the Second Circuit some years later. And these people were around the house quite a bit, you know, for the poker games, and they would pat me on the head

and say, “law.” But somehow or other, I never ingested anything from these contacts that made me say, “Gee, I wanna be a judge or a lawyer.” It often has to do with the kind of influences you undergo *after* your earliest years, that is, like when you get into college: Who are the teachers in college who influence you most, who you took as your models, who you liked most. That often steers you in directions—including blind alleys, in my case. But, so, there was never an early desire to practice law, even though there was a lot of law around the house. There was also very little interest in going into the newspaper business because my father could see, even beginning in the early Fifties, that the newspaper business, particularly the evening newspaper business, was becoming a dead end—and we can talk more about that in time. So he used to come home and say, “None of my kids is going to be a newspaperman. There’s just no future there.”

Mrs. Easton: So that wasn’t encouraged?

Judge Farrell: That was not encouraged, no. But our parents, I must say, they basically did not steer us in any particular direction. They felt that it was their duty, their God-given duty, to send their children as best they can, particularly the boys, to the best schools that they could afford, and then let the people in the colleges steer them in the right direction or train them to do something. And I think eventually—it’s kind of sad in a way, but it’s the fact—I became kind of the black sheep of the

eight because, somehow or other they mistakenly came to view me as kind of ‘the intellectual one’ or at least, let’s say, the perennial student among them. And that indeed was part of my life in the Sixties, wandering around and so forth, whereas my other siblings, my two brothers and sisters, all of them got married very early, reasonably early, dutifully went to work for the bank or in a training program for some company. Higher education, advanced degrees were not something any of them really wanted or found themselves pursuing.

Mrs. Easton: Now did your brothers go to Seton Hall Prep?

Judge Farrell: They all went there. It was the local place, the Catholic school. There were others, but it was the one that my parents somehow or other liked.

Mrs. Easton: And where did they go to college?

Judge Farrell: Umm, well, one of them, Richard, my nearest next, went—came down to Georgetown back in the Fifties. Georgetown was a very different school then. It was a very parochial kind of small Catholic college where the—

Mrs. Easton: It’s hard to imagine, but like—

Judge Farrell: Hard to imagine. A very different place. It was not academically on anyone’s radar screen. He came down there, but he had a little problem, partly because of basketball. Georgetown was also a party school. (Laughter.) He tried to combine basketball—he was on the team—he tried to combine basketball with partying, got suspended for

too much partying. My father yanked him out of there and made him finish up at Seton Hall College back in New Jersey, at night school. My older brother, Jack, continuing the trend, the Catholic education trend, went to Holy Cross College, which is up in Worcester, Massachusetts, and a small school, I think it's as small now as it was then. It had a good basketball team. He played some basketball there but was never outstanding. Got married fairly early, went into the Army at the time of Korea, married young, and went into business, and spent the rest of his life in the shipping business—stevedoring business and so forth—a very different career path from mine in some ways but a man whom, you know, I always admired.

Mrs. Easton:

What did Richard do?

Judge Farrell:

Richard had, was in—a very interesting career, at least in the sense that he's made me very proud. He struggled. He had a lot of problems in his twenties and Thirties, he really didn't know what he wanted to do. I think he had some psychological problems at a time when people didn't really have the magic fix for psychological problems. But somehow or other he found his way into social work. And he ended up having a career of some forty years with New York City Social Services, a wonderful organization. I don't know what it's exactly called now. But he rose into management, out in Long Island and in Brooklyn and so forth, in social work. Went on got his master's degree at night in social work, so he did do advanced education. And one of

my proud moments about twenty years ago before he died—he died young, at age 61—was to go up to New York for a ceremony in which Mayor David Dinkins, then mayor of New York, presented Richard—Dick, we called him—with an award, only one of five people awarded from the whole city’s social work network, for longevity and for service, for outstanding service. So, he found his niche there. And, you know, I always felt that one proof that life isn’t really fair is that this guy killed himself for so many years doing this job for meager pay, he was looking forward to being able to retire and have a nice life with his wife after that and, of course, he didn’t make it because of cancer. But that’s the way it is. But he had a good life.

Mrs. Easton: And is Jack still alive?

Judge Farrell: No, Jack died about seven or eight years ago. He died at age 71.

Mrs. Easton: And how about your sisters? There any of those left?

Judge Farrell: I have two left. I lost some. There was in the family apparently some form of cancer associated with women more than men, and several of them succumbed to that. But two of them remain. In fact, I just went up to see them this last weekend in New Jersey. They live on the New Jersey shore, in a town called Manasquan. One is eighty seven. The other one is my youngest—the one I was insanely jealous of when she came from the hospital.

Mrs. Easton: Right.

Judge Farrell: She's four years younger than I am. And I hadn't seen them in a while. I got a chance to see them.

Mrs. Easton: Were they affected by [Hurricane] Sandy?

Judge Farrell: They weren't personally, but everybody they know was, in one way or another. They did not lose property, because they live back from the coast. But I was astonished how—probably not really astonished, I shouldn't say—to see how successfully this coastal community, some of them anyway, have rebuilt. And the reason it's not so astonishing is because it's an enormous source of income for those communities, so the money is going to be found to build the boardwalks over again, to pump new sand onto the beaches and make it nice for the summer folks. And they've done a good job of it.

Mrs. Easton: Do your sisters live together or are they just in the same area?

Judge Farrell: In the same area with their hordes of grandchildren now. It's a very large extended family. I mean, I must have fifty or sixty nieces and nephews and by now probably, I don't know, probably thirty, forty, fifty grandnieces and nephews. And occasionally, they drop by down in Washington and I don't even know who they are. (Laughs.)

Mrs. Easton: I can imagine. Do you all ever gather?

Judge Farrell: Rarely these days. Not so much as we used to. My older brother was kind of the majordomo of these kind—organizing these kind of social events, family reunions. And, of course, the, you know, as the generations grow up, they scatter around the country, so it's not easy

to get them together. But I think the folks who have continued to live up in New Jersey stay together more often than those of us who've moved away. I mean, I've lived more than half my life in Washington now. But I do get home from time to time. It's nice to get into the New Jersey ocean, the Atlantic Ocean, and do some swimming.

Mrs. Easton:

Absolutely. Well, I'm interested if there were—you mentioned this wonderful, this "Irish mafia" that gathered in your home regularly. But I'd like to know to the extent that you did have people that were influences on you early. Were any of your father's friends, or teachers at school, or a priest—anybody else?

Judge Farrell:

I have to say—maybe it was a defect in my personality. I was not really influenced—I was probably influenced unconsciously by an enormous number of people, but nobody stands out at the high school level and earlier than that as being an extraordinary influence on me. I think probably the strongest influence was simply my father. I mean, to the extent that a father who worked six days a week, you know, with his nose to the grindstone, is a role model for people in the way of making something out of yourself. I suppose that I internalized that in some way, and it made me—you know, maybe it was only in those days that you were scared of disappointing your parents. It wasn't so much that you saw yourself as somebody who was special and could be special, but you didn't want to disappoint your folks. That was an important thing back then—probably still is now with children.

Mrs. Easton: Sure. It's hard to imagine that your mom had any time for things other than parental—

Judge Farrell: She really didn't. She had her social network. They would play bridge or something else. There was a time when my father and she belonged to a local golf country club. Those things were more affordable then than they are now. I think they gave that up after a while. But her life was basically her children. And her grandchildren, when they came along. And in her last years—my father retired quite early, he retired at fifty-nine. He was forced to retire, and we can go into that—it's nothing of major importance, but it's interesting—when I was still in college. I was a junior in college in 1959 when he was forced into retirement, partly because of the change in the newspaper business, and I will explain that in a minute. And he would have been fifty-nine, my mother would have been fifty-four. My father died at age eighty, but the next twenty years between fifty-nine and eighty were very difficult for him and therefore very difficult for my mother. He really couldn't find anything else that he was suited for in the way of work. He tried a number of things, politics and so forth, and my mother was with him all the way—encouraging him but also pushing him. You know, there is a little bit of truth in every stereotype, and one of the stereotypes is about Irish mothers and wives who love their spouses dearly, but when they have the sense that their spouse is kind of failing in some way to be the perfect person, they're not always the

most charitable people in the world. And my mother adored my father, but in his weaknesses—and it also had to do with alcohol consumption eventually—it was very difficult for her to, you know, twenty-four hours a day, to support him, rather than finding fault with him part of the time. So, his last twenty years were not the most happy, although he had the family and moved various places—did various things. They traveled. That was about it.

But, you know, when you've been in a business like the newspaper business for your whole adult life, and you retire young, at least at that time it was very difficult to venture into something else. He didn't know what else to do with himself. He wasn't the kind of person who had books in him to write. He wasn't that kind of a newspaperman. He was basically a managing editor, an editor of other people's writing. So my mother, I think, pushed him in that direction, to try to write a couple of books on people he'd known. It never worked. He worked as secretary, so to speak, or principal assistant for one or two political candidates in New Jersey running for governor. They were short-term jobs. And I think boredom and other things basically made his last twenty years not terribly happy, although he did live to age eighty. And my mother was basically, as I said, in those twenty years, helping to take care of him—had a series of operations and things like that. But I think, on the whole, they looked back at the end of their time and said, "We did what we were put on this Earth to do. We did

it very well. We raised kids who by and large have made something of themselves and, you know, what more could anyone ask of us?”

Mrs. Easton: Tell me about the circumstances of your dad’s forced retirement.

Judge Farrell: It was the newspaper business. He was the managing editor, not the editor-in-chief. The whole editorial staff was basically forced out. There were a number of reasons, partly because the owners of the newspaper, the *Newark Evening News*, were a German family going back several generations who had struck it rich in something different, and that was the newspaper recycling business. This was the very beginning of it, where you took old newspapers, you recycled them, you produced new, useable newsprint. Until then, all the of the newsprint had to come from Quebec Province, you know—

Mrs. Easton: From forests—

Judge Farrell: Yeah, from forests. The Scudders was their name, S-c-u-d-d-e-r-s. They discovered, and I think patented, one of the first processes for taking old newspaper, de-inking it, and converting it to reusable paper. They struck it rich with that, as I say, and at the same time—maybe as a result—sort of lost interest in the newspaper side of the enterprise, the actual print. That coincided with the fact that, as I suggested before, evening newspapers were dying. And they were dying for a number of reasons; books have been written about it. One of the reasons, of course, is you had the beginnings in around 1960 of urban—not flight, that was later on—but slow urban move out into the

suburbs, largely by white people, growing populations out in the suburbs. Most of the audience, the readership for evening newspapers, lived out there. The problem was with increased congestion around cities—this was not just in Newark, but a hundred other cities—it took a long time, increasingly, to get the trucks out there in the evening to get the newspaper. By the time you got them out there to the household, Walter Cronkite was on TV, and people got their news from TV, and said, “Who needs the paper?” Thus the demise of evening newspapers. It was a slow process, but it was inexorable. Habits changed—people—the morning newspaper when I was a child and grew up was—nobody really paid too much attention to it. You didn’t read it. You waited for the evening news because then you got that day’s news and so forth.

But to kind of exemplify the situation, there was a morning newspaper in Newark called the *Newark Star-Ledger*. As the *Newark Evening News* declined, withered away, the morning newspaper, the *Newark Star-Ledger*, grew in size and grew in fortune. It was sold to a man by the name of Samuel Newhouse [Samuel Irving Newhouse Sr., founder of Advance Publication], who became one of the real moguls of morning newspapers in the nation for a while. The Newhouse chain still exists I think. These were a number of reasons, in combination, why the Scudder family, which owned the *Newark Evening News*, wanted to make some dramatic change. My father always thought that

the reason they basically canned the entire editorial staff was that they wanted to go more tabloid. They wanted to go more like the *New York Daily News*, the *New York Post*, the tabloid papers, big headlines, sensational stuff, and my father resisted that tooth and nail because he thought newspapers should be honorable and should report the news and not scandalize and sensationalize. I don't know how much truth there was in that. He and the people in the editorial board were, I think, became progressively estranged from the owners, and finally the owners just decided, "We're just gonna do something new." Well, I mean, as it turned out, five years after they basically fired the editorial staff, the paper closed. So, it was the writing on the wall.

Mrs. Easton: Right.

Judge Farrell: But as I have—

Mrs. Easton: Well, you were at Notre Dame.

Judge Farrell: I'm at Notre Dame as an undergraduate.

Mrs. Easton: Was it a financial hardship for your tuition?

Judge Farrell: Well, you know, tuitions were not high in the Fifties. I don't remember what they were, but I think my father had just saved and put it away. Looking back at it, I kind of regret that I didn't seek financial aid out of there. While I was playing basketball, I probably could have gotten a little bit of assistance. I never did. But he never complained about it. He felt that he could go ahead and do it. That was never a thing that weighed on me—on my mind. And possibly because my

older brother had already finished college—my oldest brother. So it was only one at a time. And as I said, the girls didn't cost him too much because they were in secretarial school or out elsewhere—nursing school, things like that. And so that was not a problem.

Mrs. Easton: So you go off to Notre Dame, and—you had not been to Indiana?

Judge Farrell: No, I had never been west of Philadelphia. (Laughter) As I said, I wanted to go down to Virginia because I had heard of William and Mary, I knew somebody that had gone there and thought it would be nice. And I thought I could play basketball down there and be respected and get a decent education. Anyway, I went to Notre Dame. I saluted and I went. And it was, I think, probably a good experience for me. I was influenced there by some—as we all are—by a few professors who may have steered me in the wrong direction ultimately, but I was hugely impressed with their credentials and with their abilities and they sounded like very smart people. And several of them thought that I had something of a gift for being able to express myself in writing. I was in the humanities. I majored in English. I took a few obligatory science courses. I'm sure I did terribly in the math and had really no interest in science. So I became interested in literature, and a little bit of history, and some languages. But still I would say, and this is in keeping with what I mentioned earlier, that I was kind of a slow maturer intellectually. I think college for me, in the main, at least consciously, was a continuation of the high school experience of being

dutiful, going to all of your classes, studying as hard you could, doing what most of the rote learning you could, trying in your—particularly in the English courses, the literature courses—to impress good teachers by being able to read literature with a little bit of sophistication and express my thoughts and write compositions. And I did very well.

I graduated, I guess, *magna cum laude*, not the highest thing but *magna cum laude*. Notre Dame was a small school of seven or eight or nine thousand people. It had no academic reputation at the time. Certainly nothing comparable to the Ivies. Nonetheless, it was a stimulating place. It enjoyed a better reputation I think in the Middle West than it did in the East academically. In football, I think it had a good reputation everywhere, although they had four years of losing sports when I was out there. (Laughs.) Sorry about that. So, I enjoyed it. I think that I probably got a lot out of it. But I think it was, in a sense, more of the same thing that high school was of people disciplining me to—to do my assignments and try to succeed in them and send home good report cards to my parents and make them proud of me. And, looking back at it, I want to be very generous and fair to my alma mater, and I suppose it had a very good influence on me in a lot of ways I probably couldn't consciously articulate. But I don't look at it as a place that really awakened in me—kind of enkindled in me—some kind of passion for ideas. Maybe it was the beginning and

I just don't recognize it. These kind of things came a little later, I suppose, to the extent they came at all. And if people tell me, "Do you regret having gone to Notre Dame?" as opposed to, say, Harvard or Yale or Princeton—Princeton, New Jersey, my response is often, "I don't know whether I could have gotten into those schools, coming from a not very distinguished small Catholic school with pretty good grades," but even if so, I don't know whether I had the maturity at the time, maybe simply from my upbringing, to do well at a tier one college. Although I always add to that saying, "In a way, I regret that I never had the chance." But, nonetheless, it—I had a pretty good record out there, and looking back at it, I made some friends. I have not kept very close to that college over the years. And that may be simply a reflection of the fact, while the school tried to make a good person out of me and a bright young man, they succeeded, but not overwhelmingly. The result was, I think, a lot of wandering around after college before I found my feet.

Mrs. Easton: Right. I want to hear about—how did you get to Indiana? Did you drive all the way out there?

Judge Farrell: You know, it was a combination of taking the train and hitchhiking.

Mrs. Easton: Oh my gosh.

Judge Farrell: Every Christmas for four years, I would hitchhike home on the Indiana Turnpike, the Ohio Turnpike, the Pennsylvania Turnpike, right into Newark. And you know, nobody ever worried about anything at the

time. The world has shifted seismically since then. I didn't hitchhike out too often, probably because my parents were nervous enough about it that they would give me the money, put me on the train. And maybe once they drove out there, I don't know. But for four years, two or three times a year, I would hitchhike home, and you know, it was—it wasn't considered hard. It was just a nuisance of a night. You know, overnight, basically, to do it.

Mrs. Easton: Well, when you got to West Bend for the first time? I mean—

Judge Farrell: South Bend.

Mrs. Easton: South Bend.

Mrs. Easton: So, what was your impression? I mean, how did it strike you coming from New Jersey to—

Judge Farrell: Well, I had never been on a college campus before, except I had gone down to U Penn on a couple of occasions because I had a brother-in-law who was at U Penn. I'd gone down and gone to one of his fraternity parties. And I'm surprised I didn't say to myself after the fraternity party, "U Penn is the place for me." My father would not have sent me there. (Both laugh.) But I knew nothing about what colleges were. I'd seen the Seton Hall college campus but it was basically a commuter school. Notre Dame was this little enclave—five, six, seven thousand students in a gritty, little industrial town, South Bend, Indiana, where they made Studebakers. Remember the Studebaker? (Laughs.) And I wasn't shocked because, you know, you

were kind of—you were enfolded. You were welcomed into the bosom of the school, and you were nurtured to the extent that you could be nurtured without your parents around. You were there with a thousand other beginners who were in the same boat. Sort of like anyone else’s college experience. It—I wasn’t really homesick that much.

Mrs. Easton: Okay.

Judge Farrell: And that maybe in a way is a product of the fact that as one of eight children you never really were mothered and cushioned and spoiled in the way that you might be if you’re only, the only child or so. So going away was not a difficult experience for me. And besides, right from the get-go you were in class doing your work to get good grades and impress your parents. You didn’t have a lot of time to feel homesick.

Mrs. Easton: So did you try to walk on? Did you walk on?

Judge Farrell: I walked on. Oh my goodness, you get me into my basketball experience—one of the more dismal things in my career. (Both laugh.) I walked—my first and second year, I did not play. Of course, freshman and sophomore, you didn’t—you didn’t play in sophomore year unless you were very good, and I wasn’t that good. Junior year, I tried out. They had learned a little bit about me from gymnasium play in the second year. I tried out in my junior year and I made the team. And they obviously saw something in my game that they liked because

in the first game of the season, here's this walk-on guy from New Jersey, they put me in toward the end of the game, we were playing an easy team and we were winning by quite a bit, and I distinguished myself right off the bat—I'm forewarning you now, my narrative of my college basketball experience is going to be very short, so I don't want you nodding off.

Mrs. Easton: (Laughs.) Okay.

Judge Farrell: And we're not gonna revisit it.

Mrs. Easton: (Laughs.)

Judge Farrell: So, the first game of the season, they put me in and I threw up four shots—they called them "jump shots." This "jump shot" was a fairly new thing then where you actually lifted yourself off the ground and shot. I could tell you an hour's worth of story about old basketball but I won't. And I made four in a row! And I was dazzling—I dazzled them, and the next morning the *South Bend Tribune* had a very flattering story about this skinny guy from New Jersey who has quite a wicked jump shot.

Mrs. Easton: (Laughs.)

Judge Farrell: (Clears throat.) Boy, did that go to my head. Well, anyway, the next game came along against a really good team, Northwestern, from Chicago—Evanston—and you can kind of imagine what happened there. They put me in because we were losing, badly, and they thought that, uh, that Mickey Farrell from New Jersey was gonna turn things

around. Well, Mickey Farrell threw up about three shots or four shots, and probably none of them went near the basket. (Interviewer laughs.) I was benched after that for the next five games, the coach was trying out other things, and, he put me back in about the eighth or ninth game, and to be charitable to myself I didn't distinguish myself, and that kind of ended my career for the year. I warmed the bench. Good preparation for being a judge—

Mrs. Easton: (Laughs.)

Judge Farrell: —for the rest of the season. In my senior year I was so enthralled to my English mentor-professor and was writing what they called a “senior thesis” that I decided I wasn't gonna go out for the team because I knew I'd be warming the bench, and I didn't want to put up with it—I didn't think I could do justice to both. And I wasn't getting a scholarship, so, who needed it. So my career was one year in my junior year, and I was a flash in the pan.

Mrs. Easton: For two spectacular games.

Judge Farrell: Well, one spectacular game positively, one spectacular negatively. But nonetheless, the interesting thing is, that year, the junior year, we had been ranked nationally to be among the top ten teams, but we ended up with a terrible record. Nonetheless, it was a lot of fun because I loved the road trips, you know, we would go around the country and play in these different colleges and go out partying at night, and anyway, a lot of fun. That was my basketball career, and,

uh, many people—I have a picture in my office and I’m happy to show it to everybody. All the young law clerks come through, and they say,

“Gee, you looked like that then? You had such short pants!”

“Yeah, well, that’s the way—”

“You must have been good, Judge!”

“Yeah, well, we’ll skip the rest.”

(Both laugh.) In other words, college was an experience for me where I think I was still kind of enslaved to sports, particularly basketball, because I played it in high school and I grew up in a family that loved sports, but I think I was gradually weaning myself from that because I recognized my limitations, and I was starting to realize, through the influence of some good professors, that there are a hell of a lot of other things in life that are more important, and more interesting, and more human, than being able to throw up a basketball. And I probably didn’t realize it at the time, but the school did, I think, have that effect of ultimately persuading me that life had much bigger challenges than trying to be an All-American basketball player.

Mrs. Easton: Wow.

Judge Farrell: (Laughs.)

Mrs. Easton: Well, this may be a good stopping point—

Judge Farrell: Yeah, I don’t want to take your time because (speaking at same time) No, we could go on forever, but I think you—you’ve more than done your duty for today.

Mrs. Easton: Oh, I've just enjoyed this so very much. I'll go ahead and turn off the recorder. [Brief break in the recording] so we don't miss any of this.  
Yes?

Judge Farrell: Yeah, back in that era, and this is—goes together with people's question to me of “Well, why weren't you interested in the law? When did you become interested in law?” and so forth. It was a very different era then because, you recall, this was the sleepy Fifties, late Fifties. This was before civil rights, this was before the Kennedy assassination, this was before the Warren Court and the great decisions in criminal jurisprudence, the kinds of things that *really* whetted the appetite for young people to go into law. And then of course by the time—and this is the sad thing from my point of view, and we'll talk about that more—by the late Sixties when Vietnam came along, the kinds of things that I had been pursuing in graduate work, like English, philosophy, languages—I came to love languages, some anyway—had lost all of their currency in the colleges. Those departments were downsizing because everything was politics, with the result that by the early Seventies the best and the brightest in the humanities, where did they go? They went to law school. And in the Fifties that was unheard of. There were great people who went to law school in the Fifties and Sixties, but the number of good law schools you could count on two hands back then. And there were reasons for that. It was

a cultural thing. My little thesis is that it all started with Sputnik, but we'll talk more about that.

Mrs. Easton: I do want to hear more about that because that's intriguing, because I would have—I thought you were going towards that everything was going, rather than toward politics, toward science—(speaking at the same time)

Judge Farrell: You would think, but the interesting thing is that it's the kind of American way of doing things. Once Sputnik was launched the government decided we need more brainiacs; we need more people with advanced degrees, not just in science, biology, chemistry, physics, and things like that, but in everything, including foreign language, because now it's a big world out there. And so the government—at that time we weren't fighting wars, Korea was over—began lavishing money on people to do graduate work, to get masters and get Ph.D.s. So higher education, the Ph.D., if you aim for it, was the thing to do, the way to go. And I'm sad to say, but, among most of the people that influenced me, my professors mainly, law was considered a kind of a compromise. If you were very bright, but had a kind of a "pedestrian" mind or a "prosaic" mind, then you sold yourself to corporate America or to Wall Street, and you went off to Harvard Law. Are you Harvard Law by chance?

Mrs. Easton: No, I'm Yale. (Both laugh.)

Judge Farrell: Same thing. It is—it was a sea change. I don't know if you experienced it later on, but in the Fifties law was—great people went there, but it was a minority. And the people in my era, in the Sixties, chased after the golden ring of the Ph.D. to land a job teaching at Yale, philosophy, English, history, modern languages, and so forth—a huge number. But the wind went right out of the balloon when the Vietnam War came in the early Seventies. And so many of those people, many of whom I knew afterwards, ended up struggling, starting careers over again. The number of people—it still happens now—who went on to law school in their late Thirties and Forties, after they had picked up useless Ph.D.s, you know; it was astonishing. But that's a whole story, and it partly accounts for—looking back I probably would have been a better person if I had gone into law earlier, but I didn't. I went quite late—and who knows.

Mrs. Easton: Well, next time we get together—

Judge Farrell: Yep.

Mrs. Easton: —I probably want to talk just a little bit more about Notre Dame, classes, and your senior thesis, what you wrote about, and then I'd like to move into the “wandering years.”

Judge Farrell: Uh!

Mrs. Easton: (Laughs.) And hear where you went, what you did, whatever it flows to, so and how you matured, and then how you ended up. I mean, I

gather from wandering about, getting a Master's degree and becoming a teacher and becoming the head of an English department.

Judge Farrell: Yeah, yeah—

Mrs. Easton: I want to hear about the languages you studied and the places you went, and then we'll sort of make the transition into law—

Judge Farrell: —into law—

Mrs. Easton: —and that phase.

Judge Farrell: It's a very interesting thing for people. They kind of listen to me with their mouth wide open when they hear me explain how I wasted the years between twenty and thirty, because so many of them came out of college and knew what they want to do, they were into graduate school or law school at the age of twenty-four and went right on from there. But, you know, it doesn't happen to everybody. And in my case I think it was part, largely a function of the fact that I think I matured quite late.

Mrs. Easton: Well, what I'll be curious to know, also, as you look back on it, because the other half of the story is I know a whole lot of lawyers who wish they had gone to teach.

Judge Farrell: Yep.

Mrs. Easton: You know, there's a —there's sort of a flip side of it, you know, for those who drove straight through and now look back and say, boy it could have very rewarding to really have a really important influence on a forming high school mind. (Laughs.)

Judge Farrell: Yeah, yeah, yeah, well— (laughter)

Mrs. Easton: So, I wonder if looking back now you see some value in those times even though it was sort of an eddy in your current. (Laughs.)

Judge Farrell: Well we can talk more about that. I'll give you a little short intro to it. And that is that my wife, my first wife, was kind of the peer supervisor at the prep school where I ended up teaching before I started law. And she was the one who told me that I was a lousy teacher because she'd come around and do class visitation. And she said, "Michael, you are—you think you should be teaching college, and the result is you're teaching the good students, they don't need you, you're not teaching the kids who need you." And that thought kind of stuck with me, and was one of the things that—I think I'd already begun night school law—but that kind of was one of the things that made me decide that I wasn't cut out for high school teaching. And I wasn't going to make it in college teaching. I was in my Thirties, I was still sitting on my dissertation—two-thirds finished, I never finished it—in German literature, and so I made the career switch. But that's kind of a prelim.

Mrs. Easton: Oh, good, well, that's good to have that, that sort of teaser. Now I'm very eager to get back into the story.