ORAL HISTORY OF THE HONORABLE JOHN FERREN

First Interview
September 19, 2001

This interview is being conducted on behalf of the Oral History Project of the District of Columbia Circuit Court. The interviewee is John M. Ferren. The interviewer is Robert H. Kapp. The interview took place at the offices of Hogan & Hartson L.L.P. on the 19th day of September 2001, shortly after noon. This is the first interview.

Mr. Kapp: John. Would you just state your full name please?

Judge Ferren: Yes, it's John Maxwell Ferren.

Mr. Kapp: And can you give me the date and place of your birth?

Judge Ferren: July 21, 1937, in Kansas City, Missouri.

Mr. Kapp: John. Can you tell me something about your ancestral background here?

Judge Ferren: Yes. My mother's parents both were from Sweden. I don't know when they came over to this country. My father's family had been in this country for a number of generations; as far as I am aware, they all came from England, Scotland, Ireland.

Mr. Kapp: Just talking about your mother's side of the family for a moment here. Do you have any sense of where they settled and what their life was like when they arrived here?

Judge Ferren: I think that they both went directly to Iowa; or perhaps my grandmother went to Nebraska and then ended up in Iowa. I think my grandmother Hansen, born Alma Johnson, was a half dozen or so years older than my grandfather, who was Carl Gustav Hansen- they called him Gus. And they ended up in a little town in southeast Iowa, in Van Buren County, named "Bonaparte," as in Napoleon- in fact, it was named after him -on the Des Moines River. My grandfather eventually was manager of the Fairfield Glove Factory operation in Bonaparte, and my

mother actually grew up in the glove factory with her two sisters. My mother was born in 1907 and went to school in Bonaparte and then to college at Parsons College in Van Buren County - in Fairfield - Iowa.

Mr. Kapp: Is your mother still alive?

Judge Ferren: No. My mom died in 1988.

Mr. Kapp: And then what about on your father's side? Do you know anything about their geography and their occupational backgrounds?

Judge Ferren: They also were from Iowa. My dad's mother was one of 10 sisters who had one brother- who died early. And those daughters were spaced out so that, I think, my father's sister is actually older than some of his aunts, since my dad's mom, Edith, was about the third or fourth oldest of the ten. They all grew up in a little town, Leon, Iowa, in south- central Iowa, Decatur County. I believe that several generations back, one of the Ferrens was a sheriff from Appaloosa County, Iowa. He was well known for having hanged somebody called "Hinkel," who ran a gang in the 19th century. My grandmother's side was a family called "Waight." Her father was the town doctor in Leon. All these daughters, or most of them, came back with their husbands to live in Leon. My father told me that, when he was growing up, he was obliged to take his older cousins to dances if they didn't have a date. My grandfather, William Alvah Ferren, worked in the bank in Leon, and there is quite a story about him I learned the day I buried my father in December of 1987. His father- my grandfather-had been in prison. When you're a Midwesterner and you are from Iowa, secrets prevail. My grandfather's imprisonment told me everything about my father, who, I belatedly learned, had

not grown up with a father. My dad was a fairly passive gentleman- a decent God-fearing elder of the Presbyterian Church, but not a terribly assertive individual. The story of my grandfather's imprisonment taught me a lot about my own father. One of my projects is to find out exactly what he was convicted of and why he was put in prison. I know some of the details, but it will be a fascinating story and maybe I'll write it up some day.

Mr. Kapp: Well, tell me what it is that you do know about it.

Judge Ferren: My grandfather, who I believe was born in 1867, came from Corydon, Iowa. He was a graduate of the University of Iowa. He held the Iowa state college standing broad jump record in the late 1890s and played on the football team (although he was a little wiry guy). He also was in the literary society. So he was a fairly accomplished fellow. After marrying my grandmother, he moved with her to Leon and was hired by the local banker. Apparently, one of his brothers-in-law came to him and said, "Al" (from his middle name, Alvah), I need a loan, fast. My grandfather, I am told, knew he had no authority to make loans to anybody without permission but nonetheless trusted his brother-in-law to get the money back. The brother-in-law, however, ran off to California with the money, leaving his wife in Leon and my grandfather holding the bag. Apparently, the local banker felt very strongly that my grandfather should be prosecuted and get jail time. Even for this first offense, therefore, he apparently went off to prison for two or more years. According to my dad's cousin Frances, Dad was not allowed to visit his father in jail. There was so much shame. Apparently, my grandmother turned on him. She wouldn't divorce him but, at the same time, wouldn't let him back in the

house after he left prison. He took an accounting job in West Virginia. He lived out there, sent home money that eventually sent my dad and his brother, Bill, to Parsons College. My aunt Freda didn't go to college but she received money from her father as well. He would come to Leon, I am told, once a year to see everybody. My grandmother would make him stay upstairs in an attic room and even eat up there, apart from the family. Apparently he put up with it. I have this wonderful fantasy that, when he was out in West Virginia, he started an entirely new family and had a happy life - and that someday I'll discover stepcousins (or whatever). I am not sure where my grandfather was tried and convicted. I'm going back to Leon someday, or will call the Decatur County Historical Society, to see if I can learn something about what happened. I think the trial occurred a few months before my father was born, in 1906.

Mr. Kapp: And you learned of it, tell me of the circumstances of your learning about it.

Judge Ferren: I learned about it in the strangest way. In late 1987, my sister, Anne, and I knew that both our parents were going to die soon at about the same time. My dad had Alzheimer's disease and my mother had bone cancer. We went out to their retirement home in Evanston, Illinois, where Anne and I grew up after Kansas City. We were trying to figure out what to do with their belongings. We looked around their bedroom, and there were all these pictures on the wall of my mother's mother and father, grandfather and grandmother Hansen, and of my dad's mother, my grandmother Edith. There was no picture of grandfather Ferren, who died when I was a baby. I saw a snapshot of him holding me in Kansas City when I was one-year old, the year he died. We'd asked about him from time to time, but

we were told very little. Because he never had been part of our lives, we had not pushed for more. In any event, when we were together in Evanston, I said to my sister, we have got to learn more about our grandfather. Well, within days of that conversation, my father died, at age 81. The day we were to bury him, there was a snowstorm. My great-aunt Frances, who was my dad's favorite cousin and who must have been about 85 at the time, was going to drive over to the burial. I called her up and I said, "Frances, don't bother." We weren't going to have a funeral at the time; we were going to have a joint funeral for my mom and dad as soon as Mom died, which we'd been told would be days away. (As it turned out, my mother died the following March; I felt bad that we'd not had an earlier service for Dad.) In any event, I talked Frances out of coming to Dad's burial but asked her over the phone, "By the way, what can you tell me about Grandfather Ferren?" She replied, "You mean Uncle Al?" (I had never heard him called that before.) There was a long silence, and I said, "What's the matter?", and she said, "Well, your parents never told you?" And I said, "I don't know what you're talking about." She said, "Well I'm not sure I should tell you," and I said, "Frances, come off it." I then egged her into telling me the story that I have just related.

Mr. Kapp: Were these towns that your grandparents lived in, in Iowa and that your parents were brought up in, were they agricultural communities basically?

Judge Ferren: Yes. Leon was the bigger of the two. It was the county seat. I suspect that Leon must have been in the neighborhood of a thousand or twelve hundred people. Aside from the glove factory, Bonaparte was a farm town. The local mill was

there. The rendering plant was just outside town. Bonaparte had about 600 people when my mother was growing up.

I well remember spending time in Bonaparte in particular. When I was a child, we'd go there for summer vacations. I'd enjoy playing in the glove factory, especially hide and seek - and pool; and I'd go fishing with a bamboo pole on the Des Moines River with my Grandpa Gus. We'd catch catfish and have a good time. He had a Willys Jeep that he cranked up right outside the glove factory to drive over to the best fishing spots on the river. The roads weren't paved in town, and my grandfather and I would sit on the front porch of the glove factory every afternoon about four o'clock with a hose and water down the main street so that the dust would settle. There was running water in the glove factory residence, but you couldn't drink it. It was anywhere from tan to brown most of the time. We got the drinking water across the street at the town pump. The tap water was used for hand- washing and bathing, ugly stuff.

Bonaparte was a marvelous little town, except when the wind blew in the wrong direction and the rendering plant sent the drift in our direction. My uncle Les and my mother's older sister, aunt Neko (for Winnetka), had a farm outside Bonaparte, and I'd spend time out there with them in the summers, too. My mother's other sister, aunt Lillian, and uncle Buss Gardner lived in West Des Moines, Iowa, and we'd see them there too. So I was much more closely in touch with my mother's side of the family than with my father's.

My dad met my mother at Parsons College. My dad was a year older than my mom, but he was two years ahead of her - he skipped somewhere along the

line. And so they met when he was a junior and she was a freshman. My dad had an older brother, Bill, who was at Parsons College with him, and an even older sister, Freda. I have one living relative from that generation- my uncle Bill's wife, aunt Patty, whom I have seen recently out in Kansas City, Kansas, where she lives. She filled in a lot of the details about my grandfather Ferren, who died in her arms. He and my uncle Bill became very very close, but apparently my dad and Aunt Freda did not get together much with my grandfather. I learned from Aunt Patty that my mother (who's not alive to defend herself) was pretty hostile to my grandfather. From the photos it appears that he did not attend my parents' wedding; I infer he was not invited. My mother was pretty dominating, a self-righteous woman, and I think that must have had a lot to do with my not seeing my dad's side of the family very much. Perhaps that's unfair speculation.

Mr. Kapp: Any other family stories that you remember about your ancestors or their coming over here or what life was like for them, where they came from?

Judge Ferren: One more about my great-grandfather, Dr. Waight, who was the town doctor in Leon, Iowa. Somewhere along the line I learned that his specialty was syphilis and other venereal diseases. He apparently was known far and wide in the Midwest. I was told that trains would come into Leon in the middle of the night and people would get off, come to Doc Waight's for treatment, and then get back on the train and get out of town.

Mr. Kapp: When you did your cross-Iowa bicycle trip, which I am aware of, were you anywhere in the region of these two towns?

Judge Ferren: Yes, oh yes, I'm glad you mentioned it. My son, my older son Andy and I, in 1980 and 1981, took the Des Moines Register's Annual Great Bicycle Ride Across Iowa- RAGBRAI- which has a different route each year. On our second RAGBRAI, the route went through both Leon and Bonaparte. When we went through Leon, my Aunt Freda was still alive. She stood about 4' 10" and drove us to dinner one night. I'll swear she couldn't even see over the top of the steering wheel, but it worked out all right. The next day we rode into Bonaparte where some of my mother's friends, who had heard we were coming, were waiting by the glove factory for us. So, I was able to show Andy both towns where my grandparents and my parents had lived.

Mr. Kapp: That must have been quite nice!

Judge Ferren: It really was. And I'll just add that my cousins and I had a family reunion in the summer of 2000 out in Bonaparte, which is down to about 250 people. We also drove to Fairfield; Parsons College no longer exists. We all got together, among other things, for Sunday dinner in what used to be the old mill and was now a restaurant called "Bonaparte's Retreat." The little town is still very picturesque and, as I say, fishing for catfish on the Des Moines River near Bonaparte with my grandfather is one of my great memories.

Mr. Kapp: Sounds like great country.

Judge Ferren: Ah, it surely is.

Mr. Kapp: You mentioned that both of your parents attended Parsons College and met there.

Judge Ferren: Yes.

Mr. Kapp: Can you tell me a little bit about that; where that was and maybe what it is that they studied there so far as you know?

Judge Ferren: Parsons was a little college of about 500 students in Fairfield, Iowa. The property's now owned by the Maharishi of somewhere, which has transformed Fairfield. In any event, in those days it was a nice little college. My mother was an English major and my father was a psychology major. Mom, I know, was May Queen; Dad was in the glee club and appeared in plays. After college, my mother taught high school for a year in Garden Grove, Iowa. My father earned a master's degree in psychology at the University of Michigan. My parents always talked of Parsons very fondly and throughout their lives were in touch with their close Parsons friends. I'll go back a bit. In 1941, we moved from Kansas City, Missouri, to Kansas City, Kansas, where my folks built a house out near Highway 50 (the old Santa Fe Trail) in the Fairway section. We moved to Evanston, Illinois, in 1946. As it turned out, in Evanston, one of my parents' closest friends from college, Melvin Pearce, was the minister of the Presbyterian church in our neighborhood. For all I know, they moved to that neighborhood because Mel Pearce was the pastor. They were very, very churchy-type people. Not in a bad sense; I just mean they were committed to it, and that's where most of their closest friendships came from. In any event, another Parsons friend was Virgil Peterson, for years the operating director of the Chicago Crime Commission. He was in on the Dillinger ambush. Other Parsons friends in the Chicago area were Bob Parcells, in Naperville, Illinois, an insurance man, and Bill Miller, very high in Standard Oil of Indiana (eventually Amoco). They all spent a lot of time together.

I mention occupations only to show that from this little Iowa college graduates moved on to interesting careers. There are a lot of quality folks from Iowa.

-Mr. Kapp: Was Parsons a denominational college?

Judge Ferren: It was a Presbyterian school.

Mr. Kapp: Can you tell us something about the religious life of your parents and the extent to which they were involved in church affairs during the period of your growing up?

Judge Ferren: Yes. From the day I can remember as a little kid, I was in one way or another hanging out in the Presbyterian church, first at the Westport Presbyterian in Kansas City, Missouri. I even remember the name of the minister, Dr. Beatty. And I remember seeing my father in a church pageant at Christmastime; he was a shepherd or one of the wise men. My dad became Clerk of the Session at Northminster Presbyterian Church in Evanston and later joined the board of the Presbyterian Home. My mother was active in what they call "circles" in the Presbyterian church, women's groups. And so: they went every Sunday and did their part, and as a consequence I was brought to the Sunday school, even summer Bible school when I was a little kid in Kansas City. And it stuck with me. It's been a part of my life ever since. My sister is eight years my junior. I don't think she had the same positive reaction to the experience that I have had. Despite their Church involvement, my parents were not the kinds of persons who wore their religion on their sleeves; they were not outspoken about it. They just happened to believe in it and went. It was kind of a quiet part of their life, but, as I mentioned earlier, it did provide a circle of friendships and thus social relationships as well.

Mr. Kapp: Is it your recollection that they communicated something to you about their religious values and, if so, can you tell me about that?

Judge Ferren: In those days, I don't know about these days, part of the drill in Sunday school was to memorize a lot of Biblical texts, and I suspect that the most I learned about religion was actually from Sunday school and memorizing, whether it was Psalms, or New Testament lessons, or what have you. I don't recall my parents ever talking about religion. I mean, they never tried to talk me into it or make sure I believed anything. My dad said grace before the evening meal and checked to be sure I was dressed for Sunday school. I went along and, unlike most of my friends, for some reason didn't rebel too much. I remember feeling very strongly that I should be out playing football or baseball on Sunday morning with my friends after Sunday school without staying a second hour for church. But my folks wouldn't hear of that. There were regular arguments, and yet I guess I was kind of the dutiful son. If I wanted to tune out during the sermon, that was my privilege. So, what coercion there was, was very subtle and more a matter of their own personal lifestyle and witness than anything more direct.

I regularly attended the high school youth group. called Tuxis, at Northminster Church, where a lot of my friends came as well. And, during those years, I also taught Sunday School - I think sixth grade boys. I made up a game, Bible Baseball, to test the boys on the lessons. I'd divide them into two teams and let them select easy questions - to get to first base - and hard to very hard questions to make triples or home runs.

When going off to college I straightaway, on Sunday, went to the Harvard University Memorial Church where George Buttrick was the pastor. He was a well-known Presbyterian minister who had come to Harvard as university pastor. Dr. Buttrick held my attention and had a profound influence on my sticking with the church. In fact, several times a week I'd go to chapel on the mornings before classes at Harvard, all four years. Harvard had a system where professors from all over the University would give little homilies, not necessarily Christian, not necessarily even religious. I enjoyed the talks and especially singing the hymns. All this was meaningful to me, and I think that until my junior year in college, I was very seriously considering going into the ministry. That changed. I went to law school, and I'm glad, by the way, that I didn't go into the ministry. I have no, absolutely no regrets. I'm glad that something helped me see the light not to do that. Not to put the church down; it's just not what I would have been best suited to do. However, upon getting out of college and law school, I ran headlong into the civil rights movement, where religion again was a very visible force for good in this country. The religious views I had developed were entirely consistent with the civil rights movement.

Mr. Kapp: Would you say that religion to this day has an influence in your life?

Judge Ferren: Yes, yes. I hesitate only because I don't know quite how to put it. Back in the seventies, I was a deacon in the Presbyterian Church, then an elder for a couple of terms. I got very active in the Chevy Chase Presbyterian church. I eventually stopped being so active, and now am a less regular attender, but I still go most Sundays, and the Christian faith is, I think, the source of how I would articulate

my own philosophy of life and my obligation as a person. In these days, however, Protestantism as practiced by the outspoken evangelicals and conservatives troubles me a lot; I mean, somebody like Jerry Falwell is very disturbing. For me, the conservatism of the ever- expanding evangelical, fundamentalist side of Protestantism, stressing personal salvation, entirely misses the mark, for it fails to put first what I understand the basic message of the Christian faith to be- a call to serve one another, to help those in need.

Mr. Kapp: Did you react to Falwell's comments regarding the events of September 11th?

Judge Ferren: I certainly did. He saw 9/11 as God's punishment for America's toleration of abortionists, feminists, gays, lesbians, and the ACLU.I was appalled and very sad. How could anyone say such things?

Mr. Kapp: Yes.

Mr. Kapp: Well, let's go back a bit here. Did your mother have an occupation or what were her activities like after she left college so far as you recall?

Judge Ferren: There's a real mystery here. After my dad got his master's degree at Michigan in psychology, he took a teaching job at Syracuse University, where he began to pursue a Ph.D. in psychology. Mom and dad were married in 1929, by the way, about two months before the crash. In Syracuse, I don't know what my mother did. After a couple of years there, or maybe it was longer, Dad decided he didn't want to teach; or he didn't want to finish his Ph.D. In any event, they headed for Kansas City, Missouri, with no job. Dad took a job with the Skelly Oil Company in personnel. Between 1929 and 1937, when I was born, I haven't a clue what my mother did. I have always had this little fantasy that, being cautious folks, my

parents were afraid - given the Depression - to bring children into the world. The economy went on an upswing, finally, in 1936, when I was conceived. In 1937, however, when I was born, the economy tanked for the worst time since, I think, 1929. To my knowledge, my mother never had a paying job since she taught high school back in 1928 or 1929. She was very, very active, though, in PTA, in Evanston's North End Mothers' Club (whatever that was), and in the church; so I have the impression of her as a very busy homemaker. She always called herself a homemaker and she had what seemed to be a lot of friends, and I am sure she had her bridge game. She was so active in the schools that eventually she was elected (through a caucus system) to the high school board in Evanston. So her interest in education always was very noticeable to me. Mom also played the piano beautifully, and she started me on piano lessons when I was five. I loved piano lessons, and I took piano all the way into junior high, when she had me taking them at Northwestern University. Northwestern had required Saturday morning theory classes, however, and my YMCA football team was playing then, so I said I'm not going to give up football for the piano, and I stopped taking lessons.

Somewhere along the line, Mother stopped playing the piano. I have no idea why. I don't think I ever heard her play after I was in high school. Anyway, her interest in music got me very much interested in learning to play, and later, when I was in high school, I took popular music for a year so I could play the chords and pick out tunes. Even today I can sit down and play fairly handily. My father also was very musical, though not on an instrument. He sang. He never sang in the church choir but he had a wonderful tenor voice. I remember many

Sundays, while singing hymns, he would sing tenor, my mother would do the alto, and I'd sing the melody. My sister would stand there on one foot and then the other.

Mr. Kapp: How would you describe, other than music, the influence that your mother had on your life?

Judge Ferren: Well, she wore the proverbial pants in the family. My father, as I have said, was a very passive, very quiet man. I now understand this. He did not have a strong man in his life, and I think he grew up in a cloud of shame. You've asked about my mother but have triggered thoughts about my dad. He was personnel director for a number of companies; he moved from Skelly to Standard Oil in Kansas City and then to the Vendo Company, which made vending machines for Coca-Cola. In 1946, the family moved to the Chicago area so he could work for the Stewart Warner Corporation- which made radios and speedometers- and then the Zenith Radio Corporation, where he ended up as director, and then vice- president, of industrial relations. He negotiated all the union contracts for Zenith, and there were quite a few. They were staggered over time; he always was in negotiations. Looking back, I can't imagine my father as a negotiator because he was such a quiet, though meticulous fellow. But I do know that whenever the negotiations got tough, he'd call on a Chicago lawyer named George Christensen, who usually represented unions. Christensen was a very combative guy and Dad would call him up and say, "George, I need you." Christensen would come to negotiations and sit at my father's side. He didn't know anything about the issues; Dad hired him just to yell at the union. Christensen eventually would get the union

representatives calmed down, and then Dad would continue negotiations. My father was so softly spoken, and he chose his words so carefully, that sometimes I never thought he would finish a sentence. He was meticulous about everything. I mean to watch him fix a baked potato was agonizing. He would cut it, and then mash it, and then put the butter and the salt and the pepper on it with great care.

I could finish my whole dinner before he would even get a potato fixed. And he talked so slowly, I could see my mother being driven crazy. So this is perhaps not a very nice way I am putting it, but he was just a very quiet and passive fellow. I think Mother, who won state oratorical contests as a high schooler, was much more articulate and a more forceful personality. So, getting back to your question, she had to have had a very big influence on me because she was the one that normally I dealt with. I loved Dad, and we enjoyed vacations fishing together, but he was just not the one that you would think of first in our family.

Mr. Kapp: Would you think that he had some influence on you? And if so, what do you think?

Judge Ferren: Well, I think of his religious influence. Every once in a while, he'd leave a little verse of some kind on a piece of paper on my desk that would catch my attention. I do remember that. I had great respect for him. I mean, he seemed to me to be a very solid fellow. He seemed like a very decent man, and I rarely heard him get angry, and then it would be the kind of anger at hitting his thumb with a hammer. I got involved in the soap box derby as a kid and he was very supportive of that. One time I was having a terrible time getting the front of the car put together, and

he spent time helping me do that. But he was not one that I would ask advice from. I don't think I asked advice from anybody. My mother offered advice, however. Dad didn't.

Mr. Kapp: Would you say either one of them communicated moral values to you in any particular way?

Judge Ferren: My mother was a person who did kindnesses for people. I never could figure out whether she was genuine or wanted to be perceived as somebody who was kind. I mean, she would bake coffee cakes and give them to the garbage collectors and take them down to the Safeway check-out people. I thought that this was a bit much. But maybe she was really appreciative of these folks. I remember one time the boy next-door was sick. I was about to go somewhere on my bicycle when she said, "Here's a quarter, would you go down to the drugstore and get Billy a milkshake?" And so I went all the way to the drugstore. After I came back, as I was taking the milkshake out of my bicycle basket, I accidentally turned it upside down and smashed it in the driveway. And I didn't mean to do that. I asked her if she wanted me to go back and get another one. She looked disgusted with me and said no. I remember another occasion. There was a fellow who was kind of a misfit. He had a job at the house of someone who required him to move a lot of furniture, and she said to him, "Jim, find a friend to help you move this furniture." Well, Jim didn't have any friends. It was really sad. I barely knew him, but Mom knew his mother. So my mother told her, "I'll get Johnny to do it." When she presented the idea to me, I said, "Not on your life. I don't even know this guy very well." She said this is something that you must do. Which I did, and I was very

glad I did. So, I guess I did learn from her because that kind of thing comes pretty naturally to me now, and I don't know whether it would have otherwise.

Mr. Kapp: And what about your sister, you said was eight years your junior?

Judge Ferren: Yes, yes. Anne was born in January 1945. I think I heard my folks say that they had had a couple of miscarriages between us. Anne's a wonderful woman. She has four children - three sons, including twins, and a daughter - and is married to a lawyer, John Lynagh, a very special man. They live in New York City; and she's been a junior-high math teacher for years and years and years.

Mr. Kapp: And she is still alive, is she? \

Judge Ferren: Yes.

Mr. Kapp: And living in the New York area?

Judge Ferren: Yes. Her full name is Elizabeth Anne, which also is my mother's name. But we always have called her Anne. She also grew up in Evanston, of course, went to Evanston High School, and then went to Pembroke College, part of Brown University. Then she earned a master's degree at Boston University in teaching and math education. When Anne was in high school she was voted the most outstanding girl in the graduating class, an honor I had received as a boy when I graduated. So our parents were proud of us both,

Mr. Kapp: Is she still teaching?

Judge Ferren: Yes, at the Collegiate School in New York City.

Mr. Kapp: She teaches at the Collegiate School?

Judge Ferren: Yes.

Mr. Kapp: She lives in Manhattan?

Judge Ferren: In Manhattan, yes, on the East side near the United Nations. Her husband, John Lynagh, is with the law firm of Kelley Drye & Warren.

Mr. Kapp: Are you close to her would you say? Or how would you characterize your relationship with her?

Judge Ferren: Well. In a way, I didn't meet my sister until, I would say, 1967 when I was 30 and she was 22. I say that, of course, figuratively speaking, because whenever I was off at school, she was home, and when I came back to practice law in Chicago, she went off to college. So we never were around together very much, and there was this big age interval. But my family was living in Cambridge, Massachusetts, in 1967 when she moved to Boston to get her degree at BU, followed by teaching in Winchester, Massachusetts. As a consequence, I got to spend time with her pretty regularly in Massachusetts. She was very fond of my children. We've been very close ever since. But we did not have a growing-up together kind of relationship because of the age difference.

Mr. Kapp: You left Kansas City at- were you about nine years old?

Judge Ferren: I was nine years old, yes.

Mr. Kapp: Do you have any recollections at all of your childhood in Kansas City?

Judge Ferren: Oh boy, do I. It felt like an idyllic childhood. We moved there to Kansas City, Kansas, Johnson County, in 1941, just before Pearl Harbor.My folks had bought a lot and soon built a small Cape Cod house. There were only a few houses on the street, Chadwick Road, out near Highway 50, which is the old Santa Fe Trail. There was a lot of vacant lot area where my friends and I could play. And there was a wonderful creek nearby where I'd go fishing for perch. One of my greatest

memories is to think back and recall digging a big coffee can full of worms on about a 98° Kansas City day, taking my bamboo pole, and heading down to the creek to pull out perch after perch after perch. I never could throw them back, and my folks didn't want to eat them, so I'd bury them for fertilizer. During the war we had victory gardens in the vacant lots. Another great memory of childhood was planting vegetables - the peas, the beans, the carrots, the radishes, the squash. We ate rutabaga. Swiss chard. Stuff I've never eaten or seen since.

The war effort required that we all collect fat, tinfoil, and kapok. There were kapok plants all along the creek and along the road, State Park Road. So I would collect kapok for life jackets, and I would roll the tinfoil that I'd pulled off the backs of the Chesterfield cigarette packages - my dad was a Chesterfield smoker. Also in a major war effort, a Jeep was parked at the Roseland School to sell war stamps. I remember buying the green kind for 25¢ instead of the pink ones for 10¢. And I remember air raids. We'd all go out in the hall and sit cross-legged and put our hands over our head and lean down. There was a lot of air raid activity, even in Kansas. In fact, there was an air base not too far from our home. I don't know quite where it was. But when the B-29 was new, we all went out to see the plane. We even could go into it. Then one of those planes, either a B-29 or a B-24, crashed right out there at the airbase. My folks drove us out to the site, and I came home with pieces of metal from the crash. It was very sad. So World War II had a big impact on me. I still lived in Kansas City when Franklin Roosevelt died. I remember sitting on the curb and really being worried when he died. I vaguely remember Pearl Harbor; I was out in the backyard in December in the snow. Mom

came out and asked me to come into the house. At age four, I learned about Pearl Harbor.

I remember my father and his brother, earlier, having a very serious conversation in our kitchen about the 1940 election. My father and his family from Decatur County were solid Democrats, and my mother and her Van Buren County parents were solid Republicans. I've heard stories that those two families could hardly talk to each other because of their differences in politics. I think my dad's side all stayed Democrat, but in 1940 my father switched to Willkie. I don't think my dad ever voted for a Democrat for anything after 1936, and yet to his dying day he claimed he was an Independent, which was ridiculous. My mother was Republican and would admit it. I do recall from college on, where I became a true-blue Democrat very very quickly, that my parents and I had very profound political differences. I remember trying to pick a college. My folks were very nervous about my going to Harvard, because that seemed pretty pink to them. The only thing worse, as they saw it, was the University of Chicago. Back to memories of Kansas City, Kansas. I had a lot of friends.

One friend from those days, David West, showed up at Harvard Law School and sat behind me in my second-year tax class.

Mr. Kapp: Is that right?

Judge Ferren: And I remember riding his bicycle on Chadwick Road. He didn't remember me from Adam, which was very disappointing. In this connection, I did get a kick out of meeting a fellow at Harvard College, Topper Johntz, who moved to my Kansas neighborhood after I had left and inherited my third-grade girlfriend!

Another vivid memory of those early days in Kansas was how important the radio shows were to everyone, including the kids. My family would listen to *Fibber McGee and Molly*, *Burns and Allen*, *Henry Aldrich*, *Jack Benny*, *Dr. IQ*, and others; I'd also listen to *Cavalcade of America* and *This Is Your FBI*. And all of us kids, before dinnertime, would listen to *Tennessee Jed*, *Tom Mix, Hop Harrigan*, the I, and the I. Sometimes you'd have to make tough choices between networks at the same hour: *Jack Armstrong* or *Captain Midnight*? Radio was wonderful, be- cause your imagination could be as vivid, if not more so, than when some of these programs later came to television.

Mr. Kapp: Were your parents at all active politically?

Judge Ferren: No, no.

Mr. Kapp: No.

Judge Ferren: No. I don't remember their doing anything partisan ever. The only political action I remember was my mother's getting exercised about an aldermanic race in Evanston over the question whether a pit, a huge quarry-looking pit near our home, should be filled to make a park out of it. My parents were convinced it was going to be made into a garbage dump and it would stink. The election was between the candidate who supported the fill on the ground, he was convinced, it would be dry fill, and the guy who thought it was going to be garbage. My parents supported the man who feared garbage. I remember mother making phone calls for him. I'm glad he lost. Today there is a lovely Evanston park where that pit used to be. I've flown a kite with my grandson there!

Mr. Kapp Was there conversation about politics in your home? Would you say?

Judge Ferren: No. There really wasn't. If there was any, I provoked it. And I remember I got very interested early on. The first election I really remember was in 1944. I was in the second grade. My parents, I knew, were for Dewey. In 1948, I really got interested. I was in Taft country, I mean I wasn't in Dewey country. Dewey, and later Eisenhower, people were a bit suspect in Evanston. The first television I ever saw was at a friend's house watching the Truman Inauguration in January 1949. My parents were quite anti-Truman. I don't remember what I thought then. But I know I began to collect campaign buttons. I was a junior patrol back in 1948, and I had my patrol belt covered with campaign buttons. The local Republican campaign committeeman paid me 50¢, and a whole bunch of kids 50¢, to deliver calling cards door-to-door for Republican candidates. So I am implicated as a Republican back when I was 11, selling my soul for the local circuit judge, or whomever I handed out cards for. In any event, I started collecting campaign buttons, and then during the 1948 Campaign, my friend Dave Peterson and I began to collect autographs: Senators, Governors, Generals - MacArthur and Eisenhower. My favorite was James Michael Curley, Mayor of Boston. And I got Hubert Humphrey as Mayor of Minneapolis. I saw a real "comer." I also obtained autographs from Strom Thurmond and Fielding Wright, the Dixiecrat Ticket, as well as Bess and Margaret Truman, Dean Acheson, Dewey, and Warren. In 1952, Dave Peterson and I worked at the Democratic convention in Chicago. Following up a high school social science project, I carried bushels of Georgia peaches for a presidential candidate, Senator Richard B. Russell, to delegates' rooms at the Conrad Hilton. But my parents, other than making clear they were Republicans,

never talked politics unless I brought it up, and then we'd end up with a big argument, and we would separate and that would be it for a while..

Mr. Kapp: Let's just stop for a minute.

Mr. Kapp: John, can you tell me what you recall about the move from Kansas City to Evanston and what occasioned that move? And how you felt about it?

Judge Ferren: Yes. My dad, as I mentioned, took a job with Stewart Warner Corporation. We moved in August of 1946, driving our 1936 Plymouth with a fabric top to Evanston. I remember arriving at our house, I was horrified. My folks were so happy with this house, which was less of a house, because of the market, than even the modest Cape Cod house we had in Kansas City. The modesty of the house didn't bother me, I didn't even notice it really. But it was a Dutch colonial house, and I'd only seen one of those in my life; I thought it looked like a barn. But it was a wonderful house. It had a big backyard, a long one so we could play ball. And it had a great tree I could climb. I enjoyed my new school - the Frances Willard School, naturally, because it was in Evanston, the home of temperance and then still a dry town. But the great thing about moving was that, first of all, I could join a swimming program at the YMCA. In Kansas, about the only water I saw was a sprinkler in the backyard on a hot day or a wading pool at Swope Park in Kansas City, Missouri. I'd never learned to swim, so I took swimming lessons at the Y at age nine with two best buddies, Gary and Jiggy. A polio epidemic hit and one of the three of us, Gary Geiger, died. It was a profoundly sad time for me. You can just imagine when three go swimming and one of you ends up dead, it gives you pause, especially if you're only nine years old. I've never forgotten

this. The epidemic also hit the high school swimming team. One fellow was in an iron lung for the rest of his life; others were hurt, too. It was a terrible time. On the upside, I was thrilled to be next to a big-league baseball city. My dad never had taken me to a Kansas City Blues game. The Blues were a Yankee farm club, and Dad was very American league. So we started rooting for the White Sox, even though Evanston was on the north side. Since we were closer to the Cubs, however, we'd usually go to see the Cubs. I was thrilled by Major League baseball, and that is still by far my favorite sport. Northwestern University was a big plus, too, not only for piano lessons but also for Big Ten football. Later, as a Boy Scout, I ushered at Northwestern games. So there were opportunities for a kid moving to Evanston that were not available to me in quasi-rural Johnson County, Kansas, even though I can't imagine a more wonderful young boyhood than what I remember from Kansas.

Mr. Kapp: I think this is a good time to stop.....