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It hurt to prosecute

friends: Bauer

By
**Edmund J.
Rooney**

William J. Bauer, who left office Saturday after 17 months as U.S. attorney here, said the hardest part of his job was seeking grand jury indictments against people he knew.

That includes attorneys, public officials and others who betrayed the trust given them, said Bauer in an exclusive interview with The Daily News.

Bauer said the only harder task he ever faced in his professional career was as a circuit court judge in Du Page County, where he had to sentence two convicted murderers to death in the electric chair.

BAUER WILL be sworn in as a judge Monday by U.S. District Court Judge Joseph Sam Perry, whom he is replacing. Bauer's first assistant, James R. Thompson, will be sworn in at the same time by U.S. District Court Judge Richard B. Austin to replace Bauer as federal attorney for the Northern District of Illinois.

Here is the interview:

Q. What do you, as a lawyer, think of the job of U.S. attorney in the Chicago area?

A. It's a great job. Just the sheer volume of cases makes it one of the busiest in the nation. There is more than enough to keep a prosecutor busy.

Q. What are you most proud of?

A. We've streamlined the office operation. I had 32 assistants when I took over. There are now 64.

Q. What kind of men were you able to recruit?

A. We went to law schools and sought out the best men available. We feel that I am now leaving a very strong staff for Jim Thompson.

Q. Were there any cases that generate what some call 'heater' or troublesome cases?

A. This office generates more than its share of heater cases.

Q. What do you feel has been your most obvious, consistent policy?

A. The ability to indict when the evidence and proof is there—no matter who is involved. If a prosecutor tinkers around and tries to tamper with proof or evidence, he is only hurting himself.

Q. What did you find unpleasant?

A. It was most unpleasant to indict people I knew, including lawyers who had status in the community, and had made considerable contributions to the community.

Q. Were there other types of indictments?

A. We had a lot of white collar crimes, where people had not only violated the law, but also the trust that had been given to them.

Q. What do you feel, besides integrity, that a prosecutor must bring daily to his work?

A. Discretion. We will have returned 1,200 indictments by the end of 1971, but this only represents 20 per cent of all the cases that were brought to us by the various federal agencies. This, of course, includes the FBI, Internal Revenue Service, Immigration, Treasury and the Justice Department's strike force.

Q. How do you evaluate the organized crime situation in Northern Illinois—the 18 counties under your jurisdiction?

A. Under Sheldon Davidson the strike force has made considerable progress. There have been a lot of top echelon hoodlums sent to jail in the last couple of years. But there are plenty left.

Q. What are the other major areas of concern facing the office?

A. Pollution is a long term problem. We have reorganized the prosecution of complaints in civil rights cases, and we are also stepping up our tax case prosecutions.

Q. What enemies have you made during your term of appointment?

A. This hasn't bothered me. Any enemies I have made have been the right ones.

Q. What has been your biggest assignment?

A. Supervising the government's work in the appeal of the Conspiracy 7 conviction. I've had six lawyers working practically full-time on this.

Q. Will your life-style change by going on the federal bench next Monday?

A. Yes, but only in that my work week should be cut from 65 hours to 60.

Q. You had five years as a Circuit Court judge in DuPage County. Do you think you will feel lonely being back on the bench?

A. No. The only time I ever felt lonely as a judge were the two times I had to pronounce the death sentence on defendants.

Q. Do you think you will be getting a lot of criminal cases assigned to you because of your background?

A. No, I won't be taking any criminal cases for at least 90 days. We get cases by lot here instead of direct assignment. I obviously won't take any cases that were prepared under my jurisdiction.

Chicago Tribune, Tuesday, November 9, 1971

Bauer Gets U.S. Judgeship

[Chicago Tribune Press Service]

WASHINGTON, Nov. 8—The Senate today confirmed by voice vote the appointment of William J. Bauer of Elmhurst, Ill., as a judge of the Federal Court for the Northern District of Illinois.

The senate also confirmed at the same time the nomination of James R. Thompson Jr., Chicago, to be United States attorney for the Northern District of Illinois for a four-year term.

Bauer, a law partner of Rep. John Erlenborn [R., Ill.], replaces Judge Joseph S. Perry on the federal bench.

Sen. Percy [R., Ill.], recommended Bauer for the judgeship. The Senate Judiciary Committee took the nomination under consideration Oct. 13.

Bauer's record as state's attorney, a Circuit Court judge for five years, and a U. S. attorney for 15 months won the approbation of the judiciary subcommittee which reviewed his qualifications.

Percy said in a press statement today that Bauer "has compiled a record distinguished by unusual legal competence, fairness and dedication to justice."

"I am pleased to have been able to recommend his appointment to the federal bench for I am confident he will serve with distinction."



Changeover

William J. Bauer, 45, of Elmhurst is sworn in as a Federal District judge (above) Monday, the same day that James R. Thompson (left photo), 35, takes the oath of office to replace Bauer as U. S. attorney for the Northern District of Illinois. With Bauer are his daughters Linda, 14, and Pat, 16, and Mrs. Bauer. Thompson's parents, Dr. and Mrs. J. Robert Thompson of Oak Park, and his sister Karen, 20, watch as Thompson is sworn in by U. S. District Judge Richard Austin. Bauer was sworn in by the man he replaces, Judge Joseph Sam Perry of Glen Ellyn. (Trib photos by Fred Klinger)



Bauer Picked for U.S. Judge

[Chicago Tribune Press Service]

WASHINGTON, Sept. 13—President Nixon today nominated William J. Bauer, United States attorney in Chicago, to be a federal district judge.

If confirmed by the Senate, Bauer, 45, will replace Joseph Sam Perry, whose retirement was announced recently, as a judge for the northern district of Illinois.

Bauer formerly served as state's attorney in DuPage County and was a circuit court judge when, in September, 1969, he accepted the U. S. attorney's post.

Bauer was prominently men-

tioned at that time as a candidate for a federal judgeship, but at the request of Gov. Ogilvie and Sen. Percy [R., Ill.], agreed to serve as U. S. attorney. He was reportedly promised that he would be named a federal judge sometime before the end of President Nixon's first term.

Bauer's acceptance broke a deadlock which had developed over who would be named to the U. S. attorney's position in Chicago.

Bauer and his wife, Mary, have two daughters. They live in Elmhurst.

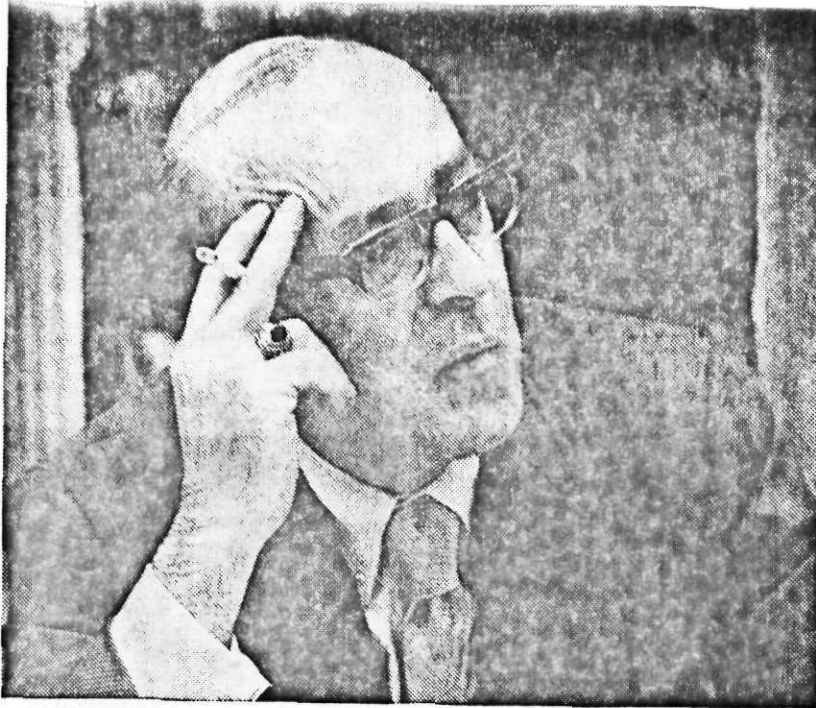
Before he was appointed a

circuit judge in Du Page County, Bauer was a law partner for 11 years with Rep. John Erlenborn [R., Ill.].

James Thompson, Bauer's top assistant as U. S. attorney, is expected to be nominated to replace Bauer as U. S. attorney, once his federal judgeship is confirmed.

Bauer Is Pleased

In Chicago Bauer said he was "pleased and gratified" by the nomination. He said he would make further comments after the Senate confirms his nomination.



(TRIBUNE Staff Photo by Roy Hall)

William J. Bauer, one of the best vote-getters ever produced by Du Page County. He worked so hard at it that now he's above—and out of—politics.

The stony expression remains, despite the legal shenanigans of counsel, a witness breaking into tears, or a defendant

erupting in anger.

But beneath that judicial facade and black robes sits a man dressed as if he

had a date after the trial—contemporarily styled clothes bordering on the mod.

When it comes to defining his ideologies, Bauer indulges in a typical political tactic—the end run.

"I have never been very impressed with political labels," he said. "Strict constructionism has an importance on the Supreme Court, where the Constitution is interpreted. The duty of a trial judge is to enforce the law as it is. Essentially, the trial courts apply the law to a specific situation."

Opposed to Tinkering

"The man who tinkers with the Constitution for his own philosophical reasons does the liberal cause no good," he said. "The Bill of Rights was designed to protect human rights. So a conservative interpretation results in a liberal stance. A conservative interpreter becomes a civil libertarian."

Bauer maintains an almost religious faith in the existing judicial system in the United States and great contempt for mob rule. "Nobody's rights were ever protected by a street mob, but a lot have been in court," he said. "Lynch mobs are classic examples of power of the people. In the U. S. today, we have one of the most elaborate and complicated systems in history to protect minority rights."

Anyone who thinks those statements tip Bauer's hand on strict constructionism inevitably will wind up back at the

drawing board after Bauer finishes with the subject of capital punishment.

Bauer is for it. He even lobbied against a proposal in the late 1950s when the state legislature was considering a moratorium on it. However, during his 12 years as a prosecutor, he tried 17 capital cases and never once asked for the death penalty. In his six years as a Du Page County Circuit Court judge, two juries recommended the death penalty. He turned both of them down.

Explains His Opinion

"The death penalty exists to prevent deaths," he said. "No one has ever been able to prove to me that the death penalty is not a deterrent. But I think it should be reserved for those heinous crimes where a large segment of the population is threatened. If Lee Harvey Oswald had lived, he would richly have deserved the death penalty—provided, of course, he was competent to stand trial."

The knotty legal problems and conflicting ideologies of our time notwithstanding, Judge Bauer has chosen for his motto on the federal bench the same rather earthy one he used as a Circuit judge. He said he chose it to enable him to overcome the temptation of letting his prejudices overcome him and involve him in the disputes he hears:

"Keep your mouth shut."

Du Page Republican Leader

Bauer's Bench Appointment

Delights Political Enemies

BY DAVID YOUNG

William J. Bauer's opponents are delighted to call him judge.

On the other hand, altho his closest friends won't tell him so, they are secretly unhappy he is now a federal District judge.

Bauer's friends think he is the best politician within memory produced by west suburban Du Page County.

Foes Prefer Bench

His political opponents reason that Bauer is better on the bench than on the stump because judges aren't supposed to engage in politics.

"This is going to take him out of politics completely," said one Du Page Republican leader, "and some people in this county certainly aren't going to quibble with that."

He explained that Bauer and Rep. John Erlenborn [R., Ill.], former law partners, were leaders of one faction in the Du Page Republicans. Bauer's removal from politics and Erlenborn's remoteness from Du Page County because he is in Washington can only help the other faction, which includes the more conservative members of the party.

"I enjoy politics," Bauer said. "Anyone who tells you they don't use politics to get to the bench is lying to you."

He said he has been casting an eye toward the federal bench since 1953 when, as a young lawyer just out of De

Paul University Law School, he attended a swearing in ceremony for federal Appeals Judge Win G. Knoch, another Du Page County resident.

"I can't think of anything I'd rather do than become a federal judge," Bauer said. "The federal bench has become more and more important in our society in the last few years as we move toward a more federal system."

Bauer's quest for the bench certainly mystifies William A. Redmond, Du Page County Democratic chairman. "He was a guy who liked to be in the eye of the storm," Redmond said. "I could never understand why he wanted the state bench, nor can I understand why he wants the federal bench. I wouldn't have been surprised if he had run for state office."

As a politician, Bauer, 45, who resigned the United States attorney post in Chicago to become a judge, was best known as the rackets busting Du Page County state's attorney from 1959 to 1967 and the man who in 1959 upset the county board-appointed incumbent to win the job.

Stoic in Courtroom

The witty, story telling, practical joking side of Bauer ceases to exist at the door of his judicial chambers. His courtroom demeanor is one of stoicism. He never smiles, but sits head in hand, peering from behind his glasses with an expression that does not change from the moment he enters the courtroom.

Chicago Tribune

Thursday, December 2, 1971



William J. Bauer

"We sought the best men available"