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Interview with Judge Robert E. Quinn, August 21st, 1972

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21 August 72

Side 1

Judge Quinn:

Many thanks for your generous handwritten letter of April 18, recalling my reminiscences in the Harvard Law School Bulltein. As I am now writing my memoirs, this tempts me to ask your permission to print the words of the song that I sang very many years ago at the Rhode Island Bar Association meeting of 1938 and so forth. But this is from...you might want to take that, Matt. It's rather interesting, that's all. He's dead.

Mr. Smith:

Is that right?

Judge Quinn:

Licht died shortly after he sent me the form and the memo and so forth.

Mr. Smith:

This is pretty cute.

Judge Quinn:

It really is. It really is. He's a clever fellow. He's got everything in here, too.

Judge Quinn:

Yes, he really has. He really has. The picture of Chafee. You know, you talk about Professor Zachariah Chafee, I think that's his picture right on there... It's pretty good. He's a pretty clever guy, I must say so myself. And the fact that he died just a few months later. Is there a picture of Professor Chafee there in that?

Mr. Smith:

Is this Zachariah?

Judge Quinn:

Yes, that's Zachariah. He sent that up, you know and a copy of some of his writings and so forth.

Mr. Smith:

I appreciate this, Judge. And maybe on the last day or the last time we get together, and after I come down to bring the transcripts down and go over them, I'll take along the folders and the boxes that I use for valuable letters and things of that nature, and we'll be able to get a look at them as far as.

Judge Quinn:

It looks quite interesting to have Professor Licht send up that stuff to me.

Mr. Smith:

That was a great reminiscence.

Judge Quinn:

Yes, it really is. So if you want to take that with you.

Mr. Smith:

If I can, Judge.

Judge Quinn:

Only, don't lose it. That's all. It's rather something nice to have.

Mr. Smith:

Something rather nice. I've got a lot of frames up there. If you wanted to copy it.

Judge Quinn:

Yes, why don't you?

Mr. Smith:

I'll get a frame and maybe hang it out there.

Judge Quinn:

Yes, if you can do it without too much...

Mr. Smith:

John Fogarty, I think they sent I would say, 5000 pictures from Washington as part of their collection. And a lot of them, if you leave them in the frames, especially the older ones they get yellow. We'll take them out and I've got a whole box of frames all sizes and shapes. And I'll make a copy of this, Xerox it.

Judge Quinn:

Alright, Matt. Yes.

Mr. Smith:

And then we'll type Licht's name on it.

Judge Quinn:

It's rather interesting.

Mr. Smith:

I'll frame it for you, You don't get too many of that type of political.

Judge Quinn:

Yes, that's right, that's right. I think it's really quite intriguing. I think you said something about Pat Curran and he was, of course, the first trustee of Providence College.

Mr. Smith:

I think... he was on the corporation, I know.

Judge Quinn:

I think he drew the charter and so forth. And I had made a speech somewhere. Oh, this is 1957 when he wrote this letter, rather an interesting. I had made a talk to the college alumni or something. I forget what it was, and he was with me and this letter which was rather flattering to me. That was all. And, of course, as we said, I think he was a very able fellow, very intellectual. He was the best, probably the ablest judge on the court over there for many many years. But there were some strange things about Judge Curran. But as far as ability was concerned he was perhaps...

Mr. Smith:

I would take it, Judge. You always write your own material. Now, I can tell just from that first speech you gave me on the constitutional convention.

Judge Quinn:

...In other words, I was so familiar with subject matter in those days that I could talk for a half to three quarters of an hour in a conversational tone and made a fairly good speech, you know. Of course, there were different kinds of speeches. Of course, when I was arguing cases, fighting cases in Superior Court, that's a different style. I mean you get fire and brim stone into your efforts in those days, you know to electrify the jury if you can. I mean probably more emotion goes into those kinds of speeches, than any other kind you ever make, you know. Of course, I was pretty successful with the juries. I mean, pretty convincing I guess I must have been.

Mr. Smith:

Does he have sons who travel?

Judge Quinn:

Yes he does. But I doubt very much whether Ronny puts the same vim and vigor into it as I do. He's a very good trial lawyer, but I think most of his work is defending negligence cases, you know for insurance companies which would be just about the reverse of what I used to do, you know. In other words, I'd be representing the plaintiffs in most all civil cases, and of course, the defendants in criminal cases trying to save their neck. And it was quite an effort at times to do that. But you'd really get your whole body and soul into arguing cases before a jury.

Mr. Smith:

There doesn't seem to be too many really trial lawyers around in the community, maybe five or six.

Judge Quinn:

Very few. Very few, Matt. I know when I was up on the Superior Court. I remember Judge Joslin saying to me and he was pretty nearly accurate. He said, "you know you can count the really good trial lawyers in the state of Rhode Island, you can really count them on the fingers of one hand. And he was right.

Mr. Smith:

That's what I think Eddy Gallogly told me, you know. A few other people that are knowledgeable said that it seems the new generation doesn't have well, I don't think it's the training, but maybe the spark or the interest or too easy to practice. I don't know. I'm not a lawyer.

Judge Quinn:

Well, I would say there's been a deterioration in what you might call the spark among the trial lawyers of Rhode Island in the

last generation or two. John Fitzgerald and Tom Cooney.

Mr. Smith:

Certainly your generation. That was just packed with big names as far as individuals who got upon their feet and really let it all out.

Judge Quinn:

And in the generation before, I mean PH, and Tom Cooney and John Fitzgerald. Those were the fellows who were at the top. They were real fighters; I think they have, kind of , disappeared from view, maybe.

Mr. Smith:

I don't know what it is, maybe something like poverty.

Judge Quinn:

That played a part. I think if you're hungry you work a little harder.

Mr. Smith:

I don't know...I can see it in some of the kids up at school. Those who are working every day are the one who are giving an honest effort in the classroom. And those who are coming in from Michigan, New Jersey, or someplace else and papa's giving them a check a month and so forth. They don't have that same drive, like you say- hunger.

Judge Quinn:

Life's a little too easy for them I think, Matt.

Mr. Smith:

That's true.

Judge Quinn:

It plays a part.

Mr. Smith:

Yes, plays a part. Really, of course, fortunately you still get a lot of kids from the community up there, and this is not by any means a rich community. Most of the kids are hard workers and that's one of the things that makes them good. I just got a letter from a friend in Florida...offered me a job down the University of Florida if I want to go down. But I'm not... I'm not interested in that. I'd just as soon stay here. P.C. is a nice place to work.

Judge Quinn:

It's hard to find a finer place in the world than the state

of Rhode Island, Matt. But some things about it can be improved. But physically, it's a wonderful place to live. Narragansett Bay, I think is a tremendous state. And the people here are also pretty nice people. But I think maybe the fact that things are a lot easier than they were a generation or two ago works adversely, too, you know. And I don't think the Irish, for instance, are as willing to fight as hard as 60, 70, 80 years ago.

Mr. Smith:

I'll agree with you on that. If anything it would be over assimilated.

Judge Quinn:

I think so, Matt.

Mr. Smith:

I was telling someone. I think I'd rather be living-have grown up with you in terms of my outlet that to have grown up now. I think I would have been happier in my political life.

Judge Quinn:

You probably would have enjoyed the proceedings in the Senate in the days of the filibuster. You know, there were many young fellows who used to come in like they'd go to a Broadway show. They'd come in just for the purpose of watching us, arguing, defending our policies and principles, and so forth. I don't know how many young fellows told me how much they enjoyed coming in. Just to hear what was going on in the Senate.

Mr. Smith:

I'll tell you one thing, Judge. There's nobody up there worthwhile enough to go up and listen to now.

Judge Quinn:

I know and that's a sad situation, too. We had quite a few. As I say there were Bill Flynn, and Tom McCoy, and Frank Congdon, myself and John Greer, John McGrane, and John Nolan, and so forth. Those fellows were all remarkable ability, you know. And I don't know whether they believed in what they were doing. They could express themselves and they were good leaders. Legislatively, I mean as far as the floor of the house or senate, they were leaders. And that day is gone.

Mr. Smith:

And it doesn't seem like the same atmosphere, the same spark maybe everything a little bit easier. If you want to go back now, Judge and just mention about the seriousness of the situation in the Senate maybe too modest and neglected it the first time.

Judge Quinn:

Well, I do think that the situation in the senate at the time of the bromine bomb was far more serious than most people realized. In other words, they were imported into the Senate at that time by the Republican organization gunmen who were dangerous.

As I say, some of them were indicted. George Hurley, of course, was then the first Assistant Attorney General under Herbert Carpenter, and of course, George Hurley was a remarkably able fellow. He was state chairman as well as being first assistant attorney general under Herbert Carpenter who afterwards of course, became a Judge. But he had followed those fellows up to Rutland after they had gone to Rutland with Jack Cardigan who as another assistant. And they looked into the thing pretty thoroughly and did succeed in getting some indictments for the placing of that bomb in the Senate. It, of course, was determined that it was bromine gas and Dr. O'Connell who was one of our foremost surgeons in the state at that time. Joe O'Connell, he was a brother of Congressman O'Connell who later became Judge of the Supreme Court. He analyzed the gas and said that it was definitely deadly gas. There was a question as to whether or not the quantity was sufficient to kill anybody. But it was a deadly gas.

Mr. Smith:

It seems the Republicans must have been pretty desperate, Judge, to resort to bringing in some really shady characters and to this...

Judge Quinn:

Yes, I think they were desperate. I think they realized of course, that youth was against them. In other words, the Republican Senators in great part consisted of men who were beyond middle age. And we had the advantage therefore, from the standpoint of physical energy and stamina. And I think the organization had come to the conclusion that something drastic had to be done. It is surprising to think that they would resort to bringing in desperados. And that's apparently what happened. In other words, when Senator Powers of Cumberland told me that I'd better be careful that Jack Latanda carried a rod, then certainly many of the importation that were brought in by him or his associates carried rods. No question, there were gunmen in the corridors up there and I think it was finally pretty firmly established that Tooth Murray who was pretty firmly against us had put this gas into the glass tube wrapped around with the Providence Journal and then put it near the Lieutenant Governor's desk and had burst it with his shoe or his foot. And the gas had infiltrated the chamber. Now, I think that has been established beyond a ~~va~~ nature of a doubt. But this was all done under the supervision of the Republican organization. And not only were they responsible for the incident of the bromine gas, but there were men in the employ of the organization or the tender or some the appendiges of the organization who were carrying guns up there. In other words, there was a dangerous situation in the state house at the time the gas bomb went off.

Mr. Smith:

In retrospect, Judge, would you say that that was far more of an expert legal maneuver than anything that went on in the blood-

less resolution of 1935. Just the idea of trying to intimidate physically, doing harm to somebody potential harm anyway far more radical than the revolution say of January 1st when really you had a sound basis for electing the other two senators and for acting it with the Supreme Court. At least, it was precedence without life tenure and so forth to take a bold step.

Judge Quinn:

Oh yes, physically, I think there was far more danger in the filibuster period in 1923 and 1924, than there was in the 1935 bloodless revolution. I have no recollection of any physical dangers. And on January 31, 1935 it's true that Governor Flynn was very solicitous about what protection I had. Did I have any body guards or was there any police protection and so forth and so on. And, of course, there were none.

Mr. Smith:

Well, Judge how tall are you, 5'6"?

Judge Quinn:

5'6".

Mr. Smith:

What were you-about 150 or 160 lbs. at that time?

Judge Quinn:

About 165 lbs, yes, I've been about the same weight all along, yes. Well, I wasn't a very powerful man, physically. I was an athlete, but rather small. And of course, I really wasn't any match for Jack Latenda. I think he was 6'1" or 6'2", I would say, and he weighed nearly 240 lbs I would think. And we did have that encounter where he punched me a little or just kind of grazed the side of my face. I could feel it burn as it went by and knocked me backwards and gave a chance to get a little bit of a purchase so I could punch him back. But I wasn't really much of a fighter in the sense of being a powerful individual. I think we-Johnny Greene of Newport, of course was a very small man. John McGrane was fairly tall but very slender. I don't believe John McGrane would weigh 150 lbs. We didn't have any big men among us except Bert Harris who was from Lincoln. Bert Harris was a young man and also a big man. Bert was six foot tall and must have weighed a couple of hundred lbs. But he's the only big man individually that we had in the group. But there were no powerful physiques among the filibusterers, but some pretty good talkers among them. They could talk vociferously and long, there's no question about that. I know that really must have had an effect upon the Republicans. They really were no match for us as far as talking was concerned. They might well argue that they were more than a match for us as far as intellectual attainment was concerned, but that would be debatable. But no question, the young Democrats had the vigor and the volubility as far as the English language was concerned. But it was I should say Matt, without any question a far more dangerous situation than you think of today.

I would say that situation that developed there in 1924 could really have resulted in bloodshed. In fact, there was talk of bloodshed and it was far more intimate than we appreciate today. And, of course, I think that perhaps led to the desperation of the Republican organization. to do something to get out of the state. They had the money, they had the power, they had the law enforcement forces in their command. And I suppose they had reached the conclusion they could do about what they pleased if they were above and beyond the law at that time. And, of course as things turned out, they were. I mean although George Hurley succeeded in getting some indictments with the composition of defaults, the legislature, police forces, the law enforcement officers. They were practically all under the complete control of the Republican Party in the days of the filibuster. And, of course, in the days of the Bloodless Revolution importation of studs carrying weapons and poisonous gas and so forth. Nothing was done to stop it. But, it was carefully reviewed. It was a dangerous situation in 1923 and 1924.

Mr. Smith:

Judge, any personalities that we might have missed. We talked about practically everybody that I can think of. We went through the twenties, through actually the turn of the century, through the thirties and forties. Anybody, I can't think of anybody else off hand you might have wanted to single out as playing a particular role of the Republicans or the Democrats?

Judge Quinn:

Attorney General under President Truman, emissary to Japan after the war that set up a government over there in Japan. He became quite a famous lawyer, Joe Keenan who was Ike Gill's partner. But Gill was a very powerful political force, I would say, in Pawtucket in the days of the filibuster up until 1924, certainly maybe a little beyond that. But, of course, he ran for congress himself finally in that district out there that was formerly represented by Ambrose Kennedy.

Mr. Smith:

The third one, you mean?

Judge Quinn:

Yes. There was a third district then. And he ran for Congress and got beat. I don't think he had ever run for a political office before. And, I guess never had intended to. But there was quite a mixup involving Ambrose Kennedy and the Republican organization at that time. Of course, Kennedy wanted to run for Governor. And, I think he was the organizations candidate in 1922 when Lieutenant Governor Gross who was a son-in-law of Senator Pope of Rhode Island.

Mr. Smith:

He died just about that time.

Judge Quinn:

Yes, that's right. Of course, Samuel was a political boss. He was President of the Industrial National Bank. Samuel Pomeroy Pope was president of the U.S. Rubber Company in Bristol. And, of course, the Industrial National Bank which was one of the big financial forces in the state. I think the two big banks in the state of Rhode Island have been the Industrial Trust and the Hospital Trust. Now Sam Pope who was the brother of Senator Pope who had been a judge of the Circuit Court of Appeals and then became Senator was the father-in-law of Lieutenant Governor Gross. And the fight between Kennedy and Gross developed into a bitter fight and Gross received the nomination. Of course, he was beaten on election day. I think Jim Dooley was the candidate for Lieutenant Governor at that time. You remember, I think we talked about Kim Dooley who was the Reading Clerk of the Senate in the days of the filibuster. I had to go and grab him around the neck to stop him from following the role at the command of Arthur Sherman at that time.

Mr. Smith:

Did I mention to you, Judge, I read once the Providence Journal about presiding over the Senate. It was '34 or '35, to try to stop the clocks at 11:30 so that nobody could adjourn. Do you remember?

Judge Quinn:

Well, I certainly remember stopping the clocks, but that I think was more or less a common practice. You know when it came to the last day of the session. In other words, we'd stop the clock at 11:30 rather than let the legislative day run out and then we would go on to maybe until 5:00 AM. That was a common practice, so that was nothing unusual. I don't recall the particular incident, but I know there were times when they stopped the clocks to prevent the legislative day from expiring.

Mr. Smith:

Well, that just struck me because I hadn't seen that before.

Judge Quinn:

Yes, that's been done more than once, Matt. But Dooley was the reading clerk in the Senate and he was quite a force in the Republican organization. He was a Metcalf man. In other words, Pelky and Peck really represented one side of the Republican organization and Dooley and Metcalf were perhaps on the other side. In other words, they were not close political allies. They were not friendly, but Dooley was the Reading Clerk of the Senate which was a fairly important job, you know. Kept track what was going on. In other words, everything was really controlled by the Senate. The power of administration was really in the Senate. So the Reading Clerk in the Senate was really a powerful position. Now he was nominated for lieutenant governor...

Mr. Smith:

Judge, we were just saying, of course, Kennedy did not get the nomination and Gross did.

Judge Quinn:

That led to a split, of course, in the party, but Kennedy had been a good votegetter as far as running for Congress was concerned and I think perhaps...

Mr. Smith:

That might have made a little difference in the Flynn election.

Judge Quinn:

Yes, it certainly would have been closer. I still think perhaps that nothing could stop us because of the strikes in the Pawtuxet and Blackstone Valleys. I think Kennedy would have been a harder man to beat than Gross was. So it might have made a difference. You never know, of course; it's almost impossible to tell. But that led to considerable trouble in the Republican Party. So, of course, the party was divided. In those days they had what was called the "big six". So, in other words they had centered upon a state chairman. The state chairman is supposed to be the political leader of the party. Now they hadn't agreed upon a chairman for some years. So William C. Pelky who was city clerk for the city of Providence emerged as the Republican State Chairman. Of course, Fred Peck in my opinion in 1929 really became the most powerful man in the state of Rhode Island. He had himself elected finance commissioner and every bill that had an appropriation introduced in the general assembly had to be referred to the finance commissioner for his comment. And, of course, unless you got his approval, the bill was dead. So Fred Peck, I think from 1920 on until 1935 became the most powerful man in the Republican Party.

Mr. Smith:

Who were the other members of the "big six", Metcalf?

Judge Quinn:

No, not Metcalf. He was never a member of the "big six". There was Joe Burlingame of Warwick, Ike Gill of Pawtucket, Jim Harris of Burrilville, Co. Rodman of North Kingston, South County, Fletcher Lawton from Newport, and Nate Wright.

Mr. Smith:

You don't have any Irishmen there, Judge.

Judge Quinn:

No, none of them.

Mr. Smith:

Just that traditional Yankee establishment.

Judge Quinn:

Yes, practically all Yankee. They were the big six.

Mr. Smith:

Establishment within the legislature, party apparatus, votegetting and so forth.

Judge Quinn:

Yes, they more or less controlled a certain number of Senators of course, Nate Wright, his specialty was controlling the senators of the counties and towns. They had what you might call a hiatus from the time of the Charlie Brayton era until Bill Pelky came in as State Chairman. I think, from the time, of course Pelky was not a Metcalf man. In other words, the Dooley-Metcalf faction were opposed to the Peck-Pelky faction. Politically, they were really bitter enemies. I can remember the fight between the two factions down in Boston. They had the little poem that went:

This is the City of Boston.

The home of the bean and the cod.

Wher the Cabots speak only to Lowells.

And the Lowells speak only to God.

And I remember one night speaking up at the Clovis Club. I paraphrased that little jingle.

Mr. Smith:

What is that club, Judge?

Judge Quinn:

Well, it's like the Sons of St. Patrick here. It's the Irish organization in Boston. And they have, I think they have three dinners a year here. And they put on little skits, you know, taking in the prominent lawyers and judges and so forth of the Massachusetts area like Senator---- was always present. I think he was there the night I spoke up there in 1935. I mean it was the little jingle about the Lowells and the Cabots that said we have a situation in Rhode Island more or less the same where we say:

This is the state of Rhode Island

The home of the succulent clam.

Where the Metcalfs don't speak to the Pelkys.

And the Pelkys don't give a God damn.

Mr. Smith:

(chuckle)

Judge Quinn:

I remember paraphrasing that saying that up there because of ... hw was then Speaker of the House of the state of Massachusetts. I remember at that time. But there was quite bitter feeling between the Peck Pelky faction and the Metcalf faction were on opposite sides of the fence.