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## Interview with Judge Robert E. Quinn, September 11th, 1972

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11 Sept 72

Side 1

Mr. Smith:

'38, Judge.

Judge Quinn:

Yes, '38 it must have been. Bishop Keough was a very fine man. I thought the world of him. I thought he was a reasonable, intelligent, splendid representative of the Catholic Church. That was my opinion of Bishop Keough. I think up until our present man came in, he perhaps was the best liked Bishop...but I don't think I have any recollections of that incident, Matt.

Mr. Smith:

Of course, that was in the Boston Record which was noted for rather flamboyant...

Judge Quinn:

I have no recollection of that incident, Matt.

Mr. Smith:

The other thing was an open letter that came in the Visitor that I came across which charged Governor Vanderbilt with being anti-Catholic in his job-hiring policies and who he fired and so forth. I don't know how much of a furor...if you had any recollection of this. Of course, it was in '39.

Judge Quinn:

1939 or 1940. Of course, I don't have any recollection of that; it could be undoubtedly true that the letter was written. I have my doubts as to whether or not Vanderbilt himself would have any anti-Catholic ideas or tendencies. I never knew him to indicate any animosity toward the Catholic religion, the Catholic bishop, or the Catholic Church. He was an episcopalian as I recall it and his wife more or less the same thing. And Ann Colby, he married the daughter of Everett Colby who was the candidate for Governor on the Bullmoose ticket, Teddy Roosevelt's ticket in 1912. But I never saw any indications of any religious prejudice on the part of Governor Vanderbilt.

Mr. Smith:

I read the letter over this morning. It was unsigned in the Visitor except for the Visitor's editor named Geary who did say it was public property and the Journal could reprint it. It gives Vanderbilt as being a tool of the Journal and following Journal general policy rather than his own mind and so forth. And he retorted that this was untrue and so forth. I don't know how big an incident it was but I thought I'd mention it.

Judge Quinn:

I don't have any recollection of the incident, Matt. I don't have any recollection of any charge during his term of anti-catholicism or giving non-catholics preference in the job field. I just don't know. I think Vanderbilt did tighten up on the expenditure of money and perhaps on reducing the number of jobs in the state. That would be my recollection although I have no clear picture of it.

Mr. Smith:

Was his introduction of civil service in the state an attempt to break the party, the Democratic party or at least break the patronage of the party?

Judge Quinn:

I think there was a tendency in that direction, Matt. And I think, of course, the Providence Journal was a part and parcel of the attempt to get civil service in. Basically, I couldn't say I have any fundamental objections to civil services if it is properly administered. I don't think it's been ever properly administered here, myself. There is a tendency I think on the part of men and women who go to work for the state or the city. I don't think the city has any civil service system as I recall it. As far as the state is concerned there is one difficult item that you have to face. It seems to me to be so in the federal government. It's probably in the state government that once you get a job in the civil service, you conclude that you are more or less in for life or a long term and the major objective from that time on seems to be not giving the public service, but trying to get a raise in pay or an increase in grade. I think that's one of the misfortunes of the civil service system; instead of trying to serve the public, the major objective is trying to get a step upward. Well, that's human nature and I wouldn't have any big objection to that if it was earned. But I think the primary objective of every public employee is to do a faithful job in whatever occupation he's in and to serve the public. I can remember from the time that I was a very young man going up in the Secretary of State's office. I know Charlie Bennett, I think was then Secretary of State. You would stand around for half an hour before anyone would ask: "Is there anything I can do for you?" And I think there's been a general tendency on the part of public employees to take it for granted that they own the position that they're occupying or the office that they're occupying. And that there has been a tendency in years gone by at least to follow the advice of Commodore Vanderbilt, the public demand. In other words, the public employees don't go very far out of their way to accomodate the people who pay their salary, John Q. Public. So that civil service I think essentially, fundamentally is a good thing if properly administered. But I think there are evils inherent in it and I do think that at the time Vanderbilt was fooling around with it and the Journal was cooperating with him that there definitely was an idea on the part of the Republican Party that it might destroy the Democratic organization. That might have been the main purpose although I think the idea was fundamentally good and I still think it's good

provided that it's properly administered.

Mr. Smith:

Now, Judge, you want to go on to say something about the court. We talked about the philosophy of the court. Do you want to single out a couple of cases that help to shape...

Judge Quinn:

Maybe I should let you read two or three articles that I've written before the different law reviews, you know, the Vanderbilt review--- for maybe 5 or 6 different law schools that I've written articles for that might give you some idea of some of the significant improvements that we made.

First, I think the first case that I recall that caused national, perhaps international prominence in the public relations post when he was a sentinel over in the Pacific Ocean area and he was court-martialed, and he was convicted and he was given a pretty severe sentence, ten or fifteen years and we granted a new trial in that case on the theory that the evidence was insufficient to sustain the conviction and the sentence. The testimony on the behalf of the defendant was that he had fallen asleep and that he had been on sentinel duty for approximately thirty-six hours at a stretch and had simply become physically exhausted and had fallen asleep. But he did fall asleep. And so his post was unguarded. And he was convicted and sentenced to a long term in prison. Well, we reversed that case and sent it back for a retrial. The boy came from New Jersey. And the American Legion in one of the cities in New Jersey took an interest in the case. So we thought under all the circumstances the evidence was insufficient to sustain the conviction and we sent it back for a new trial. And he was acquitted. And so from a sentence of fifteen years he just went back to a free man and served out his time and was honorably discharged. And so, of course it made a terrific difference to that young man. He was only a young fellow, twenty-one years old, I think so that there was a good deal of publicity about that case and I think that justice was done. There was no question but that the boy had fallen asleep, but I mean, of course, if he was just physically exhausted by means of being kept on sentinel duty for thirty six hours at a stretch, then there would be a good legal defense to the charge and the second court apparently found that there was and he was acquitted. That was- it wasn't one of the large cases in the sense of being legally important. But it was very important of course, to that man and it was important to the American Legion at that time who intervened in his behalf. We had, of course, the Callahan case when the Supreme Court overruled us is one of the famous cases in military legal history. We had affirmed the conviction of a soldier named Callahan who went into the city of Honolulu and climbed up a fire escape and broke into a girl's room and allegedly

raped the girl. And he was court-martialed, and he was convicted and he was sentenced to twenty years as I recall it. But he was in civilian clothes; this was in the city of Honolulu; it wasn't on his base or when he was on military duty in the sense of actually performing military obligations.

But he was in the military and up until the decision in the Callahan case...now we affirmed it. We upheld the jurisdiction of the Army court. They took it to the Supreme Court and the Supreme Court, Mr. Justice Douglas writing the opinion came to the conclusion that we had no jurisdiction. But unless you can show immediate connections with his military duties that his case would be entitled to a jury trial. So they reversed the conviction. We had affirmed it. And they reversed it and ordered his discharge.

Mr. Smith:

Tenuous was the line of argument, Judge. You're in the service and you happen to be in civilian clothes in the city. I'm not going to argue with Justice Douglas but it does seem...

Judge Quinn:

Well, of course, I thought Justice Douglas was wrong. I still think the Supreme Court was wrong. And, of course, it does complicate procedures in military justice. Congress had enacted a law which drew a line. In other words, if you were in the military and you committed a crime, you were subject to military justice. That was the plain and simple proposition made by the Congress of the U.S

Now, you have to go into a lot of rigamaroll to find out whether or not he was on military duty at the time of the commission of the crime. In this case the Callahan case there was no question of the man committing the crime or the seriousness of the crime or that he ought to be punished. But he was not in military uniform and the incident did not take place on the military reservation or the military base. It was in a hotel in Honolulu. And the Supreme Court came to the conclusion that under the circumstances that the Act of Congress giving the military jurisdiction in cases of that kind was unconstitutional. And so, they reversed it and so no convictions under circumstances of the same kind can be sustained. The one case that might have hit Rhode Island directly was the Borys case. He was from Woonsocket, R.I. and he had been convicted of rape and several other charges down in South Carolina and North Carolina border. Several crimes. And no question whatsoever of the facts. In other words, this couldn't be disputed as to the fact that he had raped these women and had committed robbery and so forth and so on. But the Supreme Court had ruled in the Callahan case that it was committed off military post and he was in civilian clothes and our court came to the conclusion that they had to follow the dictates of the Supreme Court and so we reversed and I dissented. I would still have affirmed the conviction because there was no question about the man's guilt.

He turned around and sued the U.S. and recovered about \$60,000 for his misbehavior which was unquestioned except for the technicality of the Callahan case. And so in the past few years the U. S. has paid out a good deal of money to servicemen who got out on what I would call a technicality; in other words, the Callahan case really rests upon a technicality, but in the eyes of the Supreme Court it is an unconstitutional exercise of power to try these men by military court. And the result is that they turn around and sue the U.S. after a conviction is reversed and sometimes get a very substantial amount of money for committing crimes undisputed. But technically, they are not crimes because the Supreme Court has upheld that they're not constitutional.

Mr. Smith:

It's hard to believe, Judge.

Judge Quinn:

Well, that is the record. Of course, many a man has gone free simply on the grounds, not that he didn't commit the crime, but at the time he committed the crime he was not on a military base and he was not in military clothes. Therefore, he's not subject to the jurisdiction of the military courts. Now you could be tried for these offenses in the regular federal courts provided that the statute of limitations hadn't run out. But in most of the cases, of

course, the statute had run. So there are many instances of where men have got away with the crime without punishment. But, in addition to that they get a substantial reward out of your pocket and mine. We also had a rather famous case involving the publication of a book by a man named Voorhis who was an officer in the army and decided he was going to publish a book about some of his reminiscences and so forth, and was ordered by the commanding officer not to do it on the theory that they had the power to stop him from publishing books and papers while he was in the military service. And he was tried and convicted and we finally affirmed the conviction on one minor count but he was charged with disobedience of orders and we reversed that and so forth. And we came to the conclusion that while you didn't have exactly the same liberties as an officer in the military that you have as a civilian-- that their power to respect your right to publish was very limited. And while I think we came to the conclusion that there was a violation of army regulations in the sense that he didn't get permission to publish or didn't submit it to a superior officer for examination purposes. We reversed all the other charges and actually all he got was a small fine...but rather it was more or less a fundamental question as to whether or not a man in the military service is completely restricted from making his views known on public questions, whether they're related to the military or not. We decided that while there are some restrictions that there should be as few as possible. And in this case, I wrote an opinion a short time ago about a Priest case.



The question of a boy down at Fort Dix who insisted that he had the right to publish propaganda saying that the war was illegal and people shouldn't do this and shouldn't do that. We came to the conclusion that while you lose little if any of your liberties when you go into the military service, of course, you have to obey orders militarily and so forth, your orders have to go to certain places and so forth, that your right to talk and express your opinions is pretty nearly unfettered. Except that when it comes to the point of actually disrupting the military establishment and causing men to disobey orders that that was going a little too far. And so we sustained the conviction of Mr. Priest for disrupting the military establishment. In other words, we came to the conclusion in that case that there had to be some restrictions on what you can do and say when you're actually on active military duty. Those are some of the cases that were of interest. We had a case involving a sargeant in the Marine Corps who had been convicted of stealing twenty bundles of chevron. I'm quite sure it was. Nothing alarming, but it was a substantial case and the evidence to sustain the conviction in our opinion was overwhelming. In other words, we unanimously came to the conclusion that the conviction was justified by the evidence and we affirmed the conviction. And that fellow went to work on his Senators and Congressmen. Senator Douglas of Illinois was one of the main stays to get that conviction set aside by the President of the U.S. I think it cost the U.S. over \$75,000 for setting aside a conviction which was amply justified by the evidence.

where in my opinion there was no reasonable doubt that the crime existed. Yet, by working on the Congress of the U.S. and Senator Douglas of Illinois who is no longer senator; I think he's still living. However, he was really the main reason why the President set aside the conviction.

Mr. Smith:

Was this Kennedy?

Judge Qinn:

No, it was Johnson. And I think perhaps now I don't want to do them an injustice. Now, I have no evidence that Senator Mansfield played any part in that, but Senator Mansfield was a Marine as far as I recall and Douglas had been a Marine, this man was a Marine, and he got the sympathies of those fellows and got Johnson to reverse that conviction. But not only did he get the reversal, but he got compensated literally for what the judicial processes of the military definitely indicated was a crime. And I reviewed the record many times carefully to see if there was any reason whatsoever why we should recommend setting aside the conviction and we came to the conclusion that the man was guilty. Sometimes justice isn't always done, you know.

Mr. Smith:

Amazing, Judge, overall within the court's life-span of

twenty-one years. How many cases do you usually have during the session. Is it at busiest docket that you constantly review cases?

Judge Quinn:

Well, we usually we have sixteen, seventeen, eighteen, maybe twenty cases each month. We sit once a month and we hear whatever cases are ready to hear we hear. And later on fifteen to twenty a month where we actually write opinions on the cases. The petitions which come in that we have to pass upon amount to approximately 100 a month. I would say in the past year or two they have run up to 130, 140, 150. But we read the record in those cases, read the petitions, look up the law involved in those cases and then we decide whether or not we grant the petition we review or we deny it. Now about 80% of the petitions that come in and are put up for review are denied. Maybe 15% to 20% are granted. And then briefs are filed in those cases and they are sent down for oral argument. And oral argument is heard within maybe three or four months from the time that they are granted. And as I say I think we'll sit through the the month of October and we'll probably hear about 18 cases. And then when the cases are heard, we decide then immediately after they're heard. In other words, we come off the bench we'd say at one o'clock or two o'clock, we go into the conference room and we immediately decide the cases, come to a decision, keep it fresh in our minds. And they're assigned by the Chief Judge to one or the other of the judges. And we get each term or other...each session of the term... the term really runs from October to June. Each judge

gets maybe four cases, five cases to write their opinions in. And then they note their actions on them and then they're put into final form and then they're published. And, of course, there may be a dissent by two. In which event, of course, if I had written the opinion. Then the opinion goes over to Judge Garden or Judge Duncan if there's one that disagrees, then he writes the dissenting opinion if he sees fit to do it. But we get our hearings disposed of as rapidly as we can. We have no backlog in our legal situation. I think we're the only, well maybe not the only court, but very few courts in the United States that are right up to date. And we've always been that way. We've always kept it right up to date. When we hear our last case on June 30, each year we have maybe twenty, twenty-five cases still pending where opinions have to be written, but usually by the first of August or the fifteenth of August they are all disposed of. We have a clean slate. That's one of the things we've always been proud of that no matter how much business we had, we dispatched it promptly so that there was no backlog in appeals. So I'd say, as far as our courts were concerned, justice has been speedy and prompt with no delay. Of course, there are some cases that apparently you can't dispose of immediately. There is the Calley case, of course, which is more or less a famous case in the United States military justice system that's still pending. It was tried, of course, sometime ago and the Mylai massacre case and the defendant was convicted. And this case goes up to the court

of review in the service in which he served. It happened to be the Army. Now it's up there pending decision. I'm not certain about whether arguments have been heard or not. You know, briefs have to be filed, arguments have to be heard, and then the court meets and discusses what decision it will make and then once it reaches its decision then the Chief Judge of the Court assigns the case and renders an opinion. Now the Calley case is before the board of review, before the Court of Review and probably would be argued and disposed of sometime this fall. But then if his conviction is affirmed or any part of it, then he has the right to appeal to our court and then it would come up to us for a hearing. But, of course, that's as much as I can say about the Calley case because, of course, the judges naturally have to keep an open mind on everything connected with it, not supposed to form any opinion. A tendency of our court is not even to read the newspapers about cases that might come before it...in other words to keep an absolutely open mind on every possible feature of the case.

Mr. Smith:

Now the President, Judge, would have the right...

Judge Qinn:

Yes, the President always has the right to pardon. Now that's a clemency attribute. Same as the Governor of the State. He always has the right to pardon, I guess most states, I guess maybe with the right of clemency. He can pardon a man completely, or he can set

aside a sentence, or he can reduce the penalties from twenty years to two years, to one year or six months. In other words, he has complete power and not a legal power.

Mr. Smith:

I see. Do you want to comment on R.I., Judge, as you've seen it over the past, say, forty years? The changes that have come over it and the general impressions that...

Judge Ginn:

Well, of course, forty years ago, that would be '32, that was about the time in Rhode Island when there was to be a big change politically. I mean up until 1932, of course, Rhode Island was definitely a Republican state. As I think I've said before to you we used to crack the nut once in a while and elect a Democratic governor, for what it was worth and actually from 1890 on, I would say the division between Democrats and Republicans as far as the people were concerned was pretty close. But there was some contests you know, in the early nineties, I'm quite sure that Governor Davis had actually had a majority of the votes on election night as I recall it. But there was a contest in the General Assembly.

Mr. Smith:

May I interrupt you, Judge? If you didn't get a simple majority, if you didn't receive that, then the joint committee had

the right to elect...

Judge Quinn:

Yes, and that happened I guess in the case of Governor Davis.

Mr. Smith:

Once we had no Governor.

Judge Quinn:

Yes, that's correct. That was in I guess '91 and '92. But, in any event, the division in the electorate at that time was very, very close. In other words, when I say it was an overwhelmingly Republican state, it was as far as the control of the legislature was concerned. As far as the control of the administrative processes was concerned, it was because of the Rottenborough Senate at that time... But actually the divisions between the Republicans and the Democrats in the 1890's was very, very close. And then you went into the early 1900's with Governor Garvin of Cumberland, and afterwards was a Senator from Cumberland. He was elected Governor twice, two or three times around 1901, 1902, showing that the division was very close. Although the power of the state government was, of course, overwhelmingly in the hands of the Republican Party. There was no question about that. And old Charlie Brayton who was the undisputed political boss.

Mr. Smith:

Do you remember him, Judge?

Judge Quinn:

Oh yes, I remember him. Of course, I was pretty young. But I remember him. He was a blind man and he used to have an office up in the State House. I think that was actually where he ruled in the state of Rhode Island. But, of course, he was a representative of Senator Rhodes, actually I would say. Of course, Judge Peabody Whitmore was also Senator for quite some time in those days. But I think Nelson W. Aldridge was the power behind the throne. He was a very powerful man not only in the state of Rhode Island but of course, in the United States of America. He was known according to Albert Beverage, Senator from Indiana who actually wrote his reminiscences, one or two books on American policy, known as the "manager of the United States." And Nelson Aldridge undoubtedly represented the steel trust, the tobacco trust, the beef trust, the sugar trust, all the big industries of American were represented by Nelson W. Aldridge. So he was a powerful man. Of course, when he went to the Senate he had little or nothing. Of course, when he went to the Senate he had little or nothing. Of course, when he came out he was a multimillionaire and J. P. Morgan's yacht, the Corsair used to anchor down off the his estate which is not the Seminary down at Warwick Neck. It used to be .



Mr. Smith:

A magnificent place.

Judge Quinn:

Yes, it is. It used to be. I guess, his estate, and Aldridge, of course, had the boathouse and the wharf going out, and the Corsair used to hang off there several times during the summer. So J.P. Morgan was a very frequent guest of Nelson Aldridge and the state of R.I. And Charlie Brayton was their representative politically. And I can remember Charlie Brayton and of course he came from Warwick, you know, which was my town in those days. And I think, undoubtedly Charlie Brayton played a part in the division of the town. Of course, my uncle Patrick H. used to go down and tie them up in a knot in the financial town meeting. And, of course, the Republican party got so sick and tired of that, that they finally decided I think to divide the town. So you've got a Democratic town in West Warwick and the Republican town in Warwick. And shortly after that Charlie Brayton died. I'm not sure exactly when he died, but...

Mr. Smith:

Higgins threw him out, I believe.

Judge Quinn:

Yes, he put him out of the statehouse or at least he tried to.

Mr. Smith:

Of course, 1909 or 1910 he died.

Judge Quinn:

Well, it was 1907 or 1908. And he did put the pressure on. Of course, I think The Journal cooperated with Governor Higgins, you know. They were really enemies of Boss Brayton. So Higgins did have considerable political strength, or publicity strength I would say. But he was a powerful man. In spite of the fact that the division numerically was pretty, pretty close, the Republicans were in complete control in the state of Rhode Island from the civil war in my opinion until 1935.

Mr. Smith:

Again, I think their control probably of the French and the Italians would be a significant part of Brayton's plan along with the Rotten Burroughs side to ease these groups away from the Democrats.

Judge Quinn:

Oh, I think that's right, Matt. That played a part. Up until 1928. I'm sure that the bulk of the Italian vote was with the Republican Party. After 1928, it began to shift and thus, the French I think were generally speaking Republican. They were out in West Warwick although there were many staunch Democrats included among them. And until Toupin came up with the Peck bid, Bill Peck there, he used to shout out there up in the House of Representatives. I think the French were inclined definitely so forth to the Republican ticket. But I think from 1922 on that we made a definite dent among the French voters and that beginning in 1932, have come over because of prohibition, Mal Smith and so forth. So that from 1928 on, I think the Democrats were then getting certainly a majority of the Italian vote.

Mr. Smith:

I saw some work lists for the city of Providence from 1910 or 1911 under the Republican administration or at least the Republican administration did the hiring. I'm talking about the councilmen and the aldermen. About 90% Italian. That was one thing that it was based then on that the patronage here in Providence went to the Italian immigrants. At least the Republican patronage held them in the party.

Judge Quinn:

Yes, I think that's true, Matt. Certainly, City Hall was definitely in control of the Republican Party and remained so until 1930. Of course, Mayor Gainor was mayor of the city for fourteen years from 1912 to 1926. I think, I know Judge Gaynor was mayor for fourteen years. And he was a good mayor, a capable man, an honest man. But he had no power. Until 1930, he had no more power in the city than the Democratic government had in the statehouse. I mean up in the statehouse you were elected to Governor like Governor Higgins, Governor Garvin, Governor Flynn. He had the power to appoint his own secretary and the barber commissioner. And that was the extent of his power. So he really was just a figurehead. Oh, I think they were all capable men, and good fighters. I mean, Garvin was all he could do. And Gov. Flynn, of course was a good fighting Democrat. And Felix Toupin, of course who was Lieutenant Governor at that time who more or less stole the show away from Judge Flynn in 1924. But they were all able men, reputable men who were good fighters. But you were up against the system. And in 1932 when we did elect a slate of Democratic candidates, of course Gov. Green had his hands tied. We couldn't do much of anything in the '33, '34 sessions. We went in in Jan. 1933 and there wasn't much that the Governor could do. We'd get some relief for the poor at that time. But you couldn't pass any legislation. Actually we did confirm a

Superintendent of State Police, which of course, was very much of a blow to the Republican Party. Because the State Police was primarily created to guard the manufacturing interest of the state of R.I. And Everett St. Jean Chafee was a hand-picked man. He was a good man. No question about that. But he belonged to the manufacturing interests of the state of R.I.

Mr. Smith:

Was that, Judge, the case that he was involved in on the East Side? Was that ever resolved?

Judge Quinn:

No, it never was resolved. And you mean that he was reportedly involved in I mean it was the murder of somebody named Webster was it?

Mr. Smith:

Right, I've read about it. I never found...

Judge Quinn:

No. It's never been resolved. Whether or not he was implicated or not, of course, nobody knows. But the stories around the street were that he was the man that shot him. It was Dr. Webster, I'm quite sure.

Mr. Smith:

Yes, that was after...a couple of years ago, I did some work on William Sprague who you are familiar with...

Judge Quinn:

Cananchakis. He married the daughter of...he married Kate Sprague of course, who...

Mr. Smith:

Simon P. Chase's daughter.

Judge Quinn:

Her name is Brownman.

Mr. Smith:

Elizah or?

Judge Quinn:

No, that wasn't the name. But she lived in Narragansett. And she had a marble bust of Kate Chase Sprague, you know, in her house there at the time I drew the will. Of course, she's dead now. But she had some stories about her. And she got...Kate Chase Sprague of course, was very- wanted to make her father president.

Mr. Smith:

Right.

Judge Quinn:

And who was a very powerful woman. A reasonably attractive woman. But who also got mixed up with Russ O'Conclin who was a Senator from New York and then, of course, they had the divorce.

Mr. Smith:

Gee, Judge, you have a great memory.

Judge Quinn:

And actually, of course they had a pitched battle I think down there in Cananachakis between the sheriffs and the bosses.

Mr. Smith:

Well, that's what I was after. I was trying to find the court record. At that time, Sprague had about \$20,000,000 in assets and only \$14,000,000 in liabilities. And they froze the money here in Boston on him and in New York. R.I. financial interests, of course, he had fallen out with them.

Judge Quinn:

And he couldn't raise a penny and he went under in 1973. About ten years

later when they finally ~~settled~~ settled it they appointed Zachariah Chafee as the executive of the estate. And ten years later the \$6,000,000 in assets were gone. And I always wanted to chase it out into the courts and see what would happen, because Brown and Ives took over most of the Sprague and the bank came in. And he was left with a little, but he did exist--live until July 4, 1915 in France. William Sprague.

Judge Quinn:

The Governor?

Mr. Smith:

Right.

Judge Quinn:

Did he live until 1915?

Mr. Smith:

He passed on. Just on the eve of the Battle of the Marne. Anyway, I always felt that there was some hanky-panky with that million worth. It's hard to believe that that business enterprise because it was so diversified it could fall so rapidly. But anyway, I went to check the records and then I got so entangled with because there was a court fine in '25 and '26. And the records of that Sprague thing along with...also when Everett St. Jean was lieutenant of State Police. That was when it caught fire.

Judge Quinn:

State Police was created I think in '25, about 1925 I think when he became assistant lieutenant of State Police. Of course, the record might be down in South County, you know Washington County Superior Court. In other words, of course, Sprague lived in Naragansett. That would be his legal residence. So it might be a lot of the records would be in Washington County.

Mr. Smith:

I see. Well, that just popped into my mind as you were talking about him.

Judge Quinn:

Yes, and you know A. Sprague who was the only brother or nephew or something was sheriff of Kent County for very many years, after the empire had kind of fallen apart, you know. In fact, I think he was the first sheriff of Kent County that I remember. Mike Lynch was the high sheriff for many, many years, while I was a young fellow practicing law we'll say from 1920 to 1935. Mike Lynch I think then was high sheriff of Kent County.

Judge Quinn:

In 1922, although of course in 1920, no question why after the League of Nations the resentment toward Woodrow Wilson and so forth made this at that time an overwhelmingly Republican state. I mean there was no question, I think, but it was the worst licking that I could remember that the Democratic Party got in 1920. Ed Sullivan was our candidate for governor and Henry San Souci was the Republican candidate. And I think we got beat 2 to 1. I think the Irish, the French, and the Polish, the Italians everybody deserted the Democratic Party because of the League of Nations. As I say some of our stalwart Democrats like Tom Cooney and John J. Cooney and so forth all went over to the Republican Party at that time. But, as I say, we recovered very rapidly in 1922, largely because of the strike.

Mr. Smith:

I wanted to ask you- what about the Yankees in the Democratic Party? Traditionally after -the Party was made up of, well anyway- after the civil war a large number of Yankees, rural and urban Yankees. Did the Yankees leave the Party? I know Green and Gerry, of course, were two outstanding examples that didn't.

Judge Quinn:

Well, of course, Gerry came in from New York actually and the Gerry family of course was never a part of the Democratic Party in the sense of being indigenous to old-timers. Green, of course, was all his life, at least as long as I knew him, he was a Democrat, a member of the Party, a member of the State Committee and so forth. Whether his father was actually in the Democratic Party, I just don't know. I think his father or grandfather was U.S. Marshall here I'm quite sure. But in my early days in the Party, I mean when I was a young fellow, there were a lot of Yankee members of the Party that were very prominent, Dick Comstock, let's see Simon Amore who had run



for Lieutenant Governor two or three times it seems to me from South Kingstown. There were quite a few prominent businessmen in South Kingstown that were identifiable if only with the Democratic Party.

Mr. Smith:

What would you attribute this to, Judge? Family traditions or antagonism toward the Republicans in power. Certainly, it seems like the entire business community was Republican oriented, and the ones who didn't get on as Democrats were...

Judge Quinn:

Well, of course, I suppose generally speaking the business community was identifiable to the Republican Party, although the Metcalfs of course were at one time-- were Democrats, you know. Jesse Metcalf was in the legislature as a Democrat in 1892. They were Democrats at that time. I don't know whether Steven Auld was ever actively or openly Democratic.

Mr. Smith:

I didn't realize that.

Judge Quinn:

...But certainly Jesse who afterwards became Republican United States Senator from Rhode Island was a Democrat and a member of the legislature as a Democrat. In those days, of course, Providence elected 12 representatives as a group. In other words, you didn't have districts. Providence had twelve representatives and they were all elected at large. Now Jesse Metcalf was one, and Theodore Francis Green was a member of the same group. They were both in the General Assembly as Democrats in 1892.

Mr. Smith:

Did the turnover, I mean it seems that maybe some of these individuals were

alienated by the rising immigrant. Strength within the party and men like your uncle, Patrick H., representing a brand new group, that were definitely numerically in ascendancy and it wasn't before too long economically that the Irish had attained at least a level above the incoming Italians, the French. That the Party was destined to be as it was in N.Y. state, the Party of the Irish, the Democratic Party.

Judge Quinn:

Well, I would say definitely as far as the Democratic Party was concerned from the time I can remember, the Irish were the predominant faction in the Party. But whether that had a tendency to drive the Yankees out, Matt, as far as I ever knew, the Yankee leaders that were identified with the Party from my younger days on, I don't think that they ever drove anyone out of the party, except of course the Metcalfs went over in 1924. Now whether the filibuster played a part in that operation or not I just don't know. But they were Democrats, and maybe they felt that the Irish were getting a little stronger than it was good for the state of Rhode Island. I just don't know what impelled them but they definitely went over, not only went over, but provided the sinews of war to win those elections in 1920. Of course, Fred Peck undoubtedly I would say the undisputed boss of the Republican Party politically from 1920 on. He made finance commissioner, and no bill carrying appropriations could get through the General Assembly without being referred to Fred Peck and if he said no, that was just the same as the veto power. But, on the otherhand, the Peck-Pelky forces certainly were never very closely identified with the military forces. As I say, I think there was jealousy and enmity between Fred Peck and the Metcalfs. All the time that I was in the political sphere it seems to me that definitely the Peck-Pelky forces were on one side of the Republican Party and the Metcalf-Dooley forces were on the other side. But there were a substantial number of Yankee leaders included in the Democratic Party in my time. Simon Amore, as I say, from South Kingstown was a very prominent Democrat. And it seems to me we had, of course, Louis Waterman ran for Governor a couple of times in

1910 and 1911. Came within 900 votes in one election and 1200 in another. And I think we had a Democratic leader named Olney who was identified with the leadership of the Democratic Party, let's say along in the early 1900's. Whether he ran for Governor or not I just don't remember. I know he was a prominent Democrat in those days.

Mr. Smith:

I would say as the cities gained a voice in...that's where the Democratic voters were a natural, various ethnic groups would present the leaders of the party, rather than turning out anybody else; I know it was a natural phenomenon that once the urban gops got the vote, that they got control of the cities, that the leading Democrats would be representative of those city groups.

Judge Quinn:

Yes, I think maybe that's right, Matt, plus in the city of Providence, Thomas Potter and most of the aldermen and councilmen, it seems to me were the old line Yankee nationalities and they controlled the patronage in the city of Providence, and until such time as you got rid of the property qualifications, I would say that the administration of the city of Providence was in the hands of the old line Yankees, and I think you would have to admit that to a certain extent that that would be identified with the Masonic fraternity. I think most of the leaders in the city hall from 1900 to 1930 would be identified with the Masonic fraternity. Yankees and Masons, and of course the feelings in those days I think between the knights of Columbus and the Irish Catholics and the Masons were a lot keener than it is today. I have my doubts as to whether today you find very much antipathy or antagonism between the Masons and the Irish leaders. But, in those days, from 1900 to 1930 I think you would find that it was fairly acute and that it definitely played a part in the administration of the city of Providence. And it would be largely, of course, Republican.