



The Ninth Judicial Circuit Historical Society

Oral History of the Hon. Jerome Farris

CLAUDE STERN: Alright, this is Claude Stern, it is January 17, 2018. It is almost exactly 10:30 in the morning and I'm sitting across from the Honorable Judge Jerome Farris who I've known now for 38 years. Judge, why don't we start off with some basics. Tell me where and when were you born?

HON. JEROME FARRIS: March 4, 1930 in Birmingham, Alabama.

CLAUDE STERN: Let's start with some background. What are the names of your parents and where do they hail from and what did they do?

HON. JEROME FARRIS: You know it's a funny thing about my father. My father always used the name Willie Joe Farris, in fact, on his Social Security Card is Willie Joe Farris but we think his name was William Joseph and we don't really know because he used Willie Joe. The funny about my father, he was never called either Willie or Joe. He was called Tom. My mother called him Tom all of her life and all of their life together. His sisters and brothers all called Tom but his name had nothing to do with Tom and I found out from my sister, I didn't know, it was because when he was a little boy there was a little verse about somebody who's name was Tom, who ate until his belly was full and he (Willie Joe) did this and his sisters and brothers and mother and father nicknamed him Tom. So, he was always called Tom in spite of the fact that wasn't his name. He never tried to fool anybody that was his name but that's what he was called. It had nothing to do with Willie Joe and I think his name really was William Joseph.

CLAUDE STERN: If your father was William Joseph Farris and your mother, what was your mother called?

HON. JEROME FARRIS: My mother was Hattie Elizabeth White and she dropped Hattie and she was called Elizabeth White Farris. She did not use her first name.

CLAUDE STERN: So your mom called your dad Tom?

HON. JEROME FARRIS: Oh yes.

CLAUDE STERN: And what did your dad call your mom?

HON. JEROME FARRIS: Elizabeth.

CLAUDE STERN: He called her Elizabeth. He didn't shorten it?

HON. JEROME FARRIS: He called her Elizabeth all the time. Not only that, my father was more dependent upon my mother than my mother was upon my father, although, my father was the primary bread winner. My father's life revolved around my mother. It was a wonderful thing to see because he was a very strong man, he was a boxer and he refereed boxing and he had a wicked knockout punch but Elizabeth was in charge. My mother could make the decisions, he just used her on everything.

CLAUDE STERN: Tell me about your grandparents.

HON. JEROME FARRIS: My mother's father and mother were really my grandparents. My father's mother died in 1933 when I was 3 years old and his father died in '39 when I was 9 years old. So, I knew them but they lived in Montgomery, Alabama.

CLAUDE STERN: What were their names?

HON. JEROME FARRIS: My grandmother was Sally Diggs Farris and my grandfather was George Wesley. That's my paternal grandparents. My true grandparents, the ones that I knew and lived with and loved, we didn't live in the same house but we lived in the same community two, three blocks apart. Two, three blocks from parents' house to my grandparents' house. They were Mary Elizabeth and James Wesley. So, the funny thing is both of my grandfathers' middle names were Wesley. There was James Wesley and George Wesley but James Wesley was truly my grandfather. He was an electrician and he was, my sister and I will agree, he was a perfect grandfather. He was all you want a grandfather to be.

CLAUDE STERN: Do you know any of their birthdates.

HON. JEROME FARRIS: No. You know I don't know their birthdates and I could have because they weren't secretive about it. I thought if I knew their birthdates I would figure out when they were going die and I didn't want to know that birthdate because I didn't want to know when they were going to die. I didn't want them to die and I didn't want to count on that so whenever there was any talk of it, "No, no, no, I don't want know, I don't want to know . . ." and I didn't know. I honestly don't know their birthdates but my paternal grandparents I could quickly know their birthdates because their birthdates and death dates are on their headstone and they are buried in the same cemetery with my father so I could .

. .

CLAUDE STERN: Where at?

HON. JEROME FARRIS: Somewhere in Montgomery Alabama. So, I could quickly go back and take a look but I don't remember and I don't know.

CLAUDE STERN: And you said that your father's, your grandfather on your father's side died in 1939. Your grandmother on your father's side died in 1933.

HON. JEROME FARRIS: Yes. On the other side, yes, my mother's father died in 1949 and grandmother died in 1955 on my mother's side.

CLAUDE STERN: Do you know where they are buried?

HON. JEROME FARRIS: Yes, my grandmother and grandfather, maternal, are buried in Birmingham and my paternal grandparents are both buried in Montgomery and my father is buried in the same cemetery with them also a lot of their sisters and brothers they have a big plot. The Farris's are there and just a few yards away the Diggs, parents of my paternal grandmother. So, when I go to the cemetery to see my father, then I go up the hill and see all of his brothers and sisters.

CLAUDE STERN: Who would you say, in your childhood were the most influential relatives that you had?

HON. JEROME FARRIS: No doubt about it, childhood and otherwise, it was my grandmother Mary Elizabeth White. My grandmother was a most remarkable person in my life. Not just there. My grandmother didn't know anything about gray. It was either right or it was wrong. She had no doubt about which was which and she just was a remarkable woman. One of the things she did when I was maybe 3 or 4, I know I was very young. I was at her house and in those days white insurance men came in the black neighborhood to sell insurance policies. So, I was sitting in the swing on my grandmother's front porch. Well it's really a back porch but it's at the front of the house right at the entrance. But anyway, I was sitting there in the swing and this insurance man came by and my grandmother listened very patiently to everything he had to say and she said to him, "Sounds like you have a good product but you see my little grandboy sitting there? He can't sell insurance to your grandmother so I'm not buying yours." She let him finish his whole spiel and then she pointed to me. Now I don't know how young I was but I was very young, I think about 3 to 4 but that made a real impression on me. I thought, "Boy, that was my grandmother." and she was remarkable.

CLAUDE STERN: It's funny knowing you the way I know you. The delivery that your grandmother had to the insurance salesman sounds very similar to how you would approach something.

HON. JEROME FARRIS: Well, I think I copied a lot of things from my grandmother not always consciously. My grandmother, for instance, we went to Baptist church. Everybody in the church stood to pray, everybody except my grandmother. My grandmother would take out her little white handkerchief and down on her knees she'd go. She felt that the position for prayer was on your knees. I would be embarrassed; I was standing there next to her as a little boy and down on her knees she'd go with that handkerchief. When I got older I realized how remarkable that was. She could have said to me, "Jerome, get on your knees." She never did. I stood with the rest of the church to pray but my grandmother's theory was you get on your knees to pray and she got on her knees to pray, every time.

CLAUDE STERN: Her husband, would he also attend?

HON. JEROME FARRIS: Yes, but he didn't get on his knees, either. Nobody got on their knees. Nobody in the church was on their knees but Grandmother. She thought that was the position for prayer. At night when she would go to bed, she was on her knees before she climbed into her bed. That's how she prayed.

CLAUDE STERN: Would you characterize your family, I mean your mother, your father, your grandmother. Would you characterize them as religious?

HON. JEROME FARRIS: No. My grandmother was. My grandmother wasn't religious, she just knew right from wrong and she thought this right was what she was going to do. My mother and father made sure we went to Sunday school every Sunday but they didn't go. I took my father to church once and won a prize because you were supposed to bring somebody who didn't come so I took my father and got a prize and the funny thing is, I still have one of those fish dishes that was my prize for taking my father. It's in my house in Atlanta. It's a little blue fish dish but I got a set. Somehow, in all those years all of them were broken but one and I've still got it and I prize it highly.

CLAUDE STERN: So your father was not religious.

HON. JEROME FARRIS: They were religious but they didn't go to church.

CLAUDE STERN: How did they express their religion?

HON. JEROME FARRIS: Oh, in right or wrong. My father, for example, was just death on dancing on Sunday, playing cards on Sunday. You couldn't do that and I would think, "This rascal had never been to church, what is he talking about?" The rule was if you don't go to church, you're not going anywhere else. So, for that week if we didn't go, there was no need to ask, you're not going anywhere. You didn't have time to go to church, you can't go anywhere. They had strong, strong rules. I think they were religious. I don't know why they didn't go to church.

CLAUDE STERN: Even if they didn't go to church, what about home religiosity? Grace before a meal, grace after a meal, things like that?

HON. JEROME FARRIS: No. We usually had grace before a meal but almost always the same thing. There was no prayer about it. It's just you get on your knees to your prayers before you go to bed. Of course, it was always the same prayer. You're just little children, you need to say the prayer, you just rattle it off and go to bed. What I think of now is, you think it has some meaning rather than "Now I lay me down to sleep . . ." going to bed kind of thing. I don't know whether that was the one we said but we said the same one every night and then we God Bless everybody, you would name your family, then you could get into bed. But you got on your knees and you said that and you go to bed after everybody got blessed. God bless mother, dad, you name your sisters and whoever else you wanted to name and then you would go to sleep.

CLAUDE STERN: We'll get back to your grandparents and your parents but I want to talk about your siblings. Do you have any siblings?

HON. JEROME FARRIS: Yes, I have. Unfortunately, now I just have one sister. My parents had four children, she was born in 1928, I was born in 1930, my younger sister 1935 and my younger brother in 1945. Now there are two of us living and the surprise is that the two of us who are living my sister born in 1928 and I'm living.

CLAUDE STERN: And what is her name?

HON. JEROME FARRIS: Marian Janette Farris Hatch and she now calls herself Marian Farris Hatch.

CLAUDE STERN: And the sibling who was born in 1935?

HON. JEROME FARRIS: That was my sister Joan. That was Joan Elaine Farris and she married and her husband's name was McTeer. They had one son who is still living but my sister and her husband are both dead.

CLAUDE STERN: And the brother who was born 10 years later in 19 . . .

HON. JEROME FARRIS: 1945 was Harold Julian Farris and Harold Julian is dead but his widow is living although they were divorced when he died. She's still living and still close to my family.

CLAUDE STERN: So your sister . . .

HON. JEROME FARRIS: Well Marian was born in 1928. April.

CLAUDE STERN: She's alive still.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: And where does she live?

HON. JEROME FARRIS: She lives in Atlanta and we joke about it because I say she lives in The Home but she lives in assisted living. She wants me to be sure not to call it The Home but I do. We joke about it.

CLAUDE STERN: And your sister Joan and your brother Harold. Where did they end up living as adults?

HON. JEROME FARRIS: They lived in Atlanta. Joan died in 1999. She didn't live to see 2000. She died September 2nd and her birthday would have been September 17th. And my brother died in 2011. I get confused sometime whether he died in 2010 or 2011 but he died in 2011.

CLAUDE STERN: And what was his birthday?

HON. JEROME FARRIS: His birthday was October 22, 1945.

CLAUDE STERN: So now we know, I'm sure you said October 22, 1945 was Harold, Joan when in 1935?

HON. JEROME FARRIS: September 17th.

CLAUDE STERN: And Marian's birthday, when was that?

HON. JEROME FARRIS: Her birthday is April 8, 1928.

CLAUDE STERN: Okay and you've already told us that yours is March 4, 1930.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: Tell us about your . . . you said your dad was a boxer, he was a boxer/referee but what sort of jobs would either your mother or your father have?

HON. JEROME FARRIS: My father was a machinist at Stockham Pipe & Fittings Company and my mother was a registered nurse. She studied nursing at . . . but she went to school at St. Marks School. I don't know how my grandmother worked that out but my mother went to private schools. That was a surprise to me, they didn't have a lot of money. I'm not as surprised in that sense, it just didn't occur to me until later. Then I wondered why didn't my mother go to public schools but my mother was a brilliant woman and I think her parents wanted to make sure she got a good education. My mother finished nursing school when she was eighteen and you can't get into nursing school until you're eighteen but she went in at fifteen because she had finished high school and off she went to nursing school.

CLAUDE STERN: You say your dad was a machinist?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: Did your mother and father have a good marriage.

HON. JEROME FARRIS: Oh my, good gracious. Their marriage was as close to ideal as a marriage can be. My mother, I remember once, they had a fight over something and my mother moved us out. Me and my sister and it was before my baby sister was born so we were pretty young. We moved down to my grandmother's on a mule and wagon. The mule was pulling the wagon of our stuff down to my grandmother's house and we stayed there. Then suddenly we moved back. I think my mother didn't tolerate very much foolishness and I don't know what my father might have done and I didn't know anything about it. She didn't tell us what happened. I just know we moved to my grandmother's and then another time and then a short time later the mule and wagon – back home. We moved back to my house and they stayed together but their marriage, it was just unbelievable. My father was a strong man and the only time he cried, I ever saw him cry, was when my mother had

leukemia and he wouldn't accept the fact that she was dying. In 1952 medicine knew very little about leukemia in those days. So, it was a death sentence and my sister and I made peace with that. My father never did. He felt if he could just do this she's going to get better if he could just do this. He decided one day when she couldn't eat, she had stopped eating. He decided one day if he could just get some rabbit she would eat. She loved rabbit and so he was busy trying to figure out how he was going to get a rabbit. My mother said to us, "Please tell Tom I don't want a rabbit." He's worried about how he could go get some rabbit and she didn't want it but he was that kind of guy. I know that my mother's illness contributed to his death because he died in an automobile accident after visiting her in the hospital and he thought he was going to bring her home and we knew she wasn't going to get better. She knew she wasn't going to get better. We knew he wasn't going to bring her home. She was in the hospital and she was going to stay there until she died and we had accepted that but he never did. He had an accident driving home from the hospital visiting my mother and died. He and my next-door neighbor died in the automobile accident. That was in 1952 and he died and of course that was one of the hard I things I had to do.

CLAUDE STERN: When was he born?

HON. JEROME FARRIS: He was born in 1904, September 15th and he died in '52.

CLAUDE STERN: So he was a young man.

HON. JEROME FARRIS: He was just a boy. And so was my mother, she was born April 13, 1905 so there was six months difference in their age. My father died on my sister's birthday, April 8, 1952. He had delivered a cake to my sister and he put the cake in the cake box, he bought at the grocery, on top of her refrigerator and they left to drive home and of course they didn't get home. He died on his way. My sister, Marian, left that cake in its box on her refrigerator in 1952 she had one child. That cake was still on her refrigerator, nobody could touch it until she had the second child and the third child and maybe she had the fourth child by this time while they were moving. The third child was a big girl by then and she said to her mother, "Well, Mother are we going to take the cake?" My sister had kept that cake right where my father put it and wouldn't let anybody touch and when she was moving then her third child wanted to know, "Are we going to take the cake with us?" My sister then said, "Well, no I guess we can let the cake go." I can't remember what year that was but I know that it was by the time she had two more children and the third child was old enough to realize that sacred cake, we're going to move it again. My sister and my father, I realized, were closer than I was to my father. Although I was close they had a special kind of closeness.

CLAUDE STERN: When did your mom die?

HON. JEROME FARRIS: My mother died then my father died in April 8th, my mother died in October of the same year.

CLAUDE STERN: 1952.

HON. JEROME FARRIS: '52. And it was a sad thing. She knew she was dying and I was in the Army so the Army arranged for me to get an emergency leave to go to visit her in the hospital and I did. My mother was a strong-willed woman, she wasn't going to die while I was there and she didn't. So, I went back to the Army where I was at Fort Monmouth, New Jersey, and I went back to the Army and then two days later she died. She was a remarkable person and I think she lived as long as she did because after my father died in April she realized, "Oh my Tom won't be here." And she had the two younger children. My brother was seven in 1952 and my sister was . . .

CLAUDE STERN: Marian?

HON. JEROME FARRIS: No, my sister Joan was seventeen. She's ten years older than my brother. So, my mother didn't want to leave baby boy, sort of hanging, when she tried to live but she couldn't, she had leukemia and she was going to die.

CLAUDE STERN: Well if your brother was born in 1945 and your mom died in 1952 that means Harold was seven years old.

HON. JEROME FARRIS: Yes, he was seven years old.

CLAUDE STERN: Who raised Harold?

HON. JEROME FARRIS: He then, that's one of the tragedies of my life and I didn't know it at the time, we should have all agreed that my sister Marian would take him and then we would contribute to support but no we didn't do it. He lived with my sister Marian, then my sister Joan got married. When she got married she wanted him to live with her. So, he lived with me after he lived with my sister Marian for a little while. Then he went to live with my sister Joan and it wasn't a good thing for him to have to live with Marian and her husband and then me and my wife and then Joan and her husband. Joan was a nice person and she loved him dearly but she had theories about bringing him up that I wouldn't have agreed with: Florsheim shoes, best this best that . . . those Florsheim shoes, when I was a little boy my shoes came Thom McAn. Florsheim shoes for my brother and things like that. I wasn't jealous of it but it wasn't a good thing for him.

CLAUDE STERN: She liked to spoil him?

HON. JEROME FARRIS: She didn't have a lot of money but she was married to a physician so she wasn't wondering was she going to eat tomorrow. She confused him, I think, and he . . . I like him very much, I liked him very much but he had abused his wife for instance. She has written a couple of books and one about him being abusive to people also abusive to her . . .

CLAUDE STERN: Harold was?

HON. JEROME FARRIS: Yes and she's published two books.

CLAUDE STERN: What was her name?

HON. JEROME FARRIS: Her name is Pauline. Pauline Mansfield and she's still Pauline Mansfield and she wrote in – somebody was interviewing her for a biography – and she talked about my brother being abusive and she said, “The surprising thing is that my strongest support at that time were my in-laws.” She was referring to me and my sister Marian. She didn't mean, surprising to her. She meant surprising to her readers because she wasn't surprised at all, she knew, and she still calls me Big Brother now. She (Marian) was still very close to her and very supportive of her but my brother, I think, was confused in many ways. He wasn't the best husband that time had ever seen and that is why they got a divorce. I guess he was abusive although I knew nothing about the abuse. I read it, I read her book. So anyway.

CLAUDE STERN: You describe your mom was a nurse, your father was a machinist. Let's talk about your childhood. How would you characterize? Do you characterize yourself middle class, as poor? What was the neighborhood you were in like? Paint a picture for us.

HON. JEROME FARRIS: We were poor but you know, you didn't know it. It didn't even matter. I didn't think we were poor, rich, I didn't think anything about it. The other thing and I said it to my sister and we both agree, I always knew I going to go to college. There was no maybe I'll go and I hear a lot of poor people that don't know whether they are going to do this. I knew I was going to college, in fact, I knew I was going to Morehouse because as a little boy I had a Morehouse sweater. My mother loved Morehouse. I don't know why and she eyed a Morehouse sweater when I was so young that she would have to argue with me for me to wear my sweater which fit me at the time. Because, “No I got to save it, I'm going to wear it when I go to Morehouse.” She said, “No, no Sonny, it's alright you can wear it now.” “No, no mother I've got to save it. That's my Morehouse sweater!” I guess how old would I have been to think that sweater that fit me at the time, I was going to be able to wear when I got college. I guess I had to be two, three? But anyway, we'd have the argument and she would say, “You can wear it, you're going to take care of it.” “Yes.” I would wear it but I was very careful because I had to save my Morehouse sweater.

CLAUDE STERN: You have said that your mom called you Sonny.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: Did your mom and dad call you Sonny.

HON. JEROME FARRIS: No, no. My mother called me Sonny. That was a funny thing about my life, too. My mother called me Sonny. My father called me Cap, like for Captain, short for Captain. My grandfather called me Dickie-boy and my grandmother, I told you my grandmother called me Jerome. Oh yes, she called me Jerome and my sister called me Jay. So, there I was with all these different names and the funny thing was it didn't seem strange to me at all. The only thing that seemed strange is if either one of them called me by the other's name. Then that was strange.

CLAUDE STERN: Nobody called you Joseph?

HON. JEROME FARRIS: No, no, no, except my neighbors called me Joe. Many of my neighbors called me Joe.

CLAUDE STERN: You were going by Cap or Sonny, Dickie-boy . . .

HON. JEROME FARRIS: To my grandmother. My grandmother called me Jerome.

CLAUDE STERN: Your name is Joseph Jerome.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: And your grandmother called you Jerome and your neighbors called you Joseph or Joe.

HON. JEROME FARRIS: Joe, yes, and that was pleasant, too, and it didn't seem strange. It never seemed strange and my sister called me Jay.

CLAUDE STERN: Why did you pick, obviously today everyone knows you by Jerome.

HON. JEROME FARRIS: Jerome.

CLAUDE STERN: Nobody knows you by Joseph.

HON. JEROME FARRIS: Yes, that's right.

CLAUDE STERN: Why did you pick that?

HON. JEROME FARRIS: Because my father's name was William Joseph. I told you, it was Willie Joe but I always felt certain his true name was William Joseph. And I thought, "Here I am fighting over the name Joseph. He can have it." So, when I got to be 15 years old and I remember distinctly I was in the 10th Grade, I decided I'll just be Jerome Farris from now on and let my father have his name, so I dropped Joseph and have never used it again and I didn't use my initial, either, I just became Jerome Farris.

CLAUDE STERN: Okay we have to take a break right here.

CLAUDE STERN: Okay Judge we're back on the record. We have talked about your grandparents, we have talked about your brother, your siblings. We have talked about . . . I want to get back to something that you said. You said that you had sweater that said Morehouse on it and that you wanted to save the sweater for when you went to Morehouse because you knew you were going to go there. Tell me about the educational background of your grandparents and your parents.

HON. JEROME FARRIS: I don't know why my mother loved Morehouse as much as she did but she did. My mother went to St. Mark's school to high school and then she went to

nursing school. She went to nursing school at what is called TCI and you know what TCI stood for? Tennessee Coal and Iron. It was a hospital. She went to nursing school for three years at TCI and then she became a registered nurse and at some point, she met my father and I have looked at one of my mother's diaries and she didn't fill it out but she had a date there and she went out with my father and she had just written on it and it said "Tom w-h-e-w" and about three exclamation points. And that was her recording of her date with my father. Of course, it meant nothing to me when I first saw it but then later on I kind of wondered "why didn't I discuss with her what must have happened on that date for her to say "whew" and then three exclamation points?" My father didn't finish high school. My father left high school and moved to Birmingham to live when he was, oh, I don't know what grade but I know he left school and went to work.

CLAUDE STERN: What about your grandparents?

HON. JEROME FARRIS: My grandfather was an electrician and he had to learn to be an electrician somewhere.

CLAUDE STERN: Your maternal or . . .

HON. JEROME FARRIS: My maternal grandfather and he was a skilled electrician. He wired houses all over everywhere and I was his helper from the time I was nine years old.

CLAUDE STERN: That was James Wesley.

HON. JEROME FARRIS: Yes but my grandfather was a terrible businessman because he would spend his money and buy the electrical wire, whatever he needed to wire somebody's house, and then the people wouldn't pay him. They were going to pay him on Saturday or pay him here and he kept on wiring houses. It was a losing proposition because he would spend his money to get the stuff and if he would have been a better businessman he would have said, "Fine, here's the price, give me this deposit." If somebody didn't do it, he kept wiring houses. So, we wired a lot of houses and he couldn't go up in the attic, I mean he could have gone but old houses and so I was his helper and I was just a nine-year-old boy and he would stand on the ladder and I would move around the attic running the wires. He would stand and tell me where to run them and I would do it. Then after a while and I don't know whether it was a year but it was very soon, he wouldn't have to stand on the ladder. I would run the wires, dropping them down but we were doing just one center light and one base plug in each room. So, I just ran those wires myself and I thought nothing of it but my first job after to college was as a radar instructor. I was teaching radar repair to Air Force personnel and the only experience I'd had was when I was my grandfather's helper. I would say to the guys never make a repair with a power source on and then I would demonstrate how to make the repair and I would leave the power source on because I knew what I was doing and I would say, "You never want to do this" and I would leave the power source on and I knew that you're not going to have currents flowing unless you had the assistant there where the current can flow. So, I would make sure I had but I would never do this, you always turn off the power source but it was just from my working with grandfather.

CLAUDE STERN: So, James Wesley never went to college, as far as you know.

HON. JEROME FARRIS: No, I know he never went to college. I just don't know how far in high school he went but I know he never went to college and neither did my grandmother.

CLAUDE STERN: Mary Elizabeth never went to college.

HON. JEROME FARRIS: No, none of them ever went to college.

CLAUDE STERN: Same thing on your father side.

HON. JEROME FARRIS: Yes. Except my grandfather, my father's father, was not just a carpenter he was a contractor and he was a super craftsman because if you go to Montgomery, Alabama and you see the stairs in the State Capitol those stairs were built by my grandfather and there's sign saying they don't know who did it but they think a freed African slave did it. Well, it was no freed African slave, it was my grandfather. The way I know is because Jim Crow was of such that my grandfather couldn't work on the premises. He made the stairs at his home and then delivered them to the Capitol and so when they re-did the Capitol somebody was very shocked and the newspapers wrote about it that the stairs were movable. Well they were movable because my grandfather had to make them away from the premises and then put them in place. But the stairs are there and they are lovely, lovely stairs. I've walked up the stairs with my grandfather many times. He was a remarkable craftsman, that's George Wesley, my father's father and one of his friends, and I've got a picture of a church that my grandfather was a contractor for in Montgomery, Alabama. The woman who gave it to me was the librarian and she told me, she's very near my mother's age but younger, she told me that when she was 12 years old and she broke a leg. My grandfather came to her house and measured her and she didn't know what he was doing or why but he made his measure and she said he went home and shortly he came back with crutches that fit her perfectly. Because he had measured her and then he went home and made her some crutches and she loved my grandfather after that because she was immobilized. She just a few years younger than my mother. This is early 1900s and Jouette that's the woman's name was grateful to my grandfather because when he came home with those two crutches "boom" she could get up, she was mobile, she could move around but he made those crutches for no money, no nothing. She was his neighbor and he saw her situation, came and measured her, went to his house and workshop and brought her down a pair of crutches. He was a very fine craftsman.

CLAUDE STERN: I want to finish this area that I want to go back to something you said or at least that you indicated. So, let's talk about your sister who is a little less than two years older than you Mary Anne.

HON. JEROME FARRIS: Her name is Marian M-a-r-i-a-n, yes Marian.

CLAUDE STERN: Did Marian go to college?

HON. JEROME FARRIS: Oh yes, Marian went to college and went to college and went to college. She's got two master's degrees, she's got a bachelor's degree, she's got a Master's Degree in Early Childhood Education, she's got a master's degree in something else that has primary grades and she taught developmentally delayed students and she loved, loved teaching. She loved being in the classroom.

CLAUDE STERN: So I've been remiss in asking questions. We're focusing obviously on your lineage. Your dad William Joseph and your mom Hattie Elizabeth they must have had siblings.

HON. JEROME FARRIS: Yes. My mother had one brother whose name was Willie James and Willie James left Birmingham to work in the coal mines in West Virginia. He died in a mine explosion before I was born.

CLAUDE STERN: And that was her only brother?

HON. JEROME FARRIS: Her only brother. My grandmother had two children, a son and then seven years later a daughter, my mother. The son who was seven years older than my mother died in a mine explosion.

CLAUDE STERN: And William Joseph, your father?

HON. JEROME FARRIS: My father was the fifth of eight children.

CLAUDE STERN: Fifth of eight?

HON. JEROME FARRIS: Yes, he was the fifth of eight. The funny thing about it, not the funny thing but the interesting thing about it, was his mother and father have children. They had tried and tried and tried to have children without success. So, they would join hands and pray every night that God would let them have children and one night they made a prayer they said they thought they should discuss it with God. If he lets them have a child they're going to name him George for my grandfather. See this was George Wesley and Sally, these are my paternal grandparents.

CLAUDE STERN: George Wesley and Sally were holding hands and then praying.

HON. JEROME FARRIS: Yes, every night. To have children and they made the prayer and they promised God. And they thought they would have to give some more information.

CLAUDE STERN: Why George?

HON. JEROME FARRIS: Well, that was my grandfather's first name. So, they were going to name him for my grandfather. Well, "boom" they had a child and they named **her** George because they promised God, they named her George and the thing is with my Aunt George we all called her Aunt George. And she called herself George, she didn't call herself some feminine . . .

CLAUDE STERN: Georgette . . .

HON. JEROME FARRIS: No, but she was a teacher and she applied to teach and she had a job. She got the job and they wrote her back and said we have no openings for male teachers. So, she realized, “Uh oh, I’ve got to do something with this” but she didn’t call herself Georgia May, she continued to be George but she let them call her Georgia or something, I don’t even know because she continued to be just George.

CLAUDE STERN: So, these would have been your uncles and aunts.

HON. JEROME FARRIS: Yes, oh yes. I know them all.

CLAUDE STERN: On your father’s side. So, can you rattle off their names?

HON. JEROME FARRIS: Yes, well George was born first, that’s the sister. She was born first then right after her Lorine was born next. Then after that came my Uncle Bud whose name was Edwin but he was never called Edwin by . . . I don’t know who called him Edwin but I don’t think anybody did. His sisters and brothers called him Bud and we called him Uncle Bud. So, then after Bud, he was the third, came Tip who was my father’s brother but his Tip’s name is James.

CLAUDE STERN: And after James came William.

HON. JEROME FARRIS: Came my father, he was the fifth one. Then after my father came my Aunt Ted. Now Ted, I don’t know how she got the nickname of Ted because she clearly was a woman and she was a wonderful lady, my favorite and I’d like to think I was her favorite. Anyway, then after that came Robert who was my father’s very close brother and I’m confused at times whether Robert came before Ted or Ted came before Robert. The three were a trio. It was my father, my Aunt Ted and my Uncle Robert. They were the dearest of friends. Then later on came the last one who is John Julius, whose nickname was Dit and he was my uncle who was closest uncle to me and my children. They all knew him because he lived in Hawaii and we would go to Hawaii for Christmas with my children and then I moved him to Seattle and he died here in Seattle. So, he’s the only brother who lived in Seattle.

CLAUDE STERN: I just want to make sure we’re clear about this. Your grandparents, both sides, came from Alabama.

HON. JEROME FARRIS: No. My maternal grandmother was born in a little town called Attapulcus.

CLAUDE STERN: That’s Marie Elizabeth.

HON. JEROME FARRIS: Mary Elizabeth. She was born in a little town called Attapulcus which is near Bainbridge, Georgia. And my grandfather, her husband, James was born in Americus, Georgia. So, they both were from Georgia. Those are my maternal grandparents.

CLAUDE STERN: George Wesley and Sally, where did they come from?

HON. JEROME FARRIS: That's what I don't know. That's my father's parents and I don't know where they were born. I know where they're buried.

CLAUDE STERN: Because you were born in Birmingham, Alabama. I thought you said somebody came from Montgomery, Alabama.

HON. JEROME FARRIS: Yes, that was James Wesley who was my mother's father. He came from Montgomery to Birmingham thinking he was going to work for the Alabama Power Company and they'd hired him until he showed up.

CLAUDE STERN: Okay, I'm going to go to two different lines of questioning. You already told me that your sister Marian went to college. She's older than you so you presume that she went to college before you.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: Okay, and your seven uncles and aunts on your . . . I'm sorry you said your mom had a brother, William James, and he died in a coal mining accident. He didn't go to college.

HON. JEROME FARRIS: No he didn't go to college.

CLAUDE STERN: So, the question is, did George, Laurene, Bud, Tip, Ted, Robert or John Julius or any of them go to college.

HON. JEROME FARRIS: All of them did I think but I know this, Aunt Rene was a teacher for all of her life. She was the second oldest. Aunt George was a teacher for period of her life but I don't know where she went to college but I know Aunt Rene went to Alabama State. So, I know when she went to college that's the second one. Then Tip did not go to college, Bud didn't go to college, they were the older brothers and they didn't go to college and John Julius went into the Navy. The baby Dit went to the Navy and he made a career out of the Navy. But I don't know, I think the girls went to college and the boys didn't.

CLAUDE STERN: Okay, out of all of those people who went to college before you, how many of them, if any, went to Morehouse?

HON. JEROME FARRIS: None.

CLAUDE STERN: So were you the first to go to Morehouse?

HON. JEROME FARRIS: Yes, oh yes.

CLAUDE STERN: So, here's the question. Why with all of these people having gone to various colleges why was your mother, you're connected now Morehouse as a Trustee. Why was your mother so fixated on Morehouse?

HON. JEROME FARRIS: I think that she just knew some people who had finished Morehouse and thought it was a great college. That's just what I think but there was never any discussion about it and she never talked to me about it when I would go to college. She always talked about it to me, "When you go to Morehouse . . .". So, there was no doubt for her that it was to go to Morehouse. I was sort of a mischievous boy when I was a teenager, I got scholarships to several schools, and I told her that I had decided that I was going to accept the scholarship to Tuskegee. "Well, why Sonny, I thought you were going to Morehouse?" "No, I thought it over and I decided I'll go to Tuskegee. They offered me more money than Morehouse offered." She was very disappointed and I played the game like I was going to go to Tuskegee for a while and then I said, "No, Mother I was joking. I'm still going to Morehouse." But I knew she wanted me to go to Morehouse.

CLAUDE STERN: Okay, so now I'm going to go backwards and forwards. First backwards in time. I don't know to what extent the Federal Judicial Center or the Ninth Circuit Historical Society is even interested in this but I'm interested in it. Your parents and your grandparents came from the South. Either Georgia or Alabama or we don't know where.

HON. JEROME FARRIS: Yes, but in the South, yes. I still know they were all from the South.

CLAUDE STERN: Have you ever tracked your family genealogy beyond your grandparents?

HON. JEROME FARRIS: No.

CLAUDE STERN: So, you have no information about where they came from?

HON. JEROME FARRIS: No, no. I know that my grandfather, James Wesley my maternal grandfather, had a sister who lived in Sasser, Georgia. It's a little town that's north of Albany, Georgia because we visited her when we were children in the summer. Twice we went and stayed there and that's where I learned to ride a bicycle. I thought I was old. I was nine years old when I learned how to ride a bike. And I think, "Why did I think nine years old was old?" I guess my friends must have learned to ride a bicycle at a younger age. But I remember the struggle I had to learn to ride a bicycle in Sasser, Georgia. This would be my grandfather's sister.

CLAUDE STERN: I'm just doing the math. If you parents were born in 1904 and 1905, that means their parents, the prior generation grandparents, assuming that the kids were born in their (grandparents) 20s maybe their 30s. They were born in the 1870s, 1880s, something like that, right?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: But you have no information before then?

HON. JEROME FARRIS: No.

CLAUDE STERN: Have you ever thought about looking back and finding that?

HON. JEROME FARRIS: No. You know why I haven't done that? I suppose I should and I suppose I would enjoy it if I got the information but no I just haven't, I don't know the background. I've got a picture of my father's grandmother.

CLAUDE STERN: Your great grandmother.

HON. JEROME FARRIS: My great grandmother and it is a nice picture. A big picture that hung in my grandmother's house. When she died I asked my father's sister if I could have the picture and she gave it to me and I do have it now hanging in the dining room at my house in Florence. A big picture, by big I mean at least three feet tall and more than a foot wide and it's my great grandmother seated with a young woman standing behind her. The young woman I found out was a girl she raised, she was not related to me but my great grandmother's there and if she isn't white she's very close to because she looks like it. I have to tell people, "No, that's my great grandmother and she's black."

CLAUDE STERN: Oh, she's fair skinned.

HON. JEROME FARRIS: Oh, very, very. So, if I'd gone back into it and I didn't go into it because there were a lot of things going on in those days and they weren't always pleasant. I thought, "Well, I don't need to dwell on it." So, I just didn't worry about it. Now, I suppose I could deal with it but at that time I thought, "Don't dwell on it."

CLAUDE STERN: So, we've covered a great deal of your family. We need to talk about something much more familiar to you that you have a lot of personal knowledge about which is your childhood. We've painted a picture now of what looks like a remarkably close family and it looks like you were surrounded by family who really loved you and who was very supportive. Tell me about your childhood.

HON. JEROME FARRIS: I've said to my children that I had a happy childhood and they would then cross-examine me because they knew I was in Birmingham, Alabama and they knew I was born in 1930. So, they would say, "Dad, we heard they would tell these dark stories about what life must have been like." I would say, "That's true" and they would say another thing and I'd say, "That's true" and they would say another thing and I'd say, "That's true." They would say, "Well Dad, how could you have a happy childhood?" I laugh about it because I did have a happy childhood. I was surrounded, it was a strange thing, but I lived in a community where you honestly, I would sit down there while my mother was cooking something for dinner and I would look and I'd see it and I thought, "I don't want that" and I would just go over to one of my neighbor's and eat and I was welcomed and I felt welcomed. I just thought "Good gracious I could eat this" and I would go out and eat. I remember eating with Ms. Daisy who lived across street from me knew I liked homemade rolls and she would call me when the rolls were ready to come out of the oven because I like to smell . . . you know you open an oven and that bread is just ready to come out and oh my heaven on earth. I would just sit there. She would call me when they were ready when they were ready to come out of the oven and I was there like a shot! No asking,

“Mother can I go?” I was gone! I would sit there in front of the oven when she would open the door and then she would bring that hot bread out and butter about six rolls and I was a little boy. They were destroyed. I would just get butter and this nice hot bread and the nice smells. It was heaven on earth. Ms. Wilburn would make the best fish I ever had. She and Ms. Georgia. My mother didn’t want me to do that. She wanted me to come home for dinner. I thought that if she wants me to come home for dinner, she’d have to learn to cook like Ms. Georgia.

CLAUDE STERN: And that didn’t bother your folks?

HON. JEROME FARRIS: I think they may not have liked it. How do you come home after having fish without somebody knowing you’ve already had your fish? My mother would say, “I told you . . .” and I didn’t say anything but I thought “All you have to do is learn how to cook like she cooks” and I’ll be right here.

CLAUDE STERN: What sort of kid were you?

HON. JEROME FARRIS: I think I was not a mischievous person. I think I did just fine but I did have an attitude and I wonder how my parents learned to deal with it. I felt that God gave me my life. He didn’t give it to anybody else. So, anything that anybody told me to do, I treat it as advisory and as advisory only. I was very polite, I didn’t say, “I’m not going to do it.” I didn’t say this but I just didn’t do it. If I thought this I did it and fortunately my instincts were more right than wrong because I didn’t do terrible things. Nobody had to tell me to study, nobody had to tell me, “Your lessons, you’ve got to do it.” Nobody had to tell me, it’s my life and I know I’ve got to do that but I can’t recall ever having somebody help me with homework or tell me how do this or tell me it’s time to study. I just did it.

CLAUDE STERN: Were you an obedient son?

HON. JEROME FARRIS: I was an obedient son except when they told me something that I didn’t think was a good plan. So, it meant that I had to run away from home twice.

CLAUDE STERN: Where did you run to?

HON. JEROME FARRIS: Once when I was 10 and then another time another time when I was 12.

CLAUDE STERN: Where did you run to?

HON. JEROME FARRIS: The first time to my grandmother’s and hid under the bed when my father came to get me. It was funny because my grandmother came right in the bedroom where she knew I was and pulled up the covers and said, “Come out Jerome your father says it’s time to go home.” I thought, “I’m not coming here again, she’s going to turn me in.”

CLAUDE STERN: Why did you run away?

HON. JEROME FARRIS: My father and I had a disagreement and I thought, “It’s his house, goodbye.” I didn’t approve of it so I left.

CLAUDE STERN: Do you remember what the dispute was about?

HON. JEROME FARRIS: One time he was talking to me, I think that was the first time when I ran to my grandmother’s. He was talking to me and I was running water in a bucket to take to my grandmother. When you’re running water in a tin bucket it makes a lot of noise. I didn’t hear but he thought I was ignoring him and I was the kind of lad who would give him reason to think maybe I was ignoring him so he came in, quite angry and so I just threw the bucket of water over at him and flew! Off I went.

CLAUDE STERN: You want me to react about you being an obedient son?

HON. JEROME FARRIS: Yes, I was obedient when I agreed, it’s just when I disagreed so .

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CLAUDE STERN: Was that when you were 10 or 12?

HON. JEROME FARRIS: I think that was when I was 10 because when I was 12 when I left home I knew don’t go there because grandma’s going to turn me in. So, I went to Children’s Home Hospital and I moved in. I must have been a dumb 12-year-old because I didn’t know you **paid** to stay in a hospital. My mother had been a nurse there and I knew the nurses and the nurses knew me so when I left home I went to Children’s Home Hospital and moved in and my father was so angry that I stayed there, it was the third day before my mother came to get me but I immediately called my mother’s best friend to tell her where I was and asked her, to please tell my mother but not my father. Because I didn’t want my mother to worry. So, she called and my mother knew where I was and then I knew that my mother knew where I was so the first day the second day nobody came. So, the third day here comes my mother. I said, “Oh, you came to visit me” because I really had moved in. I had a bed, the cook was the sister-in-law of the head nurse. The head nurse was a dear friend of mine and the head nurse’s father was a dear friend of my maternal grandparents and mother had been a nurse at the hospital, too. One was Ms. Berry and the other was Mrs. Berry and Mrs. Berry was the cook the sister-in-law of the head nurse Ms. Berry. They made me feel at home. I ate well, I was doing fine until my mother came and she said, “No, we’re going home.” I said, “I’m at home.” She said, “No, you’re going home.” I said, “Okay, we’ll go.” Then my father, the school truant officer who was Ms. McQueen came with us. My mother, me and Ms. McQueen went home. Then Ms. McQueen led us in family prayer, my father joins in and we all had our prayer. My dad said, “Cap, did you think I was going to hurt you?” I thought, “Did I *think* you were going to hurt me? I *know* you were going to hurt me.” My father was so angry that time and that’s one reason it took my mother three days to come and get me. My father loaded his .45 pistol and went looking for me door to door. Now, he said to me later that he wasn’t going to hurt me, he was just going to keep me from running. But my father was a crack marksman. I mean I had seen him shoot a rat, a running rat with a .45 pistol. You’ve got to be better than good to do that.

CLAUDE STERN: Well, you didn't think he was going to shoot you, did you?

HON. JEROME FARRIS: I wasn't sure. When he said to me "I wasn't going to hurt you" I thought, "Hmm, you can say that now but I wasn't going to give you a chance." I didn't give him a chance, I left and I was a little boy, I was 12 but not a big person and I had on a short sleeve shirt and it was night. I don't know what season, I can't say it was winter but it was cold. I remember when I got on the bus I borrowed the 10 cents from one of my neighbors. I told you my neighbors were all my friends and they all knew my father. My father had a temper so when they knew I was having a disagreement with my father they didn't turn me in, they sided with me. My father had to be wrong. One person loaned me the 10 cents but gave it to me in effect and that was my bus fare. So, I had not only one bus I had to transfer to go to the Children's Home Hospital but I wasn't trying to hide out I was just trying to be safe.

CLAUDE STERN: The situation that you're describing, this is the first you mentioned that your father had a temper. I didn't know that.

HON. JEROME FARRIS: Oh my, my father had a heavy temper.

CLAUDE STERN: You described the relationship between your mother and father as an almost idyllic marriage. Did he ever express that anger toward your mom?

HON. JEROME FARRIS: No, not that I knew of but that might be why we moved to my grandmother's when I was young. I don't know. All I know is that we loaded up off we went to my grandmother's and back. No, in terms of abuse. My mother made the decisions, major decisions. She ran everything. My father worked hard, brought the money home, gave it to my mother and that's the end of it as far as he was concerned.

CLAUDE STERN: Your sister Marian, your brother Julian, your sister Joan. Did your parents, when they punished you, was it corporal punishment, was it sit in the corner, or did they punish you?

HON. JEROME FARRIS: No, my mother beat the devil out of me. My father would try to beat me but I wasn't going to have it because he was a bigger guy than I was and I didn't know when he was going to stop or whether he knew to stop. That's the two times I decided to leave home, the first time and then the second time. The remarkable thing about the second time is my father never disciplined me again and I decided, not then but later, they must have had a conversation. My mother must have said to him, "Tom let me discipline the boy." Because she did, oh my, she'd tear into me.

CLAUDE STERN: She'd whip you?

HON. JEROME FARRIS: Oh my yes. Whip, whip, whip, she didn't care. I told my sister, that is the only problem with my mother and if she was alive now I would say to her, "Now I'm bigger than you, stronger than you, am I going to send you out in the yard to get some switches to come beat you up every time I think you did something I don't like?" I don't

know why she did it because my grandmother did not beat her. The way I know my grandmother didn't beat her, my grandmother's theory of punishment was one pinch. She would catch you with the two fingers and give you a pinch and she was through with you. She'd talk to you but she didn't beat but my mother did. But anyway, I guess it didn't hurt me although I didn't like it.

CLAUDE STERN: Other than running away when you were 10 and 12 paint the picture, were you a good student, did you have hobbies, what did you like to do?

HON. JEROME FARRIS: You know what I did? I'll tell you what I did. When I was nine years old I got a job at a cleaning plant and my mother made me quit. "No, you're too young, you can't do it." When I was 11 years old I got a job at a cleaning plant and I came home from work. I went from school to my job then I came home after six. The cleaning plant closes at six. My mother said, "Sonny, you're a little late getting home from school, aren't you?" I said, "Yes, I went to work first." I was determined she wasn't going to make me quit that job. So, I went to work first, I was 11 and I never have not worked since I was 11 years old. She didn't think that was a good idea but she didn't talk to me about quitting. I think she sensed my determination to work.

CLAUDE STERN: And the money that you made from the job at the dry cleaners, is that for you or did you contribute?

HON. JEROME FARRIS: No, it was straight to me and I'll tell you a silly thing about it but it wasn't silly to me at the time. At a point, I made very good money and I got all of my family's clothes cleaned free. Everything, my sisters', my father's, my mother's, and mine. No cost for dry cleaning.

CLAUDE STERN: Was this dry cleaning or laundry?

HON. JEROME FARRIS: It was dry cleaning. I was able to have a cleaning route and anybody's clothes I brought in only paid 50 percent. So, here are my friends running with a paper route, oh my, I could take your clothes to the cleaners I would pay the cleaners 50 percent of the price. I could charge you less than the full price and make a pretty good profit. Because I had 50 percent to play with. So, I would give you discount and pick up and deliver but I could only deliver as much as much as I could carry on my back.

CLAUDE STERN: You had a job from 11 years old on?

HON. JEROME FARRIS: For all of my life. From 11 years old.

CLAUDE STERN: Your parents didn't mind that?

HON. JEROME FARRIS: No, but my mother was funny. When I was 11 or 12 I never told them what I made. My money was mine. I could do things. For instance, if we were talking at the table and my sister the first time she wanted her first formal. They were discussing back and forth how much it costs and all that and I said, "I'll get it for you Marian" and I

bought her, her first formal which she told her children about but her children assumed I was a teenage boy, I might have been twelve but I bought her, her first formal. My money was mine and my mother said, "Sonny, how much do you make?" This was something that I have been ashamed of and I said, "I'm not telling you." She said, "I'm not asking you to share it, a lot of boys work and they would have to give their mothers some of the money. I'm not asking for your money I just want to know how much you make." I said, "Any time you want me to give you some of my salary, you let me know, I can find a better place than this to live if I'm going to pay for it." I didn't know how much it hurt my mother but my sister told me later that she cried. I was a sharp-tongued little boy and I felt bad about that because it was an ugly blow to my mother but I didn't think about it at the time. I just thought, "Why is she asking what I make, why is she insisting on it? I'm not telling her. It's my money, I'm making it, I'm not telling her." I didn't make that much but I made more with my cleaning route.

CLAUDE STERN: In the community you're talking about was this an entirely black community?

HON. JEROME FARRIS: Oh yes.

CLAUDE STERN: So the hospital you went to was entirely black, the dry cleaners was entirely black.

HON. JEROME FARRIS: Yes. No, the dry cleaners were entirely white. It was owned by whites and most of the customers were white.

CLAUDE STERN: And you could work there?

HON. JEROME FARRIS: Oh my, yes. Not only did I work there, I was an indispensable part of it when I was a little boy because I'll tell you what I did. You clean and press with steam. Somebody's got to make a fire and somebody's got to fill this hopper, I call it a hopper but you fill up a bin of coal and then the thing would feed coal into the furnace all day long. So, I would make the fire and fill up the hopper. That was what I did before I went to school and I was doing that when I was an 11-year-old just a little boy but you can imagine how that helped me. Because when you're throwing that until you fill that thing up you're getting some very good exercise.

CLAUDE STERN: In school, how did you perform in school?

HON. JEROME FARRIS: David Todd was the top student in our class always and I was second. I was always second but I never did anything to make myself anything. I went to work right after school and went to work before I went to school in the morning. I worked morning, go down and fill up the hopper, put up the alphabetized cleaning that they have labeled all during the day and then go to school. I would come back clean up the place when the pressers had gone home. Clean it up and finish alphabetizing the work that they had done in the daytime and then worked the curb. If somebody came to leave cleaning I would run out to get it and come in and put the label on it and the funniest thing about is I

had a secret as to how I would know the people. So, Miss Stackhouse had a Packard automobile for instance. I put the Packard automobile under Miss Stackhouse. Now Miss Stackhouse came in Mr. Stackhouse's car and she just had me confused. It didn't work. She just threw me her clothes because she knew I knew her name. Well, I didn't know her name. I knew her name when the formula worked but when it didn't I didn't. So, we would have to file those things under No Name and then when she would come and pick up her cleaning, you'd think, "Oh no, we don't see it" and then I'd think, "Oh, well maybe it's under No Name." Well, it's under No Name because that day she wasn't driving the Packard. Boy, did I make tips. They didn't pay me much, five dollars a week and I was making the fire and cleaning up and doing all that just when I worked before school and after school. Then it went up to ten dollars a week . . .

CLAUDE STERN: That's good money.

HON. JEROME FARRIS: . . . when I worked all day, every day but certainly with my cleaning route I was making so much more than the paperboys because all I had to do was pick several suits and I got that many dollars.

CLAUDE STERN: How did you get the job?

HON. JEROME FARRIS: The cleaners needed somebody to do what I did. They needed somebody to make the fires and they needed somebody to clean up the place and with a little boy the salary was not what they would have to pay an adult to do it. They were glad to have me and I was glad to have the job.

CLAUDE STERN: So the picture you painted as of a kid who is very independent, working at the same time they are going to school at a very young age, 11 years old, you're in sixth grade.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: What about other than working, going to school, hobbies? Sports, hobbies, reading, anything?

HON. JEROME FARRIS: No, I didn't and it's a tragedy and I've regretted it. My sister was a reader, my sister Marian. I thought reading was what girls did. I am almost ashamed to say the first book I read was after I had finished college. I didn't read. Now, of course I read. When we would have to do a book report, I thought I was very clever. I would just get what is called a Classic Comic and I would rip through that rascal and make my book report and I could make a very good book report. I thought, "What a fool of them reading" and I've regretted it and the result is that I read now. I'm always reading two or three books at a time but back then I thought that was a waste of time. I didn't read, I just didn't read. In fact, I've got one of the books now in this office. I've got two books I had when I was a little boy. My grandmother gave me a book, *Tom Sawyer* doing something and I've saved that book. Then *Bobby Blake at Roxdale School*, my grandmother gave me that book and I've still got it. I saved it and have it here in my office.

CLAUDE STERN: In school, before you went to college, what was your favorite subject? Did you have a favorite subject?

HON. JEROME FARRIS: Before I went to college, no, I didn't have a favorite subject. I didn't like the way history was taught so I can't say I didn't like history because I love it but it was taught in a poor way. Dates, memorizing dates and I thought, "Oh, good gracious."

CLAUDE STERN: The school that you went to from the time that you first started school until you went to college was it entirely black?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: No integration at all?

HON. JEROME FARRIS: None, none, none. Not only that, all the teachers were black, the principal was black, everyone was black.

CLAUDE STERN: Do you remember the name of the school? The high school?

HON. JEROME FARRIS: Yes, yes all of it was Rosedale High School. It was one school. You started in the first grade then you went through the twelfth.

CLAUDE STERN: So all in all, how big was the school. How big was your class of students?

HON. JEROME FARRIS: Oh, the class of students, when we got into high school, there would be about 80 because we would have two sections, 40 in each section . . .

CLAUDE STERN: That's a huge class.

HON. JEROME FARRIS: There was an A and a B section and there would be 40 in each one. Yes, it was a horrible thing but it didn't seem horrible to us at the time. But they brought children in from Leeds, Alabama, from Overton, Alabama from all the surrounding places in the county because Rosedale was the only accredited high school in the county at that time. Then other schools became accredited but Rosedale was an accredited high school and our principal was a wonderful man who worked hard to make sure we had a good school. We didn't have the facilities. We had what they called open air auditorium. It was just a space where the auditorium was supposed to be built but they put the chairs out there. Everybody knows in Alabama you go to school in the winter. We would sit out there with our jackets on.

CLAUDE STERN: We are about to move into college. We're going to break for lunch and we'll be gone for a little over an hour and one half.

CLAUDE STERN: Other than, you've told us about the influence your maternal grandmother had on you. You told us about the influence your parents had on you. You told us about the sort of kid you were, what you were interested in. As a kid before you

went to college are there any other people and what I mean by other people, it could be a neighbor, it could be a teacher, it could be . . . we already talked about family but it could be someone from the Baptist church. Anybody else who you think was a particular influence on your life?

HON. JEROME FARRIS: There could be a lot of people that fit that mold. I especially liked some of my teachers. I especially liked my fifth-grade teacher, Ms. Williams, and she was a great teacher in every sense. I despised my fourth-grade teacher. Bless my soul, I got to the sixth-grade boom! here comes Ms. Brookings again. I had her twice. I couldn't believe it. But anyway, you would just deal with it but yes, there were a number of teachers that were wonderful. That was the one thing about it and then that is one of the things I said was a bad thing about integration. I don't know that teachers took an interest in the students that our teachers did. If they spotted you and they felt you had a spark about you, they followed your career and they did things for you. The librarian at our school would give you 50 cents. That was a prize for memorizing certain things that she thought we ought to memorize and she wasn't teaching us at that she was a librarian but she would give you a prize for memorizing this or memorizing that. We would memorize it and we would win our 50 cents. They just took special interest in you. I read a book about my second-grade teacher. The fellow who wrote the book said that he didn't have clothes. I had what I needed. My parents made sure I had what I needed. But he said she bought him his shoes, and bought him clothes and he talked about it and I read it. I didn't know him. He came along after I did but I knew, yes, that's typical, that's what she would do. Her name was Mamie Foster and she was a great teacher. She dressed well, and who drove in those days. Very few women drove a car but Mamie Foster was a driver. She could handle a car and I remember her well and with fondness. There were a lot of people, I can't even name them all. Ministers that you would quote. When I was so young I heard a minister preach about Job and I was fascinated with Job. I wanted to read the book in The Bible. Well, I didn't want anybody to know I had no idea how to find it. So, I had to turn the pages . . .

CLAUDE STERN: The Bible wasn't a big deal . . .

HON. JEROME FARRIS: Oh no, it's The Bible but I didn't know the books of The Bible. My mother and her generation could recite the books of The Bible, just rattle them off but I didn't know the books of the Bible. I had to sneak into my Bible until I could find Job and then I read it when I was a little boy. My grandmother would quote a scripture to us all the time. I wanted to find it and she would just quote a portion of the book. As it turns out, I found it and it is the 19th Chapter of Revelations. I found it and memorized it. I loved it. My grandmother would always say to us, "Be not overcome of evil but overcome evil with good." Well, I know what she meant. I was a little boy growing up in Alabama with all of those forces going to work and she wanted me to do that, to overcome evil with good. I went and found that in The Bible and I kept looking until I found it and I found it. I can recite it now, "Dearly beloved, avenge not thyself, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, sayeth the Lord. If thine enemy hungers, feed him; if he thirsts, give him drink; for in so doing thy will heap coals of hot fire upon his head." I must confess, that was the line I loved. Then came, "Be not overcome of evil, but overcome evil with good." My grandmother told me that quote and then I just searched through The Bible

until I found it and then when I found it, I memorized it and I was a little boy. I still can flip right through it right now. I can remember how it was written.

CLAUDE STERN: How would you characterize, back then, up to the time you went to college or even past college, I don't want to limit you artificially. How would you characterize your spirituality or religiosity? I'm not asking if you went to church, I'm not asking that.

HON. JEROME FARRIS: I think of myself as deeply religious and yet I go to church if I feel like it, when I feel like it.

CLAUDE STERN: How often is that?

HON. JEROME FARRIS: Rarely, really rarely.

CLAUDE STERN: In a year, how many times.

HON. JEROME FARRIS: Sometimes years will pass and I don't go a single time and I have a little church that I attend in Jamaica and sometimes I would not go until I went back to Jamaica. Church and religion don't always go hand in hand. I didn't think much of church but I thought deeply religious. I think religion has a way of biting you if you don't pay attention. By that I mean, you should treat people a certain way and religion tells you what that certain way is and if you don't I think you pay a price right here on earth for not doing it that way. So, I think of myself as deeply religious but I am not a churchgoer.

CLAUDE STERN: Would you characterize your upbringing as, I mean, there are some families, as you know, they are raised in a religious tradition but the religion really guides them. I mean, it's a day to day value. In other situations, the family has a certain religiosity but it is sort of a background thing, it doesn't really influence. How would you characterize the significance of religion in your family as you were growing up?

HON. JEROME FARRIS: I think it was very significant. I told you my father didn't go to church but they didn't want us . . . there are certain things you couldn't do on Sunday. I even thought some of that was silly on my father's part especially since I never saw him going to church. We couldn't play cards on Sunday. We didn't play cards for money just fun games, no sir, don't touch the cards on Sunday in my house.

CLAUDE STERN: Could you play sports, go outside and kick the ball around?

HON. JEROME FARRIS: Oh, you could kick the ball around. Yes, you could kick the ball around but there were certain things you couldn't do and one of them was playing cards. Oh my, what's going on playing cards in my house on Sunday?

CLAUDE STERN: When you were a kid, did you know kids that weren't Baptist.

HON. JEROME FARRIS: Oh yes, oh yes. In my neighborhood there was a Methodist Church and then two Baptist Churches. Then there was what we called the Sanctified

Church. They weren't Holy Rollers but they would make a lot of noise and all of this stuff and we didn't do that in our church but yes, they were all right in my neighborhood.

CLAUDE STERN: So, other than Methodist and . . .

HON. JEROME FARRIS: Baptist . . .

CLAUDE STERN: . . . Evangelical of some sort and Baptist, of course. There was no other religion? No Jewish, no Catholic.

HON. JEROME FARRIS: No, and if there were Catholic, I didn't know it. In fact, I didn't know about Catholicism until about . . . at some age I became aware but I didn't know. In terms of Jewish, it's a funny thing when you say Jewish. For us, there were white people and there were black people and that was it. We didn't say, "Okay the white people are this and this and this." No, they were all white people and that's the way it was. I may have known, a number of Jewish people but, honestly, if somebody asked me now which Jewish people did you know, I would have to say, "I don't know." And I really don't, I didn't know and I'm sure I waited on them at the cleaning plant, too, but I didn't know. They were the white people and that's the way it was.

CLAUDE STERN: What about, as you've already explained, it was obviously a non-integrated society. Your community was not integrated. As a kid from the time, you were a little kid to the time before you went to college, did you fraternize with white kids? Did you have friends who were white kids?

HON. JEROME FARRIS: No. We didn't know them at all and some blacks in my neighborhood worked for white people so when they had some nice clothes or something that they were changing over, the people who worked for them would give them to others of us or our parents may pay a few pennies for them. I wore clothes that had been worn before but I didn't have any contact with the people who owned them and I wasn't even curious about it. A nice sport coat, you just look at it and you're glad to get it and that was it.

CLAUDE STERN: We're about to leave childhood and family and move into college and before I do I want to ask you is there anything that you want to talk about your family or your childhood that we haven't spoken about?

HON. JEROME FARRIS: No, I think we've covered everything. I think that would be significant. I think we have more than covered so I think we are ready to make the move.

CLAUDE STERN: Okay.

CLAUDE STERN: Okay, Judge, we are back it is five minutes to two o'clock. We took a lunch break. Our last session went from about 11:30 to 12:30. We talked about your

childhood, we talked about your family. I want to talk about college. You went to Morehouse College and you studied mathematics there?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: Tell us about what got you to Morehouse College and what college life was like? I want to just open this up to you. First of all, what got you to there? You talked about your mom's influence.

HON. JEROME FARRIS: Yes. My mother thought the only place I could to college was Morehouse. She was very firm about that and I liked Morehouse and so I went. I did have a scholarship. I had maybe two scholarships to Morehouse. I don't know what the scholarship was for but determined it was Morehouse and its reputation and it was a joyful time. The only problem that I had and it is no problem I wasn't as focused on studies as I might have been. I did alright in school, I was never in any difficulty.

CLAUDE STERN: Before you talk about college life. So, you went to Morehouse. Morehouse is located in Atlanta, Georgia. You were at the time in Birmingham, Alabama. Morehouse at the time which was the 1947-48 was entirely black university. At the time did you consider or did you have options to go to any other university that wasn't an all-black college?

HON. JEROME FARRIS: Well yes. I thought about Baldwin Wallace believe it or not in Berea, Ohio. The reason is there was a runner from Baldwin Wallace I can't even remember his name now but he seemed to have had a good experience at Baldwin Wallace. So, I thought about that but it was just fleeting thoughts. I was pretty well steered into Morehouse by my mother who wanted me to go there and by me. What I learned about Morehouse was that it was a good place to go so I was pretty much steered into going to Morehouse.

CLAUDE STERN: Okay, so now you're at Morehouse. You started saying that you weren't as focused on studies as you otherwise might be?

HON. JEROME FARRIS: I was not a bad student but I was interested in a lot of things. I think I became president of my fraternity and as it turns out I became president of my fraternity at the end of my sophomore year and you don't pledge until your sophomore year and I remained president through my college. I stayed president until I was out of there.

CLAUDE STERN: What fraternity was it?

HON. JEROME FARRIS: Alpha Phi Alpha, which I thought was the beginning of all things. It was a great fraternity and I put a lot of energy into it.

CLAUDE STERN: What was frat life like?

HON. JEROME FARRIS: We didn't live in fraternity houses in those days. We pledged, alright, but the whole campus lived wherever we lived and then you get together for your

meetings. So, no house was a fraternity house. We all lived on the campus. I lived in the same room from the time I was a sophomore. Sophomore, junior and senior years. For three years I lived in the same room.

CLAUDE STERN: So, it was a purely a social organization?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: What did Alpha Phi Alpha do?

HON. JEROME FARRIS: We changed the world. We were tough. We did, in my view, we did a lot of very good things. For instance, if you heard of a case called *Henderson v. Southern Railroad*, you may not have heard about it but anyway, *Henderson v. Southern Railroad* was finally answered by Alpha Phi Alpha Fraternity. We paid the legal fees of Belford Lawson who was a permanent attorney was the president of the Alpha Phi Alpha Fraternity . . . national. I never thought there was anything peculiar about it but Belford had us paying attorney's fees and he and his wife Marjorie were the attorneys on many of those cases. We, of course, were focusing on the effect of what we were doing rather than otherwise and so a lot of the key civil rights cases there was *Sweatt v. Texas* I think, *Sweatt v. Painter* - challenging the "separate but equal" doctrine. Sweatt was trying to get into University of Texas Law School but he didn't get in. Sweatt went to the Atlanta University School of Social Work a year ahead of me. We were in school at the same time at the same school. Other things were more important to me and social change was very important to me. I had believed that you can't measure a person's worth by looking at what color he is so I wanted to bring about a situation and I wanted to see a situation come about. People just achieve on their merits, you either made it or you didn't make it. You either did it or you didn't do it. Anything that could help bring that about I was for it. Our fraternity at the time handled a lot of litigation.

CLAUDE STERN: When did you get this? You were describing yourself in grade school and high school and you didn't seem to have a strong social conscience at least how you described it earlier as a child. Is that true?

HON. JEROME FARRIS: Yes, I think that's true.

CLAUDE STERN: What happened?

HON. JEROME FARRIS: I think what happened was this: I thought it was all foolishness. I honestly believed that change was going to come about and I thought it is just a matter of time. It's just got to happen. And it wasn't happening and then I realized it's not happening because nobody is doing anything to bring it about. So, some of us must get out and do something to bring it about. When you talk about me with fraternities, I became a national officer. I think there might have been three or four undergraduate officers around the nation but I was the one in the South. I traveled making speeches and I laugh about one of the speeches I made. I went down to Georgia and some people were being terrorized at night. There it was in my speech I said, "They're riding through your neighborhood to have fun, to

have a good time. They are not necessarily evil, they just think this is the way they have fun. Arm yourselves with high powered rifles and shoot to kill. Let them know that if they come into your community for fun, they are likely to pay a price and it might be their life. So, you arm yourself and shoot to kill.” They put an article put in the newspaper - “Fraternity Leader Suggests You Must Yourself with High Powered Rifles and Shoot to Kill” - but you know what happened? The rides stopped, they stopped coming, they stopped! Now, I would say I took credit for it . . .

CLAUDE STERN: Did you get in trouble for it?

HON. JEROME FARRIS: No, no nothing but when I made the speech, I meant it. I didn't want anybody to get killed. I wanted them to stop doing the raids. Now, it might be a coincidence, I won't say that the speech did it but if they hadn't printed the speech in the newspaper it would have been generally known about because the audience would have heard but that's the only people. There were no more night rides through that community but I became very much involved then. First, I believe that it was the right thing to do. Second, I thought it was going to come about with ease. I was really surprised at the effort it took to bring it about. I thought when people understand, then they are going to make a change. When I was a young boy I wanted to go to a Ku Klux Klan meeting. I thought if I could just get in there and talk to them a little while and let them question me we'd solve this thing, let's get it cleaned up. I taught in Mississippi for a period of time and one of my fellow teachers had a father who was a Klansman. So, I told him the story and I said I was laughing about how naïve I was about the change. He said to me, “It's a good thing you couldn't figure out how to get to a meeting.” I laughed and he laughed, too. I said, “What do you think would happen?” He said, “Oh, it would have been the last anyone would have seen of you, if you had figured out how to get to the meeting. So, just be glad you didn't know.” His father was a Klansman and he was not. We were friends and we were just chatting about it. Anyway, I think I was, always, in the back of my mind, an activist but I didn't do anything until I got to college and then I began to do something because the change I thought was going to come about, didn't come about. It wasn't happening fast.

CLAUDE STERN: How visible was your activity for Alpha Phi Alpha and your activity on the campus to your folks?

HON. JEROME FARRIS: To my parents?

CLAUDE STERN: Yes.

HON. JEROME FARRIS: They didn't know what was happening one way or the other. My mother became afraid that I was going to get killed but not when I was there (Morehouse). It was my first job after I graduated and went to teach at Keesler Air Force Base and that's where I met the guy whose father had been a Klansman but I considered people there, who were my fellow teachers, my friends. We did things together. My parents were quite concerned about it. In fact, my father, I was telling him about some friend of mine, and my mother said, “Well, are there any other black teachers?” “Yes, there are some but not many.” She says, “What do you mean your friends?” I said, “Well, I mean my friends.” I

think my father's comment was, "What do you have that he wants?" I said, "Nothing. We're just friends." He says, "You'll learn, you'll learn." They just thought there was no such thing as friendship crossing racial lines. "If that guy wants something from you, he wouldn't even pretend to be your friend so you'll learn, he's going to make his move." They were and I think they were good people but that helped me more than it hurt me. I'll tell you why it helped me. I realized that good people could have strange ideas. They could be biased and still be good people. So, it helped me because every time somebody came up with one of these silly statements I didn't just decide, "Oh, shoot him!" You know, they're terrible. So, they are just good people who are just misinformed and it helped me. The problem and it was a big problem, I knew that there had to be a big push to end segregation and I thought that the Catholic Church was going to do it.

CLAUDE STERN: Why?

HON. JEROME FARRIS: Because the Catholic Church had white ministers all over the world. Priests. They had white priests in black parishes. So, I thought, "Okay, they now understand so they're going to do the big push" but there wasn't a push. It was Truman. When Truman said that the armed services are going to be integrated he didn't say two years from now he signed something and boom! it's going to happen. And boom! it did and it happened. I knew it takes some move like that to bring about a total change and that's what happened.

CLAUDE STERN: While you were in college. You studied math, right? Why did you pick math?

HON. JEROME FARRIS: Because you didn't have to do a lot of reading. You know, you take English you have to read a lot and math, you just do the problems and go. I thought that's the way to go and off I went.

CLAUDE STERN: Other than Alpha Phi Alpha are there any extracurricular activities at school?

HON. JEROME FARRIS: Well, yes but I was in the glee club. I did a lot of things on the campus that I enjoyed thoroughly but my big move was Alpha Phi Alpha, yes, that was my big move.

CLAUDE STERN: Was it at Morehouse you said had offered you a scholarship?

HON. JEROME FARRIS: It did. They gave me two. I had a scholarship for speaking, an oratorical contest I had won a scholarship and then I had one when I applied for an academic scholarship because I had done well in high school so they offered me a scholarship. So, I had two scholarships.

CLAUDE STERN: How much of your tuition, do you think, was paid for?

HON. JEROME FARRIS: Not much. The scholarships then but tuition wasn't much. In those days, today's tuition was unheard of, thank goodness. I think, I can't remember with certainty but I think it couldn't have been more than three hundred dollars a semester to go to Morehouse at the time I went.

CLAUDE STERN: Were there any particular professors or teachers that you had at Morehouse that were particularly influential?

HON. JEROME FARRIS: Oh yes and I paid attention to what they said. One was a history professor who helped me a lot. Another was a political science professor gave me good advice. I was thinking of going to law school after I finished college. I had known him from Morehouse but I talked to him about my plans and what I was concerned about doing and I had wanted to go to law school but I had to work for a period of time. He advised me to study social work rather than political science in the interim while I was waiting to go to law school. So, I took his advice and I got a master's degree in social work.

CLAUDE STERN: Do you know what his name is?

HON. JEROME FARRIS: His name was Brisbane (Robert Hughes). He had a Ph.D. in political science from Harvard and he was the guy who might have told me yes, you need to do the political science. I was planning to be a lawyer and he said for to me to go to school for social work ". . . and you will learn things that will help you as a lawyer that you are not going to learn in political science. Anything we teach you in political science you're going to learn anyway when you go to law school, so, do that." It was good advice.

CLAUDE STERN: At Morehouse, were your professors . . . I take it the whole student body was African American.

HON. JEROME FARRIS: Everything, everything, yes but not all of the faculty. Frau Hannick (sp?) taught German and she was a little lady from Germany. They had other white people on the faculty but not many. The faculty was predominately black but it was not solely black.

CLAUDE STERN: So you graduated with a degree in mathematics?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: So, at the time you were 22, this was . . .

HON. JEROME FARRIS: I was 21 in 1951.

CLAUDE STERN: 1951. You said that you were thinking about going to law school but decided not to go directly to law school?

HON. JEROME FARRIS: I couldn't afford to. My parents died in '52. In '51 when I finished Morehouse I talked to my mother about helping me with other schooling and they both felt the same, "You got to get a job." So, I did get a job teaching radar at Keesler Air Force

Base in Mississippi. It wasn't my parents being mean about it. They had limited resources and they got through four years and they did, they got me through the four years. Even though I had some scholarship assistance the bulk of the money, the funds came from them. Right after that, I just went to teaching radar down at Keesler Air Force Base in Mississippi.

CLAUDE STERN: So, you taught at the air force base, it's Keesler? Spell.

HON. JEROME FARRIS: Yes, it's K-E-E-S-L-E-R.

CLAUDE STERN: Keesler Air Force Base, okay.

HON. JEROME FARRIS: Biloxi, Mississippi.

CLAUDE STERN: That was your first time in Mississippi, first time working in Mississippi?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: Did you find out that it was a change from Atlanta, Georgia from Birmingham, Alabama?

HON. JEROME FARRIS: No, it was more similar than different. The thing that was funny about Biloxi and you can see why it struck me as funny. The buses were segregated so the post at that time, the commander of the post said, "No, we're not going to be segregated, you're not going to even . . . the buses are going to be integrated coming to Keesler Air Force Base." The city of Biloxi said, "No, we're not going to integrate the buses." The commander said, "Fine, tomorrow morning at 9 o'clock I'll have post buses running the routes."

CLAUDE STERN: What is a post bus?

HON. JEROME FARRIS: Army. "We'll have Army buses running the route and we'll pick up the passengers and bring them here. And do you know that Biloxi dropped it? So, it was funny because if you got on a bus going to Keesler Air Force Base to work, if your bus was going directly to Keesler Air Force Base, you sit wherever you pick a seat. Not only that, white people would get on and sit next to you even though you were seated first. You would sit wherever you want to and then you get off and you get on another bus that is not going to Keesler Air Force Base the blacks go to the back and the whites go to the front. The same people who were sitting next to you on the bus leaving Keesler coming to town to transfer would then get on the next bus and they would go whites to the front and blacks to the back.

CLAUDE STERN: How long did you work at Keesler Air Force Base?

HON. JEROME FARRIS: Just for one year. I was drafted in the Army from Keesler.

CLAUDE STERN: And that's where you worked for the Signal Corps?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: What is the Signal Corps?

HON. JEROME FARRIS: I think we were the brains of the Army but I don't know that everybody in the Army would think that. We got the messages through. In those days you didn't have all the stuff we've got now and somebody's got to let another group, that is a distance from you, know what's going on over here and when you're going to do it. They've got to let you know what they want you to do. The Signal Corps got those messages through and that's why I said I think we were the brains of the Army. I imagine everybody in the Signal Corps thought that way.

CLAUDE STERN: In the Signal Corps you were a Private?

HON. JEROME FARRIS: Yes, I went into the Signal Corps and I was never assigned to a line outfit. I stayed in school the whole time I was in the Army.

CLAUDE STERN: What do you mean school?

HON. JEROME FARRIS: One course after another. One course I was taking . . .

CLAUDE STERN: In the military.

HON. JEROME FARRIS: . . . in the military and the way that happened was I had taught radar so now I'm in the Signal Corps but the Signal Corps had its own school so they sent me to school. Well, I said, "I taught the course I don't need to come to this school." "No, you taught in the Air Force, you're in the Army now. You've got to go to our schools." So, I went and I made a one hundred on every test. It's the only time I've ever done it but how would I not? It would have been a disgrace if I didn't because I've been teaching this course, I've got to make a one hundred on these tests. I did and I finished my exams early. Well, the Signal Corps says, "Oh gosh, this guy, who is this?" So, they sent me to another technical school. When I finished that and making marks, well they sent me to another technical school and then my parents died. My father in the automobile accident and my mother was dying of leukemia. I was discharged. I got what was called the Hardship Discharge and I came out of the Army. So, I came out before I ever was assigned to a duty station because I went from one technical school, 'this guy's tops' so they sent me and that's how I ended up. I was at Camp Gordon, Georgia which is now Fort Gordon and then I went to Fort Monmouth which was the home of the Signal Corps in New Jersey and I was discharged from Fort Monmouth.

CLAUDE STERN: I should have probably started off with this instead of bringing this up now but you were married to Jean Farris.

HON. JEROME FARRIS: Yes but afterwards.

CLAUDE STERN: Afterwards and you have two beautiful daughters. Juli and Janelle.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: I just want to make sure I don't miss this. When did you meet Jean?

HON. JEROME FARRIS: In one minute when I was in college at Morehouse. She went to Spellman, I went to Morehouse.

CLAUDE STERN: Spellman was an all-girls' school?

HON. JEROME FARRIS: All girls' school. Morehouse all men. We met at that time and we met in a funny way. My girlfriend Lois was my wife's roommate. One day I went to visit Lois and she wasn't ready. So, she sent her roommate down to entertain me until she came down. I thought, "Hmmm" and the next thing you knew her roommate was my girlfriend and they were no longer roommates I found out later. I didn't know it at the time.

CLAUDE STERN: Were you dating Jean in college?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: What years did you start dating Jean? What class were you in?

HON. JEROME FARRIS: It must have been '48 '49 somewhere around there.

CLAUDE STERN: Sophomore, Junior?

HON. JEROME FARRIS: Yes, yes and then we had a period of time where we never saw each other because I went my way and she went hers.

CLAUDE STERN: You went to the Army Signal Corps and she taught.

HON. JEROME FARRIS: Yes, and I did all those things and went to school and then in 1957 when I was thinking about getting married. It was time for me to think about getting married, I thought, "Well, which one of my ex-girlfriends would I want to try to make a move on now?" I did an unusual thing I think is really funny but it didn't offend anybody. I invited Jean to come to Seattle for a dance but I didn't offer to pay her way. She was in Atlanta. I was at the University of Washington going to law school but I decided of my ex-girlfriends, she's the one but I've got to know if she is interested in me. So, I invited her to the dance but no mention of how she was going to get there. She bought her ticket to come to go to the dance and that said to me, "Yes, she's thinking about me alright because she wouldn't have done it," and we got engaged while she was there for that thing.

CLAUDE STERN: This was 1957?

HON. JEROME FARRIS: No. Yes, we got married June of '57 so it must of '56 at the end of my first year probably. Or sometime during the second year I can't remember but I know we got married June of '57 which was second year, end of my second year.

CLAUDE STERN: I want to just make sure we have this chronology right. You are honorably discharged from the Army when your parents die in 1952.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: At that point, is that when you went to social work school?

HON. JEROME FARRIS: Yes. In '52 then I was working two jobs in Birmingham, Alabama when I came out of the Army because I couldn't make enough money at one so I worked a night job and a day job and it was killing me. I didn't know it was killing me and I began to lose two pounds a day. I was working at the Birmingham News at night doing janitorial work, cleaning up and those kinds of things and then I was working as a dry cleaner at the cleaning plant where I had worked as a little boy. Now I was a dry cleaner and I was working there in the day. Both of those jobs took a lot of energy and I was doing them both I think successfully. I began to lose two pounds . . . I'm losing a lot and I could see it. So, I began to weigh myself and every day I was two pounds lighter than I was the day before and it scared the devil out of me. Not because I was sick but I thought, "You can't lose two pounds a day. Nobody could do that." My weight went down to 162 pounds and when I was 15 I weighed 185 and when I got down to 162 it scared me. "Your health is going to break." So, I then went over to Lockheed I got one job in Atlanta. When I was in Atlanta and because I had worked two jobs, one night and one day, I had all this time on my hands and that's when I went to school for social work. I couldn't go to law school because I didn't want to commit myself as a student. I wanted to get my sister, Joan, through college and I had to work to do it and I didn't want her to work because I didn't want to have to kill anybody. I don't know that I would kill anybody but I didn't want anyone to cross her because then I'd have to do something about it. "No, just go to school, that's your job." Well, in order to make that possible I was working at two jobs. Then when I began to lose weight it scared me so I came over to Atlanta and found out Lockheed was hiring in Atlanta.

CLAUDE STERN: What did you do for Lockheed?

HON. JEROME FARRIS: Buck rivets, make airplanes, build airplanes. I got a job at Lockheed and I was making more at Lockheed working one job than working two jobs in Birmingham.

CLAUDE STERN: You went to Atlanta University to get your MSW. Now, I'm not acquainted with Atlanta University. What sort of University is it?

HON. JEROME FARRIS: It was superb at the time. I can't say now because it ran into financial difficulty and it and Clark College became one. So now it's Clark Atlanta University but at that time it was superb. That was one of the advantages of discrimination. The top scholars had to teach at black universities. The top black scholars and many of those people taught at Atlanta Universities.

CLAUDE STERN: Just so we have the chronology right. You were working at Lockheed this is after . . .

HON. JEROME FARRIS: This would have been '53 I suppose.

CLAUDE STERN: Because your parents died in '52.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: So you worked and it took you two years to get the MSW?

HON. JEROME FARRIS: Yes, it is a two-year degree. It must have taken two years.

CLAUDE STERN: So '53, '54, '55.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: In that school of social work, did you focus on a particular area or not?

HON. JEROME FARRIS: No, I took what's called Psychiatric Case Work. I was being trained to work with people who had social problems and I enjoyed it thoroughly and I would have stayed a social worker but the salary wouldn't let me do what I needed to do.

CLAUDE STERN: While you were at Atlanta University were you working at Lockheed simultaneously?

HON. JEROME FARRIS: Yes. I was working full time and going to school full time.

CLAUDE STERN: You weren't acting as a social worker.

HON. JEROME FARRIS: No. I was working. When I went to work at Lockheed, I was working at night from three to eleven and I was going to school in the daytime but I would make sure I finished my school work so I could be to work at Lockheed at three o'clock. I worked the three to eleven shift.

CLAUDE STERN: At some point while you are at Atlanta University you decide you want to go to law school.

HON. JEROME FARRIS: I knew before I went to Atlanta University that I wanted to go to law school.

CLAUDE STERN: What I mean by that bad question, is you made it very clear, even in college, you wanted to go to law school but that became a reality at some point you were actually beginning to plan to go to law school. Why is that?

HON. JEROME FARRIS: Yes, and that was while I was in Atlanta University School of Social Work.

CLAUDE STERN: Let's talk about that. How did you figure out where to go to law school, which law schools to apply to?

HON. JEROME FARRIS: It's the silliest thing and it worked out very well. I decided I was going to law school but I had worked all my life and I had worked very hard. I thought you go to law school, then you get married, then you have a family. So, I thought, "I've got to have an adventure." So, I decided I'll have an adventure while I go to law school. So, I thought, "Where have I never been that I would never go?" I wanted it to be a nice place, a beautiful place and it came up Denver and Seattle. Then I checked if there was a law school there. Yes, there is a law school there. Then I checked the weather. It's colder in Denver than it is in Seattle to my great surprise. Because you look at the map, so I thought, "That settles that." That's how I picked Seattle. Well, because I had the degree in social work and had done reasonably well in school the King County Juvenile Court was recruiting at Atlanta University where I got my Master's Degree in Social Work. So, they recruited me. Marty Falsberg called me and recruited me to work at the King County Juvenile Court.

CLAUDE STERN: To be a social worker.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: Big picture. Was Atlanta University an all-black college?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: So, big picture. You grew up in an all-black community, you had gone to Morehouse which is an all-black college. You went to Atlanta University where you were also at an all-black college.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: There was faculty that was not. Now you're going to law school and this is the first time, you're twenty-five years old?

HON. JEROME FARRIS: Yes, exactly.

CLAUDE STERN: Now you are going to go to a university to go to law school and this is your first integrated college, educational experience.

HON. JEROME FARRIS: Yes, except that you know when I taught in Mississippi, I taught whites primarily.

CLAUDE STERN: And in the Signal Corps you taught whites, too.

HON. JEROME FARRIS: I had been in school with whites, I hadn't taught them but I had been in school with them. This was my first time going to school in an integrated situation in law school.

CLAUDE STERN: Were you concerned at all?

HON. JEROME FARRIS: Not only was I not concerned it was funny to me. I thought, “You’re going into hostile territory now remember that.” I said to myself, “Just make sure they understand you’re not trying make friends, you came to get an education.” So, I did. I didn’t talk to anybody, I just went to class, when class was over I got up and left.

CLAUDE STERN: Okay but two different things are happening. You’re applying for a job the King County . . .

HON. JEROME FARRIS: Juvenile Court.

CLAUDE STERN: . . . at the same time you’re applying to law school. What one influenced the other? Did you getting a job at the King County Juvenile Court assist you getting into University of Washington?

HON. JEROME FARRIS: No, but it made the decision easier because I had to work and my parents were dead. So, I had to work and I had to send myself to school. Plus, I wanted to send my sister to graduate school. So, working was mandatory. I checked, and yes there is a law school. The people at the King County Juvenile Court who hired me knew that I wanted to go to law school because I asked them to check. I had made up my mind that it was time for me now to enter law school. I thought I was getting old although I was 25. I knew there was a law school and I knew that I could work and go to law school.

CLAUDE STERN: You were thinking about law school in college and you were involved with the Alpha Phi Alpha which was involved in legal causes. What prompted you to want to be a lawyer?

HON. JEROME FARRIS: Oh my, I don’t even know. I really don’t know what was the kicker.

CLAUDE STERN: Well, it was in college?

HON. JEROME FARRIS: It was late in college, too, because I had wanted to be a doctor when I was a little boy. I thought that was what I was going do and then I decided I wanted to be a lawyer. I think what was happening in the South and what was happening all over America had its role in helping me decide that that is what I wanted to do and I wanted to facilitate change. I thought it was going to be easier than it was and it’s not over yet but I thought, “As soon as people realize that people are people everything is going to be alright.” I thought law was the best way to do it.

CLAUDE STERN: You got to the University of Washington. How many black students were there at the University of Washington in 19 . . .?

HON. JEROME FARRIS: Fifty-five that’s when I came. In the law school the total number of blacks was three. One in my class, Don Hayley, and then one who was one year ahead of me.

CLAUDE STERN: One in addition to you.

HON. JEROME FARRIS: One in addition to me in my class but we weren't in the section but we were in the same class Don Haley and then Charlie Johnson was a year ahead of us. Charlie graduated.

CLAUDE STERN: Was Charlie the first African American . . .

HON. JEROME FARRIS: No, no somebody had been ahead of him. I think Charlie Smith had been ahead of him. I don't know whether there had been blacks other than those but not many if there were any. But there were only three in the law school and two of us were in the same class one a year ahead of us. Then he graduated, my second year was his third year. He graduated. Then on my third year one more came in the first-year class. So, all the way through there were no more than three and we were in different classes.

CLAUDE STERN: Tell me, what was that like and what I mean by that is here it is, this is your first integrated college experience. How many students were at the University of Washington Law School total?

HON. JEROME FARRIS: I can tell you that, too, because we took in 180 in first year's class.

CLAUDE STERN: So that's 540.

HON. JEROME FARRIS: No, no, no because the second year they cut the 180 to 90. So, half of them are going to be gone and half of them were gone. So, then there were 90 in the second year. One hundred eighty the first-year class, 90 in the second year class and then I don't know how many in the third year class but somewhere . . .

CLAUDE STERN: So, about 350 or something like that.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: I didn't realize law schools cut people back then.

HON. JEROME FARRIS: Oh, they cut them. That's all they did. The University of Washington and it's a good thing because maybe I wouldn't have gotten in. I had been accepted at Columbia so maybe I would have gotten in.

CLAUDE STERN: You applied at Columbia?

HON. JEROME FARRIS: And I did get accepted.

CLAUDE STERN: Law school?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: Why didn't you go to Columbia?

HON. JEROME FARRIS: Because I didn't get this job that I needed.

CLAUDE STERN: Oh yes, King County Juvenile Court.

HON. JEROME FARRIS: I had to work. So, I looked over it and I thought I was going to work in New York. I was just so sure that was where I was going to live and I thought, "Well, I'll have an adventure going somewhere now and come back to go to work."

CLAUDE STERN: What was that like in the University of Washington from any experience? First of all, now you're in a professional school. Number two, you one three blacks in the entire 350 law student community.

HON. JEROME FARRIS: It was very pleasant. The dean was a wonderful guy who became a friend of mine. The professors were nice. I had my first-year class, I had a fellow named Johnson, Ralph Johnson who taught torts. And Ralph Johnson liked me and I don't know that he liked me and I didn't know at the time but he called on me every day. Every day. I was prepared so maybe he was sort of . . .

CLAUDE STERN: Harassing?

HON. JEROME FARRIS: . . . not harassing me but showing the class. He'd call on me every day. So, one day he looks up to call on me and I wasn't in my seat. But I was in the classroom, I just moved to another seat. He called on me, he looked at my seat, "Oh, he's not here" and he moved on. Well, the class knew I was there because the first thing, although Haley was in my class he was in a different section, so the spot would show up, they knew I was there. Ralph Johnson kept on teaching and then he spotted me and he said, "Oh, you're here. You just changed seats." I said, "Yes, I learned that was a hot seat." That's why he called on me every day. I said, "I learned it was a hot seat and I just better leave it alone." He said, "Well I found you now." Then he called on me that day over in my other chair. I learned later that he really was my friend. We became friends as time passed. He did it but it helped me have a good experience. I had a very good experience at law school and I had many good friends finally and nobody, nobody was ugly to me. There was nobody who did the things that you read about. There were people who said nothing to me one way or the other but nobody did anything overt. They would do silly stuff.

CLAUDE STERN: Did you feel any ugliness directed to you?

HON. JEROME FARRIS: No.

CLAUDE STERN: Do you think that was a function of Seattle or the law school?

HON. JEROME FARRIS: I think it was a function of the law school and Seattle and the fact that I wasn't the dumbest bumpkin in the world. You grade onto law review and I graded on the law review and it was limited to the top 10 percent of the class. You do it after the first year. Nobody thought I was going to be in trouble but it was nothing but very pleasant.

CLAUDE STERN: Sounds like you made some good friends while you were in law school.

HON. JEROME FARRIS: Oh dear lifelong friends. Dear friends.

CLAUDE STERN: You told me a story before we started this recording about someone who became a dear friend of yours who I'll actually be talking to, Judge Jerry Johnson.

HON. JEROME FARRIS: The way Jerry Johnson and I became such good friends. I tell you I never said anything. I never looked to the right or the left. One day I was walking away from class and the voice says. "Joe?"

CLAUDE STERN: This is first year?

HON. JEROME FARRIS: Yes. And I kept walking because he couldn't be talking to me. Then finally, "Joe." I turned smiling because I realized that this fellow had to go to a lot of trouble to know my name. There was nobody who could tell him because I hadn't talked to anybody. He had decided he was going to speak to me and I had been sitting next to him. I told you I never looked to the right or left. I didn't know who was sitting where. So, he had checked my seat number, checked the professor's chart to see the name of the person sitting there, seen my name and then decided he was going to speak to me that day. He had to do it that day because he spoke to me as we left our class that day. When he did and I turned smiling, we walked and he and I became close friends. I went to his house for dinner and I'm sure there was a little bit of an awakening for his parents.

CLAUDE STERN: Jerry Johnson is white?

HON. JEROME FARRIS: Yes. Blonde very Nordic, in fact, his ancestors are from Norway. So, we became good friends and he invited me home to dinner, his house and I went but I bought a new sweater first. I thought, "Well, how was I dressed?" I didn't know what to do so I bought a new sweater and off I went.

CLAUDE STERN: When you went to his parents' house for dinner, was this the first time you had gone to a white family's house for dinner?

HON. JEROME FARRIS: Oh, it was the first time I had gone to white person's house in a social way. When I was a boy, when I was working I'd go up to do work. To go and sit down at a table and have dinner? No, this was very much so the first and I'm fairly certain it was very much the first time his parents had ever had a black person for dinner. They loved their son and they certainly were very nice to me. I had no sign that this was any problem for them. We all sat at the table and they talked back and forth and I did, too. I don't know how difficult it was for them.

CLAUDE STERN: You felt included as part of the family.

HON. JEROME FARRIS: I don't know about part of the family but I felt that they loved their son and that I was a welcome member at the table.

CLAUDE STERN: Was he living at home.

HON. JEROME FARRIS: He was living at home with his parents and his brother and sister. He had a brother and a sister and both parents. At the dinner table there were the five of them and me.

CLAUDE STERN: This is 1956.

HON. JEROME FARRIS: It must have been late '55 because it was early enough for me to make more friends in law school but at that time I think it was after three weeks into the first year.

CLAUDE STERN: How would you describe your law school experience, generally?

HON. JEROME FARRIS: It was outstanding.

CLAUDE STERN: You were very successful in school.

HON. JEROME FARRIS: I had a very good experience. First, I was on the law review that's one thing. Then I was on the moot court team. There was Stan Johanson (Stanley M. Johanson - UT), who now has a career teaching at Texas, and I were the principals of three people but he and I were the principal arguers and a guy named Don Badgley who became a partner in a law firm in Seattle by the name of Bogle & Gates which was a big law firm at the time. So, the three of us made the team but I always argued then sometimes Stan argued and sometimes Badgley argued but I always argued.

CLAUDE STERN: Other than the law review, while you were in law school did you focus on any particular area or just took classes generally.

HON. JEROME FARRIS: I just took classes generally.

CLAUDE STERN: You were working for the King County Juvenile Court. Entirely through law school?

HON. JEROME FARRIS: Yes. Yes, but I didn't work full time. I worked full time in the summer and then I worked a special job. They knew I wanted to go to law school so they created a night job for me and I worked what was called a night intake control officer at the juvenile court. It was a nice thing for me and it turned out to be a nice thing for them, too, because social work didn't pay much money and you weren't going to get a social worker professionally trained to work at night. I was delighted to work at night because it meant I could go to school in the daytime. So, I did and what we did it saved the county money. I had the authority to release the children brought in. Even if they brought them in and said we want this kid locked up. I could decide, "No, he could go home with his parents." I would have to interview the parents first and I would have to make sure, you don't want to make a mistake but I had that power. That helped the county save money because they didn't have to pay to house those kids overnight.

CLAUDE STERN: It is unusual nowadays, in the 20th Century, it was unusual when I went to school in the 1970's for a person to work through law school.

HON. JEROME FARRIS: I know it was unusual but it was the only way I was going to go.

CLAUDE STERN: So you didn't get a scholarship of the U of W?

HON. JEROME FARRIS: No. I must have had some scholarship, yes, I had two scholarships to go to law school but they weren't much money. They weren't even the full tuition. William Wilshire Memorial Scholarship and it was \$100 or \$200 or something. A small amount of money. It contributed but the nut had to be cracked by somebody and I was the somebody.

CLAUDE STERN: Obviously you went to the University of Washington law school and years later you became Regent of the University of Washington, right? I assume that this was in no small part because the loyalty and dedication that you felt to the law school of the time that you had there.

HON. JEROME FARRIS: Well, it was part of that and it was, I don't know who had to do with my becoming a Regent to tell you the truth, I honestly don't know who. Somebody had to make the major move and I don't know who those somebodies may have been but I know I was well received as a Regent and my fellow Regents became dear friends of mine.

CLAUDE STERN: All right. Now we're going to move into your job as a lawyer. Want to take a break or are you good?

HON. JEROME FARRIS: No, I'm fine.

CLAUDE STERN: So, you graduate from law school 1958 and you did very well in law school. You were law review. You have to find a job. Paint us a picture of, first of all, what cities you considered. You have to take the bar exam so you have to make a decision about what bar to sit for. Then you have to make a decision about, once in a particular location, what area of law do you want to go to. Criminal or civil? You had a social work degree so maybe you aren't thinking about that. What were the thought processes . . . oh wait stop. Before we even get there, at that time in the 1950s during the summers did people work law firm jobs?

HON. JEROME FARRIS: Some of my classmates may have, I don't know but I know that there was no opportunity of that for me.

CLAUDE STERN: Were any of the major or even minor law firms here in Seattle hiring African Americans?

HON. JEROME FARRIS: No, no and the answer to that is no. The first African American that I know who worked in an otherwise white law firm worked in a firm that specialized in workmen's compensation and he's a fine man. He finished law school at Howard so it's pretty clear, it's a black school and he became a partner, too, in his law firm. That firm had one and other law firms no.

CLAUDE STERN: What you're saying is no African Americans, no black associates, no black partners?

HON. JEROME FARRIS: No. No black associates, no black partners.

CLAUDE STERN: So, what was that like when you're making a decision about a career? By the way, what about other cities, Chicago, New York, Los Angeles?

HON. JEROME FARRIS: I suppose so but I only thought about Seattle. Seattle and New York. But the way I happened to work out in Seattle is Marty Falsberg, who had been the second in command at the King County Juvenile Court but he was really the primary social worker among all of the probation officers. He was the assistant to the chief but Marty Falsberg invited me to dinner and he invited a friend of his, Leonard Schroeter, who was just a friend of his and invited me to dinner.

CLAUDE STERN: Just so the record is clear. Leonard Schroeter is S-c-h-r-o-e-t-e-r.

HON. JEROME FARRIS: Yes. So, Leonard, Marty and I were having dinner and Leonard was talking to me and Marty was talking about me and back and forth and including me in the conversation, too, and says what was I going to do after I finished law school. Then I said, "Well, I'm going to interview the prosecuting attorney." He said, "Are you going to interview law firms, too?" and I said, "No, I'm not going to interview law firms."

CLAUDE STERN: When you say prosecuting attorney was it King County Prosecuting Attorney?

HON. JEROME FARRIS: King County Prosecuting Attorney, yes. I said, "No, I'm not going to interview any law firms." and he said, "Why?" I said, "Because I don't want to sit in the back room briefing, I want to be a lawyer. I want to practice law."

CLAUDE STERN: Sit in the back room briefing. What do you mean by that?

HON. JEROME FARRIS: I just meant that out of sight. I didn't know that Leonard was a lawyer and I didn't know that I was being interviewed for job. But Marty who had known me at the juvenile court had brought his friend who was a senior partner in a law firm and me to dinner and I'm sure he had talked to Leonard about me but hadn't talked to me about Leonard. So, I was just having dinner.

CLAUDE STERN: Marty's last name again was . . . ?

HON. JEROME FARRIS: Falsberg. F-a-l-s-b-e-r-g. Marty, and he was a nice man and I wonder what happened to him but I don't know. But anyway, finally I found out later. Leonard had asked me, "Well, why don't come and interview us?" I said, "Are you a lawyer?" and he said, "Yes." I said, "Well, I will, I'll come." You know how many firms I interviewed? One. That was it. I was glad and the other thing, I appreciated Marty not telling me because before he asked me. I had made it clear why I wasn't interviewing and so he knew what my mindset was and yet he wanted me to come and interview and I did. I

went to work for that law firm. At the grand total sum of \$325 a month and 50 percent of my gross.

CLAUDE STERN: Did he have any other associates?

HON. JEROME FARRIS: Yes, but no black associates. There were no black associates. There were no black associates around - period. My classmates who hadn't done as well as I had in law school were going to work for law firms in Seattle but I wasn't. I didn't even think about it.

CLAUDE STERN: You never interviewed with the prosecutor?

HON. JEROME FARRIS: No, because after this thing at dinner with Marty then I went to them and then they offered me a job and I accepted it.

CLAUDE STERN: How big was the firm?

HON. JEROME FARRIS: There was Weyer, Roderick, Schroeter, Stern and then one associate so there were five lawyers.

CLAUDE STERN: So the firm was Weyer, Roderick, Schroeter & Stern there were four partners?

HON. JEROME FARRIS: Yes, there were four partners.

CLAUDE STERN: There was one other associate and he was?

HON. JEROME FARRIS: Ken Sevula (sp?).

CLAUDE STERN: Who?

HON. JEROME FARRIS: Ken Sevula, Kenneth Sevula.

CLAUDE STERN: He was not African American.

HON. JEROME FARRIS: No, Sevula he was from Finland I think. His heritage, his background was Finnish.

CLAUDE STERN: And you.

HON. JEROME FARRIS: Yes and me.

CLAUDE STERN: The year is 1958. You're making \$325 a week?

HON. JEROME FARRIS: No! A month, \$325 a month and 50 percent of my gross.

CLAUDE STERN: What does that mean, 50 percent of your gross?

HON. JEROME FARRIS: Whatever business I brought in I took home 50 percent of it.

CLAUDE STERN: Was that typical at the time for the associates to get . . .

HON. JEROME FARRIS: It was typical of the time but what they didn't know and what I didn't know is 50 percent of nothing is nothing. But my 50 percent turned out to be the joker. It really made the difference because I had so much business coming in I made more from September to December than the partners of the firm had made for the full year before. I made almost twice as much in those three months.

CLAUDE STERN: How is that? Where was your business coming from?

HON. JEROME FARRIS: Because it was coming from everywhere but nobody knew it. I didn't know it either. White people who wanted to vote in the civil rights struggle to show where they stood. You have to know this is 1958 so it was before the big push in the '60s. They just used me as their lawyer and I was reasonably competent, you know, I wasn't bumbling around and I was well talked about. In other words, you had me as your lawyer, you walked into court, you were pretty happy because you were showing "Here is how I stand on this question" and then when we would win. Oh my, you would tell all your friends, "This guy and blah . . ." and then they would come to see me and then *their* friends would come to see me.

CLAUDE STERN: What sort of cases were these?

HON. JEROME FARRIS: Well, the firm specialized in personal injury but I got all kinds of cases. We organized three banks. We did a lot of things then Leonard did a dirty thing to me . . .

CLAUDE STERN: Before you go on about the dirty thing Leonard did to you. You're saying your clients weren't blacks?

HON. JEROME FARRIS: Oh no.

CLAUDE STERN: They were blacks, whites, everybody?

HON. JEROME FARRIS: They were mostly everybody but maybe 10 percent of my clientele was black but because I was in this firm they felt comfortable. I felt comfortable taking cases that I didn't know anything about because I thought someone in the firm will know something about it. So, they just came from everywhere. It was the time not me. It was the timing because I can give you numbers. The partners were making about \$12,000 a year before I came to the firm. Well, from September until December I had made \$23,000.

CLAUDE STERN: Was that the 50 percent or was that the four . . .

HON. JEROME FARRIS: That was the total payment that I had made in those days in 1958 is a big sum and then I went from there. That was just the beginning. That was my

first time. When I represented groups of people in various ways so I just had a very good practice very fast.

CLAUDE STERN: Were you afraid of, I mean you know, lawyers today this is now a different age. This is actually, as I'm talking to you, this is sixty years later 2018 and you were talking about 1958 so 60 years later I can tell you as a senior partner in a very large international law firm we live in the age of specialization. People aren't just specialized in one particular silo they are specialized in a narrow silo. It sounds like in your practice if it walked in and they could pay you took it.

HON. JEROME FARRIS: That's right and I represented a lot of people in a lot of things.

CLAUDE STERN: Did that scare you that you didn't know what area of law?

HON. JEROME FARRIS: No because I didn't mind working. I knew I was going to do the work and I also knew that I could associate somebody so I wasn't worried a bit about it and I ended as a partner my firm. I began to work my cases and I was getting 50 percent of the money. They just thought they would have a meeting and they wanted to raise my pay and lower the percentage and I said, "No, I'm perfectly satisfied with the present arrangement." So, they went back and held another meeting and they decided they had to make me a partner. So, I became a partner in my law firm nine months after I started practicing.

CLAUDE STERN: That was remarkable at the time and it's remarkable today.

HON. JEROME FARRIS: It was most remarkable at the time because I was a black partner, I was a black guy in the firm and yet the clients were coming in to me and I don't mean all of them, they (other lawyers) had their own practice, but I was bringing in enough work that I couldn't service all my clients. They were servicing my clients and they said to me, "Our overhead's nearly 50 percent, we're working for you." I said, "I like that fine." Then they decided, "We'll offer him a partnership."

CLAUDE STERN: I'm looking at your history which one can find if one tries on the Internet and this is what I find. From 1958 to 1959 you worked as an Associate for Weyer, Roderick, Schroeter & Stern.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: From 1959 to 1961 you were a Partner with the firm of Weyer, Schroeter, Stern & Farris.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: Which means that Roderick dropped out.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: From 1961 you were a Partner with the firm of Schroeter & Farris.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: That was until 1963. From 1963 to 1965 you were a Partner at Schroeter, Farris, Bangs & Horowitz.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: From 1965 to 1969 you were a Partner at Farris, Bangs & Horowitz.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: If one looks at that one has a remarkable, there's a trend where your name starts at the end of one firm and slowly begins to move up to the first name. Have I got that right?

HON. JEROME FARRIS: Yes, yes, yes.

CLAUDE STERN: I don't know if we have enough tape to go through every single iteration of that. That looks like, maybe I'm wrong about this but I don't think I am, that looks like those are iterations of one firm. It is actually one firm going through various changes. It's not different firms.

HON. JEROME FARRIS: Yes, that's right and it's true. The only thing is Farris, Bangs & Horowitz left to form a separate law firm at the end and the reason we did that was that Schroeter was making more than I was making and we always agreed that. When I became a partner, we divided the units that they had, we had a total of 11 units I think. Anyway, I had 7 of 11 and somebody else had, I don't remember how it all played out but let's say they had 11 of 11 and I had 7 of 11 but I had less than they had and we kept that arrangement until I became managing partner of the firm. When I became managing partner of the firm I announced that the ownership of the firm is going to have something to do with who brings the business and who works it out. When that was announced, Weyer decided nobody is going to have more interest in the firm than he had and he knew on that formula he was going to slip because Schroeter and I were bringing in most of the business and we were working it out. He was going slip and he didn't want to do it so the firm was dissolved and then we became Schroeter and Farris.

CLAUDE STERN: Just so we're clear, if one looks at this from a timeline perspective, there's two parallel things, isn't it? There's Jerome Farris's life moving forward and going through all these evolutions where you are going from Morehouse to Atlanta University, you go into the military, you go to law school, to go your job. Both your MSW job as well as your law job. At the same time the civil rights movement is progressing. In 1958 you were 28 years old and in 1969 you were not, you were 39 years old. Did things change in Seattle during that period of time socially where I assume you were the only black partner in a law firm in 1958 here in Seattle?

HON. JEROME FARRIS: Well, yes. The guy who I told you was first.

CLAUDE STERN: The guy from Howard University?

HON. JEROME FARRIS: Yes. He was a partner in his firm. I don't know of another partner in the firm.

CLAUDE STERN: Did you consider going to any of the more established firms, going to the bigger firms?

HON. JEROME FARRIS: No, I considered looking at other firms when Leonard and I would have our moments but I didn't, I stayed with that firm until I left with Farris, Banks & Horowitz. Well, you've got to know I was young and I was also aware that I wanted to have a family. I wanted to have children and I wanted to feed them and so I was more aggressive than I might have been at another time in my life. That aggressiveness meant, "Here's a pie here and how are we cutting it?" Because I knew how much business I was bringing in I was going to get my share of my business and it was fine but straight up it caused a problem with Weyer and Stern. So, we just broke off from them and became Schroeter & Farris and it worked out fine. I still like him, he's dead now, but I liked him even after he and I had to dissolve.

CLAUDE STERN: You remained friends?

HON. JEROME FARRIS: Yes, yes, I remained friends with him.

CLAUDE STERN: Why don't we take a break and we'll come back. It is 3:01 PM.

CLAUDE STERN: We are back on the record. It is quarter to four on January 17, 2018.

CLAUDE STERN: Judge before we move into your career as a judge, maybe you could tell us about a couple of things. As a lawyer tell us, be as detailed as you want to or as general as you want to, how hard you worked, what your lifestyle was like, what sort of hours you put in? How you judge success for yourself as a lawyer and maybe you could mention a couple of cases that you had so you can give us examples of things that you were doing?

HON. JEROME FARRIS: Well my theory was, "It was where you wanted to go and not where you were," and I wanted to be sure my children my children had what other people's children had and I didn't want to, as they say, "Three generations you go . . ." and I thought, "I want my children to have it now." That was my focus. I wanted them to experience whatever life was about and be able to do whatever other people did and that meant I had to work. So, I never paid attention to my hours. It didn't matter and my wife, we had an understanding. She liked serving dinner at certain hours and she liked to do this and I said, "Just serve it at a certain hour and then I'll eat when I get there, don't worry about it." She finally adjusted to it but my theory was you just serve your clients and if you serve your clients well you going to get the rewards and I did. My clients came first and that was just the way it was. Now, my clients came first because my family came first and in order to do

what I wanted to do for my family I had to service my clients. I worked many hours. In fact, on my anniversary it was, first anniversary oh I don't remember which anniversary but one of my anniversaries I told them after we had finished a meeting at a late hour of the night that today was my wedding anniversary. I had to do what I had to do. We understood it and my wife accepted it after a while. First, she wanted me there and I can't be there. My theory was if you have a client, you can't be looking at your watch or, "Excuse me a minute I have to call my wife." I didn't telephone when I was going to be late. My client is telling me about something disturbing to the client and then I'm making him think that all I'm thinking about is the dinner that I'm missing. So, I wouldn't and no I'm not going to call. I'm not going to interrupt my clients to call you to tell you — just eat. They did finally, "Unless you want to go and live in a little apartment and be satisfied for life then you've got to get over it."

CLAUDE STERN: You and Jean were married when?

HON. JEROME FARRIS: June 27th, 1957. So, we married the end of my second year of law school. End of my second year before I went into third year.

CLAUDE STERN: So Jean was with you during the entire third year and through your career.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: Your daughters were born when?

HON. JEROME FARRIS: One was born 1961 February 1st

CLAUDE STERN: Juli.

HON. JEROME FARRIS: Yes, and then Janelle was born April 5, 1963. My wife wanted my first child to be two years old before my second child was born. I felt it was better for my children to be two years apart. So, I kind of won the discussion. I knew I was going to win the discussion but I just dealt with it and it worked out fine. She just felt you get one child out of diapers before you have a second and I felt that they're going to be two years apart.

CLAUDE STERN: Obviously, the girls were raised entirely in Seattle.

HON. JEROME FARRIS: No, we lived in the Seattle area. Juli, when we lived in the north end of Seattle. Janelle was born on Mercer Island when we lived on Mercer Island and then we moved from Mercer Island to Bellevue and we lived at Bellevue until they were nine and eleven years old. Then we moved back to Seattle.

CLAUDE STERN: It was in the Mt. Baker home?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: So you worked hard. You became the managing partner of the firm of the Farris, Bangs & Horowitz firm. You became the principal partner.

HON. JEROME FARRIS: I was the managing partner at Schroeter, Farris, Bangs & Horowitz firm. I became the managing partner when it was Weyer, Roderick, Schroeter & Stern and it became Weyer, Schroeter, Stern & Farris and I became the managing partner of that firm before I went into my own firm.

CLAUDE STERN: I want to get some perspective on some things. Your resume is remarkable for a variety of reasons not the least of which is that you were involved in all sorts of organizations. You became involved in the American Bar Foundation, American Bar Association, American Judicature Society, you became involved in the Pacific Northwest Ballet, you became involved in the Seattle King County Bar Association, you became involved in the United Way, you became involved in the Washington State Bar Association, you became involved in the Jaycees.¹ Why did you get involved in all these social pursuits, there were all these civic and social pursuits?

HON. JEROME FARRIS: You know, it was it not to promote my career as a lawyer. It had more to do with race than money. There were places where there was a division and I wanted to help heal the division and I felt I could and in many instances, I did. That's why I was so active. There are a lot of people who had never seen a black person and they needed exposure. The thing that got me going organization-wise was the Junior Chamber of Commerce then I became president of Seattle (Jaycees) and then President of Washington State (Jaycees). There were almost no blacks in the Junior Chamber of Commerce in those days and in leadership spots and a lot of people who were involved in that were active in other organizations. They were hard heavy hitters.

CLAUDE STERN: At the time were you a lawyer? Were you a judge?

HON. JEROME FARRIS: I was a lawyer.

CLAUDE STERN: Didn't that distract from you being a lawyer?

HON. JEROME FARRIS: No, it added to it. I'd have clients from sources that I hadn't expected. I wasn't trying to build business, I was trying to help the race move with a little more speed but it just happened to build business, too, among blacks and among non-blacks. So, I represented a lot of people with a lot of serious problems and a lot of big bank rolls.

CLAUDE STERN: When did you consider becoming a judge?

HON. JEROME FARRIS: Well, the thing is I wanted to become a juvenile court judge from the days I was at the juvenile court as a probation officer. I felt that the juvenile court judge, Long, was the judge at the time, Judge Long, and he was very influential in the matters

¹ While the original transcript references the Rotary Club here, that reference is in error, and on transcription the reference to the Rotary Club has been edited to correctly reference the Jaycees.

related to young people as the juvenile court judge. King County abolished the juvenile court position after Long left. Their reason had to do with Long. Long had a sort of monopoly on that kind of thing and other judges decided, "No we won't let that happen again." So, they began to rotate through the juvenile court but Long stayed at the juvenile court for a number of years and I liked the things he did. He was just, I thought he was a wonderful guy.

CLAUDE STERN: What year was that?

HON. JEROME FARRIS: I worked at the juvenile court '55 to '58 when I was going through law school.

CLAUDE STERN: So, I'm trying to set the stage for your thinking about being a judge. You graduate in '58, become a judge in '69 that's 11 years. First of all, during that period of time in '58 until 1969 did you see the complexion of the legal community here in Seattle change? Did you see more minorities accepted? Did you see any growth in that area?

HON. JEROME FARRIS: Not that many more. There weren't that many black judges. When I became a judge though, and that was a peculiar thing about Seattle, there were only 14 black lawyers in the state of Washington when I became a judge and four of us were judges. Nobody had that kind of ratio. The percentage of . . .

CLAUDE STERN: I don't understand that ratio, it seems there's a disproportionate number of judges.

HON. JEROME FARRIS: Yes, for lawyers because most of us became judges of different courts but it just happened. But we became visible and then we were there to be appointed and the right governors moved us into position. So, you're right it was disproportionate. When you think about 14 in the state all told and then four of us became judges. That's a better percentage than anybody had in those days.

CLAUDE STERN: So, tell us how did you become a state court of appeals judge?

HON. JEROME FARRIS: Oh, it was just clearly Dan Evans.

CLAUDE STERN: Who is Dan Evans?

HON. JEROME FARRIS: Dan Evans was the governor and a wonderful governor he was, in fact, I just think he was the perfect governor but he decided, when the legislature decided to have a court of appeals and the Supreme Court instigated it, they wanted a court of appeals so that they could strain off a certain amount of the work that came directly to the Supreme Court. Dan Evans appointed us and it was at first 12, he appointed 12 of us to the Washington State Court of Appeals.

CLAUDE STERN: Do you mean, before that there was the trial court system?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: And then there was direct appeal to the Washington Supreme Court?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: That must have been havoc on the Washington Supreme Court.

HON. JEROME FARRIS: Well, it was havoc but there wasn't that much business. Even today the percentage of the appeals on the Ninth Circuit from Washington is not very high. First thing, we had what I think, was a remarkable bar. In those days, you'd call a lawyer and you'd say, "Listen, you're going to win this, I'm going to win that, you're going to win this, I'm going to win that, this is where we have to focus. Let's just talk about this," and we would. We didn't build up we worked on the things that we didn't agree on.

CLAUDE STERN: Was it a very tight community?

HON. JEROME FARRIS: I think it was.

CLAUDE STERN: And it was professionally friendly community?

HON. JEROME FARRIS: Yes, very friendly. It's my own thought, in fact, some of my clients would get nervous because we would try a case and we were just going at it and we would have a recess and they see me and the other lawyer laughing and talking, I didn't smoke, but they would, they might have a smoke or drink water or whatever and we're all out there as friends and we come back in and off we'd go. It was professional. They represented their clients and everybody respected everybody. You didn't have to put it in writing in those early days. We reach an agreement and we'd say fine and it's done. Now you have to reduce it in writing and send a little letter to follow-up but in those days, you just agreed but it was a small bar, relatively small. I'm not talking about the 14 I'm talking about the total King County Bar. It was a wonderful bar.

CLAUDE STERN: The year was 1979. The legislature had changed from a direct appeal to the Supreme Court to a layer of court of appeals.

HON. JEROME FARRIS: Yes. No, it was '69.

CLAUDE STERN: At that time in your life were you involved in politics?

HON. JEROME FARRIS: No.

CLAUDE STERN: Not heavily involved in the Democratic Party?

HON. JEROME FARRIS: But I headed the Washington State Jaycees and the Jaycees were active. They had been, Dan Evans had been a Jaycee, a member of the Junior Chamber of Commerce. The Junior Chamber of Commerce was very supportive of Dan Evans. Some people who had been active moved into political spots but even the Jaycees, we decided we would support and we would support them but we didn't give them money we just got out the vote. We did grub work, we got people out to vote. We did those kinds

of things but that wasn't it, that's how Dan Evans and that's how Dan Evans knew me. He supported me as he supported the full court.

CLAUDE STERN: Now Dan Evans was a Republican?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: At the time were you a registered Republican?

HON. JEROME FARRIS: No, I was a Democrat. I was a Democrat then without a doubt.

CLAUDE STERN: It made no difference the fact that you had a Republican governor?

HON. JEROME FARRIS: Well, Dan was going to, the Republican governor was going to appoint the full court of appeals. So, the Democrats in the legislature said, "Now just a minute, you're not to appoint all 12 Republicans." I think maybe he appointed maybe four democrats. But I know I was one and I was Democrat and he knew I was a Democrat when he appointed me.

CLAUDE STERN: But you were not active in politics?

HON. JEROME FARRIS: No, I wasn't active in politics. I wasn't active at all.

CLAUDE STERN: That's interesting. There is a lore today that in order to be appointed to either a state or a federal judgeship you have to get involved in some sort of political thing. That was not the case back then?

HON. JEROME FARRIS: No. [Ninth Circuit Judge Alex] Kozinski who is my friend and still is my friend. Kozinski made his way by being very active in Reagan's campaign. He really did a lot of work and that's the key but it wasn't the key then. You had to have a pretty good standing in the community but Dan Evans, I guess some of his people might have told him about me but he also knew about me because I was heading an organization that not just dominant white it was almost all white. So, I was visible and when I became president of the state Jaycees. I would go to a meeting, in fact I remember going to a meeting of the American Bar Association and Bob Utter who had been a colleague of mine on the state court of appeals was the chief justice. He had moved to the Supreme Court and he was chief justice. At the American Bar Association, you have the chief justices of the states sitting on a platform at some of the meetings. Well, Bob was going out of town, he wasn't going to be able to make that meeting. I was the chief judge of the state court of appeals so he asked me if I would sit in the Washington seat. I sat in the Washington seat. Well, Burger was the chief justice at the time. Burger looked back at this lineup at least five times in a short interval because I was sitting in the seat and I knew what he was doing. He couldn't figure out, "What's going on here? How is this black guy . . ." and when the meeting was over he was up to me very soon. I said, "I noticed you had been a little disturbed there, Mr. Chief Justice."

CLAUDE STERN: What did he say?

HON. JEROME FARRIS: No, he came to me to see who I was and why I was sitting because there was no black chief justice and yet I was sitting in the chief justice of Washington's seat. Bob Utter, who was the chief justice, knew that as a chief justice of a court of appeals I was the ranking judge there. So, he was going to go away and he asked me to sit in as Washington and I did. I watched Burger go through that back and forth and then he came to me. As I had seen him and I knew he was a little disturbed, he came right to me and when he came to me I smiled and I said, "I can see you were a little concerned there Mr. Chief Justice." He said, "Yes, who are you?" I told him I was Chief Judge of the Washington State Court of Appeals and Bob Utter is Chief Justice. Bob had been one of my colleagues and not only that I had been his chief judge because I was the Chief of the Washington State Court of Appeals when he went to the Supreme Court. So, he became chief justice and he was a nice man and he was happy to have me sit in for him." So, it was just a little fun we had.

CLAUDE STERN: This is all very helpful background and color for your becoming state court of appeals judge. I'm trying to also paint a picture of the time. It's 1969. There's the Vietnam War going on.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: There's the Civil Rights Movement going on.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: How much did those sorts of social movements and activities affect the legal climate here in Washington?

HON. JEROME FARRIS: I don't think it had a lot to do with it. I think that Dan Evans was a good man. Dan Evans would have been a great president. He was just a great governor. He was a great human being and he had the job of appointing the 12 people to the state court of appeals and he was going to put a black on the court. Unfortunately, just one but he put the one black on the court and I was the guy. I saw him later, in later years and he said something to me and I was I happy to say, I said, "Well, you started my legal career because you put me on the state court of appeals and that, I think, is the reason I'm now on the U.S. Court of Appeals. I think if I hadn't been on the state court of appeals I wouldn't have gotten to the U.S. Court of Appeals." He said, "One of the best things I ever did." I said, "Well, it's nice of you to say that Governor and I appreciate it." He said, "No, I'm serious."

CLAUDE STERN: At the time you were appointed, is this fair to say, you were a trial lawyer but you were a jack-of-trades. You did a lot of things. You did a lot of business, corporate things. You had lots of clients, you had a lot of business, you were the managing partner of your firm. Becoming a judge, I don't know back then, back in 1969 but today when someone moves from private practice to become a judge there is a financial impact from making that decision. Did that occur to you at the time that there was going to be a financial impact?

HON. JEROME FARRIS: Oh absolutely. It was at the time because the Washington State Court of Appeal judges were making \$25,000 a year and I had paid more than that in income taxes the year before. So, I knew it and my partners thought I was not going to accept.

CLAUDE STERN: Because of the financial reasons?

HON. JEROME FARRIS: Yes and my wife thought I wasn't going to accept and they all got a good surprise because I did accept. Now, I've been happy that I did but I thought about it. Dan Evans had an administrative assistant and the administrative assistant called me the evening before Dan was to make the announcement to tell me that I had been selected and he was going to announce it tomorrow morning. I said, "Can I think about it?" He said, "Yes. Until tomorrow morning. These things have a way of getting out and I've got to know tomorrow morning." So, I thought about it carefully. I wanted to be a judge but I wanted to be a judge when I was 50 years old. I was 39 and so I said, . . .

CLAUDE STERN: You went to law school a bit late because?

HON. JEROME FARRIS: That's right because I did all the other things I had to do.

CLAUDE STERN: You graduated in '58 so you were 28 years old and I was 25 when I graduated.

HON. JEROME FARRIS: Yes, I was 28 when I finished law school

CLAUDE STERN: You had 11 years of practice and some people would say that the highest earning potential of a lawyer is well beyond to the time they are 39 years old.

HON. JEROME FARRIS: I think that's true but fortunately the situation in Seattle was such that I had good earnings all of those 11 years. So, when I became a judge at 39 fortunately I could have retired and when I realized that I could retire I knew the financial problem was not going to be a problem because I was going to have some money. It was \$25,000 a year . . . period. That was it and I thought, "Well, it's alright, I can do it." I didn't do it for the money but you know what else? I was happy that the salary was low and now you say, "Why?" Because I thought, "You don't have all these people clamoring to try to get in here because of this money." You've got to be dedicated and it is public service. It's a public service job and anybody who took it realized it is public service.

CLAUDE STERN: You were appointed by the governor by Dan Evans?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: Was there an investiture? Was there a formal proceeding?

HON. JEROME FARRIS: Yes, there was all 12 of us but we all Because the court was brand new, so six were appointed from Seattle, three in Spokane, and six for this

division and then three in Spokane, and three in Tacoma. So, we had those three divisions of the court.

CLAUDE STERN: Did any of the 12 judges, the other 11 judges he had appointed, did you know them?

HON. JEROME FARRIS: Not at the time. I knew Bob Utter who was one of the ones from Seattle but I didn't know the others. We became friends after I was appointed.

CLAUDE STERN: Now Jerry Johnson was a friend of yours from law school.

HON. JEROME FARRIS: Yes, but he wasn't one of the judges.

CLAUDE STERN: He became a judge later on?

HON. JEROME FARRIS: Yes, he became a judge of the superior court, the court of general jurisdiction but not of the court of appeals. Yes, he had been a friend from law school.

CLAUDE STERN: There is an investiture proceeding and you become a state court judge of the court of appeals. How does your life change?

HON. JEROME FARRIS: Not substantially.

CLAUDE STERN: Really? People are calling you "Your Honor."

HON. JEROME FARRIS: Yes, but I paid no attention to it. I didn't care. I wanted them to have respect for the position but I was fine and my life didn't change substantially. We lived comfortably but we were living comfortably before and I wasn't worried about educating my children because I hadn't wasted what I had done in the past. We were comfortably situated.

CLAUDE STERN: Why don't you tell us, I mean this is your first judicial experience. At the time you, nowadays here it is the 21st century I know that it would be true for several decades. More than several. When someone is going to approach the bench, what do either the governors or legislators look for or whether they touted you before elections: criminal experience, civil experience and criminal experience is a big thing to have. You really weren't a criminal prosecutor, you were never a prosecutor, you were never defense counsel, you were more of a civil practitioner. When you were at the court of appeals now, you have criminal cases that are coming up as well as civil cases. What is that like for you?

HON. JEROME FARRIS: No, I had criminal cases when I was a lawyer and it was the funniest thing. There was a Judge Bowen, I think his name was Bowen. He was at U.S. District Court and he felt that black defendants felt better with black lawyers so he appointed me to a case.

CLAUDE STERN: What case was that?

HON. JEROME FARRIS: I don't even remember what the guy had done but the guy was satisfied and the judge was satisfied. Every time I would finish he would appoint me to another. He gave me my criminal practice by appointing a black lawyer to represent black defendants. I remember one guy I had to represent was Bariloche. Bariloche had, unfortunately, he had spent 30 plus years or more but he had been convicted of a lot of things and he always went to jail. He always went to jail so I said to the U.S. Attorney and the U.S. Attorney and I, whichever one that was handling the case, we had a friendly relationship. We weren't adversaries, so I said to him, "Well, Bariloche and I are going to walk out of the court together today." He said, "No way. This guy has already admitted." Federal judge Lindbergh was on the bench. I had a novel argument for judge Lindbergh and he bought it. I said to him, "Judge, I'm sure you've reviewed Mr. Bariloche's record and so have I. You know what was significant about that record? He has never been given probation. Every time he has been accused of a crime starting when he was 14 years old and his father reported him as incorrigible. He has been confined. He should have a chance to prove that he can make it on probation." Then Lindbergh says, "Do you think he can?" I said, "No Judge, frankly I don't. I don't think he can do it but that shouldn't be the test. He thinks he can do it and somebody ought to give him the chance. You don't have to worry. The Prosecutor wants him in the penitentiary. If Bariloche spits on the sidewalk, they are going to pick him up. So, if he's no threat to the community they are going to arrest him if he does anything. They are going to have their eye on him so there is no risk to the community. He should have a trial." He (Judge Lindbergh) shook his head and asked Mr. Bariloche if he thought he could make it. "Yes." He noticed that he had never been given probation and he gave him probation and I walked out. I walked out of the court with him (Bariloche) and the U.S. Attorney was shocked because it was a novel argument but it was true. His father reported him as incorrigible when he was 14 and he went to the juvenile facility. Then he committed crimes and he committed more crimes but he didn't have much choice.

CLAUDE STERN: Well, so he walked out?

HON. JEROME FARRIS: Oh, yes.

CLAUDE STERN: Did he ever end up back in?

HON. JEROME FARRIS: He was picked up and then he went back in but he had his chance at probation.

CLAUDE STERN: He had his chance.

HON. JEROME FARRIS: He had his chance.

CLAUDE STERN: Court of appeals, state court of appeals. Tell us, what was it like?

HON. JEROME FARRIS: It was wonderful. First thing, there were good people appointed to the state court of appeals in my opinion. Good judges but good human beings and we just had a lovely court.

CLAUDE STERN: You had no process. It was a brand-new court. There were no traditions.

HON. JEROME FARRIS: We could create everything we wanted to. You're right because just a line item created the court and we didn't have anything so we could do what we wanted to and we did. We built a very nice court and we decided . . .

CLAUDE STERN: If there was no court, where were you?

HON. JEROME FARRIS: We Washington State Court of Appeals used this federal courthouse. Gene Wright let us use this for our first office.

CLAUDE STERN: Fifth and Spring?

HON. JEROME FARRIS: We moved right here, yes. Right here where I currently now sit. Gene Wright was the only federal judge at that time. He was from the Ninth Circuit but he was here and he said, "Alright, you can have temporary quarters in this building." We came into this building as temporary quarters.

CLAUDE STERN: The state court of appeals. The newly formed state court of appeals in 1969 moved into Fifth and Spring here in Seattle as temporary quarters?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: I've got to ask you. The record should reflect that I'm sitting across from you Judge on the 10th floor, in the chambers that you've been in for 39 years.

HON. JEROME FARRIS: Not really full-time. I was on the 9th floor for a period of time but I've been in the building, yes.

CLAUDE STERN: You've been in the building since you were appointed by President Carter?

HON. JEROME FARRIS: Yes but then we moved out because state court of appeals got its quarters and we moved out and then I moved back in 1979.

CLAUDE STERN: In 1969 where in this building were you?

HON. JEROME FARRIS: I can't even remember but I was on the 9th floor.

CLAUDE STERN: The floor below us.

HON. JEROME FARRIS: Yes. Then we got space in the Pacific Building for the Washington State Court of Appeals and very comfortable space and after then we moved the whole state court of appeals down there.

CLAUDE STERN: As a state court of appeals judge in 1969, did you have clerks?

HON. JEROME FARRIS: One.

CLAUDE STERN: Each judge had one?

HON. JEROME FARRIS: One clerk.

CLAUDE STERN: As a permanent clerk or did it rotate?

HON. JEROME FARRIS: No, we rotated and mine always rotated.

CLAUDE STERN: A recent law school graduate?

HON. JEROME FARRIS: Yes, mine was always a recent law school graduate. Then we finally got enough money from the legislature to have a clerk and a half. So, when we got a clerk and a half I was the chief judge and I set up staff attorneys. We all agreed. So instead of having a half clerk we would set up staff attorneys and we did and that worked out very well.

CLAUDE STERN: You've had a long tradition in your career as a judge in hiring clerks from around the country. Do you remember, I hate to put you on the spot. Do you remember who your first clerk was?

HON. JEROME FARRIS: Oh yes, I mean I have no trouble. My first clerk was not selected by me. The first clerk, when I was on the state court of appeals the Supreme Court knew we were coming into being and they knew we were going to need law clerks. So, the Supreme Court hired our clerks. They hired the clerks for us so they were there in a pool and then we had to go and pick and I've never told Bill Creech. Bill Creech was my first clerk. I've never told him and I hope it doesn't hurt his feelings. They, my colleagues, were poring over looking at all the qualifications. I said, 'I'll take who's left. I'm not going to worry about whoever he is. I haven't had anything to do with it but whoever is in the pool . . .'" Bill Creech was the clerk who was left and so he became my first clerk but he was a very good clerk and we became friends. I don't think Bill knows unless he reads something here that that's how he happened to be my clerk. My colleagues were looking trying to pick being sure. How are you going to know if you're looking at some paper? So, I thought, "I'll take anybody, the Supreme Court has already selected the pool and they picked who they wanted and then I took Bill Creech just like that.

CLAUDE STERN: So, here it is, you're one of 12 court of appeals judges and you held the position for a decade.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: You rose and became the chief judge of the court of appeals but before you get to that lofty altitude there must have been some protocols that you, I'm not talking about the court, but you Jerome Farris had to adopt. Because here it is, it's a new job being a judge is different than being a lawyer. You're not an advocate you're a neutral, you're a judge. What was it like and how did you have to adapt in order to do your job?

HON. JEROME FARRIS: You know, it wasn't as hard as anybody might think. I had been a lawyer. There were certain things I had not liked about judges and there were certain things I had liked about judges so I made sure to avoid the things that I didn't like.

CLAUDE STERN: What didn't you like and what did you like?

HON. JEROME FARRIS: One judge who, he was on the trial bench, now, I went in on the court of appeals which means that I now would grade his papers. Anyway, he in my opinion, didn't listen and so he said when I saw him later after I went on the court and he came to me and said, "The last time I saw Judge Farris he was a little angry with me." I thought, "I'm sure glad you knew it." I was a little angry with him because I didn't think he listened. You can think you know but you don't know unless you ask the right questions and then you listen to the answer. That has to affect your thinking and if you don't let it affect your thinking you're not doing what you have to do. Because you can't know, you can read the record but there are questions that you should have. Your mind should form while you're looking at the record and then you should ask the lawyer and the lawyer better give you an answer. I have had lawyers that I used to laugh about with my colleagues when we go back in the backroom. I had asked one and the answer was, "Yes, judge that's a good question." That's a good question? Listen man, you're telling me that's a good question we're going to decide this case. We're going to decide who you are going to confer with now. I'm trying to let you help me and don't tell me it's a good question. Give me the answer. I always thought, that's because I think that a part of being a good judge is to listen. The lawyers know more about the case. Well, they should know more about the case than you do and you should know everything that the papers can tell you but there are things that the papers can't tell you and the lawyer ought to be able to tell you that. So, he quit saying "That's a good question" because he had to try to answer my question and we decided. My theory is if somebody talked about the cases, I was on a radio show and the guy says, "Oh, you agonize all of these guys." "No, never." Then he said, "Do you have any struggles?" "No, never, never. You make the call and move on." He said, "Don't you sit on death penalty cases?" I said, "Yes." He said, "And you haven't agonized over . . ." I said, "Never, not one second. You do what you're supposed to do. You review it, you must review it, you must know and then you make the call and you move on." So, the system is fair, I enjoyed my job.

CLAUDE STERN: One of the things that has struck me as a trial lawyer for the last 38 years is that the practice of law is a collaborative practice in a law firm. People talk, people share ideas, they communicate about strategies, they identify vulnerabilities, they complain together, you celebrate victories, you commiserate about losses but a judge's life is different than that. It's not that much of a team effort. Did you notice that difference when you became a judge?

HON. JEROME FARRIS: Not especially. I think and I do honestly think about it. I think even though you sit in a panel of three . . .

CLAUDE STERN: And you sit on the court of appeals and in the state court you also sat on a panel.

HON. JEROME FARRIS: Yes, sat on a panel of three. You act like you sit as a panel of one. You ought to know all you can find out about it and then you make a decision. Then when you go into conference you discuss the decision and you listen to what result the other guys come up with and you tell them what you've come with and you tell them why. Then you weigh their whats and whys with your whats and whys and usually you can reach a unanimous decision because nobody has got a personal, by that I mean, "Oh, I need to do this because of cousin John or Bill." It's the public and you are the public servant making the call. So, we discuss it and I have rarely dissented. I have dissented but rarely.

CLAUDE STERN: You didn't find the process, becoming a judge a state court judge over a practitioner, you didn't find it a more lonely experience?

HON. JEROME FARRIS: No. People talk about how lonely is all of this. I didn't find it lonely at all. I still had friends who were lawyers and I would see them. If I had a close friend who had a case I would not go socially with him anywhere while the case is active but after the case is over I would.

CLAUDE STERN: We lawyers, we are observers, we look at evidence and that's part of the nature of what you did for at least 11 years. When you got to the state court of appeals, you looked at your colleagues. You must have seen the talent, the skills that they had, some of the virtues, some of their shortcomings. What do you think about the range of quality of the judges that you were working with? How would you define them? Was there nothing surprising, was it range that you would expect or what?

HON. JEROME FARRIS: There was a range that I expected that I think all in all, in the Ninth Circuit I just think that they were outstanding.

CLAUDE STERN: We're talking about state court of appeals?

HON. JEROME FARRIS: On the state court I felt they were all outstanding. There was one guy who I think left something to be desired and it wasn't because he was dumb, I think, it was because he was a little on the lazy side. You've got to work. You can't just go on a hunch or go out there and do what a judge did on another circuit, they say briefing from the bench. He hasn't read his briefs so he's questioning the lawyers about things he could have known if he had just read the briefs. I don't think you could do that but after you have prepared yourself then you are there to make your call and to know why you make it.

CLAUDE STERN: You've talked about three different qualities you've identified. Number one, you can't be lazy as a judge. You have got to work. That means you have to prepare. Review and prepare.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: Number two, you have to listen. You have to have an open mind. You have to listen and ask, as you put it, the whats and whys and prepare to get informed and educated.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: Sorry, I forgot the third point you made. Wait, it will come to me. Oh, I know. You have to be willing to make a decision. You make a decision and you move on to the next case. You can't agonize about the decisions. I know that when I worked for you 38 years ago, one of the things that was very important to you was the administration of justice which was you felt at the time and made it very clear at the time to your clerks this is after you had finished as state court of appeals judge but you felt that the administration of justice was paramount. That the litigants are entitled to a decision and a prompt decision not simply a delayed decision. Did you feel that way at the state court of appeals?

HON. JEROME FARRIS: Absolutely, absolutely. My opinions flow pretty quickly after we had finished because you're out there agonizing and you've got a lot at stake and yet, what can you do? You can't call the court "Give me my decision." Because you're afraid that okay they'll give it to you but it won't be what you want. So, the courts ought to do it, I think that's true.

CLAUDE STERN: Did you find that usually those parameters — the ability to listen, the ability to work hard, the ability to provide a prompt decision and the ability to be decisive — did you find that most of the judges were concerned about those four things? They were decisive, they were willing to work hard, they were willing to listen, they were willing to provide prompt decisions?

HON. JEROME FARRIS: Honestly, I think yes. I've been impressed. I sit on other courts and I've been impressed with the quality of the judges on those circuits, too. Even circuits that have been under attack. There was a time when the Sixth Circuit got some negative publicity and I knew a number of the judges on the Sixth Circuit. I thought they were very fine judges. I think they did what they were supposed to do. The problem that we have is the newspapers have to go to print and doesn't do them any good to print . . .

CLAUDE STERN: Boring stories.

HON. JEROME FARRIS: . . . that's right. They've got to have a little something and if they can get it, they get it.

CLAUDE STERN: While you've been on the bench, while you were on the state court of appeals I don't know what happened and if there were any significant changes here in Washington either in the civil or criminal administration of justice. I don't know if discovery became heavily involved in the 1960s. That was a big deal in the 1960s is that discovery became a big deal. Depositions, all the discovery devices interrogatories, document requests, requests for admissions. Did you see that at all affect the administration of justice from the appellate level?

HON. JEROME FARRIS: Not really, I think we've got a pretty good bar in the West in general, and I think judges pretty quickly identify that one or two lawyers who don't do their very best and then we'd have our clerks kind of help fill in the gaps but I think the

administration of justice in every court I've been on has been very good. I think they have done what they are supposed to do.

CLAUDE STERN: While you were on the court of appeals, I'll take you back with the state court of appeals, were there any cases you decided that felt were particularly memorable or particularly significant?

HON. JEROME FARRIS: You know, I think all the cases were significant to the parties. Even little nothing cases. We had a case that I had to laugh about it. I was a lawyer and always you have to help your clients keep their dignity. So, instead of doing pro bono I would charge a small amount of money and I had what I knew to the parties was an important case. I also knew that they didn't have any money and I said, "We're probably going to have to go trial on this case but we're going." They said, "How much is this going to cost us?" I said, "Twenty-five dollars?" They said, "All right." They paid the \$25 and the other side could see that these rascals are going to go to trial. So, they caved and I told my clients, "You know, they settled. They've acknowledged and it's over." They had already paid the \$25 and the woman said to me, "Well Mr. Farris, do we get some of our money back?" I said, "Why do you think you should get some of your money back?" "Well, you said it was going to be \$25 if we went to court and you didn't have to go to court. So, do we get some of our money back?" I laughed and I said, "You know what \$25 doesn't buy you an hour. We charge more than that per hour and you know I spent more than an hour on this case because I spent more time than that talking to you." She said, "Oh, I didn't know that." I learned from that, do it free. Don't try to worry about the client's dignity but I did for a while. I think the clients are fairly sensible and I think they understand what's going on. Even after when she asked me if she will get some money I understood that, too, she didn't know what you paid lawyers. She probably works a week for \$25, who knows, so she just thought, "Well that's a lot of money and we'll get some back." I laughed and after that I began, "Okay, it's free. I'm not going to worry about the client's dignity" but you do worry about certain things.

CLAUDE STERN: I want to move into your federal appointment but I'm just trying to see if you can get my outline. While you were on the state court of appeals did you have any specific or even general frustrations at all as being a judge?

HON. JEROME FARRIS: No. I felt bad about the salary but I didn't feel so bad that I was going to do anything about it. I told you it was \$25,000 a year. I felt bad about the salary because that limited who could do it. You know, the cost of living was the cost of living and that wasn't so long ago . . . '69. It was quite a few years ago but it wasn't a lifetime ago and I think anybody knows that \$25,000 will only go so far.

CLAUDE STERN: With respect to once you ascend to the bench I know as a practicing lawyer, once I had friends who had become members of the bench things change only because they are now public servants. There is a certain protocol, you can't talk them about certain things which is professionally understood. When you became a state court of appeals judge, did you find that changed your relationships with friends of yours who were lawyers?

HON. JEROME FARRIS: No, but I had been surprised that although I didn't feel it made a difference some of my friends felt it made a difference. I had a former clerk who had a problem and I said, "Well, if he calls me I'll explain it to him." The friend who suggested that I call him said, "Well, he can't call you, he's not going to call you." Then I realized he's not going to call you because he thinks I'm the judge. He's in a position that he can't make the call and I have to call him but I didn't make the difference but I am aware of the fact . . .

CLAUDE STERN: That was his perception.

HON. JEROME FARRIS: . . . that people perceive of it in the way they perceive of it so in a way, that's too bad. It's one of the wonderful things about this bar, I think. The judges are respected but lawyers can talk to them and they can talk to lawyers.

CLAUDE STERN: When you became a member of the bench, did you expect other lawyers, when you're not on the bench when you're off the bench, when they are introduced to you at a party or at a dinner do you expect them to call you Judge or do expect them to call you Jerome?

HON. JEROME FARRIS: You know what? I never had to think about it because almost invariably I can't even think of a time they didn't, they just referred to me as Judge. They made the change. I didn't say, "Just a minute, what are you doing?" They just did, it's the way lawyers do it.

CLAUDE STERN: It's a funny story. I could tell you a story. A very good friend of mine was invited to a meeting at a very well-known civil rights organization we have all heard of. He went to the meeting and my friend is a very well-known capital defense lawyer and he was introduced to people. This is Bob and this is John and this is Sylvia and he shook hands with everybody and he sat down at the meeting and then he talked for an hour and he referred to everybody by their names. He did not know everybody. He knew several of the people. During the meeting he was talking to someone who was introduced as Bill so he referred to him as Bill and one of the other lawyers leaned over and said, "You know, that's Judge _____" and mentions his name and my friend had no idea about it and felt terrible because he had been calling him Bill. At some point during the meeting when he had the chance to tell him he said, "First of all, my thoughts are this and I want to apologize. I did not realize that you were Judge so-and-so and Judge, I apologize for that." The judge said, "There's no need to apologize." He was introduced as Bill and that's what his name is but some judges, I think, expect to be given that sort of honor. I know as a lawyer I certainly prefer to give that sort of dignity and respect to a person who is a member of the bench.

HON. JEROME FARRIS: I think you form an opinion about the person who is compelled to call you by your first name even though the person knows you're the judge. You form an opinion of them but usually the opinion you form is not one that they would want you to form. In other words, you don't decide, "Oh, he's just being democratic about it." You wonder why he doesn't respect the position and not the person because the position ought to be a position of respect, I think.

CLAUDE STERN: Absolutely. Let's take a break.

HON. JEROME FARRIS: Let's take a break.

CLAUDE STERN: We'll be gone for about an hour.

CLAUDE STERN: Okay, we are back on the record and it is eight minutes after five on January 17, 2018.

Judge, we were talking about your experiences in state court of appeals. Judge you served in the state court of appeals from 1969 to 1979 and at some point, you must have gotten information indicating that someone was nominating you to be on the federal bench. Would you tell us, how did that all come about? How did you learn that?

HON. JEROME FARRIS: A petition went in to expand the Ninth Circuit. There had been 13 judges on the Ninth Circuit. They doubled the size almost. They added 10 new judges and so the president was going to get to appoint them and the president was Jimmy Carter. At the time I was appointed Jimmy Carter appointed me and one of my dear friends had been in the legislature and had the seat next to the guy who was handling the appointments for Jimmy Carter. So, she was a good friend of this guy's and her name was Grace Towns Hamilton and Grace was the first black woman in the Georgia legislature. Very competent person. She had been head of the Atlanta Urban League, she had a master's from Ohio State but she was just a remarkable person and she was a dear friend. Well, the Carter people wanted to know how she knew me because she was big on me and she would say nice things about me and she said, "He's a former boyfriend of my daughter's." They thought, "Good Lord, she's this high on her daughter's *former* boyfriend?" Because her daughter married somebody else and I married somebody else.

CLAUDE STERN: That's high praise.

HON. JEROME FARRIS: That's what they thought. My goodness, if she's this high on her daughter's *former* boyfriend . . . I had friends elsewhere. I knew that if my name got to the president then I had a good chance and Carter had a selection committee so they sent four names to the president, Betty Fletcher and my name were two of the four. The president had asked for six names but they only sent four. So, you had a 50/50 percent . . .

CLAUDE STERN: And these were four from just Seattle?

HON. JEROME FARRIS: Yes. I knew who the other two were but Betty and I got the appointment. Betty was going to get the appointment. She was going to be one of the two because both Washington senators were backing Betty Fletcher and when Alaska complained for a moment and says, "Wait a minute, we don't have anybody on the Ninth Circuit and we should have one of those two positions." The Carter people said, "Alright, we'll let theirs go through and we'll hold up Fletcher to see what Alaska has to do." So,

Jerry Grinstein called me and said, "Who do you know?" I said, "What?" He told me and I said, "I'll call up my friends and tell them to let Betty go through. I was happy on the state court of appeals. I thought it was a good job and I heard of the Peter Principle. You know about the Peter Principle?"

CLAUDE STERN: The Peter Principle is that a person will rise to their highest level of incompetence.

HON. JEROME FARRIS: That's right. I said, "I'm competent on the state court of appeals, I don't know what I'll be on this thing. I'm happy to stay right where I am." I didn't know it was such a wonderful job and I let Betty go through. They said, "No, no, no, we can take care of Alaska, we are just curious. Both of the senators are strong for Betty and yet the president says you'll go through and we'll hold up Betty. So, you must know somebody." I said, "Well, I do know people in Georgia. I went to school in Georgia. I have friends in Georgia. My friends were Jimmy Carter's friends." So, I made the list and then Betty and I . . . they did work it out with Alaska and the two of us went through and Alaska got Bob Boochever sometime later and he was a wonderful judge, by the way and a wonderful human being.

CLAUDE STERN: So you remember what month and what year you first heard about the potential?

HON. JEROME FARRIS: No, I can't.

CLAUDE STERN: Was it more than a year before you were appointed?

HON. JEROME FARRIS: No, it was less than a year. I can't remember the exact time but I knew that the circuit was going to be expanded and that I might very well be a part of it. Then when I made the list I just relaxed. A funny thing happened there. One of my co-judges, his name was Keith Callow. Keith used to say to me in the hall, "Well, you're as good as gone." So, third time he said it, he said, "Doesn't it frost you?" I said, "No, Keith, it doesn't frost me. I am as good as gone. I thought you knew. I thought that's why you were saying it." He was saying it trying to needle me. I wasn't needled at all because I was as good as gone once I made the list. I had to make the cut then my name would be on the list. I felt I would get the appointment and I did. It was Grace Towns Hamilton. She was the heavy hitter who was the reason I got it. Not Washington's people, it was an Atlanta person. She was quite a lady. She's dead now but she was quite a lady. She carried a lot of weight in Georgia.

CLAUDE STERN: I'm looking at your investiture . . . the transcript of your investiture and there was a comment that struck me. There were a variety of comments that struck me. One is that you said something today which dovetails very much with something that was recited by Judge Wright, Eugene Wright who was the judge who essentially was the person who gave you your investiture to become a Ninth Circuit judge and he was talking that there are five requisite qualities to be a judge. Those are: decisiveness, educability, courage, integrity, and courtesy. He said that you had all those five characteristics. What I felt was

even more telling was that Judge James, Frank James who was talking about you. There seemed to be a lot of love and humor in him when he talked about you. He made a very funny comment and I wanted to read this to you. He said, "When I mentioned to my friend Jim McArdle, the King County law librarian, who many of you know well that I was going to make a few remarks on this occasion and I was concerned that I would think of the right thing to say. He said, 'There's nothing to it, all you have to say is we have put up with him for 10 years and now it is your turn.'" I laughed because I've read a lot of these things but that is the most loving or friendly thing that I have seen.

HON. JEROME FARRIS: Well, Frank was my dear friend and he was 23 years older than I am. He came on the court and he had been a superior court judge for 30 years when he came on the state Court of Appeals. But he and I became dear friends and he was a very good sailor. He was kind of short but he was a great sailor and a dear friend of mine who died tragically. He was not well. He got up to fix himself a cup a tea and he had on outing pajamas. I don't know whether you know what it is but it's a flannel kind of thing and he caught fire when he reached across. They put it out but he burned himself and he just had a tough time. He was a good friend. Frank Dexter James.

CLAUDE STERN: You were appointed by Jimmy Carter when you came onto the bench. The investiture took place in October of 1979 and I assume that you then assumed the responsibilities as a federal judge immediately thereafter. For those of us who know, the clerks come in typically in the August/September time of the year and October is late. Now when you took the bench, the federal bench here in Seattle, obviously you had chambers that you were going to occupy. This must have been a big deal, I mean, to be elevated from the state court to the federal bench. I want you to describe the initial changes you noticed from becoming a state court of appeals judge to a Ninth Circuit judge including the fact, were you bringing over the clerks that were your state court of appeals judges here or were they brand new clerks?

HON. JEROME FARRIS: I have to stop and think about that. I know who was my first clerk but I can't remember when I had hired him. It was not as much of a change as I thought it was going to be. Because I felt on the federal court you are going to have choking, kicking every case and Gene Wright said, "No, there will be cases, you'll be fine. Don't worry about that." I found that there were but what happened when I came on this court Jim Browning was the Chief and Carter had appointed Shirley Hufstедler to be the Secretary of Education. She thought she was going to go to the U.S. Supreme Court and that Carter was bringing her back to Washington to get ready to put her on the Supreme Court. I think he was but she had a bunch of cases, 125 cases. So, they assigned her workload to me because I had been on the state court. Then Goodwin asked me, "What are we going to do?"

CLAUDE STERN: Browning.

HON. JEROME FARRIS: No, no, Goodwin asked me but he wasn't the Chief then but I don't know how he happened to be the one that asked me what we were going to do but he asked me and I said, "Well, let's do this. Let me read them — the 125. Let me tell you on the record how I would decide them and then we'll decide whether we need additional

arguments or what we need to do. Whether we need to call for additional briefing. I'll just go through and I'll tell you what I am to decide." I went through and I told them how I would decide and we were unanimous. I agreed with the two of them. I took that caseload. They gave me [the]old cases and then they put me on a panel to start because I had been a state court judge so I got full blow right away.

CLAUDE STERN: So, you don't remember if you brought clerk's over from the state court of appeals?

HON. JEROME FARRIS: No, I'm fairly certain I hired new people. I hired new people. I can tell you, no I didn't bring them over. I hired new people because I remember now who my first clerks were. One woman and two men.

CLAUDE STERN: So now you had three clerks.

HON. JEROME FARRIS: Yes, yes.

CLAUDE STERN: At the court of appeals you had one.

HON. JEROME FARRIS: One clerk, yes.

CLAUDE STERN: Was that a big difference from a working perspective?

HON. JEROME FARRIS: No, it really wasn't. You know my style and I think clerks have to help you and I couldn't do it, you can't do the job without clerks. Clerks help you know what you should already know. They don't cut you open and give you some new wisdom. You need the test because somebody ought to review the record, somebody ought to check to give you the answers and you ought to have questions, they ought to find them and the clerks can do it. It was fine. I had good clerks and they worked out fine.

CLAUDE STERN: You had clerks from 1969 until roughly 2015.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: So, that is by my math, give or take a year, 46 years of clerks. I was present at your 80th birthday seven years ago, almost eight years ago when 100 or more of us came here to celebrate your birthday. We came here to Seattle. Maybe you can tell us, what in your view, with this all experience, all about thousands of cases that you decided and seen over a half a decade of being a judge: What do you think makes a great clerk? What are the qualities you think that are important for a clerk?

HON. JEROME FARRIS: The clerk has got to be bright. A dumb person has a hard time fumbling through and trying to get some answers to some tough questions. They also don't need to have an agenda. In fact, whoever wins ought to win and whoever loses ought to lose and your agenda shouldn't govern that. The record ought to govern that and a clerk needs to understand that. I haven't ever had a clerk who didn't. My clerks understood that, so they were ready to do what they would and they were bright. It has worked very well for

me and I think I've had a good year always with my clerks. There were a few that would be, well, I wouldn't want to hire them again if I knew then what I know now but the numbers, very few, maybe three and I'd have to stretch to be sure there was three. I can think quickly of one and then there might be two others but most of my clerks . . . and I now interview over the telephone for the last few years because a lot judges run the clerks all around the country at their own expense. So, I just would interview over the telephone. We would fix the time and I would interview over the telephone and then hire them. I had their records, I had everything that people wanted to say about them and then I would ask them a few questions, they would answer them and I would hire over the phone. I started interviewing on the phone because I felt a little sorry for them. I know, I had a colleague who interviewed 20 clerks applying for two positions. The clerks have to come. It's just terrible. So, I got started doing it over the telephone. I'd tell them in advance, tell them to buy a telephone card so that they limit what they are going to spend. You know 10 bucks can get you so many minutes. Buy that and call me at a certain hour and they would or I would call them at a certain hour. So, that's how I began to do it.

CLAUDE STERN: How valuable, do you think, you're obviously as the judge, how valuable do you think the clerking experience is to a young lawyer?

HON. JEROME FARRIS: I wonder how anybody practices the law successfully who hasn't clerked. I truly wonder and I think it takes them a lot longer to understand what they are trying to do if they haven't clerked. Law school cannot prepare you to practice law. It can try to prepare you but it prepares you to get ready to practice law. Law school can't do any more than it does. I'm not criticizing law school. You can only teach so much in three years but there are other things that law school just can't teach you and you've got to do it if you are going to be a successful lawyer. You've got to learn quickly or the practice will teach you quickly, you know, you'll get slammed around.

CLAUDE STERN: When you became a federal judge here in Seattle, Seattle is relative to . . . this is a circuit obviously and that there are judges in multiple states extending from Hawaii to Montana and of course there is the California issue which is we have the wealthiest state what some people say the sixth largest economy on the planet Earth. It is one of the several states of the Ninth Circuit. You hear cases from all over. You ride the circuit.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: How much of a change was that for you when you went from the state court of appeals to the Ninth Circuit.

HON. JEROME FARRIS: Almost none. You get different kinds of cases. I thought you would get much more complicated cases but you just get more cases, different cases. I find the experience very similar. I enjoy it, I thoroughly enjoy it. The problem that we've got and that problem is that somebody's talking about splitting the circuit. The president said something about it. It almost impossible to split this circuit because there was a time when 70 percent of our cases came from California. Now, it might be fewer than 70 percent but it

is not down to 60. Somewhere between 60 and 70 and with that many cases coming from one state, how are you going to split the circuit? Are you going to retire everybody but the people who have to go to California? If you do they're our colleagues our friends. We'll just go down there and help them. We're not going to sit up here and do nothing while they've got the load. So, even if you divided the circuit and made California its own circuit the other judges would have to go down and help California with its work. Somebody would have to go and help them with the work and the somebodies would be the people in the circuit that it was divided from. So, it is not going to be split.

CLAUDE STERN: I've been practicing law for 38 years and in 38 years I have read articles about whether the circuit should be split. Nothing has ever happened. Do you think that is a likely thing to take place?

HON. JEROME FARRIS: No. I think it could take place if so many of our cases didn't originate from California but I don't know why the high percentage because I rarely see a case where I think, "Oh, that's just silly. Why did they bring this?" I mean, they are quality cases. I think it's just the nature of California. They have quality cases and quality problems and the court ought to resolve them and we do resolve them.

CLAUDE STERN: There are two parts of being a court of appeals judge a Ninth Circuit judge and this is probably equally true when you were on the state court of appeals. You have the administration of justice, I take that back. You have the deciding cases, which is the substantive work that you do and then there is the administration of justice. There's all the procedural stuff that the public doesn't see. Maybe you could describe that. What has your role been over the last almost 40 years in the administration of justice in the Ninth Circuit? What have you been doing?

HON. JEROME FARRIS: Well, I haven't done as much as some of my colleagues because you run to do it. You know, you want to do, volunteer for this that and the other but I have been available if somebody wants me to do it. There are no big administrative problems. Really, there are not. You've got so many cases and you have got to make a decision. Get them out. I suppose you could make a decision before if somebody could screen the case and do something in terms of putting them on a fast track calendar, some of them. I think by and large we've got very dedicated staff people, very dedicated. We work very hard and I think that the public has to be, I don't know but I believe, the public is satisfied with the administration of justice because if they have a question, somebody's going to answer it. They don't say, "Oh, call me back." They are going to answer it. I think it's a part of the job, it gets done. I don't think there's any big problem.

CLAUDE STERN: As a circuit judge, your job is to look for error because you are not courts of original jurisdiction, you're courts of review. After all this time you can include your time state court of appeals and there has been a debate for centuries about the role of activism versus passive interpretation of a judge. What views do you have about that, if any, about the roles of the judiciary in making law an interpreting law? Especially as a court of appeals judge?

HON. JEROME FARRIS: I had made a statement in a case and [Supreme Court Justice] Breyer has repeated it in his speeches and he's said it and given me credit for it. I said on a case once, "My colleagues would retry. I am content to review." Justice Breyer liked that statement. You can't retry the case and the reason you can't retry the case is you read the record and say, "Oh yeah, it looks like this . . ." but you don't see the person saying it, you don't hear him. There's a way where you can say, "I've got a million dollars." and everybody knows you're making a joke. Then there's a way you can say, "I've got a million dollars," and they say, "The guy is bragging because he has a million dollars." You hear the same words but there are nuances. So, you don't try to retry the case because you can't.

CLAUDE STERN: Why is it that some judges like yourself are willing to defer, to really pay deference to what the trial court does where other judges, who you know and respect, don't? They feel that they have greater judgment. They don't draw the line at error in the same way that you do.

HON. JEROME FARRIS: I don't know and I don't want to sound like I'm sitting in judgment on my colleagues but they are conscientious but they are somehow misguided. I had a dear colleague who, a case was decided right by the trial court but he felt it should be reversed because there was just no doubt the primary witness was major liar. There was a strain of truth and the strain of truth was enough to convict the person who was accused even though the major witness was embellishing. So, a colleague and the dear friend was outraged because, "How could you believe anything he said?" Well, you read the full record and you knew exactly that the trial court decided it right because the case had to do with . . . read it, I don't want to find the case and talk about the judge. Anyway, the fellow said, the defendant said, "I only put it in him for a little while and he went running screaming like I had done something major to him." Well he's admitted that he had violated this person. You had to ignore that statement if you're going to be persuaded by the fact that the person, who was the witness, that told a bunch of lies but still it was pretty clear. So, he said, "I can't believe anything the guy said." I said, "You don't have to believe it. Look at what the defendant said. That's enough. You can't stick it in for a little while and then . . . that's it. If you'd say that then you have done it." They found him guilty but this friend did it and the court reversed and they just made a wrong move and I started to write a little line. I started to write a little sentence: . . . 'and the majority should add to their opinion and now you go ahead but don't you ever do it again' because the guy knows he was guilty but anyway I didn't, I didn't write it.

CLAUDE STERN: A wise man once told me, and they are a court of appeals judge, that a living thing is entitled to a fair trial not a perfect trial. You've probably heard that before and I've wondered about this for many years. You were the author of that statement and it's a particular view of justice, it's a particular view of the way the world is, it's a particular view of how the court works, it's a particular view of the administration of civil justice or criminal justice. It's that life is not perfect. Fairness is not perfect. We've talked all day about your experience, your mom, your dad, your family, the community you were raised in. What in your experience has led you to that conclusion? That you are entitled to a fair trial and fairness is not perfect. What do you think has contributed that to you?

HON. JEROME FARRIS: I think it's from reading so many records. There are, unfortunately, a lot of people that don't get a perfect trial and you know they didn't get a perfect trial but just where is the balance? What does it do? If it turns the case in the wrong direction, that may be the case, but some of the imperfect things, the imperfections don't really affect the outcome. They are there and you can point to them. Well, they won't affect the outcome. So, you just move on and that's it. Life goes that way. I made a speech to a black NAACP chapter down in Los Angeles and had people around talking about how life isn't fair. I just listened to a lot of things. Life isn't fair? I was quoting Tina Turner and I said, "To quote that lovely lady of song 'What's fair got to do with it?' Life isn't fair. There's nothing fair about life but it's not the turning point of anything. I think that's true. I just think that you don't get hung up on what's fair. It's just too bad that certain things aren't fair. I think that if you really wanted to you could look at the senate's instruction in this country and you can find some unfairness there. One crime getting more time than another and why? I don't think the balance would be always perfect but you ought to get what you deserve.

CLAUDE STERN: I've got that speech that you gave to the NAACP in front of me.

HON. JEROME FARRIS: Is that right?

CLAUDE STERN: I do.

HON. JEROME FARRIS: I don't know how you get all these speeches because I thought they were gone. You make it and they're gone.

CLAUDE STERN: March 15th, 1986. This point of view is a very important point of view because you know that there are colleagues of yours who have sat on this court who have a different sense of what is fair and they expect more perfection in the process than you do.

HON. JEROME FARRIS: Yes.

CLAUDE STERN: And that is a debate about how perfect the system has to be in order to be fair. Right? Do you find that that debate continues over time?

HON. JEROME FARRIS: Yes and I think it's a good thing. I don't think it's a bad thing I think it's a good thing because we are trying to pull to the perfect middle and so there's tension on both sides and there ought to be. I just think that's a good thing. I don't worry. I'll tell you another thing that I think is a good thing. I think it's a good thing the people talk about the far right and the far this and the far that. All we want to do is to be right. That's all it is that the judges want to be. We're not trying to be the this or that. We want to be right and I think that's the good thing about our system. People are struggling to be right but sometimes they just don't know what right is.

CLAUDE STERN: Is there a type of case . . . You have made it clear before that you don't agonize about cases and you have done your fair share of dissents when you have dissented from the majority. There must be times when you think, "Oh, I'm not in perfect agreement with the majority but I agree with the results so I'm just going to go along with

the majority.” But there are other times where you must draw a line and say, “I just disagree with this.”

HON. JEROME FARRIS: Yes.

CLAUDE STERN: In your own words is there a way where you draw that line?

HON. JEROME FARRIS: Yes. There really is honestly a way. If what I think is right, is that John Jones ought to be convicted but the majority says no I’ll take a look at it. If the same John Jones is really going to harm the community then I’m going to jump up and down and scream. But if he’s not, I’ll think they’re wrong but he’s got a chance. They err on that side but I’ll jump up and down and scream if they err on the side of convicting somebody who’s innocent because that is a horrible thing to do. But if you let somebody who should be locked up escape, as long as he has got sense enough to know he’s had a narrow scrape we’ll watch him. The police are going to be on this case so it’s not a great harm and so that’s how I draw the line.

CLAUDE STERN: Are there any particular dissents that you have authored, that you feel express your point of view with respect to what it means to be a court of appeals judge.

HON. JEROME FARRIS: No, to tell you the truth. I don’t even think about my dissents. Sometimes I’ll go along with the majority when I don’t really agree one hundred percent with the majority. I think it’s important that the law, to the extent that you can make it, ought to be certain and a person ought to be able to read our cases and know what we are going to decide. So, I try to make sure we stay within that parameter but I don’t have a firm measurement or not.

CLAUDE STERN: You have been described by some as a fiscal or economic conservative and a law and order conservative but on social issues to be progressive. What do you think of those characteristics?

HON. JEROME FARRIS: I didn’t even know it but I can tell you one thing. Any judge who decides his conduct based on what he’s going to read about and what people are going to say, is going to make a lot of mistakes and is going to be terrible judge. You’ve got to decide, on the record, to the best of your ability. You’ve got to make the call that in your feeling is the right call based on what is before you and you can’t let those external things even get on the scale. I say that to my young clerks. The important thing about decision making is to put everything on the scale that belongs on the scale and nothing on the scale that doesn’t belong on the scale. That’s harder than most people would think and a lot of people will leave something off that belongs on and more people than that will put something on that doesn’t belong on. You can’t, you can’t do that. That means you’ve got to know the record, you’ve got to review, and you’ve got to look. If you have got a question you have got to find it and if you don’t you have to put it to the lawyers. I have tried all these years never to decide a case without giving the lawyer who was going to lose, an opportunity to tell me why I’m wrong and why he’s out to win. I don’t say, “Flag! Here it is.” But at sometimes during my questioning I’ll put the hard question to the guy who’s going to

lose. Unless he could give me a good answer to that question I'll give him chance and if he doesn't do it, the people hired him, he's their flag carrier, he's got to do it.

CLAUDE STERN: You're getting slightly ahead. Before we get to the hearing on the appeal I want to talk about the procedure. Obviously, as you know cases come in and they are assigned to different judges — to the panels. One judge on the panel has the responsibility for preparing the bench memorandum with respect to that case. That memorandum may be circulated among all the members of the panel. That doesn't guide anybody's decision. There has been, I imagine, where your clerks or one or more of your clerks has written the bench memorandum and you disagree with the bench memorandum. Is that fair to say?

HON. JEROME FARRIS: Yes.

CLAUDE STERN: Okay, and this now has to do with internal processes. Have you ever turned to a clerk who has written a bench memorandum and first thing you told him was you disagree with your bench memorandum?

HON. JEROME FARRIS: No, what I do is this, I circulate the bench memo and I say to my colleagues, "My clerk has prepared this bench memo and I disagree with it." But I circulate it for what it may be worth because somebody has to review the record and he should have reviewed the record. The record, whoever writes that memo, must have reviewed the record and you must be satisfied with that but he's reached the wrong conclusions. Well, there are a lot of reasons why people just out of law school reach their own conclusions. It isn't laziness and it isn't dishonesty. It's just . . .

CLAUDE STERN: Lack of experience.

HON. JEROME FARRIS: Yes, lack of experience. Yes. I was once, I think I was making a speech, oh no somebody was arguing a case and I was writing the decision. His argument was he hadn't read the record because he was young and inexperienced. An older lawyer came to make the argument to say this and I said in the speech, "Youth and inexperience is a reason to read the record not an excuse for failure to read it." If you're young and inexperienced you've got to read the record and you've got to read it with great care. You don't say, "My youth and my inexperience excuses me. Excuse me I didn't read it but don't hold that against me." No, it is the reason to read the record not an excuse for failure to read it.

CLAUDE STERN: After the hearing. This procedure, was this in the state court of appeals, the bench memo circulated around?

HON. JEROME FARRIS: I can even remember when I said that but I did say it in an opinion.

CLAUDE STERN: Now the members of the panel all have the bench memo. Sometimes your clerk would write it and sometimes their clerks would write it and you come to the

hearing. Prior to the hearing, except for a comment that we made about the bench memo, it has been your practice not to discuss the case with the other members of the panel?

HON. JEROME FARRIS: Absolutely, and I think it's a good thing. I think if you think something and you know your other two think the same thing, you're are not as likely to listen to lawyers as when you don't know what they're thinking. You need to listen to the lawyers because the lawyers have to know, well they're charged with knowing more about the case than you do.

CLAUDE STERN: I've always thought it was the same reason you don't want the jury talking to each other until final deliberation because you want them to each get all the evidence in their own heads before they start forming opinions.

HON. JEROME FARRIS: Yes, and I think it's the way it ought to be.

CLAUDE STERN: Alright, now here's the question. Now, the hearing finishes and you retire to the conference. In all the time that you've gone to the conferences . . . first of all, give me a range of the amount of time you spend on any case in the conference?

HON. JEROME FARRIS: Oh, in the conference? Frankly we spend very little time. I remember one of my colleagues, a dear friend, who I liked very much, she'd been a dean, she was outraged because the conferences might be 15 minutes. We would reach agreement and you're gone. She wanted to spend half the day to talk about this case and that case and it is not to criticize her. She had taught more than she had practiced law and so she kind of liked that.

CLAUDE STERN: Was more of an intellectual.

HON. JEROME FARRIS: That's right, that's right. She was just outraged that we had such a short time in the conference. But with some of the cases there was nothing to talk about. Sometimes, that amount of times can vary. You know you can talk about a full calendar an hour you but you can also talk about calendar in 10 minutes.

CLAUDE STERN: Of all the times you've been on the bench it has been almost about 50 years now. Had there been any situations, anywhere during the conference where tempers flared? Where there was not just intellectual disagreement but people just expressed anger?

HON. JEROME FARRIS: You know I have never been on a panel where tempers flared, not ever. I have been on an opinion where a red-hot memo has been written but not during a conference with somebody afterwards.

CLAUDE STERN: You mean memo after the conference?

HON. JEROME FARRIS: Yes.

END OF SESSION ONE

Claude Stern: Okay, we are here with Jerome Farris, Judge Jerome Farris of the Ninth Circuit. This is the second interview session. It is December 18, 2019. Judge, I want to continue where we left off the last time if that's okay with you?

Hon. Jerome Farris: That's fine with me.

Claude Stern: At your last session we covered a variety of topics including: your early family life; your family; your relationship with your family; your attending Morehouse; the various different jobs you had either in school or before school or after school; your work with the military, with the army; your getting your Masters in social work; your going to law school; your early career as a lawyer; the various different firms you were with; the types of clients that you had; and the movement from you in the private sector to a public servant – first on the Washington Court of Appeals and then on the Ninth Circuit Court of Appeals. We covered a lot of territory. I wonder if we can cover some other areas. One of the things we talked about briefly last time was your philosophy about judging or how you approach judging. I want to talk more about that. We don't have to talk about particular cases – we can talk about just generally judging. I wanted to get your thoughts about what you thought your either personal characteristics were or strengths were that made you the judge that you are and what you think is, what do you think of the personal characteristics of a person to be a judge?

Hon. Jerome Farris: That's a harder question to answer than you might think. The main thing I think is that with various judges and seen various judges is that you must go in to the occasion to listen to cases first knowing what you need to know about the case, having done the reading, and you, you must do that and then you can't flinch if in your view, the bad guy wins for you can't twist to make the good guy win. You've got to be completely objective and you've got to go where the record takes you and sometimes that means that the bad guy wins and sometimes it means that the person you would like to see win wins. But you can't care what you think or what. You just have to step aside and try to make sure you reach the right result, and it's critical, in my view, because if you didn't do that, the public would soon discover it and they'd lose respect for the courts. And one of the reasons our country is as great as it is, is because when the court makes a ruling, people follow it. You think about in the 60s, when the Fifth Circuit was ruling on certain questions, I don't know what their personal thoughts were, but I know they had the good sense to make the make the call and they made it. I've heard of judges who sat on civil rights cases and go into a pew at church, sit down, people get up and walk away, not wanting to sit near him, but then their children would be – but they had the courage to make the calls and I'm just glad we had that kind of person on the court at that time because they were right and the world finally came around to knowing it. George Crockett, who was a good friend of mine, had a call in Detroit. The church, I think it's called Big Bethel. But anyway, they were having a civil rights rally in this church and the police came and shots rang out. No doubt about it that came from the church, and one police officer was killed. When you talk about Detroit at that time, the riots and what have you, police came and they were

arresting everything in the church. So somebody went to George Crockett's house two o'clock in the morning, woke him up and they said what the police were doing, and so Crockett called the prosecutor at that same hour in the morning and said, "I'm going down to convene court and you can come or send somebody, but I'm going to convene court." And he went down and he PR'd everybody they had arrested just as fast as they were bringing them in, Crockett was PRing them out, and he held nine people back, who could have conceivably had something to do with the shooting. And oh, the newspapers went wild. You know, communist, been calling him all kinds of names. And then some years later, maybe as many as 50, they talked about how he saved Detroit. You can imagine what would happen if your grandmother was in church, and the police put her in jail and word get back to the community, she's been jailed and they were holding her. And they didn't have facilities for them. But that to me is an outstanding example of a person having the courage to make the call and Crockett made it and people said bad things about him for a while and then later on, a headline in a newspaper article said that he saved Detroit. And I think he probably did.

Claude Stern: How do you - I mean judges are just flesh and bones, they're just – they're people just like the rest of us. How do you and how difficult has it been, or how have you trained yourself to have that sort of detachment to, as you say, in the case – a case is before you, the evidence suggests that the person is in some sense guilty or is or you have a certain personal viewpoint, but you detach yourself from that to be a judge and to impose the law the way you see it should be imposed. How do you do that? How difficult is that to do?

Hon. Jerome Farris: It's not at all difficult for me, and I don't think it's difficult for – well, there may be one or two exceptions, but only one or two exceptions. I started to say for all the judges I've ever known, but maybe one or two exceptions. Because you take the oath and that's what you do. And in the final analysis, at least in my view, that's what saves the country. Right this minute, people have great respect for the court. And even people who want to yell and scream and say bad things about the court when they get a ruling, all right, they settle down and follow it. And that's because I think they realize the court's ruling on the basis of the Constitution and decided precedent, and that's the way it ought to be. But you see, the reason I'm so high on the Fifth Circuit, because it's cited precedent had been first *Dred Scott*, and then separate but equal. And it took – it took a lot of courage to come up with *Brown*. And I think it took a lot of work on one judge's part before the court was unanimous on *Brown* but the court came out with a unanimous decision and it made all the difference in the world in this country, I think. That, you know, that's just the way it goes. And I think that's why we have such a great country, because people know, okay, you go to court, you're going to get the right answer.

Claude Stern: Do you – you said something that, you used the phrase, "You have to have the courage to make the call."

Hon. Jerome Farris: Yes.

Claude Stern: We also talked about at the last session about the difference between activist judges versus more passive judges, judges who see their role as social engineers and judges who see their role as just calling balls and strikes and saying this is a ball and this is a strike and I'm not on either team. How do you – is it difficult to reconcile those things? On one hand to be articulating what the law is at any particular point in time? Saying, look, this is what – we're going to apply the law but at the same time, recognize that the law is flexible, and has to move?

Hon. Jerome Farris: Not for me. I think we listen very carefully. We've got a case on the calendar now, coming up, coming up on the next time I sit and some very interesting questions. But before I rule, I'm going to do a lot of looking at various things and make a decision. But most of the cases, you pretty much know what the call ought to be, and then you look at the law books to see – you want to make sure you're not manufacturing the answer. You want to see what supports it. But in most cases don't cause anybody – don't cause me to agonize. I just make the call. I know people who have a hard time with the death penalty. Well, for me the big question with death penalty is did you get the right person? Have you got the right person? If you got the right person, I don't have any problem with it. It's the law of the land at the moment and it doesn't cause me any anxiety at all. But it would be terrible if you got the wrong person and quite often, not quite often, enough times for it to be significant, the law gets the wrong person. And I don't know what causes that. But, and I have some ideas about what causes it, but I don't know. And when that happens, uh oh, that would be terrible. But I – when I make speeches, I talk to them about a book. I urge them to read *And The Sea Will Tell*. That was a situation where the four people on the island, two of them were killed and two others showed up riding that boat. There were only four people on the island without a doubt. So the implication would be that two of them killed the other two. But the truth of it was only one of them killed the other two, and that one didn't know it. Well, you have a hard time unless you do some real research, you just conclude when the two who are dead were a couple and the two who are alive were a couple. It's a wonderful book, and I think it ought to be required reading for lawyers. Because Vincent Bugliosi, the prosecutor, wrote the book and he did the research and defended the two who would have been convicted. And he – his hard work concluded that there was just one who did the killing. And it's – that's what I mean by you – you have to learn how to not look at what you think is so obvious. You gotta focus on what does the law say you ought to do, what does the Constitution say their rights are and then see that they are protected, and it's a good thing.

Claude Stern: As a judge on the bench, you've been on the bench for 50 years, you obviously have a mindset now. When you first started judging – when you were 40, around 40 years old.

Hon. Jerome Farris: Yeah, a little bit. It's 39.

Claude Stern: 39?

Hon. Jerome Farris: 39. Yes.

Claude Stern: Did that – Was that an instinct that you had to develop? Or did that – was it more natural to you?

Hon. Jerome Farris: I think it had to be developed because you – you think you know what you don't know. And you discover, "Oh, my." And it's always – it's an enlightening moment when you learn something that you thought you knew and just isn't so. So – But every time that happens, it causes you to stop and reflect before you jump to judgment. And I think – I think you have to learn to do that. I think you – I think you have to have the attitude that you are willing to learn to do it but I don't think you can come in automatically being able to do it. Because – I think the natural thing to do is "Oh, yes – Tell me that, tell me this. Oh, yes," and you've reached a conclusion. But no, just a minute. Just a minute. And that's what Bugliosi did with this *And The Sea Will Tell*. It's a remarkable book in that sense, in my opinion. And it's a good lesson for lawyers and would-be lawyers. We have to stop and think.

Claude Stern: You said in your last – at the last interview, you said that you made the comment that – to at least one group of judges and that you've been quoted since then, something in the order of: "Some would prefer to retry it. I prefer just to review it."

Hon. Jerome Farris: Oh, yeah. I remember saying that, and I've said it many times and unfortunately, I still sit and I get the feeling that there's an inclination on the part of somebody to retry the case and what they don't know – what they won't accept, is if we don't see the witness. We don't hear 'em. We just read the record. And there – there are times when a person can say "I killed that man, he deserved to die" and you know he didn't kill him. If you see him and hear him say it, but you just read that on paper, "I kill that man. He deserved to die" that's it. But when you hear him say it, you see him, and that's the difference. That's the part where the danger comes in trying to retry the case. Because you don't see the witness and you don't hear him. And you just – you get a different answer sometimes.

Claude Stern: True. But there – obviously there are cases that you've seen where the – you've seen the record and you've said, this was not – it wasn't just not a perfect trial, but it wasn't a fair trial, something's happened and it requires reversal. Like you're not following the law or something like that.

Hon. Jerome Farris: Yes.

Claude Stern: You also – you know, I mean, the decision to do that, is that a difficult decision for you? Or has it always been a relatively straightforward decision for you?

Hon. Jerome Farris: For me, it's no trouble at all. But I think – I think whether I like to admit it or not, a part of that is background. I grew up in Alabama in 1930s and 40s. So the situation made me know to take a hard look, don't jump too quickly. Things may not be as they seem. So I've had no trouble with it and I've always been glad I'm in position to make the call.

Claude Stern: What would you say after being on the bench for 50 years is the legacy that you'd like to leave or that you think you have left?

Hon. Jerome Farris: Oh, don't know what I've left. I really don't know. I'm always surprised at certain things. I had a lad call this court and when he was a young fella, he did some things as a juvenile he wished he hadn't done and his mother hired me to represent him and I did. And he called just now, just this year to see if – and I performed their marriage ceremony some years ago. And I don't know how long ago it was, but earlier in being a judge, and he still thinks and has said, if it hadn't been for the judge, I would be in the penitentiary instead of building penitentiaries. He – he worked for one of the governors and he had to do this. Off he goes and – and I would – I would have expected him to just forget all about me because that's – but he hasn't because now he's – he wants to know whether he can pick me up for lunch. And I think "Well, isn't that nice?" I haven't heard from him in I don't know more than 30 years. And hadn't thought – I shouldn't say I haven't thought about him, I suppose, as people who I've have known pass through my mind, but haven't focused on it. Haven't seen him, haven't done anything with him, made no contact. But I'm easy to find. He called and he's talking about it for either January or February. He called the office phone to save the date and see for it. And I think that's the nice thing that there are those people who will think that, that I have helped them turn their lives around completely. And so I think that's a nice legacy.

Claude Stern: When you issue when you issue a decision. Most of the decisions you issue are in paper form will after the fact, after the lawyers have left after their parties have left the court.

Hon. Jerome Farris: Yes.

Claude Stern: Do you ever think about the implications, the impact that your decisions are having on not just law in an abstract sense, but on the specific litigants or in the lawyers

Hon. Jerome Farris: No, the truth is, I don't. I really don't. I don't and I don't know. I don't even question whether I should or should not. We are there. And I know the system works because we have to make the call. And I know that if I see somebody trying to add something to the record that isn't there in order to get results, and just a

minute, this minute, I got to decide this case on the record. And I'm comfortable doing that.

Claude Stern: Obviously, as a circuit judge your review, either through an *en banc* review process or through the United States Supreme Court, which statistically is very rare for any Court of Appeals judge or decision. Have there been has there been ever occasion either on the state court of appeals or on the Ninth Circuit when a decision that you participated in authoring, not necessarily that you authored, was reversed?

Hon. Jerome Farris: Yes, it's called State versus Randecker.

Claude Stern: State versus Randecker?

Hon. Jerome Farris: Yes.

Claude Stern: Do you remember what the case was about?

Hon. Jerome Farris: Yes. I remember very well. In fact, I remember all the details. I remember the guy in the Supreme Court who wrote the decision. And he was a friend of mine. He had been a colleague of mine on the State Court of Appeals.

Claude Stern: This is the Washington Supreme Court?

Hon. Jerome Farris: The Washington Supreme Court. Mrs. Randecker was convicted of stealing. The only evidence was they were using a drawer like a bank. But the fines, they were the law. District Court of court of law of lesser jurisdiction, and so the fines just go in the drawer. And you need lunch money today. I owe you, you put the IOU in the drawer and take your lunch money out. You pay it back and you pick up the IOU and leave it in there. That was sloppy money handling. But somebody was monitoring the drawer. The employees didn't know it. And they knew somebody was stealing because the fines were not where they should have been. So they narrowed it to Mrs. Randecker because when she went off, when she was away, no stealing. Soon as she came back, stealing. And it was my view as an appellate court judge, that's no proof. If I'm stealing, trying to put it on Mrs. Randecker, I'd be crazy to keep stealing while she's off. I have to stop. And this Supreme Court Charles Stafford was Supreme Court Justice Washington State Supreme Court Justice. And he wrote it is for the trier of fact not the court of appeals to determine the facts. It was a fact question. was there enough to go to the trier of fact. There was. So you that's it, they make the call. And it took me a long time but Frank James was on the court of appeals with me. He says Farris you're still mad about State v. Randecker. He says somebody comes making an argument, Council have you read State v. Randecker? He said it had nothing to do with it. You raised it, fought with them. Finally, after, oh, it took me four or five years I realized that Charles Stafford was right and I was wrong. How in the world do I know whether Mrs. Randecker was stealing that money. I had no idea. I did know that if somebody else

was stealing it, they'd be crazy to keep stealing - if they were trying to put it on Mrs. Randecker - they'd be crazy to keep stealing when she's on vacation. So, but you -

Claude Stern: You're also dealing with a clear and convincing, beyond a reasonable doubt standard. .

Hon. Jerome Farris: Yeah. Yes, yes. But as Charlie said, wait, that's for the trier of fact, they saw the witness, they heard it. And they made the decision. And it took me a long time, but I'd say maybe after five years, I realized, yeah, that's right. I was making a mistake. I shouldn't have made - I shouldn't made that call. I was going by the record. What I saw and what the proof was, and that was the only proof. Everybody was using the drawer. And that's the only proof but not only when you ask me now do I remember that happened when I was a state court judge, I've been on this court 40 years and I don't remember how early on the state court. But the decision is in the books and Charlie Stafford was one of the judges who went on the state court of appeals with me at the same time, you know. So I considered him a friend, we were all friends. We were very close friends. And I thought Charlie you're just wrong, and to myself, I never called him and said it. And I kept thinking he's wrong. What a ridiculous - gonna let that thought. That's right. And that's why the points you asked about, some would retry and I'm content to review and I realized, just a minute, you can't retry the case. For the factual question you better back away. I could find some constitutional reason, the question shouldn't have been asked or any of those things, so all right, that's fine. But in terms of pure fact-finding, the trier of fact has to do it. And, and I think that makes the system work. And I think the public has to continue to respect the system and I think the public does. I think today the public, okay, let's take it to court. And when they get the answer, I don't like it, but I guess they may be right. That's what I think they think.

Claude Stern: And you think that the public has ultimate trust with the judges, although they are human, they are neutral.

Hon. Jerome Farris: I think they do. I think they do. If I was laughing, I said to one of my colleagues, you know, people talk about democrat-appointed republican-appointed, so and so appointed this and said, I've met colleagues from all through the time during the years I've been in court and I just don't think it makes any difference. And this friend, I don't remember who appointed her said, Well, yes, but the jury's still out on x. And I won't say what state she was from and which one she thought. I said, Oh, you think so? Yes. I haven't met this new, most recent appointee. So I'll meet and see what, what I think. But that conversation I had was very recent. And then, but the jury's still out. I thought, Oh, so I kept alert, I'll wait and see. But other than that, every judge, I think, has been a good judge trying to do the best they can.

Claude Stern: Let me ask you a question, which I frequently ask in depositions. And I've been accused, it's a terrible question to ask. It's an unfair question to ask. And it's because of that I ask it all the time, because I think it's so effective. I'm gonna ask you

about your life professionally. You were a very successful lawyer for over a decade. You did very well. We've already talked about the successes you had as a law firm lawyer, and in helping the community. You've been a judge for over 50 years, for 50 years. Are there any decisions - I'm not talking about legal decisions in a particular case - although you could answer if you'd like to, but I'm really not focusing on that - are there any life decisions that you made that you regret? What I mean by that is, for example, and I'm not looking for anything too personal. For example. I know at least one person who is a lawyer, a very, very accomplished lawyer, and this lawyer had the opportunity to go on the bench. And the lawyer decided at the time that the lawyer was doing exceptionally well in his profession and decided to stay doing what he was doing. In hindsight now, that lawyer has made it very clear that there was a moment in time where they had the opportunity to go on the bench and that has now passed him by. Have you had any regrets like that? For example, you were a lawyer for 10 years, 11 years, you then went to the bench. Did you ever regret coming out of the practice and going onto the bench or -

Hon. Jerome Farris: No, I don't. I worried because I wanted my children, they have other people's children. When I became a judge, the salary was \$25,000. And my earnings were substantially more. And so I thought maybe a - but fortunately, I had invested well before then. And so, no, I haven't had that regret. And I had had two opportunities to become a judge before I became a judge. And I didn't - and when the third came I said, now listen, my boy, if you are ever going to be a judge, this may be the last time the pendulum swings toward you. And it did. And the governor who appointed us has been - he was a very great guy in my view, but he's been very happy because he appointed the 12 persons and we all had to stand for election at the next general election. And not a single one of us had opposition. He's happy about that. He says that shows that he made wise choices because for not a one of the 12 to have opposition meant he made a wise choice.

Claude Stern: And that was Governor -

Hon. Jerome Farris: Dan Evans. And for me at that time, I thought if they would oppose me, come on, because it'd be like throwing the rabbit back into the Briar Patch. I didn't, I wasn't upset about it, and I didn't do anything. And finally, a woman ran against me who'd run three times. And my friends got concerned because I wasn't doing a thing and I wasn't going to do a thing. I had that attitude, okay. Nothing like throwing the rabbit back into the Briar Patch. But they got me over the weekend. They got me into little local newspapers. But that's the only time of all the times I had to run anybody did anything.

Claude Stern: No other regrets?

Hon. Jerome Farris: No, no, I think this job that I've got now is the best job in the world. A guy was doing some work in my house yesterday. And I went home from work to let

him in. And he says you still working? He kind of got an idea that I was not a baby. And I said, "Oh, yes, why would you think I was not working?" So he didn't know I was 89, but he had a kind of an idea that I wasn't under 65. I said yes, I'm still working. And it's a good thing to be able to do it. As long as you're able to do it. Although I'm at the end. Now. I'm going to stop. But it's nice to have a job where you could stop when you want to.

Claude Stern: Yeah. Who were some of the people in your career that you would say - you talked about your father, you talked about your mother, you talked about your grandmother, who was a big influence on your life.

Hon. Jerome Farris: Yes.

Claude Stern: On your professional life, you talked about Governor Evans before. Who are some of the people that - and I'll combine them - that you would either professionally you admired or had an impact on your career?

Hon. Jerome Farris: Well, George Crockett is one who I've mentioned. He was a judge in Detroit court. He was always a trial court judge. He never did more than track cases. But he's the guy who I told you got up in Detroit and did what he did.

Claude Stern: Was he a federal district judge?

Hon. Jerome Farris: No, he was with the state court.

Claude Stern: How did he know George?

Hon. Jerome Farris: In 1977, he put together a group of black lawyers and judges to tour China. He leaned far to the left. I don't think anybody would deny that including him. I have to be careful because he's dead now and I don't want to say anything that he might want to debate. But he happened to know - I don't know whether he knew Chairman Mao, but he knew somebody in China. And he put together this group. My clerk at that time said, Oh, I wish I could go. It was 1977. And I said you can. He said, No, judge, this thing says black lawyers and judges. I said you think I'm going somewhere that discriminates. You can go, let's fill out your application. Just go along with me. He did, he did go, too. But I admired George Crockett. Now let's see who else. He was a remarkable man.

Claude Stern: It sounds like one of the things you admired about him was he was – you used the word – he was courageous,

Hon. Jerome Farris: Oh, much so, Much so. Very courageous and he acted, he did, he knew what was right. And he did the right. And he didn't think about the consequences. And that's crippling to a lot of people. They know what's right. But

they're afraid to do what's right, because they're scared to death of the consequences. Well George, he just did what was right and let the consequences fall where they may. So he is one of the persons that I think was very important. The other person is a father of a young person that I taught in Mississippi. He was a good friend and a good man. But I don't know what kind of education he had. I was all in a dither because I had friends in New York, and I felt – who were in business - and I knew I could be their lawyer and I had reached a point because I kind of wanted to stay in Seattle. But I knew I had that source of business in New York just waiting for me to arrive. And I told him and he said to me, I said, I just am torn because I know I can make it in New York, but I don't know that I can make it in Seattle. He says Jerome, if you're good enough, you can make it anywhere. And if you're not, doesn't matter where you go. And when he said it, I thought about it. And I thought, I threw it up and down and looked at it from all angles, and I thought, you know, how can I find a hole in that? And I stayed in Seattle. It was a significant moment in my life.

Claude Stern: How did you know this person?

Hon. Jerome Farris: I had taught his son in Mississippi. His son was in the Air Force when I taught the Air Force personnel. I taught radar.

Claude Stern: I remember.

Hon. Jerome Farris: And so when I came back to Seattle the parents had me for dinner.

Claude Stern: Here in Seattle.

Hon. Jerome Farris: Yes because the son had said some complimentary things. And so the parents invited me to dinner and we became friends. And he was - I was older than his son, but he was older than I am. He and his wife.

Claude Stern: Do you remember his name?

Hon. Jerome Farris: Yes, Hollifield. Yes. I'm trying to think of his first name.

Claude Stern: Was he a lawyer?

Hon. Jerome Farris: No. He was just - I don't know what he did. He was just Mr. and Mrs. Hollifield or the parents of their son who was in the Air Force and was down there. He was the only black student I had. So I knew him well, not so much better than the other students, but I knew about his background and knew he was from Seattle. And so when I came to Seattle then, he had arranged for his parents – I think his father's name might have been George. I know his brother's name was George and that might have been his father's first name, too, but his name was Hollifield. And that was wonderful

advice. And there have been other people who have made a great difference in the way I may have done things. The president of Morehouse College had to influence everybody who went to Morehouse. I talk about Dr. Mays, and I told him one day I said you know a thing, a lot of graduates of Morehouse have quoted you. And I've given you credit, because they didn't realize they were quoting you. You just - we had chapel every day at Morehouse.

Claude Stern: I remember, you told me.

Hon. Jerome Farris: He was the guy who was most influential and he came to my house in Jamaica as one of my guests one day.

Claude Stern: Is that Benjamin Mays?

Hon. Jerome Farris: Yes. He wanted to know from me. He was talking about my children and he said well, I hope you train them to wash out the tub after they use it. He thought I showered that I didn't clean out the bath tub. And I laughed. So he was giving me the tip that I should clean out the bathtub when I finish. But he was a good man. He taught many things that were significant and he's one - everybody has several people in their life.

Claude Stern: Sure.

Hon. Jerome Farris: Most influential is my grandmother. Without a doubt, most influential person in my life. My grandmother didn't never look for shades of grey. She was strictly "it's right or it's wrong."

Claude Stern: That was Sally Digs Farris?

Hon. Jerome Farris: No, that's one grandmother, right, but this was Mary Elizabeth White.

Claude Stern: Mary Elizabeth.

Hon. Jerome Farris: Yes, this was my mother's mother. And she was a no-nonsense little lady. She didn't weigh a hundred pounds. And she, oh, she was something.

Claude Stern: You told a story about her where you - she was sitting in front of the house. And you were on the porch, and a white insurance salesman came to sell insurance. And she sat there and she let this white insurance salesman go through his entire script. And then she said something on the order of what you said is very convincing. And it sounds like you're selling a good product, but my son, my grandson, he wouldn't be able to sell that policy of insurance to your mother. So because of that, I'm not buying it.

Hon. Jerome Farris: Yes, that was my grandmother.

Claude Stern: She sounds like quite a woman.

Hon. Jerome Farris: She was. She was. And she was no nonsense. She knew right from wrong and she - even with us. Once I told - she hated smoking. And I said Grandmother, when I grew up, I'm gonna smoke if I want to. And this shows you how wise she was, her response was well I hope you won't want to. She didn't give me the lecture or anything, just said I hope you won't want to and of course I never smoked. I didn't think of it. It never would enter my mind.

Claude Stern: Were there any - you mentioned some important people George Crockett, Benjamin Mays, your grandmother, this gentleman, Hollifield. Were there any - and I realize George Crockett was a lawyer, but were there any lawyers in your early career who you thought were informative or inspiring for you?

Hon. Jerome Farris: Yeah. Well I'll tell you who I thought was a wonderful lawyer and I called him before he died, I can't think of his name. He did a wonderful thing I called him and he had a touch of Alzheimer's. He couldn't remember me. He couldn't remember they had told him that I called him. Because another friend told me he was dying. I can't remember his name.

Claude Stern: But he was here in Seattle.

Hon. Jerome Farris: Oh, yeah. Yeah. And I thought - Murray Gutterson. Murray - I had a case with a woman who had committed murder. Well, she killed a man. And she had stepped over his body to call the police. And she wasn't guilty of murder, and he was unarmed. And she shot him with a 12 gauge shotgun. And she was going to be convicted, and I knew it, but I was a very young lawyer and I thought, "Oh, my, I know she's not guilty of murder. Who would I ask if I could get anybody to help me with this case?" Take the case. I thought well, I'll ask Murray Gutterson, if she had money. She didn't have any money. So I went to Murray and asked him and he did. He came, and the jury acquitted her in about two hours.

Claude Stern: You're kidding.

Hon. Jerome Farris: That's right. And there was just no doubt that she shot an unarmed man with a 12 gauge shotgun. But it was either an accident or self defense. And that would be State versus Martha Harris. And they had tried her - they knew they had a conviction. And afterwards they wondered. They were questioning the jury. How could you - based on the record, the evidence? She made a good witness, by the way. She was - Martha Harris was - she was her best witness. I told her that. You must take your time. The jury hasn't been there. They don't know. All they know is there's a dead

man and you shot him with the 12 gauge shotgun. And so you have to bring them there and make them see –

Claude Stern: Was it self-defense or –

Hon. Jerome Farris: No, it was either an accident and he snatched the gun from her or - but she didn't - it was an accident like either that or she accidentally pulled a trigger. But he was dating her sister and he was married. And she was deeply religious. And so the prosecutor thought he had his case that she didn't like it. So her sister was still communicating with this man. She had sent her sister out of town to live somewhere else and the sister moved back and this guy came - Brown was his name - and he came to see her sister and she said, she's not here. And she wasn't there at the time. And he just pushed her aside and went searching the house. And the sister wasn't there. But the sister was on her way, she was coming in that very day. And he knew it, because they were communicating. So he came back later, and the sister was there. And so she got this shotgun in her hand because he had pushed her aside to go through the door and she said no, he's not coming into the house. And she had the shotgun. And he came back to see her sister and she said, you just leave. You're not to worry about whether she's here or not. And either he was sitting on the banister and instead of folding backwards into the yard, he was forward on the porch, which meant - the prosecutor said he was sitting on the banister. She opened the door and shot him. Well, he would have fallen backwards with the force of a 12 gauge shotgun. But he fell forward, which meant he was on the porch. I said he either tried to pull the gun away from her with his hand on the trigger, or he approached her with the hand on the trigger and fear and nervousness and it went off. But anyway, he was dead. She stepped over him and called the police. I made a mistake I tell you in that case which I really learned a lesson from. We put his widow on the stand. She didn't have anything to do with it. But I didn't want the jury to have sympathy for Miss Brown, rather the deceased widow and think we gotta convict this woman [who killed her husband]. So we were talking to her. She knew about the romance. And she knew about the girlfriend and she didn't approve of it. Of course she didn't approve of it. And I said to her without knowing the answer, but thinking I knew the answer. And you are married again, Mrs. Brown? And she said no. I thought oh lord. But I'm engaged. I thought don't ever do that again. Because I was trying to tell the jury don't be sorry for her, she's not worried over that rascal. And she said, no. And I thought oh. But she volunteered but I'm engaged.

Claude Stern: You learn that lesson once.

Hon. Jerome Farris: Oh, yes. I said, Okay. Don't ask, if you don't know the answer. But it was a good lesson and it had a fortunate ending for me because when she volunteered, but I'm engaged it let the jury know what I wanted them to know that she's not a widow grieving over this dead man. And it worked out just fine.

Claude Stern: You mentioned people who are influential. I don't want to cut you off. George Crockett. This person Mr. Hollifield. The Dean Benjamin Mays, your grandmother, Murray Gutterson. Anybody else that you can think of?

Hon. Jerome Farris: No, except for one of the professors of political science at Morehouse, whose name is Brisbane.

Claude Stern: You mentioned him, Professor Brisbane, the last time.

Hon. Jerome Farris: Yeah, he was clearly influential in my life because I knew I didn't want to go to law school while I had responsibility and I asked Brisbane about taking courses in political science. And he said, you should take courses in social work. There's nothing that we're going to teach you in political science that you're not going to learn in law school anyway. But if you go to school of social work, you'll learn a lot that will make you a better lawyer. And that we won't be teaching you in law school. And I liked him a lot and respected him. And so I went to school in social work, and it was the right move. I did learn a lot that I wouldn't have learned and it did help make me a better lawyer.

Claude Stern : How you doing, are you tired? You good?

Hon. Jerome Farris: No. I'm not tired but I think you are.

Claude Stern: No, I'm doing good. I've got a question to ask you. We were talking about people who you admired. Are there people you think I could call today who would give me insights into either judge Jerome Farris the jurist or Jerome Farris the person.

Hon. Jerome Farris: The problem with it is when you live as long as I have most of those people are dead.

Claude Stern: I was trying to be much more sensitive than that.

Hon. Jerome Farris: Most of them are dead, but Jerry Johnson is first person who I met in law school. I thought, when I came to law school, I was in hostile territory and I was assigned the seat next to him. He spoke to me by name one day when I was leaving class.

Claude Stern: He called you Joe.

Hon. Jerome Farris: Yeah. And he had gone to the trouble to find my name and we've been friends until this day. We're still very close friends.

Claude Stern: Is he here in Seattle?

Hon. Jerome Farris: Yes, he lives here. And we're still very close friends. He's one person. A lot of the people who –

Claude Stern: It could be family members if you have family members.

Hon. Jerome Farris: Yes. I don't know what they'd say. I laugh but I think they would say whatever they would say. It would be interesting to see what they would say. And because my daughter - one of my daughters, Juli, is right here. And Janelle is coming into town on the 21st and she's gonna stay at my house and she told her sister, she wanted to stay at my house but my house is neat, but not clean. So she wanted me to get a cleaning lady before she came because she would feel she had to do the cleaning and she didn't want to come out there and be the cleaner. It was clean enough, but she wanted to get it going and I laugh. But they know me pretty well. And I pretty well would go with what they have to say. I have a lot of people who I called my friends on this court. Let's see who... My best friend on the court was Stephen Reinhardt. But he's dead now.

Claude Stern: He is. That's an interesting topic. I was actually going to stay away from it but since you brought it up, not that there's anything wrong with it. But you and Judge Reinhardt seem to have a professional lifelong friendship. But you are not necessarily on the same side of issues.

Hon. Jerome Farris: Mary Schroeder watched us. Sometimes I would go and try to make him exercise. And he would be willing to go. We'd walk. And I'd make him walk fast because strolling, it's not getting it. And Mary said it was funny to walk behind us and hear our conversation because we would walk and talk and I would tell him what he needed to do. But he was a very good friend of mine. And I was sad to see him go. Same thing with Proctor Hug. And Proctor Hug is dead, too. They're both younger than I am. Proctor was a year younger. Steve was more than a year. I think Steve was more than a year. They're both gone. And I think I'm a friend of most of the judges who are still around so I don't care. Whichever one you'd undertake, you could call it any one of them and like they have something to say.

Claude Stern: I think I prefer to speak to people who aren't on the current 9th Circuit.

Hon. Jerome Farris: Yeah. Now, as it turns out on the Washington State Court of Appeals, there's only two of us living. Everybody who was on that court is dead and the one who was living other than me is 93 years old. Herb Swanson. He lives down in Olympia and he's – we're the only two left. And the way I know we're the only two left because they had 50th anniversary and they brought both of us up to - and Joe Thibodeau, is a judge too. But Joe was a clerk.

Claude Stern: Is he alive?

Hon. Jerome Farris: Yes. And he's a superior court judge now up in Thurston County, Joseph Thibodeau. But he would know and he would remember because he was a clerk of our court when we were first created, so he would know – he knew all of us and got to know all of us and he would be a better source than Herb. Herb is ailing. He's not - he said that he was playing tennis, I think, but he was out playing golf until recently he had an injury. But when I saw him when they had the 50th anniversary of the court, it was clear that he was frail now. He had his daughter come along and a lady who I assumed was his girlfriend and somebody else. He had quite a support staff with him.

Claude Stern: Herb Swanson was a judge?

Hon. Jerome Farris: He was a judge at the same time. Joe Thibodeau is a judge now but he was Clerk of the Washington State Court of Appeals at the time it was created – when our court was created and it then became - he then ran for judge in and won in one county north of Seattle. And I think, but you can find him Joseph Thibodeau. And he was at our 50th Anniversary, too.

Claude Stern: So the last topic is a topic that's near and dear to my heart. It's your clerks. The clerks have worked for you for better than 50 years. You've had clerks for half a century. This may seem obvious, but we all know what the services are that a clerk provides to a ninth circuit judge. What do you think makes a great clerk? And what do you think are the benefits of clerking?

Hon. Jerome Farris: Oh my, I wish everybody had a year to clerk, because they learn. You can't escape learning a lot. But they learn the inner workings. What goes on? Why is this not a good brief? What's a bad brief? I was telling a clerk just recently, you get a notion that's really clever. Oh my you know, it's clever. I said you ought to write it down and then throw it in the wastebasket just as quick as you can because it's the key to losing the case. You don't want humor, you don't want cleverness. You don't want. And I think the clerks learn that and I don't know that there's any other way to learn it but clerking. The other things that clerks learn is I just don't think you can get to know it without clerking. What is a good brief and what is a bad brief? You can think you know what is a good brief but you really get to know what is a good brief because you get to see what is persuasive and why it's persuasive. And what isn't. And I have said and I think it's true that you only write to persuade, you don't write to impress. And there many people who just can't resist I'm smart and I'm going to make everybody know it. Nobody cares how smart they are.

Claude Stern: Tell me how does a lawyer write to persuade and not to impress?

Hon. Jerome Farris: The way you write to persuade is you look straight at what's wrong or what's right or what would be right? And tell us in plain language. Why that's right. And why another view is wrong and you don't do it in such a way you think that the reader will think you're saying, Listen, you idiot, if you don't know this – you've got to do

it in a respectful way. You just lay the facts out. X, x, x, x, x, this is what happened and these are the consequences and this why and what anybody else says or thinks just doesn't matter. Just lay it right out there in the plainest, simplest language, smallest words you use. Don't use any 50 cent words, just nickel and dime words are good enough.

Claude Stern: Right. Okay, well we've been going more than an hour. I'm gonna break.