

WAS WISCONSIN'S DEMOCRATIC PARTY BORN ON THE SITE OF ECKSTEIN HALL?



On May 14, 2012, the U.S. District Court for the Eastern District of Wisconsin and its bankruptcy court held a special session in memory of the late Judge Dale F. Ihlenfeldt. Speakers included Marquette Law School Dean Joseph D. Kearney, who remembered for those assembled Judge Robert E. Tehan, L'29, and the world of Milwaukee in the first half of the twentieth century.

Thank you, Judge Shapiro, and May It Please the Court. I am here representing the late Dale Ihlenfeldt. I appreciate that this is an especially implausible claim: I knew him least among the speakers and will say almost nothing of him. Yet I am confident in my authority. Let me explain.

I saw Dale Ihlenfeldt one year ago at the Milwaukee Bar Association's annual memorial service. Shortly afterward, he called me: he wished to give me a biography that he had written of the late Robert Emmet Tehan, United States District Judge for the Eastern District of Wisconsin from 1949 until his death in 1975. I should want to know more about him, Judge Ihlenfeldt thought, because Judge Tehan was a Marquette.

He was right, of course: I have always regretted that Tehan seems a sort of forgotten district judge. So I went over, that very afternoon I think, to the house on Marietta Avenue (Judge Ihlenfeldt said that he would turn the Christmas tree lights on for me). There the judge greeted me more generously than suits my office, and I sat on a couch that had once been in Judge Tehan's chambers—and I listened and learned.

What I learned more than anything was that Judge Ihlenfeldt, in his 90s and, let us acknowledge, dying, wanted to perpetuate a judge's memory—not his own but Judge Tehan's. I left with a book, a biography of Judge Tehan that Judge Ihlenfeldt had written—and, I think, with an obligation. So, just to add to the mix that we have in this story here among the Presbyterians and the Catholics, and with Judge Shapiro's indulgence, permit me this *mitzvah*. It's at Judge Ihlenfeldt's bidding; this is a story he wanted told.



Judge Dale F. Ihlenfeldt

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RIGHT This overlaid page from the *Sanborn Fire Insurance Maps* (1909) shows (with a quarter-circle) the approximate relative location of Eckstein Hall (built 2010), at the corner of 11th and Sycamore (now Michigan), and to the east (with a rectangle) the property in the Tory Hill neighborhood on which Judge Tehan lived most of his life. *Courtesy of the Milwaukee Public Library.*



BELOW The 1950s aerial view of Milwaukee begins (in the bottom left-hand corner) along Wisconsin Avenue and looks southeast, past the Church of the Gesu (built 1893), toward the Tory Hill neighborhood, before the construction of Milwaukee's central highway interchange. The site of today's Eckstein Hall is right in the middle of the photo, on the right side of Michigan Street (which then ran south of Gesu) and west of 11th Street and the Tehan family house. *Marquette University Archives.*



If you stood today where Judge Tehan was born in 1905, you would, I believe, be in Eckstein Hall, or at least in its afternoon shadow. This was 534 N. 11th Street (as it would be renumbered in the early 1930s), before 11th Street was made to curve. Let us spend a bit of time in that neighborhood—for Judge Tehan spent pretty much his entire life there (indeed, in that house, before it was torn down for freeway construction in the 1960s). This was the improbably named Tory Hill neighborhood.

Judge Tehan recalled in 1963: “To list our neighbors is like calling the roll of the Ancient Order of Hibernians. There were the Sullivans, the Rices, the Dalys, the Kinsellas (Billie was President of Worden-Allen, and President of the Athletic Club), the Lynchs, the Sheehans, the McDonoughs, the McGoverns (Bill McGovern, who was President of the Telephone Company), the Collopy, the O’Donnells (Father O’Donnell, who

was the President of Marquette University), the McCormicks, the McDermotts, the O’Connells, the Murrays and the Hennigans.”

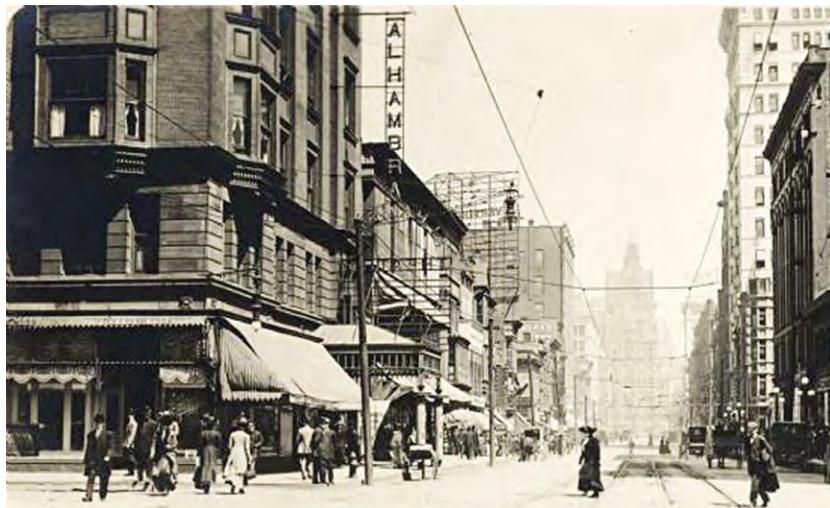
Recalling a song of the era, one almost expects to hear of a young Bob Tehan tripping the light fantastic with Mamie O’Rourke on the sidewalks of Milwaukee. sidewalks of New York was a better rhyme.

Truly, this was another world, several times over. The center of “all of the social and religious life,” Judge Tehan recalled, was initially not Gesu Church (as it had become by his birth in 1905) but St. Gall’s, “at the corner where the Electric Company now is,” or, that is to say, at 2nd and Michigan (or if you prefer, Sycamore, as the street was then called, west of the river). Listen



Judge Robert E. Tehan (1968)

Wisconsin Historical Society (WHI 96547)



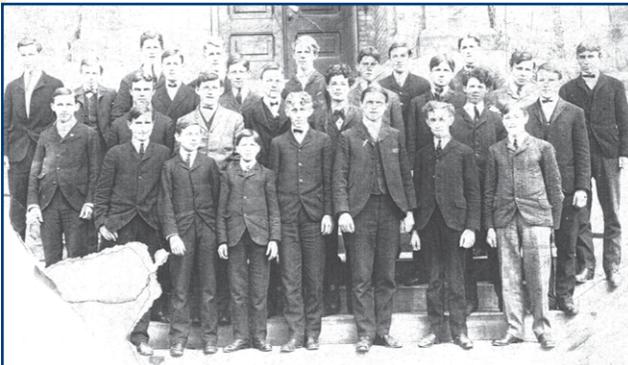
This photograph of downtown Milwaukee, ca. 1910, looks east down Grand Avenue (today Wisconsin Avenue). Wisconsin Historical Society (WHI 54882).

to Judge Tehan recalling this world in 1951, to the Employees’ Mutual Benefit Association, at a memorial service:

In retrospect, the Milwaukee of 1910 to 1915, appears a sedate and unhurried, well-ordered way of life. Many of the departed would well remember with me that Milwaukee of the Gas Light era, with its wooden side-walks, and unpaved roads, of brewery wagons pulled by sturdy, handsome horses, of Wells-Bach mantles—the Milwaukee of the Five-cent beer, and free lunch—and then too, free sausage from the butcher for the boy who ran errands for his mother. They would remember with us winter’s snow-packed streets, and winter’s then only known transportation, the streetcar and the jingling sleighs. . . . the streetcars [with] their five-cent fare, and their two men crews and the little pot-bellied stoves round which the

passengers would converge on a day like this. . . . Then too, they would remember the titanic political struggles in those days between La Follette Progressivism and Conservatism, between the Milwaukee Socialist Party and the Non-Partisan policy. And unforgettable too, would be the impact of Europe's war upon our serene way of life in 1914, and culminating in our own participation in 1917. As a boy of 13, I passed this building many times to watch and cheer, and wave, as the Troop Trains pulled out of The Milwaukee Road station . . . , and they would remember too, the emotions of hate and suspicion that were abroad in our land, of the transformation of sauerkraut to liberty cabbage, and the Deutsche Club to the Wisconsin Club.

Judge Tehan might have been called, for an impossible term today, a "4M'er"—receiving his education not simply at Marquette Academy (or Marquette High), Marquette University, and Marquette Law School, but, before all that, at Gesu Grade School. His high school transcript—replete with Latin and Greek and the like—discloses a



The boys of the 1919 eighth-grade class, photographed in front of the Gesu School, included Robert E. Tehan, third from the left in the back row. There were separate classrooms (and entrances and playgrounds) for the school's boys and girls. *From Judge Ihlenfeldt's biography of Judge Tehan (2009).*

very smart young man (only two grades below 90 in his four years, and most closer to 99, on the numbered scale that I remember from my own days at St. Ignatius in Chicago but that one could scarcely find anywhere today). Judge Ihlenfeldt wrote this of one of the two below-90 grades: "It would be of great interest to know the story behind that grade of 70 [in the first semester of his third year] in 'Christian Doctrine', but alas, it probably died with RET."



Robert E. Tehan takes the oath of office to serve as United States District Judge in Milwaukee in 1949. *Wisconsin Historical Society (WHI-96550).*

Judge Ihlenfeldt called him "RET" throughout his biography. He was not yet Judge Tehan, and I think that Judge Ihlenfeldt could not bring himself to refer to the man (or even the boy) as simply "Tehan."

So Bob Tehan practiced law upon graduating from Marquette in 1929—and after taking the bar, there being no diploma privilege yet for Marquettiers (I told you that this was another world). But his love was people—and politics. He married and had sons (he and his wife would later separate). Tehan was elected a Democrat to the Wisconsin Assembly in 1936 and to the Senate in 1942. There was almost no Democratic Party to speak of in Wisconsin in those days. From 1922 to 1932, the state assembly averaged 90 Republicans, some 7 Socialists, and a fraction more than 2 Democrats. The state senate during that time period averaged 31 Republicans, 2 Socialists, and 0.2 Democrats. As late as 1946, although the Socialists were gone from the legislature, well more than 80 percent of the representatives and senators were Republicans.

And who nurtured the Democratic Party in Wisconsin so that its fortunes would begin, however slowly, to change in the late 1940s? Foremost, Robert Tehan, from posts such as party chairman. Frank Zeidler would recall this in 1988: "When the Progressive Party began to decline as a movement after the 1940 national elections, it was an easy step for the majority of the younger leadership of the Progressive Party and for some former Socialists to become Democrats because of ties with Bob Tehan"



TOP From left to right are Julia Boegholt, Robert E. Tehan, and Alben W. Barkley, vice president of the United States (undated, likely 1949). *Wisconsin Historical Society (WHI 96553).*



LEFT This photograph was taken at the 1956 jubilee mass and dinner in honor of Edward J. Morgan, S.J. From left to right are Edward J. O'Donnell, S.J., president of Marquette University; Father Morgan; Robert E. Tehan; William P. O'Connor, Bishop of Madison; and Father Morgan's cousin, Everett P. Morgan, S.J. *Wisconsin Historical Society (WHI 96548).*

Things changed, but not altogether, when President Truman appointed Tehan U.S. District Judge in 1949. As Miles McMillin later would recall in the *Capital Times*, “Stop of an evening [at the house on 11th Street] and you might find Jim Doyle there, or Tom Fairchild, or Gaylord Nelson, or Bill Proxmire, or Pat Lucey, or John Reynolds, or Horace Wilkie, or Carl Thompson, or Henry Maier,” these all being younger men Tehan helped bring to the party. “One night in his kitchen,” McMillin remembered, it was “Jack Kennedy.”

I've told you nothing of Judge Tehan's judicial career. Nor will I, for time-related reasons only (I just started borrowing from Tom Shriner's allotment), save to say that, as you likely know, Dale Ihlenfeldt, only a few

years out of the Pacific Theatre, was Tehan's second law clerk, after Irv Charne. What initial affinity the Irish Roman Catholic Marquette from the west side of Milwaukee might have felt for the German U.W. Presbyterian from Two Creeks, I cannot say. Perhaps Tehan was looking for a good law clerk. This would lead to Tehan's appointing Ihlenfeldt as clerk of the court and, later, to the initial bankruptcy appointment.

You will find rather little directly of Dale Ihlenfeldt in the biography that he wrote of Robert Tehan. But you will find some *impressive* research, and you will find much evidence of a man who was smart, loyal, likeable, and grateful. Two men, actually.

Thank you. ■