Joseph Baar Topinka

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McDevitt: My name is Brian McDevitt. I am with the Pritzker Military Museum {& Library]. Today is December 15th, 2015 and I have the pleasure of being joined by Joseph Baar Topinka, a major in the United States Army.

Topinka: Retired Major.

McDevitt: Retired Major, yes. That's right. Congratulations! … again. So, to start off, when and where were you born?

Topinka: I was born in Berwyn, Illinois in 1968, and I was born to Judy Baar Topinka and Joseph Litvik Topinka. Only child. Uhmm… Parents ultimately divorced, and, uhm… grew up in the Chicagoland area. I went to high school in the Chicagoland area. And I've always thought of home, and still think of home, as the Chicagoland area.

McDevitt: So, what do you remember from the community and… when you were growing up?

Topinka: What do I remember from the community? Well, I remember a lot in terms of heritage. It was primarily Czech, German, Italian, and lot of Eastern European; European neighborhoods that had kind of moved from the Chicago proper area in terms of neighborhoods and then moved out west. And so, I was always around different ethnic groups, whether it be Italian, Lithuanian, Ukrainian, Russian, Polish, Czech, Slovak, and back then, Yugoslavian; Croatian, Serbian, and all that other stuff. You know, Hispanic. In some regards, but there wasn't a lot of Hispanic culture, but we certainly learned it in school. A lot of ethnic background. It was a very ethnic neighborhood and so I remember lots of different languages. I remember lots of different foods. I remember a lot what we call now as diversity, it's the watchword but back diversity was a state of life. You

know, you just dealt with people of different backgrounds who were in my case, third generation in regards to when they were immigrants or from immigrant families.

McDevitt: And, uhm, so your family came here. You were third generation.

Topinka: Yeah.

McDevitt: And…

Topinka: Czech.

McDevitt: And …

Topinka: Today, it would be third generation Czech and/ or third generation Slovak, because I have a little Slovak blood in me too.

McDevitt: And how much did the traditions of your family play a part in your life?

Topinka: Really, before my parents got divorced, it was very significant. We… Are we still good? Are we taping?

McDevitt: Yes, I believe … I just wanted to make sure. We were.

Topinka: Okay.

McDevitt: Like I said, this is so …

Topinka: It was very important. I went to Czech school when I was a little kid. I tried to learn the Czech language. Well, like my mother knew, had known the Czech language before she ever knew English. So she was second generation and, uhm, I think my late grandmother, she was first generation. She also knew Czech before she knew English, because the family, that's what they spoke at home: Czech. And since my grandmother was a realtor, one of the first realtors in the Chicagoland area, as a woman. As well, my grandfather was in World War II. She was working as a realtor; he was in World War II. My mother spent most of her childhood, or a good portion of her childhood, with my great grandmother who spoke Czech primarily. So Mom grew up with that Czech culture just as much as my grandmother did. So I grew up with a little bit of that. So Czech school was part of the practice. You went to

Czech school, just like Greeks go to Greek school and some Italians go to Italian school. It was … and even today, you can still find people going to those schools. And there's still Czech schools in the Chicagoland area, and just like there is Polish schools. A lot of people want to continue their heritage. And I agree with that. That's one thing that is critical about being an American. You can … you become assimilated. You become an American. But you bring the cultures that mix and makes America what it really is. And so, I remember dancing. I remember Moravian dancing. I remember going to Czech school. I remember my late grandmother making *hoska*[1]. I remember my late grandmother saying I was sick, if I wasn't eating enough, I remember my great grandmother making plum dumplings or *kolachki.* I mean… it was, listen to the words. It's very ethnic. When I look at your name – McDevitt – I think of probably Scottish or Irish. And so, that's ... We had Irish were in the neighborhood too. S, St. Patrick's Day came and everything was green. It's [that] you grew up with lots of different heritages; lots of different ethnic heritage. That was just part of growing up in the Chicagoland area. You know, most of my grandparents, I think, lived in neighborhoods in Chicago and then moved out west like a lot of people move out. Today, you get people moving more and more out to the suburbs and that suburbia mentality kind of, I think, diffuses that heritage. And is that good or is that bad? I don't know. But I certainly want my daughter to have a sense of her heritage. I think it's important to have a sense of your heritage.

McDevitt: Definitely. And you know, I was pretty fascinated. Your mother spoke six languages. Is that right?

Topinka: She spoke a little bit of Spanish, a little bit of French, Czech well, and English. More like four.

McDevitt: Four. And how about yourself? Do you…

Topinka. *Yo hablo espanol un poquito*. That has always come in handy, especially since there is a lot of Spanish speakers in the military. So it kind of comes in handy, especially when you get like a … It's interesting, you get a lot of first-generation Hispanic soldiers and they're just trying to get some money for college and make it good. And the military is a great place for somebody to kind of break away from the family and start on your own. And there's a lot of community. A lot of support. And a lot of melting of

[1] A traditional Czech dish: baked roll made with yeast, flower, salt and water.

cultures. I think one thing that I've always thought about the military, especially the Army, was for me as a JAG [Judge Advocate General's Corps] officer, it was always very, uhmm … accepting of all different kinds of perspectives. And the reason why I say that as a JAG officer is because if you did see things that were of gender-bias or racial-bias, there usually was an investigation and I was involved in the investigation as a legal adviser. So for me, it was something that I not only embraced because I believed in it, but I embraced it because I believed it but because it was contrary to policy. You know, it just … I saw people who were investigated because they said things that were inappropriate. And frankly there was no room for that in today's military.

McDevitt: Yeah.

Topinka: And even now, today, right before I retired, the homosexual policy was disposed of. And frankly it … I taught… Hang on for a second. I taught the homosexual policy for what, twenty years. And I remember thinking to myself, "This is a horrible, horrible policy. It couldn't be …"

McDevitt: The Don't Ask, Don't Tell?

Topinka: Yes, the Don't Ask, Don't Tell policy. I came on active duty in … Not active duty. I actually came on as an ROTC cadet, where there was no Don't Ask, Don't Tell. You just didn't. If they asked you "Were you a homosexual?" and if you said, "Yes", you would not be allowed to join the military. When I came on active duty, Bill Clinton now was President. And we had this compromise policy of Don't Ask, Don't Tell, which was terribly cumbersome. It was the United States … How awkward is it when you have to be told to… I mean I used to brief basic trainees about the criminal justice system, and then right after that I had to brief them on the homosexual policy. And then within a week, we'd have basic trainees saying they were homosexuals because they wanted out. And it was like I told them everything they needed to know, I guess. But it was such a … explaining it and watching people react to your explanations and thinking. You could see their facial expressions, like, "How absurd!"

McDevitt: How would you explain it to people?

Topinka: I would basically talk about the Statement Act. If you made a statement that you were homosexual and acted in a homosexual nature or getting married. Because back then, when the policy was in place, there wasn't

any state that allowed for homosexual marriage. So if you got married, say in another country, that was an act of marriage. So any indicator that you were a homosexual that could be seen or heard. In other words, we're not asking, but if you are [homosexual], tell in some way, shape, or form— then it had to be investigated. And some of these investigations got really high level and had to be coordinated. You had to be careful. I can remember spending hours writing questions for legal advisors to ask so that we didn't get in trouble with the policy. Nobody really kind of understood the policy well enough to … We were always dancing on eggshells.

McDevitt: Hmmn.

Topinka: And, and it constantly—I think I gave this class for twenty years almost, practically twenty years. And I think toward the end, this policy has got very limited time to survive. I was off by a couple of years. It was just a cumbersome policy to deal with.

McDevitt: Well, it's unconstitutional as far I am, you know …

Topinka: You know that, that's …

McDevitt: I get it.

Topinka: I don't. What's unconstitutional becomes the call of the Supreme Court. That's their call. I go with them, because that's what they decide. I certainly don't think the policy was fair. I don't know when you … Well, that's one thing I learned from Mom. Mom was very open to diversity, now the watchword for today: *diversity*. As I said, I grew up with diversity. It wasn't called diversity. It was just called ….

McDevitt: People are different.

Topinka: It was life. And, Mom was always open to being fair to people. Just treat people the way you want them to treat them, the golden rule. And I felt often that when you had people that I think I had… When I was on active duty, I remember being at a medical center and one of the issues we had to deal with was a transgendered patient. She was retired [US] Air Force. And I can remember asking people, "What is the policy in regard to dealing with a transgendered patient?" And people said, "Ah, it's just a

fluke. Just a red herring." No. It's not a red herring. I spent—once a week, I was talking to this patient, trying to help her with the issues that were coming out. And this was ten years ago. And nobody could give me … And nobody could help me with the issue. Actually, most people just kind of shooed me away. It was not a big issue. I thought it was a big issue. Now it is a big issue.

McDevitt: Now…

Topika: Now it is a big issue.

McDevitt: A very big issue.

Topinka: Ten years later, it's a big issue. So, I was trying to be decent to the lady. Uh, nobody wanted to talk to her. First of all, I was trying to be fair. Second of all, I didn't want any complaints. Third of all, she was getting hostile, which was causing problems with our other patients. So if she had somebody to talk to, me, the lawyer ... I used to talk to a lot of people. And I found that as a lawyer on active duty, I was very much like my mother. Talk things out. Be like I am right now. Talk with you. Talk face to face. I find so many people now, with the generations that are so set up with cell phones and texting … People don't talk to each other. And when you are in the military, one thing I learned from a lot of my leaders was you've got to, at a certain point, at certain points, you've got to talk face to face. When life and death decisions are being made, texting just doesn't do it. Email doesn't do it. You've got to do face to face. And that means even VTC's [Video Teleconference Call] don't work. VTC's are not face to face. You got to be there with people when you are making life and death decisions, which was very hard when I started working at the more hectic headquarters level. People just didn't talk a lot. It was all email. Email and hardly any phone calls. Sometimes, some phone calls. But it was so much email at the higher level. at the Department of the Army level. When I was working for the US Army Medical Command, and the Office of the Surgeon General, just… email, email, email. You can misinterpret email like you can't believe. Though I really do think, and I know that you're a Marine, when you are in the field, you can't email people. You have to talk to them face to face.

McDevitt: Right.

Topinka: War is, combat is a face to face kind of thing. Me, as more of a bureaucrat or administrator, whatever, you can probably get by with email to a certain point. But, ah, I will tell you this, especially in healthcare, military healthcare: you've got to talk to these people. You've got to talk to these people: the administrators, the clinicians, the patients. If you don't talk to these people, it's just like in the civilian world. People think that you just blowing them off, that you are not taking time to deal with them. And military medicine is about touching veterans and active duty family members and making them feel better. If you are not face to face with them, sometimes or most of the time, you lose something very, very valuable.

McDevitt: And with … Do you know what capacity your grandfather served in World War II?

Topinka: He was in the U.S. Army Air Corps. I believe he was in the 9th, which was medium bombers, I believe. And that would have been B-26s. And B-24's maybe. No. B-26's, Maurauders and something like that. I still actually have some of his silhouette planes that he used, because he was a… he was one of those—we also used to joke that my grandfather won World War II. I think that most family members had grandparents that had been in World War II, they all won the war. They all came back as heroes. And grandpa brought back—I used to call him a *Dědí, my dědí*. it's Czech for grandfather, so if I say *Dědí,* it's *Dě*, there's a little hot Czech—

McDevitt: Diacritic …

Baar Topinka: —an upside-down *v* over the *e* and an accent on the *i*: *Dědí*. So my *dědí*. came back and he would tell me about the, the war and he had these incredible pictures that we ultimately donated to the Air Force Museum at, in Ohio. Wright-Patterson, Wright-Pat. They have an incredible Air Force Museum. He had all these pictures that he had brought back and things that had never been seen. It was amazing. It's amazing how fluid stuff was after the war. Stuff would just come back. You go on a troop ship and you'd bring all this stuff: guns. Probably, you know, live ordnance and then when you think about Afghanistan, where postal inspectors are arresting people for sending back AK-47s. And, uh, you saw that kind of stuff. As a JAG officer, you get to see all these … People used to say, you know, we don't really like lawyers. Why? Because you always deal with the bad stuff. That's because people come to lawyers when things go wrong. They never talk to them ahead of time and say, "How

can we avoid this being a problem?" Nobody talks or thinks about the prevention.

And so my *dědí* had all this stuff. He just … Amazing… He played the piano. So he used to tell me how important his skill of entertainment were. Because when he was on the troop ship going across the Atlantic, the officers basically took him out of the regular enlisted area and had him play piano and put on a show. Because you know, it takes a while to get across the Atlantic. Right? You gotta have some fun. What do you do? This is a troop ship. This is not the *Queen Mary*. And so, he said, "Oh, being able to play the piano basically gave me opportunities. Because I remember even eating in the officer's mess and playing piano for them." This was important stuff. Playing the piano made a real big difference. I think also knowing how to speak Czech made a difference. And so he basically worked for intelligence; you know, military intelligence. He came out as an E-5 and I actually still have his old uniform. He basically came back to Riverside, Illinois, threw his uniform and his, duffel bag with … which I still have, and threw his duffel bag and his long wool coat on to the hook in the garage and it was there for the next fifty years until he died. I took it off after he died and was like, "This is in pretty good shape." A couple of moth holes, but you know, I think he, like other people came back from World War II and basically said, "That's it."

McDevitt: Hmmhmm.

Topinka: It's over. We're heroes. We've done our job and now let's live. And, literally, he just threw it on the wall, and it was there. I remember as a kid, backing up in the garage for years. "What's that? It's your *dědí*'s, you know, coat from World War II." "Why is there?" "He just stuck it there when he got back." That was just the way it was; that what was done. I did my duty. I'm done. And, you know, he won the war. And he was in intelligence. And by the way, my grandfather was great, but he wasn't the … the most, he wasn't the smartest person in the world. I thought he was smart, but he wasn't the sharpest knife in the bag. He was a great grandfather. He was just a great grandfather. In many ways, I sometimes think that I am more like him than I am like anybody else in my family because he was so decent. Decent, loving, great husband, uhm, he loved his wife, loved his daughter –my mother. And, uhm, you know, always just used to think, "How did he get into military intelligence?" [laughter] And I grew up with that whole concept of, of military intelligence and military justice. Because I was a military prosecutor for a while, and

people would say military justice isn't that an oxymoron? It's like military intelligence. It's an oxymoron. Like, oay, please. [laughter] So, that was like who my grandfather was. Just a buck sergeant. And he was always very proud of the fact that I got into ROTC. [Reserve Officers Training Corps] and was an officer. First family member to ever become an officer.

McDevitt: And was that your maternal grandfather?

Topinka: Yes, that was my maternal grandfather. My paternal great grandfather was actually in the Spanish American War. So I actually have his old, you know, discharge paperwork, which is kind of neat. But really when you think about it, [I] didn't really have a lot of family in the military. My great grandfather, my grandfather on my father's side was working for a food company and was considered one of these critical positions. So he was waived, I believe, from the draft in World War I or World War II. And my dad had bad eyes, so he never went to Vietnam. Yet his number was called up, too. The draft board number was called up. He could not pass the physical. I always found that funny. You had to be so physically fit in order to potentially get killed. [laughter] And if you're not potentially fit you stay back. It's kind of reverse Darwinism here, [laughter] going on. An, so, I don't know if my dad ever really understood my desire to get into the military and appreciated why I did it. Because a lot of people still ask me, "Why did you join the Army?" I can't tell you how awkward it was going to the University of Illinois and having people protest you, you know, because of the homosexual policy. Protesting you. Not necessarily as bad as Vietnam, like throwing beer cans at you. I think that was what my dad might have done to the ROTC cadets when he was going to college. Uhm, there's always jokes that my mother and father used to tell me about how they would throw cans at the cadets at the Virginia Military Institute because they were marching by or something. And they were at their fraternity throwing beer cans. But I remember even in law school, people would, when I was in the Reserves in law school … Because the Reserves helped me. The National Guard in Illinois helped me get through law school. I don't know how I would have paid for law school.

And people would always, "You military people, you're so militant and right-wing. I'm like, okay. Uhm, alright, so be it." But I joined because … We talked about the diversity and the life. I joined because I always thought that … It still sounds corny, that I was giving back to … giving back

something to the country that had given my family something. Uhm, an opportunity. If my family members would have stayed in what was then the Austro-Hungarian Empire, they probably would have, the males would have probably died in World War I. So I think … There's always stories of my great grandfather who went into the Spanish American War or was drafted after he ran away from the old country, from the Prussian recruiters. You know, get away from the Prussians, but wind up fighting another war. You know, I just … It's funny how population shifts go. You run away from one thing and you wind up with the same thing in another place. Because people always fight. People are going to fight for the rest of eternity, I'm afraid. And … But I joined because I thought I was giving something back to the country. You know, it's still… I still get all choked up when I see an American flag somewhere. You know, it's kind of like when I see my state flag somewhere. I gotta kind of share a story with you. I was at an event for my late mother that was partially for my late mother, and somebody came up to me. And said, "How do you put the flags in order?" Because you know everyone thinks that when you are in the military you know where to put the flags, right?

McDevitt: A little bit.

Topinka: God forbid you ever put the American flag on the wrong side of the podium!

McDevitt: Hmm.

Topinka: And that. I've seen that happen. And the lady comes up to me and says, "Uhm, so … "And I told them what order to put them in. And I said just make sure the state flag goes after the American flag; not before the American flag. And she looked at me and said, "Which one is the state flag?" And, I'm like, 'The one that says Illinois on it." [laughter] That's a gimme.

McDevitt: A give away.

Topinka: And I guess, it's funny when you're in the military. I know you can appreciate that. You can call it indoctrination. Call it a sense of community. Call it whatever you want. It is a community.

McDevitt: Certainly.

Topinka: And there's an appreciation of for certain things. Uhm, you know, the Army flag, when the flag is put up, you make sure the streamers are done in a certain way. You make sure that everything is proper. It's bothersome when people don't even know what their own state flag is. You know, you always knew what your unit insignia was. You, nine times out of ten … Even as a JAG officer, I would know what my unit motto meant. I mean, even as a JAG officer, there was still things that I knew because that was just part of being in the community. Even though, I wasn't … I don't like to use the word grunt or something like that, but I wasn't one of the guys that was in the mud. But there was still a sense of belonging.

McDevitt: Cohesion.

Topinka: Cohesion.

McDevitt: Cohesion and pride.

Topinka: And I don't see that in the country. I saw that after 9/11 with the flags and everybody. I've seen that, kind of, dissipate. Uhm, I've seen that in terms of how people want to help veterans, but they don't really understand them. Which is one reason why I teach part-time at Dominican University with an online course for social workers, because a lot of social workers help veterans. A lot of those social workers don't understand the environment that these veterans lived through and live through now. If you have never lived in that military environment, it's … it's alien, which is kind of sad that we don't have a draft in that regard. Because a draft at least made sure that everybody kind of had a bottom-line sense of how the country was. You learned basic things at basic training. And now people don't really … It's less than five percent of the population serves in the military and that's a scary percentage, especially since now they are having troubles even finding recruits because we have so many young kids that are obese.

This is one of the things that you pick up in the military medicine. You wouldn't… with me being a lawyer dealing with medicine, with medical issues, you see the issues that are out there that most people wouldn't have heard of, which is why I loved health care in the military. Obesity is horrible in terms of what is going on in the population as a whole. The Army made its mission I believe last year, barely— [US] Air Force, [US] Navy, and the [US] Marine Corps I believe had some problems, because

kids are just not prepared physically for being in the military, anymore. It's a national security threat. Most people don't think about it, but people should. And the reason I am thinking about it is because again, health care. I've been involved in public health and health care as a JAG officer. And now even as a veteran, I am still teaching public health and I still teach, I still volunteer to teach public health issues for the military. For because public health is a real big issue more and more. Especially when you think about emergency preparedness.

McDevitt: Sure. And did you, did you know since you were a kid that you wanted to go into law? Was that something, when you went to high school, did you …?

Topinka: Yeah, I kind of… Mom and grandparents always said, "You got to be a lawyer and go to law school." I am not sure. I think that if I would have, If I could do it all over again, I would probably do what you're doing. I'd probably be a … stick with my history major in undergraduate school and work on the graduate degree and become a history teacher. I just love history. But law is history.

McDevitt: It is.

Topinka: When you think about it.

McDevitt: They say a lot of historians go into law, right?

Topinka: Because its precedential. One story lead to another story to another story. And that's what history is. One story leads to another story leads to another story. And one thing interesting about the stories is that one thing interesting about the stories is that it's always based on facts. You know, that's one thing about law, you always analyze the facts and make a proper decision. History, a good historian always analyzes the facts, as well. My concern over the years is that the more you read about history, the better you actually understand what happened because you see more perspectives. But so much of the life is like what Plato used to say, it's not what you see, it's the shadow that is casted by what you can't see. So, you are always seeing a shadow. History is the shadow. It's the perspective of what the reality is. And, so, it's one of the reasons I am happy that I am doing this today. Because really you are listening to one person's perspective of what I've seen. My perspective as a JAG officer of the military is a whole heck of a lot different of then, say a somebody that's enlisted and is fighting all the time or a

company commander at a higher level, who has to see things in a multi-faceted manner. I can't tell you how many commanders hated lawyers. I can't tell you how many commanders loved their lawyers, why because so much of what happens today is very legalistic. I can still remember from an episode in Afghanistan about a target. They asked me, "What do you think. Can we target this or not?" Why are they asking me? Well, because lawyers are important to these day to day with rules of engagement. It's a different… model in terms of, of warfare. I mean, even the term warfare… We haven't really been at war, since World War II. When was the last time Congress declared war?

McDevitt: World War II.

Topinka: World War II. There's hasn't been any declared wars since then. So, what have we been doing? Well, we've certainly been fighting, because people are getting shot and killed and injured. So something is going on. But it's not a war. So, you know, the lawyers see things from a legal perspective: we have not been at war. But from a legal perspective there are still certain aspects of warfare that we follow. The laws of war, if you will. Because what we are doing in fact meets the criteria of combat warfare, whatever. So, rules of engagement become very, very important in any type of activity now. Because rules of engagement is more than just law, it's politics; it's mission requirements; it's all these things. And unfortunately, all these things make things really complicated. And now if you're a fighter, like you as a Marine, and you're being told that you can't do this, this, this, and this. Then you think, "Well, what can I do? My hands are tied."

And that's why you always hear on the news, people are saying their hands are tied, their hands are tied. Well, look into what the rules of engagement, say. If you have rules of engagement that are being written by lawyers, what do non-lawyers do? Today, I get a product and I read a warning label. Who has written the warning label? Probably a lawyer. So you read the warning label and you say, "Well, what does this mean?" Well, I can't tell you how many times in my life I said, "My god, I have to be a lawyer to read this stuff." Well, when you write rules of engagement, you try to write them in a way that people understand them. Sometimes you're trying to meet all this criterion. And when you package it and then you provide it to the soldier in the field, the soldier says "Oh my god, what am I supposed to do?" So, you've become more … our military has become more legalistic. Our society has become legalistic. Even today, we talk about *terrorism*. People complain that you

don't want to talk about one thing because you might offend a certain population. Or not talk about that because that's not the proper legal way to say it. People, the common Joe on the street, goes, "Why are talking like this?" Well, because things are a little more sophisticated. So as a lawyer, you see things from a more sophisticated perspective, but just a private or a lance corporal or a junior airman or a sailor looks at some of this stuff and, frankly just doesn't get it.

McDevitt: Hmm.

Topinka: It's complicated.

McDevitt: And how much of, if you will … As a child, your mom was also a journalist. Right?

Topinka: Yes.

McDevitt: She was a journalist.

Topinka: Yes.

McDevitt: How much of that do you remember?

Topinka: A lot.

McDevitt: And how did that influence you?

Topinka: A lot. Tremendously. Because I was out in the community a lot. I met … For me, the police officers were friends. Because she used to do the police beat, I can't tell you how many police officers I met, and a lot of those police officers had been in the military. Uhm, I can still remember… This was early '70s, late mid- '70s, my mother got a recruiter to talk to our Cub Scout troop. That just wasn't kind of the thing you did back then. But Mom was very supportive of the recruiters, very supportive of the military, very supportive of the police. Mom always … I think appreciated their importance in the community. And by the way, the police were very community oriented. I mean, back then, I still remember going down the streets of Chicago and there were police officers walking the beats. You know, we've had beats and we've had non-beat police officers over the years. You've seen police officers walking and you've seen police officers in cars. For me, the police officers were kind of like ... I still wave to the

police officers in my hometown. And it's a little corny. But, you know, they were always…

McDevitt: I do too.

Topinka: That was just how I was reared. And, and … But, also, I saw different things in terms of government as a little kid. I knew people. I met people that most people wouldn't meet, because Mom would be interviewing them. So I still remember meeting Congressmen and Senators. I remember meeting Chuck Percy [R; Illinois][2] when I was a kid. And I was like, "Oh my God, this is a U.S. Senator and I've never met a U.S. Senator before. "Congressmen like Henry Hyde[3], Congressman Henry Hyde. And he would call me by my nickname, which was *Pepi*. P-E-P-I, which is Czech for 'Joe'. So Congressman Hyde would call me *Pepi*. I grew up seeing these people. Even today, there are people that are still hanging around in Illinois politics. When I say hanging around, they are still alive. I remember as a kid… I remember, you know, looking up to them. Well, people say politicians are, you know, dishonest. I think people are people.

McDevitt: Mmhmm.

Topinka: Whether they are politicians or whatever, uhm—they're people. They make decisions based on the situation. And so, there's a lot of people that I've seen over the years that I still look up to, because I grew up looking up to them. I grew up watching them perform as politicians or as journalists. There are a whole bunch of journalists in this town or Chicago that I would go up to right now and hug. Like Carole Marin or Walter Jacobsen or Dick Haight. Just because I remember meeting them many years ago and saying, "Wow. These are the voices of the community." Today, I don't know. I don't know where, what journalism really is. Sometimes, I am wondering if we do have journalism or journalists or if we have pundits. I grew up with Len O'Connors and Walter Jacobson making editorials that made you think. Today, I am not sure what we hear in terms of thinking. One thing about the military that I always thought was wonderful and, still say this to my classes, to my students, is that we're a military that's made up of thinkers. You can be a private and you can take orders. But a private also has a responsibility, or

[2] Charles H Percy, 1919-2011, served in the Senate from 1966-1985. Percy was also the President of Bell & Howell Corp.

[3] Republican Henry John Hyde, 1924-2007, served from 1975 to 2007, among other federal posts.

a Marine or an airman or a sailor, still has a responsibility to know the difference between a lawful order and a non-lawful order.

McDevitt: Yup.

Topinka: Like the Mai Lai Massacre[4]. Massacre these people: unlawful order. Do this: lawful order. So, I always told commanders, "Hey, your soldiers are watching you." And then I would tell the soldiers, "Hey, your commanders are watching you." They're watching each other. They're all thinking through stuff. Again, as a JAG officer, as a lawyer, you're taught how to think in law school. So you go into the military as a JAG officer and you should be thinking. Sometimes, people just want to go along with the flow and that's fine. But you should be thinking. Especially if you want to be a good adviser to a leader. So I have been known to tell people that it's quite legal, but it's quite stupid also. Which probably didn't endear me to most of the people in the world. But I thought it was my duty and I will tell anybody to this day, if I'm advising them, what I think. Because legal, one thing I always think is … I've had commanders tell me over the years "Is it legal?" And "Yeah", but just because something is legal doesn't mean that …

McDevitt: You should--

Topinka: That you should do it. There's sometimes that there is something to be said about not doing something, because it is just not a good thing to do. And I've always had trouble trying to communicate that to commanders. Especially commanders that don't understand the value of the legal counsel. Legal counsel, two parts. One is legal. What is counsel? I can tell people all the time what I think is smart or dumb or whatever. I've got a business degree as well. I see things from a business perspective at times. And I look at somebody, "Is that really a good business model for you?" "Well, you're just a lawyer." Lawyer with a business degree. Maybe you should think about that. Sometimes, doing something right is also legal. Sometimes, doing something right is not even a legal issue. You don't need a legal take on it. I sometimes think that some commanders, some leaders look at lawyers almost like chaplains. "Is this the right … Would God approve this?" That's not my job. "Will I go to jail for this? I don't know. Probably not." I've always looked at legal advice to the

[4] Infamous Vietnam War mass murder of South Vietnamese civilians by US troops in the town of Mỹ Lai on March 16, 1968. Between 347-560 unarmed civilians were killed. See *Mai Lai 4* by Seymour Hersh.

military like legal advice anytime. It's a matter of risk management. How much risk do you want to take? If something is illegal and you want to do it, that's high risk. If something has nothing to do with law, nothing to do with legality, low risk. You make a decision. Just one more advisor. Would God do this? I don't know, if that's really relevant. But if you want to talk to the chaplain, go for it. But for me… I've always got along with chaplains. The chaplains have always been the special staff officers, or personal staff. [laughter] And a lot of people, a lot of people don't always appreciate the fact that personal staff is … that the personal staff are commanders. So, we report on a lot of other things, but ultimately, we are the personal staff of the commanders. But we all really represent the government, not the commanders. And so, I can't tell you how many commanders … low level commanders [I] was friends with, personal friends with. And they might have one commander in particular that got into a domestic dispute with his spouse. I couldn't help him with that case because I was going to be probably lined up to be the prosecutor in the case. And he didn't understand that. I said, "I can't represent you." But people would think that you are representing them. No, you are representing them as agents of the government. The government does all the legal. You're a client. That can get sometimes awkward.

I've done pretty much everything as a JAG officer, except for defense work. And I had never a desire to defend soldiers. Because my experience as a prosecutor made me realize that by the time that you had to send somebody to court martial you probably had exhausted all other administrative things to do to resolve the issue. Once somebody once said, "Joe, being a defense attorney will be one of your greatest challenges." You know what? I had enough challenges. And I continue to have a lot of challenges without being a defense attorney. My biggest beef about being a defense attorney was in my experience as a prosecutor dealing with a lot of appeals. While I was at Fort Knox, we had a lot of inmates at Fort Knox at a regional correctional facility. So, if they had appeal actions, we had to handle the appeal actions as prosecutors for the government. And I found, I found that most … I had a defense attorney that once told me this, "This is nothing different than in the civilian world." But the defense attorney said—And I won this case, and we were talking after the case—he said, "Joe, today he hates you. Tomorrow, he'll hate me." Because a lot of these, these soldiers when they go, just like in the civilian world, you go to jail and after a certain time you hate the prosecutor, but then you stop hating the prosecutor and you then start hating your own defense attorney. And then, on

appeal, who do you complain about? Your defense attorney. I can't tell you how many times I had to do hearings where the defense attorney was brought back for ineffective assistance of consul. And I know this is defense attorney worked hard for his client. I didn't want that. I just didn't need that in my life. And when people say, "Well, that's just being a lawyer," well, that's fine. I can be a lawyer in other ways that are just as productive.

And ultimately, I think that is why I went into health law. Because I came back from Afghanistan really sick. I spent a lot of time in meetings because, with people, I was going to the doctor all the time. And then people started saying, "Are you our lawyer?" And I said, "Yeah, I am." "Could you come to this meeting?" One meeting lead to another meeting which lead to another meeting. And before I knew it, I was really loving this health law stuff because there are so many interesting issues that impact soldiers in health care that most JAGs just had no clue about. So for me, it was like learning new stuff. It was a challenge. It was vibrant. And what's more, it's great to know something that nobody else really knows about. And then you become the expert. And so for a good portion there of time in my career I was like a go-to person in terms of health care issues in the military. I mean, it's like, "Hey, who knows this?" *Joe.*

McDevitt: So, let's step back a little bit. Let's talk about kind of the foundation. After high school, you went to Northern Illinois [University]?

Topinka: I went to the University of Illinois.

McDevitt: University of Illinois?

Topinka: University of Illinois. And I was in ROTC [Reserve Officers Training Corps] student. And then I… Then I went to Northern Illinois as a law school student. I got a delay from the Army to—the Army back then was more than happy to give me the delay, because it was the early nineties and there was a drawdown. And so anything they could do to put you into a holding pattern, they would. So, I was in the Guard in Illinois, the National Guard. I had the Guard scholarship, which tuition, it waived the tuition at Northern [Illinois University]. I was grateful for that, because education is expensive. And you know, for me joining ROTC, when they interviewed me, they said, "Well, do you want to join ROTC?" And I said. "Yes. I'd appreciate the scholarship. I mean I'll join it anyways." Which is

horrible deal-making. I should have, I really won't join unless I get the scholarship. I basically told the group, I said [to] the group of officers— well, I'm just this little high school student going, "Yes, Sir." "Yes, Sir" I think I said— I called everybody, "Sir". Every sergeant. Every private. Anybody that had a uniform on I said, "Sir". Mom always used to tell me when in doubt, if they look like they are in kind of a sailor outfit, call them an admiral; if they look like they are in some kind of other outfit, call them a general; when in doubt, call them Mr. President. You know, Mom always used to tell me, "Call them admiral, general, or Mr. President. Always go up rank. You can … It's always better to apologize for over-compensating. "

McDevitt: Over-compensating.

Topinka: Over-compensating. So, I think everybody was like a general. [laughter] So they said, "Joe, what happens if you didn't get the scholarship? Would you still join ROTC?" And I says, "Yes, Sir, I would still join, because I think it's the right thing to do." Thank God they gave me the scholarship, because it would have been tough getting through college. My parents got divorced. It was back in the day when there was no no-fault divorce. So that divorce probably burnt through a lot of cash. This was back when divorce still wasn't like a popular thing. It wasn't as commonplace. It was expensive. So there wasn't a lot of money for college. And so that ROTC scholarship really came in handy. But I worked for it. I worked really hard.

McDevitt: Yeah. What kind of duties did you have?

Topinka: I was. For me, it was … the first year I was just one class a semester. But one of my first field exercises was, I thought I was going to be like pinpointing things with compasses. No, it was putting stuff on your face. And, yeah, I got to say something: Being in the military with glasses is just not a good thing. [laughter] The first time I had to put camo on my face, it's like, "Excuse me, but what about my glasses?" And they said, "What about your glasses? Just wear your glasses. Like that's just not going to work. Uhm, I … I guess … field exercises. I'd be sweaty, dirty, full of camo. And you've got your little dorm room. It was really rough when you had roommates because you had to spread this stuff out to clean it. So, what I used to do was I get into the shower and shower with all my equipment. And people would wonder what was going on. And all this green stuff is coming off of you. It's like, "What's a matter?" That's all the camo.

McDevitt: So, your roommate wasn't in ROTC?

Topinka: Oh, no. I used to, I used to drive most of my roommates nuts. [laughter] Because be up three days a week exercising, and I'd be going to bed at a reasonable hour too. Because I couldn't pull these one, two, three in the morning things and then show up for six o'clock physical training. You know what that's like?

McDevitt: Mmmhmm…. I do. [Laughs]

Topinka: It's just like, I can't do it. And some of my ROTC cadet friends would be out all-night partying and you could tell when they were there. Let me tell you something, and people who are listening to this will know: When you drink lots of beer on a college campus, people smell it the following morning. You're not drunk, but man it's coming through your pores. So I can still remember some physical training, especially on Fridays. Always started Thursday nights, when Friday would be the battalion run. And it's like, God! Talk about the stench of old beer. You know that you'll either be running in the armory in Champaign or running around the streets. And that's another thing: People didn't like you singing cadences at…

McDevitt: Waking everybody up.

Topinka: Yeah, near the dorms. So, we had to be very quiet near certain dorms and certain areas. And we had to run in certain areas that are like, by assembly hall or whatever they are calling it now. It's like you can't, you can't sing around the dormitories. It would drive people nuts. Then, when I was at Northern, I also volunteered with the ROTC department at Northern. It's always, I was a lieutenant then, so it was … a second lieutenant. It just helped with some of the cadet issues. So I would just help them out. And because it was, you found that some ROTC battalions were low staffed. And so I actually would just kind of, oh help out with some of the ROTC duties. Just as a volunteer. And I was in the Guard and I figured it was just fair for me to. I am getting a scholarship from the Illinois Guard, why not help out the ROTC cadets?

McDevitt: Yup.

Topinka: ROTC is a very interesting program. I've encouraged a lot of people to think about ROTC especially if you've been enlisted and you're going to college. I'm not, I'm never sure if having an enlistment background helps

you or hurts you. I think it is still, it does give you good qualities in some respects. So when you are in ROTC I think you've got a leg up on cadets who really have no clue what's going on. Like me. And that's one reason why whenever I met officers who are or OCS [Officer Candidate School] grads, they're different. They're different. I went to Quartermaster school with a bunch of OCS [Officer Candidate School] grads and they were hard charging people. But they acted like they were NCOs, Officer NCOs. What an interesting mix. A very interesting mix.

McDevitt: Yeah. And there's a difference between guys who go enlisted and then go to officers. We call them *mustangs*.

Topinka: Yes.

McDevitt: And there's different attributes to people pick up along the way. It's very interesting. So where did you go? Where was your first assignment after you graduated?

Topinka: Well, after I graduated from law school.

McDevitt: And what year was it?

Topinka: After I graduated law school, I was actually going to Quartermaster School, when I got my bar results. The ironic thing is that we had the weekends off. So, we went up to Washington DC, and I have a picture of myself on the steps of the Supreme Court building and I get back to my officer quarters at Fort Lee [VA]. And there's an answering machine message from my mother. "You—passed!" That was kind of neat to be on the Supreme Court steps and then finding out that I passed. And then, so I was a Quartermaster Officer in the National Guard. And they had sent me to the Quartermaster School. I finished Quartermaster School. And six weeks later I am back at Fort Lee for my basic charm school class for JAG. 1994, I go to charm school. I go to the JAG school, which is in Charlottesville [NC]. And then I am off to Fairbanks, Alaska. I always wanted to go to Alaska. I was always interested in going.

McDevitt: Did you tell people that?

Topinka: Yeah. Yeah, I always wanted to go to the Pacific Northwest or Alaska. And when I was a cadet, they always used to tell me there's a nice place in Alaska and there's a bad place in Alaska. And I never knew really could

keep track which one was the nice place, and which one was the bad place. It turns out that I went to the bad place! [laughter] Fort Richardson, near Anchorage is the nice place. Fort Wainwright in Alaska is the bad place, because that's where it's really cold. The ironic thing is that Fort Wainwright is actually probably the nicer place, because it's a dry cold. And, but it's cold. You are talking about plugging in your car every night. You are talking about having heater pads all over your vehicle so that you can warm it up. But you are talking about darkness. Almost for twenty-four hours at a certain point of the year. You are talking about light for almost twenty-four hours at [another point in the] year. But you are also talking about opportunities to see the Arctic Ocean, which I did. Or you know, see dog racing and sledding.

Probably the most amazing thing I ever saw was, like within a week of arriving in Alaska, my landlord calls me and says, "Go outside. Look up in the sky." And I saw the Aurora Borealis for the first time in my life. And you know, not knowing what the time [zones] were I woke my dad up back in Illinois, because it's a four-hour, three-hour time zone difference. So I woke my dad up. Mom … actually, I had more, I had better conversations with my mother when I was assigned to Alaska because she was a night owl. And so I'd be getting home, say eight o'clock, and she's up at eleven, twelve o'clock. "Hey, Mom, I'm home. How are you doing?" [laughter] So I actually had better conversations when I was assigned to Alaska, because my mom was able to talk to me. But I called her up and said, "I've seen the most beautiful thing in the sky." And actually you know, I met my wife in Alaska. I can't tell you how many dates we had where we would probably just go out and have a pizza and then go up to one of the hills overlooking Fairbanks and just look at the Aurora Borealis. However, the problem is again glasses. When you are watching, being in Alaska was very difficult, because unless you wore contacts—glasses just don't work. The body heat will fog up your glasses within five minutes because you are talking about thirty, forty, fifty below. Probably the worst— I got a certificate for this—the worst I was ever at was about fifty-five or sixty below zero.

McDevitt: Oh, wow.

Topinka: It's straight cold. I am not talking about wind chill.

McDevitt: Wind chill?

Topinka: No wind chill. If you put the wind chill, it's even colder.

McDevitt: So describe your duties as a JAG up in Alaska.

Topinka: In Alaska, I spent most of my time dealing with legal assistance, doing tax returns for people. I think I saw or I probably did over eight hundred wills in the first year and half, two years of my career. Uhm, I probably saw twenty-five hundred to three thousand clients. And then that was the first two years, first year and a half. The second year, I basically was going out to the field, supporting the command, doing environmental type stuff, doing administrative ethics, teaching a lot more, you know, to the units. And also being a part time special assistant US Attorney. Basically, putting a suit on like this and prosecuting people for traffic violations. That was always interesting. When one of the commanders would come in with a traffic ticket, it's like, "Why are you here?" "Well, prosecuting you." [laughter] That's very awkward when you're a legal advisor one time and talk about inherent conflicts of interest! [laughter] And then I was also a military magistrate for a while. And so, the CID [Criminal Investigations Department] agents would come to me to talk and authorize searches. So you did a lot of different things. And the interesting thing is, in Alaska, you get your times all messed up because of the light.

McDevitt: The light.

Topinka: The light. So you find yourself working incredible amounts of hours and not realizing that you are doing it.

McDevitt: And were the problems kind of…

Topinka: Divorce.

McDevitt: Inherent …

Topinka: Divorce. When I saw legal assistance clients, I'd day twenty to thirty percent of the clients that came in were about divorce, maybe even more. And it got to a certain point where I could tell what a client was coming in for. That's how many clients I had seen. I could tell which ones were going to come and talk to me about paternity. I could tell which ones were going to ask me about credit issues and financial issues. I could tell which ones were coming in with divorce. Divorce, divorce.

People who are going through family issues have that look. It's … I don't know how to describe it. But it's … I can understand why experienced attorneys see things differently, because you get the experience of seeing people and what they are going through. And there were times when it certainly affected me. There were times when it was bothersome. Because some people really had issues that I really wanted to help them with, and some people just did it to themselves. And it can be rough; rough on families living in that environment in Alaska. I think it's probably even more challenging now, because a lot of those units are deployed. So now you leave the family member somewhere in a remote area like Fairbanks, Alaska. And where's their support structure? Fairbanks is not a big town. We are talking about fifty to sixty thousand people in the middle of nowhere.

McDevitt: Yeah, I was going to ask if alcoholism was a bad problem up there, because I know with the natives it is.

Topinka: Yeah, it was. It was. DUIs [Driving Under the Influence] were a problem. Uhm, you'll think this is really funny: the biggest problem when I was prosecuting was moose-hunting. Because people would come on the military installation and hunt moose.

McDevitt: What. Natives or the …

Topinka: No, I am talking about…

McDevitt: Locals?

Topinka: Locals.

McDevitt: You know…

Topinka: You can't hunt the moose there unless you've got a license to do it. So one of my biggest cases was [when] I went after like twelve or fourteen moose hunters. It was big news. And I'm thinking, "My lord, I'm going after moose hunters!" [laughter]

McDevitt: And, uh, what… was Dessert Storm going on at this time? Or…

Topinka: Dessert Storm had just occurred.

McDevitt: All right.

Topinka: And I was in the National Guard at the time. We weren't sure if we were going to get called up or not. I was in a support battalion and Dessert Storm kind of came and went. And then I was on active duty.

McDevitt: And where did you head after Alaska?

Topinka: Fort Knox, Kentucky.

McDevitt: Fort Knox.

Topinka: I was a prosecutor. I did legal assistance for a while, then prosecutor for most of the time. And I don't know. I must have done thirty or forty court martials. Some were in front of juries. Some were in front of a judge alone. Some of them were guilty pleas. A lot of them were guilty pleas. The thing about Fort Knox is that—I think it was Fort Knox and Fort Bliss [TX], we had our personnel control facilities there. And this is where at the time if you were a soldier and you went AWOL [Away Without Leave], if you were gone for over thirty days, you'd be dropped from rolls. And so, you'd be kind of out there. And so the rumor was just show up a Fort Knox and Fort Bliss, turn yourself in, and then you'd be administratively discharged. So, we get thousands of people coming through Fort Knox that would be "Hi, been AWOL, let me go." The problem is that a lot of these folks would cause trouble while they are kind of running around, because they'd be administratively assigned to us. So we were court martial some of these folks. Especially if they had gone AWOL and then put on leave and then they've committed a crime. They were technically ours, which was very awkward. Trying to court martial somebody for a crime they didn't even commit nearby. So we had a lot of guilty pleas for that. And then while I was also there, I had a boss that wanted me to do a field exercise for JAGs. So, we put on a JAG field exercise that I worked to put together for like a year and a half in our urban terrain facility. So we were the first people to use this mount facility as lawyers, doing everything from prisoners of war processing to storming … here's a bunch of lawyers storming buildings. On the proper procedures of being combat troops. It was actually very … What we did there was very foretelling of the future that was coming. Because only about two years later, 9/11 occurred.

McDevitt: Un, huh.

Topinka: And then another couple of months and now we're in Afghanistan. It was almost like, "You know what? We actually did this." And so that was Fort Knox. It was just … I spent a lot of time prosecuting and because we were so short staffed, because it was not a combat mission division unit because the armor school, before it moved to Fort Benning [GA] a couple of years ago ... So it was very educational minded. Overall, the Army did not support the training command as much as it supported the major commands. So we were low staffed. So I wound up doing—my extra duties was teaching law at the [US Army] Armor School. [laughter] So which was great for me, because it gave me a chance to get out of the office. So, I wasn't being barraged with issues all the time. I could… for me teaching… Teaching 150 basic trainees about criminal justice and homosexual policy or teaching a bunch of new lieutenants about some leadership issue got me out of the office.

McDevitt: It was refreshing.

Topinka: Yeah, it was refreshing. And for some people being in front of two hundred people is scary. For me, it was kind of like two hundred, three hundred … Sometimes, I would have three hundred enlisted soldiers in front of me and it was a hundred degrees in Kentucky weather. And how do you … you want to talk about a kind of a challenge? How do you keep three hundred soldiers excited about things? So, I hate to tell you, but I used to talk about different charges. And for some reason talking about sex charges seemed to perk them up. Really, that's against the law. It was always funny. Most people don't realize that adultery is still punishable under the UCMJ [Universal Code of Military Justice]. Like General Petraeus, theoretically, could have been brought back on active duty and prosecuted for adultery. People don't want to talk about that, but let's talk about it. Because it is. And so, I talk about what is adultery. And what is sodomy. Sodomy is against the law. And all these things are … So let's talk about sodomy. And people would say, "What's sodomy?" Wake up. It's a hundred-degree weather, but they are waking up. Well, I'll tell you what sodomy is. And like, "Really, if I did that, I could be court martialed?" Yes. So don't think about doing it. But it would wake them up. It's hard to teach a class of three hundred people in a hundred-degree weather in Kentucky.

McDevitt: And get them to retain it.

Topinka: And get them to retain it.

McDevitt: Sure.

Topinka: Uhm, I would help. I would like to think that because of the way that I changed the teaching that we had less crime at that level. [laughter] Because they knew the stuff. If you feel like you want to cheat on your spouse, don't. [laughter] Just don't do it. Not while you are in uniform. Because a lot of times we get a lot of reservists. And, you know, I am not gonna judge how people conduct themselves in the civilian world. But there is a lot of things that we do in the military that you don't do in the civilian world. A couple of years ago, a South African guy comes up to me and finds out that I am in the military. And he says, "How can you be so critical about what your president did with an intern? This happens in Europe all the time." And I said, "Yeah, but in the U.S. military, we court martial a guy for doing that kind of stuff. Or give them an Article 15. A non-judicial punishment for cheating on his spouse. And, uhm, the South African guy looked at me in total amazement. He just didn't understand why I was saying that. [laughter] And so, it's just a different culture. It really is.

And, uhm, and you see that as a JAG officer, there's a lot of things I saw and realized that a lot of people, just never, never really … they just saw it as mythology. That it was urban myth. The biggest urban myth was. People would come up to me and say, "Is it true that I can't say anything negative about the president?" Yeah. This is true. It's an Article 88 violation. I believe it's an Article 88 violation in the Uniform Code of Military Justice. And, it's … all I can tell you is, Brian, I can remember as an ROTC cadet getting my first legal class taught by one of my ROTC. instructors. Nice guy. He didn't know what he was teaching. It was one of those I've got … I'm required to teach this class, because it's part of your, you know, POI [Program of instruction], as they would call it. And he had no clue what he was teaching. So when we got the test there was only one of these form tests that all ROTC students all over the country would take and we had the old manuals for court martial that were binders. And he gave us four hours to do it. And literally you would hear people go [rustling/ scribble noise]. It was an open book test. Because we have no clue what these questions were asking us, so we were looking for the answers. You know how military tests are. They are usually like literally out of the book. So we would look for the right place in the … And go, uh, found the answer. We had no clue what we were writing. No clue what

we learned. And then I came on active duty or I was a quartermaster officer and had my first legal class from a JAG officer. I retained nothing. So then when I started teaching these classes myself, here I am now teaching these classes that I had experienced being taught at one time, I said, "I got to make this more meaningful for people. I got to…"

So I had written articles. And done everything I can to … generally speaking, I think I tried to get stuff into people's brains about some of these legal issues. Because what I ultimately learned on active duty was there are very few JAGs. There's much more, there's much more issues and people than there are lawyers to support the stuff. And so my goal was always to teach my students how they could see things, same thing that I do now as a professor. Teach them now what they can see, not as lawyers, but the legal issues that lawyers might identify, so that they can avoid them, so that they can work around it. They don't have to call a lawyer every single time, because nine times out of ten they are not going to be able to get the kind of access to that legal support that they want. They're just not. Because there just aren't enough lawyers.

McDevittL And, did you find yourself starting to lean more towards teaching as opposed to practice?

Topinka: Yeah.

McDevitt: [indecipherable]

Topinka: It had blurred. My teaching became my form of practice. Because at a certain point, you see repetition. It's kind of like, "Oh God, not another one." Seriously, it turns a point where it's like "God, Joe, I have a real significant issue for you. I bet you've never heard of this one before." "Try me."

McDevitt: Try me. [laughter]

Topinka: You sit back and go, "Oh, God. I've heard this one before." Same issue, different place. Different person. Or the one I still love to this day, "Hey, Joe. I've got a quick question for you." No, you don't. There's no quick question. [laughter] The fact that you are asking me for a quick question means that this is going to be a … I might as well block out an hour for you! And then the other thing was the Friday nights. Friday afternoons and Friday nights. If something is going to blow up, it will happen then. I

can't tell you how many times as a prosecutor that I'd like to have a pizza with my wife, but I wound up going to the office to put somebody in pre-trial confinement. Why? Because now the commander has time to deal with their problem children. The rest of the week they didn't. So, now it's time to … Saturday morning pre-trial hearings. And it's just, oh God … Being, after being a prosecutor for two and a half years, I said, "I joined the military, because I wanted to be a prosecutor." That was my goal. I wanted to be a prosecutor. After being a prosecutor for two and a half years, I said, "That's it." I do not want to be a prosecutor or a defense attorney ever again. Which is really the meat and potatoes. Statutorily speaking, JAGs are primarily there to support the criminal justice stuff, the military justice stuff.

It's … It was … I spent many years law clerking at 26th and California at the Cook County State's Attorney Office and I loved it. I thought that was going to be, that's was what I was going to do. It is a great lifestyle for somebody who is single and has perpetual energy and thinks that they are going to solve all the world's problems. That lasts for a couple of years. [laughter] And then you realize that the harder you work the more stuff that is going to get piled on you. Because there is always going to be people committing crimes. Because there is always going to be people causing problems. And at a certain point, you realize that the more you fight it, the more that's going to come in. It just doesn't stop. People are going to still get DUIs. And so I just started to say to myself, "This is … I want to spend some time with my wife. I want to spend some time having a life." And some people thrive on this stuff. I know prosecutors out there, military prosecutors, that can do this stuff until the end of their career. Even when they're no longer … [when] they're retired. They need, they miss this stuff. I mean they miss the thrill. They miss the fight. They miss the putting the notches in their gun, if you will, the proverbial notches: I got another one. Two and a half years of this stuff. I said, "I don't want to do this ever again."

And so I supported, after Fort Knox, I went to CID [Criminal Investigations Department] at Fort Lewis [WA], I supported a law enforcement unit because I loved, I love working with the CID [Criminal Investigation Command[5]]agents, which are like the FBI [Federal Bureau of Investigations] agents. I loved working with the agents. That was probably one of my most favorite jobs, short of going into military

[5] Formerly Criminal investigations Division, hence the continued presence of the 'D' in 'CID'.

medicine, because I loved working with the agents. And what I found—this was critical—and this is where I started realizing that I really wanted to teach more. It's that a lot of times I used to complain that the agents weren't doing enough work when I was a prosecutor. When I was on the other side of their world advising them, I realized why. It wasn't because they weren't good. It was because they were under pressure to turn around cases. To close them as fast as possible.

McDevitt: Mmmhmm.

Topinka: Closing a case to get probable cause is different than prepping a case for trial, where you have to find beyond a reasonable doubt. And agents were opening and closing, opening and closing cases. But prosecutors wanted something that was ready to go. That wasn't necessarily the case. There was a disconnect. So being a prosecutor, and then being an advisor, and then also teaching, as a prosecutor's perspective, but as their legal advisor was a great experience. Because I was able to teach them like I was teaching my soldiers back in the day of how to prevent, how to avoid. I became very prevention oriented. Even to this day I'd rather prevent than react. When you react, it's like being in warfare.

McDevitt: Mmmhmm.

Topinka: If you can control the battle, you win. If you are reacting to the battle, you are probably going to lose.

McDevitt: Somebody else is dictating what you do.

Topinka: Right. The law … As a legal advisor, if you can advise somebody to go in the right direction, then you can actually help them control how they're going. So that if something does blow up, you've already anticipated it. That's a perfect world. The world isn't perfect, but when you are an investigator in a criminal … a criminal investigator, it's good to be able to have somebody like me teaching. The investigators—I can still remember getting emails and phone calls from a lot of the investigators, because I had … my jurisdiction was Mississippi to Korea. So that was really weird. Because I'd get calls from the folks in Korea at the end of the day, but it was their morning. So it was just really weird. Or they call me at home. which was just really weird. And literally I'd get calls based on the time zone. There would be days when literally I'd get calls all about the same time. Twelve o'clock, in their time zone. It was … some days would be

really crazy. But by and large they all said, "You know, we've never had a legal advisor like you. You've taught us stuff that we appreciate." Because they weren't learning this stuff at the MP [Military Police] school. They just weren't. And it was great to have that impact on them. I really appreciate that. It's … you don't hear a lot about law enforcement stuff in the military, except if you watch … What was it?

McDevitt: "NCIS[6]."

Topinka: "NCIS. "

McDevitt: Yeah.

Topinka: And … or you watched the TV show "JAG[7]."

McDevitt: Mmhmm.

Topinka: I used to always joke to people, "I flew my F-14 in here." And I also went to, you know, SEAL school. I mean that guy in JAG. He was so young, but he was a pilot, he also went to SEAL [United States Navy Sea, Air, and Land] school, went to law school. [laughter] I don't know how you do that and you're still under thirty years old. I don't what the guy did. But he must have been on steroids or never slept. It was just, just not real. Uhm, but, you know, ahh …

McDevitt: So, if you will, you brought up a … Like why is …

Topinka: Is this going sideways? Is it going okay?

McDevitt: Yeah, it's going excellent. Excellent.

Topinka: Okay.

McDevitt: So, you met your wife in Alaska. Did you guys get married in Alaska and then move south?

[6] American police procedural TV show. The titular acronym is Naval Criminal Investigative Service [NCIS].
[7] American police procedural TV show, from which the above procedural spun-off. 'JAG' is obviously Judge Advocate General, as in Mr. Barr-Topinka's job.

Topinka: Well, that's an interesting story. Most people don't know the truth about this. But I'll tell you something about this. The copy machine at the JAG office at Fort Wainwright was … the legal center at Fort Wainwright was a dump, okay? Let's call it a dump. Most of the law facilities that I ever had when I was on active duty were dumpy. We just didn't get a lot of financing. You learn how to beg a lot, because you are always dependent upon the command.

McDevitt: Yeah.

Topinka: "I need a new copier. Ah, live with it ..." When I was doing the first tax, electronic tax system at Fort Wainwright, I had to beg people for computers. Because they wanted to give me 286 computers; I needed at least a 386 to make the program work. Oh, God. So, I was begging people for computers. So I needed copies made of this binder. So I go to the local *Kinko's*[8] office and there's this beautiful girl on the other side of the desk; beautiful eyes and beautiful smile. And I give her this binder and I said, "I need copies." She looked at me and said, "I can't do it. It's copyrighted." God, a lady after my own heart! [laughter] I asked her to a military ball a few weeks later. And actually had a little sign that said, "Mrs. and Lt. Topinka." I was so embarrassed. But she said, "Don't worry about it." We became great friends. And then one day I found out that I was leaving, and I said, I thought to myself, "I love this girl." I realized I love this woman. I don't want to leave her in Alaska. And we couldn't – my parents were divorced—and we couldn't get her parents and my parents all set up to come up to Alaska to get married. And so we eloped.

We eloped. We found that one of our friends was a chaplain. We got married and we couldn't … I hate to use the word *shipped*, but I couldn't pay for her ticket unless she was my wife. I managed. I think I broke the all-time record of getting my wife command sponsored at Fort Wainwright, because I knew all the folk. I had been the legal advisor for most of these guys. And I said, "Can you do me a favor? I need my wife command sponsored in less than twenty-four hours. Can you do it?" [laughter] "We'll do it for you, Joe." And so, my parents didn't know we were married until December 6th, which is now eighteen years ago this past December 6th. We got married in Cicero, Illinois, at the church that my grandmother, my late grandmother used to go to. And, uh, in Cicero. And my dad was my best man. So my dad pulls me aside and, "Okay, I got

[8] Commercial chain store that provides office supplies, copies, faxes, etc.

to know, you married or not?" I say, "Dad, don't ask questions that you don't want the answers for. I can go up, I can call up the court house at Fort Wainwright in Fairbanks. Tell me yes or no are you married?" "Dad, I am married. Let's just go out there and do this wedding ceremony." And we got a license in Illinois. I got a license in Alaska. And my parents got angry at me. And I tried to explain to them that their dumb schedules couldn't allow them to come up to Alaska. So I had to make this happen in order to get the benefits. They didn't understand it. Though, a lot of people thought we were, quote "living in sin" unquote, for all these months in Kentucky. But the funny thing is that everybody in Kentucky knew we were married. But everybody in Illinois thought we were living in sin. Uhm, which is, which has been an ongoing thing. Being in the military for twenty years and having a mother in politics in Illinois has been probably one of the most awkward things ever. Because you, the military by its very nature is apolitical. So if Mom or whenever mom would come some place, I had to let them know she was there because of the protocol which I didn't like. Because I didn't want the attention there.

McDevitt: That that draws …

Topinka: And then when mom ran for governor, it was like "Joe, is that your mother?" "Yeah, that's my mother." And, you know, you put in for leave to go to see her swearing in ceremony and what happens if the leave got disapproved? What is Mom going to do? Call the Speaker of the House of Representatives. I think she did once. Oh, God, I yelled at her when I heard that. I heard … I learned about it months later!

McDevitt: Sure. Sure. The guys hear about that…

Topinka: But the damage had already been done.

McDevitt: Aghh!

Topinka: "Hey, Joe, What's going on?". I have no clue what they are talking about. But they know; I don't. Then I come to find out later, and I tell Mom, "You can't do that. You just can't do that." Uhm, it was very awkward. And then it was also awkward because when my mother ran for governor by and large people thought that she didn't have a family. So, but I am in the military. People again culturally don't appreciate what it is like to be away

from home. So you know, Mike Madigan[9]'s daughter is a state representative now. Then, she's running for a Attorney General. Where am I? I'm on active duty somewhere. Well, you know, you got a lot of these politicians. My mother was always … would wonder, "Why can't you follow in my footsteps?" "I'm on active duty, Mom. "

McDevitt: Yeah.

Topinka: You just … I'm on active duty. I am trying to do this military career gig, you know? And, "Well, I don't understand it ..." But then when I'd be home, "I'm so proud that you're my major. Or my captain. Or my lieutenant or whatever ..." Then I said, "But mom, you know, when you are on active duty you are away from home. That's just the way… That's the way the gig plays out." "And, you know, in the governor's race, people don't think I have a family." "You do have a family, mom. I'm on active duty. But culturally people never understood that." [laughter] So they said they saw Governor Blagojevich's family. Well, he's a family man. And then they'd see my mother and she's all alone. She's not all alone. Her son and her daughter-in-law are in Washington State, or in Virginia, or in New York state. Or he's in Afghanistan. It was … culturally people didn't appreciate that. And when my mother came back and then tried … when I retired, mother tried to find, you know, help me find a job. Then her opponent goes after her for using political position. Now this was Sheila Simon, the daughter of the late great Paul Simon[10]. You don't think he ever helped her? Heh, yeah right! Bottom line is, "Mom, stop. Stop doing this." And then I stopped looking for a job because I wanted to protect my mother and then, she passed away after the election. But being, being the political kid, and being in the military don't mix. It just doesn't. So, uh, Mom would always want me to swear her in. I couldn't swear her in in a uniform. So the last time she got sworn in, I was not in uniform and I swore her in because I can under Illinois law as an officer. So it was kind of like, "Do you want me in uniform? Or do you want me to swear you in? I can't do both." As an ethics counsellor, I would literally cringe when she would ask could you be at this event. The last time she ran for office I had … the ethics … I had to get outside ethics advice. I couldn't even be on the podium with her. Not in uniform. My advice was. "Don't do it." Because there are so many ethical rules that you don't even

[9] Speaker of the Illinois House of Representatives.
[10] Paul Simon, 1928-2003, represented Illinois in the United States House of Representatives from 1975 to 1985, and in the United States Senate from 1985 to 1997.

realize. People don't realize the ethical rules. Heck, most of the people in the military don't even know, don't understand the ethical rules unless they have somebody like me teaching them the rules. There are so many things you can't do.

McDevitt: I was wondering if that was one of the reasons why you chose not to be a defender at all, because her political career started coming up a little bit before you joined the military. A couple years …

Topinka: You mean a defense attorney?

McDevitt: Yeah.

Topinka: No. I just …

McDevitt: I just …

Topinka: Frankly, most of … As a prosecutor, I saw most of these guys that got court martialed. I know it sounds kind of cliché: they're guilty.

McDevitt: Yeah.

Topinka: I just. I … A lot of people say, I can't handle … I can't understand how a person ends up being a defense attorney. I know how some people get to do it. I don't think I could turn it off. I just don't think I am hard wired well enough for that. Which maybe makes … doesn't make me a good lawyer. And if that's the case, so be it. I'll live with that. I can deal with that.

McDevitt: I think your record speaks for itself. I think that you did a pretty … I mean you had an incredible career. And I don't want to get to far off base. Were you able to communicate with your mother a lot?

Topinka: Yeah.

McDevitt: Like, every step of the way?

Topinka: I think, yeah, I did. But I gave you that Army article that you read. That was based on by an interview done by the American Hospital Lawyers Association. And when Mom called me up about that last year, it was several months before the election and before she passed away, she said,

"You know, that article was just amazing. I just never realized that this was what you were doing." And I said, "But Ma, I've been telling you this all this time." I think the article kind of put it all in one place. She never really saw the big picture along the way, because you'd just hear little snippets of things along the way.

McDevitt: And she was a busy woman.

Topinka: She was a busy woman. But we … she was a night owl. And so I would usually … And I got home late. So I can't tell you how many … I can't tell you the work weeks I used to put in, depending on the job. When I was working at Madigan Army Medical Center [WA], it was just non-stop. When I was a Deputy Staff Judge Advocate for MEDCOM [US Army Medical Command], and that's when I got into medical, that's when … You see, with medicine …

McDevitt: When did you get into medical?

Topinka: That would have been after Afghanistan. So that would have been when I was still at Fort Drum [NY]. That was after Fort Knox, and Fort Lewis. Then, going to the JAG school for my graduate degree in law and military law, uhm, I started spending a lot of … I started… One thing I realized with the health care folks is that they never stop.

McDevitt: Mmmhmm.

Topinka: They just don't, because people are getting sick all the time. And, so, I got to … But I was always supporting medical folks, but I was attached to a line unit maybe. And there was never any money for lawyers. You're just never going to get money in a line unit. And so I'd go to a medical facility and I am the lawyer and people are trying to get a hold of me all the time. So they gave me this box. "This is yours. You've got to get it operational." I ask, "What is it?" "It's called a Blackberry." [laughter] "It's called a *whatberry*?" "It's a Blackberry." That was the beginning of the next eight years of what is now has become commonplace for everybody. But back then, it was still like, if you were cool when you had a pop cell phone; that was the cool thing, man. Or even before. When I first came on active duty, you had one of those big monsters. Then, you were really cool. But there was a time when you didn't see people with Blackberries in the normal line units. And if you did, it was maybe the very senior, senior officers. Because they are moving around, and they had to

communicate back with … like my garrison commander at Fort Drum had a Blackberry. That's how he usually communicated with me because he was always running around. My boss, the staff judge advocate, had a Blackberry. But he said it was broken. I think he was lying. [laughter] and actually his predecessor had a Blackberry too, but he didn't know how to use it. And I think that was on purpose. But when I got to Madigan Army Medical Center, I had to learn how to use a Blackberry. Because I was being contacted all the time. ALL THE TIME, literally. "Joe, we've got this patient, what do we do?" And then when I got to MEDCOM headquarters and now, I'm getting emails from the Surgeon General of the United States Army or the deputies of the Surgeon General or the Chief of Staff. I mean, I am getting emails literally all … And by the way, I am getting emails from commanders in Europe, Korea… It just… I can still to this day tell you that I'll never look at emails the same way after that last assignment, because I'd would literally walk away from my desk and I'd have twenty, thirty, forty emails pop up: all critical.

McDevitt: Wow … Yeah, well, how did you …

Topinka: And I couldn't find my boss half the time, because he was in DC [District of Columbia] somewhere.

McDevitt: So how did you relax? How were you …

Topinka: I didn't. I didn't relax. I was … For four years. When I was a Deputy Staff Judge Advocate for medical command, that was. My boss used to be in the same office in San Antonio. But then they moved my boss to the Office of the Surgeon General.

McDevitt: Was that when your boss was the "dual hat"?

Topinka: Yes.

McDevitt: Yeah. And if you will explain to everybody…

Topinka: I will. Yeah. Basically, what happened was the Army has always been, the Army at one time would have the Surgeon General of the Army and then would have the Commander of Medical Command. Well, that's nice if they get along. And so, what happened is during Desert Storm, the Surgeon General of the Army wanted to do one thing and the Commander of MEDCOM wanted to do another. That doesn't make for

good policy in terms of providing health care. So that position became "dual hatted", which means the Surgeon General also became the MEDCOM Commander. And it wasn't the only position that became dual hatted. For example, you found yourself with the G1, the Chief of Personnel became dual-hatted as the Installation Command Commander, because that's G1 personnel controlling installations. So, you now see a lot of people running around in the military, especially in the Army, dual-hatted. So they have a job that is primarily designed to advise the Chief of Staff and the Secretary of the Army, but they also have a Command position that oversees a particular command. And, so, now unlike the Air Force and the Navy you have … the Surgeon General never really had a legal advisor, per se. But that legal advisor was always the commander's legal advisor. So, now that it is dual-hatted, I start getting the awkward position of being the legal advisor for somebody that advises the Chief of Staff and technically speaking the Judge Advocate General of the Army is also that legal advisor. So now what they did is, when I became the Deputy Staff Judge Advocate and I was sent to San Antonio. My boss was now sent to DC to become the MEDCOM Commander/ Surgeon General's legal advisor. But he wasn't the legal advisor to the Surgeon General. The Judge Advocate General was. So, now I am getting phone calls from …

McDevitt: Everyone.

Topinka: So now I feel like … I'd go into my little office every day and …

McDevitt: Scream.

Topinka: And, and I had to go in early, you understand, because I got to play by the rules of Washington, DC.

McDevitt: Sure.

Topinka: Because now the issues are coming to the MEDCOM. The issues maybe MEDCOM, the issues maybe the Surgeon General, you don't know. And, so, being working in San Antonio was like working in a part of DC, except I didn't have to play with an hour and a half one-way congestion. At least, I was in San Antonio, which is by far much nicer than DC. But it was like a pressure cooker. And my boss a lot of times … nice guys. I couldn't always find them.

McDevitt: Hmmnhmm.

Topinka: Because they are running around DC. When you run around DC doing things in DC, you are what you are. So I found a certain point when it was kind of like … I found myself almost like the Acting Staff Judge Advocate at times. Because people couldn't get a hold of the SJA [Staff Judge Advocate], because the SJA was doing Surgeon General-type things. And so I became kind of … It was a very interesting … dual … When you divide up a small JAG office like that, you are bound to have issues. And we did. And, so, uh, on any given day I would have two screens at my desk. And one screen was just a calendar so I could keep track of the Surgeon General's calendar, the Deputy Surgeon General's calendar, the Chief of Staff's calendar, my office calendar, as well as my boss' calendar. And my calendar was there, but it was relegated to oblivion. Because I was based, because my priorities were other people.

And then I lost my office administrator. So I became the office administrator as well. And then I lost my NCO-IC [Non-commissioned Officer- In Command], so I became the Chief Paralegal for a while. At one point, I was the Deputy Staff Judge Advocate, the office administrator, as well as the Chief Paralegal! And I was trying to figure out where my boss was at any particular time. But you got to understand that health care law is not a priority in the military. So I was low staffed. But I also think the JAG Corps generally knew that I was a mule. I could take a lot and I did it for four years. And I probably learned more about military medicine than any JAG officer will probably ever know or want to know in life. And it's funny because I can't tell you how many issues came up and I would wind up doing research. Because you have to understand we didn't have a very in-depth … if you have anything less than a medical center, you don't have your own legal counsel. So you depend on that local JAG office. That young captain doesn't know a thing about health care law; they just don't teach it. It's not a priority. So I can't tell you how many times that I'd get calls from commanders and there you are … I remember one issue with … a … not nurses … with uhm, uhm … for pregnant women. They get … not nurses….

McDevitt: Pre-natal?

Topinka: Not pre-natal. They get … they wouldn't go see a doctor. They … uhm … But they would have a … not a nurse mate, but a …

McDevitt: Uhmm..Oh…

Topinka: Oh.

McDevitt: I can't think of the name, but there's a specific name for it.

Topinka: Yeah.

McDevitt: Continue.

Topinka: And so we had an issue, a complaint about one of them. And so I had to … It was in Colorado. So now I am looking, so now I am researching Colorado law. I am not a Colorado attorney. But the commander is coming to me about this issue. I gave him the answer. He didn't like the answer. But I gave him the right answer. I'm telling you I gave him the right answer. But that would happen a lot. It would happen so when we started reorganizing medical command I was a critical part of trying to create regional JAG offices that could help with these issues so they weren't coming up to me or one of my staff members that do stuff that should be handled by the local JAG office. But they are not going to the local JAG office because the local JAG office doesn't have enough staff to keep up with the non-medical units let alone the medical units. And so here I am doing all this stuff, and this is on the side. And this is not the … this is, I am also dealing with the policy issues at the Surgeon General's office in DC. And so, I ultimately ... When you look at a picture of my uniform, I have the Department of the Army staff award, because even though I wasn't in DC, I earned the award for being in DC when I wasn't in DC. Because literally, the Surgeon General got … literally signed an exception to policy request for me to get the staff badge, because I was so involved with the Department of the Army level stuff.

So that job, while it was probably the best job I ever had, was probably the biggest burn-out job I'd had ever had. And I have had a lot of burn-out jobs. The biggest reason why it was a burn-out job was because it was just non-stop. It was just non-stop. I mean, I can still remember we had our first rabies death since the '60s. A kid gets killed, dies in Syracuse, New York. He was assigned to 10th Mountain Division and he caught rabies when he was in Afghanistan. How did that happen? Well, three investigations later we got a better idea. Some of the investigations were closed off to the public, so I can't really talk about it. But here I am at a morning meeting with forty other people on a teleconference in my pajamas with the Surgeon General of the Army at eight am on a Sunday,

because I was part of the task force. Why me? Because I am available. [laughter] And this went on, and on. And my office was low staffed. I didn't have a lot of military folks, but I had a lot of civilian folks. When you deal with civilian employees in the federal government, you got to make sure you … you got to watch out in terms of their hours they are working in excess of their basic hours. I had some very experienced people, but, you know, what I wound up doing was hiring a ton load more. When I left the JAG office for the US Medical Command, it was a lot larger. Because the issues just were coming at us left and right. You got to understand that this is during the time period where we were post-Walter Reed scandal[11]. So military medicine is very much under the microscope. Uhm…

McDevitt: If you will, go into that scandal a little bit.

Topinka: I was …

McDevitt: Talk about …

Topinka: I was at the Madigan Army Medical Center as a general counsel when it broke. And what basically happened, in a nutshell, is there wasn't poor medicine being provided. What happened is was they had contracted for living accommodations for soldiers and for personnel that were being treated. These living accommodations were off the Walter Reed campus and they were well-known to the local community as being not the best. Well, the media gets in there and takes pictures. And by the way, the media pretty much knew about these places and it blew up. They found mold, they found inappropriate … I mean, it was not well-kept up. And so what happened was the commander of Walter Reed at that point—a general by the name of Waitman—a very fine man was relieved, when maybe his predecessor … he had only been there for like six or seven weeks. But so, it was his responsibility. It's called the hot potato theory. You got the hot potato in the hand. You burn. That's just life. It's life in the military. It's life in general. He had the hot potato. But his predecessor was probably more responsible for it. And his predecessor was the previous Surgeon General of the Army. And so this hits, while I am now at the medical center on the other side of the country. And now people are complaining at Madigan about not getting good service. And now the rumor is going out that Madigan Army Medical Center [is] the

[11] The Walter Reed Army Medical Neglect Scandal broke in 2007.

Walter Reed of the West Coast. And so now we are dealing with this. And because of all these things going on, now we have a non-medical person being brought in to the office of the Surgeon General to handle issues, because now the line unit folks want some non-medical folks in because there is a question of trust regarding the medical folks. And then you had GEN [Peter Jan] Schoomaker brought in, who was the Surgeon General's … who was the brother of the Chief of Staff, who was a Schoomaker. So you see all this stuff going on. So now I go into the office and I become the Deputy Staff Judge Advocate for US Army Medical Command now working for the new Surgeon General of the Army. So, things are … everybody is sensitive about everything. So the next four years of my life is just literally … Every issue is a potential blow-up.

McDevitt: Yeah.

Topinka: It's a potential landmine. I mean, everything from investigations on body parts being sent to the wrong place to, uhm, rabies, to getting jobs in an unethical or what's the ethical rules about getting jobs for warriors in transition? How… what … I was there when warriors in transition and the whole concept of warriors in transition was developed. I was in some of the work groups later on. And then there was a break for a year when I came back to Chicago. The Army sent me to Loyola [University] to get my advanced law degree in health care law, which was a great experience because I was able to go to Walter Reed with my classmates and actually coordinate a tour of Walter Reed for students at Loyola that really did not understand what military medicine was all about. As I told my students, as I told my colleagues at Loyola: Understand everybody. Be prepared walk on Walter Reed campus and see kids your age missing appendages. And, oh, by the way, kids your age that have spouses sitting next to them, helping them through their rehab. You guys aren't even married. Cultural.

Then also, I coordinated a tour of the local VA [Veterans Administration] facility there. The VA's flagship hospital is in DC. So, I coordinated a tour of the VA facility, because I was a VA extern here at Hines Hospital in Maywood [Illinois]. So that was my externship at Loyola. I worked for a VA law office. So I've actually got to see the VA, military medicine. I've seen medicine in terms of the military and veterans in a way that other people haven't seen. And so sometimes, I get cynical. But I always have a lot of faith in the clinicians. I've always kind of prided myself in the fact that I am the kind of attorney that thinks the world of administrators but adores the clinicians. Uhm, especially the Nurse Corps. I've always been

a … The former, the most recent Surgeon General of the Army was the first nurse and first female Surgeon General ever of the Army. And she made me an honorary nurse several years ago. I've always, always … I still go to the nurses' birthdays and give them a cake every year in San Antonio. I've always thought the world of nurses, because one thing, as a lawyer in military medicine it was the most critical relationship, I think I had was with nurses. Because the best information about how a facility is working comes—

McDevitt: From nurses.

Topinka: From nurses. You want to spread a rumor, tell a nurse. You want to know what is going on, ask a nurse. So, I've always been very, uhm … I don't know, I've always had a a special place in my heart for nurses in the military just because they know what is going on. That's not to say that the clinicians don't know, or the administrators don't know. I am telling you that nurse network is incredible. It's just an incredible network. The only other people that I thought were more incredible were the Med Evac [medical evacuation] pilots. Those Med Evac pilots were just the most incredible people. Unfortunately, Med Evac is not a medical thing. It's now controlled by Army aviation, but when I was on active duty it was its own little group of people. And they did some of the … craziest stories I've ever read about medical personnel are the Med Evac pilots. They just … when you read stories about what they did in Vietnam, what they did in Korea, what they did in Desert Storm, or what they did in OEF/OIF [Operation Iraqi Freedom]. It's the most incredible … I mean I would hope that the Pritzker Museum would someday do something on Med Evac pilots. They are the most incredible people I've ever met.

McDevitt: Well, that touched a little bit … We have the display for DASPO [Department of the Army Special Ops Photographic Office], the Army's Special Ops photographers. We have that going on upstairs and there's a little bit … Yeah, I mean, those guys are incredible.

Topinka: They call them Dust Off, the Dust-Off guys. You know, they're … And every Med Evac pilot that I've ever had to work with as a leader. Incredible thinkers. They are incredible out of the box thinkers. Actually, one of the things I've loved about military medicine is that I've have never seen a group of people that think so much out of the box. Because they are trying to save a person's life. And they'll come up with the most incredible ways to save a person's life that I've ever seen. And, you

understand, they learn this in a deployed environment where the, uhm, rules are a little bit, how shall I say, more fluid. And so they will come back from deployments in an incredible ways. They become hardened. They also become amazingly innovative. And working for them as their advisor and trying to help them do right by their patients. Help them in terms of providing better health care was probably one of the most rewarding experiences I had as a legal advisor ever. I don't know how to communicate more except to live through it. If you live through it, you probably don't do well in the terms of your career. You're not going to make colonel. You are certainly not going to make general as a JAG officer. You might be lucky to make lieutenant colonel. But it was the most incredibly rewarding experience. Even to this day, I still write articles and stuff like that for military medicine because it is such a powerful force.

McDevitt: And how did you … It seems like the Dust-Off guys they had a pretty profound impact.

Topinka: MmmHmm.

McDevitt: How did you come across them? Are there specific events …

Topinka: I found them as administrators. They turned out to be acting administrator popping up. One in particular, a gentleman by the name of Michael McQue, who was the commander at Walter Reed. He just retired. He'd be the acting deputy commander for administration sometimes at Madigan. And then he was working at MEDCOM headquarters. And then he worked for the Warrior in Transition command. So, I've known this man for almost a decade. One, he'd listen to me. And two, he would always be willing to come up with different ways to approach things. Legally. Ethically. Morally. And focused on the soldier. I love that. It's how … It's just … It's the best of all the worlds. You know, it's one thing to do something right, but then it's illegal. It's another thing to do something right and do it legally and ethically and morally and all that other stuff. Sometimes, the best leaders I've ever seen in the military are the ones that can take different perspectives and bring it together for the right reasons and in the right direction. So they listen to their lawyer. They listen to their chaplain. They listen to their colleagues. They listen to their superiors. They listen to their NCOs. They listen to their subordinates. [quietly] And then they come up with a good decision. That's, that's … Those are the incredible leaders. It's the ones

who react knee-jerk or talk from the hip or think they know what they are doing, but they really don't. *Those* are the ones that get people into trouble. And hopefully, they are the ones that don't stay around very long. But that … Again, I've been a JAG officer with some senior commanders, and I've had some senior leaders that I've just adored, because they are such great role models. But I've also learned from some bad ones. And there have been some bad ones. And usually the ones that I hated the most were … they usually got the term of endearment as a 'screamer'. You've probably heard of screamers. You've probably had some leaders that were screamers. I can't deal with screamers. Screamers: the harder somebody screams, the less you hear. 'Cause it is just … It's like listening to chalk screeching on a board. It just … Auch! And some of the worst leaders I've ever had were just the ones that screamed. Some just screamed at you because they could. I hated it.

McDevitt: If I may, one thing that fascinated me is … You've passed the bar in a few different states.

Topinka: Washington, Texas, and Illinois.

McDevitt: Is the process for the bar different for a military member as opposed to a civilian? And did that help you overcome certain hurdles?

Topinka: Interesting, it's a good question. Once … There's a lot of reciprocity. So some states you don't have to take the exam. Other states you do. Also, you got to understand that there were times I'd be some place and my wife and I would say we want to settle down here. So I'd take the bar. And so, you know, theoretically if I … Obviously, I am not licensed in New York. I have never a desire to go back to New York state. Great state, great people: no desire to live there. High taxes. You think Illinois is bad? Ugh! Geeze! Pacific Northwest. It's absolutely beautiful. You can't live there. It's too expensive. At one time, I had a dream to do that. Texas. You know, home is still in Illinois. But it's hard to find a job here. So right now Texas is kind of where I am making my livelihood. But home is still in Illinois. Getting a licensure in Texas was relatively simple for a veteran. It would have been harder for me if I was not a veteran. It's … Some states will actually give you credit for that active duty time that you have served in that state. Texas did. And that made life a lot easier for me to get licensed in Texas. Without that time, I would have had a harder time with Texas. Washington State required me to take another ethics exam. And boy was it hard. It was hard. Uhm, you know, New York state … I had no

desire to come back, but I would have taken that exam. I don't know about the reciprocity. I would have probably had to take an exam there that And that would have been hard.

What comes with that is I get a good thing about being licensed in multiple states and I get some bad things. In the military, I got some good things out of it. Because the three states that I am licensed in have different perspectives in terms of health care. Illinois is kind of … I would say, I wouldn't want to say messed-up, but I don't necessarily … It's, I wouldn't say it's regressive, but I wouldn't say it was progressive either. Compared to Washington state where the health law is incredibly progressive, so keeping up with what is going on in Washington state is very interesting because medical marijuana and now they've licensed [it]. They've made marijuana legal. Uhm ... The death and dying statutes in Washington state are a lot more progressive. They are very close to Oregon. Their whole legal system is a lot more progressive. It's a different perspective that I get now. Texas is very conservative. Oh god, Texas is incredibly conservative in terms of health care. Very clinician oriented. Almost too clinician oriented. So, Illinois—I can't believe I am actually saying this—between the two other states, is moderate. So, I get … Being licensed in those three states, actually gives me an opportunity to see three different perspectives, which helps me as a teacher and helped me when I was active duty as a legal adviser to see these things and have that background. The downside now as a veteran is I got to pay dues. And the more senior you are and the more years you have as a lawyer, the more dues are. And now we have CLE [Continued Legal education] requirements. Now, I got to make sure that every state has all my records of all the classes that I take and all that other stuff. So there's a downside to it.

McDevitt: Sure.

Topinka: But for me as a teacher, I've always, now teaching students I still keep the licensure up. You know. Who know? Maybe, I'll someday put my shingle out. But I just … After twenty years of being a JAG officer, I just don't want to do those eighty hour-plus weeks. It's just …. And I guess now … You got to understand after being twenty years in the JAG officer, you know, all the running and ruck sack marches. I am pretty beat up. Even as a lawyer, you get beat up after twenty years in the military. You get beat up in life as a whole, but you get beat up more. At least you stay in good shape. But you still get beat up. So my knees are pretty much beat

up. My back is pretty much beat up. My stomach, after Afghanistan, is pretty much beat up. You know, even as a lawyer, you kind of get beat up.

McDevitt: Hmm.

Topinka: So, getting older you just …. The desire to go out there and start anew as a … or put your shingle out, is not always that enticing. And also with my mother's passing, uhm … I was walking just a block away from here on Columbus Day during the parade and somebody came up to me and said, "Joe, are you running for office?" And I said, "No, I'm running for my mother's legacy." You know, for me, in the future veteran's issues are going to still be significant to work on. I'm trying to work on a book for the American Bar Association on health care law for the military, because a lot of people don't understand it.

McDevitt: Well.

Topinka: I've been around for a decade. So, I'm interested in pushing that subject. But I am also interested in pushing my mother's legacy.

McDevitt: How did she become so involved in with the veterans and with the [Pritzker Military] Museum? Do you have …

Topinka: I think she always had a special relationship with COL Pritzker. Part of it was she just found tons of books and stuff at estate sales. You got to understand that estate sales by their nature are a way that families kind of dispose of things that have been collected by people over the years. So you are getting people dying from, as Tom Brokaw would say, "The Greatest Generation." They are dying all the time. They have been dying for a while. That generation is disappearing. What do you think their estate sales are like? Military books. Military items from World War II. Mom used to find … She'd go to these estate sales and would literally create piles for Colonel Pritzker and the Pritzker Museum. Colonel Pritzker even said to me, several months ago, she said, "You know, your mother was my biggest donator." Because she'd go to these estate sales and see things and go [snaps fingers] "That is for the Pritzker Museum." Or she would see things that were Czech [and would say] "That's for the Slavic Library at the University of Chicago." Or that's for my best friend so-and-so. Or that's for … Mom saw things in terms of - how do you utilize things? I mean, she was the ultimate recycler. Which would have

made her a great governor. I still don't understand why she didn't end up governor, but that's … Maybe I'll write about that a couple of years from now. [laughter] Because something was really wrong there. And unfortunately, it kind of started going bad after that in this state. But she was always about getting the most for her money. And how she got interested in the military is that she didn't really know much about the military until…er son got into ROTC. She just never really understood it. I think in retrospect, she used to tell me many times, "I wish I would have gone into the military. I really think I would have been … I think I would have been a good in it." And think she would have. I think she would have gotten in at the right time where as a woman she could have actually done some great things. She just didn't know, because that was not something that you would talk about as a woman in the '50s and '60s.

You know, in the 1950s and 1960s, when she was growing up, she was … You know, one of the reasons, she got into state politics, and you can see these on some of the videotapes is that she was not encouraged by local politicians to get involved in municipal government. They basically said, words to the effect of, "Go back home and have kids and cook." Well, mom didn't cook, okay? She just didn't cook. So, she went into state [politics]. She tried for a state office and she won. I think part of the reason why she won was the Republican primary was split by so many other candidates. So she slipped through. And, uhm, you know, and then I think part of it was just hard work. Hard work. And I think she saw veterans' issues through my eyes. She heard the issues. Like for example, when state universities in Illinois were basically preventing recruiters from coming on to the universities. Because of the homosexual policy, mom passed a law—don't get me wrong, Mom was very pro-homosexual issues—but Mom did not like the schools basically, unilaterally saying, "No, you can't come on [campus]." So, it was, like she used to say, "Well, because of you, this law [got] passed," because she would not have known of the issues.

When I got into the National Guard, she started becoming very savvy about the Guard. She was even more savvy about the Guard, because the armory was right across the street from her. And one day she actually got on to the grounds of the armory and got really pissed. So then the security guys got really beefed up at the armory right across the street from her. So when I actually joined the Guard and got into the unit there, they were like, "You're Topinka's kid, aren't ya?" Oh, God, yes, I

am. I kept trying to always keep a low profile. But you know it was very difficult. You know. I could still remember one time when I got promoted to 2nd lieutenant, no, 1st lieutenant. The commanding general had promised that he would be at my promotion for the brigade, for the National Guard brigade here. So my mother's there. And they pin my rank on. My mother pins my rank on. And then she kisses me right in front of the battalion. So half the battalion… you can hear it. Half the battalion goes, "Ahh" [sentimentally] and the other half goes "Uhhhh" [expression of dismay]. And my friend was getting promoted. My good friend from college was getting promoted, my best friend from college was getting promoted, as well. And she comes up to me later on and chews me out. How could you let your mother kiss you in front of everybody? Like I had something to do with it. [laughter]

McDevitt: Like you had a choice. [laughter]

Topinka: And so you had that going on, and on and on over the years. I can … most people don't know the story. You'll love this one. It probably ended my career. It kept me from getting promoted. So I go to the Supreme Court with everybody in the JAG school, when I'm at the JAG school for my advanced law degree. And we're getting this, law schools do this: you go to the Supreme Court. You get sworn in. And you get to hear the Supreme Court justices read an opinion, *humma humma, humma*, you have a little party in the back, one of rooms, and sometimes the justices come and shake your hands and they go, "Oh, ah." It's like, for lawyers it's like seeing a rock star. It's like seeing Gene Simmons.

McDevitt: Yeah, it's the apex.

Topinka: Of KISS[12].

McDevitt: It's the apex. It's …

Topinka: Yeah. Oh. Supreme Court justice. So, my mother is there, because she's been invited to come to the State of the Union address. So she's there. And she … I said, "Mom, this is great. You'll see me get sworn in." And so the Judge Advocate General is about to be introduced to Justice [Ruth Bader] Ginsburg and the Clerk of the Court knows my mother is there.

[12] Popular 1970s rock ensemble known for its costumes and theatrical concert performances. The aforementioned Mr. Simmons handled bass and some vocal duties, dressed as a demon with large platform boots.

Protocol wise, my mother outranks the Judge Advocate General, who is a two-star general. She's a state treasurer. So as the Judge Advocate General is approaching Justice Ginsburg, the Clerk of the Court grabs my mother to introduce her to before him and in the process my mother grabs me and my wife and says, "You are coming with me."

McDevitt: Oh no.

Topinka: And all my fellow students are watching this as this happens. So this is kind of like, senior partner being upstaged by junior clerk's mother, and the junior clerk, and the wife. So now, "Hello Justice Ginsburg. It's a pleasure to meet you. This is Judy Baar Topinka. She's the State Treasurer of Illinois. This is her son, blah, blah, blah." And my wife looks at me and says, "Oh my God." And so that was over. My wife and I went into a corner somewhere and just didn't want to be seen. If you don't look at anybody else, they won't look at you. And I go up to my mother later on, and I say, "Mom, don't ever do that to me again." And she looked at me; this is my mom, Mom was just the way she was. She said, "I handle more money in a week than that man will ever handle in a lifetime. Don't ever tell me what I should or should not do." "Yes, Mom." You win. And that was just mom. So basically, in the military, I used to try to keep my mother at an arm's length, in the military.

So, when my mother's opponent, after her in her last year in the election about using clout for a job, that really irks me. I will never forgive that woman for that, because I cannot tell you how many years I spent trying to keep a low profile in the military and even before. Because I never wanted to put my mother in harm's way as the kid. The kid … I can still remember when Mayor Daley's kid got in trouble and then he went on active duty in Afghan[istan]… I think they just shipped him off to active duty. And then he became successful as a special ops guy. He became a ranger or something like that. But when he was back in town growing up, he was involved in fights and parties and it was embarrassing for … When you're a politician, you don't want your kid to be an embarrassment. So I've always tried to never be an embarrassment to my mother. But more importantly, uhm, as an officer, you don't want to be an embarrassment *period*. You're ultimately a role model, leader, whatever. And as a JAG officer, most people don't know how to deal with JAG officers, because there is not a lot of us. And I remember when I showed up to Fort Knox the first time, a soldier comes up to me and says, "How long have you been a cavalry officer?" Because I had the JAG crest, and nobody

recognized what the JAG crest looked like. Literally, the JAG crest is a laurel leaf and a pen and a little sword. I mean literally, the kind of sword that would poke your eye out. [laughter] You know what I mean. I got to Afghanistan and I didn't have a clip. So they gave me a Ziploc[13] bag to put my rounds in. I didn't get a clip for a while. I was low priority. I'm a lawyer. Give me a nine-millimeter. If the lawyer is using a … if the lawyer has to fire his nine-millimeter, everything has gone bad. It's just … It's a done deal, alright.

McDevitt: Well, what did you go out there for? If you can ...

Topinka: I am still trying to figure out why I went out there. I know why I came back. I had a lot of stomach problems.

McDevitt: Did you go …

Topinka: It was not a good decision. I should have just stayed back at Fort Drum [NY] and done what my job was at the time. But I think my boss was trying to help me career wise. And it probably was what got me interested in health care law. Because it was my own health issues that made me start to see health care in a different way and then become a legal advisor in the subject area. Which to this day I…Those eight to nine years of dealing with health care issues were probably some of the most incredible issues that I ever dealt with, most challenging issues that I ever dealt with.

McDevitt: You know, we've talked about your mom a little bit, but how about your wife? How did she deal with it? Or what did she do for a living? Like how did she cope with …

Topinka: Christine, my wife, Christina was basically grew up in a small … literally, a small steel town. It sounds like a song from *Flashdance*[14]. She grew up in a small steel town outside of Philly. I met her in Alaska. And, uhm,

McDevitt: So where was she… How did she get up there?

[13] Plastic resealable bag, commercially available.

[14] Hit 1983 American musical film, well-known known for its soundtrack full of narrative songs about training to become a ballet dancer while working in a steel mill.

Topinka: Her stepfather was retired. Not retired. Got out of the military up in Alaska and was a communications expert. And her mother was living up there. Her parents were divorced. Uhm, and, you know, I think Christina was, uhm, just a good friend. And somewhere along the way, we fell in love. And, Mom used to … My mother used to always say that I was going to go up to Alaska and meet an Eskimo lady and have a baby named … that we would call 'Igloo'. My mother used to say, "You're going to meet a girl." She didn't realize that Eskimos really live on the coastal areas in Fairbanks: it was at Abbabaskin. So really, if she wanted to be right, she would have said you would marry an Abbabaskin [girl] and call him ... I don't know. Give me an Abbabaskin…

McDevitt: What are word for snow? [Leah]

Topinka: I just don't know. But I met a girl from Philly or outside of Philly. And, uhm, she really … Her stepfather was enlisted. So she really wasn't an officer's wife type. And when I went to Fort Knox, one of the officers, one of the commanders' spouses, kind of adopted her and allowed her to come to classes. And I got her involved in these spousal classes, where you learn rank and stuff like that. And, you know, Fort Knox was probably the last place that we were ever assigned to where we kind of saw a little bit of the vestiges of the old Army. And she … when the outgoing general's wife had a party, she had to wear a hat and gloves. When we went to Christmas parties, we had to leave a calling card and we had to come in at a certain time and leave at a certain time. We never saw that again after Fort Knox. And it's interesting, because that's kind of just before 9-11 hit. Things changed a lot after 9-11. Even in the military. Things … People were coming and going. And it wasn't, I don't think there was that same amount of time given to those niceties. And I am not sure if those niceties will ever return. Because it's just a different gig, a different game. But, uhm, we were doing everything, I mean wearing the hats, wearing the nice outfits. It was somewhat of a traditional kind of thing and then we, then, we went to this law enforcement command that was so different. And she just got along with all the spouses because they were all [federal] agent spouses. They were used to their spouses being gone all the time. And so they all go along. [laughter] And it was really interesting. And because they are agents, and most of the agents like guns, they also like guns so she learned to fire guns for the first time. So it was a good experience in that regard. When we got to some of the more line units, it was a different feel. And that was also when she started going to graduate school. So she was spending a lot of her time in

graduate school. I wanted her to at least get the benefit of in-state tuition.

McDevitt: Sure.

Topinka: So she was always supportive. She always put up with late nights. I think things got different when we had a child. And, uhm, the baby came very late in life because of all … health reasons and all that. We never thought we'd have children. And so, my late mother was delighted when we had a child. I mean, it just … Uhm, because we just never thought that it was going to happen. And having a child in the military is … I got to tell you something, if you are going to have a child, have it when you are young in the military. It's a lot easier than when you are older. It's a … Alexandra will really never, my daughter will really never understand the military. She wasn't around it. She will never be the brat kind of kid. [the child of a parent or parents serving full time in the military with that associated culture]. She just won't. All she'll remember is vaguely going to I-Hop[15] after I got my last medal and having some pancakes. That's about all she'll ever remember. It's easier when you are younger. Because there were a lot of things that we just didn't attend because it was always family oriented with kids. We were always the family, usually the family without the kids. Then I became Santa Claus. [laughter] That's what I started doing towards the end. I was usually the Santa Claus. So, "Hey, Joe, you don't have kids, will you be Santa Claus?" "Fine. I'll show up and I'll leave." When you don't have kids, you … it just doesn't … It is what it is.

McDevitt: Yeah.

Topinka: She was always supportive. She was truly the epitome of being the best military spouse/wife that I could ever ask for, because she was always supportive. And more importantly, she was very supportive to my mother. And that wasn't always easy. Mom had a lot of … especially when she took on constitutional office, having a mother as a politician can be pretty tough on the son. But I was used to it. You get used to the stuff. You never really get used to the criticisms. The personal attacks are bad, especially when those personal attacks go after you, which is what happened with my mother's last opponent. She basically made my life pretty miserable in terms of jobs. But, you know Christina was able to

[15] Breakfast food chain store (International House of Pancakes).

kind of balance it well. And, uhm, so she had to be the military wife and the politician's son's wife. And that… I don't know if she really ever thought she was getting a two-for [one].

McDevitt: Was she… Uhm, I know the retirement was this past year. Was she pretty happy with the retirement? Do you think, does it seem like you guys are pretty set for the future?

Topinka: No.

McDevitt: Do you have any ideas …

Topinka: I have no clue what is going to happen. Everything is up in the air. My mother's death just made things even more up in the air. Transition is not easy. It really isn't. A good friend of mine said, "When you've been in the military for over twenty years, give yourself about five years. Give yourself five years." So I'm going to give myself probably longer, because my mother's issues. Her legacy is I think is important enough for… She was more than just my mother. She was something a lot more to a lot of other people. And it … Interestingly enough as I watch what is going on in Illinois today, I think more and more somebody like her would be really useful to have around. She would probably be a critical part of maybe keeping people talking. Maybe keep helping people work through issues. Right now, I look at home, which I think of Illinois as home. And I see chaos. I see lack of communication. I see political polarization like I've never seen in my life. Actually, I think there was an article … a comment made by Jim Thompson or Jim Edgar[16] just recently. The person... He said, one of them said, "I've never seen it like this. I've never seen it this bad. I've never seen it this bad." In the years that I was kind of out there, kind of watching from an interesting vantage point, I've never seen things this bad. And I think if Mom was alive right now, she would be saying, "Stop!"

And so my duty is ultimately to try to help nurture a legacy where we can talk about how you can be like my mom and start from really nothing and if you work hard enough and do the right things, you will go far and you will make an impact. You've got to be able to believe that it's not all about money; it's not all about power. Sometimes, noble reasons for doing things are powerful. You can call that corny. You can call it idealistic. And that's fine. But that is kind of the reason why I went into

[16] Both Thompson and Edgar were former Illinois governors.

the military. It was and it still is kind of corny, when I think about it. Heck, it was one of the reasons why I went to law school. I mean, I still pull out my application to Northern Illinois and look at my little narrative. I want to learn the language of the law. So, oh my God, did I really believe that? Yeah. Why? I actually did. I actually thought that being a lawyer, you could make a difference. You could actually do something better with that degree and that experience than you could without it. If you don't believe in that kind of stuff, then why have a military, then why even have a country? Why even do the kind of ceremony that we see in the military where you salute the flag? You know your unit's motto, or in some cases know your division's song. I mean. You know, why do people stand up when they are veterans when the Army song is played? Or the Air Force song? Why is this? Why even take this seriously if you are not willing to have some idealism? Because if we don't, then I don't know what is keeping it all together.

I'm not a pessimist. I'm actually an optimist. I really do have faith in things. But why did Colonel Pritzker set this museum up? I think I've got a feeling why she did it. Part of it is there was nothing like this before out there. You know, Mom used to say that veterans are horrible voters. She's right. Military active duty are not really cohesive groups. Yet think about how powerful that group is in terms of the numbers. When you think about it, we are apolitical. Generally speaking, we have a tendency to be apolitical because it is in our nature. We work for a civilian government. If we were not apolitical, we'd be establishing juntas and we wouldn't be any better than a third world nation in South America. So, there's got to be this idealism. And I think Mom had a lot of idealism. She just went really far. And she should have been governor. I can't tell people enough. Then, a lot of people come to me all the time and they say, "Your mother should have been governor. I voted for her." It kind of reminds me of the stories of all the people that were in the French Resistance. After World War II, after [that] *everybody* was in the French Resistance. I don't know how Vichy France functions with everybody being in the French Resistance. It's all a matter of perspective.

Nobody … It's like … When I was living in Kentucky, in Kentucky everybody was is singing 'Dixie'. No, they weren't. In the Civil War, it was a border state. Half the state was pretty much a Union state. And now today, it's like people look back with this, "The South will live again!" Come on, it's Kentucky. It was a border state. It's all a matter of how people see things and not necessarily remember the good, the bad, and

the ugly. There's got to be some positivism for the future. And that is kind of what this museum is about. I think it is kind of what Colonel Pritzker does about looking at the future. More importantly, in terms of my mother's legacy. There's got to be something that kids look at and say, "You know what? I can be like that person someday and I want to be like that person." That's why leadership is so critical in the military. If you have a general, or a leader, an NCO, a sergeant, a major, a lieutenant, that does good things, and the right things, protects his or her subordinates, [then] those subordinates will do anything for that person. Why? Because they are going to love them, respect them, and look up to them. And that lieutenant is probably going to look to those subordinates in ways, because they are going to do great things. And together they work as a great team. Is that idealism? Yeah, I think it is. But it's, to me, it's always been a powerful force in the military. When I had bosses that did the right thing, God! – it made it easier to be their legal adviser. When I had bosses that were screamers or were unethical, it made my life a living hell.

McDevitt: You talk about this idealism and you mention that we kind of saw it shortly after … in after certain …

Topinka: 9-11.

McDevitt: 9-11. And that's one thing I haven't even touched on with you. Where were you when 9-11 happened? What do you remember from it? And how did it affect your job?

Topinka: I was on the West Coast. And I was working out at my little apartment building workout room and I am watching this program and I was surfing. Of all the places, I saw the first report of this on this *Bloomberg News*. For some reason, I wound up on Bloomberg News and I was like, "What is This?" And then I saw the other plane hit. I ran back to my apartment building, took a shower, and drove on to Fort Lewis, and stopped at one of the gates. I looked at the guy, and said, "Do you know what just happened?" And he said, "Yes, I do." "Why the hell aren't you stopping people and checking IDs?" "Sir, I haven't been told anything." "Okay." So, I went to my job and I must have gotten to the office within-- I was working for CID at the time. I must have been to the office within forty minutes of the, uhm, the crash. And, my dad called me, "Do you know what's going on?" "I know, Dad. I'm on my way to work." And shortly after I went on Fort Lewis, they closed the post. [makes pop noise.] It was

closed. So, I made it just literally in. And I didn't see a lot of people for the rest of the day, because literally people couldn't get to work. Because everything was closed, things like that. And my boss came in. My commander came in and just looked at me and looked at us. And we just, we were speechless. We were absolutely speechless. For me, that week and … actually several weeks after that, I just kept replaying that, replaying that. And I wasn't even there. But it was still bothersome. Uhm, it … Ah, I just don't know. It's always easy, it's always easy to be a Monday morning quarterback, which my mother always used to say, "You can't be a Monday morning quarterback." But when I look back on that I think to myself, "Did we squander the ethos? Did we squander the ideals? Did we squander the energy? Did we squander the spirit? Did we mishandle things when the president came out and says, 'You need to travel and visit places in the country?' "When I travel on airplanes today, I think of … things have never been the same on airplanes since then. Traveling now is …

McDevitt: It's a burden.

Topinka: It used to be that when you went on a trip, the plane ride was part of fun.

McDevitt: Yeah.

Topinka: Now it's just misery that comes before and after the trip. Uhm. Did going into Afghanistan the way we did, was it designed right? I mean, what was the end state? If there was an end state, why are we still there? Is there still an end state? I don't think so. I don't know. When I landed at Bagram [Air Force Base], I was, I was so, I was so time zoned off that it wasn't even funny. And now I am first living under a military time. Oh no, that's not Zulu time. [laughter] What time am I waking up? Two in the morning? I don't get it. There were some people walking around with two, three watches. [laughter] I can't figure out what the heck time it is. And so, uhm, I get there. I start looking around and I'm like. "Holy crap. This reminds me of Vietnam!" These are, these remind me about the books I read about Vietnam. There is no front. There's FOBs [Forward Operating Bases]. What's FOB? It sounds like a firebase in Vietnam. And my first reaction is: This is Vietnam in the desert. And then, and then we go… We have this issue with Iraq. And I am thinking to myself, "What are we doing this for?" And to this day, I still don't know what we are doing this for. And then we pulled out. So we add to insult, by pulling out. And I

can say all of this now. I am not saying anything critical. I am just asking questions. What's it all about? I don't know.

Because there I am, in Afghanistan, seeing things, hearing things, and I am not seeing a … I'm not hearing goal orientation. You know, we are going to build a pumping station here or a well here. We are going to be kind to these people. We are going to do this. We are going to help train them. Yeah, but are we controlling this? Or are we controlling that? Where is this going? And I guess I just didn't get it. So my question is, "Did we squander all that energy?" I mean, when we … You do know that I am teaching students now that were three, four years old when 9-11 hit. Some of them were not even born. They don't … They weren't there, just like they didn't live through a Pearl Harbor. I didn't live through Pearl Harbor. But boy, my parents and grandparents told me where they were when Pearl Harbor hit. So, where is this gone? And, I am not being mean or critical. I want, I am just asking questions. Where has that force gone? Where is that ethos, that power, that spirit? I don't know. I really don't know. And I guess when you've been involved in military medicine and you've seen so many people with issues and you've had to deal with so many, so many aspects of wounded warriors and you've seen people come back with prosthetics ... You know, having a prosthetic … These are … I've seen the work on prosthetics that are incredible. I've seen folks at Walter Reed, and some people at Madigan, Brooks Army Medical Center. I've seen people do things with prosthetics that are just the most amazing things in the world. But yet, I know that as these guys get older it's not going to get easier, not having an appendage. It's bad enough when you do have an appendage and you are getting arthritis and all that other stuff. Think about that when you don't have the appendage. You can have the best prosthetic in the world. It's not going to make … Things are going to get worse and worse as you get older. So, you are going to have a population of people that have issues that you are going to have to deal with for years to come. Are people going to remember? Are people going to be as sensitive to these veteran issues twenty years from now? As they are sensitive to them now?

Look at our Vietnam vets. Do you think they were treated well? How are vets from OEF [Operation Enduring Freedom] and OIF [Operation Iraqi Freedom] going to be treated twenty years from now? What do you think is going to happen if they are trying to cut money here and there? And they start going after the VA? Today, a lot of money, because of a lot of scandal … What's going to happen in twenty years? What's going to

happen to these folks? Are people going to remember? Kind of reminds me of that poem from Rudyard Kipling, called I believe *Tommy*. It talks about, you know, the value of soldiers when you need them and the lack of value of soldiers when you don't. Will we remember? I don't know. I will remember it, because I will always be keen on military medicine. I'm kind of a strange JAG officer in the sense that I loved military medicine and it became such a part of my life to the point that I was writing about it and thinking about it. I had one former Chief of Staff of MEDCOM said I did more as a JAG officer that they had ever seen from any other JAG officer in his career for military medicine. He'd never seen anybody do the kinds of things I did for military medicine. I loved it, because I love what it did for soldiers, airmen, Marines, and sailors. I've seen things be done that were literally borderline miraculous for the health care of people that have sacrificed a lot.

McDevitt: Mmmhmm.

Topinka: And I don't know what is going to happen ten, fifteen, or twenty years from now when the politicians are going to be making decisions. And by the way these politicians have really limited military experience—if any. Will they be coming to the Pritzker [Military] Museum [& Library] and learning about things? Mmmhmm. I hope so. But you can't bet on it.

McDevitt: Did you talk with your mom right after September 11th?

Topinka: Oh, yeah.

McDevitt: Did you …

Topinka: Because she was grounded in, she was at some Republican function in Arizona or something. And she got grounded. So, they had to drive all the way from New Mexico or Arizona back to Chicago. And I don't know whoever came up with that idea to ground all the planes: it was a great idea. However, the question is, Were there other terrorists? I don't know. Maybe, we'll never know. That was a great decision, because who knows. The Sears Tower could have gotten hit. I was in Washington state and there's that tall building in Seattle that could have been hit. You know, it seems like … Uhm, I hate to say this, but things could have been worse. Things can always be worse.

McDevitt: Always.

Topinka: You just don't know what you don't know. You can't go back in time. You can't go in an alternate timeline. You don't know. All you know is what you know. And what we knew was that this is bad. It could have been … Things can always be worse. And, uh, I hate to think of what it would have looked like … You know, seeing the Twin Towers, but also seeing the Sears Tower and how awful that would have been. It was emotional enough to watch the Twin Towers and DC. It's just, you know, what could have happened.

McDevitt: Right.

Topinka: And what bothers me too is that we get these conspiratorial folks that say that, "Well, this was a government ploy." You know what? We're not … we're too sloppy. [Laughter] People talk too much. I hate conspiratorial thinkers. I just know that a lot of people died, a lot of innocent people died. And my biggest fear is as this thing that was called War on Terrorism continues, that a lot more innocent people are going to die. And what's the end state? What is … When do we have closure or is it just--? Does my daughter grow up in a world where there is endless war? Or endless conflict? That's a horrible world to be living in. it goes contrary to the holiday season that you are interviewing me in.

McDevitt: And did, was there … Because you've worked in numerous different types of law.

Topinka: I have.

McDevitt: And …

Topinka: I've done environmental law, labor law, criminal law, ethics law, administrative law, health law. Then you can break some of that down into other types of law.

McDevitt: I know you've seen; you've been focused more on health law, recently, and the profession as far as …

Topinka: Yeah. Mmhmmm.

McDevitt: But did you notice any changes since 9/11 in the legal profession, as far as militarily?

Topinka: It became much more operationally oriented, much more operationally oriented. And when I mean operationally oriented: deploy the JAGs, rules of engagement writing, law of war interpretation. Uhm, so a lot of … lot more oriented to discipline. You know, the folks in the JAG Corps who were the prosecutors, defense attorneys, and primarily the criminal law guys and the operational law guys, those are the ones that started their careers… [Shoo noise].

McDevitt: Took off.

Topinka: And for me, I can still remember this one event and I remember giving an opinion. I gave the right opinion. But my thought process, my boss took me aside and said, "But you didn't do the right thought process." The rules of engagement were so complex. I didn't even write them. I could never understand them. I just couldn't. So I always just fell back on the legal doctrinal aspects that I had always been taught on in terms of giving my opinion. So I gave the right opinion, I just used a different analysis. I think it was at that point that I realized this is just not what I am really interested in. And I got really sick. And then I spent more time doing the health stuff. And I really found that I felt better about myself helping these clinicians and administrators help soldiers, sailors, airmen, Marines with their health issues than I did on the operational side. I guess I became more of a general counsel in a non-operational sense. But what I was doing still was contributing a great deal. And I loved what I was doing. I just, I just … I loved it. I cried a lot more. Because there were some issues that were just downright … just … when you are watching people die and you are watching families go through these things, and you're helping. You're trying to help the families out. You can't help but get really emotional. But it was still rewarding to know that at least from a legal perspective you were helping these people or helping this patient or, you know, doing something.

I dealt with so many different issues. I mean. On any given day, I could go from an ethics issue to a consent issue to dealing with a dead body to dealing with an administrative issue to dealing with a hiring/firing issue all within two hours. I mean, it was like … And I'd never seen an environment like a medical center before. You can't even begin to think of the … You put, you get a military medical facility. You get civilians and military personnel; the patients. You get all together. And you've got like the most dense building on an installation with the most amount of

people and probably the most amount of egos, too. Because you are talking about a lot of clinicians that think they are really great. And they probably are. And you get them all in one group together. You've got more work than any amount of lawyers are going to be able to satiate. And the issues are incredible. So I never stopped. I never stopped hopping. But what I loved about it is that I was part of the team. I really got to … I got brought on. I became … I never felt closer to an organization than I did when I was at the medical center and then when I was at the higher levels, you know, that Army level in terms of medicine. I just … I never saw so many hard-working people trying to come up with legal and ethical ways to make sure that people were getting the care they needed. That was a great feeling. I think that that was one that I didn't always get on the line units. I think in the line units, my first assignment in Alaska in a line unit I show up, and the guy said, "Oh, the ambulance chasers are here." That was a turn off. [laughter] It's a turn off when you go to a new … to a line unit and the first thing they say is, "I got to tell you guys a joke. Joe, you are going to love this one. What do you call two lawyers at the bottom of the ocean? Blah,blah, blah." And I'm like oh God, it's a lawyer joke. That's just kind of a turn off, you know what I mean? So, it wasn't that way with the medical folks. They were a little bit better, you know. They may tell a joke about lawyers and then I tell a joke about a cardiologist. And the cardiologist would laugh, because they put their hearts in their job. I don't know. It was … for me, I took a different path, like Robert Frost[17]. I took a different path, but it made all the difference. But it was a different, different path.

So when I tell you all these things, you have this lawyer in the Army who loves health care, who has a mother who is a politician, who ironically, spent a lot of her time as a senator doing health care issues. You know, right now, in our country we have a baby boomer population that is aging. So health care … And in some states, in most states, health care is probably one of the biggest businesses in terms of revenue because the baby boomers are getting older. Long term care, primary care, tertiary care; you name it, it's busy. It's busy also in the military, especially when you are in the middle of two conflicts. That's where I was. And, uhm, so, I think there was, was history in terms of my mother. She was always interested in health care. She always felt that it was important stuff,

[17] Major Topinka refers to the famous American poet, Robert Frost, and his 1916 poem, 'The Road Not Taken', especially the last lines*: Two roads diverged in a wood, and I— / I took the one less traveled by/ And that has made all the difference.*

when she was a senator. But you know, what's the future of our country now? A lot of it's going to be health care, because we have an aging population. So when I tell people that health care, health care law, is a significant issue to be talking about, I truly believe it. I truly believe it is something that is significant in the military. Maybe not so in the immediate future, but I can't help but think that we're going to be again involved in the Middle East because just, everything points to it. You know, it's uhm …

You know, when the president says he's going to send some special forces folks there to do this, and this, and this? Okay. I'm not an expert on Vietnam, but I do recall reading several books during one of my classes, history classes, in undergraduate school. And kind of, after the French departed— who we were financing by the way, then we had special people like Colin Powell show up when he was an advisor. We had advisors. Things always start out with the advisors. And then what happens? It's kind of like, you know, like a snowball. The wetter the snow the more it piles up. And we've seen it historically. It's an ever-increasing thing. Is it beginning again? I don't know. I can't help but … as long as there is ISIL, ISIS[18], or whatever that part of the world is going to be a draw? And frankly with all the migrations, the refugees, or alleged refugees, or whatever they are calling them now, I can't help but think that we are going to wind up doing something. I just don't know.

So, again, health care in the military will become a significant issue. And health care in the military has always been a significant issue. Some of the greatest discoveries and inventions … I have … A former deputy surgeon general, David Rubinstein, was giving a presentation. I worked for him for many years. He made a [comment.] He made a speech one day. He said, "You know, in warfare, bad things happen. It's always stories of bad things, people getting hurt. Things like that. But the greatest thing that ever comes out of warfare is usually advances in health care." And he's absolutely right. Some of the greatest advances have come out of warfare. And they've actually helped people. So, being interested in military health care as a lawyer or otherwise is something that I think probably deserves more attention. And the only place I have really seen it get more attention is at the Army Medical Department

[18] English acronyms for the Islamic State of Iraq and the Levant, AKA Islamic State of Iraq and Syria. Da'esh, more properly.

Museum in Fort Sam Houston Texas][19]. But that's the home of Army medicine. So of course you would think that they would be focused on that. But you know, to the extent that I've been a lawyer I've been so involved in military medicine. It kind of gives me an interesting perspective. I've seen some neat …

McDevitt: Yeah.

Topinka: Things. Neat stuff. I've also seen some stuff that scared the living stuff out of me too.

McDevitt: Mmmhmm.

Topinka: Because I didn't know the answer. I can't tell you how many times I've been asked questions that I literally would walk back to my office and go, "I have no clue how to answer this question. "[laughter] None. And finally, it's funny when you can't answer a question. Then you do the research and you still can't answer the question. At that … And then you realize, "There is no answer: [said in hushed tone]. This is new. [laughter] This is totally new. I can still remember one issue, uhm, it was…. God, I'll never forget this. I believe it was a Coast Guard case. And you're asking how did I get involved in a Coast Guard case? Well, when you are dealing with the medical center that deals with all parts of the military personnel, you are going to get people from the Air Force, the Army, the Navy, the Coast Guard. And so we had a Coastie[20] I believe die during sea. And he was brought to Nome [Alaska] and then he was flown down to Madigan [Medical Center, Washington] for the autopsy. So the DoD [Department of Defense] Medical Examiner did the autopsy and proceeded to do a temporary death certificate in Pierce County, Washington. But then the question [was] the Pierce Country folks wouldn't accept the death certificate, because they didn't think they had the proper jurisdiction because the Coastie was declared dead on the boat by a Navy doctor somewhere in the Pacific. But he was brought to Nome first, before he was flown down to Washington state.

So the question was who has the jurisdiction to do the death certificate. Washington state? Pierce County? Or Nome, Alaska? Well, you know what it's like to get calls from the Coast Guard Judge Advocate General's

[19] This bases houses Brooke Army Medical Center, a major military hospital.
[20] Coast guard.

Office daily, because the family of that Coastie—I call them Coasties, you know. He's not really a sailor, he's a Coast Guardsman. The family of the Coast Guardsman would like the body released so that they could grieve. But they can't release the body until the death certificate is finalized. So nobody had an answer. Who takes priority? Washington State? Or Alaska? Guess what? We ultimately concluded that it was Alaska, because the body, the state where the body arrives first, has jurisdiction. So now we had to deal with the wonderful folks in Alaska to issue the death certificate. Now, you are saying, "Not a big issue. "Actually, it *was*. It was a family that was really, really upset.

McDevitt: Sure.

Topinka: Really upset. And all they wanted to do was grieve the loss of their child, their relative. And I wanted to get this answered as fast as possible. And at the time, I was … There was no precedent that I could find. So I said, "Just let the thing stay in Washington state and be done with this. They are here. Be done with it." The body is here. Everything is here. And what happens, happens. It's just I spent almost a couple of weeks on this issue. And in the process, worried about the family. That was my job. Interesting.

McDevitt: Let's … That's probably why you've gone into health care, because you were worried about the family and--

Topinka: Mmhmm.

McDevitt: That's really… And have you seen that since you got out? What capacity do you deal with the VA now? You are active in Hines [VA]?

Topinka: No. I really haven't been back to Hines since the externship. Now I am technically a VA, in the VA population. But I get most of my medical care through TriCare[21]. And I got to Brook Army Medical Center [TX] because it's nearby me. It is one of the reasons why, you know, you got to understand, when somebody retires, if they don't have a job lined up, it's going to be very hard for them to move because they are moving away from that military community where normally the health care is a lot more available. Because most people don't realize that when you leave

[21] Health care program that provides civilian health benefits to members of the armed forces. TRICARE is managed by the Defense Health Agency under leadership of the Assistant Secretary of Defense (Health Affairs).

that military facility and military community, then you find yourself on the network like everybody else. Now, some people like their networks. A lot of people don't. By and large, people are not particularly happy about how their network always treats them. They have lots of co-pays and when they get specialty care they have to get approval. They have to wait long times. Being on a network is not fun. So when somebody says, like when they said to me, "Joe, why aren't you living in Illinois?" I'd have to be on the network. Well, everybody else is on the network. I don't want to be on the network like everybody else. [laughter] Because not everybody else is happy. You know, not everybody else has the Cadillac plans. And I am not saying that I have a Cadillac plan, but I am telling you that there is a reason why people who are retirees settle near big military installations: because they don't have to use the network. The military facility is part of the network and to the extent that they have the resources, those retirees are treated rather well. Now things may change in the next fifteen years because it is expensive. I predict to you that military medicine is probably going to take some interesting changes in the future. I think you are going to see most non-active duty health care networked. Why? It's cheaper. Except that what the less expensive … with the lesser expenses involved will come lesser service.

McDevitt: Do you think it will just eventually merge into the Affordable Care Act[22] or something like that?

Topinka: I … My sense is that the Affordable Care Act of today will not be the Affordable Care Act of tomorrow. I just don't see it. With the way some of the insurance companies are looking at it now, I just don't see it surviving as it presently stands. I just … It is being supported artificially by the federal government. What happens when the money runs out? Do you think the states are going to be able to handle the subsidies? No. I think it is artificially supported. I think it is a … As I tell my students when I teach the Affordable Care Act: great idea, great goal, noble goal, poorly executed. Not enough debate. Not enough discussion. Rammed through the system. Nobody really knew what they were signing. Nobody knew what they were voting for. People are still finding out when regulations get implemented that this is not what they thought it was going to be because nobody realizes that just because you pass a law [doesn't] mean that it gets implemented. It's got to be implemented by the executive

[22] The Patient Protection and Affordable Care Act, signed into law in 2010 by President Obama, colloquially called 'Obamacare'.

branch through regulations. So a bunch of bureaucrats like me or like I used to be look at the statute and go, "Hmm?" I wonder what Congress was trying to do here. How about if we write this regulation this way, and put it out there in the *Federal Register,* let people comment about it, and then implement it? And see what happens." Because you know, it's not like we are doing the wrong thing. Because the statute really doesn't address it. Have you read the Affordable Care Act? The statute?

McDevitt: I have not.

Topinka: If you want me to email it to you, I'll send to you. And I tell my students, "Read any part of it. Just read it for a couple of pages" And tell me what you just read. Nine times out of ten the students look at me and say they have no clue what I read. My point is that a bunch of bureaucrats are trying to interpret that to write regulations to implement the statute. So we are going to find out for years to come what the statute actually does through the implementation and that's going to be primarily through health and human services implementing the statute. So how the military fits in, right now there's not a lot that really affects the military as long as you get health care you don't have to pay the tax. But how Affordable Care … You might … It could turn in to something more … Tricare could turn into something more like any other network. And so it basically gets contracted out, which in fact Tricare already does. They're like … There was … I think they might go on to two contracts now. When you network through Tricare, you are basically contracting with another entity to get your care. So, you are really contracting with the insurance company to get your care at various places. So if you are not at a military treatment facility, you are contracting out, outsourcing the care. So TriCare is just an instrumentality of outsourcing. So, it's already in that direction anyways, so why not just do the ultimate and basically say, "Hey, if you are not active duty, then you can't go to a military treatment facility." You have to do what everybody else does and you have to pay your co-pays and things like that." Uhm, that will irritate veterans even more than they already are, because veterans, most veterans who pay money for TriCare actually don't pay that much compared to the civilian counterparts.

McDevitt: Sure.

Topinka: But you understand a lot of these guys, maybe even you, your recruiter, when your recruiter … You're a Marine. Do you remember when you enlisted?

McDevitt: I do.

Topinka: Your Marine recruiter probably said, "Think about this, if you stay in for twenty years, you'll get free medical care for the rest of your life." [laughter] And you went, "Ohhhwoo. This could be good." But they were wrong. It's not free medical care. You have to pay something.

McDevitt: Nothing is free.

Topinka: You might get a certain percentage of disability so that you can go to the VA. And that might be free. Or you may have to pay a co-pay depending on how you break it down. But it's not just a simple," You are going to get free care for the rest of your life." It just doesn't work that way. It's different. So it gets very bureaucratic in terms of the military health care. Another issue that a lot of people don't understand in terms of health care. Yet when you think about the expenditure of money that the VA and the DoD are … It's incredible amounts of money that they expend for health care. Incredible amounts. And then people say, "Well, the federal government shouldn't be involved so much in health care." Okay. Tell that to everybody who is sixty-five or older, because you are all in Medicare. If you don't think that is single payer health care, then I don't know what is. So, what's the Affordable Care Act? I think the future–mom always used to say this–Mom would say, "Today, the Affordable Care Act, tomorrow socialized medicine." It's getting … Ultimately, this is not going to work. So what's going to happen? Pretty much what the Clintons proposed in the eighties, a single-payer system. Socialized medicine like every other socialized medicine country. Then, what we will really find out is that it will be like in England, in Canada and Japan. It will be like France. It will always be in the red. If you don't, I don't want to use the word *ration*—but you got to manage it.

McDevitt: So it's risk management.

Topinka: That's right. So, if you are ninety-five years old and your knee is going out, Grandma is not going to get a new knee replacement. Because you're in your forties and you still have another thirty or forty productive years left, and you need a knee replacement. If it's going to be between you and Grandma, you'd win. And then some committee is going to make that decision. Or some group of bureaucrats is going to make that decision and that's when you start talking about powerful committees

making life and death decisions. Is that where we want to go? I don't know if we are going to be able to avoid it, because there are only so much pie to go around. And, uhm, right now the expenditures are high. Which is another reason why I love health care law, because law is ultimately there to protect people's rights.

McDevitt: Yeah. And how do you see a … I asked a little bit before, but how do you see yourself going forward? Do you see yourself as a … Do you want to just educate people? Do you continue being an educator and maybe be a professor at a university? Or do you see yourself wanting to practice and maybe delve into the Affordable Care Act?

Topinka: I see myself being more as an educator. And then if I am going to be able to promote my mother's legacy I am going to need that flexibility that comes with being an educator. And also, the other thing I am realizing is that, uhm, we need … We need people that have experiences to translate the education. I can't tell you how many … You probably know this better than I do … to graduate. There's a lot of PhDs that teach and teach. They spent their whole life in school. And that's great. But there's something missing there. And you know, I wouldn't … A couple of years ago when they came out with the whole concept of taking veterans and encouraging them to be teachers at public schools, I thought that was a great idea. They should have also been doing that at the college level, as well. Because I think military folks, military members come with great experience. They may not come with pure business experience, but they come with experiences of doing things that are extraordinary. Think about the extraordinary things you did when you were on active duty as a Marine. Extraordinary. Things that you probably did, even at boot camp. That you thought to yourself, looking back, "I'd never thought I'd ever do this when I showed up and I was being chewed at by this Gunnys[23]."

McDevitt: Gunnys. Right.

Topinka: Gunnys chewing you out.

McDevitt: Gunnys …

Topinka: You know, you would never had thought you could have done that when you came off that bus and were being chewed at by that Gunny. You did

[23] Gunnery sergeants.

incredible things, incredible things. A lot of people haven't. Take somebody like you, put you into a school room, teach a bunch of young kids, and inspire them. It's amazing what that could do. What that can translate. Take people with experiences that can translate. Because when you've experienced something that is three dimensional, it's always easier to talk about it and describe it. Then, if you just read about it. Because all you are doing is … When you read something and recounted it, all you are doing is re-reading it to people. Pfft. Useless. You've experienced it. It's magical. Absolutely magical. Then, when you can make an impression on a student, I've always called it light bulbing. Because when you see a light bulb, it's like an imaginary light bulb pops up above somebody's head. You don't see the light bulb, but you see their expression. It's like this …

McDevitt: A realization.

Topinka: A realization. It's an epiphany. Epiphany? Yeah, an epiphany. You see the epiphany face. [makes a popping noise] But you got to get into their brains.

McDevitt: Mmhmm.

Topinka: And you can't get into their brains when the students are looking at their email or looking at their smartphone. That happens a lot.

McDevitt: Was your mom good at doing that? Do you think she was good at…

Topinka: Yes! Yes, she was. Because she could relate to people. She, uhm, she really … She could get down at their level, because she was at their level.

McDevitt: Mmm.

Topinka: She really was. She wasn't really rich. Uhm ...

McDevitt: She seems to me to like the … [Based on] the little bit of research I've did, she seems like a Chicagoan. She was a great mix. She was very pragmatic. Her policies that I read, they made sense. She was a pragmatic woman--

Topinka: Mmmhmm.

McDevitt: And she seemed like she was having a good time too, while she was doing it.

Topinka: She cared about people and that was what kept her. That's what drove her. Uhm, she didn't grow up in Chicago. But she always had an affinity to the city. She was born in Chicago. She, like me, always loved Chicago history. She just couldn't get enough of it. She loved going to neighborhoods. Czech … We used to these Chicago Council on Foreign Relations tours of neighborhoods. Or we do a Chicago Architectural Society tours. We just … the neighborhoods. She used to tell me as a kid, "Why do we have to travel to Europe? Instead of going to the Ukraine, why don't we just go on the southwest side or something like that and go to a Ukrainian restaurant and see some churches." There are some great, beautiful churches in the city. I remember that. Or "Why do we have to go to Mexico?" There are some neighborhoods on the near west side or south side. Just go there. I've had some of the best cooking and … You know, You want Mexican cooking. Let's go to Little Village. You don't have to travel too far. You know. It's … So Mom was always about the neighborhoods. And, uhm, but mom didn't like a lot of the … Mom used to call the politics in the state "a blood sport." She used to say regularly, "It's a blood sport." And she was right. It is unfortunate that it has to be, because it … Your ability to attack your opponent personally and then win. Or your ability to out-spend your opponent and win. Or your ability to have more commercials in the Chicagoland area where more people live than your opponent that comes from southern Illinois and is not known in the Chicagoland area, and you win. Doesn't make a better state function, like Illinois. It actually adds dysfunctionality.

For Mom, it was just not only the neighborhoods in Chicago, but she was comfortable In Moline[24]. She was comfortable in Carmi, or Car-my. She was comfortable in Cairo [Illinois, pron. Kay-Ro]. She loved Springfield. She loved Peoria. She thought it was great when she could visit Champaign. See her son and Champaign-Urbana. She thought it was nice when she could come up to Dekalb and visit her son. She loved the state fair in Decoin. She loved the state fair in Springfield. She adored … She had this dream of making The Mounds in Cahokia a place for people to come from all over the country. Because it is a UN [United Nations Heritage] site. Most people don't realize that we have a UN site in the state of Illinois: The Cahokia Mounds. The seat of civilization north of

[24] The following places are all small town in Illinois.

Mexico City, *Pre-Columbian*. And most people just drive past these mounds and think they are [an] old garbage dump. Mom thought they were the greatest thing in the world. Mom thought the Shawnee National Park was something to talk about all around the planet. And Mom thought that the fact that we had this house that the President [Lincoln] lived in in Galena that we should be broadcasting that to the world. And I'm just giving a few examples of places … Like the white squirrels in Olney[25]. Most people don't even know about the white squirrels in Olney. We should talk about them! The Mormon heritage in … uhm, Kaskaskia. Not Kaskaskia, in … uhm, God, I'm forgetting the town. They have great salsa there, by the way. They also have some great wineries. Mom was comfortable anywhere in the state. And what was great was she knew every part of the state. She was comfortable with any county. She visited every county. She had been to every county. For her, Illinois was … was the best place to live in the world. And when she died and I said, "I just want there to be another Golden Age. Let's come together." I literally said at the memorial ... I don't remember much about what I said, because it was kind of a blur. You don't … It's hard to do a memorial after you watch your mother die in front of you in a horrible way and you basically say, "Mom believed in compromise and that's ultimately what's going to get Illinois back into a Golden Age." I said it – Golden Age. I'll say it again and again. We can't even get the Bronze, Brian. We're not even at Bronze. We may not even at Tin. Businesses are leaving this state. My mother worked her but off to get this state into Triple A rating for bond purposes. We're at junk bond standards now. All that work, all those years of work as state treasurer, gone. [pause] You know, I guess the question is … What was the question again?

McDevitt: The question was: How did she … How was she able to relate to people? And how did she kind of pass that on to you?

Topinka: I think she related to everybody because she had an open mind. She passed that on to me. And I've tried to relate to everybody. I try to relate to everybody when I was in the military. You have to. Everybody is in a green uniform. There's no black, white, Hispanic, Asian. You are just sergeant or private or general. And you get respect. You get the respect of your rank, but you also get the respect of your conduct. If you are … If you don't have integrity, trust me, you may be a general, but nobody is going to respect you. And they are going to be … They are going to thank

[25] Popular albino squirrels native to the area.

the bloody stars when you are reassigned. And I have lots of bosses like that, "Thank God, he's gone!" Just outlast the man. Mom taught me to be accepting. But Mom also taught me to be appreciative of the things that you have. And build on it. Make it better. Always make it better. Always make things better. Always improve. You never stop improving, kind of like setting up your defensive perimeter. That was one of the biggest things I learned when I was a cadet. Especially, I love defense. Defense was always great. You know why? Because you didn't move; you just stayed in one place. That was your defense. And literally when you have time, make the best of use of it. Make the best defensive perimeter that you possibly can. And always improve it when you have the time. She was always a firm believer; always improve when you have the time. Always improve. Always improve. I don't know where the improvement is now. I don't know where it is. And there is not much I can do about it except talk about her story.

McDevitt: Mmmhmm.

Topinka: Maybe it will inspire somebody.

McDevitt: And how do you try to pass it on to your daughter?

Topinka: Ah.

McDevitt: Do you have similar more traditions? Do you go to different neighborhoods around?

Topinka: Yeah … And we do. We … Mom believed in culture. Mom used to take me to the Aire Crown Theatre. Or take me to the Chicago Symphony Orchestra. Or take me to any number of theatres in the Chicagoland area as a kid, seeing productions. She always thought that the performing arts were critical and that you should appreciate that. Especially when a big-name person was in town. Like for example, uhm, I remember as a kid being … seeing *The King and I* with Yul Brenner[26].

McDevitt: Woah!

[26] Hit musical by Rogers & Hammerstein, also a hit film in 1956. Probably Mr. Brynner's most iconic performance, as King Mingjut of Siam. Major Topinka goes on to praise Brynner and also describe the actor's battle with cancer.

Topinka: And I saw it. I saw it twice. I saw him pre-cancer and after he had cancer. I got to tell you, his dancing changed. You could tell he was … The second time I saw him at the Aire Crown Theater, he died about a year or two later. Uhm, but the first time I saw him. Oh, my God, that man! It was like watching him in the movie. That man was spinning and dancing. "Shall we dance, ta da?!" [hums] It just… It was amazing. I'll remember this until I die. He got [clapping] several standing ovations. So he danced a couple more times. I mean everybody, even my mother, are saying, "How the heck can this man do this at this age?" The guy … The first performance was like rock solid. I mean, the king … I can't remember if this was in the late seventies or early eighties. But the man was incredible. It was an incredible performance. I will always remember that. I'll always remember seeing Richard Burton do *Camelot*[27]. I'll always remember Shirley Jones playing in *Sound of Music.* Or Tony Randall as *The Music Man.* Mom thought it was important for me to see these things. I think it is important for my kid to see those things as well. Uhm, mom always believed in heritage. It didn't work well with the divorce, but my kid will learn about her Czech heritage. She will get to know her family in the Czech Republic. Uhm, she will know about Illinois. We may not be living in Illinois all the time. But she can identify the Cook County flag from the Illinois flag. She can tell you where the capitol of Illinois is. She can tell you who's Daddy's favorite baseball team, and hockey team.

McDevitt: Who's that?

Topinka: Blackhawks and White Sox.

McDevitt: Good to know.

Topinka: And on occasion, I'm a Cubs fan.

McDevitt: They were pretty good this past year.

Topinka: Annnn …. Be prepared to be disappointed.

McDevitt: They're been better.

Topinka: You're a proverbial *let's see what happens next year* kind of thing.

[27] *Camelot* and the titles that follow were all hit musicals, followed by the iconic actors attached to them.

McDevitt: I'm an Indians fan. I have to be.

Topinka: Okay.

McDevitt: I have to be.

Topinka: So you know … While I am doing the best job I can, Mom wasn't supposed to die at age seventy. She wasn't supposed to die after she lost the election. And, uhm, it's nothing … I got to tell you how awful it is to have to go through that and then watch these politicians bickering over who is going to replace her. And then replace her with somebody that I didn't even know. By the way, somebody that I didn't suggest, by the way. While it's on the record, I didn't suggest the person. I don't know this person. I met her once.

McDevitt: And …

Topinka: She's a friend of Governor Rauner's[28]. And Mom didn't really know Governor Rauner very much. So I mean, they were kind to each other. They just didn't know each other.

McDevitt: Uhm. What … You keep [saying] you want to promote your mother's legacy. To you, what's the most important thing that you want to get out there?

Topinka: Good government, ethics, and civility. Good government, ethics, and civility. Mom believed that government, good government was about running things well. Yeah, there's politics involved. But should it [be]? To the extent that it is. Pfft. People say that's just the way things happen in Illinois. Okay, fine. That's the way The *Titanic* crashes into an iceberg. Does it make it right? No. The next time steer around the iceberg. Just because it's the way it, is doesn't mean it has to continue. A lot of people will say, "You are being an idealist." Okay, fine. Wait until the state implodes. Then make a decision. I'd recommend that you make a better decision beforehand. But that's not my call. Kind of like the captain of The *Titantic.* Let's go full speed ahead and see what happens. Okay. Fine. Just letting you know. There's probably an iceberg in front of you. You are probably heading toward it. Uhm, Civility. Can't people be nicer to each other? The last election my mother's opponent went after her personally

[28] Bruce Rauner. Republican Governor of Illinois, 2015-2019, and chairman of the private equity fund GTCR.

and it went through her to me. Never attack family members of politicians. They are off limits. She knew better than that. She had a father that taught her better. She's a lawyer too, by the way. Uhm. Good government, civility, and ethics. Hey, a conflict of interest is a conflict of interest. So you don't take bribes. Instead you take gifts.

Mom used to get gifts from her staff at Christmas. I said, "Mom, don't take gifts from them." "It's okay. What am I going to do, say no?" "Yeah. I did." I did it on active duty [for] twenty years. My subordinates would give me a gift and I'd say, "No". I'd take a Christmas card, maybe. Anything more than that I wouldn't take it. Even now, students say, "Can I give you something?" "No, I don't want it." I had a student the other day give me a diet … a bottle of Diet Coke. I said, "I'll take it, I need a Diet Coke. But nothing more than that, a bottle of Diet Coke. I'll take the Diet Coke." It's like an apple. You know how you give an apple to a teacher? Diminutions. Not a big issue. It's when they start giving them or giving you gold plated or a solid gold apple that I would draw the line. [laughter] And bribes. You understand that I grew up in the 'seventies. We had two horrible baseball teams, a horrible basketball team, a horrible hockey team, and a horrible football team. So what did we watch? Politics. I grew up with …

McDevitt: And there was plenty of it.

Topinka: I grew up with the Graylord, Operation Graylord Investigation[29]. Remember those?

McDevitt: Nnnnn …

Topinka: You probably don't know what I am talking about…

McDevitt: No. I don't…

Topinka: You weren't born.

McDevitt: Yup.

Topinka: This was when the aldermen in Chicago were basically in sting operations with FBI undercover agents taking bribes. It was videotaped.

[29] Mid-1980s criminal corruption scandal; its title refers to judge's wigs.

McDevitt: Woah.

Topinka: So you know what we watched? We watched indictments. Aldermen of Chicago … Chicago aldermen getting indictments.

McDevitt: The Chicago 8[30] when was that? Do you remember?

Topinka: Oh, God …. I remember that.

McDevitt: I think that was a little bit before.

Topinka: Yeah, it is.

McDevitt: But your mom may have reported on it.

Topinka: Yeah, she knew …

Topinka: But I remember the aldermen. I remember indictments. Left and right., indictment here, indictment there. Indictment … Heck, we might be going through some more indictments in the coming future. Who knows? But I grew up with that. And it was all because of a conflict of interest. You don't take bribes. You don't take bribes. I can tell you something: Mom didn't take bribes. Because if she did, I would have inherited a lot more money and I might be buying a Caribbean island right now. She didn't.

McDevitt: You said something very interesting on the questionnaire we had earlier about integrity and never allowing someone to be able to question your integrity.

Topinka: Mmmhmm. That was in my article.

McDevitt: Yes.

[30] More commonly the Chicago 7, a famous trial. Refers to charges leveled by the federal government for conspiracy to riot, among other things, during the 1968 Democratic Convention. All convictions were subsequently overturned. The defendants were Abbie Hoffman, Jerry Rubin, David Dellinger, Tom Hayden, Rennie Davis, John Froines, and Lee Weiner; Bobby Seale was the eighth, dropped as having had his trial served during the proceedings.

Topinka: If you lose your integrity, you can't get it back. You can't get it back. People always [won't] trust you. It's like cheating on your spouse. Once you cheat on your spouse, your spouse will never see you in the same way.

Topinka: They might hang around a little longer. Or they may hang around for the rest of your life, but they are never really going to treat you the same. They just aren't. Once you blow it, it's gone. And … and because people are people, they can't trust your integrity … So, I make it really painfully obvious to people. I don't want a gift. I do not accept gifts. I admit I made a presentation the other day and they gave me a bag of chocolates. I had an hour ride to do. I'll take the chocolates, because I need to stay awake. Thanks. I took the chocolates, a little bag of chocolates. I took it, I admit it. But I just don't take gifts. To this day, I will not take a gift, because when does a gift become a bribe? When does a bribe stay a gift? You don't take gifts. And you avoid conflicts of interests. When I went to Madigan Army Medical Center, I had to fill out a disclosure form. I realized I had stocks in Pfizer[31] and stuff. I got rid of them. Why? Because, lo and behold, Pfizer pharmaceutical reps [are] running around the hospital! I got to stay out of this stuff. You've got to be squeaky clean at everything you do. I'm not going to be perfect. I can't. Nobody is perfect. I'll make a mistake. And Mom made some mistakes. We all make mistakes. Some of her mistakes weren't really mistakes, like she really got attacked for this hotel deal in Springfield.

McDevitt: I remember reading some of that …

Topinka: And …

McDevitt: That was a Sweeney … or whatever.

Topinka: And I remember Jim Ryan[32] went after her. Jim Ryan was always considered a friend of my mother's and I actually interned for Jim Ryan as a law clerk many years ago. And, uhm, my mother said "But it's a dog. You know, if I don't sell it now, sell it now. And be done. And move on." And people were going, "You're just giving money to [indecipherable]. No. We got to get rid of it. It's a white elephant. It's a dog. Get rid of the dog now and at least make some money on it. Otherwise, we are just

[31] A major pharmaceutical company.
[32] Two-term Illinois Attorney General [R].

going to lose more money on it. And [that] reminds me of an issue I had on active duty. We… I was a labor attorney and I inherited this case. I fired this guy wrongly. And the merit system protection board said, "You fired him wrongly. Hire him. Bring him back." Nobody brought him back. So every year that we'd left him was another additional back pay that we had to add to it. So when I got there, we were [at] about $400,000.

McDevitt: Wow.

Topinka: I said, "You know, it's going to be $500,000 next year. Why don't we just bring him back now?" Somebody just make the frigging decision. We've already been told to bring him back. So, just bring him back." "Oh, no, no. It's going to be expensive." Next year it's going to be $500,000. The following year it's going to be $600,000. Do you want to wait until he dies? Because I betcha if he dies, his family is going to probably come after us for that back pay. So now or never. Let's do it. We did it. At a certain point, you've got to …

McDevitt: Cut your losses.

Topinka: Cut your losses. Swim or cut bait, as the expression says. Mom, basically with the hotel said, "Swim or cut bait. Time to move on." She couldn't do it. She was enjoined from doing that. And, uhm, I really… You know, the governor's election? All I could remember was that I was literally talking to her twice a day, sometimes three times a day; at various times, because I had the time zone in my favor on the West Coast. And, uhm, she a … uhm,… To this day, I'll never forget … never forgive the *Sun Times* for endorsing the Inmate[33]. I call him the 'Inmate'—he is an inmate. Uhm, it was a … one of those deals. Like again … Really? Or when the Illinois Police Association, I think it was the Illinois Police Association, endorsed the Inmate, as well. Another deal. And yet there were a lot of people going around going, "Judy, it wasn't us," "It wasn't me." You know, you see this stuff going on and you think to yourself, "When does it end?" People have been doing this for years. They were doing it in the Roman days. People are going to be making deals and there's going to be corruption. That's life. But, you know, in the process … She had a certain degree of nobility that I think is worthy to teach young kids. There's a

[33] Major Topinka refers to former Governor Rod Blagojevich, who was sentenced to fourteen years in prison for fraud. He was pardoned by President Trump in 2020. He served two terms and was the first Democratic Illinois governor since 1973.

certain degree of … She certainly wasn't wealthy, but she … I always tell people that she was a patrician at heart, but that she didn't have the money to pay for it. So she went to estate sales. And, uh, she bought beautiful stuff and I have to sell most of it now. I've already sold a good portion of it, because I have to raise money to pay for certain things that keep the house going, and nice, and all that. It's my home. But you know, she appreciated nice things. And she appreciated culture. And she loved her heritage. And she never understood why so many in the Czech community were so fragmented. The Czech community is … There are so many different Czech organizations in the Chicagoland area, and they don't do a good job of talking to each other. And that's another one of my goals in life as part of her legacy, is to try to bring people together. Because one thing I know… what's your background? Irish?

McDevitt: Yeah.

Topinka: You know, there's a lot of strong connections still to the Old Country. A lot of Irish Americans still have a lot of…

McDevitt: Yeah.

Topinka: Connections to Ireland. The Czech community has lost a lot of those connections. And that Czech community has just spread out more and has been diffused. So fourth and fifth generation, like my daughter may not have that same sense. And it's a shame to lose that. It's a shame to lose that. I somehow have to find a way to kind of do whatever I can to bring that spirit or ethos or sense or whatever. If I had a million dollars, it would be relatively easy. I don't. So I have to figure out … I've got to use my twenty years of experience of begging in the military [laughter] to figure out how to …

McDevitt: To tactically acquire …

Topinka: Yeah. To tactically acquire. When I was a quartermaster officer, a lot of my NCOs used to use the word, 'liberate'. [laughter] "Sir, what do we need?" "We need a light bulb." Usually it was for deuces and a halfs. Or for the five tons. Lights would go out in the front and we need light bulbs. "Sir, we don't have any." "We need to replace these light bulbs. They're burned out." "Sir, I will go to another unit and liberate some." And I'd be like, "No, you are not liberating from another unit." I hated that. "We'll liberate it, Sir." [laughter] I can … I can still remember, "Sir, I'll take care

of the unused brass." "What are you going to do with it?" "Well, we'll dispose of it properly." [laughter] "How is properly?" "Well, there's this pit of sand over there." "No. No. We're turning it in." "Sir, do you really want to be counting every single round for the next couple of hours?" Oh, my God. "Sir, just look that way." "No. I don't want to look that way." [laughter] "Let's just go back and…" You know what I am talking about?

McDevittL Yeah.

Topinka: That's one reason why you go to some of these installations when you have the … the … what do they call…base realignments, and there have been years before turning them over to the local community. They spend years and millions of dollars cleaning up these installations because there is so much unexploded ordnance and stuff like that. When I was at Fort Knox, there was a training area that had to be closed. I remember this because – I wasn't there— it wasn't fair but -- a trainee comes up to the NCO and says "Hey, what is this?" It was a grenade. And I was like, Agh! So, you know, it's like [laughter] *everybody* just kind of like ran away. Because a lot of these installations have been reused and reused and reused. And then they change the ranges. People forget what the range … Because they've misplaced the old map. So they don't know where this explosive ordnance range was. They build this and they hope to God that they didn't do that, right. And *voila* some private is digging defensive perimeter and says, "Hey sergeant what's that?" "Oh my God, that's a grenade! Run!" So the funny thing about these base realignment enclosure committee efforts is sometimes they don't save money. Because the amount of money that is used to clean up these places is in the … I don't want to say millions, but maybe even *billions*.

McDevitt: Probably.

Topinka: So what you've done by shutting it down is you've actually spent more money. Because by shutting it down you have to clean it. Uhm, it's kind of like knocking down an old building. You don't want to knock down an old building. Because you don't know what's in it. The next thing you know is all this friable asbestos is coming out. And now you've got all of these regulations that you have to account for and you've got to close it off. And so taking this building down because you thought it was going to be cheaper to rebuild the building. it actually would be cheaper just to keep the building in place and …

McDevitt: And manipulate it, somehow.

Topinka: And manipulate it. So you make it better on the inside, but you don't tear it down. And I've seen that a lot on military installations where a lot of them are historical. So you see the building standing, but it's totally gutted on the inside. And when you walk in, "It's like, "Oh my God, it's a brand-new building!" On the inside it is. [laughter] On the outside, it's the old thing. And you see this happening all the time on these military installations. It's fascinating.

McDevitt: And you yourself, you were a pretty highly decorated?

Topinka: I wouldn't say that. I got a lot of meritorious service medals because I worked my butt off. There was only [one] assignment that I didn't get a … an MSM [Meritorious Service Medal], and that was my first assignment, because the brigade commander downgraded it because he didn't think captains deserved MSMs.

McDevitt: Mmmhmm.

Topinka: I almost didn't get a Legion of Merit because I was a Major. But everybody… Apparently everybody on the award committee said, "Yeah, but he's been doing a colonel's work for the last I don't know how many years." So, they basically gave me a Legion of Merit when most majors would never get a Legion of Merit. But I … I've been with the former Judge Advocate General when I got passed over the first time … The former Judge Advocate General came up to me and said—General Black—he came here to Loyola, I had him come to Loyola to visit us. He was invited by my professor. And he looked at me and said, "Joe, I've got great faith in you, Joe." And I said, "Well, you are going to get a colonel at major's pay for the next several years." And I was right. He did. He got more than a lieutenant colonel out of me. He got a colonel out of me. And again so much of what you do in the military is about where you do it, and what you are doing. Being stuck in an office building in San Antonio is not the same as being stuck in an office somewhere in Afghanistan or Iraq dealing with issues that really don't deal with medical care. Uhm, it's … Many years ago somebody said if you go into health care law you'll never get promoted. I thought I could do something different. I thought I could rise above the parochialism. The military, like any corporate environment, is about punching your ticket. You as a

historian will have to punch your ticket in order to get your PhD. You'll have to punch tickets. That's the way it is. It's orthodoxy. It's parochialism. Unfortunately, it's just kind of the way things are. I had a friend of mine who said, "My God, you've written articles that nobody would want to touch." And I said, "Yeah, I did." Because they needed to be touched. I am working on an article right now for military medicine on breast feeding. Nobody wants to touch it. No pun intended. [laughs] Nobody wants to touch the issue. I think it's a fascinating issue. Students, when I was teaching at the Army Medical Department Center and School, would come into my office one day and say "I need to express myself." I said, "Okay. Go ahead. I don't know who you are but tell me what you want to tell me." "No, you don't understand. I've got to pump my breasts." I didn't know what expression meant. Most commanders, line commanders, aren't going to know about it. "Hey, what do you think is going to happen in these combat units now that women are allowed? What do you think is going to happen when some of these women are pregnant, give birth, and then have to pump during the day?" They are in an infantry unit, and they gotta to pump. So you are going to have to have some pumping rooms, some breastfeeding rooms. Now a lot of people don't want to hear this, but you know what? Somebody has got to talk about it. Because this is a fact, this is a fact. We are going … What are you going to do about the bathrooms for transgender?

McDevitt: Yeah, I mean there is a lot of serious issues coming …

Topinka: Yes.

McDevitt: Coming up in the near future.

Topinka: So, so and the other article I am working on is about therapy animals. Go into a military medical facility today and look at the animals.

McDevitt: Yeah.

Topinka: Look at the animals. I've seen miniature ponies; I've seen the little piggies, those little pot belly pigs.

McDevitt: Pot belly.

Topinka: I've seen veterans at VA facilities with animals. What are they? How are they classified? What are the rules? What are the policies? Nobody wants to touch it. Nobody really wants to touch it.

McDevitt: That's interesting.

Topinka: Well, but see I am … Brian, I am not the normal veteran. I didn't deal with the normal issues that a mainstream JAG dealt with, but I knew that. And, but I knew like the Robert Frost's poem that it was a different path. I mean, *a different path made all the difference*. It is a different path, but it is an incredibly vibrant path in terms of the legal issues. And these are the issues that really impact a lot of families, a lot of veterans, a lot of service members. Because I am telling you, everybody comes to a hospital. Everybody needs health care at a certain point in their life. Health care is about mitigating the ultimate thing. Death, okay?

McDevitt: Death.

Topinka: We're all going to need health care one way or another, sometime or another. And the issues that come out of it are extraordinary. It's just that a lot of times people don't want to talk about them because they are not always pleasant. You know, I still have people tell me, "Why did you write those articles about wills and power of attorneys during the holidays?" It's a good time to talk about these things, during the holidays. Why? People usually see each other during the holidays. And most of the time they are just texting each other. Today, I don't know if they even see each other at the holidays because they are sitting there texting at the … Why do people go to a dinner? Why do people go to a restaurant to have a family dinner anymore, if they are just texting each other? Why don't they just stay … Why don't they just go to a drive-through and eat alone and then text each other? What ever happened to those days when people actually talked with each other? I'm sorry. I am going back to my lecture here.

McDevitt: Well.

Topinka: Are we still doing time-wise good?

McDevitt: We are. You know, I was going

Topinka: Am I okay? I've lost track of time.

McDevitt: We're coming close …

Topinka: Has this been meaningful? I don't know.

McDevitt: Yeah. Yeah.

Topinka: You saw the article that was written by the American Hospital Lawyers Association. The guy interviewed me, but I helped him a lot in terms of the responses, because he didn't know the right questions to ask. So …

McDevitt: That's one thing I was going to ask, because we are kind of going on almost three and a half hours.

Topinka: Are you serious?

McDevitt: Yes. I just wanted to know -- Are there any questions that you feel like I didn't cover but you would have liked to have asked? Or is there anything else that you want to express, like maybe something from your service or your mother's service that you want the next generation to pick up on?

Topinka: It's funny. I, uhm, many years ago … Some speakers make an impact on you and some don't. Mom always seemed to make a good impact on me, as a speaker. She always taught from the heart, which I appreciated. The ironic thing is that I had the Judge Advocate General of the Air Force speak to us at the JAG school many years ago. And my common question to all these speakers was what books would you recommend I read? The ironic thing was this Judge Advocate General spoke about integrity and all that, and then he was relieved a couple of weeks later because he had an adulterous affair. Isn't that funny? I can't tell you how many times adulterous affairs have ended people's careers that I've seen in the military. In the civilian world, yeah, it's just life. So he's cheating on his wife. So what? In the military, death. Uhm.. Not *death* death. Death of career.

McDevitt: Death of career …

Topinka: So this one Judge Advocate General in the Air Force, I say, "What books would you recommend?" And the ironic thing is that he talked about this book that I didn't think had anything to do with leadership. It was

Starship Troopers[34]. He said I think you should read *Starship Troopers*. And I said, "Why?" Because I ultimately read it. I saw the movie and didn't get the leadership flavor off the movie. I just saw lots of heads being decapitated by bugs. So I read the book. And I got it. I got what he meant. It's about *service*. Citizenship comes through service. And I have to tell you I think that is probably the biggest thing that I have to tell you about for anybody listening or reading this: If you don't contribute to your country or contribute service, then what's the value of your citizenship? And Mom contributed a lot. I wish, I wish, for the record, I did not want her to run for [State] Comptroller. I wanted her to actually write a book. And do what I am trying to do right now which is tell the story. It's harder for me to tell the story than it would be for her. She would have done a better job. I am going to be the proverbial, 'I caught this fish and it's this size.' So it's always different when you tell the story about what happened to somebody else.

McDevitt: We are talking about the shadows.

Topinka: The shadows. Uhm. But Mom also ran for governor. I didn't want her to run for governor. I told her I thought the Republican Party was sacrificing her. It did. It really did. Because a lot of Republicans didn't vote for her because she was a woman. They didn't like her liberal views. Actually, I think my mother was more of a Democrat in some ways and more of a Republican in other ways. She really didn't belong in any one party.

McDevitt: I agree.

Topinka: And that is one reason I am kind of more of an Independent now. I tell people that I am in the party of Judy, because both parties have great faults that make them unwinnable or in my book. So citizenship is critical. I got to share a story with you. A couple of years ago Mom calls me up and—or I called her up—I said, "Congratulations, Mom.! I just wanted to let you know …" It was Mitt Romney versus Barrack Obama[35]. And I really don't think the current president has the sense of the people. He's kind of what I'd call a Hyde Park South Sider. You know, one of those academic types, not really ... Heck He can't even tell me the line-up on the White Sox[36] and he says he's a White Sox fan. Okay, fine. God bless

[34] 1959 Pulp sci-fi novel by Robert A Heinlein; later turned into a tongue-in-cheek film in 1997.
[35] 2012 Presidential election.
[36] Chicago baseball team usually identified with the South Side of the city.

him. Mitt Romney apparently promised my mother significant amounts of funding for her governor's race and didn't come through. So Mitt Romney was not to be trusted; another rich guy who can't be trusted. So neither candidate was worthy in my book for running for President. Or being President. So, I called my mom up and I said, "Mom, I got good news for you. You got my vote today." So, Mom said, I am not running for office. I said, "No, I wrote you in for President." And she said, "You know what, you're a good son. You really are." And I said, "No. I think you are the better candidate. I think you would do actually pretty good." [laughter] And that's kind of like my last story. I had … She was kind of my best friend. And she was a great mother, not a perfect mother, but she was somebody that was a mentoring type. It's not often that you get a parent that, who's kind of a mentor. And she used to say that, "You've got a lot of my bad habits." Yeah, I probably do. But some of her bad habits were her best habits, too. And, uhm, the last… when she ran for Goverovernor, the Inmate[37] made the great fun of that. He who laughs last truly laughs the best. She had the last laugh. But apparently he's teaching leadership classes now in federal prison. Apparently he knows something about leadership that I don't [laughter] And maybe this is his catharsis process that he is going through in order to become a better leader.

McDevitt: Well, you never know with that guy. You never know. But, Joe, if I may, on behalf of myself and the Pritzker Military Museum [& Library} thank you very much for your service and spending this time with us here today.

Topinka: My pleasure, Brian.

McDevitt: I appreciate it.

END OF INTERVIEW

[37] Major Topinka is again referring to then-incarcerated former Governor Rod Blagojevich