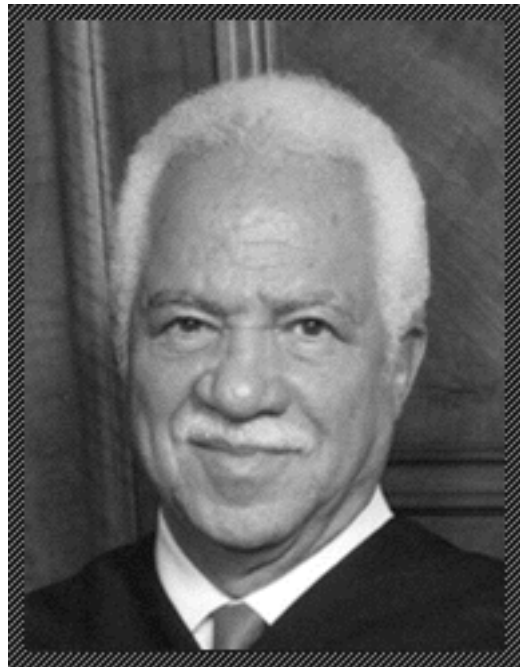


## Charles E. Freeman 1990 – 2018

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The first African-American elected to the Illinois Supreme Court, Charles E. Freeman descended from slaves freed by Quakers before the American Civil War. Born in Richmond, Virginia on December 12, 1933, Freeman attended high school and college with Douglas Wilder, who in 1989 in Virginia became the nation's first elected Black governor.<sup>1</sup> Freeman completed undergraduate work at Virginia Union University in 1954 and in 1962 earned his J.D. degree from The John Marshall Law School in Chicago. He married Marylee Volker in 1960, and they became the parents of one son.



In private practice from 1962 to 1976, Freeman also served as an Illinois assistant attorney general, Cook County assistant state's attorney, and assistant attorney for the County Board of Election Commissioners. In 1965 Democratic Illinois Governor Otto Kerner appointed Freeman as an arbitrator with the Illinois Industrial Commission, where for nine years he heard thousands of work-related injury cases. Then, from 1973 to 1976, under Governor Dan Walker, Freeman served on the Illinois Commerce Commission, a regulatory agency for telephone, electric, and gas companies.

In 1976, Freeman won election to the Cook County Circuit Court and served for ten years. During that tenure he was the first African-American to swear in a Chicago Mayor, when

he administered the oath of office in 1983 to his longtime friend Harold Washington. For several years the two attorneys had shared an office in Chicago. “Harold was the hardest-working guy I’ve ever seen,” Freeman recalled.<sup>2</sup>

Elected to the First District Appellate Court in 1986, Freeman served that same year as Presiding Judge of the Third Division and member of the First District Executive Committee. In 1990, in a First Judicial District election to fill the Illinois Supreme Court vacancy of Seymour Simon, Democrat Freeman defeated Republican Robert Chapman Buckley 62 percent to 38 percent.

One of Freeman’s most publicized cases was the 1994 decision involving DuPage County defendant Rolando Cruz, convicted of kidnapping, raping, and murdering ten-year-old Jeanine Nicarico, despite no physical evidence linking him to the crime. The Illinois Supreme Court in 1990 and 1992 upheld Cruz’s conviction and death sentence, but heard the case again in 1994, after a sheriff’s lieutenant admitted he had lied under oath about Cruz’s statements regarding the murder. In delivering the *People v. Cruz* opinion reversing his conviction, Justice Freeman considered the “impact our decision will have upon Jeanine Nicarico’s surviving family and friends.” Yet, he reasoned, “we are duty bound to play a larger role in preserving that very basic guarantee of our democratic society, that every person, however culpable, is entitled to a fair and impartial trial. We cannot deviate from the obligation of that role.”<sup>3</sup> Another man eventually admitted to the murder, and in 2002 Cruz received a pardon from Governor George Ryan.

In 1997, the Supreme Court justices chose sixty-four-year-old Freeman to serve as Chief Justice, succeeding Justice James Heiple to become the first African American to lead a branch of Illinois government. Asked about the significance of being the first Black chief justice,

Freeman responded, “I’m an African American who now has become chief judge; I’m not an African-American chief justice. I have no different perception on what course I would take because of my heritage.”<sup>4</sup> Freeman noted that “we’re about to go into another century and I think the Court should start doing some things administratively that reflect the times.”<sup>5</sup> Freeman won retention to the Court in 2000 and 2010, both with nearly 80 percent of the vote.

Freeman has been praised for upholding defendants’ rights and advocating prosecutorial reforms. R. Eugene Pincham, who served with Freeman on the Appellate Court, described him as tilting “slightly to the liberal side of the court” and that “probably more often than any justice dissents in criminal cases on the side of protecting” the rights of the accused.<sup>6</sup> In *People v. McCauley*, the police refused an attorney’s request to see his client when being interrogated. Freeman wrote in his majority opinion that the “day is long past in Illinois, however, where attorneys must shout legal advice to their clients, held in custody, through the jailhouse door. In this case, we determine that our State constitutional guarantees afforded defendant a greater degree of protection.”<sup>7</sup>

In the 2011 case *In re Jonathan C.B.*, Justice Freeman dissented in a case that juveniles charged with sex offenses were not entitled to a jury trial. Freeman’s dissent focused on the shackling of juveniles, which not only creates prejudice against the accused, but is an affront against the judicial process. He concluded that “a juvenile respondent has the right to appear in a courtroom free of unnecessary physical restraints unless justification is established.”<sup>8</sup> In 2016, the Supreme Court added Rule 943, which forbids the use of restraints on a minor during court proceedings except for specific reasons.

He also wrote the majority opinion in an adoptive parentage case that the equitable adoption doctrine does not apply to child custody proceedings. Maria and Jim engaged to be married. Maria was Slovakian and adopted Scarlett, also from Slovakia. Jim was not able to adopt Scarlett because he was non-Slovakian. Jim acted as a father and provided necessary support. Jim and Maria never married and broke up ten years later, and Jim asserted his parental rights, custody, and visitation. When the case reached the Supreme Court, Freeman noted that Jim lacked statutory standing to bring a custody petition because Illinois does not recognize functional parents. Only the adoptive mother has statutory parent-child relationship with child.<sup>9</sup>

Freeman responded to a complaint that he appointed a friend to the bench, “I have done nothing different than any other judge who sits with me or any other judge before in the history of the Supreme Court,” he told the *Chicago Sun-Times*. “We all receive calls. We all receive visits from politicians, from friends who made recommendations for appointments to the bench. We act on them sometimes. Sometimes we do not.”<sup>10</sup> He also expressed pride in having increased the number of African-Americans and Jews on the bench, appointing eleven African-Americans and nine Jews.<sup>11</sup>

A resident of Hyde Park, Freeman enjoys boating, photography, and collecting cameo glass and soapstone. He is a member of many bar associations and has received numerous honors, including the Freedom Award from John Marshall Law School, Seymour Simon Justice Award from the Jewish Judges Association, the Earl Burrus Dickerson Award from the Chicago Bar Association, and the Ida Platt Award and the Presidential Award from the Cook County Bar Association. Freeman retired from the Supreme Court on June 14, 2018 after a long and distinguished career and the fifth-longest tenure on the Court. DePaul University law professor

Jeffrey Shaman complimented Freeman on “his reputation of being a solid judge, a very competent judge” and that his “opinions are well crafted.” Prominent attorney James D. Montgomery also noted that Freeman’s work on the Court leaves “a legacy that will endure for years to come.”<sup>12</sup>

<sup>1</sup> *N'Digo*, 10-16 July 1997, p. 6.

<sup>2</sup> *Ibid.*

<sup>3</sup> *People v. Cruz*, 162 Ill. 2d. 314 (1994).

<sup>4</sup> *Chicago Sun-Times*, 13 May 1997, p. 1.

<sup>5</sup> *N'Digo*, 10-16 July 1997, p. 6.

<sup>6</sup> *Chicago Tribune*, 13 May 1997, p. 1.

<sup>7</sup> *People v. McCauley*, 163 Ill. 2d. 414 (1994).

<sup>8</sup> *In re Jonathan C.B.*, 2011 IL 107750.

<sup>9</sup> *In re Scarlett Z.-D.*, 2015 IL 117904; <https://www.isba.org/cases/illinois/supreme/2015/03/19/reparentagescarlettz-d>.

<sup>10</sup> *Chicago Sun-Times*, 24 October 2000, p. 6.

<sup>11</sup> *Chicago Sun-Times*, 24 October 2000, p. 7.

<sup>12</sup> *Chicago Tribune*, 13 May 1997, p. 1; Supreme Court of Illinois news release, 17 May 2018.