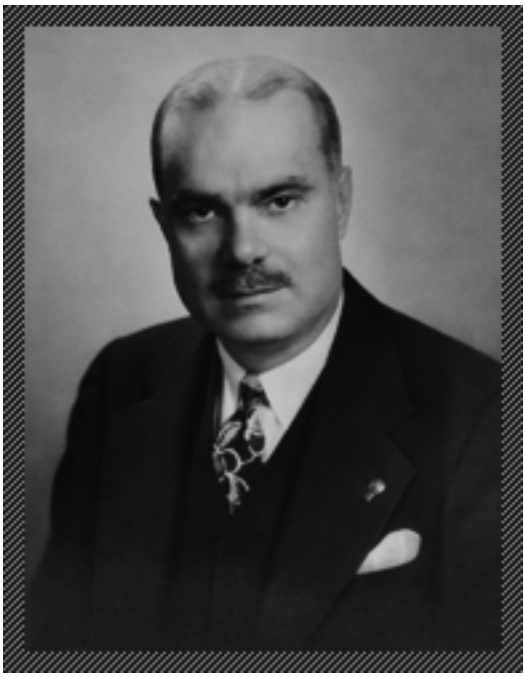
# Albert M. Crampton
1948-1953



Albert M. Crampton was born in Moline, Rock Island County, Illinois on January 7, 1900. His family was from a town in Henry County, Illinois that was named Crampton after his grandfather, a pioneer settler. His father, George W. Crampton was born and raised on the Crampton farm and moved to Moline as a young man to work for Deere & Mansure. He worked for John Deere for over fifty years and became an executive of the company.[1]



Judge Crampton attended high school in Moline and studied law at Cornell University, the University of Wisconsin, and Harvard. He was admitted to the bar of Illinois in 1923 and began practicing law that year in Moline. He married Josephine Von Maur, the daughter of a merchant from Davenport, Iowa, and they became the parents of four children: Gertrude, Kathryn, George, and Charles Albert.

Crampton was a very active citizen of Moline—socially, civically and professionally—throughout his career. He chaired the executive committee of the Rock Island County Bar Association from 1927-28 then served as vice president in 1930 and president from 1945-46.[2] In a memorial to Crampton, Walter J. Klockau explained that his participation in civic affairs was so extensive that he would only list a few to show the variety of his engagements, which included "service as past commander of the Moline Post, American Legion; judge advocate of

the 14th district of the Legion; former treasurer Bethany Home orphanage of Rock Island; trustee of Moline high school students' aid fund; trustee of Moline Field House Association; and director, legal counsel and treasurer of the Moline Area Boy Scouts of America. From 1944 to 1947 Judge Crampton was a member of the Moline Board of Education, and during the last world war he directed the house-to house canvas in his home city for the pledge of War Bond purchases. He was a member of the First Congregational Church of Moline, and was affiliated with many clubs and fraternal organizations such as the Elks, the Turners, the 40 and 8, and the After Dinner Club."[3]

He also had an avid social life, and he was remembered as an "entertaining raconteur, with an inexhaustible fund of stories and anecdotes."[4] In addition to his civic engagements and club memberships, Crampton enjoyed the outdoors and activities such as hunting, fishing, golf, and bowling.[5]

He was elected to the Illinois Supreme Court in 1948, defeating incumbent Democrat Loren E. Murphy by a vote of 28,461 to 24,067 and carrying twelve of the fourteen counties.[6] Murphy had beaten Crampton for the position nine years earlier in 1939, but the electorate swung to the Republican side to favor Crampton by 1948. Under the Illinois Supreme Court system of rotating chief justices annually, Crampton assumed that position in September 1953.[7]

In regard to Crampton's work as a judge on the Illinois Supreme Court, Walter J. Klockau said, "While no matter entrusted to him was too commonplace to receive his meticulous attention, he was unusually interested in cases involving broad and fundamental considerations of justice."[8] A reading of his recorded judicial opinions reflects this statement, and it seems that he may have been particularly concerned with assuring justice for those less-powerful members of American society at the time: women and children.

In a few of his written opinions, Crampton expressed concern for the rights of women and children. For instance, *Stalder v. Stone* was a 1952 case in which Adale Stauske contested the adoption of her child. Stauske had attempted to give the child up for adoption in the past, and her character was in question during the trial.

Justice Ralph L. Maxwell delivered the opinion of the Court, ruling that Stauske was an unfit mother who could not provide her child with proper care. Crampton dissented to this opinion, arguing that she should retain custody because Stauske was then married and able to provide a stable home to her child. Crampton stated that, "If her rehabilitation is not effected or complete, that question may be adjudicated in a different type of proceeding. On the other hand, to forever deprive this mother of her son, is, it seems to me, a grave injustice."[9] Further upholding the importance of a mother's relationship with her child, Crampton rhetorically asked, "Are we to say this woman shall be denied the only highway of return to wholesomeness and send her, with all convenient speed, on down the road to perdition? And about the best interests of the child! Is he better off to be taken to his natural mother's breast at this still tender age and readily make his adjustment or wait until he later learns the inevitable truth untempered by any association with his mother."[10] While the majority opinion for this case held that the mother in question was unfit, Crampton showed faith in the strength of a mother's nurturing qualities. Crampton's dissent, therefore, relied on what he felt was right or wrong, which is fitting with his characterization as concerned with justice.

Another significant case in which Crampton was involved, *People v. Levisen*, dealt with the application of the 1947 compulsory school attendance law. Crampton wrote the opinion of the court that upheld the rights of the Levisens to educate their child at home. The case was decided in 1950, when home schooling was not legal. The compulsory education law of 1947

required parents to send their children to either a public or private school that met state education requirements. The defendants, the Levisens, were Seventh Day Adventists who had both religious and other reasons for educating their child from home.[11] The court held that the compulsory education law was unconstitutional, but Crampton, even though he ruled in their favor, did not hold this opinion. Instead of denying the constitutionality of the compulsory education law, Crampton argued that the home of the Levisens, two educated individuals whose child met state education standards, qualified as a private school.[12] In supporting this construction of the law, Crampton said "The law is not made to punish those who provide their children with instruction equal or superior to that obtainable in the public schools. It is made for the parent who fails or refuses to properly educate his child."[13] In this way, Crampton provided for the rights of parents while also staying within the boundaries of Illinois law. Considering the state of homeschooling at the national level, Crampton may have also had difficulty overturning the compulsory education law. Justice Jesse L. Simpson dissented to Crampton's decision, asking "If the compulsory attendance school law is not enforced, may not parents withdraw their children from school at any time desired, even in the middle of a term or semester so as to teach them at home?" and citing a Washington case that ruled against a parent's right to educate their child and "disrupt our common school system, and destroy its value to the state."[14] The difference in opinion between Crampton and Simpson represent a debate that would continue in Illinois and other states for decades to come.

Some historians trace the "homeschooling renaissance" (termed as such because education in early America originated in the home) to the 1970's, but even in 1980 only three states—Utah, Nevada, and Ohio—had recognized home schooling rights by law.[15] This case was

concluded decades before home schooling became commonly accepted, but Crampton's opinion would ultimately prevail.

Crampton's judicial opinions, which total well over one hundred, show that he was actively engaged in promoting justice. Furthermore, in 1952, he gave a speech at the La Salle hotel to the Illinois Circuit and Superior Judges association, proposing an annual conference of judges and clerks of the court of records for the purpose of discussing judicial problems. [16]

On the morning of March 12, 1953, Chief Justice Crampton opened the court's session at 9:30 a.m. After about an hour of hearing oral arguments on cases docketed for the March term, he fell ill and excused himself to a nearby conference room where he collapsed from a heart attack.[17] Doctors were called to the scene, then he was rushed to the hospital and responded well to oxygen treatment, but the incident proved fatal. He died at Memorial Hospital at 3:40 a.m. on March 13, 1953. Justice Walter V. Schaefer was named his successor as chief justice and the business of the court was postponed for one week to honor Justice Crampton.[18] His funeral services were held at the First Congregational Church in Moline, and he was buried at the Riverside Cemetery in Moline.

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[1] *Chicago Daily Tribune*, 22 May 1939, p. 9.

[2] 1 Ill. 2d. 12.

[3] 1 Ill. 2d. 12.

[4] 1 Ill. 2d. 14.

[5] 1 Ill. 2d. 14.

[6] *Chicago Daily Tribune*, 8 June 1948, p. 1.

[7] *Illinois State Register*, 13 March 1953, p. 1.

[8] 1 Ill. 2d. 14.

[9] *Stalder v. Stone*, 412 Ill. 488 (1952), 500.

[10] Ibid, 500.

[11] *People v. Levisen*, 404 Ill. 574 (1950), 575.

[12] Ibid, 576.

[13] Ibid, 577.

[14] Ibid, 580.

[15] James C. Carper and Thomas C. Hunt, *The Dissenting Tradition in American Education* (New York: Peter Lang Publishing, 2007), pp. 243-45.

[16] *Chicago Daily Tribune*, 14 December 1952, p. 15.

[17] *Illinois State Register*, 13 March 1953, p. 1.

[18] *Chicago Daily Tribune*, 14 March 1953, p. A7.