



Supreme Court of Illinois

March 2, 2020

Justice Charles E. Freeman 1933-2020

Justice Charles E. Freeman, who had a long and distinguished career on the Illinois Supreme Court from 1990 to 2018 and was the first African American to serve on the Court and as Chief Justice, passed away on March 2, 2020. He was 86.

“It is with great sadness that I have learned of the passing of Justice Charles E. Freeman. Charles and I had been acquaintances for several decades before I joined the court, having often attended many of the same social events,” Chief Justice Anne M. Burke said. “However, we became close friends once we became colleagues and I considered Charles to be my mentor. He was a gentleman and a truly gracious individual. I never heard him say an unkind word about anyone. He was a consensus builder and treated everyone equally and with respect.”

Chief Justice Burke continued: “Justice Freeman was also a trailblazer. He was the first African American to become a member of the court and the first African American Chief Justice, positions he held with dignity and integrity. He was an accomplished jurist as well, serving the court with skill for almost 30 years.

“Justice Freeman was a devoted family man. He was married to the love of his life, Marylee for more than 50 years. Charles once told me that Marylee would slip a little love note into his suitcase every time he travelled to Springfield. I knew then that they had one of those storybook romances – everlasting. Charles was also a loving father to his son, Kevin, and daughter-in-law Cami, and a devoted grandfather to his grandchildren, Skye and Miles.

“He will be greatly missed.”

Born in Richmond, Virginia, on December 12, 1933, Freeman descended from slaves freed by Quakers before the American Civil War. He earned his Bachelor of Arts from Virginia Union University in 1954 and earned his Juris Doctor from the John Marshall Law School in 1962.

In private practice from 1962-1976, 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. He was appointed by Illinois Gov. Otto Kerner as an arbitrator with the Illinois Industrial Commission, where for nine years he heard thousands of work-related injury cases. Then from 1973-1976, under Gov. Dan Walker, he served on the Illinois Commerce Commission.

“It is a very sad day. When Justice Freeman retired, we lost his incredible institutional knowledge about the workings of the court,” Justice Thomas L. Kilbride said. “He really left his mark with a vast array of legal writings – both majority and dissent.”

Freeman won election to the Cook County Circuit Court in 1976 and served for 10 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.

“Charles and I came from very different backgrounds, and we didn’t always see eye-to-eye on the law, but he was always one of my closest friends on the court,” said retired Justice Robert R. Thomas. “We shared so many great laughs over the years, and I will miss him dearly.”

Elected to the First District Appellate Court in 1986, Freeman served that same year as Presiding Judge of the Third Division and as a 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, 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 10-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.” 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 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 African American 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.” Freeman won retention to the Court in 2000 and 2010, both with nearly 80 percent of the vote.

During his tenure as Chief Justice, Freeman oversaw improved efficiency of the Family Violence Prevention program; the establishment of a judicial web page; and the reorganization of the rotation of assignments of appellate judges in the First Judicial District, ending the practice that allowed appellate judges in Cook County to sit on the same panel for their lifetimes.

Freeman was 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. 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."

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." 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.

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."

He expressed pride in having increased the number of African Americans and Jews on the bench, appointing 11 African Americans and nine Jews.

Among the awards and accolades Freeman received were the Freedom Award from the John Marshall Law School, the Seymour Simon Justice Award from the Jewish Judges Association, the Earl Burrus Dickerson Award from the Chicago Bar Association, and the Ira B. Platt Award and the Presidential Award from the Cook County Bar Association.

He is survived by his son, Kevin (wife Cami) Freeman, grandchildren Skye Marie Freeman and Miles Charles Freeman, as well as his brother James Freeman in Richmond, Va.

A memorial service hosted in Chicago by the Illinois Supreme Court will be announced at a later date.