

Thomas E. Kluczynski
1966-1976, 1978-1980

©Illinois Supreme Court Historic Preservation Commission
Image courtesy of the Illinois Supreme Court

Thomas E. Kluczynski was born in Chicago on September 29, 1903. He attended public and parochial schools. He received a Bachelor of Laws degree from the University of Chicago Law School in 1927, graduating cum laude and was admitted to the bar that same year. He was a general practitioner and specialized in trial work until 1948 when he was appointed to the Illinois Industrial Commission.¹



In 1950, Governor Adlai E. Stevenson appointed Kluczynski to a judgeship on the Cook County Circuit Court where he was assigned to the criminal division a few months later. In 1951, he was elected to a six-year term on the circuit court and reelected in 1957. He was the chief justice of the criminal court until 1952 after which he served as the presiding judge of the Family (Juvenile) Court until 1954 when he was assigned to common law civil trials. As chief justice of the criminal court he earned a reputation as a stalwart supporter of the public defender system as a way to assure justice for indigent people.² In 1958, he became the chief justice of the circuit court, and in 1962 was named chancellor of the circuit court, serving there until November 1963, when the Supreme Court assigned him to the First District Appellate Court until his election to the Illinois Supreme Court.³

In 1959, while on the Cook County Circuit Court he drew attention with his ruling to return four Russian children to their parents in the Soviet Union. The parents George and Nadejda Kozmin arrived in Chicago in 1950 as displaced persons but were unable to deal with their difficult situation and returned to Russia after institutionalization at Chicago State Hospital. Since the State of Illinois had taken custody of their four sons during their hospitalizations, the parents had to sue in the circuit court to have their children returned to them. With Cold War feelings running high. Kluczynski was under pressure to keep the children in the United States. After three years in court Kluczynski ended the dispute by agreeing with the parents.⁴

In 1961, Kluczynski had the support of United States Senator Paul H. Douglas for appointment to the federal district court in Chicago. He was unable to obtain the appointment and remained happily in the state court system. In 1964, a new judicial article in the state's constitution took effect and created three Supreme Court seats for Cook County. With the backing of the Cook County Democratic Party and approval from Chicago Mayor Richard J. Daley, Kluczynski was nominated and elected to the Supreme Court in 1966. Chief Justice Ray I. Klingbiel swore him in on December 13, 1966.⁵ He served a ten-year term and left the court without running for reelection. Two years later, however, the court recalled him to his seat to fill the unexpired term of James A. Dooley, who died after serving just under two years on the court. He served in this position from April 1978, until the judicial election of 1980, after which he returned to private practice.⁶

After retirement in 1976, he formed the firm of Kluczynski, Dore, & O'Toole, located in downtown Chicago. The firm had some notable clients, including Joan Wrigley, who sued for divorce from William Wrigley, the chewing-gum heir, in a well-publicized case. The State of

Illinois became another client when Illinois Attorney General William J. Scott hired the firm to handle the state's \$260 million tax dispute against Illinois Bell Telephone Company.⁷

One of Kluczynski's contributions was his service in the transition and interpretation of the new state constitution. He took his seat on the Supreme Court bench barely three years after voters chose to replace the entire judicial article of the state's constitution effective in 1964, and further changes were made when an entirely new constitution took effect on July 1, 1971. The new constitution made provisions for such concepts as the right to privacy and the right to a clean environment. Together with provisions for making constitutional amendments by petition and home rule for eligible sub-state units of government the Supreme Court during Kluczynski's tenure on the bench bore the responsibility for adjudicating and interpreting the constitutionality of issues where no precedent existed in Illinois.

One of Kluczynski's most important contributions was the opinion he filed November 30, 1972, in *Kanellos v. Cook County*, a case that sought to measure the limits of home-rule power. Prior to home rule, units of governments had to seek authority from state enabling statutes in order to carry out even the most mundane affairs of government; the new order of things obviated the necessity of local governments to ask permission from the state for many activities. In the case, Cook County had issued \$10 million in bonds without first seeking a referendum to obtain public approval. Concerned citizens sued pleading that statutes in force before the new constitution took effect prohibited such behavior. Kluczynski upheld the right of Cook County to issue the bonds regardless of statute. In other words, he set a precedent granting substantial power to local government under home rule. He was also firm in ruling that should the legislature wish to require referenda for bond issues by local governments, it would have to do so

with a two-thirds majority in both houses of the state General Assembly, as provided in the new constitution.⁸

He was the brother of United States Congressman John C. Kluczynski, who served the Fifth Congressional District on Chicago's southwest side. The federal building in downtown Chicago is named for the congressman. After the death of John, Kluczynski's wife Melanie, a former fashion model, briefly sought the congressional seat.⁹

He died at Northwestern Memorial Hospital on May 16, 1994, at age ninety. He was survived by his wife Melanie Lakoma Kluczynski, daughters Diane Calderone, Nancy Millichap, Karen Lullo, Cynthia Haviland, Janet Kluczynski, Marisia Touche, and son Thomas E. Kluczynski, junior. At the time of his death he had sixteen grandchildren and four great-grandchildren. His funeral was held at Holy Name Cathedral on North State Street, within walking distance of his home on East Lake Shore Drive. He was buried at Resurrection Cemetery on Archer Avenue, close to the southwest side neighborhood of his birth.¹⁰

¹ Illinois State Bar Association, *Judicial Administration Newsletter*, vol. 7, no. 5 (November 1976), pp. 2-3; *Chicago Sun-Times*, May 18, 1994, p. 80.

² *Chicago Sun-Times*, February 2, 1960; Samuel Rubin, "Justice for the Indigent," *American Bar Association Journal*, v. 39 (October 1953), p. 931.

³ Illinois State Bar Association, *Judicial Administration Newsletter*, vol. 7, no. 5 (November 1976), pp. 2-3.

⁴ *Chicago Sun-Times*, May 18, 1994, p. 80.

⁵ *Chicago Sun-Times*, July 14, 1966, p. 18; *Chicago Bar News*, (January 1967).

⁶ *State Journal-Register* (Springfield, Illinois), March 28, 1978.

⁷ *Chicago Tribune*, October 31, 1977; *Chicago Sun-Times*, November 1, 1977; *Chicago Tribune*, March 29, 1978; *Chicago Tribune*, October 2, 1978.

⁸ *Kanellos v. Cook County*, 53 IL 2nd 161; 290 NE 2nd 240 (1972); *State Journal-Register* (Springfield, Illinois), September 13, 1995, p. 9.

⁹ *Chicago Sun-Times*, August 22, 1972, p. 7.

¹⁰ *Chicago Sun-Times*, May 18, 1994, p. 80.