

Ray I. Klingbiel
1953-1969

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A member of the Illinois judiciary for more than twenty years, Ray I. Klingbiel was born on March 2, 1901 in East Moline, Illinois. He attended local public schools and



the University of Illinois, pledging the Phi Delta Phi legal fraternity. Attaining a law degree and admitted to the Illinois bar in 1924, Klingbiel returned to East Moline and rose in Republican party political ranks, as a city attorney for twelve years and then as mayor for six years. He also served a term as president of the Illinois Municipal League. On October 5, 1928 he married Julia Stone, and they became the parents of two children.¹

In 1945, Klingbiel won election as circuit judge of the Fourteenth Judicial District, holding that position until 1953. Following the death of Illinois Supreme Court Justice Albert M. Crampton, the highly regarded Klingbiel was chosen for that vacancy, representing the third district. Later elected to the position, he would serve for sixteen years. “The Court does not blindly adhere to prior decisions,” he explained in 1955 when discussing several cases in which the Supreme Court overturned lower court findings. “The law must, of course, have stability and continuity, and the importance of these values is not to be minimized. But our decisions also recognize that obsolete fictions and

questionable holdings should not be perpetuated, and that the law must be adaptable to the progress of society, *to the end that justice will be dispensed and not dispensed with.*²

Named “Citizen of the Year in East Moline” in 1957, Klingbiel received an honorary doctor of laws degree from Chicago-Kent College of Law. He served a term as president of the East Moline Rotary Club and was a 33rd Degree Mason. In 1965, more than six hundred guests attended a dinner in his honor, with actor Raymond Burr (television’s attorney Perry Mason) as master of ceremonies and Democratic Illinois Governor Otto Kerner as speaker.³

Among the significant cases in which Justice Klingbiel delivered the Court opinion, the 1959 *Molitor v. Kaneland Community Unit District* case involved tort liability of school districts. The father of Thomas Molitor, a minor, brought action against Kaneland Community Unit School District for injuries Thomas sustained when the school bus in which he was riding left the road, allegedly as a result of the driver’s negligence, hit a culvert and exploded. Molitor sustained severe burns and other permanent injuries. The Second District Appellate Court had affirmed the Kane County Circuit Court dismissal of the case on grounds that a school district is immune from tort liability.

“It is a basic concept underlying the whole law of torts today that liability follows negligence,” Klingbiel wrote in a majority decision reversing the Appellate Court, “and that individuals and corporations are responsible for the negligence of their agents and employees acting in the course of their employment. The doctrine of governmental immunity runs directly counter to that basic concept. What reasons, then, are so impelling as to allow a school district, as a quasi-municipal corporation, to commit wrongdoing

without any responsibility to its victims, while any individual or private corporation would be called to task in court for such tortuous conduct?”⁴

Klingbiel served as Chief Justice in 1956-1957. In January 1963, following implementation of a new Judicial Article that provided for three-year terms on a seniority basis, Klingbiel again became Chief Justice. During that tenure he delivered the Court opinion in the 1966 case *People v. Hobbs*. A Sangamon County jury had convicted George Willie Hobbs of murdering Bertha Mae Scott in November 1964. Hobbs admitted firing the lethal shots, but contended that he acted in self defense. In addition, his attorneys questioned the meaning of “constitutional right of trial by jury,” contending that prosecutors excluded “all persons expressing conscientious scruples against the death penalty.” Hobbs claimed that after a drinking and sexual encounter, Scott stole \$195 from his coat pocket and, on being confronted, attacked him with a knife; he responded by firing his pistol. A companion, however, testified that he did not see a knife in Scott’s hand, that Hobbs took money from her purse, then threw the purse, her rings and watch, as well as shell casings into a river.

“The fact that defendant believed decedent had taken his money is not a circumstance in favor of his innocence,” Justice Klingbiel wrote in affirming the verdict. “Where a deliberate criminal act is proved the State is not required to prove a motive for it, as motive is not an essential element of the crime of murder. (*People v. Mangano*, 375 Ill. 72.)” Klingbiel further ruled as proper the disqualification of jurors with conscientious scruples against capital punishment. “The constitutionally guaranteed right of trial by jury is in effect a right of trial by an impartial jury, consisting of persons favoring neither the prosecution nor the accused and being guided only by law and the evidence, and bias or

prejudice, expressed or implied, constitutes ground for challenge for cause when directed toward the State or the accused.”⁵

In 1969, Klingbiel’s judicial career ended in scandal. Chicago legal researcher Sherman Skolnick questioned the integrity of both Klingbiel and Chief Justice Roy Solfisburg regarding the 1967 case *People v. Isaacs*.⁶ Both justices had acquired stock in Civic Center Bank & Trust Company shortly before their ruling in the case, and Klingbiel wrote the Court’s majority opinion dismissing corruption charges against the bank’s general counsel Theodore J. Isaacs. A Special Commission of the Supreme Court investigated the “integrity of the judgment” in *People v. Isaacs*, co-chaired by the presidents of the Chicago Bar Association and Illinois State Bar Association. Anti-trust attorney and later U.S. Supreme Court Justice John Paul Stevens served as independent counsel to the Commission.⁷

Despite Klingbiel’s claim that he had accepted one hundred shares of CCB stock, worth approximately \$2,500, not as a bribe but as a campaign contribution that he gave to his grandchildren, the Commission recommended the resignations of both Klingbiel and Solfisburg. They resigned from the bench on August 4, 1969. In a prepared statement, Klingbiel summarized his years of public service and said that, at age sixty-eight, he had intended to remain on the Court for only one or two more years. “However,” he now concluded, “in view of the report of the special commission and the fact that four members of it decided to go beyond their authority and assume the prerogative of the constitutionally created Illinois court commission would place such pressure upon the health and happiness of my family, as well as myself, that in consultation within our own household, I have decided to retire from the Illinois Supreme Court. A letter to this effect

will be directed to the governor on Monday. I wish to make it absolutely clear that in doing this I possess no sense of guilt.” Klingbiel remained bitter over the “political push” that removed him from office, telling one friend that he was not a crook but a “damn fool,” and refused to concede any wrongdoing.⁸

Klingbiel’s son described how the former Supreme Court justice spent much of his time after the 1969 resignation: “He baby-sat my children.”⁹ On January 18, 1973, seventy-one-year-old Ray Klingbiel died unexpectedly in his Moline home.¹⁰ Following First Congregational Church services, he was buried in Rose Lawn Memorial Estates in Moline.

¹ *Moline Daily Dispatch*, 19 January 1973, pp. 1, 3.

² *Illinois Bar Journal*, November 1955, p. 213.

³ *Moline Daily Dispatch*, 19 January 1973, p. 3.

⁴ 18 Ill. 2d, 11-29, quotation on p. 20.

⁵ 35 Ill. 2d, 263-75.

⁶ 37 Ill. 2d, 205.

⁷ Kenneth A. Manaster, *Illinois Justice; The Scandal of 1969 and the Rise of John Paul Stevens* (Chicago: University of Chicago Press, 2001), pp. 208-09, 225.

⁸ George Fiedler, *The Illinois Law Courts in Three Centuries, 1673-1973* (Berwyn, Ill.: Physicians’ Record Co., 1973), pp. 333-34; Manaster, pp. 240-41; Bill Barnhart and Gene Schlickman, *John Paul Stevens; An Independent Life*, (DeKalb: Northern Illinois University Press, 2010), p. 144.

⁹ Manaster, p. 275.

¹⁰ *Moline Daily Dispatch*, 19 January 1973, p. 1. Since he died during the night of January 18, some sources list the date of death as January 19.