

## Floyd E. Thompson 1919-1928

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One of the youngest Chief Justices in the United States, Floyd E. Thompson served an active nine-year tenure on the Illinois Supreme Court.

Born on a farm two miles west of Roodhouse in Greene County, Illinois, on December 25, 1887, Floyd Thompson was the eldest of five children of Albert Alonzo and Sarah Edwards Thompson. More than a century earlier, Thompson ancestors had emigrated from the state of Virginia for farmlands of the Mississippi Valley. Albert's great-grandfather John Thompson served in the Revolutionary War and in 1815, settled with his family at the north edge of present-day Greene County.<sup>1</sup>



Floyd Thompson worked with his father on the family farm and attended district schools. Valedictorian of the Roodhouse High School Class of 1907, he taught school for two years, then became principal of the Manchester, Illinois, high school, studying law in the evenings and during summer vacations. "Through early training and by natural instinct," wrote *Roodhouse Record* editor Frank Merrill, "he was a gentleman, and an elemental trait which impressed his friends was his faithfulness and assiduity to the task at hand, qualities that have stuck to him."<sup>2</sup>

Never attending law school, Thompson passed the bar examination and was admitted to the Illinois and Tennessee bars in 1911. He opened a practice in East Moline,

Illinois, while also publishing the *East Moline Herald*. “He had a good working knowledge of the law and some experience,” reported the *Rock Island Argus*, “but that was all. He was among strangers, without funds or friends, and up against keen professional competition. Was he downhearted? Not a bit. He went out among people, picked up a little business on the strength, mainly, of his personality, and presently everybody in town knew who he was. In a year, he was so well advertised throughout the county that he was offered the Democratic nomination for state’s attorney, a forlorn hope, it is true, for no Democrat ever had occupied that office.”<sup>3</sup>

On a pledge to end rampant public corruption in Rock Island County, Thompson became the first Democrat elected State’s Attorney in that area. He served as president of the Illinois State’s Attorneys Association in 1916 and that year won reelection as State’s Attorney, with a 2,300-vote plurality.<sup>4</sup>

In 1918, Thompson married Irene Condit Worcester, a graduate of Roodhouse High School and Illinois Woman’s College in Jacksonville. Irene and Floyd Thompson became the parents of one daughter, Mary Ellen Thompson.<sup>5</sup>

In addition to his prosecutorial duties, for five years Thompson served as president and director of the Rock Island County Fair. During World War I, he was a member of the District Appeal Board and the State Council of Defense. At Rock Island Arsenal, Thompson assumed responsibility for protecting the thousands of munitions workers while also keeping the federal property free from criminal influences.<sup>6</sup>

On April 1, 1919, Thompson won election to fill an Illinois Supreme Court vacancy from the Fourth District created by the resignation of Justice George A. Cooke. At age thirty-one, Thompson became the youngest justice popularly elected in Illinois.

That autumn the *Rock Island Argus* reported that Thompson had written opinions in thirty-eight cases, “almost a year’s work in six months.”<sup>7</sup>

In June 1921, with endorsements from the *Chicago Tribune* and other Chicago newspapers, he was elected to a full nine-year term. “The chief handicap that Justice Thompson had when he assumed office,” editorialized the *Rock Island Argus*, “was his youth and inexperience, but this he has overcome through close application to his duties, his written opinions both as to volume and soundness having proved a pleasant surprise to his older colleagues of the bench.”<sup>8</sup>

One year later, thirty-four-year-old Thompson was elevated as youngest Chief Justice of the Illinois Supreme Court. During his tenure on the Court, according to a biographer, Thompson wrote opinions “in 643 cases in addition to all his other duties on the court, a record equaled by few and surpassed by none. The leaders of the Bar are free in their praise of the quality of his work.”<sup>9</sup>

A number of prohibition-related cases came before the Illinois Supreme Court during the 1920s after the passage of the Eighteenth Amendment and the accompanying Volstead Act. Justice Thompson authored two opinions in cases regarding searches and seizures in 1926. In *People v. Wiedeman*, Florence Wiedeman was suspected of purchasing “white mule and homebrew,” and a magistrate issued a search warrant for her house. The officer waited six days before searching, found the beer, and confiscated it. Wiedeman was found guilty and appealed, arguing that too much time had elapsed in executing the search warrant. Justice Thompson agreed with her argument in reversing the conviction, noting that the search warrant “is a powerful police weapon. The qualities which make it efficient as an aid to enforcing the law make it dangerous when abused.”

He added that promptness “in the service of the writ is not only necessary for the preservation of liberty of the citizen but also for the efficient administration of the law.” In *People v. Daugherty*, Cornelius Daugherty believed that there was not enough evidence that he possessed liquor for a search warrant to be issued. Justice Thompson disagreed with his argument, and upheld the judgment of the lower court, noting that probable cause “for issuing a search warrant to seize contraband liquor does not exist unless the magistrate is convinced, by competent and material evidence, that there is reasonable ground for suspecting that the liquor is possessed for prohibited purposes.”<sup>10</sup>

Chief Justice Thompson had the distinction of administering the oath of office to the first female state legislator, Lottie Holman O’Neill of DuPage County. She was among members of the Fifty-third Illinois General Assembly, sworn into office in January 1923. Representative Norman G. Flagg extended to O’Neill a “special welcome from every man in this house” and urged women in the audience “years hence when perhaps lady members occupy 152 seats in the house and one man is present, may you grant that man the same gracious consideration.”<sup>11</sup>

Politically active, Thompson flirted with running for president of the United States in 1924.<sup>12</sup> In early 1928, with endorsements from the Democratic State Central Committee, the Cook County Democratic Committee, and other county committees, Justice Thompson became the unopposed Democratic candidate for Governor of Illinois. His nomination, according to a campaign brochure, “was the result of a state-wide demand for a change in the administration of the public business. His simplicity, his honesty, his industry and his courage are traits which have endeared him to the people of Illinois.”<sup>13</sup>

Thompson resigned from the Supreme Court on July 25, 1928, pledging statewide reforms to counter corruption during the administration of incumbent Republican Governor Lennington Small. Thompson's opponent, Secretary of State Louis Emmerson, had defeated Small in the primary election. In his campaign, Thompson promised legislation that would compel the publication of state payrolls and called for revisions of the criminal code and judicial system as well as worker-protection laws.<sup>14</sup>

Thompson won the support of newspaper editors throughout the state. Springfield's *Illinois State Register* described the candidate as "young, vigorous and personifying the finest idealism in public and private life." The *Chicago Tribune* praised his Court opinions and supported his call for reforming state politics.<sup>15</sup> Still, in the landslide election that brought Republican Herbert Hoover to the U.S. presidency, Thompson lost to Emmerson, 1,709,818 to 1,284,879.<sup>16</sup>

Following that defeat, Thompson became a partner in the Chicago law firm of Newman, Poppenhusen, Stern & Johnston, with the name changed to Poppenhusen, Johnston, Thompson & Raymond. He specialized as a civil and criminal trial lawyer. In perhaps the most sensational criminal case of the Great Depression era, he served as lead defense counsel for Commonwealth Edison president Samuel Insull, charged with mail fraud as well as violations of antitrust and bankruptcy laws. In three federal and state trials during the 1930s, Thompson successfully defended Insull against the accusations.

By 1948, Poppenhusen, Johnston, Thompson & Raymond employed sixteen lawyers, the fifth largest law firm in Chicago. Newly hired attorney Robert F. Fuchs recalled then-managing partner Thompson as "a gruff curmudgeon but a superb lawyer" and life in the firm as "strict and unrelenting." Partners and associates routinely worked

on Saturdays and often into the evenings, Fuchs remembered, with vacations intended for bar association meetings or other law-related events. And, according to Fuchs, when associates petitioned Thompson to close the office at 1 p.m. on Saturdays, he crumpled and threw the request into a wastebasket.<sup>17</sup>

Throughout his Chicago law career, Thompson continued his involvement in professional legal organizations, serving terms as president of the Illinois State Bar Association and Chicago Bar Association. A board member of the American Bar Association, he chaired the ABA's criminal law section. When he became senior member of the law firm, the name was changed to Thompson, Raymond, Mayer, Jenner & Bloomstein (now Jenner & Block). He received an honorary doctorate in law from Knox College in Galesburg, Illinois.<sup>18</sup>

On the evening of October 18, 1960, after taking depositions in his office, the seventy-two-year-old Thompson died unexpectedly at his Evanston home.<sup>19</sup> Following services at First Presbyterian Church in Evanston, he was buried in Fernwood Cemetery in Roodhouse.<sup>20</sup>

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<sup>1</sup> *Life Story of Floyd E. Thompson, Democratic Nominee for Governor of Illinois*, [1928], 2, pamphlet in the Abraham Lincoln Presidential Library, Springfield, Ill.

<sup>2</sup> R. B. Pearce, *Greene County, Illinois, and the War of the Revolution; Dedication of Government Markers . . . by Chief Justice Floyd E. Thompson*, White Hall: Greene County Board of Supervisors, 1923, 5, pamphlet in the Abraham Lincoln Presidential Library.

<sup>3</sup> *Rock Island Argus*, 19 February 1919.

<sup>4</sup> *Life Story*, 9.

<sup>5</sup> *Who's Who in the Midwest* (Chicago: A. N. Marquis, 1949).

<sup>6</sup> *Rock Island Argus*, 19 October 1960, 1; *Life Story*, 3-4.

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<sup>7</sup> Rpt. in *Life Story*, 10.

<sup>8</sup> *Rock Island Argus*, 19 March 1921, rpt. in *Life Story*, 10.

<sup>9</sup> *Life Story*, 4.

<sup>10</sup> *People v. Wiedeman*, 324 Ill. 66 (1926); *People v. Daugherty*, 324 Ill. 160 (1927).

<sup>11</sup> “Editorial,” *Journal of the Illinois State Historical Society*, 15 (April-July 1922), 719, 721.

<sup>12</sup> *Chicago Tribune*, 25 November 1923, 4.

<sup>13</sup> *Life Story*, 2.

<sup>14</sup> Donald F. Tingley, *The Structuring of a State: The History of Illinois, 1899 to 1928* (Urbana: University of Illinois Press, 1980), 386-87.

<sup>15</sup> Tingley, 387.

<sup>16</sup> Tingley, 389.

<sup>17</sup> *Illinois Bar Association News*, 29, (No. 23, 15 June 1999).

<sup>18</sup> *Chicago Tribune*, 19 October 1960, 1.

<sup>19</sup> *Chicago Sun-Times*, 19 October 1960, 52.

<sup>20</sup> *Chicago Tribune*, 20 October 1960, Pt. 5, p. 10.