

Charles H. Davis
1955-1960, 1970-1975

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Born in Fairfield, Wayne County, Illinois, on January 7, 1906, Charles Hubbard Davis was the son of Horace and Helen M. Decker Davis. Horace Davis owned a hotel on the courthouse square, and his son remembered that circuit judges lodged there during court sessions. Obtaining his elementary and high school education in Fairfield public schools, Charles Davis then attended the University of Illinois, intending to study medicine, but upon graduation in 1928 decided to enter the University of Chicago Law School.



Graduating in 1931, Davis was admitted to the bar that year and moved to Rockford, where he opened a general law practice. On October 19, 1935 he married Ruth Peugh of Carroll County, and they would become the parents of five daughters and two sons.

From 1945 to 1955, Davis partnered with Charles S. Thomas in the firm of Thomas and Davis, specializing in education law. For nearly two decades, Davis represented the Harlem School District of Winnebago County and Rockford School District No. 205, while also guiding other northern Illinois districts through school consolidations and bond issues. A political activist, Davis served for fourteen years as chairman of the Winnebago County Republican party. “I know more blacktop roads to more places in northern Illinois than anyone,” he once joked, “between school business and campaigning I’ve been everywhere!”¹

In 1955, Davis won election to the Illinois Supreme Court from the Sixth District, succeeding William J. Fulton, and from 1957 to 1958 served as Chief Justice. During that tenure, the justices heard the appeal of Lloyd Eldon Miller Jr. A twenty-nine-year-old cab driver, Miller had been convicted in the Hancock County Circuit Court and sentenced to death for the 1955 murder of an eight-year-old girl. He appealed the verdict on grounds that he had involuntarily confessed to the crime after “an ordeal of endless questioning, accompanied by threats, promises, cajolery and violence, which led him to sign the document without knowing what it was.”²

Police and prosecutors convinced the jury that stains on clothing found at the scene was Miller’s blood, even though state crime laboratory analysts reported that the stains were actually paint. The Supreme Court affirmed the conviction per curiam, and for ten years he waited on death row as the case moved through the federal appeals process. In February 1967, the U.S. Supreme Court reversed the Illinois decision. The state’s contention was “totally belied by the record,” wrote Justice Potter Stewart, citing the prosecutor’s insistence that the clothing was encrusted with Miller’s blood. After the federal decision, a U.S. District Judge in Chicago determined that the state had no basis for retaining Miller in custody. He was released from Stateville in March 1967, and the prosecution eventually dropped all charges against him.³

Davis sought reelection to the Supreme Court in 1960, but lost the Republican nomination after his opponent, Roy J. Solfisburg Jr., appealed to convention delegates that Davis often voted with the Democratic judges. “The judicial process,” Davis protested, “should take no cognizance whether the litigant is Republican or Democrat, rich or poor, influential or without influence, or of one race or creed or another.”⁴

Returning to private practice, Davis partnered in Thomas, Davis and Kostantacos from 1960 to 1965, and served another term as Winnebago County Republican chairman. In 1964, he

was among the first full-time Appellate Justices elected under a new amendment to the Judicial Article of the 1870 Constitution, serving in the Second District Appellate Court in Elgin. In 1970, he won election to a ten-year term on the Supreme Court, succeeding Marvin F. Burt, who had replaced Chief Justice Solfisburg in 1969.

Among the cases during Davis' second tenure, *People v. Lindsay* concerned display of the American flag. Millikin University art department chairman Edward Lindsay and Decatur Art Institute president Marvin Klavens were convicted in the Macon County Circuit Court of violating the Illinois Flag Act by creating an exhibit sculpture that "was likely to provoke a breach of the peace." The art object, titled "Flag in Chains," consisted of two American flags sewn together, stuffed with foam rubber, and locked with a chain wrapped around the piece. The sculpture, Klavens explained, demonstrated their "patriotic concern for freedom for all."

Hearing the case on appeal, Davis delivered the Supreme Court decision reversing the conviction. "The State did not prove beyond a reasonable doubt that there was a likelihood of a breach of the peace," he wrote. "It appears quite certain that a new trial will produce no additional proof that the exhibit 'Flag in Chains' would have caused public disorder."⁵

In addition to his legal and judicial career, Davis served as chairman and director of Boone State Bank and Winnebago Farm School for Boys. He was a member of the Phi Delta Phi legal fraternity and Shriners, as well as the American Judicature Society, Fellow of the American College of Trial Lawyers, and the American, Illinois, and Winnebago County Bar associations.⁶ Active in the Rockford Second Congregational Church, he sang in the church choir for many years.

Davis retired from the Supreme Court in October 1975 because of ill health. On February 22, 1976, at the age of seventy, he died at his Rockford home. Following Congregational Church services, he was buried in Middle Creek Cemetery.

“Judge Davis had one speed and that was ‘full speed ahead,’” recalled Winnebago County Chief Circuit Judge John E. Sype. “He was an energetic man. He devoted himself to his work and I had great respect for him.” Rockford attorney Peter C. Kostantacos, who began his career with Davis, described his admiration for the former Justice. “He was a conscientious, dedicated hardworking man—one of the most thorough attorneys I knew. Anyone who retained him got 110 percent.”⁷

¹ 64 Ill. 2d, xvi.

² 13 Ill. 2d, 84-113.

³ www.law.northwestern.edu/cwc/exonerations/ilMillerLSummary.html; *Time*, March 31, 1967, www.time.com/time/printout.

⁴ 64 Ill. 2d, xvi.

⁵ 51 Ill. 2d, 399-410.

⁶ Clyde C. Walton, *Illinois Lives*, Hopkinsville, Ky.: Historical Record Assn., 1969, pp. 202-03.

⁷ *Morning Star* (Rockford), Feb. 23, 1976, p. 1, Feb. 24, 1976, p. A4.