

Never Stop Fighting Injustice

Crusader for Justice: Federal Judge Damon J. Keith

Peter J. Hammer and Trevor W. Coleman (Wayne State University Press 2013), 368 pages

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Each year, I assign a book to my first-year legal writing class as an extra-credit assignment. In furthering the goal of training law students to become effective and culturally competent lawyers and professionals in the global marketplace, I select books that focus on issues of social justice, effective writing, the legal profession, and current affairs. A recent selection, *Crusader for Justice: Federal Judge Damon J. Keith*, provides an excellent blueprint to achieving these goals. *Crusader for Justice* is relevant and invaluable for its message on resilience, preparation, the power of good mentors, and perseverance in the face of adversity and discrimination especially in this time when our nation is plagued with divisive rhetoric and an assault on diversity and civility.

Crusader for Justice: Federal Judge Damon J. Keith, written and edited by Peter J. Hammer and Trevor W. Coleman with the foreword by author Mitch Albom, aptly captures the life and works of federal judge Damon J. Keith. The book opens with a dedication to Judge Keith's late wife, Dr. Rachel Boone Keith, to whom he refers as "his precious bride."¹ The dedication is a powerful testimony to Judge Keith's character and a glimpse at the source of his strength: family and faith.² It comes as no surprise therefore, that the authors refer to Judge Keith's family, his faith, his life experiences, and his tenure at Howard University School of Law as the "ballast" that he relied upon throughout the years.³ The authors masterfully capture Judge Keith's appreciation for the village that raised,

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¹ Damon J. Keith, *Dedication to Dr. Rachel Keith Boone*, in PETER J. HAMMER & TREVOR W. COLEMAN, *CRUSADER FOR JUSTICE: FEDERAL JUDGE DAMON J. KEITH* v (2014).

² *Id.* at 112, 157, 159.

sustained, and enabled him, a black man, to soar to the heights of one of the nation's longest serving and most respected federal judges.⁴

Crusader for Justice comprises 27 chapters and three sets of photograph inserts. Throughout the book, Judge Keith refers to the pivotal role Howard Law played in preparing him educationally and psychologically to practice law and to navigate the challenges of a racially segregated society. As such, I think of the book as divided into three main parts: Judge Keith Pre-Howard Law School, Judge Keith at Howard Law, and Judge Keith Post-Howard Law.

In Part I of the book we meet a young Damon Keith whose family moved from the segregated south to Detroit, Michigan in search of a better life. Judge Keith's father, Perry Keith, arrived in Detroit in 1915.⁵ Like many black migrants at the time, he experienced institutional racism in the form of inhumane living conditions, overcrowding, and excessive rents.⁶ Perry Keith found work at Ford as a machinist, and in 1917 he sent for his wife Annie and their five children.⁷ Their sixth child, Damon Jerome Keith, was born five year later.⁸

Perry Keith planted the seeds of integrity, the value of hard work, and the importance of a sound education in his young son.⁹ Judge Keith believed that college was an unattainable goal because of his family's limited finances,¹⁰ but Perry Keith's dream that his son would go to college materialized when Judge Keith's maternal cousin, Ethel McGee Davis, agreed to pay his expenses to attend West Virginia State College ("WVSC").¹¹ Mrs. Davis' husband, Dr. John Warren Davis, was the president of WVSC.¹² Dr. Davis mentored young Judge Keith, encouraged him to think about the nation-wide "struggle for racial justice," and exposed him to "highly esteemed black leaders," and "black intellectualism and civic activism."¹³ Damon excelled academically and socially at WVSC.¹⁴ He graduated in 1943.¹⁵ His father and sister attended his graduation, however, Perry Keith died days later.¹⁶

After graduation, Judge Keith joined the Army and fought in World War II. He experienced racism and racial animus which inspired him to "never stop fighting injustice back home."¹⁷ Judge Keith's mentor, Dr.

3 *Id.* at 157.

4 *See id.* at xiv.

5 *Id.* at 6.

6 *Id.*

7 *Id.*

8 *Id.* at 6–7.

9 *See id.* at 7–9, 24.

10 *Id.* at 15.

11 *Id.*

12 *Id.* at 14.

13 *Id.* at 20.

14 *Id.* at 20–21.

15 *Id.* at 23.

16 *Id.* at 23, 25.

17 *Id.* at 33.

Davis, advised him that if he was serious about making a difference, he should attend Howard Law,¹⁸ where the students were taught to use the law to eliminate racial discrimination and to effect social change.¹⁹ This heralds Part II of the book—Judge Keith at Howard Law.

Judge Keith’s admiration for Howard Law’s venerable former dean and civil rights icon, Dean Charles Hamilton Houston, jumps from the pages. Like Judge Keith, Dean Houston experienced racism by fellow Americans when he served his country during World War I.²⁰ Judge Keith reflects on Dean Houston’s mission to empower Howard Law students to fight for social justice by creating a learning environment that was intellectually rigorous yet infused with positive emotions that promoted confidence and resilience—an environment Judge Keith refers to as “a vibrant, thriving, intellectual haven.”²¹ Then, and now, Dean Houston’s legacy permeates the halls of Howard Law.

Among the profoundly impactful experiences Judge Keith had during his tenure at Howard Law was meeting Howard Law alumnus and civil rights hero, Supreme Court Justice Thurgood Marshall and observing him practice his oral arguments in the law school’s moot courtroom.²² Judge Keith’s experiences at Howard Law prepared, inspired, and motivated him to “use the law as a means for social change.”²³

Part III of the book chronicles Judge Keith’s journey from a recent law school graduate, a newly minted black lawyer, to the esteemed Senior Circuit Judge of the Sixth Circuit. Judge Keith is unsurprisingly candid about his experiences with racism, especially as a young lawyer, and the impact of racism on the legal profession.²⁴ He vividly recalls the difficulty he and other black lawyers had in finding suitable jobs because of their race.²⁵ While preparing to take the bar exam, Judge Keith worked as a tree trimmer.²⁶ When that job ended, with no alternative prospects of an income, he took a job as a janitor for the *Detroit News*.²⁷ Judge Keith performed his tasks with diligence and without complaint even when a patron expressed incredulity that Judge Keith was on his way to becoming a “*black lawyer*.”²⁸ With his trademark resilience and tenacity of purpose, Judge Keith ignored naysayers and maintained a laser focus on the prize—passing the bar and eradicating social injustices.

18 *Id.* at 37.

19 *Id.* at 37, 39.

20 *Id.* at 38.

21 *Id.*

22 *Id.* at 39.

23 *Id.* at 41.

24 *Id.* at 44–45, 56, 72–75.

25 *Id.* at 44–45.

26 *Id.* at 41.

27 *Id.* at 42–44.

28 *Id.* at 44.

Judge Keith vividly describes the day he first took the bar exam, as if it is permanently seared in his brain.²⁹ He had prepared diligently for the exam, but when he arrived at the examination room and observed that there were “several hundred whites” versus “fewer than a half dozen black faces,”³⁰ he became engulfed with memories of experiencing and observing racism and discrimination.³¹ Judge Keith recalled feeling “stung by a sensation of unworthiness,” and an inferiority that “hung over him like a cloud,” which hindered his ability to concentrate on the exam.³² He failed the bar exam.³³ On the second try, he traded his feelings of unworthiness and inferiority for confidence and optimism.³⁴ This time, he passed the bar examination.³⁵

Judge Keith became the first black attorney at Wayne County’s Friend of the Court.³⁶ While the job provided a steady income, Judge Keith found the work to be intellectually unstimulating, and inconsistent with his life’s mission.³⁷ As Judge Keith struggled with the call to pursue his mission of fighting social injustices,³⁸ his family and friends attempted to dissuade him by reminding him of the dearth of job prospects available to black lawyers, many of whom found work only in the post office or as janitors.³⁹ Judge Keith knew this to be true. White clients would not hire black lawyers.⁴⁰ Black clients also shunned black lawyers because they saw “how poorly black lawyers were treated in court,” and they knew racism in the legal system would affect the outcome of their case.⁴¹

Never the one to shy away from a challenge, Judge Keith entered private practice with a careful plan to succeed. He had expected difficulty in finding clients because of the racial stigma attached to black lawyers, but as a firm believer in the fundamental fairness of the legal system, he had not expected that the judges would have allowed their racial biases to influence how they treated black lawyers and how they decided their cases.⁴² His experiences proved otherwise. Black lawyers and black clients were treated unfairly.⁴³ Black lawyers were often belittled and not given the “dignity and respect” of other lawyers,⁴⁴ while black clients were given harsher punishments.⁴⁵ Instead of viewing this as an obstacle and

²⁹ *Id.* at 42.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.* at 43.

³⁴ *Id.* at 44.

³⁵ *Id.*

³⁶ *Id.* at 47.

³⁷ *Id.* at 55.

³⁸ *Id.* at 56.

³⁹ *Id.* at 56–57.

⁴⁰ *Id.* at 44.

⁴¹ *Id.* at 45–46.

⁴² *Id.*

⁴³ *Id.* at 45–46, 73–74.

⁴⁴ *Id.* at 45–46.

⁴⁵ *Id.* at 45–46, 73–74.

deterrent, Judge Keith saw this as an opportunity to work harder to effect change. These experiences inform how he treats all lawyers that appear before him: fairly and with respect and dignity.⁴⁶

Racial diversity in the legal profession is critical to ensuring equal justice for all. Yet, there was a dearth of judges of color.⁴⁷ Judge Keith was confirmed as the second African-American judge in the Eastern District of Michigan in 1967.⁴⁸ During his decade-long tenure on the district court bench,⁴⁹ and later on the Sixth Circuit, Judge Keith moved the hands of justice exponentially towards protecting civil rights. He acknowledges that his life experiences inform, but do not dictate his judicial decisions.⁵⁰ He is bold, tenacious, and fearless in his approach, yet his decisions are based on an incisive review of the facts and interpretation of the law. The book includes a description of several of Judge Keith's groundbreaking civil rights decisions, including *Davis v. School District of Pontiac, Inc.*⁵¹ (addressing racial segregation in Detroit public schools), *Garrett v. City of Hamtramck*⁵² (addressing housing discrimination), *Stamps v. Detroit Edison Co.*⁵³ (addressing employment discrimination), and *United States v. Sinclair*⁵⁴ (requiring President Nixon to disclose whether the government had used electronic surveillance to monitor anti-war activists without a warrant).

Judge Keith's prescient warning to safeguard freedom of the press as a bedrock of democracy in *Detroit Free Press v. Ashcroft*⁵⁵ secures his position as a trailblazer for justice. Judge Keith noted "Democracies die behind closed doors. The First Amendment, through a free press, protects the people's right to know that their government acts fairly, lawfully, and accurately in deportation proceedings. When government begins closing doors, it selectively controls information rightfully belonging to the people. Selective information is misinformation."⁵⁶ Judge Keith's decisions resulted in threats to his and his family's safety⁵⁷ and a lawsuit by the Nixon administration based on Judge Keith's decision in *Sinclair*.⁵⁸ The Supreme Court affirmed Judge Keith's decision 8-0.⁵⁹

⁴⁶ *Id.* at 46, 75.

⁴⁷ *Id.* at 45.

⁴⁸ *Id.* at 110.

⁴⁹ *Id.* at 163.

⁵⁰ *Id.* at 112, 148, 155.

⁵¹ *Id.* at 112–20 (discussing *Davis v. School District of Pontiac, Inc.*, 309 F. Supp. 734 (E.D. Mich. 1970)).

⁵² *Id.* at 129–36 (discussing *Garrett v. City of Hamtramck*, 335 F. Supp. 16 (6th Cir. 1971), *rev'd.*, 503 F.2d 1236 (6th Cir. 1974)).

⁵³ *Id.* at 121–27 (discussing *Stamps v. Detroit Edison Co.*, 365 F. Supp. 87 (E.D. Mich. 1973)).

⁵⁴ *Id.* at 138–43 (discussing *United States v. Sinclair*, 321 F. Supp. 1074 (E.D. Mich. 1971)).

⁵⁵ *Id.* at 210–19 (discussing *Detroit Free Press v. Ashcroft*, 303 F.3d 681 (6th Cir. 2002)).

⁵⁶ *Detroit Free Press*, 303 F.3d at 683.

⁵⁷ HAMMER & COLEMAN, *supra* note 1 at 118–19, 134–35.

⁵⁸ *Id.* at 138, 143.

⁵⁹ *Id.* at 144.

The picture of Judge Keith's family would not have been complete without his law clerks, whom he considers as family.⁶⁰ He contributes to their professional and personal development by teaching them legal skills and critical life lessons such as "how to treat people and handle problems."⁶¹ Judge Keith has hired and mentored "more minority clerks than any federal judge in U.S. history."⁶² This speaks volumes about his commitment to ensuring diversity in the legal profession.

As a reader and observer, I think Judge Keith demonstrates his greatest lessons through his resilience, restraint, integrity, humility, discipline, and humanity. Even as a respected jurist having served several years on the federal bench, he was stereotyped as a porter, subjected to the indignity of being called "boy," and ordered to park someone's car.⁶³ His usual grace and restraint when faced with racial insults, prejudice, and discrimination signals his strong emotional intelligence.⁶⁴ This leads me to echo Justice Clarence Thomas' remark that Judge Keith is "a model of how you should conduct yourself . . ." ⁶⁵

Crusader for Justice is a book that every lawyer, law student, and pre-law student should read. I strongly suggest that the libraries in every HBCU and in law schools across the United States purchase and encourage their students to read *Crusader for Justice*. I have read this book several times for motivation, encouragement, and inspiration.

60 *Id.* at 221.

61 *Id.* at 225.

62 *Id.* at 223.

63 *Id.* at 172, 175.

64 See DANIEL GOLEMAN, EMOTIONAL INTELLIGENCE: WHY IT CAN MATTER MORE THAN IQ (2012).

65 HAMMER & COLEMAN, *supra* note 1, at 187.