

# U.S. 6<sup>th</sup> Circuit Judge Damon J. Keith 1922-2019



Damon J. Keith, a U.S. 6<sup>th</sup> Circuit Court of Appeals judge whose rulings as a federal district judge in Detroit in the 1970s catapulted him to the status of civil rights icon, died peacefully in his sleep early Sunday at his riverfront apartment in Detroit. He was 96.

Keith, the grandson of slaves and the longest-serving African-American judge in the nation, burst onto the national stage in 1970 when, as a U.S. district judge, he ordered citywide busing to desegregate Pontiac schools. It was the first court decision to extend federal court-ordered busing to the North.

In 1971, Keith ruled that President Richard Nixon and U.S. Attorney General John Mitchell violated the U.S. Constitution by wiretapping student radicals in Ann Arbor without a court order.

In 1979, as judge on the U.S. 6th Circuit Court of Appeals, Keith upheld then-Mayor Coleman Young's affirmative action plan to integrate the Detroit Police Department.

Despite receiving hate mail and death threats, Keith never flinched.

"It just let us know that there is still a lot of work to do," he once said.

He was Detroit's most revered and admired black person next to Young, Detroit's first black mayor, and Rosa Parks, whose refusal to give up her seat to a white man on an Alabama bus in 1955 sparked the modern civil rights movement.

"One cannot be around Damon for very long without sensing his commitment to all that is good about our country," Judge Peter Fay of the U.S. 11th Circuit Court of Appeals in Georgia said in 1998 in nominating Keith for the coveted Edward J. Devitt Distinguished Service to Justice Award.

"But unlike many, he does not limit his commitment to words – his actions speak volumes," Fay added. "He gets involved. He spends the time. He does the work. Yes, he gets his hands 'dirty' because there is nothing he will not do if he is convinced it will help others and strengthen our way of life."

Added Chief U.S. District Judge Denise Page Hood: "It is a great loss to our nation and the Constitution to lose a legal giant like Judge Keith. He dedicated his legal life to protecting the rights guaranteed under our Constitution and decided some of the pressing issues of our time."

"He was a dedicated husband to his late wife and a loving father and grandfather," Hood added. "During an outstanding and demanding legal career, he found time to mentor law clerks and judges. Those of us who knew him appreciate the time he gave us."

From a kid growing up on the segregated streets of Detroit, to a student at an all-black college in West Virginia to a budding lawyer at Howard University, Keith credited God for blessing his life and role models for setting examples he tried to emulate.

Keith revered his father, Perry Keith, a \$5-an-day Ford Rouge foundry worker, for teaching him that he could triumph in a segregated society. But it took Thurgood Marshall, the fiery civil rights warrior and eventual U.S. Supreme Court justice, to show Keith how to use the courts and the U.S. Constitution to battle segregation and Jim Crow laws.

As a U.S. District Court judge in Detroit and later as a member of the U.S. 6th Circuit Court of Appeals in Cincinnati, Keith handed down decisions that struck blows against segregated schools, employment and housing discrimination, and federal wiretapping policies.

“I just feel as though I have an obligation to do something to make things better for all people,” Keith told the Detroit Free Press in 2002. “God put me here for some purpose and I don’t want to let Him down. And I don’t want to let myself down, or my family, my people or my country.”

Keith was a confidant of politicians, swore in multiple Detroit mayors and hosted an annual Soul Food Luncheon at the federal courthouse in Detroit for more than 30 years that attracted the movers and shakers of the state’s civic, legal, political and social communities.

The walls of Keith’s chambers – he served on the bench until his death – are decorated with hundreds of photos of Keith standing with celebrities such as the late soul singer Aretha Franklin, former South African President Nelson Mandela and the late Dr. Martin Luther King Jr.

“It would be so easy to get isolated in these beautiful chambers where you don’t have to run for re-election or see anyone,” Keith once said. “It’s easy, when people are always saying, ‘your honor’ and bowing and scraping, to get things out of balance. That’s why it’s important to get out in the community to mingle with the people and see what the problems are.”

Keith was especially proud of the Damon J. Keith Center for Civil Rights, which opened at Wayne State University in 2011. The \$5.7-million addition to the WSU Law School chronicles Keith’s judicial career, the legal history of the civil rights movement and the accomplishments of African-American lawyers and judges.

He believed in helping others.

When an intruder attacked Rosa Parks in her Detroit home in 1994, he arranged to have her move into a gated apartment complex on the riverfront. And when she was invited to Montgomery, Ala., to attend the opening of a museum named in her honor, Keith asked a friend, businessman Al Taubman, to fly her there in Taubman’s private jet. When Parks died in 2005, Keith chaired the group that planned funerals in three cities.

During five decades on the federal bench, Keith hired more minority law clerks – African Americans, Hispanics, Asians and women – than any federal judge, and taught them

about the life, character and the law. He encouraged them to help others as he had helped them.

“A network of people throughout Michigan and the United States have obtained gainful employment, gone to college or graduate or professional school, secured personal loans, or advanced their careers at crucial stages, as a direct result of selfless efforts by Judge Keith,” said Eric Clay, a U.S. 6th Circuit Court of Appeals judge, who clerked for Keith in 1972-73.

Damon Jerome Keith was born in Detroit on July 4, 1922, in a house near the present I-96 and I-94 freeway interchange.

He was the youngest of seven children of Perry and Annie Louise (Williams) Keith. His father had moved the family from Georgia in the 1920s to work at a Ford plant.

Keith said there were few positive black role models besides his parents.

“What I was exposed to in my neighborhood were pimps, hustlers and foundry workers at the automobile factories,” Keith said in 1984. “On the weekends, they got drunk and gambled. Most kids in my neighborhood did not go to college – most went to Jackson Prison.”

Keith said his father insisted that he go to college.

After graduating from Northwestern High School in 1939, Keith enrolled at West Virginia State College, an all-black school in Morgantown. He worked his way through college by cleaning the chapel and waiting tables in a dining hall.

In 1943, after watching his son graduate from college, Perry Keith told him: “One of my children has a college degree. Now I can die happy.”

Less than a week later, Perry Keith passed away.

“I have been driven by the fact that I never wanted to let he or my mother down, to always try to do the right thing,” a teary-eyed Keith told the Free Press in 1998. “My father was the finest man I’ve ever known.”

After college, Keith was drafted into the segregated U.S. Army and spent three years driving a truck in the Quartermaster Corps during World War II in Europe. Keith called it “absolutely degrading,” partly because the black unit didn’t have a single black officer.

He was discharged as a sergeant in 1946.

“After coming back and having to ride on the back of buses while seeing German soldiers ride in the front and seeing German soldiers go into restaurants in the South that I could not go into, I made up my mind I was going to become a lawyer,” he said in 2002.

He enrolled on the GI Bill at Howard University, a historically black Washington, D.C., college, which was training lawyers to battle segregation and Jim Crow laws.

Keith helped research civil rights cases, participated in mock trials and watched rising legal stars like Thurgood Marshall, the NAACP's chief legal counsel and eventual Supreme Court justice, practice his legal arguments before the students and argue cases before the high court.

After getting his law degree in 1949, Keith worked as a janitor at the Detroit News while studying for his bar exam. He twice failed the bar exam but received his law license after appealing the second score.

Keith became a \$15-a-week clerk for Loomis, Jones, Piper & Colden, a prominent black law firm, and began forging a reputation.

In 1952, he became the first black lawyer for the Wayne County Friend of the Court. Four years later, he returned to his old law firm, this time as a lawyer, and obtained a Masters in Law in 1956 from Wayne State University.

In 1964, he opened his own law firm, which eventually became known as Keith, Conyers, Anderson, Brown & Wahls. His partners included Nathan Conyers, the eventual Detroit car dealer and brother of U.S. Rep. John Conyers, D-Mich., and Myron Wahls, the eventual Michigan Court of Appeals judge. The firm moved into the Guardian Building, becoming the first black law firm in the city's all-white legal district.

The firm represented several prominent black businesses and other clients, including future Detroit Tigers' great Willie Horton, whom Keith and his wife took into their home to keep Horton away from shady characters that might have derailed Horton's career.

Keith, a Democrat, also served as a Wayne County Commissioner (1958-63), president of the Detroit Housing Commission (1958-67) and co-chair of the state's first Civil Rights Commission (1964-67).

His breakthrough came in 1967 when President Lyndon Johnson appointed Keith to the U.S. District Court bench in Detroit to replace Wade H. McCree, Jr., despite objections from some in the black community who questioned his legal skills.

Keith got the job anyway and within three years was making legal history.

In 1970, he ordered citywide busing to desegregate Pontiac public schools, the first case to extend federal court-ordered school integration to the North.

In 1971, Keith ruled that President Richard Nixon and Attorney General John Mitchell violated the constitutional rights of three radical White Panther Party members, whose phones were tapped without a court order during an investigation of the bombing at a CIA office in Ann Arbor. The U.S. Supreme Court unanimously upheld the ruling, his most famous.

The same year, Keith ordered the city of Hamtramck to build low-income housing after razing black neighborhoods to make way for the Chrysler Freeway. Keith said the city engaged in "Negro removal" in the name of urban renewal.

In 1973, he ordered Detroit Edison to pay \$4 million to black employees who were victims of job discrimination and ordered it to create an affirmative action program. He also ordered their union to pay \$250,000 for failing to protect the workers.

In 1977, then-President Jimmy Carter elevated Keith to the U.S. 6th Circuit Court of Appeals after McCree became U.S. Solicitor General. More than 700 people attended his swearing-in ceremony.

In 1979, Keith wrote an opinion upholding a lower court decision ordering the Detroit Police Department to carry out Coleman Young's plan to integrate the department.

In 1987, Chief Justice William Rehnquist appointed Keith national chairman of the Judicial Conference Committee on the Bicentennial of the Constitution. His name appears on bicentennial plaques in courthouses throughout the country.

In 2002, seven years after going on senior — semi-retired — status, Keith wrote another opinion that ordered Attorney General John Ashcroft and the George W. Bush administration to open deportation proceedings for people linked to terrorism.

The ruling involved a Muslim cleric from Ann Arbor who was arrested and eventually deported for allegedly using his Islamic charity to support terrorism.

The ruling never became the law of the land because the Justice Department didn't appeal it to the U.S. Supreme Court.

But a line from the opinion — “Democracies die behind closed doors” — became a rallying cry for news organizations battling federal secrecy after the 9/11 terrorist attacks.

Keith's biggest setback came in January 2007 when his wife of 53 years, Rachel Boone Keith, a retired internist and racial and gender trailblazer in Detroit's medical community, collapsed and died outside a Detroit police station.

His wife, the daughter of Baptist missionaries, was born in Liberia. A mutual friend fixed them up while she was finishing her residency at Detroit Receiving Hospital. They married two years later, in 1953.

They had three children: Cecile Keith-Brown, Debbie Keith and Gilda Keith.

Keith was devoted to his wife: Throughout their marriage, he trekked most Saturday mornings to Eastern Market to buy flowers for her. On Saturday afternoons, they had a standing date to go to the movies.

In recounting his legal career, Keith once said: “I really didn't know what kind of judge I'd be... I knew I wanted to try to be the kind of judge that would make attorneys want to be in his court. I didn't want to be a mechanical functionary.”

“Putting on the robes can be an awesome responsibility,” Keith added. “You have the chance to find out a lot about yourself. It's like Abraham Lincoln once said, ‘If you want to know what a man really is, give him power.’”

Funeral arrangements are pending.

