ABA Senior Lawyers Division
Women Trailblazers in the Law

ORAL HISTORY

of

CORNELIA GROEFSEMA KENNEDY

Interviewer: Allison A. Miller

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AAM  This is Thursday, January 5, 2012. My name is Allyson Miller and I am conducting an interview of Judge Cornelia Kennedy at her Chambers here in Detroit, Michigan. Judge Kennedy, if you could please start just by telling us a little bit about what it was like growing up in Detroit.

CGK  Well, I was born in Harper Hospital in Detroit, Michigan. My parents at that time lived on Freeland Avenue, which was a street of modest homes -- single family and flats. We lived in a single family home with two bedrooms, living room, kitchen, dining room and entry way. I don’t have a lot memory of that first house. I do know that they had hot air heat in the floor of the hallway. There was a grate that you have to walk over. You did have to walk either on the side of the hallway or you would have to walk over the grate if you wanted to get to the back bedroom that was because of the hot air heat. The house was new.

I remember the dining room table because at one time I got into the boric acid and

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Special thanks as well to Judge Kennedy’s former law clerks Lynn A. Helland and the Honorable William J. Richards for the groundwork they laid in first beginning this project years ago.
had to have my stomach pumped. And a neighbor of my mothers, Mrs. Waldoon held me -- I don’t remember her at all except that she had to hold me while I had my stomach pumped. I must have been 3 or 4. I never liked her after that, and wouldn’t go and play at her house.

My mother was at home at that time. She was always at home, except when she was going to school. My father, a 1917 graduate of law school, was practicing law in downtown Detroit.

AAM What was your mother’s name?

CGK My mother’s name was M. Blanche Gibbons. She had a sister and two brothers and she was born in Bay City, Michigan. My grandmother was one of five girls, so mother had a number of cousins.

One of her cousins said -- just to say just a little bit about my mother right here. One of her cousins had gone to college and had become an official in the school system -- Seitz School System of Pennsylvania -- and her name was Nell Purcell. Her relatives are still practicing law in Saginaw. She was able to pay the tuition for my mother and my aunt to attend Ypsilanti Normal School, which was a teacher’s college at that time. Her brothers never did go to college.

My father grew up on various farms in the western part of Michigan although he
was born near Kalamazoo, Michigan. His parents had come here from the Netherlands. He could speak and read Dutch before he went to school, but he had to learn English at school. There was a large Dutch colony where he lived close to Grand Rapids. They never bought a farm in Michigan. They farmed property for other people. He and his family were tenant farmers.

His seven sisters and brothers and his father and mother took an immigrant train to the State of Washington because there was a large number of Dutch farmers that were moving out there to dry farm in the Columbia River Valley -- not in the valley but up on the plateau. They settled near a town called Yacoma, Washington. The town is still there.

They farmed there and another child was born there -- my youngest aunt. They had five girls and three boys. My father attended high school in Mountain Home, Idaho, because the dry farming didn’t work out. They had dry seasons and there wasn’t enough water, so my grandmother and grandfather and their children found a farm to purchase down in the valley of the Yacoma River. They did raise vegetables and things like that to be sold to stores and consumed locally. Also they shipped some of it out to other places in the West. I know because my father told me about shipping brussel sprouts to some place in Montana and the people there didn’t know what they were.

There was a big flood in the Yacoma River and it washed their bottomland out, so
my grandfather and grandmother looked around for some place to go. That was when my father was just starting high school and they moved to Mountain Home, Idaho, where a larger irrigation project was being opened up. It was an old railroad stop, so there was a little town there. There was a new dam built up in the mountains there and there were water rights to buy. In the west you have to have water rights because there is not enough rainfall in most places.

They also homesteaded there and my father finished high school there. He then taught school there for two years because, at that time in Idaho, you could teach school when you graduated from high school. In the first year, he taught in one mountain community -- Smith Prairie -- which is up in the mountains. He had to walk up there 30 some miles --

AAM Every day?

CGK No. He walked up there at the beginning of the year. He got a place to live by cooking for the group of people -- probably miners or people that lived up there. There was some agriculture up there closer by with the new water system. I do know that he told us about going there and teaching school. In that mountain community, there was no way of going to high school, so the people -- the girls at least -- stayed in school. So there he was, teaching school to people that were as old as he was. Then he changed to go to another little small town that was in the same area that was called Smith’s Prairie. Up there he lived around with families.
He lived around and people didn’t have to pay the school tax if they had the teachers living there. But you lived maybe a month with each family. He had stories to tell us about some of the people that he lived with, which was interesting to us, but wouldn’t be interesting to anybody else.

Then my father decided to go the University of Michigan, which brought him back here to Michigan. He did not know that he was going to have to pay tuition. The principal of this high school had gone to Michigan. Of course, the tuition in those days was not very high, but it was high for him. He took a sheep train to Chicago - - that was something that people in the West did when they wanted to go to school somewhere in the East. He had a half uncle who lived in Kalamazoo who also helped him with his tuition that first year. You know his money that he made teaching school went to the family because they were still homesteading there and clearing the land. He worked at that in the summertime and went back and forth every year.

When he was going to law school, they required three years of college and three years of law school. Had he started a year earlier, it was two years and two years. He could have saved two years but he didn’t. Anyway, that’s where he met my mother somewhere in Ann Arbor or maybe Ypsilanti -- I’m not just sure how he -- he never gave us specifics and I don’t think we ever asked.

After his graduation from law school in 1917, they lived in Ann Arbor. While he
was in law school, they rented a house on Ann Street. My mother was teaching at
the high school in Ann Arbor -- the only high school they had in Ann Arbor at that
time -- Ann Arbor High. Dad was also working weekends selling food wholesale
to hospitals and institutions. He had been doing it before they were married. They
had a house on Ann Street and rented out the rooms that they weren't using. They
both got a little income from that as well to help pay for his education.

He went home summers until they were married and came back on the sheep train.
One year, he said he got back late because they held the train up because the price
of sheep had gone down. He was late getting to Ann Arbor and he had a terrible
time finding a job, but he found something.

Several winters, he lived in the basement of a professor's home and shoveled the
coal into the furnace and the professor gave him a room down there for that
purpose. He had a hard time going to college but after he got married, it was much
easier. His wife was working.

AAM Did your mother ever travel with your father out West to visit his family?

CGK Not at that time. She didn't go until after they were -- after my sister Margaret
was born. I guess we were all born. The first trip we took was on the train. I was
born in 1923. Margaret was born in 1920 and Chris was born in 1924 so I think
the first time they went back to Idaho was in 1924. My dad may have gone back
earlier. I don’t really know. He was back in the summertime when he was in undergraduate school, but after he was in law school selling his wholesale goods, he would work on that in the summertime, too.

So both of them really had a financial problem going to college, but it was fortunate that they did go to college, obviously. My father became a lawyer and my mother had her school teaching to fall back on when she needed it.

I also have a sister that was born between me and Margaret, and she died while my mother was carrying me. She died of a dose of some medication that had become old that the doctor had given her when she had some kind of illness. The doctor was stopped from practicing medicine as a result of this death.

AAM What was your sister’s name?

CGK Ann Jean. She was named after a sister of my mother’s, Ann, and a sister of my father’s, Jean. I never knew her because she died before I was born.

AAM Did your parents ever talk about Ann Jean?

CGK No, but we used to go to the cemetery on Sundays -- after Sunday school or after church -- and take flowers to her grave to the extent that they talked about her. I am sorry that I never really asked my father anything about it because we knew
that it was a sad subject for them. Margaret vaguely remembers her other little
sister -- but not very much -- and we have a couple of pictures of her. Sometimes
we don’t know for sure whether it’s one of the others -- you know, we were all
girls and pretty much dressed alike. You could tell more by what the car was since
my dad had a Model T. If the picture has one with the Model T, it’s probably Ann
Jean. So she was in our life in that sense, but they didn’t talk about her to us.

My sisters and I were always very close.

We originally lived on Freeland Street – which I think I may have said was a street
of bungalows and there were some two-family flats and I think there was even one
four-family built somewhere there. I remember not being allowed to play at the
new houses and my father being very angry when I went over to this house that
was being built -- maybe four or five houses down -- and I shouldn’t have been
there. A boy threw some rocks at me or stones -- unless they were dirt -- it was a
boy who would throw dirt -- and he was somebody who was always in trouble at
one time or another. He was in trouble for throwing it. I had to get stitches in my
head. I still have the scar up there.

AAM    This was one of the neighborhood boys?

CGK    Yes.
AAM: Do you remember his name?

CGK: I remember the incident because that was the only time that I ever had stitches. I kind of remember the stitches. I remember my father was unhappy with me for even going down there. But new houses were something that everybody played at. All the kids would play there after the workmen would leave. Didn’t matter where you lived.

I went to first grade from that house. The only thing I remember is something about being quarantined because my sister Margaret had scarlet fever. In those days, they quarantined the house, you know. They put something on -- I vaguely remember that happening.

AAM: What did it mean to quarantine the house?

CGK: You could not have anybody come in or go out.

AAM: Did they put a notice on the door?

CGK: Yes, they did. You know we didn’t have any antibiotics in those days. The only way they could stop diseases from spreading was to quarantine people. I think my father was allowed to go out to work. I don’t remember the details because I was really little.
Later on, after I finished first grade, I think we moved to where I really grew up, which was maybe three miles farther out in Detroit -- out Grand River -- on Grandmont Road. It was the Depression then. I know that because the house we bought had been built by a builder for himself and he wasn’t able to pay the mortgage. We got the house basically for the mortgage and a little bit more. I lived there until I finished law school and until my father passed away which was -- I was in my 20s at that time.

I went to Detroit Edison Elementary School. We would walk to school. In very bad weather sometimes my father would drive us. After we were all in school, my mother wanted to go to law school. But to go to law school, she had to have a four year degree, and she only had a two year degree. So she enrolled at the University of Michigan and was able to get her degree by taking some courses. There were some courses offered in Detroit that she was able to take down near the Detroit Main Library. I imagine the Rackham Building wasn’t there yet. Of course, I’m not sure, but it was somewhere down there because I know we got to go to the big library on Woodward when mother was studying or taking some classes. Maybe they were offered at Wayne State. She could take some and transfer them. I remember the fact that we had somebody coming to our house during the day every day. Mother did manage. She also drove out to Ann Arbor because we lived in the northwest near Schoolcraft. Of course, we didn’t have the freeways at those times, but we did have Schoolcraft Road and we did have Plymouth Road and you
cut down to Plymouth to take it right into Ann Arbor.

AAM Did she drive herself to school? Do you remember?

CGK Yes, and then my father would have no car, but he would take the street car. We could walk and lived in that house until I finished law school and after I started practicing law. I'm trying to think when I moved. I didn't move until after I was married and after my son was born -- so that was in the 60s. I lived there from the 20s to the 60s. We must have moved there while I was in second grade. I must have been 7 or 8.

AAM During that time, did the demographics of your neighborhood change?

CGK It didn't change at that time. The only thing that happened was that our elm trees died. We had nine beautiful elms because we lived on a corner. The kind that covered the street and met across the street. One-by-one they died. But that was after I got married, though. We still had them when I was going to school.

I liked school. I worked hard. My mother died, however, when I was -- let's see -- my sister Chris was nine and I was eleven and Margaret was thirteen. My mother died suddenly. She always had high blood pressure. At that time, there was no medication for high blood pressure. You just had to cut out salt and lose weight. I'm sure she cut out salt and lost as much weight as she could. She wasn't really
heavy. She was a small woman.

She had very small feet. She wore a size 4 1/2. I couldn’t get into her shoe in any way. I couldn’t even get into any of her shoes to play dress up. She would let us use her old shoes for dress up, but none of us could get our feet into her Cinderella slipper.

I should finish with her story -- she did get into law school. Originally, her dean, who was also the dean when my dad was there at U of M, did not want part-time students and she couldn’t go full-time because of her responsibilities at home. Well, maybe she could, I don’t know, but any way they did let her enroll. She was basically in her second year. She had finished all of the first year, but she had done it in two years instead of one year, and that’s when she died. I can’t tell you just what year that was any more. I would have to look it up. I could figure it out but I can’t say just right now.

When she died, my father’s older sister who lived in Idaho with her parents (she never married) came to take care of us and also my mother’s sister, Ann, who was teaching in the Detroit school system and lived in an apartment down by Henry Ford Hospital. They both came to live with us. Aunt Jean was there all day and Aunt Ann would be at home in the evenings.

My Aunt Ann later married my father in a couple of years. After that, my Aunt
Jean went home and Aunt Ann was with us about another year and she died of the same thing that my mother did. She had high blood pressure, too. She had an aneurysm break. They both died of a broken aneurysm in the brain, just suddenly.

AAM How did your mother’s passing affect your father?

CGK It affected him, you know. To lose a wife, certainly affected him very much. And then he married Aunt Ann partly for our sake, you know, because she was there and she was a very pleasant woman. We were surprised when they got married but it didn’t last that long because she died in a short period of time of the same thing and about the same age. She was a couple years younger than my mother.

It was really traumatic to have your mother die at that age. I remember the first time that we had to go and sleep at the neighbor’s house. Nobody really sat us down and explained very much to us, you know. I don’t know whether it would have done any good, but it was kind of frightening. We didn’t have sleep-overs in those days, for some reason, so to go and sleep at the next-door neighbor’s house and your father wouldn’t be there, you know… I think that if I had this situation, I would keep the child right where I was, but you know they did the best they could.

Our father was in our lives a lot. He expected us to do what we were told to do and expected us to work hard in school. We were always on the honor roll. I had all As or all Is -- whatever they were handing out at the time -- and never had
anything lower than a 2. Sometimes it was for lack of effort, maybe, I don’t know.

After Aunt Ann died, we had a housekeeper for a while.

AAM What was her name?

CGK I can’t remember her name now. She lived -- she was a relative of some people who lived across the street from us -- the Swansons. I remember their name. I don’t remember -- it might have been Mrs. Swanson. Maybe that’s why I don’t remember any other name for her. She could just walk across the street from us -- two houses down. She went home after supper. Then we had somebody else. We got along with us doing the grocery shopping when we got a little bigger and we could go to a store right down at the end of our street on Grand River. There was a store there called Lamplighters. We didn’t need a car or anything to get there. At that time, you could start driving at fourteen, so Margaret got her license at fourteen. — So when she got her full license, she could take us to the grocery store. One of us would go with her and do some shopping. She had a list or we made a list. Sometimes we didn’t have anybody, except we usually had somebody who came once a week to do the laundry. We had various people doing that at various times. I can’t remember.

AAM Did your older sister Margaret take on kind of more of a motherly role at that time?
Well, she was always our big sister. Everybody had to do the dishes. Everybody had to do your share of washing, your share of drying and, if we didn’t have anybody, Dad and we had to do the cooking. My father had done some cooking when he -- one year when he was up in Smith’s Prairie and did the meals for all these lumberjack kind of people. He would never make us pies -- never attempted cakes for us. He would always make us corn bread on Sunday nights. It was delicious corn bread he would make. We would have corn bread and syrup on Sunday nights frequently. He used to cook more roasts in those days and then we would eat from the roasts the balance of the week or from the ham -- whatever had been cooked. I don’t do that myself any more. I live alone so I don’t cook roasts because when would I ever eat them. Unless I go out, I don’t get roasts.

We all went to Redford High School and each of us were awarded the “Outstanding Senior” in our respective graduating class. All three of us. I still have the letter from Mr. Stocking, the principal, congratulating my father on having three daughters who had won that award. Margaret and Chris were both class officers in their senior class. I didn’t run for class officer. I was editor-in-chief of “The Outpost” as was Margaret. She was editor-in-chief of The Outpost, too, her senior year.

The Outpost?
That was our weekly student newspaper. We were always on the honor roll. I was president of the National Honor Society and was on the debate team in high school. I was also editor-in-chief of the annual.

AAM The yearbook?

CGK The yearbook, yes. And so was Margaret. Margaret wrote a column for the -- I shouldn't deviate on what my sisters did -- but she wrote a little column for the local newspaper when she was editor of “The Outpost” and got paid by the inch. I didn't try to do that. It seemed like I was busy enough with what I was doing.

AAM What was it like following in Margaret’s footsteps?

CGK Well, teachers expected you to do well because she had done well. Chris had to do well. She didn’t have any choice.

The neighborhood that we lived in -- I said something about that earlier -- was middle class and people who were economically improving their positions. The homes were nice brick homes. Grandmont Street was the nicest street along there. It had some really very nice homes and some were in the block we were in. Other lawyers -- the only famous one that I could think of was Judd Arnett -- he bought a house on Grandmont at one time. He was a reporter and columnist for the Detroit
Free Press. He used to write about the big elm that he had in his front yard on Grandmont Street. I always read his columns after that. I didn’t know him at that time. I didn’t get to know him until I ran for office as a judge.

AAM What type of law did your father practice?

CGK He was primarily personal injury for plaintiff. At one time, there was quite a bit of railroad litigation in Detroit and he represented people hurt on the railroad. That litigation all went to Cleveland and Chicago later, so that kind of went down. It was not what it is today. We didn’t have no-fault insurance so there was a lot more litigation. Also, he had other civil litigation cases. He didn’t do criminal work, as far as I know. He preferred civil cases. I can’t even remember too much what they were about. Of course, my mother died before she graduated, so she never did become a lawyer.

AAM Did your father encourage her to go to law school?

CGK He didn’t discourage her. I don’t really know -- we didn’t hear any conversations that they had between themselves. I’m sure that he would certainly agree that if that’s what she wanted to do, that’s what she should do. She never had an opportunity when he was going to school. There wasn’t any money and, -- going to law school at that time, there were only a two or three women students in the school. I think maybe some years there might have been five or six women.
At one time, I had all of those statistics because the woman in charge of Admissions at the University of Michigan gave Margaret and I those figures -- you know how many for each year. My sister Margaret went to law school just before I did. She went to law school because she didn’t know what she wanted to do and she thought she would try it. She liked it. So she was there about a year that I was there. So we overlapped to that extent, but she was ahead of me. There were only two women in her class. My class had five. Interestingly enough, four of the five became judges.

AAM Do you remember the names of all those women?

CGK Well, one was Zoe Schaefer. She was elected in Western Michigan -- Benton Harbor. She is still living. I still exchange Christmas cards with her and have all of the years since we graduated. I was just commenting on that when I sent her my card this year.

One of the women died just after graduation. She and her husband had just gotten married. They went to Toronto -- somewhere in Canada near Toronto -- and she got a kidney infection and died on her honeymoon. So she never had an opportunity to – practice.

The third woman became a district judge somewhere north of Flint. She got
married two or three times and had different names. It was hard for me to remember. It probably will come to me.

There were so few women in law school when I went there. There was no room where we could all meet together except the lounge to the ladies’ bathroom -- and that’s where we met and that’s where we sat.

During my first year of law school, the war was still on and the law school was devoted to the Japanese language school that was there. There were lots of soldiers around, but of course, they weren’t using the law club but were living in the dormitory rooms in the law club. They left the law club for law students, but not really for the women.

AAM Tell me about that. What was it like meeting in the women’s lounge?

CGK The law school didn’t have any space for women. Sleeping arrangements were just for men at the time, and even after the war, it was just for men. Women had to live someplace else. I lived at least at Betsy Barbour where I had been an undergrad. I stayed on a year as an assistant to the woman who was the director and that gave me a free room and was so much more convenient. I eventually moved to the graduate residence, Stockwell Hall, which was way up on the hill, because it would take graduate women.
One semester, my sister Chris’ husband had come back from the war and she was going to college. They were going to U of M and we drove back-and-forth. They hadn’t found any place to live, because with all of the soldiers back, there wasn’t enough housing for anybody. They hadn’t been able to find a place. They had their names in because they were building new housing near the hospital. As a matter of fact, when they moved into the new housing, they were the first tenants in that building and the roads weren’t in. The first word my nephew Bob learned was “stuck.” He would stand at the window and see people stuck. His mother must have told him, “Well, they’re stuck.” So I remember going over there to see him and he is calling me to come to the window to see that they were stuck -- and they were. They didn’t have the foundations in for the road and people would take a chance on delivering something or doing something and they would get stuck. They really had to leave their car outside and walk in to be safe. I didn’t have a car so it didn’t affect me.

I did that one semester and then I moved in the graduate residence. I was riding from Detroit to Ann Arbor every morning -- I was spending too much time that was non-productive and I needed to have more time to study for law school. I couldn’t get back the job I had, so I couldn’t get back into Betsy Barbour. I did like it at law school. I liked it better than undergrad.

AAM What were your first impressions of the University of Michigan campus when you arrived as a freshman?
CGK Well, I had been there before when my mother had classes there. I remember sometimes when my dad had something that he had to use the car for he would drive mother to Ann Arbor in the morning, go to work or whatever he was going to use the car for, and then in the evening, he would take us with him when he went out to pick her up. I remember playing on that big rock that they used to have on the campus. They still have that big rock and I’m sure that there are kids playing on it now.

I also remember in those days that they didn’t have warm heaters in cars. You had a little heat in the front seat, but the back seat was always cold so you had a nice, warm car blanket. I still remember all three of us getting under the one blanket and my sisters poking each other. I always sat in the middle of the back seat because my sisters would be teasing each other and causing one or the other of them to be unhappy -- usually the younger one -- usually Chris. She would then cause a lot of problems.

One of the things that I do remember, when we were smaller, we had to drive up to Bay City to see my grandmother. My grandfather died before I was born. My grandmother lived well into the 1930s.

My grandfather fought in the Civil War, and he married grandmother right after
the war. She was quite young when she was married, probably just eighteen. My
grandfather had been born in Canada. He was an Irishman. It was all Irish on my
mother’s side and all Dutch on my father’s side. Patrick Gibbons was his name.
He was at one time a salt inspector for the State of Michigan. I don’t know what a
salt inspector did. We have a little picture of him when he was foreman of a Bay
County jury, so we know he got his jury service in and the jury had its picture
taken at that time which might even have been before 1900. I know that he
volunteered to serve when he wasn’t even old enough and got kicked out of the --
not kicked out but discharged -- because he wasn’t old enough. He then
volunteered again and he fought until the end of the war.

I think I had ended where I was before a few minutes ago with the fact that my
sister Christine, my younger sister, she and her husband moved into the first
married students housing that the University had when it was finished. She also
graduated from the University of Michigan and also has her master’s degree and
her Ph.D. from that institution. When she got the master’s and the Ph.D. after her
bachelor’s degree, my sister Margaret had already graduated from law school. I
was there about 1½ years with her and then she graduated.

I think I ended up telling you about the fact that there were three judges in my
class. The class after me had only two women. I was talking about women in the
law school at that time.
I never mentioned in this interview something that was a factor in activities at Michigan as an undergrad. My freshman year at Michigan, the majority of people in the classes were men. My second year at Michigan, the men were all gone, except the people who had either some problem that was severe enough to keep them out of the service or, when I got to law school, we did have a few that had been in the service and prisoners-of-war exchanged.

AAM How did that change the dynamics on campus?

CGK Well, we had the first woman president of the senior class that they had at Michigan, Patricia Coulter, who now lives in Minnesota and who grew up in Grosse Pointe. Her father was a lawyer here in Detroit.

Also, I learned to drive a truck in the Red Cross program. I had to learn to drive a truck in case we got invaded or something. I don’t know if that was the idea. I learned to shoot a rifle because I went to the class where we learned to shoot rifles. Either the University or the Red Cross offered these courses. In driving a truck, you had to shift gears. In those days, we didn’t have automatic transmissions and shifting the gear on a big truck is very difficult without scraping the gears. Also, we had to change the spark plugs; that was part of the things that we were supposed to learn to do. I never changed spark plugs after that.

Also, I worked in the University laundry folding clean sheets. They used to do our
laundry at the dormitory in those days. They don’t do that now. You have to do your own sheets in the dormitories and they have washing machines. They were no washing machines there and you had to send them home if you didn’t get them washed there. I don’t know if -- they expected the women to do these things as part of the program that they had through the Women’s League’s war work or war related work. You were supposed to learn to do things or do things.

I also worked at the Hospital just being a gopher. The only thing in addition to that was that I learned to fold the shrouds. They had a package that when people died they used, so you had to fold the things so they put it in -- I still remember that because it was nothing that I had ever done before. You know, you weren’t doing it alone. You were doing it with other girls that were volunteering on the same kinds of things and that was kind of fun.

There were weekly dances at the Union or the League. The soldiers in the programs there were given, I think, generally Saturday nights off, so there were people that you could go and dance with or something you know.

AAM Did you often go to those dances?

CGK Not every time, but I went to a few of those. You would meet people from around the country. I didn’t have anybody in particular. I just would go. You didn’t have to sign up in advance or anything. They were happy to have the girls come. I
didn’t have any boyfriend or anything of that nature and they were nice people. There would be somebody you could talk to. It was very different.

As I said, the freshman year, there were a lot people -- a lot of men in your classes and, of course, we were all concerned about the war, too. A lot of your high school friends were participating in the war. They would all have been drafted. Although I only had one really close friend that was killed in the war -- I know other people had more people. I know my sister Chris had more people that she knew that were injured. Of course, I knew people that were injured -- people in law school that were injured. It was something going on over there in Europe. It wasn’t going on here. Although, we did have one Japanese student in the dormitory whose parents were in camps in California, but I didn’t happen to know her. I knew who she was. I knew about her parents but you are doing what you’re doing, going to school and I was busy.

AAM How did you receive news about what was going on during the war over in Europe?

CGK Well, we bought newspapers and listened on the radio. People did keep up on it. Students did keep up on it because all of us knew somebody that was over there. So we did follow Rommel over there in Egypt and the fighting against the troops was quite successful at the beginning. It was very hard to oust him from North Africa there. I remember being concerned about that and where the Americans
were going to land. There was speculation about where they would be landing and after they landed.

Of course, my sister’s husband was in the Air Force and was among the early B17 pilots to be sent over there. I knew that if he was going over Berlin, he could be shot down at any time because they didn’t have enough fighter planes to guard all the B17s that were just bomber planes. But he was fine. So we were concerned about him and cousins. Although my cousins -- two of them were in the Navy -- they never got out of American waters. My one cousin got assigned to some small ship in the Cape Cod area. I don’t know where exactly. And his brother at one time was assigned to the naval station at the end of Grosse Ile for six months, so he came to visit us quite regularly during that time. He liked to get home-cooked meals. Another male cousin that I had – well, two of them were farmers so they never got called up. Two of them in Idaho. I don’t really know what my other cousin -- there was one more cousin who lived out in California. He was called up and he was in the service, but I don’t know what he did. He was older than we were so we would only see him when we went visiting. I can’t remember what he did, but I don’t think he ever went out of the United States.

It’s sort of interesting. My father was the first person in his family to go to college. He had four younger sisters and all four of them went to college. They became school teachers. One of them only went through two years in Normal School. Later, when she moved to California, she couldn’t teach, but she worked
in the pre-school program that they had. She had taught in a one-room schoolhouse along the Snake River for quite a few years. She was divorced and they had three children. Their children all went to the University of California when there was no tuition because the family had moved there. They went there before the family went there. I don’t know how they were treated as in-state, but they were.

It was a busy, busy time. It seemed to me that I really couldn’t do much more than I was doing. I served on the Women’s Judiciary Committee at Ann Arbor when I was an undergrad during my junior and senior year. At that time, the women students were subject to have to keep hours and we would hear of violations of not keeping hours and other kinds of minor violations.

AAM What was the curfew at that time?

CGK 10:30 on week nights and 12:30 on weekends and on special occasions like the J Hop and things of that kind where there was a party held in the Union or at the Women’s League. When I was assistant director, I had to close the doors on people who weren’t finishing their “good nights”, give them a warning and tell them that you better come in, you’re past your time and you don’t get another waiver, come in or you will be docketed. When I was doing that, I wasn’t on the Judiciary Committee. I was doing this to get another year of room -- I didn’t get board, I just got room. I didn’t get paid for that.
AAM  What were your relationships with the women who were in law school with you?  
The group of four or five?

CGK  Well, we also had the two women -- the first year -- the two women from  
Margaret’s class and actually Rosemary -- not Rosemary. Plumber was her last  
name. It was Margaret’s roommate. She stayed on in Ann Arbor because her  
family lived in Ann Arbor and she stayed on working for the law school. Later, I  
got to summer school one summer in law school and I lived with her in her  
apartment which was close by. Mary Jane Plumber. She is still alive in Pasadena,  
California. She was there and also there was a woman from Germany –whose last  
name was Roberts who worked in the library. She was not a librarian. She had  
come there as a student and stayed on, but she was working in the library doing  
going something as a librarian kind of thing. Mary Jane stayed on after graduation and  
was sort of the employee of the law school who was in charge of the Law Review.  
She was the paid person who did whatever job that had to be done and sort of  
organized who was going to -- I don’t know how much she had to do, but that was  
hers paid job. I think she helped out some in the library, too. I don’t think it was a  
full time job.
Tuesday, January 12, 2012

AAM Judge Kennedy, when we last spoke, you were describing the group of women that you went to law school with and the time that you had together in the women’s lounge. What sorts of things did you talk about?

CGK Mostly, we would be complaining about what areas we had to meet in to even see each other and having enough places to sit down. In my freshman year, my sister was still there and her class had two women and the next class had two women. This I recall. We were all there but there weren’t enough seats. There was no place else for students to gather except in the library and the ladies’ restroom. The men didn’t have any place either, except they could use the Law Club and they got their meals there. We didn’t get our meals there, so we had to go out for lunch and supper. I did.

My first year in law school I was still living at Betsy Barbour where I had been president of the dorm and I was now employed as an assistant to the house mother. I had to lock the door when the girls were required to be in and people at the desk would take care of any kind of problem usually in the evening hours when the house mother was -- well, when she was in I could refer them to her, but if she was out for the evening, I had to deal with them. I wasn’t the only person on duty. There was somebody at the switchboard because calls all came into the dormitory and you would ask for a student. We did have a phone in our rooms, but it had to
go through the switchboard. The switchboard operator also had to plug in if anybody in the room was going to make a call. She was pretty busy. I can’t remember whether we had a paid person or a student -- I can’t tell you. It was so many years ago.

AAM So you weren’t allowed to eat in the Law Club because you didn’t have a dorm facility?

CGK They didn’t have a dorm for anybody except the Japanese Language students the first year I was there. They apparently got their meals someplace else, which is my recollection. It’s even possible that none of the students got lunch at that time. When the war ended which it did -- I think it’s my recollection -- during my first year in law school. I better check that date.

AAM It sounds about right. It looks like you graduated there in 1945, so maybe it was your first year then.

CGK I can’t tell you whether it was that year. My second year in law school was the fall semester. I drove with my sister and her husband who had enrolled in the University. He had come back from being a B17 bomber pilot. He was based in England, but his efforts were over the Continent and dropping bombs in Germany. He had been discharged and he and my sister were going to attend the University of Michigan at the same time, although my sister had attended a college about a
year before that, but it was not at Michigan. She had to transfer her records, which she did.

We lived at home with my father in Detroit near Southfield and Grand River. We took Schoolcraft then Plymouth Road to Ann Arbor every morning. We also had another passenger -- a boy that had gone to school with my sister and her husband. I remember his last name was Kiley. That's all I can remember. We could go after the last class. That wasn't too satisfactory. First of all, I didn't have the library in the evening, which I had before. At that time, the only housing for graduate students was at Stockwell Hall where we had the basement. My sister had lived in Martha Cook's as an undergraduate. They permitted you to stay if you had been there as an undergraduate, but they didn't take other graduate students. So she had been able to be right across from the law school. But that was the rule, you had to live there as an undergraduate, too. I'm not sure that I knew that that was the rule. I might have done the same thing, but they wouldn't give me a waiver. So I had that long walk every morning to my first class from Stockwell -- down the hill across the campus to law school, back at noon to Stockwell, back in the afternoon to study or for a class, and then I would come back and study in the library at night. So I really got my walking in, which was probably good for my health. It was awful cold some of the time. In those days, we didn't wear pants. We wore skirts and silk stockings or nylons -- that's what you wore. I don't think anybody wore pants -- I mean women wore pants in law school. It is possible that somebody had a skating outfit of some kind that they
might have worn once and awhile, but I don’t remember anybody doing that.

AAM  Do any of the professors standout in your mind as being particularly memorable?

CGK  I had a certain number that I liked very much. One of them was Mr. Durffee. He was -- I think he was teaching there when my father was there in 1915, 16 or 17. He had a daughter who was a lawyer. She had graduated before I went to law school and later was on the faculty at the University of Kentucky. He had also lost a son in the Huron River by Barton Hills, which is a place of lot of students liked to canoe -- well I guess it’s just canoeing. I don’t think anybody swam there. The son, who was a student at the time, drowned. Mr. Durffee was a little bit of a character. He wasn’t a character in his teaching. He would take a case and you had to dissect it. He would keep asking you questions about it until he was sure you had expressed all the things that he wanted to bring out in that case. He would sit cross-legged on the desk in the lecture hall. He must have been -- to me he was old. He probably might have been 65. I don’t remember what year he had been hired or anything. I may have known at the time. But he was a real favorite of mine. He taught Wills and Trust and also taught Equity. I took two courses from him.

I also really liked my Tax professor whose name escapes me right now, but I will supply it to you. His daughter later became one of my law clerks. I didn’t know her at that time at all; of course, she was much younger than I was.
The third professor was Professor James, who taught Business Associations. I had him three times so I don’t remember the names of the courses, but they were commercial type things. He had a reputation of not particularly liking women students, but that really wasn’t the case. What he didn’t like about them was he was in charge of placing students and helping students to get placed in law firms. He had such a hard time placing any women anywhere. It wasn’t that he didn’t like women law students; he didn’t like the consequences of them finishing law school because he would have to -- He was a different kind of teacher, much more lecturing as opposed to having you work out what the cases stood for. He was just different.

There were no women of course teaching at that time. There was only one professor, as far as I know, in the law school who had a reputation for not particularly liking women students and I didn’t take a course from him. I do remember that he taught Domestic Relations. I don’t know whether his reputation was warranted or not. He also had some responsibility for the library. I know a couple of the women who were working there. One of them was a graduate of law school in Germany and the other one was a graduate in Michigan. They had duties that related to him and they didn’t find anything objectionable in their relationship in working for him. So I don’t know, I suspect -- I shouldn’t even be mentioning it because I haven’t any firsthand information, so it’s all hearsay.
AAM  Did you perceive that women students were treated any differently than male students?

CGK  No, I didn’t really. In those days, depending on your teacher, they would call on you in rotation a great deal. And the ones that taught from the case method, they would start with a student and they would go right down the line if you couldn’t answer it or if they kind of finished with you. Sometimes they would keep you for quite a few cases as part of their time. Sometimes they would drop you. I don’t know how they decided what to do, but for most of them, they would just go right down. You had to take the seats you were assigned because that’s how he could call on you if they didn’t know you. It’s hard -- some of the classes were quite big and there were smaller classes. I think the third class that I had from Professor James was a seminar and we just all met around a table, but that’s the only one I had like that in law school. I attended one summer there because there were other courses that I wanted to take that I didn’t have time for. I forgot what I took that summer now.

AAM  Were there any courses that you enjoyed more than others?

CGK  Well, I liked Tax very much and I thought about trying to be a tax lawyer, but I had taken one course in accounting -- that was all. Actually, I took that at Wayne State one summer before I went to law school as I recall. Maybe it was after. No, it wasn’t after I went to law school. It might have been another summer. I had
liked that, but I wasn’t going to business school or anything. I liked Constitutional law very much. Again, it was the professor.

AAM So why did you decide to go to law school in the first place?

CGK Well, it’s because I decided not to go to medical school. When I enrolled in college, I thought of trying to be a doctor, but when I got to Organic Chemistry, which I struggled with, I decided that I didn’t want to do something where I had to memorize all that information. I didn’t really like the course. It didn’t seem to me that it had any logic to it. You couldn’t learn this and if something else is a consequence -- I mean there were a lot of formulas. You had to just memorize these formulas and I don’t think I had a particularly good teacher, although I may have had a good teacher and I may have just kind of turned it off. So then I decided that I wouldn’t do that.

My father, of course, was a lawyer and my sister was -- she was three years ahead of me -- and graduated from high school and she chose law school because she took this test there. She didn’t know what she wanted to do either. I think both of us didn’t want to be lawyers because we saw the fact that our father was always worried about other people’s problems and it seemed to be something that we might not enjoy. She took this test and it turned out that she was best qualified to be a cook, I think. She wasn’t going to go be a cook and my father really encouraged us to go to law school. He said nurses do all the work and the doctors
get all the money and all the appreciation, so you don't want to go to nursing school. My mother and my aunt had been teachers and they liked teaching, but I just don't know why I didn't consider teaching seriously. I changed to -- I quit taking any more science courses. I really liked the biology kind of courses better than chemistry -- although I hadn't had any trouble with the first two years of chemistry. That was the only way I could switch to law school and I'm glad I did. I did like law school. I really liked all of my classes pretty well. I didn't have any that I disliked.

We had one professor -- I don't remember his name now -- who had been a lawyer in Chicago and then he began teaching during the war when most of the faculty were drafted. My freshman year we didn't have those teachers -- they came back. I think all of them came back, but the second two years we had quite a number of additional teachers because we had a lot more students. He would keep telling us about his experiences in practicing law. I had him for Evidence. I didn't feel I got a really good education in that area. Really, once I was on the bench, I had to start reading some basic Evidence. We didn't have the Federal Rules of Evidence when I went on the bench. We had to apply common law or the law of the state we were in, depending on the case. I mean Michigan was where we were so I had had that from my years on the state court and applied it to all of the cases that I had been working on, or most of the cases. Although, I had quite a few federal court cases that I had been working on in some capacity, so I was familiar with common law. I don't remember exactly when it was that just got -- I think it's an old, old process
that was written before they had the Federal Rules of Evidence and it gave you a good background of why the rule was adopted like it was and why it is the rule you should have. It held me in good stead when we got the Federal Rules of Evidence because it wasn’t just looking at the rule

AAM So you were invited to join the Law Review.

CGK Yes.

AAM And what was your experience like on that?

CGK I liked it because they gave us a carrel in the back of the law library, so at least you had a place where you could leave your books. If you didn’t, you couldn’t leave them in the library. You had to carry them around. You could leave them say for lunch, but they didn’t like your leaving them overnight. So I was happy to have a physical desk in the carrel. They weren’t very fancy carrels. They were just library carrels and the people who were on Law Review each got a carrel. I think there was one for everybody. I don’t know anybody who didn’t have one. I got to know the people there better than I would have known them if we had just been in class with each other. After the first year, most of the people in your classes and veterans would come back because people that were in law school were entitled to come back. They would hold a freshman class in addition to that which made things crowded, but there was space. When the Japanese language students left,
male students could have a place where they could kind of assemble. It was in connection with the bathrooms for them which the Japanese language students had been using. And so they got some additional space there in the basement. It was much bigger than the space they had for women because there were so few women when they built the building. I don’t remember just what year the building was built. If you went back in the history of how many women you had in the law school, go back to the late 1800s and the classes where they might have two or three or four, I don’t remember the figures any more. When my sister and I were giving little presentations to women lawyers here and there, we had all those figures. I think in my father’s class of 17 there was only one woman. Right after the first World War, I think they were small and sometimes they were a little bigger and then were smaller. So it never went up more than five or six as I recall until sometime in the 60s when there was an increase of women in law schools everywhere. I still have those figures somewhere, but I don’t know where they are. I may have to go back to the videotapes of our -- we got a videotape I think of what we used to present. It’s just kind of a history of women lawyers in Michigan and where they were, particularly in Wayne County where we had firsthand knowledge through my father or myself or my sister Margaret. She was a few years ahead of me, although she left for California very shortly after graduation -- no after her clerkship. She had done some things for my father in the interim such as brief writing and such. I didn’t know all of the early women who were practicing in Detroit. I don’t think. Women lawyers at that time were so few in our women lawyers group.
AAM: Who were some of these women who inspired you?

CGK: Well, a classmate of my father's -- a single woman in law school who became a prosecutor doing appeals for Wayne County and I think she did them alone. I don't know that there was another person in that Department. She did that for many years. She also wrote the lyrics for our annual dinner for Wayne County Judges. When I first joined women lawyers when I graduated, I came to Detroit to practice with my dad. I clerked for a year in Washington, D.C., then I came back and practiced with my father. At that time, the women lawyers would put on a little skit for the Wayne Circuit judges every year -- something like the group that does this now. We would have songs that had -- they were popular songs and we would just change the lyrics that applied to the law or to the circuit court. What is the name of the group that does that right now for the Detroit Bar? I can't think of their name. Anyway, it was not as sophisticated as theirs. Lots of the women lawyers -- not everyone but most of them -- belonged to Women Lawyers at that time.

When I first came here, there were no minority women practicing law that I was aware of. Actually, the first minority woman to be a member of the Women Lawyers Association was Geraldine Bledsoe Ford. And she was in undergraduate school and lived in Stockwell Hall when I was living there as a graduate student.
The reason that I knew her was because my father introduced me to her. He saw them there because they were unloading stuff for her. When I first met her, she might only have been a freshman -- I'm not sure. I knew Geraldine and I knew her up until the time she died. I always felt that she was a friend.

At the time that she became a member, we were meeting at the old Women’s City Club Building on Elizabeth and whatever that cross-street is there, quite near Tiger Stadium. Because they did not invite minority people to eat in their dining suite we moved out, which lead to a problem because we didn’t have any place to practice.

I remember one year we practiced our ditties over at the jail because they did have a piano in the little chapel over there, and they would let us use the piano in the chapel to practice our song. One year, we had to practice at the DAR Building which has been closed now for so many years because that was a place where they had a piano. I remember those places. I remember going somewhere else too -- maybe it was a restaurant or someplace like that that they let us -- I can’t remember. It has been so many years ago. If I think about it awhile, I might be able to remember. Anyway, Henrietta Rosenthal wrote most of those lyrics for us.

Now the only woman that worked for the Friend of the Court was Helen Bryant and she was older than I was. I don’t know who was the second woman to work for the Friend of the Court.
Dorothy Comstock was one of the early ones. There could have been someone earlier than Dorothy. I'm just not sure any more. Dorothy wasn't practicing law. She was an aide to Senator Potter for some period of time as I recall and then left there to go to the Friend of the Court. Although she may have done something else in between, I don't remember.

There was only one woman at the IRS and two judges of the District Court had permanent women clerks. Elsa Stack was the permanent clerk for Judge Thaddeus Machrowicz whom I replaced when I came on the federal court. She had been there quite a few years -- I don't know how many -- I just know that they had been there many years when I had been appointed to the federal courts. When I was practicing they were here. When we took things over to Judge Machrowicz, we took them over to Elsa Stack. When we took things over to Judge Lederle -- he was the chief judge -- we took them over to Ruth Rudell. I'm talking about briefs. When we took them over to Judge Thornton -- he was the latest of those appointments I think although he could have been before -- it's hard to remember when -- we would take them to Ruth Rudell. Early, early on, Judge Pickard who sat in Detroit and Bay City appointed Patty Boyle. She was one of the early appointees. The other one was Judge Hackett of the District Court. They weren't permanent clerks but they did clerkships for more than a year. He had a policy of keeping his clerks a little longer, whereas the other people were permanent ones. Nobody else was appointed there. They were there lots of years. The women judges also had some.
When I first started practicing, across the street where there is now a parking lot to the north of the Federal Building -- there was what was called the Recreation Building. Indeed, when the courthouse was built, which was quite a few years before that, they moved the court over into the Recreation Building because the building was being built. But that was before my time. I just know that from my father telling me. In the Recreation Building, there was bowling. The Women Lawyers had a bowling group and all of the women law clerks bowled with us, which was nice because we got to know the permanent clerks. It's always helpful if you know the clerks. I guess in mentioning all the social things that we did, that's about it.

I don't really remember when -- I have to think of her name, too -- the first woman to be the Chief Justice of the Michigan Supreme Court, Mary Coleman. She wasn't in office yet. She came up through the Probate Court for one of the counties near Lansing.

There was a woman who headed up the State Law Library, which was in Lansing, that I knew. We knew who was there because there were so few of us. There were a couple of women practicing in Saginaw whose father was a lawyer. There was a woman Justice of the Peace out in somewhere along the lake here -- Lake St. Clair or out that way -- and that was very early on. I believe she was a lawyer. Of course at that time, the Justice of the Peace wasn't a court of record. I don't know
if it ever became a court of record. I can’t remember. I’m just trying to think who else there was. We used to comment on the fact that there was a woman who ran for Congress from the Traverse City area -- I don’t know what county that is or what district that is -- but she was a member of Congress from there. The first woman to be elected to Congress from Michigan. I didn’t really know her.

Rosemary Scott who was a year behind me in law school was the first woman to practice in Grand Rapids. No woman had practiced there before her. I graduated in ’47. She would have graduated in ’48. She might have graduated mid-year I’m not just sure. She didn’t start with us. She started a year later, but she may have gone to summer school. She couldn’t get a job there. She clerked for Judge McAllister, a judge in the Sixth Circuit, after my sister Margaret did. Margaret was the first woman to clerk in the Sixth Circuit as far as anybody knows. Rosemary Scott opened her own office there and practiced until she died on her own. She was quite an independent kind of person. She had been a school teacher. She saved her money to go to law school. She put her sister, Virginia, through U of M, too -- undergraduate school -- and put herself through law school without any help from anyone like her parents. She may have had some scholarship money. I don’t know.

Interestingly enough, from my class, three of the five women became judges. One is still living, Zoe Schaefer, who is a retired circuit court judge in Benton Harbor -- whatever circuit that is. I don’t remember. Betty Ramsey -- she got divorced a
couple of times so she had different names. She was a judge in one of the district courts up near Lansing somewhere. I’m not sure which county it was in. I was on the circuit court. I was elected earlier than any of them. We’re getting ahead of the story here because I didn’t run for office until ’65.

AAM  So after you graduated from law school, you clerked for a year.

CGK  Yes, I did in the D.C. Circuit and I may have been the first woman to clerk there. Actually, Judge Edgerton had used his secretaries as law clerks, but they weren’t actually designated law clerks. Actually, law clerks for circuit judges had only been in existence maybe a couple of years before I was there. I don’t know whether -- I never heard of any that were earlier but I can’t say that there weren’t. It’s not the kind of statistic that you can find out there, but I never heard of any of them.

When we organized the Women Judges Association in 1987 or ’88, we did a survey of all of the women judges in the United States. But there may be something in existence somewhere in their records now which would tell you whether they found any sitting judges. I think they found all of them because the Women’s Bar cooperated with us, seeing as almost every state had at least one woman judge somewhere. Although, I think there was one that didn’t have any in a court of record and a couple of them had just a couple. There have been a lot of changes since then.
Tell me about your experiences in D.C. during that year that you clerked?

My judge had never had a woman law clerk before. I really got my job because I was Margaret’s sister and Judge McAllister had written to Judge Stevens to recommend me. Judge Stevens had always had his clerks from Harvard because he was a Harvard grad. I suspect that his wife was a factor.

Judge Stevens was a Chief Judge of the D.C. Circuit and he was born in Utah. He was not a Mormon, but his wife was raised a Mormon. Her father had seven ranches or farms -- they call them ranches out there -- with seven families. She was a really delightful person. She didn’t talk about that. I think the Judge told me that once. He had gone to Harvard, but he must have gone back to Salt Lake City to practice when he met her. She was a teacher and was actually seven years older than he was. Very, very nice woman. She had not been to college, but she was current on national and international affairs. She may have gone to college but I just never heard that.

One interesting thing about Judge Stevens was that he had gone to Cornell undergrad and his classmate there was the architect who had designed the chancery building here for the Catholic church that is on Washington Boulevard. That building was designed by his college roommate. I know that because he
came -- he had never seen it. He knew about it when it was being discussed and such. Long after I had finished my clerkship, he and his wife came here just to see me and to see that. They were very solicitous of me.

The D.C. Circuit at that time was in a building of its own, which was later the top military court when the D.C. Circuit moved out. It’s still there. It’s still a Military Court Of Appeals, but it was a beautiful old building and had chambers for each of the judges and one courtroom. It was a traditional courtroom. The area at that time was pretty much rundown and was really not safe to wait for a bus entirely. There was too much crime. We were close to where the D.C. Circuit meets now. The District Court was there and they built a new building including the District Court and the Court of Appeals in the one building. And that was being designed while I was clerking and Judge Stevens -- since he was Chief Judge -- was doing a lot of consulting with the architects, I remember. He insisted that they have rooms for the jurors when they are segregated in the courthouse. I don’t know that they ever used them, but they built the courthouse that way. He would be meeting with the Chief Judge of the District Court and the architects of the Capitol. I’m not sure whether the architects of the Capitol usually meet with respect to courthouse design or not. I can’t tell you what. I’m sure they were the ones they were meeting with because it was all on the same plot of ground. It’s just off of where Congress is.

At that time, judges got one law clerk in the Court of Appeals, but they also had a
messenger. The messenger could drive them around, be like a chauffeur. My
Judge and his wife lived up in an apartment building -- I think it's now a hotel. I
can't think of what it is called. You would recognize the name. [The Washman
Park.] At least one Supreme Court Justice has an apartment up there. I don't
remember which one now.

But they were really nice to me. I hadn't traveled very much. When I had, it was
with my family. I remember going down after I had the job and going to be there a
year and we had a big steamer trunk at home, which we sent on the railroad. You
could put a lot of clothes in so you would have all the clothes you would need as
well. I did buy a few things, but they didn't pay you very much in those days.
Because I had been on the Law Review, I got a little premium -- I remember that.
They gave you a premium for Law Review. I'm not sure whether they gave me
one for graduating in the top 10% of the class.

I should have mentioned that. At that time, graduates got Bachelor of Law unless
you were in the top 10% of the class and then you got a J.D. in those days. Later
on, they corrected that for everybody. It was different in those days. My father
got a Bachelor of Law -- that's just what they gave when he graduated, but he only
had to -- no, he had to go three years and three years. If he had gone to law school
a year earlier, he could have had two years and two years. Now you have to go
three years, which with all the courses you now have to take, you really needed all
that time.
Living in Washington, I rented a room in a home that belonged to a retired Naval captain and his wife. They lived on the first floor. They rented out the second and third floors. There were some young women that lived there and one young man -the rest were women. He was an operator of a beauty shop. One of the women, who was a graduate of Quaker College Haverford, lived there.

She and I the next year rented an apartment on Florida Street, which was just where you cross the bridge over into Georgetown. It was just off of Dupont Circle. You could walk to Dupont Circle. You could get a bus right to our courthouse. What they did when I worked at night was that if another clerk was there, if they were going home, they would give me a ride. A couple of them had cars. Others didn’t have cars. The guards would look out the window -- they couldn’t see everything, but they could see some things and they would have some view of where I would be waiting. Sometimes, I just took a cab. I don’t remember what it costs but they didn’t pay us very much in those days. I think we got $2400. Rooms were expensive I know that.

One of the women that I had met in Ann Arbor was working for the government -- I’m trying to think of what area. I did know. But in any event, she was very nice and invited me to stay with her for a couple of days. The first place I went to was the old Willard Hotel. That was where I was staying before I found an apartment, because you have to find your own. You had to just look in the paper and see what
there was. The cockroaches there were so bad that I had to get out. I called her because she had said that I could stay with her, but I didn’t want to impose on her. She was working in a library. She was a graduate already -- she and Dorothy Carl. In any event, I went out and stayed with her until I found a place to live. It was very nice of her.

I had never lived anywhere with cockroaches. I had never really seen any. We didn’t have any in the dormitory when I was there. I was in the kitchen a lot of times the year I was assistant house director. It doesn’t mean that there weren’t any, it just means that I never saw any so there couldn’t have been a lot. If there are bugs around, I’ll see it. I hate bugs if anything.

Fortunately, the next time that I stayed at the Willard it was a fancy hotel but this time probably nothing had been done about for many, many years. Surely nothing during the war. I don’t know why it was so bad maybe I walked into the bathroom too quickly after I put the light on. Maybe they would have disappeared. I don’t know. I had that experience.

AAM Did you enjoy your work as a clerk?

CGK Well, I did and then I didn’t. I spent an awful lot of time on one case. The judge had had this big long case involving Clear Channel, as a matter of fact, before radio. One of the plaintiffs or defendants was a radio station here -- I don’t
remember which one. They didn’t want those channels to be given to other people in other parts of the country. I had to go through this huge administrative record. I hadn’t had any experience in administrative law and – I had to check the evidence that they each mentioned and see what it said. I remember that that case took a lot of my time. The other cases were the general run of cases that you got.

I had studied enough in law school to be able to do it. Although I did work a lot of evenings when I was there so it must not have been too vast. Some of the other clerks would be working and we would all go to get — there was a little place where we could get dinner down a couple of blocks. If you were all going together, it was perfectly safe to go down there, so we would do that. Actually, we ate a lot of our lunches down there, too. It was kind of a “greasy spoon,” but the food was good.

All of the other clerks were married except one, so occasionally I would get invited out to their homes and somebody would provide transportation. None of them — I don’t believe any of them lived right downtown. We didn’t have any Metro at that time you know. We had to take a bus. Some of them — that’s what they did every day — they took a bus. I think the majority of them had cars. Of course, the rest were all men.

I enjoyed my year of clerking and indeed one of my fellow clerks and I continued our friendship another year. He got a job with Cravath in New York City and I
was back here with my father. I went to visit him a few times but nothing really came of our relationship. I am glad it didn’t because I was so happily married to my husband and I think the person I was dating was much more of an egotist. I’m not sure that we would have gotten along for years. I don’t know. He became a federal judge in New York state. A lot of years after I was on the federal bench, so many years later, I did see him in Washington at a big meeting of federal judges there. I don’t remember when just that was.

That gets me back to coming to Detroit. I joined my father who at about that time was separated from the people that he had been practicing with. He hadn’t been a law firm for quite a while. They had been sharing space and there was space available in the tower of the Penobscot Building where we had an office for just the two of us and a very nice reception room. We had just one secretary between us, but it seemed to be enough because I was just literally working on his cases. I might have brought in a case or so, I don’t know, but I was mostly working on his cases.

AAM What was it like working with your father?

CGK He was very nice to work with. He was a very patient kind of man and we always had -- since my mother was dead -- a good relationship. My sisters now were married and I was living with him at home. Ordinarily, we took the street car because we could sit and read the paper on the street car. If we took the car, we
would have to drive. During the war, of course, he hadn’t been able to drive because we didn’t have enough gas. He kind of had gotten used to the street car.

Among the people who took that street car from Grandmont to downtown was Ted Bond, who was another circuit judge, who had four daughters. We would sometimes see him with some of his daughters who must have been working downtown at that time.

He later moved to Grosse Pointe so he wasn’t on the street car with us. So at least when I went on the circuit court, I had known him for a long time.

My father had cancer and he continued to practice. He was treated, but couldn’t be pressed.

At the time he was actually the trial counsel on the Noronic. The Noronic was a boat that at that time went from Cleveland to Toronto, Detroit, and Mackinaw. I don’t think they had any other stops. At one time, some of them used to start at Pointe of Barcs, but that’s really before my time. I don’t know when that ended.

The Noronic had a lot of paint on it and a fire started while it was in port at Toronto and it burned. A lot of people were killed. People were injured and such. The plaintiffs had a committee of lawyers -- some of the people were from Detroit and most of them were from Ohio. There may have been some from Canada.
They didn’t represent the Canadians. They had settled the case on the basis of a lump sum, but my dad was still active in practicing -- so they had to divide up the lump sum. They had a special master to do that, but you had to take depositions. They let me continue on the committee and get attorneys’ fees that he would have gotten for that phase of the case. I took a number of depositions over in Toronto, which was a good experience because it was a different kind of deposition. We had to follow Ontario rules and things like that, but I did it. That kept me busy.

Actually he had pathological fracture of the hip and so he was hospitalized for quite a long time in Ann Arbor. I used to drive out at night to see him and then drive home, or else drive to my sister Margaret’s who lived in Farmington Hills, which was closer. Particularly in the winter time I used to go there and spend the night and then go to work the next morning.

I had done some appeals before that on some of the cases that we had. I had done briefs and such. I hadn’t argued them, though, so I argued my first appeal. My father was still living, but it was a case that had been on a contingent basis and there really wasn’t any way to get another lawyer -- a more experienced lawyer. I did go up and did argue it and was successful. But when I got up to argue, the muscle in the calf of my leg started twitching and I had to stand up there the whole time with a twitch in my leg. I kind of -- it was not the way to have your first argument, no, but it was a good experience. I don’t know if we were able to collect that judgment or not. I think we got something on it finally and settled it in
some way.

I practiced by myself for maybe a year.

My sister was back here from California. She clerked out there for a California Supreme Court Justice and then she and her husband decided that he was having too many hay fever problems if he got out of the Bay area so he couldn’t go hunting in the mountains around the Bay. If he did, he had this terrible hay fever plus the fact that he was subject to being seasick. He was an engineer with the Navy. I guess it was a serious kind of thing. I remember that he said he was seasick all the way back from the Philippines at the end of the war. He had served in New Guinea, primarily and then when MacArthur was taking back the Philippines, they were deployed to the Philippines. He fought there and the war was ending and they were sent anywhere else.

Where was I before that?

AAM What was it like to practice on your own?

CGK I had the advantage that my sister Margaret was here. If I needed somebody to help me, she was here. She hadn’t actually practiced very much. She had very good judgment to help me select a jury and things like that. She helped me on briefs. And most of all, if I got two things that needed doing on the same day and
needed somebody to, I had somebody to go to, which in some ways you really can’t practice on your own. You have to have somebody to cover for you when you need it. You can’t schedule things the way you want. Maybe some people can, but I didn’t find it very easy.

I had the opportunity join a small firm -- Markle & Markle. They were practicing in the Buhl Building across the street. When my father wasn’t able to try cases that he had, we had referred all of those cases to Mr. Markle, which he had done a good job with. Mr. Markle suggested to me that I come over there and practice with him, which I did. It was a very satisfactory arrangement. There were two brothers who were partners. There was also another person who had an interest. I don’t remember how long he was there after I was there -- I can’t tell you. He died fairly young. I think he was there until he died. It was a relatively short period after. He had all girls -- no boys. He had quite a number of children -- at least six.

One of the things that I remembered about Dick Markle was, when I first went there, he had a success in a drunk driving case and got his client off. Two weeks later, the client ran into one of these old streetcar things that we had in the streets in those days and killed himself. I remember how badly he felt, because he enabled him to get back driving when he probably shouldn’t have. I never did that kind of -- I never had a case like that.

I practiced with Markle & Markle for quite a few years. Margaret, who hadn’t
practiced after I closed the office, started working for them part time. I can’t tell you when she left there. She was appointed to the Worker’s Compensation Appeal Board and I can’t tell you what year that was. I know she was on the Board for a few years before she was elected judge. She had to run for judge and she ran in the State district court and she won. She ran against a lawyer who was -- I think he had been the Justice of the Peace there for a time before they had the district court. And I think she was elected when the district court was formed. I could be wrong on that, but I don’t think there was an incumbent to run against. I know they increased the court from 1 to 2, so there was a new judgeship. I remember that now because the other judge when she was elected had been there for quite a while and was a very popular individual.

When Margaret was elected, there weren’t sisters who were judges in the United States. I’m quite sure that that’s a fact because we looked at all of the women judges in the United States when we organized the Women Judges Association. When I say we, I had something to do with it but not a lot to do with it. It was done in California in the 1980s -- I can’t tell you what year in the ‘80s.

At that time, California had the most women judges. New York had the second most and Michigan was number 3 because Governor Milliken had appointed quite a few women judges in Michigan, so that we had more than places like Pennsylvania and Florida. I don’t remember how many more anymore. I do remember that we were number 3.
The two women who were really responsible were two Californians who were on
the equivalent of our circuit court. One of them may have been on the Court of
Appeals. She was shortly elected to that, anyhow. I think the other one was also
elected to that Court of California, but neither of them ran for or were elected to
the Supreme Court of California.

It was a really interesting experience to go out there and meet all of these women
judges who wanted to create an organization. Everybody had to pay for
themselves. There wasn’t any budget to pay for them. There was such enthusiasm,
particularly from the women who were from states where there were so few. You
might be the only circuit judge in the state or two might not be in the same circuits.
Everybody had stories to tell of the problems they might have.

I can remember -- it’s a story you probably you really don’t want to hear, but I’m
going to put it in here. I remember when I had a trial in a patent case and one of
the two lawyers -- actually the plaintiff’s -- wanted us to go down and consult
Judge Joiner because I ruled against him. People have such strange ideas. I said
that we wouldn’t and they would have to use the ordinary processes. I wasn’t
going to consider if Judge Joiner had something to say on the issue. But they just
didn’t feel comfortable with a woman lawyer.

That happened to me, too, when I was on the circuit court when I was trying the
Giocalone case. They took an appeal during the trial from some ruling that I had made on jury selection and they argued, that because I was a woman, they shouldn’t pay attention to what I said and that I made the wrong decision. They actually said that. The Court of Appeals wasn’t going to give any credence to that, I’m sure, and I knew most of the judges, too.

One reason I knew so many of the trial lawyers was because, when I started practicing with my father, I did all of the pretrials. They had one judge for the circuit court doing all of the pretrials. You were over there at 10 o’clock in the morning to Tommy Murphy’s courtroom and everybody who had pretrials that needed something done would have been scheduled and would have all been heard by him. I had a lot of free time while he was doing other things, and you got to know people who later became the ones who were trying cases. They were probably like me -- not trying cases at that point -- so I did get to know the practicing bar pretty well.

And I was active in the bar association. I served on the Character and Fitness Committees and sub-committees. I was chair of the committee where you answered “yes” when you should have answered “no.” We had a separate committee for that at that time. You got assigned to that committee. I chaired that for a while and had a few interesting cases, which you can’t really discuss I don’t think. I could discuss them in a general way. Many of them were young men who had taken a car when they shouldn’t have driven it and had done it at a young age.
Most of them we permitted to become lawyers. They had been in law school and seemed like they had grown out of it. They said that they had. Occasionally -- I mean, I can talk about this part of it --, we had some people that had some psychiatric problem and they wanted to be sure it was being taken care of or had been taken care of if they were going to practice law. I think that we had one lawyer who had been called before the Senate Committee -- the one that McCarthy had -- Senator McCarthy -- one person had had that in his background. I think that was in the paper.

Thursday, May 10, 2012

AAM  Alright, Judge Kennedy. Last time we were talking, we were talking about you practicing at Markle & Markle in 1952. During that time period, did you meet your husband?

CGK  I did. I was walking over to the City-County building to file a new case and also to check on a record. I met a woman, Lola Hanivan, who was some kind of relative of Justice Murphy of the Supreme Court, and I had known her in conjunction with some activity -- I don’t remember what -- and she said “Are you coming to the Dedication?” And I say, “Dedication?” and she said, “Yes, they are dedicating a plaque to the University of Michigan at the location of where the University started and it’s being done today.” “And she said, “Come along with
me.” And so I did, since I didn’t have an awful lot to do. And so I went over and my husband, Charles Kennedy, was there at the dedication because he was one of the directors of the Men’s club -- I can’t think of the name, it was only open to men. But the women who graduated from the University belonged to the Detroit Association of the University of Michigan Women -- that was our title and I had been a president of that and I also had been on their scholarship committee for several years. And there I had come to know Mr. Matthaei, who is a prominent supporter of the University of Michigan. Fred Matthaei had been on the scholarship committee, which was joint committee of the men and women clubs, so he introduced me to my husband.

We went on a date and we just had some others. So I wouldn’t have met him if I hadn’t gone to this Dedication of the plaque. I might have because he was a graduate and I might have met him at some alumni thing sometime. We had an extremely happy marriage.

AAM  Tell me a little bit about your husband. What was he like?

CGK  Well, he should have been a lawyer. He would have made a very good lawyer. But his father wanted him to be a doctor and he started medical school during the war. But he decided that he did not want to pursue a career in medicine. He didn’t like taking care of sick people. I mean, it wasn’t that he disliked them, but he didn’t want to do that and so he dropped out and went into the Army in the
Medical Corp., and that's how he served in World War II. He went ashore at Omaha beach or one of those beaches in Normandy. Not the first day or first week, but early on when they were still fighting. And then he had to walk across France. They didn't provide transportation to people who were working in this capacity unless they could get a truck. He said it was a long walk because they went to Cologne where they were fighting the Battle of the Bulge and there were a lot of soldiers to be treated all the time.

After we were married and were making a trip to Europe, he wanted to go back and see Cologne and see where he had been. So that's about the end of that story. Ordinarily, he didn't talk about anything that happened, like other people. Neither of my two brother-in-laws, my sisters' husbands, would ever talk about their experiences except maybe to say, "Henry lost a finger." They didn't ever tell you where he lost the finger. And my other brother-in-law was a bomber pilot, but he didn't talk about it either. That's one of those things people apparently didn't.

Margaret's husband was in New Guinea in the Radio Corp. trying to keep the radio working. Their fox holes would get water in them because it was such a rainy season all the time when they were there.

AAM Did you end up going back to Cologne with your husband?

CGK Yes, I did.
What was his reaction to being back there?

Well, there was still a lot of damage that had not been repaired. He didn’t say too much about it. The saddest thing he saw in the war was some Polish soldiers who got into bad alcohol right at the end. There was a group of people who were Polish and had been forced to work in this town they were in somewhere south. When they were rescued they almost immediately got into some bad alcohol and many of them died of it. He said it was particularly sad because they’d been working through the war for nothing and required to work. Now they were very, very ill and they didn’t have necessarily what they needed to give them. They didn’t keep supplies to take care of things like that. You wouldn’t expect soldiers to get into those things, but they were more half soldiers and half factory workers kind of thing or something. He said it was so sad for them that the war ended that way.

My husband was a very thoughtful man and very even-tempered. Very organized, hard-working and very supportive of his nieces and nephews whose father died. He always managed to take them to University of Michigan things. Because their father was a U of M grad, too. He was concerned about his sisters. He had five sisters, and I would say that they raised him properly.

We didn’t marry for quite a few years, but that wasn’t because of him; it was other things that were happening in my family. My sister was going through a divorce.
My sister Chris who had six children and her husband left her. Her youngest was two, but there had been problems earlier.

She went back to U of M to get her doctorate, so that when she had to support them she would have the doctorate. You get paid more if you have a doctorate. So she was at Michigan when one of her sons was at Michigan, or maybe two of them. I don’t know, I know one was there and I don’t know when David started. His dad had been a Regent of the University for 18 years and he helped him with his last campaign. I think those were six year terms for the Regents. Actually, Charles tried to run for his Dad’s seat, but he didn’t really have the money to do it. He didn’t even have the age, so maybe that was just as well. We did have a place at the convention, but he didn’t get the nomination. It went to a man at Chrysler who had made other money contributions and Charles had not made anything except just small contributions. He didn’t make that much money, but he was always interested in the University.

AAM So tell me about your wedding day?

CGK We had just family members and two or three other people who had been important to our lives and Charles had a couple of friends who had been very important in his life. And, of course, all of his brother-in-laws. So we were married at Congregational Church on Southfield and then we had dinner there that the women of the church had prepared and then we left to our honeymoon trip.
We went to Arizona and went to the Grand Canyon and then drove to see my aunts who all lived in California. He had never met them.

AAM Where did you buy your first home together?

CGK Well, I had the family home when my Dad died. My sisters each had their own homes and so I bought out their interest in the house. And I lived there until we moved here. We were going to move somewhere either where some of his sisters were or my sisters were. I had to live in Wayne County at that time because I was on the Wayne County Circuit Court and you have to live in the County. So, we looked in Livonia, but we didn’t find exactly what we wanted, and he had three sisters that lived here and we decided this was the better school system.

AAM And here being Grosse Pointe? Grosse Pointe Woods?

CGK Grosse Pointe. Well, the Grosse Pointes have just one school district and they have two high schools.

If we lived here they would have had to go to Grosse Pointe North, but Chuck went to University Liggett after third grade. I was working and they had a bigger program for after school things and they had a different kind of curriculum based in athletics. Everybody had to participate in athletics. They didn’t have enough boys in the school to fill the teams, so even if you weren’t very good you got to
play. He contributed to the track team because he learned to pole vault, which sometimes there was nobody on the other team to pole vault. If there was, he might beat them and maybe not beat them. Kids are not into pole vaulting. He ran the relay, but never the first part or never the last part. He wouldn’t lose too many but sometimes he was not the best runner. But it was good for him. He ran cross-cross-country. He played soccer. He learned to play basketball and he enjoyed some of those later on. So that was a good program, I think.

He didn’t seem to mind the practices and the woman that came after he was born stayed with us for 20 years. We gave her a car, so she had a car and drove him to school until he could drive himself. And she lived here with us. She was just a wonderful person.

AAM What was her name?

CGK Rachel Autio. She was Finnish and came from the Upper Peninsula from a town called Atlantic Mine, which is just south of Houghton. In the summer time, Chuck would go up with her. Her sister had a home up there. Actually, Mrs. Autio and her sister had bought this farm house and little piece of land and her sister retired before she did. But it didn’t work out for retirement because her sister wouldn’t let her build a bedroom and bathroom on the ground. She thought she could go upstairs. So, it wasn’t satisfactory to her, so she went to a senior citizens place up there instead and lived quite a number of years there. When
Chuck’s son, Matthew, was born he took him up there to see Mrs. Autio by himself.

Chuck always called her Grandma Rachel because he had no grandmothers. They were both deceased before he was born. They had a very close relationship. She spoke Finnish, of course.

We had an exchange student from Finland. But we didn’t choose him; Chuck came to me and said, “Mother, Timo has to move from where he is.” I don’t know what his problem was with this host family and I never inquired. “Can Timo come and live with us?” I said, “Well, I don’t know, what does Grandma say?” (Mrs. Autio said he could come because he would not be extra work for her because usually she and Chuck would be together and when we came home I would fix dinner for my Charlie and I.) That was our usual pattern, although if Mrs. Autio made something that was for more people we would be very happy to eat it.

Except for the fact that they don’t give the students enough money to participate in things. And he Timo didn’t have any ability to earn any money because he is not supposed to work when he is here. I don’t know where he could have gotten a job either at that time. We did buy him a jacket, because he was in athletics and was awarded a letter and didn’t have any money to buy a jacket. So we did that and also paid for him to go up skiing with a group. It wasn’t too much, it was just one of those things.
AAM How long was he living with you?

CGK Until the spring. He started in October.

AAM How old was Chuck at that time?

CGK He was in the 11th grade and Timo was in the 12th. Timo was quite a good athlete. He would have wins in either soccer or basketball, which he played over there. He enjoyed it here. He said he felt safe here and sometimes in his country of Finland they had an awful lot of drinking in the winter time because it’s dark or something. Sometimes it really wasn’t quite as safe. His mother was a teacher and I spoke to her on the phone. She could speak English. I never learned any Finnish.

The high point of their relationship was when Chuck got his license -- and he and Timo drove down to Florida with a stop in Washington, D.C. to see the Capitol and came home without any problems. They had to call every night at 10:00 p.m. and be in the motel that was recognized. When he was down there he had to stay at this resort, which we had stayed at once. We knew that at least the resort was not going to have any funny business that anybody knew about. We didn’t want to be told there was some problem. They got one parking ticket. They parked on the beach. You could park on the beach, but not where they parked, I remember that. It was the first time Chuck got to use credit cards. He was an easy child to raise.
AAM: What was his personality like as a child?

CGK: He was friendly and he seemed to be happy. If I was going on a trip in the summer time when school was out for an administrative office program, Charlie and his Dad would go, too, and they would see the countryside. I never got to see the Air Force Academy, because they had been there too many times. Denver is a popular place; the hotels are not too expensive. It is a nice part of the country to see. I used to be active in the ABA too. It was ABA meetings or something, they always went with me.

When Chuck was really small I think his dad brought him home a toy every week. He would go over to Hudson’s, which was still in existence, and find something. It might be a book or something else. Much of our social contact was within the family, because with his sisters and my two sisters, there were a lot of family things we went to.

AAM: Was Chuck close with his cousins?

CGK: Yes, with the ones that were about his age. Some of them were quite a bit older than he is. His cousin Christy came and did some things with him. I don’t know where Mrs. Autio was. She took a trip to Finland and she took a trip to Switzerland and she may have taken another trip during the time she was working
for us. I think Christy came when one of those trips took place. They had a good
time. She was quite a bit older than he was.

Right now, she is in charge of what equipment can be used for handicapped people
that would help them in learning. She has all of Detroit, Grosse Pointe now,
Harper Woods, Hamtramck and Highland Park. It used to be three people did that,
but now she has to do it all by herself without a secretary. It’s just ridiculous. But
she gives lectures to teachers using computers and quite fancy equipment. If it is
really helpful to one particular person that is paid for by the County -- it doesn’t
even come out of the Detroit School District budget. It just has happened gradually
that they have taken away people that worked for her and haven’t put them back. I
don’t know what is happening now.

Chuck is close to a couple of his younger male cousins. He is not estranged from
any of them. Although, Angela and he liked to have Christmas supper at home, so
they frequently didn’t go way out to Milford where they were having a Christmas
celebration. Their celebrations are at Thanksgivings and that’s usually done at
Christy’s over in Waterford. It is a long way out to Milford from here. Sometimes
I go to Milford, sometimes I stay here.

AAM Was it challenging being a working mother?

CGK Fortunately, my husband could ordinarily cover things if I couldn’t cover them.
But when I was a trial judge, it was very hard to be able to schedule things. So it was nice that he could, since he originally worked for an agency for quite a number of years. Then he and a two other people from that agency started a new agency, because the old one dissolved.

AAM What kind of business were they in?

CGK Advertising. They had different clients different years. At one time, for several years, they had the State Fair. The Fair didn’t have to do a lot of advertising but it did regular advertising. There was a lot of industrial advertising, people that make things for the car industry in Detroit. So they had a number of smaller clients. They had Ford Motor Company, which had remanufactured parts. We had to buy Mercurys for a few years.

Otherwise, my husband bought Pontiacs because, at the end of the war, the Pontiac dealer gave him a stripped price on his front wheel car and everybody else was making the soldiers pay extra money. So he always bought Pontiac cars until that dealer closed up. It was over in Pleasant Ridge. I think he knew Dr. Kennedy -- might have even been a patient of his -- I’m not sure of that detail.

I haven’t said anything about running for office. I had spoken about the fact that I would like to be judge. I thought I could do a better job than some of them. So Charles said, “If you want to run, let’s do it.” If something was going to be
started, he would plan it out and see what we could do. I had been active in the
Detroit Bar and State Bar and, I must say, my senior partner was very helpful in
getting me to get the endorsement of former Presidents of the Detroit and State
Bar. For the most part, the people that were asked agreed. I know one caused a
problem because Charles didn’t like him. He didn’t resign from my committee. I
got enough signatures with my sisters, Charles’ sister and his friends and my
friends. At that time Wayne County had 1,800,000 people -- more than the state of
Arizona. Getting petitions in Detroit if you don’t use some service is a big job.
So, we got petitions and filed them. Plus we had billboards the first time I ran.

I lost the first time. I should say that before that time, Mary Beck, who became the
first woman Chair of the City Council had run for Circuit Judge two or three times,
but didn’t seem to get enough support. The first time I ran, Charlie and I weren’t
sophisticated enough to know that you just have to go around and ask for
endorsements. I didn’t ask for an endorsement from the News, but the Free Press
called me up and interviewed and endorsed me. But, I was a few votes short.
There were another three judges that were going to be elected the next year. This
was increasing Wayne Circuit by seven judges in two years. So we went out and
got signatures again, which was a very trying thing. You get signatures and they
are not good because they are not on the right ballot and you have to get enough
extra. The second time, I went to the ethnic papers and got the endorsement of the
German paper -- I didn’t even know there was a German paper -- and of the Italian
paper called something “Depopulo.” It made the difference.
I ran first, ahead of Jim Ryan. He was a state court judge out in Redford Township. The third person who got elected was a lawyer from that general area, Dearborn, I think. That was 1966 and I have been judging ever since.

AAM

Tell me about some of your most memorable cases when you were sitting on Wayne County Circuit Court.

CGK

The longest case I had was Vito and Anthony Giacalone and the Attorney General had appointed a committee to represent the State. I remember Robert Gussy was the lead lawyer for the State. The defendants were accused of threatening people and harming people who didn’t pay gambling debts. As a matter of fact, there had been one homicide allegedly done by them.

The head of the State Police had arranged with Judge Thomas Thornton of the federal district court to give a break to a man who had access to both Vito and Anthony Giacalone and they had the elaborate arrangement they would observe Anthony and Vito going into this place and a witness would be wearing a wire. But, they didn’t plan right. They could show these people going in with a wire that broadcast. But, as soon as they started broadcasting, they left, so there was no witness that saw them leaving the building. Why the State Police did that, I don’t know. I never got a chance to question them about it either.
But anyway, we tried Mr. Giacalone and it took us so long to get a jury because he had so many challenges. First of all you give 21 challenges, my memory, to each side. Maybe the State didn’t get 21, but the defendants did. It just took us so long to get a jury. I was a new judge. This was in my first year judging. I may have had to excuse all of the jurors when one of the candidates to be on the jury described some relative of hers being beaten up by the Giacalones. So we contaminated the jury we had.

And then we had a key witness who had TB and was in the hospital. They insisted the witness had to testify; they wouldn’t accept a deposition. So they all had to cover up and the witness had to cover up and come down and testify. Their major testimony couldn’t be received because -- I have forgotten the details now -- they hadn’t proved that he was a member of the conspiracy sufficiently, to my recollection.

The jury did not convict. They acquitted him -- both of them. On the case that was presented, that was the right verdict.

So I came across both Vito and Anthony Giacalone when I got on the federal court. Matter of fact, I tried Anthony twice. Once for having brass knuckles being found in his home and the search was okay. The other one was a big gambling debt. There were five people in that case and Anthony and his lawyer sat in the last seat. The jury convicted everybody except Anthony. Of course, the reason
was because he was running the thing -- it was clear. The jury was not sophisticated enough. Maybe I was prejudiced with all the things I read and heard. Although I do say the Sixth Circuit took care of him in his old age when Judge O’Meara didn’t give him a very hard sentence.

AAM  Was there a lot of media coverage of that case?

CGK  Oh yes. I did have a scrap book, but somehow somebody was going to write something about me or do something about me and I lent it out, I guess. I don’t know where it went. I have had several people who have wanted to write something and then they don’t do it.

AAM  How did the public react to the acquittal?

CGK  I don’t really know. I make it a practice to not read about cases after they are done. I have done the same thing in the federal court. I had an embarrassing situation where there was a program that wanted to find out what I thought about what had been written about a case. It was the one involving a Jehovah’s witness. I told them I hadn’t read anything, so it made for a very difficult program. They had to change the program around a bit in order to have an issue of some kind.

You can’t change anything people say. I read enough to know where the Supreme Court disagrees. Other than that, you don’t need to know any more. If you read
everything, you might be unhappy with what somebody said. People do say things, particularly if they are representing the other side, which I would rather not hear. I would certainly read about it in a law review article or something like that.

AAM When you joined the Wayne County Circuit Court, were you the only woman on the court at that time?

CGK When I joined it the first year, Lila Neuenfelt -- who was the first women ever elected to a circuit court in Michigan -- was finishing up a term. So she was there my first year and then she retired. There were 33 judges at that time (or was it 34?). All the rest of the judges were men the rest of my time.

There was a restaurant in the basement of the City County Building where they had a table for the judges. That was helpful, because you could go down there and wouldn’t have to be eating alone. It was difficult for women to ask men to go to things or do things such as that. It just wasn’t done. There wasn’t any history of it.

Lila Neuenfelt was married at one time because she had to litigate if she could run under her married name after she got a divorce and they said she could. She got the name legally and she could use it legally, basically.

One thing that came up was that I was married. There hadn’t been a female judge
before that was married. For the pensions for husbands, you had to be dependent at the time of my death. Say if I died in my 40s, my husband became dependent on whatever I had; when he got in his 70s, he wouldn’t get my pension. That was what the Michigan Legislature had passed. I got the Legislature to modify that so husbands would be able to get the same things that wives could get. When I went on the federal court, I found there wasn’t anything for husbands. Sara Hughes and Constance Motley had been on the federal court. But neither was married or they were divorced. And Shirley Hufstedler who had been appointed said her husband would not be in need of a pension. She resigned from the court in order to go to the Cabinet as Secretary of Education. The Administrative Office wrote me that they would do something to get a pension, but they wanted to do the same thing that Michigan had already done that I had gotten rid of. They were requiring you to be dependent at the time of the judge’s death, which didn’t make sense to me. They did finally pass something that was satisfactory. I do have that correspondence somewhere. I think I have that correspondence. I have so much stuff.

The only other legislation that I ever had to do with directly was when they were passing the federal statute against violence against women. I did have some input into the language that was used in that. I think I still have that correspondence. I better find it, someone is going to want it.

I had my secretary in the district court and then she became disabled and I had no
secretary. I can't remember now whether I was on the court of appeals or whether I was still on the district court. Because the secretary that I hired at that time stayed on quite a while. I don't know if she is still working. When she left me, she went to the district just south of Cheboygan, whatever county that is. She has been up there since. I don't know if she is still there or not, although she sends me a Christmas card or a birthday card. After she left, then I had two secretaries for a while. That was before computers were really in and so you had law clerks who had to hand write things and the secretary would type them up.

I go back before memory typewriters, so when you had to make a correction, you had to retype the whole thing. And the office contracts had to be re-typed. You couldn't ever erase on a contract. In pleadings you could, but not contracts, which is probably a rule that someone put in based on their experience. You didn't want them fighting over what was in the contract, which would be awful.

Mr. Markle had represented insurance companies that had to defend these kinds of cases. I don't remember what insurance company it was. He was very sensitive to doing things the right way. You could never put a file away without having a future date on it when it would be taken out so you wouldn't forget things. If someone didn't enter the future date, then you could get fired. Well, maybe one time they could get excused.

AAM So while you were a judge on Wayne County Circuit Court, the Twelfth Street
Riot took place in Detroit. Could you tell me a little bit about that?

CGK  I was aware that they were taking place and that there was some real rioting at Grand River and Grand Boulevard. Charles said we can avoid that and go down into Dearborn and come back and wouldn’t be running too great a risk. I felt that I didn’t want the only woman on the Court not to be there. We did get down and we didn’t have any problem. We were close enough to see the smoke and fire. Actually, I volunteered to go over to Recorder’s Court. I don’t remember going to Recorder’s Court, so maybe they brought them over to the old City County Building where I was. But at least I was available. I came down every day of the riots. I didn’t subject myself to any danger (although there could have been some). My cleaning lady lived right there at West Grand Boulevard just south of Grand River. And she couldn’t get out because it wasn’t safe for her walking the streets. My husband’s father lived on Virginia Park and the motel at the end of Virginia Park at Woodward was one of the places that was set fire to.

What year was that?

AAM  It looks like July of 1967?

CGK  I am thinking he was deceased by then. I don’t remember going down and rescuing him from anything because we would have taken him to our house.
I never understood the race relations in Detroit. Almost all of the damage that was done was done to black merchants. I don’t know why black people would want to damage merchants. I don’t understand it at all. I can understand their objections to the police, but they didn’t really take any steps against the police or even get posters and things of that kind. They destroyed anything that was easy to destroy.

The previous time when we had the riots -- there is a book that is very accurate from what I can remember -- a man had moved with his family into an area that had not had any blacks and the people who lived there were demonstrating in front of his house. And when it came to a shooting, they just returned the shots that were sent to them. Actually, they were acquitted.

AAM Was that the case Clarence Darrow had represented?

CGK I used to have that book, if you have any interest in it. I wasn’t practicing law when that first one happened.

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CGK I may have met Senator Griffin the first time I ran at some political gathering. The first time I met him was in Washington, D.C. and I had lunch with him in the Senate dining room. I had my picture at the occasion taken by whoever takes the pictures for them. I may have seen Governor Milliken after I saw Senator Griffin, I am not sure of the timing of that, it’s so many years ago.
AAM So you were saying that you owe your appointment to the Eastern District of Michigan to Senator Griffin?

CGK Well, District Court appointments are for the Senator, largely, and you have to have the President okay it and everything. I never met President Nixon. Sometimes, in later years, you got to meet the President, particularly after the judges' organization was started. I can't remember what year that was, although I was President at the organizational meeting. I should look some of these dates up. I would have the date of that because I have it listed under presidencies that I have had.

The organizational meeting was interesting to me because they elected me Secretary. That was a common thing for women. But then they wanted to provide that the Vice Presidency automatically became the President. The Secretary is the only one that didn't automatically become President, moving up the chairs. I said I wouldn't take it under those circumstances. When they agreed with me that it wasn't fair, they made any office could go up automatically, which is what it should have been. That was the organizational meeting for the Federal Trial Judges.

AAM Tell me what it was like the first time you heard you were going to be nominated for the Eastern District?
Someone from the Senator’s office called up and I had applied. I was told I could apply, and I had applied. They called me up to say that it wasn’t going through smoothly because President Nixon was having a problem with Senator Griffin in connection with the appointment of Harold Paswel to the Eleventh Circuit. It wasn’t smooth, not because of me, but because the Paswel thing had to finish somehow before I could be appointed. I didn’t have anything to do with that. I didn’t have any way of influencing it, I just had to wait.

It was finally smoothed out and no one was going to oppose me. They called me in January and it was the August before. Then they wanted me to have all the paperwork in about two weeks’ time and I had an infection in my foot and was in the hospital. Charlie and my secretary at the time had to try to get everything for me together. This appointment was just waiting and I was hoping they would see eye-to-eye.

There is one thing about the Circuit Court election that I should say. Years later I knew the Editor of the Detroit News and I asked him why the first time I ran they didn’t endorse me when I had several more State Bar Presidents who were endorsing me than the man they endorsed. They said they endorsed the other man because they didn’t think I could win. I don’t mind saying that about the Detroit News. The Free Press was kind to me and they let me use something from their article on my literature, too, which was nice. It’s always helpful.
Mary Beck had been running and she couldn’t ever get in. She’d run at least three
different times. I did what I could to try to help her get elected. She probably
would have been a good judge.

AAM Did he say he didn’t think you could get elected because you were a woman or he
didn’t have to say that?

CGK He didn’t have to say that. The only differences between us were I had more
endorsements than he had and I was a woman.

AAM So you were the first woman appointed to the federal bench in Michigan.

CGK Yes.

AAM Do you know how many other women had been appointed to the federal bench
across the nation at that point?

CGK I know who they were: Florence Allen, Sara Hughes, Constance Motley, Burnita
Matthews (D.C.) and Shirley Hufstedler to the Ninth Circuit and that’s all. I was
the first female Republican to be appointed.

AAM What were the differences between being a judge in Wayne County Circuit Court
and then being on the federal bench in Michigan?

CGK There is a lot of federal law that you don’t have in the Wayne County Circuit Court. Although, my most important case in civil rights was the Goldberg case -- where I said that you couldn’t take away people’s public assistance without a hearing -- and that was a Wayne County Circuit Court case. One of the district judges who I happened to meet at Neimans when we were out shopping one day, she said that those were called “Kennedy orders.”

AAM What were the biggest challenges for you transitioning from being in Wayne County Circuit to being on the federal bench?

CGK One thing, when you go on the federal bench, you are completely responsible for your cases. Whereas, in Wayne Circuit, the cases are assigned to you through the assignment clerk and when you finish a case you are supposed to call and tell them that you are finished and available for another case. While I was on the court we changed that and made judges responsible a little earlier because it was a very bad situation in Wayne Circuit Court. Some judges would do what they were supposed to and some judges would leave lawyers to do what they wanted to.

Right after my appointment, maybe the next week, I had this one hearing on whether this company’s employees left them to form their own company and did they take trade secrets with them. I had not had a lot of chemistry. I had to study
all of these things to see if they were different. And I think that was one of the hardest things I ever did because I had organic chemistry for one year and a year of plain chemistry. That was very tiring. First of all, we had to hear testimony in the afternoon because I had a trial going on. So the testimony was taken after the trial. You had to listen so carefully. I had to distinguish between this and that. It was very difficult.

AAM What did you ultimately decide in that case?

CGK I decided that they were not the same. There was enough difference that the Plaintiff hadn’t proven they were trade secrets. I never liked trade secrets cases even when they were much more understandable. It is helpful if people have really good agreements it makes a difference in hard cases. Anti-trust cases are hard cases, too, particularly ones with a hospital against another hospital.

AAM What were some of your most memorable cases when you were sitting in the Eastern District?

CGK I think American Mini Theaters probably is the most influential case I decided. I wrote the opinion and I have the hand written copy of what I wrote.

AAM Can you tell us a little bit about that case?
That was a case where cities restrict sexual movies and I think it is still the law that they have some authority to do that. It is important that cities maintain some kind of standard in order to protect people. At the time, I thought I had written the right thing, and I still think so.

I had several cases go to the Supreme Court. When Chuck was working for the tax division of the Justice Department, I decided a case and I persuaded my colleagues interpreting the tax law, and all of the writers have written on it.

I had nine Court of Appeals cases in nine years where I was affirmed. That’s not a bad record. At least one case they said I had not done what I should have done. The lawyers hadn’t briefed that issue and there is no way to have something corrected after it comes out like that, even though it was clearly wrong. They said I should have done something during the trial and I did do that during the trial. No one pointed out to the Court of Appeals that I had done that. I thought the lawyers had done that on purpose. But that was not the case, they just didn’t do anything.

Friday, June 8, 2012

Today is Friday, June 8, 2012. My name is Allyson Miller and I am here with the Honorable Cornelia Kennedy at her home in Grosse Pointe, Michigan.

Judge Kennedy, the last time we spoke, we were talking about your time on the
District Court, and I know at that time, you were the only female judge on the court. What were your experiences being the only female member?

When you went on the District Court you received a calendar from the judge you were replacing. You had your docket all ready for you. The first thing I remember is that Judge Machrowicz, who died and I replaced, had given very long terms to bank robbers. Whether he gave them all the maximum, I don't know, but they were very long. First things I got when I was appointed were motions to reduce sentences on all those cases. I have to say I reduced very few because I didn't have all of the facts, we didn't set them for argument, and Judge Machrowicz had devoted a lot time to these sentences and I just didn't think that the fact that he was deceased was a ground to reexamine this all. I may have reduced a couple of them where there were special circumstances, but I didn't handle them as a group.

One of the very first cases that I remember was a case involving the trade secrets and some organic chemistry that was complex and there was a quarrel about whether this was different or not different. That was something that I had to rely on the witnesses. I had taken organic chemistry, but my organic chemistry wasn't sophisticated enough to decide this case. One side was seeking an injunction against the party that had left. I remember taking long testimony from expert witnesses, but they were helpful. I was glad all of my cases were not that time intensive.
Now since you were the first female judge of the Eastern District of Michigan, did you feel that you were treated differently by your colleagues?

I knew almost all of the judges on the federal court because my father had practiced there and our law firm Markle & Markle had a significant federal court practice. I don’t know that they welcomed me, but I know two of them did: Thomas Patrick Thornton and Chief Judge Lederle. When I was running for election to the Wayne County Circuit Court, they had been asked something about me and they replied something that was flattering.

Each judge had his own docket, so it wasn’t a matter of needing to be welcomed. We had a judge’s meeting once a month. The first Monday or Tuesday of the month. The only thing that I remember about that is almost everybody came with cigars and we had a room with no windows that we ate in which was a real small room. People who didn’t smoke cigars ordinarily did. One of the judges would bring a supply of cigars. They would all light up. I didn’t say anything but I still remember I didn’t like sitting there with all the cigars.

One of the first things that happened to me, I had a person who was going to come for trial and I think he was killed in the parking garage out at the airport. So, of course, we couldn’t try him and we set aside his conviction. He had already been tried. We had the death of two prisoners, one was on appeal and the other one
hadn't been tried yet. That never happened to me on the circuit court.

AAM So in 1977 you became the first female to serve as a Chief Judge of a federal district court. What kind of responsibilities did that position hold?

CGK Chief Judges at that time had no administrative assistance. It was just the Clerk and the Judge. As far as having to run the court with problems such as security, and having to decide what to do with facilities, we did not have anybody sitting up in Port Huron, we would be having votes on whether we should have a judge sit in Ann Arbor. One of the judges wanted to sit in Ann Arbor. And we found after several years of voting no, the court changed and voted yes. Those are the kinds of things we had to deal with and different opinions from the judges on security. I would get a call every day -- what would seem like every day -- about security from one judge.

AAM What were the security measures that were enforced for the courthouse?

CGK We adopted the measures of checking people coming in differently and confiscating knives and weapons (that weren't disclosed). It just seemed like we had a lot of problems with prisoners, like where we were going to house them.

As a matter of fact, we spent a lot of time trying to get a pretrial detention center in downtown Detroit because at that time we had a lot of prisoners. We were having
to put them as far as Kalamazoo for the women. We couldn’t put them in the
Wayne County Jail because that had been declared unconstitutional by Wayne
County Court. And we couldn’t put them in any Detroit precinct because none of
those were suitable for prisoners. We had them in Oakland County, but they did
not have any space and if they had to sleep on the floor you heard from their
lawyers. Seemed like we were spending a great deal of time trying to find places to
take prisoners.

We did get approval from Congress to build a detention center, but the Bureau of
Prisons didn’t want it. They did have one in Chicago and I’m pretty sure in Los
Angeles. We did get approval of the plans, but then the number of prisoners went
down and the Bureau of Prisons didn’t want it built, so it wasn’t built. But we
gave the drawings for the facility to the County and the existing detention jail was
made from the federal government’s plans.

It was interesting to see what you had to do to get something like that through the
Congress. I hadn’t had that kind of experience. I think we should have been a
little more long range in our planning because we could have used it lots of times
when we haven’t been able to get jail space.

AAM Did you enjoy the administrative tasks that were associated with the Chief
Judgeship?
No, because you didn’t know what they are. You just became Chief Judge and you knew that you had to preside at the monthly meetings, but you don’t know all the problems you are going to have. We had a big probation department. We didn’t have a code for our officers or pretrial services. We had to get them written and approved. There was some embarrassment because we didn’t have such provisions. There were questions whether what an individual did was okay or wasn’t okay. We didn’t have it written down. It was just the beginning of doing all of those things. Some of them had been started before Judge Keith and only some hadn’t been completed.

AAM Did you have any conversations with Judge Keith about what to expect?

CGK It sort of just passes on to you. He went on to the Court of Appeals and he kept some of his cases. So he was extremely busy when he went on. I know he kept the Pontiac School case and the Hamtramck case and there were a lot of hearings to be held on those cases. I did talk to him about some problems that we had in probation, and it was helpful because we both agreed on how to straighten it out.

It was too bad we didn’t have a code before that. We should have had one sooner. People didn’t have codes for their employees, we were just getting them. I think we adopted codes for Pretrial Services, Probation Officers and the Clerk’s Office.

Then we had problems with General Services Administration (GSA). When I was
finished being Chief Judge, if I had to have a case involving GSA, I would have to disqualify myself. I was so unhappy with them. They wanted us to estimate what more space we needed, but they wouldn't give us any drawings of what space might be available. It was ridiculous to me why it should be that way.

Then we had the problem of the grand jury room being built and it wasn't soundproof. That was bad, because the brother of one of the persons who was testifying was in the hallway and heard the testimony of his brother, which was putting him in the soup. Then we found that there were no drawings and there had never been any drawings. The GSA just built the grand jury room. We couldn't put it out for bids because we didn't have any drawings until somebody came from Washington and made some drawings so we could put out a bid.

Seemed like we were having one problem after another. I'm sure Judge Keith had the same problems in his two years. But I don't think so -- at least not the grand jury ones. My two years of being Chief Judge were pretty busy. Seemed like every time I turned around there was a new problem.

Then I was being considered for the Court of Appeals and that took my attention.

AAM When did you first hear that you were being considered for the Court of Appeals?

CGK This was under President Jimmy Carter, so if you were interested, you could
apply. When the first vacancy came, Judge Keith wasn’t sure if he really wanted to go to the Court of Appeals. So I felt I would apply. President Carter had a commission that would approve five people. That was President Carter’s contribution to appointments. That’s pretty much what Senator Levin and Senator Stabenow have done regarding appointments.

Judge Keith first of all had been on the court longer. He was a Democrat and I was a Republican and the President was a Democrat. The second vacancy occurred because they increased the court and one was going to go to Michigan. Although, Ohio didn’t want it to go Michigan because Judge Edwards had moved to Ohio and so they wanted him counted as Michigan’s one so that they would have an Ohio one.

I applied again and Michigan included me along with Patty Boyle, who had come over from Recorders Court while I was Chief Judge.

AAM What was that like having another female on the court with you?

CGK It was very nice. I had met her, but I didn’t really know her until she came on our court. She was a good judge. Her husband used to come in the afternoon because he was on Recorders Court. And my husband used to come pick me up. The two of them used to sometimes walk around the building waiting for us.
She told me that she was going to apply, too, and she did. She was one of the five the second time along with me. But I had been active in the American Bar Association, partly because I had gone through the Offices of the Federal Trial Judges. Griffin Bell, who was Attorney General, was chair of the Finance Committee of the Federal Trial Judges. When I had been on the Appellate Judges, we were on the Finance Committee together. Senator Metzenbaum was the opposition from Ohio and on the Judiciary Committee.

AAM  What was the basis for his opposition?

CGK  He wanted to have two choices out of Ohio: Nate Jones and also the Chief Judge of the District Court in Cleveland. George Edwards, Chief Judge of the Circuit, asked Patty Boyle to run to put her name in. She told me. He didn’t want me. I guess I am too conservative for him. Actually, when he originally ran for Justice of the Michigan Supreme Court I supported him and I thought he had been a good judge.

I didn’t know Attorney General Bell very well -- just from the American Bar Association.

AAM  What were the confirmation hearings like?

CGK  They were difficult. I had 12 hours one time. Nobody had ever had 12 hours
before the Senate Committee for a Circuit Court appointment -- at least that’s what people told me. I had decided that the real opposition was because of the Ferndale School case.

AAM  What was that case about?

CGK  It was about lack of minority teachers and the Ferndale district, which had appointed a black principal to a school that wasn’t a black area. You had to know about the geography of southern Ferndale. There was a community there of black people and the reason they were there was because it was cheap and they didn’t have paved roads. They did have this nice grammar school. There was one high school so they didn’t have any discrimination about the grade school and I think they felt that by appointing a black principal, there weren’t any black principals around at that time. They were upset that that was the cause of the NAACP suing them. They didn’t have a place to have informal graduation parties, at that time, there were much stricter rules about dance places and places where you could have a graduation that would admit black members.

AAM  Where any of the other five candidates that were nominated by the Commission Republican or were they all Democrat?

CGK  I know one was Chuck Levin, he was a Democrat. Patty Boyle was a Democrat. I think they were all Democrats except for me.
I don’t know who voted which way, but there were some Senators from Tennessee and Kentucky who supported me.

AAM Judge Kennedy, what kinds of questions were you asked during the confirmation hearings?

CGK I was asked about cases. Senator Metzenbaum wanted copies of all of the cases I had decided. I didn’t have copies of all of them. But he got copies of all of them from the Clerk’s Office. One man who testified against me was a person who had limitations on what can be broadcast on radios. He didn’t do very well.

AAM What was his testimony?

CGK He wanted to make light of what he had done, but I didn’t have anything to do with it. He wasn’t a very satisfactory witness for them. I was so surprised that they had him testify. One of the strangest things is that when he was in jail he had surgery for some kind of cancer. And if he hadn’t gone to jail, no one would have found the cancer. That came out in the testimony.

The Administrative Office recommended that some prisoner cases be dismissed. I don’t think anybody ever reversed those cases, but they criticized it. I don’t think anyone had 12 hours for a Court of Appeals judge appointment before.
Washington and the NAACP didn’t want me to be confirmed.

AAM | How did that feel to have such opposition?

CGK | I was surprised. If I am not mistaken, I think that the head of the NAACP here said that they had come over when I was nominated and said they would support me, but they changed their position. I was kind of surprised about that, too. I was glad the Federal Bar stuck with me. And Harry Philo who was a big Democrat at the time tried to get Senator Kennedy to let me be approved, but he didn’t succeed. And then Strom Thurmon, who was on the Republican Minority Committee, wouldn’t let anybody be approved until they voted on me because I had the votes, but they wouldn’t vote. It was very nice of him, because I didn’t know him before that. That was when I got confirmed.

Charlie and I were taking a trip to Texas to see the Rio Grande. We planned that and also went to Houston to see where they had those terrible storms that had torn out their harbors. That’s where I was when I heard about it.

AAM | Did you celebrate the news?

CGK | No. This is when I learned that the NAACP was going to oppose my nomination. We had Chuck, my son, with us. If you ever have a chance, go and see the Rio Grande. There is an awful lot of Texas you have to drive through to get there, but
the bluebells were blooming. It was beautiful.

AAM Did you take a lot of family vacations?

CGK No, not too many. They included attendance at judicial conferences. There were quite a few of those because I was active in the Federal Trial Judges and attended their meetings and then I was on some committees of the Judicial Conference after I became a Court of Appeals judge. Also when I was a trial judge I was on the Multi-District Litigation Panel which met a couple times a year. Usually, if Chuck could get away from school or if he wasn't going to school, they would go to the conference with me and go exploring the countryside while I went to the conference. I remember doing that in Colorado. They went down to see the Air Force Academy. (I never got there). Various places in the West would give judges a very good rate. I remember going to a conference in Jackson Hole and one in Montana. If we wanted to walk around in the park we had to go in a group because of the Grizzly bears. I didn't go on the walking trip, Chuck did. He went with the Ranger.

AAM You mentioned the National Conference of Federal Trial Judges. I believe you were the first woman Chairperson of that organization?

CGK I was one of the people that founded it. The Chief Judge of the District Court in Arizona, Judge Walter Craig, thought that we should form something for the
federal trial judges. The Chief Justice wasn’t interested in any organization at that time, although he later changed his mind and figured we did need somebody to look at pay raises and other kinds of things. Four or five of us met in Cleveland (one of us was from the Washington, D.C. Circuit).

I was elected Secretary at the meeting. We decided we would form an organization because the ABA wanted us to form one and have an organization of Federal Trial Judges. So we thought we would just go ahead and start it. The bylaws were going to provide that the Vice President became President and the Treasurer became Vice President, but they didn’t have anything similar for the Secretary; he or she wouldn’t automatically rise up. So I told them I won’t take the position of Secretary and so they changed their mind and put me in the rotation. That’s how I became the President. I had to wait for years to do it.

We did organize and it has been very helpful to have that organization. It’s not likely that we will get another pay raise. We haven’t gotten one for years.

AAM Now I know you also, in your time on the Circuit Court as well as the District Court, were involved in local bar associations, like the Detroit Bar Association.

CGK I was the first woman to be a Director of the Detroit Bar Association. I just ran for office there and was elected. But there had been no women Directors in the Detroit Bar Association before that. For the most part, at that time, only people
from some of the more elite firms ran to be Directors of the Detroit Bar. One reason that I ran was James Montante, who later became a Circuit Judge, was running for the Detroit Bar. He was elected, too. I don’t know why I particularly decided to do it.

Before I went on the bench, I had been in all of the Chairs of the Negligence Law section, which was formed from the Insurance Committee of the State Bar. Since we did personal injury work, my father and I -- had served on the Insurance Committee of the State Bar. So when the Negligence Section was founded, I was elected Secretary. But they had the Secretary moving up, and I didn’t mind being a Secretary. I just didn’t want to be treated differently than the others.

The Governor, G. Mennen Williams, had appointed me Chair of the Uninsured Motorists Committee because I had been active in trying to have an uninsured motorist statute passed here in Michigan. An uninsured motorist statute was passed.

AAM What was it like transitioning from the District Court to the Sixth Circuit Court of Appeals?

CGK At that time, we would go down for three weeks at a time. We didn’t sit every day of those three weeks. We would sit Monday, Wednesday and Friday the first week, and Tuesday, Thursday and Friday the next week. Three days a week. You
might be sitting for an extra day if you had a death penalty case. Although we had very few death penalty cases for many years, because none of the governors in Tennessee, Ohio and Kentucky would issue death penalty warrants. In order to execute someone, the governor has to execute a warrant. None of the governors were executing anybody for quite a number of years after the change in the death penalty statutes. Then there was a rash of governors who were elected that were not in favor of the death penalty and they just didn't issue warrants. Because they changed the statute of limitations, you could just wait. You didn't have to do anything, you could wait for 25 years, and then you would raise your constitutional grounds you wanted to raise. When the statute of limitations was written, one year, everyone had to file their habeas cases or lose them. That was while I was on the Court of Appeals (about 1979).

AAM  Did that affect your case load?

CGK  We didn't see any death penalty cases until that statute was passed. They couldn't be executed until they had a death warrant. But now with the statute of limitations being one year, you have to bring your habeas case within one year -- or lose it. Neither Kentucky nor Tennessee ever had very many death penalty cases. At least the ones I had were ones where there were really serious situations and people were executed because they had committed terrible crimes. Seems like Ohio was ramping cases up. Some young prosecutors were bringing more cases.
It's hard to say what kind of case you want to have the death penalty for. I personally would not vote for it here. We don't have the ability to provide everybody with a good enough lawyer for one thing, and with DNA now you can still have errors. Every judge has probably 7 to 10 cases that are death penalty cases.

AAM Now that you have been both a trial judge and an appellate judge, do you prefer one over the other?

CGK I wouldn't want to do just appellate work. I think a judge needs the experience of trial. You've got to have the ability to look and see what was really done and what the forces were. I would have preferred to be a trial judge if I couldn't be both. I certainly enjoyed the appellate work, too. There is a lot of time you spend in trial doing routine work.

There is nothing as interesting as trying a good jury case with good lawyers on both sides. But there is nothing worse than one with a good lawyer on one side and the judge is trying to balance the books a little bit. It is very difficult to try a case where one side is a good lawyer and the other side isn't.

You run across things like, several years after the Federal Rules of Evidence have been adopted having a lawyer tell you, you know, "There's Rules of Evidence?" And he's charging people money to try cases. Many of the Rules of Evidence
were there before that. Some things were changed because they want to make things easier. That’s why we now require that you can’t be sworn in until you have said that you have read the Rules of Evidence.

Right now, there is no requirement of attendance at seminars in Michigan, is there?

AAM  No, there is no continuing education requirement in Michigan.

CGK  I know that they decided to change it because people were charging an awful lot for these seminars. I guess the Bar Association doesn’t want to go into competition with them. I still think our state associations should use something when there is a big change of law. Or else, they should require lawyers to take some exam once in a while.

Thursday, June 14, 2012

AAM  Today is Thursday, June 14, 2012. My name is Allyson Miller and I am here with Judge Cornelia Kennedy at her home in Grosse Pointe to conduct her oral history.

Judge Kennedy, the last time that we spoke we were talking about your time starting out on the Sixth Circuit Court. What were the most memorable or notable decisions or opinions that you wrote during your time on the Sixth Circuit?
I had the case involving the hazardous waste at the plant in Tennessee. That was very early in my appointment. I held that, because the government was building a structure in Arizona to deal with it, the government was complying with the law. There was a dissent of Welford. The Supreme Court did not take the case, and I don't think they have taken the issues. We haven't gotten any full blown decisions from the Supreme Court about what to do about it. Right now when the leader of the Democrats is so opposed to this, it is not likely that there will be any change. Although there could be, as I am sure the parties will be asking for either one way or the other to bring that issue. It is a difficult issue because it clearly is not working. We are not putting nuclear waste there, and we have problems in several places in the United States where we have nuclear waste. Something has to be addressed sometime. But it is a problem everybody would like to have go away, I'm sure.

I think that having sat on the federal trial court for nine years and four additional years in the state court that I was happy that I had been a trial judge because I think it helps you understand what's going on in the court room in a different way than if you had never been a trial judge.

I don't remember what cases I had that went on to the Supreme Court from my years on the Sixth Circuit, I mean to look that up or you can look it up.

I do remember one was the Watchtower Bible case, with the Jehovah Witnesses.
CGK  Yes, it was. It was a City in Tennessee that had problems with people going around and maybe getting elderly people to do things that were not in their interests. The City passed an ordinance that said everybody who was going to go to door to door had to register. They didn’t have to pay anything. They didn’t have to have any current limits on their going around, but they had to register. I held that they had to register. The Supreme Court held that they didn’t have to register, even though there was no charge. That’s one where I still think I was right, but it was 8-1 and the only Justice that agreed with me was the Chief Justice at that time, which was William H. Rehnquist.

AAM  So how does it feel when you know that one of your decisions is going up to the Supreme Court? What does that feel like?

CGK  That’s the way the system works. You’re glad that there is a check on what you held because sometimes you have to hold dire things, particularly. So I am glad the Supreme Court, which I think is generally true, really looks at the issues that they take. I think we are very pleased to have the tradition of the Court as it is and have people that we have there, even though you don’t necessarily agree with them.

All you have to do is look at Africa where at least several of them don’t enforce the court’s decision in various places. Until you can get a resolution of something
and have it carried out, and know that you have that, I don't see them ever having anything but disaster. Of course, their biggest problem is AIDS. But next to AIDS is the fact that they don't have any tradition -- they may have had some times when they enforced -- but they don't have tradition on rule of law, except in South Africa. I haven't really read anything recently how South Africa is doing in this regard. I know, for quite a long time they had a leader who didn't even believe AIDS existed, or at least that's what he was broadcasting. Whether he really believed that or not, I don't know.

AAM

Was there ever a time, or can you think of a case, where the Supreme Court reversed a decision of a panel you were on and it caused you to reconsider or to second guess your decision?

CGK

I don't think so. I did have one where it was a tax case and my son was working for the Tax Division at that time. There was general agreement by all of the authors on taxes that what the Congress had said they couldn't have meant because it was contrary to all the law. Ordinarily, I had been quite strong to support government decisions within their proper range or jurisdiction. However, the Court decided that probably yes, it didn't make any sense, but it was what Congress had said and they would enforce what Congress had said. I don't know if that has been changed in the Internal Revenue Code now, I never followed up on that. Too much to do.
AAM

So what was it like in those first Judges' meetings that you had on the Sixth Circuit?

CGK

We didn't have quite as much smoking as we had in the District Court, but the Judges' meetings were still very smoky. Also, the smoke from one chambers could go into another chambers with the heating system we had. I smelled Judge Celebrezze's cigar smoke whenever I was down there because he was right next door. We still had people smoking cigars at dinner, if we had a Court dinner.

Everybody was very kind to me. One of the judges, Judge Cecil from Dayton, had been a classmate of my father. He was very nice to me. I never got to calling him by his first name; I called him Judge Cecil. It just didn't seem like I should call him by his first name. He was from the District Court and continued active for quite a few years.

They used to dedicate the judges' pictures after they were dead. Now we dedicate the pictures if someone wants to contribute a picture to the courthouse or one of the organizations -- like if the Federal Bar Association wants to dedicate a picture. My first few years, the only time we got to see the picture was after the funeral. Kind of sad.

I was busy, I mean it's not a job that you can do in one or two days. If you have to do it in two weeks, you can't do that same job in two days.
We sat at that time for five weeks.

For the most part, the spouses that came for Cincinnati would come for the whole five weeks. If you were there over the weekend there would be somebody going to dinner together. It was a very collegial group at that time and I think that was largely because of the spouses. They were all very congenial and didn’t have any disagreements. We didn’t discuss what the spouses thought about cases.

AAM  Did you have an apartment there in Cincinnati?

CGK  I had an apartment after the second year. Several of the judges -- Judge Lively and Judge Engel -- had apartments at the Phelps. They gave anybody very reasonable rent.

Generally, there would be a group eating together and sometimes that included people that lived there and sometimes people that would be going out to dinner. They probably ate their breakfast there. I don’t think anybody cooked elaborate meals there.

They changed the rules on what expenses you could charge on renting and for a while you couldn’t take your costs. Some years it was pretty expensive to have an apartment and other years the IRS had a different allocation and it was fine.
I usually ate my breakfast at the apartment during part of that time, but then when I wasn't getting any benefit from that I started to eat at the hotel where they would reimburse me for my breakfast. So sometimes somebody else who was staying at the Westin, I would see in the morning for breakfast. I would just go there and if they came and wanted to eat with me, we just ate. It was kind of nice.

I slept better in the apartment than the hotel. When I first went to the Phelps the Westin wasn’t finished. It was built while I was on the Sixth Circuit. So you had to stay at the old Stouffers and the swimming pool was outdoors. If you happened to be on that side of the building, they didn’t close the swimming pool until 11:00 p.m. So you couldn’t go to sleep before 11:00 p.m. in good weather when the pool was open. That was one of the reasons I got the apartment -- so I could sleep better. It was terrible. You can sleep, put your ear plugs in and put on your mask so you can keep it dark and go to sleep. That’s all you can do. You can’t stay up all night for five days. I learned to sleep pretty well.

AAM  What were your impressions of Cincinnati when you first arrived there?

CGK  At that time, there was Poe’s department store and the new store that was owned by the Kroger company (it wasn’t Kroger then). It was a nice place to shop.

We used to go to some of the baseball games. Some people went to some of the
football games, but you have to stay over the weekend for that. We had some outings to the baseball games as a Court. In the old stadium you could circle the floors and get upstairs -- that way we didn’t have to go up a lot of steps. You were getting to higher elevation by just walking around the circle. So that was nice. I saw quite a few baseball games.

I never saw a football game because I went home on weekends since my son was in high school. He wanted some of my time. He would be three weeks without me. Most people with children did go home on the weekends. It was just their spouses that stayed.

We had some pretty expert shoppers. There was an outlet store over in northern Kentucky and the spouses, having lots of time to kill, they found some very good bargains. The judges did have time to go with them. I think I went with them just one time.

We always included the spouses in the dinner arrangements and that was a nice factor that we had them in our group. Otherwise your spouse is going to be eating alone.

AAM Were there any judges that you considered mentors in particular during that time?

CGK I was glad they were on panels. Maybe Judge Lively. I would disagree with him,
I was usually really quite busy when I was there because when I was home for the weekend, I wanted to give time to my son and husband. Seems like the time went by so fast as you would be busy while you were there.

AAM What was it like to have that different dynamic at the appellate level of having to convince your colleagues instead of making the decisions by yourself at the trial level?

CGK You do the very best you can do and sometimes you have to compromise. If you do and acknowledge that you are doing it, that’s fine.

I think we have more trial judges than we do now. Judge Conti and Judge Norris had been trial judges -- and Judge Martin had been a trial judge, not for very long, but long enough to try several cases. Of course, Judge Keith had been a trial judge. We all had some of these problems when we were trial judges sometime and had some method of dealing with them.

We were changing the sentencing system during this time and getting rid of mandatory minimum sentences and getting mandatory guidelines, which I never liked. I didn’t have them when I was on the trial court. It’s something that came in just about the time I went to the appellate court.
AAM: Why didn’t you like the sentencing guidelines?

CGK: Because they don’t leave discretion with the trial court. Like we have now, we do have discretion, but you didn’t originally. You had to follow the guidelines and lots of times there are so many things to take into account and the guidelines didn’t let you take them into account. The effect was to take all of the discretion out of sentencing. Now, we have gone back to putting discretion back in, which makes it much fairer.

AAM: So what’s it like in that meeting after the hearing where you are talking with the judges?

CGK: After oral argument we meet with the Panel and discuss the cases that we had for the morning -- or afternoon if it went over to the afternoon. Then you take a tentative vote, starting with the most senior or at least Presiding Judge, which might not be the more senior if one of the judges on the Panel is a Senior Judge. Sometimes it’s pretty lively and sometimes we’re all in agreement or there is a majority -- one side or the other. We don’t usually continue to argue very much. Sometimes we just write the opinion of someone who has a strong view. When they have written the opinion, we will discuss it. It happens sometimes that you find you can’t write the opinion the way you wanted to so you can reach agreement.
Sentencing or approving a sentencing is one of the most difficult things that you can do as an appellate or trial judge because so many times it affects a defendant's family more than it is going to affect him. They are losing a breadwinner and losing one for 120 months (10 years).

We were getting a lot of people with 20 years or 40 years where, of course, mandatory sentences were just out of line with what was being done elsewhere. Most countries in the world were reducing sentences. I think the people who favored the mandatory guidelines felt that you were being fairer by imposing those sentences. We were told not to consider things that we had been considering and attended seminars. For example, the federal trial judges were at the state trial judges' programs. They were talking about things that you should reduce the sentences for and what the rest of the world was doing, which was giving shorter sentences.

AAM Did you ever follow a practice of asking questions during oral argument to try to convince the other panel members of your point?

CGK I might have done that in an en banc. I am sure I wouldn't have done it in just a plain old argument. But sometimes when you are en banc the lawyer doesn't get out the point. So you try and make it and hopefully get your colleague to at least look at that point.
If you have mandatory sentencing, it doesn’t help if you want to impose a different sentence. I noticed one thing -- at least I believe it to apply to every case that I had under mandatory sentencing -- that if the defendant was raised in a home where there is either no father, an alcoholic father, or an ill father so that he wasn’t really there for the young man or woman. So when you’re sentencing people, you are really sentencing their families. And that’s why it’s hard because they didn’t do anything wrong that they have to suffer the consequences of not having a father. I think the present sentencing is much better where you can take into account everything and try to find a fair sentence with all the factors taken into account that are allowed to be considered. I am glad we got away from the mandatory sentencing. Although I have to be leery of it, because there is a lot of effort to bring it back. It is easier for the judges. It’s just that’s what you get, and that’s the only thing you are going to have, so you don’t have to think about what you might otherwise do. I can’t really tell you it’s really hard to sentence somebody when all of the bad things about it are going to fall on somebody else, namely a wife and children or sometimes a brother or sister.

AAM  Now on the Sixth Circuit, you were seeing attorneys from different states, like Kentucky and Tennessee, when before you always had Michigan attorneys appear before you. Did you notice any kind of regional differences or styles?

CGK  I think I did. It seems to me that the Kentucky and Tennessee lawyers did better in
oral argument than perhaps some of them from Michigan and Ohio. They seemed to be more comfortable in arguing their cases. There wasn’t much difference between the Ohio lawyers and the Michigan lawyers, for the most part. Seeing they have the death penalty in Ohio, Kentucky and Tennessee...

AAM Did you have to deal with any death penalty cases prior to going on the Sixth Circuit?

CGK Not before that. In the first years after I was on the Sixth Circuit, none of the governors in the three states that had the death penalty were issuing death penalty warrants.

Until you got to the statute of limitations problem, it didn’t matter whether they filed for habeas relief. Now they have to file it within a year after their time in the state court proceedings is exhausted.

The other thing is that the few death penalty cases that I did hear from the State of Kentucky were these cases where, as far as I can recall, if you were going to have a death penalty, you should have a death penalty in a case like that. We had a girl who worked in a restaurant who was killed because she could identify the perpetrator. We had another one where it was just cruelty that he killed the girl, just to brutalize her. There was no excuse and no reason for him to do it, except he is a bad person. You grow up not ever knowing a bad person. You couldn’t think
anybody could be so cruel. But all you have to do is read reports. If I had been
the governor I, would have issued the death penalty warrant in each of those cases.
There were other cases, but they didn’t involve the seriousness of the crime.

When it came to Ohio it seemed like they were sentencing everybody in some
counties to death.

AAM  Do you recall any situations where the panel had voted to reverse the death penalty
sentence during those years?

CGK  It’s been quite a few years now since I have had a death penalty case. Because as
soon as I was eligible, I excused myself from them. First of all, we didn’t grow up
with the death penalty in Michigan. So it is very difficult to impose it. It should be
hard enough, so I don’t disagree with that, but there are so many things that can be
waived and so many things that can be excused. If you do have someone who
waived and then they are not found to be incompetent -- when you get your first
death penalty case, it’s like being slapped or something because if the lawyer
makes a mistake you can be done with being in the category of death penalty. If
you are the lawyer for the prisoner you may get it into a certain category it would
be an opportunity for him or her.

I don’t think I ever had a female who was charged with a death penalty. Just
didn’t have one. I’m sure I would remember because I was conscious of family.
Of course, women don't commit as many crimes as men and they are usually not as heinous. At one time I decided to take death penalty cases but then I decided I didn't feel I could because of the way we score what you had to do in order to take proofs.

AAM Now when you were first appointed to the Sixth Circuit, were you the only female judge at the time?

CGK Yes.

AAM Who was the next female to come up along and join you?

CGK Our present Chief Judge, Alice M. Batchelder. She was originally a Bankruptcy Judge. While on the Bankruptcy Court she was appointed to the District Court, and then she was finally appointed to the Court of Appeals. After her, I think Karen Moore was the next one -- both of them coming from the Northern District of Ohio -- and then Judge Martha Daughtrey, Judge Julia Gibbons, Judge Deborah Cook, and Judge Bernice Donald.

AAM Is the latest one Judge Helene White?

CGK Yes, Judge White who is moving into Judge Ryan's old space. Then after her, Judge Stranch who was in private practice down in Nashville.
AAM Have there been no other female judges appointed from Michigan to the Sixth Circuit other than you and Judge White?

CGK No, no other women who have been appointed from Michigan. Judge Gibbons and Judge Donald were from Memphis.

AAM Did having females on the Court change the dynamics at all? Or was it just having different people that changed the dynamics?

CGK Yes, I think so. People used to make an effort to eat together and we always went down and ate together at lunch. Then there was a problem because Judge Nelson’s wife sought to be seated in the dining room, and they wouldn’t seat her.

AAM Why wouldn’t they seat her?

CGK Because it was limited to members and she wasn’t a member. I think you could argue that she was a member; she had all the rights of eating in there as far as I know. That’s one of those things that I didn’t know anything about it when it happened because I didn’t go that day.

AAM What was the name of the club?
The University Club. They had never had a black member until Wade McCree was on the Court. They permitted him to join. Before I was a member they never had a woman member. Initially, Judge Edwards urged me to have my husband join, but that didn’t seem to be sensible. I mean, he wasn’t going to come to the University Club. He came only maybe twice during the time I was there.

With the University Club, was it just a matter of you asking to join? Or was it a little more involved than that?

It was not for me. I just submitted my membership. But Judge Picard was on the Court, and his son was President of the University Club that year. He indicated to the Board of Directors that they should permit me to join. There was going to be a lot of women in business. Both of them had been respected members of the Cincinnati community. Between the two of them we got my membership.

I didn’t have any problems. I think Judge Nelson’s wife had some problems one time, but it was resolved. I wasn’t involved in that. They really should have made the spouses members. One time they had new upholstery put on all their chairs and they sent out a newsletter about the “Gentlemen’s Club” and I had to write them back. It might be mostly gentlemen now, but there were other members.

I think by that time there were two of us at least, and they should have used the tradition of deciding that people on the court could be members. Maybe we
shouldn’t have joined when they generally…but I figured really they should turn me down before I sued them or did anything about it.

That was at the time at the ABA we were really fighting to have women become members of City Clubs. It was primarily a lack of funds. So many women did not have enough to warrant spending a couple thousand a year on a Club, although the University Club never cost that much. Well it did, it cost you $500 a year to join.

Last year, since I wouldn’t be going to the Club for lunch or dinner, I finally dropped my membership. I figured for $500, I could use it elsewhere. I’m not sure that anybody is a member anymore. I think Judge Boggs is still a member -- he was last year. I think Judge Martin is still a member because he comes down and does quite a bit of his work in Cincinnati and he has a secretary in Cincinnati. He had one there when he was Chief Judge and I think he still has his secretary from Louisville come down with him, but I’m not real sure.

AAM  Did you belong to any clubs in Detroit?

CGK  Long ago I belonged to the Women’s City Club, which had a building up on Elizabeth. When I got out of law school, one of my classmates was Natalie Frey and she was active in the Women’s City Club. I wasn’t married then and so I became a member.
But then they wouldn’t let the women lawyers practice in their facility because we had a black member and included her. I gave up my membership because I didn’t want to belong to something that was excluding somebody. The woman was Judge Ford who served on Recorders Court for many years.

It was nice when we could use the Women’s City Club because getting a piano in downtown Detroit was very difficult. There were only two pianos available. One was in the jail room for prayer. The other one was over at the GAR Building. It had a piano, which wasn’t tuned. It didn’t bother me too much, but it did bother some of our members. We had to use what was available. Those were the only two pianos we could find in downtown Detroit close to the Women’s City Club.

As lawyers, we did a little thing every year inviting the Judges of the Circuit Court to a dinner and we had a little entertainment afterwards where they took songs. We did move out of the Women’s City Club when they would not permit Judge Ford to be part of our group — we couldn’t do that.

Friday, June 15, 2012

AAM: Today is Friday, June 15, 2012. My name is Allyson Miller and I am interviewing Judge Cornelia Kennedy at her home in Grosse Pointe, Michigan.

Now, Judge Kennedy, we were talking about your time on the Sixth Circuit and
those first couple of years. I think it’s around 1981 that you got word that you
were on the short list of nominations for the Supreme Court. What was that like
and how did you first hear about that?

CGK  I first heard about it by people sending me articles from East Coast newspapers
that I was being considered. I guess I knew that I could be considered for it, but as
a Republican, it’s not too often that the President appoints someone of the opposite
party when there are probably good candidates of his same party. No one from the
administration was saying anything in the papers here. It was just some of the
national press that said I was in contention.

AAM  How did you feel about that?

CGK  I think every judge would like to be on the Supreme Court and every lawyer would
like to be on the Supreme Court. I didn’t think there would be much chance.

I received a call from Jonathon Rose, who was one of the Assistant Attorney
Generals, that he and Ken Starr would like to come out and interview me, and they
did. It was the day of the fireworks display and I had told Judge Keith’s clerks
they could come down to my chambers because we had a view and their office
didn’t have a view of the fireworks. Then I had to call and tell them that they
couldn’t come. The advice that I had gotten on the phone was not to discuss it
with anyone and not to let anyone know what was occurring. I had to cover that
up. One of those clerks reminded me at a later time about my switch. At that
time, I felt I could tell them about it. It was long past and there wasn’t going to be
any change. Anyway, they did come. I didn’t know either of them personally at
that time. They had read all of my cases and gave their opinions about them.

AAM  All of them?

CGK  Yes, because Senator Metzenbaum had insisted on getting all of my cases and
      sending them to universities to be read.

AAM  What sorts of questions did they ask you?

CGK  All kinds of questions about cases. We were there several hours in the evening.
      We started at about 4 p.m. when they got there and we didn’t get done until after
      11:00 p.m.

AAM  What was the tone of the conversation?

CGK  Well, I thought it was favorable to me. They seemed to not have much
disagreement with the results I had reached in my cases. They wanted to ask about
them. I thought their reports would be favorable.

AAM  Were there any hot button issues that they were interested in learning your position
They definitely were interested in my Pontiac School case. I had had one abortion case in which I upheld an Ohio statute, which I think was the right decision in that particular case.

At that time there were other women, too, like Constance Motley. I don't know if she was considered or not, she was a little bit older than I was, and age seemed to be important.

I had to fly down to Washington the next day to be interviewed by the Attorney General and his Chief Assistant, so I did that. My husband didn't go down with me because he remembered a time when he was interviewing someone for a position at his former firm, and they brought their mother with them and it was not a good thing. He thought they might treat a husband the same way. He wasn't specifically invited.

Interestingly enough, you had to pay for your own flight. I don't think we ever got it reimbursed. It wasn't official in a sense.

I did not know the Attorney General before that. I answered everything they asked. I thought the two Assistant Attorney Generals that were there were favoring me, but I was not clear whether the Attorney General was. The Attorney
General called me himself to tell me it was not going to come to me. I thought that was very nice of him. I don’t think they interviewed anyone except Justice O’Connor and myself. They could have done some in advance of that, but there wouldn’t be any time.

AAM What do you remember about that conversation with the Attorney General?

CGK He had obviously read what had been prepared for him, and I think he was honestly trying to make a fair decision, but I think he really had made up his mind before it started. He didn’t want me to call anybody, so I didn’t call anybody.

One of my cousins that lives in California, his daughter is married to a Republican. If I hadn’t been told not to tell anybody, I would have given him a call and told him that I would like to be considered, do what you can. I don’t think it would have made any difference. I think they had a Republican on the Senate Committee. It was Strom Thurmon at the time. He called, too. One comment he made was that Sandra Day O’Connor is a younger woman.

I appreciated the fact that both the Republican on the Senate Committee and the Attorney General had called me. They said nice things. The Attorney General didn’t say anything about age. The only one that said anything about that was the Republican who was on the Committee.
You mentioned you were asked about the Pontiac School case during your interview. What was the Pontiac School case about?

Pontiac Schools were under a desegregation order. Somebody broke into their fenced area where they had their buses at and blew up or damaged them so they couldn’t be used. This man was caught having some knowledge of that and some evidence against him, but I had him for a different reason. He probably did blow up the buses, but he also was trying to bomb a building where his foreman at Ford Motor Company and some other foremen were having a Christmas party or some gathering. He was caught with the bomb at a traffic stop. He was trying not to get the case tried really. We had a representative of the Klu Klux Klan who sat in the courtroom. On the final day of his testimony, he reaches in this bag that he had. The U.S. Marshals had seen it because they looked at everything he brought in. He had brought his Klan outfit to the courthouse and wanted to show it to the jury, as if that gave him a right to blow up the meeting.

How did you deal with that situation?

I let him show it to the jury. He carried it there and he had gone through the Marshals and there wasn’t any weapon with it. He got convicted.

Sometimes I would keep up with people. When he first went in he was real trouble for the prison because he wouldn’t cooperate and tried to make much out
of his membership in the Klu Klux Klan to be a leader in the prison. Maybe he was giving advice to another member of the Klu Klux Klan who was sitting in the courtroom. I didn’t sentence him for the Pontiac School case, because we didn’t try that. The government didn’t attempt to try it, but they probably didn’t have the evidence either. Here, the evidence was on him when he was arrested for the traffic offense. He had a lot of trouble in jail. He had guns stored in a space in his attic. I remember that, too. I think he got shot down in North Carolina.

AAM So were they interested in that case because there was a lot of publicity surrounding it?

CGK I couldn’t say too much about the bombing because it was never proved and I can’t even say because we didn’t deal with that issue. I can say that he certainly did believe that he was guilty of planning to blow the Ford place up. He was so angry with his foreman.

AAM So when everyone learned that you were being nominated for the Supreme Court what were the reactions of your colleagues on the Sixth Circuit?

CGK I didn’t see them very much and we didn’t have any Michigan people on the court at that time except Judge Keith. I don’t know what he thought, because I didn’t talk to him about it.
AAM: What did your husband and your son, Chuck, think about it?

CGK: My husband thought that I belonged there and Chuck, I think that to the extent he had an opinion, would have agreed.

He had to take some papers down for me and take them to the Judiciary Committee; he was in high school at time. I think that was the first time he’d flown alone.

AAM: Did you ever meet Sandra Day O’Connor during that time?

CGK: I did meet her before she was formally nominated. But everybody knew she had it. We had a Women Judges’ meeting in Wisconsin at the Frank Lloyd Wright House and she came. She is a very charming woman. She was younger. She was our Circuit Justice for a while so I got to know her. I don’t think I could have done things any differently.

AAM: So, I know during your time on the Sixth Circuit you were involved in a number of Judicial Committees. I know you served on the Judicial Conferences Advisory Committee for the Codes of Conduct.

CGK: That was a very pleasant experience. They were just getting out a new code for judges and so there was an interest of what we should have in the code. Judge
Tuttle of the Fifth Circuit was Chair of our Committee and Justice Blackmon was on our committee. Justice Blackmon always contributed quite a lot. Judge Faith from Miami, who was Chief Judge, was also on the committee. It was a hard working committee.

I always thought that Judge Tuttle was the best leader of a committee that had contentious people on it. He had been a general of some type in the Army and was used to dealing with issues and always dealt with them fairly. I tried when I was Chair to be as open about what you are really voting and get down to business. You decide one way or the other -- you don’t let it sit around.

AAM What other Judicial Committees were you involved in while you were on the Sixth Circuit?

CGK In the ABA, I went up from Committee Chair to be on the Executive Committee, but then my husband became so ill. I couldn’t continue to the Chairman, that’s assuming that I would have gotten the Chairmanship. I think I would have, it was fairly routine after you had served enough years.

AAM When did your husband become ill?

CGK His diagnosis came about the time we formed the Federal Trial Judges, because we were going to go to Hawaii. It was discovered that Charles had some skin disease
that he was caring for. But he learned it transformed from a little problem to a big problem and there was a change down in the neck that the serious cancer had gotten through to the body.

I didn’t feel like I could be leaving him. You have to go to a lot of meetings if you are going to be the chair of anything. After that, I stayed pretty locally at home until after he passed away. I mean, as far as organizations are concerned. I had been elected by the District Judges to be on Judicial Council and I got through one year of my term, and then I was on the Court of Appeals. I did not get an appointment, there just wasn’t an opening. The Chairmanship usually went to someone who had been on the Judicial Council a longer period than I had.

**AAM**
I know you also served on the Board of Directors for the Federal Judicial Center. What was your involvement like with that organization?

**CGK**
That’s the organization that provided leadership to procedures in the administration of the courts. I think I was there because I was female and they didn’t have enough women. Harvard didn’t offer law school to women until much later than the University of Michigan. Yale did. Many Yale graduates intended to teach and it just isn’t going to help you in intending to teach if you served on just administrative issues.

**AAM**
Were there other situations where you thought you might have been placed on
committees or in other positions because you were a woman?

CGK  When we organized the Women Judges I could have gone on the Board of Directors. It was just about the time that my husband was diagnosed with cancer. Some point in there I just stepped down from all my committees.

AAM  I know you were a founding member of the National Association of Women Judges. How did that organization come about?

CGK  There were two women who were elected to the trial court in California: Joan Clancy Klein and the other one was a minority. They called around to be sure that we got enough people coming down to Los Angeles. I didn’t know Justice Klein. She is quite a wealthy woman. I think she guaranteed the people that were coming to the initial meeting. We all came and brought our robes. She had a nice program.

The members identified all the women judges in the country. There were states where there were no women in a court of general jurisdiction; that was 1979. That’s why I am quite sure that Margaret and I are the first sisters to be judges in the country because everybody was looked at and how many judges in which states. At that time, California and New York had the most women and Michigan was third because Governor Milliken appointed a number of women.
We found women judges had a harder time if they were the only one. It was thought that we needed an organization. The Women Judges’ organization associated with the ABA. I declined to be on the Board because I had just heard about my husband’s cancer diagnosis and I didn’t really have the time. I needed to be home and not commit myself to take on a major role of any kind.

AAM  What was it like that first meeting of the organization when you had female judges from across the nation all in one place?

CGK  That took place the next year in Washington, D.C. Margaret and I were there. They had a large conference room set up for the women judges at the Supreme Court. When Justice Burger came into the conference room, he said, “Are you all judges?” We were a large group and we must have had 90% appearance. We had a very nice reception.

AAM  Was it encouraging to see all these other women judges who were in the same spot?

CGK  Yes, it really was because it took me two times to run and also there was a history here of Mary Beck running and never getting elected. Then she ran for City Council and became the Chair of the City Council. I think they were just afraid to have women judges. We had gender bias committees of various kinds and studies on gender bias. We did have some seminars for women judges and how to get
elected and things like that.

AAM  What sort of gender issues did you look at on those committees?

CGK  Well, the general gender issues of women being treated the same as men. They shouldn’t be treated any worse than the rest of the candidates.

AAM  Were there any instances of gender bias in your own career that stood out to you?

CGK  There were some raw situations that people reported to the rest of us. Just roaming over the women candidates. I think it’s helpful to have an association that can at least appear there and call the shots, even if it can’t change everything right away.

AAM  Did you feel that you ever personally experienced gender bias during your career?

CGK  I think I did to the extent when I got out of law school some of the law firms were not interviewing any women. But, I did have law firms that were interviewing. I think if I had not clerked, I might have got a job in probate, which I really wouldn’t want. Although maybe I would have liked it, I don’t know.

AAM  Was that traditionally the area of law that law firms hired women to practice? Probate?
CGK: Well, I think the only offers I would have gotten would have been that or tax. I would want tax.

AAM: Were there any other situations where you thought you experienced gender bias?

CGK: Well, when you went out of state particularly, or it could happen as nearby as Mt. Clemens, it was hard to be recognized as a lawyer. They expected you to be a secretary there. Particularly, in smaller counties, secretaries get to do quite a bit of work that lawyers do in Wayne County.

AAM: Did you have any problems with opposing counsel?

CGK: I took the first deposition Dick Surheinrich ever had. He was with Mile, Desenberg, Pernic, Lover & Beier. He was representing an insurance company of some kind and he objected to everything. He didn’t know what he could object to either. So they said to object because we can straighten it out in the courtroom. If you don’t object, then it will go in. I think that was his first deposition.

AAM: Any other situations you can think of that struck you as being gender biased during your career?

CGK: I think I already told you about the patent case that they wanted me to go down and get some advice from Judge Joiner?
AAM: How did you deal with those kinds of comments in those situations?

CGK: Just tell them no. No use in arguing with people like that. If they think you cannot decide the facts, what are they thinking about? Must be that they have difficulty working with women, that’s the only thing I can think. Certainly when I was working with men, I didn’t seem to have any problem. I went through the Chairs in a number of organizations where all the other officers were men. Once we established the principle that we shouldn’t be treated differently than other people and got their agreement to that.

I really enjoyed my work on the Supreme Court Fellows Commission. That’s selecting the Fellows that are going to be able to work in the Supreme Court for a year or maybe two years. You got to see some really promising young men and women and their efforts. There are an awful lot of administrative things that have to be done by somebody and it’s nice to know that competent people are doing it for the most part.

AAM: I see that you were also appointed by President Reagan to serve on the Committee for the Bi-Centennial for the United States Constitution?

CGK: That was an interesting experience. There were members of Congress and, of course, there were two judges, myself and a judge from Utah. The Chief Justice
spent quite a lot of time attending our meetings, and the Senators who were on the Committee did the same. Although there was a member of the House who only came to meetings if they were going to be televised.

AAM What did your work on the Commission involve?

CGK Congress had appropriated a large amount of money for the Bi-Centennial of the Declaration of Independence and did not like the way money was being spent. We were the ones to suffer because of that. They didn’t have very much in the way of money for us, so we raised money any way we could. We had a big dish and that was sold and we sold Christmas ornaments. We were nickeling and diming. There wasn’t anything you could do about it. They did give us enough for our meetings. I think the people on the Commission did work hard to at least have a program in the schools and the junior colleges or smaller colleges. We should have done more to get more money, but it was a period of time when you couldn’t do it.

We started this National Geographic program, which they are still doing. They have some months during the year where they have a program on geography. That one has remained and there is a large group that participates in that every year. It’s hard to keep things going after the money runs out.

I mentioned the Women Offender Task Force. Because women offenders in the
federal system, when I first went on, there was just no place for them to be if they had children. The children couldn’t visit, basically. If they had a baby there, they had to give it up in two weeks; it seems so cruel. I can understand that they can’t keep the babies around forever. It would be awfully hard to be the one being required to do that.

AAM Were there any bar associations that you were particularly involved while you were on the Sixth Circuit?

CGK In 1980-1983, I was involved in the Judicial Administrative Division Membership Committee. With the confirmation of judges, we were having problems with respect to the country clubs. Judges would not want to give up their country club relationship because it was a family situation. They wanted to continue membership in their family golf club. Indeed, I think that was harder for the judges to give up than you might anticipate because in smaller communities that is the social life. I felt kind of bothered when I had to, but I didn’t legally have to. I just thought that I really couldn’t continue to belong to the Women’s City Club.

Some of them said at least we should change it but there wasn’t any real effort by anyone to change it. There’s wasn’t enough support for that position. The only thing you could do was quit. The American Bar Association was having the same kind of problem and some of judges were unwilling to give up their country club memberships. Nobody took them out of consideration that I know of. Otherwise
people would have been more sensitive to it.

I imagine right now that there are judges who belong to discriminating country clubs. The club across the street didn’t publicize it, but they didn’t have any black members. There wasn’t anybody there that was really going to fight. I didn’t belong and I didn’t belong before because it’s quite a big expense. I didn’t play golf. The only place I ever played was at Pointe Avenue Barques, a summer resort in Michigan. Anybody that was there could play if you were staying there.

AAM So, I’ve got to ask. After hearing about all of the different judicial committees, all of the different bar associations, and then your full work load, how did you manage to do all of it?

CGK I just kept busy, I really did. I just kept very busy until when I came home from a vacation trip to India – I was so tired. That’s when I decided to take Senior status. I had been eligible for several years. But, also, it was a monetary thing because, when the court ruled that Michigan judges didn’t have to pay taxes on their pensions, then we didn’t have to pay Michigan taxes on Senior status. So that was quite a lot of money. I figured I really didn’t need the money, but Chuck might need it, or my grandson, Matthew, if they keep raising tuition.

AAM So that was in 1999 that you took Senior status?
I’m pretty sure it was the year I went to India. My sister and brother-in-law stayed on to ride the elephants. They stayed on in Nepal and went to their animal park and I got on a plane to come home. It’s a long way to India.

So tell me about some of your travels. I know you traveled a lot with your sisters.

My husband was not much one to travel. During our years we were married we took Chuck to Europe and we also went to Europe by ourselves. But he liked to go to the cottage here, when he had two or three weeks. But after he passed away, my sisters had been traveling somewhere out of the country every year starting with their 25th anniversary. Plus, my sister Chris had gone on some travels in connection with her teaching. Kind of semi-boondoggle. She went to Kenya and Tanzania that way. Actually, they had a real conference there, I don’t remember if she was still teaching Economics or if she was a Dean at that time. But either way she did do some sightseeing of the universities and meeting with some of her faculty. That’s when I decided that I was really too tired and I couldn’t do all that, so I chose to take Senior status.

So what was it like to finally have another women appointed from Michigan to the federal bench?

When Patty Boyle came? She is a very charming person and it was nice to have her. She was so busy; she had to try some of Larry Gubow’s cases that he hadn’t
tried. So she got way behind. And then when she had the opportunity to go on the Michigan Supreme Court, she left the federal bench. But she was right next door to me. Her husband would come over frequently because he got through in Recorders Court early. And my husband would be waiting for me. So Terry and Charlie would go walking the halls together.

AAM And then the next woman to join you from Michigan on the Sixth Circuit was Judge Helene White, and that was pretty recently.

CGK I had known Helene because Chuck Levin was a classmate of mine. If I was at some kind of a to-do, I frequently sat with them.

AAM Now, besides India, where did you travel with your sisters?

CGK We started out in Russia. We went the year Charlie died in the Spring time. That was a very interesting trip because it was to Moscow and also to St. Petersburg. It was done by the University of Michigan, but their representative on the trip was a pianist. You almost always got a representative from the University. We flew to Moscow and then we took the train from Moscow to St. Petersburg. We saw the sights there. Then we went up to the lakes where they had the onion dome churches, which was very interesting. We stopped in the City up there where the two brothers that founded the UAW during the depression were from. There was a fairly large group of immigrants in Detroit from that city in Russia.
The next year we went to Egypt, which was fabulous. We decided to go someplace every year.

We had a very good Egyptian tour guide. In Egypt, they require you to have a local tour guide. I would say this one was one of the very best. She knew the hieroglyphics. She was a college graduate. It was a good job then, but not now. You would probably end up dead. They were shooting at the tourists if you got too far up the river.

You are going up to the place where the Nile empties, but it really was that the people were using the same thing with the cattle to get water out of the river to put on the fields, and you are just gliding by. It wasn’t much different than you would have seen thousands of years ago. It’s probably the most efficient way you can get water cheap.

I can’t put them in order. We’ve been to South Africa to the Zambezi River to see the falls up there and Cape Town.

We’ve been to India which was most interesting. Think of the fact that if you lived in Delhi you have to build a water storage barrel, because you can only get water half a day. It’s a city of 24 million. They don’t have enough water. It was interesting.
We went on safari there. We went on safari in South Africa, too. I would love to go on safari again, but I can't do that again -- that's for sure. Before we left the Chobe National Park, a big group of wildebeest decided to go through our camp. My sister Chris had been up at the kind of gathering place where we had our meals. Fortunately, someone walked back with her and the wildebeest decided to come through the camp at that time. He was used to having animals do this and pushed her back against the tent that we were sleeping in.

They had a toilet out behind and a shower, but you had to watch to make sure there weren't any animals in your targeted distance there. Or if there were, that they weren't vicious. It was a little primitive for me. The people that were working on the job had to stay in a different camp because there wasn't enough room in this one. They did have lions in there walking around. They showed us where people come and camp along the river there. They don't have anything except a tent and the animals seem to respect the tent. I wouldn't want to be there, not with a lion or an elephant; they might not know you are even there.

I've been to South America, and also to Chile, Argentina, Brazil, Alaska, China, Vietnam, Thailand, Cambodia, and the Galapagos, which was fun. And also to Antarctica. So that's been a lot of traveling.

AAM: Which destination was your favorite?
I think if I have a favorite, it would probably be Egypt. There is so much you
don’t know about Egypt. It is so old and yet it’s new, too. Actually all of the
Kings of Egypt, in modern times, have been people not from Egypt but from
across the Mediterranean in the lower countries. That’s where the Kings of Egypt
came from, not from Egypt. They were picked, I guess, and asked to come.

I have been to Sicily and Italy. We also went to Germany, where everybody in the
town is in the drama for the last days of Jesus’ life. They have it every ten years
and everybody in town participates. Some of the churches have trips to do that.
It’s in German, so they give you something to read in English. It’s sort of
interesting because it is so well organized. You have to stay where they put you.
We stayed at a very nice room and everybody was helpful. The food was not
great, but it wasn’t bad.

We also got to see Salzburg. We stayed in Salzburg before we went to Germany.
I always wanted to go to Salzburg.

Friday, October 19, 2012

This is October 19, 2012. My name Allyson Miller and I am here with Judge
Cornelia Kennedy in her home in Grosse Pointe, Michigan.
Judge Kennedy, last time we spoke, we concluded the chronology of your life and career and now I would just like to ask you some questions reflecting back.

What was the hardest part of your job as a district court judge?

CGK: Sentencing. It wasn’t hard to sentence the defendant. The problem is you’re sentencing his family and you’re sentencing his children and his wife whether you like it or not because whatever you sentence him to is either going to prevent him from going to work, except in exceptional cases.

The sentencing is particularly hard when it’s going to cause them to suffer specific harms. Are they going to re-arrest back into criminal activity? Is the mother going to be doing criminal things? And how does this child look at him – does he look at him as a criminal? That’s the hardest part of having a criminal as a father. That’s the hardest part of that -- that I recall anyway.

AAM: What was the hardest part of being an appellate judge?

CGK: I think it’s easier being an appellate judge – it isn’t right on top of you, but it’s still there...

AAM: Now, looking back, is there anyone you would consider to have been a mentor to
you in your career? And maybe you had more than one?

CGK  No, no one aside from my father.

Well, to some extent Mr. Markle. He had a broader range of activities in his life and belonged to organizations and traveling to Europe every year. And, to some extent, my sister Margaret, too, but she wasn’t working full-time so ... I never really thought about mentors, I am sorry to say.

AAM  Did you find you had to make your own way, in a lot of ways?

CGK  I think you are more satisfied if you do it your own way and so I usually plugged along and did it my own way -- that way you don’t have to apologize to anybody.

AAM  Were there any other judges that you admired?

CGK  There were several that I admired when I came on the district court. By the way, I had a nice note -- a total page -- from Judge Cohn who said I got him started. He says I got him started on the district court, got him following what I suggested he do -- you know, keep himself current. I have it in an envelope somewhere. I was surprised he wrote to me about that.

But when I started on the state court I think the only person I really respected and
looked up to was Horace Gilmore, who kept us busy with his committees. And it’s true that he made his colleagues work, but I still respected him. I respected him before I was on the circuit court and I respected him after I went on the circuit court because he kept his colleagues busy doing things we should be doing and re-examining things that should be re-examined. So I’m glad he did it and I think he did it with a good purpose and with careful supervision. It’s easy to plunge into something that isn’t necessarily going to help anybody, just make more work for more people, so you want to be sure.

AAM

Well, we’re back on the record here and another one of Judge Kennedy’s former law clerks, Sarah Cohen, who is now an Assistant U.S. Attorney has joined us.

And we were just talking about some of the judges who you admired, Judge Kennedy, and you referenced Judge Horace Gilmore. Were there any other judges?

CGK

I’m sure there were. I am just trying to think who they all were. Well, Judge Roth had his courtroom next to me, but he didn’t come to Detroit except to do work.

AAM

Were there any Supreme Court Justices that you particularly admired as far as their writing or opinions?

CGK

I liked Chief Justice Rehnquist because he said what he intended and he never
wasted any words. I remember one or two opinions where he agreed with me even though the majority reached a different opinion. But that didn’t mean that he changed his.

AAM What do you think are some of the qualities of a great lawyer, Judge Kennedy?

CGK Know what you’re going to try and prove and the ability to prove it and if you do that you’ll be a great lawyer. Don’t include anything additional unless you have a reason to do so.

AAM What would you say are the qualities of a great judge?

CGK I think one of them is to decide the case before you and, if possible, giving the parties adequate time to prepare and insisting upon trial, at least if it’s a criminal case and equally a civil case.

AAM How would you describe your personal judicial philosophy?

CGK I tried not to avoid any litigation because it was hard. You take hard cases and easy cases because that’s what’s fair to your colleagues, unless there was something about it that you found very difficult which other people wouldn’t find too difficult. Get to work on the case right away because if you get started right away then you’ll be finished sooner and you’ll have less trouble getting the
information if you seek it pretty quickly. It’s always hard to get the information you need.

AAM: Do you think that being a woman influenced how you made decisions on cases?

CGK: It probably did -- I was a woman.

AAM: Do you think that being a parent influenced any of your decision making? I know we were talking about sentencing. Did being a parent influence the decisions you made, in any way?

CGK: I think that being a parent has an influence. I think we have a parent here (referencing Sarah Cohen) and I think her decisions are influenced in part by being a parent. She sets aside that influence; she doesn’t let it be a part of her judgment, but it nonetheless is silently there. And it’s going to be silently there for men who are parents, too -- don’t forget that -- that most of them are parents and it’s going to be there for them.

AAM: The next line of questioning I’m interested in hearing about is the relationships among the judges in the Sixth Circuit. You know, there’s often talk about factions or blocs on the U.S. Supreme Court. Did you find that to be the case in the Sixth Circuit while you were there?
I would have said we have less of it, certainly. When you’re the only woman and there are nine judges, you’re going to stand out (chuckles). I was the only woman there for nine years and you just let things go, you know. Once in a while you hear something you’d prefer not to have heard and several of the judges would prefer not to have heard, too. But everybody’s got to go to work and you can’t just go to work just because somebody says something about somebody’s dress or some stupid remark that somebody made or something.

Did you find the Court to divide along ideological lines?

Well, there was a little bit of that. But, for the most part, I found the Court to be a good court that was attempting to decide the cases in the right way.

As things went along, my gender was less and less important. So people just didn’t pay any attention to it. I was careful not to move in, so to speak, and conduct big surveys or changes, or things like that. I didn’t do any of that. I just came to work and I couldn’t change my gender so I didn’t try to change it and I didn’t try to change myself. I could say I was appointed by the same people that appointed you. Fortunately, most of our judges were pretty much one to get cases decided. Everybody wanted cases decided. At least we all joined in that.

Did you find any of the judges on the Sixth Circuit to be particularly effective in influencing other judges?
No, I don’t think so. I mean they did in some respects but more some than others.

Did you enjoy the back and forth, during the judges’ conferences, when you were talking about cases?

Yes, I did. I enjoyed it. It got kind of dull once in a while.

Well, Judge Kennedy, I know you’ve had a number of law clerks over the years. I think it’s probably at least 50, if I counted.

It’s over 70.

Over 70 different law clerks. So how would you describe your relationship with your clerks?

Individual (chuckles). I mean, I’ve enjoyed all of them. I really have. Even the ones who couldn’t contribute too much like the last two. Both Peter and I can’t even think of the other boy’s name.

Was it Jonathon Beitner?

Yes, I am glad you thought of Jonathon because he was a good clerk and did good
What kinds of careers have your former clerks pursued after leaving the court?

Well most of them have gone to law firms or to the Department of Justice, but I also have some in the higher paying administrative agencies.

Well, Judge Kennedy, looking back on your entire career, what advice would you give to young attorneys who are just starting out?

What advice would I give them today? I’d advise them not to follow the law (chuckles). It’s really gotten hard out there today.

Well, how about someone like me who has started her career and I’ve made the decision and I’m on my way – what kind of advice would you give me?

Well, to work hard -- I’d advise them all to work hard. I think that it’s kind of discouraging. Last year was a particularly bitter year…

Well, if the economic times weren’t what they are, would you advise young people that a legal career is satisfying?

Yes, because we need good lawyers. We can’t just have people that aren’t good
lawyers running the country or running the agencies.

AAM  Judge Kennedy, do you have any regrets, looking back over your career or over your life, in general?

CGK  No, I don’t have any regrets. The only regret is that I didn’t take more vacations. Up until my husband died, I only took two week vacations – only two weeks at a time. Then after he passed away and I took vacations with my sister Margaret and her husband and my sister Chris and her husband. They had been taking vacations together. They took longer vacations and went to more interesting places. They just had more interesting vacations and longer vacations. They took more three week vacations. At that point, I started taking three week vacations anyway and I have to admit that they were more interesting.