



Interviews with
**Michigan Supreme
Court Justices**

INTERVIEW WITH MARY S. COLEMAN

Sponsored by [Michigan Supreme Court Historical Society](#)

Conducted by Roger F. Lane

January 21-23, 1991

Topic 1: Justice Coleman reminisces about her early life in Texas, moving to Washington DC during World War I, living in Clara Barton's home. Father's illness, strain on family finances, and his subsequent death. Her mother's entrance into the Department of Justice during prohibition, eventually became Federal Director of Wines and Beers. She also recalls how during her mother's work as Federal Director, her life was threatened, and attempts to bribe her mother by various people

Mr. Lane:

This is another in a series of tapes sponsored by the Michigan Supreme Court Historical Society relating the experiences and recollection of former justices of the Michigan Supreme Court. Today, which is January 21, 1991, former Chief Justice Mary S. Coleman is going to be the focus of the tape. We are sitting in Justice Coleman's retirement home in Placida, Florida, and with her in her living room is Roger Lane, representing the Historical Society. Justice Coleman, as I think I have told you before, I think the way to start these records is to recall the earliest childhood facts and experiences, so would you just start out by relating where you were born and what the circumstances were, and what your parents did, what their occupation was and that sort of thing.

Justice Coleman:

Well, first let me correct where I live. I don't really live in Placida. That's a tiny little shrimping village - our post office is there. I live in Cape Haze, but to go back to my birth: I was born in a very small city called Forney, Texas. My father had just graduated from law school. He had

married my mother before his last year. She also was a student at the University of Texas, so they had gone back to spend his last year at the university. His first job - if you could call it a job - was the position of City Attorney in this tiny little city whose main claim to fame was oil, a very rich little city.

Mr. Lane:

Where in Texas was this, Justice Coleman?

Justice Coleman:

It was just about fifteen miles east of Dallas. It is probably a suburb by this time, but this was also close to his hometown of Terrell so he could practice law in Terrell and still be the City Attorney in Forney.

Mr. Lane:

Terrell - what is it, "T-...?"

Justice Coleman:

T-e-r-r-e-l-l, and it's main claim to fame was the state "insane asylum" as they called it, and they also had the Texas Military Academy, but that's another story. I was born in Forney, but I only lived there two months, so it was a short duration before my father moved back to Terrell to carry on his main practice.

Mr. Lane:

At that time, was your father quite a young man, was he 22 or 23, or was he somewhat older than that?

Justice Coleman:

Oh, no. He was just fresh out of law school when he became City Attorney. I don't know his exact age. I would guess around 23. My mother's father had died when she was five years old and her sister was two. In those days, women were not very employable. Her mother turned out to be an excellent dressmaker, so she earned what little money she could making dresses. My mother, when newly out of high school, became a teacher in a one-room school. They used to do that long ago. I think she was teaching some who were just about as old as she was.

My mother apparently was a very lovely looking woman. I had a letter from a man who had read in a Dallas newspaper something I had done in the Supreme Court, but it mentioned that I was from Texas. He wanted to know if my middle name belonged to Agnes Stalling, my mother. If so, she had been his teacher in school, and he went on to say that she was one of the most beautiful woman he had known, and he always remembered her because she was so kind.

Mr. Lane:

Was your mother a native Texan?

Justice Coleman:

Yes, she was.

Mr. Lane:

...in the neighborhood in that part of Texas?

Justice Coleman:

That's right, and this gentleman observed that she was working in order to earn money enough to go to the University of Texas, and that she was a very excellent teacher. He was so glad that she went. He knew that she had married a lawyer, and he was just wondering what had ever happened to her, which I thought was rather interesting.

Mr. Lane:

This man must have been quite advanced in years.

Justice Coleman:

Yes, he was, I gather. I never met the man, but...

Mr. Lane:

But you were able to respond to him.

Justice Coleman:

Oh, yes, I did, and that was sort of an interesting interlude because I knew that my mother didn't have any money at all and so she set about to earn it so she could go to the university. After her second year, my father apparently had traveled so far during the summer across Texas to visit my mother that his father said that it would be less expensive if they married, and he would send them both back to school, so that's what happened. After my father graduated, she left the university.

Mr. Lane:

Do I understand it that your mother was in the law school there?

Justice Coleman:

No, she was not in the law school although later in life, she took the Civil Service Examination with the Federal Government and was classified as an attorney because she had read law in my father's office and could pass the examination. They don't do that anymore, but that was her classification and actually, she was head of a section of lawyers at one time.

Mr. Lane:

Well, now this is all, of course, before you were born, is that correct, that they were in college?

Justice Coleman:

Oh, yes.

Mr. Lane:

Was it Austin, University of Texas?

Justice Coleman:

Yes.

Mr. Lane:

And then had your father graduated and started to practice when you came?

Justice Coleman:

I came along, I think, two to three years later, and from then on, World War I was building up. Again, that started another phase of life in their not too distant future.

Mr. Lane:

Did you live in Forney and Terrell until you were what - a young girl?

Justice Coleman:

No, only until I was about three years old.

Mr. Lane:

And then what happened?

Justice Coleman:

The war was on, and my father wanted to enlist, but they wouldn't take him because of some trouble with his mouth. I think they called it pyorrhea in those days. Anyway, they wouldn't accept him for physical purposes, and he was determined that he was going to participate in the war and do his bit. He was very patriotic. He had a connection there in Washington so he took my mother and me to Washington. Of course, it was very difficult to find a place to stay in Washington because everybody in the country was trying to stay there, I think.

They turned him down in Washington but they said he could participate in the war effort by being head of something in what they called the Coal Administration. Coal was the main fuel that seemed to be in shortage at that time, so he accepted that and, again, it was very difficult to find a place to stay. I remember odds and ends of the incidents that came along.

Mr. Lane:

Did you stay in a residential neighborhood where there were single family homes or were there old homes that were divided into apartments?

Justice Coleman:

First, we had to find just rooms to stay in for the first few months. One of them had gas lights and almost killed us. That is why I remember it so vividly. In any event, we did find an interesting place to stay. It was the former home of Clara Barton who founded the Red Cross. It was out of the city in Maryland, right by the amusement park of Glen Echo, but the house was in litigation. They had just a "knock-down, drag-out" lawsuit in the midst, and a woman was in charge of maintaining the house.

She thought maybe it would be better rented, so I had a little study in history there. Clara Barton had a library where all her books were. I can remember not being able to read too well because I hadn't gone to school yet, but the pictures were so interesting of her and all of her friends in various adventures. In the library, there was a corner that always intrigued me. It was papered over but you could see where it was covering a sealed door and I often used to dream about what

was in that closet. I did find out after the case was settled and we moved. She had in it a gift from the Czar of Russia, for instance, coffee tray, little cups and the...I don't know what they'd call it,...but a coffee pot, anyway that had jewels all around it...

Mr. Lane:

Samovar, is that the correct word?

Justice Coleman:

No, this wasn't a samovar. This was a pot, but it was beautifully enameled, and it did have all these jewels in it. There were so many interesting things! The home itself had been left furnished, and there were Chinese chairs, for instance, that were black lacquer with mother-of-pearl inlay that were just gorgeous. Two ends of the hall each had a grand piano, and every piece of furniture seemed to have a history. I became so interested, I used to think I wanted to be a Red Cross nurse, and I remember that I had the little uniforms, Red Cross uniforms, that my mother bought for me or my grandmother made.

Mr. Lane:

At what age would you have been when this happened?

Justice Coleman:

Well, I hadn't started school yet. I must have been...this must have been when I was about four. I'm not too certain.

Mr. Lane:

How long did you live in that house?

Justice Coleman:

Well, we lived there must have been a year or so.

Mr. Lane:

Do I recall from reading one time about your early history that you were enrolled in the Catholic convent? Is that correct, or did that come later?

Justice Coleman:

That came...that must have been after the Clara Barton rental, because I started in the first grade there. Now, this was when we had to find some place downtown, and it was an apartment. We had to move so many times that the sequence escapes me a little bit, but this must have been when I was first starting, the first part of the first grade. I was raised Baptist in a strong Baptist family, and my father was very slow to think about the nearest school which was in the Catholic convent, but he went over and talked to the sisters. They said they would not make me attend their religious ceremonies which they had every day but that my own Protestantism, I guess, would not be affected. So, I went there, and I had the best beginning to an education that I think anybody could ever want. They were marvelous teachers.

Mr. Lane:

Were they nuns, habited nuns?

Justice Coleman:

Some of them were and some of them weren't, but most of them were. They were dear.

Mr. Lane:

Were they also quite strong on discipline?

Justice Coleman:

Oh, yes. Yes, they were. One traumatic moment happened. My father had told me that I was not to attend their religious ceremonies, and one day came when the sister said, regardless of whether you were Protestant or Catholic, you had to attend this one ceremony, and I didn't know what to do. I had to obey my father, and I had to obey the teacher, and I was a very conscientious child, an only child.

Their bathroom was right at the top of a stairway that ended directly across from an outside door, so I asked to be excused, went up to the bathroom, ran down the stairs and out the door and ran all the way home, sobbing to my mother. I knew that I was in bad graces with the school, but I didn't want to be in bad graces with them. However, that was smoothed over and I went back. The education there was so good that when I went into a public school, I was so far ahead of them that they skipped me on to the next grade and then another whole grade, so I graduated pretty young which had its good points and its bad.

Mr. Lane:

When you think of the instruction and good quality of it, did you get a really superior start, let's say, in command of the language? Did you increase your vocabulary? Was the English instruction, perhaps, superior, or was it just the atmosphere and degree of organization and discipline and that sort of thing? I'm trying to capture whatever it was.

Justice Coleman:

I think the specifics were very important, English and punctuation and even at that early time, the words, the spelling, and the mathematics, everything that you did had to be just right. They were very strong in their discipline, but the air was always kindly.

Mr. Lane:

You liked to go to school. It wasn't so strict and rigid in format.

Justice Coleman:

Oh, yes, I liked it very much. I've always liked school.

Mr. Lane:

Well, now, that period ended and then you skipped these grades, and you went through the public school system in the city of Washington, was it?

Justice Coleman:

After the convent experience, we moved.

Mr. Lane:
To where?

Justice Coleman:
To Foxhall. It was an area of Washington.

Mr. Lane:
F-a-u-x-h-a-l-l?

Justice Coleman:
No, F-o-x-h-a-l-l, Foxhall, and we found a home there.

Mr. Lane:
Now, as I recall, your father became ill somewhere along in here, did he not, or was that later?

Justice Coleman:
Well, it's hard to tell when it started. When it became bad, I think, was after we had moved from Foxhall to another area in Washington. The police, for instance, would bring him home thinking he was drunk, and my father didn't drink a drop of anything.

Mr. Lane:
He was a true Baptist?

Justice Coleman:
A teetotaler, but they would find him weaving across the street or sitting on a curb or something like that, and as it happened, his vision was off. They thought he had...to make it short here...the doctors thought he had a blood clot on the brain, so they treated him for that for...I don't know...it seemed to me a number of years. Then he just became worse, so we took him to a specialist who discovered that he had a tumor on the brain. They took off one side of his head, the left side, as I recall. That left him paralyzed on the right side. Things went from bad to worse. He was in hospitals and out, and finally - this is all over a period of eight years -...

Mr. Lane:
Did this cause great financial stringency?

Justice Coleman:
Oh, yes. These were the days before you could get any help from any source. I don't remember whether health insurance was even available then, but, no, this was all out of their own pocket. When he was home, he had to have nursing around the clock. Of course, my mother took the night shift and then we had a male nurse in the day.

Mr. Lane:
By this time, was your mother employed in government?

Justice Coleman:
Yes, that's another story, but to go on about my father, my mother tried to find the best

neurosurgeon in the country, and she was advised to go to New York for the surgeon there who only took those cases in which he was very interested. He thought my father's case was very interesting, so we took him to the Neurological Institute in New York. The doctor took off the other side of his head, his skull, and he could not find the tumor.

So, they put him back together without any transfusions or any effort to keep him alive, because for a year or two, they had said every day was his last and the doctor knew he couldn't live, so this doctor didn't try to prolong it. The man in the room with him - they always had two in a room - was from Sweden. He had come all the way over to have a tumor removed behind his eyes, I think between his eyes. He knew he was going to die, and he did, and my father, who knew he was going to live, lived for another month or two, in the hospital there.

Mr. Lane:

Now, during this critical period in your father's...toward the end of this life...were you...where were you? Were you in New York or were you traveling back and forth?

Justice Coleman:

Well, part of the time, of course, I was in high school, and then I went to the University of Maryland which was accessible. Usually friends took me, to tell the truth, but if I had to, I could go by the streetcar, trolley or some inter-urban affair. Between my first and second year - I had just had my 17th birthday - he died in New York, and I was there because it was the summer.

When he was not at the hospital, he would be at home. We had things fixed up pretty well for him there and with the nursing, but this is where my mother comes in, of course. She, I mentioned, had taken the Civil Service Examination for an attorney, and had passed that. She was in the Department of Justice and in the Wines and Beers aspect of the division in charge of enforcing the Volstead Act - "prohibition", as it is known. In time, she became the Federal Director of Wines and Beers, the nation's top enforcement director. This is when life really became a little hairy, I guess you might say, because my life was threatened. Every once in a while, something would happen.

For instance, one time, we were having a group of young people in when someone found a piece of paper which had been slipped under the front door. It threatened me. I was whisked down to the middle of the Chesapeake Bay for a few days in a cruiser. The FBI and I think the Secret Service were involved. We also had things like rocks coming through the window with threatening notes to my mother to do something about a certain case or investigation that was being carried on.

Mr. Lane:

These presumably from the targets of her regulatory inquiry into perhaps wrongdoing or violations of the law?

Justice Coleman:

That's right, but on the other hand, there were efforts to bribe her. I can remember a congressman coming to call on us and wanting to give her some money to discontinue an investigation. I'm not

quite sure because I wasn't allowed in the room, but when he left...my mother said, "Of course, not", but we found later, under a doily, an envelope with a few hundred dollars in it.

Mr. Lane:

This would have been when you were in your teens, 16 or 17 or somewhere in that area?

Justice Coleman:

Yes. Well, it was...yes...it would have been earlier than that, even. Sometimes she would receive through the mail beautiful gifts. She had a gift one time, I remember, of a whole set of gloves, beautiful gloves of all lengths and sizes; another time, lovely...not just one, but two or three - tablecloths with beautiful embroidery or edging around them that were worth quite a bit of money, but of course, she had to turn those over to the Treasury. She couldn't keep anything. There were these efforts to...

Mr. Lane:

...influence her...

Justice Coleman:

...influence her, and she traveled all over the country. I remember one time she went to Detroit. They were "rum running", as they called it, across the river from Canada, and she took a taxi down to watch the operation, and the taxi driver said, "Well, I don't know whether you want to go down here. There's some skirt in town that is really raising hell". My mother got quite a kick out of that. She'd meet with governors of different states, and they would plan what they were going to do about enforcing the law.

It was interesting in many ways. Other ways were that she was invited to the White House quite often. My father couldn't go, and she would have an invitation for herself and guest, so when I was old enough, in my teens, I would go with her to the receptions particularly, where you had to wear long gloves and you dressed to the teeth and all that sort of thing. That aspect presented a problem because we were so poor. However, I made or "revised" clothes so I could be fairly stylish. I can remember one particular time when Roosevelt was president and although he was paralyzed, he stood I don't know how long leaning on the arm of his son while he greeted in a very friendly way all of a couple hundred people or more and had something nice to say. Of course, Mrs. Roosevelt was very gracious. She had garden parties and tea parties and affairs like that also, but I didn't attend so many of those.

Topic 2: Justice Coleman tells of her life in Washington DC, being invited to receptions at the White House, meeting Oliver Wendell Holmes while in high school. How she worked her way through undergraduate school at the University of Maryland

Justice Coleman:

The receptions were interesting. They had young Marines to see that the young ladies had someone with whom to dance.

Mr. Lane:

That was nice.

Justice Coleman:

Some of the young Marines would call me the next day, but I didn't accept any of the invitations. As a matter of fact, as an only child, my parents were a little protective, but when I started high school, I was twelve, so I would be 16 when I graduated. My parents had always said they weren't going to allow me to date until I was 16, and oh, I remember a fit I threw. I said, "I'll be all the way through high school.

I'll miss the proms. I'll miss all these good things going on", so they had a little problem there, I suppose, but my mother solved that very beautifully. Every Sunday night, anybody could come in and have supper, and she would have things that would stretch, like waffles with creamed chicken or something like that, and lots of kids did come in on Sunday night because they just knew that that was the way it was. Anybody could come to the house, and then she relented a bit and would let me double-date. Finally, in my last year, she let me out alone with a boy, because they were nice kids. In those days, you didn't have to go with one person. You could be friends. You could go out with a lot of people and just have fun, and we did. We had quite a group of good friends - go out and just do "fun" things together, such as going to Glen Echo near where I used to live, the amusement park. We used to swim, whatever.

Mr. Lane:

Now, somewhere along in this period, didn't you have an encounter with Oliver Wendell Holmes? Do you remember?

Justice Coleman:

Yes, that was when I was still in high school. I entered a Washington, city-wide oratorical contest, and you could choose your own subject. To go back a little bit, as people still do, they'd say, "What do you want to do when you grow up?". Because my father was a lawyer, and I always adored him, I suppose I thought that was a good thing to do, so I said I wanted to be a lawyer. When this contest came along, I liked the thought of Oliver Wendell Holmes because he was known as the "great dissenter" on the U.S. Supreme Court.

That intrigued me, so I worked up as much background as I could from reading, but there were personal aspects to this about which I didn't really know much. Again, my mother encouraged me to telephone and see if I could make an appointment to speak with him for about fifteen minutes.

Mr. Lane:

Did you call at his office, his chambers on the Supreme Court? Do you remember.

Justice Coleman:

He was...I don't really quite remember. It could have been his home because he had been ill, and he was not sitting at that particular time, so I may have called his home if I had received that knowledge from his office. I don't remember, but much to my surprise, a young man...sounded like a young man...consulted him, and he said yes, that I could come at a certain time. I remember my trepidation, because I didn't know exactly how I'd be received, but he was very gracious. He was very frail at that time. I appreciate it more as I grow older that he gave me the time.

Mr. Lane:

Did this...as you look back...would strike most people as a most extraordinary experience to have in this context an opportunity to have a private time with a prominent justice of the United States Supreme Court, and you mentioned that you had these opportunities to visit the White House and see Franklin D. Roosevelt receiving people and this sort of thing. Did you feel at the time that you were living in sort of an elevated environment from an opportunity standpoint, that you were really...or do I misread here?

Justice Coleman:

Well, I enjoyed all of them. I don't know that I felt exactly that way. I was delighted to be invited to a number of receptions at the White House, even by other people who would invite me to attend with them. For instance, in law school, there was a young man who later became, I think it was Justice Rutledge's law clerk, but at that time, he was in school with me. He was invited for some reason to the reception for the judiciary and had asked me to go with him, and I went with him. But usually, I had been going with my mother. This extended over quite a long period of time. The first invitation to me in my own name was from President and Mrs. Hoover. You met such interesting people. For instance, I became fairly good friends with the daughter of the Ambassador from China. She was a delightful young lady and we'd go out, double-date, go out to eat at Chinese or American places and play ping-pong at the embassy. One interesting observation - we were at a highly recommended Chinese restaurant, when she was engaged to a bigger than usual Chinese man, a very handsome young man. Somebody else was dating a senator's niece, but anyway, she was making quite a play for the fiance. I happened to be sitting next to him, and I couldn't help but notice that they were playing hands around the end of the table and "footsies" under the table and I thought, "Oh, dear, this is not good". Sure enough, he was sent back to China very shortly after, but I often wondered if it had any connection with the senator's niece.

Mr. Lane:

By this time, had the purpose of going to law school fairly well crystallized in your mind? This was a very unusual thing to do, was it not, for a young woman in those days?

Justice Coleman:

Yes, it was...I sometimes think as I look back on it that my mother was either a good politician or a good diplomat in addition to being a charming, warm woman. She seemed to know people of stature and influence in the government and, of course, she herself, held this unusual position as being Chief of the Wines and Beers for the nation. As a matter of fact, in one edition of...I don't know...I think it was in the Washington Star, which was being edited at that time that Mrs.

Roosevelt was quoted as saying that her husband should consider a woman for the U. S. Supreme Court. She named Mabel Walker Willabrandt, who was U.S. Assistant Attorney General, and I have forgotten who the one or two others may have been, but my mother was one of those she recommended. Of course, none of them was considered, I'm sure.

Mr. Lane:

Do you recall how Willabrandt's name was spelled, like it sounds, perhaps?

Justice Coleman:

It's W-i-l-l-a-b-r-a-n-d-t, as I remember. I could be wrong. It's been a long time.

Mr. Lane:

But this would have been back in the very early 30's, wouldn't it...32,....no, no Roosevelt came in 1933, didn't he, so it would have been...?

Justice Coleman:

It was when I was in the University of Maryland. When I finished high school, of course, we were very poor. More like Eisenhower, we were very poor, but I guess I didn't know it. I knew that the money was not there because we had spent everything on these operations and nurses and hospitals - everything we had. My mother had borrowed "to the hilt", and we just didn't have anything, so I didn't know whether I could even go to college. Since the University of Maryland was so close and it was inexpensive, we decided that I should go there. It was never a question of whether I would go to college so far as my mother was concerned. It was just how are we going to do it. So, I went all the way through the university there, and I had a marvelous time. That was great fun, if hard work.

Mr. Lane:

You were able to live at home and go there, were you?

Justice Coleman:

For the first year until my father died and then my mother moved to New York and I lived at school. They had done away with prohibition so she went with the U.S. Attorney's Office. I've forgotten what district it is. It's the one in Brooklyn where they had "Murder Inc and all these famous criminal cases coming along. Anyway, we sold our home and she maintained an apartment in Washington where I could stay and go to law school - at least for awhile until I found a place of my own..

Mr. Lane:

Now, this would have been...you graduated from undergraduate school at quite an early age, did you not? You were, what, 20?

Justice Coleman:

20.

Mr. Lane:

That would have been in 1934 then, right, and you would have then gone into law school right away? Do you recall?

Justice Coleman:

Well, I didn't know how I could, so in my last two years at the University of Maryland, I took a course in Education. They allowed me to do that and still get a Bachelor of Arts degree. They were wonderful to me because they knew I didn't have any money, so the head of the department let me go and fill in for teachers sort of a visiting teacher, I suppose you could call it, because I hadn't graduated and I didn't have my certificate. One time a teacher was ill for about a month and I substituted. The Department of Education arranged my classes, and professors would stay after classes. A German one I particularly remember. They kept me up so I could pass the examinations there but still teach in the high school.

Mr. Lane:

Were you able to support yourself given the fact that you did have shelter in your mother's apartment? Were you able to generate the money?

Justice Coleman:

Well, the apartment didn't come into full use until I was in law school. No, I lived on the campus in a sorority house. That wasn't easy. I worked...I earned all the money I could. This was in the days when the NEA or something like that.

Mr. Lane:

NYA, was it?

Justice Coleman:

NYA or whatever it was. I did odd jobs like clipping notices about the university out of newspapers, but then I graduated to the point where I could correct English papers and even then on to advanced compositions and what not.

Mr. Lane:

In the language of a couple generations ago, you earned your living through college?

Justice Coleman:

Yes.

Mr. Lane:

That's a fair statement, is it not?

Justice Coleman:

Yes.

Mr. Lane:

By doing these various...

Justice Coleman:

My mother would send me clothing once in a while from New York, and she helped all she could, but from that time on, when I went to law school, I was totally self-supporting, but I had to work. That's another story.

Mr. Lane:

Well, now, law school - were you able to start immediately after graduation from the University of Maryland?

Justice Coleman:

Yes, but I had not intended to. I thought I'd have to work a while to earn enough money to start, so I thought...

(End of side 1, tape 1)

Topic 3: Justice Coleman talks about her experiences in law school as one of the very few women there, working her way through, her job at the USDA, and her marriage in 1939

Mr. Lane:

Where were we now? We were talking about going on to law school...

Justice Coleman:

Whether I went directly or indirectly. Well, I was going to teach. I finally had my certificate to teach secondary education in Maryland so my first offer was \$950.00/year for Calvert County. I'll never forget it. I thought, you know, you couldn't live on that much less go to law school, so I learned that Montgomery County which, is just outside of Washington, paid the highest salary. However, I was advised that many of their appointments were political, so they suggested that I go see one of the senators and see if he could help me. Here I was making an appointment again with Senator Radcliff. I did know him.

He had been to the university and he was placed by the president in my care one evening for a dance where I had a date, but we did take care of Senator Radcliff and tried to introduce him to the proper people. He was very charming, so I approached him and told him why I wanted this position so I could make enough money to go to law school. He said, "Well, maybe you'd better come back and tell me why you want to go to law school". So I briefed the situation as best I could, and I did go back and speak to him, and he said he'd get right at it. In the meantime, my mother had been looking around, and she had found a position in the Department of Agriculture which paid better than Montgomery County which was the highest paying school district in the state of Maryland. I then had to tell the senator and thank him as best I could for his time and offer of help.

Mr. Lane:

Now this was a United States Senator from Maryland?

Justice Coleman:

Yes.

Mr. Lane:

You were traveling in rather exclusive circles.

Justice Coleman:

I didn't have enough sense or was too naive to know that this was not an ordinary thing. Living in Washington, you were sort of surrounded by people from everywhere. We knew a congressman from Georgia who used to just drop in around dinner time fairly often.

Mr. Lane:

Washington, in those times, was a much different place, like a country town in those days, compared with now.

Justice Coleman:

It was. You could go downtown and know a lot of people. It was more like living in Battle Creek. But anyway, I obtained this position in the Department of Agriculture in the Land Acquisition Division.

Mr. Lane:

In the USDA?

Justice Coleman:

Yes. It was worked out. George Washington University Law School had quite a few people who worked in the government who wanted to go to law school. They didn't want to go to night school, so they had what they called an afternoon school. You had to be there at 4:30, so I worked from 8:00 to 4:00. There was no direct transportation to the law school, so I'd walk. I can remember running or walking at a fast pace so I could get there in time to squeeze in at the last minute. It was very interesting. I was one of almost...very few women in the school.

Mr. Lane:

I was going to ask you that. Did you ever...is there some way that you can illustrate this either by certain specific class...I was going to ask you how many women...we're full of statistics now days, and if you go down to Cooley Law School at the University of Michigan, they tell you right away, "We have 23% or 28% woman". What would you have guessed if you don't really know?

Justice Coleman:

I don't know in my class, but I know in the school as a whole, there were 30 women in the day and afternoon classes all together, and there were 1,000 something men, so the ratio was very small. It was lovely because I was invited for dinner and lunch and sometimes even breakfast, so at least I didn't starve.

Mr. Lane:

Were you the only woman in some of your classes?

Justice Coleman:

In some of them, yes.

Mr. Lane:

And if there were three or four, that was plenty, was it not, in those days? If you had a class...were the classes quite large as they tend to be now, or were a lot of them smaller?

Justice Coleman:

No, they were large. They were large classes, and some of them were held in auditorium like rooms. One of them where the professor became a very good friend of ours for years, Professor Oppenheim...

Mr. Lane:

What was his name?

Justice Coleman:

Oppenheim, and he taught trade regulations and similar courses. His classroom was like a movie theatre.

Mr. Lane:

Auditorium?

Justice Coleman:

...where it was stepped up like an auditorium, and he placed me right in the front row in the first seat by the aisle. Later on in life, when we were still very good friends, I said, "You know, that was an awful thing for you to do because sometimes, I would be just a minute or two late by running all the way or by being held up by my boss or something, and then I'd have to walk down all these steps to the front seat". Well, he said, "I did that on purpose.

Most of the boys wouldn't come in until you came in, and when the bell rang, I knew they'd all be turning around and looking to see if you came in". I think I was the only girl in the class. "So", he said, "I just thought you'd just have to hurry a little faster, so I put you down there where you couldn't get away with coming in late and sitting in the back row".

Mr. Lane:

This must have been very exhilarating socially at certain times to be the one beautiful woman in the class of professional young men who were training for big things. What about from a woman's view other than that? Did some women, for example, sort of scoff at the idea that you should be following the law? You know, now days, there is a different atmosphere, and I'm just trying to recapture what it was like back then.

Justice Coleman:

First, I didn't consider myself to be a "beautiful woman". I didn't even think about it. Becoming a lawyer was something that I was going to do.

Mr. Lane:

You took it for granted. You knew you were going to be a lawyer.

Justice Coleman:

Yes, so I applied, and was accepted. I thought maybe I'd find hostility among the men because there were so few women, but quite the opposite. They were all very friendly. The women were also very friendly, and the professors. I had a little problem with a couple of professors who, out of maybe 200 or 300 students, would call on me every time. As I told you, I worked until 4:00, go to class until 7:30, and then have to eat and study and do whatever I was going to do, so I wasn't always right up to snuff on all the "different variations on the themes" they might throw at me. They would change the facts a little bit, and keep going.

They couldn't have called on every student once a year. One professor used to embarrass me so...contracts...I asked to speak with him after class one day and I asked, "Why do you call on me every day?" I was shy anyway, and I hated to enter the class because I knew that I would be tested on all these different sets of facts. Well, he said, "You're going to have to stand up in court and argue cases, and you're going to get a lot of different facts and theories thrown at you, and I think you're a little shy", which I was, so he was orienting me for the future, his way of putting it.

Mr. Lane:

You were shy, and this was a time when you had already, as I recall, been the beauty queen of the University of Maryland and gone through all that that entails, or did you not have to go to pageants and dress up and that sort of thing?

Justice Coleman:

Well, getting back to the beauty queen bit - I didn't even enter the contest. I wasn't all that pretty and was just a sophomore.

Mr. Lane:

How did your name get in the mix?

Justice Coleman:

I have no idea. It was a student election. There were candidates, but I guess just more people put my name in than anybody else's. We had one girl from our sorority house who was our candidate, and I was rooting for her, and all that sort of thing. I couldn't have been more surprised. Shall I tell you a little incident when I first knew about it?

Mr. Lane:

Yes.

Justice Coleman:

I had a bad cold, terrible one, and my grandmother had told me that one of the good ways to try

to get rid of it was to put my head over some hot water with some Vick's Vapor Rub in it and put a towel over your head and breathe. I was down in the kitchen in a bathrobe with a towel over my head, and my head over hot water, not boiling, but had been boiling, breathing this vapor, and one of the girls came in and said there was some young man knocking outside who wanted to talk to me. I said, "I can't talk to him". Here I was, hair all flopping down, face dripping, and I was a mess. She said, "Well, you'd better go do it. I don't know who he is, but he says that he has to paint your portrait". Anyway, I finally went out in all my glory, and he looked at me, and I looked at him, and he said, "I came to announce that you have won the Miss Maryland contest", and I burst out laughing, and then he burst out laughing because if anybody didn't look like Miss Maryland, I was that person. Anyway, we sat down, and that was how it happened. He did paint my picture for the cover of the magazine, incidentally..

Mr. Lane:

That was a student magazine?

Justice Coleman:

Yes, so that's how I knew that I was even being considered without even being a candidate.

Mr. Lane:

Well, at that time, were there certain rituals that followed the selection?

Justice Coleman:

Oh, yes.

Mr. Lane:

At the big football game, you were in the parade or whatever it was?

Justice Coleman:

Oh, yes, I had to take flowers over to the governor and all that sort of thing. It was quite exhilarating. There even was a coronation ball.

Mr. Lane:

Well, then, in law school, a short time after this, the professor still said you were excessively shy, that is, for the law, and that you should...

Justice Coleman:

Well, I was always shy and I did the things I have mentioned because I was encouraged to do them by somebody knowledgeable. My mother or somebody I trusted would say this is the way it is done, and I'd take my courage and my two fists and go ahead and do it. I must have been naive or I wouldn't have done it in the first place, I guess, but in any event, everything seemed to come out all right, so I didn't have any reason to be afraid, but it was an exciting time. That's...again, I could write a book on the little incidents that happened.

Mr. Lane:

Now back in law school, this is George Washington. It's in the city of Washington, right?

Justice Coleman:

Yes.

Mr. Lane:

In the northwest...what part of the city is George Washington University?

Justice Coleman:

The northwest.

Mr. Lane:

Not too far from Georgetown?

Justice Coleman:

Georgetown is quite far away or so it seemed.

Mr. Lane:

Okay. Then you took your regular law degree in three years, did you?

Justice Coleman:

No, I couldn't do that and go to the afternoon school. I couldn't get in enough hours, so it took me four years.

Mr. Lane:

And all during this period, you supplied through your work the money that it took to...?

Justice Coleman:

Yes. I earned every bit of it.

Mr. Lane:

Well, this was...

Justice Coleman:

It wasn't much, I might say.

Mr. Lane:

Was this quite unusual for a young woman in those days? You know, you've heard the stories about the young men who sweep out the gym and all that stuff and used to sort of do meals and work in the kitchens of the restaurants and that sort of thing, but a woman's opportunities for that were not then as great as they are now. Is that true, or am I imagining things?

Justice Coleman:

Quite true. That was why working for the government was something good, but I don't know that they really thought I could do much, because they gave me...call it a job like sweeping out the barn. I had maps, rolls of maps on which I was supposed to color in the pieces of property that were bought, and I'd have to iron out the maps so you could even hold them in place. It was a crazy job, but they said, "Well, you're not skilled in anything that we can use". This was after I

had graduated from college and had taught and thought I was educated, but finally they decided I did have some other skills, so I was promoted. I was the head of the Contract section for a while, and then...

Mr. Lane:
At the...

Justice Coleman:
This was before I graduated. I didn't know much about contracts of the nature assigned to me.

Mr. Lane:
This was at the USDA?

Justice Coleman:
Yes. Another thing that frightens me even now. Before I became head of the Contracts section, my work had to do with the final certification of abstracts for the purchase of land before the government paid its money. Now, the local lawyers had certified the titles and I don't know who else, but I was the last word, and I hadn't even graduated from law school. I really loved that work with the abstracts. It was so interesting. You could follow people's lives.

Mr. Lane:
There were abstracts on properties in Kansas and Oklahoma?

Justice Coleman:
All over most of the country, and sometimes, they were very, very complicated because there were illegitimate children, and there were children of several marriages and their children, and I had to find out who ended up with the property. I remember one I just gave up on. I wrote back to a local lawyer who certified it, asked him some questions, and he wrote back and he said, "Nobody can ever figure that out. This was a prolific old billy goat, and nobody knew who were his children". Anyway, I enjoyed the work but I was conscious of the fact that I was new in the field of real property. Of course, I'd had courses in the law school but I hadn't practiced and yet I was the last word before the government paid its money. I had quite a bit of experience in different fields while I was working in the day and going to school in the afternoon.

Mr. Lane:
You would have been then probably in your last year or approaching the conclusion of the law training in school or was this even earlier than that?

Justice Coleman:
Well, a little earlier with the abstracts, but as head of the contract section, I was in my last year.

Mr. Lane:
Then you would have graduated, let's say, 1938? Would that be about right?

Justice Coleman:
1939. I was married a few days later.

Mr. Lane:

Oh. You had already met your husband. That's right - he was in class. He was...

Justice Coleman:

He was one year ahead of me.

Mr. Lane:

In law school, right?

Justice Coleman:

But he went to the University of Michigan excepting for his last year.

Mr. Lane:

Oh, he was a transfer.

Justice Coleman:

But he had to work his way through, too.

Mr. Lane:

What brought Creighton to Washington?

Justice Coleman:

An uncle. An uncle said he should go to his last year in law school, as quoted "like a gentleman", and not have to work, so that sounded fairly attractive. Creighton at that time was head waiter at the Union which wasn't too bad a job, but he had to work 40 hours or so a week and into the night, so he came down and lived with his uncle in Silver Spring. He was in day school and I was in the afternoon school, so I really didn't meet him until almost a month or two before he graduated.

Topic 4: She speaks about her husband's first job, her experiences in Berlin in 1945, her memories of the Berlin air lift, and her move to Marshall, Michigan.

Mr. Lane:

Then he graduated and he started his professional career, and got a job, I assume of some sort, and you were still in school.

Justice Coleman:

I was bound to finish. I always said, "I'm not going to marry until I finish law school".

Mr. Lane:

What caused your firm mind set on that matter, do you recall?

Justice Coleman:

I think as I've looked back on it - it was my personal experience, because my father having been ill for so many years and money having gone, my mother had always said to me, "You must have some way to earn your own living if you have to. Maybe you never will, but you should have some skill that you can use so you can support yourself if you must"

Mr. Lane:

And you had a dramatic illustration of that.

Justice Coleman:

I did, and so I was bound to finish the law so in the event that I wanted to practice or had to, I could, if anybody would hire me. That was always a question in women's minds then.

Mr. Lane:

Was it a difficult question for you? I've heard other women how difficult it was for them to make a connection, a professional, to be hired, so to speak. When you got out, did you have a job waiting, or did you...

Justice Coleman:

Well, I had the one that I was doing, and then, of course, Creighton was fortunate. The same professor, Oppenheim, recommended him to the head of the Anti-trust Division...fabled "trustbusters", so they were called.

Mr. Lane:

That wasn't Thurman Arnold, was it?

Justice Coleman:

Thurman Arnold, yes, and this Professor Oppenheim thought my husband was a great lawyer, and he called Thurman Arnold and recommended him, so Creighton was hired right away.

Mr. Lane:

Would this...using familiar newspaper terms "trustbuster", this was the Anti-trust Division of the Department of Justice?

Justice Coleman:

That's exactly right. Good memory.

Mr. Lane:

Now, here Creighton is out. Creighton has a responsible, well-positioned job in the law and you're finishing up. Then, at that time, when you finished and knew that you were going to be married and that there was a family income, you didn't have to worry too much about that.

Justice Coleman:

No, I really didn't, and I had a position that didn't pay very much, but it had done all right for me so far, and Creighton had a position. The government didn't pay very much, but we didn't think

of money in high levels at those times, more like survival because this was all during the depression years when we had to be creative to have enough to eat.

Mr. Lane:

Now, we're also, among other things, on the eve of World War II, right? Was Creighton...did your life...was it then tugged by that fact? As I recall, it wasn't too long before he was then in the military, or am I mixed up there? I'm just trying to trace.

Justice Coleman:

Yes, he was in the military. He was in the Navy, but his work as Special Attorney took him around the country because he had to go where the big cases were tried. We had put off having a child because of this fact, and I had stayed in Washington for nine months. As he has often said, that was not for the usual reason - that nine months. He visited me on weekends and when he could, but that was not so good.

Mr. Lane:

All this time at the USDA job?

Justice Coleman:

Yes, and after I resigned, I went with him. See, he was working on the Aluminum Company of America case which was the longest one in history at that time, and his first orders were to write an answering brief to I think about 54 of the highest paid lawyers in the country. It was quite a challenge, but he did it, and then...he was in Trenton and Detroit, and other cities.

Mr. Lane:

Trenton, New Jersey?

Justice Coleman:

Trenton...I lost my first child in Trenton, and...

Mr. Lane:

Trenton, New Jersey?

Justice Coleman:

Yes, Trenton, New Jersey, that's right. But, in any event, Leslie was born in New York, and she was a month or two old when Creighton became a naval officer, and his orders were to go to Hollywood Beach, Florida to be on the Murmansk Run. He would be, I guess, in charge of the cannons, the artillery on the Murmansk Run where about 50% of the ships never made it. This was not very comforting, but we packed up our car with the crib and the mattress and Leslie on top in the back seat.

We started for Washington. He was told to report into Washington before he went to Hollywood Beach, and his orders were changed there. Somewhere along the line, they discovered he was a lawyer and that he had this experience in the Anti-trust Division which gave him knowledge of German industry. He could tell by looking at the top of a building what they were manufacturing down below, and he knew the cartel interlinks and whatnot, so, to make a long story a little

shorter, he ended up there in the Joint Intelligence, and the Joint Intelligence had people from other countries, as the name implies.

Mr. Lane:

Was this the period when you were in Berlin right after the war or was this prior?

Justice Coleman:

This was before, because they were eventually devising and sending over the targets for the bombing of the Japanese during this time. They would draw up the targets for the bombers to bomb the next day, and people from Great Britain and the Netherlands and wherever would all work together. It was very exciting. They wanted to go to Guam so they could be closer, but those in charge wouldn't send them there. They had to be close to the Army, the Navy and all the armed services. They worked out of the Pentagon.

Mr. Lane:

I was going to say - you then, during that period, lived in Washington or near Washington?

Justice Coleman:

Yes, we lived in Arlington, but it was not easy to find a place. Finally, I heard that duplex apartments were being built in Virginia, and I went over before the place was built and walked over boards up to a little place that said "Office" and pled with them to let us rent something that was being built anywhere> They put us on the list. It wasn't too long before the building was up and we moved in. We moved in before the floor was dry, I think. I think they had not put down the wood yet, but we could walk across boards and that's where we stayed until he was sent to Berlin. During this time, I practiced law on a reduced time basis.

Mr. Lane:

Would that have been 1945 when he was sent to Berlin?

Justice Coleman:

Yes, 1945.

Mr. Lane:

As I recall, one of the lasting impressions in that period of your life was the destruction that you witnessed when you got there?

Justice Coleman:

Yes.

Mr. Lane:

Can you describe a little of what influence that had on your mind, your thinking, your attitudes that perhaps may have been reflected later on in your court...?

Justice Coleman:

Yes, a lot happened before I arrived, even while getting over there. I was very pregnant, among other things.

Mr. Lane:

Carol was born there, was she not?

Justice Coleman:

She was born there. She was the first American child born in 279th Hospital, Army hospital.

Mr. Lane:

Does she have an "e" on the end of her name? C-a-r-o-l-e?

Justice Coleman:

No, just C-a-r-o-l, but the first impression was nothing but rubble. As you'd go down to the main part of the city, all the buildings had been bombed, and there might be a part of a building remaining, with just the stairway outside with the front all gone. Some of them had rooms where they'd put up wood over where the doors had been, and people were just living where they could, several families to a house, very little to eat. The Americans had taken some of the homes and had fixed them up. We lived in one of those. They had to almost rebuild it, but it was a nice home.

Mr. Lane:

Was your reaction one of...would it have approached horror and desolation or had, by that time, people had become so familiar with, for examples, with pictures of destruction?

Justice Coleman:

Not like this war. We didn't have a play-by-play version of the war. Mostly the news came through newspapers. You could see the pictures of the stacks of bodies, for instance, in Buchenwald or wherever, or soldiers as they came home, but the words really couldn't depict what it was like. Women would have buckets, bucket-brigades, I guess, and they would put a pile of bricks in the buckets and hand them down to the next and the next and the next, and they'd then put them in a truck and haul them off. Some of the beautiful buildings were shambles. They still have left the church there as it was bombed at the end of Kurfurstendam. There were still dead bodies in the subways. It was soon, right after the war, when we arrived, whereupon Leslie broke out with measles. It was all very exciting and depressing.

Mr. Lane:

Was that on shipboard. No, no, she was born there, wasn't she?

Justice Coleman:

No, Leslie had been born then. She had her third birthday, but I was pregnant with Carol. They did have the measles outbreak on board the ship. However, first, a propeller broke when we were a bit of the way out, and it took us two weeks to cross the Atlantic. The ship was packed with dependents. Creighton, in the meanwhile, had decided to civilianize in Bremerhaven so I was the first civilian's wife to go over, and they didn't know what to do with me. They had to give me a rank or I just couldn't do anything.

Mr. Lane:

Was he in military government? Is that what they called it in those days, military government?

Justice Coleman:

Not when he went over, no, he was in Navy uniform. He was Ambassador Murphy's advisor on cartels when he first went over, but then they started a decartelization division and of course, this was his training in anti-trust and industry. He went over there as the assistant director. But back to the boat business, we had such interesting things occur. A woman was sick, hadn't seen her husband in three years, and she was sick over the edge of the railing and lost her teeth. Her teeth had had some kind of a disease since her husband had left, and she had to have plates made. She was heartbroken, and we all were because here he hadn't seen her in three years, when she had had teeth. It worked beautifully. The Red Cross wired back to the dentist, and she was met at Land End's by the British Coastal Service and, sure enough, they had her teeth, so when we landed at Bremerhaven, she was all set. We had a number of interesting little incidents like that, including the more serious measles epidemic.

Mr. Lane:

When did you leave Berlin? From there, you came directly to Marshall, did you?

Justice Coleman:

Yes, I hadn't intended to stay in Marshall. That was where Creighton was born and raised, so of course, that was his home town, but I left in 1948, and it was during the airlift...just the children and I. He had to stay, but we had to go. First, we were to fly home but something happened to occupy the planes so we had to fly down to Frankfurt, get on a train after about six hours and take the train up to Bremerhaven to board the ship.

In the meanwhile, we were on one of these creaky old airplanes that had bucket seats, wooden seats along the side, and Carol was very ill all over everybody. I mean, not all over everybody, herself mainly, and the bunny she was carrying and me, so we went reeking into the hotel. I tried to wash out her little coat and dress she wore and make do until we could get on the train because our luggage had all gone.

Mr. Lane:

Was this when you went from Berlin to Frankfurt?

Justice Coleman:

Yes.

Mr. Lane:

I see, so people that may read this may be familiar with the concept of air lift...this was the time when the Russians had refused overland transport of supplies into Berlin, having occupied the territory, surrounding entirely, and all supplies came in by air to the airport within the...

Justice Coleman:

It was a very exciting time because planes would come in and drop their loads of food and take off and another one would come in just a few minutes later and do the same thing, and they kept us supplied with food and other materials such as coal.

Mr. Lane:

There was some apprehension, was there not, early on, that the airlift might not be able to supply?

Justice Coleman:

Oh, yes, there was a great deal of apprehension.

Mr. Lane:

With two small children, did this work on your mind? Was this partly...was it a great relief or was this part of the reason why you left, that this was such a precarious...?

Justice Coleman:

No, it was the end. Creighton had had to sign for two years in military government. Two years were up so I had to go but he still had to stay on, because he had some work to finish there. He then was Director of the Legislative Division, in which I became quite involved.

Mr. Lane:

You and the children, then, went to Frankfort, then to Bremerhaven, then back to the United States and to Marshall, Michigan, right?

Justice Coleman:

Yes, that's right.

Mr. Lane:

And you sunk your roots in Michigan at that time, is that correct?

Justice Coleman:

Yes, as a matter of fact, Creighton had had a number of very fine sounding offers of positions when he came back, and he had asked me to look into some of them, and find what they entailed, so I had done that. Then I was to go to Marshall to his family's house, which I did, but with the two children and myself, it was kind of a load on his parents, so I tried to find a place just to rent until he could get back. Again, there was no place.

I finally found a summer cottage out on a lake, which was fine for the children excepting he didn't return quite so fast as I thought he would. It had begun to snow and the cottage was one of these old ones where the boards weren't close together. I would stuff the cracks with newspapers, and we had one of these little potbellied stoves. We'd get up in the morning and run over to the little stove and dress. It was not too pleasant, but I can laugh at it now. It was going from a sublime, huge house to the ridiculous little two room cottage.

Mr. Lane:

When did you then finally get settled? When did Creighton come and how did you set up in law and family terms? Did Creighton start to practice in Marshall?

Justice Coleman:

Well, when Creighton came back...I think he had only been back a day or so when he was

descended upon by a group of the Republican hierarchy in that area who urged him to run for the state Senate, and of course, at first, he said, "Well, I've been away to school and to work, and I've been in the Navy and in Berlin and nobody probably even knows who I am". There were two others running, Republicans, and this was a primary.

Mr. Lane:

That would have been the primary of 1950, probably?

Justice Coleman:

I guess it was still 1948, because I came back in the early part and this was in October, but there wasn't much time left. We said something like, "We've invested in stocks and things like that and maybe we should invest in our future. We've seen what's happened in Berlin when all the people said, 'But we just didn't realize what was going to happen'." The grass roots people seemed to be quite surprised that all of the atrocities were going on, so we had always said to ourselves, between ourselves, that we would become involved in grass roots politics if we had a chance. We'd support the candidates we felt were good candidates, decent people and knowledgeable, and try not to

(End of side 2, tape 1)

Topic 5: Discusses how her husband decided to run for a seat in Michigan Senatorial race, and how she and her husband opened a law firm in order to make ends meet. Justice Coleman also talks about her busy life, raising her two children, and starting the Marshall Civic Theatre

Mr. Lane:

Now, this is tape two with former Chief Justice Mary S. Coleman, and it is now January 22, 1991. We were talking about Creighton and the political opportunity that opened up.

Justice Coleman:

Yes, I believe we were speaking about when we had a delegation of influential Republicans -I guess you could put it that way - call on him and ask him to run for the state Senate. Two others were running. Creighton had just a few days in which to get petitions signed, and of course, here we were not knowing what he was going to do after his contractual stint was done with the military occupation, but we decided that he should run for the Senate.

We had always said we were going to be involved in grass roots politics if he had a chance after he saw what happened in Germany, so he and his friends managed to obtain the proper number of signatures on the petitions, and he started to campaign. He had two counties, Calhoun and Branch, and he, of course, didn't have anything to do, so he went door-to-door, and did everything. The other two, of course, were well-known lawyers, and Creighton hadn't been there

often for many years, with his schooling and the service and all that, so he had a lot to overcome. Anyway, he won, and that was a new era of life because then we had to find a place to stay in Marshall.

Mr. Lane:

He won the primary. That was pretty close to winning the...

Justice Coleman:

Oh, yes. He won the whole thing, and I think the salary then was about \$1,200.00. It wouldn't even cover expenses, which was pretty ridiculous, but it was the grass roots participation that swayed him and me. Before he took office, I think they raised the salary to the munificent sum of \$2,400.00 or something like that which still didn't cover expenses, but it was a little better. We had a dreadful time finding a place to stay, but we finally did.

His experiences in the Senate where he was majority leader for four years, if I remember correctly, were very valuable to me. I learned a great deal about legislation and politics. I had never been a politician, and this was a whole new experience. When he was majority leader, it seemed as if every night he was home which wasn't often, people were calling on him with different aspects of legislation in which they were interested. We had groups of union people, small business owners, and others. It was a very exhilarating time, and he loved the legislative process, still does. I think that remains close to his heart. But it was a good experience for me.

Justice Coleman:

The only problem was that, of course, we had to open a law office and find a way to make a living because you certainly spent more than you earned in the Legislature. We were very fortunate. A gentleman from Detroit, a very fine lawyer who had been or would be president of the State Bar and was highly respected, Ernest Wunsch, met Creighton. He was going to start a branch office. He wanted it in Marshall because he loved the town and the friendly people, the whole concept that made it seem attractive to him and his family. He, one day, just tossed Creighton a bunch of keys, and said, "You want to be partners?"

Mr. Lane:

This was quite a dramatic gesture, just throwing him the keys, was it not?

Justice Coleman:

It was. It was astonishing. He had a fully equipped office with all the books and everything you'd need in those days - you'd need a lot more now - and he meant it. He meant to be full partners, and that was a wonderful start. We moved the office to Battle Creek eventually because that's where most of the business was, but Creighton was gone so much, I didn't want to leave the small children before they were in school.

I did start to help quite a bit, as much as I could and then when Carol was in kindergarten, I started a full practice because Creighton was seldom there. He would be gone from Monday night until Friday. At first he started coming home every night, but he'd fall asleep sometimes on the road. He was on committees that met late, like the Appropriations Committee and such, so

we decided that he should stay there during the week, so he roomed with Eddie Hutchinson. You may remember him.

Mr. Lane:

I do remember him.

Justice Coleman:

And John Martin and...

Mr. Lane:

They stayed in the Porter Hotel, didn't they?

Justice Coleman:

In the Porter, old Porter. He had a good group. Elwood Bonine, I think was the other one. They had a living room and kitchen and the bedrooms. It was a suite, so they had plenty of room, and they were very compatible. It worked out fine, except it left me home to carry on the law practice because Mr. Wunsch was mostly in Detroit and Creighton was mostly in Lansing, so there was a period there when I would meet the children after school.

I tried to arrange my hearings, trials and appointments so I could be home when they were home. I also had somebody at home so they wouldn't be coming home to nobody. In any event, I could do everything with them until they went to bed and then I would start on the work where you really needed peace and quiet, such as briefs and abstracts. Again, there weren't so many title companies so you had abstracts.

Work like that I could do and I think it was sort of a pattern that I went into where I'd work until about 2:00 a.m., get up and see the children off to school. It was kind of a hard time because there were many other things that the children wanted me to do so that I was a "real mother". I was always a room mother for as long as I could remember, and I was a volunteer mother for most everything after work. I tried to get all of this in and keep up with their schools and their friends and transportation. It was a very busy time but a very memorable time because we were into various civic affairs. We started the Marshall civic theater over there on our front porch.

Mr. Lane:

You put in quite some effort, did you not, into some of the dramatic productions at Marshall?

Justice Coleman:

We started the one in Marshall and even in Marshall, I traveled over for the lead in one of the shows, "The Heiress", in Battle Creek, and then of course, we moved to Battle Creek. I did a few more shows, but...

Mr. Lane:

Did you find acting compatible? You had not done any of this sort of thing before, had you?

Justice Coleman:

I had in college at the University. I belonged to the Drama Club, I guess they called it, and was elected to the National Honorary Drama Society.

Mr. Lane:

So you had gotten your feet wet a little bit in this.

Justice Coleman:

Just a little bit, but "The Heiress", for instance, was serious drama and it required more than I thought I had, but the director thought I could do it. We had a beautiful, glowing write-up from a critic who had been a New York critic who had retired to his home, and had given bad reviews for almost anything the civic theater did, so I was delighted to have a good one from him. Anyway, that was a little facet of the things that I did just on the side.

Mr. Lane:

Did people urge you into this sort of thing? I would think a woman who was trying to assist significantly in her husband's law practice when he was away and had two small children, and you are trying to be active in the school orbit, you would have had your hands pretty full unless you were somehow pestered into this.

Justice Coleman:

Well, yes, I think that the fact that I was a lawyer, the woman lawyer, this sort of thing led people to think that I could do all kinds of things. For instance, I was involved with the American Association of University Women, and I was the first president of the Marshall branch, and I had never even been a member.

Becoming a president and not knowing what I was doing was kind of an interesting experience, too. In any event, I seemed to become involved from then on throughout life in all kinds of activities that I thought were worthwhile in the community. That was a good part of life. The girls, for instance, were interested in Campfire Girls, so I was a Campfire counselor, and so on. I won't bore anybody with further details about that. We did move to Battle Creek, and that was another chapter. I became more involved in community activities, which was good. The girls were a little older then.

The school was close-by where we first lived, and we had good help at home to whom the children were very adapted, but I still tried to get home as early as I could so that I could be with them there or take them with me. I think the bottom line of all of this is that I gained much experience in many different areas, but the main experience that helped was the experience through Creighton and the legislative process, so far as my professional life was concerned.

Mr. Lane:

You were keenly interested in what he was doing and participated to a significant degree, I suppose, from time to time, were you not?

Justice Coleman:

Oh, yes.

Mr. Lane:

He would come home with some problem and say, "Boy, this is a real puzzler. I don't know what I'm going to do", and you would hash it out a little bit and that sort of thing?

Justice Coleman:

Yes. One time when I was a state legislative chairman for the American Association of University Women, we were promoting on the state level the foster care bills for children. Prior to that time, the county paid for all of the care for all of their wards and if they were delinquent, the judges were apt to commit them to the state training school because the state would pay for it. Really, some of them didn't need that type of attention. In fact, it often was counterproductive.

Mr. Lane:

Well, now, was this at a time when you had become the referee?

Justice Coleman:

No, this was before that.

Mr. Lane:

That would have been before 1957?

Justice Coleman:

I guess so, whatever the date was. Creighton was in the Senate at that time as a Majority Leader, and I must admit that I bore down on him a little bit on the need for the state participation so that you could keep most children in local facilities and still not spend all your county budget.

Those bills did pass where the county would pay half, at least, and the amounts varied from time to time from then on. He would come home full of information from over the week, but he didn't have much time to talk about it because he'd get home Friday and then he'd rush to the law office and try to catch up on what I hadn't done or what was strictly for him. It was a seven day a week proposition, and we didn't see too much of him.

Topic 6: Justice Coleman recounts her experiences as one of very few women practicing law. Her interest in troubled children, and her decision to run for Supreme Court

Mr. Lane:

At this time, did you ever go into court in connection with the law practice and argue motions and that sort of thing, or was it all office work?

Justice Coleman:

No, I did the whole thing.

Mr. Lane:

Was it not at that time quite conspicuous for a woman to be arguing in court and participating in the law in that sense?

Justice Coleman:

Yes, there had been one other woman. I don't want to speak unkindly of her, but she hadn't made a very good impression on the judge, I guess, because the first time I went to argue in the Circuit Court, the judge said in rather a stage whisper, "Oh, God, another woman". It deflated me no end because I had worked very hard. I always had thought a woman had to prepare more than a man, so I was really prepared.

Mr. Lane:

I want to bear down just a little bit on this subject because I think it leads into other things later. There have been wide complaints that seem to me, or at least there were - if you go back fifteen or twenty years ago - that women had a hard way to go in a court setting, and that they were subject frequently to ridicule, to snide comment, that they were...I don't know just what the litany is, but I do know, I do remember very vividly where there was a vigorous complaint about the role of the fairer, the way a woman fared as a lawyer in court.

I remember there was a woman in Detroit, probably a little later, a well-established practitioner, and she came to court one day wearing a suit, instead of a dress, I think it was, and the judge remonstrated with her, and said this was not...I don't know....womanly or in accord with court decorum or something, and there was quite a little fuss about this. Now, I would just...I'm only trying to stimulate your thoughts, and I would like to hear your appraisal of what it was like for a woman at that stage to go into court. Was it not too bad, and did you get a respectful treatment and sort of a sense that you were being handled by the judge and by others in the court in a proper way like any good established, prominent male attorney would be handled?

Justice Coleman:

I really had no complaint after that one, although I must admit that I had a few moments then of terror, I guess you'd call it. But the judge later realized that I had heard. I won the case, incidentally. He called me back to his chambers and he said, "The only woman I've ever had in court fell back on the fact that she was a woman and every time a man made a good point like he would with another man, she would say, 'That's very ungentlemanly', or she'd fall back on the fact that she was a woman and she wasn't being treated right." He said so long as I felt that I could be treated like my opponent could treat another man, and I could have a sensible argument back and forth, he was vastly relieved. He had the picture of a militant type of a woman who wasn't very logical in the arguments but would simply fall back on gender or social background. I really had no complaints. The lawyers were very good to me and the judges were kind. I felt they were fair, so I guess I'm not one who felt the reality of gender bias, as it is called now.

Mr. Lane:

That's very interesting because when we get further down the road, I will want to come back to this subject, ERA and all that, but I don't think this is the time for it. We are going through this period, and you are already active in the foster home legislation, right?

Justice Coleman:

That was before I was fully practicing.

Mr. Lane:

This, I suppose, must have nurtured your interest in performing in a public way, that is, as a public servant, public officer, and also in getting deeper into the affairs of children, troubled children. Is that right? You soon became a referee?

Justice Coleman:

I had always been interested in children. As a matter of fact, when I was about sixteen years old, I'd teach Sunday school classes with small children and when I was home, little kids would come up and visit with me. I don't know why exactly, but I liked them. When I was in law school, after I decided I really wasn't cut out to be a tax attorney, I was trying to think of a field that I would enjoy and where women would be acceptable. I decided by the time I finished law school that I wanted to be a juvenile judge.

Mr. Lane:

You did?

Justice Coleman:

And I visited juvenile courts in New York, Trenton and Philadelphia and down the east coast there. Some judges said, "What you need besides your law degree is a degree in social service". When Creighton was in New York the first time, he was there for quite a while when the Aluminum Company of American case was being tried. I decided that I'd enroll in Columbia University and try to put together a combination that would be suitable for a juvenile judge background.

Mr. Lane:

Was this Columbia - was it a social work course of study or what?

Justice Coleman:

It was within Columbia's department which encompassed social services. There also was in New York a college named something like "New York City School of Social Work" which offered some courses especially pertinent to juvenile court work. We did manage to have approved a combination of courses at Columbia and the college which could result in a Master's Degree from Columbia University - then Creighton was assigned somewhere else. This long-time interest in the law's relationship to children probably led to my vigorous effort on behalf of the foster care bills. They did pass and they resulted in the first step toward an entirely new way of approaching both children's problems and problem children in Michigan.

Mr. Lane:

The net result was to keep more borderline troubled children in the community?

Justice Coleman:

Yes, instead of sending them all off to the training schools. It was inappropriate in many cases. Sometimes it was appropriate, if you had tried everything else and it had failed, and the

youngster really needed more control than you were able to provide elsewhere. However, there were quite a few private facilities throughout Michigan and other states that really were benign if disciplined. Boystown, for instance, in Nebraska, was appropriate for some children, and there were quite a few Catholic schools that were excellent for youngsters, girls particularly, but the habit had been just to send most to the training schools because they were free so far as the County coffers were concerned.

Mr. Lane:

So the judge who had the commitment recommendation or authority was influenced in an indirect way by the fact that if he kept the costs down, this would benefit him in the eyes of the commissioners who had to raise the money to pay the bills.

Justice Coleman:

Not only that but the commissioners wouldn't appropriate the money. There was only so much money to go around, and I think that many of them felt that the court spent an undue percentage. Courts cost money but did not bring in much.

Mr. Lane:

We're talking about the mid-50's, 1955, 1956?

Justice Coleman:

Yes.

Mr. Lane:

And you were also quite active in Creighton's law practice at that time?

Justice Coleman:

Oh, yes.

Mr. Lane:

Then, when did you first actively directly get into this? Wasn't it 1957 when you became a Juvenile Court referee?

Justice Coleman:

That was sort of a happenstance because I hadn't...

Mr. Lane:

Or if I'm wrong...I make a lot of assumptions here too..

Justice Coleman:

Well, I'm not sure of the date myself, but it was in there somewhere. There was only one Probate and Juvenile Judge; you know, in Michigan, you're both. You have two divisions, and the judge liked the probate part of it but he could not tolerate the juvenile aspect. He said that he literally was becoming ill because of the kinds of cases that would come before him and the decisions that had to be made. He wanted a referee, so he talked first to Creighton, I think because I was so active in the law office. Creighton said, "Well, of course, she can do what she wants to do". The

referee's position paid much less than I was bringing in in the law office. But he told me about it, and I had lunch with the judge and Creighton.

Mr. Lane:

Who was the judge, by the way?

Justice Coleman:

Mallison.

Mr. Lane:

What was his first name, do you remember? I doesn't really matter. M-a-l-l-i-s-o-n, do you think?

Justice Coleman:

Yes. His first name was Lee. The upshot of it was that I said to Creighton that I had always wanted to be a juvenile judge, and Judge Mallison had said he didn't know whether he was going to run again, which was one aspect in that I could run for his office. On the other hand, we needed two judges desperately because the size of the county and the amount of the work was just too much for one person.

He was going to leave it to me to decide whether I would want another judge or run for his judgeship if he didn't run. We talked it over, and I said, "I like to do what I enjoy doing". Everybody does, but if you can work and still be involved in what you really want to do, I think that's a blessing, so I told him that I would accept the position. It had to be approved by the commissioners and all of that sort of thing because they had to pay the money. It was a new position, and I would do everything in the name of the referee but inform everybody that they could have an appeal to the judge.

I don't know that we ever had any. There were some cases that I felt he should hear because they involved very serious termination of parental rights. Although I held most of those, there were some that were so terrible that I thought they should start at the top. However, I did almost all of the juvenile work. We had a miserable juvenile home. By miserable, it was very small. It wouldn't hold very many, and a minister and his wife conducted everything out there. They did their best, but they had so many different problems, so many types of youngsters that they couldn't pay attention to each one.

The children had no schooling while they were there and so forth, so I set about to try to more than double the size of it and to have a school as part of it with the Intermediate School District furnishing the special education teachers for the school. I did manage to get volunteer school teachers in the little home who would come and teach different things, but the children had little else to do. My theory was that they had to build their self-esteem first. You'd get some of these scrungy looking girls, for instance. They just didn't care, so volunteer hairdressers came in and would style their hair, and they left or donated some hair dryers so the girls could do their own grooming. Just little things like that did wonders for their self-esteem. However, there was a limit to what was possible under the existing circumstances.

I think we started a new trend when millage to add much space to our Juvenile Home passed by referendum. Not only were more rooms added with a central control system, but classrooms and a gymnasium. The Intermediate School District hired special education teachers and we worked with the youngsters' own school (or former school) with the goal of placing children, after certification, back into the classes where they should have been. Much red tape was involved, but the results were gratifying. The kids could stay close to their families, have visits and consultation with parents. Home visits with much support for weaning some away from old gangs raised the success rate after release. This was a new use for a juvenile home and some state authorities were understandably apprehensive, but pleased with the results.

For instance, most of the children there were far behind in their ability to read, so we placed a great emphasis on reading. We'd start them where they could read so they wouldn't be discouraged right off, and then bring them up as fast as they learned to read. There was one youngster in there who advanced two years in a few months, but something had been blocking his learning, probably the home environment which I think was the case there. We had all kinds of activities going. The first graduating class, I took to Schuler's for lunch. Most of them had never seen a menu. Some of them didn't even know how to use a knife and fork, as we practiced reading menus...I say "we did", the juvenile home people did.

I took them out to lunch, and they were in seventh heaven, and, you know, I would have put them up against anybody in that lovely restaurant for good manners and the way they conducted themselves, the way they ordered. Of course, some of them ordered two or three desserts but that was all right. We tried all kinds of activities. We had some of the girls being...what do they call them...pink-striped girls for the nursing homes.

Mr. Lane:
Candy-stripers?

Justice Coleman:
Candy-stripers, that's right - those that we could trust, we let do that. There was a big storm and the cemetery was a mess, limbs off trees were down and what not. The girls fixed big lunches for the boys and the boys went out and cleaned up the cemetery. Experiences like this would give them some sense of worth and of participation in the community in a positive way.

Mr. Lane:
Who was the active person that was continuing charge? That wasn't your responsibility, was it? Was there an administrator or something like that for the home?

Justice Coleman:
There was a director of the home, and I would set the policy, suggest, approve, etc. I was very personally involved in that because it seemed to me a very important part of rehabilitating the children which I considered to be one of the main thrusts of the juvenile law regarding delinquency. I've lingered long enough perhaps on the juvenile court, but...

Mr. Lane:
Well, this was to be and is still, I suppose, a very focal part of your interest in the law. I don't

mean that your interest is restricted, but I know that you struggled mightily with some cases later on and had a lot of very sensitive feelings about. For example, custody, parental custody, depriving...

Justice Coleman:

Yes, I did. I helped draft much of the law having to do with child abuse, the initial ones and the Protective Services and many aspects of the operation of what happened to children once they had their hearing in the juvenile court and then went onto whatever they were going to do next. The protection of neglected children was a sorry affair. I helped with quite a bit of legislation and the Juvenile Court Rules, the first they ever had. I was on that committee. Those were adopted, I think, around 1969.

Mr. Lane:

By then, you were...

Justice Coleman:

A Probate Judge, yes.

Mr. Lane:

You were elected in 1960 for the first time?

Justice Coleman:

Yes.

Mr. Lane:

Judge Mallison retired, did he?

Justice Coleman:

Yes, he said he had had enough, and he retired. An interesting little bit in there - by the law at that time, you had to wait until the next election to elect a second judge if the county voted for a second judge, so there was a hiatus. Well, I drafted some legislation which would make it possible for somebody to run at the same time the question was on the ballot as to whether there should be a second judge.

It was a little risky for the candidate but I knew just the one I wanted, the one I thought would be the finest, and that was Judge Schoder, Wendell Schoder, and he agreed to take the chance. The bill passed, and he became the judge right away. He had said, "If I don't have to be judge of the Juvenile Court, I'll do it", and of course, I was most interested in the Juvenile Court. Probate work, I liked. It's clean and, in my opinion, much easier because attorneys prepared all of the papers and much of the important factors were set forth by law or rules.

There were relatively few contests in the area of probate of by law or rules. estates. Of course, the mental cases were difficult a the myriad of responsibilities in that division of the court. Although I suppose that most people would consider the responsibility for the lives of neglected, abused, and dependent children as well as delinquent youngsters to be difficult and depressing, I found so much good coming out of terrible situations that every day was a challenge.

I liked the work and felt rewarded, even in light of some failures. Therefore, Judge Schoder and I had a very amicable division of work. Of course, if I needed a judge to take my place for some reason, he would sit as Juvenile Judge and vice versa. I might add that the Juvenile Court often was a bit turbulent - not because of the children, but because of pretty wild parents. perhaps that is where I learned to keep cool under all kinds of pressure. It served to cool the atmosphere in general.

I think some came in looking for a fight, but finding none, behaved quite well. That court held an inherent possibility of danger because of the kinds of problems which brought the people there. Some of the juveniles had records longer than many in Jackson Prison and involved as much or more violence.

Mr. Lane:

Did you ever encounter any episodes of violence in the courtroom?

Justice Coleman:

Well, one time I was warned that a defendant's brother was going to shoot me if I committed him to the training school, and he was one of the worst ones we had ever had, so it really was the only place for him. He was a menace to the community, and we had tried everything. A Sheriff's deputy extracted the pistol. Of course, there were other threats.

Mr. Lane:

Now, the training school, in those days, was that BVS in Lansing?

Justice Coleman:

Yes.

Mr. Lane:

Boys Vocational School?

Justice Coleman:

Yes.

Mr. Lane:

And where was the girls' school?

Justice Coleman:

It was...oh, glory...do you know...you've hit a blank spot for me.

Mr. Lane:

We can get to that later.

Justice Coleman:

I'll think of it later.

Mr. Lane:

I wanted to ask, though, Judge Schoder spelled his name...?

Justice Coleman:

S-c-h-o-d-e-r.

Mr. Lane:

You then went twelve years, right, as Probate Judge?

Justice Coleman:

Yes.

Mr. Lane:

Twelve years, and you got re-elected...?

Justice Coleman:

You had to run every four years. I was very active on the state level. I had been Chairman of the State Bar Committee on Juvenile Affairs, their first one, for example, on Governor's Commissions and a number of state-wide committees concerning crime and delinquency.

Mr. Lane:

Were you president at one time of the Probate Judges' Association?

Justice Coleman:

Yes, that was just before the mighty decision was made to run for the Supreme Court. I had never thought about the Supreme Court as a goal.

Mr. Lane:

Well, now that's what I wanted to focus on for just a little bit. When did the germ of this idea first enter your mind? You said that when you got out of law school, you wanted to be a juvenile judge. You had made up your mind. When did you make up your mind in a similar fashion that you wanted to serve on the Supreme Court or perhaps a little broader in some appellate capacity?

Justice Coleman:

This may come as a surprise. I don't know whether it will or not, but I have never been a personally ambitious person, and I had never thought of that or any appellate court. My husband was a Circuit Judge at the time I was a Probate and Juvenile Judge. He had become the Circuit Judge first, and I surely didn't want to run for the Circuit court. I liked what I was doing. I was happy there, and that was it. But when I was at an annual meeting when I was president of the Probate and Juvenile Court Judges' Association, as they call it, they seemed to have had a pow-wow of some kind before I had arrived, and they had decided that I should run for the Supreme Court.

Mr. Lane:

Was this is 1972?

Justice Coleman:

Yes.

Mr. Lane:

Was that when you actually ran, in July? The meeting was in July?

Justice Coleman:

Yes.

Mr. Lane:

Very close on to when you would have had to...?

Justice Coleman:

Very, very close. It was July or the first part of August. I had three weeks to get ready for the convention where I had to be nominated, but back to the meeting...

Mr. Lane:

Where was it held, by the way?

Justice Coleman:

I think it was Boyne Highlands, if I remember correctly.

Mr. Lane:

Some of your fellow judges had gotten up there ahead of you and talked about this and sort of hatched a plan?

Justice Coleman:

They decided there was nobody on the Supreme Court who had any experience with the field of Probate and Juvenile Court work.

Mr. Lane:

And that was literally true at that time?

Justice Coleman:

That was, and some of the few opinions regarding juvenile law that had come out were contrary to much of the feeling at that time. Anyway, I was met with this razzle-dazzle, I guess you could call it, about running for the Supreme Court. Of course, it had never crossed my mind, and I said, "No, a woman has never been elected to that court, in the first place. I don't know that one has ever run or been nominated". I found that was true...

(End of side 1, tape 2)

Topic 7: She continues talking about her decision to enter the Supreme Court, and the election process. How she acclimated to the work of the court, and the case of Deziel Vs. Difco, et al.

Mr. Lane:

Was this like a little reception committee when you got up there, some of the judges, three or four of them said, "Come on, let's talk"...

Justice Coleman:

No, it was nothing like that. I was conducting a meeting when this first came up, and of course, it took me by great surprise, and I said, "Oh, no, I couldn't do that". Then, quite a few of them, non-partisan Republicans and non-partisan Democrats, you might say, rose and said something like, "Well, we will all help you". We hear those things quite often, you know, "You run, and I'll help", but they don't, but that was not my thinking at that time nor was it true. I just hadn't thought about it. I said, "Well, this is very late.

I would have to raise a lot of money. I'd have to cover 83 counties and I don't know how many million people, and the state convention is about a month away - and how could I get in touch with all of the delegates?" or something like that. There were other candidates for the nomination. There were three men who had been out raising money for months and had pretty good war chests, so to speak.

Anyway, we went on with our meeting and finally we came to a time when it might have been organized, I don't know...everybody was getting up and telling all the great things they would do and how important it was to the state to have somebody with my experience on the Court, and they had decided that I was the only one who could win. I don't know how they came to that conclusion because a woman never had even tried.

Mr. Lane:

This is a very interesting political lay of the land that came up at that time, though, was this not true, that you had...you wound up that year with nine nominees for two seats...

Justice Coleman:

That's right.

Mr. Lane:

And prior to that time, usually it was two Democratic nominees and two Republican nominees for two seats, and there was a compression of the whole operation, but here, the thing was made wide open by Chuck Levin had already formed his party and nominated himself, had he not, and Vince Brennan had done the same thing and the Democrats were in some disarray because when Swainson and Williams had run the prior electoral period in 1970 to calm some feelings, the nomination had been quasi-officially promised to some people that probably didn't have a....well, I remember something about the dramatics of this. I just hope you....

Justice Coleman:

I think in prior elections, there may always have been a stray party or two with nominees. You could never run unopposed because of the way our unique system is set up where you are nominated by party and run immediately as non-partisan. It's the only one like it in the country, and it should be abolished, as an aside, but in any event, I left this meeting of judges after they had asked me not to say "no" right then, which I was doing, but to give it a little more thought.

I didn't have much time to give it thought because of the advent of the state convention. So, I went home and really didn't give it too much thought, but the Supreme Court came down with what I considered to be one of their bigger abominations of decisions and as did all of the Probate and Juvenile judges, and others. The judges were very disturbed and so were we because it really meant that about 500, I gathered from talking to the Corrections Commission people, of probably their worst inmates would be set free.

Mr. Lane:

This was a case that had to do with what...binding over certain types of juvenile cases to the Circuit Court? Was that what...?

Justice Coleman:

Well, it was a youngster who had been tried for murder in the Circuit Court. He had been waived to the Circuit Court. The statutes of the state provided for the waiver but had nothing about the procedures to waive somebody, but we who had been on the Juvenile Rules Committee, had a very precise rule adopted by the Supreme Court as to how such cases should be handled, and the considerations that were to be given.

We also followed, incidently, the rules that were accepted nation-wide so what actually happened was correct, but the Court found that because the procedure wasn't in the statutes that the convict had to be set free -and all who had been waived under like circumstances. I was fussing and fussing at home and Creighton, who had been at the annual meeting with me, said, "Why don't you quit complaining and run for the Supreme Court?" In any event, he encouraged me and I said, "All right, I'll do it". Then I said, "Well, what do you do when you run for a statewide office?"

Mr. Lane:

Would this have been just a day or two after the...?

Justice Coleman:

This was within a week. In the first place, I had to let the president of the Association and the Republican State Committee know, and to make an announcement for the news media. Then, I had to figure out what I had to do to win the nomination from the convention, because I'd been a non-partisan for twelve years, but of course, Creighton had been well-known as a Republican leader. In any event, Creighton said, "Why don't you call Elly Peterson and see if she would be your chairman?" I said, "Well, Elly is retired. She is not doing this anymore".

Mr. Lane:

Elly Peterson had been Republican state chairman and also a candidate at one time for the U.S. Senate, right?

Justice Coleman:

Yes. She considered herself a sacrificial candidate, but she did it anyway. She also was a national committee woman. She had a lot of experience and was highly respected.

Mr. Lane:

What did Elly say, do you remember, when you first broached this to her? How did she react?

Justice Coleman:

I telephoned her right away, and she said, "Well, you know, I've retired from politics, but a woman has never run for that Court before, and I know you, and yes, I'd like to do it. When shall we meet? Tomorrow morning?" That was Elly. Of course, there were all these things you had to do that I might not have thought about right away. It would have taken me a little time.

If nominated, we had to get all kinds of agreements with the post office and the United Parcel Service. We had to get a place, a headquarters, equipment, etc. so we called together a few friends, community leaders and others. We met in our living room. Elly at one point said, "You should have a shower. You could have people bring anything they want including their own volunteer services". So we sent out invitations and advertised a shower.

We managed to obtain a headquarters right downtown, and that was really interesting. People would bring paper clips, paper, typewriters, and all kinds of things to start the business. It was quite exciting. In any event, Elly just took over. We had to find a finance chairman and a treasurer and all that kind of thing, but this came later. To go back to where I should have started, I couldn't even find out who the delegates to the state convention were. They hadn't all been chosen, but I had to let them know that I was in the running, so we had a little trouble there.

My secretary of many years organized the legal secretaries of the area and after their working hours, they went down to someone's office and drafted a list of my life's achievements, my civic activities and my qualifications to send to the delegates and to let them know that I was running. We managed to get those out. Then we had to think of something to do for the convention because that was hard on our heels. We couldn't even find a place at first in the hotel where the headquarters were.

Mr. Lane:

Where was the convention that year? In Grand Rapids or...?

Justice Coleman:

It was in Detroit, at three hotels, which made it a little awkward.

Mr. Lane:

Who was the chairman of the Republican Party at that time? Did you sense any problem...did

Elly feel there was a problem right away in getting the number of votes required for nomination? Was there somebody in the way?

Justice Coleman:

Well, there were the three other candidates who had been running a long while, but we...my main problem was that the party had little money and they didn't have any for me. The others had been fund-raising for some time, and I had nothing, of course, to start with. We contributed, or we loaned \$10,000.00 of our own to start with, but from that time on, I had to attend every fundraiser anybody was generous enough to offer.

This is such a long story because it involved so many different people and aspects. Elly had me calling on every editor in the state. I missed one because I was in the city at night, so I couldn't see him and he reminded me of that since. I went to the different editors, for instance, in Detroit. I went to the editor of the black newspaper, the Chronicle, and he was very gracious, and to the Polish newspaper, and they were very gracious, and of course, to the News and Free Press and all the rest of them. I tried not to miss anybody, even in the upper peninsula in all those little areas, so that, in itself, took time. Cindy Winters then...her name was Cindy Sage, was my press secretary. They were here, as a matter of fact, for four days this last week, but in any event,...

Mr. Lane:

Her name is now Winter...?

Justice Coleman:

Winters, W-i-n-t-e-r-s.

Mr. Lane:

She was from Cadillac or somewhere, wasn't she?

Justice Coleman:

She lived in Charlotte but did have a house in Cadillac. She did a lot of radio work, but she was a whole team. She managed to put together the folders you give to the reporters and others with my picture, history and all that sort of thing.

Mr. Lane:

Who was your finance chairman, do you remember?

Justice Coleman:

Yes, it was Richard DeVos, Jr. He came in a little late. When I was in Grand Rapids, Peter Secchia had a little dinner party for Richard and Betsy and a number of others. I don't remember whose idea it was that Richard would make a very fine finance chairman but I did ask him and he agreed. As it worked out, different people in different areas of the state also assumed the work of raising funds so Rich had much help. I also had a fine Treasurer.

He had been Treasurer of Kellogg Company before his retirement. When speaking of my press secretary, Cindy, I should mention that she never missed an opportunity to apprise the public of my candidacy. For instance, when she would drive with me and see a television or radio station

which had not covered some aspect of my campaign, she would stop and go in to "see what they could do for us".

Mr. Lane:

You'd get a pretty good reception, wouldn't you?

Justice Coleman:

Yes, actually everywhere I went, they'd stop what they were doing, and they'd question me. In the Lansing T.V., they set up a scene in the garden with flowers all around, and I sat at a table and had a nice long conversation. They were very, very gracious people. Everywhere, I think that they wanted to know more about the candidates. Speaking of Lansing, when I called upon the newspaper editor, he called in his entire editorial staff to question me and hear what I had to say. There were some tough questions, but I appreciated the opportunity to reply to them.

I would be remiss if I failed to emphasize the importance of the headquarters staff with its dedicated volunteers and the people who drove or flew me all over Michigan. One driver, John Milford of Ypsilanti, simply moved in with us. He still seems like a son. The Upper Peninsula presented quite a challenge because of the spread of its population and the fact that snow and ice had already appeared. I well recall being in a little plane when the wings and windows iced over. We could see nothing. The pilot received permission to fly lower, but we still could not land in Escanaba where a splendid luncheon was waiting for us. We were able to land at Iron Mountain. However, after the election, Creighton hired a plane and several of us flew to Escanaba for a long delayed luncheon with many of the same group we had left waiting for us.

Mr. Lane:

Well, you really ran like the wind, you and Charles Levin in that campaign, as I recall. You left everybody else pretty far behind you.

Justice Coleman:

Yes, we did.

Mr. Lane:

Do you recall what kind of vote that you pulled in numbers? I don't recall what it was, but it was..

Justice Coleman:

No, I don't. I haven't kept track of that, but...

Mr. Lane:

But you and Charles Levin were right up at the top, neck and neck and the others were...

Justice Coleman:

Quite a far way back, and I think it was an advantage being a woman although I did have one man come up to me and say, "I'm a male chauvinist pig. You tell me why I should vote for you?"

Mr. Lane:

What were the circumstances of that? Was this man drunk or was he joking or?

Justice Coleman:

No, he said it in a very jovial voice. I guess how it started, he said, "My wife says I should vote for you. I'm a male chauvinist pig. You tell me why I should vote for you". It took me back a little bit, but I mentioned my qualifications and the practice of law and being a Probate and Juvenile Judge and all the other things that were germane. Finally he went away, and he said, "All right, I'll vote for you", but he was very matter of fact with a nice attitude. Some were very serious. They wanted to know what I felt about divorce, for instance, and the distribution of children and what not. You had to answer every question as directly as you could. I felt that was the only way to do it, but I was well received everywhere.

I think the farmers in one area were not used to the thought of a woman, and that was up in the eastern part of the state. They were all very nice to me, but I understand that I didn't get the majority of votes there. By and large though, it was a very successful and an enlightening time for me, but it was also a very happy time for me even if I was frightened when they'd give me my marching orders in the morning which often happened when I was home. My staff would write something like, "You start out at some university speaking to 'x' number of people", and I wouldn't have the slightest notion what I was going to say, so I would just have to do it off the cuff and answer questions. The staff scheduled each day.

Mr. Lane:

Now, when you were elected in November, 1972, you found yourself the first woman on the Michigan Supreme Court. Do you know how many other women were serving on state Supreme Courts across the country? There had been none on the United States Supreme Court at that time, had there?

Justice Coleman:

Governor Brown had appointed Rose Bird in California just before the end of our election.

Mr. Lane:

Is that right.

Justice Coleman:

Yes, and so she was...

Mr. Lane:

She was serving, and then was there...South Carolina, was it Susie Sharpe?

Justice Coleman:

She had...I don't know whether it was just before she retired or she had already retired, but she was sort of an institution, delightful.

Mr. Lane:

Have you met her?

Justice Coleman:

Yes, I have. At the meeting in St. Paul having to do with the Roscoe Pound celebration. They had everybody who was anybody including all the Supreme Court.

Mr. Lane:

Would those two woman, Rose Bird and Susie Sharpe, would they have been the only other women serving on state Supreme Courts or were there probably others, too? Did you ever take the trouble to find out?

Justice Coleman:

I think there was one other in Arizona. I really don't know what her name was, but somebody told me there had been a woman justice in Arizona.

Mr. Lane:

I think I'm dwelling on this a little bit because as we sit here today, 18 years later, you have to work at it a little bit to recall the atmosphere of the time. Now, there was a time...we've had two other women on the Michigan Supreme Court in a relatively short span, the last ten years, and I'm sure that this probably is getting to be quite common. Maybe not common but much more frequent in other states and then of course, we have had a woman United States Supreme Court justice in this recent year. Back then, and this is not eons ago exactly, the atmosphere was quite different, was it not?

Justice Coleman:

Oh, yes. A woman had never even been nominated to run in Michigan. I may have been the first woman who was elected to the position.

Mr. Lane:

Rose Bird was appointed?

Justice Coleman:

She was appointed. I think the others were appointed...

Mr. Lane:

Susie Sharpe was elected by the Legislature, was she?

Justice Coleman:

They had a peculiar system down there. I'm not quite sure what it was, to tell the truth, but I was told and I can't verify this because I haven't really bothered to look it up, but I was told that I was the first one elected on a state-wide basis.

Mr. Lane:

What meaning did this have for you? When the excitement of the campaign was over and you sat back and realized that now you were going to take the oath, and you were going to sit on the court, and this was unusual; were there weighty thoughts that you experienced at that time? "I'm a pioneering woman in modern times" or did you think of this as...you could not escape, I

assume, the connection of your being a woman in your election. What...how did you evaluate this in your more thoughtful moods? Do you see what I'm asking?

Justice Coleman:

Yes, I do, and it was something that frankly bothered me when I first started. I didn't know how I would be received. I was received very graciously, I must admit. We solved the problem of the one bathroom in the conference area back there (we say we liberated it), and we had a little fun, but my concern was that these were all experienced, people of strong opinions because of their own backgrounds. They had their own strong feelings, and I felt that they would not like a woman to come in like an army sergeant and try to whip them into shape. That wasn't my nature anyway. I always felt that you could make more progress by logic, if you could, or by reasonableness in a quiet, firm sort of way. That's the way I was, I guess.

In some instances, I wish I had been more aggressive because I thought my arguments were really better than those that finally prevailed and if I had borne down a little heavier, then perhaps I could have prevailed, but I didn't want to be overbearing. As the first woman, I felt I had to work very hard. I had to know what I was doing. I also had a philosophy that was a little...seemed to be a little different from some of those on the Court. I guess because of my background, I looked at each case as a continuity from the past, but it had to deal with the problems of the present and you also had to look at the future.

I was always more than normally analytical when a proposed decision bent away from the wording of the legislation or would change the formerly accepted interpretation of a word or words. The same was true with respect to the common law. I would try to envision where the next cases would go and how they would affect the state in the future. Fairness and the common good are important.

Much of the time I was on the Court, the tendency, in worker's compensation cases and in civil litigation involving workers or unions, the tendency was to favor them regardless of the facts. As some of my colleagues said, "WAW" - the "worker always wins". This was one of my first lessons. Of course, the worker should win in many cases, but not just short of "always". The same I thought to be true of union and criminal cases.

Mr. Lane:

Let's go back and review what situation you found yourself in in terms of who your colleagues were. When you came on the Court, there were, at the previous election, former Governor Williams and former Governor Swainson. You were elected with Charles Levin and yourself. That would be four, and then there was Thomas Matthew Kavanagh and Thomas Giles Kavanagh, and Tom Brennan, correct?

Justice Coleman:

That's right.

Mr. Lane:

So you had, in terms of the Worker's Comp. cases, you had a...what will I call it...philosophical division there that was pretty heavily pronounced.

Justice Coleman:

Yes.

Mr. Lane:

And you soon became accustomed to this, and you knew almost in terms of what you just recited, "WAW", the set of philosophy or philosophical attitude was such that once you knew the facts, you could pretty well guess how the votes would come down. Was that not true?

Justice Coleman:

Yes, that was true.

Mr. Lane:

And then there were a lot of 4:3 votes in that period, was there not?

Justice Coleman:

Yes, that was true also because some of the decisions seemed to me to be leading to undue trouble. They were setting a new pattern for the future which I foresaw as counterproductive. Given certain sets of facts, I could imagine many kinds of injustices that could follow. Although I felt bound by legislative acts, if constitutional, I felt free to suggest a review of a statute for possible revisions. The common law, judge-made law, was easier to bring into modern times, for example, as it dealt with newly perceived rights of under-represented groups such as children, minorities and women.

I admit that in the early days, I came close to viewing employers and yes, even insurance companies as underdogs in some instances because it seemed that there was almost no way they could win. They appeared to know this so settlements flourished regardless of weak plaintiff's cases. Court processes are expensive and time consuming and the "deep pocket" syndrome was popular - and still is to a large extent.

Not in point with workers' compensation cases, but with the "deep pocket" syndrome was the Funk case. Mr. Funk was a plumber, pipe fitter and experienced in that field. He worked for the Agee company. This company was a subcontractor of a company named something like Darin Armstrong which had a contract with General Motors to build a facility. Perhaps I can make a long story a bit shorter than a full recitation of facts would require, but Mr. Funk was assigned by Agee to work in a given area on pipes which were held up by "J hooks". Because the Agee foreman had misjudged the placement of the pipes - about which he told no one - about 600 feet had to be moved. This required the movement of the "J hooks". Mr. Funk and his helper came to a place where the roofers had already placed roof slabs so the hooks could not be moved.

Contrary to established rules, Mr. Funk neither obtained permission nor even told the foreman of his plan before he and his helper climbed a ladder to the icy roof, crossing the line of the roofers' territory against union and all other rules, and began removing the slabs and reaching down to move the hooks. The roofers were not even present and the Agee foreman knew nothing about the venture. Mr. Funk came to a place where a ventilator had been installed and he removed the protective slab and either his feet slipped or his hammer slipped on the ice (The testimony was conflicting.) and he fell to the floor. He did collect workers' compensation through Agee. He

then sued Darin Armstrong and General Motors for negligence.

In a final effort, he appealed to the Supreme Court, where he won. I dissented in probably the longest dissent I ever wrote, with the help of an excellent law clerk. The defendants had known nothing of the problem caused by the Agee foreman - much less of Mr. Funk's unanticipated actions. They had provided oral and posted safety rules. It appeared to me that Mr. Funk, by his own disregard of established rules and without permission, had crossed into another union's territory under hazardous circumstances, had dug a hole and fallen through it. The majority opinion appeared to me to defy accepted and reasonable standards of liability.

Mr. Lane:

Was that one of the early cases that you encountered on the court?

Justice Coleman:

It was, and it was the longest dissent I ever wrote with the help of a very fine law clerk. We were wrapped up into what seemed to us to be an unjust decision leading to a questionable future. He made his own hole and fell through it where he wasn't supposed to be in the first place. I could see nothing that GM or Armstrong could have done to prevent it. I had to look down the road to see where this bend would lead, especially if they bent it again. Some of the cases had rather wide, open windows to future liabilities, like the Deziel vs. Difco, etal.

Mr. Lane:

You dissented in Deziel, Redfern, did you not? These were the mental disability cases.

Justice Coleman:

Yes.

Mr. Lane:

Why don't you just...

Justice Coleman:

The Deziel case was one in which a woman charged Difco as responsible for her mental illness. She came from Canada where she had a long history of mental illness which was not revealed to Difco, nor was it available through usual channels because of its history in a foreign country. After working for Difco for awhile, she filed a claim for worker's compensation.

It was only at that time when her mental illness in Canada, just prior to her move to the United States, was revealed. At her hearing, the psychiatrist testified that she "needed a hook" upon which to hang her problems and used Difco as that hook because it would bring in money. In his experience, she might either have taken that route consciously or unconsciously as a way to stop working and still have an income. The company could have nothing to do with it excepting to be available.

Mr. Lane:

The legal test is "out of or in the course of employment".

Justice Coleman:

Yes.

Mr. Lane:

So here where you have a mental person who has been going to work several months or a couple years and then says, "I can't hack it anymore. I'm disabled. I can't face it. I want compensation". Is that sort of a summary of the kind of thing that you...?

Justice Coleman:

Yes, it is, in a way. I could see where this would open the door to many claims of mental illness by people who just didn't like their work or who did not like the thought of any employment. They could hope for long-term mental disability benefits with no need or incentive to work anywhere else.

Mr. Lane:

How far did this go? Do you know? These cases that we're taking about came along in the late 70's, as I remember, or at least they reached their final. They were reheard, some of them.

Justice Coleman:

That's right.

Mr. Lane:

Has what you anticipated come to pass or has the law calmed down a little on that sort of thing? Are you aware just out of your...?

Justice Coleman:

I wouldn't have been aware excepting for a note I received from a man who is on the Worker's Compensation Appeal Board. He had in his private practice, represented the workers. He was a very well known Worker's Compensation plaintiff's attorney. In his letter, he said something to the effect that "I've had to work with the problems of that Deziel case, and I wish I could have been working under your luminous dissent" which I took very kindly..."...because it made much more sense". I think that the Legislature has made some progress in coping with the problems.

Topic 8: Justice Coleman begins to talk about her achievements as a female Supreme Court Justice

Mr. Lane:

Let me, if I may...I'm not sure it's the right time, but we talked a little bit about how the atmosphere in which you came on the Court in terms of being the first woman. Now, I wanted, at the right time, to have you review your thoughts about where, despite this sort of pioneering episode, in terms of women's achievement...you...now I must be careful how I phrase this. I want to say something like -it seemed to me that you never were warmly embraced by the more

militant women's organizations, the ERA advocates who wanted to go sled length, and yet, I don't mean to say that you were rebuffed or rejected, but you were not adopted and put up in the field marshal's position to wave the baton. How would you describe the relationship that I'm trying to bring up here?

Justice Coleman:

I guess I'm not an obviously militant type but a persistent type. However, I strongly support the ERA.

Mr. Lane:

First off, how would you characterize this thing that I have, in a clumsy way, tried to talk about?

Justice Coleman:

I know what you mean because my first experience with that type was at the National Women's Political Caucus, very shortly after I was elected. It was in Houston, Texas. The Governor wanted me to go because they had people who had been engaged in other aspects of politics but to his knowledge, had never had a judge, as he put it, "to tell them how to be elected", so I thought my job would be easy. I'd tell them how you run an election and all that sort of thing. Well, I arrived in Houston with my husband, and we had Bella Abzug and Gloria Steinem and Betty Friedan and the whole group on the platform with me.

We were to lead off, and it was very interesting because I probably was the most low-keyed one there. Gloria Steinem, while she was a militant, she was not an abrasive type of a militant, but Bella and some of them were. I remember Bella Abzug just yanking the loud speaker away from the chairperson who was a lovely, lovely woman. The Rice Hotel where this was held was full of women, some coming with sleeping bags. They'd come from all over the country. They had hiked, some of them, and they were going to organize a protest right there down the main streets...

Mr. Lane:

Banners and that sort of thing?

Justice Coleman:

Oh, all kinds of things. Everybody was there, but I could see where so many of them seemed to have a chip on their shoulders and it was like, "Well, knock it off and I'll knock you down". This method seemed to me very unwise because I could just see it turning off the male population and my idea was to try to become assimilated into the male population, so to speak, so far as our work and goals were concerned. It was a real eye opener for me. Creighton tried to get into the convention, incidently. They wouldn't let him, "equal rights" or not. There was a television cameraman in there. He was the only male in the room, and finally, Creighton said, "That's my wife up on the platform there. There's a man in there, and I don't know..."

(End of side 2, tape 2)

Topic 9: Justice Coleman continues speaking about achievements. Her sponsorship of an amendment to the State Constitution to insure no discrimination based upon sex. Changing atmosphere in which the Supreme Court worked, collegiality on the court and various cases she worked on

Mr. Lane:

But he was trying to gain admittance and never did, is that what you're saying?

Justice Coleman:

Well, he did finally, but it wasn't easy. He said, "My wife is speaking up there on the stage, and there is one man in there, so I would like to come in", and he was interviewed by different reporters who thought he was pretty fine.

Mr. Lane:

Do I gather from this, and pardon me if I'm...I'm trying to make sure that we do get...I have never heard this talked about, and I think it is very significant. Really, there was a kind of philosophical...there was a difference between the chip on the shoulder ones who by and large were the signature of the movement, the people that were quoted constantly and who were the leaders on the podium and your feeling was that you had made a lot of progress for yourself in your life including through political activity and before the electorate, and you did not follow the precepts that were really, or how do I say this? I get the sense...

Justice Coleman:

Well, I guess I just wasn't a stereotype militant but I had my own ways, I thought.

Mr. Lane:

You had achieved great success...

Justice Coleman:

My professional life was in a man's world, and I knew what you had to do, or at least what I had done, that gained acceptance and become "one of the boys", so to speak, although they treated me like a lady. I liked that. I had never been held back. I had been pushed forward actually by men, so I perhaps had a different background. However, one of my major experiences in this respect was when I was appointed by President Ford to serve on the National Commission for the Observance of Women's Year, and the board was appointed by the president with two from the House and two selected by the Senate, a fine group of men and women.

We took testimony from women who had felt that they had experienced an area of discrimination that should be examined. For instance, there was a symphony conductor and a very fine one, but she was never given a position. She spoke of people who wanted to try out as pianists, for instance, or for orchestras. The auditions had to be held behind a screen so judges couldn't tell whether they were male or female. In the area of athletics, a leader was urging us not to promote women as competitive with men in certain areas where they physically weren't able.

There were things that men could do that women couldn't, but what she wanted was to have as much money available to promote the women's athletic events such as women's tennis and golf as the men and to be recognized as teams in schools and so on. There were testimonies from all different areas. A union leader, a woman from Detroit, actually testified as to the problems of women within the union hierarchy in obtaining the higher positions. We had people from all segments of America who testified. There was intense discussion out there. There was much discrimination in the U.S.A.

I had been going my own way and doing my own thing and didn't have any complaints, but I realized there were large areas in which work needed to be done. This is the time when ER America was born, and Elly Peterson and Liz Carpenter headed that. I was present at their first meeting with the press. I remember Alan Alda who was on the commission and was one of the great promoters of ERA, and I was sympathetic to it. It was just that I guess by my nature, I was not a marcher so much as a doer. Let's put it that way.

Mr. Lane:

You did recognize, as I think it was quite evident from all the studies and surveys, that women in certain occupations were customarily paid at a lower level.

Justice Coleman:

This is true. There isn't any doubt about it, and there were certain positions that were, I guess, "male". Women were not even considered for them. When I was at the University of Maryland, there was one woman in the engineering school, and everybody thought she was great, but she was a pioneer of her time. There were just certain areas where women were generally unwelcome, and I think that probably this is still true but not to such a large extent in the corporate world.

Now, many women are making it up to the top, but they had to start up the ladder and they're going up now. It has been interesting to me since I retired to be on corporate boards and to do what is sometimes called head-hunting for women who have made the grade, who are at the top level, and there aren't very many, even now. Those who are there are extremely capable and I think have paved the way for more such appointments.

Mr. Lane:

Do you remember in one of the years that you were Chief Justice, and I'm going to guess 1978, I could be wrong, and in your speech to the Legislature, the State of the Judiciary speech, one of the things that you threw in there was...I think we have talked about this...an ERA for the state, and all you had to do was to take that paragraph in the early part of the constitution of Michigan that enumerates "there shall be no discrimination", just insert the word "sex" along side race and the others. This got a very chilly reception. Do you remember that?

Justice Coleman:

I do indeed because it surprised me so. The point being that they left women out of the anti-discrimination article, so I suggested that the Legislature set about including women, and several men, quite a few actually, came up afterwards and wanted to sponsor such a resolution. To my great surprise, a woman in the House of Representatives apparently was quite upset about it

because she thought if that were done, that that would block the vote for a state equal rights amendment (ERA).

Mr. Lane:
Ratification?

Justice Coleman:

Well, the Legislature had ratified the U.S. amendment. They had ratified it, but we had not adopted it in our own constitution, and she thought that if my proposed addition were there, then people would say, "Well, what's the use of having both?". So, the men who had been so excited about it told me that, since some of the women legislators didn't want it, that they thought perhaps they'd better not push it, so that came as a surprise to me. I thought that would be a great step forward.

Mr. Lane:

Well, it is some kind of a commentary, is it not, on the movement where there is some recognition depending on how you phrase the language and that sort of thing...some people thought the ERA language was so broad as to invite certain undesirable things, but this one, it seemed to me, was so innocent and yet, in Michigan, "sex" just put in there along side "race" and "national origin", but I thought that was some kind of a commentary on the whole movement which ended up not being, certainly failing to get the ERA amendment incorporated in the Constitution of the United States, but in the process of some kind of a misguided, single-minded, over-aggressive effort to do that, they were willing to shrug off and worse, to reject, modest and yet very significant gains, right in their own backyard.

Justice Coleman:

Well, I must admit that I was upset about that because I thought it was a step toward the goal of the ERA, if that was what their goal was. I had talked to quite a few of the legislators anyway who had said that if they had to vote again, they wouldn't vote for ratification, so I thought that my proposal was a significant step. But yes, it was a disappointment. That national commission came out with many fine recommendations and many of them have been carried out. It was supposed to last for the year of 1976, but they extended it for another year, and I had to resign because I could not be away from the Court. I had upset the Court for a whole year because once a month, we met at the State Department in Washington and the justices had been very good to me by calendaring events around the time that I would be gone, but I couldn't ask them to do it any more although meetings encompassed weekends primarily. The next year led to other adventures, and Mexico didn't turn out so well.

Mr. Lane:

Did the commission go to Mexico and get into some kind of trouble?

Justice Coleman:

They had a world event there in Mexico and well, I won't go into all of that, but this was a very exciting time. I think that women still have a way to go. It's just that my methods were more like spreading good will among the people with whom you worked, men and women, and working very hard so that they would have to recognize your value.

It doesn't work for everybody, but that was my own feeling. Of course, there was a problem of being hired in the first place. There were some who regardless of efforts and good wills, would still be held in positions that were lower paying than men. We had, for instance, the Federal book on salaries...I don't know what its official name is, but it had a description of duties for women and a description of duties...I say for women...it was under a certain heading...and a description for men under another heading, and I just threw in the "for men".

The ones for the women would do most of the same work or all of it with quite a bit less pay than the ones where they visualized men doing the work, but all of the work was the same, and there was discrimination. That has been pretty well corrected at this time. It helped men, too. I thought sometimes that men should have an equal rights voice - not an amendment but a voice to say in equal rights because they weren't accepted too well in nursing schools and where women normally predominated, and where they really wanted to contribute, so...but that's long ago. There are other important things to talk about.

Mr. Lane:

Let's go back for a while now and focus again on your time on the Supreme Court. You served from the first day of 1973 until right at the end of December, 1982, ten years.

Justice Coleman:

That's right.

Mr. Lane:

At the time that you came on the Court and for some while thereafter and perhaps before, there was much division on the Court of a type that at times was rancorous and very harsh and unseemly, and finally, in 1975...that would have been your third full year on the Court, there was a year of great turmoil, partly for those reasons, partly for other reasons. Did you feel when you began to function as a member of the Court...were you aware or did you bring an awareness before you even got there, were you aware that something needed to be done to change the atmosphere in which the Court functioned?

Justice Coleman:

Oh, indeed I did. The Court had a terrible reputation, among the lawyers and the judges of this state and the Bar and Legislature. They were all angry with the Supreme Court, and it was quite upsetting. The reputation fell, I think, on all courts, but the first personal observation I personally had was when Justice Levin and I had been elected, and we were invited to sit on the Court's last administrative conference.

The air was absolutely blue, or I don't know what color you'd call it, but the hostilities were evident and then one of the retiring justices, Justice Black, finally just stood up and walked away. He said he'd never set foot in the Court again. It was awful, and I came home and I said to Creighton, "You know, I think you could not do appropriate, proper work in such an atmosphere. It's just going to have to change". Therefore, one of my goals was to try to do what I could to change that atmosphere. One of the problems was that the Court was blamed, and I think probably quite fairly so, of being union dominated.

Now, I have nothing against unions and am a very good friend of unions, but I noticed that anything that they wanted, they seemed to receive, together with the workers, and sometimes they should and sometimes they shouldn't. You know, there is much value judgment that sweeps across all of the decisions. But one day, we were having a meeting and there came a knock on the door.

It was announced that one of the high union leaders had a note to give to one of the justices asking us to support some legislation that they wanted. I don't know who rose up first, Justice Levin or myself, but we both jumped to our feet and we said something like, "Why is it that they feel that they can come and ask this Court to support the union legislation - right to the conference room?"

Mr. Lane:

Now, for people who are not familiar, the conference room was a pretty restricted quasi-sacred place, was it not?

Justice Coleman:

That's right, and sort of isolated from the back of the bench and to one side.

Mr. Lane:

And frequently, there were only the seven members of the Court present.

Justice Coleman:

That's right, and the Clerk of the Court, and then the Crier was outside doing whatever we asked him to do or attending to his usual work.

Mr. Lane:

People did not lightly knock on the door...

Justice Coleman:

Nobody did that I remember, excepting that one time when someone wanted to come in and speak about legislation. Of course, that does not include a visit by Santa Claus. That was fun.

Mr. Lane:

Were you...was it prior to your service on the Court when the case of the UAW Political Action Committee vs. the Secretary of State relating to the four year registration law...were you on the Court when that was decided, when the UAW, in its own name, sued the Secretary of State to invalidate as an unconstitutional burden on the elective franchise, the four year registration requirement?

Justice Coleman:

No.

Mr. Lane:

You're familiar with that generally?

Justice Coleman:

Yes.

Mr. Lane:

And the dissent, the one dissent in that case was a most damning, sulfuric thing I have ever seen written in the reports. This was Gene Black.

Justice Coleman:

I was going to guess that because he had given interviews to newspapers and had written opinions that set out who did what. They were a kind of history of that era.

Mr. Lane:

He pointed out...he said, "Now, on this Court, the one that is considering this case brought by the United Auto Workers Union and the Community Action Council are so many people who have been nominated to sit where you're sitting now because of the power of that organization and the party that you represent and there are certain people, Attorneys General, who have enjoyed the favor of the same type of nomination", and he went on, and he used a lot of italics.

Justice Coleman:

Yes.

Mr. Lane:

That was the strongest statement I think I've ever seen. Maybe, you probably encountered that at some time, and I just wondered if that was...

Justice Coleman:

I read it, but it...

Mr. Lane:

You know what happened in the case was that the Court, by a divided vote, gave the relief that was sought and not only that, it had been given in sort of a slipped-under-the-door fashion in an order that was issued prior to the formal decision in the case. It was sort of an interlocutory relief. You don't remember that..., well...

Justice Coleman:

I don't remember the slip-under-the-door part and the pre-decision decision, but...

Mr. Lane:

Well, I'm using a little license there. What it was an order that effectuated the purpose but did not purport to be the Court's decision.

Justice Coleman:

I understand what you meant, and the unions had a strong influence on the Court. There isn't any question about it, but of course, when you consider the fact that most of the Democratic hierarchy were union leaders, and most of the delegates usually were union members, they wielded a great deal of power over who went on the Court. This came up later, of course, in the

matter of Thomas Giles Kavanagh, but I won't go into that now.

At the time I came on the Court, I considered it to be the best of times, worst of times and the most challenging of times, if you want to see it that way, because many bad things happened as well as good. Of course, with the loss of so many justices, and the traumas that we all went through after John Fitzgerald went through the election process and Thomas Matthew Kavanagh also was re-elected, it was also an unsettling time..

Mr. Lane:

Excuse me, now...this was in 1974, was it not when Tom Brennan had left the Court.

Justice Coleman:

He had left the Court, so there was one vacancy there. He wanted to devote his time to the development of Cooley Law School which he had begun and had done a beautiful job of it.

Mr. Lane:

And John Fitzgerald, then a Court of Appeals judge, was appointed as the successor to Brennan at the end of 1973 and had to run in 1974.

Justice Coleman:

Yes.

Mr. Lane:

And at the time that T.M. Kavanagh was a candidate and Blair Moody, is that correct?

Justice Coleman:

That's right. Fitzgerald defeated Moody so he continued as a justice. But there came a time, of course, when we elected a new Chief Justice because while we got along really quite well, speaking of the atmosphere of the Court, personally and in the business of the Court. Outside of the Court, we still faced problems. In the Court, we had our differences, but we could argue about them, and then we could be friends afterwards. I think the collegiality improved a bit, but left a little bit to be desired, but...

Mr. Lane:

This was in January, 1975 following the Fitzgerald election.

Justice Coleman:

Yes, that would be true.

Mr. Lane:

There was a change in Chief Justices that was quite traumatic, is that...?

Justice Coleman:

Yes, and four of us knew we were going to vote for somebody else, and Thomas Giles Kavanagh was the next in seniority. He also had a warm, outgoing personality we felt might have some soothing effect on our public relations because the judges were simply furious with us. I could go

into some of the reasons, but it involves personalities and I don't want to do that. Nevertheless, after Thomas Giles Kavanagh...having two Tom Kavanaghs is a problem...after Thomas Giles became the Chief Justice, there came a time when the other Thomas Kavanagh went to have a physical examination and found that he had cancer of the colon. He immediately was operated on and went through miserable chemotherapy and never left the hospital. I know when I went to call on him, he was not...he just looked too sick to be alive much longer.

Mr. Lane:

This was only three months after the choice of...

Justice Coleman:

Very shortly, yes.

Mr. Lane:

So here you had the...

Justice Coleman:

The vacancy with Brennan...

Mr. Lane:

Right, filled by Fitzgerald, and then the switch in the Court's leadership, and then the death of Thomas Matthew Kavanagh shortly after he was relieved of Chief Justice duties.

Justice Coleman:

Yes.

Mr. Lane:

And then, you're now in April, 1975. The Court is short. You've got one new member.

Justice Coleman:

And sometimes John Fitzgerald couldn't sit because he had sat on the case in the Court of Appeals. Sometimes we were 5:2 even then...I mean, two missing. Then came the case of John Swainson.

Mr. Lane:

Do you recall exactly when that became a factor on the Court with respect to the death of Thomas Matthew Kavanagh during the spring of 1975? Was it almost right after that, or was there a couple or three months that went by? Larry Lindemer hadn't reached the Court, had he?

Justice Coleman:

No.

Mr. Lane:

He came in June, so it must have been in May or earlier.

Justice Coleman:

It was very soon after we lost Thomas Matthew Kavanagh that it was announced to us that John Swainson was being investigated by Federal authorities for various crimes, one being bribery. Then John himself told us about it, and we agreed that while he was being investigated, he should sit and participate because he hadn't been indicted yet.

Mr. Lane:

Do you recall with some vividness just how this unfolded? Now, when the conference was held at a scheduled time, let's say the conference of the first part of May, 1975, he would have come as all the rest of you would have come, at the appointed hour. Did he come one day and was denied admittance to the conference room, or what were the mechanics of this? Do you recall?

Justice Coleman:

No, I don't remember his ever being denied. The day that our Chief Justice was advised of the investigation, John Swainson didn't turn up immediately. I have...it seemed to me he came in shortly, though, and discussed the whole thing with us. Then he did continue to sit, of course, but he was indicted shortly after that, and that period between the investigation and the indictment was extremely traumatic, in part because we were all subpoenaed to testify. Personally, I hadn't been there when the "original sin" apparently occurred, which was the granting of the leave to appeal, but I had heard the case...

(break in tape)

Topic 10: Justice Coleman talks about trial of Justice Swainson, and having to testify before the grand jury. People v. Jackson, and dissenting opinions

Justice Coleman:

We decided we'd hire our own attorney, but it couldn't be anybody from Michigan so we went to Chicago. I only met the attorney once, but that was just before we were to testify, and I remember him as being very fine. His advice simply was to tell the truth, don't add anything to what they've asked you because you could get into big trouble or lead off into different areas with which Swainson wasn't charged, so just answer the question truthfully, and that was the bottom line of what he said. I have never been so nervous in my life.

I have always felt sorry for witnesses, and I could empathize with some of their problems, such as remembering dates, but this was pretty easy when it came right down to it. However, I was very apprehensive, and they did ask me about whether I had anything to do with the granting of the leave to appeal which I had not and if anybody tried to influence my decision when the case came to trial or when it was decided, and of course, nobody had.

Mr. Lane:

Was this at trial or was this before the grand jury that you were testifying?

Justice Coleman:

I was testifying before the grand jury.

Mr. Lane:

You were not permitted counsel, is that correct? You did not have counsel at your side?

Justice Coleman:

Oh, no. That was before we went...

Mr. Lane:

Albert Jenner was the...

Justice Coleman:

We were all on our own once we were in the grand jury room.

Mr. Lane:

Was it Albert Jenner that was your counsel?

Justice Coleman:

Yes.

Mr. Lane:

He was a very nationally prominent lawyer.

Justice Coleman:

Yes, and a very, very fine person. The Federal Government involved us in so many ways that we felt that we did need the advice and counsel of a fine attorney.

Mr. Lane:

Do you remember when you were called into the grand jury, was Robert Ozer handling the grand jury asking the questions and that sort of thing?

Justice Coleman:

He asked me the questions.

Mr. Lane:

He turned out to be something of a...

Justice Coleman:

He was a little overly ambitious, I think. Yes, he had some subsequent problems, but in any event, when John Swainson was indicted, of course, we all felt that he couldn't participate on the Court. He could remain a member of the Court until after the trial, depending upon the outcome of the trial as to whether he would resign or not. He was innocent until proven guilty.

Mr. Lane:

Was this a difficult thing for the Court to handle or did, say the Chief Justice meet him

informally and work it out and then everybody was told that he would not participate, or did he...?

Justice Coleman:

No, we all just talked about it...

Mr. Lane:

With him present?

Justice Coleman:

Yes, I guess he was, and he agreed to all that we decided, and he said of course, that if he was found guilty, he would resign. All of this took quite a bit of time, though, because then came the trial, and he was found innocent of the bribery charges but he was found guilty of perjury before the grand jury, so that was a felony and so he did resign. Then, that was...

Mr. Lane:

This is November, 1975.

Justice Coleman:

This was going on quite a while, you see, when we were short on the Court and, of course, very concerned about John Swainson. In any event, we were down two people on the Court and sometimes three people when John Fitzgerald couldn't vote.

Mr. Lane:

I remember 2:2 votes. Do you remember those?

Justice Coleman:

Yes, and at one time, there were only three of us for some reason who could vote, and we figured we had to make a rule of some kind because this could happen again in the future with four being a quorum and there being only four who would be able to vote and three in this case. We had to make a temporary ruling of some kind which we did. Of course, those cases that were decided like that were not to be considered precedential. They decided that case, but were not to be held as precedent.

Mr. Lane:

Didn't that become an issue in itself, whether they would be precedential? It seems to me...

Justice Coleman:

Oh, surely it was, but I think most of us thought that it shouldn't be.

Mr. Lane:

McGowen vs. Bank of Manistee had to do with a guest passenger statute. Wasn't that a 3:2 decision and the Court said in its decision...well, no...I'm not sure I am remembering correctly. I thought there was some formal declaration by the Court and this case figured in it somehow that when you had a 3:2 decision, it would be regarded or should be regarded, notice to the bench and bar, this is precedential. Is my memory wrong on that? Do you remember that?

Justice Coleman:

I don't recall that precisely, but it had to be considered as notice of a trend.

Mr. Lane:

Okay, I can recall your dissenting in another case when it went back to 4:3, and it was mentioned, not that it was directly pertinent, I don't believe to the problem of the moment, but there was discussion about what it takes to....you, and we'll get to this in a minute, but I think it had to do with your observation that you made more than once, I believe, that three people who were judges shouldn't be, in effect, legislators. Do you remember?

Justice Coleman:

I do. I do, and too many times, in my opinion, we'd read the legislation which seemed to be quite clear to me, but it would be extended or bent out of shape from what the Legislature said. While you may disagree with the legislation, I thought we were bound to follow it. The people had spoken, you know, and that was that. In a couple of cases I can recall having written where I didn't agree with the statute but I felt that I should not change it. It was up to the Legislature to change it and in a couple cases, they did.

Mr. Lane:

I think George Bashara mentioned...

Justice Coleman:

May I take a time-out?

(break in taping)

Mr. Lane:

What I wanted to bring to your attention was that when your portrait was presented to the Supreme Court in 1984, George Bashara who spoke on that occasion, picked out a case, *People vs. Jackson*, that he felt apparently was illustrative of your attitude toward this business of excessive zeal by the Court in protecting or nurturing the...what will I call it...the interests of the defendant. Now, I pulled out an excerpt from the case, and if you turn over a couple pages down on the lower left, you'll find...it's yellowed over...it's the next page, I think, over here...this is the paragraph that he quoted on that occasion when he appeared before the Supreme Court over the portrait presentation. Maybe you would like to read that aloud and see if that is a fair or the best statement of your concern in this area, *People vs. Jackson*. You can recite that case if you want to.

Justice Coleman:

Well, I guess I wrote it.

(break in tape)

Justice Coleman:

Yes, I think George Bashara was referring to the case of *People vs. Jackson* in 391Mich323, and this is what he...this is a quote of what I said..."There is a large, sometimes overlooked difference between securing, so far as possible, a fair trial leading to the right result (the truth of the matter)

and securing to the defendants the benefit of anything and everything which may give them a chance for acquittal." We appear to be headed for the latter result. This...

(break in tape)

Mr. Lane:

Justice Coleman, I want..

(break in tape)

Mr. Lane:

In the connection of *People vs. Jackson* and what you said there, I wanted to ask about your recollection, right after you came on the Court, of the...let's call them Boykin cases or the guilty plea cases wherein Brennan, Tom Brennan, in 1972 prior to the time that you came on the Court, had sounded the alarm that the Court was going too far in protecting the defendant rights in terms of the Boykin decision which required at a guilty plea that the defendant be advised of his constitutional rights.

I notice that when you came on the Court, while this has started to gather momentum, that you joined Brennan in several dissents where the Court by majority had decided to grant a new trial because they felt he wasn't informed of all the rights, and you, on one day, I think, appeared with Brennan on five or six of these dissents. You remember that, don't you?

Justice Coleman:

Yes, I do.

Mr. Lane:

And then you must...the Court...you must have seen some consternation on the court. You must have had the comfort of knowing that it wasn't your doing, but in February as I recall or sometime not long after that, damage, if you can call it that, was being done was abruptly undone by quashing some of the Court orders issued just a few weeks before granting new trials which was a little unusual for an Appellate Court...

(End of side 1, tape 3)

Topic 11: Justice Coleman talks about being made Chief Justice in 1979, legislation she helped develop to organize the Wayne and Detroit area courts, and how her previous experience as a Probate and Juvenile Court judge helped her in this matter.

Mr. Lane:

Here we are with Justice Coleman. Now it's January 23, 1991, and this is side B of tape 3. Before we leave the issue of what happened right after you came on the Court, these dissents that you

joined with Justice Brennan where the guilty plea matter had come into severe problems, I noticed in connection with your history on down the road of dissenting that in the West Law printout, that was made for this occasion that is taking place now, it showed that you had written opinions of the Court in 112 cases and dissents in 200. Does that mean anything to you, recognizing that this is only an electronic scan of sorts?

Justice Coleman:

It means that I had disagreed, not only in the guilty plea cases but in others where the philosophy of the "worker always wins" which he sometimes should have and sometimes should not have, but also the "unions also should win", and sometimes they should have and sometimes they should not have, but there was, in my opinion, bias at one time in the Court. This also held true in the criminal cases in general. There was a great leaning toward reversing the guilty findings of the jury for very inconsequential reasons, in my mind.

These, I can see, might be two factors in there. I also wonder if they include among the dissents, concurrences, because quite often, I would concur, but I wouldn't agree with some aspect of the legal analysis or I wanted to add something. I think of the contributory negligence case. I concurred, but I disagreed with one aspect, and I added a list of problems that were foreseeable that would have to be brought to the Court in the future. The writing of opinions in the years that I was Chief Justice, almost four years, were a little different, because a Chief Justice is only assigned half as many cases to write. What bearing that would have I don't know. But I do know that I dissented quite a bit, and more at first because the Court mellowed, as I'd call it, as the composition changed, so I didn't have so many reasons to dissent.

Mr. Lane:

I did want to ask you about that mellowing aspect of what happened as the years went by, but for the moment, let's get onto what I think many people thought was the centerpiece contribution that you made in your period as Chief Justice starting in 19...

Justice Coleman:

1979.

Mr. Lane:

...1979, I guess it was, as to the advancement of the goals of Court reorganization and state financing. Now, I know that immediately when you took over as Chief Justice, that you began to work very vigorously in this area. Would you care to just relate the whole story of this part of your career on the Supreme Court?

Justice Coleman:

Well, it's a long story because I was involved so vigorously, but it was really just an hour or two after I became Chief Justice that I had a visit from the Director of Budget and Management, Miller, and Mr. Nugent who approached me with the idea of state funding of courts in Wayne County and Detroit because the governments were quite broke, and the employees were threatening strikes. Payless paydays were also in sight.

They knew that I had been interested in state funding, of course, for a long while, because courts

were so unevenly funded that you really had uneven justice, in my opinion. You had one judge with the work of two or three judges and so on. The County or City Commissioners, of course, had to pay the cost of the court employees and all of that, and they were a little stingy judging by my own county. I had had some employees who were really about on welfare wages. In any event, I thought that I liked the idea of funding and reorganizing at the same time the Wayne County and Detroit courts because they were unlike those in the rest of the state.

Mr. Lane:

We're speaking right now, January...the early...

Justice Coleman:

The early part.

Mr. Lane:

The early days of January, 1979.

Justice Coleman:

That's right. Then I discussed it with the justices and they felt just as I did that we couldn't fund just Wayne County and let it sit there, but if they would consider state-wide funding together with the reorganization of Wayne County including Detroit courts, that that might not be so bad. I think there were a couple who were quite reluctant because they thought it was impossible to do.

However, I set about finding what could be done. The Governor finally said yes, he would consider going toward the state funding of all of the courts, so then I had to go to the Legislature, and the one who really took charge was then Representative Virgil Smith. He is now Senator Virgil Smith, but you had to work with the chairmen of the Senate and of the House. Basil Brown was the Chairman of the Judiciary Committee of the Senate, so we set about trying to write legislation.

First, we had to decide, however, how we were going to reorganize Wayne County. Really to appreciate this, you would have had to have been there, I suppose, but Detroit had, instead of a District Court like the rest of the state, or a Municipal Court even in a couple of little areas, they had a Common Pleas Court. The Common Pleas judges were elected by the people of Detroit, but they had county-wide jurisdiction which made very little sense. It was very convenient for the lawyers who worked in Detroit but had cases from other parts of Wayne County. They could just go over to the Common Pleas Court instead of going to their own townships or wherever their District Courts were.

That was one problem, and then there was and still is a Records Court which was simply a felony criminal court for the City of Detroit. Those cases were taken out of the usual purview of the Circuit Court of Wayne County. They had a Traffic Court that was indescribable. It was under the aegis of the Records Court judges. They had a Landlord and Tenant component which was under Common Pleas, and it was a real hodge-podge. The interesting part to me was that everybody said reorganization couldn't be done, so I asked all of the presiding judges to meet me in my office with their court administrators in Lansing on a certain morning, and

revealed to them what my concept was and what should be done.

The Common Pleas Court should become a District Court consistent with the rest of the state, the Recorders Court should become part of the Circuit Court, and so on. They all looked at me with great horror and said, "That's impossible. It would be chaos". Then I gave them the old Chinese proverb of chaos being written in two symbols, one of them meaning disorder and the other meaning opportunity, and I said, "I think this is a most marvelous opportunity. The Governor says he will go along with this depending upon what comes out of the Legislature". I didn't swear them to secrecy, but I asked them all not to reveal any of this because it hadn't started yet, but I wanted them to be on notice that this was what I was going to try to do. They shook their heads in disbelief, but they said, "All right, Chief Justice, if you think you can do it, go ahead and try".

So thus began a long story of learning the buttons one has to push...even to be in the front door of the Detroit area politicians and the "powers that be". It was very interesting. For instance, some said, "You can't change Common Pleas because of the bailiffs", and my question was, "Bailiffs? What power would they have to stop an entire procedure such as this?" Well, the bailiffs were top-flight union people, and they were nominated by the unions, and the unions were very powerful, and the unions wouldn't go along with it if we did away with the bailiffs, so I called the bailiffs' representatives over to Lansing to my office. I said, "Let's see what that trouble is". One trouble was that they had their own pension plan.

Of course, they were making quite a bit of money. They delivered summons and other papers, but they could go to Ford Motor Plant, for instance, and some person was given the authority to receive all the summons, anything that came from the order of the Common Pleas Court, so bailiffs could go and deliver 100 and get paid for each one in one stop. They were making quite a bit of money depending on how hard they worked. They had their own notion of when and how they worked. I said, "Well, this has been going on a long while, hasn't it? You've contributed to your pension fund?". They said, "Yes, we have our own system". I said, "You have a vested right in that, I can see. What would you think of grandfathering you in?" They were all men who had been through the echelons, I guess you might say, of the industry and were either retired or about to, so they thought that might be a good idea.

Then when they left, they'd be replaced with a regular court officer who would perform those functions. They seemed to be receptive to that. They went back and talked, but there were no more problems. In the Common Pleas Court, they could save up sick leave until they retired and then have all that additional pay at the end of their time, when Detroit Courts had sick leave which would expire within a given time. There were many little things like that that had to be changed or ironed out.

The Recorders Court was something else because they would not budge. They had been able to slip through or present a solid wall or however you want to put it, in the 1963 constitutional convention, to retain their identity and separate function. Their main reasoning that was given to me was that most of those judges were black and if they were made Circuit judges although that was a higher echelon in the scheme of things, they felt they could not win running county-wide in Wayne County. A Recorders Court Judge was elected only by Detroit voters.

Mr. Lane:

Because of the concentration of white population in the suburbs?

Justice Coleman:

Yes, that's right. They were very afraid of that. I personally thought that the good judges would probably be elected. The bad ones, the ones that weren't so good, would not be, black or white, but nonetheless, they said that was impossible. We did agree that we could look to the future and build a bridge between the Circuit and the Recorders Court and have a joint administrative body and perhaps they could work toward having Recorders Court judges sit as Circuit Judges sometimes and work into the system that way. That's the way it turned out.

We had a system whereby you'd have a chief judge from Wayne Circuit and the chief judge from Recorders and then two others from each. Anyway, it would form this bridge I referred to. Then the whole body would elect a "super-chief" judge. That was not the title, of course, but he or she would be "the" presiding judge over the bridge between the two, so that was as close as I could get, although we did remove Traffic Court from the Recorders Court. I should mention Traffic Court. I visited it. I visited almost all the courts, of course, and sat in on proceedings in all of them so I would know what was going on, but Traffic Court was a revelation.

Standing in the hall would be a man who would have people come up to him and give him their traffic tickets, and I learned that his function, unofficial function, I might add, or self-designated function, was to take those tickets in and get them fixed by certain judges. He would be paid to do that, so he had quite a lucrative little business going on out in the hallway.

Mr. Lane:

That was...was this a criminal conduct, actually...?

Justice Coleman:

Well, certainly, but it was part of the "system". A lot of things that went on over there were out of line, but I guess it was by tradition. They had been overlooked by authorities. The entire traffic operation was incredible. They had long lines of people waiting to pay their fines. Almost everything was done by hand. All the traffic tickets were counted and filed. I don't remember seeing much of any modern machinery in there. In any event,...

Mr. Lane:

This was a very high volume operation, too, was it not?

Justice Coleman:

Terribly high.

Mr. Lane:

Hundreds of thousands of tickets.

Justice Coleman:

Yes. I finally appointed T. John Lesinski to go in there and "clean it up". Then there was a landlord/tenant situation and what was going to happen with them, but to cut through all that,

you had to work with all kinds of people because the legislators wouldn't vote any particular way until that was approved locally, particularly by the unions. They controlled a great part of Wayne County, especially Detroit, and personnel in the courts.

Let me refer to one of the early meetings. One of my very good friends who was a Democrat in the Legislature told me that despite the fact that we were non-partisan, I was looked on as a Republican, and it might be better if I brought a Democrat with me, non-partisan Democrat, so I asked Justice Williams (He was the epitome, I thought, of the Democratic Party) if he would mind going with me to some of these meetings, and he was very gracious about it and said yes, he would. We went to a very large meeting, all kinds of people. I don't know who they all were excepting that they were from the Detroit/Wayne County area, together with the legislators and staff.

I remember one of the chief union people who didn't like something that Justice Williams had done in some case so gave him a verbal lashing which surprised me no end because I couldn't imagine anybody doing that. Then he wouldn't have anything to do with the proposed bills because the unions would lose control of "their" employees, and I think the message was that we weren't going to do right by "their" employees.

There was all this kind of conversation that went up and down the table. After it was over, the union leader who was directly across from me, lingered a short time, and I put my hands on the table and leaned across and I just said, "What makes you think that you're more interested in the Court's personnel and their welfare than we are?" Because they're our employees, we want the best for them. What makes you think you want more?" He looked at me like I was doing something that was unheard of, and he said, "Well, I don't know what you have in mind for your employees, but I know what I have in mind", and we went on like that. We ended on a very nice note.

As a matter of fact, he used to telephone me once in a while and give me a hint as to what I might do. I think you had to overcome a kind of an inbred animosity toward the employer. We were trying to arrange for equitable and stabilized salaries and improved working conditions. I thought we were doing all kinds of great things for the welfare of the employees and the court operation in general. I was pleased to experience good union relationships as we progressed. I had to go to Detroit I don't know how many times and meet with people, the mayor and others. To effect the goal, the matter of easing fears was important, even necessary. Much had to come from the Chief Justice in person.

Mr. Lane:

You had met the mayor, Coleman Young, when he was in Lansing as a State Senator, or was this your first contact with him?

Justice Coleman:

I had met him, but I didn't know him well, of course. I had called and asked for an appointment, for a reason that I don't know whether I should recite here or not. I will, in part. We had a very difficult time getting the Senate Judiciary Committee to operate when people from all over the state were there and there wouldn't be but one or two members of the committee present. I

decided that Mayor Young had a key role that he could play to help us, and he did. He called the Chairman and said something like, "There's an important meeting coming up on such-and-such a date and I want you to be there. Let's hold the meeting", and so we did. Other times, there were things that I had to do. Bill Marshall of the...

Mr. Lane:
AFL-CIO

Justice Coleman:

AFL-CIO was important. Somebody said, "He's going to meet with the Governor today, and the Governor doesn't know what the unions are going to do, and he's a little jittery about that. Why don't you call Bill Marshall and ask him if he can speak on behalf of the union?" Again, not knowing what I was getting into, I did call Bill Marshall and told him what I'd like him to do and assure the Governor at that meeting that the unions appeared to have no objection to the legislation if it worked out to their satisfaction. He said yes, he'd do that, and he did, but there were all these things that had to be done that took so much time. You had the...

Mr. Lane:

This was to the point that you have related now as really more a political and union problem than anything else, right?

Justice Coleman:

It was. Well, when you deal with the Legislature, that's what you're dealing with. To get your votes, you have to have the people to vote, and I had more opposition perhaps from some of the very conservative Republicans than I did from quite a few of the Democrats.

Mr. Lane:

Excuse me, was that not part of your problem, that in order for you to get the kind of vote support that you ultimately needed in the Legislature, you had to not only solve these Detroit problems that we're talking about but give some incentive to the out-state legislators to feel that there was something in it for them rather than just to be part of a bail-out of a Detroit problem? Would you explain that part of it?

Justice Coleman:

You said it really quite well because the legislation that we were working on provided also for the next step which would be to put more money back into the courts, all the state courts, and then another step with more and so on. It was to be a gradual process. Many of them looked on the legislation as just a bail-out of Wayne County, and they weren't going to have any part of it.

I remember one time, when I was speaking to the Association of Counties, and two or three commissioners rose to say, "Well, we don't want to lose control of our judges". That struck me as so funny because they didn't have any control in the first place except they had the purse strings. One of them said, "We don't like our judge, and we're not going to do anything that's going to help him", and that was that. There were all kinds of opinions. In the smaller counties, I think they were afraid that the salaries of the court personnel would go up and that would make dissatisfaction among the rest of the county employees, and they'd all want an increase.

I mentioned the fact that this had been tried and had come out satisfactorily when the Department of Social Services and local County Welfare Departments were merged. There was a great hue and cry about how much more the local counties were going to have to pay for those that were left behind to match those that did go with the state, but it worked out quite smoothly as far as I know, and it was to the benefit of almost everybody. The courts did present a problem, however. County commissioners have limited funds and I understand that, but they seemed to resent courts because the courts weren't bringing in much money and cost more than they brought in.

Mr. Lane:

Excuse me, if it is not getting ahead of your story, did you not, at this time, find great benefit from your experience as a county judge, that is, a Probate judge, and all that period when you had to jockey back and forth and also from your participation in Creighton's activity in the Legislature itself and learning what kind of swapping or trading or shading of your opposition's issues was necessary to build...it's like a little child with blocks, is it not? You have to get them piled up to a certain height or you lose. Was it not that...?

Justice Coleman:

That's right, and this was what I looked upon as a golden opportunity. Going back to my own experiences as Probate and Juvenile judge, as I mentioned, I think, awhile before, the pay was so bad, it was just about like welfare pay for some of my employees. Some of our case workers had Masters degrees, and they all had degrees of some kind.

They were experienced and were excellent people, but they could go upstairs to the State Department of Social Services and do the same kind of work and get a great deal more pay if they wished, or they could go most anywhere and receive more pay. Some of them had to work two jobs, moonlight, so to speak, but they stayed with the court because they liked it. I went through quite a traumatic time. The Circuit and the District judges felt the same way, so we did a great deal of background work on what similar people were paid in other areas at all levels.

We took that to the Board of Commissioners and asked in the budget request for some more money. That was fatal, always. So, they said they would consider it, but they didn't see how that could be done because then they'd have to start paying more to other people. Finally, the commissioners in our county refused one time to pay any of our employees. They just didn't pay them, so the judges of the three courts assembled and decided all we could do was sue them which was what we did.

We sued them, of course, in Kalamazoo County, and they discovered that they just couldn't let the pay days go and not pay court employees at least what their present salaries were. We then went to the Supreme Court, and Thomas M. Kavanagh was Chief Justice. We worked out some kind of a system whereby the Court Administrator would try to be referee in such disputes. We could bring up the proofs that additional funds were necessary and were needed.

That worked out pretty well for a time or two, but it was not satisfactory for all the courts of Michigan. Something more permanent had to be worked out. I did learn from Creighton, too, that if you have a pure idea of what you want, you're not always going to get it so it was important to

preserve the core, the main thrust of what you want. Sometimes you have to give a little, but hopefully nothing that would be contrary to the principal goal. Sometimes others had good bases for their concerns, and you had to approach the totality with an open mind.

I think very little would get done in the Legislature, for instance, if the legislators insisted that you couldn't change a word. Of course, some of the words that might be changed would be vital, and that would be different. I remember most distinctly the marvelous help that I had from Marilyn Hall who is presently the Supreme Court Administrator. She is a very smart young woman, and I brought her over from Detroit to Lansing as an Assistant Court Administrator and then later made her my Executive Assistant. She and Cynthia Stephens who at that time was counsel for the Senate comprised a marvelous team. Cynthia now is a Circuit judge. She is a black woman, and she is one of the smartest people I've known. She has a mind that is fantastic. She could take a roomful of people who were arguing among themselves as to what they wanted, and she'd have a blackboard up there and she'd say, "If we change the ratio...", about having to do with funding and what not..."to this, what would you think of that?" Some would like it and some wouldn't, so she'd change it a little more, but she could do it right off the top of her head.

I had a great deal of respect for those two women. They solved a lot of these problems, before they became such big problems. Who is going to fund what? Who is going to pay for the buildings? Who is going to do this? Who is going to do that? Will it be the county or the city or the state? We did manage but the package was voted on once and failed by one vote. When they were brought back, the bills did pass.

Mr. Lane:

When? What was the time frame? This all took a long time to unfold, didn't it, in terms of at least months or was it even as long as two years?

Justice Coleman:

It was just about the end of 1980, as I recall because I was thinking that I wasn't going to run for office again. I had been there eight years.

Mr. Lane:

In fact, that is the statute number...it's a 1980 act, isn't it?

Justice Coleman:

It was the last part, one of the last gasps.

Mr. Lane:

This had started in January, 1979, right?

Justice Coleman:

Yes.

Mr. Lane:

And all the time in between, or a lot of it, was consumed with these...

Justice Coleman:

I had too little time as Chief Justice as I look back on it, to write erudite opinions, and I loved to write opinions..but it was the opportunity, I thought, that might never come again, and it did have to do with the welfare of the whole court system, the judiciary in the entire state and, to me, this was a matter of great importance. I wasn't the first one to think of it, of course, because I think every Chief Justice for ten years had been giving in the State of the Judiciary Address before the Legislature their urging for state funding.

It just happened to be an opportune moment then of which I thought we should take advantage, but I had no idea that it would take so much time. I think you'll remember one meeting we had...I don't know whether they called it a caucus or something else because they weren't all legislators. They were people of some authority around the city of Detroit and Wayne County who wanted to meet with me over in the Capitol complex. I remember you drove me over and tried to prepare me for the worst, saying that "they will chew you up". I was very uneasy when I went in, but they treated me very well. I told them what we were trying to do, and they had questions which I answered.

One thing I learned very early in life is that you don't lie. Either say you have no comment, or you don't want to talk about it or you tell them the truth, so you have a reputation for being forthright and that helps. I told it like it was, and I didn't have any problems at all with them. I don't know what happened after I left, but it turned out to be a very quiet, satisfying meeting.

Mr. Lane:

Was Justice Williams...did he continue to be active in this throughout? I know you said early that he attended some legislative meetings with you.

Justice Coleman:

Yes, he did. He didn't attend that meeting or a lot of those over in Detroit, but when you had the legislative meetings, committee meetings and such, he went with me and he was very supportive. I couldn't have asked for more help. He was very interested, too, in the concept of "one court of justice". The constitution plainly states that Michigan shall have "one court of justice", the Supreme Court. It shall have superintending control over all of the courts and the judiciary of Michigan. It shall make a budget and present it to the Legislature. It shall promulgate all rules of court procedure. It has control over the State Bar and lawyers, etc..

The chasm between the constitution and reality is broad. For instance, in my first year as Chief Justice, we worked hard and long to present a minimal budget to the Legislature. Although we received a lump sum appropriation, we had to justify it by line items as to where the money was needed. I sent the proposed budget to the Legislature with a courtesy copy to the Governor. He, in turn, slashed various items without any advice from us as to the necessity of the funds. The Legislature adopted his revisions in toto, as I recall. I did send a letter to the Governor and to the chairman of the appropriate subcommittee, who said it was customary to give credence to the Governor's revisions, but that we could ask for a supplementary appropriation if we could not adjust.

In my opinion, it is the Legislature's responsibility to make revisions, if any. They do have

hearings as a basis for changes. However, on a local level, some county commissioners designate courts as comprising a county department, or they did during my days on the Supreme Court. The mandate of "one Court of Justice" obviously is slow to be realized in ways beyond the operation of the various courts across the state.

Mr. Lane:

The constitution, as I recall, is very explicit, is it not, that funds appropriated to the Court will be spent as the Court directs?

Justice Coleman:

That's right, and so I didn't feel that he had any business even recommending what would happen to certain items of expenditure. I also had to keep badgering everybody with the notion that the Court was a third branch of government, that the Legislature couldn't tell us what we should be doing with the money they appropriated to us, and neither should the governor, but the Legislature had the power of the purse.

To go back to the time - concerning problems, we had to meet with all the judges and find out what their problems were. One of the big problems was the pay scale for judges. Now, in Oakland County, the commissioners had tentatively approved a pay scale for their judges that was higher than the Supreme Court's. On the other hand, we had these poor little counties where the judges could hardly make a living. There was great disparity, so some of the judges felt different from others, but you had to meet with all the judges and try to find a system that would be suitable for all.

The upshot of that was what the Legislature is now complaining about a little bit, but liked very much at first. That was to scale the judges' salaries percentage-wise to that which the Supreme Court would receive. Of course, the Compensation Commission set the Supreme Court salaries so the Circuit judges would receive 92% and so on down the line, but it would be set, and there would be no argument about it.

Mr. Lane:

Excuse me, now the Officers Compensation Commission set the Supreme Court pay level, salary and then by legislation, these steps were provided for Court of Appeals, the Circuit Courts.

Justice Coleman:

Yes, the percentages.

Mr. Lane:

96, 92, 88...

Justice Coleman:

Yes.

Mr. Lane:

Was this a significant part of putting together the majority that was needed...?

(End of side 2, tape 3)

Topic 12: Justice Coleman speaks about reorganizing the court system and the budget difficulties that came during this time

Mr. Lane:

I think I was asking whether or not the arrangements that were made for regularizing, shall we say, the salary of the out-state judges was a vital part of the bringing together in the Legislature, the number of votes that were necessary, or was this just sort of a fringe upon the whole proposition of state financing?

Justice Coleman:

I really can't say how serious a problem that was to them. It was important, but I don't know how vital it was. In any event, they did want to put a cap on the salaries of all the judges and try to make them even at each level, and this was to be the start of the salary rates for the entire state. It was a very complicated system. We did bring up the salaries of all the judges in the state, or they could be brought up by their commissioners, to be reimbursed at a certain rate until they reached the top amount. It is a long story to go into how that worked, but all the judges in Michigan benefited by this, and I think maybe most of them are at that top level now, but the counties are reimbursed by the state. The counties, really, could make money out of this, but it was very difficult to convince them.

Mr. Lane:

I was going to say, to some degree, this was relief for the budgets of the county commissioners, was it not?

Justice Coleman:

But to convince them of it was another thing. Yes, it was, and it brought in the entire state...it was the first step toward funding all the state courts. To get back to Wayne County, we did manage to get the legislation passed which established the District Court and made the Recorders Court have its "bridge". One ever hopefully thinking that they might all get together down the road and find that their jobs weren't so different and that they could be elected county-wide - the Recorders Court judges, that is - and settle down and become one Circuit Court like the rest of the state. I don't know whether that will ever happen, but they are using the judges back and forth, I understand. The interesting thing to me was that a black woman, right as this was being passed, ran for a Wayne County Circuit judgeship and won, so she was a black person who first defied the negative prophecy.

Mr. Lane:

Do you remember which judge that was, what her name was?

Justice Coleman:

Lucile Watts.

Mr. Lane:

That's an unusual political name in Detroit, though, isn't it?

Justice Coleman:

This had to be county-wide. She'd asked me to come over and administer the oath of office to her. I was glad to do that, so I went to Detroit, but it struck me odd that the men were so afraid of not being able to be elected and here was this brave woman who pitched in and won. To move ahead, getting the votes in the Legislature was not easy. There were all kinds of road blocks like the county clerks who were very much afraid that we would take over their positions or move part of their duties to the Circuit Court. The Circuit Court would have its own clerk, in other words.

Mr. Lane:

So that those who are unfamiliar and might read this transcript at some time, the county clerk is also, by virtue of that office, clerk of the Circuit Court.

Justice Coleman:

That's right. Thank you for making that a little clearer. The District Court, of course, has its own clerk and the Probate Court had its own, so the county clerk of Wayne County was especially incensed by the whole thing and he organized, I think, the county clerks to oppose the legislative package because of this fear, but that was settled.

Mr. Lane:

How did you neutralize him, or did you, or was he neutralized? Did he oppose this to the end?

Justice Coleman:

I think probably he did. I never saw any softening in his position although they wrote the legislation to retain the county clerk as the Circuit Court clerk (until better days came along, maybe). That's one thing we had to put off for the future. There weren't the votes there in the Legislature to make that change because county clerks seemed to have quite a bit of political power across the state. It would make sense for the Circuit Court to have its own clerk. For instance, in Wayne County, they didn't have the personnel to file adequately, so if a lawyer wanted to see a file on a case that was recent or current, he often couldn't find it. As I recall, they resolved some of that problem later by assigning some court personnel to help the county clerk to keep the court files in order so the lawyers could find their up-to-date files.

Mr. Lane:

This had become a very significant problem for the Appellate courts in Michigan, had it not, that when the record came up for an appeal, there were big gaps in the...had to be...they had to settle the records, the attorneys, agree to substitute certain..

Justice Coleman:

Yes, a terrible problem.

Mr. Lane:

Quite inimical to the principles of an efficient judicial process where you have...everything is of a certain method of being recorded and certified, and attested to and that sort of thing.

Justice Coleman:

My personal feeling is that there should be a Circuit Court clerk, but that was a change that couldn't be accomplished at that time. Maybe sometime in the future, if things get too bad, or wise heads prevail, that will happen. Very few people know what goes on in that area if they are not lawyers. You don't know that lawyers aren't able to find their files or papers are missing or misfiled, and all that sort of thing. Anyway, that was one matter that was left undone, but you had to do what you could do, get all that you could get, I guess, out of that Legislature, and they were as a whole very fine. Again, I can't speak highly enough of Virgil Smith. He did a tremendous amount of excellent work.

Mr. Lane:

This was finally passed in December, 1980, is that correct?

Justice Coleman:

Yes, by a narrow vote and it was right at the end of the session, because we had a new Legislature coming in and it seemed to all of us to be vital to pin this down prior to a new Legislature and a new governor. We knew there would be new representatives and senators who would have to be educated all over again, so it was sort of a last minute triumph. Then came the next round. We had placed in one of the statutes the procedure by which the state would gradually take over the state funding of courts. This unfortunately met with a few problems, the biggest of which was reapportionment, but that's another story.

During all of this time that state funding was being considered, of course, the Court had to be operated, and we had dreadful problems. The finances of the state were in a terrible condition and at least one small satisfaction was that when the Governor ordered everybody to cut back so many dollars, he wrote a letter to me, not ordering it but requesting that we consider it in light of the fact that everybody else would be cutting back. I thought that was one indication that we were considered a separate branch of government with our own decisions to make, but I also knew that if we didn't do our share, that we weren't going to do very well with the Appropriations Committee next year because the Legislature had also cut back personnel.

Of course, all the executive departments had made the second cut. First, we just cut out all the publications and anything extraneous that we could think of (nice but not necessary), but when the next request came along, the state had really hit bottom. They asked for large cuts, and I had the unhappy duty of terminating fourteen people. They were mostly from the administrative division, the Court Administrator's Office. We shut down two field offices with the notion that we could always put them back in place if we had to, and if we had the money to do it.

This was most unpleasant because in the middle of it, I contracted pneumonia, and the doctor said I could not leave the house. I had almost never been sick, but that particular time was most inconvenient because the day came when we were supposed to inform the court employees. The Court had agreed that in a case like that, we should inform them and not have them come back to

work because of the chaos that probably would follow. We would pay them in advance quite well and place them on a leave of absence so they could look for other positions and, of course, all those weren't terminations. There were a couple of retirements and what not that went into the decision, but that was a most unpleasant task during that time.

Mr. Lane:

I wanted...maybe this is the right time to introduce a thought that I felt should be covered, and it is with relationship with the layoffs or terminations. You, although I know some of your colleagues and people close into the Court's operation, of course, had the highest regard for you personally and your grace and charm as a woman officer in government, but they also knew or thought, and I think with some degree of admiration, that when you had to do something unpleasant or difficult that did not comport with grace and charm, that you could summon the courage or whatever word you might choose to do this, and one such occasion was when you had to relieve a high-ranking administrator who others seemed to be unable to summon the courage to dismiss. Do you feel that you did merit this kind of reputation? You know, this can be put in very vulgar terms about guts and that sort of thing, but did you have anything further to say other than this was distasteful?

Justice Coleman:

It was the most distasteful thing that I had to do because I liked the people and they were good people. The positions they were occupying weren't indispensable, which was true. I know that previous justices had wanted to remove the Court Administrator, but didn't quite get around to it. I knew I had to do something, so I did it, but I must admit that it hurt.

Mr. Lane:

Your successor as of this very moment, I imagine, is facing the same kinds of problems because Michigan is again in a very severe financial retrenchment period.

Justice Coleman:

Yes.

Mr. Lane:

You probably are aware of this, a new governor. The former governor left things not in very good order financially.

Justice Coleman:

I read that, although the then new governor raised the sales tax immediately upon becoming...

Mr. Lane:

Income tax.

Justice Coleman:

Income tax, I'm sorry...immediately, and I notice that my successors then felt they were able to do things that I felt I couldn't do. They had the money then temporarily, but now, I guess, we're going back to the old problem which Governor Blanchard's successor now faces.

Mr. Lane:

Is it time yet to turn to one of the other great achievements of the Court in your period, the solution of the very divisive and grinding reapportionment problem that did so much to tear apart the Court, or shall we go more...did you have other things...?

Justice Coleman:

That's all right. I perhaps should say that the Courts, from the time Thomas Giles Kavanagh took over onward, seemed to have a greater degree of collegiality. Among ourselves, we were all very friendly. You could argue your point of view around the conference table, but once that was decided, it was decided. After John Swainson's unfortunate affair, we were all drawn very close, I think, and even when the newer justices came on like Justice Ryan and Justice Lindemer, we were all drawn very closely together, and this was a time I consider to be of great friendships. I have felt very close to all of them. I lived away from all of them.

Most of them lived in the Detroit or Wayne County area, close-by anyway, so they were together quite a bit, but in Battle Creek, when we weren't in session, I was pretty isolated, but the collegiality, I think, reached a very high level then. Then we were faced with the decennial census. Part of the 1963 constitution having to do with reapportionment was found to be unconstitutional by United States standards under the equal protection clause, so again, the inevitable happened. Four Democrats and four Republicans met in the Apportionment Committee, and they deadlocked, and they finally certified that they could not proceed further, so the matter came to the Supreme Court to decide.

We had the precedent of prior two reapportionments. The Court had not considered the constitutionality of the whole article IV, Sections 2 - 6. They simply continued with the Commission and the Commission had deadlocked, so the decision was brought back to the Court and the Court, on a purely mathematical basis, had decided whose plan won.

Mr. Lane:

The significant thing there...excuse me for interrupting...is that in the view of some, at least, the Court is put in the position of accepting one political document or an alternative political document, and is given no opportunity to function in the traditional judicial way of choosing a solution that comports with the law and equity and that sort of thing.

Justice Coleman:

That's right. No, nothing was considered excepting equality in the population. I think, if I remember correctly, in the decision of the Court in the last reapportionment battle, there was a difference between the two, Republican and Democrat, plans of just a percentage of 1% or less. It was like having a battle of computers, and nothing else was considered. I had felt, with Justices Levin and Kavanagh, that the whole article was unconstitutional, that you couldn't proceed without guidelines which had been found unconstitutional because they were based partly on geographic as well as population terms.

Mr. Lane:

Incidentally, Justice Thomas Giles Kavanagh wrote this in a dissent, I think, in 1972 and suffered dearly.

Justice Coleman:

That's true. Yes, his own party wouldn't nominate him for the next election, but he had, of course, the Affidavit of Incumbency. I used to say that they did him a favor because there is nothing so attractive as a martyr, and he was a martyr. In any event, he did win, and he was one of those who felt it was unconstitutional in too. We first decided that we should hear arguments from both sides, so we put out an order asking for briefs and a hearing in the Court, which was done. Then...

Mr. Lane:

Now, we're early in 1982, right? The decennial census was completed, say early in 1981, the 1980 census completed in 1981 and it came to focus then on the legislative election of 1982, and so in the early spring of 1982 or the winter of 1982, the early months of 1982, the Apportionment Commission did its thing and then it wound up in the lap of the Court in February or March or so. Is that...?

Justice Coleman:

In February, they certified their deadlock, and we then went on asking for these arguments as to whether the authority of the Commission continued despite the invalidity of some applicable rules and if that authority did continue, what standards would govern the redistricting and apportionment of the Legislature. Perhaps this is a good time to note that in 1973, the United States Supreme Court came down with another decision in the case of Mahan vs. Powell that allowed a population divergence of 16.44%, I guess it was, so we had that, at least as a guideline for what the divergence could be.

Mr. Lane:

Excuse me, will you repeat the name. This is for transcription purposes...the name of the case and the spelling?

Justice Coleman:

M-a-h-a-n vs. P-o-w-e-l-l.

Mr. Lane:

Excuse me.

Justice Coleman:

Well, this is a bit of a long story. As Chief Justice, I had to take an initial informal count after we had heard the arguments and read the briefs and all that, and there weren't four votes for anything. Therefore, we decided to grope around and see if there was some system whereby, even sitting as an Article VI Court making the law, so to speak, that we could consider.

Justice Levin wrote an opinion, and he had changed his position completely. He was one of the first, along with Justice Kavanagh and me, who had thought that it was totally unconstitutional. The Levin opinion said that the article was constitutionable and severable. You could take off that part having to do with the guidelines, and we could or the Legislature could establish some guidelines to go along with the Commission and the rest of the article. That didn't fly, and we tried everything I could think of and anybody else could think of to try to reach four votes and

we could not reach four votes. Finally, I just said, "Well, let's try to think of something we could do that makes good sense, legal sense and that seven of us could vote for.

Let's aim for seven and come down like a non-partisan court should", so we started on that, and the time that we spent was awesome, but finally, we did come down with an opinion establishing guidelines. When we came down to the end of it, we appointed Bernie Apol, who had been Director of Elections and a man of unimpeachable integrity...everybody, Republicans, Democrats all had a lot of faith in him...to see what he could do to apportion the state according to the guidelines that the seven justices had approved.

Mr. Lane:

In the name of the Supreme Court's decision.

Justice Coleman:

Oh, yes, in the name of the Supreme Court's decision, so a great hue and cry went up from everybody, as you can imagine. There were a few court motions and moves. There were motions for a new hearing or re-hearing and attempts to go to the Supreme Court and one thing or another in the meantime, but we finally did decide the method with a slight deviation by Blair Moody. We were using the 16.4 divergency figure as what was allowable.

We wanted the districts to be, of course, compact and adjacent by land. Townships, cities and counties and so on should be preserved as far as possible to make government more manageable, so Bernie Apol set forth with some helpers from the State Department. He'd come in for instructions once in a while, but nobody told him a thing about which way to draw the line. We didn't tell him how to do anything excepting as to an overall procedural problem.

Mr. Lane:

Did he arrange for this computer company to consult, or did the Court provide him with computer capability? Wasn't that part of the whole process?

Justice Coleman:

There was a time when we thought perhaps an out-of-state computer company which had done something like this before might be able to cut the streets and one thing or another and come out with a viable product. It turned out they finally said they couldn't do it, but Bernie did have some computer help. He had to have that. That other experiment was strictly the Court's doing.

Of course, there wasn't any question about the use of computers, but it became a problem because time was flying and the elections were due to come up, and people had to file their petitions and whatever they had to file in time for candidates to run in the November elections. This put a great pressure on everybody. We spent almost all of our time on reapportionment for quite a period of time. When the product came out, we ordered a public hearing so that everybody who had anything to say could come before the Court and give Bernie Apol suggestions that he might not have considered. He said he wasn't infallible, and some of the suggestions he took.

Most of them were self-serving, of course, and didn't allow for the progress toward goals for

which we were looking. In any event, finally we came to the end and we provided the guidelines and the newly drawn districts. We called the entire article unconstitutional, to go back to where I should have started.

Mr. Lane:

That is the provisions in the Michigan Constitution providing for the Apportionment Commission.

Justice Coleman:

Yes, the whole article 4, because the sections were inextricably tied. How the Commission could divide the state without any guidelines, of course, could not be answered I would like to divert a minute here. I first thought I would like to keep it where the article would be unconstitutional but severable because I thought it should be in the constitution. Otherwise, the legislators could change the guidelines and "gerrymander" their districts, and the 1963 Constitutional convention had thought it very important that apportionment be in the constitution, and thus stabilized.

That weighed heavily on my mind because there was a great deal of validity to that thinking, but it just didn't work out that way. It couldn't, logically. We had to do away with the Commission. Because of the United States Supreme Court finding, we could not find the guidelines appropriate. We ended up by declaring the entire article 4 unconstitutional and imposing our own guidelines in the event that the Legislature did not come up with their own guidelines and the Governor sign in time for the elections. There had to be continuity of government. We couldn't simply cut it off.

Mr. Lane:

There was a period late in the spring when the Legislature, spring of 1982, the Legislature was on notice from the Court that if it wished and could perform, that it could draw its own districts.

Justice Coleman:

Oh, yes.

Mr. Lane:

And the Legislature did not perform.

Justice Coleman:

That's what I was trying to say. They had the first opportunity, of course, and we had hoped that they could come up with a plan. "The people" were represented by their legislators, so, in the absence of a vote by all for a constitutional amendment, the legislators had to be given the opportunity to reapportion themselves. In the March 25, 1982 opinion of the Court, we specifically stated that the Legislature could provide a statute signed by the Governor with immediate effect at least four weeks before the filing date set for the August primary election, and that its reapportionment plan would supersede the plan directed to be drawn by the Court. The plan had to be consistent with the state and federal constitutions. The Apol plan was adopted by the Court on May 21, 1982.

As I said, however, it could have been superseded by a legislative plan approved by the

Governor within the time specified, but none was submitted. It should be noted that an appeal to the U.S. Supreme Court was dismissed in October, 1982. A by-product of the final order was angry legislators. Their districts were changed in varying degrees and with a few living outside of new districts which they formerly had represented. Also, there were different ethnic groups in some new districts. Consideration of the next step toward the state-funding of Michigan courts came to a halt.

Virgil Smith was still working hard to honor the statutory commitments, but he told me that so many legislators were angry with the Court - and, I suppose, especially me - that he doubted he could find enough votes for passage. Some legislators even thought the justices designed the districts. I assured him that no one on the Court had even suggested that Mr. Apol do anything in particular. He followed our general guidelines and apportioned the districts as equitably as he could. I thought, and still think the results were even-handed, fair and consistent with our guidelines. Which direction the present Legislature will take after this last census remains to be seen.

Mr. Lane:

The ultimate truth was that the opinion that embodied his districting plan was approved 7:0, is that not true?

Justice Coleman:

Yes, that was, I think, one of the greater accomplishments of the Court. We, having started from all directions, finally came down, after a great deal of input from everybody, to a 7:0 decision with a concurrence differing only as to the amount of divergence, as I remember, of Justice Moody. He was a fine man, and we all enjoyed working with him. He was facing the reality of running for office that same year, and I think that the Democrats bore down on him quite hard. I think he really felt that way himself. I don't know that he'd be pressured to do anything that he thought wasn't right, but he did disagree with the allowed percentage of divergence, and he wrote a separate opinion but basically, it was 7:0.

Mr. Lane:

That was an enormous achievement, was it not, when you put up against the things that historically have happened in the Court...as you go back, as I recall, in 1972 and 1964, in those periods when the apportionment issue had come before the Court in previous occasions, the Court would split, and there would be as many as six or seven opinions, and I counted up the head notes and there was, I think, 52 or 54 paragraphs of head notes on some of those occasions trying to summarize the positions being taken by the individual authors of these opinions to explain their position, vis a vis the Constitution of Michigan, the Constitution of the United States, and there was this total fractioning of the Court and very great strife.

Justice Coleman:

Yes, and I remember one opinion Justice Black wrote on the whole situation that...

(End of side 1, tape 4)

Topic 13: Continuing the previous topic, redistricting and reapportionment of Legislature getting unanimous vote on the Court. Justice Coleman also speaks about why she decided not to run for reelection, what she did after she left the Court, her special interest in children, and her view on life

Mr. Lane:

You were saying...

Justice Coleman:

I was saying that Justice Black wrote an opinion that was really quite bitter about the whole operation of that particular decision, but it was a bit of history. It was interesting to go back and read it. In any event, the Court was most divided and politically so. I think that the Court received rather a bad reputation at that time as being driven by politics, in this important decision of the re-districting and reapportioning of the Legislature.

That's why most of us thought that it was so important for us to come down as a solid block of seven and do what we, after all manner of discussions and debates, felt was the correct way to go, so I was very proud of that. I had some almost vitriolic letters afterwards about taking it out of the constitution, some by people who had worked with the Constitutional Convention in 1963 and had known what suffering and agonizing that they had gone through to place it into the constitution and here we were taking it out by ruling it unconstitutional. That was the largest bit of dissent that I heard. The Court itself was very pleased with what we had done, but it had the side effect of going back to state funding, of having so many of the legislators angry with us that they weren't even going to have meetings of the committees.

They weren't going to consider it at all until the very end, just before the election took place. Justice Williams and I went over to the final House committee meeting. They had tacked on an amendment having to do with the Juvenile Court, one which I knew was very unpopular and would probably defeat the whole package if it went to the floor that way. I think that government having been in financial straits, the Court being in bad repute because of what we had done to legislative districts, and of course, then this amendment tacked onto the end provided a series of negatives.

I had foreseen that it wasn't going to pass and it didn't, so that second phase still hangs there. Wayne County is state funded and the rest are partly. They have more money than they had to start with because of the judicial salary injection and I think some other progress has been made along the way, but still the remainder of the counties are a long way from being state funded.

Mr. Lane:

Well, this was a chapter, of course, that struck a very high note in the Court's performance although I suppose this will never completely be laid at rest because here we are with a new census now and a problem for the Court or the Legislature, in the first instance, in this year or next, to bring the apportionment of the Legislature into conformity with the population established in 1990 and the principles of law and politics that enter in.

Justice Coleman:

Yes, I would expect that the Legislature would try to reapportion itself and if it weren't fair, I would expect the Governor to veto it, so I would expect it might go back to the Court.

Mr. Lane:

It is an interesting situation though, is it not, because of the gubernatorial change? Now you have the Democratic power in the Legislature in a position of being overseen in the veto sense by a Republican governor who will be expected to stand up, you know, for his...

Justice Coleman:

Yes, I still nurture the hope that the people of Michigan will see the importance some day of who represents them and how they came to be there and would place the matter on a ballot...have a referendum of some kind or the Legislature would provide for a constitutional vote. It should be in the constitution so there would be fair guidelines and a sensible procedure to follow. I would devotedly hope that if the Legislature or the Court decides to do whatever they're going to do, that they would look to our opinion as being one that is fair where apportionment was so even and so fairly distributed that they will find it is hard to improve. I don't know. Perhaps you can improve anything.

Mr. Lane:

Well, whatever the answer in the present context, it stands there that the 1982 opinion was a beacon of fair judicial activity in this area, and a sort of a notice of what can be expected and what is expected of the Legislature in revising it.

Justice Coleman:

Yes, the guidelines that we set were quite good ones. They were solid ones, and they were based on Michigan tradition and I think common sense. I liked the decision, and I think it would be wise if whoever tried to devise another plan would base the plan primarily on that decision. Of course, the level of divergency might change, but basically the plan couldn't be changed very much and be better. I don't know that the diversity could be better, but it might be in somebody's opinion like Justice Moody's, but anyway, I was very proud of the Court.

Mr. Lane:

Were there some other things that we should be talking about now? I had some things I was going to bring up to you if you did not, yourself, prefer to speak to some other parts of your conduct on the Court, your service as Chief Justice. Just for an example, I would like to get at some point to the problems that you started out your judicial career working in and that is custody issues, family law, parental rights termination. You had some agonizing cases during your time on the Supreme Court, and of course, I know...did you want to speak to those or would you rather just go to something else other than this to talk about?

Justice Coleman:

I have a couple of things I could mention in the matter of juvenile concerns. I was appointed to the Edna McConnell Clark Foundation in New York City. That's the one that is run by the family that founded Avon Products, and they are very socially concerned. One of their large areas of concern is children. They asked me if I would serve as an advisor to the Foundation on children's

affairs. I enjoyed that because you had perspectives from around the country as to what could be done in areas of abuse, neglect, delinquency or job preparations and the installation of the kinds of jobs youngsters could do. I continued, even after I left the Court to have an interest in children, even while on corporate boards which didn't have very many women, if any.

Mr. Lane:

Which were, as long as we're into that now, which ones did you serve on and do you still serve on any of those?

Justice Coleman:

No, you reach an age of 72 when you cannot be re-elected at the annual meeting of shareholders, and I'm past that age, so I had to turn into a pumpkin if you will, and depart. K-Mart was the first one which had asked me to serve, and I knew some of the people on the board and admired them very much. The National Bank of Detroit which is Michigan's largest bank had asked me to serve with them, and that was another dimension of my life, where I felt that I learned more than I gave, and then the third one was entirely different again and that was the Biggs/Gilmore advertising, marketing, public relations firm.

Mr. Lane:

B-i-g-g-s and Gilmore?

Justice Coleman:

That's right, /Gilmore because they were merged, but they have offices in different parts of the eastern part of the country. They are headquartered in Kalamazoo and are a large outfit and they did quite a bit of television advertising and in magazines. They have some excellent people working with them. They had, for instance, the men who invented Morris the Cat and the Maytag Man and the Marlborough Man. They were people with fine experience and creative abilities as well as expertise in the business aspect of it. That was an entirely different kind of experience and so interesting, so with those three corporate boards, I learned a great deal, and I enjoyed them. I had confidence in all of them because of the character of the leadership. They had people who were tops in their fields in management and in operations and all were interested in children.

Mr. Lane:

Were there other women who served with you on these boards, or were you...?

Justice Coleman:

Well, I was the only one for a while on K-Mart. Now, Martha Griffiths had served before I did but when she became Lieutenant Governor, she resigned. Before I left, another one was appointed, a very fine woman who was a president of Berry College. I was the only one on Biggs/Gilmore and for awhile, the only one on the bank board. As a matter of fact, I've been the only woman in many areas. Of course, I was the only woman on the Supreme Court until I retired, excepting the brief appointment of Dorothy Comstock Riley toward the end of my term. Now, we have two and that's good, but I was the only woman in the Conference of Chief Justices that met from all the states in the country and Guam, Virgin Islands, and Puerto Rico.

Rose Bird was a Chief Justice. She had been appointed by Governor Brown but she never attended a Conference, so I was the only one there. Creighton declared himself president of the auxiliary, and I think he enjoyed sitting with the Conference, and he had an interesting time. Quite a few high schools and college women would make appointments to discuss the advisability of applying for entry to a law school, and I tried to ease their fears. Some of the beautiful letters I received later made me proud to have been a part of their success. I perhaps should mention the reason I retired early. I had run for re-election after the first eight years.

Mr. Lane:

That was in 1980, right?

Justice Coleman:

Yes, and as a matter of fact, I was going to retire then, but it's hard to visualize or for me to tell you the pressure that was placed on me to stay and not be a lame duck for all the state funding. I can remember when the Republican National Convention was in Detroit, Mayor Young gave a party on a ship, renamed the S.S. Detroit, where all the Republican delegates were invited as well as legislators and some of the Supreme Court. Virgil Smith was there and he came up to my table and he said, "I just heard you weren't going to run", and I thought he was going to cry. He looked absolutely betrayed, like I had let him down terribly.

He had put a tremendous amount of work in it, and many other people at that time came up to me. I remember Damon Keith was one. I don't remember who they all were - some union people and Court people and others who said in effect, "You know, you just can't do this". Well, I had already announced that I was not going to run so I would give people the opportunity to gear up and run for my office. Fortunately, nobody had announced at that time and so I re-thought it and I thought, "Well, this is a good way to get defeated, but I guess I am conscientiously bound to try to finish this", so I announced right away that I wasn't going to retire which gave people something to write about. I gave the reasons, and I did win. As a matter of fact, I had the highest vote of all.

Mr. Lane:

That was in 1980, in the November election?

Justice Coleman:

Yes. I guess that didn't hurt too much but there were a few media jokes about a woman's right to change her mind. My intention was to serve out all of the time or as much of it as seemed appropriate. Creighton later retired. I have to put this in. I knew he wasn't well. I had a great battle with myself. If it had been just me, I would have just gone on so long as the electorate allowed, but I felt that I had to do something other than to spend seven days a week as I was into the "wee hours" on the Court business.

Governor Milliken had said he wasn't going to run for re-election and if I didn't leave, I would possibly go on for the whole eight years. I just couldn't see the future from a personal standpoint and Creighton's standpoint. It occurred to me that it would be a good time for me to leave just before the end of 1982 so the Governor would have a chance to appoint somebody to my vacancy, and he did.

Mr. Lane:

You made your announcement, as I recall, early in October or November, was it, or 1982?

Justice Coleman:

Well, I did it before the election because I didn't want it to appear that I had no confidence in gubernatorial candidates Blanchard or Headley. I didn't know either one of them well, but I did know Milliken very well, and so I thought, "Well, whoever wins might appoint somebody I felt unsuitable". I knew Governor Milliken and I knew he knew the people who were competent, and he had some basis for his judgment, so I thought, "I will retire just before the change of governors".

Mr. Lane:

Do you recall the date of your announcement or just roughly when it was?

Justice Coleman:

It may have been the early part of November. It was just before the election because I purposely did it that way so that I wouldn't cast any aura of discontent over whoever was going to be elected. Anyway, that's the way it happened.

Mr. Lane:

And then you set a date which was right, three or four days before the end of the year. Was that not the case?

Justice Coleman:

At the time I announced when I would retire, I also announced that I was resigning as Chief Justice as of that same day - about two months before my retirement. Understandably, that unique move caused a mixture of speculations which continue to this day. In retrospect, this may have been an unwise move so far as I was personally concerned.

I had perceived it as a last minute attempt to help rescue the bills which would have implemented the second step toward the funding of Michigan courts other than those in Wayne County. Aside from the usual (and often unusual) duties as a Chief Justice, I had to abide by the Court's self-imposed mandate to complete, before Justice Fitzgerald and I retired, every case assigned. We had to end the term with a clean slate, excepting for cases which had been assigned to Justice Moody. I knew that there would be a deluge of cases, some of which would need a reply.

With the expected avalanche, I could see no time to help resolve some of the knotty problems I have mentioned, among which were such as healing the wounds remaining from reapportionment, resolving the doubts about the ability of the state to assume any additional fiscal responsibilities for courts and further efforts to educate the public about the bills. As it evolved, the bills failed to pass, and I worked too hurriedly in replying to some of the many opinions which flooded us and even in writing some of my own opinions.

Justice Coleman:

In addition, my dates of departure have given historians some problems in recording. I should admit, I suppose, that I never had a sense of my own history on the Court, other than being the

first woman elected to serve on the Michigan Supreme Court. I wrote no diaries. When I retired, I had few clippings, letters or other memorabilia of significance to that era.

As I look back, I tackled each problem with a sense of what was, in my opinion, fair and possible, legally speaking, as well as how it would affect the future of the state and the public good. Other considerations entered, of course, but not the effect on my own place in history or the problems surrounding my early and staggered separations from the life of the Court. I have given what papers I thought of interest to the Bentley Historical Library, University of Michigan, at their request. The larger items, I placed in the Willard Library in my home city of Battle Creek. Some lifelong keepsakes, I gave to the Women's Hall of Fame and to our children. I have few points of reference to the past in our Florida home.

However, out of my early resignation as Chief Justice came an opportunity for a real "history buff" to leave a mark in history. John Warner Fitzgerald's father had been Governor of Michigan and John had followed a path in government service from the state Legislature to the court of Appeals to the Supreme Court, so he became the Chief Justice for the last two months of my term. It was during that time that Justice Blair Moody suddenly died of a heart attack shortly after having won re-election for another eight years. It was around Thanksgiving, leaving his colleagues shocked and very saddened. His death also left a vacancy on the Court which, with the two retirements already announced, led to quite a new Court and some complications better told by someone who was there until the end of the episode, which I was not.

Of course, I had seen the Court change dramatically during my service, but the adjustments then were easy. I can say that my time on that Court provided one of my life's most exhilarating experiences. In each change of the Court, it seemed to me that the new justice, even with a different background, life experience and strong opinions, immediately settled into a continuum of collegiality. As time went on, it was interesting to note that most opinions, if not unanimous, were signed by justices having different backgrounds, political and in other respects.

This mixture of backgrounds, experiences and philosophies brought various considerations to bear upon each case. I viewed this as a positive process to a majority opinion, whether I agreed with it or not. I still enjoy an amazingly comfortable feeling when I think of the vigorous arguments we had over issues in case conferences, but without any diatribes or vicious personal entanglements. I like to think that this level of collegiality was a product of dignity, civility and legal scholarship. I cherish almost every minute I served on the Court - even the many challenging events which had to be met and resolved. Life needs some spice. Even the tragedies can bring enhanced appreciation of all that has passed our way and all that the future may hold - but I grow too philosophical.

Justice Coleman:

While speaking of collegiality in the Court, I should report that we met on a personal basis at times in the homes of members. I remember one especially beautiful experience which was not in a member's home, but in the former home of the Edsel Ford family. Justice Williams arranged for the use of the home for three days. The justices met in a rather isolated room each day as a kind of "think tank". We tried to envision plans for the future of Michigan courts, especially of the Supreme Court, the Office of Court Administrator and other facets of our responsibilities. We

even tried to conjure up a new approach to obtaining a new building.

Land had been purchased for a court building many years before. When I had asked for a small appropriation to commence planning, it was refused, so we continue to this day in inadequate "temporary" quarters. The University of Michigan School of Architecture assumed such a building as a project while I was Chief Justice. The students designed not only the exterior, but the interior placement of necessary quarters. They considered whether the Court of Appeals and/or the Attorney General's offices should be included. They made mock-ups of their various ideas and displayed them in the Supreme Court's reception room - and they won the national competition of student architects.

Justice Williams had the pleasure of going to New York to receive the award in 1983. I think I have expanded too freely upon this one subject discussed in the Ford home. Aside from work, we enjoyed a social aspect of this experience when our spouses would join us in the evening for a delicious meal and conversation before fires burning in each fireplace before retiring to our respective bedrooms. There were just enough for all of us. On Valentine Day, my husband Creighton and I hosted a formal, beautifully catered dinner. I even was so bold as to write poetry about each justice which I ambitiously tried to make humorous. Each day was a productive and happy experience.

For the most part, the Court staff shared the justices' good humor. I will share one example. When the Court in conference would be arguing about some issue, about which Charles Levin felt particularly strong, he had a habit of rocking back and forth in his swivel chair. On two occasions, he rocked so vigorously that the chair, with him in it, toppled over backwards.

Each time, we called the Crier to assess the damage to the chair while we assessed the damage to the justice. One day, when we came together in Lansing for a case conference, Justice Levin found a seatbelt attached to the arms of his chair and a motorcycle helmet in the seat. This turned out to be the work of Phil Sprague, the Crier. It started the day with a good laugh. I do not recall further such hazardous problems after that creative joke.

Justice Coleman:

On a more serious subject, when it was suggested that I speak of some other areas of importance to me, the subject of "children" was mentioned. Somehow, I have strayed far, but that is a subject dear to my heart and of continuing interest. I do want to tell about the remarkable work of some remarkable people who comprised the interdisciplinary membership of the so-called "Coleman Commission". They chose the name, probably because I appointed them, but I am proud of it. They were charged with identifying and proposing recommendations to remove the road-blocks to the permanent placement of children, some of whom had been "caught in the system" for years. They had been removed from their own homes, but never placed permanently in anybody's home. The termination of parental rights was postponed for years in some courts and for varying reasons cutting across agencies and other disciplines.

The role of the judiciary in timely permanency planning cannot be overlooked. One case which confronted our Court - and over which I spent an inordinate amount of time - concerned a child who had been placed in an adoptive home after parental rights were terminated (and after much

family assistance had previously been given). This child was truly "caught in the system". After the adoption, the biological mother appealed to a federal court, then the case came back to our Court and then back to the federal court until eight years later, a settlement of a sort was reached. Of course, in each court proceeding, much time was consumed with briefing, calendaring and the usual slow court process. After eight years, the child's roots were deep in the admittedly wonderful home of the adoptive parents, so that was a positive.

It remains my strong belief that the courts must be geared to a timely disposition of abuse and neglect cases and that appellate courts, although deluged with too many cases, must place children's matters at the top of the agenda and the matters decided as quickly as possible. Some progress has been made, but much remains to be done. The Legislature has passed some of the Coleman Commission recommendations, and the Supreme Court has passed some recommended rules. The agencies need funding in some areas and this always is a problem, but they are making progress. County Commissions have been brought into the process, as well as lay citizens. I could tell dozens of stories about families I have known through the judicial system and the fate of their children, and they may have shed more light on the monumental problems that these generalities, but time is my enemy.

Justice Coleman:

On another subject, I want to give some accolades to some splendid workers in the life of the law and of the courts. One well-deserved salutation must go to Justice James Ryan, now a judge on the Federal court of Appeals, 6th Circuit. Not only did he head the Michigan Judicial Institute which reached out to educate judges and other members of the judicial system, but when I asked, he accepted the awesome task of supervision of the reorganization of the Wayne County and Detroit courts as mandated by the state funding of court statutes. I know from personal experience that it was an incredibly difficult, even chaotic task. I doubt that anyone else could have been so successful.

I also would be remiss in failing to commend the work and implementation of the recommendations of rules committees. We now have nationally respected Rules of Criminal Procedure. Obviously, we had to have a committee on Rules of Civil Procedure. This committee also proved to be of high level excellence - even when faced with the seemingly impossible task of keeping up with the demands emerging from our Supreme Court opinions which set forth new concepts or twists in previously accepted interpretations of statutes and common law. Release of such opinions demanded immediate guidelines.

Speedy work by the committee and adjustments leading to the adoption of the rules were necessary. The committees on Probate and Juvenile Court procedures also worked diligently and productively. There is much more that could be told about the efforts to smooth the way for lawyers and judges and citizens before the courts. Perhaps some mention should be made of some developments. For instance, in contrast to prior hostile meetings of some Supreme Court members with judges of the various courts, we seemed to have achieved a feeling of good will and even friendship which helped us over many difficulties.

Justice Coleman:

This may be a good time to make a personal observation and add a note to a comment I made

earlier about the promise of the Probate and Juvenile Court judges to help me win election to this Court, regardless of their political proclivities. I failed to add that they were true to their promise. Some good stories could be told, but time does not permit. I give them great credit for my nomination and election not only in the 1972 but also in the 1980 campaigns. Finally, I want to acknowledge that life, taken as a whole, has been very good to me despite early traumas and post-retirement attacks on our health, bringing new challenges.

I consider a good life not to be an easy life, but one which includes stimulation by confrontation of whatever challenges fate sends our way. As I look far back, we were very poor financially and the means by which we coped is a story in itself. However, I always have felt that my parents gave me a life rich in love and the belief that any honorable undertaking should be pursued thoroughly, but with dignity and integrity. I can remember no unkind word about a person's color or ethnic background, so I grew up with no prejudices of that nature. I think that this background has enhanced my pleasure in traveling later in life to many countries and enjoying the people of various races and traditions. At home, it has helped me to enjoy people of many different backgrounds.

I also am aware that I have been fortunate to have had unsought - and even undeserved - opportunities come my way which I had only to seize and then work hard to realize their potential. I have a wonderful husband who has been supportive in all of my undertakings. We have two loving daughters who are excellent physicians and we have three grandchildren who, of course, are superior in every way. The friendship and loyalty of good friends cannot be matched.

The opportunities to have experienced and been a part of many worlds do not come to many. Each day has been a learning experience which continues into this so-called retirement - another new world filled with new challenges. I am deeply grateful for my life of many dimensions and opportunities to know people different from me. They have broadened my understanding and appreciation of the varied qualities of the human race and the workings of the human mind wherever found - in the little traveled places in remote spots of the world, in great metropolitan and commercial cities - and even in our own Supreme Court!