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A TRIBUTE TO PROFESSOR EDWARD J. LITTLEJOHN

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I am privileged to be invited to pay tribute to my good friend and colleague Ed Littlejohn. Scholar, respected teacher, public servant, pioneer, humanist, historian, art collector – Ed is clearly all of these things, and more. Many people whose lives he has touched have seen only a few of his remarkable qualities. I have had exposure to them all and it is fair to say that our law faculty, like most others, has seldom been blessed with a man of such depth and human understanding.

Ed Littlejohn is first and foremost a decent human being, who has time for everyone, regardless of life's station, and who is held in the highest regard by his colleagues and community. His credentials include an endless list of recognitions and awards for notable achievements in public and private life. Three themes stand out among them: excellence, justice, and quality. These themes depict the essence of his life's work.

Ed began his pursuit of a career in law with an uncommon dedication to excellence, graduating second in his class from the Detroit College of Law in 1970, after receiving an array of scholarships, honors, and course awards. The College made him a member of their faculty immediately upon graduation, an appointment seldom made within the field of American legal education. Two years later, the College's loss was Wayne State University's gain, when Ed joined the Wayne law faculty and accepted the post of Assistant Dean.

Temporarily returning to academic studies the following year,

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Ed attended the graduate law program at Columbia University, receiving his L.L.M. in 1974, followed by further study and the receipt of the Doctors of Laws (J.S.D.) in 1982, the highest degree awarded in legal education. Few members of the Wayne law faculty, or others, have committed themselves to the rigors in legal studies necessary to be awarded the distinguished Doctors of Laws degree.

Ed's early focus was upon change in society in furtherance of social justice. One of his first publications is entitled *The Efficacy of Law in Promoting Social Change: For Lawyers*.¹ In this article, he perceptively analyzes the role of law in governing societal behavior and concludes that there are limits to the efficacy of law in eradicating institutional racism in the American society:

A modern view of social change recognizes that in complex societies many factors shape attitudes and direct behavior. The process of change is itself very complicated, involving numerous variables which must be taken into account before conscious action is taken. Increasingly, law is the mechanism by which societies direct change and meet new problems. Law provides an effective means for the realization of desirable social interests, particularly in circumstances where private interests are in conflict. However, law, like other social phenomenon, has its limits. Major social change, change which involves a radical departure from the customs or values institutionalized in the behavioral patterns in a society, is unlikely to occur as a result of the lawmaking process itself. Many factors enter into the balance between the interests maintaining established practices and those compelling change. American race relations, when viewed in this regard, imply that institutionalized racism will be eradicated only when the valued social interests associated with it are sufficiently

1. Edward J. Littlejohn, *The Efficacy of Law in Promoting Social Change: For Lawyers*, 1976 DET. C.L. REV. 23.

threatened by its continuation. Perhaps in the final analysis this suggests that our society demands too much of law and its lawyers, and too little of its behavioral scientists.²

Publications followed focusing upon the relationship between the police and the community. Their titles are illustrative of his willingness to be in the forefront in grappling with one of the most pressing social issues of our time, police misconduct: *The Cries of the Wounded: A History of Police Misconduct in Detroit*,³ *Civil Liability and the Police Officer: The Need for New Deterrents to Police Misconduct*,⁴ and *The Civilian Police Commission: A Deterrent of Police Misconduct*.⁵ Professor Littlejohn describes the importance of his pioneering scholarship to the field of human rights and the complexities faced in addressing the police misconduct issue in the following way:

The first article, *The Cries of the Wounded: A History of Police Misconduct in Detroit*, is a representative history of police misconduct in a major urban community. Comprehensive histories of police-community relations in most, if not all, major urban cities, like police misconduct itself, are undocumented. Yet the history of police-citizen relations in a particular community has an important correlation to current attitudes and behavior patterns which in turn affect the efficacy of remedies available to combat police misconduct.

....

The second article, *Civil Liability and the Police Officer: The Need for New Deterrents to Police Conduct*, analyzes the

2. *Id.* at 51.

3. Edward J. Littlejohn, *The Cries of the Wounded: A History of Police Misconduct in Detroit*, 59 U. DET. J. URB. L. 177 (1981).

4. Edward J. Littlejohn, *Civil Liability and the Police Officer: The Need for New Deterrents to Police Misconduct*, 59 U. DET. J. URB. L. 365 (1981).

5. Edward J. Littlejohn, *The Civilian Police Commission: A Deterrent of Police Misconduct*, 59 U. DET. J. URB. L. 5 (1981).

efficacy of tort law and civil liability in the redress and control of police misconduct. A contemporary view of urban societies recognizes that many factors, including the directive powers of government and law, shape attitudes and direct behavior. Increasingly, however, law is the mechanism by which societies are meeting new problems as it can be an effective means for the realization of desirable social interests. However, law, like other social phenomenon, has its limits. . . . Police, because of their position and influence within the criminal justice system as well as in the communities in which they work, present special problems when the law is directed toward them. They have developed strong resiliency against pressures to control their abusive behavior due in part to their long histories of conflict with urban groups they consider outcasts.

....

The third article, *The Civilian Police Commission: A Deterrent to Police Misconduct*, evaluates administrative alternatives to civil litigation as deterrents to police misconduct. . . .

....

The dearth of experientially based studies about citizen complaint processes is in large measure the result of the long-standing inability of researchers to acquire accurate and detailed data from police departments. Often, records are not maintained. When kept, they are frequently distorted, lack the continuity necessary to discern patterns of conduct, and are invariably unavailable to "outsiders." If a "Blue Curtain" exists, and it surely does, it is most evident when a citizen alleges, or wishes to investigate, wrong-doing by a police officer. As a result, the police in many communities are insulated from routine accountability to the citizens who employ them.⁶

6. Edward J. Littlejohn, *Law and Police Misconduct*, 58 U. DET. J. URB. L.

In more recent years, Ed's focus turned to the contributions of African Americans to the Michigan legal system: *Black Law Professors: A Past . . . A Future?*,⁷ *Black Lawyers, Law Practice, and Bar Associations - 1844 to 1970: A Michigan History*,⁸ *African American Lawyers in Nineteenth Century Michigan*,⁹ to name several important articles. Ed's initiative culminated in the establishment of The Damon J. Keith Law Collection of African-American Legal History - perhaps his greatest legacy.

Professor Littlejohn's performance in the classroom has equaled the high standards set by his scholarship. He is respected as an excellent teacher by Wayne law students and is known for his ability to bring practical everyday problems into classroom discussions. It is, therefore, most appropriate that in 1994 Ed was awarded the Donald H. Gordon Excellence in Teaching Award by the Wayne Law School Alumni.

Ed's writings and teaching reflect a deep and personal understanding of the history, conditions, and attitudes of the African American community, which shaped his life and where he worked uplifting others before and during his exceptional legal career. Beginning in the late 1950's and throughout the 1960's, Ed was a community service worker for the City of Detroit, first as a caseworker in the Department of Public Welfare, and later as an Administrative Assistant in the City of Detroit Youth Commission. My first exposure to his talents and widespread respect came in 1969, when as a new member of the Wayne Law faculty, I represented the Law School in Model Cities activities. Ed was serving as Head Technical Assistant to the Citizens Governing Board, while still a student at the Detroit College of Law; later, he

173, 176 (1981).

7. Edward J. Littlejohn, *Black Law Professors: A Past . . . A Future?*, 64 MICH. B.J. 539 (1985).

8. Edward J. Littlejohn & Donald L. Hobson, *Black Lawyers, Law Practice, and Bar Associations - 1844 to 1970: A Michigan History*, 33 WAYNE L. REV. 1625 (1987).

9. Edward J. Littlejohn, *African-American Lawyers in Nineteenth Century Michigan*, 73 Mich. B.J. 290 (1994).

served as a member of the Board. These were troubling times in the City of Detroit, only two years after the riot of 1967. A struggle over policy and control existed between the Citizens Governing Board and the City agency administering the program. The outcome produced few winners, but Ed Littlejohn gained the admiration and respect of all involved for his persistent efforts to bring intelligence and reason to resolving the bitter conflict. During the 1970's and 1980's, Ed served in a number of positions for the City of Detroit and State of Michigan with respect to safeguarding human rights. In particular, during 1974-78 he served as member of the Board of Police Commissioners, City of Detroit, as Vice Chair from 1976-77 and Chair from 1977-78 by Appointment of Mayor Coleman A. Young. He currently serves as Chair of the Board of Ethics, City of Detroit, by Appointment of Mayor Dennis W. Archer. Throughout his long history of public service, Ed has found the time to establish himself as one of Detroit's leading collectors of African American art. Along with others, he has made a major art contribution to the African American collection of the Detroit Institute of Arts.

The creation of the Damon J. Keith Law Collection is, perhaps, Ed's greatest triumph and most important legacy. When Ed co-published the article, *Black Lawyers, Law Practice, and Bar Associations - 1844 to 1970: A Michigan History*,¹⁰ in a special edition of the *Wayne Law Review*, it sparked much interest among lawyers and scholars since it was the first exposition of the history of African-American lawyers and judges in Michigan. He encountered difficulty in gathering complete information on the state's African-American lawyers and judges. Records, documents, and information were not available in any one place. Institutional records, when they could be found, were fragmented, incomplete, and often inaccurate. As a result, Professor Littlejohn was required to accumulate information about African-American lawyers, judges, and cases from many sources: university and public archives, newspaper and magazine morgues, bar association records, law

10. See Littlejohn & Hobson, *supra* note 8 and accompanying text.

school records, and historical publications. While these resources were helpful, they were often incomplete. As his research proceeded, Professor Littlejohn recognized the need for a central depository of complete and accurate data. The creation of the Damon J. Keith Law Collection was established to meet this need.

The Collection, located at the Wayne State University Archives of Labor and Urban Affairs, Walter P. Reuther Library, brings together for the first time the substantial historical accomplishments of African-American lawyers and judges. An integral part of the Damon J. Keith Law Collection is Ed's personal collection, amassed over a five-year period, which includes oral histories with lawyers and the families of deceased lawyers, documents, memorabilia, photographs, copies of scrapbooks, and other material. There are files on virtually every African-American lawyer and judge in Michigan between 1870 and 1970, and legal documents signed by the country's earliest African-American lawyers. United States Court of Appeals Judge Damon J. Keith's record in civil rights and constitutional law, both as a lawyer and a judge, is legendary. His important records and photo collection are a prominent part of the collection. Ernest Goodman and former Congressman George W. Crockett, Jr., who together formed the first racially integrated law firm in the United States in Detroit in 1950, have donated their invaluable legal records. Sheila Murphy Cockrel, widow of prominent Detroit lawyer and political leader Kenneth Cockrel, has donated her husband's papers as well. These contributions give national importance to the Damon J. Keith Law Collection.

No tribute would be complete without including the words of esteem which Judge Keith has for Ed Littlejohn:

Professor Edward J. Littlejohn is not only a great friend, but is also a man whom I truly respect for his scholarship, his tremendous commitment to justice, and his overall view of fairness.

When I was on the U.S. District Court and Ed Littlejohn was teaching on the faculty at the Detroit College

of Law, I tried to persuade the Dean of the Law School to give Ed a leave of absence so he could be my law clerk. I remember the Dean's admonition to me. He said: "Damon, Ed is needed at the Detroit College of Law so that our young students and the faculty can learn from his brilliance and his scholarship."

Ed will always have a special place in my heart not only for his outstanding scholarly accomplishments but also because it was through his vision that the Damon J. Keith Law Collection of African-American Legal History was established at Wayne State University. He has been one of the few American Legal Professors to research the history of the African-American Lawyer and Judge. As a result of Professor Littlejohn's focus on the black lawyer and his commitment to the Keith Collection, the collection, as of October 31, 1996, has raised in excess of \$875,000.00 This figure is still growing as people continue to contribute to this worthy cause. Just recently, on December 2, 1996, Judge A. Leon Higginbotham, Jr. appeared at Wayne State University to promote the Keith Collection and lecture on his new book *Shades of Freedom*. All of this would not have been possible if Professor Littlejohn had not recognized a void in American Legal History that existed in regards to African-American lawyers, legal scholars, and judges and set out to fill that void through his hard work, dedication, and insight.

I have talked to a number of Ed's students and they tell me that as a professor, Ed has an adventurous mind and utilizes logic without fear or favor. They tell me that he pushes both his students and his profession to give their intellectual best.

I talk about Ed's students because they are a significant measure of his success. It is obvious that he has captured their respect and admiration and that he has motivated them to live up to their full potential. They have recognized, what all of us in the Detroit Legal Community have known

for a long time, that Edward Littlejohn possesses a brilliant mind and is strongly committed to teaching.

We all recognize that the law is used to attempt to solve human problems. I firmly believe that no one has been better able to convey an understanding of how the law should be used to solve such problems than Edward J. Littlejohn.

Congratulations. I salute him, I treasure his friendship and I wish him well.¹¹

The Wayne law faculty is pleased that Ed has accepted Professor Emeritus status and will continue to be among us. His presence will enrich the future life of the Law School and assure that the wisdom and foresight that we have come to receive from Ed will not be lost at a time when new opportunities lie ahead for the School.

11. Facsimile correspondence from the Honorable Damon J. Keith, Senior Judge, United States Court of Appeals for the Sixth Circuit, to John E. Mogk, Professor, Wayne State University Law School (Dec. 6, 1996) (on file with *The Wayne Law Review*).