

JUSTICE THOMAS M. KAVANAGH
Portrait Presentation
M.R. Vol. 408

PRESENTATION OF THE PORTRAIT
OF
THOMAS M. KAVANAGH

JUNE 17, 1980

CHIEF JUSTICE COLEMAN: Good afternoon. The Supreme Court has convened into special session to honor the memory of former Chief Justice of this Court, THOMAS MATTHEW KAVANAGH.

This will be an informal session of family and a beautiful group of family I see, and friends, admirers of former Justice KAVANAGH.

I want you to be informal if you will. And to relax, and I hope enjoy the afternoon's session. You're our guests and we want you to be comfortable and feel free to speak if you wish to speak later on.

The focus of the presentation is an oil painting which will be presented of the likeness of the late Justice KAVANAGH. Members of the family arranged for it to be painted by Joseph DuMont, a well-known Lansing artist. It is to be given to the Court to hold in trust for the People of the State of Michigan.

At the outset I would like to acknowledge the presence of the family as we have before. And I want you all to know them a little later on. The first speaker of today's session will be Dean S. Lewis, who is president-elect of the State Bar of Michigan. Mr. Lewis?

MR. LEWIS: Being informal, I will dispense with the, "May it please the Court".

Integrity, loyalty and long-abiding concern for human beings. These terms of endearment have become synonymous with THOMAS M. KAVANAGH. Long known for his deep and sincere and lasting concern over the judicial branch of

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On behalf of the State Bar of Michigan I am honored and proud to participate in this dedication ceremony and pay tribute to one of our brothers of the bar. Thank you.

CHIEF JUSTICE COLEMAN: Thank you very much, Mr. Lewis.

I'd like to call at this time on Tom Baker, Justice KAVANAGH'S son-in-law, so that he may introduce the family members present and also any special guests he'd particularly like to mention, which will be a little difficult, I suppose.

MR. BAKER: Thank you, Madam Chief Justice. Talking about Tom being the kid from Carson City, Danny Wiess always referred to him as "the fat kid from the creamery". I think many of you remember Danny Wiess and his humor.

It certainly pleases the family very much to be able to do this for the Court. I think it's an outstanding picture of Tom. I think the artist captured him very well. So at this time, I'd like to introduce Mr. and Mrs. Don Closser, Doris Jean, their oldest child Kathy, and Aaron, the first great-grandchild. Tim, who was unable to be here. Sherry, Tom, Colleen. And that's it for the Clossers. Now—oh Julie, where's Julie? I'm sorry Julie. I guess it is informal, I've got it written down too.

Now, Mr. and Mrs. Owen Keane, Patty Ann, their children Meg, Mary Therese, Lisa, Billy, Susie, and Eileen.

And now for the planned family. We planned on two, but we have ten. My wife Donna. I think I can get through these okay without notes. Jeanie, Mike, Pat, Sue, Mark, Tom and Teresa, Mary Jo, Ann and Jim. Is that it?

CHIEF JUSTICE COLEMAN: Do I understand there's 20 grandchildren here today?

MR. BAKER: Twenty-four.

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MR. BAKER: This person's name has been mentioned, but I would like to introduce him because they are very good friends, and also neighbors, and the artist, Joe and his wife Charlene DuMont.

CHIEF JUSTICE COLEMAN: It's a pleasure to have you with us.

MR. BAKER: And Kathleen, the fourth daughter, and Michele. They weren't supposed to be here.

CHIEF JUSTICE COLEMAN: Well, I'm glad they're here.

MR. BAKER: We're certainly glad they're here though.

Julian Joseph, who is the Supreme Director, representing the Supreme Knights. Where's Julian? There he is right there. Also past State Deputy.

John and Helen Matthews from the Upper Peninsula. Also past State Deputy of the Knights of Columbus.

CHIEF JUSTICE COLEMAN: You've come a long way. You're welcome.

MR. BAKER: And Vince O'Meara, past State Deputy of the Knights of Columbus.

And Bill and Joan Walsh; Bill is the current State Deputy for the Knights of Columbus.

CHIEF JUSTICE COLEMAN: Well represented.

MR. BAKER: I might just say that when we lost Tom and Agnes in ten months, as well as losing good in-laws and parents and grandparents, I certainly lost some friends too. So thank you all.

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MR. LAWRENCE KAVANAGH: Honorable Court, I'd like to introduce my sister Shelia Fitzpatrick. Her husband Joseph isn't here today; he's sick. Martha Moran, and Catherine McKenna and her husband Francis McKenna. And especially my wife, Helen Kavanagh. Thank you very much.

CHIEF JUSTICE COLEMAN: Thank you all so much. We're certainly honored to have such a wonderful representation from the family.

May I ask if Margaret Prescott is here? I've asked because she was a long-time secretary of Justice KAVANAGH, and I thought she might be here.

At this time I'll call on Justice G. MENNEN WILLIAMS to make our formal presentation.

JUSTICE WILLIAMS: Madam Chief Justice, before I avert to these formal remarks, I must admit that it seems to me it would be more appropriate, rather than dedicating a portrait, if we decided to name a county. Maybe we'd put the people from the Upper Peninsula out of business by naming a new state.

THOMAS MATTHEW KAVANAGH never, to my knowledge, did anything halfheartedly. He went all out all of the time and put his whole heart into whatever he was doing.

When I was Governor I had occasion to help the Democratic Convention choose a new candidate for Attorney General. I worked out a man-killing series of calls for the new candidate to make on various leadership centers, all over the state, so as to broaden his pre-convention familiarity and support. Unfortunately, a number of emergencies precluded my meeting with the prospective candidate until a relatively few days before the convention. When I met with Tom KAVANAGH and apologized for the impossible length of the list, and the fact that it would require him to travel so far, he wasn't a bit daunted. He actually completed the whole list and made a number of additional leadership meetings

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Tom KAVANAGH was an excellent lawyer of the old school. He had a close working familiarity with the Michigan Reports and always had the pertinent case ready at hand. Beyond that he had a practical understanding of the workings of the law from first-hand practice from Detroit to the small towns of Michigan.

After getting his law degree from the University of Detroit he practiced in Detroit for three years before returning to Carson City. There he served as both City Attorney and City Clerk as well as engaging in private practice.

TOM KAVANAGH was twice elected Attorney General, in 1954 and 1956. There he established a modern hard-hitting organization and insisted on excellence in the opinions of the Attorney General. As a member of the State Administrative Board, as well as Attorney General, he was a close personal advisor to the Governor, and I can tell you his advice was respected and listened to.

TOM KAVANAGH knew the practice of the law from the ground up, and no one could get away with anything with him. When he first became Attorney General, some of the staff members tried to ingratiate themselves with their new boss. One was so injudicious as to boast, "Mr. Attorney General, in my trial experience, I've never lost a case". To which the new Attorney General immediately replied, "If you've never lost a case, sir, you haven't tried very many".

In 1957, TOM KAVANAGH was elected to the Michigan Supreme Court and re-elected in 1966. He was three times selected by his colleagues to be Chief Justice and served from 1964 to 1966 and 1971 to 1975. He was a hard-driving chief executive seeking to maintain the independent dignity of the judicial branch and to make the Michigan Supreme Court the best in the country. TOM KAVANAGH believed in opinions that were clear and informative to bench and bar, and in them he expressed his love of humanity and his respect for the law. In addition, he believed in short opinions. As a freshman Justice, I continually

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TOM KAVANAGH was ahead of his time in trying to effectuate the separate statewide independence of the judicial system that the 1963 Constitution commands. When I was first on the Court he delivered an especially well-reasoned and hard-hitting State of the Judiciary Message to the Legislature in which he set forth all that an integrated statewide Judiciary could accomplish. He ended by requesting an automatic 3% of the state budget be set aside for the statewide judiciary, to be managed by the Supreme Court. Incidentally, we presently get less than 1/2 of 1% which we justify item-by-item. Chief Justice KAVANAGH was particularly hopeful of the brilliant future for the Michigan court system that this provision promised. It was therefore an extraordinarily rude shock to him when the chairman of the Senate Finance Committee, jovial Senator Zollar, went out of his way to compliment the Chief Justice on his State of the Judiciary Message by saying it was exceptionally good and persuasive, except for the 3%. The Chief Justice never heard the end of the 3% automatic appropriation from the legislators, proud and jealous of their appropriations prerogative. It was indeed a good idea, but one whose time had not yet come.

By now I'm sure all of my listeners are ready for me to tell you that law was the great love of TOM KAVANAGH'S life. However, that was not the case. TOM KAVANAGH dearly loved the law and was devoted to it, but he had two greater loves. Without a doubt TOM KAVANAGH'S greatest loves were the church and his family.

While I have known many outstanding exemplars of every faith and denomination, Agnes and TOM KAVANAGH took second place to none of them. TOM KAVANAGH was a devout and dedicated Catholic. His faith was a beauty to behold. He was constant and rigorous in worship and he loved and supported his church. Tom was tolerant of us Protestants too, but he really used to kid me that it took an Episcopalian Governor after so many Catholics to introduce an invocation before the commencement of State Administrative Board meetings.

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Tom adored his family and was inseparable from them. He and his lovely wife Agnes had four beautiful daughters—did I get that right, Tom?—who gave Agnes and Tom 24 wonderful grandchildren, most of whom we've seen today. They were a close-knit family that loved being together and gave each other great affection and mutual support. It would be a better America and a better world if more families were like Tom's.

TOM KAVANAGH'S driving personality spilled over into sports. While I don't have too many details about his football career, I know I would rather have played on his team than against him. As Attorney General he played on the office's bowling team and actually did so even while on the Supreme Court until shortly before his death. One of his teammates advised me that the character of his bowling could be derived from the fact that he believed and insisted that every member of the team believe and play as though every split was makable. He was a hard-hitting golfer but I'm not sure he was insistent that every 30-foot putt was sinkable.

While I said the law wasn't TOM KAVANAGH'S first love, I can vouch that it was constantly on his mind. When I paid my last farewell to Tom on his dying bed, he took my hand and his last words to me were to stick on the Court.

So it is with pride and emotion that I accepted Tom's family's request to say a few words about him and to present the portrait of him that they so generously and proudly give to the State of Michigan, that THOMAS M. KAVANAGH so long and so well served. May all of us who see it be inspired by his good life and works.

CHIEF JUSTICE COLEMAN: Thank you, Justice WILLIAMS. On behalf of the Court I do gratefully accept the portrait which will hang in this Courtroom. You will notice that there are two portraits hanging here. They have been presented to the Court on behalf of two of our last four Chief Justices, not sitting at this

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acquire. We are also engaged in, and I think just about have completed the renovation of many of our older portraits, some of them a hundred years old or so. We do hope to preserve and add to history, as judicial history is added to the history of Michigan, much in the same way as the portraits of Governors are obtained and hung in the Capitol.

So we are indeed very proud and honored and pleased that you have presented the portrait to us. And now we just can't wait to see it. I have not seen it myself, and I think none of us here have.

(The portrait was unveiled by the court officer.)

Mr. DuMont, you have captured him just as if he were about to speak to us. And I am most pleased with it. I had heard that it was an excellent portrait, and indeed it is. We are grateful to all of you.

We have a reception which will follow, but I do want to recognize a few other people who are in the courtroom. I believe there is no other former Justice of this Court present. If I have not seen one who is here, stand and be recognized, if you would. I guess not. I see one of THOMAS MATTHEW KAVANAGH'S other colleagues of many years, Judge Horace Gilmore. Would you like to say a few words, Horace? I believe you were his deputy.

JUDGE GILMORE: I was his deputy, and I did not come prepared to speak.

CHIEF JUSTICE COLEMAN: That's the best kind.

JUDGE GILMORE: That's the best kind. I do want to say though that I was closely associated with Tom from 1954 until the time of his death. Two years as his deputy, and then of course the rest of the time as a circuit judge when he was in the Supreme Court.

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CHIEF JUSTICE COLEMAN: Thank you very much. And from the Attorney General's office we have the Solicitor General with us, Bob Derengoski.

MR. ROBERT A. DERENGOSKI: Chief Justice COLEMAN, members of the Court, and members of Justice KAVANAGH'S family.

I first knew Justice KAVANAGH shortly after the election of 1954 and right off the bat I found out that this is a man who does not equivocate, he had deep and intense feelings on many things, and he let no time go to waste in telling you about them. I don't know if I have ever met a man who had such depth of devotion to the various causes that he espoused. To his family, to his faith, to his party, and to the Court. The very depth of his feelings and I forgot to mention the U. of D.—the very depth of his feelings at times made us tweak him a bit to get a proper response, and it was really a delightful occasion. I'll never forget the time when urban renewal was a big thing, and we were sitting around the table—I won't tell you where—and discussing urban renewal and what it would do to Detroit. When I remarked that I had heard that they were going to make a parking lot out of the U. of D., that was quite an evening!

As Justice WILLIAMS mentioned, Justice KAVANAGH was an avid athletic fan. I bowled with him on that same bowling team for many, many years. He was a poor loser. A very gracious winner, but a very poor loser. I have never seen a competitor such as that. They were kidding him one day about his style. After all the Judge was, you know, of portly build, and his style of bowling was in conformity therewith. I bowled behind him. And I couldn't resist it; he came over and hollered, he says, "Does it bother you to bowl behind me?" And I said, "No, Judge, not if I don't look at you."

But I would like to say that it was a tremendous privilege knowing this man. I say he was a poor loser, but that only bespoke the depth of his feelings in all of these areas which I mentioned. Thank you for letting me be here today to speak of him.

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MR. SULLIVAN: I'd like to give that some thought before I answer that.

CHIEF JUSTICE COLEMAN: Excellent. Michael Franck, the Director of the State Bar, is here. I think the presiding Bishop of Lansing is here, Bishop Povish? Yes. And I see some other members of the clergy. Is Bishop Sullivan here? I don't know all of you by name, but would you stand? Members of the clergy. All right. See, there are three back there. Isn't that marvelous. We're so happy to have you to witness our great respect for our former colleague.

I have one thing I'd like to say, and that is I keep hearing of something, oh lots of things that Justice THOMAS MATTHEW KAVANAGH commenced. In the last State of the Judiciary address, which I gave before the Legislature, I commented that ten years before the moment I was standing there, Justice KAVANAGH had stood in that same spot and urged the Legislature to take measures to reorganize Wayne County and Detroit, and to apply the money, or commence at least the state funding of the Courts. I didn't dare mention that 3%. I knew I wasn't going to get anywhere there, so we had a very modest beginning.

I was hoping that today I could say to you that these bills were well through the Legislature. As it is, they're hung up a bit. I hope that before this session is ended, and the Legislators go home on the 3d of July, that they will have passed. I guess only God knows at this particular point. But I hope that we'll live, and I will be here long enough to see what he has commenced come to pass.

Are there others who feel the spirit moves them to speak to us today? Would you come forward, Mr. Staebler?

MR. STAEBLER: No, I'm not going to speak, I just wanted to call attention to the fact that there's another person here who ought to be introduced, not just because of the spirit of ERA, but because Adelaide Hart, Vice Chairman of the party, was very deeply attached to TOM KAVANAGH, and indeed to the ideals

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JUSTICE WILLIAMS: That's not the way she used to treat me.

CHIEF JUSTICE COLEMAN: Well, enough said, I guess.

I would invite all of you, the Court invites you to have a small repast with us in the lobby, and we will all see you personally outside of these doors.

Just a moment, yes, Mr. Kavanagh?

MR. LAWRENCE KAVANAGH: Yes, I would like to introduce another one of the members of our family of THOMAS M. KAVANAGH, brother of THOMAS KAVANAGH, who came in late. He is my son Thomas, nephew of Justice KAVANAGH.

CHIEF JUSTICE COLEMAN: Marvelous. Well welcome, we're certainly happy to have you with us. It has been a great afternoon, and we will enjoy this beautiful rendition. It is a lovely portrait. We are delighted that all of you could be here. We will see you outside.
