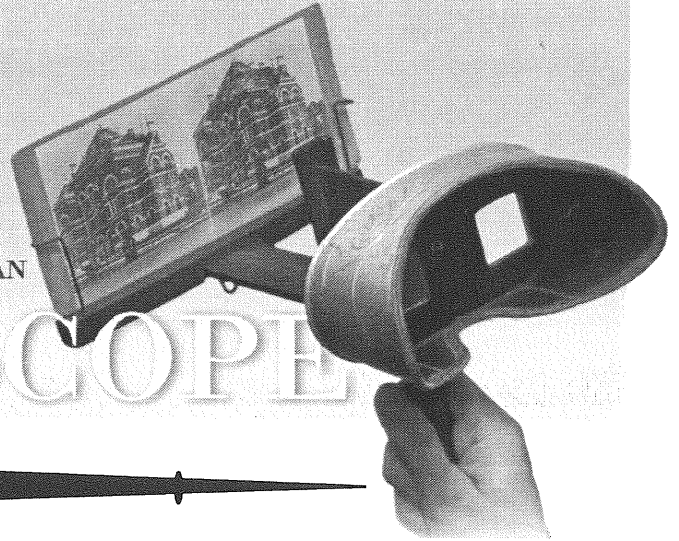


Volume 7 Issue 2

THE JOURNAL OF
THE HISTORICAL SOCIETY
OF THE UNITED STATES
DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN

STEREOSCOPE



Remembering Judge W. Wallace Kent

by Michael A MacDonald

"I wanted to be a lawyer for as long as I can remember."

—Judge W. Wallace Kent

"He was so much what every judge would like to be."

—Wade McCree, Judge, Sixth Circuit Court of Appeals

A Brief Listing of His Accomplishments

William Wallace Kent, the ninth federal judge appointed in the Western District of Michigan, was a lifelong resident of Kalamazoo, Michigan and its surrounding area. As a youngster, he caddied at local golf courses and pedaled a newspaper route. Later, he attended Kalamazoo Central High School, graduating in 1933, and Western Michigan University, graduating in 1937. He was then drawn to the University of Michigan Law School, where he served as Editor of the *Michigan Law Review*, was selected for the Order of the Coif¹ and obtained his Juris Doctorate degree in 1940. With that experience in hand, he returned to Kalamazoo, where he was to maintain a residence for the rest of his life.

Looking to gain courtroom experience, he joined the Kalamazoo County Prosecutor's Office in 1941. In that job, he represented the citizens of the county in a wide variety of state criminal matters. In 1945, he was appointed to the County Prosecutor's position to complete the unexpired term of his predecessor, Raymond Fox, who had been appointed a state probate judge. When that term was

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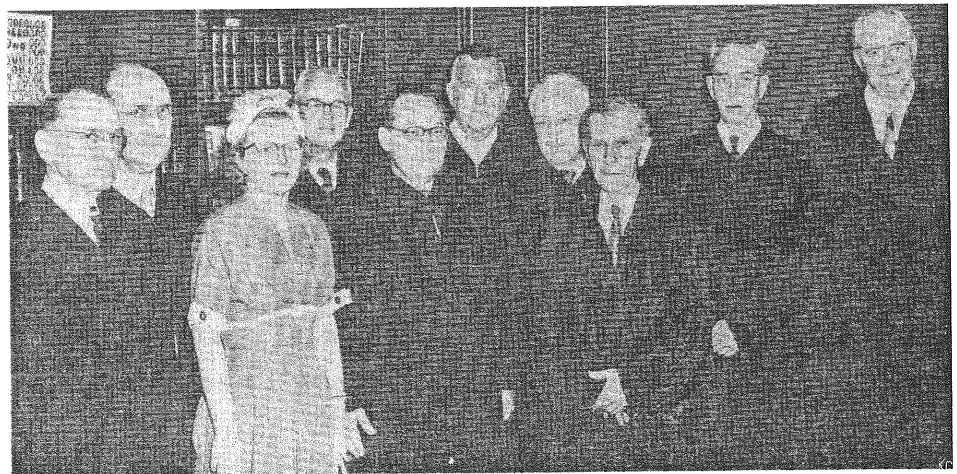
W. Wallace Kent

completed, Wallace Kent turned to a new phase of his career, the private practice of law. From 1946 to 1954, he was in private practice with Kalamazoo attorneys Lynn Mason, Benjamin Wise, and Arthur Stratton.

On March 31, 1954, Michigan's U.S. Senators Charles Potter and Homer Ferguson recommended Kalamazoo attorney W. Wallace Kent to become a United States District Judge for the Western District of Michigan.² On July 1, 1954, President Dwight D. Eisenhower acted on the recommendation and appointed W. Wallace Kent to become the newest member of the federal bench in West Michigan.³ This was a newly created judgeship, marking the first time this District had two sitting district court judges. In a 1956 interview with the *Grand Rapids Press*, Judge Kent observed that one of the greatest challenges for a new judge, who has been an active litigator, was to "keep your mouth shut" until the parties have presented their positions. With the federal court's location in Grand Rapids, Judge Kent became a daily commuter, yet still maintained his strong Kalamazoo ties.⁴

As a district court judge, Judge Kent shared the Grand Rapids Federal Courthouse with District Court Judge Raymond Starr and Circuit Court Judge Thomas Francis McAllister.⁵ In 1961, Judge Kent became Chief Judge of the District Court and arranged in 1963 to open a federal courthouse in Kalamazoo, which needless to say shortened his daily commute.⁶

On December 18, 1970, Judge Kent was appointed to the United States Court of Appeals for the Sixth Circuit by President Richard M. Nixon and was sworn in on January 6, 1971. Judge Kent's appointment was to the



W. Wallace Kent's Induction Into U.S. Judgeship Witnessed by Federal Judiciary Assemblage

Front: Mrs. W. Wallace Kent, Judge Kent, Judge Charles C. Simons Rear: Judges Arthur A. Koscinski, Theodore Levin, Ralph M. Freeman, Thomas P. Thorton, Frank A. Picard, Raymond W. Starr, and Thomas McAllister

Kalamazoo Gazette photo

judicial seat vacated by Judge Bertram T. Combs. Judge Kent enjoyed the collegiality of the Court of Appeals. Much like his time in district court, he found that there was a long-standing tradition that the judges gathered together for lunch on a daily basis.⁷ One feature of the Sixth Circuit has changed since Judge Kent's time. He was known to observe, "We don't criticize district court judges in the Sixth Circuit."

While the details of the selection process are confidential, Judge Kent was considered a "short list" candidate by President Nixon for a vacancy on the United States Supreme Court in 1970. When questioned by his children if he really wanted to be on the Supreme Court, Judge Kent modestly replied, "If the President calls, you don't say no." When pressed further if he was going to be selected, Judge Kent predicted, "I don't think I'm enough of a constructionist." alluding to a popular judicial philosophy. In the end, events proved Judge Kent was right and President Nixon was wrong. W. Wallace Kent was not selected to serve on the Supreme Court. Instead, Harry A. Blackmun was chosen to serve as the newest Supreme Court Justice. As later events revealed, Justice Blackmun proved not to be a "constructionist," to the likely disappointment of President Nixon. Despite not being selected, Judge Kent remained close friends with Justice Potter Stewart, who visited the Kent home on several occasions.

The Personal Side of Judge Kent

On July 7, 1940, shortly after graduating from law school, the young Wallace Kent married an Upper Peninsula girl, LaVerne Fredlund, and took her to live in Kalamazoo, Michigan. According to the *Kalamazoo Gazette*, he met LaVerne on a blind-date picnic, while both were undergraduate students at Western Michigan. There, among his many friends and family members, they started a family which was eventually to include six children (three girls and three boys). His children remember him fondly and provided these anecdotes and stories concerning Kalamazoo's second federal judge.

The pace of life in 1940s Kalamazoo was that of a small town. It seemed like everybody knew everybody. Judge Kent liked to tell the story of the time he went to a community gathering where they were giving out



**Judge W. Wallace Kent Poses with
New U.S. Appeals Court Colleagues**

From Left: Judge Thomas McAllister, Judge Clifford O'Sullivan, Judge Kent, Chief Judge Harry Phillips, Judge Wade McCree Jr., and Judge George Edwards

Kalamazoo Gazette photo

"door prizes." It seemed that one of the prizes was a live calf, which was won by Dr. Frederick Margolis of Kalamazoo.⁸ The doctor had no idea what to do with his new livestock. So Wally Kent offered to put it in the trunk of his car and drive it out to his parents' farm in Comstock, Michigan. Dr. Margolis would often join in the story and comment that he bought his first freezer after winning that door prize calf.⁹

Life in the Kent home was orderly but loving. When this 1950s family sat down to dinner, no one appeared at the table wearing just a t-shirt. As dad went around the dinner table, any slumping child could expect a tap on the shoulder to improve their posture. When it was time to serve the main course, the first portion went to the youngest child, and all succeeding portions followed the ages of the children. This sense of orderliness followed Wallace Kent to the office. He told the children that he never took his suit coat off when working in his office. He was proud to remind them that the local newspaper, the *Kalamazoo Gazette*, had named him "one of the ten best dressed men in Kalamazoo."

As a county prosecutor, Wallace Kent preferred the hands-on approach. He would tell the story of a raid involving a group of police officers, who all gathered around the Kent kitchen table to do their planning. As the meeting progressed, Mrs. Kent provided hot cookies for everyone. As the group left the house, Prosecutor Kent took his German-made handgun along for protection. The officers were impressed that when the



Seated is Louis G. Porter, 18, of Spafford Drive, a student at Western State Teachers College, who was arrested today as the intruder who entered the Weesics home. Assistant prosecutor W. Wallace Kent, left, is questioning him.

Kalamazoo Gazette photo



Judge Kent at a Mason event, September 1960

room full of perpetrators was secured, Wally Kent was right in there keeping a close eye on events. Years later when Judge Kent passed away, the German handgun was found in his office safe. Robert Kent still proudly possesses his dad's handgun and recalls him saying that he never fired it in connection with his work. Robert also recalled his dad saying that there were no valuable papers in that office safe because "with six kids, who has valuables?"

While he was in private practice, Wallace Kent handled a wide variety of cases. One of his most memorable involved a family law practice dispute. It all began with an urgent call to the Kent home at two o'clock in the morning. Much to attorney Kent's surprise, his new client was intent on procuring an immediate divorce. It seemed that the client had strongly-held views on marriage and did not want to delay. In fairly short order, attorney Wally Kent obtained the divorce decree and thereby earned a sizable fee from the now happy client. Considering the money an unexpected windfall, Mr. Kent surprised his wife by flying the couple to Havana, Cuba for a tropical vacation. The vacation was cut short when one of many armed revolts broke out in Cuba. When Wally Kent went to the front desk of the hotel to inquire about the sound of gun shots, the hotel clerk handed him a gun and suggested that he return to his room until things calmed down. Within a few days, Mr. and Mrs. Kent returned to Michigan unharmed. Later, recalling the incident, Judge Kent humorously observed that Cuban elections "were a whole lot more efficient than our elections."

Judge Kent was a long-time member of the Masons fraternal organization. He joined the local Kalamazoo Masonic Lodge in 1945. In 1960, he was appointed the state's Grand Master, which made him the chief functionary of an organization that had 175,000 members in the State of Michigan alone. This led to many meetings and charitable events during that year of leadership and service to the Masons. In 1962, he was voted a "thirty-third degree Mason," which represented the highest level of achievement within the organization.

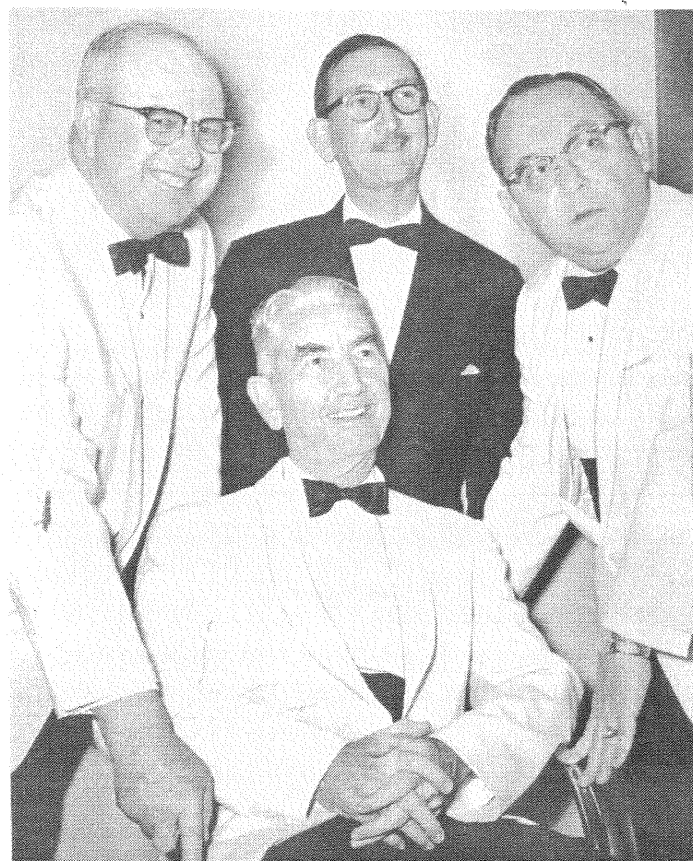
Any practitioner in the Western District of Michigan knows that the size of the district is one of its challenges. A lawyer must be prepared to travel from White Pigeon to Watersmeet (a distance of some 590 miles). After arriving at one of the federal courthouses, that lawyer may encounter potential jurors ranging from businessmen commuting to Chicago to the Finnish miners of the Upper Peninsula. And, you can't really claim to be a veteran of the Western District of Michigan bar until you have traveled to Marquette, Michigan for a January trial.¹⁰ In Marquette, winter fortitude is measured in "yards of snow," not mere feet. And, in Judge Kent's case, that meant traversing the Straits of Mackinac several times a year, before the great Macki-

nac Bridge was built. In the summer, the Kent boys were known to tease their father on the ferry boat ride across the straits, as he had never learned to swim.

A trip to the Upper Peninsula had its rewards. Judge Kent loved the beauty of the pristine woods and Great Lakes vistas. When time allowed, Judge Kent enjoyed Upper Peninsula outdoor activities, such as hunting and fishing. And on one occasion, he found a taste of Hollywood in Marquette, Michigan. In 1957, Upper Peninsula attorney John D. Voelker had been appointed to the Michigan Supreme Court. Then in 1958, Justice Voelker's courtroom novel, *Anatomy of a Murder*, was published, instantly became a national bestseller, and was slated to become a Hollywood movie.¹¹ It so happened that in 1959, while Judge Kent was conducting one of his trial calendars in Marquette, the movie production company hosted a world premier movie party in Marquette. Judge Kent received a copy of the book autographed by Justice Voelker and the entire movie cast. On another of his trips to the Upper Peninsula, Judge Kent was invited to visit the exclusive Huron Mountain Club. His children thought that was pretty impressive for a man whose father-in-law had worked as an Upper Peninsula iron miner.

Judge Kent had a reputation for being the kind of judge who did not take kindly to disruptions or disrespectful behavior. In what is certainly a rare event in the Western District of Michigan, he once had two civil practitioners jailed overnight on a contempt charge. The misguided attorneys were pursuing a slander and denial of civil rights suit on behalf of their client, who was also a close relative to one of the two attorneys. Fearing that Judge Kent was too closely connected to several of the defendants in the civil suit, the plaintiff attorneys filed a motion to disqualify Judge Kent. In ruling on the motion, Judge Kent placed a detailed analysis of the allegations on the record. In the face of this adverse ruling, the plaintiff attorneys precipitously left the courtroom in mid-hearing. When they declined Judge Kent's invitation to return to the hearing, they became "overnight guests" of the United States Marshal.

Judge Kent also apparently took a dim view of tax cheaters. While still in private practice, he was asked to work out the intricacies of filing delayed tax returns for a local businessman. Finding the assignment unsavory, Judge Kent told his children, "I just couldn't



(Standing left to right) Willard Saur, Bertram Jopson, and W.W. Kent. Seated is Justice Tom Clark.

do it." Instead, he advised the client to file the returns "honestly" and to live with the consequences. Years later, Judge Kent found himself once again confronting federal income tax issues. This time, he was presiding over the trial of an Upper Peninsula physician, who was accused of federal tax evasion. The physician's defense attorney proposed to call a full week's worth of character witnesses. Judge Kent proposed to "rein in" the attorney by commenting, "You could call two weeks' worth of character witnesses and not change my opinion; he's a tax cheater."

In 1957, Judge Kent presided over another kind of contempt trial. This one involved an allegation of contempt of Congress. The case arose from a hearing conducted in 1954 by the House Un-American Activities Committee, in special session held in Lansing, Michigan. The defendant, Dr. H. Chandler Davis was a professor of mathematics at the University of Michigan. (The story of the Davis trial was covered extensively in Volume 4, Issue 2 of the *Stereoscope* in an article written by attorney Pat Mears.) When called before the Con-

gressional committee, Dr. Chandler declined to answer any questions about his associations with suspected Communists, asserting a First Amendment right of association. In the end, Dr. Chandler was found guilty of contempt and sentenced to six months in prison.

Judge Kent's reputation was that he ran an orderly courtroom. Newspaper clippings saved by the family prove that point. That's not to say that Judge Kent was without patience. The Kent boys recalled their dad telling the store of a civil trial where one of the parties was represented by an elderly attorney. As the day wore on, the elderly attorney suddenly stood up and left the courtroom without any explanation or warning. Judge Kent stopped the trial and sent his bailiff to inquire about the attorney's health. As it turned out, the elderly attorney was in good health; but, as he explained it to the bailiff, being mostly a state court practitioner, "he had forgotten that you don't have spittoons in federal court."

A federal judge sees a large swath of humanity, from college presidents to common prostitutes. In the 1950s, federal judges were commonly faced with trials concerning interstate prostitution rings, referred to as Mann Act cases. One of Judge Kent's memories involved a trial where the prostitute was asked what she did; and she replied, "I am the white slave," referring to a common slang term for prostitution, "white slavery." Judge Kent further recalled that one of the most distinctive features of this young woman was her bright red hair. Apparently, Judge Kent wasn't the only person to notice the woman's hair color. The next day, Judge Kent's long-time secretary, who traditionally had bright red hair, came to work with a distinctly more muted brunette hair color.

For the first nine years of his judicial career, Judge Kent was a commuter judge. He kept his family home in Kalamazoo and made the daily round trip to the federal courthouse in Grand Rapids. Most of these trips were made prior to the creation of the modern interstate highway. The trip in those days required a daily ninety minutes of travel down two-lane county roads through Plainwell, Martin, Shelbyville, and Wayland (and that was just Allegan County). In the summer, the Judge would take some of the kids on his daily trip. The young Robert Kent remembered that the carpeting in the old federal courthouse had great static electricity,

that he often used to "shock" his little sister. Despite this daily travel, the Judge's children remember that it was a rare occasion that the whole family did not sit down to dinner together.¹²

While Judge Kent had an abiding love for Western Michigan, federal judges are often called to help out in other parts of the United States. While he served on the Court of Appeals, Judge Kent was called to handle some of the many appeals arising from the eminent domain lawsuits that arose from the creation of Cape Canaveral, in Florida, an important part of the nation's space program. He did not look favorably on these lawsuits given the importance of the space program in an era when the United States and Soviet Union were engaged in a "race to space." Another of Judge Kent's cases took him Tennessee. In those days, federal agents were active in suppressing the production of unlicensed liquor (moonshine) in the hills of Appalachia. On this occasion, Judge Kent rode out into the countryside and witnessed the destruction of an illegal liquor "still." While he was willing to tramp through the wild to get there, he remarked that he "drew the line" at sampling the goods. This is not to suggest that Judge Kent was a teetotaler. His family recalled that in the evening, he often enjoyed a glass of scotch as he pursued one of his favorite pastimes, reading the latest in a never-ending pile of books situated by his preferred chair. Judge Kent was reputed to read two books in a single night, often staying up to 2:00 a.m.

It's common knowledge that federal judges are granted great powers. And in that regard, the Kent family still fondly recalls the story of how Judge Kent was personally responsible for Gerald Ford becoming the President of the United States. According to Wally Kent, Congressman Gerald Ford gave some thought to becoming United States District Judge Ford in 1954. In the end, Congressman Ford did not put his name forward for the judgeship. If Gerald Ford had abandoned his Congressional career in 1954, he might never have had the chance to succeed Richard Nixon in the office of President of the United States in 1974.

Even though federal judges have great powers, Judge Kent was a stickler for following the rules. He often reminded his kids of the time he was late for a dinner meeting. Trying to make up for lost time, the Judge pushed his car past the speed limit, only to encounter

a traffic officer. The officer was nonplussed to find that the driver was wearing formal dinner attire, in this case white tie and tails. Sensing he had pulled over a VIP, but not recognizing him, the officer asked Wally Kent what he did for a living. Judge Kent gave him a terse reply that it “doesn’t matter” and urged the officer to finish writing up the speeding ticket. According to their dad, this painful lesson cost him a tidy \$120.¹³

Having a father who sits on the United States Court of Appeals can definitely have an impact on your life. The Kent children recalled having various distinguished guests in their home. Both Congressmen and U.S. Senators were frequent visitors to the Kent dinner table. One of the Kent girls recalled running home from her elementary school for lunch, only to find that her dad and U.S. Supreme Court Justice Tom Clark were already sitting at the kitchen table. Not every memory was as pleasant. There were times when Judge Kent’s life was under a threat and one or more of the kids was escorted to school by his court bailiff. One criminal prisoner liked to send the judge an annual Christmas card, with the inscription, “Wish you were here.”

All three of Judge Kent’s boys served in the United States military. They each recalled that having a federal judge for a father could make your life interesting. The middle Kent son, Eric, was stationed at a remote jungle firebase in Vietnam when his company commander made a highly unusual and unscheduled visit by helicopter. It seemed that nothing upset the military chain of command like a Congressional inquiry. After being hustled into the company commander’s presence, Serviceman Kent was asked if he had applied for an officer’s commission. Eric had to think about that, until he recalled that he had made such an application many months ago, while still in stateside basic training. The commander then demanded to know if Serviceman Kent could shed any light on why Congressman Gerald Ford was making an official inquiry on the status of the Kent application. Possessing his father’s sense of humor, Eric Kent replied, “Oh, they like to play golf together.”¹⁴

Another of the Kent boys recalled his little sister’s excitement resulting from a trip to the Upper Peninsula in which she was allowed to climb through the interior of a B-52 bomber stationed at the K. I. Sawyer Air Force Base. He was pretty certain that only the child of a federal judge would be allowed to get that kind of



The Kent children

close up observation of a military plane designed to deliver a nuclear bomb. His opinion was confirmed only a few months later, during the Cuban Missile Crisis, when he visited the same air base along with his ROTC class and was limited to viewing the B-52 airplanes through binoculars. When he asked his father why there was such a difference in treatment, Judge Kent only commented, “there’s something big going on.”

Even the most mundane community events can become complicated for federal judges. For example, Mrs. Kent was a popular Kalamazoo area Girl Scout leader. Over many years, Mrs. Kent hosted Girl Scout meetings for her daughters’ friends and classmates. To the Kent family, one young girl was memorable because she sold the most cookies of any girl in the troop. To the local newspaper this same girl, the daughter of a Western Michigan University faculty member, was memorable for her role as the victim in one of the most notorious prosecutions of 1960’s Kalamazoo, in the case of *People v. Justin Brocato*, 17 Mich.App. 277, 169 N.W.2d 483 (1969).

The *Brocato* case involved alleged sexual transgressions between “prominent business and professional leaders” in Kalamazoo and a fourteen-year-old female student. The case generated extensive news coverage and frequent “front page” stories. While the prosecution obtained a conviction in the jury trial, the Michigan Court of Appeals was outraged at the cross-examination visited on the defendant.¹⁵ In memorable phrasing, the Court of Appeals wrote, “It is sometimes

said that error 'crept' into the trial of a lawsuit. Not so in the case at bar. It marched in like an army with banners, and trumpets. It was escorted, and emphasized, and aggravated by the attorney for the state." 17 Mich. App. at 290. Having previously served as the Kalamazoo County Prosecutor, Judge Kent must have winced at those words directed at his former office.

An Untimely Death

Judge W. Wallace Kent was only fifty-seven years old when he died of a heart attack on May 28, 1973, leaving behind his widow and their six children. His untimely death caused an outpouring of regrets and condolences from a wide segment of the legal and political communities. Michigan's United States Senator Robert P. Griffin sent a personal note. The Chief Justice of the Supreme Court, Warren E. Burger, also sent a note expressing his "deep regret." Wade McCree, a fellow judge on the Sixth Circuit Court of Appeals sent a hand-written note extolling Judge Kent, "he was so much what every judge would like to be: upright, learned, committed and just." The *Kalamazoo Gazette* ran an article describing his legal opinions as clear and "beautifully written."

At the time of his death, Judge Kent had recently submitted a dissenting opinion in a highly controversial case, the Detroit school system desegregation case, *Bradley v. Milliken*, 484 F.2d 215 (6th Cir. 1973). The case had its genesis in a 1970 decision by the Detroit Board of Education to purchase approximately 250 school buses, which would then be used to integrate the 12,000-student population of the Detroit school system. A federal district court judge had conducted hearings and concluded that the earlier members of the Detroit Board of Education "had formulated and modified attendance zones to create or perpetuate racial segregation," that a substantial number of black students were transported past "white schools with available school space," and that school construction was designed with the purpose of promoting segregation of the races.

In an *en banc* opinion, the Chief Judge of the Sixth Circuit authored an opinion upholding the lower court's plans to compel integration of the Detroit and suburban school districts and held, "School district lines are simply matters of political convenience and may not be

Supreme Court of the United States
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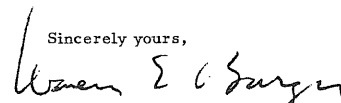
May 30, 1973

Dear Mrs. Kent:

I have learned with deep regret of the death of your late husband, Judge W. Wallace Kent, who served with distinction as United States Circuit Judge for the Sixth Circuit, and prior to that as United States District Judge for the Western District of Michigan, the last ten years of which he was Chief Judge of that court.

My deepest sympathy is sent to you in this time of great sorrow.

Sincerely yours,



Mrs. W. Wallace Kent
812 Wilshire Boulevard
Kalamazoo, Michigan 49008

used to deny constitutional rights. If the boundary lines of the school districts of the City of Detroit and the surrounding suburbs were drawn today few would doubt that they could not withstand constitutional challenge." *Bradley v. Milliken*, 484 F.2d 215, 244 (6th Cir. 1973).

In a thoughtful dissent, Judge Kent joined the majority opinion in finding that, "the Detroit city schools were unconstitutionally segregated and that an order for integration of those schools must be fashioned by the District Court." *Bradley v. Milliken*, 484 F.2d 215, 274 (6th Cir. 1973). However, Judge Kent insisted that the case should be remanded for additional evidence on the complicity of the suburban school districts in the *de jure* segregated school system that had grown over time in Detroit. In his words,

...the majority and the District Court have fallen into a state of confusion in failing to distinguish between violation and remedy and in failing to recognize the necessity for the finding of violation before the trial court embarks upon that broad field of equity which permits a trial judge to devise a remedy which will adequately overcome the violation previously found to be in existence.

Bradley v. Milliken, 484 F.2d 215, 283 (6th Cir. 1973).

One year later, the United States Supreme Court agreed with Judge W. Wallace Kent's dissenting opinion. In *Milliken v. Bradley*, 418 U.S. 717 (1974), a series of school desegregation cases was consolidated for appellate review. Writing for the majority of the Supreme Court, Chief Justice Warren E. Burger echoed Judge Kent's reasoning. The seminal holding of *Brown v. Board of Education of Topeka, Kansas*, 347 U.S. 483 (1954) was intact: state mandated segregation of school systems violated the United States Constitution. However, these desegregation lawsuits were to be remanded to their respective district courts for additional hearings on whether the suburban school districts were complicit in the *de jure* segregation of African-American students. In the absence of affirmative local action promoting racial discrimination, the Supreme Court preferred to allow the state legislature to resolve the matter of school districting issues.

His family is certain that Judge Kent would have been proud of his final dissenting opinion's vindication before the United States Supreme Court. Judge Kent deplored racial discrimination and felt strongly that the state of Michigan needed to address the issue of inadequate educational opportunities for the African-American students in Detroit. As the dissenting opinion of his fellow jurists on the *Bradley* opinion had noted, the state of Michigan had abolished public school segregation in Detroit back in 1869, when Michigan Supreme Court Justice Cooley authored an opinion compelling the Detroit Public School system to admit an African-American student. True to his judicial beliefs, a belief in a philosophy of judicial restraint, Judge Kent wanted to both permit and require that the local governments and the state of Michigan be given a full opportunity to correct the problem, before the federal judicial system imposed what many citizens would have viewed as an arbitrary remedy.

A Final Observation

Judge W. Wallace Kent represented the best qualities of West Michigan. A product of local schools, he excelled at all stages of his education. From humble beginnings, he became an accomplished lawyer and

community leader. Despite the many demands on his time, he raised a large family that cherishes his memory as a loving husband and father. His lengthy legal career reflected his personal values, service to his clients (public and private) without compromise to his integrity. The descendant of a family of laborers and farmers, he ascended to the federal bench as the then youngest federal judge of his time. Among his peers on the federal bench, his exemplary writing and reasoning led to his selection to serve on the federal Court of Appeals. And in his final written opinion, submitted only days before his death, he authored a dissenting opinion that, after his death, was to become the basis for the majority opinion by the United States Supreme Court. A schoolboy from Kalamazoo, Judge W. Wallace Kent left a lasting impression on the law and the citizens of this district. In the words of a fellow jurist, he was what every judge would like to be.

Endnotes

- 1 The Order of the Coif is an honorary society for law school students. Those selected for membership reflect exceptional scholarship in the study of law.
- 2 According to Judge Kent's family, both men were personal friends with Wallace Kent.
- 3 At the time of his appointment, W. Wallace Kent, thirty-eight years old, was also the then youngest person ever appointed to the federal district court bench.
- 4 Judge Kent was the second Kalamazoo attorney appointed to the federal bench in the Western District of Michigan. The first Kalamazoo attorney appointed to the federal bench was Henry Severens back in 1886.
- 5 Among his many accomplishments, Judge McAllister served in the French Foreign Legion during World War I. Judge Kent's court reporter, Toni Duda, had her own interesting story. Before working for Judge Kent, she was a court reporter at the Nuremberg War Trials conducted in Germany at the conclusion of World War II.
- 6 Michigan Congressman August E. Johansen, who attended Olivet College, sponsored the legislation to bring a federal courthouse to Kalamazoo. He was quoted in a local newspaper as "assuring" the Grand Rapids Bar Association "that the seat of the court would never be moved from Grand Rapids."
- 7 The Kent children recalled a tradition from the 1950s federal courthouse. In those days, the judges and various

members of the courthouse staff often ate lunch together at a “regular” table in the Steketee’s store in downtown Grand Rapids. On the typical day, one could find both federal district court judges and another ten or so acquaintances gathered at a large dining room table.

The Sixth Circuit’s daily judicial luncheon took place in a special lunchroom at the Cincinnati Netherland hotel. According to Judge Kent’s family, the tradition was disrupted when Cornelia Kennedy was selected as the first female jurist on the Sixth Circuit. Since the Netherland hotel’s dining room was “male only,” a new luncheon location was selected.

- 8 Dr. Margolis was a nationally recognized pediatrician from Kalamazoo, Michigan. His pediatric practice included many medical innovations. He was an early advocate for the use of fluoride to preserve children’s teeth. He also dedicated part of his work each year to the care of Native Americans on the Navajo reservation.
- 9 Dr. Margolis’ son, James Margolis, was a senior strategist on Barack Obama’s presidential campaign and works at GMMB, a Washington D.C. public relations firm.
- 10 In Judge Kent’s day, the federal court in the Upper Peninsula was called to session only twice a year.
- 11 John D. Voelker was a former prosecuting attorney and defense attorney. When asked about his book *Anatomy of a Murder*, he described it saying he wanted to write a book that described a criminal trial, “the way it really was.” *Anatomy of a Murder* was at least partially an autobiographical novel. Voelker had in fact defended a murder prosecution where his client was accused of killing a bar owner, who had allegedly raped the client’s wife.
- 12 Judge Kent was also known to observe, “It’s hard to try a case all day and still have a family life.” This is an adage well known to attorneys and still true today. The Kent kids were frequently advised to “be quiet and leave Dad alone” on days when he had a trial or was sentencing a criminal defendant.
- 13 Not all of Judge Kent’s lesson took hold on the kids. During a high school prank, one of the Kent boys assisted in the involuntary relocation of a six-foot-tall plaster dog. Judge Kent advised the offender to promptly return the missing mascot and then entertained his son’s classmates with a commencement speech peppered with references to the missing dog.
- 14 Eric Kent also explained that the offer of an officer’s commission arrived at a point in time when he had only two more months to go on his Viet Nam service. Realizing that acceptance of the commission would have obligated him to serve an additional three years, Eric declined the commission, completed his tour of duty and happily returned to civilian life where he began his career as an accountant.
- 15 The government’s cross-examination of defendant Brocato included this list of memorable improper questions: “were you asked to take a lie detector test?”, “do you believe in God”, “did you read that six other men ‘pled guilty’ to these charges?”, “isn’t it a fact that you have lost a lot of hair since I last saw you?”, “was there an arrest warrant issued for you in 1949?” and “didn’t you consult with a big-time Chicago attorney?”

Western District Historical Society Mission

The Historical Society was created to research, collect, and preserve the history of the lawyers, judges, and cases that have comprised the federal court community in Western Michigan and the Upper Peninsula, and to share this information with the public in an effort to promote a better understanding of the region, the court, and the rule of law.