

# Michigan Lawyers in History

## Marjorie McGowan

By Lynn Liberato



*The state of Michigan was built by the lumber and auto industries, agriculture, and the lawyers who lived, studied, and practiced here. The articles in this occasional series highlight some of those lawyers and judges and their continuing influence on this great state.*

**I**t was the 1960s and the sky seemed the limit for Detroit attorney Marjorie McGowan. By age 31, she had broken important racial and gender barriers. She was the first Black female assistant Wayne County prosecuting attorney<sup>1</sup> and among the first and only group of women and Black people to serve as delegates to a Michigan constitutional convention.<sup>2</sup> As an attorney, she worked for U.S. Attorney General Robert F. Kennedy and George Romney, first in his capacity as governor of Michigan and later when he became Housing and Urban Development (HUD) secretary.<sup>3</sup>

Despite being a trailblazer, McGowan was never involved in the civil or women's rights movements of the time. She did not believe racial equality would be accomplished by courts, politics, marches, or demonstrations, but rather by changing people's attitudes.<sup>4</sup> Her accomplishments and the way she lived her life seem to be a testament to reaching that goal. In 1960, McGowan wrote that she prayed for the right sense of values and committed to seeing God in everyone. As a prosecuting attorney, her religion taught her to respect the dignity of murderers, thieves, and prostitutes and seek to console the troubled.

Religion, she said, was a call to heroism made to her, a basically unheroic person.<sup>5</sup>

Her devout Catholicism guided her throughout her life. She spent much of her adult years doing pro bono work for various minority groups<sup>6</sup> and the economically disadvantaged members of Most Holy Trinity Parish in Detroit's Corktown.<sup>7</sup> Mentoring at the Vista Maria School and her involvement in the Big Brothers Big Sisters program gave her an opportunity to inspire and guide troubled and disadvantaged girls.<sup>8</sup> Speaking engagements allowed her to carry her plea for racial harmony and understanding to various audiences, including some she would not have gained access to but for her credentials.

McGowan's worldview and high expectations for herself and others may have first been influenced by her mother, a Detroit schoolteacher. She once told a reporter that she never felt racial prejudice because her mother wouldn't let her:

If I came home from school fancying a slight because of the color of my skin, she would make me face the truth that whatever had happened was based on my actions and not my complexion.<sup>9</sup>

McGowan's Detroit attorney before Kennedy appointed her to his staff last June, reportedly is quoted as having told her, "You're too good for us." Yet, when Romney's legal advisor, Nelson Glavin, was immediately available for consultation,

### Aide to Bobby Kennedy Quits to Join Romney Staff

By TOM SHAWVER  
From Free Press Staff Writer

LANSING—Assistant Michigan Attorney General Marjorie McGowan, a major Kirk Deemocrat, has resigned as an assistant to United States Attorney General Robert F. Kennedy and plans to go to work for Gov. George W. Romney, the Free Press learned yesterday.

Miss McGowan, a Detroit attorney before Kennedy appointed her to his staff last June, reportedly is quoted as having told her, "You're too good for us."

The Justice Department

in Washington reported that

Miss McGowan submitted her resignation last week, adding that she will offer her services to

Michigan's Republican govern-

and she had indicated that she

intended to join the staff of

Gov. George W. Romney and Miss McGowan

had been in touch with him

recently.

Miss McGowan, who has

been a criminal defense lawyer

for 10 years, was appointed to

the Justice Department in 1961

as a special assistant attorney

general to the attorney general.

She was the only Negro to

hold such a position in the

Justice Department.

She was born in 1931 in

Chicago and graduated from

Wayne State University in

1955. She is the first Negro

to be appointed to the staff of

any of the federal departments.

She is the first Negro to

be appointed to the staff of

any of the state governments.

She is the first Negro to

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Detroit University Law School, Detroit, Michigan

The University of Detroit, where, in 1953, Marjorie McGowan became one of the first Black women to earn a law degree.

in the state constitution.<sup>10</sup> Black people felt it targeted them and violated their civil rights, but McGowan refuted these assertions in an impassioned speech on the convention floor and adamantly denied that she was deserting her own people or party.<sup>11</sup> She explained that as a criminal lawyer and former prosecuting attorney, she strongly believed that children—and society as a whole—were better protected by the clause. While she acknowledged that Black people were still fighting for their rights as citizens, she also called upon them to consider and defend the rights of all people: "...[T]he time is quickly approaching when negroes must fight more and more for the rights of all good people and put more accent on the obligations which we have as citizens."<sup>12</sup>

As a former assistant Wayne County prosecuting attorney assigned to the civil

rights division, McGowan was likely aware of the police brutality and racism leveled against Black people in Detroit. Assistant prosecuting attorneys in the unit, not police, conducted independent investigations of racial bias in arrests or brutality by police and reported directly to the prosecuting attorney.<sup>13</sup> But how then to explain her search-and-seizure vote? Her trust in law enforcement to police its own?

McGowan was among a small group of independent delegates known for voting their conscience and convictions rather than along party lines; for being idealistic and perhaps at times doctrinaire and academic.<sup>14</sup> Her *academic* idealism is apparent when she quoted Michigan State University president and fellow delegate Dr. John A. Hannah to support her position that police violence is best addressed within state and local police agencies:

"Perhaps the single most potent weapon against unlawful police activity is a police commander who will not tolerate it."<sup>15</sup>

McGowan's search-and-seizure vote would be the first to anger and alienate her party. The final straw came when she voted against the Democratic substitute constitution in favor of the Republican-backed proposal.<sup>16</sup> Although she was one of several Democrats to side with the GOP, she seemed to have incurred the brunt of the Dems' anger. Some party officials reportedly tried to block her appointment by Robert F. Kennedy to the U.S. Justice Department even though they had originally sanctioned it. Her federal appointment had been cleared before the constitutional convention ended, however, and McGowan commenced her duties as

*(Continued on the following page)*

a trial attorney in the criminal division in June 1962.<sup>17</sup>

When McGowan announced the following year that she was leaving the Justice Department to become one of Governor Romney's legal advisors, one Detroit newspaper headline read: "Dems Won't Miss Marge."<sup>18</sup> The state Democratic chairman accused her of switching parties and being a GOP pawn.<sup>19</sup> Some viewed her as an opportunist. But was her plan all along to hitch her wagon to Romney's star?

In Romney, she may simply have found a kindred spirit in whom she recognized her idealistic, if not naïve, self. Both valued non-partisanship and representing all citizens over party politics and special interests. Romney's record on civil rights was also well-known and respected. As a Mormon, Romney was a member of a religious minority and, like McGowan, he was deeply religious.<sup>20</sup>

If McGowan was a political game player, she was a poor one. In 1961, she was fired after accusing the Wayne County prosecuting attorney of assessing his assistants two percent of their salaries to build a political campaign fund.<sup>21</sup> In 1965, she risked losing her enviable position as a high-ranking member of Romney's staff when she telegraphed a complaint to the governor for failing to acknowledge her as one of his legal advisors during a speech before the State Bar of Michigan. When asked if her telegram could be interpreted as a resignation, she replied, "That's up to the governor. If the governor wants to construe it as a resignation, that's OK with me. If he wants me to continue on his staff, I am willing to continue."<sup>22</sup>

The matter was obviously resolved, and McGowan followed Romney to Washington, D.C. in 1969 when he became HUD secretary; she returned to Detroit in 1977 to set up private practice.<sup>23</sup>

Marjorie McGowan passed away in 1980.<sup>24</sup> A quote from her 1960 *Free Press* article seems prescient and appropriate: "My religion teaches me that I must make the very best of the short years I have in my control. I must not spend too much time and effort striving for temporal honors and distinctions."<sup>25</sup>

## Marjorie McGowan's Notable Accomplishments

**1953:** Marjorie becomes one of the first Black women to graduate from the University of Detroit Law School.<sup>26</sup>

**1958:** Marjorie becomes the first Black female Wayne County assistant prosecuting attorney, the first Black woman in Michigan law enforcement history to climb so high.

**1961:** Marjorie is among the first group of women and Black people elected to a Michigan constitutional convention.

**1962:** Marjorie is appointed by U.S. Attorney General Robert F. Kennedy to the Department of Justice criminal division. Whether or not she was the first woman and/or Black person hired is unclear, but a male colleague's comment to her when she first arrived is telling. He shook his head and said, "I'm not worried about your ability—but you're a woman."<sup>27</sup>

**1963:** Marjorie is hired by Michigan Governor George Romney as an assistant legal advisor, becoming the only Black person and the only Democrat to hold a prominent position in his administration.

**1969:** Marjorie is named to the general counsel's staff by newly appointed Secretary of Housing and Urban Development George Romney.

## ENDNOTES

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3. *Miss McGowan to join Romney as HUD aide*, The Detroit News (February 6, 1969), p 67; Eicher, *Detroiter's Boss Is Bobby*, Detroit Free Press (December 26, 1962), p 24; and Engle, *Democrat Is Hired by Romney*, The Detroit News (March 23, 1963), p 1.
4. Michigan Farm News (November 1, 1964), p 8.
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6. 1 Official Record, Constitutional Convention 1961, p 680.
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8. *Id.*
9. *Detroiter's Boss Is Bobby*.
10. *Con-Con and Courage*, The Detroit News (January 28, 1962), p 22-A. and Simonson, *How Con-Con Voted On Search, Seizure Law*, Tri-City Progress (March 21, 1962), p 28.
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14. Sturm, *Constitution-Making in Michigan 1961–1962* (Ann Arbor: Univ of Mich Inst of Public Admin, 1963), p 108.
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25. *A Chance to Help My Fellow Man*.
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27. *Detroiter's Boss is Bobby* and *Detroit's 10 Top Working Women of '60*, Detroit Free Press (March 20, 1960), p 59.

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*Lynn Liberato is a retired Friend of the Court referee for the 16th Judicial Circuit. She is currently at work on a book about the Con-Con 11, the only female delegates to a Michigan constitutional convention. Her interest in the matter began when her father was elected as a delegate to the 1961–1962 Michigan Constitutional Convention.*