

A Trailblazing Leader

Otis M. Smith's accomplishments are the focus of the 31st Michigan Legal Milestone

Making the laws and regulations under which people must live calls upon us "to do justice" which has been described since ancient times as mankind's highest civil calling.

Otis M. Smith
[1922–1994]

He was a man who considered public office to be a trust of the highest magnitude, second only to serving God. He was an honest man, a man of intellect, solid values, and character. Five Michigan governors thought so too, and appointed him to prominent positions in state government where he broke many barriers as the first black to hold such posts. His full and varied career in both the public and corporate spheres includes positions as chairman of the Michigan Public Service Commission (1956), auditor general (1960), justice of the Michigan Supreme Court (1961), and vice-president and general counsel of General Motors (1967). He also sat on numerous boards, commissions, and advisory groups for over 30 years and mentored countless young professionals. The remarkable career of this man—Otis Milton Smith—will be celebrated at the State Bar 31st Michigan Legal Milestone in Flint, June 21, 2006.

The fact that he was an African American raised at a time when many protections that we have today were not accorded to his race, make his achievements even more amazing. Born in 1922 on the wrong side of the tracks in Memphis, Tennessee to a black mother and a white father, Otis Smith had to fight against the odds all his life. Being so light-skinned only complicated matters. Over the years, he experienced racism from both sides through the comments and actions of people in one group who thought that he belonged to the other. As a boy, he was subjected to frequent taunts and beaten up in school. His elder brother, Hamilton, would go to his rescue, but he too would sometimes face the same fate trying to protect Otis. In spite of



Otis Milton Smith. (Photo courtesy of the Michigan Supreme Court Historical Society.)

these experiences, Otis Smith was able to transcend, and reflected years later in his autobiography *Looking Beyond Race*: "I think the sooner we realize that it is not always racism or not largely racism that holds us back in many areas, the sooner we are going to be able to pull ourselves out of the muck and mire and perform on par with everybody else. Nobody is going to save us but us."

Growing up during the Great Depression, the Smith brothers also struggled against poverty, working many different jobs—shoeshine boys, sweeping floors, waiting on tables, and delivering newspapers and groceries. "Wine sap apples cheaper here, oh, they're going cheaper here," was a refrain that they would call out while selling fruits and vegetables for a "market man who had a horse and a wagon," recalls Hamilton Smith, the doting big brother, who is now 87 years old.

Like many other blacks from the South, Otis moved North in search of opportunities when he was only 17. During World War II, he served with the Army Air Corps and later attended college at Syracuse, with the intention of becoming a journalist. At the urging of

his brother, he switched to the law, graduating from Catholic University Law School. He then returned to Michigan, married, passed the bar exam, and became an associate with attorney Dudley Mallory in Flint in 1951. By the time he was 35, he had worked as an assistant prosecuting attorney and became active in Genesee County politics. He soon catapulted to a wider stage when he was appointed chairman of the Michigan Public Service Commission in 1956. In this job, he cut down the backlog of cases and eliminated preferential practices that compromised the independence of the agency.

In all the positions that he held, Smith showed great competence in his mastery of the law. He also had a knack for understanding and predicting trends in politics and government. He always saw the bigger picture, was fair, and dispensed justice with a rare zeal. What made him unique was his independence. During his years on the Michigan Supreme Court (he was appointed by Governor John B. Swainson, and this was the period when the court wrote the Michigan General Court Rules), he refused to take sides in the divisiveness that prevailed.

In *Looking Beyond Race*, Smith observes that soon after he arrived, the "liberals" (mostly Democrats) asked him to join them in pre-meeting caucuses on crucial cases to map out strategies and decisions. "It smacked too much of partisan politics for me, and I declined to join, which left me out there by myself. It probably would have been easier during my first year if I had joined, but it just did not seem like the right thing to do. I did not mind discussing cases with anybody, including both my liberal and conservative colleagues. But in the end, I thought my job on the court was to make judgments and to dispose of cases with my own individual views about who should win based on the law and facts. I understand that such caucuses exist and have existed on many courts, including the U.S. Supreme Court at certain

points in its history. To those who participate in them, they have some justification, but I could not go along with the system.”

Smith was defeated in his bid for reelection to the Court in 1966 by Thomas Brennan. Even more painful was the fact that Senator Philip Hart chose attorney Damon Keith over him that fall to fill a vacancy on the Sixth Circuit Court of Appeals. As it turned out, General Motors reached out and tapped Smith to join their legal staff. He rose to become vice president and general counsel of the world's largest corporation, dealing with an array of complex legal issues.

Dennis Archer, former mayor of Detroit, who considered Smith a trusted friend and advisor, said that during this period, he had a chance to meet and discuss with Otis Smith ways to open the doors and create “opportunities for lawyers of color to represent corporations.” He recalls that Otis Smith became very active in the National Bar Association and began to reach out to law firms of color and to his other colleagues who were general counsels in other corporations encouraging them to do the same thing. Hamilton Smith, recalling his brother's years at GM, said that Otis did not think he could be on a soapbox like Reverend Brown. “I know my job, I don't have to talk to the board, I am the board and I can try and open up doors,” Otis had said. Hamilton recalls that Otis spoke with some pride at what he did at General Motors—diversifying the workforce by bringing in more women and minorities.



From left to right: In 1963, Justice Otis Smith, Hon. Wade McCree, Jr., and Christopher Scott were honored as “A Great American.” (Photo courtesy of the Bentley Historical Library, University of Michigan, Ann Arbor, MI.)

In 1985, when Dennis Archer also became a justice of the Michigan Supreme Court, he spent some time talking to Otis Smith “about the responsibility of being a justice, how he handled his office, and what he did while he was on the court. He was very helpful to me and I admired him as a person and respected him as a lawyer.” When Otis Smith retired from General Motors, he could have joined

any large law firm, “but he chose to go to the David Lewis law firm (small, black commercial law firm in Detroit, now Lewis and Munday PC) and to become counsel because of his commitment to give back. He appreciated the quality of the firm's practice and contributed substantially to the growth and development of that law firm,” Archer added.

Otis Smith succumbed to cancer in June 1994, leaving behind his wife, Mavis, and four sons, Vincent, Raymond, Anthony, and Steven. His brother Hamilton recalls that Otis had been in a coma, and friends advised him to let Otis know that he could go. Hamilton's last words to Otis were: “I know we've had a long career together and we've had a wonderful life traveling and the ups and downs of the Depression, but I want you to know, I understand that time passes on and I'll survive.” Hamilton then recalls, “In a few minutes, he kind of pressed my hand and in about an hour, Otis just slipped away and he was gone. We were two brothers; we worked together and sold market on the street.” ◆

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The Otis Smith Dedication Ceremony

The extraordinary life and career of African-American trailblazer Otis Milton Smith will be the focus of the State Bar of Michigan 31st Michigan Legal Milestone. A dedication ceremony will be held at 11:00 a.m. on Wednesday, June 21, 2006, at Willson Park on the Flint campus of the University of Michigan. If it rains, the ceremony will be held indoors. A bronze plaque outlining Otis Smith's life and achievements will be unveiled and later installed on campus grounds. Speakers and dignitaries at the event include:

- Most Reverend Carl F. Mengeling, the Catholic Bishop of Lansing
- Olivia P. Maynard, University of Michigan regent
- E. Christopher Johnson, General Motors North America vice president and general counsel
- Honorable Marilyn Kelly, Michigan Supreme Court justice
- Hamilton Smith, the brother of Otis Smith
- Honorable Dennis W. Archer, chairman, Dickinson Wright; former mayor of Detroit; past president of the American Bar Association and the State Bar of Michigan

State Bar President Thomas W. Cranmer will serve as master of ceremonies. Lunch will be served indoors after the dedication in the Michigan Rooms located nearby.