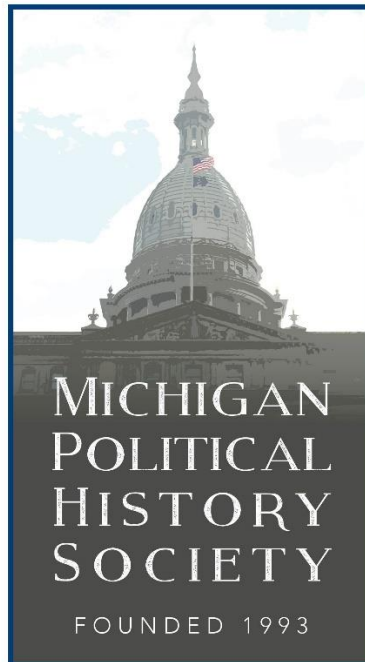


# Conrad Mallett, Jr.

Interviewed by  
Bill Ballenger  
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Bill Ballenger: This conversation with former Supreme Court Chief Justice Conrad Mallett, Jr. is part of the James J. Blanchard Living Library of Michigan Political History, a project of the Michigan Political History Society.

Bill Ballenger: I'm Bill Ballenger, and I am pleased to be able to interview former Justice Mallett who is with us in his office. Justice Mallett, let me start out asking you. You are Conrad L. Mallett, Jr.

Conrad Mallett: I am.

Bill Ballenger: That means there must have been a senior.

Conrad Mallett: There's a senior and there's also a Claudia Gwendolyn Mallett, my mother. My parent's bill were political activists. In the late 1950's, my father was a part of any number of progressive political organizations with persons like Coleman Young, John Conyers, Richard Austin.

Conrad Mallett: My mother, interestingly enough, was a part of an international woman's group called Women For Peace. In 1959, she went to Russia. On the Kremlin Square, she and 10 other women from the United States actually marched with signs that said, "End racism and ban the bomb." They were arrested and promptly sent back home. At the time, I was six years old, but that was the milieu within which I grew up.

Conrad Mallett: My father who had gone to college with and pledged the same fraternity that I'm now a part of with John Conyers, when John decided to run against Richard Austin for the the first congressional district, my father was his campaign treasurer which is purely insurgent campaign. The UAW was on one side. John Conyers, his father was a member of the UAW, was with his son but not a part of the establishment and they won that race by about 150 votes.

Bill Ballenger: In 1965.

Conrad Mallett: In 1954. At that point, Jerry Cavanagh was getting ready to run for mayor and looking around for people to assist him in his insurgent effort against Mariani. John recommended my father. My father turned out to be an asset to Mayor Cavanagh and became a member of the mayor's executive team, turned into a senior member of Mayor Cavanagh's executive team and was the first black housing director of the city of Detroit, the first black transportation director in the city of Detroit, went on to get his PhD, became a senior vice president at Wayne State University and one of the founding educators who created the Wayne County Community College under then the leadership of Dr. Murray Jackson.

Conrad Mallett: My father's career with John Conyers, with Coleman Young, with Malcolm Dade, with Bill Beckham senior and junior allowed me really to be an upfront participant in all of the political activity going around in Detroit. The interesting

thing for my father was that I was interested in it. I was with him a lot. He would go to a meeting, I would go with him. This is the way that my father and I connected. He was a really, really, really hard worker. He didn't have time to come to my games. He didn't have time to come to school functions because that was largely the responsibility of my mother.

Conrad Mallett: But when my father went to political things on Saturdays and I wasn't otherwise occupied, I went with him. I turned into an asset to the old man. 16 years old when he was running for Wayne County Commission, I was his campaign manager. Now, let me be clear. I didn't do anything other than what he told me to do, but I was in charge. I mean I had all of the details responsible for the filing, for being sure that all of the finance reports were done.

Conrad Mallett: He would check them, but it was basically me and him. It was really, really excellent training. As it turned out, not only was I interested in, I was good at it. That kind of transformed into a career for me. I was a front line participant in political elections from the time that I was 16 and between my mother and my father, my interest in politics was always real, was always upfront and always substantive. What's really shaped my participation socially.

Conrad Mallett: For instance, as a lawyer, I guess I, with some small regret, say now that I never participated in State Bar politics because my own view was that I was participating in real politics, the politics that meant something to people beyond just lawyers. I mean that was the Conrad Mallett, Claudia Mallett influence on their son, Conrad Jr.

Bill Ballenger: When did your mother's and father's family come to the Detroit area?

Conrad Mallett: Man, that's a really interesting story. My mother's father and my grandmother on my mother's side are both from Virginia. They initially were in Chicago. My mother's father, Charles Jones, was always an entrepreneur and had a taxi company in Chicago, four cabs that he cobbled together. When he refused to pay protection to some other nefarious organization, they basically blew up one of his cars. He then moved his family to Detroit, started another cab company.

Bill Ballenger: This was like in the 20's?

Conrad Mallett: Yeah. My mother was born in 1929. She moved here when she was five, so in the early 30's. He had a cab company, a little real estate company. He owned three or four houses. He had two or three cabs. He's always producing for his family of nine. My mother's existence with my grandmother and grandfather really was as much as it could be idyllic. She really, really grew up in a stable environment with a hard-working mother and father and with nine brothers and sisters, really a storybook in terms of the quality of existence.

Conrad Mallett: My father's existence is also storybook but as he would describe it, Bill, Dicksonian. My grandfather was killed in front of my father when he was eight

years old when they were living in Houston. He saw his father die. He witnessed my grandmother have a nervous breakdown. Because she was black received no mental health care at all. He observed her pull herself together, never quite completing the repair process. My grandmother who I loved desperately was always a little bit on edge.

Conrad Mallett: My father is six-two. All of the men on my family on my father's side, the family are my height about five-seven, five-eight. The Lord made my father taller so that when he would apply for a job, he could lie about his age. He came to Detroit by himself when he was 14. My grandmother sent him here supposedly, Bill, to live with a family that was supposed to greet him at the railroad station who never came and who never ever bothered to find out where he was.

Bill Ballenger: This in the 30's too.

Conrad Mallett: This in the 30's too. The old man then checks himself into the downtown YMCA lying about his age, enrolls himself in Miller High School. Think about this, Bill. The old man had a perfect attendance record. It always stunned me and my sisters how did my father figure out that school was going to be his exit ticket out of this ferocious unrelenting poverty that was overlaid with this crisis of dysfunction.

Conrad Mallett: When he graduated in high school, he joined the army. This is a true story. This army was segregated then. He gets sent down to Florida. They are taught then as black troops. They're going to be responsible for making airplane runways and they're supposed to be going to the Pacific, the army being the army.

Conrad Mallett: His group ends up being sent to Alaska. Russia began shaking their saber. We decided that Russia was going to attack us from the north. We had to build runways in Alaska so our planes can land to confront the Russians who we were searching would be coming over the Bering Strait. It's freezing. The sergeant comes up and says, "Who knows how to drive this asphalt machine?" My father raises in and says, "I do." He said, "Are you sure?" "Absolutely," he said, "But, Sarge, let me ask you can you give me the manual? I just want to review what I haven't done in a couple of years."

Conrad Mallett: My father never ran an asphalt machine in his life, memorizes the manual, gets up in it and then spends the next 18 months with his shirt off running this asphalt machine. Everyone else freezing to death. He's sweating. As he says, "Listen, I made the very, very best of a terribly bad situation." People were getting frostbitten and everything like that and my issue always was coming out into the cold after sweating up in that hot cab for eight or 10 hours a day. That tells you, Bill, who the old man is.

Conrad Mallett: I mean he does a fascinating character really, really, really ferocious in his discipline, exceedingly smart, devastatingly well-read and a very, very serious man. Believe me.

Bill Ballenger: Did you have any brothers or sisters?

Conrad Mallett: I got two sisters. My baby sister, Veronica, is a physician. She's the chairperson of the OB/GYN Department for the University of Texas at El Paso. My sister, Lydia, is a PhD industrial psychologist from Michigan State University, and she's senior vice president for human resources for DuPont.

Bill Ballenger: Were they interested at all in politics as you were?

Conrad Mallett: No.

Bill Ballenger: You were the guy who got the political gene.

Conrad Mallett: I was. I got the political gene.

Bill Ballenger: You're 16 years old. Where are you going? With Cass Tech at that time?

Conrad Mallett: We're going to Cass Tech at that time. That's exactly right.

Bill Ballenger: Then, so you went up through the Detroit Public School System? What other schools did you go to all this time?

Conrad Mallett: I started out at McCulloch and then my mother insisted that we go to Catholic school. We went to Saint Gregory.

Bill Ballenger: Were you Catholic yourself?

Conrad Mallett: I still am. Now that I'm approaching in my 60's, I found myself back in church a hell of a lot more than I had been in the past. We were raised Catholic. My father is Catholic. Both my mother and father, Catholic. We went to Catholic School of Saint Gregory then Visitation. Then, we went to Durfee which was our introduction to the Detroit Public Schools.

Conrad Mallett: It was a great time for me, not so great for my sisters. All three of us went to Cass which was obviously one of Detroit's great schools then and now.

Bill Ballenger: You got out of Cass and then what?

Conrad Mallett: Got out of Cass, graduated in 1971. My father refused to allow my mother to fill out any of my college application papers. The only one that I filled out was Wayne State. The old man came in one day and said, "Are you going to college or going to the army?" I said, "No. I'm going to college." He said, "Well, where are you going?" I said, "I got a letter from Wayne. I'm going to Wayne."

Conrad Mallett: I started at Wayne, stayed at Wayne for two and a half years. I was at Cass with George Cushingberry, both George and I were both at Wayne together. Then, after two and a half years at Wayne, I went to UCLA.

Bill Ballenger: Why would you decide to go way out to California?

Conrad Mallett: I think that I had kind of outgrown the moment that I was in. I was really looking for something different and I really wanted to see if I could find my way on my own. I knew kind of, Bill, what I wanted to do which was be in politics, but I really wanted to be in politics on my own terms.

Bill Ballenger: You wanted to put a little distance between yourself and your father.

Conrad Mallett: And my father.

Bill Ballenger: Overbearing father.

Conrad Mallett: Whose who shadow was really, really large.

Bill Ballenger: Long.

Conrad Mallett: yeah. It is not so much that he was overbearing in terms of his relationship with me but he just moved so large in this city.

Bill Ballenger: So much to live up to.

Conrad Mallett: No question about it.

Bill Ballenger: You wanted to create your own.

Conrad Mallett: Get some distance. Get some air, and go see whether or not what I was made of I, and went to UCLA, graduated, did very well.

Bill Ballenger: What were you majoring in?

Conrad Mallett: I had been majoring in political science at Wayne, found it really boring, switched majors when I got to UCLA and graduated with my Bachelor of Arts in English and very happy.

Bill Ballenger: Then, what? You get out?

Conrad Mallett: Get out, come back home and got a job. One of the most fun jobs I've had in my life. I was a congressional assistant in the district office to John Conyers. Now, this is 1976. Fred Harris is running for president.

Bill Ballenger: He was a US senator from Oklahoma running for the Democratic nomination.

Conrad Mallett: Exactly. The traditional Democratic Party had mostly thrown some of its way to Udall and Coleman Young and a lot of the political leadership in Detroit had determined early on that they were going to go with Jimmy Carter. John didn't

find either one of those alternatives to his liking, and he decided that he was going to go with Fred Harris.

Conrad Mallett: During that year, I traveled with John, and my responsibility basically was to carry his bags, and I was a great bag carrier and really facilitated his travel from one place to another. There was a principal speaker for Fred Harris all over the country. I went with him all over the country. It was a great thing. We both had a hell of a time.

Bill Ballenger: Fred Harris fell short of getting a nomination. Obviously, Jimmy Carter won the nomination and was elected president. Well, then, at that point, you decided to continue your education.

Conrad Mallett: I mean I'm on the road with John. John and I are very close. Obviously, he's close to my parents, known each other forever. He was in college with my mother and my father. I'm in constant conversation. I mean John had always been one of my idols, and he was a lawyer. I wanted to be a lawyer.

Conrad Mallett: John said, "Well, when are you going to go to school?" I said, "Well, next year." He said, "Yeah. You know what? That's a good thing." The administrative assistant in Detroit then was somebody that you know Nelson Saunders. John directed Nelson to assist me in the whole law school application process, wrote a terrific letter of support. The young lady that I was going out with then was from Los Angeles, and her brother Tommy was a really important person on US East Campus, walk my application into the dean's office. As he says, he didn't have to do much, but he did walk it to the front of the line. The dean saw it, liked it. I got admitted.

Bill Ballenger: You had to go.

Conrad Mallett: And had to go. There were no impediments. What can I say? It was a great, great time. LA is the best town in the world to be a student and particularly a poor student. Santa Monica Pier, then you got a dollar. You can get on three rides and you watch the sun set into the Pacific Ocean. If you can't get a girl to go home with you after that, you should not be in the game.

Bill Ballenger: Well, now, University of Southern Cal versus UCLA Trojans versus Bruins, when they face each other on the gridiron or the basketball court, who are you rooting for?

Conrad Mallett: My girlfriend then was a Trojan. I'm a USC person. I love UCLA for what it did for me, but remember, I graduated from Cass Tech. Then, when I went to school, Bill, our sports programs were terrible except for the swimming team which I was a part of, but we would go to the football games just to see what the score was going to be.

Conrad Mallett: I remember when I was in 12th grade, we played Northwestern. It was 52 to nothing. I never developed any real school spirit because I was never a part of a winning tradition. I'm an itinerant sports person. I read about it. I will watch it, football on Sundays. There's an excuse to take a nap. When I see you on Mondays, I can talk to you about the game only because I got up at 4:30 and read the Free Press.

Bill Ballenger: You graduate from law school. Did you get another degree too?

Conrad Mallett: USC then was one of the few schools. There are a lot of them now. But then, they had a dual-degree program, master's degree in business, master's degree in public administration. I got my master's degree in public administration believing then that I was going to be an elected public administrator. I wanted to be well trained, and I was. Came home, passed the bar, and bided my time volunteering in John's office, hoping that there would be a vacancy on the Judiciary Subcommittee of which he was apart.

Bill Ballenger: This was like 1979.

Conrad Mallett: This is November '79. I came home, took the bar, didn't do anything other than study for the bar. Then, after I'd finished taking the bar in July, I was volunteering in John's office kind of hustling around doing filings for four lawyers, not really doing anything and hoping that there would be a vacancy in John's Washington DC office.

Conrad Mallett: Remember, Peter Rodino was the head of the Judiciary Committee but John was the vice chair. He had five or six slots, they were all filled. He was pretty sure one of the young people were leaving. I was waiting for them to go. Malcolm Dade who was the chief executive assistant to Coleman Young and this is about the time that Jimmy Carter, obviously, he's up for reelection, calls me and says, "Come with me to DC. I'm going to be the deputy campaign manager for Carter. I want you to come with me."

Conrad Mallett: I got nothing else to do. I take a job at the Democratic National Committee as a member of something called the political division which my father always laughed at. He said, "Isn't everybody at the DNC in the political division?" Anyway, so I go there. Malcolm arranges it so that I get sent to the state of Mississippi and become the person responsible for managing to get out the vote effort.

Bill Ballenger: Was that for the whole South or just for state of Mississippi.

Conrad Mallett: No. Just for the state of Mississippi. We had a really good team. It's a great, great time to be someplace else with a law degree, member of the bar. Now, suddenly, I'm thinking that if we win the election, Malcolm will be in the White House as one of the executive assistants, and I can go and work for Louis Martin who liked me who I knew, who Malcolm had a very good relationship with.



Conrad Mallett: I said, "Oh my god. I'm going to be an assistant White House General Counsel." Carter loses. Malcolm calls me up. He says, "Listen, yurn in all your expense reports and make the treasurer of the campaign pay you right then because tomorrow morning, we're telling everybody no more bills or pay." So I go to the guy that night and I say, "Listen." His name was Paul. I said, "Paul, can you ... and he said "I'll take care of it tomorrow." I said, "No. Really, you know. Take care of it tonight because I'm leaving in the morning."

Conrad Mallett: He said okay. He took care of that. I'm sure that I was one of the last bills paid. I took my \$400, got a plane ticket, came back home. Malcolm went back to work for Coleman Young, and I joined the law firm Miller, Canfield, Paddock and Stone. It was a great decision. I work for one of the great, great, great lawyers in America, Stratton S. Brown, who had helped write all of the public financing laws that existed in the state of Michigan.

Conrad Mallett: Now, think about this. That's 1981. What happened in 1981? Coleman Young recognizing that the city of Detroit is on the verge of bankruptcy, decides he's going to go to the state legislature and ask for an income tax increase. Then, he's going to have to have that request confirmed by the people in the city of Detroit. Coleman Young says to Malcolm, "You have to run the campaign." Malcolm said, "I'm too old, but I got somebody who will do it for us and I will control him." Already, I had a reputation for being kind of out of control.

Conrad Mallett: The mayor said to Malcolm in front of me, "This kid is 27 years old. You're going to put the entire fate of the city in his hands." He said, "Okay. Good." Both of you are going to be held responsible for this if it doesn't work. Remember, these guys, John Martella, Tom Kylie. Martella and Kylie.

Bill Ballenger: Absolutely.

Conrad Mallett: They were our political consultants, and then they came up with vote yes which was like really think about it. I mean that was the essential requirement and we ran this really, really great campaign. We won handily but we worked our brains out. Right after that, when we won that election in November of 1981, a young congressman who had participated in the bailout of Chrysler decided he was going to run for governor.

Conrad Mallett: His best friend then and now was a man by the name of Ron Thayer. Ron Thayer was very close and had been very close to Malcolm Dade for decades because, what, they both work for Frank Kelly. Malcolm and Ron Thayer went to Malcolm Dade and said, "We need a deputy campaign manager along with Rick Wiener and a young woman by the name of Ellen Globokar. Who do you recommend?"

Conrad Mallett: Malcolm said, "I'd recommend Conrad Mallett." I met with Ron. Then Ron took me to meet with Blanchard.

Bill Ballenger: Is that the first time you really met Blanchard?

Conrad Mallett: First time that I had a met Blanchard. We liked each other but remember my political patron is Coleman Young. I go back to Malcolm. I said, "Listen, what do you want me to do?" Malcolm says, "We want you to do it." I said, "Was the mayor going to endorse Congressman Blanchard?" He said not right now. I said, "Well, what am I doing?" He said, "Well, you're going." I said, "Oh I'm the peace offering. I'm the stake in the ground. I'm the mayor's indication that things are going well, and if they really go well, then the mayor will come. If they don't go really well, the mayor will won't, won't, won't. The only thing you sacrificed is me."

Conrad Mallett: Malcolm said, "Conrad, I couldn't have said it any better." I start out then as the mayor's stalking horse, his representative in the campaign. But it turned into something different because, Bill, in order to do something like that, you're a senior member of the political class and elected yourself many times, you got to throw your whole heart and soul into it. You can't half-way do it. If you half-way do it, you lose.

Conrad Mallett: I was with Blanchard every Sunday. He and I went to two or three or four churches every Sunday really starting in June of '82, just really getting out there and meeting the people. Remember Blanchard's a kid from Ferndale. He had no affiliation or association with Detroit, but let me tell you, man. This guy really, really, really turned out to have an affinity for the people that he met. He enjoyed that church experience, and looked forward to it. I never had to drag him, he was always anxious to get in and hear the music, participate with the people, stay for breakfast. It was what we did all day Sunday, from eight o'clock in the morning until about two.

Conrad Mallett: You really come to understand who somebody is when you're in a car with them for six hours. And Blanchard and I man, really establish a very healthy respect for each other which turned into, man, a real love for each other. Blanchard is one most important people in my life. I love him to death. I really, really, more than pleased to be associated with him. And what happens is that the campaign began to take off. We were better at it than everybody else. Rick Wiener was terrifically gifted in political science. I mean, he knows the game. Ellen Globokar is one of the great political operatives that ever came. And on the edges, we had the entire Coleman Young machine which really wasn't with us, because the mayor hadn't pushed the button. But they were almost with us and people assumed the mayor was going there, because I was there. And they assumed that the mayor was going there because Malcolm kept showing up. So it was really turning our way and becoming something very, very special.

Bill Ballenger: Well, you had to win a big primary first.

Conrad Mallett: Big primary.

Bill Ballenger: You had like six opponents, didn't you?

Conrad Mallett: Yeah.

Bill Ballenger: Seven of you all together?

Conrad Mallett: Ed Plawewski, Gary Corbin, a lot of big names out there. But Blanchard clearly was the leader of the pack basically from the first day. But we had to clear it out and it had to do it in a way that the party wouldn't be fractured. But we had to prove ourselves.

Bill Ballenger: So you won the primary and then you're facing Richard Headley, the author of the Headley amendment that was passed by the voters in 1978.

Conrad Mallett: Right.

Bill Ballenger: And November of 82, you were still on board?

Conrad Mallett: Now it's full time. The mayor called me. I call him the old man. The old man with all the way in. When Brinkley didn't get the Republican nomination-

Bill Ballenger: Headley beat him in the primaries.

Conrad Mallett: Headley beat him in the primary. Coleman Young then said, "Okay, I'm pulling out all the stops." So now the entire Coleman Young machine, which really was at it's zenith then, was available. And Jim Blanchard got 390,000 votes out of the city Detroit.

Bill Ballenger: Yeah.

Conrad Mallett: Crushed Dick Headley.

Bill Ballenger: Yeah.

Conrad Mallett: But it was close everywhere but Detroit. And Detroit really delivered, and it was surprising, the ferociousness of the turnout. The old man, that last month was with Blanchard in church every Sunday.

Bill Ballenger: This is Coleman Young.

Conrad Mallett: This is Coleman Young.

Bill Ballenger: Yeah.

Conrad Mallett: Yeah, he was with him every night. So you think about this, Jim Blanchard and I had been going to these churches, and I'm literally driving an AMC Rambler.

Bill Ballenger: Well George Romney would've like it.

Conrad Mallett: And I loved that little car, man. But when the old man came, Blanchard's sitting in the limousine with the old man. We're running red lights. We had an entourage, man of 10 card.

Bill Ballenger: Yeah.

Conrad Mallett: Like the president showing.

Bill Ballenger: Sure, absolutely.

Conrad Mallett: And the old man was at the zenith of his power. So he walks in with Blanchard. I mean, you know, the show stops.

Bill Ballenger: Yeah. Absolutely.

Conrad Mallett: The great scene that I remember, we're in St. James Missionary Baptist Church, and the Reverend James Nicks, god bless him, passed away soon thereafter. One of the great church musicians that the world has ever produced. On a par, and some of your viewers will know this name, Kirk Franklin. On a par, Bill, with now Kirk Franklin. So we're in St. James Missionary Baptist Church, on the stage is Don Riegle, Coleman Young, Jim Blanchard, John Dingell, John Conyers. I mean, the whole aristocracy of the Democratic Party is in this church. So, James has really got it going, man. The whole church is rocking, everybody's clapping and Don Riegle is off beat. Jim Blanchard turns to him, and the whole church is watching, and gets him on beat.

Bill Ballenger: On beat. Impressive.

Conrad Mallett: Man, the house came down. And then Blanchard turns back around, and this is a song he knows. So he's singing, and he's clapping and he's just having the time of his life, man. And I will always remember that.

Bill Ballenger: Remember that. Okay, so Blanchard beats Headley, he's elected governor. He goes to Lansing, you go to Lansing, right?

Conrad Mallett: Jim Blanchard now, remember he's 40 years old and he really rolls in, man with the kiddie corp. I'm 29, I'm his legal advisor and his legislative director. Bob Bowman rolls in, he's the state treasury. He's 27. His deputy is Jay Rising, he's 26. I mean really, Lewand was 39, he was the chief of staff. I mean, we were coming to take Lansing. Rick Cole was with us.

Bill Ballenger: Sure.

Conrad Mallett: We were coming to take Lansing by storm. In those first couple of years, man we had a ball. It was a great time.

Bill Ballenger: Were you living in Lansing?

Conrad Mallett: Living in Lansing.

Bill Ballenger: Or did you commute?

Conrad Mallett: No, I lived in Lansing.

Bill Ballenger: So, you're up there for two years during the start of the Blanchard administration.

Conrad Mallett: Right.

Bill Ballenger: So you didn't stay there indefinitely, though, did you?

Conrad Mallett: No.

Bill Ballenger: Your role is what? You were general counsel?

Conrad Mallett: I was the head advisor.

Bill Ballenger: Head of legislative affairs?

Conrad Mallett: Exactly.

Bill Ballenger: Okay.

Conrad Mallett: So, it was a great job. I always remember this. Frank Kelly came to see me and Blanchard. And he always called me Connie. He said, "Connie, this legal affairs person ain't much of a job." And Blanchard's the governor, man. He's sitting at his desk, Kelly and I are sitting on the other hand, and Stan Steinborn, remember Stan?

Bill Ballenger: Oh, yes, absolutely.

Conrad Mallett: Love Stan. So, Stan's with him.

Bill Ballenger: Yeah.

Conrad Mallett: And so it's the four of us in here. He said, "It ain't much of a job. Really ain't much of a job for you, because you know the governor's legal advisor is the attorney general." And Romney had a legal advisor, but he and I came to an agreement that the legal advisor to the governor would be sworn in as a special assistant to the attorney general.

Bill Ballenger: Oh, okay. All right.

Conrad Mallett: So he said, raise your right hand. And he swore me in as his special assistant.

Bill Ballenger: Oh, really?

Conrad Mallett: As an attorney general. Thus allowing me to remain the governor's legal advisor with allowing Frank to, not maintain fiction, but to always say, "No, no, no. I'm the governor's legal advisor. And one of my guys, Conrad Mallett, is in his office." And what I did, actually though, was take that opportunity very seriously. And I met with Stan three times a week. And we, Bill, went over everything. Why not take advantage of one of the greatest lawyers the state of Michigan ever produced? Why not give the governor the best legal advice that he could get? So I began most of my sentences when it came to be giving James Blanchard legal advice with, "I talked with Stanley, and we agreed." You say that to any elected official, "I talked with Stanley and we agree." That's a very powerful recommendation, that what you're about to say is the right thing to do. "I talked with Stanley, and we don't think you should do X or Y." That's a really firm no, don't do it that way. It was great. I mean, I took Frank at his word. I was proud to be one of the attorney general's special assistants, and my relationship with Stanley Steinborn really, man, was one of the most important relationships I had in my life.

Bill Ballenger: Let me ask you one question, one of the first things that confronted you was a terrible budget situation in 1983, and you were director of Legislative Affairs, and as you know, in the spring of '83, there was the faithful vote on raising the state income tax.

Conrad Mallett: Right.

Bill Ballenger: Leading eventually to recalls of two democratic senators late in the year and Republican takeover of the Senate, with a new majority leader named, I hate to say it-

Conrad Mallett: John Engler.

Bill Ballenger: John Engler. And guess what? The democrats have never regained control of the State Senate. How do you look back at the decision, then, on raising the state income tax, the recalls, and what happened?

Conrad Mallett: Two things. I think that if the governor was sitting here, he would agree with me that we had no choice, one. Two, we also did not fully understand the necessity to reform the government. And hindsight being 20/20, what we also should have done was really examine how the state of Michigan was doing business, and really take John Engler at his word that we were spending too much money on things that were not adding value. The calculus was that everything that we were doing was right. The governor was, having grown up in a single parent home and been poor a large section of his life, was not interested, Bill, in getting rid of general assistance. He was not interested in cutting people off. I think were we to be confronted with it again, we would have sought humane ways to modify the program. But nobody had that much insight into it then, and none of

us knew that the economy was as fragile as it was and never really would return to this boom time that we were used to.

Conrad Mallett: And finally, I think that we anticipated the loss of Phil Marsten, who went on to become the superintendent of schools. Blanchard always held him in very, very high esteem. It was the hardest thing to do.

Bill Ballenger: He was one of the two Democratic Senators.

Conrad Mallett: He was one of the two.

Bill Ballenger: Senators who were recalled.

Conrad Mallett: Right.

Bill Ballenger: And the loss of the Senate for the Democratic party.

Conrad Mallett: Then complicated the rest of our lives, yes. There's no question about that.

Bill Ballenger: It did. Did that help maybe facilitate your decision to leave at the end of 1984 and come back to Detroit?

Conrad Mallett: No, and you will understand this analogy. When you're a member of one political family, you're always a member of that political family. Coleman Young called me and actually sent Malcolm Dade to see me and the governor to say, "Look, we've got a tough race coming in '85. We really need Conrad to come home and manage this, and we really need him to come home now and put everything that needs to be in place." So it was a directive, and I think that the governor and I were both sad, but there was no point in starting a war with Coleman Young over me saying, "Well, I'm not going to go." That would have injured the governor, that would've injured me, that would have strained the already fragile relationship that Blanchard had with Coleman Young. And I wasn't sad, Bill, to leave or sad to be going home. It was part of my responsibility as being a senior member of the team, and so there was another set of responsibilities that I had to carry out.

Bill Ballenger: Okay, so you came back and you help Coleman get reelected.

Conrad Mallett: Right.

Bill Ballenger: And then what?

Conrad Mallett: The campaign was over, the mayor had been reelected, the whole time for all of us had been a real strain. I mean, as much as people wanted to write him off, Bill, he ran a fairly decent campaign. The election outcome was never close, but remember he demanded a recall. It was just a lot of stuff with this guy, and really frayed everybody's nerves. And so, when it was over and if we got done

with the campaign right around Christmas time, I was really looking around. I had kind of come and done for the mayor what the leadership of the city political machinery had asked me to do, which was be sure that the mayor got reelected. And I didn't think I had much of a contribution to make to the mayor anymore. And so, when I told him I was leaving, he was sad.

Bill Ballenger: That you were leaving.

Conrad Mallett: That I was leaving, he was sad to see me go, but only a little. He gave me a party at the house, he gave me a resolution and all of that. I had Conrad Mallard Jr. Day.

Bill Ballenger: I think he probably really did miss you.

Conrad Mallett: A perfectly appropriate send off.

Bill Ballenger: He wanted to stay on your good side, I think. So you went into the private sector.

Conrad Mallett: So I joined Tom Lewand at Jaffe Raite.

Bill Ballenger: Okay.

Conrad Mallett: And he had started a division at Jaffe Raite which had not done public finance law before, public finance department, which I joined. And we went in and we were doing really good work. We had obviously municipal clients who needed to work with the state of Michigan. Ed McNamara had just been elected, was it reelected or elected? I think it was reelected in '86, or elected in '86.

Bill Ballenger: He was elected in '86.

Conrad Mallett: Elected in '86.

Bill Ballenger: Taking over for Bill Lucas.

Conrad Mallett: That's right. Taking over for Bill Lucas. So, I then meet one of the great friends that I developed over the course of time, Mike Duggan. Mike Duggan hires me and Lewand to work with him, both on the public financing associated with getting Wayne County out of debt and to help manage both the governor's office and the legislative response to Ed McNamara's request that we raise parking fees and hotel fees in order to help Wayne County get out of its then massive \$400 million budget. So we do that, do it successfully, kind of starts me and Lewand off in a really, really positive note. Wayne County stays a good client of the firm. Ed McNamara, Mike Duggan stay really good personal friends of ours. And we're floating along, and floating in that we're doing the job of lawyers, it's not overly exciting, but we're both building a small amount of our



personal net worth. My family was very young then, so you know, we're working hard following the American dream. Things are going fine.

Conrad Mallett: Government comes up for election in '89, right? '90.

Bill Ballenger: '90.

Conrad Mallett: We all get the feeling that this is going to be tougher than anybody had anticipated. The governor had gone through some personal changes in his life. The Martha Griffith thing had not been handled well at all.

Bill Ballenger: She was Lieutenant Governor.

Conrad Mallett: She was Lieutenant Governor. We had anticipated that Mrs. G. Was simply going to step down and we were going to give her a huge part in a wonderful send off. And, Mr. G determined that no, Martha should stay as long as Blanchard.

Bill Ballenger: Hicks Griffith.

Conrad Mallett: Hicks Griffith.

Bill Ballenger: One time chairman of the Michigan Democratic party.

Conrad Mallett: A very, very, very ferocious important thinker and a really great man. But, the truth of the matter is we had a plan. Our plan was to change the face of the governor by introducing as his lieutenant governor Bob Bowman. That was going to be our big shift toward youth, toward vigor, toward new ideas. When that didn't happen, we stumbled. We stumbled pretty badly, and then the republicans, through some operatives of theirs based in Detroit, were able to convince the mayor to kind of sit on his hands. Not a lot. But the mayor didn't bring the kind of enthusiasm to Blanchard's reelection as we needed. We ended up, as you know, losing that election by 17,000 votes. Less than one vote for precinct, and clearly, all of that turnout could've come from the city of Detroit. I don't blame the mayor completely, it was a poorly run campaign. I won't name the names of the people, because they're still stumbling here trying to do political work now. They ain't good at it now, they weren't good at it then. And we were very, very, very profoundly disappointed.

Conrad Mallett: On the Supreme Court then, was Justice Dennis W. Archer Sr. Having witnessed the confusion that occurred when Blair Moody-

Bill Ballenger: Blair Moody, back in '76, yeah.

Conrad Mallett: So, Dennis then, when Blanchard lost, immediately resigned from the court so that Blanchard would have a clear window within which to make the

appointment when he was absolutely unequivocally still the governor. So man, there was furious jockeying, and I remember a phone call from my father.

Bill Ballenger: This is in November of 1990. Right after the election.

Conrad Mallett: Right after the election. Dennis resigned and-

Bill Ballenger: Because he's getting ready to run for mayor of Detroit.

Conrad Mallett: Getting ready to run for mayor, and he wanted to be sure that Blanchard, as the governor had an unquestionability to point his replacement.

Bill Ballenger: Right.

Conrad Mallett: So he exits. There's a vacancy. The jockeying begins.

Bill Ballenger: Who are some of the other people being considered do you think at that time?

Conrad Mallett: Most directly being considered, remember there was a list of names that were appointed. I was on it. Brilliant jurist by the name of Cynthia Stevens was on it. Adam Shakoor, who was then, I think, the Deputy Mayor for the city of Detroit but had been the chief judge.

Bill Ballenger: A judge.

Conrad Mallett: A chief judge of the 36 District Court was on it. And Ernie Lofton who was the Regional Director 1A for the UAW, very powerful, and Coleman Young were supporting Adam Shakoor. My name was on the published list, and my father said, "You know what? It's a great thing." And I agree, that was a great thing to be mentioned as a possible candidate for the court. And Bill, I swear on a stack of Bibles, I thought nothing more about it. It's good to have my name on the list, thank you Governor for thinking about me. I was moving on. I mean, not moving on. I wasn't pay any attention. Christmas was coming and I had things to do.

Bill Ballenger: You had other things to do.

Conrad Mallett: I wasn't paying any attention.

Bill Ballenger: You were practicing law. Everything was going well.

Conrad Mallett: And the governor I know now, and did not know then, was furious with everyone. He thought that the people who were closest to him institutionally could have done more. The UAW could have done more.

Bill Ballenger: In his reelection campaign.

Conrad Mallett: In his reelection. The UAW could have done more, the mayor of Detroit could have done more. And whether he was right or not, he was feeling like people that he had helped, people that he had protected, people that he had supported had not given him the support that he deserved. So there was a gap that existed between now the people who were supporting Adam, and what the governor himself was interested in doing. As both Ron Thayer and Tom Lewand tell the story, they were sitting with the governor, the governor was saying, "Man, oh man, I really am betwixt and in between. Adam is perfectly a good choice. He's qualified, good guy. I know him. I like him, but I don't want to do it." And Ron Thayer and Lewand say to him, "Well, what do you want to do?" He said, "What I really want to do is appoint Conrad." And Lewand says, "Well, you know what? You ought to do what you want to do." And Thayer says, "I've been saying that to you all day long, you ought to do what you want to do."

Conrad Mallett: And the next thing I know, completely out of the blue, I get a phone call from the governor that says, "I'm going to appoint you to the court."

Bill Ballenger: Where were you at that time?

Conrad Mallett: I was at home. I was living in West Bloomfield, got the phone call. I'm sure it was a weekend, I can't remember, Bill, if it was a Saturday night or Sunday night. Whatever it was, we both knew that the story could not be held. So we went to Stephen Cooper's court, I think, that following Tuesday. So it had to be a Sunday. Following Tuesday for the announcement at 10 o'clock. And we made the announcement, the governor then gathered up his family, went to Washington, kind of halfway done at that point, kept his address at Michigan but gathered up his team and he left to Washington and everybody associated with the Blanchard campaign kind of flew to the four winds. And, I'm standing there now as a member of the Michigan Supreme Court. And both my father and Jim Blanchard say to me, "These two years on the court will be great for you. It will solidify your career, it'll be a great thing."

Bill Ballenger: Why two years?

Conrad Mallett: Because neither one of them thought I could get elected.

Bill Ballenger: And you had to run for election to fill out the unexpired portion of the term of Archer.

Conrad Mallett: Right.

Bill Ballenger: In 1992. And they thought you weren't gonna be able to be elected in your own right. Well, let me ask you this, why did they have that kind of reaction? What was the reaction in your mind to your being appointed by Blanchard to the court at that point?

Conrad Mallett: Unanimously negative. Every newspaper in the state.

Bill Ballenger: On what grounds?

Conrad Mallett: That I had never been a trial court lawyer, that I had never been a judge, that I was too young, all true. The Detroit News called me 'Blanchard's Revenge.'

Bill Ballenger: Well, what did that do to you personally?

Conrad Mallett: You know what? It was a great and profound moment, because when I was on the phone with Rick Wiener, and Rick called me up and said, "Listen, I see all these editorials." He said, "But remember this, next week they'll be on to something else."

Bill Ballenger: Sage advice.

Conrad Mallett: And he said, "So, I'm not saying forget about it. I'm saying, understand that they'll be on to something else. You'll be fine." So, the next week, New Year's Eve, they were onto something else. And then the thing that I don't think that either the governor or my father really appreciated was, was that although I had never been elected, I knew what I was doing. My swearing in ceremony was at the DIA. I had Carl Marlinga, Stan Steinborn, Frank Kelley, Damon Key, Coleman Young, the prosecutor from Genesee County, Bob Weiss.

Bill Ballenger: Yup.

Conrad Mallett: I had the president of the State Bar, my cousin Leslie was the president of the Wolverine bar. I had Wendy Baxter who was the chief judge of the recorder's division of the Wayne County Circuit Court. These people were all on the stage, and there were 1100 people at the swearing in ceremony. And Hugh McDiarmid, who was your good friend, and a political writer, a columnist for the Free Press, came and wrote about it and said, "Don't count this kid out."

Conrad Mallett: There's 1,100 people there on a day when it was a terrific ice storm and people really had to labor to get there. He said, "1,100 people, there was standing room only. All of these people were there." He said, "You know what? I'm not a fan or supporter. All I'm telling you is is don't count this kid out." And that was his column.

Conrad Mallett: And that was the start. And from that point, from the swearing in ceremony until the date of the election, I averaged one campaign appearance a day.

Bill Ballenger: Somewhere in the state.

Conrad Mallett: Somewhere in the state. The next month, in February, I flew to the Upper Peninsula. I was there for a week. And, as you know, you only get credit for going to the Upper Peninsula in the winter. They don't care if you come in the summer. That's when everybody comes. You got to come when there's 23

inches of snow on the ground and the high that day is 10 below. Then they will say, "We're glad to see you."

Conrad Mallett: So I went to Northern Michigan and did two days of a teach-in kind of thing as a guest lecturer, because, you know, I was notorious. I was this brand new, 37-year-old member of the Michigan Supreme Court, and people wanted to see, you know, "Does he speak in complete sentences?"

Conrad Mallett: And so I had a ball, and I campaigned. On my desk, which we'd cleared for this interview, is a picture of me and my then three-year-old at a campaign event. She's got on a pair of sunglasses, and I'm lecturing away, campaigning my brains out. And that's what I did. It was a family job. That's what we did for entertainment for two years.

Conrad Mallett: Okay, You're a member of the court.

Conrad Mallett: Yes.

Bill Ballenger: You walk in there, and you've got titans surrounding you.

Conrad Mallett: Yes, no question, no question.

Bill Ballenger: You've got Charles Levin. You've got Bob Griffin, Jim Brickley.

Conrad Mallett: Patty Boyle.

Bill Ballenger: Dorothy Comstock Riley, Patricia Boyle.

Conrad Mallett: Mike Cavanagh.

Bill Ballenger: Mike Cavanagh. Those were your colleagues.

Conrad Mallett: Those were my colleagues.

Bill Ballenger: How did they treat you?

Conrad Mallett: Dorothy Riley, next to my mother, is probably the most important woman in my life. Dorothy, when I got appointed, said, "I've only met Conrad once, but he certainly seemed to me to be a nice young man." And so she gave me as much of a positive endorsement as she could.

Conrad Mallett: She was always gentle. She was always graceful, and she was always supportive. My office in the Detroit office that we had was next to hers, and I would sit with Dorothy two or three hours a week, you know, half an hour here, 45 minutes there, every day.

Conrad Mallett: She was just a really, really, really important member. Senator Griffin, a very senior member of the court, long career in the Senate. When I walked in, he said, "Listen, you'll be all right. Never forget, your primary responsibility, your sole responsibility, is to protect the institution of the court in the things you write and in the way you behave. You never forget that, you'll be fine."

Conrad Mallett: Brickley, who had his own complicated career, was just, you know, "I'm glad you're here. This'll be a lot of fun."

Conrad Mallett: Cavanagh knew my father when my father was going to get Mike out of trouble that he had gotten himself into when his older brother, Jerry, was the mayor. So Cavanagh said, "Listen, whatever I can do, you let me know. I owe your father a tremendous debt that I've never been able to pay, and so I'm going to do everything I can to take care of you."

Conrad Mallett: Chuck Levin thought I was hysterical.

Bill Ballenger: In what way?

Conrad Mallett: In that I was just so junior but so opinionated. And Boyle was interested in the fact that 90% of the time, with criminal law matters, I agree with her and not Chuck. And the other thing that I recognize, in addition to having to do with the campaign work, the other constituency group that I had to satisfy was, as you anticipated, the members of the court.

Conrad Mallett: So, unfailingly, I was prepared. Without question, I had read everything. Without a doubt, I had written my own facts statements. Oliver Wendell Holmes said, "I don't write the opinion. I write the facts. The facts dictate the result. I write the facts, I hand the facts to my law clerks. They come back with the result based on my interpretation of the facts."

Conrad Mallett: That's what I did. I wrote up the facts. The law clerks would come back. We would go over the analysis, and I really, really, really, like Patty Boyle and Chuck Levin, could take a lot of pride in the fact that most instances, more than 50% of the opinion that got produced, was my own.

Conrad Mallett: Chuck and Patty were more like 75%. But my direct, personal contribution to the work that got published in a very large instance was my own. So the intellectual integrity associated with my work product, the people on the court understood and appreciated.

Conrad Mallett: So, I mean, they saw me as a good colleague. They saw me as a responsible colleague. They saw me as a prepared colleague.

Bill Ballenger: And you felt welcomed.

Conrad Mallett: And I felt very welcomed, very welcomed. And, you know, I was always a little bit of a disappointment to Chuck Levin because I had shaded to what he called the right with Patty Boyle. But, man, think about this. You had two of the smartest lawyers that the world has ever produced, Patty Boyle and Chuck Levin, arguing over issues associated with a criminal procedure, a knock-down, drag out over Miranda, and what did it mean?

Conrad Mallett: And if the police know that a lawyer is in the waiting room, and while the defendant hasn't asked for him, the mother has sent the lawyer there. And the police know the lawyer is there. But they let the kid go on and waive his rights.

Conrad Mallett: Patty said, "What are you talking about? It was free and clear. He did it on his own." And Chuck said, "What are you talking about? The police knew that the lawyer was standing in the hallway. If they had said to the kid, 'The lawyer that your mother hired is here. Now do you want to waive your rights?' He'd have said no."

Conrad Mallett: So, I mean, that's actually a closer call than you think. In that instance, I agreed with Chuck. And Patty wrote a profound opinion, which went the other way. They said it doesn't make any difference. No one tore his fingernails out. No one caused this young man to do anything other than freely waive his rights. Who cares what he knew or didn't know? That's not the standard. The standard is, was on his own volition did he waive his rights with no prompting from the police?

Conrad Mallett: The police withheld information. They do that all the time. Cut it out. So on the court itself, I mean, so you think about this. It's like a ping pong. We're both doing this. Everybody's moving their head from side to side, waiting for Chuck, waiting for Patty, waiting for Chuck, waiting for Patty.

Bill Ballenger: Well, what were some of the other big cases that you can remember?

Conrad Mallett: You know, I mean, a huge case, Budzyn and Nevers.

Bill Ballenger: Starsky and Hutch.

Conrad Mallett: Starsky and Hutch.

Bill Ballenger: Malice Green.

Conrad Mallett: Malice Green.

Bill Ballenger: That's all that. And tell us a little about that.

Conrad Mallett: Well, you know, Malice Green was the young man who had in his hand a bolus of cocaine. And Officer Nevers and Officer Budzyn were Detroit policemen who believed that if they could open up his hand, they would have evidence

associated with the fact that he had committed a felony, because he had in his hand a large, not large, but he had enough cocaine in his hand that would have caused him to be at least indicted for possession of a felony amount of cocaine.

Conrad Mallett: So in the process of trying to open his hand, he was killed. And so the question is, is during the course of their trial, for whatever crazy reason, the bailiff goes out. They're on break, and he gets the jurors a movie. What's the movie that he gets them? Malcolm X, starring Denzel Washington, produced and directed by Spike Lee.

Conrad Mallett: Six of the members of the court all say that the fact that this was a movie about a very important, but also very radical, member of the African American civil rights community, could have had the potential to politically inflame the jury. And, thus, their initial decision to find them guilty of second degree murder.

Bill Ballenger: This was the jury.

Conrad Mallett: This is the jury, was unfairly influenced by the fact that they had watched that movie. And I disagreed. And it was six to one.

Bill Ballenger: This is on appeal. This is the Supreme Court.

Conrad Mallett: It's on appeal on Michigan Supreme Court. So it was on appeal. I can't remember. My supposition is it's very, very likely that the Court of Appeals overturned their conviction. It came to the Supreme Court. We heard it because it was a very important case. And the court, six to one, in fact, ordered a new trial.

Conrad Mallett: My own view was that, frankly, I didn't think the movie was important enough.

Bill Ballenger: Let's make it clear, Nevers and Budzyn were convicted by the jury in the original trial.

Conrad Mallett: That's right.

Bill Ballenger: And so the Supreme Court's basically overturning this and saying there ought to be a new trial. You were the lone dissenter.

Conrad Mallett: That's right.

Bill Ballenger: Okay.

Conrad Mallett: That's right. And my own view was was that, frankly, the movie was not strong enough. And I remember my clerks, because I wrote a really harsh critique of the movie, my clerk said, "You can't put that in there." It's not enough of a basis to say you don't want to have a new trial because the movie was terrible.



Bill Ballenger: You were a film reviewer.

Conrad Mallett: Exactly. And part of my argument was that this was really a fairly poorly constructed movie that didn't have as much social relevance as Spike Lee thought that it should. And because of its gross deficiencies, both in fact development and personnel development, I didn't think that the jury would have been overwhelmed.

Conrad Mallett: You know, I didn't quite say they would have been bored to death, but I didn't think that the court's suggestion that this one movie would cause them to forget eight weeks of fact presentation made by the prosecutor was valid.

Conrad Mallett: The great thing about being on the Michigan Supreme Court, all of my colleagues read my dissent, and every single one of them sent me notes that said, "You need to strengthen this. You need to cut that out. You need to make this better. I'm not sure what you mean here. I think this would be better said this way." Every member of the court contributed to my dissent, recognizing that I was going to be by myself.

Conrad Mallett: Dorothy, particularly, said, "It's got to be the best opinion you have written. And we're going to make damn sure that it is." And when Dorothy said something, man, on that court, everybody paid attention. And so I think she was the chief. But, anyway, she made it the court's assignment. "I want you to review Conrad's dissent. I want your best clerks to go over it. I want substantive comments delivered to him by x day. And, Conrad, I want you to read them all, and I really, really want to see evidence of the fact that every single one of the suggestions that got made had been clearly and appropriately considered."

Conrad Mallett: So we were like high school students, man, and Dorothy, all 5'1" of her, all 101 pounds of her, were giving out orders that every single one of us followed to the T.

Bill Ballenger: Well, now, it sounds like you had a lot of mutual support for one another, or at least you did in that instance of her to you. Is it that way or was it that way with a lot of other cases? Or was this unusual?

Conrad Mallett: I think the Budzyn/Nevers case was unusual. I do think, though, that we were a very traditional bunch. You know what I mean? I mean, you know, Bob Griffin had been in the United States Senate, I don't know, 30 years. I mean, he'd been a long-serving member of the court.

Conrad Mallett: Jim Brickley came to the court after having been a lieutenant governor, after having been an FBI agent, after having been the United States attorney general.

Bill Ballenger: Detroit city councilman.

Conrad Mallett: Detroit city councilperson, just really, a former president of Eastern Michigan University, a profoundly gifted public servant.

Conrad Mallett: And so, I remember that there was a workers compensation case written by Brickley that was decided, Bill, in the 1930's. Something to the effect that if the worker was injured out of state and was re-injured in the state of Michigan, that the length of time for the injury would go back to the original, because it was a statute of limitations case, something along the lines.

Conrad Mallett: And Brickley disagreed with that. He said, "Look, it's the state of Michigan. What happened in Indiana doesn't count here." But then he went on to write, "But this has been the state of the law since 1930, and I'm not going to upset it now." And he pointed out that this particular question has been reviewed by this court ten times. And every time it's been reviewed they say that the Indiana injury counts toward the Michigan statute of limitation. I think that's wrong, but I'm not going to overturn it. The legislature needs to confront this, recognizing that this misinterpretation exists. And he said, "But it's instructive to me that in all this time the state legislature knows that this is the opinion of the court and hadn't done anything about it."

Bill Ballenger: That's so-called stare decisis.

Conrad Mallett: Stare decisis.

Bill Ballenger: Meaning honoring precedent.

Conrad Mallett: Honoring the precedent. And it was a profoundly important moment that we all revere now. And I don't want to get into a fight with the current court. But I will simply say this, that there have been courts, after my exit and after Governor Brickley's exit from the court, and after Senator Griffin's exit from the court.

Bill Ballenger: Everybody's gone except Mike Cavanagh.

Conrad Mallett: Right.

Bill Ballenger: He's the only one left.

Conrad Mallett: And so there have been courts that have said, "No, the decision is wrong and stare decisis is not necessarily a rule of law. It's more of a legal tradition, and we're not going to go down that road." Very different than what has gone on in the past.

Bill Ballenger: Well, who's right and who's wrong?

Conrad Mallett: I think James Brickley is 100% correct. Going back to the admonition given to me by Griffin, the job of a member of the court, among other things, is to protect

the institution. And I think that in that instance that was exactly what Jim Brickley was doing.

Bill Ballenger: So all things being equal, there should be deference to past decision making if at all possible.

Conrad Mallett: That is certainly my opinion, certainly my opinion.

Bill Ballenger: Okay, well, let me ask you a couple of other things. The Supreme Court itself, we have a peculiar way of doing things here in Michigan, you know. We nominate our candidates for the Supreme Court at party conventions, and then they're elected on a nonpartisan ticket in November. And, of course, if there is a resignation, as in your case, both when you entered the court and when you left, the governor appoints a successor.

Bill Ballenger: Do you think that's a good system? It's been widely criticized. A lot of people say we shouldn't be electing our judges at all. Other people say, "Well, we should elect them but in a different way." Other people say we should appoint them and we should appoint them this way or that way or whatever. What do you think?

Conrad Mallett: I mean, the current system, I think, works and here's why. Bob Young, who's a member of court now, was first appointed. Brian Zahra, who's a member of the court now, was first appointed. Steve Markman, who's a member of the court now, was first appointed.

Bill Ballenger: Well, Cliff Taylor was appointed and became chief justice, was defeated in 2008.

Conrad Mallett: Right, so whoever takes Hathaway's case is point. The point that I'm making, Bill, is this. In more than 50% of the cases, the members of the court are first appointed then run. Very rarely does a member of the court come to the court from a standing start, nominated by the party, run for election and then get elected. That almost never happens.

Conrad Mallett: The thing that's critical in a Michigan Supreme Court race, and you know this, is the designation, justice. 90% of the time, the people who elect you are looking to see whether or not they know you. And they assume by the fact that you're on the ballot, with Justice in front of your name, that you meet the minimum qualifications. 99% of the time, their assumption is correct. You've met the minimum qualifications.

Conrad Mallett: The governor, having vetted you, and if tradition holds, and I'm sure that it does, these cases, excuse me, these appointments are first gone through. The governor consults with the state bar. State bar says qualified or not. Now, sometimes it's minimal qualifications. Like in my case they wrote down, "Just barely." But if they really were to write down, "Not qualified," I'm sure the governor would have to really rethink the decision that he had made.

Conrad Mallett: But the thing that distresses me is the amount of campaign money, which is why I was very pleased to be a part of the Association of Supreme Court Justices, who put in a brief to the United States Supreme Court, who said that at a certain point, money in a judicial race, it violates the canons and too much is a bad thing. Doesn't count with the executive. Doesn't count with the legislature. But when you are taking money from a particular party that has a vested interest, then you've got a responsibility either to refuse to take that money, limit the amount, or not hear the case. And the court agreed with us. Now, they didn't order that all funding associated with judicial campaigns be shut down. What the court said is, "Send it back. State legislatures have to make a decision. But at a minimum, if you take money from a particular party, and there is on some continuum a point where enough is enough and more than enough is too much, then you're disqualified from hearing the case." And I was glad to be a part of the amicus brief that got assigned it.

Conrad Mallett: So I think that the work done by Justice Kelly and by Justice/Judge James Ryan who was on our court and then went to be a federal appeals court judge, brilliant man. I mean, I don't disagree with their observation that improvements are always possible. The only thing that I would say is is that a limitation or the public financing of the judicial campaigns would be the way to immunize ourselves from any particular criticism.

Conrad Mallett: I think that, you know, particularly with district court judges, I mean, you know, Bill, I want the district court judge to know the people who are standing in front of them. I remember one of my nurses at Sinai Grace, Gwen Navis.

Conrad Mallett: Gwen was dropping her kid to school at Farmington Hills. In order to avoid the long line, where parents, you know, dropping their kids at school, she drove into the Comerica Bank lot and dropped the kid off. And he walked across the grass and into school. So now you had two lines, the official line and the unofficial line. Well, Comerica got really upset with people driving into their lot. And I guess they were wear and tear on the asphalt. I mean, I'm not saying that they were wrong. But, anyway, they caused the city to give them all tickets. Well, had they been convicted, they'd have been convicted of felony trespass.

Conrad Mallett: So it went to the district court judge, and he said, "What is this?" "So, well, this is this." "What school? Oh, yes, you mean the bank next to the high school?" He said, "Okay, everybody stand up. You're all convicted of misdemeanor. Pay \$15 and get the hell out of here." That was that.

Conrad Mallett: That's why you want an elected district court judge. You got 50 parents in the room. Gwen Navis brought me with her because she's a nurse. She get convicted of a felony she'd lose her license. This had serious implications. You don't want somebody removed from the community deciding a case like that. You want the judge to say, "Where is that? Was that Harrison or Farmington?" "No, Judge, it's the Harris, excuse me, it's Farmington." "Oh, it's the Comerica." You know, that's literally ... He made a really derisive sound. He made everybody stand up, made everybody go out and pay \$15 and then fussed at the

city attorney for bringing this particular case and said, "Don't do that anymore. What's wrong with you?"

Conrad Mallett: And particularly in a case like that, you know, you want some homegrown justice. I mean, you don't have a lot of confusion.

Bill Ballenger: All right. Well, now, in 1992, you're running for a two-year term, and you do have the ballot designation. And you had an opponent, nominated by the Republicans. Were you the only one on the ballot this year, that race?

Conrad Mallett: Yeah, yep.

Bill Ballenger: And you won.

Conrad Mallett: I won.

Bill Ballenger: So you undoubtedly feel that maybe justice was done and that the ballot designation helped you get through to the finish line.

Conrad Mallett: And the endorsement of the news and the Free Press.

Bill Ballenger: There you go.

Conrad Mallett: Right. The newspapers that had said the end of the world was upon us and that this was Blanchard revenge, when the cycle came up both newspapers endorsed me.

Bill Ballenger: Okay, so you no sooner get elected to the remaining two years, and guess what? You got to run again.

Conrad Mallett: Got to run again. Got to run again.

Bill Ballenger: In 1994, you run for a full eight-year term. And this time, I think, there were two races run.

Conrad Mallett: Yeah, it was me and Don Shelton, and I can't remember who else.

Bill Ballenger: Well, you had young Richard Griffin, didn't you? And Betty Weaver.

Conrad Mallett: And Betty. And she won.

Bill Ballenger: And Betty Weaver. And you finished first, and she finished second. So you were both elected. So what was that campaign compared to '92. Do you feel like it was a walk in the park?

Conrad Mallett: Yeah, no question.

Bill Ballenger: You'd been through it once, you know?

Conrad Mallett: I kept up the same pace. Really, really, really worked hard.

Bill Ballenger: And you were the only one of the four major candidates who was an incumbent, who had the ballot designation. So all you had to do was finish second. Instead you finished first. So you really were solid.

Conrad Mallett: And I worked hard. You know, I really wanted to bring this thing home in a big way. And then I do remember being tired for a year.

Bill Ballenger: After the campaign?

Conrad Mallett: After, finally, the campaign when there was no more adrenaline left.

Bill Ballenger: Well, you've been campaigning for three years, four years.

Conrad Mallett: And beat to death, and really remember sleeping in every Sunday until 1 or 2 o'clock, just exhausted.

Bill Ballenger: Well, but look, you must have recovered because you were strong enough, and it made enough of a positive impression on your colleagues that in, I guess the end of '96 or '97, they elected you Chief Justice.

Conrad Mallett: Yeah, yeah.

Bill Ballenger: And you'd only been on the bench at that point like six years. And it wasn't even necessarily your turn, so to speak.

Conrad Mallett: It was not.

Bill Ballenger: Tell me about that. How did that happen?

Conrad Mallett: It was Patty Boyle's turn. The Democrats had the majority, she was next in line. Michael and I both promptly, and Chuck, both promptly went in her office right away and said, "Chief, we're with you. Congratulations. Good luck, God love you." And again, it's one of those instances, Bill, where everybody kind of scattered and went home. It was right around Thanksgiving, and so we were all going home. We were finished. I don't think we were finished for the year. I think we were gonna hear cases in December, but the holidays were there and people were very distracted.

Conrad Mallett: Again, another one of those circumstances where nobody's paying a lot of attention. For whatever reason, the Republican members of the Court, Dorothy and Griffin and Brickley, all contacted Patty and said, in an unprecedented manner, "We will not support you."

Bill Ballenger: Although at that point, technically, it didn't even make any difference if she voted for herself, and the other three of you supported her.

Conrad Mallett: Exactly.

Bill Ballenger: But, it would have been unusual in the sense that it would have created a four-three split, which would have been a little bit unseemly or fractured the collegiality of the Court.

Conrad Mallett: Right.

Bill Ballenger: Why do you think they decided to do that?

Conrad Mallett: I have some opinions, but out of respect for all three of my Republican colleagues who are no longer here, and Justice Boyle who is, I won't go into it. It was, to me, an unfortunate moment. You never wanna be seen as taking advantage of a colleague's dislocation. However, once Patty made the profoundly institutionally protective decision to withdraw her name for consideration.

Bill Ballenger: Upon hearing this from the three Republicans, she decided, "I don't wanna go there if I don't have unanimous support from everybody."

Conrad Mallett: Exactly.

Bill Ballenger: Then what?

Conrad Mallett: Then, Dorothy called me and said, "I'm gonna put your name in nomination, but only if you promise to vote for yourself." I went to see Patty to confirm that she was withdrawn. It was a very crisp meeting. I called Dorothy back and said I would. At that point, I called Chuck and I called Mike, and they said, "Have you talked to Patty?" And I said, "Yes." "Have you confirmed her decision?" And I said, "Yes." They said, "Okay." Then, I was voted in unanimously as the Chief.

Bill Ballenger: Everybody basically, at that point, fell into line?

Conrad Mallett: Yes.

Bill Ballenger: Even including Patty Boyle?

Conrad Mallett: Yeah.

Bill Ballenger: Was there anything different about your two years as Chief Justice than the proceeding six?

Conrad Mallett: Well yeah, because I threw myself into the Chief Justice job.

Bill Ballenger: How important is that administratively, within the context of the Court?

Conrad Mallett: You set the tone. You run the Court. There is an administrative arm. You're responsible for setting the administrative agenda. I was gonna take full advantage of my unvarnished commitment during the course of the campaign that I made in both of the cycles, that there would be serious court reform. I ran all over the state while I was the Chief to cause there to be court unification. We created the family court, which is, I think, one of the profound contributions that my court then can be very, very, very happy about. Going all the way back to former governor and Chief Justice G. Mennen Williams, and every other Chief Justice since him, there had been a request made by the Michigan Supreme Court to cause there to be a Michigan Supreme Court building.

Conrad Mallett: I went to see then Senator Harry Gast, who was the Senate Appropriations chairperson. The state, during this really, really, really brief window was flushed with money. And I said, "Senator, we'd like to build the building." And he said, "You know what? I'm tired of you people coming over here. We're gonna give it to you." And he authorized it and the state legislature appropriated \$70 million for the Michigan Supreme Court building. On my watch, there was created the family court, which merged the probate court, which merged the divorce court and the juvenile court and really created the family court. We couldn't get the probate judges in it. They refused to come.

Conrad Mallett: We caused there to be the further merger of the recorder's court with the Third Circuit Court, because while that had happened, Bill, administratively, there were recorder's court judges who were not being assigned the civil docket. That ended with me as the Chief, and actually saved the career of three or four judges who had simply no longer could do criminal cases because they were just too emotionally overwrought. On my watch, we got some very serious court reform done. We got the building built, and got that all done in two years.

Bill Ballenger: Didn't John Engler, who was then governor, support a lot of this?

Conrad Mallett: No question.

Bill Ballenger: And what was the relationship you had personally, and that the Court had with Governor Engler at that time.

Conrad Mallett: We were a separate institution. The he one person that we had a lot of congress with was Lucille Taylor, who was the governor's legal advisor. Lucille was very, very close to Dorothy. I always had a good relationship with Lucille. She was, like me, the governor's legal counselor and his legislative director, so when we of course stopped first at her office to get the governor to support Harry Gast. And so we had the governor's support for the new building as well. So it worked. He was very supportive of the Court because Lucille was very supportive of the Court because Cliff was very supportive of the Court, so it worked out fabulously.



Bill Ballenger: Right. Now, 1998 election comes along. The Republicans elect Maura Corrigan, who give them a four-three majority on the Court, and the next thing we know, Chief Justice Conrad Mallet says, "I'm outta here. I'm resigning from the Court." Why did you do that?

Conrad Mallett: I was 45 years old. I had a young family, and what I said then was I wanted to spend more time with my family. The truth which is what the politicians always say. The truth of the matter is was that the Court, for very good reasons, really is very conscious of the financial stability of every member of the bench. You cannot take out loans, nontraditional. You can have a mortgage, you can have a car loan and all those kinds of things. But you can't compromise yourself, Bill, by borrowing money from every Tom, Dick, and Harry who will loan it to you. You can't declare bankruptcy. And the only work that you can do in addition to the work that you do on the Court is teach. You know what they pay adjunct professors. Nothing.

Conrad Mallett: So, I won't lie to you or to the people viewing this particular piece. I had financial aspirations for my family that I couldn't meet while I was on the Court. I was 45, young man, and I had enough energy to have a third career. So I thought I would take advantage of it because the Democrats had two bites of the gubernatorial apple.

Bill Ballenger: Right.

Conrad Mallett: I was anxious for there to be the same opportunity for me that had been presented to Dennis Archer and it never came. I had to make the decision.

Bill Ballenger: Your dream of coming back to Detroit, running for political office, it never materialized because the timing was just always off.

Conrad Mallett: Always off. And about that time, you began to read about George Bush, the Junior, and one of the admonitions that his father had given him was, "Listen, before you run for political office, you've got to secure the financial stability of your family." Well, I had not done that. I was gonna have to do it in the opposite direction. Much to the consternation of my colleagues and a lot of my constituents, I had to exit the Court for personal reasons.

Bill Ballenger: Do you think you would have been re-elected Chief Justice if you'd wanted it for a second term?

Conrad Mallett: Yes, no question.

Bill Ballenger: But you decided for that reason to exit, and of course, that gave Governor Engler and appointment. And of course, a lot of Democrats were unhappy with that.

Conrad Mallett: Exactly.

Bill Ballenger: Because that gave the Republicans this huge five-two majority that they basically had most of the last dozen years.

Conrad Mallett: Right.

Bill Ballenger: What's your opinion? Has the Court veered off the rails here with this heavy Republican majority compared to the more balanced Court that was in existence while you were here for eight years?

Conrad Mallett: While I disagree with a lot of the opinions that the Court has written, that's not the troubling factor for me. What has always been troubling for me has been and it's not going on now, but there was a period where there Court had turned itself into a serious spectacle with all of the nutty in-fighting that was going on. It was deeply disturbing to me to see the institution held up as a caricature of itself. I was disappointed in everybody's collective behavior. The Court should never come to the attention of the public in that way. I'm very, very, very, very glad that all of that seems to have come to an end, insanity seems to have prevailed.

Conrad Mallett: The opinions of the Court are the opinions of the Court. The people of the state of Michigan will manage through opinions that you disagree with but at least are thoughtfully reasoned. While I would have decided a bunch of these cases differently, the results of these cases, while they're troubling to me as a lawyer and as a citizen, are not indicative of the failure of the Court. The Court's the Court. What I'm relieved at is that the Court has returned to the quiet dignity that an institution like that must have in order to function at a high level. That now being the case, we'll figure it out.

Bill Ballenger: You have gone onto a very successful post-Court career in health care and health law. Do you ever look back at the days you served on the Court with any regret? Do you think everything has turned out pretty well? As well as you might as hoped for when you exited public service at the end of 1998?

Conrad Mallett: My response to that is, is that, man, I have been so profoundly blessed that I have been going to church with a lot more regularity than I did in the past just to make sure that God knows I'm grateful, number one. Number two, being a member of the health care community allows me also to be a public servant. Bill, you've been doing this public service thing, it really is like a religious calling. You'd find yourself being glad not to be far away from doing something consequential that effects the lives of people. I'm really grateful to be in the middle of the fury that I'm a part of, grateful to be delivering this kind of public service.

Conrad Mallett: The career that I've had could not be, have turned out to me any better. I was in conversation one time with Bill Schuette, and he was talking with me about being the number two person to Mike Duggan, and said to me, "Conrad, you wanted to be the mayor of Detroit. You didn't get there. Now you're the

number two person of the DMC. Don't you miss being in charge?" I said, "Man, you need to understand, I'm one of the best number twos that ever got placed on the face of the earth, and I take a lot of pride and joy in that." I've been given great leadership opportunity. President of Sinai Grace Hospital, largest hospital in the DMC system. Had a really successful run there. And I say to people all the time, "The Lord's let me go to the mountaintop twice." So, I'm really happy about that.

Conrad Mallett: The other thing is that as I look back on it, on the Court, if you care to compromise, you can. I can always, Bill, decide to sign your opinion, and I can go to you and I can say, "Justice Ballenger, if you will change sentence five in paragraph three, I'll sign the opinion." So you and I compromise over language. Other days, I might say, "You know what? Justice Ballenger, I completely and totally disagree. I can't sign your opinion. I'm gonna write my own." And you say, "God love you." And go off and do a good job.

Conrad Mallett: It's the highest form of public service there is because I choose the result that I want to associate myself with. As a legislator or as an executive, the expectation is that you will compromise. As a member of the Court, the expectation is that you will always do only that which you believe is intellectually and honest. Man, that's the greatest, who else in political life, is that the standard against which they are judged? You are only gonna do what you believe intellectually honest. I've had the greatest opportunity there is, and I'm very grateful for it and pleased.

Bill Ballenger: Justice Mallett.

Conrad Mallett: Thank you, my friend.

Bill Ballenger: I hope this is the standard for a good interview. I think it was. Great, thank you very much.

Conrad Mallett: Thank you. Thank you very much.