

Michigan Lawyers in History

Robert J. Willis

By Carrie Sharlow



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

In 2008–2009, the Michigan Supreme Court Historical Society published a series in the *Michigan Bar Journal* titled “The Verdict of History: The History of Michigan Jurisprudence Through Its Significant Supreme Court Cases.” Second in the series was *People ex rel Joseph Workman v The Board of Education of Detroit*,¹ a fascinating case on segregation in Detroit schools that was heard almost a century before *Brown v Board of Education*.²

This article isn’t about *Workman*, however. It isn’t about Joseph Workman and his son, Cassius, or the Duffield Union School Cassius attended, or the integration of Detroit’s public schools. It’s about Cassius’s classmate, Robert Willis.

The Detroit segregation case might have been known as *People ex rel Elijah Willis v The Board of Education of Detroit* if there hadn’t been a complication with the citizenship of Robert Willis’s father, Elijah. The Willis family had recently emigrated from Canada, and despite having been born in the United States, Elijah and his wife, Louisa, weren’t U.S. citizens. They were considered Canadian citizens, meaning Elijah couldn’t proceed with a court case.

Robert Willis’s parents weren’t regarded as U.S. citizens because up until a decade or so before returning to the country, they were viewed as escaped property. Elijah

was born in Richmond, Virginia in the late 1820s, and was either sold or brought to Louisville, Kentucky where he met Louisa Matilda Johnson, a mulatto slave.³ Elijah and Louisa had at least three children before rumors of being sold surfaced, prompting a plan to escape.⁴ Elijah helped his family to freedom first, and then followed. The entire family must have reunited in 1859, the year Elijah and Louisa married; Robert was born at the end of that year.

Robert Willis’s citizenship was more confusing than his father’s—it’s been said he was born on a “flatboat” in the Detroit River as his parents fled into Canada.⁵ Under those circumstances, a calendar wasn’t readily available; nor was an atlas. Willis eventually settled on December 6, 1859, as his birthdate. In his twenties, he cleared up any confusion over possible Canadian citizenship by becoming a naturalized U.S. citizen.⁶

After living in Ontario for nearly a decade, the Willis family returned to the U.S. and settled in Detroit. Elijah was already well-known among the city’s African-American population. At the start of the Civil War, he had helped form a black regiment in Detroit. There’s a story of Elijah meeting Frederick Douglass in Detroit before Robert was born.⁷

The older Willis children—Charles, Maria, and Margaret—were probably too old⁸ to attend the Duffield Union School in Detroit when the segregation issue arose in

1868. Elijah had already fought about segregated schools on their behalf with the school board in Canada. Surely he agreed with Michigan Supreme Court Chief Justice Thomas Cooley’s later statement that “[t]he father is the natural guardian of the child, charged with his nurture and education, and having a personal duty to perform in respect thereto.”⁹ Having secured his children’s freedom, Elijah was going to make sure they received a good education. His defense of their education in Canada, however, was unsuccessful: the Willis children had already been forced out, and when Elijah attended a PTA meeting, the other parents “offered him five dollars to keep his children away. Willis refused the money and sent his children back to school. They were denied entry and suspended on the grounds that they had been absent for reasons other than sickness or other urgent reasons.”¹⁰

Perhaps Elijah was expecting the same reaction in Detroit when Robert went to school; maybe he was hoping for a different outcome. Either way, it must have been a surprise when his case was denied because of his recent Canadian residency and lack of U.S. citizenship. But Elijah Willis did not give up so easily. Instead, he “gave the necessary funds to pursue the case to another man named Workman, who agreed to aid him and to test their case in court. The case went to the Michigan Supreme

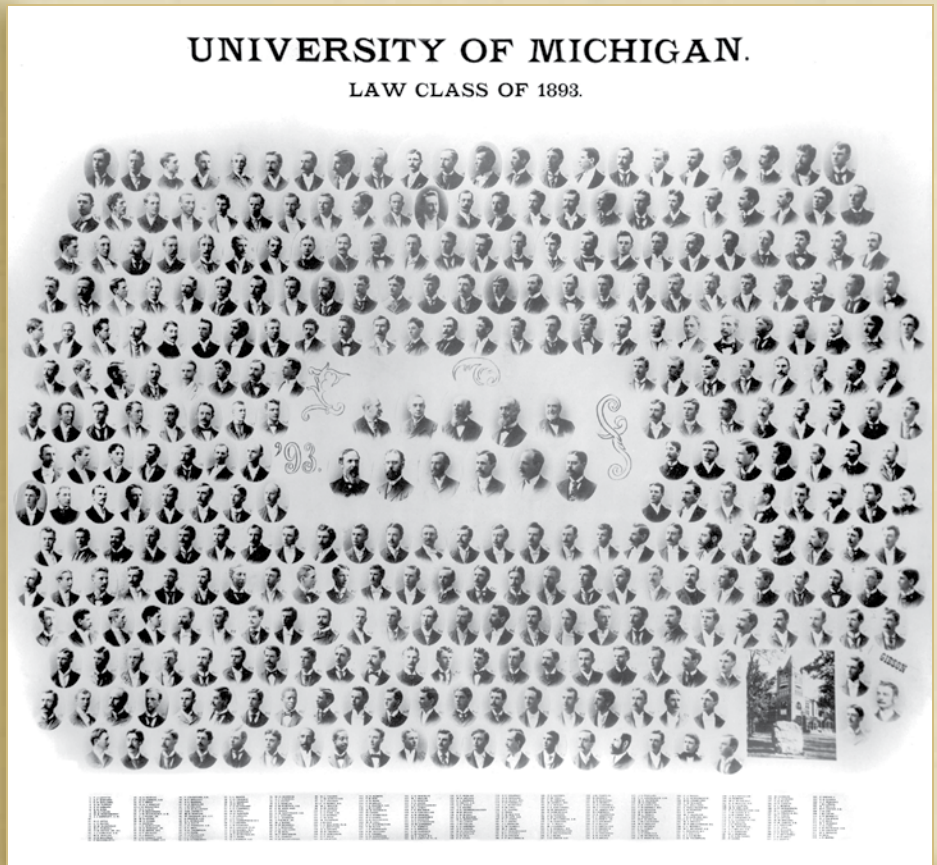
In 1900, Willis took a case to the Michigan Supreme Court, allowing for his entry in the Michigan Reports as an attorney.

Court, which ruled that separate schools for blacks were illegal.¹¹ Both Robert Willis and Cassius Workman integrated into the Duffield School.

After attending Duffield and presumably graduating from the “higher grades,”¹² Robert Willis attended the University of Michigan for his undergraduate degree and later moved to Texas, where he was a teacher for more than a decade. In Texas, he married Melissa Miller, started a family, and became a U.S. citizen. His salary was good enough for him to take a two-year world tour¹³ before returning to Michigan.

Willis returned to his alma mater—which was fairly progressive in its acceptance of minority applications—and by 1893, he was a member of the Michigan bar and admitted to practice in the state Supreme Court that had previously admitted him to Duffield School; the Big Four of his childhood were gone by that time.

Willis settled into the law and formed a practice with a few classmates. He had more children, and one of his daughters worked as a court clerk, serving papers.¹⁴ In 1900, he took a case to the Michigan Supreme Court—D. Augustus Straker served as of counsel—allowing for his entry in the Michigan Reports as an attorney rather than a member of a case (although that happened, too). Willis earned the respect of colleagues and politicians, one of whom introduced



Robert Willis is in the last row of photographs. He's seventh from the left, #306 in the key.

a piece of legislation solidifying his date of birth in history.¹⁵ He was a delegate to Republican conventions and practiced law in Detroit until his death in 1937.¹⁶ ■

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ENDNOTES

1. *People ex rel Workman v Detroit Bd of Ed*, 18 Mich 400, 413 (1869).
2. *Brown v Bd of Ed*, 347 US 483; 74 S Ct 686; 98 L Ed 873.
3. Louisa's death certificate lists the full name of her mother and a _____ Johnson as her father. This certificate also defines her as a mulatto, which meant she was biracial. Seeking Michigan, Louisa Matilda Willis Certificate of Death <<http://seekingmichigan.contentdm.oclc.org/cdm/ref/collection/p129401coll7/id/488025/rec/3>>. All websites cited in this article were accessed November 16, 2016.

4. Woodford, *Father Abraham's Children: Michigan Episodes in the Civil War* (Detroit: Wayne State University Press, 1961), p 254.
5. Littlejohn, *African-American Lawyers in Nineteenth Century Michigan*, 73 Mich B J 294.
6. *Id.*
7. *Father Abraham's Children*, p 15.
8. By his death certificate, Charles was at least six years older than Robert.
9. *Workman*, 18 Mich at 413.
10. Prince, *My Brother's Keeper: African Canadians and the American Civil War* (Toronto: Dundurn, 2014), p 260.
11. *Id.*
12. *Workman*, 18 Mich at 404.
13. Yenser, *Who's Who in Colored America: A Biographical Dictionary of Notable Living Persons of African Descent in America, 1941 to 1944* (Brooklyn: Thomas Yenser, 6th ed, 1942), p 573.
14. See Seeking Michigan, Louisa Matilda Willis Certificate of Death <<http://seekingmichigan.contentdm.oclc.org/cdm/ref/collection/p129401coll7/id/488025/rec/3>>.
15. *State Briefs*, Ludington Daily News (May 26, 1929), p 13.
16. Seeking Michigan, Robert J. Willis Certificate of Death <<http://seekingmichigan.contentdm.oclc.org/cdm/ref/collection/p16317coll1/id/810655>>.