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**IN MEMORIAM
THE HONORABLE FRANK X. ALTIMARI**

The Measure of a Man

Honorable Damon J. Keith¹

What is the Measure of a Man? An open mind, always eager to listen and learn, never laughing at or immediately rejecting new ideas. An open heart, full of compassion and concern for others, full of love for family and friends. A sense of justice, a firm belief that equality and fairness are each person's due, and an equally firm determination that each day of his life he will treat all people fairly. This is the measure of a man. This is the measure of the man whom I will always cherish and remember as my dear friend and colleague, Judge Frank X. Altimari.

I knew Frank for more than fifteen years and every day during that precious time, Frank was a dear friend and a true confidant. He touched my life in so many ways that words could not do him, or our relationship, justice. Frank was a brilliant man with a gentle heart. He devoted his life to bettering the lives of others. He was a humanitarian, a defender of justice, an advocate of the Constitution, a man of unquestionable ethics and a true friend. Frank never hesitated to place the needs or interests of others before his own. He showed himself to be a friend to the friendless and a defender of the defenseless. Whether you knew him in the capacity of judge, lawyer, husband, father, professor, counselor, scholar or advocate, Frank was always considered by everyone as the best!

In Frank's sixteen years on the federal bench, he was nothing less than a servant of the people and a guardian of justice. His commitment to our Constitution and the Bill of Rights was unabated. He never compromised his belief that the Constitution provides each and every one of us with certain inalienable rights. As a judicial officer, he always, in all circumstances, safeguarded those rights. Judge Altimari's commitment was demonstrated in

¹ Circuit Judge, United States Court of Appeals for the Sixth Circuit.

his opinions (often through his dissents), in lecture series, in the courses that he taught, and in everything he did. One never had to wonder where Frank stood when it came to our Constitutional guarantees. He found no difficulty in saying, "Thou shalt not."

I am reminded of the quote by Martin Luther King, Jr.:

Cowardice asks the question, is it safe?
 Expediency asks the question, is it politic?
 Vanity asks the question, is it popular?
 But, conscience must ask the question, is it right?!

Frank, always did it because it was right!

I can recall when I was appointed by Chief Justice Rehnquist as the National Chairperson of the Judicial Conference of the United States Committee on the Bicentennial of the Constitution and Frank was a committee member. On one occasion, Frank and I were attending a Bicentennial Conference of over 300 federal judges in Williamsburg, Virginia. One day as we left the Williamsburg Inn on our way to a speaking engagement in front of a group of federal judges, a white man drove up in front of me, exited his vehicle and said, "Boy, park this car!" Judge Altamari became incensed and rushed toward the offending man. I managed to stop Frank and tell him, "Frank, there's not a day in my life, in some way large or small, that I am not reminded that I am black."

That incident reminded Frank and me that the fight for the preservation of our Constitutional rights does not cease regardless of who you are, what color you are, what you've attained, or what religion you practice. We were reminded that the struggle never ends. The incident, however, did reassure us that while we have often been the lone dissenters in numerous opinions, we were willing to stand alone for a reason. We continued to take such positions in our efforts to make the guarantees of our Constitution a reality for everyone.

It reminds me of the familiar quote, "I am only one, but I am still one. I cannot do everything, but I can do something. And because I cannot do everything, I will not refuse to do what I

can.” In all the years that I knew Frank, he never refused to do what he could. He always went above and beyond the call of duty.

I vividly remember the day Frank insisted I excuse myself from a meeting that I was conducting on the Bicentennial of the Constitution. I was chairing the meeting, and I jokingly reminded Frank that I had no intention of leaving. Frank used a few strong words and insisted that I leave the meeting. After I left, Frank told the other federal judges on the committee that he believed all of my hard work and leadership on the Bicentennial Committee should be recognized. Frank made the motion that my name alone appear on the Bill of Rights plaques that would be displayed in federal buildings across the country. Frank’s motion was seconded, and the committee voted unanimously to approve it. When I returned, Frank told me what had been decided. Currently, there are over 300 Bill of Rights plaques adorning federal courthouses throughout the United States and Guam, as well as the Thurgood Marshall Judicial Center in Washington D.C., FBI headquarters, and numerous law schools across the country, including Harvard, Michigan and Touro. Frank and I had the privilege of placing the Bill of Rights plaque at Touro Law Center. Every time my eyes grace one of those Bill of Rights plaques, I am reminded of the kind and selfless gesture made by my dear friend Frank X. Altimari.

Frank’s zeal and love for the judiciary and mankind could not be surpassed. His greatest love, however, was the love he had for his wife Angela, their children, and grandchildren. I distinctly remember attending one of the Altimari family barbecues, and being overwhelmed by the wonderful displays of love and affection they demonstrated towards one another and their guests. I was fortunate to share in Frank’s warm and generous nature during our daily conversations. Even with the demanding pressures of life, we always found time to spend with one another.

Frank once made a statement in memory of the Honorable J. Daniel Mahoney that I believe also eloquently expresses my love and admiration for Frank. He wrote, “It is said that God gives us memory so that we can have roses in December. My memories

of . . . [Frank X. Altimari] are so full of joy and wonderful days that my Winters will be resplendent with roses."²

Will I miss him? Will his family miss him? Will his friends miss him? Will the judiciary miss? Will the bar miss him? Will the community miss him? We most certainly will!

Judge Frank X. Altimari, thank you for the beautiful rose garden of memories that you have given me over the years. I will cherish their sweetness and your friendship forever.

² Frank X. Altimari, *A Total Joy*, 72 NOTRE DAME L. REV. 1219 (1997).