

DEDICATION

THE HONORABLE JOHN F. KEENAN

By Judge Keenan's former law clerks



First unveiled in November 2008 and displayed in the Southern District of New York's ceremonial courtroom, Judge Keenan's oil portrait is now on display in the Tuohy Lounge on the eighth floor of Fordham Law School.¹

Before a case was called, the first thing anyone in the courtroom saw were his eyes. They were greenish-grey and bright. They saw everything. In his hands he frequently held a folder with white paper and, sometimes, a notebook. He always wore a suit and tie underneath the black robe.

1. Sharon Sprung, Portrait of the Honorable John Keenan, District Judge for the Southern District of New York; *Fordham Law Mourns the Loss of Judge John F. Keenan*, FORDHAM L. NEWS (Oct. 29, 2024), <https://news.law.fordham.edu/blog/2024/10/29/fordham-law-mourns-the-loss-of-judge-john-f-keen-an-54/#prettyPhoto> [<https://perma.cc/3RU8-DHGC>].

He would enter from a door on the left side of the courtroom, forward and to the left of where everyone stood because everyone, of course, had already risen before he entered. Already they were standing and facing the bench when he appeared. In one short step he would turn to his left, then, passing a ceremonial flag of the United States, adorned with gold trim along its four edges, he turned to his right and ascended the three steps to the top of the platform. There, the Honorable John F. Keenan would take his seat in a leather chair behind a dark wooden desk underneath the great seal of the U.S. District Court for the Southern District of New York. He would tell the room to please have a seat. Everyone quickly did.

As the room grew still and gradually quieted, his hands would come into view for a second time. They bore two gold rings on the left: his wedding band for his wife Diane and his class ring for Manhattan College, where, in 1951, he earned his undergraduate degree. The hands adjusted the microphone on the table in front of him. They opened the folder and lifted the pieces of paper, many of which included underlining and sometimes double underlining of important passages, along with handwritten notes and stars, sometimes circled stars, in the margins. The hands reached up and adjusted the glasses that frequently sat on his nose. It was then that the right hand would extend forward, palm up, fingers slightly apart, in the direction of his deputy, whom he wanted to rise and call the case. Judge Keenan's court was in session.



Courtroom sketches of Judge Keenan presiding over the Bess Myerson trial in 1998.²

Like the seal and the flag, the hands were a constant and commanding presence in the room. As he spoke, they would appear in front, around, and

2. Joseph Papin, Illustration of Judge Keenan Presiding over the Bess Myerson Trial in 1998.

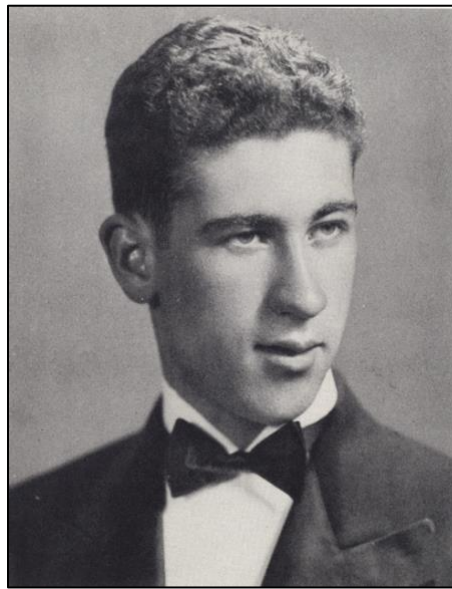
over him, moving and emphasizing what he said. Sometimes they floated in the air as he leaned forward, elbows on the bench, to better see and hear the person who was speaking. Sometimes they faded into the background when he interlaced them and leaned back in his chair while monitoring the proceedings. Sometimes one hand would move to his forehead to rub the nearest temple. Other times, the hand would shoot out, palm facing the speaker, as he told them to “hold on, wait a minute” before asking a question or issuing an order. The hands were powerful not simply because they were seemingly everywhere, all at once. Nor even because they wielded the extraordinary authority of Article III of the U.S. Constitution. In that room, as in every other room in which they appeared, the hands dominated the space because they belonged to one of the greatest public servants to ever step foot in a courtroom.

John Fontaine Keenan lived his entire life in New York City. He was born in Manhattan on November 23, 1929. He attended grade school at Our Lady of Lords on 143rd Street, after which he graduated from Regis High School in 1947, Manhattan College in 1951, and Fordham University School of Law in 1954. He married the love of his life, Diane Nicholson, on October 6, 1956. On Sunday evening, October 27, 2024, just shy of his 95th birthday, and the day before he was to receive the James F. Gill Spirit of Hope Award from Fordham Law School’s Feerick Center for Social Justice, he died peacefully in his sleep, in his home in the Bronx with Diane nearby. The news, when it reached us, was crushing.

The Gill Award was to recognize and celebrate Judge Keenan’s lifetime of service: Service to his country and brothers-in-arms as a young soldier during the Korean War. Service to the City of New York as an Assistant District Attorney who rose to become head of the Felony Trial Bureau, head of the Homicide Bureau, Chief Assistant District Attorney to three different District Attorneys (DAs), chairman of the Off-Track Betting Corporation (OTB), and Criminal Justice Coordinator for the City of New York. Service to the State of New York as Special Prosecutor of Corruption in the New York Criminal Justice System. And ultimately, forty-one years of service to the United States as a federal judge on the “Mother Court”—the U.S. District Court for the Southern District of New York, so-named because it was created by the First Congress in the Judiciary Act of 1789³ and is the nation’s oldest federal tribunal. “Service to Others” was the code he lived by.

It started well before his enrollment at Regis, the all-boys, Catholic high school in Manhattan that gave every student a fully-paid, four-year academic scholarship. But it was at Regis that, in 1943, the Jesuits introduced and instilled in him the motto of the school, “Men for Others.” Following Regis, he attended Manhattan College, the Lasallian Catholic university in the Bronx committed to the principles of respect for others, inclusiveness, concern for the disadvantaged, and social justice. He graduated four years later, in 1951. He was the first Keenan to ever attend college.

3. Ch. 20, 1 Stat. 73.



Judge Keenan's 1951 high school yearbook photo.⁴

That fall, he enrolled at Fordham Law School, another Jesuit institution with a motto that spoke to his heart and who he wanted to be: “In the Service of Others.” It was also at Fordham that the young man began evolving into the legendary trial lawyer and courtroom presence he would become, when he led Fordham to the finals of the Sutherland Cup Moot Court Competition and argued the case before Justice Felix Frankfurter and circuit court judges George Thomas Washington and E. Barrett Prettyman. Although they came in second at that event, at his Fordham graduation in 1954, he was awarded \$100 for his extraordinary performances in the school’s moot court competitions. That summer, he used the money—quite a large sum at the time—to take and pass the bar exam, and to take his future wife, Diane, on a date to propose. She said yes.

He put his promising legal career and marriage on hold, however, because shortly after graduation, he answered the draft letter he received and reported as ordered to the front gate of Fort Devens in Massachusetts to begin two years of service in the Army Security Agency, the predecessor to today’s National Security Agency. Decades later, he would sometimes recommend a defendant’s incarceration at Fort Devens after the post was converted to a facility for use by the Bureau of Prisons (BOP). He believed that imposing the right sentence on a criminal defendant was the most solemn and sacred responsibility that he had as a judge.

4. *Regis Mourns the Passing of the Honorable John F. Keenan '47*, REGIS (Oct. 28, 2024), <https://www.regis.org/article?id=16458> [<https://perma.cc/JE9Z-TTWR>].

From 1954 to 1956, he was stationed in Japan and Korea to collect intelligence after the armistice paused the Korean War. His commanding officer assigned to him a driver with a car because he, the young “SPEC-4,” did not know how to drive, but the higher-ups realized how intelligent he was and wanted him to teach business administration classes to the captains, majors, and colonels in Tokyo who were in charge of hundreds of American troops. After returning to the United States, he still never obtained a driver’s license. The only steering wheel his hands ever touched was the one on a golf cart when, on a lark, his three companions dared him to give it a try. According to his daughter, Marie, he swore off driving when, while taking a driving class in high school, he lost control of the car and crashed into another car full of nuns. He considered it a very bad omen.

Returning home to New York City, he had promises to keep. While on duty in Korea, he had received a letter from Fordham’s then-dean, Judge William “Bill” Mulligan, encouraging him to apply to the Manhattan District Attorney’s Office, then under the leadership of the legendary Frank Hogan. He promised Dean Mulligan he would. He had also promised the future Mrs. Keenan that he would make it back in one piece and would marry her. He, of course, kept both promises. On October 6, 1956, he and Diane were married at the Church of the Holy Name on the Upper West Side of Manhattan by Mrs. Keenan’s uncle, a Bishop in the Catholic Archdiocese of New York. In December 1956, he became an assistant in Mr. Hogan’s office.

Working at the Manhattan DA’s Office had been a dream of his for as long as he could remember. During dinners as a young child, his father, who had been selected to serve on a New York County grand jury, would regale him with stories of the cases and whip-smart assistant district attorneys who presented them. To learn, from Dean Mulligan’s letter, that he had a shot at serving in that same office sent his heart racing. He sat for an interview as soon as he arrived back in the city, but he was disappointed to learn that, by that time, the office had already filled its incoming class. He was told he would have to wait. Fordham again came to the rescue, recommending him to the law firm Halpin, Keogh & St. John, where he worked for the four months until the DA’s next class. He could see Central Park from his desk on the forty-eighth floor of 30 Rockefeller Plaza. Those were the only days he ever engaged in the private practice of law.

He started in the Complaints Bureau working minor cases, but, as happened in Korea, the higher-ups took notice and started giving him greater and greater responsibilities. They were right to trust him. He was a natural. In an office of extraordinary trial lawyers, he became a legend. Decades later, his colleagues in the Southern District of New York would routinely praise his command of the courtroom and his expert handling of cases, especially criminal matters. As former Chief Judge Kimba M. Wood once remarked, he was “renowned for his lively participation in his courtroom,” where he was “allegedly prone to sustaining objections well before counsel have thought of making them.”

In fact, as an ADA, even his opponents at the defense table begrudgingly admitted that he was one of a kind. In *For the Defense*, the legendary

criminal defense attorney, F. Lee Bailey, remarked that he was “probably one of the best prosecutors in the country.”⁵ Bailey continued:

In his early forties, he slips quietly into court in modest dress, sometimes looking for all the world like a political accident who will surely be voted out in the next election. To the contrary, he is more than able—a sharp legal mind combined with an excellent sense of barely contained moral outrage. Smooth-looking jurors may discount him at the beginning of a case, but by the end they listen to everything he says. He comes on like Diogenes.⁶

One of his most celebrated trials showcased not only his superb skills in the courtroom, but also his courage, integrity, and ethics. On August 28, 1963, the day Martin Luther King Jr. gave his “I Have a Dream” speech on the National Mall in Washington, D.C., two young roommates named Janice Wiley and Emily Hoffert were found brutally murdered in their Upper East Side apartment, in what became known as the “Career Girl Murders.”⁷ The New York Police Department (NYPD) arrested George Whitmore, a nineteen-year-old with an IQ below seventy, for a different violent crime in Brooklyn. At the time of the arrest, Whitmore had a photo of two young women in a car, one of whom had blonde hair like Janice Wiley. Whitmore told the police he found the photo in a New Jersey dump.

Despite that explanation, Whitmore was subjected to almost twenty-four hours of interrogation without counsel, after which he provided a detailed sixty-one page confession implicating himself in a string of crimes, including the Wylie-Hoffert murders. The Manhattan DA’s office charged Whitmore.

ADA Keenan’s colleague, Mel Glass, was troubled by the Whitmore arrest, so Glass and a detective set out to try to find the blonde woman in the photograph. They found her alive and well. Whitmore’s connection to the murders evaporated.

Around the same time, Richard Robles, a convicted burglar, was implicated in the double murder by two witnesses who saw Robles the day of the murders, covered in blood. Reversing course, the Manhattan DA’s office charged Robles with the double murder. The prosecution of Robles was entrusted to ADA Keenan.

At Robles’s trial, Keenan had to prove not only that Robles had murdered the women but that Whitmore—who had been indicted by Keenan’s own office and paraded before the press—was innocent. He had to cross-examine the NYPD detectives who elicited Whitmore’s false confession and prove they had committed serious misconduct. He did so methodically, with his characteristic attention to detail, without fear of repercussion from the NYPD, with whom he had to work every day as a prosecutor. Robles was convicted. It was affirmed on appeal.

5. F. LEE BAILEY, FOR THE DEFENSE 71 (1975).

6. *Id.*

7. See generally, John F. Keenan, *The Urban Criminal Justice System: A Case of Fairness*, 20 FORDHAM URB. L.J. 579 (1993).

The case became the subject of books, including *Echoes of My Soul*, by Robert Tanenbaum,⁸ and the premise for the pilot episode of the popular television series *Kojak*,⁹ that aired on CBS from 1973 to 1978. It also helped create a more just criminal justice system. In 1966, the U.S. Supreme Court cited Whitmore's coerced confession in *Miranda v. Arizona*,¹⁰ the landmark decision that established the warnings that must be given in every police interrogation of a criminal suspect. The Whitmore case also was one of the reasons that, in 1965, the New York legislature and Governor Nelson Rockefeller eliminated the death penalty in most circumstances. In his book, Tanenbaum wrote: "Though not physically imposing—in fact, slight of stature with a receding hairline—Keenan was nevertheless intellectually intimidating in a courtroom, virtually magical in his ability to control the tempo and rhythm of a trial. He had a captivating presence, having a well-earned reputation as one of the best trial lawyers in the country."¹¹

He served as an ADA for twenty years, steadily rising through the ranks as the higher-ups, most especially, DA Frank Hogan himself, tapped him for bigger and bigger jobs. He became head of the Felony Trial Bureau, then head of the Homicide Bureau. The only time Hogan ever turned his notorious temper toward Keenan was on the third day Keenan was in charge of the trial bureau, when he allowed a junior ADA to handle a case at trial despite that ADA having lost his previous three trials. Mr. Hogan called him. His secretary said, "It's Mr. Hogan on the phone." Naturally, he thought that meant it was the DA's secretary and that he would get Hogan in a minute or two. He answered the phone saying, "Hello Ida." The voice that responded said, "It isn't Ida, god dammit, it's Hogan. Why are you letting [X] try a case?" To which Keenan responded, "What do you mean why am I letting [X] try a case? The case was assigned to him. He's trying it." The DA responded, "Take it away from him. He's lost three cases in a row. I want you to try it." "I can't do that, Mr. Hogan," he responded, "he's in the middle of the trial." "Besides," Keenan explained, "it'd kill him if I took the case away from him in the middle of the trial." The DA responded, "It'll kill me if he loses it," as Hogan abruptly ended the call.

So, ADA Keenan did what he always did—he got to work serving others, this time by spending the evenings with the young ADA to mentor him through the trial. The ADA won.

Being a servant to others came easy to John Keenan because he was, through to his core, a kind and generous man. That was also what made him an amazing storyteller and uproariously funny: He wanted to take care of others. To lighten their load. To give them something to be happy about. Sometimes he would tell the story of his first jury trial as an ADA, when the defendant was acquitted in forty-five minutes. Other times he would explain

8. See generally, ROBERT K. TANENBAUM, *ECHOES OF MY SOUL* (Kensington Publ'g Corp. 2013).

9. *Kojak: Siege of Terror* (CBS television broadcast Oct. 21, 1973).

10. 384 U.S. 436 (1966).

11. TANENBAUM, *supra* note 8, at 153.

that he had been playing golf since he was thirteen, and that, in all those years, he had only broken 100 once, when his playing partner conceded every putt under ten feet. Par for a golf course is seventy two. He was the best colleague and boss a person could have.



*Judge Keenan in 2009.*¹²

In 2008, the judges of the Southern District of New York held a ceremony to celebrate him and thank him for his, at the time, twenty-five years on the bench as their extraordinary colleague and friend. During the ceremony, the judges unveiled an oil portrait of him that was commissioned by his current and former law clerks. Judge Kevin Thomas Duffy, a legendary judge of his own and one of Judge Keenan's greatest friends, explained that he had "seen the painting which is about to be unveiled. It is a true representation of John Keenan." "But," Judge Duffy said, "what cannot be captured in a two-dimensional portrait is John's kindness, loyalty, dedication to justice, and his generosity."

It was telling that Judge Duffy started with kindness because everyone in the room knew of and had experienced that extraordinary trait of his. Judge Duffy once asked Judge Milton Pollack who he would contact for advice if he faced a major personal problem. "Milton's reply was simple," Judge Duffy recalled. "There is only one answer to that question, Kevin. Everybody would agree that it is John Keenan." "No matter what you may think of individual judges at 500 Pearl Street," Judge Duffy said, "[I]t's rare that you would find they are unanimous about anything, and you have to admit that a unanimous court shows good judgment picking John Keenan." "Judge Keenan is the consummate gentleman, the picture of judicial modesty

12. William Taufic, Photograph of Judge Keenan in 2009.

and temperament,” former Chief Judge Loretta A. Preska would say. “With his vast experience, he is the wisdom and judgment of the court. I often seek Judge Keenan’s advice on all kinds of matters, from jury questions to court governance to multidistrict litigation issues. He is a splendid colleague.”

The stories of his kindness are endless. How he gave of himself, on almost a daily basis, to assist Judge Richard Conway Casey, the nation’s first blind federal trial judge. How the door to his chambers saw a constant stream of visitors, and the joy that would radiate from him to them as soon as they arrived. How he was once in the middle of trying a narcotics case, and he had told his young law clerk to let him know if the clerk had passed the bar exam. Wanting to be unobtrusive, the clerk stood in the doorway of the courtroom giving him a thumbs up. He motioned for the clerk to approach the bench, leaned over, shook the clerk’s hand—and then, with those extraordinary hands of his, he pulled the clerk onto the bench with him, where he told the court reporter to go off the record while he announced to the entire room the clerk’s good news, to which everyone—the attorneys, the jurors, the Marshalls, even the defendants—started clapping.

In 1973, when DA Hogan was considering retirement, he tapped ADA Keenan as a potential successor. Keenan, however, explained to the DA that he was a Republican, which was surprising to Hogan, a lifelong Democrat who ran and was elected on the Democratic ticket. After learning that the party leaders in Manhattan would not support Keenan’s election as DA because he was a Republican, Hogan decided to seek another term. Later that year, Hogan ordered Keenan to serve as the Chief Assistant DA to the Queens County District Attorney, Michael Armstrong, after Armstrong was appointed by Governor Rockefeller when the previous DA was indicted for conspiracy and public corruption. Armstrong, who had gotten to know and admire Keenan from his work with the Knapp Commission’s investigations of police corruption, personally requested that Hogan loan Keenan to him. “You can count on John like the Rock of Gibraltar,” Armstrong would say. “He was, as chief assistant, the person I relied on to really run the office.” The two would be best friends for the rest of their lives.

When Armstrong declined to seek election to a full term as Queens County DA, Keenan returned to Manhattan, becoming Hogan’s Administrative Assistant DA. Shortly thereafter, he was elevated to Chief Assistant DA to Richard H. Kuh after Hogan suffered a stroke and decided to step down. In 1974, Robert M. Morgenthau defeated Kuh in the Democratic primary for DA. After Morgenthau was elected, Keenan became his Chief Assistant.

In 1976, he was appointed Special State Prosecutor of Corruption in the New York Criminal Justice System by Governor Hugh L. Carey and New York Attorney General Louis J. Lefkowitz. He investigated and prosecuted corrupt public officials, police officers in particular. It was the only time he ever put a priest behind bars when Father Louis Gigante, whose four other brothers were mobsters, including the boss of the Genovese family, Vincent “the Chin” Gigante, refused to testify before one of Keenan’s grand juries. The Supreme Court of the State of New York, Appellate Division, First Judicial Department affirmed Father Gigante’s imprisonment for criminal

contempt. “There is no privilege, common-law or statutory, which invests a clergyman’s ministry with an immunity against disclosure,” the appeals court wrote. “Father Gigante was a very nice fella,” Keenan would say, decades later. He always got a kick out of the name of the case: *Matter of Keenan v. Gigante*.¹³

After his nomination as special prosecutor was announced, *The New York Times* ran a story about him, describing him as “thoughtful, careful, decent,” “a guy of absolute integrity,” and “tough but fair.”¹⁴ He led a remarkable team of lawyers and investigators, many of whom went on to New York state judgeships; one of whom, Richard “Dick” Condon, became the New York Police Commissioner and a lifelong friend. In 1979, he was again tapped for public office, this time to serve as chairman and president of the New York City Off-Track Betting Corporation.

It was at a party hosted by Senator Daniel Patrick Moynihan, the future namesake of the Southern District of New York’s new courthouse in Manhattan, on the eve of St. Patrick’s Day, when he agreed to meet with New York City Mayor Ed Koch about the OTB position. The next morning, he was in the Mayor’s office and was offered the job. When he told his wife about it, Diane responded: “You’re crazy. That’s a bookie’s job. You’re not a bookie. You haven’t been to the racetrack for years.” She was right of course, because Hogan had a rule that his assistants were not allowed to go to the racetrack. He took the job anyway. He took Diane to the Kentucky Derby later that year. He called it his “mental health break” because of the intensity of the work and the toll being Chief Assistant DA and Special Prosecutor had taken on him.

His time at OTB included service as a special advisor to Mayor Koch. In 1982, the New York City Legal Aid Society went on strike, prompting the Mayor to turn to him to decide what to do. He recommended they organize a committee to study the situation and issue a report. In addition to Keenan, Mayor Koch appointed Bill Mulligan, the former judge and dean of Fordham Law School who had sent him the letter in Korea, and James Gill, himself a former ADA in Hogan’s office, and the future namesake of the Spirit of Hope Award that Keenan was to receive on October 28, 2024. At the press conference announcing the committee, Mayor Koch became flustered when a reporter observed that all three members of the committee were Irish Catholics, all from Fordham Law School. “Where’s the diversity,” the reporter asked. Mulligan approached the microphone. “You have it all wrong,” Mulligan explained. “Keenan went to Manhattan. Gill went to Holy Cross. And I went to Fordham.” “Not only that,” Mulligan continued, “our forebearers are all from different parishes,” as he proceeded to list locations in Ireland from which Mulligan theorized the committee members descended. He loved retelling that story. He loved working for Mayor Koch.

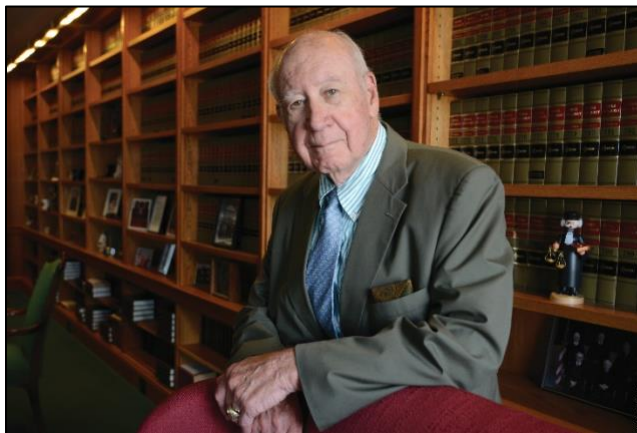
13. 407 N.Y.S.2d 163 (1978).

14. Frank J. Prial, *Special Prosecutor—‘Tough but Fair’*, N.Y. TIMES, June 26, 1976, at 19.

He then served, only briefly, as Criminal Justice Coordinator for the City of New York because, in 1983, Southern District Judge Lloyd F. MacMahon took senior status, and, at the recommendation of Senator Alfonse D'Amato, President Ronald Reagan called him to tell him he was being nominated to take Judge MacMahon's seat. He and the President had met once before, years earlier, when Keenan traveled to California to testify to the California legislature about a bill advocating wiretapping that the then-Governor Reagan wanted to pass. "He was one of the funniest and nicest men I ever met in my entire life," Keenan would say. "I spent about two-and-a-half to three hours with him. He was fabulous." That afternoon, Keenan appeared before the state legislature. "I was brilliant," he would joke. "They never passed the law. They still don't have wiretapping in California."

The New York Times published another profile when he was nominated to the bench.¹⁵ DA Morgenthau praised him as "an outstanding trial lawyer, a super guy. Very calm and one of the few first-rate trial lawyers without a huge ego." Bronx District Attorney Mario Merola called it "probably the finest appointment from a criminal-law standpoint." He told the *Times* that if he was confirmed, "I'll try to be a thoughtful, careful, and fair judge." "Until I'm confirmed," the *Times* reported him as saying, "I'm not going to shoot my mouth off."

The American Bar Association's Standing Committee on the Federal Judiciary rated him "Well Qualified," the highest rating available at the time. On September 21, 1983, the U.S. Senate confirmed him. He donned the black robe for the first time.



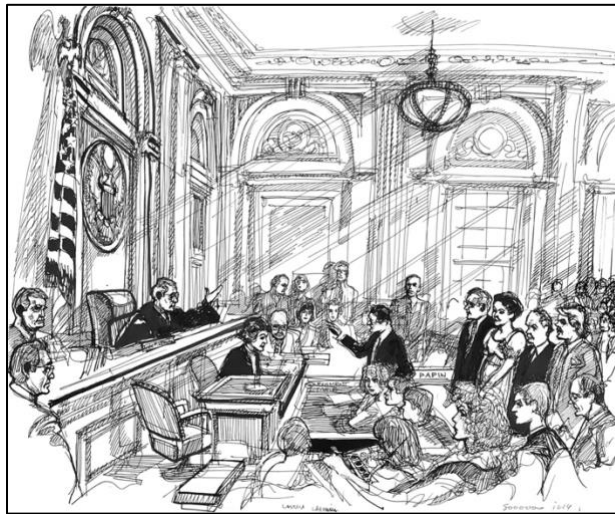
*Judge Keenan in his chambers in the Southern District of New York.*¹⁶

For over 41 years he served, presiding over some of the most publicized cases in the history of the Southern District of New York, including the

15. Frank Lynn, *Man in the News; Nominee for U.S. Judge: John Fontaine Keenan*, N.Y. TIMES, July 21, 1983, at 3.

16. Diego Radzinsch, Photograph of Judge Keenan in His Chambers in the Southern District of New York (© 2024 ALM Global Properties, LLC).

Union Carbide gas leak in Bhopal, India, that killed 3,500 people and injured 200,000;¹⁷ the trial of the former First Lady of the Philippines, Imelda Marcos, and the international arms dealer, Adnan Khashoggi—one of the so-called “Trials of the Century”;¹⁸ the trial of the former Miss America, Bess Myerson, and Judge Hortense Gabel—an extraordinary case nicknamed “the Bess Mess” because it concerned the former beauty queen’s romantic life, bribery of a New York state judge, and that state judge’s daughter testifying against her own mother;¹⁹ and the legendary eight-month trial of thirteen members of the Colombo crime family, including its leader, Carmine Persico.²⁰



*Courtroom sketch of Judge Keenan presiding over the arraignment of Imelda Marcos on October 31, 1988.*²¹

The Persico case was one of his earliest trials and could not have been more daunting. He had to try it in a tiny courtroom in the basement of the old courthouse at 40 Foley Square because he could not get a bigger courtroom. He shepherded it to verdict despite the death of one defendant and two strokes—one of which was suffered by a defense attorney, who had to be replaced midtrial; and the other by a defendant, during the actual trial, who, as he would later describe, “stood up, did a pirouette like he was a ballet dancer, and then did a head-first dive on the lap of juror number five.” All of the defendants were convicted. In its order of affirmance, the U.S. Court of Appeals for the Second Circuit specifically commended Judge Keenan’s

17. *Sahu v. Union Carbide*, No. 21-MISC-38 (JFK) (S.D.N.Y.).

18. *United States v. Marcos*, No. 87-CR-598 (JFK) (S.D.N.Y.).

19. *United States v. Myerson*, No. 87-CR-796 (JFK) (S.D.N.Y.).

20. *United States v. Persico*, No. 84-CR-809 (JFK) (S.D.N.Y.).

21. Joseph Papin, *Illustration of Judge Keenan Presiding over the Arraignment of Imelda Marcos on October 31, 1988*.

skill and wisdom during the extraordinary trial. While he was trying the case, the Attorney General (AG) of India traveled to the United States for settlement discussions in the Union Carbide litigation. He invited the Indian AG to join him on the bench for a first-hand view of the Persico trial. The AG loved it.



Courtroom sketch of Judge Keenan presiding over the Persico trial in 1986.²²

In 1991, he tried a case involving allegations of copyright infringement by the Spanish singer and superstar Julio Iglesias.²³ He had a piano wheeled into the courtroom so the plaintiff in the case, an amateur musician named Enrique Chia, could play his song “Es” so Judge Keenan could determine if it was copied by Iglesias for his song “Hey.” On the day Iglesias testified, Judge Keenan entered the courtroom and was surprised to see his secretary, Marian Quintela, who had worked with him since his time as Special Prosecutor, sitting in the audience. In the more than 40 years that she worked with him, that was the only time she ever came to court. The room was packed. He was heartbroken when, after Iglesias finished testifying and was excused, all the spectators left. Including Marian.

He earned a reputation as one of the greatest federal judges of all time. In 1994, he was personally selected by Chief Justice William H. Rehnquist to serve a seven-year term on the nation’s Foreign Intelligence Surveillance Court, in addition to his other duties as a judge in the Southern District of New York. In 1998, he was again selected by Chief Justice Rehnquist to an eight-year term on the Judicial Panel on Multidistrict Litigation, entrusted with trying bellwether cases in complex civil litigation matters filed in

22. Joseph Papin, Illustration of Judge Keenan Presiding over the Persico Trial in 1986.

23. *Intersong-USA v. CBS, Inc.*, No. 84-CV-998 (JFK) (S.D.N.Y.).

different parts of the country. In 2005, and again in 2014, he was called on to try cases in two different district courts—one in Chicago; the other in Brooklyn—after every judge, in both of the districts, was recused when the defendants in the cases attempted to bomb the federal courthouse in Chicago²⁴ and to have, in Brooklyn, an Assistant U.S. Attorney and a judge in the U.S. District Court for the Eastern District of New York murdered.²⁵ The defendants in both cases were convicted.

He had a running joke with his law clerks that Good Friday—the Friday before Easter—was the only day he did not work because he, the proud student of a Catholic education, did not want to be associated with Pontius Pilate, the Roman governor and judge who presided over the trial and crucifixion of Jesus Christ. In the spring of 2020, when the COVID-19 pandemic began, he and his staff had to figure out a way of working remotely. The pressures on him, however, did not let up—in fact, they increased substantially as, almost overnight, he received a flood of motions for compassionate release from incarcerated individuals who were terrified of the deadly disease that was spreading in the Bureau of Prisons and across the world.

The first motion he received was for a man named Phillip Smith, whom Judge Keenan had sentenced, about ten years prior, for identity theft and conspiracy. By the time of the pandemic, Mr. Smith had served almost 100 months of his 120-month sentence. He also suffered from a variety of physical ailments, and the BOP had even designated him a medically high-risk individual. The Government, however, opposed Smith's motion on the grounds that Judge Keenan did not have jurisdiction over the motion because Smith had not first given the BOP thirty days to decide if the BOP wanted to release him.

Judge Keenan believed time was of the essence, so he asked his law clerk to schedule a telephonic conference with the Government and the Federal Defenders of New York for as soon as possible. The clerk, however, scheduled the conference for Friday, April 10, 2020. Good Friday. When the clerk realized what he had done, which was not until Friday morning, the clerk immediately called Judge Keenan in a panic. He answered and chuckled as the clerk confessed. He was ready with a joke. "Don't worry," he said. "The conference is at ten. I'll be off the bench by three. It's fine." He was not going to allow Mr. Smith to be exposed to COVID-19 for one second longer than necessary. He drafted the decision over the phone over Easter weekend, and on Monday morning, he ordered Smith's immediate release.²⁶ His decision inspired other judges to do the same.

On the day he retired, he walked into his chambers as he always had, sat down with his clerk, *The New York Law Journal*, and the motions and requests pending before the court, as he always had, and got to work. Later that morning, he invited the Southern District of New York's newest judge,

24. *United States v. Nettles*, No. 04-CR-699 (JFK) (N.D. Ill.).

25. *United States v. Romano*, No. 12-CR-691 (JFK) (E.D.N.Y.).

26. *United States v. Smith*, 454 F. Supp. 3d 310 (S.D.N.Y. 2020).

Judge Jennifer L. Rochon, to join him on the bench for the day's hearings. He did not mention that it was his last time putting on the robe or invite anyone else to attend. It was business as usual for him. It was clear that his top priority was helping his new colleague.

The Irish have a saying: "Show me your friends, I'll show you who you are." He was friends with and revered by New Yorkers of every kind. His law clerks adored him. The ceremonial courtroom at the Manhattan federal courthouse is dedicated to him and bears his name. He was a devoted alumnus of Fordham Law School, serving the school for more than fifty years as Vice President of the Alumni Association, on search committees for new deans, teaching trial advocacy, and judging moot court competitions. He was awarded the Dean's Medal of Recognition in 2019, the Milton Fisher Second Harvest Award in 2017, and the Stein Prize in 2009—the highest honor Fordham Law School bestows, recipients of which include seven members of the U.S. Supreme Court, including two Chief Justices, and three U.S. Secretaries of State. When asked what he considered his greatest accomplishment, he would always say: "The fact that I've convinced my wife to stay married to me." When he died on October 27, 2024, he and Diane had just celebrated their sixty-eighth wedding anniversary. They have a daughter, Marie, who lives in Maryland and is married to William Mutchler, and two grandchildren, John "Jack" Keenan Mutchler and Bailey Mutchler.



Judge and Mrs. Keenan at the Fordham Law School's new building dedication in 2014.²⁷

On November 6, 2023, Regis held a ceremony to award him the school's *Deo et Patriae* ("For God and Country") prize. At that ceremony, at Regis,

27. Dana Maxson, Photograph of Judge Keenan and Mrs. Keenan at the Fordham Law School's new building dedication in 2014.

where it, the life of service, began, he thanked the audience, livened the room with a few jokes, and then turned serious, saying: “My life has been, really, a wonderful one. I had great parents. I have had for 67 years, a beautiful, faithful, and loving wife, Diane, who is here with us tonight.” He continued, “God blessed me with a good and interesting series of jobs, before I got the best job in the world, which is being a federal judge.”

The Honorable John F. Keenan dedicated his life to the service of others. We, who were given the greatest gift in the world by being able to see him up close, make the same promise. This issue, which we dedicate in his honor, is one small tribute we make to him. We make it marking our promise to be servants for others, just as he taught us.