

“They feel the beams resting upon their necks”: George W. Crockett and the Development of Equal Justice Under Law, 1948–1969

Author(s): Ruth Martin

Source: *Michigan Historical Review*, Vol. 39, No. 2 (Fall 2013), pp. 51-75

Published by: Central Michigan University

Stable URL: <https://www.jstor.org/stable/10.5342/michhistrevi.39.2.0051>

REFERENCES

Linked references are available on JSTOR for this article:

https://www.jstor.org/stable/10.5342/michhistrevi.39.2.0051?seq=1&cid=pdf-reference#references_tab_contents

You may need to log in to JSTOR to access the linked references.

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



Central Michigan University is collaborating with JSTOR to digitize, preserve and extend access to *Michigan Historical Review*

JSTOR

“They feel the beams resting upon their necks”: George W. Crockett and the Development of Equal Justice Under Law, 1948-1969

by
Ruth Martin

Can anyone imagine the police invading an all-white church and rounding up everyone in sight and bussing them to a wholesale lockup in a police garage? Can anyone imagine a group of white people being held incommunicado for six or seven hours, and white women and children being locked up all night when there wasn't the slightest evidence they'd been involved in any crime? (George W. Crockett, 1969)¹

Despite his importance as a pioneering leader of progressive bar associations, George W. Crockett's legal career remains neglected by historians. His controversial decisions as a Detroit judge during the height of racial tensions in the late 1960s merited the attention of urban historians B. J. Widick in *Detroit: City of Class and Race Violence*, and the more recent study by Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit*.² The deep roots of his commitment to challenging police brutality and prosecutorial misconduct were a reaction to his early legal career in the 1950s and early 1960s, as he worked to expose and refute inherent prejudice within the American justice system. Two major periods in his life informed his judicial

¹ Charles L. Sanders, “Detroit’s Rebel Judge Crockett: Champion of Justice for Blacks Spark Mini-revolution in Court,” *Ebony*, August 1969, 114-24, 116.

² B. J. Widick, *Detroit: City of Class and Race Violence* (Detroit: Wayne State University Press, 1989); Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 2005).

opinions. First, he defended suspected Communists and radicals in Detroit and New York during the Second Red Scare. His refusal to yield to the persuasive and pervasive pressures of guilt-by-association led to his imprisonment, contributing to an intimate knowledge of the barriers to equal justice for unpopular or marginalized defendants. Second, his leadership of a southern justice initiative in the early 1960s led him to develop a sophisticated critique of the failings of the US criminal justice system, particularly when racism is entrenched in the workings of the courtroom. As the civil rights movement moved into a new phase, and as he once again returned to Detroit, he worked to combat police brutality and racism. His presence at the nexus of the defense of the rights of labor and of Communists and ethnic minorities was revealed through his central role in shaping an alternative judicial response to the clash of Law and Order politics and ethnic minority discontent. As an African American and political radical, he remained a double outsider whose judicial decisions in Detroit were regarded with suspicion. Those who believe that as an African American he would allow sympathy for the Republic of New Africa's (RNA) aims to shape his judicial response reveal their willingness to assign bias to an ethnic minority, in contrast to their unquestioning acceptance of what they consider to be the normative decisions of white judges. Although controversial, his decisions during the 1967 riot and the 1969 New Bethel incident reflected his deep-rooted political philosophy of developing the agency and rights of African Americans while working within a white-dominated judicial system.

During the summer of 1969, fifty-nine year old Detroit Judge George W. Crockett became the center of state media attention as critics charged that his decision-making process on the bench was unduly biased by his race and his radical politics. The Detroit Police Officers Association was at the forefront of the campaign to pressure him off the bench, and they picketed Crockett's Detroit courthouse, charging that his actions provided dangerous support for extra-legal black paramilitary groups.³ Michigan Governor William Milliken responded by calling for a legislative probe of Crockett's fitness to remain on the bench, as "Sock it to Crockett" and "Impeach Crockett" signs proliferated across Detroit. Crockett's supporters lauded him for making a principled stand against the overreaching Law and Order tactics of both the Detroit Police Department and prosecutors against ethnic minorities and

³ Dan Georgakas and Marvin Surkin, *Detroit, I Do Mind Dying: A Study in Urban Revolution* (Cambridge, MA: South End Press, 1998), 55-56.

radicals, as rioting inflamed racial tensions across the country. Over one hundred African American college students picketed the police headquarters in support of the embattled judge.⁴ Ad-hoc groups such as People Against Racism formed in support of Crockett, posting fliers around Detroit arguing that there were “George Crocketts, Black and White, who epitomize the only real hope for the future of Detroit.”⁵

Simultaneously vilified and venerated in Detroit during the 1960s, Crockett remains a crucially neglected individual in historical study despite his central role in highlighting the de facto inadequacies of equal justice under law in Detroit and within wider American society. The most in-depth analysis of Crockett’s career comes from the recently published biography of his law partner, Ernest Goodman, in Steve Babson, Dave Riddle, and David Elsila’s *The Color of Law: Ernie Goodman, Detroit and the Struggle for Labor and Civil Rights*, which does not address his high-impact, controversial decisions during his judicial career.⁶ The role of ethnicity in judicial decision-making in the US justice system was addressed in the wake of the 2009 Supreme Court appointment of Sonia Sotomayor.⁷ In 2008, then-Senator Barack Obama spoke about his desire to appoint judges “sympathetic to those who are on the outside, those who are vulnerable, powerless, [and] can’t protect themselves.”⁸ This reflected the important legacy of American Legal Realism, at its height during the early twentieth century, namely its challenge to the classical legal claim that legal thought is autonomous from moral and political discourse.⁹

⁴ “Judges: Fallout from a Shootout,” *Time*, April 11, 1969, 1.

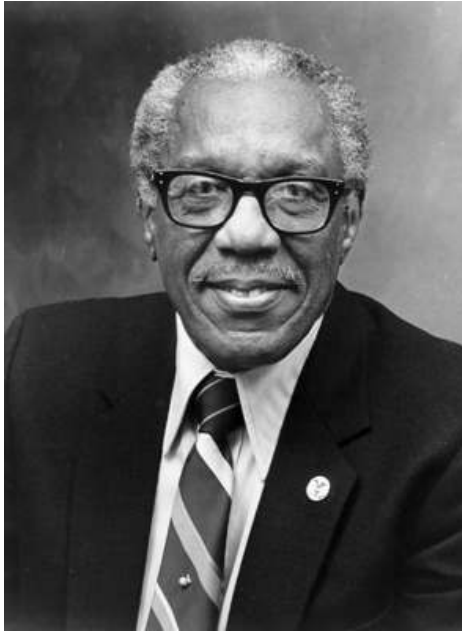
⁵ Special Investigation Bureau, Detective Division 1969, January-March, 193-194, in Christian Davenport, “The Republic of New Africa vs. The United States, 1967-1974,” archival project, <http://christiandavenportphd.weebly.com/archiving.html> (accessed March 29, 2011).

⁶ Two interviews with Crockett appeared in 1994: Linn Washington, *Black Judges on Justice: Perspectives from the Bench* (New York: The New Press, 1994) and Robert H. Mast (ed.), *Detroit Lives* (Philadelphia: Temple University Press, 1994). See also Steve Babson, Dave Riddle, and David Elsila, *The Color of Law: Ernie Goodman, Detroit, and the Struggle for Labor and Civil Rights* (Detroit: Wayne State University Press, 2010).

⁷ Mark Hearn and Harry Knowles, “Representative Lives? Biography and Labour History,” *Labour History* 100 (2011): 127-144.

⁸ Michael G. Trachtman, *The Supremes’ Greatest Hits: The 37 Supreme Court Cases That Most Directly Affect Your Life* (New York: Sterling Publishing), 203.

⁹ Morton J. Horowitz, *The Transformation of American Law, 1870-1960: The Crisis of Legal Orthodoxy* (Oxford: Oxford University Press, 1992), 193.



George W. Crockett, Jr.

Source: National Archives and Records Administration

The orthodox conception of American Law views the judicial process as an inherently unbiased, autonomous system of principles that the courts apply logically and objectively to reach apolitical decisions. Judges' personalities and life experiences are purportedly irrelevant to the outcome of each legal case. The furor over Judge Crockett's apparent radicalism and his innovative decision-making process fundamentally challenged the conception of apolitical law. His decisions can be traced to his prior experiences, in particular two major turning-points in his life. First, his firm opposition to guilt-by-association stemmed from his defense of politically unpopular Communists and his personal negative experience of judicial bias during the 1950s Red Scare. Second, his sophisticated critique of the failings of the US criminal justice system for poor, ethnic minority, or radical defendants was honed through his leadership of a southern justice initiative during the early 1960s.

Defending Communists

During the 1930s, racism stifled opportunities for African Americans in the legal profession. In 1934, the year that Dr. Charles Hamilton Houston, vice-dean of Howard Law School, published a study stressing the need for black lawyers, Crockett graduated from the University of Michigan Law School. In contrast to 159,735 white lawyers, only 1,230 African American lawyers registered in the 1930 census, and many of them had never practiced law.¹⁰ Representative of broader trends which saw ethnic minority lawyers pushed into less lucrative areas of law than those heavily represented by white lawyers, Crockett worked in employment law. He was the first African American lawyer in the US Department of Labor in 1939, working as a senior attorney on employment cases brought under the National Labor Relations legislation, or Wagner Act.¹¹ He soon began to specialize in cases involving racism, being appointed by President Franklin D. Roosevelt in 1943 as a hearing examiner with the newly-formed Fair Employment Practices Commission (FEPC).¹² The Commission implemented US Executive Order 8802, prohibiting companies which held government contracts from discriminating on the basis of race or religion.¹³ Crockett's links to Detroit were reinforced shortly after the infamous 1943 riot that highlighted the city's highly segregated and incendiary climate. He was hired in 1945 to conduct a study of the impact of racism and discrimination within the United Auto Workers (UAW) labor union on wartime production levels. Working with the political activist, labor attorney, and UAW General Counsel Maurice Sugar, he drew upon his experiences working in federal government to recommend the establishment of a Fair Employment Practices Committee.¹⁴ Sugar had played a leading role instigating National Labor Relations Board (NLRB) hearings on the Dearborn, Michigan, Battle of the Overpass of May 26, 1937, in which Ford "service" men physically

¹⁰ Charles H. Houston, "The Need for Negro Lawyers," *The Journal of Negro Education* 4.1 (1935): 49-52.

¹¹ George W. Crockett Jr., "Jurisdiction of Employee Suits under the Fair Labor Standards Act," *Michigan Law Review* 39.3 (1941): 419-29.

¹² George W. Crockett Jr., "Reinstatement of Employees under the Fair Labor Standards Act," *Michigan Law Review* 42.1 (1943): 25-50.

¹³ Franklin D. Roosevelt, "Executive Order 8802 – Reaffirming Policy of Full Participation in the Defense Program by All Persons, Regardless of Race, Creed, Color, or National Origin, and Directing Certain Action in Furtherance of Said Policy," June 25, 1941.

¹⁴ Ralph Shapiro, "The National Lawyers Guild and the Labor Movement," *Guild Practitioner* 64.180 (2007): 180-83.

attacked Walter Reuther and other UAW officials.¹⁵ Crockett headed the Fair Employment Committee starting in 1944 and worked for the UAW on a contract basis starting in 1946, a popular and visible spokesman for Detroit's black labor force.¹⁶ Despite his rapid rise to leadership in dealing with issues of race and employment opportunity, Crockett lost his high profile in November 1947, when anti-communist Reuther secured control of the UAW's national leadership.¹⁷ Crockett described Reuther as having an "innate sense of theoretical justice in all inter-racial matters" but that "the perpetual question that constantly bobs up when Negroes in the UAW talk about union politics is 'Why is it the great majority of the prejudiced elements in the UAW are Reuther's most vociferous supporters?'" Ultimately, 90 per cent of African Americans active in the union aligned themselves against Reuther.¹⁸

As the Cold War deepened, the US legal profession shirked its responsibility to promote the administration of justice, and, as historian Jerold S. Auerbach has argued, dominant leaders of the American Bar Association (ABA) failed to speak out against the rising acceptance of guilt-by-association. In this instance, Crockett's experience provides a counterpoint to traditional histories of the legal profession. Mindful of his experiences of anti-communist liberalism in the Detroit UAW, Crockett challenged the vilification of unpopular minorities during periods of national emergency. He continued to work to support the right to counsel for labor, for Communists and for others viewed as un-American by the establishment. Traditionalist (particularly ABA) lawyers did not entirely monopolize the profession; although lawyers of Crockett's sensibility were relatively few in number and scattered across the US, many were members of progressive bar associations.¹⁹ The

¹⁵ His complaint listed as background the anti-union propaganda, loyalty pledges, and firings and demotions due to union activity, which culminated in brutal beatings by Ford Motor Company security guards of labor organizers. The NLRB's castigation of Ford's actions led to an increase in support for the UAW; Christopher H. Johnson, *Maurice Sugar: Law, Labor, and the left in Detroit, 1912-1950* (Detroit: Wayne State University Press, 1988), 224.

¹⁶ Wilbur C. Rich, *Coleman Young and Detroit Politics: From Social Activist to Power Broker* (Detroit: Wayne State University Press, 1999), 65; Kevin Boyle, *The UAW and the Heyday of American Liberalism, 1945-1968* (New York: Cornell University Press, 1998), 43.

¹⁷ Nelson Lichtenstein, "Reuther the Red?" *Labour/Le Travail* 51 (2003): 165-69; Victor G. Devinatz, "Reassessing the Historical UAW: Walter Reuther's Affiliation with the Communist Party and Something of Its Meaning: A Document of Party Involvement, 1939," *Labour/ Le Travail* 49 (2002): 223-45.

¹⁸ Nelson Lichtenstein, *Walter Reuther: The Most Dangerous Man in Detroit* (Champaign: The University of Illinois Press, 1997), 209, 211.

¹⁹ Jerold S. Auerbach, *Unequal Justice* (New York: Oxford University Press, 1976),

National Lawyers Guild (hereafter referred to as the Guild) had been established in 1937 and aimed to be “an effective social force in the service of the people to the end that human rights shall be regarded as more sacred than property rights.”²⁰ The US’s first racially integrated bar association, it was open to all lawyers regardless of race, sex, or political beliefs, in stark contrast to the dominant ABA’s refusal to admit black attorneys, and the Guild had been developed by Crockett’s UAW mentor, Maurice Sugar.²¹ By 1948, Guild lawyers were increasingly isolated in the legal profession. In an attempt to eradicate the philosophy of co-operation between liberal and radical lawyers, the ABA Board of Governors at its meeting on May 18, 1948, approved a new policy that it would “not elect any Guild members to Association membership.” It based this decision on HUAC’s opposition to the “attitude and policies” of the Guild in supporting “what are characterized as Communist-Front activities.”²² In response to the attack, Guild Secretary Robert Silberstein sent a private message to the ABA Board of Governors rebuking them on the basis of the ABA’s decision resting solely on the “unsupported slander of a discredited body.”²³

Crockett remained willing to work with Communists, despite his lack of affiliation with the party and lack of any basic belief in communist values. Rejecting an invitation to join the Communist Party USA (CP-USA) from Benjamin J. “Ben” Davis, an African American lawyer and Communist who was Harlem’s representative on the New York City Council, he nevertheless remained interested in the politics of the left and the remnant of the Popular Front.²⁴ On July 22, 1948, Eugene Dennis, Ben Davis, and ten other CP-USA leaders were indicted by the Justice Department for “conspiracy to teach and advocate the overthrow of the US government by force and violence” in

257.

²⁰ National Lawyers Guild Constitution Preamble, 1937. Reproduced in Ann Fagan Ginger and Eugene M. Tobin (eds.), *The National Lawyers Guild: From Roosevelt through Reagan* (Philadelphia: Temple University Press, 1988), 11-12.

²¹ “Martin Popper – Oral History – Influential Black Lawyers in the Guild,” *Lawyers Guild Review* 40.2: (1983): 55-56. Popper was a founding member of the Guild and National Executive Secretary from 1940 to 1947.

²² “Editor to Readers,” *American Bar Association Journal* 34 (June 1948): 487.

²³ American Bar Association Board of Governors from Robert J. Silberstein, September 17, 1948, box 6, folder 1, National Lawyers Guild Papers, Tamiment Library, New York University, New York (hereafter NLG).

²⁴ Babson, Riddle, and Elsilá, *The Color of Law*, 195.

contravention of the Smith Act of 1940.²⁵ The indictment specifically did not charge the twelve with having committed any overt action or conspiracy, but it focused on their reconstitution of the CP-USA in 1945 and their promotion of Marxism-Leninism, an ideology deemed to be a fundamental threat to American democratic institutions.²⁶ The *Dennis* trial began in New York's Foley Square on January 17, 1949, with Guild members Harry Sacher, Abraham Isserman, Louis McCabe, Richard Gladstein, and Crockett as defense counsel. Crockett broke into tears of frustration in the courtroom over the judge's refusal to allow pre-trial challenges to the undemocratic jury system that excluded the poor, African Americans, Jews, and members of the CP-USA and the American Labor Party from jury lists.²⁷ The case highlighted the role of judicial bias in political trials: historian Michal R. Belknap highlighted the judge's refusal to permit defense witnesses to answer questions that were identical to those prosecution witnesses were required to answer.²⁸ Crockett's presence in the trial served also to underscore racial barriers to equal justice, as Crockett felt "slighted" when he was the only lawyer, defense or prosecution, not asked by the judge for comment on other matters in the case.²⁹

Highlighting the damaging effect of the rise of guilt-by-association on lawyers, immediately after the guilty verdict was recorded on October 14, 1949, Judge Medina cited for contempt the defense attorneys, referring to the defense lawyers' strategy of introducing communist books read by the defendants to refute Medina's declaration that the texts were part of the paraphernalia in the formation of the alleged conspiracy.³⁰ Crockett's official statement on being sentenced to jail was

²⁵ John J. Abt and Michael Myerson, *Advocate and Activist: Memoirs of an American Communist Lawyer* (Urbana-Champaign: University of Illinois Press, 1993), 186. The twelve men charged were William Z. Foster, Eugene Dennis, John B. Williamson, Jacob Stachel, Robert G. Thompson, Benjamin J. Davis Jr., Henry Winston, John Gates, Irving Potash, Gilbert Green, Carl Winter, and Gus Hall.

²⁶ Johnson, *Maurice Sugar*, 298.

²⁷ Russell Porter, "Communists Here Lose Move to Bring in an Outside Judge," *The New York Times*, January 20, 1949, 1. For instance, the letter 'C' was used next to "colored" jurors or prospective jurors. Herbert M. Levy to US Jury Commissioner, May 25, 1949, Reel 506, slide 00320, American Civil Liberties Union Microfilm Series 4 – Legal Case files (hereafter ACLU-4).

²⁸ Michal R. Belknap, "Cold War in the Courtroom: The Foley Square Communist Trial," in Michal R. Belknap (ed.), *American Political Trials* (London: Praeger, 1994), 207-20.

²⁹ "Communist Trial Judge Takes 'Crack' at Lawyer," *Afro-American*, February 12, 1949, 1.

³⁰ John Wood et al., *Report on the National Lawyers Guild, Legal Bulwark of the*

that he “regard[ed] it as a badge of honor to be adjudicated in contempt for vigorously prosecuting what I believe to be the proper conception of the American Constitution.”³¹ The five lawyers were all specifically identified as members of the Guild and were given sentences ranging from thirty days to six months, and Crockett was investigated by the FBI.³² The *Baltimore Afro-American* described the trial as a “turning point in American legal history,” being the “first time in history that both defendants and lawyers found themselves convicted at the same time in an American court.... It was not an unusual situation in Hitler’s Germany.”³³ The case not only highlighted the role played by wider society in the decision-making process of ascertaining guilt and innocence but also the personal, professional, or political danger to the counsel of people charged with unpopular offenses.

Crockett was jailed for his defense of Communists, serving a four-month sentence at a racially segregated facility in Ashland, Kentucky, a time which he argued “colored [his] outlook... pushing [him] further into the underdog’s camp.”³⁴ After his release, he was not only ostracized by many in the legal community, he was still in danger of having his license to practice law revoked. Several hundred lawyers from two marginal organizations, the Guild and the Wolverine Bar Association, spoke out on Crockett’s behalf.³⁵ The latter was a Detroit-based African American group that had been created in 1934 to champion black lawyers’ professional concerns.³⁶ After considerable

Communist Party, September 17, 1950, Prepared and Released by the Committee on Un-American Activities, US House of Representatives (1950), 5; “Appendix to Opinion of Mr. Justice Frankfurter, Excerpts from the Record of the Principal Case, Dennis v. United States,” in Sacher v. United States, 343 US 1 (1952), No. 201, October term, 1950. Texts cited at the trial included Lenin’s State and Revolution and Stalin’s Problems of Leninism, although access to complete works was restricted by the Judge. George Marlon, Communist Trial: An American Crossroads (Fairplay Publishers, 1950), 73.

³¹ George W. Crockett Jr., “Statement on Being Sentenced for Contempt, October 14, 1949,” in Crockett, *Freedom is Everybody’s Job! The Crime of the Government against the Negro People: Summation in the Trial of the 11 Communist Leaders* (New York: National Non-partisan Committee, 1950), 1.

³² Martha Biondi, *To Stand and Fight: The Struggle for Civil Rights in Postwar New York City* (Cambridge, MA: Harvard University Press, 2006), 161; *In Re Disbarment of Isserman*, 345 US 286 (1953).

³³ Cliff Mackay, “A turning point in American Legal History,” *Afro-American*, October 22, 1949, 5.

³⁴ Warner Smith, “George W. Crockett: The Opener, Interview,” *Black Law Journal* 1.3 (1971): 247-59.

³⁵ “Lawyers Blast Jail Term for Crockett,” *Daily Worker*, December 2, 1949, 5.

³⁶ National Lawyers Guild Detroit Chapter and Wolverine Bar Association, *Report of*

debate characterized by acrimonious discussions, the black-dominated National Bar Association voted in 1952 to appeal to the Michigan Bar Association to drop its disbarment action.³⁷ Crockett went to New York to apologize to Judge Medina before the court three days before a hearing of the State Bar to consider disciplinary action against him.³⁸

In 1950 and 1951, between the *Dennis* trial and his jailing for contempt of court, Crockett co-founded the firm Goodman, Crockett, Eden and Robb in Detroit, alongside his associates, Mort Eden, Dean Robb, and Ernest “Ernie” Goodman. Awaiting the outcome of the appeal of his contempt citation, Crockett gave a keynote speech at the Emergency Conference for Constitutional Rights, in which he declared that “every repressive measure has within it the seeds of its defeat.”³⁹ Crockett became a defense attorney in the HUAC investigation of communist activity in Detroit, which focused on the Civil Rights Congress and the UAW Local 600. Local 600 was one of the few left-led unions remaining in Detroit and was strikingly militant in the late 1940s.⁴⁰ The local opposed Walter Reuther’s 1950 Treaty of Detroit, a five-year contract Reuther negotiated with the Big Three automakers in the wake of his dominancy over the traditional center-left UAW powerbase. Reuther brokered a long-term contract that protected the automakers from annual strikes and relinquished the workers’ right to bargain over some issues in exchange for greater health, pension, and unemployment benefits. More broadly, the local also campaigned against Ford’s tactics, which they termed Project Runaway. Historians Judith Stepan-Norris and Maurice Zeitlin argued that this represented a campaign of decentralization and deindustrialization designed fundamentally to undermine the union.⁴¹ Crockett played a major role in defense of labor rights during this period, particularly when FBI and

Investigation of Summary Contempt Citation against George W. Crockett, Jr. (Defense Counsel in the Foley Square Trial) (Detroit: National Lawyers Guild Detroit Chapter and Wolverine Bar Association, 1950); Edward J. Littlejohn and Donald L. Hobson, “Black Lawyers, Law Practice, and Bar Associations – 1844 to 1970: A Michigan History,” *Wayne Law Review* 33 (1986-87): 1625-1692, 1683.

³⁷ Red. F. Widget, “National Bar for Crockett: Asks Disciplinary Action be Dropped,” *Detroit News*, March 30, 1952; “Lawyers Fight Housing Bias; To Aid Crockett,” *New York Amsterdam News*, September 6, 1952, 4.

³⁸ “Reds’ Lawyer to Apologize to US Judge,” *Detroit Free Press*, March 18, 1954.

³⁹ “Detroiters Hear George Crockett and Carl Winter,” *Daily Worker*, June 20, 1951, 5.

⁴⁰ Sugrue, *The Origins of the Urban Crisis*, 153.

⁴¹ Judith Stepan-Norris and Maurice Zeitlin, *Left Out: Reds and America’s Industrial Unions* (Cambridge: Cambridge University Press, 2003), 121-124.

HUAC investigators instituted a broad investigation questioning Detroit activists starting in October 1951, long before the opening day of the hearings on February 25, 1952.⁴²

Southern Justice

Crockett was a leading champion of the Guild as the most effective method of organizing progressive attorneys to counter the McCarthyite attacks that were paralyzing dominant sections of the legal profession. The US Attorney General castigated the Guild in a 1953 speech before the American Bar Association, where, without giving any evidence or giving the group the right to respond, he declared that he would find the group guilty of subversion charges. In 1956, HUAC cited the Guild as a Communist front “devised [for] making special appeals on behalf of civil liberties and reaching out far beyond the confines of the Communist Party itself.”⁴³ The Attorney General’s attempt to include the group on his List of Subversive Organizations continued through the courts until the charges were dropped over five years later due to lack of evidence.⁴⁴ In particular, Crockett drove the Guild’s creation of the Committee to Assist Southern Lawyers (CASL), in February 1962, in recognition of the fact that “‘Massive’ resistance of the Southern states to the 14th amendment ha[d] taken the form, among others, of harassing

⁴² Martin Halpern, *Unions, Radicals, and Democratic Presidents: Seeking Social Change in the Twentieth Century* (Westport: Praeger, 2003), 67, and “‘I’m Fighting for Freedom’: Coleman Young, HUAC, and the Detroit African American community,” *Journal of American Ethnic History* 17.1 (1997): 19-38, 25; Committee on Un-American Activities, U.S. House of Representatives, *Communism in the Detroit Area – Part 1: Hearings before the U.S. Congress House Committee on Un-American Activities House of Representatives, 82nd Congress, 2nd Session, February 25, 26, 27, 28, and 29, 1952* (Washington, DC: US Government Printing Office, 1952).

⁴³ Committee on Un-American Activities, U.S. House of Representatives, *Guide to Subversive Organizations and Publications (and Appendixes)* (Washington DC: US Government Printing Office, 1961), 121. The Guild had previously been cited in 1944 and 1950.

⁴⁴ The case was highlighted in the Congressional Record: “Exercising Unbridled Power: Speech of Hon. Herman P. Eberharter of Pennsylvania in the House of Representatives, Monday, March 29, 1954, “Proceedings and Debates of the 83rd Congress, Second Session,” *Congressional Record*, Rare Book and Manuscript Library, Columbia University, New York. The case ended in 1958. “Guild Suit Charging Unconstitutionality and Delay Victorious,” *New York Guild Lawyer* 16.9 (September 1958); “US Abandons Bid to Cite Law Guild: Drops 5-Year Move to List Organization with Groups Linked to Subversion,” *The New York Times*, September 13, 1958. An example of Crockett’s Guild work was his sending letters to half of the black lawyers in Michigan asking them to join the Guild. “Decisions on National Executive Board Meeting re: Organization and Expanding Membership,” November 10, 1958, box 4, folder 11, NLG.

criminal prosecution of Negroes and their white supporters.”⁴⁵ The Guild’s nascent efforts were supported by James Dombrowski and the Southern Conference Education Fund, due to their desire to know the “nature and extent of the problem arising out of inadequate or lack of legal representation in the South.”⁴⁶ The Guild sent out an “urgent plea” to other civil rights groups, including the Congress of Racial Equality (CORE) and the NAACP, stating that they “should immediately band together and exert their individual and combined efforts to demonstrate to every racist born—or yet to be born—that the progressive forces value gutsy lawyers in the South.”⁴⁷

Under Crockett and Goodman’s stewardship, CASL rapidly expanded to become the influential Committee for Legal Assistance in the South (CLAS), which had broad aims of developing education and defense networks for the southern civil rights movement through provision of volunteer lawyers for southern defendants.⁴⁸ As a measure of Crockett’s increasing respectability and of his views on the need to develop true justice in the southern courts, in the summer of 1963 he was invited to the White House for a conference of leaders of the bar.⁴⁹ Crockett also organized the summer placement of two law students in Mississippi, organized legal conferences to focus national attention on the problems of inadequate legal assistance in the South, and produced and broadcast a Law Day radio program.⁵⁰ Attorneys from thirteen

⁴⁵ “National Lawyers Guild Resolution Adopted by the 1962 Convention,” box 8, folder 5, NLG.

⁴⁶ Ernest Goodman and George Crockett Jr., Guild Committee to Assist Southern Lawyers, to James Dombrowski, April 27, 1962, Mississippi State Sovereignty Commission Records, SCR 99-93-0-67-1-1-1; James Dombrowski, Executive Director, Southern Conference Education Fund to Ernest Goodman and George Crockett Jr., Guild Committee to Assist Southern Lawyers, May 15, 1962, Mississippi State Sovereignty Commission Records, SCR 13-36-0-3-1-1-1; George Crockett Jr., and Ernest Goodman, to SNCC, SCLC, SCEF, CORE, December 6, 1962; “Re: National Lawyers Guild,” *Arrest and Detention – Remember You Have Rights: A Manual for Laymen*, box 46, folder 26, NLG.

⁴⁷ “Guild Assistance to Attorneys of the South: A Special Committee of the NLG,” box 12, folder 35, NLG.

⁴⁸ Additionally, they published the *Civil Liberties Handbook for Lawyers and Defendants*, which became a cornerstone text for civil rights lawyers and volunteers; Ernest Goodman memorial, <http://www.solidarity-us.org/node/1861> (accessed August 15, 2010).

⁴⁹ “Summer Project: Mississippi, 1964 – An Account of the National Lawyers Guild Program of Legal Assistance to Civil Rights Workers in Mississippi: Summer, 1964,” *Guild Practitioner* 24 (1965): 32-43, 34.

⁵⁰ Will Attend Conference of South Lawyers,” *The Worker*, November 25, 1962, 9; “NLG National Executive Board Meeting: Report of the Committee to Assist Southern

states agreed to spend from one to three weeks in Mississippi pro bono.⁵¹ The Guild's recognition that racism in the courtroom was a key obstacle to equal justice under law was illustrated by a 1963 National Executive Board meeting at which the Guild's New York-based white leadership gave serious consideration to a plan that would abolish its national headquarters' activities in favor of greater financial provisions to the civil rights struggle. Crockett became increasingly influential in the Guild at a time when its membership had been decimated by the Second Red Scare. He argued forcefully that the "Guild today is not the interracial association that it was once," and that the organization needed a "reorientation and rededication" to provide African American lawyers working in the South with a network of professional contacts and support. He concluded that "we have a primary responsibility for integrating our own profession."⁵²

Continuing suspicion over Crockett's alleged alliances with Communists was evidenced through concerted FBI spying on his civil rights campaign. Secretly attending Guild meetings, the FBI identified two distinct camps of judgment on what it termed the "Detroit plan." One agent testified that the first group, consisting of Detroit lawyers, advocated ending the Guild's commitment to addressing issues of international law and peace, suggesting that the group's entire budget be committed to furthering equal justice in the South. The second faction was led by labor lawyer Victor Rabinowitz of New York, who wished to retain the Guild's commitment to a variety of social issues instead of narrowing it down to being a single-purpose organization. The undercover FBI source concluded that Crockett's plan, developed in collaboration with Ernie Goodman, represented a "political campaign to take over the Guild." The plan would have the two-fold impact of appeasing new black members who felt the Guild was not doing enough for civil rights and providing new direction and impetus to increase

Lawyers," June 9, 1963, box 5, folder 2, NLG.

⁵¹ Crockett was responsible for organizing the scheduling of both out-of-town lawyers and those from within Mississippi. (It was practice in most jurisdictions that out-of-state attorneys should arrange for a local attorney to be associated with them in the handling of litigation in Mississippi.) George W. Crockett to fellow attorneys, c. 1964, 13-36-0-35-1-1-1, Mississippi State Sovereignty Commission Records, Mississippi Department of Archives and History (hereafter MSSC); George Crockett to fellow attorneys, June 20, 1964, 13-37-0-2-1-1-1, MSSC.

⁵² National Executive Board meeting, June 9, 1963, "8. Report of Committee to Assist Southern Lawyers," 3, box 5, folder 3, NLG.

membership in areas where people previously had been afraid to join.⁵³ Crockett became increasingly powerful within this progressive bar association, and the success of his campaign contributed to the move of the Guild's national office from New York City to Detroit. The *Radicals in the Professions* newsletter, published by Students for a Democratic Society, documented that "the young Detroit chapter was instrumental in leading the way out of stagnation through total involvement in the legal problems of the Southern movement," but Crockett's tactics alienated many of the older white members of the Guild.⁵⁴

Despite the Guild's appeal to unify the various civil rights groups as far back as 1962, it was initially ignored by the Big Five⁵⁵ civil rights groups, including the National Association for the Advancement of Colored People. This was due in part to its unsavory connections with Communists, the attendant negative publicity, and government attention. These connections harmed Crockett's ability to work with anti-communist liberal organizations in the South and also gave leverage to segregationist opponents.⁵⁶ Crockett was registered under the Foreign Agents Registration Act as an agent of Fidel Castro in 1964 due to evidence provided by the Mississippi White Citizens' Council and the Mississippi State Sovereignty Commission.⁵⁷ Crockett recalled that when he was defending civil rights workers in Mississippi, he was "confronted by the precedents established in the so-called anti-Communist cases... being used to block the efforts of sharecroppers and poor whites who sought to organize politically."⁵⁸ Attempts to taint the civil rights movement as communist-infiltrated also manifested through attacks on Crockett's character by Mississippi Senator James Eastland, who

⁵³ Special Agent William J. Winchester to SAC Detroit, FBI, March 30, 1964, 4-5, box 5, folder 3, NLG; Victor Rabinowitz Papers, Tamiment Library, New York University, New York (hereafter VR), 9, 4; "NLG Freedom Of Information Act" (FBI) 1961-64; 1967-70.

⁵⁴ "The National Lawyers Guild," *Radicals in the Professions*, Students for a Democratic Society newsletter, Radical Education Project, Ann Arbor, February 1968, 1, box 8, folder 16, VR.

⁵⁵ The NAACP, the Urban League, the Southern Christian Leadership Conference, the Congress of Racial Equality, and the Student Nonviolent Coordinating Committee.

⁵⁶ "George W. Crockett Jr.," *The Citizen*, White Citizens' Council, February 1965, 16-17, 1-71-0-7-17-1-1, MSSC.

⁵⁷ "Brief of the Facts and the Law Filed with the Committee on Credentials of the Democratic National Committee on Behalf of the Delegates of the Regular Democratic Party in the State of Mississippi," 2-165-3-12-19-1-1, MSSC; "Mississippi Freedom Democratic Party (An analysis by the State Sovereignty Commission)," 2-165-3-14-1-1-1, MSSC.

⁵⁸ Smith, "George W. Crockett," 247-259, 252.

branded him a leading racial agitator, and conservative California Republican James B. Utt in the House of Representatives, who labeled him a communist promoter of mob violence.⁵⁹

The Guild CLAS became more integrated into the civil rights alliance with the 1964 emergence of the Council of Federated Organizations (COFO), which was created as a coalition of the major civil rights groups that aimed to coordinate and unite voter registration and other civil rights activities in Mississippi.⁶⁰ The Guild CLAS acceptance into COFO was due to SNCC's principle of refusing ideological tests as litmus for cooperation. Ella Baker, the so-called "Godmother of SNCC," encouraged SNCC to reject red-baiting because she viewed it as divisive and unfair. Speaking in 1974, she characterized SNCC's acceptance of the Guild's offer of help as emanating from desperation rather than principle, stating, "they were going to accept help from wherever they could get it"—for instance, Crockett "and other members of what is called the National Lawyers [Guild]—many white lawyers—which is leftist oriented, would be objectionable to the N.A.A.C.P. because they didn't want to introduce this conflict of ideologies, of pro-communist ideology, and leave themselves open to the charge on the part of the authorities that the Communists were taking over."⁶¹ The nuances of the underlying political differences within the movement were an important factor in the decisions of many groups at the time.

The Guild ultimately acted as legal support for COFO's "Mississippi Summer," a project in which hundreds of volunteer workers undertook to train and register as many African American voters as possible in Mississippi. Crockett believed that the Guild's work had improved the administration of justice by challenging rampant police harassment and brutality in the South, by getting people out of jail by removing their

⁵⁹ "Communist Invasion of Mississippi under Banner of So-Called 'Civil Rights activities' – Remarks of Senator James Eastland of Mississippi in the Senate, March 18, 1965," *Congressional Record – Senate*, 5284-5292; "Communists Promote Mob Violence – Extension of Remarks of Hon. James B. Utt of California in the House of Representatives, Tuesday, July 28, 1964," *Congressional Record – Appendix*, A3942-A3943.

⁶⁰ The leading groups in COFO were the National Association for the Advancement of Colored People, the Congress of Racial Equality, the Southern Christian Leadership Conference, and the Student Nonviolent Coordinating Committee.

⁶¹ Oral History Interview with Ella Baker, September 4, 1974. Interview G-0007, Southern Oral History Program, Documenting the American South Project, University of North Carolina at Chapel Hill, North Carolina, #4007, http://docsouth.unc.edu/sohp/G-0007/excerpts/excerpt_8081.html (accessed June 24, 2010).

cases to the Federal court, and by deterring violence against those arrested.⁶² However, even after the height of activism and the 1964 Civil Rights Act and 1965 Voting Rights Act, the courtroom remained biased. *Time* concluded that “ironically, it is in the field of law and administration of justice that [the African American] is most frequently foiled.”⁶³ Harvard psychiatrist Robert Coles completed a six-year study of southern racial attitudes in which he concluded that the courtroom was not seen as a citadel of justice by southern blacks. Instead, it was “the symbol of where the policemen, the sheriffs, the judges, the juries, the voting registrar, the registrar of deeds and the whole structure of society is weighted against Negroes.”⁶⁴

Criminal Justice

During Crockett’s period as a judge working in Detroit, African Americans reached the pinnacle of the legal profession with Thurgood Marshall’s appointment to the Supreme Court in 1967. In 1965, Crockett decided to run for the Detroit Recorder’s Court, an elected position in the State Court focused on felony cases committed in Detroit.⁶⁵ Opposition to Crockett’s election to the Recorder’s Court was masterminded by FBI Director J. Edgar Hoover in the publication *Counterattack*, founded by former FBI agents.⁶⁶ Crockett was excoriated as an “enemy sympathizer” and an “enemy collaborator.” With the image of the hammer and sickle next to his face, pamphlets admonished, “how in the name of God are we to justify spending... blood and lives fighting communism in Asia if we are going to elect communist-sympathizers and supporters to strategically important positions right here at home?”⁶⁷ Nevertheless, Crockett, as a result of extensive

⁶² “Lawyers: A Deterrent,” in National Lawyers Guild, *Project Mississippi – An Account of the National Lawyers Guild Program of Legal Assistance to Civil Rights Workers in Mississippi, Summer 1964* (New York, c. 1965), 14; “A Mississippi Story,” *The Southern Patriot*, January 1965.

⁶³ “Breaching the White Wall of Southern Justice,” *Time*, April 15, 1966.

⁶⁴ S 386, 90th Congress, First session, in U.S. Congress, Senate, *Hearings*, vol. 7, (Washington DC, 1967), 294.

⁶⁵ Victor Rabinowitz, *Unrepentant Leftist: A Lawyer’s Memoir* (Chicago: University of Illinois Press, 1996), 179-180; Babson, Riddle, and Elsil, *The Color of Law*, 352.

⁶⁶ “Trove of F.B.I. Files on Lawyers Guild Shows Scope of Secret Surveillance,” *The New York Times*, June 25, 2007; The Tamiment Library and Robert F. Wagner Labor Archives, “Guide to the American Business Consultants, Inc. Counterattack: Research Files,” http://dlib.nyu.edu/findingaids/html/tamwag/tam_148 (accessed August 24, 2012).

⁶⁷ “Why we must NOT elect George Crockett to Recorder’s Court,” pamphlet, c. 1966, Counterattack Papers, Tamiment Library, New York University, New York, 30,

lobbying and the African American vote, was elected to the Court, where three out of thirteen judges were African American. From his 1966 election to Detroit's criminal court, Crockett became an outspoken advocate of equal justice in a system that failed to accord key due process rights to poor black defendants.

Crockett's commitment to opposing guilt-by-association and to combatting racism and judicial bias was tested during the 1967 Detroit riot, described by Sidney Fine in 1987 as "the nation's worst civil disorder in the twentieth century."⁶⁸ The initial 1967 disturbance was precipitated by a police raid of a blind pig—an unlicensed, after-hours bar—in which a large number of black people were arrested. This raid sparked growing resentment of police brutality, as exemplified by "tac squads," elite four-man police units that were frequently verbally abusive to black men in Detroit. Civil rights activists had become increasingly frustrated with the slow pace of change in the city as Black Power organizations multiplied and spontaneous outbursts of violent resistance occurred, including a mini-riot in the Lower East Side in 1966.⁶⁹ Liberal police commissioner George Edwards acknowledged that "90 percent of the 4,767-man Detroit Police department are bigoted."⁷⁰ At the end of five days of rioting in 1967, 43 people were dead and 1189 were injured.⁷¹ The Report of the President's National Advisory Commission on Civil Disorders concluded, "in all, more than 7,200 persons were arrested... by Monday 4,000 were incarcerated in makeshift jails. Some were kept as long as 30 hours on buses. Others spent days in an underground garage without toilet facilities." With only a couple minor exceptions, all of those arrested were minorities. Highlighting the length of time and the conditions in which rioters were held, the report damningly concluded that, of those arrested, "an uncounted number

"50-173 Crockett, William J." Steve Babson, *Working Detroit: The Making of a Union Town* (Detroit: Wayne State University Press, 1986), 168; Wilbur C. Rich, *Coleman Young and Detroit Politics: From Social Activist to Power Broker* (Detroit: Wayne State University Press, 1999), 80.

⁶⁸ Sidney Fine, "Rioters and Judges: The Response of the Criminal Justice System to the Detroit Riot of 1967," *Wayne Law Review* 33 (1986-87): 1723-1764.

⁶⁹ Sugrue, *The Origins of the Urban Crisis*, 262-264.

⁷⁰ Judson L. Jeffries, *On the Ground: The Black Panther Party in Communities across America* (Jackson: University Press of Mississippi, 2010), 134.

⁷¹ "New Gun Battles Shatter Riot Truce; Sniper Kills Woman Guest at Hotel" *Detroit Free Press*, July 26, 1967; Steven L. Danver, *Revolts, Protests, Demonstrations, and Rebellions in American History* (Santa Barbara: ABC-Clío, 2010), 990.

were people who had merely been unfortunate enough to be on the wrong street at the wrong time.”⁷²

Lengthy incarcerations resulted, in part from an overloaded city judicial system. A majority of Recorder’s Court judges agreed to set high bonds to prevent those ostensibly involved in disorder from returning to the streets, a policy Crockett ardently criticized. Historian Thomas J. Sugrue argued that, in Detroit, a city deeply divided along race lines, white domination of local politics created massive roadblocks to African American advancement.⁷³ Yet Crockett’s election as a judge and his high-profile activity during the riot presents a different picture of the development of racial equality under the law. Crockett opposed the “unconstitutional bail [amounts]” that were imposed in “assembly-line fashion,” ranging from “\$10,000 to \$20,000 per person for men and women who had never had \$500 at one time in their lives.”⁷⁴ He instead released about 10 percent of the prisoners on their personal recognizance, setting bail for others in the \$500 to \$1000 range.⁷⁵ Nearly all those arrested were low income, indigent, and black. Three-quarters were charged with looting, which carried a possible punishment of five years in prison, with half of these charges being dismissed due to lack of evidence at preliminary hearings. The high bail policy was officially amended only after some people had been imprisoned for six days. Police complaints over the perceived leniency of Crockett’s policy were challenged by law students who interviewed defendants, defense attorneys, prosecutors, and judges. They highlighted several instances in which eighth amendment rights had been denied, most notably the absence of counsel, high bail, and the failure to consider individual circumstance. In one case, a judge lined up groups of fifteen to twenty prisoners at a time, curtly informing them, “[Y]ou’re accused of entering without breaking, your bond is \$10,000, your examination is set for August 1.”⁷⁶ In response to his commitment to his unpopular action,

⁷² Otto Kerner, *Report of the US National Advisory Commission on Civil Disorders* (Washington, DC, 1968), 60.

⁷³ Sugrue, *The Origins of the Urban Crisis*, 266.

⁷⁴ George W. Crockett Jr., “A Black Judge Speaks,” *Judicature* 53 (1969-1970): 360-365.

⁷⁵ Yale Kamisar, “Some Salient Features of the Administration of Criminal Justice During and After the July 23-28, 1967 Detroit Riots,” (October 5, 1967), submitted to the Kerner Commission. Reproduced in *Michigan Citizen*, 2007, <http://michigancitizen.com/uprising-part-p4838-106.htm> (accessed on March 31, 2011).

⁷⁶ “The Administration of Justice in the Wake of the Detroit Civil Disorder of July 1967,” *Michigan Law Review* 66 (1968): 1542-1630, 1547, 1550.

Crockett received the Guild's Franklin D. Roosevelt Award in the winter of 1967 and was re-elected as a Guild vice president.⁷⁷

In April 1968, Crockett warned about the dangerous breakdown in confidence of Detroit's black community in the police. In an eloquent speech before the American Civil Liberties Union, he asserted that the police and the prosecutor had charged individuals indiscriminately in the 1967 riots. He pointed to statistics demonstrating that, although over 3,000 people were indicted on felonies, only two convictions occurred at trial on the original charges, with one-third of the charges being dismissed outright and around 600 of those charged pleading guilty to misdemeanors. He also noted that there were significant systemic problems with racism, and he warned, "the simple truth is that Detroit's black community has no confidence in the administration of justice in their city; they believe that the temple of Criminal justice is sagging, is tottering. They feel the beams resting upon their necks."⁷⁸ The Detroit Guild attempted to combat the inadequacies of Detroit's legal justice system, and it became involved in exposing racism on the bench and pressing for the inclusion of ethnic minorities in jury pools. During this period, however, Crockett became disillusioned with the Guild's failure to engage with other issues that African Americans faced within the judicial system. Victor Rabinowitz was elected to the Guild presidency in 1967, and he denoted Crockett as "the only black lawyer that we had with any kind of national standing," indicative of the racial barriers facing African American lawyers even in groups considered radical.⁷⁹ The increasing role of black activists within the group threatened to lead to a fundamental schism as, in 1968, the Guild passed a resolution supporting Black Power and calling for the establishment of a separate Black Nation within the US.⁸⁰ Opposing what he viewed as its

⁷⁷ Thomas I. Emerson, "Presentation of Franklin Delano Roosevelt Award to George W. Crockett, Jr.," *Guild Practitioner* 25 (1967): 25-26; "Press Release: Black Power Saluted by the Nation's Most Progressive Association of Lawyers," c. 1968, box 8, folder 15, NLG; Abraham Isserman to Victor Rabinowitz, President of the National Lawyers Guild, November 14, 1968, box 13, folder 52, NLG.

⁷⁸ George W. Crockett Jr., "Recorder's Court and the 1967 Civil Disturbance," *Journal of Urban Law* 45 (1967-68): 841-848, 844.

⁷⁹ Lenore Bredeson Hogan interview with Victor Rabinowitz, November 1979, box 6, folder 21, VR.

⁸⁰ John Brantley Wilder, "Lawyers Blast Separatism Plan: Forming of Black Nation in US Called Ridiculous," *Philadelphia Tribune*, July 30, 1968.

misguided and political endorsement of separatism, Crockett threatened to resign from the Guild.⁸¹

Traditionally poor relations between Detroit's black community and the police had been exacerbated by the Algiers Motel incident during the 1967 riots, when police and Michigan National Guard troops who were searching the motel's annex for snipers shot dead three unarmed black youths.⁸² Following the riot, the police department received a \$15,000 grant to raise the number of black officers from 217 (around four per cent of the department, in contrast to the over 35 percent of Detroit's total population that was black). However, only a few dozen blacks were hired in the next year.⁸³ The Republic of New Africa (RNA) had been established in 1968, aiming to create an independent African American majority country within the US and to claim reparations from the US government for slavery, Jim Crow segregation, and modern-day, insidious forms of racism.⁸⁴ Pivotal in the 1968 Detroit formation of the RNA were Michigan-based brothers Milton R. and Richard B. Henry. The former, an attorney and civil rights activist, became the RNA's first vice president at its 1968 founding.⁸⁵ The RNA soon came under the attention of Detroit's Red Squad, a police group designed to infiltrate

⁸¹ Lenore Bredeson Hogan interview with Victor Rabinowitz, November 1979, box 6, folder 21, VR.

⁸² The Algiers Motel killing of Carl Cooper, Aubrey Pollard, and Fred Temple occurred just after midnight on July 26, 1967, and the incident was widely discussed after the publication of a non-fiction book by Pulitzer-prize winner John Hersey in 1968 (reprinted as John Hersey, *The Algiers Motel Incident* (Baltimore: Johns Hopkins University Press, 1997)). Hersey found that one of the men was probably killed by accident, but that two others were deliberately murdered by law enforcement officials. Only one police officer, David "Snake" Senak, was indicted for murder, while another, Ronald August, pled self-defense in the shootings. The African American community called a people's tribunal and tried and convicted the police officers in absentia, prompting the prosecutor's office to have the two other officers brought to trial on a conspiracy charge. The prosecutor's office declared that "unless we show our willingness to proceed against crime wherever and whenever it occurs, we will not have the confidence of this community." See "Racism, Sex, Behind Algiers Motel Killings," *Jet*, July 25, 1968, 24-26.

⁸³ Georgakas and Surkin, *Detroit, I Do Mind Dying*, 156.

⁸⁴ "Turn Toward Freedom: Leave the Struggle of the Ghetto and Make a Better Life," Republic of New Africa archive, 1, 6, Brown University "Freedom Now!" archival project, <http://www.stg.brown.edu/projects/FreedomNow/scans/KIM0007-01.jpg> (accessed March 29, 2011).

⁸⁵ "Black Separatism in Perspective: Movement Reflects Failure of Integration," *Ebony*, September 1968, 93.

Detroit's radical community, and also the FBI's COINTELPRO program.⁸⁶

Just before midnight on March 29, 1969, a seriously injured patrolman, Richard Worobec, sent a desperate call for backup to Detroit's police headquarters from outside the New Bethel Baptist Church.⁸⁷ An armed confrontation had occurred between two Detroit policemen and guards at the RNA's first anniversary meeting, resulting in the death of patrolman Michael Czapski. On Detroit's West Side, the church was described by *The New York Times* as being "in the heart of the black ghetto devastated by rioting in 1967."⁸⁸ Police fears that the New Bethel incident could act as a catalyst for further racial unrest led to the decision to send fifty police officers on an armed raid on the Church, where they injured four people and arrested over 140 African Americans inside, including women and children.⁸⁹ Woken by phone calls from Reverend C. L. Franklin of the New Bethel Church and black State Representative James del Rio, Crockett hurried to the downtown Detroit police headquarters, and by 6:40am he had begun holding makeshift hearings for the prisoners. Echoing his reaction to the 1967 riots, Crockett released over 100 supposed black separatists for lack of probable cause. He robustly defended his releasing the suspects on the grounds that police had ignored the suspects' right to counsel while requiring them to submit to gunpowder tests. He also argued that "the prosecutor had moved for the release" of 130 of the defendants, a fact not mentioned in mainstream media reports.⁹⁰

This incident provoked a bitter and divisive debate over Crockett's conduct, particularly when he denounced the arrests as "collective

⁸⁶ Angela D. Dillard, *Faith in the City: Preaching Radical Social Change in Detroit* (Ann Arbor: University of Michigan Press, 2007), 300; Heather Ann Thompson, *Whose Detroit? Politics, Labor and Race in a Modern American City* (Ithaca, NY: Cornell University Press, 2004), 98.

⁸⁷ "Judges: Fallout from a Shootout," *Time*, April 11, 1969.

⁸⁸ "Policeman Killed in Detroit Battle: Clash at Church Follows Black Militant Meeting," *The New York Times*, March 31, 1969, 1.

⁸⁹ By the time of the 1969 New Bethel Incident, a new Detroit Police Commissioner had been sworn in, Johannes Spreen (he occupied the post from 1968 to 1970). A former captain on the Brooklyn Morals Squad, Spreen admitted that, in New York City, they removed participants from illegal after-hours clubs quickly without gender segregation, in violation of the rules. He believed that the practice gave "no stage for malcontents on the streets. No time or opportunity for them to preen, prance or mouth off!" He believed that the Detroit riot resulted from the inability of police to remove possible rioters quickly. See Johannes Spreen and Dianne Holloway, *Who killed Detroit? Other Cities Beware* (New York: iUniverse, 2005), 6-7.

⁹⁰ Crockett Jr., "A Black Judge Speaks," 363.

punishment.”⁹¹ Despite legal opinion supporting the legitimacy of Crockett’s actions, a resolution was passed by the Michigan House of Representatives and the Senate citing Judge Crockett’s allegedly hasty intervention in the pre-arraignment proceedings.⁹² Crockett was investigated by the State Judicial Tenure Commission, a review body established by the state constitution, which later found that there was no cause for action.⁹³ The Detroit Commission on Community Relations released a study condemning the killing of the policemen but also criticizing the Detroit Police Officers Association’s campaigns for the removal of Judge Crockett as symbolizing “the specter of the police state and paramilitary government of a colonial people.”⁹⁴ Historian Judson L. Jeffries argues that, although the acquittals in the New Bethel case could be construed as a victory for black militancy, the RNA chose to leave the city due to the threat of further harassment and the lack of due process by the police and courts.⁹⁵ Crockett’s reaction in the New Bethel incident was representative of his radical opposition to the matrix of oppression based on a defendant’s race, class, or ethnicity, as he desired to defend the unpopular and to develop true and “equal justice under law.”⁹⁶ Notably, in February 1969 he judged the case of Lloyd Tyler, a drug addict who was pleading guilty to a charge of assault with intent to rob. Crockett appointed a lawyer to investigate the issue of whether Tyler had been beaten by the police upon arrest. Concluding that he had been a victim of police brutality, he sentenced him to three years’ probation.⁹⁷ Then, in May 1972 Crockett ordered the release of 27 black defendants who had been arrested in an alleged “numbers raid” by the Detroit Police Department, the Wayne County Sheriff’s Department, and the FBI. He declared publicly that there “seems to be a tendency for the law to work one way for the poor and the Black and another for the wealthy and the white,” a key tenet of legal realism that argued that politics was integral to the law.⁹⁸ The Guild strongly

⁹¹ *Ibid.*, 364.

⁹² *Ibid.*

⁹³ “Report: Senator Quits Dem Caucus in Row over Judge,” *Jet*, June 12, 1969, 9.

⁹⁴ Joe Darden, *Detroit: Race and Uneven Development* (Philadelphia: Temple University Press, 1990), 75.

⁹⁵ Jeffries, *On the Ground*, 135.

⁹⁶ Originally referred to in Supreme Court Case *Caldwell v. Texas*, 137 U.S. 692 (1891), where Chief Justice Melville Fuller ruled that “no state can deprive particular persons or classes of persons of equal and impartial justice under the law without violating the provisions of the Fourteenth Amendment of the Constitution.”

⁹⁷ Smith, “George W. Crockett,” 247-259, 255.

⁹⁸ “Bankers, Not Runners, Real Culprits, Says Detroit Judge Crockett,” *Jet*, May 4,

supported Crockett's actions and argued that the condemnation he faced was merely "one more manifestation of the fact that 'law and order' ha[d] become merely a euphemism for racist oppression."⁹⁹

Crockett also led the development of African American organizations to promote racial equality under law, particularly the National Conference of Black Lawyers (NCBL) in 1969 and the Judicial Council of the National Bar Association (JC-NBA) three years later. The NCBL was established in December 1968 by seventeen black lawyers who believed that there was "no existing institution of the legal profession... available to address itself to the problem of white racism as it affects substantial justice for the Black Americans of this country."¹⁰⁰ At a Chicago conference co-sponsored by the NCBL six months after its founding, Crockett gave the keynote speech, in which he asserted that rampant racism could be destroyed through ballot power and the election of black public officials, most notably black judges.¹⁰¹ Judge Crockett presided over the founding convention of the Judicial Council of the National Bar Association, the oldest and largest association of predominantly African American lawyers and judges in the US.¹⁰² The Council's primary objective was the elimination of racial and class bias from judicial and law enforcement processes.¹⁰³ The Council welcomed the involvement of whites in its efforts but believed that the founding black members, having experienced racism in their own legal careers, had a special obligation to battle for equal justice. Crockett concluded that inequality in the courts was more than racism, as "the poor white derelict, the indigent, the unemployed, the dispossessed, no matter what race or color, are given the like

1972, 55.

⁹⁹ "Crockett Action Backed by Nat'l. Lawyers Guild," *Daily World*, April 18, 1969, 4, NA-HUAC box 635, folder "Org/ National Lawyers Guild 1967-1969."

¹⁰⁰ Preamble to the Constitution of the National Conference of Black Lawyers, 1968, reproduced in "Our History – National Conference of Black Lawyers," <http://www.ncbl.org/declaration.htm> (accessed January 4, 2011); J. Clay Smith Jr., "The Black Bar Association and Civil Rights," *Creighton Law Review* 15 (1981-2): 651-680, 673.

¹⁰¹ "Black Lawyers Unite to Bring Ghetto Help: Pledge to Fight Racism," *Jet*, June 19, 1969, 14; Malcolm Nash, "Black Lawyers in Fight," *New York Amsterdam News*, June 7, 1969, 1.

¹⁰² National Bar Association, *The National Bar Association of the United States: Proceedings of the Convention Constitution and By-Laws Adopted* (Washington, DC: National Bar Association, 1888).

¹⁰³ Gilbert Ware, "Proceedings: Founding Convention of the Judicial Council of the National Bar Association," *Journal of Public Law* 20 (1971): 371-374.

treatment... if the battleground against racism has shifted to the trial courts, the chief artillery has to be the trial judge himself."¹⁰⁴

Despite Crockett's pioneering attempts to provide a nuanced critique of the Justice system, he continued to be branded a pro-communist, for instance by Louisiana Democrat John R. Rarick in the House of Representatives in April 1971.¹⁰⁵ Mirroring the successful slurs of the decade before, the attacks spurred him to become even more vocal in his critique of the inadequacies of defense for unpopular or marginalized defendants. Crockett asserted in a 1972 speech that "our court system, state and federal, and our whole machinery of law enforcement remains even to this day the most racially segregated and class oriented institution in our public life."¹⁰⁶ His controversial views did not deter his 1974 election as Chief Judge of the Detroit Recorder's Court, a position he held for a four-year term. In 1980, he declared his candidacy for Michigan's 13th District Congressional seat, gaining the backing of Detroit Mayor Coleman Young, the UAW, and disgraced former seat-holder Charles Diggs Jr., winning a special election at the age of 71.¹⁰⁷ His eleven-year Congressional career was marked by his 1984 arrest in an anti-apartheid protest at the South African embassy.¹⁰⁸ In his retirement speech from the House, he reminisced that "during the four months that I served in federal prison, it never occurred to me that one day I would also serve in the United States Congress and be a member of the committee having oversight over all federal judges and all federal prisons."¹⁰⁹

¹⁰⁴ George W. Crockett, Jr., "Racism in the Courts," *Journal of Public Law* 20 (1971): 385-390, 385, 388.

¹⁰⁵ "The New Africa Republic in Mississippi – The Latest Constitutional Crisis – Remarks by Hon. John R. Rarick in the House of Representatives, Tuesday, April 20, 1971," *Congressional Record*, E3274-E3278.

¹⁰⁶ George Crockett, "Report to the Second Annual Convention of the Judicial Council of the National Bar association," Florida, August 1-5, 1972, reproduced as George W. Crockett Jr., "Commentary: Black Judges and the Black Judicial Experience," *Wayne Law Review* 61 (1972-1973): 61-72.

¹⁰⁷ John Hyde, "13 Democrats Vie for Diggs' Old Seat in Detroit Primary," *The Washington Post*, August 4, 1980, A11; "Election 80 – New Faces in the House," *The Washington Post*, November 23, 1980, A15.

¹⁰⁸ "Congressmen Arrested," *Boston Globe*, December 1, 1984, 3.

¹⁰⁹ Patricia Edmonds and Bill McGraw, "Crockett Reflects on a Fearless Public Life: Retirement Speech," *Detroit Free Press*, March 29, 1990, 15A.

Conclusion

Despite his importance as a Detroit judge and as a pioneering leader of progressive bar associations, Crockett's legal career has remained understudied by historians. His commitment to challenging police brutality and prosecutorial misconduct was a reaction to his early legal career in the 1950s and early 1960s, as he worked to expose and refute inherent prejudice within the American justice system. As the civil rights movement entered a new phase and he once again returned to Detroit, he worked to combat police brutality and racism. His presence at the nexus of defense of the rights of labor, Communists, and ethnic minorities was revealed through his central role in shaping an alternative judicial response to the clash of Law and Order politics with ethnic minority discontent. As an African American and a political radical, he remained a double outsider whose judicial decisions in Detroit were regarded with suspicion by the white establishment. While the assertion that he allowed sympathy for the RNA's aims to shape his judicial response may have minor merit, his decisions during the 1967 riot and the 1969 New Bethel incident primarily reflected his deep-rooted political philosophy of developing the agency and rights of African Americans, while working within a white-dominated judicial system.