Sugar had come a long way since he entered the Detroit House of Correction in November of 1918. So had the United States, but they had gone in opposite directions. By the time the election year of 1924 rolled around, the nation had reached a level of conservatism perhaps never witnessed before. Isolationism combined with anticomunism to create for any Socialist a sense that the revolution was farther away than ever. Even in 1920, Debs had still received nearly a million votes. Although it may have been a last gasp, it reminded the world that there had been an important Socialist presence—and a Marxist one at that—in the United States during the previous decade. But in the early twenties, Left politics—certainly in part due to its own vicious infighting exemplified by the House of the Masses battle—became increasingly marginalized and divorced from the main threads of U.S. life.

While documentation is sparse, and memories cloudy, it appears that Sugar reflected this situation personally, keeping political activities per se to a minimum. But his work as a lawyer kept him deeply involved with the labor movement and with civil-liberties questions. Through this work he came to realize what an effective instrument the law, especially constitutional law rooted in the Bill of Rights, could be in defending the worker and in promoting labor’s struggle. He also discovered that the Communist movement in the Detroit area seemed to be the most effective political force speaking for the worker and fighting for his rights. Sugar’s own perspective deviated little from what it had been in 1919 and 1920, but the Communist party was moving in a direction that he found more acceptable. Its continuing sectarian character meant that joining it remained out of the question, but he would certainly work with it and gladly associated himself with the International Labor Defense, an organization sponsored by the Party and dedicated to the legal defense of the oppressed. He also became active in the John Reed Club and the Friends of the Soviet Union.

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At the same time, he retained his ties with other elements of the Left and especially with moderates, such as Frank Martel, within the established labor movement. Especially important in this regard was his work as coordinator and frequent lecturer for the Detroit Federation of Labor’s Sunday Forum. Socialists such as Walter Bergman and independents such as Scott Nearing were frequent speakers, along with people more clearly identified with the pro-Soviet orbit, such as Robert Dunn. In this work, Sugar, the voice of Left unity, was in his element.

Sharpening the Pencil

Upon his reinstatement in November 1923, Sugar threw himself into his legal practice. His reputation had not been tarnished by disbarment, and he emerged an even better lawyer. He had, specifically, come to understand the centrality of procedure in U.S. law. In the first few years after his reinstatement, Sugar took on all sorts of cases, labor law continuing to be “hit-or-miss.” While his criminal cases were rare, he would occasionally accept interesting ones, particularly if they involved domains of the law with which he was not familiar.¹

Although Sugar did not know it when the client first came to see him, “lewd and lascivious association and cohabitation” with a person to whom one is not married was a criminal offense in the state of Michigan, punishable by up to one year in jail. Alex Benton, from Ohio, was in the process of getting a divorce from his wife, but it was hung up on the property settlement, she wanting it all, he willing to give half. Benton had spent several months in Detroit working at Ford in Highland Park and was living with another woman. One night a private detective, with a policeman and an arrest warrant in tow, barged into Benton’s room. He was in bed with his friend, and the warrant was served on both of them. They were to be tried separately, Benton first. His acquittal meant her acquittal, although his conviction simply meant that she would then be tried. If she were acquitted, his conviction would be reversed. This was a rare offense in which guilt or innocence had to be mutual.

For Sugar, the case mirrored perfectly the state of much law relating to labor. The statute was a relic of mores that were out of date. More important, it took the law into an area where it did not belong—into matters essentially private—while at the same time defending an institution, marriage, that should properly be defined as a social relationship, not a legal one. The prejudice of the law against unmarried lovers was similar to the prejudice of the law against labor; it was the product of a specific set of social circumstances and, in fact, violated abstract principles of justice. The makers and interpreters of the laws in both cases responded to interests, not to concepts of right. But there was a way to equalize the situation to an extent, and it was provided in the very essence of the Anglo-American legal tradition: procedure. In the case of Alex Benton, it
was a procedural principle, the rules of evidence, that saved the day. The prosecutor, assuming that he had an open-and-shut case, had been sloppy. After he closed his case, Sugar asked that the judge direct the jury to return a verdict of not guilty because the prosecution had failed to provide evidence, an exhibit or actual testimony going beyond hearsay, that Benton and his bedmate were not married. Everybody knew that Benton’s yet-to-be-divorced wife was there in the courtroom, but nobody actually proved that they were married. The prosecutor made some desperate attempts to reopen, but the judge—perhaps concerned that Benton was being railroaded by his wife and perhaps impressed with Sugar’s cleverness but also perhaps induced, through this exercise in procedural justice, to raise his thought to the inherent injustice of the law itself—ruled in Benton’s favor.

It was “procedure” and “technicalities” that made it possible for Sugar to integrate his work as a lawyer under the U.S. constitutional system with his belief in the revolutionary transformation of U.S. society. Can one be a constitutionalist and a revolutionist at the same time? Sugar’s answer was an emphatic yes. Indeed, without the Constitution, there would be no revolution. The rest was ultraleftist, “infantile” playacting. The sequence of events since the heady days of 1919 had demonstrated to him that the political Right and a whole array of government officials, from the president to sheriffs in dusty rural counties in Alabama, were willing to break the law and ignore the Constitution. It was incumbent upon the Left to expose this whenever possible. The law could be made to work for working people. It might not be the perfect representation of justice, unquestionably it served as an instrument of bourgeois hegemony, yet it was rooted in universal principles of equal justice. The bourgeois revolution itself—the American War for Independence as completed by the Civil War—had proclaimed that all men were created equal and that all individuals had a number of inherent rights that must be protected. The French Revolution and the Declaration of the Rights of Man and Citizen of 1789 had done the same. Constitutions then identified and created the mechanisms for protecting those rights. As time went by, the interpretations of the Constitution naturally tended to reflect the interests of the dominant class, thus tilting the tables away from equal justice. But beneath it all was the bedrock of equality, procedure, which specified how rights were to be protected.

Sugar’s analysis of this question, included in his chapter on the Benton affair and written in the mid-1960s, is a lucid statement of the concept, both legal and political:

Procedure is important—often vital. Many of the provisions of the Bill of Rights are procedural in nature. The provisions relating to searches and seizures, to self-incrimination, to the right to trial by an impartial jury, to confrontation by the witnesses, and the requirement of due process are all procedural. The concept that one is presumed to be innocent until proven guilty beyond a reasonable doubt is a
procedural concept. And so are the rules of evidence, such as those barring hearsay.

Indeed, it is by procedural requirements that the substance of democracy is preserved. And to the extent that these procedural safeguards are ignored, or denied, or whittled away, whether by legislative, executive, or judicial action, the foundations of democracy are weakened.2

Procedure was the equalizer. Its expression in day-to-day legal affairs was the immense corpus of rules and regulations that govern the legal process, popularly referred to as “technicalities.” The public mind tends to look with disdain upon lawyers who invoke procedural points to win cases, thus skirting their “merits.” They are often regarded, Sugar himself noted, as “shysters, crooks—especially by the losers in the case.” The full study of this important thread in the history of American attitudes—its origins, how it has been sustained and by whom, and its meaning as an expression of U.S. culture—has yet to be made. For Sugar, it meant regular attacks by the Detroit establishment press, but in the eyes of the labor movement it was seen as turning the tables on the bad guys, as just revenge for labor’s past unequal treatment. Sugar thus played a role in educating workers in the foundations of the law and enhanced the dignity of the “technical lawyer.” As he put it after another equally illogical but legally correct victory, a lawyer must “use a sharp pencil!”3

Sugar had learned the mysteries of technical law in dealing with dozens of injunctions. While political considerations might cause a judge to give a hearing to strikers, there was in the end no way to stop an injunction “on the merits.” So Sugar learned the tactics of delay: “Every bill of complaint, every restraining order, every summons, every service, was scrutinized minutely, dissected carefully in the search for a legal objection which I could advance with some degree of hope.” He might thus be able to tie up the hearing for some time, “long enough to win the strike, if possible.” The heart of his position was simple enough: “I felt that the legal cards were stacked against labor, so I concentrated on the means of preventing those cards from being played.” While a few irate opponents would berate Sugar for “winning cases before they get to the jury,” he found that most lawyers respected (and feared) the kind of expertise involved in procedural law. Sugar’s cases often drew young lawyers to watch him in action, fascinated by the “technique of the technical.”

One injunction case in 1926 suffices to illustrate the training they received. Several small delicatessens on Miami Street in downtown Detroit had been struck by their waitresses, members of the Waiters Union. Their employers moved jointly to seek an injunction against their picketing, which had immediately affected business. The summons was served by the sheriff and a date set for Sugar to “show cause” why an injunction should not be issued. Upon his arrival in court, Sugar, not certain how many people he was representing, asked the judge to read the names of the defendants from the “return of service,” a legal
document that had to be filed with the court by the sheriff's deputy. The opposing lawyer, Jim Ellman, said, “That's OK, I've got them right here.” Sugar said, “Now, now, you know the rules.” The judge did not have it. Ellman got an hour's delay and went off searching for the deputy. He was not in his office. Instead he was out serving another summons in far western Wayne County in relation to another case, a case in which the plaintiff was represented by Maurice Sugar! The case would have to be delayed, but the judge's docket was full until the following week. Picketing continued on Miami Street.

On the appointed day, the treasured list was read and the hearing began. Sugar immediately entered a motion to quash because the text of the return was defective. Ellman retorted that Sugar could not file the motion because he had not given prosecution the requisite four days to examine it. Impossible, said Sugar, since the return was just filed the day before. “Do you want the time?” asked the judge. “No,” said Ellman, “read the motion.” Sugar then pointed out that although the summons was a collective one (three women) the form letter used the singular (defendant). The judge would not quash but asked Ellman to do it over correctly. The hearing was delayed another week. Picketing continued on Miami Street. Sugar managed another maneuver worthy of Fabius Cunctator at the next session and got yet another week. By that time Ellman was a beaten man. He agreed to get the restaurant owners and the strikers together to discuss the latter's quite moderate demands.

Sugar then delivered the coup de grace. He called up Frank Martel, now president of the Detroit federation, and asked for a little help. At the negotiation in Ellman's office a few days later, an hour of stonewalling by the bosses had passed when it was announced that Martel had arrived. It was most unusual for a federation president to involve himself with a strike of a member local, particularly one as small as this. After hearing a few more nos from the employers, he declared, “Either you sign up right now or we'll throw the force of the entire labor movement of this city into the fight. I guess you know what that means.” Capitulation was rapid. The waitresses even won back half the pay they lost during the strike.4

While all injunction episodes did not end so happily, it was obvious that the man who had learned to “use a sharp pencil” early on had perfected the game of procedural law—much to the benefit of the class struggle. Sugar felt that the law should be mined for every bit of ore it could yield no matter what amount of dross might have to be stripped away. This would become fully apparent in the cases of the early UAW years when mountains of evidence would have to be sifted often to prove a single instance of firing for union activities or company espionage.

Although Sugar was comfortable with such legalism in the midtwenties, it remained suspect among Communists who, like the IWWs of old, thought it a threat to the revolutionary spirit. This irritated the meticulous and thorough Sugar, who felt it was silly not to milk the law for all it was worth.
One case illustrates the problem well. Early in 1925, Sugar defended Bud Reynolds—the left-winger who had so concerned Violet Blemenberg in 1919 and was now an active member of the Workers party—for violating an injunction issued by Judge Ormond Hunt. Reynolds was president of a carpenter’s local in Detroit and a hardworking union man. His politics were of no concern to his members. Such was not the case, however, with William L. Hutcheson, the national president of the United Brotherhood of Carpenters and Joiners of America, especially since Reynolds had supported a reform candidate against him in the national union election a few months before. On January 9, 1925 Reynolds received notification that he had been expelled from the union. His local and six out of seven carpenter’s locals in the city condemned the expulsion, and Reynolds ignored it, going on about his normal union business. About a month later, the national office obtained a preliminary injunction against him from Hunt. Reynolds used it to attack “Czar Hutcheson” all the more, waving it at members and saying “you could be next!”

Soon came the show-cause hearing before Judge Hunt, who, it will be recalled, had defended Sugar and his colleagues in the draft case. The current case became famous first because of the massive support given to Reynolds by local carpenters both in the courtroom and in the forums of the labor movement, and then because of Hunt’s judgment. In what came to be regarded as a landmark decision, Hunt not only established that due process must be granted in trade-union proceedings against members in good standing but also that his injunction, as Sugar had claimed in his opening response, had been “improvidently made, based upon an assumption of an alleged fact now shown to be unwarranted and unauthorized.” As Sugar wrote, what “an unusually unusual judge!”

This was a major victory, but it was incomplete. Sugar had the right to make a cross motion (and Judge Hunt even suggested it) demanding the restoration of all Reynolds’s offices, rights, and privileges in the union. But party policy dictated that union issues be fought out in the union and not presented for the determination of “capitalist courts.” Much later, in 1964, Reynolds wrote Sugar, “this was a great tactical error and of a piece with a great many leftist attitudes we were plagued with at that time, [all] the while we quoted from ‘Leftism—an Infantile Disorder.’” He had recently discussed the question with two old friends:

It was our consenus that the heavy hand of the Russian Federation organizationally and of the Russian Revolution wrenched us pretty badly out of alignment with our own revolutionary heritage and traditions. The movement was split, the revolutionary ferment largely drawn out of the trade union movement and many, many Americans, for instance these two individuals and Scott Nearing, while not entirely alienated, were separate and aloof from the organized socialist movement for a whole lifetime.
This is an important assessment. Reynolds was writing to Sugar to acknowledge that the latter's view of the law and "our own revolutionary heritage and traditions" was correct. Ultraleftism was out of keeping with the given of the U.S. system. Sugar remained true to this position and would become impatient with those who would deny the obvious benefits that the law might provide in the name of some untested concept.*

From a Marxist point of view, Sugar's position in 1925 was easy enough to defend in pragmatic terms, but it would ultimately take the writings of philosophers like Antonio Gramsci to carry the perspective into the mainstream of Marxist thought. While the proletarian revolution, however it occurred, would have to destroy the bourgeoisie as a class and break apart the mechanisms of its power over the state, this did not mean that all bourgeois culture and institutions must be thrown pell-mell into the ash heap. The dialectical process of revolutionary change was not simply the replacement of the old order by its total, unimagined opposite but rather was a synthesis, which in practice meant the selective dismantling of the old order. The bourgeois revolution itself had introduced ideas and institutions not only amenable but necessary to the ultimate triumph of the classless society. Chief among these were equality before the law and the mechanisms designed to protect this equality. The Bill of Rights was thus much more than a document defending bourgeois class interest. It was also a legitimate instrument in both the revolutionary workers' struggle and the building of a Socialist society. While much of the Constitution was a class document, it nevertheless contained principles of justice universal in their application.5

Such a perspective provided the foundation of Sugar's understanding of the relationship between the law and the class struggle. But in 1925 such philosophical considerations were hardly necessary to justify a legal defense of labor under attack. Confronted with an unprecedented solidarity among the bosses sporting their new conception of the open shop—supported with millions of dollars specially put aside for spies and scabs—called the "American Plan," labor leaders tended to pull in their wings. Even a firebrand like John L. Lewis was cautious. The United Mine Workers (UMW) dropped from half a million members to 250 thousand during the twenties. Gompers died in 1924 and was replaced at the helm of the AFL by a lackluster compromise candidate (who held on for thirty years), William Green, secretary-treasurer of the UMW. The labor movement languished, as leaders, fearing further losses, counseled moderation to members not always in agreement. The gap between top officials and locals in the carpenters' union was hardly unique.

Nor was the role played by people like Bud Reynolds. Communists had a checkered career in their relationship to labor during the later twenties and early thirties, but they became crucial in providing a challenge to the complacency of

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*After the Communist party went "underground" in the 1950s, Sugar's successor, Ernest Goodman, was confronted by a similar situation when, in 1953, several of the party members he was defending decided not to pursue their defense on a civil-liberties basis, proclaimed themselves martyrs in the struggle against "American fascism," and went to jail.
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AFL leadership. They provided militant leadership in a variety of important organizing efforts (Passaic, New Jersey; New Bedford, Massachusetts; and Gastonia, North Carolina were the most famous in textiles) and kept alive the spark of resistance in many moribund locals. They also caused much trouble in some unions, such as the International Ladies Garment Workers, where the struggle against Socialists became more important than the future of the union.

In the Detroit area, Communist aims were modest but directed with a considerable degree of intelligence. In the middle twenties, the key figure in the city was probably Bud Reynolds. He had been the only Communist president of an AFL local in Detroit. After the injunction fight, the conflict with the national led to the expulsion of the entire local. But it lived on as an independent with Reynolds as its business agent, and Frank Martel of the DFL recognized it as a legitimate union. In one incident, Reynolds and his brother were arrested on a picket line after a fight with a private detective. Sugar brought Martel along to their arraignment. The ruffled detective not only accused them of starting the fight but said that the strike was being carried out by a “bunch of Communists” and that the Reynolds brothers were members of an “outlaw organization” (referred to their local union). Martel countered this in no uncertain terms: “This is a legitimate strike. These men are regular members of organized labor, and anytime I want a god-damn stool pigeon strikebreaker to speak for the Detroit Federation of Labor, I’ll notify you to that effect.”

An understanding of this link is extremely important, for it meant that the local labor establishment had not succumbed to the blind anticommunism found in much of the AFL. It also meant that the local Party was far more flexible and tolerant of non-Communist leftists within the labor movement than, for example, were their comrades in New York. This idea is corroborated by the memoirs of Communist Steve Nelson who was assigned by the Party to Detroit in 1926. He found local Party policy’s independence from the dictates of New York refreshing. Although there were some fluctuations (Passaic hero Albert Weisbord attempted to impose an iron conformism when he became district organizer for a brief period in 1927–28), the Detroit Communist party—perhaps influenced by the continuing popularity of the Proletarian party, by generally positive relations with the federation, or simply by the personalities of local leaders who either hailed from Detroit or were thoroughly familiar with the local scene (such as Reynolds, District Organizer Al Goetz, or Auto Workers Union leader Phil Raymond)—remained flexible in its approach to local politics and organizing.6

This “latitudinarian” position of Detroit Communists was unquestionably one factor that helped stimulate Sugar’s sympathy for them in 1925–26. But a number of other things contributed as well. The personal influence of Bud Reynolds was important. Born in Detroit of longstanding “American” stock, Reynolds was a Communist whose views on the primacy of militant labor organizing in building the U.S. revolutionary potential coincided with Sugar’s. His independence of mind, sharp intelligence, and hearty friendliness appealed
strongly to Sugar as well. Reynolds was the local secretary of the International Labor Defense (ILD), a Communist affiliate that arranged for legal defense of party members, labor organizers, workers, and minority people and raised money for the publicity and legal fees connected with the cases it entered. It was deeply involved in widely publicized causes, such as Sacco-Vanzetti, Tom Mooney, and especially the Scottsboro boys. But on a day-to-day basis, the ILD, like the International Workers Order, a friendly benefits organization, and the Workers International Relief, a strike-benefit society, gave yeoman service to ordinary people with often quite ordinary legal problems. Sugar began to take many of their cases, often without fee.7

This was the main route by which he became known and respected in Detroit’s black community. Most of his major cases involving injustices suffered by black people came during the thirties, but dozens of minor affairs dotted his calendar. One not-so-minor trial drew his participation, though only as an advisor on local questions. This was the famous case of Ossian Sweet, a black physician who with family and friends in September, 1925 defended his newly purchased home against a white mob and mortally wounded one of the trespassers. The main lawyer in the case was Clarence Darrow. This was Sugar’s first meeting with Darrow, and he was spellbound by the man’s courtroom presence. After a first trial of all eleven people in the house ended in a hung jury, a second—this time against Sweet’s brother Henry, who had admitted firing a gun—ended in acquittal on the basis of the good old constitutional rights of bearing arms and defending one’s home. Sugar gained the friendship of both Darrow and the Sweet family at this time. Darrow would be a supporter of a variety of Detroit causes (including Sugar’s political candidacies), and Ossian Sweet a fellow organizer in a number of campaigns and programs. Henry, who became a lawyer, joined Sugar in several cases during the thirties.8

Sugar also agreed with the Communists in Detroit on the need to build a third-party movement. With their support, as well as that of other leftists, he agreed to run for political office in 1927 as a labor candidate in the nonpartisan spring elections for justice of the peace. His campaign literature emphasized the often unacknowledged importance of the office. At the lowest rung on the judicial ladder, the justice court was notoriously slipshod in its procedures. And as it dealt with petty crimes, the malefeasance of its judges was often the law-breaker’s first experience with the law. The justice courts were also the rocks upon which the hopes of many a young lawyer were dashed. As Sugar put it, “In a great number of instances, the very essence of enthusiastic advocacy is crushed. How is the young lawyer to become trained in the technique of the presentation of a case when in the infancy of his practical education his every effort for expression is smothered by impatience, by a lack of comprehension?” As a justice, Sugar would therefore make the court respectable. His candidacy was unsuccessful, although he received several hundred votes. No doubt many citizens of Detroit agreed with Clarence Burton, a local title-company owner and
civic leader, who wrote the following remark at the bottom of a campaign circular: “I cannot vote for Mr. Sugar. He was not a good citizen during the late war.”

**Sugar, Auto Organizing, and the Communist Party**

The most important area of mutual concern for Sugar and local Communists was the desire to organize automobile workers. Since its peak in 1919–20, automobile unionism had all but collapsed by the midtwenties. The Auto Workers Union, once claiming a membership of as many as forty-five thousand with thirty-five locals in five states and possessing seven full-time organizers, counted no more than fifteen hundred by 1926. This, however, represented an improvement over the depths reached in early 1922 as a consequence of the depression of 1920–21. The Detroit local had been destroyed by hard times and government and company terrorism. Only two to three hundred skilled men continued to hold cards in Detroit in 1922. The national membership was no more than eight hundred. A brief revival occurred with the upswing of the production year 1922–23, but the espionage mechanisms established by the Detroit Employers Association saw to it that the boomlet was quashed. Later that year, Logan, recognizing the desperate straits of the union, concluded an agreement with Edgar Owens, the Communist district organizer in Detroit: in return for positive comments in the *Auto Worker* about the Workers party, Owen would see to it that fifty communists would become dues-paying members of the AWU. The bitterness of this pill for Logan, the past master of anti-Communist ridicule, was reduced, perhaps, by the Communists’ recent shift away from ultraleftism, but if ever one had an example of a successful “united-front” tactic, this was it. While the newspaper folded early in 1924 and Logan and his Socialist comrades gave up hope, the small group of Communists in the union, especially in Detroit Local 127, gave their fullest energies to auto organizing.

In the midtwenties this was both a promising, and a forbidding, task. It was promising because almost no other group in the United States was seeking to organize these (and many other) industrial workers. The IWW was all but dead as a viable organization, having been crushed pitilessly after the war. The Socialist party, moribund and leaderless, hardly had a trade-union policy. The AFL seemed satisfied to retreat behind craft barriers and hope for better days. There was a brief flurry of rhetoric in 1926–27 (the 1926 national convention was even held in Detroit), but the AFL despaired of finding a way to break through the maze of craft jealousies and the ominous power of the companies.

The path was thus open for Communist occupation of an organizational vacuum. But what a forbidding path it was! Robert W. Dunn’s masterpiece, *Labor and Automobiles* (1929), describes the growth of the auto giants during the twenties and how they were able to dominate their work force.
The automobile came of age in the United States during the twenties. By 1928, twenty-five million motor vehicles—more than the total number of telephones in use—were on the roads of the United States. Annual production of cars had tripled during the decade with 4.6 million, valued at over five billion dollars, being produced in 1928. Ten billion gallons of gas were pumped that year, while the industry itself consumed “82% of the rubber imports for tires, 63% of the total plate glass production, . . . 60% of the upholstery leather, 14% of the finished rolled steel, 22% of the tin, 17% of the lead, 12% of the copper, 29% of the nickel, and 13% of the hardwood produced in the United States.” This country and Canada (largely U.S. companies) accounted for an astounding 90 percent of the total world automobile production at the end of the decade. And of that, despite a wide dispersal of plants nationally, “75% of all cars made in the United States came from Michigan.” Within the state, the Detroit area—with Highland Park, Hamtramck, and “Fordson” (Dearborn)—led with a daily car production of around eleven thousand, followed by Flint with fifty-nine hundred, Pontiac with seven hundred, and Lansing with six hundred. Beyond basic auto production, body, part, and accessory companies (some twelve hundred in all) produced myriads of goods. Although figures fluctuated, and companies were notoriously cautious about providing them, the total work force in the industry approached a half million, with some 60 percent of these working in the core area of southeastern Michigan. For some economists, Detroit, now the nation’s fourth largest city, had become the hub of U.S. industrial life. Foster and Catchings argued that “no one industry and no one combination of industries in any country has grown rapidly enough to furnish the stimulation to business which the automobile has furnished in the United States.”

Autoworkers understood why this was so more clearly, perhaps, than the economists. A simple figure, produced by the Bureau of Labor Statistics, suffices: productivity had increased by 272 percent from 1914 to 1925. “In other words,” wrote Dunn, each worker “produced nearly three automobiles for every one he produced in 1914.” New technology and generalized rationalization of the productive system accounted for a good deal of this, but speedup, especially as dictated by the final assembly process—the moving conveyor called “the line”—was a significant factor in raising productivity. A 1927 report estimated that since 1919 the speed of the assembly line had increased anywhere from 30 to 50 percent throughout the industry.

Speedup was accompanied by a host of other elements of worker exploitation: constant surveillance, fifteen-minute lunch breaks at one’s work spot, hiring practices that mixed uncertainty with favoritism, dependency on overtime for a living wage, annual layoff periods that destroyed any hope of accumulating savings except for the most senior people, and finally—the main reason there were so few senior people—frightful health and safety conditions. The auto industry had the worst on-the-job accident rates in the nation, and health hazards—“dust from sand blasting, polishing, buffing, and woodworking; brass chills, bronchitis and other respiratory diseases; lead poisoning; heat in the
forging and other hot processes; fumes from acid dipping and electroplating,” not to mention noise pollution—were appalling. Dunn’s outstanding analysis of these problems brought to light the “mysteries” behind the incredibly high turnover rate in this “high-paying” industry.

To sustain these profitable circumstances, the automobile companies had created a massive system of labor domination. This meant, above all, the prevention of unionization. While both the National Automobile Chamber of Commerce and the National Automobile Dealers Association carried out extensive union-busting activities, the old Employers Association of Detroit continued to lead the way. On one hand, it operated an employment bureau that had placed an estimated seven hundred thousand workers in the industry by 1929; its chief functions were to assure that “reliable” workers were regularly supplied and to place scabs during strikes. On the other, it promoted the cause of antiunionism with vast sums spent on propaganda, dominated the local chamber of commerce, ran two local periodicals (the Detroit and Detroit Saturday Night), and channeled auto money into antiunion activities against other trades.

Labor espionage had become a big business. Exact numbers for the 1920s are not available, but the rapid rate of growth in the private-detective field owed much to these firms’ antiunion contracts. Routine work involved posing as workers in the plant and sniffing out union talk. More creative activity, however, involved “preventative medicine.” As one Durant worker described in 1926, “Every morning when the unemployed swarm into the employment office we find two or three spies talking unionism, socialism, and radicalism. Here’s how it’s done. Two of them stay at the doors as workers come in and talk socialism to attract the workers’ attention. Later, when the office is about full they talk unionism and the need of organization. If any one becomes interested, or shows any favorable leanings, he is at once reported to the employment manager and does not get hired.”

The Ford Motor Company was unwilling to trust union busting to any outside agency. Over the course of the twenties, Ford policy shifted away from the snooping paternalism of the “sociological department” to the totalitarianism of the “service department.” The company handbook stated, “The industrial relation between the Ford Motor Company and its employees is purely individual, and every policy is designed with the intention of keeping it so.” The atomized “hand” was to be kept that way by legions of internal police within the plants hired, usually, directly out of prison. The key criterion of their employment was that they be tough. Harry Bennett, the group leader of Ford’s storm troopers, was an ex-prizefighter with alleged connections in the underworld. The shop floor at Ford was a tissue of suspicion and brutality. But the system extended well beyond the plants as Ford service men, receiving cooperation from the police (especially those of Dearborn, a city run by Henry Ford like a private domain), rooted out “subversion” wherever it occurred. To speak about unions in your fraternal hall or to wave to a known organizer on the street or to shake the wrong hand in public could mean immediate dismissal from Ford.
The risks involved in entering the battle to organize the auto industry were thus considerable. Undaunted, the Communists had established a solid position in the Auto Workers Union and capitalized on that to build “shop nuclei” in the plants. A tiny number of Communists imbued with the Bolshevik concept of the **vanguard** could make an enormous difference in creating a trade-union presence. Historian Roger Keenan estimates that some four hundred Party members out of perhaps seven hundred in the city were in the plants by 1928. Communist Philip Raymond emerged as the key leader of the AWU, defeating Lester Johnson for secretary in 1926 and recreating a weekly paper, now called the *Auto Workers’ News*.

The main work of the union was at first propaganda on behalf of unionism through a series of four-page shop papers (the *Ford Worker*, *Dodge Worker*, *Briggs Worker*, etc.). These irregularly published papers were full of news about conditions in the plants, much of it written anonymously by workers, lessons on the nature of the capitalist system, and support for the political goals of the Communist party. The most important thing about them was their clear focus on the class struggle in the plants—the viciousness of the exploitation and the hard-hitting response of working people. For example, in the August 1926 issue of the *Ford Worker* there appeared “A Ford Worker’s Prayer”:

Our Father Who art in Dearborn, Henry be thy Name.  
Let pay-day come.  Thy will be done in Fordson as it is in Highland Park.  
Give us this day our 6 bucks (plus 40¢)  
And forgive us our laziness, as we forgive Thee for speeding us up.  
Lead us not into intelligent thought or action  
But deliver us from all Freedom.  For Thine is true slavery.  
Thy power over us forever and ever.  Amen.  

—From a Fordson Worker

As if to answer it, a poem from Jim Waters in the same issue sang the refrain,

To hell with you!  
You ain’t the whole earth,  
Not by a damn sight!

The constant barrage of condemnation and exhortation in these widely circulated little papers unquestionably had an effect on workers’ sense of solidarity. This Communist effort in the preorganizational stage of the autoworkers movement was significant. By 1929, Communists in fifteen cells in the main auto plants in the city had managed to recruit “several thousand” members for the AWU. Hundreds more had joined locals in Cleveland, Pontiac, and Flint. Sugar was the main lawyer utilized by the Auto Workers Union (when needed) in the two dozen spontaneous strikes to which they gave assistance during the 1927–30 period. Their policy emphasized routine organizational work to help give the
walkouts some stability and cohesion. Moreover, as Roger Keenan emphasizes, "the AWU organizers impressed on the workers that a successful walkout demanded racial solidarity and such aggressive tactics as mass picketing." There was no apparent change in this orientation despite the new international focus from 1929 on "red unionism," which called for heightened radicalism and conscious dual unionism. All of this confirmed for Sugar the importance of the work of Detroit's Communists in the struggle for social justice.10

With the Depression, their role became all the more significant. The Soviet Party's assessment, made in mid-1928, that capitalism was entering a "third period" (following "stabilization" after 1921) characterized by massive new economic dislocation had proved accurate. Nowhere was this more obvious than in Detroit. The United States' industrial showcase suddenly became an industrial wasteland. Already hurting before the crash, the automobile industry collapsed thereafter. By the late summer of 1931, employment levels in the automobile industry were roughly one-third what they had been in mid-1929. Auto production dropped from 5.4 million in 1929 to 1.4 million in 1932. For those who continued to work, wages had been slashed, and a full week of work was abnormal. Suffering was widespread and severe. The Department of Public Relief found it impossible to serve its hundreds of thousands of applicants. Petty crime flourished. Clayton Fountain, an autoworker, recalled touring wealthy neighborhoods early in the morning to steal milk, and trips to the countryside to pilfer food from farmers were common.

Thousands saw their meager savings wiped out by bank failures. Sugar was directly involved in this aspect of the trauma: "In Detroit there were some thirteen private banks. These were neighborhood banks patronized almost exclusively by workers who had deposited their small savings, accumulated over a long period of time, as insurance against unemployment or adversity. Already, by [the end of] 1930, every one of these banks had closed its doors. The savings of 34,330 workers to the extent of $6,250,000 were suddenly wiped out. I represented these depositors in the effort to salvage something for them. I failed."

Sugar estimated that another fifteen thousand workers with savings in other institutions lost everything also. While all the fifty thousand were not unemployed, this is a good measure of the magnitude of destitution in Detroit.

Sugar investigated another problem in detail for the AWU. For those lucky enough still to have a job, in addition to lowered wages and to partial work-weeks, there was the familiar issue of speedup. As he summarized his findings, "In all their years of employment [autoworkers] had never seen speed-up used with the mercilessness which characterized it [now]." He listed seven forms of speedup: (1) new machinery with faster gearings; (2) conveyor speedup; (3) doubling, even tripling, the number of machines tended by one person; (4) sheer terrorism by foremen; (5) increasing required output units per machine; (6) cutting the time unit to perform a given operation; (7) the "adjustment" of piecework rates and bonus and premium systems of payment. In all, he calculated a range of speedup rates from 50 percent increases in productivity for
punch press operators to 400 percent for metal polishers and transmission-gear drillers. The foundations for worker radicalization both outside and inside the plants were thus being laid.  

For those inside, however, the initial impact was demoralization. The number of job actions in auto declined precipitously, as did the membership of the AWU. The only important strike in the industry from 1929 to 1933 occurred in Flint in July 1930. Its significance lies less in what happened than in what its legal aftermath tells us about the stance of the law in Michigan toward unions.

The strike arose from cuts in piece rates at Fisher Body Number 1. The demands reflected Depression hardship: withdrawal of wage cuts, the guarantee of a dollar an hour for pieceworkers, the eight-hour day and a five-day week with no overtime. Phil Raymond, Nydia Baker, and former IWW leader Henry Albertini led a group of AWU members from Detroit into the fray. Mass picketing was organized, attempts were made to spread the strike to other units, and community support was sought. They were opposed by Chief Caesar Scavrada of the Flint police department. A measure of his regard for the law may be taken from his later testimony before a congressional committee about the arrest of protest marchers without bringing criminal charges. Said his questioner, Representative John Nelson, “You just arrested them?” “That is all,” came the reply. Representative Carl Backman then asked, helpfully, “Why, you arrest them for disorderly conduct, do you not?” “Well,” said Chief Scavrada, “possibly that would be a good excuse.” Following an honored tradition, he argued that in stopping communism, violation of the law was not too high a price to pay. In the Fisher Body strike he quickly jailed eighteen people, including several Detroit Communists, without any semblance of a charge. In several days he and his mounted police had brought the rest of the strike in tow.

The eighteen were still locked up, held five days now without charge. Upon Sugar's recommendation, a young liberal attorney, Nichol Olds, was dispatched by the International Labor Defense to apply for writs of habeas corpus. He appeared before Judge Edward D. Black. There is no right in English law more sacred than the automatic granting of the writ of habeas corpus. Furthermore, a Michigan statute added that denial of such a writ left the officer of the court liable for one thousand dollars in damages. Judge Black, however, like Scavrada, apparently thought that Genesee County lay outside the jurisdiction of Magna Carta and the Constitution, for he informed Olds that he thought the police department was not holding these men in jail “unreasonably” and concluded, “therefore I do not want to issue the writs of habeas corpus.” Although Olds had some trouble masking his shock, he persevered. To quote the official transcript,

Mr. Olds: My understanding of the statute is that a writ of habeas corpus is a writ of right and not one of discretion and that the court has no right to refuse it when a proper application is made.
Judge Black: I don't like these fellows who come out from Detroit and start to create trouble in Flint. They have no right to come here.

Mr. Olds: They have just as much right to travel the highways as you or I have.

Judge Black: Well, if that is the way you feel about it, I again refuse to issue the writs.

Mr. Olds: We should not look upon the prisoners as criminals but should consider them no different from any one prisoner who is held in jail charged with murder or holdup or robbery.

Judge Black: I do not consider them the equal of any other criminal and so far as I am concerned they can rot in jail.

Mr. Olds: Can't you see that your attitude towards these men makes them hate us that much more because we refuse to give them their constitutional rights?

Judge Black: I don't care if they do hate us more.

Mr. Olds: I understand that these are the very rights that James Otis and our other revolutionary fathers fought for in the revolution.

Judge Black: (No answer).

Mr. Olds: Judge, you know what the statute provides as a penalty for your refusal to issue a writ of this kind.

Judge Black: You can pursue your remedy.

Mr. Olds: We ought to be fair about this matter.

Judge Black: I always try to be fair and it seems that only people from Detroit can come up here and tell me I am not fair, and if you don't get out of this office, I will kick your ass out of here.

The story did not end there. Later on, Sugar, Walter Nelson, and Patrick H. O'Brien represented the eighteen in an American Civil Liberties Union (ACLU)-initiated suit against Judge Black. It would seem that they had an open-and-shut case. Nothing was further from the truth. It turned out that Olds never actually "filed" the suit, that is, legally placed it before the court. Sugar and the others contended that he had been dismissed before he had a chance and, besides, that presentation was tantamount to filing. The case was heard in the same circuit court of Genessee County wherein Judge Black practiced his magic. Black was represented by General Motors' main law firm and won the case on the technicality. The appeal to the Supreme Court lost as well—on the same grounds—although one justice later confessed to Sugar that they thought that old Judge Black had had enough of a scare to be "good from now on." As we shall see, he was not, but Sugar would have the last laugh.

This incident gives an idea of the arrogance of public authorities in the fiefdoms of the industrial giants. Black and Scavrada were tools of General Motors and willingly operated beyond the law that they were supposed to uphold. But nowhere was such industrial authoritarianism more pervasive than in the barony seventy-five miles to the south, in the land of the man who kept a picture of Adolph Hitler on his wall and feared that he would die at the hands of a Jewish assassin sent by the mythical Elders of Zion.
The assassins of 1932, however, came not from the shadow world of racist fantasy. Instead they were Henry Ford's own hired guns, either from his praetorian guard (otherwise known as the service department) or from the Dearborn police then under the authority of Henry's cousin Clyde, the mayor of that city. Sugar's education in the interrelationships between law and the class struggle reached a peak in the Ford Massacre of March 7, 1932. No incident summarizes the issue more clearly and no incident played a greater role in crystallizing Sugar's thinking about it. Moreover, his role as the main attorney defending the interests of the marchers in the legal aftermath of the march marked him as one of the key figures in Detroit Left and labor circles, a position increasingly carrying with it national prominence as well.

The roots of the Ford Hunger March go back to the brutal winter of 1929–30. The lightning-fast impact of the stock-market crash on employment took almost everyone by surprise. Governmental agencies were incapable of responding to the flood of requests for assistance and most political groups found it difficult to formulate coherent programs. The reigning opinion among economists, businessmen, politicians, civic leaders, and even important churchmen (the "best brains of the Depression," Sugar called them) was that the "skid" was a passing phenomenon. For his part, Henry Ford thought that the crash, in punishing foolish speculation, was a good thing. The thirty thousand Ford employees who had been laid off by Christmas 1929 tended to disagree. And things only got worse.

In the atmosphere of double-talk and paralysis, the position taken by the Trade Union Unity League (TUUL), the newly formed union arm of the Communist party under the leadership of William Z. Foster, offered a forthright alternative to mindless hope and to flophouse despair. The international Communist movement already had broad experience in work with the unemployed (we often forget that in much of Europe unemployment rates never got much below 10 percent all during the twenties), and throughout 1929, Communists in the United States were expecting the bottom to fall out. Thus, when the TUUL proposed the development of "unemployed councils" in the major industrial centers of the nation, response by party members and sympathizers was immediate. Coordinated by Herbert Benjamin, the unemployed-council movement sponsored a series of marches and demonstrations during the winter of 1929–30 organized around such slogans as "Don't Starve, Fight!" and "Work or Wages!"—the latter referring to their principal demand of unemployment insurance financed by employers and the government and administered by worker committees.

The quick response by the unemployed surprised even the Communists. A nationwide demonstration on March 6, 1930 drew hundreds of thousands of people onto the streets to protest the economic cataclysm besetting the country. In July, thirteen hundred delegates met in Chicago to form a solid national body.
Sugar, who attended the meeting, recalled the atmosphere: “To the press and to big business this was Moscow in diabolical action. To the unemployed it was loyal Americans in patriotic protest demonstration. I shall not forget the chill that swept through the gathering when word came that the Governor had dispatched the state militia to break up the meeting. The business was hurriedly consummated and the organization was firmly established.” While coordinated by the Communist party, participation in the unemployed councils went well beyond it. They represented the first significant movement against the Depression and made a profound impression on U.S. working (or, rather, non-working) people. Perhaps their most important activity as time went by was the struggle against evictions. If Detroiter today remember anything about the work of the Communists in those days, it is usually about how the squads from the unemployed-council office would return furniture back to a house after the sheriff had moved it out.13

The Detroit Unemployed Council, under the leadership of Alfred Goetz, was regarded as one of the most effective in the country. The March 6, 1930 rally brought out eighty thousand people and resulted in unprovoked police violence that injured several marchers. Earl Browder praised the practicality of the Detroit council in an article published in the Communist and chastised his wordier comrades elsewhere, urging “fewer high-falutin’ phrases, more simple every-day deeds.” Jane and Maurice Sugar were deeply involved in the local effort, preparing and distributing leaflets, speaking at rallies, organizing endless meetings, defending demonstrators in court. She remembered it as one of the busiest times of their life. Cadillac Square and Campus Martius, the two largest squares in Detroit, became permanent forums for speaking to and organizing the unemployed. At any time of the day (and often through the night) clusters of people would be found gathered around speakers at various places on the squares. Although the subject was grim, many people still recall an atmosphere charged with real hope and excitement.14 Folks talked, danced, and sang.

One of the songs they sang—and that hungry people across the nation increasingly sang—was Maurice Sugar’s “Soup Song.” Very few songs of the Depression enjoyed such wide currency. Its easy rhythms (sung to the tune of “My Bonnie Lies over the Ocean”) and biting ironies encompassed both the despair and the dark humor that marked the workers’ outlook in those years. And just beneath the surface, in both the song and in U.S. social reality, lay the explosive potential of protest. Sugar remembered that he wrote it late one night after giving a talk at a barren “lodge” for the homeless and destitute set up by the city. There were only bunks, a few chairs, and tables. “The room was packed with men, both white and black, native born and foreign born of many national origins.” His talk, on poverty in the midst of plenty and the need for social reform, met with overwhelming approval. The men cheered and cheered. They then gave Sugar a “simple wooden cane that only cost a few cents.” They apologized. Sugar wept. About 2:00 A.M. on that cold February morning, the “Soup Song” was born:
Maurice Sugar

I'm spending my night at the flop house
I'm spending my days on the street
I'm looking for work and I find none
I wish I had something to eat.

Chorus
Sooo-oup, sooo-oup, they give me a bowl of soo-oup
Sooo-oup, sooo-oup, they give me a bowl of soup.

I spent twenty years in the factory
I did everything I was told
They said I was loyal and faithful
Now, even before I get old.

I saved fifteen bucks with my banker
To buy me a car and a yacht
I went down to draw out my fortune
And this is the answer I got.

I fought in the war for my country
I went out to bleed and to die
I thought that my country would help me
But this was my country's reply.

I went on my knees to my maker
I prayed every night to the Lord
I vowed I'd be meek and submissive
And now I've received my reward.15

The spirit of rallies, "eviction parties," and songfests that marked the Michigan unemployed-councils movement remained high despite vicious attacks on its Communist leadership. One attempt to "root out the reds" came in the form of an act passed by overwhelming margins by both the Michigan House and Senate on May 18, 1931 that would have required all aliens to register with the state to prove their legality and simultaneously forced any Michigan resident to produce upon demand proof of his or her citizenship or "registered" status. Moreover, employers would be required to demonstrate that none of their employees were "illegal." The practical effects of this would be to give police and employers license to harass "undesirable" elements at will and make "suspects" out of anyone with "foreign-sounding" names or a trace of an accent.

The bill was sponsored by the Union League of Michigan, a "civic" organization whose list of officers read like a Who's Who of Michigan businessmen. Currently Jacob Spolansky, a native of Russia, Justice Department spy, and professional anti-Communist, was the head of its Subversive Activities Committee and lobbied it through the legislature. Republican Governor Wilbur Brucker, a member of the league, gave it his full support. A storm of protest arose from all ethnic groups and their organizations, whatever their politics. The liberal estab-
lishment of the state, spurred on by the Detroit branch of the ACLU, voiced its outrage and attacked the act as unconstitutional. The labor movement, however, was deeply split on the issue with the conservative forces in the local AFL, led by the Detroit federation’s Frank Martel, actually supporting the act in the hope that it would reduce labor-market competition.

The “Spolansky Act,” as Sugar dubbed it in a Nation article, backfired in its effect. Business interests had sponsored it specifically to thwart the growing Communist influence in Michigan, but it obviously threatened every person with an accent or who “looked” foreign. The lessons were clear and made for effective propaganda. Sugar recalled,

I spoke at many meetings. In my talks I explained the provisions of the law and presented graphic illustrations of its application. But my emphasis was upon the role being played by persons in public office who reflected the will and carried out the designs of the industrialists and big business; and how these elements met the crisis of unemployment. My conclusion was that the ultimate solution of our economic and social problems could come only through the launching of a political party of the workers—a Labor Party.

The ACLU immediately challenged the law and on December 9, 1931 a three-judge federal court unanimously held it unconstitutional. A year later Brucker was smashed in his bid for reelection (running far behind Hoover) by a colorless Democrat named Comstock.16

In the course of 1930 and 1931 then, Sugar had become immersed in the efforts of the unemployed councils. He also became active in the John Reed Club, which, in Detroit, as elsewhere, brought leftists and intellectuals together to discuss critical issues in politics and art. In January 1932, they launched a literary magazine called the New Force, a Monthly Proletarian Magazine of Art, Literature, and Current Events. Among its editors and writers were friends of Sugar’s such as Bud Reynolds, Paula Golden, Ben Bavly, and Carl Manela.

Sugar contributed a number of pieces—book reviews, essays, vignettes. The most interesting, which appeared in January 1932, was a review of Our Lawless Police (Viking Press) by Ernest Jerome Hopkins, a liberal who had done the research for the federal Wickersham Commission on Lawlessness in Law Enforcement. Sugar began with a standard Marxist analysis of how business runs the government and manages to maintain the “illusion of democracy” through its domination of “the agencies of information and education.” But ultimately, the preservation of the state, especially the capitalist state in time of crisis, depends on the use of force. The military is the final line of defense, but “the form which this force takes, closest to us, is the policeman.” Sugar then detailed a series of incidents that occurred in a few short months in Detroit during late 1930—direct brutality resulting in death or severe injury of local citizens, all of which went without penalty. Then there was the “loop,” by which
prisoners were sent from one station to another to elude habeas corpus writs and lawyers; during their short stays in each, prisoners would be stuffed into cells without proper facilities, would not be fed, and would hardly be allowed to sleep. The purpose was to encourage “bums” to leave Detroit (the capital of U.S. unemployment) and accused felons to confess. The special treatment of “reds” at the hands of the police was also noted. But, said Sugar, police brutality ultimately stems from “the system in which we live [which] in itself is the essence of brutality and cruelty. . . . It grows out of the institution of private property under which one class in society lives in luxury at the expense of the great mass of workers who are compelled to live in a state of poverty, wretchedness, and despair in order that the privileged group may remain undisturbed in its possessions.” The real problem, at base, was not in the violation of the law by the police. Instead “it lies in the violation, by our economic and political system, of the right of workers to live.”

The events of March 7, 1932 and the days that followed seemed to illustrate every facet of Sugar’s analysis. Workers demanding the right to live by working; murderous police, the front-line agents of the state, acting at the almost unmediated behest of big business; and a cover-up carried out by democratically elected officials—such was the stuff of the Ford Massacre.

As a part of a nationwide effort to dramatize the plight of the jobless, the Unemployed Council of Detroit and the Auto Workers Union organized a march of some three to five thousand people who were to walk from a point in Detroit down Miller Road into Dearborn and on to the employment office of Ford’s vast River Rouge complex. Backed by this mass, a committee would then present a list of demands that included rehiring laid-off workers, half-rate pay for unemployed, a shortened day for lower pay, slowing down the breakneck pace of work, fifteen-minute rest periods, no discrimination against black people, and a number of immediate relief proposals for both working and nonworking Ford employees.

Bitten by an icy wind, but cheered by the sun, the marchers moved toward Dearborn. They were allowed to march in Detroit (though without an official permit) by the city’s new mayor, Frank Murphy, who overruled his police chief, Heinrich Pickert. But Dearborn was another matter. The procession was halted at the border by a small army of city police. Responding to the command to identify their leaders with the cry, “We are all leaders!” the crowd pressed forward and caught its first dose of tear gas and possibly a few bullets. It dispersed toward an open field, many gathered stones, and a shower of missiles descended on the cops. The crowd pushed on down the road, the Dearborn police retreating before it. After reconnoitering with firemen who were attempting to hook up hoses, the police tried to set up a new tear gas screen, but the wind carried most of it away, and the marchers put all the uniformed men in renewed flight. Finally, at the gates of the plant another half mile down the road, a new, fresh mass of police from Detroit (why they were there became a major
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issue later on) and a battalion of Ford service men reinforced Dearborn police and firemen. As the latter successfully attached their hoses and began to spray, the police opened fire. Three marchers, Joe York, Coleman Leny, and Joe DeBlasio, died on the spot and fifty others were felled with a variety of wounds.

Many of the marchers now fled in panic, although a leader got many to regroup in order to retreat in regular formation. At this point, Service Department Chief Harry Bennett appeared in a car coming out of Gate 3. His car was pelted with rocks and he was injured; he poured shots into the crowd until his guns ran out of bullets; he then grabbed a policeman’s gun and emptied it before collapsing. The Gate 3 assembly of lawmen now exploded in a final fusillade, gunning down demonstrators from behind. Joe Bussel, a muscular sixteen-year-old Young Communist Leaguer, was killed by a bullet in the back, and scores of others were hit. As far as could be determined, none of the demonstrators were armed with anything more sophisticated than sticks and stones. At least, none of the injured “law-enforcement officers” suffered gunshot wounds. Forty-eight people were arrested, many of them wounded and in the hospital.

Sugar was called in immediately and witnessed some of the pandemonium at Detroit City Hospital, where families of dead and wounded frantically searched for news, while many of the latter were chained in their beds, lying in their own blood and sweat. Meanwhile a Detroit dragnet went out and hundreds of “suspects” were rounded up. The afternoon and morning press blared out the word: “Communists Inflamed by Foster Hurl Stones and Clubs in Prearranged Outbreak,” said the Free Press. The tone of the immediate press reaction varied little, stressing provocation by outside Communist agitators. The American Legion and the Detroit Employers Association did their best to keep alive the visions of the Moscow menace and Harry Bennett heroism, but it quickly became apparent, as many journalists on the scene began to describe what they actually saw, that the real story was one of massive overreaction by the police. By March 9 the Hearst-owned Detroit Times was talking about “blunders:” the “Dearborn police evidently changed an orderly demonstration into a riot, with death and bloodshed as its toll.” The News followed suit. Only the Free Press retained a hard line against the marchers.

Then came what might be called the legal massacre. At Ford, hundreds of workers were fired indiscriminately on the suspicion of participation or even of sympathy for the marchers. Anyone who gave money for the funerals of the slain marchers was subject to discharge. Ridiculous extremes were reached. Sugar wrote: “One Italian worker was ‘suspected.’ All the workers who lived on [his] block, all Italian workers, were discharged.” Ford service men violated virtually every civil right employees possessed, searching lunch boxes and coats for any indication of workers’ connection with the Communist party or the AWU. Throughout Detroit and the adjacent “Ford” suburbs, Communists were arrested in wholesale fashion. It seemed that the days of A. Mitchell Palmer were returning. The police deemed warrants unnecessary and did not worry about
making formal charges against arrestees. The general scenario—and the position, Sugar discovered, of the Detroit Employers Association—was to focus on the Communists while feigning deep sympathy for the “real” unemployed.

It was left to Prosecutor Harry Toy to develop the key refinements of the legal massacre. The first was his “ringing statement” to the press of March 9 in which he pronounced the marchers guilty of “criminal syndicalism”—the use of violence and terrorism to obtain industrial or political reform—and called for a grand-jury investigation to ferret out the “outside agitators” responsible for inciting to riot. Sugar was aghast at the ethics of such a public pretrial of people against whom no indictments had been lodged. Secondly, Toy would not allow the routine courtesy, requested by Sugar, of having a physician representing the interests of the families of the dead men present at their autopsies. Sugar’s suspicions were confirmed when the report was returned indicating that none of them had been shot in the back. Bussel came the closest, “shot,” according to the report, “in the side of the body.” Moreover, Toy allowed the murder bullets to be returned to the Dearborn police. The cover-up was underway.

Sugar decided to respond to this situation publicly. If the prosecutor would go to the press so, too, would he. In a long letter, he cited the various indiscretions of Prosecutor Toy and made the novel request to have himself appointed as a special assistant prosecutor assigned to the grand-jury investigation. Unfortunately, there was little public attention given to this letter, nor did Toy respond to it directly; although he remarked to the press that Sugar’s request was impossible to fulfill “because the prosecutor is elected to represent the people, whereas Mr. Sugar represents one side of the controversy.” The unintended irony of this remark was not lost on many workers. Despite the initial public sense that there was definitely some form of wrongdoing on the other side, the government, by focusing on no one but the marchers (only they were to be investigated by the grand jury), sought to convince the world that they alone bore responsibility. And in the end, double-talk and a captive press thoroughly diluted the initial hints of outrage against the oppressive power of the police in the Detroit metropolitan area.

The high point of disgust was reached early on. A great mass funeral march—wisely allowed by Murphy and free of police surveillance, thanks to the advice of his secretary, Josephine Gomon—drew up to seventy thousand participants on March 11. The majority were non-Communists, some perhaps influenced by the Party’s work with the unemployed, but most just plain workers. The Party itself had no more than fifteen hundred members in the Detroit area at the time.

As time went by; however, concern waned. Even the positive efforts of the American Civil Liberties Union, whose chief, Roger Baldwin, came to town and spent long hours with Sugar in examining the mountains of evidence in the case, came to little. The focus of the grand-jury investigation kept the hunger marchers constantly on the defensive. Sugar acted as attorney for all those who ap-
peared for the “defense” before the grand jury and pursued the line of presenting as many of the facts as possible because he knew that there was a great deal the prosecution wished to hide. Such an approach was successful in the most fundamental sense that no indictments were returned. But it was also clear that the police of Dearborn and Detroit, as well as the private army of Ford, were going to get away unscathed.

The final report, issued in late June, read, in fact, as if it had been written by the Detroit Employers Association: nameless outside agitators took advantage of Depression-wracked Detroiters to whip up a riot; the forces of law and order then did what they had to do. One juror dissented publicly from this view and accused the prosecutor of rigging the whole proceedings, but her charges (made July 3, 1932) were quickly forgotten. After all, said the press, she had been a member of the mayor’s Unemployment Committee. Even the ACLU cooled toward the issue. Sugar’s correspondence with Roger Baldwin indicates an unwillingness on the latter’s part to commit the organization to a fight against the lawmen who killed or those who covered up their actions. This was not the first, nor the last, police riot to go unpunished. Meanwhile, with the great smokestacks of the Rouge looming in the distance, four of the martyrs to the workers’ struggle lay silently in unmarked graves. A fifth victim, a black man named Curtis Williams had just died—racial segregation prevented him from being buried beside his comrades.

Overall, the Hunger March and its aftermath brought Sugar to the very heart of the struggle. It also made him understand how lonely it was. The Communists had been absolutely right, he felt, in sponsoring the march and in the general strategy that they had followed leading up to it. Yet in the end, they, not those who shot the guns, had been assigned the official blame for the deaths. And few voices really dissented. Frank Murphy, Sugar’s friend, had clearly erred in allowing Detroit police to be in Dearborn on the day of the march, and they participated fully in the dragnet thereafter. Murphy wisely authorized the funeral march, but later remained silent as justice was repeatedly violated through the grand-jury fiasco.

More shocking, especially for Sugar, was the response of the rest of the Left. The Proletarian party, which had survived over the years as a small, largely educational organization, at first repudiated the march and condemned the Communists for organizing it. Then, seeing that there was some public sympathy for the fate of the demonstrators, they attempted to wangle their way into an official place in the funeral procession. As far as Sugar was concerned, this was the last straw. For them, he wrote, “the class struggle was only a conception. One engaged in it only by reading and discussing the works of Marx, Engels, and Dietzgen. But to engage in such activities as a hunger march to Ford’s—that is unthinkable!” The Michigan Socialist party’s resolution on the matter stressed the need for an impartial investigation and pledged to protest “efforts to hold any demonstrator responsible for any act committed in self-defense.” As Sugar
noted, “A carefully worded protest this.” The Socialist Labor party took the position that the Communists’ hyperactivism had no impact save to cause radicals to be fired from Ford’s and to “discredit” the labor movement. Sugar wrote,

I thought to myself: what does it matter that scores of thousands of unemployed workers were hungry? Better that they and their wives and children starve, meek and unprotesting, than that a few “radicals” lose their jobs at Ford. [As if] Ford needed an opportunity to discharge radicals! The “radicals” who did nothing and who counselled others to do nothing for fear of losing their jobs—these were the good radicals. They didn’t “throw discredit on the labor movement”! With such “radicalism,” the “excruciating exploitation of capitalism” that the radical criticizes could endure forever.

For Sugar, then, the Ford Hunger March marked the point at which he decided that among political groupings, the Communists were the best friends of the workers.18
Sugar's mother, Mary.

Sugar's father, Kalman.
Brimley, with Bay Mills in the background. (Photo courtesy of the Soo Evening News, Sault Sainte Marie, MI.)

Trestle to Bay Mills. (Photo courtesy of the Soo Evening News, Sault Sainte Marie, MI.)
Brimley school (all classes), 1900. Maurice is twelfth from the right in the first row. (Photo courtesy of McIver Photo.)

The company store, Scribner’s (across the tracks from “K. Sugar”). (Photo courtesy of McIver Photo.)
Maurice Sugar, football player, is standing first on the left.

The Intercollegiate Socialist Society branch at the University of Michigan, 1912. Sugar and Jane Mayer are in front; Otto Marcwardt is in the second row, far left.
Sugar and Jane Mayer on a stroll.

Henry Sweet (left), Clarence Darrow (right), and attorneys Perry and Chawke pose during the Henry Sweet trial.
The unemployed on the streets of Detroit, 1932.

Tear gas barrage opens the attack on the Hunger Marchers, March 7, 1932.