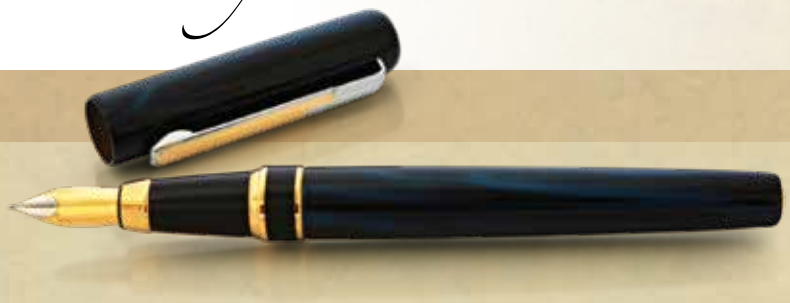
Michigan Lawyers in History

Maurice Sugar

By Carrie Sharlow



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

On November 25, 1918, Maurice Sugar arrived at the Detroit House of Corrections to serve out his sentence for "failure to register for the draft and 'conspiracy to obstruct' its operations."[1] His appeals had failed, and his home for the next 10 months would be a little cell with "a straw cot attached to the wall, a three-tiered rack in the corner, and a pail for refuse."[2]

It was a long way from the Upper Peninsula town of Brimley where Sugar was born in 1891 to Kalman and Mary Sugar, two Lithuanian Jews who ran a successful local store. The store was such a success that the family moved to Detroit to give their four children better educational opportunities. After a few hiccups, a brief return north, and several summer jobs involving hard labor, the Sugar's third child, Maurice, graduated from high school and started college. Like his future mentee, Ernie Goodman, Sugar wasn't completely confident that law was the career for him, but it seemed like a good fit.

The University of Michigan Law School provided an exceptional education on several fronts. Of course, Sugar gained an excellent foundation in law, but just as important was his tutelage in socialism.[3] For Sugar, the two would go hand in hand and both would be intertwined with his wife, Jane Mayer, whom he met at U of M.

As his beliefs solidified, Sugar learned he could "move people"[4] to action with words, both written and spoken. A born leader, he was incredibly passionate about his beliefs. After graduating in 1913, Maurice joined both the Michigan bar and the Michigan Socialist Party and settled in Detroit. He practiced law in an idealistic fashion, in tune with his conviction that the Constitution guaranteed equality for everyone regardless of a person's beliefs or race.[5] But he required a second job to make rent.

Three years later—in the midst of a recession, the onset of World War I, and an intensifying relationship between labor and management—Sugar signed up to help a beleaguered union with a court defense. It was his first entrance into the fray that would engulf his career and define his life. After his death, his obituary would proclaim his status as one of the country's first labor lawyers, but this acknowledgment was 60 years in the future.

In 1917, however, Sugar's legal career was temporarily derailed. On April 6, the United States declared war on Germany and, in order to bolster the armed forces, Congress passed the Conscription Act requiring all men between the ages of 21 and 30 to register for military service. The new law went into effect May 18.

Between these two key events, Sugar attended the National Socialist Party Convention as a delegate. A major topic of discussion was, of course, the Conscription Act, with which the party vehemently disagreed.

In addition to his stance against conscription, Sugar was a pacifist. Not only did he not register for service, but he and other Michigan Socialists published an anti-conscription edition of *The Michigan Socialist* on May 27, calling for readers to be "real men" and not participate in the war.[6] It proclaimed the Conscription Act unconstitutional for various reasons: the 13th Amendment nullified "involuntary servitude"; the age requirement created class legislation; and the act limited judicial discretion in providing exemptions.

Sugar certainly moved readers with his words. He also moved the federal government to arrest and indict him for conspiracy to "unlawfully and willfully aid and abet, counsel, command, induce, and procure certain persons to violate the provisions of said Conscription Act…."[7] Failing to register was a misdemeanor punishable by a year in prison. Before the war's end, approximately 10,000 people would be arrested on the same charge, including one

Photo by Fabian Bachrach

Maurice Sugar as photographed in the early 1930s

Roger Baldwin, the head of the Civil Liberties Bureau.

But Sugar refused to go down without a fight; he was "never one to stand down when he thought he was right."[8] He appealed the court's decision to the United States District Court for the Eastern District of Michigan, where his motion to "quash the indictment"[9] was denied. He appealed to the United States Court of Appeals for the Sixth Circuit and was again denied.[10] He appealed to the United States Supreme Court, which denied his certiorari a week before the armistice was signed.

On November 25, 1918, two weeks after the end of World War I,[11] Sugar began his sentence at the Detroit House of Corrections. He had already been disbarred by the Detroit Bar Association. The legal establishment of the time did not appreciate his antics, even though numerous area attorneys offered Sugar support at his disbarment proceedings.

Although he lost his membership in the bar, Sugar was still a member of the Socialist Party. Even in prison, he made friends, read books, wrote letters, and even ran for office (he lost, but received thousands of votes).

Sugar was released from prison on September 25, 1919, and, with the assistance of one of Michigan's greatest attorneys, Frank Murphy, was readmitted to the Michigan bar on November 7, 1923. Ten years later, Sugar and other offenders who had failed to register received a full pardon in the form of President Franklin D. Roosevelt's Christmas Amnesty Proclamation for Certain War-Time Offenders Who Have Completed Their Prison Sentences to those "persons who were convicted of such war-time offenses, and who have complied with the sentences imposed on them."[12]

After returning to the legal arena, Sugar served as attorney on cases for the recently formed Detroit branch of the American Civil Liberties Union. He also became deeply involved in the creation and infancy of the United Automobile Workers Union. He continued to run for political office[13]—however unsuccessful in these endeavors—and served as "general counsel for the International Union, UAW-CIO"[14] from 1939 to 1947. In that position, he argued against Dearborn's ordinance requiring a license to distribute handbills[15] and for a union's right to peacefully picket as free speech;[16] he argued for unemployment benefits for autoworkers during a labor dispute[17] and workers' compensation when an employee lost an eye.[18] Sometimes he won and sometimes he lost, but he never settled for the status quo.

Sugar is often remembered for his union service and his dramatic departure from the position in 1947, but that's a story for another time. Undoubtedly, many things Sugar fought for changed for the better during his time as general counsel.

After his eventual retirement, Sugar spent much of his time in northern Michigan. By the time he died on February 15, 1974, he had been many things to many people. For unemployed union workers singing "Soup Song" or "Sit Down," he was a poet and an advocate. For the FBI, he was a troublemaker during the Red Scare and Cold War. For others—like Ernie Goodman, George Crockett, and members of the Sugar Law Firm—he was a leader and mentor not afraid to stand up for what was right, however unpopular. For the National Lawyers Guild and attendees of its annual Buck Dinner, he was a founder. Most of all, he was a controversial figure and a legend in his own time, and this article doesn't come close to telling the whole story. ■

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ENDNOTES

1. Babson, *Maurice Sugar: Socialist, Activist, Lawyer*, 69 National Lawyers Guild Review 165 (2012).
2. Johnson, *Maurice Sugar: Law, Labor, and the Left in Detroit, 1912–1950* (Detroit: Wayne State University Press, 1988), p 79.
3. The background concerning how Maurice moved into Socialism is too in-depth to discuss here. Read Christopher H. Johnson's biography on Mr. Sugar—*Maurice Sugar: Law, Labor, and the Left in Detroit, 1912–1950*—for greater detail.
4. *Maurice Sugar: Law, Labor, and the Left in Detroit*, p 44.
5. Babson, Riddle & Elsila, *The Color of Law: Ernie Goodman, Detroit, and the Struggle for Labor and Civil Rights* (Detroit: Wayne State University Press, 2010), p 38.
6. See *United States v Sugar*, 243 F 423, 441 (ED Mich, 1917).
7. *Id.* at 426.
8. *Maurice Sugar: Socialist, Activist, Lawyer*, 69 National Lawyers Guild Review at 170.
9. *Sugar*, 243 F at 439.
10. *Sugar v United States*, 252 F 79 (CA 6, 1918).
11. *Maurice Sugar: Law, Labor, and the Left in Detroit*, p 77.
12. Roosevelt, *Statement on the Christmas Amnesty Proclamation*, December 23, 1933, available at Peters & Woolley, *The American Presidency Project* <http://www.presidency.ucsb.edu/ws/?pid=14588> (accessed November 23, 2014).
13. In 1935, Ernie Goodman—a young attorney disillusioned by the inequalities of the law and his choice of profession—met Maurice Sugar when the latter was campaigning for office. Maurice didn't win the election, but this chance meeting would change Ernie's life.
14. Sugar & Cooper, *Pro and Con—"Portal to Portal" Pay Suits*, 26 Mich St B J 7 (1947).
15. See *Dearborn v Ansell*, 290 Mich 348; 287 NW 551 (1939).
16. See *Book Tower Garage, Inc v Local No. 415*, 295 Mich 580; 295 NW 320 (1940).
17. See *Chrysler Corp v Smith*, 297 Mich 438; 298 NW 87 (1941).
18. See *Jez v Houdaille-Hershey Co*, 306 Mich 111; 10 NW2d 327 (1943).