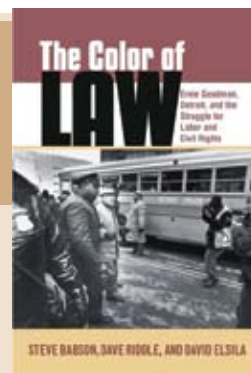


# The Color of Law: Ernie Goodman, Detroit, and the Struggle for Labor and Civil Rights

By Steve Babson, Dave Riddle, and David Elsila, published by Wayne State University Press (2010), hardcover, 558 pages, \$24.95

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Reviewed by Gary M. Maveal

**T**he *Color of Law* is an ambitious historical biography of Ernest Goodman's sublime career supporting the labor and civil rights movements. Goodman (1906–1997) made his mark challenging corporate exploitation of labor, resisting government repression of dissent, and fighting to end discrimination against African Americans.

Beginning practice in Detroit during the Great Depression, Goodman first worked in collections, repossessions, and evictions. That experience turned him against further serving commercial interests and coincided with his growing interest in the Communist critique of the country's economic crisis. In the mid-1930s, he aligned with left-leaning civil rights and labor groups standing up to police brutality and racism and launching successful sit-down strikes against General Motors and others.

By 1935, Goodman was also a leader in the Popular Front, a coalition of liberals and many Michigan Communists opposed to the rise of fascism in Europe. In 1937, he joined the newly founded National Lawyers Guild (NLG), which professed human rights over monied interests. In 1939, Goodman joined Maurice Sugar's labor law firm and served as associate general counsel of the United Auto Workers.

*The Color of Law* details all of this as a prelude to Goodman's work in making new law for labor in its Detroit heyday. The 1937 "Battle of the Overpass" at Ford Motor Company's Rouge Plant is one of many events the authors recount to show his central role in organized labor's rise. He was instrumental in mapping legal strategy to win union recognition at Ford Motor Company in 1941.

Ernie Goodman also defended union leaders and community activists during the fevered Red Scare of the 1950s, first before the U.S. House Committee on Un-American Activities and later in court. He was lead defense counsel in the 1954 trial of the "Michigan Six" under the Smith Act. His versatility in high-profile civil and criminal trials was unmatched in the Michigan bar. (See the sidebar on the following page for a list of his leading United States Supreme Court cases.)

Goodman's steadfast commitment to causes of the oppressed made him the ideal leader for the NLG at a crucial time for the civil rights movement. As NLG president in 1964–1965, he (along with his partner George Crockett Jr. and others) engineered its Southern Legal Project, an extraordinary mobilization of volunteer attorneys from Detroit and elsewhere to challenge Jim Crow laws in Mississippi. Goodman unsuccessfully challenged the leadership of the American Bar Association to match the NLG's commitment to support the fight for civil rights in the Deep South.

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Goodman later supported the NLG's lawsuit, which exposed the FBI's spying practices over a period of nearly 35 years. Among the telling (if not actionable) bits of intelligence was the following, documenting a meeting of the NLG to plan its "Freedom Summer" work in 1964: "The subject [Goodman]" told the NLG that he thought it "should advance the liberal human view...done in an atmosphere of a bar association and not as a civil rights group."

*The Color of Law's* authors used exhaustive research to trace Goodman's role in these social movements. In addition to the FBI surveillance archives, they mined his papers at the Walter Reuther Library of Labor and Urban Affairs as well as its video and audio histories of him. World and U.S. political background and Goodman's recall of events are woven together to tell the story of his most significant trials. His contemporary writings and later reflections enliven the work's historical narrative.

The authors demonstrate time and again how Goodman related social movements in the U.S. and Detroit to world events. For example, six months before Pearl Harbor, as our country braced to enter World War II, Goodman spoke out against excesses of

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## Ernie Goodman's Legacy of Cases

As a thoroughly sourced history, *The Color of Law* may frustrate lawyers looking for case citations among its hundreds of endnotes. These are Goodman's major cases to reach the United States Supreme Court:

- *Thomas v Collins*, 323 US 516 (1945)—His first trip (and victory) to the United States Supreme Court challenging a Texas law arbitrarily restricting workers' union organizing.
- *Wellman v United States*, 354 US 931 (1957) and 253 F2d 601 (CA 6, 1958)—Vacating the "Michigan Six" Smith Act convictions in Detroit.
- *Nowak v United States*, 356 US 660 (1958)—Setting aside denaturalization of citizenship; membership in the Communist Party was insufficient grounds for finding an immigrant had made a false statement in an application for citizenship.
- *Dombrowski v Pfister*, 380 US 479 (1965)—Declaring Louisiana's subversive activities statute unconstitutional; Goodman had filed an amicus brief on behalf of the National Lawyers Guild.
- *Palmer v Thompson*, 403 US 217 (1971)—The Goodman law firm's protracted challenge to segregated public swimming pools in Jackson, Mississippi.

corporate militarism. He also warned that national security measures limiting freedoms were a pretext for attacking unions and workers. His remarks on Detroit radio (billed "Defense of What?") urged that new restrictions on aliens would only compound racial discrimination and anti-Semitism to the detriment of the common man.

Was Goodman speaking as a citizen or as labor's lawyer? It seems both roles were comfortably merged to make a forceful advocate for truly equal protections. He surely foresaw the Cold War on U.S. labor that would play upon fear of foreigners and communism. The secretary of war (and later, Ford's management) claimed union militants were unpatriotic for agitating on the labor front during World War II. Yet Goodman also hoped for national unity against fascism and aggressive war. While standing firmly in solidarity with dissenters, he believed in social change forged by democratic forces and the rule of law.

The book illustrates Goodman's deep commitment to values of basic human dignity. While all of its chapters carry this theme, the story of his last major case does so most movingly. In 1975, Goodman led a team that won acquittal on a murder charge after the uprising at Attica State Prison in New York. The story of the trial and Good-

man's friendship with his client Bernard "Shango" Stroble is a poignant closing chapter on his career in court.

*The Color of Law* is a masterful chronicle of a lawyer's selfless engagement in the causes of social justice and racial equality. The reader cannot help but find parallels between those earlier eras of social tumult and our nation's current climate.

As we do, Ernie Goodman would have us ask ourselves: As lawyers, are we fulfilling our responsibility to ensure the protection of individual rights? Do we take seriously our oaths not to reject the cause of the defenseless or oppressed? This book presents a courageous model to inspire us to do so. ■



Gary Maveal is a professor of law and director of faculty research and development at the University of Detroit Mercy School of Law. Since 2003, the law school's Moot Court Board has sponsored the annual

Ernie Goodman Civil Rights Mock Trial Tournament. The tournament was conceived and first produced by Prof. Alan Saltzman with the support of Mr. Goodman's son, Bill Goodman.