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Frank Murphy: The Detroit Years

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Recent Books

Book Reviews

FRANK MURPHY: THE DETROIT YEARS. By Sidney Fine. Ann Arbor: The University of Michigan Press. 1975. Pp. viii, 608. \$20.00.

Frank Murphy was one of America's more significant political leaders during the first half of this century. His life spanned the First World War, the Great Depression, the New Deal, the rise of the industrial labor movement, the Second World War, and the beginning of the efforts of the United States Supreme Court to create national standards of justice and equality under the aegis of the Bill of Rights. Frank Murphy not only lived through these pages of modern American history, but in many important ways left his mark upon them.

Sidney Fine has now undertaken a biography in three volumes of one of Michigan's most famous sons. His first volume, the subject of this review, deals with Murphy's youth, education and early years in Detroit. For anyone interested in either Murphy or Michigan's social and political history during the first half of the twentieth century, Fine's book makes fascinating reading.

This reviewer must plead guilty to having a special interest in Fine's subject matter. By chance, all through my life, lagging behind by some ten or more years, I have literally followed Frank Murphy over the terrain, both physical and governmental, upon which he left his footprints. I have vivid memories of Murphy waiting for me in Detroit's City Hall, where he served as mayor; of Murphy in Lansing, where he served as governor of Michigan; of Murphy in the Philippines, where he served as governor-general; and of Murphy in the federal courts, where, of course, he closed his career as a Justice of the United States Supreme Court. The stories I heard were legion, perhaps many of them apocryphal.¹ Murphy left behind warm friends and some bitter enemies. All this indicates that I approached Mr. Fine's book with an already whetted appetite—and found it to be quite a feast.

1. Fine is no Murphy idolater. He reports at some length Murphy's personal penuriousness. By the time I reached Detroit City Hall, six years after Murphy, tales of his failure to reach for checks—or to pay them when presented—were legion. One memory concerns Murphy's mailing a large portrait of himself to the City Hall—collect. The \$28 charges were paid personally by the then Mayor Edward J. Jeffries, Jr., son of Murphy's colleague on Recorder's Court.

Fine clearly intends his three-volume work to be definitive. By force of logic, the first volume deals with Murphy and his family; Murphy the law student and lawyer; Murphy the young war hawk in World War I; Murphy the judge in Detroit's Recorder's Court; and Murphy the mayor. Fine leaves for later volumes Murphy's nationally more significant roles as governor of Michigan during the automobile workers' strikes of the 1930s, as governor-general of the Philippines, and as Supreme Court Justice. Nonetheless, this volume could prove to be the most interesting of the series because it covers Murphy's formative years and reconstructs the early events that greatly influenced later historical decisions.

Murphy was born in Harbor Beach (then called Sand Beach), Michigan, the son of second generation Irish-Catholic parents, John and Mary Murphy. His father's influence looms large. John Murphy was a lawyer in Harbor Beach with a reputation as a good trial attorney. He believed in work for his sons, and one of Frank Murphy's earliest jobs was in a local starch factory where the ten-hour days of grueling labor left a permanent impression on him concerning the problems of industrial workers. John Murphy was active in Democratic politics—not a very popular cause in the Michigan of that day—and Frank Murphy grew up in a political milieu which left a lasting imprint. In addition, John Murphy was a hail-fellow-well-met and an habitu e of the bars in Harbor Beach where good meeting was to be had. This paternal proclivity appears to have created in his son a lifetime distaste for such pursuits. Frank Murphy never drank.

Fine makes the point strongly, however, that the real influence in Frank Murphy's life both as a boy and a man was his mother. By all accounts Mary Murphy was a strong and loving mother, chiefly responsible for holding her family together. Murphy's devotion to her throughout her life was extraordinary. Fine, in the current trend of psychiatric biography, suggests that Murphy's Oedipus complex accounted for the fact that he never married and that all of his subsequent relationships with women (and there were many) were destined to be temporary fancies compared to his attachment to Mary Murphy.

There are, of course, other explanations for Murphy's failure to marry. Murphy himself tended to ascribe it to his lifetime devotion to public duty. Less kindly observers might point to ambition. Murphy clearly had a sense of destiny and there is little reason to believe that the Supreme Court of the United States was his ultimate goal. Considering the era in which he lived, his own personal magnetism and political charisma, his success in welding together in Detroit and in Michigan the same political coalition that produced the New Deal, but for the overshadowing presence of Franklin Delano

Roosevelt, Murphy might well have been a serious contender for the presidency of the United States. Clearly, however, he would not have had an Eleanor.

Between newspaper accounts of the times in which he lived and the collection of his papers at the Michigan Historical Collections in Ann Arbor, Frank Murphy's life can be researched in amazing detail. The Michigan Historical Collections, for example, contain a paper entitled *Politics and the Laborer* that Murphy wrote for a University of Michigan sociology course in 1911. As quoted by Fine (p. 23), Murphy wrote quite prophetically:

It is because I have lived and worked with the common, ordinary . . . laborer and . . . feel that I know his wants and needs, that I have ventured upon this problem. I love the subject. I want to make it my life's work. If I can only feel, when my day is done, that I have accomplished something towards uplifting the poor, uneducated, unfortunate, ten hour a day, laborer from the political chaos that he now exists in, I will be satisfied that I have been worth while.

The University of Michigan played an important role in Murphy's life. His academic performance was not distinguished as either an undergraduate or a law student, but he became one of the best known students in the university and the most sought-after campus orator. Friends from Murphy's student days played an important role in both his political campaigns and subsequent public administrations, and throughout his life Murphy maintained his associations with the school.

Upon graduation, Murphy quickly joined the law firm of Monaghan and Monaghan and, in a wide variety of trials, won a reputation as a skillful and persuasive trial lawyer. In addition to general practice, Monaghan and Monaghan also had a large corporate practice, and not infrequently the firm was arrayed against striking unions in defense of their corporate clients. It is interesting to note that Murphy was engaged in securing injunctions against picketing in the Wayne County Circuit Court twenty-four years before he wrote *Thornhill v. Alabama*, 310 U.S. 88 (1940), in which for the first time the United States Supreme Court held that labor union picketing was a form of speech protected by the first amendment.

Murphy's budding legal career was interrupted by America's entry into World War I. Murphy's own participation involved no combat, for the war ended while his unit was headed toward the front. Murphy's letters during this period exhibit a youthful patriotism approaching jingoism but indicate little serious reflection. The principal fruits of his army service appear to have been veteran's status and membership in the American Legion; these would prove useful in the political campaigns that lay ahead.

On his return from the army, Murphy served for two years as an Assistant United States Attorney, adding considerably to an already impressive reputation as a trial lawyer. When the turn of the national political wheel brought a Republican administration into office, Murphy returned to private practice. There he earned additional courtroom renown and also became a sought-after figure in Detroit's social circles. This was the period of Murphy's romance with Ann Harding, who, in spite of her beauty and theatrical ability, proved to be only one among many who were courted and fascinated by Murphy.

In 1923 the local Hearst newspaper, the *Detroit Times*, was engaged in an editorial and reportorial battle with a majority bloc of judges on Detroit's Recorder's Court bench, which had general criminal jurisdiction within the city limits. The *Times* contended that this bloc of four judges was running the court in a self-serving manner and ruining what had been a nationally distinguished municipal criminal court. Joe Mulcahy, managing editor of the *Times*, was a personal friend of Murphy and personally urged him to run for a place on the court, as did one of the minority judges, Judge Edward J. Jeffries. The flavor of the campaign may be sensed from these two sentences of Mr. Fine's description (p. 110): "On March 25, the *Times* devoted a full page to an interview with its favorite candidate, whom it described as a 'lawyer, soldier, orator, teacher, idealist in principle and sturdy progressive in thought.' The next day, in a cartoon captioned 'The Crusader,' it pictured Murphy as a knight in armor racing to the rescue of 'Miss Detroit,' who was being shackled by the Big Four."

Murphy's opposition was itself not lacking in ingenuity. It undertook to persuade the voters of Detroit that there was a plot to deliver the "Black underworld" votes to Murphy, Jeffries, Stein and Faust, the four anti-bloc candidates. When the votes were counted after a heated campaign, Murphy received the highest number of votes, while his compatriots in the anti-bloc campaign were also elected.

The most important case that Murphy tried while a judge in Recorder's Court was the first-degree murder trial of Dr. Ossian Sweet and ten other Blacks. The Sweets had purchased a home on Garland Street on Detroit's east side and, in spite of threats of trouble from residents of the surrounding White neighborhood, decided to take up residence there. On September 9, 1925, the day after the Sweets had moved in, a crowd gathered on the street outside the Sweet home. Two Blacks driving by in an automobile were stoned; the crowd soon began stoning the Sweet house. Fine's story of the events continues (pp. 149-50):

After stones began to hit the Sweet house, Ossian got a gun and went to his room. Soon a stone crashed through a window in the

doctor's room. Sweet became very agitated, and there was "pandemonium" in the house. "Everybody ran from room to room," Dr. Sweet later testified. "I made a dozen trips up and down the stairs. It was a general uproar." A taxi drove up to the house carrying Otis Sweet and William Davis. Ossian opened the door for the two men, and as they rushed into the house, he heard the crowd screaming, "They're niggers, get them." The mob surged forward. "It looked like a human sea," Dr. Sweet recalled. Stones continued to hit the house, and another front window was broken. Then, suddenly, shots rang out from several parts of the house—perhaps fifteen to twenty shots in all. Directly across the street from the house, forty-year old [sic] Leon Breiner, the father of two shouted, "My God, I'm hit," and fell dead from a bullet in the back. Twenty-two-year-old Eric Hougberg, standing near Breiner, sustained a bullet wound in the thigh.

Inspector Norton N. Schuknecht, the head of the police detail outside the Sweet home, entered the house after the shooting and demanded to know "what in Hell are you fellows shooting about?" "They are destroying my home," Dr. Sweet recalled having told the inspector, "and my life is in imminent danger."

The above paragraph was drawn principally from Dr. Sweet's trial testimony, but not all the evidence was that exculpatory. Others testified that none of the crowd was armed and that no one was ever on the Sweets' property.

Murphy became presiding judge of Recorder's Court just after the murder warrants were signed, and he assigned the Sweet trial to himself. The National Association for the Advancement of Colored People asked Clarence Darrow to defend Dr. Sweet. The trial of the eleven defendants ended in a hung jury. It had attracted nationwide attention and Murphy's performance was widely praised. David Lilienthal, then reporting for the *Nation*, described him as "an extraordinary young judge" and called the trial itself "probably the fairest ever accorded a Negro in this country" (p. 163).

The second Sweet trial came after Murphy had granted Darrow's motion for separate trials for the eleven defendants. The first to be retried was Dr. Sweet's brother, Henry, the only defendant who had admitted firing a shot on the day in question. Much of the same testimony was presented again, but this time, after three hours and thirty-five minutes of deliberation, the jury came in with a verdict of not guilty. Subsequently, the prosecutor, Robert M. Toms, later to be a lifetime judge of the Wayne County Circuit Court, moved to have the rest of the cases nolle prossed. Murphy's role in granting fair trials in the Sweet cases was never forgotten by the Black community of Detroit.

Perhaps it is equally important to note that in all of his work on the Recorder's Court bench, Murphy was profoundly interested in the

fate of the defendants before him, as well as in the events which put them there. In these years he gained a nationwide reputation as a fair presiding officer and a humane judge interested in the rehabilitation of the offender as well as in the other interests of society that were at stake.

Fine reveals that in these years on Recorder's Court (which had no civil jurisdiction) Murphy was the beneficiary of an investment trust managed for him by some top executives of the Chrysler Corporation. It appears that the trust was highly successful for a time but then suffered heavy losses. These facts accepted, I remember vividly at the time of Murphy's death the speculation of his political enemies and his possible beneficiaries concerning the size of his estate. In fact, both enemies and beneficiaries were greatly disappointed when his estate proved to be entirely consistent with Murphy's own assertions of his dedication to the public interest rather than to building a personal fortune.

After an appointment to investigate municipal corruption in Detroit as a one-man grand jury had led to considerable exposure and had helped to weed out graft in city contracting, it was inevitable that Murphy would be considered for the mayor's office. The circumstances under which he entered this race were dramatic indeed. By 1930, Detroit was in the grip of the Great Depression; unemployment in the automobile industry had reached a new high, as had public expenditures for welfare. An inept mayor, Charles Bowles, charged with having allowed vice and crime to proliferate in Detroit, decided in the midst of the depression to raise streetcar fares on Detroit's municipal railway. The result was a recall campaign that turned him out of office and made necessary a mayoralty election in the fall of 1930. The climax was reached on the night of the recall election when the city's most popular radio newscaster, Jerry Buckley, was murdered in a downtown hotel shortly after broadcasting the election results. The three gunmen escaped and were never identified. Since Buckley had been a vigorous advocate of the Bowles recall and had campaigned against vice and gambling in Detroit, his murder tended to weaken Bowles' chances for victory in the fall election and caused many of Buckley's supporters to urge Murphy's candidacy.

In spite of the difficulties of the job at stake, the candidates for it were numerous and influential. George Engel was the choice of the establishment as represented by the Detroit Citizen's League, the *Detroit News* and the *Detroit Free Press*. Another candidate, the redoubtable John W. Smith, a former mayor of the city, was a political power in his own right, and Bowles, the ousted incumbent, still had considerable strength, including the support of the Ku Klux Klan.

Murphy was aware that his appeal had to be to the working people of Detroit, many of whom were now unemployed. Fine says that Murphy, alone among the candidates, "placed his greatest emphasis on the issue of unemployment. If elected, he said, he would see to it that no one starved even if the city had to open soup kitchens, and he would provide municipal lodging houses for the homeless, establish municipal employment agencies, and launch construction projects that were consistent with 'sound public finance'" (p. 218). In addition, Murphy promised "social and progressive justice" and talked about care for the sick and for the aged and, in prophetic words, pledged himself positively to a "new deal" in the city's political life. " 'Detroit's past,' " Fine quotes him as saying, " 'should belong to the dead yesterday. We want something new. We want the dew, the sunshine of a new morning,' " (p. 215). The dew and sunshine campaign hardly appealed to the hard-headed businessmen of the community, but Murphy's personal record and appeal, and his campaign oratory were sufficiently effective to gain him election by a plurality of 106,637 votes to Bowles' 93,985, Engel's 85,650 and Smith's 21,735 votes.

Fine's emphasis on Murphy's political oratory is not intended to impugn his sincerity. In writing of Mayor Murphy's administration of a depression-haunted Detroit, he makes clear that Murphy's campaign promises were largely kept. There is no record that Detroit's measure of dew or sunshine improved, but Murphy certainly brought a new concern for justice to the administration of the Detroit Police Department and greatly augmented efforts to aid the most forlorn victims of the depression. Surprisingly, Murphy also proved sufficiently adept politically to involve in his welfare programs a great many of Detroit's business and social leaders not accustomed to participating in such efforts.

Murphy's most important appointments were James K. Watkins as police commissioner and John Ballenger as head of the Department of Public Welfare. Both were nonpolitical appointments, and both were persons of great ability and integrity who were widely respected in Detroit.

Some of Mayor Murphy's most dramatic problems came from the then very active Communist Party in Detroit. Although Phil Raymond, head of the Michigan Communist Party, ran an insignificant fifth in the mayoralty campaign, he had real influence in the Unemployed Councils in Detroit. The unemployed auto workers were eager to march and protest and Raymond and his followers directed the demonstrations. Murphy's policy was to allow parade permits and restrain police interference—but he got little thanks for it.

A "Ford Hunger March" was organized, and William Z. Foster, a National Chairman of the Communist Party, addressed a planning

meeting the day before. Several thousand unemployed gathered at the outskirts of Detroit to march into Dearborn to the gates of a Ford Motor Company plant. At the Ford gates they were met by gunfire from Dearborn police that left four dead and nineteen wounded. The subsequent protest meetings were all held in Detroit under banners that read "Smash the Ford-Murphy Police Terror." Fine indicates that no subsequent investigation (including that of the American Civil Liberties Union) showed any Detroit police participation in the shooting, although some Detroit policemen, acting without orders from Police Commissioner Watkins, had apparently gone to the Ford gates after the shooting.

The Communists, then in one of their most militant periods, thoroughly understood that Murphy stood for amelioration of the lot of the Blacks, the auto workers, and the unemployed, and not at all for the dictatorship of the proletariat. Murphy remained the darling of these groups, all favorite if unresponsive targets of Communist entreaty. The Communist Party remained a hair shirt through Murphy's administration.

The account of Murphy's efforts to handle Detroit's fiscal and relief problems seems particularly vivid in view of similar difficulties in New York and other cities this past year. Murphy inherited a city that had forty-two per cent of one year's taxes committed to the service of outstanding bonds; a budget impossible to balance without massive curtailment of city employment and services; and a city credit rating that made impossible any further borrowing, even for a short term. The city's problems were compounded by a crisis in the banking community that led to President Roosevelt's national banking holiday and to the failure of Detroit's two largest banks.

Considering the problems and the lack of resources, Murphy's solutions were quite imaginative. His administration launched a large-scale program of thrift gardens to augment families' food supplies. He persuaded General Motors and Studebaker to contribute, at no cost to the city, two unused factories to house the hundreds of unemployed single men who were roaming Detroit's streets. Ultimately two meals a day were provided to persons in these shelters. In spite of much controversy, the so-called Fisher and Studebaker lodges operated throughout the depression years. Further, Welfare Director Ballenger made sure that whatever city tax dollars could be provided for family relief were dispensed as fairly and efficiently as possible.

Murphy also appointed a blue-ribbon committee of business and labor leaders, social workers, and community representatives to work continuously on those problems of the unemployed that the Welfare Department could not handle. It was called the Mayor's Unemploy-

ment Committee and it made news both by what it did and did not accomplish during the Murphy mayoralty. Its actual accomplishments included a city-wide census of the unemployed, hot school lunches for children of the unemployed, food baskets for families not on relief, a Free Employment Bureau that processed 200,000 registrations and provided 54,906 jobs, both temporary and permanent, as well as continuing the thrift garden and homeless men's shelter programs already started. Yet the most important accomplishment of the Mayor's Unemployment Committee may have been its mere existence, which continually assured the unemployed that someone in City Hall cared about them.

In 1931 Murphy campaigned for reelection on this record. He was overwhelmingly reelected with sixty-four per cent of the vote.

Murphy's handling of the Sweet trial, his election and reelection as Mayor, his efforts to achieve fair police practices and his handling of Detroit's unemployment and relief problems attracted a great deal of national coverage—and eventually the interest of Franklin Delano Roosevelt, then a candidate for the Democratic presidential nomination. The Roosevelt people came to see Murphy as their best bet to carry Michigan. Murphy was a delegate from Michigan to the 1932 convention that nominated Roosevelt and subsequently campaigned throughout Michigan for his election. It was a foregone conclusion that at some point Roosevelt would offer him a national appointment. The offer—the post of United States governor-general of the Philippines—came in 1933, and Murphy accepted.

On May 10, 1933, Frank Murphy left the mayor's office having offered solutions to many of Detroit's ills but still leaving behind a vast number of unresolved problems. Three nights later he boarded a train at the Michigan Central Station. Professor Fine describes the scene as this unique, complex and fascinating man moved on to his next date with history. This paragraph provides a suitable farewell to Frank Murphy—until Fine's second volume appears (p. 456):

Murphy took his oath of office as governor-general of the Philippines [*sic*] on the Bible that Mary Murphy had given him when he left Harbor Beach to enter the University of Michigan. "Honesty and the care of the poor," he said in making a few brief remarks at the ceremony "have been the high spots of my government and I trust will continue to be." Three nights later Murphy received an "immense" send-off at the Michigan Central terminal. Coming directly from a farewell party at a country club, Murphy, with girlfriends on both arms, arrived at the station just after midnight to be greeted by a crowd of about five hundred well-wishers. One of Murphy's socialite lady friends thought that she had never seen "such a mob" and observed that she "felt like a country wench seeing royalty off." It was, actually, a "typical Murphy gathering" as "Grosse Pointe and

Hastings Street [in the black ghetto] rubbed shoulders." As newspaperman Henry Montgomery recalled the scene a few months later, there were people there "from every station in life from the lowest to the highest in religion, politics, commerce, industry, art and Sex! It was the best picture of a man's vote-getting power I ever saw."

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