

## ARTICLE

# “Chrysler Pulled The Trigger”: Competing Understandings of Workplace Violence During the 1970s and Radical Legal Practice

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LONG BEFORE INCIDENTS OF WORKPLACE violence became regular staples of cable news, before “going postal” became a macabre punch line in late night monologues, three workplace shootings sent shockwaves through the automotive industry and the cities of Detroit and Windsor. These were not the only shootings or killings that took place in the auto plants of the era. But the murders of two foremen and a coworker at Chrysler’s Eldon Axle plant by worker James Johnson in 1970; the shooting of skilled trades worker William Harrell by United Automobile Workers (UAW) Local 600 executive David Mundy in 1973; and the murder of UAW Local 444 president Charlie Brooks by fired Chrysler worker Clarence Talbot in 1977 produced remarkable outpourings of emotion and struggle that attracted national media attention.

For while workplace violence only became a widely recognized social problem during the late 1980s and 1990s, violence at work existed long before that time. Indeed, Marx conceived of capitalism as a system of inherent violence: founded on the expropriation of the means of production, which drove now-landless peasants into the wage labour market, where surplus value was extracted from their labour by capitalists. Historians, Marxist and otherwise, have long appreciated that the establishment and development of capitalism in North America has often sparked violent open conflict, all the way back to Louis Adamic’s famous 1931 book *Dynamite*. More recently, scholars such as Beverly Gage and Thomas G. Andrews in the United States and Stephen Endicott in Canada have written histories of the deadly violence that often resulted from early 20th century labour conflicts. Perhaps the greatest contribution of these

works is to remind us that at other times in the continent's history, violence arising from workplace conflicts was not seen as aberrant or shocking but fundamental. This violence was understood as a manifestation of class conflict, a systemic problem arising from a rapacious capitalist system. Such conflicts threatened the very survival of capitalist democracy itself, were the inequality and exploitation that sparked them not mollified. Stephen Norwood's wide-ranging work on violent strikebreaking highlights how integral violence was to union organizing, strikes, and even everyday corporate management at employers like Ford, which ran a paramilitary anti-union organization under the auspices of Harry Bennett's Service Department. Norwood also outlines how important these violent conflicts were to constructions of race and masculinity, identifying workplace violence as a wellspring of identity for men white and Black, working class and college educated.<sup>1</sup>

After World War II, capital, labour, and the state established a system of "industrial legality."<sup>2</sup> This postwar settlement, which brought together in limited but important ways particular layers of the state, employers, and organized workers, was epitomized in the auto industry by Canada's Rand Formula and the 1947 Treaty of Detroit in the United States. It established a regime of state monitored collective bargaining that workers had been struggling to bring into being for decades, but it also recognized and safeguarded

1. Important works about class, capitalism, and violence in North America include, but are in no way limited to: Louis Adamic, *Dynamite: The Story of Class Violence in America* (New York: Chelsea House Publishers, 1958); Thomas G. Andrews, *Killing for Coal: America's Deadliest Labor War* (Cambridge: Harvard University Press, 2008); Michael Belleseilles and Christopher Waldrep, eds., *Documenting American Violence: A Sourcebook* (New York: Oxford University Press, 2006); Aaron Brenner, Robert Brenner, and Cal Winslow, eds., *Rebel Rank and File: Labor Militancy and Revolt from Below During the Long 1970s* (New York: Verso, 2010); Beverly Gage, *The Day Wall Street Exploded: A Story of America in Its First Age of Terror* (New York: Oxford University Press USA, 2009); Dan Georgakas and Marvin Surkin, *Detroit: I Do Mind Dying* (1975; Chicago: Haymarket Books, 2012); Aaron Goings, "Red Harbor: Class, Community, and Conflict in Grays Harbor, Washington," PhD Thesis, Simon Fraser University, 2012; David Goldberg and Trevor Griffey, eds., *Black Power at Work: Community Control, Affirmative Action, and the Construction Industry* (Ithaca: Cornell University Press, 2010); Reinhold Kramer and Tom Mitchell, *When the State Trembled: How A.J. Andrews and the Citizens' Committee Broke the Winnipeg General Strike* (Toronto: University of Toronto Press, 2010); Stephen Meyer, "Rough Manhood: The Aggressive and Confrontational Shop Culture of US Auto Workers during World War II," *Journal of Social History*, 36 (Fall 2002): 125–147; Stephen Norwood, *Strikebreaking and Intimidation: Mercenaries and Masculinity in Twentieth-Century America* (Chapel Hill: University of North Carolina Press, 2002); David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso, 1999); Donald Wayne Rogers, *Making Capitalism Safe: Work Safety and Health Regulation in America, 1880–1940* (Urbana-Champaign: University of Illinois Press, 2009); Joan Sangster, *Transforming Labour: Women and Work in Postwar Canada* (Toronto: University of Toronto Press, 2010).

2. See, among many possible commentaries, Eric Tucker and Judy Fudge, *Labour Before the Law: The Regulation of Workers' Collective Action in Canada, 1900–1948* (Toronto: University of Toronto Press, 2004).

non-radical unions. It shifted the boundaries of industrial labour conflicts and eliminated their bloodiest excesses. Nevertheless, the violence of class relations was certainly not extinguished. It is true that in the era of the postwar settlement, anti-union legislation, redbaiting, capital flight, and highly paid union avoidance attorneys replaced Pinkertons and strikebreakers as the cornerstone of efforts on the part of capital and the state to create more orderly and constrained relations between employers and workers. However, workplace struggles still erupted into violence on many occasions. In the 1960s, workplace militancy exploded into an unprecedented era of wildcat strikes in Canada, notable for their contestations, sometimes violent, of both capital and state authority. Other Canadian examples include Hal Banks' paramilitary campaign against the Canadian Seamen's Union; the violent struggles of the *gars Lapalme* against the federal government and eventually their union; the Quebec United Aircraft strike, which was marked by physical altercations, bombings, and attacks on the homes of United Aircraft executives; and the 1978 murders of Robin Hood strikers in Montreal by a gang of paid strikebreakers.<sup>3</sup>

In the United States, violence stemming from Teamster job actions resulted in the National Guard being called out in several states during the 1970s. United Farm Workers of America campaigns in California were marked by repeated incidents of violence. Violence was a continual feature of struggles between Harlan County, Kentucky coal miners, and the coal companies. Martin Luther King Jr. was assassinated while in Memphis to support a bitter strike of sanitation workers. Violence was delegitimized as an element in labour conflict in the postwar era but not entirely eradicated.<sup>4</sup> Recently, historians

3. On the era's militancy and worker resistance, see Peter McInnis, "Hothead Troubles: 1960s–Era Wildcat Strike Culture in Canada," in Lara Campbell, Dominique Clément, and Gregory S. Kealey, eds., *Debating Dissent: Canada and the Sixties* (Toronto: University of Toronto Press, 2009), 155–172; Bryan Palmer, *Canada's 1960s: The Ironies of Identity in a Rebellious Era* (Toronto: University of Toronto Press, 2009), 211–241; and Joan Sangster, "'We No Longer Respect the Law': The Tilco Strike, Labour Injunctions, and the State," *Labour/Le Travail*, 53 (Spring 2004): 47–87. On Banks, see Peter Edwards, *Waterfront Warlord: The Life and Violent Times of Hal C. Banks* (Toronto: Key Porter Books, 1987). On the *gars Lapalme*, see Desmond Morton, *Working People: An Illustrated History of the Canadian Labour Movement* (Montreal–Kingston: McGill–Queen's University Press, 1999), 284–286; and Palmer, *Canada's 1960s*, 237. On the United Aircraft strike and the murders of the Robin Hood strikers, see Morton, *Working People*, 292. Morton notes these struggles prompted René Lévesque's PQ to pass legislation that forbade the use of replacement workers during strikes, provided for automatic check-off of union dues, made certifying a union easier, and safeguarded workers' return to their job after a labour dispute.

4. On Teamster strikes in the 1970s, see Dan La Botz, "The Tumultuous Teamsters of the 1970s," in Brenner, Brenner, and Winslow, eds., *Rebel Rank and File*, 199–228. On violence and the United Farm Workers, see Frank Bardacke, *Trampling Out the Vintage: Cesar Chavez and the Two Souls of the United Farm Workers* (New York: Verso, 2014), 426–437; and Miriam Pawel, *The Crusades of Cesar Chavez: A Biography* (New York: Bloomsbury, 2014), 269–271, 288–95, and 404–405. On the decades of struggle between workers and capital in Harlan

have challenged the received image of the 1970s as a time of working-class defeatism and stagnation, pointing to an upsurge in grassroots, rank-and-file activism in the face of capital and the state's nascent neoliberal restructuring: activism that often arose from or sparked violent conflict. Indeed, we have a good understanding of the causes and effects of collective violence at work, but the persistence of *individual* violence demands further historical explanation. Over the 20th century, while the structural violence of workplace injuries and death certainly continued, the historical trend in violence *by* workers gradually moved away from collective violence and toward individual violence. Norwood contends that, after World War II, anti-union efforts "came to rely less on brute force," and "men's labour militancy ... declined considerably."<sup>5</sup> As the title of one monograph on union busting and class conflict puts it, briefcases replaced blackjacks.<sup>6</sup> However, while violence between groups of workers and the organized forces of capital or the state is almost unheard of today, individual violence, mostly committed by men, remains a significant concern. Therefore, there is real reason to question Norwood's conclusion that, in the 1960s and 1970s, violence became a far less important component of working-class masculinity. Instead, individual violence came to supplement and replace collective violence, reflecting the era's more individualized, psychologized experience of class conflict, a dynamic identified by Sennett and Cobb in their 1972 book *The Hidden Injuries of Class* and related to the inability of bureaucratized unions to effectively channel workers' anger into collective militancy.<sup>7</sup>

In the Chrysler plants of Detroit and Windsor, for example, individual violence at work was a regular aspect of working life. Interpersonal violence, including fights, beatings, and stabbings, was part of the automotive workplace culture in both cities, a recognized way to settle disputes between workers or strike out against an oppressive boss. Domestic violence and the violence of the drug trade was also part of factory life, especially in Detroit plants, which were highlighted in national stories about workplace violence that ran in *Newsweek*, *Time*, and the *New York Times*. Beyond this, workers and unionists in both cities argued that the daily hazards of their working day or night were violent, citing the punishing pace of the line; the constant harassment by supervisors to get the work out; the toxic fumes that destroyed a worker's

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County, see Alessandro Portelli, *They Say in Harlan County: An Oral History* (Oxford: Oxford University Press, 2010). On King in Memphis, see Michael Honey, *Going Down Jericho Road: The Memphis Strike, Martin Luther King's Last Campaign* (New York: W.W. Norton & Company, 2011).

5. Norwood, *Strikebreaking and Intimidation*, 229.

6. Robert Michael Smith, *From Blackjacks to Briefcases: A History of Commercialized Strikebreaking and Unionbusting in the United States* (Athens: Ohio University Press, 2003).

7. Richard Sennett and Jonathan Cobb, *The Hidden Injuries of Class* (New York: Vintage Books, 1973).

lungs; the unsafe machinery that mutilated a worker's hands; or the dangerous forklift that could flip and crush a worker to death.<sup>8</sup>

Violence was no aberration in these plants. Whether individual or structural, it was an important part of the working experience. In Detroit, union leaders, plant management, and local police met secretly to try to figure out how to stop the violence, which they attributed to Black militants and crime. In Windsor, local union leaders pleaded with individual workers to eschew violence while simultaneously condemning the everyday violence of speed-up and unsafe working conditions.<sup>9</sup>

Radical workers in both the United States and Canada charged that violence on the job was directly related to workplace exploitation and challenged workers to expand their definitions of violence. For example, one issue of Detroit's *Eldon Wildcat* featured the headline: "What Makes A Story 'News'?" The account below claimed that when a worker was killed at the Mack Avenue Stamping Plant, his head crushed by an unsafe press, the story was not reported in local media. But when a fired worker lashed out by attacking his foreman and two others with a wrench, that assault did make the newspapers which, the *Wildcat* charged, "present the bosses' view of life – a view that never examines WHY something happens – why a man is driven to kill another man or why workers are killed on the job."<sup>10</sup> Clearly, not just the causes of workplace violence were disputed, but the very definition of violence was itself a contested topic.

What made the Johnson, Mundy, and Talbot cases different was not necessarily their violence but that they attracted widespread, sustained attention beyond the factory or the union hall. These incidents had the power to shape broader understandings of workplace violence because of the attention they

8. For more about the prevalence and nature of individual violence in Detroit and Windsor Chrysler plants, see "Violence in the Factories," *Newsweek*, 29 June 1970, 66–67; William K. Stevens, "In A Dodge Plant, Long Days of Heat, Noise, and Violence," *The New York Times*, 14 September 1973, 24; "Hell in the Factory," *Time*, 7 June 1971, 41. During the same period, a blockbuster novel and Hollywood film also portrayed Detroit auto plants boiling with tension and violence: Arthur Hailey, *Wheels* (New York: Doubleday, 1971); "Blue Collar," directed by Paul Shrader (Los Angeles: 1978), DVD. There is a useful recent discussion of *Blue Collar* in Jefferson Cowie, *Stayin' Alive: The 1970s and the Last Days of the Working Class* (New York: The New Press, 2010), 334–336, although I disagree with Cowie's contention that the film is unrealistic and too critical of the era's unions.

9. "Howard Johnson Hotel Meeting," 2 October 1970, Ed Liska Collection (hereafter ELC) Box 2, File 17, Walter Reuther Library of Labor and Urban Affairs, Wayne State University, Detroit, Michigan (hereafter Reuther Library). An earlier meeting between Local 3 officials and Dodge Main management is in Liska Reports, September 1970, ELC, Box 2, File 16, Reuther Library. On the Windsor plants, see "Horseplay, Violence," *444 News*, 16 May 1975, Unifor Local 444 Private Collection (hereafter UL444), Windsor, Ontario; Charlie Brooks, "United Action: The Only Way To Fight Bosses' Abuse!" *444 News*, 15 April 1974, UL444.

10. "What Makes a Story 'NEWS'?", *Eldon Wildcat* 72, 5 October 1972, unprocessed box, Reuther Library.

received in the cities where they took place, cities marked, to varying degrees, by class divides, racial stratification, and conflict. These shootings posed troubling questions to Detroiters and Windsorites. They took the issue of workplace violence beyond the plant gates and brought a much wider group of people into the debate of how to explain and understand individual violence at work. Therefore, they allow us the chance to investigate, first, what understandings of workplace violence were possible during the 1970s, just before workplace violence became a widely recognized societal issue, and second, what forces and factors determined their conditions of possibility.

How did observers, both within the automotive workplace and in the wider public, understand these incidents of workplace violence? How did they define violence, and what did they believe caused it? To what extent did these incidents of violence prompt Canadians and Americans to look at the objective and symbolic violence that produced them? Here we will consider what was said and done in the wake of three workplace shootings and what remained unsaid and undone. The cases of James Johnson, Clarence Talbot, and David Mundy indicate that, while workplace violence arose from work-related conflict and workplace power hierarchies, the understandings of that violence outside the workplace varied widely depending on the historical context in which that violence occurred and the nature of the cases themselves. These understandings of workplace violence in turn tell us much about the workings of class and race in the communities affected by that violence.

The anthropologist Begoña Aretxaga observed a similar process in the aftermath of the 1995 murders of two Basque Country police officers by Mikel Otegi. Like her study of political violence and the unconscious, which argues that the significance of the Otegi case “is manifested in the proliferation of narratives it engendered,” these three cases demand our attention because they too “became a battleground where the media and different political formations took their positions.”<sup>11</sup> In each case, legal proceedings were at the heart of this process.

In both Canada and the United States, the courtroom has been a crucial site of struggle against the inequities of capitalism, racism, and patriarchy. Scholars have demonstrated that legal contests shaped the Canadian industrial relations order, free speech and dissent within unions, and the rights of women at work.<sup>12</sup> An increased emphasis on individual rights and activism through legal challenges has been a critical feature of politics in the United States since the 1970s. American leftist legal scholars have pointed out both the opportunities and pitfalls of this turn to legalism. While its focus on

11. Begoña Aretxaga, “Before the Law: The Narrative of the Unconscious in Basque Political Violence,” in Neil Whitehead, ed., *Violence* (Santa Fe: SAR Press, 2004), 135.

12. See, for example, the articles collected in Judy Fudge and Eric Tucker, eds., *Work on Trial: Canadian Labour Law Struggles* (Toronto: Irwin Law for the Osgoode Society for Canadian Legal History, 2010).

rights can produce legitimate victories for marginalized groups, critics such as Wendy Brown and Janet Halley caution that the law is ultimately a liberal structure that works to coopt or stunt left aims. Even when successful, these “left-endorsed liberal legalist” projects, such as the fight for affirmative action rights or against sexual harassment, often “generate troubling new subjects and subjectivities” that actually delay social justice and strengthen reactionary forces.<sup>13</sup>

However, historians also remind us that the courtroom has not only been a site of liberal cooptation but one of radical possibility. In her study of labour defence campaigns and lynching prosecutions, Rebecca Hill notes that defence campaigns have been “the place where radicals most directly attack the power of the state, and the representative claims of the mass media.”<sup>14</sup> Radical legal practice, of the kind done in the defences of John Brown, the Industrial Workers of the World free speech fights, Sacco and Vanzetti, and the Scottsboro Boys, has been an important element of left struggles and “one of the most popular elements of leftist politics.”<sup>15</sup>

Indeed, attorneys and defendants have often succeeded in using the legal process to advance radical critiques. Hill observes that defence mobilizations and anti-lynching campaigns have worked to “defend and resuscitate people who come to symbolize their communities in the mass media and to criticize the moral systems of law and the media.”<sup>16</sup> In so doing, they have created and sustained “a new popular counter-history of the United States.”<sup>17</sup> Radical legal practice makes arguments about justice and history that presents alternative understandings of class, race, and gender, understandings that reverberate far beyond the walls of a courtroom. In the 1970s, radical lawyers were key figures in the contests that resulted from high-profile incidents of workplace violence, although the success of their critiques was heavily influenced by the local political context.

### **James Johnson Jr.: Proletarian Avenger vs. Premeditated Psychopath**

“WHAT MANNER OF MAN Is James Johnson Jr.?” asked the *Michigan Chronicle* in July 1970, shortly after Johnson’s shootings made headlines.<sup>18</sup>

13. Wendy Brown and Janet Halley, eds. *Left Legalism/Left Critique* (Durham: Duke University Press, 2002), 18.

14. Rebecca Hill, *Men, Mobs, and Law: Anti-Lynching and Labor Defense in US Radical History* (Durham: Duke University Press, 2009), 16.

15. Hill, *Men, Mobs, and Law*, 1.

16. Hill, *Men, Mobs, and Law*, 15.

17. Hill, *Men, Mobs, and Law*, 1.

18. Bill Black, “What Manner of Man is James Johnson Jr.?” *Michigan Chronicle*, 25 July 1970, 1.

“Who is James Johnson?” echoed the radical *Inner City Voice*.<sup>19</sup> In the wake of Johnson’s murder of three men at the Chrysler plant where he worked, it was a question that many Detroiters – journalists, lawyers, and trade unionists, and liberals, radicals, and conservatives – grappled with. An extremely quiet and reserved man, immediately tagged with the label of “loner” that later become a cliché of workplace shootings, Johnson seemed to offer a blank canvas upon which observers could project their own ideologies, fears, and dreams. He spoke little during the aftermath of the shooting and the trial. Like Mikel Otegi, the young Basque on trial for killing two policemen, Johnson claimed not to remember the shootings. He offered little explanation as to why he had done it. No matter what one’s interpretation of Johnson’s actions, however, it became apparent that his life history was marked by several of the major factors that had shaped the African American experience in postwar Detroit. His was not the shocking crime of an unrecognizable outsider. He was a product of the city, and his rampage challenged Detroiters to understand why it had happened. As they would in the case of Otegi, observers rushed in to explain the causes of his shocking act of violence in the workplace, the perpetrator defined primarily as a “displaced sign of something else.” In Johnson’s case, he was represented as a disturbed perpetrator, a helpless victim, and a Black working-class hero.<sup>20</sup>

Heather Ann Thompson, who used Johnson’s story as a recurring motif in her compelling study *Whose Detroit? Politics, Labor, and Race in a Modern American City*, wrote that Johnson’s life was “a metaphor for all of the disappointments, frustrations, and hopes that had characterized their [Black Detroiters] lives in the Jim Crow South, the Motor City, and the auto plants between 1945–1985.”<sup>21</sup> Thompson perceptively draws out many of the different grievances and anxieties that were highlighted by the Johnson case, notably the ongoing frustration with institutional racism and shop floor unrest in the city’s auto industry. She perceptively notes how the Johnson case was a key battleground in the ongoing struggle among liberals, conservatives, and radicals for control of the city. She also establishes that the defence of Johnson at trial demonstrated the power and effectiveness of a radical critique of racism and the practices of the automakers in early 1970s Detroit.

19. “Hail Brother Johnson,” *Inner City Voice*, 3 (April 1971): 10.

20. Aretxaga, “Before the Law,” 142–143.

21. Heather Ann Thompson, *Whose Detroit? Politics, Race, and Labor in a Modern American City* (Ithaca, NY: Cornell University Press, 2001), 228. This book contains a superlative summary of Johnson’s case and the contests that surrounded it. My account of both the case and the reaction to it owes a substantial debt to Thompson’s research and analysis, especially her presentation of the case itself, her explanation of the major figures, and, most of all, her perceptive rendering of the historical context of Detroit factories, courtrooms, and politics during the 1970s. Particularly helpful was her analysis of how radical attorneys were able to leverage these dynamics to win several high-profile criminal cases and push for their political objectives.



However, our purpose here in considering the Johnson case is different. This paper focuses on competing understandings of *workplace violence* produced in the aftermath of Johnson's shootings and their reception. Analyzing Johnson's case not only demonstrates conflicts over race, class, work, and urban politics in Detroit, it provides evidence of how Detroiters and the media understood workplace violence in the early 1970s. The reactions to the Johnson case demonstrate that many recognized how individual violence at work was an outgrowth of the brutal processes of Detroit factory labour and the racial and class hierarchies central to the organization of production and the ways in which this was carried out. However, many others resisted this interpretation, insisting that workplace violence was a product of individual pathology and the pernicious influence of radical organizations active in the auto factories.

The factory where Johnson worked, Chrysler's Eldon Avenue Gear and Axle plant, was a dirty, dangerous place of great unhappiness, where workers clashed with managers, union reps, the unforgiving line, and themselves. In May 1970, two months before Johnson's killings, a 22 year old Vietnam veteran named Gary Thompson was killed at Eldon when his jitney, which was not in safe working condition, overturned and crushed him under a massive pile of scrap metal. Rose Logan and Mamie Williams, two Black women workers at the plant, also died in work-related incidents in the weeks leading up to Thompson's death.<sup>22</sup> In response to the racism, speed-up, and unsafe conditions at Eldon, workers led wildcat strikes, created insurgent worker organizations like the Eldon Safety Committee and the Eldon Avenue Revolutionary Union Movement (ELRUM), and committed acts of individual sabotage and violence.<sup>23</sup>

Despite the toxic atmosphere at Eldon Avenue, when James Johnson was suspended and sent home from his job on 15 July 1970, he was devastated. Working at Eldon was the best job he ever had, and he desperately wanted to keep it. Johnson saw it as his "only source of survival."<sup>24</sup>

22. Kieran Taylor, "American Petrograd: Detroit and the League of Revolutionary Black Workers," in Brenner, Brenner, and Winslow, eds., *Rebel Rank and File*, 311–334.

23. In addition to Georgakas and Surkin, *Detroit: I Do Mind Dying* and Thompson, *Whose Detroit?*, other important studies of the League of Revolutionary Black Workers and the RUMs include James A. Geschwender, *Class, Race, and Worker Insurgency: The League of Revolutionary Black Workers* (Cambridge, UK: Cambridge University Press, 1977); Elizabeth Kai Hinton, "The Black Bolsheviks: Detroit Revolutionary Union Movements and Shop-Floor Organizing," in Elizabeth Kai Hinton and Manning Marable, eds., *The New Black History: Revisiting the Second Reconstruction* (New York: Palgrave Macmillan, 2011), 211–228; Steven Jefferys, *Managers and Managed: Fifty Years of Crisis at Chrysler* (Cambridge, UK: CUP Archive, 1986); David Lewis-Colman, *Race Against Liberalism: Black Workers and the uaw in Detroit* (Urbana-Champaign: University of Illinois Press, 2008); A.C. Jones, "Rank and File Organizing in the UAW during the Long 1970s," in Brenner, Brenner, and Winslow, eds., *Rebel Rank and File*, 281–310; and Kieran Taylor, "American Petrograd."

24. Tom Ricke, "Murder Trial Witnesses Tell of Violence at Auto Plant," *Detroit Free Press*, 6 May 1971.

Johnson, an employee of the plant since 1967, had recently returned to work after a four-month layoff. On 15 July, he was at work in the cement room when a temporary foreman, Hugh Jones, ordered Johnson off his job to go work the brake shoe oven, the hot, dirty, and dangerous toil that Johnson believed he had escaped when he was promoted to the cement room. According to Thompson, the fact that Jones, like Johnson, was a Black man added the sting of betrayal to a work order he already felt was unfair.<sup>25</sup>

Johnson reported to the oven but, because he was not provided with the proper safety gloves for the job, refused to start working. Johnson had his union steward, Clarence Horton, summoned in order to mediate the situation. The temperature at the oven that July day was over 120 degrees Fahrenheit, so Horton tried to secure a “heat pass” for Johnson. He was unsuccessful, and Jones suspended Johnson for “insubordination.”<sup>26</sup>

To Johnson, the suspension was the final indignity in a history of racist and degrading treatment by Chrysler. Two months earlier, Johnson had suffered head and neck injuries in a car accident. Taking time off to heal, he was ordered back to work by the company against his doctor’s wishes, under threat of firing. This was a common Chrysler practice. His request to have his health benefits cover his medical bills was denied. Later that month, he took a few days vacation with a supervisor’s permission. But upon returning to work he found he had been charged with going AWOL. The next month, an arranged temporary promotion for Johnson was quashed when his white foreman, Bernard Owiesny, placed a white friend of his in the job instead. These incidents fed a growing feeling of harassment and racial persecution in Johnson, even though the discipline meted out to him was reversed after he contested it. The work reassignment and suspension of 15 July, which he feared was a dismissal, accelerated a smoldering frustration into a bonfire of rage and despair.<sup>27</sup>

An hour after he was sent home, Johnson returned to the plant gate. He told the guard that he was arriving late for his shift. The guard called the plant foreman and learned of Johnson’s suspension, denying him entry to the plant and confiscating his employee badge. Johnson left the gate and climbed over a fence surrounding the plant. At 4:55 p.m., he reappeared in his department, demanding the man who had suspended him: “Where’s Jones?”<sup>28</sup>

When he found him, Johnson removed a carbine he had stashed in his coveralls and shot the foreman in the leg, knocking him to the floor. Johnson then continued to shoot Jones as he lay prone on the factory floor. Edward Lacey, an

25. Thompson, *Whose Detroit?*, 125.

26. Thompson, *Whose Detroit?*, 125.

27. Thompson, *Whose Detroit?*, 124–125.

28. “Ousted Worker Kills Three In Chrysler Plant Shooting,” *Detroit Free Press*, 16 July 1970.

autoworker who witnessed the shootings, recalled, "He was standing over him, pumping bullets into him. He was going to make sure he was dead."<sup>29</sup>

Johnson reloaded his gun and turned a corner around a group of bins. A coworker then attacked Johnson in an attempt to stop his violence. "I gave him all I had, right from the floor," said the unnamed witness. "The gun flew out of his hands in one direction and he (Johnson) went in another direction."<sup>30</sup> The gun loose, fellow workers shouted to foreman Gary Hinz, "Get it Gary, get it!" Hinz and Johnson both dived for the weapon. Johnson wrestled it free and shot Hinz twice in the chest, killing the man who two years earlier had sold Johnson a lawn mower at a bargain price.<sup>31</sup> Johnson then killed job setter Joseph Kowalski, shooting him as he tried to find shelter under a time clock, before eventually being persuaded to stop by Local 961 union steward John Moffett.<sup>32</sup>

Johnson's rampage made national headlines in the *New York Times* and covered the front page of the next day's *Detroit Free Press*, jarringly juxtaposed with a photo of Leonard Woodcock, the UAW president, shaking hands with GM executive Earl Bramblett, their performance of industrial peace in the auto industry subverted by the news of Johnson's one man war. Detroiters, workers, union leaders, and media all struggled to answer the *Michigan Chronicle's* question: "What Manner of Man Is James Johnson Jr.?" The radical Black newspaper *Inner City Voice* had an answer: "James Johnson is you and me." The violence that erupted from Johnson, the *Voice* argued, could have come from anyone exposed to the racism, harassment, and "inhumane conditions" at Eldon Avenue. The article went on to detail the circumstances that led up to the shootings, claiming "in a manner which all of us oppressed by the foul, racist machinery of Capitalism, are capable, of being driven James Johnson was pushed to the breaking point." Because any Black worker could have been James Johnson, it was incumbent on all Black workers to resist his prosecution for murder:

all of us, and not just James Johnson, are on trial beginning April 26. And that is why all of us in turn must put Chrysler on trial that day, put the sellout UAW on trial, must put the vicious system of Capitalist exploitation on trial, must put US "homegrown" racism and imperialism on trial. We cannot afford any more James Johnsons to be "judged" and sentenced by the same racist dogs who daily push the James Johnsons in us to the breaking point.<sup>33</sup>

29. John Griffith and Louis Heldman, "Worker Kills Three In Plant," *Detroit Free Press*, 16 July 1970.

30. Griffith and Heldman, "Worker Kills Three," *Detroit Free Press*.

31. Thompson, *Whose Detroit?*, 142.

32. Tom Ricke, "Murder Trial Witnesses Tell of Violence at Auto Plant," *Detroit Free Press*.

33. "Hail Brother Johnson," *Inner City Voice*, 3 (April 1971): 11.

The radical narrative that any Black worker could have been James Johnson existed, literally, side-by-side with a more active, heroic portrayal of his actions. Beside the article was a poem, "The Ballad of James Johnson," which praised Johnson as a man who "does what he has to do," a martyr who "has given his soul." The poem concludes with the cry "James Johnson needed a Thompson!"<sup>34</sup>

*DRUM*, the newsletter of the Black radical autoworker insurgency, the Dodge Revolutionary Union Movement (*DRUM*), also featured the narrative of Johnson as a heroic Black working avenger who "supposedly asked all of his fellow workers to stand back for he was not going to hurt [them]. Who ended his rampage by coolly throwing down his gun and saying "I'm satisfied." Johnson, according to *DRUM*, "had moved the Black Workers struggle at the point of production to a new and higher level." *DRUM* explicitly placed Johnson in a lineage of other black workers who had employed violence in the workplace, including Rushie Forge, Chuck Wooten, Sidney Lewis, and "another black worker in Dept. 9150 at Dodge" who "became outraged and locked his foreman in the trunk of a car on the assembly line."

The article also included Ike Jernigan on its list of violent, heroic Black workers. Jernigan was not part of *DRUM* but a member of the International Association of Machinists working at an aerospace plant in California who helped organize a dissident worker caucus, the Lockheed Workers Unity Association. In 1970, Jernigan shot and killed his foreman and two union executives after repeated conflicts with management and his union. All of the people mentioned in this leaflet, with the exception of the unnamed individual from Dept. 9150, were either *DRUM* members or, in the case of Ike Jernigan, self-consciously political Black worker activists, unlike the quiet, apolitical Johnson.<sup>35</sup>

*DRUM*'s construction of Johnson's violence as a heroic act of rebellion makes sense when one considers that the primary purpose of the newsletter was as propaganda designed to inflame and inspire Black workers inside the plant. General Baker, one of the leaders of *DRUM*, recalls that when violence would break out in the factory, *DRUM* would get behind it, viewing violent incidents as an opportunity to craft a revolutionary consciousness among Black autoworkers.<sup>36</sup>

34. "The Ballad of James Johnson," *Inner City Voice*, 3 (April 1971): 11.

35. "Hail James Johnson," *DRUM*, 3 (July 1970): 4; "League of Revolutionary Black Workers," *Inner City Voice*, 2 (June 1970): 8-9, [http://freedomarchives.org/Documents/Finder/DOC513\\_scans/League/513.LeagueofRevolutionaryBlackWokers.InnerCity.June.1970.pdf](http://freedomarchives.org/Documents/Finder/DOC513_scans/League/513.LeagueofRevolutionaryBlackWokers.InnerCity.June.1970.pdf).

36. Interview with General Baker, 26 July 2012. The author, according to procedures stipulated by Simon Fraser University's Office of Research Ethics, conducted the interviews cited for this article. These interviewees signed consent forms allowing for the utilization of quotation and reference.

It was certainly true that Johnson's murders had an immediate impact on relations in the workplace. William Serrin's book about the 1970 negotiations between the UAW and the automakers quotes a militant worker who recalled the day after the shooting, when a fellow worker returned to their plant after skipping two days of work. As the worker was confronted by his foreman, the militant claimed, "I took the front page of the fucking *Free Press* and I went over there and held it up to his fucking face. He turned his back."<sup>37</sup> Thompson also mentions union officials' concern, after the Johnson shootings, that workers seemed to be enjoying the fear foremen now had of them.<sup>38</sup>

Radicals were not the only ones who saw deeper meanings in Johnson's murders. While stopping far short of calling him a hero, others asserted that Johnson's rampage was a logical consequence of racism and working conditions in Detroit's auto plants. Bill Black was a columnist for the *Michigan Chronicle*, a progressive newspaper of Detroit's African American community. Black argued, much like the writer of the *Voice* article, that Johnson was an ordinary workingman pushed into a horrific outburst, a "man-machine, ready and willing to perform his hard, hot, heavy, dirty, and dangerous job." While Black refused to condone violence, he concluded, "Anyone familiar with conditions on Detroit's auto plantations would not be entirely surprised by what James Johnson did" because "work in Detroit's auto shops, particularly for black men, breeds violence."<sup>39</sup>

One of the factors breeding violence was in-plant racism. Black identified evidence of Chrysler's racist practices in the very victims of Johnson's attack. He pointed out that Jones, the Black foreman Johnson killed, had put in 22 years of service with the company; by contrast, Hinz, the white foreman, had been promoted to the same position in less than six years. Kowalski, who held the semiskilled position of job setter was white, while almost all 80 workers in Johnson's department, among the least desirable work environments in the Eldon complex, were Black. To the *Michigan Chronicle* columnist, these workers were flesh and blood examples of "the hoax known as "Equal Employment Opportunity,"<sup>40</sup> the federal organization that had been established five years earlier to end discrimination based on race, among other factors, in the American workplace. Black held that Johnson's murders were an indictment of the commission's failure to change the racial calculus of auto work.

Much like the disgruntled workers in the auto shops, Black divided his criticism between both the company and the union, apportioning blame for the

37. William Serrin, *The Company and the Union: The "Civilized Relationship" of the General Motors Corporation and the United Automobile Workers* (New York: Vintage Books, 1974), 235.

38. Thompson, *Whose Detroit?*, 179.

39. Black, "What Manner of Man," *Michigan Chronicle*.

40. Black, "What Manner of Man," *Michigan Chronicle*.

oppressive life of the shop floor to both. Black opined that the union had failed Johnson in not vociferously defending him against his suspension. Therefore, Johnson, of whom Black quotes a coworker's description as "a good man who got pushed too far," "went home and got his gun."<sup>41</sup> Black's criticism of the union and working conditions at Eldon attracted a rebuke from Local 961 officials, who, in a written statement signed by the local's president, secretary, and Region I representative, accused Black of "playing up Johnson as a hero."<sup>42</sup> Largely silent during Johnson's trial, his union's statement is a rare indication of UAW and Local 961 attitudes toward the Johnson incident and wider issues of race, gender, and conflict in the plant. In response to the structural issues raised by radicals and liberals alike, the union countered with a narrative that stressed that Johnson's murders were the product of his own individual pathology.

That the union contested Black's claim that Johnson's steward did not represent Johnson adequately before the shootings was to be expected. However, historians have shown that, while not reaching the same levels as their campaigns against communist unionists of the 1940s and 1950s, the UAW leadership of the day combated Black radicals with ferocity, while largely ignoring other dissident groups. UAW leadership called DRUM "fanatics" and "black fascists," and consistently denounced them in union publications. They employed violence and harassment against black leaders, forcibly broke the picket lines of DRUM-led strikes, and underhandedly interfered in union elections to sink Black radical candidates.<sup>43</sup>

In this context, however, the union's criticisms of Johnson as a "sick" man, a loner who often did not get along with his coworkers, emerge as elements of a counter narrative contesting the adoption of Johnson as a symbol by African American radical elements opposed to 961's leadership. Both Black and those radical elements would have been bitterly amused by the statement's defence of working conditions in the plant itself. The union heads acknowledged that Johnson's position in the brake shoe department was the lowest paying job in the factory, but seemed to defend this state of affairs by claiming there were fewer requests for transfers from that department than from any other. "If it's such a rugged place to work," they asked, "why do they have women working there – and contented?"<sup>44</sup> This complacent approach to both working conditions and the struggles of Black and women workers illustrates why so many production workers had become dissatisfied with a local union leadership

41. Black, "What Manner of Man," *Michigan Chronicle*.

42. "Unionists Dismiss Johnson Story as 'Distorted Facts,'" *Michigan Chronicle*, 8 August 1970.

43. On UAW and company attacks on radical black organizations, see Thompson, *Whose Detroit?*, 117; Jones, "Rank and File Organizing," 293.

44. "Unionists Dismiss," *Michigan Chronicle*. The obvious reason why so few transfers were requested was that workers knew that their requests to move to other areas of the plant would not be granted.

they saw as uninterested in improving conditions for Black, female, and lower status workers.

At Johnson's trial, his defence lawyers, Kenneth Cockrel and Justin Ravitz, expertly blended the narratives of radicals and progressives to construct an understanding of Johnson's violence in the workplace that made his acts explicable and excusable to a jury. The two lawyers were political radicals, Cockrel being one of the leaders of the League of Revolutionary Black Workers, as well as able attorneys. Cockrel and Ravitz were uniquely suited to the task of making radical critiques understandable and palatable to the media and a jury. Exploring the racism and poor working conditions Johnson endured was the foundation of their defence. As Cockrel said, "the trial gives us a chance to question both the auto companies and the union."<sup>45</sup> Cockrel and Ravitz would stress Johnson's lifelong struggles with mental illness, arguing that it predisposed him to snap under the strain of racist mistreatment at Chrysler that another worker might have endured. They emphasized the racism that had shaped Johnson's entire life, from his Mississippi youth to his work at Eldon Avenue. Cockrel and Ravitz also took pains to demonstrate that workplace violence at the Eldon Avenue plant contributed to an intolerable situation that sparked Johnson's violent reaction. They presented an understanding of workplace violence as caused in large part by structural factors.

Cockrel and Ravitz demonstrated that work at Eldon was defined by racism through the testimony of Johnson's coworkers. One of the first witnesses called, production worker William Threet, testified that a foreman had called Johnson "boy." When asked if the foreman had ever spoken to him in that way, Threet replied "He hasn't yet – I hope he don't, because there'll be trouble."<sup>46</sup> Witnesses revealed that racism at the plant worked both structurally and informally. In his own testimony, Johnson alluded to this, discussing his frustration with both the racialized hierarchy of work at the Eldon Avenue plant and with the countless small insults and indignities that contributed to his fraying mental state.<sup>47</sup>

The second major element of Cockrel and Ravitz's defence was a sustained presentation of the poor working conditions and violence experienced by Johnson and other Chrysler workers. "Working conditions and treatment of workers by foremen have become the main issues of the trial," wrote Tom Ricke, who covered the proceedings for the *Free Press*. A parade of witnesses testified about the epidemic of shop floor violence at Eldon Avenue. John Moffett, the union steward whose intervention helped end Johnson's rampage, said he was "shot at by a worker two weeks ago as he tried to defend another man who was in trouble for not coming back from lunch on time." He also

45. Tom Ricke, "Trial Opens In 3 Slayings," *Detroit Free Press*, 26 April 1971.

46. Bill Black, "Word Battle Marks Opening of Axle Plant Slaying Trial," *Michigan Chronicle*, 8 May 1971.

47. Tom Ricke, "Worker Tells Why He Killed At Plant," *Detroit Free Press*, 12 May 1971.

told of “dangerously greasy floors, unprotected conveyers, and dangerous aisles crowded with workers and hi-low trucks at the same time.”<sup>48</sup> Quality control auditor Don Thomas called Johnson’s work “the worst job at the plant” and said he “has frequently witnessed foremen pick on workers who are doing the best they can.” Suspending employees for refusing to work on the brake shoe ovens, which precipitated Johnson’s shooting spree, was common.<sup>49</sup> That Thomas, who claimed to be a friend of all three men murdered, would offer such testimony speaks to his understanding of how fundamental exploitation and harassment was to the production of Chrysler automobiles. Clemens Fitzgerald, a psychiatrist called by the defence, identified the entire environment at Chrysler as toxic, citing the “total despair and frustration” felt by workers “with no chance of upward achievement.”<sup>50</sup>

Moffett indicated that little had changed at Eldon Avenue since the day of Johnson’s terrible vengeance. This was corroborated by the testimony of others. Foreman John Pietrzewicz “told how he was attacked by a worker he suspended last week. He said he was hit on the head from behind and knocked into a ‘skid box’.”<sup>51</sup> In fact, according to the testimony of Ellsworth J. Rhodes, the plant’s general foreman and an apparent target of Johnson’s on 15 July, the problem was getting worse, not better. Rhodes testified “that violence has been ‘rather markedly increasing’ at the factory for the past few years, especially since the Johnson shootings.” What kind of violence? “Workers hitting foremen with iron bars and things like that. There’s been fights between workers too.”<sup>52</sup> Rhodes’ testimony underlined the defence point that violence was an everyday part of the Eldon Avenue environment. This enabled the jury to understand Johnson’s shootings as a reaction to the everyday racism and violence at the plant, not a shocking revenge murder outside the bounds of comprehensibility.

To counter Cockrel and Ravitz’s structural explanation of Johnson’s killings, prosecutors attempted to personalize and pathologize his actions. In his cross-examination of Johnson, Assistant Wayne County Prosecutor Avery Weiswasser focused on Johnson leaving the plant and returning with a hidden weapon, arguing that Johnson acted as a rational individual. To Johnson’s definition of committing the murders and other violent incidents of his life as “losing control,” Weiswasser countered that Johnson was actually “losing his temper.” The prosecution also called its own psychiatrist who opined that Johnson was capable of distinguishing right from wrong at the time of the shootings. This construction of Johnson’s mental state replaced an explanation

48. Tom Ricke, “Murder Trial Witnesses Tell of Violence at Auto Plant,” *Detroit Free Press*.

49. Ricke, “Murder Trial Witnesses Tell of Violence at Auto Plant,” *Detroit Free Press*.

50. Tom Ricke, “Old Mental Scars Blamed in Killing Of 3 at Factory,” *Detroit Free Press*, 19 May 1971.

51. Ricke, “Murder Trial Witnesses Tell of Violence at Auto Plant,” *Detroit Free Press*.

52. Lee Winfrey, “Witness Reveals Violence in Plants,” *Detroit Free Press*, 4 May 1971.



of a man being driven beyond reason by the strains of the factory with one that identified Johnson as an actor in full control of his faculties and wholly responsible for his violent crimes. He called Johnson “evil” and said “his soul is sick, not his head.”<sup>53</sup>

Weiswasser did include one outside factor in the understanding of Johnson’s shootings that he presented to the jury. During his cross-examination of Johnson, he asked Johnson whether he read dissident newspapers like the *Eldon Wildcat* or the *Inner City Voice*: “Was your attitude created in any way by, some of the things you read in the newspapers?”<sup>54</sup> He also pressed Johnson as to whether he belonged to ELRUM, DRUM, or the League of Revolutionary Black Workers. These questions appear to be part of a strategy by Weiswasser to undercut the defence’s argument that racism contributed significantly to Johnson’s actions.<sup>55</sup> The defence, he charged, was being used as a “cat’s paw” by “revolutionary elements.”<sup>56</sup> In Weiswasser’s telling, in-plant racism was nothing more than the persecution complex of a violent paranoiac.

However, Weiswasser’s dismissal of racism as a factor in the murders would dramatically backfire:

Under cross-examination by Assistant Wayne County Prosecutor Avery Weiswasser, Johnson testified to incidents he considered “harassment” by company foremen, “no job upgrading ... no consideration” and a “conspiracy to get me fired.” “They were all just picking on you, I suppose,” Weiswasser said. “Not just me,” Johnson answered. “It happened to a lot of people there.” “How do you know?” Weiswasser asked. “I saw it all with my own eyes,” Johnson said. “I supposed you mean all the black boys (were being harassed)” Weiswasser snapped. Groans rose from many of the courtroom spectators and jurors. Weiswasser was silent. Defense attorney Kenneth Cockrel stood up slowly and said calmly: “Your honour, I object to the word ‘boys.’” Recorder’s Judge Kenneth Colombo agreed.<sup>57</sup>

To the end, Weiswasser continued to explain Johnson’s violence along personal lines, concluding on the final day of the trial that he was “just a big baby.”<sup>58</sup>

The prosecution’s explanation of Johnson’s workplace violence as essentially the product of his own individual agency was further weakened by the jury’s visit to the Eldon Avenue plant, an event radical attorney Paul Harris concludes “had the most profound impact”<sup>59</sup> and Thompson called “the most important moment of the trial.”<sup>60</sup> Chrysler had done its best to whitewash the plant for the visitors. “Eldon Avenue looked as if Mr. Clean, Snow White and

53. Tom Ricke, “Killer of 3 Called Evil,” *Detroit Free Press*, 21 May 1971.

54. Paul Harris, *Black Rage Confronts the Law* (New York: NYU Press, 1997), 100.

55. Thompson, *Whose Detroit?*, 141.

56. Thompson, *Whose Detroit?*, 141.

57. Ricke, “‘Worker Tells Why’ He Killed at Plant,” *Detroit Free Press*.

58. Thompson, *Whose Detroit?*, 144.

59. Harris, *Black Rage*, 108.

60. Thompson, *Whose Detroit?*, 143.

the Seven Dwarfs and the White Tornado had gone through it," reported the *Michigan Chronicle*.<sup>61</sup>

Nevertheless, jurors were moved by the solemnity of the workers who stood silently as the jurors, court officials, and press toured the plant, and by the expression of support by one young Black worker who called out to the defendant: "Hey Brother Johnson." Jurors tried out loading and unloading the brake shoes. While Johnson remarked, "It wasn't like this when I was here," the jury's view of the plant affected their understanding of Johnson's actions deeply. The trip, Thompson concludes, "impressed upon the jury the alienating and dangerous nature of the oven job" in a way that even the eloquence of Cockrel and Ravitz could not.<sup>62</sup> As *Time* reported, during deliberations one member commented, "Did you see that cement room? Working there would drive anyone crazy." While the jury's deliberations were heated, they arrived at a decision in less than four hours. They found Johnson not guilty due to insanity.<sup>63</sup>

Why did the understanding of workplace violence as a product of structural racism and exploitative work presented by Johnson's defenders resonate with Detroiters inside and outside the courtroom? Race has rightly been identified as a major factor in the Johnson defence and its understandings. Thompson sees the Johnson verdict as primarily a symptom of the changing alignment of forces in the struggle for control of Detroit. Pressed by the actions of Black radicals, city liberals moved leftward during the late 1960s and 1970s. The Johnson verdict was one of a series of high-profile acquittals that infuriated white conservatives, who believed that "liberals [were] now in cahoots with radicals to promote black interests over white."<sup>64</sup> This ideological posture understated, of course, the importance of the class dynamics that were also at work, and that fused with considerations of race. To be sure, Cockrel and Ravitz had to win over a jury that was made up of Blacks and whites. But class was also a key factor in the jury's makeup. Ten of the twelve had worked in the city of Detroit, two as autoworkers. Three more were married to autoworkers.<sup>65</sup> *Time* noted that even Judge Colombo's working-class sympathies were engaged by the defence strategy:

A villain to many liberals for having once sentenced a marijuana defendant to 9½ years, Judge Colombo was nonetheless scrupulously fair to the defense. "I used to work on the line in an auto plant during the summers," he recalls. "That's a lot of what persuaded me to go to law school. I hated the men who wore white shirts and always knew how to do your job better than you."

61. Bill Black, "Murder Plant Revisited By Chrysler Slayer," *Michigan Chronicle*, 22 May 1971.

62. Thompson, *Whose Detroit?*, 143.

63. "Hell in the Factory," *Time*.

64. Thompson, *Whose Detroit?*, 155.

65. Georgakas and Surkin, *Detroit: I Do Mind Dying*, 10.

As Dan Georgakas and Marvin Surkin wrote in *Detroit, I Do Mind Dying: A Study in Urban Revolution*, Cockrel turned “defense into offense” by “emphasiz[ing] class” in a true “jury of your peers” strategy that meant “the Chrysler corporation was put on trial.”<sup>66</sup> Attorney Paul Harris writes that “the genius of these two young lawyers was in creating a strategy to help the jurors understand how race and class destroyed a fellow human being.”<sup>67</sup>

Further evidence of the effectiveness of the structural critique of workplace violence was radical attorney Ronald Glotta’s 1973 suit against Chrysler for worker’s compensation for Johnson. Glotta argued that Johnson was in the Michigan mental health system, where he had been ever since his trial, because of a mental illness that had been caused by Chrysler’s inhumane working conditions; therefore, his mental illness was as much a workplace injury as a slipped disc suffered lifting an overloaded box would have been. A 1960 case, *Carter v. General Motors*, had established a precedent for compensating mental disabilities stemming from work in Michigan.<sup>68</sup> In March 1973, Judge John Conley decided Chrysler was responsible for Johnson’s predicament and awarded Johnson benefits of \$75 a week, effective from the day of the shootings.<sup>69</sup>

The precedent-setting ruling underlined the ability of radical legal practice to define workplace violence as a phenomenon stemming from racism and poor conditions in the workplace. Glotta declared after the ruling, “Chrysler pulled the trigger which resulted in Johnson’s insanity and the death of the three men.”<sup>70</sup> Conservatives expressed shock and dismay at such arguments, finding Johnson’s 1973 award for mental disability disturbing. A suburban Detroit editorial reiterated the argument that only Johnson was responsible for the killings, claiming that “the same working conditions did not drive other employees insane,” and Johnson’s very real experiences with racism and harassment at work were “contrived grievances conjured up by a sick mind.”<sup>71</sup> The *Detroit Free Press* argued that Chrysler’s suspension of its personnel test, a measure aimed to facilitate the hiring of more African American workers after the 1967 uprising, resulted in the hiring of a worker who was “insane to begin with.” The *Detroit News* claimed that Johnson’s court award would leave workers with a history of mental illness “virtually unemployable,” leading to

66. Georgakas and Surkin, *Detroit: I Do Mind Dying*, 164–165.

67. Harris, *Black Rage*, 93.

68. Thompson, *Whose Detroit?*, 176.

69. Thompson, *Whose Detroit?*, 177.

70. Thompson, *Whose Detroit?*, 177.

71. Thompson, *Whose Detroit?*, 177–79; These pages also pointed me toward the newspaper reaction quotes, from “Ruling Favoring Plant Killing Needs Reversal” (editorial) *Macomb* (title cut off), 17 March 1973, Box 5, File 23, Detroit Revolutionary Movements Collection (hereafter DRMC), Box 5, File 23, Reuther Library.

higher workmen's compensation premiums. Ironically, this critique of the verdict echoed the perspective of radicals in its understanding of the intersection of trauma and workplace stress as widespread: "Who among us hasn't had some trauma that work might 'aggravate?' Who among us, far short of killing or violence, couldn't claim an impairment of earning ability as a result of this 'aggravation?'" editorialized Detroit's mainstream press.<sup>72</sup>

Despite the outcry, the wider impact of the verdict fulfilled neither the dreams of radicals nor the nightmares of reaction. While a press release issued by Glotta after the verdict stated that "it is hoped that the Johnson case will become the spearhead for a new effort to improve working conditions not only in the Eldon Plant but in all plants across the United States,"<sup>73</sup> directly linking the verdict to the political struggle and wildcats led by radical workers at Eldon Avenue, that hope was in vain. As Thompson notes, the UAW, "blinded by political paranoia," was completely uninterested in using the Johnson case to pressure the automakers on race, safety, or violence.<sup>74</sup>

Cockrel, Ravitz, and Glotta's radical legal practice effectively defended Johnson by advancing a structural understanding of their client's violent actions at work. That Judge Conley ordered Chrysler to pay James Johnson, a man who had killed three people at work, \$75.00 a week in worker's compensation was certainly a groundbreaking, precedent-setting ruling. Glotta calls it "an important case for people in the plants" that made it much easier to receive compensation for psychiatric conditions caused by job stress.<sup>75</sup>

Nonetheless, the aftermath of the 1973 Johnson ruling reflected the limits of radical legal practice in creating durable appreciations of violence at work as caused by structural conditions and oppressions. Once the criminal and workplace compensation cases were over, public concern about workplace violence evaporated. In an age of crusading muckraking, few observers, aside from the occasional journalist or writer like Bill Black or Rachel Scott, who featured the Johnson case in her book *Muscle and Blood*, called for any action about the violence that was common in Detroit auto factories.<sup>76</sup>

How prevalent was workplace violence? What caused it? Did workers in other sectors face violence on the job? What could be done to reduce the levels of violence at work? These questions remained unasked. While many people understood that Johnson's violence was partly the product of his experiences at Chrysler, the concept of workplace violence as a discrete issue, much less

72. "A Ruling Against Reason" (editorial), *Detroit Free Press*, 13 March 1973, DRMC, Box 5, File 23, Reuther Library; "It Harms The State" (editorial), *Detroit News*, 8 March 1973, DRMC, Box 5, File 23, Reuther Library.

73. "Press Release," DRMC, Box 5, File 23, Reuther Library.

74. Thompson, *Whose Detroit?*, 180.

75. Interview with Ron Glotta, 14 May 2012.

76. Rachel Scott, *Muscle and Blood* (New York: E.P. Dutton, 1974).

as a problem that could be solved, simply did not exist in the 1970s. Little was done in the plants to reduce the high risk of violence that autoworkers faced on the job. Nor was there any consideration outside of the factories of the true scope of violence in the auto industry or the wider working environment. In a real sense, Johnson was excused for his violence in a way that allowed that violence to continue.

In 1973, Bill Black wrote, "The only thing unusual about the Johnson case is the fact that such tragedies don't happen more often. Conditions in the auto plants are such that on any working day one or several auto workers could be impelled to do exactly what James Johnson did."<sup>77</sup> As little was done to reduce violence at work, the violence – and the homicides and attempted homicides – continued. *Time* captured the ineffective response and ongoing violence in its article on the case, concluding, "Meanwhile at the axle plant, fights and general unrest have mounted ever since the murders. The foremen no longer wear white shirts."<sup>78</sup> In the automotive industries of both the United States and in at least one instance, Canada, there were several more work-related shootings during the 1970s. As two of the most prominent cases show, presenting the structural understanding so effectively employed in Johnson's legal battles proved difficult in other cases.

### David Mundy: The Limits of a Radical Critique

NINE MONTHS AFTER JOHNSON'S VICTORY in the worker's compensation case, an auto industry shooting in Detroit would again make national headlines. David Mundy, the African American chairman of the UAW Local 600's 5,900-member casting centre and foundry unit, stood trial, accused of shooting white skilled trades worker William Harrell. Once again, Kenneth Cockrel led the defence of the accused. Unlike the Johnson case, however, Cockrel largely eschewed placing structural factors and workplace issues at the centre of his defence. The Mundy case shows that for radical attorneys and others, diagnosing workplace conflict, racism, and stress as a precipitator of violence was not equally possible in every case of violence at the automotive workplace, even if these factors were present. It indicates that the specifics of the case mattered a great deal to what understandings of workplace violence were possible.

The shooting occurred in the context of a historic struggle within the UAW. Skilled trade workers were vigorously contesting the union's proposed contract with Ford. They objected to provisions that would allow production workers to replace them on overtime shifts if they refused to work the overtime themselves. In a time when automakers were attempting to squeeze as much production as they could from their workforce, overtime emerged as

77. , Bill Black, "Back to Black," *Michigan Chronicle*, undated, DRMC, Box 5, File 23, Reuther Library.

78. "Hell in the Factory," *Time*.

a major quality of life issue. Workers were forced to work hours and hours of overtime a week as the Big Three opted to keep pace with imports by squeezing maximum production from aging plants through speed-up and extended hours.<sup>79</sup> Ford's skilled trade workers felt a provision that allowed management to put production workers into their jobs if they refused overtime was a backhanded way to erode their security and force them to accept longer workweeks. The disagreement exposed deep fissures within the union. Skilled tradesman Louis Rucker, a worker with fifteen years at the Ford Rouge plant said, "Just because I don't want to work overtime, that shouldn't give the company the right to bring in a production guy to fill my job."<sup>80</sup> Asked to comment on the skilled trades' revolt, UAW president Leonard Woodcock averred, "I'm not a psychiatrist. I'm just a collective bargainer."<sup>81</sup>

Tension erupted into open conflict after the skilled trades workers rejected the contract by a four-to-one margin. It was the first time ever a UAW contract had been turned back by the rank-and-file. The Detroit workers were the only workforce nationwide to reject the contract, an indication of the local nature of the issue and the serious problems with working conditions in Detroit plants. In an article headlined "Labor Rebellion Stuns UAW Leadership," *Free Press* labour reporter Ralph Orr portrayed the union as out of touch. "The UAW, which had its roots in dissent, now faces dissent in its own ranks and appears bewildered by it," wrote Orr, saying the union was now looking for "scapegoats," blaming "the media, outsiders, and agitators" for the ballot box defeat. But this response came too late. During the lead-up to the vote, a picture of the formerly revered leader Walter Reuther was torn from the wall at one Local 600 debate. A picket smashed a lock to attempt to get into Solidarity House, the enclave of the UAW leadership. Yet the leaders were slow to react to the forces trying to scupper the deal. Woodcock did not make a statement arguing in favour of the contract's ratification until 25 per cent of the vote was already in, well after the membership had made up its collective mind against the contract.<sup>82</sup>

According to Orr, this inaction cost the leadership. He concluded, "tradesmen appear to have turned down the contract mainly because the leadership did so little to sell it."<sup>83</sup> And while the UAW directed concerted repression toward the radical, race-based challenge of the Revolutionary Union Movements (RUM), like DRUM, they were caught flatfooted by a grassroots protest of mostly white skilled workers, supported by the United National Caucus (UNC), a moderate

79. Taylor, "American Petrograd," 311–312.

80. Agis Sapulkis, "UAW Tries to Overcome Opposition to Ford Pact," *New York Times*, 13 November 1973.

81. Agis Sapulkis, "They Can Wildcat the Union, Too," *New York Times*, 18 November 1973.

82. Ralph Orr, "Rebellion Stuns UAW Leadership," *Detroit Free Press*, 19 November 1973.

83. Orr, "Rebellion," *Detroit Free Press*.

reform group. The leadership's response to their developing crisis of authority in Detroit among skilled trades workers would place an enormous amount of pressure on local union leadership and spark inter-union violence.<sup>84</sup>

After the initial rejection of the deal with Ford, the UAW decided to issue a call for a second round of balloting of the skilled trades unit; in essence, they asked for a do-over. Behind the scenes, top leadership exhorted local leaders to bring the skilled trades into the fold. The situation was contentious. Trades workers were irate at a leadership they saw as unconcerned with their best interests. As one worker said, "Forty years ago you could lead people around by the nose. Now they're educated. You can't do that anymore."<sup>85</sup> The call for another vote added to workers' feelings of being dismissed by their leadership. The *New York Times* reported that at Local 600 offices in Dearborn, where workers and leadership had gathered in preparation for the ratification revote, "there were fistfights and bitter exchanges between dissidents protesting overtime rules for skilled tradesmen in the new agreement with Ford."<sup>86</sup>

In the hallway of Local 600, David Mundy argued with a group of workers. It was about 2:30, midafternoon of a long and grinding day. A 27 year old white millwright named William Harrell and Mundy began shouting at each other. "Why don't you go out and negotiate a contract?" challenged Mundy. "OK. I could. I could," responded Harrell. What happened next is a matter of some dispute. Harrell tried to assault Mundy, but was initially held off by some of Mundy's assistants.<sup>87</sup> After that, Harrell was able to punch Mundy in the face, severely injuring his eye. Harrell fled the offices on foot, pursued by Mundy, a former heavyweight boxer, and three other men. Mundy took out a pistol. He would later say at trial that he was carrying the gun because of death threats he had been receiving that week.<sup>88</sup>

Mundy fired two shots at Harrell, missing both times. Harrell ran down the streets of Dearborn, eventually seeking sanctuary inside the Hi Tower gas station. "Call the police. Call the police. They're going to kill me. They're going to kill me," Harrell implored Walter Hopper, the attendant. As Harrell attempted to call police from a phone inside, Mundy and the three other men arrived at the station. A camera operator from a Detroit TV station was also present, capturing a part of what happened on film. From outside the station, Mundy fired three shots through the glass, hitting Harrell once. After Harrell

84. On the UNC, see Thompson, *Whose Detroit?*, 108. On earlier inter-UAW struggles over bargaining, see Serrin, *The Company and the Union*, 266–88. Serrin discusses tensions within the UAW over the 1970 contract settlement, as well as touching on the worker rebellion at the General Motors plant in Lordstown, Ohio.

85. Sapulkis, "Skilled Trades Reject Pact at Ford," *New York Times*.

86. Ralph Orr, "Tradesmen Reject Ford Pact," *Detroit Free Press*, 14 November 1973.

87. Billy Bowles and Jo Thomas, "Union Aide Arrested in Shooting," *Detroit Free Press*, 14 November 1973.

88. John F. Head, "UAW Aide Hazy on Shooting," *Detroit Free Press*, 31 January 1974.

fell to the ground, the four men walked away calmly. Hopper, the gas station attendant, said, "They walked away like they owned the place."<sup>89</sup> Harrell, fortunately, had only been slightly injured by a shot that wounded him in the buttock. Meanwhile, the second balloting for the skilled trades unit had been cancelled.

The shooting added a tragic, bizarre element to the union dispute and was widely reported in the news. Agis Sapulkis, a *New York Times* reporter who witnessed most of the altercation, called it "an extreme example of the intensity of feeling that has been evident on both sides during and after the negotiations."<sup>90</sup> The camera footage appeared on several local newscasts. Woodcock weighed in on the outcry, calling one account of the shooting "sensationalism."<sup>91</sup> Media observers connected the shooting directly to the struggle over the new contract, diagnosing the incident as a symptom of UAW dysfunction. In an editorial, the *Detroit Free Press* stated, "The problems for the UAW leadership in securing ratification of its contract settlement with Ford have only been heightened by the tragic, senseless shooting that took place Tuesday ... Guns should not replace reason in the heat of debate at the union hall, and local union leaders should be as aware of that as anyone else."<sup>92</sup>

The *Free Press*' editors, like Orr, felt that the debacle demonstrated that the UAW leadership was largely out of touch, blind to its membership's positions and issues: "There is a restlessness among the auto worker force that has caused Leonard Woodcock, the UAW president, and his key aides, to take a new and proper look inside the plants and to form a better understanding of those who work in them." The controversy showed that "UAW leadership needs to work even harder towards that goal."<sup>93</sup> In the headline above its story on the dispute and the shooting, the *New York Times* appeared to offer its own wry comment on the incident that occurred at a time of widespread grassroots worker action against management: "They Can Wildcat the Union, Too."

In January 1974, Mundy's trial on a charge of assault with an attempt to commit murder began. The trial started on a note of low comedy, Prosecutor Healy cracking that "The saving grace is apparently Mundy is a lousy shot."<sup>94</sup> Many witnesses stepped forward during the next three weeks to reiterate the facts of the case: the argument in the hallway at Local 600 offices, the scuffle,

89. This account from Agis Sapulkis, "Skilled Trades Reject Pact at Ford – Violence Erupts," *New York Times*, 14 November 1973. Sapulkis was present for the entire confrontation bar the shooting itself.

90. Agis Sapulkis, "They Can Wildcat," *New York Times*.

91. Ralph Orr, "Rebellion Stuns UAW Leadership," *Detroit Free Press*, 19 November 1973.

92. "UAW Ought to Heed Lesson of Ford Fiasco" (editorial), *Detroit Free Press*, 15 November 1973.

93. "UAW Ought To Heed Lesson," *Detroit Free Press*.

94. Louis Heldman, "UAW Official's Trial Starts," *Detroit Free Press*, 22 January 1974.



the chase through Dearborn streets, and finally the shooting at the service station. As in the Johnson case, the details of the matter were little disputed.

However, while in the Johnson case Cockrel painted his client as the victim of degrading work, detailing the racism and violence both inside the plant and out, this kind of defence strategy was not in evidence at Mundy's trial. Perhaps Mundy's position as a union leader made this critique more difficult to advance, even though it is clear that local union leaders like him were being squeezed between the upper echelons of the UAW leadership pressing them to bring the skilled trades workers onside and the desire of unionized workers to have leadership hear their demands. Cockrel did mention external factors at times: commenting on the videotape of the shooting before the trial, he argued the tape was incomplete and partial. "It does not show the racial implications ... It does not show the other implications."<sup>95</sup> However, Cockrel's defence of Mundy pivoted instead on a technical point: that "after receiving the blow to the face, Mundy, a former professional heavyweight fighter, was 'out on his feet' and was mentally incapable of forming the intent to commit murder."<sup>96</sup> Mundy himself testified that he had no memory of the shooting, saying "I just don't remember pulling a gun ... I don't deny it, but I don't remember it, either."<sup>97</sup> After deliberating for two and a half hours, the jury convicted him of the most serious charge available to it, assault with the attempt to commit murder.

The transcript of Mundy's sentencing hearing reveals the vastly different way in which the UAW reacted to Mundy's crime compared to its response to Johnson's. Whereas Johnson was largely forsaken and the criticisms of his working conditions rebuffed by Johnson's local leadership, UAW brass rushed to Mundy's defence. At his sentencing hearing, several prominent UAW leaders asserted that a man like Mundy, who had escaped a harsh upbringing in the Cincinnati ghettos to become a respected union leader, was a man needed in the streets of Detroit and in the union, not locked up in prison. Even UAW president Leonard Woodcock sent a letter of support. Despite this forceful testimony on behalf of Mundy's character, Judge James Canham said he was unable to overlook the fact that the jury had convicted on the most serious charge, and this verdict had to be taken into account. Mundy was sentenced to a minimum of five years in prison.<sup>98</sup>

It is somewhat ironic that a political defence of Mundy was not really attempted, given that Mundy was active politically while Johnson was reclusive

95. "Accused UAW Official Faces Trial In Shooting Incident," *Detroit Free Press*, 24 November 1973.

96. John F. Head, "UAW Aide Found Guilty of Assault," *Detroit Free Press*, 6 February 1974.

97. Head, "UAW Aide Hazy on Shooting," *Detroit Free Press*.

98. *Michigan v. Mundy*, Wayne County Circuit Court (hereafter WAYCC) Criminal Case No. 73-58433, 20 March 1974, Wayne County Clerk's Office (hereafter cited as WCCO), Detroit, Michigan.

and withdrawn. Furthering the irony was Local 600 vice-president Buddy Battle's testimony that he would call Mundy in the middle of the night to act as a peacemaker when racial tensions would explode in Detroit neighbourhoods. Another major factor in Mundy's sentencing was gun violence, which was becoming an increasing concern in Detroit. Here, too, David Mundy had attempted to stop the violence. In the early 1970s, a police unit named STRESS (Stop The Robberies Enjoy Safe Streets) conducted particularly aggressive and controversial police incursions into Detroit's black neighbourhoods, raiding properties without warrants and practicing entrapment. During STRESS' first year of operation, Detroit had the highest rate of civilians killed by police of any US city, with STRESS responsible for over one-third of these deaths.<sup>99</sup> Mundy was a speaker at a major rally against STRESS. Battle, an important figure in Detroit's African American liberal community and later UAW Region 1A director, said "it would be an injustice to the community and a loss to me and the membership" if Mundy were jailed.<sup>100</sup>

Unlike Johnson, an isolated worker who became a hero to many radical workers by shooting members of management, Mundy was an integral part of mainstream Black unionism in Detroit and his shooting of Harrell was condemned by radicals. Mundy had been a member of Battle's Trade Union Leadership Council (TULC), the moderate, leadership-aligned Black faction of the UAW. After the shooting incident, the *Eldon Spark*, generally no friend of the almost exclusively white skilled trades, claimed Mundy's shooting of Harrell was part of a wider UAW campaign against dissidents and democracy: "How can the UAW bureaucrats be surprised if local bureaucrats end up shooting at UAW members? These little bureaucrats are only following the example of the big bureaucrats in Solidarity House!"<sup>101</sup>

As in the case of James Johnson, dynamics of race, workplace violence, and job stress were present in the case of David Mundy. The violence of both men sprang directly from stressful job situations and a workplace roiled by conflict. The case of Mundy shows that workplace violence in the auto industry did not just flow in a simple direction from "exploited worker" to "boss." In a reflection of the contentious union situation of the time, violence emerged out of the UAW's conflicts with its own rank-and-file. Mundy's position as both Black worker and union leader placed him at the centre of a conflict between skilled trades workers and the UAW leadership. This hybrid position may have been why Cockrel opted for a relatively apolitical defence at trial. With no widely understood framework of "workplace violence" into which to place the incident, and no simple narrative of worker vs. company to present, Mundy's action was seen as symptomatic of workplace conflict, not produced by it.

99. Georgakas and Surkin, *Detroit: I Do Mind Dying*, 168.

100. Michigan v. Mundy, WAYCC 73-58433, WCCO; for more on STRESS see Thompson, *Whose Detroit?*, 90-94, 145-152; and Georgakas and Surkin, *Detroit: I Do Mind Dying*, 151-175.

101. "More UAW Violence," *Eldon Spark*, 103 (29 November 1973).

## Clarence Talbot: A Workplace Murder Stuns Windsor

THE DEPLOYMENT OF RADICAL LEGAL PRACTICE to an incident of workplace violence, then, depended on both the political context surrounding the case and the specific facts of the case itself. This is underlined by the final case considered here, the 1977 murder of UAW Local 444 president Charlie Brooks by fired autoworker Clarence Talbot in Windsor, Ontario. Because of Brooks' widely beloved status in the community, Talbot's history of violent criminality, the differing racial and political context of Ontario, and the conventional defence of Talbot pursued by Talbot's attorneys, the question of whether workplace conflicts, racism, and inter-union politics may have played a role in Talbot's actions was largely ignored at trial. Nevertheless, some of the public discussions of the case indicated that issues of union conflict and racial friction were not unknown in Windsor or in the Canadian auto sector. The intersection between radical legal practice and the Talbot case occurred not at Talbot's trial but primarily at the Law Society of Upper Canada prosecution of two civil rights lawyers who attempted to assist Talbot after his arrest. This prosecution resulted in a public clash over the Talbot case and a notable victory for radical, anti-racist legal practice in Canada.

Windsor in the 1960s and 1970s was not as dominated by racial conflict as was Detroit, its American neighbour. The city had a much smaller Black population, and racism, while certainly evident, stayed largely in the background, although local activists like Howard McCurdy fought well publicized battles against racial inequality. As McCurdy and others pointed out, however, Windsor was certainly a city with a racial hierarchy in which Blacks were largely at the bottom both socially and economically.

A 1965 report for the newly formed Ontario Human Rights Commission, which made Windsor the site of its very first field office, concluded, "Negroes in Windsor are at the base of the city's social structure." Despite the longstanding presence of African Canadians in Windsor, "newcomers have advanced more rapidly." Of any minority group in Windsor, "Negroes have experienced the greatest difficulties. They encountered problems in restaurants, taverns, with law enforcement officers, educational officers, employers, fellow workers, and previous employers."<sup>102</sup>

This racialized hierarchy was clearly visible in Windsor's workplaces. Researcher Rudolf A. Helling found that of the city's fifteen largest companies, nine had no Black employees, and none had a Black manager.<sup>103</sup> Helling wrote that "the marginality of Negroes can be seen in the considerably high rate of unemployment even through generations."<sup>104</sup> Compared to workers of

102. Rudolf A. Helling and the Ontario Human Rights Commission (OHRC), *Position of Negroes, Chinese and Italians in the Social Structure of Windsor, Ontario* (Toronto, 1965), 8.

103. Helling and OHRC, *Position of Negroes ...* 10.

104. Helling and OHRC, *Position of Negroes ...* 79.

Italian and Chinese descent, Blacks reported trouble finding employment in much higher numbers and were more likely to identify discrimination as the cause.<sup>105</sup> Those Black workers who made it past racial bias into a job faced further racism at work. Thirteen of 87 workers reported unfair treatment by fellow workers, and 14 of 88 workers said supervisors had treated them unfairly. Helling recommended that “union programs to increase the acceptance of minority group members among fellow employees might be appropriate.”<sup>106</sup> Noting that Blacks of varying income levels reported the same incidence of discrimination, Helling concluded Windsor’s race problems “were race problems, not social class problems.”<sup>107</sup>

This was the city where Clarence Talbot grew up a young Black man in the 1960s. Years later, a friend would describe his upbringing as “brutal,” marked by prejudice, violence, and paranoia. A gifted artist, he dropped out of school by seventh grade, apparently over the frustration of being illiterate. He began to box. He was talented and powerfully built. In 1972, after over a decade of amateur boxing, he was headed to a pre-Olympic qualifying tournament in Northern Ontario. The month before the tournament, though, he clashed with a man at a Windsor bar. They went outside to the parking lot, and, when Talbot assumed his boxer’s crouch, the man shot him four times, a response that a jury later ruled was self-defence.<sup>108</sup>

Talbot’s work in the auto industry was also marked by conflict. Employed at the Chrysler plant over a dozen years, he had been fired several times and then returned to work after successfully grieving his dismissals. In January 1977, he was out of work again, fired for lateness and absenteeism. The father of ten children, he arrived at the offices of UAW Local 444 to discuss getting his job back.<sup>109</sup>

Talbot was a well-known figure among the union leadership, the type of member who consistently brought issues and problems to his union representatives. He had a reputation as a bully in the plant and had been involved in at least one major brawl with a coworker.<sup>110</sup> For his part, Talbot saw his union officials as being racially discriminatory, unconcerned with the problems of a Black man at Chrysler. That January morning, Talbot spoke to local leaders, including president Charlie Brooks, about his dismissal. The

105. Helling and OHRC, *Position of Negroes ...* 80–86.

106. Helling and OHRC, *Position of Negroes ...* 79–81.

107. Helling and OHRC, *Position of Negroes ...* 107.

108. Lloyd McLachlan, “Remains of a Dream: The Man Who Shot Charlie Brooks Looks Back at his Tragic Past and His Future Hopes,” *Windsor Star*, 11 June 1994.

109. Susan Brown, “Murder Suspect Faces Life in Windsor UAW Shooting,” *Detroit Free Press*, 19 January 1977.

110. Interview with Gary Parent and Rick Laporte, 25 February 2013.

union had initially grieved Talbot's firing, but the fate of that grievance is unclear. Some allege that Talbot's grievance was withdrawn, unbeknownst to him, during contract negotiations with Chrysler in November 1976.<sup>111</sup> Others insist that the grievance was still in process.<sup>112</sup> At trial, union second vice-president Gerry Bastien, present at the fatal meeting, would recall that, although he felt he was being discriminated against, Talbot "calmly discussed"<sup>113</sup> the problem and "only showed emotion during a brief dispute with Mr. Brooks over whether the union president had promised to get the job back."<sup>114</sup>

Talbot certainly had strong feelings about his firing, however. "He felt he was being discriminated against. He described to me how he felt as a Black and said he felt he was not properly represented concerning his dismissal," Bastien would testify about a discussion he had had with Talbot in November or December 1976. At the January meeting, according to Bastien, Brooks insisted he had only promised to try to get Talbot's job back.

After this discussion, Talbot left the office. He went to his car and got a rifle. He returned, forced his way into Brooks' office, and shot Charlie Brooks to death. Police arrested Talbot immediately afterward.

The killing of Brooks sent Windsor into a state of shocked grief. Charlie Brooks was a revered figure locally. A UAW member for over 40 years, he was serving his eleventh consecutive term as Local 444 president. He had fought for the Auto Pact and for wage parity between Canadian and American auto-workers. He was also a strong social unionist, who used his platform to press for wider transformations of society. Current Unifor/CAW 444 members remember him as a "visionary."<sup>115</sup> He helped create cooperative housing for Windsor workers and pressed for reductions in the workweek. A particular passion was nuclear disarmament, a controversial cause to spearhead in the repressive climate of the 1950s. John McArthur, publisher of the district's UAW newspaper remembered, "He always believed strongly in that, even when he was branded left-wing and pro-communist."<sup>116</sup> In the 1960s, Brooks pushed the Canadian branch of the UAW to oppose the Vietnam War, a stance credited by later national president Ken Lewenza as establishing an antiwar orienta-

111. Interview with Charles Roach, 29 February 2012.

112. Roach and Smith both recalled that Talbot's grievance had been dropped; they are supported in this belief by an article in the *Globe and Mail*: Thomas Claridge, "Wanted Job Back, Man Tells Murder Trial," *Globe and Mail*; undated, Charles Brooks Biography File (hereafter CBB), Vertical File Collection (hereafter VFF), Reuther Library. However, according to Gary Parent, the grievance had not been dropped; interview with Gary Parent and Rick Laporte, 25 February 2013. Interview with Michael Smith, 14 March 2012.

113. Claridge, "Wanted Job Back, Man Tells Murder Trial," *Globe and Mail*.

114. Claridge, "Wanted Job Back, Man Tells Murder Trial," *Globe and Mail*.

115. Interview with Gary Parent and Rick Laporte, 25 February 2013.

116. "Here's how Charlie Brooks is Remembered," Undated clipping, *Windsor Star*, CBB, VFF, Reuther Library.

tion for the CAW.<sup>117</sup> He was a tough-minded leftist, perhaps a communist, who often clashed with international and national UAW leadership, and who seemed beloved by his 13,000-member local. The day of his funeral, workers shut down four Chrysler plants by leaving the line to pay their respects.<sup>118</sup>

Mournful messages and tributes appeared in the local and national media, and in Detroit, immediately. UAW International president Leonard Woodcock and Canadian president Dennis McDermott said Brooks' "tragic and senseless" death "diminishes us all – because Charlie Brooks is gone and because of the way he died."<sup>119</sup> In addition to scores of Local 444 members, the mayor of Windsor and McDermott attended the funeral. UAW International vice-president Doug Fraser, soon to take over as UAW head, spoke to the mourners.<sup>120</sup>

Meanwhile, Clarence Talbot sat in the Windsor jail. Newspaper articles reporting Talbot's arraignment stated that Talbot did not have a lawyer. These articles came to the attention of Toronto civil rights lawyer Charles Roach. Roach, together with his partner Michael Smith, had been active in civil rights law and anti-racist activism in Ontario for several years. Both were members of the International Committee Against Racism (INCAR), an affiliate of the Progressive Labor Party. The two lawyers earned national headlines in early 1978, when they challenged the federal government's deportation of seven Jamaican-born women working in Canada. The government was deporting them on the grounds that they had lied about having children before entering Canada. Roach and Smith countered that the women were encouraged to do so by Jamaican and Canadian officials because their labour was in demand in Canada. When unemployment rose, they alleged, the government used the child issue as a pretext to discard women workers who were no longer needed in the labour market.<sup>121</sup>

It was through their contacts in the anti-racist community, who feared for the plight of a Black defendant in a city marked by racism, that Roach and Smith were prompted to look into the case. Roach and Smith, together with a social worker named Owen Leach, travelled to the Windsor jail to visit Talbot and to see if there was any assistance they could offer him. After informing the officer on duty of the purpose of their visit, they sat down to wait for Talbot to be brought out. After about 40 minutes, a Jaguar pulled up outside the courthouse. According to Roach, the car's driver, a Windsor attorney named Harvey Strosberg, said to Roach and Smith, "Are you folks here to see Talbot?" Roach replied in the affirmative. Strosberg replied: "I'm representing Talbot." Roach

117. Don Lajoie, "Brooks' Legacy 'With Us Forever,'" *Windsor Star*, 17 January 2002.

118. Unnamed and undated article, CBB, vFF, Reuther Library.

119. "UAW Press Release," 17 January 1977, CBB, vFF, Reuther Library.

120. "Ranks Join in Farewell to Charlie," *Windsor Star*, undated, CBB, vFF, Reuther Library.

121. Kathleen Rex, "Black Women Being Deported to Ease Job Market, Group Says," *Globe and Mail*, 28 January 1978.

reached out to shake his hand, but remembered, "He didn't shake my hand." Talbot's brother Clayton Talbert accompanied Strosberg. Roach, Smith, and Leach left the jail without seeing Talbot. Roach and Smith would not meet him until years later, at the provincial mental health facility at Penetanguishene.

The three men drove back to Toronto, Roach remembered

Coming back with my two friends ... we in some kind of way figured what was going to happen. They're going to put this guy in an asylum and say that he's crazy. We hadn't even seen him! But what tipped us off was when Harvey Strosberg says "professional," used the word "professional assistance," some word like that. It's like a code word for lawyers saying they'll come in here and do something.<sup>122</sup>

After consulting Toronto lawyer Edward Greenspan and John Laskin, Strosberg recommended charges against Roach and Smith to the Law Society of Upper Canada, the professional body that regulates lawyers in Ontario.<sup>123</sup> Roach and Smith were charged with touting, attempting to poach another attorney's client. Roach was also charged with misconduct in an older case. Because of these professional charges, neither Roach nor Smith had any contact with Talbot or his family or any other involvement with Talbot's criminal trial, though Roach recalled being "really keen to get into the depths of this case."<sup>124</sup>

Talbot's trial took place in Toronto. Public outcry over the murder was so great that the court proceedings had to be moved from Windsor, as it was believed that it was impossible for Talbot to receive a fair trial there.<sup>125</sup>

The moved venue was not the only unusual aspect of the trial. There was a disagreement between Talbot and his attorney, the renowned Canadian trial lawyer Edward Greenspan, about how Talbot should plead. As in the Johnson and Mundy cases, the facts of the trial were not in any real dispute. Talbot told Greenspan that "he would not allow a defence of insanity."<sup>126</sup> The judge, Patrick Galligan, called witnesses from the bench to testify as to Talbot's mental condition.<sup>127</sup> In effect, Talbot was forced to plead insanity over his own objections. This was a rarely used practice. According to Roach, Talbot would later tell him that he had been denied the chance to tell his side of the story at trial.<sup>128</sup>

With judge and defence attorney focused on the issue of Talbot's mental state, little else was brought into the trial's consideration of how this act of

122. Interview with Charles Roach, 29 February 2012.

123. "Records of the Law Society of Upper Canada (hereafter LSUC) Discipline Committee," 28 November 1978, in possession of the author.

124. Interview with Roach.

125. CP, "Talbot Trial is Moved To Toronto," *Globe and Mail*, 14 September 1977.

126. "Man Who Killed Leader of Union Sent To Hospital," *Globe and Mail*, 17 December 1977.

127. "Man Who Killed Leader," *Globe and Mail*. Psychiatrists testified that the reason Talbot rejected an insanity claim was that he preferred prison to an indefinite stay in a mental facility; see "Unionist's Killer Ruled Insane," *Toronto Star*, 17 December 1977.

128. Interview with Roach.

violence occurred. Unlike Cockrel and Ravitz's defence of Johnson, or the defence Roach and Smith would have likely put forth for Talbot, Greenspan presented a medical, non-structural claim for Talbot's insanity. This defence defined Talbot's act of workplace violence as a purely internal, psychological matter. Therefore, other factors that may have contributed to Talbot's mental instability, like past experiences of racism in Windsor or the plant, or conflict between Talbot and his managers or union representatives, were largely considered irrelevant.

The only mention of racism or union-worker conflict at trial to appear in the media was Bastien's testimony that Talbot "felt he was being discriminated against. He described how he felt as a Black and said he felt he was not being properly represented concerning his dismissal."<sup>129</sup> In the context of Windsor, Clarence Talbot, and Charlie Brooks, however, this evidence added up to proof of Talbot's disorder – a paranoid persecution complex, arising from within, not, as radical attorneys like Cockrel, Glotta, Roach, or Smith may have argued, evidence of a life of racism and work stress that created an uncontrollable violent reaction.

Talbot was duly found not guilty by reason of insanity and committed to Penetanguishene. However, the Law Society's hearing into the touting charges against Roach and Smith remained active. The prosecution of Roach and Smith for attempting to provide aid to Talbot is evidence of the legal profession's resistance to radical legal practice in 1970s Ontario. Ironically, however, while issues of job stress, race, and workplace conflict were never raised at Talbot's trial, the Law Society proceeding intended to chill Roach and Smith's oppositional legal practice brought these issues into public discussion. Even more ironic was how Roach, Smith, and their supporters turned the hearing, ostensibly a weapon of the establishment, into a politicized defence campaign that directly challenged the Law Society's practices and biases. In doing so, they won a significant victory for the anti-racist movement in Ontario.

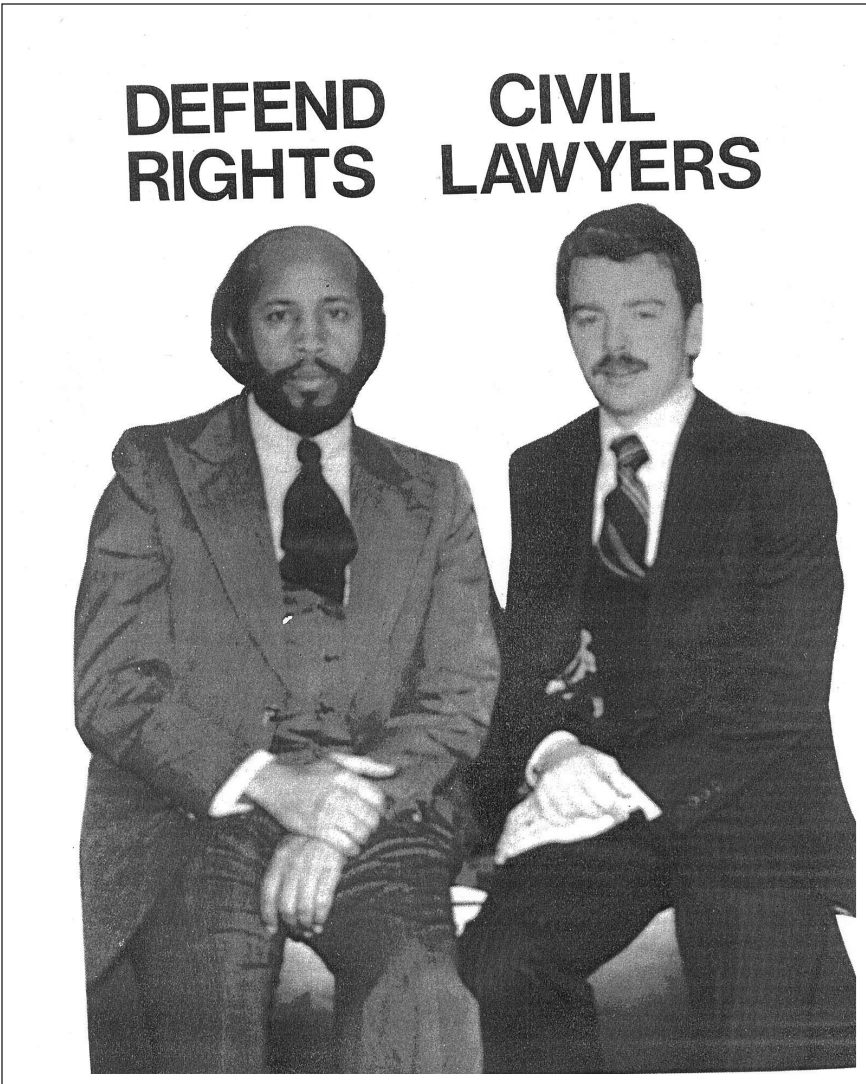
### **"Defend Civil Rights Lawyers": Anti-Racist Legal Practice Clashes with the Law Society of Upper Canada**

IN NOVEMBER 1978, almost one year after the conclusion of Talbot's trial, the Law Society of Upper Canada's (LSUC) hearing began. Roach and Smith's supporters formed a defence committee to apply political pressure to the society. The committee appears to have been comprised of allies Roach and Smith had gained through their work as civil rights lawyers and anti-racist activists.<sup>130</sup> Each of the committee's publications highlighted Roach and Smith's previous work. Peter Rosenthal, a University of Toronto professor and later a lawyer

129. Claridge, "Wanted Job Back, Man Tells Murder Trial," *Globe and Mail*.

130. Royson James, "Law Society Controls with 'Reign of Terror,'" *Contrast*, 18 January 1979, in Personal Papers of Charles Roach, Toronto (hereafter PCR).





Detail of a poster advertising a rally in support of Charles Roach and Michael Smith. Defend Civil Rights Lawyers. jpg From the Personal Papers of Charles Roach, used with permission

and anti-racist activist in his own right, was one prominent member. The defence committee produced a pamphlet titled "ORGANIZE TO DEFEND CIVIL RIGHTS LAWYERS" that alleged that suppressing anti-racist legal activism was the real purpose of the society's charges against Roach and Smith: "It is clear that certain members of the legal establishment are determined to curtail the fight that Charley Roach and Mike Smith are waging against racism and for civil liberties," it charged.<sup>131</sup>

To fight the charges against them, Roach, a member of the National Conference of Black Lawyers (NCOBL), drew on his contacts in North America's radical, anti-racist law community. The conference was the leading anti-racist legal organization in North America, with experience defending high-profile political clients including Angela Davis and the Black Panthers. From the United States, attorneys Lennox Hinds, the conference's director, who had defended Assata Shakur, Leonard McMann of the Michigan Alliance Against Racial Oppression, Victor Young, also of NCOBL, and Leora Mosston arrived to lend their support and skills to the defence. From the Canadian side, James Lockyer, who would later help exonerate Guy Paul Morin and David Milgaard, also joined the defence team. Their participation in the case is an example of a transnational anti-racist legal practice, forged in struggles around the continent, deployed in opposition to Ontario's legal establishment.<sup>132</sup>

The crucial tactic in Roach and Smith's wider political campaign against the charges was to open the hearing to the public. The society's standard procedure was to conduct disciplinary matters *in camera*. Roach and Smith demanded the right to face their accusers in public. The society acceded to this request, but insisted on holding the hearing in a small room that held no more than 30 spectators. When Roach and Smith requested a room big enough to accommodate all interested parties, the Society responded that, in Roach's words, "For 135 years we've held hearings in this room ... in Osgoode Hall ... this is where it's going to be held."<sup>133</sup>

However, Roach and Smith's supporters overwhelmed the Society's attempt to control the space and the parameters of the hearing. They vocally demanded entry and defied the Society's attempts to prohibit them from the proceedings or constrain and limit their presence by the size of a room. Once they gained admission, they filled a large meeting room with around 200 people, some sitting in the aisles. Throughout the hearings, supporters would regularly interrupt the proceedings with heckles for the prosecutors and applause for Roach and Smith.<sup>134</sup> The pressure succeeded in destabilizing the Law Society's

131. Roach-Smith Defense Committee, *Organize to Defend Civil Rights Lawyers* (Toronto, 1978), PCR.

132. "Records of the LSUC Discipline Committee," 28 November 1978.

133. Interview with Roach.

134. "Records of the LSUC Discipline Committee," 28 November 1978.

normal way of doing business, brought external issues into the deliberations, and took away the Society's "home field advantage."

Before the hearing, demonstrators carried signs reading, "anti-racist lawyer harassed," "defend civil rights lawyers," and "fight racism." Inside, the LSUC's lawyer told the hearing that the pair had attempted to meet Talbot "without taking reasonable steps to ask whether Mr. Talbot was already represented."<sup>135</sup> Roach and Smith's defence disputed this claim, arguing that if every lawyer was truly required by LSUC to research whether someone they met in connection with a criminal matter had legal representation before talking to them, every lawyer in the Law Society should be facing charges. They also noted that both the *Globe and Mail* and *Windsor Star* reports on Talbot's arraignment reported that he did not have counsel at that time.<sup>136</sup> Furthermore, Roach and Smith insisted that their motivation for action in the Talbot case was not to gain financially by poaching a client, but to intervene constructively in a racially combustible situation. As Smith wrote to Peter Rosenthal, one of the organizers of the Defense Committee,

I should make it clear that our interest in the Clarence Talbot case was related to our involvement with the International Committee against Racism and the anti-racist movement generally. We wanted to insure that the charges made against Clarence Talbot did not become the source of increased racism in Canada. We wanted to investigate the circumstances of the shooting because we suspected that elements of racism were aggravating Talbot's problems and frustration. Finally, we wanted to insure that Talbot was not further victimized by the trial process because of his race. We had no intention of representing Mr. Talbot.<sup>137</sup>

Roach and Smith's defence team contended that this was not an isolated prosecution of two attorneys for violating the accepted rules of professional conduct, but rather part of a pattern of persecution of radical and anti-racist advocates by bar associations and law societies in the United States and Canada. Hinds viewed Roach and Smith's prosecution as an example of "the increasingly widespread use of professional sanctions to muzzle legal advocates who espouse unpopular clients and causes throughout the world."<sup>138</sup> Hinds was speaking from direct experience, having faced a disbarment hearing in New Jersey he believed was racially motivated. Hinds had been charged after referring to a murder trial in New Jersey as a "legalized lynching" by a "kangaroo court." These comments and a trip Hinds took to Iran to participate in a conference on American involvement there also led a New York judicial committee to recommend he not be allowed to practice in that state. As with

135. "Charges of Touting Against Two Lawyers Dismissed by Board," *Globe and Mail*, 21 December 1978.

136. "Records of the LSUC Discipline Committee," 28 November 1978.

137. Michael Smith to Peter Rosenthal, 6 February 1978, PCR.

138. Lennox Hinds, "Submission of Intervenor," PCR.

Roach and Smith, a group of Hinds' supporters formed a committee in his defence.<sup>139</sup>

The Society denied any racial bias or political animus. Strosberg testified that "I don't care if Mr. Roach had been pink, I would have sent the letter."<sup>140</sup> Criticisms of Strosberg and Greenspan's handling of Talbot's defence emerged at the hearing. Strosberg insisted there was no racial dynamic to the situation. In his view, there was no "racist tinge to the way the community was inflamed," simply a community "enraged that a beloved person in the community generally was shot down."<sup>141</sup>

Exchanges at the hearing pitted Smith's critique, that Talbot was merely being processed through the justice system with little concern for his desires or defence, against Strosberg's attempt to depoliticize the Talbot case, with as little attention to issues of race or union conflict as possible. "Did you say that 'We are trying to keep a lid on it'?" Smith asked of their conversation at the Windsor jail. Strosberg denied saying it, but admitted that "I certainly wasn't looking to add any more material to the public position that was being set out as a precedent."<sup>142</sup>

That public position was to treat Talbot's slaying of Brooks as purely arising from Talbot's own psyche and declining to raise any other factors, such as race or union conflict that might have had any bearing on the case, factors that Roach and Smith would likely have made a cornerstone of their approach. Asked why he rejected offers of assistance from Roach and Smith's organizations, Strosberg replied blandly, "this was a proceeding on the basis of insanity."<sup>143</sup> No other issues, he seemed to say, were worth mentioning, or as he put it in another answer, "the only question was one of capacity and intent."<sup>144</sup>

However, it was not only Roach and Smith's attorneys and political allies who felt that Roach and Smith's concern about the racial context of the Talbot case was warranted. Talbot's brother Clayton, himself a former UAW local leader in Windsor, commented that Windsor was "a very, very bad place to live if you are black." Noting that his family had been threatened and a general atmosphere of racial hostility existed, Clayton Talbert asserted that: "it was pretty nice of these guys [Roach and Smith] to see if there was anything they could do to assist my brother in his time of need."<sup>145</sup> Roach echoed Talbert, asserting his attention to factors that other lawyers may have not considered,

139. "Rutgers Professor Fights Disbarment," *Harvard Crimson*, 20 September 1980, <http://www.thecrimson.com/article/1980/9/20/rutgers-professor-fights-disbarment-pnew-brunswick/>.

140. "Records of the LSUC Discipline Committee," 28 November 1978.

141. "Records of the LSUC Discipline Committee," 28 November 1978.

142. "Records of the LSUC Discipline Committee," 28 November 1978.

143. "Records of the LSUC Discipline Committee," 28 November 1978.

144. "Records of the LSUC Discipline Committee," 28 November 1978.

145. "Charges of Touting Against Two Lawyers Dismissed by Board," *Globe and Mail*.

especially the extralegal situation faced by Clarence Talbot. According to the *Globe and Mail*, Roach “suggested bitterly to the discipline panel that there were some members of the society whose sole motivation was not personal gain and that there could be ‘humanitarian missions outside the strict legal capacity they have’.”<sup>146</sup>

After three sessions, the Law Society’s prosecution of Roach and Smith ebbed away. The touting charges were dismissed due to a lack of evidence. The Society’s decision to abandon the prosecution denied the people who had mobilized in Roach and Smith’s defence the opportunity for a dramatic victory at the Law Society itself, perhaps a reason why the Society opted to quietly drop the case. Nevertheless, the case was still a significant victory. Anti-racist activists in Toronto, helped by their American allies, had rallied around two of their standard bearers and effectively taken control of the Law Society’s process, legally and politically. Rosenthal recalls Roach and Smith’s defenders “felt very good about this victory ... the Law Society, with all its power, came after Mike and Charlie in a big way, and they were very successfully resisted.”<sup>147</sup>

## Conclusion

THE TALBOT, JOHNSON, AND MUNDY cases show how, during the 1970s, notable incidents of workplace violence were catalysts that touched off contests over race, work, violence, and the law in both the United States and Canada. As in the Mikel Otegi case, these were controversial events that prompted different parties to struggle over establishing what understanding of these violent acts would be adopted. How workplace violence was understood was not stable, but the product of clashes in the courtroom, in the media, and in the streets. In the Talbot and Johnson cases, radical legal practice was a crucial part of this struggle. Like earlier courtroom crusades over free speech or lynching, workplace violence has been an important springboard for radical law.

However, it must be remembered that radical legal practice, while important, was just one factor among many that shaped understandings of workplace violence in the 1970s. The Talbot, Mundy, and Johnson cases demonstrate that understandings of workplace violence – what it is, why it happens, who is responsible – are historically contingent. The local, national, and legal contexts these incidents occurred in; the life history of the perpetrators and victims; the media construction of the cases; the strategies of attorneys – all helped determine how a particular incident of workplace violence would be understood. Over time, the understandings of a particular case could change,

146. “Charges of Touting Against Two Lawyers Dismissed by Board,” *Globe and Mail*.

147. “Charges of Touting Against Two Lawyers Dismissed by Board,” *Globe and Mail*; Interview with Peter Rosenthal, 30 April 2012.

too. In the early 1980s, the Michigan legislature rewrote its worker's compensation laws to exclude more workers with emotional and cardiac conditions, citing the Johnson case as evidence that workers were abusing the system.<sup>148</sup>

As the 1970s turned to the 1980s, these incidents became more spectacularly violent and thus more widely reported, if not more numerous. Now carrying automatic weapons, violent workers were committing acts that killed scores of people. A spate of killings at United States post offices brought workplace violence permanently into the national consciousness. These killings did what the workplace violence incidents of the 1970s, widely publicized though they were, did not: prompt a widespread understanding of workplace violence as a discrete social problem that required sensitivity, knowledge, and policies aimed at its eradication. Yet while appreciation of the problem widened, understandings of the causes of workplace violence narrowed in the 1980s and 1990s. Policies tended to focus on violent workers as crazy, paranoid loners, ignoring the factors, like class conflict, the labour process, unsafe workplaces, racism, and patriarchy, which created the conditions for workplace violence. Workplace violence was simultaneously everywhere and nowhere: a terrifying "new" phenomenon occurring all over North America, whose causes were troublingly buried in the unknowable hearts and minds of workers themselves. As Ron Glotta reflects, "I couldn't win James Johnson today."<sup>149</sup>

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148. Harris, *Black Rage Confronts the Law*, 119.

149. Interview with Ron Glotta.