Earl, Bob and Me

Ellis E. Reid

I am now a Judge of the Circuit Court of Cook County, Illinois. As I reflect on events of the past, I recognize that my legal career has been shaped by history. Two men, Earl Burrus Dickerson '20 and William Robert Ming Jr. '33, have had a lasting influence on my life. Both were graduates of the University of Chicago Law School; both were, like me, members of Kappa Alpha Psi fraternity. Both Earl and Bob received classical educations. Both possessed logical minds with nearly photographic memories. Earl was the first African-American to receive a J.D. degree from the University of Chicago Law School. Bob was the first African-American to join its faculty. Although their achievements brought about lasting changes in society, few young people today are aware of their contributions. I have therefore undertaken to write the story of these two men. Much of who I am I owe to them. This article is a biography of the three of us, Earl, Bob, and me, and is an overview of a broader work I am now preparing. The story spans a century, from 1891 to 1991.

Earl

Earl Dickerson was born on June 22, 1891, in Canton, Mississippi. His father, Edward, was an upholsterer from Massachusetts, who died when Earl was four. Earl was raised by his mother, who took in washing to survive, and his maternal grandmother. Though having had little education herself, Earl's mother instilled in him a sense of the importance of a good education. He was valedictorian of his grammar school class at Canton Public School in 1906. His mother then sent him to New Orleans where he spent a year at the Preparatory School of New Orleans University. One of his teachers there, Anna Parker, recognized his potential. She offered to pay his tuition at the University of Chicago Laboratory Schools for the summer. Earl's mother bribed a porter to smuggle the boy on board an Illinois Central train and Earl arrived in Chicago on June 15, 1907, a few days before his sixteenth birthday. After the summer at Lab School he decided to remain in Chicago. He completed his preparatory education in 1909 at Evanston Academy, where he received a scholarship. He supplemented his income by selling newspapers and continued to support himself throughout the rest of his education.

Earl enrolled at Northwestern University, which he left after only one year to transfer to the University of Illinois at Champaign. It was difficult to adjust to alien surroundings as one of a small group of Negroes (as we were then called) enrolled in a large state university. The group lived off campus in a private house and frequently gave moral support to each other over a game of cards. In 1912, Elder Watson Diggs from the University of Indiana came to the University of Illinois to add the group to his fledgling Greek letter organization, Kappa Alpha Nu, formed in 1911. The group later transformed into the Beta Chapter of Kappa Alpha Nu fraternity and Earl was elected its first Pole-march. Kappa Alpha Nu later became Kappa Alpha Psi because the bigots on campus called it "Kappa Alpha Nigger." Earl graduated from the University of Illinois in June, 1914, while his proud mother looked on.

After graduation, Earl taught for a while at Tuskegee Institute in Ala-
Earl Dickerson

bama, where he was a colleague of W.E.B. DuBois. He returned to Chicago to begin his studies at the University of Chicago Law School in the fall of 1915. After two years, his studies were interrupted by the call to arms. Like many others, he answered that call. As a 2d Lieutenant (one of the first African-Americans to serve as a lieutenant) in the 365th Infantry Regiment of the 92d Division of the U.S. Expeditionary Force in France, he served as interpreter for his regiment. In 1919, while still in France, he helped found the American Legion. Later, he helped establish the George L. Giles Post No. 87, the first American Legion post of black veterans in Chicago.

After the war, Earl returned to the University of Chicago Law School and completed his studies. In 1920, armed with his J.D. degree, he began to interview for jobs. He was turned down for what was then called a "white man's job" when he was interviewed by a law firm that at first assumed he was white because he was a graduate of the Law School.

As a student in 1919, Earl had helped draw up the articles of incorporation of the Liberty Life Insurance Company, the first black-owned company of any size in the North. He joined the firm after graduation as practicing attorney and general counsel. He rose to President, changed the company's name to Supreme Life Insurance Company and retired in 1971. Earl also opened offices in the Loop as a private practitioner and it was here that Bob Ming later joined him.

Along the way, Earl took time for a few brief encounters with politics: serving as an alternate delegate to the 1932 Democratic National Convention, as an Assistant Corporation Counsel for the City of Chicago, and as an Assistant Attorney General for the State of Illinois.

In 1939, Earl was elected to the Chicago City Council as the independent Alderman from the Second Ward, over opposition from William Dawson, the powerful Democratic ward boss. Like other independents, Earl was often on the short end of the vote in the Council, but there were some breakthroughs. For example, Earl sneaked through an anti-discrimination clause in a $102 million public transportation appropriation—opening the way for African-Americans in public employment. He also helped to appoint African-Americans to the Chicago Board of Education and to the Chicago Planning Commission.

He was defeated when he ran for reelection in 1943. His final remarks to the City Council, delivered in April, 1943, still have a cogency today.

... I hope you will see the wisdom in supporting and carrying forward some of the things for which I have striven during this past term. Though you come from different sections of the city and are elected by people from various wards, your responsibility must not be to your ward constituency alone—it must be to all of the people.

When people of my community are refused equal job opportunities, when they are hemmed into ghettos by racially restrictive covenants and left to die in disproportionate numbers because of inadequate health and medical facilities, an improvement in their welfare should be the concern not just of their own representatives, but of every member of the elected body of the City....

Our concern for the underprivileged people should not end with the City of Chicago. If we can find sympathy in our hearts for the people in far off countries... overrun by dictators—and I believe we should—then certainly we should have feelings for the citizens in...our own country who are being lynched... and denied the right to vote.

When I view the paradox of our democracy and the gross injustice perpetrated on some of its citizens, I find myself in complete agreement with Thomas Jefferson, the author of the Declaration of Independence, who said: "I tremble for my country when I reflect that God is just and that his justice cannot sleep forever!"

In 1941, President Roosevelt appointed Earl a member of the President's Commission on Fair Employment Practices. Despite pressure from the other five members on the Commission, he used this national forum to denounce racism and to engage in public debate with its more timid members. Earl is credited with bringing African-Americans into the industrial war effort as equals.

In 1980, when Earl was eighty-eight, he was interviewed by The Law School Record:
Not only has he known such great public figures as Franklin Roosevelt, Martin Luther King, and Paul Robeson, but he fondly remembers former Law School professors Ernst Freund, Harry Bigelow, Ernst Puttkammer, James Parker Hall, and FloydRussell Mechem.

...He chose to fight through the courts and through organizations such as the National Lawyers Guild, the NAACP, and the Democratic party in Chicago politics. His most celebrated legal case, argued before the U.S. Supreme Court and won in November, 1940, was Hansberry v. Lee et al. (311 U.S. 32 (1940)). This landmark case broke down the use of racial restrictive covenants in the Hyde Park-Kenwood community of Chicago, opening up twenty-six city blocks for occupancy by blacks and other minorities.

During the Depression, Mr. Dickerson was instrumental in saving the Supreme Life Insurance Company of America, the second largest black-owned insurance company in this country, from financial ruin. Dickerson has stated that, "When most of the life insurance companies in the State of Illinois were going into insolventy and declared so by the Director of Insurance, I prepared [as General Counsel to the company] a policy lien for execution by policyholders of the company. By this means, we were able to raise more than one-half million dollars in company assets. This lien was tested in the Supreme Court of Illinois and found valid."

...He is too humble to take much credit for all he has accomplished during his lifetime, yet the facts speak for themselves. Clearly he is one of the Law School's outstanding alumni who throughout his long career has fought against racial inequality.

Earl Dickerson died on September 1, 1986. An emotional memorial service at Rockefeller Chapel was crowded by hundreds of people whose lives Earl had touched. Speakers such as John H. Johnson, Judge George N. Leighton, Judge Odas Nicholson, Gerhard Casper, Judge Sidney A. Jones Jr., Cecil A. Partee, Studs Terkel, and many others eulogized Earl.

Bob

William Robert Ming Jr. was born on the south side of Chicago in 1911 and received his preparatory education in Chicago public schools. Bob was a classmate of my father's at Englewood High School when there were fewer than a half dozen minority students in the entire student body. Bob once told me that when he was a freshman, my father, a senior, often served as his bodyguard on the way home from school.

Bob entered college at the University of Chicago and graduated in 1931. In 1933, he graduated cum laude from the Law School and was elected to the Order of the Coif. He also served on the first editorial board of the Law Review. After graduation, Bob's first position was as an associate in Earl's law offices. Following in Earl's footsteps, he later served as a Special Assistant Corporation Counsel and as an Assistant Attorney General of Illinois. In 1937, he joined the law faculty of Howard University, which was closely linked to the NAACP. Bob teamed up with Charles H. Houston, Robert C. Weaver, Thurgood Marshall, William Hastie, and Walter White, the brain trust of the NAACP. Because of his friendship with these men, Bob participated in every major legal brief involving school desegregation, leading up to and including Brown v. Board of Education.

In 1941, Bob left Howard University and went to work for the Office of Price Administration in Washington. Also working at the OPA at that time with Bob were Walter J. Blum '41 and Richard M. Nixon.

In 1941, the United States entered World War II and Bob joined the army the following year as an enlisted man, serving in the still racially segregated armed services. When the war ended, he was discharged with the rank of captain. One of his duties at the end of hostilities was to review general courts martial for fairness because many were suspected of being racially motivated prosecutions. Before his discharge, Bob argued a case before the United States Supreme Court in his military uniform.

After his release from active duty, Bob served for a year as Associate General Counsel at the Office of Price Administration. In 1947, he returned to Chicago and joined the faculty of the University of Chicago Law School. His colleagues included Edward H. Levi '35, Walter J. Blum '41, HarryKalven Jr. '38, Wilber Katz, and Bernard D. Melzer '37. Bob left the faculty in 1954 to enter private practice with Loring B. Moore and George N. Leighton. Together they formed the law firm of Moore, Ming & Leighton.

The law firm that Bob formed was the first Loop law firm to be integrated on the basis of race and gender. I believe it was one of the finest law firms ever assembled, including, over its history, Fleetwood McCoy, Walter Black, Chauncey Eskridge, Archibald LeCesne, Richard Gumbel (the father of Greg and Brian), Charles Armstrong, George Dorman Carry, Mark E. Jones, William McClaskey, Robert L. Tucker, Harold McDermid, Henry McGee, William Retta, Charles Ripppey, Sanford Kahn, Aldus Mitchell '58, Edward A. Williams, Sophia Hall, John Hatch, Helen Felden, Peter Guikin, and Sidney A. Jones III.

Bob Ming, along with William Dawson and John Sengstacke, was credited with garnering the black vote for Richard J. Daley when he was first elected Mayor of the City of Chicago in 1955. It is rumored that Daley offered to make Bob the first African-American Corporation Counsel of the City, but that Bob turned him down, asking instead to be the outside special counsel for the Chicago Board of Election Commissioners. In this capacity, Bob trained me, Aldus Mitchell, and later Sophia Hall in the fine art of election law. Bob represented the Board from 1956 to 1972 and never lost a case for the City.

Bob also represented the NAACP in many civil rights cases. He and Chauncey Eskridge represented Martin Luther King Jr., the Southern Christian Leadership Conference, and the Southern Christian Leadership Foundation. They were part of the defense team that defended Dr. King against an Alabama income tax evasion case. Bob Ming convinced an all-white jury that they hated taxes more than they hated Dr. King. The jury found him not guilty.

Bob was general counsel to Elijah Muhammad, leader of the Black Muslims. Later, Bob and I defended his son, Wallace D. Muhammad [sic] in federal court against a charge of draft evasion. At the trial, an FBI agent
mistook me for the defendant and pointed me out after testifying in great detail about what Wallace was supposed to have done. We successfully defended against the government's charge. During the trial, however, and while Wallace was on bail to the court, the government again ordered him to report for military service. Our defense against this charge was that the same sovereign cannot issue contradictory orders and expect both to be obeyed. Although there was strong precedent for our position, Wallace was convicted. The Seventh Circuit Court of Appeals avoided the issue and, even more shocking to us, the United States Supreme Court denied our petition for a writ of certiorari. As a result, Wallace Muhammad served two years in a federal penitentiary.

Through Earl's tutelage, Bob became an expert in the field of insurance law. Among his clients were the Polish Roman Catholic Union and the Nathan Hale Holding Company, as well as several minority owned and operated life insurance companies.

The 1960s found Bob at the very top of his profession. He was sought out by clients of all races, creeds, and colors. Maurice Rosenfield '33 had asked us to do some work for radio station WAIF in an attempt to get a sundowner license turned into an all clear channel station. It was through Maury that Bob and I represented Hugh Hefner when he was arrested in Chicago in 1964 and charged with obscenity regarding Playboy Magazine. We got Hef out of jail and went to work on the case. Bob was the lead attorney and I was assigned the task of selecting exhibits to demonstrate contemporary community standards. Bob insisted that we select a jury of twelve women because he felt that women are more liberal than men in such matters. Bob was proven correct when the jury refused to convict.

Then tragedy struck.

When Bob returned to Chicago in 1967 after spending more than a year in California defending Truman Gibson Jr. in the so-called Boxing Conspiracy Case, he confided in me that he had not filed tax returns that were due. His regular accountant had died, and he had not been able to get his papers back from the accountant's son, who was also a CPA. I immediately told him to hire a CPA firm, which prepared all the late returns.

One return was just weeks late, the others were one to three years late. I filed the returns myself and obtained stamped copies. We paid the taxes due in order to cut off interest. After an audit, the returns were "accepted as filed" by the IRS. At that time, there was no discussion even of civil penalties.

On December 28, 1968, the IRS sent me a letter stating that the Regional Counsel's Office was reconsidering certain files and that Bob Ming's file was among them. I translated that to mean that because Richard M. Nixon had been elected President and was due to take office in January, 1969, the local officials were cleaning house. I later learned through Washington friends that Attorney General John Mitchell saw "nothing" in Bob's file and that no charges were to be brought. I thought the matter was settled.

Shortly thereafter, I was in Washington on business for the firm. Bob was also in Washington working out of Senator Edward Brooke's (R. Mass.) office, lobbying against Clement Haynsworth, who was Nixon's Supreme Court nominee from South Carolina. The head of the Tax Division in John Mitchell's Justice Department, Johnny Walters, was also from South Carolina and he, too, was a favorite of Senator Strom Thurmond's. I was concerned that the Justice Department might react unfavorably to Bob's efforts to upset Haynsworth's appointment. I confronted Bob in his hotel room and asked him why he was doing this. He gave me a lecture on what the Supreme Court means to us, and how my children and my children's children would be affected if Haynsworth were appointed to the Court. I asked him why he did not get someone else from the NAACP to quarterback the drama unfolding in the Senate. He told me, in his usual arrogant fashion, that only he had the smarts to pull this one off. And he did! The Senate voted to reject Haynsworth's nomination. Moreover, Bob again worked successfully to bring about the defeat of Nixon's next nominee, G. Harrold Carswell.

Some months later, in a Jewel Tea Store on the south side of Chicago, a special IRS agent I knew came up to me and said, "Reid, who did you guys kill?" I knew what he meant but I played stupid. I said, "What are you talking about?" He said, "Don't give me that s-t, you know exactly what I mean! Bob Ming is going to jail! I bet you a dollar to that donut right there.
(we were standing by the pastry counter) that Bob goes to jail! I'll tell you one other thing: I bet you the case goes to Judge Julius Hoffman. It seems that a lot of our heater cases go before him."

On April 14, 1970, Bob was charged with four misdemeanor counts of failure to file his tax returns on time. The case was assigned to Judge Hoffman. Bob insisted that I try his case. I persuaded him that R. Eugene Pincham should assist in his defense. Since Bob was my mentor, trying his case was a little like performing open heart surgery on one of my parents.

At trial, Judge Hoffman did not admit a single exhibit for the defense, including the tax returns. Edward H. Levi and many others testified to Bob's good character, and I had to fight to get even that evidence before the jury. Bob was found guilty and Judge Hoffman sentenced him to four months on each count to run consecutively. That meant that for a misdemeanor Bob had to serve sixteen months in prison with no time off, as parole is not granted for sentences shorter than four months. Bank robbers were not getting that kind of time! I surrendered my client to the U.S. Marshall on January 2, 1973. It was a day I will never forget. Bob died on June 30, 1973, while still in custody, although he was on a medical furlough from Sandstone Corrections. I was told he had suffered a stroke while in prison.

Me—Ellis Reid

Like Bob Ming, my story began on the south side of Chicago. I was born in 1934. I attended Chicago public schools: McCosh Grade School and Englewood High School. I was class president of both graduating classes. My father once told me to learn to work with both my hands and my head, then nobody could take away my livelihood. I worked at many jobs from the age of twelve, including elevator operator, cook, waiter, crane operator, cab driver, CTA bus operator and ticket agent, commercial artist, cookware salesman, construction laborer, and process server.

I graduated from the University of Illinois in 1956, combining my senior year with the first year of law school. I entered the University of Chicago Law School as a second year transfer student, under the auspices of Aaron Payne, whom I had met while working in his home washing walls and windows. Payne, who had left the Law School in 1926 after two years' study, encouraged me to attend the Law School and helped me with my application.

As a student at the Law School, I began my day at 4:00 a.m. I worked as a ticket agent until just before 9:00 a.m. I then went to school until 5:00 p.m. (either in class or in the library). At 5:00 p.m. I picked up my cab and drove until about 11:00 p.m. I also used that time to make sales calls with my cookware samples, which were stashed in the trunk of my cab. I did not stop driving a cab until after I passed the bar exam! At one time I was confronted by Assistant Dean James Ratcliffe '50, who told me that University of Chicago law students "do not work." I replied that I, too, would not work if I could get a scholarship. Ratcliffe later helped me apply for a student loan and I dropped two of my three jobs.

Before I graduated, George Leighton's brother, Arthur, with whom I had served in the Army Reserve, advised me to consider the law firm of Moore, Ming & Leighton, then a firm of about fifteen attorneys. I began work there as a law clerk in my third year. After passing the bar exam, I became an associate attorney.

Bob Ming and George Leighton jokingly told me in my initial interview that because of the experience I would gain working with them I should pay them tuition and not look for a salary. The joke was not far from the truth. I started out at $50 a week.

My work with this firm brought me to the cutting edge of the 1960s and 1970s. From 1961 to 1969, as a result of Bob's recommendation to the Kennedy administration, I served as a consultant to the Office of Economic Opportunity, helping to set up the first national legal service program. Caspar Weinberger, appointed by President Nixon, fired me. Nixon dismantled the OEO programs, in my opinion because they were too effective.

During the Civil Rights riots of the late 1960s many people were arrested and charged with crimes. I worked with a committee of attorneys to defend them. One of the strategies we developed to deal with these mass arrests was to seek federal court orders invalidating some of the ordinances and statutes that were most often involved. In Landry et al. v. Daley et al. [28 F. Supp. 183 (1968)], Judge Hubert Will '37 held the applicable laws invalid in opinions that are still cited as authoritative when issues of vagueness or overbreadth are discussed.

The government made a direct appeal to the U.S. Supreme Court, sub nom. Boyle v. Landry et al. [401 U.S. 77 (1971)], claiming that Judge Will had erred in holding one of the statutes, prohibiting intimidation, invalid. I argued that case before the Supreme Court on three separate occasions. The first time I argued the case, in 1969, Justice Abe Fortas was still on the Court. He seemed to be leaning to my side. Unfortunately, he left the Court before the case was decided. As a consequence, I returned in 1970 to reargue the case before the Court, with only eight members sitting. The Court split four to four. We returned the next term to argue the case once more, this time before a full Court, including the newly appointed Justice Harry A. Blackmun. We lost five to four. The Court held that the defendants did not have standing to challenge the statute.

My interest in equal rights led me to file a lawsuit in 1968 on behalf of Carolyn McCrimmon and the Metropolitan Tavern Owners Association seeking to nullify a city ordinance which prohibited women from being barmaids in Chicago unless they were the licensee of the tavern or the wife or daughter of the licensee. Although the Supreme Court had previously held a similar ordinance constitutional, I thought that the 1964 Civil Rights Act prohibited this practice. After I filed the complaint, I served notice on the City that I was going to appear before the court to seek injunctive relief. When I took my papers to Judge James B. Parsons '49, his minute clerk told me that he could not accept my filing because the judge had issued a memorandum opinion, sua sponte, deciding the case against me. The U.S. Court of Appeals for the Seventh Circuit reversed and remanded the case to Judge Parsons with directions to enter the injunction. After the mandate came down, Judge Parsons entered the order and the press praised him for his great decision in favor of
women's rights. I became the darling of the barmaids in Chicago.

One Saturday in 1970, I received a call from Barnabas Sears, who had just been appointed Special State's Attorney of Cook County to oversee a Special Grand Jury investigation that arose out of the killing of Fred Hampton and Mark Clark and the wounding of several others in a police raid at the Black Panther Party Headquarters on December 4, 1969. Sears was tried as a bench trial before Judge Phillip Romiti. He found the defendants not guilty.

It was my impression at that time that the power structure was willing to sacrifice some police officers but not Edward V. Hanrahan, the Cook County State's Attorney. It was later established that J. Edgar Hoover was behind the scenes with his infamous "cointelpro" program, which had been designed to destabilize the leadership of the black community, including the Panthers and Dr. King. Indeed, it was later established that the only illegal gun in the Panther Headquarters had been put there by an FBI agent prior to the raid and that the raid, conducted by state's attorney's police, had been requested by the FBI. As a result of a later civil suit, the federal government paid almost two million dollars to the survivors and families of the deceased members of the Panther Party.

In 1977, Chauncey Eskridge, Walter Black, and I were the only partners remaining in the firm, now called McCoy, Ming & Black. Bob Ming had died, so had Fleetwood McCoy, and George Leighton, who left the firm in 1964 after being elected a state judge, had by now been appointed to the federal bench. We decided to dissolve the firm. That year, I started Ellis E. Reid & Associates Ltd. I shared office space with James D. Montgomery, my roommate at the University of Illinois, who later became the first African-American Corporation Counsel, under Mayor Washington.

In 1977, I ran for Mayor of the City of Chicago in the Democratic Primary. I was the first African-American to announce as a candidate. At first, I was part of a group that tried to persuade Harold Washington to run. We gathered almost 700 people in a church along with the media to await the announcement of his candidacy. Harold stood in the pulpit and said, "I am not a candidate." Needless to say, there were some ruffled feathers that night. The following week, I announced my candidacy from the Palmer House Hotel. On the last day for filing nominating petitions, my friend Harold filed his papers after all. We were both reluctant candidates in 1977. Neither he nor I thought we could beat the machine in the four months until the election. We looked ahead to 1983 as the best time to do it. In 1983, I deferred to Harold because he clearly stood a better chance of election.

In 1985, with Mayor Washington's support, I was appointed to the bench by the Illinois Supreme Court to fill a vacancy on the Circuit Court of Cook County and was later elected to a full six-year term. I am now the Presiding Judge of the First Municipal District of the Circuit Court of Cook County, the first African-American to occupy this position.

All of us owe a debt to those who have gone before us and blazed a trail for us to follow. As I have learned, there are many ways of serving the public good. There are also many ways of harming the public. According to Francis Bacon, "knowledge is power." According to Earl:

"The acquisition and advancement of knowledge are tools. But, like tools, they are neutral. They can be used for good or for evil. The hinge upon which way the use of power turns is character...character that is strong and enduring to stay the long course."

This article is adapted from the first chapter of a biographical study Judge Reid is currently compiling on the lives of Earl Dickerson, W. Robert Ming Jr., and himself.