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Lawson Edward Thomas and Miami's Negro Municipal Court

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I. INTRODUCTION

Lawson Edward Thomas, born in 1898 in Ocala, Florida, was both Miami's first black judge and the first black judge in the South since reconstruction.\(^2\) The municipal court Thomas presided over was located within Miami's Black Police Precinct and handled only cases involving black defendants arrested by black patrolmen.\(^3\) In other words, in 1950, Miami established a municipal court on purely racial lines. Amazingly, considerable research has not revealed a single scholarly article written about Miami's all-black court; Marvin Dunn's \textit{Black Miami in the Twentieth Century} contains only four sentences on L.E. Thomas.\(^4\) Even Miami-Dade County's "local court historian" seems to know next to nothing about the court Thomas had presided over. In addition, as of this writing, the old municipal court records have seemingly disappeared.

\(^1\) The Negro Municipal Court was the "realization of a dream" for several of Miami's prominent black professionals and businessmen, including Reverend John Culmer, Dr. Ira P. Davis, and the editors of Miami's black news weekly, the Miami Times. Their first accomplishment was persuading city officials to recruit five black patrolmen in September, 1944 to gain better police protection for Miami's Colored Town. ARVA MOORE PARKS & LAURA PINCUS, \textit{MIAMI POLICE DEPARTMENT: A CENTURY OF SERVICE 1898-1996} 45 (1996); \textit{Negro Police Celebrate Birthday, MIAMI HERALD}, Sept. 9, 1945, at 2A. Originally operating out of Dr. Davis’s dentist office and later out of a "shack behind a pool hall on N.W. 2nd Avenue," the black patrolmen were limited to arresting black suspects within Colored Town and the black district of Coconut Grove. PARKS & PINCUS, \textit{supra}, at 45-46. After just one year, it was estimated that the black patrolmen had made over four thousand arrests, generated over fifty six thousand dollars in fines and saved the city fifty thousand dollars in hospital expenses by drastically lowering the incidents of shootings and cuttings in Colored Town. \textit{Negro Police Celebrate Birthday, supra}, at 2A. Miami's Public Safety Director Don Rosenfelder declared that the black police unit had earned a permanent place in Miami's law enforcement picture. \textit{Id.} Finally, in the fall of 1949, these same black professionals and businessmen persuaded Miami to begin construction of a new two-story police precinct station in the Central Negro District to house both a growing black police unit, and their newly proposed all-black court that would compliment the law enforcement work already being done by the black patrolmen. \textit{The Beginning Of A Realization Of A Dream}, \textit{MIAMI TIMES}, Nov. 5, 1949, at 3. In November 1949, three thousand people from the black community gathered at Dixie Park to voice their appreciation for the new police precinct and court. Charles North, \textit{Over 3000 Attend Community Mass Meet, MIAMI TIMES}, Nov. 11, 1949, at 3.


\(^3\) \textit{Negro Attorney Named Judge of New Court}, \textit{MIAMI HERALD}, Apr. 20, 1950, at 1B.

Miami-Dade County’s court archivist explained that an earlier records custodian may have simply thrown the court’s records away believing them to be historically unimportant. This article hopes to convince the reader that Miami’s “Negro Municipal Court,” the United States’ first, and perhaps only, court ever set up on purely racial lines is both historically important and worthy of scholarly attention.

II. L.E. THOMAS: PIONEERING BLACK ATTORNEY

L.E. Thomas described his early years as a black attorney in Miami as comparable to that of a black attorney in South Africa. Customarily, black attorneys in Miami were limited to performing legal work that did not require them to appear in court. If a court appearance proved necessary, black attorneys hired white attorneys to present their case to the court. The Dade County Bar Association advised Thomas to do the same. However, on Thanksgiving Day, 1937, Thomas was scheduled to make his first appearance in Miami’s municipal court. When Thomas slipped into a seat at the front of the courtroom, the bailiff informed him that if he did not take a seat in the back “with the rest of the niggers” he would be thrown from the sixth floor window. Thomas went into the hallway, waited for the judge to take the bench, reentered the courtroom, and became Miami’s first black attorney to present his case at trial.

Throughout the 1940’s, Thomas was a key participant in a number of groundbreaking civil rights lawsuits and campaigns. For example, Thomas filed and tried the first teacher equalization salary suits in both Marion and Lake Counties. In the summer of 1945, he was instrumental in organizing protests that challenged the customary exclusion of blacks from Dade County’s beaches. As a result, on August 1, 1945, Virginia Key Beach was designated a “Dade County Park for the exclusive use of Negroes.” In the spring of 1946, Thomas participated, as amicus curiae, in a lawsuit that succeeded in preventing Dade County from formally

7. Id.
8. Id.
9. Id.
10. Id.
11. Id.
12. See infra notes 13-22 and accompanying text.
13. Att’y Thomas Named Judge, supra note 2, at 1, 13.
15. Id.
zoning the county along racial lines. That same spring, Thomas sought a declaratory judgment and injunction against the Broward County School Board for its wartime practice of closing a black school during the winter agricultural season when no such closing was ordered for any white school in the vicinity.

In August 1947, the National Association for the Advancement of Colored People (NAACP) engaged Thomas to represent Aaron Quince, a nineteen year-old black man accused of murdering Mrs. Leona Carter Sparkman, a twenty-nine year-old white housewife, near Holly Hill, Florida. Thomas challenged the first-degree murder indictment against Quince on grounds “that Negroes were unlawfully, arbitrarily and systematically excluded from the grand jury which indicted him solely because of their race.” On September 30, Circuit Judge George Jackson agreed with Thomas and quashed the first-degree murder indictment. Judge Jackson then “ordered the Spring [sic] term Grand Jury discharged and directed the County Commission to purge the entire 1947 jury box and refill it ‘as provided by law.’”

In April 1950, when Miami’s Mayor Robert L. Floyd nominated Thomas for judge of the Negro Municipal Court, he described Thomas as a fair, just and impartial man, a leader among his people, and a man who had earned the respect of the courts throughout the state of Florida, including Florida’s Supreme Court. Thomas’s nomination was unanimously approved. Thomas pledged to give his “full consideration for the rights of the people who will come before me and for the rights of the community.”

L.A. Thompson, a columnist for Miami’s black newspaper, The Miami Times, contended that Thomas’s appointment would be “hailed far and wide as a forward step in practical democracy,” showed that “we are

18. Quince to be Defended by Negro Lawyer: Accused Man to Enter Plea Before Judge on Tuesday, DAYTONA BEACH EVENING NEWS, Aug. 15, 1947, at 1A.
19. Wallace Meyers, Suspect Held In Woman’s Death, DAYTONA BEACH MORNING JOURNAL, July 26, 1947, at 1A.
20. Bill Finney, Quince Wins a Brief Technical Delay in Court: His Attorney Objects that no Negroes on Grand Jury, DAYTONA BEACH EVENING NEWS, Aug. 19, 1947, at 1A.
21. Bill Finney, Grand Jury is Ousted in the Quince Case: Jackson Tells Commission to Put Negro Names in Jury Box, DAYTONA BEACH EVENING NEWS, Sept. 30, 1947, at 1A.
22. Id.
25. Negro Attorney Named Judge of New Court, supra note 3, at 1B.
coming,” and “should lift the dark clouds of frustration that have hung so long and heavily” over the black community. To those black leaders who feared that the establishment of a court on purely racial lines could only serve to further entrench segregation, Thomas responded,

If the only objection to this court is that it does not try white people, then the objection is not to what we do, but that we don’t do enough. Of course this court is not the final answer to our problem. But we Negroes must use the tools that are at hand. This tool at least gives us a measure of self-government within the bounds of segregation. It makes the Negro a little larger citizen, and that’s all to the good.

On May 22, 1950, the Negro Municipal Court held its first session before a packed house of black spectators, many wearing their Sunday best. In addition to Judge Thomas, there was a black bailiff, Clyde Lee, who had been one of Miami’s original five black patrolmen, and a black clerk, F. W. Reynolds. After being presented with a gavel and flowers, Judge Thomas heard his first fifty-five cases.

III. MIAMI’S ALL-BLACK COURT

The court’s black critics were right when they pointed out the ways in which the black police precinct and Negro Municipal Court served to further entrench the Jim Crow system. White officers ran the precinct as fiefdoms and restricted the black patrolmen’s authority to arresting black suspects within the black community. Likewise, the Negro Municipal Court handled only cases involving Blacks suspected of committing either victimless crimes or crimes against other black people. If two men, one white and one black, were arrested together in the black community, only the black suspect would be tried in the Negro Municipal Court. More significantly, the Negro Municipal Court could never handle a case involving a black suspected of committing a crime against a white person.

27. Albert Q. Maisel, His Court is a Classroom, CHRISTIAN HERALD, Aug. 1951, at 69.
28. Stephen Trumbull, First Session Brings 55 Offenders To Miami’s New All-Negro Court, MIAMI HERALD, May 23, 1950, at 7A.
29. Id.
30. Id.
32. Luther Voltz, New All-Negro Court Expected To Cut Crime, MIAMI HERALD, Mar. 3, 1950, at 8B.
34. Negro Attorney Named Judge of New Court, supra note 3, at 1B (pointing out that Negro Municipal Court was set up on purely racial lines).
At the same time, the black police precinct and Negro Municipal Court were practically autonomous entities from the City of Miami police department and municipal court. It was this limited measure of self-government within the confines of segregation that Thomas recognized as a progressive step for his people.\(^35\) In fact, the black police precinct maintained its own arrest slips, drew up its own bookings, detained its own suspects until trial.\(^36\) Meanwhile, the Negro Municipal Court typed its own docket and had its own black bailiff, black court clerk, and black judge.\(^37\) Only if a black criminal defendant was found guilty and sentenced to jail would he leave the custody of the black precinct and be transferred to the city stockade.\(^38\)

Similar to the other sessions of the municipal court, the Negro Municipal Court handled only defendants suspected of municipal ordinance violations.\(^39\) However, this included any state misdemeanor committed within the city limits.\(^40\) Consequently, the Negro Municipal Court had jurisdiction to handle cases that involved drunk and disorderly conduct, behavior of a lewd and lascivious nature, simple assault, carrying a concealed weapon, and, prior to 1955, assault with a deadly weapon.\(^41\)

On average, the Negro Municipal Court heard between eight and nine thousand cases per year.\(^42\) Another remarkable feature the Negro Municipal Court shared with the other sections of the municipal court was that trials rarely involved attorneys.\(^43\) Consequently, black patrolmen often

35. Maisel, supra note 27, at 69.
36. Precinct Court - Proposed Abolition, supra note 33 (statement of Captain G.W. Haller).
37. Id. L.E. Thomas was appointed to the court in April, 1950. Miami, Fla. Resolution No. 22403 (Apr. 19, 1950). John Johnson replaced Thomas and became the Negro Municipal Court’s second black judge in November, 1955. Johnson Named Judge; Replaces Thomas, MIAMI TIMES, Nov. 26, 1955, at 1. In May 1959, Johnson resigned and the Negro Municipal Court was temporarily abolished. MIAMI TIMES, May 23, 1959, at 1; Precinct Court, City Commission Special Meeting, microformed on Florida Documents, Miami Public Library, Miami Fla., (Jan. 5, 1962) (statements of Commissioner Henry Balaban). In December, 1959, Thomas was reappointed to the Negro Municipal Court. Municipal Judges of City of Miami, City of Miami, Fla. (listing municipal judges from 1905-1972 and the date each took his oath of office). In December, 1961, Miami’s city commission failed to reappoint Thomas, and from 1962 until the court’s abolition in July, 1963, white judges sat in rotation at the Negro Municipal Court. See infra Section IV.
38. Precinct Court - Proposed Abolition, supra note 33 (statement of Captain G.W. Haller).
39. MIAMI, FLA., CODE ch. 32 § 1 (1945).
40. MIAMI, FLA., CODE ch. 35 § 36 (1945).
42. J.L. (Dixie) Smith, Municipal System About to Burst at Seams: City’s Judges Labor Under Heavy Load, MIAMI HERALD, Feb. 14, 1956, at 1C.
43. Jack W. Roberts, Why All the Bickering in Miami's City Court?, MIAMI DAILY NEWS, Nov. 11, 1954, at 1SA.
served as both prosecutor and chief witness, while the judge often served as both judge and defense counsel.\textsuperscript{44}

The Negro Municipal Court was unique because for the first time black defendants experienced both due process and equal protection under the law in a Miami municipal court.\textsuperscript{45} Prior to the establishment of the Negro Municipal Court, black defendants received widely divergent sentences based solely on the basis of the race of the victim.\textsuperscript{46} If the victim was white, the white-dominated court would mete out a heavy sentence designed to not only punish the black defendant, but also to intimidate the entire black community.\textsuperscript{47} In contrast, if the victim was black, the white-dominated court would mete out a light sentence that conveyed a condescending resignation.\textsuperscript{48} In other words, as long as black disorderliness and violence was confined to the black community, it was of no real consequence to whites. Black violence was only perceived as a problem by white judges when it spilled into the white community. The Negro Municipal Court was different—Judge Thomas recognized the inherent value and dignity of all people and took seriously the problems of violence in the black community. Finally, the Negro Municipal Court was radically different than other divisions of Miami’s municipal court because black defendants were presumed innocent until proven guilty and were given an opportunity to be heard.\textsuperscript{49}

Between 1950 and 1959, Elliott Pieze wrote a column for \textit{The Miami Times} entitled \textit{Good Morning Judge}.\textsuperscript{50} This column provides the best account of what a typical day in the Negro Municipal Court was like. In \textit{Good Morning Judge}, Pieze reported on the courtroom environment,\textsuperscript{51} including: the judge’s general disposition towards the defendants,\textsuperscript{52} whether

\textsuperscript{44} Id.
\textsuperscript{45} See Maisel, supra note 27, at 19.
\textsuperscript{46} See id. at 68.
\textsuperscript{47} See id.
\textsuperscript{48} Id.
\textsuperscript{49} See id. at 19.
\textsuperscript{51} See, e.g., id. Feb. 2, 1952, at 16 (“As usual . . . the courtroom was crowded to capacity, with many spectators standing in the aisles.”); Mar. 7, 1953, at 12 (“The crowd in the courtroom went into a great laughter . . . .”); Oct. 4, 1952, at 3 (“The case provoked more laughter than any other from the jammed packed courtroom.”); Aug. 19, 1950, at 9 (“[Judge Thomas] brought praise from the capacity-filled courtroom, and obvious approval from the defendants.”).
\textsuperscript{52} See, e.g., id. Aug. 19, 1950, at 9 (“Monday morning was house-cleaning . . . [Judge Thomas] rendered judgment after judgment, in a manner that brought praise from the capacity-filled courtroom, and obvious approval from the defendants.”); Oct. 20, 1951, at 4 (“[T]he judge ‘threw the book’ hard and fast
attorneys were present; defendant and witness names, sentences and fines imposed; and most revealing, at least one feature case.

Nearly half of the cases dealt with drunk and disorderly conduct. Simple assault and battery cases were also quite common and typically involved matters of a domestic nature. In addition, the Negro Municipal Court frequently heard cases of aggravated assault with potash, knives, and guns. In fact, even after aggravated assault became a felony, the Negro Municipal Court continued to handle such cases. Good Morning Judge also regularly reported cases heard by the Negro Municipal Court in- [sic] levying of fines and sentences in some cases to the limit of the law.

53. See, e.g., id. Nov. 11, 1950, at 7 (pointing out that the defendant was represented by a “White [sic] council, Atty. Rabinowitz, who put up a very formidable [defense]”); July 3, 1954, at 15 (reporting that a “prominent White [sic] attorney” threatened to appeal the case); Aug. 14, 1954, at 10 (pointing out that defendant was represented by “White [sic] . . . Atty. Rainwater”); Oct. 16, 1954, at 8 (reporting the rare presence of Assistant City Attorney Edward J. Fitzpatrick in a gambling case); Dec. 9, 1950, at 8 (noting that the defendant was “represented by Atty. Rabinowitz who put up a tremendous argument in behalf of his client”).

54. See, e.g., id. Aug. 26, 1950, at 5 (reporting the case of Eugene Watkins, charged with operating a gambling house, and Mrs. Marian Marshall, for possession of bolita tickets); Sept. 30, 1950, at 12 (reporting Lawrence Carroll’s case for petty larceny); Oct. 8, 1955, at 10 (reporting Samuel Charlton’s case for disorderly conduct); Apr. 7, 1956, at 16 (reporting Alvin Lee Chaney’s case for assault and battery).


56. See id.

57. See, e.g., id. Nov. 30, 1957, at 6 (describing potash cases as not unusual; featuring case in which defendant threw potash on a woman, burning her eyes and neck, when the woman showed up at defendant’s place to retrieve her “common law” husband).

58. See, e.g., Trumbull, supra note 28 (noting a defendant sentenced to thirty days for brandishing a razor during a drunken brawl); Pieze, supra note 50, Apr. 17, 1956, at 16 (reporting on a defendant who allegedly cut a woman several times with a knife when the defendant suspected her of conspiring with his homosexual lover to arrange a date with another man).

59. See, e.g., Pieze, supra note 50; Sept. 30, 1950, at 12 (describing defendant who slapped a woman severally and then drew a weapon on her and threatened to kill her); Apr. 16, 1955, at 3 (featuring a defendant who beat up his girlfriend when she refused to “do as he ordered” and then pulled a gun on her as she attempted to flee).

60. See, e.g., id. Feb. 25, 1956, at 9 (involving defendant who beat up an alleged prostitute with a gun when she pulled it on him to thwart his unsolicited overtures); May 12, 1956, at 13 (describing a defendant who exploded out of the kitchen of Nasty Man’s Café wildly firing a gun when he heard a patron attempting to borrow a dime in order to pay his bill).
that involved alleged vagrants,61 drunk and reckless drivers,62 petty thieves,63 and gamblers.64

Pieze’s most sensational columns dealt with cases involving lewd and lascivious behavior. These cases featured men discovered in “compromising positions,”65 “female impersonators,”66 women engaged in “unnatural relationships,”67 child molestation,68 and adultery.69 However, Pieze’s columns never featured a case that charged lewd and lascivious behavior based on a white and black person “occupying the same room” or “living in adultery.”70 The simple reason for this omission is that these cases could not be tried in the Negro Municipal Court because the court lacked the authority to try white defendants.71 It is also safe to assume that black patrolmen never enforced the miscegenation laws. First, and most importantly, miscegenation laws served no purpose other than to codify white racist notions of black inferiority. Second, and more practically, since black patrolmen could not arrest white persons, the arrests of the interracial couple could not be made without inviting the intervention of a white officer.72

61. See, e.g., id. July 7, 1957, at 10 (noting that the judge warned “habitual vagrants . . . to get a job or else”).
62. See, e.g., id. Dec. 12, 1950, at 3 (reporting a drunk driver who was spotted driving on the wrong side of the street and then led the police on a high speed chase before he drove down a dead end).
63. See, e.g., id. May 30, 1959, at 15 (reporting defendant arrested for “theft of an apple, a potato and a tomato, valued at 35 cents”); July 5, 1952, at 10 (refusing to hear case involving theft of property valued at more than fifty dollars).
64. See, e.g., id. Aug. 26, 1950, at 5 (describing seizure by police of a handbag full of bolita tickets); Jan. 21, 1951, at 13 (reporting the accidental shooting of a suspected gambler); Aug. 14, 1954, at 10 (noting “Wednesday is usually the day for trials of the bolita boys”).
65. See, e.g., id. Oct. 4, 1952, at 3 (describing two defendants caught in a car on a seldom-traveled road, early in the morning. One of the defendants was completely nude and in a “compromising position” while the other was at the “steering wheel . . . dumb-founded” over his lover’s action).
66. See, e.g., id. July 31, 1954, at 12 (describing case of well known transvestite performer arrested for, inter alia, leading police on a high speed chase and “dressing in a manner unbecoming his sex”).
67. See, e.g., id. Oct. 20, 1951, at 4 (sentencing two young women to thirty days in jail after landlady complained that “something unnatural had been going on for sometime”).
69. See, e.g., id. Mar. 15, 1952, at 4 (stating that a married woman and a man other than her husband were charged with lewd and lascivious behavior when they were “clearly observed” together in bed and subsequently arrested).
70. See Pieze, supra note 50.
71. See Voltz, supra note 32, at 8B.
72. Klienberg, supra note 31, at 8BH (noting that a black patrolman could detain a white suspect until a white officer arrived to arrest the suspect).
After five and one-half years on the bench, Judge Thomas developed a reputation for being a tough judge. Thomas explained that the reputation was “not altogether well-founded,” but conceded that he had been tough on defendants who carried concealed weapons. Thomas added that he had yet to hear a defendant offer a good reason for leaving home with a weapon. Further, Thomas explained that he had been tough on violent offenders because he wanted to “try to shock [them] into the idea that everybody has a right to have peace and dignity.” On the other hand, Thomas was well known for tempering justice when it appeared to him that a stiff fine or long jail sentence would impose an unnecessarily harsh economic burden on the defendant’s family. Thomas pointed out, “[l]ots of judges forget . . . that somebody—maybe the kids—won’t eat so good if a man is out a day’s pay. I always stop myself and say, ‘who are you fining?’”

One case featured in Good Morning Judge illustrated this side of Thomas’s judgeship more than any other. The case involved three families charged with disorderly conduct. Testimony revealed that the three families paid a combined twenty-five dollars per week for a three-room shack with an outside bathroom, unprotected from general use. When Judge Thomas learned “of the pathetic condition under which these people were living, and of the exorbitant rent which they were forced to pay,” he dismissed all of the defendants, and pledged to aid the defendants in finding some “much needed relief.”

IV. INTEGRATING MIAMI’S COURTS

In December 1961, the Miami City Commission dropped Judge Thomas as its lone black judge and appointed Arthur Massey. In response to rumors that the commission was preparing to abolish the court, the Adelphian Club, an association of black professionals and businessmen who opposed the court’s abolition, requested the commission to hold a
public hearing to discuss the matter. On January 5, 1962, the commission met to fill four more judicial vacancies. Commissioner Henry L. Balaban read the petition from the Adelphian Club and suggested leaving one judicial post vacant so as not to preclude the commission’s consideration of whether to retain or abolish the court. Commissioner Joseph X. DuMond Jr. replied that a public hearing was unnecessary because a substantial feeling existed within the black community that a “segregated court . . . [was] not in keeping with the tempo of Miami.”

Commissioner David T. Kennedy added that he had received a call from Reverend Edward Graham of the Greater Miami Ministerial Alliance, “one of the outstanding spokesmen for the colored citizenry in Miami, and he requested that we do away with second-class justice in the City and have integrated courts . . . .” In the end, the commission filled all four judicial vacancies with white judges, failed to officially abolish the court by resolution, and left unresolved whether there would be a public hearing to discuss the court’s fate. Consequently, the five appointed municipal judges took turns presiding over a black-staffed court that continued to be limited to trying black defendants arrested by black patrolmen within the black community.

Finally, on the twenty-third of February, the City of Miami convened a public hearing for comments on the issue of retaining or abolishing the

84. Municipal Judges - Appointing Milton Friedman, Carlos Fernandez, John Barrett & Milton Wallace, City of Miami Commission Meetings, microformed on Florida Documents, Miami Public Library, Miami Fla., (Jan. 5, 1962) (comments by Mr. Balaban, reading from a telegram). Signatories to the petition included Reverend John Culmer, Dr. John O. Brown, Otis James, and Dr. George Simpson. Id. Reverend Culmer was Miami’s preeminent black advocate of his day. Dunn, supra note 4, at 177. Reverend Culmer’s work as a housing advocate led to the construction of Liberty City Housing Project, the first housing project for blacks in the Southeast. Id. at 180. His activism in voting rights resulted in the participation of blacks in the primary election of 1939. Id. Dr. John O. Brown was chairman of the Miami Chapter of the Congress of Racial Equality (CORE). Id. at 184. Brown participated in the first lunch counter sit-ins in the south in 1959, and led marches to integrate Dade County’s public beaches. Id.; see also, Milt Sosin, Police Bar Burdine’s Sitdown, MIAMI NEWS, Mar. 4, 1960, at 3A. As a father of a school aged child, Brown also participated in the class action lawsuit that forced Dade County to begin desegregating its schools. Dunn, supra note 4, at 184. Otis James chaired the Crusade for Voters, which succeeded in boosting the rolls of black voters from twenty to thirty thousand in the early 1960s. Id. at 197. Dr. George Simpson later followed Theodore Gibson as President of the Miami Branch of the NAACP. Id. at 175.


86. See id. (comments of Commissioner Henry L. Balaban).

87. Id. (comments of Commissioner Joseph X. DuMond Jr.).

88. Id. (comments of Commissioner David T. Kennedy).

89. Id.

90. Negro Attorney Named Judge of New Court, supra note 3, at 1B.
Adelphian president, Charles A. Lockhart, made it clear that the Adelphians were not asking for retention of the precinct court as a "Negro or Colored court, but as a branch of the Municipal Court." At the same time, the Adelphians made it clear they would not object to a black judge. Reverend John Culmer described the Adelphian position as the "painless way of bringing about integration." Reverend Culmer made two main arguments in favor of retaining the court. First, Culmer recalled the frequency with which white judges employed "opprobrious epithets in referring to members of my race" in city court. In particular, he recalled an occasion when a prosecutor referred to a black defendant as a "Colored lady" and the white city judge interrupted the prosecutor to inform him that, "all Colored people in my court are just plain Niggers." He argued that white judges forced to preside over a black-staffed court within the black community would have to think twice before indulging in such "contemptuous terminology."

Second, the Reverend contended that those black leaders opposed to the retention of the precinct court were guilty of "speak[ing] out of both sides of their mouths." On the one hand, they opposed a segregated court conveniently located within the community that provided ten blacks salaried jobs and that had a proven record of service. On the other hand, presumably for the sake of convenience and to serve the black community, they have simultaneously advocated the formation of "Negro segregated insurance companies" and "Negro banks." A few days later, Culmer added, "I live in a Negro settlement and I'm a pastor of a Negro church. Until we are ready to abolish the church, I'm not ready to abolish the court."

Unlike the Adelphians, Sgt. L.F. Bowen unapologetically argued for the retention of a completely segregated court. Bowen contended that the presiding white judges were incapable of effectively serving the black community because they did not understand, nor did they try to understand,
the problems within the black community. Bowen also complained about a certain condescending resignation among the presiding white judges towards the black defendants. Bowen explained,

I don't want a man to feel sorry for me because my skin is black, and I haven't had an opportunity to get this, that and the other... and I don't want the judge to say, “Well, he didn't know any better, and he has had it bad all his life, so I will give him $25.00 or five days[“]; where a Colored judge would give a man that much for saying a profane word.

When Mayor Robert King High asked Bowen whether or not he feared “perpetuating a situation where it could never be any different,” Bowen replied, “I have got a lot of white friends, and all I can do is go by what they tell me. I have lived in the Negro area all my life. I understand my problems better, I feel, than you would.”

According to Reverend Culmer, the NAACP advocated total integration of the courts, i.e., a court presided over by white and black judges that would take cases as they came, regardless of race. If true, then why had not a single member of the NAACP attended the public hearing? Why had not a single member of Reverend Graham’s Ministerial Alliance attended the public hearing? After all, just a month earlier the commission failed to both appoint a black judge and abolish the precinct court. As a result, two separate courts continued to exist in Miami. The precinct court lost its black judge but continued to be limited to trying only black defendants apprehended in the black community. The main city court continued to try white and black defendants, but failed to gain a black judge. Arguably, this represented a step away rather than a step towards the fully integrated court envisioned by the NAACP. Certainly, black defendants arrested by patrolman within the black community were no closer to the first-class justice advocated by Reverend Graham now that white judges rather than a black judge presided over the precinct court in rotation. The most probable explanation for their absence, however, was that their efforts to integrate the court constituted only one

103. Id.
104. Id.
105. Id. (comments of Mayor Robert King High).
106. Id. (comments of Sergeant. L.F. Bowen).
107. Equal Chance, supra note 101, at 3A.
108. See generally Precinct Court - Proposed Abolition, supra note 33 (reflecting a lack of either group’s members being reflected in the minutes of the City Council meeting).
109. See generally id.
110. Negro Attorney Named Judge of New Court, supra note 3, at 1B.
front in a much more comprehensive campaign to compel Miami to
desegregate all of its city buildings and public facilities.111

Whatever the reason, the end result was that only commissioner
DuMond made any attempt at refuting the precinct court’s supporters.
First, DuMond argued that the opprobrious epithets that concerned Culmer
were a thing of the past.112 Second, DuMond reported that many people
had told him that the court had done more harm than good.113 Finally,
DuMond explained that one integrated city court would treat all persons
equally regardless of race.114 In the end, however, no final resolution on
the issue was made, and the status quo prevailed. Instead of Judge
Thomas, the precinct court would now be presided over by the likes of
Judge Massey, who described the black community as a jungle and said of
his experience at the Precinct Court, “I never saw [sic] anything like this.
These people don’t know right from wrong.”115

On July 25, 1963, Miami’s city manager, M.L. Reese, ordered all city
buildings and recreational facilities desegregated.116 The city’s
desegregation order was accompanied by the Police Department’s
announcement that the Black Police Precinct would be abolished.117 Black
policemen were ordered to stop booking suspects, close the precinct jail,
and report to police headquarters for integrated roll calls.118 The director of
public safety announced that the one policy that would not change was that
most black officers would continue to work in the black community.119 In
addition, the Negro Municipal Court ceased to exist as a separate court.120

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111. By 1962, the Miami Branch of the NAACP, led by Reverend Theodore Gibson and
represented by attorney G.E. Graves, had succeeded in integrating Miami’s golf courses, buses,
parks and pools. See Ward v. City of Miami, 151 F. Supp. 593 (S.D. Fla. 1957); Cecil Mann,
Edict’s Effective Sept. 1st, MIAMI HERALD, Aug. 9, 1957, at 1B; Phil Meyer, City’s Swimming
Pools, Facilities Open To All, MIAMI TIMES, Apr. 8, 1961, at 1. The Miami Branch had also
forced Dade County to integrate its parks, beaches and public schools. See Ervin OKs Gradual
Integration, MIAMI HERALD, Nov. 20, 1959, at 2D; Phil Meyer, 8 Negroes Swim at Crandon
Park, MIAMI HERALD, Nov. 26, 1959, at 1D; Negro Swims; No Incidents, MIAMI HERALD, Jan.
18, 1960, at 15A (describing how young black man swam at Dade County’s Hammock beach
park with no incident); Gibson v. Bd. of Pub. Instruction of Dade County, 272 F.2d 763 (5th Cir.
1959).

112. Precinct Court - Proposed Abolition, supra note 33.
113. Id.
114. Id.
115. Colbert, supra note 83, at 3A.
116. Miami Ends Bias In City Employment: Manager Issues Official Order, MIAMI TIMES,
117. Police Abolish Precinct, MIAMI HERALD, July 26, 1963, at 1B.
118. Id.
119. Id.
120. Jason T. Smith, Historic Black Police Precinct Gets New Lease on Life, MIAMI TIMES,
However, the record indicates that Miami did not integrate its courts in the manner advocated by the NAACP until 1967, when Miami's third appointed black judge first heard a case involving a white defendant.121

V. CONCLUSION

The proponents of an all-black court did not see the court as a panacea but simply as a tool to make "the Negro a little larger citizen" within the bounds of segregation.122 Within the court, many black defendants experienced due process and equal protection under the law for the first time. Black defendants were presumed innocent until proven guilty, given an opportunity to be heard, and, most importantly, treated with humanity and dignity. Ironically, Judge Thomas's resolve to combat the disparate treatment black defendants experienced in the white dominated courts solely based on the race of the victim resulted in tougher sentences for black violent offenders. Further, court proponents contended that it was Thomas's toughness toward violent offenders that exemplified the court's service to the black community. While the court was accurately criticized as second rate because of the jurisdictional limitations imposed by the white establishment, the justice rendered to individual black defendants by the all-black court was first-class. The historical importance of the court is not what it was incapable of doing, but rather how court proponents used the court to both serve the best interest of the black community and advance the cause of individual civil rights.

121. Municipal Judges of City of Miami, City of Miami, Florida (listing municipal judges from 1905-1972 and date each took his oath of office).
122. Maisel, supra note 27, at 69.