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Profile in Courage Essay Contest

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Benjamin J. Davis Jr.

“Nothing could make me prouder than to know him.”

Paul Robeson

In 1932 Benjamin J. Davis Jr. met his first and only high-profile client, a young man facing the prospect of life on the chain gang. For the first time in his career, Davis, an inexperienced Harvard-educated attorney, was eager to put his training to use and took on the defense of the young activist: 19-year-old Angelo Herndon, a steadfast Communist Party organizer, accused of inciting a violent insurrection after leading a peaceful march against the closure of Southern relief stations for the unemployed. (Horwitz, 95)

Authorities had jailed Herndon under Georgia’s insurrection statute, citing his possession and distribution of Communist literature as proof that the young man was plotting to overthrow the state. (Vile) While Herndon was imprisoned, Davis reached out to both the party and the International Labor Defense (ILD) to express interest in taking up the case, alongside fellow attorney John H. Geer. (Davis, 54 - 55) Soon enough, Davis and Geer were ready to defend Herndon in spite of the enormous obstacles ingrained in the Jim Crow legal system. Blacks were systematically excluded from serving on the jury; Klansmen continuously threatened the defense both in and outside the courthouse; and the Judge permitted the use of the term “darky” as a substitute for the n-word. (Horwitz,

97) After years of struggle, Herndon was finally acquitted in 1937 after the U.S. Supreme Court found that Georgia's insurrection statute was not constitutional under the First Amendment. (Vile) This trial was not just a turning point for Angelo Herndon, however; it was also a radicalizing moment for Davis, who would eventually fall victim to the same legal system that made his name.

Davis was born in Dawson, Georgia before his family moved to Atlanta in 1909. His father, Benjamin J. Davis Sr., was a prominent Black publisher and southern politician, serving as a member of Georgia's Republican National Committee, who convinced Davis to embark on a law degree. (Horwitz, 93) Following Herndon's exoneration, Davis, inspired by the party's dedication to the Herndon case and Black Rights more broadly, joined the cadre. Davis made his way up to Harlem, becoming the editor-in-chief of a party-sponsored newspaper, *The Negro Liberator*, leaving his law career behind. (Horwitz, 99) By the 1940s Davis was a major party organizer in Harlem, and in 1943 won a seat on the city council, filling a spot previously occupied by Adam Clayton Powell Jr. During his first term, Davis's largest fight began with the construction of a vast housing project in Lower Manhattan.

Stuyvesant Town is one of New York City's largest residential complexes, home to tens of thousands of tenants, including the author of this paper. During its construction, the president of Metropolitan Life Insurance Company (MetLife) – the corporation that developed Stuyvesant Town – publicly declared that Black tenants would not be permitted to “dwell” in the project and actively incentivized landlords to discriminate in their selection of all non-white tenants. Davis seized on the opportunity to combat these

practices after public outrage led to the passing of the housing redevelopment law, a law that had virtually no impact on MetLife as it failed to criminalize the company's tax exemption incentive for racist landlords. In the words of Davis, this loophole was “big enough to permit the whole confederate army to pass through.” (Davis, 126)

Davis maintained that the fight against Stuyvesant Town bigotry required alliances both on the ground and in the state legislative body. This prompted him to unite with Republican councilman Stanley M. Isaacs in introducing the Isaacs-Davis Bill, but despite popular support for the proposal, the two were politically isolated. (Fox) Governor Dewey, Mayor LaGuardia, and the Democratic establishment did absolutely nothing to stop the practices of MetLife – rather, these forces “hemmed and hawed,” filibustering and attacking the bill. (Davis, 127) Davis waged a year-long struggle, arguing with and attacking the Democratic majority until they caved into popular sentiment. The bill was subsequently rewritten by their majority leader, Joseph Sharky, with one major distinction: the end of discriminatory practices would apply only to developments built after 1945, allowing Stuyvesant Town to continue its racist policy. (Editors) As Davis put it, “the billion-dollar Metropolitan was bigger than the elected legislative body of eight million New York citizens.” (Davis, 128)

On-the-ground protests pressed on against Stuyvesant Town from 1947 until 1951, when it finally accepted Black families – with one caveat for some of the white anti-segregationist residents. The protests were primarily led by an organization known as *Town and Village Tenants Committee to End Discrimination in Stuyvesant Town*, which convinced 3,100 residents of the project to sign a petition to end MetLife’s bigoted ways.

(“Tenants Protest Bias”) However, many of the organizers of the committee had to move out in 1951 when Stuyvesant Town admitted its first set of Black families. This was the result of an arrangement they made with MetLife. (Fox) Davis, aided by the committee, strengthened the struggle by combining legal and political pressure with grassroots social mobilization. By the time Black families were permitted into the project, Davis found himself far from Stuyvesant Town – alas, in an Indiana prison.

By no means was Davis the only outspoken enemy of MetLife, though he did take on the greatest risk. Davis was both Black and a Communist, making him a massive target of the New York real estate industry. Davis’s own decline began with his failure to win his 1949 re-election campaign, in part as a result of the end of proportional voting. (Goodwin) The end of this system was pushed by staunch anti-communist forces such as the Democratic establishment, which attacked Davis’s anti-discriminatory propositions in vexation. Like his former client Angelo Herndon, Davis was soon indicted and charged with conspiracy to overthrow the federal government, due to his leadership position within the Communist Party. He remained in prison as the McCarthy era reached its apex and was released in 1955. (“Benjamin J. Davis, 60, Is Dead”) Little did Davis know in 1932 that he would wind up in the same place as his first and only high-profile client, Angelo Herndon – ironically, for the very same reason.

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