

The FE Speaks with Detroit's Radical Judge

Fifth Estate Collective

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The election of Justin Ravitz to a seat on Recorder's Court came as no surprise to most Detroiters who had watched the campaign, and had seen Ravitz's clear-cut lead in the spring primary.

Ravitz, 32, came into the election campaign with a long list of credentials as a proponent of radical change:

- He successfully defended welfare mothers arrested for trespass in front of the Bureau of Social Services;
- He and his law partner, Ken Cockrel, successfully represented three members of the Republic of New Africa charged with murder and attempted murder of police officers in the New Bethel Church shoot-out. In so doing, they exposed and altered Detroit's jury system, which had systematically excluded thousands of blacks, youth and women.
- He and Cockrel successfully achieved the acquittal of James Johnson, a black auto worker at Chrysler who, after being driven to the mental breaking point by inhuman working conditions, shot and killed two foremen and a co-worker.
- He led the litigation against city and county officials responsible for the barbaric conditions in the Wayne County Jail and by so doing cut the inmate population in half.
- He successfully defended anti-war demonstrators who were arrested during protests against the mining and bombing of Hanoi and Haiphong.
- He successfully challenged Michigan anti-marijuana laws, freeing 130 people from state prisons.

Most recently, Ravitz has been engaged in litigation to end STRESS decoy-execute operations in Detroit. *The New York Times* called him "the nation's first radical judge."

The *Fifth Estate* recently talked to Justin Ravitz. Our conversation with him covered both his reform strategy and his opinions on topical issues.

This installment, the first of two, deals with the reforms that Ravitz plans to begin as soon as he is sworn onto the bench, his view of contemporary legal defense and bail.

A discussion of his future role in the STRESS suit, his feelings on Detroit's heroin problem, the possibility that other radicals may be elected to offices in Detroit and other topics, will be covered in the next issue of the Fifth Estate.

Ravitz sits at a large wooden kitchen table. His legs are crossed, showing that he is wearing brown cowboy boots. He has a delicate tear in the knee of his blue jeans. As he begins to talk, he rests his hand at his neck and leaves it there.

His words are punctuated with pauses in which his eyes look to one side and it becomes clear that he is thinking each word and phrase. His words flow to the ear much better than this transcript will flow to the eye.

Even the inflections of his voice are rhythmic and deliberate. He freezes in his chair as the questions are asked. Then he moves his hand from his neck to gesture but as he begins the answer, his hand goes back to his neck.

FIFTH ESTATE: Generally, what reforms can people expect to see coming out of Recorder's Court now that you have been elected. That is, what reforms will it be possible for you to undertake?

JUDGE RAVITZ: There are really a number of points in the answer to that question. First, I'll be only one of twenty judges which means theoretically that I'll be handling about 5% of the docket, which would translate to handling something like 1500 cases a year in Recorder's Court.

Second, we have talked for a long time about the atmosphere that prevails in essentially all American courtrooms. This atmosphere is maintained and perpetuated by having a judge sit up high, wear a robe, bang a gavel and by having everybody stand and bow and say your honor this and your honor that. It is perpetuated by the language that is employed in court and by the overall feeling of alienation and intimidation that all people feel when they come into the courtroom, whether they are jurors, witnesses or most of all, of course, defendants.

That's an atmosphere that's maintained, I believe, in order to make people afraid to assert their rights and to struggle.

In all urban criminal courts, that atmosphere helps maintain the assembly line such as that evidenced in Recorder's Court, where 90% of all felony convictions are by way of guilty plea.

Obviously we are going to work very hard in one courtroom, to the maximum extent possible, to try to offer and show a different atmosphere. We are going to work very hard to let people who come into that courtroom have the sense and feel, in effect, that it's their courtroom, that there can be struggle in that courtroom, that it will be encouraged, that there will be someone there who is essentially bent on following their law which they've never managed nor even tried to follow.

FIFTH ESTATE: What about the 24-hour court proposal? Wasn't that mentioned during your campaign?

JUDGE RAVITZ: In terms of added reforms we've spoken of the necessity of there being 24-hour arrangements in the City of Detroit. In 1971 there were 110,000 arrests in the city of Detroit and yet only 47,000 people were taken to court and actually charged with crimes. This means that in excess of 63,000 people were arrested and taken to the precincts, where conditions are even worse than the Wayne County Jail, were locked up and held in detention for anywhere up to 72 hours and then typically were told, "OK, we're gonna give you a break...we're gonna cut you loose."

The reality is, of course, that they don't give anyone a break, that the person is falsely arrested, falsely imprisoned, and held for sometimes lengthy periods of time.

A solution of sorts for that problem is for judges who are elected by the people of this city and who are paid enormous salaries by the people of this city—who work a lot harder than they do for a lot less—to be available downtown 24 hours a day so that whenever an officer arrests a citizen, the officer knows that he is obliged to take the person immediately to court and to prefer charges.

The objective consequence of 24 hour arraignments in my judgment, would be that in excess of 63,000 people a year wouldn't be arrested illegally, and officers of the law would be free to enforce the law instead of violating it.

FIFTH ESTATE: How can 24-hour court become a reality? Will you be in a position to bring that about?

JUDGE RAVITZ: That's a reform that's going to come from one of four places. It could come internally from the bench. At the first judges' meeting, I intend to raise it, and if a majority of the judges vote in favor of it then that could occur.

It could come from litigation, and people with whom I've worked are working on litigation now that will probably be filed within the next couple of weeks.

It could come from the legislature in Lansing, and I understand that State Rep. Jackie Vaughn is working on the formulation of a bill to require that. And, fourth, wherever it comes from it might well require the push from people who feel there ought to be this law to serve the people's interest.

Obviously when I'm a judge I'm going to abandon the past policy, of really all the judges, which has been an unwritten code to never publicly disagree with one another. I'm going to fight internally with those judges on the bench who are progressive, and there are a number of them, and try and pass things like 24-hour arraignments, but if it doesn't work that way then obviously I'm going to externalize the issue and report to the people to whom I'm accountable.

FIFTH ESTATE: How will you deal with the question of the rights of people to defense council, even for misdemeanors, as recent court decisions have set forth?

JUDGE RAVITZ: The way in which the defense lawyers work is fairly simple, and I think I can describe it briefly. 85% or so of the felony cases at Recorder's Court are cases involving indigents; people who don't have any money to even afford a lawyer when their liberty is at stake. The bulk of the money made by a relatively small clique of lawyers who practice daily at Recorders Court (Staff note—commonly known locally as the "Clinton Street Bar Association") flows from court assignments.

Now the judges assign cases to their favorite lawyers, who they know won't rock the boat, who they know will plead as many people as possible guilty rather than defend people the way they ought to be defended.

And so the judges on the one hand are principally responsible for these lawyers' rather significant incomes, and the lawyers return the favor by keeping the assembly line going and by not fulfilling their responsibilities to their clients and by further contributing to the judges' campaign coffers. And that's the way the relationship works.

Now on December 19th I'm going to raise my right hand and take an oath of office. Right? And I'm going to swear to uphold their constitution. Right? I'm going to take that oath real seriously.

The 6th amendment to the U.S. Constitution is the basis for decisions that afford people the right to council. Case law indicates that council means "effective representation of council;" and every day in Recorder's Court, one sees ineffective representation of council.

Now, it will become my constitutional duty to on occasion stop a trial or a proceeding and to inform a defendant that he or she has had their constitutional rights infringed by their attorney's failure to abide by the Sixth Amendment and that I, as the court, am responsible to uphold the constitution, that I've taken an oath to do so and that I therefore have a responsibility to explain to them that they are entitled, if they wish, to a mistrial, to my terminating the trial because the constitution has been violated, and that on another day they can come back, with hopefully, an attorney who is going to effectively represent them.

Furthermore, when I do that, I'll have my court reporter transcribe the proceedings so I'll be able to note for the Michigan State Bar Grievance Board all the malpractice acts that have been participated in by the attorney. O.K.? And I'll forward that to the State Bar Grievance administration in the form of a grievance.

FIFTH ESTATE: How often is that usually done?

JUDGE RAVITZ: I've never heard of any judge ever doing that.

But I will be called upon out of loyalty to that oath to do so. Who knows how often—we shall see. I don't pretend for a second that the State Bar Grievance Board is going to police lawyers any better than the citizens bureau, now the citizens' complaint section of the Detroit Police Department polices police, but it is an important way to jam the machine, to expose what's going on and try to set the stage, at least, for some form of level of institutional reform, and that's something that I'll be doing.

FIFTH ESTATE: How do you view the bail system, and the fact that you may be sending people to the Wayne County Jail?

JUDGE RAVITZ: On the question of bail and the question of jail, I'm going to take into account a number of things. I know the Wayne County Jail pretty damn well from that role in that litigation, and I know that it is an unconstitutional facility and I know that people shouldn't be housed unconstitutionally by the state.

That will clearly effect how I set bond. How I set bond will also be clearly affected by a money bail system is inherently, obviously discriminatory. It's a gross form of economic discrimination and I should point out that a number of lawyers with whom I've been closely involved for a long time are also filing litigation in the next couple of weeks to challenge the money bail system, a system that says that rich people, when prosecuted, can always buy their way free and poor people, who are presumed "innocent", are sent to the Wayne County Jail where they may live or die for want of \$10.00 sometimes.

When I set bail I won't confine myself to economic standards for pre-trial release or detention, but I would employ all sorts of alternatives. Alternatives from things like reporting periodically to calling in on the telephone or being released to custody of persons in the community who might be willing to undertake, the responsibility of seeing that someone appears. But our standards are not going to be confined to things like money.

(To be continued in the next issue)



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