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Clarence Darrow on the Sweet Murder Trials

Detroit, 1925-26

*Darrow, *The Story of My Life*
1932, ch. 34*

“The Negro in the North”



Clarence Darrow
Dr. Ossian Sweet

In the autumn of 1925, the famed defense attorney Clarence Darrow welcomed a break after two exhausting trials—the Leopold & Loeb murder trial of 1924, and the internationally publicized Scopes “monkey trial” of 1925. At age 68, he was “determined not to get into any more cases that required hard work and brought me into conflict with the crowd,” as he expressed in his memoir, *The Story of My Life*. But soon he was central to another sensational trial— another campaign for social justice in his view and those who supported his form of activism. A black physician in Detroit, Dr. Ossian Sweet, was facing trial for murder with ten codefendants.

Having purchased a house in a white neighborhood and anticipating a mob attack, Sweet gathered nine relatives and friends in the house, distributed firearms, and notified the police. While hundreds of rioters converged on the house, throwing rocks and epithets, shots rang out. Sweet’s brother Henry fired at the crowd from a second-story window, injuring one man and killing another. Two trials followed, both heard by all-white juries, a given at the time. The first trial—in which Darrow argued the long-honored precept that “a man’s house is his castle” which he is duty-bound to defend—ended in a hung jury. The second trial, in which only Henry Sweet was tried, ended in acquittal. “The defense of this case,” wrote Darrow, “gave me about as much gratification as any that I have undertaken.”

After nearly fifty years of practicing law it was really a relief to give so much of myself for a time to the questions that interested me most. I never missed a chance to speak or write against prohibition. It was a matter of fighting for the liberty of the individual. I had no delusions about mankind in general. I knew his origin and the method by which he received his ideas and opinions. I knew the weakness of his intelligence, his narrow experiences, his misinformation on all questions pertaining to life, the depth of his prejudice, and his inordinate conceit; and yet I liked him. Never did I blame him, but I always feared him. In the hands of the powerful and crafty he is like clay in the grasp of the potter. Under the leadership of the tyrant he is dangerous to the peace of the world.

I enjoyed talking on social, political, and religious problems particularly. I wanted to make converts. I wished to make every one reasonable and tolerant. To be sure I realized that what really drew me to these endeavors was the self-satisfaction that I got out of it all, and so I am aware that it has not been a desire to help my fellows nearly so much as to gratify certain feelings of my own.

I had determined not to get into any more cases that required hard work and brought me into conflict with the crowd. I had fought for the minority long enough. I wanted to rest, but to rest would be something new. But I could not rest. I get tired of resting. And something always comes along to disturb my restful contemplations, anyhow, so—I was in New York, and a committee of negroes came to see me. I knew they were negroes because they told me so. In color and intelligence they were like many of the most intelligent white men that I know. The committee came in behalf of the National Association for the



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Detroit waterfront from Windsor ,Canada, 1929

Advancement of Colored People, an organization of negroes with headquarters in New York City. Doctor J. E. Spingarn is its president, and Mr. James Weldon Johnson, at that time, was its secretary, and Walter White, the present secretary, was then assistant secretary. Each member of the committee was a man of attainments in the realm of arts and letters. Their great individual intelligence cannot be due to their white blood, because so many of my southern friends assure me that persons of mixed blood take on the worst characteristics of both strains. Personally, I do not know, because I have never known anyone who was not of mixed blood. And neither have I ever known what-all it was mixed with in its long journey from the sea urchin to man.

This committee wanted to engage my services to defend eleven negroes in Detroit, on the charge of murder. I made the usual excuses that I was tired and growing old, and was not physically or mentally fit. I knew that I would go when I was making the excuses. I had always been interested in the colored people. I had lived in America because I wanted to. Many others came here from choice to better their conditions. The ancestors of the negroes came here because they were captured in Africa and brought to America in slave ships, and had been obliged to toil for three hundred years without reward. When they were finally freed from slavery they were lynched in court and out of court, burned at the stake, and driven into mean squalid outskirts and shanties because they were black, or had a drop of negro blood in their bodies somewhere. I realized that defending negroes, even in the North, was no boy's job, although boys usually were given that responsibility. I was the more easily persuaded because my good friend, Arthur Garfield Hays, was willing to go with me.¹

On my way home from New York I stopped in Detroit to find out what I could about the case. I found my clients all in jail, excepting one, the wife of one of the defendants, who had been admitted to bail; the rest were men and boys.

The facts were simple. Up to the beginning of the war, Detroit had some twelve thousand negroes. There, as everywhere, they were packed into the lowliest and the dirtiest quarters. When the war in Europe broke out, the people of America saw their opportunity to serve humanity and get rich. Detroit enjoyed an unprecedented demand for automobiles. So, the manufacturers sent south for negro labor. Most of these men and their families remained in Detroit after the World War was over and we were freed from Germany.

At the time that my clients were arrested, the negro population in Detroit had increased from twelve thousand to sixty-four thousand; it was attempted to pack these into a space that had been overpopulated by its former lesser number. The negro workmen could stay in the automobile factories in the daytime, but they had no place to stay at night, so they expanded the negro section, and some of them moved out to what was called the white districts. Many of the negroes in Detroit were old-time citizens. Even before the Civil War the runaway slaves would come to Detroit, for this city was in sight of the Union Jack [British flag] which was flying beyond the river, in Windsor, Canada. To the footsore slave fleeing from his master, the Union Jack was the emblem of freedom, just as today it is for the thirsty.² By degrees the negroes became citizens of Detroit, and amongst them are doctors, lawyers, and many others of marked

¹ Also an attorney committed to civil rights cases, Hayes had worked on the Scopes trial and later the Sacco and Vanzetti trial and the Scottsboro Boys trial, among others.

² "the thirsty": those who want to drink alcoholic beverages in violation of Prohibition.

mentality. In the early days, Detroit and other northern cities were friendly to negroes, but that was a long time ago.

The negroes were not the only people who came from the south to the north during the war. White workmen as well as colored ones came up to all our industrial centers. The whites brought with them their deep racial prejudices, and they also brought with them the *Ku Klux Klan*, which was very powerful for a time at least in every northern city, except perhaps New York and Boston. In Detroit the Klan was strong. A number of colored families bought homes just outside what was called the negro section, among them a doctor, Ossian Sweet, and his wife. More than one of these families of colored people had been driven from their new homes with guns and clubs, and in two or three instances the houses had been pulled down over the heads of their owners. Most of these homes had to be abandoned after that, of course. In various parts of Detroit where the Klan was the strongest, the body had openly led the fight. Sometimes the Klan factions organized under other names, like "The Improvement Club" and the "Neighborhood Association."

Doctor Ossian Sweet, the main defendant in the case I was undertaking, was a man of strong character. He began his career in Detroit as a bellhop on the lake boats plying between that city and Cleveland, after which he took all sorts of odd jobs such as fall to the man whose face is black. By a hard struggle he worked his way through college, and then through the medical school at Ann Arbor.³ After that he managed to get the money for taking a post-graduate course in Europe. When he had completed his years of study, he opened an office in Detroit. In the meantime he had married, and had a child about two years old at the time that he was arrested for murder.

It is always hard for a colored man to find a decent living-place in America, north or south. We have a colored banker in Chicago whose home has been bombed nine times, obviously by good people who want to drive him away. The home of Oscar DePriest, a colored congressman of Chicago, has been bombed a number of times. In none of these cases is anyone ever arrested, much less sweated and beaten and maltreated, as is growing to be the usual treatment for anyone suspected of crime.

Doctor Sweet had been living in congested quarters with his wife's family, and for some time had been looking for a place that he could buy. Finally he selected one in a middle-class neighborhood at the corner of two streets, Charlevoix and Garland. Diagonally across from his home is a large schoolhouse. Between the time he bought the house and the time he moved into it, several negroes had been driven from their homes, so the doctor waited, hoping that the feeling would subside. But as soon as the neighborhood found out that Doctor Sweet, the owner, was a colored man, they proceeded to band together into what they called an "Improvement Association," of which practically everyone in that locality became a member, and a meeting was held in a schoolhouse, at which the speakers made dire threats as to what would happen if a negro should settle in their street.

Soon after that public meeting, Doctor Sweet notified the police department that he would move in on a certain day, whereupon a number of officers were sent to protect him and his family and their belongings when they moved. But the furniture was not all that he took with him. Among other things, there was a long package of gunnysacking hiding a number of guns, and there was a valise well supplied with cartridges. Along with the load of goods went the doctor and his wife, a thoroughly resolute and intelligent woman, and also their small child, with a brother of Doctor Sweet, who was about to go to a university in Ohio for the graduation year. Later in the day, another brother, a dentist, and six other men, friends of Doctor Sweet, came to their house.

The house was located close to both streets, had two floors, and an unusually large number of windows. In front was a porch with steps down to the sidewalk. Two bright colored girls, interior

More than one of these families of colored people had been driven from their new homes with guns and clubs, and in two or three instances the houses had been pulled down over the heads of their owners. . . . In various parts of Detroit where the Klan was the strongest, the body had openly led the fight.

³ University of Michigan.



ca. 1925

James Brennan/MichMarker.com



Ossian Sweet home, ca. 2004. The house was dedicated as a Michigan state historic site in 2004. Marker text:

"In 1925 during an era of hostility towards Negroes and foreigners, Dr. Ossian Sweet, a black physician, moved into this formerly all-white neighborhood. As soon as he assumed occupancy, an angry rock-throwing crowd marched on the residence. When shots were fired from the Sweet house and the police responded with gunfire, a neighborhood man was killed. Police arrested all eleven of the Sweet family members and friends who were in the house at the time and charged them with murder. Responding to pleas from officials of the National Association for the Advancement of Colored People, eminent criminal lawyer Clarence Darrow defended the eleven persons by attempting to show that they acted in self-defense. The jury was unable to reach a verdict. In a second trial, only Ossian's brother, Henry Sweet, was tried and was found innocent. This landmark case advanced the principle of black self-defense.

decorators, came late in the afternoon to plan the furnishing and arranging of the house. Toward night the guns were distributed and the different men placed themselves at certain windows and were instructed not to shoot until word should be given. As dusk came on, people began gathering on the street and in the schoolhouse grounds across the way. The two girls were afraid to go outdoors, so they stayed all night. No lights were turned on inside the house, fearing that it would only attract trouble, for a crowd of white people surged up and down the streets and around the house all night. No one inside went to bed. The next day the two girls went away. The others remained at the house.

Again night came on; again the throng gathered around the house, increasing in number and restlessness. As near as could be estimated from the evidence, the streets and the schoolhouse yard were crowded. In the early evening people came out and sat on the porches of all the houses in the neighborhood, and toward eleven o'clock the crowd grew boisterous. Some eight to ten policemen were stationed around the place, but it seemed that they were mainly ornamental. The colored men were standing watch at the various windows with guns in hand, as the mob came swarming toward the place. A volley of stones was thrown toward the house, and two of the windows were broken. Thereupon shots were fired from inside the windows, and the crowd moved back; at once the policemen entered the house, and took all the inmates to the police station. It soon transpired that one man had been killed and another wounded by the fusillade.

As might be expected, the feeling in Detroit was strong against the accused. Few colored men in America charged with killing white persons have ever lived to tell the tale; they have been lucky if they survived long enough to be tried in court under the forms of law and legally slaughtered.

When I went to court to arrange for the trial, I found a judge who not only seemed human, but who

proved to be the kindest and most understanding man I have ever happened to meet on the bench, Judge Frank Murphy; since then he has become the mayor of Detroit.

Somehow, it is supposed that a judge must be stern and devoid of human feelings. This is the right attitude for one who is to judge his fellow man and try to tell with absolute accuracy what sort of sentence a culprit must receive. It takes a mighty intelligent mind to determine with absolute justice whether another man shall live or die, or how long he should be kept behind prison bars. To do this with fairness and wisdom, a judge must be endowed with omniscient discernment, and must be self-righteous as well.

A man who practices law in the criminal courts should be able to tell something about a man by looking at his face. A large part of his work is sizing up judges, jurors, and witnesses at the first glance.

Klan's Hand Seen in Detroit Race Friction

The New York Amsterdam News, 23 September 1925

"MAN'S HOUSE HIS CASTLE" ARGUES COUNSEL FOR SWEET

The Chicago Defender, 21 November 1925

"SWEET" JURY SPLITS—MISTRIAL

The Afro-American (Baltimore), 28 November 1925

DR. SWEET'S BROTHER, HENRY, GOES FREE

The New York Amsterdam News, 19 May 1926

Headlines from African American newspapers courtesy of ProQuest Historical Newspapers.

At any rate, I did not take a change of venue⁴ from Judge Frank Murphy, and an extended and rather close association with him convinced me that I was not mistaken in him.

It was not easy to get a jury. As expected, almost everyone had an opinion, and it was obvious that these opinions were not favorable to my clients. Eleven colored men were on trial, and although nearly a tenth of the population of Detroit were negroes, it was certain that none of them would be jurors in the case. I kept wondering what a white man would think of his chances for getting a fair trial in Africa if he had killed a negro and was placed on trial before twelve men with black faces. After considerable time we managed to get twelve men who said they could be fair, but of course they knew nothing about that. No one knows so little about a man's ability to be fair as the man himself. To a man himself all his opinions, attitudes, and prejudices are fair or he would not hold them. But no one ever wanted a fair juror; at least, no lawyer ever did. The State wants a juror who has grown cold, serious, unimaginative, and, a Presbyterian, if possible. The lawyers for the defense want a man who is alert, witty, emotional, and who is a Catholic, or without any religious faith whatever. No one ever *judges* anyone else without finding him guilty, no one ever *understands* another without being in sympathy with him. A person who can understand can comprehend why, and that leaves no field for condemning.

It was a pathetic case. The courtroom was always filled, and a crowd outside waited for admission. As everywhere, the white people were served first, although I insisted that a certain proportion of colored people should be admitted; and they were, as the State's attorney did not object. But the colored folk all sat in the big part of the courtroom behind the railing. As the case progressed, fewer whites and more colored sat beyond the rail, and before the close, no white persons sat back there; it was completely crowded by the negroes. Of course, white people do not like to sit beside colored people because they are

⁴ Take a change of venue: request that the trial take place in a different court [venue] to protect the defendant's due process rights.

smelly and not clean, but this in no way incapacitates them from cooking, waiting on the table, and suckling the babies of the whites. It operates only in regard to sitting together when neither are working.

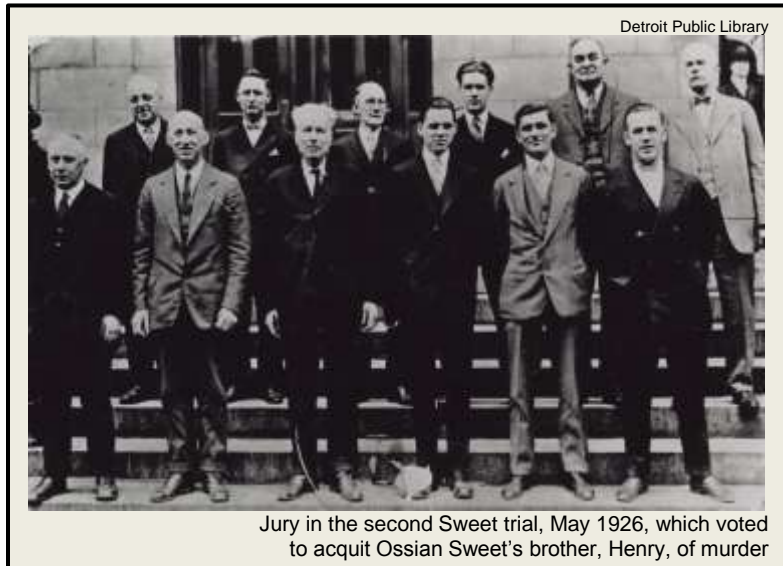
There was no question of the facts in the case, yet fifty or seventy-five white persons came into court and deliberately testified that there was practically no one along the street corner that night, in spite of the proof that the streets were roped off for two blocks, and ten or twelve policemen were posted at and near the house. On Sunday afternoon I went over to the place where it all occurred and managed to get into conversation with a boy about ten years old. By encouraging him a little he told me all about it. He was standing in the front room of his home when the guns were fired. He said that the crowd immediately ran past his place and there were so many running that the street was blocked. The boy's mother who was standing beside him had already testified that no one was in the street. It was easy to show by cross-examination that the witnesses for the State were not telling the truth; as fast as they came on the stand they began contradicting each other, and even themselves, demonstrating that they were lying about the whole affair.

And yet, these people were almost all members of churches, and in the ordinary matters of life were truthful and kind. Their fear that their property would be injured, together with their racial feeling, justified them in their testimony. Invariably one meets these experiences in court, where prejudices show up very marked and deep. I could realize how seriously some of them must have feared the loss of their property, and neither then nor since have I judged them.

Of all the people on the street through that event, we were able to get not over five white men and women to testify for us, and it was difficult to keep some of these in line. I am sure that everyone knew that the whole neighborhood had joined an association to keep Doctor Sweet from moving into his house, and that they all had combined to drive him out. The crowd that assembled that fatal night included men from all sections of Detroit. The mayor had taken a firm stand for the protection of the negroes, but few leading citizens, and no newspapers, had used any effort to defend them, in their clear legal right to occupy their home. Although a number of white clergymen had come to me and warmly expressed their sympathy for our side, not one said a word from a pulpit to prevent or denounce the outrage.

The trial revealed a marked contrast between the Klansmen and other witnesses for the State, and the colored defendants and their friends, who testified for our side. Practically all the negroes who came upon the stand were men and women of culture and refinement, many college graduates, and in every way the superiors of the witnesses for the prosecution.

The courtroom during the closing arguments presented a pitiful and tragic picture. The whole of the space beyond the railing was packed with negroes. With strained and anxious faces they made a powerful mute appeal to the white men who seemed to be holding in their keeping the fate of an outraged and downtrodden race. Through it all the judge was calm, kind and impartial, and his instructions to the jury were clear and forcible, and scarcely left a chance for them to do anything but acquit. The jury deliberated for more than twelve hours, and finally reported that they could not agree.⁵ The next day the judge admitted the defendants to bail and they were released.



⁵ "It was learned today that five members of the jury held out for a general acquittal and the others, while wishing to acquit eight of the defendants, wanted to find three guilty of second-degree homicide." *The [Baltimore] Afro-American*, 28 Nov. 1925, p. 1.

About a month later, the case was again put on the calendar for retrial. Under the law we had a right to demand separate trials for each defendant, which we concluded to do. The State then chose to put Henry Sweet, the doctor's brother, on trial. Henry was about twenty years old and had just completed his junior year in the Wilberforce College in Ohio. The evidence was plain that he had shot out of the front window in the direction of the deceased. Henry was very fond of his elder brother, the doctor, who had helped him while attending school. He was really a member of the family, and what he had done was naturally in defense of his brother and kinsfolk, and his race. Even though he might have been hasty in shooting, he was justified in doing so if he believed that the home and the inmates were in danger. Henry made an excellent appearance in the witness chair. He was frank and open-mannered and made no attempt to conceal his part in the tragedy.

Between the first and second trial a serious effort was made to burn Doctor Sweet's house. And although policemen were in possession and on guard, and saw someone running from the premises after the fire was started, no one was even arrested for the deed. The second trial revealed nothing new. There is always a large chance in every case. Little things often have a vital bearing on the result. On the whole, the case seemed to run more smoothly in the second trial. The same eager crowds haunted the courthouse. The same tense faces watched every move in what to them represented a part of the tragedy of the whole race. I am sure that their silent, appealing looks were more eloquent than any words that I could offer. This, in spite of the character of the case, the inherent justice of our cause. My long sympathy for the colored people conspired to help me make one of the strongest and most satisfactory arguments that I ever delivered. The jury was not long in returning a verdict of acquittal. The verdict meant simply that the doctrine that a man's house is his castle applied to the black man as well as to the white man. If not the first time that a white jury

had vindicated this principle, it was the first that ever came to my notice.

“The verdict meant simply that the doctrine that a man's house is his castle applied to the black man as well as to the white man.”

After this verdict, the State's attorney dismissed the other cases. Doctor Sweet was never again molested [harassed/intimidated]. Soon after the trial his little child died, and after a vain fight against tuberculosis his wife also died. It is only fair to state that the Honorable Robert Toms, who prosecuted the case, was one of the fairest and most humane prosecutors that I ever met. And this despite the fact that he was quite zealous, as most lawyers are. A year later I had the pleasure of meeting both him and his able assistant, Lester Moll, and they both told me that they had come to think that the verdict was just and did a great deal of good in Detroit.

The defense of this case gave me about as much gratification as any that I have undertaken. While I was certain that my clients were right and that they were grievously wronged, I never had any sense of resentment against the community. The people who sought to drive that colored family from their home were only a part of the product of the bitterness bred through race prejudice, for which they were not responsible. So long as this feeling lives, tragedies will result.