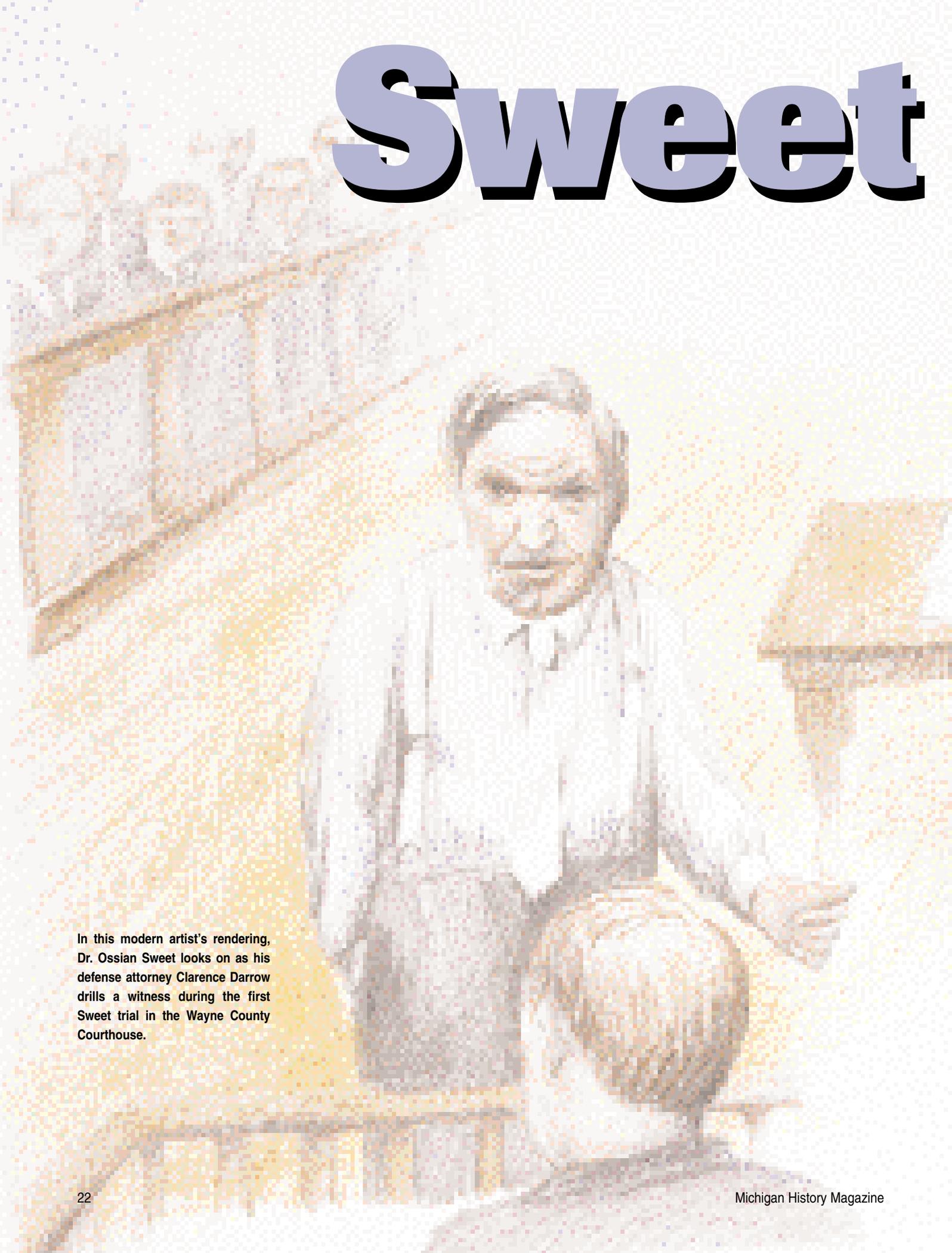


Sweet



In this modern artist's rendering, Dr. Ossian Sweet looks on as his defense attorney Clarence Darrow drills a witness during the first Sweet trial in the Wayne County Courthouse.

JUSTICE

by Joseph Turrini



When Dr. Ossian Sweet and his wife Gladys purchased a two-story home on Detroit's eastside in June 1925, they hoped it would be a good place to raise their one-year-old daughter. But as their September 8 moving date neared, they became worried. Residents of the white working-class neighborhood made it clear that the young African American family was not welcome.

The Sweets' worst fears were quickly realized. The night they moved in a crowd formed outside the home, but then dispersed without incident. The next night, a more determined and larger crowd appeared. Glass shattered as rocks were hurled through windows. Soon gunfire erupted from the house, leaving one man dead and seriously wounding another. Dr. Sweet, his wife and others inside the house were arrested. In the weeks that followed, Detroit—and the nation—witnessed what *The Detroit News* described as “one of the most dramatic and bitterly fought cases” ever argued in Michigan's largest city.

At the turn of the century, Detroit's African American population was small—slightly more than four thousand people—composing less than two percent of the city's total population. That changed during World War I when foreign immigration subsided and the need for laborers in the auto factories led tens of thousands of southern African Americans to head to Detroit. Between 1910 and 1920, Detroit's African American population increased by more than 600 percent. The migration wave continued after the war, and by 1926, more than eighty thousand African Americans called Detroit home.

Housing in Detroit failed to keep pace with the expanding African American population. More important, as some Detroiters fought to make the city's informal segregation permanent, African-Americans found it difficult, if not impossible, to find adequate housing. Using both legal and illegal methods, white Detroiters enforced residential segregation. In 1923 the Michigan Supreme Court upheld the legality of private restrictive covenants. House titles that included these covenants often made it illegal for owners to sell their homes to African Americans.

Where legal restrictive covenants were not in place, Detroiters sometimes used extra-legal measures. Mob violence and physical intimidation often made it dangerous for African Americans to move into white neighborhoods. Confrontations between African Americans attempting to move into white neighborhoods and white residents attempting to maintain segregated neighborhoods increased as the African American population grew. In June 1925, Dr. Alex Turner purchased a house on Spokane Avenue in the all-white Grand River section of northwest Detroit. Within hours of moving into their new house, "several thousand" whites forced the Turner family to leave. Turner sold the home. A number of other similar and well-publicized incidents of mob intimidation occurred later that summer.

Like many of the other African Americans attempting to break out of Detroit's overcrowded and segregated neighborhoods, the Sweets were well educated and upwardly mobile. Originally from Orlando, Florida, Dr. Sweet earned degrees from Wilberforce and Howard University. In 1924, he studied pediatrics and gynecology in Austria and radiology with Madame Curie in France. Before going to Europe, Dr. Sweet had married Gladys Mitchell, a Detroit native from a prominent local African American family. She grew up in a predominantly white Detroit neighborhood and encountered few problems. While in Europe, Gladys gave birth to the couple's first child.

Soon after the Sweet family returned to Detroit from Europe they purchased a house on Garland Street. Located a

number of blocks east of the Hastings Street corridor—where most Detroit African Americans lived—the Sweets' new house lay in a working-class neighborhood inhabited primarily by people of Polish, German and Scandinavian descent. When it became known that an African American had purchased the house, residents organized the Waterworks Improvement Association (WIA) to stop the Sweets. Neighborhood leaders who had forced Dr. Turner from his home earlier in the year encouraged residents in Dr. Sweet's new neighborhood to do the same.



Photos Walter P. Reuther Library, Wayne State University

As the Sweet family prepared to move into their new home, they were well aware of the recent racial conflicts. The young couple also knew that the house's previous owners—an African American husband and white wife—received death threats if they went through with the sale.

Later, Gladys Sweet insisted that they did not buy the home to make a political or social statement, but because it was impossible to find comparable housing in the overcrowded African American neighborhood. The young mother explained that she wanted simply to find "a house that was in itself desirable and—one that would be in our pocketbook. I wanted a pretty home, and it made no difference to me

whether it was in a white neighborhood or a colored neighborhood. Only I couldn't find such a house in the colored neighborhood." Dr. Sweet recalled that "if [I] had known how bitter the neighborhood was going to be I wouldn't have taken the house as a gift." As the threats escalated, so did Dr. Sweet's resolve. He proudly asserted that he "could never respect myself if I allowed a gang of hoodlums to keep me out of it."

Although he hoped to move in without problems, Dr. Sweet understood the risks, and prepared to protect himself. His fifteen-month-old daughter stayed with relatives. The

Dr. Ossian Sweet (left) and his wife, Gladys (below), were both charged with conspiracy to commit murder after defending this home on Detroit's eastside.



couple purchased enough food to last several days. They also brought six revolvers, two rifles, a shotgun, and ammunition. Dr. Sweet's two brothers, Otis, a dentist, and Henry, a Wilberforce student, stayed at the home. Four other Sweet friends, one a federal narcotics agent, also stayed with the couple. Three others joined the group after the first night, bringing the total number of people in the house to eleven.

As in the other recent housing conflicts, problems developed rapidly. The first night, the large crowd threw a few rocks. The next night, a much larger crowd, at least five hundred people, warmed up by shattering the windshield of a car that passed by the home because the driver was black. The

rowdy crowd then turned its attention to the Sweet home. When Otis Sweet and a friend ran from a taxi to the front door they were pelted with rocks. Dr. Sweet remembered that when he opened the door to let the two in the house, the crowd "looked like a human sea. Stones kept coming faster." In rapid succession, rocks shattered windows. Fearing for their lives, "pandemonium broke loose" inside the home and shots rang out from the broken windows. Perhaps twenty shots were fired. When the chaos ended, Leon Breiner, a forty-year-old father of two, lay dead, and twenty-two-year-old Eric Houghberg lay wounded. All eleven people in the house were arrested quickly by the Detroit police, who were stationed near the house, but failed to intervene before the shooting.

The Sweets were charged with conspiracy to commit murder in the first degree and placed in jail. Despite desperate pleas by their attorneys bail was denied for all except Gladys Sweet, forcing the rest to remain behind bars throughout the trial process.

The presiding Detroit Recorder's Court judge, thirty-five-year-old Frank Murphy, assigned himself to the case. Judge Murphy claimed that "every judge on this bench is afraid to touch the case. They think it's dynamite." But the politically ambitious Murphy privately acknowledged that the case provided a public forum "to demonstrate sincere liberalism and judicial integrity at a time when liberalism is coming into its own."

The involvement of the National Association for the Advancement of Colored People (NAACP) assured that the trial would receive national attention. The NAACP carefully tracked housing problems throughout the country, searching for good cases to support its multi-layered strategy to end residential segregation. In 1917 the NAACP won a victory when the U.S. Supreme Court ruled that state and local laws mandating residential segregation were unconstitutional. The NAACP also sought to establish the rights of African Americans to defend their homes when threatened by "riotous mobs."

To carry its fight, the NAACP engaged sixty-eight-year-old Clarence Darrow to defend the Sweets and their friends. One of the best-known and successful defense lawyers in the country, Darrow had a long record of championing the rights of African Americans. When called by NAACP assistant secretary, Walter White, Darrow had recently finished the biggest case of his career, the Scopes evolution trial in Tennessee. Darrow's involvement in the Sweet case "caused a sensation in Detroit" and increased the trial's national visibility. The Sweet defendants quickly became a cause célèbre in African American communities and among liberal whites throughout the country.

Detroit District Attorney Robert Toms charged all eleven people in the house with conspiracy [to commit murder]. The police were unable to locate the bullet that killed Breiner and could not positively identify which of the guns was responsible



The NAACP hired renowned defense attorney Clarence Darrow (far right) to help the Sweets. He stands here, with his defense team, after winning an acquittal for Henry Sweet (far left) during the second trial.

for his death. Although six of the guns in the house had been fired, only Henry Sweet admitted firing a weapon.

The jury composition and selection process, which took place between October 30 and November 4, 1925, was all too predictable. The 108 people in the jury selection pool were all men; only one was African American. During the trial Murphy wrote to his sister that “the question of how to secure a fair trial for the eleven colored defendants is constantly in my mind. Above all things I want them to know that they are in a court where the true ideal of justice is constantly sought. A white judge, white lawyers and 12 white jurymen are sitting in judgement on 11 who are colored black. . . . I want the defendants to know that true justice does not recognize color.”

As the trial began, the prosecution needed to prove that the shooting was premeditated and unprovoked. The size and behavior of the crowd was critical. Seventy-one prosecution witnesses said that there was no unusual disturbance or crowd outside the Sweet house on the night of the shooting. Most testified that there were no more than thirty people outside the home. Some witnesses, however, undermined their own testimony under Darrow’s cross-examination. One witness claimed that “there was a great crowd—no, I won’t say a great crowd, a large crowd,—well, there were a few people there and the officers were keeping them moving.” Darrow countered that if all seventy-one prosecution witnesses were at the scene as they testified, obviously there were more than twenty-five people near the Sweet home. The defense also wanted

to know why policemen were stationed near the home if there was no crowd or disturbance.

Finally, Darrow located a few white Detroiters who had either driven by the home that night or worked near the area that confirmed the defendants’ testimony that a large, unruly and threatening crowd was outside the home. Philip Adler, a *Detroit News* reporter who was passing through the area, testified that there were more than five hundred people outside the Sweet home and they were “preparing for something.” Adler recalled that a man explained to him the purpose of the crowd: “A Negro family has moved in here and we’re going to get them out.”

The prosecution insisted that race was not a factor in the events of the night in question. The prosecution also argued that race should not be allowed to be an issue at the trial. Darrow rebutted that race was central to understanding the shooting. Judge Murphy provided Darrow with great latitude, allowing him to enter lengthy discussions on broad racial issues into the record. Using historical, sociological and psychological evidence, Darrow explained to the all-white jury why it was reasonable for African Americans in the United States to fear for their lives when they encountered hostile mobs.

Darrow argued that the defendants’ prior racial encounters explained their reasonable defensive posture. Dr. Sweet testified quietly that when he looked out and saw the mob, “I realized I was facing the same mob that had hounded my people through its entire history. In my mind I was pretty confident

of what I was up against. I had my back against the wall. I was filled with a peculiar fear, the fear of one who knows the history of my race.”

Sweet recalled that as a youth in Florida he saw an excited white mob pour kerosene on an African American, set him on fire and celebrate while he burned to death. Sweet added, “I knew what mobs had done to my people before.”

Darrow’s closing argument maintained his earlier focus on the primacy of race. It was classic Darrow. He “held his audience spellbound” and brought tears to many who packed the courtroom, which had “literally not a spare inch” of unused space. The defendants, Darrow bluntly declared, were being tried “because they were black.” He thought that the “question is not what a white man in a city of whites would do under certain circumstances. The question is what a colored man, a reasonable colored man with his knowledge of the prejudice against his color . . . with his knowledge of what mobs do and have done to colored people when they have the power,” had done. A *Detroit Free Press* reporter assigned to the trial claimed that prior to the trial he had the “average prejudice against Negroes,” but by the end of the trial his opinion changed. He gave Darrow “credit for destroying my race hatred.”

But the fate of the eleven defendants would be decided by the jury. When the almost-seven-week trial ended, it was unclear if Darrow had swayed the jury as he had some of the spectators. The jury deliberated for three days and nights before it returned as a hung jury. Newspapers reported that five of the jurors favored the acquittal of all eleven defendants.

Murphy’s handling of the trial gained national attention. *The Nation* reported that the trial was “probably the fairest ever accorded a Negro in this country.” The NAACP’s Walter White spoke glowingly of Murphy’s courtroom throughout the trial. Others commented that it was more than Murphy’s fair-minded judicial decisions, but also “the atmosphere” that he created in the courtroom that made the trial unusually fair.

Murphy maintained that he simply provided the kind of trial that all defendants deserve. He claimed that the reason he gained so much attention was because “I wasn’t prejudiced. I merely saw to it that the defendants were accorded rights to those of anyone in my court.”

In such a racially charged atmosphere the hung jury was a substantial victory for the defense.

Pushed by local white hostility, the prosecution refiled charges, but only against Dr. Sweet’s younger brother Henry, who admitted firing a weapon. The trial of Henry Sweet mirrored the first trial. The prosecution argued to another all-white-male jury that Henry Sweet either fired the shot that killed Breiner or that he aided those who had. The defense countered that whoever pulled the trigger that killed Breiner remained unclear, and, even if it were known, it would be an act of self-defense. The second trial added no new evidence.

One difference was Darrow’s closing argument, which was even more memorable than in the first trial. During the eight-hour discourse Darrow maintained the centrality of race. He attacked the prosecution’s insistence that this was simply a

murder case. He asked the jurors to consider whether that mob would “have been standing in front of that home if the people there weren’t black? Would anybody be asking you to send this boy to prison for life if he were not black? Is [assistant district attorney] Moll right when he says prejudice has nothing to do with this case? Take the hatred out of this case and you have nothing left.”

Darrow’s closing argument impressed many, including Judge Murphy who recalled that listening to Darrow’s final comments at the second trial “was the greatest experience of my life. That was Clarence Darrow at his best. I will never hear anything like it again.” NAACP observer James Weldon Johnson exclaimed that Darrow’s argument was “the most wonderful flow of words I ever heard from a man’s lips.”

The jury in the second trial took less than four hours to find Henry Sweet not guilty. The NAACP called Henry Sweet’s acquittal was “one of the most important steps ever taken in the struggle for justice to the Negro in the United States.” The charges against the other ten defendants were soon dropped.

The main players in the national drama all went on with their lives.

The trial made Judge Murphy the “hero of black Detroit.” The African American community overwhelmingly supported his successful 1930 mayoral bid. Inexplicably, Dr. Ossian Sweet was the only notable African American who did not support Murphy.

Tragedy followed Ossian Sweet for the remainder of his life. His two-year-old daughter died of tuberculosis not long after the second trial ended in 1926. His wife also succumbed to tuberculosis. The fatal disease continued to haunt the family when Henry Sweet died of it in 1940. On March 19, 1960, Dr. Sweet, who never fully recovered from the conflict and trials, took his own life.

The hung jury in the first trial and the acquittal in the second were surprising and important victories for integrationists. In fact, many predicted that the acquittal would usher in a new era for Detroit race relations. But such optimism proved unfounded as some Detroiters vigorously continued to resist residential integration. The Sojourner Truth housing crises in 1942 and the violent disturbances that plagued Detroit in both 1943 and 1967 illustrated the continued difficulties and complexities of race relations in Detroit.

Clarence Darrow saw the trial as an opportunity to do much more than defend his clients. He wanted to address the larger racial difficulties in Detroit and in the country. During the trial Darrow acknowledged, “There are persons in the North and in the South who say a black man is inferior to the white and should be controlled by whites. There are those who recognize his rights and say he should enjoy them. To me this case is a cross-section of human history. It involves the future, and the hope of some of us that the future shall be better than the past.” ■

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