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ARGUMENT
of
CLARENCE DARROW
in the case of
HENRY SWEET

In the **RECORDERS COURT**
 Detroit, Michigan

Before

THE HONORABLE FRANK MURPHY
 April and May, 1926

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 Association for the Advance-
 ment of Colored People,
 69 Fifth Ave., New York City
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STATEMENT OF THE CASE

The City of Detroit, like most northern cities, has had a large migration of colored people in the last fifteen years. This population has grown in this time from some ten thousand to seventy-five or eighty thousand. The automobile and other industries have naturally drawn them from the south to Detroit. The higher wages and steady employment has greatly improved their financial condition. With the growth of population and wealth they have rapidly extended what once was called the colored district and constantly moved into new and better neighborhoods, which previous to this time had been solely occupied by whites. This movement has been the source of friction, which has been cultivated by the Klan and augmented by the large increase of southern whites, who have brought with them their views of the Negro's "proper place".

In May, 1925, Dr. Ossian Sweet made a contract to buy a house on the corner of Garland and Charlevoix Streets. He chose this place after a long search. The section is a modest part of town settled by mechanics, small tradesmen and clerks. When Dr. Sweet purchased the house there were no Negroes residing nearer than two or three blocks away. Dr. Sweet received his deed in June, but before he could move three or four assaults had been made on the homes of Negroes who had recently moved into new neighborhoods and in three instances residents had been driven out by force. The houses were practically destroyed and the colored occupants were driven from the community. The situation naturally alarmed Dr. Sweet and he delayed moving into his home. As soon as the neighbors heard of the purchase of the house by Dr. Sweet, they organized what they called a "Water Works Park Improvement Association." The dues were fixed at one dollar a year, and nearly every person in the community joined. It was admittedly organized to prevent colored people from coming into the district. Similiar organizations existed in other parts of the city, and the assaults on the houses of the Negroes were generally instigated by these associations.

Diagonally across the street from the property purchased by Dr. Sweet was located the "Howe" school, covering half a block on the

corner of Charlevoix and Garland. On July 14th the improvement association called a meeting at this school. They began their meeting in the main room but the crowd was so large that they moved out on the lawn. Some seven or eight hundred people attended this meeting. One speaker, at least, came from a part of the town where a Negro family had been driven out. He told what his organization had done, and pledged their support whenever any Negro families moved to the vicinity of Garland and Charlevoix. In the meantime, a proclamation had been issued by the Mayor calling upon all citizens to obey the law. Dr. Sweet waited for the excitement to abate, and around the first of September he began arrangements to move into his house. He notified the police, and on September 8th, 1925, protected by a police officer, he took two small truck-loads of household goods to his new home. With these he took his wife, two brothers and several friends, eleven in all. He took also ten guns and a supply of ammunition and a considerable amount of provisions. As soon as he moved, the neighbors began running from house to house. Some policemen stayed during the day and the occupants of the Sweet house kept inside the house. In the evening of the 8th, large numbers of people began to congregate before the house and walk up and down the street. All the families in the community sat outside on their porches. The occupants of the Sweet house kept their curtains drawn so they could not be seen from the street. None of them slept that night and the crowd remained around the home until nearly morning. The police were on duty all night. On the 9th, the police stayed during the day; toward night people were coming toward the corner from all directions. The numbers of policemen were increased. Along the street the neighbors were sitting on their porches. The school-house yard seemed to be a gathering-place for those who came from a distance. Almost directly across the street from the Sweets was the Dove house. A number of people were sitting on the porch and others were standing in front. The deceased, Leon Breiner, lived a block or two away, and he came down to the Dove house early, went on down the street, and back to the Dove house, where he began smoking and sat on the steps for half an hour or so before anything occurred. As the darkness came on, the streets were blocked, but automobiles and taxis were bringing men from various directions and landing them near the corner. The colored people were stationed on the second floor of their home and had their guns ready to shoot. About eight o'clock, stones were thrown, hitting the house, and two stones went through the window-panes. Extra policemen had been brought on the scene and the crowd constantly grew larger. Some

of the stones were thrown from in front of the Dove house. After the sound of broken glass, several shots were fired from the house. Breiner was struck with a rifle ball and killed. All the inmates of the Sweet house were taken to jail and, with the exception of Mrs. Sweet, were refused bail.

The case of all of defendants was tried together late in 1925, resulting in a disagreement. On the second trial, the defendants demanded separate trials, and the State elected to proceed against Henry Sweet, the brother of the doctor.

This trial was had in April and May, 1926, and resulted in a verdict of "Not guilty."

F O R E W O R D

Mr. Darrow has told in the preceding paragraphs the facts in the Detroit case and in the pages following is given his great address to the jury. The acquittal of Henry Sweet marks one of the most important steps ever taken in the struggle for justice to the Negro in the United States. It likewise marks the dramatic high point of one of the three aspects of attempted residential segregation of Negroes—segregation by mob violence.

One aspect of segregation is seen in municipal ordinances and state laws designed to herd Negroes into ghettos. In 1917 the United States Supreme Court in the so-called Louisville Segregation case (Buchanan vs. Warley, 245 U. S. 60) carried to that court by the N. A. A. C. P. and argued by Moorfield Storey of Boston, the Association's national president, handed down a unanimous decision declaring such ordinances and laws unconstitutional.

Another aspect of this question is seen in the adoption of property holders' covenants prohibiting the sale of property to Negroes, usually for a specified number of years, on pain of forfeiture should such sale be made. There is now pending a case involving the validity of such agreements which eventually will

be carried by the N. A. A. C. P. to the United States Supreme Court.

The Detroit case falls under segregation by mob violence. When the attack was made upon the home of Dr. Sweet in Detroit the Advancement Association, realizing that the fundamental rights of self defense and of ownership and occupancy of residential property by Negroes were at stake, retained Clarence Darrow as chief counsel to appear for the eleven defendants. Associated with Mr. Darrow in the first trial were Mr. Arthur Garfield Hays of New York City, and Messrs. Walter M. Nelson, Julian W. Perry, Cecil O. Rowlette, and Charles H. Mahoney of Detroit. In the second trial Messrs. Thomas W. Chawke and Julian Perry, both of Detroit, served with Mr. Darrow. For the State appeared Mr. Robert M. Toms, Prosecutor of Wayne County, aided by Messrs. Lester F. Moll and Theodore Kennedy, Assistant Prosecutors.

The total cost of the two trials to the N. A. A. C. P. was \$37,849.

Because of its historical, legal, and humanitarian value the full argument of Mr. Darrow to the jury in the second trial is presented in the following pages.

Argument of
CLARENCE DARROW

in the case of

HENRY SWEET

(Indicted for Murder)

Held in April and May, 1926,

DETROIT, MICHIGAN.



If the Court please, Gentlemen of the Jury: You have listened so long and patiently that I do not know whether you are able to stand much more. I want to say, however, that while I have tried a good many cases in the forty-seven or forty-eight years that I have lived in court houses, that in one way this has been one of the pleasantest trials I have ever been in. The kindness and the consideration of the Court is such as to make it easy for everybody, and I have seldom found as courteous, gentlemanly and kindly opponents as I have had in this case. I appreciate their friendship. Lawyers are apt to look at cases from different standpoints, and I sometimes find it difficult to understand how a lawyer on the other side can think as he thinks and say what he says; I, being an extremely reasonable man and entirely free from all kinds of prejudices myself, find this hard to comprehend.

I shall begin about where my friend Mr. Moll began yesterday. He says lightly, gentlemen, that this isn't a race question. This is a murder case. We don't want any prejudice; we don't want the other side to have any. Race and color have nothing to do with this case. This is a case of murder. Now, let's see; I am going to try to be as fair as I can with you gentlemen; still I don't mind being watched at that. I just want you to give such consideration to what I say as you think it is worth. I insist that there is nothing but prejudice in this case; that if it was reversed and eleven white men had shot and killed a black while protecting their home and their lives against a mob of blacks, nobody would have dreamed of having them indicted. I know what I am talking about, and so do you. They would have been given medals instead. Eleven colored men and one woman are in this indictment, tried by twelve jurors, gentlemen. Every one of you are white, aren't you? At least you all think so. We haven't one colored man on this jury. We couldn't get one. One was called and he was disqualified. You twelve white men are trying a colored man on race prejudice. Now, let me ask you whether you are not prejudiced. I want to put this square to you, gentlemen. I haven't any doubt but that everyone of you are prejudiced against colored people. I want you to guard against it. I want you to do all you can to be fair in this case, and I believe you will. A number of you people have answered the question that you are acquainted with colored people. One juror I have in mind, who is sitting here, said there were two or three families living on the street in the block where he lives, and he had lived there for a year or more, but he didn't know their names and had never met them. Some of the rest of you said that you had employed colored people to work for you, are even employing them now. All right. You have seen some of the colored people in this case. They have been so far above the white

A R G U M E N T O F C L A R E N C E D A R R O W

people that live at the corner of Garland and Charlevoix that they can't be compared, intellectually, morally and physically, and you know it. How many of you jurors, gentlemen, have ever had a colored person visit you in your home? How many of you have ever visited in their homes? How many of you have invited them to dinner at your house? Probably not one of you. Now, why, gentlemen? There isn't one of you men but what know just from the witnesses you have seen in this case that there are colored people who are intellectually the equal of all of you. Am I right? Colored people living right here in the City of Detroit are intellectually the equals and some of them superior to most of us. Is that true? Some of them are people of more character and learning than most of us. I have a picture in my mind of the first witness we put on the stand—Mrs. Spalding. Modest, intelligent, beautiful; the beauty in her face doesn't come from powder or paint, or any artificial means, but has to come from within; kindly, human feeling. You couldn't forget her. I couldn't forget her. You seldom have seen anybody of her beauty and her appearance. She has some colored blood in her veins. Compare her with the teacher who for ten years has taught high school on what she called the corner of Garland and "Gote" Street. Compare the two. Now, why don't you individually, and why don't I, and why doesn't every white person whose chances have been greater and whose wealth is larger, associate with them? There is only one reason, and that is prejudice. Can you give any other reason for it? They would be intellectual companions. They have good manners. They are clean. They are all of them clean enough to wait on us, but not clean enough to associate with. Is there any reason in the world why we don't associate with them excepting prejudice? Still none of us want to be prejudiced. I think not one man of this jury wants to be prejudiced. It is forced into us almost from our youth until somehow or other we feel we are superior to these people who have black faces.

Now, gentlemen, I say you are prejudiced. I fancy everyone of you are, otherwise you would have some companions amongst these colored people. You will overcome it, I believe, in the trial of this case. But they tell me there is no race prejudice, and it is plain nonsense, and nothing else. Who are we, anyway? A child is born into this world without any knowledge of any sort. He has a brain which is a piece of putty; he inherits nothing in the way of knowledge or of ideas. If he is white, he knows nothing about color. He has no antipathy to the black. The black and the white both will live together and play together, but as soon as the baby is born we begin giving him ideas. We begin planting seeds in his mind. We begin telling him he must do this and he must not do that. We tell him about race and social equality and the thousands of things that men talk about until he grows up. It has been trained into us, and you, gentlemen, bring that feeling into this jury box, and that feeling which is a part of your life long training. You need not tell me you are not prejudiced. I know better. We are not very much but a bundle of prejudices anyhow. We are prejudiced against other peoples' color. Prejudiced against other men's religion; prejudiced against other peoples' politics. Prejudiced against peoples' looks. Prejudiced about the way they dress. We are full of prejudices. You can teach a man anything beginning with the child; you can make anything out of him, and we are not responsible for it. Here and there some of us haven't any prejudices on some questions, but if you look deep enough you will find them; and we all know it.

All I hope for, gentlemen of the jury, is this: That you are strong enough, and honest enough, and decent enough to lay it aside in this case and decide it as you ought to. And I say, there is no man in Detroit that doesn't know that these defend-

ants, everyone of them, did right. There isn't a man in Detroit who doesn't know that the defendant did his duty, and that this case is an attempt to send him and his companions to prison because they defended their constitutional rights. It is a wicked attempt, and you are asked to be a party to it. You know it. I don't need to talk to this jury about the facts in this case. There is no man who can read or can understand that does not know the facts. Is there prejudice in it?

Now, let's see. I don't want to lean very much on your intelligence. I don't need much. I just need a little. Would this case be in this court if these defendants were not black? Would we be standing in front of you if these defendants were not black? Would anybody be asking you to send a boy to prison for life for defending his brother's home and protecting his own life, if his face wasn't black? What were the people in the neighborhood of Charlevoix and Garland Streets doing on that fatal night? There isn't a child that doesn't know. Have you any doubt as to why they were there? Was Mr. Moll right when he said that color has nothing to do with the case? There is nothing else in this case but the feeling of prejudice which has been carefully nourished by the white man until he doesn't know that he has it himself. While I admire and like my friend Moll very much, I can't help criticising his argument. I suppose I may say what old men are apt to say, in a sort of patronizing way, that his zeal is due to youth and inexperience. That is about all we have to brag about as we get older, so we ought to be permitted to do that. Let us look at this case.

Mr. Moll took particular pains to say to you, gentlemen, that these eleven people here are guilty of murder; he calls this a cold-blooded, deliberate and premeditated murder; that is, they were there to kill. That was their purpose. Eleven, he said. I am not going to discuss the case of all of them just now, but I am starting where he started. He doesn't want any misunderstanding. Amongst that eleven is Mrs. Sweet. The wife of Dr. Sweet, she is a murderer, gentlemen? The State's Attorney said so, and the Assistant State's Attorney said so. The State's Attorney would have to endorse it because he, himself, stands by what his assistant says. Pray, tell me what has Mrs. Sweet done to make her a murderer? She is the wife of Dr. Sweet. She is the mother of his little baby. She left the child at her mother's home while she moved into this highly cultured community near Goethe Street. Anyhow, the baby was to be safe; but she took her own chance, and she didn't have a gun; none was provided for her. Brother Toms drew from the witnesses that there were ten guns, and ten men. He didn't leave any for her. Maybe she had a pen knife, but there is no evidence on that question. What did she do, gentlemen? She is put down here as a murderer. She wasn't even upstairs. She didn't even look out of a window. She was down in the back kitchen cooking a ham to feed her family and friends, and a white mob came to drive them out of their home before the ham was served for dinner. She is a murderer, and all of these defendants who were driven out of their home must go to the penitentiary for life if you can find twelve jurors somewhere who have enough prejudice in their hearts, and hatred in their minds.

Now, that is this case, gentlemen, and that is all there is to this case. Take the hatred away, and you have nothing left. Mr. Moll says that this is a case between Breiner and Henry Sweet.

Mr. Moll: No, I did not say any such thing.

Mr. Darrow: Well, let me correct it. He says that he holds a brief for Breiner. That is right; isn't it.

Mr. Moll: That is right.

Mr. Darrow: Well, I will put it just as it is, he holds a brief for Breiner, this Prosecuting Attorney. He is wrong. If he holds a brief for Breiner, he should throw it in the stove. It has no place in a court of justice. The question here is whether these defendants or this defendant is guilty of murder. It has nothing to do with Breiner. He says that I wiggled and squirmed every time they mentioned Breiner. Well, now, I don't know. Did I? Maybe I did. I didn't know it. I have been around court rooms so long that I fancy I could listen to anything without moving a hair. Maybe I couldn't. And, I rather think my friend is pretty wise. He said that I don't like to hear them talk about Breiner. I don't, gentlemen, and I might have shown it. This isn't the first case I was ever in. I don't like to hear the State's Attorney talk about the blood of a victim. It has such a mussy sound. I wish they would leave it out. I will be frank with you about it. I don't think it has any place in a case. I think it tends to create prejudice and feeling and it has no place, and it is always dangerous. And perhaps—whether I showed it or not, my friend read my mind. I don't like it.

Now, gentlemen, as he talked about Breiner, I am going to talk about him, and it isn't easy, either. It isn't easy to talk about the dead, unless you "slobber" over them and I am not going to "slobber" over Breiner. I am going to tell you the truth about it. Why did he say that he held a brief for Breiner, and ask you to judge between Breiner and Henry Sweet? You know why he said it. To get a verdict, gentlemen. That is why he said it. Had it any place in this case? Henry Sweet never knew that such a man lived as Breiner. Did he? He didn't shoot at him. Somebody shot out into that crowd and Breiner got it. Nobody had any feeling against him. But who was Breiner, anyway? I will tell you who he was. I am going to measure my words when I state it, and I am going to make good before I am through in what I say.

Who was he? He was a conspirator in as foul a conspiracy as was ever hatched in a community; in a conspiracy to drive from their homes a little family of black people and not only that, but to destroy these blacks and their home. Now, let me see whether I am right. What do we know of Breiner? He lived two blocks from the Sweet home. On the 14th day of July, seven hundred people met at the school-house and the school-house was too small, and they went out into the yard. This school-house was across the street from the Sweet house.

Every man in that community knew all about it. Every man in that community understood it. And in that school-house a man rose and told what they had done in his community; that by main force they had driven Negro families from their homes, and that when a Negro moved to Garland Street, their people would be present to help. That is why Mr. Breiner came early to the circus on the 9th. He went past that house, back and forth, two or three times that night. Any question about that? Two or three times that night he wandered past that house. What was he doing? "Smoking his pipe." What were the rest of them doing? They were a part of a mob and they had no rights, and the Court will tell you so, I think. And, if he does, gentlemen, it is your duty to accept it.

Was Breiner innocent? If he was, every other man there was innocent. He left his home. He had gone two or three times down to the corner and back. He had come to Dove's steps where a crowd had collected and peacefully pulled out his pipe and began to smoke until the curtain should be raised. You know it. Why was he there? He was there just the same as the Roman populace were wont to gather at the coliseum where they brought out the slaves and the gladiators and waited for the lions to be unloosed. That is why he was there. He was there waiting to see these black

men driven from their homes, and you know it; peacefully smoking his pipe, and as innocent a man as ever scuttled a ship. No innocent people were there. What else did Breiner do? He sat there while boys came and stood in front of him not five feet away, and stoned these black people's homes, didn't he? Did he raise his hand? Did he try to protect any of them? No, no. He was not there for that. He was there waiting for the circus to begin.

Gentlemen, it is a reflection upon anybody's intelligence to say that everyone did not know why this mob was there. You know! Everyone of you know why. They came early to take their seats at the ringside. Didn't they? And Breiner sat at one point where the stones were thrown, didn't he? Was he a member of that mob? Gentlemen, that mob was bent not only on making an assault upon the rights of the owners of that house, not only making an assault upon their persons and their property, but they were making an assault on the constitution and the laws of the nation, and the state under which they live. They were like Samson in the temple, seeking to tear down the pillars of the structure. So that blind prejudices and their bitter hate would rule supreme in the City of Detroit. Now, that was the case.

Gentlemen, does anybody need to argue to you as to why those people were there? Was my friend Moll even intelligent when he told you that this was a neighborly crowd? I wonder if he knows you better than I do. I hope not. A neighborly crowd? A man who comes to your home and puts a razor across your windpipe, or who meets you on the street and puts a dagger through your heart is as much a neighbor as these conspirators and rioters were who drove these black people from their home. Neighbors, eh? Visiting? Bringing them greetings and good cheer! Our people were newcomers. They might have needed their larder stocked. It was a hot night. The crowd probably brought them ice cream and soda, and possibly other cold drinks. Neighbors? Gentlemen, —neighbors? They were neighbors in the same sense that a nest of rattlesnakes are neighbors when you accidentally put your foot upon them. They are neighbors in the sense that a viper is a neighbor when you warm it in your bosom and it bites you. And, every man who knows anything about this case knows it. You know what the purpose was. Where did you get that fool word "neighborly"? I will tell you where he got it. A witness on our side, a reporter on the News, said that he parked his automobile upon the street. People around there call it "Gothy" Street but intelligent people call it "Goethe" Street; and then he walked down Garland. And, as he started down the street, he observed that the crowd was plainly made up largely of neighbors and the people who lived there, a neighborly, visiting crowd. As he got down toward Charlevoix he found the crowd changing—the whole aspect has changed. They were noisy and riotous and turbulent. Now, gentlemen, am I stating it right? Or am I stating it wrong? Is it an insult to one's intelligence to say those were neighbors? They knew why they were there. They had been getting ready a long time for this welcome. They were neighbors in the sense that an undertaker is a neighbor when he comes to carry out a corpse, and that is what they came for, but it was the wrong corpse. That is all. Now, let us see who were there and how many were there.

Gentlemen, my friend said that he wasn't going to mince matters. I think I will, because I know the prejudice is the other way. You can pick twelve men in these black faces that are watching your deliberations and have throughout all these weary days, and with them I would not need to mince matters; but I must be very careful not to shock your sensibilities. I must state just as much or as near the facts as I dare to

state without shocking you and be fair to my client. It was bad enough for a mob, by force and violation of law, to attempt to drive these people from their house, but, gentlemen, it is worse to send them to prison for life for defending their home. Think of it. That is this case. Are we human? Hardly. Did the witnesses for the State appearing here tell the truth? You know they did not. I am not going to analyze the testimony of every one of them. But they did not tell the truth and they did not mean to tell the truth. Let me ask you this question, gentlemen: Mr. Moll says that these colored people had a perfect right to live in that house. Still he did not waste any sympathy on the attempt to drive them out. He did not say it was an outrage to molest them. Oh, no, he said they had a perfect right to live in that house. But the mob met there to drive them out. That is exactly what they did, and they have lied, and lied and lied to send these defendants to the penitentiary for life, so that they will not go back to their home.

Now, you know that the mob met there for that purpose. They violated the constitution and the law, they violated every human feeling, and threw justice and mercy and humanity to the winds, and they made a murderous attack upon their neighbor because his face was black. Which is the worse, to do that or lie about it? In describing this mob, I heard the word "few" from the State's witnesses so many times that I could hear it in my sleep, and I presume that when I am dying I will hear that "few", "few", "few" stuff that I heard in Detroit from people who lied and lied and lied. What was this "few?" And who were they, or how did they come there? I can't tell you about everyone of these witnesses, but I can tell you about some of them. Too many. I can't even carry all of their names in my mind and I don't want to. There are other things more interesting; bugs, for instance. Anything is more interesting to carry in your mind, than the names of that bunch, and yet I am going to say something for them, too, because I know something about human nature and life; and I want to be fair, and if I did not want to, I think perhaps it would pay me to be. Are the people who live around the corner of Charlevoix and Garland worse than other people? There isn't one of you who doesn't know that they lied. There isn't one of you who does not know that they tried to drive those people out and now are trying to send them to the penitentiary so that they can't move back; all in violation of the law, and are trying to get you to do the job. Are they worse than other people? I don't know as they are. How much do you know about prejudice? Race prejudice. Religious prejudice. These feelings that have divided men and caused them to do the most terrible things. Prejudices have burned men at the stake, broken them on the rack, torn every joint apart, destroyed people by the million. Men have done this on account of some terrible prejudice which even now is reaching out to undermine this republic of ours and to destroy the freedom that has been the most cherished part of our institutions. These witnesses honestly believe that they are better than blacks. I do not. They honestly believe that it is their duty to keep colored people out. They honestly believe that the blacks are an inferior race and yet if they look at themselves, I don't know how they can. If they had one colored family up there, some of the neighbors might learn how to pronounce "Goethe." It would be too bad to spread a little culture in that vicinity. They might die. They are possessed with that idea and that fanaticism, and when people are possessed with that they are terribly cruel. They don't stand alone. Others have done the same thing. Others will do the same thing so long as this weary old world shall last. They may do it again,

but, gentlemen, they ought not to ask you to do it for them. That is a pretty dirty job to turn over to a jury, and they ought not to expect you to do it.

Now, what did this "neighborly" crowd do, anyway? How many people were up there around Sweet's home? It was up to the State to bring all the people who knew about it. They had the first call and brought in some of the witnesses that knew about the case. They didn't find this honest, old German woman. They didn't find the reporter or newspaper man who worked for the Detroit Daily News. They didn't find the man who kept the tire store. Well, now, why didn't they? I will say in my dealings with these prosecuting attorneys, that they have been perfectly fair about most matters during this trial. But, still, why did they leave out these witnesses? They were on the spot when it all happened. There are three righteous white people. I am a little rusty on the Bible, but perhaps you can correct me. Sodom and Gomorrah would have been saved if ten righteous men could have been found. If Sodom and Gomorrah could have been saved by ten, the corner of Charlevoix and Garland should have been saved by three. Was there a crowd at that corner on that fatal night? Let me see what their witnesses say, if we can find out. Not one of them has told the truth, excepting as we dragged it from them. Mr. Dove lives right across the street from the Sweet house. He said he got home from his work and went out on his porch, and his wife and baby went with him. And there were two other people upstairs, and they were all there present at roll call, not only on the 9th but on the 8th. It was a warm evening and they got there in time for the shooting. How hard it was to pry out of them that they went there on account of the colored people who had moved in across the way! You people are not lawyers. You do not know how hard it was to make them admit the truth. It is harder to pull the truth out of a reluctant witness than to listen to them lie. They were there on the porch for everything on earth except to see the slaughter. Still, they finally admitted that curiosity took them there, just curiosity. Curiosity over what? A black man had driven up to the house two small trucks containing a bed and a stove and a few chairs, and a few clothes and he was going to live in that community. That is why their witnesses went to that corner that night and reluctantly they admitted it. Dove said that there were about ten or fifteen people in front of his house, and that Leon Breiner was sitting there on the lawn; and a number of other people standing there, too. Mrs. Dove said there were two over there and that she did not see Breiner, or anybody else, and the people upstairs weren't there, and the two roomers weren't there, although all of them have testified that they were present.

Here is another witness, Abbie Davis. She testified that she went down around the corner where everybody else went; we have had about ten or fifteen who went around that corner and each one said that no one else was there. She said, as I remember it, there were probably about twenty people on the street. And I asked:—How many in front of the Dove house? She didn't see any, though she was right across the street. Let us take the corner of Charlevoix, where the school house stands, with the Sweet house on the other side. How many were there? Schuknecht, the officer, said that he stood on that corner all the evening. Schuknecht said that fifteen or twenty were standing there, and some other witnesses put it higher. Miss Stowell,—Miss Stowell—do you see her? I do. S-t-o-w-e-l-l. You remember, gentlemen, that she spelled it for us. I can spell that in my sleep, too. I can spell it backwards. Well, let me recall her to you. She teaches school at the corner of Garland and "Gother" Street; fifteen years a high school teacher, and, in common with all the other people in the community, she called it "Gother" Street.

She came down to the apartment building, opposite the Sweet house that night to see about a picnic. She left just before the picnic began. She said she sat on the porch with Draper and his wife and made arrangements for the children to go to the picnic and she thought their boy was there, too. Now, you remember Draper. Draper was a long, lean, hungry looking duck. . . . He said he paced up and down in front of his house. He didn't see much of anything. I asked him where his boy was. Well, he thought his boy was part of the time out on that porch. Were you there? "No." Was your wife there? "No." Now, part of the time the boy was there. Well, now, Miss S-t-o-w-e-l-l said that they were all there. She was there all right. Nobody was on the street in front of them. She sat right there. And they called this fellow Belcher, the man who is so good to his wife. His wife had gone away—not for good—either for her good or his—to visit a sick friend that belonged to her lodge. And, as soon as she got out of the house Belcher started down to the corner across from the Sweet house and got restless and uneasy. Maybe he is telling the truth. I have a theory that might account for his telling the truth, but it is not the theory of the State. He paced up and down the block for half an hour looking over the street cars to see if, perchance, his wandering wife might return. She was accustomed to going out of nights, and the cars stopped at their door. It wasn't dark. The corner of Garland and Charlevoix is inhabited by very fine people who have an "improvement club" so as to keep it in proper condition for their children. I don't see why he was so restless about his wife; whatever it was, for more than half an hour, he was pacing back and forth; probably nearer an hour. He didn't see anybody else. He didn't see Draper. He did see a policeman, but that is all; but, Miss S-t-o-w-e-l-l didn't see him. Didn't see anything, but looked over at the other side to the schoolhouse yard, and what did she see? "Well, there were fifty or one hundred people around there." So, I don't know as I should complain so much about her. She came nearer to telling the truth about that than any other witness called by the State; a good deal nearer. She looked across the street and saw fifty or one hundred people, but she saw nobody on the sidewalk and it was seething with people who weren't even there, and when she went away she didn't look around the corners, and didn't know who were there. Wonderful witness, that woman.

Are there any two of their witnesses that have agreed on any fact? She says fifty or one hundred. What did the policeman say? There were about eight policemen standing around there to protect a colored family. Two of them were from Tennessee. That ought to have helped some. I don't know where the rest came from. Some of them seemed to come from some institution, judging by the way they talked. Do you remember the fellow that said he was parading all the evening along the one sidewalk next to this house? Right along here. Didn't see anybody. Didn't know whether anybody was over there in the schoolhouse-yard, and he said "there might have been four." Now, he is one, isn't he? Here is another policeman, parading all the evening on this short beat. He came pretty nearly down to the corner. Nobody was on this corner. Was there anybody on the schoolhouse-yard? "There might have been four." Four, gentlemen. I wouldn't say this man lied. It takes some mentality to lie. An idiot can't lie. It takes mentality because it implies a design, and those two people had no design or anything else. Now, I won't say the same about Schuknecht. He has some mentality; some; just some. He said "there were probably one hundred and fifty around there." The next man—what is the name of the next policeman?

Mr. Toms: Schellenberger.

Mr. Darrow: Schellenberger. He said "there were forty or fifty," but he finally admitted that he said "one hundred and fifty" on the former trial. You can fix it the way you want it. Let me tell you this: Every witness the State put on told how the policemen were always keeping the crowd moving, didn't they? They were always driving people along and not permitting them to congregate, didn't they? Who were these people and where did they come from? No two witnesses on the part of the State have agreed about anything.

Let me give you another illustration of the wonderful mathematical geniuses who testified in this case. Let me refer to my friend, Abbie. I asked her this, did you belong to the improvement club? Yes. After a long time I brought out of her why she joined it. I asked:—Did you go to that meeting at the corner of Charlevoix and Garland in the Howe School? "Yes." What was it about? "Don't know." Why did you go? "To find out." Did you find out? "No." Did you ask anybody? "No." How many were there? "About forty. I passed through the hall and then went outside." Why? "Don't know." Did the crowd go out because there wasn't room for you. "Don't think so." And then comes another busy lady, from just South of the schoolhouse. A typical club lady. A lady with a club—for Negroes. Now, what did she say? She is a wonder. I can see her now. That is the second time I have seen her, too. It would be terrible if I didn't have a chance to see her again. She went up there. Why? "Looking for my girl." Yes? I will mention about that girl. How many people did you see? "Oh, not many, a few around the corner." You belong to the Improvement Club? "Yes." Were you there to that meeting at the school house? "Yes." What was it about? "I don't know." Who spoke? "I don't know." What did they say? "I don't know." Nobody knows anything except one man and we pried that out of him. How many were there? "About forty." Did they adjourn later on? "Yes." Did you go out? "Yes." Didn't stay long. Now they put another witness on the stand. Everybody in that vicinity belonged to the improvement club. I am going to mention this again, but I just want to speak about one thing in connection with that club. Mr. Andrews came here, and you remember my prying-out and surprising myself with my good luck, because when a lawyer gets something he wants, he doesn't at all feel that he was clever. He just worms around until he gets it, that's all. I asked:—Did you belong? He said he did. How many were at the meeting of the Improvement Club at the schoolhouse? "Oh, seven or eight hundred." That is their witness. They began in the school-house and there wasn't room enough to hold them, and they went out in the yard. Now, these two noble ladies, mothers, looking for their daughters, they said "forty." What did the speaker at the meeting say? "Well, one of them was very radical." He was? "Yes." What did he say? "He said he advocated violence. They told what they had done up there on Tireman street, where they had driven Dr. Carter out, and they wouldn't have him, and he said, whenever you undertake to do something with this Negro-question down here, we will support you." Gentlemen, are you deaf or dumb or blind, or just prejudiced, which means all three of them? No person with an ounce of intelligence could have any doubt about the facts in this case. This man says "seven or eight hundred" when these women say "forty." Another witness called by them said "five hundred." Andrews was the only man who testified as to who spoke at the meeting, or what he said; not another one. Did they lie? Yes, they lied, and you know they lied. On the eve of the Sweet family moving into their home, and on the corner of the street where their home was located and in a public school house, not in the south but in Detroit.

Six or seven hundred neighbors in this community listened to a speaker advocating the violation of the constitution and the laws, and calling upon the people to assemble with violence and force and drive these colored people from their homes. Seven hundred people there, and only one man told it. Let me say something else about it, gentlemen. There were present at that meeting two detectives, sent by the Police Department to make a report. Officer Schuknecht said that he had heard about the formation of that "Improvement Club" and the calling of that meeting, and the purchase of that house by colored people, and he wanted to watch it. So he sent two detectives there. They heard this man make a speech that would send any black man to jail, that would have sent any political crusader to jail. They heard the speaker urge people to make an assault upon life and property; to violate the constitution and the law; to take things in their own hands and promise that an organization would stand back of them. Why was he not arrested? Gentlemen, in a school-yard paid for by your taxes; paid for by the common people, of every color, and every nationality, and every religion, that man stood there and harangued a mob and urged them to violence and crime in the presence of the officers of this city, and nothing was done about it. Didn't everybody in the community know it? Everybody! Didn't Schuknecht know it? He sent the detective there for that purpose. And what else did Andrews say? He said the audience applauded this mad and criminal speech, and he applauded, too. And yet, you say that eleven poor blacks penned in a house for two days, with a surging mob around them, and knowing the temper of that community; and knowing all about what had happened in the past; reading the Mayor's proclamation, and seeing who was there, and knowing what occurred in the school house, waiting through the long night of the 8th and through the day of the 9th, walled in with the mob into the night of the 9th, until the stones fell on the roof, and windows were knocked out; and yet, gentlemen, you are told that they should have waited until their blood should be shed, even until they were dead, and liberty should be slain with them. How long, pray, must an intelligent American citizen wait in the City of Detroit, with all this history before them? And, then, gentlemen, after all that, these poor blacks are brought back into a court of justice and twelve jurors are asked to send them to prison for life.

I want to talk to you a little more about who was around that house, and why, and what they were doing, and how many there were. You may remember a man named Miller. This man Miller expressed it pretty well. I suppose I prodded him quite a bit. I asked—what was the organization for? "Oh, we want to protect the place." Against what? "Oh, well, generally." You can't make it more definite? "Yes, against undesirables." Who do you mean by "undesirables?" "Oh, people we don't want," and so on and so forth. Finally, he said, "against Negroes." I said: Anybody else? He thought a while, and he said: "Well, against Eye-talians." He didn't say 'Italians.' He hadn't got that far along yet, but he said 'Eye-talians'. Of course, there was a Syrian merchant running the store on the corner, so Syrians evidently didn't count. By the way, we haven't seen that Syrian or heard from him. He must have done a fine business that night. He should have seen something. They were not prejudiced much about Syrians. They want to keep it American, Miller says. I asked him who the undesirables were, and the first are Negroes, and the second, Eye-talians. Well, now, gentlemen, just by the way of passing, words are great things, you know. You hear some fellow who wants more money than you want, and he calls himself a one-hundred percent. American. Probably he doesn't know

what the word American means. But he knows what he wants. You hear some fellow who wants something else talking about Americanism. I don't know where Miller came from; about how early or how late an arrival he is in America. The only real Americans that I know about are the Indians, and we killed most of them and pensioned the rest. I guess that the ancestors of my clients got here long before Miller's did. They have been here for more than three hundred years; before the Pilgrims landed, the slave ships landed, gentlemen. They are Americans and have given life and blood on a thousand different kinds of fields for America and have given their labor for nothing, for America. They are Americans. Mr. Miller doesn't know it. He thinks he is the only kind of American. The Negroes and Eye-taliaps don't count. Of course, he doesn't like them. Mr. Miller doesn't know that it was an Eye-talian that discovered this land of ours. Christopher Columbus was an 'Eye-talian,' but he isn't good enough to associate with Miller. None of the people of brains and courage and intelligence, unless they happen to live around those four corners, are good enough, and there are no brains and intelligence, and so forth, to spare around those corners. If there ever was they have been spared. These are the kind of prejudices that make up the warp and woof of this case. Gentlemen, lawyers are very intemperate in their statements. My friend, Moll, said that my client here was a coward. A coward, gentlemen. Here, he says, were a gang of gun men, and cowards—shot Breiner through the back. Nobody saw Breiner, of course. If he had his face turned toward the house, while he was smoking there, waiting for the shooting to begin, it wasn't our fault. It wouldn't make any difference which way he turned. I suppose the bullet would have killed him just the same, if he had been in the way of it. If he had been at home, it would not have happened. Who are the cowards in this case? Cowards, gentlemen! Eleven people with black skins, eleven people, gentlemen, whose ancestors did not come to America because they wanted to, but were brought here in slave ships, to toil for nothing, for the whites—whose lives have been taken in nearly every state in the Union,—they have been victims of riots all over this land of the free. They have had to take what is left after everybody else has grabbed what he wanted. The only place where he has been put in front is on the battle field. When we are fighting we give him a chance to die, and the best chance. But, everywhere else, he has been food for the flames, and the ropes, and the knives, and the guns and hate of the white, regardless of law and liberty, and the common sentiments of justice that should move men. Were they cowards? No, gentlemen, they may have been gun men. They may have tried to murder, but they were not cowards. Eleven people, knowing what it meant, with the history of the race behind them, with the picture of Detroit in front of them; with the memory of Turner and Bristol; with the Mayor's proclamation still fresh on paper, with the knowledge of shootings and killings and insult and injury without end, eleven of them go into a house, gentlemen, with no police protection, in the face of a mob, and the hatred of a community, and take guns and ammunition and fight for their rights, and for your rights and for mine, and for the rights of every being that lives. They went in and faced a mob seeking to tear them to bits. Call them something besides cowards. The cowardly curs were in the mob gathered there with the backing of the law. A lot of children went in front and threw the stones. They stayed for two days and two nights in front of this home and by their threats and assault were trying to drive the Negroes out. Those were the cowardly curs, and you know it. I suppose there isn't any ten of them that would come out in the open daylight against those ten. Oh, no, gentlemen,

their blood is too pure for that. They can only act like a band of coyotes baying some victim who has no chance. And then my clients are called cowards. All right, gentlemen, call them something else. These blacks have been called many names along down through the ages, but there have been those through the sad years who believed in justice and mercy and charity and love and kindness, and there have been those who believed that a black man should have some rights, even in a country where he was brought in chains. There are those even crazy enough to hope and to dream that sometime he will come from under this cloud and take his place amongst the people of the world. If he does, it will be through his courage and his culture. It will be by his intelligence and his scholarship and his effort, and I say, gentlemen of the jury, no honest, right feeling man, whether on a jury, or anywhere else, would place anything in his way in this great struggle behind him and before him.

Now, let us return to the house. Why were the policemen there that night? You know why they were there. Were they there to protect these Holy people from the Negroes? Oh, no. Were they there to protect the people who hate 'Eye-talians' from the Negroes? No. Were they there to protect the residents of Goethe Street? No, no, not that. Was an army to be let loose on Charlevoix and Garland? No. They were there, gentlemen, to protect the rights of a colored family who occupied the premises that they had bought. Protect them against what? Against people who would drive them out in violation of law. Is there any doubt about that? No, perhaps some of you gentlemen do not believe in colored men moving into white neighborhoods. Let me talk about that a minute, gentlemen. I don't want to leave any question untouched that might be important in this case, and I fancy that some of you do not believe as I believe on this question. Let us be honest about it. There are people who buy themselves a little home and think the value of it would go down if colored people come. Perhaps it would. I don't know. I am not going to testify in this case. It may go down and it may go up. It will probably go down for some purposes and go up for others. I don't know. Suppose it does? What of it? I am sorry for anybody whose home depreciates in value. Still you can not keep up a government for the purpose of making people's homes valuable. Noise will depreciate the value of a house, and sometimes a street car line will do it. A public school will do it. People do not like a lot of children around their house. That is one reason why they send them to school. You can not get as much for your property. Livery stables used to do it; garages do it now. Any kind of noise will do it. No man can buy a house and be sure that somebody will not depreciate its value. Something may enhance its value, of course. We are always willing to take the profit, but not willing to take the loss. Those are incidents of civilization. We get that because we refuse to live with our fellow-man, that is all. Look at the Negro's side of it. You remember Dancy. Did you ever see a brighter man than he? Compare him with Miller. Compare him with Miss S-t-o-w-e-l-l. Compare him with Andrews. Compare him with anybody on their side of this case. There isn't any comparison. Dancy is colored. He is the head of the Urban League, branch of the association of charities. His business is to look after the poor black, the ones who need it. He told you how hard it was for colored people to find homes. Do I need to say anything about it? You, gentlemen, are here and you want to do right. Are any of you going to invite colored people to live next door to you? No. Would it hurt you? Not at all. Prejudice is so deep that it might affect the value of your property for sale purposes. Let me ask you, would not any of you like to meet Dancy? Who would you rather meet for companionship and association

and fellowship, Dancy or some of the gophers up around "Goffee" Street as some call it? I know who you would rather meet. Who would you rather meet, their white witnesses or Spalding? Now, I would put Spalding down as a real gentleman. He has some colored blood in him, but what of it? He was a student at Ann Arbor University. He has a good mind, hasn't he? Wouldn't any of you be willing to invite him into your home? I think you would. What is he doing? He is a mail carrier, because he is a black gentleman, otherwise he would have as important a position as the white man would have, with his attainments and his courtesy and his manner. He is black, partly black. What are you, gentlemen? And what am I? I don't know. I can only go a little way toward the source of my own being. I know my father and I know my mother. I knew my grandmothers and my grandfathers on both sides, but I didn't know my great grandfathers and great grandmothers on either side, and I don't know who they were. All that a man can do in this direction is but little. He can only slightly raise the veil that hangs over all the past. He can peer into the darkness just a little way and that is all. I know that somewhere around 1600, as the record goes, some of my ancestors came from England. Some of them. I don't know where all of them came from, and I don't think any human being knows where all his ancestors came from. But back of that, I can say nothing. What do you know of yours? I will tell you what I know, or what I think I know, gentlemen. I will try to speak as modestly as I can, knowing the uncertainty of human knowledge, because it is uncertain. The best I can do is to go a little way back. I know that back of us all and each of us is the blood of all the world. I know that it courses in your veins and in mine. It has all come out of the infinite past, and I can't pick out mine and you can't pick out yours, and it is only the ignorant who know, and I believe that back of that—back of that—is what we call the lower order of life; back of that there lurks the instinct of the distant serpent, of the carnivorous tiger. All the elements have been gathered together to make the mixture that is you and I and all the race, and nobody knows anything about his own. Gentlemen, I wonder who we are anyhow, to be so proud about our ancestry? We had better try to do something to be proud of ourselves; we had better try to do something kindly, something humane, to some human being, than to brag about our ancestry, of which none of us know anything.

Now, let us go back to the street again. I don't know. Perhaps I weary you. Perhaps these things that seem important to me are unimportant, but they are all a part of the great human tragedy that stands before us. And if I could do something, which I can't, to make the world better, I would try to have it more tolerant, more kindly, more understanding; could I do that and nothing else, I would be glad.

The Police Department went up there on the morning of the 8th, in the City of Detroit, in the State of Michigan, U. S. A., to see that a family were permitted to move into a home that they owned without getting their throats cut by the noble Nordics who inhabit that jungle. Fine, isn't it? No race question in this? Oh, no, this is a murder case, and yet, in the forenoon of the 8th, they sent four policemen there, to protect a man and his wife with two little truck loads of household furniture who were moving into that place. Pretty tough, isn't it? Aren't you glad you are not black? You deserve a lot of credit for it, don't you, because you didn't choose black ancestry? People ought to be killed who chose black ancestry. The policemen went there to protect the lives and the small belongings of these humble folk who moved into their home. What are these black people to do?

I seem to wander from one thing to another without much sequence. I must get back again to the colored man. You don't want him. Perhaps you don't want him next to you. Suppose you were colored. Did any of you ever dream that you were colored? Did you ever wake up out of a nightmare when you dreamed that you were colored? Would you be willing to have my client's skin. Why? Just because somebody is prejudiced! Imagine yourselves colored, gentlemen. Imagine yourselves back in the Sweet house on that fatal night. That is the only right way to treat this case, and the court will tell you so. Would you move there? Where would you move? Dancy says there were six or seven thousand colored people here sixteen years ago. And seventy-one thousand five years ago. Gentlemen, why are they here? They came here as you came here, under the laws of trade and business, under the instincts to live; both the white and the colored, just the same; the instincts of all animals to propagate their kind, the feelings back of life and on which life depends. They came here to live. Your factories were open for them. Mr. Ford hired them. The automobile companies hired them. Everybody hired them. They were all willing to give them work, weren't they? Everyone of them. You and I are willing to give them work, too. We are willing to have them in our houses to take care of the children and do the rough work that we shun ourselves. They are not offensive, either. We invited them; pretty nearly all the colored population has come to Detroit in the last fifteen years; most of them, anyhow. They have always had a corner on the meanest jobs. The city must grow, or you couldn't brag about it. The colored people must live somewhere. Everybody is willing to have them live somewhere else. The people at the corner of Garland and Charlevoix would be willing to have them go to some other section. They would be willing to have them buy a place up next to Mrs. Dodge's house; but most of them haven't got money enough to do that; none that I know of. Everybody would be willing to have them go somewhere else. Somewhere they must live. Are you going to kill them? Are you going to say that they can work, but they can't get a place to sleep? They can toil in the mill, but can't eat their dinner at home. We want them to build automobiles for us, don't we? We even let them become our chauffeurs. Oh, gentlemen, what is the use! You know it is wrong. Everyone of you know it is wrong. You know that no man in conscience could blame a Negro for almost anything. Can you think of these people without shouldering your own responsibility? Don't make it harder for them, I beg you.

They sent four policemen in the morning to help this little family move in. They had a bedstead, a stove and some bedding, ten guns and some ammunition, and they had food to last them through a siege. I feel that they should have taken less furniture and more food and guns.

Gentlemen, nature works in a queer way. I don't know how this question of color will ever be solved, or whether it will be solved. Nature has a way of doing things. There is one thing about nature, she has plenty of time. She would make broad prairies so that we can raise wheat and corn to feed men. How does she do it? She sends a glacier plowing across a continent, and takes fifty-thousand years to harrow it and make it fit to till and support human life. She makes a man. She tries endless experiments before the man is done. She wants to make a race and it takes an infinite mixture to make it. She wants to give us some conception of human rights, and some kindness and charity and she makes pain and suffering and sorrow and death. It all counts. That is a rough way, but it is the only way. It all counts in the great, long broad scheme of things. I look on a trial like this with a feeling of disgust and

shame. I can't help it now. It will be after we have learned in the terrible and expensive school of human experience that we will be willing to find each other and understand each other.

Now, let us get to the bare facts in this case. The City of Detroit had the police force there to help these people move into their home. When they unloaded their goods, men and women on the street began going from house to house. This club got busy. They went from house to house to sound the alarm, "the Negroes are coming," as if a foreign army was invading their homes; as if a wild beast had come down out of the mountains in the olden times. I am not going over it fully. Two attractive, clever girls, who have color in their faces, without using paint, stayed at the Sweets that night, the 8th, because they did not dare go home. Can you imagine those colored people? They didn't dare move without thinking of their color. Where we go into a hotel unconsciously, or a church, if we choose, they do not. Of course, colored people belong to a church, and they have a Y. M. C. A. That is, a Jim Crow Y. M. C. A. The black Christians cannot mix with the white Christians. They will probably have a Jim Crow Heaven where the white angels will not be obliged to meet the black angels, except as servants.

These girls went out to the Sweet's house and were marooned, and did not dare to go home on account of the crowd on the streets. Was there a crowd? Schuknecht says there were more on the streets on the 8th than the 9th. Of course, I don't believe him, but he says there were more automobiles on the 9th. The papers had advertised that the colored people had come, and over on Tireman Avenue they were busy gathering the klans to help out the Nordic brother of Charlevoix and Garland. On the 9th, what happened? I have told you something about the crowd. Are our witnesses telling the truth, or are they lying? The tire man, who is white, won't lie to help them. The newspaper man, Mr. Cohen, won't lie to help them. He went down that street just before it happened, in time to hear the sound of the stones against the Sweet house, and he told what it was and how he had to elbow his way through the crowd. Do you believe it? Oh, no, you don't believe it. You know it, and I am wasting my time because you know it. No need to talk to a jury to correct their ideas. That is easy. If a man has an opinion you can always change it. If he has a prejudice you can't get rid of it. It comes without reason, and is immune to reason. I will call your attention a minute to witnesses we have brought here. Those two were white. There is another white witness. That is this motherly, attractive, Mrs. Hinteys; I don't worry about her at all. My friends of the prosecution tried to say some things about her, not so very unkindly. I don't know as I would say unkindly at all, but rather arouse suspicion in your minds as to the truth of her story. She said she didn't appear on the first trial. No, white people don't run around volunteering to be witnesses for us. She appeared in this trial, and it seems that she had done work for the mother of my associate, Thomas Chawke. When she heard that he was in the case, she went to see him and she came on this witness stand and told her story. Now, gentlemen, you saw her. Did she tell the truth, or didn't she? Lawyers have a habit, you know, of talking about the intelligence and perfection of their own witness, and I imagine I am not breaking that habit. I have seen few people that impressed me more than Mr. and Mrs. Spalding. I have seen few young girls, no matter what their color, that impressed me more than those two girls who spent the night in that house. I was impressed with Smith's story. It was obviously true. He had such difficulty getting through Garland Street that night his car was stoned because his face was

black. Everybody knows that the automobile man would have no reason for lying, and that if he could choose to do anything, he would testify on the other side. I don't need to suggest to anybody that the newspaper man was telling the truth. And if he tells the truth, it settles this case. Is the old lady telling the truth? She is the kind we don't see as much of now as we once did see. She is the working woman. Of course, you don't see them very much except when you come in the house and visit the kitchen. But I am older than most of you, I guess,—than any of you. Anyway, I have seen them. A woman with a fine face. She probably would have called that "Goethy" Street, like the rest, because she hasn't much education. She isn't like the rest of the mob. A fine, honest face. She knew exactly what she was talking about and she told the truth. As I looked at her on the witness stand, it seemed to me that I could see through her face; her face covered with the scars of life, and fight, and hard work, to the inward beauty that shone through it. I could almost feel the years slipping away from me and leaving me a boy again in the simple country town where I was born; I could see my mother and her companions who swept their own houses, did their own washing and baked their own bread and made clothes for the children; they were kind, simple, human and honest. There isn't a man on this jury who could be persuaded to believe that this woman wasn't honest. She said there were five hundred people on the corner alone. Is there any doubt about that? She said "more than five hundred." She said "twice as many as there are in this room." Now let's see what Schuknecht said, and then I shall skip a little. I know you wish I would skip a lot more. There were certain things that did happen that night, weren't there? There was a crowd there. They began coming as the dusk gathered. They don't work in the daylight; not those fellows. They are too good for daylight work. They came as the dusk gathered. They came in taxis and automobiles and on foot. They came on every street that centered at Charlevoix; they came down the sidewalk and over across the street, where they gathered in that school yard; the school yard, gentlemen, of all the places on earth; the school-yard where they made their deadly assault upon justice and honesty and law, and they were gathered there five hundred strong. Still this was no doubt the only occasion that most of them had ever needed a school-house. Schuknecht stood out in front, didn't he? He had this in charge. I don't need to go beyond the witnesses who appeared here for the State. He stood there on that corner, in front of the school-house. His brother-in-law came up twice or three times to see him. Do you remember him? He worked for the telegraph company. Why did he come? "Looking for my boy." Yes, he was looking for his boy. He came up, and he asked nobody about the boy, and he went back to his home, still looking for his boy, and came back looking for his boy again, and went back once more and came back again looking for his boy. Now, I am just a little doubtful in my mind whether he is telling the truth or not. I will give you two theories, and you can choose. He either said that he was looking for his boy so he could claim that he was not there, looking for the riot that he knew was coming; or he knew what was coming and he was afraid for the life of his boy and was hunting him. Take your choice. I have thought of both ideas. Sometimes I take one view and sometimes another! But, anyway, he was there looking for his boy. "Where is my wandering boy tonight?" was the song he seemed to be singing, right around that corner. Poor boy. You have been away from home before. It was only dusk. "My God, I must find that boy." Well, gentlemen, strange, isn't it, and up there above the Sweet house, coming down on the other side of the street was a woman, Abbie, looking for her girl, nineteen

years old. Mr. Toms thinks she was too old to disturb her mother, but I will tell you this, if a mother lived to be one hundred and she had a girl seventy-five, she would still be looking for her. She was looking for a girl wandering up and down the street, in front of the Sweet house; a strange place to be looking for a girl. She might have gone in there and got eaten by the blacks. In front of the Sweet house, of all the places in the world, and then she went back, and then she went across to the Dove house, and didn't see anybody there, but Breiner got shot, and we left her looking for her girl. And on this corner was that devoted husband, the most devoted husband I ever heard of, in court, at least. I have read about them in fairy-stories; fairy-stories and cheap novels. I have read about devoted wives, and I have read about devoted husbands, but this husband pacing back and forth for almost an hour watching for his wife to get off the car at the corner in front of her house certainly takes the cake. Maybe he really loved his wife; I don't know. Such things have happened, and maybe he didn't know just when this show was going to begin, gentlemen. Maybe he was worried, and on the other side of the street was a lady looking for her girl. All the fathers and all the mothers and all the husbands and all the wives were gathering the chickens under their wings for the coming storm. Weren't they? Just before eight o'clock. They were clearing the decks for action and getting the children out of the school-yard and out of the crowd, so that the only strong, healthy men, and plenty of them, could get these "gun" men who were trying to live in their own home.

What was Schuknecht doing? Now, gentlemen, let us see about that again. I never say much about policemen.

Mr. Toms: What was that?

Mr. Darrow: I never say much about policemen. Do I?

Mr. Toms: That is what you said, but I couldn't believe it.

Mr. Darrow: I am going to be very easy on Schuknecht. I have often seen good policemen. I mean, good men who were policemen. But, now, Schuknecht said that he had this matter in his charge. Didn't he? He stood right there on the corner. He did wander a little bit, but not much; inside of the block all the time, knowing that the whole responsibility rested on him. He had eight men early in that evening besides himself, and another officer. That made ten; and then as the night wore on, and the darkness began to gather, the darkness and the crowd came down together on those four corners. They sent for two more policemen. Then they put policemen on the four corners a block away and blocked the street. For what? There wasn't any crowd there. Nobody says it was a crowd, unless they are lying; just a "few;" a "few;" and they blocked the streets. Gentlemen, none of you look like you were born yesterday. Maybe you were; I can not tell. And then a little later, what happened? They sent for two more policemen. At the station they had twenty or thirty in reserve waiting for a riot call. Didn't they? They had ten or twelve policemen, twenty or thirty waiting for a riot call, and they sent up for two more, in a hurry, and they hustled down. And then two policemen were sent to the top of that flat across the way, where they could "view the landscape" o'er the highest point of vantage, which, of course, would be used to protect the civilization and culture of Charlevoix Avenue; and they had just got started to go to the top of the flat when they sent for six more. Gentlemen, six more policemen, making some fifteen or eighteen policemen around that corner. Was there any need of it? It was perfectly peaceful. Only four people on the school-house grounds, according to some of them. Nothing doing. All quiet on the Potomac; warm summer evening, and the children lying on the lawn. Children,

gentlemen,—children. There might have been some children earlier in the evening, but they had all been gathered under their mothers' wings before that time, and most of the women had disappeared. Just before these fatal shots were fired. Why were the policemen there?

Gentlemen, do we need anything else? If we need anything else, it is this: If we need anything else to show the hostility of the crowd that was there, it is this: A policeman swore that one window that we claim was broken at the time was really broken afterwards. Why? Who would take a "pebble" to break the windows out of these poor peoples' home after they were safely lodged in jail? And the policemen were in charge. This shooting was on the 9th of September; six or seven months have passed away since then; all these defendants were in jail two or three months, and since that they have been out on bail, but a policeman still stands guard on that vacant home to protect it from being destroyed by the people who want to have an American community where they can raise their families "in peace and amity."

Gentlemen, supposing you return a verdict of not guilty in this case, which you will; I would be ashamed to think you would not; what would happen if this man and his wife and his child, moved into that house? They have the same right to go to that house that you have to your home, after your services are done. What will happen? Don't you know? What did Schuknecht say? Eight or ten policemen were standing around that house for two days and two nights. A menacing crowd was around them, wasn't there? The police were protecting them. Did one policeman ever go to one person in that crowd and say: "What are you here for?" There was a mob assembled there. The Court will tell you what a mob is. I don't need to tell you. He will tell you that three or more people gathered together with a hostile intent is a mob; there were five hundred; they were plotting against the persons of these people and their lives, perhaps, as well. Did any policeman try to disperse it? Did they raise their hands or their voices, or do one single thing? Did they step up to any man and say: "Why are you here?" Never. They stood around there or sat around there like bumps on a log, while the mob was violating the Constitution and the laws of the State, and offending every instinct of justice and mercy and humanity. Schuknecht was standing there; five or six others were standing there, weren't they, gentlemen? Let us see how closely they were guarding the house. They did nothing. They heard no stones thrown against that house; not one of them; and yet they were not twenty feet away. The State brought here some twenty stones gathered next morning from the house and yard, and nobody knows how many more there were. Gentlemen, a roof slopes at an incline of forty-five degrees, or about that. You can get the exact figures if you want them. Imagine some one throwing stones against the roof. How many of them would stay there, or how many of them would stay in the immediate yard, and how many of them would be left there after the mob had finished and sought to protect itself, and the police and crowd had gathered them up, the police force which was responsible for this tragedy? None of them heard a stone, and yet they were there to protect that home. None of them heard the broken glass, but they were there to protect that home. None of them saw two men come in a taxi, except one who hesitated and finally admitted that it seemed as if he did; but none of the rest. Gentlemen, you could have looted that house and moved it away and the police would never have known it. That is the way these people were protected.

I was speaking before luncheon about the people around the house, and the wonderful protection the blacks had. Nobody can tell exactly how many were there, of

course. Here is a man, a real estate dealer, who had an office at the corner of St. Clair and Charlevoix, just a block away. He came down that night,—he was in the habit of staying at his office, and he had a partner. Real estate men are pretty wary people, you know. They don't miss many chances. If there is anybody around that looks like a prospect, they are on hand. He came down and saw that crowd. What did he do? He went over to this apartment-building on the corner. He stuck around the apartment-building ten or fifteen minutes or half an hour, I don't know just how long, and he leaves his office open. He stuck around ten or fifteen minutes and then went back to his office; not to make a sale, but to get his partner, who was the only man in charge of the office. And so the two of them started back and stood there on the corner until the shooting began. What do you suppose they were there for? Real estate men don't waste time with a crowd around the office. Not only was he content and brought his partner, and left nobody in the office. He didn't even stop to lock the door, and they stayed there on the corner until the shooting began. Witnesses forget themselves and tell the truth. Why were the police telling people to move on? All the witnesses said they were not permitted to stand near the house. Why do they, every once in a while, pull themselves up and say that the crowd was so and so? Why does the little boy come into this court room and on the first trial of this case say: "I saw a large crowd," and then pull himself up; "I saw a great many people," and then say, "I saw a few?" And then on cross-examination admit that he had been told to do it, and had forgot himself when he said a great many people? This is in the record as coming from the last case, and he said it was true. It was true, and every man in this case who has listened to it knows that it is true. Oh, they say, there is nothing to justify this shooting; it was an orderly, neighborly crowd; an orderly, neighborly crowd. They came there for a purpose and intended to carry it out. How long, pray, would these men wait penned up in that house? How long would you wait? The very presence of the crowd was a mob, as I believe the Court will tell you. Suppose a crowd gathers around your house; a crowd which doesn't want you there; a hostile crowd, for a part of two days and two nights, until the police-force of the city is called in to protect you. How long, tell me, are you going to live in that condition with a mob surrounding your house and the police-force standing in front of it? How long should these men have waited? I can imagine why they waited as long as they did. You wouldn't have waited. Counsel say they had just as good reason to shoot on the 8th as on the 9th. Concede it. They did not shoot. They waited and hoped and prayed that in some way this crowd would pass them by and grant them the right to live. The mob came back the next night and the colored people waited while they were gathering; they waited while they were coming from every street and every corner, and while the officers were supine and helpless and doing nothing. And they waited until dozens of stones were thrown against the house on the roof, probably—I don't know how many. Nobody knows how many. They waited until the windows were broken before they shot. Why did they wait so long? I think I know. How much chance had these people for their life after they shot; surrounded by a crowd, as they were? They would never take a chance unless they thought it was necessary to take the chance. Eleven black people penned up in the face of a mob. What chance did they have?

Suppose they shot before they should. What is the theory of counsel in this case? Nobody pretends there is anything in this case to prove that our client Henry fired the fatal shot. There isn't the slightest. It wasn't a shot that would fit the gun he had.

The theory of this case is that he was a part of a combination to do something. Now, what was that combination, gentlemen? Your own sense will tell you what it was. Did they combine to go there and kill somebody? Were they looking for somebody to murder? Dr. Sweet scraped together his small earnings by his industry and put himself through college, and he scraped together his small earnings of three thousand dollars to buy that home because he wanted to kill somebody? It is silly to talk about it. He bought that home just as you buy yours, because he wanted a home to live in, to take his wife and to raise his family. There is no difference between the love of a black man for his offspring and the love of a white. He and his wife had the same feeling of fatherly and motherly affection for their child that you gentlemen have for yours, and that your father and mother had for you. They bought that home for that purpose; not to kill some body. They might have feared trouble, as they probably did, and as the evidence shows that every man with a black face fears it, when he moved into a home that is fit for a dog to live in. It is part of the curse that, for some inscrutable reason, has followed the race—if you call it a race—and which curse, let us hope, sometime the world will be wise enough and decent enough and human enough to wipe out. They went there to live. They knew the dangers. Why do you suppose they took these guns and this ammunition and these men there? Because they wanted to kill somebody? It is utterly absurd and crazy. They took them there because they thought it might be necessary to defend their home with their lives and they were determined to do it. They took guns there that in case of need they might fight, fight even to death for their home, and for each other, for their people, for their race, for their rights under the Constitution and the laws under which all of us live; and unless men and women will do that, we will soon be a race of slaves, whether we are black or white. "Eternal vigilance is the price of liberty," and it has always been so and always will be. Do you suppose they were in there for any other purpose? Gentlemen, there isn't a chance that they took arms there for anything else. They did go there knowing their rights, feeling their responsibility, and determined to maintain those rights if it meant death to the last man and the last woman, and no one could do more. No man lived a better life or died a better death than fighting for his home and his children, for himself, and for the eternal principles upon which life depends. Instead of being here under indictment, for murder, they should be honored for the brave stand they made, for their rights and ours. Some day, both white and black, irrespective of color, will honor the memory of these men, whether they are inside prison-walls or outside, and will recognize that they fought not only for themselves, but for every man who wishes to be free.

Did they shoot too quick? Tell me just how long a man needs wait for a mob? The Court, I know, will instruct you on that. How long do you need to wait for a mob? We have been told that because a person trespasses on your home or on your ground you have no right to shoot him. Is that true? If I go up to your home in a peaceable way, and go on your ground, or on your porch, you have no right to shoot me. You have a right to use force to put me off if I refuse to go, even to the extent of killing me. That isn't this case, gentlemen. That isn't the case of a neighbor who went up to the yard of a neighbor without permission and was shot to death. Oh, no. The Court will tell you the difference, unless I am mistaken, and I am sure I am not; unless I mistake the law, and I am sure, I do not. This isn't a case of a man who trespasses upon the ground of some other man and is killed. It is the case of an unlawful mob, which in itself is a crime; a mob bent on mischief; a mob that has no rights.

They are too dangerous. It is like a fire. One man may do something. Two will do much more; three will do more than three times as much; a crowd will do something that no man ever dreamed of doing. The law recognizes it. It is the duty of every man—I don't care who he is, to disperse a mob. It is the duty of the officers to disperse them. It was the duty of the inmates of the house, even though they had to kill somebody to do it. Now, gentlemen, I wouldn't ask you to take the law on my statement. The Court will tell you the law. A mob is a criminal combination of itself. Their presence is enough. You need not wait until it spreads. It is there, and that is enough. There is no other law; there hasn't been for years, and it is the law which will govern this case.

Now, gentlemen, how long did they need to wait? Why, it is silly. How long would you wait? How long do you suppose ten white men would be waiting? Would they have waited as long? I will tell you how long they needed to wait. I will tell you what the law is, and the Court will confirm me, I am sure. Every man may act upon appearances as they seem to him. Every man may protect his own life. Every man has the right to protect his own property. Every man is bound under the law to disperse a mob even to the extent of taking life. It is his duty to do it, but back of that he has the human right to go to the extent of killing to defend his life. He has a right to defend the life of his kinsman, servant, his friends, or those about him, and he has a right to defend, gentlemen, not from real danger, but from what seems to him real danger at the time.

Here is Henry Sweet, the defendant in this case, a boy. How many of you know why you are trying him? What had he to do with it? Why is he in this case? A boy, twenty-one years old, working his way through college, and he is just as good a boy as the boy of any juror in this box; just as good a boy as you people were when you were boys, and I submit to you, he did nothing whatever that was wrong. Of course, we lawyers talk and talk and talk, as if we feared results. I don't mean to trifle with you. I always fear results. When life or liberty is in the hands of a lawyer, he realizes the terrible responsibility that is on him, and he fears that some word will be left unspoken, or some thought will be forgotten. I would not be telling you the truth if I told you that I did not fear the result of this important case; and when my judgment and my reason comes to my aid and takes counsel with my fears, I know, and I feel perfectly well that no twelve American jurors, especially in any northern land, could be brought together who would dream of taking a boy's life or liberty under circumstances like this. That is what my judgment tells me, but my fears perhaps cause me to go further and to say more when I should not have said as much.

Now, let me tell you when a man has the right to shoot in self-defense, and in defense of his home; not when these vital things in life are in danger, but when he thinks they are. These despised blacks did not need to wait until the house was beaten down above their heads. They didn't need to wait until every window was broken. They didn't need to wait longer for that mob to grow more inflamed. There is nothing so dangerous as ignorance and bigotry when it is unleashed as it was here. The Court will tell you that these inmates of this house had the right to decide upon appearances, and if they did, even though they were mistaken they are not guilty. I don't know but they could safely have stayed a little longer. I don't know but it would have been well enough to let this mob break a few more window-panes. I don't know but it would have been better and been safe to have let them batter down the house before they shot. I don't know. How am I to tell, and how are you to tell?

You are twelve white men, gentlemen. You are twelve men sitting here eight months after all this occurred, listening to the evidence, perjured and otherwise, in this court, to tell whether they acted too quickly or too slowly. A man may be running an engine out on the railroad. He may stop too quickly or too slowly. In an emergency he is bound to do one or the other, and the jury a year after, sitting in cold blood, may listen to the evidence and say that he acted too quickly. What do they know about it? You must sit out there upon a moving engine with your hand on the throttle and facing danger and must decide and act quickly. Then you can tell. Cases often occur in the courts, which doesn't speak very well for the decency of courts, but they have happened, where men have been shipwrecked at sea, a number of the men having left the ship and gone into a small boat to save their lives; they have floated around for hours and tossed on the wild waves of an angry sea; their food disappearing, the boat heavy and likely to sink and no friendly sail in sight,—What are they to do? Will they throw some of their companions off the boat and save the rest? Will they eat some to save the others? If they kill anybody, it is because they want to live. Every living thing wants to live. The strongest instinct in life is to keep going. You have seen a tree upon a rock send a shoot down for ten or fifteen or twenty feet, to search for water, to draw it up, that it may still survive; it is a strong instinct with animals and with plants, with all sentient things, to keep alive. Men are out in a boat, in an angry sea, with little food, and less water. No hope in sight. What will they do? They throw a companion overboard to save themselves, or they kill somebody to save themselves. Juries have come into court and passed on the question of whether they should have waited longer, or not. Later, the survivors were picked up by a ship and perhaps, if they had waited longer, all would have been saved; yet a jury, months after it was over, sitting safely in their jury-box, pass upon the question of whether they acted too quickly or not. Can they tell? No. To decide that case, you must be in a small boat, with little food and water; in a wild sea, with no sail in sight, and drifting around for hours or days in the face of the deep, beset by hunger and darkness and fear and hope. Then you can tell; but, no man can tell without it. It can't be done, gentlemen, and the law says so, and this Court will tell you so. Let me tell you what you must do, gentlemen. It is fine for lawyers to say, naively, that nothing happened. No foot was set upon that ground; as if you had to put your foot on the premises. You might put your hand on. The foot isn't sacred. No foot was set upon their home. No shot was fired, nothing except that the house was stoned and windows broken, and an angry crowd was outside seeking their destruction. That is all. That is all, gentlemen. I say that no American citizen, unless he is black, need wait until an angry mob sets foot upon his premises before he kills. I say that no free man need wait to see just how far an aggressor will go before he takes life. The first instinct a man has is to save his life. He doesn't need to experiment. He hasn't time to experiment. When he thinks it is time to save his life, he has the right to act. There isn't any question about it. It has been the law of every English speaking country so long as we have had law. Every man's home is his castle, which even the King may not enter. Every man has a right to kill to defend himself or his family, or others, either in the defense of the home or in the defense of themselves. So far as that branch of the case is concerned, there is only one thing that this jury has a right to consider, and that is whether the defendants acted in honest fear of danger. That is all. Perhaps they could have safely waited longer. I know a little about psychology. If I could talk to a man long enough, and not too long, and he talk to me a little, I

could guess fairly well what is going on in his head, but I can't understand the psychology of a mob, and neither can anybody else. We know it is unreasoning. We know it is filled with hatred. We know it is cruel. We know it has no heart, no soul, and no pity. We know it is as cruel as the grave. No man has a right to stop and dicker while waiting for a mob.

Now, let us look at these fellows. Here were eleven colored men, penned up in the house. Put yourselves in their place. Make yourselves colored for a little while. It won't hurt, you can wash it off. They can't, but you can; just make yourself black for a little while; long enough, gentlemen, to judge them, and before any of you would want to be judged, you would want your juror to put himself in your place. That is all I ask in this case, gentlemen. They were black, and they knew the history of the black. Our friend makes fun of Dr. Sweet and Henry Sweet talking these things all over in the short space of two months, Well, gentlemen, let me tell you something, that isn't evidence. This is just theory. This is just theory, and nothing else. I should imagine that the only thing that two or three colored people talk of when they get together is race. I imagine that they can't rub color off their face or rub it out of their minds. I imagine that is it with them always. I imagine that the stories of lynchings, the stories of murders, the stories of oppression is a topic of constant conversation. I imagine that everything that appears in the newspapers on this subject is carried from one to another until every man knows what others know, upon the topic which is the most important of all to their lives.

What do you think about it? Suppose you were black. Do you think you would forget it even in your dreams? Or would you have black dreams? Suppose you had to watch every point of contact with your neighbor and remember your color, and you knew your children were growing up under this handicap. Do you suppose you would think of anything else? Well, gentlemen, I imagine that a colored man would think of that before he would think of where he could get bootleg whiskey, even. Do you suppose this boy coming in here didn't know all about the conditions, and did not learn all about them? Did he not know about Detroit? Do you suppose he hadn't read the story of his race? He is intelligent. He goes to school. He would have been a graduate now, except for this long hesitation, when he is waiting to see whether he goes back to college or goes to jail. Do you suppose that black students and teachers are discussing it? Anyhow, gentlemen, what is the use? The jury isn't supposed to be entirely ignorant. They are supposed to know something. These black people were in the house with the black man's psychology, and with the black man's fear, based on what they had heard and what they had read and what they knew. I don't need to go far. I don't need to travel to Florida. I don't even need to talk about the Chicago riots. The testimony showed that in Chicago a colored boy on a raft had been washed to a white bathing beach, and men and boys of my race stoned him to death. A riot began, and some hundred and twenty were killed. I don't need to go to Washington or to St. Louis. Let us take Detroit. I don't need to go far either in space or time. Let us take this city. Now, gentlemen, I am not saying that the white people of Detroit are different from the white people of any other city. I know what has been done in Chicago. I know what prejudice growing out of race and religion has done the world over, and all through time. I am not blaming Detroit. I am stating what has happened, that is all. And I appeal to you, gentlemen, to do your part to save the honor of this city, to save its reputation, to save yours, to save its name, and to save the poor colored people who can not save themselves. I was told there had

not been a lynching of a colored man in thirty years or more in Michigan. All right. Why, I can remember when the early statesmen of Michigan cared for the colored man and when they embodied the rights of the colored men in the constitution and statutes. I can remember when they laid the foundation that made it possible for a man of any color or any religion, or any creed, to own his home wherever he could find a man to sell it. I remember when civil rights laws were passed that gave the Negro the right to go where the white man went and as he went. There are some men who seem to think those laws were wrong. I do not. Wrong or not, it is the law, and if you were black you would protest with every fiber of your body your right to live. Michigan used to protect the rights of colored people. There were not many of them here, but they have come in the last few years, and with them has come prejudice. Then, too, the southern white man has followed his black slave. But that isn't all. Black labor has come in competition with white. Prejudices have been created where there was no prejudice before. We have listened to the siren song that we are a superior race and have superior rights, and that the black man has none. It is a new idea in Detroit that a colored man's home can be torn down about his head because he is black. There are some eighty thousand blacks here now, and they are bound to reach out. They have reached out in the past, and they will reach out in the future. Do not make any mistake, gentlemen. I am making no promises. I know the instinct for life. I know it reaches black and white alike. I know that you can not confine any body of people to any particular place, and, as the population grows, the colored people will go farther. I know it, and you must change the law or you must take it as it is, or you must invoke the primal law of nature and get back to clubs and fists, and if you are ready for that, gentlemen, all right, but do it with your eyes open. That is all I care for. You must have a government of law or blind force, and if you are ready to let blind force take the place of law, the responsibility is on you, not on me.

Now, let us see what has happened here. So far as I know, there had been nothing of the sort happened when Dr. Sweet bought his home. He took an option on it in May, and got his deed in June; and in July, in that one month, while he was deliberating on moving, there were three cases of driving Negro families out of their homes in Detroit. This was accomplished by stones, clubs, guns and mobs. Suppose one of you were colored and had bought a house on Garland Avenue. Take this just exactly as it is. You bought it in June, intending to move in July, and you read and heard about what happened to Dr. Turner in another part of the city. Would you have waited? Would you have waited a month, as Sweet did? Suppose you had heard of what happened to Bristol? Would you have waited? Remember, these men didn't have any too much money. Dr. Sweet paid three thousand dollars on his home, leaving a loan on it of sixteen thousand dollars more. He had to scrape together some money to buy his furniture, and he bought fourteen hundred dollars worth the day after he moved in and paid two hundred dollars down. Gentlemen, it is only right to consider Dr. Sweet and his family. He has a little child. He has a wife. They must live somewhere. If they could not, it would be better to take them out and kill them, and kill them decently and quickly. Had he any right to be free? They determined to move in and to take nine men with them. What would you have done, gentlemen? If you had courage, you would have done as Dr. Sweet did. You would have been crazy or a coward if you hadn't. Would you have moved in alone? No, you would not have gone alone. You would have taken your wife. If you had a brother

or two, you would have taken them because you would know that you could rely on them, and you would have taken those nearest to you. And you would have moved in just as Dr. Sweet did. Wouldn't you? He didn't shoot the first night. He didn't look for trouble. He kept his house dark so that the neighbors wouldn't see him. He didn't dare have a light in his house, gentlemen, for fear of some other club, but noble neighbors, who were to have a colored family in their neighborhood. He had the light put out in the front part of the house, so as not to tempt any of the mob to violence.

Now, let us go back a little. What happened before this? I don't need to go over the history of the case. Everybody who wants to understand knows it, and many who don't want to understand it. As soon as Dr. Sweet bought this house, the neighbors organized the "Water Works Park Improvement Association." They made a constitution and by-laws. You may read the constitution and by-laws of every club, whether it is the Rotary Club or the—I was trying to think of some other club, but I can't. Whatever the club, it must always have a constitution and by-laws. These are all about the same. You cannot tell anything about a man by the church he belongs to. You can't tell anything about him by the kind of clothes he wears. You can't tell anything about him by any of these extraneous matters, and you can't tell anything about an association from the by-laws. Not a thing. I belonged to associations in my time. As far as I can remember, they all had by-laws.

Mr. Toms: All of them have the same by-laws?

Mr. Darrow: Yes, all have the same. They are all of them engaged in the work of uplifting humanity, and humanity still wants to stay down. All engaged in the same work, according to their by-laws, gentlemen. So, the "Water Works Park Improvement Club" had by-laws. They were going to aid the police. They didn't get a chance to try to aid them until that night. They were going to regulate automobile traffic. They didn't get any chance to regulate automobile traffic until that night. They were going to protect the homes and make them safe for children. The purpose was clear, and every single member reluctantly said that they joined it to keep colored people out of the district. They might have said it first as well as last. People, even in a wealthy and aristocratic neighborhood like Garland and Charlevoix, don't give up a dollar without expecting some profit; not a whole dollar. Sometimes two in one family, the husband and wife, joined. They got in quick. The woods were on fire. Something had to be done, as quick as they heard that Dr. Sweet was coming; Dr. Sweet, who had been a bellhop on a boat, and a bellhop in hotels, and fired furnaces and sold popcorn and has worked his way with his great handicap through school and through college, and graduated as a doctor, and gone to Europe and taken another degree; Dr. Sweet, who knew more than any man in the neighborhood ever would know or ever want to know. He deserved more for all he had done. When they heard he was coming, then it was time to act, and act together, for the sake of their homes, their families and their firesides, and so they got together. They didn't wait. A meeting was called in the neighborhood; we haven't a record of that, but we have a record of another one. And then, what happened after that? Let me read you, not from the books of any organization; not from colored people; from what I have learned is a perfectly respectable paper, so far as papers go, the Detroit Free Press.

Mr. Toms: Free Press, the best morning paper.

Mr. Darrow: And the only real Free Press that I ever heard of. On July 12th, gentlemen, a month after Dr. Sweet had bought his home, this appears in the paper, the headlines: "Stop Rioting." "Smith Pleads with Citizens. Detroit Faces Shame

and Disgrace as the Result of Fighting, he states." "Negro, held for shooting youth, vacates residence under police guard."

Here is the story, not published in colored papers:

"While Detroit police were anticipating further outbreaks near the homes occupied by Negroes in white residential areas and had full complements of reserves in readiness to deal with any situation that might arise, Mayor John W. Smith late yesterday issued a statement asking the public to see that the riots 'do not grow into a condition which will be a lasting stain on the reputation of Detroit as a law-abiding community.'

"The storm centers are considered to be American and Tireman Avenues where Vollington A. Bristol, Negro undertaker." Excuse me. This isn't the only time I ever heard of that Tireman Avenue.

"The storm centers are considered to be American and Tireman Avenues where Vollington A. Bristol, Negro undertaker still occupies the home he recently purchased there in the teeth of demonstrations on three successive nights and a residence on Prairie Avenue, near Grand River Avenue."

ONE NEGRO MOVES

"John W. Fletcher, 9428 Stoepel Avenue, two blocks from Livernois and Plymouth Avenue, the Negro who is to be charged with causing grievous bodily harm in connection with the shooting of a white youth, Leonard Paul, 15 years old, 9567 Prairie Avenue, Friday night, relieved the situation in his district by moving out yesterday after less than forty-eight hours tenancy. Six patrolmen, under Lieutenant A. R. Saal of the Petosky Avenue Station, were at hand as Fletcher moved his furniture over his brick-strewn lawn from the house in which not one window remained whole."

Gentlemen, what kind of feeling does it give a white man? It makes me ashamed of my race. Now, to go on:

"There was no trouble.

"Latest reports from Receiving Hospital indicates that the youth, Paul, who was twice shot in the hip by Fletcher, according to the latter's alleged statement, is still in a serious condition.

"Although no demonstrations were held up to a late hour last night, police guards will be maintained for an indefinite period about the three homes, it was announced. Two of the houses have been purchased and occupied by Negro families, and negotiations are under way for the purchase of the third by a Negro, according to rumors which have reached the police. The latter is on Prairie Avenue.

"The police armored car, which was conditioned early last week and has been held in readiness in case of trouble, last night was moved near the scene of the recent disturbances. It will remain for the present in the vicinity of Tireman and American Avenues. Every available policeman and detective, and fifty deputy sheriffs also have been detailed to the locality.

"A meeting, attended by more than ten thousand persons, was held on West Fourth Street, a mile west of Lincoln Park Village last night. A speaker from Tennessee advocated laws to compel Negroes to live only in certain quarters of the city."

I don't know whether he was one of the policemen who was up at the Sweet house. This speaker was from Tennessee.

"The only incident noted occurred when Bristol left this house. As he greeted Sergeant Welsh and two officers who stood on guard, an automobile passed by and swerved towards the pavement where the Negro was. The latter jumped back hurriedly, and the car kept on its way.

I N T H E C A S E O F H E N R Y S W E E T

Mayor Smith's statement is as follows:

'Recent incidents of violence and attempted violence in connection with racial disagreements constitute a warning to the people of Detroit which they cannot afford to ignore. They are to be deplored, and it is a duty which rests as much upon the citizenry as upon the public officials to see that they do not grow into a condition which will be a lasting stain upon the reputation of Detroit as a law-abiding community.'

'The police department can have but one duty in connection with all such incidents,—that is, to use its utmost endeavors to prevent the destruction of life and property. In the performance of this duty, I trust that every police officer will be unremitting in his efforts. The law recognizes no distinction in color or race. On all occasions when the emotions are deeply stirred by controversy, the persons affected on all sides of the dispute are likely to feel that the police or other controlling force are siding against them. I hope and believe that the police during the recent attempts to preserve law and order have done so impartially.'

'With the police department doing its utmost to preserve order, there is always the possibility that uncontrolled elements may reach such proportions that even these efforts will not be completely effectual. It is that fact that calls for earnest cooperation by all good citizens at this time. Curiosity seekers who go to scenes of threatened disorder add immeasurably to the problem of preserving order. Thus, the persons innocent of ill intentions are likely to be chiefly responsible for inexcusable incidents.'

'The condition which faces Detroit is one which faced Washington, East St. Louis, Chicago and other large cities. The result in those cities was one which Detroit must avoid, if possible. A single fatal riot would injure this city beyond remedy.'

'The avoidance of further disorder belongs to the good sense of the leaders of thought in both white and colored races. The persons either white or colored who attempt to urge their fellows on to disorder and crime are guilty of the most serious offense upon the statute books. It is clear that a thoughtless individual of both races constitutes the nucleus in each disorder, and it is equally clear that the inspiration for their acts comes from malign influences which are willing to go even to the limits of bloodshed to gain their ends. The police are expected to inquire and prosecute any persons active in organizing such disorder or inciting a riot. The rest of the duty for preserving order lies with the individual citizens—by refraining from adding to the crowds in districts where danger exists, from refraining from discussion which may have a tendency to incite disorder, and finally to rebuke at once the individual agitators who are willing to risk human life, destroy property, and ruin their city's reputation.'

That is the Mayor's proclamation. The newspaper adds this: "To maintain the high standard of the residential district between Jefferson and Mack Avenues, a meeting has been called by the Water Works Improvement Association for Thursday night in the Howe School auditorium. Men and women of the district, which includes Cadillac, Hurlburt, Bewick, Garland, St. Clair, and Harding Avenues, are asked to attend in self-defense."

I shall not talk to you much longer. I am sorry I have talked so long. But this case is close to my heart. These colored people read this story in the paper. Do I need to go anywhere else to find the feeling of peril over the question of color? Dr. Sweet had to face the same proposition. Two nights after this story was in the paper, at the Howe School, across the street from Dr. Sweet's house, seven hundred people

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of the neighborhood were present; two detectives, and all the neighbors, and in their presence, a man from Tireman Avenue, who they say was radical, and who, this good gentleman, Mr. Andrews, says, called a spade a spade. Well, well, what do you know about that? He called a spade a spade. I suppose Andrews meant that he called a black man a "nigger," and "said that where the niggers showed his head, the white must shoot." He advocated force and violence. He told what had happened in his own neighborhood. He told of driving people out of their homes, and said that the Tireman Avenue Improvement Association could be called on to help at Garland and Charlevoix.

Gentlemen, we know the work of an improvement association. If you can only get enough improvement associations in the City of Detroit, Detroit will be improved. This meeting occurred July the 14th, and Sweet moved into the house September 8th. The people knew it. They were confronted with the mob. Their house was stoned. Their windows were broken. No more riotous combination ever came together than the one that was there assembled.

Who are these people who were in this house? Were they people of character? Were they people of standing? Were they people of intelligence?

First, there was Doctor Sweet. Gentlemen, a white man does pretty well when he does what Doctor Sweet did. A white boy who can start in with nothing, and put himself through college, study medicine, taking post graduate work in Europe, earning every penny of it as he goes along, shoveling snow and coal, and working as a bell hop, on boats, working at every kind of employment that he can get to make his way, is some fellow. But, Dr. Sweet has the handicap of the color of his face. And there is no handicap more terrible than that. Supposing you had your choice, right here this minute, would you rather lose your eyesight or become colored? Would you rather lose your hearing or be a Negro? Would you rather go out there on the street and have your leg cut off by a street car, or have a black skin?

I don't like to speak of it; I do not like to speak of it in the presence of these colored people, whom I have always urged to be as happy as they can. But, it is true, Life is a hard game, anyhow. But, when the cards are stacked against you, it is terribly hard. And they are stacked against a race for no reason but that they are black.

Who are these men who were in this house? There was Doctor Sweet. There was his brother, who was a dentist. There was this young boy who worked his way for three years through college, with a little aid from his brother, and who was on his way to graduate. Henry's future is now in your hands. There was his companion, who was working his way through college,—all gathered in that house. Were they hoodlums? Were they criminals? Were they anything except men who asked for a chance to live; who asked for a chance to breathe the free air and make their own way, earn their own living, and get their bread by the sweat of their brow?

I will read to you what the Mayor said. I will call your attention to one sentence in it again, and then let us see what the mob did. This was the Mayor of your City, whose voice should be heard, who speaks of the danger that is imminent to this city and to every other city in the north, a danger that may bear fruit at any time; and he called the attention of the public of this city to this great danger, gentlemen. And, I want to call your attention to it. Here is what he said: "The avoidance of further disorder belongs to the good sense of the leaders of thought of both white and colored races. The persons, either white or colored, who attempt to urge their fellows to disorder and crime, are guilty of the most serious offences upon the statute books."

Gentlemen, were those words of wisdom? Are they true? They were printed in this newspaper on the 12th day of July. Two days later, on the school-house grounds, a crowd of seven or eight hundred assembled, and listened to a firebrand who arose in that audience and told the people that his community had driven men and women from their homes because they were black; that the Tireman Avenue people knew how to deal with them, and advised the mob to violate the law and the constitution and the rights of the black; advised them to take the law into their own hands, and to drive these poor dependent people from their own homes. And, the crowd cheered, while the officers of the law were there,—all within two days of the time the Mayor of this city had called the attention of the public to the fact that any man was a criminal of the worst type who would do anything to stir up sedition or disobedience to the law in relation to color.

The man is more than a firebrand who invited and urged crime and violence in his community. No officer raised his hand to prosecute, and no citizen raised his voice, while this man uttered those treasonable words across the street from where Sweet had purchased his home, and in the presence of seven hundred people. Did anybody say a thing? Did anybody rise up in that audience and say: "We respect and shall obey the law; we shall not turn ourselves into a mob to destroy black men and to batter down their homes, in spite of what they did on Tireman Avenue."

Gentlemen, these black men shot. Whether any bullets from their guns hit Breiner, I do not care. I will not discuss it. It is passing strange that the bullet that went through him, went directly through, not as if it was shot from some higher place. It was not the bullet that came from Henry Sweet's rifle; that is plain. It might have come from the house; I do not know, gentlemen, and I do not care. There are bigger issues in this case than that. The right to defend your home, the right to defend your person, is as sacred a right as any human being could fight for, and as sacred a cause as any jury could sustain.

That issue not only involves the defendants in this case, but it involves every man who wants to live, every man who wants freedom to work and to breathe; it is an issue worth fighting for, and worth dying for, it is an issue worth the attention of this jury, who have a chance that is given to few juries to pass upon a real case that will mean something in the history of a race.

These men were taken to the police station. Gentlemen, there was never a time that these black men's rights were protected in the least; never once. They had no rights—they are black. They were to be driven out of their home, under the law's protection. When they defended their home, they were arrested and charged with murder. They were taken to a police station, manacled. And they asked for a lawyer. And, every man, if he has any brains at all, asks for a lawyer when he is in the hands of the police. If he does not want to have a web woven around him, to entangle or ensnare him, he will ask for a lawyer. And, the lawyer's first aid to the injured always is, "Keep your mouth shut." It is not a case of whether you are guilty or not guilty. That makes no difference. "Keep your mouth shut." The police grabbed them, as is their habit. They got the County Attorney to ask questions. What did they do? They did what everybody does, helpless, alone, and unadvised. They did not know, even, that anybody was killed. At least there is no evidence that they knew. But, they knew that they had been arrested for defending their own rights to live; and they were there in the hands of their enemies; and they told the best story they could think of at the time,—just as ninety-nine men out

of a hundred always do. Whether they are guilty or not guilty makes no difference. But, lawyers and even policemen, should have protected their rights. Some things that these defendants said were not true, as is always the case. The prosecutor read a statement from this boy, which is conflicting. In two places he says that he shot "over them." In another he said that he shot "at them." He probably said it in each place but the reporter probably got one of them wrong. But, Henry makes it perfectly explicit, and when you go to your jury room and read it all, you will find that he does. In another place he said he shot to defend his brother's home and family. He says that in two or three places. You can also find he said that he shot so that they would run away, and leave them to eat their dinner. They are both there. These conflicting statements you will find in all cases of this sort. You always find them, where men have been sweated, without help, without a lawyer, groping around blindly, in the hands of the enemy, without the aid of anybody to protect their rights. Gentlemen, from the first to the last, there has not been a substantial right of these defendants that was not violated.

We come now and lay this man's case in the hands of a jury of our peers,—the first defense and the last defense is the protection of home and life as provided by our law. We are willing to leave it here. I feel, as I look at you, that we will be treated fairly and decently, even understandingly and kindly. You know what this case is. You know why it is. You know that if white men had been fighting their way against colored men, nobody would ever have dreamed of a prosecution. And you know that, from the beginning of this case to the end, up to the time you write your verdict, the prosecution is based on race prejudice and nothing else.

Gentlemen, I feel deeply on this subject; I cannot help it. Let us take a little glance at the history of the Negro race. It only needs a minute. It seems to me that the story would melt hearts of stone. I was born in America. I could have left it if I had wanted to go away. Some other men, reading about this land of freedom that we brag about on the 4th of July, came voluntarily to America. These men, the defendants, are here because they could not help it. Their ancestors were captured in the jungles and on the plains of Africa, captured as you capture wild beasts, torn from their homes and their kindred; loaded into slave ships, packed like sardines in a box, half of them dying on the ocean passage; some jumping into the sea in their frenzy, when they had a chance to choose death in place of slavery. They were captured and brought here. They could not help it. They were bought and sold as slaves, to work without pay, because they were black. They were subjected to all of this for generations, until finally they were given their liberty, so far as the law goes,—and that is only a little way, because, after all, every human being's life in this world is inevitably mixed with every other life and, no matter what laws we pass, no matter what precautions we take, unless the people we meet are kindly and decent and human and liberty-loving, then there is no liberty. Freedom comes from human beings, rather than from laws and institutions.

Now, that is their history. These people are the children of slavery. If the race that we belong to owes anything to any human being, or to any power in this Universe, they owe it to these black men. Above all other men, they owe an obligation and a duty to these black men which can never be repaid. I never see one of them, that I do not feel I ought to pay part of the debt of my race,—and if you gentlemen feel as you should feel in this case, your emotions will be like mine.

I N T H E C A S E O F H E N R Y S W E E T

Gentlemen, you were called into this case by chance. It took us a week to find you, a week of culling out prejudice and hatred. Probably we did not cull it all out at that; but we took the best and the fairest that we could find. It is up to you.

Your verdict means something in this case. It means something more than the fate of this boy. It is not often that a case is submitted to twelve men where the decision may mean a milestone in the progress of the human race. But this case does. And, I hope and I trust that you have a feeling of responsibility that will make you take it and do your duty as citizens of a great nation, and, as members of the human family, which is better still.

Let me say just a parting word for Henry Sweet, who has well nigh been forgotten. I am serious, but it seems almost like a reflection upon this jury to talk as if I doubted your verdict. What has this boy done? This one boy now that I am culling out from all of the rest, and whose fate is in your hands,—can you tell me what he has done? Can I believe myself? Am I standing in a Court of Justice, where twelve men on their oaths are asked to take away the liberty of a boy twenty-one years of age, who has done nothing more than what Henry Sweet has done?

Gentlemen, you may think he shot too quick; you may think he erred in judgment; you may think that Doctor Sweet should not have gone there, prepared to defend his home. But, what of this case of Henry Sweet? What has he done? I want to put it up to you, each one of you, individually. Doctor Sweet was his elder brother. He had helped Henry through school. He loved him. He had taken him into his home. Henry had lived with him and his wife; he had fondled his baby. The doctor had promised Henry money to go through school. Henry was getting his education, to take his place in the world, gentlemen—and this is a hard job. With his brother's help, he had worked himself through college up to the last year. The doctor had bought a home. He feared danger. He moved in with his wife and he asked this boy to go with him. And this boy went to help defend his brother, and his brother's wife and his child and his home.

Do you think more of him or less of him for that? I never saw twelve men in my life—and I have looked at a good many faces of a good many juries,—I never saw twelve men in my life, that, if you could get them to understand a human case, were not true and right.

Should this boy have gone along and helped his brother? Or, should he have stayed away? What would you have done? And yet, gentlemen, here is a boy, and the President of his College came all the way here from Ohio to tell you what he thinks of him. His teachers have come here, from Ohio, to tell you what they think of him. The Methodist Bishop has come here to tell you what he thinks of him.

So, gentlemen, I am justified in saying that this boy is as kindly, as well disposed, as decent a man as any one of you twelve. Do you think he ought to be taken out of his school and sent to the penitentiary? All right, gentlemen, if you think so, do it. It is your job, not mine. If you think so, do it. But if you do, gentlemen, if you should ever look into the face of your own boy, or your own brother, or look into your own heart, you will regret it in sack cloth and ashes. You know, if he committed any offense, it was being loyal and true to his brother whom he loved. I know where you will send him, and it will not be to the penitentiary.

Now, gentlemen, just one more word, and I am through with this case. I do not live in Detroit. But, I have no feeling against this city. In fact, I shall always have the kindest remembrance of it, especially if this case results as I think and feel that it

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will. I am the last one to come here to stir up race hatred, or any other hatred. I do not believe in the law of hate. I may not be true to my ideals always, but I believe in the law of love, and I believe you can do nothing with hatred. I would like to see a time when man loves his fellow man, and forgets his color or his creed. We will never be civilized until that time comes. I know the Negro race has a long road to go. I believe the life of the Negro race has been a life of tragedy, of injustice, of oppression. The law has made him equal, but man has not. And, after all, the last analysis is, what has man done?—and not what has the law done? I know there is a long road ahead of him, before he can take the place which I believe he should take. I know that before him there is suffering, sorrow, tribulation and death among the blacks, and perhaps the whites. I am sorry. I would do what I could to avert it. I would advise patience; I would advise toleration; I would advise understanding; I would advise all of those things which are necessary for men who live together.

Gentlemen, what do you think is your duty in this case? I have watched day after day, these black, tense faces that have crowded this court. These black faces that now are looking to you twelve whites, feeling that the hopes and fears of a race are in your keeping.

This case is about to end, gentlemen. To them, it is life. Not one of their color sits on this jury. Their fate is in the hands of twelve whites. Their eyes are fixed on you, their hearts go out to you, and their hopes hang on your verdict.

This is all. I ask you, on behalf of this defendant, on behalf of these helpless ones who turn to you, and more than that,—on behalf of this great state, and this great city which must face this problem, and face it fairly,—I ask you, in the name of progress and of the human race, to return a verdict of not guilty in this case!

Finis