

ARGUMENT IN THE SWEET CASE

delivered by Clarence Darrow
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If the court please, Gentlemen of the Jury: 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 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?

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 question, 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 now that these defendants, 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 had 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 come 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.

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 begun 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 any body'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 bought 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 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 had 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 come 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.

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 schoolyard 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 Schukencht know it? He

sent the detectives 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.

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 battlefield. 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 his 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.

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. I will tell you that three or more people gathered together with a hostile intent is 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.

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 somebody. 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 moves 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.

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 are topics 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 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 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 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 the neighbors. 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 his 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.

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.

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 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 come 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 Brenier, 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 he 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 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 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 the 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.

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 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 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 at 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!