

CLOSING ARGUMENT
of
CLARENCE DARROW

in the case of

PEOPLE V. OSSIAN SWEET ET AL.

In the RECORDERS COURT
Detroit, Michigan

Before
THE HONORABLE FRANK MURPHY

November 24 and 25, 1925

[This speech was Clarence Darrow's closing argument in the first Sweet trial, a trial that ended in a hung jury as to all eleven defendants. This text of Darrow's closing comes from the complete trial transcript, a microfilm of which is preserved in the Bentley Historical Library at the University of Michigan. Throughout the speech, I and Patrick Hogan, my Research Assistant, corrected spelling and punctuation errors, altered the original paragraphing, and also made a handful of minor textual changes where we had solid reason to believe that the court stenographer had misheard or mistranscribed Darrow's speech. In addition, we introduced a few editorial notes on the main characters in the trial. Our designation of sections is meant to orient readers within what is, by modern tastes, a very long speech -- about seven hours in total.

[It is well worth one's time to compare this closing argument closely with that in the second trial six months later. Many sections are quite similar, even to point of wording, and there can be little doubt that Darrow quarried his earlier speech when constructing the later one. But between the two trials Darrow had radically shifted his rhetorical emphasis, and this change led him to reorganize his materials, often drastically. Above all, although in his first closing Darrow had categorically established race as the central issue in the Sweet case, he still tended to approach the subject warily, as if concerned about possibly offending some members of the all-white jury. However, the jury deliberations in the first trial had subsequently revealed that the jurors were sharply polarized around their attitudes toward blacks. In the second trial, Darrow evidently determined to confront the issue of race far more

bluntly, and in particular to come to grips with the considerable likelihood that some jury members were harboring racial prejudices. The result was his use of uncommonly forthright language that may well seem disturbing even at the remove of two generations.

[On any fair accounting, there can be little question that the second closing is both considerably riskier and altogether more brilliant than the first, but together the two represent very well not only the depth of Darrow's thinking about race, but also how he was able to bring that thinking to bear within a controversial trial. These two speeches also provide an opportunity, otherwise without parallel in Darrow's preserved trial oratory, of observing him at work in refashioning his rhetorical presentation in order to make his trial narrative more convincing. -- Prof. Bruce W. Frier, Law School, The University of Michigan.]

November 24, 1925

[Judge Frank Murphy asks the crowd in the courtroom to refrain from demonstrating its feelings during the closing arguments.]

Introduction: "It Is Not an Easy Matter"

MR. DARROW: If the court please and gentlemen of the jury: I wish it was not my turn, that I did not feel it was my duty to talk to you in this case. It is not an easy matter to talk about a case of this sort, and I am afraid it won't be an easy matter to listen, but you can't help it any more than I can.

Thesis: "The Everlasting Problems of Race and Color"

This case has taken a good deal of your time but we are pretty near the end, and I am certain that everyone of you know how important it is. There are many reasons why it is important. In the first place, eleven people are on trial charged with a crime which might involve imprisonment for life, which is something.

In the next place, back of it all hanging over all of it and overshadowing it is the everlasting problems of race and color and creed that have always worked their evil in human institutions. If I thought any of you had an opinion against my clients, I would not worry about it because I might convince you; it is not so hard to show men that their opinions are wrong, but it is the next thing to impossible to take away their prejudices. Prejudices do not rest upon facts; they rest upon the ideas that have been taught to us and that began coming to us almost with our mothers' milk, and they stick almost as the color of the skin sticks. It is not the opinion of anyone of these twelve men that I am worrying about; much less is it the evidence in this case, for I know just

as well as I know that you twelve men are here at this minute that if this had been a white crowd defending their homes, who killed a member of a colored mob, you would not leave your box. I don't need to say that no one would have been arrested, no one would have been on trial, and I would not have worried, and you know it, too.

My clients are here charged with murder, but they are really here because they are black. Let me see if there is any difficulty showing this. Now, I would guess that a good share of you twelve men are not only holding in your hands the future and the destiny of my eleven clients, but to a certain extent are determining the problems of two races--not fully for it will take ages to determine that fully--but you happen to be a jury on one of the most important matters that enter into the settlement of this question. If I felt sure that none of your minds had any prejudice against my clients, I would have no fear. I do want you to be as unprejudiced as you can be.

Let us see how many of you have close friends who have African blood in their veins? How many of you have visited their homes? How many of you have invited them to your home to dine with you? If not, why not? Is it anything except a long feeling of race distinction that has come to us? We know not where it came from or how deep it is. Is there anything else? You know there is not. We have presented witnesses upon this witness stand that are as intelligent, as attractive, as good looking as any white man or woman, and who are as far above the bunch which testified against these men as the heavens are above the earth and you know it and they know it. And, yet, gentlemen, ask yourselves the question--here is Mrs. Spaulding and her husband--I say to you and I know it won't be the least offensive--that you can scarce pick out two friends you have better appearing, of finer intelligence, greater culture, than those two people. I can say without testifying that I seldom have seen in my life any better. If you go out of this courtroom and should meet them again, how many of you would ask them to your house to dinner? Mind, I am not blaming you; I am just stating a fact which is deeper than anything you gentlemen know of. That is all. I can't help it; we can't help it; it is there.

Is there any reason you could give for it? I will guarantee that there are many of you gentlemen that are acquainted with colored people whom you respect and honor and whom you believe to be the equal of whites. Do you associate with them? No. Why not? Of course, there is some of us do to some extent, but why not? Because of prejudice, that is all, nothing else in the world, and it is so deep that we do violence to our own feelings, and, of course, to our own reasoning, and reason cuts very little figure in the activities of men anyhow. It is so deep that if we stop to think of it we are ashamed of it, but it is there and we can't help it, and we have got it. I don't know how deep it is, I don't know how firm seated it is, I don't know how well you can overcome it, but I have a right to ask you, and I know you will do your best; I have a

right to ask you to overcome it for this case at the least and treat these men as though they were white, and I would ask no more than that.

"Here Is Eleven Black People on Trial before Twelve Whites"

Let me say another thing: I don't need to talk to you about race prejudice and the motives that are back of this case and the terrible history that is back of it stretching back into the time we have no record of, as old as the human race itself; I don't need to talk about it, we know it. Here is eleven people, which is about as many as there are on this jury, on trial for killing a white man. Your faces are all white or what white men call white; it is not white, it is a sort of yellow, but we call it white because we think it looks better. Here is eleven black people on trial before twelve whites, gentlemen. We have not got one here, not one, not a single one, and it would not be possible to get one.

Reverse this: Supposing one of you were charged with murder and you had shot and killed somebody, while they were gathered around your home, and the mob had been a black mob and you lived in a black man's land and you had killed a black and you had to be tried by twelve blacks, what would you think about it? What would you think about it? You would probably think of pleading guilty and asking the mercy of the court. Now, that is this case, gentlemen. I haven't any doubt but what this jury is as fair and has as good intentions as any jury I ever saw. It seems so to me but I don't care what your intentions are or how good you are or how intelligent you are, I know perfectly well that when you find a man who has no race prejudices you have got to find one out of a thousand.

Refutation of the Prosecution's Case: "Every One of Them Lied"

Now, I am going to say some things about these witnesses who come here to testify in this case, called by the state. I think every one of them lied, perjured themselves over and over and over again to send twelve black people to prison for life; there is not an honest person in the whole bunch. Now, let me qualify that: If I were to go to them on any ordinary thing, I would find them like everybody else, wouldn't I? The owners of small homes living their lives, no doubt kindly to each other, no doubt in the ordinary affairs of life honest and decent; but in this case man and woman and child alike have come into this court and under oath have deliberately lied to send eleven people to the penitentiary for life; and I will prove it; and there is not an officer who has testified in this case that is not partially guilty of this murder and who to shield himself has now perjured himself on account of the character of this case, and I will show it.

What does it mean? It does not mean that officers are worse than other men; it does not mean that around Garland and Charlevoix [*in eastern Detroit, where the shooting occurred: ed.*] there are living people who are worse than other people picked from the community, not at all. I would not be afraid to go there to live, but it means that the almost instinctive hatred of the white for anything that approaches social equality is so deep and so abiding in the hearts of most white people that they are willing to perjure themselves in behalf of what they think is their noble, Nordic race.

Now, gentlemen, have I exaggerated? Not one whit, not one whit, and you gentlemen know it, you gentlemen know it. Now, some of that is in you and you and you; possible some of it is in me. I hope not, but possibly it is; that is what I am afraid of in this case, gentlemen, and that is all I am afraid of in this case, that is all I am afraid of in this case; there isn't any human being who knows anything about this case that does not know now why it happened, not one; there isn't any human being, whether he be a policeman, a neighbor, a prosecutor, a juror, a mere spectator, that does not know what happened; and, yet, gentlemen, what would they do in a Christian community? Take a family who had as much right to buy that home as any other person in the community under the law, take a family and seek to drive them out by force, and not content with that, send them to the penitentiary for life and place the property in the hands of the police department so you can't get in without asking them.

There is only two things that I know of that have produced that kind of feeling in men--there may be more, I suppose there are--race prejudice and religious prejudice; both of them will do it. It will take good, kindly, human men and women and make them fiends, any particular thing; throw reason to the wind and throw justice to the wind and throw mercy to the wind. A mother will love her baby if she is white and if the baby is white, but she has no feeling of sympathy for the black mothers or the black child.

Now, gentlemen, I know that I am stating what is true, and everyone in this jury knows that I am stating what is true; and I will go further and say that I believe every one of you twelve men want to do what is right in this case. I don't think you came here and told me what you thought and what you would do and what you could do without believing you could do it. I don't know whether you can or not, gentlemen, but if I did, I would stop talking to you. If I knew you could not, I would stop, and if I knew you could I would not have started. I don't know. You don't know. You are not responsible for prejudices; you are breathing them out of the air, you get them at your mother's knee. You get them on the street; it is an ever living thing that grows. You didn't get it, you can't tell where you got it; it came as the sunlight comes and it has come during your whole lives and there it is.

"I Am Not Blaming Anybody"

Do you suppose I would win this case, gentlemen, if I had twelve colored people? I think I would. Is that because they are better or because they are worse than you? Not at all. Suppose I had twelve of the most intelligent and honorable colored people in the world in this jury box--and you all know that there are many intelligent and honorable colored people, I don't need to talk that to you, none of you are that prejudiced--do you think I would have any worry over this case?

Do you think Mr. Toms [*Wayne County Prosecutor Robert Toms; ed.*] would prosecute it if he thought twelve intelligent colored people were to determine it? No, no, I doubt if he would if he thought there was one, one, and I am not blaming him and I am not blaming anybody. The older I get the less I feel like blaming other people, the less I like to have them blame me, because we are all mixed up with life and the circumstances and everything that surrounds us and everything that went before us, and we can't tell what we do or why we do it when we do it, that is all.

So, gentlemen, this is the situation which is in front of us; I have got to ask you twelve men to lay aside all your prejudices of race, but you can't tell; I have got a right to ask you for the sake of this case at least to put yourselves in the position of these eleven defendants at the time; I have got to ask you to draw on your imagination and think how you would fare if you were white, as you are, and had killed some black person in a black community with a prejudice against you and had to be tried by them; that is this case, gentlemen. And I am going to ask you gentlemen, every one of you, to watch yourselves that you do no injustice to a race that has received nothing but injustice in its whole history from the hands of the whites. We can't understand them and won't understand them; we will take their labor, but nothing else.

I was down south a while ago in Tennessee--you heard about that?

MR. TOMS: I heard both sides of it. [*They refer to the Scopes trial in July, 1925: ed.*]

MR. DARROW: And the white people down there, they think they know how to manage the Negro--or the nigger, as they call him and as many of us call him when he is not around; they say they are good to him because they love their black mammy. When I hear a man say that, I know that he loves the nigger just as he loves the black mammy, he likes to eat off him. I know it. I heard them telling how the nigger kept his place in the south. His place was the place of a servant. I was investigating a little about religious conditions down there.

MR. TOMS: They tell me they are terrible.

MR. DARROW: They are pretty raw. I asked a preacher which denomination has the most disciples down there? I said, "Which, the Baptist or the Methodist?" Of course, I did not count the Catholics at all, and I knew that mine hadn't any. He says, "If you count the colored people, the Baptists have the most." I said, "Well, as far as I can

make out that is the only place you ever do count them, in making up certificates for religious membership." He said, "That is about right, you count them there to see which had the most members but that is all."

Now, we have been born with some of that psychology and some of that feeling, we got it and that is all.

Now let us see about this case. Is there any mystery in it? I think not. There may be some things I won't discuss. I have got a right to make some presumptions to a jury, and one is that you are fairly intelligent. Now, mind, I said "fairly". I don't want you to think I am overdoing it, gentlemen; I said just fairly intelligent. There are some things that you know even if you are jurors and got by both sides, and some things you have a right to know. I don't need to take any pains to prove to you that the sun is shining on a sun-shiny day; you can see it. I don't need to take any pains to prove to you what was the cause of this trouble down in Charlevoix and Garland, do I? If you don't know it, you are stupider than any people I have ever seen in the jury box yet, and I have seen some "daisies" in my time. You know all about it.

I will just call one witness on that question, and he is biased and prejudiced and I am not going to guarantee his truthfulness because after a while I am going to show you he is not truthful, but I call just one witness. I will call Professor Johnson here at the head of the table, chief of police. They got Dr. Sweet into their sweat box to take a statement, as he says, so he could see if he was innocent and turn him out. Well, any time--never mind, I will talk about that later.

And what did he say to Dr. Sweet? He said, "Doctor, what business had you to move into a white neighborhood where you were not wanted?" Now, why did he say that, gentlemen? Here is a man who is there to learn the cause of this shooting and the first question he asked of this defendant was, "What business had you to move into a white neighborhood where you were not wanted?" He knows what happened. Any reason why any of you should not know it as well as Johnson? Not a particle. You do know why it happened. It happened because Dr. Sweet moved into a white neighborhood. Now, I don't need to argue about that, you know it.

"Fine Fellows, Every Last One of Them"

What kind of a man is Dr. Sweet? Out of these twelve over here, half of them are at least college graduates, or attending college.
MR. TOMS: You mean the eleven.
MR. DARROW: Eleven. They would compare almighty favorably with anybody that lives around the corner of Garland and Charlevoix, wouldn't they? Dr. Sweet had a humble origin, as most all blacks--and some of our whites--have. He had ambition

and he worked his way up and is a graduate from college and a member of a learned profession; he earned the money to go to Europe and complete his medical education in Vienna.

Any reason why any of you should be ashamed to associate with him? No, there is no reason. There might be some feeling, I am not saying about that, but no reason, the reason hasn't anything to do with it; maybe you would not. Is there anything criminal about Dr. Sweet? Would you be afraid to meet him in an alley? Not a minute. You know there is not the first element of criminality in him. Would you hesitate to go to him as a physician? Don't you know he is a fine fellow? Don't you know that every one of these defendants are fine fellows, every last one of them? How do they compare with the white witnesses in this case?

And yet, gentlemen, they could not live at the corner of Charlevoix and Garland, which is not especially a high-toned neighborhood at that, nothing swell about it, nothing very great about it at all. Why, I would not want to live in any less swell neighborhood than that, and I am very democratic at times; and, yet, they were up in arms because he was going to move to the corner of Charlevoix and Garland.

"More Order Than Law"

Let me go a step further with you. I would guess that, perhaps--I don't know; I have sat around here and watched you pretty closely for a long time but it is awfully hard to tell what you are thinking about; sometimes you watch a fellow closely to find out what he is thinking about and afterwards you find out he was not thinking about anything, and that is the hardest thing of all--I don't know how it is, but from all I know of other people and other jurors I would guess that some of you--maybe most of you--believe that colored people should have one neighborhood and white people the other. If you ask me what I think about it, I would say I don't know.

That is an idea--I have an idea that that is not the right way, but I can very well understand that many very rational and considerate white people believe it; I can very well understand it, but, gentlemen, there are certain difficulties there. The law, the constitution and all the rest of the instruments that we sometimes look to--sometimes--unless we belong to an organization like this Water Improvement Association [the Waterworks Park Improvement Association: ed.] which says it believes in law and order--and I am always suspicious of anybody who brags about law and order, but they have a queer way of enforcing it down there--more order than law.

Let me go with that thought before I get twisted off of it too far. The law of the State of Michigan and our Federal laws give a colored man a perfect right to buy a piece of property wherever he wants to. Now, they have tried segregation in various places;

some people think it works and some don't think it works; I am not interested in that. Perhaps segregation is right, but if it is right, then it should be embodied in the law, shouldn't it? Am I wrong about this? If it is said that colored districts shall be set off for colored people and white districts for white people and medium districts for medium people and so on and so on, why, then, they ought to pass laws to that effect so a man will know where he belongs and know what the remedy is if he gets where he does not belong. That is not the question that concerns you gentlemen.

Here is a city, which is like many of our Northern cities, where there has been a great influx of colored people in a few years, running as the evidence shows to, perhaps, from 10,000 to the neighborhood of 70,000 or 80,000 in a few years in the city of Detroit. Now, I don't need to argue to you for a minute to show they have got to go somewhere. The people of Detroit have been willing to have them come here to make automobiles and do other things so that we can ride. If they had not got work they would not have come, would they? They have invited them here by hiring them, and there is no reason why they should come under the laws and Constitution of our country, and they are human beings, all but their color; they are here and everybody who lives wants to keep on living.

I don't know as I could tell why, but they do, and they have got to live somewhere, haven't they? They have got to live somewhere. They are ambitious and they should be ambitious and they have got to go somewhere, and if the law says they have a right to buy a piece of property, then I submit, gentlemen, that no body of citizens with clubs and stones and force and violence and intimidation has a right to drive them out. Put yourselves in their place, what would you do? You know it. You may even say the law is wrong and it should be something else; still, there is not a man on this jury who can say to himself under his oath and in the presence of the serious consequences of this case that he will carry any doctrine into this jury box that a white mob had the right to go and drive out a colored man who has a legal right to buy a home and raise his family and attend to his business, and the same right that you and I have; you can't say that.

Reconstruction of the Facts: "Did You Ever Dream at Night That You Were Black?"

Now, let us see what happened. These people have the right to buy the home at the corner of Charlevoix and Garland and they bought it and they paid--I have forgotten how much.

MR. NELSON [*Walter M. Nelson, Darrow's co-counsel; ed.*]: \$3,000.

MR. DARROW: \$3,000 down, and I fancy that is a good deal of money for him. He has got a wife and a little baby and he has got his education; he has told you how he has worked for all of that and how he saved for all for that, and the poor belongings

that he carried into his home will tell you of the rest of the privations he has gone through to pay \$3,000 down on a home. He is paying \$150 a month to complete a payment of \$18,000, and he probably has not been able to keep up his payments for the last four or five months since the Improvement Association got after him. I want you to consider him, gentlemen, and I know you will consider him.

I ask you just for the short space that you will pass judgment upon these defendants to put yourselves in their place, and nobody can judge his fellow man in this world unless he does put himself in the other person's place and understands what is back of him and around him and everything that urges him on; you can't do it. It is easy for you and me to say that somebody else did wrongly, but we don't see it from the point of view that sees it and with the eyes that he looks out through when he sees this world in which we live. He bought this property, he knew all about it, he knew what a colored man had to meet when he moved into a neighborhood that had not been devoted to colored people. There would not be any colored people in any neighborhood in Detroit if somebody did not hire the colored people to come and, then, if they did not conquer their way into that neighborhood, fighting prejudice every minute.

Did you ever think of a colored person--you and I go onto a street car and we go about our daily work and we never think anything about our color--did you ever think of a man who can't step into a car or an assembly or a house or an association without the feeling of color and a recognition of what others think about it; of a colored baby, born and going out to mingle with the rest, and, finally, learning the handicap that this baby is under through all of its life simply because nature made her colored? Did you ever dream at night that you were black and that you would like to go and have your skin all peeled off so that you could be white? Did you ever have any pain, physical disability that you could never get out of your mind in your life? That is what it is. Dr. Sweet had to go somewhere and he went there.

Now, what happened? Gentlemen, I am not going to draw on your imagination very much, I don't need to. The facts in this case stand out so plain that it is not necessary. He bought this place and made the contract some time in June, as I recall it.

What was the date of the contract?
MR. NELSON: June 7th.

MR. DARROW: June the 7th; he was going to take possession in July or August and he did not take possession. Why? Because of what he heard about the experience of Dr. Turner at the hands of a white mob in the city of Detroit, who were filled with what Weber and Fields call "Proud flesh", because they were Nordic. [*Dr. Alexander Turner, a respected black physician, was driven out of his Detroit home in June, 1925.*]

"Constructive Civil, Civic, and Social Service to the Community"

So he waited, and the next thing in this series of events is the organization of the Waterworks Improvement Company in that neighborhood. Where is that card? I have got this here (indicating). Proposed objects of the association: "First, rendering constructive civil, civic and social service to the community." They were rendering it on the 9th day of September, A.D. 1925, at the corner of Charlevoix and Garland. "Constructive, civic and social service, assisting to maintain a clean, healthy condition in our streets and alleys." They were maintaining a healthy condition in their streets and alleys with a mob surrounding a home where a man and woman had a legal right to live, by driving them into the streets, and that is what they were doing.

Next "Observing and supporting the traffic ordinances." Well, now, what do you know about that? "Particularly speed laws, that greater safety and protection may be created around our families, especially the children." They loved the children if they were not black. "Helping out on the traffic." And the first effort that the record shows in this direction was crowding the streets with a felonious mob, as I will show later; a gang of law-breakers who had no rights under the law, not one of them, because they were a mob committing a crime; and I am not asking you to believe me; let the court tell you what is the law. The first interest they had in traffic regulations was bringing such a mob around this corner that the police department of the city had to block off traffic from all four streets; I suppose so the mob would have free play for its glorious activities.

What next is this bunch combined to do? "Co-operate with the city departments in all places which will be beneficial to the particular--in all climes"-- I know it was climes--" which will be beneficial to this particular community and to the welfare of mankind in general"-- but to this particular community-- "And an improvement to the neighborhood. Co-operating with the police department."

MR. TOMS: Why don't you read the rest of it?

MR. DARROW: I am going to read every bit of it.

MR. TOMS: "To the whole municipality", it does not end at "neighborhood." Read it out of this, it is a much larger type. (Indicating.)

MR. DARROW: That does end with "neighborhood."

MR. TOMS: Oh, so it does.

MR. DARROW: I would not misquote for the world. Why didn't you call my attention to it? Whereabouts is it?

MR. TOMS: Right here (indicating).

MR. DARROW: Gentlemen, I am trying to get this just exactly as it is and I read it exactly as it is. Yours is just a little bit different there. I wonder if it is in anything else. "Co-operating with the police department that the rule of law and order shall be

maintained and our homes and streets made safe for the residents and the public at large."

Now, gentlemen, there I must halt a minute to call your attention to that because that is really quite noteworthy. They were to co-operate with the police department to maintain law and order. And they did, gentlemen, they did. On the night of the 9th day of September, this criminal mob had perfect co-operation with such members of the police department as were gathered around Garland and Charlevoix. Never did any criminal conspirators come together in the history of the world who had a more thorough understanding than they had, and I will prove it to you conclusively in this case. Co-operating to preserve law and order? The members of this wonderful organization who founded it as soon as they heard that Dr. Sweet was going into the neighborhood, then they were going to co-operate with the police and maintain law and order.

There is one thing else: "Co-operating in the enforcement of the present property restrictions and ordinances, and originating and supporting other restrictions." I wonder what that might be, "originating and supporting other restrictions and ordinances that may be deemed necessary to conserve this particular locality that it may remain a desirable community wherein respectable people" -- yes, that is "respectable"; I thought it was "white," but it is "respectable" -- "wherein respectable people and property may continue to dwell in peace, security and harmony." They had better move into a graveyard and they can dwell in peace, security and harmony.

Now, gentlemen, I don't want you people to think that I place any different psychology in the minds of the residents around those corners than, perhaps, there is among a great number of white people, and possibly a majority, but I can see their side of it. I know what prejudice is; I have been fighting it all my life--at least, I have been fighting other people's prejudices to give mine a chance. Maybe that would be better, probably that is better, but I know what it is and I know it is wrong. But here is an organization which was called together for the purpose of getting Dr. Sweet out of that neighborhood, and they had a meeting--one witness says six hundred and another says seven hundred, just a short time before Dr. Sweet moved in, a month or six weeks before that, and they had other meetings besides that, and what was that about?

Gentlemen, do I state it correctly when I say they all lied? And they did, every last one of them, down to the little children who were taught to lie, as I will show you gentlemen, who were taught to lie and told what to say under oath when they took this chair and told a lie. My friend over here schooled them, some of them. Now, we will see whether I can prove this before I get through.

MR. TOMS: Who are you talking about?

MR. DARROW: Oh, I pointed beyond you: Mr. Johnson.

MR. TOMS: Naturally we want to know who you mean.

MR. DARROW: I will prove it before we get through. Men, women and children were schooled to lie on this witness stand and demonstrated it beyond any kind of question. Now, gentlemen, don't mistake me again; in the ordinary affairs of life, those people are not different from others; I know it; they come into court on an ordinary case and tell the truth; they would be good to their neighbor, that is all right, but they are so prejudiced in this particular case which they think involves their homes that they do anything to accomplish their ends. Now, am I wrong? We will see as the argument develops.

They had a meeting of six or seven hundred and got together just after Dr. Sweet bought that house. I asked him whether anybody said anything about the colored people at the meeting. "No, no." "What did you sign it for?" "For general improvement." "Did it have anything to do with keeping the district free from colored people?" A fellow will lie a certain distance; he does not like to go too far, and every single witness admitted in this way they joined, every one of them, and in that neighborhood they had a meeting so big that they had to adjourn from the auditorium of the school into the yard because Dr. Sweet had purchased a house across the street adjoining a neighborhood where he was not wanted.

I don't blame them for not wanting him, I don't think there is any reason why they should not, but there is a prejudice and they are not to blame for that, and I am speaking of Dr. Sweet who had to live somewhere, and I am thinking of the Constitution which guaranteed him equal rights, and I am thinking of the law that protects him and which did not protect him; and they got up this organization in spite of the law and against the law and met as felons for the purpose of driving him out, and I will show you that that is true, gentlemen. You listen when the court instructs you about a mob and what it is to be a member of a riotous organization, because I think he will. He will tell you that they have no rights there that anybody was bound to respect if they sought to disburse them. I think I know what the law is in this case. I don't want you to take my word for it. I ask you to take the law as the court lays it down. That is what this case was.

"A Great Number of...A Good Many of....A Few People"

Let me call your attention to one woman in passing. What is the name of that woman that walked up and down the street?

MR. NELSON: Mrs. Ware.

MR. DARROW: Oh, yes, Mrs. Ware; whether that is hardware or what it was--Mrs. Ware. Counsel says she took her--trundled her grandchildren up and down the street. That was on the 8th. She did not take them out on the 9th. Counsel says she had two of her neighbor girls walking with her, and she did not know either one of them. She did not see anybody around there at that time that were not strangers. I asked her this question--now, this is what she began to say--she said "I saw a great

many people," and she pulled back and says, "Policemen." I said, "Why did you start to say a great many people and then take it back and say 'policemen'?" Well, I did see policemen." "Who were the most, people or policemen?" I asked her four or five times, and she said "people" finally. Do you know why she took it back? She took it back because practically every witness in this case that they called had been instructed to say "A few people."

Do you remember the boy who came here, a sixteen year old boy or seventeen year old boy, who was standing down on the corner of Charlevoix and Garland on the next street waiting for a bus to go to his work. I asked him what he saw. He said, "When I came out I saw a great number of --I saw a good many of--I saw a few people." You remember him. The poor little boy wanted to state the truth and didn't dare. I asked him if he had been instructed to say "a few", and he said "Yes."

MR. TOMS: Oh, oh, oh, wait a minute.

MR. DARROW: All right, I have got it there (indicating).

MR. NELSON: Yes, he did.

MR. DARROW: It is a little out of order, but then, the whole case is. Dwight Hubbard. I will read from page--just a minute now until I find exactly what I wanted to read first.

MR. TOMS: He didn't say it very often, did he?

MR. DARROW: What is that?

MR. TOMS: He didn't say it very often, did he?

MR. DARROW: I only gave him a chance to say it once. I knew better than to give him too much leeway in a case like this.

Now I am reading from page 857, and this boy's name is Dwight Hubbard. "On that evening how near were you to the corner of Garland and Charlevoix?" "About the middle of the block." "St. Clair and Garland?" "St. Clair and Garland." "Q. You were on Charlevoix?" "A. Yes, sir." "How did you happen to be there?" Then, he was waiting for a truck. "Now, while you were waiting there, what did you see happen?" "Well, there were a great number of people and officers--I won't say a great number, there were a large--there were a few people there and the officers." Now, what about that? That is the way he answered you. Now, see what he said to me.

MR. NELSON: 863, the middle of the page.

MR. DARROW: I am reading now at the bottom of 863. "Q. When you first started to answer the question--" about the middle, Mr. Toms.

MR. TOMS: Yes, I haven't any copy, but you would not misread it, I am sure.

MR. DARROW: "When you first started to answer the question as to what you saw, you started to say you saw a great crowd there, didn't you?" "Yes, sir." "Then, you said a few people after that?" "Yes, sir." "Do you know how you happened to change your mind so quick?" "What is that?" "Do you know how you happened to change

your mind and whittle it down so fast?" "No, sir." "You have been talking a good deal about it, haven't you?" "No, sir." "Any officer talk with you about it?" "No, sir." "What?" "Lieutenant Johnson if you consider him an officer." Well, I didn't answer that question. "Well, I suppose he does and I haven't any reason to think otherwise. When is the last time he talked with you?" "Why, I think it was yesterday morning." "How many times did he talk to you?" "Once." "And you kind of forgot you were to say a few people, didn't you, when you started in?" Again, a question--

MR. TOMS: What was the answer to that question?

MR. DARROW: I am going to give it to you. There was a little controversy, Mr. Toms, the reason I stopped, then I asked the question again.

MR. TOMS: All right.

MR. DARROW: "Q. When you started to answer the question you forgot to say a few people instead of a great many?" "A. Yes, sir."

MR. TOMS: Oh, is that all there is?

MR. DARROW: That is all.

MR. TOMS: I thought it was some that I hadn't seen.

MR. DARROW: He said that he had talked to the officer, that he had changed his answer and that he forgot it when he whittled it down to a few people. That he changed his answer because he forgot it in the first place. Now, gentlemen, that is what has been done in this case. Here was a boy; Mrs. Ware did the same thing. There isn't any man could listen to the evidence in this case and not know that from first to last they had been told to say "a few" when the question was asked; "a few" no matter how many there were there. Let me see, I will get to that a little bit later.

"Protect Him Against This Gang"

The people bought this home, they paid their money, they waited a month to move in so the feeling in the town over the Turner incident could cool down, and they went there with their poor little belongings on the morning of the 8th day of September under police guard, gentlemen. Why? Again I ask you is there any question about what is the fact in this case? Let me see. The police department kept a tab on him for weeks as to when he was going to move, didn't they? Why? Because they were going to stop him because they thought he would do wrong? Oh, no, they kept a tab to protect him against this gang whose by-laws say they are organized to preserve law and order; seven hundred of them attending meetings, thinking "We are going to have a chance now to preserve law and order." They kept tabs on him and he moved in under police protection and then what?

It was along about noon, and the women in the neighborhood got busy, some of you might, I don't know whether you have ever tried it or not but I have seen smaller boys try it--did you ever poke a stick into a hornet's nest? Well, you had better not; you

will see them flying all over, everywhere, sometimes on you; and when those people moved their little belongings to the corner of Charlevoix and Garland amongst those people that were organized to protect law and order, the women got busy running from neighbor to neighbor carrying the glad news, probably; at least they got busy running from neighbor to neighbor, but I don't need to tell you what they said.

Four policemen were placed on that corner that day, yet nothing was wrong, oh, no, nothing was wrong. At three o'clock in the afternoon, there were eight--and I am talking about the eighth, and Officer Schuknecht [Inspector Paul Schuknecht, officer in charge at the scene: ed.] says there were some two hundred people around there on the night of the 8th. Be that as it may, and it may be a small part of the truth, I don't care, because they are more interested than I am, but there were enough. These eight officers were placed there from three o'clock, and some of them stayed all night until broad daylight the next morning, and the people gathered around their house, and the night came on, and what was happening then?

The men from the offices and the factories got home to supper and they ate quick and they rushed out on the front porch, and the women--now, I am drawing on my imagination, and I am not quoting literally--the women left their dishes unwashed, I guess.

MR. TOMS: No imagination about that.
MR. DARROW: Because they jumped out of there at half past seven and all up and down the street where the lines of those noble Nordics, father and mother and child, a lodger, a boarder, a tenant, and friends coming from far and near, lined up on their front porch and cast a glassy eye over towards the Sweet house and waited to see what happened.

Let me go back for a moment to the 8th. What happened then? There were two, attractive, pretty, intelligent, cultured, colored girls who were working in a decorating place downtown and they were interested in Mrs. Sweet and Dr. Sweet, in the furnishing of their new home; they had never had a home before, gentlemen, and women and possibly men are interested in a home, of course; they had never had a home before--and they stayed there one night, afraid to go to bed, and the next night they stayed in jail, and every night since, and as long as they live they might have to spend the rest of their nights in the penitentiary. All right, gentlemen, if you can do it, why, just go to it and do it.

Those girls were afraid to go home that night. Do you believe that? Why, are they intelligent? Aren't they so far superior, the women who testified for them, that there isn't any human being who would look at them that would not call them a superior race if they are to be judged by these witnesses in this case? Bright, intelligent, cultured, truthful, modest; they stayed there that night and they could not sleep for the crowd outside, and then when they sneaked out of their homes in the morning like

somebody who had committed a crime because they were black and went and took their cars and went home, and some woman was overheard saying to a street car man that the colored people had stayed there that night but they would get them out the next night.

"How Could They Fight the Supreme White Race?"

I don't need to dwell on that night. That word was communicated to Dr. Sweet, he knew about it. The girls, of course, called him up and told him as they should have done, and then the next night in early eve everybody gathered on the porches and they met there and they were not talking about anything, they didn't know what they were talking about or what they were looking at; they were just sitting, or as most of them said, "setting." They were gathered on the porches all up and down the street, and when the shades began to gather and the night was coming on and it was safe for this law and order bunch to operate because it was dark, they started up towards the corner of Charlevoix and Garland, men and women--and some say children. This brave bunch, in order to defend themselves from their criminal acts, they say that there were women and children.

Why? There have been seven times as many men testified in this case, not counting the policemen, as women for the State; some thirty-one men,--six times as many men as women have testified in this case, but women are not above gathering in a mob when they are protecting law and order and co-operating with the police, and, anyway, these were only colored people and they did not expect them to fight. How could they fight the supreme white race? Of course, they could not, they were black, and that is a badge of servitude upon them.

They began going towards the corner grocery, and that man must have sold a million dollars worth of goods that night; pretty nearly everybody in the whole community went to the grocery and they got enough witnesses to make a mob of itself in this case, to say nothing about policemen and those who were not witnesses; everybody going to the grocery to buy provisions. One fellow, you will remember, was going with his wife to buy provisions and he said after he got a ways he heard a shot fired and he wanted to follow it up a little bit for amusement. I said, "By the way, what became of your provisions?" "Well," he said, "My wife carried them home." I said, "What were they?" "Well, a bottle of milk." I said, "Was that all the provisions?" "No, I had the rest." I said, "What was that?" "A bunch of cigarettes." They were stocking up for the weekend. Of course, cigarettes kind of appealed to me, but let that go. Everybody was making a bee-line for the store, and, yet, nobody was in it. Everybody was around the corners. I will talk to you specifically a little bit later as to how many were there and what the people were doing.

Now, let me talk to you generally a minute upon things that can't be disputed. When some man says there is forty and somebody says there is four thousand, and nobody counts them, that leaves some chance for dispute, doesn't it? I want to talk to you about something that is beyond dispute and let you draw a few inferences in this case, and that is not hard, either, in this case. Why were the people out on the porches? Because it was a warm evening? Oh, no. Why were they all looking, why were they going up the street? You remember I asked some of them that, "Where were you going?" Do you remember the answer, "Curiosity." "Curiosity about what?" "Oh, about curiosity." "Had it anything to do with the fact that these colored people had moved into the corner of Charlevoix and Garland?" And almost without exception they said "Yes."

I would just as soon they had said "No" because everybody knew why they were there. They were gathered together on the steps and the front of the houses and on the corners of the schoolhouse grounds--and I will tell you how many after a while as near as I can--they were gathered together, you know why. I don't need to talk to you about why. I don't need to talk to you about whether this electric light is showing. (Indicating). They were gathered together just the same as the Roman Colosseum used to be filled with a great throng of people with their eyes cast on the door where the lions would come out; they were gathered together just as in the old days a mob would assemble to see an outdoor hanging and waiting for the victim with their eyes set on the gallows; they were gathered together as people would gather to feast on a holiday or some great feast, and you know it; and they were gathered together to awe and to intimidate the poor black family which had bought the corner house and who had a right to buy it under every law of the land. That is why they were there.

"Not a Coward, But a Hero"

What did Dr. Sweet do and why did he do it? He moved into that house, and he had a little furniture, not much; he knew all about the Turner incident, he knew all about the other incidents in Detroit, he knew the history of the race; he took his future belongings and he left his baby at its grandmother's just as a white man would do--and there isn't so much difference in the feelings and the emotions of a white father and a white mother than there is in the feelings and emotions of a black father and a black mother; they are just the same. He shielded her; his wife, his brother came later, and himself; and in their truck, in the little Ford truck he loaded in provisions enough to last an army through a siege.

What did he do it for, gentlemen? Were you born yesterday or does the State think you were born yesterday? Why did he do it? He did it because he knew that the infinite forces of the universe had painted his face black; he did it because he knew

that the white man hated him although they would let him work. That is why he did it. I don't need any argument for that, and I don't need any evidence for it, and you know it. He loaded in provisions enough so that if, forsooth, he stayed, the corner grocer would not sell him something and he would not have to starve. He took something else more important; he took some guns and some ammunition and some revolvers. I don't think he should have taken revolvers; I think he should have taken siege guns in place of them.

He took them for what? Because he wanted to kill somebody? You know why he took them. He took them to protect his home and himself and his wife and those around him. He took them to protect the rights of the colored man, which ought to be sacred and which would be if people had a few regards for the law and the Constitution and the human instincts which make all men kind. I deny the statement of counsel that we wish to excuse his cowardice. Coward? Oh, no, gentlemen, not a coward, but a hero. You may take him and his family and send him to prison for life, he may live there and die there, and his name will live and people will honor it and bless it wherever any human heart believes in justice and freedom. Why did he take it, why did he take the ammunition?

And another thing has been woven in here, "Why didn't you call the police?" I will tell you some reason why he didn't, but I will tell you one now. No man in any free country on earth is bound to call a policeman to defend his home or his life or his person or that of his friends. Under the laws of nature he has the right to stand and fight, and if he is a man he would rather die fighting than to cringe like a coward, and that is what he did.

Any reason to expect trouble? Yes. Imagine your face is black, would you have expected trouble? Why, why? He is an intelligent man, he knew the history of his race, he knew that looking back to the terrible years that have marked their history he could see his answer; loaded like sardines in a box in the mid-decks of steamers and brought forcibly from their African homes, half of them dying in the voyage; he knew they were sold like chattels as slaves and were compelled to work without pay; he knew that families were separated when it paid the master to sell them; he knew that even after he had got liberty under the Constitution and the law, he knew that the bodies of dead Negroes were hanging from the limbs of trees of every state in the Union where they had been killed by the mob; he knew that in every state of the Union telegraph poles had been decorated by the bodies of Negroes dangling to ropes on account of race hatred and nothing else; he knew they had been tied to stakes in free America and a fire built around living human beings until they roasted to death; he knew they had been driven from their homes in the north and in great cities and here in Detroit, and he was there not only to defend himself and his home and his friends, but to stand for the integrity and independence of the abused race to which he

belonged, and I say, gentlemen, you may send him to prison if you like, but you will only crown him as a hero who fought a brave fight against fearful odds, a fight for the right, for justice, for freedom, and his name will live and be honored when most of us are forgotten.

Do you want to adjourn for a few minutes, your Honor?

[After a recess of 10 Minutes, Judge Murphy directs that Darrow speak for another hour and then finish his speech on the next day, November 25. Then Prosecutor Toms will give his closing argument.]

"Everybody Is Prejudiced"

MR. DARROW: Now, gentlemen of the jury, let me discuss a little bit the situation down there at the corner.

It is very hard to get an unprejudiced witness here. I am not going to make that a one-sided statement, because I know what we are all made of. I know. They only had white witnesses; no blacks. Why? As far as the real facts as to the people around there, I had only blacks, except two; two whites.

Of course, in the first place, most of the witnesses who were put on from around there were white; but in the next place, I think a fair inference is that everybody is prejudiced. I had two whites. One of them I think meant to tell the truth. That is the newspaper man. The other one I do not think did, although he came pretty near doing it at that. That is the man from the tire shop. He evidently sought to hold back and did not want to say it all.

So it is pretty hard to get the exact facts in a case like this. It is not easy to lay your finger on an unprejudiced witness and one who won't have a natural prejudice. So every witness you have got to examine carefully, so far as you consider him at all, whether you think you can fully trust him.

I only make that statement for this purpose. I am not saying it is a one-sided rule at all. I am just dealing in human nature as I know human nature, and I have lived with it a good many years, and all kinds of it. It is neither very good nor very bad. It is a mixture of everything. It has come down almost from eternity. You are filled with all kinds of emotions and all kinds of hates and loves and fears and passions, and you have got to take all of them into consideration in arriving at the facts.

"Many Battles Fought In the Fields of Peace"

Now let me get back to that house. On the evening of September 9 here was a house in a neighborhood where perhaps there were no colored people for two blocks, maybe three, the evidence is not positive on that, which we will call a white neighborhood, -- a white neighborhood that had fitted itself up prepared to receive them, and gone to the expense of getting up an organization and paying a dollar apiece cash to join, to keep out the colored, who in this instance were the superior, although they were black.

Let that pass. Other neighborhoods might have done it too. I am just telling you what it was here.

The police department for two days was around that house. So they knew; they found out when they were going to move, and they went there to protect, so they said, and probably did, more or less; and they said one of their main reasons was on account of the Turner incident which had only happened a short time before and which the police knew about and which the defendants knew about.

Gentlemen, these are intelligent defendants, from the evidence in this case. They are students, scholars, and ambitious to rise in the world. You need not think they do not know about the history of their race. They may have even an exaggerated view of it, but what of it; the more exaggerated, the more allowance to be made.

None of you people would like to go to a penitentiary. Suppose you had the option of going to a penitentiary for ten years, or being black, which would you take? Suppose you had the option of going to a penitentiary for 15 or 20 years, or being made black overnight, what would you do?

And yet there is no reason in logic or science or broad humanity or under any religion in the world why a difference should be made on account of color, no matter what it is.

Nobody knows that as well as the black man knows that.

Those people had congregated there at the corner and around the corner and for blocks around. For what? For what do you suppose?

Let us first see who was there, and what precautions were taken. I want to discuss facts that cannot be disputed. In the forenoon of the 9th there were four policemen stationed there, weren't there? Why four in the day time while the men were at work; and the women, while they might be vicious, they cannot throw stones and shoot very well? They can swing the language all right, but shooting and marksmanship with guns or stones is a little out of their line.

At 3 o'clock they put on eight. Different officers came there at different times that night, even up to the assistant superintendent, the big man of the police force. I will talk about him later; what a wise, vigilant and careful man he is to have entrusted to him the lives and property and liberties of a great city like Detroit. He may have some friends on this jury. I do not know and I do not care. I am going to tell you just exactly what I think the evidence proves in this case and let it go at that.

At 3 o'clock they put on eight police men and three officers, that made 11, and then the acting superintendent or assistant superintendent, I never can get his name right or him either.

MR. TOMS: Sproat.

MR. DARROW: Sproat. He came and looked the ground over, like a great general, to see how the battle was progressing, excepting that he was not a great general, although this was a battle. There have been many battles fought in the fields of peace just as important as those that have been fought on the field of war.

It may be needful that many men should die and many men go to prison, and many, many more men die and many more men go to prison before a man can stand up and protect his rights, if his face is black. If so, all right. There will be brave men and brave women to take up the cross and do it.

What else happened? We will cut out the evidence here as to crowds. There were 13 policemen on the job. At least 11 policemen were there, and I think 12, besides those that came and visited. At 8 o'clock, the general in chief, Schuknecht, if that is his name, the inspector, sent out for more.

Now let me ask you, gentlemen, let me ask you to use a little sense. I do not ask you to use all you have got, just a little of it.

Why should he send for more? Do I need to talk about it?

Eight o'clock. People had got home from their work. The men had come. I suppose the Paul Revere of the Water Works Improvement Association had been spreading the word over the town. People had got home. The crowd was thickening. Do you think they sent for four more at 8 o'clock when they did not need them? Maybe you do. I don't. Maybe you think so. I do not think so. They sent for four more at 8 o'clock, and they blocked traffic at the four corners.

A few people there, gentlemen, a few! A boy says a great many, a good many. A few!

They blocked traffic at the four corners, and then when it got to be about five minutes before the shooting, they sent two policemen up on top of a building right across from Dr. Sweet's home, where he could overlook the crowd.

Now, gentlemen, are we fools? Do they think we are crazy or silly or what? Was all of this thing done for nothing? Was the valiant inspector doing all this thing because he had a brain storm? Is there any kind of question about it? Why had he congregated all those forces at those four corners in that time?

That was not all. He had reserves. He had reserves in the nearest station house that he might send for at any minute. Some of these, the last four, came from those reserves. But two men climbed up on the roof of the apartment house across Charlevoix, so they could look over at the crowd? At what? They say because they thought somebody might be hiding up there, did they? What made them think so, gentlemen? Why had anybody a suspicion that people were there?

Did they think the Water Works Improvement Association was holding a meeting up there? Or was it because of the missiles on the roof? Or because of shots, or things of that kind? It was something, wasn't it? At least, they were there, and they were sent there in connection with this mob, and nothing else.

All this happened, gentlemen, all this happened before any shooting from the house.

That was not all that happened. Where was this valiant chief who stood guard on the corner and directed the forces when there was nothing doing on the street, as he says there was not? He says he stood on the school house corner only a few feet from the Sweet house. He said he stood there to guard the Sweet house.

If you watched the record, you will find about half a dozen policemen, all of whom said they stood on the corner. The assistant superintendent came up there and he stood on the corner, and another one--what is the other fellow's name that stood on the corner, sat in a flivver five hours and remained to tell it?

MR. NELSON: Doran.

MR. DARROW: Yes, that fellow sitting there in a flivver five hours and then he recovered from it. They were all three there. So they said.

Schuknecht's brother-in-law dropped in at the corner too, when he was looking for his strayed boy, who had wandered off somewhere,--13 years old, pretty well able to take care of himself, but he thought he would give the once-over to this vicinity and see where the boy was. If he knew the boy was in the habit of going there to play ball, he did not look to see whether anybody was on the grounds or not, so he says.

Well, let that go. This is the situation after 8 o'clock. That is the situation. That is not disputed. Now let us find something else that is not disputed.

"Fools and Children Tell the Truth"

How many days was it, gentlemen, that you sat here and listened to the evidence in this case, without ever hearing of a stone being thrown? A good long while. Did any policeman tell you? They all knew it. How many days did you sit there, and not a word came from the lips of anybody about stones? Who was the first man who told you?

The old saying that you have heard is that fools and children tell the truth. The first person was not a child. He was rather stupid or had that appearance. He kept a billiard hall downtown on Woodward Avenue. Whether he blundered I do not know, but he said that he was standing there before the shooting a little up the street towards the Dove house, and he heard a glass break. That is the first man, wasn't it? And he heard what took to be stones or some hard substance, from what he thought was the Sweet house.

That is the first information we got on that important point, and yet the policemen had been sent there to guard the property and to protect the rights of the black, to help him move in, and to save the honor of the city; and not one of them knew it.

I did not think to ask them whether they were blind. I know they were, maybe not in the eyes, but a man may be very blind and have good eye sight.

Who are the next ones that tell it? A young boy, one of two who came from the Dove house, or next to the Dove house. He said he saw some boys come out of the alley and throw stones and he heard them light on the Sweet house. And the next boy went him one better. He saw somebody throw stones and he heard them light and he heard windows break or a window break before the shooting.

Three of their witnesses, to say nothing about this wonderful man, Andrews, who my friend said was an official of the Edison Company. I don't know where he gets it. I think you are wrong about that. He says he is a foreman of the construction gang. I think he meant destruction but he said construction.

Anyhow he wandered down the street and what he saw was a plenty. He saw 75 people on the east side of Garland between where he got on the street which is in the same block and the store, and that he went over across and then he came back on the Sweet side. How he got there I don't know. He must have got there, for he said so.

MR. TOMS: He did not say he went across. He did not say he went on the east side

at all. He went right on down the west side.
MR. DARROW: Well, I may be mistaken. I got it in my head that he said he went on the east side. But anyhow he spoke of the 75 on the east side. How he got down so near to the Sweet house on the west side I don't quite understand. Perhaps he did.

When he got down there near the Sweet house he heard some noise. It sounded like a boy dropping some marbles on the floor. Of course, it would not sound like a man dropping marbles on the floor. He did not remember when he ever heard any marbles drop. He thought they were pebbles. Did you ever throw a pebble across the street? These are pebbles, probably some of them, but not all of them.

Did he lie about it? Well, I know he did. I know he knew there were stones. I know that deliberately and purposely, to fool this jury and compass the ruin of these defendants, he told you something that was not true. That is what I know.

I know that he heard these missiles against this house. Talk about pebbles in that crowd!

All the way down the street he was visiting with people who were out there from curiosity the same as the rest, out there waiting for the show to begin, waiting until the victim was ready, waiting until the majesty and supremacy of the Caucasian should be recognized in the city of Detroit; waiting for the sacrifice of a black family who had toiled and worked and saved and denied themselves that they might have a home.

"These Policemen Were No Good"

Let me say another thing here, gentlemen. I told you these policemen were no good, that they lied, and they evidently were in league with this glorious association to protect their kind of law and order.

Let me say something else. Just a few minutes before this shot was fired, a taxi drove up, didn't it, by the front door, and let out two colored men who went into the house, and one of their witnesses said some stones were thrown while they were going in.

Now, gentlemen, is that true? You know it is true. What do you think about that police bunch? There were around that house, one time or another, not less than 12, 13 policemen.

Policemen	in	front	of	them;	
Policemen	to	the	right	of	them;
Policemen	to	the	left	of	them;
Policemen		behind			them;
Policemen					everywhere--

And where else, I have forgot the rest of that?
MR. TOMS: And they all volleyed and thundered.
MR. DARROW: Yes, volleyed and thundered. I had forgotten that part. Most of their volleying and thundering, though, was done on the witness chair, almost all of it.

That house was surrounded by policemen. Why, Brother Moll [*Assistant Prosecutor Lester Moll*] seemed to wonder and treated it as a great circumstance in this case, why my black client should shoot? Why, the crowd was not doing anything! There was not anybody on the west side of the street.

Do I need to tell any of you gentlemen why they were not on the west side of the street? Why they were not on the north side of Charlevoix? I don't think I need to. You all know the evidence. The policemen kept them away from there. All these witnesses who said there was nobody on the street said policemen were always pushing them along and not allowing them to stop. They must have been pushing somebody. I suppose they were pushing each other.

Let me say this about the policemen. There is not one policeman in the whole bunch, although at that time there must have been not less than three standing on that corner, there is not one in the whole bunch that ever saw that taxi come up and unload, is there?

That was five minutes before it happened. Not one saw that, did there? There is not one policeman in the whole bunch that ever heard a stone thrown, was there? And they were standing there looking. Not one, except Schuknecht, and that was after he went up on the porch himself, after it was all over with. There is not one policeman in the whole bunch that ever knew that window pane was broken, and yet stones went through at least twice, but not one of them knew it.

"There Was No Innocent Man In That Bunch, Not One"

What is stronger than this, gentlemen? I want to ask you gentlemen to consider it in the light of your judgment and your common sense and be fair to these defendants.

For two nights this crowd was around the house. I don't care whether it was big or little, it was there, it was menacing Sweet and his brood and his home. It was there, it was growing larger every minute up to the time of this fatal shooting. Policemen were on the corner, driving the people back, keeping them away, and not letting them stop, for two nights and a good part of two days, and all night on the 8th.

Doing what? Dispersing a mob. Is there one policeman in this crowd, is there one in the whole bunch that ever stepped up to any man and asked him his business, and why he was there and told him to go away? One?

These policemen knew nobody that was there. They had nobody's name. Two days and two nights on that job, defending a helpless colored family, or one they supposed was helpless. I am thankful they were not. But defending what seemed to be a helpless colored family in the rights that every citizen has who lives under this flag, regardless of color.

They were there two days and two nights in that business, with that crowd gathering around there, and they never went to one and asked a single one their business, or ordered a single one to disperse, not once.

Now let me ask you this, gentlemen. I know the answer and so do you. Suppose that crowd outside had had black faces. Do you think they would have stayed there two days and two nights, or two hours, or two minutes, or two seconds? Wouldn't Schuknecht have been on the job and all of the cohorts to say nothing of that glorious organization for the defense of law and order known as the Water Works Improvement Association?

Do you suppose that three black men could have gathered on that corner and have stayed for one hour and all those policemen there or somebody not asked them their business, and if they did not have any, tell them to beat it? You know it, gentlemen. You know it.

Every policeman knew that that crowd was after the Negroes, everyone of them. They knew they had managed that place for 40 hours at least. They knew they had stoned it, had broken the glass, and they knew that they gathered there for that purpose, and not one batted an eye.

Did they do their duty? Ah, let me tell you, gentlemen, Breiner [Leon Breiner, the victim: ed.] was not an innocent man, but if he had been innocent his blood is on the head of the police department that was around there, that part of it, who should have dispersed Breiner and sent him on his way.

I am sick of this talk about an innocent man being killed. There were no innocent men in that bunch, not one. The evidence in this case shows that he was several doors from his home, that he twice went up and down that street, that he had been lingering around there for some time. Why was he there? Only an inference. He was there just the same as everybody else in this mob was there. He was there to uphold law and order as meted out by the Water Works Improvement Association. That is the

evidence in this case. It makes me sick. A man standing there in a mob bent on crime, the court will tell you that, in a mob, which was a criminal organization, waiting to see the sacrifice of some helpless blacks.

And then they say he was innocent. Nobody was innocent; nobody could be innocent. They came there for that purpose with malice in their heart, with enmity to their fellows, determined to drive them out.

The evidence is so plain that there is not any human being that can doubt it, and if you gentlemen see fit to convict these defendants, you will do it anyhow. You know it is true. You know the purpose of this crowd. It was a disorderly crowd. No, peaceable, quiet! They might have been holding a prayer meeting, except they were not. They were throwing stones, they were breaking windows.

They were there with a show of numbers and force, and they were there for that purpose, which everyone of you gentlemen knows, and if you will find this defendant guilty, or any of them, I say, gentlemen, you still know the facts, because they were doing what you would do and you and you and you.

Gentlemen, let me ask you to be honest with us and be honest in this case, and that is all I ask. Suppose one of you had a home with a little family, and outside was a menacing crowd of black people that wanted to drive you out, as you know they wanted to drive these people out. Would you have waited as long as they did? No, you would not, gentlemen. You have not been taught to wait. You have been taught to act.

These were members of a race which for centuries has been taught to trust and to submit and to forgive and never defend itself.

You would not have done it, not one member of this jury would have done it. You would have fought your way out, no matter what the consequences might have been, and you would not have called for a policeman to help you in your rights. You would have said you were a free born citizen and you would help yourself.

"I Need Call No Policeman"

And yet they call this illegal means. Illegal? If a man threatens my life or my home, is it illegal to be my own policeman and my own judge and my own executioner and defend myself? Shame on any such doctrine! No nation of free men can be built up of people who will not defend themselves and defend their rights.

Patrick Henry was right when he said "Eternal vigilance is the price of liberty." The man who does not strive for it and work for it and fight for it will be a slave, and that is all there is to that. I need call no policeman. If I am right, if another man is the aggressor, I can stand up and defend myself with such implements as nature gave me and with such other tools as I can procure for myself.

The other doctrine is the doctrine of slavery which cannot be defended in any free country.

Now let us go further with this thing that happened. Gentlemen, there is not one of you who does not know perfectly well that that crowd could have been dispersed immediately. There is not one of you who has not got the word of every policeman who has testified that he never raised his hand and never asked a single question of any man in that crowd. Is there?

There is not one of you who does not know that the policeman said they did not individually know any of them. They knew they were there, they knew why they were there, and they took no steps to protect the property or the persons of the men and woman in that house.

Now there can be no question about that. Are they to blame? And when this terrible act occurred, and they were in danger, then they came together to defend themselves and testify for themselves.

"There Is Not the Slightest Reason To Doubt"

Now how many were there? Let us see about that. There are no two witnesses called by the state who tell the same story, except most of them start in by saying a few, and when they are cross examined they admit more and more.

Andrew said there were about 75 men lined along the street north of the store or north of Charlevoix on the east side.

Dove said there were about 16 in front of his house,--They said there were none,--You might get me that Dove testimony (addressing Mr. Nelson)--in front of his house and on his porch. And he was not present, none of them were.

The crowd stretched down to St. Clair street. Let me see about St. Clair street now, and their wonderful discovery that we had a witness that made any mistakes.

I have heard a great many witnesses in court in my time. I have never listened to a witness who impressed me as knowing more what he was talking about and being

more open and frank in his answers than Smith. Every question asked by the state he answered that quick. Did he answer any of them correctly? Probably not.

You are intelligent men. You would have hard work to relate the events that occurred three months ago and not make a mistake, especially if it involved riding in a machine and what street you were on.

We called him for two purposes. First to show that before this shooting the crowd reached back to St. Clair, a block, and, second, to show that they were hostile to the blacks. I did not need to show you the one, but that is what we called him for.

Now we proved that they were assaulted and proved that that assault was before the shooting. I called the Smiths, three of them. Now, gentlemen, you heard their stories. I submit there is not the slightest reason on earth for any of you to doubt that an assault took place just exactly as they said.

Did it have all the appearances of honesty? I will brace it up with you in a few minutes, but just take it alone. Every question was answered and it was answered direct, and they were there, they were in the crowd, they were mobbed by a mob who hollered, "Kill them, shoot them," and they threw stones into their machine.

How is it disputed? Why, because they said, one of them, that they saw a clock on a bank in the roof that they said was on--what is the name of that street?

MR. TOMS: Kercheval.

MR. DARROW: Kercheval, yes. If I live here much longer, I will know all your streets. I know Charlevoix and Garland now. They said it was on Kercheval, and then they sent the sleuth out here, and he could not find a clock on Kercheval.

Well, that does not necessarily prove they were not there. If they sent Schuknecht to look for a cathedral he could not have found it if it was in the middle of a street. But there was not any clock on Kercheval, and we sent Smith back, and he found his clock all right on the bank, one street over, on Charlevoix. Now what of it, gentlemen?

MR. TOMS: What?

MR. DARROW: Or is it two streets? Oh, I don't care where it was, east or west. He was out there on Charlevoix instead of Kercheval. Suppose it was three, four or five blocks. It was near enough. The time had been all right. We did not need the time anyway, because there is plenty of other witnesses to prove it. What is important in this case is to know whether it was before or after the shooting.

I don't care to waste time on this. I suppose some of you have machines, at least Fords, and drive around some. Whether you made a mistake three months ago, whether you went on one street or another, is perfectly common, and you might not

know, especially as I have found in Detroit, you might not know. This is a very liberal city.

Well, he found the clock and he found the bank and there it is.

Now what of it? Why, they say he must be a liar, because he says he got downtown at half past nine, and he looked at a clock in an hotel about 9:30, and he stuck to his story. I could not pry him loose, he could not pry him loose. I could not pry him loose, although I tried harder to pry him loose than you did, but I could not do it. He just stuck to it, like your gasoline man that you could not pry off the street corner where he thought he was when he was not.

This thing happens to all of us. I got one witness in this case--it is not this one--that I would trade for one of your poor ones.

MR. TOMS: Even?

MR. DARROW: Yes, I would rather take one of yours than two. Now this thing happened. Of course, Smith got twisted on the clock or the time. He may have seen it when he got there, he may have seen it an hour after he got there, or he may not have seen it at all. You know how those things are.

Let me give you a little instance. There was one woman called by the state who seemed especially--well, attractive, I will say. It is very rarely that I remember names where there are so many come all at once, even if it is a lady.

MR. TOMS: Even if she is attractive.

MR. DARROW: But that was Mrs. Dove, and I do remember she was a kind of symphony in brown, I remember. I notice the clothes; whether the hair is bobbed, I used to, I don't know, I take it for granted.

She said she did up the dishes. I do not doubt she is telling the truth, and that she was. She did up the dishes and got out on the porch at half past seven, and she sat there 15 minutes and then heard the shooting. Well, now, of course, that is not true. It does not mean she lied about it. She got it twisted.

What else did she say? She sat right there on the porch where she could reach Breiner, but she did not see him at all; in the early part of the evening she did not know he was killed or shot.

Those things happen. Put all of you on the stand and something like that would be bound to happen. It does not mean necessarily that they lied. Do you think those fellows were there?

"We Are Not Used To Mahogany People"

Let me call your attention to something else, and you will then see whether they were there or not. I called them, as I say, for two purposes. One was to show that the crowd slopped over-- My friend here does not understand that word, but I know some of you fellows will--onto St. Clair street, in order to show their enmity to the colored people.

I called on the witness stand Mr. and Mrs. Spaulding. They passed by there about the same time. I fancy you remember Mrs. Spaulding. Mrs. Spaulding is a white woman with colored blood in her, some.

You know I could talk to you a long time about this question of black and white. It is funny. If you can trace out a drop of colored blood, why, you are colored. Oh, you don't have to be logical. If we had to, we could not live, because we could not, but she is white. There is not so much to it anyway, but still they think so. They may have let it go that way.

She is white. She has every appearance of being white, and pretty much of her blood is white.

That is a queer thing about this business. This noble race that I belong to says that if there is a single drop of colored blood in you, you are not Nordic. But if now and then you find a Negro who has written some wonderful story, or who has excelled on the stage, who has made a name for himself, or accomplished great achievements, and there have been many, many of them and getting more every day, then this same man, white man, will say, "Is he a full blooded Negro?" "No, he has got an eighth white blood." "Well, that is how he came to be so smart." Why I have known people with white blood that were plumb idiots; the more they had of it, the more idiotic they were. There is nothing in it. What are you going to do about it? People think so, it is true.

I never in my life discussed with one of these fanatics and pointed them to some great man like Toussaint L'Ouverture, one of the greatest statesman the world ever saw, or Pushkin, the great Russian poet, Booker Washington, or my friend Mr. White [*Walter White, Assistant Secretary of the NAACP: ed.*], who is the peer of any man in this courtroom, who testified in this witness stand, or Jack Jackson, I may have him too,--I never spoke about one of those to one of these white fans that does not immediately say, "Hasn't he got some white blood in him?"

If he has, of course he would be smart. One quart of white blood in him would settle it forever, and all of his intelligence is due to that white blood. Well, we cannot get over it, I suppose. If the world ever got over its prejudice--I have been talking about it

for forty years, we would have been cured long ago if it were possible, but here it is, the same thing again.

MR. TOMS: Then you would not have anything to talk about, if it got over it.

MR. DARROW: No, nothing to talk about. I would have died from boredom.

Now to get back to Mrs. Spaulding. I hope you people can visualize, of course, I meant to pass her off here as a white woman, but I meant to tell you afterwards, just as I wanted to pass off my friend Walter White as a white man and then tell you no, he is not the real thing, he has a drop of colored blood in him. I guess that is where he gets his genius, I don't know.

But anyway Mrs. Spaulding is a social worker, a woman of intelligence, cultured, a music teacher, a beautiful woman. I call her husband as attractive as she is. Now do you remember Spaulding? He is one of the finest looking fellows I ever saw in my life. He is as good looking as Mr. Toms or me. He has got the most regular features. He is a little dark for some tastes. Of course, he is not as dark as mahogany. We all like mahogany for furniture but not for people. We are not used to mahogany people, we are just used to mahogany furniture, some of us. Beautiful regular features, keen intelligence.

Let us just refer to that man for a minute to show what comes of this course of prejudice. There was not a man on this witness stand that made a better impression than he did. I hope you can pick him out. He had a good education in the east and went to Ann Arbor and took a course in the engineering department, and then came to Detroit and worked as a letter carrier. If he had been white, he might have been one of the greatest engineers that this country ever produced, but his face is black, and he carried letters from door to door, delivering mail to white people who could not compare with him in looks and intelligence and plain and evident character.

You have seen people in this courtroom, you have seen them at this trial, you have met them in your life, have every reason to respect them, to love them, to appreciate them, except that maybe one of their ancestors going back and back and back to where perhaps they had ten thousand ancestors, and one of them was black or partly black, and he has to be a hewer of wood and drawer of water and all of his generation, to the end of time to be cursed that way by those who think their blood is pure.

Of course, the marvel of it is that there is not any such thing as pure blood.

How far can you go back in yours, how far can I go back in mine? I knew who my father was and who my mother was, and I know who all four of my grandparents were, but when I get back of that I am lost in obscurity and night. I know they came from New England. I hate to admit it, but they did,--pure Nordic.

MR. TOMS: New England Nordic?
MR. DARROW: New England Nordic. Isn't it awful? I know it. I had to bear it and get along with it the best I could for all these years. For all I know they may have been related to Jonathan Edwards. From there they go back to England, but what of it? Gentlemen, I don't know where they came from back of that or that far, and I know that back of me and back of you is an infinite ancestry stretching away back at least five hundred thousand years, and we are made up of everything on the face of the earth, of all kinds and colors and degrees of civilization, and out of that come we.

Who are we, any of us, to be boastful above our fellows? When I look at men like Spaulding, a woman like Mrs. Spaulding, and a man very much their inferior like Johnson, who says I would not go where I was not wanted,--I don't know where a detective is wanted---"I would not go where I was not wanted; you brought this thing upon yourself." Then I feel sad, gentlemen, when I think of the injustice of man. I do not know what you can do for it. I wish I did. I would do it, if it was not too expensive.

Now to get back to the case. Excuse me for wandering around. I got to quit after a while. I am talking against time. But let me tell you this. Mr. and Mrs. Spaulding drove down Charlevoix. When they got down that street, St. Clair, they found a large crowd of people, hard to get through.

They will say, why didn't they mob them, because they were colored? All kinds of reasons. She did not look it. He looked like he was a gentleman, although he was not, because he was black, he looked like he might be. They might never have had the chance and he went straight ahead. It was doubtless before that time because as I recall it police officers had been placed to divert traffic. They came right past the corner.

Mr. Spaulding said upon the right hand side around that school house and upon the south side of Charlevoix she would estimate the number of people at something like four or five hundred, 400 I think, and she did not look north. The driver, Spaulding, looked out to the north, and he said on that same side, the north side, there were at least 150 gathered around there.

I take their word, and it does not stand alone in this case, but I take their word against every police man and every member of this uplift organization engaged in supporting law and order and driving colored people from their homes, if there was not anything else in this case. But there is. I will corroborate that by a witness that is not worth anything, as they tell you.

Now I think this witness got mixed, Mr. Toms.
MR. TOMS: Which one is that? Yours or mine?
MR. DARROW: Yours this time. This is a fellow that Mr. Rockefeller worked for, that sells gasoline at the corner. What was the name anyway?
MR. TOMS: Greenslade Oil Company.
MR. DARROW: Green Goods Oil Company. Now see if you can get your mind on it. He could not get his mind on his, for he did not have any, he could not help that. That is one reason I got the truth out of him.

You remember how hard they had to work to get him on the right side of the street, and he did not get on the right side after all. He was stubborn, willful, and malicious, and I said, oh, let us admit he is on the right side.

[Judge Murphy asks Mr. Darrow to close for tonight.]

MR. DARROW: For tonight, yes. They called this fellow in rebuttal to prove there was nobody on that corner. What did he say? Why, he came down there to work at half past five in the evening. He is a thrifty duck. He is holding two jobs. He works all day for one company and then all night for the other, and he only slept at the time they might need him for a witness.

They called him and what did he say? They never did get him on the right corner. But he said this. Of course, he thought these other fellows were cross examining him and that he was really my witness, so I led him along and got him to say what I wanted him to say. That is the way I figured this thing out, and he told me. I said, when did you hear about that crowd? Well, I heard about it--I got to work at half past five in the afternoon on my second job, I had not had any sleep though. Got to work on his second job at half past five, had been there a little while and some men asked me what all this crowd was about, and I said I did not know.

Well, then, somebody else came along and asked him, he said I heard a colored family moved down on the corner. Now this is early in the evening, a block away, and their witness; ignorant, and therefore honest, simple.

They call him to prove there was not anybody there. They began coming there early in the evening and more kept coming. He did not say how many. They did not dare ask him, and I did not. I would have been glad to have them. They would have worried so much if I had, but there were a good many people there, more than he ever saw before, a block away, beginning around six o'clock, perhaps, soon after he got there, he did not know how many, he did not count them, he did not look, he was busy filling his tanks and taking the change.

But, gentlemen, here is this man, a block away, called by them for their witness, who said at that point a crowd began gathering shortly after half past five.

"Like Starting a Prairie Fire"

Gentlemen, why were they coming? You know why they were there. They were there to awe, to intimidate, to scare away, to stone, to drive by force, if necessary, a man from a home that was his.

They were a mob in the meaning of the law of this state and the common law of England and the law of every state in the union, and a mob is a criminal organization. And why? Because one man alone may be comparatively harmless, but when a crowd comes together, they catch one thing from one another, and no one can tell the mischief in the end. So the common law said that where three men came together for any unlawful purpose in a mob,--the statute in Michigan says 30, but either one is true here,--it was a mob.

Let me tell you just a minute about the dangers of a mob, then I will close for tonight. It won't take me long tomorrow. It is not what they do. It is what they might do. You gentlemen know the danger. One man might not bother about driving a Negro out of his home, but get 100, 50, 1000, one man gathers from another, and mob psychology is the most dreadful psychology that man has to contend with.

It is like starting a prairie fire, this gathering of a mob. Somebody comes along and throws a match into the dry stubble, and it spreads and spreads and spreads and the winds fan it, and the flame makes the wind, and finally the two together, spreading and spreading, will pass all obstacles and devour everything in its way.

You have read of forest fires in Michigan. Somebody will start a fire burning in the woods. It catches the leaves, it reaches the branches, it travels from tree to tree, it is blown perhaps miles away upon a current of winds that it created itself, until it destroys forests, destroys cities, towns, hamlets, and brings destruction in its path.

And so the law has always provided in every civilized community that an assemblage of people, even of small numbers, for an evil purpose, with an illegal purpose, may use some threats and some force, like the throwing of stones or the breaking of glass,--that a mob of this sort is a criminal organization.

Before you know it, if it is not quenched, if the power of the state is not placed upon it, it has spread from neighbor to neighbor, it draws into its grasp the wicked and even the innocent; it draws into its grasp the evil and the good, until by mob psychology it

sweeps all before it and destroys life and property and liberty, because each gathers force for the other until the power is irresistible.

[Judge Murphy adjourns the court until the next day at 9:00 AM.]

November

25,

1925

"A Neighborly Crowd!"

Gentlemen of the Jury, there are only a few things I want to refer to this morning, and then I shall leave this case with you as far as I am concerned.

I have talked to you about who was around that house, and how many. There is no way to harmonize the testimony in this case excepting that some people deliberately tried to deceive this jury. I think you know it. You know who they were, and you know about what was there.

Mr. Adler, the reporter, told you how he had to elbow his way down through that crowd. He said that he came down from the north along Garland Street, and the people up at the north seemed to be a crowd of neighbors sitting on their porches and standing on the street. As he came down towards Charlevoix, and on Charlevoix, the character of the crowd changed very much. It seemed to be a determined crowd, bent on something.

Now, what kind of crowd was it? It has been called neighborly. It was a neighborliness that has been going on here and not other places by the whites against the blacks who settle where they do not want them. It was the kind of neighbors that invaded Dr. Turner's home. It was the kind of neighbors, and there are enough of them in every community, both north and south, to bring danger, disaster and scandal upon a city.

A neighborly crowd! Would you have thought it was neighborly had it been you? Is there any question under the evidence in this case who they were and why they were there? Is there any question of their hatred and malice against these people because they were black, and that they were there to drive them out? And now they are here to send them to prison and get rid of them. It is the same crowd who were there with all their hatred of these defendants on the night of this terrible calamity that have come upon this witness stand with the same malice and the same hatred and the same design to testify to swear away their lives. The same neighborly crowd, full of hate and malice and bitterness against a race.

"Take It From the Court"

I want to refer for a few minutes to the last short period which covered this tragedy. I have said that a man has a right to defend his home. I have said that he has right to defend himself, to defend his family and defend his friends, and there can be no question about it. The Court, I think, will tell you so. All I ask you in this case, so far as the law is concerned, is to take it from the Court. I do not know what he will tell you, but I think I know what the law is, and I think he will cover the law. You know what the facts are. All you need to do is to apply the facts as you know them to be to the law as he gives it.

Let us see what happened. Here were eleven people penned up in this house, some of them had been there for two days, others for just a few minutes. You have got eleven here, because there were eleven blacks there--no other reason. There were eleven black people in the house, and there are eleven defendants in this case, looking to this jury for justice.

Men may defend themselves to the extent of killing, and they may defend their persons, their homes, their families, and their friends. They may do more than that. Men under circumstances may act upon the appearances as they seem to him.

Let me ask you gentlemen to put yourselves in the places of Dr. Sweet and his comrades, when you decide this case, and not sitting here months after the event in a quiet court room, without any danger and any prejudice against you. Put yourselves in that house on the corner, with a black skin and a white mob in front of you, that has been there for one purpose for two days and two nights.

"The Policemen Were Utterly Inefficient"

The policemen, to say the least, were utterly inefficient. Mr. Sprott, for instance, came there for 15 or 20 minutes and stood upon the corner, just before this thing happened, and said there was not anybody on the street. The only people there were a few who sat upon the steps of that apartment building. He said nobody was on the school corner, nobody was on Garland, nobody on Charlevoix. But he came down there to see it! Did he see it? Did he lie about it? Or was he blind? When he came there to see, why didn't he see what Adler saw? There isn't any sort of question in this case but what he is protecting himself and his department, when he gave that testimony upon this witness stand, not a particle.

These people were in that house. They waited through the first night without sleep. They stayed around there through the next day. One little piece of evidence that dropped into this case, that you can well consider, is that one policeman said

along in the afternoon of the second day one of these black men came out and walked back and forth for a few minutes in front of the house. What is that for, do you know? What of it? Men penned up in hot weather for 24 hours, and one of them came and walked back and forth in front of the house. What did this witness mean? Why, he meant this, that a black man should have known the character of the people around there, and that when he showed his black face, he invited a mob--and that, in the city of Detroit, gentlemen, that sixty years after the Emancipation Proclamation--that he was to blame because he walked in front of his own home for ten or fifteen minutes. If the policeman's statement, and his inferences are true, then let me ask you who were responsible for this deed? Only the men and the women who determined in whatever event these people should not live there.

Now, they came around that house. The house was kept dark. They did not want to commit suicide. You know why. What is the use of talking about it? It was kept dark, not to expose themselves, and not to taunt the mob. When the evening came around, the crowd grew thicker. First they sent for more policemen, besides some officers, and they sent for four people to block off the streets, and then they sent two policemen on the house to overlook it, and the stones came.

Now, what about these stones, gentlemen? My clients say that they rained on the roof. Were there any, and how many? We have offered in evidence some 25, ten, as I recall it, taken from that little sloping roof in front of the dormer window, and I will guarantee that you can throw one hundred up on that roof before one will ever land--they roll off. They were on a sloping roof in front of the dormer window, sloping less than the house--I do not remember the exact slope, do you Mr. Toms?

MR. TOMS: No, but it is on the diagram.

MR. DARROW: I know it is.

MR. TOMS: 38 degrees.

MR. DARROW: It is a sloping roof, and it is perfectly plain that it would be almost a miracle if any stayed, and yet according to the testimony, there was some ten found there the next day.

MR. TOMS: Not on the roof. You are mistaken.

MR. DARROW: Am I mistaken?

MR. TOMS: Yes.

MR. DARROW: How many were there?

MR. TOMS: Five on the roof.

MR. DARROW: Then there were five found on that roof. How many were thrown there to leave five? You can guess on it. You know. Upon the rest of the roof it would be impossible for any stone but a flat stone to stay for a minute, impossible. Most of those stones were picked up in the yard around the house.

Now, let me ask you gentlemen how far you could trust the policemen to bring, to gather the next morning, all the stones that were thrown that night. From the evidence in this case you know perfectly well that they would conceal the evidence instead of producing it. You know perfectly well that every person in that neighborhood would carry away the evidence before morning, and that these stones, many as they are, and plain as they are, were but a fraction of the stones that rained on that roof on that night, take it as they produce it.

They stayed there, they were upstairs and downstairs, Dr. Sweet going from one place to another. I do not need to describe his movements, I have not got the time. Just before it, they looked out and saw this gathering, threatening mob, saw the policemen apparently seeking to keep them back, and Dr. Sweet went up and lay down upon the bed, looked out the window, where he had his gun, and he said, to soothe his nerves. Counsel said he soothed his nerves with his gun. Well, if I had been in his place, I could have soothed them better with a cannon. It was no place for a black man at that time, and even a pistol would have some soothing effect, if it might save his life. You put yourselves there, gentlemen, that is all I ask you, put yourselves there, with the history of your race back of you, with the stories of assaults and lynchings, and destroying homes back of you, put yourselves there, with the injustice that has been inflicted upon blacks for all of these centuries, and which is pursuing them still; put yourselves there and outside this white mob. They waited all the first night, and all the second night, they waited while the stones came down on the roof. They waited until a glass was broken, and somebody shot, and somebody else shot.

"You Gentlemen Cannot Decide In Cool Deliberation"

Now, how long would they wait? Counsel finds fault because they did not wait until they got onto his porch, probably until they were up at the door, probably until a crowd like this, like the pent-up waters breaking through a dam, could not be stopped, probably until they had a rope around their necks--well, how long would you wait, gentlemen? How long would you wait if you were white and they were black? A minute, maybe on the first night, and that is all. Would you wait until the house fell down above you, as did Turner? And then sign a document, outraging the rights of an American citizen--would you wait longer than these people waited?

Well, gentlemen, you cannot judge this case nicely and fairly sitting here in this jury box. There have been a number of cases tried in the Admiralty Courts of this country where men were shipwrecked out at sea, floating on the waves in a lifeboat, where there were too many human beings in a life boat, where there were too many human beings on board to make it safe, where some of them had thrown others into the sea that they might save their own lives; and juries have been asked to say whether they

were justified or whether they should have waited, and juries thousands of miles away from a sea, in the quiet of a court room deliberating upon how long those men should have waited in the boats. Why, they could not tell. To decide that case you must be in a frail boat, out in mid-ocean with the sea running high, and the white caps all about you, and death imminent, and your boat going down, then you could ask yourself how long would you wait.

You gentlemen, and I am confident that you want to be fair, you gentlemen cannot decide this question in cool deliberation as you sit here. You must imagine yourselves in the position of these eleven over here, with their skins, with the hatred, with the infinite wrongs they have suffered on account of their skin, with the hazards they have taken every day they live, with the insults that are heaped around them, with the crowd outside, with the knowledge of what that crowd meant, and then ask the question of whether they waited too long or stopped too quick.

There is only one answer, and the court will tell you gentlemen that you should judge,--that they had a right to judge from appearances, and in deciding that, you must consider every fact and circumstance which surrounded them, and you can do it in no other way.

I am not going to discuss the shot, or what bullet killed Breiner. I will say this that there are four bullets there, every one of them was taken out from the house or the tree around where Breiner stood, and the nose of every one of them showed distinctly that they were slanting. In a soft nosed bullet you could not shoot from that angle without its being betrayed in the shape of the bullet afterwards. I think it would have been impossible for one to stand where Dr. Sweet stood and have killed Breiner as they say.

But, I don't care, I don't care. If the facts and circumstances in this case, the great big broad facts that cover it from the beginning to the end, if those are not enough to save the liberties of these black people, then they cannot be saved, that is all. Then it must go down in the mob psychology which permeates crowds, through prejudice and feeling, and enters the jury box, together with all the rest. You know and I know that if the case were reversed, no white jury in the land would hesitate a moment, you know that and I know that. A life is so dear to each human being that he never weighs nicely, and he cannot weigh carefully when danger comes; he acts to save himself and to save those who are dear to him. These defendants acted in that way.

"It Was To Get Something Out Of Them"

They say that my clients lied to Mr. Johnson. Well, who would not? Would anyone on earth consider any obligation to tell him the truth? I am not going to argue that in a

little way, but I want to take it broadly and then I will ask you what you must think about it.

Why were these men taken to the police station and held there from 10:15 at night through all the night long, and questioned by a lawyer, aided by a policeman?

You know why! You know why! It was to get something out of them, to put them in a position where they would give evidence against themselves, nothing else. You people are not so green. It was just what they say is always done. Johnson said that they might protect them if they were innocent. What does he take us for? If I had a sheep ranch out on the plains of Montana, where coyotes and wolves were thick around it, and I wanted to protect the sheep from the coyotes and wolves, I would probably get a wolf to take the job of protecting them, and I would go on about my business. If I had a man, innocent or guilty, with a black face, and I wanted him protected in every right he had under the laws and the constitution, I would get Johnson to look after him. Wouldn't you?

Why, gentlemen of the jury, they were there to be sweated, and they were sweated, they were there to be cross-questioned, and asked to manufacture evidence against themselves, and they were denied counsel, weren't they? What does Johnson say? He did not hear them ask for counsel, but he would not give it to them anyway. A lawyer came and knocked on the door, but he could not get in.

I do not care what they said. Young Sweet [*Henry Sweet: ed.*] is reported as making two statements, one right after the other, one in which he said he shot at the crowd, and the other which is detailed, and many questions asked, where he says he shot over them. He first shot clear above them, and the next from a foot to two feet above them, and that where he shot was between the store and the first house. Now, I don't care, gentlemen. Counsel who opened this case said they did not know who shot this bullet, and they do not. You could only find them guilty on the theory that there is a conspiracy, and it must be found as is charged in this bill of particulars, which is, a conspiracy to shoot to kill without any cause, that they brought the guns there for it, and they kept them there for that, and they were there for that.

You know, gentlemen, why those guns were there, you know why they were there. They were taken there to protect the home, the family, the persons, and they were there two days before they were ever used, and they were only used when the house was assaulted, when the stones were raining down on the roof, and the windows were broken, and these black men, with a black man's life behind them, waited as long as these poor people did, who were penned up like rats in a hole, they waited before they shot. And, gentlemen, any human being, any person who has the instincts

of a man, if he can overcome prejudice in this case, would say that these people did just as you would do yourselves.

Let me repeat, that no white jury would ever for a moment consider convicting any white man if this case were reversed, and you know it, gentlemen.

Conclusion: "You Owe It To These Eleven Defendants"

Gentlemen, I want to close just as I began. There is just one thing I am anxious about in this case, and I know you will do the best you can, that is, that you shall approach this subject free from prejudice. You owe it, gentlemen, to these eleven defendants, whose fates you have in your hands, and there is no human responsibility greater than yours.

This is the only tribunal known under our law that can take away the liberty or the life of a human being lawfully, excepting while acting in self defense. This is the only tribunal that can pass on the acts of men and set them free, or condemn them to imprisonment or death.

Gentlemen, you have got the power to judge. No man has the capacity to judge--you must rid yourselves of prejudice, and you must be almost omnipotent and omniscient, to understand the other man, but you must judge, and if their liberties go, it is the jury who is responsible for it, nobody else.

"Nature Takes Time, Infinite Time"

I might say a little more about the colored and white man here. I would hate to come to this city and by any word of mine, spoken either carefully or thoughtlessly, add to the danger and the troubles, and the sorrow which attend these race conflicts. Ask yourselves the question, gentlemen, if you could settle it as you wanted to, not this case, but this infinitely troublesome problem that is back of it, how would you do it? How would you do it? If I were asked the question as to how I would do it, I could not answer it. I know that trouble and sorrow are incident to human life. I know it cannot be avoided. I know that many of our deepest problems are worked out in the sorest travail of body and of mind. I know that nature takes time, infinite time, and the adjustment of races, the adjustment of religions, and the understandings of human beings by each other is the question of infinite time. I see no way that we can help it, but how will we temporize with it? There are people in the south, and there are people in the north who say this, that the black man should be taught that he is inferior, and he should be controlled by, and he should obey the white, and that that is the only solution. There are others who say they should recognize each other's rights, and with mutual understanding and forbearance try to live together.

Now, gentlemen, I am not going to convert you, or seek to convert you. I cannot do it, at least in the few minutes that are left me. How would you do it?

Do you think that these people, simply because their color is black, are to be forever kept as slaves of the white? Do you think that all the rights which you claim for yourselves are to be denied them? Do you think they should be like the beast of the field who can do no better than to obey the white man's demands? Who are we anyhow? What is this white race that arrogates all of that authority to itself, what is it? Is it wisdom? Is it knowledge? Is it tolerance? Is it understanding? Or, is it pure conceit and force? What is it? Yet when you look abroad, both north and south, you find many men who say it, that they must be made, with law or without, to keep their place, and their place is the foot-stool for the white men's feet.

Well, now, gentlemen of the jury, let us not argue about it. I do not believe it. I do not believe that it is an intellectual process, and what is more important, I cannot believe it is an emotional process. I cannot look upon a black face without feeling sympathy, which, for me, at least, goes out to the weak. Somehow, my machine is made so that I can look at their side, and I trust you can too.

"These Blind People Cannot Turn Back the Wheels of Progress"

Let me say this, though, you have seen these colored people, some who are colored and some who are not, do you think we are going to conquer them? Oh, no, gentlemen. Do you think that the white man has got the power and the strength to make them slaves again, slaves when the law says they are free? Oh, no. There are colored people of intellect, and colored people of courage, and colored people who risk their fortunes and their lives for their independence. They are reaching all grades of society, they are coming into every city. Do you think they will stay? You cannot get rid of them, gentlemen, they are here. The terrible thing about it is that we brought them here, didn't we? Do you suppose there is any chance of changing them? Not a chance. Are you going to take their toil, as the whites have always taken it, and give them no rights? You cannot do that either. If so, you had better buy them and sell them again, and that cannot be done.

What is to be done, and what will be done here, and what you will do, to say that in one case at least you have recognized their rights, or you have denied them their rights? I will tell you what will be done, gentlemen. It will be worked out on the lines it is working out now, it will be worked out by a gradual recognition of the white of the intelligence, of the enterprise of the cultured colored men until that prejudice has disappeared. If under the law it is thought wise to try segregation, that might be done, but we will never accomplish anything in this world until the law that protects them and protects you alike, is enforced, and until they can invoke it.

You cannot destroy it if you would, and these blind people who say they must be forever slaves, cannot turn back the wheels of progress. The world moves in spite of them, moves slowly, but it is forever grinding, and it grinds down injustice and wrong and prejudice and hate, even though it is by the slow and cruel process of years.

"It Is a Study In Life"

Gentlemen, I have talked about this case perhaps longer than I should, and possibly longer than you have wished. I have not meant to argue anything small or to argue in pickayunish way. To me it is not a criminal case. To me it is a cross-section of human history. To me it is more than that. It is a study of human emotions. It is a study of the eternal problems that have ever beset the race, which involve prejudice, hatred and wrong. It is a study of the country's method of human adjustment. It is a question that involves not wholly what will happen to these men, but more than that it involves the future and the hope of some of us that the future may be better than the past. It is a study, gentlemen, in life, and very few jurors have ever been called upon to pass on as important a case as this. You should not do it, and you will not do it, without considering what it means, what are its dangers and what are its hopes.

Gentlemen, I am interested, I know I am interested, but what I have said in this case I do not mean to say in any harshness to anybody connected with it. I know that on these prejudices, no man is responsible for his own; I know where they come from, I know their depth, and I know where they lead the human mind and the human heart. I appreciate all of that. I know too the injustice and the terror and the outrageous wrong that they cost the weak and the poor.

Here is this case, gentlemen! I hate to leave it, but I must leave it. I want to leave no word unspoken that might help you to understand and judge these eleven blacks who are in your hands. I want you to free your minds of prejudice and your hearts of hate, and do justice in this case. I know you will try.

Gentlemen, here is a jury of 12 white men, and you are holding in your hands the lives and destinies of just about the same number of black people. It is not fair, but you are doing it, and you have got to see that it is fair.

"I Ask You In the Name of the Past and the Hope of the Future"

Gentlemen, I ask you to use all of your judgment, all of your understanding, all of your sympathy in the decision of this case. I speak not only for these eleven people, but for a race that in spite of what you may do will go on and on and on to heights that it has never known before. I speak to you not only in behalf of them, but in behalf of the millions of blacks who look to these twelve white faces for confidence and trust

and hope in the institutions of our land, and in the guarantees that the laws have made to them, those blacks who live up and down the length and breadth of our land, and whose ancestors we brought here in chains, I speak to you for those black people of Detroit who have come to work in your factories and your mills by the invitation of your men of business, and who must live or they cannot work. I speak to you in behalf of those faces that have haunted this court room from the beginning of this case, and whose lives and whose hearts and whose hopes and whose fears are centered upon these 12 men before you. I ask you gentlemen in behalf of my clients, I ask you more than everything else, I ask you in behalf of justice, often maligned and down-trodden, hard to protect and hard to maintain, I ask you in behalf of yourselves, in behalf of our race, to see that no harm comes to them. I ask you gentlemen in the name of the future, the future which will one day solve these sore problems, and the future which is theirs as well as ours, I ask you in the name of the future to do justice in this case.

Gentlemen, you twelve whites, with such intellects as have been given you, with such prejudices as have been forced upon you, with such sympathies as you have, and with such judgment as I can urge upon you, I ask you to understand my clients, and I ask in the name of the race, in the name of the past and the hope of the future, in justice to black and white alike, that you shall render a verdict of not guilty in this case.