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Author(s): Victoria W. Wolcott
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Defending the Home: Ossian Sweet and the Struggle Against Segregation in 1920s Detroit

Victoria W. Wolcott

“**W**hen I opened the door I saw the mob and I realized I was facing the same mob that had hounded my people throughout our entire history. I was filled with a fear that only one could experience who knows the history and strivings of my race” (1). To understand these words and to know the history of the Sweet case, in which Ossian Sweet and ten other African Americans were acquitted of murder for defending Sweet’s home against a white mob, is to know the history of segregation in America. Although much American history has been written as if segregation was not effectively challenged before the 1954 Supreme Court decision of *Brown v. Board of Education*, a more careful examination of African-American racial struggle in the twentieth century reveals a legacy of resistance to segregation in the courts and in the streets. The Sweet case gripped the nation’s attention in 1925 and 1926 as race riots became commonplace, the Ku Klux Klan’s influence grew, and rapid urbanization and industrialization created an array of new urban problems. Indeed, a close examination of the events surrounding the Sweet case reveals a neglected side of the seemingly upbeat Jazz age—a side of violence, racial intolerance, and segregation.

However, it also demonstrates the ongoing growth of African-American self-determination and struggle in a rapidly changing urban America.

In June of 1925, Sweet purchased a house in the northeast section of Detroit, a largely white immigrant neighborhood. Because the previous owners had been an

park. Like other neighborhood associations organized in Detroit during this period, this group was formed exclusively for the purpose of maintaining a “whites only” neighborhood. Cognizant of the growing resistance in the area, and hopeful that the tumult over a number of racial incidents in the city that summer would die down, the Sweets decided to delay their move until September.

On 8 September 1925, Sweet and his family moved into their newly purchased house after requesting police protection from the local precinct. Along with Gladys Sweet, his wife, Ossian was joined by his brothers Otis Sweet, a dentist, Henry Sweet, a college student, three friends, a large supply of food, nine guns, and ammunition. Although crowds formed near the house sporadically that first day, the night passed relatively peacefully. The crowd, however, became increasingly belligerent the next day so the Sweets invited four more friends to help protect their property. That evening, as Otis Sweet and a friend arrived from work in a taxi, a white crowd caught sight of them and began to hurl rocks and racial epithets. After Otis and his friend had narrowly escaped injury by racing into their home, the mob began to hurl stones at the

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interracial couple, Sweet harbored few fears of a violent reaction from his neighbors. The residents believed, however, that their light-skinned African American neighbor, Edward Smith, had been white. When they heard the house was sold to an African American family the residents organized the “Waterworks Improvement Association,” named for the nearby Waterworks



Housing conditions similar to those in this eastside neighborhood of Detroit in the 1930s were not uncommon due to overcrowding which often resulted from segregation.

house itself, shattering an upstairs window. The Sweets and their friends took position inside and shots rang out both from the house and from the guns of police stationed nearby. A member of the mob, Leo Breiner, was shot in the back and killed, and another

man, Erik Halberg, was injured by a bullet to the leg. Police immediately entered the house and arrested all eleven residents for murder.

The Detroit that Ossian Sweet knew in 1925 was a dynamic urban center. The city

had been transformed by the Great Migration and the growth of the industrial sector. The defense industries of World War I and the rapid development of the automobile industry dramatically increased the demand for unskilled labor. The Emergency Immigration Act of 1921, however, had closed off the primary source of unskilled labor in the North—European immigrant workers. Thus, two major waves of African-American migration hit Detroit, the first in 1916-17 when the war-induced labor shortage was at its most acute, and the second during 1924-25 when the decrease in foreign immigration led Detroit's automakers to open up more jobs to African Americans. As a result, between 1910 and 1930 there was a *twenty-fold* increase of Detroit's African-American population, outpacing the growth of any other industrial city.

The city's African-American migrants were usually forced to the eastside where absentee landlords took advantage of the overcrowded conditions by demanding high rents. In 1923, the State Supreme Court of Michigan upheld the constitutionality of restrictive covenants (agreements restricting the use or occupancy of a residence by a person of a particular race) in *Parmallee v. Morris*, a legal precedent that stood until 1948. Thus, neighborhood improvement associations and realtors had the legal right to draft contracts that excluded persons on the basis of race. As a result, African Americans who tried to move into white neighborhoods often faced not only mob violence but legal barriers.

When relatively affluent migrants, like Sweet who was a physician, sought housing outside of the eastside neighborhood, small-scale riots often ensued. In 1925, a series of these disturbances led up to the Sweet riot. In June 1925, Dr. Alex L. Turner bought a house in an all-white northwest Detroit neighborhood. When the Turner family attempted to move into their new home, a mob of five thousand jeering and stone-throwing whites greeted them. They escaped only under police protection. The leader of the Tireman Avenue Improvement Association, who had orchestrated the forced removal of the Turners, helped form the Waterworks Improvement Association,

whose members formed the bulk of the September 9 mob. A few weeks after the Turner affair, an African-American undertaker, Vollington A. Bristol, built a home in a white neighborhood and withstood several nights of violent demonstrations before being forced from his house. When it appeared that Bristol might hold out against the mob, a white woman was reported to have stood on a box and shouted, "If you call yourselves men and are afraid to move these niggers out, we women will move them out, you cowards!" (2). In addition to these and

other attempts to challenge segregation, in the two years before the Sweet case, fifty-five African Americans were killed by Detroit police with impunity.

On top of unrelenting police brutality and mob violence, there was a series of election campaigns during 1924 and 1925 in which the Ku Klux Klan openly ran a mayoral candidate, Charles S. Bowles. In 1924, Bowles nearly won the mayoral election as a write-in candidate. His opponent, John W. Smith, who was supported by the African American and immigrant commu-

nities, was declared the winner only when fifteen thousand ballots were disqualified by the city. On the Saturday prior to this election, the largest meeting of Klansmen and Klanswomen in Detroit's history congregated in a field in nearby Dearborn (3). Thus, the mid-1920s in Detroit was a time of tremendous racism, nativism and violence.

However, there was another side to the racial struggles of the 1920s. African Americans in Detroit and other urban centers were forming strong community institutions that

Archives of Labor and Urban Affairs, Wayne State University



Henry Sweet, at left, stands with his legal counsel team. The jury in the case found Sweet not guilty and the charges for the remaining ten defendants were later dropped.

provided an organizational base from which to fight battles such as the Sweet case. Detroit in this period was also a major center for Marcus Garvey's United Negro Improvement Association (UNIA) which preached African-American self-help and self-defense. The National Association for the Advancement of Colored People (NAACP), an extremely important national organization, lent its resources to fight racism at the local level. Its agreement to back the Sweet case with financial and legal support was key to a three-pronged national attack on segregation. In 1917, the NAACP had successfully argued, in *Buchanan v. Warley*, that the state could not pass legislation limiting individuals' right to own or use property because of their race. In 1925, just as the Sweet case began, the NAACP argued *Corrigan v. Buckley* in the U.S. Supreme Court in an attempt to overturn a residential covenant in Washington, D.C. Having addressed housing segregation sanctioned by the state and by private agreement, they hoped to win a third battle against segregation through mob violence by defending the eleven accused in Detroit. Thus, thirty years before *Brown v. Board of Education*, the NAACP was directly challenging both legal and extra-legal attempts to draw a color line in American towns and cities.

In addition to the NAACP leadership, African Americans in many communities outside of Detroit rallied to support the Sweet defendants. Fundraisers were held in major cities to raise the money necessary to try the case which had captured national attention. After a mass fund-raising meeting in New York City, Walter White, assistant secretary of the NAACP, telegraphed Rev. Robert L. Bradby, president of the local chapter, and explained, "It is felt here in New York that in making the fight you are making for Dr. Sweet you are fighting the battle of every one of the eleven million Negroes in the U.S." (4).

The NAACP felt that in order to win the case, the best legal representation should be sought, and although African-American lawyers from Detroit would be allowed to assist in the defense, they recommended a white

lawyer be found in order to appeal to an all-white jury. Therefore, James Weldon Johnson, secretary of the NAACP, in early October contacted celebrated lawyer Clarence Darrow who agreed to take the case for a nominal fee of five thousand dollars. Darrow's acceptance of the Sweet case made front-page news in African-American newspapers across the country. By 4 November a jury had been picked in the initial trial of all eleven defendants, and opening arguments were ready to be heard.

Judge Frank Murphy, who later became Mayor of Detroit, Governor of Michigan and a Supreme Court Justice, presided over the trial. Hundreds packed the court-

Clarence Darrow transformed the courtroom into a classroom and the jury into students of African-American history.

room each day, and after Darrow complained that African Americans were not being allowed seating, Murphy set aside half of the spectators' section for them. The prosecutor, Robert M. Toms, relied on a conspiracy theory to present his case because he could not prove who had shot the bullet that had killed Breiner, or even if the shot had come from the house. Much of the prosecution's presentation consisted of seventy-five witnesses who testified that they saw no crowds near the Sweet's house on the night of September 9. Apparently the irony of having seventy-five witnesses testify to the absence of a crowd was lost on the prosecution. Darrow's skillful cross-examinations of these witnesses delighted court spectators and reporters. At one point he caught a young boy in a direct lie as his assistant Arthur Garfield Hays remembered: "There was a great crowd—no, I won't say a great crowd, a large crowd—well, there

were a few people there and the officers were keeping them moving.' Darrow was on his feet. 'Have you talked to any one about the case?' 'Lieutenant Johnson' (the police detective). 'And when you started to answer the question you forgot to say a few people, didn't you?' 'Yes, sir'" (5).

After discrediting the prosecution's witnesses, Darrow based his defense on sociological evidence describing race relations in America. John C. Dancy, the influential director of the Detroit Urban League, testified about housing conditions in Detroit, and Walter White testified about the history of lynching and racial violence that had pervaded American society since emancipation. However, the most effective witness was Ossian Sweet himself. During his testimony Sweet discussed his childhood in a small town in Florida where the fear of lynching was ever-present. He went on to explain how he witnessed race riots in Washington, D.C. while studying medicine at Howard University and how he had reacted to the series of racial incidents in Detroit that preceded the events that had landed him in jail. Using this strategy, Darrow showed both the defendant's state of mind during the night of the shooting and transformed the courtroom into a classroom and the jury into students of African American history.

"There are persons in the North and South who say a black man is inferior to the white and should be controlled by the whites." Darrow said in his eloquent closing argument which moved many spectators to tears, "There are also those who recognize his rights and say he should enjoy them. To me this case is a cross-section of human history; it involves the future, and the hope of some of us that the future shall be better than the past" (6). The jury deliberated for forty-six hours, arguing so loudly that at times those waiting in the halls could hear them. Finally they announced they were unable to reach a verdict. Expectations had been raised in the African-American community that an acquittal was imminent because of Darrow's skillful defense; therefore, a hung jury was a severe

disappointment. However, White concluded that "the case has largely changed public sentiment in Detroit," as evidenced by white newspapers' sympathetic portrayal of the defendants by the close of the trial (7).

The defendants were released on bail after the verdict, but on 20 April 1926, a second trial began. The state had decided to try the defendants separately and began with the prosecution of Henry Sweet, Ossian's younger brother, and the only defendant who admitted firing his gun. This trial proceeded in a similar fashion as the first, with Darrow skillfully uncovering the lies of the prosecution witnesses and providing the sociological background to support his argument of self-defense. Darrow was again passionate in his closing argument:

"Eleven people, knowing what it meant, with the history of the race behind them, with the picture of Detroit in front of them, with the memory of Turner and Bristol . . . with the knowledge of shootings and killings and insult and injury without end, and eleven of them go into a house, gentlemen, and no police protection, in the face of a mob, and in the hatred of a community, and take in guns and ammunition and fight for their rights and for your rights and for mine, and for the rights of every being that lived" (8).

After deliberating four hours on 19 May 1926, the jury found Henry Sweet not guilty, and the charges were eventually dropped for the remaining ten defendants. African Americans across the country had finally gotten the victory they had been seeking.

Race relations in Detroit did improve somewhat after the Sweet trial, but it proved to be a short-lived peace. In 1942, Detroit's Seven-Mile Fenelon Improvement Association attempted to ban African Americans from the desperately needed Sojourner Truth housing project, and one year later, the worst race riot the nation had yet witnessed took place on Detroit's streets. Legal efforts to fight segregation also had a mixed legacy. Although the NAACP's attempt to eradicate residential covenants in 1925 was defeated with the dismissal of the *Corrigan v. Buckley* case by the Supreme Court, in

1948 the Court's ruling in *Shelley v. Kraemer* finally declared implementation of restrictive covenants in private housing unconstitutional. Ironically, Justice Frank Murphy, who twenty-two years earlier had presided over the Sweet case, cast a key vote in this decision.

The Sweet case marked an early victory against housing segregation both by the lawyers and leaders of the Civil Rights movement and by individual African Americans willing to face a white mob with strength and pride. Paradoxically then, the Sweet case foreshadowed both the non-violent Civil Rights movement and the ideology of self-defense of Malcolm X and the Black Panthers. □

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Endnotes

1. Quoted in August Meier and John Bracey, eds., *Papers of the N.A.A.C.P.*, microfilm (Frederick, MD: University Publications of America, 1986). Speech by Arthur Garfield Hays at the annual meeting of the N.A.A.C.P., 3 January 1926, pp. 5-6, reel 3.
2. Marcet Haldeman-Julius, *Clarence Darrow's Two Great Trials: Reports of the Scopes Anti-Evolution Case and the Dr. Sweet Negro Trial* (Girard, KS: Haldeman-Julius, 1927), 39.
3. Kenneth T. Jackson, *The Ku Klux Klan in the City, 1915-1930* (New York: Oxford University Press, 1967), 136.
4. *Papers of the N.A.A.C.P.*, telegram from Walter White to Rev. Bradby, 21 September 1925, reel 2.
5. Arthur Garfield Hays, *Let Freedom Ring* (New York: Horace Liveright, 1928), 209.
6. Quoted in Kenneth G. Weinberg, *A Man's Home, A Man's Castle* (New York: McCall Publishing, 1971), 119.
7. Quoted in *Papers of the N.A.A.C.P.*, Press Release, 28 November 1923: "Sweet Jury Disagrees, New Trial in January," reel 3.
8. *Papers of the N.A.A.C.P.*, Transcript of Darrow's closing argument, p. 31, 11 May 1926, reel 3.

Victoria W. Wolcott is writing a dissertation on labor, race, and gender in Detroit during the interwar period. A doctoral student at the University of Michigan, she has presented her work at several professional conferences.