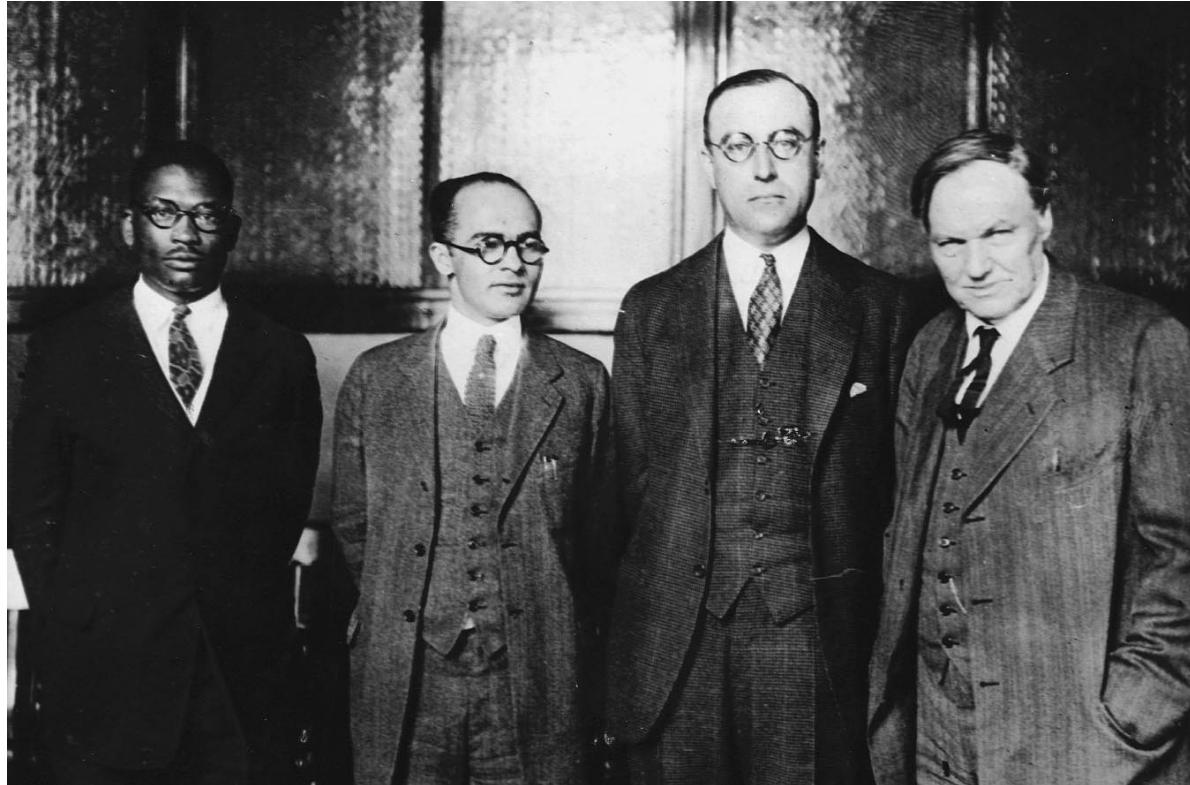


Lesson 3

The Trial of Dr. Ossian Sweet

In 1910 there were approximately 6,000 African-Americans living in Detroit out of a population of 250,000. Most of them lived in an area immediately east of Woodward Avenue and the downtown district of the city. These areas were known as Paradise Valley and Black Bottom. The rapid growth of the automobile industry, the demand for labor during World War I and a severe farm depression in the years following the War attracted many more African-Americans to Detroit. By 1925, there were approximately 80,000 African-Americans in the city. The total population of Detroit had grown to over one million.

The rapid growth had created a severe housing shortage throughout the city. For African-Americans, the problem was particularly severe. Strict segregation practices in the real estate industry and the open hostility of white neighborhoods confined most of the newly arrived African-Americans



Henry Sweet and attorneys Julian Perry, Tom Chawkes and Clarence Darrow at the time of the second Sweet trial.

Courtesy of Walter P. Reuther Library, Archives of Labor and Urban Affairs, Wayne State University.

to the districts traditionally occupied by a much smaller African-American population.

Dr. Ossian Sweet, an African-American doctor, came to Detroit in the early 1920s. After studying in Europe, he returned to Detroit. Married and with a new baby, Dr. and Mrs. Sweet wanted a decent home in

which to raise a family. They purchased a house in a largely working class neighborhood at the corner of Charlevoix and Garland Avenues. This was several miles east of Paradise Valley.

The family moved in on September 8, 1925. They came with nine friends and relatives. On the evenings of September 8th and 9th, white crowds gathered with the clear intent of intimidating the Sweets. Rocks were thrown at the house and a window was broken. The people inside the Sweet house in self-defense fired their guns, wounding one man and killing Leon Breiner.

The eleven people in the house were arrested and tried for murder and conspiracy to commit murder.

The case hinged on the fundamental arguments of the prosecutor, Robert Toms, and the defense, led by Clarence Darrow.

Robert Toms argued that in the final analysis, a group of people inside the house fired shots into a group of people outside the house that posed no threat to the Sweet family. Leon Breiner was killed in that fusillade. He was standing on a porch across the street and with his back to the Sweet house. Obviously, Toms argued, Breiner posed no threat.

Darrow insisted that the crowd was a mob with clearly malicious intents. The history of racial relations and tensions gave the Sweets every reason to believe that their property and lives were endangered and they were justified in acting accordingly.



Ossian Sweet home

*Courtesy of Walter P. Reuther Library,
Archives of Labor and Urban Affairs,
Wayne State University.*

The Trial of Dr. Ossian Sweet

Section D Lesson Three

Themes and Benchmarks:

Historical Perspectives

SOC.I.2.HS.1
SOC.I.2.HS.3
SOC.I.3.HS.2
SOC.I.4.HS.2

Geographic Perspective

SOC.II.3.HS.2

Civic Perspective

SOC.III.2.HS.2
SOC.III.3.HS.1
SOC.III.3.HS.2

Inquiry

SOC.V.1.HS.2

Public Discourse & Decision Making

SOC.VI.1.HS.1

Citizen Involvement

SOC.VII.1.HS.1

Materials

- Reading: The Trial of Dr. Ossian Sweet
- Readings: Trial Fact Sheet and “The People vs. Augustus Pond”
- Reading: Testimony of Ossian Sweet
- Reading: Excerpts from the closing arguments of the Prosecution, Robert M. Toms, and the Defense, Clarence Darrow.
- Reading: Epilogue
- Glossary

Objectives:

The Students will:

- Analyze source material.
- Develop an understanding of segregation practices in the 1920s.
- Formulate and defend a position on a historical question.

Preview of Main Ideas:

Through this lesson and activity, students will begin to have an understanding and knowledge of Detroit’s important and relevant civil rights history. Students will role-play and take a stand on certain issues. As part of taking a side, they will also have to provide reasons for their decision. In doing so, students will take part in an active learning experience and Core Democratic Values.

Teaching Activity:

A. Opening the Activity:

1. Distribute and read: “The Trial of Dr. Ossian Sweet.” This can be done individually or as a class. Also, distribute the glossary to help students comprehend the legal terms in the reading.
2. Discuss the information in this article.

B. Developing the Activity:

1. Divide students into small groups. Distribute one package of data elements to each group. Tell them they are one of the jurors in the murder trial of Ossian Sweet. They are to review the facts available to them.
2. As a class, review the chronology of the case.
3. Ask each student to write down on a sheet of paper two reasons why they would vote to acquit and two reasons why they would vote to convict Ossian Sweet.
4. In separate columns on the board, write the reasons for conviction and for acquittal.

C. Concluding the Activity:

1. On a sheet of paper, have students vote on whether to convict or acquit Ossian Sweet and write the most important reason for the decision.
2. Determine the result by a show of hands. In a brief discussion, get a sense as to the chief reasons those who voted to acquit did so, as well as, those who supported conviction.
3. Read the Epilogue to the class.

D. Extending the Activity:

Although Dr. Sweet’s courageous stand was important in the history of civil rights, the housing question remained a particularly difficult issue in metropolitan Detroit. It was at the heart of the 1943 riots in Detroit and much of post-war regional politics. This subject affords significant opportunity for student investigation.

Assessing the Learning:

1. Using the ballot sheet collected at the end of class, evaluate the quality of the reason for their decision.
2. Have the student write an essay: “Ossian Sweet should be (acquitted or convicted) of murder because....”

References and Resources:

Turrini, Joseph. “Sweet Justice.” *Michigan History*, July/August 1999, pp.22-27. An interesting and informative article Dr. Ossian Sweet in a special and expanded issue of *Michigan History*.

Glossary

- Acquittal** process of being judged not guilty and set free after a court trial.
- Assailant** a person who attacks physically and violently.
- Civil rights** rights and freedoms guaranteed by the Constitution to all citizens.
- Common law** rules or principals derived from judicial decisions that are based on accepted customs and traditions.
- Conspiracy** acting together with others secretly for an unlawful or harmful purpose.
- Convict** a person that is found guilty of a crime and sentenced by a court.
- Felon** a person guilty of a major crime.
- Fusillade** a simultaneous or rapid and continuous discharge of guns and other firearms.
- Defendant** accused party: individual group in a court case who is accused of wrong doing
- Premeditation** the act of planning and scheming beforehand
- Epilogue** a short speech or comments made to the audience after a play or trial.
- Hung jury** a jury which cannot reach a verdict.
- Juror** a member of a jury.
- Jury** a group of selected individuals who are sworn to hear the evidence and inquire into facts of a law case, and to give a decision in accordance with their findings.
- Malicious intent** the willful destruction of another person's property and/or willful harm to another person's body.
- Plaintiff** individual or group filing a complaint in a suit.
- Precedents** previous court decisions used as a basis for later decisions in similar cases.
- Prosecutor** person who begins criminal proceedings; representative of the government in court who presents the government's evidence.
- Verdict** decision of a court jury.
- Indictment** formal written accusation by a grand jury charging an individual or group with a crime.



D3

Dr. Ossian Sweet, 1925

Courtesy of Walter P. Reuther Library

The Trial of Ossian Sweet FACT SHEET

Both sides generally agreed on the main facts of the case. They are listed below with the points of disagreement.

1. The Sweets moved into the house prepared to defend themselves. Nine male friends and relatives were in the house with Dr. and Mrs. Sweet. The prosecution argued this indicated premeditation. The defense said it was simply good sense.
2. Upon hearing of the Sweet's purchase of the home, a neighborhood association, The Waterworks Improvement Association, was formed. The defense argued that the reason for the Association was obvious—to drive out the Sweets. The prosecution felt the Association was of little consequence. Only a few witnesses admitted its existence. Only one indicated that its reason was to keep African-Americans out of the neighborhood.
3. A crowd of people gathered in the area on September 8th and 9th. The size was disputed. The prosecution called many witnesses that testified the crowd was between thirty and fifty people. The defense witnesses argued the crowd was much larger.
A reporter for the Detroit News who was on the scene at the time of the shooting put the crowd at approximately 400-500. One African-American who happened to be driving through the area that night with two relatives estimated the number to be between 1,000 and 1,500. He also testified that the crowd threatened them as they drove by.
4. The crowd threw rocks at the house before the shooting. Two windows were broken. How many rocks were thrown was disputed. The defense contended there was a large number. The prosecution, while admitting to some, brought forward many witnesses who denied seeing any rocks being thrown.
5. Aside from the rock throwing, The Sweet house was not attacked and the crowd, whatever the size, does not appear to have been on the Sweet property.
6. Police were present and the Sweets knew the police were to be on duty to protect them. The prosecution contended this was sufficient to protect the Sweets. However, others stated that the police took no actions to protect the property of the Sweets.
7. The shots that killed Leon Breiner came from inside the Sweet house.

The Trial of Dr. Ossian Sweet THE PEOPLE VS. AUGUSTUS POND

The legal basis upon which the Ossian Sweet case was tried was the 1860 ruling of the Michigan Supreme Court in the case of The People vs. Augustus Pond.

"A man assaulted in his dwelling is not obliged to retreat, but use such means as are absolutely necessary to repel the assailant from his house, or prevent his forcible entry, even to the taking of his life. And, if the assault or breaking is felonious, the homicide becomes, and, at common law, justifiable, and not merely excusable.

"The law does not require the necessity for taking human life to be one arising out of actual and imminent danger in order to excuse the slayer, but he may act upon a belief, arising from appearances which give him reasonable cause that the danger is actual and imminent, although he may turn out to be mistaken. The guilt of the accused must depend upon the circumstances as they appear to him and he will not be held responsible for knowledge of the facts, unless his ignorance arises from fault or negligence."

Testimony of Ossian Sweet

From *The Detroit Free Press*, November 19, 1925

A well-educated and an acute student of the racial problem, Dr. Sweet, under the adroit prompting of attorney Hays, gave a graphic account of disturbances ranging geographically from Washington, D.C., to Chicago, and going back to the days when he was attending school. He recited the facts of the Chicago race riots, holding the jury and spectators silent and immovable by his vivid picturing of morbid details, and fears that gripped him as result of what he read.

Speaking clearly and without hesitation for word or phrase, he told of seeing a Negro carried through the streets in Washington in an automobile and badly beaten by a group of whites. He told of reading in a magazine how a number of Negroes were evicted from their homes, near where he was born, of how others were riddled with bullets — of how his people had long suffered without chance of redress, as result of racial intolerance...

D3

"We were playing cards; it was about 8:00 when something hit the roof of the house."

"What happened after that?"

"Somebody went to the window, and I heard them remark, 'The people; the people!'"

"And then?"

"I ran out to the kitchen where my wife was; there were several lights burning. I turned them out and opened the door. I heard someone yell: 'Go and raise hell in front; I'm going back.' I was frightened and after getting a gun ran upstairs. Stones kept hitting the house intermittently. I threw myself on the bed and lay there a short while — perhaps 15 or 20 minutes — when a stone came through the window. Part of the glass hit me."

"What happened next?"

"Pandemonium — I guess that's the best way of describing it — broke loose. There was a general uproar. Somebody yelled, 'That's your brother.' A car had pulled up to the curb. My brother and Mr. Davis (one of the defendants) got out. As they rushed in, the mob surged forward 15 or 20 feet. It looked like a human sea. Stones kept coming faster. I was downstairs. Another window was smashed. Then one shot — then eight or ten came from upstairs. Then it was all over..."

"State your state of mind at that time of the shooting," he was instructed.

"When I opened the door and saw the mob I realized that I was facing the same mob that had bounded my people throughout its entire history."

Courtesy of The Detroit Free Press

The Trial of Dr. Ossian Sweet

EXCERPTS FROM THE CLOSING ARGUEMENTS OF ROBERT M. TOMS, PROSECUTING ATTORNEY

From *The Detroit Free Press*, November 26, 1925

D3

"But there is one civil right, more precious than all the others, which no man surrenders, except at the command of his God, or his country, and that is the right to live.... And right here, let's ask ourselves what has Leon Breiner done to have been deprived of that right?....

"Let us not be misled as to the real issue in this case. We are not trying a group of hoodlums in Washington in 1916, or a mob in Tulsa in 1918, nor in Chicago, or E. St. Louis or Orlando. We are not in the least concerned with the fact that Dr. Sweet heard medical lectures in German in Vienna, in French in Paris and in English in Washington. It is not so important to us that Dr. Sweet was once an excellent waiter or that he could apparently cure lockjaw...

"This is all smoke screen, gentlemen, thrown out to hide the real question to be decided. And that is, who is responsible for the killing of Leon Breiner? Back of all your sophistry and transparent political philosophy, gentlemen of the defense, back of all your prating of civil rights, back of all your psychology of race hatred, lies the stark dead body of Leon Breiner with a bullet hole in his back.

*Bury it if you will, or if you can, beneath an avalanche of copies of *The Crisis* or *The Defender* or *The Independent*, or reports of committees and commissions in other cities, still out from under the avalanche peers the mute face of Leon Breiner, his lips silent forever.*

"All your specious arguments, Mr. Darrow, all your artful ingenuity born of many years experience – all your social theories, Mr. Hayes, all your cleverly conceived psychology can never dethrone justice in this case. Leon Breiner, peaceably chatting with his neighbor at his doorstep, enjoying his God-given and inalienable right to live, is shot through the back from ambush. And you can make anything out of those facts, gentlemen of the defense, but cold blooded murder."



Clarence Darrow, 1925

Courtesy of Walter P. Reuther Library

Were they looking for somebody to murder? Dr. Sweet scraped together his small earnings and by his industry put himself through college, he scraped together his small earnings of \$3000 to buy that home because he wanted to kill somebody?

It is silly to talk about. He bought that home just as you buy yours, because he wants a home to live in, to take his wife in to raise his family. There's no difference between the love of a black man for his offspring and the love of a white. He and his wife have the same feeling of fatherly and motherly affection for their child that you gentlemen have for yours, and that your father and mother had for you. They bought that home for that purpose; not to kill somebody...

They went there to live. They knew the dangers. Why do you suppose they took these guns and this ammunition and these men there? Because they wanted to kill somebody? It is utterly absurd and crazy. They took them there because they thought it might be necessary to defend their home with their lives and they were determined to do it. They took guns there that in case of need they might fight, fight even to death for their home, for each other, for their people, for their race, for their rights under the Constitution and the laws under which all of us live; and unless men and women will do that, we will soon be a race of slaves, whether we're black or white.

The Trial of Dr. Ossian Sweet

EXCERPTS FROM THE CLOSING ARGUMENTS OF CLARENCE DARROW

From *Attorney for the Damned*, ed. Arthur Weinberg

My friend Mr. Moll says, gentlemen, that this isn't a race question. This is a murder case. We don't want any prejudice; we don't want the other side to have any. Race and color have nothing to do with his case. This is a case of murder.

I insist that there's nothing but prejudice in this case; that if it was reversed and 11 white man had shot and killed a black while protecting their home and their lives against a mob of blacks, nobody would have dreamed of having them indicted. I know what I'm talking about, and so do you.

Now, what was this combination, gentlemen? Your own sense will tell you what it was.

Did they combine to go there and kill somebody?

Courtesy of University of Chicago Press, 1989

The Trial of Dr. Ossian Sweet

EPILOGUE

The initial trial of Dr. Sweet and the other occupants ended on November 27, 1925. It resulted in a hung jury. The prosecution sought a new trial. In response, the defense then chose to have separate trials for each defendant. Because he had admitted to firing shots, Henry Sweet, Dr. Sweet's younger brother, was tried first.

His trial, which began in May 1926, was virtually a repeat of the first trial. Observers tell us that the only real difference was that Clarence Darrow's closing argument was even more moving than in the first trial.

Once again, the jury was composed of twelve white men. This time, however, they returned a verdict of not guilty.

The prosecution could have tried each of the remaining defendants separately. However, after several months, they dropped the cases. Mrs. Breiner filed a civil suit, but this, too was eventually dropped.

In the meantime, however, the Sweet's daughter, now two, died of tuberculosis. Mrs. Sweet died two years later, also of tuberculosis.

Dr. Sweet made several attempts to run for political office but was defeated. He resumed his medical practice and eventually opened a pharmacy. Sweet married and divorced three times. By the mid-1950s, his medical practice had declined and he moved from the Garland Street home into an apartment above his pharmacy. There, in 1960 Dr. Sweet shot himself.