

**Excerpt from Closing Arguments by Clarence Darrow for the Defendants
PEOPLE V. HENRY SWEET, Detroit, MI, May 11, 1926**

Now, let me ask you whether you are not prejudiced. I want to put this square to you, gentlemen. I haven't any doubt but that everyone of you are prejudiced against colored people. I want you to guard against it. I want you to do all you can to be fair in this case, and I believe you will. A number of you people have answered the question that you are acquainted with colored people. One juror I have in mind, who is sitting here, said there were two or three families living on the street in the block where he lives, and he had lived there for a year or more, but he didn't know their names and had never met them. Some of the rest of you said that you had employed colored people to work for you, are even employing them now. All right.

You have seen some of the colored people in this case. They have been so far above the white people that live at the corner of Garland and Charlevoix that they can't be compared, intellectually, morally and physically, and you know it. How many of you jurors, gentlemen, have ever had a colored person visit you in your home? How many of you have ever visited in their homes? How many of you have invited them to dinner at your house? Probably not one of you. Now, why, gentlemen?

There isn't one of you men but what know just from the witnesses you have seen in this case that there are colored people who are intellectually the equal of all of you. Am I right? Colored people living right here in the City of Detroit are intellectually the equals and some of them superior to most of us. Is that true? Some of them are people of more character and learning than most of us. I have a picture in my mind of the first witness we put on the stand – Mrs. Spalding. Modest, intelligent, beautiful; the beauty in her face doesn't come from powder or paint, or any artificial means, but has to come from within; kindly, human feeling. You couldn't forget her. I couldn't forget her. You seldom have seen anybody of her beauty and her appearance. She has some colored blood in her veins. Compare her with the teacher who for ten years has taught high school on what she called the corner of Garland and "Gote" Street. Compare the two.

Now, why don't you individually, and why don't I, and why doesn't every white person whose chances have been greater and whose wealth is larger, associate with them? There is only one reason, and that is prejudice. Can you give any other reason for it? They would be intellectual companions. They have good manners. They are clean. They are all of them clean enough to wait on us, but not clean enough to associate with. Is there any reason in the world why we don't associate with them excepting prejudice? Still none of us want to be prejudiced. I think not one man of this jury wants to be prejudiced. It is forced into us almost from our youth until somehow or other we feel we are superior to these people who have black faces.

But who was Breiner, anyway? I will tell you who he was. I am going to measure my words when I state it, and I am going to make good before I am through in what I say. Who was he? He was a conspirator in as foul a conspiracy as was ever hatched in a community; in a conspiracy to drive from their homes a little family of black people and not only that, but to destroy these blacks and their home. Now, let me see whether I am right. What do we know of Breiner? He lived two blocks from the Sweet home. On the 14th day of July, seven hundred people met at the schoolhouse and the schoolhouse was too small, and they went out into the yard. This schoolhouse was across the street from the Sweet house.

Every man, in that community knew all about it. Every man in that community understood it. And in that schoolhouse a man rose and told what they had done in his community; that by main force they had driven Negro families from their homes, and that when a Negro moved to Garland Street, their people would be present to help. That is why Mr. Breiner came early to the circus on the 9th. He went past that house, back and forth, two or three times that night. Any question about that? Two or, three times that night he wandered past that house.

What was he doing? “Smoking his pipe.” What were the rest of them doing? They were a part of a mob and they had no rights, and the Court will tell you so, I think. And, if he does, gentlemen, it is your duty to accept it.

Was Breiner innocent? If he was every other man there was innocent. He left his home. He had gone two or three times down to the corner and back. He had come to Dove’s steps where a crowd had collected and peacefully pulled out his pipe and begun to smoke until the curtain should be raised. You know it. Why was he there? He was there just the same as the Roman populace were wont to gather at the Colosseum where they brought out the slaves and the gladiators and waited for the lions to be unloosed. That is why he was there. He was there waiting to see these black men driven from their homes, and you know it; peacefully smoking his pipe, and as innocent a man as ever scuttled a ship. No innocent people were there. What else did Breiner do? He sat there while boys came and stood in front of him not five feet away, and stoned these black people’s homes, didn’t he? Did he raise his hand? Did he try to protect any of them? No, no. He was not there for that. He was there waiting for the circus to begin.

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

Now, you know that the mob met there for that purpose. They violated the constitution and the law, they violated every human feeling, and threw justice and mercy and humanity to the winds, and they made a murderous attack upon their neighbor because his face was black. Which is the worse, to do that or lie about it? In describing this mob, I heard the word “few” from the State’s witnesses so many times that I could hear it in my sleep, and I presume that when I am dying I will hear that “few”, “few”, “few” stuff that I heard in Detroit from people who lied and lied and lied. What was this “few?” And who were they, or how did they come there? I can’t tell you about everyone of these witnesses, but I can tell you about some of them. Too many. I can’t even carry all of their names in my mind and I don’t want to. There are other things more interesting; bugs, for instance. Anything is more interesting to carry in your mind, than the names of that bunch, and yet I am going to say something for them, too, because I know something about human nature and life; and I want to be fair, and if I did not want to, I think perhaps it would pay me to be.

Are the people who live around the corner of Charlevoix and Garland worse than other people? There isn’t one of you who doesn’t know that they lied. There isn’t one of you who does not know that they tried to drive those people out and now are trying to send them to the penitentiary so that they can’t move back; all in violation of the law, and are trying to get you to do the job. Are they worse than other people? I don’t know as they are. How much do you know about prejudice? Race prejudice. Religious prejudice. These feelings that have divided men and caused them to do the most terrible things. Prejudices have burned men at the stake, broken them on the rack, torn every joint apart, destroyed people by the million. Men have done this on account of some terrible prejudice which even now is reaching out to undermine this republic of ours and to destroy the freedom that has been the most cherished part of our institutions.

These witnesses honestly believe that they are better than blacks. I do not. They honestly believe that it is their duty to keep colored people out. They honestly believe that the blacks are an inferior race and yet they look at themselves, I don’t know how they can.

Gentlemen, lawyers are very intemperate in their statements. My friend, Moll, said that my client here was a coward. A coward, gentlemen. Here, he says, were a gang of gunmen, and cowards – shot Breiner through the back. Nobody saw Breiner, of course. If he had his face turned toward the house, while he was smoking there, waiting for the shooting to begin, it wasn't our fault. It wouldn't make any difference which way he turned. I suppose the bullet would have killed him just the same, if he had been in the way of it. If he had been at home, it would not have happened.

Who are the cowards in this case? Cowards, gentlemen! Eleven people with black skins, eleven people, gentlemen, whose ancestors did not come to America because they wanted to, but were brought here in slave ships, to toil for nothing, for the whites – whose lives have been taken in nearly every state in the Union – they have been victims of riots all over this land of the free. They have had to take what is left after everybody else has grabbed what he wanted. The only place where he has been put in front is on the battlefield. When we are fighting we give him a chance to die, and the best chance. But, everywhere else, he has been food for the flames, and the ropes, and the knives, and the guns and hate of the white, regardless of law and liberty, and the common sentiments of justice that should move men. Were they cowards? No, gentlemen, they may have been gunmen. They may have tried to murder, but they were not cowards.

The cowardly curs were in the mob gathered there with the backing of the law. A lot of children went in front and threw the stones. They stayed for two days and two nights in front of this home and by their threats and assault were trying to drive the Negroes out. Those were the cowardly curs, and you know it. I suppose there isn't any ten of them that would come out in the open daylight against those ten. Oh, no, gentlemen, their blood is too pure for that. They can only act like a band of coyotes baying some victim who has no chance.

Now, let us return to the house. Why were the policemen there that night? You know why they were there. Were they there to protect these Holy people from the Negroes? Oh, no. Were they there to protect the people who hate 'Eye-talians' from the Negroes? No. Were they there to protect the residents of Goethe Street? No, no, not that. Was an army to be let loose on Charlevoix and Garland? No. They were there, gentlemen, to protect the rights of a colored family who occupied the premises that they had bought. Protect them against what? Against people who would drive them out in violation of law. Is there any doubt about that?

No, perhaps some of you gentlemen do not believe in colored men moving into white neighborhoods. Let me talk about that a minute, gentlemen. I don't want to leave any question untouched that might be important in this case, and I fancy that some of you do not believe as I believe on this question.

Let us be honest about it. There are people who buy themselves a little home and think the value of it would go down if colored people come. Perhaps it would. I don't know. I am not going to testify in this case. It may go down and it may go up. It will probably go down for some purposes and go up for others. I don't know. Suppose it does? What of it? I am sorry for anybody whose home depreciates in value. Still, you cannot keep up a government for the purpose of making people's homes valuable. Noise will depreciate the value of a house, and sometimes a street car line will do it. A public school will do it. People do not like a lot of children around their house. That is one reason why they send them to school. You cannot get as much for your property. Livery stables used to do it; garages do it now. Any kind of noise will do it. No man can buy a house and be sure that somebody will not depreciate its value. Something may enhance its value, of course. We are always willing to take the profit, but not willing to take the loss. Those are incidents of civilization. We get that because we refuse to live with our fellow man, that is all.

Look at the Negro's side of it. You remember Dancy. Did you ever see a brighter man than he? Compare him with Miller. Compare him with Miss S-t-o-w-e -l-l. Compare him with Andrews. Compare him with anybody on their side of this case. There isn't any comparison. Dancy is colored. He is the head of the Urban League, branch of the association of charities. His business is to look after the poor black, the ones who need it.

He told you how hard it was for colored people to find homes. Do I need to say anything about it? You, gentlemen, are here and you want to do right. Are any of you going to invite colored people to live next door to you? No. Would it hurt you? Not at all. Prejudice is so deep that it might affect the value of your property for sale purposes. Let me ask you, would not any of you like to meet Dancy? Who would you rather meet for companionship and association and fellowship, Dancy or some of the gophers up around "Goffee" Street as some call it? I know who you would rather meet.

Who would you rather meet, their white witnesses or Spalding? Now, I would put Spalding down as a real gentleman. He has some colored blood in him, but what of it? He was a student at Ann Arbor University. He has a good mind, hasn't he? Wouldn't any of you be willing to invite him into your home? I think you would. What is he doing? He is a mail carrier, because he is a black gentleman, otherwise he would have as important a position as the white man would have, with his attainments and his courtesy and his manner. He is black, partly black.

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

Gentlemen, nature works in a queer way. I don't know how this question of color will ever be solved, or whether it will be solved. Nature has a way of doing things. There is one thing about nature, she has plenty of time. She would make broad prairies so that we can raise wheat and corn to feed men. How does she do it? She sends a glacier plowing across a continent, and takes fifty-thousand years to harrow it and make it fit to till and support human life. She makes a man. She tries endless experiments before the man is done.

She wants to make a race and it takes an infinite mixture to make it. She wants to give us some conception of human rights, and some kindness and charity and she makes pain and suffering and sorrow and death. It all counts. That is a rough way, but it is the only way. It all counts in the great, long broad scheme of things. I look on a trial like this with a feeling of disgust and shame. I can't help it now. It will be after we have learned in the terrible and expensive school of human experience that we will be willing to find each other and understand each other.

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

Gentlemen, supposing you return a verdict of not guilty in this case, which you will; I would be ashamed to think you would not; what would happen if this man and his wife and his child, moved into that house? They

have the same right to go to that house that you have to your home, after your services are done. What will happen? Don't you know? What did Schuknecht say? Eight or ten policemen were standing around that house for two days and two nights. A menacing crowd was around them, wasn't there? The police were protecting them. Did one policeman ever go to one person in that crowd and say: "What are you here for?"

There was a mob assembled there. The Court will tell you what a mob is. I don't need to tell you. He will tell you that three or more people gathered together with a hostile intent is a mob; there were five hundred; they were plotting against the persons of these people and their lives, perhaps, as well. Did any policeman try to disperse it? Did they raise their hands or their voices, or do one single thing? Did they step up to any man and say: "Why are you here?" Never. They stood around there or sat around there like bumps on a log, while the mob was violating the Constitution and the laws of the State, and offending every instinct of justice and mercy and humanity.

Schuknecht was standing there; five or six others were standing there, weren't they, gentlemen? Let us see how closely they were guarding the house. They did nothing. They heard no stones thrown against that house; not one of them; and yet they were not twenty feet away. The State brought here some twenty stones gathered next morning from the house and yard, and nobody knows how many more there were. Gentlemen, a roof slopes at an incline of forty-five degrees, or about that. You can get the exact figures if you want them. Imagine someone throwing stones against the roof. How many of them would stay there, or how many of them would stay in the immediate yard, and how many of them would be left there after the mob had finished and sought to protect itself, and the police and crowd had gathered them up, the police force which was responsible for this tragedy? None of them heard a stone, and yet they were there to protect that home. None of them heard the broken glass, but they were there to protect that home. None of them saw two men come in a taxi, except one who hesitated and finally admitted that it seemed as if he did; but none of the rest. Gentlemen, you could have looted that house and moved it away and the police would never have known it. That is the way these people were protected.

Oh, they say, there is nothing to justify this shooting; it was an orderly, neighborly crowd; an orderly, neighborly crowd. They came there for a purpose and intended to carry it out. How long, pray, would these men wait penned up in that house? How long would you wait? The very presence of the crowd was a mob, as I believe the Court will tell you.

Suppose a crowd gathers around your house; a crowd which doesn't want you there; a hostile crowd, for a part of two days and two nights, until the police force of the city is called in to protect you. How long, tell me, are you going to live in that condition with a mob surrounding your house and the police-force standing in front of it? How long should these men have waited? I can imagine why they waited as long as they did. You wouldn't have waited. Counsel say they had just as good reason to shoot on the 8th as on the 9th. Concede it. They did not shoot. They waited and hoped and prayed that in some way this crowd would pass them by and grant them the right to live.

The mob came back the next night and the colored people waited while they were gathering; they waited while they were coming from every street and every corner, and while the officers were supine and helpless and doing nothing. And they waited until dozens of stones were thrown against the house on the roof, probably – don't know how many. Nobody knows how many. They waited until the windows were broken before they shot. Why did they wait so long? I think I know. How much chance had these people for their life after they shot; surrounded by a crowd, as they were? They would never take a chance unless they thought it was necessary to take the chance. Eleven black people penned up in the face of a mob. What chance did they have?

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

Yes, all have the same. They are all of them engaged in the work of uplifting humanity, and humanity still wants to stay down. All engaged in the same work, according to their by-laws, gentlemen. So, the "Water Works Park Improvement Club" had by-laws. They were going to aid the police. They didn't get a chance to try to aid them until that night. They were going to regulate automobile traffic. They didn't get any chance to regulate automobile traffic until that night. They were going to protect the homes and make them safe for children.

The purpose was clear, and every single member reluctantly said that they joined it to keep colored people out of the district. They might have said it first as well as last. People, even in a wealthy and aristocratic neighborhood like Garland and Charlevoix, don't give up a dollar without expecting some profit; not a whole dollar. Sometimes two in one family, the husband and wife, joined.

They got in quick. The woods were on fire. Something had to be done, as quick as they heard that Dr. Sweet was coming; Dr. Sweet, who had been a bellhop on a boat, and a bellhop in hotels, and fired furnaces and sold popcorn and has worked his way with his great handicap through school and through college, and graduated as a doctor, and gone to Europe and taken another degree; Dr. Sweet, who knew more than any man in the neighborhood ever would know or ever want to know. He deserved more for all he had done. When they heard he was coming, then it was time to act, and act together, for the sake of their homes, their families and their fire-sides, and so they got together. They didn't wait. A meeting was called in the neighborhood; we haven't a record of that, but we have a record of another one.

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

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

(Re-paragraphed and corrected by Prof. Bruce W. Frier, Law School, The University of Michigan. For the original, see book, Attorney for the Damned (1957), ed. by Arthur Weinberg, which contains a transcript from the court transcript preserved by the NAACP).