

“MY BACK WAS UP AGAINST THE WALL”

NETTIE GEORGE SPEEDY

*“Not Guilty,” Dr. Sweet Tells Jury*

*The Chicago Defender*, November 28, 1925

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## DR. SWEET GOES ON STAND

DETROIT, MICH., Nov. 27.—The merciless, pitiless and grueling cross-examination to which Dr. Ossian H. Sweet was subjected for two days by Prosecutor Robert Toms failed to shake his story which he had told on direct examination conducted by Arthur Garfield Hayes.

Dr. Sweet, his wife, Mrs. Gladys Sweet, his two brothers, Otis and Henry, and seven friends are on trial for the killing of Leon Briener which occurred Sept. 9 last while a howling mob was in front of Dr. Sweet's home because he had moved into a neighborhood inhabited entirely by white people.

Dr. Sweet and the 10 other defendants were charged with murder and conspiracy to commit murder. They have been in jail since the night of the shooting, with the exception of Mrs. Sweet, who was granted bail by Judge Frank Murphy, the trial judge. She was allowed her liberty after 30 days' confinement in the county jail.

“When I opened the door and saw the mob I realized in a way that I was facing the same mob that has hounded my people throughout its entire history. I was confident of what I was up against. I realized that my back was up against the wall. I was filled with a peculiar fear—a fear which can only be felt by those who have experienced that to which my people have been subjected. I know what mobs have done to my people before,” declared Dr. Sweet when asked to express his feelings on that night.

He described the events leading up to the shooting. How a crowd had surrounded the house the night before, and of the much larger crowd the night of the trouble. He declared that there had been some shooting from his home, but he did not know who had done the firing.

The house was being continuously pelted with rocks, the windows had been broken, and when he realized that the police on the outside were doing nothing to protect him or his property, he decided that the time for action had come.

He armed himself and waited for the onslaught. But when he had gone downstairs to admit his brother and a friend, who had come to his rescue, the mob stoned the house with renewed vigor, and he heard firing a few seconds later.

#### TELLS OF ARRESTS

He admitted seeing his brother Henry with a rifle and he admitted having a gun himself, but this testimony could not connect either of them with the death of Briener, as the state's witnesses had testified that the deceased had died from the effects of a pistol shot, and the gun Sweet had was never fired, and Henry was armed with a rifle.

His description was graphic as he told of the arrival of the police. His home had been in darkness, but when the officers came, they lighted all the lights, pulled up every window shade, handcuffed them to each other and exposed them to the mob.

The moment was tense when he described the mob as "a human sea," he crouched in his chair, unconsciously he placed his hand over his eyes, as if to shut out the sight which had gripped his soul in terror.

The scene was being lived again. A slight shudder shook his diminutive form. He faltered in his speech. Then suddenly he was alert, he looked quickly to the space where his wife was seated, and a wan smile played about his features when he awoke to the realization that he had been in the painful throes of a past nightmare. Ossian Sweet asserted himself again.

He related how the timely arrival of Lieut. John Hayes had possibly saved them from a much worse fate. He told of being taken to police headquarters, and after being denied counsel, he was forced to make a statement. He asserted that he had made some false answers in his statement because he was afraid that the police would misconstrue them. He also stated that he was afraid that the police would beat him up.

"Since I have been in jail I have learned many things regarding the beatings of prisoners. It is commonly known that the officers beat up Negro prisoners. Mr. Kennedy, your assistant

prosecutor, even framed a mock trial for us. After the day of the trial had been set, he even then tried to intimidate us.

"He, Lieutenant Johnson and his partner came to the jail, handcuffed us, brought us out under the tunnel, declaring that we were going to our trial. He carried us to some strange room where there was a piano, and asked us if we wanted to verify whatever we had said the night of our arrest.

"I soon realized that we were being hoaxed and I refused to answer any questions, and advised the others not to answer any. When the three realized that we were not to be made fools, they carried us back to jail. I advised my attorney of their actions as soon as I could communicate with him."

Dr. Sweet stated that he does not believe and has never believed that a shot from his home killed Briener. In a statement introduced by the state coming from Henry Sweet he admitted firing twice from the house, but claimed that the first time he fired up in the air to scare the people, but the second time he fired over their heads. He declared that he was armed with a rifle.

The defense gained a strong point at the expense of the state when Fred Hyde (white) was ushered to the witness chair. It was noticeable that Prosecutor Toms rubbed his hands with a satisfied air. Hyde was a surprise witness called to refute the testimony of the defense witnesses that there was a mob in front of the Sweet home that evening.

#### WITNESS CONFUSED

Hyde said that he was working at a filling station on Sept. 9, one block from the Sweet home. He declared that he saw no crowd there, heard no shouting and saw no one throwing stones. He stated that the occupants of a machine had not been set upon by a mob in front of his place.

He broke under the cross-examination of Mr. Darrow and declared that shortly after he went to work he heard people talking about the "excitement down at the corner." He understood them to mean there was excitement because Colored people had moved into the neighborhood. He added that there were a large number of people congregated at the corner where he was working, and he was so busy that if a car had been attacked he possibly would not have seen it.

Attorney Charles H. Mahoney testified that he, Attorney Julian Perry and Cecil Rowlette had gone to police headquarters the evening of Sept. 9 and asked to see the prisoners, which permission was denied. It was not until after they had filed a petition for a writ of habeas corpus that they were allowed to see the prisoners.

At this juncture a whisper was traveling through the courtroom. It had just been learned that some one had set fire to the garage of Dr. Sweet, although it was supposed to be under police surveillance. Mr. Darrow demanded that officers who were supposed to be guarding the house be brought before the court.

Stephan Tickey, a commercial photographer, was called by the defense to identify two photographs which he had taken. The defense intends to use the pictures to show that the bullet which killed Briener might have been fired by Officer Frank Gill and not from the guns fired from the Sweet home.

The officer had testified during the early stages of the trial that he had fired a shot at two of the defendants when he saw them appear on an upper porch during the firing that evening.

The photographer testified that when he took the first picture he placed himself in the same spot where Gill was supposed to have been standing when the shots were fired. The other picture was taken at the opposite end of the supposed course of the bullet.

Lieut. William Johnson, in charge of the case, and whom Dr. Sweet had testified had asked him "Why in the h—— did you move in a neighborhood where you were not wanted?" was compelled to change collars after his grilling cross-examination by Mr. Darrow.

#### COP GIVES "ADVICE"

Johnson denied using the language stated, but admitted that he had advised Dr. Sweet to move into some other neighborhood. He added that he had later learned that Sweet was decidedly not wanted where he had moved.

"Did you ever stop to learn whether you were wanted in the neighborhood where you lived?" thundered Mr. Darrow. "Possibly if you investigated that end of the matter you may

learn that you are not the most desirable citizen where you live."

Mr. Darrow drew from the witness the admission that he would not have allowed Dr. Sweet the opportunity of consulting an attorney had he seen Mr. Mahoney that evening.

Harry L. Diehl (white), law partner of Walter Nelson, associate counsel for the defense, testified that he walked over the roof of the Sweet home and found many stones there and in the gutters of the roof.

Prosecutor Toms tried in vain to introduce additional testimony, but Mr. Darrow gave him a lesson in law regarding rebuttal. Mr. Darrow's objection was sustained by the court. Toms sought to have a newspaper reporter testify as to the condition of the streets regarding the gathering of people the night in question.

The color line was ruthlessly torn asunder by Attorney Darrow when the defense got under full sway. He had succeeded in locating two white witnesses who were truthful enough to come to court and admit what they saw that evening.

Phillip Adler, 9412 Richter St., a newspaper reporter, was an eye-witness to the mob which had formed outside the home of Dr. Sweet. He described the formation of two very large number of persons and declared that he had asked a woman what was the matter, and she had told him that "a 'nigger' family had moved into the neighborhood and they were going to put them out."

He stated that he heard continuous clouting of stones against the Sweet home, so fast that it sounded as if it was hail. The missiles were being thrown from directly across the street. He declared that he knew none of the defendants and had never seen any of them until he faced them in court.

The other white witness, testifying as to the mob outside the Sweet home, was Lloyd Lorenze, 2978 Merrill Ave., who testified that he was in an accessory store near the vicinity of the Sweet home that evening and saw the large number of people, which amounted to several hundred. He stated that he was working in the store and could not leave it to ascertain what had caused the gathering.

James Smith, 932 Elliot St., described by Mr. Darrow as one

of the best witnesses he had ever heard in his 40 years of practice of criminal law, declared that on the evening of the trouble he was driving in the neighborhood of the Sweet home, when he and the occupants of the car were assaulted by the mob.

He declared that he noticed a large number of persons on the corner, and curiosity caused him to drive in the direction of the crowd. As he came to the intersection of the streets, he was diverted from his course by a traffic policeman, who told him to "step on it."

"By this time the people had seen us and came running toward us. They were yelling, 'There goes some "niggers" now. They are going to the Sweet home. Lynch them, kill them!' They were throwing stones and bricks at the car. One of the stones broke the window of the car.

#### MOB CHASES CAR

"One of the fellows, a little more daring than the rest, jumped on the running board of the car. There were two cars directly in front of us and the mob screamed, 'Stop them!' The man riding with me and my uncle put one foot on the running board and pretending that he had a gun yelled, 'Don't stop or I will shoot.'

"The man who had jumped on our running board was trying to reach in the window and strike me. At the corner the car in front of us turned off and I gave my car gas and the sudden jerk caused the man to fall off of the car."

His testimony was corroborated by his uncle, Alonzo Smith, and Henry Smith, their guest of the evening.

Charles Schoffner, a chef living at 1731 Seminole Ave., exhibited a large scar upon his forehead, declaring that it was the result of being stoned and hit by the mob that night. He stated that he and his wife were riding near the Sweet home and when the mob spied them they began to throw stones at them. They broke his car to pieces and threatened to kill them, but the pleadings of his wife possibly saved them from mortal injury.

Bruce Spaulding, a letter carrier, and his wife, Mrs. Mary L. Spaulding, a social service worker with the Detroit Urban league, 4708 St. Antoine St., told of driving through the

neighborhood of the Sweet home that evening and seeing a large mob of people.

Miss Edna Butler, 31 Robinwood Ave., employed in the needlecraft division of the Woman's Exchange, testified that she went to the Sweet home the night before the trouble to discuss the interior decorations of the home and that such a large crowd gathered in front of the place that she was afraid to leave and had to spend the night there.

She telephoned Mrs. Sweet of a conversation she heard between the motorman of the car and a white woman passenger who boarded the car at the same time with her the next morning. She related that the motorman asked the woman what caused the crowd in the street the night before and the woman replied: "Some 'niggers' have moved there, and we are going to get rid of them. They stayed there last night, but they will be put out tonight."

Miss Ferrena Rochelle, 6373 Beagle St., an interior decorator for a white firm, who accompanied Miss Butler to the Sweet home, stated that while they were in the house that evening the people who had gathered outside had rocked the home and caused her to be afraid to leave the house.

John W. Fletcher, 4585 Roosevelt St., related how he had purchased a home in a white neighborhood, lived there one day and was forced to leave it. He had bought a place in Stoble St. Mr. Hays asked him where did he go and he replied, "To jail."

Wellington Bristol, 7804 American Ave., stated that he had built his home at the present address, how it had remained vacant for a long time, because the white people would allow no one to rent it. He decided to move into the place himself, and they tried to drive him away, but he was living there today under police protection.

Dr. D. A. Stewart, 3855 Montclair Ave., succeeded Bristol on the stand. He related that he was sitting in his car in front of the Sweet home on the 9th of September, talking to Dr. Sweet's brother, Henry, when an officer approached them.

The policeman had told them that "the white people had held an indignation meeting last night and the whole crowd have decided to come back tonight double force, so you had better be on the alert."

## DOCTORS TESTIFY

Judge Murphy ruled that the recital of other racial troubles be admitted as evidence as they tended to prove the state of Dr. Sweet's mind on the night of the shooting. Counsel for the defense had contended that these disturbances had a direct bearing on the case, inasmuch as Dr. Sweet had heard of them and was influenced by them with reference to his conduct that night.

With this object in view, the defense called Dr. Edward Carter, 620 Chandler St., to the stand. Dr. Carter is an unusually brilliant man, with several degrees attached to his name. He has been the intimate friend of Dr. Sweet for many years.

He stated that Dr. Sweet had talked with him about the purchase of a home. Had asked his advice about moving into a neighborhood which was practically destitute of Race homeowners. They had discussed about what happened to Dr. A. L. Turner when he bought property on Spokane Ave. in a white neighborhood.

"Dr. Sweet and I were both present at a doctors' meeting when Dr. Turner told of buying his home. The day he moved in, he said, a large crowd began to assemble early in the morning, increasing in size during the day. Two men called at the house in the afternoon, representing that they had come from the mayor's office. When they were admitted, a crowd rushed in. Dr. Turner was forced to sign some kind of a document, and his furniture was moved out into the street. Broke his automobile and struck him, and he was driven from the house."

Dr. Carter added that he and the other doctors talked of the other racial differences which had developed from the purchasing of homes in exclusive white neighborhoods by Race men. He also testified to the good character of each of the prisoners.

At the conclusion of Dr. Carter's testimony, Prosecutor Robert Toms sought to show that Dr. Sweet had been greatly influenced by reading from Race periodicals which were in sympathy with the Race men. Numerous Race papers were mentioned by the prosecutor as spreading propaganda.

In order to disprove the statement of Mr. Toms that the report prepared by the National Association for the Advancement of Colored People covering 30 years of lynchings from

1889 to 1918, which Dr. Sweet had read and had learned that 3,500 lynchings had occurred during that period, was a Race pamphlet, the defense called Walter F. White to the stand.

Mr. White stated that he was assistant executive secretary of the association, which is financing the trial of Dr. Sweet, and declared that the association is composed of white and Race people. He mentioned that Judge Ira W. Jayne, Edsel Ford, the late J. J. Crowley and other representative white citizens of Detroit were affiliated with the association.