

Michigan Lawyers in History

Thomas F. Chawke

By Carrie Sharlow



The state of Michigan was built by the lumber and auto industries, agriculture, and the lawyers who lived, studied, and practiced here. The articles in this occasional series highlight some of those lawyers and judges and their continuing influence on this great state.

It's clear why the NAACP didn't think Thomas F. Chawke was the best candidate for Clarence Darrow's co-counsel in the second Sweet trial. The Detroit law firm of Chawke & Sloan was well-known to the prosecuting attorneys in its defense of less-than-stellar citizens of Detroit. In fact, one of the firm's first cases before the Michigan Supreme Court had been argued against Robert M. Toms, who would later go on to be the opponent in the Ossian Sweet prosecutions, and the firm won a reversal and new trial for its client "convicted of murder in the second degree."¹

Chawke & Sloan took several similar cases to the Supreme Court in the early years: robbery (reversed with a new trial),² manslaughter (conviction affirmed),³ breaking and entering (reversed with a new trial),⁴ and automobile larceny (conviction affirmed).⁵ Of course, this list doesn't include the U.S. Sixth Circuit Court of Appeals case regarding illegal transportation of liquor⁶ in which Chawke went up against Frank Murphy, who would later go on to be the judge in the Sweet trials and eventually a United States Supreme Court justice.

By 1921, Chawke's reputation in Detroit as a "mobster's favorite" must have been solidified. There was even the rumor that "the big-time mobsters" had him on retainer.⁷ And he was notoriously successful

on their behalf; even Walter White of the NAACP acknowledged that "Chawke [had] the reputation of getting any man free no matter how guilty."⁸ The Supreme Court justices must have known they were in for a good show when Chawke & Sloan appeared on the docket.

As it was, while the majority of Detroit was watching the Ossian Sweet case unfold in Judge Murphy's courtroom, Chawke & Sloan was arguing two cases before the state Supreme Court against Attorney General Andrew B. Dougherty and Robert Toms. Perhaps White might also have reasonably concluded that the much-in-demand Chawke was simply too busy.

However, it's obvious from the descriptions presented in histories of the case⁹ that White was not thrilled about hiring Chawke for the second Sweet trial. The local leaders had deliberately avoided him for the first trial.

It was an extremely important civil rights case. Dr. Ossian Sweet, an African American, had purchased a house for his family in an all-white neighborhood in Detroit. A mob met the Sweets on their move-in day. Rocks were thrown, shots were fired, and Dr. Sweet and 10 others in the house were arrested; none of the mob members were. The situation made headlines, and the first Sweet trial—in which Darrow defended Dr. Sweet—ended with a hung jury.

The NAACP did not want a repeat when Dr. Sweet's brother, Henry, went to trial; they wanted an acquittal.

Chawke really "did not fit the NAACP profile."¹⁰ The "mobster's favorite" reputation couldn't have helped, and Chawke lacked "the idealism of Darrow or Hays."¹¹ While Chawke wasn't necessarily prejudiced against African Americans, he wasn't exactly pushing for civil rights either.

In fact, White noted to Darrow that Chawke was considering the case "as a business proposition...because, as he phrased it, it is a case that can be won."¹² Chawke wasn't about to take a case to make a philosophical point, but he would take one he knew he could win. Darrow, who had the idealism needed to save the Sweets in this second trial, "knew that with such an uncompromising lawyer at his side his chances would be sharpened considerably"¹³ and Chawke was then hired at a rate that exceeded even Darrow's.

Chawke was likely an impressive figure in court. He was over six feet tall, weighed nearly 200 pounds, and wore somewhat owlsh glasses. By one later description, he was unemotional. And, as several quotations from the Henry Sweet trial demonstrate, he was extraordinarily blunt.

It must have been ironic, maybe even embarrassing, for Prosecutor Toms when Chawke—who had defended murderers



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The 1986 dedication of the Michigan Legal Milestone honoring the Ossian Sweet trial

and mobsters—told the jury that “never before had I seen so much falsehood in any case as in this case.”¹⁴ Like Judge Murphy who proclaimed in the first Sweet trial that a man’s house was his castle whatever the color of the man, Chawke—with his trademark bluntness—told the jury that they “knew, the state knew, and everybody knew full well that if conditions had been reversed, if 11 white men were on the inside of the attacked premises, had defended themselves as the Sweets and their friends had done, there would be no trial.”¹⁵ And besides, did the jury really expect “the Sweets to wait until the mob had swept upon them and killed them before they acted in self-defense?”¹⁶ Darrow was right: Chawke was uncompromising.

Of course, if you know your legal history, you know that Henry Sweet was found not guilty by the jury. Everyone was emotional at that verdict—even, perhaps uncharacteristically, Chawke. After the verdict, members of the defense team went their separate ways. Darrow, nearing the twilight of a brilliant career, would go on to try one more notorious case involving the rape of a Hawaii socialite before gradually receding from the spotlight. Chawke went back seemingly effortlessly to doing what he did best—namely, representing better than anyone else of his era the interest of a variety of Detroit-area criminals.

Shortly before the start of the Great Depression, Chawke was back in front of the Supreme Court arguing against Prosecutor Toms in an embezzlement case.¹⁷ Guess which side Chawke & Sloan was defending. Around a year later, the duo was back at it again, as Chawke & Sloan defended an apparently notorious pimp in a case again prosecuted by Toms.¹⁸

Life happened in between cases. A year after the Sweet trial, Chawke received an honorary degree from his alma mater, the University of Detroit. He married and divorced, and lived with his older sister, Josephine. He appears to have been one of those people who defied normal aging. His World War I and World War II draft cards show a difference in weight of one pound, and a later photograph doesn’t look much different from the famous Sweet image, aside for the white hair.

The repeal of prohibition didn’t stop Chawke’s frequent visits to the Michigan Supreme Court, although in 1934 he was at the same table as the attorney general, which must have seemed ironic to observers.¹⁹ Things went back to normal soon, and in 1940, Chawke had another headline case involving two police officers “convicted of assault and battery.”²⁰ The convictions were set aside.

Chawke didn’t seem to slow down until the late ’50s or early ’60s. Despite his lengthy

career, he’s remembered primarily for his defense of Henry Sweet in connection with Clarence Darrow. The people who knew him as the legendary criminal lawyer had mostly disappeared.

Chawke died in 1974. Approximately 12 years later, the State Bar of Michigan posted its first Michigan Legal Milestone honoring the Ossian Sweet case from 1925.²¹ ■

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ENDNOTES

1. *People v Koharski*, 177 Mich 194; 142 NW 1097 (1913).
2. *People v Leonzo*, 181 Mich 41; 147 NW 543 (1914).
3. *People v Frontera*, 186 Mich 343; 152 NW 1019 (1915).
4. *People v Levey*, 206 Mich 129; 172 NW 427 (1919).
5. *People v Murnane*, 213 Mich 2025; 182 NW 62 (1921).
6. *Billingsley v United States*, 274 F 86 (CA 6, 1921).
7. Boyle, *Arc of Justice: A Saga of Race, Civil Rights, and Murder in the Jazz Age* (New York: Henry Holt and Company, 2004), p 314.
8. Farrell, *Clarence Darrow: Attorney for the Damned* (New York: Doubleday, 2011), p 524.
9. See *Arc of Justice*, p 314; McRae, *The Great Trials of Clarence Darrow: The Landmark Cases of Leopold and Loeb, John T. Scopes, and Ossian Sweet* (New York: Harper Perennial, 2009), p 300.
10. *The Great Trials of Clarence Darrow*, p 300.
11. *Id.*
12. *Arc of Justice*, p 315.
13. *The Great Trials of Clarence Darrow*, p 301.
14. *Eloquent Giants Fought for Hours in Sweet Case*, *The Afro-American—South’s Biggest & Best Weekly* (May 22, 1926), p 4.
15. *Id.*
16. *Id.*
17. *People v Robinson*, 241 Mich 497; 217 NW 902 (1928).
18. *People v Smith*, 246 Mich 393; 224 NW 402 (1929).
19. See *Attorney General ex rel Connolly v Reading*, 268 Mich 224; 256 NW 432 (1934).
20. *People v Jones*, 293 Mich 409, 410; 292 NW 350 (1940).
21. State Bar of Michigan, *Michigan Legal Milestones: Ossian Sweet Trial* <http://www.michbar.org/programs/milestone/milestones_ossiansweettrial> (accessed October 24, 2015).