Segregation Case (Joseph W. Tyler vs. Ben Harmon) arising out of an attempt by the New Orleans City Council to establish residential segregation by making written consent of the race preponderantly inhabiting a district necessary before a member of the other race might purchase a home in that district. This ordinance, opposed from its enactment in 1924 by the New Orleans Branch under the leadership of Dr. George W. Lucas, came before the Supreme Court where it was argued for the Association by Loys A. Charbonnet and F. B. Smith of New Orleans.

Basing its decision on the Louisville Segregation Case of 1917, the Supreme Court unanimously held the New Orleans ordinance to be unconstitutional. Previous steps in this case are outlined in the Association's reports for 1924, 1925 and 1926.

It should be noted in this connection that on the basis of the Louisville Segregation decision a segregation ordinance enacted by the City of Dallas, Texas, was declared unconstitutional by the Texas Fifth Court of Appeals.

## OTHER LEGAL WORK

A number of other important cases undertaken by the Association were brought to a successful conclusion during 1927. Foremost among them is the celebrated Sweet Case which arose out of the death of a member of a mob which attempted to drive Dr. Ossian H. Sweet and his family from their new home in Detroit. Dr. Sweet, his wife, his brother, Henry, and eight other defendants were indicted and tried for murder in the first degree. It will be recalled that the first trial, beginning October 30, 1925, and lasting three weeks, resulted in a jury disagreement; and the second trial, in which the State elected to try Henry Sweet alone, beginning April 19, 1926, resulted in the acquittal of Henry Sweet on May 13. The Sweet cases were finally disposed of on July 21, 1927, when the Association received a telegram from Judge Frank Murphy reading:

"All cases against defendants in the Sweet trial dismissed this date."

The other legal work undertaken during the year by the Association is listed herewith:

Residential Segregation by Restrictive Covenants: In the District of Columbia the Association is continuing to fight residential

segregation by restrictive covenants mutually entered into by owners, prohibiting the conveyance of property to Negroes. An appeal was filed in the Court of Appeals of the District of Columbia during the October, 1927, term from a final decree of Justice Wendell P. Stafford of the Supreme Court of the District, granting a peremptory injunction in favor of certain plaintiffs and against the defendants in the case of Patrick O'Donaghue et al. vs. Henry A. Cornish et al. Mr. Cornish and his wife purchased a home on First Street, N. W., Washington, from one Thomas A. Greer, on March 5, 1927. The premises was part of a tract which was cut into lots, all the lots being sold with a restrictive covenant in each deed against leasing, selling or transferring to a Negro. These premises were also included in an agreement recorded June 29, 1926, by the then owners of certain lots on First Street, N. W., against occupancy by, leasing, selling or conveying to Negroes. This latter is a covenant similar to the one involved in the case of Corrigan vs. Curtis which was dismissed by the United States Supreme Court in 1926 for purely technical reasons. The defendants are represented by the firm of Hayes and Davis and William Leahy. Mr. Louis Marshall of the Association's National Legal Committee, is actively participating in the preparation of the brief for the pending appeal.

School Segregation: Sweeping court decisions against the practice of segregating colored school children in northern states were won in two important test cases. The first of these arose at Toms River, New Jersey, where Edward M. Fink, Supervising Principal, ordered the colored pupils of the public school to be transferred to a small church building. The colored parents declined to send their children to the segregated school and were thereupon called into court on complaint of the truant officer. Judge Harry E. Newman, at the hearing, found the parents not guilty of the offense charged.

The National Office and the New Jersey branches then took up the children's case, Eugene R. Hayne of Asbury Park, being retained as attorney. On March 28 a delegation headed by the Association's Secretary and composed of representatives of the New Jersey branches of the Association, and of other organizations, called upon Governor A. Harry Moore to protest against the segregation. The Governor stated he was powerless and that redress must be sought in the State Supreme Court.