

# African Americans in Michigan Legal History

## Michigan’s Underground Railroad

Being a free state so close to Canada, Michigan played a large role in the history of the Underground Railroad, a network of individuals who believed slavery was wrong. They helped freedom seekers escaping enslavement in the South before the Civil War.

### The Fugitive Slave Rescues of 1847

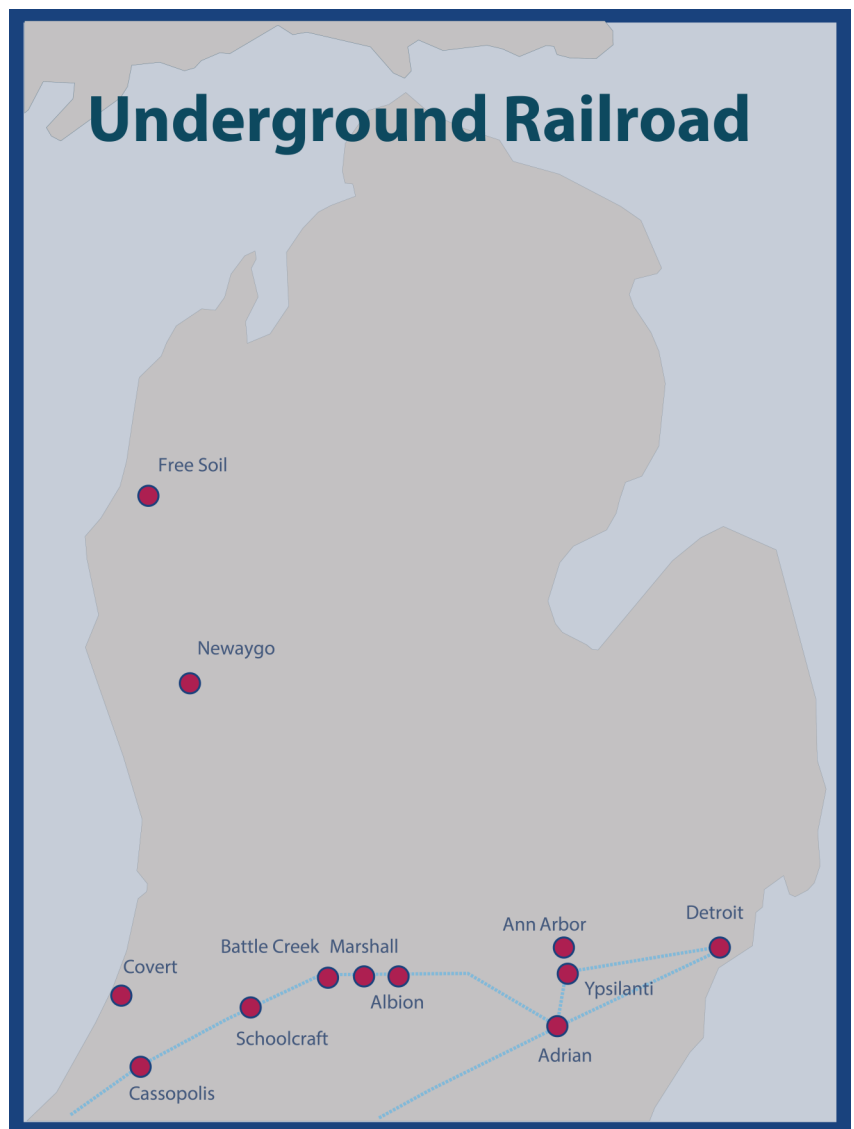
Usually, the Underground Railroad was secret, but in 1847 several Michigan communities rose up publicly. They kept people who had escaped enslavement from being taken back. As a result, slaveowners in the South lobbied Congress to adopt the Fugitive Slave Act (1850), which made it illegal to help freedom seekers – a move that led to the Civil War.

Learn more from the [1847 Fugitive Slave Rescues story map](#), a project developed by the National Park Service’s Network to Freedom, Michigan Freedom Trails, and the Boone County Public Library.

- The Crosswhite Family
- The Kentucky Raid
- John Felix White
- Robert Cromwell

#### Inside

Separate Is Not Equal .....	2
D. Augustus Straker.....	2
William Webb Ferguson.....	2
Michigan Legal Milestones .....	2
Sweet Trials.....	3
Justice Otis M. Smith.....	3



## Separate Is Not Equal

A few short years before the U.S. Supreme Court heard the infamous [Plessy v Ferguson](#) (1896) “separate but equal” case, the Michigan Supreme Court decided the opposite was true under Michigan law in [Ferguson v Gies](#) (1890).

In August 1889 William Webb Ferguson, an African American businessman, sat down for supper with a friend at a hotel restaurant in Detroit. After the waiter refused him service, Edward G. Gies, the white hotel manager, explained that because of his race, house rules required Ferguson to move to the less elegant saloon side of the establishment to eat. Undeterred, Ferguson remained seated in the restaurant side without service while white patrons received their meals.

Ferguson filed suit in Wayne County Circuit Court and lost in a jury trial. He then appealed to the Michigan Supreme Court, where lawyer D. Augustus Straker successfully represented him. In a unanimous, landmark opinion the Court overturned the trial court’s decision. Justice Allen B. Morse stated: “there can be no separation in public places between people on account of their color alone” under the state’s 1885 Civil Rights Statute and the U.S. Constitution.



[D. Augustus Straker](#) was the first African American lawyer to argue before the Michigan Supreme Court and the first African American jurist in Michigan.

After winning the *Ferguson* case, Straker was elected a Wayne County Circuit Court Commissioner. This post was similar to a judge but with a more limited jurisdiction.

Today, the [D. Augustus Straker Bar Association](#) is named in his honor.

Image: New York Public Library



[William Webb Ferguson](#) was from a prominent African American family in Detroit that published newspapers for their community. He was the first African American child to enter the public schools of Detroit.

After winning his civil rights case, Ferguson became a lawyer and was the first African American elected to the Michigan Legislature. He also ran as a Wayne County Circuit Court Commissioner.

Image: State Capitol Commission.

### Michigan Legal Milestones

The State Bar of Michigan recognizes significant legal cases and personalities. Several milestones relate to African American history in Michigan.

#### 19th Century

[Sojourner Truth](#)

[Underground Railroad](#)

#### 20th Century

[Trailblazer: Justice Otis M. Smith](#)

[Civil Rights in Grand Rapids](#)

[Housing](#)

[State Constitutional Convention](#)

[School Busing](#)

[Elliott-Larsen Civil Rights Act](#)

## Sweet Victory

In 1925, Dr. Ossian and Mrs. Gladys Sweet, an African American couple, moved into an all-white neighborhood in Detroit. Because they expected a violent welcome from the local “improvement” association, the couple armed themselves and others to defend the home.

On September 9, a man standing amidst an angry mob that gathered nearby was shot and killed. The Sweets and nine others in the house were arrested and stood trial.

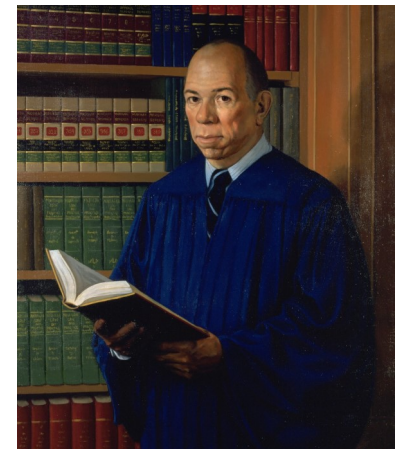
Prominent attorney Clarence Darrow defended the accused and Judge Frank Murphy, later a U.S. Supreme Court Justice, presided over the trials. In the end, none of the defendants were found guilty.



## Justice Otis M. Smith

[Justice Otis M. Smith](#) (1922–1994) was the first African American to serve on the Michigan Supreme Court, 1961–1966. At the time, he was the highest ranking elective official in any state since Reconstruction.

Justice Smith grew up in poverty in segregated Memphis, Tennessee, but succeeded through ambition and hard work. He supported himself in college and served in the Army Air Corps as a member of the Tuskegee Airmen during World War II. Through his military service, he earned a place at Catholic University Law School in Washington, D.C., finishing in the top third of his class. Upon graduation, he landed a job with a law firm in Flint, where he had relatives, and became active in the community. For a time, he worked as an assistant prosecutor in Genesee County.



Michigan Supreme Court Historical Society

As his career progressed, Justice Smith was appointed to statewide positions, including the Michigan Supreme Court. After winning a retention election but losing a bid for a full eight-year term, Justice Smith accepted a position in the legal department of General Motors and eventually became general counsel. Despite initial misgivings, he loved his work at what was then the world’s largest corporation.

Download the companion [Witness This! Poster](#).