

Few people are aware that brutality did not start yesterday. It's a well established way of the past, especially in the Thirties. Some people were holding an open-air meeting in Peoria in the park. The police came around to break it up. They pulled the speakers off the stands and hauled 'em all off to jail. They also grabbed hold of a preacher who protested.

The victims were taken into a large room, say twelve by fifteen. The police made each one run a gauntlet, where they could each take a sock at 'em as they went through. They were put in jail without an opportunity to communicate with anybody. Before the local justice of peace, the whole five of 'em were convicted and sent down to the prison in Vandalia, Illinois. The ILD found out and asked if I would go down and see what it was all about.

In those days, not only were the clients impecunious. Some lawyers were impecunious. I once led a relief organization of three hundred lawyers. I was in a delegation of six that went to Washington. Ultimately, they did set up a project for lawyers. You think it's only workers who were affected by the Depression? (Laughs.) I had very little dough. I was not paid for this activity. The first three or four years of my practice, I had to borrow to live. Occasionally, one would pick up a little case and make a few dollars.

Be that as it may. On this occasion, I ran a writ of habeas corpus—that's a high and holy writ—and got all five of 'em released from custody. Outside the courthouse on this hot July day, we examined our finances, collectively. I must have had about \$1.57 in my pocket. The others, of course, had nothing and they were far from home. What could be done with \$1.57? We deliberated on the subject.

If one man availed himself of \$1.57, there'd be nothing left for the others. We were going to divide and eat to satiety or starve to the extent \$1.57 would permit us. We bought a quantity of bread and milk, basic food. (Laughs.) We had our supper in the park, and then we laid to sleep for the night. We formed a ring around a huge tree and each one's head had for a pillow the butt of the fellow in front of him. (Laughs.) The canopy of heaven and the stars above were our blankets. (Laughs.) And our guard was a most beautiful moon.

The police invariably arrested these labor leaders. A little skirmish took place in South Chicago. Three or four people were beaten and sent to the Bridewell Hospital.* The police lieutenant pulled out a leaflet that announced a picket line and protest. His lifted his eyes very dramatically and lifted his hands with his palms to the ceiling and said, "Man, is there gonna be trouble!" I didn't press him for what he meant. The next day was the Memorial Day Massacre of 1937.

I handled other matters in the Thirties. Some young men were going to Spain to fight on the Loyalist side. They joined the Lincoln Brigade. A lot

* An adjunct of a Chicago jail at the time.

of them streamed into my office, to look over their insurance policies, their wills. What lingers in my mind is the caliber of these men. There was this young lawyer. He was an editor for the publishers of legal books, but he wrote briefs on the side for the ILD. In the summer of '36, along that time, I got a card from this fella. Postmarked around the Pyrenees Mountains. He was crossing from France into Spain. The next I hear is that he volunteered to go over the top with hand grenades in his belt to silence a fascist machine-gun nest. The snipers got him.

Virden. A little town in southern Illinois. I stayed in the home of a miner's family. Just because the mine was shut down and he had nothing to pay his rent with, he's thrown out on the street. The furniture of the five defendants. . . .

They had a local council of unemployed. These fellows took the furniture out to the heart of the square and piled it right up against the monument . . . the mattresses and the chairs and the stove. To call attention of how courts, real estate operators and the Main Street boys treated an old pioneer family. This so infuriated the pillars of society that they brought charges of unlawful assembly.

Well, for miles and miles around, long caravans of broken-down Model T Fords, with flat tires and what not, packed the courthouse in support of these arrested miners. Neighbors would come around and visit the house. And share their food with each other. And share their little old rickety cars, going places. The warmth that existed in, let's say, a little joint misery.

Today people are so busy with their cars and with their TVs and so on, that humanism has a little blow to it.

I'm looking forward to Social Security that I may be entitled to. This is one of the programs that always appeared on leaflets raised by people in the struggle for better conditions. There was a slogan among the people: Pass Social Security Legislation. Today thousands of people, when they walk to the mail boxes and pick up their Social Security checks, owe it to these pioneers, who were called every bad name you could think of. . . .

NOTE: *He was the original, after whom Richard Wright created the lawyer, Max, in his novel of the Thirties, Native Son.*

Judge Samuel A. Heller

Retired.

I SAT in the Morals Court for a year or so. One day I had twenty-three defendants, prostitutes. About five or six visitors attended. They were ob-

viously slumming. I said to them: "It's fortunate that we don't have people here to come to revel in the misery of others. I'm delighted that sensitive people of your type are here." (Laughs.)

The girls were all broke, not a penny among them. I thought the visitors were touched. One, the daughter of a former mayor, said, "I want to donate \$25 for handkerchiefs, so the girls can wipe away their tears." Handkerchiefs!

In the Thirties, I sat in many police courts. Monday was usually the most crowded day. Most of the drunks were picked up on Saturday night, and kept in jail over Sunday. This police officer was walking up and down with a billy. He hit them in the shins: "Stand up, you're in a courtroom." I said, "Get out of this court and come back without the club." He said, "They've got to respect the court." I said, "Do you? How dare you bring a billy into this courtroom?"

One of the fellows was bloody. He said the police hit him. This same officer said, "He was talking against the Government." I said, "He's not an enemy of the Government. You are. He has a right to his opinion."

Those forty men were terror-stricken, standing in line. I said, "Are you afraid of me? Would you be afraid of me if you saw me on the streets? Please relax." I saw some of them I had discharged scrubbing floors. One was washing an automobile. He said the captain told him to do it. I told the captain to pay this man fifty cents. Since when is he entitled to free labor?

Some men I had already discharged were being lined up against the wall in the back of the room. I discovered that a railroad agent was telling them: If you don't work for us out in Dakota, the judge will send you back to jail. I said, "Get that man." He ran out.

I called the railroad office. "There's a man making an employment agency out of my courtroom. What's his name? I'm issuing a warrant for his arrest." They didn't know, they said. So I threatened to issue a John Doe warrant and arrest whoever is in charge of that office. If it's the president of the company, he'll be arrested.

The man showed up the next day. He said the police and the other judges always let him do it. That's how they got day laborers. They'd send 'em out west for six or eight weeks and let 'em bum their way back.

There was a judge in those days who had fun with drunks. He'd say, "Hold up your hands. Ah, you're playing piano." Some of them had the shakes. I said to him, "My God, what are you doing? These people are scared stiff."

These same judges who had fun with the wretched, oh, did they humble themselves in civil courts! They'd look at the names on the legal briefs. If it was a big firm, oh boy, did they bow! A lot of votes there from the bar association. These same judges, who were so abusive to the poor, were so scared here. You have a chance if the person coming in is as weak as you

are—or as strong as you are. There are rights. Everybody's got rights on paper. But they don't mean three cents in actual life.

While sitting in the Landlord and Tenants Court, I had an average of four hundred cases a day. It was packed. People fainted, people cried: Where am I going? I couldn't bluff them and tell them to make an application, there's a job waiting. I was told my predecessor had taken down their names and qualifications. He promised them help. On my first day, I came across thousands of cards in filing cabinets. I told the clerk I was going to examine these files to see how many of these people got jobs. My mistake. Within twenty-four hours, all the files disappeared.

A woman with three children, one in her arms, walked all the way downtown. No carfare, no defense. Oh, they were all desperate and frightened. When I'd come in, they stand up. I would tell them: Will you please sit down, so I can sit down?

These defendants all had five-day notices: if you don't pay rent in five days, suit to dispossess is started. There is no legal defense. Out of a job means nothing, sickness means nothing. I couldn't throw these people out. So I interpreted the law my way: five days was the minimum. No maximum was set. I gave everybody ten days. Of course, I offended the real estate brokers. I made them still more angry by allowing an extra day for each child in the family. Finally, I was giving them thirty days.

About that time a group of real estate men invited me to lunch. Each was introduced: this one was five thousand tenants, that one, eight thousand. There were about sixty thousand tenants represented—if I may use that word—by these few men. After the meal, the man who had cordially invited me, suddenly became hostile. The others smiled, as though they knew what was coming up. He said, "I'm going to speak straight from the shoulder. Isn't it a fact that judges favor tenants because there are more voters among the tenants than among the landlords?" All of them laughed.

I got up and said, "You didn't speak straight from the shoulder. If you did, you'd have said, 'Are you playing politics in court?' Now I'll answer straight from the shoulder. If I were playing politics, I'd play politics with youse guys." I purposely used the vulgar expression. "Because you have long pockets and long memories, and you support those who serve you. Who are these tenants who come into my court? They're destitute, out of a job, poverty-stricken. When election day comes, one's out looking for a job, another will sell his vote for fifty cents to buy his baby milk, and most will forget it. There's no political reward in helping the poor. But what makes you think the man who sits in judgment between the landlord and the tenant must have the mentality of a renter?"

"Someday you'll succeed in intimidating the judge who sits in my place. He'll have the chance of throwing four hundred families out on the streets of the city each day. When a man is hungry and out of a job, and nobody knows it, he can control himself. But when his few pieces of furniture are

thrown out into the street, his neighbors know it. He has nothing to lose. A wise man comes along and says, 'Idiots, why don't you organize? Quit paying rent. When you get the five-day notice, ask for a jury trial.' "

One of the real estate boys said to me, absolutely astonished, "Can *they* ask for a jury trial?" So I said to this brilliant man, "What makes you think the right of trial by jury is limited to rent collectors?"

"With a jury trial, you can hardly try one—at most, two—cases a day. At the rate of two thousand cases a week, in four months you'd have 32,000 people asking for jury trials. If they closed every court in this state, you still wouldn't have enough judges to try your case. And then you'd wish there were a man like Heller, who had the courage to tell you: Why don't you mind your own business and let him mind his business?"

One of them said, "I admire your candor, but you're not doing yourself any good." He was right. When I ran for office, the real estate organizations sent out thousands of letters: I have no respect for private property. They defeated me. They keep score. The poor are so busy trying to survive from one day to the next, they haven't the time or energy to keep score.

There was a man running against me, who said you can evict people without notice, if it's done peacefully. We agreed to have a public debate. He didn't show up. In the election—in the very neighborhood where many of the tenants live—he got thousands of votes and I got hundreds.

During those hard times, I learned a good lesson. A good deal of the misery that the poor suffer—and ignorance—is due to the fact that they're not organized. They're isolated, brainwashed.

I could have remained on the bench until I died. If I could have degraded myself . . . just go along. I couldn't do it. But I was on the bench for twenty-one years—and that, to me, is a miracle.

A Young Man From Detroit and Two Girl Companions

He is twenty-four and does collection work for a bank. "I call people who are slightly behind on their bills. I feel sorry for a lot of them, but it's my job. . . ."

"The salesmen are robbers. They quote a person one figure and when it comes time to sign the contract, they give a different figure. They don't tell the people the interest rates they're paying on some of these loans. The people we deal with are not very educated . . . honest, hard-working people. Many of them colored. And poor whites."

The two girls—one, twenty, the other nineteen—work in the same bank

as the young man . . . "in check credit. You can continually borrow and make monthly payments on it. It can go on for years and years. . . ."

The Young Man's Story

ONE OF THE GENTLEMEN at work was telling me he wanted to take his daughter to a hamburger drive-in. She said: I don't want to be seen with you. It seems like it's not "in" to be seen at a drive-in with your parents. You're some kind of kook. You never saw this during the Depression, 'cause they went through everything, all for one and one for all, within a family.

I think a Depression now might even solve this problem of civil rights. It would be man for man. I don't think there'd be as much prejudice. If you're going to be standing in a bread line, whether you're white or black, and someone of the other skin will give you a piece of bread, you're not gonna turn it down. This might solve the whole problem.

I think some people would really go insane. My family has told me of people who had really gone crazy during the Depression of '29. The financial losses they took. I think history would repeat itself all over. A lot of people, who invest a lot of money, who are used to living on fifty, sixty thousand, they might just go crazy, not having that much. He wouldn't know what to do. Psychologically, his mind couldn't take being a second-class average Mr. Joe, after being on top for so long.

I try to put away something. I have it either in investments or a savings account. Then if I want something, I know the money is there. I bought a suit one time on credit, and after I paid the suit off, I tore up the credit card. Another thing: my generation, we're so clothes-conscious. But I betcha they're worrying about how they're gonna pay that next charge when it comes up.

Does your job disturb you, at times . . . ?

No, 'cause I feel it's bread in my mouth and I've got a job to do. The only thing that bothers me is when a nice guy—we have to garnish his wages, 'cause that's the only way we're gonna get that money. He's got to realize when he signs a home improvement contract, he signs this note—he has this obligation. It's not me. I didn't put the knife in their back. I'm just doing a job.

The First Girl's Story

TO ME, the Depression's a story told. Just like World War II. To me, it means nothing, except I'd hate to experience it. I'm not used to low-class living.