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## Pearl M. Hart (1890-1975)

Karen C. Sendziak



Gerber/Hart Library

Pearl M. Hart practiced law in Chicago from 1914 to 1975 as an advocate for children, women, immigrants, and gay men and lesbians. One of the first female attorneys in the city to specialize in criminal law, she was remarkable for her commanding physical and intellectual presence. The size of her five-feet, eleven-and-a-half-inch and 200-pound frame was surpassed only by her generosity of spirit. Journalist I. F. Stone describe her affectionately as a “big benevolent Brunnhilde of a woman, six feet tall with gray hair, grandmotherly expression, and one of those round unmistakable Russian Jewish faces” who was “famous throughout the Midwest for a life-

time of devotion to the least lucrative and most oppressed kind of clients” (Stone, 1953, p. 31). Hart’s direct involvement with one of these groups, gay and lesbians, did not emerge until the final two decades of her life, although she early on had defended gay men.

Pearl Hart was born in Traverse City, Michigan, on April 7, 1890, as Pearly Minne Harchovsky, but she was known as Hart for most of her life. Both her father, David, an Orthodox rabbi, and her mother, Rebecca, had emigrated from Russia. She was the youngest of the couple’s five daughters, and the only one born in the United States. By her own account, her childhood was happy: “. . . I was particularly fortunate in that everyone loved me a lot, and spoiled me” (Weiner, 1975).

The family moved from Traverse City to Chicago when Hart was a preschooler and settled in the bustling neighborhoods of the near west side among fellow Jewish emigrés from Eastern Europe. She was educated in the Chicago public school system, and according to the poet and author Valerie Taylor, labored in a garment factory as a teenager. Evidence of her leader-

ship qualities emerged early when she was elected president of her predominately male local union.

Hart entered the night-school program at Chicago's John Marshall Law School in 1911, earning her tuition by working during the day as a law clerk and stenographer. Graduating in 1914, she was admitted to the Illinois Bar on October 7 of that same year and began to build her criminal law practice. From 1915 to 1917 she held a position as one of the first female adult probation officers in Chicago. Her early legal career focused on the needs of children, and in the mid-1920s, she began working with prominent social reformers such as Sophonisba Breckenridge of the University of Chicago to rehabilitate the juvenile court system. Regarded as an expert on juvenile justice, she drafted legislation, served on committees, and spoke before a variety of civic groups, all in an effort to protect Chicago's most vulnerable citizens. Hart remained dedicated to this cause throughout her life and her expertise in the field was recognized nationally.

Another of her major concerns was the welfare of women passing through the legal system. In 1933, she volunteered to serve as the first public defender in morals court to stem the tide of women being arrested for alleged prostitution. Women walking alone were particularly vulnerable to this charge. After four years serving in morals court, she had reversed the 90 percent conviction rate for these women to 10 percent.

In the 1950s, Hart devoted increased time to defending individuals accused of subversions against the U.S. government. The three major laws under which her clients were prosecuted were the Alien Registration Act of 1940 (popularly known as the Smith Act), the Internal Security Act of 1950, otherwise known as the McCarran Act, and the Immigration and Nationality Act of 1952, also known as the McCarran-Walter Act.

The government brought charges against many of Hart's clients based on organizations they well might have joined decades earlier but had severed ties with or drifted away from long ago. Sadly, a good portion were elderly, already retired, and declining in health. Hart's most prominent case from this era was *U.S. v. Witkovich*. George Witkovich received an order of deportation on June 15, 1953. In a subsequent hearing before the Immigration and Naturalization Service, he was asked twenty-two questions about his activities and affiliations. On Hart's advice, he refused to answer the questions because they were not relevant to whether or not he should be deported. The United States filed a lawsuit compelling his answers, and Hart countered with an appeal that eventually made its way to the U.S. Supreme Court. She won the case in 1957 when the high court agreed with her contention that the attorney general's power to question aliens subject to deportation was limited by constitutional safeguards. Hart's victory was extraordinary, particu-

larly for a solo practitioner. Her creative legal analysis and compelling oral arguments are a testament to her commitment and skill.

Pearl Hart also carried a heavy caseload defending individuals subpoenaed to testify before the House of Representatives Un-American Activities Committee. From the late 1940s to the mid-1960s, the committee held hearings in Chicago during which Hart was present with her clients.

Her activism is manifest in the large number of organizations in which she participated and/or helped found in her sixty-one-year career. The most prominent of these was the National Lawyers Guild, a bar association of liberal attorneys. She was a founding member of the group in late 1936 and early 1937. She also helped establish the American Committee for the Protection of the Foreign Born in 1933. In 1947 she was a founder of the Midwest version of that committee. In 1960 she helped the Chicago Committee to Defend the Bill of Rights come into existence. She was a force in the Women's Bar Association of Illinois, of which she was president in 1925. In her presidential address to that group she stated that "years ago we were still regarded as a useless novelty" (Hart papers, March 16, 1925). In 1943 she joined with other women to found what eventually became the George and Anna Portes Cancer Prevention Center in Chicago.

Two other activities to which Hart devoted considerable interest throughout her life were politics and teaching. She ran for judgeships four times: 1928, 1932, 1947, and 1948. She also ran for a seat as Chicago alderman in 1947 and again in 1951. She lost all six elections; her campaigns as an Independent or Progressive Party candidate were completely overwhelmed by the Chicago Democratic machine. Her lack of success in electoral politics was balanced by her commitment to education. She taught criminal law at her alma mater, John Marshall Law School, for a quarter-century, from 1946 until 1971. She also taught at the Northwestern University School of Social Work. In addition, she was affiliated with the Abraham Lincoln School, an adult-education enterprise founded in 1943. The school was added to the Justice Department's list of subversive organizations in 1953.

By all accounts, Hart was an engaging public speaker. In the 1940s she addressed groups as diverse as a neighborhood Kiwanis Club, the Catholic Women's League, and the American Society for Russian Relief. After outlining the social and political ills of the days to attendees of the 1962 annual dinner of the Jewish Cultural Schools in Chicago, Hart urged those who grapple with the major problems of society not to be fearful of being called radical but rather to revel in the knowledge that they did not walk away from problems but rather were willing to stand up and fight for that which they knew was right.

It was only in the final two decades of her life that she became directly involved with the gay and lesbian community, although she had represented

many gays in court before that. She cofounded the *Mattachine Midwest*, which had its first public meeting on July 27, 1965, and served on its legal counsel until her death. In addressing one of the early meetings of the group, she urged the members to stop viewing themselves as members of a minority and assert the equal rights which are guaranteed to them by the Constitution. According to former president Jim Bradford, 75 percent of the *Mattachines'* job was "making the police behave." The pace of bar raids was unrelenting, and a defendant arrested in such a sweep could expect a difficult journey through a legal system infested with corruption. Pearl fought two major fronts in the battle to check police abuses in this area. First, she defended clients arrested for alleged criminal activity. Second, she communicated directly with the *Mattachine* membership through the articles in the organization's monthly newsletter. Covertly, notes Bradford, she passed along information gained from her clients about the names of officers that were causing trouble, which part of the parks were currently hot; she would pass along information, without revealing sources, that her clients would tell her—in her terms, where the "pinch bugs infest the bushes" (Bradford interview, p. 21).

Hart defended scores of gay men arrested for soliciting sex in a public place, those entrapped to do so, and those caught in the crossfire of a bar raid. In representing her clients, she defended each case on its own merit. She refused to be involved in the bribery so often involved in such cases, and usually demanded jury trials since juries were less likely to convict than judges. Her reputation was so immaculate that she was affectionately referred to as the "Guardian Angel of Chicago's Gay Community."

An occasional contributor to the *Mattachine Midwest Newsletter*, she usually focused on civil rights and police procedures. She and Bradford co-wrote an article that first appeared in the September 1968 issue on "Your Rights If Arrested," which was reprinted as a pamphlet, and distributed by the thousands.

In a May 1969 address to the *Mattachine* membership, she urged those in attendance and the *Mattachine Society* as well to be "more aggressive" in their public stance. Although her involvement in Chicago was, for the most part, with gay men, lesbian activists around the country knew her as well. Del Martin, editor of *The Ladder*, solicited her opinion on the 1961 repeal of Illinois' sodomy laws. In a March 1962 article in that magazine, Hart noted that new legislation would not guarantee social approval of same-sex activities. Instead, she emphasized that only through a protracted educational campaign could lesbians and gays achieve far-reaching results. Shirley Willer, the newsletter editor of the New York chapter of the Daughters of Bilitis, sent Hart a letter in 1966 thanking her for the financial contributions

to the chapter and expressing hope that she would become more directly involved in the organization.

Hart never openly identified herself as a lesbian. According to Valerie Taylor, any inquiry into her sexual orientation would be rebuffed with a cold stare and a reply, "That's none of your business. Why do you want to know that?" She did have two long-term relationships in her life. The first was with the actress and singer J. Blossom Churan. From 1918 until 1924, Hart had shared a law office with Churan's father, and sometime during this period she met Blossom, some six years her junior. Probably no relationship developed fully until the death of Hart's father in mid-1923. By 1926 when her mother died, Hart felt freer to express her own sexuality. In the early 1940s, however, Churan seemed to be bored with Hart and began an affair with a physician, Bertha Isaacs. Instead of relinquishing Churan to her new lover, Hart proposed that all three live together, which they did until Churan died in October 1973.

Hart's second major relationship was with the poet and author Valerie Taylor whom she had met in 1961 but did not become close with until 1963 when Taylor returned from living overseas. So secretive was their affair that many people known to both women did not realize their bond, and some old-time acquaintances even as of this writing claim that nothing happened between the two. Taylor, however, spoke fondly and affectionately of Hart as a profound influence on her life. She moved into an apartment around the corner from Hart's home, and for eleven years their intimacy was sustained by Hart's weekly Sunday visits. Taylor wrote at least a half-dozen poems for Hart, and dedicated her 1982 book, *Prism*, to P. M. H. Taylor's short story "Generation Gap," published in the anthology *Intricate Passion*, is based on her relationship with Hart. Taylor considered Hart the love of her life, but the feeling was not necessarily mutual; Hart's primary attachment was to Blossom Churan until Churan died.

Hart remained close to her family throughout her life. She was the favorite aunt of all her nieces and nephews, indulging them with outings and an occasional five-dollar bill. She formed a particularly strong relationship with the daughter of her sister Bessie, Tess Hart Weiner. Although separated by half a continent, the two remained in weekly contact for thirty-five years, and it was Weiner who cared for her beloved aunt during her final illness. For the most part, Hart's relationships with women were hidden from her family.

The highest honor that Hart received during her life was an honorary doctor of law degree from her alma mater, John Marshall Law School. The recognition came in 1964 as part of the ceremony marking the fiftieth anniversary of her graduation. The City of Chicago has since honored Hart twice, posthumously. In 1992 she was chosen to be inducted into the Chicago Gay

and Lesbian Hall of Fame. In 2001 Hart was the recipient of a Chicago Tribute Marker of Distinction. Under this program, the city recognizes outstanding deceased individuals by placing a large plaque on the sidewalk in front of their former homes or other pertinent location.

Hart died on March 22, 1975, of pancreatic cancer complicated by heart disease. In reflecting on her inevitable death in earlier healthier times, Hart bemoaned the fact that she had no sons or grandsons to say kaddish for her. The president of the Mattachine Midwest Society consoled her by saying that members of the organization were her sons and grandsons, and would gladly say kaddish if she felt the need.

She loved practicing law, and did so illuminated by her belief that the downtrodden—be they wayward juveniles, marginalized women, demoralized homosexuals, or browbeaten immigrants—deserved equal representation under the law. The Bill of Rights provided her moral compass, and she was fond of saying that the Constitution was a wonderful document that should protect everyone, if everyone would really obey it. Beloved by her clients and esteemed by her colleagues, Hart practiced law with compassion, integrity, and an unwavering passion for social justice. She devoted her life to protecting civil liberties and, in the words of the citation upon her honorary degree, was “a source of radiant confidence in the ultimate supremacy of the law and the goodness of man.”

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