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HART, PEARL

April 7, 1890–March 22, 1975

LAWYER, CIVIL LIBERTIES ADVOCATE, GAY RIGHTS AND SOCIAL ACTIVIST, LEGAL EDUCATOR

Pearl Hart, one of the founders of the National Lawyers Guild and an early fighter for the civil rights of gays and lesbians, was born Pearl Harchovsky in Traverse City, Michigan. Harchovsky was two years old when she arrived in Chicago with her parents, David and Sarah Harchovsky, and her four older sisters. She was the favorite of her father, Rabbi Harchovsky, who came to Chicago to supervise the slaughtering of animals for kosher meat establishments located in the Union Stockyards. Her mother came from a long line of distinguished rabbis. Harchovsky was educated in the Chicago public schools and in 1912, after graduation from high school, entered John Marshall Law School, attending classes in the evening. (At that time, a college degree was not a requirement for admission to law school.) She continued to live at home until the death of her parents, her mother in 1919 and her father in 1923. Family ties between the sisters remained close as Harchovsky became the bulwark of the family, handling any family business or legal problems or requests for extra money. Even after Harchovsky had her own home, she made it a practice to attend family Friday Sabbath meals, arriving with flowers and candy.

While in law school, she worked as a stenographer at the law offices of Pringle and Terwilliger and as a law clerk for Ferguson and Goodnow. Taking the name of Pearl Hart in 1914, she graduated from John Marshall Law School and gained admission to the bar.

Hart entered the field of law at a time when the legal profession and the courts were changing rapidly. The number of law school graduates began to increase dramatically over the next five years, and the Chicago court system emerged as a leader in the movement to reform the municipal court system and adapt it to the needs of an urban and industrial society. Illinois established the first Juvenile Court in 1899; specialized branches of the Municipal Court, Morals Court and Boys' Court, were created in 1913 and 1914, respectively. The Morals Court (later called the Women's Court) dealt with cases of child abandonment, bastardy, and child abuse. This court also dealt with women criminals such as prostitutes. The Boys' Court was created to deal with boys who were older than juveniles (more than ten years of age) and yet were not old enough to be treated as adults. A period of probation rather than punishment, with resulting rehabilitation, was an important part of the philosophy behind the creation of these different courts.

During the 1900s, women lawyers, including Hart, found both opportunities and career niches in this court system, which dealt primarily with women and children. Hart was an adult probation officer from 1915 to 1917 and became familiar with various branches of the Chicago Municipal Court.

Hart was closely tied both professionally and personally to a network of other activist women who turned their social policy concerns into professional careers. Through these interconnected networks, women like Hart effected social change for women, children, and those marginalized by society. In the first years of Hart's career, these legal networks included the Women's Law League and the local, state, and national wom-



FIG. 50. Civil liberties and social justice activist Pearl Hart, one of the first women lawyers to teach at John Marshall Law School, Chicago.

en's bar associations. Hart became president of the Women's Law League (1915–16), which included women law students and graduates of the various law schools in Chicago who were concerned with the welfare of women students and graduates. In 1917, Hart went into private legal practice, and she also supplemented her income by teaching. Hart's first teaching position was as a commercial law instructor at Carter Harrison High School from 1921 to 1922.

In 1925, Hart began to work with SOPHONISBA BRECKINRIDGE, prominent professor in the pioneering Chicago School of Civics and Philanthropy (later the University of Chicago's School of Social Service Administration). Breckinridge, a close colleague of progressive social reformers and one of the Hull-House women coalescing around JANE ADDAMS, was interested in reform of the court system and, specifically, with law and procedures pertaining to women and children. Breckinridge and other professional women of the era, including lawyers and physicians, worked with activist clubwomen to obtain the legislative changes so essential to carry out their political agenda. The Woman's City Club of Chicago (WCC) was such a women's coalition. Another was the Committee on Social Work in the Municipal Court—men and women social workers interested in reforming the system. The reformers shared the goal of enforcing the constitutional rights of women,

which were being ignored by the police department and judges. Hart observed the courts and worked with the Committee on Social Work and the WCC. She found that in the courts' efforts to take a strong stand against prostitution, women were being held pending examination by a health official for venereal disease. This was often done before they were officially charged, allowed to post bail, or seek legal counsel. Women merely walking alone, whom the police suspected of soliciting, would be rounded up by undercover vice squad officers. Many innocent, poor, and unsuspecting women were often among those coming before the court. Hart questioned whether prostitutes were more dangerous to the community than the threat to the rights of citizens posed by ordering medical examination of women before a finding of their guilt or innocence. Hart also believed women deserved adequate legal advice and thought a public defender in Morals Court on the payroll of the city or county would have greater official standing than a "mere volunteer" (Hart to Committee on Social Work, February 29, 1932, Breckinridge Papers)—the position in which she and other attorneys giving their time to protect women's rights found themselves.

It was during this time of women's rights activism and her first years in private law practice in the mid-1920s that Pearl Hart met Blossom Churan, the daughter of a lawyer who shared an office with Hart. She was ten years younger than Hart, a singer/actress with the Lyric Opera, who used the stage name of Patricia O'Bryan. To Hart, Blossom Churan was "the most beautiful woman she had ever seen" (quoted in Kuda, 29). After her father's death, Hart moved in with Blossom Churan and began a long-term relationship. She also invested money in two stage plays in which Churan performed.

In keeping with Hart's advocacy of full constitutional rights for women in the courts, she fought for women's political power in the postsuffrage era. While women had achieved the vote in 1920, they still contended with conservative cultural attitudes, legal disabilities, and a male-dominated political party system that excluded them from the seats of power. Women like Hart stretched the gender boundaries of what was acceptable political behavior for women. In 1928, Hart ran unsuccessfully for the position of associate judge of the Municipal Court.

Hart became one of the first public defenders in the now renamed Women's Court (1929). The *Chicago Daily Herald* recorded an example of her work in a case dealing with three black teenagers. In 1932, the Committee on Social Work in the Municipal Court had Hart report on women arrested and suspected of prostitution. Breckinridge and other leaders in the Committee on Social Work represented a variety of institutions that crossed racial, ethnic, and religious lines, including Harrison Dobbs, the University of Chicago; Father Frederick Siedenburg, Loyola University School of Social Work; and A. L. Foster, the Chicago Urban League. Again, Hart ran for the position of associate judge of Municipal Court, supported by Jane Addams and the Women's Bar Association of Illinois, which appointed a special campaign committee; nevertheless, she met with defeat. Women remained outside the system, attempting to reform it but not achieving the rank of judge, where they could influence the interpretation of the law.

Hart's career demonstrated a close connection between legal activism and social policy activism. She worked with reform

and political coalitions and women's groups. She also constructed professional networks for women lawyers. Hart served as the president of the Women's Bar Association of Illinois (WBAI) in 1925 and on the board of directors from 1926 to 1927. In 1930, Hart extended her associations beyond Illinois to become involved with the National Association of Women Lawyers (NAWL) serving on the organizational committee for their annual convention held in Chicago (1930) and as Illinois state vice-president, a position she held from 1931 to 1932.

In 1934 Hart chaired the Woman's City Club's (WCC) Committee on Administration of Justice, which looked into the adult courts, police, sheriff, and states attorney's offices. By 1937, Hart was becoming an authority on women and the courts, conducting research on sex offenders for the WCC. Hart's work traced other national programs in their treatment of sex offenders, including those that placed all women's cases in one single court in order to provide continuity of action and to prevent lenient or arbitrary sentencing.

In a backward move, the Illinois Supreme Court ruled in the 1935 Susan Lattimore case that the original 1899 Juvenile Court legislation was unconstitutional. As a result, the courts criminalized children over the age of ten, placing them outside the scope of Juvenile Court and in contact with hardened criminals. As a juvenile public defender, Hart organized the WBAI Juvenile Court Committee in 1936 and was a special speaker for the WBAI, promoting legislation to raise the age of criminal responsibility from ten to seventeen years. Hart created the Citizens' Committee on the Juvenile Court (CCJC) in 1938.

The CCJC and the WBAI supported numerous pieces of successful legislation, including measures that allowed Illinois to qualify for Aid to Dependent Children under the Social Security Act in 1937. They secured personnel examinations for the Juvenile Detention Home intake department and worked with the Juvenile Court judge and the Cook County Board of Commissioners to improve the running of Juvenile Court. Improvements included merit exams for probation officers, a psychiatric unit for use by the court, and coordinated medical facilities to secure health and medical care for children who came before the court. The CCJC served as a watchdog over reformatory schools and outlined welfare policies that would improve the court's effectiveness in working with children and families.

In the 1930s, Hart also responded to the growth of racism in the United States and fascism in Europe. The economic and social dislocation caused by the worldwide Great Depression had produced extremes in the political arena. Some in the United States believed that repression or restriction of the activities of trade unions, civil rights' advocates, and immigrants ensured democracy. Hart disagreed; more than ever, she advocated a strong civil liberties approach, protecting the constitutional rights of all Americans. Hart was a founding member of the National Lawyers Guild (NLG) in 1937, one of a handful of men and women lawyers with immigrant or working-class backgrounds who were founders. Hart was its first national secretary. The NLG created a "progressive and racially integrated alternative to the American Bar Association" (*Encyclopedia of the American Left*, 504).

Around 1943, Hart's private life became more complicated. Her longtime partner, Blossom Churan, began an affair with

Bertha Isaacs, a hematologist at Northwestern Hospital. Rather than separating from Churan, Hart invited the new woman into their home and into an arrangement the three maintained for twenty years. Hart's relationship with Churan and later with Isaacs was never discussed between Hart and her sisters. Hart effectively kept the two most important parts of her personal life separate from each other, except for the presence of her young niece, Tess Weiner, who often spent time at Hart's home. Weiner remembered on such holidays as Thanksgiving that if Hart was not with the family, she would send a turkey by taxi. Hart was described by Weiner as a large woman who was physically active, loved boxing, and was also known to have a gun collection, presumably taken away from gang members she had encountered in the court system. Thus, an important admonition for young Tess was never to go into Aunt Pearl's closet where the guns were kept. Hart also had a penchant for unusual cars, including a lavender Auburn that she owned as a young lawyer.

While Harchovsky family gatherings and Hart's personal household were kept separate, Hart was not totally secretive about her lifestyle. Both Churan and Isaacs accompanied Hart to social events connected with Hart's professional and political career. Besides supporting aspects of Churan's acting career, Hart owned a summer home with Churan in Holland, Michigan, called Windcrest.

Hart's leadership as a Chicago activist took additional turns. As cofounder of the George and Anne Portes Cancer Prevention Center, Hart joined with two other women in 1943 to open a one-night-a-week, all-volunteer clinic for early cancer detection in women. For thirty-two years, Hart contributed her services as secretary and general counsel to the center, helping it develop into one of the world's major medical examining facilities.

Hart's involvement with the National Lawyers Guild coincided with her early civil rights activism in Chicago. In 1944, the Citizens' Committee on the Juvenile Court asked for a report assessing the resources available for black children who came before the Juvenile Court. The CCJC was made up of a wide cross section of social reform groups that represented Catholics, Protestants, and Jews as well as representatives from the African American community such as the Urban League. The Woman's City Club representative to the CCJC was an African American woman, Ida Laws, who served in 1943. Leading social reformers, including Harrison Dobbs, Thomas Eliot at the School of Social Work at Northwestern University, Father Ralph Gallagher of Loyola University, and Sarah Schaar of Jewish Social Services worked with other concerned citizens to further their interest in Juvenile Court procedure and in Illinois institutions to which children were committed.

Three years later, in 1947, Hart spoke at a conference on civil rights at Hull-House. Hart became part of the executive board of the newly formed Civil Rights Congress (CRC) of Illinois in 1948 and its treasurer in 1949. The CRC sponsored a conference in 1949 at the Young Men's Christian Association in Chicago to discuss measures to end Jim Crow practices in housing. Hart acted as a trustee of the bail fund of the CRC.

Hart was appointed instructor of jurisprudence by John Marshall Law School in 1946, one of the few women to be named to a law school faculty. Her reputation had grown, but Hart was never elected to public office, although she made sev-

eral attempts. Throughout the forties and fifties Hart served at the local, state, and national levels of the Progressive Party. In 1947, Hart ran for alderman on the Progressive Party ticket. The local Progressive Party in 1947 showed a strong third party challenge to the monopoly of the Democratic and Republican parties by sweeping numerous key areas. In addition, 65 percent of African American voters cast a straight Progressive Party ticket. While Hart took fourth place in her race for alderman, she received 181,896 votes. In 1948, Hart was a Progressive Party candidate for Municipal Court judge, and in 1951 Hart would again run for alderman. Hart continued to be active in the Progressive Party until 1952, serving in leadership roles as Illinois state vice-chairman, 1950–52, and on the national committee in 1950. While Hart supported Henry Wallace's bid for the presidency in 1948, she opposed his views on Korea in a 1950 letter to the *Sun Times* and urged the United States to work on a negotiated settlement.

Hart also began a period of intense legal work defending immigrants and radicals who were being investigated by the government for subversive activities. Beginning in the late 1940s, the Immigration Naturalization Service (INS) initiated deportation hearings against more than one hundred immigrants in the general anticommunist furor. Deportations and raids sweeping up immigrants increased to almost ten thousand by 1953 with the passage of the McCarran Act of 1950 and later the McCarran-Walter Act of 1952. Title I of the McCarran Act identified the U.S. Communist Party (CP) to be a clear and present danger to national security. CP membership per se was not a crime, but members were required to register. A Subversive Activities Control Board would decide which groups would be covered under these laws. The law barred members from federal jobs and passports, tightened espionage laws, and denied entrance to aliens who were Communist Party members or who had ever been associated with the CP. Title II mandated detention of likely spies, though they could appeal to a review board. The McCarran-Walter Act of 1952 refined the McCarran Act to include aliens suspected of CP affiliation and provision to deport them or, in the case of naturalized citizens, to revoke their citizenship. Hart's already liberal politics and her involvement with the NLG fueled her determination to defend numerous foreign-born aliens who were required to testify before the House UnAmerican Activities Committee (HUAC), and eventually were arrested, subject to long deportation proceedings. The INS held detainees without bail, often subjecting them to various kinds of harassment.

The experience of Katherine Hyndman, the first McCarran case in the Middle West, was typical of what immigrants faced during this period. She was a Yugoslavian who had lived most of her life in the United States and had been involved in CP-related labor activities in the thirties. She was arrested in 1949 and again in 1952, when she was jailed for almost a year and subject to deportation. During this period her bail was increased, and the stipulations for her parole were stiffened.

In a similar case in 1952, George Witkovich, a Chicago printer, was also arrested under the McCarran-Walter Act. Nationally, thirty-five hundred aliens were singled out for questioning; two were from Chicago, George Witkovich and James Keller, a machinist. "They refused to inform on what meetings

they attended, what movies they saw, what newspapers they read, and other such questions" (*Daily Worker*, May 19, 1957, Hart Papers), citing their First Amendment rights and claiming that the requested information was not pertinent to the issue of deportation. Hart defended Keller and Witkovich.

The Witkovich case was appealed all the way to the U.S. Supreme Court. The Court agreed with Hart, making its ruling on May 19, 1957, that the attorney general was restricted to asking questions pertinent to the deportation question.

Hart's work with immigrants coincided with her involvement in the American Committee for the Protection of the Foreign Born (ACPFB). In 1947, she helped found the Mid-West Committee for the Protection of the Foreign Born (MCPFB). Hart served as its first chair from 1947 to 1951. She later was active at the national level, acting as one of five co-chairs in 1948 and as vice-chair in 1949 and again in 1960. The ACPFB, founded in 1933 on the initiative of American Civil Liberties Union leader Roger Baldwin, specialized in the defense of radical aliens.

HUAC held hearings in Chicago on several occasions. In 1947, it subpoenaed seven editors of three foreign language newspapers in Chicago. Hart defended Vincent Andrulis, editor of a Lithuanian daily newspaper. In 1956, Ruth Heit, secretary for the MCPFB, was told to produce copies of all MCPFB documents and correspondence relating to revision or repeal of the McCarran-Walter Act, the Smith Act, and the Internal Security Law. Heit refused, on the advice of her counsel Pearl Hart, and HUAC never cited her for contempt.

HUAC continued to summon individuals well into the 1960s, targeting leaders involved with civil rights issues. Hart found herself defending Louis Diskin and Charles Wilson at 1965 HUAC hearings held in Chicago. The committee heard cooperating accusing witnesses in closed executive session. Congressman Edwin Willis of Louisiana, a major opponent of the Civil Rights Act of 1965, was chairman of the committee. A black woman, Lola Belle Holmes, testified for five hours about her activities as an FBI spy. She had worked for the Chicago Urban League. Hart pressed for a closed session to avoid derogatory publicity for the people that Holmes accused of being communists. Holmes stated she had joined the Communist Party in 1957 and then in 1963 testified against Illinois communist leader Claude Lightfoot. Holmes testified that Richard Criley, secretary for the Chicago Committee to Defend the Bill of Rights, was a Communist Party member. Criley organized student groups, peace organizations, and civil rights groups to protest these HUAC hearings. James Forman of the Student Nonviolent Coordinating Committee was one of the demonstrators.

Hart's McCarran-Walter Act cases included at least twenty-four defendants who were arrested for either political dissent and/or their nationalities. Those individuals who could not be deported because countries of origin refused to accept them were given supervisory parole. Deportees were put under house arrest, forbidden to travel beyond a fifty-mile radius, and compelled to submit to medical and psychiatric examinations and answer questions "deemed fit and proper" by the attorney general. Each violation was subject to a thousand dollar fine and a year in jail.

As a result of these continual violations of individuals' rights, Hart and others challenged HUAC and the McCarthy-like tactics that were being extended beyond immigrants to include those active in the emerging civil rights movement. Hart joined as a founding board member the Chicago Committee to Defend the Bill of Rights (CCDBR) in 1960. She acted as the CCDBR legal counsel and participated in rallies, lectures, and petitions to oppose the McCarran-Walter Act as well as other legislation and tactics that the government was using to thwart individual liberties. The CCDBR was part of a national movement, the American Committee to Defend the Bill of Rights (ACDBR), opposed to HUAC and other oppressive government actions. The ACDBR took regular steps to publicize HUAC's abuses by taking out full-page ads in major newspapers in order to build public support for the termination of HUAC. At the same time, the Chicago chapter of the NLG, at the urging of Hart and others, publicly opposed, in 1961, de facto segregation in the Chicago public schools and sought changes in credit laws that were particularly discriminatory toward minorities.

The last ten years of Hart's career were committed to securing gay and lesbian civil rights. In post-World War II America, homosexuals were dismissed from the federal government and discharged from the military at an increasing rate, the number reaching three thousand in 1960. In addition, gay bars were constantly subject to police raids, while thousands of homosexuals were arrested through entrapment. Out of both personal and professional interest, in 1965 Hart joined Bob Basker and Ira Jones and approached numerous people about organizing a Mattachine Society in Chicago, more than ten years after Harry Hay and several communists and leftists founded the first Mattachine Society in Los Angeles. Bob Basker was named president, and Hart addressed the first Chicago public meeting at the Midland Hotel on July 27, 1965.

Mattachine Midwest and its newsletter were the political arm of the gay community in its ongoing battle with the Chicago Police Department. In March 1969, Hart, drawing on her experience with other legally marginalized groups, addressed a Mattachine public meeting. Mattachine Midwest published her talk, "The Law and the Homosexual," in pamphlet form for mass distribution. Hart remained the Mattachine corporation counsel until her death.

Mattachine Midwest activist Jim Bradford remembered Hart as one who "exhorted us and supported us to fight police tactics and seek our own rights as human beings" (Bradford, 6). Indeed, that could have been the mantra of Pearl Hart's legal, professional, and personal life. Hart was considered the "Guardian Angel of Chicago's gay community" (Bradford, 1). Numerous other communities and countless individuals considered peripheral to mainstream America would have considered Hart their guardian angel.

Hart met author and poet Valerie Taylor in 1963 as they both worked with Mattachine. Taylor, who referred to Hart in "An Autobiographical Essay" written in 1991 as "the love of my life" (n.p.), moved around the corner from Hart while she was still living with Churan and Isaacs and willingly accepted the limitations of their unusual relationship. Taylor remained close to Hart until her death in 1975 and dedicated numerous amorous poems to her and their relationship. Meantime, Isaac and Hart

had a difficult time during Churan's final illness (1965–69), and there was bitterness associated with the strain that this complicated relationship exacted from all of them.

As a champion of constitutional and human rights, Hart was honored by two large birthday celebrations by some five hundred people, first at her seventieth and later at her eightieth in 1970. Hart was greatly missed by those whose lives she touched after she died due to complications of cancer at age eighty-four at Northwestern Memorial Hospital. In 1992 Hart was posthumously inducted into the newly formed Chicago Gay & Lesbian Hall of Fame created by the City of Chicago's Commission on Human Relations.

Sources. The Pearl Hart Papers, CHS, cover mostly the events in her later career with some limited information about her family, early career as a lawyer in Municipal Court, and personal life. In addition, the CHS has the papers of the Citizens' Committee on the Juvenile Court; of the Chicago Police Department, which document Hart's political activities throughout the period after World War II; and the papers of Max Naimen, which include papers of the National Lawyers Guild and the Chicago Lawyers Guild. The CHS also has the papers of the Woman's City Club of Chicago, Chicago Municipal Court Judge Harry Olsen, Louise deKoven Bowen, and the Women's Bar Association of Illinois; these document Hart's work with Juvenile Court, Women's Court, and organizations associated with Municipal Court. Additional helpful collections are the Sophonisba Breckinridge Papers, UC Spec. Coll., and the Jane Addams Memorial Collection, UIC Spec. Coll. Both of these collections provide information about Hart's work in the various branches of Municipal Court. The Gerber-Hart Library, Chicago, named for Pearl Hart, contains a clipping file of Hart's activities and relationship with the gay and lesbian community in Chicago. In this collection are articles collected by Renee Hanover, including campaign literature published in 1928 and 1931. Also at Gerber-Hart Library is "An Autobiographical Essay by Valerie Taylor," in Tee A. Corinne, "A Resource Book," a typescript compiled September 24, 1991. Family history and Hart's relationship with her parents, sisters, and extended family come from an oral interview with Hart's niece, Tess Weiner, April 7, 1998. Tess Weiner made available a tape of her address given at Hart's memorial service, April 8, 1975. She also provided the project with a brief memoir, "How I Remember Pearl Hart," June 6, 1999. A biographical entry of Hart is in the Illinois Woman's Press Association's *Prominent Women in Illinois* (1932). Other biographical articles include one written by Marie Kuda, "Chicago's Gay and Lesbian History: From Prairie Settlement to World War II," *Outlines*, June 1994. Kuda was one of Hart's last students at John Marshall Law School and interviewed Hart's law colleague, Renee Hanover, as well as Hart's companion in her later years, Valerie Taylor. The John Marshall Law School alumni magazine, the *Briefcase*, April 1970, provides information about Hart's legal career as well as her teaching career. Some aspects of Hart's early legal career can be found in the *Women Lawyer's Journal* (1914–32) as well as contextual information regarding women lawyers in the Progressive Era. Jim Bradford pays tribute to Hart in "Pearl Hart Is Remembered on the Anniversary of Her Passing," *Chicago Gay Life*, March 19, 1976. Sources that contextualize the challenges of professional women after the passage of the Nineteenth Amendment include the work by Kristi Andersen, *After Suffrage: Women in Partisan and Electoral Politics before the New Deal* (1996). The post-World War II period, the cold war, and the activities of the McCarthy period are described in Richard Fried, *Nightmare in Red* (1990), and in *The Encyclopedia of the American Left* (1990), ed. Mari Jo Buhle, Paul Buhle, and Dan Georgakas.

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