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PROFESSOR RUBINOWITZ: Let’s get started. We have a tight schedule this afternoon. We want to get everybody in.

In 1965-1966, there was a young University of Chicago law student who volunteered to work with a couple of pro bono lawyers. A part of the Chicago Freedom Movement, they were organizing low-income African American tenants on the west side of Chicago.

We have the young law student with us today. That’s Bernardine Dohrn, who the people around here known as the founder and director of the Children and Family Justice Center for all those years in our Bluhm Legal Clinic.

But today, she is back as a University of Chicago law student, volunteering to work with people we call the Gils. And I’ll leave it to Bernardine to introduce the Gils and talk to them about their work in Chicago in 1965-‘66.

SESSION V: A CONVERSATION WITH GIL CORNFIELD AND GIL FELDMAN, CORNFIELD AND FELDMAN; LAWYERS FOR THE CHICAGO FREEDOM MOVEMENT, 1965-1966

MS. DOHRN: Thank you so much, Len, both for organizing such a beautiful conference and for having this idea which, apparently, it took us 50 years to even imagine, but it is such an exquisite idea and an extraordinary conference. Before I introduce the brilliant Gil and Gil, I want to tell you that, sadly, most of our Martin Luther King’s Chicago African American lawyers are no longer with us. We could think of Chauncey Eskridge or William Ming, or perhaps Judge Eugene Pincham, and now, Judge Leo E. Holt.
Judge Holt was invited and supposed to be part of this panel in Len’s conception and part of the program, but he passed away just last month, so I want to tell you just a few things about him. Leo Holt, as a criminal defense attorney, represented Dr. King in these very years, 1965, 6, 7.

He challenged the City of Chicago’s attempt to limit the number of marches into segregated neighborhoods, although the city prevailed. He represented protestors arrested in the massive 1966 marches for open housing and in the sit-ins downtown at real estate offices. Leo Holt represented Al Raby, the head of CCCO, who invited Dr. King to Chicago and partnered with him during his time here, and, as you will hear from the Gils, after.

He represented Dick Gregory and other open housing activists, along with attorney James Montgomery. His daughters, Pam and Paula, are here today. And at last night’s dinner, his beloved granddaughter, Sai, was also present.

So I just want us to all take a minute to think about Judge Holt and to recognize the contribution of, really, the African American Chicago lawyers who were a part of Dr. King’s vision and journey.

So we have here Gil Cornfield and Gil Feldman. Gil Cornfield went to the University of Chicago, college, Law School, Law Review, and has been a labor lawyer now for 57 years, still going. Gil Feldman here has the same career path from Northwestern, Northwestern undergrad, yes?

MR. FELDMAN: All four years.

MS. DOHRN: All four years. Northwestern Law School, Law Review, and so on.

They met and started this law firm which is an extraordinary thing that I wish more law students knew about, a 15-lawyer law firm that is union side labor law; not even taught anymore is labor law in law schools, by the way; interesting.

The Cornfield and Feldman law firm was the successor practice to the one started by Arthur Goldberg and Abe Russell. They represent slew of unions still today, the Illinois Federation of Teachers, AFSCME, the Firefighters Union, the Steelworkers Union, and so on, so I urge you to talk to them more about that. And I’m going to be interrupting them I think a bit.

Just as a small aside, as Len said, I was a second-year law student when Martin Luther King came to Chicago in 1965 and moved into an apartment in Lawndale, brought the SCLC and SNCC organizers, experienced organizers, from the South to the violently segregated City of Chicago in the north.

The movement headquarter was at Warren Avenue Church in Garfield Park. And for the next nine months, it was a revelation, for those who needed it, about segregation, violent segregation, and white supremacy, northern style.

So let’s begin, Gil and Gil, by talking about, first, how did you volunteer and come to be Dr. King’s pro bono attorneys? And by the way, they were pro bono attorneys.

MR. FELDMAN: Well, those of us in Chicago before Dr. King came here had lived through the earlier period in the 1950s and ’60s. And we were well aware of what was
going on in the South, southern part of this country. And we read and followed the news cycle, but they really knew nothing to speak of about anything about Chicago.

In I believe it was 1965, Dr. King sent Jim Bevel, one of his associates, to Chicago for two weeks. And Bevel did a study of the system and the structure of power in the City of Chicago and came back and had a greater understanding, really, an amazing understanding, of what was going on up north in these cities that we knew nothing about.

So when we learned about this, we decided that we wanted to participate in what was happening when Dr. King was coming to Chicago.

I went to the Warren Avenue Church. And I was met there by a young lady who I had never seen before, a 23-year-old graduate of Northwestern University by the name of Melody Heaps. She introduced herself. And she said she was assigning lawyers.

She assigned me to a place called Old Town Garden Apartments, which was on Sedgwick Avenue, just south of North Avenue in Chicago.

MS. DOHRN: I’m going to interrupt you for one minute because I’m going to come back to Old Town Gardens, okay?

MR. FELDMAN: That’s how I met you, I was going to get to.

MS. DOHRN: Oh, okay. But meeting me wasn’t central. Do you have another memory of this?

MR. CORNFIELD: Yes. Mine is very specific.

MS. DOHRN: Okay. Great.

MR. CORNFIELD: I was involved with a protestant urban action organization through the efforts of an AFSCME leader who was in Chicago at the time, a Victor Gotbaum, who became head of AFSCME in New York, American Federation of State, County and Municipal Employees.

We had an intermediary, Melody Heaps, who is in the third row, who involved me in this protestant urban reform group. Melody became the assistant to Jim Bevel. And she was there throughout the whole thing. At some point, Melody called me because they felt they needed some of my expertise.

MS. DOHRN: Great. Perfect. Let’s go back to Old Town Gardens, Gil.

MR. FELDMAN: Well, the same story follows through. Melody says, “You’re assigned there. “This is an integrated series of apartments there. And they’ve heard about what you’ve been working on, the tenant unions. They formed their own tenant union. And they were negotiating with the landlord there. And the word was that they weren’t getting too far. And they were thinking about strike.

So Melody says, “You’re assigned there.” So I go out there. And every evening, together with a young associate we had just hired by the name of Barbara Edelman—every evening, we’re going out there. I was going out there. She was going elsewhere.
And after a couple of evenings, I see there is a lanky young girl sitting there every night. So I thought I would go and introduce myself. And I did so.

I said, “My name is Gil Feldman. Who are you?” She said, “I’m Bernardine Dohrn.” And that’s how we met. And we worked there on that project from that time forward.

MS. DOHRN: So in my memory, which is little bit, you know, second-year law student, beginning second-year law student, when I went out to the Warren Avenue Church, they were going out every afternoon and leaving leaflets, the organizers, Bevel, Bernard Lafayette, Jesse Jackson, all three of them, by the way, exactly my age, but having had been arrested scores of times, and leaving leaflets in the apartment buildings all over the west side and the Northside, and saying, “If your building is uninhabitable, call a meeting and call this number. And if you want, we’ll come and tell you how you can make a difference.”

And every night, we would go to meetings, at least three apartment buildings jammed into one apartment, children, old people, young people, harassed mothers, trying to control the whole scene, and make a list of what was wrong with that apartment, with the idea that they could form a tenants union and put the rent every month in escrow, use that money, as long as they were paying their rent, to decide themselves how to make the building habitable.

The tenant union idea, did it come from—how is it going?

MR. CORNFIELD: If we talk about tenant unions with the emphasis on the word “union,” I can be very specific about that.

MS. DOHRN: Good. Let’s do that.

MR. CORNFIELD: After I became involved with Warren Avenue, I was going out there all the time. And at the time that I was out there, the rent strikes which you described, Bernardine, had been going on. There had been mass meetings of the people in the Warren Avenue Church that were in the apartments. And there was some picketing going on of the real estate offices that were located in East Garfield Park and Lawndale.

It was a Sunday. I can’t recall the exact time of the year. I was home. And I received a call from one of the staff people at SCLC. Picketing had been going on extensively before one of the major, maybe the major real estate operators in Lawndale, East Garfield Park, including the strike, the rent strike.

And the owners of the real estate office came out to the picketers and to the people that were the organizers and asked them what did they want. And they weren’t sure how to answer. So I received a call to come out there.

On my way driving out there, from the south side where I lived, out there, I thought, well, what we want is some kind of an enforceable agreement, like a collective bargaining agreement, and which would structure the whole business and create a democratic organization, participatory organization, among the tenants, have stewards, and so forth and so on, because we were talking about a number of buildings, as you recall. So I came out there, out to the picket line. We talked. And the result of that was the agreement to negotiate an agreement. That’s my short answer.
Now, before all of that, we had these constant eviction proceedings going on in the courtroom.

MS. DOHRN: Right. Let’s get to the eviction proceedings in a second.

MR. CORNFIELD: Yes, right.

MS. DOHRN: My memory—all of these are definitely worth inquiring into—my memory is that the first meeting I was at with Dr. King and these organizers, he had assigned me and Phil Moore and three other students from the Law Students Civil Rights Research Council at the University of Chicago Law School to find out who the largest slumlords were in Chicago.

And we went away, so excited that we were going to make a difference in this movement. And we worked non-stop for days.

And we came back. And we had to look him in the eye, look Dr. King in the eye and say that we failed, that there was no way to identify these real estate companies, as you say, Gil, no way to identify the owners. They were in blind trusts and holding companies and obscured by all the ways in which they were obscured. And we said, “We failed. We can’t do it. Here is why.”

He said, “Never mind. We’re going to call a city-wide rent strike,” just like that. And so, here we are, with rent strikes springing up far away from even where the organizers were. It was like a match to haystack, you know. It was just an unbelievable situation. Because of segregation though in Chicago, it meant people were locked into inhabitable housing.

And, you know, the nightly performance of listing what was wrong in the apartments was unbelievable because everything was wrong. They were really unlivable places, not maintained at all.

So let’s go now to people wildly accepting the idea and taking it into their own hands under the brilliance of the idea that the people with the problems are the people with the solutions, right, taking it into their own hands about how to fix up the building and what to do. But keeping that strategy working and spreading, was saying, “If you do this, we won’t let you be evicted,” right, because otherwise, we’ll have less than nothing.

So how did we deal with the evictions?

MR. CORNFIELD: At some point, and fairly early in the game, with the rent strikes in process, there were mass eviction proceedings going on in Eviction Court in Chicago, individuals being evicted. Now, normally—and I had no prior experience with any of this—normally, in Eviction Court, it took about five seconds to get an eviction order.

MS. DOHRN: That’s right. Do you remember the head of the Court?

MR. CORNFIELD: Yes. Judge Edith –

MS. DOHRN: Sampson.

MR. CORNFIELD: Sampson?
MS. DOHRN: Yes.

MR. CORNFIELD: Edith Sampson.

MS. DOHRN: Okay. Let’s just note that she is appointed by Mayor Daley.

MR. CORNFIELD: And so that normally, she probably was out of there by noon, and God knows how many hundreds of people would be evicted.

MS. DOHRN: I just have to add that this is the only African American judge in the Circuit Court of Cook County at the time.

MR. CORNFIELD: So what we decided to do was to defend the eviction cases. And the way we did that was people like yourself and others were involved in taking pictures of the conditions in the housing, sanitary, all pictures that showed that the city ordinances were not being followed.

And we raised the conditions of the buildings as defense to the non-payment of rent, which was the basis for the eviction notice. And the photographers would come to testify, etcetera.

In addition, the courtroom, a typical courtroom, I don’t know, would hold 50 people? We would have people streaming out into the halls for every eviction. The whole process of eviction then and the court proceedings became so jammed, it was impossible to proceed.

MS. DOHRN: I remember, I don’t know if you do, that the papers filed in every defense of eviction were at least, in my mind, a foot tall.

MR. CORNFIELD: Right.

MS. DOHRN: Okay.

MR. CORNFIELD: So that involved a tremendous amount of cooperation among people like yourself, Melody, and others out in the field. The lawyers—and we had to get other lawyers—the number of eviction cases were tremendous. Other lawyers in the city were willing to cooperate, etcetera, on a pro bono basis. Now, the reality is none of those cases went to conviction or eviction, if you want to call it that, except one—

MS. DOHRN: Right. Hold that thought for one minute.

MR. CORNFIELD: —that we finally litigated in 1972.

MS. DOHRN: I’m going to come back to that in one minute. So would you call this strategy what Morris this morning called creative disruption?

MR. FELDMAN: Yes.
MS. DOHRN: Legal—

MR. FELDMAN: We basically made the courtroom dysfunctional because Judge Sampson was accustomed to having one or two cases come before her. And they were all set for this one hearing. And the courtroom was loaded. You couldn’t move. It was like a sardine can.

And as Gil said, they were out in the hallway. And she was befuddled. She didn’t know what to do because there was no way in her experience she could handle this. By the way, I don’t think we have to tell you why the powers that be took the only black lady judge on the court and put her in the courtroom where eviction notices would be executed, eviction orders would be executed. That was her job.

So at any rate, she was so befuddled, the first thing she said was, “Clear the courtroom.” The head judge there, who was a man by the name of Gene Warkowski, he was there, sort of guiding her. And he ran up to her and said, “No. You can’t do that.” So anyhow, they went ahead. We finished the day. And that day, except for the one case, nobody got evicted. But I’ll never forget that day in the courtroom. It’s like something I’ve never experienced before or since.

MS. DOHRN: I’m going to describe one eviction –

MR. CORNFIELD: Not one day.

MS. DOHRN: No, no, no. This went on everyday –

MR. CORNFIELD: Months.

MS. DOHRN: —for most of the seven or eight months that Dr. King stayed in Chicago. And, of course, this strategy around rent strikes and the fight for habitable housing, which was as participatory as you can hear on every level, was one part, I would argue, of King’s three-part strategy here.

The other part was open housing marches every weekend into the white neighborhoods, the white totally segregated neighborhoods of the south side which were creating their own massive energy, bringing tremendous number of youth, African American and some white youth, religious leaders, labor people, and so on, into the mix.

And I would argue the third part, which I don’t know if he thought of as a strategy or not, was the fact that he spoke in at least three churches every night across the City of Chicago. Now, many of the churches wouldn’t let him come, but the fact is that people waited in these churches with fans by the time we got to May, June, July, and August.

And the young people on the SCLC staff would warm up the audience, waiting for Dr. King to come from the church before and the church before. These were pedagogy of the most extraordinary level. So let’s go back to the Jack Spring case.

MR. CORNFIELD: Well, this went on for months during the entire period that Dr. King was here. And we had these constant actions in court. No one was evicted. We developed collective bargaining. And I should point out that because—at least, I had no background
in any landlord-tenant relations. Fortunately, down the hall in our office, from our office, was another small office of lawyers, one of whom had a lot of expertise in this area.

And so, with his help, we developed these collective bargaining proposals which were eventually agreed to which merged sort of the labor kind of format with the substance of landlord-tenant relations. His partner was Jim Montgomery, who became Corporation Counsel under Harold Washington. So I wanted to point that out.

MS. DOHRN: That’s right.

MR. CORNFIELD: So we developed all these bargaining agreements. And they were negotiated. And they were administered. There was one small realtor that we didn’t succeed with. And we followed the normal kind of defense. The Circuit Court and the Appellate Court ruled that we had no right to raise the defense of the conditions of the premises as a defense to non-payment of rent. That case kept on well after Dr. King and SCLC left Chicago. And I argued it in the Illinois Supreme Court in 1972. It took five years. And you asked a question about it.

MS. DOHRN: Yes.

MR. CORNFIELD: Okay.

MS. DOHRN: We won.

MR. CORNFIELD: We won. And it’s very interesting because by that time, I had some kind of knowledge of landlord-tenant law and history. This whole business that the conditions of a premises cannot be a defense to non-payment of rent went back to medieval common-law. It was not a statutory provision.

And so, the issue, as I saw it before the Illinois Supreme Court, was the common law should reflect the reality of society. And the thrust of the argument to the Illinois Supreme Court, it was time to change the common law because we weren’t in medieval fiefdoms anymore. And in the Jack Spring decision, the Illinois Supreme Court, a divided court, held that the common law had to change, and the conditions of the premises could be used as a defense or set-off, and/or set-off forenoon-payment of rent.

MS. DOHRN: And can I ask you about the NAACP being brought into Chicago because now, we have literally hundreds, thousands of cases going through the courts around us.

MR. FELDMAN: I don’t think I’m the right person to ask.

MS. DOHRN: Oh, okay.

MR. CORNFIELD: Well, the NAACP Inc. Fund, that’s what it was called, was a separate institution from the NAACP, probably for tax purposes or something. Jack Greenberg at that time had succeeded Thurgood Marshall as the general counsel of the Inc. Fund, headquartered in New York.
We had so much going on in all this litigation, and as much as we were able to handle it among lawyers here, it became a real problem and issue, and so that I intervened with Jack Greenberg. And as a result of that, the Inc. Fund set up a subsidiary organization in Chicago to help coordinate all this legal work. And Melody, as a matter of fact, was—

MS. DOHRN: Administered all their cases.

MR. CORNFIELD: —the administrator, right.

MS. DOHRN: Yes. I think it’s the only time that the Inc. Fund did that.

MR. CORNFIELD: Yes, yes.

MS. DOHRN: Have a regional office here to help with the work.

MR. CORNFIELD: Yes, right, right.

MS. DOHRN: I want to just tell one quick other case that got away from us in my memory. I’m on the west side. It’s 100 degrees out. There are breakouts of disturbances around opening up fire hydrants. We hear at the Warren Avenue Church that there is an eviction underway. We rush out, maybe six blocks away. And the sheriff has carried down almost all of the household possessions from this one family. And there is a crowd gathering now, so there is 100, 200 people upset. And the family is standing there, children crying, so on. And it’s not clear what’s going to happen.

And I feel next to me—you know, sometimes, you feel somebody unusually big next to you without seeing them yet? I felt somebody very big standing next to me. And I looked up. And he said to me, “Would you hold my suit jacket?” And it’s Muhammad Ali. He walks over, picks up a couch, walks right by the sheriff, and starts climbing the stairs. So every one of the 200 people walk over, pick up a piece of furniture, and climb back up the stairs; another great kind of creative disruption. So what do we make of this at the end of the day?

MR. FELDMAN: Well, I think a couple of things: one, I think the great achievement of what happened was that people themselves who actually had the problems were brought into the process through the various matters we’re talking about. And so, rather than simply having people coming from Georgia, SCLC, and Martin Luther King’s speeches and what have you, you actually had participation by these people which, frankly, is essential to any kind of a movement. You cannot operate a movement strictly from the top. But I think, beyond that, this brought sensibility to people who live in Chicago and up here as to what the realities of these problems were because most people who don’t live in areas where these type of experiences are taking place, one, they’re not familiar with them; and secondly, they don’t really care unless something is brought to their attention.

As an example, the situation you and I were working on at the Old Town Garden Apartments, which was an integrated series of buildings, when that strike took place and
the sheriff came out and people were chained to the radiators and what have you that made the second page of the Chicago Sun-Times. You didn’t see publicity like that when you had things going on in an all-black neighborhood. So in that sense, additional sense, I think people became more sensitive to the ideas. And when you move forward in Chicago to Harold Washington and everything that ensued afterwards, this was a step leading in that direction.

MS. DOHRN: That’s great. I’m going to just give you two little words from the Chicago Tribune because sometimes, we think this was all, you know, Dr. King, the savior we now know or we celebrate, you know, with prayer breakfasts, with all politicians participating, how they felt about this.

The Tribune, among other things, they editorialized against King this entire nine-month period. “The doctrine he enunciates would lead to anarchy.” That was one of the softer things they said. “He now assumes to vest himself with the control over the property of others in an open challenge to the law; outside agitator,” And on and on. So this was, you know, a tumultuous moment.

Most people didn’t—most white people surely did not support King. But I think you’re right about that part of the legacy. Gil, do you want to say something about the legacy as well? And maybe say something about—well, let me ask you different last question. Your firm chose and the whole firm went along with the idea that at a pro bono basis, you would throw yourself into this work. Would that have been true in another kind of law practice? That’s one. And second, what were some of the repercussions? I understand your biggest client, there was an attempt to threaten to remove your biggest client.

MR. CORNFIELD: Well, it was fortuitous through almost happenstance, we were quite young lawyers with a practice. And we were in control of our lives. It wasn’t a question of some kind of firm meeting and deciding we’re going to spend amount of percentage of time, and we’re going to assign these associates to do that or anything else like that. The people were involved, and they were involved. And we also knew that we had to keep the firm going and also do work for the labor unions we did represent.

But I would say for many of us in the firm at that time, over that two-year period, and then, beyond the two years, actually, a very substantial part of our time was spent with this work. There was efforts through the city’s office to curtail, if not prohibit, our activities by putting pressure on labor unions were presented. And fortunately, we were able to resist that. And fortunately, the labor unions, they continued to use us. We continued to represent them. There was an aborted attempt, but it didn’t go anywhere, to try to disbar me because of the actions taken in Eviction Court. That did not go anywhere. But there were some of these efforts.

MS. DOHRN: I’m raising that question because we have just heard this morning I think how many efforts were made against African American lawyers, particularly in the South, but everywhere, really, to bring them up on charges, to address them. So here it was, I would argue, white privilege in operation, a wave of harassment and threats, but not really exacting a terrible cost. Do you think that’s right?
MR. FELDMAN: Yes. I would add one point. If you’re going to take action as a lawyer against the establishment and seek change of the status quo, it doesn’t make any difference who you are or what you are doing. The people who benefit from the status quo, we learned, will get great efforts to maintain things the way they are. This is simply an example of what always happens when lawyers or anybody moves to change things. Now, Judge Gray [sic: Ward], it seems to me, gave the best advice to young lawyers. 

And since we’re the three old guys here, I would say I agree with him because when you’re a young lawyer—there are young people here—you have choice to make. There are three options, really: you can go into the practice of law to make as much money as you can, or you can go into the practice of law to simply take ad hoc cases; or you can go to do something that you really care about. So when you’re in your practice, you combine that with achieving something—none of us are going to achieve very much, but achieve something that makes us feel good when you reach our ages of 83.

MS. DOHRN: Maybe you can accomplish little more than something, maybe. So one of the things that I think is amazing about this strategy is that it combined these multiple issues. So there is concrete economic justice at the heart of having habitable housing.

There is the clarity of racial discrimination and red-lining and virulent, violent white supremacist solidarity. We aren’t even talking about the massive arrests that happened every weekend here. And there is the education, you know, the opening the eyes that you’ve talked about that sometimes has long-term, lasting implications about what you can do. What do you think? I mean to me; the landlord-tenant stuff was—

MR. CORNFIELD: I agree. And as you and I have talked about this, and I know it’s for another subject, but the way I saw it, to a great extent, was what we were doing was preliminary to more major social changes and engagement of people. And it’s a whole other story which you’re generally aware of, but let me just comment a little bit.

We developed a program which was approved by the AFL-CIO through Bayard Rustin and. King which involved a planned, joint effort by the labor movement and the civil rights movement and various organizations to merge their efforts toward large-scale organizing, coupled with community institutions, starting in Lawndale, East Garfield Park, etcetera. And a lot of effort was put into that. Unfortunately, it did not reach fruition, but that was the next step in the whole process.

And I might just comment, towards the end of all of this—and this may sound a little negative, but it underscores some of the problems we’re talking about. When all that was going on, and the development of this other program, there was a large-scale meeting at the Warren Avenue Church, chaired by Dr. King. And there were business people at that meeting who I had never seen before, never been involved. And I was there—in fact, I think I was the purpose of the meeting. And the businessman said, pointedly. King, to not listen to this white—they called me “socialist lawyer.” And so, that underscored some of the underlying issues that went beyond race.

MS. DOHRN: I didn’t hear that story. That’s fascinating. And I think, also, I just want to say—it’s beyond the scope of this panel, but by that August when the marches were just on fire and Dr. King was threatening to go to Cicero where the police here and the security forces were certain that he would be killed, and they couldn’t prevent him from
being injured, or there would be massive bloodshed, he left Chicago. And that’s another story which we can all think about and describe what consequences were left. So I’d like to thank you all.

Thank you, Gil. Thank you, Gil.

(Applause.)

(Short pause.)