

The Trial

By Dorothy Day

The Catholic Worker, October 1948, 1, 7.

Summary: Attends the trial of Catholic Worker Bob Ludlow who was arrested for picketing with others outside a school. Notes how the judge handles numerous cases of public drunkenness and vagrancy related to homelessness. The judge dismisses the picketers after voicing his opposition to their views. She thinks of Thomas Moore's trial and martyrdom. (DDLW #488).

There was no one else from *The Catholic Worker* with Bob Ludlow when he was arrested last month in front of the Washington Irving High School. He was picketing with thirteen others of the Peacemakers' group at noon on a Saturday, and since they had picketed many times before during the course of the month, they did not expect any trouble. The first day we picketed we expected the worst and nothing happened; then it had become a routine affair, two hours of slow steady walking up and down and around with a picket sign around your neck or on a stick, to tell what it was all about, and some of them with leaflets to give out.

Within twenty minutes from the time they started a patrol wagon had driven up and the fourteen, including three women, were arrested and driven away to the Police Station on 22nd street, brought before the sergeant and then put in cells for the rest of the after noon and evening. Because it was Saturday afternoon and no trouble had been expected it was hard to get a lawyer. So Bob, with the rest, spent the day with nothing to eat.

The charge was disturbing the peace outraging public decency.

The trial was postponed for ten days, the charge being an unfamiliar one, and on September 27 Bob and the thirteen others appeared in court at ten o'clock in the morning. It was a small court room, on 2nd avenue and 2nd street, with only three rows of benches, and from the first bench you could see directly into the jail corridor with the cells barred as though for maniacs or for wild beasts. The courtroom was bare of adornment save for an American flag just behind the judge's seat.

Our own lawyer was late and the judge was on time, so all the other cases were brought in first.

Young Woman

First there was a very good looking young woman, tall, slim, well dressed and defiant. She had little makeup, her clothes were in good taste and she held her head up with an amused defiance. The policeman's story was that she had

caused a disturbance at three o'clock in the morning in front of her husband's rooming house on the upper west side and had been arrested at the behest of the landlord when she refused to go away. When the judge, who was a young man began questioning her there was that look of conscious admiration on his face, a look almost of recognition passing between the two, not that I think they knew each other, but that they recognized the attractiveness of each other. There was an element of sex in their looking at each other almost in the sense as the term "they knew each other" in the Bible. She was very attractive. She was not living with her husband, she said; she had two children. She pleaded guilty. Yes, she had had something to drink, she nodded amusedly. No, she was not drunk, the officer testified.

No Questions

There was no husband there to help her, though she looked around the small room when she first came in. She was at the mercy of the delicacy of the court. And there were no questions. The judge merely advised her in dismissing the case that if she were having trouble with her husband and needed support for her children she should go to the municipal court of domestic relations and take up her troubles there, not in the street at four in the morning.

Homeless

The door to the cells opened again and the next group to emerge were four women, middle-aged and aging, stooped and erect, indignant and resigned, shabby and well dressed. They had all been arrested in the Pennsylvania waiting room, and the plain clothesman who arrested them said they had been sleeping there for the past month and had been repeatedly warned not to. How well acquainted we have been these past fifteen years with such women. They cannot get on relief because they are not domiciled; and they cannot get homes because they have no money to pay rent, if there were any places available. Single furnished rooms are exorbitantly high. One woman, well dressed in a green suit, neat hat, clean, combed and refined looking, had a bundle of papers and talked of a merchandising job she had and that she spent her nights in the station so she could be near the post office and the railway express. She seemed stunned at being a "prisoner" and when the judge said that their cases were to be held over until an investigation could be made and places found for them, she said pathetically, "you mean I am still a prisoner? I am not free!"

Guilty

Next on the program were a dozen men picked up on the Bowery that very morning and all pleaded guilty to “drinking out of bottles” and sleeping on the sidewalk. At intervals between other cases all morning new groups of men staggered in, old and young, swaggering and shambling, some with their hair well cut, and others with it hanging down on their necks. All were homeless.

Gardenias

There were men arrested for peddling on the streets to earn a living as well as those who were arrested for doing nothing but drink on the streets. Of half a dozen who were escorted in with boxes and suit cases all were released but two who had no licenses. Would not this be considered “false arrest”? I remember Charlie Rich, a Jewish convert, who spent years reading and studying in the public library and who earned a meager living selling gardenias. “The smell of them will always remind me of policemen,” he said sadly.

Our own case finally came up and when it did I was feeling as tense as the defendants. They had a lawyer, Allan Early and he questioned the policeman who had arrested the defendants, after the State’s lawyer had finished his questioning, which questioning was trying to bring out the intent of the picketing, and the provocative and inflammatory nature of their signs. Our own lawyer seemed to be trying to prove that the pickets were quiet and orderly, did not interfere with the “public peace,” did not obstruct traffic, in other words that no one paid any attention to them.

It reminded me, such questioning, of our own Catherine Smith’s tart remark to a bystander who wanted to know what we were picketing for when we walked up and down in front of the German consulate before the war. “None of your business,” she snapped and went on firmly picketing. She was one that always insisted on being in on things whether or not she knew what they were about.

St. Thomas More

It also reminded me, that questioning, of the story of the martyrdom of St. Thomas More, by Chambers which I read last summer and which led me to be not quite so intransigent in my position. He and Bishop Fischer consented to have the lawyers use every technical device to get them out of prison and to save them from martyrdom. They were such humble men, “they were not like the Carthusians who were accounted worthy to suffer for Christ.” Thomas More was afraid he would deny Christ if put to the torture, so did everything in his human power to help himself. When he could no longer help himself, then God came to his aid, and he did indeed become a martyr.

So our fourteen were using all human means to get out of going to jail and they escaped this time with the help of their good lawyer and a clever judge, who in summing up said that though he disagreed with their position he would fight as Voltaire said he would, for the right for them to state it. He continued that he thought that they were misled, that they did not realize the gravity of our position, etc., etc., and that no one was paying any attention to them anyway, and so—case dismissed.

As we left, the court, glad indeed that Robert Ludlow was not sentenced and could continue his fight for the Christian revolution, we reflected sadly that it did seem to be true that the impress we made on the turn of events was but little, and that we were not as yet deemed worthy to be martyrs for Christ. -D.D.