

are bored with solo calisthenics, she advocates setting-up groups with free community instruction in sports and active games. Whenever she talks to a group, she takes into consideration the difficulties of that particular group for getting proper exercise in their environment and on their particular work schedules. I heard her address a girls' club in New York. The audience was made up mainly of office workers, living in the heart of this crowded city. Knowing how difficult and often expensive such sports as tennis or golf might prove for them, she gave them more practical suggestions for keeping fit. She stressed walks. She never forgets to stress brisk walking as an exercise. Then she described the advantages of dancing as an exercise, and of singing. Then she dwelt on the importance of posture. All the girls stuck out their chests. Miss Marble herself stands tall and proud. She looked regal on the platform this particular evening, wearing a silver-satin blouse and a cerise velvet, ankle-length skirt. Her face was earnest and serious, for she was talking about the subject that had been the most vital in her career. By the time that audience rose to leave the lecture hall, they were standing tall and feeling fresh and eager to practice her suggestions. I took the longest way home, and walked. Alice Marble sets that kind of example.

"What will you do about tennis next season?" I ventured, not sure whether it was fair to ask her to commit herself.

"I don't know, really. Of course, I'll always play tennis. But I don't know whether I'll continue as a professional tournament player or not."

That's Alice—honest, absorbed in what she is doing, persevering, and faithful. Even if tennis had not been her medium, her other qualities would have carried her far.

We Investigate the Investigator

SAMUEL UNTERMYER

A LITTLE GIRL OF FOUR, in her dainty frock, went tripping one day through the Greek garden of her great grandfather's estate in suburban New York. The old man followed her slowly. She looked up at him and said roguishly, "Let's dance."

"I can't," he shrugged. Samuel Untermyer, now past eighty, a man who had always been able to give a superb performance, was at last baffled by this chit.

"Oh, sure you can. Come on," she urged.

His keen old eyes swept the garden furtively. He sidled over to his little companion and made, for him, a cataclysmic admission. As a cross-examining attorney, he was renowned for his resourcefulness, but this day he bent down and whispered to the child.

"I don't know what to do."

"Come on," she commanded gently. "You can just do *anything*. Like this," and she stretched out her arms, shook her curls, and skipped in a circle. Soon the aged tycoon of the legal profession, studying her movements with surprise and delight, ventured a few feeble steps in sheepish imitation.

Mrs. Irene Richter, who recounted this incident about Samuel Untermyer, her father, commented, "And that is about the only time I can remember that the spirit of a child did not elude him. It was not until he was very

old that he really took the time to indulge in sentiment—when he was very old and when he was very young.”

Mrs. Richter is Samuel Untermyer's only daughter. He had two sons, but Irene was the apple of her father's eye. During the years of his greatest public achievement, when he was conducting the investigations of monopolies, she went with him daily to court. He “discovered” her in her teens, intrigued by the half-mature mind of early adolescence, and from that time on she traveled with him often. When he was ill and worried about his eyesight, she accompanied him on a round of visits to doctors in Europe, comforting him in his fears and manufacturing reassurances for his peace of mind. She was with him after court appearances to absorb the shocks of his electric temperament. His co-workers knew him as a tireless worker and a most difficult man to pace, but his daughter saw him as a man wracked and harassed by the vicissitudes of his own genius, and extended the sympathy and understanding that he so needed.

It was a warm, almost maternal greeting that she extended to me as I stood at her door one cold, rainy morning. She relieved me of my wet rubbers and dripping umbrella, and I sank comfortably in a big armchair.

“To tell the truth,” she apologized, “I don't really know whether I have much to give you about my father that you haven't already learned from others. You see, he was a very busy, a very public man. But I'll try to remember all I can about the things he used to tell me of his childhood and youth.”

Her eyes have the same gay twinkle that her father's had. Samuel Untermyer used to disarm his witnesses with it. His daughter possesses also his energy, mental alert-

ness, and fluidity of speech. She painted a vivid portrait of a hard man with an overdeveloped sense of self-discipline who expected his family to exercise the same stoic qualities in their daily conduct. “At heart, he was really a romanticist and a sentimentalist, but he had had to stifle that strain for the sake of his work until he no longer felt it. But all during the years when he was famous as a lawyer, he relied on the memory of emotions he once had experienced in his youth to play upon the emotions of the people he needed to influence in court.”

Samuel Untermyer, crusader against the money trust, against Wall Street stock exchange abuses, against Nazi persecutions, against private ownership of public utilities, and against many similar injustices toward the little man, started in his early adolescence to play upon court audiences with an emotional power that he diverted to material uses for the remainder of his career. As a clerk in his brother's law offices, while still studying law at Columbia in his free hours, he was sent down to the New York Court of Appeals to argue cases. He was then seventeen. In those days, apparently the regulation that a man could not try a case until fully admitted to the Bar was not taken too literally, for Samuel Untermyer, “the Cantor with the beard,” was allowed to appear eight times before he received his law degree, at twenty-one. He grew the beard to hide his youth and to counteract the effect of his not quite changed voice. Thus fantastically and ineffectively disguised, his youth only attracted more attention to his ability. He was just feeling his oats as an unadmitted attorney, egged on to furious efforts by the disparaging remark of Randolph Guggenheimer, his half-brother, to whom he was apprenticed. Randolph, who lived to

acknowledge his mistake cheerfully, went to Samuel's mother one day and said, "Why don't you take that boy out of my office? He'll never make a good lawyer."

That was all he needed. The lad who had spent a care-free, placid boyhood without any driving hobbies or ambitions drew upon himself the responsibilities of adulthood in less than a year's time. He became an avid student of the law, although as a child he had been just an average pupil in the New York public schools. Eventually, he became a partner in the firm of Guggenheimer and Untermyer. When Maurice, his favorite brother, was admitted to the Bar, he also joined the firm. They employed in this law firm practically every relative in the entire family who did not put up an active resistance against it. This was engineered by Untermyer in a patriarchal manner.

Untermyer once said, exaggerating for the sake of making his point, that if a lawyer wished to be a free man in his profession, he must first amass five million dollars; his fortune would be his independence. This he himself proceeded methodically to do, succeeding in his early middle years. He deliberately sought wealth for the power that came with possession. He used his money, too, to provide his family generously with the comforts of life. For instance, almost the first thing he did was buy houses for his mother and his two sisters.

"He bought his mother a house many years before he bought one for himself." His daughter chuckled as in retrospect she could see the funny side of their life under the matriarch's rule. "We lived there with my grandmother for some time. She was a wonderful old character, but oh how dictatorial! We children suffered her discipline. In spite of her love of authority, a quality in

which her son resembled her so closely, those two got along beautifully. When finally we did move into our own home, he drove up every single morning the distance of several miles to spend some time with her. He loved her dearly. I always thought it was remarkable that such dominating personalities got along so well."

In the same patriarchal spirit, he bought each of his two sisters a house on Ninety-second Street, in New York, with a large part of the fabulous fee he earned by one brilliant performance, at the age of twenty-eight. He had crossed the ocean with options from several United States breweries in which he wanted a British banking firm to invest. Unable to get an interview, he burst in upon a bank directors' meeting and announced, "Gentlemen, five minutes of your time!" After they had recovered from their surprise, they yielded to his demand for conference and, at the end of twenty-four hours, he had put over the kind of deal that helped him amass his first million dollars before he was thirty.

However, this deal was by no means Untermyer's first money-making triumph. He grew wealthy during his first year of law practice, at twenty-one. When he was twenty-four, he became famous the country over for a case he tried successfully, spending a hundred and six days at court. The decision set a precedent in making an attorney personally responsible for damages as the result of advising clients to commit a fraud. The eyes of great financiers and bankers now turned in Untermyer's direction. Youth that he was, he found himself catapulted into prominence and swamped with cases—perplexing, complicated problems that industrial leaders of the day had hesitated to entrust to the experienced legal moguls

of the times. Before he was twenty-five, he had a reputation for having tried more cases in one year than any other lawyer in New York.

Untermeyer had hit his stride. Sought after by big business interests, he offered his services at a huge price. His skill was for sale to those who could afford it. He was coming to the second great change in his life. In his adolescence, he had changed from a mild, happy-go-lucky lad to a serious student. Now in his early thirties, he became intensely ambitious. He developed an obsession for work—gruelling, feverish work that kept him at high tension for sixteen, eighteen, or more hours each day throughout his middle years. Large corporations, prominent personalities, earnest judges, all claimed a share of the great lawyer's time, for he had reached the pinnacle of his performance as an attorney, surpassing any of his contemporaries. He lengthened his days by rising at four o'clock, dictating from his room by five o'clock and working on legal documents several hours before arriving at his office in the early morning. Untermeyer attributed his early rising to asthma and insomnia, but as he lived to be eighty-one, these ailments could not have been very serious. He resented time wasted in sleep. Four or five hours were all that he gave up of each day for such refreshment.

His independence assured, Untermeyer now began to disclose new facets in his nature. From being altogether the cold, cut-and-dried attorney, with services for sale to anyone with a legitimate private claim, he awoke to a realization that he could use his abilities for crusading purposes. He labored harder and longer for the State of New York, without any fee, than any other attorney had ever done. The record of his battles against injustices by big business interests is the most prolific record of his

life. Before we go into this stage of Samuel Untermeyer's career, let us go back to his origins and get a perspective of this uncommon personality.

Isador Untermeyer, Samuel's father, was a tobacco planter in Lynchburg, Virginia, who owned twelve hundred slaves at the time of his son's birth, in 1858. He felt a deep loyalty to the South, where, as a Jewish immigrant from Bavaria, he had been able to establish himself comfortably within a short time. When the Civil War broke out, he was made a lieutenant in the Confederate army, and invested all his money in the Confederacy—all, that is, except ten thousand dollars in gold that his cool-headed wife had silently stowed away in a New York bank against the unmentionable eventuality of a Confederate defeat. There was a large family to feed, and Mrs. Untermeyer loved her children too dearly to submerge her maternalism altogether in loyalty to the cause of the South. Samuel, however, aped his father in this respect. He remembers one day, when he was seven, that as the Union army marched into Lynchburg, he ran up and down in front of his home shouting brazenly, "Hurrah for Jeff Davis!" then President of the Confederacy. The world was to thrill to this triumphant championing of unpopular causes for many a day in Samuel's later life.

Isador Untermeyer, whose heart was weak, dropped dead at the news of Lee's surrender. His wife promptly gathered her brood of six children—four boys and two girls—and moved to New York. Going straight to a wealthy residential section of the city, she opened a boarding house, which immediately became the refuge of the many new arrivals in New York who had fled the defeated South and who had known the Untermeyers back home. Having invested her savings in this enterprise, Mrs. Unter-

myer was left without any reserve to care for her six children, and the family experienced several years of comparative insecurity after the comfort to which they had been accustomed in the South. She was determined, however, that all four sons should get a college education. Samuel attended the free public schools of the city until he was twenty, when the family's improved finances and his own part-time job made it possible for him to enter Columbia Law School.

At twenty-two, he married Minnie Carl, a Protestant. The difference in their religion caused no disharmony between them, for he was devoted to her and to his three children. Commenting on the success of this interfaith marriage, his daughter, Mrs. Stanley Richter, described her father's religious philosophy:

"He was tolerant of all religions, but believed that one should give enough attention to the precepts and teachings of some particular church so that his conduct might be guided by it. It didn't matter so much which church. In our family he rather left it to my mother to see that we got a technical religious training. I do remember that after his own mother died he went to the Jewish Temple regularly once a week. He was devoted to her, and he seemed to be able to release this great filial loyalty in the spiritual atmosphere of the Temple.

"Did he ever mention any youthful ambition he had harbored, other than to be a lawyer?"

"Why, yes, he used to think as a boy that he would some day study to become a great Rabbi. Actually," Mrs. Richter smiled indulgently. "it was his love of declamation, his interest in dramatics, and a little hint of the reforming spirit, I think, that sought expression through the medium of rabbinical authority. I don't believe he

ever considered that ambition very seriously. He did love to act, though. All through my girlhood, I remember how he would suddenly burst forth with the words of Bullwer or some such romantic poet.

"He liked the theater, particularly Booth. He went to all the Shakespearean plays he had time for, and said later that the modern theater was a degeneration of the art. In his reading, too, he chose the most romantic tales. You see, he was at heart a great sentimentalist, forced by his work to squelch his sentimentalism. But it sought expression in his choice of the theater for recreation and in his relationship with his family."

We discussed one of Untermeyer's few hobbies, that of raising orchids in his suburban estate in Yonkers. The press made much of this orchid fancying of the master legal mind. He always came to court wearing one of his little orchids, and frequently, at noon, his chauffeur would come into the courtroom carrying a damp bag containing a fresh orchid. This indulgence provided a form of relaxation from a morning's ordeal of examining shrewd business magnates on the witness stand. Untermeyer did not appear to resent the bantering references of newspaper reporters to his devotion to orchids. In this respect, as in the expert timing of his court examinations, he seemed almost to be working for them. It is said that he would save up a special cluster of questions, then hurl them quickly at his witness so that a crucial admission would be made at the moment that the reporters had to rush to press with their stories. Thus, at noon they got their punch line for the evening paper, and toward evening Untermeyer would again extract from his witness the punch line for the next morning's newspaper.

Another of Untermeyer's rare pastimes was that of raising

prize collies. J. P. Morgan's collies were world-renowned, but Untermeyer determined to present a superior collie. These two tycoons had been fencing with each other for years in the courts; now they substituted prize collies for the swords of their verbal fencing bouts. Morgan was defeated at the kennel shows, just as he was defeated in court, by the man whose ability he sullenly acknowledged, making no secret of his admiration. He closed his kennels, and Untermeyer then closed his. Untermeyer's daughter related that her mother had disliked keeping kennels and was glad when the contests were over, for war had broken out, and it seemed to her that money was better spent on feeding the starving children of Europe than on raising prize dogs. Many another wealthy family followed the example of the Morgans and the Untermyers, with the result that the price of collies dropped. Two powerful men, indulging their mutual craving for competition, had suddenly created a national fad and with equal dispatch had buried it.

The story of his court battle against the House of Morgan is the story of the longest battle of Untermeyer's career—a battle against monopolistic abuses, waged gratis by Untermeyer as a servant of the people of the United States, that resulted in the enactment of the liberal reform legislation of Wilson's administration.

It all started in 1911, when Untermeyer made a public address entitled, "Is There a Money Trust?" Quite on his own, he had been doing considerable research into the causes of economic breakdown from which the country was suffering. In his address, he tried to show how much of the country's wealth was concentrated in the hands of a few industrialists in New York. All other business in-

terests were operating in fear and trembling under the critical eye of this financially powerful group. It was they who decided to whom loans and credits were to be issued. They could push money around or they could pile it up within a single city, according to their selfish inclinations. This, Untermeyer claimed, had contributed to the business panic of 1907 and the depression that followed. His sensational attack caused the House of Representatives to establish the Pujo Committee, named for its chairman, to investigate the financial practices of firms charged by Untermeyer to be harboring a "money trust." Untermeyer was made chief counsel. For months, he applied his skill to the investigation, examining such important witnesses as J. P. Morgan, John D. Rockefeller, Senior, George F. Baker, and other financial wizards and business potentates. At last, Untermeyer produced the full report of facts and figures to substantiate the charges he had made in his famous speech on money trusts, to wit: eighteen financial institutions in the three cities of New York, Chicago, and Boston virtually constituted a money trust through interlocking directorates in a hundred and twenty-four corporations, with an aggregate capital of twenty-five billion dollars.

While he was waging this battle, the opposition plotted how they might discredit these findings by discrediting Untermeyer's record as an attorney. They hired a battery of detectives to search every one of his previous legal actions for flaws in the conduct of his profession. These investigations produced a biographical record of Samuel Untermeyer that actually comprised forty volumes, now gathering dust in a safe deposit vault. This mass of data revealed only one item, in which Untermeyer was but indirectly

involved, that was open to some question. His enemies tried to persuade the Pujo Committee and the public that this vaguely recorded incident cast a shadow across the lawyer's impeccable record. But Untermeyer's explanation conclusively wiped out any implication of guilt. Delighted with the marvelous record that Untermeyer's enemies had thus unwittingly unfolded before the nation, the Committee gave him a vote of confidence and ordered him to proceed.

The fact that his behavior was irreproachable was, some say, the real secret of Untermeyer's strength. Because he never needed to fear attack by his enemies, he was free to attack and pursue them relentlessly. That he was aware of the strength of utter veracity is revealed further in a remark he once made about a witness he was cross-examining, namely that he was handicapped because "the man is honest." His method was to dig for the first fragment of untruth, and then blast a charge wide open.

As a result of the Pujo Committee's investigations, the Federal Reserve Bank law was passed in 1913. Untermeyer helped in the framing and passage of this law, which ensured the flow of money through the states wherever it was most needed. Other direct outcomes of the investigation were the Clayton Anti-Trust Act and the Federal Trade Commission Bill, which Untermeyer also helped to frame and have passed. He was a close friend of President Wilson, whom he supported in these and other reform measures throughout his administration.

These were the years when many of the luxurious resources of the New World were still untapped. Untermeyer was one of the first lawyers to recognize the need for combinations of capital to carry on the vast industrial enterprises of a growing country. As a young lawyer he himself

had helped to form such combinations, thereby acquiring the wherewithal to enjoy that independence he later needed in order to fight the same big business interests when they took advantage of their power.

In 1908, Untermeyer launched a battle against Wall Street Stock Exchange abuses, directed against minority stockholders, that continued for thirty years. His enemies are still bitter over the fact that, in attacking large corporations, the great lawyer appeared to have bitten the hand that had fed him. But a fair examination of his career and of his own writings and addresses yields a perfectly satisfactory explanation of this apparent betrayal. Combinations that resulted in the promotion of important projects that contributed to the country's wealth and power were to Untermeyer a good outcome of twentieth-century business acumen. But when these combinations were carried too far, producing monopolies so powerful that they operated unjustly against the average citizen, Untermeyer felt that some governmental regulation was called for, and for fully five decades he offered his services to the Federal Government, to New York State, and to New York City, without fee, to help correct the evils of monopoly.

Untermeyer served New York State through a housing investigation for Governor Lehman that split open a building trade and contractors' ring. This was followed by his backing of remedial housing legislation that set a pattern for many other states. For long years he fought to unify the New York City subways and preserve the five-cent fare. One day, lying half dead from overwork in a huge bed that had been excavated from the ruins of Pompeii, he had reporters of the New York papers called to his bedside, and treated them to a two-hour harangue about the transit situation and other public controversies.

Untermeyer annexed himself to numerous causes and individual complaints of people who came to him, without any money, needing counsel. According to one writer, "Although an avowed opponent of socialistic theories, Untermeyer's political philosophy was so liberal that he did not hesitate to defend individual Socialists and radicals when he believed that their rights had been attacked unjustly, and he denounced the expulsion of five Socialists from the New York State Assembly."

As the economic structure of the country changed, Untermeyer was aware of the need to look to the grievances of labor. In an address, in 1935, he said, "If I correctly appraise the trend of the times, the days of great fortunes and the exploitation of labor are over. Labor is about to receive a more just share of the wealth which it creates, but the principles of capitalism will survive." As part of this trend, he advocated government ownership of public utilities.

The spread of his interests is still further illustrated by his defense of Margaret Sanger, who was suffering a series of legal onslaughts for her courageous fight to increase the chances for life and health in the families of the poor by means of birth control, and was in need of an able spokesman to counteract the vitriolic attacks of a large group of misunderstanding people.

When Henry Ford issued articles in his paper, the *Dearborn Independent*, against the Jews, Untermeyer, defending Herman Bernstein in his suit against the motor magnate, waged a relentless battle in the interests of religious tolerance. As a result, Ford made a public announcement that he had been misled by informants who had been untrustworthy, and agreed to destroy all traces of the libelous publications.

In 1934, early in the history of Hitler's assaults on freedom the world over, Untermeyer was active as the first president of the World Non-sectarian Anti-Nazi Council, in their organized protest against Nazi persecutions.

People often wondered why Untermeyer did not seek public office. Twice he was offered the Tammany nomination for United States Senator, but declined, probably preferring a career unsullied by the opportunism characteristic of politics. A reporter once asked him, as he was strolling through his garden and showing off his orchids, "Mr. Untermeyer, is there any public office that you would consider if it were offered to you?" His eyes twinkled as he looked up from his flowers, and he made a facetious confession, "Why yes. There is just one. I'd like to be New York City's Park Commissioner."

Asked for the secret of his own success, Untermeyer never conceded that it was due to anything but hard work. His co-workers found him absolutely indefatigable, almost inhuman in his persistence. He made many enemies, as what great man does not, but he feared none. When he met a capable adversary, he was gracious in his respect. John D. Rockefeller, Senior, he declared to be such a one. After badgering him for hours on the witness stand, he would shake Rockefeller's hand in admiration.

Untermeyer died at the age of eighty-one, after only a brief retirement from a furiously active career. He had tried to retire earlier a number of times, but was pushed into action again and again because of his indignation at the injustices that flourished for lack of a champion of human welfare. He is remembered for his extensive service as such a champion, as much as for his profound ability as a lawyer.