



The
CASE AGAINST
MY BROTHER

Libby Sternberg



BALTIMORE, MARYLAND

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*In memory of my father, born Casimir
Malinowski, who changed his last name
(and mine) to Malin when I was young*

Chapter One



FALL 1922

“Matuski!”

Officer Miller’s voice sounded like a bark in the warm night.

My heart racing, I pretended he had the wrong fellow and kept walking down Portland’s Burnside Avenue, one foot in front of the other. *Don’t look, don’t look, don’t look . . . Steady, steady . . .*

“Turn around, you dumb Polack!”

My fists clenched at that, but still I wouldn’t turn. I wouldn’t give him the satisfaction.

An arched alley entry—a shadowy hole—loomed on my right. My breath came fast but his footfalls were faster. I had to lose him, had to keep him off my trail. I couldn’t lead him to Adam. Just a few more steps . . .

“Hold it there, or I’ll—”

His words died as I ducked into the dark entrance. It smelled of moss and damp walls, of something foul and slimy. A sharp vine tugged at my sleeve, but I pulled away. I held my breath and sped to a backyard garden. Beyond that, I’d find an alley, and then I could race off.

No! He saw me, and he was still following me. Just as I made my way into the yard, I heard him cursing and muttering. I imagined him bumping his head on the arched wall, his pace slowed by

the thorny vine grabbing his coat. It made me smile.

I looked left and right—nothing but yards and alley—and all more open than the street itself. *Crap!* I'd mucked up. I no longer had time to scamper away. He'd be in the yard soon, and I'd be an easy catch.

My throat dried up and I couldn't swallow. My fists clenched and unclenched as I kept looking this way and that, hoping I'd spot a safe haven. What would I say when he asked why I was out and about so late? I had to have an excuse—why hadn't I thought of that? What was the matter with me? Panic crawled up my chest and knotted my thoughts. If Adam were here, he'd know what to say.

A cat screeched out a meow of surprise and Officer Miller cursed again. The feline skittered into the open and then up onto and above an old rickety porch. There! That was a safe place! I grabbed hold of the splintery wood and followed, speedily hoisting myself up. My hand scraped along the planking's jagged edge and I felt moist blood bead under my coat. It didn't matter. I lay flat and still, looking through the porch boards' thin slits at Officer Miller's hat below.

I held my breath.

He scratched his head, pushing up the bill of his hat. "Matuski?" he called out, but his voice wasn't so strong anymore. A light went on in a house across the alley. Officer Miller's head turned in that direction, but he stayed put. He sighed and stomped a foot. He took off his hat and smoothed back his hair.

And then, at long last, he left, heading out the way he came, though more slowly and carefully this time. I counted each step until I couldn't hear another one. And then I forced myself to wait a good minute or two to be sure the coast was clear.

I stretched, climbed over the porch railing, and crouched before jumping. *Ouch!* My ankle throbbed from the fall. I brushed off the pain and went into the alley, looking up and down, staring

into the darkness. Nothing.

At last, I ran.

It felt good to run, each step leaving something behind—worry, pain, sadness. My breath came fast, and the soft *clump-clomp* of my feet masked all other sounds. Feeling like the only man alive, I barreled through the city's dark byways as if a fire-breathing monster were on my tail. My lungs burned for air. My legs throbbed for rest. But I ran on and on and it still felt good.

I ran toward the East, where pink shreds of clouds shyly lit Portland's sky, signaling dawn's arrival. I thundered forward—East toward what used to be home.

Glancing behind me again, I ran on into the cool shadows, down Burnside, south on Fifth, left on Yamhill. I ran past parked Tin Lizzies, Buicks, and Studebakers crammed up against the curb near what my Uncle Pete called a “house of ill repute.” There, music and noise floated into the silent city. Someone was playing a popular new tune on a tinny piano—“Carolina in the Morning”—while boozy voices crooned the words:

*Nothing could be finer than to be in Carolina in the morning
Nothing could be sweeter than my sweetie when I meet her in
the morning . . .*

Carolina wasn't home, but it *was* back East. Homesickness choked me.

My steps echoed on empty streets that smelled of wet pine and fuel oil from ships anchored in Portland's harbor. East, East, East—how I wished I could keep running all the way across the country, over mountains, flat prairies, gentle hills, all the way to the city of my birth, to another harbor that smelled of humid life, to a place, unlike Portland, where at least I had a few friends and a pocketful of fond memories, and where I blended in, like everyone

else in a crowd.

I didn't want to be here in Portland. Whenever I found myself walking or running East, my pace quickened and my energy soared. It was as if home were just over the horizon.

Though the air was cooler now, the sweat on my brow kept my hair slicked down under my cap. As I neared the house I was looking for, I slowed my pace. I looked right and left. No sign of a policeman on the beat. No police cars, either.

Nobody, in fact, to see me walking toward the corner house, where one yellow rectangle of light lit up an upper floor.

He was up and waiting.

After looking up and down the street again, I made three quick raps on the front door, followed by two slow raps—that was the signal. I saw the light upstairs flick off, and a shade move ever so slightly in the ashy dark. Then, a few seconds later, I heard the slow creak of the door as he pulled it open.

“You've got to get out of here,” I whispered before I even saw his face. “Miller knows you're here.”

Adam didn't say a word. As he ran back upstairs, I listened to his ascending footsteps. A few moments later, he returned, this time opening the door fully. Stepping out into the early morning with me, my brother shrugged into an old tweed jacket and placed on his head a flat tan cap that looked a lot like mine. Our mother had bought them through the Montgomery Ward catalog the year before she'd died.

As we walked down the street together, he shifted his small bundle of clothes to his left hand so he could tousle my head with his right. I pulled away. Adam was two years older than me, but I was fifteen, not some pup.

“You shouldn't be out so late,” he said, and I could hear the smile in his voice even through the shadows. “Does Pete know?”

“He thinks I'm sleeping,” I said.

“Until he checks on you.”

“He won’t check.” Our Uncle Pete was a sound sleeper, and never one to worry about us when we were out of sight. But he’d be rising soon to start delivering milk. I had to time my return so as not to run into him as he left for the day.

I looked behind me. Though the street was still clear, I picked up my pace. I thought I heard a car engine rumble to life in the distance. The neighborhood was quiet, but lights were flickering on in a few houses. We passed a big brown house, where I heard women’s laughter tinkling into the night. If this was a bad area, police might not be far behind. We had to hurry. Adam, seemingly unconcerned about getting caught, looked at my pockets, even reaching out to pat one.

“I thought you were bringing . . .”

“Oh, yeah, I forgot.” I pulled a cloth-wrapped roll from my right pocket, and Adam grabbed it, unwrapping it and greedily tearing off a portion with his teeth.

“This all?”

“There’s more at Pete’s.” We turned a corner and I touched him lightly on the shoulder. “C’mon, we gotta hurry. He’ll be up soon.” I started running again, but Adam lagged behind as he focused on eating his “breakfast.” At a corner a half block away, I turned back and stage-whispered “C’mon!” as I waited for him to catch up.

“All right, all right,” he said in a low voice. Finishing the roll, he wiped away stray crumbs from his mouth, then hefted his bundle over one shoulder. Joining me at the corner of Ash, he pointed toward the river and the shipping yards. “There’s an empty office at Beely’s Sawmill,” he said. “They’re closed now. I could hide out there.”

“I was thinking you could come home tonight—I get my newspaper money after today’s route,” I said, already starting to

feel disappointed and afraid. It was as if Adam thought this was all a big joke, as if he didn't fully realize the trouble he was in.

Reinforcing my view, he laughed. "Home? That's the first place Miller'll look for me, kid!"

I shook my head. "Don't call me 'kid.'"

He looked at me through narrowed eyes, his mouth tugging into a smile. "Sure thing," he said. "Scrawny."

I would have punched him, but it would just waste time. He knew calling me that was a sore point with me. Yeah, I was skinny and tall, shooting up so fast Pete complained about having to buy me new clothes "every week," but I could take care of myself most of the time. At least I hoped I could. Adam was forcing me to.

I let my hands unclench. "Miller won't look for you at home. He follows me. That's how he figured out you were at the Third Street house. But home? He'd never guess I brought you there. He's not following us now." I shoved my hands into my pockets and shivered. Now that we'd stopped, my sweat clamped on my face and body like ice. The weather wasn't yet cold, but the early morning run had left me damp as a dish rag.

I looked at Adam, waiting for him to see the wisdom of my plan. Staying out in the open was an invitation to trouble. If I could get him home, he'd be safe—at least for a few hours. I'd do my afternoon paper route, get my monthly pay from my boss, then hand it over to Adam so he could hop a train and get out of town. Sure, I might take a whipping from Pete for "losing" the money, but Adam would get safely away.

Adam smiled, his wide mouth lifting his face into that happy-go-lucky grin, which usually made me feel like neither of us had a trouble in the world. But today, it annoyed me. In fact, I again felt like punching him—this time to wake him up to the trouble he was in.

"Smart thinking, Carl. But Miller's no dope. He might come

over again.”

“You can hide in the cellar, near the furnace—in the coal bin if you have to.”

He laughed. “And be black as old Thomas?” Thomas was the Negro Street Araber who sold fruits and vegetables from the back of his horse-drawn cart. “That would be a good disguise.”

Before I had a chance to argue, Adam gave in. “All right,” he said. “I’m too tired to fight. At least I can get more food at home.” He reached out to rub my head again, but I pulled away, walking ahead of him.

The pink and orange strips grew in the Eastern sky, bathing the area in an eerie gray light. Dawn was drifting in with the tide, and soon the city would be bustling with traffic, noise, and work. Pete would be up and on his route by now, so it would be safe to sneak home, as long as Officer Miller didn’t catch us.

“Come on!” I shouted to Adam, sounding as angry as I felt. Without looking back, I took off running. In a second, I heard him following me, and then, as he passed, he showed me a toothy smile. A race!

No longer angry, I laughed and began sprinting, struggling to catch up.