ABA Senior Lawyers Division

Women Trailblazers in the Law

ORAL HISTORY

of

JANIE SHORES

Interviewer: Arden B. Schell

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Arden: Did you remain friends with and keep in touch with Vince Kilborn during those years?

Janie: Yes, of course. I was gone for a long time, but I did stay in touch with him and his wife Mary Jo. I was often invited to visit during Mardi Gras and remember once coming when I was in law school to attend the Crew of Columbus ball. His son, Vincent, III, who was called Sonny as a boy, and is still Sonny to me, lives right down the bay from me. I see quite a lot of him. He is very attentive to me and includes me in social gatherings, which he has frequently. He has a very successful law practice and seems determined to make a significant contribution to cancer research. He also supports underprivileged and impaired children, not just financially but with his presence. He has established something called Kilborn Kids through which he supports them. Recently he gave a significant financial contribution to the cancer center at the University of South Alabama. He has a natural interest in cancer research because so many of his male relatives have been victims of it. His father was the oldest of four brothers, Vince, Charlie, John, and Ben. Ben, the youngest one, lived the longest and died at 54. And all the others died before they were 54. Vince, the oldest, from pancreatic cancer in 1970 or so.

Arden: How old was he.
Janie: I think he was 48, 49, something like that. I know he was still alive in 1968 when I was being considered for an appointment to the Court. But then when I ran in 1972, he was no longer living. His brother Charlie had died of a heart attack some years before then. Then the others died. My point was, I think Sonny's commitment to helping find and fund a cure for cancer is related to his family experience.

Arden: How long did you work for Mr. Kilborn.

Janie: Four years. We became friends and he and Mary Jo visited me in Selma at least twice I recall. And we kept up with each other. But it wasn't a weekly, daily, conversation.

Arden: He sort of was the one that mentored you to go forward.

Janie: Definitely.

Arden: With your education and become something other than just a secretary.

Janie: Yes he was. He said he thought I had an inherent ability to understand the law, an insight into the law that he found unusual in somebody as young as I was. I was 17 or 18 years old.

Arden: What kind of things prompted remarks like that.

Janie: Well he dictated everything. Later on we got a Dictaphone. But mostly in the years I was there it was shorthand. He dictated letters, deeds, contracts, pleadings, everything. And, Mobile was unique in that the old common law system of pleading at length was still used. If one mastered that, it provided an understanding of the law that was useful in every area of the law and especially so in the study of law.

Arden: Meaning you pled everything.

Janie: Yes, Alabama had not legislatively adopted any system of "code" pleading. It had not adopted a form of pleading based upon the Federal Rules of Procedure. It would do so, in the 1960s, but Mobile continued to "plead at length" for a long time, even after the Legislature acted. In Mobile, a real distinction, a literal distinction between law and equity was maintained for a long time after code pleading was adopted. My experience in that law office, taking dictations in everything gave me a real insight into the practical aspects of practicing law which
was invaluable to me once I got to law school. So during one of those long sessions of dictation, he was making some point or argument and I, uncharacteristically, commented on the substance of the argument. I said something like, that wouldn't work. If that were true we couldn't have life estates in real estate, or some similar observation. I don't remember now the context in which he was making the point but I was listening to the substance of the point he was making, which I didn't always do. It is not necessary to follow the substance of dictation to be able to reproduce accurately what is dictated. But this time I must have been following the point he was making to have interjected a critique of it.

Schell: As you went along
Janie: As I interposed a comment about a subject of which I knew nothing and compared it to one of which I knew even less. But that kind of thing caused him to comment more than once that I had a good mind for the law.

Arden: So he was happy to see you go.
Janie: Delighted that I went to law school. Absolutely delighted, and kept up with my progress. I don't mean weekly or but certainly kept up with it. And then, of course, it was not usual for women to be in law school. I knew of only one woman lawyer in Mobile in the years I was there, working as a secretary. Her name was Miss Rosa Gerhardt. I don't think she ever practiced law. But years later Judge Dan Thomas, a U.S. District judge, hired her in some quasi-legal capacity.

I was gone quite a long time from the area in which I grew up, but I returned frequently. My parents still lived in the same town and I visited with them fairly regularly and I bought the first house I owned in Montrose here in 1972. We continued to live in Birmingham, but spent a lot of time in what we called our summer house, but we visited quite regularly year round, so while we considered Birmingham our principal residence, we maintained a presence in the Mobile-Baldwin County area all these years. But being gone most of the time, even if you return for short periods, you lose contact with people. My life-long friends from school days are limited to two or three that were classmates from the very beginning. I saw a couple of them not too long ago. I had lunch with two of the
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girls and one boy. He fetched us all and drove us down to Gulf Shores for our high school reunion.

Arden: So you've kept up two or three people from high school.

Janie: Yes.

Arden: That's really wonderful.

Janie: He went to Auburn for college and remained there after graduation. He has been very successful, having started off building student housing at Auburn, and stayed there in real estate development in and around the university. Another was Mary Jean Dean. She married Gordon Barnhill and still lives on the property his family owned and farmed when we were children. I asked her recently whether she agreed with me that our parents and teachers never talked to us about college. She said they did not, but that she would not have listened to them if they had, because she had already decided to marry Gordon by the time the subject would have come up. She got into real estate sales and she says she has made a living selling the same property over and over. She is alluding to the fact that real estate development and increasing population in the county has seen farm after farm subdivided into subdivisions, all over the county.

Schell: What about some of your relationships and acquaintances you developed in law school. Would you speak about some of them.

Janie: Yes. And many of them have remained life-long friends. In my very own class as I might have mentioned before, Max Rogers. His formal, official full name is imposing. It is Charles McPherson Audustin Rogers, III. His father was a member of a prominent old Mobile law firm, McCorvey, Turner, Rogers, Johnstone, and Adams. Max went to Williams College, a venerable old private boys school located in Massachusetts. It finally started admitting women in about 1970. Max came back to the University of Alabama for law school. He and I were always competing for number one in the class in terms of grade performance. Both of us made excellent grades. Some semesters he would beat me; sometimes I would beat him. But because we consistently led the class, we were thrown together a lot. The first in the class automatically is elected Editor in Chief of the Law Review. The second in academic performance becomes the Associate Editor. The top four students academically constitute the moot court team.
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law review and associate editors. The whole board of the law review is assigned on the basis of grade point average so by virtue of performance. Because of this Max and I were thrown together a lot and became good friends. We were moot court partners and researched the law and wrote the briefs and argued the case before a panel of Supreme Court justices. We won, too.

We were so close in academic standing it was necessary to check at the end of every semester to see who was first. In the class. Because we were so close, it was apparent that we were going to be competing for editor-in-chief of the law review. Right up to the last moment. At one point, the subject came up, and I acquiesced in or might have suggested that since I wasn't likely to be recruited for a leading law firm that it would mean more to him to be the editor of the law review than for me to be it. I acquiesced in that conclusion, because was true that I was not likely to be recruited by a major law firm. Max was very likely to be, but he would no doubt return to his father's major law firm in Mobile in any event.

Arden: It wouldn't have made as much difference to you.

Janie: That's right. It wouldn't have improved my odds enough to count and so he was editor of the law review and I was associate editor. So we continued to be paired the last year we were in law school together. One of the advantages of being editors of the law review was office space and access to the building. We could come and go at any hour. Both of us were morning people, so we were often in our offices in the law review section of the building early in the morning. From that vantage point, we saw Coach Bryant almost every morning. It was his practice to go to Druid Drug Store, located just East of the law school, for morning coffee. As I mentioned, Max had gone to undergraduate school at Williams College up East and therefore had no exposure to a real football program. After several embarrassing years under Coach (Ears) Whitworth, the University had persuaded Paul (Bear) Bryant to come back to his alma mater as coach. Max and I developed a practice of also going to Druid Drug Store for coffee at the same time Coach Bryant went. It is a small drug store; it was early morning and often Coach Bryant and Max and I were the only customers. After a time, he began to join us if we got there first, or invite us to join him, if somehow he had managed to get there without our seeing him. He never told us any team secrets, but he was cordial, entertaining and often curious about what we did reviewing law all the time. Max
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was a slight, somewhat fragile person, not an athletic prospect at all. But he loved Coach Bryant and those early morning coffee sessions. And I did too. We had had a dismal football performance the whole time I'd been at Alabama. It was so bad that the usual thing that you'd see on Monday morning when I was in undergraduate school was Coach Whitworth, (we called him Ears Whitworth) hanged in effigy in front of the student union building. So a new coach of any kind was welcomed to the University of Alabama with genuine glee. That new coach turned out to be Coach Bryant.

Many years later, after what must have been an Alabama-Auburn football game in Birmingham, Bob and Helen Vance and Jim and I were sitting in The Club after the ballgame. I don’t remember the game, nor the score, but we must have won, because I do remember that we were seriously celebrating. In comes Coach Bryant and Mr. Lackey, either Julian or Rufus. They are brothers and both were good friends of Coach Bryant. I knew one of them. He served on the Board of Directors of Liberty National and I saw him at board meetings. When she saw them, Helen said, oh I would love to meet Coach Bryant. I responded: Well I know him, I'll introduce you. So we casually wandered out onto the patio behind them. They could not get back into the club without passing us, and as they turned and approached us, I spoke to them said, I would like for you to meet my friend, Helen Vance. They both were very gracious to her and gracious to me, expressing how happy they were to meet Helen and how nice to see me again. As they walked away I heard Mr. Lackey ask Coach Bryant “who is that little lady (me). I know her face but I can't think of her name”. Coach Bryant responded: “I can't either, but she used to work at Druid's Drug Store.”

I later came to believe that men see women differently than they see other men. (no innuendo intended). It's an interesting fact. When I ran the first time for the Supreme Court, I felt comfortable at the prospect of campaigning in Mobile. Every candidate for a judgeship knows that lawyers are the voters most interested in those races. I knew, by virtue of having spent four years as a legal secretary, most of the lawyers in Mobile. I soon learned that while I knew them, they did not know me. I came to understand that secretaries, for the most part, make no impression on lawyers having business with the firm. I soon learned that they had no recollection of me at all. Neither my face nor my name prompted any
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recollection of having known me at all. Most were gracious enough and interested enough, and almost all were astonished, incredulous even, to hear that I was running for the Court but had no ability to connect either my name nor my face with those years. I came to believe that for the most part, women in the workplace made no impression on men having business there. They were just part of the setting; like a part of the fixtures. Now I don't mean to suggest that a particularly spectacular looking secretary would have gone un-noted, but as a general rule, the women on the staff were simply not noticed.

Arden: Not persons.

Janie: Yes, part of the equipment and furniture. Which I just found perplexing.

Arden: You worked there for four years and met all these people and they didn't even remember where.

Janie: It's still interesting to me. The lack of curiosity if nothing else is interesting.

Arden: Yes, definitely.

Janie: But anyway I thought of that over the years. "I'm not sure what her name is but she used to work at Druid Drug Store." Coach Bryant at least remembered where he had seen me. The lawyers didn't remember even that.

Arden: Well at least he remembered where.

Janie: He did. And I am convinced that all of that has changed now. It is probably still common to see an all female staff in law firms, but most, certainly all the big ones, by now have a significant number of women lawyers.

Arden: Who else did you run across in your law school while you were there?

Janie: Don Patterson was a friend. He became a Circuit Judge in Florence; Ben Reeves was a District Attorney for many years. Max Rogers practiced with his father's old firm for a long time and then became president of a bank. Richard Shelby, who did not graduate from Alabama, but did get a law degree from Birmingham School of Law, was elected to the United States Senate, first as a Democrat, then switched to the Republican Party as whites in the South fled the Democratic Party, as President Johnson predicted they would following the passage of the Civil Rights legislation in the 1960. He has been re-elected ever
since and is still there. John David Snodgrass. He remains a friend. I speak with him frequently. He served as a Circuit Judge in Huntsville for many years. He has now retired and returned to his beautiful farm on the Tennessee River in Scottsboro, where he was born and raised. He was a year or so behind me in law school.

Arden: From Scottsboro.

Janie: His girlfriend, Annette Clark, one of the four other women in law school when I was, and I became friends and for a semester or so, shared an apartment in Tuscaloosa. I was a year ahead of her in law school but we got an apartment together and roomed together so I fell into a lot because of Annette. And he remains one of my closest friends. I suggested that he join me, Reneau Almon and Debbie, his wife, John T. Crowder and his wife Karen on a trip to Africa last year.

Arden: That was a really nice trip you took.

Janie: Yes, it was a nice trip. John T. and Reneau were big game hunters and have been on safari hunts many times. Each have an impressive collection of trophies. This time, they were lion hunting. John David was not interested in joining them on the hunts so he joined the women. He made friends everywhere we went. The staff at the hotel in Cape Town almost cried when he left a few days before the rest of us to return home.

Arden: Did he marry Annette Clark.

Janie: No he did not. He never did get over it in my judgment but she married a boy from Mississippi whom she met through me. He was at Craig Air Force Base in Selma. His name was Hube Dodd. I did not know him and don’t remember how Annette met him. She remained a friend until she died and John David and I remain good friends to this day.

Arden: We were talking about people that had lasting impressions on you from your law school days.

Janie: Well John David Snodgrass and Annette Clark would be among the ones that I stayed in touch with forever. She later had married Hube Dodd, originally from Mississippi. She met him when he was at Craig Air Force Base in Selma. He was in the insurance business and they lived in Memphis for a long time and then
came back to Birmingham. I was able to get her employed as the law librarian at Cumberland Law School since I was then teaching there. She later taught some courses and became very popular with the students.

Arden: Another testimony that women with law degrees can do anything.

Janie: That's right, if they're willing to do so.

Arden: Some had to be in the earlier years.

Janie: That is correct. And Dean Weeks, to his credit, was, he always claimed, to be the first to recruit women professors. After law school, John David went back to north Alabama where his roots truly are to this very day. His father had been a circuit judge and John Davide became a circuit judge in Huntsville. His father had been a founder of a little bank in Scottsboro which later merged and became part of a bigger bank in Decatur, Alabama. State National of Decatur. It was acquired later on by a bank in Birmingham founded and operated by Harry Brock, a very talented businessman. John David, like his father served on the board of directors of these banks, which through mergers and acquisitions have grown into an international financial institution.

John David, like his father, and his uncle Bob Jones, (his mother’s brother) is a loyal Democrat. He is also loyal to his family traditions. I am sure he continues to run the farm just as his father did. I doubt that he has ever sold a single acre of land, but I am sure he has bought some, to add to the farm. I am equally sure that he hasn’t sold any bank stock. He still buys a flock of those cows every year, plants the pastures and feeds the cows. They have calves and then you sell off the calves and then you do it all over again. One can understand why he loves the farm. It is a beautiful spot on earth. The house sits on a mountain in Scottsboro overlooking the Tennessee River. Just across the river from

Arden: You also were acquainted with Morris Dees and

Janie: Morris Dees and Millard Fuller. They were not in my class, I think they may have been a class behind me. I knew them fondly. They were entrepreneurs. Their first venture that I knew anything about was the birthday cakes. That was an idea that Morris had. Back in those days, to register for classes, in the undergraduate school particularly, was an ordeal. Long tables were set up tables in Foster Auditorium, and students went from table to table to register for each class.
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If you had to take English 102, you got in a line that said English 102, physically registered for that class and then move on to the next line to register for the next class you needed, until you filled your entire class schedule. It took a long time. Sometimes, you would stand in line, finally get to the table, only to learn that that class had been filled. After you finally fill out your class schedule, Morris and Millard set up another table. And at that table you were asked to give your name, your campus address, your parents' address, your date of birth, etc. At the end of the day, Morris and Millard had a list of all students in all those classes. They wrote to the parents and for a stated amount, they would guarantee a fresh birthday cake would be delivered to their child on their birthday. They took those names and addresses to a local bakery and arranged to have those cakes made and delivered. I was very impressed with their imagination. The whole project was accomplished within a week's time. They'd made the contracts and signed them. They later did it with cookbooks. They wrote to every famous person they could think of for their favorite recipes, among them Jackie Kennedy and published a book The Famous People Recipes, or some similar name. I forget exactly what it was, but they applied the same theory to something involving Christmas decorations, put buyer and seller together. Isn't that enterprising?

Arden: It is.

Janie: They were very successful. And then the story was, I don't know if this is true or not. The story was that Millard told Morris that once they'd made a million dollars, he was going to quit and be a missionary. And before too long they reached that point and he did exactly that, became a missionary. He and his wife went off to Africa for a long time where he was a missionary. Later on, he started Habitat for Humanity. Isn't that a wonderful life story?

Janie: Millard founded Habitat for Humanity and Morris founded the successful Southern Poverty Law Center, which has done some really good work. It makes one believe that there is a plan for all of us.

Arden: Oh yes.

Arden: Just for timing sake, when you graduated from law school, you went back to Selma .
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Janie: I went back to Selma but I also was clerking for Judge Simpson at the court in Montgomery but I didn't move to Montgomery. I went over as necessary. It was only an hour or so away.

Arden: You would do that once a week or so, and sometimes spend the night.

Janie: But not regularly.

Arden: So you had a law practice.

Janie: Had a law office. Didn't have much practice. at first, but I could pay the rent and salary for a secretary and I had an office to go to. I even had a small library.

Arden: What was it like being a woman who had a law office.

Janie: Well it was certain unusual in Alabama. There were only a very few women lawyers then. I would guess under twenty. I only knew one other who had an office of her own. That was Miss Nina Miglionico from Birmingham. Someone, it might have been Nina, suggested that we form a womens lawyers group and we did. I thought we should have instead tried to elect one or more of us to positions in the regular Alabama State Bar. But we had this womens group and met probably once a year. I remember a classmate running for some office in the State Bar who told me if I could get the women lawyers to support him, he would put one of us on a committee.

Arden: Did you get many customers.

Janie: Well I didn't get a staggering number of quality clients, but I got a lot of calls from loan companies inquiring whether I would handle their collections for them. Automobile dealerships that carried their own paper called on me to determine whether I would I do their collections for them. A law license will get one all the work you want if you want to do collection work. That was certainly the case back then and I doubt that it has changed much. There was also plenty of opportunity in the domestic relations field. Many women, and some men, came to me to represent them in divorce or child custody matters. Those fields didn't interest me much, but I would agree to represent one of the parties in those cases from time to time, especially if it were referred to me by a friend, someone wanting to support my effort to succeed in Selma. Members of the Jewish community were
especially thoughtful in this regard. One of them recommended me to a woman who had recently moved to Selma. I don’t know whether she was originally from Selma. She was Mrs. Anthony J. Drexel, III and Mrs. Anthony J. Drexel Ill had been married to Anthony Drexel of the Philadelphia Drexels, a prominent Philadelphia family.

Arden: Drexel College.

Janie: Quite wealthy people. Anthony had died young and left a widow and at least two children who were then minors. Mrs. Drexel had been appointed by a Pennsylvania Court as the guardian of those children. She was required by that court order to file periodic reports on the guardianship estate. Now that she and the children were in Alabama and the children were still minors, she wanted the guardianship estate administered in Alabama, and retained me to represent her as guardian of those children. An annual accounting was required and a court order was required for expenditures of significant sums of money. I remember petitioning the probate judge in Dallas County, Alabama, for $300,000 to fund Diana's (one of the daughters) debut. The judge was asked to approve that amount for that purpose. He and I agreed that he should appoint a guardian ad litem to represent the other side. We had a hearing and the judge approved the amount requested. All of us thought $300,000 was perhaps more than a debut would cost in Selma, Alabama, but there was no evidence that it was an unreasonable amount in Philadelphia. Throughout the administration of this guardianship estate, I reported not only to Mrs. Drexel, but also to the Drexel estate offices in Philadelphia. Mrs. Drexel and the children were delightful people.

Arden: Speaking of the Drexel matter, how did she come to you.

Janie: Through my friends, Steve and Edie Ball, who had Rothschild's Dress Shop there where I shopped and saw them regularly. There were several other Jewish families whom we saw with regularity. In fact the Jewish community in Selma was prominent in civic leadership and I think were totally welcomed and included in every civic endeavor. I don’t recall any bias of any kind being expressed about them. This stands in sharp contrast to the attitude toward black people. I don’t mean to imply that there was overt discrimination or criticism of the black people, but it was there and soon became overt.
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Arden: Other than that was there a bias against you because you were a woman?

Janie: Well not overtly. The president of the Selma County Bar told me that I would be invited to join the bar association, but first the by laws would have to be amended because presently membership was limited to white, male, lawyers. He said he expected no opposition to an amendment allowing female white lawyers to admission.

I had left Selma when the first black lawyer came to town. Hank and Rose Sanders, husband and wife, both lawyers, came not long after I left. They soon were being noticed for being less quiet than the norm. There was a voting rights drive that gained national attention in the early 1960s. Then came the Selma to Montgomery March.

Arden: May be. Well are there any more just random thoughts you might have of those years prior. We took it all the way to your investiture. Before, there will be other people that will come up and there will other stories probably that will relate back after we get into the court years. Is there anything now that jumps out at you that you would like to talk about.

Janie: No the only thing that I should emphasize because it was truly important was the support I got when I was running. I really owed my election to my classmates, the ones that used my notes. They really did feel obligation to help me. And keep in mind there hadn't been a Supreme Court race in years. There never had been in their lifetime certainly. Because as I said, because there was no retirement for judges, they just stayed on until they died and the governor would appointment somebody to take their place. And incumbents almost never had opposition. Because we were able to get a Constitutional amendment that allowed for retirement, we had vacancies for the first time in years.

An election for justices of Supreme Court was as new to the trial lawyers as it was to us who were running. I think for that first race, I raised and spent $34,000. Nothing at all like the sums spent in later elections. I had absolutely no television advertisements. I did have a little newspaper advertising the weekend before the election, consisting largely of lawyer ads, lawyers who endorsed my candidacy which I would run as an ad in the paper on that weekend. Annette Dodd and I
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drove around the state together and when we see a radio tower or a television tower
we would just go in and introduce ourselves and amazingly almost every time
they'd put us on the air. And that didn't cost anything.

Arden: Amazing.

Janie: Like Loretta Lynn.

Arden: Yes. Exactly what came to mind.

Janie: And Annette was good at it. She would go in and introduce herself and
introduce me as if we were the most important two people on earth and here was
an opportunity for your audience to meet us.

Arden: That's wonderful

Janie: What a stark difference now.

Arden: Last race the candidates were spending $4 to $5 million. It was
amazing, it really was. And the ads were vicious.

Janie: All these years I have been a proponent of letting the people elect the
judges. I have argued that the voters have as much competence to elect an honest
judge as they do to elect an honest governor. (I should have learned something
from observing how often that didn’t work) I argued that we simply had to educate
them in what to look for, that's all. But that's naive, that's really naive. No longer is
it a free and open election. The decision to support or not support is made in board
rooms somewhere. Anywhere in America. at the Chamber of Commerce. I am
afraid money drives elections, and that included elections for judicial office.

Arden: Then the money talks.

Janie: Yes.

Arden: The money does talk. No doubt about it. I think you're right. They read
the electorate and they put the money where it best serves them.

Janie: Which makes me sad because it will change the whole nature, the
dynamic of the entire process. Karl Rove came to Alabama in the nineties and set
up shop in Montgomery and ran the Supreme Court races and elected every
Republican that was on the ballot that time.

Arden: Amazing.
Janie: I’ve always defended the system of electing state judges. Some states have the so-called Missouri Plan and while I understand it takes the people out of the selection process, I have never been sure that it takes politics out of the process. A committee of respected lawyers and perhaps non lawyers send a list to the Governor and he picks one from the list for appointment to a judgeship. It sounds good because in theory only qualified candidates get on the list from which the governor makes the selection. Years ago, a similar plan for filling vacancies on the Birmingham bench existed. That committee sent three names to the governor for him to select from when a vacancy occurred. George Wallace was governor, during one of his four terms, and he sent word back to the Birmingham committee that it could send names to him “all day long and all night long” but until Bill Jackson’s name was on it, he not going to select one. So at least at he was honest. Now that money drives judicial races, just as it does all of the other political positions, I am losing my zeal for the popular election of judges. I don’t have a better solution, though.

Arden: It is sad. I think I’ve fall in to the same category as you.

Janie: I find myself coming back always to the same point. That is, the failure to educate people. I continue to believe that the greatest failure of our system is its failure to its people

Arden: That’s also a larger discrepancy in wealth. Keeps getting larger.

Janie: And it just boggles my mind. That the wealth of the world is concentrated in the hands of a very small percentage of the population.

Arden: I know, exactly.

Janie: And it's still not enough.

Arden: No. It's sad.