## Clara Foltz Entry: American National Biography—volume 8

FOLTZ, Clara a Shortridge (16 July 1849-2 Sept. 1934), first woman lawyer on the Pacific Coast, suffrage leader, and founder of the public defender movement, .was born in Lafayette, Indiana, the only daughter of Elias Shortridge and Talitha Harwood. Trained as a lawyer, Elias Shortridge turned instead to preaching among the Disciples of Christ and in 1860 became pastor to a well-established church in Mt. Pleasant, Iowa. For a few years, Clara attended the progressive Howe's Academy until her father was expelled from his congregation for unorthodoxy. She then became a teacher herself in nearby Illinois before eloping-at the age of fifteen-with a handsome Union soldier, Jeremiah Foltz. During hard years on an Iowa farm, she bore four children.

In the early 1870s the Foltzes, Clara's parents, and her four brothers migrated first to Oregon and then to California, settling in San Jose, where Clara and Jeremiah had their fifth child. They arrived in the midst of a severe economic depression, and Jeremiah Foltz, a poor provider in the best of times, made matters worse by frequent trips to Portland to visit the woman who ultimately became his second wife. The Foltzes were divorced in 1879. Realizing that she alone must soon support herself and her children and that her former occupations of boarding, sewing, and teaching would not suffice, Clara Foltz reached back to her girlhood dreams of "oratory, fame and political recognition." She embarked on a public speaking career, taking woman suffrage as her subject. Her dramatic gifts, passionate sincerity, and the still-novel sight of a woman lecturer all brought her some early success. At the same time, she determined to become a lawyer and started studying with her father. Before she could even apply for bar admission, however, Foltz faced a California code provision that limited the practice of law to white males. Joined by a small band of sister suffragists, Foltz lobbied her Woman Lawyer's Bill through the legislature. On 4 September 1878 she was the first to take advantage of the new law, to the accompaniment of nationwide publicity dubbing her the "Portia of the Pacific."

In 1878-1879, at the end of an economically depressed decade, California held a constitutional convention, partly as a response to popular demand for legal curbs on the excesses of rich and unscrupulous businessmen. Extensive working-class protest centered on the importation of cheap Chinese labor but encompassed other causes as well. Led by Foltz and her friend Laura Gordon, soon to be the second woman -lawyer in the state, woman suffragists came very close to winning a provision in the new constitution. What they achieved instead, with the help of the Workingmen's party delegates, were two clauses, unprecedented in any American constitution, guaranteeing women access to employment and education.

Foltz and Gordon demonstrated the need for the clauses not only by their lobbying efforts, but through their struggle, while the convention was in progress, to attend the newly established Hastings College of the Law. Denied admission by directors who apparently believed that women might practice, but should not learn, the law, the two women sued, representing themselves. They prevailed in the trial court and eventually in the California Supreme Court.

The decision came too late for Foltz, however, who was already a busy lawyer supporting her family.

Foltz practiced law continuously for fifty years, but she always regretted her lack of formal training and worked to make the study of law easier for other women. In 1893 she started the Portia Law Club in San Francisco to prepare women for the bar, and over the years she often taught, in her office, law classes for women. In 1991, at the instigation of its women students, Hastings awarded Foltz a posthumous degree of doctor of laws.

Her greatest achievement as a law reformer was to conceive the idea of a public defender, which she presented compellingly as the representative of the California bar at the Congress of jurisprudence and Law Reform held at the 1893 Chicago World's Fair. Her several law review articles on the subject are crisp and convincing in their formulation of the radical notion that the government should pay for the defense of the criminally accused. Foltz claimed to have lobbied for a public defender in thirty-two states; one clear success was California, which passed the "Foltz Defender Bill" in 1921.

Ever restless and adventurous, Foltz moved to San Diego in the late 1880s, where she practiced real estate law and started a daily newspaper. After returning to northern California for a few years, probably around 1890, she set out on a nationwide lecture tour ending in New York City, where in 1896 she joined the bar amid considerable press coverage. By some accounts, she was the first woman to argue in the city courts. She also lobbied for a public defender bill in Albany, started the Clara Foltz Gold Mining Company with a group of prominent businessmen, and sued a restaurant that refused service to her and Trella, her older daughter, because they had no male escort.

By the turn of the century she was back in San Francisco after a short period of practice in Denver. Specializing for a time in oil and gas law, she published Oil Fields and Furnaces, a trade and technical magazine. When she lost her home and office in the 1906 earthquake, she moved to Los Angeles for' the last third of her life and was appointed the first woman deputy district attorney (1911-1913). During the same period she served on the state board of charities and corrections, the first woman in that important job. For a few years (1916-1918) she published her own magazine, The New American Woman.

In 1911, when California women won the vote, Foltz stood all night receiving congratulations as one of the few original suffragists who would live to cast a legal ballot. She yearned to add the U.S. Senate to her firsts but instead campaigned for her brother Samuel Shortridge, who was elected twice, serving from 19211932. Though she was mentioned for national posts and federal judgeships, her career was past its prime by the time women had even a remote chance for such offices. Foltz made a largely symbolic run for governor in 1930-politically too early and personally too late for election on her platform of equal rights for women.

At a time when juries were all male and she was often the only woman in the courtroom, Clara Foltz excelled as a trial lawyer, deftly turning the argument on anyone who tried to use her gender against her. Typical is this response, Foltz's professional credo: I am a woman and I am a lawyer-and what of it? I came into the practice of my profession under the laws of this State, regularly and honestly, . . . and I have come to stay. I am neither to be bullied out nor worn out.

I ask no special privileges and expect no favors, but I think it only fair that those who have had better opportunities than I, who have had fewer obstacles to surmount and fewer difficulties to contend with should meet me on even ground, upon the merits of law and fact.

For almost five decades, whatever Foltz did and wherever she went, she was the "first woman." As lonely as it was to be first, she gloried in its towering advantage: there is no standard for comparison and thus little room for failure. For Clara Shortridge Foltz, being first was success itself.

• Letters from Foltz to other suffrage and political figures are indexed tinder her name at the Bancroft Library, University of California at Berkeley, and at the Huntington Library in San Marino, Calif. The text of her speech presented at the 1893 World's Fair is in Chicago Legal News 25 (12 Aug. 1893), and another article on public defenders, "Public Defenders for Criminals," is in American Law Review 31 (1897). A description of the public sources for writing a life when the subject's papers are lost or destroyed is in B. Babcock, "Reconstructing the Person: The Case of Clara Shortridge Foltz," in Revealing Lives, ed. Susan Bell and Marilyn Yalom (1990). Two contemporary summaries of her life work appear in National Cyclopedia of American Biography, vol. 1 (1930), and in Oscar T Shuck, History of the Bench and Bar of California (1901). Many newspaper, periodical, and other contemporary articles are cited in Barbara Babcock, "Clara Shortridge Foltz: `First Woman," Arizona Law Review 30 (1988), and "Clara Shortridge Foltz: Constitution-Maker," Indiana Law journal 66 (1991). Events in Foltz's later career are well covered in Mortimer Schwartz, Susan Brandt, and Patience Milrod, "Clara Shortridge Foltz: Pioneer in the Law," Hastings Law journal 27 (1976). See also Virginia Elwood-Akers, "Clara Shortridge Foltz: California's First Woman Lawyer," Pacific Historian 28 (1984), and Nicholas Polos, "San Diego's 'Portia of the Pacific," Journal of San Diego History (1980).

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