

Pioneer Attorney's Feminism Ennobled Her Legal Efforts

By Barbara Allen Babcock

Today, the Los Angeles criminal courts building will be christened The Clara Shortridge Foltz Criminal Justice Center. In 1878, Foltz was the first woman admitted to the California Bar; she conceived the idea of a public defender and became the first woman prosecutor in Los Angeles. Those are just a few of her life's highlights.

In Foltz's life are ideals to which we might dedicate ourselves, as well as the courthouse. Our forerunners believed that the entry of women into the legal profession would change it forever for the better. The very act of joining the bar was a political statement at a time when women were largely excluded from public life. Women had the same reasons as men for joining the bar: an interest in the work and the need to earn money.

Foltz was a single mother of five who had tried women's occupations and found that she could not support her family. Yet even a woman driven by necessity, as Foltz was, could not have sustained being a lawyer unless she also was involved in the women's movement.

Her commitment enabled her to withstand attacks that no modern woman will experience. On the day that she joined the bar, a fellow lawyer predicted that she

would fail because her sex could not keep a secret. In one of her first trials, the prosecutor told the jury not to listen to her arguments because women were incapable of reason.

Foltz's feminism was not only a shield against such insults but it also ennobled her efforts. She had a cause greater than her own advancement: the betterment of all women. At the same time, her experience in a male profession gave her new ideas about the practice of law.

Foltz invented the public defender as an institution. Because she was a woman, poor, desperate people sought her out. Other lawyers sent her their nonpaying clients, and judges appointed her to indigent cases. Foltz experienced the system's unfairness personally. She started speaking out about the need for a public defender, on equal footing with the prosecutor, with the title and resources to do the work that she was doing for free.

When California's women won the ballot in 1911, the new voters wanted a prosecutor from their own ranks. Foltz was a natural choice for the first female deputy district attorney in Los Angeles.

Foltz was writing her memoirs when she died, based on the career scrapbooks that she kept. In one scrapbook, she pasted a picture of the gothic Los Angeles County Criminal Court, which stood on the site where the present building stands. That she was a servant in that temple of justice pleased her; that it would be dedicated to her name is a triumph that she would especially treasure.

Barbara Allen Babcock is a professor at Stanford University Law School and is writing a biography of Foltz.