

FOR RELEASE UPON DELIVERY

WOMEN AND THE LAW

AN ADDRESS
BY
HONORABLE TOM C. CLARK
ATTORNEY GENERAL
OF THE
UNITED STATES

PREPARED FOR DELIVERY
BEFORE THE
NATIONAL ASSOCIATION OF WOMEN LAWYERS

ATLANTIC CITY, NEW JERSEY

SUNDAY, OCTOBER 27, 1946

8:00 P.M.

It is a genuine pleasure to be your guest this evening.

I am happy to have this opportunity to pay tribute to you and to the many women lawyers whose accomplishments are contributing daily to the growing prominence of women in the legal profession.

The topic for this evening's talk - "Women and the Law" - has directed my thoughts to a very significant painting which some of you may have seen in the original or in reproductions.

The work of a contemporary artist, Emil Bisttram, it is a mural called "Contemporary Justice and Woman."

It is placed over one of the stairways not very far from my office in the Department of Justice in Washington.

One sees in the panorama there a crouched figure in the foreground representing the woman of yesterday in a state of bondage - almost complete slavery.

In the center of the picture another woman personifying Justice is seen severing the bonds of the enslaved woman in accordance with the mandate of the law.

The woman of today, free and independent, is then shown emerging into bright freedom to engage in the many activities in the field of business, science, sport, art and education which had previously been closed to her.

It occurred to me that the thought of the artist in that mural is a fitting recognition of the fact, among others, that each year more and more women like yourselves are entering the field of law, and each year you are reaching positions of greater importance and effectiveness.

Just as it was the old law - the common law of Blackstone - which was responsible for the status, or lack of status of woman in days gone by, so it is the contemporary law and contemporary justice through which women

(Over)

have gained the freedom to take their place alongside men in the world today.

They now take their place equally with men in the legal profession as well.

A constitutional amendment changing the law secured for women the right to vote.

State and Federal statutes and enlightened judicial decisions have removed countless other restrictions on women's rights.

These changes have not been easily won but through them women have achieved the status for which they are fitted in mind, talent and ingenuity. Position has brought with it, of course, the penalty of obligations, but women have never failed to recognize the opportunity which new responsibilities have offered.

In the legal profession, specifically, progress has in many instances been slow.

Disregarding Portia's court-room appearance as being classical but somewhat apocryphal, an historical survey of the activities of women in the law in our own country might well begin with the year 1869, when Iowa became the first State to admit a woman to the bar. This date serves as a convenient starting point for the historian who limits himself to the actual recognition of women's right to be a lawyer, by date, but in point of fact we all know that women's qualifications to be a lawyer revealed themselves centuries before in ways too numerous to describe and more particularly in the arts and sciences of the various ages.

It was not until 1927 that Arkansas, the last State to exclude women from the practice of law, passed legislation to admit them to the bar.

Today, however, there are no legal restrictions on the right of women to practice law in this country.

So much for our own history.

It took over half a century to win the goal.

The history of other nations is comparable.

Britain did not have a woman barrister until 1922.

Only recently has Miss Dorothy Dix become the first British woman judge (she is not to be confused, by the way, with our illustrious newspaper writer who daily gives advice to the lovelorn); and Madame Wei Tao-Ming was the first woman to become a judge in China.

You have come far since that memorable year 1869.

The hurdles are all behind you.

The race is won.

And today the opportunity of women in the law is established and women have found expression and unity in such organizations as your own National Association of Women Lawyers.

Everywhere women are coming into greater prominence in the legal profession.

Their progress, their general status, their achievements are accomplished facts.

Any debate as to their legal ability and their suitability would be as dated as a discussion on the merits of Woman Suffrage.

Your right to be lawyers is established and is no longer open to debate.

There was a time when approval was grudgingly given and it was said that women were suited only to certain types of practice.

(Over)

There may be some who feel that way today, but in my view you have proven that that is not so.

You have established your ability in all phases of the law.

It is granted that women have made some of their greatest achievements in connection with such fields as juvenile delinquency, child labor and the health and welfare of women.

Naturally, their opportunity has come first in those fields which have been of traditional interest to women.

They have always stood in the front ranks with those who have fostered great movements of community effort in extending better living conditions, education and culture.

But too often has the fact that some women lawyers have found a certain field congenial to their individual talents been cited as proof that women lawyers, in general, are better suited to certain types of practice than to others.

The relatively small number of women in the profession, as compared to the number of men, has fostered such thinking.

In my opinion, no field of law is barred to the woman lawyer for the reason that she is a woman. Women will be found in increasing numbers in all phases of the profession as their professional number increases.

In the last 20 years women have been proving themselves and winning their spurs as counselors, advocates and judges.

One finds that women practise before all State and Federal courts and before the Supreme Court of the United States.

In the Department of Justice we employ a considerable number of women lawyers in almost every capacity.

They act as prosecutors, handle cases on appeal, and we have recently loaned some of our feminine legal personnel to serve on the staff of the Chief Judge in the trials of the Japanese war criminals.

Women lawyers are to be found in ever increasing numbers in other governmental departments and in nearly all government agencies.

Among the outstanding attorneys who have achieved national fame in private practice is Mabel Walker Willebrandt who climaxed her government service as Assistant Attorney General under one of my predecessors.

The number of women judges has increased so that it is impossible to mention all who deserve recognition.

You are proud, I am sure, of the attainments of Florence Allen of the United States Circuit Court of Appeals for the Sixth Circuit who was mentioned recently as a possible appointment to the Supreme Court.

In the field of juvenile judges, Camille Kelly of Memphis, Tennessee, has received national recognition for her great work in connection with juvenile delinquents.

I do not attempt, of course, to enumerate all the various fields in which women lawyers are active.

I mention only a few to demonstrate the variety of their activities.

One cannot omit from a review the contribution made during the war when so many of you pitched in and did a wonderful job on the home front.

Among those who went into military service, we take satisfaction in the record of a government attorney, Mary Agnes Brown of Washington, who rose to the second highest rank for women - that of lieutenant-colonel.

It is amazing to me, too, how many of you find time to be successful homemakers and mothers while at the same time practising law or engaging

(Over)

in political or civic activities.

Every place I go I find women lawyers in prominent positions and making valuable contributions toward solving local and national problems while at the same time managing busy home lives.

I said a moment ago that any debate about woman's suitability for the legal profession would be outmoded.

Perhaps I will be accused of disloyalty to the men of the profession when I reveal that it has been reliably reported to me that recent experiments have demonstrated that women show higher averages in the various legal aptitudes than men.

You won't blame me if I show very little enthusiasm for debating that issue.

For the most part, I believe you will agree that the lines between us are gradually becoming less distinct.

Intellectually, we try to use the same tools to achieve legally justifiable results.

On the other hand, the masculine and the feminine lawyer each has his or her own assets.

Men with their robust voices may command the attention of a court or jury, but a woman, relying on her femininity, has a charm which is just as persuasive -- perhaps more so, judging by the story I recently heard of a trial judge who was requested to declare a mistrial because the foreman of the jury had tried to date the pretty counsel for the defense.

The statement of the broad purposes of this organization, as set out in your constitution, is in full keeping with the views I have been expressing..

May I quote from it in part:

"To promote the welfare and interest of women lawyers; to maintain the honor and integrity of the profession of law."

The activities of the Association, as a group and by its members, have fostered this purpose.

Your committees have worked vigorously and effectively to influence the course of legislation and to effect reforms of both a substantive and procedural nature.

I am, of course, particularly interested in your activities in connection with juvenile delinquency, a problem to which my staff and myself in the Department of Justice have currently been devoting much attention. In the final analysis, the aim of all lawyers should be to contribute to human welfare.

The National Association of Women Lawyers has recognized a need for a community of world thought and every contribution which provides an additional tie to encourage the advancement of understanding and accord among men is making a contribution not only to our profession but to humanity and the world.

Now, more than any other time in our history, women have a special interest in safeguarding our precious rights.

The social and economic fields offer many challenges to your ingenuity to help in shaping a better world.

The preservation of our civil rights is a constant challenge to our vigilance.

As new fields of law open up, women, as well as men, will find new opportunities.

(Over)

I hope that women lawyers will find opportunities, for instance, to contribute their leadership and their talents to the United Nations.

We all know that a lawyer's career is not an easy one.

It is an exacting one, but you women have shown that you are equal to it and you will, I am sure, meet the challenges of the future as you have those of the past, with courage, integrity and ability.

May we lawyers -- both men and women -- continue to go forward together.

Justice has given us the contemporary woman.

Woman will help us to achieve contemporary justice.