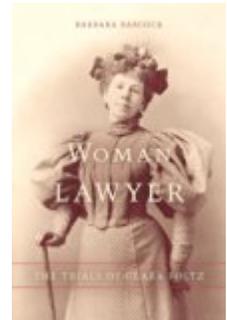


Barbara Allen Babcock. *Woman Lawyer: The Trials of Clara Foltz*. Stanford: Stanford University Press, 2011. 392 pp. \$45.00, cloth, ISBN 978-0-8047-4358-7.



Reviewed by Gordon Bakken

Published on H-Law (May, 2011)

Commissioned by Christopher R. Waldrep (San Francisco State University)

Clara Foltz was California's first woman lawyer and Barbara Babcock's exhaustive biography chronicles all of her accomplishments and failures. She was very much a nineteenth-century woman who overcame substantial burdens including her husband's desertion of her and five children.

Foltz started reading law when one of her boarders gave her a copy of James Kent's *Commentaries* (1826-30). She lobbied the Woman Lawyer's Bill through the legislature in 1878, passed the bar examination before a three-judge panel, and started handling minor property cases. She lobbied the 1878-79 California constitutional convention for equal civil rights for women and won a provision guaranteeing women equal employment rights.

Now a lawyer and lobbyist, Foltz gained another right for women by successfully suing the regents of the University of California to gain admission to law school. Again, this was a very public success without substantial financial reward.

Foltz was never a success in law practice. She eschewed law partnership and was a sole practitioner for fifty years. Needing cash flow, she turned to concurrent employment in politics, platform lecturing, lobbying, and journalism.

She stumped the state for James A. Garfield and made \$3,000. She was very much a part of the anti-Chinese movement. In 1884 she spoke for James Gillespie Blaine of New York, the driving force behind the Chinese Exclusion Act of 1882.

In 1886 Foltz switched to the Democratic Party and stumped California for Washington Bartlett for governor. He won and her reward was a seat on the board of trustees of the State Normal School with a stipend. In 1888 the Democrats had "the best of the Chinese issue" and supported President Cleveland's signing of an extension of the Chinese Exclusion Act of 1882 (p. 70). Foltz campaigned hard, but the Democrats lost the election because the "new votes in Southern California" were mostly Republicans who "did not hate or fear the Chinese with the fervor of longtime

Californians, and they also believed that the state's new industries, such as wine and wool, could use the protection of a high tariff" (p. 73).

Foltz raised funds through three nation-wide lecture tours in the 1880s. She lectured on law and lawyers. In particular, she lectured on Edward Dickinson Baker, "the Old Gray Eagle of Mount Hood." Speaking to large audiences of Union Army veterans, Foltz held them for hours, tracing his life in Illinois, his friendship with Abraham Lincoln, and his migration to Gold Rush San Francisco. There he defended Charles Cora for an enormous fee, hung a jury with a summation fitting of Daniel Webster, and escaped to Oregon just ahead of the vigilantes of San Francisco. Cora was not as fortunate. Before a retrial, the vigilantes whisked him from the jail and sent him to eternity. Foltz recounted Baker's stirring speeches against slavery as a United States senator from Oregon and his Civil War service. Baker's life ended at the Battle of Ball's Bluff where "nine rebel bullets, the swift-winged messengers of the death which closed the life of the glorious and well-beloved hero" (p. 98). Foltz had the gift of Victorian oratory and audiences paid for the show. She also lectured for woman suffrage and drew large crowds.

In the spring 1887 Foltz moved to San Diego and opened a law practice while simultaneously engaging in journalism. On May 16, 1887 she brought out the first issue of the *San Diego Bee*. That precipitated a newspaper war with Tom Fitch, editor of a rival newspaper. Six months later, Foltz was out of the newspaper business, selling the enterprise at a profit. She then set up a real-estate broker business in San Diego just as the real-estate bubble burst. Her law practice declined with the economy and she became part of the Bellamy Nationalism movement advocating a socialist state that benefited women. In 1890 she won election to the presidency of the San Diego Bellamy Club. Bellamy's support for public ownership of railroads and utilities, female suffrage, ref-

erendum and recall, and free counsel for the criminally accused was attractive to her.

In 1890 Foltz abandoned San Diego for San Francisco. The city was hard-hit by the depression and Foltz took on the added burden of her caring for her mother upon her father's death. Mother stayed twenty years. In 1891 she lobbied the "Legislature of a Thousand Scandals" for a parole system and secured one in 1893. She also won legislation allowing women to be executors of husband's estates and allowing women to be notary publics. Foltz then became the first woman notary public.

Politically, Foltz moved from the Democratic Party to the Bellamy Nationalists to the Populist Party. In 1892 she ran for San Francisco city attorney on the Populist Party ticket. The Democrats won and Foltz was looking for work.

In 1893 Foltz appeared at the Chicago World's Fair and proposed the office of public defender amid the worst depression in American history. She returned to San Francisco's Van Ness Avenue, founded the Portia Law Club to bring establishment and "movement" women together, but she was soon off to Colorado.

Foltz took on the Julia Bolles divorce case in Colorado and won a substantial settlement. Her fee was modest at best, another indication of her poor business practices. From Colorado, she moved to New York to reinvent herself yet again.

In New York she found a city legal system that was corrupt and dominated by "shysterism" (p. 193). Shut out of lucrative practice, she moved to Denver, then New York, and finally to California and the Republican Party.

In California Foltz rode the oil boom with a booster publication, *Oil Fields and Furnaces*. The publication produced income and she was soon attorney for the United Bank and Trust Company, running the women's branch working with female investors. After the earthquake of 1906, she moved to Los Angeles and stayed thirty years. In 1910 she took a seat on the State Board of Chari-

ties and Corrections and won the deputy district attorney position. In 1911 the Los Angeles county charter included the office of public defender. Foltz had introduced the concept at the 1890 Woman's Nation Liberal Union, the Chicago World's Fair in 1893, and in 1897 the public defender was introduced in a dozen states after Foltz drafted a model statute and campaigned in several states for the public defender office. Also in 1911 California women gained the right to vote. Foltz's public career found substantial success.

Traditional readers of biography will find some features of this book troubling. The final chapters do not fit the traditional chronological formula. They are topical and repeat some of the facts established in prior chapters. The index for the book is on the Women's Legal History website, <http://womenslegalhistory.stanford.edu>. Visiting the website is an enormous treat because it contains the wealth of research on women lawyers in California. Finally, historians will note some proofreading problems such as a statement that General Benjamin Franklin Tracy "served as secretary of the navy under President William Henry Harrison from 1889 to 1893" (p. 183). William Henry Harrison died in 1841. Benjamin Harrison was William Henry Harrison's grandson and the president under which Tracy served.

That said, this is a magnificent book establishing Clara Foltz's foundational work for women's employment rights, female suffrage, and the public defender's office.

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Citation: Gordon Bakken. Review of Babcock, Barbara Allen. *Woman Lawyer: The Trials of Clara Foltz*. H-Law, H-Net Reviews. May, 2011.

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