

# Radical Women and the Development of Legal Aid Societies in Chicago and Los Angeles, 1886–1914

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This Article examines the role of the more radical women activists in the woman’s social welfare movement and the history of legal aid in the United States. It focuses primarily on Charlotte Holt, a radical activist-turned-lawyer who dedicated her career to securing justice for poor and working-class women and children. Holt was instrumental in the development of legal aid in both Chicago and Los Angeles; yet, her work is largely unknown. It was written out of the history of legal aid by the men who overtook her efforts, transformed them to primarily address the legal harms that men suffered, and then presented the endeavor as their own. This Article offers an alternative narrative to what is accepted as the official history of legal aid, which was written by men who co-opted the significance of women’s role in addressing the problems of marginalized women and children in society; mischaracterized the radical women who spearheaded this work; and obscured the way law’s power perpetuated cultural gender hierarchies.

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I. INTRODUCTION .....	69
II. CHARLOTTE HOLT, THE LEGAL SYSTEM, AND THE PAWC .....	76
III. THE RADICALIZATION OF CHARLOTTE HOLT .....	81
IV. HOLT, THE LOS ANGELES LEGAL AID SOCIETY, AND THE MALE TAKEOVER .....	88
V. CONCLUSION .....	94

## I. INTRODUCTION

“Chicago Strikes,”<sup>1</sup> this headline from the 1885 *Chicago Tribune* described the daily tenor of a city grown accustomed to labor unrest. In the late nineteenth century, workingmen and women in Chicago, like those in countless other cities in the United States and around the world, were fighting back against the economic abuses they suffered in an essentially unregulated, industrial, capitalist society.<sup>2</sup> The law did not support their right to work for a living wage and they lacked resources to pursue remedies for the legal harms they did incur; so—with frequency and in increasing numbers—the working poor took to the streets.<sup>3</sup> One philosophical basis for their action was the call by Socialists and Anarchists to

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<sup>1</sup> Chicago Strikes, Chi. Trib., May 15, 1885, at 3.

<sup>2</sup> David Montgomery, *Strikes in Nineteenth-Century America*, 4 SOC. SCI. HIST. 81, 88–90 (1980).

<sup>3</sup> *Id.* at 96–97.

end capitalism and wage slavery among the working classes.<sup>4</sup> Predictably, many workingmen and women, and some more radical, middle-class reformers embraced these concepts. What was less predictable was that, increasingly, white, educated, middle-class men and women, who witnessed the abuses of working people in their cities, began to engage with these radical ideas as well.<sup>5</sup>

At the same time, in Chicago and other industrial urban centers, there was also a growing concern regarding workingwomen and girls' peculiar vulnerability to sexual abuses.<sup>6</sup> White, middle-class women began to organize to address both the economic and sexual assaults suffered by workingwomen and their children.<sup>7</sup> Some of these activists employed the radical ideas presented by Anarchists and Socialists to demand an end to the physical and economic abuse of the working class.<sup>8</sup> In the fall of 1885, these women activists in Chicago solicited the assistance of the city's white, wealthy clubwomen and began to organize a society that would help workingwomen and children seek redress for the economic and physical legal harms they suffered.<sup>9</sup> They founded the Protective Agency for Women and Children (PAWC) in March 1886, six weeks before the Haymarket Riot shook the city.<sup>10</sup>

Its broad, sweeping social mission made PAWC decidedly different than the first legal aid society in the United States, Working Women's Protective Union of the City of New York (WWPU), founded in 1863.<sup>11</sup> WWPU was established and controlled by men, although women did perform most of its day-to-day

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<sup>4</sup> *Id.* at 97–98; RICHARD SCHNEIROV, *LABOR AND URBAN POLITICS* 173–79 (1998). See BRUCE C. NELSON, *BEYOND THE MARTYRS: A SOCIAL HISTORY OF CHICAGO'S ANARCHISTS, 1870–1900* (1988).

<sup>5</sup> SCHNEIROV, *supra* note 4, at 275.

<sup>6</sup> See Reva B. Siegel, “*The Rule of Love*”: *Wife Beating as Prerogative and Privacy*, 105 *YALE L.J.* 2117, 2117–2207 (1996) [hereinafter *Wife Beating*]; Jane E. Larson, “*Even a Worm Will Turn at Last*”: *Rape Reform in Late Nineteenth-Century America*, 9 *YALE J.L. & HUMAN.* 1 (1997); Elizabeth Pleck, *Feminist Responses to “Crimes Against Women,” 1868–1896*, 8 *SIGNS* 451, 451–52 (1983).

<sup>7</sup> Pleck, *supra* note 6, at 452, 466; Mary Allen West, *Protective Agency for Women and Children*, 13 *THE CHAUTAUQUAN* 511 (July 1891).

<sup>8</sup> SCHNEIROV, *supra* note 4, at 267.

<sup>9</sup> See Marguerite Raeder Garipey, *The Legal Aid Bureau of the United Charities of Chicago*, 124 *ANNALS AM. ACAD. POL. & SOC. SCI.* 33 (1926); Gwen Jordan, “*Them Law Wimmin*”: *The Protective Agency for Women and Children and the Gendered Origins of Legal Aid*, in *FEMINIST LEGAL HISTORY: ESSAYS ON WOMEN AND LAW* 156–172 (Tracy A. Thomas and Tracey Jean Boisseau eds., 2011) [hereinafter *Law Wimmin*].

<sup>10</sup> See *supra* note 9.

<sup>11</sup> See Felice Batlan, *The Birth of Legal Aid: Gender Ideologies, Women, and the Bar in New York City, 1863–1910*, 28 *LAW & HIST. REV.* 931 (2010) [hereinafter *Birth of Legal Aid*].

operations, and it focused exclusively on workingwomen's economic issues.<sup>12</sup> Its mission was to "provide working women with legal protection from the frauds and impositions of unscrupulous employers."<sup>13</sup> It conceived of workingwomen as passive and helpless and sought to protect rather than empower them, operating under what Felice Batlan describes as an "ethics of benevolence."<sup>14</sup> In contrast, PAWC was founded, operated, and controlled by women and aimed to secure justice for its clients. It sought to empower workingwomen through remedies for their social, economic, and physical harms.<sup>15</sup>

The clubwomen and activists who founded PAWC were all part of what was known as the woman's movement.<sup>16</sup> As Nancy Cott explains, they used the singular "woman," instead of the plural "women," to illustrate that all women were united in the cause.<sup>17</sup> The cause was a multidimensional effort "to initiate measures of charitable benevolence, temperance, and social welfare and to instigate struggles for civic rights, social freedoms, higher education, remunerative occupations, and the ballot."<sup>18</sup> Some of the agenda items overlapped, while some conflicted. The growth of industrial capitalism and the sharp distinctions in a population that spanned robber barons and the laboring classes exacerbated these conflicts.<sup>19</sup> By 1910, the diversity among women based on race, class, and politics became so marked that the movement transformed from the singular woman's movement to what women involved in the process began calling the feminist movement.<sup>20</sup>

Within the woman's movement, Cott identifies three main arenas: service and social action, woman's rights, and emancipation.<sup>21</sup> Although many of PAWC activists were advocates for woman's rights—some even for woman's emancipation—their legal aid work fell primarily within the service and social action arena. Cott explains that this work was "motivated variously by noblesse

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<sup>12</sup> *Id.* at 936.

<sup>13</sup> *Id.* at 936. WWPU did start as a labor union founded by women, but it failed and was quickly taken over by men. *Id.* at 935–36.

<sup>14</sup> *Id.* at 953.

<sup>15</sup> See Chi. Woman's Club, *Board Minutes*, Jan. 19, 1887, Box 1, Chi. History Museum (on file with author).

<sup>16</sup> Nancy F. Cott, *The Grounding of Modern Feminism* 3 (1987).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 21.

<sup>20</sup> The primary distinction was that feminism recognized "individuality and heterogeneity among women" in a way that the woman's movement did not. *Id.* at 7.

<sup>21</sup> *Id.* at 16.

oblige or by neighborly or altruistic intent.”<sup>22</sup> Since the 1970s, the dominant historical characterization of white, middle-class women’s social welfare work during the Progressive Era (1880–1920), continues to be grounded in concepts of benevolence.<sup>23</sup> This benevolence included strategies of social control and maternalism.<sup>24</sup>

Both theories of social control and maternalism assert that those who employed these strategies did so in order to manipulate those who were receiving the services.<sup>25</sup> Social control theorists argue that elite and middle-class reformers sought to use public welfare policies to control the behavior of the poor and working classes to promote economic stability and capitalism for the benefit of the elite.<sup>26</sup> Maternalism theorists propose that elite and middle-class women reformers used the gender concept of women as mothers and caregivers in two ways: to both justify their social welfare work in the public sphere, and to force poor and workingwomen to conform to an American, white, middle-class conception of women’s role as wife and mother. Maternalism reinforced the

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<sup>22</sup> COTT, *supra* note 16, at 16.

<sup>23</sup> Felice Batlan, *Law and the Fabric of the Everyday: The Settlement Houses, Sociological Jurisprudence, and the Gendering of Urban Legal Culture*, 15 S. CAL. INTERDISC. L.J. 235, 243 n.52 (2006) [hereinafter *Settlement Houses*]; ALLEN F. DAVIS, *SPEARHEADS FOR REFORM: THE SOCIAL SETTLEMENTS AND THE PROGRESSIVE MOVEMENT, 1890–1914* (1967).

<sup>24</sup> Laura S. Abrams & Laura Curran, *Between Women: Gender and Social Work in Historical Perspective*, 78 SOC. SERV. REV. 429, 431, 434 (2004).

<sup>25</sup> *Id.*

<sup>26</sup> See generally FRANCES FOX PIVEN & RICHARD A. CLOWARD, *REGULATING THE POOR: THE FUNCTIONS OF PUBLIC WELFARE* (1971). Feminist scholars have identified how within this framework workingwomen subject to these policies were sometimes able to use them to their own advantage. See also Abrams & Curran, *supra* note 24, at 431–32; LINDA GORDON, *HEROES OF THEIR OWN LIVES: THE POLITICS AND HISTORY OF FAMILY VIOLENCE--BOSTON, 1880–1960* (2002); REGINA G. KUNZEL, *FALLEN WOMEN, PROBLEM GIRLS: UNMARRIED MOTHERS AND THE PROFESSIONALIZATION OF SOCIAL WORK, 1890–1945* (1993); EILEEN BORIS, *HOME TO WORK: MOTHERHOOD AND THE POLITICS OF INDUSTRIAL HOMEWORK IN THE UNITED STATES* (1994); GWENDOLYN MINK, *THE WAGES OF MOTHERHOOD: INEQUALITY IN THE WELFARE STATE, 1917–1942* (1995); KATHLEEN W. JONES, *TAMING THE TROUBLESOME CHILD: AMERICAN FAMILIES, CHILD GUIDANCE, AND THE LIMITS OF PSYCHIATRIC AUTHORITY* (1999); MARY E. ODEM, *DELINQUENT DAUGHTERS: PROTECTING AND POLICING ADOLESCENT FEMALE SEXUALITY IN THE UNITED STATES, 1885–1920* (1995).

model of a patriarchal family that depended on female domesticity,<sup>27</sup> and in some cases, was also a justification to punish those who failed to comply.<sup>28</sup>

By the late 1980s, feminist scholars were challenging the dominant narrative's representation of the woman's movement as narrow and homogeneous. Nancy Hewitt describes this scholarship as an effort "to create a narrative of woman's rights and suffrage movements that does justice to the diversity of their origins and the complexity of their development . . ." <sup>29</sup> A small number of scholars are also beginning to challenge the characterization of the social welfare activists who operated within the woman's movement, suggesting that perhaps not all white, middle-class, women social welfare reformers during the long progressive era, adhered to social control or maternalist practices.<sup>30</sup> A few of the studies that focus on the actual interactions between Progressive Era women social welfare reformers and their clients, have found that some reformers rejected the "maternalist agenda."<sup>31</sup> These studies propose that even within the social welfare arena of the woman's movement, especially during the period leading up to the transition of the woman's movement into the feminist movement, there were middle-class activists who sought to empower, rather than manipulate, poor and workingwomen who came to them for assistance. The most radical of these sought to use law and the legal system to achieve these ends.

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<sup>27</sup> See, e.g., LINDA GORDON, *PITIED BUT NOT ENTITLED: SINGLE MOTHERS AND THE HISTORY OF WELFARE 1890–1935* (1998); *MOTHERS OF A NEW WORLD: MATERNALIST POLITICS AND THE ORIGINS OF WELFARE STATES* (Seth Koven & Sonya Michel eds., 1993); MOLLY LADD-TAYLOR, *MOTHER-WORK: WOMEN, CHILD WELFARE, AND THE STATE, 1890–1930* (1994); THEDA SKOCPOL, *PROTECTING SOLDIERS AND MOTHERS: THE POLITICAL ORIGINS OF SOCIAL POLICY IN THE UNITED STATES* (1992). A number of scholars have identified how, even with maternalist policies, poor and workingwomen were able to exert agency and shape the services to address their needs and desires. See Abrams & Curran, *supra* note 24, at 435; GORDON, *supra* note 26; KUNZEL, *supra* note 26; BORIS, *supra* note 26; MINK, *supra* note 26; JONES, *supra* note 26; ODEM, *supra* note 26.

<sup>28</sup> Emily K. Abel, *Valuing Care: Turn-of-the-Century Conflicts Between Charity Workers and Women Clients*, 10 *J. WOMEN'S HIST.* 32, 33 (1998); Evelyn Nakano Glenn, *Social Constructions of Mothering: A Thematic Overview*, in *MOTHERING: IDEOLOGY, EXPERIENCE, AND AGENCY* 1, 4–9 (Evelyn Nakano Glenn et al. eds. 1990). Robert A. Trennert, *Educating Indian Girls at Nonreservation Boarding Schools, 1878–1920*, in *UNEQUAL SISTERS: A MULTICULTURAL READER IN U.S. WOMEN'S HISTORY* 224, 224–37 (Ellen Carol DuBois & Vicki L. Ruiz eds., 1990).

<sup>29</sup> Nancy A. Hewitt, *From Seneca Falls to Suffrage? Reimagining a 'Master' Narrative in U.S. Women's History*, in *NO PERMANENT WAVES: RECASTING HISTORIES OF U.S. FEMINISM*, 15, 32 (Nancy A. Hewitt ed., 2010).

<sup>30</sup> Vicki Ruiz, *Dead Ends or Gold Mines?: Using Missionary Records in Mexican-American Women's History*, 12 *FRONTIERS: J. WOMEN STUD.* 33, 50–52 (1991); Karen W. Tice, *School-Work and Mother-Work: The Interplay of Maternalism and Cultural Politics in the Educational Narratives of Kentucky Settlement Workers, 1910–1930*, 4 *J. APPALACHIAN STUD.*, 191, 191–224 (1998). See also JONES, *supra* note 26.

<sup>31</sup> Abrams & Curran, *supra* note 24, at 437; Tice, *supra* note 30. See also Abel, *supra* note 28

This paper examines the role of the more radical women activists in the woman's social welfare movement and the history of legal aid in the United States. It focuses primarily on Charlotte Holt, an activist lawyer who dedicated her career to securing justice for poor and working-class women and children. Holt was instrumental in the development of legal aid in both Chicago and Los Angeles; yet, her work is largely unknown. It was written out of the history of legal aid by the men who overtook her efforts, transformed them to primarily address the legal harms that men suffered, and then presented the endeavor as their own. It argues that this usurpation was both a means of wresting power and control from women, like Holt, who threatened to invade the male dominated legal system and use law to advance the rights and status of women, and a means of transforming legal aid work from women-centered issues to male-centered issues.<sup>32</sup>

This article uses a chronologically rich narrative of the life of Charlotte Holt as a response to the male-centered, one-dimensional narrative that has been accepted as legal aid history.<sup>33</sup> It develops this story in three parts. It first documents how Holt and her sister women activists initiated a women's legal aid society in Chicago to specifically address the needs of poor and workingwomen and children—the most vulnerable groups in society with access to the fewest resources. It then asserts that these activists were more radical than the white, middle-class clubwomen that were the focus of the dominant interpretive paradigm of the woman's movement for this era.<sup>34</sup>

The article then examines Holt's transition from activist to attorney. It asserts that this was a necessary step for Holt to continue her work, because of the movement for professionalization within the law. Elite lawyers asserted that law was a science for which expertise was required in an effort to exert exclusive control over the legal system. Although Holt was able to meet the requirements to become a lawyer, the male character of the bar was effective in maintaining her position on the periphery of the profession. Reva Seigel has described this phenomenon: although law appears to undergo a radical shift toward equality (allowing women to enter the profession), it actually transforms to maintain the

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<sup>32</sup> LORI D. GINZBERG, *WOMEN AND THE WORK OF BENEVOLENCE: MORALITY, POLITICS, AND CLASS IN THE NINETEENTH-CENTURY UNITED STATES*, 127–128 (1990); SUZANNE LEBSOCK, *THE FREE WOMEN OF PETERSBURG: STATUS AND CULTURE IN A SOUTHERN TOWN, 1784–1860*, at 226, 229 (1984).

<sup>33</sup> Batlan, *Birth of Legal Aid*, *supra* note 11, at 932, 970.

<sup>34</sup> See Batlan, *Settlement Houses*, *supra* note 23, at 267; GINZBERG, *supra* note 32; KATHLEEN D. MCCARTHY, *NOBLESSE OBLIGE: CHARITY & CULTURAL PHILANTHROPY IN CHICAGO 1849–1929* (1982).

inequality through alternate means (excluding women lawyers from positions of power within the profession).<sup>35</sup>

Finally, this article follows Holt to California where she worked with socialist women to found a similar legal aid society in Los Angeles, only to have their efforts overtaken by men.<sup>36</sup> It illustrates how male activists and lawyers commandeered the legal aid societies and changed their focus from aid for sexual and violent legal harms peculiar to women (rape and domestic violence) to aid for economic harms suffered by both men and women. It further documents how these men also drew on women lawyers' efforts to create a public defender system, and ultimately transformed the legal aid society in Los Angeles into the first public defender's office in the country. The alternative narrative they created, which has been accepted as the official history of legal aid, was a result of male-domination and co-optation of women's significant role in addressing the problems of the marginalized people in society and a mischaracterization and exclusion of the radical women who spearheaded this work.

The aim of this story is three-fold. First, it seeks to return to women legal aid activists their historical foundations. By de-centering male legal aid activists, this story reveals a community of women legal aid activists who "acted as agents of change—law shapers, law interpreters, and even law makers" to benefit workingwomen and children.<sup>37</sup> This foundation illuminates their role in the struggle and development of workingwomen's social, civil, and legal rights. Secondly, this story exposes the way the male-dominated legal profession shifted the focus of legal aid away from harms of violence and abuse against women, leaving marginalized women without sufficient legal services for these harms,<sup>38</sup> a practice that continues in the twenty-first century.<sup>39</sup> Finally, this story offers

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<sup>35</sup> See Reva Siegel, *Why Equal Protection No Longer Protects: The Evolving Forms of Status-Enforcing State Action*, 49 STAN. L. REV. 1111, 1113 (1997) (discussing how state regulations evolve to maintain the discriminated status).

<sup>36</sup> See *infra* Part II.

<sup>37</sup> TOMIKO BROWN-NAGIN, *COURAGE TO DISSENT: ATLANTA AND THE LONG HISTORY OF THE CIVIL RIGHTS MOVEMENTS* 7 (2011) (applying this terminology to civil rights activists).

<sup>38</sup> Jordan, *Law Wimmen*, *supra* note 9, at 171–72; Batlan, *Birth of Legal Aid*, *supra* note 11, at 936–38; DEBORAH L. RHODE, *ACCESS TO JUSTICE* 60–64 (2004).

<sup>39</sup> RHODE, *supra* note 38, at 4–5, 9; Lisa M. Martinson, *An Analysis of Racism and Resources for African-American Female Victims of Domestic Violence in Wisconsin*, 16 WIS. WOMEN'S L.J. 259, 260–70 (2001); Reva B. Siegel, *She the People: The Nineteenth Amendment, Sex Equality, Federalism, and the Family*, 115 HARV. L. REV. 947, 1024–1030 (2002). See also Kimberly D. Bailey, *Lost in Translation: Domestic Violence, "The Personal is Political," and the Criminal Justice System*, 100 J. CRIM. L. & CRIMINOLOGY 1255 (2010).

lessons and potential models “to inspire and to instruct”<sup>40</sup> twenty-first century activists who seek to use and transform law as part of their “radical agenda for social change.”<sup>41</sup>

## II. CHARLOTTE HOLT, THE LEGAL SYSTEM, AND THE PAWC

In 1886, Chicago experienced massive industrialized growth. The population of the city grew quickly, filled with new immigrants from Eastern Europe and beyond.<sup>42</sup> Many of the men and women laborers protested low wages, long hours, and unsafe working conditions.<sup>43</sup> Anarchists and Socialists worked together to stage massive rallies to unite workers and ignite a revolution.<sup>44</sup> There were differences between the two camps and factions and within each group, but they also built alliances.<sup>45</sup> As Margaret Marsh explains, there was an “ideological fluidity . . . [and] shared conviction that the most important aspect of their politics was opposition to the status quo, which implied an absolute determination to abolish industrial capitalism.”<sup>46</sup> In spite of their general discontent with how society was configured, neither Socialists nor Anarchists made women’s liberty or equality a priority.<sup>47</sup>

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<sup>40</sup> Barbara Allen Babcock, *Feminist Lawyers*, 50 STAN. L. REV. 1689, 1705 (1998) (reviewing VIRGINIA DRACHMAN, *SISTERS IN LAW; WOMEN LAWYERS IN MODERN AMERICAN HISTORY* (1998)).

<sup>41</sup> Felice Batlan, *Engendering Legal History*, 30 LAW & SOC. INQUIRY 823, 847 (2005).

<sup>42</sup> Campbell Gibson & Kay Jung, *Historical Census Statistics on the Foreign-Born Population of the United States: 1850 to 2000*. (Population Div., U.S. Bureau of the Census, Working Paper No. 81, 2006), available at <http://www.census.gov/population/www/documentation/twps0081/twps0081.pdf>.

<sup>43</sup> SCHNEIROV, *supra* note 4, at 187–191, 196–200, 205, 267.

<sup>44</sup> *Id.* at 173–79, 275; JOHN B. JENTZ & RICHARD SCHNEIROV, *CHICAGO IN THE AGE OF CAPITAL: CLASS, POLITICS, AND DEMOCRACY DURING THE CIVIL WAR AND RECONSTRUCTION* 217 (2012).

<sup>45</sup> The centralizing belief among anarchists “was the rejection of all forms of externally imposed authority, especially, but not exclusively, as it was embodied in [the] government.” MARGARET S. MARSH, *ANARCHIST WOMEN, 1870–1920* 10 (1981). The two main factions in the United States during the Progressive Era were the Individualists (who wanted the abolition of the State and a society in which each person chooses freely how to live) and the Communist Anarchists (who linked individual freedom with the concept of social equality). *Id.*

<sup>46</sup> *Id.* at 151. By May, these rallies had turned increasingly violent. Historians have well documented the tragedy of the Haymarket Rally on May 4, 1886, that ended in an explosion and the arrest, conviction, and execution of prominent Anarchists in the city. MEREDITH TAX, *THE RISING OF THE WOMEN: FEMINIST SOLIDARITY AND CLASS CONFLICT, 1880–1917* 49–51 (1980); see also TIMOTHY MESSER-KRUSE, *THE TRIAL OF THE HAYMARKET ANARCHISTS: TERRORISM AND JUSTICE IN THE GILDED AGE* 1–4 (2011); JAMES GREEN, *DEATH IN THE HAYMARKET: A STORY OF CHICAGO, THE FIRST LABOR MOVEMENT AND THE BOMBING THAT DIVIDED GILDED AGE AMERICA* (2006).

<sup>47</sup> MARSH, *supra* note 45, at 166.

In addition to the wrongs suffered by male laborers, there were innumerable and recurring incidents of crimes against women and children.<sup>48</sup> Throughout the nineteenth century, women had little access to the legal system to address these crimes. In Illinois, women won the right to practice law in 1872, but by 1886, only nineteen women had secured a legal license.<sup>49</sup> There were no female judges, and women were barred from jury service.<sup>50</sup> Female activists secured a number of changes that advanced women's civic and political rights, including three married women's property acts and an 1872 law that prohibited the use of sex as a barrier to women's right to work, but significant injustices against women persisted.<sup>51</sup> Workingwomen were especially vulnerable to abuse. They possessed almost no opportunity to seek redress or protections from the legal system.

In the early months of 1886, women professionals—mainly doctors and the few women lawyers that had broken into the legal profession—joined with women activists to use the legal system to protect women's bodies and advance their rights. They developed a strategy to ensure that laws and legal procedures were enacted and enforced to address such crimes. Because the numbers of professional women were so few, they had to persuade varied women's associations in Chicago of the justness of their cause. Within months of their first meeting, the activists secured sufficient support of a number of women's clubs to found the Protective Agency for Women and Children (PAWC).<sup>52</sup>

By the fall of 1886, the PAWC was open for business.<sup>53</sup> It hired an agent, Charlotte Holt, to run the daily operations.<sup>54</sup> Forty women volunteers and one

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<sup>48</sup> See Siegel, *Wife Beating*, *supra* note 6.

<sup>49</sup> S. Res. 275, 42d Cong. (1872); THE CHI. BAR ASS'N ALLIANCE FOR WOMEN, *Bar None: 125 Years of Women Lawyers in Illinois*, 32–33 (Gwen Hoerr McNamee ed. 1998); Gwen Hoerr Jordan, *Agents of (Incremental) Change: From Myra Bradwell to Hillary Clinton*, 9 Nev. L.J. 580 (2009) [hereinafter *Agents of Change*].

<sup>50</sup> Gwen Hoerr McNamee, *Mary Margaret Bartelme*, in *WOMEN BUILDING CHICAGO 1790-1990* 666, 668 (Rima Lunin Schultz & Adele Haste eds., 2001); Grace H. Harte, *A Momentous Victory*, 25 *WOMEN LAW. J.* 54 (1938–1939).

<sup>51</sup> See Jordan, *Agents of Change*, *supra* note 49.

<sup>52</sup> HENRIETTE GREENEBAUM FRANK & AMALIE HOFER JEROME, *ANNALS OF THE CHICAGO WOMAN'S CLUB FOR THE FIRST FORTY YEARS OF ITS ORGANIZATION, 1876–1916*, at 371–373, 375–378 (1916); see also Jordan, *Law Wimmen*, *supra* note 9.

<sup>53</sup> See PROTECTIVE AGENCY FOR WOMEN AND CHILDREN, *FIRST ANNUAL REPORT 16–17* (1887) [hereinafter PAWC].

<sup>54</sup> Charlotte Cushing was born in Louisiana in 1852. After the Civil War and the death of her father, she moved to Chicago with her mother and siblings. Charlotte's mother was a social justice activist and instilled those values in her children. In 1882, at thirty years of age, Charlotte married Granville Holt, a salesman for Montgomery Ward in Chicago. She began working for the Protective Agency for Women and Children four years later. Charlotte C. Holt, *The Woman Who Has Come*, in *THE CONGRESS OF WOMEN 190* (Mary Kavanaugh Oldham Eagle ed., 1894).

inexperienced male attorney, Joseph Errant, assisted Holt.<sup>55</sup> It did not take long for women in need to turn to the agency for assistance in their legal matters. Workingwomen quickly found their way to an office donated by a local female doctor, where Charlotte Holt and volunteers listened to complaints and set courses of action.<sup>56</sup>

The activists employed a variety of strategies to secure justice for their clients.<sup>57</sup> They supported labor activists and their campaigns for safe working conditions and better wages.<sup>58</sup> They confronted unscrupulous employers and demanded compensation for their clients.<sup>59</sup> In the most severe cases of abuse, they assisted wives in securing divorces.<sup>60</sup> Many of the clubwomen who supported the PAWC were strongly opposed to the Agency being involved in divorce cases on any level.<sup>61</sup> These clubwomen—like many of the middle and upper class—believed that marriage was integral to social order, and considered divorce a degradation of society.<sup>62</sup> The opposition joined the broad private and public expressions of concern over the rise of divorce since the Civil War and strongly opposed the PAWC's involvement in divorce cases.<sup>63</sup> Initially, the PAWC

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<sup>55</sup> This was Errant's first public venture into what would become a life-long career of social justice reform work. Joseph Washington Errant had just been admitted to the bar in Chicago in 1886 when he volunteered with the PAWC. In 1888, Errant established and worked for the Bureau of Justice, a legal aid society that served men and women. He worked as a lawyer and public servant in Chicago until 1911, when a stroke forced him to retire. He and his family moved to California, where he died in 1915. JOHN W. LEONARD, *THE BOOK OF CHICAGOANS 191–92* (Albert Nelson Marquis ed.1905); Obituary, *Joseph W. Errant*, 47 *CHI. LEGAL NEWS* 381 (1915); *J.W. Errant Dies in the West*, *CHI. DAILY NEWS*, July 2, 1915, at 2 (now known as *CHI. DAILY J.*).

<sup>56</sup> PAWC, *FIRST ANNUAL REPORT* 18 (1887).

<sup>57</sup> See Jordan, *Law Wimmen*, *supra* note 9.

<sup>58</sup> See PAWC, *SECOND ANNUAL REPORT* 10 (1888); MARI JO BUHLE, *WOMEN AND AMERICAN SOCIALISM, 1870–1920* 71–73, 91–92 (1981).

<sup>59</sup> See PAWC, *SECOND ANNUAL REPORT* 21 (1888); MICHAEL WILLRICH, *CITY OF COURTS: SOCIALIZING JUSTICE IN PROGRESSIVE ERA CHICAGO* 11 (2003).

<sup>60</sup> See PAWC, *FIRST ANNUAL REPORT* 12, 23 (1887); PAWC, *THIRD ANNUAL REPORT* 13 (1889); PAWC, *FOURTH ANNUAL REPORT* 15 (1890); PAWC, *FIFTH ANNUAL REPORT* 11 (1891); Siegel, *Wife Beating*, *supra* note 6.

<sup>61</sup> PAWC, *FOURTH ANNUAL REPORT* 12 (1890).

<sup>62</sup> See CARROLL D. WRIGHT, *A REPORT ON MARRIAGE AND DIVORCE IN THE UNITED STATES, 1867–1886* (1889); NORMA BASCH, *FRAMING AMERICAN DIVORCE: FROM THE REVOLUTIONARY GENERATION TO THE VICTORIANS 2–3* (1999) [hereinafter *FRAMING*]; Robert L. Griswold, *Law, Sex, Cruelty, and Divorce in Victorian America, 1840–1900*, 38 *Am. Q.* 721, 722–24 (1986); Pleck, *supra* note 6, at 468; NANCY F. COTT, *PUBLIC VOWS: A HISTORY OF MARRIAGE AND THE NATION* (2000).

<sup>63</sup> WRIGHT, *supra* note 62; BASCH, *FRAMING*, *supra* note 62, at 2–3; Griswold, *supra* note 62, at 722–24; NORMA BASCH, *IN THE EYES OF THE LAW: WOMEN, MARRIAGE, AND PROPERTY IN NINETEENTH-CENTURY NEW YORK* 113–62 (1982). See also PAWC, *FIRST ANNUAL REPORT* 8, 10 (1887); PAWC, *FOURTH ANNUAL REPORT* 13 (1890).

membership was divided on whether the Agency should assist in divorce cases, but those who worked directly with the abused wives insisted they undertake this work.<sup>64</sup>

The PAWC also assisted female victims of sexual assault by providing social services and participating in prosecutions of perpetrators.<sup>65</sup> The activists railed against the courts and society that blamed women for their victimization.<sup>66</sup> Although some members were initially wary of representing unchaste victims, the activists quickly determined to represent all rape victims regardless of sexual history.<sup>67</sup> Some middle-class clubwomen criticized the PAWC for this decision, but it persevered. The PAWC leadership explained that poor, workingwomen were more, not less, deserving of assistance.<sup>68</sup>

The PAWCs' daily work assisting workingwomen and children radicalized its activists. This was especially true of Charlotte Holt, the agent and engine of the PAWC.<sup>69</sup> When Holt began her work she was, by all appearances, a

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<sup>64</sup> PAWC, FIRST ANNUAL REPORT 10 (1887); PAWC, FOURTH ANNUAL REPORT 12 (1890). The PAWC position was a middle ground between divorce opponents and radical feminists that advocated "free love" and "easy divorce." Free love embraced the concept of women's sexuality and advocated that women had the right to decline sexual intercourse. BARBARA GOLDSMITH, *OTHER POWERS: THE AGE OF SUFFRAGE, SPIRITUALISM, AND THE SCANDALOUS VICTORIA WOODHULL* 207–08 (1998). Opponents to free love described it as "free lust." *Editorial Article*, 2 CHI. TRIB., Nov. 14, 1870, at 2. Easy or free divorce referred to state laws that broadened the grounds under which either or both the husband and wife could sue for divorce. *See, e.g., Free Trade in Divorce*, N.Y. TIMES, Apr. 17, 1872, at 4, that describes a proposed bill in New York that would have allowed divorce on the grounds that one of the parties was "unhappy or uncomfortable" (internal quotation mark omitted). Those who opposed divorce except on the grounds of adultery or extreme cruelty criticized these laws, arguing that they destroyed the institution of marriage that was "the very foundation of social order." *Divorces in Illinois*, CHI. TRIB., Feb. 23, 1873, at 4; *The World of Amusement*, CHI. TRIB., Jan. 29, 1871, at 2, arguing that "[d]ivorce[] [m]ade [e]asy . . . makes a farce of marriage . . . kills the home . . . dissevers the family . . . [and] is an outrage upon the child." *See also* COTT, *supra* note 62, at 106–11. Proponents of liberal divorce laws, which included Elizabeth Cady Stanton, argued that denying divorce to women denied their liberty and caused harm to the family. "Woman's Right" to Divorce, N.Y. TIMES, May 18, 1870, at 2; BASCH, FRAMING, *supra* note 62, at 68–69. The PAWC supported divorce for wives who had suffered spousal abuse.

<sup>65</sup> PAWC, FOURTH ANNUAL REPORT 10–11 (1890); PAWC, SECOND ANNUAL REPORT 19–20 (1888); *The Justice Boggs Case*, CHI. TRIB., June 5, 1888, at 8.

<sup>66</sup> *See* PAWC, SECOND ANNUAL REPORT 11 (1888); *In and About Chicago*, CHRISTIAN UNION, Jan. 26, 1888.

<sup>67</sup> *See* PAWC, THIRD ANNUAL REPORT 9 (1889); PAWC, FOURTH ANNUAL REPORT 10 (1890).

<sup>68</sup> PAWC, FOURTH ANNUAL REPORT 10 (1890).

<sup>69</sup> West, *supra* note 7, at 4 (describing Holt as "[t]he center of power" of the PAWC, "fully charged with that dynamite whose chief ingredient is moral courage"); PAWC, FIFTH ANNUAL REPORT 9 (1891). Julia Harvey, Chair of the Agency that year, described Holt's work as "the life and spirit of the agency, who has largely made it what it is, whose ability, devotion and pure goodness has been

mainstream, white, middle-class reformer. She did not come from privilege or poverty. Holt's father died when she was eleven and her mother raised her and her siblings alone.<sup>70</sup> She spent much of her youth working after school to contribute to the family income, but she was able to complete her education.<sup>71</sup> In 1882, when she was thirty, she married Granville Holt, a salesman for Montgomery Ward.<sup>72</sup> But Holt's mother instilled a sense of social justice and Holt crystallized this value through her work at the PAWC.<sup>73</sup>

At the start of its fifth year, the PAWC restructured its organization in order to deflect its opponents. The restructure allowed the PAWC to continue assisting all victims of sexual assault and abused wives in actions for divorce.<sup>74</sup> Most notably, the Agency took control of its governing board from the mainstream clubwomen.<sup>75</sup> It stopped accepting delegates from other women's associations as board members and elected its directors solely from its own membership.<sup>76</sup> In an effort to salvage the Agency's relationship with the other women's associations, the PAWC chairman explained that it was trying to be "fair to sister organizations," and relieve them from having to "take the responsibility [for] the acts of the Governing Board."<sup>77</sup> The PAWC's primary and original sponsor, the Chicago Woman's Club, accepted its decision and continued to endorse and support the Agency.<sup>78</sup>

The efforts of the PAWC began to alter workingwomen's relationship to the legal system. Its work quickly earned the Agency a reputation as an organization that could provide workingwomen access to the courts and an advocate in the business community. Clients recommended their friends to "hunt up 'them law

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not only so much to the agency but to all of us who have been so fortunate as to come under her influence in this work." *Id.*

<sup>70</sup> US Census 1860; US Census 1870.

<sup>71</sup> Chicago City Directory, For the Year 1864–1865, 138 (1864); Edward's Annual Director to the Inhabitants, Institutions, Incorporated Companies, Manufacturing Establishments, Business, Business Firms, etc., et., in the City of Chicago, for 1866; Holt, *supra* note 54, at 190.

<sup>72</sup> See *Matrimonial Events*, CHI. TRIB., Apr. 16, 1882, at 18.

<sup>73</sup> See *Report of the Hinsdale Fresh Air Association*, HINSDALE BEACON, circa 1892 (on file with author); *Helping Worthy Poor*, HINSDALE HERALD, circa 1891, at 20 (on file with Hinsdale Historical Society); Holt, *supra* note 54, at 190.

<sup>74</sup> PAWC, FOURTH ANNUAL REPORT 5–6, 10–13 (1890).

<sup>75</sup> *Id.* at 14.

<sup>76</sup> *Id.*

<sup>77</sup> Although there was an additional new requirement that each board member contribute one hundred dollars to the Agency, which effectively maintained that the board would be composed of wealthy women, it also enabled the Agency to be self-supportive and thus less vulnerable to the criticisms of its sponsors. *Id.*

<sup>78</sup> See PAWC, FOURTH ANNUAL REPORT 14 (1890); PAWC, NINETEENTH ANNUAL REPORT 20 (1905).

wimmin.”<sup>79</sup> During its first year the average number of cases the Agency handled a month increased “from six during the first few months to twenty-five for the last few.”<sup>80</sup> By 1905, during the PAWC’s last year as an independent agency, it assisted in over 4,500 cases.<sup>81</sup>

### III. THE RADICALIZATION OF CHARLOTTE HOLT

Holt’s work for the PAWC is representative of those women activists who played a leading role in the everyday struggle to ameliorate gender and class inequalities. She sought to use law to empower workingwomen rather than control them or encourage conformity to white, middle-class, Protestant, American values and practices. Although Holt was a white, middle-class clubwoman, she became radicalized by her work in the PAWC, and in turn, helped to transform the woman’s movement.

Rather than reject the woman’s movement, Holt used her position within it to challenge its perspective with her increasingly radical ideals in an effort to effect social and legal change. She developed Anarchist sensibilities that she applied to her advocacy as she worked with women active in mainstream politics.<sup>82</sup> She rejected religion as she helped found the Woman’s League, an organization of churchwomen that debated ethical and religious questions of the day.<sup>83</sup> In the 1890s, Holt became a lawyer with an aim to change the legal system from the position of an insider.<sup>84</sup> Throughout her professional career, she used law as a means of social change, but with an aim to empower, not control, those she assisted.

The PAWC was one of the institutions in Chicago where, as Mary Jo Buhle described, “women activists joined hands with Socialists to improve the situation of the city’s workingwomen and children.”<sup>85</sup> Several of the PAWC members were Socialists who supported the rights of workingwomen based on their political beliefs. PAWC member Corrine Stubbs Brown, for example, was a staunch

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<sup>79</sup> PAWC, FIRST ANNUAL REPORT 19 (1887).

<sup>80</sup> *Id.* at 23.

<sup>81</sup> PAWC, NINETEENTH ANNUAL REPORT 7–10 (1905).

<sup>82</sup> Charlotte Holt, Letter to the Editor, *A Question for the Woman to Answer*, LIBERTY: NOT THE DAUGHTER BUT THE MOTHER OF ORDER, Mar. 12, 1887, at 8; PAWC, SEVENTH ANNUAL REPORT 7–9 (1893).

<sup>83</sup> *Closer Religious Union Desired*, CHI. TRIB., Nov. 12, 1893, at 26.

<sup>84</sup> *Mrs. Charlotte Holt*, 25 CHI. LEGAL NEWS 255 (1892–1893); James B. Bradwell, *Women Lawyers of Illinois*, 32 CHI. LEGAL NEWS 339, 341 (1899–1900).

<sup>85</sup> BUHLE, *supra* note 58, at 71.

Socialist and labor activist.<sup>86</sup> Brown devoted most of her life work to labor reform. She was a principal member of the Socialist Party in Chicago and was one of the organizers of the Ladies Federal Labor Union (LFLU).<sup>87</sup> Women working in jobs that did not have any organized unions could join the LFLU, entitling them to affiliation with the American Federation of Labor and the Chicago Trade and Labor Assembly.<sup>88</sup>

In 1888, Brown was instrumental in founding the Illinois Woman's Alliance (IWA), an affiliation of twenty-five different societies that worked for multifarious legal and social reforms for workingwomen and children.<sup>89</sup> Meredith Tax describes how the IWA, during its short six-year existence, was another place where Socialist, trade unionists, and middle-class clubwomen united to empower workingwomen.<sup>90</sup> Brown served on the PAWC board beginning in the Agency's second year. She explained that part of the work of the PAWC was to "break down the artificial social caste that [was] sapping the life of society."<sup>91</sup>

Many on the PAWC governing board sought to increase the ethnic diversity of the PAWC's membership. By its second year, the governing board for the PAWC included delegates from two ethnic societies: the Sbor Karolina Svelta, a Swedish society, and the Damsky Sbor Vlasta, a Bohemian society.<sup>92</sup> Chairman Caroline Brown celebrated their inclusion and the diversity of the board, positing that it made the Agency a stronger force.<sup>93</sup> "We thus concentrate, in one small body," she asserted, "the power, wisdom, and dignity of a large number of estimable and influential women, belonging to these different societies."<sup>94</sup>

Holt became radicalized as she worked with the women who came to the Agency. Shortly after Holt began working for the PAWC, she publicly expressed her developing radical leanings and her strong commitment to pragmatism over

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<sup>86</sup> *Id.* at 71–72.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.* at 22, 77.

<sup>89</sup> *Id.* at 71–72; TAX, *supra* note 46, at 66–69.

<sup>90</sup> TAX, *supra* note 46, at 66, 93.

<sup>91</sup> Ann D. Gordon, *Brown, Corrine Stubbs*, in *WOMEN BUILDING CHICAGO, 1790–1990*, 123–125 (quoting Woodlawn Woman's Club, *First Calendar*, 25).

<sup>92</sup> PAWC, *SECOND ANNUAL REPORT* 9 (1888).

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

ideology.<sup>95</sup> Holt read Anarchist periodicals and adhered to Anarchist principles that were much in the milieu in the 1880s in Chicago.<sup>96</sup> The notion that society could be “regulated by voluntary agreement instead of government” attracted her.<sup>97</sup> But, Holt rejected the practical consequences of anarchy as a political order.<sup>98</sup> Holt found the Anarchist vision of replacing government with voluntary associations and organizing society based on cooperation appealing, but ultimately detrimental to women.<sup>99</sup> Holt worked with women who were the victims of violent crimes. Anarchy did not, in Holt’s judgment, provide sufficient protection from such evil.<sup>100</sup> Holt, therefore, crafted a pragmatic strategy that included her Anarchist sensibilities.

Holt’s pragmatism was evident in a letter she wrote to the editor of *Liberty*, a popular Anarchist periodical, in which she challenged the editor’s call for an abolition of marriage.<sup>101</sup> She explained, “Anarchism has been the ideal to which I have long unconsciously been looking forward[.]”<sup>102</sup> But, she chided, “under the present social conditions, the heavy burden of an *unlawful* relation would fall upon the woman almost exclusively.”<sup>103</sup> She stressed that the “social ostracism which [the unmarried woman] must inevitably endure,” should have priority over “the maintenance of a theory[.]”<sup>104</sup>

Holt did share many of the characteristics of the Individualists faction of female anarchists. Like Holt, they were primarily professional, educated women with a feminist consciousness.<sup>105</sup> They were drawn to anarchism, rather than the mainstream women’s rights movement, because it failed to fully address the economic inequalities that flourished in a capitalist society.<sup>106</sup> Unlike Holt, however, they also sought “the personal autonomy and sexual liberation” inherent

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<sup>95</sup> *To Protect Women and Children*, CHI. TRIB., Mar. 7, 1895, at 12; Holt, *supra* note 82, at 8. Holt was also one of the members of the Chicago Woman’s Club who supported racially integrating its membership. See *Primed for a Tilt*, CHI. TRIB., May 21, 1895, at 8.

<sup>96</sup> Holt, *supra* note 82, at 8.

<sup>97</sup> LUCY E. PARSONS, *THE PRINCIPLES OF ANARCHISM: A LECTURE 12* (1900).

<sup>98</sup> Holt, *supra* note 82, at 8.

<sup>99</sup> *Addresses Social Economics Club*, CHI. TRIB., Dec. 2, 1896, at 10.

<sup>100</sup> Holt, *supra* note 82, at 8.

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> MARSH, *supra* note 45, at 20–21.

<sup>106</sup> *Id.*

in Anarchism.<sup>107</sup> Holt was not alone in her suspicion of free love as a replacement for men's ownership of women. Lucy Parsons, one of the leading Anarchists in Chicago, was strongly opposed to the Anarchists she called "varietists," those who supported free love.<sup>108</sup> Parsons argued that free love would make it impossible to determine paternity of children and would, therefore, make women solely responsible for parenthood.<sup>109</sup> Holt's engagement with Anarchists illustrates that Anarchist ideas did infiltrate the mainstream. Although she stopped short of employing those ideals, Holt arrived at her position on marriage through a different line of reasoning than many of her sister white, middle-class clubwomen.

As Agent for the PAWC, Holt worked as a counselor, an investigator, and as a prosecutor.<sup>110</sup> Chicago courts in the 1880s were not bastions of justice. The majority of cases, small civil suits and low-level crimes, went through the Justice of the Peace (JP) courts.<sup>111</sup> There was no public prosecutor or defense attorney, and many of the justices were not even lawyers.<sup>112</sup> In the populated neighborhoods of Chicago, there were also police courts that handled many of the low-level criminal matters to relieve the overrun JP courts.<sup>113</sup> At the county level there was a criminal court and a county court, which handled matters of probate, tax collection, and the appointment of guardians.<sup>114</sup> The circuit and superior courts handled everything else. Throughout the 1870s and 1880s, citizens' groups and lawyers protested the methods and operations of the JP and police courts. In these courts, and the circuit and superior courts, anyone could file suit or bring a prosecution against another.<sup>115</sup> There was no requirement that the prosecutor be publicly funded or even a lawyer.<sup>116</sup> Holt took advantage of this opportunity on behalf of her PAWC clients. But by the 1890s, there were signs that these

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<sup>107</sup> *Id.*

<sup>108</sup> Carolyn Ashbaugh, *Lucy Parsons: American Revolutionary* 203 (1976).

<sup>109</sup> Marsh, *supra* note 45, at 203.

<sup>110</sup> See PAWC, *First Annual Report* 23–28 (1887).

<sup>111</sup> Willrich, *supra* note 59, at 3–4.

<sup>112</sup> *Id.* at 3.

<sup>113</sup> *Id.* at 9–10.

<sup>114</sup> *Id.*

<sup>115</sup> *Id.* at 4.

<sup>116</sup> *Id.*

<sup>116</sup> Robert M. Ireland, *Privately Funded Prosecution of Crime in the Nineteenth-Century United States*, 39 *Am. J. Legal Hist.*, 43, 43–58 (1995).

opportunities were coming to an end. Elite lawyers challenged these courts as part of the national movement to professionalize the legal profession.<sup>117</sup>

By the end of the Agency's fifth year, Charlotte Holt believed that the PAWC was a well-respected institution in Chicago and was determined to take the next logical step: she began the study of law.<sup>118</sup> Holt's decision to become a lawyer at this point was most likely also prompted by the movement to professionalize the law.<sup>119</sup> It was part of a broader movement toward professionalization at the turn of the twentieth century.<sup>120</sup> The new, and increasingly dominant view was that law was a science and should be interpreted and administered only by professional experts.<sup>121</sup> Elite male lawyers sought to end the tradition of women activists engaging in legal activities that interfered with their control of law and its practice.<sup>122</sup>

For Holt, becoming a lawyer was a means of continuing her work. It allowed her to persist in her activism for the legal rights of women and children from inside, rather than outside, of the legal system. Holt resigned from her paid position as Agent, but remained active in the daily work of the PAWC.<sup>123</sup> She served on the Board of Directors and as a permanent member of the executive committee as she began preparations for her new profession.<sup>124</sup>

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<sup>117</sup> WILLRICH, *supra* note 59, at 19. These courts were ultimately replaced in 1905 by the creation of the Municipal Court. *Id.* at 40. Public prosecutions, however, did persist into the twentieth century. Ireland, *supra* note 116, at 55.

<sup>118</sup> See Bradwell, *supra* note 84, at 341. Julia Harvey, Chair of the Agency that year, praised Holt's tenure and described her as "the life and spirit of the agency, who has largely made it what it is, whose ability, devotion and pure goodness had been not only so much to the agency but to all of us who have been so fortunate as to come under her influence in this work." PAWC, FIFTH ANNUAL REPORT 9 (1891).

<sup>119</sup> See Robert W. Gordon, *Critical Legal Histories*, 36 STAN. L. REV. 57, 89 (1984); Nathan O. Hatch, *Introduction to THE PROFESSIONS IN AMERICAN HISTORY 1* (Nathan O. Hatch ed. 1988); BURTON J. BLEDSTEIN, *THE CULTURE OF PROFESSIONALISM: THE MIDDLE-CLASS AND THE DEVELOPMENT OF HIGHER EDUCATION IN AMERICA* 86–88 (1976); SAMUEL HABER, *THE QUEST FOR AUTHORITY AND HONOR IN THE AMERICAN PROFESSIONS, 1750–1900*, 101–05, 193–201, 210 (1991); BRUCE A. KIMBALL, *THE "TRUE PROFESSIONAL IDEAL" IN AMERICA: A HISTORY* 186, 192–93, 245–50 (1992).

<sup>120</sup> See sources cited *supra* note 119.

<sup>121</sup> See sources cited *supra* note 119.

<sup>122</sup> Batlan, *Birth of Legal Aid*, *supra* note 11, at 970; Babcock, *supra* note 40, at 1696, 1699; VIRGINIA G. DRACHMAN, *SISTERS IN LAW: WOMEN LAWYERS IN MODERN AMERICAN HISTORY* 215–23 (1998); VIRGINIA G. DRACHMAN, *WOMEN LAWYERS AND THE ORIGINS OF PROFESSIONAL IDENTITY IN AMERICA* 32–33 (1993); BARBARA BABCOCK, *WOMAN LAWYER: THE TRIALS OF CLARA FOLTZ* 18–19 (2011).

<sup>123</sup> See PAWC, FIFTH ANNUAL REPORT 3 (1891).

<sup>124</sup> *Id.*

While Holt was studying law, she continued to fight for the rights of workingwomen and to challenge the dominant white, clubwoman movement. In 1892, she joined with labor activists Florence Kelley, Alzina Parsons Stevens, Corrine Stubbs Brown, Jane Addams, and Julia Lathrop on the Women's Labor Committee of the World's Fair Auxiliary to prepare a program for the Labor Congress that was to be part of the World's Columbian Exposition.<sup>125</sup> As the Committee worked, labor struggles continued to rage in Chicago, across the country, and around the world. These labor activists had hoped the Congress would provide a forum to have a substantive discussion on the issues. They were wrong. When their suggested program was rejected, the women resigned from the committee.<sup>126</sup> They explained:

We believe that no adequate presentation of the labor question, which now agitates the entire civilized world, is contemplated by the controlling power of the auxiliary, and we are not willing to have any appearance of connection with what will be offered as a substitute for a real labor congress.<sup>127</sup>

The Anarchist periodical, *Liberty*, praised these women for their position and their resolve.<sup>128</sup> All of these women, Holt among them, continued to fight for the social and economic rights of women and children.

In 1893, Holt earned her law license and began practicing immediately.<sup>129</sup> Much of her work was on reforms in the way children were prosecuted and punished. She worked with Jane Adams, Julia Lathrop, Mary Bartelme, and Lucy Flowers in laying the foundation for the establishment of the Cook County Juvenile Court in 1899, the first juvenile court in the country.<sup>130</sup> Holt continued to support the PAWC and, in 1895, also helped fend off a move by the Bureau of Justice (BOJ) to take over the PAWC.

Joseph Errant, the PAWC's first staff attorney, organized the BOJ in 1888.<sup>131</sup> He modeled it after the PAWC with an aim to provide free legal services to

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<sup>125</sup> *Boycott the World's Fair*, LIBERTY: NOT THE DAUGHTER BUT THE MOTHER OF ORDER, Mar. 18, 1893, at 2.

<sup>126</sup> *Id.* Mari Jo Buhle describes Alzina Parsons Stevens, Florence Kelley and Corrine Stubbs Brown as Socialists. BUHLE, *supra* note 58, at 22, 71–72, 77, 225.

<sup>127</sup> *Boycott the World's Fair*, *supra* note 125, at 2.

<sup>128</sup> *Id.*

<sup>129</sup> Bradwell, *supra* note 84, at 341.

<sup>130</sup> Julia C. Lathrop, *The Background of the Juvenile Court*, in THE CHILD, THE CLINIC AND THE COURT 290–97 (Jane Addams ed., 1927); see also DAVID S. TANENHAUS, JUVENILE JUSTICE IN THE MAKING (2004).

<sup>131</sup> *Aid for the Women*, CHI. TRIB., Mar. 4, 1894, at 28.

workingmen in the city.<sup>132</sup> The BOJ quickly became a prominent institution in Chicago, and within seven years began urging the PAWC to merge into the Bureau.<sup>133</sup> The PAWC rejected the offer as it would have resulted in a shift of the Agency's emphasis from assisting women and replaced a majority of the women in leadership positions with men.<sup>134</sup>

For a decade, from 1895 to 1905, the BOJ, joined by the Civic Federation, continued to press the PAWC to reconsider.<sup>135</sup> The Civic Federation was organized in 1894 as "a voluntary association of citizens" with an objective "to promote honesty, efficiency and economy in the administration of the public business and to serve the public by helping to enforce the law, and in contributing, in all practical ways, to the highest welfare of the people."<sup>136</sup> It proposed the merger between the legal aid societies as part of a broader progressive-era campaign that urged consolidation of like organizations for efficiency.<sup>137</sup> The PAWC resisted, desiring to maintain control over its work assisting women specifically.<sup>138</sup> The PAWC ultimately agreed to consolidate in 1905, when the BOJ finally agreed to join with the PAWC on equal terms.<sup>139</sup> In the newly formed Legal Aid Society, the PAWC activists did maintain control of the cases involving physical and sexual abuse of women, but men consistently filled the office of president of the Society.<sup>140</sup>

Charlotte Holt suffered a series of personal tragedies in the late 1890s that ultimately caused her to move to California. In 1896, Holt's sister died.<sup>141</sup> Holt took her sister's two children into her home and raised them as her own.<sup>142</sup> Three years later, Charlotte's mother died. Shortly thereafter, Charlotte's husband,

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<sup>132</sup> *The Bureau of Justice*, CHI. TRIB., Feb. 11, 1888, at 3.

<sup>133</sup> *The Bureau of Justice*, CHI. TRIB., Oct. 8, 1890, at 12.

<sup>134</sup> PAWC, NINTH ANNUAL REPORT 5 (1895); PAWC, ELEVENTH ANNUAL REPORT 13–14 (1897).

<sup>135</sup> See sources cited *supra* note 134; PAWC, NINETEENTH ANNUAL REPORT 5–9 (1905); *Charitable Agencies to Join*, CHI. TRIB., Dec. 4, 1895.

<sup>136</sup> CIVIC FED'N OF CHI., FIRST ANNUAL REPORT OF THE CENTRAL COUNCIL 7 (1895).

<sup>137</sup> Edward C. Wentworth, *The New "Legal Aid Society." – An Evolution in Philanthropy*, 37 CHI. LEGAL NEWS 826 (1905)

<sup>138</sup> PAWC, NINTH ANNUAL REPORT 5 (1895).

<sup>139</sup> See PAWC, NINETEENTH ANNUAL REPORT 5–9 (1905).

<sup>140</sup> See Legal Aid Society of Chicago, FIRST ANNUAL REPORT (1906); PAWC, NINETEENTH ANNUAL REPORT 5–9 (1905); Edward Wentworth, *The New 'Legal Aid Society' – An Evolution in Philanthropy*, 37 CHI. LEGAL NEWS 826 (1904–1905).

<sup>141</sup> *Beloved Woman Passes Away*, HINSDALE DOINGS, Dec. 26, 1896, (on file with Hinsdale Historical Society).

<sup>142</sup> U. S. Census 1900.

Granville Holt, shot and killed himself with a revolver reportedly because of his distress over accusations made against him for tax evasion.<sup>143</sup> Newspaper accounts indicated that Granville might have wrestled with Holt for the revolver before he shot himself.<sup>144</sup> Three years later, in 1902, Holt's brother-in-law, the father of the children in her care, committed suicide.<sup>145</sup> Within months of this tragedy, Charlotte Holt moved to Pasadena, California with her children, where she married Theodore Heineman, a widowed scientist who was formerly from Chicago.<sup>146</sup> Within a year, Charlotte Holt Heineman was back at work, advocating for liberty, justice, and equality, especially for workingwomen and children.<sup>147</sup>

#### IV. HOLT, THE LOS ANGELES LEGAL AID SOCIETY, AND THE MALE TAKEOVER

By the time Holt left Chicago and moved to California, her advocacy for all women was based on her understanding of women's standing as citizens. It was not based on a gender ideology that understood women's status and role as different than men, but one that considered women as "a part of the people."<sup>148</sup> In one of her first public addresses in Los Angeles, Holt argued that women needed the right to vote and to serve on juries to ensure that women who were subject to the legal system received justice.<sup>149</sup> She rejected the gendered arguments that were used both to promote and restrict women's rights. Holt explained:

It makes no difference if the bad women do outnumber the good; it makes no difference on the merits of the question if good women do stay away from the poles, and even if we admit that women do not purify politics when they have a chance to vote that has nothing to do with the principle involved. If one good woman wants to vote and is not allowed to it is an injustice

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<sup>143</sup> *G. M. Holt Commits Suicide*, CHI. TRIB., June 21, 1899, at 2; *G. M. Holt Shoots Himself*, CHI. CHRONICLE, June 21, 1899, at 1; *G. M. Holt a Suicide*, CHI. DAILY NEWS, June 21, 1899, at 2; *Holt Suicide Due to Insanity*, CHI. CHRON., June 22, 1899, at 7.

<sup>144</sup> *Holt Suicide Due to Insanity*, *supra* note 143.

<sup>145</sup> Certificate of Death for Sheldon L. Hough (Date of Death, May 19, 1902), Cook County, Illinois Clerk's Office.

<sup>146</sup> Theodore Heineman was formerly from Chicago. He moved to California in 1894 with his wife and two sons. Nat'l Reg. of Hist. Places, Freeman House, Pasadena, L.A. Cnty., Nat'l Reg. 1024-0018, available at <http://ohp.parks.ca.gov/pages/1067/files/freeman%20house%20nomination.pdf>.

He was widowed in 1899. He married Charlotte Holt in 1902.

<sup>147</sup> Holt's niece, Henrietta H. Hough, was an activist as well. She served as an officer in Los Angeles' Third Ward organization of the Woman's Suffrage association. *Woman Suffragists Meet*, L.A. HERALD, July 17, 1904, PART III, at 3.

<sup>148</sup> *Women Demand Jurors' Rights*, L.A. HERALD, Oct. 13, 1905, at 2.

<sup>149</sup> *Id.*

and is contrary to the spirit of the Declaration of Independence.<sup>150</sup>

Holt's declaration that women should have legal and political rights "even if we admit that women do not purify politics[.]" cements her distinction from the dominant gender ideology of the woman's movement.<sup>151</sup>

Holt took an active role in the woman's rights movement in Pasadena and Los Angeles. She joined the very small group of women lawyers in the state.<sup>152</sup> Holt gave lectures on the legal rights of women and children and almost immediately began agitating for the establishment of a women's legal aid society in Los Angeles.<sup>153</sup> She worked with a number of longtime woman's rights activists, including Caroline M. Severance and Mary A. Kenney, who were interested in such an institution. Both Severance and Kenney were members of the Woman's Socialist Union and active suffragists.<sup>154</sup>

Holt and Kenney took the campaign for a legal aid society for women and children in Los Angeles public in 1905. In December, Kenney delivered a paper entitled *California Laws for Women and Children* to the Los Angeles District Federation of Woman's Clubs in which she recommended establishing a legal aid society.<sup>155</sup> In June 1906, Holt gave a lecture to the Young Women's League on the same topic.<sup>156</sup> Some women in Los Angeles knew of the work of the Protective Agency for Women and Children. California newspapers had briefly mentioned the Agency in the past.<sup>157</sup> By November 1907, the *Los Angeles Times* reported that there was a movement, led by women, to establish a Legal Aid Society.<sup>158</sup>

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<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> See *Miss Kenney, Lawyer*, L.A. TIMES, Oct. 11, 1897, at 7.

<sup>153</sup> See *Crown City Notes*, L.A. HERALD, June 19, 1906, at 5. Holt's niece, Henrietta Hough became active in the local woman's suffrage association. *Woman Suffragists Meet*, *supra* note 147.

<sup>154</sup> *May and December Join Hands at Socialist Union Meeting*, L.A. HERALD, May 7, 1909, at 2; *Legal Aid for Women*, L.A. HERALD, Feb. 20, 1908, at 3; *Socialist Union to Hold Meeting*, L.A. HERALD, May 1, 1909, PART II, at 3; *Collectivists Close Session*, L.A. HERALD, May 8, 1909, PART II, at 3; see also BUHLE, *supra* note 58, at 77–78.

<sup>155</sup> *Club Federation Ends Convention*, L.A. HERALD, Dec. 7, 1905, at 2.

<sup>156</sup> *Quiet Reigns in Logan Case*, L.A. HERALD, June 19, 1906, at 5.

<sup>157</sup> *A Song of the Sea*, L.A. HERALD, Dec. 3, 1890, at 5; Laura Bride Powers, *Enters Field of Social Reform, Winning Success and Fame as Well*, S.F. CALL, July 25, 1904, at 5.

<sup>158</sup> *Women's Clubs. Legal Aid Society*, L.A. TIMES, Nov. 26, 1907, PART II, at 8.

In March 1908, Mary Kenney chaired the organizational meeting of the Legal Aid Society.<sup>159</sup> She and Holt discussed organizing the society after the Chicago model. Much like the PAWC, multiple women's organizations collaborated in the effort. Madam Caroline M. Severance, considered nationally as the mother of woman's clubs, used her extensive connections to bring together women's clubs across the city to support the effort.<sup>160</sup> The aim of the society was to secure justice for poor and working-class women by providing legal assistance to women that could not afford their own attorneys to represent their civil rights claims.<sup>161</sup>

The meeting was comprised of both men and women lawyers and activists. Most prominently, Guy Eddy, a local Assistant Prosecuting Attorney, was very supportive.<sup>162</sup> He specifically identified the need for legal representation for women who were abused and deserted by their husbands and working girls and women who were exploited by their employers.<sup>163</sup> Mrs. Heineman played a key role. She discussed the organization and operation of the Legal Aid Society in Chicago (formerly the PAWC) and "outlined a plan for the organization of a society" in Los Angeles.<sup>164</sup>

But the men in the room quickly took over much of the public leadership of the effort and named Reynold E. Blight as chair of the committee.<sup>165</sup> The Los Angeles Legal Aid Society was ultimately patterned more after the New York Legal Aid Society, which assisted both men and women.<sup>166</sup> In less than a week after its founding, the Los Angeles Times had already reported that it was the men of the Los Angeles County Bar Association that had "taken up the work of organizing a Legal Aid Society."<sup>167</sup>

The formal organization of the Legal Aid Society of Los Angeles was completed in April 1908.<sup>168</sup> Women, including Mary Kenney, were officers, but

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<sup>159</sup> *Legal Aid for Women*, L.A. HERALD, Feb. 20, 1908, at 3; *Plan Society to Aid Poor*, L.A. TIMES, Mar. 10, 1908, PART II, at 1; *Take Steps to Form Legal Aid Society*, L.A. HERALD, Mar. 10, 1908, at 7.

<sup>160</sup> *Legal Aid for Women*, *supra* note 159.

<sup>161</sup> *See id.*

<sup>162</sup> *Plan Society to Aid Poor*, *supra* note 159.

<sup>163</sup> *Legal Aid for Women*, *supra* note 159; *Take Steps to Form Legal Aid Society*, *supra* note 159.

<sup>164</sup> *Plan Society to Aid Poor*, *supra* note 159.

<sup>165</sup> *Legal Aid Society Holds First Election*, L.A. HERALD, Mar. 14, 1908, at 3.

<sup>166</sup> *Id.*

<sup>167</sup> *Hand of Law Out to Needy*, L.A. TIMES, Mar. 22, 1908, PART V, at 19.

<sup>168</sup> *Legal Aid Society Ready for Business*, L.A. HERALD, Apr. 15, 1908, at 7.

a man chaired the Society.<sup>169</sup> Its purpose was to provide legal aid to all who needed it and could not afford it.<sup>170</sup> Similar to Chicago, a woman superintendent, Mrs. Cora (Leland) Norton, ran the organization, and mostly male attorneys handled the cases that went to court.<sup>171</sup> Also, like Chicago, it handled a wide variety of cases involving wrongs to women, from wage claims to domestic abuse and rape.<sup>172</sup> Norton was not a lawyer, but was well-informed about legal issues pertaining to women and children.

Norton handled over four hundred cases of workingmen, women and children during the Legal Aid Society's first year<sup>173</sup> and six hundred in the first six months of its second year.<sup>174</sup> The cases included everything from wage disputes to domestic issues to sexual assaults of women and children.<sup>175</sup> She also assisted the attorneys, who donated their services to the society, in providing a legal defense to those of their clients charged with crimes.<sup>176</sup> She earned the respect of judges and attorneys in the city for the quality and breadth of her work.<sup>177</sup>

Norton was also part of the movement, led by Clara Shortbridge Foltz, California's first woman attorney, to establish a public defender system in California.<sup>178</sup> The County Charter Freeholders proposed a change in the county charter to include a public defender in 1912.<sup>179</sup> Under this proposal the public defender was to represent indigent men and women who were charged with criminal offenses and aid them in seeking recompense for civil wrongs.<sup>180</sup> This was the work in which the Legal Aid Society was engaging and the public

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<sup>169</sup> *Id.*

<sup>170</sup> *Id.*

<sup>171</sup> *Peace Body Has Trouble*, L.A. TIMES, May 10, 1908, at 111.

<sup>172</sup> *Report of Legal Aid Society Shows Activity*, L.A. HERALD, Mar. 17, 1910, at 11.

<sup>173</sup> *Legal Aid Society is Doing Much Work*, L.A. HERALD, Mar. 20, 1909, PART II, at 1.

<sup>174</sup> *Mrs. Leland Norton*, L.A. HERALD SUNDAY MAG., Mar. 13, 1910, at 14.

<sup>175</sup> *Id.*; *Helping Hand for Litigants*, L.A. TIMES, Dec. 1, 1912, PART II, at 8.

<sup>176</sup> *Legal Aid Society*, L.A. TIMES SUNDAY MAG., Mar. 23, 1910, PART II, at 4.

<sup>177</sup> *Legal Aid Society*, L.A. HERALD, Mar. 13, 1910, at 14; *Lauds Legal Aid Society*, L.A. HERALD, June 26, 1910, at 9; Rose L. Ellerbe, *One Day's Work For One Woman*, L.A. TIMES, Feb. 19, 1911, PART II, at 16.

<sup>178</sup> BABCOCK, *supra* note 122, at 288–319. As part of her long term efforts to reform the criminal justice system, Foltz became the first woman appointed as a Deputy District Attorney in Los Angeles County in 1910. *First Woman Prosecutor*, L.A. TIMES, Apr. 24, 1910, PART II, at 1.

<sup>179</sup> *Fair Play in Court Trials*, L.A. TIMES, June 27, 1912, PART II, at 13; *Public Defender Is Provided For*, L.A. TIMES, Sept. 20, 1912, PART I, at 13; *New Charter Proposes Autonomous Government*, L.A. TIMES (Sept. 26, 1912).

<sup>180</sup> *See* sources cited *supra* note 179.

defender was intended take over those efforts. Most, including Norton, assumed that she would continue her work under the new title of Public Defender.<sup>181</sup>

In October 1913, Norton was appointed the temporary Assistant Public Defender while the County Civil Service Commission offered a written examination for the permanent position of Public Defender.<sup>182</sup> Norton was among those who took the examination.<sup>183</sup> In December, the Commission released the names of the three men who passed the exam with the highest scores; Norton's name was not among them.<sup>184</sup> A month later, the Civil Service Commission fired Cora Norton as temporary Public Defender and the Superintendent of the Legal Aid Society, citing her failure of the examination as the reason. Over 6,000 women joined together in support of Norton to protest this act.<sup>185</sup>

A number of prominent men supported Norton as well. The President of the Legal Aid Society, judges, prosecutors, and other male lawyers all endorsed the services Norton had been providing for the previous six years.<sup>186</sup> They accused the Commission of dismissing Norton for political reasons.<sup>187</sup> The County Supervisor went so far as to state publicly:

It would be a calamity for the county to lose the services of Mrs. Norton . . . I shall stand for her retention in this line of service, no matter what the Civil Service Commission may say. Mrs. Norton has undertaken and carried through a work that no one else has ever tackled here, and has done this in a very diplomatic and tactful way. . . . I shall stand for Mrs. Norton first, all and all the time.<sup>188</sup>

The Civil Service Commission did not relent.

In 1914, more than twenty-five years after Foltz first proposed the idea of a public defender, Los Angeles County took the historic step of establishing the first office of a Public Defender in the country.<sup>189</sup> Norton, "who for years has done the

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<sup>181</sup> *Ask Evans for an Explanation*, L.A. TIMES, Jan. 5, 1914, PART II, at 1.

<sup>182</sup> *Id.*

<sup>183</sup> *Id.*

<sup>184</sup> *Id.*

<sup>185</sup> *Id.*

<sup>186</sup> *Id.* at 1, 8.

<sup>187</sup> *Supra* note 181, at 8.

<sup>188</sup> *Id.*

<sup>189</sup> *The Public Defender of Los Angeles County, Cal.*, 5 J. AM. INST. CRIM. L. & CRIMINOLOGY 283, 284 (1914).

work of the public defender through the Legal Aid Society,” was not selected for the office.<sup>190</sup> On January 6, 1914, Walton J. Wood, a former deputy city attorney, became the first public defender in Los Angeles and the United States.<sup>191</sup> Wood undertook much of the work of the Legal Aid Society.

Lawyers’ position within the legal system was still in transition in the early twentieth century. The legal profession was working towards developing a proprietary control of law, and most certainly criminal law, as practiced in the courts.<sup>192</sup> In 1914, however, this transition was not complete. The fact that Norton was not a lawyer did not formally disqualify her from the position of Public Defender. David Evans, who was Chairman of the Civil Service Commission, did, nonetheless assert that the fact that Norton was not a lawyer was a negative consideration in her application.<sup>193</sup>

Norton did not accept her dismissal and, through an attorney, filed suit against the Civil Service Commission, alleging that its procedures for examining applications for Civil Service positions were unconstitutional.<sup>194</sup> Norton’s suit exposed a greater war between the heads of the Commission and the leaders of the Los Angeles County government, from whom the Commission wrested control of the county.<sup>195</sup> The reformed Civil Service Commission was part of the progressive era movement toward efficiency in government. Those opposed to the reforms asserted that the leaders of the Commission were corrupt and were using the reforms to gain both power and wealth.<sup>196</sup> The court sided with the Commission and against Norton.<sup>197</sup>

Walton Wood, as the first Los Angeles County Public Defender, and the first Public Defender in the country, took over the work of the Legal Aid Society.<sup>198</sup> In his first five months, Wood and his staff handled 2,000 cases, which included just 135 criminal cases.<sup>199</sup> The *Los Angeles Times* characterized the realization of

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<sup>190</sup> *Run Foul of One Another*, L.A. TIMES, Jan. 6, 1914, PART II, at 1–2.

<sup>191</sup> *Id.* at 2; *Becomes Public Defender LA County*, EUGENE REG. GUARD, Jan. 7, 1914, at 8.

<sup>192</sup> WILLRICH, *supra* note 59, at 36–37; JACK KATZ, *POOR PEOPLE’S LAWYERS IN TRANSITION* 4 (1982).

<sup>193</sup> *Ford Denies Doty Answer*, L.A. TIMES, Jan. 7, 1914, PART II, at 1–2.

<sup>194</sup> *Civil Service Bugaboo Is Haled into Court*, L.A. TIMES, Jan. 13, 1914, PART II, at 1.

<sup>195</sup> *Id.*

<sup>196</sup> *Judge Wilbur Denies Mrs. Norton Petition*, L.A. TIMES, Feb. 15, 1914, PART II, at 1, 7.

<sup>197</sup> *Id.* at 7.

<sup>198</sup> Walter J. Wood, *The Public Defender*, N.Y. TIMES, Jan. 20, 1914, at 8.

<sup>199</sup> *Justice Given to the Poor*, L.A. TIMES, May 31, 1914, PART II, at 13.

this effort as a means of lessening class inequality.<sup>200</sup> It wrote that the office “blast[ed] the theory that the courts are only for the rich.”<sup>201</sup> By January 1915, the California legislature passed a law establishing a Public Defender’s office in every county in the state.<sup>202</sup>

Most of the Public Defender offices established in other parts of California only provided criminal defense services. Legal representation in civil cases was outside the scope of those offices. Some counties, like San Francisco, established a Legal Aid Society to handle the civil cases of the working poor.<sup>203</sup> The Associated Charities, the law schools of Hastings and Stanford, the Bar Association, and others, assisted the Legal Aid Society.<sup>204</sup> By 1926, the Los Angeles County Public Defender’s Office had stopped handling the civil cases of the poor and working classes and focused solely on defending those who were indigent and charged with criminal offenses.<sup>205</sup> In 1928, the State Bar Association promoted the notion of establishing a legal aid society to handle those cases.<sup>206</sup> A year later, the University of Southern California Law School opened a legal aid clinic.<sup>207</sup> It asserted, “the new clinic is said to be the first and only one west of Minneapolis.”<sup>208</sup> The work of Charlotte Holt, Mary Kenney, and Cora Norton was erased.

## V. CONCLUSION

Charlotte Holt Heineman’s life, work and ideology suggest that the woman’s movement included a diversity of ideologies. Some middle-class, white clubwomen, like Holt, rejected the notion that their mission was to save poor and workingwomen because these women needed protection and they, as middle-class women and mothers, had the moral authority to save them. Holt, alternatively, sought redress for violations of poor and workingwomen because these women

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<sup>200</sup> *Id.*

<sup>201</sup> *Id.*

<sup>202</sup> *Jobs Galore for Lawyers*, L.A. TIMES, Jan. 13, 1915, PART II, at 5. Walton Wood served as the L.A. Public Defender until 1921 when he was elected Superior Court Judge. *County Must Employ Mrs. Peete’s Counsel*, L.A. TIMES, Nov. 14, 1920, PART I, at 7.

<sup>203</sup> Walton J. Wood, *Necessity for Public Defender Established by Statistics*, 7 J. AM. INST. CRIM. L. & CRIMINOLOGY 230, 237–44 (1916).

<sup>204</sup> *Id.*

<sup>205</sup> Walton J. Wood, *The Office of Public Defender*, 124 ANNALS AM. ACAD. POL. & SOC. SCI. 69, 69 (1926).

<sup>206</sup> *Free Legal Aid Plans Formed*, L.A. TIMES, Sept. 15, 1928, PART II, at 1.

<sup>207</sup> *Legal ‘Clinic’ Ready to Open*, L.A. TIMES, Sept. 15, 1929, PART II, at 12.

<sup>208</sup> *Id.*

were citizens and entitled to justice. She engaged with Anarchists, Socialists, Atheists, and Agnostics. She did not try to control and mold workingwomen and children, but sought to ensure their rights and punish those who wronged them through the legal system. Holt's relationship with some of her sister, radical clubwomen suggest that she was not alone. Her engagement with women activists outside the woman's movement suggests that perhaps the movement was not as insularly and ideologically homogenous as we previously believed.

Together, Holt and Norton's stories, and the fate of the legal aid societies in Chicago and Los Angeles, also reveal the all too common theme in women's history of women's work being usurped by men.<sup>209</sup> The affect not only displaced the women leaders, but also changed the character of their work from a focus on assisting women with needs that were specific to their gender. The legal aid assistance under the leadership of men turned into assistance that focused on the problems that were specific to men and those economic issues that men and women shared.<sup>210</sup> This transition was fostered by the professionalization of the field of law, which elite male lawyers used to wrest power from women who were working within the legal system. Although women were able to establish these institutions and break into the profession, they did not change its male character to their own detriment and the detriment of workingwomen and children.<sup>211</sup> This phenomenon continued throughout the twentieth century.<sup>212</sup>

Recovering the gendered history of the origins and development of legal aid offers insight into "the role of law in producing and reflecting cultural and social norms."<sup>213</sup> Law reproduces the cultural acceptance of male violence against women when male legal actors control the legal services and processes. Using gender to analyze the history of legal aid illustrates how men use legal resources to perpetuate gender hierarchies. The radical women who created the first legal aid societies in the United States sought to use legal power to transform the social and cultural norms that placed marginalized women at the bottom of the hierarchy.

During the first decades of the twenty-first century, marginalized women continue to struggle without sufficient resources and assistance to address the

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<sup>209</sup> Carol Sanger, *Curriculum Vitae (Feminae): Biography and Early American Women Lawyers*, 46 *STAN. L. REV.* 1245, 1248 (1994). For historical examples of men taking credit for women's work, see Jane J. Lee, *6 Women Scientists Who Were Snubbed Due to Sexism*, *NAT'L GEOGRAPHIC* (May 19, 2013), available at <http://news.nationalgeographic.com/news/2013/13/130519-women-scientists-overlooked-dna-history-science/>.

<sup>210</sup> See KATZ, *supra* note 192, at 7, 160–62.

<sup>211</sup> See RHODE, *supra* note 38, at 4, 5, 9, 61.

<sup>212</sup> See *id.* at 61–64.

<sup>213</sup> Batlan, *Engendering Legal History*, *supra* note 41, at 823.

legal harms of violence and sexual abuse.<sup>214</sup> The causes are the same as a century ago: state and federal governments insufficiently subsidize legal aid; legal aid services do not prioritize the harms that disproportionately affect women; the system is designed to impede individuals from representing themselves; and the bar actively works to restrict non-lawyers from assisting these women.<sup>215</sup> Despite this persistent opposition, activist women lawyers and lay proponents continue to seek justice for marginalized women, building on the foundations laid by Charlotte Holt, Cora Norton, and their sister activists.<sup>216</sup>

Twenty-first century activists and scholars are advocating for assistance for marginal women and for reforms to the American criminal justice system that address the complex structural disparities that enhance their vulnerability to violence, abuse, and simultaneously limit their resources.<sup>217</sup> These activists recognize that the disadvantages marginalized women endure based on their class, race, sexuality, and gender are connected with their experiences of violence and abuse, and argue that reform strategies must address these connections.<sup>218</sup> Acknowledgment of these connections, however, is not new. Understanding the ways that the nineteenth century activists' efforts developed and were transformed may be instructive in developing current strategies in order to break the cycle and achieve a different end—justice instead of continued injustice.

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<sup>214</sup> Martinson, *supra* note 39, at 259.

<sup>215</sup> *Id.*, at 273–74; *see also* Rhode, *supra* note 38, at 81–85, 87–89, 107.

<sup>216</sup> *See* Rhode, *supra* note 38, at 58–64.

<sup>217</sup> Martinson, *supra* note 39, at 284, 85; *see also* Bailey, *supra* note 39, at 1256–57.

<sup>218</sup> *See* Bailey, *supra* note 39, at 1299–1300; Rhode, *supra* note 38, at 120; Martinson, *supra* note 39, at 284.