

**"Girl" Lawyer Makes Good:
The Story of Annette Abbott Adams**

by

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I. Preface

Due to time constraints, it was not possible for me to write a birth to death, comprehensive biography of Annette Grace Abbott Adams. Although it was something that I would have liked to do once I began studying Annette, it just was not possible. So, instead of writing a skin and bones chronology of her life, I decided to concentrate on certain areas of Annette's life and to try and give the reader a glimpse of Annette and what she was like, not just empty facts and dates.

To help improve my reader's knowledge of Annette, however, I did include a chronology of her life so that the scope of her achievements may be better appreciated. Moreover, I included potential sources and leads which might be followed by a person wanting to do more research on Annette. I also expressed some of the problems which I faced in trying to construct a biography of a deceased subject.

Fortunately for me and people interested in Annette, what I have written here is far from exhaustive. In fact, unlike most women barrier breakers, there is a full biography written about Annette by Louise Eleanor Steiner entitled "Annette Abbott Adams: California's First Lady of Law." This master's thesis is on file at the California State Law Library in Sacramento. This work was instrumental to my understanding of Annette and I would strongly recommend it to any person interested in gaining a more complete understanding of Annette's remarkable life.

II. Lifetime Chronology

Firsts: first woman Assistant United States Attorney, first woman United States Attorney, first woman Assistant United States Attorney General, first woman to sit on a California Appellate Court, first woman to serve as the presiding justice on a California Appellate Court, and first woman to sit Pro Tempore on California's Supreme Court.

March 12, 1877: born in Prattsville, Plumas County, California.

1897: graduated from Chico Normal School (a school designed to produce teachers).

1897-1900: teaches school while saving money to attend Univ. of California, Berkeley and study law.

1900: entered Berkeley with sister, May.

1903-4: studied law at Boalt Hall, culminating in her Bachelor of Law Degree in 1904. One of the first women to graduate from Boalt.

1905-10: taught school in Modoc County and was a school principal for the last three years. Was one of the first two women in California to hold this position.

1906: married M.H. Adams. Divorced shortly afterwards.

1910: returned to Boalt to finish law degree.

1912: recieved Juris Doctorate.

June 1913: formed law partnership in San Francisco with Marguerite Ogden, daughter of Alameda Superior Court Judge Ogden.

Nov. 7, 1913: admitted along with Ms. Ogden to the federal courts by Judge Maurice T. Dooley.

1914: appeared against U.S. Attorney for Northern District of California, John W. Preston in white slavery case. Wins judicial leniency. Invited by Mr. Preston to be his 4th assistant U.S. Attorney.

Feb. 15, 1914: S.F. Examiner announces Preston's plans for her appointment. Due to opposition to her appointment from Attorney General, not sworn in until Oct. 1914, after Attorney General McReynolds is appointed to Supreme Court and Thomas Witt Gregory becomes the new Attorney General.

1914-1917: works on and tries Bopp Conspiracy case- allegations against German Consulate and others that they tried to violate the U.S.'s neutrality laws. Wins.

July 25, 1918: becomes temporary U.S. Attorney after Mr. Preston is made Assistant United States Attorney General. Mr. Preston nominates her for full position.

Feb. 28, 1918: President Wilson forwards nomination to Congress. Approved.

May 1920: submits resignation.

May 22, 1920: appointed Assistant United States Attorney General.

July 1920: received one vote for Vice President at the Democratic National Convention.

Aug. 21, 1921: resigns from position as Assistant U.S. Attorney General.

1923: ran for a position on the Board of Supervisors for San Francisco County. Defeated.

1921-1935: practiced law in San Francisco in a solo firm.

1935: name surfaces as a possible federal judge appointee. Never nominated.

1935-1941: works as a law partner with now retired California Supreme Court Justice Preston. Also work together as special U.S. counsel in the Elk Hills Naval Oil Reserve case. After years of litigation, win case in 1941.

March 30, 1942: named Presiding Justice of the 3rd District Court of Appeal of California.

April 1950: sat as judge Pro Tempore on the California Supreme Court for one case. First woman to ever do so. Was in celebration of the Court's 100 year anniversary.

November 30, 1952: retires from the California Court of Appeal.

October 26, 1956: dies at her home in Sacramento after a long illness.

III. The Road Less Travelled . . .

In a San Francisco courtroom in early 1914, a young woman attorney from Prattsville, California squared off against United States Attorney John W. Preston in a "white slavery" case. Most contemporaries would have seen the matchup as a slaughter, a farce. How could a girl attorney match wits against a successful male attorney like Mr. Preston?

At the time, women attorneys in California and other states were little more than a myth, a whisper on the winds, rumored to reside here or there, but seen by very few. In the 1910's a woman's place was still considered by the majority of Americans as in the home, cooking dinner and raising the children. The Nineteenth Amendment and universal women's suffrage was still a long six years away, a goal becoming ever more plausible, but still far from inevitable.

But the woman facing United States Attorney John Preston that day was no ordinary attorney. She was Annette Grace Adams Abbott, and she was about to show California and the world that women's role in society was rapidly changing. Annette's performance in court that day would not only serve her client well, but it would earn her a lifelong ally in her adversary, U.S. Attorney Preston, and start her on the road to becoming one of greatest barrier breakers in American legal history.

A contemporary, albeit romanticized, account of the courtroom battle that day gave America due notice that women in the professional ranks were here to stay:

At counsel's table sat a woman. She was tall and fair. Mr. Preston started the fi- pardon, the trial. In legal terms and polite courtroom language he called the defendant very nearly everything in the vocabulary, except an angel, and after he had 'spoke his piece' up rose the woman. Instantly one remarks, 'Isn't it just like a woman to want the last word?' But I forgot to say that this particular woman who had been seated at counsel's table, and who had risen at the psychological moment, was (Mrs.) Annette Abbott Adams, attorney for the defense. Mrs. Adams addressed the court in the frankest fashion on behalf of her client. She did not attempt to give him a lily-white reputation or to exhibit his angel wings just sprouting where such wings are expected to grow. She didn't quibble or quiver over the question; there was no evasion or evanescing- just facts. The prosecutor listened attentively. The judge manifestly was interested. Mrs. Adams' client was sentenced to a term of six months imprisonment, the judge declaring from the bench that the statement

of his counsel had won for the client the court's clemency. It had been in the mind of the court to make the sentence a term of years.

Having been licked, United States Attorney Preston, the chivalrous, not only congratulated Mrs. Adams, but began a cross-examination of her something like this:

'Where'd you get your law?'

'University of California.'

'Experience?'

'About two years.'

'Want to be Assistant United States Attorney?'

'Certainly.'

'Place is yours.'¹

Although the encounter probably did not occur in such a fashion, the offer was made, and Annette Abbott Adams was on her way to becoming the first woman Assistant United States Attorney in the nation, the beginning of many "firsts" in her long career. Annette would go on to become the first woman to hold a position as United States Attorney, Assistant United States Attorney General, justice on a California State Appellate Court, presiding justice on a California Appellate Court, and justice Pro Tempore on the California Supreme Court.

But like many women attorneys that struggled to gain acceptance during this period, Annette's path was not as easy as it might at first seem. Few women had come before her. She would later remark about women's struggles in the professional world by saying that "[a] woman's success rests with herself. As a woman she has further to go, so big is the handicap under which she has been working. As a child her brothers are taught to race ahead. She was always held back."²

Annette's path to professional success illustrates the veracity of this statement. Although some attorneys welcomed her, others put up as much resistance to her as possible. Nowhere was this seen in such a vivid fashion as when John Preston tried to have her appointed as his fourth Assistant United States Attorney. As stated previously, no woman had ever been appointed to such a vaunted position, and the Attorney General, James C. McReynolds, whose approval of the nomination was necessary, hoped to keep it that way. For ten months McReynolds refused to approve Annette. It was not until his appointment to the United States Supreme Court that Annette was finally able to take her position. But even then, the sexism in the Attorney General's office that McReynold's so embodied had the last laugh: instead of receiving the regular \$2000 per year which the male Assistants received, Annette was only paid \$1800.³

Sexism was so engrained in the political system at this time that it seems likely that despite Annette's exceptional litigation skills, she might have never attained the positions which she did if it were not for some very influential friends. During Annette's fight for the Assistant United States Attorney position, for instance, she was the beneficiary of some exceptional political maneuvering. Not only was U.S. Attorney Preston engaging in a vigorous lobbying campaign with his superiors, Congressman John Raker, a personal friend of Annette's, was also lobbying President Wilson himself on her behalf.⁴ Preston in fact lobbied so hard with Attorney General McReynolds that he "received a message from Assistant Attorney General Graham instructing him not to trouble the department further about the matter."⁵ (Preston would remain a die-hard supporter of Annette throughout his life, playing an influential role in her appointment to the 3rd District Court of Appeals in 1942).

To go along with this support, Annette also "received the indorsement of nearly every Democratic State Central Committeeman in the district and also the indorsement of all Federal officials."⁶ Despite all of this support, Annette still was almost denied the position solely because she was a woman.

Sexism also reared its ugly head in the courtroom. After Annette took her position as United States Attorney, many times her opposing counsel would make an issue out of her gender during jury selection. The defense attorneys would make a point out of asking potential jurors if ". . . it [would] prejudice [their] client's case on account of the government prosecutor being a woman-- if [they] [were] obliged to ask the witnesses some nasty question?"

Annette faced this type of sexism straight on, turning the tables one day on her opposing counsel who happened to be particularly young. Annette asked a potential jurors if it instead would "prejudice the government's case considering the great youth of the counsel on the other side, during this prosecution if [she] was obliged to ask the witnesses some very 'nasty' questions?" This question brought chuckles from even the defense attorneys and ended this type of juror questioning. However, sexist animosity towards Annette had to have remained.⁷

Hostility towards women as attorneys was so great at the time when Annette received her first law degree in 1904 that she was unable to find employment at any firm in San Francisco. All of the firms at that time had a no female policy, thus making her ineligible for employment. The position of the San Francisco firms was simple: "[a] law office was not a proper place for a woman[.]"⁸

The media seemed to share the animosity of lawyers towards women in the courtroom. Even the favorable reports of women as attorneys reflected a belief that women in general were not qualified but Annette was an exception. The aforementioned account of Annette's initial meeting with U.S. Attorney Preston is indicative of this belief. Further evidence of this disdain can be seen in the newspaper articles of the day. Continual references were made that these women were "Portias," unqualified women masquerading as attorneys. Others, like an article from the Los Angeles times in 1914,

referred to her appointment to assistant U.S. Attorney as the "Experiment: Portia to be Tried Out by District Attorney." The use of the pejorative term "girl" was also common in describing the first women attorneys.

Not surprisingly, the sexist attitudes of her male counterparts and the American public did not go unnoticed by Annette. But instead of dissuading her from continuing, the external pressures only drove Annette to do even better. In referring to the perception others had of a woman lawyer, Annette stated that "[she] found that the belief seemed to be that a woman's knowledge of the law must necessarily be superficial. For that reason [she] [] made it an unbreakable rule that even in the smallest cases, [she] ha[d] a thorough grasp of [the] subject before [she] appear[ed] before the trial court."⁹

But the fact that Annette was judged by a higher standard than her peers was not the only reason that she had to be flawless. Annette was also being used to judge the entire female gender. Annette knew that "[w]hen a woman fails men say women have failed; so it is the [duty] of each woman to succeed individually that women collectively may be called successful."¹⁰ Accordingly, Annette knew that with each new position she attained, the eyes of millions would be on her, judging not only whether or not she could adequately perform the job, but whether women as a group were capable of handling the job as well. Fair or not, this type of scrutiny was a reality for the pioneering women lawyers and dramatically increased the pressure they faced.

Despite these obstacles, Annette Abbott Adams was successful, enjoying a career that spanned over forty years and reaching some of the pinnacles of her profession. She not only made a name for herself as a great attorney, but she helped open a career path so that other women could do the same.

IV. Annette As A Suffragist

Like most of the pioneering women of her day, Annette was a suffragist, a fact that she readily admitted. However, Annette remained rather coy as to what role she played in the suffrage movement, insinuating that she led by example rather than by petitioning and politicking for change. Annette's official position was that she was a "suffragist, but not of the picketing variety, the cultivation of which is not encouraged in this part of the country, where women try to observe the rules of the game and win or lose according to their talents."¹¹

This statement, though, was not exactly true. Annette did actively participate in the suffrage movement, and she was in fact "of the picketing variety." But why would she deny this? Her lack of candor is more than likely the result of political reality. Activism at this time was frowned upon in women seeking political office and appointment. Moreover, Annette was an active Democrat and closely aligned with the party. It seems clear that during the critical suffrage push she was also working hard to advance herself in the party and in politics.¹² Accordingly, Annette would have been very aware that the Democratic Party at this time was still wavering about women's suffrage. Therefore, a

"radical" position as a "picketing suffragist" may have been damaging to her career and future aspirations.

Regardless of what Annette announced in the newspapers, she could still be found rallying the troops to support women's suffrage. During the 1916 presidential campaign, for instance, Annette actively encouraged women to vote for President Wilson because of his position on suffrage. Annette told women in a speech on Nov. 7, 1916, that they should vote for Wilson because he ". . . had a good record on the suffrage question . . ." while his opponent, "was indifferent to the suffrage question and had not even registered when it was put up for a vote in New York."¹³

It was also reported in the San Francisco Examiner on November 1, 1919 that in recognition for his support of the women's suffrage amendment and its unanimous ratification by the state senate, the "suffrage crusaders" of the state were coming to Sacramento to honor Governor Stephens. Surprisingly enough, the "non-picketing" Annette Abbott Adams attended this luncheon and took a seat of honor at the speakers' table.¹⁴ Later accounts would confirm that this Annette Abbott Adams was in fact "Mrs. Annette Abbott Adams, United States District Attorney" and she not only attended "but assisted in directing the suffrage pilgrimage to Sacramento[.]"¹⁵

Although Annette may have tried to deny her active role in the suffrage movement, she never tried to deny that she favored suffrage or women's rights. Many of her interviews, even the earliest, express a strong belief that "women equally efficient as men should not be eliminated from business."¹⁶ Annette also rejected the commonly held assumption that men were mentally better capable of handling business dealings. She stated flatly that the contrary was true, that women, in fact, "are more logical and orderly in their processes of mind than the male sex, all opinions to the contrary notwithstanding. If any one does not think this so, just visit the august United States Senate in session. Their ideas of the business-like precision which men conduct the affairs of the Nation will be badly shattered."¹⁷

Annette never advocated for special treatment for women; she just wanted full opportunities. She believed that "[e]qual pay for equal service should be woman's slogan in demanding recognition" and that "women in the professions . . . [should only] accept the same tests as men. Let our success be reckoned on the same professional test. Let the men ask of us no more severe tests than they ask of one another."¹⁸

Clearly, Annette was doing more than just leading by example as she tried to lead the media to believe. It is also clear that Annette was more than just a suffragist. Her statements clearly demonstrate an understanding that the vote would not be the end of the sexism which women faced. She had worked in the professional world and had seen the trials and tribulations which women faced in order to succeed. She knew the vote alone would not cure this. It had not cured the problem in California, a state which had passed women's suffrage in 1911. What would make universal suffrage any different?

Annette's comments hint that not only was she a suffragist, but she favored equal rights for women as well. Annette believed that it was not until women were treated equally with men and enjoyed the same rights could they reach their full potential in society. While suffrage was a step that she fully supported, Annette's statements reflect the realization that it probably was not enough.

V. Why A Lawyer

When reviewing the life of a pioneering individual, the question inevitably arises as to why they chose that particular path. Annette's life is no different. Reading about her life leads one to ask, "Why? If it were so difficult to succeed as a female attorney in those days, why would she embark on such a difficult endeavor?" The answer to this question will never be fully answered, but the circumstances of Annette's early life and her deep felt beliefs in the equality of women shed light on how she may have made this decision.

Annette, like every women of her day, was exposed to disparate treatment because of her sex, a fact of which she was very aware. She would later recall how when she was growing up, she was always shunned from political discussions because of her sex, but her brother, two years her junior, was encouraged to participate.¹⁹ This unequal treatment extended to political and occupational positions as well. Annette was particularly disturbed that her mother, a well-educated schoolteacher "was not allowed to serve on the school board ' . . . because she was a woman, while the saloonkeeper who lived nearby was a respectful member of the board."²⁰

This unequal treatment did not go unnoticed by Annette, and it did not sit well. The more she saw, the angrier she got. Later, after reading the California Codes in the library and apparently seeing the power of the law in insuring the rights of the people, Annette "determined to show the world [that] women are every bit as good as men."²¹ And, what better way to go about righting the wrongs of society than through the law?

It must be noted also that it was at about this period of time that women in California were just beginning to become lawyers. Moreover, successful women lawyers like Laura de Force Gordon and Clara Shortridge Foltz were very active in Northern California and must have come to the attention of young Annette. All told, the circumstances of Annette's young life coupled with her strongly held beliefs in equality and the developing legal presence of women in her area must have influenced her decision to practice law. While it is impossible to know for sure why she made this decision, these factors seem likely to have at least played some part in her decision.

VI. Questions Concerning Annette The Person

In trying to reconstruct the life of a person that it is dead, it becomes difficult to really get a feeling concerning who they really were. It may be possible to know what they did and accomplished, but what were they really like? I found this to be a problem in reconstructing Annette's life. Although many sources exist as to the events and achievements of her life, few really get into what she was like as a person.

Moreover, most of the sources which are written about her are pro-Annette: obviously biased in her favor. While I am not concerned with dredging up muck on Annette, I am concerned with being objective and having critical contemporary sources is important for this. What were the critics' opinions of her? Why were these their opinions? How did Annette react to criticisms of her? Key facets of a person's character and personality may not be revealed unless such sources can be examined.

That is not to say that I did not discover many things about Annette's personality during my research. I found her to be a woman of great integrity and strong opinions, who fairly accurately saw her place and importance in history. It was her recognition of herself as a role model and ground breaker that I believe made her strive to be as good as possible at whatever task was before her. Annette seemed to feel a responsibility to every other woman in America to do her job well so that the next woman to hold that position would not have to struggle like she did to attain it. However, despite these pieces of her personality which I have gleaned from the sources, I still do not feel that I have a truly accurate picture of who she was. Professionally, maybe, but not as Annette Abbott Adams, wife, sister, daughter, friend. This is a very important aspect of her life and an area which I feel needs more research.

VII. Future Leads And Potential Sources

I have to say that I owe a heavy debt in writing this paper to Louise Eleanor Steiner and her master's thesis on Annette which is on file at the California State Law Library in Sacramento. This is a very well researched paper that reveals a plethora of sources on Annette, sources that would be virtually impossible for people like myself laboring under severe time constraints to discover. Not only that, Ms. Steiner's footnotes reflect that she has personally interviewed personal friends of Annette's, judges who she served with and even her secretary. The tapes of these interviews or transcripts could reveal a great amount of information concerning Annette and her personality that I felt was lacking in many of the sources. These tapes also may be very important because there is a good chance that many of the first hand sources who knew Annette may now be dead. Therefore, these tapes may be the last record of their feelings and memories concerning Annette.

Rumors have also circulated that information concerning Annette may also be available through the Northern District of California's historian. I was not in contact with this individual, but if it is true, some untapped sources may be available for research there.

Unfortunately, Annette did not leave any papers behind revealing for us her deep personal feelings. However, she does have on file at the University of California, Berkeley some briefs which she wrote as a practicing attorney. Whereas these might not interest many people, they could be very interesting to a legal scholar. They are interesting to me because I have gathered from the sources which I have seen that Annette was an exceptional litigator. The quality of these papers may help support or refute this assertion. These papers also might demonstrate what kind of legal philosophy Annette followed, if any.

Finally, I think that some information concerning Annette may be found in the personal papers of either John Preston or John Raker. Both of these individuals were very influential in Annette's life and had long relationships with her. Moreover, both held some powerful positions in their day, Preston serving as Assistant Attorney General and then as an Associate Justice of the California Supreme Court, Raker as a superior court judge and then as a United States Congressman. Accordingly, a strong possibility exists that some research has been done on these individuals or that their personal papers have been preserved. If so this would be a terrific find.

Endnotes

¹ Arthur Dunn, "A Portia in the Federal Court," *Sunset*, XXXIV (Feb. 1915), 335, quoted in Louise Eleanor Steiner, *Annette Abbott Adams: California's First Lady of Law*, 17 (1972)(unpublished master's thesis, on file at the California State Law Library in Sacramento)[hereinafter Steiner].

² *The San Francisco Examiner*, Jan. 24, 1923, p. 6.

³ Sandra P. Epstein, "Women and Legal Education: The Case of Boalt Hall," *The Pacific Historian* Vol. XXVIII, No. 3, p. 11 (Fall 1984).

⁴ Steiner at 22.

⁵ *Id.* at 21(citations omitted).

⁶ *Id.* at 19(citations omitted).

⁷ Steiner, p. 24 (citations omitted).

⁸ *Id.* at 7, quoting Joan M. Jensen, "Annette Abbott Adams, Politician," *Pacific Historical Review*, XXXV No. 2 (May 1966).

⁹ Sandra P. Epstein, "Women and Legal Education: The Case of Boalt Hall," *The Pacific Historian* Vol. XXVIII, No. 3, p. 11 (Fall 1984)

¹⁰ *The San Francisco Examiner*, June 20, 1920, quoted in Steiner at 77.

¹¹ "Who's Who and Why," *The Saturday Evening Post*, (December 22, 1917), 41, quoted in Steiner at 49.

¹² See Steiner at 15-16.

¹³ *Id.* at 49 (citations and quotations omitted).

¹⁴ Id. at 50, citing *The San Francisco Examiner*, Nov. 2, 1919, p.2.

¹⁵ Id., quoting *The San Francisco Examiner*, Nov. 9, 1919, p.33.

¹⁶ *The San Francisco Chronicle*, January 31, 1919, p.9, quoted in Steiner at 76.

¹⁷ *The San Francisco Chronicle*, March 17, 1922, p. 2, quoted in Steiner at 78.

¹⁸ *The San Francisco Examiner*, June 24, 1920, p. 8, quoted in Steiner at 76.

¹⁹ Steiner at 4, citing *The Sacramento Bee*, January 19, 1952, p.18.

²⁰ Id., quoting *The Sacramento Bee*, January 19, 1952, p.18.

²¹ Id. at 5.