

## INVESTIGATIONS

### An Attorney for Oswald

When Manhattan Attorney Mark Lane asked to sit in on the Warren Commission's hearings as attorney for Lee Harvey Oswald, Commission Counsel J. Lee Rankin stiffly refused. Last week the commission changed its mind. It named Walter E. Craig, president of the American Bar Association, to defend Oswald's interests, with the right to examine "every facet of the case."

At the outset of the investigation into the assassination of John F. Kennedy, U.S. Supreme Court Chief Justice Earl Warren made clear that the panel was not to be a prosecuting agency. The seven members of the commission have matchless reputations for integrity; no one doubted that their examination of the evidence and interviewing of witnesses would be completely fair. Nevertheless it was true, as the Warren Commission conceded in a statement last week, that Oswald never consulted a lawyer before he was shot. Said the commission: "That there was reasonable cause to believe he was the assassin is unquestioned, but he did not have the opportunity to meet the accusation according to the American way of justice." Appointment of an independent lawyer to advise the commission, attend hearings and examine the evidence, said the statement, will help insure that "the test of truth has been met."

Earl Warren personally asked Craig to take the job. Craig, who has been confirmed by the Senate as a federal judge in Arizona, pondered for a few days, then agreed, as a "public service of the legal profession." While praising Craig's appointment, Eugene Rostow, dean of the Yale Law School, had a further suggestion. International concern over the circumstances of President Kennedy's death, said Rostow, would best be satisfied if commission hearings were public, "as nearly as possible in the familiar pattern of a trial."

## LAWYERS

### The Perils of Portia

It has been 95 years since Iowa's Mrs. Arabella A. Mansfield hung out her shingle as the first licensed woman attorney in the U.S. In that same year, 1869, the U.S. Supreme Court upheld the Illinois State Bar's refusal to admit Mrs. Myra Bradwell with the observation that "the natural and proper timidity and delicacy which belong to the female sex evidently unfit it for many of the occupations of civil life." Today in the U.S., the woman lawyer lives and works in a society that has long since accepted a Myra Bradwell's right to practice law, but where many are still hesitant about taking their legal problems to an Arabella Mansfield.

The law is still an establishment of

men. Only one of every 39 lawyers is a woman, and the ratio has changed little in the past 20 years. Some big firms refuse to hire women lawyers. Some judges are undisguisedly hostile to them. To most male lawyers, in fact, their sisters in the law seem about as welcome as a mother-in-law, unfit for trial work, suited only for matrimonial cases or such back-room fields as estates and trusts.

Nonetheless, at a midyear meeting of the 53-year-old National Association of Women Lawyers a fortnight ago in Chicago, delegates agreed that the talented, determined woman has greater opportunity in the law than ever before. More women are becoming interested in the law as a profession. Law schools have markedly relaxed their traditional

women marrying and having children." But the most frequent excuse is that clients would not have confidence in a woman lawyer. To overcome this, says Mrs. Carolyn Heine, placement director for the University of Southern California Law School, "the woman must have grades, personality, and a little of that magic savvy of women everywhere who can convince men to do what they don't know is good for them."

**No Alternative.** To duck such opposition, some women lawyers go into practice with their husbands. Others choose jobs with such organizations as the Legal Aid Society, where the pay is low but the work is varied and women are welcome. Some of the ablest go into politics or civil rights work—or both, as did Mrs. Constance Baker Motley, who has argued Supreme Court cases as Assistant Counsel for the N.A.A.C.P. Legal Defense and Educa-



MATT HERRON  
STATE SENATOR MOTLEY



JULIAN WASSER  
ATTORNEY ROOT



FRED SCHNELL  
JUDGE HUGHES

*To their brothers in law, they are still as welcome as mothers-in-law.*

prejudice against women students. And, largely because many women have proved outstanding attorneys and judges, it is slowly becoming easier for Portia to compete with males for jobs.

**Magic Savvy.** From her first week in law school, the would-be woman lawyer recognizes, in the words of a Columbia alumna, that "she has to do better than the men." "Two girls were eliminated in my class at University of Washington Law, because they just could not bring themselves to argue a rape case," recalls Mary Sanders, who herself has given up practice and is now chief law librarian for the attorney general of California. Another handicap, recalls a male jurist, is that "the men in law school study together, drink coffee together, share their notes, ideas and problems, while the women have to bear the burden as loners."

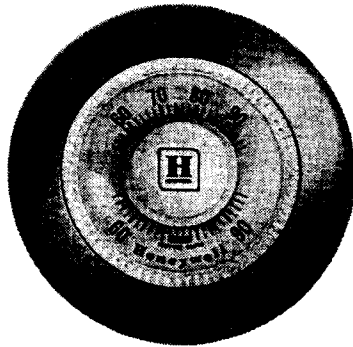
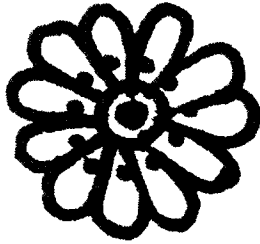
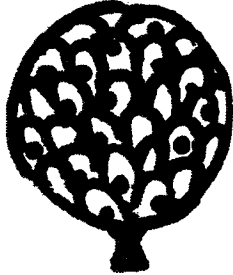
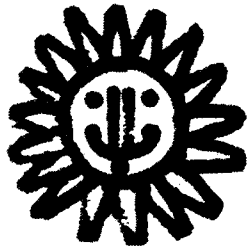
Women lawyers, including some who have finished school ahead of all the men in their class, say that the most critical challenge of all is finding the first job. "The large firms spend money training young lawyers," observes Mrs. Sarah T. Hughes, the Texas federal judge who swore in Lyndon Johnson as President, "and they're still leary of

tional Fund, and last month became the first Negro woman to be elected to the New York state senate.

Many women lawyers have found that Government service, both state and federal, has been by far the most accessible career. "If there's been any discrimination, nobody's told me about it," says Mrs. Mary Ellen Parks, one of four women among the 49 Assistant U.S. Attorneys for the District of Columbia. "Government attracts the competent women because they have no alternative," adds Bessie Margolin, herself formidably competent, with a doctorate in law from Yale, 31 years of Government experience, and a staff of 33 lawyers working for her as head of the Labor Department's litigation section. Other women have found several years of tax or labor law with the Government one means to force open the doors to private practice.

**Troopers' Tongues.** At the top of the profession, the law school professorships and law-firm partnerships are still largely closed to women. Yet Lawye Soia Mentschikoff, 49, has achieved both. She was made a partner in a prominent Wall Street law firm in 1944 taught law at Harvard from 1947 to

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1949, since 1950 has been at the University of Chicago Law School, teaching a range of topics from arbitration to an advanced course in "Law in the Behavioral Sciences." Her wise observation is that by acting naturally as a woman, "appealing to the emotional component present in the situation and using different techniques with different individuals," Portia often has an edge over the all-too-logical male.

The most newsworthy brand of law practice, trial work, is also for the most part closed to women, with such notable exceptions as the gaudy Gladys Towles Root, currently appearing (in four-foot cartwheel hats and purple dresses) for the defense in the Sinatra kidnaping case. To most men—laymen and lawmen alike—women are physically unfitted for the grueling ordeals of trial work, and emotionally "too kind and forgiving." In reaction to male prejudice, until fairly recently many women attorneys dressed mannishly, cussed like troopers—and thereby forfeited one of their most potent weapons: feminine intuition and charm.

**The Weaker Sex.** Northwestern University Law Professor Jack Coons, who readily admits that he is personally prejudiced against women lawyers, suggests that such qualms today stem largely from the fact that men's egos are more easily bruised. Their resentment of female competition, he says, "might be fear of the embarrassment of being beaten by a woman in a toe-to-toe struggle. Men are the weaker sex in terms of pride. In medicine, everyone wants the same result. In the law, someone has to lose whenever a case goes to judgment." Women fare better in less strenuous appellate work, says Judge Harold R. Medina of the U.S. Court of Appeals. Despite male objections that an attractive woman has an "unfair" advantage in the courtroom, Medina recalls a case where the court was so absorbed in the legal aspects of a young woman attorney's case that the men accepted her simply as a lawyer. "When she was finished," says Medina, "she went right out and had a baby. We men hadn't even noticed she was pregnant."

Many Portias admit with a touch of asperity that they are often overpraised by men for a performance that would be regarded as merely competent in another male. "Women are not expected to have any sense," shrugs Jewel Rogers Lafontant, a statuesque, beautiful Chicago criminal lawyer whose father and grandfather were attorneys before her. As a Negro and a woman at the bar, Mrs. Lafontant—who has fought cases all the way to the Supreme Court—has probably faced more courtroom scowls in 18 years of trial work than almost any other U.S. attorney—male or female. Says she: "The law is an excellent profession for women. Perhaps they have more idealism than men." And, she smiles, they have one unbeatable advantage over the male: "We are naturally loquacious."