On December 2, 1880, the widely-read Washington, D.C., newspaper, The Evening Star, announced that for the first time a woman lawyer had “an opportunity to argue a cause in the U.S. Supreme Court.” No banner headline accompanied the thirty-six line notice but, in keeping with its historic nature, the oral argument made by Belva A. Lockwood prompted attention. This contrasted sharply with the prior year when the same newspaper, known for its reporting of civic affairs, barely remarked upon the admission of Lockwood as the first female member of the bar of the Supreme Court of the United States stating only, "For the first time in the history of this court a woman’s name now stands on the roll of its practitioners."\(^1\)

The brevity of this announcement hid the dramatic story of the woman who had struggled for a decade, first, to join men in the study of law, and later, in its practice. At the time of her admission to the U.S. Supreme Court bar Lockwood was the head of a small Washington, D.C., law office. She had been licensed to practice law in the courts of the District of Columbia in 1873, winning the right shortly after the pioneering African-American woman attorney, Charlotte E. Ray.\(^2\) Lockwood had established a general practice, taking and arguing cases in the Law (Civil), Criminal, and Equity divisions of the Supreme Court of the District of Columbia.

Although these accomplishments were story enough, Lockwood’s career merited particular attention because she had, virtually single-handedly, contested the federal courts and then Congress for five years in order to win the “bill of rights” that gained women lawyers admittance to the U.S. Supreme Court. She insistently claimed the right of women to pursue professional careers at a time when most Americans were certain that middle-class women properly belonged at home. She became a lawyer because she believed that attorneys had
great power to shape public policy and because she believed that women should have equal opportunity to participate in governance. She fought the exclusion of women from the federal bar as a lawyer and an activist. Lockwood was an early and adamant woman suffragist whose activism led to a lifetime of personally confounding the social axioms of nineteenth-century America. Her life provides a bold and visible example of pluck, persistence, and achievement. She not only desegregated the profession of law, but also changed the face of American politics when she ran for the United States presidency in 1884 and 1888.

**Journey Into Law and Politics**

Lockwood was born Belva Ann Bennett in Royalton, Niagara County, New York, in 1830. Her farm family background endowed her neither with advantage nor a tradition of rebellion. As a teenager she resembled numerous country girls who provided an extra pair of hands at home while teaching numbers and letters at the local schoolhouse. Widowed, with a child, at age twenty two, she entered a local seminary and a year later its affiliated college (now Syracuse University), eventually becoming a teacher and school principal. She described herself in an 1867 survey of college alumni as "an earnest, zealous laborer in the cause of Education, Sabbath School and Missionary work and an indefatigable advocate of the Temperance Cause. . ."\(^3\)

In 1869, newly married to dentist and Baptist minister Ezekiel Lockwood, she decided to act on her ambition to become a lawyer. She had "wearied with the monotony of teaching" and believed that law "offered more diversity, more facilities for improvement, better pay, and a chance to rise in the world." She did not, she later told an "Old Home Week" audience, "stop to consider that I was a woman." By this year Lockwood was also an established leader of the Washington, D.C., suffrage movement and a spokeswoman and lobbyist for the cause of woman’s equal employment. She may not have stopped to consider that she was a woman but she knew well that only a bare handful of women attorneys in the United States in 1869 had credentialed themselves, most by reading
law with a husband, relative, or family friend. The lack of a legal mentor was a handicap but one she hoped to overcome by applying for admission to one of the several small law schools that were opening in these post-bellum years (most for part-time, night study by government employees). 

Lockwood first applied to become a student at the new Columbian Law School in D.C. but was refused admission because of her sex. Shortly thereafter, along with several other women, she matriculated at a second recently incorporated institution, the National University Law School, founded by men believed to be sympathetic to women’s interest in legal careers. A subsequent letter to President Grant from Lockwood recounts the “manifest injustice” experienced by the fifteen women matriculates:

Sept. 3, 1873

Dear Sir:

I wish to address you, not as President of the United States, but as President (at least nominally) of an Institution known as the National Law University of Washington, D.C. Its circulars contain your name, the Diplomas it has granted contain (I believe) your signature. Sometime in February 1871 I was invited to enter this Institution as a student by the acting Professor W. B. Wedgewood, and to use my influence to induce other ladies to join, with the assurance, that if faithful to the recitations, we should receive diplomas at the same time with a class of young men ....

Happy to avail myself of a privilege which I had been long seeking, in connection with Mrs. S.P. Edson (now deceased) we persuaded fifteen women to join the Class. We went regularly to the recitations, and for two or three times were admitted to the lectures, when this means of knowledge was denied us, without any explanation being given. Gradually, as is usually the case with College Classes where severe study is required, the members dropped off, and only two, Miss Lydia S. Hall (now Mrs. Graffam) and myself completed the Course. We continued faithfully, patiently, and with the deepest interest so long as the recitations were continued; studying through the long hot days of Summer ....

Judge our disappointment when diplomas were refused us on the ground that we had not studied long enough. We were then told if we would wait until September we should receive the requisite diplomas. Not allowed to practice the profession for which I had prepared myself for want of proper credentials, I was forced to accept an offer as traveling correspondent for the Golden Age in the South .... I again applied to Prof. Wedgewood for the long promised diploma, which he not only refused me, but refused when I proposed to study longer to admit me either to recitations or lectures.

Having received a liberal education, and graduated in a College composed mostly of young men in the State of New York as far back as 1857 ... I cannot appreciate or understand this (to me) manifest injustice.

I am not only wounded in my feelings, but actually deprived of an honest means of livelihood, without any assignable cause.

As this Institution bears your name, I am anxious to know if this proceeding meets your approval.

Yours Respectfully,

Belva A. Lockwood

Grant had been spared details offered later in the Lippincott’s article: The recitations had been sex segregated, “a compromise between prejudice and progress” and the degrees withheld because of a “growl by the young men, some of them declaring openly that they would not graduate with women.” For Lockwood, who had only recently endured the death of the daughter born to her and Ezekiel, the action was “a heavy blow to my aspirations, as the diploma would have been the entering wedge into the court and saved me the weary contest which followed.” Since she lacked the diploma, her name was not included in the list.
of male graduates whose membership in the D.C. Bar was moved as a group before the District Supreme Court. Lockwood and Lydia Hall, a clerk at the Treasury Department, had no choice but to apply individually, which they did in the spring of 1872. The D.C. court deferred action by ordering that a special examination committee be constituted.

Lockwood endured days of questioning by this special bar committee but the examiners took no final action on her application. Her colleague Lydia Hall abandoned the fight. Lockwood later singled out members of the bar as the culprits rather than local justices: "Judge Carter ... one year before ... knowing that some women in the District were preparing for admission to the bar, had asked that the rule of court be so amended as to strike out the word "male," and it had been done .... [but] the age of progress that had to some extent softened and liberalized the judges of the District Supreme Court had not touched the old-time conservatism of the bar." "Desperate enough for any adventure," Lockwood went south to work for the Golden Age and on behalf of the presidential campaign of Horace Greeley, a somewhat curious decision given Greeley’s less than whole-hearted support of women’s rights. Upon her return to Washington, she attempted to enroll at the Georgetown College Law School, failed, but was permitted to attend lectures at Howard University. Although Lockwood never spoke about it, Charlotte Ray had entered Howard Law School, completed the course of study, and successfully applied to the D.C. bar with her male classmates in March of 1872. Had Lockwood attended Howard, she might never have had to endure "the weary contest."

And, still, that contest continued into the winter and summer of 1873, although certain local justices of the peace, and Judge William Snell of the Police Court, had notified her that she would be recognized in their courts, as attorney, in the trial of any case. Finally, Lockwood took the step (above) of writing to President Ulysses S. Grant. According to her record of events, she sent an additional communication to the President the same day. It was brusk in tone, insistent in its demand:

September 3, 1873

Sir,-

You are, or you are not, President of the National University Law School. If you are its President, I desire to say to you that I have
passed through the curriculum of study in this school, and am entitled to, and demand, my diploma. If you are not its President, then I ask that you take your name from its papers, and not hold out to the world to be what you are not.

Yours Respectfully,

Belva A. Lockwood

Grant did not answer, but two weeks later the university chancellor presented Lockwood with her diploma. On September 24, 1873, she was admitted to the District of Columbia bar, the second woman attorney in the capital, and one of the very few in the nation, to be licensed to practice law.

Washington Activist and Career Woman

Belva Lockwood had been a resident of Washington for seven years when she was admitted to the D.C. bar. She had used these years to prepare for a legal career and to launch herself as an activist in the cause of women’s rights and, slightly later, international peace and arbitration. Vocation and avocation were strongly related. In speeches and memorials to Congress that drew upon her study of law, she openly joined the issues of equal citizenship, suffrage, and employment rights. Higher education, she believed, was essential to a wise use of the franchise, and to human development through meaningful work. Professional knowledge and standing could, and were, in her view, used to influence public policy. She regarded law as capable of bringing about social change and of offering “a stepping stone to greatness.” She desired both and benefitted from becoming an attorney and a national activist just as Washington, D.C., and the nation, moved into an era of “law talk.”

Lockwood came to the issue of women’s rights by practical need, temperament, and intellectual judgment. She was bright, inquisitive, and confident. A widowed parent when other young women had barely cast off their hair ribbons, she remained self-supporting until her death at the age of eighty six. The 1848 women’s rights meeting at Seneca Falls, New York, took place the year she turned eighteen. Lockwood’s later writings and speeches suggest that she was in complete accord with the Declaration of Sentiments issued by that assembly. When she was widowed at twenty-two, she did not remain where she was, hoping for a new husband-helpmate. Instead, she sold her property and went back to school. At age sixty five she used these words to describe this social and physical journey: “... without thinking of the very limited state of my exchequer, I had one supreme object ... and this was, to so thoroughly educate myself that I might ever thereafter respectably support myself and daughter, and educate the latter.” Her involvement in the women’s rights movement prior to her arrival in Washington in 1866 is not well documented. While a teacher in rural New York State, however, she did complain repeatedly, and publicly, about the lower salaries paid to women. As a principal, she introduced innovative curricula such as young women taking more rigorous physical exercise and a broader range of required subjects.

Lockwood first met Susan B. Anthony in the late 1850s at School Association meetings although she first heard Anthony in 1854, while a college student. She recounts in her Lippincott’s article that she “slipped away one evening without the knowledge of the faculty, to hear Susan deliver one of her progressive lectures on the ‘wrongs of woman.’ She was at this time just commencing to argue the necessity for the enlargement of the sphere of labor for woman, and advocated her employment in shoe-shops, dry-goods stores, and printing-offices, all of which seemed startling heresy to the public of that time.”

Lockwood arrived in Washington interested in national politics and quickly became deeply engaged by issues of domestic and foreign policy. Late in 1867, she joined with several other activists in the work of the newly
THE NEW PENSION LAW.

See if You Come Under It.

Soldiers and Sailors

1. Must have an honorable discharge.
2. Service of ninety days.
3. A disability not due to vicious habits. It need not have originated in the service.

Widows,

1. Your husband must have served ninety days and been honorably discharged.
2. Proof of husband's death.
3. Widow is without other means of support than her daily labor.
4. That she was married before June 27, 1890.
Rate of pension under this law for widow $8 per month, and $2 for every minor child.

Minor Children,

1. The father should have served ninety days and been honorably discharged.
2. Proof of father's death.
3. That the child was under sixteen years of age at date of application, the pension ceasing at the age of sixteen years, unless the child is insane, idiotic, or permanently helpless, when it will continue during lifetime. A child's pension is $2 per month if the mother is pensioned, otherwise her pension goes to the children equally.

Mother or Father.

1. That soldier died of wound or injury or disease, which, under prior laws, would have given him a pension. It must have been incurred in the service.
2. That he left no wife or children.
3. That the mother or father is at present dependent on her or his own manual labor, or the contributions of others not legally bound to support her or him. The rate is $12 per month.

"Procrastination is the thief of time."

Put in your claims at once.

BELVA A. LOCKWOOD & CO.,
Attorneys and Solicitors,

619 F Street, N. W., Washington, D. C.

Lockwood's staff processed thousands of Civil War veterans' pension claims between the early 1870s and the 1890s. She herself appeared numerous times before the Court of Claims to argue pensioners' land claims. At left is a solicitation directed to veterans and their families urging them to contact Lockwood's firm to see if they qualify for the $12 a month disability pension.

founded District of Columbia Universal Franchise Association (U.F.A.), a group committed to the idea that suffrage was a right of citizenship without regard to race or sex. Initially, the group met quietly and without notoriety. When Lockwood persuaded its members to move to the Union League Building, where a dozen other societies gathered weekly, the press took notice, "reporting every meeting, distorting and ridiculing everything that was said and done." The disorder that followed required that the group hire a doorkeeper and a police officer. When the national woman suffrage movement split over strategy following the in-
clusion of the word “male” in the Fourteenth Amendment, Lockwood and her colleagues at the U.F.A. followed Stanton and Anthony in 1869 into the National Woman Suffrage Association where Lockwood became a frequent speaker.

Lockwood showed a particular talent and zest for political lobbying. She not only involved herself in the usual petition work on behalf of temperance and suffrage but, after the formation of the Universal Franchise Association, regularly went before committees of Congress to argue against sex discrimination. Her own experiences, first as a teacher and later as she sought to enter the field of law, gave Lockwood’s feminism an economic focus lacking in the advocacy of many of her suffrage colleagues. In the late 1860s, for example, she took up the cause of unequal pay for female government workers and helped to draft the language for, and win passage of, the 1870 Arnell proposal, “A bill to do justice to the female employees of the Government.” The legislation, introduced by Tennessee representative S.M. Arnell on March 21, 1870 (H.R. 1571), and passed in July of 1870 as part of a large appropriations bill (H.R. 974), established the right of women to compete for government clerkships on the basis of merit, at salaries equal to men.

While Lockwood lobbied the government “to do justice” to its employees, she could rely upon no one but herself to build a clientele for her fledgling law practice. Success required that she find men and women willing to hire a woman attorney, and judges at least tolerant of courtroom appearances by a woman. Lockwood succeeded on both counts at a time when religious belief, social mores, and the law itself maintained that women were driven by emotion, not intellect, that female reproductive capacity was diminished by thinking (and vice versa), and that a married woman “merged” with her husband. Indeed, in the months of her “weary contest” before the D.C. bar, U.S. Supreme Court Justice Joseph P. Bradley had delivered his now-famous cultural argument opposing the presence of women in public life in general, and the practice of law, in particular:

... the civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman ... The natural and proper timidity and delicacy which belongs to the female sex evident...
In 1872 Lockwood went south to work for the *Golden Age* and on behalf of the presidential campaign of Horace Greeley (right), a somewhat curious decision given Greeley’s less than whole-hearted support of women’s rights.

Columbia and United States appeals courts and Court of Claims from the year of her admission to each of their bars (1873; 1879) through 1916.

**Portrait of a Legal Career**

When Lockwood was admitted to the District bar in September of 1873, at least one member of the legal establishment, District of Columbia Judge Arthur MacArthur, remarked that he did not believe that women lawyers “will be a success.” Lockwood proved him wrong. She built a practice that brought her regularly before the civil, criminal, and equity courts of the District and, occasionally, into various state courts where sex discrimination did not prevent her from obtaining a license. She developed a specialization in pension and land claims. The staff of her law office processed thousands of Civil War veterans’ pension claims between the early 1870s and the 1890s, and Lockwood appeared repeatedly at the United States Court of Claims on behalf of these, and other, claims petitioners. She participated in litigation before United States district courts and, less often, offered motions at the Supreme Court of the United States. She authored dozens of briefs. Lockwood presented oral argument at the U.S. Supreme Court in 1880, in the case of *Kaiser v. Stickney*, and again in 1906, in *U.S. v. Cherokee Nation*.

Lockwood brought her surviving daughter, Lura, and a young niece into this business. She refers to them in one letter as “my two young clerks”21; in her interview with Nellie Bly, she says, “... my daughter is a skilled lawyer. She takes charge in my absence ....My
"For the first time in the history of this court a woman's name now stands on the roll of its practitioners" heralded the Evening Star on March 4, 1879, the day after Lockwood was finally admitted. She had vigorously lobbied Congress to pass a law overriding the Supreme Court of the United States' earlier refusal to allow women to practice before it.

niece, Clara B. Harrison, is also a lawyer, but her regular duties are attending to the correspondence, at which she is very skillful, and keeping the accounts." Unlike Lockwood, neither of their names appears in the District of Columbia "Index of Attorneys" (lawyers admitted to the D.C. bar), and neither ever has the word "attorney" after her name in Boyd's Directory of the District of Columbia. It would appear that these two women read law with Lockwood but that neither established formal legal credentials.

Lockwood always maintained a law practice in her name and delegated courtroom appearances and argument only when she was out of town. Several historians have argued that female attorneys of the nineteenth and early twentieth centuries disliked speaking in court, or thought it inappropriate, and elected to remain in back offices, supporting the work of a male partner or superior. In Lockwood's case, however, there is evidence that she "hung around" police court prior to her 1873 admission to the D.C. Supreme Court bar and, once admitted, was willing, even anxious, to be part of the spittoon and boots world of justice. More-
over, the docket books also demonstrate that despite sex discrimination, once in court, Lockwood had her share of wins and perhaps no more than her share of defeats. While repeatedly the victim of discrimination, Lockwood used persistence, intelligence, and propriety—for she was ever the decorous, modestly attired woman of her time—to overcome and to succeed. She was the original “New Woman.”

Lockwood won general respect for her legal accomplishments. Unlike the brutal social and political lampoons prompted by her work on behalf of women’s rights, or her introduction of the tricycle as a mode of local transportation for working women, very few cartoons belittled her work as an attorney. Her professional life, moreover, inspired other women, several of whom lived in, or came to Washington, and were mentored by her. She earned a living from her law practice but also relied upon her good sense as a business woman for additional income. She made investments in property, rented rooms in the twenty-room house that she purchased, lent money at interest and, beginning in 1884, cultivated another career as a lyceum speaker. It is not yet possible to give an exact picture of her gross yearly income. In her 1888 interview with Bly, Lockwood said, “I never make less than $3,000 a year.” It is not clear whether she is referring to earnings from her legal practice or to the whole of her livelihood, but it is certain that, together, these enterprises provided financial well-being. (By comparison, a judge of the D.C. Supreme Court at this time was earning $4,000.)

And yet, Judge MacArthur’s prediction that women lawyers would not be successful was not entirely incorrect. Despite the full and public careers of pioneering attorneys such as Lockwood, only a small number of women entered the profession in the remaining decades of the nineteenth century. Historian Virginia G. Drachman has written that it was not until the 1930s—sixty years after Lockwood’s career began—that “women [lawyers] had achieved modest professional success and recognized the limits of their progress, a pattern that barely changed until the mid-1970’s.” It is against this background that Belva Lockwood’s achievements must be understood as the singular accomplishments of an extraordinary woman who by intellect and force of will forged her way in circumstances so hostile that few other women could or would follow.

Lockwood did not let the views of men like MacArthur dampen her spirit or aspirations. Her friends, she wrote, had confidence in her ability and, in anticipation of her admission to the bar, she had solicited legal business and had “her hands full of work.” Wise in the ways of public relations, she later observed that “the attention that had been called to me in the novel contest I had made not only gave me a wide advertising, but drew towards me a great deal of substantial sympathy in the way of work.” Among the business Lockwood had “booked” prior to bar admission were a large number of government claims, in which she had been recognized as the attorney of record by the heads of the Departments.

Once admitted to practice before the local courts of the District of Columbia, Lockwood settled into a practice that resembled the work of male colleagues with small practices. For the first two years, she appeared in the Law and Equity divisions but not on the criminal side. In the first twelve months of licensed practice, she appeared nearly exclusively as plaintiffs attorney, a pattern that maintained itself to a lesser degree for a dozen years, from 1873 to 1885. In these first twelve years of her practice in the Law division, she appeared in a dozen cases each of “on account,” “appeal,” and “certiorari.” There were nine “note” actions and another nine that involved “damages.” She also handled seven “ejectment” proceedings, and several “replevin” actions. She argued one case each of “seduction,” “breach of marriage contract,” and “damages for conspiracy.” Several of her clients in this 1873-1885 period used her services in at least two
Respected local attorney Albert G. Riddle, a professor at Howard Law School and Corporation Counsel for the District of Columbia, motioned to admit Lockwood to the U.S. Supreme Court bar in 1879. A former Ohio Congressman and a champion of women’s suffrage, Riddle also moved the admission of women attorneys Laura DeForce Gordon and Carrie Burnham Kilgore, neither of whom lived in Washington, D.C.

Law division actions. Her professional profile in this courtroom is one of a repeat player, appearing frequently enough to be well-known, along with men like Leon Tobriner, R. Ross Perry, and John Rideout, to the justices of the court.

At the time that Lockwood entered into law, the District of Columbia had an active Equity division responsible for a large number of causes: “for release,” “divorce,” “creditor’s bill,” “injunction,” “specific performance,” “to annul a deed,” “for rent,” “to enforce a mechanics lien,” “confirmation of probate proceedings,” “for account and appointment of new trustee,” and “for sale of infants real estate.” Lockwood handled actions in each of these categories with the exception of a mechanics lien. Between 1873 and 1885 she was listed as attorney in ninety-six Equity court proceedings, and seventy-five in the same period in the Law division. Half of her equity work involved divorce actions. As a woman attorney, she attracted female clients, and represented wives as complainants against defendant-husbands far more frequently than men. When she represented men in divorce actions, the men were always complainants, never defendants. After divorce actions, her most frequent equity work involved injunction proceedings, lunacy proceedings, and actions requesting the partition of land.

The post-bellum emphasis on gentility and the proper—private—sphere of women made the thought of women working in the criminal courts particularly egregious, even loathsome. If courts in general represented a male world, criminal court was the stage upon which played all of society’s morally repugnant dramas from which women were to be shielded. Lockwood could have refused criminal cases. Yet, despite her religious rectitude and middle-class aspirations, criminal court cases and criminal court argument were as acceptable to her as any other kind of legal work.

In fact, once Lockwood began arguing criminal cases in 1875, this side of her courtroom practice was as active as that involving the Law division. She frequently took larceny and robbery cases to trial. Between 1875 and 1885 fourteen of Lockwood’s clients were charged with violent behaviors ranging from “personal violence upon a member of police forced” to infanticide. Less frequently, she defended individuals charged with making false claims against the United States, perjury, forgery, keeping a gaming house, or cruelty to animals. A number of her clients were women charged with some form of larceny, burglary, or assault. Other women clients were answering a charge of operating an unlicensed bar.

Lockwood represented sixty-nine defendants in court in these first ten years of criminal practice. She won “not guilty” decisions in fifteen jury trials and submitted guilty pleas in nine. Thirty-one of her clients were judged guilty as charged, while five others were found to be guilty of a lesser charge. An entry of nolle
Belva Lockwood

prosequi decisions ended four cases. She won retrials for several clients, among them Louisa Wallace, whose dramatic first trial for infanticide occurred in 1878. Retried months later, Wallace was sentenced to be hanged, and saved only at the last moment by a conditional pardon.29

Similar examination of the records of local male attorneys is necessary before any conclusion can be reached as to whether Lockwood’s identity as a woman lawyer was a disability before judges and juries. Ultimately, we may learn that as a trial attorney she was more, or less, talented than the men of Washington’s local legal community. Perhaps, no difference will be evident. Whatever the answer, it is already clear that any slights, meddling, or prejudice Lockwood encountered because of her sex were not sufficient to deny her credibility in court.

Lockwood argued most of her local law, equity, and criminal cases between 1873 and 1885. She did not quit the law, but in 1884 she took on an even more public persona that drew her away from Washington and courts of law. Late in the summer of that year Belva Lockwood accepted the nomination of the small Equal Rights Party to be its presidential candidate. She became the first American woman to run a full presidential campaign and used the publicity of the campaign to launch herself onto the paid lecture circuit and, later still, to become a leading activist in the movement on behalf of international peace and arbitration.

Lockwood built a general legal practice but specialized in claims against the government, in particular, veterans’ pension claims. The grim statistics of the Civil War had created an enormous pool of clients. (By the 1890s, the U.S. Pension Office annually sent checks to nearly a million veterans and their dependents.)30 Lockwood capitalized on her firm’s location in the nation’s capital. Her office was only a short walk from the old and new quarters of the Pension Bureau and she regularly delivered armloads of pension applications. Her firm’s business never rivaled that of pension claims baron George Lemon, who represented tens of thousands of petitioners, but she did report processing several thousand claims from the mid-1870s to the 1890s and, most likely, generated one to two thousand dollars in fees each year from this specialization.31 When Lockwood undertook the 1884 campaign, she knew that she could advertise her claims business while “on the road.” Whatever the effects of her candidacy on her local practice, the opportunity for extensive travel was a boon to her national pension claims work as letters to her daughter repeatedly confirm.

The Supreme Court of the United States: A Male Bastion No More

Belva Lockwood was forty-nine years-old when she was admitted to the bar of the Supreme Court of the United States in 1879. She was the very model of a proper and ambitious attorney. The High Court Justices undoubtedly would have thought her a perfect candidate had she not been a woman. Her motives for applying for bar membership were professional: In 1874 she had been engaged by a client, Charlotte Van Cort, to file a case against the government for the use and infringement of a patent. Lockwood anticipated the need to argue the cause before the U.S. Court of Claims and, in April of 1874, asked Washington attorney A.A. Hosmer to move her admission to the
Claims Court bar. Lockwood was not prepared for the justices’ flat refusal to admit her as she was a member of the District of Columbia bar who was also well known in federal government Departments doing business with the Court of Claims. Although she was weary of such struggle, Lockwood again refused to back down. In a lonely and often discouraging five-year contest, she not only won bar membership for herself at the Claims Court and U.S. Supreme Court but also the right of all qualified women attorneys to become a member of any federal court bar.

The confrontation began when, in a written opinion rejecting her application, Court of Claims Judge Charles Nott asserted that “admission to the bar constitutes an office. Its exercise is neither an ordinary avocation nor a natural right. It is an artificial employment, created not to give idle persons occupation, nor needy persons subsistence, but to aid in the administration of public justice.” Nott went on to argue that the common law of marriage might make it impossible “to hold a woman to the full responsibility of an attorney,” and concluded by maintaining, “The position which this court assumes is that under the Constitution and laws of the United States a court is without power to grant such an application, and that a woman is without legal capacity to take the office of attorney.” Lockwood writes of this decision, “[I] was crestfallen but not crushed. [I] had already filed Mrs. Van Cort’s case in the Clerk’s Office—had been promised a large fee and did not mean to be defeated. [I] took her testimony in the case ... prepared with great care an elaborate brief, and asked leave for [my] client to read it to the Court. This, they had no power to deny, as it is the privilege of every applicant to plead his own case, and sat by Mrs. Van Cort until the hearing was completed.

Lockwood should have been prepared for the Nott decision both because of the general opposition to women professionals in the United States at that time, and because of the U.S. Supreme Court decision only the year before in *Bradwell v. Illinois*. In that case, the Justices maintained that the privilege of earning a livelihood as an attorney was not a right that a state need grant to women under the Privileges and Immunities Clause of the Fourteenth Amendment. While Lockwood correctly maintained that the *Bradwell* decision had no precedential value as it applied only to states, and she had applied for admission to the bar of a federal court, *Bradwell* had created a new symbolic, if not legal, hurdle for women attorneys.

Her application put the Claims Court justices in a difficult position. On the one hand the Supreme Court of the District of Columbia, a court constituted under federal law, now licensed women attorneys. On the other hand, the majority and concurring opinions in *Bradwell* offered no particular inducement to do so. Uncertain, chagrined perhaps about the effects of the Claims Court decision on a hometown colleague, Judge Nott waffled in his concluding statement: “It is to be understood that the decision of this court does not rest upon those grounds which would make its judgment final. We do not, in legal effect, pass upon the individual application before us, but refuse to act upon it for want of jurisdiction. Our decision is not necessarily final, and there is express authority for saying that if we err, the Supreme Court can review our error and give relief to the applicant by mandamus.”

At the time of the Court of Claims action, Lockwood was forty-three years old, an increasingly seasoned activist married to an increasingly frail man in his seventies. She supported an extended family, and had practical as well as philosophical reasons to fight the Nott decision. She believed unequivocally that women should have the equal opportunity of earning a living and knew that denial of federal court licensing would significantly affect the growth of her practice. Thus, as soon as Nott delivered the court’s decision in May of 1874, Lockwood turned to Congress, lobbying for legislation “[T]hat no woman otherwise qualified, shall be debarred from practice be-
In 1884 Lockwood became the first woman to carry out an organized campaign for the presidency—on a ticket of the Equal Rights Party. "Who'd prefer a man to you?" were some of the lyrics of "Belva, Dear, Belva, Dear!" a satirical song written in 1888 when she ran for the presidency for a second time.

Neither house took action beyond referring her petition to committee, where it languished for the remainder of 1874 and all of 1875. Undeterred, she reshaped her strategy. Lockwood and her supporters knew that the Rules of the U.S. Supreme Court permitted an attorney to apply for permission to practice at that court after practicing in a state, or the District of Columbia Supreme Court for three years. By late September of 1876 she had met that requirement. She reasoned that success with the Justices of the Supreme Court would end resistance to her candidacy in all of the federal courts. Proceeding with her plan, she presented her credentials to them. Former Ohio Congressman, woman suffrage supporter, and respected local attorney Albert G. Riddle moved her admission.

Lockwood again met with defeat. Speaking for his colleagues on November 6, 1876, Chief Justice Morrison R. Waite announced: "By the uniform practice of the Court from its organization to the present time, and by the fair construction of its rules, none but men are permitted to practice before it as attorneys and counselors. This is in accordance with immemorial usage in England, and the law and practice in all the States, until within a recent period, and that the Court does not feel called
upon to make a change until such a change is required by statute or a more extended practice in the highest courts of the States." Presumably, in inviting legislative intervention, the Justices felt secure in the knowledge that Congress had not acted on Lockwood’s 1874 petition and that while she was now a veteran lobbyist, she might be too preoccupied nursing her terminally ill husband and maintaining the support of her family to convince Congress that English precedent should not govern American practice.

The Justices were wrong. Lockwood returned to Congress and over the course of the next two years continued stubbornly to plead the case of women attorneys’ right to equal treatment. She succeeded in February of 1879 when the more-reluctant Senate, finally following the earlier lead of the House of Representatives, approved the historic “Act to relieve certain legal disabilities of women.” With one sentence, Congress delivered the legislative fiat invited by Chief Justice Waite: “That any woman who shall have been a member of the bar of the highest court of any State or Territory or of the Supreme Court of the District of Columbia, for the space of three years, and who shall have maintained a good standing before such court, and who shall be a person of good moral character, shall, on motion, and the production of such record, be admitted to practice before the Supreme Court of the United States.”

Lockwood later wrote with candor about the days before the final Senate vote: “I grew anxious, almost desperate,—called out everybody who was opposed to the bill, and begged that it might be permitted to come up on its merits, and that a fair vote might be had on it in the Senate. I have been interested in many bills in Congress, and have often appeared before committees of Senate and House; but this was by far the strongest lobbying that I ever performed. Nothing was too daring for me to attempt. I addressed Senators as though they were old familiar friends.” The victory was significant: Despite the Nott and Waite rulings Lockwood, virtually alone, using tenacity and political savvy, had pushed a reluctant Congress to enact a concrete measure supporting women’s equal rights.

The Justices of the Supreme Court now had no choice but to admit her. On March 3, 1879, Riddle again moved her admission to the bar. It was approved and Belva Lockwood became the first woman licensed to practice law before the Supreme Court of the United States. Several days later, the justices of the Court of Claims capitulated and she was admitted to the bar of that court. Twenty months later, the case of Kaiser v. Stickney presented Lockwood with the opportunity to become the first woman member of the high court bar to participate in oral argument. Kaiser involved the validity of a trust-deed used to secure a bank note and came on appeal from the District of Columbia Supreme Court (General Term). Lockwood had been participating in the case as co-counsel with local attorney Mike L. Woods. When the case reached the U.S. Supreme Court, Woods began argument on November 30, 1880. According to Court documents, Woods continued to argue the case on December 1, joined by “Mrs. Belva A. Lockwood” Her speech was not recorded but papers filed with the Court show that Lockwood, despite her opposition to the married women’s property laws of her day, attempted to set aside the deed in question on the grounds that a married woman alone had signed it. The Court ruled against Lockwood’s clients, saying that they both had signed the deed, and that it was valid.

In the years after Kaiser, it was not unusual for Lockwood to appear at the Court to argue motions. She also participated as co-counsel in a small number of cases that went on appeal to the Court. Late in her life, in 1906, she represented certain eastern and emigrant Cherokees in their multi-million dollar claims against the United States government (discussed below). Lockwood no doubt hoped for more Supreme Court cases both for the prestige, and the fees, that they would bring to her.
The nature of her local and pension claims practice made such representation unlikely. In fact, only a few Washington attorneys made frequent appearances at the Court. Those who did, however, came often. In the same year that Lockwood argued *Kaiser*, prominent local attorneys Enoch Totten and Samuel Shellabarger each had seventeen cases or filings listed in the Court’s *Rough Docket Book*. Many of Totten’s cases were on appeal from the Court of Claims. It is possible to speculate that Lockwood, although also expert in claims law, found her sex a barrier to the cultivation of certain types of claims clients whereas men like Totten did not. Lockwood, however, was silent on the matter.

Lockwood had sought bar membership not only for the good that it might bring to her law practice but also to establish a law of equal opportunity. Yet, even after winning the right to practice in the federal courts, Lockwood did not have the last word. In 1894, she brought an original action—“for leave to file a petition for a mandamus”—at the U.S. Supreme Court in which she argued that the state of Virginia violated her constitutional rights by refusing to grant her a license to practice in its courts. Her decision to act was very much in character and she was, undoubtedly, encouraged by her previous successes in overcoming adverse law. *Bradwell* had not been reversed but a number of states now licensed women attorneys.

As in the 1870s Lockwood was motivated primarily by the desire to conduct business and, presumably, gave little or no thought to the possibility of a legal decision that would diminish women’s legal position. She had prevailed before. Strategically, however, she erred badly. Chief Justice Melville W. Fuller not only ruled that the state of Virginia did not violate the law when it refused to license Lockwood as an attorney, but also declared that a state need not consider women “persons” under the law.44

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Once she became a member herself, Lockwood (left) motioned in 1880 for Samuel R. Lowery, the first Southern African-American attorney admitted to the Supreme Court bar. Lockwood would also move the admission of Alice A. Minick in 1897.
"A Woman Case In the Supreme Court" announced the Evening Star on December 2, 1880, after Lockwood argued her first case, Kaiser v. Stickney, before the U.S. Supreme Court. All but two of the Justices who had originally opposed her admission to the bar were still sitting when Lockwood presented the case before the Court, some four years after she had first sought the Justices' permission to join the Supreme Court bar.

Lawyer and Presidential Candidate

In 1875 the Supreme Court of the United States handed down the Minor decision. In a unanimous vote, the Court ruled that suffrage was not a right of citizenship and that a state’s denial of the vote for women did not violate the United States Constitution. This defeat closely followed the failure of the suffrage movement to win recognition of women’s rights in the Fourteenth and Fifteenth Amendments. The Minor decision left the woman suffrage movement little choice but to adopt a new strategy. A small number of women including Lockwood’s good friend Dr. Mary Walker, refused, ignored the Court’s ruling, and continued to insist that the Constitution says we, the people not we the men or we the freeholders. National Woman Suffrage Association (N.W.S.A.) leaders, however, concluded that Minor could only be overcome by a constitu-
tional action and proposed a federal amendment that read, “The right of citizens of the United States to vote shall not be denied or abridged on account of sex.” Still other women and men sought to win the vote for women through reform of state law. Lockwood argued that men and women held equal rights and believed the original U.S. Constitution granted suffrage to women citizens. However, always more of a realist than a theoretician, in the course of the next forty years, she also called for changes in state and federal laws, while remaining committed to the earlier practice of asserting the right to political citizenship through direct action. As shown by her fight for bar admission, the idea of direct action suited her beliefs, personality, and ambitions. Lockwood demonstrated this once again when she agreed to be the presidential candidate of the Equal Rights Party in 1884 (and, again, in 1888).

While Lockwood maintained a public image of respectability, she pioneered—with Victoria Woodhull, Elizabeth Cady Stanton, and others—the radical idea of far-reaching political ambition on the part of women. When most of the members of the N.W.S.A, of which Lockwood was a member and local leader, elected to remain within the mainstream of American party politics, she plunged into third party activism with her two candidacies. She nurtured factionalism even as she spoke against it. She had no abiding commitment to the major parties, which, she believed, repeatedly had ignored opportunities to support women’s rights. She had rebelled even before her own third party campaigns. In 1872, she supported Victoria Woodhull and spoke on behalf of her presidential candidacy. When that campaign ran to tatters, at the same time that Lockwood was being put off in obtaining a license to practice law in the District of Columbia, she transferred her support to Liberal Republican candidate Horace Greeley.

How Lockwood came to be the candidate of the Equal Rights Party in late August of 1884 may never be completely clear. She was publicly nominated by attorney Clara Foltz and Marietta L.B. Stow of the small California Equal Rights Party. Stow was announced as the vice-presidential candidate. These East and West coast women knew one another through suffrage and professional work. Stow and Lockwood are said to have met while presenting a request for legislation to members of Congress. Stow had promoted the idea of women candidates for political office in California for some years—largely for “publicity rather than in expectation of success.” In 1882 Stow had announced herself as Independent Candidate for Governor of California, saying that “being Governor was prelude to the Presidency.”

Clara Foltz maintained that the Lockwood nomination was a joke, and was surprised at the immediate interest of the press. In a yearslater recollection, Foltz wrote that Marietta Stow appeared at her law office one day, to offer appreciation for a recent public lecture. The visitor, according to this account, then said, “Clara Foltz, I nominate you for President of the United States,” to which the attorney replied, "Oh no, don’t nominate me, nominate Belva Lockwood.” Foltz’s account of the nomination avoids any mention of a letter written by Lockwood a week or so prior to the nomination. This August 10, 1884, communication was sent to Stow as editor of the Woman’s Herald of Industry and casts events in a slightly different light as it, together with the rapidity of her acceptance, is suggestive of (implicit) self-nomination by Lockwood. The letter reads:

The August number of your valuable paper is before me. It has so much the true ring of justice and right in it .... Why not nominate women for important places? Is not Victoria Empress of India? Have we not among our country-women persons of as much talent and ability? Is not history full of precedents of women rulers? The appointment of Phoebe
Cousins as assistant marshal of St. Louis is a step in the right direction. If women in the states are not permitted to vote, there is no law against their being voted for, and if elected, filling the highest office in the gift of the people. Two of the present [minor] political parties who have candidates in the field believe in woman suffrage. It would have been well had some of the candidates been women. There is no use attempting to avoid the inevitable. The Republican party, claiming to be the party of progress, has little else but insult for women, when they appear before its ‘conventions’ and ask for recognition. Note, for instance, the resolution on woman suffrage presented to their convention on the 5th of June. [Lockwood had attended that convention in Chicago and had “besought the resolutions committee in vain to adopt a plank in their platform giving some recognition to women”]. It is quite time that we had our own party; our own platform, and our own nominees. We shall never have equal rights until we take them, nor respect until we command it. Act up to your convictions of justice and right, and you cannot go far wrong.

Telling her 1903 account of the nomination, Lockwood said that Stow circulated the August 10 letter with comments of her own. “Fired by the situation, and believing that I had some grit, the women had called a convention and had nominated me for the presidency, with Marietta L.B. Stow as a running mate.” Foltz does not say whether she had been shown this letter. If she had, it might explain why she offered Lockwood’s name. Lockwood, with perhaps her own lack of candor, completes her account by writing, “I was taken utterly by surprise ....”

Whatever the precise facts of the nomination, an exchange of letters followed, the first of which, on September 3, 1884, “To Marietta L. Stow, Pres. and Eliza C. Webb, Sec. and members of the National Equal Rights Party!” contained Lockwood’s acceptance:

Mesdames,

Having been duly notified of your action in Convention assembled of Aug. 23rd 1884 in nominating me as the candidate for the high position of Chief Magistrate of the United States as the choice of the Equal Rights Party; although feeling unworthy and incompetent to fill so high a place, I am constrained to accept the nomination so generously and enthusiastically tendered by the only political party who really and truely (sic) represent the interests of our whole people North, South, East and West, because I believe that with your unanimous and cordial support, and the fairness and justice of our cause; we shall not only be able to carry the election, but to guide the Ship of State safely into port.

With this letter and an attached ten-point platform, subsequently expanded and worded, Lockwood initiated the first full campaign for the United States presidency carried out by a woman. She set out to appeal to a broad cross section of Americans with a platform that embraced far more than a demand for equal rights. While she did call for women to be recognized as voters, for “equal and exact justice to every class of our citizens, without distinction of color, sex, or nationality,” a national temperance policy, and a uniform system of laws, especially the laws relating to marriage, divorce, and property, her platform also proposed tariff, currency, and land policy. Her final statements favoring equal rights for women were temperate and general. Gone was her initial language condemning the “wholesale monopoly of the country by male voters,” as well
as her pledge, if elected, "to appoint a reasonable number of women as District Attorneys, Marshals and Judges of the United States Courts and ... some competent woman to any vacancy that might occur on the United States Supreme Bench." Addressing other major issues of the day, she backed “true” civil service reform, argued for increased pension benefits for disabled soldiers, and urged that “the dangers of a solid South or a solid North shall be averted by a strict regard to the interests of every section of the country.”

Lockwood’s presidential campaign drew praise and criticism. Her efforts, like those of other minor party candidates, were lampooned in cartoons, and in song, but also garnered respectful treatment from some members of the press. Most surprisingly, her colleagues in the National Woman Suffrage Association attacked her candidacy. Unlike Lockwood, the N.W.S.A. leadership continued to believe that woman suffrage would be won through alliance with major political parties. Susan B. Anthony had counseled support for the 1884 Republican presidential nominee, James G. Blaine, and believed Lockwood’s candidacy to be imprudent.53 Less surprisingly, women of all political points of view thought public campaigning by a woman improper and likely to harm the good name of “woman.”

Lockwood succeeded in organizing electoral tickets in Maryland, New Hampshire, New York, Michigan, Illinois, California, Indiana and Oregon. National and local newspapers as well as state suffrage publications

At the age of 82, Lockwood successfully cleared socialite Mary E. Gage of lunacy charges after she had been committed to a mental asylum for threatening to kill prominent Washington banker Charles J. Bell (above). Gage had been duped by Constance Gracie (right), a society hostess who led her to believe that Bell was trying to snub the Gage family. When Gracie’s husband Archibald subsequently perished with the Titanic, she married the dubious Count de Urbina who ran off with her fortune. Lockwood was later visited by one of the physicians she had engaged as an expert witness who described the trial as “one of the most important cases ever tried in the District of Columbia, especially as it tended to prove what paranoia was.”
covered her campaign appearances and made her name known throughout much of the country. She received several thousand votes in the final balloting. Even within the world of minor political parties, the count was not high and yet Lockwood was not displeased. Her candidacy had given Americans the opportunity to see and read about a woman political candidate, and challenged American society to move beyond cartoons and to accept women as serious and equal participants in lawmakers. What Clara Foltz described as having started as a joke, in fact, laid important groundwork that helped future women candidates gain acceptance.

Lockwood’s 1884 campaign and her smaller effort in 1888 served the cause of women but they also served the interests of the candidate. She took up the life of travel that she had long sought and which, in fact, she did not give up until her early eighties. Letters home confirm that she was successful in soliciting pension claims. She also capitalized on her candidacy by venturing onto the national lecture circuit. She signed with the well-known Chicago based Slayton Lyceum Bureau. Her travels were far flung: In the autumn and winter of 1885-86, she recorded a tour that included Marseilles, Illinois; Corning, Iowa; Denver, Colorado; Winnebago, Minnesota—back through Illinois and Ohio speaking almost daily, and later working her way east and north by lecturing in Pennsylvania and central New York, where she barely stopped for Christmas, and then back into Ohio, again speaking in Wisconsin, Illinois, Iowa, and Nebraska. On March 11, 1886, still on the circuit, she spoke in Kansas and perhaps headed back to Washington. A month later H.L. Slayton sent her this revealing business letter [apparently after she had complained about the financial arrangements]:

Dear, Mrs. Belva Lockwood

"... You have lectured more nights in 13 months than any 5 on our list and more than any other 3 in U.S. in that time and you have made more money than any 4 on our list. So you can see we are not getting rich so very fast. In fact its (sic) about all we can do to come out even at the end of each season. You should follow up your advantage in the lecture field for two more seasons then you will have pretty well covered the ground. ... I don’t think you will devote very much of your time to law practice in future. You are wanted for wider fields of usefulness. I quit the law 12 years ago and do not regret it.

Of course I regard the law as one of the most noble and honored of the professions or life pursuits, but it is crowded with those who can do nothing else .... With regard to next season you want and of course need the same careful and vigilant effort as in the past. The old contract has been quite as much to your advantage as ours. It enables us to fill nearly if not every night. Now to encourage and assist you to pay up what is due us under present contract. I will continue the old contract another season and you pay us ... 35 per cent of net profits. All expenses as now to be paid out of gross receipts. This is very liberal really more so than I can afford but I make it that you may sooner be able to pay us the money we so much need to pay debts .... Please answer at your earliest convenience.

Yours sincerely,

H.L. Slayton

Lockwood was paid an average speaking fee of $30 to $40, with an occasional $100. Her repertoire generally included five or six talks on topics that included “Women and the Law,” “The Political Situation,” “The Tendency of Parties,” “Social and Political Life In Washington,” and “Is Marriage a Failure? No Sir!” Slayton may have argued that she made a fair living but judged by the fees commanded by notable authors and raconteurs such as “Mark Twain,” who earned hundreds of dol-
lars for an appearance, or a man with credentials more like hers, such as the well-known Civil War correspondent and book author, Albert Richardson—who reported making $100 lecture fees in Albany and Providence, and $75 in Bangor and Concord—the payments made to Lockwood were modest.\textsuperscript{57} Touring, however, suited her and she continued to lecture even after her notoriety dimmed.

At the close of the 1888 campaign, Lockwood was nearly sixty but the pace of her vocational and reform activities did not slacken. In fact, her commitment to social and political change expanded as she turned her energies more fully to the cause of international peace and the use of arbitration to prevent war. She became a leader of the Philadelphia-based Universal Peace Union (U.P.U.) and a member of the commission of the International Peace Bureau (I.P.B.), representing the United States Branch, located in Bern, Switzerland. Through a corpus of writings—speeches, tracts, and articles for the organ of the U.P.U., the \textit{Peacemaker}, and an extensive international and national correspondence—Lockwood contributed to the development of a theoretical analysis of conflict and dispute resolution.

She had a passion for the struggle for peace and gained a great deal from her work—friendships, notice, travel, and political satisfaction. And even as Europe plunged into war, she did not give up. She continued to speak against war and did not yield to the pressure put on peace women to abandon their cause in the name of patriotism. In 1916, at the age of eighty, Lockwood joined twenty other peace friends in agitating against the participation of local schoolchildren in a World War I Preparedness Parade. She believed that the children did not understand the purpose of the parade, or the meaning of war.\textsuperscript{58} Closer to home, she was dismayed that the orphaned grandson she had raised, who had joined the National Guard against her principles and wishes, was pleased to be sent with his unit for duty on the United States-Mexican border.

**Career’s End**

After the campaign of 1888, Lockwood continued her search for a women’s rights community with whom she could share a broader base of ideas and strategies. She had been stung by the criticism of the N.W.S.A. leadership and discouraged by their politics. She groused that they never thought beyond petitioning. In 1902 she readily supported her longtime friend Clara Colby, the editor of \textit{The Woman’s Tribune}, and the Reverend Olympia Brown, when they revived the defunct Federal Suffrage Association (F.S.A.).\textsuperscript{59} Colby and Brown insisted that women should, at least, be permitted to vote in federal elections, and lobbied members of Congress for suffrage legislation, maintaining that “... the spirit if not the language of the Constitution of the United States requires that the federal officers, particularly the members of the House of Representatives, should be elected by the ‘people,’ and we believe that women are people and as such are entitled to a voice in those elections.”\textsuperscript{60}

Lockwood assisted Colby and Brown in obtaining new congressional hearings for a federal suffrage bill at least as early as 1906—well after the National Woman Suffrage Association had abandoned the idea of federal suffrage legislation in favor of constitutional amendment. Colby and Lockwood were particular friends who, in letters, gossiped about members of Congress and exchanged political advice. Colby, for example, wrote that they might rely upon Burton French as a true friend of the cause, “as he is not one of the representatives who says ‘introduced by request’.”\textsuperscript{61} Lockwood’s commitment to F.S.A. politics again created raw relations with “the Nationals” (NWSA). In March of 1910 she complained to Colby, “The Nat. Woman Suffrage Assoc. is to meet here [D.C.] Apr. 14 ... with the Old Machine in charge. I have not been invited to speak, or even attend the Convention .... According to the irony of fate, I am called to North Carolina & North Georgia [as part of the settlement of a case] .... so I shall...
see none of it, and no hearts will be broken, but I am sorry for this collision of current events."

The internal politics of suffrage reflected considerable differences in social and political analysis, and more than a pinch of ego. But beyond the notices of pique and discord, Lockwood and Colby's letters, poignant and sober, contemplate an outcome that haunted these lifelong advocates of woman suffrage. Colby speaks of it frankly in a letter only months before Lockwood's death: "I think it would be a dreadful thing-historically-for the amendment to pass before our Federal Suffrage bill, as it would stamp on the history of the U.S. for evermore that women had no rights originally in this Republic and that men had to give them their citizen's rights."

"A Hotly Contested Case"

When Lockwood wrote to Clara Colby in March of 1910 that the settlement of a case called her to North Carolina and north Georgia, she was not referring to just any case. At the age of eighty, she was overseeing the distribution to her Cherokee clients of a multimillion dollar court award. In 1906, the Supreme Court had affirmed a decades-old claim against the United States for money due under several treaties of removal, relocation, and compensation. The decision in United States v. Cherokee Nation, a complex, multi-party case, approved a settlement of $1,111,284 plus interest. Lockwood represented, through power of attorney, a large number of Cherokee in the eastern part of the United States, as well as some later emigrant Cherokee. In litigation, these individuals—approximately six thousand according to Chief Justice Fuller’s opinion—were styled the Eastern and Emigrant Cherokees.

Cherokee Nation was the last case in which Lockwood participated in full oral argument. Three days were allotted for presentations. Louis Pradt, assistant U.S. attorney general, represented the United States government which was appealing the Court of Claims award. No less than nine attorneys represented the interests of two contending Cherokee parties while Lockwood, without co-counsel, briefed and argued the case for her clients. A lesser figure might have been intimidated but Lockwood entered the Court with more than thirty years of experience as a claims attorney and many visits to the Court to argue motions. She was thoroughly familiar with the long and torturous history of these claims, having first litigated on behalf of certain Cherokee as early as 1875, and having worked steadily in the 1880s and 1890s for the "Old Settler" or "Western Cherokee." There can be no question that she had a great deal at stake in this 1906 case. She was seventy-six years of age, relished the prospect of the public notice, and needed the sizeable contingency fees as a financial cushion for her old age. Lockwood made of the appeal, "[it is] a very hotly contested case, and is I think the last great Cherokee case that will ever come before the [Supreme] Court."

Lockwood made her oral presentation to the Court on January 17 and 18 and won respectful notices from the local press. The Sun reported that "Mrs. Lockwood ... spoke with great rapidity, but with clearness, and her arguments were followed closely by the Justices on the bench, several of them interrupting her to ask questions upon different points she made." She followed the outline of her brief and maintained that, although her clients had remained in the east, or emigrated later, and owed no allegiance to the Cherokee Nation, they had rights as communal owners of the lands east of the Mississippi at the time of the signing of the fateful 1835 treaty of removal. She further argued that "one-fourth part of the whole sum recovered be set apart for them [her clients] as their distributive share." She later wrote, "My speech before the Supreme Court has been highly complimented by the Judges. It covered North Carolina & the interest." When the Supreme Court upheld—with only small modification—the earlier decree of the Court of Claims, her clients shared in the multi-
million dollar settlement and Lockwood won the coveted public notice and the much-needed legal fees.72

And still she worked. The distribution of the award kept Lockwood busy for several years as did other cases at the Court of Claims. In 1909, aged seventy-nine, she made a two hour oral presentation at that court. In this decade, she also traveled extensively in Europe as a representative of the Universal Peace Union and the International Bureau of Peace and lobbied, when in D.C., on behalf of the federal suffrage bill. She was an active member of the National Council of Women and the new American Woman’s Republic.73

In 1912 Lockwood was again, and for the last time as a lawyer, in the limelight. She was engaged to represent Mrs. Mary E. Gage in lunacy proceedings that followed accusations Gage had threatened to kill prominent Washington banker Charles J. Bell. The case provided the press with a sensational tale of an arriviste family who thought Bell wished to keep them—and their “handsome daughter”—from “the Capital’s 400.”74 On Bell’s complaint, Mary Gage had been arrested and examined through power of attorney, Lockwood (top) represented a large number of Cherokee in the eastern part of the United States, as well as some later emigrant Cherokee. Now over eighty, it would be her last, most lucrative, and most publicized case before the Supreme Court of the United States. The Court’s 1906 decision approved a settlement of $1,111,284 plus interest to the beleaguered Cherokees, most of whom had been forced to relocate westward after passage of the Indian Removal Act of 1835. (Pictured above is the 1838 Cherokee Trail of Tears.)
by government doctors who found her to be of "unsound mind." They committed her to St. Elizabeth's Hospital for the Insane pending a hearing. After a bad start with another attorney, Lockwood came onto the case and prepared for a hearing before an old friend, Judge Barnard, and a local jury. On the appointed day, the now eighty-two year-old lawyer guided her client through testimony in which Gage said that she had been duped by a local socialite, Mrs. Archibald Gracie, into believing Bell "opposed" her. She admitted that "she was mistaken in centering upon the banker" and that she now harbored no resentment against him.

Six weeks after her arrest the jury, deliberating only twenty minutes, pronounced Mary Gage sound of mind. Loud applause greeted the verdict with "fashionable women" rushing to the defendant's side. Lockwood was later visited by one of the physicians she had engaged as an expert witness who described the trial as "one of the most important cases ever tried in the District of Columbia, especially as it tended to prove what paranoia was." Lockwood took delight in the victory against all "the legal, medical, and moneyed talent of the District ... among them all of the District experts, 3 bankers, 3 lawyers, the Sup. of the Govt Hospital for the Insane, and the Bishop of Washington." She thought "it should be reported."

Belva Lockwood began her life in law at a time when women were thought to be incapable of the physical and mental rigors of a legal career. She refused to accept the legal restraints and social mores that expressed this view of women and insisted upon the right, in her career and in politics, to be judged on her achievements and credentials, not her sex. As a lawyer, lobbyist, reform activist, and presidential candidate, she was unwilling to leave lawmaking only to men. Her extraordinary effort to gain admission to the Supreme Court bar opened the highest court to a previously unrepresented group. By 1900, twenty other women attorneys had followed Lockwood to the Supreme Court bar. Her success resulted in all federal courts accepting women attorneys thereby giving them greater opportunity to compete as professionals. Perhaps, more importantly, this opening eventually allowed women attorneys to play a critical role in the development of legal doctrine including areas of particular concern to women.

Lockwood cared a great deal about her place in history. She gave interviews and authored a number of articles about her legal career and political candidacies. Late in life, she sent copious notes to a family member who began, but did not publish, a biography. Yet, after the obligatory obituaries in May of 1917, little was reported or remembered of her life, a life of brio and flinty resolve. The extraordinary recent growth in the number of women attorneys in the United States and the consequent increase in female state and federal judges was made possible by women such as Lockwood. In fact, Belva Lockwood warrants a lead position in the thin, strong line that stretches back to before it was merely difficult.

Endnotes

1 Lockwood was sworn in on March 3, 1879. "Washington News and Gossip," The Evening Star (March 4, 1879) (item announces reconvening of the Court and that Lockwood and J. Hall Sypher were admitted to practice), p. 1, col. 2.
2 Ray was admitted April 23, 1872; Lockwood September 24, 1873. Washington, D.C. National Archives, Index to Attorneys, Supreme Court of the District of Columbia, volume I: 1863-1928. See also, Supreme Court of the District of Columbia, General Term Docket Minutes, volume 2 (National Archives, RG 21).
3 Syracuse University Library, Special Collections, Belva A. Lockwood Papers.
5 Id., p. 221.
8 Lippincott's, op.cit., p. 223.
9 Id., p. 223.
10 Lydia Hall benefitted from the "liberal thought of Secre-
tary of the Treasury Salmon P. Chase” who permitted—
atypically—women to be appointed clerkships in the trea-
sury. “Mrs. Lockwood Tells of Suffrage Move’s Growth.”
The woman’s National Daily, n.d. Swarthmore College
Peace Collection, Lockwood Papers.
11 Lippincott’s v. op. cit., p. 223.
12 Supreme Court of the District of Columbia, 2 Minutes:
General Term (Oct. 11, 1871-December 30, 1876), p.
53. Ray’s class was admitted on March 2, 1872.
13 Lippincott’s op. cit., pp. 224.
14 Syracuse University Library, Special Collections, Belva
A. Lockwood Papers. “Belva Lockwood’s College Days.”
p.1.
15 Lippincott’s op. cit., p. 218-19.
16 “Mrs. Lockwood Tells of Suffrage Movement’s
Growth.” op.cit.
17 Bradwell v. Illinois, 83 U.S. 130, 141 (1873), concur-
ing opinion.
18 See Jane M. Friedman, America’s First Woman Law-
yer: The Biography of Myra Bradwell (Buffalo: Prometheus Books. 1993); Virginia G. Drachman,
Women Lawyers and the Origins of Professional Iden-
tity in America: The Letters of the Equity Club, 1887
to 1890 (Ann Arbor: U. Michigan Pr., 1993); and the sev-
eral articles of Barbara Babcock analyzing the career of
California attorney Clara Foltz.
19 A. G. Riddle, Fifty-Five Years of Lawyer Life, 1840-
1895. Western Reserve Historical Society, A.G. Riddle
Papers.
Appendix of "Omitted Cases in the Reports of the Deci-
sions of the Supreme Court."(1889). U.S. v. Cherokee
Nation, 202 U.S. 101 (1906).
21 Virginia Drachman, Women Lawyers, op. cit. p. 56.
22 “Women’s Part in Politics: Mrs. Belva Lockwood Talks
About Herself to Nellie Bly,” The World (August 12,
23 E.g., Emma Gillett and Marilla Ricker.
26 Lippincott’s, op. cit., p. 224
27 Lockwood is listed as the sole attorney of record in 80%
of her criminal cases.
28 Lockwood handled sixty-nine cases in Criminal Court
from 1875-1885, while she is listed in seventy-five cases in
the Law docket books for the years 1873-1885. She
may have appeared on behalf of clients in the precipit
police courts but the available records are very incom-
plete and rarely include the name of the attorney.
29 Supreme Court of the District of Columbia, Criminal
Case Nos. 12.529 and 12.845. Under the conditional par-
don, Wallace was sentenced to ten years imprisonmen.
30 Patrick J. Kelly, Creating A National Home: Build-
ing The Veteran’s Welfare State, 1860-1900 (Cam-
31 The bulk of her pension work occurred from the mid-
1870s through the mid-1890s, about twenty years. Using
the conservative figure of 2,000 claims cases, at $10 per
filing (as fixed by federal law), the law firm would have
received $20,000 over twenty year, or $1,000 per year.
Complicated pension appeals would have increased her
income.
32 9 Ct. Cl. 346, 351 (1873).
33 Id., pp. 353, 356.
34 Swarthmore College, Peace Collection, Lockwood Pa-
pers, “Mrs. Lockwood and the late Associate Justice
Knot...”, pp. 2-3.
35 83 U.S. 130 (1873).
36 9 Ct. Cl. 346, 356 (1873).
37 Supreme Court of the United States, Minutes, Nov. 6,
1876.
38 For a detailed account of the many readings and de-
bates in the House and the Senate of Lockwood’s bill “to
relieve the legal disabilities of women,” see Madeleine
39 “An act to relieve certain legal disabilities of women,”
20 Stat. At Large 292.
41 Six years later, Laura DeForce Gordon was admitted to
the Supreme Court bar, followed by Ada M. Bittenbender
in 1888. Between 1890 and 1900, eighteen other women
attorneys were so licensed. Chief Justice Waite could not
have been opposed completely to the idea of women pro-
fessionals as, according to Lockwood, he employed Dr.
Caroline B. Winslow as his family physician. Belva A.
Lockwood, “The Present Phase of the Women Question,”
5 The Cosmopolitan Magazine (March-October 1888),
p. 469.
42 131 U.S. clxxxvii Appx. (1880; 1889)
43 U.S. Supreme Court, 56 Rough Minutes, December 1,
1880.
44 In re Lockwood, 154 U.S. 116 (1894). Lockwood ap-
plied, Chief Justice Fuller stated, “for leave to file a peti-
tion for a mandamus requiring the Supreme Court of
Appeals of Virginia to admit her to practice law in that
court.” In contrast, Lockwood’s friend and colleague,
Marilla Ricker, succeeded, in 1894, in winning bar ad-
mision in New Hampshire after State Supreme Court
Chief Justice Charles Doe, using the principle of adequate
remedies, argued that women could not be kept out: “The
law regulating the admission of attorneys is a part of the
law of procedure; and our common law allows such pro-
cedure as justice and convenience require . . . .” John Phillip
Reid, Chief Justice: The Judicial World of Charles Doe
45 Walker argued that a woman suffrage amendment to the
constitution would be a “tautology.” Mary Walker, Crown-
ing Constitution or Constitutional Argument (1871).
46 Reda Davis, Woman’s Republic: The Life of Marietta
47 Id., p. 164.
48 Davis, op. cit., p. 169.
Clara Foltz, “The New American Woman,” Women Lawyer’s Journal (January 1918), pp. 27-28. While Foltz repeatedly refers to the nomination as a joke, she and Stow were able to raise sufficient funds to bring Lockwood to California and to mail information about the candidacy to towns and cities throughout the United States. A number of prominent California woman suffrage activists, including several long associated with Susan B. Anthony, lent their names to the nominating convention.


“Letter of Acceptance.” Miriam K. Holden Papers, Manuscripts Division, Department of Rare Books and Special Collections, Princeton University Library.


After the election, Lockwood petitioned Congress that votes for her be counted. She reported the results of the balloting as: New Hampshire, 379; New York, 1336; Michigan, 374; Illinois, 1008; Maryland, 318; and California, 734. She claimed that a large vote in Pennsylvania was not counted, simply dumped into the waste basket as false votes. She also claimed the electoral vote of Indiana, stating that its delegates voted for her after disagreeing about the major party candidates. National Magazine, op. cit., p. 733.

For example, only two years later, May Treat received six thousand votes as candidate for San Francisco School Director. Davis, op. cit., pp. 193-94.


Also referred to as the Federal Woman’s Equality Association.


Colby to Lockwood, December 26, 1907. State Historical Society of Wisconsin, Archives Division, Clara B. Colby Papers.

Belva A. Lockwood to Clara Colby, March 24, 1910. State Historical Society of Wisconsin, Archives Division, Clara B. Colby Papers.  

Colby to Lockwood, July 17, 1916. State Historical Society of Wisconsin, Archives Division, Clara B. Colby Papers, Colby's letter of December 18, 1915, also in this collection, gives an excellent sense of the prevailing personal and organizational rivalries, and of the daily politics, as the “amendment” women and the “federal suffrage” women lobbied members of Congress.

United States v. Cherokee Nation, 202 U.S. 101 (1906). Interest was at five percent per annum from the date of wrongful taking, June 1838, to the date of payment.

Id. at 131-32.

James Taylor had been an associate, helping to organize the Eastern and Emigrant Cherokee as a class of litigants. His heirs sued Lockwood over the division of the attorney fees.

Popular articles describing Lockwood’s career have overlooked her legal representation of various Cherokee in the 1870s and 1880s. The earliest case appears to be The Cherokee Indians - Eastern Band v. The Western Band of Cherokee Indians, Equity Case, Supreme Court of the District of Columbia, Equity, # 4627 (1875). Lockwood most probably obtained Cherokee clients through her acquaintance with Cherokee James Taylor and attorney J.J. Newell. I will be describing this lengthy chapter in her career in a separate article.


“Woman to Highest Court,” The Sun (January 18, 1906).

See Cherokee, 202 U.S. at 132.

Belva Lockwood to John M. Taylor, Esq’r, May 7, 1906. Duke University, Special Collections, James Taylor Papers.

The Justices did reject Lockwood’s argument that her clients were entitled to one-fourth of the whole sum recovered and ruled that they receive per capita payment. U.S. v. Cherokee. 202 U.S. at 132.

The latter organization had a Caucasians-only membership policy. Lockwood’s involvement as the group’s attorney general suggests that she accepted some aspects of the nativist and racist arguments increasingly apparent in these years within the women’s rights movement in the United States.

“U.S. Marshals Seek Mrs. Gracie,” Washington Herald, April 13, 1912.

“Jury Declares Mrs. Gage Is Sane,” Washington Herald (April 23, 1912). Lockwood subsequently appeared with Gage in Police Court where the charge of making threats was heard and her client freed. Lockwood was aided in some of the questioning during the many days of the trial by attorneys Richard Evans and Issac Hitt.

Swarthmore College, Peace Collection, Lockwood Papers, “In the matter of the Mary Gage case,” (1912).