



Celebrating Women's History Month: Myra Bradwell

Most women attorneys know Myra Bradwell is credited with being the first woman admitted to the Illinois Bar, paving the way for women to practice law. In honor of Women's History Month, I researched some of Bradwell's accomplishments as an advocate for equality in the 19th century.

Bradwell was born in 1831, before the Civil War and the adoption of the Reconstruction Amendments. In 1868, she published the *Chicago Legal News*, the first legal publication edited by a woman. The newspaper became the official publication for all Illinois court records and one of the most widely circulated legal newspapers in the United States. In addition to printing legal news and decisions, Bradwell used her publication to advocate for women's rights.

Bradwell's husband James was a lawyer with his own practice. It was common in the 19th century for law students to "read law" in the office of a man who was in the practice of law, in lieu of attending law school. It is worth noting that Bradwell studied the law so that she might help her husband with his practice. In 1869, she passed the qualifying exam and applied for admission to the Illinois Bar. She was denied admission based on the common law doctrine of coverture. Among other things, coverture prohibited a married woman from making legal decisions without the consent of her husband. The Supreme Court of Illinois held that a husband and wife were one person, and a woman lawyer would not be entitled to keep her client's confidences to herself. The court denied her application on the basis of her sex because if the legal profession were open to women, then "every office in this state may be filled by women...women would be made governors and sheriffs."

The court also opined, "The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The paramount destiny and mission of woman are to fulfill the noble and benign offices

of wife and mother. This is the law of the Creator.^[1]” Bradwell appealed to the U.S. Supreme Court in 1871 and in 1873, the Supreme Court upheld the lower court, allowing states to establish and enforce professional requirements. Ironically, about the same time as the high court’s decision, Illinois passed a law giving women equal career opportunities, but Bradwell did not reapply, choosing instead to focus on her legal newspaper and vowing to push for reforms in the law and advocate for change. She opted to assist women in other states who attempted to study the law and obtain a license to practice. In 1890, four years before her death, the Illinois Supreme Court granted her a license to practice law, retroactive to the date of her original application.

Because women did not yet have the right to vote, Bradwell used the power of the pen to advocate for change and abolish laws that discriminated against women. When Mr. Bradwell served in the Illinois legislature, she drafted and proposed legislation giving married women the right to their own earnings. She then helped her husband write a bill making women eligible to hold school offices and political offices. Bradwell advocated for laws that gave equality to women: awarding equal guardianship of their children, the right to be a notary public, the right to serve on a jury, and for women to receive equal pay for equal work. She actively supported women’s suffrage, lobbying for Illinois to amend their state constitution to allow women the right to vote.

While Bradwell was a suffragist, she did not agree with Susan B. Anthony regarding how to secure the right to vote. Anthony and Elizabeth Cady Stanton opposed the 15th Amendment because it enfranchised blacks and not women. The Bradwells took a more moderate approach to women’s suffrage when they formed the American Woman Suffrage Association that lobbied for women’s suffrage in individual states as opposed to a Constitutional Amendment granting equal access to the ballot in all states. Some historians theorize Bradwell’s moderate position appealed to her male readers, many who were in a position to influence a suffrage bill. Other historians argue the formation of the American Woman Suffrage Association delayed the passage of the Nineteenth Amendment due to mixed messaging and infighting amongst the leaders of the movements. While we may never understand her strategy, it is clear Bradwell was a women’s rights advocate.

Bradwell flexed her newspapers muscle when she criticized the treatment of prisoners, the mentally ill, and children who were orphans. She wrote of brutal conditions and forced labor in prisons and care facilities. Her public campaign led to the closing of the Chicago Reform School, and she was appointed as a delegate to the Prison Reform Congress in St. Louis. Bradwell became involved with the issue of arbitrary confinement when her friend Mary Todd Lincoln was committed to a mental institution. Ms. Lincoln's son Robert brought a legal action to have her declared insane and committed to an asylum. Upon learning of her friend's incarceration, Bradwell waged a public campaign on Ms. Lincoln's behalf which led to her release from the mental facility and the court's acknowledgment that Ms. Lincoln had regained her sanity.

Bradwell used her newspaper as a voice for equality. She advocated for reforms to abolish discrimination in taxation between blacks and whites, for modernizing the recorder of deeds, for majority verdicts in civil cases, to allow defendants to testify in their own criminal cases, to secure better treatment of witnesses, to abolish whipping as a criminal punishment, for the regulation of railroads and large corporations, to permit foreign corporations to loan or invest money in Illinois, to establish intermediate federal appellate courts, and adopt zoning laws that regulated the height of buildings. With regard to the legal profession, Bradwell proposed specialization of lawyers in large cities, limiting judges' abilities to run for political office while sitting on the bench, compulsory retirement and pensions for judges, and the creation of the Chicago Bar Association and the American Bar Association (even though she was not a member of the Bar).

Myra Bradwell is only one of the many women who helped make it possible for women to practice law. And while I am grateful for her sacrifices and contribution to the legal profession, I am profoundly grateful for her advocacy for all women and minorities. When I think of what she accomplished and the obstacles she had to overcome, I am at a loss for words. I am honored to work in the profession she worked so hard to improve. We should all strive to be like Myra Bradwell.

This blog was drafted by Diane Minear, an attorney in the Spencer Fane Overland Park, Kansas office. For more information, visit www.spencerfane.com.

[1] *Bradwell v. Illinois*, 83 U.S. (16 Wall.) 130 (1873)