The Court Legacy

The Historical Society for the United States District Court
for the Eastern District of Michigan ©2016

Vol. XXIII, No. 1
November 2016

'Gross Discrimination': Michigan's Barmaid Ban

By Amy Holtman French

In 1945, Michigan legislators amended the Liquor Control law (Public Act 133) to include a licensing requirement for bartenders (Bartending Act).[1] The act included a proviso that banned any woman whose father or husband did not own a bar from bartending in cities with a population of over 50,000. The law prohibited female bar owners from tending their own establishments and caused hundreds of barmaids to face financial ruin.

In 1947, bar owner Valentine Goesaert, her daughter Margaret, and 26 other owners and barmaids petitioned the federal court for relief from a law that made them economically uncompetitive.[2] A three-judge panel of the Eastern District denied relief. On appeal, the U.S. Supreme Court upheld the ruling, confirming that women did not have the right to enter all professions – occupational choice was a privilege, not a liberty.[3] By affirming the constitutionality of the statute, the Supreme Court legitimated the second-class position of women in employment. The precedent set in *Goesaert v. Cleary* deprived female bar owners of the ability to compete equitably in the liquor business, denied women the right to enter and pursue the occupation of their choice, and contributed to the sex segregation of labor that still marks our workforce today.

Late 19th Century and Early 20th Century Law: Restricting Women for Their Protection

Laws restraining women's work had their roots in the protective labor legislation movement of the late 19th and early 20th centuries.[4] As the Industrial Revolution gained steam, concern arose from workers and middle-class reformers alike about the detrimental effects of the industrial machine on society. Unionists fought for protectionist laws that would limit the hours of work in a day, regulate methods and means of pay, safeguard the workplace, hold employers liable for workplace accidents, and provide other protections.[5] As part of a burgeoning labor movement to protect women workers from moral and health detriments, late 19th century laws often restricted women's work in liquor establishments and reinforced ideas of the saloon as a male realm.[6] Progressive-era reformers were especially concerned with the toll that long hours, night work, low wages, and unwholesome and unsafe conditions took on women, and thus on maternity.

Protectionism for women and legitimization of economic regulation by the government were enthroned in the *Muller* decision,[7] where the U.S. Supreme Court held that limitations on women's hours of labor were lawful due to women's difference in physical structure and maternal functions. Justice Brewer held that "woman had always been dependent upon man," opining that "from the viewpoint of the effort to maintain an independent position in life," women were "not upon an equality" and "properly placed in a class" by themselves. The court sustained protectionism for women while contending that similar legislation was not necessary for men. The court did not address whether differential treatment of men and women was an unconstitutional form of discrimination that violated the equal protection clause of the Fourteenth Amendment. Yet, the *Muller* precedent set the basis for judicial affirmation of laws that restricted women's work. By the end of the 1930s, social, political, economic, and technological changes made sex-specific protective labor legislation unnecessary. These types of laws generally restricted women's freedom more than they protected women's health and safety. Yet, decisions about women's difference and their dependence on men formed the foundation for the rulings in both *Goesaert* decisions.

The 1945 Bartending Act: Restricting Women to Protect Men

Although a desire to protect women workers from being exploited derived from earlier sex-specific labor laws, the history of Michigan's Bartending Act provides evidence that the law was rooted in a desire to protect male bartenders from economic competition with barmaids – not to shelter women from the dangers of the saloon. Simply, the Bartending Act did not protect women. There was no requirement for a husband or father bar owner to be present when his wife or daughter was tending bar. Moreover, women were permitted to waitress and serve liquor. One Michigan barmaid insisted that she would not become a waitress because she was safer behind the bar: "Out there you have to keep smacking down the customers."[8] Jean Finney, president of the Michigan Barmaids' Association, asserted that waitresses had more to worry about with customers than barmaids because, behind the bar, the barmaid was in charge and protected from unwanted pinching and touching.[9]

If this law provided no clear protection, why then was it enacted? The Bartenders' Union lobbied for the Bartending Act to avoid an "invasion of the sacred profession of males" by reinstating sex-segregation of the profession.[10] The union was an active all-male organization dedicated to forwarding the profession of bartending.[11] Until the Prohibition era

Published periodically by The Historical Society for the United States District Court for the Eastern District of Michigan, Office of the Clerk, Room 216, Theodore Levin United States Courthouse, Detroit, MI 48226-2797.

Membership benefits include the Newsletter, voting privileges, and the Annual Meeting.

Papers are encouraged to be submitted to the Newsletter editor for consideration as MS Word (preferred) or WordPerfect documents to kimberly_altman@mied.uscourts.gov, m.ellen.dennis@gmail.com, or epalizzi@millercanfield.com

(1920-1933), drinking establishments were bastions of masculinity, serving as places where men gathered to discuss politics, economics, and other matters related to the public sphere.

After Prohibition's repeal, social drinking in mixed company was more acceptable and Michigan women legally owned bars and worked as bartenders.[12] Prohibition had irreparably diminished the prestige of bartending. No longer was a bartender "a psychologist, diplomat, information clerk, confidant, mathematician, and Sphinx."[13] The Bartenders' Union sought to reclaim the respect their profession had enjoyed before enactment of the Eighteenth Amendment, in part, through the celebration of masculinity.[14] To do this, they fought for a law that would restrict women from the profession. They found support from unionized waitresses who had feminized waiting tables in order to bolster their profession.[15]

The proposed law aimed in part to protect men against economic competition from women, allowing men to monopolize higher wages. Bartenders' Union representative Thomas Kearney repeatedly used language suggesting that economics were at the heart of the argument. He declared, "If ever a single glaring evil existed in the liquor industry, it is the practice of small, chiseling, saloon keepers of employing women behind the bar."[16] In Kearney's opinion, employing barmaids cheated men by lowering the average wage of bartenders; he spoke disparagingly about bar owners who hired women in order to save a dollar.[17] Although the Bartenders' Union reasoned that the law would protect women, protecting the public welfare was seemingly not an issue because they worried about "previous criminals [being] plagued by the law."[18]

Thomas Kearney was determined that a barmaid ban would occur – one way or the other. As he said, "I don't care whether the law is passed by the state legislature, the Detroit Council, or simply by the issuance of a regulation by the Liquor Control Commission-just so the law is enacted."[19] To enact a prohibition against women bartending, Kearney talked to Liquor Control commissioners, state legislators, and local officials. The Bartenders' Union held an annual ball for Detroit's legal, political, and social elite, which afforded them opportunities to share their legislative agenda.[20]

In 1941, while the Michigan Senate debated banning women from the profession, the Michigan Liquor Control Commission considered a rule brought to them by Thomas Kearney prohibiting most females from bartending.[21] The commission adopted the rule, but rescinded the regulation the next month due to doubts of the advisability of such an action and questions about its validity.[22] Although the United States had not officially entered World War II, there may have been concerns about excluding women from an industry when so many workers were needed. According to Bartenders' Union records, Michigan's Attorney General had deemed the rule unconstitutional – a decision that the union openly questioned. Momentarily defeated, the Bartenders' Union vowed to continue "policing the industry in this respect, doing what the law should but isn't."[23]

When Michigan legislators enacted the law, the *Michigan Bar Review* praised Thomas Kearney for "persuading lawmakers to outlaw female barkeeps."[24] In 1945, Michigan legislators

amended Public Act 133 to include a provision for the licensing of bartenders in cities with a population of over 50,000. Women who were not the wives or daughters of male bar owners were prohibited from getting a bartending license. Addressing the issue of licensing in cities with a population under 50,000, John Aaron (chairman of the Liquor Control Commission) suggested that communities might pass their own ordinances.[25]

Goesaert v. Cleary

Almost immediately, a group of female bartenders challenged the constitutionality of the law on equal protection principles *(Fitzgerald v. Liquor Control Commission)*.[26] The Supreme Court of Michigan affirmed the law finding that female bartenders were not deprived of any property rights.


Attorney Anne Davidow

In *Goesaert v. Cleary,* bar owners, Valentine Goesaert and Caroline McMahon, Valentine's daughter Margaret, along with other female bar owners and barmaids, hoped their plea would have more clout than that of *Fitzgerald* plaintiffs.[27] Surely, the court would see the absurdity of banning Margaret Goesaert, the daughter of a licensed bar owner from tending bar just because the parent who held the license was her mother and not her father. Surely, the court would acknowledge that these women faced economic ruin and make them whole again. Rekindling the debate Myra Bradwell had started during the Reconstruction era, the plaintiffs fought for the privileges and immunities granted under the Fourteenth Amendment, as well as fair and equitable treatment under the law.[28] Labor law attorney Anne Davidow represented the plaintiffs. An active feminist and lifelong member of the National Association of Women Lawyers, she thought herself "quite radical" because she "couldn't see any reason a woman couldn't do anything a man could do."[29]

Anne Davidow argued that the Bartending Act deprived plaintiffs of their property without due process, denied them equal protection of the law, was discriminatory and unreasonable, and that it set up an arbitrary population standard. By exempting wives and daughters of male bar owners, the law allowed some women to mix and pour liquor behind the bar (the state's definition of bartending) while denying that privilege to others. Moreover, it allowed women to serve and sell alcohol through waitressing, but not to mix or pour it behind a bar. The act set up a classification that had nothing to do with the regulation of liquor traffic. As Anne Davidow stated, it seemed "utterly absurd to make such a classification for which there [was] no earthly reason."[30]

The women injured by the law were not newcomers to the industry, and many had owned bars for years. If enforced, the Bartending Act would cause them to suffer great and irreparable injury that deprived them of their livelihood. Over half of the women who gave affidavits had bartended for seven or more years – several had been tending bars since Prohibition was repealed. The women testified that higher wages earned through bartending helped support their families. Some of the barmaids were breadwinners. Many stated that bartending was the only industry that they were trained for; all feared the financial losses that would accompany their ousting from the profession. Julia Babak, owner of Julia's Bar, feared financial ruin; since a woman owner could not tend her own bar, she would have to hire a man. It seemed unfair that a woman could invest her life's savings to own an establishment, obtain appropriate licensing for that business, and then be prohibited from working in the highest-paid position in her bar.

Why would the Eastern District panel uphold a law that on its face was so repugnant to the Fourteenth Amendment? How could the court find this law reasonable? As legal scholar Judith Baer suggests, after *West Coast Hotel v. Parrish* (1937) the judiciary "saw the question of reasonableness as being whether classification on the basis of sex was itself reasonable, not whether there was a reasonable connection between restrictions upon one sex and a governmental purpose."[32]


Judge Charles Simons

With that jurisprudence, the barmaids would have needed to show that the law had no reasonable relation to a legitimate state purpose – and there was no doubt in anyone's mind that the state had a legitimate right to regulate liquor traffic. Making the case more difficult for the plaintiffs to win was the fact that the judiciary had "virtually abandoned the power to review the constitutionality of economic regulation."[33] During colloquy, Judge Charles Simons reminded Anne Davidow that the court was "not concerned with the wisdom of this legislation at all."[34] Their hands were tied, according to Judge Simons, as long as there was some reasonable ground for the law. Indeed, it seems that there was little-to-no review of whether the benefits of this "protection" outweighed the damage incurred.

Regarding the plaintiffs' contention that the statute was unconstitutional because the population size was arbitrary, Anne Davidow questioned: "What magic is there in the number 50,000? . . . What peculiar condition attaches to mixing or pouring alcoholic liquors behind a bar in cities over 50,000 population which does not exist in communities under that population?" Relying on the 1924 decision in *Radice v. New York* concerning a law that prohibited women from working at night in larger cities, Judge Simons surmised that "the Legislature may have reasonably concluded that the need for regulation of women bartenders was much more urgent in the larger cities."[35] It should be noted, however, that the interpretation of the legislature's intent was purely the court's,

as there are no records to support the assumption that legislators were concerned with heightened dangers in larger cities. Records do show however that the Bartenders' Union was agitating for a universal prohibition on women's bartending activities.

To the point of arbitrary and unreasonable classification, Judge Simons reinforced that "the equal protection clause of the Fourteenth Amendment does not prohibit all classification, per se," especially where protection of women was concerned. His concern was whether any state of facts could reasonably sustain the distinction. Simons surmised that the legislature may have conceived that "a grave social problem existed because of the presence of female bartenders" which would be "mitigated to the vanishing point" in those places where a male licensee maintained his establishment.[36] On appeal to the U. S. Supreme Court, Anne Davidow questioned this reasoning: "How can a female bartender, mixing and pouring drinks behind a bar constitute a social problem which is eliminated by a male mixing and pouring liquor, behind a bar, which women sell and serve in the same establishment?"[37] She failed to see the logic behind this contention. There was nothing in the law that required a male licensee to be on premises when his wife or daughter was tending the bar. In fact, an affidavit from barmaid Cora Williams, quoting a male customer, had asserted that barmaids made for a more wholesome atmosphere. But the Eastern District panel had not reviewed plaintiffs' affidavits.[38] The court also disregarded the claim that the law discriminated between female bartenders and waitresses stating that, "a graver responsibility attaches to the bartender who has control of the liquor supply than to the waitress who merely receives prepared orders of liquor."[39]

Determining that bartending was a privilege and not a right, Judges Charles Simons and Theodore Levin concluded that there was no requirement for the State to extend its regulation to all cases. On appeal, the U.S. Supreme Court upheld their decision. Judge Felix Frankfurter determined:

> The fact that women may now have achieved the virtues that men have long claimed as their prerogatives and now indulge in vices that men have long practiced, does not preclude the States from drawing a sharp line between the sexes. The Constitution does not require legislatures to reflect sociological insight, or shifting social standards.[40]

Judge Theodore Levin

Stating, "we cannot give ear to the suggestion that the real impulse behind this legislation was an unchivalrous desire of male bartenders to try to monopolize the calling," Frankfurter dismissed the barmaids' claim that the law was the result of machinations by the Bartenders' Union to remove women from economic competition.[41]

At the root of both *Goesaert* rulings was a lingering belief that women needed protection. The *Muller* precedent had confirmed differential treatment of women in the law and that reasonable restrictions to freedom of contract could occur. The distinction that was lost over the course of forty years was that abridgements on liberty should have a legitimate government purpose. In both courts, the majority analyzed only whether regulating liquor traffic was reasonable. Since there was no question that it was within the police power of the state to regulate the liquor industry, most of the judges concurred that the law was reasonable – leaving out independent review.

Judge Frank Picard

By using a test that only assessed whether classification by sex was reasonable, the court missed the opportunity to scrutinize whether the sex classification in question was discriminatory. What is extraordinary is the dissent in the first case, where Judge Frank Picard questioned whether differential treatment of men and women was an unconstitutional form of discrimination that violated the equal protection clause of the Fourteenth Amendment.

Judge Picard's Dissent in *Goesaert v. Cleary*

Judge Picard's dissent in the *Goesaert* case provides an interesting early attempt to consider the legitimacy of sex-based discrimination – albeit focusing on female bar owners and not women bartenders as a whole. Between 1946 and 1947, eleven jurists in Michigan heard cases regarding the Bartending Act – only one dissented.[42] In a study of post-Prohibition cases (1933-1960s) regarding sexual discrimination in alcohol-establishments, no judges expounded on the validity of denying employment on the basis of sex.[43] Even the dissenting judges in the Supreme Court *Goesaert* case only provided a one-paragraph dispute of the law's omission of an exception for female bar owners. In the sole case that invalidated a barmaid prohibition, *Brown v. Foley* (1947), rationale was not provided for why the law was invalidated; the court merely stated: "In our opinion this ordinance is unreasonable. We can see no sound reason in law to sustain the ordinance and we hold it void."[44]

In his dissent, Judge Frank Picard maintained that the law discriminated between persons similarly situated, that it denied the plaintiffs equal protection of the laws, and that the proviso was "palpably arbitrary, capricious and unreasonable." He queried: "What was the purpose of the Fourteenth Amendment if not to prevent gross, unreasonable discrimination of this kind?" Noting that the law discriminated between different licensees, Picard asserted: "If this is not an instance of unjust discrimination against persons similarly situated in the same business, in the same relation to the purpose of the statute and in the same class, it would be difficult to find one." Female bar owners had not been provided equal protection of the law. Valentine Goesaert had legally owned and operated a business only to have the legislature "arbitrarily and unreasonably change the rules in the middle of the game" because she happened to be a woman. His "sense of fair play and justice" rebelled at the deprivation of her property.[45]

Judge Picard found that the state had not proved that sufficient dangers existed to warrant banning women from the profession. Evaluating whether male owners created more wholesome environments than female owners, Picard contended that women would be just as likely to promote public safety, promote morals, and be solicitous of sanitation and public health. Since no man was required to be in the establishment when a wife or daughter was working, there was no guarantee of protection. Picard likely doubted that male oversight would have made a crucial difference, since he observed that female licensees had provided protection for themselves and their daughters in the past. Having served as the Chairman of the Liquor Control Commission from 1932-34, Picard may have been privy to information regarding the Bartenders' Union's rationale for the law. In colloquy, he questioned Anne Davidow whether the intent behind the bill was to stop all women from tending bar. She replied that it was her understanding that the union was creating an atmosphere where men could "dominate the industry."[46]

The Michigan Barmaids' Association and Repeal of the Bartending Act

Although Judges Simons and Levin may not have been concerned with the "wisdom of the legislation," Judge Picard asserted that no legislature could say: "We make this distinction, foolish or unfair though we know it to be, because we are in the mood." He could find no facts that bolstered "this admittedly discriminatory legislation."[47] Pointing to the absurdity of discriminating against one sex just because an inherent danger may exist, Picard asked defense attorney Charles Martin if it would have been reasonable to ban women from driving cars if the death record related to automobile accidents was high.[48] Although the state had an obligation to protect its citizens, the Bartending Act was not related to the object of the legislation. In making this assertion, Judge Picard veered away from judicial precedent and examined whether the restrictions to women put forth in the Bartending Act had a legitimate government purpose, not merely if classification on the basis of sex was reasonable.

Inviting scrutiny of discriminatory legislation, Judge Picard concluded that since he firmly believed that judicial endorsement of this type of legislation opened the door "for further fine distinctions" that would eventually be applied to religion, education, politics, and nationality, he had to dissent. Although Picard was not able to shift the ruling, his dissent influenced Judge Loring who, a year later, dissented when the Supreme Court of Minnesota validated similar legislation.[49] Both justices considered whether the discrimination that had occurred had a legitimate governmental purpose. Both found that prohibiting women from bartending had none.

By affirming sex discrimination, the *Goesaert* ruling had severe ramifications for women's autonomy in the workplace, and it reinforced the construct of women as second-class citizens and earners. Subsequently, several courts affirmed prohibitions of barmaids on the basis of *Goesaert*.[50] The decision to exclude women from the more profitable industry of tending bar, while allowing them to participate in the less profitable trade of waitressing, reinforced the gender construct that women are supporting actors to men and that men are the breadwinners.

Although the *Goesaert* plaintiffs lost their battle to have the Bartending Act declared unconstitutional, the barmaids nonetheless effected change. As a counter to the all-male Bartenders' Union, Michigan barmaids organized as the Michigan Barmaids' Association. Their president, Jean Finney, urged barmaids to give $10 each to build a "war chest" to save their jobs. "Aroused by a call to battle," the Michigan Barmaids' Association "gathered to stoutly defend the ancient right of a lady to draw a glass of beer."[51] The women brought their campaign to the court of public opinion, gaining national attention when *Life* reported their struggle. According to the magazine, Michigan's lawmakers learned that barmaids are tough opponents.[52] The women kept the law on state legislators' minds through their continuous agitating. In 1949, they were successful in convincing Michigan legislators to amend Public Act 133 to include female bar owners as an exception to the ban on barmaids.

The Michigan Barmaids' Association once again brought the issue of gender inequality in the law to the court in *Nephew v. Liquor Control Commission* (1953).[53] Plaintiffs Loretta Nephew, Helen Bertchinger, Delores Derosia, Ella Schmidt, Maggie Kaiser, Ann Biggers, Jean Finney, Agnes Kaval, and Josephine Mack sued the Liquor Control Commission and the Michigan State Council of the Hotel and Restaurant Employees and Bartenders International Union. Some of the plaintiffs (Nephew, DeRosia, Schmidt, Kaiser) were seasoned veterans from the *Goesaert* case, while Jean Finney was the president of the Michigan Barmaids' Association.

The plaintiffs in the *Nephew* case contended that when legislators amended the law to allow female bar owners to tend bar, they removed the basis upon which the judiciary in the *Goesaert* cases had held the law valid. Plaintiffs argued that the court had affirmed the law because male bar owners would provide oversight and protection, but that had changed when the state allowed female bar owners and their daughters to tend bar. The Michigan Supreme Court dismissed their argument stating that Goesaert had confirmed that legislators need not prohibit all women from bartending in order to reduce "the social and moral problems" that may arise from having some of them bartend.[54] The barmaids lost their case when the court affirmed the law finding a reasonable legislative intent behind placing limits on barmaids.

By this point, reliance on precedent had become almost farcical. The court was certainly not entertaining independent review of whether the law itself was discriminatory. To do so, the logic would have to work something like this: Women bartending brings about social and moral danger, but that threat is not universal – only in cities with a population of 50,000 or greater. In cities with a population of 49,999 or fewer, women can and do bartend with no danger to society or themselves. A woman related to a male bar owner receives his protection – even if he never steps foot in the bar. Moreover, male or female bar owners can protect their female relatives and maintain reputable establishments, but cannot protect barmaids that are not their offspring. Moral and social evils will arise if women mix and pour drinks behind a bar in more populous cities, but only if they are *behind* the bar – if they are serving drinks or mixing and pouring at a customer's table then no danger to morality or society is posed.[55]

Michigan barmaids had lost another battle, but shortly thereafter they won the war. In 1955, Michigan legislators repealed the bartenders' license provision of the liquor law (Public Act 133).[56] The act's repeal was influenced by a decade of continued pressure put on lawmakers by the Michigan Barmaids' Association. Fearing loss of income, the Bartenders' Union finally granted women membership. Local 705 business agent Steve Spilos stated: "The Bartenders' Union will accept women, barmaids are taking over jobs in 2,100 bars in the Detroit area for lower wages so accepting women in the union is out of self-preservation."[57]

The Civil Rights Act of 1964

Favorable court decisions regarding sex discrimination in work and the 1964 Civil Rights Act contributed to integration of the workforce.[58] The 1964 Civil Rights Act gave women a tool to dismantle protectionist legislation. By the end of the 1960s, the President's Commission on Women had raised significant concerns about the economic toll of sex bias. Additionally, the *Goesaert* decision was facing academic criticism.[59] Yet barmaids still faced discrimination in some states, most notably California. California had carried a statute since 1935 banning women from bartending, unless they owned a bar or were married to a bar owner. Newspaper articles attest to the fact that male bartenders did not want economic competition from women. As one bartender stated, "I don't want to lose my job to some broad."[60] A *Los Angeles Times* headline declared, "Bartenders Lament Women's Invasion." In that article, one man stated that if women tried to work at his bar he would reply: "We're topless, honey."[61]

Barmaids had a great day in court when bar owners sought to stop the state from revoking their licenses simply because they employed female bartenders *(Sail'er Inn v. Kirby)*.[62] Instead of assessing whether there was reasonable interest in maintaining the law, the California Supreme Court employed a strict scrutiny standard of review finding that the state had not shown a compelling interest to justify limiting barmaids from pursuing a lawful profession. California Supreme Court Justice Raymond Peters, expressing the unanimous view of the court, declared that the barmaid ban violated the 1964 Civil Rights Act, was not a *bona fide* occupational qualification exception, violated the equal protection clause of the federal constitution, and limited the fundamental rights of women to pursue a lawful vocation.

The court held that classifications based on the immutable category of sex should be treated as suspect. Dismissing protectionism, the court concluded that "women must be permitted to take their chances along with men" and that they could "no more justify denial of the means of earning a livelihood on such a basis than we could deny all women drivers' licenses to protect them from the risk of injury by drunk drivers."[63] By holding that right to work was "essential to the pursuit of life, liberty, and happiness," the California Supreme Court hoped to remove "the stigma of inferiority and second-class citizenship" that they feared was attached to this suspect classification.[64] The opinion in *Sail'er Inn* is noteworthy for its strong, almost righteous, language: "The pedestal upon which women have been placed has all too often, upon closer inspection, been revealed as a cage."[65] Pointing out the flaws in the logic behind the *Goesaert* decision, the court concluded that the state had not merely failed to show a compelling interest – it failed to show any interest at all.

Rejection of *Goesaert v. Cleary*

The U.S. Supreme Court did not fully reject the *Goesaert* decision until 1976. In *Craig v. Boren,* Oklahoma men fought for equal protection in light of a state law that made the legal drinking age lower for women. The court granted male plaintiffs relief against the enforcement of the Oklahoma act, holding that "gender did not represent a legitimate, accurate proxy for the regulation of drinking." U.S. Supreme Court Justice William J. Brennan, Jr., contended that classifications by sex must serve "important governmental objectives and must be substantially related to achievement of those objectives." The court noted that, "Insofar as *Goesaert v. Cleary* may be inconsistent, that decision is disapproved. . . ."[66]

Nearly thirty years after the *Goesaert* plaintiffs lost their case, the highest court in the nation finally ruled in favor of equality in liquor-related laws. Even in the 1970s, with the women's rights movement well underway in society, it still took men arguing against discrimination for the Supreme Court to favor gender equality in state legislation regarding liquor laws. The route taken for women to receive equal protection of rights under liquor-related statutes was long and tangled, but change did occur in public policy and legal culture. Gender Integration of the male profession of bartending advanced gender equality in the workplace, challenged social norms that women were dependent on men, and promoted judicial review of discriminatory laws. ■

Amy French holds a Ph.D. from Wayne State University and specializes in American history with an emphasis on law, gender, and labor. She also holds a Master's Degree in History from Central Michigan University and a Bachelor of Arts from the University of Michigan. She is an Assistant Professor of History at Delta College and also serves as Coordinator of the History Discipline and Director of the Humanities Learning Center. French sits on the Executive Council of the Board of Directors for the Castle Museum of Saginaw County. She has been awarded several professional honors for her service and teaching. Although best known for her work on gender and labor, French enjoys speaking to organizations on a variety of historical issues. She especially loves writing about travel to historical sites, which she does through her website, Roaming Historian.

End Notes

1. The author has already published on this subject in the *Michigan Historical Review*. The publisher has given the author permission to republish the work in original or revised form in any work of which the author is the author. Parts of this article, therefore, have been published previously by Amy Holtman French in "Mixing It Up: Michigan Barmaids Fight for Civil Rights," 40 *Michigan Historical Review* (Spring 2014): 27-48. 1945 PA 133.
2. *Goesaert v. Cleary,* 74 F. Supp. 735 (1947). Hereafter *Goesaert* Eastern District.
3. *Goesaert v. Cleary,* 335 US 464 (1948) Hereafter *Goesaert* Supreme Court.
4. The U.S. Supreme Court upheld the first maximum hours law for women in 1876 in *Commonwealth v. Hamilton Mfg. Co.* 120 Mass. 383 (1876). On protectionism for women, see Judith Baer, *The Chains of Protection: the Judicial Response to Women's Labor Legislation* (Westport: Greenwood Press, 1978); Susan Lehrer, *Origins of Protective Labor Legislation for Women, 1905-1925* (Albany: State University of New York Press, 1987); Nancy Woloch, *Muller v. Oregon: A Brief History with Documents* (Boston: St. Martin's Press, 1996); Julie Novkov, *Constituting Workers, Protecting Women: Gender, Law, and Labor in the Progressive and New Deal Years* (Ann Arbor: University of Michigan Press, 2001). For a general overview of Michigan labor law, see Elizabeth Faue, "Methods of Mysticism and the Industrial Order: Labor Law in Michigan, 1868-1940," in *History of Michigan Law,* ed. by Paul Finkelman and Martin Hershock (Athens: Ohio University Press, 2006), 214-237.
5. Although very little has been written about protective labor legislation and men, new research is beginning to fill that void. See Amy French, "The Power to Protect Themselves: Gender, Protective Labor Legislation, and Public Policy in Michigan 1883-1913" (Ph.D. dissertation, Wayne State University, 2013).
6. Michigan, too, passed a law in 1897 forbidding women to work as barkeepers or bartenders. 1897 PA 170. The defendants in *People v. Case,* 153 Mich. 98 (1908) unsuccessfully contested this law. In *People v. Case,* the court found that a Michigan statute prohibiting women from attending saloons was not discriminatory, nor was it a violation of equal rights, privileges, and immunities. This law was repealed by Public Acts Michigan, 1915, Act no. 240.
7. *Muller v. Oregon,* 208 U.S. 412 (1908). The Michigan judiciary upheld an hours law in *Withey v. Bloem,* 163 Mich. 419 (1910).
8. "Embattled Barmaids in Michigan," *Life,* April 13, 1953, 40.
9. Ibid.
10. "Union Opposes," *Michigan Hotel-Bar-Restaurant Review,* July 1942. Hereafter, noted as *Michigan Bar Review.*
11. "Barmaid Problem," *Michigan Bar Review,* April 1943. Chartered before World War I, Detroit Local 562 became active again in 1934 when the local was reinstated by the Hotel Employees and Restaurant Employees (HERE) union as well as the Bartenders' International League of America. Union officials estimated that 4,000 barmen worked in the Detroit area in the early 1940s.
12. Rotskoff, Lori. *Love on the Rocks: Men, Women, and Alcohol in Post-World War II America.* (Chapel Hill, University of North Carolina Press, 2002).
13. "Men Behind the Bar: Guide and Philosopher," *Michigan Bar Review,* February 1947.
14. Stephen Freund, "Keeping the Promises of Repeal: Drinking and Working in California's Post-Prohibition Public Drinking Establishments" (Ph.D. dissertation, Wayne State University, 2006), 35.
15. Dorothy Sue Cobble argues that waitresses advocated some sex-based laws in part because it allowed them to avoid direct competition with men, in part because of their views on difference, and in part because they used sex-based organizations as their vehicle for reform. Cobble, *Dishing it Out: Waitresses and Their Unions in the Twentieth Century* (Urbana: University of Illinois Press, 1991), 11.
16. "Kearney Assails Use of Women as Barmaids," *Michigan Bar Review,* May 1940.
17. "Barmaid Bans Imposed in 2 More States," *Michigan Bar Review,* September 1941.
18. "Barmaid Ban," *Michigan Bar Review,* January 1949.
19. *Michigan Bar Review,* January 1941.
20. "Outstanding Event," *Michigan Bar Review,* April 1939; "President Comments," *Michigan Bar Review,* July 1939. By denying women membership in the union, the Bartenders' Union reinforced the masculinity of bartending and kept these types of political socialization as male privilege.
21. Michigan, Liquor Control Commission, Minutes, March 4, 1941; Michigan Senate Journal, 1st Session, 1941, 84.
22. Michigan, Liquor Control Commission, Minutes, April 22, 1941.
23. "Liquor Board Reverses," *Michigan Bar Review,* May 1941.
24. "Ban on Barmaids Now Michigan Law," *Michigan Bar Review,* May 1945
25. "Ban on Barmaids Now Michigan Law," *Michigan Bar Review,* May 1945
26. *Fitzpatrick v. Liquor Control Commission,* 316 Mich. 83 (1946). Case originally submitted in October 1945.
27. *Goesaert* Eastern District.
28. *Bradwell v. Illinois,* 83 U.S. 130 (1873). After studying law, passing the state bar exam, and editing the highly successful *Chicago Legal News,* Myra Bradwell's dreams of being a licensed attorney were dashed when she applied for a state law license and was denied on the basis of sex. She appealed her case and the U.S. Supreme Court maintained that the Fourteenth Amendment had not created a right to work in all occupations.
29. "Longtime Lawyer," *Detroit Free Press,* June 25, 1991.
30. Transcript, *Goesaert* Eastern District.
31. *Goesaert* Supreme Court.
32. *West Coast Hotel v. Parrish,* 300 U.S. 379 (1937); Judith Baer, *The Chains of Protection: the Judicial Response to Women's Labor Legislation* (Westport: Greenwood Press, 1978), 101.
33. Baer, 108. Furthermore, Judith Baer argues that "the language of *Muller* and its successors implied that to question the validity of any sex-based discrimination was to suggest that the sexes were identical. Second, the abandonment of the power of review in economic cases extended to those involving sex discrimination." (110)
34. Transcript, *Goesaert* Eastern District, 50.
35. *Goesaert* Eastern District; *Radice v. New York,* 264 U.S. 292 (1924).
36. *Goesaert* Eastern District.
37. *Goesaert* Supreme Court.
38. In the documents filed for *Goesaert* Supreme Court, affidavits by the plaintiffs were included, but one of the errors brought by the plaintiffs was that the affidavits were not allowed in the case before the Michigan Eastern District Court. Judge Frank Picard confirms this in his dissent to that ruling.
39. *Goesaert* Eastern District.
40. *Goesaert* Supreme Court.
41. Ibid.
42. *Fitzpatrick v. Liquor Control Commission,* 316 Mich. 83 (1946); *Glicker v. Michigan Liquor Control Commission*, 160 F. 2d 96 (1947); *Goesaert* Eastern District.
43. *DeRidder v. Mangano*, 186 La. 129 (1936); People v. Jemnez, 49 Cal. App. 2d Supp. 739 (1942); Nelson v. State 157 Fla. 412 (1946); *Fitzpatrick v. Liquor Control Commission,* 316 Mich. 83 (1946); *Glicker v. Michigan Liquor Control Commission,* 160 F. 2d 96 (1947); *Anderson v. City of St. Paul,* 226 Minn. 186 (1948); *Henson v. Chicago,* 415 Ill. 564 (1953); *Nephew v. Liquor Control Commission,* 336 Mich. 120 (1953); *Guill v. Hoboken,* 21 N.J. 574 (1956); *Kovalchuck Liquor License Case*, 202 Pa. Super. 389 (1963).
44. *Brown v. Foley,* 158 Fla. 734 (1947).
45. *Goesaert* Eastern District.
46. Transcript, *Goesaert* Eastern District, 48.
47. *Goesaert* Eastern District.
48. Transcript, *Goesaert* Eastern District, 55.
49. *Anderson v. St. Paul*, 226 Minn. 186 (1948).

50. *Anderson v. St. Paul,* 226 Minn. 186 (1948); *Henson v. Chicago,* 415 Ill. 564 (1953); *Nephew v. Liquor Control Commission,* 336 Mich. 120 (1953); *Guill v. Hoboken,* 21 N.J. 574 (1956); *Kovalchuck Liquor License Case,* 202 Pa. Super. 389 (1963).

51. "Embattled Barmaids in Michigan," *Life,* April 13, 1953, 40. Adding further hurdles to the barmaids' attempts for equality was the fact that waitress locals of the service industry's most prominent union, Hotel Employees and Restaurant Employees (HERE), refused to support them.

52. Ibid.

53. *Nephew v. Liquor Control Commission,* 336 Mich. 120 (1953).

54. *Nephew v. Liquor Control Commission,* 336 Mich. 120 (1953).

55. In *The Chains of Protection: the Judicial Response to Women's Labor Legislation* (1978), Judith Baer provides similar logic that she calls "so convoluted as to verge on nonsense. (118).

56. *Public Acts of Michigan,* 1955, no. 206.

57. "Barmaids Win Fight with AFL," 1950s, box 30, folder 18, Tom Turner Records, Metro Detroit AFL-CIO Collection, Reuther Library, Detroit. Unfortunately, the record does not provide the exact date for Spilos' declaration – just that it occurred in the 1950s.

58. One area where women made progress in legal determinations regarding their work was that the courts applied a higher level of scrutiny to discriminatory laws than had been used in *Goesaert*. In *Weeks v. Southern Bell Telephone and Telegraph,* 408 F. Supp. 117 (1969), the court determined that there had to be a compelling rather than merely a reasonable cause for sex classification.

59. James Oldham, "Sex Discrimination and State Protective Laws," 44 *Denv. L.J. 344 (1967).*

60. "Tiff Brews on Women Bartenders," *Los Angeles Times,* April 28, 1971, G2.

61. "Bartenders Lament Women's Invasion," *Los Angeles Times,* September 5, 1969, SF8.

62. *Los Angeles Times,* 5 Cal. 3d 1 (1971).

63. In colloquy for *Goesaert* Eastern District, Judge Frank Picard had questioned the Liquor Control Commission's defense attorney, Charles Martin, in a similar fashion.

64. *Los Angeles Times,* 5 Cal. 3d 1 (1971).

65. Ibid.

66. *Craig et al v. Boren, Governor of Oklahoma,* et al, 429 US 190 (1976).

Michigan Lawyers in History
Anne R. Davidow

By Carrie Sharlow

The state of Michigan was built by the lumber and auto industries, agriculture, and the lawyers who lived, studied, and practiced here. The articles in this occasional series highlight some of those lawyers and judges and their continuing influence on this great state.

Federal censuses tell remarkable stories. For example, it's clear the 1930 census recorder didn't know what to do with Anne Davidow. After all, she was married to Victor Sugar, head of the household at 5807 Chalmers Street, but she had a job outside of the home and a different last name. So instead of listing Anne in the usual fashion – beneath her husband's name – the nameless recorder listed her third, after the couple's daughter but before the household servant, as "Davidow, Wife."[1]

Chances are that readers already know a little about "Davidow, Wife," who argued before the United States Supreme Court in 1948 as an attorney in *Goesaert v Cleary.*[2] And while that case was a highlight in Anne's career, it only scratches the surface – as this article does – of her remarkable life.

Anne Davidow was the only daughter of a Jewish immigrant from Russia who was a tobacconist by trade and traveler by nature. After traveling from Baltimore to Berlin to Cape Town to London to Philadelphia with three children (a fourth was born in London) and a long-suffering wife, Harris Davidow and his family settled in Detroit.

If this were a different article, you would read of the extraordinary relationship with the four Davidow siblings and how all were destined to make their individual marks on Detroit and the world at large. Suffice it to say that Anne's journey to law school was inspired, in part, by her older brother, Lazarus.

When Lazarus (who later changed his name to Larry) decided he wanted to continue his education past the eighth grade, a family conference was called. Financial circumstances would not allow for more than one Davidow child to attend high school – let alone college – at a time. Anne, who was "just a girl," dropped out of school and went to work as a secretary/stenographer to help provide for the family so Larry could complete his education and attend law school. Anne, meanwhile, took night classes, with her older brother helping as a tutor. She became drawn to the women's suffrage movement and "campaigned for women's right to vote by speaking from soap boxes at factory gates."[3] Once, she was fired from a job for proclaiming her political views, which must have been disastrous for the family, who depended on her income. Her traditionalist mother must have been horrified at her daughter's antics.

After Larry graduated from law school in 1917 and got a job, his financial support allowed Anne to continue her education. Larry lobbied the Central High School authorities to give Anne a comprehensive exam for late entry to high school. By 1918, she was looking ahead to law school.

There were several bumps in the journey. When Anne applied to her brother's alma mater, her application was denied because she was a woman. But the more progressive University of Detroit Law School admitted her, and Anne was one of four women in the graduating class of 1920.

As it turns out, 1920 was a big year for Anne: the 19th Amendment to the U.S. Constitution, giving women the right to vote, was ratified on August 18; she graduated from law school and was admitted to both the Michigan and federal bars; and she married Victor Harrison Sugar on September 30.

Victor was the youngest son in the Sugar family. The younger Sugars and Davidows ran in the same social and political circles at the time, which was how Victor and Anne met. Anne married but had no intention of settling down; she never wore a wedding ring, and refused to change her last name. Victor didn't have a problem with any of it. If anything, he encouraged her; in later years, he enjoyed introducing his wife as Anne Davidow.[4]

Others were not as understanding of the couple's views. When Anne applied for a notary public license, the judge was emphatic that as a married woman, Anne could not use her maiden name. Anne disagreed, and although the court eventually changed its mind – after all, there wasn't a law that said a married woman *had* to take her husband's name – Anne decided the "fuss" wasn't worth it and "dropped her application."[5]

By the time the 1930 census recorder showed up at 5807 Chalmers Street, Anne had been practicing at Davidow & Davidow for almost a decade with her brother, Larry. Victor, who had also graduated from law school, was a successful chemistry teacher at Northeastern High School. The Sugar-Davidows had a two-year-old daughter who carried both her mother's and father's surnames in a very modern style.

Davidow & Davidow was a remarkably successful firm. In many ways, Larry and Anne were opposites of the same coin, and the firm allowed both to use their strengths to their clients' advantage. Larry argued the cases "because of his greater appetite for drama and his ability to think on his feet." Anne was the researcher and writer "because of her patience and objectivity."[6] When their younger brother, Stephen, graduated from law school, he joined the firm. David, the youngest Davidow, was the family anomaly and became a doctor.

The law firm was busy in the 1920s, appearing before the Michigan Supreme Court at least a dozen times in cases touching on family inheritance issues, contract law, real estate, and the automobile industry.[7] The latter cases were almost predictive of the firm's future involvement with the United Automobile Workers union. Along with Victor Sugar's older brother, Davidow & Davidow became involved with the newborn union as it instigated a sit-down strike in Flint, and the firm assisted the union in legal matters for a time.

By the 1940 federal census, the Sugar-Davidow family had moved to 9150 Kensington Road. The couple had a 12-year-old daughter, a 7-year-old son, and a housekeeper. Anne was listed directly beneath the head of household as Victor's wife and still had her career, but this time her name read "Sugar, Anne David."[8] She could vote in a national election – even run for office if she desired – and practice before the United States Supreme Court, but she could not get the government to record her name correctly.

In 1947, Anne lost a case in the U.S. District Court that was destined to provide national name recognition. Having lobbied for voting rights for women and chosen her own profession, Anne was ready and willing to fight for a woman's right to work wherever she wanted. An archaic Michigan law stated that a woman could not be a bartender unless particular circumstances were met. When the federal district court ruled against Anne in *Goesaert,* she appealed to the highest court of the land.

Technically, Anne lost *Goesaert* in a 6-3 vote,[9] but the law was later repealed and Rep. Martha Griffiths cited the case in arguments for the passage of the Equal Rights Amendment.[10] Years later, the case would be viewed as "a historical relic" in constitutional law classes.[11] Anne may have lost that battle, but she won the war.

"Davidow, Wife" died in 1991, two months before her 93rd birthday. This isn't to imply those 43 years were not filled with extraordinary feats. It's just that federal censuses aren't released until at least 70 years after their recording, so we've no idea how the government coded Anne from 1950 to 1990. Perhaps after 60 years of an active law practice and more than 90 years of breaking down barriers while raising two successful children and enjoying a marriage of 27 years, and encouraging her nieces and nephews in their own landmark legal careers, she was finally listed as "Davidow, Anne." That would be a most fitting tribute. ■

Carrie Sharlow is an administrative assistant in the Executive Office of the State Bar, assisting Governmental Relations. She has a BA in English and a master's in literature. If you are interested in State Bar history or have a suggestion for "Michigan Lawyers in History," please email her at csharlow@mail.michbar.org.

Special thanks to Robert Davidow, Anne's nephew, who suggested the topic and helped with review and research; and to Judge Joan Brennan, Anne's niece, who shared stories about Anne and provided a copy of her oral history.

Reprinted with permission from the October 2014 issue of the Michigan Bar Journal.

End Notes

1. Fifteenth Census of the United States: 1930, Population Schedule (on file with author).
2. *Goesaert v Cleary,* 335 US 464; 69 S Ct 198; 93 L Ed 163 (1943).
3. The Michigan Women's Historical Center and Hall of Fame.
4. Morse, *Age hasn't mellowed brother-sister team,* Boca Raton News, January 24, 1979, p 5C.
5. *Id.*
6. *Id.*
7. See, e.g., *Auto Workers' Temple Ass'n v Janson,* 227 Mich 430; 198 NW 992 (1924); *Booth v Briggs Mfg Co,* 231 Mich 134; 203 NW 833 (Mich 1925).
8. Sixteenth Census of the United States: 1940, Population Schedule (on file with author).
9. Dissenters to the majority vote were Justice Wiley B. Rutledge, William O. Douglas, and Michigan's own Frank Murphy.
10. While the amendment passed both chambers of Congress, it was not ratified by the necessary majority despite the deadline being extended.
11. Induction Ceremony of Magistrate Joan Brennan, in the United States District Court for the Northern District of California, Friday, October 15, 1982.

As this issue was going to print, we learned of the sudden and unexpected passing of our beloved past president, Michael J. Lavoie. Mike served as our president for over ten years, from 2003 to 2014. The following piece was published in the Detroit Legal News on October 16, 2016 – the day after Mike's passing – and is reprinted here with permission.

The Orbit of Mike Lavoie

By Tom Kirvan
Editor-In-Chief, Detroit Legal News

Longtime Butzel Long attorney Michael Lavoie, a man who devoted his life to good works at home and abroad, died unexpectedly in the early morning hours of Thursday, October 13 after suffering a massive heart attack. He was 63.

His death, which came within hours of a weekly doubles tennis match in Birmingham with a close group of friends, sent shock waves through the metro Detroit legal community in which the Pontiac native was beloved.

"All who had the good fortune to know Mike knew him as a special person who was deeply committed to the welfare of others less fortunate than himself," said former U.S. Attorney Alan Gershel, the grievance administrator for the state Attorney Grievance Commission. He served as a mentor to many a young man needing guidance. For many years, long after Mike completed his service with the Peace Corps where he dug wells, Mike remained devoted to the people of Burkina Faso (in West Africa).

"There also was another side of Mike," Gershel added. "No one could light up a room with his humor and turn-of-a-phrase the way he could. His happiness was infectious especially when he was playing golf with his friends. All who had the good fortune to have been in his orbit are better for it. I, for one, feel a hole in my heart. Fight True, my friend. You are going to be missed more than words could describe." The "Fight True" reference can be traced to the name Lavoie attached to a regular Friday after-work golf gathering of many of his longtime friends in the legal community. "Fight True," but always be "true to the fight," he explained to those welcomed into the golf group.

Among those who admired Lavoie's commitment to the concept of "service above self" is U.S. District Judge David Lawson, a fellow University of Notre Dame alum.

"Mike was a lover of life and a very loyal friend," said Judge Lawson. "When you were in his orbit, the gravitational pull was such that he never let you out as a friend."

Lawson was among those who were on hand in the fall of 2010 when Lavoie was honored with the Leon Hubbard Community Service Award, a coveted honor presented annually by the Oakland County Bar Association. In fact, Lawson nominated Lavoie for the award, writing that, "He has founded and promoted organizations whose missions are to promote diversity and economic advancement and opportunities throughout Pontiac and the world. He is a mentor, a counselor, and a genuinely caring person. His life's mission is to see that others thrive. And he has remained true to the fight."

For Lavoie, who earned his law degree from the University of Detroit in 1980, the award was just the latest in a series of honors he received on the state and county bar levels. In 2007, he was presented with the Frances R. Avadenka Memorial Award from the OCBA, while a year later he received the State Bar of Michigan "Champion of Justice Award."

A twin, Lavoie grew up in Pontiac, one of six children. He was the proud father of two daughters, Katie and Melissa, a teacher and medical school student, respectively.

His late father was a veteran of World War II and served as a supervisor at GM before retiring. His mother was a member of the Women's Army Corps (WAC) during World War II despite suffering from a spinal cancer that eventually would render her a paraplegic before her death in 1987.

Upon his college graduation, Lavoie joined the Peace Corps, spending two years in Burkina Faso, a landlocked country in West Africa that is heavily dependent on agricultural production to fuel its economy. Lavoie, with only two weeks of technical training, was charged with directing a well-digging effort in several remote villages where water was as scarce as hope for a better life among villagers.

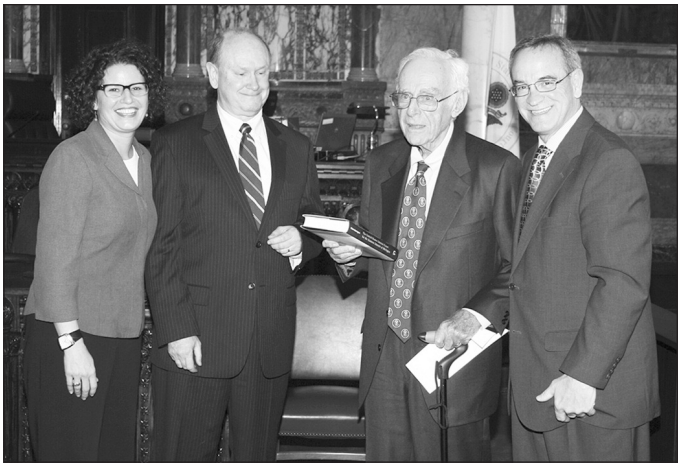
The experience there was a "game-changer" for him, as Lavoie remained committed throughout his legal career to strengthening bonds between the U.S. and Burkina Faso as well as improving the lives of those he befriended during his many trips to Africa.

Ironically, Lavoie and his wife, Kristin, a middle school teacher in Pontiac, were scheduled in November to journey to Burkina Faso on another goodwill mission. By chance, the couple was in the country last fall when an aborted coup took place, returning to the U.S. unharmed after more than a week of violence erupted in the military takeover attempt.

Mike Lavoie on a goodwill mission to Burkina Faso in 2014.

Lavoie's community service work resonated perhaps the most in the hard-hit city of Pontiac. There, he relished his role as a mentor through the Pontiac Alumni Foundation. His efforts began nearly a decade ago at the middle school level when "he met weekly with 26 at-risk students, none of whom were expected to reach high school" because of the challenges they faced daily at home and in their academic surroundings.

"Mike, bless his heart, was someone you could count on to go to great lengths to help those that he mentored," said retired Oakland County Circuit Judge Fred Mester, founder of the Pontiac Alumni Foundation, the nonprofit organization that supports mentoring efforts in Pontiac schools. "In some cases, he was there 24/7 for them, keeping them out of harm's way, while also providing whatever support he could offer to get them on a productive track. He was always willing to invest his time for the good of others. What a great legacy for him to leave." ■



Mike Lavoie with Wayne State University Press Director Jane Hoehner, Judge Avern Cohn, and David Chardavoyne at the March 2012 introduction of Chardavoyne's book, "People, Law and Politics, a History of the United States District Court for the Eastern District of Michigan."

Court Historical Society Annual Meeting 2016

On November 15, 2016 at 11:30 a.m., the Court Historical Society will hold its Annual Meeting at the Westin Book Cadillac Hotel in Detroit. The meeting will feature Kevin M. Ball, who will discuss his book, *Adversity and Justice: A History of the United States Bankruptcy Court for the Eastern District of Michigan* (Wayne State University Press 2016).

Kevin Ball was a long-time attorney in metropolitan Detroit specializing in bankruptcy law. In 2004, he embarked on a second career in the area of higher education and has served on the faculties of the University of Detroit-Mercy Law School and Wayne State University. He is currently the Director of Social Sciences at Baker College's Clinton Township and Port Huron campuses. *Adversity & Justice* is his first book. ■

Kevin M. Ball

Membership Application

Annual membership dues:

☐ Federal Bar Association Member	$ 10.00
☐ Professional/Member	$ 25.00
☐ Sustaining/Patron	$100.00 *or more*

Please make checks payable to:

Historical Society – U.S. District Court – E.D. Michigan

Mail to Historical Society, c/o David A. Gardey, U. S. Attorney's Office, 211 West Fort Street, Floor 25, Detroit, MI 48226
Email: david.gardey@usdoj.gov
Telephone: (313) 226-9591; Fax: (313) 226-3265

Membership contributions to the Society are tax deductible within the limits of the law.

Name: _____

Address: _____

City: _____

State/Zip Code: _____

Phone: _____
DAY EVENING

This membership is a gift from: _____

Questionnaire

We would like to know about your interests and skills. Please fill in this questionnaire and mail it with your membership fee.

Legal practice area *(if applicable):*

_____

Special interests in the field of legal history:

_____

_____

Yes, I would like to assist and/or actively participate in the following of the Society's activities *(Check as many as may apply):*

- ☐ Writing articles for the Society newsletter
- ☐ Conference planning
- ☐ Oral history
- ☐ Research in special topics in legal history
- ☐ Fund development for the Society
- ☐ Membership recruitment
- ☐ Archival preservation
- ☐ Exhibit preparation
- ☐ Educational programs
- ☐ Other *(please describe):* _____

_____

Suggestions for programs or projects:

_____

This Form May Be Duplicated And Submitted With Your Membership Fee

The Historical Society
U.S. District Court
Theodore Levin U.S. Courthouse
Detroit, Michigan 48226