Fight for Women’s Suffrage Has Rich and Diverse History

by Caitlin Bumar, Esq.

In a March 1776 letter to her husband, John, Abigail Adams wrote: “In the new code of laws which I suppose it will be necessary for you to make, I desire you would remember the ladies and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of the husbands. Remember, all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation.”

The future first lady's prescient words foretold a centuries-long struggle by American women for equal treatment under the law, including the crucial right to make their voices heard through the most sacred of American political traditions, the vote. Almost 150 years after Abigail Adams' famous letter was penned, on August 18, 1920, the Nineteenth Amendment to the United States Constitution was ratified, granting suffrage to all American women.

While American school curricula necessarily focus on the major players in the women's movement, such as Susan B. Anthony and Elizabeth Cady Stanton, the history of the fight for suffrage is a rich tapestry woven through with women of all backgrounds and viewpoints uniting for the common cause of women's rights.

Although women from the inception of our country have fought for their equality, the modern women's suffrage movement is traditionally considered to begin with the Seneca Falls Convention. Held in Seneca Falls, N.Y., in July 1848, the event hosted approximately three hundred women (and a few men) for two days of revolutionary speeches and discussion. The convention ended with the passage of the Declaration of Sentiments, a manifesto listing eleven resolutions demanding equality for women in the church, the workplace, and at the ballot box.

The demand for suffrage was the most controversial, and indeed the only resolution not to pass unanimously. In the following years, however, the fight for voting rights would become the hallmark of the women's rights movement in America. In the years between the passage of the Declaration of Sentiments and the passage of the Nineteenth Amendment, American history is replete with brave and subversive women whose crucial activism paved the way for women's suffrage.

One influential suffragette working at this time in the midwest was Ida B. Wells, co-founder of the Alpha Suffrage Club. Born into slavery in 1862, Wells was freed during the Civil War and was subsequently orphaned at sixteen years old when yellow fever took both of her parents. She took a teaching job to support her remaining family, and by the later continued on page 2
1800s she was a co-owner of and an investigative journalist for the *Memphis Free Speech and Headlight* newspaper. In 1913, Wells and her white colleague, Belle Squire, founded the Alpha Suffrage Club, the first American organization for the purpose of advocating for voting rights for women of all races.

The Alpha Suffrage Club was particularly groundbreaking, as it provided representation for black women who had been intentionally excluded from larger national organizations such as the prominent National American Woman Suffrage Association (NAWSA). The conflict with NAWSA was brought into stark relief at the Woman Suffrage Procession, held in Washington, D.C., in March 1913. Prior to the march, NAWSA requested that black suffragettes march at the back of the procession for fear of offending southern suffragettes and supporters.

Ida Wells protested and remained defiant, walking arm in arm with Belle Squire and Virginia Brooks, another prominent Chicago suffragette, in the main Illinois delegation.

Through direct action and activism in Chicago, the Alpha Suffrage Club was able to enact state policies which would reverberate throughout the United States. Noting the efforts of various groups to pass suffrage laws which were exclusive to white women, the Alpha Suffrage Club doubled down on its effort to extend suffrage to all women, culminating in the passage of the Illinois Equal Suffrage Act (IESA). The IESA was signed into Illinois law on June 16, 1913, securing all Illinois women the right to vote for president of the United States as well as local officers. The passage of this law, owing in no small part to the Alpha Suffrage Club, reverberated throughout the country, renewing support for the universal suffrage movement and renewing the fervor of suffragettes across America.

Alpha Suffrage Club co-founder Belle Squire was an interesting and influential feminist in her own right. In 1910, Squire, a Chicago music teacher, refused to pay her property taxes on the grounds that she was not permitted to vote. In that same year, she inspired over 5,000 Illinois women to do the same under the banner of the No Vote, No Tax League.

Squire famously proclaimed in the *Chicago Tribune* in 1913 that she would rather have a vote than a husband. "With a vote a woman's wages, dignity and position are raised; with a husband they may be lowered.” Despite her publicly avowed refusal to marry, Squire demanded to be referred to as “Mrs. Squire” for the sake of equality.

Meanwhile, on the west coast in California, Dr. Margaret Jessie Chung...
worked tirelessly with the Woman’s Auxiliary of the Chinese American League of Justice and the Chinese Women’s Reform Club in revolutionary efforts to bolster support among the Chinese-American community for women’s suffrage. Born in 1889 to immigrant parents, Chung went on to become the country’s first female Chinese-American physician in 1916. In addition to this incredible accomplishment, Chung’s characteristically masculine style of dress and proclivity for traditionally masculine activities like drinking, swearing, and gambling, provided Chung with a local notoriety which she was able to leverage into interest in and support for women’s suffrage.

Back on the east coast, attorney and activist Crystal Eastman was organizing as well. In 1907, Eastman graduated second in her class from the New York University School of Law. A pioneering attorney in the field of workers’ compensation and a prominent socialist activist, Eastman quickly found an affinity for the women’s suffrage movement. Together with a few like-minded women, she founded the Congressional Union for Woman Suffrage in 1913, later becoming the National Woman’s Party. Led in part by Eastman, the Congressional Union utilized relatively novel methods of activism, including organized fundraising, mass demonstrations, and daily White House protests, with many members suffering arrest and imprisonment for “blocking traffic.” Their relentless activism forced the federal congress to place a federal suffrage amendment on the floor in 1914 for the first time in many decades. Later, the Union heavily contributed to the pressure which led to passage and ratification of the Nineteenth Amendment in 1920. With this feat accomplished, Eastman did not give up the push for women’s rights, instead going on to co-author the as-yet unratified Equal Rights Amendment and to become a founding member of the American Civil Liberties Union.

These are just a few stories of the brave women of the suffragette movement who risked their security, livelihoods, and freedom for the advancement of women’s rights. Their lives weave together to tell the story of innumerable acts—small and large—undertaken by innumerable American women that led to the societal shift in favor of women’s suffrage.

When the Nineteenth Amendment was ratified in 1920, it enfranchised 26 million American women for the first time in the history of our nation. As we celebrate the 100th anniversary of the passage of the Nineteenth Amendment, we should look back and celebrate all of the women who took a radical stance in favor of a right that may now seem mundane.

To honor the legacy of these brave women, we should not be complacent in ensuring that gender equity evolves and persists. And most importantly, men and women alike, we must never take for granted our most fundamental right of suffrage.
by Joyce Novotny-Prettiman, Esq.

In a time when we all need some inspiration, the passing of Justice Ruth Bader Ginsburg has reminded us that one person can indeed make a difference. Justice Ginsburg not only leaves a legal legacy grounded in her fight against inequality, she also leaves many inspired by her grit and determination. It was the interesting mix of her intelligence and her personality that led to her iconic popularity as “The Notorious RBG.”

Justice Ginsburg was 87 years of age when she passed on September 18, 2020, having served 27 years on the United States Supreme Court. The second female appointed to the United States Supreme Court, she was nominated in 1993 by President Clinton and confirmed by a Senate vote of 96-3. She had been appointed by President Carter in 1980 to serve on the U.S. Court of Appeals for the District of Columbia Circuit.

A quick look back at her early legal life focuses us on the legal landscape that Joan Ruth Bader Ginsburg found herself in when entering Harvard Law School. In 1956, she was one of nine women in a class with 552 men. In this competitive environment, she earned a seat on the Harvard Law Review—the first woman to do so. A legendary story often told is that the dean of the Harvard Law School at the time when she was a student asked the female students at a dinner party how they justified taking a seat that would have gone to a man.1

She finished her last year of law school in New York at Columbia after moving there with her husband, Marty, and their young daughter, after he graduated from Harvard Law in the class ahead of her. In 1959, she graduated from Columbia Law School tied for first in her class and was recommended for a clerkship with Supreme Court Justice Felix Frankfurter by a Harvard Law School professor, but was not interviewed. She did interview with twelve New York law firms, one of which she had clerked for while in law school, but she received no job offer.2

On the recommendation of a mentor, she got a clerkship in New York before she went to work at Columbia Law School’s International Procedure Project. She then joined the faculty at Rutgers Law School in 1963, where she discovered her salary was lower than that of her male colleagues.3

1 Klein, Asher. “At Harvard Law, RBG Displayed the Steel She’d Be Famous For.” NBC Boston, 19 Sept. 2020, Web.
3 Ibid.

LawSpeak

“People ask me sometimes, when — when do you think it will it be enough? When will there be enough women on the court? And my answer is when there are nine.”

Justice Ruth Bader Ginsburg, in a speech at Georgetown University in 2015


She also hid her second pregnancy there until her contract was renewed.4

At 39, Ginsburg ultimately became one of the two founding members of the Women’s Rights Project at the American Civil Liberties Union in the early 1970s.

Her first Supreme Court brief was written in 1971 in the case of Reed v. Reed, which was a case where a mother, Sally Reed, fought to be the executor of her son’s estate instead of her ex-husband in a state where men were preferred for that duty. The Supreme Court agreed with her argument and struck down that state law which discriminated based on gender.5

As far as arguments before the United States Supreme Court, Ginsburg won five of the six cases that she argued.

2 Ibid.
In 1973, Ginsburg argued the case of *Frontiero v. Richardson*, 411 U.S. 677 (1973), on behalf of the ACLU as *amicus curie*. In this case, a female lieutenant in the U.S. Air Force, Sharron Frontiero, applied for a dependent's allowance for her husband. While federal law provided that wives of military members automatically became dependents, husbands were not considered dependents unless they obtained over half of their support from their wives. The argument was that this practice unconstitutionally discriminated against women. The Supreme Court ruled 8–1 in favor of Frontiero that the practice was unconstitutional, but the standard of review was something that a majority could not agree upon.6

In 1974, in the case of *Kahn v. Shevin*, 416 U.S. 351 (1974), she lost her attempt to strike down a Florida law that granted a $500 property tax exemption for widows but not for widowers. A widower, Mel Kahn, applied for the property tax exemption, was denied, and sued. The Court held in a 6–3 decision that the property tax exemption to widows was allowable based on the logic that a single woman faced a harder time finding employment than a single man because many widowers generally continue their job while many widows found themselves entering the job market, some for the first time. The Court ruled that those differences gave justification for different treatment under the Florida law.7

Knowing that she would need to persuade male judges, Ginsburg many times chose male plaintiffs to make her point to the Court. In the case of *Weinberger v. Wiesenfeld*, 420 U.S. 636 (1975), her male plaintiff, whose wife died in childbirth, sought survivor's benefits from the Social Security Administration. His wife had been the primary breadwinner in the family. He sought benefits for both himself and his newborn son, but only his son was entitled to death benefits. The Social Security Administration did not believe that a widower, Mel Kahn, applied for the property tax exemption, was denied, and sued. The Court held in a 6–3 decision that the property tax exemption to widows was allowable based on the logic that a single woman faced a harder time finding employment than a single man because many widowers generally continue their job while many widows found themselves entering the job market, some for the first time. The Court ruled that those differences gave justification for different treatment under the Florida law.7


The Right Choice at the Right Time

by Pamela Ferguson, Esq.

On the eve of her silver jubilee, U.S. Senior District Judge and Westmoreland County native Donetta Ambrose acknowledged that it might be time to leave the profession to which she has dedicated her life: a decision she does not make lightly. Despite retiring ten years ago from her position as Chief Judge for the Western District, Judge Ambrose has remained an active and vital force on the federal bench.

Assigned the case against accused “Tree of Life” shooter Robert Bowers, she recently decided the applicability of the Hate Crimes Prevention Act and the Church Arson Prevention Act, and upheld the constitutionality of the Federal Death Penalty Act, an issue she faced early in her career.

Thirty-nine years ago, as a young Westmoreland County assistant district attorney, Judge Ambrose and her co-counsel, Timothy Geary, prosecuted the “kill for thrill” murderers, John Lesko and Michael Travaglia. Despite securing death sentences against both defendants, neither was executed: Michael Travaglia died in prison in September 2017, and Lesko remains one of 134 men on Pennsylvania death row whose fates are in the hands of state lawmakers investigating the effectiveness of capital punishment.

Never one to shy away from difficult decisions, Judge Ambrose’s intestinal fortitude was born, in part, from the challenges she faced as a woman beginning her career in the late 1960s—a time of cultural change that empowered women to enter the workforce in nontraditional roles, yet constrained them through pervasive gender disparities in pay, advancement, and sexual discrimination.

As one of only three women entering Duquesne University School of Law in 1967, Judge Ambrose was acutely aware that she was starting out at a disadvantage. Unlike many of her male classmates, who, as second- and third-generation lawyers, grew up hearing the vernacular and committing, at an early age, to pursue the family occupation, Judge Ambrose was a first-generation lawyer unfamiliar with the practice of law. While the Law had been neither a life-long passion nor a profession she had been expected to pursue, she came to love it. She credits hard work and the support and camaraderie of her classmates, particularly within her small study group, for her success in law school.

“Law firms in the late 1960s weren’t interviewing women, and of the three women in my law school class, I was the only one to get a paid position,” Judge Ambrose lamented. She credits her law school professor, Duquesne University School of Law Dean Louis

It is tough for women to do everything—take care of the household, their children, their parents. Is it impossible? No. Women just don’t have the same advantages men have. It all depends on the choices you make as a woman.”

The Hon. Donetta W. Ambrose
Manderino, and her campus job for making it possible. As part of her full scholarship to Duquesne Law School, Judge Ambrose worked as a dorm “house mother.” While it limited her socializing, it paid for her education and gave her the connections she needed to get a job.

Upon leaving his deanship and accepting an appointment as a charter member of the newly formed Commonwealth Court, Louis Manderino asked her to be his law clerk. This was a wonderful opportunity not just because it was a paid position, but because it was an opportunity for her to work with a beloved professor and a man she would later describe in a 2005 remembrance in the AlumNews as “a legend in his own time.” One year later, when Judge Manderino was elected to the Pennsylvania Supreme Court, he asked her to clerk for him there as well. She credits Judge Manderino as being one of the most significant reasons for her success and a major influence on her career.

In May of 1972, Pennsylvania Governor Milton Shapp recruited her for a position in the Attorney General’s Office. She accepted the appointment and started in September of that year as the only female prosecuting attorney in the office. Two years later, she and her husband Ray, expecting their first and only child, heeded the advice of her former boss and mentor, Justice Manderino, and returned to Westmoreland County hoping for a position in the District Attorney’s Office. Lacking the necessary connections, success in her pursuit was not immediately forthcoming; but, because of her tenacity and persistence, DA Al Nichols finally hired her as a part-time assistant district attorney in 1977. “I think I just wore him down,” she said.

During the five years Judge Ambrose served as an ADA, she prosecuted many high-profile cases, unafraid of the challenges they posed. Respected by her peers, Judge Ambrose developed a camaraderie with her colleagues that appeared to dispel all notions of gender inequality until, quite by accident, she noticed that her salary was significantly less than her male colleagues. Refusing to be treated unequally, she demanded equal pay. It took some time and “loud yelling,” but she finally got it.

Judge Ambrose recalls, though, at least one circumstance in which her gender worked to her advantage. Long feared for his gruff courtroom demeanor, the late Judge Earl Keim always treated her in a very kind, courteous, and respectful manner. Wise to her favored treatment and desperately hoping to stay out of his courtroom at all costs, her male colleagues often asked her to attend to matters in their stead.

With her confidence and intelligence garnering interest from those around her, and her reputation as a top-notch prosecutor solidified, Judge Ambrose successfully ran in 1983 for the Westmoreland County Court of Common Pleas, becoming the first woman on the bench. Her gender never played a role in how she was treated by the members of…

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the bench and bar, although she does recall, with a chuckle, that it caused quite a stir on her first day on the bench. With only mundane tasks to perform, she entered her courtroom surprised to find six reporters seated in her gallery. “I don’t know what they were expecting,” she laughs. “I guess they were curious to see what a woman would do on the bench!”

In 1993, ten years after joining the Westmoreland County bench, Judge Ambrose was appointed by President Bill Clinton to the U.S. District Court for the Western District of Pennsylvania. Assuming the mantle from her predecessor, Judge Carol Los Mansmann (who had been the first woman on the court), as the only woman on the ten-person court, Judge Ambrose felt at home. In 2002, she became the first female Chief Judge for the Western District and served in that position until her retirement in 2009 when she assumed senior judge status.

In the fifty years that Judge Ambrose pursued her passion for the law, broke many glass ceilings, and achieved many firsts for women, little has changed for women in the profession. According to a 2018 report from the ABA Commission on Women in the Profession, women make up only 22.7% of partners and 19% of equity partners, despite being 51.3% of those currently enrolled in law school. The median pay for full-time female lawyers is still not commensurate with their male peers. In 2020, women earned only 81 cents for every dollar earned by men, and for women of color, it’s worse.1 The reason continues to be the same old time-worn fear of motherhood.

In 1993, determined to change the climate for women, she joined the newly formed Pennsylvania Commission for Women in the Profession, an organization whose mission is to identify barriers that prevent women from full participation in the responsibilities and rewards of the profession. Despite the Commission’s efforts, change has been minimal.

In a 2010 article for the Duquesne School of Law’s Juris Magazine, Judge Ambrose stated:

“There is still not an even playing field. Granted, the climate for women has changed to some degree. But, women still have to work very hard to get business ... It’s hard to be where men are. Studies by the ABA have shown that men are still at an economic advantage to women. Also, we have committees for gender equality. If it was equal, we wouldn’t need the committees. It is tough for women to do everything—take care of the household, their children, their parents. Is it impossible? No. Women just don’t have the same advantages men have. It all depends on the choices you make as a woman.”

Judge Ambrose has made excellent choices throughout both her life and career, choices that may be a guiding light for those who follow her. Her final choice, whether to stay or walk away, may already have been decided, as she quotes former Steelers head coach Chuck Noll, who said, “When you’re talking about retiring, you’re already retired.”

These days, her priority and passion is her nine-year-old grandson, Edward, who lives nearby with her son and daughter-in-law. Having more time to spend with him may make the decision to completely walk away from the profession she loves an easy one. When she does, it will be with no regrets and with the contentment and satisfaction that she loved it all. “It’s been a great professional career, through which I’ve met some wonderful people,” she said, mentioning specifically her fellow female Clinton judicial appointees. They have all remained close friends and regularly go whitewater rafting together. Their river choices, the Colorado, Rogue, and Middle Fork of the Salmon, reflect the strength of their character and are conquerable only by those who are not afraid to face challenges head on.

With the strife and angst of 2020 unabated, and the future of 2021 unforeseen, Judge Ambrose reflects on her friend, Ann Montgomery’s wish “to be floating down the river.” White water or not, it sounds like the right choice for a woman who, by dint of hard work, kindness, passion, and intelligence, overcame a lot of obstacles to make her own distinct and respected place in both the profession of law and the world at large.

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The year 2020 is historical for many reasons, perhaps the most notable for the election of the first female, first Black, and first South Asian-American Vice President, Kamala Harris. Harris, an American politician and attorney, is said to have shattered the glass ceiling over 200 years since the election of the first American president and 100 years after women were guaranteed the right to vote by the 19th Amendment. Her position as Vice President-elect ensures female representation in the White House for the next four years and creates momentum to propel society into a new era where women may be able to achieve a more equal status in their professions.

Without diminishing Harris’ momentous achievement of being elected by the American people to the second highest office in the country, we must take note that though female attorneys have come a long way, there is still a long road before equality is reached in the profession. The legal profession remains overwhelmingly male despite the entry of women lawyers as early as 1869. According to the United States Census Bureau, as of January 18, 2019, 150 years since Arabella Mansfield was the first woman admitted to the Bar, only 38% of attorneys in the United States are female. Representation of women in the judiciary is just as low, with an average of 37% of the Circuit Court of Appeals and 34% of the Federal District Court being female. Even with Justice Amy Coney Barrett being added to the Supreme Court, the highest court in the country remains only 33% female.

Beyond our disparate representation in advocacy and the judiciary, the wage gap also persists. The Bureau of Labor Statistics reported in 2018 that females are paid 80% of the average male attorney salary. Globally, male partners are paid 27% more than female partners.

Risa L. Goluboff, first female Dean of the University of Virginia School of Law, reflects on why this inequality continues. She notes that while a single reason cannot be pinpointed, the societal biases, both explicit and implicit, are partially to blame. These biases create a comfort level for male leaders to be less likely to socialize, mentor, promote, and hire those who don’t look like them, often referred to as the Good Old Boys’ Club mentality. Weak family leave laws and policies are also prevalent in our profession, discouraging a household with two breadwinners. And, let’s not forget about the “bitch factor.” Kimberly Jade Norwood, of Washington University School of Law, explains that this

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factor presents itself when men get away with behavior that would be considered unbecoming of a woman, like being too bossy, aggressive, or assertive.4

Norwood notes that female trial lawyers are met with gender bias from opposing counsel, judges, juries, and courthouse staff that is not present for the male members of the bar, which is discouraging to female lawyers. In a non-exhaustive list, she mentions the following instances that only female attorneys face, including: “opposing counsel filing ‘no crying’ motions to ensure that the female lawyers will control their emotions; assumptions that the female lawyer is not a lawyer at all; being told to wear makeup, to dye their gray hair, to monitor the tone of their voice, to wear heels but not too high, to wear skirts but not too short, to wear pantyhose, and to smile.”5

Norwood’s frank explanation of gender bias caused me to reflect on the way I have been treated as a young female attorney. While my experiences as a woman in the legal field have been mostly positive, there have, at times, been situations that made me hate my femininity, or, at the very least, think of it as an extreme disadvantage. Along the lines of Norwood’s list, I have frequently been mistaken for a secretary or intern during my practice by my male counterparts. I have oftentimes felt out of place at meetings or in court where I am the only female present, wondering if I was being polite enough while opposing counsel spoke over me. It’s also commonplace for me to be addressed by my first name, while it seems that opposing male counsel address one another by their surnames, which, in my opinion, is far more respectful.

Despite these occurrences, there have been many times where I have silently praised my male counterparts for their behaviors. Once, a local attorney lightheartedly scolded me for offering to perform some work pro bono, explaining that he felt I was shortchanging my abilities by not asking for compensation for my valuable time. I also received non-patronizing practice advice from male members of the WBA when I reached out with questions as I was entering family law practice. These attorneys were, at times, opposing counsel, just looking to share their wealth of knowledge with a younger counterpart.

I am also quite certain that our WBA board supports equality for each of our members. I received a one-year “seat at the table” at board meetings during my year as chair of the Young Lawyers Committee. The men and women of the board listened to my ideas and treated me as a true equal despite my age and gender. When I tried to sit off to the side at the first meeting, they insisted that I join them at the table and invited me to participate in all of their scheduled meetings and events.

Even though our bar leadership supports equality, the burden to promote equality does not begin and end with them. Gender bias is so ingrained in society that it does not come with an easy fix. Norwood suggests that equality will not be achieved without a total restructuring of our legal institutions. Goluboff agrees, suggesting that “change is a process, not a point in time, and that we are all changemakers.”6

Creating this change, she says, will take a concerted effort to adapt workplace policies and laws to address harassment, discrimination, and persistent pay gaps that reward some people over others. While restructuring our institutions is part of the bigger picture, Goluboff’s notion that we can all make change suggests that there are small acts that each one of us can do to ensure our profession is accepting to every person who passes the bar exam. Something as simple as giving a woman a seat at the table and then letting her speak can begin to make change. Women should feel empowered to stand their ground and disregard the “bitch factor,” as Harris demonstrated numerous times during this October’s Vice Presidential debate, respectfully avoiding interruption by Vice President Mike Pence, stating, “Mr. Vice President, I’m speaking.” Harris has set an example, being unapologetically bold in ensuring that her voice is heard.

The legal profession belongs to all of us—and has for over 150 years. Let’s choose to celebrate this anniversary of women’s rights by individually doing what we can to ensure dignity and equality not just for our clients but for our colleagues as well. Let’s empower women to claim their seat beyond the bar, and as Harris said, to “dream with ambition, lead with conviction, and see yourself in a way that others might not see you, simply because they’ve never seen it before.” Simply put, start listening to female attorneys because we are speaking.

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4 Norwood. 035.
5 Norwood. 034.
6 Goluboff. 95.
The accounts related below come from George Dallas Albert’s 1882 tome bearing the fulsome title, History of the County of Westmoreland, Pennsylvania, with Biographical Sketches of many of its Pioneers and Prominent Men. They digress from the book’s chauvinistic subtitle in a chapter dealing with “Forays and Adventures.” There, Albert, in the characteristic language of his time, pays tribute to five women: Peggy Shaw, Nancy Wilson Jack, Peggy Oliver, the colorfully named Experience Bozarth, and Massy Harbison.

Written a century after the events, the origin of the stories may be historically obscure and even somewhat legendary, but nonetheless they are factual enough to constitute an inspiring tribute to all women who undertook the hazards, and sometimes the horrors, that existed on the 18th century frontier. Such travails punctuated lives of backbreaking drudgery, isolation, and the fear of illnesses and injuries which defied treatment.

Among them, Peggy Shaw remains the most familiar figure with those having an interest in our local history, for she, as a teenager, was fatally wounded by a gunshot in July 1782 when Hanna’s Town was attacked by Seneca warriors and Canadian rangers. Her death, which came after two weeks of suffering, was the only fatality of an encounter which was one of the last of the Revolution. Also at Hanna’s Town, Nancy Wilson Jack, the wife of the sheriff, Mathew Jack, was recognized for supervising and carrying out the work of transferring the public records from the courthouse to the stockade when the attack appeared imminent.

A heroine of note, Peggy Oliver was a young intrepid woman who carried out the task of being a circuit-riding messenger during the Revolution. Albert describes her as:

[A] young and beautiful woman, mounted upon a favorite horse day after day during the most distressful time in the middle of the war, riding at a gallop between the block-houses and cabins which reached from up in Hempfield to Markles, at the mouth of the Sewickley. She appeared to lead a charmed life, for it is said that she ventured to convey news and carry instructions on occasions when no other could be found to do so.

These three are examples of courage, but in Albert’s sketch of Experience Bozarth, he presents to us a woman who is a lioness, ferociously fighting for her life.

It occurred in the spring of 1779, three years before the attack on Hanna’s Town. Mrs. Bozarth, her husband, and children resided on Dunkard Creek in a section of the county which two years later would become incorporated into the newly created Washington County. With war tensions running high, the Bozarths took two or three neighboring families into their home. Several men were charged with patrolling the adjacent forest while two men, the women, and children remained at the homestead. The children, who had been playing outside, ran panic-stricken into the house screaming that Indians (who were wartime allies of the British) were coming. Albert then goes on to relate:

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One of the men went to the door. He was shot in the breast and fell backward. The Indian jumped over the prostrate man and grappled the other. The white man with great strength threw the Indian upon a bed and held him while he called for a knife. All the rest of the women were screaming and in an anguish of fright.

Mrs. Bozarth, not finding a knife, seized an axe, and with a dash of it sank it into the Indian’s brain. At that instance another savage who had entered the door shot the white man dead, and who had now somewhat recovered, shot the door upon them and fastened it. The living thus kept the house garrisoned for several days, with the bodies of the dead white and Indian in it. During this time the Indians besieged it. They were finally relieved by a party sent out for that purpose.

The peace treaty which followed the War for Independence brought a degree of tranquility to the inhabitants along the eastern seaboard, but that was not the case on the western frontier. The native tribes who had been allies of the British during the war were not represented in Paris where the peace treaty was negotiated, and accordingly felt betrayed by the terms agreed to by their former ally. As former colonists pushed west in search of new land, some tribes, such as the Seneca, who had aligned themselves with the Colonies during the war, agreed to cede some land in exchange for a monetary consideration, which in hindsight was rather sparse. The majority of the tribes, however, would have none of it, and returned to their warring ways.

A confederation of these tribes delivered to the new United States its most devastating defeat in what would be known as the Indian Wars, when they nearly annihilated a force of about 1,000 men under the leadership of General Arthur St. Clair at the Battle of the Wabash in November 1791. As a result, settlers in western Pennsylvania braced themselves for the coming impact, as the tribal confederation, buoyed by the victory, began to press its advantage.

The following spring, the ordeal of a young mother, Massy Harbison, would begin. In 1882, Albert wrote that her sufferings were “so well known that they will not bear repetition”—a disclaimer that has not survived the test of time.

In May 1792, Massy resided within sight of a Westmoreland County blockhouse “between Pittsburgh and Puckety.” The reference to the latter is likely a reference to Puckety Creek, which would place her home in the vicinity of the Allegheny River in the northernmost part of the county. Albert notes that his rendition of the events do not come from Massey’s own words, but those substantially set forth in a narrative given by her in a
deposition taken before John Wilkins, Esq., and then published in order to arouse those in the area to shore up their defenses.

The public, once made aware of her story, was shocked and revolted by what transpired on that day in May and the days that followed. It began at the family residence, more than likely a rude cabin. No reference is made to Massy’s husband or his whereabouts. We learn she was at home with a newborn baby and her two little boys when the door was broken open and a party of Indians entered and pulled her and her baby out of bed and pushed them through the open door.

When the two boys held back from following, one was picked up by the heels and his head was dashed against the doorpost, killing him. The intruding party placed the captive mother and her infant upon what was reported as a stolen horse and they crossed the river. On the far bank, the surviving brother was killed to silence his screams and then scalped.

In May 1792, Massy Harbison and her three young children were attacked and abducted by a party of Indians. Only Massy and her newborn baby survived the ordeal.

On a long and forlorn trek to the area where the city of Butler now stands, the distraught mother, borne down by these atrocities and her unimaginable losses, decided to take her own life by creating a pretext that she hoped would cause her captors to kill her—disobeying their commands. To that end, she refused to carry a parcel thrust upon her, but her captors’ response was simply to beat her with the handles of their tomahawks. She was left with a choice between complete submission or an attempt to escape.

On the third morning of their abduction, while those guarding her dozed, she got up, and carrying the child, started into the woods. Once out of sight she wandered around in a state of fear and desperation, resting by day and groping in the darkness of the forest at night, accompanied by the constant apprehension of being found. Eating berries, roots, and soft bark, she was exposed to inclement weather, and came close to being recaptured when the child began to cry, bringing one of the pursuing warriors within a few steps of where they lay hidden. Afraid to sleep, she went without it to ensure that the baby would not cry again.

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Through the dark, she maneuvered through thick brush, separating it with one hand while carrying the babe in her shawl, the corners of the covering held between her teeth. On a stormy night, when she thought she would die, she rested her forehead against the bark of a tree, and sheltered her little one, receiving upon her half-covered head the pelting of a pitiless storm. Nevertheless, she rose again and began her wanderings anew.

After several days passed, she came upon a house by the river. The house was deserted. As she ran to the river bank she saw their salvation—two men on the opposite bank, who crossed over and took her to the blockhouse. There, she was in a state of delirium, her clothing nearly torn away, her limbs lacerated and filled with briars and thorns, some of which pierced through her feet. A physician was brought from Pittsburgh and took her back to that settlement, where, in due time, she and her child recovered.

As we conclude this year marking the centennial recognizing the right of women to fully participate in the democratic process, these stories are a vivid reminder of the unheralded challenges and victories of the women who came before us. They shaped the generations which followed them and are deserving of our gratitude and honor. ■

Remembering Justice Ruth Bader Ginsburg—An Inspiration continued from page 5

provide benefits based on the earnings of a deceased husband and father to both the widow and children. Ginsburg argued that a provision that treated widowed fathers differently than widowed mothers was discriminatory. Her logic was that women’s Social Security taxes resulted in fewer family benefits than the taxes paid by working men if a widower got a lower Social Security payment. She also argued that men were being denied the opportunity to care for their children in comparison to women. This case highlighted one of her core beliefs, which was that discrimination hurts everyone. The case was decided in favor of her client by a 8–0 majority.

As an article in TIME magazine explained about her career as a litigator, “When she was done, a widower could get the same Social Security benefits as a woman, and a woman could claim the same military housing allowance as a man. A woman could cut a man’s hair, buy a drink at the same age, administer an estate, and serve on a jury.”

Her career is a testament to one of her famous quotes: “Real change, enduring change, happens one step at a time.”

After her appointment to the United States Supreme Court, Justice Ginsburg went on to author many eloquent opinions but was possibly most well known for the dissents that she authored. All of that is a subject for another day.

From the courtroom to the internet and from lawyers to women everywhere, Justice Ginsburg will continue to inspire many of us for years to come. With her inspiration, maybe we can all continue to take those little steps forward each day? ■

Westmoreland Women on the Frontier continued from page 13

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The current justices of the United States Supreme Court are:
— Associate Justice Clarence Thomas (G.H.W. Bush, 1991)
— Associate Justice Stephen G. Breyer (Clinton, 1994)
— Associate Justice Samuel A. Alito, Jr. (G.W. Bush, 2006)
— Associate Justice Sonia Sotomayor (Obama, 2009)
— Associate Justice Elena Kagan (Obama, 2010)
— Associate Justice Neil M. Gorsuch (Trump, 2017)
— Associate Justice Brett M. Kavanaugh (Trump, 2018)
— Associate Justice Amy Coney Barrett (Trump, 2020)

Author’s note: You can access audio recordings of the arguments made by Ruth Bader Ginsburg before the Supreme Court at Oyez.org.

Westmoreland Women on the Frontier continued from page 13

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got news?

So let me tell you about Sam and me. We met our first day of law school, and immediately came to regard each other with mutual antipathy. “Hiya,” he had said as he first approached me with hand extended, “I’m Sam.” I was so taken aback by the suddenness and directness of his unsolicited self-introduction that I instantly sought refuge in the safety of convention. “How do you do,” I replied, not even bothering to tell him my name. I at once concluded he was a dumb hick, and he at once concluded I was an intellectual snob. It wasn’t the last time I’d be wrong, and it wasn’t the last time he’d be right.

Sam and me, we could not have come from more different backgrounds; I was a prep school/Ivy Leaguer, with a strong preference for cities, string quartets and wine, and he was a backwoods country boy, with a strong preference for unfiltered cigarettes, hootch and large-chested women. And if those things weren’t sufficiently differentiating, Sam’s ancestry is Irish/Native American Catholic and mine is Polish/Russian Jew. None of that, however, stopped us from becoming fast friends fast. In fact, it probably accelerated it; it just gave us more to make fun of.

I remember the exact moment I knew we were true kindred spirits.

As is typical for first year law students, we were overwhelmed by the academic demands of our course load. “It’s too much,” I complained to him one day in the student lounge. “How can we possibly keep abreast?” “I don’t know,” he said. “I’ve been trying to figure that out since I was a kid.”

I soon came to see that Sam’s innate loquaciousness and bubbling personality were just perfect for the practice of law, and it was most on display in moot court. He loved it so much and took it so seriously that for him there was nothing “moot” about it. When, as it turned out, we faced off against each other in the moot court finals, he was way better prepared than I at once concluded he was a dumb hick, and he at once concluded I was an intellectual snob. It wasn’t the last time I’d be wrong, and it wasn’t the last time he’d be right.

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I was, and he positively ripped me a new one; even worse, he thoroughly enjoyed it.

“Jeez, Sam,” I said to him afterwards, “did you have to be so rough?”

“Please don’t take it personally,” he implored, looking every bit the part of a kicked puppy, “I can’t do my best unless I force myself to hate the guts of opposing counsel, even if it’s you.”

He could tell by the look on my face that I was still hurt.

“Oh, please don’t fret,” he went on, “I’ll eventually forgive you.”

Sam and me, we did well in law school, but he did a little bit better. I graduated tenth in the class, he was eighth. Everyone thought he was complimenting me when for years thereafter he referred to me as a “ten.” It made him laugh; me, too.

After graduation, I went to Washington, D.C., to be a crusading government lawyer and Sam went back to his hometown to set up a practice. I soon learned that there was very little crusading to be done as a government lawyer, and so after a pit stop or two along the way, I returned home to set up my own practice. Now that we were in adjacent counties, we started spending a lot more time together, especially with our pro sports teams. Hockey, baseball, football, we loved them all. For those of you who have inquired where I learned my extraordinary vulgarity, now you know; at any game, Sam’s creativity in flinging vulgar epithets at opposing teams seems limitless.

I would share some of them with you, but this is not the place. First off, the editor would never permit it; second, they do tend to singe one’s eyebrows.

Sam has always loved being part Native American. Every time he calls and I say hello, he yells, “IT’S THE INDIAN!”

Although at first understandably cautious, she soon came to love Sam, too, and one day, noticing his birthday in my calendar, she humorously sent him a bottle of wine from the Iroquois Vineyards. Oh, how I wished then that I had told her Sam was an alcoholic. He was in recovery, sure, but an alcoholic nonetheless.

He approached this disease with the same humor and purposefulness that has always characterized his life. When he decided to quit drinking, he joined AA and soon started traveling all over the country to lecture others on the evils of demon rum. He both founded and funded an AA club in his hometown, primarily to help others but also to help himself. You don’t love Sam in spite of his being an alcoholic; it is, contrariwise, one of the reasons that you do.

As I told his wife just the other day, the reason it’s so easy to love Sam is because he loves so easily to begin with. I know there are those of you out there who think we have assembled here today to say goodbye to Sam. Well, let me then be the first to disabuse you of that notion. Say goodbye to Sam, I should say not. What we will do instead is keep him in our heads and in our hearts, we will think about all his kindnesses, his unyielding devotion to friends, family and profession, we will remember the generosity of his spirit and all the wonderful things Sam has done with his life, and we will give thanks every day that we have such a friend.
On July 15, 2014, during the course of her employment as a mail delivery person, Plaintiff tripped and fell on uneven sidewalk at the home of Defendants. According to Plaintiff, there was a defect in the sidewalk at the point where two sections of concrete joined together, causing an uneven path of travel to the front door, and Defendants knew or should have known the defect existed. As a result of her fall, in addition to bruising and lacerations, Plaintiff sustained a torn right rotator cuff, which required surgery. Plaintiff sought damages in the amount of her wage loss, medical expenses, and pain and suffering.

Defendants raised a claim for comparative negligence, arguing that Plaintiff used the same path on which she tripped many times over the years. Also, Defendants claimed that the difference in elevation of the concrete was trivial and open and obvious. Plaintiff could have observed the alleged defect if she had looked.

**Trial Dates:** November 2–3, 2020

**Plaintiff’s Counsel:** Jeffrey D. Monzo, QuatriniRafferty, P.C., Gbg.

**Defendants’ Counsel:** Nelson B. Gaugler, Law Office of Kelley A. Morrone, Wexford

**Trial Judge:** The Hon. Chris Scherer

**Result:** Verdict in favor of the Plaintiff, allotting liability 80% to Defendants and 20% to Plaintiff. Damages awarded to Plaintiff in the amount of $39,413.52.

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**NOVEMBER 2020 TRIAL TERM**

Of the 10 cases on the November 2020 Civil Jury Trial list, 3 settled, 6 were continued, and 1 proceeded to a jury trial.

**KIMBERLY ROSS V. DAVID LOMICKA AND CHRISTINE LOMICKA, HIS WIFE NO. 2252 OF 2016**

*Cause of Action: Negligence*
PBA Honors 50-Year Members

In November, the Pennsylvania Bar Association presented PBA Fifty-Year Member Awards to a number of Westmoreland County attorneys who have been association members for five decades.

The Westmoreland Bar Association members who were recognized are:

• P. Louis DeRose, Greensburg
• Frank W. Jones, Murrysville
• Patrick H. Mahady, Greensburg
• John A. Mika, Greensburg
• David J. Millstein, Naples, Fla.
• Donald R. Rigone, Ruffs Dale

Ernest A. Carpenter, of New Kensington, was also recognized for fifty years of PBA membership.

IN MEMORIAM
Have you considered a contribution to the Westmoreland Bar Foundation in memory of a deceased colleague? For information, contact 724-834-6730.

Looking for someone who can give you solutions to your financial needs? Call Felicia at 724-515-6198

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Peer & staff support, assessment by a qualified healthcare provider, literature, intervention assistance and resources
Actions of the Board

OCTOBER 2020
— Approved September Board Meeting and Special Meeting minutes.
— Accepted recommendation of Membership Committee: Matthew Schachte, participating.
— Confirmed Young Lawyers meeting will be held at the new building Open House on October 29.
— New Investment Committee member appointed by the President with recommendations from the Board.
— Approved purchase of window treatments for the new building.
— Approved staff health insurance for 2021.

WBF Attorney Assistance Program

Get a helping hand ...
Give a helping hand ...

The Westmoreland Bar Foundation, through its Attorney Assistance Program, provides need-based assistance to Westmoreland Bar Association members who are experiencing financial difficulties.

Get a helping hand ...

WBA members struggling with items such as unreimbursed medical expenses and expenses associated with the necessities of daily life, such as food, rent, and utility bills, are encouraged to seek help through the Program. Financial aid from the Foundation is intended to be temporary and designed to help through an emergency time in a caring and considerate manner.

Give a helping hand ...

WBA members are encouraged to help their fellow attorneys by making a donation to the Attorney Assistance Fund. All donations received are used for direct financial support and are tax-deductible.

Information about the Attorney Assistance Program and an application are available online at westbar.org/attorney-assistance-program or contact the WBA office at 724-834-6730.

If you are in need of help, or know someone who is, the Westmoreland Bar Foundation is here to provide support.

Have an idea for a CLE course?

Contact Jessica at 724-834-6730 or westbar.org@westbar.org to pitch your topic and get it on the schedule.

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Shopping at Amazon? Smile first and help the Westmoreland Bar Foundation.

Start shopping at smile.amazon.com/ch/25-1662271 and the AmazonSmile Foundation will donate 0.5% of the purchase price to the Westmoreland Bar Foundation. Bookmark the link and smile!
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<tr>
<th>Date</th>
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<tr>
<td>1</td>
<td>WBA &amp; Courthouse closed in observance of New Year's Day</td>
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<td>12</td>
<td>Civil Litigation Committee, Noon</td>
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<td>13</td>
<td>Membership Committee, Noon</td>
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<td>18</td>
<td>WBA &amp; Courthouse closed in observance of Martin Luther King, Jr., Day</td>
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<td>Family Law Committee, Noon</td>
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<td>10</td>
<td>Membership Committee, Noon</td>
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<td>15</td>
<td>WBA &amp; Courthouse closed in observance of Presidents’ Day</td>
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<tr>
<td>16</td>
<td>Family Law Committee, Noon</td>
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Wednesday, January 6, 2021 – 9 to 10 am – 1 ethics credit
Staying Safe and Sound - Maintaining A Work/Life Balance in Uncertain Times

Wednesday, January 6, 2021 – Noon to 1 pm – 1 ethics credit
Gambling: The “Secret” Addiction

Friday, January 8, 2021 – 9 to 10 am – 1 ethics credit
Be it Resolved...Striving for a (Realistic) Work/Life Balance in 2021

Friday, January 8, 2021 – Noon to 1 pm – 1 ethics credit
No One Makes It Out Unscathed: The Effects of Trauma and Stress On Our Lives

Friday, January 15, 2021 – Noon to 1 pm – 1 substantive credit
Update on Uninsured and Underinsured Motorist Coverage Cases

These FREE programs are open to the first 15 registrations.
These are not in-person seminars—you must use your computer in your home or office to attend.

To register for the above CLEs, call the Bar Office at 724-834-6730
or register online at https://www.westbar.org/upcoming-cles.

• These courses are part of our application process to become a distance learning provider. All CLE credits will be filed with the PA CLE Board once we are approved.
• Seminars are limited to the first 15 registrations.
• Upon registration, the Zoom link and handouts will be e-mailed to you.
Volunteers are needed to score high schoolers as they demonstrate courtroom proceedings in a Mock Trial. Your participation as a juror in a “Trial Tips In Action” seminar qualifies you for 1.5 free CLE substantive credits per session. Only 12 jurors are needed for each session, so return the registration form as soon as possible.

No walk-ins can be accepted.

WBA Trial Tips in Action Seminar Registration Form -
Fax 724-834-6855 or mail completed form to: WBA, 100 North Maple Avenue, Greensburg PA 15601

Name ________________________________

Email address __________________________ Telephone __________________________

For those wishing CLE credit: Attorney I.D.# __________________________

All sessions are scheduled to begin at 5 pm, please plan to arrive 15 minutes prior. Please choose 1 or more sessions you wish to serve as a juror:

__ Wednesday, January 27
__ Wednesday, February 3
__ Tuesday, February 9
__ Thursday, February 11
__ Wednesday, February 17
__ Wednesday, February 24

Pre-Registration Fees
__ WBA Members - FREE
__ Non-Members $30 per session

Enclosed is my check made payable to the Westmoreland Bar Association.

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Expiry Date: ________________ 3-digit code: ______
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PLEASE NOTE:
The total time frame for each session will be approximately 1 hour and 45 minutes.

Jurors will receive 1.5 FREE CLE substantive credits for an entire session.

All jurors will report to the WBA Headquarters to take part in this year’s Mock Trial.

Masks required.
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