



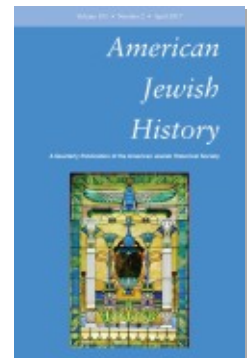
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Fair Labor Lawyer: The Remarkable Life of New Deal Attorney and Supreme Court Advocate Bessie Margolis
by Marlene Trestman (review)

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Fair Labor Lawyer: The Remarkable Life of New Deal Attorney and Supreme Court Advocate Bessie Margolin. By Marlene Trestman. Baton Rouge: Louisiana State University Press, 2016. xvii + 243 pp.

In *Fair Labor Lawyer*, former attorney Marlene Trestman recounts the life of Bessie Margolin, the “first and only woman whose name appeared on the Supreme Court brief of any of the New Deal cases” (56). Although Margolin has not previously received scholarly attention, during her lifetime she elicited enormous interest from the press, which saw her as a “pioneering professional woman” and the “quintessential lady lawyer” (xiii). Drawing on personal papers, oral histories and rich archival evidence, Trestman painstakingly traces Margolin’s life trajectory and her significant contributions to modern American law.

Born into a Russian Jewish immigrant family in early twentieth-century New York, Bessie Margolin spent her childhood in a Jewish orphanage in New Orleans following her mother’s premature death. As Trestman shows with impressive detail, twelve years at the Jewish Orphans’ Home left a profound impact on Margolin’s personality and career. Through her experiences at the orphanage and at the Isidore Newman Manual Training School, an elite boarding school run by the New Orleans Jewish community, Margolin acquired the values of hard work and autonomy and knowledge that enabled her subsequent educational pursuits. She excelled at her studies, earning degrees from Newcomb College, Tulane Law School and Yale Law School. At Tulane, where she graduated second, Margolin was the only woman in her class. Although Margolin continued on the path of academic excellence at Yale, working as a research assistant for renowned legal scholar Ernest G. Lorenzen and earning a doctorate in law, her gender and religion prevented her from obtaining a teaching position or a law firm job after graduation. Consequently, she opted for government service, which offered greater professional opportunities for women than the private sector.

Margolin launched her legal career in the 1930s, at a time “when only 2 percent (3,385) of America’s attorneys were female and far fewer were Jewish and from the South” (xiv). Her entrance into the professional world coincided with the start of the New Deal, which turned out to be felicitous timing. While her work as an attorney for the Tennessee Valley Authority paved the way for a remarkably successful career with the federal government, Margolin proved one of the New Deal’s best advocates, owing at least in part to the progressive ideals inherited from the Reform Judaism of her childhood. From 1933 to 1939, Margolin

successfully defended the constitutionality of the TVA before entering the United States Department of Labor, where she spent most of her legal career and made major contributions to American labor law. She fought for increased wages and reduced work hours through the constitutional defense of the Fair Labor Standards Act and tirelessly strove to impose new standards on the courts to better protect American workers.

The author makes her most important contribution in her nuanced portrayal of Margolin's professional identity as a female attorney. In spite of navigating an almost exclusively male milieu, Margolin led a very successful career. Aside from becoming the first female assistant solicitor of the Department of Labor, she was also the rare woman who argued in front of the Supreme Court in the 1940s. Trestman asserts that throughout her legal education and career, Margolin consistently sought to take advantage of her feminine attributes rather than downplaying them. Yet Trestman's narrative also shows the drawbacks that professional women faced. Margolin perceived marriage and professional success to be incompatible and chose to prioritize her career and financial independence.

Another noteworthy aspect of Margolin's life was her ambivalent relationship to feminism. According to the author, Margolin rejected radical feminism in favor of a "reasonable, and mainstream, approach" (40). However, toward the end of her career, she did become an outspoken advocate for women's rights. As a founding member of the National Organization for Women, Margolin also won the first appeals under the Equal Pay and Age Discrimination in Employment Acts in the 1960s. A more thorough discussion of the types of feminism that Margolin was reacting to, and of American feminism(s) in general, would have helped situate Margolin's attitude in broader historical context.

One crucial aspect of Margolin's identity calls for further investigation: her relationship to Judaism. Trestman claims that Margolin "always considered herself Jewish," but future research might illuminate how Margolin's Jewish identity evolved over time, particularly during an era in which Jewish identity underwent profound transformations following the Holocaust and the creation of the state of Israel (9). Throughout the book, Trestman makes scattered, though suggestive, references to Margolin's Jewish life (the influence of Reform Judaism's ideal of social justice on her legal activism; her involvement with Jewish organizations at both Tulane and Newcomb college; her network of Jewish friends during her brief participation in the trials of Nazi officials in postwar Germany, etc.). However, Trestman's consideration of antisemitism remains cursory. For example, she notes that Margolin ceased to have open ties with the Jewish community while at Yale, an "environment

marked by a profound yet genteel anti-Semitism that included social exclusion” (29). Furthermore, Trestman remarks that Margolin faced several accusations of Communist sympathies, while failing to reflect on how such accusations might have related to her Russian Jewish background. These lacunae in an otherwise well-researched, clearly written, and highly informative biography should prompt scholars to examine the life of Bessie Margolin further. How did antisemitism affect Margolin’s personal and professional life? How did the Holocaust and her work as war attorney in postwar Germany impact her sense of self? And how did her experiences, not only as a woman but as a Jew shape her understanding and practice of American law? An important contribution to the history of Jews, gender and labor, Marlene Trestman’s book reminds us of how unexplored the history of Jewish women in the legal profession remains—and how much exciting research lies ahead of us.

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