

Thirteen Who Paved the Way - The First Women D.C. AUSAs

By Carol Garfiel Freeman

The Judiciary Act of 1789 provided for the appointment of a United States Attorney in each judicial district but it took more than 130 years and the appointment of 25 United States Attorneys and innumerable Assistant United States Attorneys before D.C. U.S. Attorney Peyton Gordon appointed Pearl McCall as the first woman Assistant United States Attorney (AUSA) in his office in 1921. Even then the floodgates were not opened – between McCall’s selection through 1969 only 12 women followed her. This article tries to reconstruct who these women were, how they ended in what we think is the nation’s most important prosecutor’s office, and where life took them. It’s based on internet research and the personal recollections of Sylvia Bacon (No. 9) and me (No. 11).

McCall, who served from 1921 to 1934, was born in Kentucky in 1876. She grew up on a farm in Illinois, graduated from college, and at various times attended the Cincinnati Conservatory of Music, the University of Seattle, and Washington University in St Louis. She taught school and piano in North Dakota and Idaho and came to Washington in about 1912 to work on Capitol Hill, where she met up with Senator William Borah, a family friend.

In Washington, McCall was active in the women’s suffrage movement and took courses at Strayer Business School and George Washington University. Finally, in 1915, she found her true calling when she enrolled at the Washington College of Law (now American University’s law school). She graduated in 1918 and was admitted to the bar of the United States District Court. After receiving her LLM the next year, she went to Idaho at the suggestion of Senator Borah and became the sixth woman admitted to practice in that state. By 1921 McCall had returned to Washington and was appointed the first woman D.C. AUSA. According to *The First 50 Women in Idaho Law*, she handled cases involving women and girls “as plaintiffs and defendants and for postal law and food and drug act violations.” The same site notes that she “was involved in numerous high-profile cases, including murder trials, throughout her tenure at the United States Attorney’s office.” The *Washington Post* archives include articles from 1928 when McCall and Leo Rover, then the U.S. Attorney, pursued a first degree murder charge against a “therapist” in whose office a woman had died “of a broken neck.” McCall also prosecuted violations of the Mann Act, 18 U.S.C. §§ 2421-2424. In 1924, she was admitted to practice before the Supreme Court. McCall left the office in 1934 and established an “active” private practice before she retired in 1963. She was the first president of the first women’s bar association in the District and was active in many other professional and civic associations, including organizations devoted to criminal justice. She never married and died in 1977 at the age of 100 in Washington.

The second woman in the office, Rebecca Skandrett Greathouse, was born on July 10, 1893, in Pennsylvania. After graduating from Smith College in 1915, she obtained a position there as an assistant professor of English. Later she taught at Hunter College in

New York and served as a nurse during World War I. Shortly after graduating from the Washington College of Law in 1925 and being admitted to the bar, she joined the U.S. Attorney's office. The *Miami Daily News* of October 1, 1930 notes that she had been an AUSA for five years and was about to be named an Assistant Attorney General (the second woman to hold that position, following Mabel Walker Willebrandt). The article continues, "[s]he scarcely looks the fierce warrior that her opponents at the bar have found her. In fact among her deadliest weapons should be counted her disarmingly pleasant, womanly appearance. There is more than just a bit of old-fashioned charm in her low-pitched voice; in her quiet manner and unassuming way of talking, preferably about anything but herself and her success; in her unbobbed hair, her face that wears no makeup, and in her choice not to smoke and not to drink. Add to this very logical 'man's mind' and a real sense of proportion and you have an idea of just what her adversaries are up against." While in the office, Greathouse prosecuted cases in the police court, wrote briefs, and handled cases involving naturalization laws, pure food laws, and workmen's compensation. She was promoted several times.

One of Greathouse's responsibilities was attending inquests following certain deaths. In August 1928, Louis Smith, an African American, was shot by a police officer while he was running from his car after an automobile chase. The [Washington] *Evening Star* of August 13, 1928, reported that at the coroner's inquest into the death, the officer testified that Smith had made a threatening gesture toward his pocket. Several hours after the shooting, a gun had been found at the scene. Greathouse was "not satisfied with some of the evidence introduced in the case," resulting in additional investigation of the circumstances surrounding the shooting.

Greathouse married Lucien Helm Greathouse, a chemical engineer for the U.S. Government, on September 7, 1921, in New Jersey. The couple apparently had no children and divorced before 1940. After Greathouse left the office in 1934, she opened a private law practice with Burnita Shelton Matthews, who became the first woman judge of the U.S. District Court for the District of Columbia. (Judge Matthews appears later in this article as a mentor to other women AUSAs.) Greathouse also served as secretary of the National Women's Party. She died on June 28, 1957, in New Orleans.

According to a 1999 article in *Legal Times*, when Greathouse left the office Leslie Garnett, then-D.C. U.S. Attorney, publicly refused to hire any other women, even in the face of threats by women's organizations. Garnett said he "has passed the time in life when a couple of women can make me nervous." Progress would have to wait.

The first woman D.C. AUSA Sylvia Bacon remembers hearing about was Grace Stiles, who had been appointed during the Second World War to do collection work, and was actually the third woman in the office. The fourth woman, according to Sylvia, probably was Helena Reed, who also did collection work. An internet search revealed no additional information about these women, except a picture of Grace Stiles on an American University site of historical pictures.

The fifth woman in the office was Kitty Blair Frank. A University of Wisconsin alumni magazine from November 1952 reported that “Mrs. Robert B. Frank (Kitty Blair) has been appointed assistant U.S. attorney and assigned to the Municipal Court Division in the District of Columbia.” Frank was in the office for several years and handled various criminal cases and argued several appeals.

One of Frank’s cases as an AUSA involved the arrest of Lester Hunt, Jr., son of a senator from Wyoming, for soliciting an undercover officer in Lafayette Park. After she discussed the case with the investigating detective, Roy Blick, the charges were dismissed. She then was removed from the case and the charges were reinstated, possibly as a result of improper pressure on the Justice Department by Senators Styles Bridges and Herman Welker. According to various sites on the internet, these senators were on an anti-gay crusade. Senator Hunt supported his son, who was fined; the senator dropped out of a re-election campaign and committed suicide the next year.¹

Frank had left the office by the time Sylvia arrived in 1957. During the mid-1960s she was a criminal defense lawyer in private practice, but sadly, according to the *Washington Post*, she died in an automobile accident on November 2, 1966, at the age of 44.

The sixth woman in the office was Catherine Kelly. Judge Kelly was born in 1918 and graduated from Smith College in 1939. She served in the Women’s Army Corps during World War II and graduated from George Washington Law School in 1951. She was in private practice from 1951-1953, and then was an AUSA in the Civil Division from 1953-1957. She was a judge on the D.C. Municipal Court, later the Court of General Sessions, from 1957-1967, and served on the D.C. Court of Appeals from 1967-1983, when she retired. After retiring, she returned to private practice in the firm of Kelly and Nicolaidis, founded by her father and uncle.

The seventh woman in the office was Ellen Lee Park. She attended D.C. public schools, and received an BA *summa cum laude* from Sweet Briar College and an LLB from the National University School of Law in 1948, where she was first in her class. Park was admitted to the bar in 1948 and was in private practice from 1948-1950. From 1950-1956, she clerked for Judge Burnita Shelton Matthews on the U.S. District Court and then came to the office to the Civil Division. Park became Deputy Chief of the Division and held that office at the time she retired 33 years later. Her husband had been killed during World War II; she had a son and three grandchildren.

Alice “Pat” Frohman (1930-2015), the eighth woman in the office, graduated from Wellesley College in 1952 and from George Washington University Law School in

¹ In 2015, Lester Hunt, Jr., the Mattachine Society, and Senator Tammy Baldwin wrote to the Attorney General, suggesting that Senator Hunt had been blackmailed and urging that the case of his suicide should be reopened. The case was the subject of a Yahoo News documentary, “Uniquely Nasty”, and of other books including the novel *Advise and Consent*.

1955. As had Park, Frohman clerked for Judge Matthews and then came to the Civil Division of the office. Sylvia thought Frohman had been hired to succeed Helena Reed. An obituary in the *Washington Post* said that Frohman had established the first Debt Collection Unit—a component that now brings millions of dollars into the U.S. Treasury. After Frohman retired in 1991, she was active in pro bono practice and received a D.C. Bar award for her service. She was a leader in many legal organizations, including the Women’s Bar, the Bar Association of the District of Columbia, and the D.C. Bar. She was also President of the D.C. Chapter of the U.S. Federation of Business and Professional Women and a member of the D.C. Commission on the Status of Women. Although Frohman never married, Sylvia recalled that she had raised her brother’s children after a family disaster.

Sylvia was the ninth woman in the office. She graduated from Vassar in 1952 and from Harvard Law School in 1956. She also obtained a graduate certificate from the London School of Economics (1953) and an LLM from Georgetown Law School (1959). After serving as Judge Matthews’ law clerk (kudos to Judge Matthews for serving as a mentor to several women attorneys), Sylvia was hired by D.C. U.S. Attorney Oliver Gasch specifically for the Civil Division. One Saturday morning when Sylvia was in the then Police Court papering cases, a supervisor directed her to go up to court to cover arraignments. While in court, Sylvia represented the government at a preliminary hearing in a case involving a robbery by a prostitute. Gasch happened to be in court that morning, and on Monday he called Sylvia and supervisors Edmond Daly and Charles Halleck, to his office and fired them all for letting a woman appear for the government in a criminal case. The firing was quickly reversed after an intervention by Halleck’s congressman (and father), also named Charles Halleck. Later Sylvia was allowed by Alfred Hantman (Chief of the District Court Criminal Division) to handle some criminal cases, because while in the Civil Division she had tried medical malpractice cases with problems involving pregnancy.

Sylvia recalled that in 1961 the new U.S. Attorney, David Acheson, a Harvard Law graduate who had “little background in local law enforcement,” wanted to have lunch with the Harvard men in the Criminal Division. As Sylvia recounts, “His executive assistant determined that there were no such creatures BUT there was a Harvard Law woman in the Civil Division.” After Sylvia and Acheson had lunch, they “worked on a number of matters together and [Sylvia] broke out of Civil Division to do some press relations, recruitment, policy planning and management.” After leaving the office briefly, Sylvia returned to serve as Executive Assistant to Judge Thomas Flannery when he was U.S. Attorney. In 1970 Sylvia became an Associate Judge of the D.C. Superior Court, where she served until 1991. She later became a Distinguished Lecturer at Catholic University Law School. Before Justice Sandra Day O’Connor became the first woman on the Supreme Court, Sylvia was considered by Presidents Nixon and Reagan for a possible appointment to the Court.

Barbara Lindemann Schlei was the tenth woman in the office. She graduated from Sarah Lawrence and Yale Law School, where she was one of two women in the Class of 1956. After a year or two at Sullivan & Cromwell, Barbara decided she wanted to

practice criminal law. She joined the office of Harris Steinberg, a criminal defense attorney in New York, for about a year and then decided she needed experience as a prosecutor. Accordingly, she applied to the office and became an AUSA in Washington, where she prosecuted criminal cases from approximately 1960-1964. She then moved to the EEOC to join its first general counsel, Charles Duncan, who had been Principal AUSA in the office. As a result of her experience at the EEOC, she developed an employment practice in California, where she now lives.

I was the next and eleventh woman in the office. I graduated from Wellesley College and Columbia Law School, clerked for Judge Charles M. Metzner in the Southern District of New York, and then came to Washington to the Criminal Division of the Department of Justice. I joined the office in December, 1964, beginning in the Appellate Division, spending a summer in General Sessions, and later becoming Deputy Chief of the Appellate Division. While in the Appellate Division I handled motions to suppress for trial assistants who had time conflicts and by 1966 I had succeeded in moving over to the felony branch. As an indication of how women lawyers were considered in the 1960s, it was said that my transfer to criminal trial was delayed because the previous woman who had tried criminal cases had committed reversible error. After I left the office in December 1968, to become an associate in an antitrust law firm, I was appointed to represent defendants in two notorious murder cases. Following the second case, when I was on maternity leave, I decided not to return to the firm but to open a practice primarily representing defendants in trials and appeals under the Criminal Justice Act. From 1982-1989 I was Deputy District Public Defender in Montgomery County, MD, after which I returned to private practice, again primarily criminal defense. From 1998-2004, when I retired, I was a staff attorney at the United States District Court in the Pro Se Unit.

Judith Wilson Rogers was the next woman in the office. Judge Rogers graduated from Radcliffe in 1961 and Harvard Law School in 1964. After clerking for the Juvenile Court of the District of Columbia from 1964-1965, she became the twelfth woman in the office (1965-1968), beginning in General Sessions when that branch was headed by (Judge) Tim Murphy and then moving to the Appellate Division under (Judge) Frank Nebeker and finally to Special Proceedings, with Oscar Altshuler the supervisor. In June 1968, she resigned, moving to San Francisco, where she was a staff attorney with the San Francisco Neighborhood Legal Assistance Foundation and also taught a seminar at the University of California Law School at Berkeley. Returning to Washington in 1969, Judge Rogers was a trial attorney in the Criminal Division of the U.S. Department of Justice (1969-1971), and worked on court reform legislation (the D.C. Court Reform and Criminal Procedure Act of 1970). She served as general counsel to the Congressional Commission on the Organization of the District of Columbia Government (1971-1972), and in various positions in the Office of the Mayor of the District of Columbia (1972-1979), including working on home rule legislation (the D.C. Self-Government and Governmental Reorganization Act of 1973). From 1979-1983 Judge Rogers was Corporation Counsel of the District of Columbia. In 1983, President Ronald Reagan appointed her to the D.C. Court of Appeals, filling Judge Kelly's seat. In 1988 Judge Rogers became Chief Judge of that court, and in 1994 President Clinton appointed her to

the U.S. Court of Appeals for the D.C. Circuit. In 1988, Judge Rogers received a Master of Laws degree from the University of Virginia Law School.

Mary Folliard Wieseman was the thirteenth woman in the office, joining in 1968 from the Justice Department. Her husband, Ted Wieseman, also an AUSA, recalls that Mary had partnered a case with an AUSA, as a result of which the then-Chief of the Civil Division, Joseph Hannon, invited her to apply to the office. Mary was in the Civil Division during her entire time in the office, 1968-1971.

The Women of the 1970s

An informal survey of some women AUSAs did not disclose whether any women joined the office between Mary Wieseman in 1968 and the end of 1969. The following women joined during the 1970s, with their dates of service and any known supervisory positions:

Regina McGranery (3/18/73)
Lee Cross (Margaret Brodsky; 1973-1976; Chief of Grand Jury Section)
Judith Hetheron (1/30/74-1/30/87; Deputy Chief, Appellate Division)
Andrea Harnett (2/74-1/85; served as Chief of the Victim/Witness Section)
Liz Medaglia (8/74-1979)
Mary Ellen Abrecht (1975-1990); Deputy Chief of the Grand Jury under Chief Noel Kramer; Administrative Assistant to U.S. Attorneys Carl Rauh and Charles Ruff; Deputy Chief of Appellate under Mike Farrell; Training Director under Jay Stephens)
Carol Bruce (9/75-6/85; possibly the first woman in Major Crimes and also the first woman in the Fraud section)
Ann Powers (10/75-1979)
Noel Anketel Kramer (4/76-10/84; Deputy and Chief of Grand Jury ca. 1979-82/3; information from Frank Kramer)
Cheryl Long (1975-1979)
Peggy Ellen (10/76-2/04; served in the 1980s as Deputy Chief of the Superior Court branch and in the 2000s as Chief of the District Court Economic Crimes unit)
Sylvia Royce (1977-1982)
Pamela Stuart (5/3/79-8/31/85)
Susan Winfield (7/79-10/84; Deputy Chief of Felony Trial at the time she left)
Diane Clarke Street (9/79-2/86)

A memorandum from Regina McGranery dated October 5, 1982, to “ALL WAUSAs (present and former)” announced a 5th Anniversary Celebration and lists these former WAUSAs in addition to those whose short bios and dates of service are listed above:

Whitney M. Adams
Ruth Bank

Joan Burt
Hon. Iralene Barnes
Cameron (Blake) Currie
Roberta T. Eaton
Ann P. Gailis
Gayle D. Hargrove
Sallie H. Helm
Genevieve Holm
Diane H. Kelly
Carolyn R. Kleiman
Estelle D. Kumar
Michele (Goldfarb) Lehr
Lillian McEwen
Alexia Morrison
Paula Page
Martha P. Rogers
Pamela M. Sayad
Dorris H. Spangenburg
Karen Ward
Mary H. Weiss

By 1982, there were 51 *active* women AUSAs in the office, reflecting the increased number of women who graduated from law school and were admitted to the bar during the 1970s.