

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 bit 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 among

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

Photo courtesy of Joan S. Brennan



Anne Davidow at Joan S. Brennan's induction ceremony for United States District Court for the Northern District of California Magistrate, October 15, 1982.

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. ■

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ENDNOTES

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.