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DEDICATION TO JANE M.G. FOSTER

Peter W. Martin†

It was in the third year of this journal's publication, nearly eighty years ago, that the first women joined its editorial board. They were the only two women in the class of 1918. The first woman was selected as editor in chief of the then *Cornell Law Quarterly* only two years later, the first to serve in that capacity on any American law review. This volume of the *Cornell Law Review* is dedicated to one of that pioneering trio, Jane M.G. Foster. By the time of her death in 1993, a week shy of her one hundredth birthday, Ms. Foster had done more to support legal education at Cornell than any other person in the school's history—despite a career scarred and shaped by overt and ugly discrimination that most of us may like to forget, but she never could. Despite graduating Order of the Coif, at or near the top of her class, opportunity did not knock at her door. Instead, the doors were locked.

Jane Foster came to Cornell Law School in 1914. Like most students of that era, she arrived with only a high school diploma and began a four-year course of study, the first year devoted to basic liberal arts and the next three to law courses. Unlike most of her classmates, she had traveled widely before attending Cornell. During her childhood, her parents, Dr. Ezekial Foster and Clara Grimes Foster, moved from Jane's birthplace in Ohio to Houston, Texas, and spent considerable time in Europe where her father continued his study of medicine (he already held a degree in medicine from the University of Louisville). Her mother was also a very accomplished person. She taught school, founded a weekly newspaper, and, following the death of Dr. Foster when Jane was only 12, managed the family's substantial real estate and business holdings in the Portsmouth area. Jane Foster attended school for a time in London and traveled to Paris and Vienna. Ultimately, the family returned to settle in Portsmouth, Ohio, where Jane's father practiced medicine until his death. Jane finished high school in Portsmouth and spent two years at a small all-women's school in Massachusetts, Howard Seminary, before enrolling at Cornell.

As a student in Ithaca, Ms. Foster lived with Professor and Mrs. William Ogden Kerr (in whose honor she established the Ida C. and William Ogden Kerr Memorial Prize in 1963). Mrs. Kerr was the sister

† The Jane M.G. Foster Professor of Law.

of Edward Cornell, A.B. 1889, L.L.M. 1890, for whom an endowed professorship is named. It was through that family connection that Jane secured legal employment with the New York City firm of Davies, Auerbach, and Cornell. From her graduation from law school in 1918 until 1929, Ms. Foster worked in that firm as a legal assistant to Edward Cornell. She saw many men admitted to partnership in the firm with less seniority than she had. By her later account, she earned a good salary at the firm, but there was no prospect of advancement to partnership for her. Cornell's retirement from active practice catalyzed her decision to leave the firm. Legal employment was not easy for anyone to find in the early thirties, but Ms. Foster sought and secured active assistance from Dean Charles Burdick, who had been faculty editor of the *Cornell Law Quarterly* when Jane had served on its editorial board. She also offered over ten years of experience in corporate finance and banking that was summarized in a strong letter of recommendation from Edward Cornell. Dean Burdick contacted law firms, banks, and the Securities and Exchange Commission in Washington, D.C., on her behalf, but to no avail. Some of the replies were less than subtle. One partner of a major New York firm wrote Burdick: "Here in this office we have steadfastly refused to take women on our legal staff and I know that we will continue to adhere to that policy." A bank to whom Burdick had recommended Foster as a Trust Officer responded: "[O]n analyzing the position it seemed that a woman's services are not what we most desired."

When Dean Burdick suggested she consider entering politics, Foster wrote back:

I'm afraid that is hopeless. You see, I'm an enrolled Republican, I come from Republican stock, but my voting is somewhat peculiar. My first vote was cast in N.Y.C. and of course I voted anti-Tammany. I have continued to vote that way. Otherwise I vote for the person I think best qualified One year I went to a League of Women Voters' meeting at which all the district candidates spoke and the Republican talked so much about women's place being in the home that I voted Socialist for that office. Assembly, I think he aimed for. I've always voted for Al Smith and I voted for Roosevelt and Lehman. So you see, what am I?

What she was and continued to be was a person of great talent, independence, and integrity. For most of her long life, Jane Foster's considerable legal and business skills were focused on the affairs of her friends, her community, Cornell Law School, and her own growing financial interests. She was also a very private person so that one peering back from the present can see little detail of what was undoubtedly a rich life. Brooklyn Heights was her home. The location attracted many other professional women as well. At different times, Ms. Foster shared apartments with Mary Donlan, who graduated from Cornell

Law School two years behind her, and with Jane Disbrow, a 1921 Cornell graduate, who taught school in Queens. In between these times, she lived at the St. George Hotel. She left her apartment on Montague Street in the 1950s and returned to Portsmouth, Ohio, she thought temporarily, to care for her ailing mother. The temporary move became permanent, since her mother required care for many years to come.

By the time she returned to Ohio, Ms. Foster's considerable investment in one of the companies she helped restructure in the 1920's had grown significantly. Originally called the Computing-Tabulating-Recording Company, it was renamed in 1924, becoming the International Business Machines Company—a grandiose name for what it was then, but not for what it would later become. The phenomenal growth of IBM and her prudent management of other investments made Jane Foster a wealthy woman. One would never have known her wealth from how she lived, but only from what she gave. Ms. Foster lived and died in a very modest white frame house near downtown Portsmouth which she had occupied for years. Cornell Law School, only one of many organizations and individuals that benefitted from her endless generosity, enjoys a newly constructed wing, an endowed chair, a scholarship fund, and a remarkable string of unrestricted gifts from this most humble woman.

In honoring Jane Foster on the occasion of the dedication of the law school addition that bears her name, Dean Russell Osgood observed:

This is not a house . . . built by a captain of industry or by a lion of the Bar. This is a house . . . built with the generosity of a careful, humble woman, to whom many opportunities were closed because of her sex. . . . As we use this building . . . Jane Foster's gift will have two effects: First, it will make our job of delivering a first-rate legal education easier. . . . Second, maybe the fact that Jane Foster gave the [major part of its cost] will remind us that our society, and our legal system, are not built and should not operate to confirm the powerful in their privileges, but to empower all people, to unlock the potential in the mass of us, to do something and to do it well.

Those of us for whom so many more doors are open can usefully remember the life and legacy of Jane M.G. Foster, member of the editorial board for volume 3 of the *Cornell Law Quarterly* to whom this volume is dedicated. In life, she was uncomfortable with public attention, but she was proud of what she was able to do for legal education at Cornell. She was at once immensely grateful for the preparation and support Cornell gave her, even as she was keenly aware of what it could not and did not do for her.