

## Burnita S. Matthews Dies at 93; First Woman on U.S. Trial Courts

By LINDA GREENHOUSE  
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WASHINGTON, April 27 — Burnita Shelton Matthews, the first woman to serve as a Federal district judge, died here Monday at the age of 93 after a stroke.

Judge Matthews was named to the Federal District Court for the District of Columbia by President Truman in 1949. At the time of her nomination, she was a familiar figure in Washington as a lawyer for the National Women's Party and an active campaigner for women's rights.

Judge Matthews presided over a number of major trials, including the 1957 bribery trial of James R. Hoffa, then vice president of the teamsters' union, at which he was acquitted.

### Help From Friends in Senate

She recalled in an interview several years ago that her friendship with a number of senators had blunted opposition to the notion of a woman on the Federal bench. When her nomination was being considered, one of the judges on the district court, T. Alan Goldsborough, said publicly that while "Mrs. Matthews would be a good judge," there was "just one thing wrong: she's a woman."

While Judge Goldsborough told her some years later that his opposition had been mistaken, she received an icy welcome from her fellow judges, who agreed among themselves to assign her all the "long motions," the most technical and least rewarding part of the court's docket.

Judge Matthews never retired from the court. In 1968 she took senior status,

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permitting her to reduce her workload on the district court while also hearing occasional cases in other Federal courts in Washington. She sat on the United States Court of Appeals for the District of Columbia and on the United States Court of Customs and Patent Appeals. She continued hearing district court cases until five years ago.

Judge Matthews retained a strong sense of her own role as a pioneer, and never wavered in her commitment to expanding opportunities for women. In a 1985 interview with the Third Branch, a newsletter published by the Federal court system, she said she had always chosen women to be her law clerks.

"The reason I always had women," she said, "was because so often, when a woman makes good at something they always say that some man did it. So I just thought it would be better to have women. I wanted to show my confidence in women."

Burnita Shelton decided as a young girl that she wanted to be a lawyer, although professional opportunities in the law were extremely limited for women. She was born Dec. 28, 1894, in

Copiah County, Mississippi, where her father owned a plantation and served as clerk of the local chancery court. She often accompanied him to court. But while the family sent her brother to law school, she was sent to the Conservatory of Music in Cincinnati, where she studied voice and piano.

She was teaching piano when the United States entered World War I. Hoping to find a Government job that would enable her to go to law school at night, she moved to Washington, passed a Civil Service examination, and took a job with the Veterans Administration. She went to night school at National University Law School, which later became part of George Washington University.

After her graduation in 1919, Mrs. Matthews, now married to a lawyer, Percy A. Matthews, applied to the Veterans Administration for a job as a lawyer. When the agency told her that it would never hire a woman in the legal department, she opened her own law office.

### More Obstacles to Legal Career

There were other stumbling blocks as well. The local bar association refused to accept her application for membership, returning the check she had sent for membership dues. Judge Matthews included that check among the papers she donated to what is now the Burnita Shelton Matthews Collection at the Arthur and Elizabeth Schlesinger Library on the History of Women in America, at Radcliffe College.

Her activities on behalf of women's rights began in law school. In 1919, she was among several dozen women who regularly picketed the White House on Sundays on behalf of women's suffrage. "You could carry a banner," she recalled in the 1985 interview, "but if you spoke, you were arrested for speaking without a permit. So when they asked me why I was there, I didn't answer."

After women got the vote in 1920, she shifted the focus of her activities. She became the lawyer for the National Woman's Party, which was trying to persuade state legislatures to lift legal barriers to women. Mrs. Matthews researched state laws and drafted proposed bills. The National Woman's Party owned the property across the street from the Capitol where the Supreme Court's building is now located. In the 1920's, when Chief Justice William Howard Taft proposed acquiring the land for the Court, she went to the Chief Justice's home to try to persuade him to look elsewhere. Her efforts failed, but she represented the party in the condemnation proceedings and won a generous settlement for it.

In the 1940's she also taught at the Washington College of Law, now part of American University.

In 1949, President Truman named her to one of 20 new district judgeships that Congress had created to relieve a backlog in district court dockets. Among her rulings was one upholding the right of Black Muslims in the local prison to conduct religious services.

In a 1955 case, she refused to order the State Department to issue a passport to the singer Paul Robeson, who was accused of being a member of the Communist Party and of supporting



Burnita S. Matthews  
Associated Press, 1949

various pro-Communist activities. Mr. Robeson's passport was withheld from 1950 to 1958 and was restored to him when, in a similar case, the Supreme Court ruled the State Department's action unconstitutional.

On the Court of Appeals, Judge Matthews ruled that the Social Security Administration could not cut off disability benefits without a hearing.

In 1984, President Reagan commended her for her "diligence, distinguished efforts and pioneering spirit."

Her husband died in 1969. They had no children. Judge Matthews is survived by four sisters-in-law and 11 nieces and nephews. She will be buried in the family cemetery in Copiah County, Mississippi.

## Joseph Gasarch, 80, Ex-Aide to Prosecutors

Joseph M. Gasarch, who served for 27 years in the Manhattan District Attorney's office and was its chief accountant when he retired in 1962, died of a heart attack Monday at St. Francis Hospital in Miami Beach, where he lived. He was 80 years old.

Mr. Gasarch, who was born in the Bronx, was a graduate of City College of New York and New York Law School and he earned an accounting degree from New York University. In 1935 he joined the District Attorney's office under Thomas E. Dewey and helped lay the groundwork for a number of prosecutions of Mafia figures.

Frank S. Hogan, Mr. Dewey's successor, named Mr. Gasarch chief accountant in 1947 and two years later made him an assistant District Attorney so he could question witnesses before grand juries. Upon Mr. Gasarch's retirement in 1962, Mr. Hogan said that "no man has given greater service to the administration of criminal justice in the past quarter of a century."

Mr. Gasarch's wife, the former Sarah Dombroff, died in February. He is survived by a brother, Harry, of Harrison, N.Y.; a sister, Rose Mack of Queens; a son, Justin, of Monmouth Beach, N.J.; a daughter, Roberta Sonnino of Manhattan; three grandsons, and a granddaughter.

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## Clifford D. Simak And Science

MINNEAPOLIS, April 27 (AP) — Clifford Donald Simak, a newsman and an award-winning science fiction writer, died Monday at the side Medical Center in Minneapolis after a long illness. He was 83 years old.

Mr. Simak wrote more than a dozen novels, several nonfiction books and hundreds of short stories during a 37-year career as a writer, news editor and science editor. He was a member of the Minneapolis Star and Tribune.

Among his better-known titles were "City," published in 1952; "Visitors" (1963); "The Visitors" and "Skirmish: the Great Shooting of Clifford D. Simak," comic stories he published from 1944 to 1950.

He received three Hugo awards, regarded as the Oscar of science fiction writing, and three Science Fiction Society of America Nebula Awards, including the Grand National Award for his entire collection of stories. He was inducted into the Science Fiction Hall of Fame.

## Lea Lake, 89

Lea Lake, for the last 55 years proprietor of Sweet's, the oldest restaurant in New York City, died of a heart failure at Lutheran Hospital in Brooklyn on Sunday. She was 89 and lived in the Bay Ridge neighborhood of Brooklyn.

Miss Lake was involved with the restaurant from her childhood.

It was founded in 1842 by Abraham M. Sweet on Fulton Street in Manhattan in what is now the South Street port. Miss Lake's father, walked into the restaurant morning after the Great Blizzard of 1888 asking for work and was hired as a waterboy — the job today known as a busboy. Twenty-nine years later he bought Sweet's from the proprietor, Edward.

Miss Lake took over on the death of her father in 1933. A small, soft-spoken woman, she was in charge for decades. One of the first things she did in 1933 was to discontinue the business that had been an adjunct to the restaurant since its early days.

Sweet's operated continuously as a block known as Schermerhorn between South and Front Streets, for two periods. One was in the late 19th century and the other in the early 20th century.

## Jean Sareil French Professor, 71

Jean Sareil, a professor of French at Columbia University for 30 years, died Thursday at White Plains after a long illness. He was 71 and lived in Scarsdale, N.Y.

Dr. Sareil was a leading scholar in French literature and wrote 27 books, from scholarly works on French literature to mystery novels. He also wrote several textbooks with his wife, Jacqueline Sareil, a professor of French at Manhattanville College. He graduated from the University of Paris and held a Ph.D. from Columbia. In addition to his wife, he is survived by a son, Philippe, of Scarsdale.

### Deaths

BALLOU—Anna. The Officers of the UJA-Federation note with great sorrow the passing of Anna Ballo, mother of Charles Ballo and grandmother of Howard Ballo.

### Deaths

CAPLAN—Hyman S. The Yeshiva University Family expresses heartfelt condolences to Helen R. Caplan on the passing of her beloved husband. Through the Julius

### Deaths

DONAHUE—Margaret M. (nee McGarry), April 26, 1988. Native of Hightstown, Mullingar, County West Meath, Ireland. Beloved wife of George R. Devoted mother

### Deaths

GURIAN—Faybelle. The Board of Governors and members of Fenway Golf Club record with profound sorrow the passing of its longtime member, Faybelle Gur-

### Deaths

McMAHON—Anne M. On April 25, 1988 in Mt. Kisco, N.Y. Survived by her nieces and nephew, Mary Sinnott, Teresa Kuntz, Kathleen Daley, Elizabeth Carmack, Anne

### Deaths

PATTERSON—Frederick. Board of Directors, President of the member institutions of the United Negro College Fund. Deeply mourned by the