

University of Pittsburgh School of Law

Scholarship@PITT LAW

---

Newspaper Articles

Roz Litman Archive

---

10-8-2016

## Roslyn Litman, Antitrust Lawyer and Civil Liberties Advocate, Dies at 88

Sam Roberts

Follow this and additional works at: <https://scholarship.law.pitt.edu/roz-litman-news>



Part of the Law Commons

---

## *Roslyn Litman, Antitrust Lawyer and Civil Liberties Advocate, Dies at 88*

---

**By Sam Roberts**

Oct. 8, 2016

Roslyn Litman, a tenacious civil liberties advocate whose groundbreaking court victories included the removal of a holiday Nativity display from a public courthouse and an antitrust judgment against professional basketball for blackballing a player, died on Tuesday in Pittsburgh. She was 88.

The cause was pancreatic cancer, said her son, Harry, a former deputy assistant United States attorney general and federal prosecutor in western Pennsylvania.

Ms. Litman, a Brooklyn-born transplant to Pennsylvania, joined the American Civil Liberties Union while she was still in law school, served for three decades on its national board and pursued cases that other litigators had given up as lost causes.

“Roz had a remarkable ability to issue-spot — to identify injustice and develop novel legal theories that bring about systemic change in very entrenched institutions,” Anthony D. Romero, the A.C.L.U.’s executive director, said in an interview. “If she had been a man in the same generation, she would be more of a household name, like an Atticus Finch.”

In her first argument before the United States Supreme Court, in 1989, Ms. Litman persuaded a sharply divided bench to rule, 5-4, that displaying a Christmas crèche in the Allegheny County courthouse in Pittsburgh alongside a banner proclaiming “Glory to God in the Highest” was unconstitutional.

In his majority opinion, Justice Harry A. Blackmun declared that the First Amendment’s clause prohibiting the official establishment of religion could not accommodate such an explicitly religious message.

“The Government may acknowledge Christmas as a cultural phenomenon,” he wrote, “but under the First Amendment it may not observe it as a Christian holy day by suggesting that people praise God for the birth of Jesus.”

The ruling established a case-by-case approach for testing the constitutionality of publicly sponsored religious displays. (At the same time, the court upheld, 6-3, the display of a menorah together with a Christmas tree on the steps of Pittsburgh City Hall as recognition that “both Christmas and Hanukkah are part of the same winter-holiday season, which has attained a secular status in our society.”)

Ms. Litman confronted the N.B.A. in 1966, contending that it had violated antitrust laws when it refused to let any team sign Connie Hawkins, who was playing with the Harlem Globetrotters.

Mr. Hawkins had played for Boys High School in Brooklyn and had been questioned in a college basketball gambling scandal but was never accused of wrongdoing. The case was recounted in 1972 by David Wolf in “Foul: The Connie Hawkins Story,” which Jonathan B. Segal, writing in The New York Times Book Review, said showed “how an underprivileged black man was victimized by a fat-cat, unfeeling Establishment.”

Ms. Litman pursued the case, an unconventional challenge to antitrust law, with her husband and law partner, S. David Litman, and another lawyer, Howard Specter. They argued that the N.B.A. had in effect illegally banned Mr. Hawkins and deprived him of the “opportunity to earn a livelihood.”

In 1969, the league agreed to a settlement of nearly \$1.3 million and assigned Mr. Hawkins’s rights to the Phoenix Suns. He went on to have a Hall of Fame career in the N.B.A.

Ms. Litman was among a team of lawyers who won a record \$415 million settlement in 1991 after accusing the Continental Can Company of targeting as many as 3,000 employees for layoffs to avoid having to pay their pensions.

A federal district judge, H. Lee Sarokin, ruling in Newark and citing the Employee Retirement Income Security Act, said the company’s own documents were evidence of “more than a smoking gun; they are a fusillade.”

Eta Roslyn Margolis was born on Sept. 30, 1928, in Brooklyn, the daughter and second child of Jewish immigrants from Ukraine who had originally settled in Pittsburgh. Her father, Harry, was a clothing salesman. Her mother, the former Dorothy Perlow, was a milliner.

After she graduated from Erasmus Hall High School, the family returned to western Pennsylvania.

“I know my parents were not happy about having a second child,” she once said, “but they were very nice to me, they fed me.”

She entered the University of Pittsburgh planning to become a doctor but gravitated to English, speech and drama classes. She chose a legal career after helping her boyfriend at the time, David Litman, brief cases in law school. She graduated from Pittsburgh with a bachelor’s degree in 1949 and from the university’s law school in 1952, ranking first in her class. She scored the highest in a state bar exam.

Among her first cases for the civil liberties union, to her father’s chagrin, was defending the right of the American Nazi Party to protest in Pittsburgh.

Rebuffed by major law firms because she was a woman, Ms. Litman and her husband opened their own practice. He died in 1996. In addition to her son, she is survived by two daughters, Jessica and Hannah Litman, and six grandchildren.

“One big advantage I had in being a woman was that everybody remembered me,” Ms. Litman recalled. “Being called a role model is something I’m really proud of.”