“Fearing I Shall Not Do My Duty to My Race If I Remain Silent”: Law and Its Call to African American Women, 1872-1932

DISSERTATION

Presented in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy in the Graduate School of The Ohio State University

By

Cecily Barker McDaniel, M.A.

The Ohio State University
2007

Dissertation Committee:

Professor Stephanie J. Shaw, Co-Advisor

Professor Susan M. Hartmann, Co-Advisor

Professor, Lucy E. Murphy

Approved by

Co-Advisor

Co-Advisor

History Graduate Program
ABSTRACT

This dissertation examines the public and private lives of the first generation of African American female lawyers. It focuses on fourteen African American female lawyers who completed law school between 1872 and 1932. Their history is unique in the sense that most women who entered into the professions did so in feminized fields. Social workers, nurses, and teachers were seen as natural extensions of the role of women. Even the male dominated profession of medicine was more open than law to women who could emphasize their traditional roles as healers and caretakers. Entering into the legal field, however, defied that norm. In an era of sexual separatism, nineteenth century women entered the field of law through male-dominated institutions, thereby integrating the profession from the outset in the late 1860s and 1870s. This study of women lawyers reveals that the model of immediate integration, which coexisted with the paradigm of separatism to integration, is also a part of the broad history of women’s entry into the public sphere.

This study begins in 1872 and ends in 1932 with the emergence of a community of black female attorneys. The first black woman to enter into the legal profession and pass the bar was Charlotte E. Ray. In 1872, she became the first black female to graduate from Howard University’s law school and be admitted to the Washington, D.C. bar. By
1932, black female attorneys had not only formed a black female legal sorority, but their numbers had begun to increase across the nation. Though in number they lagged far behind white men, black men, and white women, they were now able to form a small, loosely defined coterie of black female lawyers. The legal profession, more than any other profession, was the most closed to women. It was ironic that they chose a profession that actually enforced sexual discrimination on the larger society, as it made and interpreted laws that denied both blacks and women access to the rights of equal citizenship. Though the history of black female attorneys is filled with stories of discrimination, integration and the search for equality, this study focuses more on the ways in which black women attorneys were able to make their way in the profession with surprising degrees of autonomy and flexibility. Despite the formidable limitations these women encountered, many of them persevered and experienced a good amount of success.
Dedicated to the women who came before me:

Cecily, Hilda, Irene and Rhoda

The women who love me today:

Alberta, Amanda, Brooke, Dianne, Janice, Jill, Julie, Linda, Rhoda and Tiwanna

And for the women of tomorrow:

Laine, Allyson, Andrea, Deanna, Lilly Emma, and Lucy
ACKNOWLEDGMENTS

I began this project quite some time ago at the suggestion of one of my committee members, Dr. Lucy Murphy. At the time, I was thinking about changing my dissertation topic after having worked on it for about a year. Dr. Murphy shared with me an article from The Ohio Historical Society stating that they had just acquired the papers of an African American female from Ohio who had attended and graduated from Howard University’s law school in 1901. That very day, I visited the historical society to take a brief look at what might be included in the collection. What started out as a quick visit to view the records of this one woman, eventually turned into a five year journey into the lives of fourteen African American female attorneys who practiced prior to 1932.

This dissertation would not have been possible without the generous financial support of The Ohio State University. Funding from the department of history and the Elizabeth D. Gee Dissertation Fund of the department of women’s studies made possible travel to New York, Atlanta, Pennsylvania, and Washington, D.C. Funding from the Arthur and Elizabeth Schlesinger Library at the Radcliffe Institute for Advanced Study allowed for travel to Boston for an extended research trip.

This journey has been a long one, yet through it all there have been numerous people who have never questioned my commitment or my abilities. It has been an honor to work with such accomplished historians in The Ohio State University department of
history. Specifically, Dr. Stephanie Shaw and Dr. Susan Hartmann have been ardent supporters of my work. Dr. Shaw has taught and encouraged me to look at the past in a very different way and to interpret the stories of these women as they interpreted the world around them and not how I might believe it to be. Dr. Hartmann expected excellence in every way shape and form. She reminded me on many occasions that my work is and will be a reflection of me for years to come. Each time I put pen to paper, I try to remember those words. Dr. Lucy Murphy understood my commitment to both my family and my work. She has been an excellent example of how the two roles can be blended in such a way that neither suffers “too much.” These scholars’ strong work ethic and respectability continue to serve as the proper model for me to follow throughout my career.

A word must be said about a few others in the department. Joby Abernathy takes the role of “mother hen” quite seriously. She protects and serves her “chick-a-dees” on a daily basis. I have been fortunate to have her in my corner from day one. Dr. Warren Van Tine never questioned my potential and served in whatever capacity I needed him. Thank you. My community of friends within the department became very important as their words of encouragement, praise and honesty helped to further me along in my journey. In particular, Sherwin Bryant, Jason Chambers, Kimberlynne Darby, Stephen Hall, Leonard Moore and Tiwanna Simpson have all been on-call for me throughout this process and I could not ask for a better community of scholars/friends.
A project of this magnitude requires much time, energy and commitment. I would like to thank my family for their patience and for their pride in what I do. For every small accomplishment, my family would stand from the rooftop and shout for JOY! It is because of them that I am! My children, Brennan and Laine, have no idea what their Mommy does other than teaching about “black people” (as my son so eloquently says). And, the fact that they could care less about my work is a testament to my role as their full-time -- not part-time -- “Mommy.”

Finally, I would like to thank and acknowledge my best friend, my confidant, and my soul-mate. I met Michael in 1995 and since the day we first met, he has thought the world of me. He sees my special gifts even when I cannot. He believes in me even when I do not. He pushes me to go further when he should and he graciously steps back when it is time for my star to shine. His commitment to the Lord and his noble and honest demeanor have all served to make me a better woman, wife and mother. To him, I am indebted.
VITA

March 27, 1968.........................Born – New Orleans, Louisiana

1991......................................B.A. Mass Communications, Xavier University

1995......................................M.A. History, Slippery Rock University

1995-2002...............................Teaching Assistant, The Ohio State University
                                        American History

2004-2006...............................Instructor, North Carolina Agricultural and
                                        Technical State University

PUBLICATIONS


FIELDS OF STUDY

Major Field: History
                   Area of Concentration: African American

Minor Field: Women’s History

Minor Field: Nineteenth Century America
TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abstract</td>
<td>ii</td>
</tr>
<tr>
<td>Dedication</td>
<td>iv</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td>v</td>
</tr>
<tr>
<td>Vita</td>
<td>viii</td>
</tr>
<tr>
<td>List of Tables</td>
<td>xi</td>
</tr>
</tbody>
</table>

Chapters:

Introduction............................................................................................................1

1. “If It is Not a Fit Place for Women, It is Unfit for Men to be There”: The History of the Legal Profession .................................................................23

2. “He Assumed I’d Be a School Teacher”: Black Women’s Motivations for Entering the Legal Profession..........................................................55

3. “If I Broke New Ground It Was Not Because I Strove to Do So”: The Legal Education of the Black Female Lawyer.................................................93

4. “I Made a Serious Error in Deciding to Wear a Hat”: Black Women in the Legal Profession.................................................................126

5. “I Don’t Think I Shortchanged Anyone But Myself”: The Private Sphere of Black Women Lawyers.................................................................170

Conclusion............................................................................................................188

“Women Lawyers Must Balk Both Color and Sex Bias”: Black Women Lawyers and Their Contributions to Black Feminist Thought

Appendices:

A. African American Women Attorneys...............................................................203

B. Charts and Tables............................................................................................206

C. An Example of the Distribution of a Typical Private Practice.......................209
LIST OF TABLES

Table 1. Education and Previous Occupational Information…………………………..207
Table 2. Family Background...............................................................................208
Table 3. Family Dynamics...............................................................................209
INTRODUCTION

Since the beginning of my journey into the lives of black female attorneys, I have combed through countless numbers of primary and secondary sources that might provide me with a glimpse of the inner lives of these few women. What I have found in the two years of research is neither surprising, nor unexpected. What I have found is that the history of black female attorneys has been presented or recorded, if at all, as a subset of the history of women in the law. It is as if the history of black women attorneys is in some way disconnected from the historiography of women entering into the profession, as if their experiences were contrary to that of white women. It becomes most glaring in recent accounts of women’s entry into the professions where black women have been pushed to the periphery. One example that immediately comes to mind is the example that nevertheless serves as a model for my research, Victoria Drachman’s *Sisters in Law.* Drachman provides an exceptional analysis of women entering into the male dominated legal profession. She astutely chronicles both the public and private lives of white women allowing the reader a chance to view their careers in the context of broader historical events such as the first wave women’s movement as well as institutional
changes in the legal profession. The one major drawback, however, is her failure to include more information on women of color.¹

A typical explanation for the invisibility or absence of black women in these mainstream historical works is that the sources are not there, or no credible documentation can be found. In one sense, it is true that black women’s history lacks the amount of documentation that can be found for white women. For instance, Drachman’s research is based upon the records of a white women’s legal organization, the Equity Club, along with legal journals, magazines and newsletters such as the *Chicago Legal News* and the *Women’s Journal*. Since black women were not invited into this organization and since they were not deemed by their white colleagues as worthy of attention in their journals, black women are nowhere to be found in the materials Drachman sought out. Therefore, due to discrimination within these women’s inner circles, as well as the historian’s constraints in accessing available documentation that lies outside mainstream sources, including the lives of black women becomes a problematic task and it becomes easier to push the experiences of black women to the margins of historical research.

Indeed, chronicling the lives of black women attorneys in the late nineteenth and early twentieth centuries is not a job for the meek or mild. It literally requires “mining

¹ Drachman does include several references to a few of the black women that are included in my study, and she also provides statistical evidence of their presence in the field. She clearly states in her introduction that while women lawyers were a[geographically] diverse group, coming from large cities and small towns and from all sections of the country, they were nonetheless a homogenous group. She states, “women lawyers, were, for the most part, white, middle-class, and protestant, though by the early twentieth century daughters of working-class immigrant families—and to a lesser degree, African-American women—had made their way into the profession. This is therefore primarily a study of white, middle-class women, though issues of race, ethnicity, and social class are important interpretive strands of the story.” Virginia Drachman, *Sisters in Law: Women Lawyers in Modern American History* (Cambridge: Harvard University Press, 1998), 7.
the forgotten.”2 There were no club records for these women, nor were their journals, newsletters, or numerous manuscript collections directly related to their life work. In fact, even when resources can be found it can sometimes become difficult in determining the veracity of those sources. For instance, in dealing with the life of Charlotte Ray, the first black female attorney in 1872, historians must peel away the possible inaccuracies that surround her life achievements. By 1890, Ray’s career had already begun to fade from historical consciousness. In her 1894 book, *The Work of the Afro-American Woman*, Gertrude Mossell incorrectly recorded Ray's first name as "Florence," who was actually Charlotte Ray's sister. This may be why almost thirty years later another attorney, Sadie Alexander, who was Mossell's niece, seemed to have no knowledge of Charlotte Ray until she began writing a 1941 article on African American women attorneys. Alexander deserves credit for recovering Ray's name for history when she discovered, while researching the article, that Ray was the first black woman lawyer--a fact that none of Alexander's black women lawyer contemporaries appeared to know at the time.3 Additionally, Mary Ann Shadd Cary is only now, within the past seven years, being recovered from historical memory and is the subject of a painstakingly researched biography.4 Ironically, Alexander, herself, unwittingly helped to obscure Cary's role as the first black woman law student. In her 1941 article, Alexander listed Ray as the author of a work on the life of Mary Ann Shadd Cary.

---


of an 1870 corporation law thesis that was commented upon favorably by Howard University president, General O.O. Howard. A number of subsequent accounts of Ray's life have incorporated this assertion. In fact, the true author of the thesis was Cary, who began law school at Howard a year before Ray, but did not finish until some time afterward.

This is only a small sampling of the complexity involved in documenting the lives of black women. However, to allow these issues to obscure their history thereby ignoring the contribution that was made by this minority group within the field of law, means that there is a void in the historiography of the legal profession. In carving a niche for themselves in the profession, these women challenged the limits of the law by introducing the complex mixture of gender and race to the legal profession. Along with this mix comes specific experiences that no other group can lay claim to; and it is this mix that makes this project unique.

Historical documentation records Charlotte Ray as the first black female attorney in the United States. She received her degree from Howard University in 1872, and in the same year became licensed to practice in the District of Columbia. Although this is the start of this particular project, Ray’s experience is the result of a little known legal tradition in the history of black women. Therefore, the story of these African American female attorneys begins not in 1872 with Charlotte Ray, but with the stories of other early American black women who began to contest their exclusion from the legal and political

5 Alexander, “Women as Practitioners of Law in the United States,” 60.


7 Rhodes, Mary Ann Shadd Cary, 254 n.3.
system long before the first black woman attended law school. The first documented experience is in 1655 when Elizabeth Key, a slave, sued for her freedom in Virginia based on the argument that her station in life should be determined by her father, a free white, rather than her mother, a slave. Her attorney won the case and later married her. Virginia reacted to this in 1662 by legislating that children’s status is determined by the mother’s condition, slave or free.8 Several years later, in 1765, Jenny Slew, a mixed race woman sued as a spinster in Massachusetts after being kidnapped and enslaved in 1762. Through counsel, she argued that because her mother was white, she was not subject to enslavement. She lost at trial but won on appeal despite her opponent’s claim that her past marriages to slave men made her a femme covert with no right to sue in her own name.9

In 1781, Mum Bett, a slave thirty-seven years old, won her freedom with the argument that the 1780 Massachusetts constitution declared “all men are born free and equal.” Although she did not represent herself in court, she provided her counsel with the legal theory employed. Except for her co-petitioner, other Massachusetts slaves were not freed until 1783.10 Lucy Terry Prince of Vermont, born in Africa, enslaved in the United States and freed via purchase by her husband, appeared in a property dispute in 1797 before the U.S. Supreme Court regarding farmland. The future governor of Vermont, Isaac Tichnor, was her attorney, but Prince presented the oral argument herself. She won,


and Justice Samuel Chase complimented her skill. She is best known to modern historians as a poet rather than the first woman and possibly the first African American to argue before the Supreme Court.\textsuperscript{11} In 1831 Maria W. Miller Stewart was the first woman to become a professional orator, a career she was compelled to give up after a single year-long tour due to public disapproval of women speaking in public. Her topics were abolition, the education and history of women, and civil rights for black Americans.\textsuperscript{12} Finally, in 1851, abolitionist, feminist, and former slave Sojourner Truth delivered her famous “Ain’t I A Woman” speech at the women’s rights convention in Akron, Ohio. Her address exposed the hypocrisy of the “woman on a pedestal” argument used by opponents of women’s rights to deny women civil rights.\textsuperscript{13}

Although not technically female lawyers, each of these women challenged the law in one way or another thereby providing an established legal tradition for black women. The experiences of all of the women included in this study rests upon the experiences of these early black women who helped pave the way. Though few in number, the women presented in this study offer a complicated mix of race, gender, and class issues that in combination offers a new way to approach the study of the legal profession.

The history of black women attorneys is central to broad areas of American historiography – the history of women in the professions, the history of the legal profession, and the history of how the intersection of race, gender and class shaped black


\textsuperscript{12} Marilyn Richardson, ed., \textit{Maria W. Stewart, America’s First Black Woman Political Writer: Essays and Speeches} (Bloomington: University of Indiana Press, 1987), 55.

feminist thought. Their demand that they be able to practice law on an equal basis with men was as radical as the demands for black citizenship, voting rights and equality, defying the traditional parameters that had been set for women of their time. The entry of black women into the law represented the most aggressive challenge to the traditional foundations of the legal profession. Masculinity and the notion that legal rights pertained only to white men were at the core of the profession’s basic principles, values, and culture. Therefore, because of their status as black and as female, black women experienced a different set of obstacles from those facing black men and white women, barriers that would cause them to challenge the limits of the law, the limits of race, and the gender expectations for women of their time, and in doing so articulate a new face of American feminism within a multicultural context.

Previous studies of women professionals have focused on women who entered into the professions in feminized fields. Social workers, nurses, and teachers were seen

---

as natural extensions of the role of women. Even the male dominated profession of medicine was more open than law to women who could emphasize their traditional roles as healers and caretakers. Entering into the legal field, however, defied that norm. For instance, nineteenth century women typically entered the public arena through separate all-women’s educational institutions. This is especially true for women doctors who usually studied at medical institutions and hospitals for women. The history of women lawyers is different. Nineteenth century women lawyers entered into male dominated institutions thereby integrating the field from the outset.\(^{15}\)

Even as historians have captured the experiences of women in the professions, they have given little attention to women lawyers and even less to black women in the legal profession. Several scholars have investigated the lives of white women attorneys during modern America. However, only one historian within this group analyzes the period that is the focus of this study. Virginia Drachman’s *Sisters in Law* (1998) targets the phenomenon of white women entering into the profession from 1860 to 1930, describing both the limits and the possibilities of sexual integration into the legal

---

\(^{15}\) Drachman, *Sisters in Law*, 5.
profession and showing how these women balanced their gender and professional identities while making their way into the profession. 16 Similarly, these studies tend to focus more on the frustration and marginalization these women experienced. My study begins in 1872 and ends in 1932 with the emergence of a community of black female attorneys. It follows the same historiographical path set by other historians of women and the law, but it focuses more on the ways in which black women attorneys were able to make their way in the profession with surprising degrees of autonomy and flexibility. This is not to say that black women did not experience considerable frustration and marginalization. Indeed, this was their lot in life. But my study will show that these black women attorneys made life and career decisions within those parameters that allowed them, in many cases, to succeed on their own terms. 17


17 Only one author, J. Clay Smith, Jr., has addressed, at length, black female attorneys. He has compiled a collection of black women lawyers’ writings in his book, Rebels in Law (2000). Some of the writing dates as far back as 1870 with testimony from Mary Ann Shadd Carey and extends to present day legal scholars such as Lani Guinier and Anita Faye Hill. The women’s voices are primary in this text, as they become actors in the law as opposed to objects of the law. Minimal historical context is presented, but within this book and through their own essays and speeches, one can see black women lawyers addressing the sensitive subjects of race, equality, and justice. Smith also wrote a legal history of black attorneys, Emancipation: The Making of the Black Lawyer, 1844-1944 (1993), which records the dates of graduation and admittance to the bar as well as major legal achievements for all pioneering male and female attorneys across the nation. By identifying the first black lawyers in each state and presenting their legal
My project offers a detailed analysis of the professional lives of a small group of black women lawyers whose experiences pose a challenge to the prevailing social and historical traditions of the early twentieth-century American legal profession. The leading interpreters of this period share many of the assumptions of *Unequal Justice*, Jerold Auerbach's influential history of the twentieth-century American bar. Auerbach argued that unprecedented demographic changes in the turn-of-the-century American bar—the entry of ethnic and religious minorities into the profession in large numbers—provoked a hostile response from the profession's elite. Native-born lawyers' concerns about the profession's ethnic composition led to new standards for law school accreditation, pre-legal and legal education, and bar admission, all of which helped exclude immigrants from the profession. Another defining moment occurred in 1912, when the admission of just three black lawyers to the American Bar Association caused the organization to adopt a resolution that effectively barred African Americans from its membership for the next several decades. Similarly, studies of women's entry into the profession have found that the bar's structure and ideology steered women toward unprofitable and low-prestige areas of practice, and that women lawyers were particularly unwelcome in the courtroom.

With regard to these women's experiences in the profession, a number of scholars, influenced by the work of the eminent women's historian, Nancy Cott, have argued that the male-dominated bar was particularly cruel, promising equality in its professional dogmas but delivering careers that led to frustration and marginalization.
My analysis does not dispute most of these descriptions, but rather differs with the methodology that lies behind them. Most analyses of the bar in this period focus on the ideologies of elite lawyers and the structure of the profession. The unstated assumption of much of this literature is that the professional identities of lawyers are formed largely by these ideologies and professional structures. Thus, the professional worlds of early twentieth-century immigrant lawyers were largely defined by their exclusion from high-prestige practice, and those of women lawyers were mainly defined by the gender segmentation that prevailed within the profession.¹⁸

As women who were doubly marginalized by the intersection of race and gender, the professional lives of these black women lawyers should encapsulate this story of exclusion and frustration. Professional advancement, which was precarious enough for white women, would seem all but impossible with the added impediment of race. The analysis presented here, however, reaches the opposite conclusion. Instead, what is found is a rich and complex professional world where black women lawyers' identities were constituted as much by everyday interactions with professional colleagues, judges, clients, and opponents as by the structural features of an exclusionary bar. My study argues that these black women lawyers were able to obtain a surprising, and often ironic, degree of power and prestige in the profession—surprising, at least, from the perspective of the dominant interpretation of the bar in this period.

If one looks at the individual acts of each woman attorney, her actions can only seem small. However, if viewed as a part of the larger movement of women gaining full equality, this small group of black women who gained the right to practice becomes a very important part of the historiography of not only the women’s movement, but more specifically, the black feminist tradition. Consequently, their words and deeds should be viewed in light of the burgeoning feminist discourse of the late nineteenth and early twentieth centuries. In this way, I will add to the definition of feminism, demonstrating the life and works of these black women attorneys as a form of activism by analyzing their public lives, private lives, and their writings.

This dissertation examines the public and private lives of the first generations of African American female lawyers. This study, the first historical analysis of black female attorneys, will focus on fourteen black women who completed law school between 1872 and 1932. Although it is a small number, it should be noted that from 1872 to 1930, twenty-two black female lawyers can be identified from census records. Thus, the study includes two-thirds of the known female attorneys of the time. The Sixteenth Census (1940) is the first to break down female lawyers by race and state. Therefore, it is hard to determine in which states these women resided or practiced. However, through the use of secondary sources as well as newspapers, I have been able to identity forty-one black female attorneys from 1872 to 1932. The women who were chosen for this study were women whose records were available through various archives, newspaper sources, oral transcripts, and other secondary material. No other criteria was used in determining which women would be included other than the availability of documents. It is also my

19 Smith, *Emancipation*, Appendix 1, pg. 613.
assumption that there were women who were not included in the census data for various reasons, and further research (beyond the scope of this project) would certainly unearth proof of their existence. In fact, there is a desperate need for the voice of the black woman to be uncovered through a deliberate search of pre-1920 newspapers and magazines. Many women of this time, specifically lawyers, who had no organized associations and/or scholarly publications expressed their ideas in community publications in a random way.

I have divided the women into two generational groups. For the first generation of African American women lawyers (pre-1910) or women I would call the pioneering women lawyers, the process of integration into the bar was uncertain. In an age when very few black men could generate the clientele to support themselves in full-time practice, black women lawyers remained at the intersection of race- and gender-based professional structures that almost excluded them from the bar. Charlotte Ray became the nation's first black woman lawyer and one of the first women of any race to join the profession when she was admitted to the bar in Washington, D.C. in 1872. By 1879, however, she had given up her practice due to lack of business and returned to her hometown of New York, where she was later married. Two decades after Ray's admission, Gertrude Mossell could locate only three black women lawyers for her

---

20 In the course of my research, I have chosen to divide these women into two groups: first generation or the pioneer group, pre-1920 and the second generation, 1920-1940. While these are two very large time periods, I have found that there were clear commonalities in the experiences of the women in each of the two groups. Additionally, because of the relatively small amount of information that could be found on African American female attorneys, splitting them up into smaller time frames would only take away from my ability to find common themes and experiences. Until more material can be added to this project, I choose to use this periodization as the framework for my research.

publication, *The Work of the Afro-American Woman*, while the census takers of 1900 found ten.\(^{22}\) Whatever their true numbers, it seems clear that these early black women lawyers faced a job market with few opportunities for law-related employment and lived in communities with insufficient potential client bases. In addition, the precarious position of black men in the profession retarded women’s progress in gender-defined areas of the profession, such as husband-and-wife practice, where some white women were making inroads.\(^{21}\) For most of them, like many of their white peers, marriage meant abandoning whatever practice they had for home life or other pursuits.\(^{24}\)

African American women did not establish themselves in practice in significant numbers until the 1920s, when out-migration from the South provided them with a wealthier, urbanized client base in cities like New York and Chicago, and the improved position of women lawyers reduced the prejudices against them. This is the group that I label as the second generation. These women helped to define what it meant to be black,


\(^{24}\) Virginia G. Drachman, *Sisters in Law*, 100-02. Only one of these early black women lawyers, Ida G. Platt, is known to have established a successful practice. Platt practiced with a white lawyer following her bar admission in Illinois in 1894. However, her success would have been difficult to replicate for most black women attorneys; Platt was so light-skinned that many whites believed her to be Caucasian. Apparently, Platt established herself as a white woman lawyer (a difficult enough task alone) and, over the decades of her practice, slipped out of the collective consciousness of Chicago’s black community. *See* Gwen Hoerr McNamee, “Without Regard to Race, Sex or Color: Ida Platt, Esquire,” *Chicago Bar Association Record* (May 1999), 24. Even among the next generation of black women lawyers, light skin color could be a valuable asset. Mabel Raimey, the first black woman to attend Marquette Law School, apparently passed as white during her law school years after losing a teaching job because the school administrators discovered that she was black. *See* Phoebe Weaver Williams, “A Black Woman’s Voice: The Story of Mabel Raimey ‘Shero’”, *Marquette Law Review* 74 (1991): 345, 369-71. For more analysis of black professionals in American history, see Darlene Clark Hine, *Speak Truth to Power: Black Professional Class in United States History* (Brooklyn, New York: Carlson Publishing, 1996).
female, and a lawyer. Though they were able to situate themselves into the field at a
greater level, they began to deal more so with the gender constraints in an overt way. For
all the women, race had been a defining characteristic in their efforts to enter the field,
but because the numbers were so few for the first generation their efforts were typically
ignored or seen as ancillary to the field as a whole. It would be the second generation
who would have to face the constraints of gender in a more pronounced manner as they
garnered top positions in many of the major cities. By the early 1940s, there were already
signs that this generation of black women lawyers would not be so deferential about their
mode of entry to the profession. Sadie Alexander only slightly exaggerated when she
wrote in 1941 that "Negro women lawyers, along with all women practitioners of the law
in the United States, have passed through the state of being a source of curiosity,
amusement and doubt to one of well-founded respect. Indeed, their presence today is
regarded as a normal, natural, daily occurrence."\textsuperscript{25}

The end of this generation comes with the subtle transition to the more modern
view of the black female attorney that is depicted in the life/career experiences of Pauli
Murray, one of Howard Law School's top graduates in the 1944 class. Murray obtained
her Master of Laws from Berkeley, published a lead article in the \textit{California Law Review},
and secured a position in the California Attorney General's Office before losing it to
returning servicemen during World War II.\textsuperscript{26} However, it was Murray's unsuccessful

\textsuperscript{25} Alexander, "Women as Practitioners of Law in the United States," 63.

attempt to attend Harvard Law School following her graduation from Howard that revealed her differences with her foremothers in the profession.  

Pauli Murray had already established a reputation for gender-based activism when she protested against the exclusionary policies of men-only law student clubs while studying at Howard Law School, and she found even more to complain about when she sought to follow in the tradition of Howard's top graduates, who usually went on to graduate study at Harvard Law. Murray would not follow in their path because Harvard would not admit women for another six years. When a Harvard professor suggested that she take the matter up with the University's Board of Overseers, she wrote a letter to the Board. Murray's letter was indicative of her distance from the attitudes of Sadie Alexander's generation about her place in the profession. Murray began her letter with an observation shared by many early women lawyers--that success in the legal profession is defined in masculine terms -- but noted, jokingly, that "very recent medical examination reveals me to be a functionally normal woman with perhaps a 'male slant' on things, which may account for my insistence upon getting into Harvard.” Murray refused to accept the idea that there should be separate or subordinate opportunities within the bar for women lawyers. In her letter to Harvard, she argued that racially separate institutions

War II.


28 Pauli Murray, Song in a Weary Throat, 183-84, 238.

29 Ibid., 239.

were no longer acceptable, and that with Harvard's liberal credentials no less could be accepted. Moreover, she argued, women lawyers were on the move during the war. Women were practicing before the Supreme Court, in addition to becoming judges and respected lawyers; their improving place in the profession made any continued gender differentiation within the bar untenable.  

These were sentiments that Murray would carry into her practice. After her stint in California, she moved to New York, was admitted to the state bar, and affiliated herself with a male practitioner on the condition that they share fees and that both their names appear on the firm's door. When, after nine months, he owed her fees and her name was not on the door, she severed their relationship and struck up a different association. Murray had recently befriended Ruth Whitehead Whaley (who is a part of this study as a second generation black female attorney), who was winding up her practice after more than two decades at the New York bar. Naturally, Whaley began referring her caseload to Murray, and in effect, established both a practical and a symbolic transition between the old and new generations of black women lawyers.  

I have chosen 1932 as the end of my study because the women who completed their legal education by that time seem to have a different perspective on their roles as women, wives, mothers and lawyers. There was sort of a balance that they sought in their roles as mothers, wives and lawyers as they were more inclined to marry and bear children. In some cases it almost seems as if their outlook is a bit dichotomous in that they accepted the roles that society had placed upon women as caretakers of the home,

---

31 Ibid., 79, 81-83.

32 Pauli Murray, Song in a Weary Throat, 273, 277.
but they also understood or demanded that they be able to secure their positions in the workplace. These women were typically able to manipulate their individual circumstances to allow them to both maintain a home (albeit with the assistance of housekeepers and nannies) and a career. I have chosen only to include Pauli Murray’s experience in order to depict the passing of the torch from that second generation to the next by which time black female attorneys had not only formed a black female legal sorority, but their numbers had begun to increase across the nation.\textsuperscript{33} Though in number they lagged far behind white men, black men, and white women, they were now able to form a small, loosely defined coterie of black female lawyers.\textsuperscript{34} Considerable attention will be given to their reasons for choosing the legal profession, their ability to balance careers and family, and their community involvement. While we might see them as phenomenal in their efforts, for the most part choosing law as a career was as normal to them as was their role in the family and the community.

The first chapter of this project explores the development of the legal profession and black women’s entrance into it. The beginning of women’s legal tradition is typically located in 1869 with the admittance of a white woman, Anabella Mansfield, to the state bar of Iowa. It follows then with the 1873 case, \textit{Myra Bradwell v. State of Illinois}. Bradwell became the first woman to challenge the legal limitations of the law as it related to women gaining the right to practice, when she took her case to the United


\textsuperscript{34} See also, J. Clay Smith, Jr., \textit{Emancipation}, 630-637. As seen in his “Appendix 2”, the census for 1920 shows the total number of black female lawyers as four. By 1930, there is a jump to twenty-four black female lawyers and by 1940 there are thirty-nine listed.
State Supreme Court in 1873. In seeking a legal career, these women were taking an unambiguous leap into the public sphere. Unlike medicine, teaching, librarianship, and social work, there was no connection to the softer, gentler side of womanhood. The second chapter offers an analysis of black female lawyers’ family backgrounds. I will explore family structures, economic background, and the family/community emphasis on education. Differences between the two generations will become apparent. Chapter three discusses their experiences getting into law school, why and how they chose particular schools, as well as their experiences once they got in. It will also look at their admission to the bar. Chapter four discusses their professional world. The professional world that an African American woman lawyer faced in the 1920s was a daunting one. The opportunities for black women were even more limited than those available to white women. Even more so than black men, black women lawyers faced a problem of client perceptions. Clients hired lawyers because of reputation, and as newcomers to the bar, black women lawyers had no reputations on which to trade.

Chapter five delves into the issue of the private sphere – the roles of the women attorneys outside of the office. Women who married and had children had to find a balance between family and work in order to achieve success on both fronts. Additionally, several of the women apparently chose not to have children and this issue

---

35 In 1870 when the Illinois courts denied Myra Blackwell’s application to be attorney, she took her case to the United States Supreme Court, arguing that the Fourteenth Amendment guaranteed every citizen’s privilege to pursue a profession or calling. The court rejected the idea of a federal right, which meant that women had to battle state-by-state to be lawyers. She became the first woman to challenge the legal limitations of the law as it related to women gaining the right to practice in her case, Bradwell v. State of Illinois (1873). Though the court denied her access, she went on to become the well-known editor of the Chicago Legal News. But in 1890, the Illinois Supreme Court, on its on motion, granted Bradwell her license to practice law. Two years later she was admitted to practice before the U.S. Supreme Court, however, she died in 1894.
raises its own set of questions. Through their work, private lives, and community
activities, female attorneys met these obstacles with “neither a whisper nor a shout.”36

The final chapter looks at these women’s efforts in the context of feminism and
feminist activism. Even those women who were not active feminists forced the issue of
women’s rights to the forefront by claiming women’s right to enter into the legal field.
Consequently, their activities reveal a clear women’s agenda within the women’s lawyer
movement. But many of them had explicit feminist agendas. More importantly, my
study will reveal, unlike other studies of professional women, that this group of black
women viewed gender discrimination as the ultimate obstacle. For them, race was an
everyday fact that never changed and that had been a part of their public and private lives
for as long as they could remember. It was gender, however, that came to the forefront of
their experiences as professionals.

Black female attorneys were well aware of their position in society as both black
and female. However, it becomes evident that many of these women placed gender issues
well above racial ones. To many of them, race was a matter that they would encounter in
any field that they chose, but gender was a special concern within this typically male
profession. To be certain, attorney Zephyr Moore Ramsey, a 1922 graduate of Howard
Law School, wrote that women lawyers were especially needed in “matters concerning
the protection and welfare of women and children.” She also espoused the conventional

36 This term is taken from an essay written by Attorney Joyce Anne Hughes. Her essay entitled,
“Neither a Whisper Nor a Shout,” is included in Smith’s Rebels In Law, 90. Hughes explains that the title
was inspired from Ellis Cose, The Rage of a Privileged Class (New York: Harper Collins, 1993). She
states that “racial discussions tend to be conducted at one of two levels – either in shouts or whispers. The
shouters are generally so twisted by pain or ignorance that spectators tune them out. The whisperers are so
afraid of the sting of truth that they avoid saying much of anything at all.” I use this term to describe the
entrance of women into the legal profession.
thinking of the role of educated women during the early twentieth century, when she stated that there is “almost an obligation upon women lawyers of sound, liberal education, through professional training, strong character, and indisputable standing in the community, to become candidates for judicial and other public offices.” These women attorneys serve as excellent counterpoise to the argument that black women could not have contributed to the first wave feminist tradition because they focused only on racial reform measures.

Despite the formidable limitations these women encountered, many of them persevered and experienced a good amount of success. Most never came close to achieving the professional prestige, autonomy, or financial security of men, and by the 1930s many women lawyers recognized the limits to their accomplishments. A few, however, were able to overcome the hardships of economic struggles and racism to surpass the expectations of most.

---

## THE WOMEN:

<table>
<thead>
<tr>
<th>Name</th>
<th>University/Bar details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sadie Mossell Alexander</td>
<td>University of Pennsylvania/Pennsylvania Bar, 1927</td>
</tr>
<tr>
<td>Violette Neatly Anderson</td>
<td>University of Chicago/Illinois Bar, 1920</td>
</tr>
<tr>
<td>Helen E. Austin</td>
<td>University of Cincinnati/Ohio Bar, 1930</td>
</tr>
<tr>
<td>Jane M. Bolin</td>
<td>Yale University/New York Bar, 1931</td>
</tr>
<tr>
<td>Mary Ann Shadd Carey</td>
<td>Howard University/D.C. Bar, 1883</td>
</tr>
<tr>
<td>Georgia Ellis</td>
<td>John Marshall University/Illinois Bar 1925</td>
</tr>
<tr>
<td>Evva Kenney Heath</td>
<td>Howard University/D.C. Bar, 1904</td>
</tr>
<tr>
<td>Jane Edna Hunter</td>
<td>Cleveland Law College/Ohio Bar, 1925</td>
</tr>
<tr>
<td>Lutie Lytle</td>
<td>Central Tennessee/Tennessee Bar, 1897</td>
</tr>
<tr>
<td>Ida G. Platt</td>
<td>Chicago College of Law/Illinois Bar, 1894</td>
</tr>
<tr>
<td>Charlotte Ray</td>
<td>Howard University/D.C. Bar, 1872</td>
</tr>
<tr>
<td>Gertrude Rush</td>
<td>LaSalle Extension University of Chicago/Illinois Bar, 1918</td>
</tr>
<tr>
<td>Edith Spurlock</td>
<td>John Marshall University/Illinois Bar, 1927</td>
</tr>
<tr>
<td>Ruth Whitehead Whaley</td>
<td>Fordham University/New York Bar, 1925</td>
</tr>
</tbody>
</table>
CHAPTER 1

“IF IT IS NOT A FIT PLACE FOR WOMEN, IT IS UNFIT FOR MEN TO BE THERE”: THE HISTORY OF THE LEGAL PROFESSION

In the seventeenth century, American law had an informal character and those who practiced it had little or no formal training at all. Some of the thirteen colonies had seen the emergence of nascent legal professions that retained their links to England, preserving the division between barristers and solicitors by sending some students to the Inns of Court in London to prepare for call to the English Bar. But these ties were disrupted by the Revolution, which also precipitated the departure of many lawyers with Tory sympathies, including some of the most prominent practitioners. The first hundred years of independence did not provide a favorable environment for the development of the profession, but later changes in the colonies stimulated the demand for a trained bar. Initially, it was the rise of social discord within the emerging colonies that led to the need for competent legal counsel. But as demand for services began to expand in the mid-eighteenth century more began to study in the office of an attorney or judge, a pattern that

---

continued until well after the Civil War. 2 Associations of lawyers were also weak or nonexistent and confined to cities or counties, as states were becoming the significant unit of economic and political activity.

Nineteenth century American lawyers prepared almost exclusively through apprenticeship, and even that requirement was only loosely enforced. Many jurisdictions did not ask for any formal education and none demanded a college degree as few entrants possessed much formal legal education. Because formal legal education was little more than an alternative means of satisfying part of the apprenticeship requirement, there were few early law schools and they had small enrollments and offered short courses. Harvard Law School, founded in 1817, averaged fewer than nine students during its first twelve years and did not enroll one hundred students until 1840. In 1850 there were fifteen law schools in the United States. By the Civil War there were twenty-two law schools. Although several schools were substantial, most had no more than a few dozen students. In some instances, law education was composed of a brief stint at a school and then practical experience in an office.

Between 1820 and 1840, a surge of democratic fervor swept the country with the rise of the Jacksonian Era. To open up the legal profession, many states dropped formal training requirements to practice law. Some states also abolished training and licensing requirements for doctors. In 1800, fourteen out of nineteen jurisdictions required all lawyers to complete an apprenticeship, often extending five years; by 1840 only a third of the states did so (eleven out of thirty), and twenty years later the proportion had dropped

---

to less than a fourth (nine out of thirty-nine). ³ Some of those in training were provided with excellent guidance while others were left to fend for themselves and learn the law through their own reading and research. Essentially, the training and certification of lawyers throughout the eighteenth and even nineteenth centuries was lax by modern standards. Despite the absence of significant formal barriers, the nineteenth century legal profession consisted almost exclusively of native born Anglo Saxon white Protestant males.

Modern construction of the legal profession emerged after the Civil War with the expansion of legal education. During this period, elite lawyers sought to reclaim the profession by adding the requirement of a law school education to enter their ranks. The growing popular emphasis on science in the late nineteenth century was embraced by these lawyers and applied to the legal profession. Believing that science separated an amateur from a professional, many lawyers adopted the view that a formal education was required to enter the profession, rather than the previous apprenticeship system of reading law in the office of a practicing attorney.⁴ Christopher Columbus Langdell who was appointed Dean and Professor of Law by Harvard in 1870, along with Theodore W. Dwight at Columbia Law School, played a major role in the movement of legal education from law offices to law schools. By 1900, law school was on its way to dominating other types of legal education, as there were 102 law schools by this time, and the old apprenticeship system was slowly disappearing. Most of these law schools were


⁴ Gwen McNamee, Bar None: 125 Years of Women Lawyers in Illinois (Chicago: Chicago Bar Association Alliance for Women, 1998), 11.
associated with colleges and universities. This connection became stronger when professional education moved into the mainstream of higher education in the United States.\(^5\)

The importance of this transformation cannot be exaggerated. For more than two centuries, apprenticeship had been the sole method of qualification. Until the end of the nineteenth century, law in college was more a part of liberal education than formal legal (professional) training. Furthermore, the apprenticeship system was effective in controlling the number and characteristics of entrants. Apprentices typically paid premiums of several hundred dollars for the privilege of working for up to five years without pay, and states restricted the number of apprentices a lawyer could supervise at one time.\(^6\) During the post-Civil War period, just a few states required any kind of training and most required only the passing of a perfunctory oral bar examination. Due to the decentralized admission system existing before 1900, the standards for admission to the bar varied greatly. Local, county, and circuit court judges were very powerful because they examined those who aspired to be lawyers and determined which applicants were qualified for admission to the bar. The applicant usually was examined on substance and procedure in open court. The decentralized system, therefore, allowed lawyers to keep others from doing business in their county without a local lawyer’s participation.\(^7\)


\(^6\) Ibid., 42.

The actual reasons why legal education surpassed apprenticeship are numerous. Many lawyers did not accept apprentices. Outside larger cities, these positions were probably scarce. Permanent clerks (men, until turn of century, increasingly women thereafter) began to assume tasks performed by apprentices. Also, immigrants (a large proportion of those wishing to become lawyers) were not accepted as apprentices by lawyers of different class, ethnicity, religion and culture, whose families had been in America longer. Furthermore, the rate of increase of those wanting to become an attorney was too great to be absorbed through apprenticeship as the profession nearly doubled between 1860 and 1880 and then doubled again by 1900. The bar exam was also introduced during this period and indeed, a formal education seemed a better way to tackle this new procedure. But law schools offered another advantage: automatic admission to the bar for their graduates.

The effect of this transformation was ambiguous. From the late twentieth century perspective, we typically associate professionalism with formal education. Yet the rise of law schools undermined professional control over the production of lawyers and did little to elevate their status. First, law schools demanded little or no previous education; in 1896, only seven out of seventy-four schools required even a high school diploma. Additionally, although the first entrance examination was introduced in 1875, by 1891 only about half of all schools had adopted one. Second, law school itself was brief. In 1870, there were fourteen one-year and seventeen two-year programs. By 1880, there were nineteen one-year, twenty-nine two year, and four three-year programs. A decade later, these numbers were nine, forty-five, and seven respectively. Third and most

---

8 Ibid., 43.
important, much of the growth of formal education was attributed to the ever increasing part-time law school, which allowed students to work while studying. Many women and minorities were able to take advantage of this opportunity. Although the “laxity” of law school admission criteria was denounced by elite bar associations they do seem to have opened the profession to certain disadvantaged groups.⁹

It was during this period of transition in the legal profession that many black professionals began to pursue apprenticeship training in law. America’s first black lawyer, Macon Bolling Allen, was admitted to the bar in Maine after completing his apprenticeship in 1844. By 1870 however, twenty-six years after Allen’s admission to the bar, new educational standards were required before lawyers could legally practice. Between 1870 and 1880, efforts were made to increase the educational requirements to qualify for admission to the bar. By 1890, “23 out of 49 states prescribed a period of study and in 1917, 36 out of 49 had such a requirement.” In 1921, through the efforts of the American Bar Association, twenty-eight states required three years’ preparation. Yet even with these standards, often met by blacks, the rules were bent by the bar examiners in favor of white applicants.¹⁰

Black lawyers effectively begin to enter the field in significant numbers during the Reconstruction Era. And, it is at this point that historians can begin to discuss them in terms of a professional group.¹¹ With the abolition of slavery, there became an urgent

⁹ Abel, Lawyers, 44.

¹⁰ Smith, Emancipation, 8-9.

¹¹ George Boyer Vashon followed Allen by being admitted to the New York Bar in 1848; John Mercer Langston, Ohio Bar in 1854; C. Clay Morgan, Louisiana Bar in 1860. Each of these men was admitted to various state bars prior to the emancipation of slaves. Smith, Emancipation, 8.
need for black lawyers who would serve the black population at a time when they were carving out a niche for themselves as free men and free women. The primary goal, it seemed, was to serve their community. Although they had a high status within their community, they were the last group of professionals to emerge in the black community.12 During this period, American colleges and universities were beginning to establish law schools, and most importantly for black professionals, the creation of black institutions of higher education, along with other professional schools helped to contribute to the formation of a group of black lawyers.13

At the start of the new century, the black population began moving both geographically and intellectually. However most of the clients of black lawyers during the Reconstruction and Post-Reconstruction eras were illiterate former slaves. With few exceptions, their clientele was black, even in major cities with large ethnic populations. During the last twenty years of the nineteenth century, the urban black population increased by approximately eleven percent and would continue to grow. In both northern and southern cities, black people ran headlong into problems that would require the services of lawyers. Housing, wages, inheritance and other issues demanded legal skills for any type of resolution. Yet, when these problems escalated in relation to the influx of blacks into cities and toward the North, black lawyers represented only between 0.6 and

12 Smith, Emancipation, 4.

13 The city of Washington between 1877 and 1935 was the southernmost point where legal education in any form was available for blacks. Howard was one of nineteen black law schools formed between 1869 and 1939; however it was the only one to remain open throughout those years. Howard Law School closed its door in 1876 and 1877 which meant that there were no graduates between 1876 and 1881. Walter J. Leonard, “The Development of the Black Bar,” in African Americans and the Legal Profession in Historical Perspective, ed. Paul Finkelman (New York: Garland Publishing, 1992), 190.
0.8 percent of the total number of lawyers in America. While the number of black lawyers did not increase significantly, a firm foundation was established for future effectiveness and importance.

Concurrent with the changes in the black community, the legal profession began a vigorous internal debate over qualifications for admission to the bar. Increasingly the question of higher educational standards and requirements for admission to the bar became a critical professional issue. In a twentieth century replay of the struggle for easy professional access that characterized the Jacksonian era, law schools were pressured by those who demanded a freely swinging door to the profession. University law schools found themselves caught between the notions of educational elitism and a call for easy access. The issues—the sufficiency of high school, college or even law school training for entry to the profession—were of negligible importance compared with questions of mobility, stratification, and structure that underlay the dispute. At stake was nothing less than the identity of the profession. The debate was triggered by the proliferation of law schools and the corresponding increase in the number of lawyers. From twenty-eight schools with 1600 students in 1870, the number jumped to fifty-four schools with 6000 students by 1890 and to one-hundred schools with 13,000 students by the turn of the century. These figures were momentous. They pointed to a major shift from apprenticeship to law-school training. There was an increase of 196% in the number of lawyers educated in law schools during a period when the total number of lawyers

---

increased by less than half that figure. In 1870, one-quarter of those admitted to the bar were law school graduates; by 1910, two-thirds would be.\textsuperscript{15}

Notwithstanding the growing popularity of formal training, the educational picture had its gloomier side. At Harvard Law School, in the mid-nineties, three-quarters of the students were college graduates, but at Columbia fewer than half were, and the figures for Northwestern (39 percent), Yale (31 percent), and Michigan (17 percent), revealed that an academically educated bar was still more a hope than a reality.\textsuperscript{16} By 1910 nationally, only eight percent of lawyers admitted to the bar were college graduates. Furthermore, the increase in full-time law schools was overshadowed by the growth of part-time institutions. Between 1890 and 1910 the number of day schools increased from 51 to 79, or 60 percent, while the number of night schools soared from 10 to 45 or 350%.\textsuperscript{17} Buried within these figures were vital questions of social policy. In a society where the professions presumably provided avenues of social mobility, any effort to raise the barrier against easy access would incur the wrath of those who equated democracy with accessibility. This was especially true for the legal profession, which provided direct access to careers in public life. The links between law and politics and the ease with which lawyers entered political careers and dominated public life had group and individual implications. When an ambitious Italian, Jew, or black vaulted the bar into the

\textsuperscript{15} Jerold S. Auerbach, \textit{Unequal Justice: Lawyers and Social Change in Modern America} (New York: Oxford University Press, 1976), 94.


\textsuperscript{17} Auerbach, \textit{Unequal Justice}, 95.
legislature he often carried his group identity with him and found himself situated to serve the group’s needs while advancing his career. Any movement to limit access to the bar might easily become a device to deny political power to specific ethnic or religious groups.18

Concern about the increase of lawyers due to the proliferation of undemanding schools was an important stimulus for the re-emergence of professional associations, which began in last third of the nineteenth century with the formation of the Association of the Bar of the City of New York in 1870. In less than a decade eight city and eight state bar associations arose in twelve different states, and their example in turn prompted the founding of the first national bar organization – the American Bar Association (ABA) – in 1878.19 Each of these groups, and those that followed, shared certain basic objectives and strategies. As select social clubs, they sought to enhance their public image by limiting membership to the most respectable and socially prominent practitioners. As trade unions, they lobbied to restrict access to the bar and to prevent lay competitors, such as title companies, from doing legal jobs. And as public-spirited pressure groups, they advocated a variety of conservative reforms, including the adoption of uniform state laws and improvements in judicial procedure. Their efforts led to the introduction of standardized written examinations for all bar candidates by the early twentieth century, and to the centralized administration of those tests by state boards of bar examiners.20

18 Ibid.


20 Ibid., 41.
As law schools began to proliferate, they did so more slowly than the expansion of medical education. Between 1800 and 1910, 450 new medical schools were founded compared with only 171 law schools, and most of the latter did not appear until the last third of the century. By 1891, when almost all physicians qualified through formal study, eighty percent of lawyers entered practice without any law school training. Furthermore, a thrust toward consolidation and autonomy occurred in legal education. The Dean of Harvard law in 1870 insisted that law was a theoretical science like geometry, and that its principles could be mastered only by rigorous academic training. By 1900 academic lawyers from thirty-two law schools founded the Association of American Law Schools to promote the continued “Harvardization” of legal training throughout the country. These professors sought to upgrade and standardize educational requirements and to eliminate unworthy competitors, such as part-time and night law schools, which had increased enormously by the early twentieth century as a result of population growth and market demand. Catering to workingmen, women, blacks, and ethnic minorities, the marginal law schools were training almost as many students in 1916 as the regular day schools.\(^\text{21}\)

The ABA established the Committee on Legal Education and Admission to the Bar in 1878, with the purpose of reforming legal education in the United States. Howard’s law school and other black law schools that subsequently opened would be greatly affected by the regulations of the Committee on Legal Education and Admission to the Bar, and by the Association of American Law Schools (AALS), founded as an auxiliary organization of the ABA in 1900. The purpose of the AALS was to advance the

\(^{21}\) Ibid., 41-45.
standards of legal education. Since blacks were generally excluded from the ABA until 1943, law professors at Howard and other black law schools were absent from the public debate on legal educational policy preceding and following the formation of the ABA and the AALS.22

By the early 1920s, a move was made by the “academic lawyers” to increase the standards for admission into law schools. The ABA moved to close several urban freestanding law schools, which were attended by minorities in significant numbers. By closing these schools, opportunities for blacks to attend law school were adversely affected. Black lawyers, barred from membership in the ABA, were powerless to argue the adverse impact of this new policy from within the organization. Nevertheless, black law schools that were able to do so promptly complied with the new standards requiring that students admitted to law schools have two years of college and two years of law school to qualify to take bar examinations, and that the law school offer a three year graded law school.23 As a result of these changes, the number of black students who enrolled in law schools from black public and private high schools and some of the black colleges began to decline significantly despite efforts by publications such as The Home Mission College Review which continued to encourage black students to enter the legal profession.24


In spite of the increasingly stringent requirements placed upon law schools, the continued growth of night schools did much for those minorities still interested in seeking a law degree. By 1905, approximately one law student in three attended a night school. Two-thirds of these schools had been established within the previous decade to provide inexpensive education to urban young men who held full-time jobs (and, not incidentally in many cases, to provide income for their founders). Fees at night schools were considerably lower than those charged by the prestigious private university schools. A substantial proportion of these students did not intend to practice; they studied law for a career in business. By the standards of university schools, the education was deficient: part-time instructors, the older lecture method, inadequate library facilities, and students who were often too weary to concentrate on their studies were among the criticisms. The difference, appropriately, was as between night and day.  

Yet the night schools offered some compelling arguments in their struggle for acceptance. First by making legal education accessible and inexpensive, they kept the profession from becoming either an aristocratic or a plutocratic enclave. Night students, declared a professor at John Marshall Law School in Chicago, compensated for their deficiencies with “pluck, energy, perseverance and enthusiasm.” Second, night schools kept the fires burning under the American melting pot. The ethnic heterogeneity of their students demonstrated that American institutions “are capable of making all men of one blood, if not originally created so.” Finally, the night school served as an important

25 Auerbach, Unequal Justice, 98.

control mechanism, which socialized men of diverse backgrounds into the ways of American legal and political institutions. The graduates of these schools, it was thought might become an example and an influence in their immediate neighborhood.

The demand for a legal education by blacks, poor whites, and other ethnic minorities and the low tuition of freestanding law schools were mutually beneficial. Many blacks who were unable to afford the tuition at local universities were able to enter the field of law, and they could do so while living and working in their communities. A number of these law graduates entered the legal profession and served the bar and black community with distinction. Indeed, many of the black lawyers attending freestanding night law schools became as successful as their counterparts educated in law schools associated with universities. 27

Legal reformers were ultimately unsuccessful in their bid to imitate the medical reformers by closing down the night and proprietary schools attended by immigrants. Instead, they prolonged the training period and increased the cost, hoping thus to limit law school to those who could afford the greater financial outlay. In addition, a number of leaders advocated stratifying the profession so that the undesirables who penetrated the bar were restricted to probate work, criminal law, and trial practice and kept out of the

---

27 Gertrude E. Durden Rush who is a part of this study graduated from a freestanding law school, LaSalle Extension University. Other freestanding law schools were the YMCA Law School Association Institute, the International School of Law, and the American Correspondence School of Law in Chicago. Elmer W.B. Curry of Ohio and Sidney P. Dones of California also attended LaSalle Extension University (Chicago). Curry became a successful lawyer and Dones a businessman. Who’s Who in Colored America, no. 297 (New York: Who’s Who in Colored America Corporation, 1927), 50; “The Sidney P. Done Co.,” The California Eagle, 5 December 1914, p.1. Forrest B. Anderson graduated from the YMCA Law School (associated with Northeastern University) in Boston, Massachusetts, in 1913, and became a successful lawyer in Kansas, Who’s Who in Colored America, no. 297 (New York: Who’s Who in Colored America Corporation, 1927), 50. William S. Henry received his law degree from the International School of Law in 1908 and became a claims adjuster in Indiana. James Bertram, Virginia’s Contribution to Negro Leadership (Hampton: Hampton Institute, Extension Division, 1937), 29.
more lucrative and prestigious corporate law, judgeships, and access to important political positions. 28

In 1910 there were approximately 795 black lawyers. Between 1900 and 1910 white lawyers increased their numbers between seventy and eighty percent while black lawyers increased their numbers less than ten percent. Although eighty-nine percent of the black population lived in the South, only 361 black lawyers practiced there, barely over forty percent of the black bar. Ten years later in 1920 the number of black lawyers increased to 950; while the number in the South increased by five from 361 to 366. 29 Between 1914 and 1936, black professionals were concentrated in the fields of medicine (37%), dentistry (24.7%), pharmacy (14%), and law (12.7%). These graduates received their formative education primarily at black public high schools and from eight private black colleges. Given the existing repressive political and social conditions facing blacks following Reconstruction, one can only surmise why black and white teachers at black high schools and black colleges did not discourage blacks from entering the legal profession. It is likely however, that the teachers knew that no definition of fundamental rights—life, liberty, property and due process of the law, for example—could be achieved for blacks unless black lawyers entered the legal arena to fight for their own rights. Hence, black students were drawn to black law schools, such as Howard, from almost every black college and every significant “public high school for Negroes” in the

28 One reformer, Alfred Z. Reed, even suggested that the profession formally institutionalize the already potent norm that lawyers be explicitly stratified “by the economic position of the client rather than by the nature of the professional service rendered.” Auerbach, Unequal Justice, 59.

29 1910 and 1920 Census.
nation, and from white public and private colleges as well. Most of these students had never had any contact with a black lawyer.\textsuperscript{30}

During the 1920s and 1930s, black lawyers began to stand out as individuals as well as a professional group. They began to act as a unified group within the profession. As black lawyers grew in numbers and voice, the repression and exclusion from the white bar intensified. Consequently, twelve black lawyers met in Des Moines, Iowa in 1925 and organized the National Bar Association (NBA), which was born out of a need to develop mechanisms to further the aspirations and protect rights of black people. Nevertheless, the black lawyer population did not grow with anywhere near the speed necessary for proper representation of black Americans. By 1940, there were approximately 1,925 black lawyers in the United States. This meant that there were 13,000 black persons for every single lawyer. Although their numbers had doubled since the early 1900s, their percentage in comparison to the black population increased only from 0.6\% to 1\%.\textsuperscript{31}

Clearly, educational standards and policies of bar admission had explosive potential. They raised, in another guise, precisely the issue of elitism versus democracy that had plagued the profession before the Civil War and had returned to torment it after the U.S. entered the urban industrial age. With the urban bar growing rapidly, efforts to restrict access often expressed anti-urban impulses. Since immigrants and first-


\textsuperscript{31} Leonard, “Development of the Black Bar,” 194; Johnson, \textit{The Negro College Graduate}, 19; In 1940 there were 172,329 white male lawyers making it approximately 319 white people for each white lawyer. Figures taken from the 1940 Census.
generation Americans, in large measure, accounted for this growth, such efforts also expressed the hostility toward the changing ethnic and social contours of American society. Elitist opposed democrat; country lawyer mistrusted metropolitan attorney; established Protestant fought aspiring Jew.

Therefore, the history of legal education in the first half of the twentieth century is largely a story of the struggle by the ABA to persuade state licensing authorities (supreme courts or integrated bar associations) to adopt its entry standards. While it is always risky to interpret motives, evidence leads us to believe overwhelmingly that lawyers became increasingly anxious about their numbers and status as the twentieth century progressed. The major law schools did not keep Jews out permanently, although for a long time the schools were successful in limiting their penetration into the most elite firms. Law schools were even more effective in prohibiting the entrance of women. By 1963 women accounted for only 2.7 percent of the profession. The treatment of blacks followed the same pattern but was even more extreme. Despite the efforts of bar associations, however, neither municipal nor national bar associations were well placed to totally influence supply, for control over entry to the bar was ultimately the responsibility of the states.

Although the bar associations purported to speak for all reputable attorneys in their lobbying campaigns, they in fact reflected only the views of the narrow professional elite who controlled them. Those views were often tinged with racism and sexism.

---


Women, blacks, and some ethnic minorities were excluded from membership in many bar
groups for years and formed their own associations for mutual support and advancement.
Women lawyers founded the National Association of Women Lawyers in 1899 and black
attorneys established the National Bar Association in 1925.

In the midst of these major transformations in the history of the legal profession,
women made strides of their own in the field. Although the story of black women and
the law begins prior to the 1870s, as previously noted, the story of women’s entrance to
the legal profession begins in 1870 as it is at this point that women began to contest their
exclusion from the legal profession. Black women’s entrance into the profession parallels
that of white women in the early years, but takes a circuitous route once the second
generation of black women entered the field after 1920. In her 1941 article documenting
the history of black women attorneys, Sadie Alexander herself, located the beginning of
this journey with the nineteenth-century case of Myra Bradwell, a white woman, and the
stories of other post-Civil War women who sought entrance into the legal profession.

The struggle for black women to gain entrance into the legal profession began
concurrently with their white counterparts in 1870 with Ada Kepley, the first woman to
graduate from Union College of Law (now Northwestern), and Arabella Mansfield, the
first woman to be admitted to the bar of any state (Iowa) in 1869. Scarcely two months
after Mansfield was admitted to the Iowa bar, Myra Bradwell passed an examination for
the Chicago bar but the Illinois Supreme Court refused to grant her a license to practice
law on the grounds of her sex. When the case was taken to the United States Supreme
Court, she was once again unsuccessful. In other landmark cases, Lavinia Goodell was
refused admission to the Wisconsin bar in 1875, Leila Robinson was refused admission to
the bar of Massachusetts in 1881, and Belva Lockwood, although admitted to the District of Columbia bar and admitted to practice before the United States Supreme Court, was still refused admission to the Virginia bar in the 1890s because of her sex.34 This was the beginning of the fight for women to legally gain the right to practice law.

In order to understand the discrimination against women in terms of their access to the legal profession, it is helpful to examine the legal and social rationale utilized for the exclusion of women. One of the first debates centered over the masculine pronoun in state statutes. In most states admission to the bar was controlled by statutes that provided for the admission of “persons” or “citizens.” In some cases the state statutes specifically utilized masculine pronouns as indicated in the following:

The Superior Court may admit and cause to be sworn as attorneys such persons as are qualified therefore agreeably to the rules established by the judges of said court, and no other person than an attorney so admitted shall plead at the bar of any court of this state, except in his own cause.” (emphasis added)35

Therefore, the battle was over whether the masculine pronoun automatically excluded women. The general rule was that in any statute that specifically mentioned gender, women could be and should have been included. In fact, it was on that basis that Arabella Mansfield was admitted to the Iowa Bar. However, in some cases, such as those in Wisconsin and Illinois, the courts in both states maintained that interpretation of the statutes must be consistent with the original intention of the statute. Therefore, some


states maintained that when the statutes were originally created women were not included and should not be included presently.

In establishing the rules for admission to the profession, the court was bound by two limitations, maintained Justice Joseph P. Bradley in the Bradwell decision. The first was to promote the proper administration of justice and the second, “. . . that it should not admit any persons, or class of persons, not intended by the legislature to be admitted even though not expressly excluded by statute.”36 Supporters of this argument maintained that when the legislators first framed the statutes in the eighteenth century, they did not contemplate that women would ever be admitted to the bar. This interpretation naturally led to the conclusion that the court lacked the statutory authority to admit women to the legal profession, an interpretation utilized in both the Bradwell and Goodell decisions. In holding to this strict interpretation of intent, the courts seemed to have a deep concern with the underlying social consequences of what would happen if they themselves interpreted the statutes.37

The second rationale utilized to bar women from the legal profession was the argument that common-law disability had been established. Since women had never been admitted to any bar and since women were not ever known as attorneys, this set a legal precedent that disallowed them from entering into legal practice. Essentially, a common-law tradition had been historically established, and this was reason enough to refuse women admission. It was also argued that women had other disabilities at common law which would interfere with their practice of the legal profession, such as

---


37 Weisberg, 233-34.
their not being able to hold office at this time. This presented a problem because an attorney was an officer of the court. However, the most serious common law disability concerned married women’s inability to contract.\(^{38}\) The legality of being married and not being able to practice law was based on the fact that married women at this time were not able to enter into contracts without their husband’s consent. In both the *Bradwell* and *Lockwood* decisions, it was held that because of this common law, married women could not be permitted to gain admission to the bar. However, in some decisions which admitted women to the bar, it was held that married women’s inability to contract was not an insurmountable obstacle. It becomes clear, however, that this objection was not primary in the minds of opposing judges. In the *Bradwell* case (Bradwell was a married woman), the Illinois Supreme Court held that no female was eligible to practice in the state of Illinois—be she married or single.

As restrictions were being placed on the profession by elitists who strove to control the production of lawyers generally, opponents of women’s entry into the legal profession also utilized social in addition to legal rationales for barring women. One such rationale held that woman’s mental and physical nature rendered her unfit for legal practice. Women were thought to be more emotional than rational and logical—the requirements of the legal mind. Moreover, it was argued, women simply did not have the natural aptitude to perform the duties required by the profession. Not only did women apparently lack the necessary mental qualities for the practice of law, but they were also thought to lack the physical stamina the profession required. Women were allegedly possessed of an exceedingly delicate constitution which could not withstand the long

\(^{38}\) Ibid., 234-35.
hours of study and the conflicts of the courtroom. The belief that women’s physical
disabilities rendered them unfit for law practice even took the form of maintaining that
women’s “peculiar physiological condition” (menstruation) would inhibit their practice
of law. 39 Another argument concerned the fear that the interests of justice would suffer.
The female sex, opponents maintained, was reputedly garrulous and wanting in
discretion. Consequently, the interests of clients could not be entrusted to women’s
hands. This concern about the interests of justice also took the form that the introduction
of women to the field of advocacy would check the fighting instincts of lawyers.
Moreover, it was thought that judgment would no longer be impartial if women lawyers
were present in the courtroom.40

The primary reason that opponents used for keeping women out of the legal
profession however, had to do with their traditional role in the family. The career of the
lawyer seemed to be in direct conflict with a woman’s role as woman, wife and mother.
In both the Bradwell and Goodell decisions, the judges debated on a woman’s proper role
in the public and private sphere. The proper sphere was of course in the home as the
Creator had intended. As Justice Bradley stated in Bradwell:

. . . the civil law, as well as nature itself, has always recognized a wide difference
in the respective spheres and destinies of man and woman. Man is, or should be,

39 Frank, “The Woman Lawyer,” Chicago Legal Times 3 (1899): 382, 411.; Incidentally, it was
not only men who opposed women entering the legal profession along these grounds. One woman
opponent protested: “How would a lawyeress be able to consult with her clients, when she was attacked by
the nausea of the first months of pregnancy? And afterward what a figure she would make in court, when,
the months of her interesting situation being advanced, her curved lines become crushed with an anterior
round line? And if the pains should come upon her in the heat of argument! That would indeed be fine!
Would she invite her colleagues to serve her as midwives? And in childbirth, farewell to business! Poor
clients! I assure you that I laugh to myself thinking of the ridiculous figure that a woman lawyer would
464, 466.

40 Weisberg, 237-38.
woman’s protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is found in the divine ordinance, as well as in the nature of things indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. . . The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator. . .

Similarly, Justice Ryan in *Goodell* maintained:

The law of nature destines and qualifies the female sex for the bearing and nurture of the children of our race and for the custody of the homes of the world and their maintenance in love and honor. And all life-long callings of women, inconsistent with these radical and sacred duties of their sex, as is the profession of the law, are departures from the order of nature; and when voluntary, treason against it.

The socially approved role for woman as wife and mother had duties associated with it which were expected to be woman’s first and primary obligation, superseding any other claim. For the lawyer, obviously, his occupation was intended to be his first priority.

The personality attributes of the lawyer, moreover, were seen as incompatible with those necessary for the role of wife and mother. The lawyer was supposed to be aggressive—a skilled combatant in the judicial conflicts of the courtroom. Woman was seen as nurturer, gentle, tender. In short, she possessed personality attributes required for the fulfillment of the role of wife and mother. When Jane Bolin, a 1931 graduate of Yale University, told her father, who was also a lawyer, that she intended to attend law school, he replied that the lawyer had to deal with the most “unpleasant and sometimes grossest kind of human behavior” which made the law too indelicate a profession for a woman.

---

41 *Bradwell v. Illinois* (1872).

42 *In re Goodell*, 39 Wisconsin 232 (1875).
She ultimately convinced him that he was showing prejudice of another kind. But what of the unmarried woman? For the single woman the law was still not to be considered as a possible occupation. The single woman was encouraged to enter other occupations, if necessity called for their employment, because law was unfit for the female character. Opponents maintained that there were many employments that were not unfit for the female character, but the profession of law surely was not one of them.

In 1870 at least four women were attending the nation’s law schools (although not all four would be permitted to graduate). The same year witnessed a total law school population of 1,611 in thirty one law schools. (The total number of law students was undoubtedly somewhat greater because it was common in this period to pass the bar through private reading and office apprenticeships without ever having attended law school.) By 1890 the number of women lawyers and law students in the United States had grown to approximately 135. In that same period, the total law student population in the United States had risen to approximately 7,000.

The process of professionalization of the legal field occurred independently of and often in conflict with women’s interests. Some white women were able to see the emergence of professions as a moment of opportunity despite the numerous obstacles they would have to face. It was middle-class, educated, white women who were to initially benefit from professionalization. The women born in the decade after the Civil War, were some of the first to experience the exhilaration of college. However, with an

---

43 Jane Bolin, Interview by Jean Rudd with Lionel Bolin, 4 June 1990, transcript. Rare Books and Manuscripts Division of the Schomburg Center for Research in Black Culture, New York.

advanced education they began to question the social construction of public and private sphere and saw the rise of professions as a way to make the most of their education. Once breaking the barrier of total exclusion, these women continued to face serious discrimination as they tried to move into these arenas. They were deliberately paid less, they advanced more slowly, and they were typically regarded with less respect. Beyond these limitations, they also confronted more subtle barriers, which were therefore even more difficult to predict, anticipate, and overcome.\(^{45}\) In many instances no special policy excluded women from professional possibilities. Decisions to offer most appointments to men and to pay women less, promote them more slowly, and exclude them from professional networks were as a rule neither deliberate nor stated policies. But they occurred with consistency and had profound consequences for professional women.

If these were the general struggles for white women, then it would seem that black women surely could not have had much of a chance at a legal career during the late eighteen hundreds. Educated black women during that time, who faced the double discrimination of race and sex, were forced to work in certain narrowly defined sectors. There seemed to be no economic middle ground for black women in that they could either work in the low-income areas of agriculture, where they toiled in the fields all day, or as domestics where they ran the risk of daily sexual exploitation. For black women, it seemed that the only reasonable choice, for those with the resources, were the professions – where, generally speaking, there was less competition from white women because they typically catered to their own community. Therefore, since education was the key to

---

social mobility, black women had a history of striving for education beyond what their
gender or their color seemed to prescribe. Black men, on the other hand, having a greater
range of options including blue collar work which often paid more than the traditional
women’s professions (teaching, social work, and nursing) have not historically had the
same motivation.  

Beginning in the 1880s, black women were beginning to make strides in
education and the professions. By the 1880s, the first black women, Charlotte Ray, had
passed the bar, and black women became the first female physicians in the South. At the
turn of the century, Booker T. Washington’s National Business League reported that
there were “160 black female physicians, seven dentists, ten lawyers, 164 ministers,
assorted journalists, writers, artists, 1,185 musicians and teachers of music, and 13,525
school instructors.” Despite educational gains made by blacks in the period of
Reconstruction, by 1890 only thirty black women had college degrees, while there was a
substantially better showing among black men. Black intellectual and feminist, Anna
Julia Cooper, substantiated this when she complained that black women were not being
encouraged to seek a professional education: “I fear the majority of colored men do not
yet think it worthwhile that women aspire to higher education.” The admissions
practice of Howard University’s School of Law in the late 1800s gives weight to
Cooper’s position. While priding itself as being an institution offering professional

---


education to victims of racial discrimination, Howard seems initially to have resisted the admission of black women to its law classes. Some historians have claimed that law student Charlotte Ray gained entry “by a clever ruse, her name being sent in with those of her classmates as C.E. Ray, and that she was thus admitted, although there was some commotion when it was discovered that one of the applicants was a woman.”

Despite the obstacles, the progress of black women in the educational and economic sphere became the subject of numerous articles published at turn of century. During the post-Civil War period, the achievements of black women mirrored those of all women. An increasing number of women, black and white, were able to ride the crest of the nation’s economic expansion. Between 1869 and 1899, America’s gross national product almost tripled, capital investment increased practically six-fold, and the United States replaced Britain as the leading manufacturing nation in the world. The expansion led to a technological revolution which permitted women to spend more time outside the home. Now it became less difficult for women to earn wages in the work force without abandoning domestic duties. In retrospect, however, the inequality of this new wealth forced more women to join a labor force that exploited them. Additionally, even with new laborsaving devices, the general thought was that women were still expected to be exclusively responsible for the home.

49 Ibid. Victoria Drachman follows this line of thinking as well, that Ray used her initials to gain admittance to Howard. After speaking with legal scholar, J. Clay Smith, Jr. about this theory, he feels quite the opposite. According to Smith, Charlotte Ray was from a prominent family who was known among the black elite. Her father was the Rev. Charles Ray who was a prominent and outspoken proponent of abolitionism. He feels that there was no way that Ray could apply in a secretive manner. I lean towards Smith’s viewpoint, except that I think it had more to do with the fact that she taught school at Howard University’s lab school before and during her law school endeavors. In fact, when the first dean of the law school, John Mercer Langston, began organizing the law department and recruiting students, Ray was a teacher in the lab school. It would be quite surprising that no one would have known that C.E. Ray was Charlotte Ray (both due to her position at the lab school and her father’s prominence among the black elite).
The new wealth that was created by the industrial revolution may have allowed more women to enter college, but it also carried a feminist frustration that affected black women in a much different way. Essentially, many white women found themselves educated to fill a place that did not exist. Although they had beaten the odds in obtaining an education, society still dictated that the woman remain out of the public sphere. But if white women were frustrated, black women were even more so. Although growing numbers of black women had the opportunity to enter college and the professions, the masses of black women were still relegated to domestic and menial work. As has been historically true, discrimination against black women in the industrial sector resulted in disproportionately high numbers both in the professions—where there was less competition—and in menial occupations. Also, due to the nature of segregation itself, professional blacks were needed to fill a void within the black community that white professionals would not or could not fulfill (the need for doctors, lawyers, teachers, and the like). While the late nineteenth century brought even more white elevation and black degradation, this time there were new forces to contend with: both blacks and women had gone too far to be pulled down so easily. And now the legal profession would also have to deal with the restiveness of a poor immigrant population and a white middle class which were becoming increasingly unhappy that seven-eighths of the country’s wealth was being concentrated in the hands of one-eighth of the population. This time, a “scientific” rationale based upon Charles Darwin’s theory of evolution was developed to explain and justify why the rich, the poor, blacks and women should remain in their allotted places.
At about the same time, black political power that had been gained in the state and federal government during the Reconstruction South was withering away. Black men lost the right to vote in the South and support for the repeal of the Fifteenth Amendment was on the rise nationally. However, a strange phenomenon took place. As the status of blacks waned, that of white women rose somewhat. As a result of this, white men began to look to scientific theories to help strengthen their supposition that all were inferior to them. White northern women however were better able to find a way off of their pedestal. They began to focus their attention on the growing urban crisis. They were able to extend their private roles into the public sphere through urban reform. They extended their private sphere to the blighted streets of America. Although black women felt this mandate as well, and although more of them now had the education and resources to assist in reform and urban renewal, they were nonetheless more frustrated with the negative remarks being thrown their way and the failure of black leaders to defend them. As a result, we see the proliferation of black women’s clubs. By 1900, black women were making gains in controlling their lives and in their roles as women, wives and mothers. For example, they began marrying later and having fewer children. Half of all married educated black women had no children at the turn of the century.50

Black women relied on the skilled professions that required college training because there was less competition there. In these fields, a black woman was dependent largely upon herself and her race for work. This explains the disproportionate numbers of black women—even then—in the dental, medical, and nursing professions, where

---

many had worked their way through college and were managing on small fees from an underpaid black clientele. Even in skilled positions, however, the better paying positions were reserved for whites. Of course, few women had the resources to enter the professions, and with the discrimination in the semiprofessional and blue-collar occupations, a large number of women had little choice beyond domestic work.51

Even as the legal profession tightened controls on who would ultimately gain access to the bar during the late nineteenth and early twentieth centuries, it becomes apparent that the first generation of black female lawyers (those entering prior to 1920) may have entered the profession a bit more easily than the second generation because the educational requirements set for by the ABA and the AALS became more stringent between 1910 and 1920. But despite this relative ease in gaining access to the bar, the social barriers to women entering into the professions prior to 1920 would weigh heavily on them as they attempted to establish themselves in practice. The opposite would be true for women of the second generation. Moreover, as the number of colleges proliferated during the early twentieth century, women of the second generation would have more opportunities to obtain law degrees from schools other than Howard University and other black colleges. As a direct result of these women seeking an education from majority institutions, their stories of gender and racial discrimination increase as they made their way into the field. Conversely, as the second generation faced further educational requirements and discrimination in higher education, they would also be the ones who were able to make the most of their training and enter into various forms of legal practice.

The increasing numbers of women who actually practiced after 1920 resulted from several factors. One factor was the gradual rising status of blacks during that time. As blacks moved further and further away from slavery, they became better positioned to afford legal practitioners for petty issues. Another factor was a greater acceptance by the black community of black women taking on the role of social advocates. As we will see, black women were seen as “social engineers” in their communities, and the field of law fit right into that image. They were able to operate as social workers for their community through their legal work. Finally, the rising numbers of women being educated in major colleges and universities enabled them to find a niche for themselves in appointed positions such as judges and other governmental positions. Appointed positions served as an important entry to the field for several of the women in this study.

By 1930, four out of every ten graduates from black colleges were women and their numbers were increasing. Although the number of professional workers was still small in 1930 (63,000), it represented an increase of more than 100 percent since 1910.52 Increased college attendance produced rising numbers of black women in the professions, including positions held exclusively by men in the past. The number of black professional women in general was on the rise. Many of these women were able to find jobs in the traditional “women’s professions” – nursing, teaching, social work—because white women began to work exclusively with whites, leaving black clientele for black women workers.

Entry to the profession was not easy for any minority group, but black women’s pathway held a unique significance. Their entrance challenged the two most important

52 Giddings, 205.
characteristics of the legal profession at the time—whiteness and maleness. Their aspirations for legal careers forced the profession to face issues of race and gender at a time when these issues were not a part of the general political discourse. In making this move, black women lawyers helped to define a black feminist agenda during the first wave feminist movement whether they were aware of it or not.
CHAPTER 2

“HE ASSUMED I’D BE A SCHOOL TEACHER”: BLACK WOMEN’S MOTIVATIONS FOR ENTERING THE LEGAL PROFESSION

In recalling the first time she became aware of the law as a profession, Jane M. Bolin stated that when she was a girl she would go to her father’s law office after school and play with the typewriter. Later, when she was in college, she had a summer job of supervising a playground at one of the public schools, but on certain Saturday mornings her father used to go to his office and she would accompany him. During these regular visits to her father’s law office, something was settling in Bolin’s mind. She was becoming familiar with the look of an office with great big books and with the sounds of legal jargon being spewed about. She remembered that it was there in his office that she first began thinking about becoming a lawyer. However, she also remembered that when she applied to Yale Law School she did not tell her father. She had gone down to New Haven from Wellesley, where she was enrolled as an undergraduate, to be interviewed, and she would not dare tell her father because she knew he would not approve. So when she was accepted into Yale and told him, he hesitated, stayed quiet for a minute or so and then said, “I always thought you were going to be a school teacher. I don’t like you becoming a lawyer because lawyers have to hear such dirty things sometimes and a
woman shouldn’t have to hear some of the things a lawyer hears.”  Despite this, Bolin’s father gave her his blessing and allowed her to go to law school and just as he had always done, financed her way through.¹

For many of the women in this study, their reasons for entering into the legal profession were neither lofty nor unusual. Jane Bolin’s decision to become a lawyer seemed as natural as anything, despite her attorney father’s trepidation. She lived among lawyers, she was raised to believe that she could do/be anything, and she understood the sense of duty to her community that was instilled in her from early on. Despite the common belief that women, both white and black, were deterred from entering into the law, the experiences of black women attorneys reveals a different reality. Although the actual circumstances surrounding their entrance were often filled with adversity, their decision to enter was much less arduous.

Three common themes emerge when looking at what motivated these women to choose law as a career. First and foremost was that their family backgrounds typically set the stage for success. Several of these women came from families where education and excellence were expected and encouraged. There was a tradition of academic and/or professional success in several of these families. Additionally, there was a common experience of male mentorship. Out of the fourteen women included in this study, seven had fathers, husbands, brothers, or other family members who were attorneys and ultimately introduced them to the profession. Second, and in relation to family background, a sense of social responsibility was inherent in their backgrounds and upbringing. The women in this study were raised during a time when responsibility to

¹ Jane Bolin, interview by Jean Rudd, June 4, 1990, transcript, Jane M. Bolin Papers, 1943-1993, Rare Books and Manuscripts Division, Schomburg Center for Research in Black Culture, New York, NY.
the community was not only necessary for upliftment, but was also expected of them as they entered the public sphere. They were educated not only for individualistic purposes, but they were also expected to give back to their communities in some way. For some of these women, this duty was explicitly spelled out for them. For others, however, it was a duty that would become hard to ignore as their careers developed. Third and finally, those women who had neither the family connections nor the academic tradition already set in place found their access to the profession through prior employment. Though only two of the subjects here served as stenographers or court reporters, several others had been social workers and found their work in the community to be compatible with a legal career in which they typically worked in probate or family/child law.

Black women’s struggle to gain entrance into the professions went hand-in-hand with their increasing awareness of their political power. They were beginning to ask themselves what part the black woman plays in the future of the race. The voice of black women during the latter portion of the nineteenth century can be found in the writings of black women intellectuals such as Anna Julia Cooper, Victoria Earle Matthews, and Sojourner Truth. These women helped to set the tone for the aspirations of black women during that era. They were models and examples of the mindset of black women and the black community at that time. Therefore, black women attorneys chose their career in the context of black women’s status and pursuits of the time. However, for many, they obviously did not fear stepping out of the traditional boundaries to enter into a masculine career. For the women in both generations, it is clear that family background played a large role in their decisions to become attorneys. While no one particular person directly
suggested law as a profession to these women, the family dynamics were such that it allowed for these women to view law as an option.

Many of the women in this study were raised in socially conscious families where education was not only desirable but attainable. While none entirely escaped domestic duties within their own families, they all nonetheless were expected by their families or themselves to actively engage in the public sphere in one way or another. Family background was the most influential factor, for the majority, in helping them determine how they would view their own public role. Several of these women were second generation college graduates, although that did not seem to determine their family’s drive to see them attend college. It also appears that many were from middle class families, as can be deduced from their education, mobility and the concentration of legal talent in their families. Specifically, these women were raised in families that valued education and saw that education as a tool that would allow them to become socially responsible adults.

Charlotte E. Ray, the first black woman admitted to the bar in the United States and the first female lawyer admitted to practice in the District of Columbia was born in New York City on January 13th, 1850 to Reverend Charles Bennett Ray and Charlotte Augusta Burroughs. Reverend Ray, pastor of the Bethesda Congregational Church was

---

“one of New York City’s most notable and revered clergymen for many years.”

Originally from Massachusetts, he was of mixed racial heritage, including “early New England [black], Indian, and white ancestry.” He also was the editor of the Colored American, an abolitionist newspaper. A distinguished black leader, Reverend Ray, who died in 1886, was well known for “his fearless work helping slaves fleeing by means of the Underground Railroad.” Charlotte Augusta Burroughs Ray was a native of Savannah, Georgia and Reverend Ray’s second wife. The couple had seven children, although two of them died during adolescence. The junior Charlotte Ray was the youngest of the three surviving girls. Ray’s decision to enter into the legal field undoubtedly had to do with her background. Her upbringing was not very different from that of other women included in this study—their parents expected them to become educated and commit themselves to a career that would ultimately allow them to achieve some material success.

The Rays created a home where “birth, breeding and culture were regarded as important assets.” Reverend Ray insured that each of his children attended and graduated from college. At one point, Ms. Ray and her two sisters, Florence and Cordelia, all were teachers. Cordelia, however, abandoned teaching and “[a]rrangements were made to enable her to pursue, unhampered, her literary work, a comparatively rare advantage for a black American woman.” Cordelia obtained a Masters of Pedagogy from the University of the City of New York in 1891 and also attended Sauveneur School of Languages, where she became fluent in French, Greek, Latin, and German. As a child, Charlotte was

---

sent to Washington, D.C., where she attended the Miner School for Free Colored Girls, founded by Myrtilla Miner, a white woman who devoted her life to the education of young black children. Ray graduated in 1869.4

Her father’s experiences as well as the environment around her undoubtedly encouraged her to become a lawyer in order to combat the many problems associated with racism, sexism, and classism. Growing up in a politically charged atmosphere introduced Charlotte to the injustices of racial and gender discrimination and she learned early on the importance of the law in pushing for change. Therefore, when Howard opened its law school, Charlotte, already being a part of the Howard University family as a teacher in the lab school, was perhaps caught up in the fervor and excitement surrounding this historic event and responded to the calls of its first black dean, John Mercer Langston. Upon his appointment to Dean of Howard’s Law Department, Langston traveled to various states encouraging black men and women to apply for admission to help protect the interest of black people and to interpret the newly won rights of black citizens.

Similar to Ray’s experience, Lutie Lytle’s family was well-known and respected. Little is known about her mother, but her father raised his four children to be proud, independent, and assertive, with a love of books, and the ambition to better conditions for their people. The black press described her father as “a polished gentleman of high order. . . his conversation is interesting and his manner agreeable.” John R. Lytle was a respected businessman, who owned and operated

a barbershop in Topeka, Kansas for decades. He was a long-time church member of St. John’s AME, and was active in several community organizations.

Born in Topeka in 1871, Lytle, like Ray, also had a socially and politically conscious father who doted on his children. Most important, he was active in the politics of a growing and changing Topeka. Politics was a springboard to leadership within the black community, and John Lytle found his niche in the anti-Republican, progressive Populist Flambeau Club, an integrated arm of the People's Party. For his early and enthusiastic support of the group, John Lytle was appointed assistant Topeka city jailer in 1896. In 1897, he won the nomination as candidate for Register of Deeds for Shawnee County on the Fusion ticket of the Populist Party. While the Fusion ticket did not win at the polls, the black press was highly complimentary of Lytle throughout the campaign: “Mr. Lytle, having been highly honored by his party with the nomination makes him a strong acquisition in the minds of the public. . . he is a worthy gentleman.”

Though Lytle never achieved his goal of an elective office in Topeka, his high profile as a political activist in the community had a direct impact upon his daughter Lutie. She was recipient of a patronage position as an assistant enrolling clerk for the Populists in 1895. And, surely her ambitions to study law were furthered by her exposure to the failures that black activists, like her own father, met in attempting to acquire a political power base, some thirty years after emancipation. Lytle’s sense of injustice was sharp, honed on her exposure to politics when, after completing high school, she worked as a compositor on a black newspaper in Topeka, Kansas. Her newspaper work along with her father’s political connections brought her into contact with politicians and

---

5 *Kansas State Ledger* (Topeka), 27 November 1896.
apparently exposed her to a broader view of what was happening in the community around her. She later explained that she chose law because of her desire to help her people. “I conceived the idea of studying law in the printing office where I worked for years as a compositor. I read newspaper exchanges a great deal and became impressed with the knowledge of the fact that my own people especially were victims of legal ignorance. I need to fathom [the law’s] depths and penetrate its mysteries and intricacies in hope of being a benefit to my people.”6 In order to pursue her dream of law school, Lytle moved to Chattanooga, Tennessee, at the age of twenty-one. There she taught school for two years and set aside money to help finance a law school education at Central Tennessee College in Nashville.7

Mary Ann Camberton Shadd was born in Wilmington, Delaware on October 9, 1823, the eldest of Harriet and Abraham Shadd’s thirteen children. Her parents were free blacks, although Delaware was still a slave state. In 1833, the Shadds moved to West Chester, Pennsylvania, probably because of the lack of educational facilities in Delaware for children of color.8 At the age of ten, Mary Ann was enrolled in a Quaker-run school in West Chester. Along with academic instruction, the Quakers stressed the universal

6 Topeka Daily Capital (Kansas), 15 September 1897; Colored Citizen (Topeka, Kansas), 18 July 1897.

7 Kansas Historical Society, Historic Preservation in Kansas: Black Historic Sites: A Beginning Point, Historic Sites Survey, (Topeka, Kansas, September 1977), 31; Topeka Daily Capital, 15 September 1897. Later records show Lytle working as an enrolling clerk for the Populist Party in Topeka during the winter of 1895. Kansas State Ledger, 11 January 1895. This means she probably taught school in Chattanooga during the school years of 1892-93, and 93-94, putting her back in Topeka for a year before she actually started law school at Central Tennessee.

fellowship of man, the importance of education, and the evils of the slave system. Quaker women, who participated equally with men in political and intellectual debate, provided a strong role model for young Mary Ann. In addition, her father had become involved with the American Moral Reform Society, whose mandate called for the abolition of slavery and endorsed universal fellowship as opposed to individual racial identities. Abraham Shadd was active in abolitionist groups and other political organizations that discussed black immigration to Canada, Africa and the West Indies. He was an agent of subscriptions for William Lloyd Garrison’s newspaper, the *Liberator*. He was elected president of the National Convention for the Improvement of Free People of Color in the United States. Watching her father’s political activities, set Mary Ann’s activist career in motion. With her strong education from the Quaker school, she had roots as an integrationist.

At sixteen, Mary Ann Shadd completed her education in West Chester and returned to Wilmington to open a school for blacks where she taught for a time.⁹ Eventually, she taught in Trenton, New Jersey and New York City as well. Teaching was a socially acceptable profession for middle class black women, a calling that had prestige in the community and would allow a woman to earn a living. Even though she would move from her family in Pennsylvania, they stayed in close contact. During those early years, she would solicit advice from her father when things were not meeting her expectations. In response to one of her letters, her father wrote:

Dear Child,

⁹ Ibid., 18.
I received your letter . . . asking my advice respecting your continuing in Trenton. I am sorry to think the colored population of Trenton are such as you represent them to be although I believe your description of them to be correct from what I have heard, but I hasten at once to give you my advice, over all the difficulties that lay in your way in regard to the school. You say that your throat is no better and the state of our health seems not to warrant you in continuing to teach through the winter. . . . I therefore advise you to come home as soon as you can. . . . be cautious about how you inform your school . . . that you are about to leave.

Your affectionate Father.  

It is evident that her father’s advice strongly influenced Mary Ann Shadd’s own thinking and activities.

The women in the second generation likewise grew up in socially aware families. Jim Crow was still the rule rather than the exception. Therefore, many of the families still saw to it that their daughters understood their status and their role in life. The major difference was that these women, because of the battles won by the first generation and due to changes within the legal profession, had a greater selection of schools to attend and as the legal profession grew in numbers, these women had slightly more exposure to the field.  

The third of four children of William Alphaeus and Addie Waites Hunton, Eunice Hunton Carter was born on July 16, 1899 in Atlanta, Georgia. Her family lived in Georgia for the first seven years of her life. In 1906, violent race riots broke out in Atlanta shocking many including the Hunton family. Addie Hunton wrote, “the quiet of a Sabbath day was shattered by the news of the lynching of a Negro, Sam Hose by name…. [The lynching] was made more ghastly by the burning of the victim and the

---

10 Abraham Shadd, to Mary Ann Shadd, December 1844. Mary Ann Shadd Cary Papers, Folder 5, Moorland-Spingarn Research Center, Howard University.

11 This discussion will be presented in the next chapter.
distribution of parts of his body for souvenirs.” 12 The family left Atlanta for Brooklyn, New York that same year, where Eunice was educated in public schools. Her education dramatically broadened, however, in 1909 with what was to be the first of many sojourns abroad when she went with her mother Addie to live in Germany. Addie Hunton went to Strasbourg to study at Kaiser Wilhelm University from 1909-1910 and young Eunice accompanied her mother. 13

Carter’s strong life missions to promote women’s rights, civil rights for blacks and improved race relations were deeply rooted in a family legacy dedicated to promoting these ideals. Carter’s father was a well-known national executive with the YMCA. He began his association with the YMCA in Canada and in 1888 moved to Norfolk, Virginia and became the first “colored” secretary of the International Committee of the YMCA. His work with this organization is credited for making the YMCA services available to African Americans throughout the South. 14

While Eunice Carter’s paternal inspirations toward activism and service were no doubt strong, it was her relationship with her mother however that yielded great influence on her development. Addie Waites Hunton was born in Norfolk in 1866 and educated in Boston and Philadelphia’s Spencerian College of Commerce where she was the only black student in her graduating class of 1889. She worked for years as a teacher and school administrator at A & M College of Alabama before marrying William Hunton in


1893. Addie Hunton committed herself to being her husband’s helpmate, “making his life mine,” given her early understanding even before their marriage that, “Mr. Hunton and I would be separated oftener than otherwise after our married life came.”

Apparently she too found no problems with short-term separations as her trip to Germany to study happened while they were married. Nevertheless, she devoted much of her married years to her husband’s work, their children, and volunteer work. After her husband’s death in 1916, she became increasingly active with the YMCA and YWCA, eventually participating in a pioneering YMCA assignment in France during World War I, working with black troops close to the front. She extended her international experiences by participating as a delegate in the Pan-African Congresses of the 1920s and raising funds for the Congresses through an all black women’s organization she formed called the Circle for Peace and Foreign Relations. Eunice was her mother’s helpmate in many of her life’s endeavors which no doubt helped to formulate Eunice’s ideas about the role of women in her community.

Sadie Tanner Mossell Alexander once stated, “My mother was educated. She’d been around books all of her life and they were a part of her. My grandfather had two huge rooms with books up to the ceiling. I was brought up in that atmosphere. . . with this background, it wasn’t anything. . . it was just supposed that you went to college. It wasn’t anything unusual, it was to be expected.” In fact, Sadie came from a family of

15 Ibid., 39.


firsts. Both her mother’s family, the Tanners, and her father’s family, the Mossells were highly accomplished families. Alexander’s maternal grandfather, Benjamin Tucker Tanner, was ordained as a Bishop in the African Methodist Episcopal Church in 1860. A prolific writer, he also founded the *AME Church Review* in 1848, the country’s first black scholarly journal. One of his sons, Alexander’s uncle, Henry Ossawa Tanner, became a very famous painter, and her aunt Hallie Tanner Johnson was a graduate of the Women’s Medical College, and the first woman, of any race, to be admitted to practice medicine in Alabama.\(^{18}\)

Alexander’s immediate family was just as accomplished. Her father and her two uncles earned degrees from Lincoln University. Alexander’s uncle, Nathan Francis Mossell, is reputedly the first black graduate from the University of Pennsylvania Medical School. A trained surgeon, he co-founded Philadelphia’s Frederick Douglass Hospital in 1895. Nathan married Gertrude, E.H. Bustill, author of a black feminist publication called *The Work of the Afro-American Woman*, a collection of original essays and poems.\(^{19}\) Alexander’s father, Aaron Albert Mossell, was the first black to graduate from University of Pennsylvania’s Law School in 1888, and he became a member of the Philadelphia bar in 1893. He championed racial equality for African Americans during law school, when he wrote a paper challenging the constitutionality of Pennsylvania’s anti-miscegenation law.\(^{20}\)

---

\(^{18}\) Sadie T. M. Alexander, [Biographical Information], Box 1, Folder 6. University of Pennsylvania, University Archives and Records, Philadelphia, PA.

\(^{19}\) Jessie Carney Smith, 5.

Alexander’s father’s direct impact on her is questionable since he was never really a fixture in her life. In 1899, less than one year after her birth, he abandoned her mother and his family and fled to Cardiff, Wales. As an adult, however, Alexander spoke openly about her father’s desertion and noted that if anything, that experience taught her that it was possible for women to successfully raise children on their own. She mentioned that it was a “deep embarrassment in [her mother’s day], for her husband to desert her, and for her to have to change her style of living.”\textsuperscript{21} However, Sadie’s mother had a sister who was married to Louis Baxter Moore, a dean of education at Howard University. They persuaded her mother to allow the children, Sadie and her siblings, to attend M Street High School in Washington, later known as Dunbar. Her experience there helped to develop a sense of confidence that would assist her in facing the obstacles she would later meet as a graduate student and law student. M Street School was one of the only black high schools of its time and was known for educating an inordinately large number of black students who went on to college and professional and graduate schools. There, the instructors instilled in their students a determination that they were able to succeed and compete with the best, no matter what race.\textsuperscript{22}

Alexander became the first black woman in the United States to earn a PhD in economics in 1921. However, after completing her studies at the University of Pennsylvania, she faced the obstacle of finding work in her chosen field. Her professors were astonished that they could not place her in any industry. After searching for several

\textsuperscript{21} Sadie T. M. Alexander, Box 1, Folder 6. University of Pennsylvania, University Archives and Records, Philadelphia, PA.

\textsuperscript{22} Sadie T. M. Alexander interview by Marcia Greenlee, October 12, 1977.
months, she moved to North Carolina and worked as an assistant actuary at the black-owned North Carolina Mutual Life Insurance Company. She stated, “I found that racial prejudice closed all the doors of industry and academic positions in other than black colleges, where I had offers at Howard, Fisk, and Atlanta.” After working several years in North Carolina she returned to Philadelphia to marry Raymond Pace Alexander, a 1923 Harvard Law graduate, and after searching a bit more and realizing that domesticity did not suit her, she surmised that her best professional opportunities might be achieved by going to law school. With her husband’s urging and financial support she completed her studies at the University of Pennsylvania in 1927 and subsequently jointed her husband’s firm.\textsuperscript{23}

Jane Matilda Bolin, born on April 11, 1908 in Poughkeepsie, New York was the youngest of four children born to Gaius C. Bolin, a lawyer and first black graduate of Williams College, and Matilda Ingram Bolin, a white Englishwoman. Her mother had become ill when Bolin was young and died when she was eight years old. As a single parent her father devoted a great deal of time and energy to his children while simultaneously running his own small law practice in Poughkeepsie. Gaius Bolin, the first black graduate of Williams College, practiced law in Poughkeepsie, New York for more than fifty years and was the president of the Dutchess County Bar Association. Thus, when Bolin decided to become a lawyer, she was following a family precedent.

Bolin’s memories of her childhood went back to when she was three or four years old. Bolin’s mother was white and she remembered walking downtown with her mother and noticing that everyone turned around to look at them; perhaps because of a white

\textsuperscript{23} Ibid.
lady with a brown child. When she asked her mother why people turned to look at them, she said, “because you’re such a pretty little girl.” 24 Despite her fair complexion, Bolin never recalled a time in her life where she was not aware that she was a little black girl. As an adult, Jane Bolin remembered playing on the typewriter in her father’s office when she was a child. Then when she was in college, she had a summer job of supervising a playground at one of the public schools, but on Saturday mornings she often accompanied her father to his office. Being surrounded by those shelves and shelves of law books - those great big law books - and hearing him talk about his work helped to spark her interest in law. She later noted that even as a small child, she had a sense of determination that would follow her throughout her career. She was spoiled at home and thought that she possibly carried that outside of the home – always wanting her way, even when people tried to discourage her from going into the law, she was just determined to have her way. The decision to enter into the legal profession was nothing she would attribute to bravery, it was just something that she wanted to do.

“I knew that there—that I hadn’t seen any women lawyers in Poughkeepsie—I don’t think there was any courage involved in it. It was just... something I wanted to do. I used to be around my father’s office sometimes and it looked as if it ought to be interesting. I can’t go beyond that. I don’t see it as any act of courage at all. I was always... studious, I used to love to read, I guess from the time I learned. And I always liked school. I never minded studying no matter how much studying I had to do... And that, that was it.”25

As a child she read the *Crisis* regularly and it was the *Crisis* and the conversations she overheard in her home that brought her first awareness that because of the superficial


25 Ibid.
difference of skin color some people were treated differently than others. Her father subscribed to two Poughkeepsie papers, the *New York Herald Tribune*, the *Crisis Magazine* of the NAACP, and three African American weekly newspapers. She remembered seeing a picture of a man hanging from a tree with his head on the side and reading about lynching. She dreamed about it for nights and said that the image continued to come back to her even as an adult. 26 The photographs were a “shocking realization for a child, especially a child who was fascinated and made to glow by American History and took literally our Declaration of Independence and Constitution.” She attributed her eagerness to wage a fight for racial justice in her career to her experiences as a child growing up in an upper middle class family, where these reports shocked her.27

Additionally, she first learned of compulsory racial segregation through these reports. She recalls being confused by those realities and the teachings she had at home, in school, and in church about the dignity of man and the equality of all people. She was slowly and painfully awakened to the realization that there might be other limitations over which one had no control. As she grew older, however, she was prevented from feeling hopeless and helpless only because she knew that there were people like W.E.B. DuBois, on a larger scale, and her father, on a smaller scale, who were uncompromising

---


27 Bolin, herself, describes her family as upper middle class.
and tireless in fighting for the democratic ideal her school taught and for the brotherhood her religion taught. 

When she was only fifteen years old, she wrote a letter to a Poughkeepsie daily newspaper protesting the designation “Negro” and the use of a southern dialect in all its reporting about black persons and pointing out its ignorance in not capitalizing the word. She noted that there were no racial or ethnic designations of others except for blacks. She sent her letter and capitalized the word “Negro,” but she said it had no effect on the continued racial identification of Blacks. Bolin was not the only one in her family who cared about social injustices. Her sister, Ivy Bolin, assisted by her father, founded the Dutchess County branch of the NAACP. The branch concerned itself at one time with how the Y’s (YMCA and YWCA) were at the time emphasizing the Christian in their names while denying membership or use of their buildings to black people. The local NAACP agitated for jobs for black teachers in the public schools, for clerks in the post office and for admission of black students to Vassar College which was close to Poughkeepsie. Another memory that left an indelible mark was when her sister Anna was sent home from high school in tears by the president of Vassar, who had told a demeaning “darky” joke while addressing the school assembly. Bolin recalled her father’s distress when her sister told him and the strong letters he had written to Vassar’s president and to the high school principal. The president was never invited back to the school.

---


29 Jane M. Bolin to Professor D. Dickerson, February 2, 1979, transcript from Jane M. Bolin Papers, 1943-1993, Schomburg Center for Research in Black Culture, New York, NY.
Bolin was an “A” student all the way through high school and was used to having her name published in the Poughkeepsie newspapers every month on the honor roll lists. There were no children in the neighborhood where she grew up so consequently, she had a lot of time for reading and studying. In high school her favorite subjects were Latin and English. She recalled her high school English teacher, Lucy E. Jackson, who lent Bolin her personal books and suggested library books for her to read, as well as those that were in her father’s library. “I always like to read, but she broadened my reading tastes very much.” She corresponded with Jackson through the years until her teacher’s death.30

Growing up in a prominent family, Bolin admitted that it became confusing as a young child who also received negative messages regarding their social status as African Americans. She recalled that there was another prominent lawyer in Poughkeepsie, a white man, who lived not very far from them. He and her father walked together to their offices many mornings. When she was about to be reappointed after her first term as judge in New York, (her father was not living at that time) her brother went to this lawyer who was active in Democratic politics in the State of New York, and told him that she had anticipated a problem with her reappointment and asked if he would write a letter to Mayor O’Dwyer. He sent her a copy of the letter, and to her surprise and resentment, the reason he requested that she be reappointed was because she came from a good or prominent “colored” family in Poughkeepsie.31


31 Ibid.
As a senior at Wellesley College, when Jane Bolin told her advisor about her plans to become a lawyer, she was sternly instructed to think of something else. There was no future for a black woman as a lawyer, she was told. This experience with her guidance counselor left the most indelible mark on her preparation for becoming a lawyer. She confessed that she was not only angry and hurt, but inwardly shaken. With the outward self-assurance of youth, she had expected the same future that any other aspiring lawyer might. She went to her dormitory and telephoned her father, to inform him of the conversation. Her father replied that he had no idea that she had harbored thoughts of being a lawyer and that he thought the profession was too indelicate a profession for a woman. She convinced him that he was showing prejudice of another kind, and realizing that she was not to be deterred by her sex, he tried to deal with the race issue. He then reminded her that it was W.E.B. DuBois and not Booker T. Washington that they had admired in their home and that she was never to hesitate to try to achieve any ambition because of color. After bringing to a close the conversation on the guidance counselor with a few forceful words concerning her “desirability of her residence in a warmer place than Massachusetts” he said that while he still did not approve of women lawyers, she should make an application to the finest law school admitting women. To his amusement, she had already applied to Yale Law School and was to go there for aptitude tests the following week. In sharp contrast to her advisor at Wellesley, Bolin’s father knew his daughter could become a lawyer – he just did not want her to. Bolin had so feared her father’s disapproval that she had not told him her plans until she had already interviewed and was accepted by Yale Law School. Finally, with
her father’s reluctant blessing, Bolin graduated from Wellesley, enrolled in Yale and graduated in 1931, becoming the first black woman to do so.32

When Bolin decided to become a lawyer, she was only following precedent. Despite this alliance, Bolin still experienced some difficulty when she looked for law work in New York City after a six-month apprenticeship with her father. When she applied to a few local firms, she found the climate frosty. “I was rejected on account of being a woman, but I’m sure that race also played a part,” she said. “The reception I got was very, very businesslike, and I was disposed of rather rapidly.”33 Thereafter, she was engaged in the private practice of law with Ralph Mizelle as partner; and with him for the next four years as wife and business partner.

The women described above all came from prominent families within their respective communities where educational attainment was common. For other women, however, the importance of education was instilled in them even in instances where no one else around them had achieved educational success. Edith Spurlock Sampson was born in Pittsburgh, one of eight children, but neither of her parents had more than a grade-school education. Her father, Louis Spurlock, managed a cleaning and dyeing establishment, and her mother, Elizabeth McGruder Spurlock, a very ambitious woman who was active in community affairs and a member of the Lucy Stone Suffrage League, helped out with a part-time millinery and false hair business. Sampson’s first job was in a fish market after school, scaling and boning fish when she was fourteen. She also

32 Ibid.

helped mother wire buckram hat frames and twist switches of hair. Sampson said that she had heard it said that she was born in the slums, but if so, she was not aware of it. Money was scarce, but they had a good home. She recalled that they had white table linen and silver. The children always had more than one pair of shoes. Her mother was an excellent manager and as small as their income was, she saved enough out of it to buy their home. According to Sampson, her mother abhorred waste. When her father discarded a shirt, the back was cut out to make tea aprons. Clothing went from child to child, but it was always fitted to the new owner, and was always neat and clean.34

All of the Spurlock children were brought up in a religious setting – her parents were members of the St. James AME Church. As a young girl however, she elected to attend Sunday school classes at the Calvary Episcopal Church. It was a white church that provided a sewing school on Saturday morning where Sampson was taught the basics of sewing. Two members of the church, Julia Morgan Harding and Elizabeth Eaton took particular interest in Sampson and had much to do with “molding” her future life. Eaton, for instance, introduced Sampson to a career in social work.35

Sampson and her siblings attended the Lincoln and Larimer Elementary Schools and Peabody High School. Sampson wanted to be a school teacher but just before her graduation from Peabody she learned that there were no Negro teachers.36 This news

34 J.D. Ratcliff, “Thorn in Russia’s Side,” Negro Digest (September 1951), Edith Spurlock Sampson Papers, 1901-1979, Schlesinger Library, Radcliffe Institute, Cambridge, Massachusetts.

35 Edith Sampson, Box 1, Folder 1, Schlesinger Library, Radcliffe Institute, Cambridge, Massachusetts.

36 In 1937, the Pittsburgh Board of Education employed 3,000 teachers – none of whom was black. Judge Homer S. Brown introduced the Fair Employment Practices Act and led a probe of the school board that resulted in the hiring of the first black teacher in the Pittsburgh public schools. That same year, Lawrence Peeler, a graduate of the Carnegie Institute of Technology, became Pittsburgh’s first black
initially discouraged her, prompting her to skip classes that afternoon in order to go downtown to apply for a job. No one hired her that afternoon and by the time she got home it was after 6pm. A truant officer had already been to her home reporting her absence from school to her mother, who told her, “You go back to school and get your lessons and I’ll help open those doors.” Sampson’s mother, like other black mothers during the early twentieth century, had a greater vision for her daughter than what society would seem to dictate for her. She understood that the possibility of advancement was there for her daughter and that despite her own lack of a higher education, success could be and would be achieved in her daughter’s lifetime; and she would help to chart the course for her.

The importance of family expectations in both generations cannot be overstated. Without the advice, encouragement and support of their families many of these women would not and could not have overcome the barriers that faced black women during the latter portion of the nineteenth century and the early twentieth century. More importantly, for this group of women, not only were they expected to achieve success in their careers, but there was also a bridge that had been built for them in their respective families that would allow them to even think that they could pursue a male dominated career. These women were not given the same social parameters that other women may have been given. They were never told that certain careers were out of their reach. While their families may not have specifically pointed them in the direction of a legal teacher at the Hill District Elementary School. Constance A. Cunningham, “Homer S. Brown: First Black Political Leader in Pittsburgh,” *The Journal of Negro History* vol. 66, no. 4 (Washington: Association for the Study of Negro Life and History), 307.
career, they were nevertheless given the tools that would allow them to think beyond the constraints of being black and being a woman.

Beyond being given the tools to think broadly about their status in society, there were also other factors that had been set in place for them to enter into the legal field. The first came from their family connections. Several women, such as Jane Bolin and Sadie Alexander, had husbands and/or fathers who were attorneys. Others, such as Charlotte Ray, Ida Platt and Edith Sampson, would come into contact with someone in the legal field early on that would ultimately help to shape their career choices. Another factor related to their employment. If there was no one person who directly influenced them to become an attorney, their initial career choices could have played a significant part in their decision to enter the field. Several of the women, including Evva Heath, Jane Hunter, Georgia Ellis and Edith Sampson, moved from more feminized professions into the legal field making the argument that the transition was not as far fetched as some would imagine. There were clear similarities in their roles as teachers and social workers and their chosen paths in law. As the women carved out their own niche in the legal field they created positions that were in many cases congruent with their role or status as women. Although Sadie Alexander had a very lucrative career in practice with her husband, much of her work included probate and social justice issues as these areas allowed her to have a more flexible schedule as a wife and mother. Other women such as Jane Bolin and Edith Sampson were drawn to family law. Though not all of the women found positions that were clearly defined by gender, there were enough who did so in order to make a case. Finally, there was just sheer ambition that would propel these women into the law as a profession. Jane Edna Hunter and Ruth Whaley were examples
of black women attorneys who either entered to better their business contacts or who worked in a very masculine area once they entered the field.

Sadie Alexander was an excellent example of a female attorney whose alliance with a black male attorney made her transition into the legal field a little easier. Alexander was a member of her husband’s firm from 1927 to 1952, when he went on the Bench. After that, she was associated with three male lawyers on a space-sharing arrangement. According to Alexander, this arrangement was necessary as it was never easy for a female practitioner to organize a firm. Few other women lawyers in Philadelphia not confined to preparing briefs for male members of the firm had such an association as hers. Alexander’s husband had a large lucrative practice and having no apparent negative view of his wife’s abilities he assigned cases to her routinely. Therefore, she was able to devote all of her time to practice law. “My husband opened his office to me and I enjoyed working there. He had a little difficulty with only one of his partners who didn’t want a woman in the place, and my husband said...then I guess you would like to resign. And that stopped that. But at the same time he was never very nice to me, and he eventually did leave, or was asked to leave.” As Virginia Drachman notes, Alexander derived “economic comfort, social status, and professional advantages” from her husband and that “marriage to a lawyer eased [her] way into the legal profession and moderated the dual handicaps of [her] sex and race.”

---

Despite her belief that her husband remained unbiased as it related to gender, Alexander relates a story that might point indirectly to her husband’s belief that a woman is designed for certain roles. She stated:

I had an unusual experience in my practice in the beginning. My husband assigned to me what he didn’t want and what the other men didn’t want. I don’t know how the women are getting along today, but in order to get your foot in a firm, you had to take what was offered you. And he offered me the work of the Orphans Court. It was too tedious, and there was no occasion to be tried, and no excitement of a jury trial and so forth. Well, he needed me because if the Orphans Court work had been neglected. . . so I got to work to clear up the backlog.  

Nonetheless, Alexander used this court as a learning experience and was able to gain a significant amount of legal expertise.

Gertrude Rush was best known for her pioneering work in law: she was the first black woman admitted to the Iowa Bar and a cofounder of the National Bar Association. According to legal scholar, J. Clay Smith, Jr., one of Attorney James Buchanan Rush’s most significant contributions to the profession was “the legal education of his wife,” Gertrude Elzora Durden Rush. Gertrude Rush began the study of law under her husband’s instruction, though she also studied in 1908 at Des Moines College. In 1914, she completed her third year of law study by correspondence at LaSalle Extension University of Chicago. Rush passed the Iowa bar examination in 1918, becoming the first black woman admitted to practice in Iowa.  

After the death of her husband, Rush, who had helped her husband in his law office for so many years, took over his practice. Even when the husband was not an actual lawyer, support came in a variety of ways. When

---

38 Sadie T. M. Alexander interview by Marcia Greenlee, October 12, 1977.

Ruth Whaley graduated she went immediately to her office and found that it was all prepared for her with a great basket of flowers on the desk from her “best boy friend,” her husband. Whaley acknowledged that “it was through him that I first became interested in the law. Had he not urged me to it, I think I would still be teaching school.”

For those women who did not have the benefit of having immediate family members in the field, the typical route to the legal profession was through other professional endeavors. Several of the women had been teachers or social workers prior to their entrance into the legal profession. The apparent connection between social worker and lawyer was not that far due to the community’s broadly based emphasis on uplift and community consciousness. Additionally, there were one or two of the women whose previous employment, though not in the social work field, made the transition to law easier because of the similarity in their work routine. For example, the year before Violette Anderson’s first marriage dissolved, she began her career in the legal field as a court reporter. She worked as a court reporter from 1905 to 1920, operating a successful stenography, shorthand, and court reporting business. According to Crisis magazine, “all the colored lawyers and many noted white lawyers” were among her patrons. At a time when the only professions open to black women were nurses, social workers, librarians, musicians, and teachers, Anderson stood out. Anderson was a part of a rising group of young black women who dared to make the jump from being court reporters, stenographers, and wives of lawyers to being lawyers themselves.40

A year before graduating from high school, Ida Platt began working in the insurance office of Mr. Holger de Roode. For approximately nine years, she worked as de

---

Roode’s private secretary and stenographer and she also managed the office’s claims department. Several years later, in 1892, Platt took the leap into the legal field as she began working in the law firm of Jesse Cox and entered law school as an evening student at the Chicago College of Law. In 1895, she became the first black woman admitted to the Illinois bar. Both Anderson and Platt took the next logical step in venturing out from their court related businesses to the legal profession.

Sadie Alexander’s entrance was not quite so logical. Although Alexander was mentioned prior as having a family tradition of lawyers as well as marrying an attorney, her initial career choice was not the legal field. Her initial career aspirations were to teach economics in a university setting. After receiving, in 1921, the Ph.D. in Economics with a minor in Insurance from the Wharton School of the University of Pennsylvania Alexander was unable to find work in her field. Despite the fact that she had more education than the vast majority of the population, white or black, male or female, she could find no school that would hire her. She found that her Ph.D. also did not enable her to obtain employment at any of the large white insurance companies. In spite of her professors’ excellent recommendations and their threats to stop referrals of any other students to the insurance companies if they refused to hire Alexander, every company refused to hire an African American woman. Still finding no position that equaled her education, she decided to go to law school.

Alexander’s attempts to find work in her field were rejected by white corporations because of her race and by the research departments of black colleges because of her sex. The close juxtaposition of her joyous graduation day and her keen disappointment at being unable to work as an economist still rankled her fifty-five years later despite her
accomplishments as a lawyer, her successful marriage and two children. Sadie Alexander vividly recalled her predicament: “All of the glory of that occasion faded, however, quickly, when I tried to get a position.”41 As her rueful comment signaled, race and gender were powerful constraints that limited her and other black women’s ability to establish themselves in the professions in the 1920s.

Although educated black women were able to enter feminized and largely segregated professions of primary school teaching, social work, and nursing, the two professions of Alexander in the 1920s --- economics and law --- amply demonstrate the extent to which their race and sex limited their access to other professions. Alexander’s Ivy League credentials placed her among the most educated women in the US, while her ancestry and light color made her one of the most advantaged colored persons of her era. Yet she could not find work as an economist in white or black America and had restrictions on the types of cases she received in her first years as a lawyer in her own husband’s firm.

Other black women made the leap into the legal profession due to their exposure to the world around them and the inherent injustices that people within their community faced. Lutie Lytle and Mary Ann Shadd Carey were both journalists and came face to face with the realities facing the Negro community in the latter portion of the nineteenth century. Lytle attended the Topeka High School, and worked as a compositor on a black newspaper in Topeka following graduation. It was said that her newspaper work brought her into contact with politicians, so her ideas of life were much broader than those

entertained by the average young girl. Her exposure to politics through her newspaper job inspired her to enter the law profession, a rare event for either women or blacks of that day, but most unusual for a black woman. She later explained her choice of law as a desire to help her people.

I conceived the idea of studying law in the printing office where I worked for years as a compositor. I read the newspaper exchanges a great deal and became impressed with the knowledge of the fact that my own people especially were victims of legal ignorance. I need to fathom [the law’s] depths and penetrate its mysteries and intricacies in hope of being a benefit to my people.42

Journalism was not the only arena in which these women were exposed to the awful truths of the Black community. Black women during the late nineteenth century and early twentieth century were groomed and educated to become advocates for their communities. The typical route to the public sphere was through various feminized professions such as teaching, social work, and nursing. Several of the women attorneys came to the legal field through these other professions. Social work, in particular, exposed these women to the social ills of the black community. Once becoming introduced to the legal field through some other means, the differences in the two fields (social work and law) quickly narrowed as they later saw themselves as social workers of sorts within the legal field. As they entered into the softer side of the law, whether due to the constraints of their gender or because these areas of law merely appealed to them, the majority of these women worked as community liaisons through their legal work with children, family, probate, real estate and even criminal law.

Jane Bolin had said she had always preferred to deal with children. “I’d rather see if I can help a child, than settle an argument between adults over money.”

---

42 Topeka Daily Capital, 15 September 1897.
came before her when she sat as a judge, she considered both the child and the community. Which comes first? “That depends on the case and the child’s conduct. If the only way to help the child is to remove him from the community, I do.” 43 While at Wellesley, as an undergraduate, Bolin did social work three afternoons a week in Boston which certainly helped to prepare her for the time she would later spend in Family Court. She fondly recalled the irony in the words of her father when he initially told her that law was too unseemly for women. She stated that she often thought of those words when it got rough in the court. “People who come to Family Court are in terrible distress.” 44

Edith Sampson initially wanted to be a schoolteacher. After graduating from high school she obtained a position in a rural community in Branchville, Virginia where she taught in a one-room schoolhouse for thirty-five dollars a month out of which she was required to pay room and board. She gave up after the first semester and was glad to come home. A few years later the Associated Charities of Pittsburgh wanted a Negro social worker, so they sent her to a school in New York to study. It was there that she met George Kirchwey, the man responsible for her entering law. George Kirchwey, a well-known criminologist, was guest professor at the school, and dean of the Columbia University Law School. When he read her examination paper in criminology, he sent for her, told her that she was in the wrong field, and suggested that she should be a lawyer. She nevertheless returned to Pittsburgh and married her first husband, Rufus Sampson, the northern representative of Tuskegee Institute.


44 Ibid.
Several years later, she and her husband moved to Chicago where she became a social worker for the Illinois Children’ Home and Aid Society. One day after reading in the newspaper that Professor Kirchwey was to speak in Chicago, she went to the meeting and when it was over he again urged her to take up law. When she told him she could not afford it, he said, “Come and see me.” She did and a month later was enrolled in the John Marshall Law School. She attended classes at night and studied on streetcars. During the day, she placed dependent children in new homes and found adoptive homes for the neglected.45

Eunice Hunton Carter initially set out to be a social worker despite her mother’s pleading that she follow in her footsteps and become a school teacher. She graduated \textit{cum laude} from Smith College in 1921 where she earned her Bachelor’s and Master’s degrees. There, she developed an interest in government and politics that she pursued in her master’s thesis, “Reform of State Government with Special Attention to the State of Massachusetts.” Almost twenty-two years old and fresh from college, Eunice Hunton moved back home to New York to begin making her own way in life. Eunice decided to focus on another helping profession reflecting her family’s commitment to community service…social work. She was described by others as being, “strong-willed, charming, and a stimulating conversationalist who was at ease among people from all walks of life,” and she used these characteristics to excel in a challenging career in family services in New York City and Newark, New Jersey.46

\begin{footnotesize}
\begin{enumerate}
\item Edith Spurlock Sampson, “Biographical Information,” Schlesinger Library, Radcliffe Institute, Cambridge, Massachusetts.
\end{enumerate}
\end{footnotesize}
During the 1920s Eunice remained active as her mother’s helpmate participating in her mother’s pet organization, The Circle for Peace and Foreign Relations. This organization of black women reinvigorated the Pan-African Congress movement in August 1927, when they organized and funded the Fourth Pan African Congress in Harlem New York. The Circle for Peace and Foreign Relations was the political vehicle of black women long interested and involved in diasporic and African upliftment efforts. Its chair was Carter’s mother, activist Addie Hunton, as noted previously for her work with the NAACP and women's suffrage. Hunton worked in the YWCA programs in France during the war and provided supportive services to African-American troops stationed there. Other experienced activists in the organization were Harlem Renaissance novelist, Jessie Fauset, Nina DuBois and Ms. Caseley Hayford, active in West African political projects. They raised three thousand dollars and arranged for the Pan-African Congress sessions to be held in several Harlem churches in August 1927.

Eunice Hunton Carter was listed as Assistant Secretary of the organization on the Official Program of the Fourth Pan-African Congress. Hunton’s family commitments were to expand during this time as well with her marriage to Lisle C. Carter in 1924. Originally from Barbados, British West Indies, Dr. Carter was a dentist practicing in New Jersey. The two had a son, Lisle Carter, Jr. born in 1926. However, even with a career as a social worker, her volunteer work, and new family, Eunice could not deny her interest in law. Carter’s attraction to the law was sparked during her years at Smith College where she developed an interest in international law. She began to take occasional classes at Columbia University during her marriage and then a course of night classes at Fordham
University law school where she earned her L.L. B. in 1932. 47 While there were few black female lawyers of the time, her career move was part of a slowly growing trend. African Americans were slowly entering more professional careers and, among the fields, law stood out as an area for those with political and social activist interests.48

Georgia Jones Ellis graduated from Sumner high school in St. Louis, Missouri at the age of seventeen and completed the Normal College for Teachers one and a half years later. She was instrumental in opening the Provident Association Training school to blacks desiring to become trained social service workers. She was also the organizer and president of a club which sponsored and established the first infant welfare clinic for African Americans in that city. Moving to Chicago in 1916, she immediately became active in civic and political organizations. In 1925 Ellis graduated from John Marshall Law School and was thereupon admitted to the Illinois Bar. While she attended the evening division of the law school, Ellis worked in the Recorder’s Office in Chicago. 49

Prominent black social worker, Jane Edna Hunter, serves as an excellent example of a black female attorney who obtained her degree in order to bolster her business credentials. Prior to becoming an attorney, she trained as a nurse before becoming one of the leading settlement house workers and institution builders in this country. Although Hunter had completed nursing training at Charleston Hospital and Nursing School and at


the Hampton Institute in Hampton, Virginia, the northern variety of racial discrimination erected barriers in her search for work and a place to live. When she arrived in Cleveland in 1905 to find work as a nurse, she could not find decent housing or professional work because of segregation practices. Having no friends or relatives, her first residence turned out to be a place where prostitutes lived. With the help of other women, she formed the Working Girls Association, which eventually became known as the Phillis Wheatley Association. The purpose of this voluntary association was to build a safe residence for the homeless, unprotected working women and girls of the race. In 1930, Hunter became Director of the Phillis Wheatley Department of the National Association of Colored Women.\textsuperscript{50}

While Hunter advocated for the single black woman, she also took the necessary steps to become a lawyer. Though Hunter had already secured a very prominent position for herself through hard work and struggle, she had been acutely aware of her deficiencies in education. Upon arriving in the North, Hunter had been faced with the rigid class structure that helped define the status of blacks in the early to mid 1900s. Adrienne Lash Jones, Hunter’s biographer, contends that Hunter sought her legal degree as a way of securing her position as a “visible and qualified leader among her own race.” As a single woman, Hunter had no family connections which would automatically admit her into the very closed social circle. Education and position were her only entrees to the ranks of the upper group. Hunter’s few years of school in the South did not compare with the education of her black women peers in Cleveland. Public schools in the city were well

known to be outstanding for their college preparatory courses and many of the women in
the black community had graduated not only from the high schools, but from colleges as
well. Educational achievement seemed to be the basis for acceptance into the upper
ranks of society for those who did not have the familial connections. In addition, Jones
points out that the “tenuous” relationship between the YWCA and the Phillis Wheatley
served as a constant reminder to Hunter of her deficient education. A requirement by the
YWCA that their workers must have a college education before entering training in their
school could have threatened Hunter’s directorship of the Phillis Wheatley in the event of
a merger between the two organizations.

Hunter’s choice of law for her course of study brought together her interest in
securing her financial future, her desire for higher education, and as Jones says, quite
possibly her seemingly competitive spirit against men. Working closely with
businessmen and lawyers who were on her board had introduced Hunter to a world of
contracts and investment, with fiscal and legal jargon dominating many of the meetings
of financial advisors. Hunter passed the Ohio Bar in 1925. Though record shows that she
was still denied the respect which usually accompanied such a position, Hunter certainly
felt some degree of satisfaction for she had surpassed many of her “superiors” in
educational achievement and was at least on par with many of the men.  

Prior to World War I and into the second World War, with a myriad of issues
facing the black community, such as migration, deplorable work conditions,
discrimination, low wages, and family dislocation, many black lawyers were called upon
to be “social engineers” as Charles Houston famously put it, but in a different sense than

---

51 Adrienne Lash Jones, Jane Edna Hunter, 95-97.
what Houston had in mind. While Houston spoke of the need for lawyers to work a
revolution in race relations and civil rights, the everyday task for black women lawyers
was more modest—offering advice and stitching together social networks that were
strained by the challenges of urban life.52 In this respect, many of these women’s law
practices resembled the social work positions that were increasingly becoming feminized.
However, the court systems were changing, as cities sought to incorporate domestic
disintegration, juvenile delinquency, and other newly defined social problems into their
legal regimes.53 The social structure of the city changed too, as African Americans
moved, sought work, married, divorced, and formed churches and new neighborhoods.
For many black women lawyers, this became the common entrance into the field.
Although they were in a male dominated career, the ethos of respectability that earlier
black women leaders had established formed a backdrop for their professional activities
and pushed them into community service and social reform activities regardless of their
other professional duties.

Clearly, the choice to enter into the legal field for black women came in a myriad
of ways. One major avenue to the field was through the alliance of a male attorney.
However, that one reason seems to simplify the decision making process in too neat of a
package. It was more than having a male open the door for them. It was also more than
merely following a prior career path that would ultimately lead to law. And it was more
than family connections. For these women to consciously choose to enter into a career

(1935), 49-52.

53 James Willard Hurst, The Growth of American Law: The Law Makers (Boston: Little Brown,
1950), 333-75.
that was clearly opposed to their status as blacks and as women meant a lot more than mere chance. I think that their decision to enter into this field had much more to do with their ideas of the power of women to advocate for social change. These women were groomed at a time when the black community looked to its women to help alleviate some of the social ills that were apparent in their communities. Other black women with middle class ideals who were not involved in the legal field were doing much of the same in other professions. However, because these women were somehow exposed to law as an option, they saw it as a chance to exert their womanly influence in a field that seemingly offered a greater amount of political influence. Not only were they advocating for change as other black women were doing, they were doing so in a field that offered them a greater amount of power and influence. Additionally, the act of joining the bar was in itself a forceful political statement about the rightful place of women as it was tied to the idea of participation in the public and political life of the community. But ultimately of course, these women also had non-ideological reasons for becoming lawyers, and they were the same reasons men had: the interest of the work and the need to make a living.
CHAPTER 3

“IF I BROKE NEW GROUND IT WAS NOT BECAUSE I STROVE TO DO SO”: THE LEGAL EDUCATION OF THE BLACK FEMALE LAWYER

On May 8, 1904 Evva Kenny Heath wrote to her mother that her commencement exercises at Howard University Law School would be held on the thirtieth of that month and that she would have the opportunity to present an oration at the ceremony along with two men. Although she had not yet prepared her speech, she already knew that she would talk about the rights of women under the law. Afterwards, she described it as the “finest commencement in the history of the school” with approximately three thousand in attendance. She went on to say that it was a “grand affair” and the talk of the city. The audience was integrated with the best black and white people of Washington, D.C as well as other cities. She reported that she left the audience spellbound and was subsequently invited to speak at the National Association of Colored Women’s Clubs’ National Convention that year.1 After graduation, Heath practiced with her husband in Washington, DC until her sudden death in 1906.

1 Letter from Evva Kenney Heath to her mother, 8 May 1904, Evva Kenney Heath Papers,1855-1998, The Ohio Historical Society, Columbus, Ohio.
The above description highlights the culmination of the efforts of one black woman to become a lawyer in the first decade of twentieth century America. When Evva Heath completed her studies at Howard University in 1904, only four black women had graduated from any law school. To become a black lawyer in America required an enormous amount of courage, determination, and vision. To most blacks, it was a goal that seemed to defy social and economic realities. At the turn of the century, physicians and lawyers together comprised only 1.5% of the black population. According to the 1910 United States census, there were only 815 black lawyers in the country and by 1940 only 1,013; essentially, one black lawyer for every 13,000 blacks in America.

The process of black women’s entry into the legal field can be integrally linked with economic and social factors that have shaped American life, most notably the end of slavery and the subsequent racial uplift movement that ensued. Freedom and education were inseparable. To remain illiterate after emancipation was to remain enslaved. Higher education in the first half of the nineteenth century was rare for black men and women of both races. For blacks, opportunities for education were often legally as well as socially prohibited prior to the Civil War. The appropriateness of education for blacks and white women created wide debate during the early nineteenth century. Some argued that both groups should be educated to at least adequately fulfill their place in society – the good and dutiful wife and the respectable and humble black person. Essentially, both groups

---


were educated to serve and not to lead, which only reinforced society’s view of their perceived natural inferiority. 4

Black women’s decisions to pursue a college degree can be attributed to a variety of factors. Young men and women were encouraged to attend college not only to benefit themselves but also to better the race as a whole. As we have seen, family tradition also prompted women to pursue higher education. Many black women seeking college education were second-generation college graduates, familiar from childhood with the charge to improve self and simultaneously to serve the race. For others, pursuing a college degree meant seeking to improve their quality of life through education. 5 Even in situations where there was no family college tradition, there remained family expectations. In spite of having no experience with higher education themselves, many parents advocated a college education and supported their daughters in attending college. The parents, in most cases, felt that their children had a chance of accomplishing what they could not.

Unlike white women, black women were encouraged to become educated to aid in the improvement of their race. Black women as well as men would demonstrate the race’s intelligence, ingenuity, and especially morality. These views were not necessarily enlightened ones, but they seemed to have served economic necessity within the black community. During the antebellum era, race uplift was the expected objective of all blacks, but after the Civil War, the implementation of this philosophy was increasingly


placed on the shoulders of black women. Although, by the late nineteenth century, some black males may have desired Victorian gender roles, in reality they were not economically able to sustain a patriarchal existence. Thus, education and economic survival became paramount issues for black female leadership. For these black women, a desire to uplift their race was a primary motivation for obtaining a college degree.  

By the end of the nineteenth century, however, the status of black women’s education remained virtually unchanged. By 1890, only thirty black women had earned baccalaureate degrees, compared with more than 300 black men and 2,500 white women. In 1892, Anna J. Cooper addressed the issue of sexism in *A Voice from the South*. She noted the paucity of black women who had obtained a higher education and placed the blame upon the lack of encouragement from black men. Cooper wrote, “I fear the majority of colored men do not yet think it worthwhile that women aspire to higher education.” With shifting attitudes toward women within the black community at the century’s end, educated black women focused their attention primarily on youth and women. Education for some women later came to be a path of social mobility, though it was painfully evident that education did not necessarily hold for women the advantages it held for men. Yet, generalizations about women’s expectations and attitudes are misleading. As black women acquired an education, they did so for different reasons and their uses of it varied. These women made individual choices at different times in their lives about the place of paid employment or voluntary activities. While committing

---


themselves to family responsibilities, black women typically held on to personal goals. Patterns differ as to how these individual women adapted and yet sustained their ambition. Shifts can also be seen in how the generations have met this challenge.9

The first generation of black women attorneys, those educated prior to 1910, grew up in an era of uncertainty. The period following 1877 seemed particularly bleak for the African American community. Although many in the community had expected the reverses in status and power, they never expected to be counted out of the social, political, and economic stratosphere of American society so completely. By the end of the century, certain white intellectuals had devised a rationale backed by pseudo-scientific research to explain and justify why the rich, poor, blacks and women should remain in their allotted places. However, as the black community recast class by arguing for the capability of educated and industrious people, blacks began to furnish them with evidence that would disprove their theories. For blacks, education represented the key to class mobility, and they began to see it as nothing less than sacred. These women of the first generation of lawyers were a product of this environment. It became a duty of black families with the resources to educate their children. Education was power, and it was what the black community was in great need of at the moment. By embracing a variety of Victorian middle-class values – temperance, thrift, hard work, piety, learning – blacks believed that they could carve out a space for dignified and successful lives and that their examples would remove prejudice. Often, it was education, along with the aforementioned traits that made the difference.

The history of women and legal education begins in 1870 when Ada A. Kepley, a white woman, became the first American woman to receive an accredited law degree, graduating from the Union College of Law (now Northwestern). Other women, however, who sought formal education were being denied admission to law schools (and the bar) in Connecticut, California, Colorado, and Indiana. Even after the turn of the century, when women were admitted to the bar of almost every state, the battle for women’s admission to law school continued. Although most elite schools had formally opened their doors by then (Michigan, 1870; Yale, 1886; Cornell, 1887; New York University, 1891; and Stanford, 1895), they remained inhospitable to women students. Other schools (both elite and non-elite) maintained policies of total restriction for decades to come.10

Many women seeking higher education during the late nineteenth century and early twentieth century, did so while maintaining some degree of a separate sphere; they typically entered into all-female educational institutions. By contrast, women seeking legal training had to gain access to male-dominated institutions. The only other choice was to seek a legal apprenticeship in the office of another attorney. Of the two options, apprenticeship actually offered the easier route, allowing women to study under fathers or husbands who were lawyers, thereby providing the privacy and protection of that family connection. In contrast, a woman who left her family for law school was essentially leaving behind an extremely important system of support. As the first black women began to enter the profession during the late 1870s, law schools began to emerge as the more rigorous, formal, and prestigious path into the profession. The rising dominance of law schools had a powerful effect on black women seeking to enter into the legal

profession. Interestingly enough, each of the fourteen women in this study made the decision to enter into the legal profession through law school, even though several had fathers who were lawyers and others were married to lawyers. The double burden of both race and sex no doubt compelled them to obtain all the credentials they could get.11

Women who sought a law school education did not have the option of attending an all female school the way aspiring female physicians did. These medical institutions combined female culture with medical study to provide aspiring women doctors with a supportive and nurturing environment where they could learn medicine apart from men, and they also provided women doctors with their own professional workplace in an era when it was all but impossible for a woman doctor to find acceptance in any male-run medical institution. At least until the very end of the nineteenth century, there were no separate law schools for women. Aspiring women lawyers had no choice but to brave the lonely, often hostile environment of the male-run law schools. For some, the possibility of institutional integration motivated them to sacrifice the comforts of apprenticeship and

11Ironically, out of all in the women in this study, only one studied as an apprentice and she is included in the second generation grouping. Gertrude Durden Rush’s experience was a bit of an anomaly as it relates to the experiences of black women. Born in Navasota, Texas on August 5, 1880, she received her diploma from the high school in Quincy, Illinois in about 1898. Between 1898 and 1907, Rush appears to have been a teacher. She began the study of law in 1908 under James Buchanan Rush, whom she married on December 23, 1907. She worked in her husband’s law office for a number of years without a law degree. Sources differ on the extent of Rush’s education after her graduation from high school. However, according to Frank L. Mather in Who’s Who of the Colored Race, she studied at Des Moines College, receiving her B.A. degree in 1914, was admitted to the Iowa Bar in 1918 after completing her final year of legal study (after apprenticing) at LaSalle Extension University of Chicago, and graduated in 1919 from Quincy Business College. She became the first black woman admitted to practice law in Iowa. Shortly thereafter, her husband died and she took over his practice. A few years later, Rush became a founding member of the National Bar Association.11 Although she did not follow the typical path to the profession as the other black women, Rush’s experience signifies and important juncture in the history of black women lawyers as it pertains to black women finally being recognized for their leadership abilities (at least by those in their own communities).
take on the challenges of law school education.  This idea of coeducation, however, unleashed a strong negative response from leaders of elite law schools in Northeast. The most prestigious law schools in the country, University of Pennsylvania, Yale, and Columbia, did so only hesitantly thereafter. The only law school that seemed to have no initial compunction to opening its doors to both white women and men was National University Law School which opened in 1870.

Howard University’s law school was the first, however, to “declare” a nondiscriminatory policy in 1869. Howard was a product of the Reconstruction era’s commitment to educating newly freed blacks. With the support of the Freedman’s Bureau and Radical Republicans in Congress, the school opened in 1867 with General Oliver Otis Howard, director of the Freedman’s Bureau as its president. Most blacks who attended law school attended Howard University. Of the fifteen private and three public colleges founded primarily for blacks in the 1860s which still survive, Howard University, was one of the few such schools which “was established mainly for the purpose of catering to those who had been prepared for collegiate and professional training.” Most of these colleges offered high school work. Howard also offered theological, pharmacy, medical and law departments, all of which were established in

---


13 Although there were problems associated with their matriculation. Apparently, the male students did not share the school’s progressive view toward women. At first the women were told they could no longer attend lectures, although they would be permitted to complete the course of study. By the end of the two-year course, National University Law School had become so inhospitable to women that only two remained. See Virginia Drachman, *Sisters in Law*, 43-44.
1869 just four years after the abolition of slavery.\textsuperscript{14} John Mercer Langston, the first black lawyer admitted to the Ohio bar was summoned to organize the law department and he did so with a racially integrated faculty. An ex-slave who had graduated from Oberlin College and the Theological Seminary of Oberlin, Langston had read law with Philemon Bliss, a white newspaper editor and antislavery advocate in Elyria, Ohio. Langston’s accomplishments made him the ideal symbol for the new law school of black intellectual ability and achievement.

During the organizational development phase, Langston traveled to various Southern states giving speeches encouraging black men and women to apply for admission. Convincing black freedmen to consider law as a profession was difficult since they had never heard of or seen a black lawyer. Langston served as dean until 1875. Six students were admitted the first year of Howard’s law program, and classes commenced in “a few rooms on the second floor of the main building on the University Campus.” By the end of the spring semester, the number of students had increased to twenty-two. By the fall semester, the enrollment had increased to forty-six students. Because the law school was suspended during 1876 and 1877, no students graduated from 1877 through 1880. Between 1871 and 1900, Howard graduated about 328 law students. From their ranks came practically all academically trained black lawyers during the post Civil War period.

According to written policy, white and black male and female students were welcomed into Howard from its inception. By 1870, white students were enrolled in the

law school. Eight women graduated from Howard Law School between 1869 and 1900.\textsuperscript{15} At least six women, believed to be white, who were barred from attending white law schools were graduated from Howard between 1882 and 1899: Emma M. Gillett (1882), Ruth G. D. Havens (1882), Eliza A. Chambers (1886), Marie A. D. Madre (1897), Cynthia Cleveland (1899), Clare Greacen (1899).\textsuperscript{16} In 1898, Emma Gillet co-founded the Washington College of Law for Women, now known as American University School of Law. Ironically, although she matriculated through Howard University, the university she later founded did not admit blacks during the early years. Thus Howard was the first law school in the country to accept applicants regardless of race or sex.

Despite the university’s formal commitment to sexual integration, not everyone there supported coeducation. The medical school faculty was divided over the wisdom of admitting women. The anatomy professor, for one, did not give women medical students the materials they needed to perform their dissecting assignments, and he tolerated his male students’ “ill treatment and insults” toward them. For decades, female students were passed over for clinical and laboratory appointments as well as for positions at the Freedman’s Hospital.\textsuperscript{17} The medical school at Howard was not alone in its discrimination against women students. While priding itself as an institution offering professional education to victims of racial discrimination, according to several accounts Howard seems initially to have resisted the admission of women to its law classes. In

\textsuperscript{15} Smith, \textit{Emancipation}, 55.

\textsuperscript{16} Smith, \textit{Emancipation}, 54. He cites Evva B. Kenney Heath as white, however, my research tells me that she is a black woman from Ohio. Her papers can be found in the Ohio Historical Society, Columbus, Ohio.

\textsuperscript{17} Gloria Moldow, \textit{Women Doctors in Gilded-Age Washington: Race, Gender and Professionalization} (Urbana: University of Illinois Press, 1987), 37-47.
1869, Belva Lockwood, a white woman and the first woman to argue a case before the Supreme Court, was denied access to Howard University for no apparent reason. 18 She was later accepted into the Law School of the National University in Washington, D.C. In an 1890 article, Leila Robinson, a Massachusetts attorney and writer, reported on the barriers that existed at Howard’s Law School. In her article, she wrote that although Howard made no apparent distinction based on race or sex, several ladies who had graduated from there made statements regarding discriminatory treatment. Mary Ann Shadd Cary, a black anti-slavery activist and journalist, insisted that despite being admitted to Howard’s law school in 1869, she was not permitted to graduate because of her sex. Robinson reported:

In 1880 the names of four women were enrolled as students of this school, all of whom graduated in due time. One of these, Mrs. Louise V. Bryant, of Washington, I have not heard from; Mrs. M.A.S. Cary, a widow, colored graduated in 1883, took her diploma as attorney at law, and has been practicing four years in Washington. This lady writes me that she took a course in this same school at an earlier date, being enrolled as student in September 1869—the first woman to enter the school—but that she was then refused graduation on account of her sex.19

For her article, Robinson surveyed women attorneys and women who studied law and relied on their responses for the content of the article. She provided yet another example of a woman who gave evidence of Howard’s discrimination against women. Five years after the graduation and successful bar admission of Charlotte Ray, Eliza Chambers claimed that the faculty refused to submit her name for consideration for


admission to the bar. In the case of Chambers, who entered Howard Law School in 1885, Robinson noted that:

Chambers completed the full three years’ course, took both diplomas which are earned thereby, and was then admitted to the Bar. She writes me however that the law school faculty refused to hand in her name to the examiners, for admission to practice, omitting her from the list of her male classmates whom they recommended, simply because she was a woman. She has been in practice since her admission giving special attention to matters in equity, with patents, pensions and land claims.\(^{20}\)

Despite these alleged incidents, Leila Robinson also acknowledged that the statements of Mrs. Carey and Mrs. Chambers concerning the discrimination made against them on account of sex was in direct contradiction to the claim of the school that no such distinction was ever made there. In fact, Robinson had also been notified by Ms. Ruth Havens, an 1883 graduate of Howard, who praised the institution and faculty. Robinson included the statements made by Carey and Chambers in her article because she felt that although she could not discern the situation at Howard, the students’ concerns should be given to the public just as they were given to her.\(^{21}\)

In the same article, Robinson also mentioned a situation surrounding Charlotte Ray’s entry to the school. She had been told that Howard’s first woman law student, Charlotte E. Ray, gained entry “by a clever ruse, her name being sent in with those of her classmates as C.E. Ray, and that she was thus admitted, although there was some commotion when it was discovered that one of the applicants was a woman.” \(^{22}\) Further,

\(^{20}\) Ibid., 28.


biographer Jane Rhodes noted that this rumor might have been started by Mary Ann Shadd Carey. Ray’s father, Charles Ray, a prominent minister and abolitionist in New York, was a member of the American Missionary Society. He was a member of the committee that followed and partially funded Carey’s school in Windsor, Canada. Mr. Ray was also on the committee that decided to revoke her teaching position in Windsor. However, there is little to support the contention that Carey leaked the story of Ray’s bar admissions “ruse” to the Green Bag. Moreover, the New National Era reported the story of Ray’s graduation and celebrated the event of a black female law graduate. The article lauded “the first colored lady in the world to graduate in law, graduated from Howard University.”

Mary Ann Shadd Cary, by all accounts was the first black woman to gain admission to a law school and one of the first women of any race to embark on the professional goal of law. By the end of her first term at Howard, there were twenty-one students in the class. Because there were no entrance requirements for applicants to the school, the first session was devoted to remedial instruction to prepare the students for the law curriculum. Cary joined this first class in 1869 and began the rigorous two-year program. Cary, like many of her classmates, kept a demanding pace as she continued her

---


24 Ibid.

work as a teacher and principal during the day and attended law classes each evening from five to nine p.m. Most students at the law school worked as clerks and messengers in federal agencies, or like Cary, in the freedman’s schools, to pay for their tuition and living expenses. The federal government subsidized the school through direct grants and by employing large numbers of Howard’s law school students. The university also provided housing to students, including Cary, who lived on campus from 1870 to 1873. In addition to studying classic legal texts like Blackstone’s *Commentaries*, students met on Thursday evenings for instruction in debating, public speaking and the writing of legal essays. Attendance at Sunday Bible study classes was expected, as well.26

At the end of each school term the faculty of Howard University sponsored public presentations and oral examinations to demonstrate their students’ progress and expertise. In early July 1870 the law students performed before a large gathering, and the *New National Era* praised them for “exhibiting the most satisfactory progress during the past year, and ability of high order.” Among the speakers was Mary Ann Shadd Cary. A local reporter commented on her presence as the only woman in the group, and proclaimed the event proof of “the capacity of the freed people for all the duties of the highest citizenship.” The writer singled out Cary’s thesis on corporations as “not copied from the books but from her brain, a clear, incisive, analysis of one of the most delicate legal questions.”27 The thesis, which marked her debut as a legal scholar, was a lengthy

---


27 Some historians have mistakenly attributed this description to Charlotte Ray, who began attending Howard Law School the next year. But in 1870 there was only one female law student – Cary – and her paper, titled “The Origin and Necessity of Corporations,” can be found among her surviving papers.
discussion of the history, development, and role of corporations in modern society.

“Among the provisions of the Law designed to further the welfare of man, in establishing and maintaining enterprises of national and individual interest, none are of greater importance than those which respect corporations,” she wrote. Cary demonstrated her ability to absorb and analyze her course work effectively, quoting Blackstone and other legal scholars.28

The founders of Howard University’s law school expected that its graduates would be in the vanguard of pressing for civil rights in the courts. But for women, race and gender discrimination in the legal profession was a fact of life in the nineteenth century.29 Black men had only recently broken the race barrier in the practice of law. The tiny handful of black male lawyers in the United States in the years preceding and following the Civil War had to confront hostile white lawyers and judges, and reluctant clients, in their efforts to work in their profession. The obstacles preventing women – white or black – from becoming lawyers were even more daunting. Prior to the 1870s, it was both custom and legal precedent to exclude women from serving as attorneys.

28 Dyson, Howard University, 231; New National Era, July 1870, 7; “Thesis on Corporations,” Mary Ann Shadd Cary Manuscript Collection, Mooreland Spingarn Library, Howard University, Washington, DC; These comments wrongly attributed to Charlotte Ray have been published numerous times, most recently in Darlene Clark Hine, ed., Black Women in America: An Historical Encyclopedia (Brooklyn: Carlson Publishing. 1992) 965.

29 Jim Bearden, Shadd: The Life and Times of Mary Shadd Cary, (Toronto: NC Press, 1977), 212-13. Bearden advances the idea that Shadd Cary was deliberately prevented from graduating because of her gender, although they rely on scanty evidence. Judge Macon B. Allen was probably the first black attorney to have access to the courts when he was admitted to the Maine Bar in 1844. Ten years later, John Mercer Langston, who would become the Dean of the Howard University law school, was admitted to the Ohio bar. The New England abolitionist John S. Rock was the first black admitted to practice before the Supreme Court in 1865. George B. Vashon, an Oberlin College graduate and long-time abolitionist, was the first black lawyer admitted to the bar in the District of Columbia in October 1869.
Between 1870 and 1880, five other black law schools were founded. Of these five, only one would survive beyond the Reconstruction Era. Straight University College of Law and Lincoln University School of Law were established in 1870. Straight University’s law school was founded by the American Missionary Association, and it graduated its first law class in 1876. Like Howard, Straight operated on an interracial basis from its inception. Its graduates were routinely admitted to the Louisiana Supreme Court. The school remained interracial until 1886, when white students bypassed it to attend Tulane University’s law school. Complying with the state’s Jim Crow laws, Tulane refused to admit blacks to any of its schools. Straight’s law school closed in 1887 without explanation after graduating a number of black students.30

In 1870, the Board of Trustees of Lincoln University established a law school in Oxford and West Chester, Pennsylvania, but the school did not survive the panic of 1873. Wilberforce, in Xenia, Ohio opened a law department in 1872. Although it was open for thirteen years, Wilberforce conferred no law degrees on the three students “put upon the study of law.” Shaw University (now Rust University) in Holly Springs, Mississippi was the first black law school in the South to commence a three-year program, in 1878. It was also the first law school in the state of Mississippi to train blacks in the law, as they were barred from attending the University of Mississippi’s law school. The Shaw program closed in 1880 because few students applied.31

30 Smith, Emancipation, 56.

Central Tennessee College opened the second black law school in the South in 1879, thirteen years after the college was chartered. Only a few students applied to the law school when it opened, even though the tuition was thirty dollars a term and no college degree was required. By 1900, approximately twenty-five black students had graduated from Central and were “fairly well received by the white lawyers.”³² Central Tennessee College’s law school was quite competitive. Indeed, it was an alternative to Howard and Straight because of its quality facility, its comparable curriculum, and its convenient location in Nashville. Classes met daily at Central. Its students were required to attend the local courts in Nashville to observe “some important suit in progress, or some instructive debate in the State Legislature, which met in this city.” The law school did not have a law library and it depended on donations to supplement course books. The law school’s creed required its students to work hard if they were to succeed.³³ Central’s significant contribution, at least as it pertains to this study, is that America’s fourth black woman lawyer, Lutie A. Lytle, was graduated from the law school in 1897; she joined Central’s faculty, becoming the first black female lawyer in the South and the first female law professor of a chartered school in the world. In 1900, Central Tennessee College was succeeded by Walden University, which continued the law school until 1921, the year the university closed. Between 1881 and 1896, five black law schools were established. All

³² Lucius S. Merriam, Higher Education in Tennessee (Washington: Government Printing Office, 1893), 273; “Central Tennessee College – Its Theological and Law Department,” Indianapolis Freeman, 22 June 1889. Central required only that a candidate for admission “give evidence of good moral character, pass a satisfactory examination on all studies up to a high school grade, or bring a certificate or diploma from some reputable school of having completed the English course. Catalogue Central Tennessee College, 1896-1897, (1897) 45. However, the law school did recommend that applicants complete, if practicable, a higher course of study than the common English branches, before entering the department.

³³ Catalogue for Central Tennessee College, 1896-1897 (1897), 44-45.
but one was closed by 1914. Between 1900 and 1939, eight black law schools were established. By the end of 1944, only two of these remained opened.  

The first two publicly supported law schools to admit and graduate Blacks were the University of South Carolina and the University of Michigan. Between 1873 and 1877, the University of South Carolina Law School was integrated temporarily. Some scholars have mistakenly referred to it as a “colored school” because a number of blacks were enrolled there during Reconstruction, causing some white law students to withdraw. In 1877, the University of Michigan graduated its first black law students, followed by the University of Iowa, which graduated its first black law student in 1879. Until the mid-1940s, the University of South Carolina was the only public university in the South that had admitted blacks to a state supported law school, albeit during the Reconstruction era.  

While there is little information about the treatment of blacks by white students and white faculty or about opinions of the law faculty regarding the performance of black students as compared to white students, the law school experience at Central Tennessee College, which Lutie Lytle attended, can be used as an example of the typical structure of the black law school experience at the turn of the century. Central Tennessee College began in 1865 as a training school for Methodist Episcopal Church missionaries. In 1866, the school incorporated and expanded its curriculum as a college for the education of


35 Alfred Z. Reed, Training for the Public Profession of the Law, 152. Reed refers to the University of South Carolina as a “colored school.” But see J.S. Reynolds, Reconstruction in South Carolina, 1865-1877 (New York: Negro Universities Press, 1969), 234. White students were also enrolled in the law school; E. G. Brown, “The Initial Admission of Negro Students to the University of Michigan,” The Michigan Quarterly Review 2 (Autumn 1963): 233.
black ministers and teachers. In 1874 it expanded once again to add the Meharry Department of Medicine, with the goal of producing black doctors to minister to the health needs of blacks in the South. Soon it became clear that there was also a need for competent southern black lawyers. Thus, in 1879, Central Tennessee College established a Department of Law, with the goal of training black students “to become capable lawyers, qualified to serve the legal needs of a people who had hitherto received so little protection from the laws of the land.” The Central Tennessee Law Department proudly held itself out as the “first and leading school established for the education of colored attorneys in the whole South.”

Within a few years of opening, Central Tennessee gained prominence because of its quality faculty and a curriculum comparable to that of Howard. With a growing reputation for quality, tuition at just thirty dollars per thirty-six week session, and no requirement of a college degree for admission, the law school began to draw students from outside the immediate area, such as Lutie A. Lytle. The school’s origins as a teacher’s college meant it had always accepted both men and women. Whether women were generally welcomed into the law department is not known, and if it was not the norm it cannot be said exactly why Lutie Lytle was accepted as a student.

Law school requirements for Central Tennessee required that candidates need only “give evidence of good moral character, pass a satisfactory examination on all studies up to a high school grade, or bring a certificate or diploma from a reputable

---

36 Catalogue of Central Tennessee College, 1896-97, 45. However, Dr. Smith, reports that Central Tennessee actually opened the second black law school in the south, as Shaw University (now Rust University), in Holly Springs, Mississippi, was the first black law school, having begun a three-year law program in 1878, just one year prior to the establishment of Central Tennessee’s law department. Smith, Emancipation, 57.

37 “Central Tennessee College—Its Theological and Law Department,” Indianapolis Freeman, 22 June 1889.
school of having completed the English course.” In addition, students were “advised” to complete some higher level English courses prior to entering the department.\textsuperscript{38} However, like most law schools at that time, Central Tennessee was attempting to raise its admission standards in order to meet the national demand for increased professionalism and more rigorous bar examinations. The course load was significant. First year students were required to take Blackstone’s Commentaries; Contract Law; Law of Domestic Relations; International Law; Law of Pleadings, Civil and Equity; Law of Bills and Notes; Law of Partnership; Evidence; Criminal Law and Procedure; Law of Damages, and Moot Courts and Debate. In their second year, all students took Torts; Federal Procedure; Real Property Law; Equity Jurisprudence; Common Law Pleadings; Equity; Evidence; Constitutional Limitations; Law of Corporations; and Moot Court and Debates.\textsuperscript{39}

Classes met daily, but its students did not learn from law books alone. They were also required to observe trials in progress at the local courts in Nashville or to attend “some instructive debate in the State Legislature, which meets in this city.” In addition, there was the opportunity of extra curricular activities. Lytle was a member of a law society called the “Blackstone Club,” and in her second year, served as the club’s Treasurer. Law students there were advised that their books could be purchased “in the city” and that second-hand books were often available at reduced prices. Until the early 1890s, the school apparently had no law library of its own. Students were allowed to use

\textsuperscript{38} \textit{Catalogue of Central Tennessee College, 1896-1897} (1897): 45.

\textsuperscript{39} Robert Stevens, \textit{Law School: Legal Education in America from the 1850s to the 1980s}, 25; see also \textit{Colored Citizen}, 1 July 1897, a news article about Lutie Lytle’s graduation mentioning that Central Tennessee was raising its admission standards, as it now required a minimum of a high school diploma, and a college degree is preferred.
the State Law Library located in Nashville. The college catalogue encouraged students to
donate books to the school’s fledgling law library.40 Central Tennessee’s Law Class of
1897 consisted of Miss Lytle of Topeka, Kansas and Daniel Ross of Houma, Louisiana.
On June 1, 1897, in a ceremony in the chapel of the college, Miss Lutie A. Lytle became
the first black female to graduate from the law school and the first to be admitted to
practice in Tennessee. She was admitted to the Criminal Court in Memphis, after
successful completion of an oral bar exam.41

The small group of women that formed the first generation of black women in
America to attend law school, as a group, shared certain experiences. They knew what it
meant to be pioneers—that is, to be among the first to face the daunting task of breaking
cultural taboos and institutional barriers to attend law school among men. This first
generation of women who studied law helped broaden women’s place in society. At least
thirty-five women (seven white, twenty-eight black) were graduated from Howard
between 1896 and 1944; eight between 1869 and 1900, twenty between 1901 and 1930,
and seven between 1931 and 1944. Although white women gravitated to Howard to study
law prior to 1900, thereafter they also applied to white law schools as opportunities for
white women widened.42


41 “A Girl Lawyer,” Colored Citizen, 1 July 1897. There was not another black female graduated
from a law school in Tennessee until 1939, when C. Vernette Grimes graduated from Kent Law School in
Nashville. Ms. Grimes was the first black woman to pass a written Tennessee State Bar exam. Smith,
Emancipation, 344.

42 Smith, Emancipation, 55. Additionally, although Howard was open to all applicants, its
commitment to the education of African Americans made it unacceptable to white women from the South.
For some white women, the combination of sexism within the institution and their own racism made
Howard a last resort for white women seeking a legal education.
While the rise in law schools made it increasingly possible for white males, even poor immigrants, to qualify for the legal profession, the opportunities were far fewer for both blacks and women, thereby reducing the possibilities for black women. Although black men entered the legal profession in this country sooner than women, their success was more limited. For white women, the rise of the suffragist movement increased the pressure on the law schools. In 1899, the all-white Women Lawyers’ Club of New York was founded, and in the same year a major effort was made to open Harvard Law School to women. There was a bitter faculty debate with Dean Christopher Langdell opposing the admission of women. One faculty member expressed the prevailing view that “he should regret the presence of a woman in his classes, because he feared it might affect the excellence of the work of men; but he could not deny the inherent justice of the claim.” The faculty, however, agreed to admit women if Radcliffe would admit them as graduate students. Radcliffe agreed, but the Harvard Corporation vetoed the idea. Partly in response to this, in 1908, Portia Law School was founded in Boston. It was the only law school with an all female student body. These events, however, had no significant effect on the experience of black women and legal training.

As the second generation of black women entered into the profession, though their numbers remained low, women after 1910 were no longer isolated pioneers. Women were beginning to gain access to law schools throughout the country and the range of possibilities meant that blacks, both men and women, could make choices when it came to selecting a school. In an interview recording her memories of her legal

---

education, Jane Bolin becomes an example of the widened opportunities available for black women of the second generation. When asked how she selected Yale University as the law school she would attend, she commented, that “Yale and Columbia were the only law schools at that time accepting women, and I didn’t want to go to school in New York City, so I selected Yale.\textsuperscript{44}

Black women seeking legal degrees had to face obstacles of varying degrees. Not only were they faced with arduous academic responsibilities, but they were confronted on a daily basis with varying degrees of discrimination from professors and students alike. Although many of the black women law students were aware of the racial and gender constraints on studying law, several of them, typically at white institutions, were not prepared for the blatant discrimination and isolation they encountered during their matriculation. Even though Howard University was available as viable option for these women, several chose predominantly white institutions for reasons including proximity to home, reputation, and family tradition. Though racial situations in the North were typically less strained than in the South, that region generally offered no respite from discrimination against black female college students.

In 1907, Georgiana Simpson, in route to a Bachelor’s degree was removed from the woman’s dormitory at the University of Chicago by the express order of the president of the university, overruling the assistant dean of women who felt that Simpson was a “very able and learned ‘woman of color.’” Forty-one year old Simpson was old enough to

\textsuperscript{44} Bolin was referring to ivy league institutions that were not very far away from her home. Jane Bolin, interview by Jean Rudd and her nephew Lionel Bolin, June 4, 1990. Transcript, Jane M. Bolin Papers, 1943-1993, Schomburg Center for Research in Black Culture, New York, NY.
be the mother of the white southern students who forced her out. 45 Jane Bolin attended Wellesley College for her undergraduate education. She states that she had no idea how she happened to pick that school. However, she can remember going to college with her brother and father driving her there. She recalled clinging to her father and crying as he was leaving because she just could not imagine being without him. He also had tears in his eyes. Sixteen years old, sensitive and idealistic, first time away from the family, one of two black freshmen who were the first black students for some years—this was Jane Bolin’s experience in 1924.46 She described her life at Wellesley as a lonely life. Only one other African American student entered when she did. During her first year, the university had no dormitories for black women at that time because there were so few of them there, so they had to live in private homes. Though strangers, the two were assigned the same room in a family’s apartment in the village—the only students there. “We didn’t like each other very much, in fact so after that first year, we moved to separate dormitories” which presumably only increased her feeling of isolation.47 During her junior year two black students transferred from other schools, but no new freshmen were admitted during her four years there.

I was – I felt largely ignored, although I had an excellent education, I felt socially ignored. I had to go to Boston for social life with students from Harvard and


47 After Bolin’s first year, dormitories opened up to women.
Dartmouth, and Amherst and Williams who came there for parties. I had only one friend there who came also from Dutchess County whom I hadn’t known before.\footnote{Jane Bolin, interview by Jean Rudd and her nephew Lionel Bolin, June 4, 1990. Transcript, Jane M. Bolin Papers, 1943-1993, Schomburg Center for Research in Black Culture, New York, NY.}

Their experiences during their undergraduate years would ultimately foreshadow their experiences in law school. One major difference would be that generally speaking, their undergraduate experiences revolved around the issue of race, whereas their law school experiences included issues of gender. Nevertheless, both periods speak volumes to the atmosphere in most educational institutions.

In 1926, Jama A. White, a black student at the Portia Law School, in Boston, was expelled from the law school under dubious circumstances. White purchased coal and groceries from a dealer and a store without informing them that she “was living apart from her husband,” who was under court order to provide for her support. Relying on her knowledge of the law, White refused to pay for these goods, presumably because she expected her husband to do so. Word spread in the law school that Jama White “was making improper use of knowledge acquired in law school.” After she refused to pay for the goods, the dean of the law school declined to allow White, whose grades were very high, to enroll for her senior year. She retained Clement Garnett Morgan, a black lawyer who had been practicing law since 1893, and sued Portia Law school. After the Massachusetts Supreme Court ultimately ruled against her claim, and acting as her own attorney, she petitioned the United States Supreme Court to hear her case, which it declined to do. Whether White became a practicing lawyer is unknown. However, city directories for Boston indicate that she did become a notary public/justice of the peace in that city. Nevertheless, she is no doubt the first black law student to sue a law school.
alleging “unfair discrimination” and perhaps the first woman to file a petition in the United States Supreme Court to argue her own case as a woman.49

Sadie Alexander experienced isolation during her undergraduate years at the University of Pennsylvania. From the first day on campus until she graduated three years later in 1918, she recalled,

Not one woman in my class spoke to me in class or when I passed one or more than one woman on the walks to College Hall or the library. Can you imagine looking for classrooms and asking persons the way, only to find the same unresponsive person you asked for directions seated in the classroom in which you entered late because you could not find your way?50

While attending college, Alexander struggled with the racism she encountered from fellow students, male and female, and also faced fierce opposition from professors who refused to educate women students. She recalled that she and another student signed up for a course at Penn that was being offered to the men only. When that professor came into class he saw them and chased them out. He told them, “he didn’t care who said we could stay there – he wasn’t about to teach a woman.” According to Alexander, those were rough times.51

Since she was the only black woman in her class, she had no one with whom to discuss assignments. There were perhaps a dozen other black students among Penn’s undergraduate and professional schools, and Alexander turned to them for her friendships and solidarity. One classmate, Virginia M. Alexander, alerted her to the arrival on


51 Ibid.
campus in 1917 of her brother, Raymond Pace Alexander. Mossell-Alexander and Virginia Alexander started a chapter of a new Howard University sorority, Delta Sigma Theta, and they drew on Alexander’s ties to the black intelligentsia to invite DuBois, Woodson, and other intellectuals to give lectures to Penn’s black students. Despite her silent treatment, Alexander’s grades quickly climbed from good to distinguished, and she earned her undergraduate degree in three years. 52

Jane Bolin remembers an incident that summarized her experience in school. During Bolin’s freshman year, her roommate told her that she had been asked by her French teacher to play the role of an Aunt Jemima type figure, (along with the bandana), in a charity fundraising skit outside the Chapel one morning. Though the teacher was not one of hers, Bolin went to her and remonstrated vociferously. The request to her roommate was thereby withdrawn. Bolin recalled being deeply hurt by the insensitive protestations and wondrous lack of understanding by a teacher of young people. In yet another on-campus experience during her junior year, Bolin was rejected for membership in one of the houses or sororities supposedly interested in social problems, despite being an honor student, by an unsigned notice surreptitiously slipped under her door during the night. 53 At Yale Law School, she was one of three women in her class, and the only black. “We were the lone pepper pods in all that sea of salt,” said Edward Morrow, a former reporter for the Chicago Defender who was Yale’s sole black undergraduate part


of that time. Bolin recalled that a few Southerners at the law school had taken pleasure in letting the swinging classroom doors hit her in the face. One of those Southerners later became active in the American Bar Association and invited her to appear before the bar group in Texas. She declined.54

Alexander remembered her first year at the University of Pennsylvania Law School as being “very tough.” As the only black in her class, she described her experiences as follows:

Let us imagine you came from outer space and entered the University of Pennsylvania School of Education. You spoke perfect English, but no one spoke to you. Such circumstances made a student either a dropout or a survivor so strong that she could not be overcome, regardless of the indignities.55

 Penn Law had accepted women since the 1880s, but Alexander was its first black woman student. She found the dean, William Mikell to be a "very prejudiced man" who would not call on her in class or speak to her in the halls, and who ordered the women law students to exclude her from their student club. The Dean resented the presence of a black woman in Penn’s elite educational setting:

The dean of the law school during my years was Edward Mikell, a very prejudiced man. He directed that under no circumstances was I to be admitted to the club formed by a handful of women who attended the school at the time. It was after our admittance to the bar that the women told me of the dean’s feelings. I was treated either with indifference or with disdain, so I would go home directly at twelve noon when classes were over and study alone until about 6pm. No one


invited me to lunch—neither women nor men, so I just adapted myself to what was.\textsuperscript{56}

In 1925 when her grades earned her election to the law review after her first year, the dean ordered the editors to deny her membership. This process repeated itself after her second year, even though a black man, Robert B. Johnson, was elected to the review without protest. When she was elected once again in her third year, she was able to serve only because the editor, who was the son of a Law School faculty member, threatened to resign.\textsuperscript{57} Despite years of slights from her fellow students, Alexander was not prepared for the hostile reaction of the law school faculty to her enrollment. She came to feel that her undergraduate honors (also at Penn) had helped the faculty to treat her as a kind of pet, and she learned belatedly that they had quietly warned incoming white female students not to harass her. There was no such treatment at the law school.

Through these experiences, black women had to adjust to the climate, much as black men did. In fact, when asked whether or not she was self-conscious about being the first woman at Yale, Jane Bolin mentioned that she was so intent on studying that those titles did not necessarily factor in for her. She did feel, however, that race probably played a more important part in her experience on campus than gender. She consistently pinpointed her experiences with southerners as being somewhat challenging. One of the southern professors she regularly saw on the streets, around the building, outside the


\textsuperscript{57} Curriculum Vitae of Sadie T.M. Alexander. (n.d.) Sadie Tanner Mossell Alexander Papers, Box 13, on file with the University of Pennsylvania Archives and Records Center; Transcript of Interview with Sadie Tanner Mossell Alexander 4-5 (Oct. 12, 1977), Box 1; Sadie T.M. Alexander, “The Best of Times and the Worst of Times,” \textit{University of Pennsylvania Law Alumni Journal} 12 (1977) 19, 20.
building, would never speak. She remembers going in the law school one morning and he and the dean of the law school – Charles Clark – who later became a federal judge, were talking in the hallway. The dean said “good morning” and she said “good morning.” The southern law professor said nothing. She recalled Dean Clark saying to him “Did you hear Miss Bolin say good morning?” The professor, now out of obligation, mumbled “good morning.”

Eating on or near their campus was very problematic for most black students on white campuses. Alexander remembered that no restaurants or cafeterias at or near Penn would serve its black students. Even on campuses where black students were allowed to eat with whites, they were subjected to racist behavior. As a Wellesley College student in 1924, Jane Bolin recalled a unique dining experience. They ate in the college dining room shared by other freshmen. Students were assigned to tables at dinner but at all other meals sat anywhere, provided a table was filled before another table could be started. If she or her roommate were sitting at an unfilled table, the Southern students would come into the dining room, see this, and “ostentatiously walk out and stand outside” peeking in until their table was filled. According to her, no one in authority, though observing this, interceded in any way.

Alexander faced the some of the same racial barriers during her years at Penn:

When I was at law school I could go to the corner drugstore [for lunch]. But no restaurant would serve any of the colored students. . . [I went to] the president of the university to state my concern, not only for myself but I took two other girls with me. It was bad for our health that we could never have a warm lunch in the

---


59 Ibid.
cold winter time. And it was an indignity and I thought the university was too big not to take this matter into consideration. And he said that he realized what we were suffering but really he could do nothing about it.  

Alexander’s strong familial support network helped her survive those trying years. Her mother and grandfather provided financial and emotional assistance to allow her to flourish academically and navigate the minefields of institutional racism and sexism.

“My mother packed a lunch for me. My first year there was only one other colored female student. We couldn’t eat at any restaurant near the university. . . . When I came home, my mother had my dinner ready for me. . . . Everything was done at home to make it conducive to my studying.” The Tanner-Mossell household reorganized itself to excuse her from all domestic responsibilities while she was in undergraduate and graduate school, provoking protests of favoritism from her aunts and firmly establishing her lifelong rejection of housework.

The explicit shunning was not unusual, and the feelings of isolation and hostility knew no geographical boundaries and showed no clear signs of loosening over time. While some black students attending elite white colleges suffered over harassment from white students, most experienced what Arthur Huff Fauset called a “rather determined ambivalence.” Ruth Whitehead Whaley, the first black woman to enter Fordham University’s law school, faced difficulties at the school owing to what the black press called “alleged race prejudice.” Whaley was initially denied a law diploma by Fordham University on the ground that she alleged race prejudice in the school. She, nevertheless, graduated from Fordham in 1925, passed the New York bar and entered the private practice of law in the same year.  

While the question begs for more detailed research,

---


61 Ibid., 78.

62 “Ruth Whitehead Whaley,” Afro-American 5 September 1924. The article implies that Whitehead did not graduate from Fordham University Law School. “Colored Girl Enters Fordham Law
anecdotal evidence suggests that black women at white elite colleges were more often
given the silent treatment and barred from campus activities than were black men who
also experience segregation in housing and restaurants. White women’s assertion of racial
privilege and prerogatives in college parallels the suffrage movement’s attempts at racial
exclusivity. Black male students participated in athletics; black men were also welcomed
by most campus YMCAs while black women were not.63  Black male and female students
who were campus leaders were often deliberately left out of the yearbook in a blatant
attempt to erase their presence from the official class record. For both male and female
black students, segregation and discrimination on white private campuses worsened
rather than improved over time. The isolation and ostracism that black women faced on
campuses of white schools caused a significant number to leave before graduation but
provoked those who stayed to demonstrate their worthiness in academic achievements.

Black college women were made well aware of their marginal status in society.
Many expressed feelings of isolation and estrangement from any significant social
reference group. Unaccepted by both black men and white college men and women, they
fell adrift, not fully at home anywhere.  Sadie Alexander’s experience at the University of
Pennsylvania, though in the mid-1920s, lends credence to this. Like many black women
law students of her era, Alexander was excluded from the social and professional

---

63Marvin P. Lyon, Jr., “Blacks at Penn, Then and Now,” in A Pennsylvania Album:  
Undergraduate Essays on the 250th Anniversary of the University, ed. Richard Slater Dunn and Mark
Frazier Lloyd (Philadelphia: University of Pennsylvania, 1990), 43. Lyon discussed the omission of a photo
of the track team the year its captain was a black man. Francille Wilson, The Segregated Scholars, chapters
2 and 4; Marcia G. Synnott, The Half-Opened Door: Discrimination and Admissions at Harvard, Yale and
networks frequented by her classmates. In the 1920s, many people still thought that law school was a frivolous endeavor for a woman, given that relatively few women had established successful careers in private practice. Penn Law had accepted women students since the 1880s, but Alexander was its first black woman student. Even her distinguished academic record could not erase the perception that she was not seriously contemplating a career in law.

In a 1974 essay in *Wellesley After Images* Bolin said this about her educational experiences:

> There were a few sincere friendships developed in that beautiful, idyllic setting of the college but, on the whole, I was ignored outside the classroom. I am saddened and maddened even nearly half a century later to recall many of my Wellesley experiences but my college days for the most part evoke sad and lonely personal memories. These experiences perhaps were partly responsible for my lifelong interest in the social problems, poverty and racial discrimination rampant in our country. . . I report my memories honestly because this racism too is part of Wellesley’s history and should be recorded fully, if only as a benighted pattern to which determinedly it will never return and also, as a measure of its progress.  

---

CHAPTER 4

“I MADE A SERIOUS ERROR IN DECIDING TO WEAR A HAT”: BLACK WOMEN IN THE LEGAL PROFESSION

In September 1927, Sadie Alexander was notified that she had passed the Pennsylvania Bar and at her husband’s suggestion was admitted first to the Orphans’ Court. As she stepped to the Bar of the Court, a tipstaff in a loud voice ordered her to remove her hat. She recalled being humiliated standing there as the only woman, with hat in hand. This was her introduction to the Philadelphia Bar. On what should have been the most exhilarating moment in her life, Alexander found herself confronted with an event that would foreshadow her future, and that of other women, in the legal profession. Ruth Whaley explained this phenomenon in another way:

The attitude of the public toward the woman in the professions is still inimical. It puts her on the defensive. She has to be careful of her actions. Men get the notion that because she has more freedom than the woman who makes her home her career, she is just as free in her morals. There are many things that the professional woman has to endure. And then there is the question of demeanor. If she is serious, people say she is masculine; if she is natural, they accuse her of trading on her sex, and so it goes, she is put between the devil and the deep blue sea.1

This statement made by Ruth Whaley in 1931 helps to define the precarious position many African American female lawyers found themselves in even after thesecond generation entered into the profession. Having already gained admission to law schools and to the bars, which together represented amazing victories, the greater challenge would now be in positioning themselves within the profession and defining what it meant to be not only a female attorney, but an African American female attorney.

Entering into the profession held different prospects for the two generations. For the first set of women, those completing law school prior to 1920, opportunities for law-related employment were limited and an insufficient potential client base exacerbated those limitations. Early black women lawyers wrote about the lack of women role models in their chosen profession, commenting that male lawyers and judges did not take them seriously, and they criticized the profession for continuing to exclude women from some of its most prestigious law schools.\footnote{Ollie May Cooper, “Women in the Law,” in Rebels in Law: Voices in History of Black Women Lawyers (Ann Arbor: University of Michigan Press, 1998), 24; Sadie T. M. Alexander, interview by Marcia Greenlee, October 12, 1977, Sadie Tanner Mossell Alexander Papers, University of Pennsylvania, University Archives and Records, Philadelphia, PA.; Edith Spurlock Sampson, “Legal Profession Followed by Nation’s Best Known Socialites,” Chicago Defender 4 May 1935, 25, reprinted in J. Clay Smith, Jr., ed., Rebels in Law: Voices in History of Black Women Lawyers (Ann Arbor: University of Michigan Press, 1998), 16.} Having no female mentors, they were subsequently forced to forge a niche for themselves within the field, thereby breaking down the barriers of what the image of a lawyer was along with what the image of a black woman was.

As legal scholar J. Clay Smith states, “from 1872 to 1944, every woman who attended law school and entered the practice of law was a pioneer—the offspring, so to
speak, of Charlotte E. Ray.3 Each of the eight women who graduated prior to 1920, and for whom records have been found, practiced at some point, and several made very important strides in their careers such as becoming law school instructors, opening their own practices, and helping to found the first national bar association for black lawyers. This first generation’s experiences disproved the notion that black women could not succeed in a male dominated profession.

African American women did not establish themselves in practice in significant numbers until the 1920s, when out-migration from the South provided them with a client base in cities like New York and Chicago where the community needed representation for issues such as taxes, probate, wills and other basic needs. Additionally, the improved position of women lawyers reduced the prejudices against them.4 By 1920 the legal profession had cleared far more space for women lawyers, in general, than anyone could have imagined a half century earlier. The nation's 1,738 women lawyers, while constituting only 1.4% of the profession, were located in jurisdictions across the country, with large numbers clustered in New York, Chicago, Washington, D.C., and Boston--cities with both large markets for legal services and law schools willing to train women.5 Thirty-five hundred more graduated from law school during the 1920s, although many did not find work in their profession. While these women were almost completely shut


out of large corporate law firms until World War II, they were making inroads in other practice settings. One survey found about one-third of women lawyers in solo practice in 1920, with an additional twenty percent practicing in firms, ten percent working for government entities, and ten percent employed in business. The median annual income for survey participants was $2,000, a salary that lagged substantially behind the compensation of the average male practitioner in the 1920s, but was deemed quite satisfactory by survey participants. Many women lawyers could expect to have long careers in practice, as the new generation was less likely than its predecessors to view marriage and practice as incompatible with each other. Women's presence within the profession was cemented by the ratification of the Nineteenth Amendment, which mooted the final argument raised against women's admission to the bar--that given the close

---

6 Patricia M. Hummer, *The Decade of Elusive Promise: Professional Women in the United States, 1920-1930*, (Ann Arbor: UMI Research Press, 1979), at 136-37. The number of women law school graduates during the 1920s far exceeded the increase in the population of women lawyers recorded by the census. This was also true for male lawyers, although the discrepancy was significantly smaller for men than for women. See page 94, and 109 n.52 (citing 1930 U.S. Census Figures). Determining who is or is not a lawyer is always a problematic exercise. The census data can be used as a rough, though useful approximation of the profession's demographics; Drachman, *Sisters in Law*, 259-60.


129
nexus between the attorney's role as a public officer and suffrage rights, granting women the right to practice law would, in effect, grant them the right to vote.

The second generation generally benefited from several of these factors. Black women now had access to some of the well-known law schools in the 1920s and 1930s, including Boston University, John Marshall in Chicago, University of Pennsylvania, Fordham and Yale, and the struggle to gain admission to the bar had essentially been won, as is evidenced by the majority of them practicing in such cities as Chicago, Philadelphia and New York. Although their numbers were still low in comparison to white women and black men, this generation began to see an increase in their numbers nationwide as well as the breakdown of the stigma of women entering the field.

Given that most women lawyers of both generations were shut out of large corporate firms and few opportunities existed in the smaller firms that would hire them, how did a black woman lawyer establish herself in practice? Women during the early period opened up private practices on their own or with husbands. For these women, opportunities were limited as well as resources. Those women in the second generation found that using their political connections to secure salaried positions as government lawyers in the offices of state attorneys general, corporation counsels, and district attorneys was an avenue that would allow them to use their skills while having basic job security. The success of a private practice ebbed and flowed with the economy of the black community. Those without political connections, had limited prospects in private practice. Sadie Alexander observed that when she began practice in 1927, "the women lawyers at the Philadelphia Bar were extremely limited in numbers and were in general
working as research assistants, brief writers in law firms or banks, or for the Attorney
General's office.\textsuperscript{8}

Law Professor J. Clay Smith, Jr. states that black lawyers served a restricted
market within the black community, in that most blacks would use only black lawyers
when they could not afford the legal fees of white lawyers.\textsuperscript{9} Criminal law, he states, was
the only area in which black lawyers could be said to enjoy a monopoly with black
clients. However, this was not the case for the women in this study. Though
proportionately smaller than the numbers of black male lawyers, the fact still remains that
their careers spanned throughout various branches of the legal system. Due to legal and
social segregation, African Americans prior to 1940 typically lived in racially segregated
communities, attended segregated primary schools, attended all-black churches and
supported black businesses within their communities. Therefore, black professionals
relied on the black community for their business and social connections.

Social and legal segregation also helped to dictate the type of practice the women
pursued. The clientele of most black lawyers was black, even in major cities with large
ethnic populations and no matter what area of the law they considered, first and foremost

\textsuperscript{8} Even white women lawyers would not find a home in corporate firms for many years. Wall
Street hired its first woman associate (the daughter of a federal appellate judge) in 1924, but she did not
become a partner until 1942. Karen B. Morello, The Invisible Bar: The Woman Lawyer in America, 1638 to
the Present (New York: Random House, 1986), 201-02. The prestigious firm of Sullivan & Cromwell hired
its first woman associate in 1930, but did not name its first woman partner until 1982. Id. at 197. More
women lawyers joined corporate firms during the labor shortage of World War II, but many lost their
positions after the war. See Cynthia Fuchs Epstein, Women in Law (Urbana: University of Illinois Press,
1981), 175-76. Large firms relegated women lawyers to office practice in woman-identified areas of law--
often blue sky research and trusts and estates work. Id. at 197. As a result, women lawyers did not establish
a significant and meaningful presence in corporate firms until the 1970s. Epstein, Women in Law, 179;
Sadie T.M. Alexander, “Forty-Five Years a Woman Lawyer,” The Shingle 35 (1972), 126, 127. Sadie
Tanner Mossell Alexander Papers, Box 13, The University of Pennsylvania Archives and Records Center.

\textsuperscript{9} Smith, Emancipation, 11.
was civil rights and social reform. In many cases, these black attorneys, both male and female, were the only alternatives for people in their communities when faced with social injustice. On top of that, being black themselves, no amount of power or prestige could protect them from the daily inhumanity of America’s social and political systems.

A sampling of the types of clients these women worked with can be found in the papers of Sadie Alexander, who made the following list:

Clients:

- Black: 75%
- White: 25%
- Walk-in: None
- Retainer: 10%
- Individuals: 75%
- Corporations: 10%
- Firms: None
- Insurance Companies: None
- Banks: None

Referrals (Indicate Source): My clients, other lawyers and persons hearing me in Court.¹⁰

Whatever their chosen area of specialization, it seems clear that the first generation of black women lawyers faced a job market with few opportunities for law-related employment and lived in communities with insufficient potential client bases. In addition, the precarious position of black men in the profession retarded their progress in gender-defined areas of the profession, such as husband-and-wife practice, where some white

women were making inroads. Nevertheless, the second generation of black women lawyers found their way into the profession and also found ways to get around the bar’s various social, racial and gender constraints. Progress can be seen in the types of work the women were later involved in. Generally speaking, the women of the first generation practiced law through private practice. Women of the second generation had expanded opportunities and were able to go into other areas of the law such as government work, appointed positions, trial work and public service. It is with this group that change takes place, not only in the way that society viewed them, but in the way in which they began to negotiate their professional positions to fit their needs. Before the 1920s, when Sadie Alexander's generation of black women lawyers began practicing, few, if any, black women practiced law full time. However, two decades later, dozens were in full-time practice, and many were building careers that would earn them the envy, and sometimes hostility, of their male colleagues.12

Private Practice

African American women lawyers had their own vision of a professional objective. In their letters and other writings they referred to it as "actual practice,"


"independent practice," "active practice," and similar names. While these women did not always use the terms in the same way, discernible commonalities emerged. In their writings, an independent lawyer was someone who could support herself by practicing law. Although this income did not necessarily constitute her sole means of support (because many of these women were married), it might be enough for her to live on if she were single. Sadie Alexander noted in 1941 that sixty percent of the practicing black women lawyers she had identified were self-supporting, with incomes ranging from $1,500 to $4,000 per year. Alexander thought that this compared favorably with the percentage of self-supporting male lawyers, demonstrating that black women were succeeding in the profession on the same terms as men.

Edith Spurlock Sampson hit upon an additional trait that an independent, actively practicing attorney should possess when she noted, in a 1935 article, the distinction between the minority of women lawyers in "independent practice," and "the majority [who] have salaried positions with firms; governmental services or with social service agencies." Sampson, who retained private clients while employed by the Cook County Juvenile Court, refused to view her salaried job as lawyering, writing that her own "practice of law is limited to such matters as do not interfere with [my] duties at the Juvenile Court." An independent lawyer, in Sampson's mind, depended on full-time private practice, rather than a salaried position, for her support. The second generation of black women attorneys aspired to a professional ideal of full-time, independent court-

---

13 Letter from Sadie T.M. Alexander to Lorraine Smith, 3 December 1937, Sadie T. M. Alexander Papers, Box 10, University of Pennsylvania Archives and Records Center.

centered lawyering. Whether it would be an enabling or disabling vision for women lawyers would only be worked out in practice.¹⁵

For both generations, living in an age of Jim Crow meant that prevailing social and legal segregation would facilitate the development of mutually beneficial interactions among the black middle class, including referrals of probate business. These women lawyers, of both generations, lived in racially segregated neighborhoods and typically attended segregated primary schools staffed by black teachers. They could have their real estate needs serviced by black realtors and do their business at black banks. When they fell ill, they solicited the services of black doctors at African American hospitals, and when they passed on, their loved ones patronized the black undertakers who were always prominent among the community's affluent professionals. And, when they needed lawyers, African American attorneys were available to serve them. These were the lawyers, realtors, teachers, doctors, ministers, undertakers, and publishers who regarded themselves as the city's black leadership and who depended on each other for business and social connections.¹⁶

¹⁵ Edith Spurlock Sampson, “Legal Profession Followed by Nation's Best Known Socialites,” Chicago Defender 4 May 1935, reprinted in, Rebels in Law, ed. J. Clay Smith, Jr., 22. In the article, Sampson distinguishes between women lawyers with salaried government positions and those in private practice. Sadie Alexander maintained a similar distinction between lawyers in private practice and those in other lines of work, writing in 1937 that only fifteen of the thirty black lawyers in Philadelphia were "actively practicing. The others were either engaged in some business or were holding Government positions." Letter from Sadie T.M. Alexander to Lorraine Smith. Sadie Tanner Mossell Alexander, “Women as Practitioners of Law in the United States,” National Bar Journal 1 (1941), 1. There was little debate among Alexander and her black women lawyer peers on what constituted the practice of law, or whether their vision of lawyerly independence and court-centered advocacy was an enabling one for women lawyers.

¹⁶ Although blacks in the community may have preferred hiring white lawyers or going to see white doctors due to negative stereotypes associated with using black professionals (not adequately trained, better resources, etc.) the reality was that most blacks could not afford to utilize the services of white professionals even in cases where whites would actually agree to see them.
Despite substantial black populations in several of these cities (D.C., NY, Chicago) potential institutional clients were few in number in the early twentieth-century. Much of their probate work depended on individual middle-class African Americans, whose homes, bank accounts, or other property occasionally required legal intervention. Everyday cases became the mainstay of probate practice. Several of the women specialized in domestic relations, divorce, adoption, and juvenile care, though a good portion of their work was devoted to civil and probate work. For the most part, their clients were schoolteachers, government clerks, professional and businessmen and women or their spouses, and industrial workers. They often took cases from indigent clients. Alexander noted:

If a domestic worker or laborer comes to me with a deserving case in the field in which I practice, which case cries out for competent counsel, I accept the case for a nominal fee. I consider this as much my duty as I consider it the duty of a physician to serve a dying patient. 17

Political, social, and religious contacts helped them to formulate or solicit probate work with these potential allies and clients, as well as other individuals. E. Washington Rhodes, for instance, was not only Sadie and Raymond Alexander’s friend and colleague at the city's black bar, but also the publisher of the Philadelphia Tribune, the city's oldest and largest black newspaper, which boasted a readership of 18,000 in 1933. Rhodes and Sadie’s husband Raymond soon established a mutually beneficial relationship, with Rhodes publishing prominent articles on Raymond's successful cases. The Alexanders established a similar relationship with the Philadelphia Afro-American newspaper, one of Rhodes's competitors. In 1939, the new editor of the Afro-American, looking to increase

its readership, wrote Sadie, offering to give the firm free publicity on its ongoing cases, "especially civil suits, settlements and divorces." In exchange for juicy details of personal injury suits and divorces, the Alexanders and other black lawyers could advertise their abilities and expertise to the Afro-American's readership. Upon receiving Sadie's assent to this arrangement, the Afro-American's editor penned a delighted reply: "I am sure, that the cooperation between the Philadelphia Afro American and your office will be quite beneficial to us both."

Probate practice, like many other areas of legal work, required personal and business contacts. It required women attorneys to become intimately involved in the personal details of their clients' lives, whether it be their marital arrangements in divorce and probate cases, or their religious obligations in church cases. In their role as lawyers, they were required to dispense advice to a client who might want guidance in collecting money, obtaining a divorce, or managing real estate, but it never stopped there. Their jobs quickly evolved into a liaison role involving mediation between rival familial claimants to a will, or multiple spouses in a divorce, or between sacred and secular obligations in a church case. Cases such as these were the product of a long-term evolution in the legal and social structure of many urban cities. The municipal, orphans', and domestic relations courts had appeared in many large cities in the late nineteenth century as a result of immigration and industrialization doubling the populations of urban cities. The black


19 It was noted in a few of the women’s records that it was common for men to have more than one wife (common-law or otherwise) as a result of migration and being able to maintain two spouses.
population itself doubled in the two decades preceding the 1920s, particularly during World War I when unskilled laborers were drawn to jobs in the North. Numbers would increase further in the next two decades as more migrants streamed in from the South.20

For women in private practice, their clientele was mainly a product of this world of geographic mobility, which pushed and pulled black migrants toward and away from the city, and their families, as work conditions required. Families spread apart from one another, only to be drawn back together when a family member died and left a will to be probated, or insurance proceeds to be distributed among heirs, or serial spouses who might be scattered across half the country. These conditions would lead to two other areas of specialization that the women got a lot of work in – domestic relations and divorce law. Many of the divorce cases were a byproduct of the incredible mobility of the African American population. Thousands of blacks had migrated to the North and Midwest from the South since the late nineteenth century as work became available. Couples sometimes drifted apart and lost track of each other, and each partner might postpone the effort and expense of obtaining a divorce until it was absolutely necessary. The disorder that this created in family and work lives required an orderly litigation process. There was money in this type of work, to be sure, due to the volume of cases, but it attracted little interest from the men in most practices as it was rote and repetitive work.21


21 Letter from Sadie T.M. Alexander to Jane Du Bois 8 June 1942, STMA Papers, Box, 32; Letter from Sadie T.M. Alexander to Joanne Houston 8, April 1943, STMA Papers, Box 32; Letter from Sadie T.M. Alexander to Jackie B. Windsor, 13 April 1943, STMA Papers, Box 32; Letter from Sadie T.M. Alexander to Oscar Windsor 14 July 1943, STMA Papers, Box 32; Letter from Sadie T.M. Alexander to
In this milieu, an office practitioner was required to be a "social engineer," as has been mentioned earlier. The everyday task for black women lawyers was more modest--offering advice and stitching together social networks that were strained by the challenges of urban life. In this respect, law practice resembled the social work positions that were becoming feminized as many educated women used them to enter professional life. However, these women hardly found this confining. Court systems were changing, as cities began to address different issues such as domestic problems, juvenile delinquency, and other new social problems. The social structure of the city changed too, as African Americans moved, sought work, married, divorced, and formed churches and new neighborhoods. It seems only natural that there would be room in this social scene for a black woman lawyer's role to change as well.22

After Edith Sampson was admitted to the bar, she practiced criminal law in Chicago and also became a specialist in divorce and adoption. Her clients were of all races. “People in trouble don’t give a damn what color their lawyer is,” she commented. “Everything I’ve done in life, I’ve wanted to win at it.” 23 Sampson began her legal career by working simultaneously as a lawyer in private practice and as a referee in Cook County Juvenile Court. It was during these years that Sampson learned the practical side

---


of the law. She practiced law out of her South Side office where she dealt mostly with
criminal and domestic relations cases, gaining a reputation for helping those who would
have difficulty getting legal advice anywhere else.

Violette Anderson’s practice in Chicago ran the gamut from criminal to
contractual law. She had an office in the downtown lawyer’s district for several years
before moving her practice to her Southside home. While in private practice, Anderson
worked to lobby the congressmen of Illinois to urge passage of the controversial
Bankhead-Jones Bill in 1936. This bill was designed to help black tenant farmers and
sharecroppers who lived in abject poverty in a system that kept them virtual slaves due to
the expenses they were required to pay to the owners of the land they worked. The bill
proposed lending them money to buy small farms of their own with repayment set on a
long-term scale with low interest rates. Furthermore, Anderson handled one of the first
murder cases successfully defended by a black woman in the nation in Chicago in 1922.
The defendant was charged “with killing her common-law husband [claiming] self-
defense.” 24 Anderson’s victory in this case brought much praise for her skill and
determination, especially since great pressure had been exerted on her “to allow her client
to plead guilty.” 25 Conducting the “entire case alone,” Anderson said that she preferred
“to trust [her] ‘woman’s intuition’ rather than man’s skill in the breaking down of the
apparently impassable wall of evidence against her client.” 26

---

24 “It Couldn’t Be Done, But She Did It,” Chicago Defender, 29 July 1922.
26 Ibid.
As stated before, for many of the women, no matter what their area of interest was, social reform and civil rights violations were a constant on their daily legal calendars. Ruth Whitehead Whaley, a New York attorney, filed suit against the Eastern Steamship Lines, Inc. and the Old Dominion Line, Inc. for alleged civil rights violation against her and her husband. Mrs. Whaley stated in her declaration that in June, 1926, she had engaged by phone a deluxe suite for herself and her husband for passage from New York to Norfolk. When she went on board, however, she was told by the purser that there was no room on the salon deck, and they were relegated to a segregated Negro section. She swiftly argued that Virginia state law had no jurisdiction in interstate commerce. 27

Other cases fell into the petty crime category. Ruth Whaley appeared in Queens County Court to defend her client Clarence A. Williams, charged with another man, of stealing two saxophones valued at about $150. They were arrested at a pawn shop when they attempted to pawn the musical instruments. A clerk in the pawn shop said the saxophones were pledged there on the day they were stolen. Other attorneys present during the hearing said Whaley presented her case in a “clear and thorough manner and was quick to grasp at every point which could be used in her favor.”28 Washington, D. C. attorney, Evva Heath, described to her mother in a September 10, 1906 letter the type of clientele she and her husband served. She stated that her husband and partner in law was


28 “Ruth Whaley Creates a Stir: Woman Attorney Made ‘Em Sit Up and Take Notice in County Court,” *New York Amsterdam News*, 26 October 1927.
that very day trying to get a man out of jail. In this letter she alludes to the type of clientele she and her husband Henry typically sought out.

“The fellow is all the support of his aunt, an aged lady and he was sentenced for six months. We don’t bother with that class of cases but the old lady begged Henry to do what he could. Some jack legs beat her out of $25, pretending they were seeking for his release. I tell you one has to keep eyes open in this town, if one wants to succeed. The evil in large places like this is awful to say the least. Ma you have no idea, how our people are unjustly and unfairly dealt with in the nation’s capital. We who are so fortunate as to be possessed with some learning, but oh! the masses.”

Being fairly compensated for their work was another challenge. Women lawyers of that era reported that clients of both sexes expected them to charge less than the male lawyers did. In addition, lawyers, like other professionals of the day, were often paid in produce or canned goods. While this type of payment was not considered as good as cash, at least one could eat when paid in this manner. Additionally, women lawyers often found themselves “earning” stocks and bonds – which invariably turned out to be worthless, or items such as needlework and books of poetry, which simply did not pay the rent. Evva Heath in another letter to her Mother, August 31, 1907 spoke of the extent of their law business when she wrote, “I have had much law business. Four came Saturday after 7 o’clock. One this morning before nine.” Nevertheless, problems typical to the small law practices could not elude Evva and her husband. “I have had some trouble to collect money due us. I will send you a small token. I hope it will help you some. . . .”

Though other options, though few, were open to Sadie Alexander, surveying this professional terrain upon graduation in 1927, she made the choice to join her husband's

law firm, which had been established four years earlier. According to Alexander, "it never occurred to [Raymond] or me that I would not join his staff." Nonetheless, she almost suffered the fate of many women aspirants to legal employment when another lawyer in the firm objected to her hiring, insisting that he would not work with a woman lawyer. Raymond, whom she always credited with liberal attitudes toward women lawyers, prevailed upon the recalcitrant lawyer, and she took her place at the firm where she would remain for the next thirty-two years.  

For reasons that were not then apparent to her, Raymond quickly petitioned the city's Orphans' Court for her admission to practice before that body, and she was admitted in October 1927. Soon afterward, she learned the reason why. The Orphans' Court had jurisdiction over probate matters, and the firm had a substantial volume of pending trusts and estates work that required immediate attention. The men in the office did not like this work, which, according to Alexander, "they considered principally bookkeeping and which afforded them no opportunity to display their forensic ability by appearing before a jury." Bookkeeping was regarded as women's work in early twentieth-century America, while jury trials were a masculine preserve. There were no jury trials in Orphans' Court, where practice required mastery of the technical details of pleading and procedure. The

30 Sadie T.M. Alexander, “Forty-Five Years a Woman Lawyer,” The Shingle 35 (1972), 126, STMA Papers, Box 72.


32 Sadie T.M. Alexander, “Reminiscences of a Career in Law,” September 1972, 1, STMA Papers, Box 72; see also Certificate of Admission to Practice Before the Orphans' Court for the County of Philadelphia 7 October 1927) STMA Papers, Box 72, documenting Sadie Alexander's admission to the Orphans' Court.
Orphans’ Court cases assigned to Alexander eventually offered her the opportunity to gain significant trial experience, unlike any experience most women lawyers in the city, regardless of race, could obtain. While most women lawyers in 1927 “prepared inventories, inheritance tax returns accounts, and petitions for distribution,” Alexander argued appeals before the full Orphans’ Court bench, the State Supreme Court, and the United States District Court. She also developed an expertise in probate law, divorce, and domestic relations matters, and became the firm’s expert on estate and family law. Sadie Alexander was the first black woman lawyer in the state, one of only fifteen women lawyers in Philadelphia, and fortunate to have a job practicing law. She later remembered that "in order to get your foot in a firm, you had to take what was offered you." 33 Despite their half century of history at the bar, women lawyers had only a tenuous foothold in the profession and little control over the conditions of their work. Sadie Alexander, like most other women lawyers, registered no protest and found herself engaged in office practice.

**Government Work**

Another mainstay of black women attorney’s employment, especially for the second generation, was salaried government employment. As a means of acquiring business contacts and influence, many of the women developed local political connections. For some, like Eunice Hunton Carter, the successful careers that these

---

women fashioned were as a direct result of government/political appointments. In their everyday private practice work, they were able to make very important political connections that would later enable them to obtain positions that would not have otherwise come their way. Although the social milieu was slowly changing, there had not been enough progress that would allow these women to be elected to certain positions nor rise up through the ranks as the average male lawyer would. For others like Jane Bolin and Violette Anderson, appointed positions would become their entrée into “active practice” that would bring them further into the courtroom setting. Soon after Anderson won her first case, in private practice, she became the first black woman in Illinois appointed to the position of assistant prosecuting attorney in Chicago. It was during Anderson’s service in the prosecutor’s office, in 1926, that she broke another record becoming the first black woman lawyer in the history of the nation to be admitted to the U.S. Supreme Court, an achievement that received wide coverage by the press.34

In 1923 Anderson was the only black woman lawyer, among the eighty-one black lawyers in Chicago, listed in Simms's Blue Book.35 In 1925, Georgia Ellis graduated from John Marshall’s law school and was admitted to the Illinois bar. While she attended the evening division of the law school, Ellis worked in the Recorder’s Office in Chicago. After being admitted to the bar, Ellis became “an attaché of the domestic relations branch

34 “Negro Woman Lawyer Member of Supreme Court,” New York Sun, 29 January 1926; “Colored Woman U.S. Court Lawyer,” New York City News, 20 January 1926; “First Negress Practices in U.S. Supreme Court,” Brooklyn Eagle, 4 February 1926; “First Colored Woman Admitted to Practice in U.S. Supreme Court,” St. Louis Argus, 5 February 1926; Anderson was admitted to practice before the U.S. Supreme Court on motion of James A. Cobb, a black municipal judge in the District of Columbia. Who’s Who in Colored America (New York: Who’s Who in Colored America Corporation, 1927), 5-6.

of the municipal court.” She was the “first black woman of their race to hold a quasi-judicial position in the courts of Chicago.” 36

In April of 1939, Alexander began corresponding with several dozen African American women attorneys practicing law in the United States. Alexander initiated the correspondence by sending out form letters, asking for information on black women's law practices, and initiating a fledgling professional network among women who previously knew little about each other. She discovered fifty-seven African American women admitted to practice by the time she published the results of her research in 1941.37 Not surprisingly, they were clustered in the urban centers of Chicago, New York City and the District of Columbia.

Chicago's active political life made government work a regular entry point to the legal profession for ambitious young lawyers with few material resources. Alexander's Chicago correspondents described a group of black women lawyers there who had made a cottage industry of entering the profession through salaried positions in lower-level courts and part-time private practice. For instance, black women lawyers such as Edith S. Clayton, Sophia Boaz Pitts, Georgia Jones Ellis, and Edith Spurlock Sampson all held positions as staff members in Chicago's juvenile or domestic relations courts during the early part of their legal careers. Ellis served as deputy recorder for Cook County while


37 Sadie Tanner Mossell Alexander, “Women as Practitioners of Law in the United States,” National Bar Journal 1 (1941), 56, 61. The exact number of black women lawyers remains unclear. Alexander states in her article that she located fifty-seven, while the table at the end of the article lists fifty-eight, although several were recently deceased. Id. at 61-64. The 1940 census recorded thirty-nine black women lawyers in the workforce. J. Clay Smith, Jr., Emancipation, 636-37. In 1935, Edith Spurlock Sampson, one of Alexander's contemporaries at the black women's bar, conducted her own count and discovered thirty-five black women lawyers. Edith Spurlock Sampson, “Legal Profession Followed by Nation's Best Known Socialites,” Chicago Defender, 4 May 1935, reprinted in J. Clay Smith, Jr. ed., Rebels in Law, 16.
attending John Marshall Law School, then moved on to a post as deputy clerk in the Domestic Relations Division of the Municipal Court.\textsuperscript{38} By the early 1940s, she had made the transition from part-time practice to an association with one of the city's leading black law firms, the Richard E. Westbrook’s firm.\textsuperscript{39} In a 1939 letter to fellow attorney, Elsie Austin, Esq., Sadie Alexander wrote:

\begin{quote}
I cannot close without congratulating you on the splendid progress you have made in a most difficult profession. I regret that the change of administration removed you from public office, but somehow I cannot but feel that you are not the loser. It is my opinion that office holders never establish very successful practices, so that this may have been a blessing in disguise.\textsuperscript{40}
\end{quote}

Though Alexander made this very pointed statement to Austin regarding Austin’s return to private practice, a majority of the women included in this study, especially after 1920, held appointed positions with the government. Taking on a salaried position, as Lutie Lytle had done in taking on the professorship, was a great alternative when the social milieu dictated that few offers would come their way from firms, corporations or private practices that were not led by husbands, brothers, or fathers. Alexander certainly saw the benefits of these salaried positions when she took, in addition to her work with her husband’s law firm, a position in the municipal government. Only a few months after her admission the Philadelphia Bar, she was appointed the first black woman Assistant City Solicitor in Philadelphia. She was the second woman in law to hold the position of assistant city solicitor and the first black woman to work in the solicitor’s office in

\begin{flushright}
\end{flushright}

\begin{flushright}
\textsuperscript{39} Smith, \textit{Emancipation}, 385
\end{flushright}

\begin{flushright}
\textsuperscript{40} Letter to Elsie Austin, Esq., 16 May 1939, STMA Papers.
\end{flushright}
Philadelphia. At that time, women lawyers in Philadelphia generally worked as research assistants, brief writers in law firms or banks or for the Attorney General’s office. There had been only one white woman lawyer previously employed by the City Solicitors’ office. Alexander served as an assistant city solicitor from 1928 to 1930 and again from 1934 to 1938.\(^4\)

In addition to the economic security that came with a government position, it also allowed some women the flexibility of opening their own practices without having to rely solely on the patronage of a shifting black community. Isadora Letcher, for instance, a 1925 graduate of Howard’s law school, and Ollie May Cooper, another Howard graduate, opened a law firm near the Courthouse on Constitution Avenue in the District of Columbia, becoming the first Black women to form a law firm. They continued to hold salaried posts, Cooper as a Secretary to the Dean at Howard’s law school and Letcher for the United States Government. The partners only handled cases that accommodated their work schedules, thus limiting their practice to evenings and weekends. Cooper and Letcher drafted wills, advised clients (women and men) on taxes, divorce, real estate and other matters. Letcher, widowed early in her marriage, remained in government service in the Bureau of Engraving and Printing until her retirement in 1948 with an annual salary slightly over $4000. She started out working for $1.25 a day.\(^4\)

Edith Spurlock Sampson was a social worker before joining Ellis in the John Marshall Law School class of 1925, returning for her Master of Laws at Loyola Law


School in 1927. Sampson quickly moved through a series of positions in the juvenile court, serving first as a probation officer and then as referee--a quasi-judicial post where she heard preliminary evidence in pending cases. In the 1930s, she opened her own office and practiced there part-time, specializing in divorce work. By 1943, she was able to resign her juvenile court post for full-time private practice. She returned to the government as a salaried trial lawyer in 1947, and secured a position as an Assistant State's Attorney. Two years later, her appointment book indicated that she was busy with divorce, probate, and juvenile court practice as well as some criminal work. In the mid-1950s, Sampson moved on to a post in the Chicago Corporation Counsel's Office, and she rounded out her career by winning elections for Municipal Court Judge, and later for Circuit Judge, in the 1960s. Sampson's early career trajectory was fairly typical for black women lawyers of her generation in Chicago. A law degree was a ticket to high-level staff positions in the domestic relations and juvenile courts. These staff positions brought increased prestige and professional contacts that allowed Sampson and her peers

43 Smith, Emancipation 385.
45 Announcement for North Park College's Public Lectures on Swedish Life and Culture (1952), Edith Spurlock Sampson Papers, Box 5, Schlesinger Library, Radcliffe Institute for Advanced Study, Harvard University.
46 Appointment Book of Edith Spurlock Sampson (1949) Sampson Papers, Box 1, Schlesinger Library, Radcliffe Institute for Advanced Study, Harvard University.
to make the transition to private practice or government trial lawyer positions, which opened up further possibilities for professional advancement.

The position of Assistant Corporation Counsel appeared to be a typical appointment, in that both Edith Sampson and Jane Bolin were able to secure this appointment, albeit in different cities. In 1937, Bolin secured an appointment as an Assistant Corporation Counsel for New York City, where she represented the city in the Domestic Relations Court, established in 1933. Bolin used the corporation counsel post to gain trial experience in both the Domestic Relations Court and the Supreme Court, the city's general jurisdiction court. In July 1939, her experience paid off when Mayor Fiorello La-Guardia appointed her to a judgeship in the Domestic Relations Court, making her the nation's first black woman member of the judiciary. Bolin's accomplishment made her name familiar in black communities across the nation by the time she was thirty-one years old.48 Edith Sampson, under the administration of Mayor of Chicago Richard Daley, served eight years as a corporation counsel and thereafter was nominated as a judge and was elected. “I’ve been a Negro a long time,” said Sampson. “I remember the days, too, when no woman was supposed to cross the threshold of the judiciary. I learned that I had to be a little ahead all the time. I had to do a better job than the next person.”49 In 1934 she was admitted to practice before the Supreme Court, a distinction shared by only a small number of lawyers.


A distinct parallel in gaining access to the bar can also be recognized with that of New York lawyer, Eunice Hunton Carter. Carter was an assistant to Manhattan District Attorney Thomas Dewey, a position she had obtained because of her key role in developing the theory under which New York crime boss Lucky Luciano was successfully prosecuted. Like Bolin, Carter got her start in somewhat typical women's practice but transformed her work into something entirely different. Following her graduation from Fordham Law School in 1932, Carter, who was already a wife and mother, began representing women charged with prostitution in the New York Women's Day Court. She then obtained a position in District Attorney William Dodge's office, prosecuting alleged prostitutes in the Magistrate's Court. Carter soon became convinced that her dearth of convictions in her new post was due to an organized crime ring that controlled the trade and influenced Magistrate's Court proceedings. When the district attorney rejected her theory, she took it to anti-corruption special prosecutor Dewey, who hired her onto his staff. Dewey's approach to organized crime had previously focused on loan-sharking, but he warmed to her view and authorized Carter and other assistants to use informants, wiretaps, and mass arrest of suspected prostitutes, which eventually resulted in Luciano's prosecution and conviction. Carter's role as a prime mover of these events led Dewey, the newly installed district attorney, to appoint Carter as the Assistant District Attorney in charge of the Court of Special Sessions, where she supervised more than fourteen thousand cases per year.50

The *New York Amsterdam News*’ front-page story announced that, “A Negro lawyer will be appointed deputy assistant district attorney by Thomas E. Dewey, special prosecutor in the investigation of rackets…Salaries for the post range from $1,500 to $8,000.” Such a position for an African-American woman at the time would have been rare and only would have happened through appointment rather than election. Eunice Carter continued a very successful career as head of the Special Sessions Bureau. She eventually became one of the highest paid African-American attorneys, male or female, in the country, earning $5,500 annually in the position. Carter remained with the Special Sessions Bureau until 1945 when she decided to return to private practice and to become more involved with the civic and social organization work she had always held dear. The organization she was most highly involved in over the next ten years was the National Council of Negro Women (NCNW) founded by African-American and women’s rights activist, Mary McLeod Bethune. Eunice Carter was a charter member. Sadie Alexander was drawn into politics from the moment that her admission to the bar as the first black women lawyer in the state made local headlines. Lena Trent Gordon, a faithful party worker and officeholder, sought out Alexander and introduced


52 Smith, Jr., *Emancipation*, 406.

53 Mary McLeod Bethune is a significant figure in U.S. history not only as the founder of the National Council of Negro Women and Bethune-Cookman College in Daytona Beach, Florida, but also as the advisor on African-American affairs to four presidents, and Director of the Division of Negro Affairs of the National Youth Administration — an appointment by President Roosevelt which was the highest office in federal government ever held by an African-American woman at the time. See the National Park Service website, www.nps.gov.

her to the local ward leader. The ward leader introduced her to the Mayor, who arranged for her appointment as Assistant City Solicitor in February 1928, making her only the second woman to hold the post. Alexander's starched, Old Philadelphia respectability soon clashed with political reality when she discovered that she had an office and a salary, but no duties. This was too much, even for someone who expected little from her profession, and her protests finally earned her an assignment. As she might have anticipated, she became the city's representative in Orphans' Court, helping to oversee audits of the accounts of decedents' estates. 55 This meshed well with her work at the firm, where Alexander continued to work while serving as an assistant solicitor for two more years, and for another four-year stint in the late 1930s.56

By the early 1940s, there were already signs that the next generation of black women lawyers would not be so deferential about their mode of entry to the profession. Black women lawyers such as Alexander, Eunice Carter, and Edith Sampson were in fact moving out of their initial low-status positions in the profession and were earning the respect of their male colleagues.


56 Her second stint at the solicitor's office was also due to political connections. Pennsylvania Supreme Court Justice George W. Maxey, a friend and fellow Republican, interceded with the mayor on her behalf in the mid-1930s and obtained a subsequent appointment for her in the solicitor's office. See Letter from George W. Maxey to Mrs. Raymond Pace Alexander 28 February 1936, STMA Papers, Box 10. In 1940, she resigned from her position in the solicitor's office. The Solicitor, Francis Burch, had asked for her resignation, citing budgetary reasons. See Letter from Francis Burch to Sadie T.M. Alexander 12 January 1940, STMA Papers, Box 6; Letter from Francis Burch to Sadie T.M. Alexander 16 January 1940, STMA Papers, Box 6; Letter from Sadie T.M. Alexander to Adelaide Fleming 15 February 1940, STMA Papers, Box 6.
Trial Work

Though trial work was not common for many of the women early in their careers, a few commented on the importance of going to court. Eunice Carter, for example, responded to Alexander's request for information on black women lawyers by noting that she had engaged in "trial work in both petit courts and before juries" in the New York District Attorney's office, and that she was responsible for the office's work in several lower-level courts. Alexander's reply expressed great pleasure that Carter had secured "actual trial work." H. Elsie Austin, on the other hand, observed that her own work in the Ohio Attorney General's office, while interesting, did not involve "much trial work." Neither of the two women employed in that office obtained such work, and Austin instead spent her time writing advisory opinions.57

Despite some progress that had been made in the areas of education and widening opportunities to practice, women were still generally subjugated to office work, such as bookkeeping, that was considered women’s work. Trial work was still a male preserve. When it did occur, a simple court appearance could produce unpredictable results. Many male opponents could not accept a woman lawyer as opposing counsel. As soon as a woman made an appearance, she found, many men "began laying roadblocks, such as absolutely unnecessary interrogations, preliminary objections, depositions," and other

57 Letter from Eunice H. Carter to Sadie T. Mossell Alexander 26 April 1939, Sadie T. M. Alexander Papers, Box 13; Letter from Sadie T.M. Alexander to Eunice H. Carter 28 April 1939, STMA Papers, Box 13. Letter from Elsie Austin to Sadie T.M. Alexander 8 May 1939) STMA Papers, Box 13. In this respect, Alexander’s own experience differed from that of Ruth Whitehead Whaley, a 1925 Ford-ham law graduate, who ended a retrospective essay on her first twenty years of practice by noting that "there is no sweeter music to my ears” than the bailiff's opening cry announcing the arrival of the trial judge. Ruth Whitehead Whaley, “Women Lawyers Must Balk Both Color and Sex Bias,” in Smith, Rebels in Law, 51; Letter from Elsie Austin to Sadie T.M. Alexander 8 May 1939) STMA Papers, Box 13.
hair-splitting tactics. Actually defeating a male opponent might elicit an even stronger response, such as when a lawyer for one losing party cursed Alexander outside court after she prevailed on a preliminary injunction motion. Alexander's reply highlighted the discomfiture of a man being beaten by a woman lawyer: "I should give you my skirt and you give me your pants." Similarly, presence in court shook up judges who were accustomed to an all male environment. Other judges allowed racial prejudice as well as gender bias to affect their rulings. Sometimes, the mere presence of a woman's body in the courtroom provoked unprecedented difficulties, as Alexander discovered, soon after she accepted the assistant solicitor's position, that she was pregnant. The social custom for pregnant women of her place and time was to avoid public arenas where men would be present. Her husband thought that she should resign her position as soon as her pregnancy was evident, but Alexander refused, arguing that remaining in the job would provide an important precedent for future women lawyers. She prevailed upon her embarrassed husband to speak with the Orphans' Court's presiding judge, Curtis Bok, and the two men conferred over lunch about the propriety of a pregnant woman appearing in court. Fortunately, Bok gave his enthusiastic assent, remarking, "I don't


think there is anything more beautiful than a pregnant woman."\textsuperscript{61} She remained on the job for the full term of her pregnancy.\textsuperscript{62}

Clothing and dress were also matters of contention for a woman lawyer. Having passed the bar examination, Alexander later wrote, she had "carefully chosen" her garments for the bar admission ceremony, including a dark red hat.\textsuperscript{63} However, When I had approached the Bar of the Court, I heard a voice say:

"Take off that hat!" I wondered what male neophyte came to be sworn in and kept on his hat. A few minutes later, I heard the command repeated in a more angry and louder tone, only to realize that I was being told to remove the hat, for which color and price I had combed the stores. I tore it off in so doing dropping my copy of the Code of Professional Responsibility and lost the correct page. I was the only woman in the group but not a man attempted to retrieve my book.\textsuperscript{64}

Alexander's experience encapsulated an enduring problem for women lawyers. Proper late Victorian ladies wore hats in court, while men did not. By the 1920s, the decided trend was for women lawyers to doff their hats upon entering court, but many were still unsure of the issue. Issues of body, dress, and appearance that were obscured when the bar was composed of men only, suddenly became visible and took on both symbolic and practical import when women entered the profession.\textsuperscript{65} Despite these discriminatory

\textsuperscript{61} Sadie T.M. Alexander, "The Best of Times and the Worst of Times," \textit{University of Pennsylvania Law Alumni Journal} 12 (1977), 21. Bok, with whom the Alexanders established a friendly relationship, was also the father of future Harvard Law Dean and Harvard University President Derek Bok.

\textsuperscript{62} Ibid.; Sadie T.M. Alexander, Remarks at Luncheon Honoring Her Fifty Years in the Practice of Law, 24 March 1979, STMA Papers, Box 72.

\textsuperscript{63} Ibid.

\textsuperscript{64} Ibid., 2-3.

\textsuperscript{65} For more on the longstanding debate over whether women should wear hats, see Virginia G. Drachman, “Entering the Male Domain: Women Lawyers in the Courtroom in Modern American History,” \textit{Massachusetts Law Review} 77 (1992), 44, 48, 50. A more general discussion on the relationship between bodies, gender, and legal professionalism is presented in Mona Harrington, \textit{Women Lawyers: Rewriting the
experiences, some women were able to break through the barriers set for women and find some success in the courts even while using gender to their advantage.

Many of the women used appointed positions to become familiar to the public and then later in their careers they were able to expand their experiences which would include trial work. This route was followed by Eunice Carter. Most sources report that she initially practiced privately for a time, but there is no mention of the types of cases or transactions on which she worked. However soon after embarking on her practice, Eunice Carter was hired in 1935 by New York County District Attorney William C. Dodge as the first African-American woman Assistant District Attorney in New York State. Her job was handling low level prosecutions in New York City’s criminal courts which was considered the least attractive position for a prosecutor but also the typical route for most Assistant District Attorneys. Nevertheless, she was certainly introduced to more trial work through this appointment. Richard Hammer, a writer on organized crime, wrote of her position, “Assistant District Attorney Eunice Carter had been given the thankless job…of prosecuting the endless parade of whores picked up in the brothels and on the streets of Manhattan.” Though she won few convictions—the magistrate’s courts, where such trials were held, were perhaps the most corrupt in the city and gained

---


67 Ibid.
Carter invaluable experience that would lead to her most famous work in the area of organized crime.\(^68\)

Essentially, a law degree for a woman, was a ticket to high-level staff positions in the domestic relations and juvenile courts. These staff positions brought increased prestige and professional contacts that allowed women to make the transition to private practice or government trial lawyer positions, which opened up further possibilities for professional advancement. But lack of experience created some trepidation in the women, especially regarding litigation and criminal cases. Alexander for example explained to the presiding judge in one case:

\[
\text{Although I have been at the Bar for more than fifteen years, today was the first time I have handled a case in the criminal courts. I always felt incapable of measuring up to the requirements of a criminal lawyer. However, . . . Raymond insisted that I must handle this case . . . .}^{69}
\]

Edith Spurlock Sampson, Alexander’s contemporary, apparently also suffered from “stage fright” and often waived jury trials when she came to court, preferring to face the judge alone.\(^70\) But there are other possible explanations of the women’s hesitancy. They might indicate that these women truly disliked courtroom advocacy and jury trials or, perhaps Alexander and her peers were merely playing to the gender-based expectations of judges and the general public.


\(^{69}\) Letter from Sadie T.M. Alexander to Honorable Adrian Bonnelly, 15 March 1944, STMA Papers, Box 6.

Public Service Work

Virginia Drachman describes two separate divisions within the legal profession: the world of industrial capitalism and big business and a distinct arena of generosity and charity. The white women in her study seemed to be split on which of the two sides lady lawyers should take. The message, as Drachman states, of the Victorian view was clear. Only male lawyers, the “champions of cold facts, objectivity, and cunning, belonged in the former.” For women in the law, their attention should be turned to the place of philanthropy in their professional lives. To them, it was a lawyer’s obligation to bring morality and virtue to all areas of the law. From this point of view, women lawyers belonged in commercial law and criminal law as much as they belonged by the side of the poor and dependent. Other women lawyers, in Drachman’s study, adopted the male lawyer’s model of success, arguing that law and charity could not mix. They urged women lawyers to avoid the distractions of charity and reform because it was more difficult for women than men to establish successful legal careers. Leila Robinson expressed this view in an 1888 letter: “Anything whatever that lures the woman attorney away from her office should be put aside—or must be put aside—if women are ever to establish themselves as a recognized element of the bar of this country.”71

This seemed not to be an issue for black women attorneys. The dynamics of race, gender and class could not be separated in either their public or private lives. Ruth Whitehead Whaley noted in a 1949 essay that African American communities generally accepted a black woman lawyer's pursuit of an unusual career for a woman, but they also scrutinize closely whether she is making her normal contribution to it as a woman. In

addition, she receives more calls for community service than her male colleagues because her number is few, and where courtesy or need seems to call for the name and presence of a woman and also a representative of the legal profession, this need is oftentimes combined by naming the woman who is a lawyer.  

Whaley spoke of the larger cultural framework within which Alexander and other educated black women of her generation operated. The ethos of respectability that Gertrude Mossell, Ida B. Wells, and others had articulated formed a backdrop for their professional activities, and pushed them into community service and social reform activities regardless of their other professional duties. Black women lawyers, inhabited a world where they could not simply limit themselves to private practice and think of themselves as responsible members of their communities. Moreover, their unique status as black women lawyers produced many calls for their participation in the social movements of their day.

Service to the community came in many forms. Some of the women were involved in community organizations or women’s clubs. Others provided service to the community through their legal profession and through legal associations. Typically, however, their service to the community merely called for black women attorneys to step up to the racial and gender injustices that confronted them on a daily basis. They fervently spoke out on the social and political status of blacks in the United States as well as in other countries. Lutie Lytle spoke out about social and legal injustice following her return to Topeka in 1897 after graduating from law school.

---

In the north the colored people are given all the privileges of spending money, but not of earning it. What I mean is this: In the south the white people give our people employment side by side with themselves in a most generous spirit, but they are not allowed to spend money side by side with them in the opera house, in the restaurant, in the street car, not even in the saloon. In the north the people are niggardly in giving the colored people a chance to earn a dollar, but they are generous in letting them spend it, elbow to elbow with them at the theater or anywhere else. ...  

Several of the women worked through a number of channels as they contributed to community uplift. Gertrude Rush served as chairperson of the Mother’s Department of the National Association of Colored Women’s Clubs. She was also able to use her legal expertise as chairperson of the Legislature Department of the NACW. Typically, it was gender and racial issues that seemed to take up most of their extra time. In an address to the National Youth Administration’s Negro Conference in 1941 about the civil liberties of Negroes, Ruth Whitehead Whaley spoke about the status of the Negro and how further legislation was not needed, but instead, enforcement of the legislation that was already in place. She explained what she thought the role of Americans should be in the fight for equality when she stated that “as a slave I expected no rights, but as a citizen I have no place to turn. The federal government cannot have any effect until it cleans homes. We do not need extra laws, but only laws that protect every citizen. . . So we do not need any special legislation. We need to turn to the enforcement of legislation now in existence.

---

73 *Colored Citizen*, Topeka, 7 October 1897.

We need the ballot, and a closer inspection of people running on the ballot and see if they understand justice. . .” 75

She clearly understood the role, as did most African Americans at the time, that it was time for the federal government to become involved in the fight for equality. Blacks were beginning to see the necessity of the government to forge ahead with the ideal of democracy as it had done for other nations during the two world wars. Rush was quick to point out the deficiencies in the American ideal for democracy when she noted, “when it comes to racial discontent stirred up by the lack of democracy, America does just like an ostrich and sticks its head into the sand. On this matter, you should be thinking of whether America is worthy of democracy. The Price of democracy to America is how far she is willing to go to give civil liberties to Negroes. . . We want civil liberties in times of peace as well as in the shadows of war.” 76

Several lawyers were also very involved in the Columbia, Tennessee race riot that involved military veterans who were unwilling to accept prevailing racial norms upon returning to their hometowns. Mary McLeod Bethune, along with Eleanor Roosevelt, also served on the Executive Committee. As leaders within the black community, black female lawyers had connections beyond their legal careers. Many were members of national women’s organizations that put them in line to be called upon to represent black women in many areas. Helen E. Austin and Jane Bolin were called upon by Bethune to

---


76 Ibid.
serve on a committee to publicize the recent racial turmoil that took place in Columbia, Tennessee.\footnote{This post-World War II race riot occurred in the town of Columbia on the night of February 25-26, 1946. Like other outbreaks of violence in the South in the immediate postwar era, this incident involved military veterans who were unwilling to accept prevailing racial norms upon returning to their hometowns. In 1946 Columbia contained about five thousand whites and three thousand blacks. Race relations in the county had often been tense in the prior generation; since 1925, for example, two lynchings had taken place there. But racial violence decreased during World War II, and in the postwar months there were few indications of future trouble. The Columbia "riot" made headlines across the state and the nation. Walter White and Thurgood Marshall of the National Association for the Advancement of Colored People immediately flew to Nashville in order to organize a legal defense. White met with Governor James N. McCord and announced the creation of a national defense committee. Marshall turned to Tennessee attorneys Z. Alexander Looby of Nashville and Maurice Weaver of Chattanooga for assistance. The Columbia incident and the reaction to it were major events of the late 1940's, which helped create a base from which black organizations gathered strength for the civil rights push of the 1950's and 1960's.}

Sampson shared the ethos of respectability that propelled these women into service, having been born at the turn of the century into the middle-class Spurlock family of Pittsburgh, and participating in middle-class black women's organizations such as the National Council of Negro Women (NCNW). Though she had always been involved in issues surrounding juveniles, it was not until the 1950s, however, that her penchant for reform took her in a somewhat different direction. Edith Sampson embarked on a controversial career in public service when she participated, on behalf of the National Council of Negro Women, in the 1949 international tour of the Town Meeting of the Air.\footnote{"Freedom's Bell Rings 'Round the World: A Picture Story of America's Town Meeting of the Air," July-September 1949, Edith Sampson Papers, Box 9.} The town meeting, a radio forum addressing current political issues, boosted her to international prominence during a stop in New Delhi, where she gave a speech aggressively defending American democracy against the political systems of Communist states.\footnote{David Hepburn, “Edith Sampson Speaks for America,” Our World, February 1951, 28.} Sampson's forceful defenses of American freedom abroad (and, many charged, her apologies for African Americans' continued lack of freedom at home) earned her a
call from Truman's White House to serve as a delegate to the United Nations in the early 1950s, as well as government-sponsored overseas trips to speak out for Americanism.\textsuperscript{80} The NAACP's Walter White had accompanied her on the New Delhi trip, but by 1952 he was criticizing Sampson's positions in the pages of the \textit{Chicago Defender}. In the early 1950s, Sampson found herself on the right wing of the civil rights movement, making common cause with well-known black conservative columnist George Schuyler and attacking those who criticized American race relations abroad, such as the expatriate entertainer and civil rights activist Josephine Baker.\textsuperscript{81} After visiting and talking with the people of other countries, she knew that she could never make her law practice the primary business of her life:

I would have to devote myself to the cause of world brotherhood and world peace. That is why I was so delighted when the president of the United States appointed me as member of the US Delegation to the United Nations. As an American I consider it a privilege to serve my country. I hope that I am making some contribution along with the rest of the American delegation toward the securing of peace for the world, for I have great faith in the UN as the one great hope for peace."\textsuperscript{82}

Social worker, nurse and settlement house founder, Jane Edna Hunter entered into the legal profession as a way to boost her credentials as a philanthropist in the city of Cleveland. Hunter believed that social responsibility was an inherent part of lawyering and that women had a unique role in that black women lawyers “have been, and are, ardent advocates for the uplift of ’the man farthest down,' and they have given their share...

\textsuperscript{80} Letter from James R. Harris to Edith Sampson, 5 February 1952, Edith Sampson Papers, Box 3.

\textsuperscript{81} “Edith Sampson Attacks Jo Baker Stand,” \textit{Jet}, 10 January 1952, Edith Sampson Papers, Box 2; Letter from Edith Spurlock Sampson to George S. Schuyler 25 May 1952, Edith Sampson Papers, Box 3.

\textsuperscript{82} “Freedom's Bell Rings 'Round the World: A Picture Story of America's Town Meeting of the Air,” July-September 1949, Edith Sampson Papers, Box 9.
of topflight female orators [and thinkers] to the nation." The commitment of black women lawyers to help the least of those in the population, could be tied to the fundamental ideals of real opportunity in the democracy.\textsuperscript{83}

In their work as attorneys, black women’s commitment to community, specifically in this case women and children, would also surface. Bolin had been on the bench only a short time when she discovered that all of the African American children were assigned to African American probation officers. At that time, children were assigned by religion – Catholics, Protestants, and Jews. The facilities were based, not only on religion, but also on race, and the black children who were mostly Protestant were sent to the very inadequate facilities that the Protestants provided. These placement facilities were privately operated, but they were funded by public money. When Bolin learned that these children were being placed by race, she went to the City Council and the Board of Estimates of the City to object to public funds being paid to private child care facilities which segregated the children. That led to the city passing what was called the Brown-Isaacs Amendment to the City Charter. After it was passed the agencies had to stop segregating the children. However, they were still segregated by religion for a long time.\textsuperscript{84}

In addition to her estate and family law practice, Alexander teamed up with her husband, who specialized in civil rights and criminal defense cases, to battle discrimination and segregation in Philadelphia’s hotels, restaurants, and movie theaters.

\textsuperscript{83} Jane E. Hunter, \textit{A Nickel and a Prayer}, (Cleveland: Elli Kani Publishing Company, 1940), 150-151.

\textsuperscript{84} Jane Bolin, interview by Jean Rudd, 4 June 1990, transcript, Jane M. Bolin Papers, 1943-1993, 47. Schomburg Center for Research in Black Culture, New York, NY.
Throughout the 1920s and 1930s. Alexander’s early experiences with institutional racism and segregation in Philadelphia became the impetus for her civil rights work. During her studies at Penn, she arranged to attend a movie with Raymond, a female friend, and another young black man who was “fairer than Raymond” and who “if you just passed him by you wouldn’t know. . . was colored.” The young man with the light complexion purchased four tickets prior to the performance. When they got to the theater, they were told that there was “some mistake.” In an effort to “test the racial waters,” each one of them started to speak what little foreign language they were able to handle, all the while the manager not knowing what they were saying. He finally said, “they’re not niggers.” It was intermission when they were finally seated.

Sadie and Raymond Alexander’s commitment to civil rights stemmed from their own experiences as blacks in a white world. Alexander recalled that when she had just passed the bar in 1927, there was not an office building in Philadelphia that would rent to a black person. When her husband came in 1921, he had to rent an office in what used to be a bank. He was so determined that he would not stay down there that he tried again to lease in a better area. He was given a one-year lease, but the tenants objected to a black tenant, and they would not renew it. Later, he met one of his classmates on the street and told him this story and his concern. The classmate got him a better location, closer to the business district, but as she recalled, “it was an awful building.” As a result, after the

---


87 Ibid.
financial crash of 1929, the Alexanders had exactly $40,000 left, which spoke to the volume of business they had. Raymond purchased a lot and built a building so that he could have an office that was in the business section. As a result, wherever Sadie and Raymond would go, or whenever there was a chance for them to speak publicly, they would tell people, “if you’re denied the right to come into a movie theater, if you are denied the right to eat in a restaurant, come to see us. . . we’re not charging you anything. We only ask one thing. That you stick to the case until it’s tried. If you have to come down four times, that’s the way we want you to pay it.”

African American women lawyers began the century reaching new heights within the profession and by 1940 most of the women had achieved a certain amount of prestige both on a community-wide basis as well as for some on a national level. Certainly, however, there were those who never came close to achieving the professional prestige of Edith Sampson, Violette Anderson or Judge Jane Bolin, or whose careers cannot be recreated, but the accomplishments of all and the standards they set for black female lawyers to follow were more than mere modest gains. We can look at their careers in light of white men, black men and white women, but to do so would cast a negative light on the enormity of their achievements.

Many of the black women of the second generation were typically engaged in parallel professional odysseys that brought them from low-level positions to ones that were unfathomable only twenty years earlier. Jane Bolin, for instance, wrote Sadie Alexander that following her graduation in 1931 she had "clerked the then required six

---

88 Ibid.
months in my father's law offices in Poughkeepsie, New York," and then "engaged in
general private practice thereafter in New York City as a partner with my husband in the
firm of Mizelle & Bolin until 1937."89 Like several of the others, Bolin's choice of
profession, and her entry into it, were facilitated by influential male attorneys--her father,
brother, and husband were all New York lawyers. She also made her initial mark in
husband-and-wife practice and in the lower-level urban courts that had sprung up in
response to the social problems of women and children in urbanizing America.90

For these black women, experiences in court, interacting with clients, or dealing
with fellow lawyers were overlaid with layers of race- and gender-based prejudices and
perceptions, and it was often difficult to sort them all out. By the 1920s, women had only
recently secured the right to practice law in every state, and African American lawyers
were just beginning to enter private practice in significant numbers. Black women
lawyers had difficulty figuring out just where they fit in. Sometimes, discriminatory
attitudes were blatant, as with the opponent who cursed Alexander after she prevailed in
court. In many situations, however, discrimination manifested itself more ambiguously.
More importantly, the careers in which black women lawyers of the 1920s began their
professional lives--probate, divorce, general office practice, and government
employment--might be viewed as both conventional women's work that relegated them to
the bottom of the profession, and as protected niches that allowed black women to define
their role in the legal profession. Many of these women never resolved these dilemmas,
and perhaps did not try. What they did do was use the ambiguities inherent in being a

89 Letter from Jane M. Bolin to Sadie T. Mosell Alexander, 25 April 1939, STMA Papers, Box 13.
90 Smith, *Emancipation*, 405-406; For more on origins of these courts, see Hurst, *The Growth of
American Law*, 154-58.
woman lawyer to create an entirely different mode of practice from the one in which they began. Lack of experience, marginal positions in the profession, and economic situations of their mostly black, urban clientele, combined to limit their practices to the service of marginal, low-paying clients. Alexander later recalled that "if you got five dollars to go to court, you went to court for five dollars. . . . You were gaining experience, and you were building a reputation so you counted all that in." What was important was the fact that they were building reputations and they began attracting cases that would tax their skills as lawyers and negotiators. Therefore, these women were able to forge ahead with their legal careers, while at the same time fulfilling the necessary duties of being a black woman in the early twentieth century – essentially expanding the definition of black womanhood through their commitment to their careers and the community.

Alexander summed it up when she wrote, in 1941, that "Negro women lawyers, along with all women practitioners of the law in the United States, have passed through the state of being a source of curiosity, amusement and doubt to one of well-founded respect. Indeed, their presence today is regarded as a normal, natural, daily occurrence." Black women lawyers such as Alexander, Eunice Carter, and Edith Sampson, among others, were in fact moving out of their initial low-status positions in the profession and were earning the respect of their male colleagues. The exodus of men from the civilian labor force during World War II opened up short-lived opportunities for more women to

---


attend law school and to secure employment in private practice as well as with the government.
CHAPTER 5

“ I DON’T THINK I SHORTCHANGED ANYONE BUT MYSELF” : THE PRIVATE SPHERE OF BLACK WOMEN LAWYERS

Virginia Drachman identifies three distinct sets of attitudes toward balancing marriage and career for women lawyers. The first view was the “separatist” view, which reflected the nineteenth century notion that professional women had to separate career and marriage by remaining single. The second view was the “Victorian” attitude, which reflected the notion that women had to sacrifice career when they married. The third view was the integrated approach, which reflected the notion that women could have both marriage and career. And according to Emma Gillet, who in 1889 wrote to the several of her white female attorney peers, it was motherhood, not marriage, which was really incompatible with law practice for women. “The care of children must not necessarily interfere with anything so sensitive to interruptions as a law practice,” wrote Gillett.¹

For black women lawyers, the issue regarding marriage and children was not quite so paramount. Black women had combined marriage and work for many years and the thought of having a career and being married was not quite so foreign to them. However, several of these women came from families where middle class sensibilities

did affect, to some degree, their roles within their marriages as professional women. In 1930, Sadie Alexander wrote an article that explored the burdens placed upon black working women. She stressed the importance of work as an avenue for the economic and political progress of black women, encouraging all women, regardless of the prestige of their jobs, to hang on to employment. Eventually, she argued, women will gain promotions in the workplace, if only because “employers did not want to lose their investment in longtime workers.” In addition, Alexander wrote that women should work for their own future well-being. In an industrialized society where men rated the work of a housewife as “valueless consumption,” Alexander believed that women had to “place themselves again among the producers of the world,” and be involved in endeavors “that resulted in the production of goods that have a price value.” Alexander also felt that women in the work force provided for a happier marital environment in that, “the satisfaction which comes to the woman in realizing that she is a producer makes for peace and happiness, the chief requisites in any home.” And finally, she stressed the positive aspects of women continuing employment while raising children:

The derogatory effects of the mother being out of the home are overbalanced by the increase family income, which makes possible the securing of at least the necessities of life and perhaps a few luxuries.”

Historian Stephanie Shaw, in her book, *What a Woman Ought to Be and to Do*, states that black women during this time period were raised with very rigid ideas of proper gender roles. Specifically, black women were told that their private lives were as

---

important as their public lives and that somehow the two could be balanced and
ultimately, they received moral support from both the community and their families to
pursue both avenues. However, what these women would find, like the women of this
study, was that domestic duties and public commitments were often conflicting
demands, despite what women had been groomed to believe. The majority of the black
women in Shaw’s study at some point had to redesign their vision of their commitment
to public and private. For several of her women, once their marriages were blessed with
children many of them dropped out of the public sphere for a period of time allowing
them to balance work and family. Shaw further states that in order for these women to
have properly balanced both the public and private commitments, something more than
moral support was needed: cooperative spouses, domestic workers in their homes, able-
bodied live-in parents, friendly local public policy, or older children. 3

Black women attorneys grew up with the same prescribed gender roles and ideas
of commitment to family and community. The difference between the two groups of
women, however, has to do with the chosen career. The option to drop out of the public
sphere for a short time while raising small children was not a good one for women
attorneys. Leaving work for any length of time would certainly have jeopardized not
only their jobs, but would have called into question the notion of women as attorneys.
There were so many battles taking place as to whether or not women should even pursue
the field that succumbing to the pressures of the Victorian idea of the proper role of
women would have given credence to the idea that law and womanhood were
incompatible. Therefore, the women of this study can either be seen as extremely

---

creative in their pursuits to balance home and career, or they could be seen as careless women who put the needs of their careers before their families. Nonetheless, what can be deduced is that Shaw’s statement on the type of support system that was needed in order to fulfill both duties was typically the norm for these women. Not having the option to step out of the public sphere for a short time meant having other resources put into place that would allow them the flexibility they needed. Now, whether it worked out successfully would depend upon the resources chosen by each individual woman.

Black women had historically become accustomed to the rigors of balancing marriage, children, and work and most worked as a means of survival or for material comforts. Alexander, however, alludes to another reason for women’s work – for independence, satisfaction, and for future well-being. Of the women included in this study, and of those for whom personal information could be found, only six made the decision to become mothers and one adopted her sister’s children. It is not certain whether the others made deliberate decisions to forgo motherhood, but it is clearly an area that calls for further research. While women such as Alexander felt that independent careers were necessary to women’s advancement, she, like many women of her era, also believed that a wife should manage the household while the husband worked, recognizing that this arrangement might limit a wife's career goals.\footnote{For Sadie Alexander's view on the necessity of women pursuing independent careers, see Sadie T.M. Alexander, “Reminiscences of a Career in Law,” September 1972, 1, STMA Papers, Box 72 and Sadie Alexander, Personal Writings, “The Emancipated Woman” (circa 1930) Sadie Tanner Mossell Alexander Papers, Box 71, University of Pennsylvania, University Archives and Records, Philadelphia, PA.} Even before she began law school, she was cognizant of the fact that marriage would impose onerous duties. Indeed, she declined Raymond's first offer of marriage, reasoning that she might
immediately become pregnant and be forced to set aside her professional aspirations.\textsuperscript{5} In an era of uncertain birth control, there was a close nexus between marriage, pregnancy, and the end of an independent career. By the mid-1930s, following the birth of two daughters, Alexander found herself overwhelmed by conflicting responsibilities, but nevertheless remembered that as an educated black woman, certain responsibilities were expected of her by her family and her community. Writing about her dilemma to a local columnist, she lamented:

\textit{It is a hard job trying to be a mother, a lawyer and a good wife. I am not at all too certain that the three can be successfully combined. At times I think it is impossible and that I must devote my entire time to my husband and children; then I think of the sacrifice that my mother made to train me and of the number of clients who seem to depend upon me. I then try to find strength to serve all of the interests.}\textsuperscript{6}

In this comment, one can see all at once the implications of women such as Alexander attempting to reconcile marriage, children and their careers. Alexander was raised in a home where education was extremely important. She was expected to complete college and had the complete support of her family when she entered graduate school and law school. She also knew that having children was yet another expectation of women of her time despite the added burden this would place on her career. Somehow, she felt that she must be able to do all of these things concurrently as she was not educated to rest upon her laurels. She, like other black female professionals during the early part of the twentieth century, were expected to use their skills in building up

\textsuperscript{5} Sadie T.M. Alexander, “Reminiscences of a Career in Law,” September 1972, 1, STMA Papers, Box 72.

\textsuperscript{6} Letter from Sadie T.M. Alexander to Ann Butler 16 May 1938, STMA Papers, Box 11.
their communities. However, the female lawyers in this study had to make difficult
decisions when it came to not only having children, but also in raising them.
Only a few months after her admission to the Philadelphia Bar, Alexander became the
first black woman Assistant City Solicitor in Philadelphia. There had been only one white
woman lawyer previously employed by the City Solicitors’ office.

No sooner was I assigned and situated [at the solicitor’s office] than I became
pregnant. I felt the burdens of the world on my shoulders and feared having to
give up my job with people saying “Isn’t it just like a woman to go off and get
pregnant.” My husband felt I should resign the post as soon as my pregnancy was
in evidence but I refused and stood firm, both for myself and for all other
women.7

Alexander gave birth to two girls while working as an assistant city solicitor. She
had a total of four premature babies, with only two surviving. Without further
information regarding this, one wonders if her work schedule interfered with her chances
of having healthy pregnancies. Indeed, the effect that this must have had on her role as a
woman, wife and mother must have been tremendous. Her first child to survive was
Mary Elizabeth who was born in 1934 and then Rae Pace was born in 1936. Alexander
admits that she was unable to “take care of them” and “give them the kind of care that
they needed.”8 As the children grew, Alexander also had mounting responsibilities in her
career. She tried cases at every opportunity in order to “gain experience” and “build a
reputation.” However, she later recalls that her daughters must have resented her public
life. Alexander sent both her daughters to the Putney School, an exclusive private school,

7 Karen B. Morello, *The Invisible Bar: The Woman Lawyer in America, 1638 to the Present* (New

8 Sadie T. M. Alexander, interview by Marcia Greenlee, October 12, 1977, Sadie Tanner Mossell
Alexander Papers, University of Pennsylvania, University Archives and Records, Philadelphia, PA.
in order to ensure their chances of gaining admission to elite colleges. Yet again, this would be a privilege that only few black women and their husbands could afford. Accordingly, her hectic career schedule seems to have had an impact on her role as mother as evidenced in a letter from her daughter. In the letter, Mary Elizabeth responds to the news that her parents are planning to be away for the holidays with a certain amount of reservation and disappointment.9

I leave Putney December 16 for home, and from November 28 which is Thanksgiving to December 16 when I come home is no time to be away at all. So I can’t see when you could be away unless you go before Thanksgiving for a month. I should very much like to see you and Daddy go away for a month to get a good rest. But I would also appreciate it if you could be home when I come for Christmas in December. After all I will have been away for almost four months, and you promised you would be home when I came. So please be home Christmas.10

Alexander’s rigorous work schedule caused her to be away from her children periodically. Other letters written to and from Alexander’s sister Beth suggest that even when the children were not away in boarding school, they were sent to family members in order to lighten their mother’s load at home. Beth wrote to her sister to stop worrying about two-month old Rae Pace’s “mentality.” As a new mother, for the second time, Alexander questioned her youngest daughter’s developmental progress as many mothers will do. However, Beth stated:

Your bleeding heart is unnecessary so far as Rae Pace is concerned. She is not stupid at all. I think she is all you could ask for. She is only two months old! Mary E. was perhaps showing a different kind of personality but this baby has plenty of her [undecipherable] and plenty of sense. Just wait until you see her before you worry anymore. I’m not going to say any more for you perhaps think I’m saying all this to make you feel more comfortable. I’m not at all but do wait until you see

---

9 Letter from Mary Elizabeth Alexander to her parents 3 October 1948, STMA Papers.

10 Ibid.
and know Rae before you worry any more. She is adorable. . . I’ll begin to think there’s something wrong with yours if you don’t stop your foolish worry (when you’ve only seen the child about twice.” [my italics.]”

In yet another letter from Beth, Mary Elizabeth is the topic of the moment. Beth relates to Alexander that Mary Elizabeth sometimes says, “that she has to go to Philadelphia to see Mommie and Daddie but she’ll be right back. I think she misses you all when she thinks of you she wants to go to Philadelphia. But I also think she does very well to leave you in this way.” It must be remembered that Alexander was raised in a similar fashion. After her mother’s divorce, Alexander was shifted between her grandfather’s home in Philadelphia and her aunt and uncle’s home in Washington, D.C. It is likely that she viewed the assistance of her family in raising her children as normal.

Alexander was nevertheless, as involved as she could be in her daughters’ upbringing. Presumably stemming from her own childhood, Alexander was concerned from the very beginning about their education. In 1938, Alexander attempted to gain admittance for Mary Elizabeth to Oak Lane school in Philadelphia and she received a response from the administrators indicating that it would be against the school’s best interest to accept children of color. They had been working “desperately hard” to get recognition for Oak Lane and to raise its social level; admitting children of color would cause them to lose any ground they had already gained. Even Alexander’s social status could not shield her from the racial injustices that were inherent in society at the


12 Ibid.

13 Letter from Elinor M. Brown to Mrs. Raymond Pace Alexander, regarding finding a school for her daughter Mary Elizabeth, 10 May 1938, STMA Papers.
time. In another instance, she learned that the parents of another nursery school would object. The administrator then asked:

Had you ever thought of the possibility of starting a group for colored pre-school youngsters, even a pretty informal group, and without all the standard equipment? Could you get enough people who would be interested to pay for the services of a teacher? Perhaps this is a wild suggestion, but I don’t mean it to be at all an unsympathetic one, for I realize all too plainly the obstacles you are up against. 14

Alexander did not take these offenses sitting down. Combining their legal experiences with their concern as parents, she and her husband Raymond called into question the racial implications of yet another school that refused to admit children of color. Raymond Alexander sent a letter addressed to the President of Temple University. In the letter, Raymond addressed the issue of their daughter not being able to attend the Temple University Nursery School because of her race. He called into question the dean’s commitment to the community and to racial equality. He stated to the dean,

We could not believe that a man of your liberal education and the head of an institution that was established for the people would take the position that any person was refused admittance to a department of your university because of his or her race. . . unless I do receive a reply from you to my application for the admission of my daughter, Mary Elizabeth Alexander, to Temple University Nursery School in the term beginning September, 1936, that I shall be compelled to interpret your silence as a refusal to admit her to the institution because of her color and that I will be forced to take such steps as in my opinion may be appropriate in order to obtain action on this

14 Letter to Sadie Alexander from Dorothy Hallowell 3 October 1935, STMA Papers.
application. May I say that I still hold a hope that you will not force this action which I personally have no desire to take.\textsuperscript{15}

Sadie Alexander’s roles as mother, attorney, and civil rights activist seemed to merge quite often. When asked about the possibility of the YWCA establishing a nursery school in Philadelphia for Negro children, Alexander responded that there were two distinct schools of thought on the question of segregated schools held by the people living in Philadelphia. On the one side there were those who would under no circumstances send their child to a school exclusively for Negroes. On the other hand, there were some who insisted upon doing so and others who would not object to sending their children to colored schools. In view, however, of the fact that there were no opportunities for nursery school education in Philadelphia she was of the opinion that if a well qualified school were established for children of the pre-school classes that the YWCA would have no difficulty in obtaining a fair number of children. But due to the economic condition in Philadelphia at that time, she was doubtful that they would obtain a large enrollment. Most of the people certainly would be unable to send their children and many of the upper classes who could afford it, according to Alexander, were not sympathetic towards a nursery school. “They think young children can much better be reared at home by the parents notwithstanding the fact that the majority of the parents have no training or ability for directing infants. . . . . I suggest that you contact parents of children of nursery

\textsuperscript{15} Letter from Raymond Pace Alexander to Dr. Charles E. Beury, President of Temple University, 7 July 1936, STMA Papers.
school age and determine what interest they manifest in such a school before you expend any of your funds in establishing a school in this area. . .”\(^\text{16}\)

Alexander was also a little better off than most of her peers in that she married a progressive black man – for those times. On the occasions when she had to leave town, there were times when her husband Raymond took control of the home. In a letter to Sadie, he recounted the events that had taken place in her absence. “The children are both well. Rae Pace is trying very hard to walk. I wanted to get her a pair of shoes, which, of course will help her very much, but I thought I had better wait until you return, or better still, I will ask Virginia (his sister) to take her down Monday and have her fitted for shoes.” Additionally, he thought enough of her absence at work to provide her with an account of happenings in the office: “We have been extremely busy at the office. You have been greatly missed, though your work has been attended to and all your mail answered.” \(^\text{17}\)

Not only did she marry a “progressive” kind of fellow, but Sadie herself had very specific ideas on marriage and what it took to sustain it. In a letter to her sister, Beth, she spoke quite frankly about a friend’s husband’s infidelity. “Rose after twenty-three years finds Tanner looking for and going after something different. All these years Rose wouldn’t even take a vacation or a week-end trip without Tanner. Maybe if she had gone

\(^{16}\) Letter to Miss Vera Burks of the YWCA from Sadie Alexander, 27 June 1938, STMA Papers.

\(^{17}\) Letter to Sadie Alexander from her husband Raymond Alexander, 15 January 1938, STMA Papers. Sadie must have been on a business trip (St. Johns and Antigua) with or in regards to Judge Hastie. Raymond is telling her about the home front.
away as you do and as I did she would have been more interesting to even Tanner. The best of men seek freedom and the girl whom they see less frequently."

Like many early twentieth-century women lawyers, Alexander turned to household help as a solution to her difficulties. In the mid-1930s, Alexander hired a nurse, at depression-era wages, to assist with childcare. However, she was still not optimistic about her future as a lawyer. "When it seems to me that the children will need more of my care I feel quite certain that I shall have to withdraw from such active practice." Given the simultaneous duties imposed by marriage, motherhood, and career, the predictable and limited work schedule of probate and uncontested divorce work may have been a boon rather than a burden. But even for a woman as educated and financially well-off as Alexander, there were still duties that a working woman had to perform from which husbands were exempt. In a 1977 interview, Alexander recalled some of the responsibilities that she had to juggle:

[A] woman who gets to work, and even who is as fortunate as I, that my husband was able to give me good help at home, I had the responsibilities in that house. I had to see that the silver is not stolen; that it’s taken care of properly; that the

---

18 Letter to Sadie Alexander from her sister Beth, 19 September 1948, STMA Papers. Speaking of a man cheating and how his wife [a friend of theirs] should react.


20 Letter from Sadie T.M. Alexander to Ann Butler, 16 May 1938, STMA Papers, Box 11; Discussions of children and domestic life are a staple of Sadie Alexander's professional correspondence, while such discussions are almost absent from Raymond's letters.

21 Alexander's difficulties in balancing home and work did not necessarily imply that she always found her work rewarding. In a mid-1930s letter to an uncle, Alexander lamented that she had trained for "a much finer type of work than I have been able to do," and expressed hope that she would soon obtain legal work that involved more writing and research. Letter from Sadie T.M. Alexander to Uncle Henry 19 September 1936, STMA Papers, Box 10.
linens are taken care of properly; that the food is in the house in the quality we want, and that the meals are what your husband likes.\textsuperscript{22}

Jane Bolin’s effort to combine career and family was more complicated. Certainly after her husband died in 1943, the issue of how to combine motherhood with a high-pressure career was infinitely more difficult. “I don’t think I short-changed anybody but myself,” she said. “I didn’t get all the sleep I needed, and I didn’t get to travel as much as I would have liked, because I felt my first obligation was to my child.”\textsuperscript{23} Bolin took leave of absence from the court when her son, Yorke Bolin Mizelle, was born in 1941. Despite taking time off, Bolin also recognized the difficulties involved in parenting and having a professional career. Certainly, no matter how much hired help or familial support there was, there was a sense of guilt in having to work everyday.

I remember one instance when my son was a little boy and was sick – I think he had the measles – and I had a housekeeper who was devoted to him and knew that he’d be well taken care of and to great surprise he asked me if I was going to work even though he was sick. . . There’s a great conflict there when a mother of young children or a young child has to go to work. The ideal is for a child to be raised certainly until eight or nine years old by both parents, but with the mother at home. As I look back, I still, I still have a sense of guilt that, even though I was a widow and had to go to work, my place was to raise my own child and not to let the housekeeper have him most of the time, and I just have the weekends and evenings.\textsuperscript{24}

Even though Bolin was a widow and had the financial need to work, she stated that she would have, indeed, stayed home had there been another steady income until her son grew older. Bolin, however, at least saw the advantages in having a professional

\textsuperscript{22} Interview with Sadie Alexander by Marcia Greenlee on January 26, 1977.


\textsuperscript{24} Jane Bolin, interview by Jean Rudd, June 4, 1990, transcript, 47.
career as opposed to a blue collar position. Having a profession allowed for a certain
degree of flexibility. “I had a profession. I could always either practice law or maybe
even get an appointment as a judge again, but I certainly would have stayed home.”
Bolin, like Alexander, was one of a lucky few black women who was able to afford
household assistance. She hired a live-in housekeeper shortly before her son was born.
And until she died, the housekeeper remained with Bolin. By then Bolin’s son had
married. Bolin remembered that “she was a devoted person to both my son and me.”
She had no children, but was married and her husband would come and spend time with
her during the time when she was living in. 25

Eunice Hunton Carter, who was noted in a 1938 article as being one of the highest
paid African-American attorneys in the country, also had a child while working. Carter
was from a prominent African American family and had a mother who was known in the
black women’s movement circle as a community activist. Thus, Carter’s parents, while
deeply devoted to their children, were also very busy with work with both the YMCA and
the YWCA. While growing up, Carter must have certainly experienced the weight of her
parent’s endeavors reducing the time they had available for their children. And this
probably had some effect on the decisions Carter made in relation to how she would raise
her son. Like Alexander, Carter accepted the help of family. In her case, however,
Carter did not merely send her son, Lisle, Jr. away for summers or weekends; Lisle, Jr.
lived in Barbados, British West Indies for some time while growing up. Carter
mentioned in a news article that, “her greatest thrill comes once every year, when her

25 Ibid. There is no direct information on the impact this living situation might have had on her
housekeeper and her family. Although she had no children of her own to take care of, one wonders the type
of decisions she and her husband had to make in order to make this job work for her.
twelve-year-old son, Lisle, Jr., either spends some time with her in New York or she and her husband visit him at the former’s home in Barbados, B.W.I., where the youngster spent his time because his parents believed that the climate there was better suited to his health.26

This reality of separation from her young son for apparently several years leaves a lot of questions. Was his absence fully or at all about his health? Did Eunice Carter’s high profile and time consuming career affect the decision to have Lisle, Jr. live abroad? Did Eunice Carter’s involvement in investigating organized crime and the potential danger it could have posed for her son play a role in his confinement outside of the country? Combining motherhood with work, especially in a competitive and time-consuming profession like the law was and continues to be a challenge for women, so one could imagine a multitude of reasons for Eunice Carter’s separation from her son.27

Aside from raising children, professional women also had the very real tasks of being housekeepers. As Alexander previously mentioned, there were tasks involved in daily living that were still considered to be women’s work regardless of their status in the profession. Evva Kenney Heath died early on in her marriage and career and never had the chance to have children, but her writings still reveal the responsibilities that fell on women due to the roles society placed upon them. Heath was married to Henry Heath who was also a student of law at Howard, and letters she wrote to her family suggest that despite the fact that both she and her husband were students, she was ultimately

26 “I earn $5,500 per Year,” The Afro-American, 5 March 1938, 9.

responsible for household duties. “I have to cook something quickly on Mondays and Tuesdays and Thursdays because I go to the University on those days. I get out at four and it takes me a half hour to walk and 15 minutes on the car. . .” She also bemoaned the fact that her time was severely constrained between her school work and her household duties. “I don’t have as much time to write as you think. When you stop to think of a seven room house to care for and furnace, you will see it is something to ------ especially when one is ------ the street, where you get all dust and dirt flying and people ------- more often.”

With her lectures and exams, there was little time for keeping house. Like the other women mentioned above, Heath also sought hired help to assist her with the wash and general cleaning, although as a student she did not have the monetary resources she would have liked. Therefore, she enlisted the help of her mother in helping to oversee the household.

Ma when are you coming? Henry says you have a place not behind the store but in the parlor if you like. I should like to have you come and oversee the household so I can go to school I have not started yet. I shall have my washing and cleaning done. But I don’t like to have the cooking on my mind, and we haven’t enough to do to employ a girl all the time.

Despite the fact that Evva and her husband were both law students at the same time, it was clear that the majority of the household responsibilities fell to her.

---

28 Letter from Evva Kenney Heath to her mother, 1905 and letter from Evva Heath to her mother, 19 October 1900, Evva Kenney Heath Papers, 1855-1998, The Ohio Historical Society, Columbus, Ohio.

29 Letter from Evva Heath to her mother, 9 January 1902 and letter from Evva Heath to her mother, 21 September 1899, Evva Kenney Heath Papers, 1855-1998, The Ohio Historical Society, Columbus, Ohio.
In fact, several of the women speak of their roles in the public and private sphere and how the two could be balanced. Each woman seemed to have her own way of achieving some sort of balance in her life, but most ended up in marriages that were far from the norm. When Jane Bolin was asked whether or not her husbands (she was married again after living some time as a widow) understood her work and the pressures she was under, she responded that her first husband was not subjected to it very much because he was in Washington in the Post Office Solicitor General’s Office and came home only weekends. And since her work did not entail her going into the office weekends they saw each other then. She essentially had one of the early commuter marriages. As for her second husband, she stated that “my second husband was so busy himself I don’t think he was affected by me, by my work. And as a clergymen, of course, he had some of the same kinds of problems.”

Edith Sampson was also married twice. Though little is known about her first marriage other than the fact that they divorced, she did have a successful marriage to her second husband until his death in 1953. She had no children; therefore she did not have many of the constraints that the other women lawyers had. In fact, of the fourteen women in this study, seven of them were childless. It is evident, however, that the idea of having children did not sit well with a few of them as is evidenced by a comment made by Sadie Alexander, who by the way, had two children of her own. When recalling her early relationship with her husband, Raymond, she stated, “he wanted me to marry him, and I told him no, we might have a baby right away probably, and I didn’t want that. But Raymond had finished Harvard Law School, came back to Philadelphia, passed the bar,

---

then I resigned, and I came to Philadelphia in October of 1923, when he had passed the bar and in November, on November 29, 1923, I married Raymond Pace Alexander.”

Although Mossell left Durham without a backward glance, she had made it clear to her husband that she intended to work and did not want to have children immediately. Raymond supported his wife’s determined non-domesticity throughout their fifty-one years of marriage. Clearly, motherhood was seen as a conflicting option by these two women. While Alexander, and the other women, knew that children were supposed to be a part of their lifetime achievements, they were also very aware of the constraints that would emanate once they had them.

Although black women lawyers may have viewed marriage and career in a more progressive way than their contemporaries, they were still bound to the Victorian roles that had been prescribed by society. By 1920, the second generation began to have serious doubts about how a woman lawyer could actually organize her life to balance career and marriage. The task was ultimately left up to each individual woman. And despite the optimistic claims about the hopes of adequately balancing both, many women found that without the support of extended family, hired help, and equally progressive husbands, marriage, career and children could not be easily reconciled. The truth was that most women lawyers of both generations still faced having to choose between building a career and nurturing a family. Sadie Alexander, Eunice Carter, and Jane Bolin each tried, but the results often resounded loudly in the pleas of their children for more time. What the record shows is that while black women have always had the task of juggling several roles all at once the reality for these women was that in a male

dominated profession, where each day they had to prove their worth, these women had to find that special niche for themselves that would allow them to forge ahead in all areas. These black women lawyers each found ways that would allow them to experience the rich rewards of their career and their family. They each gained satisfaction in their own self-defined roles as wife, mother and lawyer. It was through their own manipulation of their careers and marriages that allowed these women to enter into a sphere that was so inhospitable to them.
CONCLUSION

“Women Lawyers Must Balk Both Color and Sex Bias”: Black Women Lawyers and Their Contributions to Black Feminist Thought

About five years ago, when I began my research into the lives of African American women attorneys, I had a very naïve view of how the lives of these women would relate to the lives of white women attorneys. I initially tried to argue in my mind (as well as to one of my advisors) that while the seminal work on white women attorneys by Virginia Drachman, *Sisters in Law*, was a spectacular piece of work, there was a huge gap in her research. I used Drachman’s work as a general example of how white female historians justified leaving out the lives of black women in their research. While Drachman included a few details on the lives of black women attorneys, her research centered on the lives of white women, due to the dearth of material that could be found on black women. I immediately attacked this justification because I felt strongly that until women’s historians begin to include the lives of black women in their research, this group of women would continually be pushed to the periphery of women’s history. And although I could logically understand that black women and white women had very distinct experiences, I nevertheless wanted to believe that these experiences could be recorded together in a neat package. I continued to argue that there could be and should
be a way that a group of women sharing a common experience could be analyzed together using very broad and generalized criteria.

It was not until the end of my project, however, that I was able to assess my earlier notions on black and white women’s “lived” experiences. I was also able to better understand how the term/ideology of feminism fit into their unique experiences due to the multiple categories of race, class and gender. When I began the project, I purposely held off on trying to define how feminism (a contemporary term as it relates to the lives of nineteenth and early twentieth century women) fit into their lives, as I was not sure how it would be played out. Now that I have reflected over the intimate details of the lives of these women, I feel better able to understand how they can be viewed as pioneers in the black feminist tradition. I am also able to understand the incompatibility of traditional feminism with the black female experience.

According to Bettina Aptheker, racism, genocide, and the lack of social, economic, and political justice in black communities have rendered feminism irrelevant in the face of these conditions. As she wrote in 1981,

"When we place women at the center of our thinking, we are going about the business of creating an historical and cultural matrix from which women may claim autonomy and independence over their own lives. For women of color, such autonomy cannot be achieved in conditions of racial oppression and cultural genocide. In short, 'feminist,'¹ in the modern sense, means the empowerment of women. For women of color, such an equality, such an empowerment cannot take place unless the communities in which they live can successfully establish their own racial and cultural integrity."¹

Thus, Aptheker maintained that feminism would not become useful for black women until racism and inequality were eliminated. Many black women scholars applauded Aptheker's analysis, particularly her acknowledgement of the damage that racism and injustice have done and her recognition of the limits of white feminism. However, they took the argument a step further, suggesting that racism was not the only issue. While they agreed that the history of slavery and racism played a critical role, they also maintained that an understanding of black culture and history was equally significant. Within black culture, the concept of family, community, and kinship makes it impossible to remove black women (or the study of black women) from the context of the entire black community. As a result, approaches such as feminism, which focus exclusively on gender, do not serve as useful models of interpretation for black women because they seek to extract black women from their community. As Vivian Gordon explained, "for African American women, sociopolitical transformation has always been highlighted by their identification with the total community--which is ultimately the extended kin, as opposed to an ongoing isolated gender-specific identity." As a result, the stipulations of feminism that require a "gender first" policy have not felt applicable to black women, who often view racial empowerment as equally, if not more, important than female empowerment. Bonnie Thornton Dill echoed this notion when she explained that for black women the problem with feminism is that it "necessitates acceptance of a concept

---

of sisterhood that places one's womanhood over and above one's race." Race, gender, and community are inextricably linked and any effort to analyze black women solely in terms of gender will fail. Simply put, you cannot divorce black women from the community; for if you do not understand the black community you will not understand the black woman.

Black female attorneys, like other black female professionals, worked within a larger cultural framework within which educated black women of their generation operated. The ethos of respectability that Gertrude Mossell, Ida B. Wells, and others had articulated formed a backdrop for their professional activities, and pushed them into community service and social reform activities regardless of their other professional duties. Black women lawyers, like other black women, inhabited a world where they could not simply limit themselves to private practice and think of themselves as responsible members of their communities. Moreover, their unique status as black women lawyers produced many calls for participation in the social movements of their day. Many of the women became deeply involved in a multitude of other organizations outside of their legal profession. Ruth Whitehead Whaley noted that more was required of a “Negro woman” who is a lawyer by her colleagues, the courts and the community. This performance “over and beyond the call of duty” was generally a conscious requirement on their part. And as she stated, it was a burden that was usually exacted from a minority or from pioneers, and black women were certainly both pioneers and

---


4 Curriculum Vitae of Sadie Alexander (n.d.) , Sadie Tanner Mossell Alexander Papers, Box 13, on file with the University of Pennsylvania Archives and Records Center.
minorities within the field of law. It is also noted that while the black community accepts her adventurous role, they nevertheless “scrutinize” her every move.\(^5\)

According to Jane E. Hunter, a black woman admitted to the Ohio bar in 1925, “it cannot be denied that "[b]lack women [lawyers] have been, and are, ardent advocates for the uplift of 'the man farthest down,' and they have given their share of topflight female orators [and thinkers] to the nation." The commitment of black women lawyers to help the least of those in the population could be tied to the fundamental ideals of real opportunity in the democracy. In 1940, Hunter summed up her conception of equality as follows: "Fundamentally, I subscribe to the first principle of our American democracy - equality of opportunity to all citizens, black and white. The Negro who is fitted by nature to be an executive should be given the training to develop his talents and an opportunity to serve his country ... "\(^6\)

It is important to note that black women's reluctance to separate themselves from the community and thereby to embrace traditional feminism did not mean that these black women were not concerned with sexism and gender equality. On the contrary, there was widespread acknowledgement of the fact that sexism and patriarchy were real problems in black women's lives. For these black women lawyers, gender played a very important part in their lived experiences. In fact, it is at this point that my study diverges from other studies of black women's feminist strivings. While race was always a factor in that these women experienced racial prejudice from the time they were children throughout their lives.


\(^6\) Jane Edna Hunter, A Nickel and a Prayer (Cleveland: Elli Kani Publishing Company, 1940), 150-151.
legal careers, for the most part, African American women lawyers identified gender as the more insurmountable obstacle. An article in *Ebony Magazine* in 1947 explained that “most colored Portias agree that their sex is a far greater barrier than color to successful law careers.”  

In the end, no degree of social privilege could fully shelter an African American woman lawyer from the dual prejudices of racism and sexism. The paltry number of African American women lawyers was testimony to that fact.

As Sadie Alexander remarked, many black women lawyers took the racial prejudices of judges, clients, and others for granted, because they would face racial prejudice in any career they chose. The issue they grappled with most in their writings was the place of women, and sometimes women of color, in a profession that still defined its work as a masculine endeavor. Zephyr Abigail Moore, a 1922 Howard Law graduate, captured this sentiment in an early essay when she noted that "the widespread feeling among physicians and lawyers is that theirs are men's professions and that women, no matter how well trained in these professions, are outsiders and intruders." Moore, like many of her peers, found law to be even more unwelcoming to outsiders than medicine, perhaps because of the longstanding, albeit subordinate, position of women in the medical profession. Early black women lawyers wrote about the lack of women role models in their chosen profession, commented that male lawyers and judges did not take

---


them seriously, and criticized the profession for continuing to exclude women from some of its most prestigious law schools.⁹

Soon after her admission to the bar, Sadie Alexander received a taste of this exclusion first hand. Alexander and her husband, Raymond, had engaged in playful banter comparing the Harvard and Penn law schools since her law student days, and after her admission they decided to visit Raymond's alma mater. Raymond, an occasional correspondent of Harvard Law Dean Roscoe Pound, arranged for them to travel to Cambridge to meet Pound, who received them warmly. They accompanied the Dean to his morning class and, as Pound began to say goodbye, Raymond interjected that he and Sadie had come to Cambridge so that she could hear just one of Pound's lectures. The dean's reply was conclusive: The presence of women at the Harvard Law School was a sensitive issue because of an effort to admit them in the previous decade, and even Sadie Alexander's law degree and bar membership would not suffice to admit her to one lecture at Harvard. Raymond was dismayed. He had taken Harvard's all-male student body for granted, never realizing that the law school did not admit women. While Harvard's exclusionary policy was out of step with the emerging trend among elite law schools, many men did not take women law students seriously in the 1920s. Many thought that the study of law was a frivolous pursuit for women who might find law office employment,

---

but would be relegated, like so many of their nonlawyer sisters, to positions as typists or bookkeepers.\textsuperscript{10}

An amalgamation of all the aforementioned issues creates an even bigger question for women lawyers, both black and white. The issue was whether or not it was practical for them to successfully fulfill the duties of wife, mother and lawyer at the same time. Not much had changed during the thirty years that separated the first generation from the second generation in regards to resolving the tensions between marriage and family. Though they experienced changes in the profession such as the opening of elite schools to women, gaining admission to state bars, and the so-called Victorian notion of respectability was being challenged by the notion of the “new woman,” they were faced with the same set of obstacles. Black women still faced the task of how to combine their professional endeavors with their commitments to family and community. The women in the first generation seemed to answer this question by limiting (consciously or not) the numbers of children they had. In fact, of the six women who are a part of the first generation, only one of them had children. Though we cannot determine whether this was a conscious decision for them, when compared with the second generation, clear differences in how they handled their roles becomes evident. Of the eight women in this second group, six had children. At first glance it would seem as though women of the second generation had answered the question of balancing profession and family. However, with a closer look at their experiences it becomes evident that they relied on the privileges of social class as they were able to hire housekeepers, nannies and send

\textsuperscript{10} For a firsthand account of the Alexanders' visit to Harvard, see Sadie T.M. Alexander, “Address at the Swarthmore College Commencement Service,” 28 May 1979, STMA Box 72, Sadie Tanner Mossell Alexander Papers, University of Pennsylvania, University Archives and Records, Philadelphia, PA.
their children to the best schools. Nevertheless the choices that they make had tremendous effects on their family life and in many cases, it was the family life that seemingly suffered. Both Sadie Alexander and Eunice Carter speak of long stretches of time spent away from their children. And although Jane Bolin attempted to make the best of her situation after the death of her husband, she nevertheless had to leave most of the child-rearing of her son to her live-in housekeeper. The even bigger question, it seemed, was not how to break into the legal profession, but how to balance their private lives with their professional careers.

In the case of marriage, among the women in this study, marriage and law work seemed to be the rule as opposed to the exception. Of the fourteen women, only one had never married. While this is a small sampling of black women lawyers, the fact remains that a remarkably high proportion of them were able to balance marriage and career. How they did it, however, depends upon who they married; a fact of which the women seemed to be aware. Six of the fourteen married lawyers and several were in practice with their husbands. For instance, Gertrude Rush studied under her husband, James Buchanan Rush, prior to completing her last year in law school. Evva Kenney Heath and her husband Henry Heath both entered Howard’s law school together and later practiced together before she died early on. Sadie Alexander graduated from the University of Pennsylvania in 1927 and immediately went to work in her husband’s firm. Jane Bolin grew up in a house of lawyers (her father and brother) and later married her first husband and joined him in practice in New York. For these women, the opportunity to work with their husbands in their chosen career made it easier to blend marriage and career.
The key to successfully blending marriage to a lawyer and a career was not simply sharing a practice but also the structure of the practice as well. Both Evva Heath and Sadie Alexander spoke of the household duties that were waiting for them at the end of each day after leaving the office. Additionally, the balance of power in the office was typically not very balanced. Litigation and courtroom work was the domain of men and as a result attorney wives were usually left with the legal research or transactional work. Sadie Alexander initially wondered why the Orphan’s Court was waiting for her when she joined her husband’s practice, but she soon found out that most of the men in the office shunned it as it did not call for much courtroom action. Alexander seemed to accept this position, as did several of the other women, and ultimately used it to her advantage in order to carve her own niche in the profession as an attorney and as a wife and mother.

Although the inescapable reality was that the vast majority of black women attorneys had liberation strategies which were deeply rooted in their racial identity, they also understood that gender issues were real concerns for all women, as they were operating within a patriarchal system. However, attacking gender biases did not translate into the identification of feminism as the only viable means of addressing them. Sadie Alexander aptly stated, “It’s my opinion that white women are doing all this talk about women’s equality. Equality. . . because first they don’t know anything about prejudice until they have received their degrees and passed their state boards. . . and then the doors begin to slam in their faces. Instead of opening the door, as they have been, treated like ladies, the doors slam back and forth. Now you see, I never looked for anybody to hold the door open for me. I know well that the only way I could get that door open was to
knock it down; because I knocked all of them down.”

11 Assuming, then, that these black women were concerned with gender equality, but did not unilaterally embrace traditional feminism, what are the ramifications of this study for black women’s history?

Perhaps this question can be answered, at least in part, by looking at how gender is dealt with in the study of black women. Since feminism is often not the primary mode of interpretation in black women's scholarship, issues of gender are usually couched in larger discussions about race. A compelling example of this is illustrated in Gerda Lerner's analysis of recent shifts within the field of women's history. In particular, she points out that, unlike general women's history, books centered on black women's subjects tended to focus mainly on race and women's organizations. This is not simply coincidence. Rather, her findings support my central argument: that race and community, including community organizations, remain the most compelling issues in black women's lives, and therefore are the focus of most historical studies dealing with black women's experiences. These studies prove that although black women's experiences may be gendered, they are shaped most compellingly by their role as members of the black community. As a result, my initial premise that black women’s history can be linked inexorably to white women’s history was wrong. Black women's history is fundamentally different, both in content and in focus, from white women's history.

Accordingly, what I have found is that the fundamental goal of black feminism is to create a humanistic vision of community that is more comprehensive than other social action movements; therefore it serves as a means for human empowerment not an end in and of itself. Black feminism is a means to help empower others. Where what other

11 Interview with Sadie Alexander by Marcia Greenlee, 12 October 1977.
outsiders see being done is helping to empower other people, in essence, “one must lift as they climb.” Black feminism serves as a process of self-conscious struggle which empowers women and men to realize a humanistic view of community. Black women serve as actors or agents of change, not objectified victims. Black feminism serves as a way to empower the community and the women in it. Its responsibility is to open the door, not just for black women, but for the whole race.

In revealing the lives of these few women, it becomes evident how complicated the mix of race and gender (along with class) can be. For instance, although Alexander, Sampson and others spoke of the overt limitations of gender, the issue of race could not be pushed to the side. Gender may well have been the central focus of their struggles in law school and later in the profession, but race profoundly added to this struggle. Much of this tension between race and gender, however, can be analyzed in light of the culture of the times. While most of them remained largely unaware of their predecessors at the black women's bar, they did not lack for templates on which to model their social and professional interactions. As J. Clay Smith has argued, black women lawyers of this era were successors to a late-nineteenth-century "feminist intelligentsia," composed of middle class black women such as Gertrude Mossell, Anna Julia Cooper, and Ida B. Wells, who began to carve out a place for educated black women in a society that often did not recognize them.12 As a strategy for acceptance in a world where black respectability was supposed to be an oxymoron, many in this group internalized the late-Victorian manners and mores of the respectable whites of their era. The aforementioned women were looked upon by these black women attorneys as foremothers.

12 J. Clay Smith, Jr., “Introduction: Law Is No Mystery to Black Women,” in Rebels in Law, 1,5 (attributing this term to Barbara Omolade).
Black women attorneys, like other middle class black women, drew on this reservoir of respectability in their professional interactions as lawyers, where they found it quite useful. Despite the mixing and blending of working-class African American culture, most upper class whites still hearkened back to the late nineteenth century, when men dominated the business and financial power structures. Most black women attorneys were fierce critics of gender discrimination and believed that women and men should have equal opportunities at the bar, but their definition of equality was mediated by the late-Victorian ethos of the two generations. That definition might seem strange to us today, but for these women it was natural. Liberal, equal-rights feminism would have to wait for another day. Although black women attorneys seemingly shared many of the movement's objectives, they typically took another route in their quest for equality within the profession.

Gender separation at home was the rubric through which black women lawyers interpreted their professional world and they were willing to accept a degree of separation and subordination within the profession at the beginning of their careers. For many of the women, stereotypical women's lawyering roles were not solely the imposition of a male-dominated bar; adoption of such roles carried certain advantages for women who still assumed that they were responsible for household and childrearing duties. It made sense, both in practical and cultural terms, for home and work roles to reinforce one another. Moreover, while the legal profession defined success in masculine terms, as these women knew, success within the profession did not always mean the same thing. As time went on, the skills that they developed in subordinate roles provided entry points to more prestigious positions, as demonstrated by their own careers. In fact, the negotiation and
advising skills that they learned in office practice were more in line with the profession's long-term trends than the jury trial work on which many of their black male colleagues thrived. The relationship between gender, power, and domination could change with time, making what was subordinating at one moment liberating at another.

According to the traditional interpretation, the early twentieth-century mainstream bar began to articulate norms of professional advancement that were based on meritocracy rather than status, and a number of women lawyers took the profession at its word. The "new woman" lawyer was optimistic about her chances of succeeding in the profession on the same terms as her male colleagues. Much of this optimism, however, dissipated in the late 1920s and 1930s, as women lawyers began to run up against roadblocks to their personal and professional aspirations--the prejudices and discrimination of male lawyers that would relegate them to careers at the bottom of the professional hierarchy. According to this interpretation, professionalism was a trap for these women, and women lawyers' experiences at the early twentieth-century bar would be defined largely by discrimination and exclusion. The struggle for gender equality would have to be taken up by succeeding generations of women lawyers.13

The early twentieth-century American bar, like other professions, exerted a strong disciplinary force on its entrants. Most lawyers, even those who were members of groups against which the profession defined itself, were forced to conduct their professional lives on terms largely dictated by the mainstream bar. Black women lawyers were no exception. Doubly disabled, they felt the press of discrimination and exclusion even more harshly than their black male or white women peers. Yet, there were gaps within the bar's

discriminatory structure, spaces where outsiders could find some room for play, maneuver, and sometimes an ironic power. Discriminatory professional practices may have been pervasive, but such practices did not define everything about the day-to-day life of a lawyer. Black women lawyers found places of opportunity in their everyday practice, and used them to step into positions of power within the profession. While they could never escape the race- and gender-based ideologies that helped define their place at home and at work, many of them managed to carve out careers that must have surprised their male colleagues, although certainly not themselves.
## APPENDIX A

### AFRICAN AMERICAN WOMEN ATTORNEYS

#### FIRST GENERATION

<table>
<thead>
<tr>
<th>Name</th>
<th>State</th>
<th>Year Admitted to Bar</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Charlotte Ray</td>
<td>District of Columbia</td>
<td>1872</td>
</tr>
<tr>
<td>*Mary Ann Shadd Carey</td>
<td>District of Columbia</td>
<td>1883</td>
</tr>
<tr>
<td>*Ida G. Platt</td>
<td>Illinois</td>
<td>1894</td>
</tr>
<tr>
<td>*Lutie Lytle</td>
<td>Tennessee</td>
<td>1897</td>
</tr>
<tr>
<td>*Evva Kenney Heath</td>
<td>Kansas</td>
<td>1904</td>
</tr>
<tr>
<td>*Gertrude Elzora Durden Rush</td>
<td>Iowa</td>
<td>1914</td>
</tr>
<tr>
<td>Alva Bates</td>
<td>Illinois?</td>
<td>1914?</td>
</tr>
<tr>
<td>Daisy Perkins</td>
<td>Ohio</td>
<td>1919</td>
</tr>
<tr>
<td>Estelle Henderson</td>
<td>Alabama</td>
<td>1919</td>
</tr>
</tbody>
</table>

#### SECOND GENERATION

<table>
<thead>
<tr>
<th>Name</th>
<th>State</th>
<th>Year Admitted to Bar</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Violet(te) Neatly Anderson</td>
<td>Illinois</td>
<td>1920</td>
</tr>
<tr>
<td>Beatrice Cannady</td>
<td>Oregon</td>
<td>1921</td>
</tr>
<tr>
<td>Ollie May Cooper</td>
<td>District of Columbia</td>
<td>1921</td>
</tr>
<tr>
<td>Leno O. Smith</td>
<td>Minnesota</td>
<td>1921</td>
</tr>
<tr>
<td>Zephyr Abigail Moore-Ramsey</td>
<td>California</td>
<td>1922</td>
</tr>
<tr>
<td>Blanche E. Braxton</td>
<td>Massachusetts</td>
<td>1923</td>
</tr>
<tr>
<td>Grace G. Costavas</td>
<td>Michigan</td>
<td>1923</td>
</tr>
<tr>
<td>Anna Jones Robinson</td>
<td>New York</td>
<td>1923</td>
</tr>
<tr>
<td>Mabel Watson Raimey</td>
<td>Wisconsin</td>
<td>1924</td>
</tr>
<tr>
<td>Inez Fields</td>
<td>Massachusetts</td>
<td>1924</td>
</tr>
<tr>
<td>*Georgia Huston Jones Ellis</td>
<td>Illinois</td>
<td>1925</td>
</tr>
<tr>
<td>*Jane Edna Hunter</td>
<td>Ohio</td>
<td>1925</td>
</tr>
<tr>
<td>Lavina Marian Fleming-Poe</td>
<td>Virginia</td>
<td>1925</td>
</tr>
<tr>
<td>Name</td>
<td>Location</td>
<td>Year</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>------------------</td>
<td>------</td>
</tr>
<tr>
<td>Isadora A. Jackson Letcher</td>
<td>Michigan</td>
<td>1926</td>
</tr>
<tr>
<td>(resided in D.C.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*Edith Spurlock Sampson</td>
<td>Illinois</td>
<td>1925</td>
</tr>
<tr>
<td>Sophia Boaz</td>
<td>Illinois</td>
<td>1925</td>
</tr>
<tr>
<td>*Ruth Whitehead Whaley</td>
<td>New York</td>
<td>1925</td>
</tr>
<tr>
<td>Clara B. Bruce</td>
<td>Massachusetts</td>
<td>1926</td>
</tr>
<tr>
<td>(resided in D.C.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alice E. A. Huggins</td>
<td>Illinois</td>
<td>1926</td>
</tr>
<tr>
<td>Bertha L. Douglass</td>
<td>Virginia</td>
<td>1926</td>
</tr>
<tr>
<td>*Sadie Alexander</td>
<td>Pennsylvania</td>
<td>1927</td>
</tr>
<tr>
<td>Virginia Stephens</td>
<td>California</td>
<td>1928</td>
</tr>
<tr>
<td>Zanzye H. A. Hill</td>
<td>Nebraska</td>
<td>1929</td>
</tr>
<tr>
<td>Hazel Amanda Lyman Roxborough</td>
<td>Michigan</td>
<td>1929</td>
</tr>
<tr>
<td>Helen Elsie Austin</td>
<td>Indiana</td>
<td>1930</td>
</tr>
<tr>
<td>(also in Ohio)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thelma Davis Ackiss</td>
<td>District of Columbia</td>
<td>1932</td>
</tr>
<tr>
<td>Tabytha Anderson</td>
<td>California</td>
<td>1933</td>
</tr>
<tr>
<td>Myrtle B. Anderson</td>
<td>California</td>
<td>1933</td>
</tr>
<tr>
<td>*Jane Matilda Bolin</td>
<td>New York</td>
<td>1931</td>
</tr>
<tr>
<td>Jean Murrell Capers</td>
<td>Ohio</td>
<td>1932</td>
</tr>
<tr>
<td>*Eunice Hunton Carter</td>
<td>New York</td>
<td>1932</td>
</tr>
</tbody>
</table>

- **TEXT IN BOLD: MANUSCRIPT COLLECTIONS AVAILABLE**
- **TEXT IN ITALICS: LOOSE MATERIAL AVAILABLE**
- **(*) INCLUDED IN THIS PROJECT**
## APPENDIX B: CHARTS AND TABLES

<table>
<thead>
<tr>
<th>Name</th>
<th>Law School: Year Graduated</th>
<th>Passed Bar</th>
<th>Location of Practice</th>
<th>Previous Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlotte E.  Ray</td>
<td>Howard University, 1872</td>
<td>DC Bar, 1872</td>
<td>District of Columbia</td>
<td>Teacher</td>
</tr>
<tr>
<td>Mary Ann Cary</td>
<td>Howard University, 1883</td>
<td>DC Bar, 1883</td>
<td>District of Columbia</td>
<td>Journalist</td>
</tr>
<tr>
<td>Ida G. Platt</td>
<td>Chicago College of Law, 1894</td>
<td>Illinois Bar, 1895</td>
<td>Chicago</td>
<td>Stenographer</td>
</tr>
<tr>
<td>Lutie Lytle</td>
<td>Central Tennessee College, 1897</td>
<td>Tennessee Bar, 1897; Kansas Bar, 1897</td>
<td>Nashville Topeka</td>
<td>Compositor/Translator</td>
</tr>
<tr>
<td>Evva K. Heath</td>
<td>Howard University, 1904</td>
<td>DC Bar, 1904</td>
<td>District of Columbia</td>
<td>Teacher</td>
</tr>
<tr>
<td>Gertrude D. Rush</td>
<td>LaSalle Extension University of Chicago, 1914</td>
<td>Iowa Bar, 1918;</td>
<td>Des Moines</td>
<td>Teacher</td>
</tr>
<tr>
<td>Violette N. Anderson</td>
<td>University of Chicago, 1920</td>
<td>Illinois Bar, 1920</td>
<td>Chicago</td>
<td>Court Reporting Business</td>
</tr>
<tr>
<td>Ruth W. Whaley</td>
<td>Fordham University, 1925</td>
<td>New York Bar, 1925; North Carolina Bar, 1933</td>
<td>Chicago; North Carolina</td>
<td>Nurse, Social Worker</td>
</tr>
<tr>
<td>Georgia J. Ellis</td>
<td>John Marshall Law School, 1925</td>
<td>Illinois Bar, 1925</td>
<td>New York, North Carolina</td>
<td>Teacher</td>
</tr>
<tr>
<td>Jane E. Hunter</td>
<td>Baldwin Wallace Law School, 1925</td>
<td>Ohio Bar, 1926</td>
<td>Cleveland</td>
<td>Teacher/Social Worker</td>
</tr>
<tr>
<td>Edith Sampson</td>
<td>John Marshall Law School, 1925</td>
<td>Illinois Bar, 1927</td>
<td>Chicago</td>
<td>Social Worker</td>
</tr>
<tr>
<td>Sadie Alexander</td>
<td>University of Pennsylvania, 1927</td>
<td>Pennsylvania Bar, 1927</td>
<td>Philadelphia</td>
<td>Economist</td>
</tr>
<tr>
<td>Jane Bolin</td>
<td>Yale University, 1931</td>
<td>New York Bar, 1932</td>
<td>New York</td>
<td>Some social work while undergraduate</td>
</tr>
<tr>
<td>Eunice H. Carter</td>
<td>Fordham University, 1932</td>
<td>New York Bar, 1934</td>
<td>New York</td>
<td>Social Worker</td>
</tr>
</tbody>
</table>

Table 1. Education and Previous Occupational Information.
<table>
<thead>
<tr>
<th>Name</th>
<th>Place of Birth</th>
<th>Mother</th>
<th>Father</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mary Ann Cary</td>
<td>Delaware, 1823</td>
<td>Harriet Shadd</td>
<td>Abraham Shadd, Shoemaker, Abolitionist</td>
</tr>
<tr>
<td>Ida G. Platt</td>
<td>Illinois, 1863</td>
<td>Emelia,</td>
<td>Joseph Platt, Lumber Merchant; Native of New York</td>
</tr>
<tr>
<td>Lutie Lytle</td>
<td>Kansas, 1875</td>
<td>Mallie; Keeps house.</td>
<td>John, Huckster, Barber, Topeka, KS</td>
</tr>
<tr>
<td>Evva K. Heath</td>
<td>Ohio, 1880</td>
<td>Louisa Kenney, Keeps house</td>
<td>David Kenney, Farmer</td>
</tr>
<tr>
<td>Gertrude Rush</td>
<td>Texas</td>
<td>Sarah E. Reinhart Durden</td>
<td>Frank Durden, Baptist Minister</td>
</tr>
<tr>
<td>Violette Anderson</td>
<td>England, 1883</td>
<td>English</td>
<td>West Indian</td>
</tr>
<tr>
<td>Georgia J. Ellis</td>
<td>Missouri, 1887</td>
<td>Born in Kentucky</td>
<td>Born in Kentucky</td>
</tr>
<tr>
<td>Ruth Whaley</td>
<td>North Carolina, 1901</td>
<td>Tora; Teacher</td>
<td>Charles, Teacher</td>
</tr>
<tr>
<td>Jane E. Hunter</td>
<td>South Carolina, 1882</td>
<td>Harriet Milner Harris</td>
<td>Edward Harris, sharecropper</td>
</tr>
<tr>
<td>Sadie Alexander</td>
<td>Pennsylvania, 1898</td>
<td>Mary Tanner Mossell (father was a bishop in the AME church)</td>
<td>Aaron Mossell, First Black Grad of U. of PA. Law School (1888)</td>
</tr>
<tr>
<td>Edith Sampson</td>
<td>Pennsylvania, 1897</td>
<td>Elizabeth McGruder</td>
<td>Louis Spurlock; worked at Enterprise Cleaning and Dyeing company</td>
</tr>
<tr>
<td>Jane Bolin</td>
<td>New York, 1908</td>
<td>Matilda Ingram Emery Bolin</td>
<td>Gaius Bolin, Lawyer, first black grad of Williams College</td>
</tr>
<tr>
<td>Eunice H. Carter</td>
<td>Georgia, 1899</td>
<td>Addie Waiteis Hunton; teacher, Volunteer</td>
<td>William Alpheaus Hunton; career with YMCA</td>
</tr>
</tbody>
</table>

Table 2. Family Background
<table>
<thead>
<tr>
<th>Name</th>
<th>Husband</th>
<th>Husband’s Occupation</th>
<th>Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlotte E. Ray</td>
<td>Frain; married after leaving D.C.</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>Mary Ann Cary</td>
<td>Thomas Cary</td>
<td>Toronto Barber</td>
<td>1 son, 1 Daughter</td>
</tr>
<tr>
<td>Ida G. Platt</td>
<td>No Husband mentioned on census.</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Lutie Lytle</td>
<td>Mr. McNeil</td>
<td>Minister</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Alfred C. Cowan</td>
<td>Lawyer</td>
<td>None</td>
</tr>
<tr>
<td>Evva K. Heath</td>
<td>Henry Heath</td>
<td>Lawyer</td>
<td>None</td>
</tr>
<tr>
<td>Gertrude Rush</td>
<td>James Buchanan</td>
<td>Lawyer</td>
<td>None</td>
</tr>
<tr>
<td>Violette Anderson</td>
<td>Amos Preston</td>
<td>Laborer</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Blackwell</td>
<td>Doctor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>D. H. Anderson</td>
<td>Pharmacist</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Albert E. Johnson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Georgia J. Ellis</td>
<td>Raymond Ellis</td>
<td>Contractor</td>
<td>1 Son, 1 Daughter</td>
</tr>
<tr>
<td>Ruth Whaley</td>
<td>Herman Whaley</td>
<td>Superintendent</td>
<td>1 son</td>
</tr>
<tr>
<td></td>
<td></td>
<td>for Labor Department</td>
<td></td>
</tr>
<tr>
<td>Jane E. Hunter</td>
<td>Edward Hunter; married only 15 months.</td>
<td>Unknown</td>
<td>None</td>
</tr>
<tr>
<td>Sadie Alexander</td>
<td>Raymond Alexander</td>
<td>Lawyer</td>
<td>2 Daughters</td>
</tr>
<tr>
<td>Edith Sampson</td>
<td>Rufus Sampson, Joseph Clayton, died in 1953</td>
<td>Lawyer</td>
<td>Cared for sister’s 2 children</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lawyer</td>
<td></td>
</tr>
<tr>
<td>Jane Bolin</td>
<td>Ralph Mizelle,(died in 1943); Walter P. Offutt, Jr.</td>
<td>Lawyer</td>
<td>1 Son</td>
</tr>
<tr>
<td>Eunice H. Carter</td>
<td>Lisle C. Carter</td>
<td>Dentist</td>
<td>1 Son</td>
</tr>
</tbody>
</table>

Table 3. Family Dynamics
APPENDIX C

AN EXAMPLE OF THE DISTRIBUTION OF A TYPICAL PRIVATE PRACTICE

<table>
<thead>
<tr>
<th>Nature of Practice</th>
<th>Domestic Relations (50% of the time)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Rights</td>
<td></td>
</tr>
<tr>
<td>-Public Accommodation (5%)</td>
<td></td>
</tr>
<tr>
<td>-Employment (5%)</td>
<td></td>
</tr>
<tr>
<td>Estate and Probate   (25%)</td>
<td></td>
</tr>
<tr>
<td>Corporate (10%)</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
<tr>
<td>-Equity (5%)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Court Appearances</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>State Courts (85%)</td>
<td></td>
</tr>
<tr>
<td>Trial Courts (10%)</td>
<td></td>
</tr>
<tr>
<td>Administrative Agencies (5%)</td>
<td></td>
</tr>
<tr>
<td>Federal Courts (4%)</td>
<td></td>
</tr>
<tr>
<td>District Courts (1%)</td>
<td></td>
</tr>
</tbody>
</table>

343 National Bar Foundation Questionnaire (n.d.). Sadie Alexander Papers, Box 1. While there is no date given it can be surmised that this survey is probably outside of the scope of this paper seeing as though Alexander lists her salary as between $30,000 and $40,000. However, what this survey does, is that it gives a glimpse of who Alexander’s clients were, what she spent most of her time doing, and the areas that generated the most income. Alexander and her husband Raymond were not by any means considered to be the “typical” practice, but in relation to their peers (as evidenced by their correspondence) the information that is gleaned from this survey provides a useful point of reference for the business of black attorneys.
Percentage of Practice Devoted to:

- Fee Generating Cases (75%)
- Court Appointed Cases (15%)
- Pro Bono Cases (10%)

Groups Supported

- Tenant groups (Represent them free of charge)
- Law Reform Groups (Active)
- Consumer Groups (Free Legal Services)
- Welfare Groups (Free Legal Services)
- Narcotics Rehabilitation Projects
  - They have no funds
  - None am concerned
- Civil Rights Demonstrations
  - Secure them the right to demonstrate
- Student Demonstrators
  - Secure them the right to demonstrate
- Anti-War Demonstrators
  - Secure them the right to demonstrate
- Anti-Draft Demonstrators
  - Secure them the right to demonstrate
- Draft Resistors
  - Secure them the right to demonstrate
- Developing Black Businesses (Active)

Clients:

- Black 75%
- White 25%
- Walk-in None
- Retainer 10%
- Individuals 75%
- Corporations 10%
- Firms None
Insurance Companies: None
Banks: None
Referrals (Indicate Source): My clients, other lawyers and persons hearing me in Court.

**Income From Law Practice:**
- _____ Below $5000
- _____ $10,000 – 15,000
- _____ 15,000 – 20,000
- _____ 20,000 – 25,000
- _____ 25,000 – 30,000
- X _____ 30,000 – 40,000
- _____ Above $40,000

Please indicate what kind of billing procedures are used in your practice and which you consider preferable for obtaining a fair return for your service.

$25.00 per hour for consultation
6% of principal in estates
$150.00 for domestic relations (a minimum)
$600.00 for uncontested divorce
From $350.00 to $500.00 for equity actions (more dependent upon the amount involved).
BIBLIOGRAPHY

PRIMARY SOURCES

Manuscript Collections
Sadie Tanner Mossell Alexander Papers, University of Pennsylvania Archives and Records Center.
Jane Bolin Papers, Schomburg Center for Research in Black Culture, New York.
Mary Ann Shadd Cary Papers, Moorland-Spingarn Research Center, Howard University.
Evva Kenney Heath Papers, The Ohio Historical Society, Columbus, Ohio.

Newspapers and Periodicals
Baltimore Afro-American
Boston Advertiser
Brooklyn Eagle
Catalogue of the Officers and Students of Howard University
Chicago Daily Law Bulletin
Chicago Defender
Chicago Legal News
Chicago Whip
Colored Citizen (Topeka, Kansas)
Des Moines Iowa News
Green Bag
Indianapolis Freeman
Kansas State Ledger (Topeka)
New National Era (Washington, D.C.)
New York Age
New York Amsterdam News
New York City News
New York Sun
Philadelphia Inquirer
St. Louis Argus
The Afro-American
The California Eagle
The Home Mission College Review
Topeka Daily Capital
Tribune (Washington, D.C.)
Washington Post
Women’s Journal

Organizational Periodicals
National Bar Association
American Bar Association
National Association for the Advancement of Colored People

Published Works
Catalogue Central Tennessee College, 1896-1897.
In re Goodell, 39 Wisconsin 232 (1875).
SECONDARY SOURCES


Hanaford, Phebe A. *Daughters of America; or Women of the Century.* Augusta, Georgia: True and Company, 1882.


