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# A History of America's First Jim Crow Law School Library and Staff

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SCHOOL  
OF LAW

SMALL SCHOOL.  
BIG VALUE.

# A History of America's First Jim Crow Law School Library and Staff\*

ERNESTO LONGA†

## I. INTRODUCTION

In 1996, Marvin Roger Anderson, State Law Librarian at the Minnesota State Law Library, proposed an ambitious research agenda to explore the history of African American Law Librarians.<sup>1</sup> Anderson suggested researchers focus on the law libraries of the historically African American law schools, noting that, to date, only one history had been written.<sup>2</sup> In addition, Anderson suggested researching the relationship between the American Association of Law Libraries (AALL) and the historically African American law school libraries and their staff.<sup>3</sup> Ten years later, the law librarian community has yet to produce any significant scholarship in response to Anderson's proposed research agenda. This essay accepts the challenge presented by Anderson by providing a history of Lincoln University Law School (1939-1955), America's first Jim Crow Law School, profiling its staff, and documenting its relationship with the AALL.

Section I examines how Lloyd Gaines' three-year effort to gain admission to the University of Missouri's Law School ended with his mysterious disappearance,<sup>4</sup> as well as the Missouri General Assembly's allocation of \$200,000 to Lincoln University to finance the establishment of a black law school.<sup>5</sup> Section II introduces William E. Taylor, Lincoln Law School's first dean, and highlights the tremendous opposition the law school faced from black Missourians. Section III focuses on the relationship between the new Jim Crow law school and the AALL, revealing two very different faces of the association. On one side were the racist AALL members who schemed up ways to discourage the

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<sup>1</sup> Marvin Roger Anderson, *The History of African-American Law Librarians: A Research Agenda*, in LAW LIBRARIANSHIP: HISTORICAL PERSPECTIVES 261, 262-63 (Laura N. Gasaway & Michael G. Chiorazzi eds., 1996).

<sup>2</sup> *Id.* at 270 (identifying the only history of an historically African-American law school as A. Mercer Daniel's *The Law Library of Howard University, 1867-1956*, 51 LAW LIBR. J. 202 (1958)).

<sup>3</sup> *Id.* at 271.

<sup>4</sup> Lucile H. Bluford, *The Lloyd Gaines Story*, 32 J. EDUC. SOC. 242, 245 (1959).

<sup>5</sup> Lucile H. Bluford, *Missouri "Shows" the Supreme Court*, CRISIS, Aug. 1939, at 242.

organization's black members from attending the annual conferences, and who perceived Lincoln's application for institutional membership as a problem to avoid. On the other side were the AALL members who voluntarily served as consultants to Lincoln's law library and made substantial gifts to aid in developing their collection. Section IV profiles Lincoln's law librarians, highlighting their education, faculty status, pay, and associational affiliations. Special attention is given to Lula Morgan Howard, Lincoln's law librarian from 1944-1955. Finally, Section V proposes further research into two additional Jim Crow Law Schools whose early history could broaden our understanding of race relations within the AALL.

## II. LEGAL PRECURSORS

### A. *Lloyd Gaines' Case*

In August 1935, Lloyd L. Gaines graduated from Lincoln University, Missouri's all-black land grant college, with high honors.<sup>6</sup> He subsequently applied to the University of Missouri Law School and was denied admission on the ground that it was "contrary to the constitution, laws and public policy of the State to admit a Negro as a student."<sup>7</sup> Instead, Missouri offered to pay his tuition at some other law school outside the state.<sup>8</sup> In response, Gaines, who was represented by the National Association for the Advancement of Colored People, petitioned the state courts for a writ of mandamus to compel the University of Missouri to admit him.<sup>9</sup> The *Gaines* case reached the United States Supreme Court in 1938.<sup>10</sup>

Counsel for the university stated that although no statute prohibited black students from matriculating at the University of Missouri, the State Supreme Court had held that as a matter of public policy black students should not be permitted to attend the University of Missouri.<sup>11</sup> Based on this policy, counsel for the university argued that Gaines' remedy was to demand that Lincoln University supply him with legal training equivalent to that given at the University of Missouri, and that pending the expansion of Lincoln University, the state would pay for him to attend a public university in one of the adjacent states that admitted blacks to its law

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<sup>6</sup> Missouri *ex rel. Gaines v. Canada*, 305 U.S. 337, 342 (1938); *see also Alma Mater of Lloyd Gaines Oldest Land Grant College for Race in U.S.*, CHI. DEFENDER, Dec. 31, 1938, at 3.

<sup>7</sup> *Gaines*, 305 U.S. at 343.

<sup>8</sup> *Id.* at 342.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 338 (identifying Charles Houston, lead counsel for the NAACP, as attorney for Gaines).

<sup>11</sup> Richard L. Stokes, *Decision of the Missouri Supreme Court on the Admission of Negroes to State Universities*, 48 SCH. & SOC'Y 726, 727 (1938).

department.<sup>12</sup> Charles Houston, counsel for Gaines, pointed out that the University of Missouri's law program was the only law school in Missouri supported by public funds, that Gaines was a citizen of Missouri and a taxpayer, and that his rejection as a student denied him his right to equal protection under the law as guaranteed by the Fourteenth Amendment of the U.S. Constitution.<sup>13</sup> After oral argument, Houston declared at a mass meeting in Chicago that "[t]here is an irresistible wave of Negroes rising up"<sup>14</sup> and that "[i]t is apparent that Negroes are now standing on their hind legs and insisting on their rights as never before in the history of this country."<sup>15</sup> He also stated, "[w]hen the true unbiased history of America is written the struggle of the Negro to get an education will be an epic unto itself."<sup>16</sup>

On December 12, 1938, the Court found that Missouri had denied Gaines equal protection of the laws by creating a privilege for white residents that it denied to black residents, namely, the right to a legal education within the state.<sup>17</sup> To remedy this denial of rights, the Court gave Missouri two alternatives: either admit Gaines to the University of Missouri or provide him with facilities for a legal education substantially equal to those already afforded whites at the University of Missouri.<sup>18</sup> The editors of the *Chicago Defender*, the nation's most influential black weekly newspaper, presciently concluded that because the *Gaines* decision failed to abolish the Jim Crow educational system in Missouri, the state would quickly move to set up a separate law school at Lincoln University.<sup>19</sup>

### B. The Taylor Bill

In February, 1939, as predicted by the editors of the *Chicago Defender*, Representative John D. Taylor introduced a bill into the lower house of the Missouri legislature that mandated the Board of Curators of Lincoln University reorganize the institution to provide Missouri's black residents with legal educational facilities and training equal to that provided Missouri's white residents at the University of Missouri.<sup>20</sup> A few

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<sup>12</sup> *Id.* at 726.

<sup>13</sup> *Id.* at 727.

<sup>14</sup> *Attorney Scores Bias in State Universities, Gives Warning of Danger of Democracy*, CHI. DEFENDER, Nov. 19, 1938, at 3.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337, 349 (1938).

<sup>18</sup> *Id.* at 351-52.

<sup>19</sup> Editorial, *The Gaines Decision*, CHI. DEFENDER, Dec. 24, 1938, at 16.

<sup>20</sup> Norval P. Barksdale, *The Gaines Case and Its Effect on Negro Education in Missouri*, 51 SCH. & SOC'Y 309, 310 (1940).

weeks later, Taylor proposed a separate appropriation bill which set aside \$200,000 for the expansion of Lincoln.<sup>21</sup> The same bill gave the University of Missouri \$3,000,000.<sup>22</sup>

Black Missourians bitterly opposed the bill from the time it entered the house until the governor signed it.<sup>23</sup> In a letter to Senator Michael Kinney, Joseph McLemore, former president of the Lincoln University Board of Curators, asked whether it was reasonable to believe “that with six months time, and two hundred thousand dollars, there can be produced at Lincoln University what it took seventy-five years to produce at [the University of] Missouri?”<sup>24</sup> McLemore further derided the bill as a waste of taxpayer’s money, unworkable, undemocratic and the greatest insult to black Missourians since the legislature attempted to segregate the railroad coaches.<sup>25</sup> Lincoln University students sent out 55,000 circulars and letters calling for the defeat of the Taylor Bill,<sup>26</sup> while hundreds of blacks crowded the House and Senate hearings to voice their opposition.<sup>27</sup> However, the voice of opposition fell on deaf ears, and on May 4, 1939, Governor Lloyd Stark signed the Taylor Bill into law.<sup>28</sup> Missouri had officially registered its opposition to admitting blacks to the University of Missouri.

### III. THE ESTABLISHMENT OF LINCOLN’S LAW SCHOOL

In August 1939, the Lincoln University Board of Curators decided to locate its Law School in St. Louis rather than on the Jefferson City Campus.<sup>29</sup> The board reasoned that St. Louis offered more adequate housing, a “colored bar” that could provide legal contacts and professional guidance to the black law students, a larger black population, and greater proximity to the legal facilities and faculty at St. Louis University and Washington University.<sup>30</sup> Quarters were rented in the old Poro College Building,<sup>31</sup> former site of a hair tonic factory and cosmetics school,<sup>32</sup> located in “the center of the colored residential and school district in Saint

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<sup>21</sup> Bluford, *supra* note 5.

<sup>22</sup> *Id.*

<sup>23</sup> *Missouri Mocks Court’s Lloyd Gaines Decision*, CHI. DEFENDER, May 13, 1939, at 3.

<sup>24</sup> Joseph McLemore, *Ex-President of Curators Points Out Serious Defects in Lincoln University Bill*, ST. LOUIS AM., Mar. 23, 1939 (on file with the Inman E. Page Library of the Lincoln University Law School).

<sup>25</sup> *Id.*

<sup>26</sup> *Oppose Missouri’s Move to Evade Gaines Ruling*, CHI. DEFENDER, Apr. 8, 1939, at 3.

<sup>27</sup> *Ask Veto of Missouri’s University Bill*, CHI. DEFENDER, Apr. 29, 1939, at 4.

<sup>28</sup> Barksdale, *supra* note 20, at 311; MO. REV. STAT. § 10774 (1939).

<sup>29</sup> Bluford, *supra* note 4.

<sup>30</sup> *Lincoln University School of Law Inspected by A.B.A. and State Board*, 11 MO. B.J. 21, 37 (1940).

<sup>31</sup> *The Establishment of a School of Law by Lincoln University*, 50 SCH. & SOC’Y 339, 339 (1939).

<sup>32</sup> *‘Jim Crow’ Law School*, NEWSWEEK, Oct. 2, 1939, at 32.

Louis.”<sup>33</sup> The building was remodeled to provide three classrooms capable of accommodating sixty, forty, and thirty students, a ladies’ lounge, a men’s smoking room, six private offices for administration, faculty and librarians, and a library capable of housing 15,000 volumes of books.<sup>34</sup> Part of the building still housed a hotel and movie theatre.<sup>35</sup>

The Board appointed William E. Taylor to serve as the new law school’s first dean. Taylor, a native of Mississippi, held three degrees from the University of Iowa: A.B. (1920), LL.B. (1923), and J.D. (1932), practiced law in Iowa (1923-1925) and Illinois (1925-1929), gained admission to the District of Columbia Bar (1930), taught at Howard University’s Law School (1929-1939), and served as acting dean of Howard University’s Law School (1935-1939).<sup>36</sup> Taylor appointed Scovel Richardson and James C. Bush, two of his protégés from Howard University, and Virgil Lucas, a member of the St. Louis Bar, to serve as full-time faculty.<sup>37</sup> In addition, Taylor recruited Constance Mapp Barbour, one of Howard University’s law librarians, to join Lincoln’s staff as a full-time law librarian.<sup>38</sup>

On September 21, 1939, Lincoln’s law school began registering students for its inaugural class.<sup>39</sup> Classes began two weeks later with thirty students, most of them from the St. Louis area.<sup>40</sup> Outraged, the St. Louis Youth Forum and the Colored Clerk Circle set up a picket line around the “Jim Crow” school and carried placards that read: “Tuition at this school may be free but it costs you your rights as an American citizen . . . we refuse to sell our souls . . . Don’t be a traitor to your race. Stay away from this school. It is inferior . . . I have self-respect. How about you?”<sup>41</sup> In addition the school was denounced as “makeshift” and an “evasion” of the *Gaines* decision.<sup>42</sup> N.A. Sweet, a local newspaper publisher, stated that the protests would continue indefinitely to discourage attendance and to

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<sup>33</sup> Letter from William E. Taylor, Dean, Lincoln Univ. Sch. of Law, to the Members of the Am. Ass’n of Law Libraries (Sept. 27, 1939) (on file with the University of Illinois at Urbana-Champaign Library).

<sup>34</sup> *Id.*

<sup>35</sup> ‘Jim Crow’ Law School, *supra* note 32.

<sup>36</sup> ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF TEACHERS IN MEMBER SCHOOLS 1942-1943, at 191 (1942). See also R.C. Fisher, *St. Louis Gets Lincoln Unvi. Law School: Poro Building to be Used for Training*, CHI. DEFENDER, Aug. 26, 1939, at 6.

<sup>37</sup> *Lincoln University School of Law Inspected by A.B.A. and State Board*, *supra* note 30; *Law Prof. Loaned to Government*, CHI. DEFENDER, Feb. 20, 1943, at 5.

<sup>38</sup> Letter from William E. Taylor, Dean, Lincoln Univ. Sch. of Law, to Helen Newman, Executive Sec’y & Treasurer, Am. Ass’n of Law Libraries (Sept. 25, 1939) (on file with the University of Illinois at Urbana-Champaign Library).

<sup>39</sup> Bluford, *supra* note 4, at 245.

<sup>40</sup> *Id.*; *St. Louisans Picketing ‘Make-Shift’ Law Branch of Lincoln University*, CHI. DEFENDER, Oct. 7, 1939, at 11; *contra*, J. CLAY SMITH JR., EMANCIPATION: THE MAKING OF THE BLACK LAWYER, 1844-1944, at 63 (1993) (stating that Lincoln University opened with 34 students).

<sup>41</sup> *St. Louisans Picketing*, *supra* note 40; ‘Jim Crow’ Law School, *supra* note 32, at 32-33.

<sup>42</sup> ‘Jim Crow’ Law School, *supra* note 32, at 33.

demand the integration of the professional schools at the University of Missouri.<sup>43</sup> In late December, Frank M. Jones, president of the Colored Clerk Circle, stated,

The Lincoln [U]niversity law school is a farce and is inferior in every respect to that of the University of Missouri [S]chool of law and in no wise [sic] does it meet with the decisions of the [S]upreme [C]ourt handed down in the Lloyd Gaines case. The results obtained by this school are not enough to repay for the principles relinquished.<sup>44</sup>

Meanwhile, a second suit had been filed on behalf of Lloyd Gaines contending that Lincoln University's hastily-built law school was not equal to the University of Missouri's Law School.<sup>45</sup> In preparation for the trial, Charles Houston, NAACP's lead counsel, inspected the school and took depositions from all four members of Lincoln's faculty.<sup>46</sup> However, when it came time to question Gaines concerning his willingness to enroll at Lincoln and whether or not Gaines believed Lincoln's Law School compared favorably to the University of Missouri, Gaines failed to appear.<sup>47</sup> Finally, on January 2, 1940, after four months of searching, the NAACP was forced to dismiss their case because their plaintiff could not be found.<sup>48</sup> Gaines was never heard from again.<sup>49</sup>

Harold Holliday, a participant in the state-wide fight to prevent the establishment of Lincoln's law school later recalled,

Our thinking at that time was that the pattern of segregation must be destroyed. We do not believe that this can be done by bringing into existence new segregated institutions, for, once in existence, they tend to become far more difficult to destroy due to the vested interest which develops as a consequence of their existence . . . the fact that some Negroes may be delayed in commencing their legal education while the matter is being thrashed out in the courts is no excuse for bringing new institutions of

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<sup>43</sup> *St. Louisans Picketing*, *supra* note 40.

<sup>44</sup> *Whites Join Pickets at Lincoln Law School*, CHI. DEFENDER, Dec. 30, 1939, at 2.

<sup>45</sup> Bluford, *supra* note 4, at 245.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> See *The Mysterious Case of Lloyd Gaines: Pioneer of University Desegregation*, 9 J. BLACKS HIGHER EDUC. 22, 22 (1995).

<sup>49</sup> Bluford, *supra* note 4, at 246.

segregation into existence. This is a reasonable sacrifice for the end that there may be accomplished the complete abolition of the hated system of segregation.<sup>50</sup>

Whether a newly established all black law school could be substantially equal to a well-established and prestigious all-white law school was not addressed by the courts until May 1947 when Heman Marion Sweatt and the NAACP sought to compel the University of Texas to admit Sweatt to its law school, contending that the Texas State University for Negroes Law School was not equal to the University of Texas Law School.<sup>51</sup>

Shortly after Lincoln's law school opened, Will Shafroth, Advisor to the Section on Legal Education and Admissions to the Bar of the American Bar Association (ABA), conducted an informal inspection of Lincoln's law school and reported that, "[i]n respect to the library, the physical equipment, the number of full-time teachers, admission requirements and length of course, the school fully complies with ABA requirements."<sup>52</sup>

By December 1941, America's first Jim Crow law school had gained the approval of Missouri's State Board of Bar Examiners,<sup>53</sup> the ABA,<sup>54</sup> and the AALS<sup>55</sup> entitling Lincoln's law graduates to sit for the bar in any state in the union.

#### IV. LINCOLN'S LAW LIBRARY

##### A. Applying for Institutional Membership in the A.A.L.L.

In September 1939, as Dean William Taylor was feverishly working to

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<sup>50</sup> Letter from David R. Kochery, Univ. of Kan. City Sch. of Law, to Members of Comm. of Law Teachers Against Segregation in Legal Educ. (not dated) (quoting Harold Holliday) (Association Of American Law Schools, Semi-Centennial, 1901-1950, Programs And Reports Of Committees (1950)).

<sup>51</sup> See Vonceil Jones, *Texas Southern University School of Law-The Beginning*, 4 Tex. S.U.L. Rev. 197, 202 (1977); District Court Transcript, *Sweatt v. Painter*, 210 S.W.2d 442 (Tex. Civ. App. 1948) (No. 74,945), available at <http://www.law.du.edu/russell/lh/sweatt/docs/svptr1.htm>.

<sup>52</sup> Barksdale, *supra* note 20, at 311.

<sup>53</sup> Letter from Thomas F. McDonald, Sec'y, State Bd. of Law Exam'rs, State of Mo., to William E. Taylor, Dean, Lincoln Univ. Sch. of Law (Feb. 16, 1940) (on file in the Lincoln University Archives at the Inman E. Page Library, Jefferson City, Missouri).

<sup>54</sup> The Section on Legal Education and Admission to the Bar provisionally approved Lincoln's law school on October 2, 1941. *Factors Bearing on the Approval of Law Schools by the American Bar Association*, in STANDARDS OF THE AMERICAN BAR ASSOCIATION FOR LEGAL EDUCATION, at 19 (American Bar Association) (1947). In September, 1941, the ABA's House of Delegates adopted the ABA's Section on Legal Education's provisional approval. *House of Delegates Meeting: Report of the Section of Legal Education*, 27 A.B.A.J. 786, 804 (1941). The ABA's House of Delegates voted to fully approve Lincoln's law school in 1947. *House of Delegates Meeting: Report for the Section of Legal Education*, 33 A.B.A.J. 390, 403 (1947).

<sup>55</sup> *Handbook of The American Association of Law Schools and Proceedings of the Thirty-Ninth Annual Meeting*, at 31-32 (1942).



establish a law school that would meet the standards of both the ABA and the AALS, he was also reaching out to the American Association of Law Libraries (AALL) to inquire about obtaining an institutional membership within the AALL.<sup>56</sup> William R. Roalfe, in his now famous letter to AALL President Rosamond Parma on September 11, 1930, was the first to propose the idea of offering institutional membership in the AALL as a means to expand membership in the Association.<sup>57</sup> Five years later, during the Thirtieth Annual Meeting of the AALL, an amendment to the Association's constitution and by-laws providing for institutional membership was voted on and approved.<sup>58</sup> Afterwards, any law library could become an institutional member of the Association upon payment of the required dues.<sup>59</sup> Whether an institution applying for institutional membership was, in fact, a law library was to be determined by the Executive Committee.<sup>60</sup> By implementing this new change in admission policy, the Association extended active membership in the AALL to all subordinate staff working in law libraries without charging staff members personally for the cost of membership.<sup>61</sup> As a result, just one year later, total membership in the Association had grown from 192 to 317, greatly benefiting the Association's treasury.<sup>62</sup>

However, when the Association's Executive Secretary and Treasurer, Helen Newman,<sup>63</sup> received a letter from Taylor requesting details concerning the requirements for institutional membership, she confessed to

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<sup>56</sup> Letter from William E. Taylor, Dean, Lincoln Univ. Sch. of Law, to Helen Newman, Executive Sec'y & Treasurer, Am. Ass'n of Law Libraries (Sept. 15, 1939) (on file at the University of Illinois at Urbana-Champaign Library).

<sup>57</sup> See William R. Roalfe, *Letter of William Roalfe to President of AALL*, 24 LAW LIBR. J. 60, 60 (1931).

<sup>58</sup> William R. Roalfe, *The Activities and Program of the American Association of Law Libraries*, 29 LAW LIBR. J. 7, 8 (1936).

<sup>59</sup> *Constitution and By-Laws of the American Association of Law Libraries (as amended to June 28, 1935)*, 29 LAW LIBR. J. 56, 56 (1936).

<sup>60</sup> *Id.*

<sup>61</sup> J.S. Ellenberger, *The American Association of Law Libraries*, 11 LIBR. TRENDS 325, 333 (1963).

<sup>62</sup> Roalfe, *supra* note 58, at 9.

<sup>63</sup> It is important to note Helen Newman's reputation as "Miss AALL" during the "hard days of the 1930s and early 1940s" and the credit she is given for selling and implementing Roalfe's proposal to offer institutional memberships to law libraries as a means to expand the Association's membership base. In addition to serving as the AALL Executive Secretary and Treasurer (1943-1945) and managing editor of the *Law Library Journal* (1934-1942), Newman worked as Librarian at George Washington University Law Library (1927-1941), Associate Librarian at the United States Supreme Court (1941-1947), and Librarian at the United States Supreme Court (1947-1965). See FRANK G. HOUDEK, *AALL REFERENCE BOOK: A COMPENDIUM OF FACTS, FIGURES, AND HISTORICAL INFORMATION ABOUT THE AMERICAN ASSOCIATION OF LAW LIBRARIES* 2C-3, 2D-3, 7A-1 (1994); Arthur A. Charpentier, *American Association of Law Libraries*, 1 ENCY. LIBR & INFO. SCI. 224, 228 (1968); Bernita J. Davies, *In Memory of Helen*, 59 LAW LIBR. J. 154, 155 (1966); Marian Gallagher, *I Remember Them Well*, 75 LAW LIBR. J. 270, 273 (1982); Earl Warren, *Helen in the Court*, LAW LIBR. J. 162, 162 (1966).

Franklin O. Poole,<sup>64</sup> that her reply was a “ ‘stall’ for time that you can no doubt detect.”<sup>65</sup> Newman further stated “I shall be glad to have you talk this one over with Sid[ney] Hill<sup>66</sup> and let me know your reaction- I think it is best to submit this whole problem to the Ex[ecutive] Com[mittee]- don’t you?”<sup>67</sup> Did Newman have reason to doubt that the Lincoln University Law Library was, in fact, a law library, or was there some other problem that concerned her? Correspondence between Newman and association members reveals that the problem Newman perceived was that the new “colored” applicants would prove to be as “uppity” as Howard University Law Librarian, A. Mercer Daniel, whose requests for equal accommodations in travel and lodging had already caused a number of “social problems” for the association.<sup>68</sup> For example, in a 1935 letter to Fred Holland, second-vice president of the AALL, Newman lamented Daniel’s decision to attend the Thirtieth Annual Convention being held at the Brown Palace Hotel in Denver, noting that it might be advisable, given the “feeling in Denver”<sup>69</sup> and the “attitude of many of our members”<sup>70</sup> that he not stay at the Brown Palace Hotel.<sup>71</sup> Holland replied,

I have had a conversation with the Manager of the Brown Palace Hotel concerning E. Mercer Daniel [sic]. The Brown Palace very seldom accepts a colored man as a guest of the Hotel and then only under the most extraordinary circumstances. At such times the man is a guest under the most stringent restrictions. He is not

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<sup>64</sup> Franklin O. Poole co-founded the AALL in 1906, served as the Association’s secretary (1906-1912), treasurer (1906-1911) and president (1912-1914) and worked as a law librarian at the Association of the Bar of the City of New York (1902-1943). HOUDEK, *supra* note 63, at 2C-1, 2D-1, 2A-1; *Memorial to Franklin O. Poole*, 36 LAW LIBR. J. 1, 1 (1943).

<sup>65</sup> Newman forwarded a copy of her reply to Taylor’s initial query to Poole, hand wrote the comments, quoted here in the margins, and then initialed them HN. Letter from Helen Newman, Executive Sec’y & Treasurer, Am. Ass’n of Law Libraries, to William E. Taylor, Dean, Lincoln Univ. Sch. of Law (Sept. 20, 1939) (on file with the University of Illinois at Urbana-Champaign Library) (hereinafter Helen Newman Letter, Sept. 20, 1939.).

<sup>66</sup> Sidney Hill served the association as an executive committee member (1937-1940), vice president (1940-1941) and president (1941-1942), and worked as a law librarian at the Association of the Bar of the City of New York. HOUDEK, *supra* note 63, at 2E-4, 2B-3, 2A-2.

<sup>67</sup> Helen Newman Letter, Sept. 20, 1939, *supra* note 65.

<sup>68</sup> In her hand written notes to Poole, Newman emphasized the skin color of the new applicants by twice underlining “colored.” Helen Newman Letter, Sept. 20, 1939, *supra* note 65. While AALL members never referred to Daniel as an “Uppity Negro,” their 1930s and 1940s correspondences are littered with expressions of resentment towards him that suggests that he was perceived as an “Uppity Negro,” i.e., a black man who did not “know his place” within the Jim Crow system. *See infra* pp. 16-21.

<sup>69</sup> Letter from Helen Newman, Executive Sec’y & Treasurer, Am. Ass’n of Law Libraries, to Fred Holland, Second Vice-President, Am. Ass’n of Law Libraries (Mar. 4, 1935) (on file with the University of Illinois at Urbana-Champaign Library).

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

permitted the use of the dining room or lobby. The Brown will not accept Mr. Daniel as a guest if it is at all possible to avoid it. There has been considerable feeling in Denver over such matters. I sincerely regret that Mr. Daniel is planning on attending the Convention. He certainly will not be invited as a guest of the Denver Bar at the Luncheon. For that reason I suppose we will not be able to issue a blanket invitation to the Law Librarians.<sup>72</sup>

To ameliorate the problem, Holland agreed to recommend to Daniel “several hotels in the dark town section which cater entirely to negroes”<sup>73</sup> and to place him in contact with some black members of the Denver Bar Association who “know and keep their places”<sup>74</sup> and who could entertain him.<sup>75</sup> Newman responded that Holland’s suggestion was a good one and that perhaps the black attorneys in Denver could write to Daniel, tell him of the difficulties and prejudices in Denver, and thus persuade him not to attend the meeting.<sup>76</sup>

Another example of Newman perceiving Daniel as causing problems, for the Association<sup>77</sup> occurred in 1939 when Daniel requested a reservation in the first class car on the Overland Limited for the purpose of accompanying AALL members to the Annual Convention in San Francisco.<sup>78</sup> Newman wrote Franklin Poole and stated,

This brings up our old problem again and I am writing to ask your advice in the matter. Miller [the general agent for the railroad handling the reservations] said that it is the policy of the road not to carry Negroes 1<sup>st</sup>-class if they can help it. However, he did not want to cause us any embarrassment and he is leaving the decision up to me. He said that if we so direct him, he will tell Daniel that all of the space in two special cars have already been reserved. The only difficulty about this story is that it is

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<sup>72</sup> Letter from Fred Holland, Second Vice-President, Am. Ass’n of Law Libraries, to Helen Newman, Executive Sec’y & Treasurer, Am. Ass’n of Law Libraries (Mar. 7, 1935) (on file with the University of Illinois at Urbana-Champaign Library).

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> Letter from Helen Newman, Executive Sec’y & Treasurer, Am. Ass’n of Law Libraries, to Fred Holland, Second Vice-President, Am. Ass’n of Law Libraries (Mar. 12, 1935) (on file at the University of Illinois at Urbana-Champaign Library).

<sup>77</sup> Letter from Helen Newman, Executive Sec’y & Treasurer, Am. Ass’n of Law Libraries, to Franklin Poole, Ass’n of the Bar of the City of N.Y. (Apr. 17, 1939) (on file with the University of Illinois at Urbana-Champaign Library).

<sup>78</sup> *Id.*

still pretty early and as a matter of fact, Miller has received only two or three other reservations. Daniel was on the special car on the Hiawatha, as you may recall, but of course that was only a short run. Some of our members like [James C.] Baxter might be pretty annoyed to have Daniel in the car with us for three days. I am anxious to do what is best under all the circumstances and I shall appreciate your opinion.<sup>79</sup>

Already frustrated with the “social problems” associated with Daniel’s membership, Poole replied to Newman’s request for advice on how to handle Lincoln’s application for institutional membership by writing, “I do not feel that it is desirable to do anything at this time. I do believe that you should not put yourself in the position of deciding it.”<sup>80</sup> Poole added that although Sidney Hill “is more or less incoherent on the subject”<sup>81</sup> he agreed that, “if anything is done at all it should be done only with the approval of the Executive Committee.”<sup>82</sup> Finally, on September 28, 1939, acting on the advice of her colleagues, Newman reported to Dean Taylor that she would submit Lincoln’s application to the Executive Committee at its next meeting held in Chicago in December.<sup>83</sup> One week before the Executive Committee meeting in Chicago, AALL Executive Committee Officer, Sidney Hill, wrote to Newman and conceded,

I see no way to refuse institutional membership to Lincoln University as a matter of policy. I feel that if necessary someone should tell them that the travel and social problems that arise through their membership are purely personal and are not matters about which the Association should be concerned.<sup>84</sup>

Finally, on January 5, 1940, Lincoln’s Law Library received notification that its application for institutional membership in the AALL

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<sup>79</sup> *Id.*

<sup>80</sup> Letter from Franklin O. Poole, Ass’n of the Bar of the City of N.Y., to Helen Newman, Executive Sec’y & Treasurer, Am. Ass’n of Law Libraries (Sept. 21, 1939) (on file with the University of Illinois at Urbana-Champaign Library).

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> Letter from Helen Newman, Executive Sec’y & Treasurer, Am. Ass’n of Law Libraries, to William E. Taylor, Dean, Lincoln Univ. Sch. of Law (Sept. 28, 1939) (on file with the University of Illinois at Urbana-Champaign Library).

<sup>84</sup> Letter from Sidney B. Hill, Ass’n of the Bar of the City of N.Y., to Helen Newman, Executive Sec’y & Treasurer, Am. Ass’n of Law Libraries (Dec. 20, 1939) (on file at the University of Illinois at Urbana-Champaign Library).

had been approved.<sup>85</sup> In addition, Constance M. Barbour, Lincoln's full-time law librarian, was added to the membership roles, becoming the first black woman member of the Association.<sup>86</sup>

In August 1940, Constance Barbour visited the Association's national headquarters in Washington D.C. and informed Newman that she planned on attending the Association's next annual convention.<sup>87</sup> Soon after her visit, Newman wrote AALL President-elect, Sidney Hill, seeking his vote in support of holding the 1941 annual convention at the Chamberlin Hotel in Old Point Comfort, Virginia.<sup>88</sup> One of Newman's chief selling points was that a meeting at the Chamberlin Hotel would "solve the negro problem"<sup>89</sup> because the Hotel "will not admit them."<sup>90</sup> When the votes were counted, the Chamberlin Hotel had been chosen for the site of the Association's Thirty-Sixth Annual Convention.<sup>91</sup> Upon hearing the news, A. Mercer Daniel lodged a complaint with Newman.<sup>92</sup> In Newman's

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<sup>85</sup> Letter from Helen Newman, Executive Sec'y & Treasurer, Am. Ass'n of Law Libraries, to William E. Taylor, Dean, Lincoln Univ. Sch. of Law (Jan. 5, 1940) (on file with the University of Illinois at Urbana-Champaign Library). The midwinter meeting of the Executive Committee, held in Chicago, Illinois on December 28-29, was presided over by AALL President Arthur Beardsley. Minutes of Midwinter Meeting of Executive Committee (1939), at 1 (on file with University of Illinois at Urbana-Champaign Library). Executive Committee members attending the meeting included: Alice Magee, Alfred Morrison, Lewis Morse, Helen Moylan, and Helen Newman. *Id.* Alfred Morrison moved to approve Lincoln's application and Helen Moylan seconded the motion. *Id.* at 4. How the other members of the Executive Committee voted is unknown. However, it is known that the vote to approve Lincoln's application was not unanimous because Newman usually reported when votes were unanimous. In support of this assertion, please see *Current Comments*, 33 LAW LIBR. J. 24, 25 (1940) (stating "[a]n application for institutional membership in the association filed by Lincoln University, St. Louis, was approved and the Executive Committee voted unanimously to recommend to the Association at its annual meeting approval of the application submitted by the Carolina Law Library Association for a chapter in the A.A.L.L.>").

<sup>86</sup> *List of New Members of A.A.L.L.*, 33 LAW LIBR. J 122, 122 (1940).

<sup>87</sup> Letter from Helen Newman, Executive Sec'y & Treasurer, Am. Ass'n of Law Libraries, to Sidney Hill, President-Elect, Am. Ass'n of Law Libraries (Aug. 12, 1940) (on file at the University of Illinois at Urbana-Champaign Library).

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> *Proceedings of the Thirty Sixth Annual Meeting of the American Association of Law Libraries Held at Old Point Comfort, Virginia, June 27 to June 30, 1941*, 34 LAW LIBR. J. 159, 159 (1941).

<sup>92</sup> In the fall of 1940, Daniel informed Newman that the Chamberlin Hotel was located on federal property and therefore its segregation policy was illegal. Letter from Ralph J. Hewlett, Manager of the Chamberlin Hotel, to Helen Newman, Executive Sec'y & Treasurer, Am. Ass'n of Law Libraries (Oct. 15, 1940) (on file with the University of Illinois at Urbana-Champaign Library). Newman forwarded Daniel's letter to Chamberlin's manager who replied that while it was true that the Chamberlin was located on federal property, its segregation policy conformed to Virginia state laws and, according to the law passed by Congress in 1935 placing the Chamberlin under federal laws, wherever a conflict between the federal and state laws of Virginia existed, the laws of Virginia would apply. *Id.* Despite the manager's reassurance that the Hotel's segregation policy was not in contravention of federal laws, Newman was sufficiently rattled by Daniel's complaints to state to AALL President Hill: "I am counting on you to handle this situation for us if any trouble arises. I do not know what Mr. Daniel's next move will be." Letter from Helen Newman, Executive Sec'y & Treasurer, Am. Ass'n of Law Libraries, to Sidney Hill, Ass'n of the Bar of the City of N.Y. (Dec. 20, 1940) (on file with the University of Illinois at Urbana-Champaign Library). Years later, Newman would describe the

original draft reply, she wrote, "I regret exceedingly that I have found it to be the policy of that Hotel not to provide rooms for members of your race."<sup>93</sup> However, by the time Newman sent her reply to Daniel, her expression of regret had been omitted and what was left was a reminder to Daniel that "[i]t has always been the practice of our Association to leave to the individual members the duty of making their own reservations."<sup>94</sup>

Unable to persuade the Chamberlin Hotel to treat him with dignity, Daniel did not attend his first annual convention since becoming an AALL member in 1933.<sup>95</sup> In addition, Barbour failed to attend the meeting, having just resigned as Lincoln's law librarian.<sup>96</sup> However, Taylor attended the meeting and apparently made a favorable impression on AALL President Hill, who described Taylor as a "perfect gentleman."<sup>97</sup> In October of 1941, Newman informed Hill that she had received a letter from the North Carolina College for Negroes Law School (NCCN) inquiring about membership in the Association.<sup>98</sup> Newman wrote,

Before I reply, I should like to have your opinion on the matter of admitting to membership in our Association another negro member. While I feel we shall probably have to approve this membership, I also feel that it is going to add to the problem which we already have.<sup>99</sup>

President Hill replied that the North Carolina group should be

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Chamberlin Hotel as her "favorite place." Letter from Helen Newman, Librarian, U.S. Supreme Court, to Miles O. Price, Librarian, Sch. of Law, Columbia Univ. (Aug. 27, 1951) (on file with the University of Illinois at Urbana-Champaign Library).

<sup>93</sup> Draft letter from Helen Newman, Executive Sec'y & Treasurer, Am. Ass'n of Law Libraries, to A. Mercer Daniel, Law Librarian, Howard Univ. Law Sch. (Nov. 5, 1940) (on file with the University of Illinois at Urbana-Champaign Library).

<sup>94</sup> Letter from Helen Newman, Executive Sec'y & Treasurer, Am. Ass'n of Law Libraries, to A. Mercer Daniel, Law Librarian, Howard Univ. Sch. of Law (Nov. 6, 1940) (on file with the University of Illinois at Urbana-Champaign Library).

<sup>95</sup> Letter from Helen Newman, Executive Sec'y & Treasurer, Am. Ass'n of Law Libraries, to A. Mercer Daniel, Law Librarian, Howard Univ. Sch. of Law (July 7, 1941) (on file with the University of Illinois at Urbana-Champaign Library). See also, *Attendance Register: Thirty-Sixth Annual Meeting of the American Association of Law Libraries*, 34 LAW LIBR. J. 302, 302 (1941). Contra Gallagher, *supra* note 63, at 272 (asserting erroneously that A. Mercer Daniel had attended every AALL annual meeting from 1933-1975).

<sup>96</sup> Letter from Helen Newman to A. Mercer Daniel, *supra* note 95; See also *Attendance Register: Thirty-Sixth Annual Meeting of the American Association of Law Libraries*, *supra* note 95, at 302.

<sup>97</sup> Letter from Sidney Hill, President, Am. Ass'n of Law Libraries, to Helen Newman, Executive Sec'y & Treasurer, Am. Ass'n of Law Libraries (Oct. 6, 1941) (on file with the University of Illinois at Urbana-Champaign Library).

<sup>98</sup> Letter from Helen Newman, Executive Sec'y & Treasurer, Am. Ass'n of Law Libraries, to Sidney Hill, President, Am. Ass'n of Law Libraries (Oct. 3, 1941) (on file with the University of Illinois at Urbana-Champaign Library); *New Members June 1941 through June 1942*, 25 LAW LIBR. 266 (1954).

<sup>99</sup> *Id.*

welcomed rather than excluded and recommended Taylor as a possible contact who could aid the Association in explaining to the North Carolina group its “problems in the South.”<sup>100</sup>

Over the next ten years, three additional Jim Crow law libraries acquired institutional memberships in the Association.<sup>101</sup> That the white members in the Association continued to discriminate against black members solely on the basis of their skin color was acknowledged by Miles O. Price in 1951 when he recommended to Newman that Daniel be nominated for membership on the Executive Board.<sup>102</sup> Price described Daniel as a faithful and capable member, worthy of recognition, and someone for whom he would vote.<sup>103</sup> However, Price added, “[f]rankly, I doubt if he would be elected if nominated, because of his color, but I think

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<sup>100</sup> Letter from Hill to Newman, *supra* note 97. Hill’s recommendation is curious. In his letter to Newman, Hill stated “Of course Miss [Lucile] Elliot [sic] could explain our problems in the south but perhaps Dean Taylor could do that better.” *Id.* Why? Was it because Taylor was black, whereas Elliott was not? If so, would not Daniel be a better liaison for the Association? After all, Daniel had been a member of the Association for nearly nine years, whereas Taylor had only recently joined. Furthermore, no one knew better than Daniel the Association’s “problems in the south.” See generally Gallagher, *supra* note 63, at 272. On the other hand, black assertiveness in the face of indignity was the “problem in the south” for some in the association. Perhaps, Hill imagined Taylor to be a different kind of black man, someone who was a “perfect gentleman,” even when sharing company with racists at segregated hotels. Did Hill really imagine that it would be easier for the North Carolina group to accept a second-class membership in the Association if they were informed of their imminent second-class status by a “perfect gentleman”[needs citation]? Is there any evidence to suggest that Hill or the Association wanted to do anything about the Association’s “problems in the south?” No, in fact, all the evidence suggests otherwise.

In 1941, Hill reported to Newman “I note in the ALA August Bulletin that the ALA will not meet in any city where the hotels discriminate against any member of the ALA. I presume you are familiar with this but thought it best to call it to your attention.” Letter from Sidney Hill, President-Elect, Am. Ass’n of Law Libraries, to Helen Newman, Executive Sec’y & Treasurer, Am. Ass’n of Law Libraries (Mar. 17, 1941) (on file with the University of Illinois at Urbana-Champaign Library). Had Hill wished to do something about the Association’s “problems in the south” then one would expect, as an officer and leader of the Association, he would recommend or move for the adoption of a similar resolution. There is no evidence, however, to suggest that Hill ever took such action. Furthermore, the AALL continued to convene in cities where the hotels discriminated against their members on the basis of race. For example, in 1946, the AALL convened at the Chase Hotel in St. Louis Missouri. See *infra* notes 198-199. And, in 1954, the AALL convened at the Delano Hotel in Miami Beach, Florida. Gallagher, *supra* note 63, at 272 (noting that in 1954 when the AALL convened in a Miami Hotel, Daniel was given access to the dining room only on condition that he be accompanied by two or more white members); *Proceedings of the Forty-Seventh Annual Meeting of the American Association of Law Libraries*, 47 LAW LIBR. J. 312, 312 (1954).

<sup>101</sup> See *Executive Secretary Reports Names of New Members*, 41 LAW LIBR. J. 64, 64 (1948) (listing Southern University Law School as a new institutional member; Miss Vernetta Grimes, Law Librarian); *Report of Committee of New Members*, 35 LAW LIBR. J. 265, 266 (1942) (listing North Carolina College for Negroes Law School as a new institutional member; Daniel E. Moore, Law Librarian); *Report of Membership Committee*, 42 LAW LIBR. J. 143, 144 (1949) (listing Texas State University for Negroes Law School as a new institutional member; Dr. Roberson L. King, Law Librarian).

<sup>102</sup> Letter from Miles O. Price, Law Librarian, Columbia Univ. Sch. of Law, to Helen Newman, Chairman, Nominating Comm., Am. Ass’n of Law Libraries (Aug. 9, 1951) (on file with the University of Illinois at Urbana-Champaign Library).

<sup>103</sup> *Id.*

he ought to have the right to run if he wants to . . . .”<sup>104</sup> Newman, as chairman of the nominating committee, ensured that Daniel would not be elected to the Executive Board when she failed to acknowledge that Price had even recommended his nomination.<sup>105</sup>

### B. Collection Development

In September 1939, the library requirements of the AALS required the ownership of “a library of not less than ten thousand volumes, which shall be so housed and administered as to be readily available for use by students and faculty.”<sup>106</sup> Further, the AALS specifically identified the types of legal materials that would have to be included to be considered for membership.<sup>107</sup> Therefore, as Lincoln University Law School prepared to open its doors in September 1939, Dean Taylor purchased thirteen thousand volumes of law books that would satisfy the AALS library requirements, including: seventeen complete sets of law reviews, complete reports of the courts of last resort for twenty-five states, the latest collection of statutes for twenty-eight states, National Reporter System, English Law Reports, textbooks, and treatises.<sup>108</sup> To further ensure compliance with the AALS library standards, Taylor retained the services of Oscar Orman, Director of Libraries at Washington University and an active AALL member, to provide expert advice regarding the selection of books, arrangement of stacks, reading space, and indexing.<sup>109</sup> After a preliminary inspection of the collection, Orman informed Taylor that the library exceeded the AALS book requirement in every particular.<sup>110</sup>

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<sup>104</sup> *Id.* The record is silent regarding whether Daniel wished to hold office in the Association or if he was ever nominated for membership on the Executive Board. What is known is that despite his tremendous service to the profession and his reputation for loyalty to the Association, he was never elected to serve on the AALL Executive Board. HOUDEK, *supra* note 63, at 2E.

<sup>105</sup> Letter from Helen Newman to Miles O. Price, *supra* note 92. An alternative explanation for Newman’s failure to mention Price’s nomination in her reply is that Daniel asked Price to withdraw his recommendation. Letter from Miles O. Price to Helen Newman, *supra* note 102 (stating that he would telephone Daniel to see if he was interested in running for office).

<sup>106</sup> *Handbook of the Association of American Law Schools and Proceedings of the Thirty-Sixth Annual Meeting* 364, 364 (1938).

<sup>107</sup> *Id.* at 365.

<sup>108</sup> Letter from William E. Taylor to Members of the Am. Ass’n of Law Libraries (Sept. 27, 1939), *supra* note 33.

<sup>109</sup> Letter from Oscar Orman, Dir. of Libraries, Washington Univ., to William R. Roalfe, Chairman, Joint Comm. on Cooperation Between AALS & AALL (Mar. 28, 1941) (on file with the University of Illinois at Urbana-Champaign Library). Taylor noted that “although we were prepared to pay Mr. Orman his price for his services, he gave us his time and the benefit of his experience gratuitously. Letter from William E. Taylor, Dean, Lincoln Univ. Sch. of Law, to William Roalfe, Chairman, Joint Comm. for Cooperation Between the AALS & AALL (Apr. 8, 1941) (on file with the University of Illinois at Urbana-Champaign Library). In a letter to Taylor, Newman remarked that she was “glad to know that Oscar Orman has been over to your library. I consider him one of the most outstanding librarians in the country.” Letter from Helen Newman, to William E. Taylor, *supra* note 83.

<sup>110</sup> Letter from William E. Taylor to Helen Newman, *supra* note 38.



Nonetheless, Taylor seemed anxious to further develop the collection, and in late September he drafted a statement to be sent to members of the AALL outlining what books the library had and what books the library wished to acquire.<sup>111</sup> For his part, Orman agreed to forward Taylor's wish list to a select group of law librarians throughout the country.<sup>112</sup> Orman explained to the recipients of the wish list that,

I am convinced that Dean Taylor and the members of the faculty are outstanding men and would like to see the members of the American Association of Law Libraries assist them in the collection and establishment of a fine law library. If there are any items in your duplicate collection which you would like to release to this institution, please correspond directly with Dean Taylor.<sup>113</sup>

In December, Yale University Law Library responded with a gift of approximately six thousand volumes.<sup>114</sup>

As a result of purchases and generous gifts, the library collection grew rapidly. By the fall of 1940, the library consisted of over 23,000 volumes.<sup>115</sup> The shelves were filled to capacity and books began to pile up on tables and on the floor.<sup>116</sup> A heated confrontation developed between Taylor and Lincoln's Board of Curators regarding how best to address the space problem. Taylor proposed leasing additional space adjacent to the reading room, a plan he contended had already been approved by the Board.<sup>117</sup> In contrast, the Board proposed installing additional shelves on the balcony of the library that surrounded a stairwell that opened onto the floor below.<sup>118</sup> In a letter to William Roalfe, Chairman of the Joint Committee for Cooperation between the AALS and AALL, Orman suspected that lurking behind the Board's installation plan were politics, pointing to recent attempts by "colored and white politicians to influence

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<sup>111</sup> Letter from William E. Taylor to Members of the Am. Ass'n of Law Libraries, *supra* note 33.

<sup>112</sup> Letter from Oscar Orman, Dir. of Libraries, Washington Univ., to Helen Newman, Executive Sec'y & Treasurer, Am. Ass'n of Law Libraries (Oct. 5, 1939) (on file with the University of Illinois at Urbana-Champaign Library).

<sup>113</sup> *Id.*

<sup>114</sup> Board of Curators of Lincoln University of Missouri, Minutes of the Meetings, at 87 (Dec. 16, 1939) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

<sup>115</sup> *Lincoln Law School Rates with the Best*, CHI. DEFENDER, Aug. 10, 1940, at 7.

<sup>116</sup> Letter from Oscar Orman, Library Inspector, Ass'n of Am. Law Schools, to William E. Taylor, Dean, Lincoln University School of Law 1 (Apr. 24, 1941) (on file with University of Illinois at Urbana-Champaign Library).

<sup>117</sup> Letter from William E. Taylor to William R. Roalfe (Apr. 8, 1941), *supra* note 109; Board of Curators of Lincoln University of Missouri, Minutes of the Meetings, at 196 (March 15, 1941) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

<sup>118</sup> Letter from Oscar Orman to William R. Roalfe (Mar. 28, 1941) *supra* note 109.

the law school in its expenditure of funds,”<sup>119</sup> and thereby undermine the “good will and good work of the school.”<sup>120</sup>

Taylor also wrote Roalfe and explained that the Board’s stack installation proposal would “not only cut off light and air and seriously interfere with passage, but will also present the most grotesque appearance imaginable.”<sup>121</sup> Intent on gaining AALS accreditation, Taylor requested that Roalfe designate Orman as an official representative of the Joint Committee to investigate the matter.<sup>122</sup> Likewise, Orman requested permission to write a letter on behalf of the Joint Committee that would point out the disadvantages of the Board’s proposal and lend support to Taylor’s expansion plan.<sup>123</sup>

After conferring with Bernard Gavit, Secretary-Treasurer of the AALS, Roalfe granted Orman the authority to represent the Joint Committee in inspecting Lincoln’s law library and in advising the university on how best to resolve the library’s space problem.<sup>124</sup> Roalfe acknowledged that since Lincoln University was seeking AALS approval, Orman’s “suggestions should certainly have persuasive value.”<sup>125</sup> After inspecting the library on behalf of the Joint Committee, Orman concluded that if the Board proceeded with its plan to erect shelves on the balconies surrounding the stairwell, Lincoln University would fail to comply with the library requirements of the AALS.<sup>126</sup> In particular, Orman pointed out that the proposed stack installation would not “begin to provide a sufficient number of shelves for the books now piled on tables and on the floor. It is obvious that un-shelved materials are not readily available for use by students and faculty.”<sup>127</sup> Furthermore, Orman pointed out that the proposal would cut off daylight from one-half of the library, obstruct proper ventilation in the reading room, reduce reading room space, make it difficult for library staff to reach the main book collection, and “present a grotesque appearance.”<sup>128</sup> Finally, Orman recommended that the University proceed with the original expansion plan of leasing additional space adjacent to the library.<sup>129</sup> Upon viewing Orman’s report, Bernard Gavit made a final inspection of Lincoln University School of Law and informed the Board that he concurred with

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<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

<sup>121</sup> Letter from William E. Taylor to William R. Roalfe (Apr. 8, 1941), *supra* note 109.

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

<sup>124</sup> Letter from William R. Roalfe, Chairman, Joint Committee for Cooperation Between the AALS and AALL, to Oscar Orman, Director of Libraries, Washington University (Apr. 17, 1941) (on file with University of Illinois at Urbana-Champaign Library).

<sup>125</sup> *Id.*

<sup>126</sup> Letter from Oscar Orman to William E. Taylor (Apr. 24, 1941), *supra* note 116, at 2.

<sup>127</sup> *Id.*

<sup>128</sup> *Id.* at 2-3.

<sup>129</sup> *Id.* at 3.

Orman's assessment of the library's space problem.<sup>130</sup> Taylor later reported to Gavit that, in light of Orman's report, he did not anticipate any further difficulty with the University Administration on the matter.<sup>131</sup>

In December 1941, Taylor returned to Chicago to once again attend an AALS Annual Meeting as a delegate for a black law school.<sup>132</sup> The main difference this time was that he represented a new black law school, one he almost single-handedly was responsible for starting.<sup>133</sup> Despite Lincoln University School of Law's many detractors, both black and white, Taylor's remarkable efforts paid off in that Lincoln's application for membership in the AALS was approved.<sup>134</sup>

By November 1942, the library could boast ownership of over 30,000 bound volumes of legal books, more than half of which were reportedly obtained as gifts from various law schools and lawyers.<sup>135</sup> However, following Taylor's five-year tenure as dean of the law school, collection development was, arguably, no longer a priority.<sup>136</sup> In fact, from 1948 until the law school closed in 1954, the library reported to the AALL no change in the number of bound legal volumes it owned.<sup>137</sup> In December 1953, John G. Hervey, advisor to the American Bar Association Section of Legal Education and Admissions to the Bar, visited Lincoln's law school and noted that, while the library's collection of law reviews and statutory materials was excellent, the current appropriation for the purchase of new

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<sup>130</sup> Letter from Bernard Gavit, Secretary-Treasurer, Association of American Law Schools, to William R. Roalfe, Chairman, Joint Committee for Cooperation Between the AALS and AALL (May 26, 1941) (on file with University of Illinois at Urbana-Champaign Library).

<sup>131</sup> *Id.* The Board of Curators must have assured both Gavit and Taylor that they would abandon their stack installation plan and lease additional space to house the growing collection. However, the Board did not formally agree to lease the additional space until July, 1942. Board of Curators of Lincoln University of Missouri, Minutes of the Meetings, at 319 (July 28, 1942) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

<sup>132</sup> *Handbook of the Association of American Law Schools and Proceedings of the Thirty-Sixth Annual Meeting* 344 (1938) (listing William E. Taylor as a delegate for Howard University School of Law); *Handbook of the Association of American Law Schools and Proceedings of the Thirty-Ninth Annual Meeting* 309 (1941) (listing Taylor as a delegate for Lincoln University).

<sup>133</sup> *Handbook of the Association of American Law Schools and Proceedings of the Thirty-Sixth Annual Meeting*, *supra* note 132; *Handbook of the Association of American Law Schools and Proceedings of the Thirty-Ninth Annual Meeting*, *supra* note 132.

<sup>134</sup> *Handbook of the Association of American Law Schools and Proceedings of the Thirty-Sixth Annual Meeting*, *supra* note 132; *Handbook of the Association of American Law Schools and Proceedings of the Thirty-Ninth Annual Meeting*, *supra* note 132.

<sup>135</sup> Letter from Sherman Scruggs, President, Lincoln University, to Forest Donnell, Governor of Missouri (Nov. 16, 1942). For example, in the Fall of 1942, the University received a gift of 2,500 volumes of "useful and needed law books" from Carlton S. Hadley, General Counsel, Wabash Railroad Company, St. Louis, Missouri. Board of Curators of Lincoln University of Missouri, Minutes of the Meetings, at 359 (Nov. 14, 1942) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

<sup>136</sup> *Richardson Will Head Lincoln Univ. Law School*, CHI. DEFENDER, Sept. 2, 1944, at 3.

<sup>137</sup> See entries for Lincoln University Law School in AMERICAN ASSOCIATION OF LAW LIBRARIES, LAW LIBRARIES IN THE UNITED STATES AND CANADA from 1948-1954.

legal materials was “hardly adequate.”<sup>138</sup> In addition, Hervey recommended that the library “select some area of law for concentration.”<sup>139</sup> However, Hervey concluded that, overall, Lincoln’s law school offered a dignified and professional atmosphere.<sup>140</sup> A year and a half later, Lincoln University School of Law closed its doors in response to the United States Supreme Court’s decision in *Brown v. Board of Education*.<sup>141</sup> The bulk of the collection was given to the law library of the University of Missouri-Columbia.<sup>142</sup>

## V. BIOGRAPHICAL SKETCHES OF THE LIBRARIANS

### A. Preliminary Appraisal

Over its fifteen years of existence, four different people served as Lincoln University School of Law’s librarian and two people served as the assistant librarian.<sup>143</sup> Of the four librarians, two were women, one serving for over ten years.<sup>144</sup> All of Lincoln Law School’s librarians and assistant librarians were college educated.<sup>145</sup> In addition, one of the assistant librarians was a library school graduate,<sup>146</sup> while the other was a law school graduate.<sup>147</sup> Although none of the librarians had graduated from

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<sup>138</sup> Letter from John G. Hervey, Advisor to the Section of Legal Education and Admissions to the Bar, ABA, to David Bowles, Acting Dean, (Dec. 18, 1953) in Board of Curators of Lincoln University of Missouri, Minutes of the Meetings, at 133-134 (Jan. 17, 1954) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

<sup>139</sup> *Id.* at 134.

<sup>140</sup> *Id.*

<sup>141</sup> Board of Curators of Lincoln University of Missouri, Minutes of the Meetings, at 188 (July 31, 1954) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri) (recommending the discontinuation of the law school at the close of the current academic year, June 30, 1955); see *Brown v. Board of Education*, 347 U.S. 483 (1954).

<sup>142</sup> Board of Curators of Lincoln University of Missouri, The Minutes of the Meetings, at 218 (Apr. 23, 1955) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

<sup>143</sup> See Laura N. Gasaway, *Women as Directors of Academic Law Libraries*, in *LAW LIBRARIANSHIP: HISTORICAL PERSPECTIVES* 501, 501.

<sup>144</sup> *Id.* (pointing out that the largest percentage of women law library directors was in the 1940s and 1950s when women occupied over half of all directorships, and failing to include Lincoln University’s female law librarians in the count).

<sup>145</sup> Gasaway, *supra* note 143, at 505. (highlighting a 1936 study which reported that only 31% of law school librarians had graduated from college); see also WILLIAM R. ROALFE, *THE LIBRARIES OF THE LEGAL PROFESSION* 96-106 (1953) (reporting that of 129 law librarians and forty-two assistant librarians surveyed only seventy-two and twenty-one, respectively, were college educated).

<sup>146</sup> ASSOCIATION OF AMERICAN LAW SCHOOLS, *DIRECTORY OF TEACHERS IN MEMBER SCHOOLS* 1953-1954, 152 (1953); ASSOCIATION OF AMERICAN LAW SCHOOLS, *DIRECTORY OF TEACHERS IN MEMBER SCHOOLS* 1955, 127 (1955). Other than these two entries, providing date of birth and education, the record is silent regarding Gray. *Id.*

<sup>147</sup> ROALFE, *supra* note 145, at 106 (reporting that of the forty-four assistant librarians surveyed eleven had graduated from law school and another eleven had graduated from library school).

library school, three of them had earned law degrees.<sup>148</sup> Only one librarian held a faculty appointment while serving as full-time librarian.<sup>149</sup> Librarian pay ranged from \$1,800 per year in 1941 to \$6,150 per year in 1953.<sup>150</sup> Finally, all the librarians with law degrees maintained professional association with a variety of national, state and local bar associations, including the National Bar Association (NBA), National Lawyers Guild (NLG), and the Mound City Bar Association.

Founded in 1937, the NLG was considered a liberal lawyers' group because, unlike the all-white American Bar Association, the NLG accepted members without regard to race.<sup>151</sup> Beginning in 1939, black lawyers were elected to the Guild's national board, and in 1943, Charles Houston and Thurgood Marshall, among others, became associate editors of the *Lawyer's Guild Review*.<sup>152</sup> The NLG's collaboration with the National Bar Association to eliminate the race bar at the Federal Bar Association and to expose racial discrimination in the armed forces, as well as their stand "against the fascist powers,"<sup>153</sup> earned them the active support of the law faculty at Lincoln University.<sup>154</sup>

The National Bar Association was founded in 1924 in Des Moines, Iowa, as a "nationwide organization of practicing attorneys of the Negro race in an endeavor to strengthen and elevate the Negro lawyer in his profession and in his relationship to his people."<sup>155</sup> During the 1940s and 1950s, Lincoln University Law School had close links with the NBA. Scovel Richardson, dean of Lincoln's law school from 1944 to 1954, was elected president of the NBA and served for two years, while other faculty members worked on committees and regularly attended the NBA's regional and national annual meetings.<sup>156</sup> Furthermore, the *National Bar*

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<sup>148</sup> Gasaway, *supra* note 143, at 505 (pointing out that in 1936 only 14% of law school librarians had law degrees); ROALFE, *supra* note 145, at 97 (revealing that in 1953, only fifty-five of the 129 law librarians surveyed held law degrees).

<sup>149</sup> *But see* Miles O. Price, *The Law School Librarian*, 1 J. LEGAL EDUC. 268, 270 (1948) (reporting that half of the librarians working at the seventy-one law school libraries surveyed had faculty status of some kind, half taught legal bibliography, and a quarter taught substantive law classes).

<sup>150</sup> *See* ROALFE, *supra* note 145, at 103 (reporting that the average salary among the law librarians surveyed was \$4,500).

<sup>151</sup> SMITH, *supra* note 40, at 550. Although the ABA resolved in Aug. 1943 to not exclude members on the basis of race, in 1944 George Marion Johnson, Howard University's law dean, noted that it was well understood throughout the country that the ABA did not want black lawyers to join their ranks. *Id.* at 545-46.

<sup>152</sup> *Id.* at 551.

<sup>153</sup> *Id.*; *see also* *Staff of Lincoln University School of Law Joins Guild*, 2 LAW. GUILD REV. 24 (1942).

<sup>154</sup> SMITH, *supra* note 40, at 551; *see also* *Staff of Lincoln University School of Law Joins Guild*, 2 LAW. GUILD REV. 24, 24 (1942).

<sup>155</sup> *See* SMITH, *supra* note 40, at 555; *see also* Anne-Marie Clarke, *History of the Black Bar*, 30 ST. LOUIS BAR J. 17, 20 (1984).

<sup>156</sup> Clarke, *supra* note 155, at 20.

*Journal*, the NBA's official organ, was edited from Lincoln Law School and, for a short time, featured notes and comments by law students from Howard University and Lincoln University.<sup>157</sup> The NBA resolutely opposed segregation in every phase of American life.<sup>158</sup>

Named after the Indian burial mounds in North St. Louis, the Mound City Bar Association was established in 1927 because the St. Louis Bar Association would not permit blacks to become members.<sup>159</sup> Mound City attorneys fought the segregation of public facilities and schools, the exclusion of blacks from jury duty, and racially restrictive covenants.<sup>160</sup> Lincoln's law librarians served as officers in the Association throughout the forties and fifties.

### B. Individual Profiles

Constance Mapp Barbour served as Lincoln University School of Law's first full-time librarian from 1939 to 1941.<sup>161</sup> Barbour earned a B.S. from Miner Teachers College in Washington D.C.<sup>162</sup> Unlike her successors, Barbour had prior library experience; she worked for a year at the Miner Teacher's College library and for a year at Howard University School of Law Library under Dean Taylor.<sup>163</sup> In 1940, Barbour became the first black woman member of the AALL when Lincoln University's application for institutional membership was approved.<sup>164</sup> However, her

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<sup>157</sup> Volume VI no.1 (Mar., 1948)- Volume X no. 1 (Mar. 1952) of the *National Bar Journal* were edited from Lincoln University School of Law 4300 St. Ferdinand Ave., St. Louis Missouri. Volumes V no.1 (Mar. 1947)- Volumes VI no. 2 (June 1948) carried notes and comments written by Howard and Lincoln University law students.

<sup>158</sup> *Scovel Richardson New Bar Group Head*, CHI. DEFENDER, Sept. 15, 1951, at 4; Howard B. Woods, *Lawyers at St. Louis Meet Urge Civil Rights Statutes*, CHI. DEFENDER, Sept. 13, 1947 at 4 (reporting Region 5 of the NBA condemning practices of discrimination and pledging themselves to "work untiringly for the passage of comprehensive civil rights statutes and ordinances in their respective communities.") (identifying numerous Lincoln law school graduates, such as Lula Howard, Margaret Bush Wilson, and John Harvey, Joseph McDuffie, and faculty members, such as Virgil Lucas, Scovel Richardson, Silas Garner, and Dan Bowles, as signatures to the pledge).

<sup>159</sup> Clarke, *supra* note 155, at 19.

<sup>160</sup> Mound City Attorney Sidney Redmond was a member of the team of attorneys that represented Lloyd Gaines in *Gaines*, *supra* note 6, at 338. Mound City attorneys Joseph McLemore and Robert Witherspoon defended fellow Mound City attorney and Lincoln University Professor of Law, Scovel Richardson from a suit by the St. Louis Real Estate Exchange seeking to compel Richardson's family to move from their home in an all-white neighborhood. *Lincoln Professor Faces Covenant Fight*, CHI. DEFENDER, Nov. 1, 1941, at 5. Mound City attorney George Vaughn successfully argued in *Shelley v. Kramer*, 334 U.S. 1, 2 (1948).

<sup>161</sup> Letter from William E. Taylor to Helen Newman (Sept. 25, 1939), *supra* note 38; Letter from Helen Newman to A. Mercer Daniel (July 7, 1941), *supra* note 95.

<sup>162</sup> Letter from Helen Newman to A. Mercer Daniel (July 7, 1941), *supra* note 95; Miners Teachers College was started by Howard University in 1873, named after a white woman who had started a school for black girls before the civil war. Educational Institutions of Washington D.C., [http://www.rootsweb.com/~dcgenweb/educational\\_institutions\\_of\\_wash.htm](http://www.rootsweb.com/~dcgenweb/educational_institutions_of_wash.htm) (last visited Apr. 20, 2007).

<sup>163</sup> Letter from William E. Taylor to Helen Newman, *supra* note 38.

<sup>164</sup> *List of New Members of A.A.L.L.*, *supra* note 86.

membership in the AALL was short-lived, as she resigned from Lincoln in the spring or summer of 1941 and never again appeared on the AALL membership roster.<sup>165</sup> The record is silent as to why Barbour resigned, as well as to whether she returned to Washington D.C. or ever worked as a law librarian again.

Myron Burns Bush served as Lincoln's second law librarian. Born in 1911, Bush received his B.A. in arts and political science from the University of Cincinnati in 1934, and an L.L.B. from the State University of Iowa in 1940.<sup>166</sup> Admitted to the Bar of Ohio in 1940, Bush practiced law as a partner in Bush, Bush and Bush in Cincinnati, Ohio.<sup>167</sup> Initially, Bush earned \$1,800 per year and received a raise to \$2,200 when the Board of Curators realized that the salary scale of the instructional staff was a factor in winning accreditation.<sup>168</sup> Bush was a member of the Ohio State Bar Association and the National Lawyers Guild (NLG).<sup>169</sup> Bush's tenure as Lincoln's librarian ended when he was promoted to Assistant Professor of Law in the fall of 1941.<sup>170</sup>

Virgil Hilry Lucas was born in 1907 and grew up on a dirt farm in Newburg, Kentucky, a small black town southeast of Louisville.<sup>171</sup> Lucas' mother died when he was just ten years old.<sup>172</sup> His father, a Pullman Porter, died when he was a teenager.<sup>173</sup> After graduating Central High School in Louisville, Lucas moved to St. Louis, where he worked as a custodian with his uncle.<sup>174</sup> Within a few years, Lucas and his uncle had saved enough money to send Lucas to Howard University.<sup>175</sup> Lucas earned a B.S and a LL.B from Howard University in 1931 and 1934, respectively.<sup>176</sup> In 1934, Lucas returned to St. Louis, gained admission to the Missouri Bar, and entered general practice.<sup>177</sup> When Lincoln University opened its doors in September 1939, Lucas was hired as a full-time instructor.<sup>178</sup> Lucas taught civil procedure, criminal law, and criminal

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<sup>165</sup> Letter from Helen Newman to A. Mercer Daniel (July 7, 1941), *supra* note 95.

<sup>166</sup> *ABA Gives Lincoln (Mo.) Law School an 'A' Rating*, CHI. DEFENDER, Oct. 18, 1941, at 7; ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF TEACHERS IN MEMBER SCHOOLS 1942-1943, 43 (1942).

<sup>167</sup> ASSOCIATION OF AMERICAN LAW SCHOOLS, *supra* note 166, at 43.

<sup>168</sup> Board of Curators of Lincoln University of Missouri, Minutes of the Meetings, at 209 (Aug. 13, 1941) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri); Board of Curators of Lincoln University of Missouri, Minutes of the Meetings, at 231 (Sept. 13, 1941) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

<sup>169</sup> ASSOCIATION OF AMERICAN LAW SCHOOLS, *supra* note 166, at 43.

<sup>170</sup> *ABA Gives Lincoln (Mo.) Law School an 'A' Rating*, *supra* note 166.

<sup>171</sup> Telephone Interview with Kathy Lucas, daughter of Virgil Lucas (Jan. 15, 2007).

<sup>172</sup> *Id.*

<sup>173</sup> *Id.*

<sup>174</sup> *Id.*

<sup>175</sup> *Id.*

<sup>176</sup> ASSOCIATION OF AMERICAN LAW SCHOOLS, *supra* note 166, at 125.

<sup>177</sup> *Id.*

<sup>178</sup> *Lincoln Univ. School of Law Inspected by A.B.A. and State Board*, *supra* note 30, at 37.

procedure until he was appointed full-time librarian in the fall of 1941.<sup>179</sup> As a lawyer, Lucas held memberships in the National Lawyers Guild, National Bar Association, and the Mound City Bar Association.<sup>180</sup>

In June 1942, Dorothy Freeman was hired as the library's first full-time assistant librarian.<sup>181</sup> Freeman was a native of St. Louis, an honor graduate of Sumner High School, and an honor student at Stowe Teachers College.<sup>182</sup> In 1939, Freeman received a scholarship from Sigma Gamma Rho Sorority to enter Lincoln Law School.<sup>183</sup> During her three years of law school, she worked in the library as a student assistant.<sup>184</sup> In her junior year, she also performed secretarial duties for Siah Garner, a prominent St. Louis attorney and member of the law school staff.<sup>185</sup> Freeman graduated in the summer of 1942 as the top student of Lincoln's first graduating class.<sup>186</sup> On November 7, 1942, Freeman became the first black woman to pass Missouri's State Board Examination and be admitted to practice law in Missouri.<sup>187</sup> Her salary as assistant librarian was set at \$2,100 per year.<sup>188</sup>

During Freeman's time at Lincoln, the war emergency measures began to take their toll on student enrollment and the number of male faculty.<sup>189</sup>

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<sup>179</sup> ASSOCIATION OF AMERICAN LAW SCHOOLS, *supra* note 166, at 125.

<sup>180</sup> *Id.* Lucas probably served as secretary of the Mound City Bar Association during the early forties, but the evidence is only circumstantial. The Mound City Bar Association website (<http://www.moundcitybar.com/history.html>) contains a picture of Association members and officers that identifies Lucas as the Association's secretary, but does not provide a date for the picture. Lucas served as President of the Mound City Bar Association from 1946-1950. 2 MO. B.J. 100, 100 (1946); 3 MO. B.J. 179, 179 (1947); 4 MO. B.J. 235, 235 (1948); 5 MO. B.J. 9, 9 (1949). Virgil also served on the Grievances committee of the NBA in 1945. 3 NAT'L B.J. 76, 76 (1945).

<sup>181</sup> Letter from William E. Taylor, dean of Lincoln University School of Law, to Helen Newman, Executive Secretary and Treasurer, AALL (June 24, 1942) (on file with University of Illinois at Urbana-Champaign Library).

<sup>182</sup> *Alumnus Given Lincoln University Library Post*, CHI. DEFENDER, June 13, 1942, at 4. Stowe Teachers College, named after the abolitionist and novelist Harriett Beecher Stowe, was a school for future black elementary school teachers. African American Registry: Harris-Stowe St. College, a St. Louis Positive, [http://www.aaregistry.com/african\\_american\\_history/1618/HarrisStowe\\_St\\_College\\_a\\_St\\_Louis\\_positive](http://www.aaregistry.com/african_american_history/1618/HarrisStowe_St_College_a_St_Louis_positive) (last visited Apr. 20, 2007).

<sup>183</sup> *Id.*

<sup>184</sup> *Id.*

<sup>185</sup> *Id.*; see also *Verdict: Beautiful*, CHI. DEFENDER, Mar. 15, 1941, at 2.

<sup>186</sup> Letter from Sherman Scruggs, President, Lincoln University, to Forrest Donnell, Governor of Missouri (Nov. 16, 1942) in Board of Curators of Lincoln University of Missouri, Minutes of the Meetings, at 360 (Nov. 14, 1942) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

<sup>187</sup> *Id.*; see also SMITH, *supra* note 40, at 335. In 1950, there were fewer than 150 black women lawyers in the United States. Ruth Whitehead Whaley, *Women Lawyers Must Balk Both Color and Sex Bias* (1949), in *REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMEN LAWYERS* (J. Clay Smith Jr. ed. 1998).

<sup>188</sup> Board of Curators of Lincoln University of Missouri, Minutes of the Meetings, at 368 (Nov. 14, 1942) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City, Missouri).

<sup>189</sup> Letter from Sherman Scruggs to Forrest Donnell, *supra* note 186; Board of Curators of Lincoln University of Missouri, The Minutes of the Meetings, at 330 (Sept. 5, 1942) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).



As male faculty members prepared to take leave of absences to serve elsewhere during the duration of the war, Lincoln University President Sherman Scruggs made provisions to use Freeman as an instructor.<sup>190</sup> However, in the fall of 1943, the law school was forced to temporarily close “for lack of ‘properly accredited’ students.”<sup>191</sup> Shortly after the law school opened the following year,<sup>192</sup> Lincoln University appointed Lula Morgan Howard to lead the law school’s library.<sup>193</sup> Howard would serve as Lincoln’s librarian for over ten years.<sup>194</sup>

Lula Morgan Howard was born in 1907 in Middletown, Ohio.<sup>195</sup> She earned an A.B. from Wilberforce University in 1932, and an LL.B. from Lincoln University in 1943.<sup>196</sup> That same year, she became the third woman graduate of Lincoln’s law school to gain admission to the Missouri Bar.<sup>197</sup> She then entered private practice with Robert Witherspoon and practiced law full-time for two years before being appointed law librarian at her alma mater.<sup>198</sup> In addition to her library duties, she taught legal bibliography, bills and notes, wills, and taxation, and held faculty titles of Assistant, Associate, and eventually full Professor of Law.<sup>199</sup> In 1946, Howard became the second black woman to publish in a bar journal.<sup>200</sup> Her last recorded salary was \$6,150 per year.<sup>201</sup> Although a full-time librarian and law professor, Howard continued to maintain a law office throughout her tenure at Lincoln University.<sup>202</sup>

As an attorney, Howard actively participated in a number of bar associations, served on committees, held office, and participated in panel

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<sup>190</sup> Letter from Sherman Scruggs to Forest Donnell, *supra* note 186.

<sup>191</sup> SMITH, *supra* note 40, at 63.

<sup>192</sup> *Id.*

<sup>193</sup> ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF TEACHERS IN MEMBER SCHOOLS 1946-1947 109 (1946).

<sup>194</sup> Board of Curators of Lincoln University of Missouri, Minutes of the Meetings, at 217 (Apr. 23, 1955) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City, Missouri).

<sup>195</sup> SADIE T. M. ALEXANDER, WHO’S WHO AMONG NEGRO LAWYERS 20 (1945).

<sup>196</sup> *Id.* Founded in 1856, Wilberforce University was named after British abolitionist William Wilberforce. Distinguished as the first black college, Wilberforce played a significant role in the Underground Railroad Movement. Wilberforce University History, <http://www.wilberforce.edu/welcome/history.html> (last visited Apr. 20, 2007).

<sup>197</sup> SMITH, *supra* note 40, at 335.

<sup>198</sup> ASSOCIATION OF AMERICAN LAW SCHOOLS, *supra* note 193, at 109.

<sup>199</sup> Howard held the titles of assistant professor 1948-49, associate professor 1949-1953, professor of law 1953-1955. See ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF TEACHERS IN MEMBER SCHOOLS from 1948-1955; *but see* Donna Fossum, *Women Law Professors*, 1980 AM. B. FOUND. RES. J. 903, 905 (1980) (contending that in 1950 there were only five women who held academic rank of assistant professor of law or higher, who were not librarians, and that all five were teaching at law schools from which they received their law degrees); SMITH, *supra* note 40, at 335.

<sup>200</sup> REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMEN LAWYERS, *supra* note 187, at 281.

<sup>201</sup> Board of Curators of Lincoln University of Missouri, Minutes of the Meetings, at 112 (Aug. 26, 1953) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City, Missouri).

<sup>202</sup> According to every Martindale-Hubbell Law Directory from 1945-1955, Howard maintained a private law office at 11 N. Jefferson Ave. St. Louis, Missouri.

discussions at annual conventions. Locally, Howard served the Mound City Bar Association for seven years as secretary and one year as vice-president before becoming the Association's first female president in 1953.<sup>203</sup> Nationally, Howard worked with the NBA's Publicity Committee and, more significantly, its Resolutions Committee.<sup>204</sup> In 1946, the NBA's Resolution Committee vowed to continue its opposition to segregation of all kinds, particularly efforts to establish additional separate professional schools.<sup>205</sup> The Committee resolved to file amicus briefs in the law school cases in Louisiana, Oklahoma, and Texas.<sup>206</sup> In 1947, the NBA's Resolution Committee condemned the continued exclusion of "Negro applicants from our publicly supported schools solely because of race or color"<sup>207</sup> and resolved to make "an all out attack on segregation in public schools and universities."<sup>208</sup> Howard led panel discussions on the Bill of Rights at the NBA Region 5 annual convention in 1947 and on taxation at the NBA national convention in 1949.<sup>209</sup>

As a law librarian, Howard served on the Committee on New Members of the AALL, attended the 1946 annual convention in St. Louis, Missouri, and attended the 1947 annual convention in Santa Fe, New Mexico.<sup>210</sup> The Thirty-Ninth Annual Meeting of the AALL in St. Louis began with a welcome address from Albert Miller, Associate City Counselor for the City

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<sup>203</sup> *Lula Howard New Chief of St. Louis Bar*, CHI. DEFENDER, Feb. 28, 1953, at 4.

<sup>204</sup> See *Highlights of the 21<sup>st</sup> Annual Convention of the National Bar Association Held in Detroit, November 29, 30 and December 1, 1946*, 5 NAT'L B.J. 115, 127 (1947); *Highlights of the 22<sup>nd</sup> Annual Convention of the National Bar Association Held in Washington D.C., November 28, 29, 30, 1947*, 6 NAT'L B.J. 80, 80, 92 (1948); *Standing Committees*, 3 NAT'L B.J. 76, 76 (1945); *Standing Committees*, 6 NAT'L B.J. 205, 205 (1948). In 1947 and 1948, Scovel Richardson, Dean of Lincoln University Law School, served as Chairman of the NBA's Resolutions Committee. Members included: Thurgood Marshall, Sidney Redmond, Charles Houston, A.A. Lenoir, Raymond P. Alexander, and Loren Miller. *Standing Committees*, 6 NAT'L B.J. 205, 205 (1948).

<sup>205</sup> *Highlights of the 21<sup>st</sup> Annual Convention of the National Bar Association Held in Detroit, November 29, 30 and December 1, 1946*, 5 NAT'L B.J. 115, 124 (1947).

<sup>206</sup> *Id.* The law school cases alluded to were *Sweatt v. Painter*, 339 U.S. 629, 629 (1950) (holding that the Texas State University for Negroes was not substantially equal to the University of Texas); *Sipuel v. Bd. of Regents of the Univ. of Oklahoma*, 332 U.S. 631, 631 (1948); *Wilson v. Bd. of Supervisors of La State Univ. & Agric. & Mech. Coll.*, 92 F. Supp 986, 986 (E.D. La. 1950) (concluding that the denial of admission based solely on the applicants race violated the 14th Amendment).

<sup>207</sup> *Highlights of the 22<sup>nd</sup> Annual Convention of the National Bar Association*, *supra* note 204, at 88-89.

<sup>208</sup> *Id.*

<sup>209</sup> *Report of Committee on Findings for the 1947 Convention of Region 5 of the National Bar Association*, 5 NAT'L B.J. 462, 462 (1947); *Program, Twenty-Fourth Annual Session of National Bar Ass'n*, 7 NAT'L B.J. 389, 391 (1949).

<sup>210</sup> See *A.A.L.L. Officers and Committee*, 40 LAW LIBR. J. 29, 29 (Feb. 1947) (listing Howard as a member of the Committee on New Members: 1946-47); *Attendance Register*, 39 LAW LIBR. J. 239, 239 (Aug. 1946); *Attendance Register*, 40 LAW LIBR. J. 226, 226 (Aug. 1947); *Lists of Committees 1947-48*, 40 LAW LIBR. J. 221, 221 (1947) (listing Howard as a member of the Committee on New Members: 1947-48).

of St. Louis,<sup>211</sup>

I bid you welcome to this City and all that it has and all that it contains, its equipment and its churches and schools, and streets, and theatres and place of amusement, and business places. Whatever we have here, you are welcome to it, to enter in and pass through any and every place we have without key or without passports, and I hope you will enjoy your visit.<sup>212</sup>

Miller's message of welcome was one upon which only the white members of the AALL could act. St. Louis was a deeply segregated city. Hotels, restaurants, schools, churches, neighborhoods, places of amusement and bar associations were all segregated.<sup>213</sup> In 1946, black law students could not attend Washington University Law School<sup>214</sup> and black attorneys could not join the St. Louis Bar Association.<sup>215</sup> Furthermore, the Chase Hotel, which hosted the AALL convention, had a reputation within the black community for being blatantly racist.<sup>216</sup> Although blacks could reserve rooms, they were instructed to stay out of the dining rooms, swimming pools, and nightclubs.<sup>217</sup> The record is silent on whether Howard and A. Mercer Daniel, the only black members attending the conference, suffered any indignities at the segregated Chase Hotel or if Chase made an exception to its racist policies and permitted them to enjoy

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<sup>211</sup> Albert Miller, *Address of Welcome*, 39 LAW LIBR. J. 73, 73 (Aug. 1946).

<sup>212</sup> *Id.*

<sup>213</sup> See generally *Shelley v. Kraemer*, 334 U.S. 1, 1 (1948) (holding that state court enforcement of restricted covenants in St. Louis, Missouri violated the 14th Amendment); CLAUDE H. HEITAUS, AN APPEAL TO AMERICAN CONSCIENCE 8 (1944) (arguing that segregated hotels, restaurants, schools and churches and Missouri have denied black Missourians their natural rights and wounded their dignity); PREPARED FOR UNITED STATES SUPREME COURT IN *BROWN VS. BOARD OF EDUCATION* 351, 351-54 (Bernard D. Reams, Jr. & Paul E. Wilson eds., 1975) (highlighting segregation in Missouri's schools, restaurants, hotels, and dining car service on trains); SEGREGATION AND THE FOURTEENTH AMENDMENT IN THE STATES: A SURVEY OF STATE SEGREGATION LAWS 1865-1953; Harry Levins, *Breaking the Color Barrier*, ST. LOUIS POST DISPATCH, Jan. 13, 2004, <http://www.stltoday.com/stltoday/news/special/pd125.nsf/story/BF648611952B7C6486256E0700736298?OpenDocument> (pointing out that in 1947, Sportman Park, the home of major league baseball's St. Louis Cardinals, was a segregated ballpark) (last visited Sept. 3, 2007). See also Clarke, *supra* note 155, at 24 (noting that the St. Louis Bar Association was not integrated until 1953).

<sup>214</sup> *Beginning a Great Work: Washington University in St. Louis, 1853-2003; The Students Who Broke the Color Barrier at Washington University*, 45 J. BLACKS IN HIGHER ED. 118, 119 (2004) (stating that Washington University did not admit black students until 1952).

<sup>215</sup> Clarke, *supra* note 155, at 24.

<sup>216</sup> Gail Grant, *Josephine Baker: The Honor of Her Company*, Voices: Online Magazine of the Missouri Historical Society, [www.mhsvoices.org/2007SpringFeature2.php](http://www.mhsvoices.org/2007SpringFeature2.php) (last visited Sept. 3, 2007).

<sup>217</sup> *Civil Rights in America: Racial Desegregation in Public Accommodations* 73 (Washington D.C.: National Park Service, U.S. Dept. of the Interior, National Historic Landmarks Survey, National Register, History and Education, 2004), <http://www.cr.nps.gov/nhl/themes/pub%20accom.pdf> (last visited April 21, 2007).

the hotel's facilities in the same fashion as the Association's white members. If history is any guide, however, whatever indignities they may have experienced during the convention, the AALL leadership likely considered the matter "purely personal" and said or did nothing on behalf of their black colleagues.

In the fall of 1954, the Board of Curators of Lincoln University notified Howard that the school would be closed following the 1954-55 school year.<sup>218</sup> The State of Missouri delivered one final insult to Howard by refusing to pay her the one-year severance promised by the Lincoln University's Board of Curators.<sup>219</sup>

## VI. CONCLUSION

The staff at Lincoln University Law School endured both the indignities associated with second-class treatment from the white majority and the disdain of some black Missourians who believed that the law school's mere existence could only serve to further entrench the institution of segregation. In spite of this hostility, the staff of Lincoln University's law school and library were dedicated to cultivating a new crop of black attorneys committed to fighting segregation. Lula Morgan Howard exemplified Lincoln's commitment through her work as law librarian, professor of law, and active participant and leader in the black bar associations of the 1940s and 1950s.

In addition to Lincoln University Law School, five other southern states established Jim Crow law schools before the United States Supreme Court decided *Brown v. Board of Education*.<sup>220</sup> Of these, North Carolina College for Negroes (NCCN, 1939) and Texas State University for Negroes (TSUN, 1947) provide the most compelling stories for future

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<sup>218</sup> Board of Curators of Lincoln University of Missouri, Minutes of the Meetings, at 176 (July 31, 1954) (on file with Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

<sup>219</sup> Letter from John M. Dalton, Attorney Gen. State of Mo., to Earl E. Dawson, Acting President, Lincoln Univ. (July 18, 1955) in Board of Curators of Lincoln University of Missouri, Minutes of the Meetings, at 24 (July 23, 1955) (on file with the Inman E. Page Library at Lincoln University).

<sup>220</sup> 347 U.S. 483, 483 (1954). See Albert Coates, *A Century of Legal Education*, 24 N.C. L. REV. 307, 385 (1946) (noting the organization of the North Carolina College for Negroes in Durham in 1939). The North Carolina College for Negroes Law School is now named the North Carolina Central University, School of Law. Douglas L. Jones, *The Sweatt Case and the Development of Legal Education for Negroes in Texas*, 47 TEX. L. REV. 677, 684 (1969) (noting the establishment of Texas State University for Negroes in 1947). The Texas State University of Negroes is now named Texas Southern University, Thurgood Marshall School of Law. J.B. Cade & Elsie L. Hebert, *Negro Higher and Professional Education in Louisiana*, 17 J. NEGRO ED. 296, 300 (1948) (stating that the state of Louisiana established Southern University in Baton Rouge in 1947); see also Frank A. DeCosta, *Negro Higher and Professional Education in South Carolina*, 17 J. NEGRO ED. 350, 354 (1948) (stating that South Carolina made provisions in 1947-48 for the establishment of law courses at the State Agricultural and Mechanical College). South Carolina's Jim Crow law school closed its doors in 1966. *Florida A & M Law School Faces Uncertain Future*, 38 FL. B.J. 974, 974 (1964) (stating that Florida A & M University was established in 1949).

research. In particular, the role prominent AALL members played in building and organizing these law libraries and subsequently serving as consultants to the black law librarians provides an excellent opportunity to further explore race relations within the AALL in the 1940s and 1950s.<sup>221</sup> Hopefully, an additional ten years will not pass before the law librarian community takes the opportunity to share its stories.

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<sup>221</sup> *In Memory of Lucile Marshall Elliott*, 67 LAW LIBR. J. 145, 145 (1974); *see also* Transcript of Record at 215-218, *Sweatt v. Painter*, 339 U.S. 629, 629 (1950) available at <http://www.law.du.edu/russell/lh/sweatt/docs/svptr2.htm#sweatt>.