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

Ernesto A. Longa

Introduction

¶1 In 1996, Marvin Roger Anderson, then State Law Librarian at the Minnesota State Law Library, proposed an ambitious research agenda to explore the history of African-American Law Librarians.¹ 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.² 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.³ Ten years later, and the law librarian community have 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 their relationship with the AALL.

¶2 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,⁴ and Missouri General Assembly's allocation of \$200,000 to Lincoln University to finance the establishment of a black law school.⁵ 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 its black members from attending the annual conferences, and who perceived Lincoln's application for institutional membership as a problem to avoid if at all possible. 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.

I. Legal Precursors

¹ Marvin Roger Anderson, *The History of African-American Law Librarians: A Research Agenda* in *LAW LIBRARIANSHIP: HISTORICAL PERSPECTIVES* 261-276 (Laura N. Gasaway & Michael G. Chiorazzi eds., 1996).

² *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))

³ *Id.* at 271.

⁴ Lucile H. Bluford, *The Lloyd Gaines Story*, 32 *J. EDUC. SOCIOLOGY* 242, 245 (Feb., 1959).

⁵ Lucile Bluford, *Missouri "Shows" the Supreme Court*, *The Crisis*, Aug., 1939, at 242.

Lloyd Gaines' Case

¶3 In August 1935, Lloyd L. Gaines graduated from Lincoln University, Missouri's all black land grant college, with high honors.⁶ 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."⁷ Instead, Missouri offered to pay his tuition at some other law school outside the state.⁸ In response, Gaines petitioned the state courts for a writ of mandamus to compel the University of Missouri to admit him.⁹ Represented by the National Association for the Advancement of Colored People (NAACP), the Gaines case reached the United States Supreme Court in 1938.¹⁰

¶4 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.¹¹ Therefore, as a matter of state law, counsel 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 their law departments.¹² 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.¹³ After oral argument, Houston declared at a mass meeting in Chicago that "There is an irresistible wave of Negroes rising up" and that "It 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. When the true unbiased history of America is written the struggle of the Negro to get an education will be an epic unto itself."¹⁴

¶5 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.¹⁵ To remedy this denial of rights, the Court gave Missouri two alternatives,

⁶ *State of Missouri ex rel. Gaines v. Canada*, 305 U.S. 337, 342 (1938); *Alma Mater of Lloyd Gaines Oldest Land Grant College for Race in U.S.*, Chicago Defender, Dec. 31, 1938, at 3.

⁷ *Gaines*, 305 U.S. at 343.

⁸ *Id.* at 342.

⁹ *Id.*

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

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

¹² *Id.* at 726.

¹³ *Id.* at 727.

¹⁴ *Attorney Scores Bias in State Universities, Gives Warning of Danger of Democracy*, Chicago Defender, Nov. 19, 1938, at 3.

¹⁵ *Gaines*, *supra* note 6, at 349.

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.¹⁶ 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.¹⁷

The Taylor Bill

¶6 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 its 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.¹⁸ A few weeks later, Taylor proposed a separate appropriation bill which set aside \$200,000 for the expansion of Lincoln.¹⁹ The same bill gave the University of Missouri \$3,000,000.²⁰

¶7 Black Missourians bitterly opposed the bill from the time it entered the house until the governor signed it.²¹ 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?"²² 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.²³ Lincoln University students sent out 55,000 circulars and letters calling for the defeat of the Taylor Bill,²⁴ while hundreds of blacks crowded the House and Senate hearings to voice their opposition.²⁵ However, the voice of opposition fell on deaf ears and on May 4, 1939, Governor Lloyd Stark signed the Taylor Bill into law.²⁶ Missouri had officially registered its opposition to admitting blacks to the University of Missouri.

II. The Establishment of Lincoln's Law School

¹⁶ *Id.* at 351-52.

¹⁷ Editorial, *The Gaines Decision*, Chicago Defender, Dec. 24, 1938, at 16.

¹⁸ Norval P. Barksdale, *The Gaines Case and Its Effect on Negro Education in Missouri*, 51 SCH. & SOC'Y 309, 310 (1940).

¹⁹ Bluford, *supra* note 5.

²⁰ *Id.*

²¹ *Missouri Mocks Court's Lloyd Gaines Decision*, Chicago Defender, May 13, 1939, at 3.

²² Joseph McLemore, *Ex-President of Curators Points Out Serious Defects in Lincoln University Bill*, St. Louis American, March 23, 1939.

²³ *Id.*

²⁴ *Oppose Missouri's Move to Evade Gaines Ruling*, Chicago Defender, Apr. 8, 1939, at 3.

²⁵ *Ask Veto of Missouri's University Bill*, Chicago Defender, Apr. 29, 1939, at 4.

²⁶ Barksdale, *supra* note 18, at 311; MO. REV. STAT. § 10774 (1939).

¶8 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.²⁷ 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.²⁸ On August 10, quarters were rented in the old Poro College Building,²⁹ former site of a hair tonic factory and cosmetics school,³⁰ located in “the center of the colored residential and school district in Saint Louis.”³¹ The building was remodeled to provide three classrooms capable of accommodating 60, 40 and 30 students; a ladies’ lounge; a men’s smoking room; six private offices for administration, faculty and librarian; and a library capable of housing 15,000 volumes of books.³² Part of the building still housed a hotel and movie theatre.³³

¶9 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).³⁴ 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.³⁵ 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.³⁶

¶10 On September 20, 1939 Lincoln’s law school began registering students for its inaugural class.³⁷ Classes began two weeks later with thirty students, most of them from the St. Louis area.³⁸ Outraged, the St. Louis Youth

²⁷ Bluford, *supra* note 4.

²⁸ *Lincoln U. School of Law Inspected by A.B.A. and State Board*, 11 MO. BAR J. 21, 37 (1940).

²⁹ *The Establishment of A School of Law by Lincoln University*, 50 SCH. & SOC’Y 339 (Sept., 1939).

³⁰ ‘Jim Crow’ Law School, *Newsweek*, Oct. 2, 1939, at 32.

³¹ Letter from William E. Taylor, Dean of Lincoln University School of Law, to the Members of the Am. Ass’n of Law Libraries (Sept. 27, 1939) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 16, University of Illinois at Urbana-Champaign Library).

³² *Id.*

³³ ‘Jim Crow’ Law School, *supra* note 30.

³⁴ ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF TEACHERS IN MEMBER SCHOOLS 1942-1943, at 191 (1942). Also see, R.C. Fisher, *St. Louis Gets Lincoln Uni. Law School: Poro Building to be Used for Training*, *Chicago Defender*, Aug. 26, 1939, at 6.

³⁵ *Lincoln U. School of Law Inspected by A.B.A. and State Board*, *supra* note 28, at 37; *Law Prof. Loaned to Government*, *Chicago Defender*, Feb. 20, 1943, at 5.

³⁶ Letter from William E. Taylor, Dean of Lincoln University School of Law, to Helen Newman, Executive Secretary and Treasurer, Am. Ass’n of Law Libraries (Sept. 25, 1939) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 16, University of Illinois at Urbana-Champaign Library).

³⁷ Bluford, *supra* note 22, at 245.

³⁸ *Id.*; *St. Louisians Picketing ‘Make-Shift’ Law Branch of Lincoln University*, *Chicago Defender*, Oct. 7, 1939, at 11; Contrast J. CLAY SMITH JR., EMANCIPATION: THE MAKING OF THE

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?”³⁹ In addition the school was denounced as “makeshift” and an “evasion” of the *Gaines* decision.⁴⁰ N.A. Sweet, a local newspaper publisher, stated that the protests would continue indefinitely to discourage attendance and to demand the integration of the professional schools at the University of Missouri.⁴¹ In late December, Frank M. Jones, president of the Colored Clerk Circle, stated that

The Lincoln University law school is a farce and is inferior in every respect to that of the University of Missouri School of law and in no wise [sic] does it meet with the decisions of the Supreme Court handed down in the Lloyd Gaines case. The results obtained by this school are not enough to repay for the principles relinquished.⁴²

¶11 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.⁴³ 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.⁴⁴ 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.⁴⁵ Finally, on January 1, 1940, after four months of searching, the NAACP was forced to dismiss their case because their plaintiff could not be found.⁴⁶ Gaines was never heard from again.⁴⁷

¶12 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

BLACK LAWYER, 1844-1944 63 (1993) (stating that Lincoln University opened with 34 students).

³⁹ St. Louisians Picketing ‘Make-Shift’ Law Branch of Lincoln University, *supra* note 38; ‘Jim Crow’ Law School, *supra* note 30, at 32.

⁴⁰ ‘Jim Crow’ Law School, *supra* note 25, at 30.

⁴¹ St. Louisians Picketing ‘Make-Shift’ Law Branch of Lincoln University, *supra* note 38.

⁴² *Whites Join Pickets at Lincoln Law School*, Chicago Defender, Dec. 30, 1939, at 2.

⁴³ Bluford, *supra* note 4, at 245.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*, at 246.

⁴⁷ *Id.*

excuse for bringing new institutions of 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.⁴⁸

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.⁴⁹

¶13 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,

In 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.⁵⁰

By December 1941, America's first Jim Crow law school had gained the approval of Missouri's State Board of Bar Examiners,⁵¹ the ABA,⁵² and the AALS⁵³ entitling Lincoln's law graduates to sit for the bar in any state in the union.

III. Lincoln's Law Library

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

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

⁴⁸ Letter from David R. Kochery, University of Kansas City School of Law, to Members of Committee of Law Teachers Against Segregation in Legal Education (not dated) (quoting Harold Holliday), in ASSOCIATION OF AMERICAN LAW SCHOOLS. SEMI-CENTENNIAL, 1901-1950. PROGRAMS AND REPORTS OF COMMITTEES (1950).

⁴⁹ Vonceil Jones, *Texas Southern University School of Law-The Beginning*, 4 TEX. S. U. L. REV. 197, 202 (1977).

⁵⁰ Barksdale, *supra* note 18, at 311.

⁵¹ Letter from Thomas F. McDonald, Secretary State Board of Law Examiners, State of Missouri, to William E. Taylor, Dean Lincoln University School of Law (Feb. 16, 1940), in Board of Curators of Lincoln Univ. of Missouri, *The Minutes of the Meetings*, at 99 (Feb. 24, 1940) (LU001.2/1/3/1938-1942, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

⁵² The Section on Legal Education and Admission to the Bar provisionally approved Lincoln's law school on October 2, 1941. American Bar Association, *Standards of the American Bar Association for Legal Education* 19 (1947). In December, 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. 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. 403 (1947).

⁵³ HANDBOOK OF THE AMERICAN ASSOCIATION OF LAW SCHOOLS AND PROCEEDINGS OF THE THIRTY-NINTH ANNUAL MEETING 31-32 (1942).

AALL.⁵⁴ The idea of offering institutional membership in the AALL, as a means to expand membership in the Association, was first proposed in William R. Roalfe's now famous letter to AALL President Rosamond Parma on September 11, 1930.⁵⁵ 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.⁵⁶ Afterwards, any law library could become an institutional member of the Association upon payment of the required dues.⁵⁷ Whether an institution applying for institutional membership was, in fact, a law library was to be determined by the Executive Committee.⁵⁸ In so doing, the advantage of active membership in the AALL was extended to all subordinate staff working in law libraries without charging them personally for its cost.⁵⁹ As a result, just one year later, total membership in the Association had grown from 192 to 317, greatly benefiting the Association's treasury.⁶⁰

¶15 However, when the Association's Executive Secretary and Treasurer, Helen Newman,⁶¹ received a letter from Taylor requesting details concerning the requirements for institutional membership, she confessed to Franklin O. Poole,⁶² that her reply was a "'stall' for time that you can no doubt detect."⁶³ Newman

⁵⁴ Letter from William E. Taylor, Dean of Lincoln University School of Law, to Helen Newman, Executive Secretary and Treasurer, Am. Ass'n of Law Libraries (Sept. 15, 1939) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 16, University of Illinois at Urbana-Champaign Library).

⁵⁵ William R. Roalfe, *Letter of William Roalfe to President of AALL*, 24 LAW LIBR. J. 60 (1931).

⁵⁶ William R. Roalfe, *The Activities and Program of the American Association of Law Libraries*, 29 LAW LIBR. J. 7, 8 (1936).

⁵⁷ *Constitution and By-Laws of the American Association of Law Libraries (As Amended to June 28, 1935)*, 29 LAW LIBR. J. 56 (1936).

⁵⁸ *Id.*

⁵⁹ J.S. Ellenberger, *The American Association of Law Libraries*, 11 LIBR.TRENDS 325, 333 (1963).

⁶⁰ Roalfe, *supra* note 56, at 9.

⁶¹ 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 (1934-1945) 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 Marian Gallagher, *I Remember Them Well*, 75 LAW LIBR. J. 270, 273 (1982); Bernita J. Davies, *In Memory of Helen*, 59 LAW LIBR. J. 154, 155 (1966); Earl Warren, *Helen in the Court*, LAW LIBR. J. 162 (1966); Arthur A. Charpentier, *American Association of Law Libraries*. 1 ENCY. LIBR & INFO. SCIENCE 224, 225 (1968); FRANK G. HOUDEK, AALL REFERENCE BOOK: A COMPENDIUM OF FACTS, FIGURES, AND HISTORICAL INFORMATION ABOUT THE AMERICAN ASSOCIATION OF LAW LIBRARIES, at 2C-3, 2D-3, 7A-1 (1994).

⁶² 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, at 2C-1, 2D-1, 2A-1; Memorial to Franklin O. Poole, 36 LAW LIBR. J. 1 (1943).

⁶³ 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. Copy of Letter from Helen Newman, Executive Secretary and Treasurer, Am. Ass'n of Law Libraries, to William E. Taylor,

further stated “I shall be glad to have you talk this one over with Sid[ney] Hill⁶⁴ 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?”⁶⁵ 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.⁶⁶

¶16 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” and the “attitude of many of our members” that he not stay at the Brown Palace Hotel.⁶⁷ 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 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.⁶⁸

To ameliorate the problem, Holland agreed to recommend to Daniel “several hotels in the dark town section which cater entirely to negroes” and to place him in contact with some black members of the Denver Bar Association who “know

Dean of Lincoln University School of Law (Sept. 20, 1939) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 12, University of Illinois at Urbana-Champaign Library).

⁶⁴ 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 61, at 2E-4, 2B-3, 2A-2.

⁶⁵ *Id.*

⁶⁶ In her hand written notes to Poole, Newman emphasized the skin color of the new applicants by twice underlining “colored”. *Id.* 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 the discussion that follows ¶16-21.

⁶⁷ Letter from Helen Newman, Executive Secretary and Treasurer, Am. Ass’n of Law Libraries, to Fred Holland, Second Vice-President, Am. Ass’n of Law Libraries (March 4, 1935) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 8, University of Illinois at Urbana-Champaign Library).

⁶⁸ Letter from Fred Holland, Second Vice-President, Am. Ass’n of Law Libraries, to Helen Newman, Executive Secretary and Treasurer, Am. Ass’n of Law Libraries (March 7, 1935) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 8, University of Illinois at Urbana-Champaign Library).

and keep their places” and who could entertain him.⁶⁹ 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.⁷⁰

¶17 Another example 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.⁷¹ 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 1st-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 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.⁷²

¶18 Already frustrated with the “social problems” associated with Daniel’s membership, Poole asked Newman if she knew whether the American Library Association (ALA) admitted “negroes” and agreed that, for the time being, they simply do nothing about Lincoln’s application.⁷³ Newman reported that the ALA admitted blacks, but took solace in mentioning that the American Bar Association did not admit “negroes”.⁷⁴ Finally, on September 28, 1939, Newman reported to Dean Taylor that she would submit Lincoln’s application for institutional

⁶⁹ *Id.*

⁷⁰ Letter from Helen Newman, Executive Secretary and Treasurer, Am. Ass’n of Law Libraries, to Fred Holland, Second Vice-President, Am. Ass’n of Law Libraries (March 12, 1935) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 8 University of Illinois at Urbana-Champaign Library).

⁷¹ Letter from Helen Newman, Executive Secretary and Treasurer, Am. Ass’n of Law Libraries, to Franklin Poole, Association of the Bar of the City of New York (April 17, 1939) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 12, University of Illinois at Urbana-Champaign Library).

⁷² *Id.*

⁷³ Letter from Franklin O. Poole, Association of the Bar of the City of New York, to Helen Newman, Executive Secretary and Treasurer, Am. Ass’n of Law Libraries (Sept. 21, 1939) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 12, University of Illinois at Urbana-Champaign Library).

⁷⁴ Letter from Helen Newman, Executive Secretary and Treasurer, Am. Ass’n of Law Libraries, to Franklin O. Poole, Association of the Bar of the City of New York (Sept. 22, 1939) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 12, University of Illinois at Urbana-Champaign Library).

membership to the Executive Committee at its next meeting held in Chicago in December.⁷⁵ 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.⁷⁶

Finally, on January 5, 1940 Lincoln's Law Library received notification that its application for institutional membership in the AALL had been approved.⁷⁷ 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.⁷⁸

¶19 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.⁷⁹ The day 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. One of Newman's chief selling points was that a meeting at the Chamberlin Hotel would "solve the negro problem" because the Hotel "will not admit them."⁸⁰ When the votes were counted, the Chamberlin Hotel had been chosen for the site of the Association's Thirty-Sixth Annual Convention. Upon

⁷⁵ Letter from Helen Newman, Executive Secretary and Treasurer, Am. Ass'n of Law Libraries, to William E. Taylor, Dean, Lincoln University School of Law (Sept. 28, 1939) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 16 University of Illinois at Urbana-Champaign Library).

⁷⁶ Letter from Sidney B. Hill, Association of the Bar of the City of New York, to Helen Newman, Executive Secretary and Treasurer, Am. Ass'n of Law Libraries (Dec. 20, 1939) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 8 University of Illinois at Urbana-Champaign Library).

⁷⁷ Letter from Helen Newman, Executive Secretary and Treasurer, Am. Ass'n of Law Libraries, to William E. Taylor, Dean Lincoln University School of Law (Jan. 5, 1940) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 16 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. Helen Newman, *Midwinter Meeting of Executive Committee (1939)*, at 1 (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 1 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. *Id.*

⁷⁸ *List of New Members of A.A.L.L.*, 33 LAW LIBR. J 122 (1940).

⁷⁹ Letter from Helen Newman, Executive Secretary and Treasurer, Am. Ass'n of Law Libraries, to Sidney Hill, President-Elect, Am. Ass'n of Law Libraries (Aug. 12, 1940) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 8 University of Illinois at Urbana-Champaign Library).

⁸⁰ *Id.*

hearing the news, A. Mercer Daniel lodged a complaint with Newman.⁸¹ In Newman's 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."⁸² 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 "It has always been the practice of our Association to leave to the individual members the duty of making their own reservations."⁸³

¶20 Unable to persuade the Chamberlin Hotel to treat him with dignity, Daniel sat out his first annual convention since becoming an AALL member in 1933.⁸⁴ In addition, Barbour failed to attend the meeting having just resigned as Lincoln's law librarian.⁸⁵ However, Taylor attended the meeting and apparently made a favorable impression upon AALL President Hill, who described Taylor as a "perfect gentlemen."⁸⁶ In October, 1941, Newman informed Hill that she had

⁸¹ 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 Secretary and Treasurer, Am. Ass'n of Law Libraries (October 15, 1940) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 1 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 putting 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 Secretary and Treasurer, Am. Ass'n of Law Libraries, to Sidney Hill, Association of the Bar of the City of New York (Dec. 20, 1940) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 8 University of Illinois at Urbana-Champaign Library). Years later, Newman would describe the Chamberlin Hotel as her "favorite place." Letter from Helen Newman, Librarian, United States Supreme Court, to Miles O. Price, Librarian, School of Law, Columbia University (August 27, 1951) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 19 University of Illinois at Urbana-Champaign Library).

⁸² Draft letter from Helen Newman, Executive Secretary and Treasurer, Am. Ass'n of Law Libraries, to A. Mercer Daniel, Law Librarian, Howard University Law School (Nov. 5, 1940) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 5 University of Illinois at Urbana-Champaign Library).

⁸³ Letter from Helen Newman, Executive Secretary and Treasurer, Am. Ass'n of Law Libraries, to A. Mercer Daniel, Law Librarian, Howard University School of Law (Nov. 6, 1940) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 5 University of Illinois at Urbana-Champaign Library).

⁸⁴ Letter from Helen Newman, Executive Secretary and Treasurer, Am. Ass'n of Law Libraries, to A. Mercer Daniel, Law Librarian, Howard University School of Law (July 7, 1941) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 5 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 (1941). Gallagher, *supra* note 61, at 272 (asserting erroneously that A. Mercer Daniel had attended every AALL annual meeting from 1933-1975).

⁸⁵ Letter from Newman to Daniel (July 7, 1941).

⁸⁶ Letter from Sidney Hill, President, Am. Ass'n of Law Libraries, to Helen Newman, Executive Secretary and Treasurer, Am. Ass'n of Law Libraries (Oct. 6, 1941) (AALL Archives, Helen

received a letter from the North Carolina College for Negroes Law School (NCCN) inquiring about membership in the Association.⁸⁷ 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.⁸⁸

President Hill replied that the North Carolina group should be 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.”⁸⁹

¶21 Over the next ten years, three additional Jim Crow law libraries acquired institutional memberships in the Association.⁹⁰ That the white members

Newman Papers, Record Series 85/1/202, Box 8 University of Illinois at Urbana-Champaign Library).

⁸⁷ Letter from Helen Newman, Executive Secretary and Treasurer, Am. Ass’n of Law Libraries, to Sidney Hill, President, Am. Ass’n of Law Libraries (Oct. 3, 1941) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 8 University of Illinois at Urbana-Champaign Library).

⁸⁸ *Id.*

⁸⁹ Letter from Hill, to Newman (Oct. 6, 1941), *supra* note 86. 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, wouldn’t 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.” On the other hand, black assertiveness in the face of indignity was the “problem in the south” for the racists in the association. Perhaps, Hill imagined Taylor to be a different kind of black man, i.e., 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?” 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 Secretary and Treasurer, Am. Ass’n of Law Libraries (March 17, 1941) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 8 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 40, footnotes 203-204. And, in 1954, the AALL convened at the Delano Hotel in Miami Beach, Florida. Gallagher, *supra* note 61, 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 (1954).

⁹⁰ *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

in the Association continued to discriminate against its 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.⁹¹ Price described Daniel as a faithful and capable member, worthy of recognition, and someone he would vote for.⁹² However, Price added “Frankly, I doubt if he would be elected if nominated, because of his color, but I think he ought to have the right to run if he wants to . . .”⁹³ Finally, 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.⁹⁴

Collection Development

¶22 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.”⁹⁵ Further, the AALS specifically identified the types of legal materials that would have to be included.⁹⁶ 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: 17 complete sets of Law Reviews, complete reports of the Courts of last resort for 25 states, latest collection of statutes for 28 states, National Reporter System, English Law Reports, textbooks, and treatises.⁹⁷ 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,

Librarian); *Executive Secretary Reports Names of New Members*, 41 LAW LIBR. J. 64 (1948) (listing Southern University Law School as a new institutional member; Miss Vernetta Grimes, 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).

⁹¹ Letter from Miles O. Price, Law Librarian, Columbia University School of Law, to Helen Newman, Chairman, Nominating Committee, Am. Ass’n of Law Libraries (Aug. 9, 1951) AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 19 University of Illinois at Urbana-Champaign Library).

⁹² *Id.*

⁹³ *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 62 at 2E.

⁹⁴ Letter from Newman, to Miles O. Price (August 27, 1951), *supra* note 82. 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 Price to Newman (Aug. 9, 1951), *supra* note 91 (stating that he would telephone Daniel to see if he was interested in running for office).

⁹⁵ HANDBOOK OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS AND PROCEEDINGS OF THE THIRTY-SIXTH ANNUAL MEETING 364 (1939).

⁹⁶ *Id.* at 365.

⁹⁷ Letter from Taylor, to Members of the Am. Ass’n of Law Libraries (Sept. 27, 1939). *supra* note 31.

arrangement of stacks, reading space, and indexing.⁹⁸ After a preliminary inspection of the collection, Orman informed Taylor that the library exceeded the AALS book requirement in every particular.⁹⁹

¶23 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 have.¹⁰⁰ For his part, Orman agreed to forward Taylor's wish list to a select group of law librarians throughout the country.¹⁰¹ 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.¹⁰²

In December, Yale University Law Library responded with a gift of approximately six thousand volumes.¹⁰³

¶24 As a result of purchases and generous gifts, the library collection grew rapidly. By the fall of 1940, the library consisted of over twenty-three thousand volumes.¹⁰⁴ The shelves were filled to capacity and books began to pile up on tables and on the floor.¹⁰⁵ 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

⁹⁸ Letter from Oscar Orman, Director of Libraries, Washington University, to William R. Roalfe, Chairman, Joint Committee on Cooperation Between AALS and AALL (Mar. 28, 1941) (AALL Archives, William R. Roalfe Papers, Record Series 85/1/207, Box 4 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 University School of Law, to William Roalfe, Chairman, Joint Committee for Cooperation Between the AALS and AALL (April 8, 1941) (AALL Archives, William R. Roalfe Papers, Record Series 85/1/207, Box 4 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 Newman, to Taylor (Sept. 28, 1939) *supra* note 75.

⁹⁹ Letter from Taylor, to Newman (Sept. 25, 1939) *supra* note 36.

¹⁰⁰ Letter from Taylor, to Members of the Am. Ass'n of Law Libraries (Sept. 27, 1939). *supra* note 31.

¹⁰¹ Letter from Oscar Orman, Director of Libraries, Washington University, to Helen Newman, Executive Secretary and Treasurer, Am. Ass'n of Law Libraries (Oct. 5, 1939) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 16 University of Illinois at Urbana-Champaign Library).

¹⁰² *Id.*

¹⁰³ Board of Curators of Lincoln University of Missouri, The Minutes of the Meetings, at 87 (Dec. 16, 1939) (LU001.2/1/3/1938-1942, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

¹⁰⁴ *Lincoln Law School Rates with the Best*, Chicago Defender, Aug. 10, 1940, at 7.

¹⁰⁵ Letter from Oscar Orman, Library Inspector, Ass'n of Am. Law Schools, to William E. Taylor, Dean, Lincoln University School of Law 1 (April 24, 1941) (AALL Archives, William R. Roalfe Papers, Record Series 85/1/207, Box 4 University of Illinois at Urbana-Champaign Library).

contended had already been approved by the Board.¹⁰⁶ In contrast, the Board proposed installing additional shelves on the balcony of the library that surrounded a stairwell which opened on to the floor below.¹⁰⁷ 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 the law school in its expenditure of funds," and thereby undermine the "good will and good work of the school."¹⁰⁸

¶25 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."¹⁰⁹ Intent on gaining AALS accreditation, Taylor requested that Roalfe designate Orman as an official representative of the Joint Committee to investigate and pass upon the matter.¹¹⁰ 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.¹¹¹

¶26 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 advising the University in how best to resolve their library's space problem.¹¹² Roalfe acknowledged that since Lincoln University was seeking AALS approval, Orman's "suggestions should certainly have persuasive value."¹¹³ After inspecting the library on behalf of the Joint Committee, Orman concluded that if the Board proceeded with their plan to erect shelves on the balconies surrounding the stairwell, Lincoln University would fail to comply with the library requirements of the AALS.¹¹⁴ 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."¹¹⁵ 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."¹¹⁶ Finally, Orman

¹⁰⁶ Letter from Taylor, to Roalfe (April 8, 1941), *supra* note 98; Board of Curators of Lincoln University of Missouri, The Minutes of the Meetings, at 196 (March 15, 1941) (LU001.2/1/3/1938-1942, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

¹⁰⁷ Letter from Orman, to Roalfe (March 28, 1941) *supra* note 98.

¹⁰⁸ *Id.*

¹⁰⁹ Letter from Taylor, to Roalfe (Apr. 8, 1941), *supra* note 98.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² Letter from William Roalfe, Chairman, Joint Committee for Cooperation Between the AALS and AALL, to Oscar Orman, Director of Libraries, Washington University (Apr. 17, 1941) (AALL Archives, William R. Roalfe Papers, Record Series 85/1/207, Box 4 University of Illinois at Urbana-Champaign Library).

¹¹³ *Id.*

¹¹⁴ Letter from Orman, to Taylor (Apr. 24, 1941), *supra* note 105 at 2.

¹¹⁵ *Id.*

¹¹⁶ *Id.* at 2-3.

recommended that the University proceed with the original expansion plan of leasing additional space adjacent to the library.¹¹⁷ 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 Orman's assessment of the library's space problem.¹¹⁸ 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.¹¹⁹

¶27 In December, 1941 Taylor returned to Chicago to, once again, attend an AALS Annual Meeting as a delegate for a black law school, only this time he represented a new black law school, one he almost single-handedly was responsible for setting up.¹²⁰ And, despite Lincoln University School of Law's many detractors, both black and white, Taylor's remarkable efforts paid off as Lincoln's application for membership in the AALS was approved.¹²¹

¶28 By November, 1942, the library could boast ownership of over thirty thousand bound volumes of legal books, more than half of which were reportedly obtained as gifts from various law schools and lawyers.¹²² However, following Taylor's five-year tenure as dean of the law school, collection development was, arguably, no longer a priority.¹²³ 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.¹²⁴ In December 1953, John G. Hervey, advisor to the 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 legal materials

¹¹⁷ *Id.* at 3.

¹¹⁸ Letter from Bernard Gavit, Secretary-Treasurer, Ass'n of Am. Law Sch., to William R. Roalfe, Chairman, Joint Committee for Cooperation Between the AALS and AALL (May 26, 1941) (AALL Archives, William R. Roalfe Papers, Record Series 85/1/207, Box 4 University of Illinois at Urbana-Champaign Library).

¹¹⁹ *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, The Minutes of the Meetings, at 319 (July 28, 1942) (LU001.2/1/3/1938-1942, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

¹²⁰ HANDBOOK OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS AND PROCEEDINGS OF THE THIRTY-SIXTH ANNUAL MEETING 344 (1939). (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 (1942).

¹²¹ Handbook of the Ass'n of Am. Law Sch., *supra* note 53.

¹²² Letter from Sherman Scruggs, President, Lincoln University, to Forest Donnell, Governor of Missouri (Nov. 9, 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, The Minutes of the Meetings, at 359 (Nov. 14, 1942) (LU001.2/1/3/1938-1942, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

¹²³ *Richardson Will Head Lincoln U. Law School*, Chicago Defender, Sept. 2, 1944, at 3.

¹²⁴ See, entries for Lincoln University Law School in AMERICAN ASSOCIATION OF LAW LIBRARIES, LAW LIBRARIES IN THE UNITED STATES AND CANADA from 1948- 1954.

was “hardly adequate.”¹²⁵ In addition, Hervey recommended that the library “select some area of law for concentration.”¹²⁶ Overall, Hervey concluded that Lincoln’s law school offered a dignified and professional atmosphere.¹²⁷ 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*.¹²⁸ The bulk of the collection was deposited at the law library of the University of Missouri- Columbia.¹²⁹

IV. Biographical Sketches of the Librarians *Preliminary Appraisal*

¶29 Over its fifteen years of existence, four different people served as Lincoln University School of Law’s librarian and two as assistant librarian. Of the four librarians, two were women, one of whom served for over ten years.¹³⁰ All of Lincoln law school’s librarians and assistant librarians were college educated.¹³¹ In addition, one of the assistant librarians was a library school graduate,¹³² while the other was a law school graduate.¹³³ Although none of the librarians had graduated from library school, three had earned law degrees.¹³⁴ Only one librarian held a faculty appointment while serving as full-time

¹²⁵ 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, The Minutes of the Meetings, at 133-134 (Jan. 17, 1954) (LU001.2/1/3/1952-1958, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

¹²⁶ *Id.* at 134.

¹²⁷ *Id.*

¹²⁸ Board of Curators of Lincoln University of Missouri, The Minutes of the Meetings, at 188 (July 31, 1954) (LU001.2/1/3/1952-1958, 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); *Brown v. Board of Education*, 347 U.S. 483 (1954).

¹²⁹ Board of Curators of Lincoln University of Missouri, The Minutes of the Meetings, at 218 (Apr. 23, 1955) (LU001.2/1/3/1952-1958, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

¹³⁰ See Laura N. Gasaway, *Women as Directors of Academic Law Libraries* in LAW LIBRARIANSHIP: HISTORICAL PERSPECTIVES, *supra* note 1, at 501 (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) (failing to include Lincoln University’s female law librarians in the count).

¹³¹ *Id.* at 505. (highlighting a 1936 study which reported that only 31% of law school librarians had graduated from college); WILLIAM R. ROALFE, THE LIBRARIES OF THE LEGAL PROFESSION 96-106 (1953) (reporting that of 129 law librarians and 42 assistant librarians surveyed only 72 and 21 respectively were college educated).

¹³² 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.

¹³³ Roalfe *supra* note 131 at 106 (reporting that of the 44 assistant librarians surveyed 11 had graduated from law school and another 11 had graduated from library school).

¹³⁴ Gasaway, *supra* note 130 at 505 (pointing out that in 1936 only 14% of law school librarians had law degrees); Roalfe *supra* note 131 at 97 (revealing that in 1953, only 55 of the 129 law librarians surveyed held law degrees).

librarian.¹³⁵ Librarian pay ranged from \$1,800 per year in 1941 to \$6,150 per year in 1953.¹³⁶ Finally, all the librarians with law degrees maintained professional association with a variety of national, state and local Bar Associations, chief among them, the National Bar Association (NBA), National Lawyers Guild (NLG), and the Mound City Bar Association.

¶30 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.¹³⁷ 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*.¹³⁸ 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," earned them the active support of the law faculty at Lincoln University.¹³⁹

¶31 The National Bar Association was founded in 1925 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."¹⁴⁰ During the 1940s and 1950s, Lincoln University Law School had close links with the NBA. Scovel Richardson, dean of Lincoln's law school (1944-1954) was elected president and served for two years, while other faculty members worked on committees and regularly attended the NBA's regional and national annual meetings.¹⁴¹ Furthermore, the *National Bar Journal*, the NBA's official organ, was edited from Lincoln law school and, for a short time, featured notes and comments from Howard and Lincoln University law students.¹⁴² The NBA resolutely opposed segregation in every phase of American life.¹⁴³

¹³⁵ Compare Miles O. Price, *The Law School Librarian*, 1 J. LEGAL EDUC. 268, 270 (1948) (reporting that half of the librarians working at the 71 law school libraries surveyed had faculty status of some kind, half taught legal bibliography, and a quarter taught substantive law classes).

¹³⁶ Compare Roalfe, *supra* note 131 at 103 (reporting that the average salary among the law librarians surveyed was \$4,500).

¹³⁷ J. Clay Smith Jr., *supra* note 38, 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 545-546.

¹³⁸ *Id.* at 551.

¹³⁹ *Id.* Also see, *Staff of Lincoln University School of Law Joins Guild*, 2 LAW. GUILD REV. 24 (1942).

¹⁴⁰ *Id.* at 555; Anne-Marie Clarke, *History of the Black Bar*, 30 ST. LOUIS BAR J. 17, 20 (1984).

¹⁴¹ Clarke, at 20.

¹⁴² Volume VI no.1 (March, 1948)- Volume X no. 1 (March, 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 (March, 1947)- Volumes VI no. 2 (June, 1948) carried notes and comments written by Howard and Lincoln University law students.

¹⁴³ *Scovel Richardson New Bar Group Head*, Chicago Defender, Sept. 15, 1951, at 4; Howard B. Woods, *Lawyers at St. Louis Meet Urge Civil Rights Statutes*, Chicago 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

¶32 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.¹⁴⁴ Mound City attorneys fought the segregation of public facilities and schools, the exclusion of blacks from jury duty, and racially restrictive covenants.¹⁴⁵ Lincoln's law librarians served as officers in the Association throughout the forties and fifties.

Individual Profiles

¶33 Constance Mapp Barbour served as Lincoln University School of Law's first full-time librarian from 1939 to 1941.¹⁴⁶ Barbour possessed a Bachelors degree from Miner Teachers College in Washington D.C.¹⁴⁷ Unlike her successors, Barbour had prior library experience, working for a year at the Miner Teacher's College library and for a year at Howard University School of Law Library under Dean Taylor.¹⁴⁸ In 1940, Barbour became the first black woman member of the AALL when Lincoln University's application for institutional membership was approved.¹⁴⁹ However, her 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.¹⁵⁰ The record is silent as to why Barbour resigned, whether she returned to Washington D.C., or ever worked as a law librarian again.

¶34 Myron Burns Bush served as Lincoln's second law librarian. Born in 1911, Bush received his A.B. in arts and political science from the University of Cincinnati in 1934, and a J.D. from the University of Iowa in 1940.¹⁵¹ Admitted to the Bar of Ohio in 1940, Bush practiced law as a partner in Bush, Bush and

ordinances in their respective communities.”) (identifying numerous Lincoln law school graduates (e.g., Lula Howard, Margaret Bush Wilson, and John Harvey, Joseph McDuffie) and faculty members (e.g., Virgil Lucas, Scovel Richardson, Silas Garner, and Dan Bowles) as signatures to the pledge).

¹⁴⁴ Clarke, *supra* note 141 at 19.

¹⁴⁵ Mound City Attorney Sidney Redmond was a member of the team of attorneys that represented Lloyd Gaines in *Gaines v. Canada*, *supra* note 15, 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*, Chicago Defender, Nov. 1, 1941, at 5. Mound City attorney George Vaughn successfully argued the *Shelley v. Kramer*, 334 U.S. 1, 2 (1948) case.

¹⁴⁶ Letter from Taylor, to Newman (Sept. 25, 1939), *supra* note 36.

¹⁴⁷ *Id.*, 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. at http://www.rootsweb.com/~dcgenweb/educational_institutions_of_wash.htm (last visited April 20, 2007).

¹⁴⁸ *Id.*

¹⁴⁹ List of New Members of A.A.L.L., *supra* note 78.

¹⁵⁰ Letter from Newman to Daniel (July 7, 1941), *supra* note 84.

¹⁵¹ *ABA Gives Lincoln (Mo.) Law School an 'A' Rating*, Chicago Defender, Oct. 18, 1941, at 7; ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF TEACHERS IN MEMBER SCHOOLS 1942-1943, 43 (1942).

Bush in Cincinnati, Ohio.¹⁵² In matters of pay, Bush started at \$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.¹⁵³

Furthermore, Bush was a member of the Ohio State Bar Association and the National Lawyers Guild (NLG).¹⁵⁴ Bush's tenure as Lincoln's librarian ended when he was promoted to assistant professor of law in the fall of 1942.¹⁵⁵

¶35 Virgil Hilry Lucas was born in 1907 and grew up on a dirt farm in Newburg, Kentucky, a small black town Southeast of Louisville.¹⁵⁶ Lucas' mom died when he was just ten-years-old, while his father, a Pullman Porter, died when he was a teenager.¹⁵⁷ After graduating Central High School in Louisville, Lucas moved to St. Louis, where he worked as a custodian with his uncle.¹⁵⁸ Within a few years, Lucas and his uncle had saved enough money to send Lucas to Howard University.¹⁵⁹ Lucas earned a B.S and a LL.B from Howard University in 1931 and 1934 respectively.¹⁶⁰ In 1934, Lucas returned to St. Louis, gained admission to the Missouri Bar, and entered general practice.¹⁶¹ When Lincoln University opened its doors in September 1939, Lucas was hired as a full-time instructor.¹⁶² Lucas taught civil procedure, criminal law, and criminal procedure until he was appointed full-time librarian in the fall of 1942.¹⁶³ As a lawyer, Lucas held memberships in the National Lawyers Guild, National Bar Association, and the Mound City Bar Association.¹⁶⁴

¶36 In June, 1942, Dorothy Freeman was hired as the library's first full-time assistant librarian.¹⁶⁵ Freeman was a native of St. Louis, an honor graduate

¹⁵² Association of American Law Schools, *supra* note 151.

¹⁵³ Board of Curators of Lincoln University of Missouri, The Minutes of the Meetings, at 209 (Aug. 13, 1941) (LU001.2/1/3/1938-1942, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri); The Minutes of the Meetings, at 231 (Sept. 13, 1941).

¹⁵⁴ Association of American Law Schools, *supra* note 151.

¹⁵⁵ Board of Curators of Lincoln University of Missouri, The Minutes of the Meetings 238 (Dec. 13, 1941) (LU001.2/1/3/1938 - 1942, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri); ABA Gives Lincoln (Mo.) Law School an 'A' Rating, *supra* note 151.

¹⁵⁶ Phone interview with Kathy Lucas, daughter of Virgil Lucas, January 15, 2007.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ Association of American Law Schools, *supra* note 151, at 125.

¹⁶¹ *Id.*

¹⁶² Lincoln U. School of Law Inspected by A.B.A. and State Board, *supra* note 28, at 37.

¹⁶³ Association of American Law Schools, *supra* note 151 at 125.

¹⁶⁴ *Id.*; I suspect Lucas 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. BAR J. 100 (1946); 3 MO. BAR J. 179 (1947); 4 MO. BAR J. 235 (1948); 5 MO. BAR J. 9 (1949). Virgil also served on the Grievances committee of the NBA in 1945. 3 NAT'L BAR J. 76 (1945).

¹⁶⁵ Letter from William E. Taylor, dean of Lincoln University School of Law to Helen Newman, Executive Secretary and Treasurer, AALL (June 24, 1942) (AALL Archives, Helen Newman Papers, Record Series 85/1/202, Box 16 University of Illinois at Urbana-Champaign Library).

of Sumner High School, and an honor student at Stowe Teachers College.¹⁶⁶ In 1939, Freeman received a scholarship from Sigma Gamma Rho Sorority to enter Lincoln law school.¹⁶⁷ During her three years of law school she worked in the library as a student assistant.¹⁶⁸ In her junior year she also performed secretarial duties for Silas Garner, a prominent St. Louis attorney and member of the law school staff.¹⁶⁹ Freeman graduated in the summer of 1942 as the top student of Lincoln's first graduating class.¹⁷⁰ 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.¹⁷¹ Her salary as assistant librarian was set at \$2,100 per year.¹⁷²

¶37 During this time, the war emergency measures began to take their toll on student enrollment and the male faculty.¹⁷³ 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.¹⁷⁴ However, in the fall of 1943, the law school was forced to temporarily close "for lack of 'properly accredited' students."¹⁷⁵ When the law school opened the following year,¹⁷⁶ Lincoln University appointed Lula Morgan Howard to lead the law school's library.¹⁷⁷ Howard would serve as Lincoln's librarian for over ten years.¹⁷⁸

¹⁶⁶ *Alumnus Given Lincoln University Library Post*, Chicago 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 at http://www.aaregistry.com/african_american_history/1618/HarrisStowe_St_College_a_St_Louis_positive (last visited April 20, 2007).

¹⁶⁷ *Alumnus Given Lincoln University Library Post*, at 4.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*; *Verdict: Beautiful*, Chicago Defender, March 15, 1941, at 2.

¹⁷⁰ Letter from Sherman Scruggs, President, Lincoln University, to Forest Donnell, Governor of Missouri (Nov. 9, 1942) in Board of Curators of Lincoln University of Missouri, *The Minutes of the Meetings*, at 360 (Nov. 14, 1942) (LU001.2/1/3/1938-1942, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

¹⁷¹ *Id.*; Smith, *supra* note 38, at 335. In 1950, there were less 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).

¹⁷² Board of Curators of Lincoln University of Missouri, *The Minutes of the Meetings*, at 368 (Nov. 14, 1942) (LU001.2/1/3/1938-1942, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

¹⁷³ Scruggs, *supra* note 170; Board of Curators of Lincoln University of Missouri, *The Minutes of the Meetings*, at 330 (Sept. 5, 1942) (LU001.2/1/3/1938-1942, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

¹⁷⁴ Scruggs, *supra* note 170.

¹⁷⁵ Smith, *supra* note 38, at 63.

¹⁷⁶ *Id.*

¹⁷⁷ ASSOCIATION OF AMERICAN LAW SCHOOLS, *DIRECTORY OF TEACHERS IN MEMBER SCHOOLS 1946-1947* 109 (1946).

¹⁷⁸ Board of Curators of Lincoln University of Missouri, *The Minutes of the Meetings*, at 217 (Apr. 23, 1955) (LU001.2/1/3/1952-1958, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

¶38 Lula Morgan Howard was born in 1907 in Middletown, Ohio.¹⁷⁹ She earned an A.B. from Wilberforce University in 1932, and a LL.B. from Lincoln University in 1943.¹⁸⁰ That same year, she became the third woman graduate of Lincoln's law school to gain admission to the Missouri Bar.¹⁸¹ 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.¹⁸² 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.¹⁸³ In 1946, Howard became just the second black woman to publish in a bar journal.¹⁸⁴ Her last recorded salary was \$6,150 per year.¹⁸⁵ Although a full-time librarian and professor of law, Howard continued to maintain a law office throughout her tenure at Lincoln University.¹⁸⁶

¶39 As an attorney, Howard actively participated in a number of bar associations, serving on committees, holding office, and participating in panel 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 1953.¹⁸⁷ Nationally, Howard worked with the NBA's publicity committee and, more significantly, its resolutions committee.¹⁸⁸ In 1947, the NBA's resolution committee vowed to

¹⁷⁹ SADIE T. M. ALEXANDER, WHO'S WHO AMONG NEGRO LAWYERS 20 (1945).

¹⁸⁰ *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 at <http://www.wilberforce.edu/welcome/history.html> (last viewed April 20, 2007).

¹⁸¹ Smith, *supra* note 38, at 335.

¹⁸² American Association of Law Schools, *supra* note 177.

¹⁸³ Howard held the title 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; Compare, Donna Fossum, *Women Law Professors*, 1980 AM. B. FOUND. RES. J. 903, 905 (1980) (contending that in 1950 there were only 5 women who held academic rank of assistant professor of law or higher, who were not librarians, and that all 5 were teaching at law schools from which they received their law degrees); Smith, *supra* note 171 at 278 (listing Howard as only the fifth black woman to ever teach law courses at a law school).

¹⁸⁴ Lula M. Howard, *Do the Courts of Missouri Exercise "Discretion" in Issuing Writs of Mandamus?*, 4 NAT'L BAR J. 141 (1946); Lula M. Howard, *Recent Tax Court Decisions in Section 22(k) Cases*, 7 NAT'L BAR J. 398 (1949); Compare Smith, *supra* note 171 at 281 (failing to give Howard credit for 1946 publication).

¹⁸⁵ Board of Curators of Lincoln University of Missouri, The Minutes of the Meetings, at 112 (Aug. 26, 1953) (LU001.2/1/3/1952-1958, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

¹⁸⁶ According to every Martindale-Hubbell Law Directory from 1945-1955, Howard maintained a private law office at 11 N. Jefferson Ave. St. Louis Missouri.

¹⁸⁷ *Lula Howard New Chief of St. Louis Bar*, Chicago Defender, Feb. 28, 1953, at 4.

¹⁸⁸ *Standing Committees*, 3 NAT'L BAR J. 76 (1945); *Standing Committees*, 6 NAT'L BAR J. 205 (1948); *Highlights of the 21st Annual Convention of the National Bar Association Held in Detroit, November 29, 30 and December 1, 1946*, 5 NAT'L BAR J. 115-127 (1947); *Highlights of the 22nd Annual Convention of the National Bar Association Held in Washington D.C., November 28, 29, 30, 1947*, 6 NAT'L BAR J. 80-92 (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.

continue their opposition to segregation of all kinds, particularly efforts to establish additional separate professional schools and resolved to file amicus briefs in the law school cases in Louisiana, Oklahoma, and Texas.¹⁸⁹ Again in 1948, the NBA's resolution committee condemned the continued exclusion of "Negro applicants from our publicly supported schools solely because of race or color" and resolved to make "an all out attack on segregation in public schools and universities."¹⁹⁰ Finally, 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 1949.¹⁹¹

¶40 As a law librarian, Howard served on the Committee on New Members of the AALL and attended the 1946 annual convention in St. Louis, Missouri and the 1947 annual convention in Santa Fe, New Mexico.¹⁹² 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 of St. Louis,¹⁹³

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.¹⁹⁴

Miller's message of welcome was one that only the white members of the AALL could act upon. St. Louis, after all, was a deeply segregated city. Hotels, restaurants, schools, churches, neighborhoods, places of amusement and bar associations were all segregated.¹⁹⁵ In 1946, black law students could not attend

¹⁸⁹ Highlights of the 21st Annual Convention of the NBA, *supra* note 188 at 124. The law school cases alluded to were *Wilson v Board of Supervisors of Louisiana State University and Agricultural and Mechanical College*, 92 F. Supp 986 (1950)(concluding that the denial of admission based solely on the applicants race violated the 14th amendment of the U.S. constitution), *Sipuel v Board of Regents of the University of Oklahoma*, 332 U.S. 631 (1948), and *Sweatt v. Painter*, 339 U.S. 629 (1950)(holding that the Texas State University for Negroes was not substantially equal to the University of Texas).

¹⁹⁰ Highlights of the 22nd Annual Convention of the NBA, *supra* note 188 at 88-89.

¹⁹¹ *Report of Committee on Findings for the 1947 Convention of Region 5 of the National Bar Association*, 5 NAT'L BAR J. 462 (1947); *Program*, 7 NAT'L BAR J. 389, 391 (1949).

¹⁹² *Attendance Register*, 39 LAW LIBR. J. 239 (1946); *Attendance Register*, 40 LAW LIBR. J. 226 (1947); *A.A.L.L. Officers and Committee*, 40 LAW LIBR. J. 29 (1947) (listing Howard as a member of the Committee on New Members: 1946-47); *Lists of Committees 1947-48*, 40 LAW LIBR. J. 221 (1947) (listing Howard as a member of the Committee on New Members: 1947-48).

¹⁹³ Albert Miller, *Address of Welcome*, 39 LAW LIBR. J. 73 (1946).

¹⁹⁴ *Id.*

¹⁹⁵ SEGREGATION AND THE FOURTEENTH AMENDMENT IN THE STATES: A SURVEY OF STATE SEGREGATION LAWS 1865-1953; PREPARED FOR UNITED STATES SUPREME COURT IN BROWN VS. BOARD OF EDUCATION 350-359 (Bernard D. Reams, Jr. & Paul E. Wilson eds., 1975)(highlighting segregation in Missouri's schools, churches and public accommodation); *Shelley v. Kraemer*, 334 U.S. 1 (1948)(holding that state court enforcement of restricted covenants in St. Louis, Missouri violated the 14th Amendment of the United States Constitution); Harry Levins, *Breaking the Color Barrier*, St. Louis Post Dispatch, Jan. 13, 2004 at <http://www.stltoday.com/stltoday/news/special/pd125.nsf/story/BF648611952B7C6486256E0700736298?OpenDocument> (pointing out that in 1947, Sportman Park, the home of major league

Washington University Law School¹⁹⁶ and black attorneys could not join the St. Louis Bar Association.¹⁹⁷ Furthermore, the Chase Hotel which hosted the AALL convention had a reputation within the black community for being blatantly racist.¹⁹⁸ Although blacks could reserve rooms, they were instructed to stay out of the dining rooms, swimming pools and nightclubs.¹⁹⁹ 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 the hotel's facilities in the same fashion as the association's white members. If history is any guide, however, what ever 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.²⁰⁰

¶41 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.²⁰¹ 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.²⁰²

V. Conclusion

¶42 The staff at Lincoln University Law School endured both the indignities associated with second-class treatment from the white majority and the disdain of 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 from all sides, the staff of Lincoln University's law school and library dedicated itself to cultivating a new crop of black attorneys committed to waging an all out attack on segregation. Lula Morgan Howard exemplified Lincoln's

baseball's St. Louis Cardinals, was a segregated ballpark) (last visited April 21, 2007). Clarke, *supra* note 140 at 24 (noting that the St. Louis Bar Association was not integrated until 1953).

¹⁹⁶ Book Review, *Beginning a Great Work: Washington University in St. Louis, 1853-2003; The Students Who Broke the Color Barrier at Washington University*, 45 J. OF BLACKS IN HIGHER ED. 118, 119 (2004) (stating that Washington University did not admit black students until 1952).

¹⁹⁷ Clarke, *supra* note 140 at 24.

¹⁹⁸ Gail Grant, *Josephine Baker: The Honor of Her Company*, Voices: Online Magazine of the Missouri Historical Society, at www.mhsvoces.org/2007SpringFeature2.php (last visited April 21, 2007).

¹⁹⁹ 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) at <http://www.cr.nps.gov/nhl/themes/pub%20accom.pdf> (last visited April 21, 2007).

²⁰⁰ See Section III addressing Lincoln's application for institutional membership and the AALL's history of convening annual conventions at segregated Hotels.

²⁰¹ Board of Curators of Lincoln University of Missouri, The Minutes of the Meetings, at 176 (July 31, 1954) (LU001.2/1/3/1952-1958, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

²⁰² Letter from John M. Dalton, Attorney General State of Missouri, to Earl E. Dawson, Acting President, Lincoln University, July 18, 1955 in Board of Curators of Lincoln University of Missouri, The Minutes of the Meetings, at 242 (July 23, 1955) (LU001.2/1/3/1952-1958, Lincoln University Archives, Inman E. Page Library, Jefferson City Missouri).

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.

¶43 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*.²⁰³ Of these, North Carolina College for Negroes (NCCN, 1939) and Texas State University for Negroes (TSUN, 1947) provide the most compelling stories for future 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.²⁰⁴ Hopefully, an additional ten years will not pass before the law librarian community steps up to tell their stories.

²⁰³ 347 U.S. 483 (1954); 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); 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. BAR J. 974 (1964) (stating that Florida A & M University was established in 1949).

²⁰⁴ *In Memory of Lucile Marshall Elliott*, 67 LAW LIBR. J. 145 (1974); Transcript of Record at 215-218, *Sweatt v. Painter*, 339 U.S. 629 (1950) available at <http://www.law.du.edu/russell/lh/sweatt/docs/svptrtoc.htm> (last visited April 30, 2007).

