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A BLACK WOMAN'S VOICE: THE STORY OF MABEL RAIMEY, "SHERO"

PHOEBE WEAVER WILLIAMS*†

"At the same time that I want this image of 'sheroes', black sheroes, we've got to be careful, because if we focus too much on all of those who have made it, then we forget those who never could."¹

I. INTRODUCTION

As a Black woman, a graduate, and a member of the faculty, it is a pleasure to contribute to Marquette University Law School's centennial celebration. Marquette Law School has educated many distinguished professionals whose contributions to humanity and to the legal profession attest to its greatness. I choose to contribute to the celebration by documenting the presence of Blacks at Marquette Law School. Specifically, I intend to add a Black woman's voice² to the celebration by telling the story of Miss Mabel

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1. BRIAN LANKER, I DREAM A WORLD 38 (1989) (interviewing and quoting Johnnetta Cole, the first Black woman to serve as president of Spelman College, an Atlanta institution which has a tradition of educating women leaders since 1881).

2. The term "voice," for the purpose of this article, refers to the articulations of individuals' experiences, aspirations, and insights which have been historically silenced by the dominant culture, whether consciously or unconsciously. These articulations are intelligible and comprehensible to the understanding of the universal experience of having one's history and culture being subject to the history and culture of the dominant members of society. For discussion concerning the identification of voice, see, e.g., Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323 (1987). For discussion of the debate concerning the validity of the concept of "voice," consider Scott Brewer, *Introduction: Choosing Sides in the Racial Critiques Debate*, 103 HARV. L. REV. 1844 (1990); Scott Brewer, *Pragmatism, Oppression, and the Flight to Substance*, 63 S. CAL. L. REV. 1753 (1990). For further discussions concerning "voice," consider the growing body of literature written by feminists and scholars of color; see, e.g., Kimberl'e W. Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331 (1988); Richard Delgado,



MABEL RAIMEY

Raimey, the first Black woman known to have attended law school in Wisconsin,³ and the first Black woman admitted to the Wisconsin bar.⁴ I have chosen Miss Raimey's story because her attendance at Marquette Law School is an important historical event for Marquette Law School, Marquette University, and both the legal and the Black communities.

The celebration of one hundred years of legal education should include each of the voices of the alumni constituencies. The voices of students, who represent the diverse groups, who have attended Marquette Law School, should neither be silenced nor omitted from consideration.⁵ My goal, however, is to accomplish more than the placement of a Black woman's history alongside that of members of the dominating culture. By including a Black voice, I intend to raise questions about the educational process at Marquette University Law School and about the practice of law within the Milwaukee community. Specifically, I want this discourse to stimulate discussion, and encourage examination of the external barriers which affect the ability of Black women and men to pursue law as a career.

Storytelling for Oppositionists and Others: A Plea for Narrative, 87 MICH. L. REV. 2411 (1989); Richard Delgado, *When a Story is Just a Story: Does Voice Really Matter?*, 76 VA. L. REV. 95 (1990); Alex M. Johnson, Jr., *The New Voice of Color*, 100 YALE L.J. 2007 (1991); Duncan Kennedy & Karl E. Klare, *A Bibliography of Critical Legal Studies*, 94 YALE L.J. 461 (1984); Randall L. Kennedy, *Racial Critiques of Legal Academia*, 102 HARV. L. REV. 1745 (1989); Charles R. Lawrence III, *The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317 (1987); Mari J. Matsuda, *Voices of America: Accent, Antidiscrimination Law, and a Jurisprudence for the Last Reconstruction*, 100 YALE L.J. 1329 (1991); Carrie Menkel-Meadow, *Excluded Voices: New Voices in the Legal Profession Making New Voices in the Law*, 42 U. MIAMI L. REV. 29 (1987); Martha Minow, *Identities*, 3 YALE J. L. & HUMAN. 97 (1991); Deborah L. Rhode, *Perspectives on Professional Women*, 40 STAN. L. REV. 1163 (1988); Deborah L. Rhode, *The Women's Point of View*, 38 J. LEGAL EDUC. 39 (1988); Judy Scales-Trent, *Black Women and the Constitution: Finding Our Place, Asserting Our Rights*, 24 HARV. C.R.-C.L. L. REV. 9 (1989); Joan C. Williams, *Deconstructing Gender*, 87 MICH. L. REV. 797 (1989); Patricia Williams, *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights*, 22 HARV. C.R.-C.L. L. REV. 401 (1987); Robert A. Williams, *Documents of Barbarism: The Contemporary Legacy of European Racism and Colonialism in the Narrative Traditions of Federal Indian Law*, 31 ARIZ. L. REV. 237 (1989).

3. See Andrew Reneau & Lloyd Barbee, *Black Lawyers-A Brief History*, 57 WIS. B. BULL. 55 (1984) (discussing Mabel Raimey and William T. Green, who in 1892 became the first Black male to graduate from the University of Wisconsin Law School); see also Ruth Kohler, *THE STORY OF WISCONSIN WOMEN* 49-50 (1948) ("Belle Case LaFollette, wife of the senior Robert M. LaFollette, was the first [white] woman to graduate from the University of Wisconsin College of Law She received her law degree in 1885, four years after her marriage to Mr. LaFollette.").

4. See Reneau & Barbee, *supra* note 3, at 55.

5. See, e.g., Christine M. Wiseman, *The Legal Education of Women: From 'Treason Against Nature' to Sounding a 'Different Voice'*, 74 MARQ. L. REV. 325 (1991) (discussing the gendered history of Marquette University Law School which omitted the voices of women by not acknowledging their existence).

Other benefits can result from telling Miss Raimey's story. Historical integrity requires that Marquette Law School not be portrayed as an exclusively white male domain. Documenting Miss Raimey's presence at Marquette Law School as early as 1922, and her membership in the Wisconsin Bar as early as 1927, establishes that Blacks are longstanding members of both the Marquette Law School and the Milwaukee legal communities. Blacks who attend Marquette Law School should expect that our culture, like the dominant culture, will enrich Marquette Law School's traditions. Blacks who attend Marquette Law School are not outsiders; we are part of Marquette Law School's traditions.

My goal of including a Black voice is tempered by concerns about identifying and articulating a "Black perspective." Are there consistent themes and shared experiences which could be bundled and appropriately labeled the perspective of the Black men and women who have attended Marquette Law School? Within the Black legal community are multiple experiences. As Bell Hooks has observed, it would be a mistake to suggest that there is only "one" legitimate experience.⁶ Despite the difficulties associated with describing and identifying Black experiences, analysis and recognition of our experiences is a worthwhile undertaking. Study and examination of multiple Black experiences encourages the development of diverse agendas. Diverse agendas accommodating the teaching of law to the varieties of experiences of our students should inform our pedagogy.⁷

This article begins with the story of the American enslavement of Miss Raimey's ancestors. Some who are not of African ancestry will detect similarities between the burdens Miss Raimey's ancestors experienced and those their ancestors experienced as members of disfavored waves of immigrants. Some may conclude these similarities outweigh the differences, and question whether the burdens experienced by Miss Raimey's ancestors were unique to the Black experience. Others may feel they have already been informed about slavery and there is no need to convey the details of yet another story about slavery. After all, we have all read *Roots*.⁸

Yet it is the history of American enslavement of our ancestors which most Black American students bring to the study of law. It is the duality in

6. See BELL HOOKS, *YEARNING: RACE, GENDER AND CULTURAL POLITICS* 37 (1990). (Encouraging the study and examination of Black experiences and the development of diverse agendas for unification.)

7. For discussions about the importance of including Black experiences in law school discourse, see Kimberl'e W. Crenshaw, *Foreword: Toward A Race-Conscious Pedagogy In Legal Education*, 11 NAT'L BLACK L.J. 1 (1989); Jerome M. Culp, *Autobiography and Legal Scholarship and Teaching: Finding The Me In The Legal Academy*, 77 VA. L. REV. 539 (1991).

8. ALEX HALEY, *ROOTS* (1976).

law which espoused principles of freedom, but enslaved our ancestors, which most Black American students recognize and deeply appreciate as a contradiction in American jurisprudence. Our background of enslavement sets apart the American experience of Black students from those students whose ancestors came to this country seeking freedom and who found respite from oppressive conditions. The stories of Miss Raimey's slave ancestors reveal that in their case, just as in the case of many Blacks, freedoms were lost, not gained, when they entered this country.

After discussing Miss Raimey's ancestors and her childhood, I relate stories about discrimination she experienced prior to reaching her decision to study law. I discuss her background of denial of rights because of her gender and race in an effort to demonstrate the need to recognize the diversity of experiences which influence the decision to study law. This diversity likewise influences the learning of law.

The discussion of Miss Raimey's career as an attorney focuses upon the intersectional influences her gender and race posed to her practice of law in Milwaukee. While the discussion concludes with an account of Miss Raimey's ascension to recognition by the Milwaukee community as a courageous, talented, admired member of the legal profession, the reader is asked to imagine the career she might have had absent these gender and racial influences.

It is inappropriate to generalize about legal education or the practice of law based upon one experience. Miss Raimey's experiences do encourage the presentation of questions which should be addressed in future evaluations of legal education at Marquette Law School. Her experiences should stimulate discussions and provoke examinations of the external barriers which impede the ability of Blacks to select law as a career and to successfully practice law within the Milwaukee community.

I acknowledge that objections may be lodged against the documentation of, and focus upon, a particular racial group within Marquette Law School. Some will question the necessity of this endeavor.⁹ Others may be concerned that this discussion will promote separatism.¹⁰ Views have been ad-

9. See, e.g., Kennedy, *supra* note 2, at 1745.

10. See, e.g., Sam H. Verhovek, *Panel on Schools Urges Emphasizing Minority Cultures*, N.Y. TIMES, June 20, 1991, at A1, A14 (discussing a report which calls for more focus in schools on roles played by nonwhites in the United States; noting that the "report recommends that teachers and textbooks place greater emphasis on the varied contributions of immigrant groups to this country, like the oral traditions passed on by black slaves or the role of Chinese-American laborers in the development of the American West;" setting forth the complaints of critics of the report: "Prof. Arthur M. Schlesinger Jr. of the City University of New York and Prof. Kenneth T. Jackson of Columbia University — say the report encourages students to identify more with their specific racial and ethnic backgrounds than with the common themes and influences that unite

vanced against such discourses claiming they are antithetical to the concept of an institution which strives to educate all, regardless of race, who desire and successfully compete for admission.¹¹ These concerns accompany invocations that historical discussions from a Black perspective involve a particularistic commitment which blocks access to the universal truth.¹² The staunch defenders of the "color-blind" approach view it as the only means by which racial discrimination will be eradicated from our society.¹³ Discussions such as the one about to be undertaken here may violate "color-blind" principles.

These arguments have been addressed. A number of scholars have both eloquently and powerfully articulated the arguments for the inclusion of racial discussions. Judge Leon Higginbotham responded to concerns that discussions about the role of the Black lawyer involved "separatist dialogue" by explaining that a "duality in approach" was already reflected in the values of many current and past leaders of our profession.¹⁴ He observed that while many lawyers professed to pursue liberty and justice for all, history has shown that a "great many lawyers of the past and present have tolerated, sanctioned, and profited from their personal perpetuation of racial injustice."¹⁵ He concluded that Black lawyers have the additional mission of enlightening the American consciousness of the disparate burdens which Blacks have long endured.¹⁶

The duality within classroom, and instructional experiences in law schools, has been powerfully articulated by Kimber Williams Crenshaw. Professor Crenshaw exposed the "illusion" which frequently operates during classroom discussions to make the dominant perspective appear "neu-

Americans. . . 'It is politically and intellectually unwise for us to attack the traditions, customs and values which attracted immigrants to these shores in the first place,' Professor Jackson wrote in a dissenting opinion that he said would be attached to the main report;" quoting Professor Jackson further, stating, "[t]he people of the United States will recognize, even if this committee does not, that every viable nation has to have a common culture to survive in peace"; noting Professor Schlesinger as objecting to magnifying " 'ethnic and racial themes at the expense of the unifying ideals that precariously hold our highly differentiated society together.' ").

11. *Id.*

12. PETER NOVICK, *THAT NOBLE DREAM* 469 (1988).

13. See generally T. Alexander Aleinikoff, *A Case For Race-Consciousness*, 91 COLUM. L. REV. 1060, 1075 (1991) (describing "color blind" theories but advocating race consciousness).

14. A. Leon Higginbotham, *Foreword*, 7 BLACK L.J. 1 (1981).

15. *Id.* For an earlier expression of a similar concept see also Charles Houston, *The Need For Negro Lawyers*, 4 NEGRO EDUC. 49 (1935) (observing that the average white lawyer, especially in the South, could not be relied upon to wage an uncompromising fight for equal rights for Negroes since he had too many conflicting interests and usually profited as an individual by the very exploitation of the Negro which, as a lawyer, he would be called upon to attack).

16. See Higginbotham, *supra* note 14, at 3.

tral, ordinary and beyond question."¹⁷ She forcefully argued that since majority, as well as minority, students and instructors view the world through a "consciousness constructed in part through race," class discussions should be broadened to include the cultural and experiential knowledge of different racial groups.¹⁸

A similar duality was noted in the observations of the historian John Hope Franklin. His challenges to the objectivity of those historians, who espoused principles of universalism and objectivism while, at the same time, omitting certain facts pertaining to slavery from their historical accounts,¹⁹ reveal the duality in historical accounts. Professor Franklin observed that:

[Some] would-be historians have sought out those historical episodes that support some contemporary axe they have to grind. Others look for ways to justify the social and public policy that they and like-minded persons advocate. Others even use the past to hold up to public scorn and ridicule those who are the object of their own prejudices.²⁰

Whether one considers the imperative of including racial discourse from historiographical, pedagogical, or professional perspectives, the theme is the same. That which appears neutral is infused with racialism. Race consciousness has influenced discourse in the past, and will likely continue to do so.²¹ In light of this observation, Professor Alexander Aleinikoff reaches a conclusion worthy of consideration. He suggests that race conscious discussions may provide the vehicle for "new cultural narratives that would support serious efforts aimed at achieving racial justice."²²

17. Crenshaw, *supra* note 7, at 6.

18. *Id.*

19. NOVICK, *supra* note 12, at 472-73 (discussing John Hope Franklin's criticism of the American polity for not writing history as it actually happened). Novick quotes Franklin as stating:

Historians, operating under Ranke's mandate to write history as it actually happened . . . could not bring themselves to write about runaway slaves as normal, freedom-loving human beings In refusing to face the facts of history and in refusing to use the same canons of scholarship to judge all peoples, such historians forfeited their claims of being scientific just as surely as the founding fathers had forfeited their claims that they were shaping political institutions in the interests of all people.

Id. at 473.

20. JOHN HOPE FRANKLIN, RACE AND HISTORY 10 (1989) (discussing the notorious film, *The Birth of a Nation*, and characterizing it and the works which led to its production as "propaganda" rather than history).

21. Aleinikoff, *supra* note 13, at 1065-66 (concluding that racial inequality exists and race will always matter).

22. *Id.* at 1078.

II. THE STORY OF A BLACK FAMILY

A. *The Importance of Sharing the Raimey Family's History*

During the course of my research I was amazed to find Raimey family records dating back to 1822. These records not only tell stories of her ancestors' enslavement, but also of their achievements despite slavery. Aside from the feelings of connectedness I experienced with Miss Raimey and her ancestors when viewing these documents, there existed a certain irony associated with locating documents of this nature. Miss Raimey was the last surviving member of her family. Yet a treasure of original sources exists which reveals her family history. Many Black Americans do not have family records which include documents such as those which exist for the Raimey family: freedom papers, registration papers required by the slave codes, passes for travel, church attendance, and employment. The irony exists because there are records for the Raimey family, but no living relatives to be nurtured by the knowledge about themselves which these documents could provide. The telling of Miss Raimey's story permits those of us who have family but no records to derive some sustenance from this information so that we too are nourished by this history, educated about ourselves, and are sustained by this knowledge.

B. *The African Diaspora: Those Who Promise to Educate You May Enslave You*

A handwritten statement found among Miss Raimey's effects²³ states that her great grandfather, Sully Watson, "was the only son of Molly" who was "the daughter of an African chief from New Guinea[sic]."²⁴ Molly and

23. See *Transcript of Family History* (on file with the Marquette Law Review). This written account of certain events involving the Raimey family was among the documents and papers about Miss Raimey which are in the possession of Mrs. Eleanore Guenther, a friend of Miss Raimey. The author of this document is unknown at this time. However, according to Mrs. Guenther, the "Family History" was with the records she acquired from Miss Raimey. Interview with Eleanore Guenther, in Saukville, Wis., (Feb. 23, 1991). Therefore, its authenticity is presumed.

24. Interview, *supra* note 23. The writer was likely referring to areas in West Africa which are on the Guinea coast. Leo Africanus, a sixteenth century Moor from Spain, and author of the pathbreaking historical travelogue of his expeditions in Africa, LEO AFRICANUS, THE HISTORY AND DESCRIPTION OF AFRICA AND THE NOTABLE THINGS THEREIN CONTAINED, describes the kingdom of Ghinea:

This kingdom called by the merchants of our nation Gheneoa, by the natural inhabitants thereof Genni, and by the Portugals and other people of Europe Ghinea, standeth in the midst betweene Gualata on the north, Tombuto on the east, and the kingdom of Melli on the south. In length it containeth almost five hundred miles, and extendeth two hundred and fiftie miles along the river of Niger, and bordereth upon the Ocean sea in the same place, where Niger falleth in to the saide sea. This place exceedingly aboundeth with bar-

her brother were lured from their African homeland with promises that they would receive an education.²⁵ Instead, they were "sold into slavery."²⁶

The above events occurred sometime during the last two decades of the eighteenth century,²⁷ and are consistent with historical accounts of slave trading during that period. The closing years of the eighteenth century represented the peak of the African slave trade.²⁸ Positions along the coast of the Gulf of Guinea were important slave trading ports,²⁹ with slave traders following certain protocols. These protocols included securing "permission" from the chief of the tribe to trade within his domain.³⁰ Even with these grants of permission, slave traders encountered considerable difficulties finding enough "likely" slaves to fill ships which were generally of considerable size.³¹ According to Professor John Hope Franklin, slave traders scoured the interior, and used "much coercion," to secure enough slaves to meet their demands.³² Professor Franklin's descriptions of the slave trade would allow one to readily accept the accuracy of the assertion in Miss

lie, rice, cattell, fishes, and cotton: and the cotton they sell unto the merchants of Barbarie, for cloth of Europe, for brazen vessels, for armour, and other such commodities. Their coine is of gold without any stampe or inscription at all: they have certaine iron-money also, which they use about matters of small value, some peeces whereof weigh a pound, some halfe a pound, and some one quarter of a pound. In all this kingdome there is no fruite to be found but onely dates, which are brought hither either out of Gualata or Numidia. Heere is neither towne nor castle, but a certaine great village onely, wherein the prince of Ghinea, together with his priestes, doctors, merchants, and all the principall men of the region inhabite. The walles of their houses are built of chalke, and the roofes are covered with strawe: the inhabitants are clad in blacke or blew cotton, wherewith they cover their heads also: but the priests and doctors of their law go appparelled in white cotton. This region during the three moneths of Iulie, August, and September, is yeerely environed with the overflowings of Niger in manner of an Island; all which time the merchants of Tombuto conveigh their merchandize hither in certaine Canoas or narrow boats made of one tree, which they rowe all the day long, but at night they binde them to the shore, and lodge themselves upon the lande.

LESLIE H. FISHEL, JR. & BENJAMIN QUARLES, *THE BLACK AMERICAN: A BRIEF DOCUMENTARY HISTORY* 9 (1970).

25. *Transcript of Family History*, *supra* note 23.

26. *Id.*

27. See Record No. 276 (March 10, 1834) (on file with the Marquette Law Review) (certifying the manumission of Sully Watson who at the time the record was made was described as being "about fifty years old").

28. JOHN HOPE FRANKLIN, *FROM SLAVERY TO FREEDOM: A HISTORY OF NEGRO AMERICANS* 58 (3rd ed. 1969).

29. *Id.* at 55.

30. *Id.* at 54.

31. *Id.* at 55.

32. *Id.*

Raimey's family records that deception was used to trap her ancestors into slavery.³³

Miss Raimey's great grandfather, Sully Watson, the son of Molly and her slave owner, was born in Virginia, the "birthplace of American slavery."³⁴ Like many Black Americans of that era, his birth was probably the result of the rape³⁵ of his mother, Molly, by her slaveowner. The slave-

33. *Id.*; see also JOHN W. BLASSINGAME, *THE SLAVE COMMUNITY PLANTATION LIFE IN THE ANTEBELLUM SOUTH* (2d ed. 1979).

34. A. Leon Higginbotham, Jr. & Greer C. Bosworth, "Rather Than The Free:" *Free Blacks In Colonial and Antebellum Virginia*, 26 HARV. C.R.-C.L. L. REV. 17, 20 (1991).

35. The term rape is used because it is assumed that Molly could not consent to a sexual liaison with her slaveowner. Her slave status as property would have precluded a legal finding that a "rape" could have occurred. Nevertheless, it is incongruous to assert that Molly would have had an opportunity to consent to a sexual liaison with her owner. See also BLASSINGAME, *supra* note 33, at 154-55. Professor Blassingame describes the conditions which many Black women endured during slavery:

The black autobiographers testified that many white men considered every slave cabin as a house of ill-fame. Often through "gifts", but usually through force, white overseers and planters obtained the sexual favors of black women. Generally speaking, the women were literally forced to offer themselves "willingly" and receive a trinket for their compliance rather than a flogging for their refusal and resistance. Frederick Douglass declared that the "slave woman is at the mercy of the fathers, sons or brothers of her master." [citation omitted] Many of the black autobiographers recounted stories of slave women being forced to submit to whitemen: Henry Bibb's master forced one slave girl to be his son's concubine; M.F. Jamison's overseer raped a pretty slave girl; and Solom on Northup's owner forced one slave, "Patsey", to be his sexual partner.

Id.

For an autobiographical account describing the nature of the sexual harassment imposed upon a black woman by her slave owner, see HARRIET A. JACOBS, *INCIDENTS IN THE LIFE OF A SLAVE GIRL WRITTEN BY HERSELF* (Jean F. Yellin ed., 1987). Miss Jacobs described the circumstances under which she was pursued by her owner before escaping: "When he told me that I was made for his use, made to obey his command in every thing; that I was nothing but a slave, whose will must and should surrender to his, never before had my puny arm felt half so strong." *Id.* at 18. Miss Jacobs reflected upon her childhood experience as a maturing black slave girl:

She will become prematurely knowing in evil things. Soon she will learn to tremble when she hears her master's footfall. She will be compelled to realize that she is no longer a child. If God has bestowed beauty upon her, it will prove her greatest curse. That which commands admiration in the white woman only hastens the degradation of the female slave.

Id. at 28.

For a cogent analysis of the relationship between sexual abuse and racism, see ANGELA Y. DAVIS, *WOMEN RACE & CLASS* (1983). Professor Davis describes the role of sexual abuse in forcing the Black woman to accept her enslaved condition:

Slavery relied as much on routine sexual abuse as it relied on the whip and the lash. Excessive sex urges, whether they existed among individual white men or not, had nothing to do with this virtual institutionalization of rape. Sexual coercion was, rather, an essential dimension of the social relations between slavemaster and slave. In other words, the right claimed by slaveowners and their agents over the bodies of female slaves was a direct expression of their presumed property rights over Black people as a whole. The license to

owner listed in the family history as Sully's father; he is named as the person who perpetrated the deception upon Molly's father.³⁶ We are forced to imagine how Molly must have felt about her situation since family records do not indicate how she responded to her enslavement.³⁷ We do not know if she actively resisted and was subjected to the brutalities slavecaptors used to subdue their victims,³⁸ or if she slipped into a state of "fixed melancholy," becoming so despondent that she lost the will to live.³⁹ We can conclude, however, that as the daughter of an "African chief," Molly's status prior to enslavement⁴⁰ had been assured. Coming from Guinea, with its

rape emanated from and facilitated the ruthless economic domination that was the gruesome hallmark of slavery.

Id. at 175 (citation omitted).

36. *Transcription of Family History*, *supra* note 23.

37. See PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* 17-18 (1991). Professor Williams, after discovery of what may have been a contract of sale for her great-great-grandmother, "tried to piece together what it must have been like to be [her] great-great-grandmother:"

She was purchased according to matrilineal recounting, by a man who was extremely temperamental and quite wealthy. I try to imagine what it would have been like to have a discontented white man buy me, after a fight with his mother about prolonged bachelorhood. I wonder what it would have been like to have a thirty-five-year-old man own the secrets of my puberty, which he bought to prove himself sexually as well as to increase his livestock of slaves. I imagine trying to please, with the yearning of adolescence, a man who truly did not know I was human, whose entire belief system resolutely defined me as animal, chattel, talking cow. I wonder what it would have been like to have his child, pale-faced but also animal, before I turned thirteen. I try to envision being casually threatened with sale from time to time, teeth and buttocks bared to interested visitors.

Id.

38. See BLASSINGAME, *supra* note 33, at 10-12 (concluding that "[m]any of the Africans resisted enslavement at every step in their forced emigration;" there were escape attempts, suicide attempts, mutinies, and passive resistance through obstinate, sullen, and uncooperative behaviors and noting that "unremitting cruelty" was often used to subdue the slave and break his will to resist).

39. *Id.* at 7. Blassingame describes "fixed melancholy" as a condition of slaves who became so despondent that they gave up the will to live. He also describes the behavior of many slaves who had become despondent and overcome by grief to the point that they were morose and indifferent to their work, talked to themselves, had hallucinations about loved ones and developed suicidal tendencies. *Id.* at 297. Blassingame concludes that slaves often committed suicide by drowning, or refusing food or medicine and cites to a report by a captain of a slave ship that stated a hundred male slaves "jump'd over board," in an attempt to commit suicide. *Id.* at 9.

40. *Id.* at 13. Blassingame gives an account of an African-born slave, Venture Smith. Smith, like Molly, was born in Guinea during the eighteenth century. Smith described his life before slavery recalling that his father, a wealthy prince, was "a man of remarkable strength and resolution, affable, kind and gentle, ruling with equity and moderation." Smith recalled that his people raised sheep, goats, and cattle. His father gave cattle and goats to assuage the avarice of African slave raiders. However, the raiders broke their bargain, destroyed the village, and tortured his father to death. *Id.* at 13-15 (citing VENTURE SMITH, *A NARRATIVE OF THE LIFE AND ADVENTURES OF VENTURE, A NATIVE OF AFRICA* (1798)).

monetary system, international trade, priests, and doctors of law,⁴¹ Molly was probably overwhelmed by the uncivilized treatment she received, and the barbarism of American slavery. Molly's comprehension of the deception upon her father, and the consequences it would portend for herself and her children likely produced a profound "psychic impact."⁴² We do not know how, but we do know Molly survived slavery and its physical and emotional brutalities. She lived long enough to bear several other children, daughters, who in turn had large families of their own.⁴³ It is unlikely we will ever comprehend the depth of Molly's disappointment in this country, or the rage she must have felt from the deception which led to her enslavement. She came here seeking an education, but, as a slave, she was bred like an animal. I suppose that from Molly's experience we can learn one important lesson: those who promise to educate you may enslave you.

41. For a description of the culture of Guinea, see FISHEL & QUARLES, *supra* note 24, at 9.

42. BLASSINGAME, *supra* note 33, at 12 (discussing the "psychic impact" of enslavement); see also JACOBS, *supra* note 34, at 28 (describing her own feelings about enslavement and the sexual harassment inflicted upon her by her owner):

I know that some are too much brutalized by slavery to feel the humiliation of their position; but many slaves feel it most acutely, and shrink from the memory of it. I cannot tell how much I suffered in the presence of these wrongs, nor how I am still pained by the retrospect. My master met me at every turn, reminding me that I belonged to him, and swearing by heaven and earth that he would compel me to submit to him. If I went out for a breath of fresh air, after a day of unwearied toil, his footsteps dogged me. If I knelt by my mother's grave, his dark shadow fell on me even there. The light heart which nature had given me became heavy with sad forebodings. The other slaves in my master's house noticed the change. May[sic] of them pitied me; but none dared to ask the cause. They had no need to inquire. They knew too well the guilty practices under that roof; and they were aware that to speak of them was an offence that never went unpunished.

Id. at 28.

Phyllis Wheatley, a slave and renowned poet, who had been treated with considerable kindness and affection by her owners, nevertheless expressed her love for freedom and the pain of her enslavement in a poem dedicated to the Earl of Dartmouth:

Should you, my lord, while you peruse my song,
Wonder from whence my love of Freedom sprung,
Whence flow these wishes for the common good,
By feeling hearts alone best understood,
I, young in life, by seeming cruel fate
Was snatch'd from Afric's fancy'd happy seat:
What pangs excruciating must molest,
What sorrows labour in my parent's breast?
Steel'd was the soul and by no misery mov'd
That from a father seiz'd his babe belov'd:
Such, such my case. And can I then but pray
Others may never feel tyrannic sway?

FISHEL & QUARLES, *supra* note 24, at 33 (quoting PHYLLIS WHEATLEY, POEMS ON VARIOUS SUBJECTS, RELIGIOUS AND MORAL 18, 74 (n.p., n.d.)).

43. See *Transcript of Family History*, *supra* note 22.

What can we learn from the efforts of Miss Raimey's ancestors to cope with their enslavement? We know from her family records that her great-grandfather, Sully Watson, undertook heroic efforts to live a civilized existence despite barbarous American slavery. Sully Watson worked and contracted to perform labor for persons other than his slavemaster.⁴⁴ It was not unusual for slaveowners to grant slaves this right. Slaves who had learned various trades were considered more valuable to their masters.⁴⁵ Sully Watson acquired blacksmith and construction trades skills,⁴⁶ despite the resistance of "white artisans [who] were violently opposed, for the most part, to the teaching of the trades to Negroes."⁴⁷

The institution of slavery was at odds with the creation and maintenance of any Black family structure. Children were sold from their parents, wives were separated from their husbands, and marriages went unrecognized. Miss Raimey's ancestors nevertheless persisted and created a family unit which nurtured, supported, and encouraged their achievements. While the date is unknown, family records establish that Sully Watson married Susan Costoloe. Susan Costoloe was the granddaughter of a woman from Cork and a "colored man." Her father, James Costoloe, would have been considered freeborn because of his mother's White race.⁴⁸ Susan Costoloe

44. See Powhatan County Record (1829) (on file with the Marquette Law Review) (indicating that Sully Watson was to be paid for "puting[sic] 1 pair shoes on horse . . . mending plough . . . makeing[sic] 1 plough . . . [r]epairing plough"); see also Sully Watson's personal papers (Dec. 11, 1824) (on file with the Marquette Law Review) which state:

Sully Watson a man Slave, the property of William Moncure, has permission to hire himself and to dispose of his time as he pleases. the[sic] object of this writing is to secure him from any imposition as long as he conducts himself with propriety and with amenity with the laws of the land regulating the government of Slaves. To all whom it may concern please permit the Bearer to job without molestation and much oblige his master.

See also Sully Watson's personal papers (March 28, 1825) which state:

Know all whom it may concern that the bearer Sully Watson has the permission of his master to engage work any where he may find of his interest to contract, without being interrupted or disturbed by the police except when his conduct deserves it[sic] He is hereby authorized to receive pay for his labour)

45. FRANKLIN, *supra* note 28, at 196 (concluding that "[n]any owners realized the wisdom of training their slaves in the trades, for their earning power would be greatly enhanced; and if the slave was ever offered for sale he would perhaps bring twice as much as a field hand of a similar age would bring").

46. Sully Watson's Personal Papers (January 19, 1829) (on file with the Marquette Law Review) (bill for "puting[sic] 1 pair shoes on horse . . . mending plough . . . makeing[sic] plough . . . repairing plough").

47. FRANKLIN, *supra* note 28, at 196. Professor Franklin also concludes that "[n]egro blacksmiths, bricklayers, pilots, cabinetmakers, painters, and other skilled workers met stern opposition from white artisans wherever they sought employment." *Id.* at 312.

48. *Transcript of Family History*, *supra* note 23; see also FRANKLIN, *supra* note 28, at 217 (noting the increase in free Negroes due to the birth of mulatto children to white mothers and

was also recorded as a free born woman. Likewise, Sully and Susan Watson's children were free from birth.⁴⁹

Susan Watson, the great-grandmother of Miss Raimey, achieved considerable success despite the oppressive conditions imposed upon free born Blacks during this period. Several bills document that Susan Watson was an accomplished seamstress.⁵⁰ Two letters and a deed for the purchase of land signed by Susan Watson⁵¹ establish her literacy. This was a significant accomplishment since free Blacks were denied access to public education, and were taught generally by other free Blacks or Whites in private institutions.⁵² Having learned how to read and write, Susan Watson served as the family's communicator and historian. Her letters are important sources of information, revealing not only activities, but also the values and aspirations of the family.

Even though Susan and Sully Watson's children were considered free born, their achievements should be evaluated within the context of American slavery. The freedom that either emancipated or free born Blacks experienced in the state of Virginia was hardly comparable to that afforded the White population. Professor Franklin, in his work on the history of Negro Americans, describes the status of freed Blacks as "quasi-free," and concludes that, after the Revolutionary period, the status of free Blacks "deteriorated, until toward the end of the slave period the distinction between slaves and free Negroes had diminished to a point that in some instances was hardly discernible."⁵³ Judge Higginbotham in his work on the

concluding that the "practice of white women mixing with Negro men was fairly widespread during the colonial period and had not entirely ceased by 1865").

49. FRANKLIN, *supra* note 28, at 215 (observing that "[c]hildren born of free Negro mothers were also free").

50. See bills prepared by Elizabeth Costoloe for Susan Watson (June 1, 1826) (on file with the Marquette Law Review) for sewing items such as a coat and jacket.

51. Letters from Susan Watson in Columbus, Ohio (Feb. 8, 1847 and Oct. 4, 1847); indenture (December 7, 1851) (on file with the Marquette Law Review) (signed by Susan Watson and showing a mark for Sully Watson).

52. See FRANKLIN, *supra* note 28, at 229, which observed:

[F]ree Negroes of Virginia and North Carolina received private instruction from whites and other free Negroes, but very little in schools . . . the Negroes of Fredericksburg, Virginia, sought permission from the state legislature in 1838 to send their children to school out of the state, but their plea was summarily rejected . . . there [was] plenty of evidence, however, that many free Negroes in Virginia and North Carolina towns were being educated right down to the Civil War.

53. *Id.* at 217-18; see also Higginbotham & Bosworth, *supra* note 34, at 17-18 (discussing Chief Justice Taney's opinion in *Dred Scott v. Sandford*, 60 U.S. (19 How.) 393, 411 (1857), and concluding that the Chief Justice perhaps accurately observed that emancipated Blacks were more identified in the public mind with the race to which they belonged and were regarded as part of the slave population rather than the free).

status of free Blacks in antebellum Virginia provides a detailed account of the "racial jurisprudence" which perpetuated racial injustice for free Blacks.⁵⁴ Among the repressive forms of legislation were registration laws:

Free blacks were required to register with the clerk of the city, borough, or town where they resided. The registration certificate specified the "age, name, colour and stature, by whom and in what court the said negro or mulatto was emancipated; or that such negro or mulatto was born free."⁵⁵

There are at least five such registration papers for members of Miss Raimey's family who were either free born, or later emancipated, and required to register their status with the courts of Virginia. Failing that, they risked losing the "freedom" associated with their nonslave status.⁵⁶ Judge Higginbotham observes that such repressive legislation not only restricted the mobility and associations of free Blacks, but also denied Blacks a number of economic opportunities.⁵⁷ He cites legislation which required employers to examine the registration papers of free Blacks as an example of an inherent limitation upon their employment opportunities.⁵⁸

There were other examples among the Raimey family records of the results of repressive Virginia legislation, which regulated every aspect of Black existence. Without his owner's permission, Sully Watson could neither work, worship, nor embrace his wife. During 1830 he had to obtain passes to visit his family,⁵⁹ and attend "preaching at the Websters meeting-house."⁶⁰ His religious convictions and affections for his family likely were very strong since during each of these excursions⁶¹ he probably risked his

54. Higginbotham & Bosworth, *supra* note 34, at 20.

55. *Id.* at 28-29 (citation omitted).

56. *Id.*

57. *Id.* at 42-45 (discussing occupational restrictions placed upon free Blacks by repressive legislation and employment prohibitions against hiring any free Black who did not possess a certificate verifying his or her registration).

58. *Id.* at 45-46.

59. Sully Watson's Personal Papers (October 11, 1830) (on file with the Marquette Law Review) (authorizing the "bearer Sully" to visit "his home and family in Powhatan County").

60. Sully Watson's Personal Papers (July 11, 1830) (on file with the Marquette Law Review) (authorizing Sully Watson to go to Goochland to "preaching at Websters meeting-house and to return unmolested by any one"). The existence of these papers is consistent with Judge Higginbotham's account of laws of the Virginia legislature which restricted Blacks from engaging in religious observances without obtaining written permission. Higginbotham & Bosworth, *supra* note 34, at 42.

61. See BLASSINGAME, *supra* note 33 at 172 (describing the disruptive forces of slavery which tore at the Black family). Blassingame notes:

After marriage, the slave faced almost insurmountable odds in his efforts to build a strong stable family. First, and most important of all, his authority was restricted by his master Some planters punished males by refusing to let them visit their mates when they

life. Fears of slave insurrections were strong during 1830, as evidenced by the message of then Virginia Governor, John Floyd: "A spirit of dissatisfaction and insubordination was manifested by the slaves in different parts of the country from this place [Richmond] to the seaboard."⁶² Any "symptoms of liberty" among Blacks brought swift and sometimes fatal retribution.⁶³

We can reasonably conclude that legislative restraints upon the activities of free Blacks encouraged the Watsons to leave Virginia. Sully Watson's status as a free human being was acknowledged in 1834 by the will of his owner, who some would say freed him by act of manumission.⁶⁴ Virginia enacted statutes during 1806 requiring Blacks who had attained their freedom after May 1, 1806 either to obtain special legislative permission to stay, or to leave the state.⁶⁵ This legislation certainly would have influenced the Watsons' decision not to remain in Virginia. Even though "many free blacks were granted limited time extensions to remain in the state to settle their affairs,"⁶⁶ this racist jurisprudence would have provided sufficient impetus for the Watson family to leave Virginia.

As expected, the Watsons moved to free soil as soon as their circumstances would permit. We do not know the exact date of their departure from Virginia, but family records place Sully Watson in the state of Ohio during March of 1838.⁶⁷ Sully and Susan Watson remained in Ohio until 1850,⁶⁸ while their son William Thomas Watson, who would later become Miss Raimy's maternal grandfather, moved to Milwaukee at an earlier point.⁶⁹ By October 21, 1851, Sully and Susan Watson had purchased property in Milwaukee.

lived on other plantations. In any event, these slaves could only visit their mates with their master's permission.

Id.

62. HERBERT APTHEKER, NAT TURNER'S SLAVE REBELLION 19 (1966).

63. *Id.* at 20-22.

64. See Sully Watson's Personal Papers (March 6, 1834) (on file with Marquette Law Review) (granting Sully Watson permission to remain in the county until obtaining his free papers and stating that Sully Watson was "lately liberated by the last will of William Moncure").

65. Higginbotham & Bosworth, *supra* note 34, at 47.

66. *Id.* (citing generally to VA. CODE Chs. 169-70, §§ 120, 121 (1828)).

67. See Sully Watson's Personal Papers, (March 28, 1838) (on file with the Marquette Law Review) (bill to Sully Watson for paving one lot curb stone).

68. See Indenture (Oct. 21, 1851) (on file with the Marquette Law Review) (showing that Sully and Susan Watson purchased property in Milwaukee).

69. See Letters from Susan Watson in Columbus, Ohio, *supra* note 51 (discussing plans for "william tomas"[sic] to begin travel to Wisconsin "starting 20 of this month"); BILL HOOKER, BLACKS IN EARLIER MILWAUKEE (n.d.) (stating that the Watson families migrated to Milwaukee long before Harriet Beecher Stowe wrote "Uncle Tom's Cabin"); Census Records (n.d.) (on file with the Marquette Law Review) (showing Sully Watson as a resident).

The Watsons' departures from Ohio were also probably due to racial hostilities. Professor Franklin has documented racial animosities resulting in physical violence against Negroes residing in free states.⁷⁰ He also has noted violent reactions from Whites living in Ohio to the very presence of free Blacks.⁷¹

It is significant that Miss Raimey's ancestors were free when they arrived in Milwaukee during the 1840s.⁷² They were among the first Blacks to settle in Wisconsin and were among the few original Black settlers who remained in Milwaukee.⁷³ Had they not been free, the Watsons likely would have joined other Blacks who were escaped slaves and fled to Canada after the passage of the Fugitive Slave Act.⁷⁴

70. FRANKLIN, *supra* note 28, at 234-35 (describing the stoning of a Negro woman in Philadelphia by three white women in 1819; observing that the German settlers in Ohio opposed the presence of John Randolph's manumitted slaves so vigorously that the executor had to find another place for them to settle; documenting that mobs during 1830 in Portsmouth, Ohio, drove eight Negroes out of the city; describing riots during 1829 in Cincinnati during which "bands of white ruffians in Cincinnati took the law in their own hands and ran out of the city those Negroes who did not have the bonds required by law;" concluding that "more than a thousand "Negroes found it advisable to leave the state of Ohio; noting that Negroes were also victims of the riot that occurred when the pro-slavery element of Cincinnati destroyed the office in which James G. Birney had published *The Philanthropist*, an anti-slavery newspaper). Dr. Franklin attributes increased hostility to Negroes to the "wholesale Negro migration" which brought in the opinion of some "the crude, rough type which came from the south." *Id.* at 234.

71. *Id.*

72. See Kohler, *supra* note 3, at 14 (noting that Caroline Quarrells was the "first slave to escape through Wisconsin and helped on her way to Canada in 1842 by Lyman Goodnow, an early Waukesha[sic] resident. Joshua Glover was another slave to whom Mr. Goodnow gave assistance").

73. *Id.*

Negroes came early to Wisconsin, some on the boats that plied the Mississippi, some as slaves in the 1820's and the 1830's with the development of the southwestern lead mining region, some as servants in the Green Bay, Prairie du Chien, and Waukesha settlements, and some as free people seeking a new home.

Id. Kohler also notes that Henry Anderson, a free Negro, came to Milwaukee as early as 1830. *Id.* Anderson was related to the Raimey family. For a history of blacks in Milwaukee, see William T. Green, *Negroes in Milwaukee*, in *THE NEGRO IN MILWAUKEE: A HISTORICAL SURVEY* 10 (Milwaukee County Historical Society ed. 1968). The article is described as the first piece of 'Negro History' known to have been published locally. Green reports that the first Negro settler came in 1835. *Id.* at 11. There were only about twenty Negro families in the area in 1845. *Id.* at 12. He describes them as "more or less prosperous and well to do." *Id.* He reported that Sully Watson, a "skilled journeyman brick-mason, came to Milwaukee in 1850" and that the Watsons owned valuable properties on Michigan and Third Streets, on the lower end of Fourth Street, near Clybourn Avenue, and on Mason and North Water Streets. *Id.* at 13. Green also reported that a 1861 lynching of a Black man and threats of extermination had frightened many Blacks, and many moved away. *Id.*

74. *Id.*

Some historical accounts suggest that territorial Wisconsin was decidedly more disposed towards Black economic progress than the later City of Milwaukee.⁷⁵ Members of the Watson family acquired property and engaged in substantial business enterprise.⁷⁶ William Watson worked as a contracting mason, and has been credited with building many of the businesses and residences in Milwaukee.⁷⁷ Other historical accounts cite racial hostilities as one of the causes for the "modest economic condition" of Blacks in Wisconsin.⁷⁸ Stories of the entrepreneurial successes in the construction industry for some of Milwaukee's first Black families stand in sharp contrast to contemporary accounts from Black business owners. Recent studies of discrimination within the Milwaukee construction marketplace conclude that Black contractors currently experience race discrimination, which impedes economic progress at each stage of their development.⁷⁹ Miss Raimy's ancestors enjoyed considerable economic and social success, de-

75. See HOOKER, *supra* note 69 ("Anderson [a relative of the Watson's] and Watson received a warm welcome and found work plentiful"); see also Kohler, *supra* note 3, at 14 (concluding that "[t]here was very little distinction between races in the territorial days. Pioneer women share their joys and sorrows—whites, Negroes, Indians, all the same. Many denominations served God under the same roof. There was little time or inclination to dislike one's neighbor."). Cf. CONTA & ASSOCIATES, A STUDY TO IDENTIFY DISCRIMINATORY PRACTICES IN THE MILWAUKEE CONSTRUCTION MARKETPLACE 90 (1990) (discussing study of 260 Negro-owned businesses conducted during 1967 which described most of them as marginal enterprises with no businesses represented in manufacturing and only a few in the wholesale trade). The study also discussed the conditions existing for Black construction contractors since 1960: there was a scarcity of minority construction firms in the Milwaukee area compared to other major metropolitan areas in the country which was attributed to the "exclusion" of minorities from the construction market; there had been over the past 20 years negative racial attitudes about blacks and other minorities and incidents of racial discrimination which explained the paucity of minority businesses; minority business owners had limited access to the capital necessary for successful enterprises; the construction unions had institutionalized a racially discriminatory system which had excluded minorities from the skilled construction trade employment and these exclusions continued to limit opportunities for minority businesses which tended to be non-union; minority contractors were consistently restricted to subcontracting jobs only when necessary to fulfill minority business enterprise hiring goals; they were effectively excluded from private sector subcontracting opportunities. *Id.* at 124-25.

76. Indenture, *supra* note 68 (conveying a parcel of land in the city of Milwaukee to Sully Watson for the price of six-hundred dollars).

77. See HOOKER, *supra* note 69. The article also mentions another Black contractor, Alonzo Thrill, who was a sidewalk contractor and an expert at laying curbing. "He did much of the work for the city by contract" until his health failed him in the early eighties. "Thrill was a familiar figure on the streets while bossing his crew of white workmen. Even when Thrill failed to obtain a contract on his own account it was not unusual for the successful bidder to employ him to supervise the work." *Id.*

78. For a discussion of the economic, political, and social status of Blacks in Wisconsin during the Civil War years, see Edward Noyes, *The Negro in Wisconsin's Civil War Effort*, LINCOLN HERALD, Summer 1967, at 70-72.

79. CONTA & ASSOCIATES, *supra* note 75, at 144, 148.

spite prejudices and anti-Black sentiments. Her maternal grandfather, William Watson, was a successful contractor; another relative, William H. Anderson, was a successful brick mason.⁸⁰ He accumulated property,⁸¹ and became the first Black to have a will probated in Milwaukee County.⁸² He was also reportedly involved with a station of the underground railroad located here.⁸³ Miss Raimey's father worked as a mail carrier.⁸⁴ Her mother along with other members of her family enjoyed the friendship and respect of a number of individuals in the Milwaukee community.⁸⁵

C. Educational Pursuits: Still Valued by the Raimey Family

Family records documenting Miss Raimey's education reveal a family who remained committed to educational pursuits despite the trap educational promise provided for their ancestor, Molly. Miss Raimey's birthdate has been recorded by various sources as occurring around the turn of the century.⁸⁶ While the exact date is uncertain,⁸⁷ we are reasonably sure that the Raimey family knew the benefits of an education, and willingly sacrificed so that Mabel Raimey would excel in her educational endeavors. Her family records include a bill for kindergarten tuition,⁸⁸ a program stating she was a member of a "baby band,"⁸⁹ and a letter to her parents from her teacher.⁹⁰ Their existence and manner of preservation of these records

80. Kohler, *supra* note 3, at 40-41.

Unknown numbers of slaves were helped on their way to freedom both by white people in Wisconsin and by Negroes who already had established themselves here. The Andersons of Milwaukee, a Negro family mentioned in an earlier chapter, were a center of activity for the underground railway in their home at Michigan street near Third. The Sublet family at Racine helped transport slaves into the free states and on into Canada. Mr. Sublet was linked to 'the mysterious forty' of the underground. Another important underground station was at Milton.

Id.

81. HOOKER, *supra* note 69.

82. Green, *supra* note 73, at 10, 14 n.9.

83. Kohler, *supra* note 3, at 40-41.

84. Maggie Menard, *The Law Lives*, MILWAUKEE SENTINEL, Feb. 15, 1984, 1, at 6.

85. Letters from Friends (n.d.) (on file with the Marquette Law Review).

86. Menard, *supra* note 84.

87. See Mabel Raimey's School Record (Sept. 11, 1901) (on file with the Marquette Law Review) (indicating tuition payment for kindergarten for Mabel Raimey). It is unlikely that Miss Raimey would have been enrolled in kindergarten before age one.

88. *Id.*

89. The Women's Baptist Home Mission Society Certificate (March 31, 1903) (on file with the Marquette Law Review).

90. See Letter signed by Alma L. Binzel per C. Nicholson (n.d.) (on file with the Marquette Law Review).

reveals how proud her parents must have been of their efforts to educate Miss Raimey.

Miss Raimey responded favorably to the interest shown in her education. A talented student, she graduated from West Division High School at the age of fourteen.⁹¹ When one considers the average educational achievements of that era,⁹² her graduation from high school would reflect extraordinary commitment.

Before entering college, Miss Raimey considered a career in medicine. We have to imagine the career this very talented and determined woman might have accomplished in medicine, had she had the appropriate mentor to direct her efforts. The person to whom she turned for such career advice, her family's physician, advised her that "medicine would be too hard"⁹³ and that "women couldn't handle the studies."⁹⁴

Perhaps believing this gendered advice, Miss Raimey attended the Milwaukee Normal School, which is now the University of Wisconsin-Milwaukee.⁹⁵ She then enrolled in the University of Wisconsin-Madison, and in 1918 earned a Bachelor of Arts degree with a major in English.⁹⁶ She believed she was the first Black woman to have graduated from the University of Wisconsin in Madison.⁹⁷

However, the same city that provided substantial opportunities for Miss Raimey's ancestors denied opportunity to Miss Raimey. Although she successfully obtained a teaching position with the Milwaukee Public Schools, her teaching career lasted only three days.⁹⁸ Once school administrators "discovered" she was Black they dismissed her.⁹⁹ School officials had initially mistaken Miss Raimey for a White woman, but, upon the discovery of

91. See Menard, *supra* note 84.

92. See R.O. Washington and John Oliver, *An Historical Account of Black in Milwaukee*, THE MILWAUKEE URBAN OBSERVATORY, 24, 25, 37 (Spring, 1976) (copy on file with Marquette Law Review). The authors point out the information on educational achievement among Blacks in Milwaukee from 1870 to 1940 is relatively obscure. But they show that most Blacks living in Milwaukee were well educated until the 1900s. In particular, the adult black literacy rate was 70.3% in 1850, 84.4% in 1860, and 78.4% in 1870. However, in 1960, the percentages of Milwaukeeans with four years of high school were only 26.5% for white students, and 17.6% for nonwhite students. The above figures, reflecting educational achievements over four decades after Mabel Raimey's graduation from high school, suggest that her graduation was unusual.

93. Leslie Clevert, *Pioneer Woman Lawyer, 77, Reminisces About Her Firsts*, MILWAUKEE J., Nov. 9, 1976, at 1.

94. Menard, *supra* note 84.

95. See Clevert, *supra* note 93.

96. Program of Commencement Exercises University of Wisconsin (1918) (on file with the Marquette Law Review).

97. See Clevert, *supra* note 93.

98. Menard, *supra* note 84.

99. *Id.*

her African ancestry, they quickly corrected their "mistake."¹⁰⁰ In an interview, Miss Raimey spoke of the overt hostility she experienced after school authorities discovered that she was Black. She recalled that the "principal made faces behind her back."¹⁰¹ We do not have to imagine how Miss Raimey responded to the discrimination she experienced during her three day teaching career. Evidence discloses that she was "shocked" by these experiences of racial harassment and discharge.¹⁰²

One would think that the educated great granddaughter of a slave, who knew the story of her great-great grandmother's entrapment into slavery, would not have been shocked to discover that racism would deny her employment opportunities.¹⁰³ Perhaps Miss Raimey was lulled into believing that she would have an opportunity to teach in the Milwaukee schools by several phenomena which had occurred during the first two decades of the twentieth century. The teaching profession had become one of the first professions open to Black women.¹⁰⁴ Cities such as New York and Chicago gained reputations for accepting Black women as teachers.¹⁰⁵ By 1900 the barriers to women gaining entry to the teaching profession had been broken to the extent that White female teachers in Wisconsin outnumbered their male counterparts six to one.¹⁰⁶ Perhaps Miss Raimey reasonably expected that she would likewise have an opportunity to pursue a career in teaching. We know that she did not.

We also know how this race discrimination influenced Miss Raimey. She remarked during interviews that these events "changed [her] life."¹⁰⁷ Miss Raimey later reflected upon this experience of race discrimination after achieving a successful career as an attorney, recognition as a community leader, and survival of a debilitating stroke which left her with significant paralysis. The pain resulting from this discrimination was not only intense but lasting.

Thus, we have the potential law student, Mabel Raimey—discouraged from medicine because of sexism—prevented from teaching because of ra-

100. *Id.*

101. *Id.*

102. *Id.*

103. See LEE SIGELMAN & SUSAN WELCH, BLACK AMERICANS' VIEWS OF RACIAL INEQUALITY 71 (1991) (concluding that "more highly educated blacks perceive greater discrimination against themselves than less educated blacks do").

104. Eva D. Bowles, *Opportunities For The Educated Colored Woman*, in BLACK WOMEN IN AMERICA: A DOCUMENTARY HISTORY 330 (Gerda Lerner ed., 1973).

105. *Id.*

106. See Kohler, *supra* note 3, at 26.

107. Menard, *supra* note 84.

cism. Upon entering law school she had already experienced the double jeopardy faced by women of color.¹⁰⁸

Perhaps it was at this point that Miss Raimsey decided neither racism nor sexism would define her goals and aspirations. Her realization was that while the external barriers of racism and sexism might thwart her achievements, she need not internalize these impediments so that they would define her goals. This was undoubtedly an empowering experience. She shared this message with others. During interviews and speeches she repeatedly admonished younger women to set high goals, and "never us[e] sex or race as an excuse not to attain these goals."¹⁰⁹ Other women of color who have entered the legal profession have expressed similar philosophies. Attorney Vel Phillips, the first Black woman to graduate from the University of Wisconsin Law School, expressed her attitude toward race and gender discrimination: "I seldom thought in terms of race or gender when my sights were set on a goal. I simply decided to put forth my best, and cope with the result."¹¹⁰

We do not know exactly why Miss Raimsey decided to pursue a career in law.¹¹¹ Her interests in law were likely heightened by subsequent work experience. After being denied the opportunity to teach, Miss Raimsey obtained employment as a legal secretary.¹¹² During 1922 she enrolled in Marquette University Law School,¹¹³ attending classes at night while continuing her employment.¹¹⁴

108. See Judy Scales-Trent, *Black Women And The Constitution: Finding Our Place, Asserting Our Rights*, 24 HARV. C.R.-C.L. L. REV. 9 (1989) (concluding that the synergistic effect of the status of being both Black and female creates a condition for Black women which is more terrible than the sum of their two constituent parts). But see Cynthia F. Epstein, *Positive Effects of the Multiple Negative: Explaining the Success of Black Professional Women*, in CHANGING WOMEN IN A CHANGING SOCIETY 152 (1973).

109. Joi Bradberry & Bill Kempfer, *1926 West Graduate Achieves Fame*, THE WEST WORLD, June 1, 1984, at 2 (noting that Miss Raimsey at age 83 encouraged young black women to set and achieve high goals).

110. See *Profile*, 57 WIS. B. BULL. 50 (1984). For a more contemporary expression of a similar philosophy, see Tannette Johnson-Elie, *Federal Prosecutor Didn't Let Racism, Poverty Hold Her Back*, MILWAUKEE SENTINEL, Aug. 19, 1991, at 12B (discussing the experiences of a Black female graduate of Marquette University Law School, Maxine A. White, the first Black female prosecutor employed at the Milwaukee Office of the U.S. Attorney).

111. Interviews with her associates do not provide the exact reason. Interview with Eleanore Guenther, *supra* note 23 (suggesting that Miss Raimsey decided to become an attorney after her father was swindled out of some money).

112. Clevert, *supra* note 93.

113. See Register Of Students (1922-23) (on file with the Marquette Law Review).

114. Clevert, *supra* note 93.

At the time of enrollment, Miss Raimey was one of only five women enrolled in the 1922-1923 night law school class of fifty-six students.¹¹⁵ She was the only Black student enrolled in the law school.¹¹⁶

Her decision to enroll in law school, and to pursue law as a career should be evaluated in light of the barriers which existed in 1922 because of her race and gender. Miss Raimey's decision to confront the legal profession did not represent the choice of an easier alternative to medicine or teaching. Law, like medicine, had also traditionally excluded Blacks and women.¹¹⁷ During 1922, the year Miss Raimey entered law school, the law she was about to study afforded few legal protections for women and racial minorities who desired to pursue a legal career.¹¹⁸ Further, the climate and racial attitudes in Milwaukee were not encouraging for a Black woman in pursuit of a legal education. During July of 1922, Milwaukee, like the rest of the country, experienced a railroad strike.¹¹⁹ Workers for the Northwestern and Milwaukee Road participated in the strike, and the employers brought in Black strikebreakers.¹²⁰ There were fears among the Black com-

115. See Register Of Students, *supra* note 113 (listing four other female law students: Mildred A. Bogue, Freida P. Camin, Gertrude S. Salentine, and Gertrude Steffen).

116. This is assumed from interviews with Miss Raimey which do not mention the presence of another Black law student. The law school however, did not begin keeping records of the race of members of the student body until the American Association of Law Schools required such reports from its member law schools.

117. At the time Miss Raimey decided to enter the legal profession, it was just beginning to become available to women.

For a discussion comparing the availability of the legal and medical professions to women, see RONALD CHESTER, *UNEQUAL ACCESS: WOMEN LAWYERS IN A CHANGING AMERICA* (1985). Professor Chester observes that in 1880 there were only 200 women lawyers in the entire United States, a figure "which was less than the number of women doctors practicing in Boston alone." *Id.* at 8. He also notes that while the numbers of female lawyers increased over the next three decades—558 by 1910 their numbers were still relatively small in comparison to the 9000 female physicians in practice at that same time. *Id.* Professor Chester however, attributes the rise in women lawyers to the growth of part-time law schools. *Id.* The closing of a number of women's medical colleges caused a reduction in the numbers of women doctors so that by 1920 their numbers had fallen to 7,387. *Id.* at 9; see also Kohler, *supra* note 3, at 124 (noting the slow increase in the number of women lawyers in the twentieth century in Wisconsin: rising from 12 in 1900 to 48 in 1940); Reneau & Barbee, *supra* note 3, at 56 (noting an increase in the number of Wisconsin's Black lawyers from one in 1892 to about 200 in 1984).

118. For a discussion of the cases challenging denial of entry into public law schools and challenges to segregated, "separate but equal" schools, see Ralph R. Smith, *Great Expectations and Dubious Results: A Pessimistic Prognosis For The Black Lawyer*, 8 BLACK L.J. 82, 84 n.8 (1983) (discussing *Sweatt v. Painter*, 339 U.S. 629 (1950); *Sipuel v. Oklahoma State Board of Regents*, 332 U.S. 631 (1948); *Pearson v. Murray*, 182 S. 5990 (1936)).

119. Robert E. Weems, Jr., *Black Working Class, 1915-1925*, 107, 110 (on file with the Marquette Law Review) (original obtained from the Collection of Black History at the Milwaukee Historical Society).

120. *Id.* at 111.

munity that the striking White employees would react violently not only to the strikebreakers, but to all Blacks in Milwaukee.¹²¹ While Milwaukee remained peaceful even after the arrival of the Black strikebreakers, the fall of 1922 was not the best time to integrate Marquette Law School.

In a number of states outside Wisconsin, Blacks had not even gained the right to attend public law schools. Litigation pursuing the rights of Blacks to be admitted to law schools did not occur until thirty years after Miss Raimey walked through the doors of Marquette Law School.¹²² A number of the elite private law schools had barred women and minorities.¹²³ Racist and sexist policies in legal education had given rise to the creation of educational institutions which undertook as their mission the legal education of women and Blacks.¹²⁴

Wisconsin, while progressing more rapidly than other states, had an inauspicious history of providing opportunities for women and minorities to enter the legal profession. Wisconsin enacted a civil rights law as early as 1895. The focus of this legislation was to forbid racial discrimination by those persons operating places of public accommodations.¹²⁵ But nonprofit organizations, therefore colleges and universities, were excluded from coverage by this legislation.¹²⁶

In 1875, the Wisconsin Supreme Court denied the petition of the first female to seek application to the bar stating, "[t]he law of nature destines and qualifies the female sex for the bearing and nurture of the children of our race and for the custody of the homes of the world and their maintenance in love and honor."¹²⁷ Chief Justice Ryan in the opinion went on to explain that "[a]ll life-long callings of women, inconsistent with these radical and sacred duties of their sex, as is the profession of the law, are departures

121. *Id.*

122. See Smith, *supra* note 118, at 84-86.

123. KAREN B. MORELLO, *THE INVISIBLE BAR: THE WOMEN LAWYERS IN AMERICA: 1638 TO THE PRESENT* 88 (1986).

124. J. Clay Smith, *Career Patterns Of Black Lawyers In The 1980's*, 8 BLACK L.J. 75 (1983) (noting that "[u]ntil recently just about all Blacks who graduated from law schools in this nation graduated from Black law colleges, e.g., Howard University School of Law in Washington, D.C."); see also Smith, *supra* note 118, at 93-94, 100-05 (discussing the concentration of Blacks, Puerto Ricans, and Mexican-Americans in only a small portion of the ABA-approved law schools).

125. See Reneau & Barbee, *supra* note 3, at 55 (discussing the career of William T. Green, the first Black male admitted to practice in the state and crediting him with authoring a draft of Wisconsin's first Civil Rights Law, Chapter 223, Session Laws of 1895 [refer to Wis. Stat. § 942.04] (1989-90)).

126. Wis. Stat. § 942.04(2) (1989-90).

127. In the Matter of the Motion to admit Miss Lavinia Goodell to the Bar of this Court, 39 Wis. 232, 245 (1875) (emphasis added).

from the order of nature; and when voluntary, treason against it."¹²⁸ While the Wisconsin legislature passed a statute prohibiting denials of admissions to the bar on account of the sex of the applicant,¹²⁹ the decision of the Wisconsin Supreme Court reflects the attitudes of influential members of the bar toward women who chose to practice law.¹³⁰

There were encouraging developments, however. By the 1880s the state bar association had reported that "it will be the duty of the bar to extend to all women who may have become their professional associates every proper courtesy and kindness"¹³¹ By 1893, a Black man, William T. Green, had begun practicing law in Wisconsin after graduating from the University of Wisconsin Law School in 1892. He practiced law until his death in 1911, and achieved considerable acclaim as a respected member of the bar and trial attorney.¹³² Another Black male attorney, George H. DeReef, moved to Milwaukee in 1913, and advocated Black interests. He won litigation which established the right of Blacks to serve on Milwaukee juries.¹³³

When Miss Raimey entered law school there were few white women practicing law in this state.¹³⁴ There were even fewer, if any, Black male lawyers, and there were no Black female lawyers.¹³⁵ Miss Raimey had no

128. *Id.*

129. See Kohler, *supra* note 3 (discussing Wisconsin's Revised Statutes of 1878 § 2586(5)).

130. *Id.*

131. *Id.*

132. Reneau & Barbee, *supra* note 3, at 55. After a stunning court victory, Green had earned a reputation as a most astute and able member of the Milwaukee Bar.

133. Weems, *supra* note 119, at 109-10.

134. Kohler, *supra* note 3, at 50 (noting that in 1900, the census listed only 23 women lawyers as compared with 2,226 male lawyers).

135. See Frank Murphy, *Minorities in the Law: Pursuing the Legal Career*, 57 WIS. B. BULL. 42 (1984) (estimating that only 100 of the 13,145 members of the State Bar are Black); Reneau & Barbee, *supra* note 3 (noting that William T. Green, Wisconsin's first Black attorney, died in 1911, eleven years before Miss Raimey would have entered law school); Weems, *supra* note 119, at 109-10 (discussing George H. DeReef, a local attorney who graduated from Howard University Law School in 1905, moved to Milwaukee in 1913, worked closely with Black interests during the war years, and skillfully led a successful battle to win Blacks the right to serve on Milwaukee juries); Edward J. Littlejohn & Leonard Rubinowitz, *Black Enrollment In Law Schools: Forward To The Past?*, 12 T. MARSHALL L. REV. 415, 418 (1987) (discussing the census reports showing the percentages and numbers of Black Lawyers: 1890—431; 1900—728; 1910—779; 1920—950); Edward J. Littlejohn & Donald L. Hobson, *Black Lawyers, Law Practice, And Bar Associations-1844 to 1970: A Michigan History*, 33 WAYNE L. REV. 1625, 1673 (1987) (noting that in Michigan, Black women did not enter the legal profession until the 1920s; in 1918, Gertrude E. Rush was the only Black woman lawyer west of the Mississippi; and in 1940 there were only fifty-seven Black women lawyers in the entire country).

mentors and no role models to advise her about coping with the problems posed for women of color.¹³⁶

Miss Raimey's law school experience was unlike that of the average Black student. When questioned during interviews about how officials at Marquette Law School responded to her race, she candidly responded "[n]obody asked me" and "I never told."¹³⁷ She believed, and it likely was true, that no one at Marquette Law School knew of her African ancestry. During her matriculation she apparently "passed" for White.¹³⁸ She knew from her teaching experience that since she "looked" White she could gain access to opportunities which might be denied other Blacks. She also knew that discovery of her African heritage could quickly cause the irretraction. Her decision to attend Marquette Law School under these circumstances must have been troubling. She risked discovery by the White community, and sanction from the Black community. She knew the White community could exact severe punishment if her race were discovered. She must have surmised the Black community could view her behavior as an act of betrayal rather than desperation.

With her race hidden, most would assume that Miss Raimey completely avoided the multiple and intersectional influences created by disclosures of her race and gender. She likely still suffered from the self abnegation which accompanies passing for White. It must have been difficult for Miss Raimey to read, study, brief, digest, assimilate, and outline legal principles from cases decided by a Supreme Court which had, by their attendance only seven years earlier, given credibility to the film *The Birth of a Nation*. That film glorified the Ku Klux Klan, and denigrated Blacks.¹³⁹ She would

136. The problem of insufficient numbers of Black women to serve as mentors for those Black women who wish to enter the legal profession persists today. See Derrick Bell, STATEMENT, A.A.L.S. SEC. MINORITY GROUPS NEWS, May 1990, at 5 (discussing the problem at Harvard University Law School which had 107 African-American women but no women of color in permanent faculty positions).

137. Menard, *supra* note 84.

138. Mabel Raimey was not the only person who entered the legal profession through the use of a ruse. Charlotte E. Ray gained admission to the District of Columbia Bar by having her name sent in as C.E. Ray. There was considerable "commotion" when it was discovered that one of the applicants was a woman. Littlejohn & Hobson, *supra* note 135, at 1673.

139. See Franklin, *supra* note 20, at 17 (describing how the "historian," George Dixon quelled criticism of *The Birth of a Nation* by convincing members of the Supreme Court along with members of the Senate and House of Representatives to see this picture which was described as a "true story of Reconstruction and of the redemption of the South by the Ku Klux Klan"). Professor Franklin also describes the reactions of Blacks to Dixon's other work, JOHN HOPE FRANKLIN, THE LEOPARD'S SPOTS: A ROMANCE OF THE WHITE MAN'S BURDEN: "When *The Leopard's Spots* appeared, Kelly Miller, the Negro dean of Howard University, wrote to Dixon, 'Your teachings subvert the foundations of law and established order. You are the high priest of lawlessness, the prophet of anarchy.'" *Id.* at 15.

have had to quietly seethe and repress feelings of outrage when she learned that the "separate but equal" principle of *Plessey v. Ferguson*¹⁴⁰ was "good law."¹⁴¹

While neither Marquette Law School nor her classmates knew Miss Raimey's race, everyone knew her gender. Vel Phillips, a 1951 graduate of the University of Wisconsin Law School, and the second Black woman to be admitted to the bar in Wisconsin, reported adverse reactions by law professors to her gender. She recalled having "law professors who made it clear on occasion that she was taking a man's place in the law profession."¹⁴² Yvonne Brathwaite Burke, a lawyer and the first Black woman elected to Congress from the State of California, also reported accounts of sexism directed toward female law students.¹⁴³ Attorney Burke recalled that when she was in law school at the University of Southern California, "there was an instructor who would have Ladies' Day. There were only five women in a class of seventy-five, and on Ladies Day, we would have to recite all day."¹⁴⁴

D. Miss Raimey's Career as a Lawyer

Miss Raimey was admitted to the Wisconsin State Bar in October of 1927.¹⁴⁵ She entered the legal profession at a time when there were few career opportunities for White female lawyers. Many of them had to seek protective enclaves of practice with their fathers and husbands, a route not open to Miss Raimey.¹⁴⁶

Early accounts of the history of Black female attorneys document more barriers than opportunities for Black women to engage in the practice of law. Charlotte E. Ray, the first Black woman lawyer in the United States, a Phi Beta Kappa, and a graduate from Howard University Law School, was

140. 163 U.S. 537, 540 (1896).

141. *Id.*

142. *Profile*, *supra* note 110.

143. See LANKER, *supra* note 1, at 131 (biographical sketch of Yvonne Brathwaite Burke).

144. *Id.*

145. See Letter from Charles W. Mentkowski, Professor of Law, Marquette University, to Marilyn Graves, Clerk, Wisconsin Supreme Court (Jan. 29, 1991) (on file with the Marquette Law Review) (regarding admission to the bar).

146. For a description of the practices of white female attorneys, during the 1920s and 1930s see Ronald Chester, *Unequal Access: "Women Lawyers in a Changing America"* 16 (1985). He points out that "a number of these women married lawyers or had other relatives with whom they practiced; this provided easy movement in and out of the profession." For comparison of the professional experience of Black women lawyers, see KAREN B. MORELLO, *THE WOMEN LAWYER IN AMERICA: 1638 TO THE PRESENT: THE INVISIBLE BAR* 143-48 (1986). She points out the consequences of race and sex discrimination characterizing them as a "double impairment" for Black female lawyers and discusses the difficulties Black female attorneys had securing clients.

admitted to the District of Columbia Bar during 1872.¹⁴⁷ She eventually gave up law practice and resumed a career as a school teacher because she was unable to attract clients.¹⁴⁸ Mabel Haden, a 1948 graduate of Howard University Law School, described the "apartheid in the courthouse" which existed in Washington, D.C.: "Young D.C. lawyers put their names on a court-sanctioned list in order to get business referrals from the court. All the black business went to black lawyers, and the more lucrative white business went to young whites."¹⁴⁹ Cora Walker, a Black woman admitted to the New York bar in 1946, recalled the judge's reaction after she won a substantial award for her first client, her father: "The judge 'didn't think a woman should have a case that size' She responded to his remarks by telling the judge it was her client's choice. For that . . . [remark], she was cited for contempt. She beat the citation on appeal and the judge 'got so excited about it' . . . that he died of a heart attack an hour after the appellate ruling."¹⁵⁰

Within the Milwaukee community, racial prejudices even limited the industrial employment opportunities for Black men and women. Only eleven of the city's more than 2,000 manufacturing establishments hired Black workers.¹⁵¹ Those Blacks who were employed worked in jobs at the bottom of the occupational ladder.¹⁵² Many White Milwaukeeans shared views which were popular in the American culture that "blacks were, on the whole, lazy, shiftless and subhuman";¹⁵³ many also viewed Blacks with "racist condescension."¹⁵⁴

Miss Raimey was not forced to confront racism single handedly. The year 1919 saw the organization of local chapters of the Urban League and

147. Littlejohn & Hobson, *supra* note 135, at 1672 (citations omitted).

148. *Id.*

149. Nina Burleigh, *Black Women Lawyers Coping With Dual Discrimination*, 74 A.B.A. J. 65 (1988)

150. *Id.* at 65-66.

151. Weems, *supra* note 119, at 107.

152. *Id.* at 108.

153. See Littlejohn & Hobson, *supra* note 135, at 1672 (noting that members of the legal profession also used derogatory terms when referring to Blacks).

154. Weems, *supra* note 119, at 108-09. (Weems quoted a June 17, 1918 article in the Milwaukee Free Press which described the "average" Black Milwaukeean as follows:

He just rolls down the street! His eyes roll, his hips roll, his head rolls! He shuffles along happily whistling or smiling or gazing with interest on all sides of him. He doesn't know where he is going particularly, and what's more, he doesn't care. When wealth has favored him, he dons the most variegated costume the city affords - a mouse-colored derby, high stiff collar, broad-striped shirt, checked suit, brilliant socks and tan shoes - and of course, a cane. If he hasn't any money he will be wearing the most raggedy, fantastic nondescript costume.

Id.

the National Association for the Advancement of Colored People.¹⁵⁵ Columbia Savings and Loan, the first Black financial institution in Milwaukee, was organized during 1923. Its goal was to alleviate the problems Black workers experienced in securing loans for real estate improvements from White institutions.¹⁵⁶ Milwaukee had begun to develop an "internal business structure of blacks serving blacks."¹⁵⁷

The infrastructure which supports a successful legal practice was not in place for Miss Raimey, however. The American Bar Association had barred Blacks from membership in 1911, and would not remove these barriers until 1943.¹⁵⁸ The Wisconsin Black Lawyers Association (WBLA) was not there with brief banks and mentors for Mabel Raimey.¹⁵⁹ Informal meetings of this organization did not begin until 1958, and the WBLA was not incorporated until 1971.¹⁶⁰ The National Association of Black Women Attorneys, an organization whose purpose is to provide a network for Black female attorneys, seminars for continuing education and employment opportunities, was not organized until 1971.¹⁶¹

It was within this context that Miss Raimey began her "law career" working as a legal secretary. Despite her educational achievements, passage of the bar examination, and credentials which would suffice for the entry of white males into the profession, Miss Raimey's circumstances remained unaltered by her law school education. She continued doing what she had been forced to do before, working as a legal secretary.¹⁶² After all, with racial prejudices influencing the White population's selection of legal counsel and economic conditions making legal help unaffordable for much of the Black population, who would become Miss Raimey's clients? "Rainmaking" was not only a challenge for Miss Raimey; it was a virtual impossibility.

We do not know exactly how Mabel Raimey managed to break free of the tethers of racism and sexism. Nevertheless, she did, and she began practicing law in the offices of the attorney who had hired her to work initially as a legal secretary. Despite the barriers which her race and gender presented, Miss Raimey established a law practice representing clients of all

155. *Id.* at 110.

156. *Id.* at 112-13 (observing that "it was nearly impossible for black workers to get loans from city banks").

157. *Id.* at 113.

158. Littlejohn & Hobson, *supra* note 135, at 1679 (citing Edward J. Littlejohn & Leonard Rubinowitz, *Minorities in the Legal Profession* (publication forthcoming)).

159. See Clarence Rice, WBLA: THE SPIRIT REMAINS ALIVE, 57 WIS. B. BULL. 57 (1984).

160. *Id.*

161. *Id.* at 58-59.

162. See Clevert, *supra* note 93.

ances in probate and business matters.¹⁶³ Some have described her practice as "low key."¹⁶⁴ Yet, her philosophy as a lawyer and her sense of duty towards her clients was anything but low key. She lived the attorney's oath. In her words, she "strived to serve all people in a fair and just manner regardless of economic ability."¹⁶⁵ Reports from her friends and acquaintances suggest that she charged "reasonable" fees to the detriment of her own finances.¹⁶⁶

Described as a "workaholic," Miss Raimsey practiced law, and was very active in organizations whose missions involved improving conditions for Blacks in the Milwaukee community. She served on the Board of the Milwaukee Urban League for twenty-five years.¹⁶⁷ She was a member of the Board of the YWCA, one of the founders of the Milwaukee Northside YWCA,¹⁶⁸ and a founder of the Milwaukee graduate chapter of the Alpha Kappa Alpha Sorority.¹⁶⁹

In addition to community service organizations, she was actively involved with her church. A versatile and flexible woman, Miss Raimsey was remembered for her willingness to tackle any task. She served as president of the church's trustee board, attorney for the church when it relocated,¹⁷⁰ and on occasion donned overalls and inspected the church furnace.¹⁷¹ Miss Raimsey seemed to confront situations as they existed and to proceed with her goals. Perhaps that is one of the reasons why she achieved goals which others would not attempt and surmounted obstacles that others could not hurdle.

She was a survivor. A single woman, she lived alone after her mother's death. Her practice of law ended abruptly in 1972 after she suffered a

163. See Menard, *supra* note 84 (noting that her practice was in the area of civil law—accepting clients regardless of their ability to pay); Obituary, Milwaukee J. (Dec. 2, 1986) (stating that Mabel Rainey specialized in probate law); Clevert, *supra* note 93 (stating that her practice involved corporate law); Interview with Esther Rice, (Sept. 1991) (on file with the Marquette Law Review) (describing Miss Raimsey's practice as involving mostly probate and estate work; however, Miss Raimsey was also the attorney for the Tabernacle Baptist Church, representing it when they sold its property and moved to a new location; Ms. Rice knew Miss Raimsey for forty years).

164. See Reneau & Barbee, *supra* note 3.

165. MABEL RAIMEY, REMARKS TO THE MEMBERS OF THE NATIONAL ASSOCIATION OF BLACK WOMEN ATTORNEYS AND FRIENDS (n.d.) (on file with the Marquette Law Review).

166. See interview with Esther Rice, *supra* note 63; Interview with Vernice Gallimore, (Sept. 1991); and Interview with Eleanore Gunther, *supra* note 23.

167. See MABEL RAIMEY, REMARKS TO THE HON. HENRY W. MAIER, ET. AL. (n.d.) (transcript on file with the Marquette Law Review).

168. *Id.*

169. *Id.*

170. See Interview with Esther Rice, *supra* note 63.

171. See Menard, *supra* note 84.

debilitating stroke while bathing and alone in her apartment.¹⁷² Paralyzed and unable to move, she drank her bath water for five days, and survived until rescued by friends.¹⁷³ Even after her illness and the devastation of her financial resources, Miss Raimey remained poised, confident, warm, and optimistic until her death in 1986.

Despite activity in the Milwaukee Black community for a number of years, Miss Raimey was not immediately recognized for her contributions.¹⁷⁴ It appears some would not forget the line she crossed when she assumed a White identity while attending Marquette Law School. Some would charge her with avoiding association with the Black community. These views persisted despite twenty-five years of service with the Urban League, the founding of a branch of the YWCA which served primarily Black residents, and the founding of the Milwaukee chapter of a national Black sorority. Her "sheroic" accomplishments were not generally acknowledged until 1984, twelve years after she stopped practicing law and two years before her death. The North Central Region of the National Association of Black Women Attorneys recognized her achievements, designating the Wisconsin Chapter as the "Mabel Raimey Chapter."¹⁷⁵ From this recognition flowed acknowledgements of her "outstanding performance in the legal profession and steadfast commitment to the black community" by the Black American Law Students Association of Marquette Law School.¹⁷⁶ The St. Thomas Moore Society, the Afro-American Alumni Association, Inc. of the University of Wisconsin, the County Executive, the Wisconsin Senate, the City of Milwaukee, the Governor of Wisconsin, and the United States Congress issued plaques, proclamations, and citations applauding her accomplishments.¹⁷⁷

III. TOWARD ACHIEVING RACIAL JUSTICE

The stories about Miss Raimey and members of her family are about those of us who "made it." Her story, along with my own and that of approximately seventy other¹⁷⁸ Black graduates of Marquette Law School are

172. *Id.*

173. *Id.*

174. The exception being the Epsilon Kappa Omega Chapter of the Alpha Kappa Alpha Sorority which acknowledged Miss Raimey as founder of the chapter and presented her with a certificate of recognition in January 1984.

175. See Rice, *supra* note 159, at 59.

176. See List of Honors and Awards (n.d.) (on file with the Marquette Law Review).

177. *Id.*

178. This figure is an estimate based on reviews of placement digests, graduation programs, etc., at the law school.

celebrations of goals set and objectives achieved. Neither race, nor, in twenty-nine cases, race and gender, prevented seventy of us from becoming lawyers.

Yet, Professor Cole admonishes us, and appropriately so, that we should not allow the celebrations of those who have "made it" to obscure the tragedies of those who never could. A proper celebration must acknowledge barriers not only surmounted by Miss Raimey, but also barriers which existed for those who could not, or would not, don a White mask and pass through the White legal world without revealing their Black identity.

The proper celebration demands that we ask and seek answers to the question, why are our numbers so few? Seventy Black graduates in one hundred years represent less than one Black graduate per year. By posing this question I do not mean to suggest that there has been no progress since the days Mabel Raimey donned her White mask and attended Marquette Law School. Subterfuge may not have been necessary since Marquette University was established with policies which provided that all students would be admitted regardless of their race or creed.¹⁷⁹ Yet as we celebrate, we must examine the dynamics of recruitment, admission, teaching, grading, retention, and placement policies, along with the climate of Marquette Law School and the Milwaukee community. We must scrutinize policies, practices, and opportunities, and identify and remove any racial and gender barriers to successful legal education at Marquette Law School.

Marquette Law School undertakes numerous activities to increase the likelihood that students from various racial, ethnic, and cultural backgrounds will successfully complete their studies. Nevertheless, too many times we fail. We must succeed more often.

179. RAPHAEL N. HAMILTON, *THE STORY OF MARQUETTE UNIVERSITY* 84-85 (1953).

MARQUETTE LAW SCHOOL: THE FIRST TWENTY YEARS

WILLIAM D. MILLER

On May 5, 1844, a Swiss-German Bishop named John M. Henni arrived in Milwaukee to head the city's newly created Catholic diocese. In the winter of 1848-49, Bishop Henni returned to Europe seeking funds with which to complete St. John's Cathedral and to begin a program of higher education. One may suppose that the Bishop believed that Milwaukee would become one of the gleaming cities of the New World — a focal point for the infusion into American frontier life of those great accomplishments in science and art which imparted a special grace to European life.

In the winter of 1849, a recital of life in an American frontier town, where Indians still strolled the streets in their native garb, must have been a prime listening fare for Europeans. Some, in reflecting on the revolutionary turmoil in Germany during the previous summer, may have thought that the best hope for ordered progress lay in the American West. Perhaps something of this conviction reposed in the mind of Monsieur Guillaume Joseph Deboey of Antwerp when he promised Bishop Henni approximately sixteen thousand dollars with which to build a Catholic college in Milwaukee.

In 1855, Henni bought a tract of land known as "The Hill" on what was then the western perimeter of the city. It was from this geographic configuration that Marquette students were ordained "Hilltoppers." But it would be thirty-five years before the hope of having a college would be realized. In the meantime, the Jesuits of St. Louis were asked to send some of their members to Milwaukee to begin a Catholic educational program. In the late 1870s, Father Stanislaus Lalumiere, borrowing a Protestant idea, initiated a house-to-house fund solicitation to build a college in Milwaukee. The building was completed in August 1881, and the academy-college, named "Marquette," opened that fall.

The separation of the academy-college union was anticipated on June 14, 1891, when Father Rudolph Meyer, the newly appointed president of Marquette, purchased land on Grand Avenue for a "new college and church." Work on the church, "Gesu," began in 1893, but the first college building, Johnston Hall, did not open until May 13, 1907.

On September 1, 1900, the Reverend Alexander Burrows, S.J., succeeded the Reverend William B. Rogers, S.J., as president of Marquette College. Father Raphael Hamilton, in *The Story of Marquette University*,

characterizes Father Burrows as "a man of broad views, ready to encourage new ventures." In 1902, Father Burrows began the separation of students at the Marquette Academy into high school and college divisions. In 1908, he located the college in the new Johnston Hall on Grand Avenue, just east of Gesu Church. As these developments occurred, Father Burrows made it a priority to shape the school entrusted to him into a university.

A university is a congeries of schools, with each school pursuing a particular specialization while infused with the light of human meaning that emanates from a liberal arts core. The development of the university in American higher education in the late nineteenth century, notably at Johns Hopkins and Harvard, arose from a recognition of the need for a humanistic focus at a time of increasing academic specialization. Father Burrows, however, was not precipitantly following a new trend. The university idea is medieval in origin and based on the Catholic position that affirms the ultimate unity of all knowledge when seen in the light of Providential design.

During the summer of 1905, Father Burrows, according to Hamilton, told the *Milwaukee Free Press* that Marquette would aim at acquiring a law school and a medical school, and that "if that course is adopted it will mean that we shall take on a school of engineering and architecture." Father Burrows then assigned to Vice-President Father Henry Spalding the job of acquiring professional schools. Like Father Lalumiere, Father Spalding was from the area around Bardstown, Kentucky — the seedbed of midwest Catholicism. He had come to Marquette in 1902 from Creighton University. Although Father Spalding was not expected to establish a professional school at Marquette over a summer's vacation, the task hardly needed a five-year study. The initial move was relatively simple: arrange an exchange of paper with an existing institution whereby its graduates would be given a Marquette diploma.

The acquisition of a medical school proceeded quickly. In the spring of 1906, Father Spalding suggested to Dr. William H. Earles, owner of the Milwaukee Medical College, that he place his school under the aegis of Marquette. The college was an old-fashioned medical trade school that trained physicians, dentists, nurses, and pharmacists. The primary dilemma at the college seemed to be whether a physician ought to practice homeopathic or allopathic medicine — e.g., should a patient with a high fever from a February pneumonia be put in a tub of hot water or buried in a snow bank? In any event, a merger agreement with Dr. Earles was soon reached and, almost simultaneously, another was made with the Wisconsin College of Physicians and Surgeons. In order to reflect the new acquisitions, the college catalogue for 1906-07 included the term "university" to