

A MONUMENTAL JOURNEY

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PURPOSE

A MONUMENTAL JOURNEY, SCULPTURE TO PRESERVE THE LEGACY OF AFRICAN-AMERICAN LAWYERS WHO, IN 1925, FOUNDED THE **NATIONAL BAR ASSOCIATION (NBA)**, FULLY DEDICATED TO CIVIL RIGHTS, JUSTICE, AND EQUALITY IN THE LEGAL SYSTEM.

ARTIST

KERRY JAMES MARSHALL, MACARTHUR FOUNDATION “GENIUS GRANTEE”. THE ARTIST HAS REACHED INTERNATIONAL FAME FOR PAINTINGS, SCULPTURE, COLLAGE, VIDEO AND PHOTOGRAPHY THAT COMMENT ON THE HISTORY OF BLACK IDENTITY BOTH IN THE UNITED STATES AND IN WESTERN ART.

PUBLIC ART FOUNDATION

GREATER DES MOINES PUBLIC ART FOUNDATION IS A PRIVATE NON-PROFIT ORGANIZATION. IT RECOGNIZES THAT ART BELONGS NOT JUST IN GALLERIES AND MUSEUM, BUT IN STREETSCAPES, PARKS, BUILDINGS AND INFRASTRUCTURES OF A THRIVING COMMUNITY.

COLLABORATION

SUBSTANCE ARCHITECTURE COLLABORATED WITH THE GREATER DES MOINES PUBLIC ART FOUNDATION (GDMPAF) AND THE ARTIST, KERRY JAMES MARSHALL, TO REALIZE A COLOSSAL, GEOMETRIC SCULPTURE INSPIRED BY THE SHAPE OF AFRICAN TALKING DRUMS.

A MONUMENTAL JOURNEY

America's first black lawyer

In 1844, Macon Bolling Allen became the first African-American lawyer in the United States. He started his apprenticeship in the office of a white lawyer in the state of Maine. At the time, there were nine university-affiliated law schools in the nation. Legal education for blacks, as for whites, began under the apprenticeship of an established lawyer or under the preceptorship of a judge.



Macon Bolling Allen

1844

First African-American applicant to law school

In 1850, John Mercer Langston applied to a law school in Ballston Spa, New York. Langston is the first African-American applicant to a law school. The school denied his application, unless Langston consented "to pass" as a Frenchman or a Spaniard. If Langston agreed to "pass", he would have to sit "apart from the class; ask no questions and behave quietly." Langston refused since that would have meant to give up on his American rights. Langston was also denied admission to another law school, located in Cincinnati, Ohio.



John Mercer Langston

1850

1861

Civil War

1865

Before the Civil War

The education of African-American in the North was scattered. Only 1.7% of African-American population of school age attended school. It was a crime to educate slaves in most Southern states. A few black slaves were secretly educated before and after the war, with the knowledge of their slave masters. In the North and the West, some blacks, born free or granted their freedom, received some form of education. At least twenty-eight blacks received college degrees prior to the Civil War.



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First black law school

Howard University School of Law becomes the nation's first black law school.

First black law graduate

George Lewis Ruffin enrolls into Harvard University School of Law, becoming the first black law graduate.

Black law students and the diversity they represented were new experiences for white students and faculty. Ruffin, who graduated the following year, faced hostility from students who sought to exclude him from the students assembly.



George Lewis Ruffin

American Bar Association Foundation

With the foundation of the American Bar Association, in 1878, we have a movement toward centralization of admission standards. While the overall standards of admissions were increased, centralization did not eliminate the politics of admission. At the time, admission to the bar was accomplished through the apprenticeship system.

Black lawyers were not present in Saratoga, New York, when the American Bar Association was organized in 1878. The initial constitution of the ABA does not mention The assumption
The initial constitution of the ABA contained no race bar, but, the unspoken assumption at the time was that black lawyers would not be able to “advance the science of jurisprudence, promote the administration of justice ... uphold the honor of the profession of law [or] encourage cordial intercourse among the members of the American Bar.”
The ABA established the Committee on Legal Education and Admission to the Bar in 1878, with the purpose of reforming legal education in the United States. In its first report, the committee declared that “education is the parent of public and private virtue,” even though educational institutions, particularly those in the South, excluded blacks. Howard University's law school and other black law schools that subsequently opened would be greatly affected by the regulations of the Committee on Legal Education and Admission to the Bar.

1867

1868

1878

1865

Freedmen's Bureau

On March 3, 1865, with the creation of the Freedmen's Bureau by the US Congress, we have the first schools for blacks in the South. The Bureau helped to establish thirteen black colleges in seven southern states and the District of Columbia. The purpose of the bureau was “to ease and speed transition from slavery to full citizenship”.

1870

Educational Standards

By 1870 new educational standards were required before lawyers might practice. Between 1870 and 1880, efforts were made to increase the educational requirements to qualify for admission to the bar.

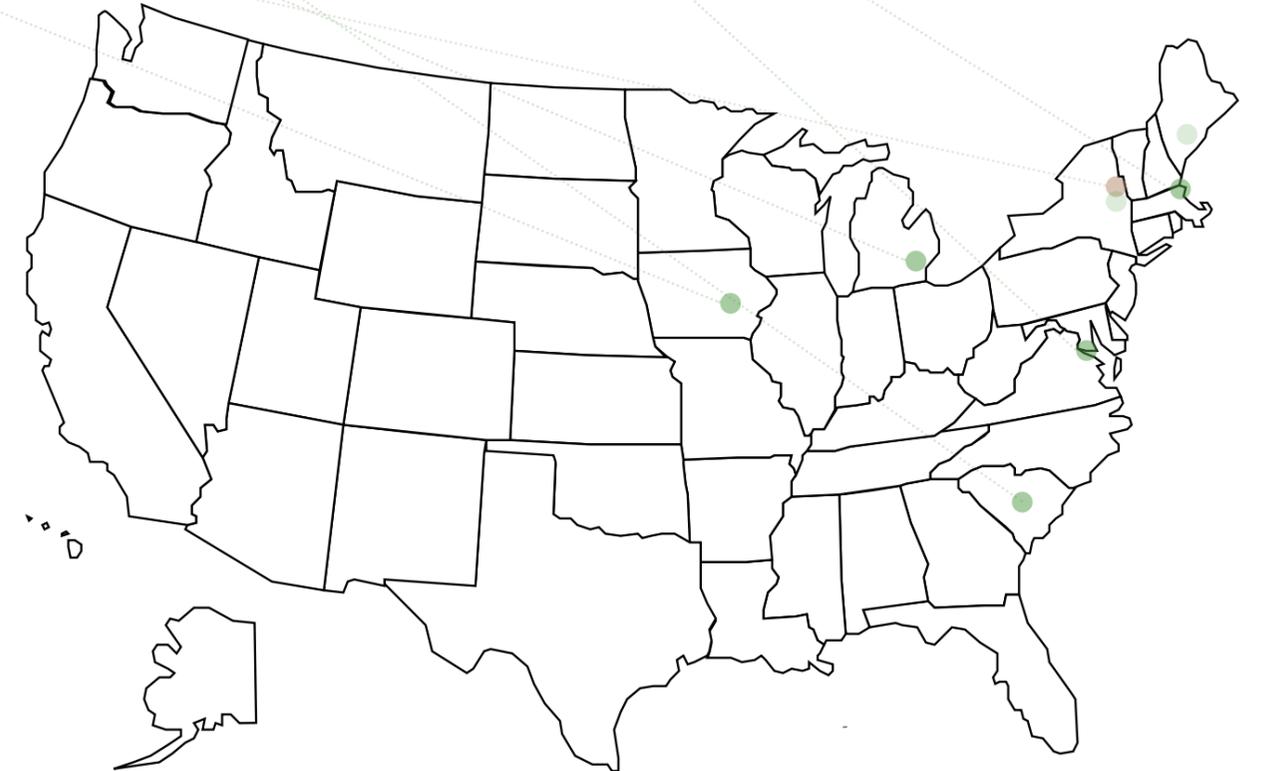
1873

First law schools to admit African-American

It was at the University of South Carolina and the University of Michigan that blacks were first admitted and graduated from publicly supported law schools. In 1877, the University of Michigan graduated its first black law student, followed by the University of Iowa, which graduated its first black law student in 1879. Until the mid-1940s, the University of South Carolina was the only public university in the South that had admitted blacks to a state-supported law school.

1877

1879

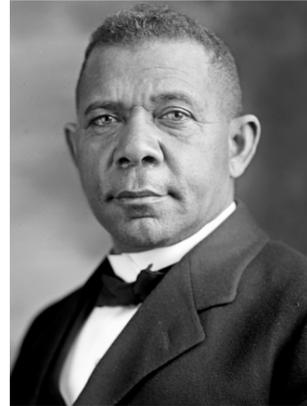


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AALS and NNBL foundation

The Association of American Law Schools (AALS), founded as an auxiliary organization of the ABA in 1900. The purpose of the AALS was to advance the standards of legal education. Since blacks were generally excluded from the ABA until 1943, law professors at Howard University and other black law schools were absent from the public debate on legal educational policy preceding and following the formation of the ABA and the AALS.

“The founding of the National Negro Business League (NNBL) by Booker T. Washington in 1900 offered the first opportunity for black American lawyers to meet as a group on a national basis.



Booker T. Washington

1900

Iowa Colored Bar Association

After the Colored Bar Association of Mississippi was formed, the formation of “colored” bar associations began in other states. In fact, these bar associations became the catalysts for civil rights planning and litigation as well as for institutions in which lawyers could have professional discourse and exchange ideas. In 1900 black lawyers in Arkansas, Iowa, and Illinois formed bar groups.

In 1901 the Iowa Colored Bar Association was formed at the urging of George H. Woodson, an 1895 Howard University law graduate. Woodson’s support and participation in the bar association was one of the principal reasons for its progress.

1901

NNBA and NAACP foundation

The black lawyers’ auxiliary of the NNBL was formed in 1909 at Little Rock, Arkansas. It was named the National Negro Bar Association (NNBA). The initial membership of the NNBA was almost exclusively from the South, although it claimed members from as far west as Tulsa, Oklahoma.

In the same year, the National Association for the Advancement of Colored People (NAACP) was founded. The NAACP, as a civil right organization, benefited of a close relationship with black lawyers. After all, black lawyers had carried the bulk of civil rights litigation, protests, and legislative initiatives to liberate blacks for sixty-five years prior to the formation of the NAACP. But black lawyers experienced a surprise when “black leaders in NAACP themselves emphatically favored using prominent white attorneys” to lead the civil rights assault. Only “highly distinguished white attorneys,” it was thought, could argue the black man’s burden before the courts of the land, a policy that later would be questioned by the National Bar Association, a black bar group.

1909

Urban freestanding law schools

Between 1890 and 1920, a number of freestanding law schools opened. During this period there were twenty-one day-and-night schools with 5,164 students and forty-three night schools with 5,570 students.

1891

Greenville Movement

The Colored Bar Association of Mississippi, the first bar association organized by “colored lawyers”, held its annual meeting in the city of Greenville in 1891. Josiah T. Settle, an 1875 Howard University law graduate, made the keynote address at the inaugural meeting. Settle and other lawyers associated with the “Greenville Movement” (the movement to establish black bar groups throughout the states) believed that this meeting would have a permanent impact on a nation that had excluded black lawyers from the mainstream of society and from the legal profession.

The Greenville Movement was initiated because its participants believed that the established state bar associations were not concerned about the “masses of [black] people”. Yet they knew that “the bar has necessarily exercised the whole judicial power of this country.”



Josiah T. Settle



A MONUMENTAL JOURNEY

First black lawyers members of the ABA

1912

The issue of whether blacks were qualified to join the ABA did not surface officially until 1912, when it was learned that three black lawyers were already members. Between 1910 and 1911, William Henry Lewis and Butler Roland Wilson, both of Boston, Massachusetts, and William R. Morris, of Minneapolis, Minnesota, were admitted to membership in the ABA. Some members and federal administrators hoped that Lewis, Wilson, and Morris would resign from the ABA to avoid embarrassment. Wilson refused to resign, but Morris complied. Lewis, the most visible of the three, felt pressures from his superiors at the Department of Justice. During the ABA's annual convention in Milwaukee in August 1912. A compromise resolution was adopted. The resolution required that non-white lawyers will be required to state their race during the application process. The compromise that passed was satisfactory to Southerners who could now veto future applications of black lawyers. Except for Lewis and Nutter, then, the ABA remained virtually all-white until 1943."

ABA standard of admission and NNBA work

1915

"As black lawyers were admitted to the bar, their offices and homes became training centers for others who aspired to become lawyers. These lawyers provided students with opportunities to study under their instruction and often offered them their first job and status as partner. However, by 1915, the standards of admission to the bar in both the South and the North had begun to have some impact on the number of blacks practicing, due to the American Bar Association's decision to increase admission standards."

By 1915, the NNBL was fifteen years old. The NNBA had been an auxiliary body, meeting during NNBL annual meetings for six of those years. During that time, the population of black lawyers in America had grown from about 728 in 1900 to 896 in 1915.

WWI and racial discrimination

1916

As the First World War raged, the NNBL and NNBA discussions about racial discrimination became more probing. A special call went out for all to attend the 1916 annual meeting of the NNBL-NNBA to be held in Kansas City, Missouri.

Urgent call at NNBL-NNBA annual meeting

1918

In August 1918 another urgent call was issued for black lawyers to attend the NNBL-NNBA annual meeting in New Jersey.

It was during the NNBA meeting in Atlantic City, New Jersey, that the NNBL first expressed any intent to form an independent bar association. The specific reason for the proposed split was not disclosed, but it was mentioned in the NNBL's formal proceedings of 1919. The likely reason for the split was the realization of black lawyers that they could not function as the auxiliary of a business group. NNBA members were unmistakably more progressive than the NNBL. The NNBA wanted to take action to combat racism in America as progressives, not as gradualists.

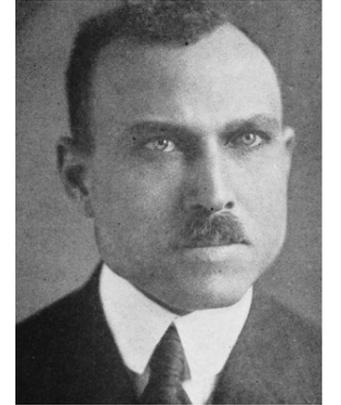
NNBA early leaders

From 1909 to 1913, Josiah T. Settle of Shelby County, Tennessee, Perry Wilson Howard of Jackson, Mississippi, and Scipio A. Jones of Little Rock, Arkansas controlled the direction of NNBA.

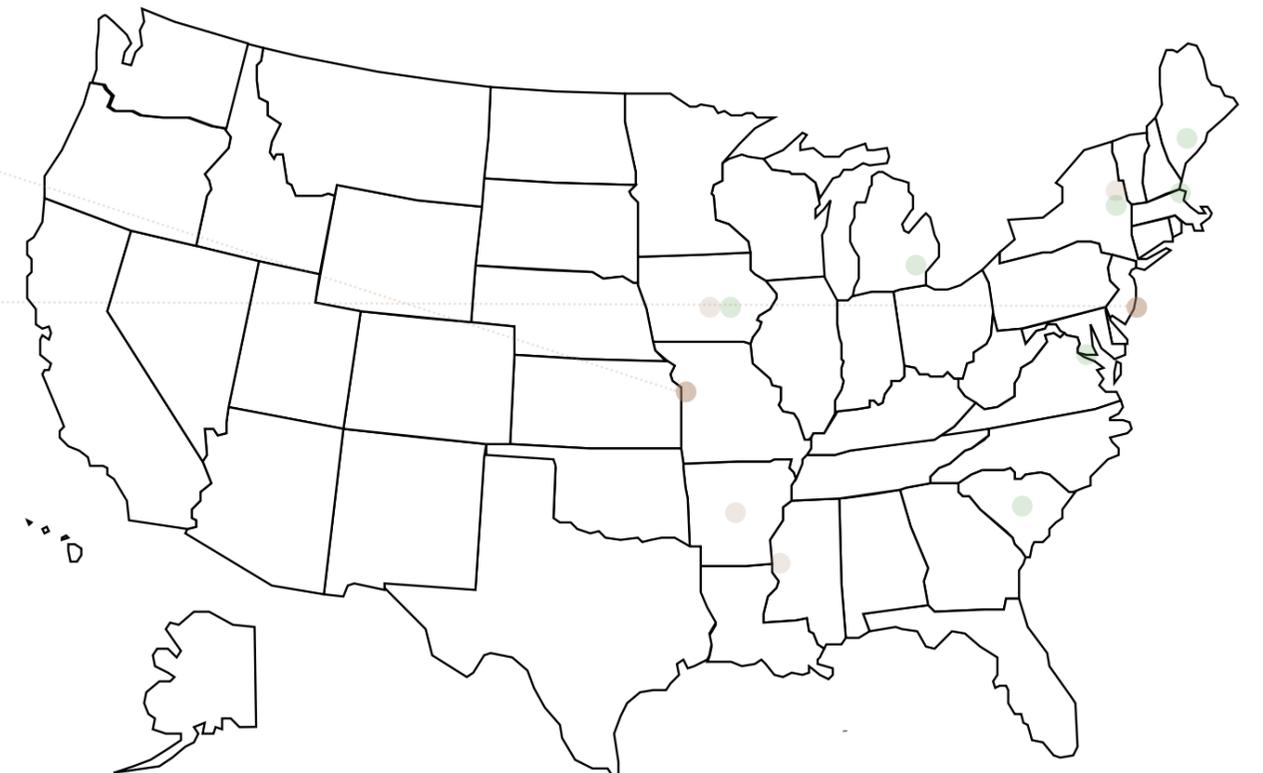
1914

AALS and NNBL foundation

By the 1914 annual meeting of the NNBL-NNBA, Perry W. Howard, of Jackson, Mississippi, spoke of what appeared to be a broader mission of the NNBA. Howard's statement defined the purpose of the affiliation of black lawyers with the NNBL as allowing the individual lawyer to learn about and share information on issues in order to increase his or her economic well-being and to protect the race. At the close of the 1914 meeting, Perry W. Howard was elected president of the NNBA, a post he held until 1923.



Perry W. Howard



A MONUMENTAL JOURNEY

Gertrude Elzora Durden Rush president of Iowa Colored Bar Association

In 1921 Gertrude Elzora Durden Rush, the first black woman admitted to the Iowa bar, was elected president of the Iowa Colored Bar Association, making her the first woman in the nation to head a state bar group composed of men and women.



Gertrude Elzora Durden Rush

End of collaboration between NNBL and NNBA

During the 1922 annual meeting of the NNBL-NNBA, the thirteen-year association of the NNBL and the NNBA ended. Chicago, Illinois, was selected as the site for the organizational meeting of the new national bar group. The meeting was to take place in 1923. The Chicago meeting was subsequently postponed – the date of the meeting conflicted with the trial calendars of several members and prospective members of the group. For the next two years, however, colored state bar groups were organized in anticipation of the formation of a national bar group. The focus of much of the discussion and planning for the new national bar group was concentrated in the Midwestern states of Illinois and Iowa.

NBA foundation

In February 1925, Woodson spearheaded a resolution at the annual meeting of the Iowa Negro Bar Association which called for the creation of the NBA. A committee was formed consisting of Woodson, S. Joe Brown, of Des Moines, Iowa, and Howard P. Drew, of Hartford, Connecticut. They sent “out an invitation to colored men engaged in the practice of law to meet at Des Moines, Iowa, on August 1, [1925] to organize a National American Bar Association because of their race. The publicity leading to the August meeting noted this exclusion and stated that the aim of the proposed black bar group was “to make available the benefits of the united strength of Negro lawyers in any national emergency.

On August 1, 1925, black lawyers representing seven states and the Virgin Islands met in Des Moines, Iowa, to form the NBA. The founding members were: George S. Adams, Jesse N. Baker, S. Joe Brown, Charles H. Calloway, Wendell E. Green, William H. Haynes, Charles P. Howard, Sr, L. Amasa Knox, James B. Morris, Gertrude E. Rush, C. Francis Stradford. As expected, George H. Woodson was elected president. Gertrude Elzora Durden Rush, a former president of the Iowa Colored Bar Association, was the only woman in attendance at the first NBA meeting.

1920

ABA closes urban freestanding law schools

By the early 1920's, a move was made by the “academic lawyers” to increase the standards for admission into law schools. The ABA moved to close several urban freestanding law schools, which were attended by minorities in significant numbers.

African-American students elected to the law review

Despite the educational and professional difficulties black students in the early days of the twentieth century were able to be elected to the law review. At least a dozen black students made law review between 1922 and 1943. Clara Burrill Bruce at Boston University School of Law was the first black student elected editor-in-chief of a law review in American in 1925. Bruce has been elected to Boston University's law review in 1924. As a member of the review, Bruce published four articles, was a member of the student council, was class day orator in 1926, and “maintained the highest scholastic record for three years.” Three students appear to share the honor of being the first blacks elected to other law reviews: Jasper Alston Atkins, of Yale, Charles Hamilton Houston, of Harvard, and William Edwin Taylor, of Iowa, were elected to law reviews in 1921.”

1921

1922

1925



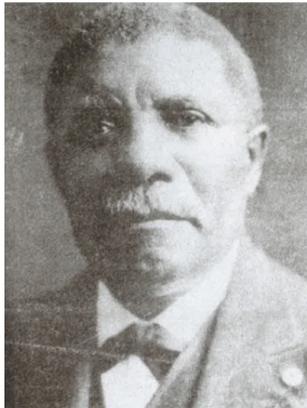
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NBA accomplishments

NBA incorporation and second annual meeting

1921

On July 29, 1926, the NBA was incorporated in Des Moines, Iowa, by George H. Woodson, S. Joe Brown, and Charles P. Howard. The articles of incorporation declared that the purpose of the NBA as a group was “to advance the science of jurisprudence, uphold the honor of the legal profession, promote social intercourse among the members of the American Bar, and protect the civil and political rights of all citizens of the several states and of the United States.” Less than a month after the NBA was incorporated, the group held its second annual meeting in Chicago, Illinois. At this time, nearly one-third of the black lawyers were practicing law in cities of 100,000 or more inhabitants..



George H. Woodson



S. Joe Brown



Charles P. Howard

In nineteen years, the National Bar Association, the successor to the National Negro Bar Association, had come of age as an influential force in American law. Unlike other black advocacy groups that fell by the wayside, the NBA had survived by demonstrating that a national bar group was necessary to the interests of its constituents. Although recognition by the general population was slow, the NBA's willingness to take a stand on fundamental rights issues won the admiration of blacks and many whites. There is little doubt that membership in the NBA provided a shield for the black lawyer fighting to establish the civil rights of black in both Southern and Northern states. It also provided a nationwide network of lawyers who provided moral support for one another. This network gave greater confidence to black lawyers in localities where the white bar excluded them from the legal academy.

NBA third annual meeting and new committees

1927

The third annual meeting of the NBA was held in St. Louis, Missouri, in 1927. This meeting drew over one hundred black lawyers from locales as distant as the Republic of Panama. This meeting marked the first time that a white member attended the annual meeting. Issues concerning the inequities of workman's compensation laws, discrimination in transportation, and the means to raise funds to assist members appealing cases to the United States Supreme Court dominated the meeting. The NBA established several new committees, including those dealing with “international law, legal education, professional ethics, uniform state laws, jurisprudence, law reform, discriminatory legislation, crime, legal aid and grievances.”

NBA fifth annual meeting

1929

During the fifth annual meeting of the NBA, held in Detroit, Michigan, in 1929 the NBA passed resolutions condemning state-imposed restrictive covenants, lynching, peonage laws, and the white primary laws.



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For sixty-six years black lawyers were barred from membership in the American Bar Association solely on the basis of race. During this period, from 1878 to 1944, black lawyers played no role in the development of the ABA policy that directly affected them. They were legally outcast. The exclusion was similar at the other national bar groups: in the Federal Bar Association and the National Association of Women Lawyers, blacks were barred between 1925 and 1945, and between 1899 and 1943, respectively.

There were, of course, exceptions. The Jim Crow policies of any bar group were not shared by all of its members. In fact, a small minority of white voices advanced the view that blacks should be made members of these bar groups. Some of these voices may also have become disfranchised. Ultimately, the actions of the legally outcast blacks and whites defeated the Jim Crow policies of the nation's major bar groups. Group such as the National Lawyers' Guild, founded in 1937, joined the ranks of bar groups that opened their membership to all.

The formation of black bar groups was a direct result of the exclusion of black lawyers from the national and state bar groups. Josiah Thomas Settle's 1891 speech inaugurating the first black bar group in the nation at Greenville, Mississippi, correctly recognized that bar groups exercised "the whole judicial power of this country." The founding of black bar groups throughout the nation at the state level is known as the Greenville Movement.

As the roots of the Greenville Movement took hold, so did the need for black lawyers to organize into national bar groups. They began this process in 1909, as an affiliate group of the National Negro Business League headed by Booker T. Washington. In 1925 black lawyers founded the National Bar Association.

The state and national bar groups founded by black lawyers enhanced their importance in the legal community. In these groups they had a base from which to influence both law and politics. Black bar groups created forums for the exchange of ideas about law and how to change it; about politics, and how to participate in it; about justice, and how to achieve it.

Black women lawyers also benefited from black bar groups, because it was there, to some degree, that they liberated themselves. At the state level, Gertrude Elzora Durden Rush led the black bar in Iowa in 1921. She was also a founder of the National Bar Association in 1925. In 1930, Louise J. Pridgeon, led a black bar group in Ohio; and Georgia Jones Ellis, of Chicago, broke new ground in 1928 when she was elected as an officer of the National Bar Association.

The individual efforts and achievements of black lawyers must be lauded and revered. These lawyers made significant progress in the law in the face of collective exclusion from white bar groups. By forming their own bar groups, individual black lawyers were able to combine their talents and resources in order to reform American law and establish a base from which to emancipate their people.