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**Jurisprudence, Benefit, Enhancement and Protection:
The Washington Bar Association Turns Seventy**

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In 1916, Democrats and Republicans fought to win the White House over the issue of foreign policy before a seriously divided people. President Woodrow Wilson was contending for a second term in the White House and faced a formidable challenge by his Republican opponent, Charles Evans Hughes. Justice Hughes resigned from his seat on the U.S. Supreme Court to make the run for the presidency. Europe was ravaged by war and the U.S. was about to enter World War I. Black lawyers in the District of Columbia, some of whom would fight in "the War to end all wars," were themselves at war in the District of Columbia fighting against unjust Jim Crow laws, and other vestiges of slavery and overt racism.

The Colored Bar Association

The experience of the black lawyer in the District of Columbia dates back to 1869, the year that George Boyer Vashon was admitted to the bar of the District of Columbia. His admission, followed by a small, but extremely competent number of black men and women, was the genesis for black lawyers initial discussions on the formation of a "colored bar association" in the District of Columbia.

In 1916, a small group of black lawyers formed the first loosely knit bar group in the District of Columbia for their "mutual benefit and protection." They recognized the need to form a group in order to survive in a profession dominated by a white legal fraternity that was inhospitable to them, and a white

judicial system that could impede their improvement as lawyers. Barred from membership of the Bar Association of the District of Columbia (founded on May 23, 1871), under the leadership of William Lepre Houston, Laudros Meledez King, Emanuel D. Molyneaux, and others, the Colored Bar Association was formed laying the foundation for the what would later be the Washington Bar Association.

The Washington Bar Association Founded

In 1925, the Washington Bar Association (WBA) was one of several black bar groups formed across the nation as the National Bar Association (NBA) was being formed simultaneously. The purposes of WBA and NBA were similar to the aims of the black bar groups in other states that had formed prior to 1925. The similarities concerned advancement of jurisprudence, self benefit, group enhancement in a racially exclusive society and judicial system, and group protection.

The opportunity for success as a black bar group in the District of Columbia was significant because of the presence of Howard University School of Law, the John Mercer Langston Law School (a Department of the Frelinghuysen University), and the Robert H. Terrell Law School. The graduates of these predominant black law schools joined WBA.

The presence of a black bar group protected laymen who, through WBA, could complain about inequitable treatment in the public school system and employment discrimination in the local government and in the federal government. The presence of a black bar group also made it possible for the black community and black

lawyers to complain to the local courts regarding police brutality against blacks citizens, the appointment of white judges, who were the political cronies of members of Congress, and to advocate for the appointment of black judges on the then Supreme Court of the District of Columbia, later known as the Municipal Court. This court today is the Superior Court for the District of Columbia.

The history of WBA is rich, but largely untold. Some of WBA's most significant achievements and triumphs necessarily remain undisclosed due to the sensitivity associated with national and local politics. WBA's history has been marked by its refusal to be silent in the face of adversity. Hence, it has elected strong men and women to lead the membership. The presidents of WBA, some more courageous than others, have made inestimable sacrifices for taking stands against racial injustices facing the citizens of the District of Columbia, including the mistreatment of black citizens by the prosecuting arms of both the Corporation Counsel and the U.S. Attorneys' offices. We salute and give special recognition to the current and past leaders of WBA, and to its Founders: Ulysses Simpson Garnes, George E.C. Hayes, Charles Hamilton Houston, Isaiah Lisemby, Louis Rothschild Mehlinger, Charles E. Robinson, and J. Franklin Wilson.

Agitation and Persuasion

The membership of the WBA also, with much sacrifice, has given much to keep WBA relevant and committed to its original objects of jurisprudence, benefit, enhancement and protection. Individual members of WBA have confronted and challenged the system when it trammelled on the sacred principle and essential elements of

justice and fair play.

A few examples are in order. In 1939, the District of Columbia Bar Association housed a library in the U.S. District Court building, a library that blacks could not use because they were not allowed to hold membership in the association because they were not white. A library in the courthouse provided white lawyers with a convenience that gave them a significant edge in trying cases. During court recesses, or at critical moments during a trial, white lawyers could run to the library in the courthouse to find precedents to support a point of law; black lawyers could not.

Huver I. Brown, a member of WBA, threatened to sue the Bar Association of the District of Columbia (B.A.D.C.) and sought the assistance of the WBA, which supported his claim. Word that WBA and Brown also might join as necessary parties, Harlan Fiske Stone, the Chief Justice of the U.S. Supreme Court and Robert H. Jackson, the U.S. Attorney General (the official joint landlords of the courthouse) in the suit caused quite a stir: the highest ranking U.S. judge and the nation's highest legal officer were about to be sued in a matter involving racism against black lawyers.

The matter was ultimately settled. The U.S. Attorney General ordered the B.A.D.C. to either allow black lawyers to use the library or to move out of the courthouse. For a service fee, the B.A.D.C. allowed black lawyers use of the library, but continued to bar them from membership. This matter also benefitted white women, who were also excluded from the same bar association. Brown's action directly influenced the B.A.D.C. to drop its male only membership requirement allowing white women to use the courthouse

library. Black lawyers continued to be excluded from membership in B.A.D.C. for more than twenty years. See J. CLAY SMITH, JR., *EMANCIPATION: THE MAKING OF THE BLACK LAWYER, 1844-1944*, at 578 (University of Pennsylvania Press, 1993); *Goshorn v. Bar Association of the District of Columbia*, 152 F. Supp. 300 (D.C.D.C. 1957) (court refuses to strike white-only By-Law provision).

In other matters, in 1951, the WBA's chairman of its Public Relations Committee, Charles Sumner Brown, argued that the public interest was ill served without public supported payment of lawyers who handled the cases of indigent. WBA and Brown urged the support of S. 1210, a Bill "to provide the appointment and compensation of counsel to impoverished defendants in criminal cases in the U.S. District Court for the District of Columbia." In 1965, Charles Sumner Brown, in a letter to the *Washington Post*, complained that the method by which our bench is chosen leaves a lot to be desired." Brown inferred that the local judges and those appointed in the federal D.C. courts were largely incompetent in the field of criminal law. In 1961, during the deanship of Spottswood William Robinson III, the WBA helped to facilitate the placement of the Legal Aid Society at the Howard University School of Law to provide legal assistance to the poor in civil cases.

Women and the Washington Bar Association

Black women have played an important role in the development of the Washington Bar Association that reaches back to its first years. Ollie May Cooper and Isadora Augusta Jackson Letcher, were active members of WBA. Both served as officers at one time or another. They nurtured and inspired the next generation of women

lawyers in WBA, one of whom is Wilhelmenia Jackson (Rolark), who, in the 1960s, was corresponding secretary. However, it was not until 1973 that a woman was elected president.

Ruth Hankins-Nesbitt, who had been a loyal member of WBA for years, was elected to the office of president, but not without dissent. She served ably, and opened up opportunities for other women to head WBA, to ascend to the bench and to head governmental post and to be hired in key positions in the private sector. We salute the women of WBA, particularly, Ruth Hankins-Nesbitt.

Challenges Continue

The past often is the best teacher for the present and the future. The record demonstrates that many of the same challenges facing the black lawyer and WBA that existed in yesteryear remain. There has been much progress since 1916 and 1925. However, the record demonstrates that recent presidents and senior ex-presidents of WBA continue to confront those who would deny the upward mobility of black lawyers, and the elevation of black women lawyers (e.g. Annice M. Wagner) to posts such as the Chief Judge of the D.C. Court of Appeals. Ex-presidents William S. Thompson, John McDaniels, Jr., Nathaniel Speights, John A. Turner, Jr., Iverson O. Mitchell, III, Belva Newsome, and Keith Watters, to name a few, appear in the press on issues involving limitations and the black lawyer.

Under the present leadership of Michael Hicks, the WBA continues to be a force in the general welfare of the District of Columbia pledging that the local and federal courts, the administrative staffs of the courts in this circuit, and the

Corporation Counsel's Office and the Office of the U.S. Attorney are competently staffed and occupied by minorities and women, and fair minded personnel that are in touch with all of the citizens of the District of Columbia.

On to Year 2065 and Beyond

In closing, much remains to be done in the days ahead as the country's attitudes to combat race and to remedy (to make whole) present and past racial discrimination. Political efforts to substitute the historic victims of racial discrimination with non-historic persons cast ugly shadows on the progress of race relations. WBA will continue to have a role to play to assure that constitutional guarantees are not further diluted, civil rights laws are enforced; that the District of Columbia is freed from bondage and can stand on its own feet. WBA must continue to attract mighty leaders and people willing to work to secure the association so that seventy years from now members of WBA will be able to expand their knowledge in the science of jurisprudence, benefit from the collegiality incidental to membership, enhance the rights, dignity and the humanity of the citizens of the District of Columbia and be rooted in positions to protect powerless citizens from all unjust harm and disenfranchisement.