

Columbia Law School's Earliest Black Students

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Columbia University & Slavery Course

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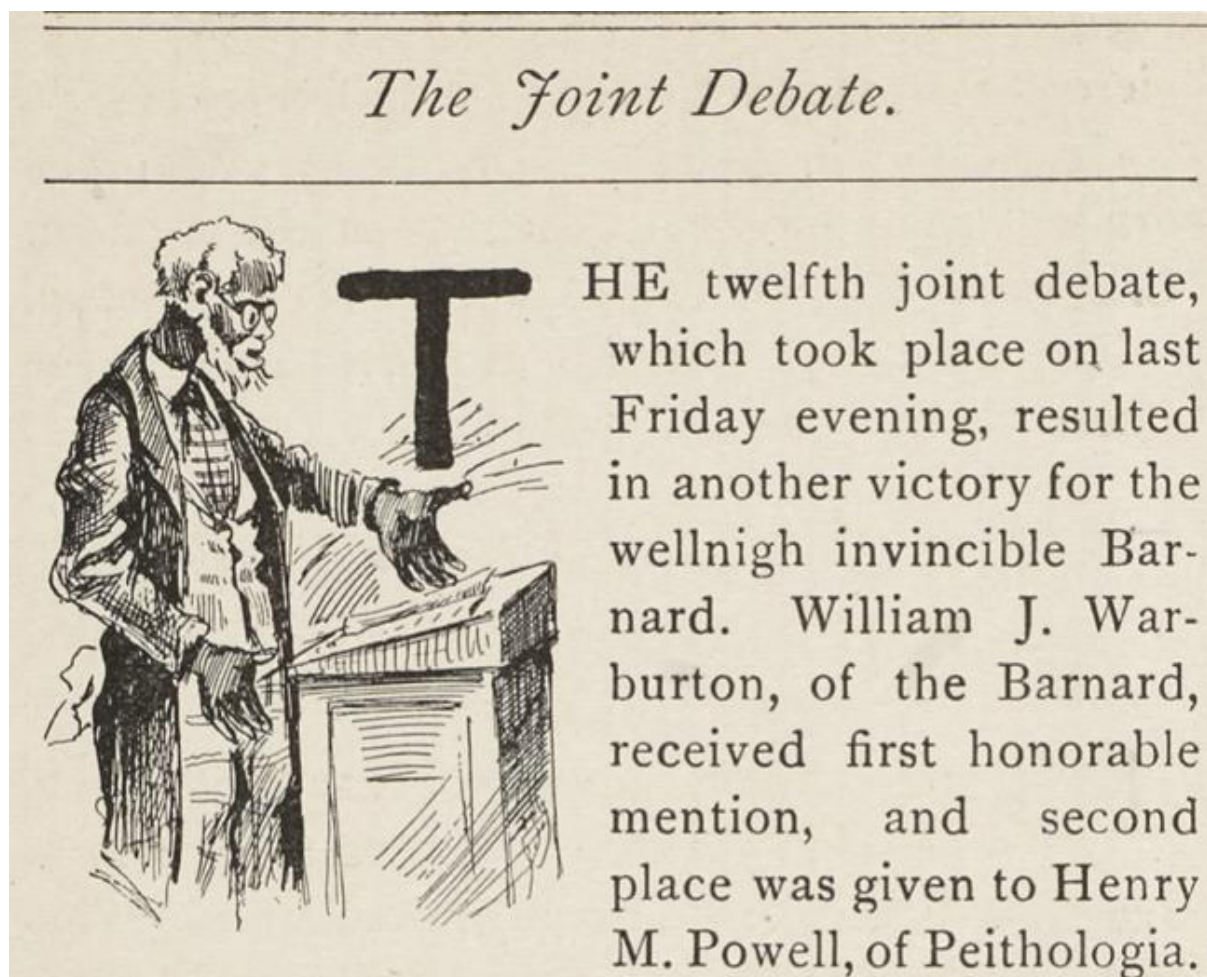


Illustration in "The Joint Debate" from the Columbia Spectator dated May 1, 1890

The New York Academy of Music stage was adorned with rows of white flowers. Peeking through the foliage was the sign, "The twenty-third annual commencement of the Columbia College Law School." It was a May evening in 1882, and Chauncey Mitchell Depew, forthcoming U.S. Senator of New York and renowned attorney, sat front and center on stage. After the graduates marched down the aisle and took their seats, Depew delivered his commencement address to the one hundred and fifty-two young men and their guests. He declared, "this is the most interesting period of your lives." [1]

And he was right, not just in the sense that the graduating class would depart from the ceremony as newly-minted lawyers. It was the first time that a Black student was among the graduating class. It was a flashpoint in the early history of Black lawyers at Columbia Law school and, by extension, in the country. George Henry Schanck, as the *New York Tribune* reported, would "enjoy the distinction of being the first colored man to graduate." [2]

But as memorable and groundbreaking as Schanck's enrollment and graduation was, it is not a story widely disseminated and known by the public. This story, coupled with its seemingly forgotten nature, was the point of departure for this research to uncover more about the first Black students at Columbia Law School. The identification and retelling of historical firsts are not solely for celebrating their achievements. Their stories have a unique positionality in being both at the front of a line of success and the end of a string of attempts to break new ground at Columbia Law School. They contextualize the larger story of power structures and systemic oppression that affect Black people, some of whom we may never know, throughout the history of Reconstruction and Jim Crow.

This paper's argument is twofold. First, through chronicling the history of three Black students who attended Columbia Law from 1880 to 1900, it contends that the early Black students at Columbia Law experienced exclusion on the basis of race from campus-wide events, faculty teachings, and student publications permitted or supported by the Law School. Second, it hones in on early three Black law students and traces how they are represented in contemporary memory. This paper stresses that these students' history is complex and unclear and, accordingly, warrants further research to flesh out their legacy in current representations of school history.

An Overview on Black Lawyers from 1880 – 1900

My thesis builds on a key argument in John Clay Smith Jr.'s *Emancipation: The Making of the Black Lawyer, 1844-1944*, the most recent of the few anthologies available of Black lawyers prior to the Civil rights movement. Clay Smith Jr. argues that Black lawyers "survived by necessity, serving a restricted market within the black community" after the Civil War and traces how white society thwarted their success from their education to professional practice.[3] He tasks himself with locating all of the black lawyers over a century on his overall goal to "present a history of the black lawyer by concentrating on their origins in the states of the nation." [4] Clay Smith Jr. traces how white supremacy and racial segregation affected every aspect of a black lawyer's life: most notably, their admission to law school, their legal education, and their legal practice.

He expands on his argument by illustrating that law schools granted admission to Black lawyers after the Civil War to represent newly freed slaves to satisfy a demand for legal representation that many white lawyers preferred not to meet. It was more likely that Black lawyers were educated at historically black institutions rather than predominately white institutions. During their legal education, Black lawyers were barred from joining law associations and met with increased educational standards, often bent by the bar examiners in favor of white applicants, to gain admission to the American Bar Association into the early twentieth century.[5] For example, the New York City Bar Association was founded in 1870 by then Dean of Columbia Law School, Theodore Dwight, but Black people did not join until 1929.[6] Additionally, Columbia Law School's Board of Trustees decided to require a college degree to apply to the law school in 1889 to raise the standards of admission.[7] Despite this, Black lawyers often met these increased standards. Still, they could not influence the country through the courts of law like their white counterparts because white lawyers had a monopoly on representing the white commercial community.[8] Many Black lawyers were pigeon-holed into practicing criminal law because of the prevalent belief that, he mentions, "the police system was

primarily for negroes." [9] Black lawyers also faced a stigma that they were not as competent as their white counterparts. Due to income disparities between Black and white lawyers, they were seen as lawyers of inferior ability because they couldn't create significant material success. [10]

Clay Smith Jr. relies on pinpointing specific Black students to emblemize their legal education. Still, he admits that identifying "all of the black lawyers between 1844 to 1944 has proven humanly impossible." [11] Therefore, he concludes, "the common experiences of the black lawyers represented here, and the exceptional challenges they faced in their efforts to succeed in the law is probably matched by those of the black lawyers whose names and contributions to the law remained unknown." [12] My project seeks to conduct this research in a similar way. It not only identifies additional Black lawyers who attended Columbia Law in the late nineteenth century but also describes the exclusionary environment on campus that unidentified Black law students may have experienced. Due to complex factors such as Black students passing as white or the archive's dearth of material on Black students, uncovering the pervasive white supremacy on campus sheds light on how Black students were ostracized without requiring their complete identification, nuancing the claims of exclusion that Clay Smith Jr. has made.

In this paper, I will uncover the experiences of Columbia Law's first Black students from multiple angles. First, I will chronicle the personal lives and careers of the first, identifiable Black students and draw connections between their experiences and Columbia Law School. Second, I will engage in close readings of faculty and student publications to uncover ideologies that pervaded the Law School, affecting Black students that both I and previous researchers were unable to identify. Lastly, I will juxtapose these findings with Columbia Law's public-facing communications of their history to identify if and to what extent the first black students are represented in contemporary memory.

Columbia's First Black Law Students

George Henry Schanck

There are limited records on George Henry Schanck, Columbia Law's first Black graduate. It's important to note that while the *New York Tribune* article notes George Henry Schanck as the "first colored man" to graduate, he may not be the first Black student to enroll in the university, as it was common during this time to enroll in law school and not graduate.[13] According to the Columbia Annual Register of Officers and Students in 1880, he enrolled at Columbia Law School in 1880 and graduated in 1882. He was older than most of his other classmates in 1880, as he entered Columbia Law School at 26 years old, while his other classmates ranged from 19 to 25 years old.[14] Using the Eaton, New Jersey address listed in Schanck's register entry, Ancestry Library's 1865 census record was able to provide further confirmation that he was "Colored (Black)."[15]

Thomas Ayres Church

Thomas Ayres Church is the second known Black law student; he graduated from Columbia Law School in 1894.[16] Church was born around 1867 in Memphis, Tennessee, to two formerly enslaved parents.[17] A January 2nd, 1909, article in *The Evening World* newspaper was the first recording of Church working at the New York City Court. The article discussed an incident with the safes that held court records, and defined Church as a clerk who worked with "prisoners' court records." [18] Church most likely worked at the City Magistrates' Court, First Division, after graduating from Columbia Law School. The Court was listed in the letterheads of the papers he sent to his sister from 1915 to 1932.[19] In a letter from his sister dated July 27, 1927, Mary Church Terrell congratulated him on his "long and honorable career as a clerk in the Courts of New York City," revealing that Church had been involved with the New York courts for at least two decades.[20]

Church's career closely followed the path that Clay Smith Jr. argued Black lawyers were relegated to, working primarily in the criminal legal field without being able to represent people in court. As *The Evening World* article suggests, Church was most likely working in a criminal court because he maintained court papers of incarcerated individuals.[21] Although Church graduated with a law degree, he did not practice. According to the Judiciary Act of 1789, the act analyzed in Church's Columbia Law School thesis, court clerks were established to provide administrative support to ensure that the courthouses ran smoothly. Court clerks would engage in non-judicial parts of the court, so in this position, Church never had the opportunity to advocate for a cause or client the way that many other white lawyers did during this period.[22]

There is archival material regarding his life because he was the brother of Mary Church Terrell, a well-known activist for racial equality and women's suffrage. Since Terrell attended Oberlin College, her correspondence with Church is housed in the Oberlin College Archives.[23] The archive includes Church's thesis as a law school student at Columbia. This thesis, submitted on April 7, 1893, analyzed the Judiciary Act of 1789, which organized the Supreme Court of the United States and granted Congress the power to create lower courts as they see fit.[24] At the same time Church was evaluating the birth of the U.S. Supreme Court, Horner Plessy of Plessy vs. Ferguson was challenging the Louisiana Separate Car Act, which required separate railway cars for Blacks and whites. The U.S. Supreme Court later ruled this form of racial segregation legal, igniting the prominence of Jim Crow laws and the Ku Klux Klan in the South.[25]

In essence, Church was writing about an institution that was concurrently setting the standards of how he and other Black people would be excluded in the next half-century to follow. The Supreme Court established the constitutionality of racial segregation. It gave rise to Jim Crow laws that openly discriminated against African American civil rights, especially in the Southern states where Church was born and raised and where his parents resided.[26] This context reveals the personal stakes and potential clashes between Church's lived experience and his legal education.

Church also extensively quotes passages on the jurisdiction of the United States courts as conferred by the Constitution from Columbia Law Professor John Burgess's book, *Political Science and Comparative Constitutional Law*. However, in this textbook, Burgess also writes about the political capacity of other states to form and sustain governments. He contends "not all nations...are endowed with political capacity" and that "the highest talent for political organization has been exhibited by the Aryan nations" alone. He continues, "I do not think that Asia and Africa can ever receive political organization," stressing his belief that Black people cannot self-govern and effectively lead their communities.[27]

This textbook was the first of many books Burgess would publish in his career. From 1871 to 1873, Burgess studied in Germany under professors such as Johann Gustav Droysen and Theodor Mommsen. They believed in the superiority of the Aryan race and described non-German civilizations as barbarians and uncivilized.[28] Burgess was influenced by these ideas and brought them back to the United States. This textbook was the first print manifestation of his beliefs that Black people were inferior and that the Aryan race was superior. It is likely that Church had encountered and had a relationship with Burgess because *Political Science and Comparative Constitutional Law* was the textbook that accompanied Burgess's class teachings. Still, it is unclear the extent to which these two individuals communicated.

Nevertheless, Church extensively engaged with Professor Burgess's scholarship, even though these beliefs stood in stark opposition to Church's status as a Black man invested in racial equality. Church was fond of Booker T. Washington, an advocate for the upliftment of the Black middle-class through education and entrepreneurship, writing to his sister that Washington was "the great leader" after Washington's death in 1915.[29] Washington advocated for Black progress through education and entrepreneurship, which was in line with his family history and values. Church's father, Robert Reed Church, was an entrepreneur and became one of the South's first African American millionaires. Because of his father's wealth, both Church and his sister could get both college and graduate degrees.[30] As a result, they gained significant political and legal knowledge through the same paths as their white counterparts and their

careers challenged the crux of Burgess's beliefs about Black people's inferior intellectual capacity.

Church's family history is deeply connected to the development of the South. His father bought several underdeveloped lands across Memphis in the 1870s to accumulate personal wealth and help the city recover after the Civil War. He purchased the first \$1000 municipal bond to help the city recover from bankruptcy after it was reduced to a Taxing District, a special purpose district established to fund the public projects and revitalization efforts.[31] His sister, Mary Church Terrell, was not only a well-known and influential activist fighting for racial equity and against lynching, but was also a political leader. She became the founder and president of the National Association of Colored Women (NACW), the founder and charter member of the National Association for the Advancement of Colored People (NAACP), and the co-founder of the National Association of University Women (NAUW). Through these positions, she campaigned for black women's suffrage and filed a slew of anti-discrimination lawsuits.[32]

Thomas Ayres Church wholeheartedly supported his sister's efforts for racial equality by editing her works and sending her books to develop her writing skills.[33] He often encouraged her to take on additional leadership positions, such as the director of Tuskegee Institute that Booker T. Washington held before he died. [34] He expressed via letters that she had the best "training, experience, character, record and fitness... to make [her]... a very formidable candidate" for these roles.[35] In one letter to her, dated May 13, 1928, he proposes submitting her writing to newspapers. He writes:

I have an idea, that if you corresponded with the American or Evening Journal or Telegram or any of the big New York Dailies...I am well convinced that you can write rings around these specially paid writers. Say if you took up the subject... for the improvement of our girls and their mothers well and sent [an] application in... let him see that at this day and time... a necessity to uplift our people... you might get a column. What do you think of this idea?[36]

His support for Black women's civil rights was rare at the time. In example, one of his sister's core ideals was that Black women should gain the right of suffrage, but this right was not guaranteed in practice until the Voting Rights Act of 1965.[37]

James Dickson Carr

James Dickson Carr was Columbia Law's third known black student. He was born in Baltimore, Maryland, in 1868 and attended public schools in both New Haven, Connecticut and Elizabeth, New Jersey. He graduated from Rutgers College Grammar School in 1888 at the head of his class. He also attended Rutgers College and gave the valedictorian speech at the school commencement.[38] In 1896, he graduated from law school and passed the New York bar. According to the faculty minutes of the law school, he failed to obtain his degree with his initial cohort in 1895.[39] Accordingly, he had to be recommended with a few of his other classmates to the faculty board for a degree. The faculty board granted him his degree because he "passed satisfactory" requirements.[40]

Henry Kimball Davis, a fellow law student who was also classmates with Carr in grammar school and college, wrote in admiration of Carr's "sincerity and self-respect." [41] He noted that Carr "did not want to be patronized and if anyone was inclined to pass him by because of his color, Mr. Carr at least would not notice it." [42] This characterization indicates that Carr had a tendency not to draw attention to his race as a student. However, this character would change after he graduated from Columbia Law School, where he had a track record for being outspoken on issues of racial inequality. This switch from staying quiet on race issues as a student to being outspoken about racial discrimination as a lawyer suggests several possibilities. Although there are no records that indicate his criticism of any faculty member, peer, or experience while at Columbia Law School, he may have been unable or uncomfortable to speak out. It is also possible that he did not feel inclined to verbalize his qualms publicly until he became a lawyer.

Carr independently practiced criminal law at 23 Chambers Street in New York City upon graduating. In 1897, he had a dispute with Lemuel E. Quigg, then chairman of the New York County Republican Committee, which led to Carr's switch to the Democratic Party despite having been a known and committed Republican. An 1899 newspaper article from *The Sun* details the conflict:

OFFICE FOR A COLORED LAWYER...District Attorney Gardiner surprised his assistants yesterday by introducing to them a new fellow assistant in the person of James Dickson Carr, colored... "He is an American citizen and a good criminal lawyer," said the District Attorney. "and also a man of excellent character. That was all I wanted to know about him. "...The new Assistant District Attorney said yesterday that he had been a Republican for many years but had become a convert to the Democratic faith when District Attorney Olcott refused to appoint him." At that time," said Mr. Carr, "I had the endorsement of the Republican organization and believed I would be appointed, but Mr. Olcott refused to appoint me on the ground that I was a colored man."[43]

Carr's testimony that he was denied the assistant district attorney position displays that he experienced exclusion as a Black lawyer. It also reveals how he was conscious of and verbalized how people in power could discriminate against him based on his race, a stark contrast to his classmate's description of Carr as someone who "at least would not notice it." [44] Carr continued to decry acts of racial discrimination since then. Most notably, he wrote a letter to Rutgers College's president in 1919 expressing disappointment and anger when a Black Rutgers' athlete was barred from competing because the opposing team did not want to compete a Black athlete. In the letter, he criticized other educational institutions for similar method of discrimination, arguing that schools must uphold "equality of opportunity and privilege" for all students regardless of color.[45]

Carr worked in the criminal legal field, a course similar to the ones described in J. Clay Smith Jr.'s book. However, Carr was able to take on several different job titles in his life and receive several promotions. In 1904, he was appointed Assistant Corporation Counsel of the New York City Law Department. In this position, he oversaw "prosecution of abandonment, aged parent and bastardly proceedings" in the Bureau of

the Recovery of Penalties.[46] In early 1920, Carr was scheduled to be appointed by Mayor J. Hylan, but he died of heart failure before his confirmation. Because of his death, we cannot see the full trajectory of Carr's career.

School Events, Ideologies and Teachings

The Columbia Jurist was the first student publication at Columbia Law School. Its first volume was published on February 3rd, 1885, with the support of Professor and Dean Theodore Dwight as a way for law students to supplement their formal legal education.[47] The journal suspended publication in 1887 and was the precursor to *The Columbia Times*, which would later be spearheaded by two Columbia Law alums from the class of 1888. Now, it is known as *The Columbia Law Review*. *The Columbia Jurist* was "a weekly journal devoted to the interests of students of the law and legal practitioners," and included class notes, law school news, and student articles, as advertised on the journal's cover pages.[48] As per the *Columbia Registers* from 1885 to 1887, there were approximately 200 graduates per grade, which amounts to roughly 400 students per year. Columbia Law School was a two-year program at the time and did not convert to a three-year program until 1890.[49] *The Columbia Jurist* is a window into what the small student body at Columbia Law believed and wanted their peers to know about during the three years that it was published, and provided space for students to talk about activities and interests outside of the classroom.

One of the events *The Columbia Jurist* team covered was the annual "Glee Club Concert," which occurred on campus and benefited a different charitable cause every year.[50] As described by the *Columbia Spectator* in 1887, Paul Moore was the Glee Club's "distinguished negro soloist" who joined as a guest star from an unspecified Southern city and visited the Columbia campus for several years.[51] In a May 26, 1885 article, *The Columbia Jurist* editorial board recounted Moore's visit:

Mr. Moore, with his negro melodies, carried the honors of the evening, if we may judge by the hearty and prolonged applause which greeted his efforts, and he deserved them,

for, in addition to his having a good voice, he used a genuine negro dialect—a thing usually noticeable for its absence in this class of songs...the hall was crowded to its utmost capacity by the students and their friends....We [, the editorial board,] noticed many law-school men present in the audience, while the law school was well represented in the Glee Club... the concert was a great success, financially, musically and socially, and every one present went home feeling that they had spent a pleasant evening, in a worthy cause, and had had their money's worth.[52]

This excerpt highlights that the audience of the Glee Club concert, which included many Columbia Law School students, were entertained by Moore's performance. As per a *Columbia Spectator* article covering the same event, the song titles included "Put on de Golden Shoes" and "Hear Dem Bells," which audience members noted had a "realistic negro twang... that convulsed everyone," denigrating the distinctive linguistic variables between Moore and his predominately, if not exclusively, white audience.[53] It is unclear whether or not Moore intentionally used his normal dialect or chose a stereotypical one to elicit a response from the crowd. However, the board characterized Moore's "negro dialect" as "genuine" and often spoke of the performance's ties to Moore's race, which gave strength to their stereotypes and preconceived notions of Southern Black men.

From the board's mention that the law school was well-represented in the Glee Club, it can be inferred that current law students took part in this concert and performed alongside or in conjunction with Moore, implicating themselves in the belittling and humorous reception of him, even though their personal relationships to Moore or Moore's attendance remain unknown. The board frequently commented on how Moore was the main attraction of the evening, that his performance was tied to his race, and how the audience loved the arrangement. Even though it is probable that not all Columbia Law School students attended this event or wholly agreed with the *Columbia Jurist's* opinions of Moore's performance, this article's review endorsed Moore's otherness as a form of entertainment. It set a racist precedent for the concerts that Moore would perform at Columbia and law students would attend in the years that followed.

Moore is the only Black person mentioned in *The Columbia Jurist* by name throughout its three-year run as a publication.[54] There have been mentions of people who are presumably Black, such as enslaved people, but they only exist unnamed or in the singular form to suggest a subject archetype, foreclosing any semblance of the subject's personhood. For example, in the same volume of *The Columbia Jurist* that recounts the Glee Club Concert, the next page lists the January Examination bar exam questions. One such question was, "How could a slave be given his freedom? Give the most general method." [55] This question prompted test takers to recall how an enslaved person could be freed, but these questions never necessitated reckoning with the lived experience of what that process may be like for their Black counterparts and peers.

A few years later, in May of 1890, Columbia held "The Joint Debate," which is a series of campus-wide debates over a resolution that the faculty adjudicate. *The Columbia Spectator* depicts the course of the series' twelfth iteration:

The...judges were President Low and Professor Burgess... the subject – "*Resolved, That the Negro should be Disfranchised...* All the speeches showed careful preparation and averaged better than those delivered in former contests... the subject of the debate was admirably adapted for discussion, and the argument was so evenly divided that the judges had great difficulty in coming to a decision. The audience was the largest and most enthusiastic that we have ever seen at a joint debate, and it evidently enjoyed the occasion.[56]

The debate topic, at its core, ostracized Black people because it rendered their rights as free people disputable, especially at a time when slavery had been abolished and when Black law students were enrolled on campus to spectate this debate first-hand.

Students argued for the affirmative, that Black people should be disenfranchised, and the article reported that "argument was so evenly divided that the judges had great difficulty in coming to a decision." This speaks to how white supremacy allowed for many white students and professors to see themselves as distinct from and superior to their Black counterparts.[57] While this event is not necessarily representative of the ideas of every person in the student body, the article noted that the "audience was the largest and most enthusiastic" ever witnessed at a joint debate, suggesting many law

students might have attended. The existence of such a debate topic is also exclusionary in itself.[58][59]

The Columbia Spectator article features a demeaning drawing of a Black man speaking at a podium. This cartoon is ironic because there were no Black people as panelists or judges to have utilized a podium at this event. The figure is drawn with grotesque features, accentuating his eyes, lips, and hands. The subjects' eyes are bulging and his lips are wide, suggestive of caricatures used by white minstrel show performers originating in the 1830s. These performers utilized blackface and painted on cartoonishly red, large lips using makeup.[60] The creation and dissemination of this picture is an example of how Black students on campus were viewed and portrayed by others.

Moreover, one of the judges of the debate was Professor Burgess of Columbia Law School. In the same year this debate occurred, Professor Burgess published the aforementioned *Political Science and Comparative Constitutional Law*, where he contends that Black people do not have the same political capabilities to govern communities the way that whites do.[61] Considering this view, he likely sided with students arguing the affirmative—that Black people should be disenfranchised. Hence, Professor Burgess's opinion of Black people most likely had a large presence in the debate.

Professor Burgess had a significant teaching role in the third-year coursework for law students, the year allocated for political science courses.[62] It is likely that Professor Burgess used his textbook to teach his courses and drew from his white supremacist ideas regarding other countries' capacity to govern. His official professorship title, Professor in Constitutional History and International Law, and the course subjects he taught were assigned and supported by the then Dean of the Law School, Theodore Dwight.[63] Professor Burgess's dual appointments teaching political science in Columbia College and Columbia Law School are evidence that the school had vested interest in and gave significant power to a white supremacist.[64]

Several articles published in *The Columbia Jurist* written by current law students also sustained white supremacy. On May 26th, 1885, Herbert Livingston Satterlee, Class of 1885, published an article titled "Political History of the Province of New York." He writes:

The Dutch Race had laid the foundation for a great state... For ... England, [their] work was to fuse the Atlantic seaboard settlements to an ethnic unity, to render them one Anglo-Saxon people, ...and then, as history proves, England's work was done... and since adopted by the civilized world, exploration and occupation – both—are required to constitute a valid title to uncivilized countries.[65]

This article argues that European colonizers, such as the Dutch and English, facilitated the transition of indigenous groups from uncivilized to civilized by European exploration and occupation. Classmate George G. Fry, in the same journal volume, published an article on the laws and rules of conduct of a civilization, where he denounces the "exercise of power through the medium of chiefs.... In the uncivilized state of certain South American tribes." [66] They became civilized, he argues, when "Jesuit missionaries have established most successfully without doubt [their power...], prov[ing] highly beneficial to all concerned." [67] Both articles use the language of civilized vs. uncivilized as a heuristic approach to justify colonization and expansion.

Even though these articles did not reference newly freed Black people or Black law students specifically, the colonization of indigenous people in the Americas was not a process devoid of slavery. As historian Craig Steven Wilder argues, the process of European colonization in New England was inextricably linked to the African slave trade and the marginalization of Native communities from the beginning.[68] For Columbia Law students to laud these colonial powers for their influences on civilization writ large is to ignore, or even rationalize, the oppression of Black and indigenous communities as a component of their political ideologies. These articles also illustrate how intertwined and connected Columbia Law School was with matters in political science, considering the high frequency of political science articles written by students in *The Columbia Jurist*. Consequently, we can infer that Black students experienced these oppressive

political ideologies as they were disseminated in the only student-run publication of the law school and were topics of discussion in class.

The First Black Law Students in Contemporary Memory

The history of the first Black Columbia Law students has been unclear for over a century. *Columbia Register* records from the 1880s to the 1900s did not document students' race, so there is a reliance on outside records to confirm students' race. Today, the identity of the first Black law student remains contested and has been for the past two decades. The difficulty in pinpointing the first Black student to attend Columbia Law School reveals an unclear and complex history of Black students at Columbia Law School.

In 2008, Columbia Law School believed that James Dickson Carr was its first Black graduate. For Columbia Law School's 150th anniversary, it released a timeline to celebrate milestones in their history as a law school. The timeline notes that from 1892 to 1898, James Dickson Carr attended Columbia as the school's first Black student, which we now know to be inaccurate because revisited records show he graduated in 1896.[69] James Dickson Carr is the only Black Columbia Law Student from the 1800s identified in the "Columbia and Slavery: A Preliminary Report" by Professor Eric Foner, a 2017 paper summarizing his research and the research conducted by the Columbia and Slavery 2015 and 2016 class cohorts.[70]

In 2012, Columbia Law School believed that John Daniel Lewis was its first Black graduate. The Columbia Law School created a post on its Facebook page titled "Luminaries Attend the Law School," which identified the first Black graduates.[71] the post mentions that John Daniel Lewis was the first Black graduate in 1882.[72] Separately, the post also mentions that "Thomas Ayers Church" graduated in 1894. However, Church's middle name is spelled Ayres, as shown multiple times in his letters and Columbia's Registers.[73]

The "Our History" page of the Columbia Law School website currently states that "John Daniel Lewis graduated from Columbia Law School in 1882, setting a path for others to follow." [74] On their "History of Columbia Law" page, it is noted that "Columbia Law School graduated its first African-American student, John Daniel Lewis, in 1882." [75] In this statement, Columbia Law School is made the subject of at hand, crediting the institution for graduating the first African-American Student rather than crediting the student for graduating. These statements that label John Daniel Lewis as the first Black graduate were later disseminated by Professor Kimberlé Crenshaw, a current Columbia Law Professor, on a 2020 panel for Columbia Law School's Alumni of Color Initiative. [76]

Despite this, there are no school records of a John Daniel Lewis on file for the year 1882. [77] A John Daniel Lewis does exist within the Official Register of Students for Columbia Law School, but this student graduated in 1874. [78] In Clay Smith Jr.'s book, *Emancipation: The Making of the Black Lawyer: 1844-1944*, John Daniel Lewis was reportedly the first Black graduate of Columbia Law School. However, Clay Smith Jr. erroneously linked a Black Philadelphia-based lawyer of the same name to the John Daniel Lewis who graduated from Columbia in 1874. In Clay Smith Jr.'s instance, John Daniel Lewis was a Black private practitioner who was criminally indicted in 1882 over illegally charging his client to secure a pension, and Lewis later died in 1891. [79] The John Daniel Lewis who attended Columbia Law School died in 1882, according to the 1932 Columbia Alumni Register, so it was impossible he could have graduated in 1882 as the first Black graduate. [80] It would be safe to assume that the John Daniel Lewis at Columbia Law School was white, considering the 1882 *New York Tribune* article reports George Henry Schanck as the "first colored graduate" outright. [81] Columbia Law likely relied on identifying its first Black lawyer from Clay Smith Jr.'s book, as it is the only source publicly known to claim John Daniel Lewis as Columbia Law's first Black graduate. Therefore, there is a room for and a need for the Columbia community to reckon with its own history and what their own materials may uncover about the early Black students to attend Columbia Law School. Columbia Law School has started to research some of these students and their ties to slavery more generally. The Columbia and Slavery project has existed as course at Columbia College since the spring of 2015,

and it extended to Columbia Law School for the first time for the Fall 2020 semester. These courses can help paint a fuller picture of the lives of early Black lawyers at Columbia Law School and involves the student body in this mission.

This paper emphasizes the importance of not only naming the first Black students but understanding their significance in being trailblazers in a historically white and exclusionary legal profession. Their experiences of discrimination and exclusion did not happen in a vacuum. Even though we can identify three Black graduates, they were not the first and only Black people to possess the ability, talent, and work ethic necessary to succeed as a student at Columbia Law School and as a lawyer in the United States. The discrimination and exclusion of Black lawyers are tied to multiple institutions of power, including courts, local associations, and universities. Through permitting certain campus events, faculty hires, and school publications, Columbia Law School is implicated as an educational institution in sustaining this exclusion when they trained early Black lawyers. If educational institutions claim that their communities are diverse and inclusive in the present, they must reckon with the legacies of their Black alumni and learn from their multifaceted experiences.

Endnotes

[1] “A Host of New Lawyers,” *The New York Tribune*, May 18, 1882. NYS Historical Newspapers. <https://columbiaandslavery2021.omeka.net/items/show/3>.

[2] The *New York Tribune* article was uncovered by Professor Maeve Glass of Columbia Law School in early 2021. It was shared and discussed with me by Special Collections Librarian Irina of Columbia Law School.

[3] John Clay Smith Jr., *Emancipation: The Making of the Black Lawyer, 1844-1944*, (Philadelphia, PA: University of Pennsylvania Press, 1993). Clay Smith Jr. cites the quote “the police system was primarily for negroes” from R.R. Wright’s *The Negro in Pennsylvania* (1969).

[4] Clay Smith Jr., *Emancipation*, 19.

[5] *Ibid.*, 9.

[6] Eric Friedman and Eli Cohen, “City Bar Celebrates Black Heritage Month and Path-Breaking Black Lawyers: Media Listing: NYC Bar,” New York City Bar, February 14, 2020, <https://www.nycbar.org/media-listing/media/detail/city-bar-celebrates-black-heritage-month-and-path-breaking-black-lawyers>.

[7] “The Law School to be a Graduate Department,” 18 January 1899, Columbia Spectator Archives, Columbia University Archives; Julius Goebel, *A History of the School of Law: Columbia University* (New York, NY: Columbia University Press, 1955). 102.

[8] Clay Smith Jr., *Emancipation*, 3.

[9] *Ibid.*, 12.

[10] *Ibid.*

[11] *Ibid.*, 19.

[12] *Ibid.*

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