



DIVERSITY in the Legal Profession

History: Black Lawyers in Louisiana Prior to 1950

By Rachel L. Emanuel

Louisiana was reportedly the first Southern state to admit an African-American to its state Bar.¹ Yet, until the establishment of the Southern University School of Law, which graduated its first class in 1950, Jim Crow laws enacted in the 1880s kept the number of African-American lawyers to a mere handful.

The First Three: Morgan, Bell and Chester

The Seventh Census of 1853 reported 622 lawyers in Louisiana, but this information was not broken down by gender or race. By 1864, the number of lawyers had grown by fewer than seven per year to 698.

C. Clay Morgan, a free black man, was listed in 1860 as a lawyer in New Orleans but little is known about him.²



With their commencement, members of Southern University Law Center's first graduating class in 1950 became much-needed additions to the legal arena for African-Americans. From left, Alex L. Pitcher, Leroy White, Ellyson F. Dyson, Jesse Stone and Alvin B. Jones. Photo courtesy of Southern University Law Center.

There were only four states reported to have admitted black lawyers to the bar prior to that time, none of them in the South. The states included Indiana (1860s), Maine (1844), Massachusetts (1845), New York (1848) and Ohio (1854). If, as is believed, Morgan was Louisiana's first black lawyer,³ he would have been admitted to the Bar almost 10 years earlier than the average date for the other Southern states (Arkansas, 1866; Tennessee, 1868; Florida and Mississippi, 1869; Alabama, Georgia, Kentucky, South Carolina and Virginia, 1871; and Texas, 1873).

The second African-American lawyer to practice in Louisiana was Louis A. Bell, a 29-year-old graduate from Howard University's law school, who was admitted to the Bar in New Orleans in 1871. In the Ninth Census of 1872, Louisiana reported 663 lawyers, with Morgan and Bell presumably among that number. During his four-year professional career, Bell served as chief clerk of the surveyors' office and was responsible for the development of plans for a law department at Straight University, based in New Orleans. Straight University, whose law department existed for only 10 years, was to play a critical role in educating and graduating Louisiana's African-American lawyers.

On this admittance to the Bar, Bell was profiled in the *New Orleans Semi-Weekly Louisiana*, June 22, 1871. When he died at the age of 32, the *New Orleans Weekly Louisianian*, Oct. 10, 1874, printed a story entitled "A Colored Attorney, Obituary, Louis A. Bell," which reported that "the admission to the bar . . . by the Supreme Court, of a colored man, is remarkable only for its entire novelty here."⁴ The article continued to note that, because of racial prejudice, "colored lawyers will for a long time be 'few and far between,' and for obvious reasons their field of practice must be limited."

In 1873, at the age of 43, Thomas Morris Chester was admitted to practice in Louisiana. Chester had been the first known African-American admitted to the



Alexander Pierre Tureaud, Sr., "the dean of African-American lawyers in Louisiana."
Photo courtesy of LSU University Relations.

English bar in 1870, after studying at the Middle Temple Inn in London, England.⁵ In the mid-1870s, he was appointed as aide-de-camp to the staff of Louisiana Gov. William Pitt Kellogg and as a United States commissioner by Judge Edward Coke Billings.⁶ Chester, a former correspondent for the *Philadelphia Press*, died in 1892 at the age of 62, and his obituary was published in an Indiana newspaper, the *Indianapolis Freeman*.

Louis A. Martinet

In 1876, a year after Chester was admitted to practice law in this state, Louis Andre-Martinet started attending the American Missionary Association-sponsored Straight University, an institution which Louis A. Bell helped to start. Martinet had taken the bar at the end of his first year in law school and had passed it; therefore, he already was a member of

the Louisiana Bar when he was graduated from Straight University⁷ as its first African-American graduate.

Born on Dec. 28, 1849, in St. Martinville, La., Martinet distinguished himself as a lawyer, politician, physician, publisher and civil rights advocate. He was elected to the Louisiana State Legislature representing St. Martin Parish, serving from 1876-78. In 1889, the former legislator began publishing the *New Orleans Daily Crusader*; this was the same year that the Louisiana Legislature passed some of the first in a long series of Jim Crow laws.

In 1890, Martinet organized the Citizens' Committee to offer legal resistance to the "separate" railroad car law of Louisiana. He was a key strategist in a case involving Homer Plessy, which sought to use the Equal Protection Amendment to trump state segregation laws; the effort was unsuccessful and led to the infamous *Plessy v. Ferguson* decision. Martinet became one of the first black lawyers to use the term "test case" in describing civil rights litigation strategy. Because Martinet was not admitted to practice before the United States Supreme Court, he selected S.F. Phillips and A.W. Tourgee to serve as attorneys of record.

Martinet died on July 7, 1917, at 1722 Columbus St. in New Orleans before realizing his dream of obtaining any semblance of equal rights for all Americans.

In the Eleventh Census: 1890 Special Census Report of the United States (1896), for the first time, lawyers were designated by color but not by state. There were 431 Negro lawyers reported in the United States, none were female. Martinet and other African-American Straight University law graduates would have been included in this list.

Martinet's Contemporaries

Eugene Lucy, who appears as a member of the Straight University Law School class of 1876,⁸ was admitted to the Louisiana Bar on May 28, 1876.

Rodolphe Lucien Desdunes, a member of the Straight University Law School class of 1882, was well known as found-



Pinckney Benton Stewart Pinchback
(Library of Congress Archives)

ing editor of the *New Orleans Daily Crusader* and author of the history of black Creoles, *Nos Homes Et Notre Historie* (Montreal, 1911). He had formerly worked at the U.S. Customs House.⁹

Robert Brown Elliott, after a distinguished career in South Carolina as a lawyer and the state's first black United States congressman, relocated to New Orleans in 1881, having been given an appointment as customs clerk in the Federal Customs Office in New Orleans. He resigned from the Customs Office in 1882 and entered private practice in New Orleans with another black lawyer, Thomas de Saille Tucker, a native of Pensacola, Fla.¹⁰ The record is unclear if Tucker was appointed to the Bar after reading law on his own or whether he was the same Thomas de Saille Tucker who was listed as a graduate of the Straight University Law School class of 1882.¹¹

Elliott and Tucker specialized in criminal law matters prosecuted in the New Orleans police courts. When Tucker opened a branch of the firm in his hometown of Pensacola in 1883, the law firm of Elliott and Tucker had the distinction of being one of the first African-Ameri-

can firms in the nation to have offices in more than one state.¹² Elliott died in 1884, and the New Orleans law office was closed, reducing the number of practicing black lawyers in the city to four: Desdunes, Lucy, Martinet and Tucker.

In 1885, John Francis Patty, a former naval officer, was graduated from Straight University Law School and was admitted to the Bar. Patty practiced principally in the parish courts of Terrebonne and St. Mary. Three years later, he was nominated in Louisiana "by acclamation for the position of Secretary of State."¹³

In 1886, three Straight Law School graduates were admitted to the Louisiana Bar: Rene Carl Metoyer; James Madison Vance, Jr.; and former Louisiana Lt. Gov. Pinckney Benton Stewart Pinchback.

Pinchback was 48 years old when he became a lawyer. Well known for his distinguished political career, he served as Louisiana's first black lieutenant governor (1871-72) and, for 43 days in 1872, served as its first black governor. As did other African-American Straight Law School graduates, Pinchback joined the political and legal fight against racial discrimination laws and was one of the leaders of the Citizens' Equal Rights Association of the United States of America. Pinchback was a founding member of the governing board for Southern University, which was created as an institution of higher education for African-Americans in response to racial segregation. He later moved to Washington, D.C., and practiced law there until his death in 1921.

Rene C. Metoyer practiced in New Orleans for 40 years. On June 27, 1916, Louisiana Gov. Ruffin G. Pleasant appointed Metoyer notary public, an honor that had been bestowed on only one other black lawyer, Louis A. Martinet, in 1889. Metoyer served as notary public from 1917-36. He died in 1937 at the age of 79.

A staunch supporter of the Republican Party and legal pioneer in civil rights for African-Americans, James M. Vance, Jr. was best known for his role fending off an attempt to seize a black man's property in the Bonseigneur incident of 1893. Paul Bonseigneur was threatened

by white residents because he refused to sell them his valuable beach property in Mandeville, La.¹⁴ Bonseigneur retained attorneys Martinet and Vance, who took the lead on the case because the former lawyer had been involved with the separate railroad car law legislation (the legislation that led to the *Plessy v. Ferguson* case).

The Turn of the Century

In 1886, Straight University Law School closed. After that, for more than half a century (until 1947, when Southern University Law School opened), there was no institution that provided an opportunity for black students to obtain a legal education. The 1904 census reported that Louisiana had 1,293 white male lawyers and 15 Negro male lawyers. Included in this number of black lawyers would have been Desdunes, Lucy, Martinet, Metoyer, Patty, Pinchback, Frank B. Smith, Tucker and Vance.

Frank B. Smith was admitted to the Bar on May 28, 1902.¹⁵ Smith was an attorney for the Knights of Pythias and practiced in Recorder's Court.¹⁶ Smith died in March 1937. His obituary ran in the *Times Picayune*.

Joseph A. Thornton, a 1913 graduate of Howard Law School and a World War I veteran, was admitted to the Louisiana Bar in 1914. Thornton practiced with Rene Metoyer throughout the 1930s and 1940s. Thornton's name appears on a number of civil rights cases brought by the NAACP during the 1940s. In addition to teacher salary equalization cases throughout Louisiana, he was one of the attorneys in *Hall v. Nagel*,¹⁷ a voter rights case he worked on with two other famous African-Americans: New Orleans civil rights attorney A.P. Tureaud; and Thurgood Marshall, the national executive director and general counsel for the NAACP Legal Defense Fund, who later became the first African-American to serve on the U.S. Supreme Court. At a time when Louisiana courts were not actively protecting the rights of African-American voters, the U.S. 5th Circuit in *Hall* held that a declaratory and injunctive relief could be brought in federal

Jim Crow laws contributed to the small number of African-American lawyers admitted in Louisiana until after the establishment of the Southern University School of Law.

court even if the voters had failed to exhaust their remedies in Louisiana courts. Thornton died in the same year that *Hall* was decided — 1946.

Charles "Chas" Robertson, a 1912 graduate in law from the Extension Law School of Chicago, was admitted to the Louisiana Bar on Dec. 14, 1914.¹⁸ He was the first African-American lawyer to have an office in the northern part of the state, setting up a private practice in Shreveport, La. He was a member of Phi Beta Sigma Fraternity and the National Negro Bar Association, and served as attorney for the National Baptist Convention, the Louisiana Baptist State Convention, the 13th District Baptist Association, St. John's Grand Masonic Lodge and the Knights and Daughters of Tubor. He died on April 1, 1932.

The 1920 census reported that there were eight Negro male lawyers out of 1,189 lawyers in the state; these were undoubtedly Desdunes, Lucy, Martinet, Metoyer, Robertson, Smith, Thornton and Vance.

From the Roaring Twenties to 1950

Between 1927 and 1941, few if any black lawyers were admitted to the Louisiana Bar. Alexander Pierre Tureaud, Sr., a 1925 graduate of Howard University Law School, returned to Louisiana and was admitted to the Bar in 1927. Metoyer and Thornton offered space in their law office to Tureaud. Tureaud, known as the dean of African-American lawyers in Louisiana, was an ardent civil rights pioneer and the only regularly practicing black attorney in Louisiana from 1938-47.

During his career as civic organizer and civil rights advocate, Tureaud, the local attorney for the NAACP Legal Defense Fund, fought in the courtrooms throughout the state to obtain equal pay for Louisiana's black teachers, to permit black students to attend formerly all-white educational institutions and to vindicate and protect voting rights for blacks. He brought cutting-edge litigation to end racial segregation on city buses and in

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public accommodations, and he successfully defended the first sit-in case to go before the U.S. Supreme Court in 1960. His work was part of the legal fight to overturn the U.S. Supreme Court's *Plessy v. Ferguson* decision that had legalized racial segregation. The success came in the 1954 landmark Supreme Court ruling, *Brown v. Board of Education of Topeka, Kansas*.

Tureaud, a nationally known civil rights pioneer, was honored with numerous legal and civil rights awards. The state and local chapters of the NAACP awards, legal fraternities and American Inns of Court chapters at Southern University Law Center and at Loyola University Law School have been named in his honor. A street, a housing authority building, a public school in New Orleans and a classroom building on the campus of Louisiana State University in Baton Rouge all carry his name. Tureaud was inducted into the Order of the Coif at Tulane Law School. He died in 1972.

J.D. Demery was the first acknowledged black notary public in Shreveport. He began practice in 1927, and, although not an attorney, was called "lawyer" by many. He died in 1957.

Louis A. Berry, a 1941 graduate of Howard University, returned to his native Louisiana in 1947. Sworn in as an attorney on Aug. 1, 1945, Berry became the first African-American admitted to the practice of law in Louisiana since Tureaud had been admitted 18 years prior. Berry had hoped to associate with fellow



Louis A. Berry



Vanue B. Lacour



Aguinaldo A. Lenoir

All photos courtesy of Southern University Law Center.

Howard law alumnus A.P. Tureaud, but Tureaud had no space for him. Berry practiced law in association with John Perkins, who was licensed to practice law in Mississippi but not in Louisiana.

In 1947, with the opening of a law school at Southern University in Baton Rouge, several black lawyers were recruited to join the law faculty. Aguinaldo A. Lenoir, a native of Deridder, La., and a graduate of Lincoln University Law School, was named dean of the school. Other faculty members licensed to practice law in Louisiana were: Thomas S.E. Brown of St. Louis, Mo., a graduate of Harvard University; Vanue B. Lacour, born in Cane River, La., and reared in Shreveport, La., a 1941 graduate of Howard University Law School; Edward L. Patterson, Jr. of Tuskegee, Ala., a law graduate of Lincoln University; and C. Vernet Grimes, a former employee of Southern University in Baton Rouge who earned an LL.B from Kent College of Law (Chicago).

Berry and Lacour, along with Edward Jackson of Baton Rouge, were the first

black lawyers to appear in a criminal trial in St. Landry Parish when they represented Edward Honeycutt in 1946.¹⁹

Before 1950, black residents of the state had earned their law degrees at the former Straight University Law School in New Orleans, at Howard University Law School in Washington, D.C., and at schools in other states and even in foreign jurisdictions. It was not until 1950, when Southern University Law School graduated six students, that there was a viable opportunity for black residents to study law in a public institution within the state of Louisiana. Since 1950, Southern has educated more than 90 percent of the black lawyers in the state and today has more than 2,500 alumni, including many white lawyers.

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FOOTNOTES

1. J. Clay Smith, Jr., *Emancipation: The Making of the Black Lawyer 1844-1944* (1993). The U.S. Census information was included in the appendix of J. Clay Smith’s book.

2. D.C. Rankin, “The Origins of Negro Leadership in New Orleans During Reconstruction,” *Southern Black Leaders of the Reconstruction Era* (H.N. Rabinowitz ed. 1981).

3. Paul Finkelman, “Not Only the Judges’ Robes Were Black: African-American Lawyers as Social Engineers,” 47 *Stan. L. Rev.* 161, 173 N. 84 (1994).

4. Smith, *ibid.*

5. Smith, p. 282.

6. *Ibid.*

7. *Ibid.*

8. Straight University, New Orleans, La. 1881-82 Catalog, listing in the Law Department.

9. Mary Gehman, “Visible Means of Support” in *Creole: The History and Legacy of Louisiana’s Free People of Color*, p. 220 (ed. Sybil Klein) (2000).

10. Smith, p. 285.

11. Straight University Catalog.

12. Smith, p. 285.

13. Smith, page 286.

14. Smith, p. 286.

15. Minute Book 22, page 740 (UNO Archives).

16. Joseph Logsdon, former professor of history at University of New Orleans, conducted a series of audiotaped interviews with New Orleans civil rights attorney A.P. Tureaud from 1970-72. The Tureaud tapes were made available to this author for the completion of a biography on the late attorney under contract with LSU Press.

17. *Hall v. Nagel*, 154 F.2d 931 (5 Cir. 1946).

18. Willie Burton, *On the Black Side of Shreveport*, p.20 (1983).

19. Russell L. Jones, “African American Legal Pioneers: A Biography of Vanue B. Lacour, A Social Engineer,” 23 *Southern University Law Review*, 63 (1995).

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