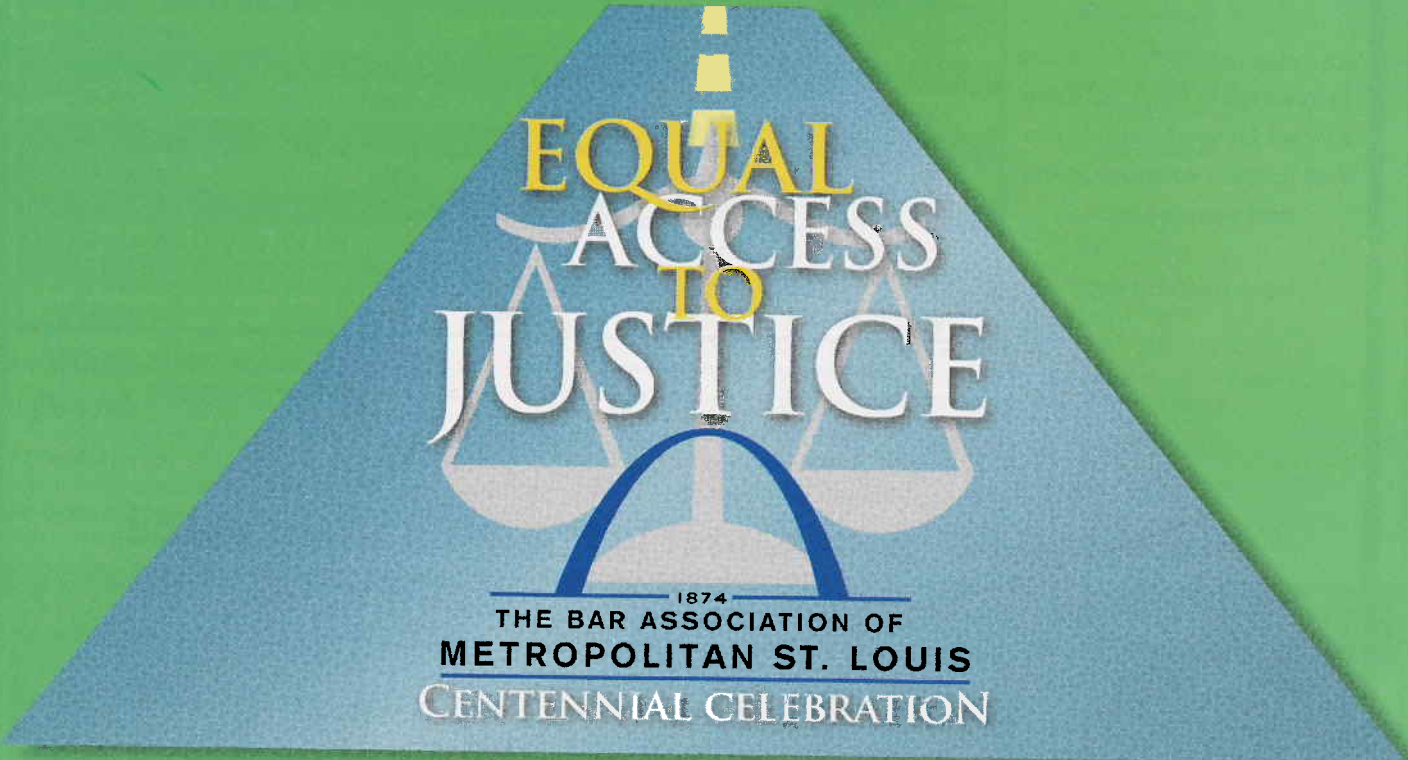


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The Official Publication of The Bar Association of Metropolitan St. Louis

Black History Month: BAMSL's exclusion of Sidney R. Redmond

by Thomas G. Glick



This marks my 13th column as President of the Bar Association of Metropolitan St. Louis (BAMSL). If anyone has read more than one of them, you'll have likely figured out that I have a certain fascination with history, and that I have availed myself of the privilege of unfettered access to the BAMSL archives, which date back to 1874. You may also have noticed that I frequently use this column to exalt the association. Certainly I cannot write a column for the February Black History Month edition without exploring more history. Unfortunately, this month's tale will do little to glorify BAMSL. In fact I'll delve into one of the most ignoble chapters of BAMSL's history: the organization's participation in racist segregation.

Prior to 1948, BAMSL's refusal to admit African American attorneys was not codified or recorded on any document I have found in our archives; however, we know that African Americans were not admitted to BAMSL as far back as 1922. This fact is not from our own records, but from the records of the Mound City Bar Association. The Mound City Bar, named for St. Louis at a time when there were still Mississippians' burial mounds on both sides of the river, was, and is, one of the first bar associations for African Americans in the country. It was formed because black attorneys were not admitted to BAMSL. Therefore, I assume that, like many Jim Crow-era institutions, BAMSL's segregation policy was strictly implicit.

Until 1948 when the association received an application for admission from Mr. Sidney R. Redmond. At that time, applications for membership in BAMSL were subject to review and required an affirmative vote by at least 80 percent of the members. Nevertheless, most applicants were admitted on oral vote for an entire slate of new members.

Mr. Redmond's resume would have been not only adequate for admission,

but exceptional for an applicant. He held both an undergraduate and a law degree from Harvard. He had already tried and successfully appealed a case to the United States Supreme Court. He was counsel for Lloyd Gaines in *State of Missouri Ex Rel. Gaines v. Canada*, 305 U.S. 337 (1938). The case was one of the first to address racial separation in education. Mr. Gaines had applied to attend law school at the

University of Missouri. However, because he was black, Mr. Gaines was denied admission. The Court held that this practice was not Constitutional, but in keeping with the then prevailing "separate but equal" doctrine of *Plessy v. Ferguson*, 163 U.S. 537 (1896) it stopped short of ordering Mr. Gaines' admission to the University of Missouri Law School, but did hold that he had a right to an education in the law within the state. This led to the creation of a separate, but theoretically equal, public law school in Missouri through Lincoln University.

In addition to his exceptional education and United States Supreme Court advocacy, Mr. Redmond had also been the first black alderman elected in the City of St. Louis in 1944. In all, it was a pretty exceptional resume for an applicant to BAMSL in 1948 (indeed, it strikes me as a more impressive resume than the current President of BAMSL).

Mr. Redmond's application was not rejected ab initio. Instead, like most candidates, his application was endorsed by the Membership committee and referred for admission at the next general membership meeting held on January 24, 1949. BAMSL did not have a permanent home yet, so that meeting was held at the St. Louis Medical Society at 3839 Lindell Boulevard. The specific nature of the normally routine agenda item for admission of new members was widely anticipated by the membership, and the meeting was well attended. Association Secretary Lon Hocker, Jr. estimated the attendance at more than 350 members. BAMSL President John F. Cunningham, Jr. chaired the meeting. Then, as now, admission of new members was a routine agenda item placed toward the top of the agenda right after approval of minutes, committee reports, and the treasurer's report. Both the segregationists and the integrationists dug in for a pitched



Sidney R. Redmond holding a NAACP protest sign circa 1942-1950. Photo courtesy of Library of Congress, Prints & Photographs Division, Visual Materials from the NAACP Records (LC-USZ62-119472)

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battle, and the weapon of choice was to be Robert's Rules of Order. The first volley was the standard motion for approval of the members by simple voice vote. It failed. Then, being the experienced, well-trained lawyers that have always made up the membership of this organization, the 1949 membership started in with procedural motions, points of order, motions for secret ballots, and responses to all. The procedural posture became so convoluted that the minutes reflect that President Cunningham had to consult the text of Robert's Rules of Order. Efforts by the integrationists started to take on an air of

desperation, as motions to table the motion for admissions, conduct a vote by mail ballot, and even adjourn the meeting were presented and rejected. As it became clear that this was to be the night when the matter was settled, members began speaking for the admission of Mr. Redmond. The speakers for integration included William Stix, Lon Hocker, Jr., (who, it should be noted, was also the secretary and author of the minutes from which most of this information is derived), Richmond C. Coburn, and J. M. Lashly.

Interestingly, the minutes do not mention any speeches opposing the admission of Mr. Redmond; however, this is probably because of the need to establish a super majority of 80% to accomplish integration. Eventually, ballots were prepared and distributed to allow the members present to cast their ballots individually for the 35 applicants. That list included both men and at least one woman, but BAMSL's story of gender integration is an older, but similar, separate tale initially told in the minutes of the May 8, 1922 general meeting with the denial of admission to Mary G. Jones. That meeting concluded with a vote to send a letter to Ms. Jones, which essentially said "your qualifications are acceptable for admission but your gender is not."

As the ballots were collected and

counted, Judge Louis Comerford was called upon to deliver the report of the Criminal Laws Committee. Secretary Hocker notes that Judge Comerford delivered his report "with admirable courage and perseverance considering the restlessness of the meeting and the consuming interest in the result of the election."

When the 303 votes were counted (and recounted), Mr. Redmond had received 75 "no" votes. In other words, he had only received 75 percent of the votes present for admission where the rules required 80% of the votes present. Mr. Redmond was denied admission into this association for the want of

13 votes.

Subsequent history teaches us that despite his denial of admission to this association, the seeds of change had already been planted and legal racial segregation was moribund. Indeed those seeds had been planted by Mr. Redmond himself, as his victory in Gaines would become precedent invoked by Attorney Thurgood Marshall and cited by the still all-white Supreme Court to overturn *Plessy in Brown v. Board Of Education*, 347 U.S. 483 (1954) and launch the current era of equal protection under the law, superseding the spurious "separate but equal" idea.



I have a personal tradition, which I have adopted to celebrate the legal holiday to recognize the birthday of Rev. Dr. Martin Luther King, Jr. in the middle of January. Each year I reread Dr. King's *I Have a Dream* speech originally delivered from the Lincoln Memorial at the Civil Rights March on Washington on August 28, 1963. This year on the King holiday, as I re-read those words while researching this article, I decided that we are still working toward a time when "justice rolls down like waters and righteousness like a mighty stream" for people of color in this country and this profession. But I

do think at this point a larger percentage of BAMSL members have realized Dr. King's assertion that the freedom of all is inextricably tied to the freedom of minorities.

BAMSL is an important organization with a mostly proud history, but to further paraphrase Dr. King's speech, the subsequent admission of Judge Scovel Richardson as the first black member of this association in 1953 is merely one "rough place made plain." This association's racist history and the code of ethics we all swore to uphold (see Mo. Sup. Ct. Rule 4-8.4(g).) require that we all continue to be vigilant of the rights of all lawyers. But in my opinion, all the subsequent admissions of black attorneys to BAMSL and all of this organization's many diversity initiatives do not amount to an apology.

The current BAMSL media relations policy indicates that as President of this association I can speak with the voice of the organization. So in my official capacity as President, and on behalf of the entire Association, I apologize to the heirs and survivors of Mr. Sidney Redmond for the rejection of his application based on the color of his skin. Moreover, I apologize on behalf of the Association to the many other attorneys of color who were denied admission to this organization explicitly or implicitly before or after Mr. Redmond. I also apologize to the current minority attorneys that were never directly subject to this discrimination but who have been subject to the pernicious continuing impacts upon our organization as reflected in the exiguous numbers of minority members and leaders in BAMSL to this day. These apologies are not meant to be interpreted as a full and final resolution of this matter, just one of many more steps to be taken to move us all closer to Dr. King's dream.

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