Charlotte E. Ray: A Black Woman Lawyer

Tonya Michelle Osborne
Stanford Law School
Women in the Legal Profession
Professor Barbara Allen Babcock
May 8, 2001
ACKNOWLEDGMENTS

I would like to acknowledge the following people for their contributions to this paper: Professor Barbara Babcock, for her patience and encouragement and, ultimately, for inspiring in me the “biographical obsession;” Professor J. Clay Smith, for sharing with me his research on Ms. Ray and discussing with me my own interpretations of her life experiences; my friend, Paul Gardner, for introducing me to Professor Smith and to the Moorland-Spingarn Research Center at Howard University; and, finally, the staff at Moorland-Spingarn, the National Archives, and the Library of Congress in Washington, D.C., for helping this biographical novice to navigate such vast repositories of archival material.
Muzette Hill is a young black woman on the fast track:
Northwestern University undergraduate degree, Boalt Hall law
degree, federal appellate court clerkship, and now associate at
a major Chicago law firm. She has been mistaken for a court
reporter at every deposition she has ever attended.

In a recent review essay discussing generally the surge of interest
in early women lawyers and critiquing specifically Jane Friedman’s
biography of Myra Bradwell, Carol Sanger underscored the difficult
nature of archival research into women’s history. Observed Ms. Sanger,
“[e]ven famous women are unlikely to be as famous as well-known men
in the field.” Ms. Sanger offered several historical reasons for this
development. First, she explained that “women have lacked access to
resources, encouragement, and opportunities necessary for traditional
fame,” including “income, education, a place at the podium or in the lab”
and “cultural or familial expectation[s] of public contribution.” Second,
she pointed to institutional barriers and, with respect to the legal

---

2 Carol Sanger, Curriculum Vitae (Feminae): Biography and Early American Women Lawyers (undated); see also Jane M. Friedman, America’s First Woman Lawyer: The Biography of Myra Bradwell (1993).
3 Sanger supra note 2; Sanger compares Myra Bradwell’s treatment in America’s First Woman Lawyer ("Myra Who?") to that of Justice Abe Fortas in his own biography. Laura Kalman, Abe Fortas I (1990) ("Abe Fortas wanted to become a Supreme Court Justice, pretended otherwise, was appointed anyway, nearly became Chief Justice, and resigned in disgrace.").
4 Sanger supra note 2; see also Edward T. James, ed., I Notable American Women: 1607-1950 xii (1971).
profession in particular, to “a professional culture steeped in masculinity.”

Ms. Sanger also blamed biographers for failing to recognize that despite the “denial of formal education” and having been “channeled into domesticity” and “dissuaded from traditional avenues of success, many women have nonetheless managed to live lives worth telling.” She noted that biographers who do undertake female subjects face additional hurdles because a “public-private” distinction disfavors biographical research on women, who traditionally have dominated nonpublic fields. In addition, Ms. Sanger suggested that archival research on women often is more difficult because “[e]arly female subjects were less likely than men to have kept records, and perhaps less likely to have had their papers preserved by others.”

In light of these barriers to archival research into women’s history, Ms. Sanger acknowledged the contributions of feminist biographers. She observed that feminist biographers are “more willing than others to reflect on what is necessarily a personal aspect of scholarship” and to “acknowledge and interrogate the influence of their own circumstances.

---

5 Sanger supra note 2.
6 Id.
7 Id. As an example of the relevance of the public-private distinction, Ms. Sanger identified the extraordinary career of an eighteenth century midwife and explained that the woman’s biography was only recently completed due to the obscure nature of midwifery. See Laurel Thatcher Ulrich, A Midwife’s Tale: The Life Of Martha Ballard, Based on Her Diary, 1785-1812 (1990).
8 Sanger, supra note 2.
on their interpretation of the subject’s beliefs and behavior.” She suggested that because a feminist biographer is “more alert to her own assumptions” and “more cautious with her claims,” she is more likely to produce a biography that “gets the subject right.”

Ms. Sanger also offered that when a feminist biographer’s subject is a woman, “gender moves to the center of the analysis” because feminist biographers “accept as a given that gender will always, in some way, be central to an understanding of a woman’s life, even if that woman is not particularly conscious of that centrality or even denies it.” Accordingly, Ms. Sanger concluded that a feminist biographer of female subjects has an innate “grasp on the matrix that has shaped her subject,” thus, enabling her “to visualize with unexpected clarity aspects of her woman in being.”

I agree with Ms. Sanger’s suggestion that feminist biographers are better able to recognize their own subjectivity and, therefore, more likely both to be objective and to empathize with female subjects (although the latter assertions may appear in conflict at first glance). As a woman, I definitely feel that gender is central to my identity. And it seems obvious

---

9 Id.
10 Id.
12 Sanger supra note 2. Mrs. Sanger further suggests that “women biographers may well be guided by a different sense of what facts, details, and progressions are necessary to make sense of a subject’s life.” Id. See also Paul Murray Kendall, The Art of Biography xiii (1965); Stephen B. Oates, Biography As High Adventure, in Biography As High Adventure: Life-Writers Speak On Their Art 124, 129 (“The prose of the
and appropriate that gender “moves to the center of the analysis” when a feminist biographer takes on a female subject. As a person of mixed racial heritage, however, I also definitely feel that race is central to my identity. Although my intuition is that Ms. Sanger’s conclusions apply equally to black biographers of black subjects, Ms. Sanger never entertains the possibility that race affects biography. She also never considers that gender and race may interact, let alone examines the finer question of how they interact in the biographical context.

I share Muzette Hill’s experience of being mistaken for the court reporter at a deposition. During my two summers as an associate at large, “white-shoe” firms back east, I also was consistently mistaken for a secretary, a paralegal, a staff-person in the mail room, and once—under circumstances that were particularly embarrassing for the wife a partner who was hosting a dinner party—for a caterer. I believe that I was mistaken for a secretary and a paralegal because I am a woman. I believe that I was confused for mailroom staff and a caterer because I am black. And I suspect the assumption that I was a court reporter probably was grounded in a combination of these characteristics. In any event, these experiences demonstrate the profound role both gender and race play in the lives of women of color.

biographer must radiate a sense of intimacy and familiarity, quite as though the author himself has lived the
Modern black women lawyers readily embrace their “multiple consciousness.” But they also regard it as the cause of “dual discrimination.” Nina Burleigh, a legal affairs reporter for The Chicago Tribune and Time Magazine, describes such dual discrimination through the opinions of several black female attorneys:

‘The problems faced by black women are more ingrained than those faced by white women,’ says Joyce Hughes. The profession is dominated by white males, so white females to them represent at least their mothers, or their wives or their daughters. We don’t have that kind of leverage to get that authority.’ ‘What happens with black women is not the same as what happens with white women,’ says Cheryl Poinsette Brown.... ‘And it is not the same as what happens to black men lawyers.’

The anecdotal experiences and personal opinions of these women probably are insufficient bases for analytical research comparing the experiences of black women lawyers, white women lawyers, and black male lawyers. They are, however, highly relevant to biography, which Ms. Sanger rightly recognizes is “necessarily a personal aspect of scholarship.” Feminist biographers and black male biographers alike must not extend their interpretations of a black female subject’s experiences beyond the commonality they actually have reason to believe

---

14 Burleigh, supra note 1.
15 Id.
16 Sanger, supra note 9.
that they share.\textsuperscript{17} In further support of this conclusion, Dr. Stephanie Shaw states as follows:

African American women have held a unique place at the confluence of the histories of African Americans and of women. From one angle, Black women faced a variety of constraints in their lives because of private sphere responsibilities bequeathed to them as women. From a second angle, they were consigned grave public responsibilities because of the needs of the race. Reconciling these seemingly opposing traditions (among others) is both necessary and difficult, as numerous scholars from a variety of disciplines have noted. And as these scholars eloquently demonstrate, the pitfall to avoid is one of forgetting or ignoring the circumstance that African American women are both Black and female. \textsuperscript{18}

Although gender and race should be considered when treating all biographical subjects, they are particularly relevant to the stories of black women such as Charlotte E. Ray.

This paper discloses the scant facts of Ms. Ray's life. It places those facts in the historical and social context of Ms. Ray's time. It also examines the alternate interpretations of Ms. Ray's experiences offered by feminist biographers, such as Virginia G. Drachman,\textsuperscript{19} and black male biographers, such as J. Clay Smith,\textsuperscript{20} offering that the disparity

\textsuperscript{17} Stephanie Shaw, \textit{What A Woman Ought To Be And To Do: Black Professional Workers During The Jim Crow Era} 1, 4 (1996).
\textsuperscript{18} Id.
between their accounts probably is due in large part to the influence of their own circumstances and their inability to appreciate Ms. Ray's "triple consciousness." The paper concludes that although feminist and black male biographers both have interpreted Ms. Ray to be one of their own, neither group has invested research efforts sufficient to warrant such a claim. Coupled with my own opinion that Ms. Ray belongs equally to the feminist and black communities, this paper suggests that increasing collaboration between these communities would expose them to new sources of archival material and improve the overall quality of their scholarship.

THE LIFE AND TIMES OF CHARLOTTE RAY

Charlotte E. Ray was the first black woman admitted to the bar in the United States and the first female lawyer admitted to practice in the District of Columbia. A graduate of the Howard University School of Law, she also was the first black woman to graduate from an American law school.

Ms. Ray was born in New York City on January 13th, 1850. Ms. Ray's parents were Reverend Charles Bennett Ray and Charlotte Augusta

---

21 See generally Drachman, supra note 13 at 65 (noting the "burden of double consciousness" experienced by women lawyers). I offer that female attorneys of color, like white female attorneys, experience multiple consciousness based on their race, gender, and profession. See also Mari Matsuda, When The First Quail Calls: Multiple Consciousness As Jurisprudential Method, 14 Women’s Rts.L.Rep. 297 (1988).

22 Chicago Legal News (March 23, 1872).


Reverend Ray was “one of New York City’s most notable and revered clergyman for many years.” Originally from Massachusetts, he was of mixed racial heritage, including “early New England [black], Indian, and white ancestry.” Reverend Ray was the pastor of the Bethesda Congregational Church in New York. He also was the editor of the Colored American, an abolitionist newspaper. A distinguished black leader, Reverend Ray was well known for “his fearless work helping slaves fleeing by means of the Underground Railroad.” Reverend Ray died in 1886.

Charlotte Augusta Burroughs Ray was a native of Savannah, Georgia and Reverend Ray’s second wife. The couple had seven children, although two of them died during adolescence. The junior Charlotte Ray was the youngest of the three surviving girls. The Rays “created a home where ‘birth, breeding and culture were regarded as important assets.’” Reverend Ray insured that each of his children

25 Id.
26 J. Clay Smith, Black Women Lawyers: 125 Years At The Bar; 100 Years in the Legal Academy, 40 How.L.J. 369 (1997); see also Larry L. Martin, Charlotte E. Ray, in Notable Black American Women 922 (1992)).
27 James, supra note 18.
28 Id.
29 J. Clay Smith, Black Women Lawyers: 125 Years At The Bar; 100 Years in the Legal Academy, 40 How.L.Rev. 369 (1997).
30 James, supra note 18.
31 Smith, supra note 20.
32 James, supra note 18.
33 Smith, supra note 19.
34 Id.
35 Id. (quoting Martin, supra note 17 at 924).
attended and graduated from college.\textsuperscript{36} At one point, Ms. Ray and her two sisters, Florence and Cordelia, all were teachers.\textsuperscript{37} Cordelia, however, abandoned teaching and “[a]rrangements were made to enable her to pursue, unhampered, her literary work, a comparatively rare advantage for a black American woman.”\textsuperscript{38} Cordelia obtained a masters of pedagogy from the University of the City of New York in 1891 and also attended Sauveneur School of Languages, where she became fluent in French, Greek, Latin, and German.\textsuperscript{39}

As a child, Ms. Ray was sent to Washington, D.C., where she attended the Institution for the Education of Colored Youth, founded by Myrtilla Miner, “a white woman who devoted her life to the education of young black children.”\textsuperscript{40} Ms. Ray graduated from the Institution for the Education of Colored Youth in 1869.\textsuperscript{41} She began teaching at Howard University’s Normal and Preparatory Department and as “C.E. Ray” she applied and was accepted to Howard University’s School of Law.\textsuperscript{42}

Howard University was established in 1867, primarily to educate emancipated slaves and their descendants. Its first four students in 1867, however, were white females, “the daughters of some of Howard’s

\textsuperscript{36} Id.; see also Martin, supra note 17.
\textsuperscript{37} Id.
\textsuperscript{38} Id. (quoting Martin, supra note 17 at 924).
\textsuperscript{39} Id.
\textsuperscript{40} Drachman, supra note 13 at 45; see also James, supra note 15; see generally Ellen O’Connor, \textit{Myrilla Miner: A Memoir And The School For Colored Girls} (1969).
\textsuperscript{41} Smith, supra note 19 at 370.
The first graduates of the University’s Normal and Preparatory Department—in which Ray ultimately would teach—were all females. Howard also graduated a female doctor in 1872, a female pharmacist in 1887, and a female dentist in 1896. In addition, Howard uniquely endeavored to employ women as faculty, staff, and administrators. In fact, a portion of the University’s annual funding from Congress was specifically targeted for such positions.

The law department opened in 1869 with “only six students, no full-time faculty and ‘classrooms’ that consisted of homes or offices of the teachers.” By the following fall, however, “enrollment had increased to 46.” On February 3, 1871, the law department had its first commencement and awarded law degrees to ten students. The law department was headed by John Mercer Langston, an ex-slave and graduate of Oberlin College. Mr. Langston had been rejected by two law schools but he became the first black lawyer admitted to the Ohio bar in 1869. Belle A. Mansfield becomes the first woman admitted to the bar in the United States.

---

43 Id.; see also Lelia J. Robinson, *Women Laywers In The United States*, 2 The Green Bag 10, 28 (1890).
45 Id. at 36-37.
46 Id. at 47, 99.
47 See, e.g., John Gordon, Report Of The President Of Howard University To Howard University To The Secretary Of The Interior (Government Printing Office, 1904).
49 Id.
50 Drachman, supra note 13 at 44. Drachman describes Mr. Langston as “the ideal symbol for the law school” due to his accomplishments, intellectual ability, and achievement. Id. She also notes that Mr. Langston had “read law” with white newspaper editor, Philemon Bliss, an anti-slavery advocate from Ohio. Id. 1869 is the same year that Belle A. Mansfield becomes the first woman admitted to the bar in the United States, Dorothy Thomas, *Women Lawyers in the United States* vii (1957).
Oberlin had been founded by abolitionists and was the first coeducational, interracial college in the country.\textsuperscript{52} Howard similarly was founded with an announced policy against discrimination.\textsuperscript{53} White students began enrolling in the law school in 1870 and seven women, all believed to be white, were graduated between 1882 and 1904.\textsuperscript{54}

During the first half of the twentieth century, however, black women overtook white women at Howard Law School, thus, between 1896 and 1944, the law school graduated approximately seven white women and twenty-eight black women.\textsuperscript{55} This evolution was due largely to white women’s increasing opportunities to attend white law schools in contrast with black women, who only have been accepted at white law schools since 1968.\textsuperscript{56} The Washington College of Law, for example—although coeducational—was founded by Ellen Spencer Mussey and Emma Gillett primarily for white women.\textsuperscript{57} Ms. Mussey’s husband taught at Howard Law School.\textsuperscript{58} Ms. Gillett, a graduate from Howard Law School at a time when every other Washington law school excluded women, studied law at night while she apprenticed in the law office of

\begin{footnotes}
\footnote{51}{Scarupa, supra note 37.}
\footnote{52}{Smith, supra note 19 at 368.}
\footnote{53}{Smith, supra note 14 at 54, n.215.}
\footnote{54}{Id. Smith provides a list of these early women graduates of Howard Law School: Emma M. Gillett (1882), Ruth G.D. Havens (1882), Eliza A. Chambers (1886), Marie A.D. Madre (1897), Cynthia E. Cleveland (1899), Clare Greacen (1899), and Evva B. Heath (1904).}
\footnote{55}{Id.}
\footnote{56}{Scarupa, supra note 37.}
\footnote{58}{Id. at 628.}
\end{footnotes}
Belva Lockwood. The Washington College of Law’s 1897-98 Catalogue of the Woman’s Law Class noted that “none of the Washington law schools that confined their ‘membership to white persons’ admitted women,” suggesting that it was not open to blacks. No blacks enrolled in the school during its first fifty years.

In *Sisters In Law*, Virginia Drachman has asserted that despite Howard’s express antidiscrimination policy, the University in general and, specifically, the law school “resisted the university’s commitment to coeducation.” As evidence of this resistance, Ms. Drachman offered the law school’s denial of a diploma to Mary Ann Shadd Carey, a black woman and anti-slavery activist who claimed that she, not Ms. Ray, was in fact the first woman to enter the law school, but that “she was not permitted to graduate because of her sex.” Ms. Drachman relied on Lelia J. Robinson’s historic article in the *Green Bag* for this information and based on Ms. Carey’s story concluded that Ms. Ray used her initials in her law school application in an effort to disguise her sex because she was aware of the school’s “reluctant commitment to the principle of sexual equality.” Ms. Drachman also asserted that the school admitted Ms. Ray unaware that she was a woman and that “her presence aroused

---

59 *Id.* at 626-21.
60 *Id.* at 632-33.
61 *Id.* at 656. The school’s earliest black student was James Taylor, who graduated in 1953.
62 Drachman, *supra* note 13 at 45.
63 *Id*; see also Robinson, *supra* note 35 at 28.
64 Drachman, *supra* note 13 at 45.
curiosity and attention” from “the moment her true identity became
known.”

J. Clay Smith, however, has refuted Ms. Drachman’s
conclusions. He described Ms. Ray’s alleged use of her initials as
“unverified” and stated unequivocally that “it was unnecessary” in light
of Howard’s antidiscrimination policy. Mr. Smith also suggested that
an equally plausible explanation if Ms. Ray did in fact use initials in her
law school application is that during this era “black men and women
often used initials instead of their first names to stop white people from
referring to them by their first names.”

It is unclear which—if either—of these theories is most likely.
What is certain, however, is that both Ms. Drachman and Mr. Smith
made these claims somewhat haphazardly. Ms. Robinson’s full
description of Howard University and of Ms. Carey and Ms. Ray’s
experiences there was as follows:

[T]he Howard University, also of Washington, makes no distinction
of sex, race, or color in its students. Several ladies have graduated

\[65\] _Id._
\[66\] See generally Smith, supra note 13 at 54-55. Although Mr. Smith’s more recent writings
dismisses Drachman’s interpretations, in his earlier work, _Emancipation_, he acknowledged that “[d]espite
the nondiscrimination policy, one black woman and one white woman in 1869 alleged that they were denied
admission on the basis of their sex.” _Id._ Mr. Smith also conceded in _Emancipation_ that Ms. Carey may in
fact have been admitted to but denied graduation from Howard’s law school. _Id._
\[67\] Smith, supra note 19 at 370.
\[68\] Smith, supra note 19 at 370, n.27; see generally John Hope Franklin & John Whittington Franklin,
\[69\] Contrary to Ms. Sanger’s assertion that a feminist biographer is “more alert to her own
assumptions” and, thus, “more cautious with her claims,” and to my own intuition that these conclusions
also are applicable to black biographers of black subjects, it is apparent that neither Ms. Drachman nor Mr.
Smith exercised caution with respect to their claims.
from its Law School, two of whom were colored; but I understand that the male students are nearly, if not all, colored men. The first woman student in this school was Mrs. Charlotte E. Ray.... I have been told that her admission to the bar was secured by a clever ruse, her name being sent in with those of her classmates, as C.E. Ray, and that she was thus admitted, although there was some commotion when it was discovered that one of the applicants was a woman.... Mrs. M.A.S. Carey, a widow, colored, graduated in 1883, took her diploma as attorney at law, and has been practising our years in Washington. This lady writes me that she took a course in this same school at an earlier date, being enrolled as a student in September, 1869—the first woman to enter the school—but that she was then refused graduation on account of her sex.\textsuperscript{70}

Ms. Robinson went on to describe the experiences of Ms. Eliza A. Chambers, a white woman who graduated from Howard’s law school around 1888. Ms. Chambers claimed that “the Law School faculty refused to hand in her name to the examiners, for admission to practice, omitting her from the list of her male classmates whom they recommended, simply because she was a woman.”\textsuperscript{71} Notably, however, Ms. Robinson added that Ms. Carey and Ms. Chambers’ claims of sex discrimination were “in direct contradiction to the claim of the school that no such distinction was ever made there.”\textsuperscript{72} Ms. Robinson also added that Ms. Ruth G.D. Havens, a 1883 graduate of the law school, spoke “in the highest terms of the school and its faculty.”\textsuperscript{73} Ms. Robinson withheld her own opinion of these events and instead emphasized that she was including these statements because she felt

\textsuperscript{70} Robinson, \textit{supra} note 35.
\textsuperscript{71} Id.
\textsuperscript{72} Id.
\textsuperscript{73} Id.
that they “should be given to the public just as they were given to
[her].”

It seems inappropriate that Ms. Drachman and Mr. Smith would—
without more evidence—offer such conclusory interpretations of Ms.
Ray’s experiences when her own contemporaries were uncertain what to
make of conflicting personal accounts. In addition, the contrast between
Ms. Drachman’s and Mr. Smith’s descriptions, and between both of these
interpretations and the original source, confirms that gender and race
significantly impact biography. Ms. Drachman’s depiction of Howard
Law School as an inhospitable environment for women is consistent with
Sisters In Law’s broader theme that the progress of women lawyers was
“modest, not monumental” and that most American law schools
remained unreceptive to women law students throughout the late
nineteenth century. What she gains in support of her feminist position,
however, Ms. Drachman loses in credibility by failing to accurately
characterize the information provided in the original source.

By overzealously defending Howard University and flatly rejecting
the assertion that its female students may have experienced sex
discrimination, Mr. Smith also loses credibility. The tone of Mr. Smith’s
discussion of Ms. Drachman and Ms. Robinson’s writings can only be

73 Id.
74 Id.
75 Drachman, supra note 13 at 8,43-46.
described as hostile. Mr. Smith snipes at Ms. Drachman’s description of Ms. Ray’s law school application process, stating the “author does not reveal how or when Ray became aware” of the school’s reluctant commitment to equality.\(^76\) He also rejects Ms. Robinson’s nearly contemporaneous account of Ms. Ray’s surreptitious admission to the bar, stating that “[t]here is no certainty that any of the women upon whom modern authors rely ever actually saw Ray’s application, knew her or were aware of the purpose of the use of initials by black people.”\(^77\) Mr. Smith further impugns the ability of white feminists to accurately capture the experiences of black women by adding that “[t]here are no available reports from contemporary black women, who are more likely to have known Ray, on this subject.”\(^78\)

These assessments are not meant to disparage Ms. Drachman, Mr. Smith, or the quality of their respective research and scholarship. Drachman’s *Sisters In Law* elucidates many of the overarching themes of women’s legal history and concedes the limitations of its assertions.\(^79\)

And although Mr. Smith is unequivocal in his conclusions, his vehemence is understandable in light of his intimate relationship with Howard University. Rather, this analysis is included to underscore the

\(^{76}\) Smith, *supra* note 19 at 370, n.27.
\(^{77}\) *Id.*
\(^{78}\) *Id.*
\(^{79}\) Drachman, *supra* note 13 at 8.
importance of seriously considering both the gender and the race of a
biographical subject.

From 1869 to 1872, Ray continued to teach at Howard University’s
Normal and Preparatory Department while attending law school in the
evenings.\textsuperscript{80} She concentrated in commercial law.\textsuperscript{81} In 1870, the Howard
University President’s Report described Ms. Ray’s thesis on corporations
as “not copied from the books but from her brain, a clear incisive
analysis of one of the most delicate legal questions.”\textsuperscript{82} Years later, a
classmate remembered Ms. Ray as “an apt scholar.”\textsuperscript{83} In February 1872,
Ms. Ray graduated from Howard University’s School of Law, having
“passed through a very satisfactory course of study,”\textsuperscript{84} and graduated Phi
Beta Kappa.\textsuperscript{85} At the commencement ceremony, she delivered a paper on
“chancery,” which apparently was well received.\textsuperscript{86}

Ms. Ray’s graduation from the Law College of Howard University
was memorialized in The Woman’s Journal, which proclaimed:

In the City of Washington, where a few years ago colored women
were bought and sold under sanction of law, a woman of African
descent has been admitted to practice at the bar of the Supreme
Court of the District of Columbia. Miss Charlotte E. Ray, who has

\textsuperscript{80} Moorland-Spingarn Research Center, Howard University, Brief Biographical Sketch Of Charlotte
Ray (February 22, 1983).
\textsuperscript{81} Smith, \textit{supra} note 19 at 371.
\textsuperscript{82} James, \textit{supra} note 18; see also Drachman, \textit{supra} note 13 at 52. Again, despite relying on the same
source from which this description was taken, Drachman characterizes this event very differently, stating
that “a trustee of the school felt compelled to admit his surprise that [Ms. Ray] had written an intelligent
thesis.”
\textsuperscript{83} \textit{id.}
\textsuperscript{84} Chicago Legal News (March 23, 1872).
\textsuperscript{85} Bar Association (July 18, 1997).
\textsuperscript{86} James, \textit{supra} note 18; see also New National Era (February 20, 1872).
the honor of being the first lady lawyer in Washington, is a
graduate of the Law College of Howard University, and is said to be
a dusky mulatto and possesses quite an intelligent countenance.  

In March of that same year, Ms. Ray was admitted to the Washington,
D.C. bar on the motion of Howard Law Professor Albert G. Riddle. The
District’s legal code having “recently been revised and the word “male” in
connection with admission to the bar stricken out,” Ms. Ray’s admission
to the bar apparently caused no debate.

Ms. Ray opened her own law practice in Washington, D.C.,
establishing a reputation in the area of corporations law. Ms. Ray’s
“special envisionments” were said “to make her one of the best lawyers
on corporations in the country.” She was described as “eloquent, ‘for
her sex,’ in the courtroom.” She advertised her practice in the New
National Era and Citizen. The New National Era and Citizen was a
weekly paper published by Frederick Douglas.

Despite her apparent specialization in corporate law, on June 3,
1875, Ms. Ray filed a pleading before the Supreme Court of the District
of Columbia in a domestic relations case captioned Gadley v. Gadley.

87 Phebe A. Hanaford, Daughters Of America: Or Women Of The Century 649 (1882); see also
Concerning Women, The Woman’s Journal and Woman’s Advocate 161 (May 25, 1872).
88 Chicago Legal News (March 23, 1872). Mr. Riddle also sponsored and moved the admission of
Belva A. Lockwood, the first woman admitted to practice before the United States Supreme Court. See
Smith, supra note 19 at 370, n.27 (citing a letter to the author from Karen B. Morello, December 22, 1987).
89 James, supra note 18.
90 Smith, supra note 19 at 371.
91 Smith, supra note 13 at 141 (quoting M.A. Majors, Noted Negro Women 183-84 (1893).
92 Id.
93 Smith, supra note 13 at 141. See generally New National Era and Citizen (August 13, 1874).
The pleading, Ms. Ray’s only known writing, was discovered by Mr. Smith based on a lead provided by Jill Norgren. In it, Ms. Ray sought a divorce for an illiterate woman from her abusive husband. The pleading is signed by Ms. Ray and by Charles N. Thomas, a member of Howard’s first law school class, apparently an acquaintance of Ms. Ray’s, and a friend of Frederick Douglass. Based on Mr. Smith’s analysis of the pleading, he concluded that Ms. Ray had “the technical knowledge and skills to plead and to practice before the courts of the District of Columbia, making her one of the first woman lawyers in the nation to practice law.” Mr. Smith’s discovery of Ms. Ray’s pleading based on a research lead provided by Jill Norgren demonstrates the academic and practical benefits of increased collaboration between feminist and black biographers.

“Although a lawyer of decided ability, on account of prejudice [she] was not able to obtain sufficient legal business and had to give up . . . on active practice.” In 1876, Ms. Ray attended the National Woman’s

---

94 Scarupa, supra note 37. The New National Era and Citizen also had announced Howard Law School’s first graduation held just three years earlier.
96 Smith, supra note 73 at 124-25.
97 Id. at n.15.
98 Id. at 122.
99 Chicago Legal News (October 23, 1897) (quoting Wisconsin lawyer Kate Kane Rossil).
Suffrage Association’s annual conference in New York City.\(^{100}\) By 1879, she had returned to New York, where she taught in the Brooklyn public schools along with her two sisters.\(^{101}\) Many black women during this period became teachers because teaching was one of the only professions genuinely open to them prior to desegregation.\(^{102}\) Sometime after 1886, Ms. Ray married a man named either Traim or Fraim.\(^{103}\) In 1895, Ray became active in the National Association of Colored Women.\(^{104}\) By 1897, Ms. Ray had relocated to Woodside, Long Island.\(^{105}\) At the same time, the Chicago Legal News settled that Ms. Ray was the first black woman admitted to the bar of the United States.\(^{106}\) In a letter to this effect, Ms. Kate Kane Rossi described Ms. Ray as “a lawyer of decided ability,” who “on account of prejudice was not able to obtain sufficient legal business and had to give up the active practice of the law.”\(^{107}\) Ms. Ray died from acute bronchitis on January 4, 1911. She was 61.\(^{108}\)

---

\(^{100}\) James, supra note 18.

\(^{101}\) Id.


\(^{103}\) Smith, supra note 19 at 372. Smith indicates that whereas a local newspaper, The Daily Star, announces the death of Charlotte E.R. Traim on January 7, 1911, records of the Cypress Hills Cemetery list her name as Fraim. In addition, the handwritten entries in the death certificate could either be an “F” or “T.” Id.; see generally Certificate and Record of Death No. 68, January 5, 1911, State of New York.

\(^{104}\) Smith, supra note 19 at 372.

\(^{105}\) Edwards, supra note 15.

\(^{106}\) Chicago Legal News (October 23, 1897).

\(^{107}\) Chicago Legal News (October 23, 1897).

\(^{108}\) Edwards, supra note 15.
CONCLUSION

Feminist legal historians and historians of African-American history offer substantially different interpretations of the life of Charlotte E. Ray. Feminist historians view Ms. Ray first as a woman, seizing upon aspects of Ms. Ray’s life that generally support the greater themes of feminist legal history. African-American historians emphasize Ms. Ray’s blackness offering her racial identity as the primary animator of her experiences. Although each approach usually is taken in derogation of the other, the fact remains that feminist and black biographers both offer relatively little in the way of primary evidence in support of their claims. In light of this fact, each camp would do well to shore up its research on Ms. Ray before further claiming her as one of its own.

In the alternative, and probably the best case scenario, feminist and black biographers should abandon their efforts to exclusively possess black women such as Charlotte E. Ray. Increased cooperation between these groups probably would increase discoveries or awareness of nonpublic primary sources and inevitably would refine the scholarship of each. Absent such collaboration, it is likely that Ms. Ray and other historical figures like her will remain little more than an oft-cited footnote.
TIMELINE

CHARLOTTE E. RAY: FIRST AFRICAN-AMERICAN WOMAN LAWYER, FIRST AFRICAN-AMERICAN WOMAN TO GRADUATE FROM AN AMERICAN LAW SCHOOL (HOWARD UNIVERSITY SCHOOL OF LAW), FIRST WOMAN LAWYER ADMITTED TO BAR OF THE DISTRICT OF COLUMBIA.

1850. On January 13th, Charlotte Ray is born to New Yorker Reverend Charles Bennett Ray, an abolitionist, minister, journalist, and conductor of the Underground Railroad, and Savannah, Georgia native, Charlotte Augusta Burroughs Ray, Reverend Ray’s second wife. She is the youngest of three girls. She also has two brothers and two additional sisters that died during adolescence. Each of the siblings graduates from college.

1860+/- Ray is sent to Washington, D.C., where she attends the Institution for the Education of Colored Youth.

1869 Ray graduates from the Institution for the Education of Colored Youth. She becomes a teacher at Howard University’s Normal and Preparatory Department. She applies, using her initials, “C.E. Ray,” and is accepted to Howard University’s School of Law.

1869-72 Ray continues to teach at Howard University’s Normal and Preparatory Department while attending law school in the evenings. She concentrates in commercial law.
1870 The Howard University President’s Report describes Ray’s thesis on corporations as “not copied from the books but from her brain, a clear incisive analysis of one of the most delicate legal questions.”

1872 In February, Ray graduates from Howard University’s School of Law. She delivers a paper on chancery at the commencement ceremony. Her graduation from the Law College of Howard University is memorialized in The Woman’s Journal. The article recognizes Ray as the first female attorney in Washington, D.C.. It also states that she was admitted to practice at the bar of the Supreme Court of Washington D.C.. It describes her as a “dusky mulatto.”

1872+ Ray opens her own law practice in Washington, D.C., establishing a reputation in the area of corporations law. She is unable to maintain her practice, however, due to the lack of business. She returns to New York.

1876 Ray attends the National Woman’s Suffrage Association’s annual conference in New York City.

1886 Ray secures employment in the Brooklyn public school system. She subsequently marries a man by the name of Fraim.
1891     Ray’s sister, Cordelia, obtains a masters of pedagogy from the University of the City of New York.

1895+     Ray becomes active in the National Association of Colored Women.

1897     Ray relocates to Woodside, Long Island.

1911     On January 4, Ray dies from acute bronchitis.