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JANE MATILDA BOLIN: A PIONEER FOR JUSTICE, 1939-1978

By

Jacqueline Allison McLeod

A DISSERTATION

Submitted to
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ABSTRACT

JANE MATILDA BOLIN: A PIONEER FOR JUSTICE, 1939-1978

By

Jacqueline Allison McLeod

This study examines the life and contributions of Judge Jane Matilda Bolin, America's first African American woman judge. Her forty-year judicial tenure began in 1939, when Mayor LaGuardia appointed her to the Domestic Relations Court of the City of New York (which later became the Family Court of the State of New York.)

The study analyzes her professional ascendance, and how she constructed her professional identity, in a profession that routinely excluded African Americans and women. It, therefore, utilizes an intersectional approach to a race, class, and gender analysis of her life. Her politicization on and off the bench is also analyzed within the context of the Red Scare and the early Civil Rights Movement.

Through careful interrogation of the Bolin Papers, the NAACP Papers (both National and Branch), newspaper articles from the Black and White press, and court cases, the author demonstrates that whatever the motivation for LaGuardia's appointment, Judge Bolin distinguished herself as anything

but a political pawn, working as she did to transform the Domestic Relations Court and its associate agencies.

Understanding how this legal pioneer constructed her professional identity, and how she maneuvered through the labyrinth of obstacles over four decades provides a marker to better measure the distance traveled by African American women in the legal profession, specifically in their capacity as jurists. But, on a more immediate level, it reveals the professional and political journey of a woman, who was a feminist, an integrationist, and an overall justice activist.

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PREFACE

Ten years ago while doing research for a seminar paper on Constance Baker Motley, the long-time counsel for the National Association for the Advancement of Colored People (NAACP) and federal judge, I discovered what a profound impact Judge Bolin had had on her, and other black women in the legal profession. Motley had had outstanding mentors such as Thurgood Marshall, but it was Judge Jane Matilda Bolin whom she heralded as her role model. In her words, it was Judge Bolin who had shown her how "a lady judge" should comport herself.

Preliminary research on Judge Bolin revealed the depths of work that lay ahead of me. There was not much in the way of monographs on black women lawyers, and nothing substantive on black women judges. Thus began my journey to have Jane Bolin's discourse restore her visibility in the historical record.

In 1939, when New York City Mayor Fiorello LaGuardia appointed Jane Matilda Bolin to the Domestic Relations Court of the City of New York (which later became the Family Court of the State of New York), he made history and, what many called, an appeasement to the City's African American community. With LaGuardia's appointment, Bolin

became the first African American woman ever to be a judge in the United States, and remained the only one for the next two decades.

Her judgeship came at a very critical juncture in the relationship between LaGuardia and Harlem's Black community, which had erupted years earlier because of political and economic neglect that had worsened with the Depression. Whatever the motivation for LaGuardia's appointment, Judge Bolin distinguished herself as much more than a political pawn. She worked to transform the Domestic Relations Court and its associate agencies, successfully eliminating race-specific assignments in the Probation Department and Juvenile Placement facilities. Yet, somehow her legacy, which represents the Family Court's continued efforts to bridge the gap between its ideals and its practice, has eluded historical inquiry.

This study corrects the historical record. It examines Bolin's life and contributions as a judicial pioneer, and analyzes her professional ascendance, and the way in which she constructed her professional identity, in a profession that routinely excluded African Americans and women. Therefore, it utilizes an intersectional approach to a race, class, and gender analysis of Bolin's life, which is very instructive of the unique positioning of

African American women lawyers, and more specifically, African American women jurists.

The study also analyzes Bolin's politicization on and off the bench, and the extent to which her brand of activism within the black community may have caused her alienation from that community. Her judicial tenure exemplified her activism and integrationist zeal. Her sense of responsibility had precursors within her family, and had taken root decades earlier in the National Association for the Advancement of Colored People (NAACP), where she was a founding member of its Poughkeepsie Youth Chapter, and later a vice-president of its New York Branch, and National Office. Decades after her first judicial appointment, her footprints for reform are still imbedded in the Family Court of the State of New York.

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INTRODUCTION

The life and times of the Honorable Jane Matilda Bolin of New York exemplify the myriad experiences of Black women lawyers in the United States. This history of Black women attorneys is easy to trace given their small numbers in the legal profession. Nevertheless, scholarly analyses of their particular experiences as insurgent professionals remain few.

Recent literature touches on the lives of Black women lawyers, but their thoughts and perspectives have generally remained hidden in the general histories of Black men and white women. Karen Berger Morello's The Invisible Bar: The Woman Lawyer in America 1638 to the Present (New York: Random House, 1986), addresses the gender and race dynamics, or what she terms the "double impairment" faced by Black women lawyers in a chapter titled "Double Impairment: Black Women Lawyers." However, little specific analysis is accorded all the Black woman lawyers and jurists identified. J. Clay Smith's 1993 Emancipation: The Making of the Black Lawyer 1844-1944 fills the void in the historical record as it pertains to all Black lawyers, but missed the mark when it came to Black women lawyers. Smith's privileging of the path and pain of Black male lawyers does shed light on some of what Black women as race-specific professionals faced in the legal profession, but the particularity of their experience as Black women

was given short shrift. As if to correct the imbalance or oversight, more recently Smith edited Rebels in Law: Voices in History of Black Women Lawyers, a collection of articles that includes the voices of early Black women in the law. This long-overdue anthology, however, gives cursory mention of America's first Black woman jurist. Constance Baker Motley's autobiography Equal Justice Under Law is the first such autobiography, which offers a unique window into the life of one of America's finest social engineers, and an early Black woman jurist.[1]

This study offers the words and works of Jane Matilda Bolin as a beginning analysis of Black women in the legal profession. Moreover, it restores the dynamism to experiences too long subsumed within the history of Black men lawyers and White women lawyers. It will show that although Black women in the legal profession shared "some of the problems and promises of all Blacks, of all women, and of all lawyers,"[2] they occupied a unique positioning within this profession. Their professional advancement in the legal profession has therefore been achieved in spite of great obstacles.[3]

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[1] Karen Berger Morello's The Invisible Bar: The Woman Lawyer in America 1638 to the Present (New York: Random House, 1986); J. Clay Smith, Emancipation: The Making of the Black Lawyer, 1844-1944 (Philadelphia: University of Pennsylvania Press, 1993); Smith, ed., Rebels in Law: Voices in History of Black Women Lawyers (Ann Arbor: University of Michigan Press, 1998); Constance Baker Motley, Equal Justice Under the Law: An Autobiography (New York: Farrar, Strauss and Giroux, 1998).

[2] Joyce Ann Hughes, "The Black Portia," The Crisis (May, 1975): 168.

[3] In 1872, Charlotte E. Ray became the country's first Black woman lawyer, and remained the only one for the next twelve years.

Jane Matilda Bolin, the youngest of four children, was born in 1908 in Poughkeepsie, New York to Matilda Ingram Bolin and Gaius Charles Bolin. The Bolins are descendents of a long line of free Dutchess County Black residents who had lived in and around Poughkeepsie for nearly 200 years.[4] Gaius Bolin was a prominent lawyer and community leader in

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Discrimination forced her to relinquish her practice in Washington, D.C. and to accept a teaching position the very year she was admitted to practice law. White law firms hired very few women or Black lawyers before the 1970s, and prior to the 1960s only a token number of Black lawyers worked in government agencies. In 1910 there were only two Black women lawyers in the country. Although the number would increase over the next decades, there were no more than 57 Black women lawyers by the 1940s. In 1959 there were reportedly over 6,000 women lawyers in the U.S., but only 83 of them were Black. Of the 83, New York led the list with 19, followed by Illinois with 13, and Washington, D.C. with 10; and only one on the bench. See Marianna W. Davis, ed., The Contributions of Black Women to America, Vol. I (Columbia, South Carolina: Kenday Press, 1982); Morello, The Invisible Bar, Gerda Lerner, ed., Black Women in White America: A Documentary History (New York: Vintage Books, 1973); Alvin E. White, "Women Judges," Dawn Magazine, (October 26, 1974). See also, Cynthia Fuchs Epstein, Women in Law (New York: Basic Books, 1981); Edward J. Littlejohn and Donald L. Hobson, Black Lawyers, Law Practice, and Bar Associations, 1844-1970: A Michigan History (Detroit: Wolverine Bar Association, 1987); Beverly B. Cook, ed., Women in the Judicial Process (American Political Science Association, 1988; and Laura L. Crites and Winifred L. Hepperle, eds., Women, the Courts, and Equity (Newbury Park: Sage, 1987).

[4] An Oral History Project of Black Poughkeepsians confirms such generational ties of present-day residents to free Blacks in the antebellum period. An Act for gradual abolition manumitted many slaves in Poughkeepsie between 1799 and 1826. The famous Underground Railroad had stops in Poughkeepsie and a number of other cities along the Mid-Hudson. As a result, a number of Blacks settled in Poughkeepsie, particularly during the "city-building" process of the 1860s to 1880s, and established institutions like the A.M.E. Zion Church and a Colored School within their enclaves. Lawrence Mamiya and Patricia Kaurouma, For Their Courage and For Their Struggles: The Black Oral History Project of Poughkeepsie, New York (Urban Center for Africana Studies: Vassar College, 1978). It is clear from the oral histories of Black Poughkeepsians that by the late nineteenth century their communities boasted a class, however small, of property-owners. Jane Bolin's own paternal grandfather, Abram Bolin, was educated in a local country district school, and was in the wholesale vegetable business, but had also been a grocer, a meat market proprietor, and a livestock salesman. See For Their Courage and for Their Struggles, and Dennis Clark Dickerson, "Gaius Charles Bolin: The First Black Graduate of Williams College," Williams Alumni Review.

their hometown of Poughkeepsie. Matilda Ingram Bolin was born in Ireland to English parents, and immigrated to the United States as a child. In 1917, Matilda Bolin died, leaving young Jane and siblings to be reared by their father.[5]

Jane Bolin, like her brother and sisters, and father before her, was educated in the Poughkeepsie Public School system.[6] After graduating high school Bolin passed up an opportunity to attend Vassar College and left home for Wellesley College in Massachusetts. One of only two Black freshmen, she found herself completely isolated from Wellesley's community of white women.[7] Upon graduation, and much to the irritation of her college counselor, she insisted on a career in law and applied to Yale Law School. In 1928 Bolin entered Yale, exactly ten years after the University Corporation at Yale voted to admit women for legal study. Her graduation from Yale in 1931 signaled the beginning of a remarkable series of Black "firsts," and a resounding commitment to activism.

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[5] Jane Bolin Interview with Jean Rudd, 1990, Box 1, Bolin Papers, Schomburg Center, New York City Public Library.

[6] During Gaius Bolin's youth, in 1873, a civil rights law was passed that allowed New York youth, regardless of race, to enroll in any public school. This legislation ended separate education for Poughkeepsie Blacks. However, this legislation did not alter the racial exclusionary practices of the higher institutions of learning, such as Eastman College, Vassar College, and West Point Military Academy. See Dennis Charles Dickerson, "Success Story....With a Difference," Williams Alumni Review, Mamiya and Kaurouma, For Their Courage and for Their Struggles. Also see, Carleton Mabee, "Toussaint College: A Proposed Black College for New York State in the 1870s," Afro-Americans in New York Life and History (January, 1977): 25-35.

[7] "Wellesley in My Life," in Wellesley After-Images, Box 1, Bolin Papers, Schomburg Center, New York City Public Library.

In 1933 Bolin was the first African American woman to join the New York State Bar Association. She was the first African American woman to win appointment to the Office of the Corporation Council of New York Law Department, and in 1939, she became the first Black woman in America's history to become a judge. New York Mayor Fiorello LaGuardia appointed and swore her into office. However, she transcended what many believed to be tokenism, and for the next four decades served with uncompromising ardor as a judge in the Family Court of the State of New York and its predecessor courts. Intellectually astute, committed to making the law an instrument of fairness, Bolin soon ruffled the bench from a certain lethargy. Her reformist zeal excited her close friends and colleagues and encouraged them to join in her crusade for change.

Early on she initiated public dialogue over issues of institutional discrimination that helped transform the Juvenile Justice System. She contested the race-specific assignments of probation officers, at a time when it was customary for local White judges to never assign Black lawyers to represent indigent White defendants. She challenged private child-care agencies' odious practice of routinely accepting children based on ethnic background, and caused the director of the New York City Office of Probation for the Courts to account for, and discontinue,

the inscriptions of "N" and "PR" (designating Negro and Puerto Rican) on petitions of placement.[8]

She was an outsider within who made a difference in the legal profession. By situating her within an early twentieth- century community of insurgent Black professionals, this study explores the gender dynamics of early civil rights organizations, the interdependence of the Black professional and the Black community, and the gender and racial politics of the legal profession. Utilizing an intersectional approach to a race, class, and gender analysis of Bolin's life, this study will also show the extent to which her political convictions may have kept her off the roster of well-known past and contemporary civil rights trailblazers.

The first chapter focuses on the Bolin family's lineage and legacy, which is the foundation upon which Jane Bolin constructs her identity. It also examines and analyzes her childhood in an upper-middle class Poughkeepsie community, her relationship with her father Gaius Charles Bolin and siblings, and her educational experiences from Poughkeepsie's Kindergarten Morse School to Yale Law School.

Chapter Two examines Jane Bolin's membership in the legal profession. To be sure, Bolin appears to have

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[8] Retired Family Court Judges Justine Wise Polier and Hubert Delany worked closely with Bolin to bring about these changes. 1990 Interview with Rudd, Box 1, Bolin Papers, Schomburg Center, New York City Public Library.

ascended the professional ranks with relative ease at a time in American society when the fundamentals of education and employment eluded most African Americans. Yet, in reality she encountered resistance and rejection at every stage of her professional development, and experienced the frustrations shared by most Black private practitioners of the time. I also discuss Mayor Fiorello LaGuardia's political agenda and the social, political and economic climate of New York City at the time of her appointment.

Bolin served over the course of four decades in the Family Court of the State of New York and its predecessor courts, where she not only imparted justice, but also fought for justice. Her opinions, teachings, and overall ideological positioning influenced her often more renowned contemporaries. To this end, Chapter Three probes the speeches, judicial decisions, and other writings of Jane Bolin, which at a minimum reveal clues about "the intellectual inconsistencies which constitute the mind-set of any age."[9]

Chapter Four examines Jane Bolin's relationship with the national leadership of the National Association for the Advancement of Colored People (NAACP) during the 1940s and 1950s. The issues surrounding Bolin's 1950 vice-presidency of the NAACP and her unexpected resignation are analyzed within the context of longstanding intra-organizational

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[9] Levesque speaking of Dr. John Rock in George A. Levesque, "Boston's Black Brahmin: Dr. John S. Rock," Civil War History XXVI, No. 4 (1980).

discord, and widespread "Red-baiting." Particular attention is paid to the role of the black press in exposing, and at times fueling, the disunity within the ranks of the NAACP leadership.

When women penetrate the walls of male-dominated spaces their contributions become celebratory. Their intrusion or inclusion is seen as a challenge to male professional hegemony. To be sure, Bolin is listed among notable African American pioneers. But, in Bolin, we also have a very visible and vocal early twentieth-century Black woman jurist who dared to challenge the male-dominated national leadership of the nation's leading civil rights organization. Yet, she remains analytically invisible in the historical record - her complex identity as woman, professional, race-woman, feminist, community representative and activist - obscured by the fictions of "firsts." Chapter Five, therefore, concludes this study with a conversation about the process of historical obscurity or analytical invisibility to better understand how Judge Jane Matilda Bolin "eluded" historical inquiry.

Chapter 1

THE EARLY YEARS IN POUGHKEEPSIE: "At the foot of one hill and the top of another"

> Jane Matilda Bolin was reared in an upper middle-class professional family poised to assume prominence in her own right.[10]

Jane Matilda Bolin was born on April 11, 1908 to Matilda Ingram Bolin and Gaius Charles Bolin "in a red brick, three-story house at the foot of one hill and the top of another hill" in Poughkeepsie, New York.[11] She was the youngest of four children, two sisters, Anna May and Ivy Rosalind and a brother, Gaius Charles Junior.[12] Her mother whom she describes as "English Episcopalian" was born in 1880 in Northern Ireland to English Protestant parents with whom she immigrated as a child to the United States. The Emerys, Matilda Ingram Bolin's family, were one of several early European immigrant families that settled in Poughkeepsie in the late nineteenth century.

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[10] This is the author's interpretation of Bolin's description of her beginnings.

[11] Bolin frames the interview, and by implication her biography with this positioning, a positioning which will become quite symbolic in understanding her life, and at times a metaphor for her negotiation later in life. The foot of one hill was in essence the top of another that had been conquered by her forefathers...her journey therefore begun on the promise of her family's legacy. Jane Bolin's 1990 interview with Jean Rudd, Box 1, Bolin Papers, Schomburg Center, New York City Public Library.

[12] Anna May was born on December 31, 1900, Gaius Charles, Jr. was born on March 31, 1902, Ivy Rosalind was born on May 11, 1904, and Jennie, as Jane was fondly called by her family, was born on April 11, 1908. Biographical Folder, Box 1, Bolin Papers.

The Emerys, mother, father, brother and sister, with the exception of the married Matilda, later moved to Hoboken, New Jersey. Matilda was educated in the public schools of Troy, New York. She died after a prolonged illness in 1917 leaving nine-year old Jane and siblings to be reared by their father.[13]

From all accounts, Gaius Bolin executed his responsibility as sole caregiver with unconventional devotion.[14] Although managing a legal career, he never neglected his children whom he considered his primary responsibility. He had four young children, but chose never to remarry. As Jane recalls, her father basically came home and stayed in the house with them all the time, except for those times when he had scheduled major outings like the trips to the "Trotting Races" and the Labor Day trip to his brother Livingsworth's home in New York.[15] Jane

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[13] Ibid. Her maternal grandfather, John, died before she was born, but her maternal grandmother, uncle and aunt would each visit every year for a few weeks. However, after her mother died her family never communicated with the Bolins in any way. Interview by Rudd, Box 1, Bolin Papers.

[14] In her 1990 interview with Rudd, Bolin takes great pride in telling of her father's decision not to remarry, and to embrace the full responsibility of caring for her and her three siblings. She also recalls that her eldest sister Anna assumed the mother role after her mother's death, but that after Anna eloped her other sister Ivy assumed the role of homemaker. Her parents married in 1899 in New York City. Anna May born 12-31-1900, Gaius Jr. born 3-31-1902, Ivy Rosalind born 5-11-1904, Jennie 4-11-1908. Ivy never married, and died when she was about 34 years old. Anna had one son who was left in the care of her father when she died during the child's infancy. Their brother did not pay much attention to the girls, but spend a lot more time outdoors with his friends. Interview with Rudd, 27, Box 1, Bolin Papers, Schomburg Center, New York City Public Library.

[15] She remembers having recreation outside of the home only twice a year. Once a year he used to take one afternoon from his office, take us with him and go to the Trotting Races, which were there for about a

Bolin remembers her father as "a terrific man." "As the youngest child and motherless from the age of 8, I was always very close to my father and I guess spoiled by him," she said.

To illustrate his devotion she recalled that shortly after her mother's death, the family moved from the three-storied brick house to a "very spacious house" which her mother had planned, and which was built and finished a few months after her death.[16] She remembered being physically sick with grief, and her father's sensitivity in knowing that she would be too upset by the move so soon after her mother's death. As a result, when the family moved, he took her to her Aunt Jane, after whom she was named and who then became her "surrogate mother." She stayed with her aunt who nursed her until she was better and was able to go home.[17] However, she admits that "it was not until I was grown and had my own family and was widowed that I truly appreciated his unselfish devotion to his children."[18]

Her father was a strict disciplinarian who had no tolerance for lies. According to Jane, "we were taught not

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week in the summertime. And the other occasion was Labor Day. He used to bring us all down to visit his brother [in N.Y.], just for the weekend. Interview with Rudd, 5, Box 1, Bolin Papers.

[16] Ibid., 28.

[17] Her Aunt Jane was the wife of her father's older brother. She was also a white woman. Bolin recalls that there were quite a few interracial couples in their community. All through the years, until she died, her aunt remained her favorite and closest female relative (3). Interview with Rudd, 29, Box 1, Bolin Papers.

[18] Jim Haviland, "Local Attorneys Recall First Black to Head County Bar," Poughkeepsie Journal 28 February 1991.

to lie, just as all children are taught, not to steal, come straight home from school, not to talk to strange people."[19] Perhaps this early socialization helped shape the professional orientation and development of the Bolin children. Ivy was a founding member of the NAACP Youth chapter in Poughkeepsie. Gaius Charles Bolin, Jr. became a lawyer and shared a practice with his father in Poughkeepsie until his retirement. Anna finished high school and eloped while Jane was still quite young.[20] His grandson Lionel, his son's son, remembers his grandfather fondly; he recalls the day trips and many walks around town, and his taking him to school.[21]

The Bolins were descendents of a long line of free Dutchess County Black residents who had lived in and around Poughkeepsie for nearly 200 years. Present-day residents of Poughkeepsie can identify generational ties to free Black people in the antebellum period. The earliest census contained in the Poughkeepsie City Directory for "Colored" persons during the years 1869-1870 and 1880-1881 lists names, occupations and addresses of the early Black residents such as Bolin, Lawrence, Cooley, Harden, DuBois, and Van Dusen.[22] Many slaves in Poughkeepsie were

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[19] Interview with Rudd, 40.

[20] Interview with Rudd, Box 1, Bolin Papers.

[21] Oral Interview of Lionel Bolin by Williams College Librarian, 1989, Williams College.

[22] Lawrence Mamiya and Patricia Kaurouma, For Their Courage and For Their Struggles: The Black Oral History Project of Poughkeepsie, New York (Vassar College: Urban Center for Africana Studies, 1978); Denise Love Johnson, "Black Migration," Poughkeepsie Bicentennial Forum

manumitted between 1799 and 1826 under an Act calling for the gradual abolition of slavery.[23] The Underground Railroad had stops in Poughkeepsie and a number of Black people settled in Poughkeepsie, particularly during the "city-building" period from the 1860s to the 1880s. These early residents established institutions such as the A.M.E. Zion Church and a Colored School within their enclaves.[24] Most Blacks during this period worked as domestics or unskilled laborers. By 1870, the "Queen City" of the Mid-Hudson, as Poughkeepsie was called, had a Black population of more than 500, the largest in the area.[25] Prior to 1850

(Publication of Poughkeepsie High School, June-July, 1976): 6. Clyde and Sally Griffen's study on the ordering of opportunity in mid-nineteenth-century Poughkeepsie, while it does a good job of distinguishing between the opportunities available to European immigrants and Black Americans, it overlooks the community-building and opportunity-creating activities of Black people. Clyde and Sally Griffen, Natives and Newcomers: The Ordering of Opportunity in Mid-Nineteenth-Century Poughkeepsie (Cambridge: Harvard University Press, 1978).

[23] In 1817, under the leadership of Governor Daniel Tompkins, New York became the first state to declare by statute that after July 4, 1827 the practice of slavery in the state was to be abolished. By 1830 only the county of Putnam in the Mid-Hudson still continued the institution under a legal technicality which permitted non-residents to keep slaves in the state for a period of up to nine months. Donald L. Robinson, Slavery in the Structure of American Politics, 1765-1820 (New York: Harcourt Brace Jovanovich, Inc., 1971), 36.

[24] Mamiya and Kaurouma, For Their Courage. The most famous abolitionist in the Mid-Hudson was Sojourner Truth who hid runaway slaves in a cellar in Hurley, New York. See, Johnson, "Migration," 2-4. See also Nell Irvin Painter, Sojourner Truth: A Life, A Symbol (New York: Norton, 1996. General histories on the Underground Railroad include, Larry Gara, The Liberty Line: The Legend of the Underground Railroad (Lexington: University of Kentucky Press, 1961); Wilbur H. Siebert, The Underground Railroad from Slavery to Freedom 1898. Reprint, (New York: Arno, 1968); William Still, The Underground Railroad 1871 Reprint, (Chicago: Johnson Publishing, 1970).

[25] Johnson notes that most freed Blacks remained on farms and in rural areas, not immediately moving to Poughkeepsie. Johnson finds that theirs was a gradual movement from one rural town or village to another. "Chain migration" was the pattern employed by later waves of Black people migrating from the Southern states due to failures in

Poughkeepsie's Black population was located in several centers on the fringes of the central business district bounded by Washington and Market Streets. This area was also populated by members of the White working class and ethnic groups, particularly the recently arrived German immigrants.[26]

Jane Bolin's grandfather, Abraham Bolin[27] was a community leader and reformer in his own right. He is remembered as "a man of high principles."[28] Born on February 10, 1826 in Dover Plains, he grew up on Quaker hill among Quakers, and was educated in a local country district school. In 1855 he met and married Alice Ann Lawrence,[29] a Native American Poughkeepsie resident who was

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Southern agriculture, among many reasons. This pattern entailed one relative or a whole family moving to "check a place out" then encouraging other kin and friends to migrate through word of mouth or by letters. It is also noteworthy that many of the early Blacks in Poughkeepsie also emigrated from the West Indies. See Joe William Trotter, Jr., ed., The Great Migration in Historical Perspective (Bloomington: Indiana University Press, 1991); Johnson, "Migration," 6.

[26] Johnson, "Migration," 6.

[27] The elder Bolin's Christian name is at times spelled "Abram" and at other times "Abraham." I have chosen the later spelling because that appears on Gaius Bolin, Sr.'s "Vital Statistics" student form at Williams College. He died April 18, 1910, two months before his wife who died on June 21, 1910. Alumni Records, Gaius C. Bolin folder, Alumni Office, Williams College, Williamstown, Massachusetts.

[28] His son remembers him with great pride in an interview. Dorothy W. Thomson, "51 Years a Lawyer," Sunday New Yorker, November 24, 1943, Clipping File, Box 3, Bolin Papers.

[29] It is quite possible that Alice Ann Lawrence was a woman of mixed Native American and African American heritage; as well she may have been a member of the Lawrence family, one of the old Dutchess County Black families as listed in the "Colored" Directory of Poughkeepsie. She and Abraham were married in 1855. Alice was born on February, 1836. Bolin's 1990 Interview with Rudd; Alumni Records, Gaius C. Bolin folder, Alumni Office, Williams College, Williamstown, Massachusetts; Poughkeepsie Sunday New Yorker, November 22, 1943.

educated in the public schools of New York City.[30] They had thirteen children, all of whom were born at 35 Clinton Street in Poughkeepsie.[31]

The head of a large family, Abraham understood only too well the benefits of self-sufficiency. He was an independent businessman, who worked in the wholesale vegetable business, and at various times as a farmer and gardener like his father had done before him.[32] But he had also been a grocer, a meat market proprietor and a livestock salesman.[33] Later in his life he had become the superintendent of the Poughkeepsie reservoir. His property

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[30] Although Jane Bolin identifies her paternal grandmother as "Native American" in her interview with Jean Rudd, it is quite possible that she may have been a woman of mixed Native American and African American heritage and a member of the Lawrence family, another prominent Dutchess County Black family. Her son, Gaius remembers her being "a pretty little woman, tiny but wiry, who had long black hair." Dorothy W. Thomson, "51 Years a Lawyer," Sunday New Yorker 22 November 1943, Clipping File, Box 2; Interview with Rudd, Box 1, Bolin Papers.

[31] Thomson, "51 Years a Lawyer."

[32] His father had been a farmer in the town of Dover all his life, and his maternal grandfather had been a stagecoach driver on the Albany Post Road. Thomson, "51 Years a Lawyer."

[33] During the period between 1880 and WW II, the most common type of employment for Black women was as domestics and as servants, while many Black men worked as day laborers or as porters and janitors in local hotels and restaurants. The places of employment included the Hudson River Boats, the lumber yard, the glass and cigar factories. A few, according to the Oral Study, worked as chauffeurs and servants for the wealthy families in the area, but there were also a number of Blacks who were independently employed as barber, grocer, owner of the stove store who also hauled ice, plumber, dry cleaner, milliner and restaurant owner. Although there were very few traditional professionals in the Black community, the community could count the clergy, a doctor, a dentist, and a lawyer (Bolin) among their professional class. They also counted among them a remarkable Black woman who became a teacher of the handicapped after spending six years in South Africa as a missionary with her husband. Mamiya and Kaurouma, For Their Courage. See also Dennis Clark Dickerson, "Gaius Charles Bolin: The First Black Graduate of Williams College," Williams Alumni Review.

holdings, economic independence, and government position no doubt elevated his standing in his community. But it was his vision as a parent and community leader that distinguished him in the annals of Poughkeepsie history. Abraham Bolin worked very closely with Reverend Jacob Thomas in the 1860s to erect the $6,000 edifice that was Poughkeepsie's A.M.E. Zion church. Yet, his crusade for a Black institution of higher learning proved to be his biggest challenge.

Several times in the nineteenth century, Blacks and their White allies tried to establish a black college in or near New York State. In the early 1830s a black national convention proposed to establish a black college in New Haven, Connecticut. In the 1850s Frederick Douglass assisted in the plan to establish an "industrial college" in Rochester or within one hundred miles of Erie, Pennsylvania. In 1859 and 1866 they hoped to transform the abolitionist-oriented New York Central College in McGrawville, near Cortland, New York, into a black college. However, none of these proposals succeeded.[34]

In 1870, Abraham Bolin and eight other Hudson Valley Black residents embarked on a crusade to found a college for Black New Yorkers.[35] These residents were absolutely

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[34] Carleton Mabee, "Toussaint College: A Proposed Black College For New York State in the 1870's" Afro-Americans in New York Life and History (Buffalo, NY: Afro-American Historical Association of the Niagara Frontier, 1977) 25-35.
[35] Ibid.

dissatisfied with the segregated schools available in such Dutchess County cities as Poughkeepsie, Newburgh, Hudson, and Catskill, and utterly discouraged by racial hostility at such institutions as Eastman Business College and Vassar College in Poughkeepsie. The mid- Hudson region (as in Newburgh, Poughkeepsie, Fishkill Landing, Hudson, Catskill, and Kinderhook) already had several public schools for Blacks, but they were on the elementary level.[36] In 1870 several colleges in the state had still never admitted a Black student. Eastman Business College, located in Poughkeepsie on the Hudson River, refused to admit Blacks as its president afterwards explained, because its many southern students would not like it. According to the New York Times and the New York Freeman, by 1866, Eastman College still excluded Blacks. The recently established Vassar College, also located in Poughkeepsie, did not admit Blacks.[37] As late as 1900 a Vassar administrator declared that "the conditions of life here are such" that we "strongly advise" Negroes not to enter.[38] Vassar announced that it was ready to accept Blacks in 1934.[39] Down the Hudson from Poughkeepsie at West Point, the United States Military Academy, though opened in 1802, never admitted a Black cadet until May, 1870, when under the impact of

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[36] Ibid., 27.

[37] New York Times, 10 February 1881; New York Freeman 12 June 1886. Mabee, "Toussaint College."

[38] W. E. B. DuBois, The College Bred Negro (Atlanta, 1900), 34.

[39] New York Amsterdam News 22 December 1934.

Reconstruction, the Republican administration in Washington directed that it do so.[40] J. W. Smith became the first Black cadet at West Point. He was persecuted from the day he entered to the day of his premature departure. Perhaps the public debate over Smith's treatment at West Point had motivated the black leaders of the mid-Hudson region to push, even more aggressively, for higher educational institutions.

Those signing the call for a Black college wished to establish a higher institution of learning for the residents of their communities.[41] The proposed school was called Toussaint L'Ouverture College, after the famous Haitian revolutionary who founded the first Black Republic in the New World. Abraham Bolin was named as one of the school's trustees.[42]

In early 1871 the trustees and their supporters arranged to have a local Republican Assemblyman introduce a bill into the New York legislature to incorporate the college. However the proposal received strong opposition

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[40] Mabee, "Toussaint College," 25-35.

[41] The educational convention wished to create a higher school of learning for its Black residents. And although not on the scale of Vassar College's 200 acre allotment at founding, and $800,000 endowment from Mathew Vassar alone, the convention decided modestly that the new college should have 15 or more acres of ground, and $300,000 for initial costs and endowment. Mabee, "Toussaint College," 27.

[42] While such Black colleges as Howard, in Washington, D.C. and Lincoln University, in Oxford, Pennsylvania, had a few Black trustees and no Black trustees respectively, this proposed college had all Black trustees, with the majority coming from Poughkeepsie. They were Isaac Deyo (cartman and laborer), Abram Bolin (gardener and janitor) and Charles Cooley (laborer). Dutchess, Orange, Columbia, Ulster and Greene Counties. Mabee, "Toussaint College," 27.

from many in New York's Black community. At the 1871 New York Annual Conference of the A.M.E. Zion Church, the Reverend William Butler of New York City, a former pastor in Hudson and Poughkeepsie, and a most powerful personality at the conference, objected strongly. "Let the colored people of the state stand together and ask for equal school rights," he said, "and they would get it. They wanted no separate college."[43] Like many other Black New Yorkers, Butler believed that the Toussaint L'Ouverture College would hinder their fight for integrated schools. The proposed black college met strong opposition from within the Black community. Many of the undecided argued that it would undermine segregation. The A.M.E. Zion conference refused to endorse the college. The symbolism of the college's name no doubt excited their concerns. Bolin's assurance that the college would be open to both Blacks and Whites fell on deaf ears, and at the 1872 state Black convention held in Troy, there was still no endorsement of the college. Black New Yorkers did not offer the necessary moral and financial support that such an institution demanded; there was no active support from the major Black denomination in the state or from the Black state convention.[44] A Poughkeepsie Republican newspaper appealed for contributions for the proposed college from Whites. The Daily Eagle said, "It is to be hoped that our people

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[43] Mabee, "Toussaint College," 30.

[44] Mabee, "Toussaint College," 29-30.

will give this institution a helping hand, as it will go far toward settling the vexed question of the mixture of the races in our schools and colleges."[45]

The inequities imbedded in the state's segregated public schools foretold what an all Black institution would suffer. By the end of 1872 the crusade for the Toussaint L'Ouverture College collapsed under the weight of prolonged opposition. In the 1870s belief by both blacks and whites in the practicability of educational integration helped to prevent the creation of Toussaint College, and had contributed ever since to preventing the establishment of a black college in the state.[46] Moreover, with the ratification of the Fifteenth Amendment promising the equal right to vote, New York State Blacks felt a certain impetus to push for equal opportunity.[47]

In 1873, a state civil rights law allowed New York youth, irrespective of race, to enroll in any publicly supported school, thus ending separate education for Poughkeepsie's Black residents.[48] Abraham Bolin and his fellow crusaders may not have succeeded in establishing a Black college for the benefit of their children and grandchildren, but their efforts certainly fueled the fight for integration. Their efforts are therefore not to be measured by a straight line from objective to result, but

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[45] Ibid.
[46] Mabee, "Toussaint College," 32-33.
[47] Ibid., 26.
[48] Ibid.

as a struggle with all of its complexities and compromises, gains and losses. Abraham Bolin's participation in this crusade reflects the depth of his racial pride and the strength of his commitment to the uplift of his community.[49]

This commitment to community leadership, inherited or bestowed, was not lost on the next generation of Bolins. What the elder Bolin had accomplished with only a country district school education was enough to inspire his son, Gaius Charles, to pursue a classical education and become a man of the professional class. "I always wanted to be [a lawyer], from a kid," he once told an interviewer.[50] And, true to his word he became a lawyer, a very prominent lawyer, one of two in the town of Poughkeepsie. The other was a white man.

Gaius Charles was one of thirteen children born to Alice and Abraham Bolin. He was born on September 10, 1864 in Poughkeepsie, "in a house on North Clinton Street in which the Bolin family had lived for nearly a hundred years."[51] The 1873 legislation which ended segregated education for Poughkeepsie Blacks, enabled Gaius Bolin to

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[49] When he died in April, 1910, several organizations, including Ebenezer Baptist Church, the Household of Ruth, and Court of Calanthe, paid tribute to him. His funeral was held at is Clinton Street residence and presided over by a White Episcopal priest and a Black Baptist minister. Mabee, "Toussaint College," 26-32; Poughkeepsie Daily Eagle, 20 April 1910; April 21, 1910; New York Age, 28 April 1910, Dickerson, "First Black Graduate," Williams Alumni Review.

[50] Unlike his older brothers, George and Albert, who worked as hotel waiters, and an older sister, Cora, who labored as a domestic, Gaius demanded more and took the necessary steps to achieve it. Thomson, "51 Years a Lawyer"; Dickerson, "First Black Graduate."

[51] Thomson, "51 Years a Lawyer."

attend Poughkeepsie's public schools. Before attending the Poughkeepsie public schools he attended a Black church school privately run by Professor Livington.[52] Gaius Bolin was educated in the racially integrated public schools of Poughkeepsie, and graduated from high school on June 29, 1883, in a class of twenty-three.[53] He remembers it being a great honor to be a graduate of Poughkeepsie High School and the graduates "having no trouble obtaining the best jobs to be had in the mercantile world, the banks and as school teachers and in....the professions."[54] However, with all the prestige that his diploma bestowed, it was still necessary for him to study for two additional years in a private school to acquire more Latin and the full two years of Greek required for entrance into college. He therefore enrolled in, and in 1885 graduated from, Professor John R. Leslie's Select Classical School in Poughkeepsie.[55]

At the suggestion of his high school principal, Samuel W. Buck, who had graduated from Williams College, and with

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[52] Ibid.

[53] On his commencement day Bolin delivered an oration which inspired the Poughkeepsie Daily Eagle to comment on his intelligence and to say that his commencement performance demonstrated the desirability of integrated education. Dennis C. Dickerson, "Success Story....With a Difference," Williams Alumni Review, Fall 1979.

[54] He remembers the graduating exercises being a grand affair, it being held at the old Collingwood Opera House on Market Street in downtown Poughkeepsie. Thomson, "51 Years a Lawyer."

[55] Up to 1870 few New York State Blacks had attended college; few were adequately prepared academically; few had the necessary funds, and few colleges would admit them anyway. Black intellectual achievement was little reported in magazines, newspapers, or school texts, and thus was kept out of popular consciousness. Carleton Mabee, "Toussaint College: A Proposed Black College for New York State in the 1870s," Afro-Americans in New York Life and History, January 1977, 25-35.

the support of his parents, Bolin applied to Williams College, passed the entrance examination, and entered the freshman class of 1885.[56] In a 1909 letter to a college classmate Bolin paid special tribute to his parents "for the sacrifice they made to help me through Williams."[57]

In his study The College Bred Negro, W. E. B. DuBois reported that 2,331 Blacks had been graduated from the nation's colleges and universities between 1826 and 1899. The majority of these graduates had earned their baccalaureate degrees after 1865 from such Black institutions as Lincoln, Fisk, Wilberforce, and Howard. However, approximately 390 of these graduates or a full 16 percent had received their education at a variety of predominantly White colleges and universities including Amherst, Bowdoin, Yale, and Oberlin.[58]

In 1885 Williams College followed the precedent set by these institutions and admitted its first Black student when it admitted Gaius Charles Bolin.[59] He recalled having "four beautiful years" at Williams where he formed lasting

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[56] He was followed one year later by his brother Livingsworth Wilson, and in 1948 by his grandson (his son's child) Lionel. Bolin Papers; Dickerson, "First Black Graduate"; Thomson, "51 Years a Lawyer."

[57] Class of Eighty-Nine of Williams, Twentieth. . . Report, (Williamsiana), 12.

[58] W. E. Burghardt DuBois, ed., The College Bred Negro, Atlanta University Studies (Atlanta, 1900), 14, 29-30, 38-39; Dickerson, "The First Black Graduate."

[59] In the three years after Gaius's entrance two other Blacks, Bolin's brother Livingsworth Wilson Bolin of the Class of 1890, and George Lightfoot of the Class of 1891, became Williams undergraduates. These Williams alumni encouraged other Black students to matriculate at their alma mater. Ibid.

friendships with his White classmates.[60] To his classmates he was "Old Charlie Bole". Fifty years after he had left Williams he could still recall the names of the many classmates "who made a rendezvous" of his room, and "the glorious times" they had there.[61]

Upon graduation in June, 1889, Bolin returned to Poughkeepsie armed with his Bachelor of Arts degree, but no job. Poughkeepsie had integrated its public schools, but the vast majority of Blacks were still relegated to jobs as laborers, domestics, and janitors. For a year after his return to Poughkeepsie Bolin worked in his father's produce business. However, he never gave up his lifelong ambition to become a lawyer, and in 1890 Fred E. Ackerman, a local lawyer, gave him the opportunity to fulfill his ambition. He read the law with Ackerman for two years, passed the bar, and in 1892 was admitted to the General Term of the Supreme Court in Brooklyn, New York, to practice law. He also joined the Dutchess County Bar Association.[62] He became the first Black lawyer in Poughkeepsie. He continued to work with Ackerman for the next three years,

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[60] His experience at Williams was a far cry from his daughter Jane's experience at another New England institution. Her reminisces were of sad times and isolation. Like her, he did not live in the dormitory during his freshman year, but with a Black family until his brother Livingsworth enrolled the following year when they became roommates at 3 South College Hall. Ibid.; Fifty Years After: A Report of the Class of 1889, Williams College, 6-10.

[61] Fifty Years After: A Report of the Class of 1889, Williams College, 6-10.

[62] Dickerson, "First Black Graduate," 6.

gaining the necessary experience before establishing his own law practice in 1895.

He had only been in private practice for two years when an important biographical directory of prominent Dutchess County residents listed him as "a talented and enterprising young lawyer" who had gained a reputation for "fair dealing" and "devotion to the interests of his clients."[63] He served in the community for over half a century, and assumed the presidency of the Dutchess County Bar Association the year before his death in 1946. He was the first African American to be so honored. But his practice was more than work. It was his passion. He recalled in later years that "Nobody ever enjoyed making a living, either with his hands or his head, more than I've enjoyed practicing law in the city of Poughkeepsie."[64] Although he described his law practice, which was of a general nature, as "the usual experience of a country lawyer," it was anything but usual. He handled individual and corporate cases, of every stripe, many times working as co-counsel with white lawyers throughout Dutchess County. Moreover, his prominence in the Poughkeepsie community transcended race. And, although Blacks were included among his clients, the vast majority of his clients were Whites.[65]

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[63] Ibid., 7; Commemorative Biographical Record, 116-117.

[64] Thomson, "51 Years a Lawyer."

[65] Interview with Jean Rudd, Box 1, Bolin Papers; Dickerson, "First Black Graduate."

Merely utilizing the expertise of a Black lawyer did not absolve many of Bolin's White clients from racial prejudice. They had simply redrawn their circle of acceptability and made of Bolin an exception to their prejudicial assumptions, all the while maintaining their racial biases. Jane recalls going to a barber shop, after being turned away from the beauty parlor in one of the leading department stores in Poughkeepsie, to get her hair cut and being told that they did not cut "colored" people's hair. The woman who turned her away was a client of her father's. Not surprisingly the woman did not remain a client for very long. As Jane recalled, "I don't know after that incident with me how long he permitted her to be his client."[66]

Gaius Bolin never let professional pragmatism compromise his commitment to activism. He was an advocate "actively protesting racial prejudice and advancing the rights of Blacks."[67] When Vassar's President Henry Noble MacCracken told a "darkie joke" while addressing Anna Bolin's high school assembly in Poughkeepsie, Gaius Bolin wasted no time in denouncing the blatant disrespect for Poughkeepsie's black residents.[68] In 1931 he was one of seven Poughkeepsie residents who formed the local branch of

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[66] She had her hair cut at a third barbershop operated by an Italian immigrant, who spoke very little English. He continued to cut her hair for the remainder of her residence in Poughkeepsie. Interview with Rudd, 35, Box 1, Bolin Papers.

[67] Dickerson, "First Black Graduate," 9.

[68] Interview with Jean Rudd, 37; Dickerson, "First Black Graduate," 9.

the NAACP. He was also active county-wide in the NAACP; in 1932 he served on the executive committee of its Dutchess County branch. He was also very vocal against the discriminatory practices of the Poughkeepsie YMCA and YWCA, Poughkeepsie's employment discrimination in the public schools and other government agencies such as the post office and police agencies.[69] His negotiation through this labyrinth of racial custom and professional ethics, magnified as it was in this small predominantly white town, bespeaks the precarious position of early Black professionals whose practice was not confined to the Black community.

Gaius Bolin was a staunch supporter of New York Republican Governor Theodore Roosevelt,[70] who valued his loyalty.[71] In April 1899 Roosevelt appointed Bolin to the Board of Managers of the Pan American Exposition to be held

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[69] Ibid.

[70] He was active in local party politics and tried to protect Roosevelt's interests and warn him about his opponents. When party bosses proposed a resolution that strongly endorsed the reelection of William McKinley as president, but offered only mild support of Roosevelt's renomination as governor, Bolin informed the governor. He also apprised the governor of the underhanded dealings of these same party bosses who were attaching amendments to Poughkeepsie's new city charter, which would personally benefit the school superintendent but go against the wishes of the people of Poughkeepsie. He told the governor that "...the Hunter politicians are for these amendments, but the people are against them, and your honest friends here not only for the good of the city, but for your interest as well, hope and trust that you will not put your name to this bill..." Dickerson, "First Black Graduate," 8.

[71] In deference to Bolin's displeasure with amendments made to Poughkeepsie's new city Charter, the governor had the offensive parts removed at Bolin's request. Ibid.

in Buffalo in 1901.[72] Yet, he never used his own success to gauge Black progress. He understood his good fortune and the role benefactors played in his life. He, therefore, used his own success and visibility to bring attention and resolution to the plight of Blacks who were less politically connected. Gaius Bolin left an impressive legacy that remained a model for both his children and the larger community. When he died in April 1946, at the age of 81, a Poughkeepsie newspaper praised him for his devotion "to the Negro race." He was "fearless," said the article, "in advancing their cause and protecting their rights."[73] In his death, explained another newspaper, "the city loses a respected member of an old Poughkeepsie family and an outstanding citizen," who "can take with him a large share of credit for the progress that has been made, on the local scene."[74]

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[72] Gaius Bolin was particularly proud of the New York State Building whose construction the commission had authorized. Because of his service on the Board of Managers, the Buffalo Historical Society, which gained ownership of the state structure, made him an honorary life member. Ibid.

[73] Dickerson, "The First Black Graduate," 11.

[74] Untitled newspaper article without title or author. Clipping File, Box 3, Bolin Papers.

Chapter 2

On Her Own: The Years at Wellesley and Yale

> "Outside the Brotherhood [sisterhood] we were outside history; but inside of it they didn't see us."[75]

The Bolin's prominence and community leadership had spanned several generations, and Jane Matilda Bolin was poised to carry the torch. Her prominence and leadership as a citizen and as a professional was therefore no real surprise to anyone who knew the Bolin family legacy. She was primed for success at home and at school, although the lessons were not the same.

At home there were always books and newspapers from which to choose. Her father subscribed to two Poughkeepsie newspapers, "the morning paper and the evening paper and the New York City paper - the New York Herald Tribune." He also subscribed to the Crisis of the NAACP, the Chicago Defender, the Pittsburgh Courier, and the Baltimore Afro-American.[76]

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[75] Ralph Ellison, Invisible Man (Vintage International, 1952), 402.

[76] Interview with Rudd, Box 1, Bolin Papers. The Chicago Defender founded by Robert Abbott in 1905 became in 1956 the 52nd Black newspaper to become a daily. With its published letters, news, and employment ads, the Defender was largely responsible for the "Great Northern Drive" of southern Black people. The Pittsburgh Courier, first published in 1910, was headed by Robert Lee Vann who guided the paper to a commanding position in the 1930s. Some of the highlights of its record include the launching of a self-respect program tied in with the protest against the racial caricatures in the "Amos 'n' Andy" radio show, and an all-out campaign to give Blacks fuller recognition in the armed forces. The Baltimore Afro-American was born in 1892 out of the union of three small church organs: the Ledger, a church and community newspaper run by Dr. George Bragg, pastor of Baltimore's St. James

She loved to read, and was encouraged to do so from an early age. There were no children in the new neighborhood to which they had moved, so she spent the bulk of her time reading and studying. Before she was old enough to attend school her sister would borrow books from the library for her to read. "I can remember learning how to read before I even went to school," she recalled in an interview.[77] "[S]he [her mother] used to ask me to read the newspaper to her. And I remember she would tell me to read just the headlines or she would tell me whether she wanted me to read the whole article."[78] Her mother had a prolonged illness and died when Jane was just eight, but the time they spent together, and the memories they created, were obviously a source of great strength for her as she grew. She felt pampered as a child, one who could always get her way. This self-determination was nurtured by her family, particularly her father, and would empower her in the face of discouragement later in life. As she explains, "I suppose I carried that over to the outside that I, you know, always wanted my way so even though people tried to

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Episcopal Church, The Sunday School Helper, started by John H. Murphy, Sunday school superintendent a the St. John A.M.E. Church, as a vehicle for uniting state Sunday schools, and the Afro-American, published by the Reverend William Alexander, pastor of Sharon Baptist Church, to advertise his church and community enterprises. See generally, Armistead Pride and Clint Wilson, A History of the Black Press (Washington, D.C.: Howard University Press, 1997.)

[77] Interview with Jean Rudd, 2.

[78] Ibid., 3.

discourage me from going into the law, I was just determined to go because that's what I wanted."[79]

As a young girl Jane had always enjoyed the stimulating conversations that filled her home, and sometimes entered into the debates surrounding the "Negro Question." At the height of the intense debate over liberal arts education versus industrial education, which came to focus on W. E. B. DuBois and Booker T. Washington with their divergent ideologies, it was quite clear to the young Jane just which side of the educational divide her family stood.[80] "I shall never forget," she later recalled, "that he [father] reminded me that it was W. E. B. DuBois and not Booker T. Washington we had admired in our home and that I was never to hesitate to try to achieve any ambition because of my color."[81]

She attended the Kindergarten Morse School before entering the Poughkeepsie Public School system, where she was an honor student. With great pride, she professes, "I was an 'A' student all the way through high school - used to be on the A honor roll, which was published in the

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[79] Interview with Rudd, 73, emphasis mine.

[80] Washington, founder and principal of Tuskegee Institute, was the foremost advocate of industrial education, while DuBois, who was educated at Fisk and Harvard, and who taught at Atlanta Univeristy, advocated higher education for the so-called "talented tenth" of the race. Willard Gatewood, Aristocrats of Color: The Black Elite, 1880-1920 (Bloomington: Indiana University Press, 1990), 266.

[81] Speech presented in honor of the pioneer role of Dr. W. E. B. DuBois by Schomburg Center, in "Speeches" Folder, Box 3, Bolin Papers, Schomburg Center, New York City Public Library.

Poughkeepsie newspapers every month."[82] School was a mile away from her home, and since there was no school lunch program at the time, she went home for lunch.[83] She therefore walked four miles, a mile each way, to and from school every day. Her fox terrier, Prince made the trip with her each way. As she remembers, "He was the talk of the neighborhood because he walked me to school every day...And at quarter of 12 when we got out of school, he was there to meet me. He'd go back home, and somehow knew when I was supposed to come out of school again because at 3 o'clock he was back at school waiting for me."[84]

She graduated with an Academic Diploma in Classical subjects from Poughkeepsie High School in 1924. In high school she loved Latin and English, but her dearest memory of high school was her English teacher, Lucy E. Jackson. Mrs. Jackson shared her personal collection of books with Jane, and suggested books for her to read from her father's library. Sadly, she recalled that "all the education I had, she was my only beloved teacher."[85] Her Poughkeepsie high school diploma earned her admission to Wellesley College a generation after her father's was deemed inadequate for admission to Williams College. There was no question in Jane's, or her family's mind that she would be

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[82] Interview with Rudd, 4.

[83] Her father got his first car in 1920, but as she remembers, he never learned to drive. It is very likely that he had a driver. She did not learn to drive until she was sixteen. Interview with Rudd, 37.

[84] Interview with Rudd, 4.

[85] Ibid.

attending college. She was, after all, the youngest in this professional household where education was celebrated. Her brother, Gaius Charles Junior had by then begun his studies at New York Law School, and was positioned to practice law with their father in Poughkeepsie. Her two older sisters had completed high school. Ivy had become a teacher, and Anna had gotten married.

She chose Wellesley College in Massachusetts over Vassar College, which was two blocks from her home, for what she considered obvious reasons; "One because it was near home and the president was a Southerner."[86] President McCracken had years before told a "darkie" joke at her sister's school assembly. Her father had written a scathing letter to McCracken which was never acknowledged. She felt that she could not in good conscience be affiliated with the institution. But even if she could, the reality was that Vassar did not admit African Americans. She always expected to attend college, and had sent away for catalogues from several women's colleges. She then decided that Wellesley was for her and applied to only Wellesley. She was accepted, and at "sixteen years old, sensitive and idealistic, first time away from the family, one of two Black freshmen who were the first Black students for some years - this was I in 1924."[87]

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[86] Interview with Rudd, 42.

[87] "Wellesley in My Life," in Wellesley After-Images, Box 1, Bolin Papers.

Founded in the nineteenth century by Henry Fowle Durant, Wellesley was one of the few colleges, which responded to the need for improved education for women; "education for more than carrying out housewifely duties."[88] Durant believed that if given a chance, "women can do the work."[89] Jane agreed, as did her father who supported her decision to matriculate at Wellesley. Her father and brother drove her to Wellesley, and she remembers how difficult it was when they left. She recalls, "I can remember when my father was leaving how I clung to him and cried. I just couldn't imagine being without him. He also had tears in his eyes."[90]

This bond between Jane and her father is somewhat typical of fathers and daughters. Yet, the same cannot be said for his relationship with his other two daughters who were twelve and seventeen at the time of their mother's

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[88] Oberlin College, in 1833, was the first institution of higher education to admit all students regardless of race or sex. Although, women here took a shortened literary course in accordance with the belief that their minds could not assimilate the same fare as men's and the belief that their education better prepared them for intelligent motherhood. In 1837, with the founding of Mount Holyoke, the concept of improved education for women took hold, and later developments in the nineteenth century saw the opening of Vassar (1865), Smith and Wellesley (1875) and Radcliffe in 1979. Henry Fowle Durant, the founder of Wellesley was committed to the Christian education of women, but claimed that "the real meaning of the Higher Education of Women" was "revolt." See Helen Lefkowitz Horowitz, Alma Mater: Design and Experience in the Women's Colleges from Their Nineteen-Century Beginnings to the 1930s (Amherst: University of Massachusetts Press, 1984), especially chapter 3; also, D. Kelly Weisberg, "Barred From the Bar: Women and Legal Education in the United States, 1870-1890," in D. Kelly Weisberg, ed., Women and the Law: A Social Historical Perspective, Volume II (Massachusetts: Schenkman, 1982), 246-248.

[89] Writings Folder, Box 3, Bolin Papers.

[90] Interview with Rudd, 6.

death. This might suggest an existing bond with their mother that could not be replaced by their father after her death. The eldest daughter, Anna, eloped while still quite young, much to her father's disappointment. He apparently disapproved of the man she married. According to Jane, he was not wrong in his assessment, for the man never took care of Anna or their son, who grew up with the Bolins after Anna died when the boy was still quite young.[91]

Ivy, whom, Jane describes as having a different personality than hers, was very independent, and much more defiant as a daughter. Jane remembers that their father did not approve of them using cosmetics. "Apparently he thought that decent women--girls--didn't use cosmetics."[92] However, Ivy did not share their father's sentiments, and would sneak around and put on face powder and lipstick. But, according to Jane, "She didn't get out of the house fast enough one day on her way back to school and he saw her with the powder and the lipstick on and he made her come in the house and wash her face."[93]

While in college, she, like all other students, had to get permission from a parent for two people to act as chaperones in their absence. Jane did not know anyone in Boston, so when two nice ladies came from Boston to visit her after hearing that she was there alone away from

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[91] Anna's son died of cancer when he was sixteen. Interview with Rudd, 40-41.

[92] Interview with Rudd, 40.

[93] Interview with Rudd, 40-41.

family, she immediately asked the ladies if they would be her chaperones and they accepted. She then sent their names to her father and asked him to approve these ladies with the college Dean as chaperones for her in case she wanted to go to Boston, which was 16 miles away from Wellesley. Her father's response was curt. She recalls, "My father wrote me a letter telling me that he did not send me to college for a social life, he sent me to college to study, and he did not approve of these chaperones."[94] It is interesting that although she subsequently wrote "a whining letter" to her sister Ivy who said, "go anyway, go anyplace you want anyway....You're a big girl now," she could not bring herself to defy her father.[95] She was far away from home and from her father, but his rules and sense of what was right and appropriate still guided her decisions. So, she never went into Boston for any parties or any social life or even to go to the symphony until her sophomore year, at which time the students were not required to have chaperones.[96]

She remembers her college years at Wellesley being sad ones where she was essentially ignored outside of the classroom. As a woman she was welcomed to be part of the academic life of Wellesley, but as an African American she was often excluded from its social life. "I felt largely

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[94] Ibid.
[95] Ibid.
[96] Ibid.

ignored," she said, "although I had an excellent education, I felt ignored socially."[97] Historian Evelyn Brooks Higginbotham reminds us that "in societies where racial demarcation is endemic to their sociocultural fabric and heritage - to their laws and economy, to their institutionalized structures and discourses, and to their epistemologies and everyday customs - gender identity is inextricably linked to and even determined by racial identity."[98] There was one other African American student who entered when she did. They were the first two African Americans to have entered Wellesley in several years. "And, of course, typically, they put us in the same room," but as she recalls, they did not like each other very much so after the first year they each moved to separate dormitories.[99]

Wellesley may have cheated her of the social component so important to a student's college experience. But, she found fulfillment with other students from Harvard, Dartmouth, Amherst and Williams who would all go to Boston for parties.[100] Wellesley was committed in theory to the education of women, but "racial demarcation" was clearly endemic to its sociocultural fabric (community of women)

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[97] Wellesley Image; Interview with Rudd, 6.

[98] Evelyn Brooks Higginbotham, "African-American Women's History and the Metalanguage of Race." Signs 17, no. 2 (Winter 1992), 255.

[99] By her junior year at Wellesley, there were two African American transferees, but no incoming freshmen for the four years she was there. Interview with Rudd; Wellesley Images.

[100] Interview with Rudd, 6.

which did not fully embrace Black women. Ingrained race prejudice preempted possible unity among women. Bolin's experience evinces a huge gap between the rhetoric and reality of Wellesley's commitment to equality. This calls to mind the situation at one of the schools in Dutchess County which did not accept Black students for fear of insulting the sensibilities of their southern students.[101]

Jane Bolin was an honor student, yet she was rejected for membership in student groups. They slipped an unsigned notice surreptitiously under her door during the night. Even the most routine activity of taking meals was problematic. Students were apparently assigned to tables at dinner but at all other meals they sat anywhere, provided a table was filled before another table was started. As she remembers, if she or her roommate were sitting at an unfilled table, "the Southern students would come in the dining room, see this and ostentatiously walk out and stand outside the door peeking in until our table was filled."[102]

Bolin was unruffled by these petty slights, but was shocked by the fact that "no one in authority, though

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[101] Discussed in Chapter 1. Moving with the winds of change many northern schools embraced the idea of opening their doors to Black students (however few), but these same schools apparently did not take any initiative in creating a truly inclusive environment. The concern appears to be more with the courtesy for the custom of their southern students, rather than compliance with their school charter. Mabee, "Toussaint College."

[102] Wellesley in My Life, Box 1, Bolin Papers.

observing this, interceded in any way."[103] Those in authority were no less guilty of discriminatory behavior. A French teacher had apparently asked another Black student to play the role of an "Aunt Jemina" type figure, bandanna and all, in a charity fundraising skit at the college. The stereotypical image of Aunt Jemina depicts the Black woman in perpetual servility. And as passive, longsuffering, and submissive, Aunt Jemina (like Mammy before her) came to symbolize for whites a prototype of "acceptable black womanhood."[104] Unable to discern any positive academic, literary or political value in the French teacher's request, Bolin went to the French teacher and "remonstrated vociferously" on her classmate's behalf.[105] This resulted in the withdrawal of the request for an Aunt Jemina character. But, as Bolin later recalled, it was impossible to withdraw the deep feelings of hurt brought on by such "insensitive protestations and wondrous lack of understanding by a teacher of young people."[106] Such

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[103] Ibid.

[104] Mammy became a national symbol of perfect domesticity, immortalized by Hollywood, at the very time that millions of black women were leaving the cotton fields of the South in search of employment in Northern urban areas. Deborah Gray White, Ar'n't I a Woman?: Female Slaves in the Plantation South (New York: W. W. Norton & Company, 1985), 165. See also, bell hooks, Ain't I A Woman: Black Women and Feminism (Boston, Massachusetts: South End Press, 1992), 83-85; Cheryl Thurber aptly points out that such myths offered a way of praising the past and dealing with a younger generation of blacks that was viewed as "uppity." See, Cheryl Thurber, "The Development of the Mammy Image and Mythology," in Virginia Bernhard, et al, eds., Southern Women: Histories and Identities (Columbia, Missouri: University of Missouri Press, 1992), 108.

[105] Wellesley in My Life, Box 1, Bolin Papers.

[106] Ibid.

responsibility characterized who she was. She had refused to celebrate, thereby challenging, a false construction of Black womanhood as she had come to know it. This episode resonates with, what White sees as "the black woman's perennial concern with image, a justifiable concern born of centuries of vilification."[107]

Bolin should not have been surprised at Wellesley's indifference on the occasion of her 1939 judicial appointment, but she was. Her judicial appointment was given wide publicity. With the publicity of her appointment letters and telegrams came by the hundreds from people, mostly strangers, from all over the world, including her law school, high school and even grade school teachers. Yet, "not a single note from teacher, president, dean, house mother or anyone....who was at Wellesley during my four years."[108] In 1974, she accepted an invitation to submit a memoir for Wellesley's Centennial. Almost a half century had passed since she graduated from Wellesley. Yet she was "saddened and maddened" to recall many of her Wellesley experiences. But, she did. The result was a scathing account of the racism she felt was "part of Wellesley's history," that "should be recorded fully, if only as a benighted pattern to which determinedly it will never return."[109] It took this painful exposure (turning

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[107] White, Ar'n't I a Woman, 165.

[108] Wellesley in My Life, Box 1, Bolin Papers.

[109] Ironically, today Wellesley boasts an impressively large population of Black women which engenders a forum for debates about the limitation

her insides out) to prick the conscience of one of those "in authority" who had sat idly by while Jane endured the misery that was her college years at Wellesley. Louise Overacker, a former professor of hers at Wellesley, wrote, "what I never suspected were the slights to which you were subjected and the loneliness that lay beneath that composed, self-reliant exterior."[110]

What this white woman never suspected was the degree to which Bolin's "composed, self-reliant exterior" was just that - an exterior - consciously constructed by Bolin to protect her vulnerability. Further, had her professor been more aware of the only two Black students in her class, she might have understood why in the intervening years Bolin never accepted invitations to return to Wellesley. Darlene Clark Hine suggests that because of racial animosity "black women as a rule developed a politics of silence and adhered to a cult of secrecy, a culture of dissemblance, to protect the sanctity of the inner aspects of their lives."[111]

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of the sisterhood of women. She was so intent on her words remaining intact that on several occasions she informed the editor that she would not approve anything other than her complete submission, (the editors were apparently concerned with space and wanted to edit/shorten her essay.) Ibid.

[110] Louise Overacker to Jane Bolin, 10 September 1974, Box 1, Bolin Papers.

[111] The dynamics of dissemblance involved creating the appearance of disclosure or openness about themselves and their feelings, while actually remaining enigmatic. The development of the culture of dissemblance may have been influenced by rape and the threat of rape, but as Hine suggests, and as Bolin demonstrated, dissemblance certainly facilitated mental survival in a hostile environment. Darlene Clark Hine, "Rape and the Inner Lives of Southern Black Women: Thoughts on the Culture of Dissemblance," in Virginia Bernhard, Betty Brandon, Elizabeth Fox-Genovese and Theda Perdue, ed., Southern Women: Histories and Identities (Columbia: University of Missouri Press, 1992), 182-183.

Personal experience had taught Bolin that at Wellesley there was no sisterhood upon which she, as a Black woman, could depend. She therefore constructed a veneer solid enough to withstand the onslaught on her identity as a Black woman.

Bolin had borne a burden borne by many other black students, male and female, attending white institutions at the turn of the twentieth century. The weight of that burden is only surpassed by the frequency of its occurrence. For William Hastie, eminent legal scholar and "unsung hero of the civil rights revolution," superior performance and a winning personality did not preclude bigoted inconsideration and social ostracism at Amherst.[112] Hastie was president of Phi Beta Kappa, valedictorian of the Amherst class of 1925, and star track athlete who ran everything from a ten-second 100-yard dash up to the half mile event. His competence in mathematics and physics so far outdistanced his classmates that often times he was the only student discussing such topics as Einstein and the theory of functions with his professor. Despite his excellence of mind, "innate gentility and impeccable manners" he was snubbed by the fraternities at Amherst.[113] In Jonathan Rusch's estimation, "Hastie's only discernible shortcoming, in fact, was that he was Black."[114] In his

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112 Jonathan J. Rusch, "William H. Hastie and the Vindication of Civil Rights," Howard Law Journal 21 (1978): 750-757.
113 Ibid.
114 Ibid., 314.

study of the Black elite, Willard Gatewood observes that even at Oberlin College, with its celebrated role in the Abolition movement and "probably the alma mater of more aristocrats of color than any other white institution," black students were never treated the same as whites. He concedes, however, that the atmosphere was probably freer of prejudice than at virtually any other predominantly white institution in the country.[115] The real significance of many of these white institutions may well be that they traded in a void created by the historical indifference to racial inequality.

Wellesley was founded on the very noble principle of equality and a dream to cultivate an environment where women could pursue their goals without restriction. Yet, within a half-century of its founding the principle was being eroded in an environment tarnished by the glare of social segregation. Bolin's problems at Wellesley went well beyond the social constraints of campus life.

Bolin admits to being a very religious child while growing up in Poughkeepsie. She and her brother and sisters went to Sunday school at St. Paul's Episcopal Church, although she was the only one who was baptized and confirmed. Her brother and sisters, according to her, didn't care to be confirmed in the religion.[116] She admits to being an observant Episcopalian until she went to

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115 Gatewood, Aristocrats of Color, 251, 268.

116 Interview with Rudd, 29.

Wellesley and followed her practice of attending early morning communion. One morning while she knelt at the communion rail waiting to partake in communion the priest bypassed her while serving the wafer. When she did not excuse herself from the ritual, she remembers the priest making a big production of wiping all around the rim of the silver chalice for several seconds with his napkin, clearly in an attempt to indulge the other communicants. That marked the end of her church attendance, not only while she was in college, but for the rest of her life. "If that was Christianity," she thought, "the practice of Christianity, it was not for me."[117]

Wellesley provided her with a lifetime of discouraging experiences, but she regards the following experience "the sharpest and ugliest memory" of her Wellesley days. In her senior year during a mandatory conference with her guidance counselor, she was asked about her post-graduation plans. When she informed her guidance counselor of her intention to study law, she remembers the counselor throwing up her hands in disbelief and telling her that there was little opportunity for women in law and absolutely none for a "colored" one, and surely she should consider teaching.[118] Despite the counselor's obvious presumption, her response arguably betrays an element of reason. Teaching was

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[117] Interview with Rudd, 29.

[118] "Speech presented in honor of the pioneer role of Dr. W. E. B. Du Bois by Schomburg Center," Box 3, Bolin Papers; Wellesley in My Life.

virtually the only profession open to Black women well into the twentieth century. Black women who sought a college education were often motivated by the serious need for teachers in the black communities. They were also motivated by their desire to avoid domestic service which was their most frequent alternative. However, inasmuch as teaching was considered the vocational choice for Black women, many Black women's college education took them far afield into unchartered professions.[119]

Eva Bowles, the first Black woman on the staff of the Young Women's Christian Association (YWCA) wrote in 1923 in the Opportunity that "Altho most of the 30,074 Negro women in the professional world are teachers, there is an ever increasing group entering the world of law, medicine, nursing and business."[120] In 1910 there were only two Black women lawyers. It was indeed a very bleak picture for Black women wanting to enter the legal profession, a picture that did not change much by the 1940s when there were only fifty-seven Black women lawyers in the entire United States.[121] In 1872, Charlotte E. Ray was the

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[119] Jeanne Noble, "The Higher Education of Black Women in the Twentieth Century," in John Mack Faragher and Florence Howe, eds., Women and Higher Education in American History (New York: W. W. Norton, 1988), 87-106. See also, Hine, Black Women in White: Racial Conflict and Cooperation in the Nursing Profession, 1890-1950 (Bloomington: Indiana University Press, 1989) and Stephanie Shaw, What a Woman Ought To Do and Be: Black Professional Women Workers During the Jim Crow Era (Chicago: The University of Chicago Press, 1996.)

[120] As quoted in Gerda Lerner, ed., Black Women in White America: A Documentary History (New York: Vintage Books, 1973), 332. In 1910 there were two women lawyers, probably Charlotte Ray, and Mary Ann Shadd, both of whom graduated in the 1872 and 1883.

[121] Morello, The Invisible Bar, 194-210.

country's first and only Black woman lawyer. One author said of Ray: "Her special endowments make her one of the best lawyers on corporations in the country; her eloquence is commendable for her sex in the courtroom, and her legal advice is authoritative."[122] As a result of prejudice, however, she was unable to obtain sufficient legal business, and was forced to relinquish her practice in the District of Columbia for a teaching position the very year she was admitted to practice law.[123]

Such was the reality which may have informed the counsellor's query of Bolin's ambitions for a career in law. But her blatant discouragement indulged rather than challenged the nature and existence of the institutional order of things. For the young Bolin, however, this was a limitation she would not accept. Using her father's prominence as a point of reference, she informed her counsellor that she expected the same future that any other aspiring lawyer might. Growing up in a professional household had clearly influenced her construction of what her reality was supposed to be. Willard Gatewood's study of the Black elite suggests a demonstrated continuity in educational achievement among upper-class Blacks. He maintains that "a considerable correlation existed between upper-class status and educational achievement in the black

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[122] As quoted in Morello, The Invisible Bar, 146.

[123] Dewaran M. Johnson, "The Contribution of Black Women to America," in Marianna W. Davis, ed., The Contributions of Black Women to America, Vol. I (Columbia, South Carolina: Kenday Press, 1982), 431.

community in the forty years following Reconstruction, as it did in previous generations" essentially because literate Blacks reinforced their claims to positions at the top of the class structure by "perpetuating traditions of educational achievement."[124]

Bolin's insistence on a career in law, as opposed to one in teaching, articulates her own re-configuring of the Black woman's public space. It also calls attention to the multiformity of Black women's consciousness--for at the turn of the century not all Black women aspired to be teachers, and not all Black women became teachers. She dared to transgress the script of Black woman's professional space at the turn of the century, not because of an indifference to a mission of "racial uplift," but precisely because of it.[125] She confirmed this in 1937 at

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[124] We should not be too eager to accept, as is implied, that class mobility was somehow the impetus for educational achievement in the Black community. The issue of education for Blacks in the decades after Reconstruction and the period before had much to do with "upliftment" of course, but not so much individual uplift as race or community uplift. The complexity of the pursuit of education within the Black community, therefore, cannot be sidestepped for the facility of a simple class analysis more suited to the white middle-class model. The fact that an overwhelming number of Black leaders came from the "learned" class does not in and of itself suggest that education was pursued to secure leadership status within the Black community. Leadership within the Black community was not limited to teachers, lawyers and ministers, but also included farmers, laborers, and washerwomen. Gatewood, Aristocrats of Color, 268. See Stephanie Shaw, What A Woman Ought to Do and Be; Kevin Gaines, Uplifting the Race: Black Leadership, Politics, and Culture in the Twentieth Century (Chapel Hill: University of North Carolina Press, 1996.)

[125] "Race Uplift" took on an additional obligation for black college women; they were to advance the educational goals of the race by teaching the young and also "lift up" the moral character of the race by demonstrating sexual virtue. The implication being that teaching was the only acceptable way for Black women to enter the public arena and still somehow maintain their virtue. See, Jeanne Noble, "The

her appointment to the Office of the Corporation Counsel of New York Law Department when she said "My main interest has always been the uplift of our race."[126]

It may have been more acceptable to Gaius Bolin had his daughter pursued a career in teaching. When she told him that she was accepted to Yale, she remembers that he was quiet for a minute or so, then he said, "I always thought you were going to be a school teacher. I don't like you becoming a lawyer because lawyers have to hear such dirty things sometimes and a woman shouldn't have to hear some of the things a lawyer hears."[127] He believed that lawyers had to deal with the most unpleasant and sometimes the grossest kind of human behavior; he thought the law too indelicate a profession for a woman.[128] He clearly subscribed to the belief that teaching was the only acceptable way for Black women to enter the public arena and still somehow maintain their virtue.[129] However, as a

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Higher Education of Black Women in the Twentieth Century," in John Mack Faragher and Florence Howe, eds., Women and Higher Education in American History (New York: W. W. Norton, 1988), 91.

[126] As quoted in J. Clay Smith, Jr., Emancipation: The Making of the Black Lawyer 1844-1944 (Philadelphia: University of Pennsylvania Press, 1993), 405.

[127] Interview with Rudd, 34.

[128] "Speeches" folder, Box 3, Bolin Papers.

[129] Gaius Bolin's less-than-progressive point of view reflected the sentiment of many men and of many of the nation's law schools, and was not unlike that held half a century earlier by Justice Bradley in the infamous Bradwell case of 1872. In his concurring opinion on Myra Bradwell's argument that the Fourteenth Amendment prohibited a state from classifying her as unfit to practice law simply because she was female, Justice Bradley reasoned that "the natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life." The law was such an occupation which the court characterized as "requiring highly special qualifications and demanding special responsibilities," and therefore

father he supported his daughter for whom he had been a major influence.[130] The fact is, he was terribly incensed when his daughter told him of the guidance counsellor's discouraging remarks. Bolin remembered that "After disposing of the vocational guidance counsellor with a few forceful words concerning the desirability of her residence in a warmer place than Massachusetts," her father reminded her that he still did not approve of women lawyers, but told her that if she was sure she wanted to be a lawyer she should make application to the finest law school that admitted women.[131] Unbeknownst to him she had already applied to the school of her choice.

She selected Yale, because as she recalls, Yale and Columbia were the only law schools at the time accepting women, and she did not want to go to school in New York City.[132] She had taken a trip down to Yale one day from Wellesley to be interviewed, and planned to tell her father only after she was accepted. "I didn't dare tell my father," she recalls, "because I knew he wouldn't approve."

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beyond a woman's capacity. See Noble, "The Higher Education of Black Woman," in Faragher and Howe ed., Women and Higher Education in American History, 87-106; Bradwell v. Illinois, 16 Wall. 130 (U.S. 1872).

[130] She remembers spending lots of time in her father's office. "I can remember," she says that from the time I was young tough, I used to go to his office sometimes, that I wanted to be a lawyer." Interview with Rudd, 72.

[131] "Speech in honor of DuBois," Box 3, Bolin Papers.

[132] It is clear that she meant "the only law schools within the metropolitan area" accepting women. By 1928 there were other mid-western schools like University of Michigan Law School accepting women, and of course Howard Law School. Her choice of words is telling; she "selected" Yale, which implies that she was already cognizant of her qualification.

Clearly Gaius Bolin's notions about a woman's career choice took on a different meaning when it involved his daughter. He had always impressed upon her never to hesitate to try to achieve her ambitions. He may not have approved of her career choice, but he did nothing to discourage her. On the contrary, he did everything to support her decision, and reminded her that as long as he was paying for her education she was going to get the best education available.[133] Jane took this opportunity to inform him of her acceptance to Yale, and just as he had always done he financed her education.

In 1928 Bolin entered Yale Law School. It was exactly ten years after the University Corporation at Yale had voted to admit women for legal education.[134] There were three women in her class, and one in the third year class. Of the four women altogether she was the only African American. The other women were White. The fact that Yale admitted women did not mean that they were accepted in its

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[133] Some women were not as fortunate as Bolin. Dr. May Edward Chinn, born in 1896, was the only woman doctor in Harlem for fifty years. She recalled that her father was deeply embarrassed by her educational pursuits and not only discouraged her but provided no financial support. Her father believed a woman's role was in the home, and that "A girl that went to college became a queer woman." See Linda M. Perkins, "The Education of Black Women in the Nineteenth Century," in John Mack Faragher and Florence Howe, eds., Women in Higher Education in American History (New York: W. W. Norton, 1988), 83-84.

[134] Justice Sandra D. O'Connor recalls that when she graduated from Stanford University Law School in 1952, the women in her class could be counted on one hand, and job opportunities were slim. By 1985, however, women accounted for more than one third of the average law school graduating class, and in some schools comprised over half of the student body. Justice Sandra D. O'Connor, "Introduction: Achievements of Women in the Legal Profession," New York State Bar Journal, October, 1985.

community. As Morello points out, no matter when the change occurred to accept women, those women who were determined to get an Ivy League education inevitably faced long periods of resistance, resentment, and grudging accommodation.[135] J. Clay Smith observes that the experiences of early Black law graduates of Yale remain a mystery.[136] Although Bolin does not detail her experiences at Yale, one account makes it reasonable to infer that her experiences at Yale were somewhat reminiscent of her experiences at Wellesley. In an interview, she recalled that "a few Southerners" at the law school had taken pleasure in letting the swinging classroom doors hit her in the face.[137] This affront was sufficiently cruel that many years later when one of these "Southerners" became active in the American Bar Association and invited her to appear before the association's group in Texas, she declined without hesitation.[138]

When asked in an interview whether she was paid any attention because she was the first African American woman student, she wondered by whom? No one paid her any

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[135] Before Yale Law School voted to admit women, a white woman, Alice Jordan, managed to take advantage of a loophole in Yale's policy and negotiated her admission in 1885. It appears that the men who had drafted Yale's catalogue had not anticipated a woman applicant, and therefore were not specific about those excluded. However, subsequent to "the Jordan incident" their policy of exclusion became unambiguous as to sex. See Morello, Invisible Bar, 90-92, 106.

[136] Smith, Emancipation, 37.

[137] David Margolick, "In Retrospect, Father Didn't Know Best in the Case of a Daughter With a Habit of Making History," The New York Times, May 14, 1993.

[138] Ibid.

attention to the best of her recollection.[139] She remembers the disregard exhibited by her professors at Yale. In particular, she remembers that one professor, to whom she refers as "one of the southern professors," would never acknowledge her whether he saw her on the streets, inside the building or outside the building. Then one morning, while talking with Dean Charles Clark in the hallway he did as he always done. He ignored her when she said "good-morning." However, on that particular morning the professor was made to acknowledge her when the dean asked him if he had heard Miss Bolin say good morning. "And the professor," she recalls, "sotto voce mentioned, mumbled "good morning."[140]

Smith finds Yale's admission policy to have been quite favorable to Blacks. In 1878 Yale admitted its first Black law student, Edwin Archer Randolph, and in 1910 it admitted the first Black deaf mute law student, Roger Demosthenes O'Kelly. Smith states that in 1915 when Nathan B. Young, another Black law student, entered Yale there were two other Black law students enrolled and not "much prejudice." The fact that Nathan Young was elected to the debating club evidenced a climate of "not much prejudice" in Smith's

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[139] The university had no dormitories for women at that time because there were so few women law students. So they all had to live in private homes. She remembers the law school being very small at that time and there being many southern students and southern professors. She remembers having two southern professors during her three years at Yale, neither of whom ever called on her in class. Interview with Rudd, 7.

[140] Interview with Rudd, 24-25.

opinion.[141] A clear understanding of the degree of prejudice exhibited at an institution cannot be gleaned from simply noting the membership of a single Black student in the debating club or any other club. Evidence of "firsts" suggests an unraveling of one form of prejudice. Yet it does very little to enlighten about the real climate and gender dynamics of prejudice.

Bolin was the first African American woman at Wellesley and Yale. Yet her experiences speak volumes of the climate of prejudice at these institutions which had admitted her. The fact is that Howard University assumed the major responsibility for training a significant percentage of Black lawyers during an era of tokenism in the north and complete exclusion in the South. Howard's Law Department was established in 1869 and named after General Oliver Howard, head of the Freedman's Bureau and first president of the university. African Americans found it almost impossible to obtain a law school education at a time when a law school education had become mandatory for the practice of law.[142] Law school training for the

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[141] Nathan Young was the first Black law student elected to such a position. This phenomenon of single Blacks excelling during periods of segregation needs analysis that gets to the psychology of inclusion within communities of men and communities of women, and how they differ. In addition, evidence of "first" does little to enhance our understanding of the numbers of others who were excluded; or maybe in a perverted way it does. For every Black person admitted to a northern institution, there were literally hundreds with equal ability who were denied a legal education. Smith, Emancipation, 37.

[142] During the 1890s, the law school replaced the law office as the primary locus of legal training; as such, practitioners lost direct control over admission to the profession. Wayne Hobson, The American

practice of the law became the rule by the end of the nineteenth century with the emergence of the "Harvard Model" of legal education. The "Harvard Model" of legal education required the traditional three-year course of study instead of the earlier one-year course of study.[143] By the turn of the century law schools were endowed with the primary responsibility for training lawyers. According to Morello, law schools at this time were also allying themselves with prestigious law firms and bar leaders.[144] As such, it was not enough for aspiring lawyers to only attend law schools, because quite often where they went determined the advantages they would have.

Sociologist Cynthia Fuchs Epstein contends that so long as women were not part of the educational elite their chances of being Brahmins of the legal profession were that much diminished. She observes that "restrictions or quotas on their entrance meant that channels to the larger firms served by Columbia, Yale and Harvard were cut off, and channels to the other firms that comprised the country's principal legal community and to posts in government and leading corporations were also severely limited."[145] In

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Legal Profession and the Organizational Society, 1890-1930 (New York: Garland Publishing, Inc., 1986), 104-106.

[143] Cynthia Fuchs Epstein, Women in Law (New York: Basic Books, 1981), 49. See also, Morello, Invisible Bar, 89.

[144] Morello, Invisible Bar, 89.

[145] Epstein is as guilty as many other scholars who speak broadly in terms of "women" without regard for the multi-positionality of Black women. Clearly the fact that Bolin had attended an Ivy League law school did not do much to open those top jobs of which Epstein speaks.

1928 when Jane Bolin entered Yale law school she was one of three women, and the only African American. Bolin was part of the educational elite. She had taken the path from Wellesley College to Yale law school becoming Yale's first Black woman graduate in 1931. She had survived an atmosphere of biased professors and resentful students who may have hoped that they could make it impossible for her to continue. But according to Morello, "their behavior had the opposite effect--it toughened women students and taught them how to survive the hostile environments they would find in government and industry."[146]

For Bolin, being part of the educational elite was not the passport it had been for white men and many white women. Beverly Blair Cook observes that the connection between graduation from an elite law school and an invitation to join a prestigious law firm is not as close for women as for men. She finds that even today women who have the necessary credentials are not recruited as seriously as men.[147]

For most lawyers, graduating from a prestigious law school at the top of their class meant being swooped up by any one of the major law firms. Not so for Jane Bolin.

A Black woman's racial characteristic cannot be ignored in any analysis of her experiences. Epstein, Women in Law, 49-51.

[146] Morello, Invisible Bar, 106-107.

She was credentialed in 1931 from an Ivy League law school, yet she remained excluded from the major law firms which remained all white and for the most part, all male. For Black lawyers, and more specifically Black women lawyers, "credentialism" did not always work as a proxy for conformity to the dominant male model of excellence.[148] Bolin's rise in the legal profession is therefore best understood through a multi-layered and intersectional analysis that looks at more than just credentialism. The analysis of her judicial appointment and reappointments to the Family Court of the City of New York, and its predecessor courts, therefore includes the units of gender, class, race, and politics, in addition to credentialism. This "politics of preparation" will be examined in the following chapter.

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[147] Beverly Blair Cook, "Women Judges in the Opportunity Structure," in Laura L. Crites and Winifred L. Hepperle, eds., Women, The Courts, and Equality (Newbury Park: Sage Publications, 1987), 164.

[148] Hilary Sommerlad, "The Gendering of the Professional Subject: Commitment, Choice and Social Closure in the Legal Profession," in Clare McGlynn, ed., Legal Feminisms: Theory and Practice (Vermont: Ashgate Publishing Co., 1998), 5.

Chapter 3

The Politics of Preparation: The Making of An African American Woman Judge

> I wasn't concerned about first, second or last. My work was my primary concern.[149]

Jane Bolin's graduation from Yale University Law School in 1931 signaled the beginning of a remarkable series of Black "firsts," and an outspoken commitment to reform. The first Black woman to be graduated from Yale Law School, she, pioneered in the legal profession and, became the first and only African American woman judge in the United States when New York Mayor Fiorello La Guardia appointed her to the Domestic Relations Court in 1939. Her rise in the legal profession came swiftly, and she appears to have ascended the professional ranks with relative ease. However, an examination of her professional life beyond its pioneering peaks reveals the plane of discrimination she transcended.

Membership in the educational elite for Bolin did not constitute a passport to success as it was for her predominantly white and male Yale classmates. After being appointed judge, Bolin would have to wait several years before membership in the American Bar Association (ABA)

would be open to her. The ABA denied membership to African Americans until 1943. Traversing a maze of prejudice and discrimination was not without consequences. She could not have emerged unscathed. This chapter, therefore, analyzes the fabric of her professional life, from law school graduation to judicial appointment. It unravels the threads of gender, class, race, credentialism and politics, which, when woven together, created for Bolin "some of the problems and promises of all Blacks, of all women, and of all lawyers."[150]

Political Scientist, Beverly Blair Cook suggests that if society provided the same material and psychic supports and the same opportunities for all its citizens then the population proportion of each group would predict its proportion of political representation.[151] Therefore, according to the law of probabilities women should be in about fifty-two percent, and African Americans in about twelve percent of the judgeships. Where the law of probabilities would place Black women is open to speculation, but it is definitely higher than their current and historical representation on the bench.

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[149] David Margolick, "At the Bar," New York Times Law 14 May 1993, B8 L.
[150] Joyce Ann Huges, "The Black Portia," The Crisis (May, 1975): 168.
[151] Beverly Blair Cook, "Women as Judges," in Beverly B. Cook, Leslie F. Goldstein, et al., Women in the Judicial Process (American Political Science Association, 1988), 9.

Society in the United Stated had not always provided the same material supports and the same opportunities for all of its citizens across sex, race, and economic lines; the necessary amendments to the Constitution, and the Civil Rights Acts of the 1950s and 1960s expose the degree to which it had not.[152] Proportionately, black women were, and remain, drastically underrepresented on the bench, but then they were equally underrepresented as lawyers proportionate to their numbers in the larger society.[153] Ever since Charlotte E. Ray graduated from Howard Law School and was admitted to the District of Columbia Bar in 1872, making her the first black woman lawyer in the United States, few black women entered the legal profession. In 1959 there were reportedly over 6,000 female lawyers in the United States, but only a mere eighty-three of them were African American. Of these eighty-three black women lawyers,

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[152] The Fourteenth Amendment to the constitution gave blacks formal citizenship, and sought to secure the exercise of that right; the Fifteenth Amendment recognized black men's right to vote; The Nineteenth Amendment guaranteed white women the right to vote; the Civil Rights Acts of 1957, 1960, 1964, 1965, and 1968 sought to protect the exercise of citizenship whether through schooling or voting. See generally, Steven F. Lawson, Running for Freedom: Civil Rights and Black Politics in America Since 1941 (New York: McGraw-Hill, Inc., 1991.)

[153] According to the United States Bureau of the Census, in 1973, there were 446 black women lawyers and 51 black women judges. But, further investigation by Judge Edward B. Toles, reveals that there were actually 23 black women judges during this period, with the second black woman judge being named twenty years after Bolin, in late 1959. See generally, Alvin E. White, "Women Judges," Dawn Magazine, (October 26, 1974): 4, Clipping File, Box 3, Bolin Papers.

nineteen were in New York, thirteen in Illinois, and ten in Washington, D. C.[154]

A political system is only as egalitarian and representative as the society in which it is based. Sociologist, Magali Sarfatti Larson's sociological study of professionalism shows that the development of specialized roles and functions within professions is broadly determined by the inseparable and dependent structure of inequality.[155] The legal profession, therefore, inherits legitimacy from the culture and the social institutions that made it objectionable for over half of its citizens (women and blacks) to be full participants. As a result, it has become, according to Epstein, an undistorted reflection of the society's social irresponsibility.[156]

Immediately following graduation from Yale, Jane Bolin returned to her hometown of Poughkeepsie, New York. Her brother, Gaius Charles, Jr. was graduated from New York University Law School in 1927, and had joined their father's law practice in Poughkeepsie.[157] Jane Bolin's

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[154] "Why Aren't There More Women Judges," The Afro-American, 21 February 1959: 1 and 7.

[155] Magali Sarfatti Larson, The Rise of Professionalism: A Sociological Analysis, (Berkeley, California: University of California Press, 1977), page 2.

[156] Cynthia Fuchs Epstein, Women in Law, (New York: Basic Books, Inc., 1981), page 303.

[157] Gaius Charles, Jr. attended Howard University and Amherst College before law school. He remained in Poughkeepsie until his retirement,

decision to return to Poughkeepsie, however, was not based on a desire to establish professional roots in Poughkeepsie with her family. To be sure, her father and brother had managed to build a very lucrative practice in Poughkeepsie.[158] But Jane Bolin did not gauge her professional success in Poughkeepsie by that of her father and brother. And furthermore, she had no illusions about the opportunities for her own success, as a Black female lawyer, in Poughkeepsie. She explained, "I did not see the opportunity in Poughkeepsie to bring to fruition the aspirations and ambitions and dreams I have had from my childhood."[159] She was "essentially a large city person" who did not care much for provincial living. She had always loved, and wanted to live and work in, New York City ever since she first visited as a child.[160] However, the evidence suggests that it was not merely her love for the big city and love for diversity that propelled her departure, but rather her resentment of the widespread marginalization that characterized Poughkeepsie.

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and eventually became counsel for the Poughkeepsie Housing Authority. "Biographical File," Box 1, Bolin Papers.

[158] Gaius Charles Bolin, Sr. first hung his shingle in 1901. Interview with Rudd, 25-26, Box 1, Bolin Papers.

[159] Ever since she was a child, hanging around her father's law office, she has always wanted to be a lawyer. Ibid.

[160] She recalls how much she looked forward to the family's annual Labor Day visit to New York City to see their father's brother. Interview with Rudd, 26-27.

New York City in 1931, though relatively more progressive than elsewhere in the nation, furnished few opportunities for African Americans or women in the legal profession. The problems and obstacles impeding the professional development of black lawyers during this early period have been discussed elsewhere in great detail and need only brief mention here.[161] The fact is, as former Atlanta mayor Maynard H. Jackson exclaimed in a tribute to the Black bar, "When considered in light of the impediments and shackles born of a system of racism and systematic exclusion, the gains of the black lawyer are nothing short of phenomenal."[162] Scholars have agreed that the problem of professional segregation has beset black lawyers throughout much of the last century. Most white law schools, which, with a few exceptions were located in the northeast, excluded Blacks. Eighteen of the nineteen Black law schools established prior to 1900 failed. Howard Law School was the sole surviving black law school. Between

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[161] See generally, J. Clay Smith, Emancipation: The Making of the Black Lawyer, 1844-1944 (Philadelphia: University of Pennsylvania Press, 1993); Edward J. Littlejohn and Donald Hobson, Black Lawyers, Law Practice, and Bar Associations 1844-1970: Michigan History (Detroit: Wolverine Bar Association, 1987); Jerold Auerbach, Unequal Justice: Lawyers and Social Change in Modern America (New York: Oxford University Press, 1976), 212-216; Darlene Clark Hine, "Black Lawyers and the Struggle for Constitutional Change," in John Hope Franklin and Genna Rae McNeil, ed., African Americans and the Living Constitution (Washington: Smithsonian Institution Press, 1995), pages 33-55; Geraldine Segal, Blacks in the Law: Philadelphia and the Nation (Philadelphia: University of Pennsylvania Press, 1983.)

[162] Quoted in Hine, "Black Lawyers and the Struggle for Constitutional Change," in African Americans and the Living Constitution, 33-55.

1877 and 1935, it became the only substantial source of legal education for black people in the United States.[163]

The American Bar Association, comprised of the local bar associations, went to great lengths to keep African Americans out. An "inadvertent" election of the first three African American lawyers to the American Bar Association (ABA) in 1912 resulted in the ABA's resolution that all future applications be specific as to applicant's race and sex. Leaders of the ABA rationalized that they never contemplated that African Americans would be members of the association.[164] Faced with such formidable resistance in their struggle for equal justice, the development of professional opportunities, and social networks, Black lawyers founded the National Bar Association in 1925 and agreed that its objectives would be:

> the advancement of the science of jurisprudence, and in addition to form a nationwide organization of practicing attorneys of the Negro race in an endeavor to strengthen and elevate the Negro lawyer in his profession and in his relationship

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[163] In 1939, North Carolina Central University Law School in Durham, North Carolina was founded, and in 1947, Texas Southern University Law School in Houston, Texas, and Southern University Law School in Baton Rouge, Louisiana were both founded. Together with Howard, these law schools have trained the majority of Black lawyers in the country. Hine, "Black Lawyers," page 37; Segal, Blacks in the Law, page 2.

[164] In 1912, the ABA inadvertently admitted three Black lawyers into its fold. However, upon discovery, the Executive Committee stated that "the settled practice of the Association has been to elect only white men to membership." It was further decreed that in the future all recommendations for membership of a Black person had to attach a statement attesting to the race of the person. William R. Morris of Minneapolis, who was one of the three admitted inadvertently, resigned the following day by telegram. Segal, Blacks in the Law, pages 17-20, 97.

> to his people; to improve his standing at the bar of the country, and to stress those values that would serve to enhance the ethics of his practice and conduct, to condemn actions that have a tendency to lessen respect for the lawyer and to create a bond of true fellowship among the colored members of the Bar of America for their general uplift and advancement and for the encouragement of the Negro youth of America who will follow their choice of this profession.[165]

In 1943, the American Bar Association opened its membership doors to African Americans. Or more accurately, by 1943 the doors of the American Bar Association had given way to external pressure. In April 1943, the year that Jane Bolin became the first Black woman admitted to the Association of the Bar of the City of New York (ABCNY), Assistant District Attorney and Harlem community leader Francis Ellis Rivers' application for ABA membership took center stage in the ABCNY's investigation of charges that the ABA refused to admit African Americans. Rivers was admitted to the ABCNY in 1929 becoming its first Black member since its founding in 1870.[166] Bolin condemned the controversy, and saw the whole matter as a "great shame,"

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[165] Before the NBA was established, local Black associations had been formed, such as the John M. Harlan Law Club of Ohio, and the Cook County Bar Association of Illinois. Littlejohn and Hobson, Black Lawyers, page 57; Segal, Blacks in the Law, page 18; see also Hine's discussion of the early history of Black lawyers and their association in Black Victory: The Rise and Fall of the White Primary in Texas (Millwood, NY: KTO Press, 1979.)

[166] Rivers was responsible for the creation of a new Tenth Judicial District for Harlem. It assured the historic election of two African American judges. New York Herald Tribune 18 April 1943; Segal, Blacks in the Law, page 18.

but said that she knew very little personally of the struggle in the American Bar Association.[167]

Her public condemnation of the ABA's discriminatory practices clearly showed her support for Rivers and other black lawyers who sought membership in the ABA, even if her words betrayed no personal desire to join. To be sure, she was well aware of the real advantages of membership in bar associations. Her own membership in the ABCNY proved to be "a practical aid in her profession."[168] When elected to membership in the ABCNY, she described how much she looked forward to the benefits of membership. "The Bar Association has a very fine library," she said, "and here in this building (court house) our library is small and inadequate." She was also a member of the New York County Lawyers Association, but that library, she said, "although well equipped, is always very crowded, with its books much in demand;" therefore, "The opportunity to use the Bar Association library on Forty-fourth Street will mean a great deal to me."[169] The importance of the American Bar Association and other bar associations cannot be overstated. A major goal of all bar associations was to establish a sense of professional community within the vaguely defined group of lawyers whom they considered their

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[167] Neither Jane Bolin, her father nor brother appear to have sought membership in the ABA. New York Herald Tribune 18 April, 1943.
[168] She also belonged to the New York County Lawyers Association, the New York Women Lawyers Association, the Bronx Women Lawyers Association. New York Herald Tribune 18 April 1943.
[169] Ibid.

constituency.[170] However, the more utilitarian description of James Grafton Rogers concludes that a yearning for social contact and the need for library facilities were the major "raison d'etre" of bar associations in the early years.[171] Clearly, the pragmatism of the latter resonated with Bolin, who had, by then, been on the bench for four years.

Notwithstanding the dismantling of the ABA's racial barriers, overt discrimination in hiring practices remained rampant well into the 1960s. White law firms hired very few women or Black lawyers before the 1970s. And when these law firms did, they restricted them to certain types of practice.[172] To rationalize exclusion of black lawyers, most firms argued that their influential clients refused to deal with Black attorneys, "particularly where the clients had to depend heavily on the attorney's skill and expertise."[173] In actuality, the skill and expertise so integral to professional development were acquired primarily on the job, and since restrictive hiring was

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[170] Wayne K. Hobson, The American Legal Profession and the Organizational Society: 1890-1930 (New York: Garland Publishing, Inc., 1986), pages 226-227. Hobson further states that this goal preceded the later focus of bar association activity, which was to establish the legitimacy of professional self-regulation.

[171] Wayne Hobson, The American Legal Profession and the Organizational Society, 1890-1930 (New York: Garland Publishing, 1986), 227.

[172] Hine, "Black Lawyers," 41; Littlejohn and Hobson, Black Lawyers, pages 2-53; see generally, J. Clay Smith, Emancipation, Segal, Blacks in the Law.

[173] Edward Littlejohn and Donald L. Hobson, Black Lawyers, Law Practice, and Bar Associations - 1844 to 1970: A Michigan History (Michigan: Wolverine Bar Association, 1987), 8.

practiced, that training was barred to those excluded. Almost by design, the legal profession, like many other professions, limited access to training to a select membership, then resorted to the circuitous argument that a specific group of professionals was not hired because of lack of training.

Epstein finds this process to be a contradiction of the ideology of even-handed fairness on which the law is based. She maintains that by the canons of its own logic the law should welcome to its practice all those who qualify by reason of intelligence and facility. Yet, the evidence makes it abundantly clear, and an uncontested truth, that lawyers discriminate in ways that violate this standard.[174] Darlene Clark Hine notes that, as a consequence, the average Black lawyer possessed limited opportunities for professional development and growth, and often, low professional esteem.[175] To overcome this obstacle, Black lawyers could either apply to the few existing Black sole practitioners or Black firms if they

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[174] Epstein, Women in the Law, 80.

[175] Before the legal turning point of Brown (1954), Black attorneys were virtually isolated professionally, and those Blacks who did retain them were usually too poor to furnish lucrative practice. Hine, "Black Lawyers," 41, 47. The attitude of the Black community did not always help to bolster their self-esteem. Many Blacks who needed legal representation feared that Black lawyers would be unsuccessful against a white lawyer and before a white judge, regardless of the ability or quality of the performance of the Black lawyers. Their fears were not unfounded. Segal, Blacks in the Law, 17. Charles J. Ogletree, "Blind Justice?: Race, The Constitution, and the Justice System," in African Americans and the Living Constitution, 235-269. He finds that their citizenship history and their experience in the justice system have informed their beliefs and fears.

wanted to enter private practice.[176] If they preferred government service, they could seek a post in the District Attorney's Office, where Black lawyers had held positions from the early years of the twentieth century.[177] They could, in the alternative, join a friend or associate in a partnership or a space-sharing arrangement. They had more promising chances for professional training and association within their own professional communities. As a result, the vast majority of Black lawyers concentrated in the least desirable and remunerative areas of practice, such as criminal offenses, domestic relations, and small claims.[178] Black attorneys were virtually isolated professionally, and black people who did retain them were usually too poor to furnish lucrative practice. The attitude of the Black community did not always help to bolster their self-esteem. Segal finds that many Black people who needed legal representation feared that Black lawyers would be unsuccessful against white lawyers and before a white judge, regardless of the ability or quality of the performance of the Black lawyers. Their fears were not unfounded. Charles Ogletree finds that their citizenship

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[176] Littlejohn and Hobson, Black Lawyers, 7-12.

[177] The following are just a few examples of female black lawyers who worked in attorneys general offices: Pauli Murray was a California Assistant Attorney General in 1946; Eunice Hunton Carter was for 10 years, an Assistant District Attorney of New York City; Edith Sampson became Illinois's first Black woman Assistant States Attorney in May, 1947. Ebony Magazine 2 August 1947, page 19; see also J. Clay Smith, Emancipation.

[178] Hine, "Black Lawyers," 41; Littlejohn and Hobson, Black Lawyers, 7-22.

history and their experience in the justice system have informed their beliefs and fears.[179]

Women fared no better in the legal profession. Jane Bolin insisted that although race played a part, "I was rejected on account of being a woman."[180] In 1931 in New York City, there was no law firm or government agency clamoring to recruit this Yale Law School graduate. Although the practice of soliciting law students to join law firms is relatively recent and probably not customary before the 1960s when "scouting" the law schools became standard procedure for the larger law firms.[181] But as late as the 1960s, a Fulbright fellowship, a doctorate and an honors law degree could not get Rita Hauser, a white woman lawyer, employment in any of the established law firms. Hauser recalled, "It was really galling, the firms had this policy against women and it was impossible to change them."[182]

The connection between graduation from an elite law school and an invitation to join a prestigious law firm was, according to Cook, not as close for women as it was

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[179] Segal, Blacks in the Law, 17; Charles J. Ogletree, "Blind Justice?: Race, The Constitution, and the Justice System," in Living Constitution 235-269.

[180] David Margolick, "At the Bar," The New York Times 14 May 1993, B8-L. A 1947 Ebony article on "Lady Lawyers" reported that "Most colored Portias agree that their sex is a far greater barrier than color to successful law careers."

[181] Wayne Hobson, The American Legal Profession, especially Chapter 4.

[182] Karen Berger Morello, The Invisible Bar: The Woman Lawyer in America, 1638 to the Present (New York: Random House, 1986), 207.

for men.[183] No less than race, gender clearly problematized "credentialism" as an instrument of formal equality. Black women, who were doubly impaired because of the politics of race and gender, found "credentialism" even more problematic.[184] At least in Poughkeepsie Bolin could avail herself of the expertise and practice of her father and brother to obtain the necessary training.

In Poughkeespie Bolin clerked in her father's law office for six months before taking the New York State Bar Examination. She was admitted to the New York bar, and remembers how proud she was to have her name put on the door of her father's office where she practiced with him and her brother for about a year. While a member of the family practice, she carried a diverse caseload including many criminal cases. One such case involved girls from the Wassaic State School, a school for mentally retarded children, whom she successfully defended against charges of

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[183] Beverly Blair Cook, "Women Judges in the Opportunity Structure," in Laura L. Crites and Winifred L. Hepperle, eds., Women, The Courts, and Equity (Newbury Park: Sage Publications, 1987), 164.

[184] Many women entered the professions by this strategy. There are other parallel developments within the professions that worked to undermine credentialism, resulting in the "credentialist usurpationary strategy" no longer considered enough to meet the dominant male standard. Sommerlad argues that social closure against women in the profession is being reinforced through the notion of "commitment" as a core criterion for participation in the primary legal labor market. But this is not new. The roles of womanhood have long since been manipulated to effect social closure against women in the professions. In the case of Black women, the bombardment has been twofold coming as it did from within their own community and from the larger dominant community. Hilary Sommerlad, "The Gendering of the Professional Subject: Commitment, Choice and Social Closure in the Legal Profession," in Clare McGlynn, ed., Legal Feminisms: Theory and Practice (Vermont: Ashgate Publishing Co., 1998), 3-20.

assault and property damage. She did not have a clientele of her own, so her father shared his caseload with her, and saw to it that she met all the judges with whom he worked. She searched titles for him and, at his insistence, spent a great deal of time observing trials in the Supreme Court.[185]

Her father provided her with the opportunities for professional development that discrimination in the profession had denied her. Black professionals provided opportunities for career development for their own. Bolin was fortunate to have had a father and brother in practice. This was one advantage that helped to offset the detrimental racial and gender exclusion in the larger legal profession. This network of support that existed within the black legal community is instructive of the early professionalization of the black bar in the first half of the twentieth century when it was most beset by professional segregation. To coexist as professionals within this segregated profession, black lawyers looked to their own communities for the opportunities for professional growth. Hine speaks of this professionalization in reference to the consolidation of the black bar as social engineers during the first phase of the modern civil rights movement.[186] This early period of the 1930s and 1940s further represented a broader sense of social engineering, beyond that captured in the

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[185] Interview with Rudd, Box 1, Bolin Papers.
[186] Hine, "Blacks Lawyers."

specialization and practice of civil rights law. Thus, I am extending Hine's perspective of this period to account for the reality of the black bar and the black community as the major first employers of the black lawyer.[187]

Segregation had thrust black lawyers back into their communities. Yet, they did not collapse under its weight. Instead, black lawyers joined existing legal practices within their communities and obtained the necessary experience for professional development. This "birthing" of the black legal community became the foundation for later maturation and specialization of the black bar.[188] This parallel construction of opportunity, however, was limited. To the extent that the judicial system remained an integral part of the profession, the parallel construction of opportunity could only be partial. To be sure, African Americans could, and did, establish their own schools, law firms, local bar associations, a national bar association (all institutions central to the bar), and opportunities for professional development. But, they

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[187] Analyses of the choices made by Black lawyers during this period are needed. The truth is that many Black lawyers abandoned the practice of law in the conventional sense and carved out new spaces, no less respectable, for themselves in their communities. These legal professionals joined an existing class of professionals within the Black community. There has not been much examination of the dynamics within this class. Hine's Speak Truth To Power begins the discussion between the professionals that made up this class. Given the variation in the processes of professionalization, it would be misleading to assume that the role and contribution of the lawyer was the same as that of the doctor or nurse or social worker or teacher. This study raises the question and suggests an examination. Hine, "Black Lawyers."

[188] Hine, "Black Lawyers;" Segal, Blacks in the Law.

could not create a parallel institutional tribunal for the practice of law; nor was there some customary "extra-judicial" tribunal in which to operate. The constitution stood as the fundamental or paramount law of the nation and its judicial institution as the single tribunal for determining what the law is and is not. There could be no construction of a parallel court system.[189] For all of their success in self-training, self-employment, and self-association, black lawyers still had to acquit themselves before a judicial system that did not always provide for their equality under the law, or their participation in the legal profession.

Without a doubt, Jane Bolin was far more fortunate than the average black lawyer of the period, having as she did a father with an established and well-respected practice. But, Poughkeepsie could not contain her. In 1932, she left "the comfortable security of my father's home to start practicing law in New York.[190] But, even

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[189] In the minds of many African Americans there existed two separate systems of justice: one for White Americans and one for everyone else. This perception was born of years of experience, but could never be substantiated by physically separate systems of justice. There was a more complete construction of parallel opportunity and professionalization within the Black hospital movement, and the Black nurse movement. See generally, Darlene Clark Hine, Black Women in White: Racial Conflict and Cooperation in the Nursing Profession, 1890-1950 (Bloomington: Indiana University Press, 1989).

[190] It is interesting that she uses the phrase "my father's home" as opposed to "my father's practice." Or maybe for her they were one in the same. Without specific evidence about why her brother remained in Poughkeepsie practicing until retirement, one can only speculate that as the son, he was naturally positioned to be his father's "rightful successor." Independent of her personal reasons for wanting to be in New York City, Bolin clearly did not see any real professional future in Poughkeepsie as a black female lawyer. Her recollections about her

armed with her Poughkeepsie experience, there was more unpleasantness looking for work in New York City. When she applied to a few local law firms, she found the climate frosty and dismissive. She recalled, "The reception I got was very, very businesslike, and I was disposed of rather rapidly."[191] For the next year of so, she engaged in the private practice of law with Ralph E. Mizelle, "and with him for the next four years as wife and business partner."[192] She and Mizelle met while she was a freshman at Yale Law School. They had both been invited to a party following a Yale-Harvard football game. The party was hosted by a prominent dentist and his wife in New Haven. Mizelle, who was fifteen years her senior, was practicing law in New York City at the time, and had come up from New York for the party. Although her sister Ivy thought that she was attracted to Mizelle because he was somehow a substitute for her father, she thought only that "He was a very attractive man, physically," who had a flair for

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father giving her cases and mentoring her, although thoroughly beneficial to her, are very telling in the sense that maybe she never stepped out of his shadow, and probably never would have, had she remained in Poughkeepsie. In Poughkeepsie she might have remained Gaius Bolin's little girl, never truly being able to carve out her own public space, or to create her own professional identity. She recalled once arguing a case before a judge of the Dutchess County Supreme Court, when to her embarrassment, he said, "I'm going to tell you what your father would tell you: 'Stop when you're ahead.'" Interview with Rudd, Box 1, Bolin Papers. In Women Lawyers: Rewriting the Rules, Mona Harrington writes about the passing of power and authority from one generation to the next, and highlights the "unnatural" place of the daughter as her father's "rightful successor," 70.

[191] David Margolick, "At the Bar," The New York Times, May 14, 1993, page B8-L.

[192] Interview with Rudd, Box 1; New York Amsterdam News 29 January 1944, 7-A, Clipping File, Box 3, Bolin Papers.

life.[193] And although she never alluded to it being love at first sight, she and Mizelle were engaged shortly thereafter, and married in 1933. Their only child, Yorke Bolin Mizelle was born in 1941, just two years before Mizelle's death in 1943.

The first years of their five-year practice together were "decidedly precarious," says Bolin, but she had come to New York City intent upon a career in law, so she endured.[194] Many lawyer- wives, such as Marjorie MacKenzie Lawson of Washington; Elizabeth F. Allen of South Bend, Indiana; Margaret B. Wilson of St. Louis; Alice Huggins of Chicago; Sadie Tanner Alexander, and Edith Sampson Clayton, had formed legal partnerships with their lawyer-husbands in the 1930s an 1940s. Yet, Bolin was more fortunate than the majority of her contemporaries who were forced to quit the law for less precarious occupations.[195] One magazine article reported in 1947 that "over 50 per cent of today's lady lawyers work in government agencies, social service or civil liberties organizations," because "Perhaps steady

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[193] She disagrees with her sister's assessment, but does agree that she was very close to her father. While doing the interview she injected the fact that the first car she owned was a Ford given to her by her fiance, Mizelle as a graduation gift. This self-initiated recollection appeared quite meaningful to her. Interview with Rudd, 67-68, Box 1, Bolin Papers.

[194] Poughkeepsie New Yorker, 23 February 1944, Clipping File, Box 3, Bolin Papers.

[195] Charlotte E. Ray, the first African American woman lawyer, was forced to leave the practice of law to become a teacher because she could not make a living as a lawyer. Ebony Magazine August, 1947, Clipping File, Box 3.

jobs offer greater security...[And] Maybe sex and color discrimination make actual practice too difficult."[196]

Black lawyers had come to expect a certain precarious position in the profession. The early success of black lawyers like Gaius Charles, Jr., and his father before him, was therefore the exception. The fact that the Bolins were a prominent family in Poughkeepsie for several generations clearly enabled Gaius Bolin, Senior, and Junior, to avail themselves of a majority of white clients, which further enabled them to sustain quite a lucrative practice.[197] Nevertheless, Littlejohn and Hobson note that most black firms formed during the first half of the twentieth century were typically small, financially precarious, and short-lived, because few would attract the clients needed to sustain a steady practice since they had few white clients and competed with white lawyers for available black clients.[198]

By 1937, the difficulties of private practice had thrust Jane Bolin and her husband back into the job market. The office of "Mizelle and Bolin" had dissolved, and Mizelle had joined the Post Office Solicitor General's Office in Washington, D. C.[199] Bolin's elite education and

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[196] Ibid.

[197] Bolin to Dennis Clark Dickerson, 27 December 1978, Box 3, Bolin Papers. Also see references in Chapter One.

[198] Littlejohn and Hobson, Black Lawyers; Interview with Rudd, Box 1, Bolin Papers.

[199] Mizelle was assigned to Washington, so he traveled a lot. Bolin admits to having one of the early commuter marriages. Interview with Rudd, Box 1, Bolin Papers; see also a study of the sociology of dual

years of experience, however, did not immediately open doors for her. Much had not changed in the five years since she first looked for employment in New York. The climate remained cold and dismissive, and she was quickly dispatched during interviews. When she applied for a position in the Office of the Corporation Counsel of the City of New York Law Department, she was interviewed by the First Assistant Corporation Counsel, a man Bolin describes as being "from the south of the United States."[200] As she recalled, "He was making short shrift of me by telling me there were no vacancies." Fortunately, her exit was interrupted by Paul Windels, the Corporation Counsel, who informed her of his interest in having her join his legal staff. But, according to Bolin, the Assistant was adamant, insisting "but we have no line for her in the budget," whereupon Windels said, "but we do," then shook her hand and welcomed her to his staff.[201]

Paul Windels had been a close political advisor to La Guardia, and had been named Corporation Counsel during La Guardia's second mayoral term. Described as "impeccably credentialed," Windels was an astute politician, who

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career couples in Bart Landry's Black Working Wives: Pioneers of the American Family Revolution (Berkeley: University of California Press, 2000).

200 She describes several personalities as "southerners" or "from the south" when referring to experiences of prejudice or discrimination; she seems to have had quite a few encounters with such personalities. The fact that she specifies their region of origin speaks to her understanding or expectations of the progressive north versus those in the Jim Crow south.

201 Interview with Rudd, 8-9, Box 1, Bolin Papers.

demanded assurances of exclusive control over his department before accepting the mayor's offer and challenge to create the best law department in the country.[202] Within a year of his appointment, Windels had, reportedly, converted a department that habitually retained expensive outside counsel for every nonroutine matter into one of the best legal staffs in the country.[203] The fact that Windels counted Bolin among his elite legal staff speaks clearly to her qualifications, but it also suggests something about the politics of preparation, and appointment.

In 1936, the year before Bolin interviewed with the Corporation Counsel, she ran on the Republican ticket for the New York State Assembly for the Nineteenth District. That was the year that moderately conservative Republican Party stalwart Alfred Landon ran against President Roosevelt.[204] Bolin's candidacy, though unsuccessful, gave her the public orientation so important to women's eligibility in the pool from which lawyers are so often

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202 Thomas Kessner, Fiorello H. La Guardia and the Making of Modern New York (New York: McGraw-Hill Publishing Company, 1989), 261 and 275.

203 Kessner, La Guardia, 275.

204 The presidential election of 1936 was a national referendum on Roosevelt and the New Deal. The governor from Kansas, Alf Landon, had lost before he begun. The president and the Democratic Party swept to a landslide victory with Roosevelt polling 27.8 million votes to Landon's 16.7 million. The growing strength of the Democratic Party in the cities and the New Deal's responsiveness to social distress combined to make Roosevelt the champion of the urban masses. A majority of African Americans had, by the 1930s, abandoned the party of Lincoln, for the Democratic Party. Interview with Rudd, 8, Box 1, Bolin Papers; Alan Brinkly, Unfinished Nation: A Concise History of the American People (New York: Columbia University, 1997.

recruited for the legal hierarchy.[205] It was customary in New York politics during the reign of Tammany Hall, for Republicans to regularly concede a particular district seat to the Democrats; thus nominating a candidate who was usually a loyal party supporter or, according to Kessner, "some obscure men [or women] of local stature to collect the ceremonial honors and go down to defeat."[206] In 1936, Bolin was the designated candidate, who was "prevailed on, for dearth of another candidate" to run for the New York State Assembly on the Republican ticket for the Nineteenth District.[207]

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[205] The selection of judges is embedded in the political process, and eligibility requires more than legal experience. Therefore, a viable female candidate, even more so than a viable male candidate, must also have political credentials in her state and locality and understand the formal and informal steps to the bench. As late comers to the profession, and its politics, women would seem to require much more visibility to increase viability. Cook, "Women Judges in the Opportunity Structure," in Laura L. Crites and Winifred L. Hepperle, ed., Women, the Courts, and Equity (Newbury Park: Sage, 1987), 143-174. Also see generally, Cook, "Women Judges: The End of Tokenism," in Winifred L. Hepperle and Laura Crites, ed., Women in the Courts (Williamsburg, Virginia: National Center for State Courts, 1978), 84-105.

[206] For example, the 14th Congressional District was Tammany territory, therefore any Republican running knew they would not win. Kessner, La Guardia, 34.

[207] Black Republicans traditionally operated within the confines of the regular party structure. So even though Black Republicans composed the majority of voters in the 19th and 21st Assembly Districts (AD) through most of the 1920s, it took an unusual effort to unseat, what Osofsky calls, the "real Harlemites," those "born and raised in this section," who had control when whites represented a majority in the neighborhood. Sometimes the efforts to elect Black Republicans in the 19th AD and 21st AD were defeated when Blacks joined with the white minority to vote against Black insurgents. But the main problem was political geography, which had the 19th AD and 21st AD as part of the larger 21st Congressional District, which included three solidly white and traditionally Democratic assembly districts. So, although the black vote was substantial enough to warrant nominations, it was restricted by its very concentration. Interview with Rudd, 8, Box 1, Bolin Papers; Osofsky, Harlem: The Making of a Ghetto, Negro New York 1890-1930 (New York: Harper and Row, 1966), 174-177.

Like the overwhelming majority of Black Americans, Bolin was at the time, a loyal supporter of the party of Lincoln, and had also lived Republican politics through her father's recollections.[208] That Jane Bolin, at age twenty-eight, received the Republican nomination to run for a State Assembly seat confirms not just her loyalty to the party, and her involvement in local party politics, but also her own political ambitions. Some might argue that she simply played the role of "scripted loser," running, as she did, on a ticket slated to lose. Indeed, the very politician, Fiorello La Guardia, who would a year later appoint her to the bench, had in the early years of his political career played the role of "scripted loser," a role which, many might argue, did not hurt his political career.[209]

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[208] Roosevelt had nominated the elder Bolin in April 19, 1899, and within a day he won legislative approval, as a member of the Board of General Managers of the Pan American Exposition to be held in Buffalo in 1901. Bolin won legislative approval on April 20, 1899 along with eight other nominees. Charles W. Anderson, a Black politician who had worked in the state comptroller's office under a previous governor, knowing of Bolin's friendship with Roosevelt, asked him to write a letter of recommendation on his behalf for candidacy on the Board of Managers of the Pan American Exposition. When Roosevelt responded to Bolin's letter of recommendation, he had instead nominated Bolin for the position that Anderson sought. This political appointment strengthened Bolin's loyalty to Theodore Roosevelt. He was known around Dutchess County as the eyes and ears of Roosevelt. Dennis C. Dickerson, "First Black Graduate," 7-8, Box 3, Bolin Papers; Thomson, "51 Years a Lawyer," Sunday New Yorker, 22 November 1943, Clipping File, Box 3, Bolin Papers.

[209] La Guardia had won the Republican nomination to run against Michael Farley in the Fourteenth Congressional District race for the House of Representatives in 1914. La Guardia failed to win, but his spirited effort attracted the attention of party veterans; his candidacy, however unsuccessful slated him for a patronage appointment, which later propelled him into congressional service and the mayoralty. Kessner, La Guardia, 34-35.

However unsuccessful Bolin's candidacy might have been the party's nomination in itself had far-reaching political currency. Bolin had in actuality accepted the Republican nomination knowing very well that it was meaningless as far as the State Assembly seat in the Nineteenth District was concerned. Yet, her political acumen must have suggested that there would be political rewards, including, but not limited to, a patronage appointment. Harlem lawyer and politician, Francis E. Rivers was no doubt referring to the likes of Bolin when he said, "The New York Negro has learned to play the game [of politics] in a realistic fashion."[210] Paul Windels's appointment of Bolin was laced with political meanings. Certainly, an appointment by Windels would also be counted as an appointment by La Guardia. By virtue of the fact that it was an appointment to the Law Department, which had achieved national respect because of the vision of the man whom the mayor had handpicked as Corporation Counsel, meant that La Guardia could count Bolin among the few African Americans in his administration.

In 1933 when La Guardia first took office, he assembled a cabinet of all men, all white men, who represented a cross-section of every ethnic group in the city, save for the African American.[211] In 1936, on the

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[210] As quoted in Osofsky, Harlem, 159 and 172; Francis E. Rivers, "Negro Judges in Harlem," The Crisis, 38 (November 1930):377, 393.

[211] His "fusion" administration included Socialists, Democrats, Republicans, and non-political professionals. Some have suggested that

heels of the Harlem Riot of 1935, La Guardia swore in Myles A. Paige as the city's first African American magistrate, but essentially he had not altered the hue of his administration.[212] In that same year, the mayor summoned Jane Bolin to his office, but never revealed the exact reason for their meeting. As she was leaving his office, he said only "that I was too young for the position he had in mind."[213] Bolin later found out that Domestic Relations Court Justice Rosalie Whitney, one of La Guardia's few female appointees, had recommended her to the Mayor for a judgeship. It is no coincidence that Windels's appointment of Bolin to his elite legal staff occurred within months of the mayor's consideration of her for a judicial appointment. La Guardia had told New Yorkers, "I have sought high and low for men who could effectively do the job." And, he had found a woman who could effectively do the job in his administration, and one who had paid her

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few presidential cabinets could match the political diversity of La Guardia's circle of department heads. But there could be no argument about the lack of racial diversity in his early administration. Kessner, La Guardia, 274-279.

212 Paige's appointment came after an active life in local politics. For example, in August 1926, the Columbia University Law School graduate was selected to run for the State Senate. Once in office La Guardia treated Tax Commissioner Hubert T. Delaney (later a New York City judge) as an unofficial ombudsman for the black community. Kessner, La Guardia, 368-377; for discussion of the 1943 riot see also Dominic Capeci, The Harlem riot of 1943 (Philadelphia: Temple University Press, 1977.

213 Bolin practiced before Judge Whitney in the Family Court as an Assistant Corporation Counsel. "New York's "First Black Woman Judge Retires," American Bar Association Journal, June 1979, Clipping File, Box 3, Bolin Papers.

dues in the party; but at twenty-eight, she was considered to be too young.[214]

The lack of a more immediate and direct reward is probably related to, what Gilbert Osofsky identifies as, "the cynical and apathetic attitudes" of white politicians who did not see African Americans as a major political force.[215] An almost religious adherence to the Republican Party weakened the political position of black people in New York City. Their unprecedented concentration in Harlem, however, permitted them a more active role in politics.[216] Still, there would not be a patronage appointment in the form of a judgeship just then for Bolin, but what better consolation than an appointment to the nation's finest Law Department. As an Assistant Corporation Counsel, Bolin was assigned to the Domestic Relations Court where she advocated for petitioners who could not afford private counsel. Her work in the Domestic Relations Court was timely and important for the Black

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[214] Kessner, La Guardia, 275.

[215] Harlem was the first black community in the nation to lend significant support to the Democratic Party. Unfortunately for black politicians, an accident of political geography divided their vote between two assembly districts, the 19th and the 21st, which were part of the 21st Congressional District which included three solidly white and traditionally Democratic assembly districts. But proper representation was assured, when Francis E. Rivers drafted a bill, which passed, that forced the division of Harlem's Seventh District Municipal Court into a new administrative entity - the Tenth District. This intentional gerrymander guaranteed the election of two black judges to the municipal court in 1930. And, by 1944 with Harlem's political boundaries redrawn, New York elected its first black member of the House of Representatives, Adam Clayton Powell, Jr. Gilbert Osofsky, Harlem: The Making of a Ghetto: Negro New York, 1890-1930 (New York: Harper and Row, Publishers, 1966), 159-178.

[216] Ibid.

community which had earlier been made the subject of a study commissioned by the presiding justice of the city's Domestic Relations Court, Justice Edward Boyle.

Boyle supposedly alarmed by the disproportionate presence of black children in the court system, commissioned the study of "The Negro Problem as Reflected in the Functioning of the Domestic Relations Court of the City of New York."[217] Among other findings, the 1934 report stated that childhood crime among blacks had risen over the past thirteen years by more than 240 percent; that in Manhattan fully 25 percent of all juveniles arraigned in children's court were blacks; that more than one-fourth of all nonsupport cases in the city involved black families. The report then made the alarming conclusion that "The court has not been able for some years satisfactorily to function in cases involving Negro children."[218] For as thorough as the study was purported to be, it neglected to address the real circumstances of black life in New York City in the 1930s that gave rise to the disproportionate presence of black children in the court system. The Depression had made a poor situation worse in Harlem; the national economic crisis had sent the already depressed ghetto economy into tailspin. The last hired and first fired, African Americans suffered from a level of unemployment two and three times the rate of whites. Many

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[217] Ibid.

[218] Kessner, La Guardia, 372.

men, unable to secure jobs, abandoned their families, while women forced to work outside of the home, left young children to sometimes fend for themselves. Moreover, programs established to help the poor openly discriminated against African Americans.[219] La Guardia's administration had inherited these conditions, but even with a full mayoral term under his belt, the mayor had not resolved all that ailed the black community.

He had tackled long-standing prejudices, integrating the all-white staffs of city hospitals and expanding civil service opportunities for blacks. Yet, he gave up an opportunity to seriously consider the concerns of Boyle's report when he passed it on to his assistant, Louis Dunham who merely recommended "further study."[220] La Guardia showed some sympathy for the plight of blacks, and was praised by many black leaders as "one of the most fearless friends the Negro has ever had in or out of Congress."[221] And, relatively speaking, he was. But, Kessner finds that he offered no special program to single out their communities and treat its unique problems.[222] Black Harlem,

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[219] The impact of the Depression on African Americans has generated volumes of literature, not to be addressed in this work. Kessner, La Guardia, 371-373.

[220] Ibid., 372.

[221] Kessner, La Guardia, 371.

[222] For example, La Guardia established an 11-member biracial commission to study the causes of the rage that exploded in 1935 in Harlem, and for the first time to ask African Americans themselves what it was like to live in Harlem. The commission was chaired by a black

therefore, faced their unique problems alone. Except that now there was an advocate working on the inside of the city's judicial system who fully appreciated their plight.

In referring to her appointment as an Assistant Corporation Counsel, the New York Times reported that she was assigned to a tribunal that "handles many cases involving members of her race."[223] However significant this appointment was for New York's black community, it remained unsettling for the traditionalists who intended to temper any signal of changing times, however slow. Such commentary as was printed in the New York Times, seems to suggest that there was some consolation in the fact that

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dentist, Dr. Charles Roberts, and the actual research was done by famed Black sociologist E. Franklin Frazier. The commission held 25 hearings, collected testimony from over 160 witnesses, and after more than a year, issued "The Negro in Harlem: A Report on Social and Economic Conditions Responsible for the Outbreak of March 19, 1935." The commission described the riot as Harlem's "inarticulate response" to racism and unemployment, and called for sweeping reform in healthcare, housing, police practice, and schools. Precisely because the recommendations were so sweeping and critical of his administration, La Guardia did not act immediately, but presented the report to Howard University professor Alain Locke (famous for his study on the "New Negro") for further review. When Locke agreed with the report's initial conclusions, and urged the mayor to publish the document so that it could become the basis of a new program of sweeping reform in Harlem, La Guardia refused. Although he committed more resources to Harlem, he was not prepared to place Harlem at the center of his agenda, as Locke and the commissioners demanded. See generally, Kessner, La Guardia, 374-376.

223 David Margolick, "At the Bar," The New York Times, May 14, 1993, B8-L.

Bolin's appointment was only to a tribunal that predominated in "cases involving members of her race."[224]

It was 1939, almost four years since Harlem had erupted, and from all reports, still an incendiary period for the city. La Guardia was in his second term as the city's mayor; yet he had not grasped fully the magnitude of the plight of African Americans, nor the force that fanned the embers from 1935.[225] La Guardia might have hoped, by appointing Bolin a judge in the Domestic Relations Court, to alter, if not reverse, the image of the court's inefficiency and insensitivity in handling cases involving black children.[226] Bolin's service as Assistant Corporation Counsel in the Domestic Relations Court clearly made her a superior candidate for a judgeship in that court. She certainly intended to execute the responsibilities of her

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[224] As mayor from 1933-1945, La Guardia had jurisdiction over court appointments in the Domestic Relations Court and the Criminal Court of the city. That he appointed even one Black woman to the bench is significant. That she was appointed to the Domestic Relations Court and not the Criminal Court is also significant. La Guardia set many precedents with the appointments of African Americans, but never at the risk of political suicide. In June 1935, La Guardia had "his one-man personnel screening committee," C. C. Burlington test reaction in judicial circles to the appointment of an African American as magistrate, before he actually approached Myles Paige for the position. Burlington had given the okay that "such an appointment would cause no undue ruckus." See generally Kessner, La Guardia, 376.

[225] He refused to accept the prescriptions of Franklin's report and Alain Locke's recommendations about it. See Kessner, La Guardia, 374-376.

[226] This image was painted clearly in the conclusion of Justice Boyle's report which read "The court has not been able for some years satisfactorily to function in cases involving Negro children." Kessner, La Guardia, 371-372.

office seriously and nondiscriminately, and said as much when she stated publicly that:

> I am a judge, not of Harlem, nor the children of Harlem, but for the whole city and for all children who are in trouble. Harlem's problems are the same as those of other communities. Every child who comes before the court needs attention and his case must be heard and judgment made in view of all the factors of personality and environment entering into the particular child's life.[227]

Her appointment to the bench occurred without much fanfare. She was summoned to the Mayor's office, once again without being told why. In mid-July, 1939, she was instructed to come, with her husband, the following Saturday, July 22, to the New York City Building in the World's Fair, which was just opening, in Flushing Meadows, New York.[228] She recalled being "frightened because the Mayor was Fiorello H. La Guardia and he had instituted the practice of an answer for every complaint his office received and the answer had to be given to him within just a few days." She naturally pondered reasons why the mayor would summon her to a meeting, but could not think of anything that she had done to warrant such a summons.

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[227] More than anything else, she wanted to bring Harlem and the problems of its black youth within the purview of city responsibility. Emma Bugbee, "Justice Jane M. Bolin Shuns Glib Diagnoses of Child Crime," New York Herald Tribune 18 April 1943, Clipping File, Box 3, Bolin Papers.

[228] Ironically, Bolin was named among African Americans whose names were inscribed on the wall of honor of the American common at the New York World's fair. Her name was among five listed for contributions to education. The other four were: Booker T. Washington (1849-1915), W. E. B. DuBois, Archibald Grimke (1849-1930), and Herman Moor. Interview with Rudd, 9, Box 1; "Fair Honors Mrs. Mizelle," Clipping File, Box 3, Bolin Papers.

Still, she was certain she was "in for a hard time." She and her husband reached the New York City Building and waited for the Mayor who was out on the grounds. When the Mayor returned, she said he "just breezed past me saying he wanted to speak to my husband." The mayor and her husband then retired to a private office, leaving Bolin alone outside to ponder her fate. Shortly thereafter the two men emerged smiling; the mayor told one of his assistants to call in the photographers, then she said, "He told me to stand up, raise my right hand, and he swore me in as a judge of the Domestic Relations Court."[229]

Presentist positioning might extract a very chauvinistic reading of La Guardia's request to speak first with the husband of a judicial appointee. Current feminist sensibilities might even suggest that though she was the professional equal of her lawyer-husband, Bolin was seen, and treated, as a subordinate who needed permission. However, Bolin's characterization of the mayor's actions is more pragmatic. She said she was so overwhelmed and surprised, that at the time, she really did not think about it, but that "I can understand now and subsequently I could understand why he did that - [it] was because he wanted to know the character of the man who was my husband."[230] Given

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[229] La Guardia obviously thought that the young Bolin was old enough at 31 to assume the position he had had in mind for her two years earlier. Margolick, "At the Bar"; Interview with Rudd, 9, Box 1, Bolin Papers.

[230] This was a valid inquiry given the importance of her office. To queries about her own understanding of the matter, she says only, "I can't think of any other reason, can you?" To the question of

the importance of the appointment, this would certainly be a valid inquiry. Although, there is nothing to suggest that such protocol was followed with male appointees, black or white.

Bolin assumed her judicial responsibilities almost immediately. The Monday after her Saturday appointment she sat on the bench of the Domestic Relations Court of the City of New York as the nation's first African American woman judge. This she did "without any guidance," a practice she criticized, and worked hard to change. It is agreed that a lawyer should already know the law before becoming a judge. Bolin agrees that for a lawyer to enter that forum unprepared is unthinkable, but realizes that some lawyers may have to work a little harder in the beginning to learn specialized law that pertains to the particular court of appointment. At the time of her own appointment, she had had solid specialization in Domestic Relations Law while an Assistant Corporation Counsel assigned to the Family Court. Yet, she strongly believed that "no lawyer should be thrown cold into a court" to sit as judge. She felt certain that judicial appointees should

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permission, she laughed and said No. Bolin remembers that when she was Assistant Corporation Counsel and her husband, Ralph Mizelle was working in Washington in the Office of the Solicitor General of the United States Post Office, he had jokingly asked her if she wanted him to use his paycheck to cash hers. But that the table had turned only two years later when she received her first paycheck as a judge; she then asked him if he wanted her to use her paycheck to cash his. When she became judge, La Guardia had reduced the salaries of all city employees, making her salary $10,500 per year instead of $12,000. Interview with Rudd, 18, Box 1, Bolin Papers.

be given an opportunity, after appointment or election, to observe for a few weeks with another judge before taking on their actual responsibilities. Not surprisingly, she was extremely generous with her assistance to new judges while she was on the bench.[231]

There were only two other female judges sitting in the Domestic Relations Court when she was first appointed. Judge Rosalie Whitney was one of them, and the one with whom she quickly bonded professionally and socially. They first met when Bolin appeared as an Assistant Corporation Counsel before Judge Whitney in the Family Court. "Judge Whitney and I just seemed to be attracted to each other," she said, "and really eventually loved each other." As two "outsiders," these women supported each other, and gained strength from each other - as professionals, as women, and as widows. Judge Whitney's husband, also a lawyer, had died years before Ralph Mizelle death in 1943. Whitney was also one of La Guardia's women appointees, so together with the few other women of his administration, they formed an organization called the "Women in the La Guardia Administration."[232]

This small group of women, somewhat analogous to a bar association, provided mentorship and support to each other. Each appointee belonged to different Bar Associations, but

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231 "Myles Paige Award," December 1983, Awards Folder, Box 2; Interview with Rudd, 17-18, Box 1, Bolin Papers.

232 Interview with Rudd, pages 22-23, Box 1, Bolin Papers.

they would have dinner about once every month, or once every two months so that they could get to know each other.[233] This also gave them a forum for discussing their experiences as legal pioneers, and for discussing the law, something Bolin recalled she and Judge Whitney did often. She remembered Judge Whitney as someone who "loved to discuss the law." As a young judge, Bolin learned much from Judge Whitney. She counted her and Mrs. Roosevelt among a very short list of female mentors, even if "By the time that I met Judge Whitney and Mrs. Roosevelt, I was already an adult and a judge."[234] She held her High School English teacher, Miss Jackson in high regard, and believed that she influenced her greatly. Bolin had always been an avid reader, "but she [Jackson] broadened my reading tastes very much." However, it was her father who influenced her the most. "When I was a child," she said, "it was solely my father." She remembered going with her father on Saturday mornings to his office, and imagines that "being surrounded by those shelves and shelves of law books - those great big law books that he had and hearing him talk - I think that must have been really why I wanted to become a lawyer."[235] Her father may have been the one to light and nurture the legal spark in her, but the sisterhood she created with women like Judge Whitney and Mrs. Roosevelt,

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233 Interview with Rudd, 22-23.
234 Interview with Rudd, 33.
235 Interview with Rudd, 33-34.

as an adult, sustained her as a pioneer in a male dominated profession.

At the time of Bolin's appointment, the Children's Court and the Family Court, each with its separate jurisdiction, comprised the Domestic Relations Court. The Children's Court had almost exclusive jurisdiction over children, and was therefore separate from the Family Court which had jurisdiction over a broader spectrum of family issues mainly involving adults.[236]

In the Domestic Relations Court, each judge had to spend one month in each of the two sections (Children and Family) of the Court rotating around the five boroughs of the city, so that in the course of a year, every judge would have covered both sections of the Domestic Relations Court in all five boroughs.[237] Overwhelmed by lengthy calendars, and required to finish daily calendars without the option of adjournment, Bolin found herself working very long hours, many nights as late as nine o'clock, and on occasion working until eleven o'clock at night. A July,

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[236] After her initial assignment she rotated through the Family Court also. She presided over hearings involving the entire court spectrum: homicides and other crimes committed by juveniles; nonsupport of wives and children; battered spouses; neglected children; children in need of supervision; adoptions, and paternity suits. The process of court unification was an issue of great concern to her. She thought that the division into Children's Court and Family Court was a false dichotomy that placed a heavy and often unreasonable burden on petitioners and respondents who are turning to the courts for help. "Retirement File," Box 3, Bolin Papers.

[237] Later with the restructuring of the Court, each judge was assigned to their home borough, which was the borough of residence at their initial appointment. Hers was Manhattan, so she became a Manhattan judge. Interview with Rudd, 49.

1948 Performance Evaluation lists Bolin's adjournment record as the best in the Domestic Relations Court. With a volume of 725 hearings for a one month Court Term, Bolin had a total of thirteen adjournments, or a 1.8 percent adjournment rate, the lowest in the court.[238] The practice was later changed to a fixed schedule from 9:30 AM to 5 PM, but she shouldered the previous schedule for the greater part of her forty years on the bench.

In 1962 with the unification of the Domestic Relations Court, all sections were under a single jurisdiction restructured as the Family Court of the State of New York with expanded jurisdiction. Bolin served as judge in the Children's Court, rather than in the Family Court where she had practiced for the past two years as an Assistant Corporation Counsel. Justice Boyle's 1934 report criticized the Children's Court's treatment of the city's Black children. Jane Bolin's appointment as judge, and subsequent assignment to the Children's Court, was therefore most timely given the barrage of criticism aimed at La Guardia's administration. It was no secret that La Guardia played the game of race politics. According to biographer, Thomas Kessner, despite the mayor's frequent denials that "I have never appointed and never will appoint a man [or woman] to office because of his [or her] color,"

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[238] Clipping File, Box 3, Bolin Papers.

La Guardia played the game of ethnic appointments with rare flair.[239] Summing up his administration's attitude toward African Americans in a characteristic speech before the NAACP convention in Philadelphia in 1940, La Guardia declared:

> I appoint Negroes to office in New York not because they were Negroes, but because they had the qualifications and abilities which the City of New York needed to get a job done, and every one of them has made a fine civil servant of which any municipality could be proud.[240]

But, La Guardia understood the importance of a "carefully selected token," as did the communities from whence those persons came.

The respected Black daily, the New York Amsterdam News, lauded La Guardia for appointing "more Negroes to big, responsible jobs in city government ... than all other mayors of the city combined." They believed that such appointments educated New Yorkers to wider possibilities for integration than they had allowed themselves to expect before. Even Walter White, Executive Secretary of the National Association for the Advancement of Colored People (NAACP), praised the mayor for his forward-looking policies

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239 Kessner, La Guardia, 376.

240 The editorial further praises La Guardia for setting a pattern and creating a climate in the nation's largest city thereby inspiring African Americans everywhere in their struggle for full citizenship, and for also encouraging timorous and hesitant municipalities toward the ideal Americanism of complete integration of all elements of the population. Crisis October 1947, Clipping File, Box 3, Bolin Papers.

regarding African Americans.[241] The NAACP and the black bar had agitated for years for black inclusion in city government, and they believed their efforts were beginning to pay off. In death, La Guardia was editorialized as being a friend to African Americans "not because he gave them special, or occasionally sensational, or preferential treatment, but because in his conception of American democratic government and in his administration of it they were included as citizens.[242]

In his study of the black lawyer, J. Clay Smith uncovered the degree to which African Americans themselves pushed La Guardia into action. Francis Ellis Rivers was very influential in this regard. Assemblyman Rivers, who graduated from Columbia University Law School in 1922, and broke the color bar of the New York State Bar Association and the Association of the Bar of the City of New York founded in 1876 and 1870 respectively, helped pass the Legislative Act (Chapter 651 of the Laws of 1930) that created the new Tenth Municipal Court District in Harlem. The new Municipal Court District, as redrawn, awakened Republican power in a city which had on the whole become Democratic; it also secured the election of two African American judges. The historic election and appointment of

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[241] Ibid. That La Guardia appointed even one black woman to the bench is significant. That she was appointed to the Domestic Relations Court and not the Criminal Court, over which the mayor also had jurisdiction for appointment, is also significant.

[242] Crisis October 1947, Clipping File, Box 3, Bolin Papers.

many Blacks to the judiciary was definitely paved by the early groundwork and agitation of Rivers; the NAACP, and the mass support of the black community.[243]

Whether La Guardia intended to truly integrate city government, or just temporarily appease the city's Black community with a few choice appointments is open to debate. What is more important is that he ended, even if only by tokenism, the period of blanket exclusion of Blacks, particularly Black women, from city government. Tokens establish precedent, and precedent engenders change. Bolin believed that "No matter what the past, the future will take care of itself and even the law may capitulate as have many other dignified professions thereby becoming a better profession and a truer expression of democracy - because of its acceptance of women jurists." Twenty years after her initial appointment, the lone African American woman judge was still hopeful that the profession could only move forward; "And some day, as surely as there is justice, other colored women will sit on judicial benches - if not here in New York, surely in some other enlightened area."[244]

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[243] The Tenth District guaranteed the election of two black judges in 1930. This was the first time any black judges had been elected, before which time New York City only had Myles Paige as magistrate and Jane Bolin as Domestic Relations Court judge, both of whom were appointed. Smith, Emancipation, pages 401-402; Osofsky, Harlem, page 172; Francis E. Rivers, "Negro Judges in Harlem," Crisis (November, 1930):377, 393.

[244] By 1959, the nation had its second female African American on the bench, though not in New York. See Alvin White, "Why Aren't There More Women Lawyers," The Afro-American, (February 21, 1959):7.

"A courageous, no-nonsense hard worker who never shirked an assignment," is how one of her colleagues, Judge Joseph B. Williams, described Judge Bolin.[245] Although she relished the opportunity to help children and families, she felt overpowering guilt for having to spend that much time away from her young son, Yorke, who was less than ten years old during her first term as judge. Looking back, she still had a sense of guilt even though she knew that as a widow she had to go to work, because she believed that "my place was to raise my own child." She felt that she should not have let the housekeeper have him most of the time, and she just have him the weekends and evenings.[246] She recalled an instance that made her feel even worse as a working mother: her son was quite young and was sick with the measles, and although her housekeeper was devoted to him and she knew that he would be taken care of, to her great surprise, her son asked her if she was still going to work even though he was sick.[247] Had she had a steady

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[245] Biographical Folder, Box 1, Bolin Papers.

[246] Her housekeeper, who lived in, was a young German woman who came to the United States after the First World War. She worked with Jane Bolin before her son was born, and continued in her service for the remainder of her life. She remembered that she was married but had no children, and an extremely devoted person to her and to her son. Interview with Rudd, 46-48.

[247] This German housekeeper was to Bolin what many African American domestics were to many white households in the first half of the 20th century. They lived in their employers' homes, appearing not to have lives of their own...but they did. Bolin remembered her housekeeper's husband visiting her in the evenings, playing cards and having coffee and cake. The literature on this aspect of women's work is rich. Ibid., 46-48. On this topic, see for example, Tera W. Hunter, To Joy My Freedom: Southern Black Women's Lives and Labors After the Civil War (Cambridge, Massachusetts: Harvard University Press, 1997), especially pages 58-59, 61, 81, 104-106, 212; Stephanie J. Shaw, What a Woman

income available to her, she was sure that she would have stayed off the bench to raise her son until he was about eight or nine years old. She believed that having a profession, "I could always either practice law or maybe even get an appointment as a judge again," but she was sure that she would have stayed at home.[248]

The ordinary life of this very extra-ordinary woman clearly sensitized her to the problems of those before her, especially those of working mothers. She approached each case with "her natural compassion rather than a judge's severity."[249] The Domestic Relations Court, as she saw it, was not simply a court but a social agency - where conflicted men and women could expect more than a court order telling them to go out and live happily ever after. She was a strong proponent of individualized justice, and thought that "In Children's Court you have to take an individual view, dig into the background of the child, his physical and mental endowments, all his emotional patterns," because as she said, "He isn't there for punishment. He's there for help."[250]

Each judicial appointment to the Domestic Relations Court was for a period of ten years with no guarantee of

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Ought To Be and To Do: Black Professional Women Workers During the Jim Crow Era (Chicago: The University of Chicago Press, 1996), especially pages 112, 113-27, 131-133.

[248] Interview with Rudd, 46-47.

[249] David Margolick, "At the Bar," New York Times Law, May 14, 1993.

[250] Sidney Fields, "Only Human," Clipping File, Box 3, Bolin Papers. Her particular philosophy of the Court and children will be discussed in a later chapter.

reappointment. The judge was expected to seek reappointment at the end of each term from the incumbent mayor, who could choose not to reappoint. Although Mayor La Guardia first appointed Bolin, it is a tribute to her "sagacity and judicial fitness" that she remained on the bench regardless of changing administrations and mayors.[251] Had LaGuardia not bowed out of the mayoral race after his third term in 1945, he probably would have reappointed Judge Bolin to a second ten-year term in the city's Domestic Relations Court. Mayor William O'Dwyer reluctantly reappointed her to a second ten-year term effective July 22, 1949. O'Dwyer, a Tammany Hall Democrat who was defeated by La Guardia in the 1941 mayoral election let it be known that he had no intention of wasting a judicial appointment on a judge who was not part of his political club.[252] The fact that Judge Bolin had tried over 3,000 cases during her first term, never once being

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[251] Fiorello La Guardia was a Republican/Fusion mayor of New York City from 1933-1945; William O'Dwyer, a Democrat, from 1945-1950; Robert Wagner, a Democrat, from 1954-1965; John Lindsay, from 1966-1974.

[252] O'Dwyer was elected mayor of New York City in 1945. In 1950, amid scandals implicating him with underworld figures, he resigned shortly after being elected to his second term as mayor of the city, and sought refuge in Mexico as an Ambassador. Nathan Glazer and Daniel Moynihan, Beyond the Melting Pot: The Negroes, Puerto Ricans, Jews, Italians, and Irish of New York City (Cambridge: The M.I.T. Press, 1963), 208. Founded by the Irish Catholic, William Mooney, Tammany (after St. Tammany the American Indian chief) was organized around 1789 in New York, and later established the New York Democratic party. Tammany took many traits from Irish politics itself, most notably the custom of regarding the formal government as illegitimate, and the informal one as bearing the true impress of the people. The informal one, or the machine, therefore existed to check the power and authority of formal government. At the height of its reign Tammany came to be associated with extreme political patronage and corruption. See Glazer, 221-229.

overturned on appeal did not matter much to O'Dwyer. Armed with the information about O'Dwyer's plans, Bolin enlisted the help of Eleanor Roosevelt with whom she had built a very close friendship since their founding of the Wiltwyck School for Boys some years earlier.[253] "I went to Mrs. Roosevelt very disturbed," she said, "because I was a widow at that time with a two-year old child."[254] Mrs. Roosevelt wasted no time in communicating her support of Judge Bolin to the Mayor. After her communication, O'Dwyer felt compelled to recognize Bolin's judicial record, or as he stated, "felt he couldn't turn her [Mrs. Roosevelt] down."[255]

Some may see this as a classic case of political trumping, and Bolin does credit Mrs. Roosevelt with her first reappointment to the bench. Yet, to focus on the centrality of patronage in this instance is to essentially ignore Bolin's judicial fitness. The role of patronage or simple advocacy has been important to the professional

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[253] She and Mrs. Roosevelt were founding members of the board at the Wiltwyck School for Boys. The school was founded because the existing facilities did not admit black boys. Judge Bolin also sought counsel with her brother, since her father was deceased, about O'Dwyer's reluctance to reappoint. Her brother sought out the influence of their father's friend and colleague, the only other lawyer in Poughkeepsie during his father's early practice. This Irish lawyer was very active in Democratic politics in New York, and the hope was that he would intercede on the Judge's behalf with his political allies. However, to the Judge's surprise and resentment, the reason this lawyer gave for endorsing her reappointment was the fact that "I came from a good, colored family in Poughkeepsie." She wished that she would have intercepted the letter, but as it turned out O'Dwyer's reasons for reappointment were no more substantial. Interview with Rudd, 10, 12, 31, 34-35.

[254] Interview with Rudd, 31.

[255] Interview with Rudd, 32.

survival of African Americans and other similarly excluded groups. But, the discourse of advocacy need not supplant the issue or question of competence. The fact that O'Dwyer responded to Mrs. Roosevelt's advocacy and not necessarily to Bolin's record, by itself, reveals little, if anything, about the importance of Bolin's judicial fitness in his reappointment of her. Though it is reasonable to imagine that, even at Mrs. Roosevelt's urging, O'Dwyer would not have reappointed someone who would have been a political liability for him.[256]

City-wide support for Bolin's reappointment from those who looked to her "characteristic skill, finely balanced judicial temperament, and profound understanding of the complex problems involved in human relations" was instructive of her record as a judge.[257] In 1959, when Bolin's second term was about to end, the president of the Jewish Child Care Association, Irving Mitchell Felt, wrote to Mayor Robert Wagner recommending Bolin's reappointment. Felt told the Mayor, "Your reappointment of Judge Bolin to the Domestic Relations Court will be heartening to the profession and lawyers alike who seek understanding and

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[256] To focus on the role of patronage in the professional advancement of African Americans or other similarly marginalized groups, is to supplant the reality of over-qualification in the face of exclusion. The case of Myles Paige is instructive here. When La Guardia appointed Columbia University Law School graduate, and Senate nominee Paige as a magistrate, he had no doubts about his qualifications. Yet, the Mayor felt compelled to say to Paige, "You just have to make good because the attention of the city will be focused on you." Kessner, La Guardia, 376.

[257] "Tuskegee Award," Awards Folder, Box 3, Bolin Papers.

help for our troubled children."[258] Felt's comments were typical of the endorsements sent to Mayor Wagner, and reflected the support that Bolin engendered from lawyer and layman alike throughout her judicial career. In the same vein, an endorsement from the New York Women's Bar Association reminded Mayor Wagner that "Judge Bolin has discharged the duties and responsibilities entrusted to her in a manner which demonstrates that she is fair-minded and endowed with mature judgment and judicial temperament." The New York Women's Bar Association's resolution further testified to the high regard in which Judge Bolin is held and recognized the fine record which she has made as a Justice of the Domestic Relations Court during her twenty years of distinguished service on that bench.[259] One attorney, aware of Bolin's rare quality for even-handed justice, wanted to know what she could do to ensure the Judge's reappointment. "It's not a court that will help me anymore without you there," she wrote, "you are the first and last judge on the bench for me - I got justice when I came before you."[260]

In a letter of appreciation from the State of New York Youth Commission, Bolin was praised for her commitment to the rights of the city's children. The letter thanked her

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[258] Irving Mitchell Felt to Mayor Robert Wagner, 2 April 1959, Box 3, Bolin Papers.

[259] Norma Z. Paige to Mayor Robert Wagner, 7 April 1959, Box 3, Bolin Papers.

[260] Clipping File, Box 3, Bolin Papers.

for being one of the dedicated reasons why the courts for children are a greater hope.[261] The Bronx Women's Bar Association voted unanimously to pass a resolution respectfully urging Wagner to reappoint Bolin for another term as Justice of the Domestic Relations Court. The resolution stated in part,

> "Whereas, members of the Bronx Women's Bar Association have, on numerous occasions, appeared before Justice Bolin in the Domestic Relations Court, Family Division and Children's Court Division, and
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> "Whereas, they have always been deeply impressed by Justice Bolin's outstanding ability as a jurist, her sympathetic understanding of the problems facing the adults and children who come into that court for assistance, and the courtesy and humaneness shown to all those who appear before her."[262]

On May 26, 1959, before Judge Bolin's second term ended, Mayor Wagner reappointed her to a third ten-year term in the Domestic Relations Court. Mayor John Lindsay followed suit, and in 1969 he reappointed Bolin to her fourth and final judicial term. With the mandatory retirement age then set at 70 years for judges, Bolin reluctantly stepped down on January 1, 1979, feeling privileged to have spent her professional life serving in the Domestic Relations Court.[263]

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[261] McCloskey to Bolin, 16 March 1955, Box 3, Bolin Papers.

[262] "Resolution by Bronx Women's Bar Association," 5 May 1959, Box 3, Bolin Papers.

[263] "On the Occasion of Her Retirement," Box 3, Bolin Papers.

On the occasion of her retirement she received many accolades from women for whom she had been a role model. One such letter of tribute came from Justice Constance Baker Motley of the United States District Court. Motley's letter read in part:

> "First, I congratulate you on having successfully completed so many years of outstanding judicial service and for having achieved an unblemished record while in public life.
>
> "There is a great deal to be said for role model influence. I thought you would like to know that you provided a role model for me at a time when there were very few, if any, black women in the law. I also recall hearing nothing but praise with respect to your legal ability when I first came to New York in 1941. When I thereafter met you, I then knew how a lady judge should deport herself. I want to thank you for that.[264]

La Guardia was pivotal in Bolin's climb up the professional ladder. But it was her combined professional and political identity that made her eligible for such consideration. Aside from her formal qualifications and professional record, the mayor saw in Bolin someone with immense compassion, which was exactly what she thought a Domestic Relations Court judge should possess. She agreed that any judge should possess an acute acquaintance with the law, "studying all the cases pertaining to the Court's jurisdiction - even any place in the United States, [and] the United States Supreme Court." But, she strongly

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[264] Constance Baker Motley to Bolin, 26 January 1979, Box 3, Bolin Papers.

believed that a Domestic Relations Court judge should first have common sense, patience, courtesy, and "a broad sympathy for human suffering, because she will see enough of it."[265] Bolin saw enough of it during her more than forty years advocating for the city's children. And, she felt certain that in order to truly serve the city, a judge needed an understanding of the different cultures that comprised the city and reflected the composition of the litigants in the court. She found it to be a most grueling experience, emotionally and physically. Yet it was an experience so fascinating and rewarding that she could not imagine herself doing anything else. "Strenuous as it was, stressful as it was," she said, "I don't know any position or practice that I could have had that I would have liked more than that."[266]

Bolin was part of the educational elite, but she shared the disappointments of other professionals. She benefited from the professional legacy of her father, but traversed a maze of prejudice and discrimination in the legal profession. The threads of gender, class, race, credentialism and politics have woven the fabric of her success and struggle, even as they have influenced the structure of her judicial philosophy. The following

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265 "Only Human," Clipping File, Box 3; Interview with Rudd, 20, Bolin Papers.

266 Interview with Rudd, 19.

chapter examines her philosophy of activism born of years of struggle and success.

Chapter 4

SPEAKING TRUTH TO POWER:
A View From the Bench of Judge Jane Bolin

> I am a judge, not for Harlem, nor the children of Harlem... but for the whole city and for all children who are in trouble.[267]

In the Family Court of the State of New York and its predecessor courts Judge Bolin presided over the complex and delicate family court matters of juvenile homicides, nonsupport of wives and children, battered spouses, neglected and abandoned children, adoptions, and paternity suits from every racial and ethnic group of every economic strata. She imparted and fought for justice with equal vigor, and in so doing, made an indelible impact on the law and on the lives of many New Yorkers.[268] Committed to making the law an instrument of fairness, her reformist zeal excited her close friends and colleagues and encouraged them to join in her crusade for change. Never settling into what a judicial colleague saw as the "timid inertia" of the bench, Judge Bolin evolved into a judicial reformer over the course of four decades on the bench.

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[267] Words of Jane Bolin in Emma Bugbee, "Justice Jane M. Bolin Shuns Glib Diagnoses of Child Crime," New York Herald Tribune 18 April, 1943, Clipping File, Box 3, Bolin Papers.

[268] Access to her decisions, except for those she included with her papers, remains restricted. Requests to review such cases have never been made to the Family Court of the City of New York. A system has just been put in place to maintain confidentiality of parties (who are mostly children) while still affording the public some access.

In the early decades of her judgeship, Bolin worked closely with two of her judicial colleagues, Justices Hubert Delaney and Justine Wise Polier, to right the wrongs of every possible injustice before the court and in the community. When she first came to the Domestic Relations Court, racial and religious segregation was rife in the probation staff, in the children's institutions and in the social agencies. In addition, "one could count on one's fingers," she recalled, "the number of minorities on our staff - with me the lone one on our bench."[269] When law assistants were first being assigned to Family Court judges, Judge Bolin began asking "Where are the black law assistants?" and before long there were black law assistants. Black judges were relatively few and so were black law assistants, but Bolin rejected that explanation as an acceptable standard. She could not single-handedly remedy the representation of black judges, but she could and did effect positive change in the representation of black law assistants.[270] Before long she began a campaign, with the aid of Family Court judges Polier and Delaney, to secure racial equity in the court and in its supporting institutions.

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269 "Remarks by Judge Bolin on occasion of her retirement," 7 December 1978, Box 3, Bolin Papers.

270 These very basic questions of equity seem not to invade the conscience of her colleagues, who though supportive of Bolin's efforts for change, never initiated any before she came to the bench. Judy Klemesrud, "For a Remarkable Judge a Reluctant Retirement," New York Times 8 December 1978.

Among her many victories, there were two that radically changed the fabric and function of the Family Court. One involved the assignment of probation officers to cases without regard to race or religion, and the other involved private child care agencies accepting children without regard to ethnic background. Probation officers were often seen as the juvenile court judge's "right-hand man."[271] One of the several nineteenth- century developments that conjoined in the juvenile court movement, probation embodied the ideal of individualized, rehabilitative diagnosis and treatment.[272] Probation officers assigned to the juvenile courts not only served as investigators to the juvenile's social history. They also served as liaisons between the judges and the social scientists who guided them.[273] The department of probation was therefore central to adjudication in the Family Court.

Bolin had been on the bench only a short time when she discovered that all of the African American children were assigned to African American probation officers. She discovered further that there were no more than two African American probation officers.[274] It had been the practice of Administrative Judge Hill to assign cases of African

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[271] Sol Rubin, Juvenile Offenders and the Juvenile Justice System (New York: Oceana Publications, Inc., 1986), 14; Patricia McFall Torbet, "Juvenile Probation: the Workhorse of the Juvenile System," Juvenile Justice Bulletin (March 1996):1-5.

[272] Ibid.

[273] Ibid.

[274] Interview with Rudd, 10; Klemesrud, "For a Remarkable Judge."

American children to black probation officers, and the cases of white children to white probation officers. This was facilitated by the disclosure on court petitions of the race and religion of the parties. Shocked by the court's complicity in segregation, she approached Hill shortly after coming to the bench. "Well, I was so upset by it that, when I went on the bench," she said, "I went to the presiding justice, as he was called then, and complained, and said that this was not right." She even reminded Hill that as public servants, probation officers should not be assigned cases by race. As she remembered, Hill was very annoyed with her and told her that there was nothing that he could do about it, or as she put it, "would do about it."[275] She enlisted the help of a friend who was a lawyer, who threatened the Administrative Judge with a suit should the practice continue. The threat of court action nudged Hill to discontinue the racial and religious disclosures on court petitions.

That the Department of Probation and the court itself were fraught with issues of segregation adversely affected efficiency. The Court, after all, depended greatly on the investigations of probation officers to better prepare it to determine case disposition. The fact that there were only two probation officers assigned to handle the cases of Black children meant that these cases would not be given

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[275] Interview with Rudd, 31.

the thorough examination reserved for the cases of White children. Judge Bolin was the only one to take the Probation Department and the Administrative Judge to task for practicing segregation in case assignment. Similar segregation existed in the larger court system. Local white judges never assigned black lawyers to represent indigent white defendants. In 1936, Horace Gordon, a black lawyer who practiced in Harlem, complained that local white judges assigned white attorneys to defend blacks as well as whites who are without aid of counsel even when "there are five or more experienced, able and capable Negro attorneys present....[yet] not one of them is asked."[276] It was not until 1940 that a black lawyer was assigned to help defend a white man accused of murder. However, biased hiring and assignment remained "customary practice" in New York for decades. Entire industries were kept lily-white even for menial employment. The subway and surface carriers sprinkled a few blacks among their janitorial staffs but closed them out from any middle-level jobs and kept them all in Harlem. Kessner notes that even the Metropolitan Insurance Company, with over 100,000 policyholders in Harlem, hired no blacks.[277]

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[276] As quoted in Smith, Emancipation, 403. See also Gilbert Osofsky, Harlem: The Making of a Ghetto: Negro New York, 1890-1930 (New York: Harper & Row, 1966) and Irma Watkins-Owens, Blood Relations: Caribbean Immigrants and the Harlem Community, 1900-1930 (Bloomington: Indiana University Press, 1996.)

[277] Smith, Emancipation; see generally, Kessner, 368-371, 373-374.

In the decades before the 1960s many of the private child placement facilities in New York City were segregated along religious and racial lines.[278] In some instances there were no public child placement facilities to accommodate children of certain age groups. As a result, many young African American children (some as young as eight years of age) were forced to remain in abusive and neglectful homes, simply because there were no facilities that accepted them.

Bolin was so moved by the sad state of childcare in New York City that she co-founded, with Eleanor Roosevelt and some other "forward thinking people," the Wiltwyck School for Boys in upstate New York.[279] Though the school was founded in direct response to the discrimination suffered by African American children, it was not founded solely for African Americans. Bolin was, by her own description, "unalterably opposed to segregation by race, in child caring institutions as well as other places."[280] And, true to her belief in integration, she appeared before

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[278] There were facilities that catered to Jewish children, Catholic children, and Protestant children. The Black children who were mostly Protestant were sent to, what Bolin saw as, the very inadequate facilities that the Protestant provided. There was a Colored Orphan Asylum, which catered to African American children. Yet, all of these private placement facilities received public monies for their operation, a fact that Bolin later used to eradicate segregation in these facilities. Bolin to Maceo Thomas, Chairman of the Colored Orphan Asylum 18 February 1943; Interview with Rudd, 30; Bolin to John A. Wallace, Director of New York City Office of Probation, 31 July 1963, Box 3, Bolin Papers.

[279] She was vice-president of the Board of Directors of Wiltwyck for many years. Interview with Rudd.

[280] Bolin to Mr. Maceo Thomas, Chairman of the Colored Orphan Asylum 18 February 1943, Box 3, Bolin Papers.

the City Council and the New York City Board of Estimate in 1942 as the chief spokesperson in favor of a bill that would forbid payment of public monies to any institution or agency that discriminated on the basis of race.

She was very instrumental in drafting this bill, which bore the names of Earl Brown and Stanley Isaacs, two New York City Councilmen, with whom she had had repeated talks about the disgrace of paying public money to private children's institutions which refused to accept the city's Black and Puerto Rican children.[281] After the City passed the Brown-Isaacs Amendment to the City Charter the agencies were legally prohibited from segregating children. Yet, as late as 1955, Bolin was once again reminding City officials of their responsibility to all of the City's children without regard to religion or race. In a letter to the Honorable Henry McCarthy, the Commissioner of Welfare, Bolin called attention to his department's complicity in the continued slighting of African American children needing placement. She had referred a Protestant African American child to the Department of Welfare for temporary placement, but was informed by a Probation Officer in the Manhattan Children's Court that although the Department of Welfare had located room for the child at one of the facilities, a white Catholic child was preferred.[282] As a

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[281] Earl Brown was the first African American Councilman for the city. Interview with Rudd, 10.

[282] Bolin to the Honorable Henry McCarthy, 1 March 1955, Box 3, Bolin Papers.

result, another African American child was denied immediate placement and therefore denied immediate help from the court.

Armed with the information, Bolin conducted her own investigation of the rules and regulations governing the Allocation Division of the Children's Placement Service, and discovered that the Department of Welfare usually complied with the religious and racial preferences of placement facilities. She told the Commissioner, "I am extremely disturbed by this information. These temporary detention facilities are theoretically non-sectarian and since they are in receipt of public funds are required by the law not to discriminate because of race or religion." She continued, "It is even more disturbing if the Department of Welfare of the City of New York permits them to express a preference for a child of a certain race or religion and then makes an effort to comply."[283]

She expected the Department's full compliance with the law of 1942 which prohibited such discriminatory practices, and so demanded that the Commissioner forward to her the instructions he intended to give to the Allocation Division on how to handle race-specific requests from child placement facilities.[284]

The Department of Welfare was not the only agency that facilitated segregation in placement facilities. The

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[283] Ibid.

[284] Ibid.

Department of Probation was no less compliant in this regard. Bolin discovered in the reports of some probation officers, specification of a child's race if he or she was Black or Puerto Rican. She also discovered that on the face sheet for Juvenile Term (Form #50 - 23 Rev 1//62), a space headed "RACE" was utilized for the inscriptions "N" and "PR" designating "Negro" and Puerto Rican. In a letter to John A. Wallace, the Director of New York City Office of Probation for the Courts of New York City, she inquired about the reasons for the racial specification on the forms, knowing full well that they were there to simplify the matching of children with facilities.

She stipulated what the probation officers had already known, that most placement agencies seemed more concerned about a child's race than about his or her problems and needs. But she was adamant that the Office of Probation did not have to comply with the discrimination and prejudice of these agencies. "I object," she said, "to our probation records gratuitously providing this information [racial specification] to an agency to be used by them to maintain a quota system."[285] She realized that there were other means by which the placement agency could obtain such information. She figured, however, that if these agencies were put to the task of asking for the information, then a case could be built to show a pattern of discrimination

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[285] Bolin to John A. Wallace, 31 July 1963, Box 3, Bolin Papers.

thereby justifying the withholding of public funds. She did not disguise her displeasure with Mr. Wallace, who readily complied with her instructions to issue a directive that racial designation be excluded from all probation records including face sheets and probation reports.[286] The Probation Department was, after all, a public agency, and ought to be held, she thought, to a higher standard of compliance with the law.

Her efforts did not end with the Department of Welfare. She led a relentless crusade for children's right to equal treatment before the law that literally put her at odds with many Department Heads within City government, and outside City government. The Salvation Army operated Booth Memorial Hospital on West Fourteenth Street in New York City, which also served as a referral facility for pregnant girls. In a 1947 letter to Judge Bolin, the Territorial Commander, Mr. Ernest Pugmire invited Bolin to membership on their proposed Harlem Advisory Board. He told her that her name had been suggested by their officers and friends in Harlem "as a person mindful of her responsibilities to the borough and to its citizens."[287]

According to Pugmire, the Salvation Army wanted to share this responsibility with Bolin, and with her advice help those in need. Unimpressed with the Salvation Army's gratuitous proposal, Bolin declined their invitation. In

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[286] Ibid.

[287] Ernest Pugmire to Bolin, 17 January 1947, Box 3, Bolin Papers.

her response of February 4th, 1947, she wrote, "In the first place, I am out of sympathy with your feeling that a special Advisory Board is necessary for Harlem while your other Advisory Boards throughout the city are set up on a borough basis."[288] She continued, "I should be much more impressed to find the names of some civic-minded Negroes on your borough Advisory Boards than to be invited to a Jim Crow Advisory Board for an agency that is city-wide."[289] Moreover, she felt all the more opposed to being on any Advisory Board of the Salvation Army because she had become aware of, and was investigating, the Jim Crow policy that the Salvation Army maintained at its Booth Memorial Hospital. Booth Memorial Hospital was a referral facility for pregnant girls, but reportedly it segregated the pregnant Black girls from the pregnant White girls.

Bolin received reports from the Black girls about their treatment at Booth Memorial. "I have been alarmed," she told Mr. Pugmire, "by the reports these girls bring back of the heavy work they are required to do - lifting heavy wash from the machines, lifting heavy trays of dishes and even mopping and waxing floors on their knees during the advanced stages of their pregnancy."[290] She was so incensed by the reports that she paid a surprise visit to Booth Memorial to observe the reported conditions for

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[288] Harlem is not a separate borough, but is in the borough of Manhattan in which there was an existing Advisory Board.
[289] Bolin to Ernest Pugmire, 4 February 1947, Box 2, Bolin Papers.
[290] Bolin to Ernest Pugmire, 4 February 1947, Box 3, Bolin Papers.

herself. Although she was authorized by law to visit any institutions to which she sends children, she was unsuccessful in getting past the door. She was curtly told that it was inconvenient for her to make an inspection of the facility since some guests were expected for tea that day.[291] This presumption was, to Bolin, quite telling of what the facility had to hide. She rebuked the Salvation Army, and in response to Mr. Pugmire's litany of praises for his organization, she wrote, "When the Salvation Army begins to practice its motto 'Service to God Through Service to Man' without reservations and without distinction as to the color of 'Man', I shall be happy to contribute even more of my service than you requested in your letter."[292]

In 1943, the Colored Orphan Asylum became a most unlikely target in Bolin's crusade against segregation. The Colored Orphan Asylum was established before the Civil War to meet the needs of African American children who were excluded from most placement facilities. It was destroyed by fire as a series of anti-war riots broke out during the

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[291] Ibid.

[292] Ibid. In his letter of proposal to Bolin, Pugmire wrote, "Sixty-seven years ago, the first Salvation Army officers landed in New York City. Since then, The Army has engaged in numerous activities designed to serve community needs with a spiritual purpose and with material service. Our motto has been, in effect, 'Service to God Through Service to Man.' The Salvation Army now operates sixty institutions in New York City, institutions which have become a vital part of the community welfare." "The scope of The Army's service is wide, encompassing the complete span of man's life from pre-natal care to the operation of homes for the aged....and pays special attention to the needs of young people and children."

summer of 1863 in cities across the North. It was later rebuilt as segregation in placement facilities still existed. However, with the passage of the 1951 Brown-Isaacs Amendment to the City Charter, Bolin questioned the existence of the Colored Orphan Asylum. In a 1943 letter to Maceo Thomas, the Chairman of the Colored Orphan Asylum, she said, "I am interested in knowing what plans the Colored Orphan Asylum is making to comply with the amendment to the budget passed by the Board of Estimate last year prohibiting payment of public money to children's institutions which discriminate on the basis of color."[293]

Bolin understood the dilemma of many similarly situated organizations whose existence was justified because of de facto segregation against African Americans, but who were nevertheless violating the anti-segregation laws, and perpetuating segregation. She believed that "Before the passage of the Board of Estimate amendment, there may have been temporary excuse for such a setup even though it was undemocratic," but insisted that the Colored Orphan Asylum proceed with all deliberate speed to change its name and its intake policy regarding the race of children accepted.[294]

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[293] Bolin to Maceo Thomas, 18 February 1943, Box 3, Bolin Papers.

[294] Ibid. Bolin saw the benefit of political power in segregated communities like Harlem and Washington Heights, but hoped that one day groups would not feel like they have to be segregated to exercise real political power.

She was keenly aware of the needs of the City's children, and was committed to their best interests. Her position on the Colored Orphan Asylum was therefore not intended to deprive African American children of one of the few facilities completely available to them. Rather, she intended to effect total integration of ALL placement facilities. She understood that to allow segregation, however well-intentioned, was to perpetuate segregation, however ill-intentioned. Her position was consistent with her rejection of the Reverend James Robinson's proposal for an interracial voluntary hospital in Harlem.

Reverend Robinson was part of a Committee to purchase a hospital that was going out of business. Understanding Judge Bolin's influence in the City and especially in her Harlem community, the Committee sought Judge Bolin's input and endorsement of the proposed hospital. One of the objectives of the proposed hospital was to "set a pattern for initiating interracial principle in other hospitals," while providing Harlem with "more effecting and appropriate hospital and medical care."[295] Bolin was not convinced that Harlem needed such a hospital; nor did she agree that the welfare of the Harlem community would be furthered by such

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[295] The evidence suggests that the hospital which was supposedly going out of business may have been one which was reluctant to admit African Americans. By 1943, the Harlem Hospital and some of the other City hospitals had already demonstrated the interracial principle in its staffing policies and in its admittance policies. Bolin to the Reverend James Robinson, 20 December 1943, Box 3, Bolin Papers.

a hospital. On the contrary, she thought that the welfare of the community would be "prejudiced, viciously harmed and indeed setback many years by such a hospital at this time."[296] In her letter to the Reverend Robinson she said,

> If the hospital you have in mind for purchase is so generous as to want to sell itself for the purpose of an inter-racial hospital, it might accomplish the same result, and in more democratic fashion, by continuing operation and simply opening its medical and nursing staff, as well as its Board of Trustees to Negroes.[297]

She was adamant that such a hospital as that proposed, would not solve the problems of African American physicians in respect to hospital connections. As she saw it, "the number of staff positions open would be so small that it would benefit only an extremely small percentage of the Negro physicians in New York."[298] In addition, she was certain that if the "interracial" hospital was established, then the other voluntary hospitals which admitted African American patients (after years of resistance) would be eager to destroy those gains by suggesting that future African American patients "go to their own hospital in Harlem." "If segregation is forced on us in the matter of living quarters," she said, "let us not take steps to provide it ourselves in the matter of hospital service."[299]

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296 Ibid.
297 Ibid.
298 Ibid.
299 Ibid.

In her opinion, the time, energies and money expended for the so-called "inter-racial" hospital could have been better utilized in a campaign to open all public and voluntary hospitals in the City to African American physicians, nurses and technicians. She informed the Reverend that "When this is done, the need for your proposed hospital will have vanished. [Because] Unless it is done, the establishing of an 'inter-racial' hospital in Harlem, in my belief, will be a setback to the progress of our race."[300] An ardent integrationist, Bolin resisted any ventures that undermined city-wide desegregation.

She never faltered in her responsibility to the city's children. She fought for them on every front. She and colleague, Justine Polier, recalled how they had persuaded the New York newspapers to withhold the names of accused children under sixteen years, and to discontinue the racial designation of the accused since it was applied solely to Blacks.[301] Several years after the committee's success with the Press, the insensitivity of Attorney Frank Ortiz almost erased much of what they had fought for. The committee's success with the Press did not necessarily translate into even sensitivity from all legal practitioners.

Following up as she did on children who had appeared before her, Judge Bolin discovered that Ortiz who had

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300 Ibid.

represented a child, Louis Colon, before her in Brooklyn Juvenile Term on September 1, 1962, had given an interview and posed for a picture with the child and his father for a local newspaper, El Diario. She wrote to Mr. Ortiz and informed him that "It took some of us judges in this court several years, much correspondence and many conferences to obtain the consent of our New York newspapers to withhold from their news items the names of children allegedly or actually involved in acts leading to their appearance in the Children's Court." And, she expected that since the newspapers had scrupulously honored their agreement, then at the very least the children's representatives should do the same. She was shocked that Ortiz would permit any publicity regarding the very child he was assigned to represent and protect. Her frustration was justified because, as she explained in her letter to him,

> This court extends itself to protect the identity of children appearing here in the belief that when they reach maturity they should not be socially or economically handicapped or emotionally damaged by newspaper stories concerning incidents occurring in their less responsible and less mature years. Nor do we wish either that some children get a mistaken idea that they are 'big shots' because their names have been in the newspapers.[302]

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[301] Bolin to Justine Wise Polier, 24 October 1978, Box 3, Bolin Papers.

[302] Ortiz was given ample warning never to violate the court's responsibility to protect the children's identity. Bolin to Frank Ortiz, 6 December 1962, Box 3, Bolin Papers.

Her insurgency as a young judge is exemplified in her crusade against discrimination and segregation. Never lulled into the slumber and repose of the bench, Judge Bolin, within her first five years as judge, discovered and eradicated discriminatory practices never before challenged by her colleagues. Yet, she was not a maverick in the sense of working outside of the law. With the full import of her office, she simply utilized the letter of the law, a device accessible to all other judges, to create change. Or, more accurately, she used the full import of her office to bring private and public agencies within the letter of the law. What is certain is that, by her uncommon judicial activism, she risked reappointment to the bench.[303] What set her apart then was her courage to disturb, what Judge Bruce Wright called, "the timid inertia" of the bench, even at the risk of professional ruin.[304]

Her forthright activism had repercussions beyond the halls of justice - beyond the immediacy of petitioner and respondent. The War Department was aided by the Red Cross

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[303] It is interesting that she faced the most opposition to reappointment for a second term, when it was within her first term that she blasted every private and public agency not in compliance with the law, and the changing times. As discussed in Chapter Two, it was Mayor Wagner who was most reluctant in reappointing Bolin. Quite possibly, he was reluctant to have his own appointee criticize his administration by criticizing its agencies.

[304] Each challenge she directed toward the Department of Probation or the Department of Welfare was indeed a challenge to the current mayoral administration. The challenges she hurled at the various city agencies during her first term as judge were in essence aimed at La Guardia's administration to which she owed her appointment. Bruce McM. Wright, "A Black Brood on Black Judges," Judicature 57, no. 1 (June-July, 1973), 23.

in the disgraceful practice of segregating human blood along racial lines during World War II. This was just another way that whites demonstrated their determination that the war would not alter race relations.[305] The process of storing blood plasma was developed by the African American scientist, Dr. Charles Drew, but the Red Cross refused to mix donations of whites and blacks in their blood banks. Bolin was outraged, as was the entire Black community.[306] She boldly withheld her service and contributions from the Red Cross in protest. In a 1943 letter of reproach to the General Chairman of the Red Cross War Fund of Greater New York, Mr. Colby Chester, she underscored the seriousness of her position by stating that only "When blood segregation by these Chapters is discontinued I shall be glad to contribute my service and my money and urge others to do likewise."[307]

The Red Cross attempted to diminish their culpability by deferring to the mandate of the War Department. To be sure, the Army maintained a policy of segregation, the Navy recruited African Americans only as messmates, and the

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[305] Steven Lawson, Running for Freedom: Civil Rights and Black Politics in America Since 1941 (New York: McGraw-Hill, 1991), 6-7.

[306] African Americans supported the war effort, and responded as other patriotic Americans, but with rampant segregation at home, they declared the "Double-V" campaign for victories against fascism abroad and at home. Lawson, Running for Freedom, 6-7.

[307] Bolin to Colby M. Chester, General Chairman, 25 February 1943, Box 3, Bolin Papers.

Marines and Army Air Corps generally excluded them.[308] But, Judge Bolin felt strongly that even if the War Department requested that blood be segregated, an organization of supposed international high repute like the Red Cross could, and ought to, refuse to participate in, what she saw as, "undemocratic and scientifically unsound action."[309]

In her opinion, the Red Cross had "control over any action taken under its name which divides people instead uniting them, which saps morale rather than bolsters it during the time of war."[310] She had done her own investigation, and was informed that the Brooklyn Chapter of the Red Cross had refused to segregate blood according to race. She, therefore, saw no merit in the Chairman's position that the Red Cross was somehow bound by directives from the War Department. The Red Cross was, after all, an organization, though quasi-governmental, that received its financial and moral support from private citizens, to whom it owed some accountability. According to Bolin, the Red Cross lacked sufficient courage and determination to stand up and say it will not advance the war effort by offending part of the population whose support the War Department and the Red Cross needed and wanted.

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[308] Steven F. Lawson, Running for Freedom: Civil Rights and Black Politics in America Since 1941 (New York: McGraw-Hill, Inc., 1991), 5-7.

[309] Bolin to Chester, 25 February 1943, Box 3, Bolin Papers.

[310] Ibid.

Bolin consistently pointed out such incompatibility in a most incisive and preemptory manner. Her sentiments were echoed in her Commencement speech, "A Standard To Which The Wise And Honest Can Repair," to the Cheyney State Teachers College graduating class of 1946. Speaking of the hypocrisy of a war intended to crush fascism abroad while maintaining it at home, she challenged the graduates not to apply a high level of intellectual and moral integrity in international relations without applying a corresponding level in domestic affairs. Centered in the "Double-V" debate of the period, Bolin referred to the racial hatred, discrimination and segregation, denial of equal educational and occupational opportunities so rampant in a country extolling the virtues of democracy abroad. Bolin explained to the graduates that "It is as incomprehensible as it is degrading to see how any standard of intellectual and moral integrity can be maintained while accepting a proscribed citizenship status for any minority group."[311]

This class of post-war leaders was therefore being challenged in a straightforward, clear and unequivocal manner to be socially responsible, which for Bolin meant moving "in the direction of making a complete, full, inclusive, political and economic democracy, both on an

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[311] The war against fascism abroad was won, but the war against its remnants at home, manifested in the resurgence of the Ku Klux Klan, exhorting hatred against African Americans, and the existence of lynching, was gaining momentum. "A Standard To Which The Wise And Honest Can Repair," Commencement Speech at Cheyney State Teachers College, 1946, page 7, Box 3, Bolin Papers.

immediate and on a long-term basis, a living reality."[312] To effect the ideals for which the society had sacrificed so many and so much, she explained that it was imperative that the "domestic expressions of fascism be eradicated, completely, effectively, rapidly and ruthlessly." And this elimination, she believed, could "be accomplished only by constant day to day effort to achieve it."[313]

Bolin did not believe in side-line citizenship. Her own life was a testimony to constructive citizenship. So, what she hoped to impress upon Cheyney's graduating class of 1946 was their own social responsibility that was born of their newly acquired knowledge and inherent power.

Described by her judicial brethren, Judge Cesar Quinones, as a militant and a fighter, she entered into public dialogue over housing discrimination. She knew firsthand of its effects on children and families who appeared before her in court. Harlem had experienced a massive cityward migration of southern Blacks after World War I. From three percent of the population in 1920, Manhattan's Black population soared to twelve percent by 1930. The influx placed an immediate strain on the neighborhood, not the least of which was housing. Reportedly, in 1935 eight Harlem blocks were jammed with more than 3,000 residents each, with one block holding

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[312] Ibid.

[313] Ibid.

close to 4,000.[314] The overcrowding, unheard of in any other part of the city, was exacerbated by pervasive racism in everything from employment to habitable housing.

For his part, Mayor La Guardia did more than any other mayor to address the problems of this growing community. La Guardia responded to his Black constituents, and supported the building of the Harlem River Houses, a federal project which was stepped up in the aftermath of the 1935 Harlem riot. However, during his third administration (1941-1945), La Guardia had to earn Black support all over again because of, what many saw as, his disregard for their housing problems.

In April 1943, the City announced the building of Stuyvesant Town, a new housing complex to be developed with the cooperation of the Metropolitan Life Insurance Company and government as part of a long-term effort to construct decent low- and middle-income housing that would be needed in the postwar period. However this effort was tainted by Metropolitan's discriminatory housing policy which stated that no Blacks would be allowed as tenants. To such blatant discrimination, the mayor's response was neither swift nor responsible. Faced with, what many called, the dilemma of segregated housing or no housing, La Guardia being the pragmatist that he was, chose segregated housing.

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[314] As late as 1939, investigators reported that 84 percent of the housing lacked central heating and more than half of the apartments did not have private bathrooms. Kessner, La Guardia, page 372; also see Joe William Trotter, The Great Migration in Historical Perspective (Bloomington: Indiana University Press, 1991)

He decided to accept Metropolitan's contract for Stuyvesant Town in spite of the existing Brown-Isaacs Amendment to the City Charter which prohibited race discrimination by any entity receiving government funding.

In his study of La Guardia and modern New York, Thomas Kessner writes of two Americas. One was powerful, prosperous and confident; the other was the slum where everything flourished that prosperous America denied: poverty, illiteracy, unemployment, decrepit housing, and an outspoken angry representative with his arm raised in perpetual objection.[315] Harlem was without a doubt that other America, and Judge Bolin was, from all accounts, that representative, or at least one of the representatives, with arm raised in perpetual objection.

To show her support for a cause that neither Mayors La Guardia nor Wagner addressed with much seriousness, she began a letter-writing campaign against segregated housing that spanned a decade, and targeted all members of the City Council, the Mayor, and even the President of the United States. Speaking in the capacity of a Domestic Relations Court Judge, she implored the President of the City Council, the Honorable Joseph Sharkey to vote affirmatively on the Brown-Isaacs bill prohibiting racial and religious discrimination in City-aided housing developments. Hers was one of many letters that Sharkey received, but it was

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315 Kessner, La Guardia, 134.

the only one from a Domestic Relations Court Judge. One can only imagine that he was moved by her testimony of how poor housing impacted on the lives and possibilities of the young people who appeared before her. "I feel obliged to tell you," she said in her letter to the City Council President, "that as a judge in the Domestic Relations Court I see daily the effects not only of inadequate housing but of segregated housing on families and children."[316]

She explained further that she had seen little bodies dwarfed by an overcrowded, substandard home, and that she had also seen little minds warped by the knowledge that "we are considered somehow different and inferior. We cannot even live any place we want."[317] She felt sure that with that obvious injustice as a starting point, festering over a period of time, that it was perhaps inevitable that there should be finally rebellion against law and authority. She reminded the City Council President of his duty to each resident of the City whom she believed ought "to feel that all public monies are used for the benefit of all people" and not be "humiliated by the knowledge that his taxes are being used by his City to perpetuate the evils, both material and psychological, of discrimination."[318]

The City Council President soon lent his name to the 1943 Brown-Isaacs Amendment which became known as the

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316 Bolin to the Honorable Joseph T. Sharkey, President of the City Council, 18 December 1950, Box 3, Bolin Papers.
317 Ibid.
318 Ibid.

Sharkey-Brown-Isaacs bill. Bolin had apparently only just begun. She wrote to Mayor Wagner, who had reluctantly reappointed her in 1949, urging his strong support of the Sharkey-Brown-Isaacs bill. She stated quite bluntly that the most compelling reason for supporting the bill was simply justice. Hinting at the rhetoric of Wagner's campaign politics, she said, "We talk incessantly of the equality of all Americans and the dignity of man. Here is a small opportunity to put in practice some of our professions."[319] She seemed able to disclose the gap between his rhetoric and his routine, a tactic she used with other public office-holders.

The real estate boards had reportedly promoted vicious and distorted propaganda about the financial and social horrors of integrated housing. Many politicians were seemingly under their spell. And, it seemed like individual prejudices were only deepened by the fear of no longer being able to choose one's neighbors. As Bolin saw it, the general experience of everyone who rents or has ever rented an apartment in New York City, has never included being consulted by a landlord about prospective neighbors. She was confident that New Yorkers would not be so insecure as to fear the enriching experience of living

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[319] Wagner had become mayor in 1945 when La Guardia rejected withdrew from the race. Bolin to the Mayor Robert F. Wagner, 9 September 1957, Box 3, Bolin Papers.

among people of different racial and religious backgrounds. Reiterating her concerns about the impact of segregated housing on the welfare of children and families, she explained to the Mayor that

> In addition to the justice and democracy of the bill it would eliminate the sad and destructive effects of discrimination in housing - anti-social children rebelling against patent discrimination as well as unwholesome living conditions, the criminal adult similarly reacting, segregated schools, human beings diseased by slum living, the blatant exploitation by unscrupulous real estate interests of people they consider trapped because of their race, religion or national origin.[320]

As a Domestic Relations Judge, and one who was intimately involved in securing justice and help for those who appeared before her, she was in a position to draw those conclusions.

Many of the men, women, and children who came into her courtroom returned to see her, though more often she went to see them. As she saw it, "You can't deal with human beings and forget them as soon as you leave a court room."[321] Her sense of social responsibility did not begin and end on the bench, but was very much an integral part of her entire life. Bolin recognized, not only the social ills of segregation, but also its threat to democracy, a

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[320] The real estate boards had much to gain by preying on the prejudices of some and the need of others who had limited options. This type of "red-lining" was not restricted to New York City. Ibid.

[321] The record is clear and replete with examples of her follow-up attitude. See the earlier discussion about Booth Memorial Hospital, the Department of Probation and Department of Welfare. Sidney Fields, "Only Human," Clipping File, Box 3, Bolin Papers.

concern she hoped every citizen would understand. Her letters were selective, targeting as it did those citizens who held public office. Writing from the bench, she in essence put the entire weight of her office behind her, while putting those public office holders on notice. She sent no letters to the laymen or laywomen of Harlem community or the larger City community, because it was their hue and cry that had given birth to the bill in the first place. But, those in office who could help pass or kill the Sharkey-Brown-Isaacs bill had to be reminded that there was at least one public servant who stood with the community.

By the end of 1957, the municipal Sharkey-Brown-Isaacs bill had passed outlawing discrimination in multiple-family dwellings in the five boroughs. This was very important, especially for African Americans, who had grave difficulty purchasing a house. As a result, African Americans resorted quite often to renting, having no access to the same ease of financing a home as did a white person of comparable income.[322]

Uncommonly outspoken, this five feet two jurist was equally caustic with the spoken word as she was with the written word. One of her more militant and memorable stands against discrimination was occasioned by a 1944

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[322] Oscar Handlin, The Newcomers: Negroes and Puerto Ricans in a Changing Metropolis (Cambridge: Harvard University Press, 1959), page 88.

invitation to be the guest of honor and principal speaker at a dinner given by the City of Poughkeepsie in observance of American Brotherhood or United Americans week. This dinner to which the public was invited, was arranged by such prominent Poughkeepsie residents as Municipal Judge Corbally and Mrs. Ruby Kennedy of the Vassar College faculty, and was held at the Nelson House which stood as a model and reminder of Jim Crow in Poughkeepsie.[323]

Perhaps, memories of how Poughkeepsie had treated its native daughter, and other African Americans, had long since faded from the city's collective memory. Or, maybe local custom had so changed that Bolin's experience from twelve years ago was eclipsed by Poughkeepsie's progressive politics which integrated its African American citizens.[324] What was certain was that Poughkeepsie intended to honor its native daughter who had made them proud. Its celebration of American Brotherhood week seemed like the perfect venue for this honor. Bolin accepted the invitation and the honor, but with a shrewdness characteristic of her style. She turned the attention away

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[323] Like many boarding houses and hotels, the Nelson House discriminated against African Americans. Even the most well-known artists and performers like Marian Anderson and Langston Hughes were refused accommodations at the Nelson House during their visits to Poughkeepsie. Arranged by the United Americans committee of Poughkeepsie, the event was co-chaired by Mrs. W. W. Smith, 2nd and Dean H. Temple of Vassar College. Poughkeepsie New Yorker 17 February 1944, Clipping File, Box 3, Bolin Papers.

[324] Chapter One discusses her early life in Poughkeepsie and her, and her father's, experience with discrimination in Poughkeepsie.

from herself and her accomplishments and onto her host, the City of Poughkeepsie.

Mindful of the discriminatory practices of government agencies, and colleges in Poughkeepsie, Bolin told the audience that "An annual brotherhood dinner is of absolutely no significance or of no assistance unless it stimulates all of us to work unceasingly and tirelessly throughout the year toward a brotherhood in action and in deed."[325] She then reminded them that it was twelve years ago that she left Poughkeepsie to start practicing law in New York, because, even with the success of her father and brother, she did not see the opportunity in Poughkeepsie to pursue her aspirations and ambitions. She told the audience that when she is asked why she left such a beautiful town as Poughkeepsie, she is forced to answer, "Yes it is physically beautiful, but I hate fascism whether it is practiced by Germans, Japanese, or by Americans and Poughkeepsie is fascist to the extent of deluding itself that there is a superiority among human beings by reason solely of color or race or religion."[326]

What might have been for many an opportunity to extol the virtues of hard work and determination in the face of discrimination, became for Bolin yet another platform for exposing injustice. As the guest of honor in her hometown

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325 Poughkeepsie New Yorker 23 February 1944, Clipping File, Box 3, Bolin Papers.
326 Ibid.

where her father and brother were distinguished lawyers, a few gracious remarks about her own success, and the success of her father and brother were probably expected. However, Bolin was mindful not to have her exceptional life be mistaken for the common experience of the majority of African Americans in Poughkeepsie. She therefore exposed the degree to which her life was indeed the exception by focusing on just how poorly Poughkeepsie had treated most of its African American citizens.

Querying the degree of progress that Poughkeepsie had made, and simultaneously challenging the city to action, she said that when asked about the status of minorities in Poughkeepsie that

> I truly should like to reply with pride that there is at least one Negro on the bench, that there are Negroes on the staff of the District Attorney, in the Police and Fire Departments, in the City Council and in every City Department. I should like to say that Negro physicians are welcomed on the staffs of the Poughkeepsie hospitals, that Negro nurses are employed there, that there are Negroes teaching in the schools, that in industrial plants Negroes are employed in skilled positions according to their ability.[327]

But, to ask the question was to answer it. Poughkeepsie was no more inclined to share its opportunities with its African American citizens in 1944 than it had when she left. She told the audience that she still could not say that the Young Men's Christian Association (YMCA) and the Young Women's Christian Association (YWCA) of Poughkeepsie

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[327] Ibid.

"are no longer hypocrites and no longer degrade the word Christian, that they practice true brotherhood which knows no limitations because of color or race or religion."[328]

Sadly, accusations that were leveled against the YMCA and the YWCA twenty-five years earlier still had currency. As one editorial in the Advocate declared

> Much as we would like to disguise the fact that the Y.M.C.A. and Y.W.C.A. movement among Colored people is a form of segregation, we are forced to admit that the funds contributed by white philanthropists to aid in maintaining Colored branches are contributed to preclude the possibility of Colored men and women desiring to gain admission and membership in the white branches.[329]

Realizing that nothing had changed, Bolin urged the good men and women of Poughkeepsie to "break down the traditions of this city and to begin the practice of democratic principles," because "Brotherhood" as she saw it was pointless unless Poughkeespie ended its intolerance.[330]

It is debatable whether the Judge succeeded in shaming the City into the "practice of democratic principles." What is interesting, and much more than a coincidence, is that in exactly one year after Bolin's keynote address at the American Brotherhood dinner, her father, Gaius Charles Bolin, who had practiced law in Poughkeepsie and throughout

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328 Ibid.

329 Editorial, The Advocate, Cleveland, Ohio, 1 May 1920, as reprinted in Gerda Lerner, ed., Black Women in White America: A Documentary History (New York: Vintage Books, 1973), 484.

330 Poughkeepsie New Yorker, 23 February 1944, Clipping File, Box 3, Bolin Papers.

Dutchess County since 1891, at age 80 was elected the Dutchess County Bar Association President, becoming the first African American to fill that position.[331] Though Gaius Bolin was justifiably proud and happy about his election, he pondered the distance that Poughkeepsie had traveled, and concluded that it had much further to go. He believed that although African Americans had come a long way, they still had the hardest fight on their hands of any since the Civil War.[332] What his daughter saw was that Poughkeepsie had a fight on its hands because the winds of change were blowing strongly from the lungs of its youth. She believed in the dreams of children, all children, whether African American, Jewish, Catholic or Puerto Rican. She believed that the hopes of these children were a direct challenge to the City of Poughkeepsie and like-minded cities across the United States, because, as she said, "They too study the Constitution and the history of America," and "unlike the United States Supreme Court during much of our history, they take it literally [and] they mean to have liberty and a full, rich life, free of want, oppression and inequality of opportunity, whether economics, social or political."[333]

In 1943, she was a member of a city-wide committee of community leaders, along with Delaney and Polier of the

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331 Herald Tribune 20 February 1945, Clipping File, Box 3, Bolin Papers.

332 Ibid.

333 Ibid.

Domestic Relations Court, who confronted the Metropolitan Press about the manner in which it reported crime committed by Blacks.[334] The memorandum, which criticized the press for failing to live up to its responsibility to improve the social conditions and racial relations in the city, stated in part:

> It is noted with alarm that the Metropolitan Press has recently played up crime happenings in Harlem to the extent that the impression is now city-wide that crime among Negroes in Harlem is on the increase....It is to be noted that almost invariably when a crime is committed by a Negro the fact that it was a Negro who committed the crime is so reported that the Negro and the crime are tied together to the extent that whenever people think of one they think of the other.... consider the howl that would go up over the land if the press were to report "MIKE O'CONNOR, IRISH CATHOLIC KILLER" OR "JAKE ENSTINE, JEW KILLER" OR "JOE THOMAS, ESPISCOPALIAN KILLER....As it is now, only the Negro is singled out in this manner.[335]

The memorandum demonstrated just how dangerous this kind of reporting was to race relations, and, by extension, just how dangerous it was to the well-being of the city. The memo described how the treatment of Harlem crime had caused

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[334] Other committee members included Samuel Battle, Parole Commissioner of the City of New York; Lester Granger, Executive Secretary of the National Urban League (NUL); Reverend John H. Johnson, Rector of St. Martin's Church; Austin R. McCormack, former Commissioner of Correction of the City of New York; Walter White, Executive Secretary of the National Association for the Advancement of Colored People (NAACP), and others from varying offices of the YWCA, YMCA, NUL. But, Bolin, Delaney and Polier were the only Domestic Relations Court judges involved. "Memorandum to Metropolitan Press," with letter from Peyton F. Anderson, Chairman of the Harlem branch of the YMCA, to all committee members, 6 April 1943, Box 3, Bolin Papers.

[335] Ibid.

black youth to be arrested without a warrant while white youth engaged in similar behavior escaped arrest. The committee deemed the press complicitous in exacerbating friction between black youth and white youth, who formed clubs (gangs) to oppose each other and, to protect the interests of each racial group as a result of the press's negligent reporting of crimes committed in Harlem.

This committee did not restrict its concerns to the immediate impact on New York City race relations. It actually utilized this forum of criticism to call attention to the disproportionate representation of African Americans in the armed forces, upon whom the coverage of Harlem crime had "a demoralizing effect."[336] This was not the first time that this committee had taken the metropolitan press to task. Years earlier it had fought, and forced the metropolitan press to begin "capitalizing the word Negro" in its reporting.[337] Clearly, the activism of the committee of Domestic Relations Court judges, NAACP and NUL officers, Department of Correction and Probation commissioners, and church officials was intended to do more than simply condemn the biased reporting of the press. It exploited the recklessness of the Metropolitan Press to call public attention to the assault not just on Black youth, but the assault on the Black community in general.

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[336] Ibid.

[337] This is reminiscent of a similar protest against a local Poughkeepsie newspaper at age fifteen. Polier to Bolin, 24 October 1978, Box 3, Bolin Papers.

Harlem had erupted eight years earlier in 1935, and although the riot was lit by the pilferage of a 10-cent pen-knife, it was made explosive by years of social, political and economic neglect.[338] The 1943 memo, addressed to press and public alike, even warned of a recurrence should the voice of the Harlem community be ignored. "The riot and its results," said the Committee, "is a page in history which no citizen of New York City can view with pride." However, the committee believed that it accomplished "the purpose for which constructive forward looking citizens had appealed in vain." Clearly referring to the belated attention given to Harlem by the city fathers, the committee reiterated that "It is the duty and responsibility of all of us to prevent its recurrence."[339]

Bolin fueled her compassion on the bench with her personal experiences of marriage, motherhood, of being twice widowed, a working single parent, almost unemployed, and hindered by the combination of gender and race. Yet, she did not think that "a woman is necessarily better than a man as a Domestic Relations judge." She believed that it

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[338] A sixteen-year old Puerto Rican youth, Lino Rivera, admitted to stealing a 10-cent penknife from the Kress store on 125th Street in Harlem. He bit a floor guard who tried to subdue him. The police and ambulance were summoned. In the crowd that gathered outside the store, rumors of abuse and death spread. The rumors were believable given the volatile relationship that existed between the community and the police, and feelings between white Harlem storekeepers and neighborhood residents had been strained for many months after a series of efforts to force local stores to hire blacks. The rumors this particular night stirred the pent-up rage, and what erupted was the Harlem riot of 1935. See generally, Kessner, La Guardia, 368-369.

[339] "Memorandum to Metropolitan Press," Box 3, Bolin Papers.

was more a matter of aptitude and temperament.[340] In an emotionally-charged homicide case, Bolin's judicial temperament was tested. The facts as reported in the New York Daily News simply stated that just before Christmas in 1978, a juvenile male killed his friend during an argument over a bicycle. The newspaper reported further that as the juvenile, who had never been in trouble before, stood before Judge Bolin awaiting disposition, the father of the murdered boy pleaded to be heard. Judge Bolin obliged, and the father, it is reported, told the court that he had prayed to find it in his heart to forgive the boy who had deprived him of his son, and that his prayer had been answered. Anticipating the conventional ruling for a homicide not committed in self-defense, the father reportedly reminded Judge Bolin that his only son could not be brought back no matter how she ruled, and begged her not to deprive the parents of the arrested boy of their only child. The newspaper reported that there was not a dry eye in the courtroom, including the Judge's.

Judge Bolin's "quiet wisdom" in this particular case recalled the biblical story of Solomon. In this instance Solomon was a black woman judge, and she decided to send the boy home on probation. Years later when asked to comment on the case, Judge Bolin proudly remarked that

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[340] Sidney Fields, "Only Human," Clipping File, Box 3, Bolin Papers.

after that appearance the boy was never in trouble again.[341] Other women judges have captured the attention of the press with their sympathetic and sensitive rulings regarding young people. Being strong proponents of child welfare laws, these judges, like Bolin, believed in equal rights "but not equal wrongs."[342] However, in deference to the admonition that "the decider must cerebrate rather than emote about what he [or she] is deciding," many criticized such rulings as too emotional, and not based on the merits of the case. The following statement from an outstanding New York attorney typifies the way many people viewed the performance of women as lawyers and judges:

> Women are too emotional to make good lawyers. I know, I have had them on my staff. I have had them as opponents and I have even tried cases before women judges. They are all the same. Inevitably, they let emotion supplant cold logic and hard facts on which law is based.[343]

The sweeping declarations of the above statement recall Beverly Blair Cook's observation that to speak of a different attitude of women on the bench is to speak of

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[341] Like many other such cases involving juveniles, the records remain sealed to protect the youth's identity and delinquency. Sidney Fields, "Legacy of a Family Court Judge," The New York Daily News, January, 1978.

[342] Morello, Invisible Bar, 226.

[343] Bolin refuted that argument by calling for more women, especially African American women to take up the law. Alvin White, "Why Aren't There More Women Lawyers," The Afro-American, (February 21, 1959): 1, Clipping File, Box 3, Bolin Papers.

women's different status in society.[344] To the extent that women judges behave differently they are responding from the gendered experience of women as a group. Yet, to equate difference with emotionality is to truly miss an opportunity to discuss the particularity of justice from one tribunal to another. Judge Bolin refuted the generalizations of this New York attorney and those of his ilk. She adhered to the Family Court's "parens patriae" interest which privileged the preventive approach over the purely punitive approach of the criminal courts.

As originally conceived, the Juvenile Court, apart from the physical separation of the child from the adult offender, inaugurated the concept of the court as a social rather than a penal or police agency.[345] Accordingly, it repudiated as a contradiction in terms the idea of a "juvenile criminal." In line with this philosophy, in 1924, 25 years after the inauguration of the Juvenile Court movement in Chicago and Denver, the state of New York initiated a separate Children's Court. It was to reach out beyond the police system into the community for cooperative effort with child-care and other social agencies. And, disposition was to be made on the basis of the particular

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[344] Beverly Blair Cook, "Women as Judges," in Beverly B. Cook, Leslie F. Goldstein, et al., ed. Women in the Judicial Process (American Political Science Association, 1988), 21.

[345] As described by Albert Deutsch in "Our Rejected Children," in "The Experience of Domestic Relations Court of the City of New York in Relation to The Proposed Unified Family Court," 5 April 1954, Speeches Folder, Box 3, Bolin Papers.

child's personality regardless of the character of the offense.[346] Accordingly, Bolin operated within the confines of the "fundamental fairness" mandated by the due process clause, and presided over juvenile proceedings with great informality and flexibility - a manner "fundamentally different" from that of an adult criminal prosecution.[347]

On the bench she had always tried to find Solomon's wisdom for those human tangles that even good laws failed to address. Her ruling in the aforementioned case was therefore compatible with her own understanding of what the Court's philosophy on children should be. She believed that "almost any child who has become delinquent can be rehabilitated if given proper care and attention at the right time." Although she agreed that much depended upon the cooperation that is given by parents and teachers.[348] Ruling as she did, she essentially challenged the Court to respect its philosophy of non-punitive and individualized

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[346] Hearings were to be instituted by petition rather than by formal complaints or indictments as with criminal cases, and were to be informal. See generally, Sol Rubin, Juvenile Offenders and the Juvenile Justice System (New York: Oceana Publications, Inc., 1986), 1-14.

[347] Writing for the majority in Schall v. Martin (1984), a case questioning the constitutionality of a New York statute authorizing pretrial detention of accused juvenile delinquents, Justice Rehnquist noted that the state's primary interest in the welfare of children made juvenile proceedings particularly unique. The vocabulary of the Juvenile Court also symbolized this uniqueness that uses "Petition instead of complaint, summons instead of warrant, initial hearing instead of arraignment, finding of involvement instead of conviction, disposition instead of sentence." See Sol Rubin, Juvenile Offenders and the Juvenile Justice System (New York: Oceana Publications, Inc., 1986), especially pages 1, and 19-20.

[348] Julius Adams, "Meet Justice Jane M. Bolin! The Only Negro Woman Judge In the World's Largest City," New York Amsterdam News, January 29, 1944, page 7A, Clipping File, Box 3, Bolin Papers.

justice which considered a child's background more important than the facts of a given incident.[349] "Every child who comes before the court needs attention," she said, "and his case must be heard and judgment made in view of all the factors of personality and environment entering into that particular child's life."[350]

She saw the Juvenile Court system as ideally representing, what Roscoe Pound called, the "socialization of justice," or a symbol of "personalized justice." But she believed that notwithstanding some substantial achievements, the juvenile court and the domestic relations court movement came up short both in terms of the concepts of its early advocates and of its full potentialities.[351] This was so because, as she saw it, the court had not been properly implemented with adequate staff and services due primarily to "short-sighted, tight-fisted, budgetary authorities who consistently appear uninformed of, or

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[349] In determining disposition, the court places great reliance on the social and clinical report prepared by the probation officer to whom the case is usually assigned for "social study." The social study embodies the juvenile court's emphasis on inquiring into the child's background and its attempt to apply the social and behavioral sciences to diagnosing and dealing with the problems behind the child's errant conduct. Most juvenile court judges have a broad discretion in disposing of cases, being empowered, according to Rubin, to dismiss the case, warn the juvenile, fine him, place him on probation, arrange for restitution, refer him to an agency or treatment facility, or commit him to an institution. Rubin, Juvenile Offenders, especially Chapter 1.

[350] Emma Bugbee, "Justice Jane M. Bolin Shuns Glib Diagnoses of Child Crime," New York Herald Tribune, 18 April 1943, Clipping File, Box 3, Bolin Papers.

[351] "Lecture to Bar Association of New York," 5 April 1954, Speeches Folder, Box 3, Bolin Papers.

indifferent to, the type of preventive, corrective and rehabilitative service the court was set up to render."[352]

In the more routine cases involving petitions for child support, custody, and visitation Bolin demonstrated the same commitment to "the best interests of the child." In Langerman v. Langerman (1951), the father of two minor children opposed the request made by his ex-wife, who was the custodial parent, for an order of support over and above the provisions made at the time of their divorce in Nevada. In this case, Judge Bolin ruled that the fifty dollars ($50) per week plus medical expenses for the two children and the twenty-three hundred dollars ($2,300) voluntary contribution made the year before (1951) did not constitute fair and reasonable support according to the means of the father who had a net annual income after taxes of forty-six thousand, seven hundred and eighty-four dollars and twenty-eight cents ($46,784.28).[353]

Beatrice Hoffman, in her study of changes in the Domestic Relations Court, found that quite often the attitude of male judges, attorneys, and spouses which leave the children with the woman did not assure them enough support.[354] This was not the case in Bolin's courtroom.

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[352] The early "fragmentation of jurisdiction," between the Children's Court and the Family Court often frustrated its implementation - hence her protracted campaign for a unified Family Court. Ibid.

[353] Langerman v. Langerman, 116 N.Y.S.2d 420 (1952).

[354] Beatrice Hoffman, "Changes in Domestic Relations Court," in Winifred L. Hepperle and Laura Crites, eds., Women in the Courts (Virginia: National Center for State Courts, 1978), 136-159.

Ever mindful of the economic realities women faced, Bolin was sensitive to the precarious position in which a divorced mother with children could find herself. But, relying first and foremost on what was "best for the children," she made a ruling that was satisfactory to neither parent. With an acute sensitivity to the children's accustomed lifestyle which their father had maintained, but which their mother could not afford, she amended the original support decree to better meet the "needs of the children" and to reflect the means of the father.[355] As such, the original award of fifty dollars per week support for two children was increased to one hundred and fifty dollars ($150) per week.

The fairness of Bolin's ruling is evident in the substance of her amended award which was half of the three hundred dollars ($300) per week requested by the petitioner/mother. Judge Bolin reasoned, "today's order is made substantially less in the hope it will encourage the respondent [father] to continue voluntarily to provide the children with occasional toys or whatever gifts will satisfy him most," since "He feels justifiably that he would like the children to receive some contributions

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[355] See generally Langerman where prior to the separation of the parents the father maintained the children in a Rye, New York house with gardens, a private swimming pool, three full-time and at least three part-time employees. After the parents' separation, the children were living with their mother in an apartment where the girl shares a bedroom with the maid and the boy sleeps in a room with the bed next to a pipe and has access to the bathroom only through his mother's bedroom or through the room occupied by the maid and his sister.

directly from him."[356] Her ruling was upheld on the respondent/father's appeal to question the nature and extent of the exclusive jurisdiction of the Family Court to order support of children after a divorce has been procured outside the state of New York.

In her courtroom justice was not a woman blindfolded, but a jurist with eyes wide open to the nuances of each case. This case also points to the diversity of the cases Bolin handled. True, many of the cases that came before her involved many persons from Harlem, as the New York Times reported at the time of her appointment, but by no means was her court calendar restricted to Harlem's African American community, or to any particular ethnic, racial or economic group. "I am a judge, not for Harlem, nor the children of Harlem," she once said, "but for the whole city and for all children who are in trouble."[357]

Her assignment took her into the five boroughs of New York City (Bronx, Brooklyn, Manhattan, Queens, and Staten Island), and into the Children's Court and Family Court of each. She was therefore acutely familiar with the city's diverse population, a characteristic she found wanting in many of the city's judges. As testimony to her brand of justice and to her commitment to saving children instead of drowning them in the system of adult criminality, Judge

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356 Langerman.

357 Emma Bugbee, "Justice Jane M. Bolin Shuns Glib Diagnoses of Child Crime," New York Herald Tribune 18 April 1943, Clipping File, Box 3, Bolin Papers.

Bolin publicly denounced the 1978 New York Juvenile Offender Law. The New York Juvenile Offender Law, as enacted, permitted thirteen-, fourteen-, and fifteen-year old offenders to be tried publicly for felonies in the Criminal and Supreme Courts, where they could receive longer sentences than could be given in the Family Court.[358] Within three months of the law's enactment Bolin would retire, but that did not diminish her displeasure and disappointment with the statute. She warned,

> It's a retrogression. I think it is symptomatic of a society that doesn't give priority to its children. It would rather have this kind of law instead of putting money where it should be put, correcting the social and economic conditions where children live.[359]

She understood that violence by juveniles was increasing, and even acknowledged that she had never seen anything like the increased violence that was so rampant in the city during the decades of the seventies. But she was unyielding in her belief that the state's stricter juvenile justice law was not the answer. She felt that the course

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[358] In New York, the jurisdictional age for the Family Court was 16 in the case of a child charged with delinquent act; in the case of a child alleged to be a person in need of supervision, the jurisdictional age was 16 for males and 18 for females. For these the court had exclusive jurisdiction. But no exclusive jurisdiction, as of 1978, for children 13 or older charged with second degree murder and children 14 or older charged with second degree murder, felony murder, kidnapping in the first degree, arson in the first or second degree, assault in the first degree, manslaughter in the first degree, rape in the first degree, sodomy in the first degree, aggravated sexual abuse, burglary in the first or second degree, robbery in the first or second degree, attempted murder, or attempted kidnapping in the first degree, unless such case is transferred to the juvenile court from the criminal court. See Rubin, Juvenile Offenders, "Appendix B," 101-102.

[359] "Honors and Awards" Folder, Box 3, Bolin Papers.

that was chosen in the enactment of the Juvenile Offender Law was more convenient than the more difficult alternative of "a many-faceted, highly financed attack on the social, economic, and family problems responsible for their delinquency with concerted efforts to rehabilitate and reclaim our children."[360] Inherent in her criticism of the Juvenile Offender Law was a criticism of what she perceived to be a glib diagnosis of child crime. She believed that one would be remiss to state offhand either the causes of, or cure for, juvenile delinquency, because there were so many causes and no one cure. The implication that economic factors - such as a mother's need to work - alone accounted for juvenile delinquency was not sound, she said. The forces that drag a child into trouble, she emphasized, were far more complicated than that.

Her years of contact with these cases had taught her that emotional factors in the home, stresses in the child's own personality, and influences outside the home also contributed to the tragic upheaval.[361] "I get very distressed and dismayed," she declared, "when I hear psychiatrists and social workers handing out easy answers, saying it's because of the wars children have seen, or the violent programs on television, or because violence is as American as apple pie." "Those answers are just too

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360 "Remarks by Judge Bolin on occasion of her Retirement, 7 December 1978," "Honors and Awards" Folder, Box 3, Bolin Papers.

facile," she thought, "I can't accept any of them."[362] She also held fast to her belief that society as a whole had a responsibility to its children, and stated such in the following newspaper interview:

> The failure is ours. You and I and all of us haven't worked out a program to meet it. Only a small start has been made. There's no blackout on human weakness. We can't stop thinking about it.[363]

Judge Bolin's commitment to justice and equality, and her concern and love for children, are two significant columns that structure her philosophy. This in part explains her choice to remain on the Family Court bench although eminently qualified to serve on any court. She believed that she would make her best contribution in a court designed to protect children and families. She once said, "I'd rather see if I can help a child than settle an argument between adults over money."[364] This explains why, in spite of numerous campaigns to "elevate" her to "more prestigious" courts, she declined nominations as early as 1949 for judicial service in other tribunals. In a letter to the Philadelphia Municipal Court judge, Theodore O. Spaulding, Bolin thanked him for his nomination in the matter of a Federal Judgeship, but assured him that she was not interested because she felt that she could render the

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361 Emma Bugbee, "Glib Diagnoses."

362 Judy Klemesrud, "For A Remarkable Judge."

363 Sidney Fields, "Only Human," Clipping File, Box 3, Bolin Papers.

364 Sidney Fields, "Legacy of a Family Court Judge," Box 3, Bolin Papers.

greatest service in the Family Court guarding the rights of women and children, two of society's most unprotected groups.[365]

She was committed to making the law an instrument of fairness, but did not confine her activism to the physical halls of justice. A militant integrationist, she confronted inequality throughout the city, in every office of government and private sector without regard for the security of reappointment. Her activism over the course of four decades is therefore nothing less than a crusade. What follows is yet another chapter in this crusade. She was a leader in the National Association for the Advancement of Colored People (NAACP) who never lost her respect for, and responsibility to, the masses of African Americans who were the foundation of the organization. Her practice of "participatory democracy" went against the grain of the elitist leadership in the NAACP. But she remained consistent in her commitment to equality, regardless of class, race, or gender, even at the risk of alienation.

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[365] Spaulding was elevated to the Superior Court as the first black appellate court judge in Philadelphia, and indeed in Pennsylvania. Bolin to Theodore Spaulding, 23 August 1949, Box 3, Bolin Papers; also see Segal, Blacks in the Law, page 30-31.

Chapter 5

PERSONA NON GRATA: THE HONORABLE JANE MATILDA BOLIN AND THE NAACP, 1936-1950

The National Association for the Advancement of Colored People (NAACP) has always boasted a strong female presence. From its inception women, both Black and White, have played key roles.[366] They numbered among those who signed the Call for the National Negro Conference in 1909 that led to the formation of the NAACP, which was organized in response to two days of racial violence in Springfield, Illinois in August 1908. Of the founding members they comprised a full third, representing leadership in suffrage, settlement-house work, child-labor activism, and racial reform.[367] Two were African American women. They

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[366] Dorothy Salem, To Better Our World (Brooklyn, New York: Carlson Publishing, Inc., 1990). For example, Frances Keyser, Mary Church Terrell, and Ida B. Wells-Barnett served on the 21-member Executive Committee with 5 White women, while the 66-member General Committee included Maria Baldwin of Boston, Maritcha Lyons and Mary Talbert of New York, and Elizabeth Carter, leader of the New Bedford club. Salem finds that most secondary sources about the NAACP are of little help concerning the role of African American women. She notes that Charles Flint Kellogg's NAACP: The National Association for the Advancement of Colored People (Baltimore: Johns Hopkins Press, 1967) seldom mentions the Black female role, except in footnotes and, even then, she finds that female names are often misspelled, incomplete, or not identified as African American. For example, sources differ with regard to the number of signers and women. Kellogg's NAACP, pages 297-98, numbers the signers at sixty with seven noted African American leaders, including Mary Terrell and Ida Wells-Barnett. However, Wilson Record, "Negro Intellectual Leadership in the National Association for the Advancement of Colored People: 1910-1940," Phylon 18 (Fall, 1956), page 380, states "Only one Negro woman of note, Ida Wells-Barnett, was among the signers of the call." Salem wonders whether Record was simply unaware of Terrell's identity or unaware of her significance.

[367] These women included Jane Addams, founder of the Hull House Settlement in Chicago and a female reform network of full- and part-time residents; Florence Kelley, founder of the Consumer's League; Mary White Ovington, leader in the Consumer's League, Social Reform Club, and founder of Greenpoint Settlement; Sophinisba Breckinridge, Edith

were Mary Church Terrell of Washington, DC and Ida B. Wells-Barnett of Chicago, both of whom actively participated in the National Association of Colored Women as leaders, speakers, and liaisons with local reform organizations.[368]

From all accounts, Black women predominated in the organization in traditional female roles as fund-raisers and proselytizers, which did not generally lead to greater influence in the national headquarters.[369] Although, as historian Dorothy Salem explains "in so doing, Black women played a significant role in tying the NAACP to the communities and, in turn, created a Black-led NAACP."[370] Still, as Thomas Holt notes, the singular irony is that a racewoman like "Wells-Barnett, the most prominent voice opposing lynching over the preceding decade and the most persistent advocate of a national organization to combat

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Abbott, and Grace Abbott, social service activists; Ellen Gates Starr, cofounder of Hull House; and Alice Hamilton, public health crusader. Salem, To Better Our World.

[368] Both were active in interracial organizations. Terrell was a participant and speaker in the New York Social Reform Club and the National American Woman Suffrage Association, and was also one of the charter members of the Constitution League founded by John Milholland, a White reformer and philanthropist, to protect the constitutional rights of Black Americans. Wells-Barnett worked closely with the likes of Jane Adams and Sophinisba Breckinridge in the Frederick Douglass Center, and participated in the National American Woman Suffrage Association also, all while on her anti-lynching crusade. See Dorothy Salem, "Black Women and the NAACP, 1909-1922: An Encounter With Race, Class, and Gender," in Kim Marie Vaz, ed., Black Women in America (California: SAGE Publications, 1995), 56-57.

[369] Mary Church Terrell served on the Board of Directors in 1912-1914. Salem, "Black Women and the NAACP," 54-70.

[370] Ibid, 54-70, see especially page 59.

racial oppression, was not among the leaders of the NAACP."[371]

It is therefore significant that a generation later, Jane Bolin, an African American woman of equal vocality and singular judicial prominence, would be among the national leadership of the NAACP. Yet strangely enough, it was that "positioning" within the NAACP leadership that provoked a public intra-organizational conflict (the likes of which had not been seen since DuBois's dismissal in 1934) that resulted in Bolin's becoming "persona non grata" to the organizational leadership. This chapter will therefore examine Bolin's philosophy of leadership and its authority over her abrupt resignation from the NAACP in 1950. In so doing, it will also examine her membership and leadership in the New York Branch of the NAACP and analyze the branch's relationship to the national office.

Examination of Bolin's positioning within the NAACP leadership is long overdue. Moreover, such an examination would enrich any analysis of an NAACP leadership model, and even complicate the tendency to essentialize early Black leadership. The question that frames this chapter is however not how this independently vocal female African American jurist rose to prominence in the NAACP, but more

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[371] Thomas C. Holt, "The Lonely Warrior: Ida B. Wells-Barnett and the Struggle for Black Leadership," in Black Leaders of the Twentieth Century, eds. John Hope Franklin and August Meier (Urbana: University of Illinois Press, 1982), page 50.

importantly, HOW and WHY she plummeted to the depths of its disregard.

To be sure, the NAACP counted African American women among its leadership, though principally as Branch Directors, Youth Secretaries, and in other non-policy-effecting positions such as Vice-Presidents. Mary McLeod Bethune, and Nannie Helen Burroughs were among the few African American women who served as Vice-Presidents in the NAACP. The organization's true leadership, as in its policy-effecting and policy-directing offices, however, seemed truly reserved for men. Because of gender inequality women did not have full access to decision-making in the National Office. Executive custom revealed just how reticent the National Office had been in fashioning its decision-making body. A 1943 Memorandum from the NAACP Executive Secretary Walter White, Assistant Executive Secretary Roy Wilkins, and Special Counsel Thurgood Marshall to the Nominating Committee illustrates the gendered construction of this decision-making body. To elicit support for its recommendation of Judge Bolin for membership on the NAACP Board of Directors, the Executive Officers asked the Nominating Committee, which was manned by Messrs. Arthur Spingarn, Charles Toney, A. A. Lucas, James Robinson, Clayborne George, John Hall, and Theodore Spaulding, to accept Bolin as their nominee for "the woman

member of the Board of Directors for whom the Committee on Nominations left a vacancy."[372]

Bolin's standing in the legal community no doubt influenced her nomination and subsequent election to the Board. She brought with her a sense of commitment that was clearly manifested in her leadership, in the length of her volunteer service to the Association, and most importantly in her egalitarian crusade as a professional. Not oblivious to this, the Executive Officers stated in their recommendation that "Judge Jane M. Bolin of New York City, who both herself and through her family, has had a long record of hard work for the N.A.A.C.P." and who "is particularly skilled in the problems of domestic relations, being the first colored woman to be appointed to the Domestic Relations Court in New York City" was qualified to serve as a member of its National Board of Directors.[373] Two months before she was elected a Board Member, the Board of Directors appointed her to the Committee on Delinquency alongside Arthur Spingarn and Judge Hubert Delany, who would become an important advocate against the machinery of

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[372] With the names of Amy Spingarn, Mary White Ovington, Lillian Alexander, and Marion Cuthbert listed among the members of the Board of Directors from New York City for 1948 and earlier, perhaps the Executive Office only intended to allow one woman at a time to be nominated from the New York Branch as a member of the Board of Directors. Though less restrictive than allowing only one woman from the New York Branch on the total Board, the provision still limited the participation of women, and especially African American women, in the policy-making body of the NAACP. Memorandum to Nominating Committee, 29 December 1943, Board of Director folder, NAACP Papers, Library of Congress, Manuscript Division, Washington, D. C.

[373] Ibid.

the National Office. Arguably, her nomination to the Board was prompted by her unusual outspokenness in behalf of the branches - a practice the nomination was maybe intended to curtail. Whatever the reason or reasons for Bolin's nomination, she was eager to become an NAACP National Board Member.

Jane Bolin's involvement with the NAACP dated back to her childhood in Poughkeepsie, New York. Her family's intimate involvement with the NAACP preceded her personal commitment to the organization, and no doubt inspired her active participation. In 1931, she and several members of her family joined with a representative number of Poughkeepsie's prominent Black families to found the Dutchess County Branch of the NAACP.[374] The leaders of Poughkeepsie's elite group formed the nucleus of this Chapter of the NAACP. The newly established branch named her brother, Gaius Charles Bolin, Jr. its President, Dr. Robert Wesley Morgan its Vice-President, Eleanor Vaughn, its Secretary, and Mrs. Marie Anderson its Treasurer, all members of Poughkeepsie's long-time prominent Black families.[375]

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[374] There were a total of sixty-one people from Poughkeespie, Clinton Corners, Salt Point, and two nearby communities. NAACP Branch Files, Poughkeepsie, New York folder, 1932-1934, NAACP Papers, Library of Congress, Manuscript Division, Washington, D.C.

[375] Ibid., Mamiya and Kaurouma found that a very small elite group of people, composed mainly of longtime Poughkeepsie residents and the professional class of doctors, lawyers, dentists, teachers, and ministers, were perceived as the "leaders" of the Black community both by themselves and others. Included in this group were the Bolins, the Morgans, the Lowes, the Paynes, and the Andersons, who were

Shortly after the founding of the Dutchess County Branch, Jane Bolin's sister, Ivy Bolin headed the committee in charge of the Junior Division of the Dutchess County Branch of the NAACP which by 1935 appeared to be the only vibrant organization the NAACP had in Dutchess County for a while.[376] Under the guidance of Ivy Bolin, the Junior Division had inaugurated the Phyllis Wheatley Scholarship Fund for promising Black youth wishing to go to college, and had earned the respect of the National Office which saw the group as the only hope for resuscitating the regular branch. The vitality of the Dutchess County Branch had not grown much since its founding. The Dutchess County area was decidedly conservative, winning small battles for integration, but committed to "a quiet and efficient sort of pressure."[377] When the National Office suggested a meeting with the Branch, shortly after its founding, the response was lukewarm. The Branch explained to the National Office that "conditions here in this County are not perfect, but as it is a small community the newspapers would take up any such meetings as you desire and any definite propaganda might create an atmosphere that would be harder to overcome than if we went to work quietly and

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signatories, and officers of the Dutchess County branch of the NAACP. Mamiya and Kaurouma, For Their Courage, 18-154.

[376] By July, 1937, an application for Charter of Poughkeepsie Youth Council Branch was approved by the National Office of the NAACP. NAACP Branch Files, Poughkeepsie, New York folder, 1932-1934, NAACP Papers, Library of Congress, Manuscript Division, Washington, D.C.

[377] Gaius Bolin, Jr. to William Pickens, Esq., 20 August 1931, NAACP Branch Files, Poughkeepsie, New York folder, 1932-1934, NAACP Papers, Library of Congress, Manuscript Division, Washington, D.C.

tried to overcome the smaller things that stand in the way of our people getting certain kinds of employment in this County."[378]

Gaius Bolin, Sr. seemed far less concerned about the sensibilities of the White residents when, a few months after the branch was established, he requested information about the Scottsboro case from the national office in an effort to acquaint local members with the attempts of the NAACP to protect the rights of the Scottsboro defendants and to urge branch participants to subscribe to The Crisis.[379] Gaius Bolin had made The Crisis accessible to his own family for years, and had used The Crisis and open debates at home to expose his children to the works of the NAACP, and to nurture in them a commitment to the its ideological and programmatic goals of bringing about a racially egalitarian society.

Jane Bolin's early socialization, reading the Crisis regularly, and knowing that "there were people like Dr.

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[378] Ibid. Mamiya and Kaurouma's oral history project reveals that indeed the Black leaders in Poughkeepsie, like in neighboring towns, believed in a "quiet way" of working, negotiating for jobs for Blacks at local hospitals and at local factories. Social change occurred from the top down during their leadership, as there was no attempt to mobilize mass support in the form of protests, demonstrations, and picketing. Their effectiveness lasted, according to Mamiya and Kaurouma, from before the 1920's until after World War II when the largest influx of Black migration to Poughkeepsie began. See Mamiya and Kaurouma, For Their Courage, 5-6.

[379] The Scottsboro case which rested on the conviction of nine innocent black youths nevertheless produced important decisions that reaffirmed black people's right to basic constitutional protections. Dickerson, "Gaius Bolin," Williams Alumni Review, 9. See generally, Dan Carter, Scottsboro: A Tragedy of the American South (Baton Rouge: Louisiana State University Press, 1969.)

DuBois on a larger scale and my father on a smaller scale who were uncompromising and tireless in fighting for the democratic ideal," certainly shaped her subsequent twenty years of commitment to the NAACP.[380] She became active in the New York Branch of the NAACP almost immediately upon settling in New York City.[381] She then joined the Branch's leadership in 1937 when she was elected First Vice-President and a member of the Executive Committee of the New York Branch of the NAACP.

In 1945 when Jane Bolin joined the leadership of the National Office as a member of the Board of Directors of the NAACP, she was also serving as Second Vice President of the Harlem Branch. Elected to a three-year term as a National Board Member, Bolin was suddenly positioned among the National leadership with whom she had dissented in behalf of the branches, particularly the New York Branch, for more than a decade.

Bolin knew firsthand just how important and indispensable the branches were to the operations of the NAACP. From fund-raising to membership drives, the branches, through countless and nameless volunteers, collectively sustained the organization without benefit of salary. Yet, Bolin believed that the National Office did not always respect the branches' commitment to the program of the NAACP. She had observed, and criticized, for years,

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380 "Speech in Honor of DuBois," Speeches Folder, Box 3, Bolin Papers.
381 The New York Branch is also referred to as the Harlem Branch.

the prevailing attitude that "the branches should raise money for the national organization and do whatever work they are asked to do by the national organization but are arrogantly overstepping their bounds if they make suggestions or protests to the national office."[382]

The National Office and the New York Branch of the NAACP had the same municipal address which presented its own peculiar dynamics. Moreover, having National Board Members who also assumed great saliency in the New York Branch leadership magnified the problems that were inherent in an organization constructed with clear internal hierarchies. Certainly, controversy over and dissatisfaction with the exercise of responsibility are the inevitable wages of any decision-making institution.[383] Sharing a municipal address however clearly compounded this controversy within the NAACP. So much so, that the Chairman of the Committee on Branches once proposed that an Arbitration Committee be set up to discuss the differences, labeled by the press an ongoing feud, which continued to arise between the National Office and the Harlem Branch.[384]

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[382] Bolin to Arthur Spingarn, 9 March 1950, Box 3, Bolin Papers.

[383] Donald E. Lively, Judicial Review and the Consent of the Governed: Activist Ways and Popular Ends (Jefferson, North Carolina: McFarland & Company, Inc., Publishers, 1990), 63.

[384] Frequent controversy ensued over the division of funds, often intended for the New York Branch but received by the New York National Office, and vice versa. Another financial incident involved the New York's Branch request for permission to withhold funds from the National Office. The National Board of Directors granted the request but problems arose when the Branch sought to extend the period of permission to withhold funds. The particular latitude for retaining funds granted to the New York Branch by the National Office in September, 1948 created additional problems. The Constitution and By-

Such problems ranged from the commingling of National and Branch funds to the unauthorized protest actions of the Branch. The New York Branch even asked the Board of Directors in 1949 for the ouster of NAACP Executive Secretary, Walter White, because of "the bad publicity centered around him and the crippling effect it had on their membership and fund-raising campaigns."[385] In an internal National Office memorandum addressed to Roy Wilkins, Current, the Director of Branches, dismissed the Branch's charge, stating that the articles referred to did not have an adverse effect on the New York Branch, since the overwhelming majority of Harlem voted for Truman.[386]

Laws for Branches under Article V, Section 7 states that all funds raised by branches are to be shared equally between the National Office and the branch. In accordance with the request of the New York Branch, however, the National Board of Directors on September 13, 1948 agreed: "That the New York City Branch be granted permission to use such reasonable means as it may devise to defray the operating expenses of the local branch, the National Office to waive its share of the funds exclusive of membership receipts in this particular instance, with the understanding that this permission is granted through December 31, 1948 only, and the Branch must make a financial report of all funds raised to the Branch, the National Office, and the public." Hubert Delany to Roy Wilkins, 9 November 1949; Roy Wilkins to Hubert Delany, 17 November 1949, Roy Wilkins to Lindsay White, 20 January 1949, NAACP Branch Files, New York Folder, NAACP Papers, Library Of Congress, Manuscript Division, Washington, D.C.

[385] The particular incident surrounding Walter White stemmed from a controversy which raged over the political nature of the articles he wrote in the Herald Tribune during the 1948 presidential campaign, which were favorable to Truman. At the time, Harlem had gone Democratic, but the articles were offensive to many Republicans. The New York Branch, though unique in its proximity to the National Office, was not the only branch that suffered such experiences. Christopher Reed notes that in Chicago, almost every year seemed to bring some political contest, and with each one, the number of volunteers, fund-raising activities, and memberships decreased. New York Amsterdam News, November 5, 1949, 3, 39. See Christopher Robert Reed, The Chicago NAACP and the Rise of Black Professional Leadership, 1910-1966 (Bloomington, Indiana: Indiana University Press, 1997), 88.

[386] The New York Branch also charged that DuBois's dismissal adversely affected their membership and fund-raising campaign. DuBois was

Judge Bolin, Judge Hubert Delany, and A. Philip Randolph numbered among the New York Branch leaders who also held positions in the National Office. They saw no contradiction in their concurrent service. But to many they wore hats of competing authority that intensified existing tensions between the branch and national office. The National Office, through its Acting Secretary Roy Wilkins, regularly questioned the loyalty of its Board Members who were too vocal on Branch issues, and had even been accused once of verbally spanking the President of the New York Branch "as though he were a school boy" because he (Lindsay White) requested strict protocol in the matter of an independent petition to renominate Jane Bolin to the National Board.[387]

Judge Hubert Delany, a long-time member and Committee Chair in the New York Branch, was upbraided on several occasions for his close involvement with branches, although he was at the time, the Chairman of the Board's Committee on Branches. Delany worked particularly close with the New York Branch to effect a better working relationship between it and the National Office. But, he detected only deep

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dismissed between September and December, 1948, and again Mr. Current reported to Wilkins that there was no adverse effect, but blamed the Branch's low membership on their own lack of successful campaigning. Gloster B. Current to Roy Wilkins, 28 October 1949, NAACP Branch Files, New York City Branch Folder, 1949, NAACP Papers.

[387] The matter of the independent petition to renominate Bolin will be dealt with later in the Chapter, but suffice it to say at this point that Roy Wilkins was wholly against Bolin's renimination. Hubert Delany to Roy Wilkins, 9 November 1949, NAACP Branch Files, New York, New York Folder, NAACP Papers.

resentment on the part of Wilkins for "attempting to revitalize the effectiveness of the Association and to bring the branches and the National Office into closer harmony."[388] In a three-page reprimand Wilkins basically accused Delany of being "an outright spokesman and protagonist for the New York Branch" while serving as a National Board Member.[389] Referring to the concerns Delany raised at a Board meeting, Wilkins said, "At no time and on no question did you give the impression that you were a part of the national policy-making and administrative machinery of the National Association."[390]
Without apology, Delany, in his four-page response, informed Wilkins that "The problem the Association faces now, in my view, is for the staff of the National Office to recognize that the branches are an integral part of the Association without which we cannot function effectively, and that the complaints of the officers and members of the branches are entitled to careful consideration and not arbitrary actions."[391]

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[388] Ibid.

[389] Roy Wilkins to Hubert Delany, 18 November 1949, NAACP Branch Files, New York Folder, NAACP Papers.

[390] Wilkins also resented, what he saw as, Delany's inaction when it came to the derelictions of the New York Branch, and their failure to cooperate in carrying out the national program, campaigning for memberships and in raising money on national projects. Roy Wilkins to Hubert Delany, 1 November 1949, NAACP Branch Files, New York City Folder, 1949, NAACP Papers.

[391] Delany to Wilkins, 9 November 1949, NAACP Branch Files, New York, New York Folder, NAACP Papers.

While a New York Branch officer, Bolin had offered similar advice to the National Office about innumerable complaints being made by branches that their correspondence is never answered or if it is, it is done in a sarcastic, insulting manner.[392] In one such instance, the National Office had ignored for over a year the New York Branch's request for a conference to meet with representatives of the Board and the staff in order to iron out conflicting and overlapping problems of the two offices.[393]

Being elected a Board Member did not suddenly, nor over time, stifle Bolin's critique of the National Office. If anything, being a Board Member sharpened her critique. Many might have expected that she would be co-opted by the Board to stand against the branches. But, a simple Board Membership, however significant, could not sway Bolin's commitment to the democratic principles which defined the very existence of the NAACP. Never able to turn a blind eye to the Board's malfeasance, Bolin dissented continuously while a Board member. "I could not sanction the paid staff overwhelming the Board to the extent of usurping the Board's function of making policy," she wrote to Arthur Spingarn. "Nor could I condone the practice of

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[392] Bolin to Arthur Spingarn, 9 March 1950, NAACP Branch Files, New York, New York Folder, NAACP Papers.

[393] The increasing tension that erupted after Bolin's name was removed from the ballot most definitely motivated the branch's request for a conference and the national office's ignoring the request. New York Amsterdam News, 5 November 1949: 3, 39; Delany to Wilkins, 9 November 1949, NAACP Branch Files, New York, New York Folder, NAACP Papers.

the Executive Secretary, as revealed by a member of the Board, calling together in advance of a Board meeting a secret gathering of a selected few Board members to inform them what would be on the agenda at the Board meeting and what action he wanted the Board to take."[394] Neither did she appreciate the "contemptuous and scornful attitude on the part of the paid staff and a majority of the Board toward the NAACP Branches and people who work in the branches."[395] She was unequivocal in her conviction that the NAACP uphold democratic procedures within its own organizational set-up, because as she saw it, "An authoritative set-up, whether Fascist, Communist, or NAACP is abhorrent."[396]

It had become clear to Bolin and others, like Delany, that the "Hague attitude of 'I am the Law'" which Wilkins and some Board members exhibited had begun to adversely affect membership, and thus the buoyancy of the organization, as the branches were not going to stand for such treatment for much longer. One of the complaints not only of Board members but of the branches was that the officers of the Association felt that they controlled the Association, and were within their rights to liquidate those who were in disagreement with the Board. As a Board member Delany believed that if the Board's relationship

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394 Bolin to Spingarn, 9 March 1950, Box 3, Bolin Papers.
395 Ibid.
396 Ibid.

with the branches were more cordial and respectful, "our membership would not be dropping at such [an] alarmingly rapid rate."[397] What Bolin and Delany witnessed was the damaging effect that such an attitude had on branch operations. They both rejected the Association's published membership of 500,000, identifying 150,000 as a more accurate number of the Association's membership in 1949.[398]

Wilkins refused to attribute the decrease in memberships to any "high and mighty" attitude of the National Office. Instead he pointed to the inordinate latitude permitted in the operations of local branches in many areas such as San Francisco, Los Angeles, Houston, Chicago, Detroit, Cleveland, Washington, and Philadelphia. He insisted in a letter to Delany that many factors had entered into the decline in memberships, not the least of which was maladministration in Chicago, high salaries and an ineffective local program in Detroit, a strike against a 15-year branch president in Los Angeles, and what he saw as failed membership drives in the New York Branch whose "concentration on a raffle which raised $10,000 for the Harlem Branch treasury...did not secure any members."[399] In

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[397] Delany to Wilkins, 9 November 1949, NAACP Branch Files, New York, New York Folder, NAACP Papers.

[398] Ibid.; Bolin to Spingarn, 9 March 1950, Box 3, Bolin Papers.

[399] He also attributed the decrease to other factors affecting certain localities, such as a shipping strike in San Francisco, the coal strike that affected the coal-producing states, the steel strike in Cleveland, and shutdowns and talks of strikes in Detroit. Wilkins to Delany, 18 November 1949, NAACP Branch Files, New York, New York Folder, NAACP Papers.

his effort to dispel any suggestion that the attitude of the National Office contributed to the decrease in Association membership, Wilkins had conceded that indeed there was a grave decrease in membership. Although in 1950 he told William Gibson, Editor of the Afro-American: "I should like to point out that if the NAACP national office had a consistent policy of 'contemptuous and arrogant' treatment of branches of the Association, we would--by this time--have no branches, no support, no members, no money....Instead, we have more than 1,200 functioning units, 28 state organizations as going concerns, and are in the process of holding five regional conferences."[400]

Bolin's analysis of the decrease in membership was more programmatically informed. She truly believed that the NAACP program had become "sterile and barren," and considered this to be a major reason for its membership dropping from nearly half a million to about one-eight of a million. "The only part of the NAACP which is not programmatically bankrupt today," she said in a letter to Arthur Spingarn, "is its legal department which is doing an important and superb job. This, however is limited in scope and the NAACP in my opinion can no longer justify its failures in larger areas by the success of its legal arm in its limited area."[401]

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[400] Wilkins to Gibson, 17 March 1950, NAACP Branch Files, New York Folder, NAACP Papers.

[401] Bolin to Spingarn, 9 March 1950, Box 3, Bolin Papers. The NAACP Legal Defense Fund, by the late 1940s, had indeed done a superb job in

Like Hubert Delany, she was completely opposed to the kind of elitist leadership which assumed that "all the brains in the NAACP lie only in the national Board and staff."[402] In an open letter to the President of the NAACP, Arthur Spingarn, she reminded him that as "a member of nearly twenty years standing in the Poughkeepsie and New York Branches I have seen too many earnest people working on a volunteer basis with sincere devotion to the program of the NAACP to subscribe to these attitudes of the national organization."[403] She believed strongly that the positions and requests of the branches should be thoughtfully and respectfully considered, if for no other reason than the fact of their service to the organization.

If the National Office was the sum of its separate parts, then it remained a very divided whole for the duration of Bolin's tenure. While thoroughly committed to the NAACP ideologically, in administrative matters Bolin constantly challenged the "principle of centrality" that left the branches in a perpetually subordinate position to the National Office.[404] Bolin believed in "participatory

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fighting for, and making great strides for, Civil Rights in education (Gaines, Sipuel, Sweatt), housing (Shelley v. Kraemer), and voting (Smith v. Allwright) through the courts. See Darlene Clark Hine, Black Victory: The Rise and Fall of the White Primary in Texas (Millwood, NY: KTO Press, 1979), and Steven Lawson, Black Ballots: Voting Rights in the South, 1944-1969 (New York: Columbia University Press, 1976.) Still, Bolin and others felt that the real fight for economic equality had not yet begun.

402 Bolin to Spingarn, 9 March 1950, Box 3, Bolin Papers.

403 Ibid.

404 Christopher Robert Reed, The Chicago NAACP and the Rise of Black Professional Leadership, 1910-1966 (Bloomington, Indiana: Indiana University Press, 1997), 68.

democracy," a philosophy of leadership which Carol Mueller attributes to Miss Ella Baker, a former Field Secretary and Director of Branches with the NAACP.[405]

As a Board Member, Bolin was a policy-maker, and better-positioned as an equal to dissent and protest in behalf of the branches. Positioned as "an outsider within," insofar as her philosophy of leadership was concerned, she defended the rights of NAACP branches, especially the Harlem Branch.[406] Positioned as an equal, her dissent was a source of profound irritation and embarrassment for the National Office. The National Office was therefore committed to ending her tenure as board member even if it meant compromising democratic principles.

What followed Bolin's second term as a member of the National Board of Directors, despite efforts to secure her renomination, was the uncharacteristic removal of an incumbent Board Member with the highest attendance record of any Board member re-nominated. Bolin was actually still serving her second term when the decision was made not to keep her on the Board. Her tenure on the Board begun in 1943 when the Executive Officers of the NAACP recommended her to the Nominating Committee for nomination in February 1944. She was then duly elected at the NAACP Annual

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[405] Joanne Grant, Ella Baker: Freedom Bound (New York: John Wiley & Sons, Inc., 1998), especially Chapters 3, 4, and 5.

[406] In this capacity she was better-situated to garner the support of fellow Board members such as Judge Hubert Delany. As will be discussed later, her philosophical conviction endeared many within the national office to the fight.

Meeting on January 2, 1945, and assumed office for a three-year term to end December 31, 1947.[407] In initially removing Bolin's name from the ballot for renomination to the Board of Directors, the Nominating Committee had not anticipated just how belligerent her supporters would be. More importantly, the Nominating Committee could not have predicted that the decision to remove Judge Bolin's name from the ballot would have met a challenge of public proportion. If anything, the Nominating Committee probably imagined some minor opposition from within the Board, which they hoped to quell with Bolin's subsequent appointment as an NAACP vice-president. They could not have been more wrong on all counts.

The headline in the Afro-American on October 8, 1949 read "REMOVAL OF JUDGE BOLIN FROM NAACP BOARD BARED." An unidentified source revealed to the Afro-American that the NAACP seven-man Nominating Committee had moved to drop Judge Jane Bolin as a member of the Board of Directors.[408] In actuality, the Committee by a 4 to 3 vote, agreed not to

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[407] Delany to Wilkins, 9 November 1949, NAACP Branch Files, New York, New York Folder, NAACP Papers.

[408] Bolin's second term as Board member would expire in December of that year. The members of the Nominating Committee were Dr. J. L. Leach (Flint, Michigan), Mrs. Rosa B. Johnson (Marshalltown, Iowa), W. K. Saxon, (Asheville, North Carolina), Joshua Thompson (Amber, Pennsylvania) elected by the Conference; Judge Hubert T. Delany (New York City), Mrs. D. E. Lampkin (Pittsburgh), Alfred Baker Lewis (Greenwich, Connecticut) elected by the Board. Dr. Leach and Daisy Lampkin to Branch Officer, 14 November 1949, NAACP Branch Files, New York Folder, NAACP Papers; Thurgood Marshall to Bernard Young, Publisher of Journal and Guide, 18 October 1949, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers; The Afro-American, 8 October 1949, pages 1 and 2, Clipping File, Box 3, Bolin Papers.

recommend Judge Bolin for another term on the Board. The failure to renominate Judge Bolin was actually by a tie vote, untied only by a vote of Dr. Leach, the Chairman of the Committee.[409] But even the validity of this vote was in question. What was supposed to be strictly internal Association business, not yet authorized for release, had suddenly become available for public consumption and criticism. To make matters worse, neither the standing Board collectively, nor Judge Bolin individually, had been notified of the Committee's action. As a result, Judge Bolin found out about her ouster through the morning paper and not by internal memorandum.

According to the source, Judge Bolin had been dropped as a member of the Board of Directors after a staff meeting was called at the national office when it was stated that "Bolin has to go."[410] It was further reported that two top staff members at that meeting opposed Judge Bolin's continuance as a Board member on the ground that "we can't get along with her."[411] The reference to there being a staff meeting, and not necessarily a Nominating Committee meeting, suggested that members of the paid staff, as in

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[409] Bolin and Delany to Wilkins, 22 November 1949, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

[410] It is appropriate at this time to differentiate between the "staff," so often referenced by Bolin, and the "Board." Reference to the "staff" is synonymous with reference to the "paid staff" as in the chief administrative officers such as the Executive Secretary and Assistant/Acting Executive Secretary, unlike the volunteer members of the Board of Directors. Reference to the "National Office" includes members of both staff and Board. The Afro-American, 8 October 1949, 1.

[411] Ibid.

the Executive or Acting Secretary, might have discussed their position on Judge Bolin's renomination with select members of the Committee, in an effort to influence the Committee's decision. Judge Delany, staunch Bolin supporter and member of the Nominating Committee, was not privy to the meeting in question. Tantamount to abdication by the Board to the staff, such a meeting would not have been uncommon, but characteristic of the lack of propriety Bolin so often challenged throughout her tenure with the NAACP.[412]

Bolin welcomed cooperation between the Board and the Staff. She only objected to situations like the one reported in the Afro-American, and similar incidents, of the Executive Secretary calling secret meetings in advance of Board meetings to inform Board members of what action he wanted them to take.[413] Like Judge Delany, her partner in protest, Judge Bolin respected the Board of Directors as the Association's policy-making body, and therefore, expected the staff to carry out policy, without attempting

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[412] According to the "Amendments to National Constitution," Article II, Section 3, as amended by the National Board of Directors at its meeting on September 13, 1948, "the said Association shall have a Nominating Committee consisting of seven (7) members of the Association; four (4) to be elected by the delegates to the annual convention; three (3) to be elected annually by the Board of Directors from its own members." "Amendments to National Constitution," NAACP Branch Files, New York City Folder, New York, NAACP Papers.

[413] During the period of this dissension, Walter White was Executive Secretary and Roy Wilkins was Assistant, and for some time, Acting Secretary. Bolin to Spingarn, 9 March 1950, Box 3, Bolin Papers; Delany to Wilkins, 9 November 1949, NAACP Branch Files, New York Folder, NAACP Papers; The Afro-American, 8 October 1949.

to undermine, or in anyway interfere with, the responsibilities of the Board.[414]

As soon as the story broke rumors and whispers about the clandestine operations of the Nominating Committee circulated freely. As a result, the National Office found itself under the microscope. The Board of Directors called a meeting on October 10, when Judge Bolin asked to speak on a point of personal privilege. She began by telling the Board that she was not addressing her remarks to the action of the Committee on Nominations in failing to renominate her to the Board. She had accepted their failure to re-nominate her, or so it seemed. Her remarks were, instead, "to the article on page 1 of this week's Afro-American, which I am sure all of you have seen."[415] She reminded the Board that she was obviously not present when the Nominating Committee made its recommendation, yet "To date I have not been officially notified of the failure of the Committee on Nominations to redesignate me - although the press was notified at once."[416] Bolin made full use of the platform she had; without wavering, she announced that the information must have been given to the press by some member of the staff who was present at both the staff meeting on Wednesday and the meeting of the Committee on

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[414] Bolin to Spingarn, 9 March 1949, Delany to Wilkins, 9 November 1949, NAACP Branch Files, New York Folder, NAACP Papers.
[415] Minutes of Board of Directors Meeting, 10 October 1949, NAACP Branch Files, New York Folder, NAACP Papers.
[416] Ibid.

Nominations on Thursday. This type of behavior was not uncommon, and maybe that made it more revolting to her. As she recalled, not quite a month ago, a press release was circulated days in advance of a Board meeting stating that the Board had selected Roy Wilkins as Acting Executive Secretary. Although she was not asking for action to be taken against the party or parties responsible for such a leak, she felt obliged to share with the Board that "one of the most outstanding members of our race and a founder of the NAACP, Dr. DuBois, was summarily dismissed by this Board for letting something get to the press before it had gone through the proper channels."[417]

She was not so much concerned about the lack of respect shown her as she was about the interference of the staff in the business of the Nominating Committee. It was ironic that the very practice she challenged throughout her

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[417] She was probably referring to the 1934 incident surrounding DuBois's editorial which appeared in the Crisis without the prior approval of the Crisis Committee. The editorial criticized the Association's policy and philosophy concerning the role it had played and the position it would take in the future regarding segregation. In this editorial DuBois denounced the Association's historic stand on segregation by contending that "The Association is an organization that never had taken and never could take an absolute stand against race segregation." When the Board voted that no salaried officer could criticize the policy, work, or officers in The Crisis, it was more than DuBois was willing to concede, so he submitted, and the Board accepted, his resignation in 1934. However, she might have been referring to the much older DuBois, in 1948, who was summarily dismissed from the Association for basic policy differences. His dismissal came months after the presentation of "An Appeal to the World" petition on the denial of human rights to minorities and an appeal to the United Nations for redress. See, Minnie Finch, The NAACP: Its Fight For Justice (Metuchen, New Jersey: The Scarecrow Press, Inc., 1981), 102, 119-120; Charles Kellogg, NAACP: A History of the National Association for the Advancement of Colored People (Baltimore: Johns Hopkins University Press, 1967); B. Joyce Ross, J. E. Spingarn and the Rise of the N.A.A.C.P. (New York: Antheneum, 1972.)

tenure with the NAACP should be the reason for her demise organizationally. "Since I have been on this Board," she said, "I have been called on by people who are nationally known in the field of social action to justify the domination of the organization by the staff." She could not justify it, and she was not about to apologize for it because as far as she was concerned it was a complete reversal of the traditional functions of a policy-making Board and a policy-executing staff; in her estimation a clear situation of "the tail wagging the dog rather than the dog wagging the tail."[418]

"We do have a reputation," she informed the Board, "for being a supine board of puppets which does everything expected of us by the executive secretary and his staff."[419] She had a captive audience, one that she would no longer have at the close of her term as Member of the Board. More importantly, she stood before a Board made vulnerable because of its own deeds. It could not, in good faith, dismiss her remarks because, quite simply, the verdict was in and the evidence was out in the press. No sooner had this October 8 Board meeting adjourned than there appeared in the Amsterdam News an account of matters discussed at

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[418] The Afro-American, October 8, 1949, Clipping File, Box 3, Bolin Papers.

[419] Ibid. Walter White was actually very instrumental in bringing Bolin into the fold of the National Office, yet from the beginning she exhibited only contempt for him as Executive Secretary.

the meeting. This prompted the Acting Secretary to state openly at the November Board meeting: "someone is giving out information that is detrimental to the Association,...the Board should realize that it is creating publicity which is hurting the Association, and which is making it very difficult to carry on a program."[420] It was the opportune time for Bolin to set the entire Board straight, one last time, on her integrity as a Board member, and to distinguish her service from theirs. Thus, in closing, she said:

> I must say I feel we are not meeting the obligation we have to the masses of the people. Yet I have not gone out and tried to operate behind the scenes. I have said what I had to say right in this room. I have not tried to engage any member of the board or staff in any politics. I have not gone to the press with my differences of opinion. In fact, at least two members of the Board can affirm that when they wanted to go to the press with their differences of opinion, I discouraged it when my advice was sought. I have been very outspoken in what I have to say. I have been so not because of any personal hostility towards any member of the staff or board. I was trying to express myself the only way I know how <u>in the interest of the masses of the people who are clamoring for the attention of this association, but are not receiving it</u>. (emphasis mine)[421]

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[420] Minutes of Meeting of the Board of Directors, 14 November 1949, NAACP Board of Director Files, Jane Bolin Folder, NAACP Papers. It is interesting that Wilkins was now willing to consider the effects of bad Board publicity on the operations of the Association, branch and national office, when not too long ago he dismissed similar concerns raised by the New York Branch.

[421] Board of Directors Meeting, 10 October 1949, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

Now, since the Nominating Committee failed to reconsider Bolin for re-election to the Board, the only way for her to get on the ballot for re-election (should she desire re-election to the Board) was pursuant to Article II, Section 3 of the Constitution and By-Laws of the NAACP, which required a petition containing the names of at least 30 members who wanted to retain her on the Board. The nominees would then be elected by ballot of the Association's branches in December.[422] Her supporters wasted no time in securing the signatures of as many Association members as possible. It is difficult to tell whether Bolin was truly determined to retain her seat on the Board, or whether she simply acquiesced to the enthusiasm of her constituency. Either way she was on the road to becoming "persona non grata" to the National Office.

By October 28, the New York Branch had submitted, to the National Office, a Nominating Petition with close to one hundred signatures, including those of Nominating Committee Member, Hubert Delany; New York Branch President, Lindsay White; National Assistant Treasurer, Dr. Channing Tobias; and Miss Ella Baker, a dedicated member of the New York Branch, who from all accounts shared Bolin's philosophy of "participatory democracy." Though closer examination revealed duplicate signatures, the petition

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[422] NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers; The Afro-American, October 8, 1949, Clipping File, Box 3, Bolin Papers.

represented well in excess of the thirty members required. The petition, whose preamble read "We, the undersigned members in good standing of the National Association for the Advancement of Colored People, hereby nominate as a member of its Board of Directors JUDGE JANE M. BOLIN," also included a paragraph detailing the accomplishments of the nominee, a courtesy that was not extended to all other nominees.[423]

The National Office was trying its best not to further arouse the ire of the New York Branch. Moreover, it wanted to avoid any further appearance of impropriety as far as the election was concerned. Although, following the Branch's submission, Roy Wilkins supposedly sang the praises of a favored nominee publicly from his desk in the National Office. His public support of one nominee over others was in any event a conflict of interest that was not lost on Hubert Delany. "I also consider that it was improper in a recent release going out from the National Office about two weeks ago [early November] to pick out one nominee from along all the rest, and tell of his great work for the Association," he told Wilkins, because "If that is democracy, then I think we need a new definition of democracy for the Association." The Nominating Petition submitted by the Jamaica Branch of the NAACP did not include a paragraph like the one in the New York Branch's

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[423] NAACP Branch Files, New York Branch Folder, NAACP Papers; see Exhibit B in Appendix.

petition, but it did have more than the thirty signatures required.[424]

The New York Branch was equally vigilant in holding the National Office to strict administrative propriety. It attached, to the petition, forms to be signed by the Acting Secretary upon his receipt of said petitions. Though Wilkins obliged, he could not contain his outrage at such a request. In a letter to Lindsay White, Branch President, he said that never in his years with the NAACP had a branch ever felt it either desirable or necessary to secure a signed receipt for a petition of nomination. "The implications contained in this request from you are not pleasant," he told White, "nor do they reflect favorably upon you or the New York Branch or any other agents for whom you may have been acting."[425] With obvious reference to Bolin, he went on to say, "The National Office has never been accused of 'losing' a petition, or suppressing one, or in any fashion interfering with the constitutional right of 30 or more persons to make independent nominations. To have you or the New York Branch or any other persons involved in this transaction so crudely imply that dishonesty and mishandling could be expected is indicative, I venture to state, of the origin of the alleged difficulties between the New York Branch and the National

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[424] Nominating Petition, NAACP Branch Files, New York Branch Folder, NAACP Papers.

[425] Wilkins to Lindsay White, 1 November 1949, NAACP Branch Files, New York Branch Folder, NAACP Papers.

Office."[426] White simply chalked up such invective to Wilkins being "hypersensitive." Though sincerely concerned about the implications of dishonesty imputed to his office, Wilkins was even more concerned that his signature, acknowledging the receipt of the petitions, could be construed as something more. But, as Lindsay White told him, "To think that your signature meant anything else is difficult to reconcile with reason."[427]

Some members of the Nominating Committee were not willing to defer totally to the election process. In an effort to seal the outcome of the election, the National Office, through the agency of Dr. Leach, Chairman of the Nominating Committee, and Daisy Lampkin, Secretary of the Committee, sent out a craftily worded letter to all branches. The letter asked the branches to vote for the nominees of the Nominating Committee, and to ignore the petition of the New York Branch which it said was trying to undermine the Committee. It further stated, "Your Committee was not aware of any New York feud that may or may not have been going on. Our business, as the elected

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[426] Ibid. It should not have been so difficult for Wilkins to conceive of the National Office mishandling information. Their mishandling of information had injected private Association business into the press, and not a month earlier, Bolin had, by letter, demanded a correction of the Minutes to indicate her presence at the Board's November meeting. Bolin to Louis Wright, 6 December 1949, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

[427] Lindsay White to Wilkins, 3 November 1949, NAACP Branch Files, New York Branch Folder, NAACP Papers.

representatives of the convention and of the Board, was to try to select good nominations to the Board."[428]

This letter, which was sent out in an official capacity did not necessarily represent the opinions of the seven members of the Nominating Committee, nor the National Office as a whole. Yet, the impression was that it did. As a result, it embroiled the National Office further in this cauldron of controversy. After all, if the National Office supported this letter, then implicitly, it also condoned interference with the election process. As will be seen from the New York Branch's response, there were at least five national officers who were willing to publicly accuse the National Office of doing just that.[429] The letter further polarized the Nominating Committee, which was already sharply divided on the issue of Judge Bolin's

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[428] The Committee recommended the following for election to new memberships on the Board: Kelly M. Alexander, Charlotte, North Carolina; Dr. W. Montague Cobb, Washington, D.C.; Wesley W. Law, Savannah, Georgia; Dr. Harry J. Greene, Philadelphia, Pennsylvania; Carl R. Johnson, Kansas City, Missouri. The list of incumbent Board members recommended for re-election were: Dr. Allan Knight Chalmers, Boston, Massachusetts; Dr. Nathan K. Christopher, Cleveland, Ohio; Earl B. Dickerson, Chicago, Illinois; Dr. George D. Flemmings, Fort Worth, Texas; Dr. Allen F. Jackson, Baltimore, Maryland; Dr. O. Clay Maxwell, New York, New York; Philip Murray, Washington, D. C.; Theodore Spaulding, Philadelphia, Pennsylvania; the Honorable Charles E. Toney, New York, New York; Dr. Louis T. Wright, New York, New York. Dr. Leach and Daisy Lampkin to Branch Officers, 28 October 1949 and 14 November 1949, NAACP Branch Files, New York Branch Folder, NAACP Papers.

[429] These officers were the Reverend William Lloyd Imes, Vice-President, National Board of Directors; the Honorable Hubert Delany, Member, Nominating Committee, National Board of Directors, Chairman, National Board Committee on Branches; Earl B. Dickerson, Member, National Board of Directors; James E. Allen, President, New York State Conference of NAACP Branches; Lindsay H. White, President, New York Branch of NAACP. NAACP Branch Files, New York Branch Folder, NAACP Papers.

re-election to the Board. It also elicited a similarly crafted, and much more direct, letter from the New York Branch.

The New York Branch's letter was similarly addressed to Branch Presidents, who were asked to "bring this matter to the attention of your Executive Committee and read this letter to the membership at the annual meeting just before the ballots are distributed and before the votes are cast for the members of the National Board of Directors."[430] The architects of this letter were Judge Hubert Delany, James E. Allen, William Lloyd Imes, Earl B. Dickerson, and Lindsay H. White, all of whom were currently affiliated with the National Office, with the exception of Lindsay White who was President of the New York Branch. They framed the content of their protest with the following opening sentence: "This letter trumpets the call to action of every Branch as we face a great democratic crisis in the N.A.A.C.P. today."[431] In their estimation, members of the Nominating Committee had gone to great lengths to deny the NAACP an outstanding leader in Judge Bolin. Therefore, acting with due authority, and with endorsements from prominent national officers, the New York Branch assumed

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[430] Delany, Imes, Dickerson, Allen, and White to Branch Presidents, 16 November 1949, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers. Hereinafter referenced as New York Branch to Branch Presidents.

[431] New York Branch to Branch Presidents, 16 November 1949, NAACP Branch Files, New York Branch Folder, NAACP Papers. At first glance the sentence conjures up images of the anti-democratic. As authorized as this correspondence was, it intended, as did Dr. Leach's letter, to influence the outcome of the election for Board members.

the responsibility for exposing the politics surrounding the Nominating Committee's failure to renominate Judge Bolin to the Board of Directors. The Branch had surreptitiously secured a National Office list of the officers of all NAACP branches across the country, and proceeded to counteract whatever impact Dr. Leach and Daisy Lampkin had made. The New York Branch wanted all other branches to know that the letter from Dr. Leach and Mrs. Lampkin was unauthorized, and that the fact that an unauthorized letter was sent on the official stationery of the NAACP only substantiated what they had suspected all along, "that Judge Jane M. Bolin after serving twelve years on the Executive Committee of the New York Branch and five years on the National Board was not renominated because of the opposition of some of the top national office paid staff."[432] They then explained that "Even if the letter purporting to come from the Nominating Committee was authorized - and it was not - it would in effect be attempting to prevent the election of any candidates nominated by the Branch by independent petition as provided for in the N.A.A.C.P. Constitution."[433]

The New York Branch saw the Nominating Committee's vote against Bolin as a direct result of the political engineering of top paid staff in the National Office. And, before ballots would be cast, they wanted all Association

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[432] Ibid.

[433] Ibid.

members to know that the opposition to Bolin "was based on Judge Bolin's fighting in the National Board for greater democratic participation by the Branches in the policies and work of the N.A.A.C.P."[434] They underscored the fact that "Judge Bolin has always insisted that the people in the branches be regarded as more than just fund raisers for the national staff but rather as interested citizens working toward the professed goals of the N.A.A.C.P."[435]

It was up to the Association membership, "the principal stockholders" of the organization, to determine who would represent them on the Board of Directors. Yet, as late as early-December, though all branches had received letters from the New York Branch, and Leach and Lampkin, several branches had not received an official ballot from the National Office. In a letter to the National Office, dated November 25, the President of the Willismsport Branch, Reverend Madison Bowe informed the National Youth Secretary, Ruby Hurley, that while he had not received the list of candidates, "we have had two letters one from the New York Branch and one from the Nominating Committee, I believe from your office, recommending certain persons for the Executive Board for the next term and to me they are conflicting."[436]

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[434] New York Branch to Branch Presidents, 16 November 1949, NAACP Branch Files, New York Branch Folder, NAACP Papers.

[435] Ibid.

[436] The letter was addressed to Hurley simply because months prior Hurley had visited the Williamsport and Lewisburg branches on Youth

This "New York" feud between the Branch and the National Office had touched, and even disturbed the confidence of, the Association's membership. Which letter were branches supposed to believe? Could they accept the veracity of the New York Branch, and still remain loyal to the Association? Could they obtain unbiased clarification on issues which both letters raised? Would questioning the National Office automatically make their branch suspect in the eyes of the National Office? Was there sufficient time to investigate all relevant issues before the December 31st deadline for ballot submission? These were only a few of the questions that confronted the branches. And, if they hoped to have a truly informed ballot, those, and many more questions would have to be answered.

With an impending deadline, many branches probably just chalked the "conflicting" letters up to a New York City problem, involving a New York Branch nominee, and bowed out of further inquiry. But at least one branch chose an informed ballot over a merely on-time ballot. A very telling letter was sent to the National Office from Sgd. Everett R. Lawrence, the President of the Merrimack Vallley Branch in Andover, Massachusetts on November 21st. Though the Merrimack Valley Branch had received the official ballot from the National Office, and had started to vote on such official ballot, the Branch had made the

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Division business. Rev. Madison A. Bowe to Ruby Hurley, 25 November 1949, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

decision to table the voting until its December meeting, or until such time as all issues raised in both letters were addressed. Lawrence said, "As it stands now, no one knows whether to believe that the Committee actually did act in the best interests of the Association, - did consider each nominee fairly. Whom do we believe? Do you feel that this is the sort of action that builds confidence in our National Staff? Do you realize that this questionable business offers just the argument needed for those who are reluctant to join? --that it is just this sort of childish bickering that has many of your supporting branches on their heels?"[437]

Wilkins attempted, but could not assuage the concerns of the Merrimack Valley Branch with perfunctory statements about the recalcitrance of a "problem child" branch because Lawrence clearly stated: "I expect an explanatory reply to present to my Branch at our December meeting, and I will not consider a form letter as a satisfactory means of supplying the answers to my direct questions."[438] Wilkins promised to pass on Lawrence's letter directly to the Chairman of the Nominating Committee, whom he supposed was better situated, than he, to answer the inquiries of the Branch without it being "branded immediately as an unwarranted attempt, on the part of an employed staff

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[437] Sgd. Everett Lawrence to Chairman of the Nominating Committee, 21 November 1949, NAACP Branch Files, New York Branch Folder, NAACP Papers.
[438] Ibid.

member who is already accused of bias, to influence a situation."[439] But, interestingly, as Chairman of the Nominating Committee, Leach might not have been the most objective person at that particular time to answer the concerns of the branches. He was, after all, a party to the controversy that had ensued. As it turned out, Judge Delany's earlier proposal of an Arbitration Committee may have been the fairest, though not the most efficient, way to handle the root of the problem that had surely tainted an election.

Judge Delany, who served on the Nominating Committee with J. L. Leach, Daisy Lampkin, Joshua Thompson, Rosa Johnson, W. K. Saxon, and Alfred Baker Lewis, sought to distance himself from the Committee's decision to remove Bolin. He had announced baldly in the Nomination Committee's "infamous" meeting that he would "help Judge Bolin fight" for re-election.[440] Delany was clearly one of the Committee members who voted to retain Judge Bolin as a member of the Board. He had even lent his name to the New York Branch's letter of response, along with James E. Allen, William Lloyd Imes, Earl B. Dickerson, and Lindsay H. White. Later, he questioned whether the proceedings

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[439] Wilkins to Sgd. Everett Lawrence, 23 November 1949, NAACP Branch Files, New York Branch Folder, NAACP Papers.

[440] Wilkins to Reverend Bowe, 30 November 1949, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers. Delany's statement has no bearing on whether or not Judge Bolin wanted to "fight" for re-election. After all, Delany's statement was made moments after the Committee voted to remove her.

that resulted in the Committee's 4 to 3 vote against Bolin's renomination were not null and void. As he recalled, at no time before or during the Committee's deliberations was there a Committee Secretary, a title he says Mrs. Lampkin later assumed for the single purpose of lending legitimacy to the letter she and Dr. Leach wrote. In addition, he noted that the Committee Chair was unilaterally selected by Roy Wilkins who was present during the Committee's deliberations.[441]

In a letter to Wilkins, threatening to expose his interference, he said, "I think it will be you who will need to do some explaining as to why a duly authorized committee of the Board and the convention proceeds to conduct its business pursuant to your selection of the Chairman, and after the business is completed proceeds then to select a Secretary."[442] To support his charge, Delany recounted the following to Wilkins:

> At 10 o'clock there were three persons seated on each side of the table where the Committee sat, which table was adjoining your desk. At about 5 minutes passed 10, as Dr. Leach came in, you arose and said substantially, 'Dr. Leach, we have a seat ready for you. You may act as Chairman.' And Dr. Leach proceeded to act as Chairman, pursuant to your designation.[443]

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[441] Delany to Wilkins, 30 November 1949, NAACP Branch Files, New York Branch Folder, NAACP Papers.

[442] Ibid.

[443] Ibid. Of course Wilkins's explanation stated that after Delany left the meeting early, the Committee continued its deliberations and unanimously agreed, in the light of Delany's statement to "personally fight" its action regarding Judge Bolin, to designate Mrs. Lampkin as

Such an indictment might have had more currency had Delany not participated in the proceedings he later discredited. Yet, he hoped that by putting the information before the branches, that somehow the masses of Association members would storm the "Bastille" that was the National Office, demanding answers or heads. Instead, either because of too much information, not enough information, not the right information, or simply because of confusion with all of the information, the members voted for the Committee's nominees. As a result, at the January 3, 1950 annual Association meeting, Judge Bolin was not re-elected to the National Board of Directors.[444]

However at the meeting of the Board of Directors following the annual Association meeting on January 3, 1950, Judge Bolin was elected as one of the vice-presidents of the NAACP for the regular one-year term ending December 31, 1950. In his letter of congratulations, Wilkins told her: "Because of your interest and activity in the past, we are confident that in the capacity of a vice-president you will continue to give us your advice and support in the many matters that will come before the Association."[445] Without delay Bolin wrote Wilkins the following day

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Secretary and to authorize the chairman and the secretary to issue "such communications in the name of the committee as was deemed necessary by developing events. See, Wilkins to Delany, November 29, 1949, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

[444] The balloting of the branches on members of the Board of Directors was done at the 3 January 1950 annual Association meeting.

[445] Wilkins to Bolin, January 10, 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

inquiring about the duties of vice-presidents. Referring to Article IV, Section 2 of the NAACP Constitution which stated, "The Vice Presidents shall perform such functions and exercise such duties as may be voted by the Board of Directors," Bolin requested that Wilkins send her within the next week a copy of the minutes of the meeting at which the Board had determined the functions and duties of Vice-Presidents of the Association.[446] This simple request sparked a new flame of contention, not wholly unrelated to the issue of Bolin's removal as Board member. Many in the National Office saw her inquiry as an affront to the Board's graciousness in electing her as a Vice-President. Not coincidentally, the New York Branch had specified in its letter to all Branch Presidents: "Do not be fooled by the offer of the Nominating Committee to make Judge Bolin a Vice-President of the N.A.A.C.P. This is part of their plan to continue to use Judge Bolin's name and prestige for the benefit of the N.A.A.C.P. while depriving her of participating in making Board policy."[447] Maybe it was hoped that Bolin would have accepted her "consolation prize" in a vice-presidency and quietly retired on the letterhead of the Association hierarchy. And, had she been

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[446] It is entirely possible that Bolin knew that no such record existed, but made the request as a formality - a attempt to create a record for herself. Bolin to Wilkins, 11 January 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

[447] Imes, Delany, Dickerson, Allen, and White to NAACP Branch Presidents, 16 November 1949, NAACP Branch Files, New York Branch Folder, NAACP Papers.

a person easily swayed and silenced by titles, she might have. But, she was not. She had always been a person who operated with the full force of her office behind her. She, therefore, needed to know exactly what the force, and not merely the title, of that office was. Bolin was also too aware of the internal politics of the Association's National Office, having recently experienced its effects, to simply accept a title without understanding the import of its office. What followed therefore was a full-blown intra-organizational conflict that exploded onto the pages of the Black Press from New York to Kansas City, Missouri.

Within a week of Bolin's request for the minutes, Wilkins had his secretary call Bolin, not because he had the information she requested, but simply "because she asked for a reply in a week."[448] It was this kind of paranoia that gripped the National Office. A few days later, Wilkins himself wrote to Bolin. The letter read in part: "Within my recollection, over the past eighteen years, the Board has not formally determined the functions and duties of Vice Presidents of the Association, or assigned to them any specific tasks."[449] Wilkins had evidently spoken to President Arthur Spingarn on the matter, and though he also did not recall the Board ever having acted at any meeting to set up the functions and

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[448] Memorandum to Self from Miss Jackson, Secretary, 20 January 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.
[449] Ibid.

duties of Vice Presidents, he suggested that maybe the language of Article IV, Section 2 meant only "that the Board might assign such duties from time to time as occasions might arise."[450] The question still remained, however, for what duties and functions were Vice-Presidents responsible?

Now, it is entirely possible that Bolin knew the answer to the question she first asked. She had clearly worked with many of the Association's Vice-Presidents during her six years as a Member of the Board, and could easily have tapped her memory on the extent of their involvement in policy-making. She may well have been unsure about the actual duties and responsibilities of Vice-Presidents because quite possibly she could not reconcile what she had witnessed as a Board member with what others, inside and outside of the New York Branch, were saying. During her six years as a Board member she had observed the mostly male Vice-Presidents who attended Board meetings voting without the imposition of any disqualification by the Chairman. Yet, the New York Branch's letter to the Association's Vice-Presidents (to which Bolin must have been privvy) stated in relevant part: "This is part of their plan to continue to use Judge Bolin's name and prestige for the benefit of the N.A.A.C.P. while depriving her of participating in making Board policy

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[450] Ibid.

- for under the N.A.A.C.P. national constitution Vice-Presidents may not vote!"[451]

With such conflicting information, not clearly addressed in the National Constitution, it was wise for Bolin to defer to the National Office for clarification before assuming the office of Vice-President. The National Office took the position that Vice-Presidents had no constitutionally-assigned duties, but that at the discretion of the Board, Vice-Presidents could be assigned duties as the occasion arose. This, Bolin found ridiculous. In a letter dated February 8, to the Chairman of the Board of Directors, Dr. Louis T. Wright, she said, "It is inconceivable and inconsistent that there should be an office in an organization without duties. It must be concluded that since the Board has failed to state specifically the functions of a Vice-President, the generally conceived and publicly accepted meaning of the Office is accepted by the NAACP."[452] Bolin reasoned that in the absence of explicit duties, Vice-Presidents were then bound by the customary practices of the office. She was convinced that this interpretation was also accepted by other Vice Presidents in the Association, because, as she recalled, "during my six years as a member of the Board I have observed Vice Presidents attending Board meetings,

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[451] Branch to Branch Presidents, 16 November 1949, NAACP Branch Files, New York Branch Folder, New York, NAACP Papers.

[452] Bolin to Dr. Louis T. Wright, 8 February 1950, Box 3, Bolin Papers.

expressing their valuable opinions and participating in the voting."[453] Any other interpretation, she believed would grossly mislead the public because, as she told Dr. Wright, the public believed, and had a right to believe that "any person who accepts election as an officer in the NAACP, as in every other organization, shares in the grave responsibility of making the Association's policy and in the general administration of its affairs."[454] With her position clearly stated, Bolin then concluded her letter, which was copied to all Vice Presidents, by accepting the Vice-Presidency "with its concomitant responsibilities, including those of attending Board meetings and discussing and voting on the business of the Association."[455]

She therefore attended the National Board of Directors meeting on February 14, 1950 intent on participating fully in the business of the Association. However, when Bolin raised her hand to vote against a motion made by Mrs. Lampkin, the Chairman of the Board, Dr. Louis Wright, ruled that as a Vice-President she was ineligible to vote on the affairs of the Association.[456] This was a ruling that, by

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[453] Ibid.

[454] Ibid.

[455] As copied the letter was sent to the following Vice- Presidents: Mrs. Mary McLeod Bethune, Miss Nannie H. Burroughs, Mr. Godfrey L. Cabot, Hon. Arthur Capper, Miss Marion Cuthbert, Hon. Harry E. Davis, Mr. Douglas P. Falconer, Dr. Buell G. Gallagher, Bishop John A. Gregg, Dr. John Haynes Holmes, Dr. William Lloyd Imes, Hon. Hubert Humphrey, Hon. Irs W. Jayne, Mr. Isadore Martin, Mr. H. L. Mitchell, Miss L. Pearl Mitchell, Mr. T. G. Nutter, Miss Mary White Ovington, Dr. A. Clayton Powell, Sr., Mr. A Philip Randolph, Rev. James H. Robinson, Mr. Ike Smalls, Mr. Willard S. Townsend, Bishop W. J. Walls. Ibid.

[456] Bolin to Spingarn, 9 March 1950, Box 2, Bolin Papers.

the facts, could not be supported by either Association practice or Constitutional provision. Wright directed the Acting Secretary to read Bolin's letter of February 8, to the entire Board. He then asked Thurgood Marshall, as Special Counsel, to read the memorandum that he had been asked to prepare on the issue of Vice-Presidents.[457] After the reading of letter and memorandum, the Board decided as a body that Vice-Presidents could not vote. At that moment, "Judge Bolin asked to be excused from the meeting, stating that she had neither the time nor the desire to sit and listen to the discussions unless she was able to participate by voting."[458]

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[457] Marshall's memorandum said in part: "In most corporations there are two bodies of officers - (1) directors who are elected by the stockholders or membership and (2) administrative officers, such as president, treasurer, secretary etc. (13 Am. Jur., Sec. 867). The appointment or election of the latter group is usually entrusted to the Board of Directors, although they may be elected by the stockholders or the membership. (13 Am. Jur. Sec. 867). In this Association, the Directors are elected by the membership. The administrative officers are appointed by the Board. These administrative officers perform purely administrative duties and have only such powers and perform only such duties as are delegated to them by their appointing authority. (13 Am. Jur. Sec. 889). Minutes of Board of Directors Meeting, 14 February 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers. Generally, the administrative officers of a corporation are not simultaneously directors of a corporation. As a matter of fact they are usually a distinct and separate body of officers, Shriver v. Carlin 155 Md. 51, 141 A.434; Stott v. Stott Realty Co. 246 Mich. 267, 224 N.W. 623; Uniform Business Corporation Act, section 32. However, officers may be simultaneously directors of a corporation unless the by-laws specifically prohibit this. The Membership Corporation Law of New York, section 45, specifically provides that the directors of a membership corporation shall be elected by the members and that the officers shall be chosen as provided by the by-laws. The Constitution also by Article II limits the number of directors to 48. To allow the officers elected by the Directors to vote would be in effect adding to the number of directors contrary to the express provisions of our Constitution."

[458] Minutes of Board of Directors Meeting, 14 February 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

Bolin had made the decision at that point to resign. But, her exit however quick would not be quiet. A few days after the February 14, Board meeting, William Imes, National Board Member and friend, tried to convince her that although she had good and sufficient cause to resign, if she did she would be doing "just what the reactionary crowd at our NAACP wants you to do."[459] Imes strongly believed that to save face, the Board had made a gesture of their respect for Bolin in the nomination and election to a Vice-Presidency. He was, however, convinced that if Bolin resigned, "even though they have tried to render a vice-presidency innocuous, they will feel they have entirely triumphed over you."[460] He pleaded with her not to resign; "[the NAACP] needs you and hundreds more like you," he told her.[461]

There were many on the Board who supported her, and she found staunch supporters in Judge Delany and William Lloyd Imes. There had been many responses from the other NAACP Vice-Presidents in support of Bolin's position on the duties and responsibilities of the office. Bishop W. J. Walls of Chicago, Illinois wrote: "Being one of the same status, that is vice-president of the Association, I am naturally interested. I fully agree with the position

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[459] William Lloyd Imes to Bolin, 17 February 1950, Box 2, Bolin Papers.
[460] Ibid., Bolin had worked for on the Board with Imes, and he had been an associate of her second husband, Mr. Walter Offutt whom she married in 1950.
[461] Ibid.

taken in your letter and will support it unreservedly. I am simply acknowledging same in order to say, more power to you."[462] A. Philip Randolph, one of the elders of the Civil Rights Movement, and a National Vice-President, acknowledged that he too did not know that Vice-Presidents could not vote in the affairs of the Association. He echoed Bolin's admonition that the Board be more specific about the duties and responsibilities of Vice-Presidents.[463] Even, Mr. Dickerson, a Member of the Board, admitted that he was unsure of the voting rights of Vice-Presidents, and that he had simply referred Judge Bolin to the Constitution when she inquired about his opinion on the issue.[464]

Of course there were those Vice-Presidents who believed that Judge Bolin had read too much into the function of the office. Sgd. Buell Gallagher of Washington, D. C., wrote directly to the Chairman of the Board of Directors saying, "For whatever it is worth, may I enter in the record the fact that, as a Vice-President of the NAACP I have never suffered from the delusion that I had voting power." He went on to say that if it were physically possible, he would gladly attend meetings regularly for the sole purpose of sharing in the discussion. Gallagher said that he had enough confidence

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462 Bishop W. J. Walls to Bolin, 1 March 1950, Box 3, Bolin Papers, Schomburg Center, New York City Public Library.
463 Minutes of Board Meeting, 10 April 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.
464 Ibid.

in the democratic process to feel that the intelligent and persuasive statement of a position was the only effectively democratic procedure, and that voting was merely a means of recording the results of sound deliberations. Gallagher was obviously not familiar with the power of a vote. Maybe Gallagher and others like him were willing to sacrifice meaningful input for the sake of powerful titles. Bolin had been both an active Branch official and an active National Board Member, and did not have half as much confidence, as Gallagher, in the democratic process of the Association. Gallagher believed that the power of a Vice President was no more than that of any member not directly elected by the membership, because as he saw it, "Only those who are subject to the direct votes of the membership ought to have the power to vote in Board meetings."[465] He seemed unwilling to apply the same logic to the Board. Could it be that, like many in the National Office, he saw the real power as sitting in the Board and not necessarily in the "persuasive" voice of the membership?[466]

On March 9th, 1950 Judge Bolin formally submitted her resignation as Vice-President of the NAACP, in the form of

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[465] Minutes of the Board of Directors Meeting, 10 April 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

[466] Gallagher's attitude about surrendering to the "democratic" procedures of the Association, only reaffirms what Bolin had been fighting against - the notion that all the brains of the Association lie only in the National Board and Staff.

a three-page letter, to President Arthur Spingarn.[467] She also released the letter of resignation to the press in mimeographed copies, which were in the hands of newspapers before it was delivered to Arthur Spingarn on the morning of March 13. By noon on March 13th, the National Office had been bombarded with telegrams from newspapers asking for comment on Bolin's resignation. The Norfolk Journal and Guide wrote: "PLEASE IMMEDIATELY WIRE COMMENT ON RESIGNATION STATEMENT RELEASED BY JUSTICE BOLIN STATEMENT ATTACKS POLICY OF NAACP TOP COMMAND ETC." The Carolina Times, of Durham, North Carolina made a similar request, as did The Call, the Southwest's Leading Weekly of Kansas, Missouri. The National Office wired responses that were mechanical at best. To the Norfolk Journal and Guide, Roy Wilkins wrote: "BOLIN LETTER RELEASED TO PRESS BEFORE IT REACHED BOARD YESTERDAY. REGRET I CANNOT COMMENT. HOWEVER STATEMENT FROM DR. LOUIS T. WRIGHT, CHAIRMAN OF BOARD, WILL BE RELEASED IN TWENTYFOUR HOURS." To the Carolina Times, he wrote: "REGRET THAT COMMENT ON JUDGE BOLIN LETTER BY CHAIRMAN OF OUR BOARD HELD UP AND CANNOT REACH YOU BY YOUR DEADLINE TONIGHT." He told reporters for the Afro-American and the New York Amsterdam News that he personally could not comment, but that the Board had authorized the Chairman

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[467] Bolin to Spingarn, 9 March 1950; NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers. Her resignation was effective immediately.

to issue a statement which would be released in a few days.[468]

Surprised, embarrassed, and exposed, the National Office needed time to regroup, but until then Judge Bolin's letter stood "as a true statement of conditions," in the absence of any other to refute it.[469] Her letter read in part:

> As you know I accepted the Vice Presidency with the interpretation of its responsibilities as including that of participating in the business of the association. At the Board meeting on February 14th, the Chairman of the Board ruled that as Vice President I am ineligible to vote on the affairs of the association. In view of Mr. Wilkins' letter to me of January 23rd stating that the Board had never provided for any duties or functions for Vice Presidents as it is required to do by the NAACP constitution and in view of the Board Chairman's ruling that Vice Presidents cannot participate in determining policy or program for the organization, I find that twenty Vice Presidents (a ridiculous number) are merely names on NAACP letterheads, used to lend prestige to the association and to mislead the public that these persons have responsibility in formulating policy. I refuse to share in this deception and I refuse to let the public hold me in part responsible for the actions of the NAACP without having the power to vote on these actions.
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> There are several areas in which I have dissented while a Board member. I could not sanction the paid staff overwhelming the Board to the extent of usurping the Board's function of making

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[468] Wilkins to Louis Wright, 15 March 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers; Telegrams from Norfolk Journal and Guide, the Carolina Times to the National Office, March 13, 1950, Box 3, Bolin Papers.

[469] Wilkins to Wright, 15 March 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

> policy....As I stated in a Board meeting last year, we have in the NAACP the spectacle of the tail (the staff) wagging the dog (the Board). Nor could I appreciate the contemptuous and scornful attitude on the part of the paid staff and a majority of the Board toward the NAACP Branches and people who work in the Branches....In other words, all the brains in the NAACP lie only in the national Board and staff....
>
> I am further of the belief that the NAACP program has become sterile and barren and that is a major reason for its membership dropping from nearly a half million to about one-eight of a million in the last few years. The only part of the NAACP which is not programmatically bankrupt today is its legal department which is doing an important and superb job....
>
> I have become persona non grata to the NAACP hierarchy because of the positions I have taken and I have been duly purged on the Board....It appears to me that for some time now the NAACP high command has been more interested in personal and political intrigue than it has been in discharging that trust efficiently and to the fullest.[470]

Bolin did not simply resign as Vice-President. She used her resignation as a public platform for challenging the structure, program, policies, and personnel of the NAACP. Her tenure of protest on the Board had resulted in her removal without personal appeal. But, she was determined that her withdrawal from the Vice-Presidency would never be relegated to the margins of internal correspondence. Information about her resignation was not leaked, but shared fully with the press. This woman, who had always lent her voice to the struggles of others, made a decision to speak for herself in a loud resounding voice. She,

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[470] Bolin to Spingarn, 9 March 1950, Box 3, Bolin Papers.

therefore, preempted any mis-information about her resignation by baring ALL that she had said to the NAACP President. How empowering that must have been for a woman, who had only recently endured the insult of learning about her impending removal from the National Board in the morning paper.

It was now the National Office's turn to play "catch up" with Bolin's statement which had already saturated the conscience of the Association membership. The National Office had authorized the Chairman of the Board to issue a statement, in an effort to get the viewpoint of the Board into the newspapers. However, in accordance with resolutions passed at the March 13th Board meeting, the statement was withheld pending a committee conference with Bolin. At the March 13th meeting, Arthur Spingarn made a motion, which was seconded by Judge Hastie, that the Chairman of the Board be authorized to send a letter to Judge Bolin which essentially accepts her resignation. Upon substitute motion made by Judge Delany, it was decided by a 10 to 5 vote that the Chairman of the Board appoint a committee, including himself, to confer with Judge Bolin to see if she would reconsider her resignation.[471]

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[471] Judge Charles E. Toney, Dr. Channing H. Tobias, and Dr. Louis T. Wright, Chairman of Board were appointed to serve on the committee. There was some division in reaching the decision to ask Bolin to withdraw her resignation. Minutes of Board of Directors meeting, 13 March 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

In commenting on the actions of the Board, Bolin stated, "I shall always be pleased to meet with this committee or any N.A.A.C.P. Board committee, to discuss not only my resignation, but any matter or interest to the Association."[472] Arthur Spingarn, the President of the NAACP, was one of the five who opposed Delany's motion. His opposition stemmed from, what he perceived to be, the lack of "good faith" on Bolin's part.[473] However, Bolin felt that the action of the Board by a 10 to 5 vote to confer with her "indicates that a two-thirds majority of the Board, aware of my twenty years' service to the N.A.A.C.P., does not consider my resignation motivated by 'bad faith' or personal reasons as publicly charged by one or two Board members."[474] Judge Toney supported Spingarn's argument, and Marshall's earlier memorandum. He stated that since the Association was a membership corporation and the laws of New York State applied, then the control of the organization was in the Board of Directors only.[475]

However relevant and truthful these summations were, they could not negate the fact that during Judge Bolin's

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[472] "For Immediate Release," NAACP Board of Director Files, Jane Bolin Folder, NAACP Papers.

[473] Spingarn saw in Bolin's release of her resignation to the press, and in her belief that Vice-Presidents could vote, a lack of good faith. He essentially argued that Bolin knew or should have known that Vice-Presidents did not vote, since he knew the duties of the office of President and that on one had told him what they were. In essence he imputed the responsibility to find out what your duties are as an officer onto the officer. Ibid.

[474] "Bolin Resignation Not Yet Accepted By NAACP," Journal and Guide, Clipping File, Box 3, Bolin Papers.

[475] Ibid.

years as a Board member, Vice-Presidents frequently voted on the affairs of the Association. Judge Bolin, and not necessarily the office of Vice-President, may have been the intended target of the Board's timely interpretation of the vice-presidency.

Over a month after Bolin released her letter of resignation to the press, the committee still had not conferred with her as of April 18th. Wilkins had managed, however, to convince the Board to release Dr. Wright's comment on Judge Bolin's letter. He was convinced that the longer the Board waited to publicly address Bolin's letter, the more they would have to prove. He offered the leading editorial in the Afro-American for March 18, as an indication of the type of impact Judge Bolin's letter had had. Headlined "Rumblings At the NAACP," the Afro-American editorial said that Judge Bolin's charges called for a searching inquiry with the public being fully informed of the findings. It called for "direct and positive replies," and felt that until this was done, "the future of the NAACP seems to be definitely in jeopardy."[476] There were similar concerns raised in other newspapers, whose headlines ranged from the dramatic "NAACP Branded Sterile, Barren Judge Bolin Rips Officers And Quits Job" of the New York Amsterdam News and "Justice Jane Bolin Quits NAACP: Blasts

[476] The editorial also stated that "Unfortunately, the charges made by Justice Bolin have been heard rather frequently within the past year and following the theory that where there is smoke there usually is fire, the public has become increasingly confused by the charges and counter-charges." Editorial, 18 March 1950, Afro-American.

'Contemptuous Attitude'" of the New York Age to "Judge Jane Bolin Quits NAACP: Protests Lack Of Power Of Vice President" of The Call. In every story, however, there was the sense that Bolin's resignation was expected. For example, the March 18, New York Amsterdam News story stated that Judge Bolin's resignation had been expected in New York circles since early in January when she was not returned to the Board of Directors.[477] The New York Age March 18, article spoke of a "long simmering feud between Domestic Relations Justice Jane Bolin and national officers of the NAACP."[478] The notion that there was continued disunity within the Association hierarchy certainly justified Wilkins's suspicion that the organization's ability to stand together in the long fight for African Americans was being questioned.

Wilkins was equally concerned that any further delay of comment from the Board would place the Association in a more embarrassing position should the conference with Bolin net her return as Vice-President. Wilkins told Wright, "Suppose, in your conference with Judge Bolin, she should accept the invitation of the committee and agree to withdraw her resignation. Could the Association then issue any statement condemning her letter? Would we not be in the position of having begged a person to return to her

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[477] "Justice Bolin Rips Officers And Quits Job," 18 March 1950, New York Amsterdam News, Clipping File, Box 3, Bolin Papers.

[478] "Justice Jane Bolin Quits NAACP: Blasts 'Contemptuous Attitude'," 18 March 1950, New York Age, Clipping File, Box 3, Bolin Papers.

office and thereby tied our hands to criticize her views publicly?"[479] In consideration of Wilkins's statements, and the fact that scheduling further delayed the committee conference with Judge Bolin, the following comment by the Chairman of the Board was set for immediate press release:

> "....This action suggests strongly that Judge Bolin's principal purpose was not to discuss a point of difference with the Association and its Board, but to attack the organization itself. "The ostensible reason for the writing of the letter and the tendering of her resignation as a vice president is the alleged fresh discovery by Judge Bolin that vice presidents of the NAACP do not have the power of directors of the NAACP, that is, they do not have the power to vote on issues....Judge Bolin's letter tries to give the impression that she was unaware of this, and that as soon as she discovered it she offered her resignation. In the light of several known facts and incidents, as well as in light of reasonable intelligence, it is doubtful that this contention is in good faith."[480]

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[479] Wilkins to Wright, 15 March 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

[480] Wright's statement was supplemented with four detailed sections of examples in support of the charge that Judge Bolin's actions were not in good faith. See Appendix. Wilkins attached a cover letter, with his own comments, to a desk copy of Wright's comment for William Gibson, Editor of the Afro-American. Not realizing, or not caring that Wilkins's comments were intended to be "off-the-record" Gibson printed them, thereby bringing yet another dimension to the controversy.

The National Office was not pleased with the type of coverage given to the Board's response to Bolin's letter of resignation. Wilkins, however, was quite pleased with the manner in which the Norfolk Journal and Guide handled the whole matter. In a letter to Bernard Young of the Journal and Guide, he commended him for treating the Board's response "as important news and in a manner calculated to give your readers a rounded picture of the situation."[481] On the contrary, there were "Eastern papers which gave Judge Bolin's letter front-page prominence," and carried the Board's comment "on the next to the last page and the other tacked a few paragraphs on to another story over on an inside page."[482] The "Eastern papers" to which Wilkins referred were clearly the New York Amsterdam News and the New York Age. The Black Press, as a tool of the African American community, was as involved in the matter of this controversy as it was in its dissemination. For obvious reasons, the New York Amsterdam News and other New York-based Black newspapers would have been sensitive to the position of the New York (Harlem) Branch of the NAACP.[483]

"Statement on Judge Jane M. Bolin's Letter," by Dr. Louis T. Wright, Chairman of the Board of the NAACP, 15 March 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers. See also, Wilkins to William Gibson, 17 March 1950, and 22 March 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

[481] Wilkins to Bernard Young, 22 March 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

[482] Ibid.

[483] As mentioned earlier, the New York Amsterdam News and the New York Age were privvy to the on-going struggle of Bolin and the New York Branch, and kept the issues in the news with or without confirmation from the National Office.

For whatever reason there were other newspapers outside of New York that seemed to show favor with Bolin's and the New York Branch's position. William Walker's "Down the Big Road" column in The Cleveland Call and Post of March 25, 1950 truly angered Wilkins. In a very bitter letter to Walker, he complained that although Walker had grasped Judge Bolin's "specious reasons for resigning as vice-president" and had published the Board's reply, he chose nevertheless to continue to "heap praise upon Judge Bolin's calculated attack upon the Association."[484] Wilkins was truly incensed by Walker's article, which showed very little, if any understanding of the National Office's position. In his opening paragraph, Walker stated: "Judge Jane Bolin of the New York City Domestic Relations Court, has done a real service to the NAACP by resigning. Her letter of resignation from the national board as one of its twenty vice-presidents, brings out into the open, most of the complaints hundreds of other members have been making but have not been able to get into public print as did Judge Bolin." Walker continued, "I congratulate Judge Bolin for having courage enough to resent being made a figurehead or stooge. The obvious reason for denying Judge Bolin the right to vote was because previously she had

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[484] Wilkins to William O. Walker, 20 April 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

shown independence and voted her conscience rather than being a yes-member for an already agreed upon program."[485]

Bolin had pierced the veil of this corporate body from the inside out. And, in the process she had exposed the weaknesses of an organization that needed to be strong for all African Americans. Many, like Walker, praised her for her courage and commitment, but others harshly criticized her. Denton J. Brooks, Jr. of New York City wrote Dr. Wright bemoaning just how grieved he was to read of "Judge Jane M. Bolin's attack on the NAACP." He further complained that while he could not pretend to comment on any of the issues involved, he felt that "this method of airing differences can be more harmful than helpful."[486] A memorandum from Charles H. White, NAACP member and self-proclaimed Expert Witness for the Justice Department on policies, program, activities, teachings, and philosophy of the Communist Party and front organizations since 1937, represented the tone of several pieces of communication sent to the National Office and the newspapers regarding Bolin's letter of resignation. Addressed to the Editor of

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[485] Ibid.

[486] The idea of administrative anonymity seems to have great currency with the leadership and quite a few of the membership of the NAACP. But is this endemic to the NAACP, all Civil Rights organizations, or all organizations, and does political time and place impact the desire for such anonymity? These are questions which will not be given close attention here, but are questions that elicit further inquiry. Denton

the Pittsburg Courier, the NAACP Acting Secretary Mr. Roy Wilkins, and the New York Branch Secretary Mr. Charles A. Levy, the memorandum stated:

> Justice Jane Bolin has resigned from the NAACP - I say GOOD RIDANCE. I hope she has the decency to resign as Justice of Family Court as well. It occurs to me that it is worth mentioning that Bolin, Delany, and Justine Wise Polier, all of Family Court NY City, are all bed fellows of such be kind to Commy causes as Justice Frankfurter of the Supreme Court showed for the traitor Alger Hiss. Not being able to use the NAACP for a Soviet Trojan Horse, they now hope to destroy it.[487]

Bolin's consistent activism on and off of the bench, at times with the help of her judicial colleagues, had obviously ruffled the feathers of the more conservative Board, Branch membership of the NAACP, and even of ordinary citizens. She considered this a small price to pay for "informing the membership of some internal conditions which appeared to me to need correction, if our Association is to be the effective and powerful instrument we want and need."[488]

Whether in response to membership pressure, internal pressure, or past service, the Board once again nominated and elected Bolin as vice-president of the NAACP at its

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J. Brooks, Jr. to Wright, 23 March 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

[487] Charles H. White to the Editor, Pittsburg Courier, Wilkins, and Charles A. Levy, 20 March 1950, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

[488] "Bolin Resignation Not Yet Accepted by NAACP," Journal and Guide, Clipping File, Box 3, Bolin Papers, Schomburg Center, New York City Public Library.

January 2nd, 1951 Board meeting. In a letter to the Chairman of the Board, she thanked the Board for their gracious action, and stated that her resignation in 1950 was a "considered decision reached after long thought and great deliberation." She made her resignation from the 1951 vice-presidency effective immediately, and reiterated, "My feeling has not changed that I do not care as a national officer to assume responsibility to the public for the Association's decisions when I am powerless to affect those decisions through voting."[489]

Judge Bolin risked more than a Board membership and a vice-presidency in the NAACP in her crusade to expose and hopefully correct the inconsistencies in Association proceedings and management. In her fight for "participatory democracy" she risked her livelihood, and her career. She even risked reappointment to the bench. As discussed in Chapter 4, her 1949 reappointment to the bench proved to be the most difficult. Though there is evidence to suggest that there were political reasons for the difficulty in securing her 1949 reappointment. There is just as much evidence to suggest that the entire NAACP controversy, complete with daily headlines, might have hardened O'Dwyer's reluctance to reappoint her in 1949. The era of O'Dwyer, according to Thomas Kessner, was the era of the Cold War mentality, the fears that led to House

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[489] Bolin to Wright, 14 February 1951, NAACP Board of Directors Files, Jane Bolin Folder, NAACP Papers.

Un-American Activities Committee (HUAC) excesses, of the new conservatism, and of the passing of insurgency politics.[490] Judge Bolin's dissident vocality was, therefore, as out of place in O'Dwyer's administration as it was within the NAACP. Duly purged from the NAACP Board of Directors, and essentially silenced as a vice-president, she had become "persona non grata" to the National Office. Nevertheless, she spoke the loudest, and risked the most, as a National Officer. Hubert Delany's years of activism had placed him on the same philosophical plane as Bolin, yet interestingly, he had eluded the "machinery" of the National Office. Though there were many spirited exchanges between him and the Executive and Acting Secretary, none had ever resulted in his banishment from the policy-making body.

Bolin's legacy with the NAACP has only just begun to unfold. And, it will, undoubtedly, be debated through her positioning as Charter Member, Branch Official, Member of the Board of Directors, Vice-President, and persona non grata to the NAACP. Though the expansive contouring of her organizational life is susceptible to portrayal as conventional and insurgent, it was nonetheless characterized by her palpable commitment to the democratic ideals of the NAACP, and the philosophy of "participatory democracy." This Chapter utilized the portrayal of

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[490] Thomas Kessner, Fiorello H. La Guardia, pages 570-572.

insurgency to best answer the question it raised in the beginning: How and Why did Judge Bolin plummet to the depths of the Association's disregard?

Yet, as the historical record is reassessed to reflect the contributions and significance of this little-known civil rights trailblazer, the question still remains, how did such a visible political subject become invisible to the historical eye? This question, or rather this process, will be the focus of the concluding chapter that follows.

CONCLUSION

This concluding chapter offers some preliminary thoughts on the process of historical invisibility, or, in the case of Black women, the process of "becoming invisible." More specifically, it explores how Jane Matilda Bolin, a prominent, vocal, and very visible African American woman jurist of the early twentieth century, became invisible to the historical eye. Using Ann Firor Scott's essay, "On Seeing and Not Seeing: A Case of Historical Invisibility,"[491] as a point of departure, I will examine Bolin's obscurity in the historical record in relation to her lived visibility.

The foregoing chapters attest to Jane Bolin's lived visibility. It situates her in the professional and political milieu of the majority white, and minority black, communities of New York City. Her volunteer public service spanned more than fifty years, and included the co-founding of the Wiltwyck School for Boys with Eleanor Roosevelt, with whom she had a very close and public friendship. The Wiltwyck School for Boys was a direct response to the lack of city-run institutions for young boys compounded by the race-based discrimination of many private institutions.

As Vice President of the New York City Branch of the NAACP, and Member of the Board of the NAACP's national

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[491] Ann Firor Scott, "On Seeing and Not Seeing: A Case of Historical Invisibility," Journal of American History LXXI (June 1984):7-21.

office, Bolin was at the helm of the nation's premier civil rights organization. She was one of the few women, black or white, to be elected to such offices. But, she did not mimic, nor succumb to, the dominant male leadership of the organization. Instead, she charted a path of "participatory democracy," which she felt corresponded more closely with the organization's mission of equality. But, for many in the NAACP's national office, engendering such participatory democracy within the organization smacked of radicalism. Such conservatism therefore predicted that she would be accused of compromising the integrity and effectiveness of the NAACP when she publicly exposed the cleavage in leadership, and the great divide that existed between organizational rhetoric and reality.[492]

As an Assistant Corporation Counsel, and Domestic Relations Court judge, Bolin was unquestionably a member of New York City's professional elite. Moreover, to the extent that "political function may be broadly defined as the activity of those who exercise legitimate authority to award limited resources - including property or legal rights to one person or group among several competing for them," Judge Bolin was in the mainstream of political activity.[493] Everyday the courts, read as judges, directly or indirectly, "allocate the tangible benefits in our

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[492] The previous chapter gives a full account of her challenges with the NAACP.

[493] Russel Wheeler, "The Political Function of Court Systems," Judicature 57 (1984): 296.

society" and that, according to Wheeler, constitutes political activity.[494] Furthermore, as the first African American woman in this position, Bolin became a "highly visible political minorit[y]" who stayed under the proverbial political microscope, and on the pages of the various organs of contemporary political discourse.[495]

Bolin's educational pioneering, as it occurred, may well have been confined to the halls of Wellesley College and Yale University Law School.[496] Her professional pioneering, however, was immediately inserted into the collective consciousness of American society. Her 1937 assignment with the Office of the Corporation Counsel of New York Law Department, and her 1939 appointment to the Domestic Relations Court of the City of New York were featured in newspapers and magazines across the nation. One newspaper heading said, "Judge Bolin Hopes Choice Will Inspire Other Women." Another heading read simply "A Sepia Portia-Jane Bolin."[497] Whatever the caption, there was

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[494] Wheeler, "Court Systems," 296.

[495] Political Scientist Jewel Prestage uses this phrase to capture the political vulnerability of Black women in the judiciary. See, Jewel Prestage, "Black Women Judges: An Examination of Their Socio-Economic, Educational and Political Backgrounds and Judicial Placement," in Readings in American Political Issues, ed. Franklin D. Jones and Michael O. Adams with Sanders Anderson, Jr. and Tandy Tollerson (Dubuque: Kendall/Hunt Publishing, 1987), 324-344.

[496] There is no evidence to indicate immediate newspaper coverage of Bolin's graduation from Wellesley College and Yale Law School. Newspaper reports of her pioneering status as the first African American woman to graduate from both schools seem to surface years later, during the time of her appointments to the Office of the Corporation Counsel and the Domestic Relations Court.

[497] The following are some of the sources that carried stories about Bolin's appointment: "A Sepia Portia - Jane Bolin," Apex News 9, no.

clearly nothing routine or ordinary about the import of the subject.

The nation had been introduced to its first Black woman judge in a very public way, and in Bolin, it would see a pioneer for justice. In 1944, local Poughkeepsie newspapers applauded her for having "the courage to return to her native Poughkeepsie and blow the top off that town's anti-Negro practices."[498] During her second appointed term as judge, Bolin was reintroduced because of her unequivocal commitment to the ideals of the NAACP. The nation's Dailies diligently reported on her tenure of dissent with the NAACP, especially as it culminated in the 1949-1950 intra-organizational conflict.[499]

Decades later in 1978, on the occasion of her retirement, Judge Bolin's importance and visibility were re-inscribed onto the collective consciousness of another

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13 (1937); "Miss Jane Bolin Appointed Asst. to Corporation Counsel," New York Age, 27 April 1937; "Miss Jane Bolin," Richmond Planet, 17 April 1937; The Crisis, September, 1939; Davis, "Judge Bolin Hopes Choice Will Inspire Other Women," Philadelphia Tribune, 17 August 1939; "New York's Fourth Negro Judge, Now on Bench," New York Age, 29 July 1939.

498 "Hats Off!" PM's Daily Picture Magazine 1 March 1944, Clipping File, Box 3, Bolin Papers.

499 The role of the press in this conflict is dealt with in great detail in Chapter 5. Nevertheless, the following are some of the sources that featured the controversy as it unfolded: "Removal of Judge Bolin From NAACP Board Bared," Afro-American, 8 October 1949; "NAACP Feud Cools Off," New York Amsterdam News, 5 November 1949; "Justice Jane Bolin Quits NAACP: Blasts 'Contemptuous Attitude,'" New York Age, 18 March 1950; "Judge J. M. Bolin Raps NAACP Policy in Resigning Top Post," Journal and Guide, 18 March 1950; "Judge Jane Bolin Quits NAACP: Protests Lack of Power of Vice President," The Call, 17 March 1950; "NAACP Branded Sterile, Barren: Justice Bolin Rips Officers And Quits Job," New York Amsterdam News, 18 March 1950; "Rumblings at the NAACP," Afro-American, 18 March 1950, Clipping File, Box 3, Bolin Papers.

generation of Americans. As if intending to revive the historical record, the press carried stories about Bolin's many remarkable firsts as an African American woman, and paid tribute to her outstanding record and reform activities as a judge. At this juncture in her professional life the mainstream white newspapers seem to have taken up the pen of re-inscription on her behalf.[500] Although coverage of her NAACP leadership role was perfunctory at best, it nonetheless sketched a past that summoned further inquiry.[501] Judy Klemesrud, of the New York Times, explained that the "FCJ-1" on Judge Bolin's license plate stood for "Family Court Judge-1" because she ranked "first in years of service, with 40 years on the bench, as a judge for the Family Court of the State of New York and its predecessor courts."[502] Klemesrud stated further that Judge Bolin "had been determined to wage a fight for racial justice in her career ever since she was a child growing up in an upper-middle-class family in Poughkeepsie, N.Y., and was shocked by reports of lynchings in the South."[503] The American Bar Association Journal

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[500] See for example, Sidney Fields, "Legacy of a Family Court Judge," The New York Daily News, January 1978; Judy Klemesrud, "For a Remarkable Judge, a Reluctant Retirement," New York Times, December 1978; David Margolick, "In Retrospect, Father Didn't Know Best in the Case of a Daughter with a Habit of Making History," The New York Times, 14 May 1993.

[501] The mere mention of an African American woman actively serving in a policy-making position within the NAACP prompted me to investigate her tenure further.

[502] Judy Klemesrud, "For a Remarkable Judge, A Reluctant Retirement," New York Times 8 December 1978.

[503] Ibid.

notes that Bolin "went into the legal profession at a time when women and blacks seldom went to law school," and that "Since she was both, she had tremendous odds to overcome."[504]

As recent as 1993, the New York Times featured in its "Law" section a retrospective article on Judge Bolin.[505] It told of her many pioneering achievements, of how she got there, and of her experiences when she "arrived." In juxtaposition was an article on President Clinton's nomination of Lani Guinier to head the Justice Department's civil rights division, and the "controversy" surrounding her scholarship on the undemocratic nature of majority rule.[506] In an instant, there was a spatial and generational association between these two women - both black, both Yale Law School graduates, one eighty-five years of age, the other forty-five years of age, both pioneers in the legal profession. However inadvertent the association might have been, the articles spoke directly to the issue of black women's advancement in the legal

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504 "New York's First Black Woman Judge Retires," American Bar Association Journal, June 1979, Box 1, Bolin Papers.

505 David Margolick, "In Retrospect, father didn't know best in the case of a daughter with a habit of making history," New York Times 14 May 1993: B8 L.

506 Guinier, who was counsel for the NAACP Legal Defense and Educational Fund from 1981-1988, has written extensively about the effectiveness of the black vote in a majority white society. She believes that, without some form of "weighted-voting," elected blacks will always be in the minority and consistently outvoted by a white majority. See for example, "Second Proms and Second Primaries: The Limits of Majority Rule," The Boston Review September-October 1992; The Tyranny of the Majority: Fundamental Fairness in Representative Democracy (New York: The Free Press, 1994.)

profession, and, quite appropriately, to the silencing of vocal, in a word, "unruly" black women. In the subject of Lani Guinier was provided yet another frame with which to analyze Bolin's early professional and political experiences.

The press had remained fascinated with Judge Bolin, fifteen years after her retirement, even as scholars of civil rights, blacks and women remained oblivious to, or disinterested in, her contribution and complexity.[507] In glaring contrast to her lived and reported visibility, Bolin remained virtually invisible in the historical record.

According to Scott, historical invisibility is the process by which "a significant phenomenon for which all the data have existed, much of it readily available," still remains almost totally invisible to historians.[508] In the case of Jane Bolin, the data that extols her political life have always existed in the very public instruments of press, profession, and organization. One needs only look to contemporary newspapers, and to the national and branch records of the NAACP, to see the image of this political figure. With the exception of court transcripts made inaccessible because of confidentiality, there is an extant

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[507] Black Women in America: An Historical Encyclopedia (Brooklyn: Carlson, 1993) provides the only substantial scholarly overview of Judge Bolin. It provides a glimpse into the life of one of this nation's most interesting women of the early twentieth century.

[508] Scott, "On Seeing and Not Seeing," 8.

record of Bolin's visibility. Indeed, one can argue that there is a "living" record of her legacy in the continuing efforts to the narrow the gap between the ideals and customs of the Family Court system. Why then has the historical record been so slow to recognize this activist-reformer in all her complexity?

In "Seeing and Not Seeing: A Case of Historical Invisibility," Scott considers the voluntary association as a case of historical invisibility to speculate on the question of "seeing and not seeing," and, on how things previously invisible come to be visible.[509] Although my immediate concern is more with how the visible becomes invisible, Scott's speculation on the reverse does inform my analysis. She frames her discussion with the truism that "people see most easily things they are prepared to see and overlook those they do not expect to encounter."[510] Accordingly, she contends that "A sensitive artist will see things at the Louvre invisible to the casual visitor from the tour bus," just as a good novelist will "notice things most people overlook."[511] The dictum "History is past politics," similarly told "historians what to look for - and what to ignore."[512]

Called "one of the most significant of American institutions" by Alexis de Tocqueville, the voluntary

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509 Scott, "On Seeing and Not Seeing," 8.

510 Scott, "On Seeing and Not Seeing," 7 (emphasis mine.)

511 Scott, "On Seeing and Not Seeing," 7.

association had been a familiar American institution. Scott reminds us that, as Americans, we had even come to accept ourselves as a "nation of joiners."[513] Notwithstanding such familiarity, the voluntary association had not evoked much interest in scholars. Familiarity had in this instance bred neglect, according to Scott.[514] However, her redemptive efforts to shed light on this American institution overlooked the significance of black women's voluntary associations. In a subsequent essay, "Most Invisible of All: Black Women's Voluntary Associations," Scott admits,

> In the process of lecturing everyone else about the dangers of not seeing what was before one's eyes, I had exemplified the error, for though there were dutifully collected references to black women's organizations in footnotes, nowhere had I recognized the central role of these organizations in the creation of the black community.[515]

She had overlooked the significance of black women's voluntary associations precisely because she did "not expect to encounter" them in a discussion of "one of the most significant of American institutions." But were not black women's voluntary associations part of this larger American institution?

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[512] Scott, "On Seeing and Not Seeing," 7.

[513] Scott, "On Seeing and Not Seeing," 8.

[514] Ibid.

[515] Scott, "Most Invisible of All: Black Women's Voluntary Associations," Journal of Southern History LVU, no. 1 (1990): 3.

Have scholars similarly overlooked Judge Bolin because they do not expect to encounter black women in the NAACP's national leadership, or among early judicial appointments? The historical record is replete with evidence to support black women's integral role in building NAACP membership. The NAACP in the 1930s and 1940s depended on the formidable fund-raising talents of black women like Daisy Lampkins, Juanita Mitchell, and Ella Baker.[516] But has this pervasive representation of black women as the fund-raising backbone of the NAACP distorted their multi-dimensional association with the organization? Has this representation successfully pushed the black women of the board, and especially one as "unruly" as Bolin, to the fringes of historical memory?

There are a few biographies of black women in branch leadership, but none of black women who served as vice-presidents or board members of the NAACP's national office.[517] The many histories of the NAACP overlook the contribution of these women, and therefore overlook Bolin's tenure, and the controversy that surrounded her resignation

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[516] Daisy Lampkins was regional field secretary of the NAACP from 1930 until 1935, when she was appointed national field secretary; Juanita Jackson was the NAACP's national youth director from 1935 to 1938; Ella Baker, one of the most important women in the civil rights movement of the 1950s and 1960s, was assistant field secretary of the NAACP in 1941, and worked as director of NAACP branches from 1943 to 1946. Darlene Clark Hine, William Hine, and Stanley Harrold, African-American Odyssey (Upper Saddle River: Prentice Hall, 2000), 433-434.

[517] Biographies of black women active in NAACP branch leadership include, Joanne Grant, Ella Baker: Freedom Bound (New York: John Wiley and Sons, 1998); Merline Pitre, In Struggle Against Jim Crow: Lulu B. White and the NAACP, 1900-1957 (Houston: Texas A&M University Press, 1999).

as vice-president. Biographies of, and articles about, Ella Baker, make no mention of Bolin. The possibility that she may have influenced Baker's philosophy of "participatory democracy," is therefore never considered. That Baker could have given formal statement to what Bolin practiced and fought for is also never entertained; on this the record remains silent.[518]

I agree with Scott that selective and partial vision is inherent in historical inquiry.[519] But, if present conditioning determines what we are prepared to encounter, then the increasing presence of black women in today's legal profession ought to have sufficient to prod historical inquiry of their past. I am not suggesting that a researcher would have found black women where there was none, only that an examination unrestricted by narrow paradigms would have accounted for their presence or

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[518] Some of the works specifically dealing with the NAACP, its activities, and its leadership are: Charles F. Kellogg, NAACP: A History of the National Association for the Advancement of Colored People (Baltimore: Johns Hopkins University Press, 1967); Barbara Joyce Ross, J. E. Spingarn and the Rise of the NAACP, 1911-1939 (Boston: Atheneum, 1972); August Meier and Elliott Rudwick, ed. Along the Color Line: Explorations in the Black Experience (Urbana: University of Illinois Press, 1976); Roy Wilkins with Tom Mathews, Standing Fast: The Autobiography of Roy Wilkins (New York: Da Capo Press, 1994). Works on Baker include, Joanne Grant, Ella Baker: Freedom Bound (New York: John Wiley and Sons, 1998); Carol Mueller, "Ella Baker and the Origins of 'Participatory Democracy,'" in Vicki L. Crawford, Jacqueline Anne Rouse, and Barbara Woods, ed. Women in the Civil Rights Movement: Trailblazers and Torchbearers, 1941-1965 (Bloomington: Indiana University Press, 1990); Charles Payne, "Ella Baker and Models of Social Change," Signs: Journal of Women in Culture and Society 14, no. 4 (1989): 885-899, and his book, I've Got the Light of Freedom: The Organizing Tradition and the Mississippi Freedom Struggle (Berkeley: University of California Press, 1995), especially chapter 3.

[519] Scott, "On Seeing and Not Seeing," 8.

absence, their responses - in essence their subjectivity. Althusser's suggestion that every text be read for the "invisible" that appears within the world that theory renders visible is instructive.[520] Identifying the mechanisms by which ideology, or any conscious epistemology, renders one visible is therefore central to unraveling the process by which the visible becomes invisible. In the case of black women, certain power relations have generated normalizing, and, by extension, "disfiguring" images that have rendered them invisible.[521]

Twenty years after Bolin's 1939 judicial appointment she remained the only black woman on the bench. She was the singular representation of black women among a small cadre of white women judges well into the 1960s.[522] But this in and of itself does not explain historical oversight. Actually, because of her singularity the historical data were so abundant that it ought to have

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[520] As discussed in Judith Butler, Theories in Subjection: The Psychic Life of Power (Stanford: Stanford University Press, 1997) especially chapter 4.

[521] For a full account of how history has produced "disfigured images" of Black women, see Patricia Morton, Disfigured Images: The Historical Assault on Afro-American Women (Westport: Praeger, 1991). In the case of the African American woman, the literature is replete with treatises of false imaginings. Based on stereotypes that were comfortable for others, the African American woman, if not portrayed as "Mammy," "Sapphire," matriarch, servant or slave, remained invisible to the historical eye. This phenomenon will not be dealt with here as it is given ample treatment in the works of Michelle Wallace, Patricia Morton, Cheryl Thurber, Sharon Harley and Rosalyn Terborg-Penn, Darlene Clark Hine, Trudier Harris, and Robert Staples among others.

[522] Alvin White, "Why Aren't There More Women Lawyers," The Afro-American 21 February 1959, 1 and 7, Clipping File, Box 3, Bolin Papers.

disrupted any normalizing of this early community of professional women.

In assessing what looks like a deliberate avoidance of Bolin's dissidence within the NAACP, one has to consider the fallout from the 1949-1950 incident within the context of community solidarity. The black press had always worked in concert with the NAACP and other civil rights organizations "toward breaking down segregation and injustice for the Negro, court case by court case, boycott by boycott, and headline by headline," explain Pride and Wilson in their groundbreaking A History of the Black Press. However, they add that with each succeeding victory a price was paid, and sometimes "it was the pain of a race member going 'outside' to air criticisms that most preferred to keep within the ranks."[523]

To be sure, philosophical disagreement among black leaders was often bared on the pages of the black press. The DuBois-Washington polemic stands as only one case against any indictment of a monolithic black leadership. Nevertheless, Bolin was chided by many, though applauded by most, for criticizing the NAACP leadership in public. She was even labeled a communist for being so outspoken. More importantly, her going "outside to air criticisms" inspired a series of editorials on the NAACP's accountability. Shortly after her resignation was carried by several

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[523] Armistead S. Pride and Clint C. Wilson, II, A History of the Black Press (Washington: Howard University Press, 1997), 222-223.

newspapers, the Philadelphia Tribune editorialized that Bolin's resignation and her criticism of the NAACP "serve to bring into focus the imperative need for a careful review of the organization's policy and program."[524] It further called for a thorough analysis of the association's structure, "from top to bottom, with no punches pulled, and with the chips falling where they may."[525]

Standing firm against the solid male leadership of the NAACP national office was not easy; neither was being scapegoated for the near unraveling of the organization. Might such difficulties have engendered a deliberate forgetting on Bolin's part? In the only interview given, she says very little about her involvement with the NAACP (probably two sentences in an 80-page transcript), and never mentions the public debate that occurred as a result.[526] Is her reluctance to "relive" those years with the organization what historian Deborah Gray White calls, "in part a manifestation of the black woman's perennial concern with image," born of centuries of vilification?[527] Or, can her avoidance be better understood through the

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524 "The Future of the NAACP," Philadelphia Tribune, Clipping File, Box 3, Bolin Papers.

525 Ibid.

526 At the behest of her nephew Lionel Bolin (her brother's son) this 1990 interview was conducted by Rudd in his presence. The author is aware that much of what is said or not said is often directly related to the format of an interview and the type of questions asked. Yet, even as Bolin spoke about her association with the NAACP she never fully addresses the incident surrounding her resignation.

527 "Mining the Forgotten: Manuscript Sources for Black Women's History," Journal of American History 74 (1987):

"culture of dissemblance;" the "self-imposed invisibility" so often employed by black women, says Hine, to protect their inner lives?[528]

As if intending to make sense of Judge Bolin's invisibility in the historical record, a 1993 New York Times article states that "Modest and matter-of-fact, Judge Bolin has kept herself off the roster" of civil rights trailblazers.[529] So, could Bolin's have been a simple case of elusive subjectivity? Had she simply eluded historical inquiry because of an "apparent passion for anonymity," that Scott finds so common among women?[530] And, if it is, then what does it tell us?

In her essay, "Women's Liberation and Women's Professions: Reconsidering the Past, Present, and Future," Geraldine Clifford fears that in their zeal to attack male hegemony, feminist historians may have slighted the record of women in fields identified by a domestic analogy, or categorized as being within "women's sphere."[531] The Family

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[528] Darlene Clark Hine, "Rape and the Inner Lives of Black Woman: Thoughts on the Culture of Dissemblance," in Virginia Bernhard, Betty Brandon, Elizabeth Fox-Genovese and Theda Perdue, ed. Southern Women: Histories and Identities (Columbia: University of Missouri Press, 1992), 177-189. The development of the culture of dissemblance may have been influenced by rape and the threat of rape, but as Hine suggests, dissemblance certainly facilitated mental survival in hostile environments.

[529] Margolick, B8 L (emphasis mine.)

[530] Scott, "Making the Invisible Woman Visible: An Essay Review," Journal of Southern History 38, no. 4 (1972): 629-636. Scott offers no explanation for this pattern among several women who appear in Notable American Women.

[531] Geraldine Joncich Clifford, "Women's Liberation and Women's Professions: Reconstructing the Past, Present, and Future," in Women

Court, sometimes called the Domestic Relations Court, has such as reputation, and is seen as a "female specialty" area within the male-dominated judicial hierarchy. As such, women in this "female specialty" area may not be seen as truly revolutionary and therefore not celebrated equally with their sisters in purely male-dominated arenas.

Bolin had penetrated the walls of a male-dominated profession, but had chosen to remain in a forum that guarded the rights of women and children, society's two most unprotected groups. But, could her record as a judicial pioneer have been slighted because she remained in the Family Court? Had her accomplishments as a Family Court judge garnered less celebrity because, for many, the office did not threaten to undo the fabric of male hegemony?

Clifford warns that we would have erred in ignoring these women because, as Florence Howe points out, the struggles women waged to enter these fields are not yet won, and ultimately affect the "thin tokendom of women through[out] the nontraditional kingdoms."[532] Instead of looking at the perscriptive nature of these fields, Clifford challenges us to "think about how the opportunity,

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and Higher Education in American History, ed. John Mack Faragher and Florence Howe (New York: W. W. Norton, 1988), 165-182.

[532] It is important to remember that many professions such as teaching, nursing, and social work, along with other "female specialty" areas were not always "traditionally-female" fields. Nursing, office and sales work, and librarianship, according to Clifford, were male careers long before they became "women's work," and women's way into these fields were strewn with obstacles and recriminations. Clifford, "Women's Liberation and Women's Professions," 175-178.

the experience, the financial and psychic independence" that these fields offered "affected women's lives and consciousness."[533]

Judge Bolin's lived visibility stands in stark contrast to any invisibility created by paradigms that could not engage her subjectivity and, what Kenneth Harrow calls, her "performativity." What this study offers, therefore, is a window for her discourse as activist, pioneer, integrationist, feminist, and outspoken public figure, to direct the restoration of her "performativity."

533 Clifford, "Women's Liberation and Women's Professions," 177.

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