

NEW FRONTIERS: A. MERCER DANIEL (1887-1976) AND THE AMERICAN ASSOCIATION OF LAW LIBRARIES

As the American Association of Law Libraries was just starting out in 1906, so was A. Mercer Daniel, whose path was destined to intersect with AALL in unforeseen ways as he graduated with a business degree from Howard University in 1906. He acquired his law degree from Howard University shortly afterward in 1909 and returned to Howard Law Library in 1923 as a part-time assistant, having worked at the War Department in the interim. Much later, as AALL was celebrating its Golden Jubilee in 1956, Daniel was retiring from Howard University as Associate Professor and longtime law librarian. Through the prism of Daniel's experience in AALL we can better understand just how much the larger society changed in those intervening years.

Daniel's Early Years: Harpers Ferry

Just 22 years after Civil War, Allen Mercer Daniel was born in 1887 to Allen P. and Margarette Daniel (née Lovett), who shortly thereafter became permanent residents of Harpers Ferry, West Virginia (*Item 1*). We can imagine the young Mercer steeped in the history and lore of the local area, since Harpers Ferry was the site of John Brown's famous raid, and surely he was also subject to the high expectations of his parents, who by 1881 were both alumni of Harpers Ferry's Storer College (*Item 2*). Daniel's father and mother ran Lockwood House, a local hotel/boarding house serving the Storer College campus and surrounding community (*Items 3a & 3b*).

Daniel himself attended Storer for pre-college course work (*Item 4*), and while still a teenager, he was given the opportunity to help Joseph Barry edit his book, *The Strange Story of Harpers Ferry*, published in 1903 (*Item 5*). Not surprisingly, while writing his book in and about Harpers Ferry, Barry was staying right there at Lockwood House.

A. Mercer Daniel Becomes a Law Librarian

When Daniel received a business degree at age 19 at Howard University in 1906, he gave a commencement address entitled "The Financial Condition of the Negro." In that prescient speech he exhorted African Americans to prosper by organizing and unifying as a race along with establishing businesses and purchasing property. Then, after earning his law degree from Howard in 1909, Daniel went to work as the librarian in the Office of the Chief of Finance in War Department, and during this period Daniel was also an active correspondent for the black press publication *McDowell Times* (*Item 6*).

Not much is known of Daniel's life after he left the War Department and before he returned to Howard, but eventually he did gravitate back to his alma mater: In 1923 he began his career at its law library in a part-time position as Special Assistant to the Librarian. By 1924 he had become the permanent Assistant Librarian, and from that period forward, largely because of A. Mercer Daniel, the law library at Howard experienced increased growth and prestige. Not long after Howard University's law library met the standards of the American Bar Association and the Association of American Law Schools, it was admitted to membership in the American Association of Law Libraries, and subsequently A. Mercer Daniel, by then already Acting Director of the law library, became the first African American member of AALL in 1933 (*Item 7*).

Not surprisingly, this was not an easy time in which to be an African American professional, and Daniel was subject to various restrictions and other acts of discrimination. For example, he was asked to "know his place" when attending the AALL annual meeting in Denver in 1935 (*Items 8 & 9*).

Because of contemporary Marian Gallagher's rather sweeping assertion in her 1982 memoir "I Remember Them Well" (*75 Law Libr. J.* 272) it became widely accepted that Daniel attended all annual meetings from 1933-75, but that is largely apocryphal. Daniel did, however, attend an almost unbroken streak of AALL meetings from

1933 until 1956, the year of his retirement. The exception came in 1941 (*Item 10*), when the AALL annual meeting was held in the Jim Crow South at Old Point Comfort, Virginia, over his strong objection (*Item 11*). (AALL annual meetings were not held during the war years of 1942 and 1943.) While Daniel's name does not appear on the attendance register for the annual meeting in 1954, he presumably did attend, as Gallagher more specifically recounts:

It was not until 1954 that an AALL meeting was scheduled in the south, when a Miami hotel agreed to house Mercer and allow him access to dining rooms, provided he would be accompanied by two or more white members. The dignity with which he endured indignity and his proud, dedicated service to AALL and its members won him innumerable friends. (75 *Law Libr. J.* 272, 1982)

Challenges notwithstanding, Daniel maintained his membership in AALL from 1933 until his death, ultimately being made a life member by AALL in 1956 (*Item 12*). That year, Daniel and his wife, Portia, proudly attended the AALL Golden Jubilee (*Items 13 & 14*). Though he did not attend AALL functions as frequently after 1956, Daniel did continue to go to some annual meetings well past his retirement (*Item 15*).

AALL at the Time of Daniel's Membership

It should be understood that AALL was still a small, elite, and rather informal organization when its first African American member joined in 1933. The Roalfe expansion plan, which took steps to institutionalize the organization further, had been introduced only a few years earlier and was yet to be formally adopted by AALL, much less fully implemented. AALL had only 207 members in 1933, and membership was still less than 700 total by the time of Daniel's retirement in 1956. In addition, by contrast to the thousands attending today's annual meetings, from 1933-47 annual meeting attendance rarely exceeded 100. Although attendance climbed from 1948-56, available records indicate it still averaged under 200 people, including spouses and guests. Attendance only topped 300 for the first time in 1957.

Furthermore, as noted earlier, Jim Crow practices and attitudes were still well established during most of Daniel's career. Indeed, Daniel's retirement and AALL's Golden Jubilee came only two years after Thurgood Marshall, Daniel's former student at Howard, "made quite a name for himself" with his win in *Brown v. Board of Education*, as Daniel so eloquently understated in his history of Howard's law library (51 *Law Libr. J.* 202-215).

In the larger sense, of course, the time of Daniel's membership spans not only his working years of 1933-56 but also his post-retirement years of 1957 until 1976, and the sweeping change begun during his work life certainly continued into the 1960s and '70s with the Civil Rights and Voting Rights Acts along with more informal social change.

For its part, in 1972 (on July 5th, most appropriately), AALL amended the Bylaws with the following resolution:

Membership in the association or in any of its chapters, or participation in any activity of the association or its chapters, shall not be denied to any individual, or abridged, on account of race, color, religion, sex, or national origin. (65 *Law Libr. J.* 373)

Daniel's Participation in AALL

Despite the rampant discrimination at the time, Daniel participated as actively as possible in AALL. From some of his earliest years of membership Daniel served on the Committee on Law School Library Statistics, and in the late 1940s he was on the Committee on Cooperation with the American Library Association. Daniel was Chair of the Committee on the List of Law Libraries and the Committee on Memorials in the early 1950s in addition to being on the Committee on Exchange Files during that period.

Perhaps most interestingly, esteemed AALL member and 1945-46 president Miles O. Price sent Helen Newman a letter in support of Daniel running for office in 1951 (*Item 16*). Daniel did indeed run for a position on the Executive Board in 1952, and he garnered 140 of the 291 votes cast, thus falling only 11 votes short of election (45 *Law Libr. J.* 496, 1952). In 1954 he was appointed to the Nominating Committee for 1955-56, and perhaps that was prompted by the kind of support and loyalty Mercer Daniel had shown he was capable of commanding.

Later in the 1950s Daniel served on the Committee on Committees, on the Joint Committee on Cooperation between the Association of American Law Schools and the American Association of Law Libraries, and again on the Committee on the List of Law Libraries. Well past his retirement, he was on the Committee on *Law Library Journal* in the 1960s and on the Committee on Relations with Dealers and Publishers in the 1970s (*Item 17*).

Daniel was also an avid photographer and chronicler of his AALL travels, his snapshots often capturing law librarians in their more relaxed moments. One can imagine that the expressions on the faces of the subjects in Daniel's photos suggest his practice endeared him to his law library colleagues (*Items 18a & 18b*).

Daniel's Law Librarianship at Howard

When A. Mercer Daniel assumed responsibility for Howard University's law school library as Acting Director in 1931, the collection stood at 14,008 volumes. He oversaw growth that more than tripled the holdings to 50,707 volumes by the time of his retirement in 1956, and this was in no small part due to the networking he was able to do in AALL. For example, his relationship with Eldon James of Harvard University (AALL President 1934-35) stood him in particularly good stead when James later served as Law Librarian of Congress from 1943 to 1946 (*Item 19*). As Daniel himself recalls in "The Law Library of Howard University":

When a good friend of the Law Librarian, the late Professor Eldon R. James of Harvard University, was appointed Law Librarian of Congress, his attention was called to Public Resolution 35, approved August 1890, [which provided for Library of Congress duplicates to go to Howard University and which had been disregarded for some time]. Professor James said he thought it was time that the Librarian of Congress should make some effort to comply with this resolution, and as a result he ordered that some duplicates in the Law Library of Congress be transferred to us. It was he, while Law Librarian of Harvard University, who made a large gift to our library from the duplicates in the Harvard Law Library. (51 *Law Libr. J.* 211, 1958)

As noted earlier, Daniel's tenure at Howard famously intersected with Thurgood Marshall, a former student who became an Associate Justice of the U.S. Supreme Court in 1967 after having won *Brown v. Board of Education* in 1954 and numerous other civil rights cases. Before graduating in 1933, Marshall helped in the work of creating Howard Law School's first library card catalog. The relationship between Daniel and Marshall remained close enough that in 1971, when Howard's law library was being named after Daniel, Marshall not only made a special effort to attend but also, ultimately, was prevailed upon to speak (*Items 20 & 21*).

Celebrated writer and women's rights activist Reverend Dr. Pauli Murray, who eventually co-founded the National Organization for Women, was another one of Daniel's noteworthy Howard Law School students.

Coming Full Circle: Continuing Professional Pursuits in Retirement

Throughout his career Daniel showed himself to be a prolific writer. For *Law Library Journal* in 1958 he wrote an extensive article on the history of the Howard Law Library. His book reviews and other commentary appeared often in *Journal of Negro History*, *Journal of Negro Education*, and *Howard Law Journal*, and earlier he had served as the Washington correspondent for the *McDowell Times*, a West Virginia black press imprint (*Item 22*). That and his many writings on John Brown (along with personal relationships, of course) (*Item 23*) kept Daniel connected to the area of his upbringing throughout his lifetime. Daniel was known as a John Brown scholar and even spoke about that mythic character at an installation of a Brown-inspired work of art at Howard Law Library in 1964. Indeed, Daniel knew much of the history of Harpers Ferry; when he published "The Lovetts of Harpers Ferry, West Virginia" in *Negro History Bulletin* in 1971, after all, he was talking about the part of his own family that had been in the area since at least 1821!

In 1971 the law library at Howard University was renamed in his honor* (*Item 24*) thanks to the unanimous support of the students of that era; Daniel was 84 years old by then (*Items 25 & 26*). After retiring in 1956, he had continued in emeritus status at Howard and had clearly become a beloved figure. As indicated by 2nd year Howard law student P. Seymour at the time,

Often, a hello from Mr. Daniel is the first personal greeting a student receives on his arrival in the Law School. On the street, in the halls or in his office, A. Mercer Daniel exhibits a special personhood, uncommon but deeply appreciated by all.

Many members of AALL through the years have surely agreed.



This exhibit was prepared by Joyce D. Meyer under the direction of William Maher at the University of Illinois Archives at Urbana-Champaign. The documents and photographs are from the AALL Archives administered by the University of Illinois Archives unless otherwise noted. Special thanks are due to JoEllen El Bashir of the Moorland-Spangarn Research Center at Howard University, Seth Kronemer of the Howard University Law Library Archives, Luis Acosta of the Law Library of Congress, and Richard Raymond of the Harpers Ferry National Historical Park Library. The AALL Archives welcomes additional AALL records and information concerning the papers of law librarians.

Send materials and inquiries to:

AALL Archives
Room 19 Library
1408 W. Gregory Drive
Urbana, IL 61801
(217) 333-0798
illiarch@uiuc.edu

*Though the building so named is no longer used, that designation was in place till the law library moved to a new location in 2001. Subsequently, Howard's Online Public Access Catalog was named the Daniel WebCatalog.