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Lemma Barkeloo and Phoebe Couzins:
Among the Nation's First Women Lawyers
and Law School Graduates: Corrected Version

Karen Tokarz*

I cannot speak on behalf of the Barkeloo and Couzins families as such, but perhaps I can speak on behalf of Lemma Barkeloo and Phoebe Couzins who, 130 years ago, attended this Law School. I would ask you for a moment to imagine that these two women, who were so remarkably unique during their time, were here today. How thrilled they would be today to know that they were absolutely correct about the hopes and ambitions they had for themselves and for all women. How excited they would be today to know that their visions and convictions still exist—and are being celebrated. How proud they would be today to participate in this installation, a wonderful testament to their lives.

When Lemma Barkeloo and Phoebe Couzins started law school at Washington University in October, 1869, neither had ever known another woman law student or female lawyer. It would be fifty years before women received the right to vote. Yet, each dreamed of attaining a legal education and entering the legal profession. Lacking women role models or mentors, they were driven by an internal sense of entitlement and equality. The Law School had been inaugurated just two years earlier, in the Fall of 1867, in a large hall of the old Polytechnic Institute, at the southwest corner of 7th and Chestnut Avenue, where Kiener Plaza now sits. Law school was only two years long—consisting of a junior and senior year—leading to a Bachelor of Law Degree. A student could petition to take the bar exam without finishing school.

The first Washington University Law School class that entered in the Fall of 1867 consisted of eight men. The dean and only full time

* Professor of Law, Washington University. This historical narrative was originally delivered as an introduction to Dean and Professor Susan Appleton's installation as the Lemma Barkeloo and Phoebe Couzins Professor of Law.

faculty member was Henry Hitchcock, whose memory the Law School celebrated just a month ago with Professor Ronald Levin's installation as the first Henry Hitchcock chaired professor. In 1869, two years after the Law School opened its doors, the class that entered had twenty-one students, and remarkably two were women: Lemma Barkeloo and Phoebe Couzins. They are believed by many to be the nation's first women law students.

Lemma Barkeloo: Pioneering the Legal Profession

Lemma Barkeloo was from Brooklyn, New York. She was an honors graduate of Moravia College in Bethlehem, Pennsylvania, a former women's seminary, and a serious student of music. For eight years following her graduation from college, Lemma lived with her parents in Brooklyn and pursued her private music studies in a traditional ladylike fashion. In 1868, however, Lemma became financially independent thanks to a bequest from the estate of a grandparent and she elected to pursue her long-held ambition to enter the male-dominated legal profession.

At this time, St. Louis was on the edge of the West. And the western pioneering spirit may be what encouraged Lemma to apply to law school in St. Louis, after her rejections from Harvard and Columbia. Few of the elite institutions in the East agreed with Matthew Vasser, the founder of Susan's undergraduate alma mater, that women were the intellectual equals of men and therefore entitled to equal opportunities in education. Barkeloo wrote to Dean Henry Hitchcock to inquire whether a woman would be accepted to the new St. Louis Law School. When Hitchcock responded in the affirmative, Barkeloo, at age twenty-nine, set off alone by train to St. Louis to begin her legal studies. She arrived in St. Louis on October 1, 1869. Although we have no photos, she was described as a large, heavily built, cheerful looking woman. Barkeloo quickly developed a reputation in law school as a "hard student," an accolade at that time for students who conscientiously applied themselves to their studies. As one of her teachers noted, Lemma "was always to be found in her seat at the lecture hour, ever ready and willing to undertake what might seem insurmountable objects, but with a lofty purpose and a fixed determination"

What impressed Barkeloo's professors and the St. Louis legal community, even more than her diligence as a student, was her determination not merely to study law, but to practice it. Before the completion of her first year, she enrolled in senior-level courses, and in the spring petitioned to take the Missouri bar without her degree. Barkeloo took and passed the rigorous, day-long, oral bar exam on March 25, 1870, receiving the highest marks of a group of five applicants, among who was an experienced lawyer who had practiced law in Wisconsin for fifteen years. The following morning, Phoebe Couzins accompanied Lemma to the clerk's office to see her classmate take the oath as Missouri's first, and the country's second, licensed woman attorney. The St. Louis Tribune carried a front page story that morning, entitled: "A Female Attorney Passes Creditable Examination and is Licensed to Practice." With perhaps unintended accuracy, the Tribune observed that Barkeloo's admission to the bar marked the beginning of a revolution, because wives with complaints against their husbands could henceforth avail themselves of the legal services of one of their own sex. Barkeloo began her law practice in the offices of St. Louis attorney Lucien Eaton. In her first few months of practice, Barkeloo became the first woman lawyer in the United States to try a case in court.

Tragically, soon thereafter, Barkeloo fell ill with typhoid fever. Her mother came by train to care for her, but on September 11, 1870, less than six months after reaching her goal of becoming a lawyer, Barkeloo died. Although most of the press was favorable, one account asserted that Barkeloo had died of "over-mental exertion." Barkeloo was buried in Greenwood Cemetery in her hometown of Brooklyn on September 15, 1870, almost one year to the day of leaving it in search of her dream. In 1870, there was no Bar Association of St. Louis, but a few days after Barkeloo's death, the St. Louis legal community met in the Probate Courtroom of the Old Court House, on Broadway, in tribute to her memory.

Lucien Eaton, in whose office Lemma had studied and practiced, gave initial remarks: "Lemma was earnest and hopeful, studious and painstaking . . . gifted with a fine intellect and good judgement with promise of great attainments She was an agreeable and amiable friend Her death is a calamity, not to her friends alone, but to all who are making an effort for enlargement of the woman's sphere."

Judge Wilson Primm also praised Barkeloo:

In the very opening and bloom of life, Miss Barkeloo . . . in a strange land, entered upon a profession for which very few are qualified morally and intellectually She has left an example which others of her sex may deem worthy of imitation; an example of self-reliance, of intellectual labor and courage. It must have been a brave soul that could . . . face the prejudices of society . . . to enter into an arena in which men, oft times rude and ungallant, are the gladiators.

With her premature death, Lemma left behind the task of advancing equality for women in the legal profession and in the law to her colleague in the 1869 entering class at Washington University Law School—Phoebe Wilson Couzins.

Phoebe Wilson Couzins: Championing Women's Rights

Phoebe's father, John E. D. Couzins, was an architect and builder, a Union Major during the Civil War, Chief of Police in St. Louis, and later U.S. Marshal for the Eastern District of Missouri. Phoebe's mother, Adaline Weston Couzins, was a nurse during the Civil War. She was a pacifist, who tended soldiers on the battlefield at Wilson Creek, Shiloh, and Vicksburg, and was even wounded at Vicksburg. During the Civil War, Phoebe and her mother were among those who helped organize the Western Sanitary Commission, which operated under military orders, to care for thousands of wounded, both in St. Louis and elsewhere where there were no hospitals. Women worked in Commission hospitals, making bandages, gathering clothing and food, and serving as nurses—although unmarried women such as Phoebe were not allowed to nurse male soldiers. In addition to soldiers, homeless, penniless, and sick civilian refugees, both white and black, fled from their homes in southern and western Missouri and come to St. Louis for treatment.

Growing up with a father who held responsible civic positions and a courageous mother who faced the dangers of battle to nurse soldiers during the Civil War helped Phoebe to develop confidence in her intellect and a zest for service in the public arena. While serving with the Western Sanitary Commission during the War, Phoebe was

converted to the causes of pacifism and women's rights. With the encouragement of Professor John Krum, Phoebe Couzins submitted an application to Dean Henry Hitchcock in December, 1868, to attend the new St. Louis Law School at Washington University. Hitchcock and the faculty were in agreement and openly declared their views in the following, momentous message that they forwarded to the University Board of Directors, who would rule on the application: "If the question were left to [us] to decide, [we the faculty] see no reason why any young woman who in respect to character and acquirements fulfilled the conditions applicable to male students, and who chose to attend the law lectures in good faith for the purpose of becoming acquainted with the laws of her country, should be denied that privilege." The sixteen member Board unanimously agreed, paving the way for the admission of women to Washington University School of Law.

In early 1869, the spring before Phoebe Couzins started law school, she served as a delegate to the American Equal Rights Association Convention in N.Y., at which Elizabeth Cady Stanton made the keynote address, advocating women's right to vote. Later that spring, Phoebe spoke to a joint meeting in the Missouri State General Assembly on behalf of women suffrage, advocating passage of State legislation granting women the right to vote. Although the proposal was rejected by a vote of 89-5, it launched Couzins' career as a public advocate, which she continued during and after Law School.

Both Couzins and Barkeloo were reportedly well received by most of their classmates in the Fall of 1869 and also welcomed by the professors to their classes at the Law School. Unlike Barkeloo, Couzins completed the two-year law school program. She graduated in May, 1871, one of only nine members of her original class. She was the Law School's and the University's first woman graduate. Professor Samuel Reber spoke at the graduation exercises in support of Phoebe and the advancement of women in the legal profession. To mark the historic occasion of her graduation, a magnificent banquet was held in her honor. Many of Missouri's most distinguished citizens, judges and politicians attended, including Chancellor William Greenleaf Eliot. Phoebe presented an eloquent address in which she thanked her classmates and professors, especially Judge

Krum and Judge Reber, and praised the University's openness and enlightenment. She said:

Two years ago I entered upon the study of law with many forebodings, toned with many conflicts and doubts . . . [compelled] solely by a desire to open new paths for women, enlarge her usefulness, widen her responsibilities and to plead her cause in a struggle which I believed was surely coming I trust the day is not far distant when men and women shall be recognized as equal administrators of that great bulwark of civilization, law.

Phoebe took and passed the Missouri Bar, making her Missouri's second and the nation's third or fourth licensed woman attorney. She later became the first woman admitted to the bar in Arkansas and Utah, and was also admitted to the bar in Kansas and the Dakota Territory.

Although she established a practice in downtown St. Louis, Couzins handled few cases. Women's suffrage and women's rights were her true passions. She believed that if women were given the right to vote, there would be no more wars. Phoebe traveled throughout the country speaking in support of suffrage and equality. She was an early member of the Woman Suffrage Association of Missouri, and a founder of the National Woman Suffrage Association, where she worked with Susan B. Anthony and Elizabeth Cady Stanton. She became renowned as an eloquent lecturer and a stirring orator who spoke before audiences, which sometimes numbered in the thousands. As the years passed, Couzins' influence expanded to the national level. She spoke on the platform at the Democratic National Convention in 1876, advocating women's rights. Although the St. Louis Spectator ridiculed the idea of women in government, she was considered for a position on the Utah Territory Commission in 1882 by President Chester Arthur. Upon her father's death in 1887, President Grover Cleveland appointed Phoebe to succeed her father as the first woman U.S. Marshal in the country. She died in 1913 and was buried in Bellefontaine Cemetery with her U.S. Marshal star pinned to her chest.

Lemma Barkeloo, a native New Yorker, and Phoebe Wilson Couzins, a native St. Louisan, were born within a year or so of each

other. Barkeloo, from a distinguished wealthy, Dutch, Eastern family; Couzins, from a prominent, political, French family of the West. Barkeloo, versed in music and fine arts; Couzins, committed to public affairs. They shared courage and conviction, and a desire to do justice. The struggles that they and the other women of their era fought—to gain admission to law school and to join the legal profession—were part of a broader battle for equal opportunities and rights for women.

Their spirit survives in the lives of all women law students and lawyers who have followed in their footsteps in the last 130 years. Their spirit survives, most particularly, in Dean and Professor Susan Appleton who, in her life and in her work acts as teacher, colleague, scholar, mentor of students, and advocate for women. She carries their spirit and now their names as an inspiration for all of us and those to follow.