

# Michigan Lawyers in History

David Augustus Straker

By Carrie Sharlow



*The state of Michigan was built by the lumber and auto industries, agriculture, and the lawyers who lived, studied, and practiced here. The articles in this occasional series highlight some of those lawyers and judges and their continuing influence on this great state.*

**O**n December 31, 2000, Detroit officials opened a time capsule compiled 100 years earlier by former city mayor William Maybury. The box contained approximately 30 letters from prominent Detroit citizens with predictions of the future. One of those citizens, an attorney who knew of the prejudice of which he wrote, predicted “the sunlight of a more perfect understanding of man will drive out the demon prejudice and when the 21st century arrives he will find no resting place in the beautiful city of the straits.”<sup>1</sup> In his lifetime, D. Augustus Straker brought his own measure of “sunlight” to Michigan.

David Augustus (or D.A. as he was often referred to in newspapers) was born in Bridgetown, Barbados, to Philip Straker and a mother whose name cannot be confirmed with certainty. He apparently had a happy childhood: he dedicated *A Trip to the Windward Islands* to his mother “in grateful recollection of her sole maternal care”<sup>2</sup> and referred to her as “dearly beloved.”<sup>3</sup> In that same book, Straker recalled playing in the green-tinted water, attending school, and the landscape of open fields and badly paved roads.

He attended college at Codrington, a Barbados institution that

*David Augustus Straker*

catered to the local British gentry and “poorer, but academically able” natives,<sup>4</sup> graduating the same year Abraham Lincoln signed the Emancipation Proclamation.

Instead of continuing his education at a European university or following the example of Conrad Reeves, a Barbados native who went to England for his law degree, Straker temporarily put his own education on hold and taught others at St. Mary’s High School.

In 1868, he left Barbados—not for England, but the recently reunited United States. He may have been influenced by ministers requesting teachers for former slaves. It was an interesting year to move to the United States and an interesting choice for a man born free in a British colony to relocate to a country where most blacks had been slaves until just recently and he would be subject to an entirely new level of prejudice. And yet he went, even as the 14th Amendment had finally been ratified, 6 of the 11 Confederate states had been readmitted to Congress, and the Ku Klux Klan had recently been formed.

Straker landed a job teaching former slaves at a school in Louisville, Kentucky—a city that had been both a large slave market and an escape point to the North. Two years later, he was pursuing his law degree at Howard University in Washington, D.C., deciding to fight prejudice through the courts. He graduated in the early 1870s (sources differ on the exact year) and married Annie M. Carey around the same time.<sup>5</sup>

The couple settled in D.C., where Straker became a naturalized citizen and clerked in government offices. In 1875, the Strakers moved to South Carolina, the first state to secede from the Union back in 1860, one that suffered heavy losses in the Civil War, and one in which a congressman received a hero’s welcome (and a number of canes as gifts) after beating an abolitionist senator with a cane; he was also reelected.

In South Carolina, Straker joined a law firm headed by another West Indian immigrant, Robert Brown Elliot. Following the example of Elliot—who had been elected to the state’s House of Assembly—Straker won a seat in the state legislature. “In exchange for votes from southern Democrats in the Electoral College, [President Rutherford B.]

Hayes agreed to withdraw federal troops from the South”;<sup>6</sup> in the aftermath, Straker was denied his seat. With remarkable persistence, he ran for office a second time, but he was once again denied his seat.

Throughout the years, Straker gained a reputation as a good attorney and later served as customs inspector in Charleston. Eventually, he became dean of what is now called Allen University in Columbia and a professor at its law school.

After a little more than a decade in the South, the Strakers moved to Detroit, where Annie’s family lived. Straker was almost 50 before he practiced law in Michigan, but he made good use of time. A year after settling in Detroit, Straker published *The New South Investigated* about his life in the Deep South. Despite being a relatively new resident, he made friends with a number of prominent Detroiters, including esteemed lawyers Divie Duffield, John Atkinson, and Sylvester Larned, all of whom wrote letters supporting his new publication. He followed *The New South Investigated* with *The Windward Islands* and *Negro Suffrage in the South*, but these would come after what many consider his greatest triumph.

The same year Straker left South Carolina for Michigan, William Ferguson of Detroit, “a colored man,” was denied service at “certain tables” by a restaurant owner. Ferguson sued, and the case of “separate but equal” went to the Michigan Supreme Court.<sup>7</sup> His attorney was, of course, Straker, who became the first African American to appear before the state’s highest court.

Straker won the case, with the Court holding that “no line can be drawn in the streets, public parks, or public buildings upon one side of which the black man must stop and stay, while the white man may enjoy the other side, or both sides, at his will and pleasure....”<sup>8</sup> It would take the rest of the country years to catch up to Michigan.

Although he could have retired then and left a legacy few could hope to achieve, Straker didn’t stop bringing in the sunlight. He continued practicing law and writing. He went before the Michigan Supreme Court twice the following year—once for an automobile-injury case and once for an assault-and-battery case—and would appear before the Court five more times. He

founded the National Federation of Colored Men and became its first president. He founded the *Detroit Advocate*, a weekly newspaper for which he also wrote. He was twice elected Wayne County Circuit Court commissioner.

Widely known as “the foremost Negro lawyer on [the] continent,”<sup>9</sup> Straker died on February 14, 1908. ■

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*Original photo of David Augustus Straker from Evidences of Progress among Colored People by G. F. Richings, 1902, as found on Documenting the American South at The University of North Carolina at Chapel Hill.*

## ENDNOTES

1. Detroit Historical Society <<http://detroiths.pastperfectonline.com/33029cgi/mweb.exe?request=record;id=ECDE4B81-A1E8-4574-A5D1-872180160286;type=301>> (accessed December 20, 2014).
2. Straker, *A Trip to the Windward Islands; Or Then and Now* (Detroit: Press of James H. Stone & Co, 1896).
3. *Id.* at 31.
4. Codrington College, *A Historical Overview of Codrington College* <[http://www.codrington.org/cms/index.php?option=com\\_content&task=view&id=18&Itemid=133](http://www.codrington.org/cms/index.php?option=com_content&task=view&id=18&Itemid=133)> (accessed December 20, 2014).
5. Annie Carey had her own interesting family history. Her grandparents were biracial (Grandma Maria was the daughter of a white father and a free black woman; Grandpa Adolphe was half-Spanish, half-black, and born in Guadeloupe) and settled in Fredericksburg, Virginia before the Civil War. The couple had 14 children, and after Adolphe died in 1851, Maria moved the family north to Detroit. One son, John D. Richards, was well-known in Detroit circles and served as a delegate to the 1864 National Convention of Colored Men. Annie, when referenced in Straker’s life, is often referred to as “Annie M. Carey, John D. Richards’ niece.” These were members of Detroit’s “black elite.”
6. Rummel, *African-American Social Leaders & Activists* (New York: Facts on File, 2003), p 193.
7. *Ferguson v Gies*, 82 Mich 358; 46 NW 718 (1890).
8. *Id.* at 364–365.
9. Woods & Downing, *The Southern Argus* (December 3, 1891).