

Court decisions are opening the doors of Southern universities

Graduate Schools Admit Negroes

October 1950

THE doors of Southern graduate and professional schools are opening to Negro students. Little more than four months ago, the U. S. Supreme Court ruled that the University of Texas must admit a Negro student to its law school. At the same time, the Court held that the University of Oklahoma must stop treating a Negro student, already admitted, differently from white students. In both cases, the Court repeated the doctrine already advanced by the Gaines decision of 1938, the Sipuel decision of 1948, and others. That doctrine, briefly, is that the state must provide its Negro citizens equal educational opportunity within state boundaries "as soon as it does for applicants of any other group."

The Court went a step farther in the Sweatt and McLaurin cases by defining more completely what it meant by equal. It had already established that equality is not achieved by the state's agreeing to pay a Negro's tuition at an out-of-state school. Nor, it now added, is it achieved by hastily erecting a building, stocking it with a collection of books, staffing it with a few teachers, and labeling it a "separate-but-equal" law school. Nor, it said further, is it even achieved by admitting a Negro to the white graduate school and then requiring him to sit, study, and eat apart from the other students.

Texas had gone to some expense to provide a special law school for Negroes, in order to offset Sweatt's lawsuit. Here is how the Supreme Court measured its inequality: "In terms of number of the faculty, variety of courses and opportunity for specialization, size of the student body, scope of library, availability of law review, and similar activities, the University of Texas Law School is superior." The Court also made comparisons between such qualities as faculty reputation, community standing, traditions and prestige, and opportunity to associate with those who would later make up most of the lawyers, witnesses, jurors, and judges in the state.

It was immediately apparent that Texas—or any other state, for that matter—could hardly provide separate graduate facilities which would meet these standards. Accordingly, the University of Texas without fanfare admitted Sweatt, as well as two other Negroes seeking graduate work in other fields.

Following is a summary of developments elsewhere in the South:

Oklahoma. The major question of Negro admittance to the University of Oklahoma was settled by the court ruling in the case of Ada Lois Sipuel Fisher in 1948. But the University had subsequently followed a practice of separating Negro students from white in classrooms, libraries, and the cafeteria. One of them, G. W. McLaurin, had filed suit maintaining that he was being discriminated against. The Supreme Court agreed. McLaurin, it declared, having been