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Between Students and State: Desegregation and the University of Oklahoma

In 1948 George McLaurin sat outside his first class at the University of Oklahoma. McLaurin was the first African American to be admitted to the University of Oklahoma on a segregated basis.¹ The University of Oklahoma boasts having integrated in 1950, four years before the *Brown v. Board of Education* decision.² However, the real reasons for integration were the complications of implementing “separate but equal” doctrine and the students who challenged segregation in the courts.

In 1896 the constitutionality of racial segregation was upheld by the Supreme Court case *Plessy v. Ferguson*. Justice Henry Brown delivered the majority opinion, which established the “separate but equal” doctrine.³ According to the court’s opinion, the “fallacy of the plaintiff’s argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority.”⁴ Although the Fourteenth Amendment of the Constitution establishes “equal protection of the laws” the logic was that if the facilities were equal, the Constitution was not violated.⁵

¹ Anonymous, “Segregation Rule Under New Fire,” *Oklahoma Daily* (Norman, OK), Oct. 26, 1948, Presidential Papers of George Lynn Cross, Box 50, Folder 2. Western History Collections, University of Oklahoma Libraries, Norman, Oklahoma.

² Hubbell, John T. 1972. “The Desegregation of the University of Oklahoma, 1946-1950”. *The Journal of Negro History* 57 (4). Association for the Study of African American Life and History, Inc.: 370–84.

³ *Plessy vs. Ferguson*, Judgment, Decided May 18, 1896; Records of the Supreme Court of the United States; Record Group 267; *Plessy v. Ferguson*, 163, #15248, National Archives.

⁴ *Plessy vs. Ferguson*, May 18, 1896.

⁵ Fourteenth Amendment of the Constitution of the United States, Section 1.

Plessy v. Ferguson came into play at the University of Oklahoma when Ada Lois Sipuel Fisher, a black woman from Oklahoma, applied to the OU College of Law in January 1946.⁶ She was denied on the basis of race. University President George Lynn Cross sent her a letter stating the reasons for her rejection. In the letter he informed her that she met all of the qualifications for admission to the College of Law, however she could not be admitted due to Oklahoma statutes that prohibited “colored students from attending the schools of Oklahoma including the University of Oklahoma.” He had also been directed by the Board of Regents to reject any black applicants based on the statutes.⁷ The next step for Sipuel was to file for a writ of mandamus. The court order would force the university regents and other official to grant her admission to the school of law.⁸ She was denied on the basis that a writ of mandamus was meant to compel a public official to follow the law. In Sipuel’s case--since Oklahoma law prohibited interracial schools--her writ called for a public official to disobey the law. Next came the appeal.⁹ Sipuel and her attorneys appealed to the Oklahoma Supreme Court arguing that Oklahoma’s segregation statutes violated the Fourteenth Amendment. The court upheld the state’s laws requiring separate schools. Sipuel and her team then petitioned to the United States Supreme Court for a writ of certiorari. The Supreme Court agreed to hear their case. Sipuel’s lawyers argued that the state had not provided a separate nor equal facility, and that “separate but equal doctrine” should be abandoned altogether.¹⁰ The Supreme Court ruled in favor of Sipuel, stating that she “is entitled to secure legal education afforded by a state institution” and “the state must provide it for her in

⁶ Wesley Leatherock, “Negro Attempt to Enroll Fails at University,” *The Daily Oklahoman* (Oklahoma City, OK), Jan. 15, 1946.

⁷ “Negro Attempt to Enroll Fails at University,” *The Daily Oklahoman*.

⁸ Ada Lois Sipuel Fisher, *A Matter of Black and White: The Autobiography of Ada Lois Sipuel Fisher* (Oklahoma: University of Oklahoma Press, 1996), 90.

⁹ Fisher, *A Matter of Black and White*, 102.

¹⁰ Fisher, *A Matter of Black and White*, 108-112.

conformity with the equal protection clause of the Fourteenth Amendment and provide it as soon as it does for applicants of any other group.”¹¹ The state’s response to this new ruling was to establish a separate law school, Langston University College of Law. Sipuel refused to attend what she referred to as the “fake law school.”¹²

Meanwhile, six other African American students had applied to various graduate programs at the University of Oklahoma. The NAACP focused its efforts on George W. McLaurin, a fifty-four year old retired professor seeking admission into the Graduate College. He had petitioned the Cleveland County District Court for admission but was denied by the attorney general on the basis that the application had come too late. He then dropped the suit in Cleveland County and instead filed with the District Court of the United States for the Western District of Oklahoma. While waiting on a decision from the U.S. courts, McLaurin once again applied for admission and was denied because of Oklahoma state segregation laws. The developments in Sipuel’s case involved only her. However, the Federal District Court ruled that McLaurin must be admitted to the University of Oklahoma or the University must close the school that McLaurin was attempting to enter. The University of Oklahoma regents had initially directed Cross to conduct a study to figure out whether McLaurin could be taught on a completely segregated basis and the specifics on how that would work. However, a few days later, they met yet again and announced that they would admit McLaurin on a completely segregated basis.¹³

¹¹ *Sipuel v. Board of Regents of Univ. of Okla.*, 332 U.S. 631, 68 S. Ct. 299, 92 L. Ed. 247 (1948).

¹² Fisher, *A Matter of Black and White*, 125

¹³ George Lynn Cross, *Blacks in White Colleges* (Oklahoma, University of Oklahoma Press, 1975), 85-90

They did this under Section 1 of House Bill No. 405, which held that black students could be admitted to white schools only if the course of study they are pursuing is not offered elsewhere. But the law said that they must also be admitted on a segregated basis.¹⁴ Had Oklahoma taken the route it took with Sipuel's case, it would have had to establish separate colleges for each course of study not available at Langston as the cases presented themselves. It was estimated that it would cost between ten and twelve million dollars to construct facilities at Langston, just for the six programs that had been requested. It would then take four to five years to construct the buildings, and they would then have to pay faculty and staff. On top of everything, there were not many black students that were predicted to enroll.¹⁵ The cost then became so high that constructing "separate but equal facilities" was unrealistic. However, they could not offer white students any course of study without offering it to black students. Oklahoma was then met with no alternative to admit black students. As far as the admission of the first black students there was no moral compass involved anywhere, and the University hardly played a role. The decision came down to the cost of not admitting the black students. For the time being Oklahoma officials still held on tight to segregation.

Although the process of admission for black was all the handiwork of the Supreme Court cases and lack of funds to provide separate schooling, President Cross did intervene to allow Sipuel to enroll. Her case had been tied up because of the existence of Langston Law School, as the law stated that only students whose course of study was not offered could enroll. She had to wait until the school ran out of funds and closed, which happened two weeks after the deadline to

¹⁴ Fred Hansen, letter to George Lynn Cross, Jun. 14, 1949, Presidential Papers of George Lynn Cross, Box 50, Folder 2. Western History Collections, University of Oklahoma Libraries, Norman, Oklahoma.

¹⁵ Fisher, *A Matter of Black and White*, 143

enroll for the summer session at the University of Oklahoma Law School. President Cross intervened and ordered the admissions office to let her enroll, even though he would be violating state statutes.¹⁶

Now that McLaurin was enrolled, it was time to figure out how to segregate him and the other students. Each student was handed a statement. This statement explained that they were enrolled on a segregated basis. It detailed what time they were able to eat (at the Jug on the second floor of the Union from 12 – 1 p.m.), the room in the library that had been reserved for them (Reserve Room #201), and a chart of the locations of the restrooms they were allowed to use.¹⁷ In classrooms, the students sat in roped-off or railed-off portions of main rooms. Classrooms where sections could not be separated in that manner “For Colored” signs were placed on the chairs. However, segregated arrangements became more complicated as more black students enrolled.¹⁸

OU students and the general public were mostly supportive of desegregation. When the picture of McLaurin sitting outside the classroom was published in the newspapers President Cross received many letters criticizing the arrangement. One of the letters from “an adult white citizen” described the segregation of McLaurin “a mockery of what all our colleges are supposed to teach.”¹⁹ Another letter writer referring to himself as “a citizen, taxpayer, and member of the

¹⁶ Cross, *Blacks in White Colleges*, 113-114

¹⁷ “Statement to be given to each student of the colored race enrolled for summer term 1949,” Presidential Papers of George Lynn Cross, Box 50, Folder 1. Western History Collections, University of Oklahoma Libraries, Norman, Oklahoma.

¹⁸ Cross, *Blacks in White Colleges*, 116

¹⁹ Frank Duffy, letter to George Lynn Cross, October 14, 1948, Presidential Papers of George Lynn Cross, Box 50, Folder 2. Western History Collections, University of Oklahoma Libraries, Norman, Oklahoma.

white race,” called it “the most ridiculous procedure that could possibly be conceived.”²⁰ One woman whose parents attended O.U. said she hoped “faculty and students will receive the negro in the spirit of brotherhood and friendship which may atone for the wrongs they have received from us.”²¹ In his reply to the letter, President Cross stated that segregation “ultimately must pass.”²² Similarly, Sipuel recalled that after her first class, students came over to her chair and welcomed her. Others let her borrow their notes from the two weeks she had missed and tutored her to help her catch up.²³ However as nice as the other students were, she was still segregated.

In 1948 McLaurin appealed to the federal courts protesting the segregation, but the court ruled against him. He then appealed to the United States Supreme Court. The court decided to hear his case and on June 5, 1950, the unanimous opinion of the court was delivered. The courts ruled in McLaurin’s favor, outlawing segregation in graduate education.

As in the case of admissions, the University of Oklahoma’s role in *McLaurin v. Oklahoma State Regents* was not as important as that of McLaurin himself and the courts. In her book, Sipuel stated, “Most of the university officials whom my suit targeted as defendants were victims of these laws. All of us knew where the fault truly lay: ultimately with political leaders.”²⁴ The University of Oklahoma was neither the primary reason for desegregation, nor its biggest obstacle. The University did what it was told.

²⁰ W.E. Alspaugh, letter to George Lynn Cross, October 14, 1948, Presidential Papers of George Lynn Cross, Box 50, Folder 2. Western History Collections, University of Oklahoma Libraries, Norman, Oklahoma.

²¹ Ramona Burnham, letter to George Lynn Cross, date unknown, Presidential Papers of George Lynn Cross, Box 50, Folder 2. Western History Collections, University of Oklahoma Libraries, Norman, Oklahoma.

²² George Lynn Cross, letter to Ramona Burnham, October 22, 1948, Presidential Papers of George Lynn Cross, Box 50, Folder 2. Western History Collections, University of Oklahoma Libraries, Norman, Oklahoma.

²³ Fisher, *A Matter of Black and White*, 146

²⁴ Fisher, *A Matter of Black and White*, 92

Although President Cross followed segregation statutes fairly loosely, it was not in the University's interest to follow them closely. In a memo to the Board of Regents from Roscoe Cate, he outlines what would be required for complete segregation. If the Education Department were to add separate classes, it would worsen the staff shortage the department already suffered. It would be nearly impossible to find a qualified instructor to teach McLaurin on such short notice. President Cross estimated the cost of completely separate classes at \$6000 per academic year.²⁵ These estimates were not taking in account the rest of the black students pursuing different degrees.

In retrospect, President Cross's actions regarding Sipuel's enrollment were definitely praiseworthy. He did not have to intervene to let her enroll and was taking a personal risk in overstepping state statutes. However, his actions were not the turning point in history. The process of admitting black students to the University of Oklahoma did not begin with anyone at the University, it began with brave students who demanded an education.

McLaurin had made complaints to the University about how being segregated was affecting him, however the University refuted his complaints. In a memo to President Cross, Carl Mason Franklin states that "With respect to the difficulty in seeing the blackboard, I have checked the room and the angles and find that he can see the blackboard."²⁶ Ultimately McLaurin's case was taken to the Supreme Court, meaning that the university and the state of

²⁵ Roscoe Cate, memo to the Board of Regents, October 9, 1948, Presidential Papers of George Lynn Cross, Box 50, Folder 2. Western History Collections, University of Oklahoma Libraries, Norman, Oklahoma.

²⁶ Carl Mason Franklin, memo to George Lynn Cross, October 18, 1948, Presidential Papers of George Lynn Cross, Box 50, Folder 2. Western History Collections, University of Oklahoma Libraries, Norman, Oklahoma.

Oklahoma had failed him along the way. It is difficult and very expensive to take a case all the way to the Supreme Court.

President Cross could have intervened on behalf of the black students many more times than he did, however ultimately he was bound by the law. In the present day on the Graduate College History page under “Desegregation” it states that in 1946 “the University of Oklahoma became one of the first universities in a state with laws institutionalizing racial segregation to begin the process of ending discriminatory racial separation in higher education.”²⁷ Although the statement is technically true, the real battle happened between the students willing to go through intense litigation and the legislators and government officials that would resort to almost anything to preserve segregation.

²⁷ OU website, http://www.ou.edu/content/gradweb/about/history/history_1909_2009.html.