

DESEGREGATION AND AFFIRMATIVE ACTION
IN HIGHER EDUCATION IN OKLAHOMA:
A HISTORICAL CASE STUDY

By

RONALD MAX BEESON
"

Bachelor of Science in Education
Texas Tech University
Lubbock, Texas
1969

Master of Education
Central State University
Edmond, Oklahoma
1972

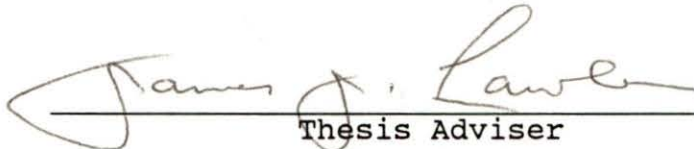
Submitted to the Faculty of the
Graduate College of the
Oklahoma State University
in partial fulfillment of
the requirements for
the Degree of
DOCTOR OF EDUCATION
July, 1986

Thesis
1986D
B415d
cop.2




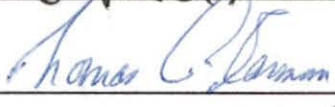
DESEGREGATION AND AFFIRMATIVE ACTION
IN HIGHER EDUCATION IN OKLAHOMA:
A HISTORICAL CASE STUDY

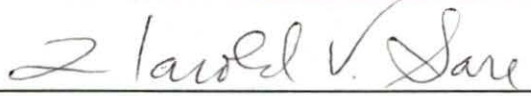
Thesis Approved:

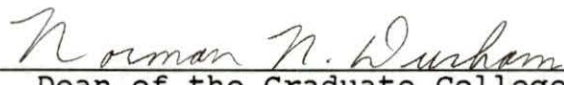


Thesis Adviser









Dean of the Graduate College

DEDICATION

This dissertation is dedicated to the loving memory of my father, Dell Beeson, a tough, caring man who made great strides in accepting people as people and passed on to me a heritage of love for mankind.

ACKNOWLEDGEMENTS

I want to express my deepest appreciation to my wife, Gerri, for her help, moral support and unswerving faith. Next, I want to express my sincere thanks to my five children, Paul, Jeff, Joel, Toni, and Christi for putting up with an irate father while attending classes, taking finals and having too little time for them in those years when they needed me. To my family, I am ever grateful for this final rung on a very high ladder.

I also want to express my gratitude to Professor Robert Kamm. Without his encouragement and support, I would never have accomplished this final step. Professor Bertil Hanson was also a major contributor, to whom I owe a great deal of thanks. Professor Hanson was instrumental in acquiring the financial support from the U. S. Peace Corps, which enabled me to return to school and achieve this academic accomplishment.

Professor James Lawler deserves tremendous appreciation for his patience, understanding and consideration as my major thesis advisor. Without his faith and support, this paper would not have been completed. I am also grateful to Professors Thomas Karman and Harold Sare for their criticism and input into this dissertation.

To the many other special friends, colleagues and professors that have encouraged and advised me, I am truly grateful.

TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION.	1
Purpose of the Study	5
Scope and Limitation of the Study.	6
Method and Procedures.	6
Summary.	7
II. REVIEW OF THE LITERATURE.	9
III. HISTORY OF SEGREGATION AND DESEGREGATION IN OKLAHOMA INSTITUTIONS OF HIGHER EDUCATION	21
Establishment of Langston University	24
Barriers to Integration.	26
Segregation Challenged in Oklahoma	27
Langston School of Law	31
Negroes Admitted to Graduate School on Segregated Basis.	35
Reactions to Desegregation	41
Final Legal Blow to Separate But Equal	45
IV. DE FACTO SEGREGATION/AFFIRMATIVE ACTION	51
The Black Floodtide in Higher Education in Oklahoma	51
Pros and Cons for the Necessity of a Traditionally Black Institution	52
Civil Rights	55
Amended Criteria	59
V. CURRENT TRENDS AND ASSESSMENT OF AFFIRMATIVE ACTION IN OKLAHOMA.	63
Hiring by Institutions	65
Final Recommendations of the Ross' Committee	70
VI. DEMOGRAPHIC EVALUATIONS, CONCLUSION AND RECOMMENDATIONS	74
Demographic Evaluation Reflecting Student Enrollment	74

Chapter	Page
Demographic Evaluation Reflecting Faculty and Classified Personnel	81
Conclusions	82
Considerations for the Future	84
BIBLIOGRAHY	87
APPENDIXES	92
APPENDIX A - MAPS: COUNTIES CONTRIBUTING TEN PERCENT OR MORE OF THEIR FIRST- TIME-ENTERING FRESHMEN TO THIS INSTITUTION ON AN AVERAGE ANNUAL BASIS	93
APPENDIX B - GLOSSARY120

LIST OF TABLES

Table	Page
I. Black Full-Time Academic Employees as a Percentage of the Total Annual Full-time New Hires	69
II. Percentage of Black Population in the County Where the Institution is Located	77
III. Percentage of Black to White Residents in the Counties Which Provide 10% or More of their First-Time-Entering Freshmen to Each Institution	79

LIST OF FIGURES

Figure	Page
1. Percent of Age Cohorts of Black Compared to All Full-Time Academic Employees at Traditionally White Institutions in 1983-84	67
2. Percentage of Black Population per County in Oklahoma.	76
3. University of Oklahoma.	94
4. Oklahoma State University	94
5. Central State University.	96
6. East Central Oklahoma State University.	97
7. Northeastern Oklahoma State University.	98
8. Northwestern Oklahoma State University.	99
9. Southeastern Oklahoma State University.	100
10. Southwestern Oklahoma State University.	101
11. Cameron University.	102
12. Langston University	103
13. University of Science and Arts of Oklahoma.	104
14. Oklahoma Panhandle State University	105
15. Connors State College	106
16. Eastern Oklahoma State College.	107
17. Murray State College.	108
18. Northeastern Oklahoma A&M College	109
19. Northern Oklahoma College	110
20. Rogers State College.	111
21. Tulsa Junior College.	112

Figure	Page
22. Western Oklahoma State College.	113
23. El Reno Junior College.	114
24. Carl Albert Junior College.	115
25. Sayre Junior College.	116
26. Seminole Junior College	117
27. Rose State College.	118
28. Oklahoma State Community College.	119

CHAPTER I

INTRODUCTION

Since 1973, Oklahoma, along with nine other states, has been under court order to integrate its institutions of higher education. Administrators seeking to comply with the order, in a manner which is consistent with the spirit as well as the letter, must confront basic issues of social policy. An understanding of the historical development of racial relations in Oklahoma's institutions of higher learning can provide a perspective for developing desegregation plans which further long-range goals of affirmative action (definition of terms are found in Appendix B, Glossary) and social justice, as well as the immediate objective of complying with the letter of the law.

This descriptive study will attempt to give a limited review of the literature written concerning desegregation and affirmative action in higher education in Oklahoma. It will discuss the history leading up to the 1973 court order and current affirmative action policies in order to better understand Oklahoma's present situation and the slow progress in desegregation following the Brown decision in

1955, and finally recommendations will be made for establishing parity of the races in institutions of higher education in Oklahoma based on regional population distribution.

The principle or rationale behind affirmative action is that a court order to "cease and desist" from some discriminatory practice may not be enough to undo the harm already done or to prevent future harm as the result of a pattern set in motion by the prior legal activity. An obvious area where "cease and desist" is not enough is racial discrimination. Clearly, this area is one in which positive or affirmative steps of some kind must be taken.

Legal solutions under the Civil Rights Act and related Executive Orders range from "cease and desist" orders through individual reinstatement or group preferential hiring to the withholding of all federal contracts to the non-complying employer. The latter is devastating to any leading research university, for they are dependent upon federal money to maintain their competitive standing and will suffer a massive loss of top faculty without it.

If one goes back a few years one finds a pattern of discrimination against minorities in academic employment. The question that is relevant to affirmative action programs for minorities is what the situation was at the onset of such programs and how the situation has changed since.

Colleges and universities were subject to the general

quent Executive Orders authorizing cancellation of federal contracts for noncompliance. However, the numerical proportions approach dates from the Labor Department's 1968 regulations as applied to academic institutions by the Department of Health Education and Welfare. Included in more detailed requirements in 1971 was a written affirmative action program by each institution. The "Revised Order No. 4" contained the requirement that for an institution's affirmative action program to be acceptable it must include an analysis of areas where the contractor is deficient in the utilization of minority groups and must establish "goals and timetables" for increasing such utilization in order to relieve these deficiencies.¹

"Separate but equal" was the way of life in the territory prior to statehood and was made statutory in 1908. Penalties were provided by statute for any administrator who allowed a person of Negro descent to enter a white institution of higher learning. The first challenge to this de jure segregation came in 1946 when Ada Lois Sipuel-Fisher made application to enter the University of Oklahoma Law School.² Ms. Sipuel-Fisher was unsuccessful at the time because the United States Supreme Court was not ready to say that "separate" was not necessarily "equal." It was not until 1950 in the U.S. Supreme Court ruling of McLaurin v. Board of Regents University of Oklahoma³, as discussed in a later chapter of this paper, that the barriers in graduate and professional schools finally fell. In 1954

following Brown v. The Board of Education of Topeka, Kansas,⁴ the legal barriers fell at all levels of higher learning in Oklahoma. In 1973, Oklahoma was cited in Adams v. Richardson⁵ along with nine other states which had been legally segregated and were found not to have complied with the mandates laid down by the Office of Civil Rights and the Department of Health, Education and Welfare dealing with affirmative action.

There is great interest by minority and legislative leaders in increasing the number of minority students in Oklahoma colleges and universities as seen in the Oklahoma Legislative Committee meetings chaired by Representative Don Ross (Tulsa).⁶ The Upton Report (1984)⁷ created many questions in the minds of minority leaders because it emphasized the lack of blacks in many rural colleges. The Reed Report (1984)⁸ has indicated the lack of role models in faculty and staff as a major reason for these institutions having problems recruiting blacks and then retaining them.

This study will show the importance of looking at other factors than just the total number of minorities in the state as a whole and draw the conclusion that all areas and institutions will develop homologically.

Purpose of the Study

This study is concerned with the impact of legal mandates and continuing dialogue dealing with desegregation based on race in institutions of higher education in Oklahoma. The purposes of the study are (1) to determine the relative impacts on institutions of higher education of the de jure policies laid down by the judicial, legislative, and executive branches of the state and national governments; and (2) to clarify the role population distribution in Oklahoma plays in de facto segregation in higher education institutions.

After developing the history of desegregation in higher education in Oklahoma, this paper will discuss affirmative action in recruiting and retaining black students and faculty. The writer will present the federal requirements and goals established by the Oklahoma State Board of Regents for Higher Education to meet these requirements. The writer will also challenge the statewide system mandated by the Federal Office of Civil Rights. Rather than endorsing a statewide system of affirmative action in higher education, this paper supports a regional system based on county distribution of racial population. It is unrealistic to expect institutions of higher education to attract persons to a region where there is no probability for social or community interaction.

Scope and Limitation of the Study

This study is concerned with desegregation and affirmative action in higher education in the state of Oklahoma.

This study is limited to white and black students, faculty and classified personnel in Oklahoma institutions of higher education. This limitation is based on the fact that other racial groups, i.e., Asian, Hispanics and Native Americans are so few their presence is negligible. The converse is true of women and handicapped individuals. Their inclusion would broaden the scope of this study beyond its bounds.

Methods and Procedures

This case study method has been chosen because of the opportunity to consider the impact of desegregation and affirmative action as a changing process by investigating happenings that occur over time. To study the impact of the legal mandates on the racial composition in the institutions of higher education in Oklahoma, the research was divided into two steps. The first step involved a review of the constitutional and statutory laws, relevant court cases, and scholarly materials dealing with desegregation in higher education in Oklahoma. The second step was personal attendance at Oklahoma State Legislative Committee meetings on Affirmative Action in Higher Education, chaired by Representative Don Ross.

In addition to the above, statistical data concerning the current geography and the demography of Oklahoma showing the racial make-up of institutions of higher education and the geographic area they serve was found to allow one to infer the efficacy of the de jure policies laid down by the judicial, legislative, and executive branches of the state and national governments.

Summary

There is great interest by minority and legislative leaders in increasing the number of minority students in higher education in Oklahoma. This study will attempt to look at other factors than just the proportion of minorities in the state as a whole and draw the conclusion that all areas and institutions will develop in direct relation to that fact. If this study achieves its goal, it will determine how the de jure policies laid down by the judicial, legislative, and executive branches of the state and national governments have impacted the institutions of higher education in Oklahoma and it will show how population distribution in the state effects de facto segregation in higher education institutions. Chapter II will begin by reviewing the relevant literature written in the area of desegregation and affirmative action in higher education in Oklahoma.

ENDNOTES

¹Thomas Sowell, "Affirmative Action Reconsidered," Public Interest Bulletin, No. 42 (Winter, 1976), pp. 2-6.

²George Lynn Cross, Blacks in White Colleges in Oklahoma, (Norman, 1975), pp. 35-37.

³339 U.S. 637, (1950).

⁴349 U.S. 294, (1955).

⁵356 F. Supp. 92 (D.D.C. 1973).

⁶Oklahoma State Legislature, House of Representatives, Special Committee on Affirmative Action in Higher Education, March, 1985.

⁷James N. Upton, Desegregation of Higher Education System in Oklahoma, Department of Black Studies, Ohio State University, September 11, 1984.

⁸Rodney J. Reed, "Affirmative Action in Higher Education," Journal of Negro Education, Vol. 52 (Summer 1983) p. 342.

CHAPTER II

REVIEW OF THE LITERATURE

The literature in the area of affirmative action is vast and often contradictory. Writers have addressed the subject in areas such as the legal aspects, history, quotas, timetables, social effects, and negative effects. The limitations of this paper prevents coverage of all writers and/or all areas. However, this chapter will attempt to review several writers and their views concerning affirmative action in higher education and higher education in Oklahoma in particular.

A wealth of information is to be found to historically describe circumstances leading up to the Brown decision in 1954 and the consequent happenings since. The Lengthening Shadow of Slavery: A Historical Justification for Affirmative Action for Blacks in Higher Education, written by John C. Fleming in 1976, graphically illustrates the need for affirmative action in higher education. He writes about the determination of black Americans to overcome their unequal status in order to acquire the education and knowledge necessary to bring them into the mainstream of American life. He postulates that affirmative action in

higher education can do much to assure a more equitable distribution of opportunity. He states:

The true goal of affirmative action is not to deny opportunity to those who presently are dominant, but to see that each person has the opportunity to achieve his or her full potential and to bring to the whole society the wealth found in cultural diversity.¹

He also feels that only through education "blacks can obtain better jobs and houses, and improve their economic situation in life with the rest of American Society."²

Desegregation in higher education impacted not only the white institutions of higher learning but also the black institutions. Gail E. Thomas' book, Black Students in Higher Education: Conditions and Experiences in the 1970s, focused attention on the fact that following desegregation the number of black colleges in the South decreased. Consequently, the percentage of blacks attending black colleges decreased from 100% to 40% in 1978. The percentage of blacks attending colleges and universities increased. However, a larger percentage attended white institutions than black institutions.³

Thomas also expanded on the above situation by stating that "in 1976, 78% of black students in predominantly white institutions in North Carolina were in two year colleges." Thomas went on to state that in Maryland six times as many blacks as whites left community colleges because of inadequate financial aid. Also, there was a disproportionate number of part-time black students as a result of special

financial needs. Another shortcoming addressed was the fact that schools with predominantly black enrollment often exhibit features of segregated education such as truncated and inadequate guidance counseling services.⁴

Since Chapter III covers the history of affirmative action and desegregation in higher education in Oklahoma in detail, and due to the fact that in addressing the sociological implications of these factors one will also involve the historical aspect, the writer will now look at sociological, legal, and current consequences of "equal opportunity" laws.

F. D. Moon, writing for The Journal of Negro Education, in 1962 cited a survey conducted by Southern School News in 1955-56 showing the rapid growth of black students in white institutions in Oklahoma. This rapid influx of black students into the traditionally white schools had a very negative effect on Langston University, the traditionally black college in Oklahoma. Langston's enrollment dropped 13.5% from 1955-56 to 1956-57.⁵

As legal remedies emerged under the Civil Rights Act and related Executive Orders the inevitable occurred--reverse discrimination litigation. A well researched and cogent work focusing on such problems as improving precollegiate preparation and fair testing procedures is Bakke, DeFunis, and Minority Admissions: The Quest for Equal Opportunity by Allan P. Sindler, Dean of the Graduate School of Public Policy at the University of California at

Berkley. The book deals with "one of the most difficult and divisive social problems of our time: how to promote equal opportunity for disadvantaged minorities through affirmative action engaging in reverse discrimination."⁶

Sindler clarifies processes of individual group, and government interaction by setting Bakke within a framework of policy choices. In 1978 a Supreme Court majority led by Lewis Powell ordered Bakke's admission to the University of California at Davis Medical School, striking down a racial quota system which allowed minority applications for all 100 spaces, but white applications for only 84 spaces. However, another 5-4 decision upheld the use of race as an admission factor.⁷

Bakke has become a benchmark for educational litigation. Sindler's timely analysis indicates that concern about "setting of job qualifications" through educational policy is an important element of political dialogue.⁸

Cardell K. Jacobson, Department of Sociology, Brigham Young University, evaluated data collected in national surveys by the Louis Harris polling organization in 1976 and in 1978, after the well known Bakke case. The data was used to examine attitudinal changes by specific groups, those least and those most affected by the changes.

In his article in the December, 1983 Journal of Conflict Resolution, he tries to predict white reactions to the U. S. Supreme Court's test of affirmative action programs in the Bakke case.⁹

Jacobson did not feel that the Bakke decision was as clear or final as advocates of the programs would have liked. The Supreme Court considered three issues in the case and was closely divided on all three, giving somewhat contradictory rulings on the different parts. One vote admitted Bakke to medical school. The other two votes concerned the constitutionality of affirmative action programs and their limits. The Supreme Court held that specific quotas were not acceptable. It also upheld that race could be considered in admission policies when a school was soliciting a varied student population. Consequently, the Court generally upheld the constitutionality of affirmative action programs.¹⁰

Another noted author, Robert K. Fullinwider, wrote a critical evaluation of the major moral and legal arguments swirling around the controversial public policy mandating the preferential hiring of blacks in his book The Reverse Discrimination Controversy: A Moral and Legal Analysis. He contends that societies are justified in deciding that reverse discrimination is beneficial. This position is supported by solid reasoning which convinces that neither the U. S. Constitution nor basic moral tenets guarantees a person the right to be selected for a job only on the basis of qualifications pertaining to that job.¹¹

Perhaps Marcia Graham Synnott summed up the problem and solution in the Bakke case when she wrote that the easiest choices we have are between "what's right and what's

wrong." She noted that the most difficult choices are between "what's right and what's right." She articulated the fact that Bakke's admission to medical school, based on the fact that he met the necessary criteria, was "right," but she also felt that it was "right" for the medical school to establish a special track for disadvantaged minorities.¹²

Obviously, from reading the many authors who have addressed the issues, affirmative action and desegregation have not resolved all the problems in the institutions of higher learning. In writing on the "Barriers to the Progress of Women and Minority Faculty" in the Journal of Higher Education in 1983, Robert Menges and William Exum suggested that the following facts are indicators of the problems yet to be solved: (1) because minority faculty are overrepresented in lower ranks and thus have low seniority, they are particularly vulnerable to layoffs during retrenchment; (2) the pool of potential and actual candidates for academic positions contains relatively small numbers of minorities; and (3) high cost of graduate and professional schools discourage minorities.¹³

Carole Hardeman has pointed to still another factor in preventing the black from being absorbed into the majority white student body on state college and university campuses. In The State of Black Oklahoma Hardeman writes:

Racial or national origin often plays a significant role among the factors that militate against academic achievement. Blacks often suffer the most because of their ethnic visibility.

One knows almost immediately that a Black is a Black. Spanish surname students are somewhat less visible. Orientals, American Indians, and Eskimos are, of course, visible but their deviation from the Caucasian standard is less marked and, therefore, less difficult for the majority group to handle.¹⁴

In an article appearing in the Summer, 1983, edition of The Journal of Negro Education, Rodney J. Reed, School of Education, University of California, Berkley, wrote that in his opinion affirmative action was a series of positive steps designed to eradicate the remainder of past and current discrimination by guaranteeing that persons not traditionally associated with various educational, social and political institutions, and not found in adequate numbers in various professional and nonprofessional positions of employment, are actively recruited and given the opportunities to become associated with those institutions at every level of employment. He also states that affirmative action should ensure that such individuals not only be given initial employment at all professional and nonprofessional levels for which they are qualified, but also remain in and advance through the career structure within reasonable periods of time.

He went on to say that he felt that the basis of future eligibility pools were the students enrolled in graduate study. He found it disturbing to note declines in both undergraduate and graduate enrollments for minority students. The exact causes for these declines are not clear. It is clear, however, that minorities in the public

school population far exceed their percentages as graduates in higher education. Reed proposes that increasing their numbers in higher education, and particularly in graduate programs, should be a high priority for educators, administrators, and policy makers. The number of minorities in undergraduate and graduate education must be increased in order to enhance the probability that the faculty eligibility pool of minorities be expanded.¹⁵

Still another solution offered is by Thomas Sowell, Senior Fellow at Hoover Institution, Stanford University. Sowell is a black conservative economist who has challenged basic liberal tenets of the past twenty years. In his book, Civil Rights: Rhetoric or Reality, he makes a strong case that contemporary civil rights activism is concerned more with theory and symbolism than with hard reality. He postulates that many ethnic groups suffered discrimination in American history and yet they have survived and prevailed by concentrating on economic solutions to their problems instead of political or governmental actions.¹⁶

In his article, "Affirmative Action Reconsidered," which appeared in the Winter, 1976 edition of The Public Interest Bulletin, Sowell discussed the negative effects of affirmative action. He stated that affirmative action programs have side effects which are negative in the short run and perhaps poisonous in the long run. He felt that it did nothing to advance minorities but that it created an illu-

sion that the hard won achievements of these groups are conferred benefits:

In the case of blacks, this means perpetuating racism instead of allowing it to die a natural death or to fall before the march of millions of people advancing on all economic fronts in the wake of 'equal opportunity' laws changing public opinion.¹⁷

He brings to light the fact that during the 1960s, before affirmative action, black incomes in the United States rose at a higher rate than that of whites. So did the percentage of blacks in college and in skilled and professional occupations. Along with this came a faster decline in the proportion of black families below the poverty level.

While the advance of blacks is the product of generations of struggle, it accelerated in the 1960s, once the worst forms of discrimination had been outlawed. Black income as a percentage of white income reached its peak in 1970, the year before numerical "goals and timetables." The percentage has gone down since 1970. Sowell believes that affirmative action has destroyed the legitimacy of what had already been achieved by making all black achievements look like questionable accomplishments or even outright gifts. He points out that even though affirmative action has caused some individuals to be hired who would otherwise not have been hired, it is a doubtful gain in the larger context of attaining self-respect and the respect of others. He says the gainers from affirmative action quotas were, politically, the Nixon Administration. By introduc-

ing the program, they gained by splitting the ethnic coalition which had elected liberal Democrats for decades. Blacks were immediately at odds after having worked together for years on civil rights legislation and other sociopolitical goals. Each individual can speculate whether the Nixon Administration had such Machiavellian design in mind. Sowell goes on to infer that:

The clearest continuing beneficiaries are the bureaucrats who acquired power, appropriations, and publicity from their activities, and who have stretched the law far beyond any Congressional intent.¹⁸

He stresses that nothing in the Civil Rights Acts or the Executive Orders authorizes quotas by any name. In fact, he emphasizes that both the Congressional debates and the specific language of the law forbid them. He further states that the agencies who interpret and administer affirmative action supplemented by the reluctance of the courts to overrule administrative agencies, have allowed the growth of an administrative empire serving itself in the name of serving the disadvantaged.¹⁹

One can see from the literature in the field that there are many diverse problems and opinions to the solutions. Chapter III will explore the chronometry of segregation and desegregation in the colleges and universities in Oklahoma through the Brown decision in 1955.

ENDNOTES

¹John E. Fleming, The Lengthening Shadow of Slavery: A Historical Justification for Affirmative Action for Blacks in Higher Education (Washington, D.C., 1976), p. 213-215.

²Gail E. Thomas, Black Students in Higher Education: Conditions and Experiences in the 1970s (Westport, CN, 1981), p. 20.

³Ibid., p. 163.

⁴F. D. Moon, "The Negro Public College in Kentucky and Oklahoma," The Journal of Negro Education, 31 (Summer, 1962), p. 326.

⁵Ibid

⁶Allen P. Sindler, Bakke, DeFunis, and Majority Admission: The Quest For Equal Opportunity (New York, 1978), p. 293.

⁷Ibid., p. 265.

⁸Ibid.

⁹Cardell K. Jacobson, "The Bakke Decision-White Reaction to the U.S. Supreme Court's Test of Affirmative Action Programs," Journal of Conflict Resolution, Vol. 27, No. 4 (December, 1983), p. 687.

¹⁰Ibid., p. 692.

¹¹Robert K. Fullinwider, The Reverse Discrimination Controversy: A Moral and Legal Analysis (Totowa, N.J., 1980), p. 93.

¹²Marcia Graham Synnott, The Half-Open Door: Discrimination and Admissions at Harvard, Yale and Princeton: 1900-1970 (Westport, CT, 1979), p. 93.

¹³Robert J. Menges and William H. Exum, "Barriers to the Progress of Women and Minority Faculty," Journal of Higher Education, 54, No. 2 (1983), pp. 127-131.

¹⁴Carole Hardeman, "Educational Concerns," The State of Black Oklahoma, Urban League of Oklahoma City, Inc. (1984), p. 6.

¹⁵Rodney J. Reed, "Affirmative Action in Higher Education: Is It Necessary," Journal of Negro Education, Vol. 52 (Summer, 1983), pp. 345-347.

¹⁶Thomas Sowell, Civil Rights: Rhetoric or Reality (New York, 1984), pp. 12-13.

¹⁷Thomas Sowell, "Affirmative Action Reconsidered," The Public Interest Bulletin, No. 42 (Winter, 1976), pp. 17-19.

¹⁸Ibid., p. 17.

¹⁹Ibid., p. 18.

CHAPTER III
HISTORY OF SEGREGATION AND DESEGREGATION
IN OKLAHOMA INSTITUTIONS OF
HIGHER EDUCATION

This chapter will discuss the relevant legal, political, and sociological events leading to segregation and desegregation in Oklahoma's institutions of higher learning. This history is important for one to understand the problems involved in desegregation and affirmative action in higher education in Oklahoma.

All of what is now the state of Oklahoma, except the Panhandle, was purchased from France in 1803. Slavery existed in this territory at that time. The Louisiana Purchase guaranteed the protection of the liberties, property, and religion of the inhabitants. Slaves were classified as chattel property, which provided a legal basis for the continuance of slavery after the purchase.¹ The Missouri Compromise of 1820 guaranteed slavery south of latitude 36° 30', thus providing legal sanction for what is now the state of Oklahoma. In the 1830's, when President Andrew Jackson authorized the removal of the five civilized Indian tribes, Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles, from Mississippi, Alabama, Georgia, Florida, North

Carolina, and South Carolina, they were allowed to take their Negro slaves with them to Indian Territory.

In 1857, the rights of black people were totally diminished by the infamous United States Court ruling on Dred Scott. Chief Justice Roger Taney spoke for the majority of the Court. Regarding Scott, Taney addressed two questions: First, whether Negroes were citizens, answering "No", not even blacks who were free. The reasoning was that at the time the Constitution was adopted:

Blacks were considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the government might choose to grant them.²

It was not until 1866-68 that the Negro was given the right to citizenship in the United States of America. In 1866, the Fourteenth Amendment was passed by Congress and it was ratified by the states in 1868. The Fourteenth Amendment guaranteed the right of citizenship to Negroes by declaring, "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside."³ However, it was only the right of federal citizenship that was protected by the the Federal Constitution, Baron v. Baltimore (1833).⁴ The states had the responsibility to determine the rights of state citizenship.

The next step toward equality for Negroes in the United States was the Fifteenth Amendment to the Constitution and the Civil Rights Act of 1870. The Civil Rights Act guaranteed suffrage to every citizen. The Court held that the Fourteenth Amendment did not deal with "individual invasions of individual rights". However, state action supporting discriminatory practices was a violation of "equal protection of the laws".

The second Civil Rights Act in 1875 guaranteed equal rights to all citizens in public places (inns, public conveyances, theaters, etc.) without distinction based on color and specifically prohibited the exclusion of Negroes from jury duty.

The Morrill Land Grant Act in 1890 had a tremendous impact on public education for all citizens in the United States. The Act stipulated that no appropriations would go to states that denied admission to colleges on the basis of race unless they also set up separate but equal facilities for the Negro. Seventeen states established "separate but equal" institutions for their Negro citizens.⁵

In 1890 three institutions of higher learning were established by the territorial legislature in Oklahoma: the University of Oklahoma at Norman, the Agricultural and Mechanical College at Stillwater, and the Normal School at Edmond. The Acts establishing these made no provision for segregation. There was no legal reason why Negroes could not have attended these schools, but the fact that none did

attend suggests that extralegal controls may have been operative.

Establishment of Langston University

It was inevitable that Oklahoma could not continue without an institution of higher learning for the Negro. The events leading up to the establishment of such an institution set the stage for the development of Langston University. In 1896 Edwin P. McCabe, a Negro, supported William McKinley for President of the United States and Cassius M. Barnes for Territorial Governor of Oklahoma. The "spoils system" worked and Mr. McCabe was rewarded. His brainchild, "The Langston Idea", became a reality. He advocated separateness. He formed the Oklahoma Colored Immigration Bureau and the town of Langston, named for John M. Langston, a Virginia slave, lawyer, General Inspector of Education for the Freedman's Bureau, Member of the United States House of Representatives, and Minister to Haiti. Mr. McCabe, a Republican, became State Auditor and the first black to hold a statewide office. He felt strongly that the way to attain a good education was not to "break into the white schools" but to build black schools and staff them with black teachers.

In 1896, Cynthia Ware was selected by the Langston community to enroll in the white Normal School at Edmond, Oklahoma. Admission was denied, but the blacks had made their point. In January, 1897, the Territorial Legislature

met and passed a bill to establish a "Colored Agricultural and Normal University at Langston". The Langston community was promised complete control over the selection of the school's teachers and administrators and in formulating the educational philosophy of the institution.⁶

Donald Spivey, in "Crises on a Black Campus: Langston University and Its Struggle for Survival" in the Chronicles of Oklahoma in the Winter, 1981-82 edition, wrote that the students felt that an all black environment allowed a comradeship and a racial affinity with the faculty. There was a great pride in the school which resulted in an intellectually active student body. The curricular emphasis was on liberal arts, but it also offered agricultural and vocational training. A Langstonite stated: "We can live in the same world as white folks but we can't live with 'em. Our lives must be as distinctive as the fingers on your hand. That's a good point ole' Booker made."⁷ White Oklahomans opposed equal opportunity for blacks. They wanted the education of blacks to be in accord with the labor demands of the state.

With the advent of statehood, Oklahoma became less appealing to blacks. Langston University was a major factor in attracting black settlers, i.e., in 1900, there were 900 students and the town of Langston had 2,500 residents. With statehood came the breaking of the Barnes-McCabe agreement, with the State taking authority over the University and by 1914 the town was down to only 320 residents.

The final blow to separate autonomy would be dealt by the "Great Depression" in the 1930's.

Barriers to Integration

When the Oklahoma Constitution was written in 1907, it made no provision for racial segregation in the institutions of higher learning. However, in 1908 legislation was enacted stating that:

It should be unlawful for any person, corporation, or association of persons to maintain or operate any college, school, or institution of this state where persons of both the white and colored races are received as pupils for instruction.⁸

Article XIII, Sec. 310 of the Oklahoma Constitution states that:

Separate schools for white and colored children with like accommodations shall be provided by the legislature and impartially maintained. The term 'colored children' as used in this section shall be construed to mean children of African descent. The term 'white children' shall include all other children.

The state constitution and the enactments of the first legislature remained the principal barriers to integration of the races in the schools of Oklahoma during the remainder of the first half of the Twentieth Century.

The Court began to make inroads in education for all citizens by 1938 as illustrated by Missouri ex rel. Gaines vs. Canada, 305 U. S. 377 (1938). Lloyd Gaines applied for admission to the University of Missouri Law School. The United States Supreme Court ruled that he must be admitted to the University of Missouri or a separate law school had

to be established at Lincoln University, the Negro University in Missouri. Thereafter, the Oklahoma State Legislature appropriated funds at each legislative session for the use of Negro students who found it necessary to leave the state to pursue a course of study not offered at Langston University.

A further development came in 1940, Bluford v. Canada, 32 F. Supp. 707: the Supreme Court ruled that the State had the mandatory duty to provide equal facilities in education for all its citizens but before any alleged violation could be challenged in the Court, the plaintiff would be obliged to exhaust all administrative channels.

Segregation Challenged in Oklahoma

In 1945 events began that were to culminate in the eventual integration of all races in the institutions of higher learning in the state of Oklahoma. The National Association for the Advancement of Colored People (NAACP) met in McAlester and decided to test Oklahoma's segregation laws in the courts. Thurgood Marshall and Roscoe Dungee were prominent leaders at this meeting which was to develop a plan for desegregation in higher education in Oklahoma.

The three following points became the basis for the defense of desegregation at the University of Oklahoma:

1. "Separate but equal" educational facilities for white and Negro students was upheld in the Gains and Bluford cases.
2. A state could not evade its responsibilities for providing equal educational facilities

for Negroes by paying tuition of a Negro student who attended an institution outside the state.

3. A Negro student's rights to equal educational opportunities could not be considered denied until a request for educational opportunity had been made to the state and the request denied.⁹

On January 14, 1946 Ada Lois Sipuel-Fisher, graduate of Langston University, attempted to enroll in the law school at the University of Oklahoma. Admission was denied on the following grounds: (1) Title 70, Sections 452 and 464, inclusive, of the Oklahoma Statutes, 1941, prohibited colored students from attending the schools of Oklahoma and made it a misdemeanor for school officials to admit colored students to white schools, to instruct classes composed of mixed races, or to attend classes composed of mixed races. (2) The Board of Regents specifically instructed the president of the University of Oklahoma to refuse admission to Negroes, giving as a basis for their decision the statutes of Oklahoma. The minutes from the November 7, 1945 meeting of the University of Oklahoma Regents, pp. 1932-33 stated: "O. U. Regents, by unanimous vote, authorized President George Cross to refuse admission to any black applicant on the grounds that the laws of the state prohibit such enrollment."¹⁰

Mrs. Sipuel-Fisher, assisted by the NAACP, hired Amos T. Hall, black attorney from Tulsa, and in April, 1946 sought a writ of mandamus to be admitted to the law school of the University of Oklahoma on the grounds that it was

the only such school in the state and that she was denied admittance solely on the basis of race. In July, 1946 the case came to trial. Judge Williams ruled to deny the writ of mandamus on the basis that the laws of the state of Oklahoma prohibited the University from admitting Mrs. Sipuel-Fisher. Oklahoma Attorney General, Mac Q. Williamson, based the defense on the Missouri decisions that University of Oklahoma officials were bound by law to deny admission and that Sipuel had not exhausted proper administrative channels by appealing to the State Regents for Higher Education for separate facilities for training in law.¹¹

In January, 1947, Mrs. Sipuel-Fisher's attorneys argued the case before the Oklahoma Supreme Court. Thurgood Marshall, legal advisor of the NAACP, took the stand that segregation statutes were an abridgement of the Fourteenth Amendment and that the separate but equal theory violated the very principal of the Amendment. The Oklahoma Supreme Court sustained the ruling of the Cleveland County District Court.

It was the Supreme Court's policy of segregating white and Negro races for purposes of educating so long as it does not conflict with the Federal Constitution.¹²

Mrs. Sipuel-Fisher's attorney took the stand that:

Mrs. Sipuel-Fisher was not obligated to demand that the State Regents establish a separate law school; that duty was incumbent upon the Regents as soon as a law school was provided for white citizens.

They argued that the Oklahoma Supreme Court's demands were unfair because the white students obviously did not have to demand that a law school be established for them nor go to the expense of litigation for admission.¹³

The Oklahoma Supreme Court's decision was predictable. . . the Constitutional arguments were irrelevant. . . writ of mandamus denied by the lower court was the only issue. Because Sipuel-Fisher had not demanded a separate law school, she had no case.¹⁴

In January, 1948, the attorneys for Mrs. Sipuel-Fisher filed with the United States Supreme Court a petition for a writ of certiorari on the grounds that the decisions of the Oklahoma courts had been inconsistent with the Supreme Court's ruling in the Gain's case. The Court acted with almost unprecedented swiftness.¹⁵

On Monday, January 12, 1948, the Supreme Court issued its decision. It consisted of an unsigned, mimeographed, one page document ordering that Oklahoma must provide a legal education for the petitioner and provide it as soon as it would be provided for the applicants of any other racial group.¹⁶

Mrs. Sipuel-Fisher's reaction was: "Oh, it's a wonderful Constitution. . . Somebody had to be first. It will be hard but maybe there will be other Negroes with me."¹⁷

However, Attorney General Mac Q. Williamson came forth with the opinion that the Supreme Court's decision did not

invalidate the segregation laws of Oklahoma, and on January 17, 1948 the State Supreme Court implied, although it did not say so specifically, that Mrs. Sipuel-Fisher should not be permitted to enter the University of Oklahoma Law School at the beginning of the second semester. The State Supreme Court's interpretive ruling stated the decision did not abolish segregation but merely ordered the state to furnish a legal education for Ada Lois Sipuel-Fisher.¹⁸

When Mrs. Sipuel-Fisher registered, the Dean of Admissions and Records told her that no action could be taken until word had been received from the state regents about how the case should be handled.

Langston School of Law

At a meeting of the Board of Regents for the Oklahoma A&M Colleges on January 24, 1948, the Langston University School of Law was established by the following resolution:

Pursuant to the authority vested in the Oklahoma State Regents for Higher Education by Article 13A of the Constitution of Oklahoma and the direction set forth in the opinion of the Supreme Court of Oklahoma on January 17, 1948, in the case of Ada Louis Sipuel, plaintiff in error v. Board of Regents of the University of Oklahoma, et al., defendants in error, No. 32, 756, it is hereby resolved by said Regents, as follows:

1. There is hereby established as one of the functions of Langston University, a school of law to be known as the Langston University School of Law, which school shall be located in Oklahoma City, Oklahoma County, Oklahoma.
2. The course of study and the standards for said school of law shall be substantially equal to the course of study and standards now in existence at the University of Oklahoma School of Law.

3. The course of study of said school of law shall be prescribed and made available for any Negro citizen of the State of Oklahoma qualified to enter said school at registration time which shall be identical with the registration period for enrollment of law students at the University of Oklahoma School of Law.
4. The Dean of the School of Law at the University of Oklahoma is hereby requested to sit in an advisory capacity with proper authorities at Langston University and its governing board (to wit: the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges) in establishing said school of law in compliance with the provisions and conditions set out in this resolution.
5. The Chairman of the Oklahoma State Regents for Higher Education shall appoint a committee of five of its members to work with the authorities and governing board of Langston University, and the Dean of the University of Oklahoma School of Law, with authority to assist in the doing of any and all things necessary to the establishment of said school of law in accordance with the terms and conditions of this resolution.
6. Said committee is hereby directed to confer immediately with the Governor of Oklahoma and other responsible public officials for the purpose of securing convenient and proper classroom facilities and the use of the State Law Library for said school.
7. Said committee is hereby further directed to obtain from the said Dean of the University of Oklahoma School of Law a proposed schedule of study and recommendations as to needed instructional, secretarial and other personnel; also recommendations as to equipment and office supplies and as to a plan to provide competent registration services for said school of law.
8. Said committee shall endeavor to insure that said school of law so established and created be made available by the proper administrative authorities to any eligible resident Negro student desiring to secure a legal education at the time and in the manner provided for the registration and instruction of law students in the University of Oklahoma School of Law.

9. A copy of this resolution shall be furnished to:

The Governor of the State of Oklahoma, The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the President of Langston University, The Board of Regents of the University of Oklahoma, The President of the University of Oklahoma, and the Dean of the School of Law of the University of Oklahoma.

Dated this 19th day of January, 1948, at Oklahoma City, Oklahoma.

Unanimously adopted.¹⁹

It was decided that Rooms 426, 427, and 428 at the State Capitol and the Oklahoma State Library would comprise the facilities for the new school. A faculty of three was appointed. Jerome E. Hemry, a forty-year-old attorney in Oklahoma City, was appointed Dean at a salary of \$6,000 a year. Randall S. Cobb, former Attorney General of the State of Oklahoma, was appointed Professor of Law at \$5,000 a year, and Arthur Ellsworth, a thirty-year-old attorney from Oklahoma City, was appointed professor at \$4,500 a year.²⁰

Mrs. Sipuel-Fisher refused the new school and once again sought to enter Oklahoma University. She was refused admittance. She then filed a petition asking the United States Supreme court to order Oklahoma officials to admit her "forthwith to the University of Oklahoma School of Law". The Supreme Court was in recess at the time and was not scheduled to return to the bench for several days. NAACP attorney, Thurgood Marshall, stated, "She is not going to the Jim Crow law school. We don't believe you can have equality in a separate system."²¹

A University of Oklahoma Law School professor and native Oklahoman, Henry H. Foster, stated that the Langston Law School was:

An attempt to avoid a clear cut mandate of the United States Supreme Court. In my opinion, the two schools are not comparable, let alone substantially equal. It (Langston) is a fake, fraud, and deception. It is cheap political chicanery.²²

Mrs. Sipuel-Fisher filed a motion in the Cleveland County District Court contending that the Langston School of Law was not equal to the University of Oklahoma School of Law and that she was entitled to admission to the University of Oklahoma. This writ of mandamus was denied on the basis that the two schools offered equal educational opportunities.

Only two people applied for admission to the Langston School of Law. One was Walter M. Harrison, a white man and former managing editor for the Daily Oklahoman. Dean Henry announced that the school was for Negroes only and that Harrison could be admitted only if he signed a statement saying he was of Negro blood.²³ The other was a Negro who later transferred one semester of credits from Langston Law School to the University of Oklahoma School of Law. On June 30, 1949, the Langston School of Law passed from existence with much less fanfare than with which it had begun eighteen months earlier.

Negroes Admitted to Graduate School
on Segregated Basis

In June, 1948, George W. McLaurin, a black 54-year-old Langston University faculty member, filed for a writ of mandamus in Cleveland County District Court to force the University of Oklahoma to admit him to the Graduate College of Education. After a month, this petition was dropped and refiled in the District Court of the United States for the Western District of Oklahoma. In September, 1948, the Federal District Court accepted jurisdiction and ruled that McLaurin must be admitted to the University of Oklahoma or the University must discontinue its course of study (for white students) leading to a doctor's degree in education.²⁴

The attorney for the NAACP, Thurgood Marshall, told an Oklahoma City meeting of the NAACP that:

We are going after any state school that offers anything better than we have at Langston. The only way a Negro can get equal library rights is to commit a felony, get convicted and sent to the state penitentiary. The state prison library has more books than Langston.²⁵

In February, 1948, Governor Roy Turner met with the State Regents for Higher Education. The meeting resulted in the Board organizing a committee of six deans, three from the University of Oklahoma and three from Oklahoma A&M College, to study and make recommendations concerning the

best means of solving Oklahoma's problems of equal educational facilities for Negroes. The committee's recommendation was for Negroes to be admitted to the University of Oklahoma and Oklahoma A&M College for graduate and advanced professional programs. Their advice was against any further attempt to develop graduate and professional programs at Langston University.²⁶

John Rogers, a Tulsa attorney and a member of the State Regents for Higher Education, was the first public official to suggest the state laws should be modified to permit Negroes to enter graduate schools in Oklahoma. For the first time some Oklahomans appeared to become aware that there must finally be an end to segregation. Public officials and educators throughout the state agreed in expressing doubt that the state would be able to set up an adequate graduate school at Langston University.²⁷

In October, 1948, Mac Q. Williamson, Attorney General for the State of Oklahoma, informed the Regents that they had to admit McLaurin or discontinue the program in graduate education. He also stated that they could create segregated classes at the University under the terms of the Federal District Court's ruling.²⁸

The same month McLaurin was admitted to The University of Oklahoma Graduate College of Education. He enrolled in four classes. Room 104 of the Administration Building had a little anteroom which would allow McLaurin visibility of the chalkboard and the lecturn and could keep him separated

from the white students. The anteroom was not considered part of the classroom but a separate and adjoining area. All four of his classes were held in the anteroom. Separate toilet facilities were provided in the Education Building. Arrangements were made for Mr. McLaurin to eat alone in the Student Union's short-order room between 12:00 noon and 1:00 p.m. daily. No provisions were made for breakfast or dinner. In the library a special table among the stacks was marked with his name for his use.²⁹

In January, 1949, the State Regents for Higher Education publicly requested that the state laws be changed to permit enrollment of Negroes in graduate or specialized schools for white students in Oklahoma.³⁰

The state legislature finally passed a bill which provided for Negroes to be admitted for graduate work in any of the state's institutions of higher education if the courses were not offered at Langston University. The bill did not strike down Oklahoma's segregation laws. Negroes had to be admitted on a "segregated basis". It was to be determined by the respective governing boards of the individual institutions as to what "segregated basis" really meant.³¹ It was decided that "segregated basis" could be instituted by separating the races with a rope drawn between them within the classroom and by designated eating and library tables set aside and marked for "colored."

In the meantime, blacks were testing the issue in other locations. On February 22, 1949, Jane Carolyn Ellison and Henry W. Floyd sought admission to Oklahoma A&M in the Division of Home Economics, specializing in textiles, and Department of Political Science respectively. On March 12, 1949, acting upon the instructions of the Board of Regents for Oklahoma Agricultural and Mechanical Colleges, President Henry G. Bennett and Administrative Assistant John C. Monk went to Langston University to survey the facilities as a result of these two undergraduate enrollments. At the March 16, 1949 board meeting President Bennett's detailed report on his findings stated that Henry Floyd was a third year student who had been an Industrial Arts major prior to changing his major to sociology. Mr. Floyd had never requested a major in Political Science although Langston's catalog listed a major in Political Science. However, Langston did not offer courses because no student had requested such. Also President Bennett had found that a Mrs. Perry was very competent in both History and Political Science and he was especially impressed that she had been the first Negro woman licensed as an Attorney at Law in the District of Columbia. It was reported that "Mrs. Perry's department would be of a level of excellence comparable with those offered by any University in this section of the country."³²

President Bennett reported that Jane Carolyn Ellison was a transfer student from Lincoln University in Missouri.

Her reason for transferring had been because of the excellent program in Home Economics offered at Langston University. She had not expressed a desire for a major in textiles to the faculty or administration at Langston. President Bennett determined that the Langston faculty and staff were clearly competent to teach such courses. He emphasized the fact that the Head of the Department of Home Economics, Mrs. S. G. Washington, was distinguished in her field and was to be a featured speaker at a Home Economics conference in Chapel Hill, North Carolina which would be attended by representatives of southern universities, both white and Negro. It was stated that:

Langston University can and will offer additional work in Clothing and Textiles comparable to that offered in any institution in the nation upon student demand; that to do this it will be necessary only that one additional instructor be added and a little more laboratory space be made available for textile analysis and research.³³

This report ended the direct challenge to segregation of undergraduate schools in Oklahoma as a test state.

The summer of 1949 found the University of Oklahoma's black student population considerably larger. Among the new students was Ada Lois Sipuel-Fisher, a freshman law student, more than three years after she had first tried to enroll. Mrs. Sipuel-Fisher told reporters:

I shall spend the rest of my life trying to prove to Oklahoma that a mistake was made in the attempt to keep me from entering the Oklahoma University Law School.³⁴

Each Negro who enrolled for the 1949 summer session was given a written statement: "Segregation which is provided for you in existing classes is an emergency measure of temporary nature," [i. e., separate library, eating and restroom facilities].³⁵

The University of Oklahoma Board of Regents learned that a Negro male had applied for housing in September, 1949. They decided to house Negro students in "pre-fab" war surplus units because of economic expediency. Another interesting development in this sad comedy of errors took place at Owen Stadium that summer of 1949. In the 1980s this episode seems more humorous than anything else because white Oklahomans had to face the fact that black Oklahomans enjoyed the game of football also. The Stadium had to be segregated. Consequently, a plywood barrier was erected for that purpose. Ironically, before the football season ended, the barrier fell down because of the excitement of the crowd.³⁶

Within the University of Oklahoma community, the quasisegregation was more of a nuisance than anything else. The Cross Administration enforced the law just stringently enough to keep the state legislature from jumping the traces.³⁷

On June 5, 1950, the decision on McLaurin v. Board of Regents, University of Oklahoma was handed down by the United States Supreme Court. Chief Justice Frederick M. Vinson delivered the unanimous opinion of the Court.

In this case we are faced with the question whether a state may, after admitting a student to graduate instruction in its state university afford him different treatment from other

students solely because of his race. These restrictions were obviously imposed in order to comply with the statutory requirements of Oklahoma. But these signify that the State, in administering the facilities it affords for professional and graduate study, sets McLaurin apart from other students. The result is that appellant is handicapped in pursuit of effective graduate instruction. Such restrictions impair and inhibit his ability to study, to engage in discussions and exchange views with other students, and, in general to learn his profession.

Our society grows increasingly complex, and our need for trained leaders increases correspondingly. Appellant's case represents, perhaps, the epitome of that need, or he is attempting to obtain an advanced degree in education to become by definition a leader and trainer of others. Those who will come under his guidance and influence must be directly affected by the education he receives. Their own education and development will necessarily suffer to the extent that his training is unequal to that of his classmates. State imposed restrictions which produce such inequalities cannot be sustained.

It may be argued that appellant will be in no better position when these restrictions are removed, for he may still be set apart by his fellow students. This we think irrelevant. There is a vast difference...between restrictions imposed by the state which prohibit intellectual comingling of students, and the refusal of individuals to come together where the state presents no such bar. The removal of state restrictions will not necessarily abate individual and group predilections, prejudices, and choices. But at the very least, the state will not be depriving appellant of the opportunity to secure acceptance by his fellow students in his own merit.³⁸

Reactions to Desegregation

Thurgood Marshall hailed the McLaurin decision a "complete victory."³⁹ In Norman the "reserved for colored"

signs disappeared from the campus. The University was informed that while the University could "adopt and enforce reasonable rules as to the use and occupancy of state-owned housing," it could not segregate any Negro student "solely because of race."⁴⁰

The June 15, 1950, issue of U.S. News and World Report headlined an article "Jim Crow Is Down but Not Out." This article featured numerous areas of segregation that had been eliminated; however, the one most "impressive" to Oklahomans featured a picture of McLaurin separated from his classmates by a rope.⁴¹

Interracial marriage seemed to be the basic fear of Oklahomans concerning desegregation. Communism was another fear, especially in reference to the NAACP. Newspaper editorials at the time reflect these reactions throughout the period from 1946 through 1955. The general attitude was that integration was inevitable but that it must be gradual.

The state's two largest newspapers, The Tulsa Tribune and The Daily Oklahoman, were primarily positive or remained quiet on the issue. The Norman Transcript and The Stillwater News-Press were more hostile toward desegregation and in particular toward Mrs. Sipuel-Fisher.⁴²

There were a few demonstrations in the early stages. In 1948 about four hundred student activists held a demonstration protesting the University of Oklahoma's policy regarding the enrollment of black students. This was a

peaceful rally in which they sang songs, wore black arm bands and burned the Fourteenth Amendment to the United States Constitution and sent the ashes to President Harry S. Truman. The following day the pro-segregationists held a rally of about the same number of people. An Oklahoma City businessman, Paul Haggard, was the principal speaker. A student proposed the following argument:

If I had to sit by Negroes, pretty soon there would be Negroes sitting by grade school kids. They would start running around together, then they would start dating, and that would lead to intermarriage. And that is wrong.⁴³

There was no violence at any gatherings in the state nor any directly threatened. There was obviously fear that violence might occur, but none did.

Governor Roy J. Turner stated that radicals were responsible for "stirring up people" and that "time and patience" were necessary for desegregation. The Stillwater News-Press editorialized the next day "What Governor Turner didn't say, was that it is quite clear Communists or those of that leaning are making a lot of trouble where none existed before."⁴⁴

It is interesting to note that while many Oklahomans were opposing desegregation, many university students at both Oklahoma University and at Oklahoma A&M College were not. At the time the Sipuel (Fisher) case was handed down, 43.6% of the 500 University of Oklahoma students surveyed favored admittance of blacks at the graduate level, although only 20% thought they should be admitted at all

levels. As might be expected, more students in liberal arts studies were in favor of desegregation than those of other disciplines. Those in the School of Business led the opposition. The older students, upper classmen, and veterans had less opposition to desegregation than others.⁴⁵

In a later survey in 1955 at Oklahoma A&M College by The Daily O'Collegian only 10% of the students on the Stillwater campus said they would rebel against being taught by a black instructor. The majority agreed to integration in the classrooms, student government, athletics, professional clubs, and eating places. However, these figures were sharply contrasted when related to more intimate circumstances. Sixty percent (60%) stated they did not want to share the same residence, 59% were against social group integration, and 56% did not believe there should be interracial dances. Similar to the survey at the University of Oklahoma five years earlier, though, men in general and veterans specifically were much more receptive to integration in every area surveyed.⁴⁶

Following the United States Supreme Court decision in McLaurin, Oklahomans accepted de jure desegregation in the areas where Langston University could not provide the necessary expertise. An example is the graduate level of higher education. De jure desegregation was reluctantly accepted without violence. However, "separate but equal" was to remain intact until 1954.

Final Legal Blow to Separate But Equal

On May 17, 1954, Chief justice Earl Warren delivered the opinion of a unanimous decision striking down the "separate but equal" doctrine once and for all. Although Brown v. Board of Education of Topeka, Kansas applied to the public elementary and secondary schools, it in effect applied to all public education including Oklahoma's undergraduate institutions.

Chief Justice Warren posed a Question: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe it does.

Whatever may have been the extent of psychological knowledge at the time of Plessy v. Ferguson, this finding is amply supported by modern authority. Any language in Plessy v. Ferguson contrary to this finding is rejected.

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate education facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment...In order that we may have the full assistance of the parties in formulating decrees, the cases will be restored to the docket, and the parties are requested to present further argument on Questions 4 and 5 previously propounded by the court for the reargument this term. The Attorney General of the states requiring or permitting segregation in public education will also be permitted to appear as amici curiae upon request to do so by September 15, 1954, and submission of briefs by October 1, 1954.⁴⁷

Unfortunately, this decision did not nullify segregation laws even though it did express the opinion of the

Court that they were to fall. It left the option open for the states to avoid implementation. Fortunately, on May 31, 1955, the Court handed down a second decision which directed the lower courts to see that desegregation was done "with all deliberate speed."⁴⁸

Following this Court decision, the Oklahoma State Regents for Higher Education acted promptly to remove the final barriers to desegregation from all higher education in Oklahoma. On June 6, 1955, Regent John Rogers moved that:

The governing boards and the respective presidents of the state-supported institutions within the state system of higher education are hereby authorized to accept qualified Negro students for admission effective at the opening of the fall term, 1955.⁴⁹

Rogers' motion was passed with only one dissenting vote. The regent who voted against the measure defended his action on the theory of gradual change. "I don't like to throw this thing on them as a sudden shock," he said.⁵⁰

Governor Raymond Gary backed the Regents by stating: "The Supreme Court has rendered the decision and handed down a mandate. I don't know of anything else the Board of Regents could have done."⁵¹ This statement appears on the surface to be less than enthusiastic until one examines other Southern Governor's positions, especially Faubus of Arkansas, Wallace of Alabama, and Barnett of Mississippi.

The state judicial policy was based on the national judicial policies dealing with de jure segregation. Chapter IV addresses the slow progress made in carrying out the intent of the Court's mandate for desegregation.

However, there was a significant growth in the number of black students receiving an education in institutions of higher learning in Oklahoma. The next chapter addresses the sociological, political and legal aspects of desegregation leading to and including the State Board of Regent's plan to achieve parity among the races of Oklahoma.

ENDNOTES

¹George Lynn Cross, Blacks in White Colleges, Oklahoma Landmark Cases (Norman, 1975), p. 16.

²Scott v. Sanford, 19 Howard 393 (1857).

³U. S. Constitution.

⁴Baron v. Baltimore, 7 Pet. 243 (1833).

⁵Frederick Rudolph, The American College and University (New York, 1962), pp. 253-254.

⁶Donald Spivey, "Crisis on a Black Campus: Langston University and its Struggle for Survival," The Chronicles of Oklahoma, 59 (Winter, 1981-82), pp. 430-434.

⁷Ibid., pp. 434-436.

⁸Scot W. Boulton, "Desegregation of the Oklahoma City School System," Chronicles of Oklahoma, 58 (Summer, 1980), p. 192.

⁹Cross, pp. 29-30.

¹⁰John T. Hubbell, "The Desegregation of the University of Oklahoma, 1946-1950," Journal of Negro History, 57 (October, 1972), p. 371.

¹¹Ibid.

¹²Ibid.

¹³Ibid., p. 372.

¹⁴Ibid.

¹⁵Cross, p. 47.

¹⁶Ibid., p. 48.

¹⁷Ibid., p. 49.

¹⁸Ibid., p. 50.

¹⁹Board of Regents for Oklahoma Agricultural and Mechanical Colleges, "Transcript of Proceedings of Meeting," (January 24, 1948), pp. 1-2.

²⁰Ibid., pp. 7-8.

²¹Hubbell, p. 373.

²²Ibid., p. 374.

²³Cross, pp. 72-73.

²⁴Ibid., p. 85.

²⁵Ibid., p. 377.

²⁶Michelle Celarier, "A Study of Public Opinion on Desegregation in Oklahoma Higher Education, The Chronicles of Oklahoma, 47 (Autumn, 1969), p. 276.

²⁷Cross, p. 85.

²⁸Ibid., p. 30.

²⁹Ibid., pp. 93-95.

³⁰Ibid., p. 103.

³¹Ibid., p. 111.

³²Board of Regents for Oklahoma Agricultural and Mechanical Colleges, "Report of Committee on Applications of Negro Students for Admission to A&M College," (March 16, 1949), pp. 23-24.

³³Ibid., p. 25.

³⁴Hubbell, p. 378.

³⁵Ibid.

³⁶Ibid., p. 381.

³⁷Ibid., p. 382.

³⁸McLaurin v. Board of Regents, University of Oklahoma, 339 U. S. 637 (1950), pp. 18-19.

³⁹Hubbell, p. 383.

⁴⁰Ibid., p. 384.

⁴¹U. S. News and World Report, "Jim Cross is Down But Not Out," (June 16, 1950), pp. 641-642.

⁴²Celarier, pp. 270-271.

⁴³Ibid., pp. 274-275.

⁴⁴Ibid.

⁴⁵Ibid., pp. 271-272.

⁴⁶"Few Aggies Like 'Deep South' Idea of Public Abolition," The Daily O'Collegian (July 1, 1955), p. 1.

⁴⁷Brown v. Board of Education of Topeka, Kansas, 349 U. S. 484 (1954).

⁴⁸Brown v. Board of Education of Topeka, Kansas, 349 U. S. 294 (1955).

⁴⁹Cross, p. 132.

⁵⁰Celarier, p. 279.

⁵¹Ibid.

CHAPTER IV

DE FACTO SEGREGATION/AFFIRMATIVE ACTION

The Black Floodtide in Higher Education in Oklahoma

Governor Raymond Gary, in contrast to some other Southern governors, provided state leadership in a slow but tranquil transition to desegregation following Brown v. Board of Education (1955). The immediate influx of black students into traditionally white institutions of higher education was profound.

Southern School News conducted a statistical survey in May, 1955-56, and found there were 143 black students in "white" colleges and universities in Oklahoma. In the 1956-57 school year that number had increased to 258 and one year later it had increased to 500.¹ Mr. F. D. Moon reported that by 1961, ten four-year colleges in Oklahoma reported an enrollment of 335 Negro students. These latter figures did not include the University of Oklahoma or Oklahoma State University as they did not keep statistics on racial breakdown at that time. However, Mr. Moon estimated the total enrollment of blacks in white institutions to be somewhere between 850 and 1,000 by 1961.² This rapid infiltration of black students into the traditionally white

schools did not take place without creating problems in other areas of education. Langston University had an enrollment of 615 students in the academic year of 1955-56 but that dropped 13.5% to 532 students by the 1956-57 academic year. The student enrollment gradually increased following that first year. By 1961 Langston's student body had increased to 659 which reflected a gradual growth.³ However, this was a period in American history when higher education was enjoying rapid growth.

Pros and Cons for the Necessity of a Traditionally Black Institution

There were some influential people including a few legislators advocating the reduction of Langston University to a two year institution or "integrating" it, which seemed to mean abolishment.

Integration in Oklahoma has usually meant placing Negro students, elementary, high school or college, in white schools and dismissing Negro teachers who may not be needed in all-Negro schools.⁴

There was strong evidence of the validity for such feelings because the Oklahoma public schools, elementary and secondary, had dismissed 460 Negro teachers during that first five-years following the Brown decision.⁵

There was strong support in many circles to retain Langston University as an integrated institution of both students and faculty. The first white student graduated from Langston in 1962.

Dr. William Hale, President of Langston University, gave a different and broader insight into reasons for maintaining the predominantly black institution:

In this state the effect has been to discourage Negro youth from attending common schools as well as college. Many once Negro high schools have been discontinued. The pupils were taken into white schools but the great majority of Negro teachers had to seek employment elsewhere. The strange environment in which the displaced Negro pupil found himself did not provide the psychological security so conducive to learning and the drop-out rate increased. This condition seriously affected the number of Negro youth who finished high school.

This state immediately accepted desegregation and many persons in high places took the attitude that there was no longer a need for the formerly Negro college. A token support was given which resulted in minimizing our ability to compete for top faculty personnel. States in the deep South who sought to resist desegregation poured money into their Negro colleges in order to prevent Negro youth attending white institutions.⁶

President Hale indicated that a further advantage for traditionally black institutions was competition with the traditionally white institutions which encouraged better treatment of black students. He also felt there was less conflict and frustration for black students at black institutions than in the white schools because of role models.⁷ This view is especially interesting because it is a predominant argument today for the lack of enrollment and retention of black students in traditionally white institutions of higher education.

There are still strong feelings from both points of view. One writer stated that black schools are a result of

a segregated society and since we are no longer segregated, they are no longer necessary.⁸

Truth is that black colleges and universities were built on unstable foundations. The result is that black colleges and universities with a few exceptions are second class entities by design, owing to and dependent upon the dominant white society, its financial support, and educational values and hence is severely limited financially and in scope and purpose.⁹

Mr. Moon presented figures in 1961 which, on the surface, supports the abolition of traditionally black institutions if one looks only at the financial end of the issue. There were thirteen public junior colleges and twelve four-year colleges and universities in Oklahoma. In the 1960-61 academic year, Langston University received 2.2% of the income per capita enrollment. They had 1.6% of the state's enrollment and 1.1% of the graduates with 2.3% of the state's faculty of higher education. The per capita cost per institution of higher education was an average of \$366.00 at the two-year schools, \$670.00 at the eleven traditionally white, four-year schools and \$960.00 at Langston University.¹¹

A Department of Health, Education and Welfare spokesman said, "considering the institution's isolated location, its history of financial troubles, and its rapidly declining enrollment, if there is one Black school in this country that should be closed down, it has to be Langston."¹²

However, there were other views than the ones just presented. The National Organization of Black University

and College Students (NOBUCS) supported Langston. "Our chief concern is that predominantly white institutions may intensify recruitment efforts of students from the historically black colleges in order to fill their quotas."¹³ Other supporters believed that black schools were as important as ever. They were the only place for black students to receive an education when traditionally white schools barred them from an education.

Civil Rights

The Civil Rights Act of 1964 imposed pressure on all governmental agencies including higher education institutions to actively pursue minorities in order to reach an equitable parity between the races. Great disparities existed in the balance of racial enrollment of students and employment of faculty, administrators and classified personnel. Affirmative Action was a result of the Civil Rights Act of 1964. In implementing the spirit and purposes of the law, federal agencies tried to make it clear that institutions should reach out to minorities by "affirmative action." The commission was to increase the number of minority students and employees on an equitable level with the racial ratio in the local community.¹⁴

President Lyndon Johnson, in a speech at Howard University in 1965, explained the reasoning for affirmative action in the following manner: "You do not take a person who, for years, has been hobbled by chains and liberate

him, bring him up to the starting line of a race and then say, 'You are free to compete with all of the others.'"¹⁵ The President's Executive Order 11246, requiring affirmative action, was made clear in 1972 by the Department of Health, Education and Welfare. The guidelines require two things:

(1) nondiscrimination or the elimination of all existing discriminatory conditions whether purposeful or inadvertent and (2) 'affirmative action', which requires the employer to make additional efforts to recruit, employ and promote qualified members or groups formerly excluded.¹⁶

The American Association of University Professors explained the concept of affirmative action in these words in 1973:

What is sought in the idea of affirmative action is essentially the revision of standards and practices to assure that institutions are in fact drawing from the largest marketplace of human resources in staffing their faculties and a critical review of appointment and advancement criteria to ensure that they do not inadvertently foreclose consideration of the best qualified persons by untested presuppositions which operate to exclude women and minorities.¹⁷

Affirmative action assumes that public officials in the area of education should be color sensitive. The idea is that society must attempt to correct tragic mistakes made by past generations of Americans toward minorities. The Federal Government has been exerting great effort to see that Oklahoma's higher education institutions adhere to this policy.

In 1969 suit was filed by the Legal Defense Fund on behalf of the plaintiff, Mr. Adams, against the U.S.

Department of Health, Education and Welfare because it was determined that ten states were continuing to operate segregated higher education institutions in violation of Title VI of the 1964 Civil Rights Act.

No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance. 42 U.S.C. 2000 d.¹⁸

Oklahoma was one of the ten states under court order to submit an appropriate plan of desegregation in 1973 litigation, Adams v. Richardson .356 F. Supp. 92 (D.D.C. 1973).

In 1974 HEW accepted desegregation plans from eight of the ten states (Louisiana did not file one and Mississippi's was not acceptable). In Adams v. Califano, Civil Action No. 3095-70, Second Supplemental Order (D.D.C. April 1, 1977), the Court ruled that the plans failed to achieve significant progress.

The plaintiffs, Court, and interveners structured a series of criteria by which state's plans should be written and HEW should administer the plans, based upon the following objectives:

1. Preservation and protection of the traditional black institutions.
2. Desegregation of student enrollment and retention systemwide.
3. Desegregation of faculty, administrative staff, nonacademic personnel and governing boards.
4. Civil Rights Advisory Committee.¹⁹

The criteria, applying to states which formerly had a dual system of higher education under state law (de jure segregation), required that the states take affirmative remedial steps to achieve results in overcoming the effects of prior discrimination. It required that the approach must be statewide, rather than on a school by school basis. Numerical goals and timetables were set forth to be used to measure progress.

In submission of the plan and monitoring, each state had to:

1. Commit the state to substantial progress toward each of the goals in the first two years of the plan.
2. Have the plan signed by the governor and by each official or designated person representing the agencies, associations, commissions, offices, and/or institutions responsible for adopting the systemwide and institutional goals described therein.
3. Certify that achievement of the goals and interim benchmarks specified therein has been adopted as official policy of each official or agency.
4. Establish a biracial citizens advisory/monitoring committee to assist the state in monitoring the implementation of the plan, and submit to OCR by August 15 of each year after a plan's acceptance, a comprehensive narrative assessment of its desegregation efforts in the most recent academic year.²⁰

In 1983 the federal government determined that significant progress had not been made in achieving the objectives in desegregation in higher education in Oklahoma. The Office of Civil Rights within the U.S. Department of Education then requested Oklahoma and four other states to

make greater effort in complying with Title VI of the Civil Rights Act with a new deadline set for 1985-86.²¹

Amended Criteria

The state, in 1977, committed itself to a five-year goal of equality in the enrollment of black undergraduates entering college for the first time. Black twelfth grade enrollment the previous year was used as a basis. Oklahoma was committed to equalizing the parity between the black and white students entering a traditionally white four-year institution of higher learning for the first time. The State Regents committed themselves to "an absolute reduction to any disparity between the population of black and white students graduating with baccalaureate, master's and doctor's degrees."²²

The Amended Criteria called for the desegregation of faculty, administrators, and other personnel at state institutions of higher learning by equalizing the proportion of blacks at each institution to the proportion of black individuals with the credentials required for such positions in the relevant labor market area. The State Regents have responded to these criteria requirements with a two-part commitment: a commitment to desegregate rates of participation as well as desegregate rates of hire.²³

The Amended Criteria require that each plan shall:

Adopt the goal of increasing the numbers of black persons appointed to systemwide and institutional governing boards and agencies so that these

boards may be more representative of the racial population of the state or of the area served.²⁴

The Oklahoma State Regents for Higher Education

adopted the following Statement of Social Justice in 1983:

To make possible the participation of all able persons at the highest attainable level of academic life regardless of their race, ethnic background, sex, age, religion, handicap, income level, or geographic location; and to provide for social justice in the form of equitable and fair treatment and for systematic adjustments in the form of positive action until equity is attained.²⁵

In the Extended Revised State Plan of 1983, the State Regents made a point of emphasizing that the Adams' litigation documents were separate from their plan for social justice. They stressed the fact that they recognized the necessity to take a step beyond affirmative action and to assure the citizens of the state of Oklahoma that the attempt to work toward overall equity would not detract from the rights or welfare of any group.

The following chapter will assess the implementation of the Board of Regents of Higher Education's Extended Revised State Plan by examining current trends in affirmative action and recommendations of the Office of Civil Rights and the Special Committee on Affirmative Action in Higher Education of the Oklahoma House of Representatives.

ENDNOTES

¹F. D. Moon, "The Negro Public College in Kentucky and Oklahoma." The Journal of Negro Education, 31 (Summer, 1962), p. 326.

²Ibid.

³Ibid., p. 324.

⁴Ibid., p. 323.

⁵Ibid.

⁶Ibid., p. 324.

⁷Ibid., p. 325.

⁸Donald Spivey, "Crises on a Black Campus: Langston University and Its Struggle for Survival," The Chronicles of Oklahoma, 59 (Winter, 1981-82), p. 430.

⁹Ibid., p. 340.

¹⁰Moon, p. 322.

¹¹Ibid., p. 323.

¹²Spivey, p. 444.

¹³Ibid.

¹⁴Robert F. Drinan, "Affirmative Action Under Attack," America, 150 (February 4, 1984), p. 65.

¹⁵Ibid.

¹⁶Ibid.

¹⁷Ibid.

¹⁸Public Law 88-352, 88th Congress, H.R. 7152, "Title VI Nondiscrimination In Federally Assisted Programs" (July 2, 1964).

¹⁹Adams v. Califano, Second Supplemental Order (D.D.C., April 1, 1977), p. 2.

²⁰Ibid., pp. 3-4.

²¹Oklahoma House of Representatives, Report of Special Committee on Affirmative Action in Higher Education (March, 1985), p. 6.

²²Ibid., p. 7.

²³Compliance With Title VI of The Civil Rights Act, "Extended Revised State Plan," Oklahoma State Regents for Higher Education (October, 1983), p. 22.

²⁴Ibid., p. 24.

²⁵Ibid., p. 3.

CHAPTER V

CURRENT TRENDS AND ASSESSMENT OF AFFIRMATIVE ACTION IN OKLAHOMA

After considering the development of segregation and desegregation in higher education, affirmative action in recruiting and retaining black students and faculty has been explored. At this point the writer will assess current trends in Oklahoma's institutions of higher education and how they are or are not in compliance with the goals of affirmative action as laid down by the office of Civil Rights. Also to be examined are the disparities since 1962, the progress in alleviating those disparities, and the current goals of the Oklahoma State Regents for Higher Education.

In 1962, there were 297 black first-time freshmen enrolled in Traditionally White Institutions (TWI) which was 2.7% of the total TWI enrollment. By 1983, black students accounted for 7.2% of the TWI's first-time freshmen enrollment which was 93% of all black first-time freshmen.¹

The Annual Report of the Oklahoma State Regents for Higher Education reported:

Black students equaled 6.4% of the total 1983 fall enrollment in the State System. As of fall 1983, 89.6% of all Black students attending college in the State System were at TWIs. The Black

students in Oklahoma move directly from high school into college at eight-tenths the rate of White students. Seven of the eleven four-year TWIs met their first-time freshmen and transfer maximum goals for fall 1983. The ratio for Black bachelor's and master's degrees for 1983-84 have actually been surpassed in 1982-83. However, Black students are only attaining their bachelor's degree at three-fourths the rate of their White counterparts. The transfer patterns between junior and senior institutions continue to be equitable for Black students, as does the movement of Black bachelor's degree recipients into graduate school. Distribution among graduate disciplines continues to be uneven. There were, for example, no Black students entering graduate study in math or physical science in the Fall, 1983.²

The Oklahoma State System of Higher Education serves the black student population at 75% of the rate that it serves the white student population. "Most levels of service are at 80% to 90% of an ideal parity."³ "Black students accounted for 6.4% of the total enrollment within the State System in the fall of 1983. This compares with 6.3% in the fall of 1982 and 6.2% in the fall of 1981."⁴ The overall black population of Oklahoma equals 6.7% of the general population.

In the 1982-83 academic year, 9.3% of the total Oklahoma high school graduating seniors were black, and in the fall of 1983 7.7% of the first-time-entering freshmen in the State System of Higher Education were black. Of these black first-time-entering freshmen, 92.9% were in attendance at TWIs.⁵

Thirty-eight (38%) percent of the white high school seniors in the 1982-83 academic year enrolled as first-time college freshmen in the fall of 1983. In comparison, 32.1%

of the black high school seniors from the same year enrolled as first-time college freshmen in the fall of 1983. This ratio of disparity is .84/1.00 of black to white students.

The following was taken from the Oklahoma House of Representatives' Special Committee on Affirmative Action in Higher Education, 1985 Report:

For the past three years, the aggregate progression of black students in state institutions of higher education was at an annual rate equal to nine-tenths that of the progression of white students. And since this rate is cumulative, over a four-year period black students will finish at only three-fourths the rate of their cohort white students. For example, a comparison of black to white undergraduate student progression from 1982-83 to the fall of 1983 by the Oklahoma State Regents showed that 52% of the black students left school, as compared to 46% of the white students. 32% of these black students did not later return, as opposed to a non-return rate of 26% for the white students who had left. Such figures tell the tale of graduation comparisons.⁶

Hiring by Institutions

As with student enrollment, statistics show that the rate of hiring of black faculty has remained static over the past decade. As with student enrollment in which the majority is greatest at the freshman level, the greatest number of black academic employees at traditionally white institutions (TWI) occurs in the thirty- to forty-year-old range. The State Regents have noted that if minority hiring rates are maintained, the participation of blacks will be increased as older employees retire.⁷

Due to the fact that most higher education faculty do not have their terminal degrees before they are thirty or older, the most significant age groups are those between thirty-one and forty-five years of age (Figure 1). If the institutions maintain the current hiring rates, the number of black academic employees will rise as the young blacks move up through the system and as the older employees of all races move out and retire. A younger academic employee is twice as likely to be black as an older one.⁸

Robert J. Menges and William Exum underscore the above statement in their article "Barriers to the Progress of Women and Minority Faculty." They found that nationally, 36% of black faculty was tenured while 54% of white faculty was tenured. However, Menges and Exum also found that 39% of black faculty was on tenure track while only 28% of white faculty were teaching on a tenure track.⁹

The Oklahoma State Regents for Higher Education has two types of employment goals for TWIs: (1) to require the TWI to hire black employees at the rate they appear in the relevant labor market; and (2) participation based on the relevant labor market and on the maintenance of current black employee hiring has proven more successful than faculty hiring.¹⁰

In May, 1984 each public institution of higher education in the State System submitted its respective Affirmative Action Compliance Plan for the 1983-84 academic year through the State Regents' Office to the Office of Civil

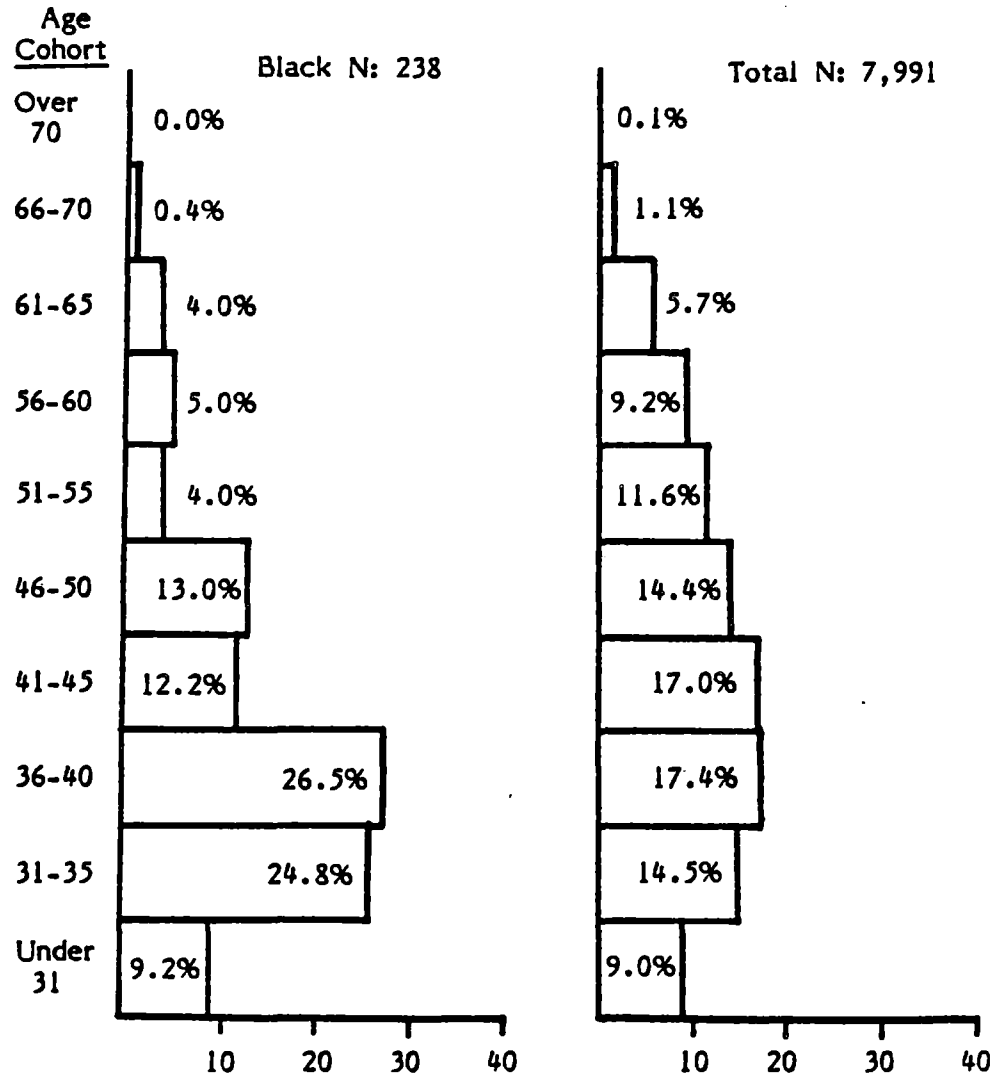


Figure 1. Percent of Age Cohorts of Black Compared to all Full-Time Academic Employees at Traditionally White Institutions in 1983-84

Source: UDSPP80A Full-time Personnel-Planning for the Eighties (1983-84) White Aggregate

Oklahoma State Regents for Higher Education. "Annual Report," Compliance with Title VI of the Civil Rights Act. (1984), p. 56

Rights. Although several institutions met their goals in various categories, none of the combined maximum goals for the state were met. However, the participation rates for the "professional, teaching, and research position" category were above market availability by 8.4%, and the rates for classified employees exceeded market availability by 51.9%. In both cases the minimum goals for 1984-85 as agreed upon in the Extended Revised State Plan were exceeded in the 1983-84 year.¹¹

Over the past seven years the number of black academic employees at TWIs has increased 31% over 1977-78. However, concurrent growth of the total number of academic employees has kept the percentage level of participation almost exactly the same as seven years ago (Table I). By this analysis, all of the effort, resources, time, and personal consideration expended on affirmative action throughout the institutions for more than half a decade, have gone into maintaining the relative position of black academic employees rather than making gains.¹²

Affirmative action is not a panacea. It cannot, in and of itself, increase the number of black students enrolled in undergraduate and graduate school nor increase the number of black faculty in higher education. It can be of assistance in providing training and employment opportunities. It can be the means for eliminating overt acts of

TABLE I
 BLACK FULL-TIME ACADEMIC EMPLOYEES AS A
 PERCENTAGE OF THE TOTAL ANNUAL
 FULL-TIME NEW HIRES

Category	1981-82	1982-83	1983-84
Administrative	6.3%	13.6%	15.4%
Faculty	4.0%	3.2%	5.1%
Professional	5.0%	5.0%	5.9%
Total Academic	4.5%	4.9%	6.0%

Source: OCR 7000-9000 Alb

Source: Oklahoma State Regents for Higher Education.
Compliance with Title VI of the Civil Rights Act.
 Annual Report, 1984, p. 50.

employment discrimination for minorities, therefore advancing the probability that a greater number in ladder faculty positions will increase.

Final Recommendations of the Ross Committee

The Oklahoma House of Representatives' Special Committee on Affirmative Action in Higher Education, chaired by Representative Don Ross, made the following recommendations.

Affirmative action can and will become more effective at individual institutions when:

There is a strong commitment of the legal governing body, president, or the highest campus administrative office and senior administrative staff to the goals of affirmative action. That commitment must be exemplified in budgetary allocations and provisions for adequate support staff. Further, the campus community must know that affirmative action enjoys the strong commitment of the campus administration and is a high priority.

Faculty representatives from each academic unit form an active campus-wide committee to focus on problems and solutions relative to effective affirmative action policies and procedures.

More attention is given to the retention of new untenured minority faculty. In this regard, programs or activities which ensure that institutional expectations for promotion and retention are well known and are thought to be highly valuable. A faculty mentor program which pairs junior faculty with knowledge and sensitive senior faculty could be quite useful here.

Grants are made during the early years of employment to assist the research and publication activities of all junior faculty where needed, but particularly for minorities.

More emphasis is given to grooming minority graduate students for faculty positions in higher

education. Greater use of members from these groups as research and teaching assistants should be made. Further, increased opportunities for postdoctoral fellowships should be provided.

More active recruitment of minorities is engaged in by all members of the administrative, professional, and academic staff. As part of a well-formulated recruitment program, travel to various conferences by staff members might be combined with recruitment activities in the secondary schools and colleges located in the geographical areas in which these conferences are held.

There is a high level campus affirmative action officer with sufficient budget, staff, and clout to enforce campus affirmative action policies and to develop and administer programs designed to enhance affirmative action goals. Such a person should be a tenured faculty member empowered to intervene when appropriate in matters pertaining to affirmative action at any organizational level.

Affirmative action programs are considered as a set of interrelated, mutually reinforcing activities. As such, campus affirmative action programs should be well planned, coordinated, and monitored centrally.¹³

State Representative Ross' Special Committee Report further states that "faculty search committees should be made to realize that 'affirmative action' and 'academic excellence' are not mutually exclusive." It is also expressed that they "would like to make it clear that not every minority professor can be (or is) a Jackie Robinson! Are all of the white professors on campus 'super stars' in their fields? No."¹⁴

It was previously stated in Chapter II of this paper that "the (national) pool of potential and actual candidates for academic positions contains relatively small numbers of minorities."¹⁵ Another problem that was addressed

by Andrulis et al. in their article "Predominantly White Institutions of Higher Education-An Examination of Some Demographic and Mobility Characteristics" was the birth and migration patterns of black professionals. They found that 37% of the black professionals were born in the South and Southeastern United States but that only 15% are employed there. Five percent (5%) were born in the Southwest and 4% have remained. The far West, Midwestern, Central, and Eastern sections accounted for only 49% at birth but account for 76% employment.¹⁶

This chapter has addressed the current trends in black/white student enrollment in Oklahoma. Also, the current trends in hiring of faculty, administrators, and classified personnel. The recommendations of the Oklahoma House of Representatives' Special Committee on Affirmative Action in Higher Education have been presented along with some possible pitfalls in achieving the fulfillment of the Ross Committee's recommendations. Chapter VI will present the conclusions of this paper along with recommendations for a more realistic approach to reaching black/white student parity by assessing goals on a regional basis rather than a State System basis. A view of the racial make up of the home counties of the 26 institutions involved in this study will be addressed regarding hiring and retention of black employees.

ENDNOTES

¹Oklahoma State Regents for Higher Education. Compliance with Title VI of The Civil Rights Act. Annual Report (1984), p.6.

²Ibid., p. 2.

³Ibid., p. 6.

⁴Ibid., p. 9.

⁵Ibid.

⁶Oklahoma House of Representatives, Special Committee on Affirmative Action in Higher Education, Report (1985), p. 9.

⁷Ibid.

⁸Oklahoma State Regents for Higher Education, Annual Report (1984), pp. 53, 57.

⁹Robert J. Menges and William H. Exum, "Barriers to the Progress of Women and Minority Faculty," Journal of Higher Education, 54, No. 2 (1983), p. 126.

¹⁰Oklahoma House of Representatives, Report (1985), p. 9.

¹¹Oklahoma State Regents for Higher Education, Annual Report (1984), p. 51.

¹²Ibid.

¹³Oklahoma House of Representatives, Report (1985), pp. 12-13.

¹⁴Ibid., p. 10.

¹⁵Menges and Exum, p. 128.

¹⁶Dennis P. Andrulis, Ira Iscoe, Melvin P. Sikes, and Thomas Friedman, "Predominantly White Institutions of Higher Education - An Examination of Some Demographic And Mobility Characteristics," The Journal of Negro Education, 44 (Winter, 1975), p. 8.

CHAPTER VI

DEMOGRAPHIC EVALUATIONS, CONCLUSIONS, AND RECOMMENDATIONS

This study examined the impact de jure segregation, desegregation, and affirmative action has had in recruiting and retaining black students and faculty in the various institutions of higher learning in Oklahoma. Chapter III reviewed extensively the history of segregation in Oklahoma from the Louisiana Purchase in 1803 to the desegregation decision of Brown v. the Board of Education of Topeka, Kansas II in 1955.

The federal requirements on affirmative action mandated by the Office of Civil Rights were presented and evaluated in Chapter IV. The state of Oklahoma was required to reach a racial parity of blacks to whites in each institution of higher learning based on a statewide population distribution of 6.7% blacks.

Demographic Evaluation Reflecting Student Enrollment

The final concern to be addressed in this study is the demographic distribution of the black people of Oklahoma and how that distribution effects the racial parity in higher

education based on a statewide system. The state map (Figure 2) showing the percentage of black population per county indicates the de facto segregation of the state of Oklahoma based on resident location. The demographics, according to the U.S. Census Bureau's 1980 census, indicates that twenty-one counties have a black population of less than 1% with nine actually having none. Eighteen counties have over 1% but less than 3% and another twenty-one counties have over 3% black population but less than the state average of 6.7%. These statistics represent an accumulative total of sixty Oklahoma counties with less than 6.7% population. The Office of Civil Rights has mandated that every institution of higher education must enroll a minimum of 6.7% black students and employ the same equivalent of black faculty and classified personnel.

When one looks at Table II, one will see that seventeen of the twenty-six institutions involved in this study are located in counties with less than the mandated 6.7%. The Office of Civil Rights (OCR) has stated in various publications that an institution such as Cameron University with a current enrollment of 15.5% black students has done an excellent job in adhering to the mandate. However, when one examines the black population of Comanche County, where Cameron is located, one finds the county has a black population of 21.3%. Other institutions cited by OCR as complying with the mandate are Central State University (8.8% black enrollment) and Rose State College (13.7% black enrollment)

TABLE II
 PERCENTAGE OF BLACK POPULATION IN THE
 COUNTY WHERE THE INSTITUTION
 IS LOCATED

Institution	County	Black population (%)
OU	Cleveland	1.8
OSU	Payne	3.2
CSU	Oklahoma	14.9
ECOSU	Ponotoc	3.4
NEOSU	Cherokee	1.6
NWOSU	Woods	0.5
SEOSU	Bryan	1.9
SWOSU	Custer	3.7
Cameron	Comanche	21.3
Panhandle	Texas	0.3
USAO	Grady	4.3
CAJC	LeFlore	2.7
Rogers	Rogers	0.9
Connors	Muskogee	18.6
Eastern	Latimer	2.3
ERJC	Canadian	2.4
Murray	Johnston	3.1
NEOMC	Ottawa	0.4
NOC	Kay	2.1
Rose	Oklahoma	14.9
Seminole	Seminole	10.0
OCCC	Oklahoma	14.9
TJC	Tulsa	10.9
WOSC	Jackson	10.5
Sayre	Beckham	2.2
Langston	Logan	16.6

TABLE III
 PERCENTAGE OF BLACK TO WHITE RESIDENTS IN
 THE COUNTIES WHICH PROVIDE 10% OR
 MORE OF THEIR FIRST-TIME-ENTERING
 FRESHMEN TO EACH INSTITUTION

Institution	No. of Counties	% Black to white	% Blacks Enrolled	% of Deviation
OU	10	9.75	3.9	-5.8
OSU	40	8.3	2.7	-5.6
CSU	4	14.1	0.2	-5.9
ECOSU	10	3.9	4.6	+0.7
NEOSU	7	6.7	5.8	-0.7
NWOSU	10	1.6	2.4	+0.8
SEOSU	10	7.2	3.6	-3.6
SWOSU	18	2.7	2.8	+0.1
Cameron	4	14.4	15.5	+1.1
Panhandle	3	0.002	0.5	+0.3
USAO	2	4.0	4.7	+0.7
CAJC	4	6.5	3.6	-2.9
Rogers	4	1.5	2.3	+0.8
Connors	5	10.2	10.6	+0.4
Eastern	7	6.6	5.5	1.1
ERJC	3	2.9	3.0	+0.1
Murray	9	4.4	4.15	-0.3
NEOAMC	6	2.2	5.1	+2.9
NOC	6	3.7	1.4	-2.3
Rose	3	11.4	13.7	+2.3
Seminole	5	5.1	4.9	-0.2
OCCC	5	10.7	3.9	-6.8
TJC	6	8.9	6.7	-2.2
WOSC	5	9.2	6.6	-2.6
Sayre	2	1.7	0.3	-1.4
Langston	1	16.6	50.0	+43.4

which are both located in Oklahoma County where the black population is 14.9% as indicated on Table II. The only other institution exceeding the 6.7% is Conners State College (10.6% black enrollment) which is located in Muskogee County with a black population of 18.6%. These figures indicate that if one is to examine the system of higher education on an individual basis the parity/disparity percentage ratio is quite different.

Another method of evaluating the parity/disparity of institutions of higher learning in the state is by examining the counties from which an institution receives 10% or more of the graduating high school seniors each year. For the purpose of this discussion those will be identified as primary counties (Table III). Cameron University serves four primary counties with an accumulative black population of 14.4% and has an enrollment of 15.5% which places it 1.1% above racial parity. Central State University serves primarily four counties with an accumulative black population of 14.1% and a black enrollment of 8.2%, which reflects a disparity of 5.9%. Rose State college serves three counties with an accumulation of 11.4% black residents verses an enrollment of 13.7% black student enrollment which indicates it is 2.3% above racial parity. Conners State College, with 10.6% black enrollment, also rates above racial parity by 0.4% when one looks at the five primary counties served with an accumulative population of 10.2% blacks.

If one adds the total percentages of deviation, based on Table III, the total accumulated disparity of TWIs alone is -41.4%. However, if one injects Langston University's (TBI) percentage figures into the picture, the overall state percentage is in the positive column by +12.2%. These figures need to be considered in light of the fact that one institution, Langston University, has made a disproportionate contribution to the "positive" balance. The modal pattern for the state is negative.

This writer believes that the most realistic system for achieving racial parity in the institutions of higher education in the state of Oklahoma would be to determine the ratio of black population to white population in the primary counties served by an institution. Based on this ratio a truer parity could then be established for that institution. When one evaluates racial parity or equality of student enrollment on this basis, there are eight institutions that have a disparity of 2% or more. Southeastern Oklahoma State University has a 3.6% disparity while Oklahoma State University, The University of Oklahoma, and Central State University exceed 5% disparity as reflected on Table III.

A sociological study conducted by Walter R. Allen, a professor at the Center for Afroamerican and African Studies at the University of Michigan in Ann Arbor, found that "black students have not fared well on predominantly white college campuses."¹ The rate of attrition was found to be approximately five to eight times greater for black students

than for white students. The study focused on the levels of involvement in campus life, academic achievement levels, and future occupational goals.²

What makes this study relevant to the demographic distribution of blacks in Oklahoma is that the students who were reported to be actively involved in social life on campus had higher occupational goals than those who were not involved and were less inclined to withdraw from school.³ The implication one draws from this study as it relates to Oklahoma, is that the institutions of higher learning located in an area of the State that has a low percentage of black population, are less likely to acclimate students to a positive academic life. This writer must concur with Professor Allen that there has been so little research done in this area that it would be pure conjecture to arrive at a definitive conclusion.

The additional state colleges and universities can be appraised as to parity/disparity by examining Table II.

Demographic Evaluation Reflecting Faculty and Classified Personnel

The demographic distribution of black Oklahomans compared to white Oklahomans has a similar effect, if not a more negative effect, on traditionally white institutions in the hiring and retaining of black faculty and classified personnel than in the enrollment and retention of black students. As previously stated, it is unrealistic to expect

institutions of higher education to attract persons to a region where there is no probability for social or community interaction. According to general sociological trends people tend to migrate into geographic locations where people of similar cultural heritage reside.

As stated earlier in this chapter, Table II depicts the percentage of black residents in the county where each of the twenty-six institutions involved in this study are located. Based on these statistics one readily concludes that it is inconceivable that institutions located in counties with 3% or less black population can attract classified personnel in sufficient numbers to achieve a state system of parity mandated to the state of Oklahoma by the Office of Civil Rights.

Conclusions

This writer concludes that to meet the federal mandates concerning parity of black and white classified personnel in the state colleges and universities, blacks would be forced to relocate into communities long distances from others with similar cultural heritage. A second possibility would be for blacks to remain in their present residential setting and commute great distances to work. Therefore, this study concludes that it is unrealistic to have parity of black/white classified personnel on a statewide system.

Demographic Table II is also applicable to the hiring and retaining of black faculty and administrators. However,

there are other attractions for professionals that might contribute to their accepting a position with little or no cultural affinity, such as the involvement of a university in a particular research project or the teaching of a curriculum which is limited. Examples of such areas in Oklahoma are the exotic fisheries program at the University of Oklahoma or the equestrian program at Southeastern Oklahoma State University. Salary, too, can be a motivator for persons at all levels of society.

In view of the afore mentioned conclusions, it appears that a regional system based on county distribution of racial population would be far more realistic in creating parity in hiring and retaining black personnel than a statewide system.

This writer believes affirmative action is certainly viable and necessary in America and most certainly in Oklahoma's institutions of higher learning. However, a policy that works at Ohio State University or The University of California at Berkley is hardly realistic for Southeastern Oklahoma State University or Oklahoma State University. Officials must consider the demographics of a state and especially one that is geographically large and with a large rural population.

Rather than endorsing a statewide system of affirmative action in higher education, this paper supports a regional system based on county distribution of racial population. It is unrealistic to expect institutions of higher education

to attract persons to a region where there is no probability for social or community interaction.

A system of support should be developed to retain the black students who enter the institutions of higher learning in Oklahoma. This author believes that the primary support would be more black faculty. However, other means of support would be to encourage black students to become involved in fraternity and sorority life. This will involve a strong, concerted effort by all elements of the campus community.

Considerations For the Future

There are a number of topics to be considered for future research. One would be to examine how black students, administrators, faculty, and classified personnel feel about moving into a community which has less than 5% black population, and also to consider their views of the advantage or disadvantages of such a move.

Another research question to consider is why black students have a considerably higher attrition rate than white students nationally as well as in Oklahoma. A third area where additional research is needed is why the return rate of black college drop-outs is much less than that of white students.

ENDNOTES

¹Walter R. Allen, "Black Student, White Campus: Structural, Interpersonal, and Psychological Correlates of Success," The Journal of Negro Education, Vol. 54 (1985), p. 135.

²Ibid.

³Ibid, p. 145.

BIBLIOGRAPHY

- Allen, Walter R. "Black Student, White Campus: Structural Inter-Personal, and Psychological Correlates of Success." The Journal of Negro Education. Vol. 54 (1985), pp. 134-147.
- Adams v. Bell, Civil Action, Third Supplement Order (D. D. C. 1984).
- Adams v. Califano, Civil Action No. 3095-70, Second Supplement Order (D. D. C. April 1, 1977).
- Adams v. Richardson, 356 F. Supp. 92 (D. D. C. 1973).
- Andrulis, Dennis P., Ira Iscoe, Melvin P. Sikes, and Thomas Friedman. "Predominantly White Institutions of Higher Education--An Examination of Some Demographic and Mobility Characteristics." The Journal of Negro Education. 44 (Winter, 1975), pp. 1-12.
- Astin, Helen S. and Mary Beth Snyder. "Affirmative Action 1972-1982, A Decade of Response." Change. (July-August, 1982), pp. 26-59.
- Baron v. Baltimore, 7 pet. 243 (1833).
- Board of Regents for Oklahoma Agricultural and Mechanical Colleges. Transcript of Proceedings of Meeting. Special Session, Oklahoma City: January 24, 1948.
- _____. Transcript of Proceedings of Meeting. "Report of Committee on Applications of Negro Students For Admission to A. and M. College." Stillwater: March 16, 1949.
- _____. Transcript of Proceedings of Meeting. Special Session, Oklahoma City: May 19, 1948.
- Boulton, Scott W. "Desegregation of the Oklahoma City School System." The Chronicles of Oklahoma. 58 (Summer, 1980), pp. 192-219.
- Brown v. Board of Education of Topeka, Kansas, 347 U. S. 484 (1954).

- Brown v. Board of Education of Topeka, Kansas, 349 U. S. 294 (1955).
- Celarier, Mishell. "A Study of Public Opinion on Desegregation in Oklahoma Higher Education." The Chronicles of Oklahoma. 47 (Autumn, 1969), pp. 268-281.
- Cross, George Lynn. Blacks in White Colleges in Oklahoma. Norman: University of Oklahoma Press, 1975.
- _____. Professors, Presidents and Politicians: Civil Rights and the University of Oklahoma. Norman: University of Oklahoma Press, 1981.
- DeFunis v. Odegard, 416 U. S. 312 (1974).
- Devins, Neal. "Federal Courts Are Becoming Reluctant to Take the Lead in Civil Rights Reform." The Chronicle of Higher Education. XXIX, No. 14, November 28, 1984, p. 88.
- Drinan, Robert F. "Affirmative Action Under Attack." America. 150, February 4, 1984, pp. 65-68.
- Fairfax, Jean. Memorandum: Adams v. Bell Files, Oklahoma. New York: LDF, March 1, 1980.
- Farrell, Charles S. "U. S. Accepts College Desegregation Plans of Georgia and Oklahoma." The Chronicle of Higher Education. XXVII, No. 8, October 19, 1983, p. 23.
- Fehrenbacher, Don E. Slavery, Law and Politics: The Dred Scott Case in Historical Perspective. New York: Oxford University Press, 1981.
- "Few Aggies Like 'Deep South' Abolition." Daily O'Collegian. 1 July 1955, p. 1.
- Fleming, John E. The Lengthening Shadow of Slavery: A Historical Justification for Affirmative Action for Blacks in Higher Education. Washington, D. C.: Howard University Press, 1976.
- Franklin, Jimmie L. The Blacks in Oklahoma. Norman: University of Oklahoma Press, 1980.
- Fullinwider, Robert K. The Reverse Discrimination Controversy: A Moral and Legal Analysis. Towata, N. J.: Rowan and Littlefield, 1980.

- Hardeman, Carole. "Education Concerns." The State of Black Oklahoma. Urban League of Oklahoma City, Inc. (1984), pp. 1-13.
- Hubbell, John T. "Some Reactions to the Desegregation of the University of Oklahoma, 1946-1950." Phylon. (1973), pp. 187-196.
- _____. "The Desegregation of the University of Oklahoma, 1946-1950." The Journal of Negro History. 57, (October, 1972), pp. 370-384.
- Jacobson, Cardell K. "The Bakke Decision-White Reaction to the U. S. Supreme Court's Test of Affirmative Action Programs." Journal of Conflicts Resolution. Vol. 27, No. 4 (December, 1983), pp. 687-705.
- "Jim Crow is Down But Not Out." U. S. News and World Report. June 16, 1950.
- Langston University. Affirmative Action Compliance Program. Langston, Oklahoma, 1983.
- McLaurin v. Board of Regents, University of Oklahoma, 339 U. S. 637 (1950).
- Mansfield, H. C., Jr. "The Underhandedness of Affirmative Action." National Review. 36 (May 4, 1984), p. 26.
- Menges, Robert J. and William H. Exum. "Barriers to the Progress of Women and Minority Faculty." Journal of Higher Education. 54, No. 2 (1983), pp. 123-140.
- Mishkin, P. J. "The Use of Ambivalence: Reflections on the Supreme Court and the Constitutionality of Affirmative Action." University of Pennsylvania Law Review. 131 (March, 1983), pp. 907-931.
- Missouri ex rel. Gains v. Canada, 305 U. S. 337 (1938).
- Moon, F. D. "The Negro Public College in Kentucky and Oklahoma." The Journal of Negro Education 31 (Summer, 1962), pp. 322-329.
- Oklahoma, Constitution.
- Oklahoma House of Representatives Special Committee on Affirmative Action in Higher Education. Second Meeting, Audio Taped Meeting, Oklahoma State University, Stillwater, Oklahoma, (October 23, 1984).
- _____. Third Meeting, Audio Taped Meeting, Excelsior Hotel, Tulsa, Oklahoma, (November 15, 1984).

- _____. Fourth Meeting, Audio Taped Meeting, University of Oklahoma, Norman, Oklahoma, (December 3, 1984).
- Oklahoma House of Representatives. Special Committee on Affirmative Action in Higher Education, Report. (1985).
- Oklahoma State Regents for Higher Education. Compliance with Title VI of the Civil Rights Act, Extended Revised State Plan. Oklahoma City: State Capitol, (1983).
- _____. Compliance with Title VI of the Civil Rights Act. Annual Report, Oklahoma City: State Capitol, (1984).
- _____. Compliance with Title VI of the Civil Rights Act. Annual Report, Supplement Two, Oklahoma City: State Capitol, (1984).
- _____. Historical Geographic Service Areas. A Report on Institutions by Students in Oklahoma Higher Education 1979-1983. Oklahoma City: State Capitol, (1984).
- _____. Compliance with Title VI of the Civil Rights Act. Special Report, 1984.
- Oklahoma State University. Action-Oriented Programs. An "Excerpt" from the: Affirmative Action Compliance Plan for Title VI 1983-1984 Academic Year, Stillwater, Oklahoma, 1984.
- Plano, Jack and Milton Greenberg. The American Political Dictionary. 7th ed., New York: Holt, Rinehart, and Winston, 1985.
- Plessy v. Ferguson, 163 U. S. 537 (1896).
- Reed, Rodney J. "Affirmative Action in Higher Education." Journal of Negro Education. Vol. 52 (Summer, 1983), pp. 342-349.
- Regents of the University of California v. Bakke, 46 L W 4896 (1978).
- Rudolph, Frederick. The American College and University. New York: Vintage Books, 1962.
- Scott v. Sanford, 19 Howard 393 (1857).
- Sindler, Allen P. Bakke, DeFunis and Majority Admission: The Quest for Equal Opportunity. New York: Longman, 1978.

- _____. "Racial Preference Policy, The Political Process, and The Courts." (Affirmative Action Symposium), Wayne Law Review. 226 (July, 1980), pp. 1205-1226.
- Sipuel v. Board of Regents of the University of Oklahoma, 332 U. S. 631 (1946).
- Sowell, Thomas. "Affirmative Action Reconsidered." The Public Interest Bulletin. 42 (Winter, 1976), pp. 1-19.
- _____. Civil Rights: Rhetoric or Reality. New York: William Morrow, 1984.
- Spivey, Donald. "Crisis on a Black Campus: Langston University and its Struggle for Survival." Chronicles of Oklahoma. 59 (Winter, 1981-82), pp. 430-447.
- State of Oklahoma Office of Personnel Management. Equal Employment Opportunity Statistical Report FY 1984. Oklahoma City: Office of Personnel Management, 1985.
- Synott, Marcia Graham. The Half-Open Door: Discrimination and Admissions at Harvard, Yale and Princeton, 1900-1970. Westport, CT: Greenwood Press, 1979.
- Title VI of the Civil Rights Act of 1964. 42 U. S. C. 2000d.
- The State of Black Oklahoma. Oklahoma City: Greater Oklahoma City Urban League, Inc., 1983.
- Thomas, Gail E. Black Students in Higher Education: Conditions and Experiences in the 1970's. Westport, CT: Greenwood Press, 1981.
- United Nations Chronicle. "Measures Taken by Fifteen States to Eliminate Racial Discrimination Examined." 18, S/D (1981), pp. 58-60.
- Upton, James N. Oklahoma: A Preliminary Assessment. Final Draft, Columbus, Ohio: The Ohio State University, April, 1984.
- _____. Desegregation of the Higher Education System in Oklahoma: A Preliminary Assessment. Conclusions and Recommendations, Columbus, Ohio: The Ohio State University, September, 1984.
- U. S. Congress. House. Public Law 88-352. "Title VI Nondiscrimination in Federally Assisted Programs." H. R. 7152, 88th Cong., July 2, 1964.

_____. Senate. Public Law 92-318. "Title IX-Prohibition of Sex Discrimination." S. 659, Education Amendments of 1972, 92nd Cong., June 23, 1972.

U. S. Constitution.

U. S. Department of Commerce. Bureau of Census. Census Population: General Social and Economic Characteristics; 1980. Vol. 1, Part 38, Oklahoma, July, 1983.

U. S. Department of Health, Education, and Welfare, Office of the Secretary. Memorandum to Presidents of Institutions of Higher Education Participation in Federal Assistance Programs. August, 1972.

Webster, A. Merriam. Webster's Seventh New Collegiate Dictionary. Springfield, Mass.: G and C Merriam Co., 1961.

Weiner, M. "Political Consequences of Preferential Policies: A Comparative Perspective." Comparative Politics. 16 (October, 1983), pp. 35-52.

APPENDIXES

APPENDIX A

MAPS: COUNTIES CONTRIBUTING TEN PERCENT
OR MORE OF THEIR FIRST-TIME-ENTERING
FRESHMEN TO THIS INSTITUTION ON
AN AVERAGE ANNUAL BASIS

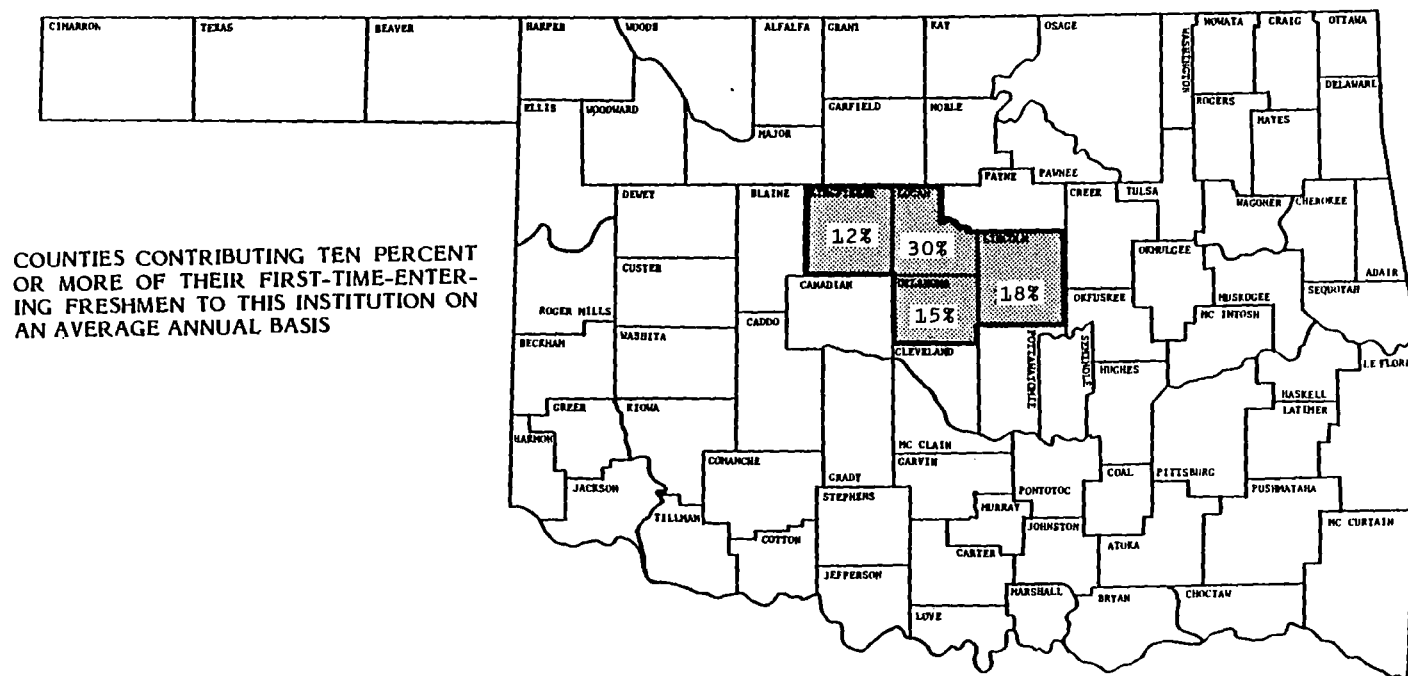


Figure 5. Central State University

Source: Historical Geographic Service (1984)

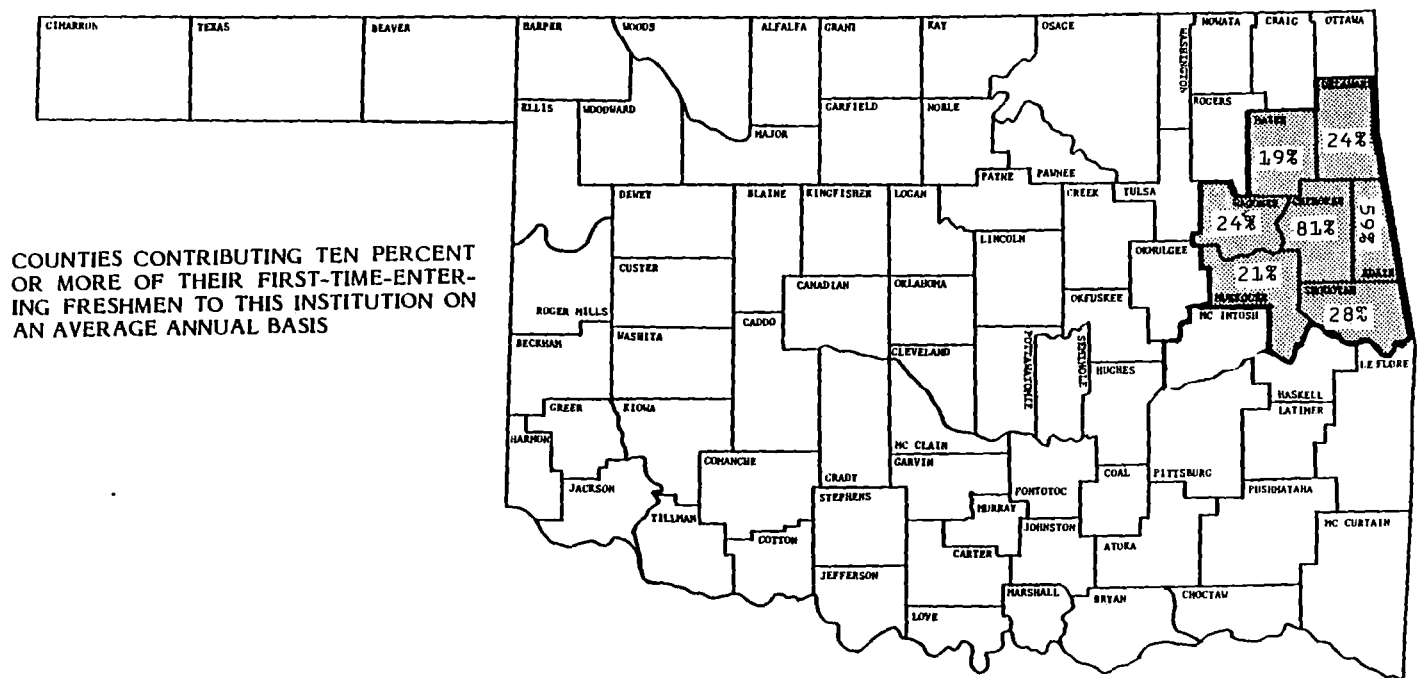


Figure 7. Northeastern Oklahoma State University

Source: Historical Geographic Service (1984)

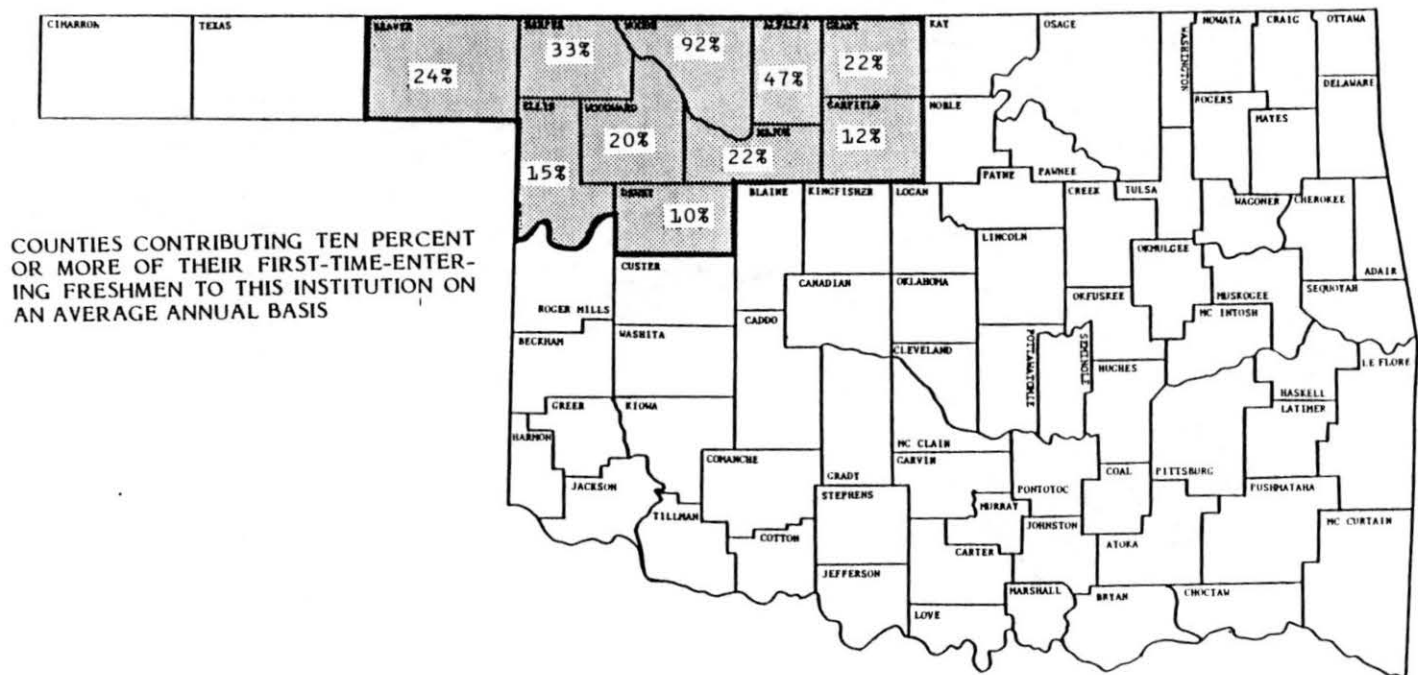


Figure 8. Northwestern Oklahoma State University

Source: Historical Geographic Service (1984)

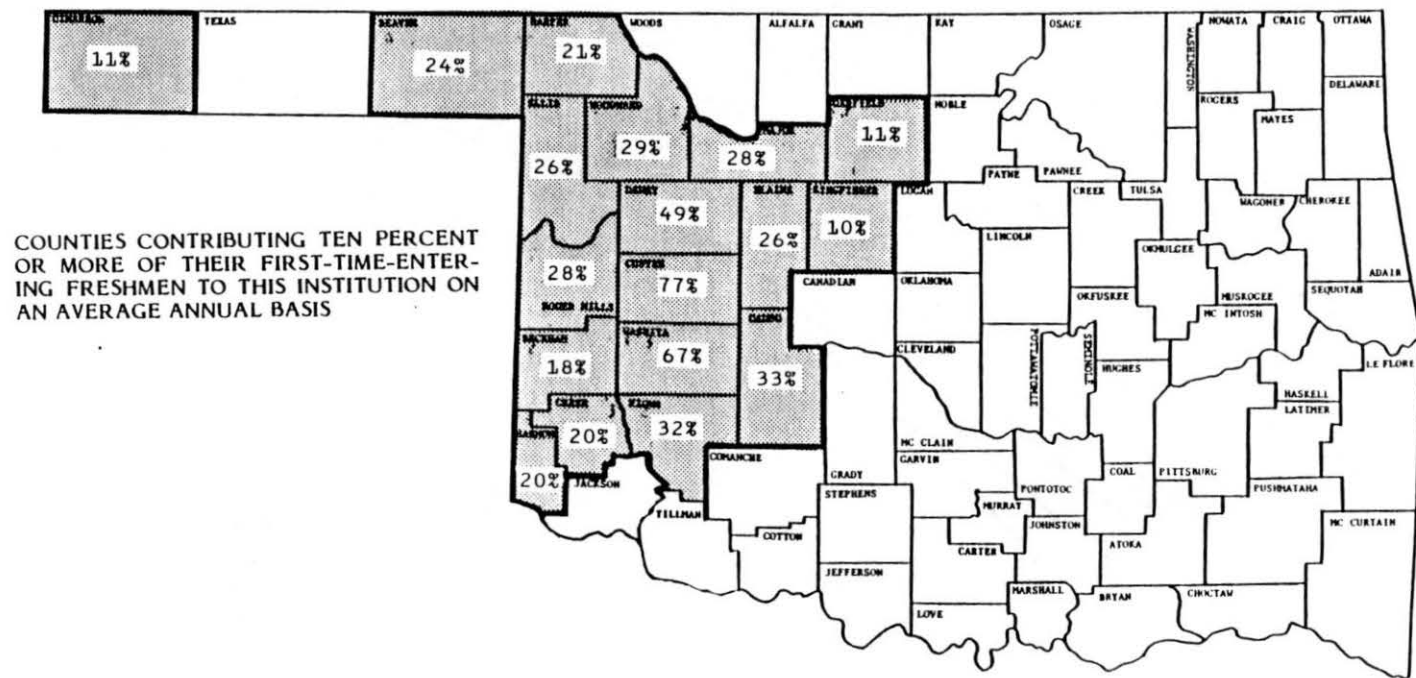


Figure 10. Southwestern Oklahoma State University

Source: Historical Geographic Service (1984)

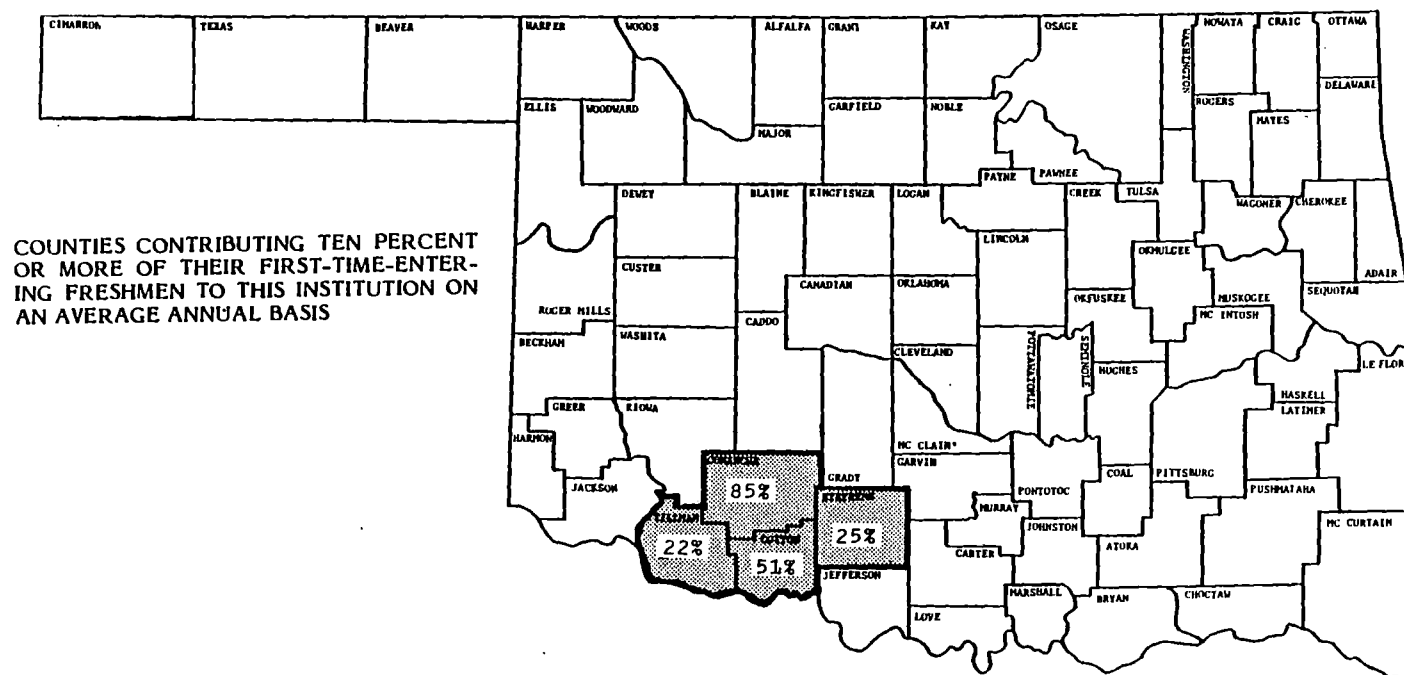


Figure 11. Cameron University

Source: Historical Geographic Service (1984)

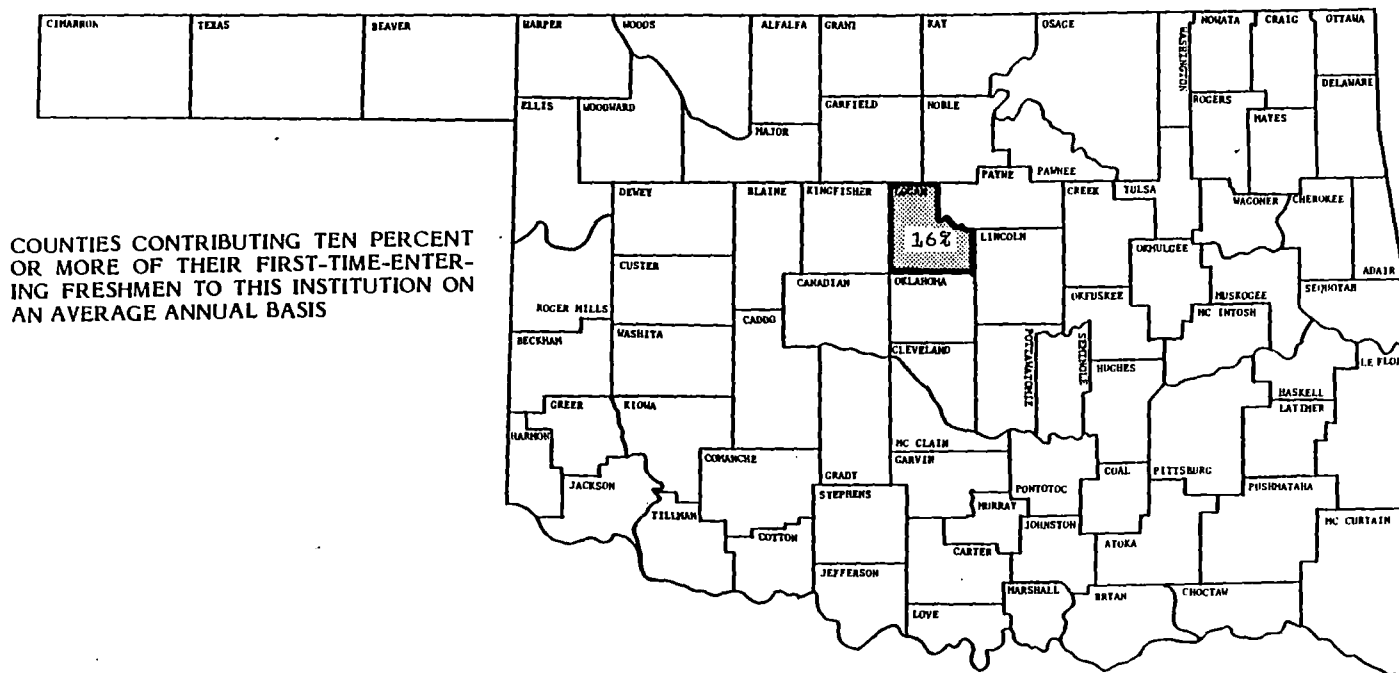


Figure 12. Langston University

Source: Historical Geographic Service (1984)

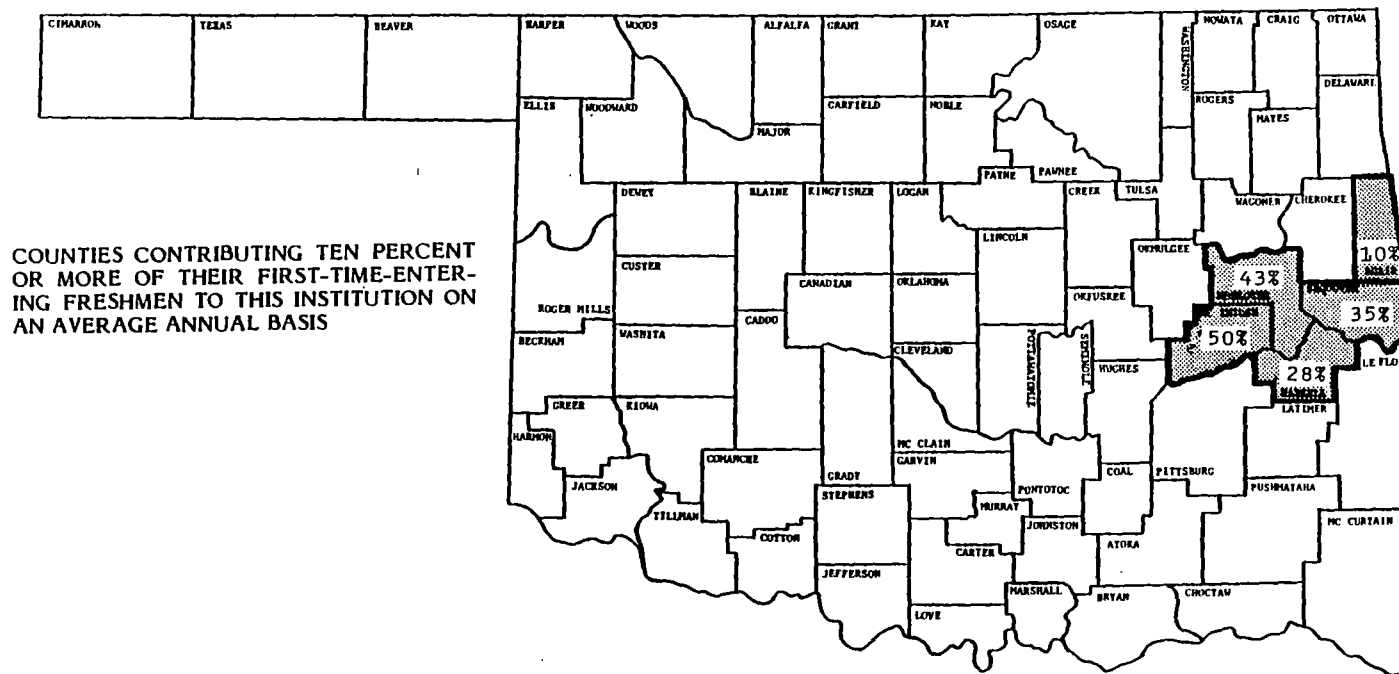


Figure 15. Connors State College

Source: Historical Geographic Service (1984)

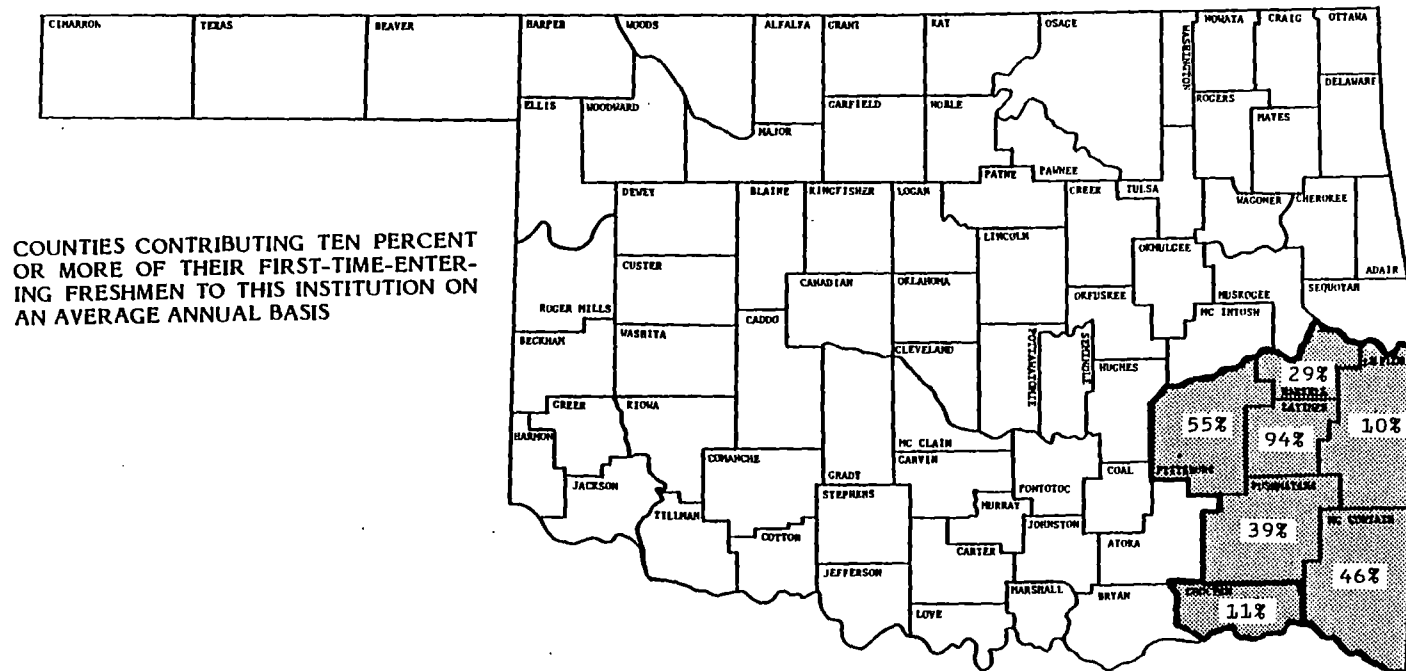


Figure 16. Eastern Oklahoma State College
 Source: Historical Geographic Service (1984)

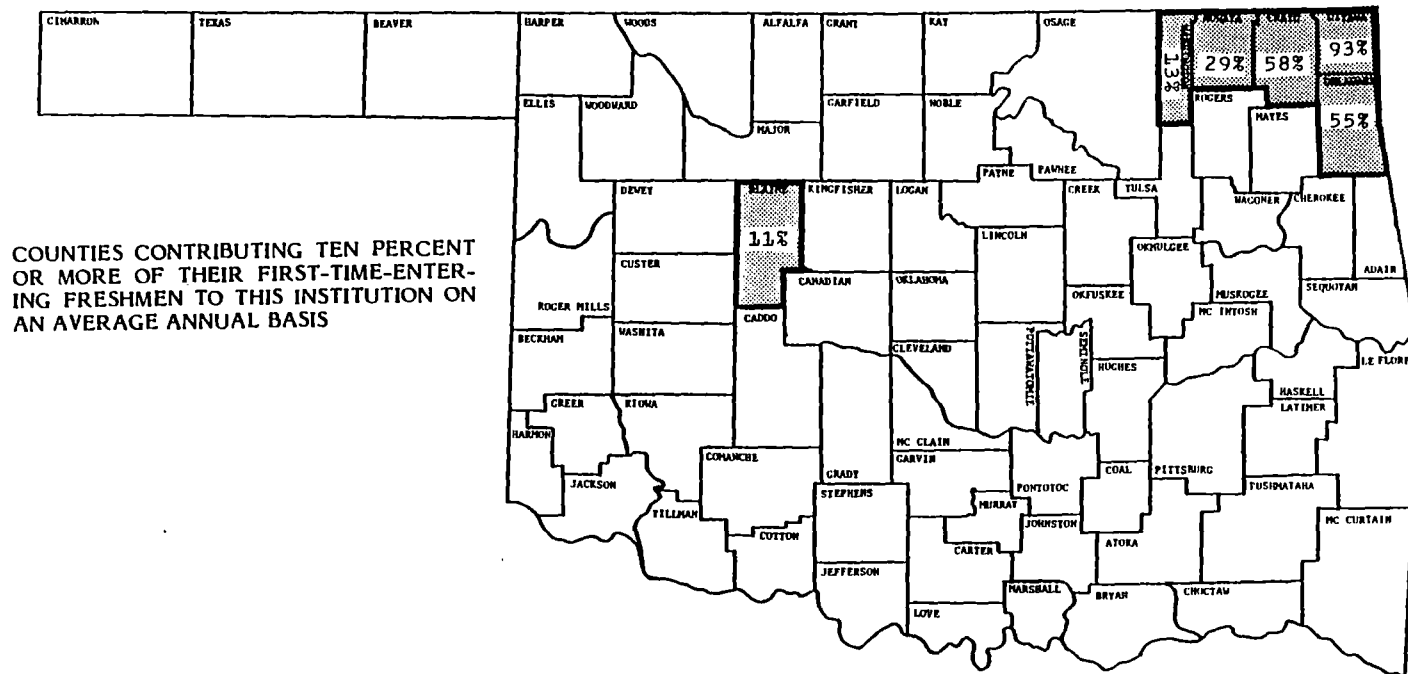


Figure 18. Northeastern Oklahoma A&M College
 Source: Historical Geographic Service (1984)

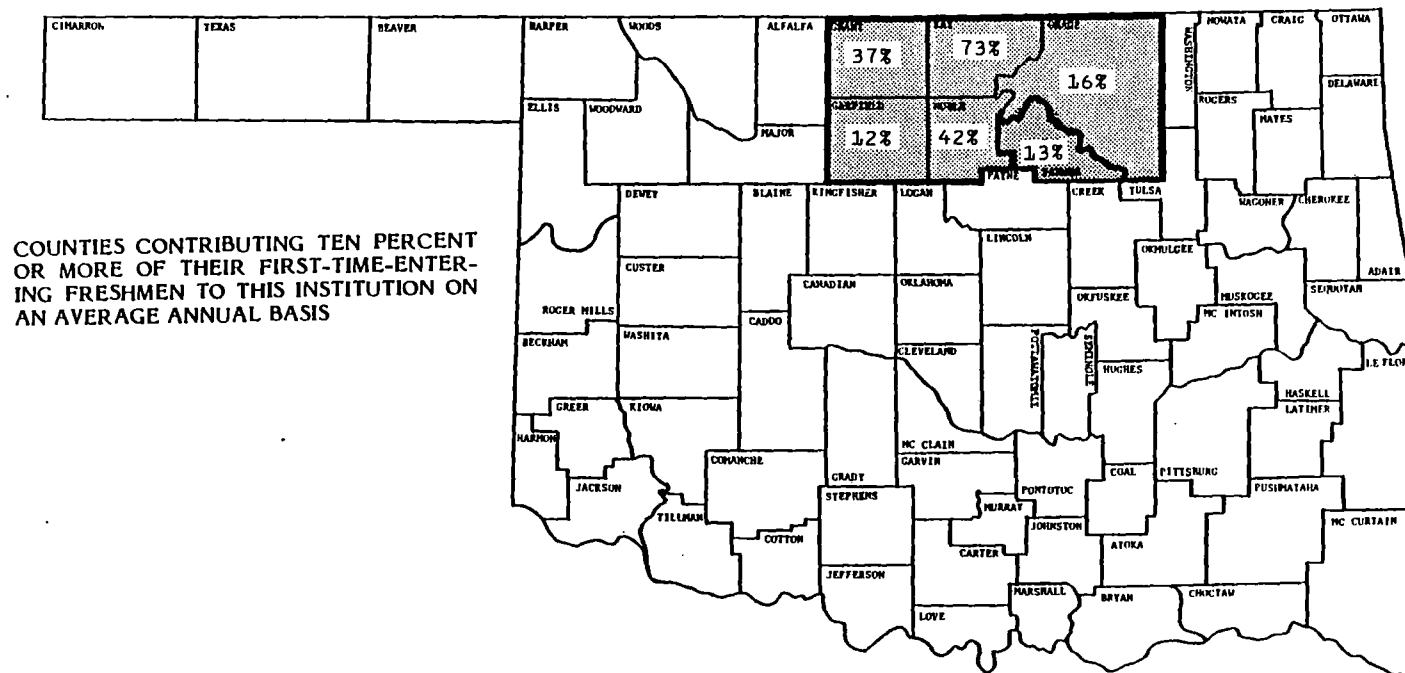


Figure 19. Northern Oklahoma College

Source: Historical Geographic Service (1984)

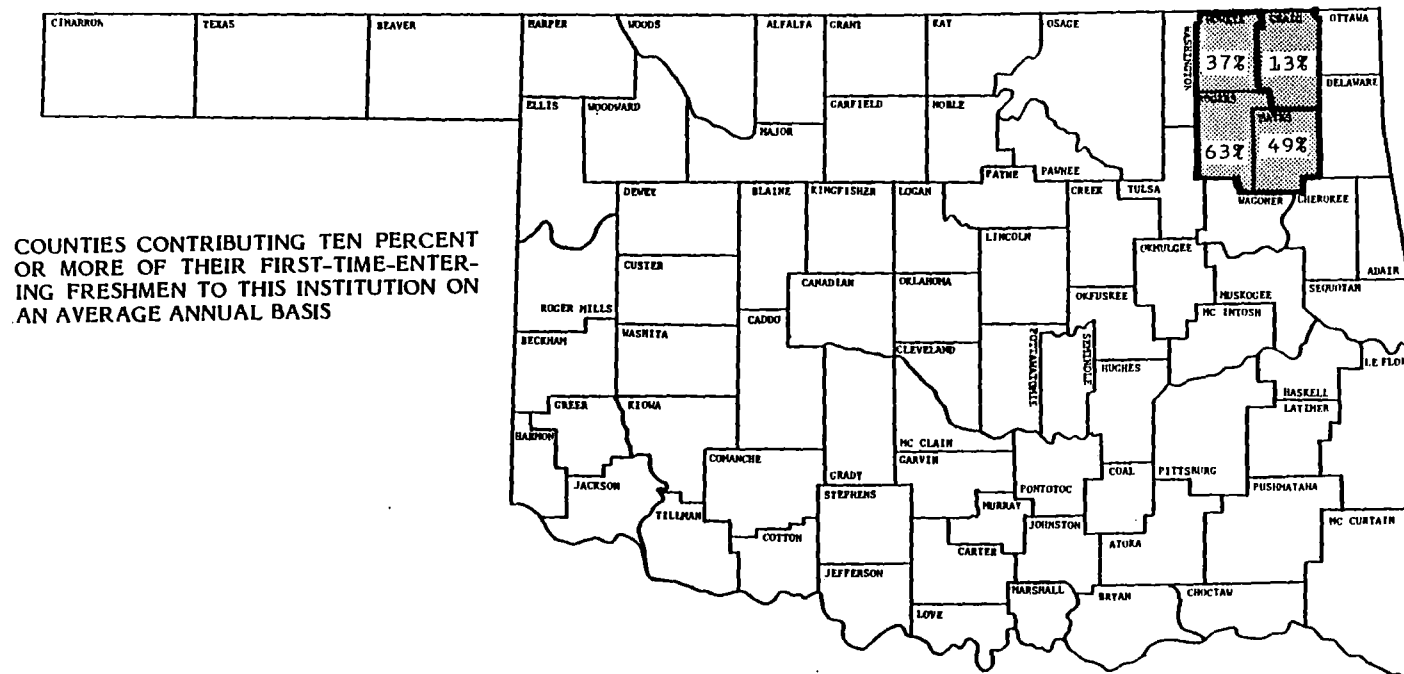


Figure 20. Rogers State College

Source: Historical Geographic Service (1984)

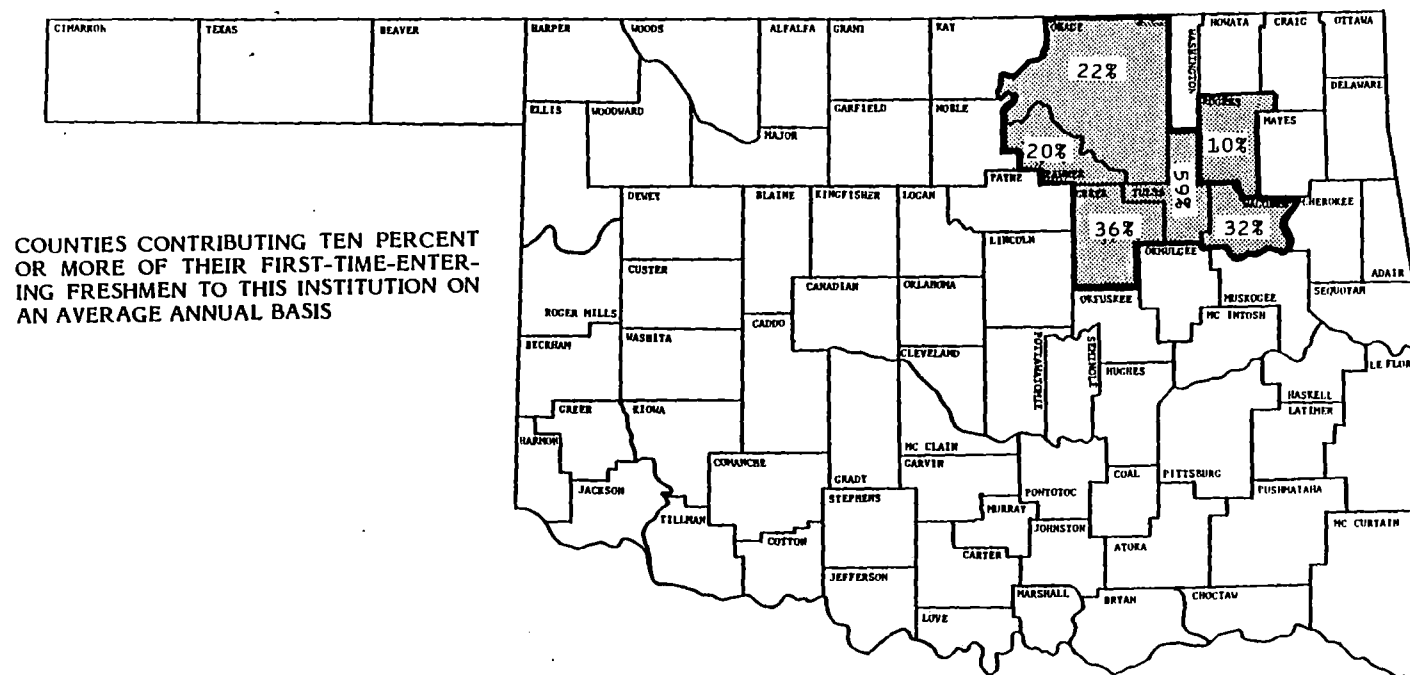


Figure 21. Tulsa Junior College

Source: Historical Geographic Service (1984)

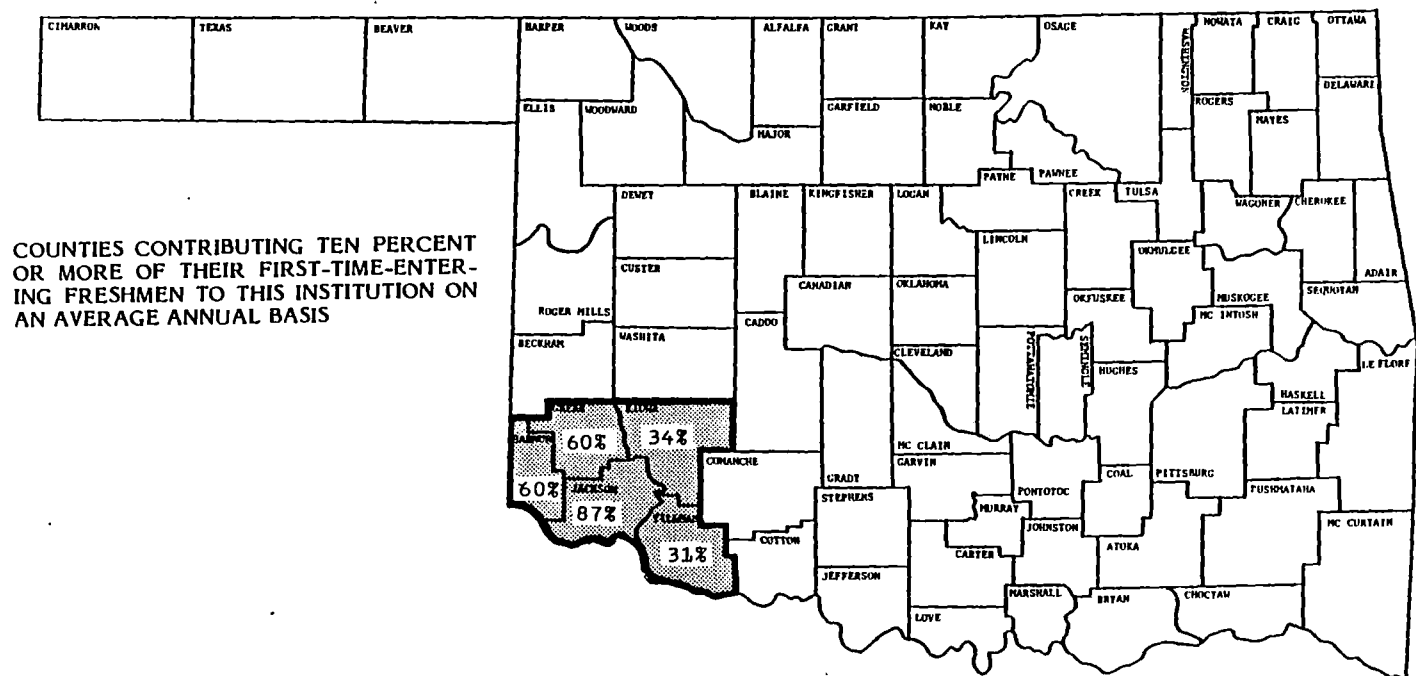


Figure 22. Western Oklahoma State College
 Source: Historical Geographic Service (1984)

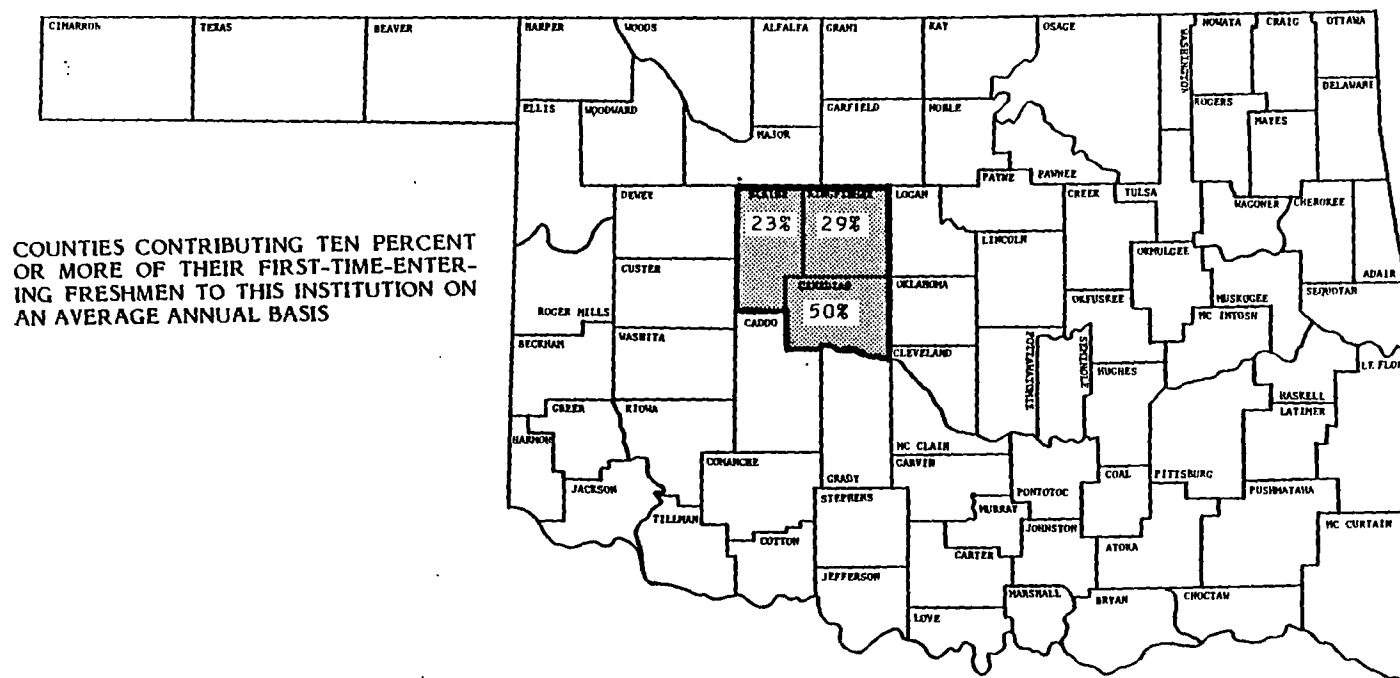


Figure 23. El Reno Junior College

Source: Historical Geographic Service (1984)

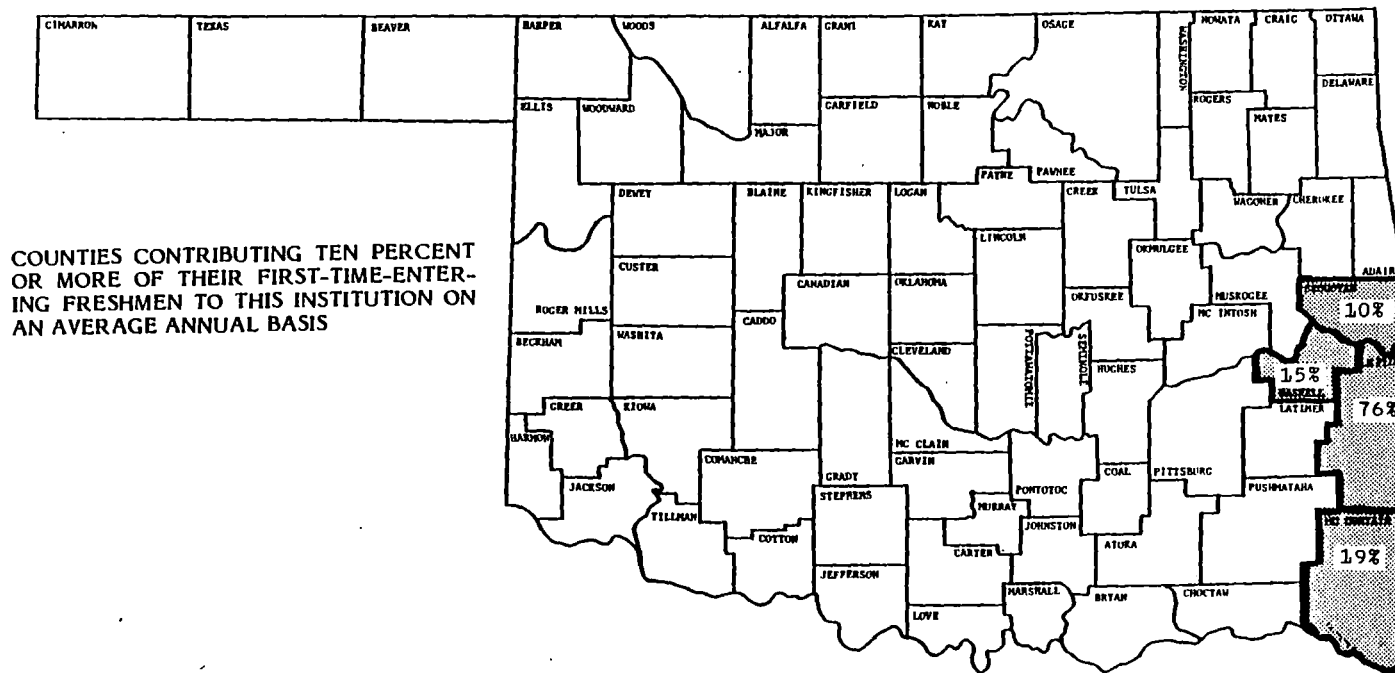


Figure 24. Carl Albert Junior College

Source: Historical Geographic Service (1984)

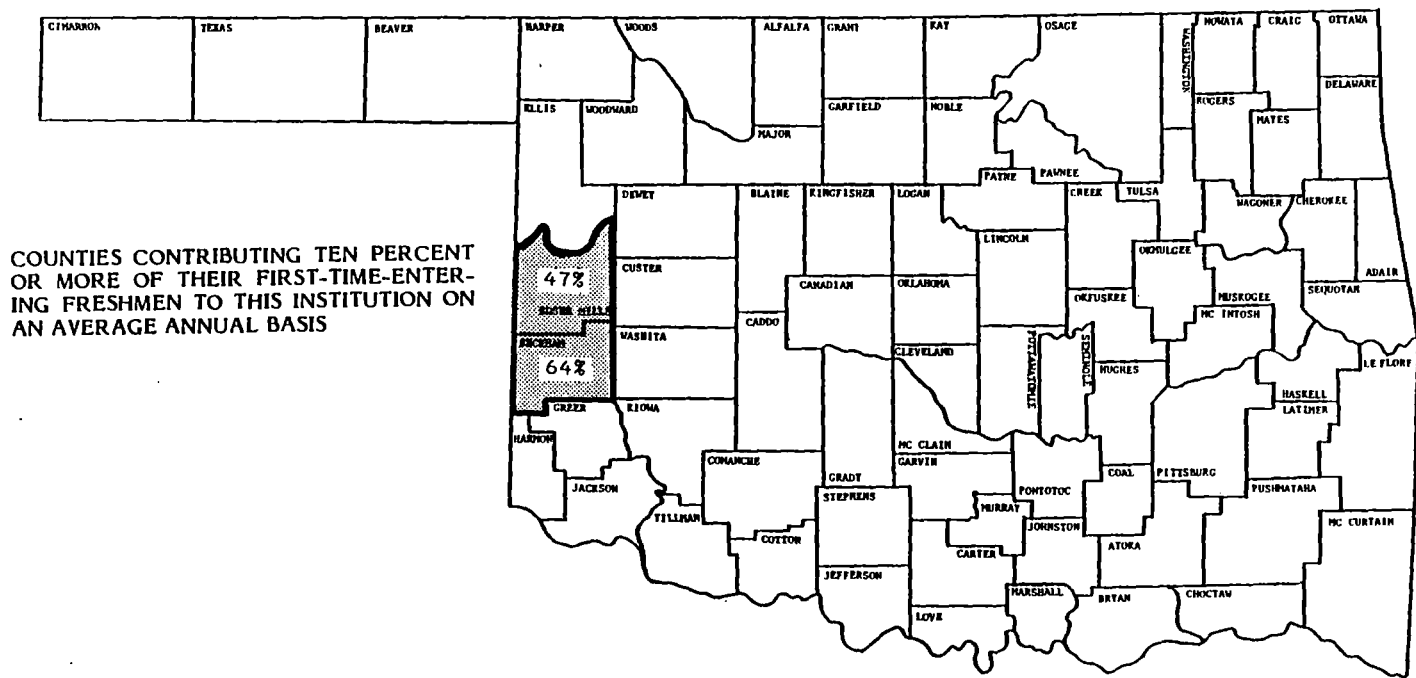


Figure 25. Sayre Junior College

Source: Historical Geographic Service (1984)

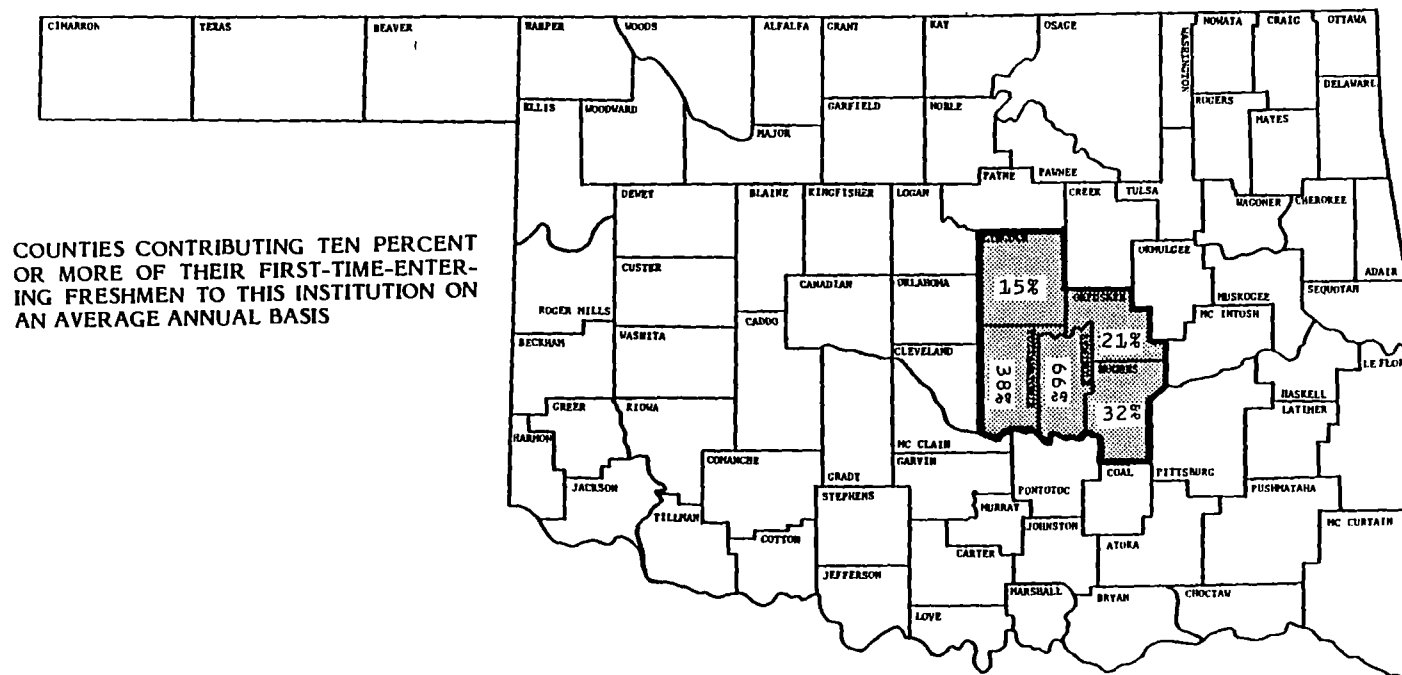


Figure 26. Seminole Junior College

Source: Historical Geographic Service (1984)

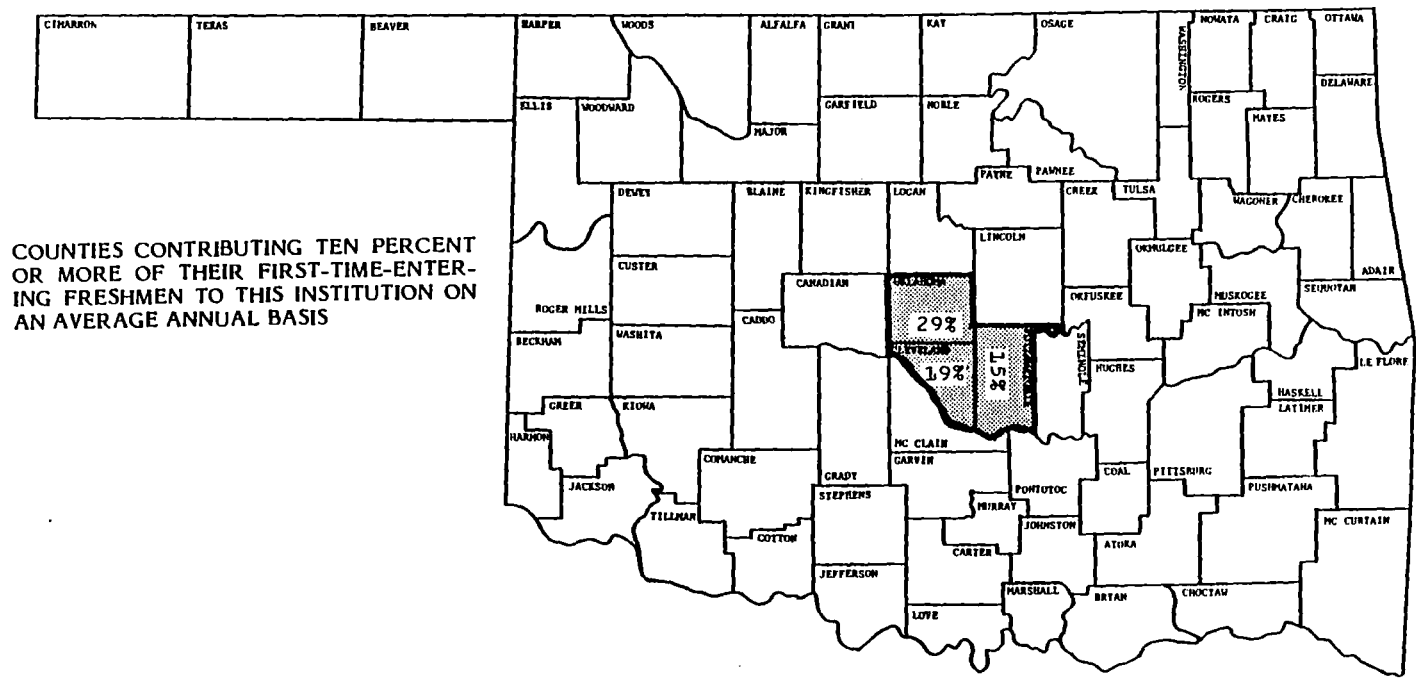


Figure 27. Rose State College

Source: Historical Geographic Service (1984)

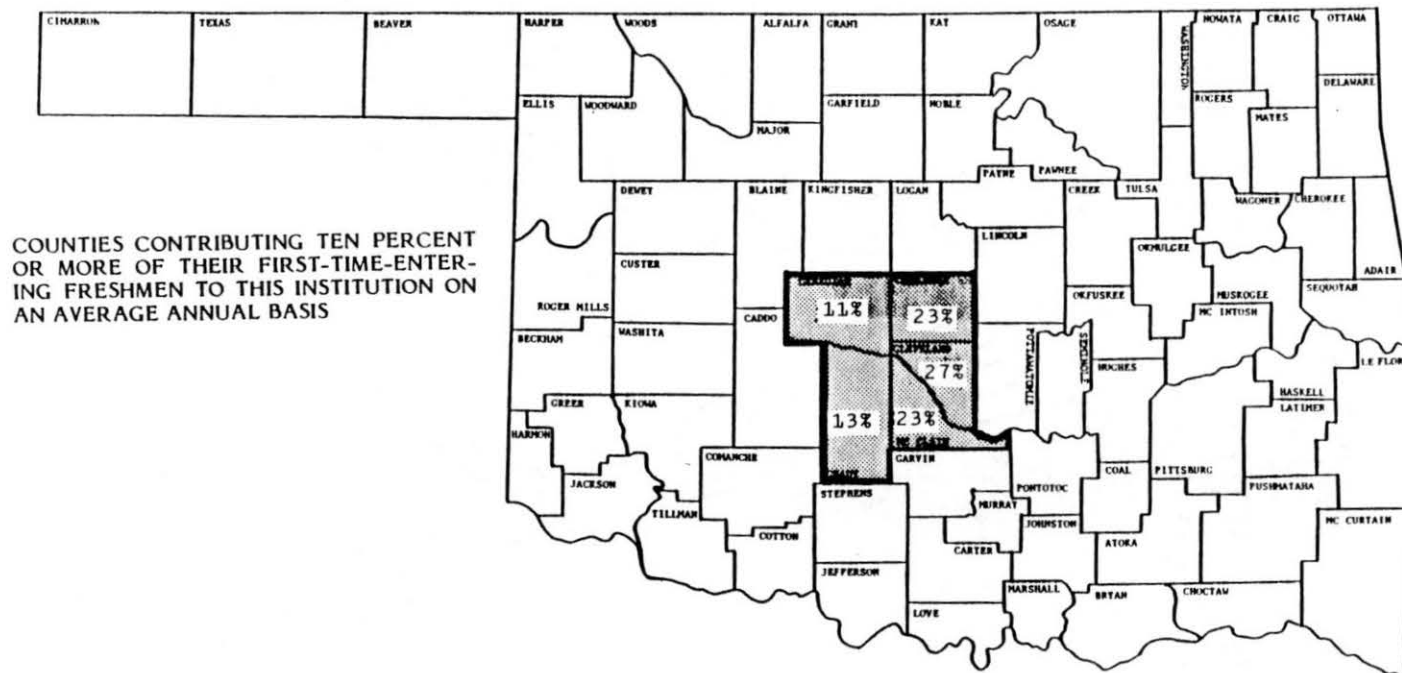


Figure 28. Oklahoma City Community College

Source: Historical Geographic Service (1984)

APPENDIX B

GLOSSARY

GLOSSARY

Affirmative Action--A plan or program to remedy the effects of past discrimination in employment, education, or other activity and to prevent its recurrence. Various federal and state statutes require affirmative action to redress past discrimination against racial or religious minorities, women, and to some extent, the aged and handicapped. Affirmative action usually involves a workforce utilization analysis, the establishment of goals and timetables to increase use of underrepresented classes of persons, explanation of methods to be used to eliminate discrimination, and establishment of administrative responsibility to implement the program. Affirmative action is to be distinguished from antidiscrimination or equal opportunity laws, which forbid unequal treatment rather than requiring positive corrective measures.¹

Amicus Curiae--A legal term meaning "friend of the court." As amicus curiae, individuals or groups not parties to a lawsuit may aid or influence the court in reaching its decision. The court may at its discretion give permission to or request persons to appear as amicus curiae. Often a party will seek to appear as amicus curiae when the decision in the case will affect his rights as well as the rights of those directly involved.²

Black/Minority/Colored--For the purpose of this paper these terms will be used interchangeably and synonymously for people of African Negroid ancestry.

Classified Personnel--Refers to employees of a given institution other than administration or faculty, i.e., secretarial, custodial, etc.

Desegregation--To free of any law, provision, or practice requiring isolation of the members of a particular race in separate units.³

De facto Segregation--The existence of racially segregated facilities that are, however, not required by law (de jure). De facto segregation refers especially to the school system in typical northern communities, in which neighborhood racial patterns lead "in fact" to predominantly black and white schools similar to those in the South that, in the past, were segregated by law.⁴

De jure Segregation--The existence of racially segregated facilities that are required by law.

NAACP (National Association for the Advancement of Colored People)--The major black civil rights group organized to promote observance of the Bill of Rights and related constitutional provisions. The NAACP concerns itself mainly with legislative and legal matters.

Normal School at Edmond--After numerous name changes became Central State University.

Oklahoma Agricultural and Mechanical College--In 1957 became Oklahoma State university.

Quotas--The number or amount constituting a proportional share.

Segregation--The separation of the white and black races in public and private facilities. Laws requiring the segregation of the races (Jim Crow laws) have been on the statute books of several states. In 1896, the Supreme Court upheld such laws under the "separate but equal" doctrine whereby blacks could be segregated if they were provided with equal facilities (Plessy v. Ferguson, 163 U.S. 537). Under this doctrine, a wide pattern of segregation developed in schools, transportation, recreation, and housing. Beginning in the 1940s, the Court began to weaken the separate but equal doctrine by insisting that the facilities provided for blacks, particularly in education, be equal indeed. Finally, in 1954, the Court struck down the separate but equal formula, holding that segregation based on color denied the equal protection of the law. (Brown v. Board of Education of Topeka, Kansas, 347 U.S. 483).⁵

White Students--Under the Oklahoma Constitution of 1907 and later statutes white students were any students that were not of African descent.

Writ of Certiorari--An order issued by a higher court to a lower court to send up the record of a case for review. Most cases reach the United States Supreme Court through the writ of certiorari, as authorized by the Judiciary Act of 1925. The writ is issued at the discretion of the

Court when at least four of the nine justices feel that the case should be reviewed.⁶

Writ of Mandamus--An order issued by a court to compel performance of an act. A writ of mandamus may be issued to an individual or corporation as well as to a public official. In the case of public officers, a writ will be issued only to compel performance of a "ministerial" act --one that the officer has a clear legal duty to perform. If the officer has discretion to determine whether he or she will perform an act, the court will not order its performance.⁷

ENDNOTES

¹Jack Plano and Milton Greenberg, The American Political Dictionary, 7th ed. (New York, 1985) P.59.

²Ibid., p.298.

³Webster's Seventh New Collegiate Dictionary, (Springfield, MS, 1961) p.224.

⁴Plano, p.67.

⁵Ibid., pp.93-94.

⁶Ibid., p.302.

⁷Ibid., p.322.

2
VITA

Ronald Max Beeson

Candidate for the Degree of
Doctor of Education

Thesis: DESEGREGATION AND AFFIRMATIVE ACTION IN HIGHER
EDUCATION IN OKLAHOMA: A HISTORICAL CASE STUDY

Major Field: Higher Education

Biographical:

Personal Data: Born in Hunter, Oklahoma, July 12, 1934, the son of Dell and Olive Neff Beeson. Married to Gerri Beam Dyer on May 24, 1969. Five children, Paul L. Dyer, Jeffrey M. Beeson, Joel B. Dyer, Toni A. Beeson, and Christi L. Beeson Wright.

Education: Graduated from Benton High School, St. Joseph, Missouri, in June, 1953; received Bachelor of Science in Education with teaching field in political science and history from Texas Tech University in May, 1969; received Master of Education with emphasis in political science from Central State University in 1972; completed two years of study toward a Doctor of Arts degree at the University of Mississippi in July, 1978; entered doctoral program at Oklahoma State University, June, 1983; completed requirements for Doctor of Education degree with emphasis in political science at Oklahoma State University in July, 1986.

Public Service: United States Army, June, 1953-May, 1956, special training in basic Airborne, Jumpmaster, and Ranger Schools; Instructor in Basic Airborne School; United States Peace Corps Volunteer, October, 1979-December, 1981, Swaziland in Southern Africa.

Professional: Salesman, "3M" Company, Retail Tape and Giftwrap Division, 1956-1965; National Account

Sales Representative, Olivette Corporation of America, 1969-1971; President and General Manager, Beeson's Business Machines, Inc., 1971-1975; Adjunct Instructor of Political Science, Oscar Rose Jr. College, Spring, 1976; Graduate Instructor, University of Mississippi, August, 1976-June, 1978; Assistant Professor of History and Supplemental Education, Rust College, June, 1977-August 1978; Temporary Assistant Professor of Political Science and Criminal Justice, Georgia College, September, 1978-July, 1979; United States Peace Corps Volunteer Lecturer of Education, University of Botswana and Swaziland, January, 1980-December, 1981; Recruiter, United States Peace Corps, Atlanta, Georgia Region, February, 1982-August, 1982; Assistant Professor of Social Science and Criminal Justice, Langston University, August, 1982-May, 1984; Graduate Teaching Assistant in the Department of Political Science, Oklahoma State University, August, 1983-May, 1985; Assistant Professor of Political Science, Southeastern Oklahoma State University, August, 1985-present; member of Pi Sigma Alpha, National Political Science Honor Society; member of Kappa Delta Pi, Honor Society in Education; member of American Correctional Association; member of Oklahoma Historical Society; member of American Political Science Association; member of Southwestern Social Science Association.