

The Fall of the NAACP in Texas

Neil Sapper

The "rise" of the National Association for the Advancement of Colored People in Texas in the late 1930s, as reported by both Michael L. Gillette and Darlene C. Hine,¹ was short-lived and begs the question: What happened to this movement during the Second Reconstruction? Why was no more heard from the movement which had led the South in defeating the white primary and had achieved the necessary precedent for the 1954 *Brown* decision² four years earlier with the *Sweatt* decision?³ Given the experience of the white primary campaign, in which all of the important legal action originated in Texas, why was the integration of the University of Texas through the *Sweatt* decision the last major achievement of this movement when so much remained to be done? A close look at the history of the *Sweatt* case reveals some reasons for the movement's collapse.

The question of equality within a segregated educational system took on heightened import in January 1939, when the repercussions of the *Gaines* decision⁴ were felt in Texas. The decision of the Supreme Court that black Missourians were entitled to enroll in the law school of the University of Missouri because no black law school existed in Missouri had implications for other states that were operating dual systems of education. In response to the possibility that black Texans might seek to have the principles of the *Gaines* decision applied to the University of Texas, Dean Ira P. Hildebrand of the

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¹"The Rise of the NAACP in Texas," *Southwestern Historical Quarterly* 81 (April 1978): 393-416; Darlene C. Hine offers a similar estimate of a rising NAACP in Texas in *Black Victory: The Rise and Fall of the White Primary in Texas* (Millwood, 1979.)

²*Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954). On May 17, 1954, the United States Supreme Court ruled unanimously that racial segregation in the public schools violated the Fourteenth Amendment to the Constitution.

³Alton Hornsby, Jr., "The 'Colored Branch University' Issue in Texas—Prelude to *Sweatt v. Painter*," *Journal of Negro History* 41 (January 1976): 60.

⁴*Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938).

University of Texas School of Law urged immediate establishment of legal training at Prairie View, a state college for blacks not far from Houston.⁵ However, the coming of the war, the enactment of an out-of-state scholarship program for black Texans in pursuit of professional training, and the ongoing concern with the struggle against the white primary all deferred the attempt by the NAACP to challenge the admissions policy of the professional schools of the University of Texas under the principles of the *Gaines* decision.

In June 1945, the black civil rights organizations in Texas announced that the deferment of the challenge to segregated public professional education had ended.⁶ An earlier conference of the branches of the NAACP in Texas had determined, with the defeat of the white primary and the imminent end of World War II, that the next objective in the struggle for equal rights in Texas was the abolition of discriminatory admissions policies in the public institutions of professional education.⁷ The immediate response to this challenge came in 1945 when the legislature changed the name of Prairie View State Normal and Industrial College to Prairie View State University.⁸ In addition, the legislature authorized the Board of Directors of the Agricultural and Mechanical College of Texas, which governed Prairie View, to provide training in law, medicine, engineering, pharmacy, journalism, and any other courses taught at the University of Texas. Quite obviously, the expense involved in providing separate, but equal, facilities and training at Prairie View would have been staggering. For the legislature to change an institution's name and authorize separate facilities was a simple matter, but equal training *on paper* was a far cry from the actual creation of a black branch of the University of Texas.

In order to test the will of the legislature, Heman M. Sweatt, an honor graduate of Wiley College and a native Houstonian, applied in February 1946 to the sole public law school in Texas. The university administration refused his application pending an opinion by the Attorney General of Texas which was requested by Theophilus S. Painter, the acting president of the University of Texas. In his letter to Attorney General Grover Sellers, Painter claimed that Sweatt's application marked the "first time a member of the Negro race has

⁵Dallas *Express*, January 7, 1939.

⁶Dallas *Morning News*, June 5, 1945.

⁷A. Maceo Smith, interviews by author, October 15, 1971, and July 12, 1974. Smith was an early organizer and long-time officer in the statewide NAACP organization, the Texas State Conference of Branches.

⁸Graham Blackstock, *Staff Monograph on Higher Education for Negroes in Texas* (Austin: Texas Legislative Council, 1951), 9; Texas, House of Representatives, *Journal*, 49th Legislature, Regular Session, June 1, 1945, S. B. 228.

presented himself for registration as a student in the University of Texas."⁹ The lack of precedent caused Painter to ask whether "a person of Negro ancestry, otherwise qualified for admission into the University of Texas, may be legally admitted to that institution."¹⁰

Sellers replied that because of the action taken by the legislature in 1945 which created the analogue of the University of Texas at Prairie View, "the applicant should at this time be refused admission to the University of Texas."¹¹ While Sellers defended the wisdom of racial segregation, he did warn that if equal educational advantages were not provided for the black applicant, "he must be admitted to the law school of the University of Texas."¹² Thus the implications of the *Gaines* decision for Sweatt's application could only be met by providing a black equivalent of the law school of the University of Texas.

Upon notice of his rejection by the University of Texas in March 1946, Sweatt's NAACP-sponsored attorneys—Thurgood Marshall, W. J. Durham, and James Nabrit—began preparation of a challenge in the form of a writ of mandamus which gave the state of Texas six months to provide legal training for Sweatt.¹³ In the event that the state failed to comply, Sweatt was to be admitted to the University of Texas. On June 26, 1946, in the District Court in Travis County, Judge Roy C. Archer ruled that no black law school existed and that Heman Sweatt must be admitted to the University of Texas. But Judge Archer suspended the order for six months "to allow the State time to establish a law course for Negroes."¹⁴

During the interim, the state of Texas embarked on a program to create a black law school in order to preserve the sanctity of segregation. In November 1947, the Board of Directors of the Agricultural and Mechanical College, under the authority of S.B. 228 which was passed in 1945, arranged to establish a law school at 409½ Milam Street in Houston. Two local black attorneys directed the new school, which consisted of three rooms with desks and chairs

⁹*Informer* (Houston), March 2, 1946. President Painter failed to note the abortive attempt to enroll made by George Allen in 1938. For an account of that incident see Neil Sapper, "A Survey of the History of the Black People of Texas, 1930-1954" (Ph.D. diss., Texas Tech University, 1972), 359-360.

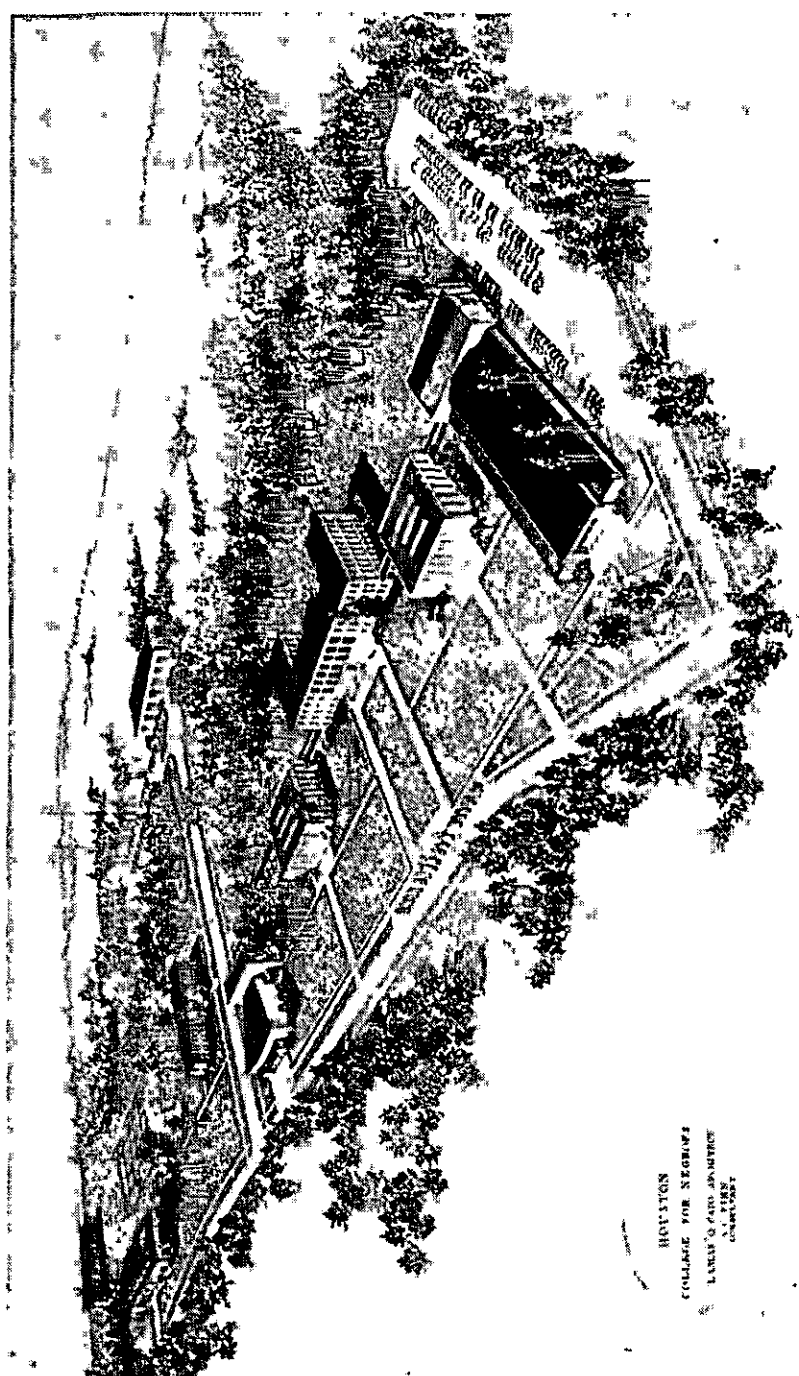
¹⁰*Informer*, March 2, 1946.

¹¹Texas, Attorney General, *Opinion*, No. 0-7126, March 16, 1946.

¹²*Ibid.*

¹³Gale L. Barchus, "The Dynamics of Black Demands and White Responses for Negro Higher Education in the State of Texas, 1945-1950" (Master's thesis, University of Texas, 1970), 13; *Informer*, December 21, 1946.

¹⁴Blackstock, 12-14.



The campus plan for TSUN evolved from earlier proposals to build the Houston College for Negroes on the same site, shown in this 1945 rendering.

in one of them.¹⁵ However, no qualified black applicants sought admission and the school closed permanently in February 1947.¹⁶ The makeshift institution had been roundly denounced by most black leaders in Texas.¹⁷

While the school on Milam Street was being organized, the Texas Legislature took further steps to counter the challenge of Heman Sweatt. On February 28, 1947, the Board of Regents of the University of Texas established an interim black law school at 104 East 13th Street in Austin.¹⁸ The school consisted of four rooms and was called the School of Law of the Texas State University for Negroes (TSUN). The faculty was composed of members of the staff of the School of Law of the University of Texas. The courses offered were identical to those offered by the white law school; the State Library and the law library of the University of Texas furnished books until a separate law library became available to the new school. While three black students did enroll in the new law school, Sweatt declined to attend on the grounds that the facility was transparently unequal to the white law school.¹⁹

Under the terms of S.B. 140, the Houston College for Negroes, the black branch of the University of Houston, became the nucleus for a black equivalent to the University of Texas.²⁰ The new creation, which was the first major state institution of higher learning established since the advent of the Texas Technological College and the Texas College of Arts and Industries in the 1920s, took advantage of a \$283,000 building fund which black and white Houstonians had raised for the Houston College for Negroes in 1946.²¹ Hugh R. Cullen, chairman of the Board of Regents of the University of Houston, matched with a personal gift of \$100,000 the \$93,000 raised by the black people of Houston; the remainder of the fund came from white Houstonians. As a result, a building campaign on the fifty-three acre campus was already under-

¹⁵*Informer*, December 7, 1946.

¹⁶*Ibid.*, February 15, 1947.

¹⁷Smith interview, October 15, 1971; Barchus, 16.

¹⁸Texas, House of Representatives, *Journal*, 50th Legislature, Regular Session, February 27, 1947, S. B. 140.

¹⁹*Informer*, March 8, 1947. Sweatt's decision was prompted by the advice of the NAACP on both the state and national levels. The first three black law students were Henry Doyle, Fornie Brown, and Heallin Lott.

²⁰H. B. 780 transferred the fifty-three acre site of the Houston College for Negroes from its parent, the University of Houston, to TSUN. Texas, House of Representatives, *Journal*, 50th Legislature, Regular Session, May 23, 1947, H. B. 780.

²¹*Informer*, January 12, 1946; "Cullen Gives \$100,000 to Negro College Here," *Houston*, February 1946, 42; unidentified newspaper clippings, January 1946, *Negro History Scrapbooks*, Texas and Local History Department, Houston Public Library.

way when TSUN was created.

In September 1947, TSUN began operation and the interim law school in Austin moved to Houston. Only Henry Doyle, one of the three original black students, transferred with the school to its final site. Once again, Heman Sweatt refused to attend the segregated law school.²² Sweatt's attorneys had taken his case to the Texas Court of Civil Appeals in Austin, but that court remanded the case back to the original trial court due to the claim of Attorney General Price Daniel, Sr., that a new university and law school in Houston were being created for black Texans. In February 1948, after hearing Sweatt's attorneys develop the attack that segregated school facilities were unconstitutional under the Fourteenth Amendment, District Judge Roy C. Archer upheld Attorney General Daniel's contention that a substantially equal opportunity existed at TSUN.²³ The case returned to the Texas Court of Civil Appeals in Austin, where Sweatt's attorneys attacked the segregation laws while Attorney General Daniel built his case on the issue of whether the Law School of the TSUN provided a separate, but equal, educational opportunity. The appellate court sustained the decision of the 176th District Court which had denied Sweatt's petition.²⁴ After an unsuccessful appeal to the Supreme Court of Texas, Sweatt's attorneys carried his appeal to the Supreme Court of the United States and raised the issue of equality of educational facilities at the law schools of the University of Texas and TSUN.

The implication of this appeal for an application of the guarantees of equal protection under the Fourteenth Amendment created great interest in the black law school among state officials in Texas. As early as January 1947, the white daily newspapers in Houston reported that the Attorney General's staff viewed TSUN as a strong defense for maintaining the state's right to provide segregated educational facilities against the effort of Heman Sweatt to enroll in the University of Texas.²⁵ This strategic conception of TSUN as a bulwark of segregation was reinforced by Attorney General Daniel who served as temporary chairman during the organizational meeting of the nine-member Board of Directors of TSUN. Acting Chairman Daniel, who outlined the provisions of S.B. 140 which created the school, led a lengthy discussion about the need to win confidence for the school among black Texans.²⁶ The permanent chairman, elected at the meeting, was Craig Cullinan of Houston,

²²Blackstock, 12-14.

²³*Sweatt v. Painter*, 210 S.W. 2d 442 (Texas Civ. App. 1948).

²⁴*Ibid.*

²⁵*Houston Post*, January 31, 1947; *Houston Chronicle*, January 1, 1947; *Houston Post*, March 4, 1947.

²⁶Unidentified newspaper clipping, May 1947, *Negro History Scrapbooks*.

who said that the groups who were attempting to overthrow educational segregation in Texas were "the same groups that are trying to disrupt everything else we are trying to do in this country—the Henry Wallaces and all the others."²⁷ By 1947, the Law School of the TSUN—the institution that Sweatt built—became a bulwark in the official defense of the dual system of education in Texas.

To secure this bulwark the first classes in TSUN met in September 1947. However, the *Informer* remained unconvinced editorially that TSUN had achieved parity with the University of Texas:

You can't expect a real university, let alone one equal to the University of Texas, to come out of such a crooked and twisted body.²⁸

Despite such sentiment, the state of Texas continued to encourage the growth of TSUN. In May 1948, the first president of the institution, R. O'Hara Lanier, was appointed by the Board of Directors.²⁹ Lanier, the United States Minister to Liberia, had served as Dean of the Houston College for Negroes from 1933 to 1938. In addition to his tenure in Houston, President-elect Lanier served as Assistant Director of the Division of Negro Affairs of the National Youth Administration under Mary McLeod Bethune.³⁰

Toward the end of the second year of operation at TSUN, the expense of creating the black equivalent of the University of Texas began to cloud the entire enterprise. The inadequate funding by the state, coupled with misdirected priorities, caused the black school to crowd 119 chemistry students in one average-sized laboratory while four fully-equipped shops were provided for training in cleaning and pressing, shoe repair, tailoring, and auto mechanics.³¹ Because of lack of space, the assistant librarian had the bound volumes of the *New York Times* stacked in her office from floor to ceiling. The physics department had \$30,000 in uncrated equipment; no space was available for the apparatus.

But only one division of TSUN was of critical importance to state officials. The law school in Houston was placed under the leadership of Dean Ozie H. Johnson, who was selected with the approval of Attorney General Daniel in order to bring American Bar Association accreditation to the black law school.³² Dean Johnson, a graduate of the School of Law at Temple

²⁷*Ibid.* Four of the nine directors of TSUN were black men: Principal-Emeritus Willette R. Banks, Rev. Isaac B. Loud, Martin L. Edwards, and Ben Morgan.

²⁸*Informer*, October 25, 1947.

²⁹Unidentified newspaper clipping, May 2, 1948, *Negro History Scrapbooks*.

³⁰*Ibid.*

³¹Unidentified newspaper clipping, March 20, 1949, *Negro History Scrapbooks*.

³²Ozie H. Johnson, *Price of Freedom* (Houston, 1954), 20. At the time of the establishment of

University, was given rather broad latitude in order that TSUN might obtain accreditation for its legal training as soon as possible.³³ A further service provided by Johnson was to denigrate the movement to gain Sweatt's admission to the University of Texas as an "outside" effort.³⁴ The first black lawyer to be trained in Texas became another element in the defense of legal training at TSUN. Henry E. Doyle, who had accompanied the preliminary black law school from Austin to Houston, did not complete his degree at TSUN. Nevertheless, he passed the bar examination on the first attempt.³⁵ However, the most meaningful evaluation of the black law school was not delivered until June 1950.

The Supreme Court of the United States, having heard both Thurgood Marshall and Attorney General Daniel plead their cases some four years after Sweatt had first applied to the University of Texas, returned a unanimous decision which reversed the decision of the Supreme Court of Texas.³⁶ Chief Justice Fred Vinson spoke for the Court and addressed himself to the equality of the educational facilities in the law schools at TSUN and the University of Texas. The Court found little that was comparable in the legal program at TSUN. The black school had less than one-third as many full-time instructors. Twenty-three students were enrolled at TSUN versus 850 students in Austin. The library in the white law school was four times larger than the black law library. The Law School of the University of Texas claimed a law review, moot court facilities, scholarships, affiliation with the Order of the Coif, and many alumni; the black law school claimed that one of its students had attained a passing mark on the bar exam, but the remainder of the white school's accomplishments were not evident at the black school.³⁷

While the Court granted that separate, but equal, legal education was not available in postwar Texas for black students, the Court was unwilling to reexamine *Plessy v. Ferguson* in the light of contemporary knowledge respecting the effects of racial segregation.³⁸ Thus, the decision worked in two

the Law School of TSUN in 1947, the only two accredited black law schools were at Howard University in Washington, D. C., and at Lincoln University in Missouri.

³³Johnson, 30. The school purchased 16,500 volumes for a beginning law library.

³⁴Houston Post, November 8, 1949; Carter Wesley, "Ozie Proves TSUN Inferior," *Informer*, November 12, 1949.

³⁵*Informer*, December 3, 1949.

³⁶*Sweatt v. Painter*, 339 U.S. 629 (1950).

³⁷*Ibid.*

³⁸*Ibid.* The court considered such questions four years later in the *Brown* decision. In *Plessy v. Ferguson*, 163 U.S. 537 (1896), the United States Supreme Court approved racial segregation under the doctrine of separate, but equal.

directions: Sweatt was confirmed in his right to enter the University of Texas, but segregation in education was not abolished. Despite the reluctance of the Court to meet the questions raised by Sweatt's attorneys about the implications of *Plessy v. Ferguson*, the short-run effect of the *Sweatt* case did result in the appropriation of more funds for higher professional education for black Texans than had been appropriated by the Texas Legislature in the entire history of the black people in Texas.³⁹

After the Court examined the state's effort to provide black Texans with a law school equal to that of the University of Texas and found it wanting, the following session of the legislature demonstrated the state's commitment to TSUN by slashing the appropriations to the Houston school. In the summer of 1951, President Lanier announced that a 20 percent reduction in the teaching faculty was inevitable in light of the reduced appropriations.⁴⁰ Nonetheless, within a five-year span, TSUN became accredited by the Southern Association of Colleges and Secondary Schools; the law school was accredited by the American Bar Association and the American Association of Law Schools. A School of Pharmacy enrolled its first class in 1952; the pharmacy program was accredited by the American Council on Pharmaceutical Education.⁴¹ Between 1947 and 1952, the state of Texas provided more educational opportunity for its black citizens than it had provided in the prior fifty years of support to Prairie View. The Texas State University for Negroes was truly built by Sweatt and his legal attack upon the dual system of education in Texas.

By 1951, TSUN was an established state-supported institution of higher learning. The success of the *Sweatt* case in breaking down the dual system of higher education made the institutional designation—"for Negroes"—unnecessary and stigmatic. In 1950, the black press in Texas had noted that the official automobile driven by President Lanier bore the legend, "Texas State University for Negroes, Houston, Texas," on its front doors. At the same time, the official automobile driven by J. H. Robertson, the white executive secretary to the Board of Directors of TSUN, bore the legend, "Texas State

³⁹In late May 1950, just prior to the decision in *Sweatt v. Painter*, the \$1.5 million Administration and Classroom Building at TSUN was dedicated by Governor Allen, who proclaimed, "As Governor, I am proud of what the state government has done for the education of our Negro citizens." Houston Post, May 29, 1950; unidentified newspaper clipping, *Negro History Scrapbooks*.

⁴⁰*Informer*, June 16, 1951; Dallas Express, August 4, 1952. In 1950, TSUN had received \$1,157,000 and in 1951 this amount was reduced to \$958,672.

⁴¹"Texas Southern University Shows Exceptional Progress," *Houston*, August 1952, 10-12, *passim*.

University."⁴² In February 1951, a name-change controversy swirled in both Houston and Austin. Desiring to eliminate the racial identification in TSUN, its Student Council advocated the adoption of "Texas State University" for the Houston school. Representative Charles Murphy of Houston introduced a name-change bill to strike out the racial designation.⁴³ The possibility of adoption of "Texas State University" aroused the opposition of Chancellor James P. Hart of the University of Texas because of the potential confusion caused by two schools in the state having "Texas" and "University" in their names.⁴⁴ Despite student sentiment to the contrary, the Board of Directors of TSUN unanimously recommended that the name-change bill be amended to change the name to "Texas Southern University."⁴⁵ In Austin, the Texas Legislature cooperatively changed the name of the Houston school to Texas Southern University (TSU) by amending the original name-change bill.⁴⁶

The struggle of Heman M. Sweatt to enter the Law School of the University of Texas served purposes other than the creation of the state-supported institution in Houston; his effort inspired other black Texans to seek recourse in the courts. In September 1946, a black dentist in Austin, Dr. Everett H. Givens, attempted to force the Board of Regents of the University of Texas to establish a branch university for Negroes in Austin. Dr. Givens sought to hold white authorities accountable to both the state constitution, which promised a black university branch, and a referendum election in 1882 which designated Austin as the site of the branch.⁴⁷ The suit, which was lodged against Chairman Dudley K. Woodward and the Board of Regents, was denied by the Fifty-third District Court in Austin in February 1947. The black dentist's attorneys lodged an unsuccessful appeal to the Court of Civil Appeals, and a subsequent appeal to the Supreme Court of Texas was also fruitless.⁴⁸ And in September 1947, a black parent in Hearne in Robertson County made an unsuccessful attempt to enroll his step-daughter in the white school because

⁴²*Informer*, July 1, 1950; *Dallas Express*, July 1, 1950. The Dallas newspaper carried photographs of the two automobiles.

⁴³Carter Wesley, "Ram's Horn," *Informer*, February 3, 1951.

⁴⁴*Ibid.*

⁴⁵*Informer*, February 17, 1951. The students organized lobbying groups and went to Austin contending that "Southern" was meaningless. The president of the TSUN Alumni Association publicly supported "Texas State University."

⁴⁶Texas, House of Representatives, *Journal*, 52nd Legislature, Regular Session, February 21, 1951, H. B. 82. Chancellor Hart's specious objection was underscored by the fact that "Texas Southern University" contained both "Texas" and "University."

⁴⁷*Givens v. Woodward*, 196 S.W. 2d 456 (1946).

⁴⁸*Givens v. Woodward*, 208 S.W. 2d 363 (1948).

the black school was poorly equipped and was housed in a dilapidated building.⁴⁹ C. J. Jennings, the dissatisfied black parent, took unsuccessful legal action against the Hearne Independent School District and alleged that the black school was inadequate, unsanitary, and inferior. The incident prompted the black parents in Hearne to protest against the inadequate facilities by holding more than 300 black students out of school for a ten-day period.⁵⁰

Such militance was not isolated in Hearne. The local branches of the NAACP in Texas organized a march on the city of Austin by forty black college seniors from black schools in the state. In April 1949, the students made application, in person, to the University of Texas for admission to the Schools of Medicine and Dentistry. The applicants also marched to the state capitol and carried signs reading, "As Texans We Want to Study Medicine in Our Home State," "Texas Can't Afford a Dual System of Graduate and Professional Education," and "Separate and Equal' Education is Mockery."⁵¹

One of those applicants, Herman A. Barnett, of Samuel Huston College, became the beneficiary of the inability of the Board of Directors of TSUN to provide a faculty and facilities for a black medical school in Houston. Barnett, a brilliant student, was tendered the opportunity to become a "contract student" at the Medical Branch of the University of Texas in Galveston (UTMB) until TSUN had time to provide medical training. At the request of Craig Cullinan, the chairman of the Board of Directors of TSUN, the Board of Regents of the University of Texas agreed to accept \$3,000 from TSUN to train Barnett during the 1949-1950 academic year.⁵² However, the black medical school was never realized and Herman Barnett received his medical degree from the UTMB in 1953 as the first black physician produced by the University of Texas.⁵³ Barnett's early experience at the UTMB was free of any adverse incidents and his progress toward a degree went uninterrupted by any unusual difficulty.⁵⁴

⁴⁹Juanice N. Pollock, "The Development of Public Secondary Education for Negroes in the State of Texas" (Master's thesis, Howard University, 1948), 59; *Informer*, January 30, 1954.

⁵⁰Pollock, 59.

⁵¹Joseph J. Rhoads to A. Maceo Smith, April 27, 1949, Records of the NAACP, Library of Congress; U. Simpson Tate to Thurgood Marshall, April 28, 1949, *ibid.*

⁵²University of Texas, Minutes of Meetings of the Board of Regents, Meeting No. 499, September 16-17, 1949; *Waco Messenger*, September 3, 1949. Barnett had also been accepted at Meharry Medical College and the Medical School of the University of Chicago.

⁵³*The University of Texas Medical Branch at Galveston—A Seventy-Five Year History* (Austin, 1967), 337. Barnett became a regular student in 1951-52, after it became clear that a black medical school would not be constructed.

⁵⁴Herman A. Barnett to John H. Morton, November 19, 1949, Records of the NAACP.



Heman Sweatt in 1950, working as a mail carrier while awaiting his admission to law school.

In September 1950, following the *Sweatt* decision, several black students entered the University of Texas. Among these students was Heman M. Sweatt, who enrolled for his first law courses in the University of Texas. The forty-year-old first year law student had not been enrolled in a college course since 1937; the challenge proved to be too great and the law school dismissed him for substandard academic performance.⁵⁵ However, the black newspaper in Dallas placed Sweatt's failure in proper perspective:

Heman Sweatt is not the first student ever to make failing grades. Many white students have made failing grades. . . . In a democratic society, it is the right to try to compete that must be kept inviolate, and this includes the right to fail.⁵⁶

Despite Heman Sweatt's setback, the University of Texas awarded its first degree to a black student in January 1952. Oscar L. Thompson, a forty-year-old native of Waco, became the first black graduate of the University of Texas, with a Master of Arts in zoology. Thompson had enrolled in September 1950, after graduating with honors from Samuel Huston College.⁵⁷ In June 1953, Ray F. Wilson became the first black recipient of a Ph.D. from the University of Texas. The twenty-seven-year-old native of Giddings had entered the doctoral program in the Department of Chemistry in 1951 and participated in a government-sponsored research project for two years.⁵⁸

This integration of the University of Texas influenced schools throughout the state. In July 1951, President J. W. Marshall of Wayland College in Plainview announced that his institution would become the first white institution of higher learning in Texas to admit black undergraduates.⁵⁹ This move was followed by Texas Southmost College in Brownsville and by Howard County Junior College in Big Spring in September 1951.⁶⁰ The following month, the Board of Education of Amarillo College deliberated the refusal of the black community to accept segregated classes in the evenings in the Carver High School building. After a four-hour executive session, the Board announced that all students within the college district would be admitted. Four black students were enrolled shortly thereafter.⁶¹ In July 1952, the Board of Regents of Del Mar Junior College in Corpus Christi voted

⁵⁵"Texas Law Student Flunks Out," *Negro Achievements*, October 1952, 48.

⁵⁶*Dallas Express*, November 3, 1951.

⁵⁷"First Negro Graduate," *Alcalde*, March 1952, 157.

⁵⁸*Informer*, June 6, 1953; "Univ. Awards 1st Ph.D. to Negro," *Texas Standard*, September-October 1953, 27.

⁵⁹*Informer*, July 14, 1951.

⁶⁰*Ibid.*, September 8, 1951.

⁶¹*Ibid.*, October 6, 1951; *Dallas Express*, October 6, 1951.

unanimously to admit any resident of the college district to the junior college; the regents had earlier rejected a proposal to create a black branch because of the great expense involved.⁶² By the end of 1954 nearly one-half of the publicly-supported junior colleges in Texas accepted black students.⁶³

In the lower levels of public education, in 1953, the Friona Independent School District in Parmer County enrolled three black children in the white elementary school because there was no other way to accommodate the black children.⁶⁴ Whatever the motivation, the integration of the elementary school in Friona foreshadowed the judgment by the Supreme Court of the United States that "separate educational facilities are inherently unequal."⁶⁵ The Court went a step beyond the *Sweatt* decision in *Brown* by ruling that the implications of *Plessy v. Ferguson* conflicted with the Fourteenth Amendment.

The period following the *Brown* decision was marked by a "wait and see" attitude in Texas. The State Commissioner of Education, J. W. Edgar, ordered the public schools to continue on a segregated basis during the 1954-1955 academic year. He was supported by a resolution of the State Board of Education stating that until a final decree was rendered by the Court, implementing its decision, statutory segregation would continue in full force.⁶⁶

Interestingly, black Texans initiated no further legal action to move white officials from their "wait and see" stance. Throughout the period of depression, war, and recovery, Texas had played a unique role in the growing movement toward the elimination of racial discrimination in American life. During that time, the Lone Star State was a favorite testing ground for litigation in the South. However, the last major legal struggle in Texas had exacted a heavy toll among black leaders in the state.

The struggle to integrate the Law School of the University of Texas revealed three rival groups within the movement. First, there was a group of men and women whose careers and interests were closely tied to Prairie View. Second, there was a group of black Houstonians who were vitally interested in TSUN.

⁶²*Informer*, July 26, 1952.

⁶³The integrated junior colleges included Amarillo, Frank Phillips, Texas Southmost, Del Mar, Howard County, Odessa, San Angelo, San Antonio, Victoria, Wharton, Pan American, and Hardin Colleges. *Ibid.*, December 4, 1954.

⁶⁴"Ten Years in Review," *Southern School News*, May 17, 1964, 14; Leonard B. Murphy, "A History of Negro Segregation Practices in Texas, 1865-1958" (Master's thesis, Southern Methodist University, 1958), 165.

⁶⁵*Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

⁶⁶William H. Jones, "Desegregation of Public Education in Texas: One Year Afterward," *Journal of Negro Education* 24 (Summer 1955), 356.

Lastly, the NAACP on both the state and the national level was very interested in the success of the *Sweatt* case.⁶⁷ With each group pursuing its own interests, the pyrrhic victory of Heman Sweatt may have been costly in terms of the solidarity which had characterized the earlier fight against the white primary.

In 1946, Lulu White, president of the Houston branch of the NAACP, warned Walter White, the Executive Secretary of the NAACP, of the possibility of an internecine quarrel among black leaders in Texas.⁶⁸ Because of his association with the Texas leadership in the legal fight against the white primary, Walter White assigned Thurgood Marshall to bring peace among the black Texans.⁶⁹ Marshall wrote to Carter Wesley, publisher of the *Houston Informer*, and pleaded with Wesley to avoid any action that would detract from the efforts of the NAACP in the *Sweatt* case.⁷⁰ Wesley replied that "if you and Lulu want to fight on the issue, I'll send the fight right back to you."⁷¹ Despite an attempt by Walter White to reconcile the Houston publisher to the NAACP, Wesley resigned from the Houston Branch of the NAACP on January 17, 1947.⁷² The schism between the groups widened.

By November 1949, Lulu White reported that the NAACP could expect little support from the alumni of Prairie View. One Prairie View graduate who was teaching in Houston told Lulu White that

when she learned that we were going to picket the good university, she wished that all of us who wanted to be white could cross over somehow so that we would stop all this mess about segregation.⁷³

Mrs. White added that she had the satisfaction of telling the woman "in good, calm, and collected *English* what she was and all the so-and-so's like her."⁷⁴ While the psychological compensation may have been rewarding for Lulu White, the exchange revealed that those from Prairie View perceived the NAACP and the *Sweatt* case as a threat.

In November 1950, Carter Wesley announced that he had broken with A.

⁶⁷Henry Bullock, a columnist for the *Informer* who later joined the TSUN faculty as a sociology professor, decried this dissension among black Texans, in "All Roads Lead to Rome," *Informer*, February 23, 1946.

⁶⁸Lulu White to Walter White, September 3, 1946, Records of the NAACP.

⁶⁹Memorandum, Walter White to Thurgood Marshall, September 12, 1946, *ibid.*

⁷⁰Thurgood Marshall to Carter Wesley, October 25, 1946, *ibid.*

⁷¹Wesley to Marshall, December 27, 1946, *ibid.*

⁷²Walter White to Wesley, December 27, 1946, *ibid.*

⁷³Lulu White to Marshall, November 26, 1949, *ibid.*

⁷⁴*Ibid.* In 1947, Willette R. Banks, Principal-Emeritus of Prairie View, had publicly proclaimed that the *Sweatt* case "embarrassed Texas and it grieves me." *Informer*, February 22, 1947.

Maceo Smith, statewide NAACP leader, and the Houston publisher reiterated his differences with the NAACP in general.⁷⁵ Wesley argued that on the national level, Walter White and his staff pursued a policy that was in absolute conflict with the best interests of black Texans. In particular, Wesley was angered by the attempts of the NAACP to down-grade the law school of TSUN. The publisher wanted the best of all worlds: integration of the all-white University of Texas *and* a first-rate law school open to black students in Houston. On the state level, Wesley contended, Maceo Smith and "his little clique believe that they have their positions by divine right."⁷⁶ Needless to say, Smith had remained steadfast to the NAACP and had rejected Wesley's arguments to the contrary.

In 1954, in the aftermath of the *Brown* decision against educational segregation, Carter Wesley editorially attacked Presidents R. O'Hara Lanier of TSU and Edward B. Evans of Prairie View for their testimonies before the Texas Commission of Higher Education. When the two administrators told the Commission that black people in Texas preferred segregated schools, Wesley concluded "that the statements attributed to Dr. Lanier and Dr. Evans strike exactly what a white southerner would say or want said."⁷⁷

These events helped to explain the lack of militance among black Texans on a statewide basis after 1954. Obviously, the solidarity which had existed in the movement in Texas prior to 1946 had dissolved in large part by 1954. The long-term commitment to the NAACP's civil rights agenda noted by both Michael L. Gillette and Darlene C. Hine⁷⁸ was gone within a decade. The victory in the *Sweatt* decision was costly in terms of a tragic failure to sustain the solidarity of black Texans. The NAACP in Texas had won a battle but was destroyed in the process. Before 1954, Texas had been the cutting edge of the struggle for equality in the nation. The rise of the NAACP in Texas resulted in a fall from which the movement never recovered.

⁷⁵*Informer*, November 11, 1950.

⁷⁶*Ibid.*

⁷⁷*Ibid.*, July 8, 1954.

⁷⁸Gillette, 416; 57, 236.

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