

## Sweatt v. Painter UT's Role in Desegregation

A customary June day in 1950 consisting of Heman Sweatt performing his daily paper route in Houston was interrupted with breaking news from his wife. It then followed with a solidifying phone call. "We won the big one."

Thurgood Marshall, then lawyer and Chief Counsel for the National Association for the Advancement of Colored People, was informing his client that after a strenuous four-year long battle, the Supreme Court had ruled in their favor: African Americans would be admitted to the University of Texas Law School.

Before this ruling was sanctioned, no law school in Texas admitted African Americans. Although eight black students had preceded Sweatt in being accepted to the law school by being admitted only to summer terms.

But strictly summer school did not denote equal education.

Sweatt was a biology graduate of Wiley College, a predominately black liberal arts school in Texas. After graduation he eventually landed the job as a mail carrier. While working as a secretary for the National Alliance of Postal Employees, he helped prepare documents for a case concerning discrimination against blacks in the post office. This helped incite his interest in law.

While Sweatt did genuinely want to attend law school, it was a very calculated plan of the NAACP to help bring an end to this segregation. They had been working on a plan for a lawsuit against UT to equalize educational opportunities for all races at the graduate level. At a 1945 meeting in Wesley Chapel they pleaded for a volunteer plaintiff and in what Sweatt would later refer to as a "brash moment", he took the position.

After months of working with the NAACP on a plan of motion, Sweatt, at thirty-three years old, was ready to apply.

In February 1946, with a transcript in hand, Sweatt made his way to UT President Theophilus Painter's office. A group of NAACP members trailed behind him in support. There, he was discouraged from applying by Painter and other university officials. They explained to Sweatt that he could still apply for admittance to Prairie View, the black college affiliated with Texas A&M University. Sweatt rejected the notion.

Painter waited to make a fixed decision until he heard from Texas Attorney General Grover Sellers. The general responded in an opinion, saying, "you are advised that the applicant should at this time be refused admission to the University of Texas."

Despite General Sellers and the university's aim to keep the segregation laws as they were, many of the students at UT felt no qualms in having a desegregated campus. It was

reported in a Daily Texan article that many of the students asked “could see nothing wrong with a Negro for a classmate.”

Sweatt himself may have swayed some of the students when he chose to reach out to people through a letter that was printed in *Texas Ranger*, a UT student magazine. He attempted to explain his reasoning for wanting to attend the UT Law School. “For the same reason that there are other Texans studying there. It is the best law school in Texas, and the only one that can offer me equal training to that available for other students.”

Believing they had a strong case, Sweatt, with the help of the NAACP filed suit against President Painter and other UT officials. The case was heard in the Travis County District Court, in which Judge Roy Archer presided. Judge Archer gave the state six months to provide equal instruction, and a resolution passed at Texas A&M to provide law studies for black students was deemed sufficient. The decision was appealed.

On appeal, the court said Texas would be given time to establish a separate law school for blacks in Houston. The school became Texas Southern University and the law school was eventually named after Marshall, who became a Supreme Court justice.

In order to have a law facility by the time of the trial, Texas quickly set up a school in the basement of a building on E 13<sup>th</sup> St. in Austin. When registration opened in March of 1947, one man showed up. He did not register.

Being unsatisfied with the clearly unequal law facilities, the trials waged on for months. It attracted national attention along the way. A Time magazine article in May of 1947 described how the legal battle turned into inherently questioning educational segregation. “Equality under a segregated system is a legal fiction and a judicial myth,” said Marshall.

On April 4, 1950 the Supreme Court finally heard the case.

After two months the court came to a decision. They explained that the UT Law School had 19 professors, 850 students, a library of 65,000 volumes, scholarship funds, many distinguished alumni, and was coupled with tradition and prestige. The court deemed this was not educationally equal to the separate law school for Negroes, which had five professors, 23 students, and a library of 16,500 volumes.

Sweatt had won. After years of battling in courtrooms, he waited a few more months and finally registered for his 14 hours.

Although many of the university students were welcoming to Sweatt, he still encountered many hostile situations. “Black Leaders: Texans for Their Times” describes Sweatt’s first Friday night of the semester. “After studying late in the library, he started walking toward his car. Waiting for him across the street was a large crowd with a burning cross. Accompanied by a white friend, Sweatt reached his car unharmed but then discovered that his tires had been slashed.”

For continuing to attend school in spite of these incidents, he is a symbol of courage in many people's eyes. "As black attorneys in Austin and graduating from UT Law in particular, we must especially revere him for entering a law school and environment that did nothing but reject him," said Rudolph Metayer, member-at-large for the Austin Black Lawyers Association. "He did this at a time when the I-35 divide was ever present and many blacks would never go near UT campus after dark."

Despite that he managed to escape bodily harm from others, the entire legal process proved to be both an emotional and physical strain. He and his high-school sweetheart divorced and he was plagued with stomach ulcers and a heart attack. He had an appendectomy that forced him to miss class for seven weeks. As his health declined, so did his grades. After only two years he flunked out of the law school.

"I don't think anyone can possibly realize the wear and tear on personal emotions one suffers in going through six years of this kind of struggle," said Sweatt.

Even though Sweatt did not complete law school, his case proved to have a more far-reaching impact. It helped pave the way for desegregation of all public education in the Brown vs. Board of Education decision in 1954. "I learned about this case early on in my AP studies in high school and later in undergrad and was astonished that it wasn't as renowned as Brown," said Metayer.

Sixty years later and UT law students are still aware of this noteworthy case. "It was significant in the way it changed the tide in terms of segregation," said Wesley Nute, law student and president of the Thurgood Marshall Legal Society. "It really forced the law school to take a look at itself."

UT shows their awareness to the importance of the case by annually holding The Heman Sweatt Symposium on Civil Rights. Established in 1987, it provides an atmosphere to discuss racial issues facing African Americans in the community and legal system. It always features a new topic and speaker, bringing in well-known people like civil rights activist Rev. Jesse Jackson and Johnnie Cochran, defense lawyer during the O.J. Simpson trial.

Sweatt may not have been academically successful at UT, but he accomplished something with a larger impact. He paved the halls for the more than 750 African American students with a UT law degree.