

# Segregation in the Post-World War II Period

How did segregation affect American life in the postwar period?

## Introduction



Throughout the segregated South, African Americans were required to use separate waiting rooms, water fountains, and bathrooms. These facilities were labeled with signs reading “white” or “colored.” Above is the “colored” entrance to a movie theater in Mississippi. Facilities for blacks and whites were supposed to be equal under *Plessy v. Ferguson*, but they often were not.

Melba Pattillo had wanted to ride the merry-go-round at Fair Park in her hometown of Little Rock, Arkansas, for as long as she could remember. But whenever she asked her mother or grandmother to take her, they said it was not possible. So one day, when Melba was five, she decided to ride on her own.

Melba and her family were at Fair Park for a Fourth of July picnic. While

## SEGREGATION IN THE P...

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the grownups were setting up tables of food, Melba escaped to the merry-go-round, recalling, "I had had my eye on one horse in particular, Prancer, the one I had dreamed about during all those months I saved up the five pennies I needed to ride him." When Melba tried to give her money to the man working the ride, he responded coldly, "There is no space for you here." She remarked that Prancer's saddle was empty, and the man grew enraged, banging the counter so hard that the pennies fell off. "You don't belong here!" he yelled. Melba's knees shook. She saw others angrily glaring at her like she had done something wrong, and promptly ran back to her family. "I was so terrified," she said, "that I didn't even take the time to pick up my precious pennies. At five I learned that there was to be no space for me on that merry-go-round no matter how many saddles stood empty."

Melba Pattillo was a black child in the segregated South. During her childhood in the 1940s, African Americans throughout the South suffered under a harsh system of racial discrimination. Jim Crow segregation laws not only kept blacks out of amusement parks like Fair Park, but also separated blacks from whites in most public facilities, including schools, libraries, and hospitals.

In this lesson, you will glimpse postwar life for African Americans, both in the South and the rest of the country. You will also learn how their lives finally began to change for the better during this period.

## SEGREGATION IN THE P...



Students at this segregated school, located in an Arkansas Baptist church in 1949, were some of the many African Americans affected by Jim Crow segregation laws.



In the above photo, a young black boy drinks from a water fountain designated for African Americans. Segregated facilities were commonplace in the South during the postwar era. Both black and white citizens strictly followed segregation rules.

## 1. A Nation Divided: Segregation in American Life

Racial segregation forced blacks to behave in certain ways. First, they were expected to accept and comply with their lesser status in society, a pattern of behavior that W. E. B. Du Bois dubbed “living behind the veil.” They acted normally in private or among other blacks, but put on a “mask” that hid their true feelings around whites, so that they would appear meek and inferior.

In practice, most black people avoided looking white people in the eye, and would look at the ground when speaking to them. In many states, a black man could not look directly at a white woman or touch her accidentally, as he might face a lynch mob if charged with

inappropriate attention to white women. Blacks had to accept white insults and degrading names such as “boy,” “girl,” “auntie,” or “uncle,” regardless of their age. This set of rules and behavior resulted from the long history of racial discrimination in the United States. Racism was most evident in the South, but it extended throughout American society.

**Segregation in Public Accommodations** Segregation was commonplace in public places, especially in the South. The practice was notably strengthened by the Supreme Court case *Plessy v. Ferguson* in 1896, when the Court ruled that railroad cars could be segregated if the accommodations were “separate but equal.” This doctrine enabled state lawmakers to legally segregate public accommodations, including theaters, restaurants, libraries, parks, and transportation.



Black schools in the South were often far worse than their white counterparts. In the 1940s, state governments in the South doubled funds to educate white children, and spent four times as much money on white school facilities. Many black students were taught in poor, unheated classrooms and had few books or supplies.

Jim Crow laws established separate facilities for whites and blacks across the South. Blacks and whites were separated in waiting rooms and rest rooms, train cars and buses, theaters and restaurants, and on

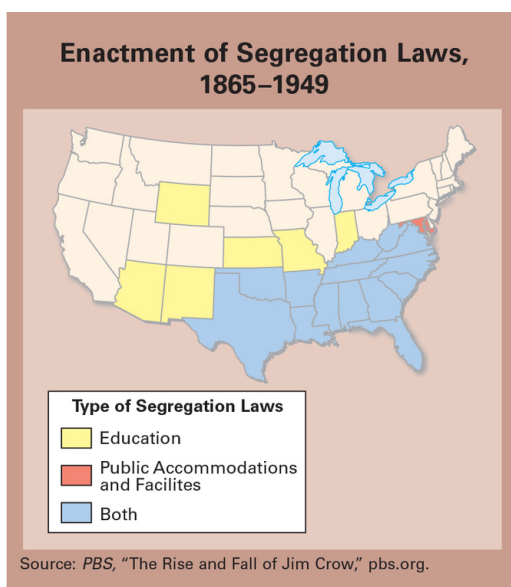
## SEGREGATION IN THE P...

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park benches. One state even passed a law requiring segregated telephone booths.

Often there were no accommodations for blacks. Some restaurants refused to serve African Americans, while certain facilities had a bathroom for whites, but not blacks. Other times, the facility for blacks was notably inferior. This was often the case in schools.

**Segregation in Schools** Jim Crow laws began to affect schools shortly after the Civil War. By 1888, school segregation had been established in almost every southern state, including in some northern and western states as well.



From the end of the Civil War through the 1940s, various states passed laws imposing segregation in public schools and other facilities. Although these laws were most common in the Jim Crow South, some northern and western states implemented segregation as well. Here, the states with segregation laws during this period are categorized by the forms of segregation they enforced.

The *Plessy* decision mandated that separate racial accommodations be equal, but they often were not. Southern states allocated far more funding for white schools than black schools, so the latter often lacked books, supplies, and adequate facilities. In some black schools, students had to gather firewood to heat their classrooms in the winter. Teachers in black schools worked in more difficult conditions for lower salaries. White schools also had bus systems, while black students often walked miles to school.

**Segregation in Housing** African Americans also experienced two forms of housing segregation. One was **de facto segregation**, which was established by practice and custom. The second was **de jure segregation**, or segregation by law. While de facto segregation occurred throughout the country, de jure segregation was largely concentrated in the South.

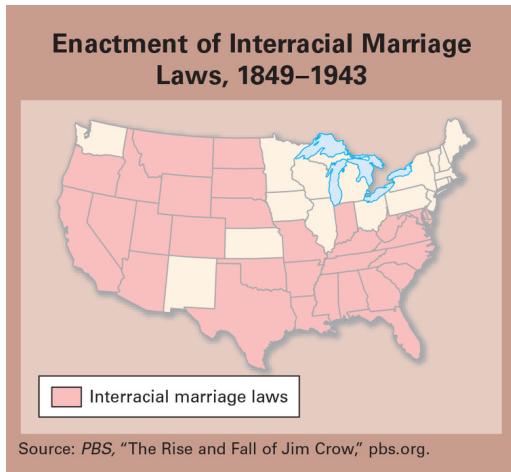
De facto segregation was common in most northern cities. When large numbers of African Americans began moving north in the 1900s, many white residents employed unofficial measures to prevent blacks from settling in their neighborhoods. One practice was creating a **restrictive covenant**, or an agreement among neighbors not to sell or rent to African Americans or other racial minorities. Restrictive covenants often forced blacks into poor neighborhoods farther from jobs, public transport, and good schools.

De jure segregation was accomplished through **racial zoning**, or local laws that defined where different races could live. The federal government supported racial zoning in the 1930s and 1940s, until the Supreme Court declared it unconstitutional in 1951. Even so, segregated neighborhoods remained common in many southern cities.



## SEGREGATION IN THE P...

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Over half of the states banned interracial marriage in the 1940s. In 1967, the Supreme Court ruled in *Loving v. Virginia* that laws against mixed marriage were unconstitutional. Alabama was the last state to repeal its interracial marriage law.

**Segregation in Marriage** Between 1870 and 1884, eleven southern states passed laws prohibiting **miscegenation**, or interracial marriage. According to one historian, these were the “ultimate segregation laws,” as they stated both that blacks were inferior to whites and that any racial mixing through marriage or childbirth threatened the “purity of the white race.”

Some states outside the South also banned interracial marriage. Many of these miscegenation laws not only outlawed marriage between African Americans and whites, but also between whites and Asians, as well as whites and American Indians.

**Segregation in the Workplace** Employment and working conditions reflected the thorough segregation of American society. Few blacks held white-collar jobs—positions that do not involve manual labor. Those who did were often teachers or ministers. Furthermore, few blacks were employed as skilled laborers, most working instead in either agriculture or service. Their wages were considerably lower than those of whites. In 1940, for example, the median income level of black men was less than half that of white men.



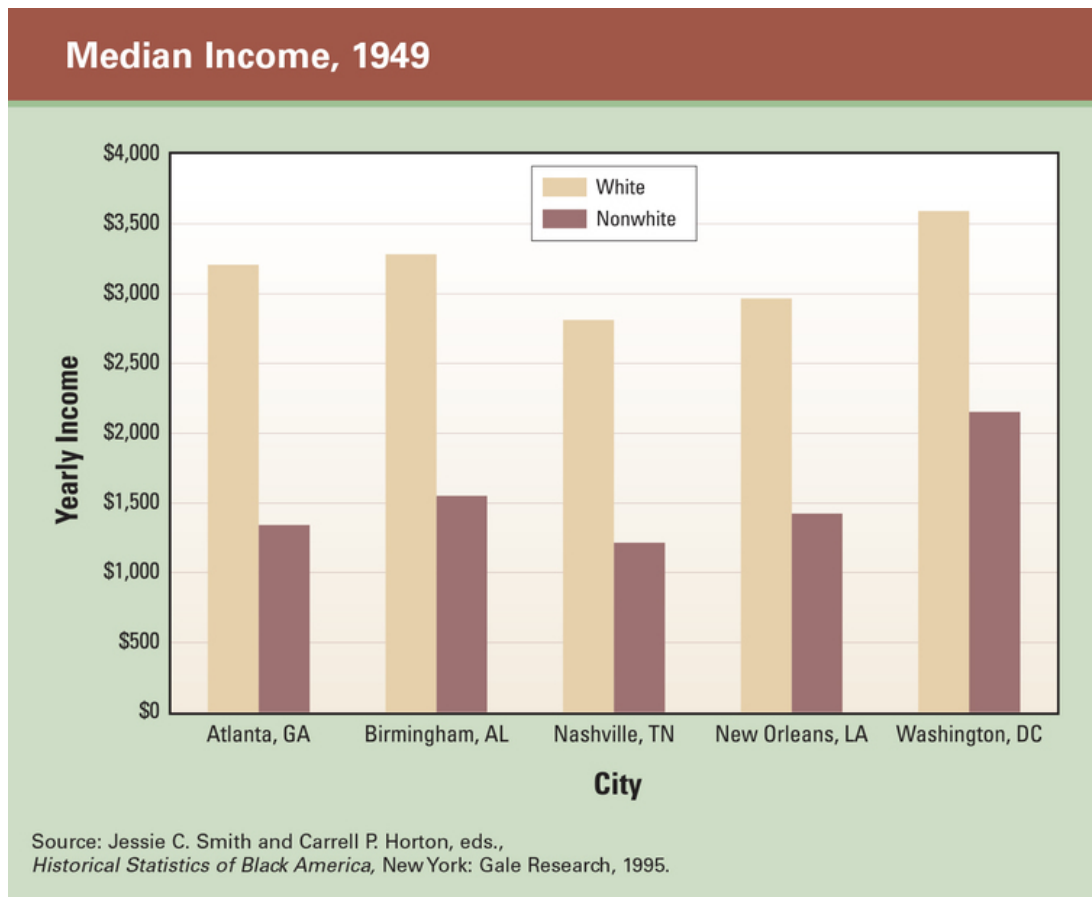
Employment discrimination was a direct result of racism as well as insufficient African American schooling. Illiteracy and lack of education helped trap blacks in low-level jobs, especially in the South.

**Segregation in Politics** Southern whites also found ways to **disenfranchise**, or deny voting rights, to African Americans. In the years following Reconstruction, poll taxes and literacy tests prevented many blacks from voting. Many southern states also disenfranchised blacks through the **white primary**, a primary election in which only whites could participate. This primary was used to support the Democratic Party's domination in southern politics, which southern whites believed opposed radical Reconstruction and civil rights. Democrats excluded blacks from party membership, thus denying them the right to vote in party primaries. As a result, the Democrats did not have to attract black voters, and blacks had no political representation.

The white primary was practiced extensively in Texas. Between 1923 and 1944, Texas Democrats used it to limit black political participation. However, the Supreme Court declared white primaries unconstitutional in 1944, so more African Americans began voting in Texas, and the number of registered black voters rose substantially.

**Gerrymandering**, or the practice of redrawing the lines of a voting district to give one party or group of voters an advantage, was also used to discriminate against black voters, rendering their votes meaningless. If the majority of voters in a voting district are African American, they may be able to elect a candidate who represents their interests. However, if the voting district lines are gerrymandered to separate the African American population into white-majority districts, the black vote becomes diluted and less effective. Through gerrymandering, black voters were often denied political power.

These political methods differed from the violent means used in the early years after Reconstruction, when blacks were sometimes forcibly prevented from voting. Yet they were equally effective in denying blacks voting rights and limiting black representation in government.



Black and white incomes varied considerably in the 1940s. This graph illustrates the difference between white and nonwhite median income in five major American cities. The median is the middle value in a set of numbers. Half of people have incomes below the median income, and half have incomes above it.



When Jackie Robinson signed a contract with the Brooklyn Dodgers in 1945, he became the first African American to cross the color line in professional baseball. Robinson credited his black fans with helping him endure his first difficult years in the major leagues. This photo stamp was issued in 1999 to commemorate Jackie Robinson's historic career.

## 2. Small Steps Toward Equality

In 1944, Jackie Robinson, who would become one of the greatest baseball players in the history of the game, was an army lieutenant stationed at Fort Hood, Texas. Leaving the base one day, he boarded a military bus and took a seat in front. When the driver ordered him to move to the back, Robinson refused, and was arrested once he exited the bus. Nearly court-martialed for his actions that day, Robinson would later achieve fame on the baseball diamond and become a role model for millions of Americans. Over the course of his life, Robinson came to represent the struggles of African Americans to advance in white-dominated society.

**Breaking the Color Line in Sports** Jackie Robinson began his baseball career in the Negro Leagues after World War II. At this time, the sport was divided by the **color line**, a barrier created by custom, law, and economic differences to separate whites from nonwhites.

Robinson crossed the color line when Brooklyn Dodgers general manager Branch Rickey signed him in 1945. After briefly playing for the minor league team, Robinson took the field in Dodgers uniform in 1947. Being the first black major league baseball player was difficult—fans taunted him, some of his own teammates resented playing with him, and players on opposing teams tried to “bean” him with the ball or spike him with their cleats. As he later recalled, “Plenty of times I wanted to haul off [and fight] when someone insulted me for the color of my skin, but I had to hold to myself. I knew I was kind of an experiment. The whole thing was bigger than me.” Robinson eventually overcame these obstacles, leading his team to six league championships and one World Series victory.

Meanwhile, other professional sports began to accept black athletes. Football became integrated when four black players joined the professional leagues in 1946. Four years later, the National Basketball Association admitted its first African American players. By the 1950s, the color line in professional sports was gradually disappearing.

**Desegregation of the Armed Forces** The color line would soon dissolve in the armed forces as well, but again, change did not come easily. Despite the valuable contributions of African American soldiers during World War II, the military remained segregated after the war.

Many GIs returned from combat to face continued segregation at home, especially in the Jim Crow South. In 1946, army veteran Isaac Woodard was traveling by bus from North Carolina to Georgia. At one stop, the driver threatened Woodard for spending too much time in the “colored” bathroom. In their ensuing argument, Woodard was arrested, before police officers beat him so badly that he was permanently blinded. When President Truman learned of the incident, he was appalled and vowed to change segregation in the military. “I shall never approve of it,” he wrote. “I am going to try to remedy it.”

Truman knew desegregation in the armed forces was necessary, both on moral grounds and for political reasons. Like many Americans, he recognized that it was hypocritical to fight Nazism and anti-Semitism abroad while maintaining a color line at home. He also worried that U.S. segregation could undermine efforts to promote freedom and democracy overseas in the Cold War struggle with the Soviet Union.

As the Cold War intensified in the late 1940s, political leaders discussed the need to rebuild the armed forces. Many African Americans said they would refuse to fight in a segregated army. So although a significant number of armed forces leaders opposed desegregation, Truman believed that military discrimination must end.

On July 26, 1948, Truman signed **Executive Order 9981**, which stated, "It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion, or national origin." With this order, the armed forces were officially commanded to desegregate.



Thurgood Marshall, head of the NAACP's legal defense branch, was denied admission to the University of Maryland because he was not white. He eventually earned a law degree from Howard University. In one of Marshall's first legal victories, he sued the University of Maryland over its race policy. Marshall later served on the Supreme Court.

**Civil Rights Organizations Challenge Discrimination** The battle for desegregation would not have succeeded without the determined efforts of civil rights activists. Many Americans worked tirelessly in various organizations dedicated to achieving equal rights.

One of these organizations was the **Congress of Racial Equality** (CORE). Founded in 1942 by a group of students in Chicago, CORE was committed to effecting change through nonviolent direct action. Its first operation—staging a peaceful protest at a segregated coffee shop in Chicago in 1943—garnered national attention, helping CORE spread to other northern cities. CORE assisted the desegregation of many public facilities in the North before shifting its attention to the South in the late 1950s.

Another key civil rights group, the National Urban League, formed in response to the Great Migration of blacks to northern cities in the early 1900s. The Urban League worked to help African Americans achieve success in the North by counseling newly arrived migrants and training black social workers. The group also promoted educational and employment opportunities for African Americans. During World War II, the Urban League helped integrate defense plants.

The National Association for the Advancement of Colored People, the oldest major civil rights organization, remained active in the struggle for equal rights. Founded in 1909, the NAACP continued its efforts to promote civil rights legislation. In 1939, the group established a legal branch for civil rights action, called the NAACP Legal Defense and Educational Fund. The following year, Thurgood Marshall became the head of this group.

The Legal Defense and Educational Fund was dedicated to defeating segregation through the court system. Its main weapon was the equal protection clause of the Fourteenth Amendment, which prohibits states from denying any person equal protection of the law. Since the clause prohibits discrimination by states, it is crucial to the protection of civil rights.

### **3. The Courts Begin to Dismantle Segregation**

Getting to school was a challenge for seven-year-old Linda Brown, from Topeka, Kansas, in 1951. She first had to walk a mile to the bus stop, passing through a railroad yard on the way. Then, she endured the long

bus ride to school. The trip seemed bizarre to her, as there was a good school located merely seven blocks from her house. The schools in Topeka were segregated, however, so Linda, a black girl, was unable to attend the whites-only school nearest her. Eventually, her father, Oliver Brown, decided to protest. Through the court system, Brown and other civil rights activists gradually began to dismantle segregation.

**Early Court Decisions Make Big Strides** The Supreme Court began to strike down Jim Crow laws in the 1930s and 1940s. The Court ordered the University of Maryland to admit a black student in 1935, later declared white primaries unconstitutional, and also barred segregation on interstate transport. These were critical steps toward ending segregation in the United States.

In 1948, the Supreme Court confronted segregated housing in *Shelley v. Kraemer*, ruling that states could not enforce restrictive covenants. As a result, many city neighborhoods became desegregated. For example, over the next few years, thousands of black families in Chicago moved to areas that had previously been restricted to whites.

In 1950, the Court issued strong rulings against education discrimination. In two cases, the Court declared that segregation in graduate schools and law schools was unconstitutional. It seemed as though “separate but equal” education was dissolving.



## SEGREGATION IN THE P...

**Four Important Cases Involving Segregation in Education, 1938–1950**

**McLaurin v. Oklahoma State Regents for Higher Education**  
Norman, Oklahoma, 1950  
G. W. McLaurin sued for admission to the University of Oklahoma, but was told he must sit in a designated row of chairs and study at a certain table in the library. The Court demanded that McLaurin receive “the same treatment . . . as students of other races” while attending a state-supported school.

**Sweatt v. Painter**  
Houston, Texas, 1950  
The University of Texas Law School rejected Heman Sweatt because of his race. The Court held that the educational opportunities offered to white and black law students by Texas were unequal and required that Sweatt be admitted.

**Mills v. Board of Education of Anne Arundel County**  
Anne Arundel County, Maryland, 1939  
Walter Mills, a black schoolteacher, sued the board of education over salaries, citing the minimum annual salary as \$1,250 for white teachers and \$765 for black teachers. The Court ordered that salary discrimination based on race be stopped, but refused to order the board not to pay black teachers less than white teachers.

**Missouri ex rel Gaines v. Canada**  
Columbia, Missouri, 1938  
Lloyd L. Gaines was denied admission to the University of Missouri’s all-white law school. The Court held that Missouri had no in-state higher education for black citizens that compared to that for white citizens. The state responded by developing a black law school within the University of Missouri.

Source: *The History of Jim Crow*, [www.jimcrowhistory.org](http://www.jimcrowhistory.org).

In the 1930s, the Supreme Court began to strike down laws mandating segregation in public facilities. Several of these Court rulings affected public schools. The map describes four key education cases decided by the Supreme Court between 1938 and 1950.

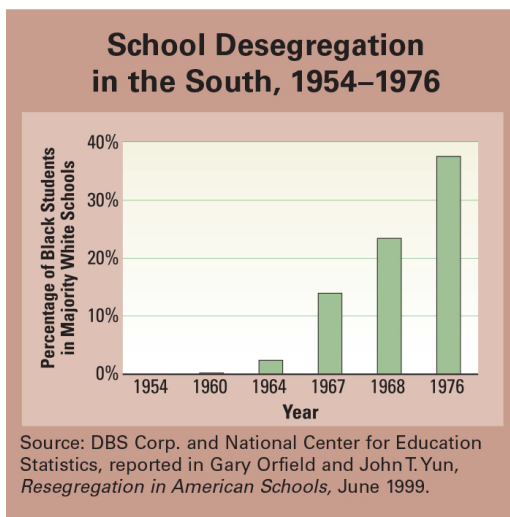
**A Landmark Ruling: *Brown v. Board of Education*** In Topeka, Oliver Brown had contacted the NAACP, which in turn gathered 12 other parents to join efforts to desegregate the city’s schools. These parents first attempted to enroll their children in white schools, but were denied admission. So, the NAACP sued the Topeka school district in court in 1951. When a local court found “no willful discrimination,” the NAACP appealed the case, advancing all the way to the Supreme Court.

***Brown v. Board of Education*** was comprised of a set of multiple court cases from Kansas, South Carolina, Virginia, Delaware, and Washington, D.C., that were moving through the court system concurrently. The Supreme Court decided to combine the cases into one because the plaintiffs were all aiming for the same legal outcome. The *Brown* case was a **class-action lawsuit**, or a lawsuit filed by people on behalf of themselves and a larger group who might also benefit from the case’s outcome.

The NAACP’s lead attorney, Thurgood Marshall, argued the case, supplying evidence to demonstrate how segregation harms African American children. The most famous piece of evidence was the “doll test.” In this experiment, 16 black children were shown a white doll and

a brown doll. Ten of the children chose the white doll as the “nice” doll, while eleven children selected the black doll as the one that looked “bad.” According to the psychologist who conducted the test, “the Negro child accepts as early as six, seven or eight the negative stereotypes about his own group.”

The *Brown* case circled in the Supreme Court for a year and a half. During this time, a new chief justice, Earl Warren, was appointed to the Supreme Court. Warren was a firm opponent of segregation. Believing that a unanimous decision in the *Brown* case would carry more weight than a divided one, he worked to convince every judge to rule in favor of the plaintiffs. He finally succeeded in May 1954, and announced the Supreme Court ruling in *Brown v. Board of Education* on May 17:



Progress toward school desegregation was slow in the first ten years after the *Brown* ruling. After 1964, however, the pace of desegregation quickened. By 1976, student populations in majority-white schools in the South were nearly 40 percent black.

We come then to the question presented: 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

## SEGREGATION IN THE P...

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group of equal educational opportunities? We believe that it does . . . We conclude that in the field of public education the doctrine of “separate but equal” has no place. Separate educational 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.

—*Brown v. Board of Education*, 1954

The *Brown* decision dismantled the legal basis for segregation in schools and other public places. For this reason, the outcome of this Supreme Court case was one of the most important judicial decisions in the nation’s history, and was also one of the many landmark civil rights rulings under Earl Warren, who served as chief justice of the Court from 1953 to 1969. As demonstrated by the *Brown* decision, the **Warren Court** became known for its activism on civil rights and free speech.



In this integrated classroom in Washington, D.C., black and white students sit side by side (1957). The Supreme Court’s landmark *Brown v. Board of Education* decision decreed segregation unconstitutional. Desegregation was not implemented without resistance, however, especially in the South.

**All Deliberate Speed? Much of the South Resists Change** A year

after the *Brown* decision, the Supreme Court issued a second ruling known as *Brown II*, which instructed states to begin desegregation “with all deliberate speed.” The phrase was chosen carefully, as the justices wanted desegregation to be implemented rapidly, but recognized that many obstacles stood in the way. Therefore, *Brown II* gave states some flexibility to desegregate their schools in accordance with *Brown*.

Desegregation occurred without incident in some border states, but there was greater resistance in parts of the South. For example, a Mississippi white citizens’ council published a handbook called *Black Monday* in 1955, referring to the day the Supreme Court announced the *Brown* decision. Their handbook called for an end to the NAACP and public schools, and advocated a separate state for African Americans.

Despite opposition, the *Brown* decision inspired hope that African Americans could achieve equal rights in American society. It also served as a catalyst for the civil rights movement of the 1950s and 1960s, when many individuals and groups dedicated themselves to promoting equality, opportunity, and rights.

## Summary

**Segregation remained widespread in the United States after World War II, especially in the South. But there were also signs of change. In the 1940s and 1950s, desegregation began in sports and the military. Civil rights organizations grew stronger. The landmark Supreme Court ruling *Brown v. Board of Education* heralded the beginning of the modern civil rights movement.**

**Segregated society** Segregation affected every aspect of life in the Jim Crow South. De jure segregation was defined by law, while de facto segregation was determined by custom. Blacks in the North and West also experienced de facto segregation, especially in housing.

**Breaking the color line** Professional sports began to integrate in the late 1940s. Most notable was Jackie Robinson’s entry into major league baseball. Professional football and basketball integration followed shortly.

**Executive Order 9981** President Truman was determined to integrate the armed forces. His executive order, issued in 1948, ended segregation in the U.S. military.

**Civil rights groups** Civil rights organizations gained strength in the years following World War II. CORE was dedicated to civil rights reform through nonviolent action. The National Urban League worked to help African Americans who were living in northern cities. The NAACP began a legal branch and launched a campaign, led by Thurgood Marshall, to challenge the constitutionality of segregation.

***Brown v. Board of Education*** The NAACP's legal campaign triumphed in 1954, when the Warren Court issued the *Brown v. Board of Education* decision. This ruling declared segregation in public schools unconstitutional and undermined the legal basis for segregation in other aspects of American life.

## Supreme Court Decisions: Enforcing Desegregation in Oklahoma

### Ada Lois Sipuel Fisher

Ada Lois Sipuel Fisher applied to the University of Oklahoma law school, in which she was denied admission due to her race. Fisher sued the university, her case eventually reaching the Supreme Court. The court ruled unanimously to force the University of Oklahoma to admit Fisher as the school's first African American student. The opinion of the court is below.

*PER CURIAM. On January 14, 1946, the petitioner, a Negro, concededly qualified to receive the professional legal education offered by the State, applied for admission to the School of Law of the University of Oklahoma, the only institution for legal education supported and maintained by the taxpayers of the State of Oklahoma. Petitioner's application for admission was denied, solely because of her color.*

*Petitioner then made application for a writ of mandamus in the District Court of Cleveland County, Oklahoma. The writ of mandamus was refused, and the Supreme Court of the State of Oklahoma affirmed the judgment of the District Court. Okl. Sup., 180 P.2d 135. We brought the case here for review.*

*The petitioner is entitled to secure legal education afforded by a state institution. To this time, it has been denied her although during the same period many [332 U.S. 631 , 633] white applicants have been afforded legal education by the State. The State must provide it for her in conformity with the equal protection clause of the Fourteenth Amendment and provide it as soon as it does for applicants of any other group. State of Missouri ex rel. Gaines v. Canada, 1938, 305 U.S. 337 .*

*The judgment of the Supreme Court of Oklahoma is reversed and the cause is remanded to that court for proceedings not inconsistent with this opinion.*

*The mandate shall issue forthwith.*

*Reversed.*

## **George McLaurin**

George McLaurin was an African American student who applied to the University of Oklahoma in pursuit of a doctorate. However, he was denied due to his race. When he brought the case to court, legislators in Oklahoma amended the law to allow African Americans to attend educational institutions as long as they were segregated. McLaurin appealed, in which the Supreme Court ruled unanimously that racial segregation within the institutions of colleges and universities does not align with the equal protection clause of the Fourteenth Amendment.

*VINSON, C.J., Opinion of the Court*

*MR. CHIEF JUSTICE VINSON delivered the 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. We decide only this issue; see Sweatt v. Painter, ante p. 629.*

*Appellant is a Negro citizen of Oklahoma. Possessing a Master's Degree, he applied for admission to the University of Oklahoma in order to pursue studies and courses leading to a Doctorate in Education. At that time, his application was denied, solely because of his race. The school*

*authorities were required to exclude him by the Oklahoma statutes, 70 Okla.Stat. (1941) §§ 455, 456, 457, which made it a misdemeanor to maintain or operate, teach or attend a school at which both whites and Negroes are enrolled or taught. Appellant filed a complaint requesting injunctive relief, alleging that the action of the school authorities and the statutes upon which their action was based were unconstitutional, and deprived him[p639] of the equal protection of the laws. Citing our decisions in Missouri ex rel. Gaines v. Canada, 305 U.S. 337 (1938), and Sipuel v. Board of Regents, 332 U.S. 631 (1948), a statutory three-judge District Court held that the State had a Constitutional duty to provide him with the education he sought as soon as it provided that education for applicants of any other group. It further held that, to the extent the Oklahoma statutes denied him admission, they were unconstitutional and void. On the assumption, however, that the State would follow the constitutional mandate, the court refused to grant the injunction, retaining jurisdiction of the cause with full power to issue any necessary and proper orders to secure McLaurin the equal protection of the laws. 87 F.Supp. 526.*

*Following this decision, the Oklahoma legislature amended these statutes to permit the admission of Negroes to institutions of higher learning attended by white students in cases where such institutions offered courses not available in the Negro schools. The amendment provided, however, that, in such cases, the program of instruction "shall be given at such colleges or institutions of higher education upon a segregated basis."[\*] Appellant[p640] was thereupon admitted to the University of Oklahoma Graduate School. In apparent conformity with the amendment, his admission was made subject to such rules and regulations as to segregation as the President of the University shall consider to afford to Mr. G. W. McLaurin substantially equal educational opportunities as are afforded to other persons seeking the same education in the Graduate College, a condition which does not appear to have been withdrawn. Thus, he was required to sit apart at a designated desk in an anteroom adjoining the classroom; to sit at a designated desk on the mezzanine floor of the library, but not to use the desks in the regular reading room, and to sit at a designated table and to eat at a different time from the other students in the school*



*cafeteria.*

*To remove these conditions, appellant filed a motion to modify the order and judgment of the District Court. That court held that such treatment did not violate the provisions of the Fourteenth Amendment, and denied the motion. 87 F.Supp. 528. This appeal followed.*

*In the interval between the decision of the court below and the hearing in this Court, the treatment afforded appellant was altered. For some time, the section of the classroom in which appellant sat was surrounded by a rail on which there was a sign stating, "Reserved For Colored," but these have been removed. He is now assigned to a seat in the classroom in a row specified for colored students; he is assigned to a table in the library on the main floor, and he is permitted to eat at the same time in the cafeteria as other students, although here again he is assigned to a special table.*

*It is said that the separations imposed by the State in this case are in form merely nominal. McLaurin uses the same classroom, library and cafeteria as students of other races; there is no indication that the seats to which he is assigned in these rooms have any disadvantage[p641] of location. He may wait in line in the cafeteria, and there stand and talk with his fellow students, but while he eats, he must remain apart.*

*These restrictions were obviously imposed in order to comply, as nearly as could be, with the statutory requirements of Oklahoma. But they signify that the State, in administering the facilities it affords for professional and graduate study, sets McLaurin apart from the other students. The result is that appellant is handicapped in his 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, for he is attempting to obtain an advanced degree in education, to become, by definition, a leader and trainer of others. Those*

## SEGREGATION IN THE P...

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*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 -- a Constitutional difference -- between restrictions imposed by the state which prohibit the intellectual commingling of students and the refusal of individuals to commingle where the state presents no such bar. Shelley v. Kraemer, 334 U.S. 1, 13-14 (1948). The removal of the 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 [p642] to secure acceptance by his fellow students on his own merits.*

*We conclude that the conditions under which this appellant is required to receive his education deprive him of his personal and present right to the equal protection of the laws. See Sweatt v. Painter, ante p. 629. We hold that, under these circumstances, the Fourteenth Amendment precludes differences in treatment by the state based upon race. Appellant, having been admitted to a state supported graduate school, must receive the same treatment at the hands of the state as students of other races. The judgment is Reversed.*

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Sipuel v. Board of Regents of the University of Oklahoma excerpt from Google Scholar

Entire Selection: [https://scholar.google.com/scholar\\_case?case=8925146306023332418&q=sipuel&hl=en&as\\_sdt=6,34&scilh=0](https://scholar.google.com/scholar_case?case=8925146306023332418&q=sipuel&hl=en&as_sdt=6,34&scilh=0)

Accessed July, 2019

McLaurin v. Oklahoma State Regents excerpt from Cornell Law School

Entire Selection:  
<https://www.law.cornell.edu/supremecourt/text/339/637>

Accessed July, 2019