



# THE DESEGREGATION of OKLAHOMA SCHOOLS

By ALLAN SAXE

A decade has passed since the historic Supreme Court decision which held that "in the field of public education the doctrine of 'separate but equal' has no place." Oklahoma's orderly compliance, praised throughout the nation, is reviewed on this tenth anniversary.

PHOTO BY JOHN CRELLY

THE CONSTITUTION and Statutes of Oklahoma are evidence that the state had traditionally recognized race distinction for educational purposes. The laws regarded the Negro student as one who should be kept apart from the mainstream of the daily educational process.

Oklahoma maintained complete compulsory separation of the races over a period of 48 years. The first state legislature provided for a system of separate elementary and secondary schools for each race (Negro and white) whether supported by public or private agencies. Oklahoma also had the dubious distinction of being the only state in the Union with compulsory segregation which financed its separate schools by a separate levy. Furthermore, this Constitutional provision for the separate financing of separate schools opened the way for many abuses even though the financial base was sound in theory. Oklahoma carried its system of separated schools to unusual lengths and it was a system that was subject to abuse.

In addition to the constitutional and statutory provisions there were two administrative policies that helped maintain segregation because they contributed financially to its perpetuation. The first of these financial policies of an administrative nature enabled the local school districts to maintain separate schools for Negroes and whites because it stipulated that state aid was to be allocated for teachers upon separate calculations for white and Negro students. The old formula not only perpetuated segregation by providing it a financial crutch, but it was costly as well.

The second administrative policy concerned the subject of transportation. The old rules required two different types of transportation areas—districtwide for white pupils and countywide for Negroes. Such a "double transportation" system had been in effect for years simply because it was illegal in Oklahoma for white and Negro children to attend the same school. Enough state aid was administered for the maintenance of two transportation systems. This system also contained inefficient and clumsy features. For instance, often a bus with white pupils would be followed by a bus with Negro pupils on the same route.

The old school system in Oklahoma was entirely Southern. As previously related, two entirely different tax bases supported the two systems, and the all-white school board in each district administered the dual budget. The Negro schools, generally speaking, were not equal to the white schools. Later, the Supreme Court of the United States agreed that there was no such thing as equality in separateness.

From this review of early constitutional provisions, statutes and administrative procedures, it is apparent that the state developed and applied a thorough-going system of racially separated schools. For a time at least, Oklahoma differed little in this regard from the more typically Southern states. The total population of Oklahoma, according to the United States census for 1950, was 2,233,351 and the total Negro population was 200,825. In Oklahoma, no Negro student prior to 1954 had attended a public or private school with white students. In April of 1954, the school enumeration of all persons six to eighteen years of age, showed a total of 467,367, of which 34,255 were Negroes.

That was 7.3 percent, which was the approximate percentage that prevailed in the state during the preceding 30 years.

Sixty-three of Oklahoma's 77 counties had some Negro children of school age. These Negro children were located in approximately 370 school districts of the state. The largest Negro enrollment in a district was listed with the Oklahoma City school board and numbered 4,900. There were, at that time, approximately 1,300 school districts. In 1954, one out of each ten children of school age was a Negro. Also, there were 1,620 separate school teachers excluding substitutes, which meant that one out of eleven public school teachers was a Negro. A conservative estimate stated that around 2,100 Negroes were employed full time in the separate schools of Oklahoma.

At that time, Oklahoma had difficulty in adequately financing the public school system. The old financing system was expensive. For the fiscal year 1954-55, all budgets for both majority and separate schools had been officially approved and tax levies made and extended upon the tax rolls in each of the 77 counties. Therefore, it was apparent that any future decisions, in regard to segregation, would profoundly affect both monetary and human resources.

Ironically, the first breakthrough came in the field of higher education and began when Ada Lois Sipuel Fisher, Chickasha, began a court fight to obtain admission into the University of Oklahoma law school. This case (*Sipuel v. Board of Regents of the University of Oklahoma*, 332 U.S. 631, 92 L. ed 247, January 12, 1948) attracted nationwide attention and began a unique epoch in Oklahoma's segregation-desegregation struggle. This episode was concluded when Sipuel was granted admittance to an institution of higher learning that had never before opened its doors to Negro students. From this brief and exciting episode school officials in lower educational levels could already plainly see that the trend would offer no alternative to desegregation.

Another case that subsequently was to become famous in segregation-desegregation annals was *McLaurin v. Oklahoma State Regents for Higher Education, et al* (399 U.S. 637, 94 L. ed 1149, 1950). In this decision, prepared by Chief Justice Vinson, the United States Supreme Court reversed the decision of a three-judge United States District Court for the Western District of Oklahoma and held in substance that simple admittance of a Negro to an institution of higher learning was not enough. If a Negro was admitted he must now be treated the same as whites or the equal protection clause of the Fourteenth Amendment would be violated. (A similar question of segregation arose in the case of *Troullier v. Oklahoma College for Women*, Chickasha, Oklahoma. Miss Troullier was a Negro girl and was attempting to gain admittance to the only all-female institution for higher learning in the state. In cause no. 3842, filed in the United States District Court for the Eastern District of Oklahoma it was the contention by the plaintiffs that Miss Troullier was entitled to attend said college under the doctrine of "separate but equal," since there was no college for Negro women in the state. Before

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this case was decided, however, a decision was rendered in the famous Brown Case and, under the principles of law announced in the 1954 decision, Miss Troullier was admitted to the Oklahoma College for Women and her case was dismissed as moot.)

The three cases referred to played a key role in conditioning the minds of Oklahomans that desegregation in all areas of education was inevitable. It appears that most of the energy directed against desegregation largely expended itself in the earlier litigation. Hundreds of letters and telegrams poured into the state capitol directed against Negro attendance at Oklahoma's institutions of higher learning. These letters and telegrams were directed primarily against Governor Roy J. Turner, the attorney general, Mac Q. Williamson, and the chancellor of higher education, M. A. Nash.

Ada Lois Sipuel Fisher, the famous plaintiff previously mentioned, admits that, "apparently desegregation at the higher level conditioned the minds of the people (favorably) toward the segregation-desegregation question when it arose at the lower level." When the time came for desegregation at the lower level the "sentiment of the people had changed," she concludes, and due in no small measure to the prolonged and much publicized litigation stemming from the three cases previously mentioned. Even Governor Raymond Gary was amazed at the limited number of letters he received in relation to secondary education, when compared to the avalanche of letters received in regard to the higher level of education.

These cases were discussed nationally and even internationally. Perhaps, the great amount of publicity accorded both the Sipuel and McLaurin cases served as a sort of emotional outlet for those who opposed desegregation. Moreover, local newspapers blared forth the news that the Supreme Court was ordering Negro students into previously all-white universities. The advice and policies prepared by the attorney general's office were highly publicized. Williamson forcefully stated the situation on front pages across Oklahoma more than once. The citizens were told quite frankly what the various Supreme Court decisions would mean to them. Such direct language contributed to conditioning the minds of the people to the inevitability of desegregation in all levels of education. Dr. E. T. Dunlap, chancellor of state regents for higher education, agrees and states emphatically that the Sipuel and McLaurin cases set the stage for desegregation in the public elementary and secondary schools of Oklahoma.

In the early 1950's four different plaintiffs contended that separated public schools were not "equal" and could not be made "equal," and that hence they were being de-

prived of the equal protection of the laws. The United States Supreme Court was now being asked to re-examine the doctrine of "separate but equal." The Supreme Court in a unanimous decision on May 17, 1954, prepared by Chief Justice Warren, reversed its former doctrine of "separate but equal," and in this connection held "... that in the field of public education the doctrine of 'separate but equal' has no place." (It is a little known fact that four letters on file with a prominent NAACP official attest to the fact that the situation in Oklahoma City was being carefully scrutinized and evaluated in preparation to the filing of a suit similar to those filed in Kansas, South Carolina and Virginia—the states involved in the Brown case. These letters prove that NAACP litigation that would have brought Oklahoma into the challenge to separate but equal was actively under consideration in the period before the Brown decision).

There is high art in knowing when to make a public statement. Oklahoma's political leaders and educators displayed this high art when they first learned of the Supreme Court decision. Governor Murray, who was the chief executive, now admits that he could have caused difficulty and dissension. Instead, he tried to ameliorate the situation, both in Oklahoma and in other states as well, by the judicious use of power as chairman of the Southern Governor's Conference. The Supreme Court decision of May 17, 1954, left a large number of questions unanswered. For that reason the case was restored to the docket for re-argument in regard to several procedural questions previously propounded by the court. The scheduled reargument of several questions gave Oklahoma education officials time to formulate a preliminary policy relative to the segregation ruling.

On May 27, 1954, the State Department of Public Instruction issued a bland one-page statement. The statement was issued after brief consultation with other public officials. The statement, in effect, said that since the United States Supreme Court decision was not final that it was contemplated that Oklahoma public schools would operate during the next school year on the same basis as for the current year. This statement, certainly not revolutionary, was nevertheless the first official utterance on the school segregation question in over 40 years. Moreover, it hinted that changes might be forthcoming, for attached to the letter was a copy of pertinent paragraphs from the United States Supreme Court decision.

A preliminary policy of desegregation was beginning to form in yet another important administrative branch—the office of the attorney general of Oklahoma. In general terms, it can be said that the attorney general skillfully

created a picture, to both Negroes and whites, of responsible government flavored with a lack of zeal for segregationist policies. Although public schools were abiding by the "wait a year" plan of the Department of Public Instruction, racial barriers were shaken by the integration of the Catholic school system in the state in September, 1954. Apparently, Catholic officials did not believe that the prohibitory statutes would be enforced, and they were correct. Not even the slightest hint was raised that the statutes would be enforced, and this fact provides further testimony to the emergent policy of desegregation. The time was a scant four months before the 1955 session of the legislature—a session destined to write desegregation history in Oklahoma.

In the interim, before the legislature was to convene, various civic groups were extremely busy in mobilizing public opinion in favor of desegregation. Moreover, a legislative interim study committee proposed as the policy of the coming legislature: "That the State of Oklahoma should begin to prepare itself for desegregation in all possible ways." Some individual legislators explored methods of circumventing the high court's decision, and generally the members of the twenty-fifth Oklahoma legislature had no consciously planned program to benefit humanity by speeding desegregation. Instead, this legislature was composed of various factions jockeying for power and looking out for their own interests. There certainly was no ideological battle taking shape. Practical solutions were being sought for concrete problems, while ideals were largely forgotten.

Onto the stage with the legislature came the new governor—Raymond Gary of Madill, who earnestly sought to maneuver a financial program for schools through the legislature that would comply with any future Supreme Court decisions. The governor's office could have stirred dissension and actively blocked any moves toward compliance if it had wished to do so.

The legislature was primarily concerned with the overall improvement of schools, rather than the segregation aspects as it worked on a proposed constitutional amendment wiping out separate school financing and adding new financial strength to a single school system. In the midst of all this optimism there were arguments against the amendments purely on racial grounds. However, after signing the resolution, Governor Gary frankly said, "The success or failure of my administration to a great extent depends on the passage of this bill. I am willing to stake my political life on this program."

The resolution set April 5, 1955, as the date when Oklahoma voters would have a chance to erase the 'Jim Crow' budget provisions from the Constitution and either approve or reject the administration's comprehensive educational program. Both the House of Representatives and the Oklahoma Senate recessed March 30, 1955, to travel over the state and help explain the amendment. Oklahomans adopted the amendment 231,097 to 73,921. The Supreme Court then spoke again and told the states to make a prompt and reasonable start toward school integration. Oklahomans had been awaiting the supplementary decision for nearly a year, and now, almost unanimously, leaders expressed willingness to begin the transition to desegregation as soon as possible. Educators and legislative leaders

admitted, however, that they did not know precisely when this transition would begin.

More important is the fact that there was no indication of overt attempts to promote undue delays in any attempted desegregation moves. In fact, leaders voiced agreement with the decision and aligned themselves against those who would defy the edict. Governor Gary expressed strong support for compliance with the ruling when he said ". . . it is fair and reasonable . . . it gives the states an opportunity to get ready. We're ready as far as our laws are concerned." All of the major city newspapers accepted the opinion and proceeded to explain to their readers that it was likely that a great amount of litigation would be forthcoming. Administration of the state's new one-system laws in light of the Court decision fell to Governor Gary and the State Board of Education under Dr. Oliver Hodge, state superintendent of public instruction.

First of all, Governor Gary acted to inform every school district in the state that they would get no help whatsoever from the state if they wished to defy federal law. Every school district was frankly told that the attorney general's office would not be asked to represent them if they were held in contempt of a federal court. Furthermore, the attorney general's office is reported to have informally instructed local districts that there was no legal method to circumvent the Supreme Court's ruling.

Governor Gary, in conjunction with other administrative offices skillfully utilized all the weapons at his disposal to effect the agreed-upon plan. Working as diligently was the Board of Education. It evolved eight specific policies for public schools revolving around the central theme, "The Constitution of the United States, as interpreted by the Supreme Court . . . would be honored and obeyed." The Board of Education subsequently declared that it would not finance separate schools and thus pay a premium for two different school systems. The two administrative crutches, mentioned previously, which financially nourished separate schools were summarily disposed of. In effect, official school segregation in Oklahoma was all over but the shouting, and there was little of that at the time. Occasional eruptions of hate did occur in Oklahoma, but none was vicious and a few were somewhat amusing.

Oklahoma was praised throughout the nation for its obedience to law and order, but more important than the opinions of national publications and personalities were the opinions of the citizens of Oklahoma. For instance, the number of bond issues (voted) for school purposes that were either approved or disapproved did not fluctuate greatly in Oklahoma either before or after desegregation. The State of Oklahoma did not default on its responsibility. The governor of the state, the attorney general's office and the state board of education all worked harmoniously to effectuate compliance. Their leadership guided the state through what might have been a very troublesome period. Their roles cannot be underestimated. In fact, the desegregation policy involving the public elementary and secondary schools of Oklahoma was so meticulously formulated that even the most formidable and unreasonable opponents of desegregation found nothing to criticize. Rarely has a "mission" achieved its objective so effectively.

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*The author is a graduate teaching assistant and a doctoral candidate in government.*