1. NAME OF PROPERTY

Historic Name: **Bizzell Library, University of Oklahoma**

Other Name/Site Number:

2. LOCATION

Street & Number: 401 W. Brooks Street Not for publication:__

City/Town: Norman Vicinity:__

State: OK County: Cleveland Code: 027 Zip Code: 73019

3. CLASSIFICATION

Ownership of Property		Category of Property	
Private:	___	Building(s):	X
Public-Local:	___	District:	___
Public-State:	X	Site:	___
Public-Federal:	__	Structure:	___
		Object:	___

Number of Resources within Property

Contributing	Noncontributing
1	___ buildings
___	___ sites
___	___ structures
___	___ objects
1	___ Total

Number of Contributing Resources Previously Listed in the National Register: N/A

Name of Related Multiple Property Listing:

4. STATE/FEDERAL AGENCY CERTIFICATION

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this ____ nomination ____ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property ____ meets ____ does not meet the National Register Criteria.

Signature of Certifying Official Date

State or Federal Agency and Bureau

In my opinion, the property ____ meets ____ does not meet the National Register criteria.

Signature of Commenting or Other Official Date

State or Federal Agency and Bureau

5. NATIONAL PARK SERVICE CERTIFICATION

I hereby certify that this property is:

___ Entered in the National Register
___ Determined eligible for the National Register
___ Determined not eligible for the National Register
___ Removed from the National Register
___ Other (explain): _____

Signature of Keeper Date of Action

6. FUNCTION OR USE

Historic: Education Sub: Library

Current: Education Sub: Library

7. DESCRIPTION

Architectural Classification: Late 19th and 20th Century Revivals
Collegiate Gothic

Materials:

Foundation: Stone
Walls: Brick
Roof: Tile
Other:

Describe Present and Historic Physical Appearance.

The University of Oklahoma's Bizzell Library is prominently located on the north end of the Van Vleet Oval quad area. Layton, Hicks, and Forsyth, architects of Oklahoma City designed the highly elaborate Collegiate Gothic style building. Dominating features include window tracery, shaped parapets, an arched entry, a battlement, and towers. Completed in 1928, the building includes a full basement, a first floor, and a second floor housing the impressive light-filled main reading room that spans two floors in height and runs the length of the building. A rear addition on the north side of the building dates to 1958 and the modern Neustadt Wing built in 1982 extends off the west side of the addition. Despite the addition to the building, Bizzell Library retains a high degree of integrity in setting, location, design, materials, workmanship, feeling, and location.

Bizzell Library is rectangular in shape with a stone foundation, red brick and stone walls, and a low mansard roof. The front (south) façade is 13 bays wide. A narrow pilaster separates each bay. Enclosing the two middle bays is a battlement featuring a tudor arched entryway flanked by angular turret towers with gargoyles. Empty niches are located in the first and second floors of the towers. The perpendicular style, a phase of Gothic architecture characterized by vertical emphasis, is seen in the ornamentation above the entryway and upper level of the battlement. The second floor perpendicular tracery windows have a stone frame topped with a 4-centered arch crowned with molding. First floor tracery windows are topped with a basket arch and crowned with molding. Crenelated molding is located at the roof line in front of a low tiled mansard roof. Identical side (east and west) elevations are four bays wide with angular turrets at the corners. Two-story tracery bay windows are located beneath a shaped parapet gable on the southern-most end of the elevations followed by three bays of tracery windows identical to the front façade. The rear (north) elevation contains the modern addition.

Stairs from the four single front doors lead to a lobby and an east/west hallway lined with offices. The lobby contains terrazzo floors, a hammer beam roof, and period lighting. Wainscoting lines the walls and the square columns that divide the lobby area from the hallway. The main reading room spans two stories and features a hammer beam roof, period lighting, and built-in book shelves extending a third of the way up the wall. Centered at the east and west ends of the room are the two-story high bay windows, on the south end the two- story windows. Arched doorways on the north side of the room lead to the outside corridor. Two rows of tables with a center aisle fill the room. The stack area remains unaltered with an exposed metal beam ceiling, linoleum or concrete floors and concrete walls.

The University of Oklahoma Collection contains historic photographs of the exterior of the library taken at the time of construction showing that no changes have been made to the building with the exception of the rear addition. A historic photograph of the main reading room shows no change other than possibly the lighting. Even the tables in the photograph contain a rope-like decoration around the edges identical to the tables now located in the reading room indicating that these may be the original tables. A comparison of 1928 and 1998 floor plans, as well as a review of the index of blueprints available at the university's physical plant, indicate no changes to the main reading room or the stack area where the segregated conditions occurred for which this building is associated.

8. STATEMENT OF SIGNIFICANCE

Certifying official has considered the significance of this property in relation to other properties:
Nationally: X Statewide:__ Locally:__

Applicable National Register Criteria: A X B__ C__ D__

Criteria Considerations (Exceptions): A__ B__ C__ D__ E__ F__ G__

NHL Criteria: 1

NHL Theme(s): III. Expressing Cultural Values
1. Educational and Intellectual Currents
IV. Shaping the Political Landscape
1. Parties, protests and movements

Areas of Significance: Law, Politics/Government, and Social History

Period(s) of Significance: 1947-1950

Significant Dates: 1950

Significant Person(s):

Cultural Affiliation:

Architect/Builder:

Historic Contexts: XXVII. Education
C. Higher Education
XXXI. Social and Humanitarian Movements
M. Civil Rights Movement

State Significance of Property, and Justify Criteria, Criteria Considerations, and Areas and Periods of Significance Noted Above.

Summary Statement of Significance

The University of Oklahoma's Bizzell Library is significant for its association with the historical movement to racially desegregate public higher education in the South in the mid-twentieth century and the federal government's position on eliminating racial segregation within a democratic society. The University played a role in a U.S. Supreme Court case that challenged the constitutionality of the separate but equal doctrine under the equal protection clause of the Fourteenth Amendment whereby the Court ruled that separate but equal conditions were unattainable in graduate and professional education. Bizzell Library illustrates the segregated conditions under which an African American student attended the University and the case defined the South's stance on segregated education, federal interpretation of the U.S. Constitution, and the African American pursuit of equal education and civil rights. Bizzell Library is eligible under NHL criterion 1 and is being nominated as part of the Racial Desegregation in Public Education in the United States theme study.

Historic Background

On January 28, 1948, a black retired professor George McLaurin, applied to the University of Oklahoma to pursue a Doctorate in Education.[1] School authorities were required to deny him admission solely because of his race under Oklahoma statutes which made it a misdemeanor to maintain, operate, teach, or attend a school at which both whites and Negroes are enrolled or taught.[2] McLaurin filed a complaint to gain admission. On October 6, 1948, the District Court for the Western District of Oklahoma held that the State had a Constitutional duty to provide McLaurin with the education he sought as soon as it provided that education for applicants of any other group and found unconstitutional those parts of the Oklahoma statute that denied him admission.[3] With this ruling the University's Board of Regents voted to admit McLaurin, but on a segregated basis.[4]

On October 13, 1948, McLaurin entered the University. He sat at a desk in an anteroom adjoining Classroom 104 in Carnegie Hall, at a designated desk on the mezzanine level of Bizzell Library rather than the regular reading room, and ate at a separate time from the white students in the cafeteria. Once again filing suit with the District Court, McLaurin claimed that "... the

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[1] McLaurin applied with six other African Americans, but was the only one admitted. George Lynn Cross, *Blacks in White Colleges: Oklahoma's Landmark Cases* (Norman, Oklahoma: University of Oklahoma Press, 1975): 85. Cross was President of the University of Oklahoma at the time of McLaurin's case.

[2] 70 Okl. Stat. (1941) Sections 455, 456, 457.

[3] *George W. McLaurin v. Oklahoma State Regents for Higher Education, Board of Regents of the University of Oklahoma, et al.* 87 F. Supp. 526 (1948).

[4] Cross, *Blacks in White Colleges,* 1975: 92, quoting the *Daily Oklahoma,* October 12, 1948. Ironically, George McLaurin's wife, Peninah S. McLaurin, was the first African American to apply for and be denied admission to the University of Oklahoma in 1923. *Ibid.,* 102.

segregated conditions under which he was admitted, ...deprive him of equal educational facilities in conformity with the Fourteenth Amendment." His counsel cited that, "...his required isolation from all other students solely because of the accident of birth...creates a mental discomfiture, which makes concentration and study difficult, if not impossible... that the enforcement of these regulations places upon him a badge of inferiority which affects his relationship, both to his fellow students, and to his professors." Disagreeing, the District Court held that this treatment did not deprive McLaurin of his equal protection of the laws and denied the motion stating in part that, "The Fourteenth Amendment does not abolish distinctions based upon race or color, nor was it intended to enforce social equality between classes and races" and that " ... segregation based upon racial distinctions is in accord with the deeply rooted social policy of the State of Oklahoma."[5] McLaurin appealed to the U.S. Supreme Court.

McLaurin v. Oklahoma State Regents for Higher Education was one of four graduate and professional school level cases that the National Association for the Advancement of Colored People (NAACP) litigated before the U.S Supreme Court as an advocate of equal educational opportunities for blacks and whites in this country. Within the movement to desegregate schools, it followed a series of cases from 1896-1930 that governed school segregation and cases between 1930-1945 that ordered equality of physical facilities. The NAACP's legal approach started in the 1930s centered on the meaning of the equal protection clause of the Fourteenth Amendment that was passed by Congress and ratified by the states in 1868 following the Civil War to achieve full citizenship and equality for black Americans. This clause prohibits states from denying persons within its jurisdiction the equal protection of the laws.

Constitutional Segregation, 1896-1930

In 1896, the U.S. Supreme Court first gave meaning to the equal protection clause as it applied to public education in *Plessy v. Ferguson* whereby the Court established that separate facilities for blacks and whites were constitutional as long as they were equal.[6] The Court looked to the nation's schools as 'the most common instance' of segregation and used *Roberts v. City of Boston* to support its decision.[7] In this 1849 ruling, the Massachusetts Supreme Court first sanctioned separate schools for the two races as long as the separate schools were provided for equally. Out of *Plessy* came the separate but equal doctrine that became widespread throughout the South and it soon influenced or controlled most aspects of race relations, including education.[8] It reinforced segregation laws permitted by state and local authorities since the close of the Reconstruction era of 1865-1877.

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[5] *McLaurin v. Oklahoma:* 530-31.

[6] *Plessy v. Ferguson*, 163 U.S. 537.

[7] *Roberts v. City of Boston,* 59 Mass. 198, at 209.

[8] The South consists of the following 17 states: Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. This is "The southeastern region of the United States, distinctive for its climate and long agricultural growing season and plantation system, black agricultural labor, and white-imposed system of segregation" as defined in Jeffrey A. Raffel, *Historical Dictionary of School Segregation and Desegregation: The American Experience* (Westport, Conn.: Greenwood Press, 1998): 242.

Between 1899 and 1927 the U.S. Supreme Court heard three legal challenges to separate southern schools that challenged the separate half of the separate but equal doctrine as states applied it to schools. "In all three instances the court bowed to the right of the state to run its own schools, refusing to consider the constitutional question of whether state-required segregation denied black children equal protection of the laws."[9] The Court condoned both public and private school segregation at all levels, saying that "…the education of the people in schools maintained by state taxation is a matter belonging to the respective states." Federal interference was not justified without "…a clear and unmistakable disregard of rights secured by the supreme law of the land.[10] It cited with apparent approval lower court cases that applied the separate but equal doctrine to public education. Noting that the question raised had been decided many times*"*...to be within the constitutional power of the state legislature to settle without intervention of the federal courts under the Federal Constitution."[11] Thus, between 1896 and 1930 the separate but equal doctrine became ingrained in case law and appeared to be beyond legal attack.

NAACP Equality Campaign, 1930-1945

In 1930 a new era in the movement to desegregate schools began as the NAACP started its legal attack with a fresh approach. Rather than challenging separate schools, the organization based its campaign on the inequalities in public education whereby the costs of maintaining two equal systems would destroy segregation. For the first time, attacks on school segregation were aimed at the professional school level. Former NAACP Special Counsel Jack Greenberg reflected that, "Desegregation of existing schools was the most practicable relief because graduate and professional facilities are more likely to be unique, specialized and therefore, more difficult to create in duplicate than elementary and high school facilities."[12] Equalizing these facilities would indeed be costly as essentially, before the 1930s, there were no public Negro graduate and professional schools in the South.[13] According to the U.S. Office of Education, in 1940 Negro

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[9] Joan Biskupic and Elder Witt, *Guide to the U.S. Supreme Court* (Washington: Congressional Quarterly Inc., 1997): 630.

[10] *Cumming v. Richmond County Board of Education,* 175 U.S. 528 at 545 (1899). The U.S. Supreme Court supported the local school board's decision to close the black high school to fund a black primary school, while still operating a white girls high school and a white boys high school. In *Berea College v. Commonwealth of Kentucky,* 211 U.S. 45 (1908) the Court confirmed the state's right to pass laws to regulate state-chartered private institutions on the basis of race.

[11] *Gong Lum v. Rice,* 275 U.S. 78 at 86 (1927). The U.S. Supreme Court refused to require Mississippi to allow a Chinese-American to attend school with whites.

[12] Jack Greenberg, *Cases and Materials on Judical Process and Social Change* (St. Paul, Minn.: West Publishing Co., 1977): 57.

[13] Robert A. Dentler, D. Catherine Baltzell, and Daniel J. Sullivan. *University on Trial: The Case of the University of North Carolina.* (Cambridge: Abt Books, 1981): 8-9. The authors note four eras in higher education for black Americans leading up to the *McLaurin* case. "First Era, 1636-1865: No opportunity for access or study, except at four schools formed between 1850 and 1865. Second Era, 1866-1915: Growth of a network of forty black institutions, *de jure* segregated, poor, but influential in building a base for mass literacy. Third Era, 1916-1930: Blacks enter white graduate and professional schools, and some whites enroll in black colleges, but segregation also hardens. Fourth Era, 1931-1954: Rising tide of civil

institutions granted 5,201 degrees of which 3% (156) were masters and none were doctorates. In 1947, Negro institutions granted 481 masters and no doctorates while unsegregated institutions issued 8 Ph.D.s to Negroes and more than 3,755 to non-Negro students.[14] A second reason the campaign took this course was to lessen the social impact on southern heritage. Southern fears of violence and social mixing could be assuaged since only "small numbers of mature students were involved."[15]

The NAACP began its litigation with law schools on the grounds that judges would readily understand the shortcomings of separate legal education.[16] The NAACP filed suit on behalf of Lloyd Gaines, a qualified black undergraduate who sought admission to the University of Missouri Law School. The University had rejected Gaines application, but offered him a scholarship to attend a law school in an adjacent state that would accept him. If he preferred to attend law school within the state, Missouri would create a program at Lincoln University, a state-supported black institution of higher learning.

In December 1938, the U.S. Supreme Court held in *Missouri ex rel Gaines v. Canada,* that Missouri had denied Gaines equal protection. Chief Justice Charles Evans Hughes wrote that, "The question here is not of a duty of the State to supply legal training, or of the quality of training which it does supply, but of its duty when it provides such training to furnish it to the residents of the State upon the basis of an equality of right."[17] The court also struck down out-of-state scholarships, finding it, "impossible to conclude that what otherwise would be an unconstitutional discrimination, with respect to the legal right to the enjoyment of opportunities within the State, can be justified by requiring resort to opportunities elsewhere."[18] While the Court did not repudiate segregation, "the case signaled a new urgency in evaluating the standard" and was the, "first time the Court provided content to the 'equal' branch of the "separate but equal doctrine."[19] However, NAACP Special Counsel, Thurgood Marshall, believed this approach to desegregate schools proved unsuccessful and moved slowly for three reasons: "(1) There was a lack of full support from the Negro community in general; (2) few Negroes were interested

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rights litigation opens access for blacks to white universities."

[14]President's Commission on Higher Education, *Higher Education for American Democracy* (New York: Harper & Brothers Publishers, 1947): vol. II, 32-33.

[15] Mark Yudof, David L. Kirp, Tyall van Geel, and Betsy Levin, *Kirp and Yudof's Educational Policy and the Law*, 2d ed. (Berkeley: McCutchan Publishing Corporation, 1982): 421.

[16] Gaines followed the NAACP's first successful challenge to the separate but equal doctrine which occurred at the state level in *Pearson v. Murray,* 169 Md 478, 182 A. 590 (1936). The Maryland Court of Appeals ordered the University of Maryland Law School to admit a black applicant because the state maintained only a law school for whites.

[17] *Missouri ex rel Gaines v. Canada*, 395 U.S. 337 at 349 (1938).

[18] *Ibid*., at 350.

[19] Hall, *The Oxford Companion to the Supreme Court of the United States,* 537.

enough to ask to be plaintiffs and; (3) there was a lack of sufficient money to finance the cases."[20] Further efforts to desegregate schools would wait until after World War II when the federal government would join in the fight against segregation.

Federal Involvement (1945-1948)

Following World War II the country's social climate concerning segregation began to alter. Changes in black political consciousness and expectations, a change that began in response to the New Deal accelerated during World War II under the umbrella of the "Double V" campaign (victory at home and victory abroad). "The economic and social status of black Americans, their aspirations, and white Americans' views on racial questions changed markedly during the war."[21]

National and international trends supported a growing liberal consensus sympathetic to civil rights issues and concerns. Published to wide acclaim in 1944, *An American Dilemma: The Negro Problem and American Democracy***,** Gunnar Myrdal's classic study on racial discrimination in America, highlighted the harsh contradiction between the reality of segregation and racial discrimination, and the fundamental values and principles of American democracy.[22] While Myrdal appealed to the conscience of white America, the pivotal importance of the black vote in major northern states encouraged liberal Democrats to take a bolder stand on civil rights. After Democrats suffered major defeats in key northern districts in 1946 midterm elections, President Harry Truman appointed a Committee on Civil Rights to gain support in the black vote. The Committee's 1947 report, *To Secure These Rights,* called for the "elimination of segregation ... from American life."[23] This was the first U.S. government body to reject racial segregation and received President Harry Truman's support.[24]

Citing segregation itself as the basic problem, rather than equality of schools, the report declared the failure of the separate but equal doctrine:

> ... the degree of equality will never be complete, and never certain. In any event we believe that not even the most mathematically precise equality of segregated institutions can properly be considered equality under the law. No argument of rationalization can alter this basic fact: a law which forbids a group of American citizens to associate with

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[20] Thurgood Marshall, "An Evaulation of Recent Efforts to Achieve Racial Integration in Education through Resort to the Courts." *The Journal of Negro Education,* vol. 21, no. 3, (Summer 1952): 316-327, quote on 318.

[21] Greenberg, *Cases and Materials*, 1977: 68.

[22] Myrdal was a Swedish economist who by 1938 was a recognized authority on national social problems and was sought by the Carnegie Foundation to prepare an unbiased report. Raffel, *Historical Dictionary of School Segregation and Desegregation,* 1998: 174.

[23] National Park Service. "National Historic Landmark Theme Study: Racial Desegregation in Public Education in the United States." August 2000: 65.

[24] Jeffrey A. Raffel, *Historical Dictionary of School Segregation and Desegregation: The American Experience* (Wesptort, Conn.: Greenwood Press, 1998): 253.

> other citizens in the ordinary course of daily living creates inequality by imposing a caste status on the minority group.[25]
>
> …The separate but equal doctrine has failed in three important respects. First, it is inconsistent with the fundamental equalitarianism of the American way of life in that it marks groups with the brand of inferior status. Secondly, where it has been followed, the results have been separate and unequal facilities for minority peoples. Finally, it has kept people apart despite incontrovertible evidence that an environment favorable to civil rights is fostered whenever groups are permitted to live and work together. There is no adequate defense of segregation.[26]

A second government body rejecting racial segregation in schools was the President's Commission on Higher Education. The Commission's task was to define "…the responsibilities of colleges and universities in American democracy and in international affairs," and to reexamine "…the objectives, methods, and facilities of higher education in the United States in the light of the social role it has to play."[27] In its finding the Commission proclaimed that nowhere in the South or the District of Columbia, where legalized segregation occurred, was the separate but equal principle fully honored. In the field of education, "…the consequences of segregation are always the same, and always adverse to the Negro citizen."[28] Until segregation could be eliminated, the Commission called for a program that would strengthen all of the southern Negro institutions and equalize educational opportunities.[29]

Not all the members of the Commission shared in the call for desegregating schools when it came to southern heritage. Four of the twenty-eight members wrote:

> …We recognized that many conditions affect adversely the lives of our Negro citizens, and that gross inequality of opportunity, economic and educational, is a fact. We are concerned that as rapidly as possible conditions should be improved, inequalities removed, and greater opportunity provided for all our people. But we believe that efforts toward these ends must, in the South, be made within the established patterns of social relationships, which require separate educational institutions for whites and Negroes. We believe that pronouncements such as those of the Commission on the question of segregation jeopardize these efforts, impede progress, and threaten tragedy to the people of the South, both white and Negro. We recognized the high purpose and the theoretical

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[25] Quoted from *To Secure These Rights*: 82 in Greenberg, *Cases and Materials on Judicial Process and Social Change: Constitutional Litigation* (St. Paul: West Publishing Co., 1977): 74.

[26] Quoted from *To Secure These Rights:* 166 in Charles H. Thompson, "Separate but not Equal: The Sweatt Case," *Southwest Review*, vol. XXXIII, No. 2 (spring 1948): 107.

[27] President's Commission on Higher Education, *Higher Education for American Democracy,* 1.

[28] *Ibid*., vol. II, 31.

[29] *Ibid*., 35.

> idealism of the Commission's recommendations. But a doctrinaire position which ignores the facts of history and the realities of the present is not one that will contribute constructively to the solution of difficult problems of human relationships.[30]

Shortly after the Committee on Civil Rights and the Commission on Higher Education denounced segregation in higher education, the NAACP took the case of *Sipuel v. Oklahoma State Board of Regents* before the Supreme Court. Similar to the *Gaines* case ten years earlier, African American Ada Lois Sipuel was denied admission to the University of Oklahoma's law school solely on the basis of race under the Oklahoma Constitution. For the first time, the NAACP introduced social science evidence to the court. It used the findings of the President's Commission on Higher Education, the President's Committee on Civil Rights, and Gunnar Myrdal's work to support the contention that no justification existed for segregation in higher education.

Relying on *Gaines,* the Court ruled in January 1948 that Oklahoma must provide Sipuel with a legal education "…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."[31] Oklahoma then could either admit Sipuel to the white school or create a separate law school for blacks. Within one week Oklahoma established a three-professor ad hoc black law school in a roped-off portion of the state capitol.[32] The State Regents for Higher Education proclaimed that the new School of Law of Langston University, the state's Negro land grant college, was "substantially equal in every way to the University Law School."[33]

Sipuel refused to attend and returned to court challenging the equality of the two schools. In August 1948 the state court concluded that Sipuel was being treated equally. Before Sipuel could appeal to the Supreme Court, the Oklahoma legislature amended its statute to allow African Americans to attend white schools when that program was not offered at a black school, but on a segregated basis. As a result, blacks could either gain new programs in a black school or gain entry into a white institution. However, as seen in *Sipuel,* equality was in the eye of the beholder.

Attacking the Separate-but-Equal Doctrine, 1948-1950

Next in the NAACP's litigation strategy, according to Thurgood Marshall, was a "direct attack on the validity of segregation statutes insofar as they applied to public education at the graduate

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[30] *Ibid*., 29.

[31] 332 U.S. 631 at 633 (1948).

[32] Cross, *Blacks in White Colleges,* 1975*:* 53 notes that Rooms 426, 427, and 428 at the state capitol and the Oklahoma State Library comprised the facilities of the new school.

[33] Cross, *Blacks in White Colleges,* 1975: 54

and professional school level."[34] This the organization would do in *McLaurin* and a companion law school case *Sweatt v. Painter,* at the University of Texas.

Just days before McLaurin entered the University, its President requested that the Financial Vice President provide suggestions to the Board of Regents on how the University could provide segregated instruction for McLaurin. In summary he provided two plans. Plan One permitted McLaurin to attend classes in the College of Education in a specified portion of each classroom. Plan Two called for separate classes and other separate facilities. The latter option would entail separate classes being taught by current faculty members or by additional staff, along with separate classrooms exclusively for McLaurin, separate library facilities and separate toilet facilities. The Vice President recommended Plan One after citing financial and legal problems with Plan Two.[35] Thus, not only would creating duplicate institutions prove too expensive to pursue, but also a dual system within a white school would prove just as cost prohibitive.

The financial difficulties the NAACP anticipated that southern schools would have in creating equal schools were further evidenced in a January 1949 report on the problems concerning higher education for blacks in Oklahoma written by the Oklahoma State Regents for Higher Education. Overall, the report stressed that it would be too expensive to provide graduate and specialized education at the state's black undergraduate school, Langston University, for the small number of negro students involved. "Oklahoma cannot afford to spend as much for one or two negro students as is being spent for 20 or 30 white students. The expenditure of large sums to make separate facilities for negroes will mean decreasing the opportunities for all."[36]

Oklahoma was also faced with a smaller black population than some of the other southern states, with 7.2% of its population black compared to a state like Mississippi with a 49% black population.[37] Therefore accepting the few qualified negro students into established graduate and specialized courses could be done without increasing the expense.[38] The Regents concluded that there were, "not enough qualified negroes in the state who will want to do graduate or highly specialized work to make a graduate school efficient." In addition, since graduate instruction to blacks had been limited there would, "not be enough qualified instructors to man a graduate negro school in Oklahoma."[39] In 1949 the State Regents for Higher Education recommended

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[34] Marshall, *An Evaluation of Recent Efforts to Achieve Racial Integration through Resort to the Courts,* 1952: 318-319.

[35] Roscoe Cate to the Board of Regents, October 9, 1948. In Papers of President George Lynn Cross, University of Oklahoma's Western History Collections.

[36] Oklahoma State Regents for Higher Education, "*A Supplement to the Fourth Biennial Report of the Oklahoma State Regents for Higher Education: A Supplemental Report to the Governor, the Legislature, and the People on Problems Concerning Higher Education for Negroes in Oklahoma."* Oklahoma City, January 24, 1949, 18, quote on 11.

[37] *Ibid*., 4-5.

[38] *Ibid*., 11.

[39] *Ibid*., 20.

"that the statutes (Title 70, 0. S. 1941, sections 455, 456 and 457) be amended so that institutions of higher learning in Oklahoma be authorized to admit qualified resident negro students in any graduate and specialized curriculum in which instruction of a substantially equal character is not offered by Langston University."[40]

Following new black applications to the university, the Attorney General and the Regents urged the legislature to enact legislation admitting Negroes to colleges and universities in the state when the programs they desired were not available to them in a Negro college or university. A bill was introduced to admit blacks on a segregated basis that gave the governing boards of the various colleges the authority to determine what would constitute a segregated basis. However, late in the session the senate amended the bill to read "segregated basis is defined in this act as classroom instruction given in separate classrooms or at separate times." Oklahoma University officials "...were appalled by the prospective costs of providing separate classrooms and teachers for Negro students."[41] A Professor of Law and legal adviser to the Regents interpreted the new law:

> I assume that the intent of this act is to have Negroes separated from Whites following a pattern to be gleaned from the various statutes. I assume that it will be construed to mean separate class facilities, separate living quarters, separate eating provisions (Negroes may not be eaten by lions or tigers which heretofore have eaten only white people), and separate rest rooms, etc. This 1949 act will cause us a great deal of trouble.[42]

However, the University's concerns were allayed when the attorney general announced that the decision about what constitutes a separate classroom would be left to university officials who then decided that a roped- or railed-off section of a room would constitute an additional room.[43] On June 13, 1949, thirty-three Negro applicants were on file at the University.[44] As the summer term commenced specific instructions for segregation in the library and eating facilities included, "A special room, just off the main reading room of the University Library, Reserve Room #201..." with reservation signs on library tables. The Jug on the second floor of the Union Building was reserved daily for dining from 12:00 to 1:00 for colored students and during the day, special tables in the north end of the Jug were reserved for colored students.[45] By 1950 segregation conditions at the university had lessened. According to the Supreme Court record,

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[40] *Ibid*., 21.

[41] Cross, *Blacks in White Colleges,* 1975, 110-12.

[42] *Ibid*., 112.

[43] *Ibid*., 112.

[44] George Lynn Cross. Office memorandum to Stewart Harral, re: History of negro problem. October 9, 1950. In Papers of President George Lynn Cross, University of Oklahoma's Western History Collections.

[45] Carl Mason Franklin. Office memorandum to Dean Meachem, Associate Dean Pray, Professor Wrinkle, and Professor Norton. Re: Statement on Classrooms for Colored Students. June 17, 1949. In Papers of President George Lynn Cross, in the University of Oklahoma's Western History Collections.

McLaurin sat in a row designated for colored students in the classroom, at a designated table in the library on the main floor, and a designated table in the cafeteria where he could eat the same time as other students.[46]

In November 1949, the Supreme Court agreed to hear *McLaurin v. Oklahoma State Regents for Higher Education* and *Sweatt v. Painter*. In the same year that Sipuel applied for law school, Herman Sweatt, a black postman from Texas had applied and been denied admission by the University of Texas to its law school based on race. The trial court gave the state six months to establish a black law school. After plans for a black law school stalled, the University arranged to establish a black law school temporarily in Austin, where students would have access to the state library, and be taught by members of the law school faculty from the University of Texas.[47]

> The state opened the new law school with essentially no library and four part-time faculty from the University of Texas in the basement of the petroleum company in Austin, eight blocks from the nationally recognized law school of the University of Texas. The school consisted of four rooms and a leased toilet and had no moot court, no law review, and none of the other "extras" that normally accompany a quality law school ... The state courts despite the obvious disparities ruled that the black and white law schools were equal.[48]

As these cases were accepted for hearing by the Supreme Court at the height of the Cold War, the weight of public opinion had begun to shift against state-sponsored segregation. While acknowledging the dire warnings of riots and bloodshed coming from the white South, the *New York Times* suggested that many hoped that the Court would finally strike down segregation. This segment of opinion believed that "a reversal of segregation policy would be a tremendous affirmation of American democracy [and] a triumphant answer to the Communists, both here and abroad, who say that the United States talks but does not practice democracy."[49]

Of particular significance in the McLaurin and Sweatt cases was a memorandum for the United States as Amicus Curiae (friend of the court). That political act reflected the inevitable shift toward racial equality manifested in the 1947 report of the President's Committee on Civil Rights and the influence of black voters in the 1948 election:

> These cases ... have great importance to the Government and the people of the United States. They are significant because they test the vitality and strength of the democratic ideals to which the United States is dedicated ... The decisions in these cases may thus have large influence in determining whether the foundations of our society shall continue

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[46] *McLaurin v. Oklahoma State Regents for Higher Education, et. al.* 339 U.S. 637 at 640 (1950).

[47] National Park Service, *Racial Desegregation in Public Education in the United States,* August 2000: 69.

[48] Raffel, *Historical Dictionary of School Segregation and Desegregation*, 1998: 250.

[49] National Park Service. *Racial Desegregation in Public Education in the United States,* August 2000: 69 quoting from Mark V. Tushnet, *NAACP Legal Strategy against Segregated Education, 1925-1950* (Chapel Hill: University of North Carolina Press, 1987), 129-31.

> to be undermined by the existence and acceptance of racial discriminations having the sanction of the law.
>
> The United States ... urges the Court to repudiate the "separate but equal" doctrine as an unwarranted deviation from the principle of equality under law which the Fourteenth Amendment explicitly incorporated in the fundamental charter of this country.
>
> Under the Constitution... all citizens stand equal and alike in relation to their government, and no distinctions can be made among them because of race or color or other irrelevant factors. The color of a man's skin has no constitutional significance. If the Constitution is construed to permit the enforced segregation of Negroes, there would be no constitutional barrier against singling out other groups in the community and subjecting them to the same kind of discrimination.
>
> The lag between what Americans profess and what we practice would be used to support the charges of hypocrisy and the decadence of democratic society.[50]

Most persuasive was that the United States fully endorsed ending segregation. Moreover, the Memorandum was tangible proof to the Court that the claims made for petitioners who sought to overturn the separate but equal system, had substantial support at the highest level of government.[51]

As the McLaurin and Sweatt cases went to the Supreme Court, eleven southern states lent their support to Texas in a joint brief explaining that there exists no desire to discriminate and no prejudice or hatred against Negroes in the minds of a large majority of white people in the South. There did exist however, "... an abiding prejudice against intimate social intermingling of the two races .... The Southern States trust that this Court will not strike down their power to keep peace, order, and support of their public schools by maintaining equal separate facilities. If the States are shorn of this police power and physical conflict takes place…the States are left with no alternative but to close their schools to prevent violence."[52]

On the other hand, the appellant (McLaurin) brief argued that:

> the obvious purpose of racial segregation in public education is made clearer than in any other case presented to this Court. To admit the appellant and then single him out solely

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[50] *McLaurin v. Oklahoma State Board of Regents, et al.* U.S. Supreme Court Records & Briefs, Case No. 34, Memorandum for the United States as Amicus Curiae. Quotes from 2, 9, 10, & 14.

[51] Greenberg, *Cases and Materials on Judicial Process and Social Change:* 72.

[52] *Sweatt v. Painter,* Supreme Court Records & Briefs, Case No. 44. Brief of the States of Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia, Amici Curiae in Support of Respondents. Quotes on 9 and 10 of brief. Thurgood Marshall stated that the sixty-eight year old McLaurin was chosen among eight potential plaintiffs because he refuted the accusation that blacks were clamoring for higher education so they could more easily marry whites as stated in Richard Kluger, *Simple Justice* (New York; Vintage Books) 1977: 266.

> because of his race and to require him to sit outside the regular classroom could be for no purpose other than to humiliate and degrade him-to place a badge of inferiority upon him. His admission destroyed whatever reason or policy which might have theretofore existed for requiring white and negro students to attend separate institutions.[53]

The Supreme Court began study of the cases in March 1950 and issued its rulings on June 5, 1950. As Chief Justice Vinson was to write, the Sweatt and McLaurin cases "present different aspects of this general question: To what extent does the Equal Protection Clause of the Fourteenth Amendment limit the power of a state to distinguish between students of different races in professional and graduate education in a state university?"[54]

In *Sweatt,* for the first time the Supreme Court ordered a state to admit a black to an all-white school because the education provided by a black school was inferior. In addition to comparing the tangible factors of Texas' separate law schools, the Court recognized that intangible factors such as prestige, faculty reputation and experience of the administration, must be part of the equality determination.[55] Chief Justice Fred M. Vinson wrote that the court could not "find substantial equality in the educational opportunities offered white and Negro law students by the state."[56]

Under *Sweatt* the requirement of equality under the separate but equal formula became reality. However, the decision expressly refrained from reexamining the validity of the separate but equal doctrine, and hence the *Sweatt* decision did not invalidate race separation per se.[57] The McLaurin decision handed down on the same day would throw additional light upon the Court's conception of equality of treatment in public education.

In *McLaurin* Chief Justice Vinson stated the question for the Court to decide was "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."[58] It could not be claimed that McLaurin had been denied equal educational facilities, all that was left was segregation itself. The Supreme Court unanimously ruled that as a result of McLaurin's segregation he was "handicapped in his pursuit of effective graduate instruction...Such restrictions impair and inhibit his ability to study, to engage in discussion and exchange view with other students, and in

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[53] *McLaurin v. Oklahoma State Regents, et al.* U.S. Supreme Court Records and Briefs, Case No. 34, October term 1949. Quote on 12-13 of Brief for Appellant.

[54] 339 U.S. 629 at 631.

[55] Mark Yudof, David L. Kirp, Tyall van Geel, and Betsy Levin, *Kirp and Yudof's Educational Policy and the Law*, 2d ed. (Berkeley: McCutchan Publishing Corporation, 1982): 421.

[56] *Sweatt v. Painter* 399 U.S. 629 at 633 (1950).

[57] Joseph S. Ransmeier, "The Fourteenth Amendment and the Separate but Equal Doctrine." 50 Mich. L. Rev. 203 at 236, 237 (1951).

[58] 339 U.S. 637 at 638.

general to learn his professions."[59] Thus, like the *Sweatt* decision, the court took into account intangible factors, such as the inability for "intellectual commingling" with other students.[60] The unanimous decisions thwarted any divisiveness that otherwise could be exploited in these civil rights cases.

Analysis & Outcome

Sweatt and McLaurin brought substantial changes in segregated education in graduate and professional schools. In October 1950, the Education Editor of the *New York Times* reported on progress made:

> A survey of 100 institutions of higher learning in the South, conducted by this department shows that much progress has been made in breaking the segregation policy during the last ten years. A decade ago not a single Negro could be found in the South's 'all-white' colleges, public as well as private. Today well over 1,000 Negroes are attending classes and study with white students in the same libraries... The greatest impetus for the breaching of the color barrier has been caused by recent United States Supreme Court decisions.[61]

In the same month the Federal Security Administrator observed:

> Scarcely a month passes without some tangible reminder for our courts that discriminatory practices in colleges and universities must end ... The year 1950 may well have heard the death-knell for second-class citizenship in America's institutions of higher education.[62]

A sample of northern and southern law reviews concluded that however diminished, the separate but equal principle remained in place; yet full equality was now expected and segregation by states was in question. The University of Pennsylvania Law Review observed that, "The states are now faced with the alternatives of building separate, equal and expensive establishments for Negroes, or of admitting the Negro students on a fully equal basis to combined facilities.... *Plessy v. Ferguson* still stands, but not with its former vigor and certainty."[63] The Alabama Law Review reported that, "The import of this decision is obvious: the Supreme Court regards a state segregation statute unconstitutional if it may tend to impeded intellectual commingling of students, even though the physical facilities provided the two races are identical... the two

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[59] 339 U.S. 637 at 641.

[60] *Ibid*.

[61] Ransmeier, "The Fourteenth Amendment and the Separate but Equal Doctrine." 1951 quoting article New York Times, Oct. 29, 1950, Section IV, p. 9:2

[62] *Ibid*., quoting Address before the Twenty-Eighth Annual Conference of the Presidents of Negro Land Grant Colleges, Federal Security Agency, Washington, D.C., Oct. 18, 1950: 241.

[63] Roche, John P. "Education, Segregation, and the Supreme Court—A Political Analysis" 99 U. Pa. L. Rev. 949 at 959 (1951).

decisions lead one to conclude the Supreme Court considers segregation by the states unconstitutional *per se.*[64] Also declaring that the separate but equal principle remained in force, the Michigan Law Review surmised that the Court had, "applied the principle so rigorously to require absolute rather than merely substantial equality of treatment that the remaining scope for enforced race separate in public education became uncertain."[65]

Contemporary scholars agreed. "Two features of this historical sketch stand out with special clarity: the Supreme Court increasingly recognized that interaction with others was part of the learning process itself rather than merely a social by-product; and the NAACP strategy obliged the Court to focus on the 'equal' provision of the Plessy rule, compelling it to determine whether separateness might carry with it subtle and unquantifiable inequalities."[66] *McLaurin* and *Sweatt* raised the constitutional standard of equality in separate public education, whereby the Supreme Court made clear that the standard of equality is real and not legal fiction, and that segregation must end where inequality exists.

McLaurin and *Sweatt* were cited *in Brown v. Board of Education* (1954) as the basis of the impossibility of the separate but equal doctrine because of the role of intangibles in education. The decision helped to pave the way for the *Brown I* decision ruling separate but equal schools unconstitutional."[67]

> In *McLaurin v. Oklahoma State Regents, supra,* the Court in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible consideration: "his ability to study, to engage in discussion and exchange views with other students, and, in general, to learn his profession." Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualification solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.[68]

Bizzell Library stands as a milestone in the history of school desegregation for its association with the U.S. Supreme Court's decision in *McLaurin v. Oklahoma Board of Regents* (1950). The segregation event that occurred at the library, and lead to this court case, became the climax of the NAACP's plans between 1930 and 1950 to overturn the separate but equal doctrine in public education by demanding equality in graduate and professional schools. In its decision, the Supreme Court mandated true equality for the first time since the doctrine was established in *Plessy v. Ferguson* (1896). The decision reflected the changing public opinion against state-

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[64] Joseph R. Tucker, "Constitutional Law—Equal Protection—Racial Segregation." 3 Ala. L. Rev. 181 at 185 (1950).

[65] Ransmeier, "The Fourteenth Amendment and the Separate by Equal Doctrine." 1951, at 233.

[66] Mark Yudof, David L. Kirp, Tyall van Geel, and Betsy Levin, *Kirp and Yudof's Educational Policy and the Law*, 2d ed. (Berkeley: McCutchan Publishing Corporation, 1982): 421.

[67] Raffel, *Historical Dictionary of School Segregation and Desegregation*, 1998: 159.

[68] *Brown v. Board of Education*, 347 US 485 at 493-494 (1954).

sponsored segregation following World War II, and the federal government's full support to ending segregation in a democratic society.

Comparisons of Properties

Bizzell Library is the only extant resource with high integrity representing this phase of school desegregation in the South. Resources associated with *Sweatt* no longer exist. Both Pearce Hall which housed the law school at the University of Texas, and the make-shift black law school have been demolished.

For George McLaurin segregation occurred within three properties; Carnegie Hall which housed the Education Department where McLaurin had his classes, the Bizzell Library, and the Student Union which contained the "Jug." The Student Union was primarily excluded from consideration for NHL nomination because of its comparative inability to represent the academic significance of the event. In addition, this building has been remodeled. Carnegie Hall overall retains its exterior appearance, however, Classrooms 103 and 104 where McLaurin had his classes have been remodeled to offices and cubicles and therefore no longer retain integrity to interpret the segregated conditions. Bizzell Library retains a high degree of integrity on its exterior with the exception of a rear addition spanning the length of the building. The interior has a remarkably high degree of integrity with no alterations to the stacks and the main reading room. These rooms convey a clear image of the segregated conditions that existed at the time of the event.

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Previous documentation on file (NPS):

__ Preliminary Determination of Individual Listing (36 CFR 67) has been requested.
__ Previously Listed in the National Register.
__ Previously Determined Eligible by the National Register.
__ Designated a National Historic Landmark.
__ Recorded by Historic American Buildings Survey: #
__ Recorded by Historic American Engineering Record: #

Primary Location of Additional Data:

__ State Historic Preservation Office
__ Other State Agency
__ Federal Agency
__ Local Government
__ University
__ Other (Specify Repository):

10. GEOGRAPHICAL DATA

Acreage of Property: Less than one acre.

UTM References:

Zone	Easting	Northing
14	641400	3,897,200

Verbal Boundary Description:

The boundary of Bizzell Library is the footprint of the entire building which includes the 1929 building and all additions.

Boundary Justification:

The boundary takes into account the integrity of the exterior and interior of the building for its appearance at the time of the event.

11. FORM PREPARED BY

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