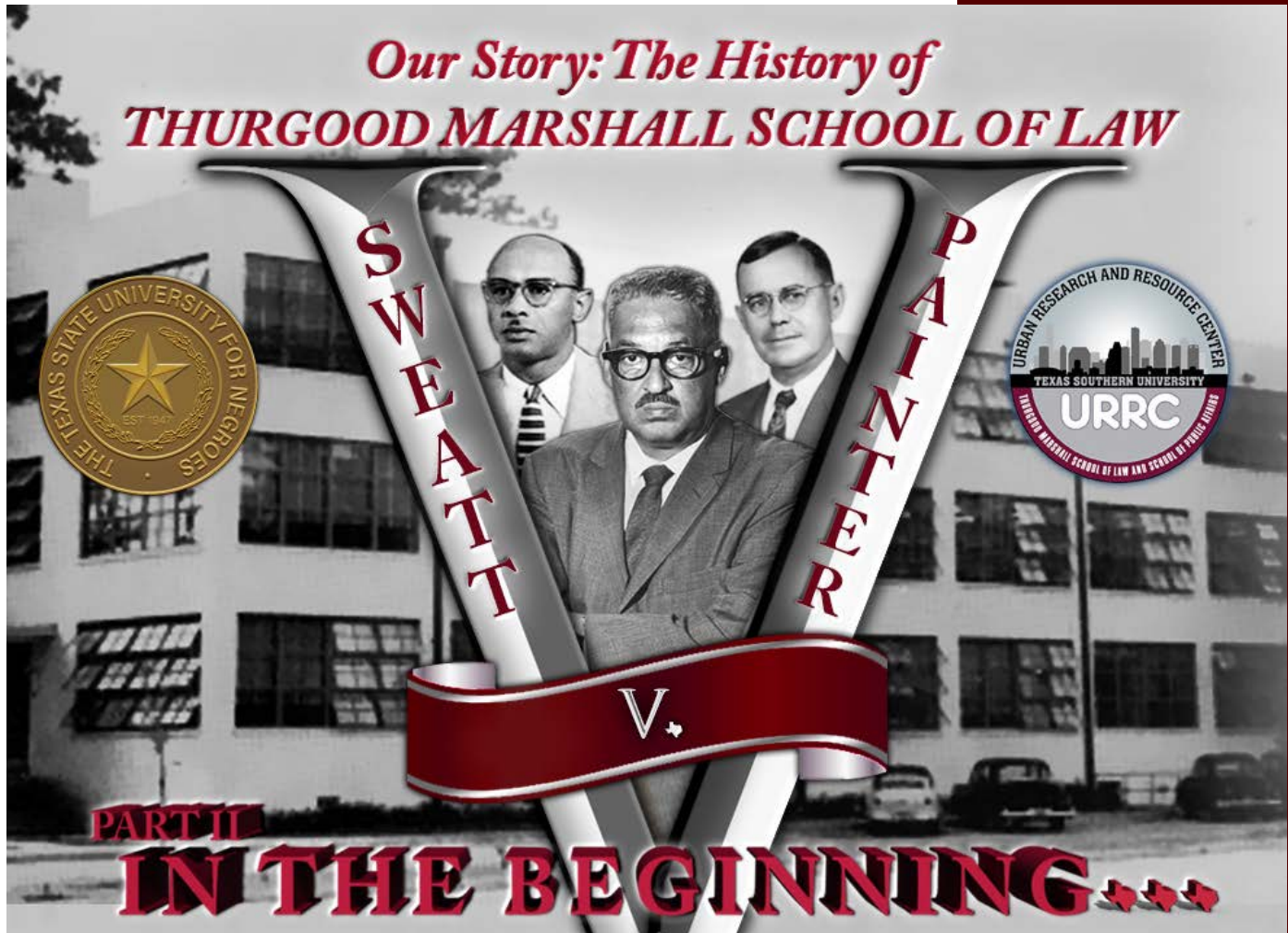


Our Story



Urban Research and Resource Center

2018

*The “story behind the story” of the blood, sweat and tears-drenched road to the founding of the Thurgood Marshall School of Law, as well as the warrior battles against “powers & principalities” to **protect it**, the eternal charge to **improve it** and the ancestral responsibility to **pass it on**.*

OUR STORY
THE THURGOOD MARSHALL SCHOOL OF LAW EDITION

Second in a Four-Part Series

PART TWO: IN THE BEGINNING-THE BUILDING YEARS

1947-1960

Authors: Marcia Johnson and L. Anthony Johnson

2018

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Marcia Johnson
Director, URRC

L. Anthony Johnson
Barbara Jordan Center



IN THE BEGINNING-THE BUILDING YEARS –1947-1960

Prelude:

This era introduced many beginnings to the nation and world. At home, Ralph Bunche was the first African American to win the Nobel Peace Prize for mediating the Arab-Israeli conflict; Gwendolyn Brooks became the first African American to be awarded the Pulitzer Prize in poetry. James Baldwin published his first novel, Marian Anderson became the first African American to perform with the Metropolitan Opera, Nat King Cole became the first African American to host a national television show during prime time, Harry Belafonte's "Calypso" album was the first record to sell more than a million copies. Althea Gibson was the first African American to win the U.S. Open Championship. Berry Gordy, Jr. formed Motown Records in Detroit, Lorraine Hansberry produced "A Raisin in the Sun", the first play by an African American on Broadway.¹

On the international scene, the Korean War began, President Harry S. Truman officially ended World War II when he signed the peace treaty with Japan. Britain's Princess Elizabeth became queen after her father's death. Joseph Stalin died, DNA was discovered as were the first modern credit card, remote control, Velcro, seat belts and the vaccine for polio. Chinese leader Mao Tse-tung launched his "Great Leap Forward", Fidel Castro became the leader of Cuba and President Harry Truman ordered the building of the hydrogen bomb.²

NASA was founded and the peace symbol was created. But America was not at peace especially with its African American citizens who labored under the vestiges of slavery and the civil war. While the United States declared racial segregation in Washington D.C. restaurants unconstitutional, a mob of more than 3,000 whites blocked an African American family from moving into an apartment building in Cicero, Illinois. Despite a Tuskegee Institute report that no incidents of lynching had occurred in the United States for more than 70 years, 14-year old Emmett Till was brutally assaulted and lynched by white men after being accused of offending a white woman. African Americans fought to be treated as equal citizens in transit, facilities and education. The United States Supreme Court declared segregation illegal in transportation, public housing, and education, but it would take federal troops to enforce desegregation in public schools across the south.³

In Houston, the nation's first public television station began broadcasting.⁴ This would also be the era when the first university for educating black lawyers in Texas would open. The overarching challenge for the new school was to build on promise of their statutory creation, an institution of the first class.

LAW SCHOOL OF THE TEXAS STATE UNIVERSITY FOR NEGROES

When the doors to the new law school opened in Austin, Texas, three students enrolled, Henry Doyle, Heullyn Lott and Fannie Ussery Brown. The students would descend the stairs of the building located at 104 E 13th Street in Austin, Texas to attend their law school classes, which is why some called it the "basement" school. The school's library was housed in the University of Texas law building, the school's administrators were those of the University of Texas and the professors were University of Texas law professors. The state would argue that these facilities and operations were separate from the University of Texas law school, but equal to it. While the absurdity of the position was not lost on the justices of the United States Supreme Court, the

assertion rose from the legislative mandate that created the Texas State University for Negroes and would play a significant role in the law school's mission.

Creating the university and the role of the Law School

Texas State University for Negroes was established to ensure that the State of Texas could continue to enforce its segregation laws predicated on the doctrine of "separate but equal". The National Association for the Advancement of Colored People (NAACP) through its chief counsel, Thurgood Marshall was successfully advancing its charge against segregation across the nation and through its efforts and Heman Sweatt's lawsuit, Texas was set to take the next hit. Resolute in its commitment to segregation, Texas advanced its segregation agenda during the 50th Legislative Session by enacting the law that would establish the Texas State University for Negroes.

Senate Bill 140, stated:

"The Legislature deems it impracticable to establish and maintain a college or branch of the University of Texas for the instruction of the colored youths of this state... it is the purpose of this Act to establish an entirely separate and equivalent university of the first class for negroes with full rights to the use of tax money and the general revenue fund for establishment, maintenance, erection of buildings and operation of such institution as provided in Section 48, Article III of the Constitution of the State of Texas.

Sec. 2. To provide instruction, training, and higher education for colored people, there is hereby established a university of the first class in two divisions: the first, styled 'The Texas State University for Negroes' to be located at Houston, Harris County, Texas, to be governed by a Board of Directors as provided in Section 3 hereof; the second, to be styled 'The Prairie View Agricultural and Mechanical College of Texas' at Prairie View, Waller County, Texas, formerly known as Prairie View University, originally established in 1876, which shall remain under the control and supervision of the Board of Directors of The Agricultural and Mechanical College of Texas....

The Texas State University for Negroes shall offer all other courses of higher learning, including, but without limitation, (other than as to those professional courses designated for The Prairie View Agricultural and Mechanical College), arts and sciences, literature, law, medicine, pharmacy, dentistry, journalism, education, and other professional courses, all of which shall be equivalent to those offered at The University of Texas.

See. 3. The government of the Texas State University for Negroes is hereby vested in a Board of Directors to be composed of nine (9) persons and to consist of both white and negro citizens of this state."

The statute further provided:

"Sec. 11. In the interim between the effective date of this Act and the organization, establishment and operation of the Texas State University for Negroes at Houston,

upon demand heretofore or hereafter made by any qualified applicant for instruction in law at the University of Texas, the Board of Regents of the University of Texas is authorized and required to forthwith organize and establish a separate school of law at Austin for negroes to be known as the "School of Law of the Texas State University for Negroes" and therein provide instruction in law equivalent to the same instruction being offered in law at the University of Texas. The Board of Regents of the University of Texas shall act as the governing board of such separate law school until such time as it is transferred to the control of the Board of Directors of the Texas State University for Negroes."

"... Students of the interim School of Law of the Texas State University for Negroes shall have use of the State Law Library in the Capitol Building in addition to other special library facilities which shall be made available, but the entire school shall be operated separately and apart from the campus of the University of Texas as provided in the Texas constitutional requirement of separate schools for white and colored youths."

*Sec. 14. The fact that the people of Texas desire that the state meet its obligation of equal educational opportunities for its negro citizens from state supported institutions, and the fact that a separate and equivalent university of the first class for negroes cannot be established and maintained under the limitations and restrictions contained in Section 14, Article VII of the Constitution of Texas if such institution were made a college or branch of the University of Texas, and the fact that the only means of establishing an equivalent university of the first class for negroes with use of tax money and the general revenue is to create a separate university entirely independent of the University of Texas, and the fact that interim courses must be established immediately by existing schools for the education of negroes prior to the establishment and operation of said separate university of the first class for negroes, creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."*⁵

Central to that legislation was the creation of the new law school because, after all, it was the University of Texas's law school that Sweatt successfully sought to desegregate. For those who believed segregation to be a sin...then the new law school was born in sin. For others, who credited the law suit as being the impetus for the school's birth, the school became known as "the House that Sweatt Built." Some were horrified by the school's existence because they saw it as an advancement of Jim Crow segregation laws that would forever relegate the school to a second class status. But whatever one's political or social perspective, there were at least two simple realities; first, The Law School of the Texas State University for Negroes was established and second, its birth was mired in controversy that threatened to create a deep philosophical chasm in the African American community.

Leadership

The school sought to provide strong, accomplished leadership at the new law school in its efforts to be 'a law school of the first class'. Between 1947 and 1960 the school would be led by three

deans and two acting deans. Dean Ozie Harold Johnson served from 1947 to 1950; Everett O. Bell became acting dean in June 1950 followed by David Rice who served as acting dean between 1950 and 1951 before serving as dean between 1951 to 1955; Everett O. Bell again served as acting dean from 1955-1957; and Dean Harry Groves served from 1957 to 1960.



Ozie Harold Johnson was born July 11, 1909⁶ and was author of the work *Price of Freedom*,⁷ published in 1954, four years after his tenure as dean ended.

Johnson graduated from Kansas State Teachers College with a Bachelor of Science Degree. He earned a Master of Science degree from the State University of Iowa followed by his law degree from the Temple University School of Law in Ohio where he practiced law before coming to the new law school as its first dean.⁸ Two men had been considered for the position of law dean. The university's first choice rejected the offer because he believed his service in the position would be tantamount to supporting segregation.⁹

In August 1948, Ozie Johnson was formally appointed to serve as the Texas State University for Negroes School of Law. He resigned in May 1950.¹⁰



On June 21, 1950, **Everett O. Bell** became the acting dean of the law school, until he was replaced by David Rice who would serve as acting dean before being named to the permanent position.¹¹ Bell would serve as acting dean again from September 7, 1955-1957.¹² A native of Kosciusko, Miss., Everett Owens Bell was one of 10 children born to Allie Glee Bell and Ebb Owens Bell. He grew up in St. Louis along with his three brothers: Claude J. Bell and James W. Bell, both of St. Louis, and Melvin O. Bell of Chicago.

After graduating high school Bell enrolled in the University of Kansas where he was a student when World War II intervened. He joined the Army, attaining the rank of captain, then returned to the university after the war and received his bachelor's and law degrees. He joined TSU in 1948 as registrar and assistant professor of law.

Bell became TSU's interim president in 1979, after the departure of President Granville Sawyer.

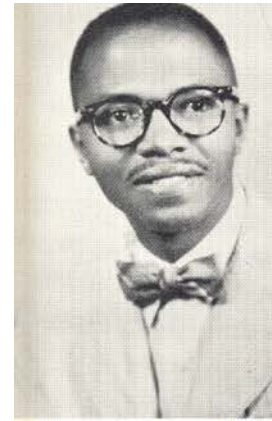
After Leonard Spearman was named president nine months later, the Board of Regents retroactively named Bell the university's fifth president, in recognition of the length of his service to the university in the interim role. Over his 46 years at TSU, in addition to serving as acting dean of the law school, Bell served as a law professor, registrar, director of personnel, administrative assistant to seven presidents of the university, vice president for administrative affairs and executive director for regent relations.

In 1983, the Student Services Building at TSU was named Everett O. Bell Hall in recognition of his service. He retired in 1994 and he died at the age of 88 years in August 2007.

Dean David Eugene Rice Jr. was a native of Greenwood, South Carolina, and a graduate of Ohio State University. He received a law degree from Northwestern University and a master's degree in labor law from Yale University. At Yale he worked toward a doctorate in law and was a Sterling fellow.¹³

Rice served in the Army during World War II and was posted to Japan after the war. His first marriage to Virginia Rice ended in divorce and he later married noted sociologist Dr. Beryl Carter Rice of Washington.

Rice was appointed acting dean of the law school, effective October 26, 1950 and served in that position through August 31, 1951 at which time he was appointed to the permanent position. Rice resigned his position effective May 31, 1955.



DAVID E. RICE
A.B., J.D., L.L.M.
Professor of Law;
Dean, Law School



Harry E. Groves served as dean of the law school between December, 1957 and 1960. Groves was born in Manitou Springs, Colorado on September 4, 1921. His grandparents had been slaves and his father had worked as a builder of private roads. Groves was an African American in a predominantly white state who had attended integrated school. He was valedictorian of his class, which earned him a full scholarship to the University of Colorado from which he graduated cum laude in 1943. Groves had planned to teach high school English, but after graduation immediately enlisted in the Army, serving as a second lieutenant of artillery for 13 months in a huge area of heavy fighting across Europe

known as the European Theater.

Discharged after World War II, Groves enrolled in summer school at the University of Chicago, preparing for a degree in educational administration but he was unchallenged by his classes so he applied to the law school and earned a Juris Doctorate in 1949. While in Chicago, Groves married Evelyn Apperson. An earlier marriage, which produced his only child Sheridan, had ended in divorce.

When the Korean War erupted in 1950, Groves was called back to the army and served in the racially segregated infantry at Fort Bragg, North Carolina. He transferred to the Judge Advocate General's Corp for the duration of his tour of duty. After his service was complete he was hired to serve as dean of the Texas Southern University law school.

While at TSU Groves's reputation as a consummate legal scholar and his writing skills were key to him winning a Ford Foundation Fellowship to study at Harvard University. Harvard Law School offered him one of 10 positions created for up and coming law educators. While at Harvard, Groves became interest turned to constitutional law, especially in constitutions of newly formed nations. He chose to study the constitution Federation of Malaysia, and his published analysis along with scores of other published works, unpublished book-length manuscripts and personal writings can be found at the University of North Carolina Chapel Hill's Wilson Library listed under the title "The Harry E. Groves Papers, 1929-1999."¹⁴

Student Enrollment

When Texas Governor Beauford Jester signed into law the bill establishing the School of Law of the Texas State University for Negroes on March 4, 1947, no student immediately enrolled. However, by late September, 1947, the law school had three students enrolled at its' temporary facilities in Austin Texas. By the fall 1948, when the law school transferred to its permanent location in Houston, Texas only Henry Eman Doyle remained enrolled. Heullan Lott was unable to move from Austin to Houston and Fannie Ussery Brown had, by that time, withdrawn from law school.¹⁵

By the time the university opened its doors in Houston, Texas in 1948, enrollment at the Texas State University for Negroes exceeded expectations with more than 2,000 students admitted to the undergraduate campus. By the time the fall semester began, there were 23 students enrolled at the law school, far more than the 5-8 the school had prepared for.¹⁶

During the period 1948 through 1959, a total of 56 students graduated the new law school. Doyle passed the bar just months before completing his studies becoming the first African American to have graduated from a Texas law school to be admitted to the Texas bar. In November 1950, the law school's second student to take the Texas bar exam also passed.

Faculty

Getting the school ready for that first class in Houston and ensuring the students were well-educated, required a talented faculty. The first faculty consisted of Everett Bell, graduate of the University of Kansas Law School; William George, graduate of Western Reserve University Law School; Earl J. Carl, graduate of Yale Law School and Roberson King, who held a doctorate in law from the University of Chicago.¹⁷ It was a faculty that was intellectually astute but also unafraid of hard work and who labored to shelve books, set up rooms and offices and whatever else was necessary for the school to open timely for the fall semester.

The dean was well pleased with what he thought was a good beginning. If it had been possible for him to look ahead, only a few months and observe the events that were destined to happen, he would have fled in abject horror.

*Dean Ozie Harold Johnson
Price of Freedom (1955)
Page 35*

Dean Johnson had submitted the name of Juanita Kidd Stout, to serve on the faculty but his recommendation was rejected because of "the natural prejudice against women in the field of law".¹⁸ At the time, Stout was completing the work for a Master of Laws degree at the University of Indiana.¹⁹ It was a bitter twist that the university, itself created as an instrument to relegate African Americans to a permanent underclass, would accept the mockery of denying equal rights to someone because of her gender.

Law School Dean and Faculty 1957



HARRY E. GROVES
A.B., J.D.
Dean, Law School

EVERETT BELL
A.B., LL.B.
Associate
Professor, Law

KENNETH CALLAHAN
A.B., LL.B.
Assistant
Professor, Law

EARL L. CARL
A.B., LL.B.
Associate
Professor, Law



ELEANOR B. FYLES
Secretary

OVERTON JEFFERSON
A.B., LL.B., LL.M.
Assistant
Professor, Law

ROBERSON KING
J.D.
Associate Professor, Law

BETTY D. STUART
LL.B.
Law Librarian

ALOYSIUS WICKLIFF
B.S., LL.B.
Associate
Professor, Law

Library

If the law school was going to be equal to the University of Texas School of Law, it needed a well-stocked library. Moreover, Dean Johnson and his faculty had to ensure that there were sufficient books and resources in the law library if the law school was to achieve ABA approval. Johnson met with the state's Attorney General, Price Daniel to make sure the books would arrive timely. After all, Price Daniel was the lawyer who was representing the state of Texas in the Sweatt case. And it was the state's argument that the new law school, though separate, was equal. The state would clearly be in no position to support that argument if the new school's library was woefully inadequate or non-existent.²⁰ Within two weeks, Johnson was able to get approval of the funds (\$76,000) and the acquisition of a library for the new law school.²¹ By the time the purchase was complete, the library boasted a collection of more than 16,000 books.

Equal

One of the essential requirements for the state of Texas to meet its burden of proof in *Sweatt v. Painter* was that it show that the new school, though racially separate, was equal to the state's flagship law school, the University of Texas (UT). The state's burden was formidable because the University of Texas law school had been established sixty three (63) years earlier²², had 16 full-time and three part-time professors, 850 students, a library of 65,000 volumes, a law review,

moot court facilities, scholarship funds, an Order of the Coif affiliation, many distinguished alumni, and much tradition and prestige.²³

The separate law school for Negroes had five full-time professors, 23 students, a library of 16,500 volumes, a practice court, a legal aid association, and one alumnus admitted to the Texas Bar, but it excluded from its student body members of racial groups which numbered 85 percent of the population of the State and which included most of the lawyers, witnesses, jurors, judges, and other officials with whom petitioner would deal as a member of the Texas Bar.²⁴ Also, UT was considered the leading university in the south and enjoyed extensive wealth including a permanent financing fund created in the state's constitution.²⁵

While the comparisons would prove pivotal to the United States Supreme court decision in Sweatt, they would not distract TSUN's new dean. To the contrary, Dean Johnson approached his role seriously with the sole intent of establishing a law school of the first class. For its part, the state initially appropriated \$4,000,000 to create the new university.²⁶ An appropriation of \$100,000 was made to purchase a law library and the state leased a building adjacent to the state capitol to house the temporary law school in Austin. When the New York Times published an article in July 24, 1949, challenging the university's progress, the law dean fired back demanding and getting a correction.²⁷

**UNIVERSITY STATUS IN TEXAS
CLARIFIED; Official of Negro
Institution Calls Attention to Omissions
in Report in The Times**
AUG. 14, 1949

Ozie Harold Johnson, Dean of the School of Law of the Texas State University for Negroes, Houston, Tex., in a letter to The New York Times, has called attention to certain regrettable errors and omissions in a Houston dispatch published in The Times on July 24.

Once the United States Supreme Court adopted the view of Sweatt and his lawyers that it was impossible to have both separate and equal facilities, by striking down segregation in the state, the future of the new university was unclear. However, by this time, even Thurgood Marshall admitted that the public's clear demand for the Jim Crow school was an indication of the need for the university.²⁸

Accreditation

The undergraduate campus was approved by the Southern Association of Colleges and Secondary Schools and ranked as a Class A university by year end 1948.²⁹

The law school was during the same period seeking accreditation from the American Bar Association (ABA), a formidable task the new dean faced. Johnson had set the lofty goal to secure ABA approval in the school's first year of operation.³⁰

To that end, one of Johnson's first meetings was with the ABA's law school inspector to determine what was necessary to gain the coveted approval.³¹ Based on that meeting, the dean would struggle to meet the minimum requirements necessary to acquire approval: a systematic form of records, standard entrance and graduation requirements, at least four law professors with maximum teaching loads of 10 hours per week (four for the dean), minimum salary requirements,

*It will be necessary for you to educate
your board and your president as well
as your associates and the public
generally concerning the objectives of
a law school and the proper status
that should be afforded it.*

*Mr. John G. Hervey
AVA Inspector*

adequate classroom facilities, minimum library requirements set at 10,000 volumes, individual offices for each instructor, student scholarship requirements, and autonomy of the law school.³² Of all these minimum requirements, law school autonomy would prove the most contentious during this and future law school administrations.

The university's board agreed to meet the ABA's minimum requirements in order to seek ABA approval. It also approved the new law school seek membership in the American Association of Law Libraries as quickly as possible. On September 8, 1949, within one year from the date the school moved from Austin to Houston, the ABA granted the law school provisional approval.³³ On March 10, 1950, the law school received unconditional approval by the ABA.³⁴ Also, during this period, the law school was accepted as a member of the American Association of Law Libraries. To the delight of the law school and university, the first six graduates of the separate law school took and passed the Texas Bar Examination.³⁵

Just a few years later, during the ABA's routine periodic review, it found the law school's library and facilities were deficient.³⁶ Its' findings required the university to provide sufficient space needed for the Moot Court, Law Review Room, and the Law Students' Association. The board of regents allocated \$15,000 to bring the library into compliance and designated space at the back of the library for the Law Review Room, as well as a portion of the Law School facilities for the Moot Court in order to meet ABA requirements.

Challenges remaining

The dean had hoped that the law school would also secure membership in the Association of



The Law School occupied the second floor of the South Wing of the Administration-Classroom Building (renamed Hannah Hall in 1963) picture circa 1957

American Law Schools (AALS), but the membership would not be granted under his watch and for many years thereafter. The dean would remember that his quest for membership in AALS was illusive because of the political climate against schools that were established under the Jim Crow regime of segregation. The hypocritical AALS position ignored the fact that all their member law schools at the time had been established under some form of race-based discrimination, especially in the south.

Members of the accrediting agency purportedly believed that, even though the law school had met all membership requirements, to

recognize the racially segregated law school would have the effect of condoning and embracing segregation. The irony was that the historically white schools that were members of the AALS were not punished for excluding black enrollment.

Promises deferred

The Texas State University for Negroes (TSUN) was established to foster the state's commitment to segregation. To achieve its end, the state would need to show that TSUN, was separate and equal to University of Texas. From the time of the state's statute creating TSUN until the time the United States Supreme Court ostensibly struck down the state's separate but equal law, the Texas legislature sought to provide proper funding and resources to ensure that TSUN was equal. The Texas legislature approved a more than \$4,000,000 biennial budget for TSUN that included \$250,000 for a law school.³⁷ In fact, serious talks of establishing a medical school for Negroes were begun.³⁸ Adjusted for inflation, \$4,000,000 in 1947 is equal to \$45,864,930.23 in 2018.³⁹ The law school allocation is equal to \$2,866,558.14 in today's numbers.⁴⁰



However, after the Supreme Court ruling in Sweatt, all bets seemed to be off as the state board of control recommended extensive budget cuts for the university.⁴¹ Once the state lost its bid to retain segregation, it also lost its interest in providing equal funding and reduced the school's budget by 39 percent.⁴²

The new law school was also faced with the controversy surrounding its legitimacy since the NAACP and its leading strategist, Thurgood Marshall, were strongly opposed to the Jim Crow school and had spoken publicly against it, even after it opened. They believed strongly that the separate school would be perpetually neglected by the state and would therefore never provide the quality of academic life and programs mandated by state statute. Men like



publisher Carter Wesley, who wielded great power in Houston's African American community believed that the new university was an interim fix to the anticipated years ahead in the fight for equality. Moreover, he believed less in integration than he believed in desegregation and believed, like the early deans, that the new university had just as much right to exist as any other state supported school.

But that did not mean that Wesley supported the school's leaders, particularly during the law school's early years when the fight between Wesley and the law school's first dean would impact the school's development well into the new decade.

The 1950s were the first full decade after the end of World War II, and they are generally remembered as a prosperous time of recovery from the Great Depression of the 1930s. The issue of human dignity for African Americans was emerging as a formidable Civil Rights Movement as growing groups of Americans spoke out against racial inequality and injustice. The fight itself was not new to African Americans who had been fighting against racial discrimination for centuries; however, during the 1950s, the fervent struggle against racism and segregation had finally spilled over into white communities. The law school had been established as a separate but equal institution in 1947. In 1950 the United States Supreme Court ended racial segregation for graduate and law schools. By 1954, in the landmark *Brown v. Board of Education* case, the court declared that “separate educational facilities” for Black children were “inherently unequal”.



Moving Forward

The Jim Crow era had birthed a University for Negroes in Texas with the legislative promise of equal treatment. It was one of many promises that would be broken over the years as the school grew despite the state’s breaches and the controversy surrounding its’ paternity. Through dogged determination, the law school continued to build on the rocky foundation of its birth, achieving accreditation by the American Bar Association and membership in the American Association of Law Librarians. Ironically, it was denied admission into the American Association of Law Schools, despite being qualified on merit, because of the race of its students.⁴³ This, at a time, when its member schools, including the University of Texas, were racially segregated.

Nevertheless, the law school at Texas State University for Negroes, which had been renamed the law school at Texas Southern University persevered into its next eras where it would be committed to protect what it had been able to build and to improve upon it, in order to pass it on to the generations of law students who would follow.

¹ See Femi Lewis, African American History Timeline: 1950-1959 (May, 2018) available at <https://www.thoughtco.com/african-american-history-timeline-1950-1959-45442>; and see Jennifer Rosenberg, A brief Timeline of the 1950s, (September 5, 2018) available at <https://www.thoughtco.com/1950s-timeline-1779952>

² Id.

³ Id.

⁴ Id.

⁵ The bill passed the Senate, February 24, 1947: Yeas 25, Nays 2; March 3, 1947, Senate concurred in House amendments: Yeas 23, Nays 3; passed the House, February 27, 1947, with amendments: Yeas 122, Nays 12. Approved March 3, 1947. Effective March 3, 1947.

⁶ Johnson died October 2, 1970 and was buried in Guthrie, Oklahoma.

⁷ Ozie Harold Johnson, *Price of Freedom*, copyright 1954, available Heartman Negro Collection, Texas Southern University Library Reference Room.

⁸ McKen V. Carrington, A Question of Institutional Credibility, 16 T. Marshall L. Rev. 499; 504 (1991) citing Parton, Ozie H. Johnson Appointed Dean of Negro Law School, 11 Tex. B.J. 549 (1948).

⁹ Supra n. 7

¹⁰ E. Bun Lee, TSU Meets the Press: White Newspaper Coverage of a Black University in Houston, Texas, 1947-2006, Prestige Printers, Houston, Texas, ISBN 0-9789228-0-8 (2007) citing Houston Post, May 26, 1950

¹¹ Minutes, Board of Regents, Texas State University for Negroes, Vol IV, Page 320 available in Office of Board Liaison, Hannah Hall, Texas Southern University

¹² Id at Vol VII Page

¹³ David Eugene Rice dies, Washington Post, August 24, 2000 available at https://www.washingtonpost.com/archive/local/2000/08/24/david-eugene-rice-jr-dies/6ef4684c-24ac-4596-8a1d-da3d37557959/?utm_term=.a573fedf3d7f

¹⁴ Harry E. Groves papers, 1929-1999 [manuscript], University of North Carolina, University Libraries available at <https://search.lib.unc.edu/search?R=UNCb3289299>.

¹⁵ Gary Lavergne, Before Brown: Heman Marion Sweatt, Thurgood Marshall and the long road to justice, University of Texas Press, 2010, ISBN 978-0-292-72200-2

¹⁶ Ozie Harold Johnson, *Price of Freedom*, supra n.7 and see Id. citing Houston chronicle, More than 2000 Negroes Enroll at School here September 19, 1948 and see Id. citing Houston Chronicle, Lanier cites new plans for TSUN September 25, 1948 and see Sweatt v Painter, 339 U.S. 629 (1950)

¹⁷ Lee supra n. 9 citing Houston Chronicle, Four instructors added to staff of Negro Law school, August 26, 1948

¹⁸ Ozie Harold Johnson, *Price of Freedom*, supra n.7 at 58

¹⁹ Id at 53

²⁰ See generally, *Price of Freedom* supra n 7 at 52 also see pg. 29 noting that State Attorney General Price Daniels offered that University of Texas law school was crowded and only accepted a percentage of its applicants. White students who were not accepted at UT, he posited, had various alternative choices including Baylor, SMU, The University of Houston, St. Mary's and Southwestern, but there was no similar alternative for African American students. Of course, with the United States Supreme Court's rejection of separate but equal, presumably the same alternative choices then available to the white applicants would also be available to the African American applicants.

²¹ *Price of Freedom* Supra n 7 at 30; 32

²² The University of Texas School of Law was founded in 1883 at the same time the University of Texas was founded. See <https://www.utexas.edu/about/history-and-traditions>.

²³ Sweatt v. Painter, 339 U.S. 629; 632 (1950)

²⁴ Id at 633

²⁵ Texas Constitution 1876, through the appropriation of land grants that were completed in 1883 for the benefit of institutions of the University of Texas System and the Texas A&M University System. Texas Constitution, Article VII, Section 18.

²⁶ See Dollar Times calculator available at

<https://www.dollartimes.com/inflation/inflation.php?amount=100&year=1947>; today's value of the \$100,000 is \$1,053,521.36.

²⁷ George Streater, Negro University in Texas Dragging; \$175,000 Allocated in Budget Still 'Unexpended'—State Pledge is Questioned, NY Times, July 24, 1949 available at <https://www.nytimes.com/1949/07/24/archives/negro->

university-in-texas-dragging-175000-allocated-in-budget-still.html and see dean's response at The Price of Freedom, supra n. 7 and NY times retraction at NY Times, University Status in Texas Clarified; Official of Negro Institution Calls Attention to Omissions in Report in the Times, NY Times, Aug 14, 1949 available at <https://www.nytimes.com/1949/08/14/archives/university-status-in-texas-clarified-official-of-negro-institution.html>

²⁸ Lavergne, supra n. 14

²⁹ Lee supra n 9 citing Houston chronicle, Negro U is Put in Class A 12.19.48

³⁰ Price of Freedom, supra n. 7 at 24

³¹ Id. at 30

³² Id. at 31

³³ Id. and see Lee supra n 9 citing Houston chronicle, ABA Provisionally approves TSUN Law School, September 12, 1949

³⁴ Lee, supra n. 9 citing Houston chronicle, Negro law school here approved by bar association March 10, 1950.

³⁵ Price of Freedom, supra n. 7 at 154; 173

³⁶ See Texas Southern University Board of Regents meeting minutes from 1951, pulled from the Board of Relations office. Letter H, Appointment of Personnel, number 5, Item 451

³⁷ Lee, supra n 9 citing Houston Post, 'House votes millions for units here' May 13, 1949

³⁸ Id. citing Houston Post, 'Houston Logical place to start medical training for Negroes', August 28, 1949

³⁹ Supra n. 25

⁴⁰ See Dollar Times, id.

⁴¹ Id. citing Houston chronicle, fund slash threatens negro university, March 24, 1949

⁴² Lavergne, supra n. 14 available at Kindle location 3747 of 4992

⁴³ Price of Freedom, supra n. 7 at 136.

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