

Tom Colbert. 2023. *Fifty Years from the Basement to the Second Floor*, Friesen Press. 257 pages.

Justice Tom Colbert was the first African American justice on the Oklahoma Supreme Court as well as the Court of Civil Appeals. The history of his life offers a view of history into the African American experience including severe racial prejudice and discrimination as well as a path to success.

Tom Colbert was born in Oklahoma in 1949. He notes that his birth nearly coincided with Ada Lois Sipeul Fisher's admittance to University of Oklahoma Law School as the first Black student. Colbert was raised by a single mother in Sapulpa and never spoke to his father. His uncle Pleas Watman was admitted to the Oklahoma Bar Association in 1913 and was a civic leader in the National Association for the Advancement of Colored People and other groups. Colbert grew up with the specter of the Tulsa Race Massacre of 1921 in the not-too-distant past and his Uncle Pleas was one of the leaders who fought for justice after this event.

Like many African Americans in Oklahoma, Colbert's ancestor Ed Colbert was a Freedman, Muscogee Creek in his case. However, the examining commissioner denied his enrollment on the Freedman Roll in 1907. An interesting portion of this book is the transcript of related testimony on this question. Also part of family lore is how Colbert's grandfather was swindled out of his land and oil rights by a white neighbor. The family endured many crises – including murder, death, and tornado – yet always remained strong and loving.

Racial discrimination in public school systems was banned when *Brown v. Board of Education* was decided in 1954. The City Sapulpa integrated by combining the white Sapulpa High School with Booker T. Washington High School, the Black school, although the lower grades were left segregated for the time being. All but one of the Black teachers was terminated. Even though the Black

Elementary was destroyed by a tornado, integration was resisted.

Participating in sports including baseball, basketball, and track permeates throughout Colbert's book. Sadly, racial discrimination against Black athletes was almost always a part of the story. Many times he was benched because the coach would only play one Black athlete. During a baseball tournament, the officiating was so biased, Colbert recalls, "This was the first time in my life, along with my teammates, that we had observed such racial hatred, bigotry, and blatant discrimination by city officials" (p. 48). The sting Colbert felt from not receiving his letter jacket or being awarded the Athlete of the Year Award is obviously still felt by the author. Happily, Colbert's family was always there to provide a balm to him. He recalls his grandparents told him, "Never let racism, hatred, or bigotry tear me down to the point of giving up and not doing my best and believing in myself" (p. 50).

Throughout his life, Colbert spent time with family in Chicago. During one visit he had the opportunity to hear Dr. Martin Luther King, Jr., speak. The 1966 speech was delivered at a rally against housing discrimination. Colbert recalls, "I, like so many others around me, became spellbound. I had never heard a Black or White man with such a powerful and moving voice, and one infused with a spiritual tone of sincerity" (p. 55). Colbert was also aware of Clara Luper, the Oklahoma Civil Rights leader who was working in Oklahoma City to end segregation in restaurants and other locations.

Colbert graduated from Sapulpa High School. Prior to graduation, he sought out advice from the school counselor on how to attend college. Her response was, "You don't have the ability, and you are not smart enough to go to college. The only thing that you might be able to do is go to a trade school" (p. 69).

Colbert enrolled at Eastern Oklahoma State College to compete in track. He was surprised to find that this school was also racist.

He recalled a dance where a white student from California danced with a Black student. After the dance, the woman was expelled permanently. Seeking a different experience, Colbert accepted a scholarship offer at Kentucky State University, a HBCU. He relished the learning environment and thrived as a track athlete, winning both individual and team championships. He eventually met his wife Dortha on campus; “I saw her smile, and at that moment, I had fallen in love” (p. 115).

Despite being an education major, Colbert decided to attend law school after graduation from Kentucky State University. Swirling forces seemed to play on the future of Colbert because his potential law career, his life as a teacher, and the possibility of military service in the Vietnam War seemed to create more questions than answers. After thinking he had avoided being drafted, Colbert moved to Colorado to take a job to earn extra money. The military came looking for him and he ended up in the Army. Luckily, he was able to get an interesting assignment with the Criminal Investigation Division. While he was away at Basic Training, his first child was born. He served until 1974.

Colbert moved to Chicago to look for work and became a teacher where he was known as a strict disciplinarian. His dreams of becoming an attorney still lingered. He learned of a new law school in Chicago called the National Conference of Black Lawyers Law School. After attending for four years, he and his classmates learned that the school was not accredited and it would not be so in time for them to take the Illinois Bar Exam. They had wasted their time and money. Whereas some students found correspondence schools that took their credits, Colbert decided to start over and complete three more years at the University of Oklahoma School of Law. After graduation, Colbert was hired by Marquette University as an Assistant Dean where he served as a nonvoting member of the admission committee. He thought this would be a good way to increase minority enrollment at Marquette.

After his sister was senselessly murdered, Colbert decided he needed to move home to Oklahoma again. This news was difficult for his wife Dortha because she had begun law school at Marquette in the meantime.

Back in Oklahoma, Colbert held a variety of jobs. He was Assistant District Attorney in Oklahoma County where prosecuted difficult cases including capital murder. After having his fill of prosecuting, Colbert resigned so he could go into private practice with Vicki Miles-LaGrange who had just been elected to the Oklahoma State Senate. During this time he realized yet another problem that racism had created – the lack of Black people on jury panels. Colbert tried 40 jury trials in Oklahoma. “In all of those cases, the largest amount of people of color that I ever observed on a jury was three, and in most cases, it was either one or none” (p. 210). Colbert’s experience as an adult connected back through his life to his other experiences with racism. “What makes this judicial experience so painful is that I had experienced this egregious and intolerable unfairness as a child, teenager, and now as an adult and practicing lawyer,” he wrote (p. 211).

When the opportunity arose for him to apply to become an appellate judge in 2000 – a process that included applying to the Judicial Nominating Commission (JNC) – he knew he must try. Colbert thought the timing was good because Oklahoma had a governor “who believed in diversity” (p. 214) but no person of color had ever made it past the JNC. Governor Keating selected Colbert for the position on the Court of Civil Appeals and he was sworn in on April 14, 2000. There were very few Black people working in the judiciary so Colbert made it his responsibility to enhance diversity throughout the judicial system. In 2004, Governor Henry elevated Colbert to the Oklahoma Supreme Court.

Fifty Years from the Basement to the Second Floor tells a great story about perseverance in Oklahoma and the United States. Colbert stayed true to his family teaching to always work hard and to

seize opportunities as they came. The last chapter of the book tells a bit about Colbert's experience on the Oklahoma Supreme Court and there is a table of cases he decided. If the book has any weaknesses it is that this time in Colbert's life was not rendered more fully. Colbert offers a warning about judicial reforms that would weaken the independence of the judiciary, such as eliminating the JNC or requiring various term limits on judges. In a state where there is one-party control of the governor's office and the legislature, the Oklahoma Supreme Court is the last backstop against the rule of the majority rather than the rule of law. Colbert retired in 2021.

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