

THE RIPPLES OF *SIPUEL* AND *MCLAURIN*: THE STORY OF NANCY RANDOLPH DAVIS

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Until the Supreme Court cases, *Sipuel v. Board of Regents* (1948) and *McLaurin v. Oklahoma State Regents for Higher Education* (1950), public postsecondary institutions regularly practiced segregation policies in Oklahoma by state decree. In 1949, Nancy Randolph Davis became the first African-American to attend at Oklahoma A&M (now Oklahoma State University), in an environment that was not conducive to her learning, and at times, unwelcoming. This paper not only examines the challenges that Ms. Davis experienced throughout her years as a graduate student and an African-American pioneer in the state, but contextualizes her story in a comprehensive chronicle of the fight against segregation within the state.

INTRODUCTION

Since statehood, segregationist laws were written, rewritten, and reinforced by the state legislature in Oklahoma. Most of these laws restricted the rights of African-Americans and their access to postsec-

ondary education, denying their participation as full citizens of society. However, the Supreme Court cases, *Sipuel v. Board of Regents* (1948) and *McLaurin v. Oklahoma State Regents for Higher Education* (1950) respectively thawed the stranglehold that Jim Crow had on the state since its inception.

In between these two Supreme Court cases, Nancy Randolph Davis endured and broke many racial barriers on campus when she enrolled at the Oklahoma Agricultural and Mechanical College (Oklahoma A&M, now Oklahoma State University) in 1949. As the only African-American on campus at the time of her initial enrollment, she persisted and attained her Masters degree in 1952 at Oklahoma A&M, completing the degree in an unwelcoming learning environment. Her experience was not exclusive when compared to other students of color who attended Predominantly White Institutions (PWI) prior to, and even after, *Brown v. Board of Education* (1954). However, her story is strictly Oklahoman in origin. Born in Oklahoma, Davis was born where statehood-era segregation laws restricted the rights of African-Americans. She later sought admission at Oklahoma A&M at a time where one Supreme Court desegregation case with Oklahoman ties was decided while another was waiting on the docket. This paper contextualizes the plight of Davis as a microcosm of a larger struggle for educational equality in Oklahoma.

The paper is organized into three sections. The first segment labeled "legislature" explores and summarizes the segregation laws that the Oklahoma legislature passed during the initial decades of the state. The following section, "Oklahoma litigation," discusses the outcomes of two Supreme Court cases with Oklahoma origins: *Sipuel v. Board of Regents*, 1948 and *McLaurin v. Oklahoma State Regents*, 1950. The third section chronicles the life of Nancy Randolph Davis and her eventual entry into a then all-white institution. The authors interviewed Davis on January 16, 2005, about her recollections of her experiences leading up to her admission and graduation from Oklahoma A&M during a decade littered with Supreme Court litigation that sought to address issues of desegregation. The authors developed a list of questions to serve as a guideline in the interview to garner information from recollections of her efforts and experiences during the 1950s.

LEGISLATURE

In July 16, 1907, the state constitutional convention met in Guthrie, Oklahoma, to adopt a legal document that would guide the newly-annexed state in its future. Property rights, taxation protocols, and the financial responsibilities of the state understandably dominated the convention. Despite the pressing needs, the legislature also allocated time to craft constitutional provisions aimed to suppress African-Americans in the state. These provisions, known as Jim Crow laws, assured that the "separate but equal" doctrine was fully applied to the 46th state in the union. Article III, § 2 of the Oklahoma Constitution of 1908 sought to indoctrinate this philosophy in the public school system, specifically calling for "separate schools for white and colored children with like accommodation shall be provided by the Legislature and impartially maintained" (OKLA. GEN. STAT. 1908).

After the ratification of the state constitution, the legislative assembly of Oklahoma passed a series of Jim Crow laws that prohibited African-Americans from equal access to railroad transportation and public transportation. Although the Equal Protection clause of the 14th Amendment states that "no State shall . . . deny to any person within its jurisdiction the equal protection of the laws," it did not possess the same interpretation known today. The Supreme Court case, *Plessy v. Ferguson* (1896), confirmed this sentiment. In *Plessy*, the Court maintained that the Equal Protection clause was consistent with the "separate, but equal" doctrine. In other words, African-American and white railroad travelers could be constitutionally separated without running afoul of the 14th Amendment. With the backing of *Plessy*, the Oklahoma State Senate passed on December 18, 1907, one of its first bills, known as "Senate Bill One" or the "coach law," which required railroad companies to provide separate seating for both white and black patrons in railroad cars:

That every railway company, urban or suburban car company, street car or interurban car or railway company. . . shall provide separate coaches or compartments as hereinafter provided for the accommodation of the white and negro races, which separate coaches or cars shall be equal in all points of comfort and convenience (Okla. Sess. Law 1908, p. 201).

However, requiring separate accommodations for people of color and whites in railroad cars was only one aspect of the intended segregation by the state. In addition, the Oklahoma legislature also mandated railroad companies to provide separate waiting rooms or facilities for African-Americans as well:

Every railroad company . . . shall provide for and maintain separate waiting rooms at all their passenger depots for the accommodations of the white and negro races It shall be unlawful for any person to use, occupy or remain in any waiting room, toilet room, or at any water tank in any passenger depot in this State, set apart to a race to which he does not belong (Okla. Sess. Law 1908, p. 202).

In order to enforce these actions, the coach law also mandated penalties for those companies or commercial entities that failed to comply, listing fines up to \$1,000 for violations. The law also required \$25 fines for individuals who were found to be in noncompliance as well (Okla. Sess. Law, 1908). In addition to mandating separate accommodations on the basis of race, the Oklahoma legislature also passed initiatives that prohibited and hindered African-Americans from voting in local and state elections. Methods which blatantly disenfranchised people such as literacy tests, poll taxes, and grandfather clauses, etc. were commonly employed not only in Oklahoma but in most Southern states during this period. These laws and others were implemented to hold African-Americans and the people of color in a secondary status throughout the state and limit their influence in governmental and societal affairs.

With voting rights suspended and segregation in public accommodations represented as the norm, all levels of education were also segregated throughout the state, following the guidelines of the *Plessy* case and the segregation provisions in the state constitution. In 1921, the legislature tightened the language to impose fines on any teacher or administrator who is found to be facilitating learning in mixed racial classes "in any college, school or institution" (OKLA. COMP. STAT. § 10570-2). Failure to comply with this law would have resulted in a misdemeanor and/or a fine. The state law also imposed similar penalties barring white children from attending a class with students of color (OKLA. COMP. STAT. § 10573). In his 1981 book, *Professors*,

Presidents, and Politicians: Civil Rights and the University of Oklahoma, former OU President George Lynn Cross recalled penalties being imposed on university presidents, college instructors, and students alike if they invested any efforts to desegregate during the first years at the helm in Norman. As Cross stated,

The laws provided, in effect, that the president of an institution of higher learning in Oklahoma would be guilty of a misdemeanor if he admitted a black to the university. The punishment for violation of the law would be a fine of not less than \$100 and not more than \$500, each day of violation being a separate offense. The laws further stipulated that an instructor who taught a mixed class of blacks and whites would be subject to a fine of not less than \$10 or more than \$50, each day a separate offense. A white student who attended a mixed class would be subject to a fine of not less than \$4 or more than \$20, each day a separate offense (Cross 1981, 160).

In all, the state legislature not only intended to maintain a segregationist atmosphere, but also to create an environment where it policed itself. However, there was a cadre of African-Americans and civil rights seeking to usurp the racially stratified environment.

The work of the National Association for the Advancement of Colored People (NAACP) was gradual. Thurgood Marshall and Amos T. Hall served as legal counsel of the NAACP in many of the desegregation challenges (Willis 2004). Each legal victory would be an incremental stage in the eventual demise of Jim Crow, starting with the Supreme Court case, *Missouri ex rel. Gaines v. Canada* (1938), which ruled states could not constitutionally deny equivalent legal education to African-Americans afforded to white citizens within the state. Until then, African-Americans who sought a legal education had to seek admission in other states since Missouri institutions were not legally allowed to admit them under the law. Ten years later, the NAACP advocated another case, *Sipuel v. Board of Regents of University Oklahoma* (1948), which challenged an Oklahoma state law denying African-Americans equivalent educational access.

OKLAHOMA LITIGATION

SIPUEL V. BOARD OF REGENTS OF UNIVERSITY OF OKLAHOMA (1948)

The *Sipuel* case was another legal case that created ripple effects preceding *Brown v. Board of Education* (1954) by six years. Both Marshall and Hall of the NAACP argued the case throughout the court system. The *Sipuel* case marked the first time that the NAACP directly confronted the notion of "separate but equal," an argument that would be later refined in *Brown* (Paul 2003). Whereas the overall effect of the *Sipuel* case was circumvented by state governments, it punctured the tapestry of Jim Crow laws, setting up the next legal challenges to racial segregation.

Ada Lois Sipuel Fisher was an aspiring attorney and educator who volunteered to be the test case for admission to the University of Oklahoma Law School, after graduating from Langston University in 1945. At the time, institutions existed within the state that provided separate undergraduate education for African-Americans, but there were not separate accommodations for graduate school opportunities (Ware 2001). All parties involved including the president of the University of Oklahoma at the time, Dr. Cross, conceded that Sipuel was "qualified to receive professional legal education offered by a State" but denied because of her color (*Sipuel v. Board of Regents* 1948; Willis 2004). The NAACP legal counsel found an unexpected ally in President Cross as he willingly assisted them with the procedural denial of Sipuel, expressively denying her admission on the basis of race (Hill 2003). When Sipuel officially received notice of her denial on the basis of race, she filed suit in state court asserting that she illegally had been denied admission into the only law school in the state. At the time, there was no separate facility for African-American students, leaving her with the option of attending out of state or forfeiting her desire to be an attorney. Having lost in the state courts, Marshall and Amos petitioned the Supreme Court on January 7, 1948, and the Court reversed the lower courts later that year:

The petitioner is entitled to secure legal education afforded by a state institution. To this time, it has been denied her although

during the same period many white applicants have been afforded legal education by the State. The State must provide it for her in conformity with the equal protection clause of the Fourteenth Amendment and provide it as soon as it does for applicants of any other group (*Sipuel*, 332 U.S. at 633).

Since the University of Oklahoma stood as the only law school in the state, the Supreme Court ordered that Sipuel be admitted, but could be segregated from the rest of the students. Moreover, as Oklahoma only had one public law school, and thus no separate law school for African-Americans, the Supreme Court ruled that the University of Oklahoma must accommodate Sipuel in her desire to attain a legal education. After receiving the order of the Supreme Court, the Oklahoma trial court barred OU from admitting any more applicants until a separate law school was created for African-Americans (Ware 2001). The state legislature quickly created a makeshift law school under the administration of Langston University in the state capitol building, a tactic that was used by other southern states to avoid integrating their schools (Hardin 1997; Willis 2001).

To remedy the problem, some state legislatures appropriated funds for the creation of separate law schools for black students . . . some law schools were successfully preventing African-Americans from enrolling without having to build separate facilities. This strategy included an array of tactics: from convincing applicants that no space was available at the law school, to getting local black leaders to persuade applicants to apply elsewhere (Willis 2004, 21).

Despite this last-ditch tactic to thwart integration, Sipuel rejected an offer to enroll in the make-shift law school for African-Americans (Chapman 2004) and was eventually admitted to the University of Oklahoma Law School in 1949. In the aftermath of the litigation, Sipuel ultimately graduated from OU and cultivated a career as an administrator and later a regent of Langston University (Chapman 2004). Although the *Sipuel* case marked a progressive turning point in postsecondary access for African-Americans, the Court decision provided little guidance on how the state could provide equivalent legal education to students of color. Oklahoma law still mandated the segregation of African-Americans on campus and in the classroom. The *McLaurin* case would actually convince the state legislature to abandon its segregation policies and

MCLAURIN V. OKLAHOMA STATE REGENTS FOR HIGHER EDUCATION (1950)

begin integrating state colleges and universities, although the actual implementation of integration would differ from state to state.

After temporarily enjoying the success of the *Sipuel* case a year earlier, Hall and Marshall concentrated on another Oklahoma case where a black applicant who was qualified for admission in 1947 was denied solely because of his race. McLaurin, a former professor at Langston University with an impressive academic record, possessed a Masters degree and sought to attain a Ph.D. in education from the University of Oklahoma (Willis 2004). State law at the time made integration a criminal offense, and the university provided this as a justification for the admission rejection. With the support of the NAACP, McLaurin filed suit in district court in 1949, arguing that Oklahoma state law and the University of Oklahoma violated the Equal Protection Clause of the Fourteenth Amendment (*McLaurin v. Oklahoma State Regents* 1949). The district court agreed, but in very subtle language gave the state ample time to rewrite the law, allowing an African-American to be admitted to a white institution.

However, the university was not hospitable to McLaurin, and he brought suit in court again. At the university, he was separated from his white peers in the cafeteria and forced to sit in the chairs and desks particularly labeled for people of color. In the same year as Ms. Davis's admission at Oklahoma A&M, McLaurin filed for relief from the federal district court, contending that the separate accommodations at OU, like the previous admission denial, violated the Equal Protection Clause (*McLaurin v. Oklahoma State Regents* 1949). However, the district court found that McLaurin was not denied access to the same educational facilities; therefore there was no violation of federal law. At the end of Ms. Davis's first year on campus, the U.S. Supreme Court heard McLaurin's appeal in 1950. In its reversal, the Court opined,

the Appellant, having been admitted to a state-supported graduate school, must receive the same treatment at the hands of the state as students of other races (*McLaurin*, 339 U.S. at 642).

Therefore, the Court reversed the ruling of the district court, allowing McLaurin to sit with his classmates in the library, cafeteria, classroom and any other premise on the campus (*McLaurin v. Oklahoma State Regents* 1950).

In order to fully appreciate the *McLaurin* case, *Sweatt v. Painter* (1950) must also be discussed. The fact pattern in *Sweatt* greatly resembles *Sipuel* in several respects. Heman Sweatt applied to the only law school within the state at the University of Texas and was denied admission because of his race. Like *Sipuel*, the state of Texas quickly created a makeshift law school for African-Americans with apparent inferior quality (Paul, 2003). The Court ultimately ruled that the state of Texas treated African-Americans unequally and disproportionately compared to its white students, especially when examining the hastily developed separate facilities for Sweatt. As a result, the Court ruled that the University of Texas had to admit Sweatt to its law school.

During the lower court phase of the *McLaurin* and *Sweatt* cases, Davis had already been admitted to Oklahoma A&M, and by the Supreme Court hearings, she was completing her first year of the program. Despite this act of racial inclusion by Oklahoma A&M, the collegiate experience that Davis had was worse than McLaurin's when she first stepped foot on campus.

NANCY RANDOLPH DAVIS

The story of Nancy Randolph Davis begins in 1860 when her father, Ed Napoleon Randolph, was born in Marlin, Texas. The son of a slave, Ed Randolph dropped out of school in the sixth grade and worked for the Frisco Railroad Company, a Tulsa-based company. Later, he would meet his wife, Ernestine Randolph, and they soon started a family. In the next few years, they had five children, three boys and two girls, and adopted another boy.

The youngest of the six children, Ms. Davis was born on April 14, 1926 in Sapulpa, Oklahoma (N.R. Davis, personal communication, January 16, 2006). She attended school at Booker T. Washington Elementary, an all black school throughout the eighth grade in Sapulpa, Oklahoma. Within the Sapulpa district, discrepancies existed in how

white and black teachers were treated and paid. On average, white teachers were paid \$110 per month while their black counterparts were compensated at a lower rate of only \$80-90 per month (N.R. Davis, personal communication, January 16, 2006).

In 1942, the railroad company fired Ed Randolph after he left a fire burning in a train engine, causing damage. His firing prompted a move by the Randolph family to another region in the state where he could find work. This not only was a financial setback to the family, but created a situation where Davis had to adjust unexpectedly to a new environment. Due to his philosophy of rejecting any "welfare" help from the government, Mr. Randolph refused to accept employment through the President Roosevelt's Works Project Administration program. Instead, he gained employment as a sharecropper in the outskirts of Sapulpa (N.R. Davis, personal communication, January 16, 2006).

During this time of adjustment, Ms. Davis lived with her godparents, Mr. and Mrs. Johnson, as her own parents were in transition. While away from her family, she attended the black school in Cushing, Booker T. Washington School, where her godfather, Mr. Johnson, was a principal (N.R. Davis, personal communication, January 16, 2006). However, after a year her father abruptly ended his career as a sharecropper when the Frisco Railroad Company rehired him back, enabling Ms. Davis to move back in with her family. She resumed her education, incidentally at another school also called Booker T. Washington School when her family moved back to Sapulpa in 1942. In 1944, she graduated from high school and mulled over her limited options. Langston University, the state's only Historically Black College/University (HBCU), was the sole option for a four-year institution, but her father encouraged her to attend Oklahoma A&M:

My father told me when I was in the 10th grade "Oklahoma A&M College, that school is growing and I have been reading in the newspaper about the new things the school is doing. It's going to be a great school and that's where I would like for you to go." I thought "you know that's not going to happen." My father said, "Oh yes, you will. Things are going to change" (N. R. Davis, personal communication, January 16, 2006).

However change did not come quickly. All attempts by African-Americans to enroll in Oklahoma A&M had been thwarted up to that

point. In 1944, she enrolled in Langston University, as a freshman majoring in home economics, and four years later, she graduated with her bachelor's degree and began looking for employment opportunities within the state. After applying to a few schools, she finally attained a job offer to teach at Dungee School in Spencer, Oklahoma. It would be here where fate would intercede through the courts and she would receive additional encouragement to attend Oklahoma A&M College (N.R. Davis, personal communication, January 16, 2006).

OKLAHOMA A&M

After only a year, Ms. Davis grew restless as a teacher at Dungee School and started to contemplate attaining a post-graduate degree. During that year, the *Sipuel* case captured the full attention of the African-American community in Oklahoma and elsewhere, and Ms. Davis's curiosity was no different. Like her father, the principal of Dungee school spoke with the teaching faculty about the opportunities that the *Sipuel* case presented the African-American community, not only in Norman but throughout the state, and encouraged the teachers to take advantage of this new-found access to postsecondary education:

I was inspired to seek admission when Mr. Thompson, Principal at Dungee School, shared with the teachers that Ada Lois Sipuel is about to get into school as attorneys Thurgood Marshall and Amos T. Hall and activist Roscoe Dungee were advocating on her behalf and about to win this case. Mr. Thompson told the teachers we should try to get out of school during this summer of 1949 and go to school somewhere. Mr. Thompson inspired me. Many teachers traveled to Kansas, Colorado, and other places to get Master degrees (N. R. Davis, personal communication, January 16, 2006).

After the principal's encouraging speech, Davis went to the Stillwater campus and completed an application at the Registrar's Office at Oklahoma A&M. Her presence and application received a lukewarm and uncomfortable reception, a response that was not too surprising given the recent history of the institution. Four years earlier, two African-American students, Jane Ellison and Henry W. Floyd, futilely attempted

admission into Oklahoma A&M (Kopecky 1990). The Oklahoma A&M President at the time, Henry G. Bennett, denied their applications after conferring with the Oklahoma State Board of Regents in 1944, stating that the education that these two students sought could be provided by Langston University (Kopecky 1990). However, with the *Sipuel* case being argued before the Supreme Court at the time, the segregationist resolve of the administration was understandably weakened; this opened the door for Ms. Davis' hopes of attending Oklahoma A&M.

After completing her application, she visited the department head of the Home Economics department, and the conversation that ensued was less than hospitable. The department head asked her several questions about why, as an African-American woman, she sought admission to the department. In the eyes of Davis, the response and questions from the department head were less than encouraging:

She asked me, "Why do you want to come to school here?" "I told her this is where I live and always wanted to go." I thought that it was awful that she was asking me so many questions. She said "I think you Negroes are trying to go too fast and think you ought to go to school where you would feel better. You would feel better with your own people." I want to go to school there and I know things are changing at Oklahoma State University, Oklahoma A&M College. She told me "These whites will not want to sit beside you and you will just be awful by yourself" (N. R. Davis, personal communication, January 16, 2006).

Unfazed by the prospect of being the only African-American on campus, Davis continued to seek admission into Oklahoma A&M. "Everything was colored and black people were scared but I didn't care what people said about me attending Oklahoma A&M College" (N. R. Davis, personal communication, January 16, 2006). Incidentally, throughout her time on the Stillwater campus as one of the few African-Americans, white students said nothing negative toward her.

Davis attributed her admission to Oklahoma A&M to the institution's reluctance and apprehension of getting involved in the legal contest. During the *Sipuel* case, Oklahoma A&M witnessed the tribulations and the eventual outcome that the University of Oklahoma endured in its futile resistance to integration. She stated, "I believed that Oklahoma A&M College officials would not want to go through the courts and

they would do the right thing by admitting me” (N. R. Davis, personal communication, January 16, 2006). However, despite the victory of her admission, Davis knew that another set of challenges awaited her on the Stillwater campus. Without adjusting to her new environment and graduating from Oklahoma A&M, all of the progress in the integration experiment would amount to nothing.

LIFE ON CAMPUS

When she enrolled in the fall of 1949, she registered for three classes: Clothing Education & Textiles, Demonstrations, and Philosophy of Home Economics (N.R. Davis, personal communication, January 16, 2006). Throughout all of these classes, the professors forced Davis to sit in the hallway of the classroom while the lecture was delivered. By comparison, the University of Oklahoma afforded more accommodation to McLaurin, allowing him to sit in the classroom in a separated section before the lawsuit. Despite the handicap of separation, Davis received the second highest grade in the class after the first exam, winning the support of her white classmates. After hearing this, her white classmates successfully lobbied the professor to allow her to stay in the classroom during lectures. Throughout her coursework, some instructors allowed her inside the classroom during the lecture, but when an administrator came by, Davis moved back to the hallway (Keeler-Battles, et al. 1989).

During her coursework at Oklahoma A&M, Davis resided in the colored section of Stillwater with the principal of the black elementary school, Mr. Lee A. Ward. She took classes during the summer months as well, and during the school year she resumed her work at Dungee School, teaching there during her free time (N.R. Davis, personal communication, January 16, 2006). She attended Oklahoma A&M for the next three years, taking courses regularly until July 25, 1952, when she received her Masters in Science in Home Economics. After graduating with her Masters, she opted to return to her teaching rotation at the Dungee School.

There were changes in her personal life as well when she married Fred C. Davis, a native of Chandler, Oklahoma, who was an English teacher at the school. Eleven years her senior, they dated for five years until they married. They had two children in the following years, a boy

and a girl: Calvin and Nancy Lynn. After graduating from Oklahoma A&M, Davis moved to Spencer, Oklahoma, where she taught at Dungee for 20 years and later at Star Spencer High School for an additional 23 years (N.R. Davis, personal communication, January 16, 2006).

Two years after Davis graduated with her Masters in Home Economics at OAMC, the Supreme Court ruled on *Brown v. Board of Education* (1954), the case that prohibited racial segregation in public schools. The incremental successes of the *Gaines*, *Sipuel* and *McLaurin* cases among others contributed to the eventual success of *Brown*. Each of these cases chipped and eroded the segregation practices reinforced by local and state laws. In Oklahoma, these instrumental cases respectively dismantled the basic tenets of Jim Crow manifested in Oklahoma state law at the turn of the century.

In 1965, seventeen years after Ms. Davis broke the color barrier at Oklahoma A&M, the Oklahoma legislature authorized a special election for a public referendum to repeal the state constitutional decree on racial segregation in public schools.

The Secretary of State shall refer to the people for their approval or rejection as and in the manner provided by law, . . . Section 3 of Article XIII of the Constitution of the State of Oklahoma requiring that the Legislature provide separate schools with like accommodation for white and colored children is hereby repealed (Okla. Sess. Law 1965, 1174).

On May 3, 1966, the voting public approved the repeal of the state constitutional provision. Although this may appear magnanimous, the state of Oklahoma may have had no choice but to adopt the repeal, considering congressional passage of the federal civil rights litigation. Despite the circumstances, the constitutional requirement calling for the segregation of the races in education was finally abolished after nearly six decades of exclusion under the authority of the state.

DISCUSSION

The story of Nancy Randolph Davis stands not only as a story of persistence and courage, but as one of a state that struggled with educational equity and reversed the damaging philosophy of the Jim

Crow laws that were highly popular at the turn of the century. Although many lessons can be learned from these events, some are more pronounced than others. First, the state of Oklahoma began to remove its institutionalized racism and started the healing process of exclusion by relying on incremental steps, both externally and internally. External influences like the NAACP and the federal government forced the state to rethink the segregationist philosophy that had dominated Oklahoma since statehood. Internally, postsecondary institutions have made strides in diversifying their student populations and faculty populations since the era of the desegregation litigation.

The *Gaines*, *Sipuel*, *McLaurin* and *Sweatt* cases share two common threads. On the one hand, they incrementally contributed to this change during the 1940s and 1950s by modifying *Plessy* holdings that were accepted as gospel. *Sipuel* served as an endorsement of *Gaines* with refinement, and each of these cases chipped away at the institutionalized racism within the state. On the other hand, these test that would eventually lead to the *Brown* case and its success in 1954.

Second, these change agents also faced another formidable adversary outside of the institutionalized racism: Oklahoma and its public entities. The state government and legislature took extensive measures to keep the postsecondary institutions segregated, namely by hastily creating a makeshift law school to keep African-Americans out of their flagship institution. By the time that Davis applied to Oklahoma A&M, the institution recognized that defending its segregated policies would be futile after observing the outcome of the *Sipuel* case and the potential of the *McLaurin* case. In essence, Oklahoma saw the handwriting on the wall.

Third, the story of Davis also illustrates the disjointed path that African-Americans took into predominant white institutions. African-Americans within the state were very cognizant of the progress of the NAACP's legal challenges. The younger generation of African-Americans relied on encouragement from older African-Americans to break the system of segregation. During her time at the Dungee school, Davis received support and encouragement from her principal to enroll into institutions that were not previously accessible to African-Americans.

Lastly, despite the progress that has been achieved to the present day, this Oklahoma saga for equality retains its importance. As the civil

rights generation fades into the history books, the lessons of its struggle and its contribution to the present state of society should not be forgotten. Although the civil rights movement in 1950s and 1960s had concrete obstacles and opponents of educational access and equity, today's society is laden with more invisible stumbling blocks. Some present education policies that had benign intentions may produce outcomes that detrimentally affect students of color. Just recently, the Supreme Court by a 5-4 decision ruled this summer that the use of race in K-12 school assignments violated the Equal Protection Clause and therefore was unconstitutional (*Parents Involved in Community Education v. Seattle* 2007). However, some critics charge that the 2007 decision represents a potential return to re-segregation in public school (Paley & Schulte 2007). The lessons from the Davis story remind us that we must remain vigilant in our protection of educational access across socioeconomic status, first generation college students, and regional location. This not only affects African-Americans, but all citizens, regardless of color.

CONCLUSION

From its annexation in 1907, the Oklahoma legislature made a concerted effort to institutionalize Jim Crow laws across the state by ratifying constitutional provisions enforcing segregation in educational facilities, regulating separate seating and waiting areas for railroad transportation, and increasing the penalties for those teachers and administrators who failed to enforce segregated learning environments. However, litigation advocated by the NAACP and others eventually started to chisel at this institutionalized segregation legislation. On the heels of the *Sipuel* case, teachers at the Dungee School in Sapulpa, Oklahoma, were encouraged to enroll into predominantly white institutions of postsecondary education to attain a degree. No longer fully restrained by *de jure* segregation in admissions, civil right pioneers such as Ms. Davis, a granddaughter of a slave, had to deal with institutional and *de facto* discrimination and desegregation within campus and within the classroom. As her generation of civil rights advocates and pioneers fades into the history books, the lessons of their struggles and their contributions to our present well-being should not be forgotten.

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