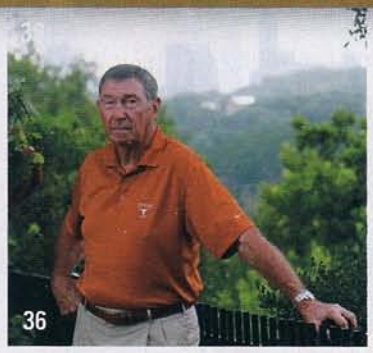
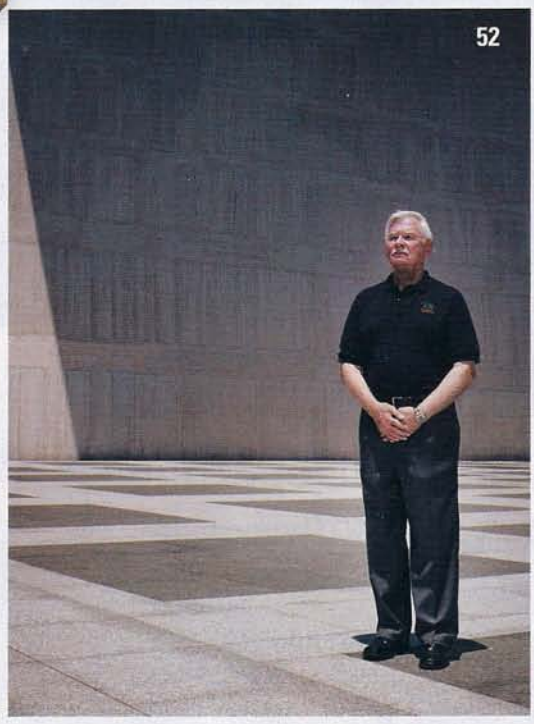
The ALCALDE

For Alumni and Friends of
The University of Texas
September | October 2010





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On the cover:
Photo by Jim Sigmon

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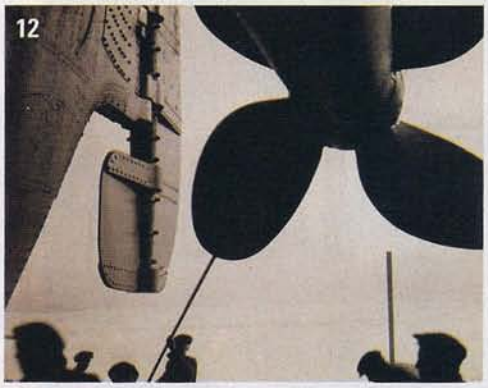

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Contributors

Gary Lavergne

Gary is the director of admissions research and policy analysis at The University of Texas. In his spare time, he has written four books, including one on Charles Whitman, as well as guest editorials for the *New York Times*, the *College Board Review*, and the *Chronicle of Higher Education*. He graciously allowed us to excerpt a portion of his new book *Before Brown: Heman Marion Sweatt, Thurgood Marshall and the Long Road to Justice* ("Why Heman Sweatt Still Matters," p. 78). "*Sweatt v. Painter* is one of the most underappreciated events in the history of the civil rights movement," Gary says. He is a member of the Texas Institute of Letters and a four-time featured author of the Texas Book Festival. This is his first piece in THE ALCALDE.

Melissa Grimes

Though her work can appear anywhere, artist and illustrator Melissa, BA '72, is deeply rooted in what she calls the 78704. After graduating from UT, the Houston native stuck around and has been in South Austin for more than 25 years. Her clients have included Nike, Converse, *Rolling Stone*, *Esquire*, Bennigan's, and TGI Friday's. She also has taught art at both her alma mater and Texas State University. Having gone through a divorce herself, Melissa found the story she illustrated, "When Science Couples Up With Love," (p. 70) fascinating and personally resonant. Still, she says, "I think relationships are more art than science and maybe more luck than art." For this, her first work for THE ALCALDE, Melissa played with humor and retro styling to illustrate relationship issues in a relatable, timeless way.

Valerie Cook and Jonathan Rienstra

THE ALCALDE had two student interns this summer — Valerie shooting photos and Jonathan writing and copyediting. An advertising senior, Valerie braved Austin's summer heat and rain to trek across the Forty Acres capturing the places and faces of UT life. See her work throughout the Forty Acres and Association News sections. After graduation, Valerie hopes to do photography and print production work for an advertising agency.

Jonathan, meanwhile, jumped into the editorial mix with some well-read blog entries. "My favorite part of my time at THE ALCALDE," he says, "was following the Big 12 drama in June and trying to break it down on the blog, only to be horribly wrong two hours later." For this issue he interviewed professor and vampire expert Tom Garza (p. 16). Jonathan hopes to "do something that pays me" when he graduates. In a dream world, that something would involve an interview with e.e. cummings or Kurt Vonnegut — or heck, why not both?

Editor's Note

2110 SAN JACINTO

Simkins, Sweatt, and How We Talk About Race

THE UNIVERSITY'S INTENSE AND VERY PUBLIC self-examination that attended the decision to rename Simkins Hall — after its namesake William Simkins was revealed as a member of the KKK— is yet the latest reminder that racial tensions remain at The University of Texas.

As administrators weighed whether keeping the name was preserving history or improperly celebrating it, they got no shortage of input from students, alumni, and the general public.

Allegations flew like Molotov cocktails: Simkins was a terrorist! He was a man of his times! Political correctness gone awry! Celebrating a bigot! Racism! Reverse-racism!

The Texas Exes were accused of whitewashing Simkins' past by describing the former law professor as "a colorful character" on our UT History Central website and not mentioning his KKK past.

THE ALCALDE was chastised for having printed in 1913 a speech by Simkins that strikes modern readers — this one included — as ugly.

In July, the *Houston Chronicle* opined that the name of this magazine should be changed because its namesake Oran Roberts, the former governor of Texas whose nickname was "The Old Alcalde," chaired Texas' secessionist convention. The magazine was named for him because as governor he signed the University's charter and then taught at the school, not because he wanted Texas to secede.

After a monthlong deliberation, a committee recommended removing Simkins' name from the hall, saying that keeping it would make a statement inconsistent with the University's modern commitment to diversity. President Powers and a unanimous Board of Regents agreed. The name of our magazine, as you can see, has not changed.

It is within this context, and with a lawsuit pending that challenges UT's use of race in admissions, that we present an excerpt of *Before Brown: Heman Marion Sweatt, Thurgood Marshall, and the Long Road to Justice* by Gary Lavergne, UT's director of admissions research and policy analysis ("Why Heman Sweatt Still Matters," p. 78). The excerpt reminds us that African Americans were once prohibited from attending this university on account of their race alone. It's worth mentioning that as heated as our community's recent discussions of race got, they used to be far more vituperative.

In our brief coverage of the Simkins debate (p. 20), we have tried to treat our readers like adults — looking at the issue deliberately, dispassionately, with an emphasis on facts and respect for the various sides.

We will never all agree on whether changing the name was the best decision. But let's try to agree on this: that an open process, an open discussion, and an open mind can go a long way toward healing old wounds.

Happy reading, and Hook 'em.

Tim Taliaferro, *Editor*

Why Heman Sweatt Still Matters

by Gary M. Lavergne, author of *Before Brown: Heman Marion Sweatt, Thurgood Marshall and the Long Road to Justice*

Heman Marion Sweatt in line to register for the fall semester of 1950. Prints and Photographs Collection, Heman Sweatt, Dolph Briscoe Center for American History, University of Texas at Austin (di-01127).

WRITING ABOUT RACE IS EMOTIONAL AND DIFFICULT. In a place like The University of Texas, where most things are difficult and everything is emotional, telling the story of Heman Marion Sweatt was a task in which I took great care. Why tell it? Because more than 60 years after Sweatt was the first African American to apply to UT, his story continues to be emotionally and politically relevant, and his case — the only to involve The University of Texas before the U.S. Supreme Court — led directly to the end of segregation. To borrow from Martin Luther King Jr., this was a point on that long moral arc where the universe bent toward justice.

It is generally known that Sweatt was a mail carrier from Houston who applied for admission to UT Law School in February 1946 and that UT President Theophilus S. Painter followed Texas's constitution, statutes, and an attorney general's opinion and rejected Sweatt's application on account of his race.

What some may not know is that Sweatt was integral to an NAACP master plan aimed at breaking down racial segregation in education. Or that UT was selected as the target school in part because students at the time overwhelmingly favored integration. Or that if there was any place in the country where separate but equal could be debunked, it was Texas. With all its oil money, if Texas couldn't build a separate and equal university of the first class for African Americans, no one could.

Sweatt's lawyer, Thurgood Marshall, who eventually became the first African American on the U.S. Supreme Court, took *Sweatt v. Painter* to the highest court and won. The result was that Sweatt became the first African American ever ordered admitted to an all-white institution. The 1950 opinion predated the seminal case of *Brown v. Board of Education*, which explicitly ended legal racial segregation in the United States. But the legal and ideological foundation for that ruling was laid here. After *Sweatt*, the doctrine of separate but equal became, in the words of Marshall's assistant, Robert L. Carter, moribund. Before *Sweatt*, "equality" tended to be quantified by measures like budgets, buildings, books, and number of faculty. Chief Justice Vinson, the author of the *Sweatt* opinion, argued that intangible qualities incapable of objective measurement are what make for a great law school. Vinson knew very well that it was impossible to create a law school for African Americans where none had existed before, with faculty of equal renown or alumni of equal position and influence.

The *Sweatt* case was a turning point for Marshall. He began the case arguing for equalization — a separate law school for African Americans. By the time the case ended four years later, his thinking had shifted, and he came to believe that segregation itself was inherently unconstitutional. It was also the first showcase of the "Sociological Argument," that segregation had no rational basis, and that it was destructive because it merely sought to subjugate one race to another — in violation of the equal-protection clause of the 14th Amendment.

Sweatt's story is not merely an interesting historical artifact. Indeed, it continues to guide us. As Jonathan Alger, general counsel of Rutgers University, wrote recently, the Sweatt case foreshadowed the current argument — articulated in *Regents of the University of California v. Bakke* (1978) and then in the *Grutter v. Bollinger* (2003) affirmative action case in Michigan — that there are educational benefits for all students when they are exposed to a diversity of ideas. In *Bakke*, the Supreme Court used *Sweatt* to condemn the isolation of individuals from ideas; in *Grutter*, it was used to argue that since higher education was the training ground for the nation's leaders, it had to be visibly open to individuals of every race and ethnicity in order to "cultivate a set of leaders with legitimacy in the eyes of the citizenry."

And it all started in Room 1 of the Main Building, where Sweatt confronted Painter with an application to the University of Texas School of Law. >

The Tower quickly became the trademark of the University and a symbol of Austin, but for the Sweatt delegation, it was also a symbol of what African Americans were being denied: a vast world of knowledge in an elegant and scholarly setting.

The Great Day

YE SHALL KNOW THE TRUTH AND THE TRUTH SHALL MAKE YOU FREE.
John 8:32, inscribed above the south entrance of the University of Texas Main Building

Shortly after the UT regents fired President Homer Rainey for standing up to them in 1944, they appointed Theophilus Shickel Painter acting president. A Virginian by birth, Painter had moved to Texas to become an adjunct professor of zoology in 1916. His zoological specialty was in the field of genetics, and in those circles he was known for brilliant research on the cytology (the study of cells) of spiders and his investigations into the chromosomes in the salivary glands of fruit flies. Painter had little or no administrative experience; he was the quintessential "faculty type." In 1946, the regents ignored faculty opposition and formally appointed him president.

T.S. Painter (left) acting president, and Dudley K. Woodward, chairman of the Board of Regents. Woodward took the lead in keeping Sweatt out of the law school. Prints and Photographs Collection, Theophilus S. Painter, Dolph Briscoe Center for American History, The University of Texas at Austin (di-05061).

Painter's presidency should be considered in the following context: he was in a very difficult position at a tumultuous time. The University of Texas has always been controlled by a board of regents. Each regent is appointed by the governor and confirmed by the state Senate. In political circles, the appointments are among the most prestigious patronage prizes. And so for most of its existence, the governance of The University of Texas System has largely reflected the political philosophy of governors who, like Coke Stevenson and "Pappy" O'Daniel, were often frugal and reactionary southern-leaning Democrats.

Faculty and students, however, have often delighted in an "enlightened" or youthful rebelliousness against the Texas white establishment. In 1947, adult Texans favored segregated universities by a ratio of 25:1, and 85 percent opposed the admission of blacks to UT in particular. At UT, the majority of students favored the admission of black students and supported efforts to break the color barrier. Non-Texans were often surprised at how liberal the UT family could be.

The regents wanted a nonconfrontational chief executive, and Painter proved to be an ideal choice. He was far more malleable than Rainey, and, in general, he cooperated with efforts to intimidate UT's more outspoken and militant professors. Painter's opportunistic termination of J. Frank Dobie, who thought segregation was "a loyalty to fallacies and prejudices, not loyalty to constitutional and Christian principles of justice," was revelatory: most college presidents would have fought hard to keep such an accomplished and prolific writer.

Of more immediate concern to the Board of Regents at the time, however, was the future of UT's hold on the Permanent University Fund. Painter and the regents were clearly frightened by the possibility of being forced to create a constitutional university of the first class for Negroes, one that would have access to the PUF.

The Meeting

With a Wiley College transcript in hand, Heman Sweatt joined a distinguished group of African Americans at Samuel Huston College in Austin on Feb. 26, 1946: "The great day arrived."

Sweatt and the other members of the delegation representing the NAACP's Texas State Conference of Branches had gathered for a meeting with President Painter. From the Samuel Huston campus, the delegation headed west across East Avenue

"I cannot go out of state to school, and I cannot wait indefinitely until some provision is made," Sweatt said. Then he presented Painter with a transcript from Wiley College and formally asked to be admitted.

toward UT's landmark Main Building and Tower. The trip was only a few blocks, but the racial and educational gulf between the east and west sides of East Avenue was much wider.

In 1946, the UT Main Building and Tower, a Works Progress Administration project, had been occupied for only nine years. The Available University Fund contributed about $2.8 million to help cover construction costs. The edifice sat atop College Hill, and on the west, east, and south, landscaped malls led to where the University's Main Building has always stood. It was an area everyone knew as the original "Forty Acres."

The Tower quickly became the trademark of the University and a symbol of Austin, but for the Sweatt delegation, it was also a symbol of what African Americans were being denied: a vast world of knowledge in an elegant and scholarly setting. Below the windows of the northeast and northwest wings are carved the names of 14 giants of Western letters. The one-room Stark Library on the fourth floor by itself contained more than 12,000 volumes. That single room had more books than 70 percent of all predominantly black colleges in the United States. No African American had ever been able to use those facilities, and Sweatt's delegation had no illusions about whether Texas' political leadership would ever build something remotely equal for African Americans on the other side of East Avenue.

Heman Marion Sweatt speaking at a rally, c. 1947. Juanita Jewel Shanks Craft Collection, 1939-1948, Dolph Briscoe Center for American History, The University of Texas at Austin (di-04794).

The meeting took place in Room 1 on the ground floor of the Main Building. The ground floor was more like the Tower than the elegant upper floors of the Main Building; it was proletarian in look and function. Its shiny, smooth floor tiles made for easy cleaning and buffing but were treacherous on rainy days. The midsize ceramic tiles on the walls were fashionable and functional for the time, able to withstand smudges from the hands of the thousands of people who would eventually walk the main hallway connecting the east and west entrances.

President Painter greeted the group. The Sweatt delegation presented itself as "representing the interests of the Negro citizens of Texas in procuring immediate public higher education facilities and instruction for Negroes in the professional courses in the state, such as medicine, law, pharmacy, dentistry, journalism, and others." R. A. Hester, president of the Progressive Voters League and the first of the delegation to speak, read a statement declaring that Negro citizens of Texas were entitled to the same educational opportunities as whites. "We are not here to discuss or try to solve the race problem," Hester said. "The Negro citizens of Texas are seriously interested and concerned about provisions for them in graduate and professional schools. We want to know what the committee has done. What is available now? Not tomorrow, next week, or next month."

When Painter said what was immediately available were out-of-state scholarships, Hester shot back: "The present state aid is not only inadequate but unsatisfactory. Not only is the student penalized because it costs them more to live in other sections, but most of those who go away to study at the state of Texas' expense in more liberal sections decide to stay there, and Texas Negroes do not get the advantage of their training." Hester also dismissed state plans to upgrade Prairie View A&M: "We know of the change in the name of Prairie View from a college to a university. But all of that is a long-range program, which at the present rate of progress will take years to be completed."

Painter claimed to be sympathetic to the demands of the delegation: "I think that the Constitution does provide for the es-

tablishment of a university for Texas Negroes. I personally believe something can be worked out. I have talked to several legislators and found them willing and in agreement with me in a program of enlarged facilities. In this connection I believe that Prairie View's appropriation is larger for the next two years than it has ever been."

Hester explained that what African Americans wanted was the "divorce" of Prairie View University from the control of the Texas A&M board and the establishment of a graduate and professional school in a large urban area. "The law is plain and it is up to the Legislature to provide the funds. We do not object to separate schools if they are equal," Hester said, "but we do not want them separate if they are separate in order to be unequal."

Painter mused that the graduate and professional schools the delegation wanted could start on a small scale and gradually grow as course demands warranted. He even suggested that the first courses could be offered as early as the fall. Hester and the others in his group, visibly agitated, argued that no student should be denied training in a field because of a small demand, especially when white Texans were afforded the same training at the same time. Lulu White, an activist and member of Sweatt's delegation, reminded Painter that UT and Texas A&M were appropriated more than $10 million of additional state money during the 1945 legislative session. This money, she asserted, could be diverted to the establishment of graduate and professional schools for African Americans. "What would you have us do, close down the white schools for a year?" Registrar E. J. Mathews asked. "That would not be a bad idea. It would give us an opportunity to catch up with you in training," White replied.

Heman Sweatt, who had stood quietly the whole meeting, could not have been more courteous or deferential when finally he asked permission to speak. He addressed the group in a soft, slow, and measured tone. He wanted to be a lawyer, he said, and he had a right to the same legal training as other Texas college graduates. He made it clear that as an adult and a citizen of Texas, an out-of-state tuition package was unacceptable. "I cannot go out of state to school, and I cannot wait indefinitely until some provision is made," he said. Then he presented Painter with a transcript from Wiley College and formally asked to be admitted.

Mathews added that African American Texans were on the verge of having unimagined educational facilities built for them, but a lawsuit could change everything. Sweatt did not comment on Matthews' thinly veiled warning.

As Sweatt handed his transcript to Painter, Mathews interjected that Sweatt's application was not necessary. He spoke of his certainty that funds would be available for his law-school education somewhere other than The University of Texas. Mathews assured the NAACP delegation that he "did not have any more than the normal amount of prejudice against Negroes." Part of his unsolicited yet "down to earth" advice to Sweatt was a warning of "grave dangers." Mathews added that African-American Texans were on the verge of having unimagined educational facilities built for them, but a lawsuit could change everything. Sweatt did not comment on Mathews' thinly veiled warning. In all likelihood, he simply stared back and wondered how the registrar was warning African Americans of the loss of something they, in fact, had never had.

Vice President James C. Dolley encouraged Sweatt to "think twice and choose the course that offers the most promise of success." President Painter then spoke fondly of a black man he knew, admired, and worked with. They grew up together, he said, "but he never let me eat with him and I wondered why until I was older." The meeting ended with Painter informing Sweatt that Mathews was not officially accepting his application, but that [Painter] would request an attorney general's opinion on how the University should respond.

Of all the contemporaneous commentary and news coverage of the Feb. 26, 1946, confrontation between Heman Sweatt and Theophilus Painter, Clifton Richardson Jr. best appreciated and most accurately described the historic change in Texas race relations. Of course, he had the advantage of having been an eyewitness as part of the delegation, but his observation was no less prophetic: "The whites of Texas are faced with a dilemma which will no longer allow them room to procrastinate. They can no longer seek to dissuade us by the worn-out approach that 'I love Negroes since I had a black mammy and grew up with black boys.'"