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

Heman Marion Sweatt, a black man, applied to the School of Law at the University of Texas and was denied admission on the basis of his race. No law school in the entire state admitted African American students. When Sweatt filed suit, his case was continued for six months which gave the state of Texas time to construct and staff a law school for black students. Sweatt filed suit again in federal court, and ultimately reached the United States Supreme Court.

In Sweatt v Painter, the NAACP and Thurgood Marshall argued that even though the state of Texas had established a law school for black students, it was far inferior to that of the white students’ law school. The law school for black students had a smaller faculty and law library, contained moot court facilities and was affiliated with a law school fraternity.

Historical Context

Public education in the south was not deemed an important priority in the late 19th century. Even white children rarely attended school, and when they did their education generally stopped at the sixth grade. The school year was tied to the rhythms of agriculture, and children were expected to contribute to the family as an economic unit.

The education of black children in the south was virtually non-existent, and illiteracy rates were extraordinarily high. Prior to the Civil War some of the southern states had laws against educating black children whether slave or free. During Reconstruction, a number of schools for newly freed slaves sprang up all across the south. Many of these schools owed their existence to philanthropists and religious missionaries. Even so, the curriculum was rudimentary, physical facilities were poor, and teachers were barely compensated. Black children were even more the captives of the agrarian system in the south; it was not uncommon for their school year to be shorter than that of white children.

The strategy developed by the National Association for the Advancement of Colored People (NAACP) in the 1930s was simple: the organization meant to force the southern states to comply with the separate-but-equal ruling in Plessy v Ferguson (1896). The challenge was led by Charles Hamilton Houston, a black graduate of Harvard Law School. In his role as vice dean of the law school at Howard University, Houston had completely revamped the school, its curriculum and faculty, turning it into a most potent tool in the fight for black equality. Hired by the NAACP to head its legal program, Houston traveled throughout the south and recorded scores of black schools, laying bare the south’s refusal to equalize their facilities.

By the time Sweatt filed his lawsuit, the NAACP had won several precedent setting cases in southern states against segregated law schools. (See Missouri ex rel Gaines v. Canada 1938 and Sipuel v Oklahoma State Regents 1948).
Question:

Did the state’s construction of a separate laws school for black students violate the Equal Protection Clause of the 14th Amendment?

Decision

The Supreme Court ruled that not only did the black law school lack the basic facilities of a quality legal education—faculty, library, physical plant—but the “intangibles” as well. That is, students had no opportunity to apply for moot court, join the law fraternity, or mingle with other students and faculty. These opportunities were important supplements to the formal law school education. Thus the state of Texas had violated their 14th Amendment right to equal protection.

On the same day the Court delivered its opinion in the Sweatt case, it delivered the same opinion in *McLaurin v Oklahoma* (1950). These cases laid the path for *Brown v Board of Education of Topeka, Kansas* (1954).

Contemporary Relevance

While African American students are no longer restricted solely to attending historically black colleges and universities (HBCUs), the road to college for blacks students is often extremely difficult. African American students are often not academically ready to attend college, and are disproportionately represented in remedial classes. While the cost of higher education is a concern for all but the very wealthy, black students are especially burdened by this. Given that the median income for black families is as much as thirty percent of white families, the cost of college is an extra burden. Furthermore, federal financial aid has decreased dramatically. There have also been a number of challenges to affirmative action programs that have opened the pathway to higher education for minority students, but they remain under continued challenges and have often led many public colleges and universities to scrap them altogether. This has caused a decrease in the number of black high school graduates attending college. Finally, students of color are more often likely to be targeted by predatory lenders which often leaves black students with enormous debt and impairs their progress toward a degree.