



## Teacher Notes: *Sweatt v. Painter* (1950)

### The Background of the Case (00:00-2:25)

1. What did the Texas Constitution of 1876 say about segregation and separate but equal with regards to education?  
Article I, Section 7 of the Texas Constitution of 1876 provided that separate schools should be provided for whites and blacks.
2. What group had achieved some progress in the courts to end segregation in public schools?  
Children of Mexican and Latin origins had achieved some progress in ending segregation. (See 1946 *Mendez v. Westminster* and 1948 *Delgado v. Bastrop* cases).
3. At this time, what two leaders in the NAACP were determined to dismantle and end segregation?  
Charles H. Houston and Thurgood Marshall.

**Stop and Think:** Why do you think that the NAACP concentrated on ending segregation in public education as a way to achieve equality in the United States?

Both Marshall and Houston as leaders in the NAACP were determined to end segregation in public education. They believed that without equality in educational opportunities it would be difficult for African Americans to ever achieve equality in American society. They strongly believed that separate but equal was impossible to achieve—separate, yes; equal, no.

### Heman Sweatt (2:26-6:10)

4. Who was Heman Sweatt and what did he do? Who was Theophilus Painter and what role did he play in the controversy?  
Heman Sweatt was a mailman interested in going to law school and he wanted to attend the law school at the University of Texas, which was one of the best in the nation. He sued Theophilus Painter, the President of the University of Texas, because he was denied admission to the UT Law School only because of his race. When he applied, the registrar offered to send Sweatt out of state to a law school that allowed African Americans and to help with his tuition to that law school if he needed.
5. What did the Texas Legislature do in response to Mr. Sweatt's lawsuit?  
The Texas Legislature was concerned about the case and decided to act before it reached the Supreme Court. It appropriated money to create more schools for African Americans. One of these schools was a law school on 13th Street in Austin. The Legislature provided money to purchase 10,000 books and renovate the facility. Three UT law professors agreed to teach classes at the new school. This was their attempt to meet the separate but equal requirement of *Plessy v. Ferguson*.
6. Why did Mr. Sweatt continue his lawsuit against the University of Texas even after the Texas Legislature and the University of Texas had attempted to solve the issue?  
Mr. Sweatt argued that this law school was not and could never be equal to the UT Law School. There was little interaction provided with the students and professors, no law review, and it lacked the prestige of the UT Law School which had developed its reputation over a long period of years. He and the NAACP argued it was definitely “separate” but not “equal.”

**Stop and Think:** Would you have been satisfied with the solution to the issue offered by the Texas Legislature and the University of Texas Law School? Why or why not?

### Question brought to the Supreme Court (6:11-7:39)

7. What was the question that the Supreme Court had to answer in this case?  
[Formula for issue=Yes/No question + facts of the case + part of the U.S. Constitution in question]  
Does the equal protection of the laws clause of the 14th Amendment to the U.S. Constitution allow a state to provide separate law schools for students of different races if those law schools are “substantially equal”?
8. What were the two arguments used by Sweatt’s attorneys in arguing the case?
  - a. The decision and precedent of separate but equal in the *Plessy* case violated the equal protection clause of the 14th Amendment.
  - b. Even if the decision in the *Plessy* case was correct or constitutional, the law school was separate, but definitely not equal.

**Stop and Think:** What did the attorney mean when he said they hoped to “cut the roots out of segregation”?

### The Ruling (7:40-10:20)

9. What was the ruling of the Court and the major reason for this decision?  
The justices were not ready to completely overturn the *Plessy* decision at this time, but did rule unanimously that Sweatt and other eligible African American students could enroll in the UT Law School since UT had failed to provide access to an equal legal education. Chief Justice Fred Vinson wrote the opinion which stated that even if the facilities could be made equal, there were intangibles such as the reputation of the UT law school, the network of alumni, and the attraction of great authorities of the law that could not be duplicated.

**Stop and Think:** Do you agree or disagree with the decision of the Supreme Court? Defend your answer.

### The Impact of the Case (10:21-12:27)

10. What was the impact of the case on Heman Sweatt? On other African Americans who wanted to attend the University of Texas Law School?  
This was the first time that the Supreme Court took the equal requirement seriously—noting that facilities were rarely equal. Additionally, besides the facilities not being equal, the Court included the idea that the reputation and prestige of the UT Law School and the new school could never be equal. This meant that Heman Sweatt and other African Americans who were eligible could now apply for admission to the UT Law School.
11. How did this case change segregation in public education after the decision?  
It didn’t end segregation in public schools at this time. The decision only did so in higher education such as universities, law schools, etc. However, the precedent was set for the NAACP to continue to argue that separate but equal in all public educational institutions was a violation of the equal protection clause of the 14th Amendment.
12. What was the response of the NAACP with regards to the *Sweatt* decision?  
The NAACP pledged to continue to fight. Four years later, it filed a case in Topeka, Kansas, *Brown v. Board of Education* which did end segregation in all levels of public education.

**Conclusion:** “More than 60 years after Sweatt was the first African-American to apply to [the University of Texas School of Law], his story continues to be emotionally and politically relevant, and his case... led directly to the end of segregation.”

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

13. Paraphrase what this quote means in your own words.

14. Do you agree or disagree with the conclusion drawn by Mr. Lavergne that this case directly led to the end of segregation? Defend your answer.