

# The Desegregation of Louisiana's Law Schools: A Slow and Tortuous 23-Year Journey

By Gail S. Stephenson



The desegregation of Louisiana's law schools took a slow and tortuous path that included the state establishing an all-Black law school at Southern University to keep Louisiana State University (LSU) all White, a litigant successfully taking a lawsuit to integrate LSU all the way to the U.S. Supreme Court but never attending a regular class, a World War II veteran and Xavier graduate pleading to receive a Catholic legal education in his home state but being rejected by Loyola, and two New Orleans federal judges deciding that Tulane could admit Blacks despite a provision in the act of donation of Paul Tulane, Tulane's original benefactor, that his gift was to be used to educate "white young persons." All four Louisiana law schools were finally desegregated in 1969 when Robert L. Comeaux, a White student, enrolled at Southern University Law Center (SULC).

## LSU

Most Louisianans know that Louisiana has two public law schools, LSU's Paul M. Hebert Law Center and SULC. Most don't realize, however, that SULC was created in 1947 to circumvent a court order that LSU admit a Black student, Charles Hatfield, to its law school. The creation of the new all-Black law school at Southern allowed LSU's regular law school classes to remain all-White until 1951.

Charles Hatfield, a graduate of Xavier University of Louisiana, applied for admission to LSU's law school on Jan. 10, 1946. Two weeks later, LSU's dean, Paul M. Hebert, wrote to Hatfield advising, "Louisiana State University does not admit colored students." Hebert directed Hatfield to apply to Southern University, Louisiana's Black land grant college. But there was just one problem with Hebert's advice. Although the 1880 legislative act that created Southern University permitted Southern to open both a law school and a medical school, Southern had neither when Hatfield applied to LSU.<sup>1</sup>

Hatfield, represented by Thurgood Marshall and the only three Black attorneys in Louisiana,<sup>2</sup> filed a state court mandamus action on Oct. 10, 1946, seek-

ing admission to LSU law school. The court granted the writ of mandamus on Oct. 19, 1946, ordering LSU to admit Hatfield for the 1946-1947 term.<sup>3</sup> The victory was short-lived, however. Three days after the mandamus was granted, the Louisiana Board of Education, in emergency session, agreed to open a law school at Southern.

In January 1947, the Board of Education approved the plans for the law school, and, in April 1947, the trial court dismissed Hatfield's case on the ground that Hatfield should have sought a mandamus against Southern University rather than LSU.<sup>4</sup> The state appropriated \$40,000 for Southern's law school, which opened in September 1947 on the second floor of the university library with four full-time faculty members and 13 students.<sup>5</sup>

Charles Hatfield was not among them. After he sued to be admitted to LSU, Hatfield received threatening telephone calls, was cursed and threatened on his job as a mail carrier, and was almost lured to his death down an elevator shaft. He moved to Atlanta to pursue a master's degree in sociology and eventually became a teacher and labor activist in New Orleans.<sup>6</sup>

Three years after the state created an allegedly "separate but equal" law school at Southern, Thurgood Marshall and Louisiana attorney A.P. Tureaud returned to court in Louisiana, this time bringing a class action in federal court.<sup>7</sup> Roy S. Wilson applied to LSU for admission for the 1950-1951 academic year.<sup>8</sup> LSU dealt with what it referred to as "the Negro problem"<sup>9</sup> by advising Wilson "by letter that the State of Louisiana maintains separate schools for its white and colored students and that Louisiana State University does not admit colored students."<sup>10</sup>

Trial testimony focused on comparing LSU's law school with that of Southern. The court compared the value of the physical plant at LSU (almost \$35,000,000) to that of Southern (approximately \$2,500,000); the years in operation (91 for LSU, three for Southern's law school); and the accreditations (LSU was "accredited by every recognized accrediting agency in the country" while

Southern was accredited by no one).<sup>11</sup> Thus, the court found "the Law School of Southern University does not afford to plaintiff educational advantages equal or substantially equal to those that he would receive if admitted to" LSU.<sup>12</sup> Citing four Supreme Court cases on desegregation of higher education — *Sipuel, Gaines, Sweatt* and *McLaurin*<sup>13</sup> — the court granted the injunction against LSU and declared that Wilson "and all others similarly qualified and situated are entitled to" enroll at LSU.<sup>14</sup> LSU appealed to the Supreme Court, but the judgment was affirmed in a one-sentence per curiam with citations to *Sweatt* and *McLaurin*.<sup>15</sup>

LSU's response to the loss in court was to have the dean and director of student life investigate Wilson's "character."<sup>16</sup> They discovered, among other things, that he had received psychiatric treatment while in the military during the Korean War and received a Section 8 discharge from the U.S. Army.<sup>17</sup> Wilson had enrolled in LSU conditionally on Nov. 1, 1950. He withdrew on Jan. 17, 1951, stating he knew the law school would reject him due to the investigation.

For the fall semester of 1951, three qualified Black students — Pierre S. Charles, Robert F. Collins and Ernest N. Morial — applied to LSU. "[M]ore thorough investigations of the character references for the black students w[ere] made than in the normal case," but nothing untoward was discovered. LSU President Troy Middleton sent the dean a note stating that if an applicant met the standards required of White students, "I see nothing that we can do but to accept him into the law school."<sup>18</sup> Charles resigned after the first semester, but Collins and Morial both graduated in 1954. Despite the court decision, LSU did not change its admissions policy of excluding Blacks.<sup>19</sup> No other Black students graduated from LSU's law school until 1969, when Bernette Joshua (now Johnson) and Gammil B. Gray became the first Black females to graduate from LSU.<sup>20</sup> In 1978, Collins became Louisiana's first Black federal judge and Morial became the first Black mayor of New Orleans. In 2013, Johnson became the first Black chief justice of the Louisiana Supreme Court.

## Loyola

Although Louisiana law never required racial segregation at private educational institutions, Loyola's law school remained segregated until 1952.<sup>21</sup> The Board that controlled Loyola, which was composed of Jesuits, resisted integration in the 1940s out of fear that admitting Black students "would be the ruination" of the university.<sup>22</sup> But two Jesuits who joined Loyola's faculty in 1947, the Reverend Joseph S. Fichter, a sociology professor, and the Reverend Louis S. Twomey, the head of Loyola's Institute of Industrial Relations, had a different idea. Twomey became the law school's regent in 1948, and he and Fichter aggressively pushed for integration of the law school.<sup>23</sup> Loyola's president responded, however, that admitting a Black student would "destroy [ ] the only Catholic law school in the entire south" because "a vast majority of the students would depart from the school and go to Tulane or LSU."<sup>24</sup> Twomey succeeded, however, in quietly enrolling Black students in Tulane's Institute of Industrial Relations, a non-degree program, as well as three Black nuns in a Saturday teacher certification program and one Black student in the undergrad school's evening division.<sup>25</sup>

In 1951, Richard Gumbel applied to Loyola's law school. Six days later, his application was denied due to his race. In his appeal to Loyola's president, Gumbel explained that, after serving in the armed forces during World War II, he had secured employment in New Orleans, earned a degree at Xavier, bought a home for his family, and now wanted to further his Catholic education by earning a law degree at Loyola. Previously Loyola had recommended qualified Black applicants to Georgetown, but Gumbel pleaded that he not be forced to "leave the place of my birth, my parents, my wife's parents, my home, and my community in order to get what can be secured here at home." His plea fell on deaf ears, however. Twomey recommended Gumbel to Georgetown, where Gumbel pursued his legal education.<sup>26</sup>

In January 1952, a committee was appointed to discuss the matter of desegre-

gation and formulate policy. As the committee worked, Father Twomey urged the dean and president to admit Norman Francis, a Xavier honor graduate. He pointed out that 16 southern law schools, public and private, now admitted Blacks; that the potential existed for embarrassing litigation regarding discrimination because Loyola accepted tax exemptions; and that a report by the American Association of Law Schools stated that no problems had arisen when other schools had desegregated. In August 1952, the law school admitted Francis, along with Benjamin Johnson in the day program, and Elliott Keyes and Pierre Charles in the evening program. The Black students were well received by the student body, which included Moon Landrieu and Pascal Calogero.<sup>27</sup> Francis graduated in 1955, eventually became president of Xavier University; he served in that position for 47 years.

## Tulane

In 1884, Paul Tulane agreed to donate about a million dollars in property to the University of Louisiana, an existing state university in New Orleans, in exchange for a full tax exemption and full control by a private governing board that included three government officials — the governor, the state superintendent of education and the mayor of New Orleans.<sup>28</sup> The name of the school was changed to the Tulane University of Louisiana,<sup>29</sup> becoming what one commentator called a "strange hybrid creation."<sup>30</sup> The act of donation provided that the funds were to be used for the education of the "white young persons in the city of New Orleans . . ."<sup>31</sup>

After the Supreme Court's 1954 decision in *Brown v. Board of Education*, some of the faculty joined groups working toward integration of the university, while others opposed it.<sup>32</sup> Eventually, in 1961, Tulane's Board voted to issue a statement that it "would admit qualified students regardless of race or color if it were legally permissible."<sup>33</sup> When Pearlle Hardin Elloie and Barbara Marie Guillory applied for admission to the school of social work and the graduate school, respectively, they were advised

that they met the qualifications but could not be admitted due to the legal impediments.<sup>34</sup>

John Pettit (Jack) Nelson took on the case for Elloie and Guillory in the U.S. District Court for the Eastern District in New Orleans. Nelson argued that, because Tulane had received property from the University of Louisiana, had three public officials on its board, had received a tax exemption from the state, and had accepted government money in support of the institution, it was bound by the Fourteenth Amendment and could not discriminate.<sup>35</sup> The Tulane Board employed Wood Brown III and John Pat Little to defend it. They argued Tulane was a private institution that was "free to discriminate in admissions as it chooses."<sup>36</sup> Judge J. Skelly Wright, a Loyola graduate, granted summary judgment in favor of the plaintiffs, holding that "the present involvement of the state [wa]s sufficient to subject Tulane to the constitutional restraints on governmental action."<sup>37</sup> Thus, Tulane could not discriminate in admissions on the basis of race.<sup>38</sup>

Soon after he rendered summary judgment, Judge Wright was elevated to the D.C. Circuit Court of Appeals, and the case was reassigned to Judge Frank Ellis.<sup>39</sup> Tulane applied for a stay and a new hearing, which Judge Ellis granted and the Fifth Circuit upheld.<sup>40</sup> After a full hearing, Judge Ellis held that state involvement with Tulane was not so significant that the Fourteenth Amendment was applicable, and thus the plaintiffs were not entitled to relief. But the court further held that no court could enforce racial restrictions in private covenants. Thus, Tulane was free to admit Black students.<sup>41</sup>

The Tulane Board voted in December 1962 to admit Black students beginning with the February 1963 term.<sup>42</sup> Enrollment of Black students at Tulane's law school proceeded slowly, however. Michael Starks became Tulane's first Black law graduate in 1968, followed by Janice Martin Foster in 1970. Twelve more Black students graduated from Tulane by 1975, including Wayne Lee, the Louisiana State Bar Association's first Black president; Michael G.

Bagneris, who served on the bench of the Orleans Parish Civil District Court for 20 years until his retirement in 2013; and Ulysses Gene Thibodeaux, who served on the Louisiana Third Circuit Court of Appeal for 28 years, retiring as Chief Judge in 2020.<sup>43</sup>

## Southern

The final step in the desegregation of Louisiana's law schools was the enrollment of White students at SULC. Although its formal mission in 1947 was "the training of qualified men and women for the practice of law in Louisiana where the civil law system prevails," one of SULC's first faculty members and its second dean, Vanue B. Lacour, saw SULC's mission as similar to Howard University's: "to train [B] lack lawyers who would fight injustice and racism in the South."<sup>44</sup>

While Blacks were struggling to enter the three predominantly White law schools, Southern remained all-Black until 1969. Freddie Pitcher, Jr., retired judge and former chancellor of SULC, recalled that two White students were matriculating at SULC when he enrolled in 1970. One of these was Robert L. Comeaux, who graduated in 1972, becoming SULC's first White graduate.<sup>45</sup> Pitcher stated that the Black students welcomed the White students. Eugene Cicardo, Sr. enrolled at SULC the semester after Pitcher, graduating in 1973.<sup>46</sup> He became president of the Alexandria Bar Association, and at least six family members followed him to SULC, becoming "legacy graduates."<sup>47</sup> By 1984, SULC's mission statement had changed to providing "sound scholarship and opportunity for all persons interested in careers in the field of law . . . to students of varied backgrounds."<sup>48</sup> According to required disclosures filed with the American Bar Association in 2020, today SULC's enrollment is 40% non-Black.<sup>49</sup>

In a state where judges are elected, matriculation in a more diverse educational atmosphere may be beneficial to law students, both Black and White, whose ambition is to serve on the bench.

As of Jan. 1, 2021, more Louisiana district court judges are SULC graduates than from any other law school. Seventy-one of Louisiana's district judges (33%) and 10 of its intermediate appellate judges (19%) are SULC graduates.<sup>50</sup>

## FOOTNOTES

1. See Evelyn L. Wilson, "Access to Justice: Charles Hatfield," 50 La. B.J. 114, 114 (2002); Rachel L. Emanuel & Carla Ball, Southern University Law Center 14 (2018).

2. Emanuel & Ball, *supra* note 1, at 14-15. The three attorneys licensed to practice law in Louisiana in 1946 were Joseph Antonio Thornton, Alexander Pierre Tureaud and Louis Berry, all of whom graduated from Howard University's law school. Wilson, *supra* note 1, at 115.

3. Evelyn L. Wilson, *Laws, Customs and Rights: Charles Hatfield and His Family* 100, 107, 129 (2004).

4. Wilson, *supra* note 3, at 116, 145-46; Emanuel & Ball, *supra* note 1, at 14.

5. Emanuel & Ball, *supra* note 1, at 17; Wilson, *supra* note 1, at 117. As none of the full-time faculty members were trained in civil law, professors from LSU came to Southern to teach the civil law classes to the students during the day and to the professors in the evening. Russell L. Jones, "African American Legal Pioneers: A Biography of Vanue B. LaCour 'A Social Engineer'," 23 S.U. L. Rev. 63, 72 (1995).

6. Wilson, *supra* note 1, at 117.

7. Wilson v. Bd. of Supervisors of La. State Univ. & Agric. & Mech. Coll., 92 F. Supp. 986 (E.D. La. 1950), *aff'd*, 340 U.S. 909 (1951).

8. Wilson, 92 F. Supp. at 987.

9. W. Lee Hargrave, *LSU Law: The Louisiana State University Law School from 1906 to 1977*, at 122 (2004).

10. Wilson, 92 F. Supp. at 987.

11. *Id.* at 988. Southern now has all the same accreditations as LSU.

12. *Id.*

13. Sipuel v. Bd. of Regents of Univ. of Okla., 332 U.S. 631, 632 (1948); Missouri ex rel. Gaines v. Canada, 305 U.S. 337, 352 (1938); Sweatt v. Painter, 339 U.S. 629 (1946); McLaurin v. Okla. St. Regents for Higher Educ., 339 U.S. 637, 640 (1950).

14. Wilson, 92 F. Supp. at 988-89.

15. Bd. of Supervisors of La. State Univ. & Agric. & Mech. Coll. v. Wilson, 340 U.S. 909 (1951).

16. Sharlene Sinegal-Decuir, "Opening the Doors: The Struggle to Desegregate LSU Law School," *Around the Bar* (Feb. 2017), at 10, 11; Hargrave, *supra* note 9, at 151-52.

17. "Roy Wilson Resigns from L.S.U.," *Daily World* (Opelousas, La.), Jan. 18, 1951, at 14.

18. Hargrave, *supra* note 9, at 151-53.

19. Darrell K. Hickman, "Realizing the Dream: United States v. State of Louisiana," 50 La. L. Rev. 583, 584-85 (1990).

20. Hargrave, *supra* note 9, at 153.

21. Maria Isabel Medina, *Loyola University New Orleans College of Law: A History* 66 (2016).

22. *Id.* at 69.

23. *Id.*

24. *Id.* at 70.

25. *Id.* at 72.

26. *Id.* at 76-77.

27. *Id.* at 81-83.

28. See *Guillory v. Admsns. of Tulane Univ. of La.*, 203 F. Supp. 855, 860-61 (1961). The agreement, of course, was much more complex than this.

29. *Id.* at 861.

30. Cheryl V. Cunningham, *The Desegregation of Tulane University* 43 (Dec. 1982) (M.A. thesis, University of New Orleans), [www.tulanelink.com/PDF/desegregation2.pdf](http://www.tulanelink.com/PDF/desegregation2.pdf).

31. Paul P. Dyer, *Tulane: The Biography of a University* 12 (1966).

32. *Id.* at 287.

33. *Id.*

34. *Id.* at 287-88.

35. *Id.* at 288.

36. *Guillory*, 203 F. Supp. at 858.

37. *Id.* at 863.

38. *Id.* at 864.

39. Dyer, *supra* note 31 at 288.

40. *Guillory v. Admsns. of Tulane Univ. of La.*, 306 F.2d 489 (5 Cir. 1962).

41. *Guillory v. Admsns. of Tulane Univ. of La.*, 212 F. Supp. 674, 687 (1962).

42. Cunningham, *supra* note 30 at 98.

43. Karen Wells Roby, "Celebrating Diversity in Law: Tulane Law School," 67 La. B.J. 20, 20-21 (2019).

44. Clyde C. Tidwell, *A History of Southern University School of Law* 4 (1997).

45. Emanuel & Ball, *supra* note 1, at 81,

46. *Id.*

47. *Id.* at 87.

48. Tidwell, *supra* note 44 at 53.

49. See, [www.sulc.edu/assets/sulc/ABADisclosures/509-Report--2020.pdf](http://www.sulc.edu/assets/sulc/ABADisclosures/509-Report--2020.pdf).

50. See, [www.sulc.edu/news/4466](http://www.sulc.edu/news/4466), "Did You Know? SULC leads Louisiana in district judicial representation." Seventy-one of 214 Louisiana district judges and 10 of 53 Louisiana intermediate appellate judges graduated from Southern University Law Center. By comparison, 69 of the district judges are LSU alums, 46 are Loyola alums, 14 are Tulane alums, and the rest graduated from out-of-state schools.

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