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IN THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DIVISION OF THE WESTERN
DISTRICT OF MISSOURI

LUCILE BLUFORD
2444 Montgall Avenue
Kansas City, Missouri
Plaintiff

vs.

S. W. CANADA
University of Missouri
Defendant

CIVIL ACTION NO. 128

COMPLAINT FOR DEPRIVATION OF PLAINTIFF'S CIVIL RIGHTS UNDER COLOR OF STATE LAWS.

1. Jurisdiction is based on Section 1 of the 14th Amendment to the Constitution of the United States; United States Code, Title 8, Sections 41 and 43, and Title 28, Section 41 - subsections (1-a) and (14) and Section 400; Rule 57 of the Rules of Civil Procedure.

2. Prior to August 21, 1941, and thereafter defendant S.W. Canada was and is the Registrar of the University of Missouri, a public institution of the State of Missouri governed by "the Curators of the University of Missouri", a body corporate created by the legislature of Missouri for that purpose. Under university rules and regulations promulgated by "the Curators of the University of Missouri", pursuant to delegation of power from the legislature of Missouri, defendant Canada was and is the officer of the University responsible for and in complete charge of all details of registration and admission of students to any department of the University, specifically the Graduate School of the University for graduate work in journalism. A permit to register issued by defendant as Registrar was and is a condition precedent to any student being admitted to the University for any purpose.

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3. The State of Missouri, by and through the Curators, officers and faculty of the University of Missouri, offers in said University graduate work in journalism to the citizens of Missouri. At all times material herein the University of Missouri was and is the only educational institution in the State of Missouri offering graduate work in journalism, and the only place in the State where plaintiff could have obtained or now can obtain said work.

4. On and prior to August 21, 1941, and ever since, as well known by defendant, plaintiff, a Negro citizen of the State of Missouri was and is fully qualified scholastically, morally, mentally, financially and by every other lawful test for registration and admission to the University of Missouri for graduate work in journalism. Plaintiff is a graduate of the University of Kansas in 1932 with the degree of Bachelor of Arts with major in journalism, and since October 1932 has been and still is in active newspaper work in the State of Missouri on the staff of the Kansas City Call, a Missouri weekly newspaper. At all times material herein plaintiff

needed and still needs, desired and still desires, the graduate work in journalism offered by the state in the University of Missouri, or the substantial equivalent thereof, for the purpose of increasing her proficiency in newspaper work, her service to the people of the State, and her earnings.

5. The State of Missouri maintains at Jefferson City Lincoln University, a public institution governed by the "Curators of Lincoln University", a body corporate created by the legislature of Missouri for that purpose. Under the state legislation defining their rights, powers and duties "the Curators of Lincoln University" are under a duty to provide there for the Negro citizens of the State educational facilities equal to those offered all citizens of the State, not Negroes, at the University of Missouri. Nevertheless, in spite of the fact that graduate work in journalism

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has been for more than 15 years and is now offered to all citizens of the State, not Negroes, at the University of Missouri, the curators of Lincoln University have never and do not now offer graduate work in journalism at the Lincoln University to Negro citizens.

6. "The curators of Lincoln University" has officially had the question of offering instruction in journalism at Lincoln University before it since 1936; and has further been officially advised since July, 1939, that plaintiff, a duly qualified citizen of the State of Missouri, had been denied and is still being denied a permit to register and registration as a student of the University of Missouri for graduate work in journalism solely because she is a Negro. In September, 1939, plaintiff made demand on Lincoln University for graduate work in journalism, but was notified that said instruction was not available at Lincoln University. Since that time she has frequently and repeatedly made demand on Lincoln University for graduate work in journalism, the last demands having been made on or about July 17, 1941, and September 18, 1941; but Lincoln University has always refused and failed, and still refuses and fails to offer such instruction to her or other citizens of Missouri.

7. On or about August 21, 1941, plaintiff having been advised and otherwise knowing that no graduate work in journalism was being offered or would be offered at Lincoln University for the first semester of the academic year 1941-194g beginning September, 1941, applied to defendant Registrar for a permit to register at the University of Missouri for graduate work in journalism for said semester, which he was then and there duty bound to issue to her. She advised defendant that no graduate work in journalism was being offered or would be offered at Lincoln University for said semester. Nevertheless, defendant well knowing that Lincoln University had never and was not then offering graduate work in

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journalism and did not contemplate offering said instruction during the first semester aforesaid, and further well knowing that plaintiff was qualified scholastically, morally, mentally and in all lawful respects to receive a permit to register and to register at the University of Missouri for

graduate work in journalism, on or about September 2, 1941, wilfully, maliciously and illegally refused her a permit to register solely because she is a Negro In so refusing defendant purported to act under color of State law (Mo. Const. Art.XI, Sec. 5, Mo. Rev. Stat. 1939, C.72, Art.22, and Sec.10782, and the rules and regulations adopted by "the Curators of the University" pursuant thereto).

8. On or about September 18, 1941, she did personally present herself at Lincoln University and did then and there tender herself ready and willing to meet all lawful requirements and pay all lawful fees, and did request graduate work in journalism for said first semester of the academic year 1941-1942, but Lincoln University refused and failed to offer her such instruction. Thereupon, on or about September 18 .1941. she did personally present herself to the defendant Registrar at his office on the campus of the University of Missouri, during the regular period for registration for graduate work in journalism at the University of Missouri for said first semester; and then and there tendering herself ready and willing to meet all lawful requirements and pay all lawful fees, and further advising defendant that no graduate work in journalism was available or being offered at Lincoln University, did request defendant Registrar to issue her a permit to register and to register her as a student of the University of Missouri for graduate work in journalism for said first semester as he was then and there duty bound to do. Nevertheless, defendant well knowing plaintiff was fully qualified in all lawful respects as aforesaid for a permit to register and to register at the University of

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Missouri for graduate work in journalism and further well knowing that Lincoln University was not offering and would not offer graduate work in journalism for said semester, again wilfully, maliciously and illegally did refuse her a permit to register or to register her solely because she is a Negro. In so refusing plaintiff a permit to register or to register her, defendant purported to act under color of state law as above set forth.

9. Plaintiff at all times material herein had, and still has a civil right guaranteed her by the equal protection clause of Section 1 of the Fourteenth Amendment to the Constitution of the United States and by Section 41 of Title 8 of the United States Code, to registration and admission to the University of Missouri for graduate work in journalism; and the defendant Registrar was, and still is, under a plain, legal and ministerial duty to register and admit her as aforesaid. By his arbitrary and illegal act on or about August 21, 1941, under color of state law aforesaid in refusing her a permit to register, and his arbitrary and illegal acts on September 18, 1941, under color of state law aforesaid in again refusing her a permit to register and to register her as a student in the University of Missouri for graduate work in Journalism for said first semester of the academic year, 1941-1942, defendant Registrar did violate the equal protection clause of Section 1 of the 14th Amendment to the Constitution of the United States Code, and did make himself liable to plaintiff under Section 43 of Title 8 of the United States Code to this action.

10. As a result of defendant's said wrongful acts plaintiff has been illegally barred from the University of Missouri for the entire first semester of the academic year 1941-1942, and has been unable to take in the University of Missouri, or elsewhere in the State of Missouri,

graduate work in Journalism. In consequence thereof she has suffered and still suffers great humiliation, men-

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tal anguish, loss of earning power and proficiency in her newspaper work, has lost irreplaceable time out of her life in beginning her graduate work in journalism, and has been injured by defendant to the amount of Ten Thousand (\$10,000.00) Dollars.

11. An actual case or controversy presently exists between plaintiff and defendant Registrar not only as to his failure to issue her a permit to register and to register her as a student in the University of Missouri for graduate work in journalism for said first semester of the academic year 1941-1942, but also as to her right to have him issue her a permit to register and to register her as a student in the University of Missouri for graduate work in journalism for any future semester or at any future time.

WHEREFORE, the premises considered plaintiff demands:

1. A judgment declaring her rights and the defendant's duties in the premises, relating to her claims for him to issue her a permit to register and to register her in the University of Missouri for graduate work in journalism.
2. A preliminary injunction, and after a hearing on the merits, a permanent injunction against defendant refusing her in the future a permit to register and to register her as a student in the University of Missouri for graduate work in journalism, so long as graduate work in journalism substantially equal to that offered in the University of Missouri is not offered by the State elsewhere in Missouri.
3. Damages against defendant in the sum of Ten thousand (\$10,000.00) Dollars.
4. Her costs in this action.

Lucile Bluford

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STATE OF MISSOURI)

) ss:

COUNTY OF JACKSON)

Lucile Bluford being first duly sworn on her oath states that she has read the foregoing complaint and is acquainted with the contents thereof; that the matters stated as facts she knows to be true and those stated as of information and belief she verily believes to be true.

Lucile Bluford

Subscribed and sworn to before me this 13th day of December, 1941.

Maudell G. Simpson
Notary Public

My Commission Expires March 17, 1945

Counsel for plaintiff:
Carl R. Johnson
James H. Herbert
C. H. Palloway
Lincoln Building
Kansas City, Missouri
Charles H. Houston
615 F Street, Northwest
Washington, D.C.

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University of Missouri
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COUNSEL FOR PLAINTIFF:
Carl R. Johnson
James H. Herbert
C. H. Calloway
L. Amasa Knox
Charles H. Houston

FILED
JAN 8 1942
A. L. ARNOLD, Clerk
By Charles Seibold
Deputy

FILED
JAN 7 1942
A. L. ARNOLD, Clerk
By E. O'Keefe

Deputy