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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

Amended

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

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

Count 1: for \$10,000.00 damages

1. Prior to August 21,1941, and thereafter at all times material herein, 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 said "Curators of the University of Missouri" pursuant to delegation of power from the legislature of Missouri, defendant Canada was on said date and still 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's being admitted to the University for purposes of receiving instruction.

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2. The State of Missouri, by and through the said Curators, the officers and faculty of the University of Missouri, offers in said University graduate work in journalism to all citizens of Missouri except Negroes. At all times material in this count the University of Missouri was 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 said work.

3. 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.

4. 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 for more than two years graduate work in journalism has been and is now

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offered to all citizens of the State, not Negroes, at the University of Missouri, the "Curators of Lincoln University" did not at any time material in this count offer graduate work in journalism at Lincoln University to Negro citizens.

5. The "Curators of Lincoln University" has officially had 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 a permit to register and registration as a student in 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 made frequent demands on Lincoln University for graduate work in journalism, the last demands for purposes of this count having been made on or about July 17, 1941 and September 18, 1941; but Lincoln University always refused and failed to offer any instruction in journalism to plaintiff or other citizens of Missouri.

6. On or about August 21, 1941 plaintiff having duly applied to Lincoln University for and 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 1941-1942 which began September 1941, applied to defendant Registrar for a permit to register at the University of Missouri for graduate work in journalism for said first semester, which he was then and there duty bound to issue her. She advised defendant that she had applied to Lincoln University but no graduate work in journalism was being offered or would be offered at Lincoln University for said semester, Nevertheless defendant well knowing or being put upon his inquiry that Lincoln University had never offered, was not then offering, and did not contemplate offering graduate work in journalism for the first semester aforesaid, and

further well knowing that plaintiff was qualified scholastically, morally, metnally and in all lawful respects to receive a permit to register

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and to register at the University of Missouri for graduate work in journalism for said first semester, 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, regulations and resolutions adopted by the "Curators of the University" pursuant thereto).

7. On or about September 18,1941 plaintiff 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 equal in substance to that furnished at the University of Missouri, for said first semester of the academic year 1941-1942, but Lincoln University refused and failed to offer her such instruction. Thereafter 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 tie re tendering herself ready and willing to meet all lawful requirements and pay all lawful fees, and further advising defendant that she had applied to Lincoln University but no graduate work in journalism was availale 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 Missouri for graduate work in journalism, and further well knowing or having been put upon his inquiry 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 regis-

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ter 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.

8. 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 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 1941-42, defendant Registrar did violate the equal protection clause of Section 1 of the 14th Amendment to the Constitution of the United States, The United States Code, Title 8, Section 41, and did make himself liable to plaintiff under Section 43 of the same Title to this action.

9. As the result of defendant's wrongful acts aforesaid plaintiff has been illegally barred from the University of Missouri, and has been unable to take in the University of Missouri, or elsewhere in the State of Missouri graduate work in journalism substantially equal to that offered in the University of Missouri. In consequence she has suffered and still suffers great humiliation, mental 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. Wherefore she claims judgment against defendant in the sum of Ten Thousand (\$10,000.00) Dollars besides costs,

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Count 2: for injunctive relief

Plaintiff adopts by reference all the allegations heretofore made in Count 1, except she adds that in February, 1942 Lincoln University did purport to inaugurate graduate work in journalism, but she avers that the Lincoln University School of Journalism and its courses are not accredited, whereas the University of Missouri School of Journalism and its courses are accredited which gives the University of Missouri School of Journalism and the journalism courses offered there in conjunction with the Graduate School of the University of Missouri higher value in fact, for transfer purposes to other schools and for public prestige in her field of work than the Lincoln University School of Journalism and its courses. Further she avers that the faculty of the Lincoln University School of Journalism is inferior to the faculty of the University of Missouri School of Journalism in teaching experience, newspaper experience, training and research, and development through wide contacts that bring the faculty of the University of Missouri School of Journalism in touch with the very latest developments in the field of journalism. Further she avers that in plant, equipment and library and other physical facilities the Lincoln University School of Journalism is inferior to the University of Missouri School of Journalism; and that she further cannot get the courses at the Lincoln University School of Journalism which she can get at the University of Missouri School of Journalism after registering in the Graduate School of the University of Missouri for graduate work in journalism. She also avers that she cannot obtain at Lincoln University the courses in general education and information which she can get at the University of Missouri to supplement her graduate work in the professional field of journalism. In short, the Lincoln University School of Journalism does not offer her substantially equal educational opportunity in graduate work in journalism compared with what is available at the University of Missouri through registration in its Graduate School.

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10. There still is no other institution or agency, public or private, in the State of Missouri where she can obtain graduate work in journalism substantially equal to the quality, range of subject matter and quantity of graduate work in journalism offered through the Graduate School of the University of Missouri, except in the University of Missouri. Yet the defendant well knowing or having been frequently advised by plaintiff and others to this effect and having been out upon his inquiry, and further knowing that since September, 1939 plaintiff had applied to the authorities of Lincoln University for graduate work in journalism but same had been refused her, has repeatedly refused to issue plaintiff a permit to register or to register her in said Graduate School solely because she is a Negro. And defendant still refuses to register her or to issue her a permit to register, and will continue so to refuse, although he knows plaintiff is fully qualified in all lawful respects for a permit to register and to register, unless he is restrained by this Court.

11. Defendant at all times material herein was and still is under a plain, legal and ministerial duty to issue plaintiff a permit to register, and to register her in the Graduate School of the University of Missouri for graduate work in journalism at any regular registration period, upon her paying the lawful uniform fees and meeting the lawful uniform requirements exacted of white students seeking the same work. And plaintiff has always tendered herself to defendant, and now tenders herself and will always tender herself ready, willing and able to pay said lawful uniform fees and meet said lawful uniform requirements. Nevertheless defendant has always refused, still refuses and will continue to refuse to perform his said plain, legal and ministerial duty, justifying his said refusal under color of state law as aforesaid. Defendant's actions constitute state action in the premises.

12. By the wrongful refusal of defendant to issue her a permit to register or to register her in the Graduate School of the University of Missouri in the past, his present attitude and threat to continue so to refuse in the future, solely because of plaintiff's race or

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color, plaintiff has been deprived of the equal protection of the law guaranteed her by the Fourteenth Amendment to the Constitution of the United States, section 1, her civil rights guaranteed her by the laws of the United States have been abridged, and she has suffered irreparable injuries as set out above, and will continue to suffer all said injuries in the future, which cannot be compensated by damages.

Wherefore she prays for a preliminary injunction, and after a hearing on the merits a permanent injunction against defendant's refusing her a permit to register, or to register her as a student in the Graduate School of the University of Missouri at any regular registration period for graduate work in journalism, upon her paying the lawful uniform fees and meeting the lawful uniform requirements exacted of white students seeking the same courses, so long as graduate work in journalism substantially equal to that offered in the University of Missouri is not offered by the State of Missouri to her elsewhere within the jurisdiction.

Count 3 - for a declaratory judgment.

Plaintiff adopts by reference all the allegations heretofore made in Counts 1 and 2, and adds:

13. An actual case or controversy presently exists between plaintiff and defendant Registrar not only as to his past failures to issue her a permit to register and to register her as a student in the University of Missouri Graduate School for graduate work in journalism, but also as to her right to have him issue her a permit to register and to register her for said work for any future semester or at any future time. In the past legal proceedings instituted and prosecuted between the parties, it has been impossible to institute suit after defendant has refused to issue plaintiff a permit and refused to register her at the beginning of any semester, and have the case heard and determined before the semester ends. In the instant suit brought because of defendant's wrongful refusal to issue plaintiff a permit to register and to

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register her in the Graduate School of the University of Missouri for the first semester of the academic year 1941-1942, the first semester has ended but the case has not been heard. The unavoidable delays of legal proceedings will always substantially nullify plaintiff's rights in the premises unless this Court enters a judgment under Title 28, Section 400 of the United States Code declaring plaintiff's rights and defendant's correlative duties in the premises.

Wherefore plaintiff prays a judgment declaring her rights and the defendant's correlative duties in the premises, and establishing her right to have defendant issue her a permit to register and to register her in the Graduate School of the University of Missouri for graduate work in journalism at any regular registration period, on the same terms as exacted of white students seeking the same courses, so long as graduate work substantially equal to that offered to white students in the University of Missouri is not available to her elsewhere within the State of Missouri.

In addition to the specific relief asked for in Counts 1, 2 and 3, plaintiff prays for general relief and her costs.

Lucile Bluford

STATE OF MISSOURI,)
) ss:
County of Jackson)

Lucile Bluford being first duly sworn on her oath states that she has read the foregoing amended 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 17th day of February, 1942

Maudell G. Simpson
Notary Public for D.C.
My Commission expires March 17, 1945

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Counsel for plaintiff:
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Chas. H. Calloway
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Kansas City, Missouri

Charles H. Houston,
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Washington, D.C.

CERTIFICATE OF SERVICE

I, Charles H. Houston, do hereby certify that this 15th day of February, 1942 I forwarded by mail, postage prepaid, to the Attorney for defendant, William S. Hogsett, 911 Walnut Street, Kansas City, Missouri.

Charles H. Houston.

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Counsel for Plaintiff:

Carl R. Johnson

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C. H. Calloway

Charles H. Houston

FILED

FEB 21 1942

A. L. ARNOLD, Clerk

By Charles Seibold Deputy