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It is of cardinal importance that the jury understand fully the issue to be determined by it. It is the duty of the Court to see that you do understand the issue. But after having done so, the Court does not desire or intend to in any way influence your determination of the issue. The issue for your determination is one of fact. You will follow the law as it is given you by the Court.

Under the constitution of the United States all citizens are entitled to equal advantages without discrimination on account of their race or color. These equal advantages include the right to educational facilities. Hence, the Plaintiff in this case, a Negro citizen, is entitled to educational advantages equal to those given white citizens. By equal advantages is not meant exactly the same educational facilities at the same institution. The Constitutional requirement is met if substantially equal facilities are afforded at separate institutions.

It is the Law of Missouri that members of the white race shall receive education furnished by the public at separate institutions from those at which members of the negro race are educated. The Plaintiff is a citizen of Missouri

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as well as a citizen of the United States. As a citizen of Missouri she must follow the laws of this State unless those laws abridge or violate the Constitution of the United States.

Plaintiff contends that she sought training in a Missouri graduate school of journalism in September, 1941. Such instruction was available to white citizens of Missouri at the University of Missouri at that time. Therefore, Plaintiff being entitled to substantially equal advantages was entitled to such training at a public school in Missouri. She was not entitled to such training at the University of Missouri, however, unless she could not get it at a public institution maintained for negro citizens. The institution of higher education maintained by the State of Missouri for the education of negroes is Lincoln University. Therefore, Plaintiff was entitled to instruction in the graduate school of journalism at Missouri University in September, 1941, unless she could obtain it at Lincoln University on that date. It was her duty under the law of Missouri to undertake to obtain such instruction at Lincoln University before she could be entitled to receive it at Missouri University. She alleges that

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she applied to Lincoln University in good faith for the purpose of attending a course in a graduate school of journalism there. The Defendant asserts that Plaintiff at no time applied in good faith for a course of graduate instruction in Journalism at Lincoln University and that she would not have attended Lincoln University in September, 1941, if a course of instruction had been offered there substantially equal to that offered at the University of Missouri. No graduate course of instruction in Journalism was being offered at Lincoln University in September, 1941. It is undisputed that Plaintiff made a formal demand for such instruction at Lincoln University for the term beginning in September, 1941. Therefore, the disputed issue of fact is whether a demand or application was made in good faith by Plaintiff for instruction in a graduate school of Journalism at Lincoln University.

If you find from the greater weight of the evidence that Plaintiff in good faith made a

request for instruction in a graduate school of Journalism at Lincoln University in September, 1941, with the intention to enter such school and actually take such course at that school if it was available

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or was made available and if you further find that after such a good faith demand was made, if it was made, graduate instruction in journalism substantially equal to that offered at the University of Missouri was not available or made available to plaintiff for the term beginning in September, 1941, then Defendant had no right to refuse Plaintiff admittance to the University of Missouri in September, 1941, and your verdict in that event will be for Plaintiff.

If you fail to find from the preponderance or greater weight of the evidence that Plaintiff made a demand or application to Lincoln University in good faith for the purpose of actually attending a regular course in a graduate school of journalism at Lincoln University then she was not entitled to admittance to the University of Missouri and Defendant rightfully denied her admission to that University and your verdict will be for the Defendant.

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