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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,)
) Civil Action vs
) No. 42
S.W. CANADA,)
University of Missouri,)
Columbia, Missouri,)
)
Defendant.)

Amended Second Count
in Complaint for Deprivation of Plaintiff's Civil Rights under Color of State Laws

Pursuant to leave granted by order of Court April 6, 1940, plaintiff files this amended second count. Except as amended herein her complaint stands as originally filed.

II

A1. On January 1,1939 and continuously 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 legislative power from the legislature of Missouri, defendant Canada was at all times material herein and still is the officer of the University of Missouri responsible for and in complete charge of all details of registration and admission of students to any department of the University. 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.

A2. 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.

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At all times material herein the University of Missouri was and still 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 or can obtain such work. All details of registration and admission of students to the University for graduate work in Journalism are handled by defendant Registrar and a permit to register issued by him the condition precedent to admission.

A3. In January 1939 and ever since plaintiff, a Negro citizen of the State of Missouri, of full age, was and is fully qualified scholastically and otherwise 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 efficiency in newspaper work, her service to the people of the State, and her earnings.

A4. In January 1939 plaintiff duly applied to the defendant Registrar for admission to the University of Missouri for graduate work in Journalism. Defendant accepted her qualifications and directed her to call at his office on the campus of the University at Columbia, Missouri, for a permit to register for admission to the University for such work for the second semester of the academic year 1938-1939. Plaintiff duly presented herself to defendant at his office on or about January 30, 1939, during the regular registration period for said second semester, and requested him to issue her the required permit to register and to register her in the University for graduate work in Journalism, as he was then and there duty bound to do. Nevertheless, defendant acting under color of state law (Mo.Const., Art.XI, sec.5; Mo.Rev.Stat.1929,

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c.57, art.19; Mo.Rev.Stat.1929, sec.9625, and the rules and regulations adopted by "the Curators of the University" pursuant thereto) did illegally refuse to issue plaintiff the permit to register or to admit or register her in the University solely because she is a Negro.

A5. The State of Missouri maintains and operates through "the Curators of Lincoln University", a body corporate created by the state legislature for that purpose, Lincoln University as a separate institution for the higher education of Negro citizens of Missouri. Lincoln University has never offered and still does not offer graduate work in Journalism. The curators, officers and faculty of Lincoln University, however, were advised of the defendant's refusal to issue plaintiff a permit to register in the University of Missouri for graduate work in Journalism solely because of her color; and pursuant to the duty imposed on the curators of Lincoln University by the Taylor Act (Mo.Laws 1939, p.685) said curators beginning June, 1939 began considering the possibility of offering graduate work in Journalism at Lincoln University. In July, 1939 said curators allocated funds for instruction in Journalism, but not graduate instruction in Journalism, and proceeded to purchase certain equipment for the teaching of printing. In September, 1939, prior to the opening of Lincoln University's fall term and in ample time for the curators of Lincoln University to have provided for graduate work in Journalism at the opening of said fall term if such had been within the power and resources of said curators, plaintiff applied to Lincoln University for graduate work in Journalism; but the said curators decided Lincoln University was not in position to offer graduate work in Journalism, refused and failed to offer such work, and January 16, 1940 voted to strive to [Ms. illegible] such work by February 1, 1941, and Lincoln University and the

curators thereof have never had, did not at the times mentioned herein and do not now have the faculty, plant, money in hand or appropriated, or other resources or facilities to offer graduate work in Journalism.

A6. Absent graduate work in Journalism at Lincoln University substantially equal to that offered in the University of Missouri,

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plaintiff being still eligible in all lawful respects for registration and admission to the University of Missouri for graduate work in Journalism, on or about September 14, 1939, again properly presented herself to defendant at his office on the campus of the University of Missouri in Columbia, Missouri, during the regular registration period for the first semester of the academic year 1939-1940, and being then and there prepared and ready to pay the lawful uniform fees and meet the lawful uniform requirements governing registration and admission to the University of Missouri for graduate work in Journalism, requested him to issue her the required permit to register and to admit and register her in the University for said work for the first semester aforesaid, as he was then and there duty bound to do. Nevertheless, defendant, knowing that the Curators of Lincoln University had not and did not offer graduate or undergraduate work in journalism, and again acting under color of state law (Mo. Const., Art. XI, sec. 5; Mo. Rev. Stat. 1929, c.57, art.19; Mo. Rev. Stat. 1929, sec. 9625, and the rules and regulations adopted by "the Curators of the University" pursuant thereto) did illegally refuse to issue her the permit to register or to admit or register her in the University solely because she is a Negro.

A7. 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 action under color of law aforesaid in refusing to issue plaintiff the permit to register, and to admit and register her in the University of Missouri on or about September 14, 1939, for graduate work in Journalism for the first semester of the academic year 1939-1940, defendant Registrar did violate the equal protection clause of section 1 of the Fourteenth Amendment to the Constitution of the United States, and section 41 of title 8 of the United States Code, and did make himself liable to plaintiff under section 43 of title 8

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of the United States Code to this action by her for her injuries resulting from his acts aforesaid.

A8. As a result of defendant's said wrongful acts plaintiff was illegally barred from the University of Missouri for the entire first semester of the academic year 1939-1940, and was unable to take in the University of Missouri, or elsewhere in the State of Missouri, graduate work in Journalism. In consequence thereof she suffered great humiliation, mental anguish, loss

of earning power and efficiency in her newspaper work, and 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 demands judgment of defendant in the sum of Ten Thousand (\$10,000.00) Dollars damages, plus costs.

L. AMASA KNOX
CHARLES H. CALLOWAY
JAMES H. HERBERT
CARL R. JOHNSON
SIDNEY R. REDMOND
CHARLES H. HOUSTON

by
Charles H. Houston,
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[Certifi]cate of Service
[?] [Houston,] of counsel for plaintiff herein, do
[?] [have s]erved a copy of the above amended
[?] [the] copy to William S. Hogsett, 1016
[?] Kansas City, Missouri, attorney for
[?] registered air mail special delivery,
[?] receipt hereto attached.

Charles H. Houston

Form 3806 (Rev. Jan. 21, 1935)

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U.S. Dist. Court for the Central Div.
of the Western District of Mo.

Civil Action No.42

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2444 Montgall Avenue
Kansas City, Missouri
vs

S.W. CANADA
University of Missouri
Columbia, Missouri

Amended Second Count
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FILED
APR 13 1940
A. L. ARNOLD, Clerk
By Edna D. Morris
Deputy