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September 11, 1941.

Mr. S. W. Canada, Registrar,
University of Missouri,
Columbia, Missouri

Dear Mr. Canada:

Miss Lucile Bluford has forwarded me your letter of September 2, 1941, for consideration and reply.

In my opinion neither your letter nor the opinion of the Attorney General of Missouri states any reason for your denying Miss Bluford her permit to enrol and registering her for the first semester 1941-1942.

I call your attention to the second opinion of the Missouri Supreme Court in the Gaines case, 131 S.W. (2d) 217, at 220. The Court decided that cause August 1, 1939, yet said that if Lincoln University did not have a law school available for Gaines by the commencement of the next school term, which began September, 1939, he was entitled to be admitted to the School of Law of the University of Missouri. Yet Gaines had never demanded instruction in law of Lincoln University.

The decision of the Supreme Court in the Bluford case was on July 8, 1941. Thereby Lincoln University had three weeks more time to establish graduate courses in journalism before the opening of school in September, than it had to establish a law school in 1939. In addition on your own admission Miss Bluford had applied to Lincoln University for graduate work in journalism by July 17, 1941, which is 14 days before August 1.

We do not accept the proposition that a Negro must wait a reasonable time for a course

presently available to a white student. In Miss Bluford's case, however, we did not deem it necessary to raise this question as she had waited more than a reasonable time.

She has been waiting for the State of Missouri to provide her graduate work in journalism since January, 1939. Lincoln University was not taken by surprise July 17,1941, when

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according to your theory Miss Bluford first made formal application to Lincoln University for graduate work in journalism. The record of the case shows that the board of curators of Lincoln University has been debating the possibility of providing graduate work in journalism for Miss Bluford as a specific individual since the meeting of the Executive Committee of the board September 28, 1939, and the minutes of the board further show that the problem of providing graduate work in journalism at Lincoln University for Miss Bluford has been the biggest single problem before the board since that time. Miss Bluford appeared in person on the campus of Lincoln University repeatedly and corresponded with President Scruggs regarding graduate work in journalism at Lincoln University. The opinion of the Attorney General therefore must be rejected as not being based on the controlling material facts.

It is my advice to Miss Bluford that on the theory of the Missouri Supreme Court she has given the State more than a reasonable time to offer her graduate work in journalism at Lincoln University substantially equal to that offered "white" students by the State at the University of Missouri; that you are under a ministerial duty to issue her the requisite permit to enrol and to enrol her on the same terms as other qualified students, and that you are personally liable to her in damages on your refusal so to do.

Yours very truly,

Charles H. Houston.

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