

[page 1]

DISTRICT COURT OF THE UNITED STATES
For The
Western District of Missouri
Central Division

Civil Action File No.

Lucile Bluford,
2444 Montgall Avenue
Kansas City, Missouri
Plaintiff

SUMMONS

V.

S. W. Canada
University of Missouri
Defendant

To the above named Defendant:

You are hereby summoned and required to serve upon Carl R. Johnson, plaintiff's attorney, whose address Lincoln Building, Kansas City, Missouri an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

A. L. Arnold
Clerk of Court
By E. O'Keefe
Deputy Clerk (Seal of Court)

Date: January 7, 1942

[page 2]

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.

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 3 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 Prodedure.

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 defend and as Registrar was and Is a condition precedent to any student being admitted to the University for any purpose.

[page 3]

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

8 4. On and prior to August 21, 1941, and ever since, as
9 well known by defendant, plaintiff, a Negro citizen of the State
10 of Missouri was and is fully qualified scholastically, morally,
11 mentally, financially and by every other lawful test for regis-
12 tration and admission to the University of Missouri for graduate
13 work in journalism. Plaintiff is a graduate of the University of
14 Kansas in 1932 with the degree of Bachelor of Arts with major in
15 journalism, and since October 1932 has been and still is in active
16 newspaper work in the State of Missouri on the staff of the Kansas
17 City Call, a Missouri weekly newspaper. At all times material
18 herein plaintiff needed and still needs, desired and still desires,
19 the graduate work in journalism offered by the state in the Univer-
20 sity of Missouri, or the substantial equivalent thereof, for the
21 purpose of increasing her proficiency in newspaper work, her ser-
22 vice to the people of the State, and her earnings.

23 5. The State of Missouri maintains at Jefferson City Lin-
24 coln University, a public institution governed by the "Curators of
25 Lincoln University", a body corporate created by the legislature
26 of Missouri for that purpose. Under the state legislation defin-
27 ing their rights, powers and duties "the Curators of Lincoln Uni-
28 versity" are under a duty to provide there for the Negro citizens
29 of the State educational facilities equal to those offered all
30 citizens of the State, not Negroes, at the University of Missouri.
31 Nevertheless, in spite of the fact that graduate work in journalism

[page 4]

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

5 6. "The curators of Lincoln University" has officially had
6 the question of offering instruction in journalism at Lincoln Uni-
7 versity before it since 1936; and has further been officially ad-
8 vised since July, 1939, that plaintiff, a duly qualified citizen
9 of the State of Missouri, had been denied and is still being de-
10 nied a permit to register and registration as a student of the Uni-
11 versity of Missouri for graduate work in journalism solely because
12 she is a Negro. In September, 1939, plaintiff made demand on Lin-
13 coln University for graduate work in journalism, but was notified
14 that said instruction was not available at Lincoln University.
15 Since that time she has frequently and repeatedly made demand on
16 Lincoln University for graduate work in journalism, the last de-
17 mands having been made on or about July 17, 1941, and September
18 18, 1941; but Lincoln University has always refused and failed,
19 and still refuses and fails to offer such instruction to her or
20 other citizens of Missouri.

21 7. On or about August 21, 1941, plaintiff having been advised and otherwise knowing
that no graduate work in journalism
23 was being offered or would be offered at Lincoln University for the
24 first semester of the academic year 1941-42 beginning September,
25 1941, applied to defendant Registrar for a permit to register at
26 the University of Missouri for graduate work in journalism for
27 said semester, which he was then and there duty bound to issue to
28 her. She advised defendant that no graduate work in journalism
29 was being offered or would be offered at Lincoln University for
30 said semester. Nevertheless, defendant well knowing that Lincoln
31 University had never and was not then offering graduate work in

-3-

[page 5]

1 journalism and did not contemplate offering said instruction dur-
2 ing the first semester aforesaid, and further well knowing that
3 plaintiff was qualified scholastically, morally, mentally and in
4 all lawful respects to receive a permit to register and to regis-
5 ter at the University of Missouri for graduate work in journalism,
6 on or about September 2, 1941, wilfully, maliciously and illegally
7 refused her a permit to register solely because she is a Negro
8 In so refusing defendant purported to act under color of State law
9 (Mo. Const. Art. XI, Sec. 5, Mo. Rev. Stat. 1939, C.72, Art.22, and
10 Sec.10782, and the rules and regulations adopted by "the Curators
11 of the University" pursuant thereto).

12 8. On or about September 18, 1941, she did personally pre-
13 sent herself at Lincoln University and did then and there tender
14 herself ready and willing to meet all lawful requirements and pay
15 all lawful fees, and did request graduate work In Journalism for
16 said first semester of the academic year 1941-1942, but Lincoln
17 University refused and failed to offer her such Instruction.
18 Thereupon, on or about September 18, 1941, she did personally pre-
19 sent herself to the defendant Registrar at his office on the cam-
20 pus of the University of Missouri, during the regular period for
21 registration for graduate work In Journalism at the University of
22 Missouri for said first semester; and then and there tendering her-
23 self ready and willing to meet all lawful requirements and pay all
24 lawful fees, and further advising defendant that no graduate work
25 In journalism was available or geing offered at Lincoln University,
26 did request defendant Registrar to Issue her a permit to register
27 and to register her as a student of the University of Missouri for
28 graduate work in journalism for said first semester as he was then
29 and there duty bound to do. Nevertheless, defendant well knowing
30 plaintiff was fully qualified in all lawful respects as aforesaid
31 for a permit to register and to register at the University of

[page 6]

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

8 9. Plaintiff at all times material herein had, and still has,
9 a civil right guaranteed her by the equal protection clause of Sec-
10 tion 1 of the Fourteenth Amendment to the Constitution of the United
11 States and by Section 41 of Title 8 of the United States Code, to

12 registration and admission to the University of Missouri for gradu-
13 ate work in Journalism; and the defendant Registrar was, and still
14 is, under a plain, legal and ministerial duty to register and ad-
15 mit her as aforesaid. By his arbitrary and illegal act on or about
16 August 21, 1941, under color of state law aforesaid in refusing
17 her a permit to register, and his arbitrary and illegal acts on
18 September 18, 1941, under color of state law aforesaid in again
19 refusing her a permit to register and to register her as a student
20 in the University of Missouri for graduate work in Journalism for
21 said first semester of the academic year, 1941-1942, defendant
22 Registrar did violate the equal protection clause of Section 1 of
23 the 14th Amendment to the Constitution of the United States Code,
24 and did make himself liable to plaintiff under Section 43 of Title
25 8 of the United States Code to this action.

26 10. As a result of defendant's said wrongful acts plaintiff
27 has been illegally barred from the University of Missouri for the
28 entire first semester of the academic year 1941-1942, and has been
29 unable to take in the University of Missouri, or elsewhere In the
30 State of Missouri, graduate work In journalism. In consequence
31 thereof she has suffered and still suffers great humiliation, men-

-5-

1 tal anguish, loss of earning power and proficiency in her news-
2 paper work, has lost irreplaceable time out of her life in beginning
3 her graduate work in journalism, and has been injured by defendant
4 to the amount of Ten Thousand ,000.00) Dollars.

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

13 WHEREFORE, the premises considered plaintiff demands:

14 1. A judgment declaring her rights and the defendant's
15 duties in the premises, relating to her claims for him to issue
16 her a permit to register and to register her in the University of
17 Missouri for graduate work in journalism.

18 2. A preliminary injunction, and after a hearing on the
19 merits, a permanent injunction against defendant refusing her in
20 the future a permit to register and to register her as a student
21 in the University of Missouri for graduate work in journalism, so
22 long as graduate work in journalism substantially equal to that
23 offered in the University of Missouri is not offered by the State
24 elsewhere in Missouri.

25 3. Damages against defendant in the sum of Ten thousand
26 (\$10,000.00) Dollars.

27 4. Her costs in this action.

Lucile Bluford

-6-

[page 7]

STATE OF MISSOURI)

) ss:

COUNTY OF)

)

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

Lucile Bluford

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

Mandell A Simpson
(Notary Public)

Counsel for plaintiff:

Carl R. Johnson

James H. Herbert

C. H. Calloway

L. Amora Knox

Lincoln Building

Kansas City, Missouri

Charles H. Houston

615 F Street, Northwest

Washington, D.C.