

**CIVIL RIGHTS AND THE CHANGING ADMISSIONS POLICY AT A  
MID-WESTERN UNIVERSITY: THE IMPACT OF TWO CASES**

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**Abstract**

Due to the value of personal rights and freedoms, along with the associated questions and continuing problems, the issue of *civil rights* continues to be relevant in the twenty-first century. In the United States, the civil rights of disenfranchised people are adversely affected by various social, regional, and federal policies. Historically speaking, the 14<sup>th</sup> Amendment of the United States Constitution provided much needed legal relief, as it defined citizenship and its benefits through birth or naturalization. While the 14<sup>th</sup> Amendment provided legal relief, in the mid-twentieth century, the status quo of a particular mid-western state and associated university had to be formally challenged for meaningful change to occur, for the benefit of non-white citizens. This paper presents two important cases that helped reshape the admission policies of the University of Missouri. Lloyd Gaines and Lucille Bluford both applied to this university in 1936 and 1939, respectively. Lloyd Gaines successfully appealed his case to the United States Supreme Court. Lucille Bluford appealed her case, but the legal process stalled as the university suspended its journalism program during the Second World War. Following these and other cases, admission policies changed from the prevailing 'separate but equal', to admission for scholastically qualified applicants. This paper's historical analysis is relevant since civil rights discourse persists at United States universities today and American society's disenfranchised groups continue to seek educational opportunities.

## INTRODUCTION

The Fourteenth Amendment of the United States Constitution, ratified in 1868 as one of the Reconstruction Amendments, provided protection for all peoples born or naturalized in the United States. This amendment defined and protected citizenship, due process, and equal protection under the law. This amendment reversed the United States Supreme Court decision in the Dred Scott v Sanford case (60 US 393, 1857), which stated that blacks, being anyone of African descent, could not be citizens of the United States, and therefore, had no rights or protection under the law (U.S. Constitution, 14<sup>th</sup> Amendment, 1868).

The concept of segregation, separate but equal, was interpreted differently by the various states. Some states, such as Massachusetts and California, had no policy regarding segregation. Others, like Kansas, Illinois, and New Jersey, had policies that prohibited segregation. And, some states, including Missouri, Mississippi, and North Carolina, had policy that enforced and required segregation (Van Hecke, 1933). As a result of the Fourteenth Amendment and the segregation policy in the mid-western state of Missouri, up through the 1930's, the University of Missouri denied admission to anyone who identified themselves as Negro or of African descent on the admission application, and instead, would refer them to another university. This paper is set to identify and discuss the roles that two particular cases had in promoting change in the admission policy for non-white students at the University of Missouri prior to the United States Supreme Court ruling in Brown v. Board of Education (347 US 483, 1954).

### *Research Concerns*

This historical paper seeks to explore the circumstances behind the cases of Lloyd L. Gaines and Lucille Bluford. Specifically, this paper examines the impact that Gaines' and Bluford's requests for admissions had on the admissions policy of the university.

### *Significance*

This paper's significance is centered on the issue of civil rights of all United States citizens, which are guaranteed by the Constitution of the United States. When various groups or members of a group of citizens believe their civil rights have been changed, ignored, or compromised, the justice system is challenged, as voices are heard and motions for change are made.

The birth of the United States of America officially began with the Declaration of Independence, in which members of the thirteen colonies stated their grievances about the King of Great Britain. Various statements of facts regarding the injustices perpetrated against the colonists are listed in the Declaration of Independence. In this document, the fifty-six signatures affirm in paragraph two that "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness".

Despite the colonists' declaration, from the Revolutionary War to the Civil War, many Americans had no difficulty with slavery. They saw themselves as deserving of freedom from the oppressive "Crown", but the cries of the oppressed African slaves

went unheeded (Cohen & Kisker, 2010). While the phrase “all men are created equal” appears in the Declaration of Independence, and the phrase “secure the Blessings of Liberty to ourselves and our Posterity” appears in the US Constitution (preamble), many decades would transpire before the people of African descent would enjoy the impact of these words.

It was not until the enactment of the Fourteenth Amendment that the definition of a citizen of the United States would include all persons born or naturalized in the United States, and would be subject to jurisdiction thereof. This amendment was also responsible for the decree that no State shall make or enforce laws to abridge the rights of any citizen without due process of law.

## METHODOLOGY

Sources reviewed for this work included selected manuscripts from the Western Historical Manuscript Collection, the Lloyd L Gaines online collection, the online collection of Lucile H Bluford, and various state and federal online sources.

The Western Historical Manuscript Collection is located in room 23 of Ellis library on the main campus of the University of Missouri-Columbia. The selected manuscripts are from collection 0133, Frederick A Middlebush, files 25 through 36 dated 1942-1952; collection 0977, University of Missouri-Admission Papers, files 1 through 3 dated 1950-1954; collection 2582, The President’s Papers, files 2572 through 2627 dated 1935-1954; and collection 3843, Pihlblad, files 24 through 26 dated 1970.

The State Historical Society website, <http://shs.umsystem.edu/famousmissourians>, was reviewed for documents pertaining to Lucile H Bluford and the digital library at <http://digital.library.umsystem.edu> was reviewed for documents pertaining to Lloyd L Gaines. Various state, federal, and educational websites were reviewed and provided selected manuscripts for the elements of the Declaration of Independence, the United States Constitution, and the cases discussed herein.

## DISCUSSION

### *Lloyd L Gaines*

Lloyd L. Gaines, 1931 valedictorian of Vashon High School (established 1927) and honors graduate of Lincoln University (Jefferson City), was denied admission to the University of Missouri’s school of law in 1936 solely on the grounds that he was of African descent (Lloyd L Gaines Collection).

He appealed to the Board of Curators and their reply, documented in a resolution dated March 27, 1936, indicated that they would follow the mandates of the state for separate education for colored students. They asserted that any change to the state’s policy of separate but equal would be a detriment for all people (Board of Curators, 1939). Following this resolution, and with the help of the National Association for the Advancement of Colored People (NAACP), Gaines filed suit in April 1936 in local court (Gaines, 1945). The court held for the defendant, this being the University of Missouri School of Law. Gaines appealed this decision and the lower court ruling was upheld. This case climbed through the legal system, through the state supreme court, to the U.S.

Supreme Court (305 US 337, 1938). This case opinion, delivered by Chief Justice Hughes December 12, 1938, established that the state of Missouri, acting through the university, did not abide by the Fourteenth Amendment:

That conclusion presented the federal question as to the constitutional adequacy of such a provision while equal opportunity for legal training within the State was not furnished, and this federal question the state court entertained and passed upon. We must conclude that in so doing the court denied the federal right which petitioner set up and the question as to the correctness of that decision is before us. We are of the opinion that the ruling was in error, and that petitioner was entitled to be admitted to the law school of the State University in the absence of other and proper provisions for his legal training within the State. The judgment of the Supreme Court of Missouri is reversed and the cause is remanded for further proceedings not inconsistent with this opinion. It is so ordered. (Hughes, 1938)

This United States Supreme Court ruling, in effect, negated a longtime practice of providing reasonable compensation for tuition, paid by the state of Missouri through another university, for a Negro to study in a neighboring state for course work not available at the local university. While Lloyd L Gaines had a victory in the United States Supreme Court, he disappeared three months after this decision.

#### *Lucile H. Bluford*

Lucile Bluford, 1928 valedictorian of Lincoln High School (established 1865) and honors graduate in journalism in 1932 from the University of Kansas, was initially accepted for admission to the University of Missouri School of Journalism in 1939, but was turned away by the university registrar because she was non-white (Lucile H. Bluford Collection).

Following the denial for admission, after having been accepted into the graduate school for journalism, Bluford sent a telegram, dated September 14, 1939, to the president of the university, requesting admission to the journalism school because there were no graduate classes for journalism at the alternate university (Bluford, Sept 1939a). She wrote a follow-up letter, dated October 6, 1939, to the president of the university, the dean of the faculty of the school of journalism, and the president of the Board of Curators, in which she appealed her denial of admission. She asked that they reconsider her application given the U.S. Supreme court ruling in the Lloyd L. Gained case (Bluford, 1939b).

Lucile Bluford was well aware of the significance of the Gaines decision and applied to the university's school of journalism even before Lloyd Gaines' disappearance. The university rejected Bluford's application and NAACP lawyers assumed her case. Local courts repeatedly ruled against her on technical reasons, and the state stalled by directing another nearby university that was designated for African American students to offer a graduate education program in journalism. Bluford refused to enroll in the new journalism program, arguing that she was more experienced in journalism than the

instructors. However, Bluford's case was more seriously stalled by World War II, as the university temporarily closed its journalism program.

#### *Tumultuous Times: 1940-1950*

Following the Gaines and Bluford cases, there was an increase in the numbers of Negroes seeking admission to various graduate departments at the University of Missouri. The registrar continued to seek legal counsel regarding applications from Negroes. The university attorney, in a letter dated April 7, 1944, recommended that Negro applicants be denied admission, but to use the common phrase: "I am without authority to admit you. The laws of this state require the Board of Curators of [another] University to afford to the negro people of the state opportunity for higher education in all branches equal to that available at this university" (Hogsett, 1944).

A Missouri constitutional convention resulted in the enactment of the fourth state constitution in 1945. This led to the opinion of the director of admissions that the 1945 state constitution moved the burden of proof from the Negro applicant and the alternative university to Missouri university, in determining if the desired course of study was available and up to the same standard as required by law (McLane, 1949).

#### *Time of Transition: 1950-1954*

Two Negro applicants filed suit in 1950, and demanded entry into Missouri university. The court found in favor of these applicants and required these students to be admitted into their respective courses of study because the alternative university did not provide course work in the students' desired areas of interest (Witherspoon, 1950).

As a result of the case law unfolding in Missouri and around the nation, the Board of Curators adopted a new resolution. The essence of this resolution and presidential policy resulted in a selective admission policy to be used at this university, in regard to students of African descent. In essence, "when a scholastically qualified resident Negro applies", the registrar is to: 1) admit, if the desired course of study is not immediately available or if available at the other university is not up to the same standard as this university; 2) reject for admission, if the desired course is available at the other university and is up to the same standard as this university; 3) reject, if applicant is an out of state resident; 4) return the application for additional information, if the course of study, race, or home state is not identified; and 5) when the Negro student is admitted, they are afforded all the rights and privileges as are all other students (Middlebush, 1950).

#### *Desegregation Takes Time*

The Fourteenth Amendment was again argued in the context of higher education. In the case of *Brown v Board of Education* (347 U.S. 483, 1954), Chief Justice Earl Warren noted:

Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to

[retard] the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system. We conclude that, in the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment (Warren et al., 1954).

## CONCLUSION

Prior to the admission request of Lloyd L. Gaines, the University of Missouri managed the admission policy on the principle of "separate but equal" with support of the legislature for the two institutions of higher education in the state.

The admission request by Gaines caused progressive redefinition of the Fourteenth Amendment beyond that of negating the Dred Scott decision and extending the Plessey v Ferguson decision to include tangible equality in education. Although the Supreme Court ruled in Gaines' favor, he was unable to act on this ruling. Lucile H. Bluford, an accomplished journalist, with the aid of the NAACP, sought legal relief only to lose on technicalities. While her case had merit in showing the inequality of education between a nationally known school of journalism at this university, and a hastily constructed school of journalism at another university, she did not continue the legal battle to the United States Supreme Court, as did Gaines. The NAACP continued its legal pursuit of inequality in other states.

The persistence of these two applicants to seek what was not so clearly defined in the Fourteenth Amendment paved the way for many Negroes to enter and be educated at the University of Missouri. Initially, the burden of proof for the lack of available courses was that of the applicant, not that of the university. In fact, some of the lower court findings indicated that the applicant should have presented the demands to the alternative university. As an agent of the state, it was positioned that the other university should be responsible for providing the desired courses. However, as the various courts at state and federal levels reviewed and interpreted the Fourteenth Amendment, they noted that each state involved in litigation concerning segregation could be held accountable to provide education within its borders. This led to the progressive admission policy at the University of Missouri for the scholastically qualified Negro applicant. Finally, the Brown v Board of Education case dismantled the notion of "separate but equal".

The discussion of civil rights continues to be a topic of discourse at many universities across the United States. Even when admission policies are inclusive of all citizens, questions pertaining to equity and equality continue to be raised. With these concepts escaping the minds of some, we ask whether policies must be upheld and/or enacted to ensure both the protection and advancement of our entire citizenry. In

answering this, we argue that we must remember where our country has been, how we came to be where we are, and determine what we shall become.

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