

“The Sun Do Move”
Lloyd Gaines and Lucile Bluford—Interconnected Histories of the NAACP’s Campaign for
Educational Equality
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Abstract

This thesis develops the two, interconnected narratives of two African Americans, Lloyd Lionel Gaines and Lucile Harris Bluford. Specifically, the work explores the two plaintiffs' attempts for admission to the University of Missouri graduate schools and the subsequent legal cases brought on their behalf by the National Association for the Advancement of Colored People as part of its campaign for educational equality. Given the relative lack of scholarship on both legal cases, the development of the two narratives will provide comprehensive understandings of the plaintiffs and how their legal cases worked within the NAACP's strategy. Relatedly, this thesis will build a strong historical connection between the two cases and argue that they need to be viewed as one, interdependent history. This explanation will encompass the plaintiffs' personal influence to initiate an attempt for admission, the connected nature of the two legal cases in the context of Missouri, and their significance within the NAACP's national legal strategy. The histories of Lloyd Gaines and Lucile Bluford are incomplete; this thesis will provide a more complete narrative and understanding of the two plaintiffs, their respective legal challenges, and posit a new framework of the two narratives as one interconnected history in the national NAACP campaign for educational equality.

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Introduction

Equipped with a financial commitment made from the left-leaning Garland Fund in 1930, the National Association for the Advancement of Colored People (NAACP) began to formulate a coordinated legal campaign to attack segregation—specifically with its campaign for educational equality—in the United States. The alliance, though tenuous, set in motion the first steps that would lead to the landmark victory of *Brown v. Board of Education* in the United States Supreme Court, which set a precedent in education contrary to the *Plessy v. Ferguson* decision. Despite the campaign ending in a triumphant victory, the path along the way included many challenges, obstacles, and victories. Encountering funding difficulties, ill-prepared plaintiffs, excited local attorneys, decisive victories, evolving opposition, and even mysterious disappearances, the historical narratives of the campaign for educational equality ran the gamut. Despite the obvious differences of each legal case brought forth by the NAACP, the campaign contained many common threads and similar progressions, though at the time the campaign and its strategy may not have been as cohesive as the NAACP desired.

These common threads occurred in and throughout the various arms of the broader struggle to end segregation in America. One of these arms focused on equalizing and integrating graduate and professional schools. Seen as critical, graduate and professional schools became a starting point to ending the “separate but equal” doctrine in lower levels of education given the non-existence of graduate schools in southern states. The legal cases and the explorations of legal action against Upper South states and their state universities constituted a large part of the NAACP’s strategy and efforts in the 1930s and early 1940s. In spite of this importance, existing civil rights literature does not adequately explore the histories of the individual cases or the legal cases’ combined significances. The overall purpose of this work is to develop the narratives of

two relatively unknown legal cases, *Gaines v. Canada* and *Bluford v. Canada*, both of which attempted to integrate graduate schools at the University of Missouri. Due to numerous reasons and factors, I will argue that these two cases need to be viewed as one interconnected history: on a personal level, based on the similarities and evolution of the two legal cases, and within the national NAACP campaign and strategy to end educational segregation.

First, it is necessary to explain the development of the NAACP's coordinated legal campaign as well as the first significant case—*Murray v. Pearson* (*Murray v. Maryland*)—prior to the *Gaines* and *Bluford* cases.¹ It is critical to understand how the NAACP chose to attack graduate education, the historical actors involved in the development of the campaign, the actual legal cases, and the factors the NAACP found to be vital to success and sustainability.

Following this introduction to the campaign and the NAACP's strategy, I will elaborate more extensively on the purpose of the work, the contribution to the literature, and, specifically, what the work intends to prove.

The Strategic Development of the NAACP's Campaign for Educational Equality

By 1926, the NAACP began to slowly shift its attention and resources toward coordinated legal campaigns seeing an opportunity with the creation of left-leaning American Fund for Public Service (AFPS).² Charles Garland—an inheritor of one million dollars from his father—founded and funded the American Fund for Public Service. As a self-identified liberal, Garland desired radical change in the United States and to achieve this purpose he created the AFPS—more commonly known as the Garland Fund.³ After the founding of the Garland Fund,

¹ The court case *Murray v. Pearson* is more commonly referred to as *Murray v. Maryland* and will be referred to as such in this thesis.

² Mark V. Tushnet, *The NAACP's Legal Strategy against Segregated Education*, (The University of North Carolina Press, 1987), 1-2.

³ The American Fund for Public Service will be referred to as the Garland Fund.

James Weldon Johnson—then NAACP Secretary—joined the board of directors, thus creating an early link with the wealthy and left-leaning organization and the NAACP.⁴ Despite the early connection, there were clear ideological divides among the Garland Fund’s board of directors. Many of the white leftists emphasized economic means for radical change in the United States. However when it came time to apply for Garland Fund grants to fight segregation, the NAACP and Johnson stood firm with their belief that legal victories were precursors to economic change and that legal recourse would be the most prosperous route to their end goals.⁵ Examining the debates between the Garland Fund and the NAACP, Mark Tushnet concluded, “that litigation was a choice made by the NAACP in the face of arguments that other ways of using its resources would be more productive.”⁶ The NAACP in continuing with its original framework for social and legal change would lay the groundwork for future and sustained legal successes.

As the NAACP continually applied and negotiated for grant funds, the Garland Fund pressed the NAACP not only on economic issues but also specific details of its strategies. In 1930, the Garland Fund tentatively approved a \$100,000 grant for the NAACP to fight segregation but the Board of Directors awaited more details. Walter White, the acting NAACP secretary, addressed the Garland Fund’s concerns by submitting a combined proposal addressing the lack of representation on grand juries and residential segregation. Additionally for the first time, White elaborated on a strategy focused on education in the Deep South.⁷ White explained:

Such taxpayer suits...will (a) make the cost of a dual system so prohibitive as to speed the abolishment of segregated schools; (b) serve as examples and will give courage to Negroes to bring similar actions; (3) cases will likely be appealed by

⁴ Ibid., p. 2.

⁵ Tushnet, *NAACP’s Legal Strategy*, p. 7.

⁶ Ibid., p. 8.

⁷ Ibid., p. 13.

city authorities, thus causing higher court decision[s] to cover wider territory; (4) focus as nothing else will public attention north and south on the vicious discrimination in the apportionment of public school funds.⁸

While not explicitly naming graduate education, many of White's points would be rehashed in future legal cases attempting to integrate and equalizing graduate and professional schools, such as those initiated by Lloyd Gaines and Lucile Bluford in Missouri.

By May 1930, the Garland Fund finally passed the significant NAACP grant by a narrow margin of six to five.⁹ Next, the NAACP and the Garland Fund searched for a lawyer to map out its legal campaign and its corresponding strategies. The NAACP hired Nathan Margold, a prominent white lawyer, to produce a report and formulate strategies to dismantle legal segregation in the south. During Margold's time with the NAACP, financial problems plagued both the NAACP and the Garland Fund, thus weakening an already precarious relationship.¹⁰ Despite this, Margold finished a 218-page report and argued, "a direct attack on separate schools was both legally and politically possible."¹¹ In the report, Margold grouped southern states into three groups and analyzed how the NAACP should litigate the unequal education appropriations. Margold decided whether to bring cases to state or federal court, with what legal means, and if the NAACP should involve certain states at all. Ultimately, Margold concluded "that the campaign should focus, instead [of on mandamus suits in state courts], on three easily proved facts: the state law required separate schools, that expenditures were obviously unequal, and that

⁸ Ernst to White, Draft Report by Committee to Fund, NAACP Papers BOX I-C-196 (pre-May 1930), quoted in Tushnet, *NAACP's Legal Strategy*, p. 13-14.

⁹ Tushnet, *NAACP's Legal Strategy*, p. 14.

¹⁰ *Ibid.*, p. 15.

¹¹ *Ibid.*, p. 26.

state remedies were in practice unavailable.”¹² Margold’s work built a substantial reserve of detailed research and designed preliminary strategies his successors would utilize.

In comparison to the Walter White’s original proposal, the Margold Report differed in that it emphasized detail about different technical strategies of attacking segregation, arguing that bringing the fight to the Deep South was in fact possible. Tushnet’s analysis of the evolution of the NAACP’s proposals to the Garland Fund, the Margold Report, and the future actions of Charles Houston and Thurgood Marshall serve to show that the legal strategies were in flux but its common goals always remained. Tushnet later characterized these changes and transformations as “tactical flexibility” and “learning by doing.”¹³ In retrospect, it is easy to frame the evolution of legal campaign as very clear and apparent. However upon closer examination, the strategies and specific tactics continuously changed, adapted, and narrowed due to leading personalities, responses by the states, and available opportunities. Thus, it is necessary to delve deeper into how specific legal cases operated within the national strategic framework.

As Margold finalized his report, finances and strategic debates continued to plague and slow down the NAACP’s attempt to start its legal campaign. Eventually, Nathan Margold’s influence waned as he insisted on waiting for a fully funded campaign, which many of the NAACP leaders recognized as a pipedream during the Great Depression.¹⁴ Margold and the NAACP eventually went their separate ways. Despite the separation, Margold provided another analysis and point of view that shaped the NAACP’s legal strategy. Margold’s understanding

¹² Ibid., p. 26-27.

¹³ Tushnet, *NAACP’s Legal Strategy*, p. 50, 68.

¹⁴ Ibid., p. 29.

and opinions on the campaign for educational equality would not be the final word on the legal campaign's evolution.

Charles Hamilton Houston and Race Leadership

With Margold's exit, the NAACP sought a black lawyer who could excite their local branches and the black community—a characteristic Margold did not possess. Walter White, the NAACP's Secretary, tapped Charles Hamilton Houston—the long time special NAACP counsel and Dean of the Howard Law School—to become the NAACP's leading lawyer. Houston's official appointment to the NAACP's legal team indicated a changing of the guard and his subsequent legal strategies would take preeminence throughout the 1930s and 1940s and influence the work of his protégé and successor, Thurgood Marshall. As a part time advisor for the NAACP in prior years, Houston watched the NAACP with one foot in and one foot out of the organization. Houston's dedication, work ethic, and ingenuity built him a strong rapport with the existing NAACP leadership where Walter White depended heavily on Houston. White consistently "sought [Houston's] advice on everything from legal matters to scheduling meetings."¹⁵ The budding relationship evolved into the full-time appointment, which would be the first time Houston dedicated all of his efforts to NAACP work.

Charles Houston—a son of a lawyer, a World War I veteran, Amherst College graduate, Harvard Law graduate, and the Dean of Howard Law School—was one of the most prominent black lawyers in the 1920s and 1930s. As Houston spent time in the army, in higher education, and in private practice, he developed his own framework for social change that would later narrow the NAACP's legal campaign to a few areas of emphasis, most notably the focus on graduate and professional schools. Houston's personal framework understood societal change in

¹⁵ Rawn James Jr., *Root and Branch: Charles Hamilton Houston, Thurgood Marshall, and the Struggle to End Segregation*, (New York, NY: Bloomsbury Press, 2013), 59.

terms of a top-down approach led by strong, ingenious race leaders. In his own way, Houston was an acolyte of W.E.B. Du Bois' "Talented Tenth" philosophy. A few personal anecdotes illustrate how Houston came to embrace this social framework and they also explain his preference to first focus the legal campaign on graduate and professional schools.

As a young adult, Houston saw a need for strong, intelligent black leaders early on. At twenty-one, Houston decided to enter the U.S. Army and fight in World War I, but he would only enlist and serve as an officer. Houston welcomed Joel E. Springarn and W.E.B. Du Bois' calls for separate officer training camps for black soldiers.¹⁶ Acting on this belief, Houston and other "similarly situated" young black enlistees "formed the Central Committee of Negro College Men to press the War Department for a training camp."¹⁷ Many criticized the plan and desire for separate training arguing racial segregation was wrong in any form. Despite the criticism, Houston and others black soldiers did not back down from their demand for separate officer training.

The War Department responded indirectly by setting requirements that excluded many of the young black men involved in the committee, one of whom was Charles Houston who was eventually accepted after initially being rejected.¹⁸ Assigned at Fort Des Moines, Houston arrived early as to "not tak[e] a second chance on being rejected as too young."¹⁹ After training extensively, the lead commander at Fort Des Moines recommended that white officers be put in charge of specialized black units until the black officers bettered their training and gained more

¹⁶ Genna Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights*, (Philadelphia, PA: University of Pennsylvania Press, 1983), 36.

¹⁷ *Ibid.*, p. 37.

¹⁸ Chad L. Williams, *Torchbearers of Democracy: African American Soldiers in the World War I Era*, (Chapel Hill, NC: The University of North Carolina Press, 2010), 43.

¹⁹ CHH, "Saving the World for Democracy," *Pittsburgh Courier*, 20 July 1940, quoted in McNeil, *Groundwork*, p. 38.

experience.²⁰ The black officers—including Houston—fervently protested the decision. Eventually, Houston and others black soldiers were assigned as unit officers only to be purposely set up for failure. The white leadership placed black officers with poor units and then pointed to their lack of success as evidence of the black officers’ inherent inferiority. Houston “raised hell about it in so far as one can raise hell inside the army” and continued to raise hell about numerous other incidents that showed the army’s indifference to black soldiers.²¹

Houston’s time in the army reveals three characteristics that foreshadowed his work for the NAACP. First, Houston clearly valued strong, black leaders and a type of leadership that would guide the black struggle in any arena, even the most trying of situations. Secondly, Houston did not embody an absolutist approach to systemic change. Houston was willing to have separate officer training, though it was not ideal. This willingness to work within the system’s structure but also work toward substantial change. Houston’s later legal cases would argue for educational equalization but subtly aimed for integration—a type of “hidden agenda”—illustrated this mentality. Lastly, despite the calculated maneuvering Houston displayed a fighting spirit, a sense of showmanship, and a strong inclination toward justice, all of which he demanded from his students and NAACP plaintiffs.

Another telling anecdote of the development of Charles Houston’s framework for social change is his time as Dean of the Howard Law School. As a student at Harvard, Houston began to see the value of law and the importance of teaching it. Houston envisioned himself as a teacher and desired “a thorough grounding in law so he could teach and practice with

²⁰ McNeil, *Groundwork*, p. 39.

²¹ CHH to Thomas MacDonald, 12 June 1942, CHH/H&G firm files, quoted in McNeil, *Groundwork*, p. 41.

authority.”²² Quickly after his Harvard graduation and a brief stint in Spain, Houston accepted an offer to become a faculty member at Howard University in 1924. A recognized young scholar, Houston worked tirelessly to become a better teacher spending hours preparing and challenging himself to improve on his weaknesses. During his time as a professor, he stressed “about both the training of excellent lawyers and their continuing education” at Howard.²³ Accrediting institutions—the American Bar Association and Association of American Law Schools—also held concerns about Howard’s program and its graduates. At the time, both associations had not yet granted the program official accreditation.²⁴ Knowing this, Houston continued to voice concerns about the program’s rigor and purpose. The new school president Mordecai Johnson responded to Houston’s preoccupations by naming him Resident Vice-Dean in 1929. Rising to Dean of the law school in 1930, Houston was granted authority to make changes in curriculum and work toward achieving accreditation.

As Dean, Houston rebuilt the Howard Law School in his own vision. Viewing higher education and professional schools as sources of race leaders, Houston imagined Howard as an educational factory that trained and guided black, civil rights-focused lawyers in order to transform America. However, this vision would come at a cost. In transforming the law school, Houston provoked controversy by eliminating the popular night school, raising admission standards, and requiring more of the law students than ever before.²⁵ Houston’s hard work paid off though. In 1931, the Howard Law School was officially accredited—becoming the first predominantly black law school and one of “only seventy-one law schools in the United States”

²² McNeil, *Groundwork*, p. 63

²³ *Ibid.*, p. 67.

²⁴ *Ibid.*, p. 69.

²⁵ Houston’s father and many other black lawyers benefited from the Howard night school since they were able to support themselves by keeping day jobs.

to receive such a distinction.²⁶ Additionally, graduates of the Houston years, such as Thurgood Marshall, William Hastie, and Leon Ransom, became legendary civil rights litigators. Houston saw his work and Howard's Law program as integral to the creation of "social engineers" who held a "serious commitment to freedom and justice."²⁷ Houston's transformation of the Howard Law School demonstrated once again his belief that social change was predicated on strong, intelligent race leaders. The overarching vision typified in Howard's dramatic changes would mirror the development of the NAACP's first focus on graduate and professional schools in the campaign for educational equality.

Charles Houston Begins with the NAACP

Houston split time with various projects as he climbed the leadership ranks at Howard. He and his father started their own private firm. Houston also worked closely with the NAACP, participated in other pro-bono work, and taught and administered at Howard. This heavy workload would eventually kill him in 1950. However, after Nathan Margold's work slowed with the NAACP, Secretary Walter White sought to bring Charles Houston fully into the NAACP fold as Special Counsel. Houston—intrinsically drawn to the NAACP's work—finally decided to lead the legal team full-time in June 1935 after taking a leave of absence from Howard.²⁸

As Special Counsel, Houston analyzed the legal strategies and research created by his predecessor and surveyed the legal and societal landscape. Seeing the breadth of the previous plans and the funding commitments continuing to dwindle, Houston narrowed the central focus of the legal campaign to education. The widespread approach proposed earlier by White and

²⁶ McNeil, *Groundwork*, p. 74.

²⁷ *Ibid.*, p. 85.

²⁸ *Ibid.*, p. 116.

Margold depended on substantial financial backing, something that the NAACP expected but did not fully receive from the Garland Fund. If the NAACP continued with the proposed larger strategy Houston argued it would have resulted in meaningless “isolated suits.”²⁹ However, if there “was a planned legal program that laid a ‘foundation’ with respect to research, cases and community involvement in struggle against racial discrimination and for equal rights” success would be more attainable.³⁰ Houston’s plans began to take shape as he funneled many of the broader ideas and legal strategies into tangible, more short-term, and more manageable goals and means. Houston emphasized three significant areas: 1) an emphasis on making educational segregation “too expensive to maintain” 2) creating excitement and strengthening local black communities 3) and developing procedures in cases on higher education that engaged communities could follow and replicate with their own resources.³¹ Unlike Margold, “Houston was more pragmatic” and by focusing the campaign and its legal strategy on singular and stark examples such as graduate education the NAACP would be more successful.³²

Given the financial difficulties of the decade, Houston foresaw the need to foment legal action locally without the need for substantial national funds. Bringing legal cases against institutions of higher education, in Houston’s estimation, would create streamlined arguments, strategies, and demonstrate the stark inequalities, all of which would help inform local branches and attorneys to take up in their own legal cases—semi-independently moving the campaign for educational equality forward. This differed greatly from Margold’s plan, which measured

²⁹ CHH, “Memorandum for the Joint Committee of the NAACP and the American Fund for Public Service, Inc.,” AFPS-Joint Committee, 1933-35 folder, AFPS, C199, NAACP Records, quoted McNeil, *Groundwork*, p. 117.

³⁰ McNeil, *Groundwork*, p. 117.

³¹ *Ibid.*, p. 116.

³² Yvonne Ryan, *Roy Wilkins: The Quiet Revolutionary and the NAACP*, (University Press of Kentucky, 2013), 24.

success mainly through “legal terms” and lack of attention “to the use of publicity within the black community as a method of community organization.”³³ Houston knew from previous experience that an excited, energized, and engaged black public was extremely beneficial. If the NAACP could effectively include local branches, the prospects for success were much greater than essentially trudging through the campaign independently.

Understanding the limitations of moral arguments, Houston and the NAACP wanted to hurt state budgets by forcing state legislatures to choose between establishing costly segregated graduate institutions and admitting black students to their beloved state universities. Holding graduate schools in high esteem, Houston strategically saw higher education as a starting point for the campaign. Additionally, Houston rationalized that if black students had access to higher education they would then turn into leaders committed and trained to fight for the race as a whole. Thus, it is recognizable why Houston favored addressing graduate and professional schools first in the campaign for educational equality.

The “Nonexistence” of Graduate and Professional Schools in the South

Above all, the NAACP desired to end the doctrine of “separate but equal” that prevailed throughout the Jim Crow South. History demonstrated that separate could rarely, if ever, be considered equal. Yet, it remained difficult to argue equality within the courts and among state legislatures. The area of graduate and professional schools offered a rare opportunity for the NAACP. In the South, graduate and professional schools for black students were completely nonexistent, which invalidated the principles behind the “separate but equal” doctrine. Houston and the NAACP believed that the absence of graduate schools and the exorbitant cost of creating

³³ Tushnet, *NAACP's Legal Strategy*, p. 28.

segregated equal institutions would force the states into capitulating and perhaps accepting integration.

The question, though, was where in the South would the NAACP look to find plaintiffs and bring cases to court? Houston figured that the Upper South states presented the best opportunity for success and being from the Washington, D.C. area Charles Houston was familiar with region's political and social characteristics. States such as Virginia, Maryland, and Missouri were culturally southern but were not exact replicas of their Deep South counterparts. The Upper South states enforced a greyer interpretation of segregation and possessed a conflicted cultural personality. In his scholarship on working class politics in St. Louis, Clarence Lang writes that St. Louis was "a site of political convergence and contradiction between the [North and the South]."³⁴ Segregation in St. Louis, illustrative of other Upper South cities, was described as "unevenly applied... [and] in those arenas in which segregation was either law or custom, it was applied strictly and rigidly."³⁵ Lucile Bluford highlighted this uneven nature when she explained she did not enjoy the Jim Crow streetcars in Atlanta yet she returned to Kansas City, Missouri and fought an adamantly segregated university system.³⁶ Simplistically, the characterization of St. Louis can be broadly applied to many of Upper South cities and states. These states maintained a "southern" temperament but due to their location, a hodgepodge of ideological demographics, and their economics they could not be considered fully southern in

³⁴ Clarence Lang, *Grassroots at the Gateway: Class Politics and Black Freedom Struggle in St. Louis, 1936-1975*, (Ann Arbor, MI: University of Michigan Press, 2009), p. 9.

³⁵ Joseph Heathcott, "Black Archipelago: Politics and Civic Life in the Jim Crow City," *Journal of Social History* 38, no. 3 (Spring, 2005): 710. Accessed March 30, 2015. <http://www.jstor.org/www2.lib.ku.edu/stable/3790652>.

³⁶ Lucile H. Bluford, interview by Fern Ingersoll, May 15, 1989, Kansas City, transcript, p. 31, Women In Journalism oral history project, Washington Press Club, Washington, D. C.

nature. The legal, political, and social situation provided the NAACP just enough leeway that the leadership foresaw potential success.

Specifically with regard to graduate schools, the accompanying educational policies embodied this conflicted but predominantly southern attitude toward segregation. Some states in the Upper South provided scholarships to black students wanting to study at a graduate level. These scholarships provided funds for the black students to go to other state schools—mainly adjacent northern states—that admitted black students. The funds were consistently exhausted and students were often turned away, effectively denying them of any educational opportunities beyond undergraduate education in segregated state schools. Despite the funding problems, the Upper South attempted at least on paper to play by the rules laid down by *Plessy v. Ferguson* unlike their counterparts in the Deep South.

The complicated nature of the Upper South states' handling of graduate education provided the perfect opportunity for the NAACP to push qualified plaintiffs into state universities under the guise of equalization. The halfway attempt to comply with *Plessy v. Ferguson* muddied the legal waters and thus presented legal opportunities to expose deep hypocrisy and contradictions instead of attempting to fight absolutism in the Deep South. For Houston and the NAACP, the Upper South and its graduate education system represented the most strategic, economic, and prosperous route to achieving their goals.

Murray v. Maryland

In 1934, Alpha Phi Alpha—Charles Houston and Thurgood Marshall's fraternity—was in the process of conducting a search for a plaintiff to test the University of Maryland and its exclusion of black students. Initially, Houston and Marshall were not involved in this legal battle. Belford V. Lawson Jr., fraternity's assistant general counsel, was spearheading the case.

Marshall, however, doubted the legal aptitude and ability of Lawson. Aware of his fraternity brother's apprehension, Lawson invited Marshall to a strategy meeting in an attempt to include him, ease his fears, and garner NAACP support for the fraternity-led legal case. Unimpressed and still concerned, Marshall refused to support the fraternity's case and planned with Houston to take over the pending action against the University of Maryland.³⁷ However, both groups still needed a plaintiff.

Lawson and Alpha Phi Alpha found nine potential plaintiffs from which to choose—all of whom had been denied admission to the University of Maryland because of their race in the years 1933 and 1934. Quickly after his meeting with Marshall, Lawson identified Donald Gaines Murray as the best choice for a successful plaintiff.³⁸ Donald Gaines Murray—a 1934 graduate from Amherst College—was considered academically qualified and well suited for potential legal action.³⁹ Confident, Lawson prepared his arguments under the assumption that Murray would be *his* plaintiff and that the fraternity would continue without NAACP support. However, Marshall and Houston quickly took over the case and represented Donald Murray, effectively excluding Lawson and the fraternity from their own efforts.⁴⁰ Houston and Marshall did not fully trust their fraternity to execute a legal case effectively. However, the two's familiarity with Maryland and their connection to Donald Murray—both he and Houston were alumni of Amherst College—made them feel comfortable with moving forward with the case.

The University of Maryland was the only institution of higher education in Maryland that offered an accredited legal education. To serve its black citizens, Maryland founded the Princess

³⁷ James, *Root and Branch*, p. 66-67.

³⁸ *Ibid.*, p. 67.

³⁹ "The University of Maryland Versus Donald Gaines Murray," *Journal of Negro Education* 5, no. 2 (Apr., 1936): 166-167, accessed March 24, 2015. <http://www.jstor.org/www2.lib.ku.edu/stable/2292154>.

⁴⁰ James, *Root and Branch*, p. 67-68.

Anne Academy in 1886. However, the NAACP and many of Maryland's black citizens considered the Princess Anne Academy wholly unequal. In addition, the Academy did not provide legal education. The NAACP's case in Maryland highlighted both the lack of graduate legal education and also the egregious unequal nature of all of Princess Anne Academy's programs—a reflection of segregated education throughout the state.

By 1935, Donald Murray had applied to the University of Maryland and was rejected based solely on him being black. In response, Houston and the NAACP brought Murray's complaint to state court on June 18, 1935 "in a relatively empty courtroom."⁴¹ The Maryland's black community and press approached the proceedings and results with "guarded optimism," a response that would mirror the Lloyd Gaines Supreme Court victory three years later.⁴² When the court proceedings began, the first twist occurred when Thurgood Marshall—commonly believed to be the chief counsel of the Murray case—rose to ask for *pro hac vice*, "for this particular occasion."⁴³ Marshall planned for Houston—a member of the D.C. bar—to try the Maryland case but Marshall needed permission to do so. The permission was granted and the case began with Houston leading the NAACP's arguments.

Surprisingly, Judge Eugene O'Dunne—a generally sympathetic jurist—first asked the assistant attorney general, Charles T. LeViness III, if Murray had been denied solely based on his race. LeViness conceded that the University of Maryland did in fact deny Murray based on his race.⁴⁴ This concession erased the need for the hours of Houston and Marshall's preparation both of who anticipated lengthy arguments centering on their plaintiff's academic

⁴¹ McNeil, *Groundwork*, p. 139.

⁴² Bill Weaver and Oscar C. Page, "The Black Press and Drive for Integrated Graduate and Professional Schools," *Phylon* 43, no. 1 (1st Qtr., 1982), p. 20.

⁴³ James, *Root and Branch*, p. 68-69.

⁴⁴ *Ibid.*, p. 69-70.

and personal merits. In effect, the concession simplified the case without much effort. Maryland relied on the fact that there had been appropriations for scholarships for black students to study elsewhere. However, Houston easily pointed out that “the state created them only after Murray’s application was rejected.”⁴⁵ Continuing on, Houston and Marshall criticized the Maryland officials by elaborating on how decrepit the Princess Anne Academy accommodations and facilities were and how grossly unequal Maryland’s segregated education was across all educational levels. The strength of the NAACP’s argument combined with little evasion by state officials made the decision by Judge Eugene O’Dunne relatively easy. The judge issued a writ of mandamus obliging the University of Maryland to admit Donald Gaines Murray to its School of Law.

The victory in *Murray v. Maryland* was tremendous for the NAACP. The NAACP’s first real attempt to test a state university to equalize or to integrate a graduate school had gone seamlessly. The Baltimore *Afro-American* summed up Maryland’s weak defense in an editorial title, “Md. U. Defended Lily-White Policy with Wooden Guns.”⁴⁶ The ease in which the NAACP had stormed the castle would not be indicative of future battles in other states.

The NAACP did not independently find the plaintiff and develop its case. The conflict between the NAACP and the fraternity led to intra-politics among the organizations that depended on one another. Future cases would not be void of politics but these politics were often contained within the NAACP leadership structure. Moreover, Maryland was too slow to implement its stalling legislation—out-of-state scholarships. The attempt by Maryland to create such legislation, albeit too late, foreshadowed legislation created by other state universities and

⁴⁵ Ibid., p. 71.

⁴⁶ “Md. U. Defended Lily-White Policy with Wooden Guns.” *Afro-American (1893-1988)*, June 22, 1935. <http://search.proquest.com/docview/531079689?accountid=14556>.

legislatures who desired to slow the NAACP's legal action and success. Lastly, the decision was only an individual mandamus decision in a state court. It did not contain a national precedent or decide on established Maryland laws governing segregation. The decision simply stated that because there was no other option available to Murray—segregated or integrated options—he must be admitted. If there had been established segregated options in Maryland, the case may have taken a similar, complicated path of the Gaines and Bluford cases. Ironically, to be the most effective the NAACP needed to lose multiple times in order to appeal to federal courts. Despite the shortcomings hidden within the decisive victory, *Murray v. Maryland* was significant in boosting the NAACP's hopes and providing it with a glimpse as to how its opponents would respond.

The Interconnected Histories of Lloyd Lionel Gaines and Lucile Harris Bluford

Maryland proved to be the first successful testing ground for the NAACP's legal strategy in the campaign for educational equality. However, efforts to cultivate other potential challenges following the Murray decision were surprisingly difficult though, one plaintiff—and later another—in Missouri stepped forward and thus Missouri became the next NAACP civil rights battleground. Those two plaintiffs were Lloyd Lionel Gaines of St. Louis and Lucile Harris Bluford of Kansas City. This thesis seeks to explore the interconnected histories surrounding the two plaintiffs, their respective legal cases, and their place in the national NAACP legal strategy.

At the present, the literature exploring the legal cases of Gaines and Bluford is extraordinarily limited. Despite many scholars declaring the Gaines victory—*Gaines v. Canada*—one of the most important civil rights victories of the 1930s, development of the two Missouri cases' narrative, the strategy involved, and the scholarly interventions are minimized to a few pages in wider histories of the time period. This inadequate development of the Gaines

narrative is easily outdone by the almost complete exclusion of Lucile Bluford, who followed Gaines and was the first person to test Gaines' U.S. Supreme Court precedent. However, the scholars who have delved into both of the narratives of Lloyd Gaines and Lucile Bluford are significant contributors to this thesis. The lack of scholarship warrants further investigation, development, and interventions into the civil rights and NAACP literature. In the three chapters of this thesis I will attempt to fill some of the void in the scholarship of the NAACP's Missouri plaintiffs. Additionally, I will intervene with regard to the need to frame the two narratives as one, interconnected history in the campaign for educational equality.

In the first chapter, I will better develop the Lloyd Gaines narrative. Utilizing the limited resources, I will develop the narrative of Gaines' early life and college years that led up to his disappearance. While not directly related to his legal case and the NAACP, Gaines' early life and time in college undergird a new understanding of the challenges Gaines faced and, ultimately, what can be concluded about his fate. Following this exploration, I will develop the narrative surrounding Gaines' attempt for admission to the University of Missouri and his subsequent NAACP supported legal case. Drawing from primary and secondary sources, I will explore the initiation of Gaines' attempt, the local support, the NAACP's strategy, Missouri's strategy and responses, the court proceedings and results, and the victory's significance.

In the second chapter, I will focus on Lucile Bluford. Due to Lucile Bluford's rise to prominence as a journalist, much of her early life has been documented. However, I will frame her early life as a foreshadowing of her life-long fight against inequality, with an emphasis of the years leading up to her legal case. Bluford's time at the University of Kansas, her work with *The Kansas City Call*—Kansas City's premier black newspaper—and her NAACP involvement contribute to making Bluford an ideal plaintiff for the NAACP; one drawn to the NAACP's work

and someone who despised injustice. Following Bluford's biographical narrative leading up to her attempt for admission at the University of Missouri, I will explain how Bluford became interested in testing the Gaines' precedent and how the NAACP transitioned between the Gaines and Bluford legal challenges. Tracing the subsequent court proceedings, I will demonstrate how the NAACP, the state of Missouri, and the University of Missouri adapted since *Gaines v. Canada* proceedings and the U.S. Supreme Court decision. I will also show how the NAACP argument shifted to equality as the University of Missouri and the Missouri State Legislature willingly provided segregated graduate schools. Lastly, Bluford's history along with the Lloyd Gaines narrative is the basis from which I argue how the legal cases need to be historically framed.

In the third chapter, I present my central argument that within the context of the NAACP strategy and on multiple interconnected levels the historical narratives of Lloyd Gaines and Lucile Bluford need to be framed as one interconnected, dependent history. This historical framework will better develop the understanding of the NAACP decision to use multiple lawsuits against the same university in order to make compliance with the "separate but equal" doctrine with regard to graduate education fiscally irresponsible.

I will support the overarching argument by demonstrating the connection between Lloyd Gaines and Lucile Bluford on three levels: a personal level, the connection of the individual legal cases within the context of Missouri, and in the national NAACP legal strategy. Beyond the relationship of the Gaines and Bluford narratives to the larger legal campaign, the two plaintiffs and their cases are intrinsically linked by Bluford's admission that she was inspired and curious to test the University of Missouri because of the Gaines victory—which fulfilled the strategic premonition of many NAACP leaders. The second level of connection lies within the actual

cases on the state level. The two legal actions viewed together show continuity and an evolution of thought and action by the same legal teams. Furthermore, the interconnected nature of the two cases was perfectly encapsulated during the year of 1939 and its events, which affected Missouri as a whole. I will argue the Gaines and Bluford cases intersect and are historically dependent on one another. On a larger scale, the two were critical and the first pair of plaintiffs to test and further develop the NAACP's national strategy of overwhelming state universities with litigation, expanding demands for integration, and forcing costly equalization legislation. Simply put, the two legal cases were connected on multiple levels that demonstrate significance beyond the simple understanding of individual cases.

Lloyd Gaines' victory in the United States Supreme Court was monumental for the future legal successes of the NAACP. However, understanding the Gaines victory in terms of what came next is vital to the broader civil rights struggle of the era. Thus, it is imperative to view *Gaines v. Canada* and *Bluford v. Canada* as one interconnected history because of the personal influence of the plaintiffs, the evolution of both the cases in the context of Missouri, and the impact of the cases' dual nature within the broader NAACP legal strategy for the campaign for educational equality.

Chapter 1

Setting the Precedent: Gaines v. Canada

Regarded as one of the most influential civil rights victories of the 1930s—if not the most influential—*Gaines v. Canada* set the first national precedent in the campaign for educational equality. Initiated by a young man named Lloyd Lionel Gaines and supported by the St. Louis NAACP branch as well as the national NAACP organization, the victorious case and the precedent provided a critical laboratory for testing states and state universities' policies regarding segregation. The precedent and momentum gained by the victory would be tested by Gaines' mysterious disappearance in 1939. However, the legal and strategic significance of *Gaines v. Canada* would be lasting and in turn dramatically affected Lucile Bluford and her legal case—*Bluford v. Canada*—that followed *Gaines v. Canada*.

Scholarship regarding *Gaines v. Canada* and Lloyd Gaines' story is widespread but not substantial, despite the notoriety of the case. In this chapter, I build a fuller narrative and picture of Lloyd Gaines—though knowledge of his personal life is not extensive—the NAACP's strategy for the case, the court proceedings, the University of Missouri's dialogue on the case, and *Gaines v. Canada*'s significance in the wake of the *Murray v. Maryland* victory. This chapter will explore many nuances and details that highlight the significance of Lloyd Gaines and his legal case in the national campaign for educational equality.

Gaines' personal life provides insight into the type of plaintiff the NAACP wanted and gives clues as to his fate, which is still unknown today. Additionally with a more in-depth narrative and analysis of *Gaines v. Canada*, one can better understand that Lloyd Gaines and his attempt to integrate the University of Missouri are not just a footnoted victory but rather demonstrative of the larger NAACP legal strategy. The conversations, correspondence, and

proceedings of the case show evolving strategies and responses by the NAACP and the defending state universities. The narrative development and analysis of Gaines will provide a basis which I will connect to the succeeding Missouri legal case—*Bluford v. Canada*—creating a historically valuable link between the two interconnected histories. Explanations and evidence of this connection will further illuminate the larger strategy and framework of the NAACP’s legal campaign.

“Mississippi to St. Louis”

Lloyd Lionel Gaines was born the seventh son to Callie and Henry Gaines in 1911 in Water Valley, Mississippi outside of Oxford. By the time Gaines reached the age of four his family was reduced from thirteen members to eight members due to “sickness and accident.” The losses included his father, who had been a rural schoolmaster but then turned to tenant farming to support his family.⁴⁷ Throughout the tumultuous times, the Gaines family continued to live in Mississippi for a number of years. In 1926, when Gaines was fifteen, the family—now consisting of Callie Gaines and five children—moved to St. Louis where the family’s two oldest sons were living. The move made the Gaines family “a part of the great ex[o]odus of Negroes from the rural South to northern cities during the decade following the close of the World War.”⁴⁸ Lloyd Gaines, in his biographical sketch written for the NAACP, explained that unlike others he was proud to be from the country, especially Mississippi. In Gaines’ mind, the move from rural to urban “serve[d] to elevate one’s ambitions, broaden his general perspective, and to

⁴⁷ Lloyd Gaines, biographical sketch, folder 001509-014-0267 in Papers of the NAACP, Part 03: The Campaign for Educational Equality, Series A: Legal Department and Central Office Records, 1913-1940, (Library of Congress 2012).

⁴⁸ *Ibid.*

give him a better understanding of life, its opportunities and limitations.”⁴⁹ Lloyd Gaines would fully experience the opportunities and limitations of life as a young ambitious black citizen.

In St. Louis, Gaines arrived as a fifteen year old who had only completed a “rural” sixth grade education and was placed in the fifth grade “as a matter of policy.”⁵⁰ Undaunted by the setback, Gaines rapidly progressed through the St. Louis “urban” education system and reached his appropriate grade level. Once arriving at Vashon High School, Gaines excelled academically while working at the same time to help support his family. Vashon High School—established one year after the Gaines family arrived in St. Louis—was built in response to demands from black citizen councils. Black St. Louisans had another high school, Sumner High School, but northern migration by southern blacks caused severe overcrowding.⁵¹ The Black St. Louisans’ demands that resulted in the construction of Vashon High School underscored the civic organizations working on the ground in St. Louis and the willingness of white authorities to at least entertain the demands of black citizens.

During high school, Gaines flew through his academic work in excellent fashion. Gaines participated in the school paper and was a leader in the Honor Society, Student Council, Public Speaking Club, Debate Team, and Mathematics Club. In addition to his schoolwork and activities, Gaines worked five hours “every evening after school...as [a] delivery boy for a drug store.” The need to work through school dated back to grammar school when Gaines worked as a newspaper delivery boy to assist his family.⁵² Gaines’ financial limitations and difficulties

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Melanie Alicia Adams, "Advocating for Educational Equity: African American Citizens' Councils in St. Louis, Missouri, from 1864 to 1927" (PhD diss., University of Missouri-Saint Louis, 2014), introduction, accessed March 30, 2015. ProQuest Dissertations & Theses.

⁵² Lloyd Gaines, biographical sketch, folder 001509-014-0267 in Papers of the NAACP, Part 03: Series A.

were present and persistent, though, at times, Gaines' brother Milton and George aided him as went through his education.⁵³ His work ethic and the related, built-up financial frustration would come to a head in Gaines' final correspondence.

Graduating as the valedictorian in 1931 after just three years at Vashon, Lloyd Gaines looked to higher education. After receiving a scholarship, Gaines enrolled in Stowe Teacher's College in St. Louis and studied there for a year. There, Gaines was a member—not a leader like most of his other activities—of the Junior NAACP.⁵⁴ This is the only concrete evidence that Gaines was involved with the NAACP before his legal case and when he finally was placed on the membership rolls in March 1936. After a year at Stowe College, Gaines transferred to Lincoln University—the historically black college located in Jefferson City, Missouri—where he studied history. Gaines' experience of opportunities and limitations would be no different in Jefferson City.

At Lincoln, finances always were on Gaines' mind. In a letter to his brother George during his final semester, Gaines strategized as to how to pay for his books and discussed how working made it difficult to achieve good grades.⁵⁵ Gaines continued to work throughout his college education both at Stowe College as a pharmacy's deliveryman and at Lincoln University where he worked for a private family.⁵⁶ Despite the constant financial constraints and stresses, Gaines graduated in 1935 as an honors student, the Senior Class President, and a member of

⁵³ Lucile H. Bluford, "The Lloyd Gaines Story," *Journal of Educational Sociology* 32, no. 6 (Feb., 1959): p. 242. Accessed January 5, 2015. <http://www.jstor.org/www2.lib.ku.edu/stable/2264785>.

⁵⁴ Lloyd Gaines, biographical sketch, folder 001509-014-0267 in Papers of the NAACP, Part 03: Series A.

⁵⁵ Lloyd Gaines to George L. Gaines, February 13, 1935, in *Lloyd L. Gaines Collection*, (University of Missouri Digital Library).

⁵⁶ Lloyd Gaines, biographical sketch, folder 001509-014-0267 in Papers of the NAACP, Part 03: Series A.

Alpha Phi Alpha—Charles Houston’s fraternity.⁵⁷ Seeking further educational training and following his long-term career goal, Gaines decided to become a lawyer. Gaines, however, wanted to attend law school *in Missouri* where black citizens were barred from the University of Missouri and there was no separate legal training available for black citizens.

In its quest to integrate graduate education, the NAACP in its quest to integrate graduate education vetted plaintiffs to ensure airtight legal cases, as Charles Houston and the central NAACP leadership did not want to waste time, funds, and insinuate a conspiracy to upset the Southern status quo. This strategy required qualified, willing, and sympathy-worthy plaintiffs. Lloyd Gaines fit the model and was recruited to the NAACP efforts in Missouri. Gaines’ background—a poor migrant who had achieved much despite his financial struggles—contributed to a sterling image of a successful, hardworking, young man limited in opportunities because of systemic racism. This type of background, image, and reputation, was one the NAACP wanted to capitalize on in the courts and in public opinion.

Though details regarding Lloyd Gaines’ personal life and upbringing are not exhaustive, the surviving documents and evidence assist in explaining some crucial aspects related to his legal case and disappearance. Dating back to their time in Mississippi, the Gaines family struggled financially and the parents had been limited to a rural schooling. Gaines was not listed on the NAACP membership rolls until March 5, 1936, months after his first attempt for admission.⁵⁸ His only known involvement with the NAACP before the legal case was as a Junior NAACP member at Stowe College. Preoccupied with work and school, Gaines seemed to have little time for substantial activist work, though, it would be wrong to assume he was

⁵⁷ Lucile H. Bluford, “The Lloyd Gaines Story,” p. 242-243.

⁵⁸ St. Louis NAACP Membership Report, March 2, 1936, folder 001427-017-0519 in Papers of the NAACP, Part 12: Selected Branch Files, 1913-1939, Series C: The Midwest (Library of Congress 2012).

oblivious to the NAACP work being done around him. It also appears his widowed mother was not tapped into or active in St. Louis activist circles, especially with the NAACP where she never appeared on the membership rolls throughout the Gaines case.

Over time, the true motives of NAACP plaintiffs have been unearthed and there is great amount of variation between the plaintiffs. At the time nearly every one of the plaintiffs maintained the same stated motivation: to attend graduate school and further their education. However, Lloyd Gaines' background suggests that he probably did want to attend graduate school thus not feeding into the widespread argument of an NAACP conspiracy, which asserted the NAACP and its plaintiffs had no intention of actually attending graduate school but only desired to integrate and disrupt the segregated Southern tradition.

Additionally, Lloyd Gaines' financial background underscores some details and suggests some conclusions regarding his fate. It is well documented that Gaines struggled financially. Near the end of his legal case, Gaines was upset that he could not find work and a sense of stability despite his sacrifices for the black race. His family's financial troubles and his own work history suggest that Gaines' concerns and complaints around his disappearance were deep-seated and not the result of one dramatic event.

Lloyd Gaines' early life paints a personal picture of an NAACP plaintiff who has become somewhat legendary and overshadowed by his disappearance. Better understanding Lloyd Gaines as a person and his background shines light on two themes. First, Lloyd Gaines' life was not easy, especially financially. Combined with the stress of the national attention, Gaines' finances became a major topic of discussion and a point of stress, which can be argued, contributed significantly to his disappearance. Secondly, Gaines' background and educational goals indicated that perhaps Gaines' motives were more than likely pure in applying for

admission to the University of Missouri. This contrasts with the prevailing argument that the NAACP recruited plaintiffs not for the plaintiff's personal benefit but rather to force integration onto the state universities.

St. Louis and the Local NAACP Branch

Situated as one of the eight most populous African American urban centers, St. Louis' nickname as the "Gateway City" had unique implications with regard to race relations.⁵⁹ As a city in a border state, St. Louis was a site of cultural, political, and economic convergence. This convergence and social mixture created a complicated and conflicted society. Like other Upper South states and cities, black St. Louisans encountered a complex Jim Crow system similar to the Deep South but not as ubiquitous. In navigating this complicated segregated society though still extremely racist society, Black St. Louisans were, in some ways, afforded a type of social and political leeway unlike their southern counterparts. The black community—exemplified with the establishment of Vashon High School—took advantage of the limited freedom to improve their situation by pushing for changes, such as better accommodations, and more agreeable legislation. Similar to the reasoning behind the NAACP's preference for focusing on the Upper South states, St. Louis and Missouri had obvious strains of southern culture but the southern characteristics were not all encompassing.

One of the building blocks of St. Louis' black community was the growth of the local NAACP branch. Located in one of the most populous black American cities, the St. Louis NAACP possessed the people and resources to draw from in order to build a nationally recognized and influential local branch. As the NAACP sought out plaintiffs to test segregation

⁵⁹ Lang, *Grassroots at the Gateway*, p. 18.

at graduate schools, St. Louis branch's strength and support became a key component of the NAACP's coordination and strategy in Missouri.

In 1935, the St. Louis NAACP leadership was concentrated in the hands of two lawyers: Henry Espy, the local president, and Sidney Redmond, the Chairman of the Executive Committee.⁶⁰ In the years before and after the start of the Gaines legal proceedings, the St. Louis branch was active in pursuing legal cases in St. Louis, organizing the 1935 national NAACP convention, and growing its membership. The national NAACP office also depended on the St. Louis branch to help start and advise smaller Missouri branches such as the one in neighboring St. Charles, Missouri.⁶¹ In a 1936 letter to the national NAACP office, William Pickens—the legendary NAACP orator and director of branches—commended the St. Louis branch leadership for their work and impressed that with “Redmond [the NAACP has] a National Director who is taking a leading role in LOCAL branch and campaign.”⁶² For Houston and the NAACP, St. Louis fulfilled the basic prerequisite for their legal campaign: a strong local infrastructure, cooperative leaders, and Missouri's location in the Upper South.

Laying the Groundwork

Missouri, like most Upper South states, maintained a complex adherence to *Plessy v. Ferguson* in higher education employing evasive out-of-state scholarship programs and an adamant attitude to maintain the status quo. In order to lay the groundwork for success, the NAACP needed to understand the history, the laws, and the implementation of the scholarship

⁶⁰ Henry D. Espy to Roy Wilkins, July 13, 1935, folder 001427-017-0393 in Papers of the NAACP, Part 12: Series C.

⁶¹ Walter White to R.P. Watts, August 24, 1934, folder 001427-017-0256 in Papers of the NAACP, Part 12: Series C.

⁶² William Pickens to Walter White and Mary White Ovington, March 1, 1936, folder 001427-017-0519 in Papers of the NAACP, Part 12: Series C.

fund. The overarching goal of this process was to determine where in the process was it blatantly unequal and plan to attack that point.

In July 1935, Houston and the NAACP commissioned a report on Missouri higher education to be completed by St. Louis lawyer and NAACP leader, Sidney Redmond. Houston and the NAACP on the east coast wanted to know the details of how Missouri operated their supposed “separate but equal” higher education system by sending black graduate students out of state with financial assistance. Specifically, Houston desired information about legislation governing education, Missouri’s policies on the exclusion of black students, the demographics of the student body, the financial expenditures on higher education, and the facilities and salary distinctions between the University of Missouri and Lincoln University. Houston also required more information about Missouri’s scholarship program, such as the history of the program, unequal burdens placed on black students, the number of students rejected, and the extent of Missouri’s effort to advertise the program.⁶³ In short, Houston wanted to know everything and the extensive case files demonstrate this need to research, document, and study all aspects of potential cases.

When Redmond completed the report, he answered many of Houston’s questions and gave him the background knowledge of the local Missouri situation. It became clear that the NAACP needed to first address the scholarship program first in order to debate the next question—of whether or not segregated education was equal and break down that barrier. If Missouri did not provide graduate education but rather sent black students to adjacent, white state universities, it would be impossible for the NAACP to argue against Missouri since the state was simply providing scholarships not necessarily the actual education. The NAACP

⁶³ Houston to Redmond, memorandum, July 1935, folder 001509-014-0267 in Papers of the NAACP, Part 03: Series A.

needed to force Missouri to provide education—either segregated or integrated—to black students within the state’s borders in order to then prove Missouri segregated education system was inherently unequal.

Lloyd Gaines—The Plaintiff

Following the education report, Sidney Redmond and the St. Louis NAACP looked for qualified plaintiffs to test the University of Missouri. However, moving forward with many of these prospective plaintiffs proved difficult. Redmond’s letter to Charles Houston explaining that two Lincoln University students were supposed to come and start the process of filing an application to Missouri but “neither [showed] up,” exemplified the NAACP’s struggles.⁶⁴ However, ten days later on August 27, 1935, Redmond wrote Houston again and indicated they had found their client, Lloyd Gaines, who independently applied to Missouri one month earlier and was ignored. Now with Gaines as their plaintiff, the NAACP lawyers readied their strategy and plotted their course of action. Despite having convinced Lloyd Gaines to be his client, Sidney Redmond had concerns because Gaines was difficult to get ahold of in the process’ early stages and Redmond had already been let down by other students.⁶⁵ These concerns show an early sign of Gaines’ tendency to disappear for periods of time without contacting others.

The NAACP recruitment of Lloyd Gaines began a working relationship positioned to test Missouri’s policies on segregation. How this relationship actually came to be appears to constitute a slight historical debate. Sidney Redmond addressing Gaines in an interview simply

⁶⁴ Redmond to Houston, August 17, 1935, folder 001509-014-0267 in Papers of the NAACP, Part 03: Series A.

⁶⁵ Redmond to Houston, August 27, 1935, folder 001509-014-0267 in Papers of the NAACP, Part 03: Series A.

said that Gaines came to him and then they filed his application together.⁶⁶ Redmond explained further:

[Gaines] came to my office and talked to me about going to the University of Missouri. I said, “A man with your qualifications and ability ought to be an asset to the school. And if you really want to apply yourself and study, you should go. And all you need to do is to file an application.” And he says, “Well, now, what kind of application should it be?” And I just reached in my desk there and got out a postal card, you know, one of these stamped cards, and told him to write the registrar and ask him to send you an application blank.⁶⁷

Nathaniel (N.A.) Sweets, another St. Louis NAACP leader, later explained, in the late 1920s and early 1930s the St. Louis black community was creating many educational opportunities for young black students. For college students, Sweets said that he and others sent young people to Lincoln University because “[they] couldn’t get into the University of Missouri.” According to Sweets, he and Gaines had been close and when Gaines graduated from Lincoln Sweets encouraged him to apply to Missouri’s law school. Sweets also applied for the journalism program at the same time, a fact that would be used in the Bluford case.⁶⁸ The exact situation and setting in which Gaines was encouraged to be supported by the NAACP is somewhat

⁶⁶ Sidney Redmond, interview by Dr. Richard Resh and Franklin Rother, July 6, 1970, transcript T-0025, Black Community Leaders Project, State Historical Society of Missouri, Columbia, Missouri.

⁶⁷ Ibid.

⁶⁸ Nathaniel Sweets, interview by Dr. Richard Resh, July 20, 1970, transcript T-0023, Black Community Leaders Project, State Historical Society of Missouri, Columbia, Missouri.

unclear. However, it is apparent that local NAACP leaders were key to bringing Gaines into the fold as a plaintiff and then supporting his legal case.

Although the details of the connection between Gaines and the St. Louis NAACP are unclear, St. Louis NAACP stayed active in finding potential plaintiffs and was in communication with Lincoln University about this objective. Sidney Redmond and the St. Louis NAACP also developed a strong relationship with the national NAACP leadership, which was demonstrated when the national office tasked the St. Louis branch with hosting the 1935 national convention. The preparations and aftermath of the convention involved lengthy, thorough, and sometimes contentious communication between local and national leaders, intertwining the two groups even further. Charles Houston and Sidney Redmond—both alumni of Harvard Law School—appeared to have met in person numerous times such as at the 1935 National Bar Association convention in Nashville, Tennessee. Here, Houston gave a speech entitled “Proposed Legal Attacks on Educational Discrimination,” which was undoubtedly heard by many of the black lawyers in the Upper South such as Redmond.⁶⁹ These meetings furthered the two’s relationship and fomented more cooperation between St. Louis and the national office, especially with regard to the campaign for educational equality.

The First Application with the NAACP

On August 19, 1935, Gaines—with the support of Redmond, Espy, and Lincoln Professor Z. D. Lenoir—applied to Missouri’s Law School for a second time. To complete his application, Gaines also requested his credits from Lincoln University President Charles Florence, who told

⁶⁹ Charles Houston, speech, “Proposed Legal Attacks on Educational Discrimination,” folder 001422-035-0065 in Papers of the NAACP, Part 11: Special Subject Files, 1912-1939, Series B: Harding, Warren G. through YWCA (Library of Congress, 2012).

Henry Espy that “he would cooperate in everyway possible.”⁷⁰ In spite of having sent his credits, application, and a letter to the university’s registrar S.W. Canada—who became the primary defendant—Gaines did not hear back. The first correspondence in regards to his application to Missouri came from Charles Florence and Lincoln University. Florence expressed that he heard from officials at Missouri about Gaines’ application and was instructed to tell Gaines that he needed to apply for an out-of-state scholarship through Lincoln University.⁷¹ This correspondence demonstrates Missouri’s early and consistent strategy of evasion and shifting the burden onto Lincoln University and its leadership.

University officials and Missouri’s board of curators eventually responded to Gaines’ letters but did not give him a definite answer on his application. In keeping with ignoring Gaines, Missouri officials kept changing from whom Gaines might receive an answer. S.W. Canada wrote, “the member board Lincoln University [would] confer...about the matter.”⁷² George C. Wilson—a member of the university board of curators who also received a letter from Gaines explaining his situation—stated that Gaines’ application “is handled in the first instance by the administrative officers...I suggest, therefore, that you take the matter up through these channels.”⁷³ The NAACP and Gaines now received numerous suggestions as to how to go about inquiring about the status of Gaines’ application. It became evident that unlike Donald Murray’s

⁷⁰ Redmond to Houston, August 27, 1935, folder 001509-014-0267 in Papers of the NAACP, Part 03: Series A.

⁷¹ Charles Florence to Lloyd Gaines, September 23, 1935, folder 001509-014-0267 in Papers of the NAACP, Part 03: Series A.

⁷² S.W. Canada to Lloyd Gaines, September 18, 1935, in folder 001509-014-0267, Papers of the NAACP, Part 03: Series A.

⁷³ George C. Wilson to Lloyd Gaines, September 26, 1935, in folder 001509-014-0267, Papers of the NAACP, Part 03: The Campaign for Educational Equality, Series A: Legal Department and Central Office Records, 1913-1940.

situation in Maryland, Missouri officials were determined to employ evasive tactics and communication at every possible turn.

Preparing for Court

With Gaines' application held with no official decision, the NAACP contemplated potential legal options to alleviate the situation. Houston and the local lawyers simply wanted to know if Gaines was to be admitted or not. As explained before, Charles Houston wanted to know everything about his potential legal cases. This all-encompassing caution and patience was a part of a more concerted strategy by Houston and the NAACP. Suspecting legal challenges to begin immediately, the states often did not elaborate on the reasons behind the rejections since many did not receive applications from black students. Relatedly, Houston "[was] not anxious" to rush the cases since he felt waiting and preparing "an air-tight case" would "[give] the state much more concern." Prolonging the waiting period and eliciting more elaboration by university officials would provide Houston with more legal ammunition in court. With regard to Gaines, Houston relayed to Redmond that he wanted more students to apply to different graduate schools, more information regarding the available scholarships, and suggested that they may need to prepare for when Missouri might try to provide separate graduate education—a potential evolution from the Maryland case.⁷⁴ With Houston's background and experience, complete and total preparation was considered an absolute necessity to move forward with any legal action. The Gaines case was no exception.

"A long, hard fight"—Filing *Gaines v. Canada*

On January 24, 1936—nine days after Maryland's highest court of appeals affirmed the decision to issue a writ of mandamus admitting Donald Murray to the University of Maryland—

⁷⁴ Houston to Redmond, October 4, 1935, folder 001509-014-0267 in Papers of the NAACP, Part 03: Series A.

Sidney Redmond and Charles Houston traveled to Columbia, Missouri to file suit against university registrar, S.W. Canada, on behalf of Lloyd Gaines.⁷⁵ When they arrived Judge W.M. Dinwiddie appeared “surprised” and tried to direct them to the State Supreme Court as a suit in Columbia “would cause local resentment and make [the] community boil for awhile.” Houston and Redmond pointed out that no matter what the outcome of the case, each side would appeal the decision.⁷⁶ The two lawyers sought specific action with regard to Lloyd Gaines’ application to Missouri, which was languishing without a decision from the University of Missouri administrative officials. Houston and Redmond made clear that the suit “[would] not affect the undergraduate colleges of the University of Missouri nor Lincoln University [because] it [was] directed at graduate and professional schools.” In the petition, Houston and Redmond argued that there was no separate but equal educational system when there was only one segregated law school in the state. The NAACP lawyers cited the recently won *Murray v. Maryland* case and the absence of a dramatic impact with the admittance of a black student as preliminary reasons why Gaines should be admitted.⁷⁷ The NAACP wanted to ease fears of its more, guarded and wide-reaching goals by clearly articulating it only wanted to focus on graduate schools.

After the initial petition for a writ of mandamus, Charles Houston began reaching out for support such as to the black press and white allies. With only one plaintiff, the NAACP needed all the support in Missouri it could gather for the upcoming proceedings. Throughout the fall of 1935 and the early part of 1936, the NAACP discovered a few white students and faculty at

⁷⁵ Memorandum for Time, 1935, folder 001509-015-0315 in Papers of the NAACP, Part 03: Series A.

⁷⁶ Memorandum re Lloyd L. Gaines vs. S.W. Canada, Registrar, U. Mo., January 24, 1936, folder 001509-014-0884 in Papers of the NAACP, Part 03: Series A.

⁷⁷ Henry Espy, Charles Houston, and Sidney Redmond, “Statement in re State of Missouri ex rel. Lloyd L. Gaines v. S. W. Canada,” January 24, 1936, folder 001509-014-0382 in Papers of the NAACP, Part 03: Series A.

Missouri willing to foment sympathy and support. Charlie Spencer, the most prominent student who communicated with Houston, wrote to Sidney Redmond after the mandamus suit was filed. Spencer informed Redmond that everyone was aware of Gaines' pending legal suit and everyone at Missouri had developed an opinion—some “sympathetic, but more are openly hostile.”⁷⁸ Houston and the NAACP anticipated this would be the reality but the sympathy of some indicated their decision to begin in the Upper South was strategically sound.

University of Missouri's Preparations and Collusion

When Lloyd Gaines first applied to the University of Missouri, the Law School's Dean—William Masterson—prepared a memorandum on the admission of black students to the University of Missouri. Masterson worked through the legality of excluding a student based on his race. First, Masterson argued that “no official action ha[d] been taken excluding negroes from the University” despite the exclusion and denial being a tradition and a “matter of policy”—the excuse Donald Murray faced in Maryland. Because of the lack of official legislation or rules, Masterson concluded plainly, “a negro is entitled of the right to be admitted to the School of Law.” To answer the question as to whether or not excluding students based on their race violated the Fourteenth Amendment, Masterson bluntly wrote, “the answer is yes.” Masterson clearly viewed Missouri's position as a violation of the law. In the memorandum, he would offer his ideas to alleviate the potential legal trouble by suggesting Missouri give the Lincoln University Board of Curators more authority to establish new schools. With such a change, Missouri—the university and the state government—would be in a much better position

⁷⁸ Charlie Spencer to Sidney Redmond, February 2, 1936, folder 001509-014-0382 in Papers of the NAACP, Part 03: Series A.

than Maryland who limited the Princess Anne Academy's powers.⁷⁹ Masterson in his assessments was brutally honest to Missouri's university administration. Missouri needed to act—both legally and legislatively—to maintain its segregated tradition.

From the outset, officials at Missouri knew they could be in potential legal trouble. President Frederick Middlebush forwarded this memorandum to a number of state senators early on to hopefully find a legislative solution to prevent any change to the current segregated system. W.S. Hogsett, Missouri's counsel, and President Middlebush recognized that preparing more options than simply hoping to win their legal case was critical. The intrastate correspondence show that these thoughts were on the mind of the major people involved in the Gaines and Bluford cases.

Relatedly, the University of Missouri Papers indicate a clear collusion between university officials, state senators, and the presiding judge, W.S. Dinwiddie. In letters written to various state senators, President Middlebush indicated that the university tapped Nick Cave—a State Senator and attorney from Columbia—to be one of its counselors. Middlebush spoke with Senator Cave who “agreed informally to discuss this matter with Judge Dinwiddie and see to it that the University's interests are protected at every point.”⁸⁰ The collusion of university officials and Judge Dinwiddie did not shock Sidney Redmond who believed that “[Judge Dinwiddie was] working with the officials of the University of Missouri.”⁸¹ To some degree, the NAACP's case in Columbia—both for Gaines and Bluford—was doomed from the start due to

⁷⁹ William Masterson, memorandum on Lloyd Gaines, box 2582, folder 2594, University of Missouri, President's Office Papers, Admission of Negroes, Lloyd L. Gaines Case, State Historical Society of Missouri.

⁸⁰ Frederick Middlebush to Frank David, January 24, 1936, box 2582, folder 2594, University of Missouri, President's Office Papers, Admission of Negroes, Lloyd L. Gaines Case, State Historical Society of Missouri.

⁸¹ Redmond to Houston, March 12, 1936, folder 001509-014-0382 in Papers of the NAACP, Part 03: Series A.

this collusion between the University of Missouri, the legislature, and the courts. The collusion also demonstrated how much was stacked against any potential NAACP plaintiff and case.

Expanding the scope of the situation to outside of Missouri, President Frederick Middlebush started a chain of correspondence between other leaders at Upper South state universities such as Kentucky, Tennessee, Virginia, West Virginia, and Maryland. Having just lost to the NAACP, Maryland's Dean, Roger Howell, was "only to happy to talk with [Middlebush] about this problem" of black students applying to segregated universities.⁸² This collaboration shows the evolution of responses by the Upper South state universities was not disjointed but rather seamless and conscientious. Therefore, when understanding how the NAACP's legal campaign progressed, it is critical to make strong links between individual legal cases in order to see how universities responded and adapted to each legal case across the country.

The First Denial and Filing of the Second Writ of Mandamus

While the first mandamus proceeding was pending, the Missouri Board of Curators rejected Gaines' application on March 27, 1936. The action taken by the board effectively voided the first mandamus suit, which asked for a decision on Gaines' application. The University of Missouri now had officially denied Gaines. Compelled by the deliberate action of the board of curators, Houston moved quickly in order to file for another writ of mandamus asking for Lloyd Gaines to be admitted immediately to Missouri. Houston saw Missouri's denial as a violation of failing to provide equal opportunity in education despite the university's contention that the scholarship program satisfied that requirement. Houston specified "the issue

⁸² Roger Howell to Frederick Middlebush, February 7, 1936, box 2582, folder 6111, University of Missouri, President's Office Papers, Admission of Negroes, Other Segregated Schools, State Historical Society of Missouri.

[was] now squarely on the race question” but instructed the St. Louis lawyers to not mention race and wait for an answer, which would confirm their suspicions.⁸³ Following instructions, Redmond and Espy filed a mandamus suit on April 15, 1936 in Boone County Circuit Court seeking to immediately admit Gaines into the University of Missouri Law School.

In a response to the petition for the writ of mandamus, the University of Missouri lawyers argued interestingly that Lloyd Gaines was not a taxpayer since he had no substantial income or property. The Missouri lawyers argued as well that Gaines was not academically qualified for admission to Missouri’s Law School because Lincoln University was not an accredited university in the view of Missouri’s administration. The University of Missouri’s counsel—led by W.S. Hogsett of Kansas City—put forth a complete denial explaining that any claims put forth by Lloyd Gaines and his counsel were not true or the arguments that Missouri based its case on were not illegal. Missouri’s lawyers also depended on the state constitution and the out-of-state scholarships—available to black students seeking graduate training in adjacent states—to justify its position. The arguments were surprising because some of them essentially validated the NAACP’s argument that Lincoln University was unequal to that of the University of Missouri and Lincoln University was incapable of providing such an equal graduate education to black students. The contentions made by Missouri’s counsel are puzzling today but were strategic and pragmatic at the time since the realistic burden rested on Gaines and the NAACP to prove their claims.

Gaines’ First Deposition

Prior to the first Gaines trial, W.S. Hogsett took Lloyd Gaines’ deposition to prepare Missouri’s central arguments. The deposition indicated Hogsett planned to present his

⁸³ Houston to Redmond, April 4, 1936, folder 001509-014-0382 in Papers of the NAACP, Part 03: Series A.

arguments in dramatic fashion and was aware of the NAACP's nationwide campaign. Primarily, W.S. Hogsett worked hard to get Lloyd Gaines to admit to having the NAACP orchestrate his legal case. Hogsett wanted Gaines to admit that he was being used to try to integrate the University of Missouri and did not actually desire to attend graduate school. Gaines held firm, stating that the legal case was his idea and that he had limited knowledge of the other legal cases taking place across the country. Hogsett pointed out that Gaines did not list Lincoln University in his application—an important point as Lincoln University was not listed as one of the 53 accredited universities accepted by Missouri university officials. By using this point, Hogsett suggested that Gaines knew that he was to be denied but applied anyway because he was a NAACP pawn in its campaign for educational equality.

Throughout the deposition, Hogsett intensely questioned Gaines and led him through the process Missouri's lawyers and administration thought Gaines was supposed to take: apply at Lincoln University, ask for law education, and to understand the University of Missouri was an all-white institution and would never accept black students. Gaines, under intense pressure, was steadfast with his insistence that he applied to Missouri's Law School because he wanted to study law in the state of Missouri and that the only option for law training through Lincoln University was an out-of-state scholarship.⁸⁴ The deposition is surprising considering much of what Hogsett was trying to draw out of Gaines would not be used until the Lucile Bluford proceedings in the years following. Not using the conspiracy arguments also points to the conclusion that Gaines' intentions were pure enough that the defense chose not utilize the argument in the proceedings. Hogsett centered his arguments on the scholarship provisions

⁸⁴ Lloyd Gaines Deposition, examination by W.S. Hogsett, May 27, 1936, folder 001509-014-0422 in Papers of the NAACP, Part 03: Series A.

available at Lincoln University and other points of qualification not the NAACP conspiracy and Gaines' supposed bad faith in applying to Missouri's Law School.

The First Gaines Court Proceedings

In Columbia, Missouri on July 10, 1936, first proceedings in *Gaines v. Canada* took place in a courtroom that was “quite cordial and informal.” The half-filled courtroom would eventually fill up with summer school students, farmers seeking aid from other agencies in the courthouse, and local black citizens.⁸⁵ The defense—led by the dramatic W.S. Hogsett—contended that Gaines did not have any “standing in court because he had not first demanded that Lincoln University establish a law school...[and that] the state scholarships provided for Negro students to study outside the state furnished equal protection of the law agreeable to the Fourteenth Amendment.”⁸⁶ The Missouri counselors wanted to have it many ways and their arguments were contradictory. Hogsett argued that Gaines was not academically qualified for admission to the University of Missouri because Lincoln University was not considered an accredited university. This argument made inequality an issue in the proceedings. Additionally, Hogsett argued that it was Lincoln University's job to create a law school for Gaines. Houston wondered how an unaccredited university could create a graduate school equal to that at Missouri. These arguments did not make up the bulk of the NAACP's case but they do demonstrate that Missouri was playing with fire.

Relatedly, Houston and Redmond demonstrated that Lincoln University did not have adequate funds to furnish a law school for Gaines and even if Lincoln did have the funding “it would be foolish to try to start a law school” because of the limited demand. The two lawyers

⁸⁵ Charles Houston, memorandum re *Gaines v. U. Missouri*, July 10, 1936, folder 001509-014-0726 in Papers of the NAACP, Part 03: Series A.

⁸⁶ “U. Missouri Case Before Court,” press release, folder 001509-014-0726 in Papers of the NAACP, Part 03: Series A.

also cross-examined E.R. Adams, the Assistant State Superintendent of Education. Houston extracted from Adams a confession that scholarship programs, which the defense based much of its case on, had been modified to only provide the difference in out-of-state tuition rather than paying all of the tuition for black students. S.W. Canada—the primary defendant—also admitted that the University of Missouri did admit students of different races from foreign countries.⁸⁷ Houston and Redmond established that Missouri did not give Lincoln University enough funding to establish a law school; the establishment of the law school would be fiscally irresponsible; the scholarship program, which Hogsett understood as satisfying the demands of the Fourteenth Amendment, was underfunded and a sham; and the University of Missouri had no difficulty admitting students of different races and countries into their various programs—just not black students. All of these concessions and established facts led Houston to argue not admitting Gaines was not only unfair but also indicative of a system that was inherently evasive and unequal under the fourteenth amendment.

The judge—admittedly against the NAACP—wanted answers to two questions: did the 1921 state constitution establishing Lincoln University as a state university constitute a law to exclude blacks from the University of Missouri? And did the scholarship program offered equal protection under the fourteenth amendment? Together these questions point to the central issue as to whether or not financial aid in the form of out-of-states scholarships represented equal treatment under the law in Missouri.

A few months later on July 27, 1936, Judge Dinwiddie handed down his decision in favor of Missouri and its counsel's arguments, citing their soundness. In response, Redmond worried that an appeal to the State Supreme Court could take up to two years, robbing Gaines of valuable

⁸⁷ Ibid.

time and education. In response to the decision and Redmond's concern, the NAACP filed an appeal and worked with the university officials "requesting the court to advance the Gaines case on the docket."⁸⁸ This way the case could be heard much sooner than normal.

In the interim, Lloyd Gaines planned to attend the University of Michigan and work on a Masters in Economics. Finding help from the NAACP central office, Houston worked to find funds for Gaines' tuition. Houston fretted about Gaines' academic standing and finances since the possibility of Gaines dropping out of school would dramatically hurt his Missouri case since Missouri's lawyers could then argue that Gaines was not prepared for graduate school and did not need to be admitted. Houston cautioned Gaines to be aware of his academic abilities and instructed him to speak with the dean if he had difficulties.⁸⁹ Beyond the prospects of the legal case, Houston attempted to groom Gaines to be prepared to excite crowds and inspire others, especially students and young people. In one letter, Houston gave advice to work on writing and speaking with "clarity and simplicity." Gaines would need to improve these areas, Houston suggested, because "as a public speaker that is what [Gaines would] need."⁹⁰ Houston saw the plaintiffs he supported not just as vessels to transform legal education but also as race leaders who could inspire and excite others to follow in their path. These concerns punctuate that the legal strategy was of central importance to the campaign but presentation and engaging the public were major considerations of Houston and the NAACP given the fact that cases like Gaines and Murray were not as exciting as other national trials.

Preparing for the State Supreme Court

⁸⁸ Redmond to Wilkins, July 30, 1936, folder 001509-014-0726 in Papers of the NAACP, Part 03: Series A.

⁸⁹ Houston to Gaines, September 4, 1936, folder 001509-014-0884 in Papers of the NAACP, Part 03: Series A.

⁹⁰ Houston to Gaines, September 15, 1936, folder 001509-014-0884 in Papers of the NAACP, Part 03: Series A.

Though the Gaines case was fast-tracked onto the State Supreme Court docket, the NAACP had months to prepare its case and weigh the significance against the legal cases that had and were occurring in Maryland and Tennessee. Houston saw the Gaines case in Missouri as the best option to bring the NAACP's argument before the United States Supreme Court. The legal challenges and issues that arose in Tennessee and Maryland, according to Houston, were "walkovers compared to the problems raised in this Missouri case."⁹¹ Wading through the Missouri-specific problems, Houston and Redmond discussed rechecking all prior cases regard segregation in Missouri education, finding out the legislature's attitude, and revisiting their understanding of the scholarship program. Houston believed the NAACP would center its arguments on the contention that Gaines should be admitted to Missouri's Law School, not that Missouri should provide law education at Lincoln University. Houston wanted the state to take them down that side route if it desired but Houston wanted to stick to one goal—admitting Gaines into the University of Missouri.

Meanwhile in Michigan, Gaines did not disappoint Houston, receiving a "B" average and re-paying his tuition loan set up by Houston and the NAACP. With graduation potentially approaching in the summer and the fall of 1937, Gaines reassessed his finances and reached out to Walter White for potential employment.⁹² The attempt was not fruitful for Gaines, though he indicated he received some type of employment. The letter from Gaines to White was indicative of his trouble finding employment and stability. Connected to one of the more powerful men in the national black community, Gaines—the most prominent NAACP plaintiff—only received a tuition loan.

⁹¹ Houston to Redmond, memorandum, September 24, 1936, folder 001509-014-0884 in Papers of the NAACP, Part 03: Series A.

⁹² Gaines to White, March 6, 1937, folder 001509-014-0812 in Papers of the NAACP, Part 03: Series A.

The State Supreme Court Trial

The Missouri State Supreme Court heard arguments from Missouri's counsel and the NAACP with regards to the potential admission of Lloyd Gaines on May 21, 1937. Many of the same arguments dominated the proceedings. W.S. Hogsett, Missouri's main counselor, inserted the contention that appropriations to Lincoln University and the out-of-state scholarships were the equivalent of social equality—what a NAACP press release called “Old Bugaboo of ‘Social Equality.’” The NAACP again demonstrated that Lincoln had not received an increase in appropriations since the amendments to the 1921 state constitution. The trial was uneventful and mostly consisted of slightly altered arguments of the prior proceedings. The somewhat tedious and procedural trials exhibited in the Gaines and Murray cases demonstrated the path to equal opportunity would be tiresome and unexciting. The court decided against the NAACP on December 10, 1937 upholding the bar on Lloyd Gaines entering Missouri's Law School. The NAACP now had a case that could be appealed to the United States Supreme Court—giving the NAACP the opportunity to obtain a nationwide precedent.

After the decision, Hogsett moved to have university officials covertly lobby for new appropriations for Lincoln University in the legislature. Hogsett felt that if the case reached the U.S. Supreme Court, Missouri and the university stood little chance of winning and needed to prepare for a legislative remedy and a second hearing in the State Supreme Court.⁹³ Hogsett's line of reasoning followed previous official University of Missouri correspondence, which indicated that many of the university officials knew that Missouri was in potential legal trouble.

⁹³ W.S. Hogsett to Frederick Middlebush, January 5, 1938, box 2582, folder 2597, University of Missouri President's Office, Papers, Admission of Negroes, Lloyd L. Gaines case, State Historical Society of Missouri.

With these actions and the court cases, Missouri officials were simply biding time before the university integrated or the legislature appropriated a good sum of money to Lincoln University.

Building Community Support and Reaching Out for More Plaintiffs

Charles Houston and the NAACP spent much of their time and efforts defining their battles and preparing for the detailed court cases of the few plaintiffs they represented. As *Gaines v. Canada* weaved its way through the court system, momentum was building in local Missouri communities and across the nation. Houston wanted to capitalize on the notoriety and use it to propel the campaign for educational equality forward. Before the Missouri State Supreme Court hearings, Houston suggested the first mass meeting take place in Kansas City to raise support and funds for the efforts—a strategy utilized consistently throughout the following *Bluford v. Canada* court cases. After the State Supreme Court handed down its decision against *Gaines*, Houston also ramped up his efforts reaching out to fraternities and sororities in an attempt to attract new plaintiffs. If *Gaines* and the NAACP faltered, Houston needed other plaintiffs in reserve to not waste time and continue the campaign without interruption. Exciting local black communities and enticing more students to join the cause proved difficult at first for the NAACP. However with the potential for victory in the *Gaines* case, Charles Houston wanted and needed to succeed in utilizing the growing support in the black community with a pulse for the NAACP's efforts thus far.

United States Supreme Court—Preparation, Execution, and the Decision

On May 24, 1938, the NAACP filed a petition for certiorari in the United States Supreme Court. With this development in the *Gaines* case, funding became more available from various sources including the Garland Fund and national fraternities. Charles Houston and Sidney Redmond calmed by the influx of funds, now just had to prepare for what would become the

monumental civil rights court case of the 1930s. To prepare, Houston reached out to one of the originators of the NAACP's coordinated legal strategy, Nathan Margold, for help and for suggestions, in addition to other prominent lawyers. This type of correspondence was unprecedented for Houston who unlike his protégé Thurgood Marshall, did not enlist much help outside of his own personal and professional circle.

Complicating the preparations, in July 1938, Gaines was thought to be missing by his family, who told the NAACP, “[he] was kidnapped.”⁹⁴ Though the assumption turned out to be unfounded, the concern raised by his family followed a pattern of instances in which Gaines went long periods of time without staying in contact with those closest to him. In personal correspondence, Gaines' family consistently noted that Gaines was not good about sending letters home when he was off at school. Also, Sidney Redmond noted early in his efforts that Gaines disappeared and did not tell him where he was going or when he would return. The occurrences seem to not have been isolated instances but rather consistent and representative of Lloyd Gaines' personality.

On October 14, 1938, the U.S. Supreme Court granted a writ of certiorari to Lloyd Gaines, which enabled the court to review *Gaines v. Canada*. The court date was set for November 7, 1938. Receiving the news, Roy Wilkins, the assistant NAACP secretary, sent out a notice to seven black newspapers across the country in hopes to raise awareness and increase press coverage.⁹⁵ Walter White pressed the Garland Fund, which had slowed funding to a trickle throughout the early proceedings, for more financing since the NAACP finally arrived a situation

⁹⁴ Redmond to Houston, July 13, 1938, folder 001509-014-0958 in Papers of the NAACP Part 03: Series A.

⁹⁵ Roy Wilkins, October 10, 1938, letter to newspapers, folder 001509-014-0958 in Papers of the NAACP Part 03: Series A.

where setting a national precedent was possible.⁹⁶ Charles Houston in addition to Wilkins contacted the prominent black newspapers and urged them to publish calls for students to come forward who had been denied out-of-state scholarships. Houston sought more evidence that the scholarship programs—being created across the Upper South and the centerpiece of Missouri’s argument—shirked their responsibility to provide education to black students. To do this, Houston needed to tap into the strong network of support throughout the nationwide black community to build his argument and find real-life examples to use in court. With actions like this, the NAACP slowly built lasting avenues to move its campaign for educational equality forward beyond the arenas of the courtroom and legal circles.

“Victory in the Missouri U. Case”

A month after the hearing, the United States Supreme Court issued its opinion on December 12, 1938 in favor of the plaintiff—Lloyd Lionel Gaines and the NAACP. The opinion presented the wide array analyses on the presented arguments such as the legality of Missouri’s policies segregating education despite explicit state laws, the issue of Lloyd Gaines’ Missouri citizenship and taxpayer status, and whether or not the scholarship program could be considered equal protection under the law. The court commended Missouri as “a pioneer” since it was “the only State in the Union which has established a separate university for negroes on the same basis as the state university for white students.”⁹⁷ Nevertheless, the court bluntly admitted that there was no provision of legal education for black students anywhere in the state.

Answering Missouri’s argument that Lincoln University possessed the authority to establish a law school, the court declared, “that a mere declaration of purpose, still unfulfilled,

⁹⁶ Walter White to Board of Directors, October 12, 1938, folder 001509-014-0958 in Papers of the NAACP Part 03: Series A.

⁹⁷ *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938).

[was not] enough.” The court also interpreted the prior proceedings—including the defense’s arguments—as reliant on the discretion of the Lincoln Board of Curators, who was tasked with deciding whether it was necessary to build a law school or continue to send black students out of the state. The prior proceedings created a confusion of where the burden to provide education was to be placed and how that education was to be provided. Given Missouri’s insistence on the legality of the scholarship program, the court focused on the question as to whether or not Missouri had to provide legal education within in the state, which became “the pivot upon which this case turn[ed].”⁹⁸ The court threw out many of the arguments such as the distance to out-of-state universities, tuition concerns, and Gaines’ contention that the Missouri Law School specialized in Missouri law. The court was mainly interested in whether or not Missouri furnished the same opportunities for both white and black students.

The Supreme Court found that the system present in Missouri was “a denial of the equality of legal right to the enjoyment of the privilege which the State has set up, and the provision for the payment of tuition fees in another state does not remove this discrimination.”⁹⁹ Missouri, according to the decision, was not required to provide legal education but if it did provide legal training it needed to provide the opportunity to all citizens regardless of race. However within this declaration, the court did not declare the dual system of education inherently unconstitutional. The justices believed that the scholarship program should have been viewed as a temporary solution until separate graduate schools such as the law school were established. This caveat would complicate the future proceedings in Missouri and around the country. It also signaled that the NAACP did not possess the capital or legal groundwork, at the time, to entirely invalidate *Plessy v. Ferguson* at one time. The NAACP anticipated and now

⁹⁸ Ibid.

⁹⁹ Ibid.

recognized that there would be multiple steps to realizing equal protection and opportunity under the law. The U.S. Supreme Court's decision transformed the legal landscape. It also handed the NAACP a hard-fought, nationwide precedent with which to attack other state universities as they attempted to quickly mimic the stall tactics taken by the University of Missouri.

Reactions to the Precedent

Following the court's decision, reactions ran the gamut of emotions and thoughts. The black press's reaction despite the outreach by the NAACP was more or less muted with only flashes of optimism. The case had not been that exciting compared to trials such as the Scottsboro Boys and was a reminder of the "hard [and] tedious work" needed to "realize equal opportunity."¹⁰⁰ The decision's limited impact on the Jim Crow system also drove the "moderate elation" and prompted a "cautioning...against unfounded optimism."¹⁰¹ Locally in Missouri, the court's decision was heralded as a great success in both *The Kansas City Call* and *The St. Louis American*. However, the reserved reaction to Gaines decision was, perhaps, due to limited civil rights victories in the 1930s, leftover pessimism caused by the Great Depression, and the lack of drama and excitement exhibited in other civil rights legal cases.

As expected, University of Missouri officials and the state of Missouri were mum on the decision. President Middlebush prepared a brief statement—"No Statement to Make"—when requested by *The St. Louis Call*.¹⁰² Much of the university's efforts now centered on the upcoming appeal and how the state would respond to the demand for graduate education "within the state." As he had done in the past, Middlebush alerted other Upper South state universities—

¹⁰⁰ Bill Weaver and Oscar C. Page, "The Black Press and Drive for Integrated Graduate and Professional Schools," *Phylon* 43, no. 1 (1st Qtr., 1982), p. 17.

¹⁰¹ *Ibid.*

¹⁰² Frederick Middlebush to St. Louis Call, December 13, 1938, box 2582, folder 2597, University of Missouri President's Office, Papers, Admission of Negroes, Lloyd L. Gaines case, State Historical Society of Missouri.

Kentucky, Maryland, Oklahoma, Tennessee, Virginia and West Virginia—as to what the Gaines decision meant to them. The Upper South universities kept a watch on the proceedings in Missouri, as they knew the NAACP had attempted cases in other states such as Maryland, Virginia, and Tennessee though with limited success compared to the Gaines efforts. Now, the NAACP had experienced a great level of success and started to break down the barriers to equal protection in education through the federal courts.

Differences between *Murray v. Maryland* and *Gaines v. Canada*

The NAACP’s legal case in Maryland brought on behalf of Donald Gaines Murray occurred prior to, and also alongside, the Lloyd Gaines efforts in Missouri. As explained before, Donald Gaines Murray was the first victory of the campaign for educational equality. A state judge ordered the University of Maryland to admit Murray to its law school after Maryland failed to provide an opportunity for law education to its black citizens. Despite the obvious similarities of the victories, the Murray and Gaines cases differed greatly, especially with regard to what difficulties with which the NAACP had to contend.

First, the University of Maryland “excluded black students as a matter of policy” but there were no “laws or rules mandating that the college be segregated.”¹⁰³ In contrast, segregation was written into Missouri’s 1865 State Constitution and there were numerous laws that followed which reaffirmed segregated education.¹⁰⁴ The difference set the bar much higher in Missouri as Houston and the NAACP needed to argue against established law in addition to matters of policy. Whereas in Maryland, NAACP had to prove there was no legal precedent either for or against “separate but equal” education.

¹⁰³ James, *Root and Branch*, p. 67.

¹⁰⁴ Constitution of the State of Missouri, 1865, art. 9, sect. 2.

Second, a state court decided on *Murray v. Maryland*, thus making the transferability of the court's decision to other states nearly impossible. Aside from the fact that Murray was the first black admitted and enrolled at a state university graduate school because of a NAACP-led effort, the Gaines case held more weight because it reached the U.S. Supreme Court and the NAACP won. The U.S. Supreme Court armed the NAACP with a precedent that could press state universities and legislatures throughout the south to integrate even though the court effectively upheld the validity of *Plessy v. Ferguson*. Now, the NAACP hoped state universities and legislatures did not want to spend the time and resources to establish separate universities for black students. The willingness of Missouri to established separate schools complicated the strategy and signaled an evolution on both sides of the debate from *Murray v. Maryland* to the Lloyd Gaines and Lucile Bluford cases.

Third, the NAACP coordinated Lloyd Gaines's attempt at admission and subsequent legal case whereas Donald Gaines Murray's legal case involved multiple organizations and leaders. As explained, Houston and Thurgood Marshall co-opted Murray's case from the fraternity Alpha Phi Alpha. Albeit successful, the takeover strained the relationship between the fraternity and the NAACP, which was a beneficiary of such successful relationships.¹⁰⁵ The source, execution, and aftermath of the Murray case is significant because it demonstrates that *Gaines v. Canada* was, in fact, the first independent NAACP legal success in the campaign for educational equality.

Lastly, *Gaines v. Canada* spurred a legislative response that allocated funds to establish the separate schools and shifted the burden onto Lincoln University, which will be explained in

¹⁰⁵ James, *Root and Branch*, p. 67-68, 76.

Chapter 2 and 3.¹⁰⁶ *Murray v. Maryland* simply granted Murray admission to University of Maryland and the legislature did not respond quick enough to thwart Murray's enrollment and eventual graduation. Maryland's response, or lack of response, made the *Murray* case very simple. Missouri's response to Gaines complicated matters and demonstrated the first adaptation by a state university and legislature to the NAACP's success and strategies.

Lloyd Gaines Disappears

Three months after his U.S. Supreme Court victory on February 26, 1939, Lloyd Gaines gave an inspiring speech to an overflowing crowd at Centennial M.E. Church in Kansas City, Missouri. Gaines encouraged those in attendance to join the NAACP and to continue the fight for their rights. He also answered his critics reaffirming his desire to study law at the University of Missouri.¹⁰⁷ After the speech, Lucile Bluford drove Lloyd Gaines to Union Station in Kansas City where he boarded a train bound for Chicago. This would be the first and only time Bluford and Gaines would meet.¹⁰⁸ Once Gaines arrived in Chicago, he stayed with his fraternity brothers at their fraternity house. He intended to try and find employment, something that was becoming increasingly difficult for Gaines despite his national notoriety. During the past few years, Gaines floated from Lincoln University back to St. Louis and then to the University of Michigan. Everywhere he stayed Gaines sought out employment opportunities but was never able to find the stability he desired. And now in Chicago, Gaines seemed unsure where circumstance would lead him next.

¹⁰⁶ Charles Houston to Thurgood Marshall, September 27, 1939, folder 001509-024-0522 in Papers of the NAACP Part 03: Series A.

¹⁰⁷ "Lloyd Gaines Urges Negroes to Fight for their Rights," *Kansas City Call*, March 3, 1939, accessed June 21, 2014, microfilm, Missouri Valley Special Collections.

¹⁰⁸ Lucile H. Bluford, interview by Fern Ingersoll, May 15, 1989, p. 54.

Gaines wrote a few final letters to his mother and some friends discussing his concerns, difficulties, and the stresses revolving around legal case and national popularity. In the last letter to his mother dated March 3, 1939, Gaines wrote a haunting and foreshadowing message:

Dear Mother: I have come to Chicago hoping to make my own way...I asked some of my “friends” in a position to do so to be on the lookout for another job for me long before I quit [the job at the gas station]...As for my publicity relative to the university case, I have found that my race still likes to applaude, shake hands, pat me on the back and say how great and noble is the idea; how historical and socially important the case[.] But – there it ends...I am just a man—not one who has fought and sacrificed to make the case possible; one who is still fighting and sacrificing – almost the “supreme sacrifice” to see that it is a complete and lasting success for thirteen million Negroes—no! no just another man. Sometimes I wish I were just a plain, ordinary man whose name no one recognized...[In Chicago] so far I haven’t been able to dig up a single job prospect, but I am still trying. Paid up my room rent until March 7th. If nothing turns up by then, I’ll have to make other arrangements. Should I forget to write for a time don’t worry about it, I can look over myself ok. As ever, Lloyd.¹⁰⁹

This last letter to his mother, Callie, reveals a great deal about his fate, though nothing can be substantiated. The lack of financial stability and the inability to find a job clearly

¹⁰⁹ Lloyd Gaines to Callie Gaines, March 3, 1939, in *Lloyd L. Gaines Collection*, (University of Missouri Digital Library).

frustrated Gaines and he made them a top priority in his limited correspondence. Furthermore, Gaines felt that others for whom he was fighting did not appreciate his sacrifice, which he believed could ultimately be his life. The letter also set a deadline as to when Gaines, perhaps, needed to move on from his living situation in Chicago.

Charles Houston noted that Gaines' last known correspondence with anyone was in April 1939. After this correspondence, the NAACP and Gaines's family and friends lost track of him. At first, Houston and Sidney Redmond did not stress about the inability to contact Gaines. However, as the summer ended, Houston and Redmond became more inclined to find Gaines to apply to Missouri again and be present in upcoming court proceedings. It was also at the end of the summer of 1939 that the Lincoln University Law School was finalized and established at Poro College—a beauty college—in St. Louis. Gaines was supposed to enroll in the Lincoln Law School or join the NAACP again to argue the unequal nature of the Lincoln Law School.

Thus the end of the summer of 1939 presented the NAACP a complex collision of factors. Gaines had yet to be contacted. The NAACP felt it could continue for some time without him. The state of Missouri hastily gave Lincoln University “a beggarly \$200,000” to establish a law school, which the NAACP argued was inherently unequal to Missouri's law school.¹¹⁰ Additionally, Lucile Bluford—who applied in January 1939 to the University of Missouri and was denied—and the NAACP were in the process of building another legal case for admission to Missouri's graduate School of Journalism, which also lacked a counterpart at Lincoln University. Examining the correspondence between the various officials, one can understand how the complexities of the year 1939 presented hindrances but also new opportunities to push the state of Missouri on their interpretation of “separate but equal.”

¹¹⁰ Editorial, *Kansas City Call*, May 12, 1939.

When Lloyd Gaines did not appear before the Missouri Supreme Court, his disappearance was apparent and the defense pounced. The NAACP was forced to admit that it had not been able to contact Gaines for months. It was also the first time the public became aware of Gaines' disappearance. Continually, *The Call* and others in the black press led a nation-wide campaign to find Lloyd Gaines. Headlines such as "Where is Lloyd Gaines—Have You Seen Him?" appeared in *The Call*.¹¹¹ Rumors circulated about Gaines' whereabouts. Some speculated that he was in Michigan; others thought he had been killed or bought off so he would disappear. The most distant guess was Mexico.

Much of the debate about Gaines' fate centered on whether he was alive or not. Some thought that Gaines' family knew he was alive but did not alert authorities. One of those people was Lucile Bluford. In later years, Bluford would regularly visit the Gaines family in St. Louis. Holding the suspicion that the family had been in contact with Gaines, Bluford—after numerous visits—slowly began to become "convinced that his folks didn't know what happened to him."¹¹²

Understood in the context of Gaines' background, there are obvious signs as to why Gaines may have disappeared on his own accord. Throughout his entire life, Gaines had not been financially stable or even comfortable. Gaines worked throughout his childhood and college and even with the new fame he still had difficulty finding work. It is also known that Gaines disappeared at times without contacting his family or the NAACP. In a way, Gaines appeared to be a wanderer and comfortable with being out of contact for long periods of time. These continuous clues appeared throughout Gaines' life and lead one to conclude that Gaines may have disappeared willingly in order to find a more stable life—something Gaines always desired.

¹¹¹ Headline, *Kansas City Call*, October 20, 1939.

¹¹² Lucile H. Bluford, interview by Fern Ingersoll, May 15, 1989, p. 61.

Conclusion

Lloyd Gaines, in the context of future plaintiffs, was prototypical. Gaines was a successful student who exhibited the characteristics valued by the broader American public. This is the understanding most have of Lloyd Gaines. But underneath the prototypical nature of Gaines' background lies details that paint a fuller picture of him as a person and a plaintiff.

Having always struggled with finances and limitations, Gaines to a certain extent considered himself exceptional but also spurned. He had a difficult time dealing with the limitations of his opportunities despite his work ethic and intelligence. One can see this dual nature that characterized Gaines throughout the legal case. Gaines sought the best and most excellent opportunities but encountered some of the most devastating limitations. These limitations would ultimately lead to his disappearance and the undoing of his legal case.

In legal terms, *Gaines v. Canada* was truly unsettled, as S.W. Canada would explain to Lucile Bluford in January 1939. A nationwide precedent had been set but the practical application of the precedent in Missouri never became a reality due Gaines' mysterious disappearance. Unlike Donald Murray, Lloyd Gaines never realized the fruits of his sacrifice but greatly affected the future of the campaign for educational equality.

The *Gaines v. Canada* precedent broke down one barrier to integration—the evasion by states sending black students out of the state to receive education. The future path to integration would prove difficult but the experience in Missouri and the collusion of the Upper South state universities set the stage for a logical progression and similar arguments. The NAACP would hear new variations of the arguments established in the Gaines case in future legal cases in Oklahoma, Texas, and most notably in the next Missouri case brought by Lucile Bluford. The

Gaines case thus broke ground on the nationwide campaign and gave the NAACP hope that it could move forward in other states successfully.

The U.S. Supreme Court victory, the appeal by Missouri, and the eventual dropping of the case by the NAACP complicated the practical impact of *Gaines v. Canada* in Missouri. The NAACP held in its hands an untested and critical precedent with a missing plaintiff. Additionally, Missouri strategized to satisfy the U.S. Supreme Court by giving Lincoln University expanded powers to establish a law school and control its own affairs. Thus while the court's decision was transformative and significant it still gave states such as Missouri the opportunity to continue segregated graduate and professional education. Similar to the development of the legal strategy by Charles Houston some of the first few results were just as muddled and complicated but key to pragmatically and systematically breaking down the *Plessy v. Ferguson* precedent in education. The development of Gaines' narrative and the legal case serves to highlight the early evolution of the NAACP's legal strategy and the impact it had on Lucile Bluford's case in Missouri.

Chapter 2

Testing the Precedent: Bluford v. Canada

In 2002, a year before her passing, Lucile Bluford was named Kansas Citian of the Year. The honor was an endnote to a full life that included an influential career as a journalist, numerous civic leadership positions, and a pervasive influence throughout Kansas City. Despite the long list of accolades, Bluford occupies a unique place in civil rights history. Consistently, historical civil rights plaintiffs' legacies have focused primarily on their legal cases and their civil rights activism that followed. However to Bluford and others, her attempt to integrate the University of Missouri's School of Journalism in the late 1930s and early 1940s became an afterthought. Bluford's tremendous success and influence after her legal case, her reluctance to highlight the history, and the limited success of the case are partly to blame for the near-complete absence of any substantial scholarship. Despite this, the significance of Bluford's legal case and her historical narrative still remain integral to the broader histories of the period and need to be explored further.

The 1938 *Gaines v. Canada* decision cleared the path for the NAACP in the campaign for educational equality and it needed to act quickly to test the precedent at the University of Missouri. Despite constant networking among local NAACP branches and fraternity networks, it was difficult for the NAACP to recruit potential plaintiffs to attempt enrolling at white state universities. Ideally given that the Gaines decision mandated the provision of higher education *within* Missouri's borders, the NAACP preferred to find a suitable candidate in Missouri to assist Gaines in integrating the University of Missouri. Lucile Bluford—possessing a curiosity and an excellent academic and professional resume—became that candidate.

To best understand and demonstrate the significance of Lucile Bluford's legal challenge, this chapter develops a more complete narrative of both her early life and her legal case. Lucile Bluford's life leading up to the legal case against the University of Missouri is critical in understanding Bluford and the overall trajectory of the legal case. Often glossed over, Bluford's early life and its significance are not fully recognized. The narrative of her early life builds the pillars of the legal case: a strong connection to and upbringing around the NAACP, excellence and experience in journalism, and an inclination to test injustices and challenge the status quo.

Bluford's upbringing and experiences as a youth and young adult led directly into involvement with the NAACP and her legal challenge. I will develop a more detailed and complete narrative of Bluford and the NAACP's attempt to test the Gaines precedent. This narrative will weave together the underlying themes of Bluford's earlier life and demonstrate points where the Bluford and Gaines narratives overlap. These overlaps, connections, and the related significances will be further explored in the third chapter. This chapter will also address in more specific terms how Bluford and the NAACP initiated the legal case, the evasion by Missouri to avoid integration, and the theatrics of the court proceedings among other unexplored intricacies.

After the Gaines decision, Bluford and the NAACP did not need to prove that graduate education had to be provided "within the state" but rather Bluford would test Missouri's adherence to the decision and question the quality of the proposed plans. Though Bluford and the NAACP did not ultimately achieve success, their efforts furthered the NAACP legal strategy and campaign as Charles Houston and the NAACP learned from both the Gaines and Bluford cases. He and the NAACP would apply these critical lessons and seasoned arguments to future test cases in the campaign for educational equality.

Early Life

Lucile Harris Bluford was born on July 11, 1911 in Salisbury, North Carolina. Her parents were John Henry Bluford—a graduate of Howard University and Cornell, and a professor of agriculture at North Carolina A&M in Greensboro, North Carolina—and Viola Harris Bluford—a graduate of Oberlin College in Ohio.¹¹³ Despite being born in Salisbury, the Bluford family lived in Greensboro about fifty miles away. At the young age of four, Bluford’s mother passed away and the children were divided amongst family and friends while John Bluford settled affairs and continued his work in Greensboro. When her family separated, Lucile Bluford returned to Salisbury to stay with her maternal grandmother, Mariah Harris. Bluford adored her grandmother and believed that Harris “taught her everything [she] knew”.¹¹⁴ It was often remarked that Bluford “was [her] grandmother’s child.”¹¹⁵

Around two years after the passing of Viola Harris Bluford, John Bluford remarried to Addie Alston and moved to Kansas City with Bluford’s two brothers John Jr. and Guion. John Bluford had accepted a position as a science teacher at the segregated, black high school Lincoln High, which served the Missouri side of the state line. Young Lucile Bluford chose to stay with her grandmother instead of moving to Kansas City. Here, Bluford stayed in Salisbury until age ten when her grandmother passed as well.¹¹⁶ Rejoining the family in Kansas City, Bluford became immersed in a civic-orientated, middle-class culture influenced by her father.

Bluford described her father as quiet and not necessarily outspoken on many topics. However, Bluford did express that “[her father] was interested in the NAACP [National Association for the Advancement of Colored People]” and that his interest rubbed off on Bluford

¹¹³ Lucile H. Bluford, interview by Fern S. Ingersoll, May 13, 1989, p. 2.

¹¹⁴ *Ibid.*, p. 4.

¹¹⁵ *Ibid.*, p. 3.

¹¹⁶ *Ibid.*, p. 5.

who became a youth member and attended numerous summer conventions with her father.¹¹⁷

Growing up, Bluford heard speeches in Kansas City from national NAACP leaders such as Walter White.¹¹⁸ Bluford remembered attending local branch meetings and the topics discussed there became mainstays in the Bluford household. The NAACP affected Bluford's tremendously at a young age and this influence and involvement continued throughout her life.

As a part of the Lincoln High School faculty, John Bluford and his family entered into a unique group of black Kansas Citians. Lincoln High School had a reputation of hiring the best faculty from all over the country and John Bluford being from North Carolina and a college professor exemplified these hiring practices. The Bluford family's living situation and the history behind the area demonstrated this elevated, middle-class status in the black community. Bluford imparted a story where she explained that the principal of Lincoln—H. O. Cook—was extremely light-skinned and could pass for white.¹¹⁹ When Cook moved to Kansas City, he bought a house from an unknowing white family in a white neighborhood. When Cook brought his darker complexioned wife to their new house, the white family who had sold the house “didn't know what they had done.”¹²⁰ The white families in the neighborhood eventually ceded the two-block area around Cook's home to middle class black families, such as the Blufords and other Lincoln faculty. Bluford typified the model combination of education, civic involvement, and a middle-class standing, which the NAACP found easiest to tap into for support.

Finding the Journalist Passion

Joining her father at Lincoln High School in 1924, Lucile Bluford made her mark quickly in what would be an illustrious high school career. As a freshman, Bluford took advantage of the

¹¹⁷ Ibid., p. 9.

¹¹⁸ Ibid.

¹¹⁹ Ibid., p. 12.

¹²⁰ Ibid.

numerous opportunities offered at Lincoln, in particular writing and journalism. Bluford and others in Miss Buchanan's freshman class organized a monthly newspaper, *The Observer*, which was separate from the larger school newspaper *The Lincolnite*.¹²¹ *The Observer* constituted a new development in the wide array of activities offered at Lincoln High School. Building on this passion, Bluford then worked for *The Lincolnite*—Lincoln's school-wide newspaper. As a junior and senior, Bluford acted as *The Lincolnite*'s editor and wrote extensively for the yearbook, *The Lincolnian*.¹²² Bluford credited English teacher Trussie Smothers as her first influence in journalism. As Bluford recalled, Smothers "got me interested in staying after school and gathering and writing articles for the [*Lincolnite*] ...and I didn't mind staying a couple hours after school because we liked it and it was enjoyable. So that's how I really got interested in journalism."¹²³

In addition to writing for Lincoln's various publications, Bluford read *The Kansas City Call*—Kansas City's premier black weekly newspaper—regularly. Bluford specifically found, the news editor of *The Call*, Roy Wilkins' weekly column "Talking It Over" fascinating. Wilkins became "kind of a role model" to Bluford and *The Call*'s building became a regular after school stop for the curious Bluford.¹²⁴ Furthering Bluford's interest in journalism was Chester Arthur (C.A.) Franklin—founder and editor of *The Call* and "a neighbor and friend of [the Bluford] family"—who did not mind Bluford and other students stopping by the paper's office and inquiring about everything.¹²⁵ Although, Bluford did not write for *The Call* during high

¹²¹ *The Lincolnian*, 1924-1925, Lincoln High School Collection (AC9), Black Archives of Mid-America, Kansas City, Missouri.

¹²² *The Lincolnian*, 1925-1926; 1926-1927, Lincoln High School Collection (AC9), Black Archives of Mid-America, Kansas City, Missouri.

¹²³ Lucile H. Bluford, interview by Fern S. Ingersoll, May 13, 1989, p. 15.

¹²⁴ *Ibid.*, p. 20.

¹²⁵ Lucile H. Bluford, interview by Fern S. Ingersoll, March 19, 1990, p. 160.

school, the after school stops into the office, the conversations Bluford had with Wilkins and the staff, and the connections Bluford made only deepened her interest in the field. During these formative years, Bluford put her talents and interests in front of C. A. Franklin, who would become a longtime manager and influence on Bluford's journalism career.

Academically, Bluford was superb. A consistent honor student, and the valedictorian of the senior class in 1928, Bluford was prepared to enter the best universities in the country.¹²⁶ At the end of senior year, Bluford battled with her father about where she would go to university. Bluford desired to go to her father's alma mater, Howard University in Washington D.C., where one of her best friends, Thelma Howard, was attending.¹²⁷ Unable to convince her father to allow her to attend Howard, Bluford settled for the University of Kansas, though it was not her first choice.

The University of Missouri, in contrast, was never an option according to Bluford. The segregation at the University of Missouri "was an accepted fact" and Bluford "didn't have any desire to go to the University of Missouri" because she knew it was not a possibility.¹²⁸ Black Missouri students who did not wish to go the Lincoln University for undergraduate education paid their own way to out-of-state universities. Bluford was no exception financing her education at the University of Kansas without the support of the Missouri scholarship program. In the Gaines and Bluford efforts, the NAACP noticed that "Lincoln was there for undergraduates" and there was no graduate education in Missouri. Additionally, the appropriations for graduate out-of-state scholarships did not go into effect until 1931 even though the appropriations were allocated a decade earlier. With Gaines and Bluford, the

¹²⁶ *The Lincolnian*, 1927-1928, Lincoln High School Collection (AC9), Black Archives of Mid-America, Kansas City, Missouri.

¹²⁷ Lucile H. Bluford, interview by Fern S. Ingersoll, May 13, 1989, p. 17, 22.

¹²⁸ *Ibid.*, p. 22.

NAACP attempted to change this reality.¹²⁹ Bluford expressed a general understanding, but not complete acceptance of the segregation that existed in higher education in Missouri. Segregation at the University of Missouri was understood and may have been challenged in the future but for eighteen year-old Bluford any sort of fight against the university was out of the question.

“Pav[ing] the way for me”

Years before Lucile Bluford arrived in Lawrence, Kansas to attend the University of Kansas, a black woman, Marie Ross, would “pave the way for” Bluford.¹³⁰ Bluford related that Ross took the brunt of the prejudice that accompanied the role of the first black in the Kansas journalism program. There was not a pervasive prejudice among students and professors but there was a substantial pushback against Ross by Dean Leon Flint.

Flint told Ross that there was no point in her studying journalism since Ross would not be able to get a job. This back and forth between Flint and Ross prompted Ross to contact Roy Wilkins of *The Call*. Wilkins, according to Bluford, gathered “a stack of black newspapers” and he and Ross went to visit Dean Flint. Once in Dean Flint’s office, Wilkins placed almost a hundred issues of black newspapers from around the country on Dean Flint’s desk. Apparently, Dean Flint “had never heard of a black newspaper.”¹³¹ Ironically, Bluford and Ross would go on to be gainfully employed at *The Call* while many of their white, female classmates could not work in journalism since the *Kansas City Star* did not hire any women.¹³²

Admitted but Limited: Years at the University of Kansas

Arriving on the University of Kansas’ campus in fall of 1928, Bluford encountered a conflicted environment for black students. Although black students could be admitted to KU, the

¹²⁹ Lucile H. Bluford, interview by Fern S. Ingersoll, May 15, 1989, p. 56.

¹³⁰ Lucile H. Bluford, interview by Fern S. Ingersoll, May 13, 1989, p. 21.

¹³¹ Ibid.

¹³² Ibid., p. 37.

university and the city of Lawrence still presented significant hurdles and limitations. Bluford experienced these hurdles immediately.

Unable to live in the dormitories on campus, Bluford, like many other black students, lived with local black families. Bluford, eventually as a member of the sorority Alpha Kappa Alpha, joined her fellow sorority sisters in a rented house. Their housemother was the legendary singer Etta Moten, an older KU student at the time.¹³³ Similar to the impossibility of living on-campus, Bluford noted that black students were not allowed on the sports teams, “couldn’t swim in the swimming pool,” and thus were exempt from the swimming requirement for graduation.¹³⁴ Despite efforts to change these conditions, Bluford and other black students “didn’t get the football team” or any athletic team to include black students.¹³⁵ This discrimination embodied the bittersweet existence of black students at Kansas.

Personal Activism at the University of Kansas

While segregation seemed to be at times unquestioned by Bluford, she and other black Kansas students consistently agitated the status quo and challenged local issues of discrimination. In Lawrence, Bluford began to get “worked up about segregation” and grew to be active in fighting segregation and discrimination on campus and in Lawrence.¹³⁶ Bluford joined other black students on campus to fight the prejudiced spots of resistance that existed in the “integrated” cafeteria. Off campus, Bluford and sorority sister, Anna Jean McCampbell, once decided to go to a segregated theater downtown. Knowingly, the two sat downstairs in white-only section throwing the ushers into a frenzy. The ushers decided to “[turn] the lights on just momentarily” over and over again during the beginning of the movie in an attempt to find

¹³³ Ibid., p. 24.

¹³⁴ Ibid., 26-27.

¹³⁵ Ibid., p. 26.

¹³⁶ Ibid., p. 26.

Bluford and McCampbell. Once the ushers found the two, they refused to move leaving the ushers in a predicament.¹³⁷ Stepping out on her own, Bluford developed a curiosity about testing segregation in her own personal ways; a curiosity that led to Bluford testing the University of Missouri's response to the Gaines precedent.

The myths of the NAACP legal cases and their plaintiffs convey a sense of predestination and superhuman powers fighting against great oppositional forces. Bluford's anecdotes of segregation and resistance during her years at Kansas are significant because they humanize Bluford's efforts and personal evolution with regard to challenging segregation and experiencing discrimination firsthand. Additionally, Bluford's resistance in Lawrence layers and contextualizes her future actions against the University of Missouri. In the interview with Ingersoll, Bluford admittedly did not have any grandiose ideas of fighting segregation on a national stage and acknowledged that attempting to attend Missouri was not an option. Growing during her time at Kansas, Bluford's experiences demonstrate awareness and a fighting spirit when confronted with both personal and group discrimination.

The complete picture of Bluford's college years is important because the narrative of her attempt to integrate Missouri insinuates that the University of Kansas and Lawrence were overly friendly and welcoming to black students. This inherent assumption needs to be corrected. KU, while it admitted black students, was not an overly welcoming place for blacks—students or not. Bluford's time at KU also shows an evolution of Bluford as an activist and a person ready to test injustices—traits that would lead to her admission attempt.

A Growing Journalist

¹³⁷ Ibid., p. 26-27.

While it would seem obvious that Bluford would transition immediately into the School of Journalism, Bluford at first was unsure of what field of study she would undertake at the University of Kansas. Unable to enroll directly into journalism courses as a freshman, Bluford explored her options but eventually joined the *University Daily Kansan* (UDK)—the University of Kansas’ student newspaper—as telegraph editor and then night editor.¹³⁸ It was at the *Kansan* where Bluford, the only black student in journalism, honed her skills and grew her interest in journalism.

At the end of Bluford’s tenure at the University of Kansas, Bluford was nominated by her peers to be inducted into the national journalism honor sorority—Theta Sigma Pi.¹³⁹ After deliberation, the national council decided to not induct Bluford because she was black. Bluford seemed undeterred and noted that many her white colleagues, who had nominated her, “were more upset” than she was.¹⁴⁰ *The Call* featured the high-profile rejection by the sorority and extended its critique to *The Jayhawker*—Kansas’ yearly publication—as it described Bluford’s rejection in jest.¹⁴¹ The rejection and the related attention was Bluford’s first foray into the public light as the subject of discrimination.

Beginning a Career in Journalism

After graduating from the University of Kansas, Bluford took a journalist job with *The Daily World* in Atlanta, Georgia after networking with two fellow students from the Atlanta area. Bluford worked in Atlanta just briefly, noting it was “terribly hot”, that “[she] couldn’t get used

¹³⁸ *Ibid.*, p. 23.

¹³⁹ “Lucile Bluford is Barred From Honorary Fraternity Because of Color and Race,” *Kansas City Call*, June 24, 1932, accessed August 8, 2014, microfilm, Missouri Valley Special Collections.

¹⁴⁰ Lucile H. Bluford, interview by Fern S. Ingersoll, May 13, 1989, p. 28.

¹⁴¹ “Lucile Bluford is Barred From Honorary Fraternity Because of Color and Race,” *Kansas City Call*, June 24, 1932.

to those Jim Crow streetcars,” and she sprained her ankle.¹⁴² Not happy in Atlanta, Bluford decided it was time to return home to Kansas City. Once returning, Bluford first worked at *The Call*'s competitor, *The Kansas City American*, since there was available employment. Shortly after beginning work at *The American*, Bluford received a call from C.A. Franklin. Franklin invited his former employee and mentee back to *The Call*. Bluford, extremely grateful, returned to *The Call*, home to her afterschool adventures and summer work. This return would be the start of a long legacy.

During the beginning of her professional tenure at *The Call*, Bluford climbed *The Call*'s leadership ranks. Always drawn to the “hard news” side of journalism, Bluford worked as a court reporter and “covered the police courts...the robberies and shootings, and murders, too.”¹⁴³ An active and focused journalist, Bluford continued to grow and became a leader at *The Call*. At *The Call*, Bluford encountered a civic attitude that mirrored much of her upbringing. *The Call*'s mission exemplified the civic attitude by stating the goal “to help man in the firm belief that all are hurt as long as anyone is held back.”¹⁴⁴ This environment continued to influence and mold Bluford's understanding of the world and her role in transforming society on behalf of her race.

After the exit of the managing editor—Mr. Young—in the mid-1930s, Bluford took over his duties. In this position, Bluford was “in charge of the whole news operation,” a great task and honor for someone still relatively young.¹⁴⁵ Bluford continued to report and manage the paper throughout the next six decades. Bluford's work and rise to publisher and owner left a lasting legacy at *The Call* and throughout Kansas City.

¹⁴² Lucile H. Bluford, interview by Fern S. Ingersoll, May 13, 1989, p. 31-32.

¹⁴³ *Ibid.*, p. 34.

¹⁴⁴ “The Call Motto,” *Kansas City Call*, March 3, 1939, accessed June 5, 2014, Missouri Valley Special Collections.

¹⁴⁵ *Ibid.*, p. 48.

Gaines Ignites Bluford's Curiosity

When Lloyd Gaines and the NAACP took his legal challenge against the University of Missouri to the United States Supreme Court and won, the black community and other Upper South universities took notice. Surprisingly, for Bluford, the victory marked the first time she really began to follow and notice the Gaines case.¹⁴⁶ Despite the lack of awareness, the Gaines victory sparked a journalistic-like curiosity in Bluford.

Gaines and the NAACP won their case in December 1938 but Gaines could not be admitted to the law school for the spring semester—an already established policy by the university.¹⁴⁷ This situation gave Missouri the opportunity and the time to build a “separate” and supposedly “equal” institution at Lincoln University in Jefferson City. Bluford, who admittedly was not well versed in the case, discovered that Gaines would have to wait until the fall to enroll. After this discovery, Bluford's curiosity took ahold. Bluford pondered the idea of testing the decision in the spring by enrolling in the graduate program at the School of Journalism. In 1989, Bluford elaborated on this curiosity to enroll in the wake of the Gaines decision:

And I was talking about the curiosity disease. I said, ‘Now I wonder what the University of Missouri would do if he did go in February.’ Just curious. I guess I was a little disappointed that he didn't go on, but if the law school didn't enroll you, well, they just didn't. So I said, ‘Well, I believe I'll apply for graduate work in journalism and I can find out what the University of Missouri would say.’ So that was really the basic reason that I did it,

¹⁴⁶ Lucile H. Bluford, interview by Fern S. Ingersoll, May 15, 1989, p. 66.

¹⁴⁷ “Kansas Citizens Hear Youth Who Won M. U. Case,” *Kansas City Call*, March 3, 1939, accessed May 5, 2014, microfilm, Missouri Valley Special Collections.

because I was just kind of curious about what the university would do, see.¹⁴⁸

The potential response or lack thereof by Missouri officials to Bluford's potential attempt to enroll seemed to be too much for her to pass up.

The Initiation of the Enrollment Attempts

Much of the mystery surrounding the Gaines and Bluford cases is how the plaintiffs became a part of the NAACP's legal strategy and what interaction existed before the official attempts to enroll. Bluford's "curiosity" and self-initiative corroborated St. Louis lawyer and Gaines counsel Sidney Redmond's account where he stated that "Gaines came and others came to me. And they filed applications, several applications were filed. Just like the Bluford Case."¹⁴⁹ Redmond's recollection is significant because it demonstrates the validity of Bluford's statements with regard to her motive and the history of events since Bluford's interview with Ingersoll took place nearly fifty years after her first attempt to enroll and throughout the interview Bluford was admittedly unclear of certain details.

Combined with Redmond's explanation regarding Gaines' contact with the NAACP, one can easily deduce that the students were the central originators of their own attempts. From these initiations, the local NAACP and lawyers then presented their plaintiff to the national NAACP office and, in particular, Charles Houston. Houston, in turn, judged whether the plaintiffs were 1) suitable and the best candidates to present the NAACP's case against segregation and 2) strategically advantageous to the campaign for educational equality. Having been connected with the NAACP at an early age and also having an impeccable academic, work, and personal background, Bluford exceeded Houston's expectations.

¹⁴⁸ Ibid., p. 54.

¹⁴⁹ Ibid.

Redmond's accounts of both Gaines and Bluford suggest a new place of emphasis when framing test cases and plaintiffs. The common historical understanding is that the NAACP chose plaintiffs. On the surface this assertion is true; the NAACP did not represent all students who submitted applications to graduate schools. In fact, the NAACP only represented a fraction of the potential plaintiffs. As Tushnet explained, the NAACP discovered early on of "importance of central control over litigation" and strong local support.¹⁵⁰ However if Donald Murray, Lloyd Gaines, and Lucile Bluford are indicative of a larger trend, the primary origination of the legal cases came mostly from the plaintiffs not necessarily the local or national branch. So while the NAACP picked certain plaintiffs, the self-determination, courage, and individual initiative of the plaintiffs should not be minimized or erased but rather emphasized in history.

Prepared to Test the Decision

Following the U.S. Supreme Court decision mandating Missouri to admit Lloyd Gaines to its law school or provide "proper provision for his legal training within the State," Bluford prepared to test the court's decision by attempting to enroll in Missouri's legendary graduate School of Journalism.¹⁵¹ Having an undergraduate degree in journalism and over seven years of professional journalism experience, Bluford reasoned she was more than qualified for admission. Accordingly, Bluford sent her transcript and a letter to S. W. Canada—the University Registrar who denied Lloyd Gaines three years earlier. In a similar manner, unaware of Bluford's race, Canada wrote back in a letter dated January 19, 1939, "while it is sufficient to admit you to our Graduate School I must refer it to Dean Frank L. Martin...I think you must expect to call at this

¹⁵⁰ Tushnet, *NAACP's Legal Strategy*, p. 53.

¹⁵¹ *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938).

office after you come to Columbia for your permit to enroll.”¹⁵² In this correspondence, Canada admitted Bluford had an academic record worthy of admission to the Graduate School and encouraged Bluford to come to Columbia, Missouri to enroll in classes. This unknowing concession would become critical since Canada considered Bluford’s academic record adequate for admission without including race as a factor.

A Start with the NAACP

Equipped with a physical document inviting Bluford to Columbia, Missouri to enroll at Missouri, Bluford reached out to the NAACP’s Charles Hamilton Houston—special counsel for Lloyd Gaines and who now worked as a contracted lawyer for the NAACP. Houston responded encouraging Bluford to go forward with her plan to try and enroll. Houston enumerated five reasons why Bluford’s attempt and potential success at admission will help the campaign to integrate higher education:

1. It will focus attention on Negro women. So far our test cases have been men. The only girl whose case we ever had for a short time was that of Alice Jackson of Richmond, Virginia. She applied to the University of Virginia for graduate work in English. Virginia passed a scholarship act and her case took an inactive status. Yours would be the first case of a Negro woman actually being accepted and either admitted or refused at a State university.
2. It will keep the legislature of Missouri from going off half cocked on the law school. It will show it that the problem cannot be solved by putting a law school at Lincoln University.

¹⁵² S. W. Canada to Lucile Bluford, January 19, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

3. It will keep public attention focused on the University problem.

A rejection by you would have much more publicity value than a rejection of a man.

4. The School of Journalism at the University of Missouri is about the best and your applying will force its hand on whether the school stands for liberal principles.

5. If you get in, you have the satisfaction of opening a new door.¹⁵³

This correspondence would be the beginning of a solid relationship as both Houston and Bluford worked closely to make Missouri adhere to the Gaines precedent.

Interestingly, the first letter written by Bluford to Houston was dated January 25, 1939, as Houston noted in his response dated January 27, 1939. However, this letter has yet to be unearthed and may have been the contentious correspondence discussed by Missouri's lawyers in future court proceedings. In Bluford's oral interview with Ingersoll, the two discussed the potentially contentious nature of the missing correspondence. Ingersoll told Bluford a story related to her by Dorothy Davis—Bluford's friend and colleague at *The Call*—regarding the correspondence. Ingersoll explained Davis' story, "but you were so afraid that they might hold it against you, the way things were at that time, that you and [Dorothy Davis] flushed it down the toilet."¹⁵⁴ Bluford mentioned that she did not remember the story but emphasized how critical the correspondence was to the defense. The discovery of correspondence would shine more light on the exact motives and the first actions of Bluford in her attempt to enroll. However in retrospect, the letter could be very simple and to the point. Bluford expressed a great deal of

¹⁵³ Charles Houston to Lucile Bluford, January 27, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

¹⁵⁴ Lucile H. Bluford, interview by Fern S. Ingersoll, May 15, 1989, p. 55.

concern for even the simplest correspondence since “the lawyers made a whole lot out of [the letters].”¹⁵⁵ Most of the surviving correspondence at the time was contentious because any sort of communication constituted a conspiracy. The missing correspondence more than likely would probably not reveal much since Houston and Bluford always wrote in a professional manner and Houston rarely instructed the plaintiffs to do certain tasks especially at the beginning of the case.

The Attempt at Admission

Heeding S. W. Canada’s advice and Houston’s encouragement, Bluford arrived on the University of Missouri’s campus on January 30, 1939 to inquire about enrolling in the Graduate School of Journalism. After discovering that Bluford was, in fact, black, Canada denied her admission giving the reason that “the Gaines case [was] not yet settled.”¹⁵⁶ Bluford immediately sent Charles Houston a telegram stating, “DENIED ADMITTANCE TODAY SAY GAINES CASE STILL UNSETTLED MANDATE NOT YET IN COLUMBIA NO TROUBLE LETTER FOLLOWS.”¹⁵⁷ In an article entitled “Nothing Will Happen Negro Student Is Admitted to M.U.” published in *The Call* on February 3, 1939, Bluford told her story of traveling to Columbia. Bluford’s personal anecdote clearly aimed to downplay any fear mongering by the state of Missouri and its university. Bluford recounted that “after spending two hours on the M. U. campus... [she was] thoroughly convinced that the students are not perturbed over a Negro’s entrance.”¹⁵⁸ Bluford explained the students at Missouri were similar to the white students she studied with at the University of Kansas. To emphasize this point, Bluford wrote, “[she] found

¹⁵⁵ *Ibid.*, p. 58.

¹⁵⁶ “Gaines Case Not Final, Registrar Tells Applicant,” *Kansas City Call*, February 3, 1939, accessed June 20, 2014, microfilm, Missouri Valley Special Collections.

¹⁵⁷ Lucile Bluford to Charles Houston, January 30, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

¹⁵⁸ Lucile Bluford, “Nothing Will Happen When Negro Student Is Admitted to M.U.,” *Kansas City Call*, February 3, 1939, accessed June 20, 2014, microfilm, Missouri Valley Special Collections.

no animosity” on campus.¹⁵⁹ When Bluford actually tried to enroll at the journalism school, Bluford related “a member of the journalism faculty said that the professors and instructors had no objection to teaching a Negro.”¹⁶⁰ Transitioning, Bluford explained why the University of Missouri was her “logical choice,” and emphasized that the university admitted many out-of-state students, international students including many students of different races, and that she was a resident of Missouri but she was not allowed to enroll.

The publication of Bluford’s story of her time in Columbia and on Missouri’s campus served the legal case in three ways. It attempted to alter the understanding of many in the black community—as *The Call* was not widely read in the white community—who perhaps still viewed the integration of white universities as possibly violent and not a worthwhile venture. Secondly, with scholarships offered for out-of-state tuition Bluford explained why she wanted to return to school and why the University of Missouri was her preferred program of study. Unknowingly, the supposed desire to return to school would become a point of contention in the court proceedings. Thirdly, the publication aimed to expose, again, that Missouri admitted students of different races and nationalities but still refused to admit certain Missouri citizens—its black citizens.

One of the potential complications of Bluford’s admission attempt was that she did not appeal to the University of Missouri or Lincoln University before submitting her first application. Bluford eventually submitted an appeal with President Middlebush and the Board of Curators but the fact that she did not make contact before going to Columbia proved to be

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

problematic.¹⁶¹ Mark Tushnet argues that this strategy—or action—by Bluford and by extension the NAACP was a fatal mistake. Tushnet’s analysis is correct in that the failure of Bluford to inquire about more details gave Missouri’s legal team an unnecessarily powerful argument, especially since the argument debuted in the Gaines case to some extent. However, upon closer analysis this point seems to be somewhat exaggerated. Bluford’s self-stated purpose was to test the Gaines precedent—a mandate to admit students who desired educational opportunities not available at Lincoln University. Bluford reasoned the state of Missouri did provide graduate education in journalism for its black citizens therefore it would have to admit black students like Bluford to the University of Missouri or provide segregated education as Missouri had done with the Lincoln Law School. It was the logical step to test the Gaines precedent immediately and without asking for “permission” despite the ongoing appeal. The NAACP and Bluford wanted to test the quickness of MU’s response to an over-qualified student armed with a month-old U.S. Supreme Court decision and encouraged by an MU official to enroll based on her academic merit. Asking for permission would have undermined the NAACP’s practical application of the Gaines precedent.

With the Gaines decision unsettled and Bluford’s subsequent denial, the NAACP had to decide whether to wait to push Bluford’s case into the courts or to take action concurrently with the Gaines appeal proceedings. Given the precedent and momentum of the Gaines case, the NAACP leadership was hopeful for Bluford’s eventual appeal. However, the NAACP did not pursue a legal case immediately after Bluford’s rejection. This lack of action on behalf of the NAACP signaled an intention to see the Gaines case through and to prepare for a potential action on behalf of Bluford if it was necessary and when they were fully prepared.

¹⁶¹ Lucile Bluford to Frederick A. Middlebush, February 2, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

Evading the Gaines Decision—The Taylor Bill and the Community Response

Almost immediately after Lucile Bluford's attempt to enroll, the Missouri State Legislature began to act. On February 3, 1939, four days after Bluford visited Columbia State Representative John D. Taylor of Charlton County introduced a bill to the legislature.¹⁶² Named after Taylor, House Bill 195 intended to comply with the Gaines decision by giving the Lincoln University Board of Curators more powers and requiring them to “to reorganize said institution so that it shall afford to the Negro people of the state opportunity for training up to the standard furnished by the state University of Missouri.”¹⁶³ The Taylor Bill also appropriated \$200,000 for Lincoln University in order for them to meet the requirements of the Gaines decision. Ideally, the legislature wanted the \$200,000 to be used to create a law school. However, the underlying reason behind the bill was to shift the burden even more onto the ill equipped and underfunded Lincoln University. The strategy of shifting the burden continued to be a mainstay in the defense's arguments against Bluford and the NAACP. The Taylor Bill pushed the debate from “existent” graduate education “within” the state of Missouri to a debate of what was considered a timely response by the state in establishing new segregated educational programs and whether the programs were to be considered truly equal to their counterparts at Missouri.

Charles Houston and the NAACP recognized the necessity of working with strong local branches when they brought equalization and integration cases to court. Much of the support needed by the national NAACP and Houston came from prominent local leaders and attorneys. This relationship relegated regular NAACP and community members to the areas of fundraising

¹⁶² Charlton County is located in the area of Missouri referred to as “Little Dixie,” which referred to its past as being the largest slave-owning area in Missouri and holding onto a very distinct southern culture.

¹⁶³ “Would Bring School Up to M.U. Standard” *Kansas City Call*, February 10, 1939, accessed June 20, 2014, microfilm, Missouri Valley Special Collections.

and general community support. However with the proposal of the Taylor Bill in the Missouri legislature, local black communities were commissioned to do something more than just fundraising: orchestrate a letter writing campaign to stop the Taylor Bill. Though the campaign was unsuccessful, the black community—fraternities, sororities, churches, unions, and individual citizens—inundated Governor Lloyd Stark with letters pleading for him to veto the Taylor Bill. Some letters were lengthy, detailing numerous reasons why they opposed the legislation. Others were brief, epitomized by the letter sent by St. Louis attorneys S. E. Garner and Richard W. Kent who wrote “that [the] Taylor Bill No. 195 is a miscarriage of justice and respectfully urge that you veto same” and nothing more.¹⁶⁴ The letter writing campaign demonstrated that even though the black community was not directly involved in the inner workings of the NAACP’s legal campaign there was a place for a strong local branch and a supportive local black community.

Waiting to Push the Case

After visiting Columbia on January 30, Bluford continued her work at *The Call* as the NAACP prepared her legal case and continued to work on the Gaines appeal. Despite a busy work schedule, Bluford stayed involved in the effort against the University of Missouri. Upon request of Houston, Bluford attended the Gaines hearing at the Missouri Supreme Court in Jefferson City on May 22.¹⁶⁵ Throughout the spring and summer of 1939, Bluford wrote lengthy correspondence with the NAACP leaders who advised her to continue communication with both Missouri and Lincoln university officials. Many of NAACP officials offered their support and their words signaled that Bluford was known to many of them. William Pickens wrote to

¹⁶⁴ S. E. Garner and Richard W. Kent to His Excellency Governor Lloyd C. Stark, April 29, 1939, in Stark, Lloyd C., Papers, Legislation, 1939, box 4, folder 10851, The State Historical Society of Missouri.

¹⁶⁵ Charles Houston to Lucile Bluford, May 4, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.; Lucile Bluford to Charles Houston, May 13, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

Bluford “you are doubtless the Lucille Bluford who is applying for admission to the University of Missouri...Give my best regards to your mother, father and other friends. I hope to see them again before many months.”¹⁶⁶ C.A. Franklin of *The Call* wrote Walter White about a host of topics but mentioned that with regard to Bluford it was “odd to have news about yourself and your organization came back to you.”¹⁶⁷ The personal relationships with both Pickens and Franklin paint the picture that Bluford was in fact engrained in a civic-orientated culture, especially with the NAACP. However, the unknowing ways in which Franklin and Pickens address Bluford’s attempt show Bluford’s initiative was more independent of guidance and influence by the NAACP than Missouri’s lawyers wanted the public to believe.

Bluford’s correspondence with university officials included much of the same—stalling tactics. S.W. Canada, in keeping with Missouri’s past policy position, instructed Bluford to request a journalism program at Lincoln University. Canada pointed Bluford in the direction of the Lincoln Board of Curators to place her request. Accordingly, these types of communications served as evidence for Bluford’s legal case. They documented the absence of a journalism program at Lincoln and the evasive nature of Missouri university officials thus setting up the NAACP with potentially successful and damning evidence. This technical and procedural correspondence was indicative of the Bluford’s tedious and lengthy legal journey with the NAACP.

In a holding pattern, Bluford attempted to enroll at Missouri again in person in September 1939 for the fall semester only to receive a letter from S.W. Canada simply stating “HAVE NO

¹⁶⁶ William Pickens to Lucile Bluford, February 7, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

¹⁶⁷ C.A. Franklin to Walter White, February 8, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

AUTHORITY TO ADMIT YOU.”¹⁶⁸ This letter coincided with the establishment of the Lincoln Law School in St. Louis. Charles Houston needed Bluford to apply again as “[he] doubt[ed] if [Missouri] would erect a segregated School of Journalism” in addition to the law school.¹⁶⁹ Additionally, C.A. Franklin was in the process of lining up other students to push the establishment of more graduate schools at the University of Missouri such as a school of medicine. With the Gaines case being appealed, Bluford’s second attempt to enroll, the establishment of the law school, and continuous correspondence, the fall of 1939 was a hectic but also crucial time for the NAACP in Missouri. Positioned at the intersection of the end of the Gaines case and the beginning of the Bluford case, Houston and Redmond were trying to make sense of what moves to make next.

Lloyd Gaines Goes Missing and the Dropping of *Gaines v. Canada*

In the close circles of the NAACP it had been known for some time that Gaines might be missing. No one had been able to communicate with Lloyd Gaines since April 1939 when Frank Wethers, a library assistant at Lincoln, had received a letter from Gaines.¹⁷⁰ The NAACP orchestrated an internal search for the victorious plaintiff in order for him to be present during the appeal process when necessary. Sidney Redmond worked tirelessly seeking out leads with Gaines’ friends and family to locate him. However in the late summer and early fall of 1939, the situation regarding Gaines’ whereabouts slowly became more clear. Internal NAACP

¹⁶⁸ S.W. Canada to Lucile Bluford, September 14, 1939, box 2582, folder 2602, University of Missouri President’s Office, Papers, Admission of Negroes, Lucile Bluford Case, State Historical Society of Missouri,

¹⁶⁹ Charles Houston to Lucile Bluford, August 9, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A

¹⁷⁰ Charles Houston to Thurgood Marshall, memorandum, October 10, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A

correspondence shows that potential leads were drying up and prospects of Gaines returning to the courtroom to defend his precedent were becoming slimmer.

Expanding the search to include the press and the public in October of 1939, rumors of Gaines' whereabouts spread throughout the country. Some believed Gaines went to Mexico and others believed him to be dead. Nobody knew for certain where Gaines went. Houston and others in NAACP thought they could hold off until the case was to be retried in January 1940. This thought process changed in late December when Sidney Redmond requested an answer from Houston as to whether Redmond should drop the Gaines case. With the Bluford case prepped and ready, Gaines' disappearance was now negatively affecting the campaign.¹⁷¹ By the New Year, Houston and Thurgood Marshall realized it was not possible to defend MU's appeal of the Gaines decision with Gaines missing. They would have been forced to advocate for admitting a missing student to the University of Missouri—a difficult prospect in the already hostile Missouri State Supreme Court. Accordingly, NAACP and Charles Houston felt continuing the Gaines case was both legally and financially futile, especially considering they had another qualified candidate—Lucile Bluford—ready to test the unsettled precedent.

Filing the Bluford Case

Faced with the dropping of the Gaines case throughout the fall of 1939, the NAACP turned to Lucile Bluford who had been applying pressure on the University of Missouri administration and the state legislature to admit her to Missouri's School of Journalism. Bluford's action also implicitly challenged Missouri to appropriate funds not only for a segregated law school but also a journalism school, both costly endeavors. Throughout 1939, Charles Houston advised Bluford as to what steps to take to best prepare their case. Following

¹⁷¹ Sidney Redmond to Charles Houston, December 19, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

his own strategy of being patient and preparing airtight legal cases, Houston waited until Bluford had been denied admission twice, there was a substantial amount of documented dialogue between Bluford, the NAACP, and the various university officials, and when Houston seriously doubted Gaines' return to Missouri.

On October 6 and 13 of 1939, the NAACP filed two cases on behalf of Lucile Bluford. The first action was a federal civil rights suit aiming to recover monetary damages due to the "loss of half a year's training and the probable loss of the balance of the year's work."¹⁷² The damages suit would place Bluford's appeal in federal court and attempt to win a decision declaring that Missouri and S.W. Canada's actions violated Bluford's Fourteenth Amendment rights. The second state suit filed on behalf of Bluford petitioned for a writ of mandamus to admit her to the school of journalism. Both cases intertwined throughout the following years and encompassed almost the same arguments. The most significant suit—for the NAACP national strategy and this work—was the mandamus suit attempting to validate what Gaines had achieved in legal terms but not in reality.

This step forward by the NAACP signaled a unique situation and progression in the NAACP's campaign for educational equality. In attempting to enroll in January 1939 only a month after the U.S. Supreme Court decision in favor of Lloyd Gaines, Bluford was the first person to test the decision's precedent. Most importantly, Bluford was testing the precedent in the same state, against the same university, and for admission to a different graduate program. The Gaines and Bluford cases were the first two-pronged attack by the NAACP against a single state and university. The strategy harkens back to the early plans to force states to provide massive resources for a few students in hopes of forcing the state to take fiscally irresponsible

¹⁷² "Student, Denied Journalism at University of Missouri, Files Suit," press release, October 6, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

chance to expand and maintain segregated education. Throughout both cases, Houston and local leaders constantly searched for more plaintiffs and students to keep the pressure on Missouri and to force the university to establish more graduate schools for such few black students.

The Bluford Team—A Nationally Coordinated Case

Houston and the NAACP team of lawyers viewed the basis of their legal success in terms of strong local support and also centralized national control. *Gaines v. Canada* was a perfect example of how support from a strong local branch and leadership from the central NAACP organization led to a successful case. Bluford's situation differed slightly. As in *Gaines v. Canada*, Charles Houston was the lead counsel for Bluford's legal case. The supporting lawyers—such as Henry Espy and Sidney Redmond—remained mostly the same except these lawyers were from St. Louis not Kansas City. The most prominent Kansas City lawyer involved was Carl Johnson, who would become the future president of Kansas City NAACP Branch and the first black judge elected in Kansas City. C.A. Franklin of *The Call* also provided support and, at times, conferred with Houston.

Local lawyers, both in St. Louis and Kansas City, played a role in Bluford's legal journey. However, Charles Houston took on most of the case's workload. Bluford later confirmed this, stating, “[The local lawyers] helped a little bit but Houston did most of the work.”¹⁷³ Charles Houston led the team and orchestrated Bluford's case in the courtroom. It is clear that the national NAACP took a great interest in Bluford's case since it was best positioned to uphold their most important victory to date—*Gaines v. Canada*.

While local lawyers did not take center stage in Bluford's litigation, the local branches both in Kansas City and St. Louis were key in keeping the legal efforts afloat financially.

¹⁷³ Lucile H. Bluford, interview by Fern S. Ingersoll, May 15, 1989, p. 65.

Throughout the Gaines and Bluford cases, national NAACP figures such as Charles Houston, William Pickens, and Walter White traveled to both Missouri cities and fundraised at speeches and mass meetings. The Great Depression and the failure of the Garland Fund to grant consistent funds placed the NAACP in a precarious financial position. Charles Houston and Thurgood Marshall were known as personally charitable with regard to their time and services. However, both had personal lives that needed financial stability and a consistent income. In response, the NAACP worked diligently to pay Houston and other lawyers a fair wage for their work. The national NAACP leaders set specific fundraising numbers for the Bluford case—\$1,500 for St. Louis, \$1,500 for Kansas City, and \$500 for the rest of the state.¹⁷⁴ Unfortunately, many of these fundraising efforts fell short of their goals. Nonetheless, the NAACP relied on local branches to help support the NAACP and the plaintiffs as they attempted to bring about change through the court system.

The Bluford case presented a situation in which Charles Houston took an even more hands on approach than he had with *Gaines v. Canada*. In the Bluford efforts, Houston continued to enlist on his St. Louis team of Henry Espy and Sidney Redmond but did not petition for much help from the Kansas City NAACP leaders. Although there was support in Bluford's hometown of Kansas City, the case exhibited a more statewide support structure in contrast to the Gaines proceedings, which were solidly based in St. Louis.

The year 1939 presented limitations and opportunities for the NAACP in Missouri. With Gaines missing, the NAACP's momentum slowed but was not completely stopped. Bluford gave the NAACP another quality opportunity in which to fight segregation at the University of Missouri and throughout Missouri. Houston early on would say that the "Bluford case is the

¹⁷⁴ Sidney Redmond to Walter White, November 17, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

most favorable case possible for testing out factual educational equality.”¹⁷⁵ It was also in 1939 that the Missouri State legislature had changed rules to the funding to Lincoln University and provided an additional \$200,000 to establish a law school—though not a journalism program—to comply with the *Gaines v. Canada* decision. The evasion of university officials and the actions taken by the Missouri legislature signaled to the NAACP that Missouri would not easily let up its resistance to integration. The intersection of both cases and the related legislation directly connects the Bluford and Gaines efforts in the context of what was occurring in Missouri.

Lucile Bluford—The Plaintiff

Lucile Bluford’s background was critical in the NAACP choosing her to be its plaintiff following Lloyd Gaines. The NAACP won the Supreme Court precedent and then Gaines disappeared. Houston needed a dependable, strong, and stalwart plaintiff. In preparing Bluford’s case arguments, Houston noted that “not only [is Bluford] a graduate of Journalism but she is actually Managing Editor of the *Kansas City Call*. Her experience calls for the most advanced courses possible in graduate work. Lincoln University is absolutely up against it.” Since Missouri’s School of Journalism was considered one of the best in the country, Houston reasoned that it would take an extraordinary effort and a large sum of money to make Lincoln University’s School of Journalism equal. Additionally, Houston knew that because of Bluford’s extensive background in journalism Bluford needed the highest-level of graduate education possible—something that Lincoln University would unlikely be able to provide. Unlike Gaines and Donald Murray, Bluford possessed excellent and specific undergraduate training in the academic field and more than seven years of practical experience. Combined with her strong personality and the excellence of the Missouri’ School of Journalism, Bluford, in Houston’s

¹⁷⁵ Charles Houston to Thurgood Marshall, September 27, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

opinion, was the best option “for testing out factual educational equality.”¹⁷⁶ Bluford’s case transitioned the NAACP’s focus from the establishment of education within the state to challenging Missouri’s commitment to establishing and supporting segregated education and questioning the segregated education’s supposed equal nature.

Bluford’s First Court Proceeding

After filing both of Bluford’s cases and eventually dropping Gaines’ case, the NAACP prepared for the first of many hearings regarding Bluford’s request for a writ of mandamus. Scheduled for February 5, 1940, the NAACP began to prepare arguments to be heard with the same judge—Judge W.M. Dinwiddie—and the same opposing lawyer—W.S. Hogsett, S.W. Canada’s counsel—who participated in the Gaines proceedings. The impending Bluford legal case was considered an extension and continuation of the Gaines case but possessed its own nuances.

From February 8 through the 10, Houston and Bluford presented their case to a packed Boone County Courthouse in Columbia, Missouri. Sympathetic white, female students from nearby Stephens College “stood four deep in the rear and sides of the room and sat on the floor in front of the seats” to hear Houston and Hogsett argue their points for and against Bluford’s admission to Missouri.¹⁷⁷ In the wake of the Gaines decision, people—black and white—now seemed to take the NAACP’s actions more seriously.

Houston thoroughly explained the entire case in a simple and slow manner as to nurture support from the white, female students in the courtroom—who were primed to be sympathetic based on their own limitations as women, illustrated by Bluford’s stories of the lack of

¹⁷⁶ Charles Houston to Thurgood Marshall, September 27, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

¹⁷⁷ Dorothy Davis, “NAACP Attorney Conducts Brilliant Case in Two-Day Trial at Columbia, Missouri,” folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

employment of her white, female colleagues at the University of Kansas. The overarching argument put forth by Houston centered on Bluford's appeal as a continuation of the Gaines decision. The Gaines precedent mandated that Missouri provide equal education for Bluford within Missouri's borders or admit her to the university. Using the yearlong correspondence that accompanied Bluford's first two attempts at admission, Houston demonstrated that S.W. Canada, unaware at the time of her application that Bluford was black, acknowledged Bluford was qualified based on merit. Secondly, the correspondence between Bluford and Lincoln University showed Lincoln was not able to provide a journalism program, especially one equal to Missouri's School of Journalism with already appropriated funds from the Taylor Bill. Bluford's counsel also produced N.A. Sweets'—the St. Louis lawyer—application to Missouri's journalism program to show that the idea of black students desiring a journalism school was not a new concept. Simply put, Houston argued that Bluford was in fact qualified for graduate education, the Gaines decision provided a clear mandate, the University of Missouri and Lincoln University did not meet that mandate, and the Taylor Bill, which had established the law school, was not adequate to establish a separate and equal journalism school at Lincoln. Thus, Bluford should have been admitted immediately.

To demonstrate the need for Bluford to attend graduate school and the level of education Bluford required, Houston called many of her co-workers and supervisors at *The Call* to the stand. Dowdal Davis—the business manager at *The Call*—explained that *The Call* would benefit greatly from better educated and well rounded staff members. With graduate education, Bluford would ideally develop administrative, business, and writing skills specific to journalism. Highlighting Bluford's seven years of professional experience and undergraduate education, Houston hoped to force the University of Missouri and the state government to provide the most

extensive and the highest quality journalism education since Bluford would not benefit from introductory coursework. Unlike Gaines and Murray, Bluford's experience and education demanded a true equalization—or integration—of educational programs and facilities.

Hogsett countered Houston with three points. He argued that Bluford was suing the wrong school. According to Missouri's lawyers, Bluford needed to sue Lincoln University since it was responsible for providing education for black Missourians. Second, Hogsett contended that S.W. Canada was not in a superior position and thus was not responsible due to his inability to make policy. Lastly, Hogsett portrayed Bluford's application to the School of Journalism as "not in good faith [as] she was merely acting" on behalf of the NAACP's wishes. These contentions would be continually dragged out throughout subsequent hearings.

To emphasize his conspiracy theory, Hogsett specifically pointed to *The Call*'s coverage of the Taylor Bill and the fact that Bluford was employed at *The Call*. In Hogsett's view, the NAACP, *The Call*, and Lucile Bluford in launching an all-out media assault did not let the legislature adequately comply with the *Gaines v. Canada* decision. This was evidence that the NAACP did not truly want equal educational opportunities for blacks but simply wanted to integrate MU. Houston countered by pointing out the dramatic funding inequalities to Hogsett. Hogsett's NAACP conspiracy theory became the prevailing argument to delegitimize the NAACP in the eyes of the court and the broader Missouri public.¹⁷⁸

The packed courtroom full of young, white female college students provided a lively environment and one of the most notable of the Bluford legal proceedings. When Bluford was called to the stand to testify and defend her credentials, she and Hogsett began to argue about the missing correspondence—the one Dorothy Davis said Bluford flushed down the toilet. Bluford

¹⁷⁸ Ibid.

submitted thirteen letters to Missouri's lawyers prior to the trial but did not submit all of the correspondence. Hogsett insisted that Bluford and the NAACP reveal the concealed correspondence or at least its contents. Bluford did not budge. The correspondence was personal and private between client and counsel, Bluford claimed.

The contentious exchanged elicited a loud applause from the white students whose sympathy had been masterly groomed by Houston throughout the proceedings. Houston admitted that he "tried the case as a social issue as well as a legal issue" and that "the courtroom was with him."¹⁷⁹ The students' boisterous response drew a sharp rebuke from Judge Dinwiddie who then ordered the courtroom to be cleared—all of which contributed to an unusual event in the history of Boone County Court.¹⁸⁰ The outburst from the Stephens College students was so noteworthy, *The Kansas City Star* entitled its story on the trial, "GIRLS DISRUPT A COURT."¹⁸¹ Houston—as he had been in the past—was strategic with both his legal arguments and his use of drama to create the best environment for success.

Aside from the excitement, the role of Lincoln University officials in Bluford's proceedings produced the most interesting dynamic. Black colleges and universities played a unique role in the NAACP's legal campaign. When Sidney Redmond desired a plaintiff to challenge Missouri's segregation in higher education, he reached out to Lincoln University. When the University of Missouri needed to inform Gaines to look elsewhere for his education,

¹⁷⁹ Charles Houston, memorandum, February 12, 1940, Charles Houston to Walter White, Roy Wilkins, Thurgood Marshall, memorandum, February 12, 1940, folder 001512-012-0835 in Papers of the NAACP, Part 03: Series B.

¹⁸⁰ Dorothy Davis, "NAACP Attorney Conducts Brilliant Case in Two-Day Trial at Columbia, Missouri," folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

¹⁸¹ "Girls Disrupt a Court," *Kansas City Star*, February 9, 1940, accessed in folder 001512-013-0139 in Papers of the NAACP, Part 03: Series B.

Lincoln University delivered the news. Lincoln officials had to straddle both sides in order to maintain state support and also support what most at Lincoln University thought was just.

This dynamic played out throughout the Gaines and Bluford cases but was best illustrated in a telephone exchange in late December 1939. Confidentially, Lincoln President Sherman Scruggs called Roy Wilkins—the former *Kansas City Call* employee—in an attempt to find qualified journalism instructors. Scruggs explained to Wilkins “the minimum requirements were a graduate degree in journalism and five years teaching experience.”¹⁸² Wilkins telegraphed Scruggs answering that he did not know of any qualified candidates because “ironically restrictions upon negroes in graduate schools and faculties prevent qualification for the posts you mentioned.”¹⁸³ The precise motive behind Scruggs’ inquiry is unclear since there were no major overtures to establish a journalism school at Lincoln or admit Bluford to the University of Missouri at the time. However, the apparent attempt to comply or to prepare to comply with the Gaines precedent contrasted greatly with how Lincoln officials conducted themselves at the Bluford trial.

W.S. Hogsett called I.C. Tull—Lincoln University’s Business Manager—to the witness stand in hopes Tull would testify that Lincoln possessed adequate funding and planned to accommodate Bluford’s educational needs soon. Tull surprised Missouri’s counsel when he unwaveringly denied this assertion stating, “never in my 24 years that I have been at Lincoln has the state appropriated half of what we asked for.” Then Alberta Hall—secretary to President Scruggs and the Lincoln Board of Curators—demonstrated to Hogsett and the audience that there

¹⁸² Roy Wilkins to Charles Houston, December 29, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

¹⁸³ Roy Wilkins to Sherman Scruggs, December 29, 1939, folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

were no funds available for a journalism school.¹⁸⁴ These seeming about-faces by Lincoln University officials indicated a complicated existence for black universities and the manner in which they navigated the court cases, state directives, and the wishes of the black community.

Bluford and the NAACP's first foray in court had a flair for the dramatic. Sympathetic white, female students applauded Bluford loudly; a courtroom cleared; contentious exchanges were had; and "allies" switched sides. All of this contributed to elevate Bluford as the next central NAACP plaintiff. Amidst the drama, both Houston and Hogsett laid out their understanding of the Gaines decision and how it applied to Bluford's application. Houston situated Bluford as a qualified student who was simply acting as a continuation of the Gaines decision—since there was no separate journalism program in Missouri. Hogsett countered by shifting the burden to Lincoln University to provide education and worked to paint Bluford and the NAACP as insincere in their efforts to gain Bluford admission. These arguments would lead to the central questions of *Bluford v. Canada*: how long does the state have to comply with educational requests from black students? And once these separate programs are established, are they of an equal nature to their University of Missouri counterparts?

In the press, the first proceeding was well received. A young black woman stood up to a white lawyer and a state university on a national stage. The story almost wrote itself. *The Call's* headline—"White Students Crowd Courtroom for Two-Day Bluford vs. M.U. Trial: Sentiment Favors Admittance of Negro to University of Missouri; Judge Dinwiddie Reserves Decision"—concisely summed up the experience.¹⁸⁵ After the proceedings, Houston noted that he "was

¹⁸⁴ Dorothy Davis, "NAACP Attorney Conducts Brilliant Case in Two-Day Trial at Columbia, Missouri," folder 001509-024-0522 in Papers of the NAACP, Part 03: Series A.

¹⁸⁵ Dorothy Davis, "White Students Crowd Courtroom for Two-Day Bluford vs. M.U. Trial," *Kansas City Call*, February 16, 1940, accessed June 27, 2014, microfilm, Missouri Valley Special Collections.

much better prepared than the Gaines case which I had left for my Missouri fellows to prepare.”¹⁸⁶ Despite this preparation and confidence of Houston, Judge Dinwiddie—nearly four months after the trial—decided against Bluford and the NAACP because no prior appeal was made to Lincoln University. Dinwiddie also confided to Houston at the reading of the decision “that the time was not ripe for Negroes to attend the U. of Missouri.”¹⁸⁷ The NAACP appealed the decision immediately, thus prolonging legal process.

Preparing for the Appeal

After the disappointing loss in the first mandamus trial, Houston, Bluford and the NAACP prepared to re-try the case in the Missouri State Supreme Court. Houston anticipated that the State Supreme Court would hold off on hearing the case thus giving the legislature time to respond—as it did with the Gaines case.¹⁸⁸ The lengthy lull between the trial and the appeal gave Houston and Bluford a chance to strategize and keep the pressure on Missouri. Beginning with her first attempt to enroll, Bluford consistently attempted to enroll and register at the University of Missouri every semester. Additionally, Bluford applied for the non-existent School of Journalism at Lincoln University. However when Bluford made her application to Lincoln both in September and December 1940, she was told that journalism would not be offered until February 1, 1941 and that “it remains for the State Legislature to provide such legislative appropriations as are necessary.”¹⁸⁹ Anticipating these types of responses, Bluford relayed the information to S.W. Canada and informed him that because “graduate work in

¹⁸⁶ Charles Houston to Walter White, Roy Wilkins, Thurgood Marshall, memorandum, February 12, 1940, folder 001512-012-0835 in Papers of the NAACP, Part 03: Series B.

¹⁸⁷ Charles Houston, memorandum to NAACP, June 4, 1940, folder 001512-012-0835 in Papers of the NAACP, Part 03: Series B.

¹⁸⁸ Ibid.

¹⁸⁹ Sherman Scruggs to Lucile Bluford, December 26, 1940, folder 001512-012-0835 in Papers of the NAACP, Part 03: Series B.

journalism [was] unavailable elsewhere in the state, [she was] therefore applying for admittance to the University of Missouri School of Journalism for graduate work for the fall semester of the school year 1940-41.”¹⁹⁰ The pressure functioned strategically as Bluford forced officials at both universities to admit the lack of journalism programs for black students and show them that she was not giving up her fight. The blatant correspondence between Bluford and the universities’ officials built Houston’s case for the appeal.

As Houston and the NAACP prepared for Bluford’s appeal, external support began to unravel. Finances were always difficult for the NAACP and began to be a problem again as Bluford’s appeal approached. Accordingly, the national branch depended on the local branches—Kansas City and St. Louis—to fund most of the legal costs in the Bluford case. Despite the strength and numbers of the St. Louis branch, the required funding never materialized. Just after the New Year in 1941, the Kansas City branch—which aside from holding large fundraisers never could effectively support the Bluford efforts—slowed its support even more. In a letter to Thurgood Marshall, Houston indicated “it [was] apparent the national office will have to bear the expense. The Kansas City branch writes it cannot go farther.”¹⁹¹ Marshall wrote back that the national office only had \$1,000 available to continue the Missouri cases. Noting the lack of funds, Marshall contemplated the dilemma of running two legal cases—the mandamus and the damages cases—simultaneously and wondered if Houston needed

¹⁹⁰ Lucile Bluford to S.W. Canada, September 7, 1940, folder 001512-012-0835 in Papers of the NAACP, Part 03: Series B.

¹⁹¹ Charles Houston to Thurgood Marshall, January 2, 1941, folder 001512-012-1006 in Papers of the NAACP, Part 03: Series B.

to end one of them.¹⁹² With the new mandamus trial set for the May term, the NAACP needed to make a decision quickly.

\$65,000 Appropriated for Journalism School

The 1939 Taylor Bill appropriated what C.A. Franklin of the *Kansas City Call* called “a beggarly \$200,000.”¹⁹³ The appropriation was used to establish the Lincoln University Law School at Poro College in St. Louis. Lloyd Gaines was supposed to attend Lincoln’s Law School, and thus the state of Missouri would have satisfied the U.S. Supreme Court’s decision. However, Lincoln University utilized all \$200,000—even though Lincoln argued it needed more funding—to establish the law school. This left no funds to establish other graduate schools should the need arise. For Lincoln, Missouri, and the state of Missouri, the need to establish another graduate school arose immediately. Lucile Bluford’s inquiry for admission to MU and then for a journalism school at Lincoln exhibited the NAACP’s strategy of forcing Missouri—which took the bait—to establish a number of expensive graduate schools.

As Charles Houston anticipated, Missouri and its State Supreme Court were slow to act on Bluford’s appeal in the mandamus case. The delay allowed Missouri to scrape up enough funds to establish a “suitable” journalism school at Lincoln. The funds came in an appropriation of \$65,000, which were made available immediately for the Lincoln Board of Curators to allocate for the journalism school. With any action made by Missouri and MU, Charles Houston had more questions. Would the Lincoln University’s Journalism School be equal to that at Missouri? What specifically would Lincoln offer in terms of facilities, staff, and curriculum? Will it include graduate education? And when would the school be ready? The NAACP had

¹⁹² Thurgood Marshall to Charles Houston, January 9, 1941, folder 001512-012-1006 in Papers of the NAACP, Part 03: Series B.

¹⁹³ Editorial, *Kansas City Call*, May 12, 1939.

won the argument that the Upper South states had to provide education within each of state's borders. Houston and others wanted to test whether or not Missouri was be ready and willing to expand graduate education for black students. Missouri through establishing a law school and now a journalism school—albeit slowly and underfunded—showed their commitment to segregated education. Now, the questions raised by Houston indicated that the NAACP had to contend with the question of whether separate graduate education was equal to its white counterparts—another step in the process of breaking down segregation.

Upon learning of the appropriation, Bluford went to investigate at both the University of Missouri and Lincoln University. Having visited Jefferson City and President Sherman Scruggs, Bluford reported to Houston, Marshall, and Redmond that “the Lincoln University Journalism School [was] still on paper.” Scruggs explained the plans for the building and showed Bluford where the school would be housed temporarily—the basement of the old girls' dormitory, which at the time housed “a ping-pong table and a dozen or so chairs.” In addition to the absurd conditions of the temporary school, President Scruggs' insisted that the school would not be open for the spring 1941 semester, which prompted Bluford to once again to visit the University of Missouri and its registrar, S.W. Canada.¹⁹⁴

Conditioned to denial and emboldened by the stagnant movement on the Lincoln University Journalism School, Bluford confronted S.W. Canada again in Columbia, Missouri. Missouri officials in surviving documents were muted throughout most of the Bluford case but this encounter in early February 1941 prompted Canada to provide a transcript of his encounter with Bluford. Canada's self-written transcript of the encounter portrays Bluford as annoyed and

¹⁹⁴ Lucile Bluford to Houston, Redmond, and Marshall, memorandum, February 6, 1941, folder 001512-012-1006 in Papers of the NAACP, Part 03: Series B.

demanding.¹⁹⁵ In Bluford's account, Canada "was friendlier than on any of [her] previous visits" perhaps emboldened by his recent wins in both the mandamus and damages cases. Always professional, Bluford beginning to show some stress wrote, exasperated, "I am pretty well fed up on Missouri 'justice' and at this moment am so blooming angry that I am tempted to go back to Columbia Friday...and sit in classes until they put me out."¹⁹⁶ The interaction underscored the personal impact the legal case had on the relatively even-tempered Bluford. The exchange with Canada would be a turning point for Bluford as she increased the number of letters she wrote to university officials and the content became more pointed.

Houston and the NAACP debated back and forth on how to address both the damages and mandamus cases in light of limited funding and as of yet limited success. Houston decided to drop the current damages case in favor of a new damages case based on Lincoln's inability to provide graduate education.¹⁹⁷ More importantly, Houston saw the most prosperous route was through the mandamus case, which the NAACP decided focus its efforts on. Houston found the NAACP was best positioned "because of the preeminence of the University Of Missouri School of Journalism...[and] because of Lucile's education and experience in journalism it will be harder to set up substantially equal graduate work for her than it was to set up the framework of a

¹⁹⁵ S.W. Canada, memorandum of interview with Lucile Bluford, February 5, 1941, in University of Missouri President's Office Papers, Admission of Negroes, Lucile Bluford Case, box 2582, folder 2603, The State Historical Society of Missouri.

¹⁹⁶ Lucile Bluford to Houston, Redmond, and Marshall, memorandum, February 6, 1941, folder 001512-012-1006 in Papers of the NAACP, Part 03: Series B.

¹⁹⁷ The new damages case would employ much of the same arguments as the mandamus case but it is worth noting that during the term of next mandamus appeal it was the first time two black citizens were called for jury duty in Missouri. This was seen as a result of Houston's call for black jurors in October 1940 proceedings; "Negroes Called For Jury Service First Time," press release, May 14, 1941, folder 001512-012-1006 in Papers of the NAACP, Part 03: Series B.

law school for a beginner like Gaines.”¹⁹⁸ If Houston could prove that dramatic inequality existed and Bluford was not offered an equal opportunity because of this inequality, the NAACP could potentially achieve another national precedent on a different aspect of segregation in the Upper South.

As this internal debate played out, Bluford was offered a position with the NAACP. Bluford chose to pass on the position because if she did it “would lend credence to the defense charges that the litigation lack sincerity.”¹⁹⁹ C.A. Franklin—Bluford’s supervisor—also objected to the proposed NAACP position since he felt Bluford was best needed in Kansas City. Franklin also expressed pessimism on the prospects of realizing the potential of the Gaines precedent—highlighting Kansas City’s success in integrating the defense industry. There also appeared to still be disagreements between Franklin and Walter White, whom Franklin viewed as trying to rob *The Call* of quality staff members such as former news editor Roy Wilkins.²⁰⁰ The episode is significant because it does lend credence—in some ways—to the defense’s arguments of a conspiracy between Bluford and the NAACP. It also demonstrates how highly the NAACP viewed Bluford not only by representing her against the University of Missouri but also as a cash-strapped organization extending a job offer. The response by C.A. Franklin illuminated the cracks that were beginning to form in the support structure for the campaign for educational equality. With the advent of World War II, civil rights campaigns and actions expanded and

¹⁹⁸ Charles Houston to Johnson, Knox, Calloway, Herbert, Bluford, Redmond, Marshall, memorandum, February 17, 1941, folder 001512-012-1006 in Papers of the NAACP, Part 03: Series B.

¹⁹⁹ Lucile Bluford to Walter White, March 4, 1941, folder 001512-012-1006 in Papers of the NAACP, Part 03: Series B.

²⁰⁰ C.A. Franklin to Walter White, March 10, 1941, folder 001512-012-1006 in Papers of the NAACP, Part 03: Series B.

time spent on behalf of one plaintiff did not appeal to many leaders loosely affiliated with the NAACP.

Bluford's Mandamus Appeal in the State Supreme Court

On May 15, 1941 in Jefferson City, Missouri, the NAACP and the Missouri's counsel battled once again on the issue of the writ of mandamus for Lucile Bluford. This time, however, the arguments were presented before the Missouri State Supreme Court. W.S. Hogsett argued again that Bluford did not truly want to attend graduate school and was simply a puppet for the NAACP. Houston and the NAACP contended again that Missouri had not provided graduate education for Bluford despite the Gaines decision. Relatedly, Houston argued that Bluford was entitled to graduate education immediately and insisted that Bluford be admitted to the University of Missouri for the fall 1941 semester—a new twist to the case. The Lincoln University School of Journalism was in the process of being built thus there was no way to determine the equality.

Houston's argument for a timetable now shifted the debate to when Bluford was entitled to graduate education and how long was acceptable for the state to respond to requests from black students for graduate education. The Missouri State Supreme Court waited nearly a year to hear the appeal on the mandamus suit but was quick to deliver a verdict—on July 8, 1941—in favor of the defense. Bluford was once again denied graduate education based on the fantasy that journalism education was readily available at Lincoln University. The court's ruling stated that both Missouri and Lincoln required “proper demand” for graduate education—a clear reference to the defense's argument that Bluford did not inquire at Lincoln before applying to the

University of Missouri—and “reasonable time” for responding to those demands.²⁰¹ Houston and Bluford in a press release pondered what constituted “reasonable time” since Bluford had applied to the University of Missouri two years before. More than ever before, it was evident that the Missouri State Supreme Court, the Missouri legislature, and the university were stalling in the most extreme ways.

Specifically, Houston, despite the loss, found many positives in the court’s decision. The court did not agree with the defense’s argument that Bluford’s application was made in bad faith. The court also decided that black students did not have to sue the Missouri board of curators “but merely bring action against Canada as registrar,” which would cut down on costs and simplify the process. Ultimately, the court decided that black students did not have to sue Lincoln University to provide education—a turn of the defense’s position that the burden was clearly placed with Lincoln University. Houston expressed to Bluford that Missouri was “now at the pressure stage” since many in the legislature knew they could not continue to create graduate schools for every student. Believing some in the legislature had been pushed to their limit, Houston and the NAACP needed more applicants to keep the pressure on and force the establishment of new graduate schools.²⁰²

Starting Over and Avoiding the U.S. Supreme Court

Various Missouri courts handed the NAACP and Lucile Bluford multiple losses between the years 1940-1941. Most of these losses were predicated on procedural errors made by the NAACP and Bluford and was helped along by the general evasion of the University of Missouri and the state legislature. Despite the losses, Bluford’s case still held the most potential for the

²⁰¹ “M.U. Negro Bar Holds,” *Kansas City Star*, July 7, 1941, accessed April 13, 2015, microfilm, Missouri Valley Special Collections.

²⁰² Houston to Bluford, July 15, 1941, folder 001512-012-1006 in Papers of the NAACP, Part 03: Series B.

NAACP in Missouri and nationally. In late 1941, the internal debate shifted once again to figuring out how to continue the Bluford case without risking the Gaines precedent. In letters to Thurgood Marshall, James M. Nabrit of Howard University and Louis Redding of Delaware gave their opinions on the course of action for the Bluford case. Both agreed that Bluford and the NAACP should institute a new action in requesting graduate education and then bringing legal action against Missouri and S.W. Canada should they deny Bluford again. Taking the advice of Nabrit and Redding meant essentially starting the process all over again. Their concern with appealing the current case to the U.S. Supreme Court was that the appeal would “risk muddying up the Gaines decision because of technical and procedural errors.”²⁰³ Redding argued a potential federal appeal would give “the U. S. Supreme Court another opportunity to reaffirm its previous sanctioning, perhaps, at this time, with embellishment.”²⁰⁴ Houston, to a degree, disagreed. Houston felt it necessary to petition for a writ of certiorari in the U.S. Supreme Court due to the blatant evidence showing that Bluford made obvious demands and the length of time that Missouri waited to respond to Bluford’s requests. From a strategic standpoint, the time period constituted a turning point in how the NAACP addressed and moved forward with the Bluford case.

The Building of Lincoln University’s School of Journalism

With the appropriation of the \$65,000 from the Missouri Legislature, Lincoln University officials planned to break ground on a new journalism school though most of Lincoln officials still thought the appropriation was too small. The deadline for completion was set for February 1942 in order to satisfy the “reasonable time” requirement established by the court’s decision.

²⁰³ James M. Nabrit to Thurgood Marshall, memorandum, July 29, 1941, folder 001512-012-1006 in Papers of the NAACP, Part 03: Series B.

²⁰⁴ Louis L. Redding to Thurgood Marshall, August 5, 1941, folder 001512-012-1006 in Papers of the NAACP, Part 03: Series B.

Houston, anticipating the inherent inequality of the future School of Journalism at Lincoln, continued to prepare for future litigation against the University of Missouri. In the midst of the posturing by both the NAACP and the Missouri legislature, the Lincoln School of Journalism continued to be built albeit ever so slowly. The start of construction began in the late fall of 1941 and was not completed until after the February 1, 1942 deadline. Bluford's wait for some kind of journalism program now extended past two years since she made her first application to the University of Missouri in January 1939.

Given Missouri's resilience in maintaining segregated education, the crux of the continued NAACP efforts in Missouri rested on the equality of the Lincoln School of Journalism. Houston and Bluford requested a course catalog from Missouri and Lincoln, the staff directories and credentials, and Bluford personally investigated the facilities. It was obvious that the Lincoln School of Journalism was wholly unequal to its counterpart in Columbia. The staff at Lincoln would have had less journalism experience than Bluford and Mitchell Hall—the home of the Lincoln Journalism School—was not comparable to the facilities at Missouri. These discrepancies illustrated Houston's belief that Bluford's excellent academic record and substantial experience was invaluable to their efforts since the facilities and programs being established were more suitable for undergraduates or graduate students like Gaines and Murray who did not have prior experience in their field.

Combining the Damages and Mandamus Suits

As 1941 came to a close, Bluford and Houston increased the pressure on both Lincoln University and the University of Missouri writing to both Scruggs and Canada. Their correspondence emphasized that Bluford had given both parties "reasonable time" to establish a journalism school at Lincoln, which to this point had not been completed. Each piece of

correspondence to Canada included an emphasis on holding him personally liable for the situation. The pressure was necessary to make sure Lincoln established a journalism school and also to box Canada and Missouri into a corner when the case expanded to debate the equality of the future Lincoln School of Journalism.

Concurrently, the inner circle of NAACP lawyers both in the national office and in Missouri contemplated how to move forward with the case. Houston and the others came to the conclusion that they would combine both suits—the personal damages suit and the mandamus suit—into one, hopefully accomplishing the goals of both suits. Houston explained that under new federal rules they could combine both suits because though “the Federal courts cannot issue writs of mandamus...they have the power to issue injunctions which properly worded reach the same result.”²⁰⁵ The specific plan for Bluford was for her to file an application with Lincoln with an explicit letter outlining that she would not attend if she considered Lincoln’s journalism program unequal to the school at Missouri. Once the application was filed and Bluford determined the unequal nature of the Lincoln School of Journalism, Bluford was to then apply at Missouri. These strategic moves would focus all of the NAACP’s efforts, finances, and public attention on one final legal case in Missouri.

The University of Missouri Abandons Graduate Work in Journalism

During the time Houston and the NAACP prepped the final push in the Bluford case, rumors started that Missouri had dropped its graduate work in journalism. In a letter to Houston, W.S. Hogsett explained that graduate work in journalism at Missouri had been discontinued in

²⁰⁵ Charles Houston to Lucile Bluford, September 15, 1941, folder 001512-012-1006 in Papers of the NAACP, Part 03: Series B.

January 1942. Houston was automatically suspicious of Hogsett's claim.²⁰⁶ The supposed abandonment of graduate work in journalism complicated Bluford's last appeal. Houston now had to find out if in fact Missouri had truly abandoned graduate work in journalism and if it was done in a legal manner. If so, the NAACP's new case may have been null and void. The official reasoning behind the abandonment was low enrollment due to World War II. Though after Bluford's last appeal in April of 1942, Bluford received a letter from Harold Wilkie, a pastor in Columbia, Missouri. Wilkie confirmed that the university discontinued its journalism program on paper due to the decrease in enrollment. However, Missouri faculty members were teaching graduate courses just not for graduate credit. Wilkie also spoke with a student who declared that the closing of the graduate program was "a move to keep 'the Negro girl' from entering the school."²⁰⁷ In addition to spending large sums of taxpayer money on segregated schools for such few students, Missouri demonstrated its willingness to close its own world-renowned journalism program to keep Lucile Bluford from attending.

"The most vicious appeal to race prejudice"—The Final Appeal

On April 23, 1942, the federal district court called once again to argue and decide on Lucile Bluford's petition for a writ of mandamus petitioning she be admitted to the University of Missouri School of Journalism. After multiple trials and legal actions both sides seemed ready to prove their case for the final time. Hogsett—S.W. Canada's counsel—at the outset was excitable and needed to be calmed down. Both counselors trudged through the myriad of rehashed arguments: Canada denied the admittedly qualified Bluford because of her race multiple times; Bluford had applied to the University of Missouri and Lincoln University in hopes of receiving

²⁰⁶ Charles Houston to Frank Reeves, March 26, 1942, folder 001512-013-0001 in Papers of the NAACP, Part 03: Series B.

²⁰⁷ Harold Wilkie to Lucile Bluford, May 1, 1942, folder 001512-013-0001 in Papers of the NAACP, Part 03: Series B.

an adequate graduate education in journalism; Bluford also sought help from the NAACP, though she did not feel it was a conspiracy to integrate; and Bluford was an already established journalist thus she did not need a graduate degree. The defense, confident in their argument, “rested without putting on any evidence.” The court instructed the jury to decide on one issue—the good or bad faith of Bluford’s application to Missouri’s School of Journalism.

Hogsett then responded with a slew of prejudiced arguments that painted an imposing picture of the NAACP for the all-white jury. The NAACP leaders, in Hogsett’s argument, were intermeddling New Yorkers trying to alter the Missouri way of life and the laws that had always governed the state. “Hogsett had talked so fast the truth slipped out and he had shown that he was standing on race prejudice alone.” Houston recounted that prejudice was the only argument he could not overcome.²⁰⁸ The case was lost.

Reasons for the Losses

Equipped with the Gaines precedent and a more than suitable plaintiff in Bluford, what were the reasons for the NAACP’s consistent losses in the Bluford trials? Was Missouri learning and adapting from the Gaines decision? Or was racism so entrenched as illustrated by the collusion in the Gaines case that there was nothing Charles Houston could do to guarantee a victory? Those are important questions to answer. Though, many of the answers will only be speculative, Charles Houston did reflect on the aspects that were somewhat within his control.

First, Lloyd Gaines was still missing. Gaines’ disappearance in Houston’s words would “rise to plague the N.A.A.C.P. again and again.”²⁰⁹ The NAACP won the Gaines precedent and utilized it in the Bluford case but the precedent had yet to be actualized by the winning plaintiff.

²⁰⁸ “Report on trial of Bluford v. Canada,” Charles Houston, April 26, 1942, folder 001512-013-0001 in Papers of the NAACP, Part 03: Series B.

²⁰⁹ Ibid.

Thus the legal precedent still possessed some utility but in the eyes of the public and Missouri officials the Gaines precedent was practically useless without the original plaintiff. If Gaines had been able to follow through with enrolling at Missouri or Lincoln's law school, Bluford's case would have taken a much different path.

Secondly, Houston wanted the NAACP to be more careful with their correspondence. Utilizing the little correspondence handed over by the NAACP, Hogsett and Missouri's counsel sold the jury on the argument that the NAACP was orchestrating the case on behalf a plaintiff that did not want to actually attend graduate school. If the NAACP navigated the correspondence with more caution, Houston would have avoided an important argument that built the majority of Missouri's case against Bluford.

Lastly, the NAACP and its plaintiffs needed to follow the proper channels to qualify as "proper demand" for graduate education. Playing by the unwritten rules set up by the legislatures, lawyers, and the state universities would have eliminated unnecessary arguments and allowed the NAACP to focus on the inequality of education provided to blacks throughout the United States. Houston and others at the NAACP in the Missouri legal challenges learned how to avoid contentions and arguments that distracted from their true purpose in the campaign for educational equality: ending segregation in education.

"Keep fighting"—The End of the Bluford Efforts

After the final trial in April 1942, Lucile Bluford applied to the University of Missouri for the last time in September 1942. By the fall of 1942, Bluford had applied in Columbia with S.W. Canada every semester since January 1939 when she first started the process of applying. At the end of the April 1942, trial both sides were fatigued and worn-out arguing the same points over and over again save for minor changes and points of emphasis. Missouri continuously won

the Bluford trials, but with the Gaines precedent looming the Bluford efforts seemed to end in a stalemate. Missouri officials, however, felt the last court decision signaled a permanent end to the Bluford issue. Hogsett now placed Bluford “in the nuisance class” and advised S.W. Canada that “no answer” was needed to Bluford’s continued correspondence.²¹⁰

Financially and mentally taxed, both Houston and Bluford decided to not pursue further legal action against the University of Missouri but waited for another potential plaintiff to continue their cause. Edith Massey—a graduate of the Lincoln University School of Journalism—answered that call. Massey and others who applied after Gaines and Bluford would not make a significant impact individually. Nevertheless, collectively, the applicants would pressure university officials for nearly a decade before Missouri finally integrated its university by admitting just nine students in 1950. The university and Missouri held fast for as long as it could in denying black students admission despite the courageous efforts by Bluford and Gaines.

Conclusion

Lucile Bluford was curious. Bluford was also forward and often agitated the status quo in her own unique way as a journalist and a private citizen. Bluford and her legal case against the University of Missouri—*Canada v. Bluford*—are often overlooked as “the other girl that followed Lloyd Gaines.” The lack of attention is rooted in the ultimate failure of legal case. However, framing *Bluford v. Canada* as a complete failure ignores the impact the case had on the development of the larger NAACP strategy. The case is significant individually and also as a continuation of *Gaines v. Canada*. The historical narrative is rich with information, stories, and

²¹⁰ W.S. Hogsett to S.W. Canada, May 4, 1942, box 2582, folder 2606, University of Missouri President’s Office, papers, Admission of Negroes, Lucile Bluford Case, State Historical Society of Missouri.

evidence that allow one to make distinct conclusions about Bluford, the connection of Missouri cases, and its place in the broader campaign for educational equality.

Bluford grew up in a household and in a neighborhood that valued civic activism, particularly with the NAACP. This upbringing budded in her years at the University of Kansas where Bluford agitated the segregated status quo in Lawrence and on Kansas' campus. As Bluford—a young black woman—started her journalism career, she was never intimidated and took on the “hard news” of the day in a world primarily made up of men. When Charles Houston needed another plaintiff to test the Gaines precedent, Bluford was primed and prepared for such a task. Bluford academic and employment qualifications placed her in the category of “suitable plaintiff.” But what separated Bluford from both Lloyd Gaines and Donald Murray was her lengthy and substantial activist tradition and upbringing making her a suitable NAACP plaintiff.

Strategically, Donald Murray's case against the University of Maryland was too easy; it did not set a precedent for all applicants. Lloyd Gaines's case did set a national precedent but Missouri was still somewhat unprepared for that type of civil rights litigation. Bluford's legal action would be the first encounter of significant resistance and evolution of a defending state university—a foreshadowing of what the NAACP would encounter in other states. Following the Bluford narrative, one can see how Missouri and its university strategized the stalling tactics and also how the officials attempted to satisfy the requirements sent down by the U.S. Supreme Court in the Gaines decision.

Lucile Bluford and her efforts against Missouri provide a case study of who a typical—or extraordinary—NAACP plaintiff was. What drove them to join the movement? How did their background impact their decision? What points were the NAACP and the plaintiff trying to

prove? And how did the defense and plaintiff's arguments evolve in the specific cases and trials and also in the context of other prior cases. Bluford's narrative gives a fuller picture and answers many of these questions serving to better understand the inner workings and the history of the early NAACP campaign for educational equality.

Chapter 3

The Interconnected Nature of Gaines v. Canada and Bluford v. Canada

Lloyd Gaines and Charles Houston gave the NAACP a precedent-setting victory mandating the state of Missouri to provide graduate education to its black citizens. With the victory, the NAACP broke down one barrier to equitable and integrated education. To ensure the University's of Missouri's compliance with the decision, Lucile Bluford followed Lloyd Gaines by applying to its legendary School of Journalism. Both legal cases—*Gaines v. Canada* and *Bluford v. Canada*—ended in disappointment as Gaines disappeared forcing the NAACP to drop the case, while Bluford's case sputtered out despite its apparent strength. From the narratives of both plaintiffs, it is clear that the national NAACP office and its special counsel, Charles Houston, invested a tremendous amount of time, resources, and energy into supporting the two legal cases against the University of Missouri. This investment of time underscored the significance of both Gaines and Bluford to the NAACP's efforts in the campaign for educational equality. What has yet to be explored is why, specifically, the two cases are significant and how they should be historically framed. In this chapter, there are two critical questions based on the historical narratives and their contexts. The two interdependent questions are: how were the two legal cases significant to the NAACP's campaign for educational equality? And given the limited scholarship, how should we frame these two narratives in relation to their combined significance?

Much of the scholarship written about Lloyd Gaines and Lucile Bluford is incomplete. The inadequate nature of the scholarship is not conducive to drawing larger conclusions about the two cases' significance and the necessary historical framework. Thus, an intervention is

needed to move beyond simplistic understandings of the Gaines precedent and the oft-forgotten Bluford case that followed.

In order to best understand and appreciate the significance of Lloyd Gaines, Lucile Bluford, and their legal attempts to be admitted to the University of Missouri, one must frame the two histories as one interconnected history. This proposed framework is based on three levels of interconnectedness: a personal level, the interaction of the individual cases in the context of Missouri, and the two cases' impact on the national NAACP legal strategy. First, Lucile Bluford's inspiration to enroll connected the two plaintiffs on a personal level, as the Gaines victory was the main source of Bluford's inspiration. The single anecdote highlights the underlying goal of the NAACP to inspire local people and NAACP branches to come forward and initiate additional legal cases semi-autonomously. Secondly, both legal cases demonstrated a dependent evolution of *Gaines v. Canada* to *Bluford v. Canada*. The evolution is best encapsulated in the events of the year 1939 when the end of *Gaines v. Canada* intersected with the beginning of *Bluford v. Canada*. Lastly, the two narratives' interconnected nature exhibits an execution of the NAACP's strategic plans and the development of the broader, coordinated NAACP legal campaign. Using the two plaintiffs, the NAACP attempted to integrate two different professional schools at the same university. This strategy was key to the NAACP's strategy, which aimed to effectively bankrupt the state and test its will to maintain segregated educational systems—a first in the campaign for educational equality.

The significance of framing *Gaines v. Canada* and *Bluford v. Canada* as one interconnected history is that one can better understand the development of the legal campaign and the execution of NAACP supported legal cases in individual states and legal cases. Mark Tushnet in his book *The NAACP's Legal Strategy against Segregated Education* gives a brilliant

overview of how the national legal campaign originated and evolved. There is also scholarship that explores specific cases and their respective importance. However, the analysis of the Gaines and Bluford cases leaves a lot to be desired. Exploring the intricacies of the Gaines and Bluford cases and the various points where they intersect builds specific and important connections as to how Charles Houston, the NAACP, and the individual plaintiffs moved strategically, pragmatically, and legally through history of the campaign for educational equality.

Personal Influences—Lloyd Gaines as Lucile Bluford’s Inspiration

The NAACP’s national office and its leaders knew that to end segregation they needed assistance. Charles Houston and Walter White understood that the long-term success of the NAACP’s efforts would only come to fruition if and when local branches extrapolated from the nationally led actions and court cases to start and execute their own. At the beginning of the campaign’s development, both Houston and White planned to excite and inspire local people to carry the campaign for educational equality to the proverbial “next level.” When local people had hope based on real victories, the NAACP reasoned, they would expand the movement and lessen the overall workload of the central NAACP leadership.²¹¹ The strategy was not completely realized as Lucile Bluford and her efforts were still strongly connected to the national NAACP office and its leaders—the case was in fact more centralized than *Gaines v. Canada*.²¹² However, Bluford’s inspiration was exactly how Houston and White imagined the campaign for educational equality moving forward.

In the early 1930s, the Garland Fund nudged Walter White and the NAACP for details regarding their strategies to end segregation—the purpose of the proposed grant. In a

²¹¹ Ernst to White, Draft Report by Committee to Fund, NAACP Papers BOX I-C-196 (pre-May 1930), quoted in Tushnet, *NAACP’s Legal Strategy*, p. 13-14.

²¹² Lucile H. Bluford, interview by Fern S. Ingersoll, May 15, 1989, p. 65.

memorandum to the Garland Fund in 1930, the Committee on Negro Work—which represented many of the NAACP’s interests—stated simply that legal cases and victories against educational segregation would “serve as examples and give courage to Negroes to bring similar actions.” The memorandum further explained, “though the suits of necessity will be entered in the names of individuals, the psychological effect upon Negroes themselves will be that of stirring the spirit of revolt among them.”²¹³ The NAACP hoped that inspiring individuals and local branches with national victories and giving them the strategic blueprint the campaign for educational equality would spread much easier than in the beginning.

Lucile Bluford and the way she initiated her attempt to enroll at the University of Missouri exemplified this aspect of NAACP’s overall strategy and explicitly linked her to Lloyd Gaines and his NAACP legal case. Admittedly, Bluford did not follow the Gaines case until he and the NAACP won in the U.S. Supreme Court. This victory had sent shockwaves throughout the black community and press—though many were cautiously optimistic about the new precedent. As the managing editor at *The Call*, a life long NAACP member, and a citizen of Missouri, Bluford oversaw the pervasive coverage of the Gaines victory by *The Call* and observed the black community’s reaction to the national news that had a local impact. Personally, the victory did not inspire an overwhelming sense of courage in Bluford to go out and challenge the University of Missouri but rather a journalistic-like curiosity, which achieved the same purpose.²¹⁴ Discovering Lloyd Gaines could not enter Missouri’s Law School in the spring of 1939, Bluford thought about testing the university’s response to the U.S. Supreme Court decision and another qualified black applicant. Acting on the Lloyd Gaines-inspired

²¹³ Committee on Negro work to Garland Fund, May 28, 1930, memorandum, folder 001509-002-0186 in Papers of the NAACP, Part 03: Series A.

²¹⁴ Lucile H. Bluford, interview by Fern S. Ingersoll, May 15, 1989, p. 54.

curiosity, Bluford traveled to Columbia, Missouri and attempted to enroll in January 1939—a little over a month since the U.S. Supreme court delivered its opinion. Bluford was denied. The stated reason was due to the Gaines case being appealed by Canada and the University of Missouri, the university could not admit Bluford. However, Bluford’s curiosity and subsequent action started a new and potentially successful NAACP legal case.

The significance of Bluford’s inspiration brought about by the Gaines victory is two-fold. First, the inspiration is the first and most direct connection between Bluford, Gaines, and their respective legal cases, which would become even more closely intertwined as the Bluford case progressed. If Gaines had not won his U.S. Supreme Court challenge and also had not been from Missouri, Bluford would more than likely not have challenged the University of Missouri to adhere to the court’s precedent. The core of this argument is magnified by Bluford’s assertion that she was not well informed about the earlier Gaines legal challenges. Being a reporter and managing editor of a popular, black Missouri weekly publication, one would assume that Bluford followed or was partially aware of the Gaines legal case as it was of local and national interest. Yet, in an interview, Bluford admitted she was not tuned into the happenings of the Gaines case until he won in 1938.²¹⁵ The Gaines victory effectively “stirr[ed] the spirit of revolt” in Bluford and she felt compelled to see what Missouri’s officials would do next if she applied.²¹⁶

Houston and White wanted press coverage of its major victories to inspire other black students to make their own challenges. With the Gaines victory, they succeeded in influencing another potential plaintiff, Lucile Bluford, who based on her occupation and involvement with the NAACP should not have needed a dramatic victory to be aware of the need for more

²¹⁵ Lucile H. Bluford, interview by Fern S. Ingersoll, May 15, 1989, p. 66.

²¹⁶ Committee on Negro work to Garland Fund, May 28, 1930, memorandum, folder 001509-002-0186 in Papers of the NAACP, Part 03: Series A.

plaintiffs. However, the perfect situation—the Gaines case occurring in Missouri and him not being able to enroll until the fall of 1939—provoked a curiosity in Bluford that ultimately created new NAACP legal challenge. Thus, there is a direct and personal link between her and Lloyd Gaines that validated the NAACP’s assertion that victories would bring about more plaintiffs.

The somewhat shocking admission by Bluford regarding the extent of her knowledge on the Gaines case is illustrative of the second significant aspect of the Bluford’s initiation of the legal case—the NAACP’s difficulty of finding other plaintiffs. In the beginning stages of the campaign for educational equality, the NAACP was not successful in recruiting qualified plaintiffs to begin a new legal effort. Despite winning the Donald Murray case against the University Maryland in 1935, the NAACP and Charles Houston could not entice many other undergraduate students to join their efforts. After Gaines joined the NAACP efforts and applied to Missouri in the fall of 1935, Houston stepped up his efforts to get more plaintiffs after admitting to Sidney Redmond “frankly, the university program [had] slowed down to a walk for lack of suitable candidates both in the front line and in reserve.”²¹⁷ Locally, lawyer Sidney Redmond experienced difficulties as well. Around the time Gaines approached the St. Louis NAACP, Redmond had multiple no-shows to his office after reaching out to Lincoln University to attract graduating seniors.²¹⁸ This difficulty of finding qualified plaintiffs magnifies Bluford’s importance since Bluford not only continued the Gaines efforts but to Houston and those involved nationally Bluford represented an internal victory to further the campaign for educational equality.

²¹⁷ Charles Houston to Sidney Redmond, December 26, 1935, folder 001509-014-0267 in Papers of the NAACP, Part 03: Series A.

²¹⁸ Redmond to Houston, August 17, 1935, folder 001509-014-0267 in Papers of the NAACP, Part 03: Series A.

The narrative of Lloyd Gaines' victory inspiring Lucile Bluford to pursue her own actions against the University of Missouri is, perhaps, a simple statement of fact. However, Bluford's Gaines-motivated curiosity exemplified one of the critical aspects of the NAACP's strategy and created a direct and personal link between the two Missouri plaintiffs and their legal cases. The connection also amplifies the difficulties the NAACP encountered when trying to find additional student plaintiffs to join their cause. Lucile Bluford—an excellent plaintiff candidate—was one of the few students to respond to the call immediately after the landmark *Gaines v. Canada* decision, thus making her the first student supported by the NAACP to test the decision.

The Missouri Context—Similarities, Evolution, and Interconnection of the Legal Cases

Expanding from the personal connection of the plaintiffs, the two legal cases of Gaines and Bluford are interconnected by the intersection of their legal cases and their implications in the context of the state of Missouri. The evolving legal connections can be seen in the narratives developed in the prior two chapters but the point of time when the interconnected nature of the two cases is best illustrated is the year 1939. During this year, the intersection of the two cases created a web of cause and effect that had implications for both cases and, as will be explained, the national NAACP campaign for educational equality. This web can be broken down and simplified into the major events of 1939: the *Gaines v. Canada* victory (which occurred in December of 1938), Lucile Bluford's attempt to enroll, the proposal and passing of the Taylor Bill, Lloyd Gaines' disappearance, the filing of the Bluford legal suits, and the decision to drop the Gaines case. By focusing on the year 1939, one can understand in a succinct manner how each of these events connected Lloyd Gaines and Lucile Bluford in a context that focuses on the legal cases and Missouri. The emphasis on the year 1939 does not explain all of the connections

of the legal cases since most of that is evident in the narratives. However by examining the intersection of the two cases in the context of one year, 1939, one can best understand why the two cases need to be framed as one history that intersects and is firmly connected not two individual histories with some overlap.

In December 1938, Lloyd Gaines and the NAACP received the U.S. Supreme Court's opinion on their case against the University of Missouri. They had won. The excitement and talk about the victory—despite being greeted with hesitant optimism—continued throughout the holiday season and into early 1939. The NAACP just won a precedent declaring that Missouri had to provide education within its own borders. Ideally, the NAACP wanted to follow through with the Gaines case making sure Gaines either attended Missouri's Law School like Murray had in Maryland or Missouri established a segregated law school—if the latter was Missouri's choice the NAACP would turn to a debate of equality between the two state law schools. Either way, the NAACP possessed the ability to transform education in Missouri if not in the rest of the country as well. Additionally, the NAACP wanted other students to apply for other graduate schools at Missouri. More students would place more pressure on the Missouri administration and legislature and force them to make a decision about multiple segregated graduate schools. The impact of the Gaines precedent began to be felt immediately in January of 1939 when Bluford was inspired to test the decision by attempting to enroll at Missouri. Lucile Bluford, as explained, became the NAACP's second wave to hold Missouri—both the university and the state—accountable to the Gaines precedent. The court's decision spurred the reaction of the NAACP and Lucile Bluford to start a new effort, thus creating the first connection between *Gaines v. Canada* and *Bluford v. Canada* in the year 1939.

After the U.S. Supreme Court delivered the Gaines opinion and Bluford tested s Missouri's response, the next notable event occurred when the Taylor Bill—which allocated funds and gave authority to Lincoln University to establish a law school—was proposed and passed. The legislative proposals had been brewing for some time and were discussed in internal documents by Missouri officials and lawyers.²¹⁹ However after the U.S. Supreme Court's decision and Bluford's new attempt to enroll, officials at Missouri and in the state government—needing to respond—knew the time was right to propose the new legislation and attempt to maintain segregation. The new legislation involved state officials, tax dollars, and an impact beyond simply the University of Missouri and the NAACP plaintiffs. The Missouri state legislature's new law expanded the reach of the NAACP's legal cases to include the broader Missouri public. Gaines and Bluford had thus far demonstrated a collective purpose and the state legislature now needed to respond to the NAACP's actions, their plaintiffs, and the U.S. Supreme Court. In turn, the legislature reacted with legislation that would have be dealt with both Missouri officials and the NAACP.

On the surface, the Taylor Bill was a response to the Gaines decision and not necessarily an immediate reaction to Bluford's attempt to enroll at Missouri. However, the precedent of the Taylor Bill would hold unique implications for the NAACP's Bluford strategy. The Taylor Bill showed the NAACP that Missouri was willing to establish segregated schools and allocate a significant—though unequal—amount of funds to accomplish this goal. The show of commitment to segregation made Bluford's potential case against the University of Missouri that much more important to the NAACP.

²¹⁹ W.S. Hogsett to Frederick Middlebush, January 5, 1938, box 2582, folder 2597, University of Missouri President's Office, Papers, Admission of Negroes, Lloyd L. Gaines case, State Historical Society of Missouri.

With only appropriating enough funds for the Lincoln Law School, the Taylor Bill further complicated Bluford's case as nothing was inscribed in the bill about a potential journalism school at Lincoln despite Bluford's attempt just a few days before the bill's proposal. The lack of funds for a journalism school guaranteed that some kind of new response from the Missouri state legislature would be needed. Given Bluford's resume and qualifications, the NAACP was hopeful that it could bring a successful case against Missouri sparking the creation of a journalism school at Lincoln University or admitting Bluford to the University of Missouri. Later, Missouri's legislature did respond by following up the Taylor Bill two years later with an appropriation of a meager \$65,000 to establish a journalism school at Lincoln University. The Missouri legislature's evolution of thought and action was a direct result of pressure by both Gaines and Bluford. The Gaines victory prompted the Taylor Bill, which the Bluford efforts then made inadequate. To respond, the legislature appropriated more money for a journalism school. By utilizing Bluford along with Gaines, the NAACP had brought about the establishment of two costly, new graduate schools. In doing so, Charles Houston knew that the NAACP could potentially break the Missouri state legislature financially, ultimately forcing the admittance of black students into the University of Missouri.

In October of 1939, it became apparent to Charles Houston and the team of St. Louis lawyers that Lloyd Gaines was missing. The NAACP now had to defend a U.S. Supreme Court precedent without accounting for its plaintiff. With Gaines missing and a sense of uncertainty, the NAACP decided to move forward with Lucile Bluford's case by filing two suits against S.W. Canada, the university registrar. Charles Houston thought he could hold off until Gaines was located but he was uncertain if Gaines would ever reappear. Due to Gaines' disappearance, Bluford's cases were now more critical than ever before. The NAACP needed to sustain the

pressure on Missouri and to hope that it could continue the Gaines case with or without Lloyd Gaines present. The NAACP had readied Bluford's case and its arguments over the course of year but Gaines' disappearance made moving forward with Bluford's cases vital to keep the NAACP's prospects afloat in Missouri. Eventually in early January of 1940, the NAACP ended the Gaines case and focused solely on Bluford.

Within this transition from Gaines to Bluford, there was a strong continuity of the specifics of both cases. The central leaders for the NAACP and Missouri—Charles Houston, Sidney Redmond, and W.S. Hogsett—remained in place and Judge Dinwiddie of the Boone County Circuit Court heard both cases. The continuity of the experienced leadership led to a logical evolution of arguments on both sides. Bluford and Houston depended on the Gaines precedent to argue their case. They wanted Bluford to be admitted to the University of Missouri quickly and argued that she did not need to wait since no journalism school was available for her to attend. In the first trial, Houston made the connection between the two cases explicit when he be ended his argument by stating emphatically, "I rest on the Gaines decision."²²⁰ The NAACP and Gaines had won the opinion that Missouri was required to provide graduate education within the state and Bluford now tested the Missouri's resolve and adherence to this decision. The Bluford case would evolve and take on its own characteristics but it was firmly rooted in Gaines case and its implications.

The evolution of the arguments and strategies over time between the Gaines and Bluford cases is apparent in their respective chapters. However, the most notable and specific point in time when one can grasp why Bluford and Gaines need to be framed together is the year 1939 and the events that occurred. This year represented a dramatic intersection of the two legal

²²⁰ "I Rest on the Gaines Decision," photograph caption, *Kansas City Call*, February 16, 1940, accessed June 27, 2014, microfilm, Missouri Valley Special Collections.

cases. The major events of 1939—the Gaines Supreme Court decision, Bluford following Gaines with her own attempt to enroll at Missouri, the proposal and passage of the Taylor Bill, Gaines going missing, and the filing the Bluford suits—all demonstrate how both narratives are dependent on one another. Lloyd Gaines and his legal case set off a chain of reactions that would reverberate throughout the Missouri State Legislature and the Bluford proceedings over the course of the next three years. Framing the two narratives as inherently interconnected, allows one to better understand that these cases were not separate cases that followed one another but rather interrelated legal cases a part of the national legal strategy of the NAACP.

The Significance in Nationwide NAACP Legal Strategy and Campaign

Positioned as two of the first few cases initiated in the campaign for educational equality, *Gaines v. Canada* and *Bluford v. Canada* greatly affected the NAACP’s coordinated legal strategy and accomplished, to some extent, the goals of the strategy’s theoretical framework. The ability to follow through with two significant cases over a period of seven years allowed the NAACP and its legal team to gain a better understanding of their strategy, the strategy’s implementation, and what types of responses they would encounter from state universities and legislatures. This process triggered many alterations to the evolving campaign strategy, exhibiting what Tushnet termed “as “tactical flexibility” and “learning by doing.”²²¹ However, the most significant impact of the two Missouri cases on the overall, national strategy and campaign was the realization of the NAACP’s goal to influence Missouri to appropriate substantial funds to establish segregated graduate schools. With multiple requests for different graduate schools and the related increase of pressure from more black applicants and the black community, Charles Houston hoped Missouri and the University of Missouri would second-

²²¹ Tushnet, *NAACP’s Legal Strategy*, p. 50, 68.

guess their commitment to segregation and admit students to the university—paving the way for integration. Understood as one, interconnected history, the Gaines and Bluford cases show the first real example of how the national NAACP strategy and legal framework functioned.

Developing their plans and learning throughout the Missouri legal efforts, Charles Houston and the NAACP sought to overwhelm state universities with large numbers of applications and potential “airtight” plaintiffs. If states such as Missouri tried to maintain segregation, they would have to create real universities, with ideally every graduate school and program available at white state universities. This strategy would drain unnecessary resources and waste taxpayer funds on schools for a few black students. An appeal to the states’ fiscal sensibility—or lack thereof—appeared to be the effective route to making segregation unsustainable.

This central tactic was not realized until Lloyd Gaines *and* Lucile Bluford attempted to enroll at the University of Missouri and then brought legal action, which in turn prompted legislation responses. Donald Murray’s victory in Maryland constituted a writ of mandamus for solely for his benefit. The University of Maryland and the state of Maryland did not act in time to divert the NAACP’s case or respond to the best of their abilities. Watching the Maryland proceedings from afar and having an already established scholarship program, Missouri and its university were more prepared to contend with the NAACP attacks. Despite going up against the better prepared Missouri, Charles Houston and the NAACP were able to utilize both Gaines and Bluford as a tandem to make Missouri uncomfortable, commit significant funding to Lincoln University, and question segregation. Given the surface-level lack of success of both cases, the actualization of one of the central tactics in the NAACP’s legal strategy is the legacy of the Gaines and Bluford efforts in Missouri.

Together, Lloyd Gaines and Lucile Bluford demanded two graduate schools be built—a law school and a journalism school. Missouri eventually appropriated around \$265,000 to establish both schools. Spending over a quarter of a million dollars for so few students began to wear on some of the state representatives. Houston indicated by July 1941 that some of “the more intelligent members of the legislature realize[d] that it [would] be impossible to open new schools every time a Negro applies.”²²² Houston’s statement is exactly what he and others at the NAACP had planned. Houston knew that their efforts would not always be as easy as the Maryland case. The difficulties Houston foresaw necessitated a pragmatic strategy. Forcing states to build numerous graduate schools through many legal suits was the center of Charles Houston’s pragmatic strategy

When the narratives of legal cases such as *Gaines v. Canada* and *Bluford v. Canada* are framed and discussed independently—or even somewhat connected—of one another, the wider significance is lost. As early as 1930, the NAACP developed a strategy to force states into precarious financial situations if they chose to maintain segregation. When Lloyd Gaines won his Supreme Court case, the situation in Missouri was primed to actually implement the strategy. By supporting Lucile Bluford, the NAACP followed the Gaines victory with another legal challenge that forced Missouri to establish two graduate schools at a high cost. Unlike the legal cases prior, the Missouri efforts were the first time the NAACP was able to implement its nationally developed strategy. Understanding the two Missouri cases as one, interconnected history illuminates this strategy and its broader significance whereas when the Missouri legal cases are framed independently the deeper understanding is left unexplored and unexplained. To

²²² Houston to Bluford, July 15, 1941, folder 001512-012-1006 in Papers of the NAACP, Part 03: Series B

go beyond the simple understandings of the two narratives, an interconnected framework is necessary.

Conclusion

Expanding the narratives of Lloyd Gaines and Lucile Bluford supports the contention that the two histories are inextricably linked. To comprehend the entire historical context of the Missouri, the two cases cannot be separated. The reasoning behind this argument is based on three levels of interconnectedness: the personal level, the case level in the context of Missouri, and the national strategy.

Lloyd Gaines and Lucile Bluford—though they only met in person once right before Gaines left for Chicago—demonstrate a personal connection of their two respective legal cases. Before Gaines won his case before the Supreme Court, Bluford—a managing editor of the premier black weekly *The Call* in Kansas City—was not well versed in the Gaines case and arguments. Once Gaines won, however, Bluford’s curiosity was sparked. This personal connection to the abstract nature of a legal case on behalf of someone Bluford did not know exemplified one of the aspects of the NAACP’s strategy. The NAACP believed that if it won national cases other black students would step forward to move the campaign for educational equality onward. Inspired by Gaines on a personal level, Bluford took the necessary steps to be the next nationally recognized and supported plaintiff.

Within the context of both legal cases and the state of Missouri, *Bluford v. Canada* was clearly seen as an evolution and continuation of *Gaines v. Canada*. On a deeper level, the two intersected tremendously and within the broader context of the state of Missouri during the year 1939. This year saw the Gaines decision truly sink into the nation’s mind, Bluford tested the decision, the Taylor Bill was passed, Gaines then went missing, and Bluford filed her first two

legal suits. The intersection and cause and effect of all of these events serve to connect the two cases and set the stage for implications that would arise throughout the Bluford proceedings and within Missouri politics.

Nationally, and most importantly, the Gaines and Bluford cases represented the first time the NAACP employed one of its key strategies—making equalization fiscally irresponsible. Similar to the NAACP’s hope that victories would inspire people to step forward, the NAACP also foresaw states potentially attempting to comply with the *Plessy v. Ferguson* precedent in a more resolute manner than they had before. Unlike Maryland, Missouri took this path giving the NAACP the opportunity to support two—and hopefully more—plaintiffs who attempted to be admitted to different graduate programs. Missouri throughout both legal cases established a law school and a journalism school, which were not equal to those at the University of Missouri but still costly appropriations. Herein lies the legacy of the interconnected histories of Lloyd Gaines and Lucile Bluford. Both cases ended up failing to admit both students to Missouri. However employing the national NAACP strategy, the Gaines and Bluford cases challenged the state of Missouri and at the same time established schools that though segregated served Missouri’s black community.

Understanding how *Gaines v. Canada* and *Bluford v. Canada* operated on the three levels demonstrates the two cases are interconnected on multiple analytical levels. Framing them as such serves to help others better understand what these cases meant in the larger context of the national NAACP campaign for educational equality. Understanding them as somewhat connected or independent of one another epitomizes what Houston and the NAACP were trying

to avoid—meaningless “isolated cases.”²²³ The early history of the NAACP’s campaign for educational equality would benefit from a new interconnected historical framework of *Gaines v. Canada* and *Bluford v. Canada*.

²²³ CHH, “Memorandum for the Joint Committee of the NAACP and the American Fund for Public Service, Inc.,” AFPS-Joint Committee, 1933-35 folder, AFPS, C199, NAACP Records, quoted McNeil, *Groundwork*, p. 117

Conclusion

“The Sun Do Move,” Walter White wrote in a letter referencing the famous sermon by John Jasper after the U.S. Supreme Court ruled in favor of Lloyd Gaines.²²⁴ White’s reference underscored his disbelief about the Gaines outcome. After nearly eight years, something truly significant and on a national level happened in NAACP’s campaign for educational equality. Progress had been made. The Gaines victory was not a stopping point, however. It was merely a step along the way to achieving the NAACP’s ultimate goal—integration. The steps that followed required an interconnected legal strategy and many future legal cases. The NAACP legal cases of *Gaines v. Canada* and *Bluford v. Canada* demonstrate how connected cases moved the NAACP’s campaign forward and boxed in the state universities and legislatures that maintained segregation. Utilizing expanded and more in-depth narratives of both Lloyd Gaines and Lucile Bluford along with a new historical framework, this thesis argued that to best understand how the NAACP operated strategically in the campaign for educational equality one must recognize when histories need to be connected.

To come to this conclusion, the historical narratives of Lloyd Gaines, Lucile Bluford, and their respective legal cases needed to be further developed and strengthened. With a more complete understanding of Lloyd Gaines as a plaintiff and his place in the campaign for educational equality, I was able to make an intervention into the limited scholarship. The expanded biography and narrative of Lloyd Gaines shines light onto important aspects of his life most notably his feelings about his lack of opportunities and stability. Also throughout college and early in his legal case, Gaines had a tendency to disappear or go off on his own without any communication. Using the reoccurring themes of his personal life and his last correspondence,

²²⁴ Walter White to Juanita and Clarence Mitchell, December 27, 1938, folder 001509-014-0958 in Papers of the NAACP, Part 03: Series A.

one can better understand why Lloyd Gaines may have disappeared by choice. Relatedly, these experiences and feelings Gaines held throughout his life suggest that he did not have time for significant activism and exhibited good will in applying for admission to the University of Missouri. Once Gaines initiated his legal case and as the case traversed through the court system, Gaines' counsel, Charles Houston and Sidney Redmond, encountered new challenges that were not present in the *Murray v. Maryland* case. The NAACP lawyers dealt with a university, which was better prepared, and utilized more nuanced arguments to divert the NAACP's efforts. Ultimately, Houston and the NAACP had to prove that Missouri's program to send black students who desired graduate school out of state on a minimal scholarship was unconstitutional. The U.S. Supreme Court agreed, thus giving the NAACP a national legal precedent with which to work with to break down other barriers in higher education, particularly in Missouri.

Lucile Bluford followed Lloyd Gaines in hopes of holding Missouri accountable to the new U.S. Supreme Court precedent. Being raised in a dramatically different background than Gaines, Bluford viewed her actions as purely strategic and as part of the larger campaign though Bluford's involvement was inspired by the Gaines victory. When Bluford first attempted to be admitted to the University of Missouri in 1939, the situation in Missouri was becoming more and more complex. Missouri called Houston and the NAACP's bluff and moved forward with new legislative plans to maintain segregation by giving Lincoln University more funds and authority. Bluford, as a new plaintiff, now aimed to make Missouri establish more costly graduate schools and programs to black students. And once they did, Bluford would need to test their supposed equality. Bluford's efforts were not only influenced by Lloyd Gaines but also her efforts had to deal with the ramifications of the Gaines efforts and the U.S. Supreme Court precedent.

Developing the two narratives surrounding Lloyd Gaines and Lucile Bluford is helpful to the scholarship simply by creating much needed history. Framing the two as one interconnected history, though, is a step toward a better understanding how the NAACP envisioned its strategy and its implementation throughout the country. I argued that one should frame the two narratives as one, intersecting history due to the interconnectedness exhibited on three levels. First, Lucile Bluford was inspired on a personal level to join the campaign for educational equality because of the Gaines victory. This is a simple association between the two plaintiffs but the connection illustrates the NAACP strategy of inspiring others through major victories. Secondly, the *Bluford v. Canada* was a logical outgrowth of *Gaines v. Canada*. The individual cases within the context of Missouri demonstrate an obvious connection, which is best exhibited in the web of interaction during the year 1939. Lastly, the two Missouri legal cases viewed together reveal how the NAACP hoped its legal strategy would corner states and state universities. The utilization of both cases and plaintiffs to force one state and one university to establish new, costly graduate schools was the first realization of the broader NAACP strategy to make segregation fiscally irresponsible. Never before had the NAACP a chance to implement this type of strategy using two plaintiffs in tandem to make a state's situation worse financially. For these three reasons, I argue that one must view *Gaines v. Canada* and *Bluford v. Canada* as one, interconnected history.

Lloyd Gaines and Lucile Bluford occupy a critical testing stage for the NAACP's national legal strategy for the campaign for educational equality. After Donald Murray's victory in Maryland in 1935, Charles Houston and the NAACP truly began to put in motion its coordinated legal strategy. In Missouri with the Gaines and Bluford efforts, the NAACP's coordinated legal strategy was realized despite the losses in court. Not only did the NAACP win

a U.S. Supreme Court Precedent but also it was able to implement its strategy—based on the precedent—to try and put fiscal pressure on the state government. The strategy called for at least two legal challenges and plaintiffs. In Missouri, Lloyd Gaines and Lucile Bluford were those two plaintiffs. Thus to best understand a strategy that depended on at least two plaintiffs and legal cases, it is beneficial to understand the historical narratives and analyses of *Gaines v. Canada* and *Bluford v. Canada* within an interconnected framework.

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