

# House Concurrent Resolution No. 62

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PETERS.

5316H.021

1           **WHEREAS**, Lloyd Lionel Gaines was born in 1911 to sharecropper parents in the state  
2 of Mississippi, and moved with his widowed mother and six siblings to St. Louis, Missouri,  
3 when he was fourteen years old; and

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5           **WHEREAS**, Mr. Gaines excelled in his studies, graduating as valedictorian in 1931 from  
6 Vashon High School, and earning a small scholarship in an essay contest; and

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8           **WHEREAS**, following high school graduation Mr. Gaines enrolled at a teacher's college,  
9 later withdrawing for want of money, but then later earned another modest scholarship, and with  
10 help from the black community and black churches, entered Lincoln University in Jefferson City,  
11 where he excelled as president of his senior class, was a skilled debater, and graduated with  
12 honors; and

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14           **WHEREAS**, Mr. Gaines was denied admittance into the University of Missouri School  
15 of Law in 1936, despite his outstanding scholastic record, solely on the grounds that Missouri's  
16 Constitution called for "separate education of the races"; and

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18           **WHEREAS**, in 1938 Mr. Gaines successfully challenged the University of Missouri's  
19 admissions policies in one of the most important civil rights cases in United States history, *State*  
20 *of Missouri ex rel. Gaines v. Canada*; and

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22           **WHEREAS**, Mr. Gaines' legal team was led by Charles Hamilton Houston, chief  
23 litigator for the NAACP, mentor to Thurgood Marshall, and later dean of the Howard University  
24 School of Law; and

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26           **WHEREAS**, Mr. Houston argued that the state had blatantly failed to meet the "separate  
27 but equal" standard and that paying out-of-state tuition for black students from Missouri was not  
28 good enough; and

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30           **WHEREAS**, on December 12, 1938, the United States Supreme Court ruled 6 to 2 in Mr.  
31 Gaines' favor, holding that the segregated University of Missouri School of Law had to admit Mr.  
32 Gaines, who was qualified except for the color of his skin, if there was no comparable legal  
33 education available to him in the state of Missouri, and there was not; and

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35           **WHEREAS**, Chief Justice Charles Evans Hughes wrote in the opinion, "The basic  
36 consideration here is not as to what sort of opportunities other states provide, or whether they are  
37 as good as those in Missouri, but as to what opportunities Missouri itself furnishes to white  
38 students and denies to Negroes solely upon the ground of color"; and

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40           **WHEREAS**, the court's ruling in *State of Missouri ex rel. Gaines v. Canada* would  
41 eventually open the doors of law schools for blacks in a dozen Southern and border states and  
42 paved the way for a series of cases that would ultimately lead to a ruling in *Brown v. Board of*  
43 *Education* that would repudiate the "separate but equal" notion and ultimately outlaw segregation  
44 in public education; and

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46           **WHEREAS**, Mr. Gaines was last seen in Chicago, Illinois in March of 1939; and

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48           **WHEREAS**, Mr. Gaines disappeared at the age of 28 without ever having his promise  
49 of attending law school fulfilled; and

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51           **WHEREAS**, in the early 1950s, the University of Missouri School of law began  
52 admitting black students and Mr. Gaines is now revered at the university; and

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54           **WHEREAS**, the University of Missouri School of Law awarded him an honorary law  
55 degree and the Missouri Bar Association awarded Mr. Gaines an honorary law license in 2006,  
56 posthumously; and

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58           **WHEREAS**, the University of Missouri School of Law has recognized Mr. Gaines as  
59 an important figure in the advancement of civil rights in Missouri and houses a collection of  
60 artifacts that documents his pioneering pursuit of an equal right to legal education; and

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62           **WHEREAS**, Mr. Gaines' influence reached further than the civil rights movement in  
63 Missouri and significantly affected the national civil rights struggle; and

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65           **WHEREAS**, the artifacts and documents collected by the University of Missouri shall  
66 be on display at the Smithsonian National Museum of African American History and Culture,  
67 a part of the world's largest museum and research complex and a place where all Americans can  
68 learn about the richness and diversity of the African American experience.

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70           **NOW THEREFORE BE IT RESOLVED** that we, the members of the Missouri House  
71 of Representatives, Ninety-eighth General Assembly request that the University of Missouri  
72 donate its entire collection of artifacts and documents associated with the life of Lloyd Lionel  
73 Gaines to the Smithsonian's National Museum of African American History and Culture,

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75           **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of  
76 Representatives be instructed to prepare a properly inscribed copy of this resolution to Michael  
77 A. Middleton, Interim President of the University of Missouri system; every member of the  
78 University of Missouri Board of Curators; Gary Myers, Dean of the University of Missouri  
79 School of Law; and Randy J. Diamond, University of Missouri School of Law Director of  
80 Library and Technology Resources.

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