

House Resolution No. 11

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PETERS.

0867H.011

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 litigator
23 for the NAACP, mentor to Thurgood Marshall, and later dean of the Howard University School
24 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

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

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

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

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

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

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

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

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

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

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

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69 NOW THEREFORE BE IT RESOLVED that we, the members of the Missouri House
70 of Representatives, Ninety-ninth General Assembly request that the University of Missouri lend
71 its entire collection of artifacts and documents associated with the life of Lloyd Lionel Gaines
72 to the Smithsonian's National Museum of African American History and Culture for as long such
73 artifacts and documents are displayed, and such artifacts and documents shall be returned to the
74 University of Missouri when no longer displayed,

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

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