

Title: Missouri Ex Rel. Gaines v. Canada 305 U.S. 337 (1938)

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## ***MISSOURI EX REL. GAINES v. CANADA*** **305 U.S. 337 (1938)**

This was the first decision establishing minimum content for equality within the SEPARATE BUT EQUAL DOCTRINE. Missouri law excluded blacks from the state university; Gaines, a black applicant, was thus rejected by the university's law school. Missouri's separate university for blacks had no law school, and so the state offered to pay his tuition at a law school in a neighboring state. Represented by NAACP lawyers, Gaines sought a WRIT OF MANDAMUS to compel his admission to the state university law school. The state courts denied relief, and the Supreme Court reversed, 6–2.

Chief Justice CHARLES EVANS HUGHES, for the majority, said, "The admissibility of laws separating the races in the enjoyment of privileges afforded by the State rests wholly upon the equality of the privileges which the laws give to the separated groups within the State." The case was thus a doctrinal milestone on the road to BROWN V. BOARD OF EDUCATION (1954). Henceforth the Court would demand real equality in a segregated system of education. Because the education of blacks in the southern and border states had emphasized separateness and deemphasized equality—even equality of physical facilities and school spending—it would have been enormously expensive for the states to satisfy the test of *Gaines* by providing parallel educational systems. *Brown*'s question—whether segregation Page 1749 | [Top of Article](#) itself imposed an unconstitutional inequality—was a natural extension of the inquiry launched in *Gaines*.

KENNETH L. KARST (1986)

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