

76 S.Ct. 464
Supreme Court of the United States

The STATE of FLORIDA ex rel.
Virgil D. HAWKINS, Petitioner,

v.

The BOARD OF CONTROL et al.

No. 624.

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Decided March 12, 1956.

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Rehearing Denied April 23, 1956.

See 351 U.S. 915, 76 S.Ct. 693.

Synopsis

Original proceeding for mandamus to compel state university to admit to graduate professional school an applicant who had been refused admission solely because he was Negro. The Supreme Court of Florida, 60 So.2d 162, dismissed the cause. The United States Supreme Court, 347 U.S. 971, 74 S.Ct. 783, 98 L.Ed. 1112, granted certiorari, vacated the judgment, and remanded the case for consideration in light of Segregation Cases, which determined rights of Negroes to admission to public elementary and secondary schools. Thereafter, the Supreme Court of Florida, 83 So.2d 20, held that mandamus would be withheld pending determination by commissioner of issue whether time was necessary to make adjustments and changes in university before admitting Negro students. The United States Supreme Court denied certiorari, but recalled and vacated prior mandate, and entered new mandate which vacated judgment and remanded case, holding that admission of Negro could not be delayed on basis of considerations applicable to desegregation of public elementary and secondary schools, and that Negro was entitled to prompt admission under rules and regulations applicable to other qualified candidates.

Certiorari denied; prior mandate recalled and vacated, and new order entered in lieu thereof granting certiorari, vacating judgment, and remanding case.

West Headnotes (1)

[1] Education

🔑 Admission or Matriculation

Admission of Negro to graduate professional school at state university could not be delayed on basis of considerations applicable to desegregation of public elementary and secondary schools, and Negro was entitled to prompt admission under rules and regulations applicable to other qualified candidates.

[17 Cases that cite this headnote](#)

Opinion

*413 **464 PER CURIAM.

The petition for certiorari is denied.

On May 24, 1954, we issued a mandate in this case to the Supreme Court of Florida. 347 U.S. 971, 74 S.Ct. 783, 98 L.Ed. 1112. We directed that the case be reconsidered in light of our decision in the Segregation Cases decided May 17, 1954, *Brown v. Board of Education*, 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873. In doing so, we did not imply that decrees involving graduate study present the problems of public elementary and secondary schools. We had theretofore, in three cases, ordered the admission of Negro applicants to graduate schools without discrimination because of color. *Sweatt v. Painter*, 339 U.S. 629, 70 S.Ct. 848, 94 L.Ed. 1114; *Sipuel v. Board of Regents of University of Oklahoma*, 332 U.S. 631, 68 S.Ct. 299, 92 L.Ed. 247; cf. *McLaurin v. Oklahoma State Regents for Higher Education*, 339 U.S. 637, 70 S.Ct. 851, 94 L.Ed. 1149. Thus, our second decision in the *Brown* case, 349 U.S. 294, 75 S.Ct. 753, 99 L.Ed. 1083, which implemented the earlier one, had no application to a case involving a Negro applying for *414 admission to a state law school. Accordingly, the mandate of May 24, 1954, is recalled and is vacated. In lieu thereof, the following order is entered:

PER CURIAM.

The petition for writ of certiorari is granted. The judgment is vacated and the case is remanded on the authority of the

Segregation Cases decided May 17, 1954, [Brown v. Board of Education](#), 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873. As this case involves the admission of a Negro **465 to a graduate professional school, there is no reason for delay. He is entitled to prompt admission under the rules and regulations applicable to other qualified candidates. [Sweatt v. Painter](#), 339 U.S. 629, 70 S.Ct. 848, 94 L.Ed. 1114; [Sipuel v. Board of Regents of University of Oklahoma](#), 332 U.S. 631, 68 S.Ct.

299, 92 L.Ed. 247; cf. [McLaurin v. Oklahoma State Regents for Higher Education](#), 339 U.S. 637, 70 S.Ct. 851, 94 L.Ed. 1149.

Certiorari denied.

All Citations

350 U.S. 413, 76 S.Ct. 464, 100 L.Ed. 486

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