

**Negative Results:
Me and Lloyd Gaines In Mexico City**

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Lloyd Gaines participated in one of the most important school desegregation cases in American history, *Missouri ex rel. Gaines v. Canada* (1938), beginning the NAACP's call-and-response with the Supreme Court that ultimately culminated in *Brown v. Board of Education* (1954), and then he disappeared.

That disappearance, and the various frustrated historical attempts to discover where exactly he went, has led to a variety of negative results, a group of hypotheses that have failed to measure up to the goals of their experiments. Negative results, however, are valuable. Failed hypotheses are tested hypotheses, and the data that accrues is still data. The sciences understand this better than the social sciences and the humanities, but we would be well-served to adopt a more holistic view of research that incorporates negative results as meaningful academic production.

But back to Lloyd Gaines. James W. Endersby and William T. Horner's 2016 book, *Lloyd Gaines and the*

Fight to End Segregation does a thorough job of telling his story. After an early childhood in Mississippi, Gaines and his family moved to St. Louis, where he graduated high school before attending Lincoln University in Jefferson City, Missouri, the state's only option for black students hoping to attend college. He was president of his senior class, had a stellar record, and used it to apply to the University of Missouri Law School after his collegiate graduation, aided by the NAACP. When he was denied admission, the group helped him sue, arguing that while there was a black undergraduate option in Missouri, the state had no black law school.¹

His victory in the *Gaines* case was limited, as the Supreme Court ruled that Missouri either had to admit him or provide an equal educational opportunity in the state, but that emphasis on equal education was ultimately the first building block in the edifice that became *Brown*. It was the first legal commentary on school segregation since the *Murray v. Pearson* (1936) decision in the Maryland Court of Appeals two years prior, which ordered the University of Maryland law school desegregated and began the process of desegregating all of the state's educational institutions. Ten years after the Supreme Court's *Gaines* decision, its influence guided another case, when Ada Sipuel attempted to desegregate the law school at the University of Oklahoma. In *Sipuel v. Oklahoma State Board of Regents* (1948), the Court ruled that the equality protections of the Fourteenth Amendment and the precedent of *Missouri ex rel. Gaines* meant she had to be admitted.²

¹ See James W. Endersby and William T. Horner, *Lloyd Gaines and the Fight to End Segregation* (Columbia, MO, 2016).

² *Murray v. Pearson*, 169 Md. 478, 182 A. 590 (1936); and *Sipuel v. Board of Regents of the University of Oklahoma*, 332 U.S. 631 (1948).

Two years after that, in 1950, Oklahoma's Board of Regents was back in the Supreme Court again. George McLaurin applied to the University of Oklahoma graduate school to pursue a masters in education. After a federal judge ordered his admission, Oklahoma let him in but clearly was not happy about it. The university gave him a desk that sat just outside the classroom. A separate table in the cafeteria. A separate carroll in the library. Even after admitting him, the university sought to maintain segregation. In the resulting case, *McLaurin v. Oklahoma State Regents* (1950), the Supreme Court ruled that the restrictions on McLaurin were unconstitutional. The separation put McLaurin at a disadvantage over all the other students. It was the opposite of separate but equal. It was together but unequal.³

But *McLaurin* was overshadowed somewhat that year by another case, *Sweatt v. Painter* (1950), because of the lengths to which the University of Texas went in order to provide the same kind of separation the University of Oklahoma was trying. When Heman Marion Sweatt was denied admission to Texas Law, the trial court held off on a decision for six months, continuing the case for long enough so that the state could create a separate law school for black students to align with the *Gaines* ruling. But the "law school" they created was three rooms in the basement of one building, a very small library, and only a few instructors, all of whom were there just to lecture to Sweatt himself. Even when the black law school developed a little more, the quality was obviously unequal. The Court ruled in *Sweatt* that he had been denied the intangibles of law school, principally, "the essential ingredient of a legal education," which was "the opportunity for students to discuss the law with their peers and others with whom they

³ *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950).

would be associated professionally in later life." The University of Texas Law School had to admit black students and the stage was set for the Court's *Brown* decision four years later.⁴

It is a narrative built on the victory in and precedent of *Gaines*, but back in the late 1930s, it was a victory left hollow by Gaines's eventual disillusion with the case. He never followed through with the remanded lawsuit after it returned to Missouri courts, for example, frustrated as he was with the unwanted publicity he accrued and his suspicion of the NAACP's motives. He eventually moved to Ann Arbor, Michigan, then on to Chicago, where he disappeared from a fraternity house after telling his roommates he was heading out to buy stamps on March 19, 1939.

Along with describing the case in intricate detail, Endersby and Horner also evaluate the most comprehensive previous investigation into Gaines's disappearance, initiated by *Ebony* magazine in the 1950s, and the subsequent attempts to retrace their steps. *Ebony* author Edward T. Clayton considered the possibility that Gaines met with foul play, or that he left under threat of foul play, or that he took a bribe to disappear, but Clayton's investigation ultimately concluded that the Gaines disappearance was voluntary. While *Ebony* and others were able to generate several leads, they were unable to develop a substantive account of what happened to the pioneer.⁵

Thus remains one of the greatest unsolved mysteries in African American history. The two dominant theories as to Gaines's whereabouts speculate that either, disillusioned with the NAACP and his unwelcome fame, Gaines voluntarily vanished to retain his privacy and

⁴ *Sweatt v. Painter*, 339 U.S. 629 (1950).

⁵ Edward T. Clayton, "The Strange Disappearance of Lloyd Gaines," *Ebony* 6 (May 1951): 22-34.

safety, or that his safety was compromised in Chicago, and he was murdered by those resentful of his role in the seminal education case. As Endersby and Horner note, for example, the NAACP claimed from an early point that his disappearance was voluntary, while black newspaper columnists like Louis Lautier suspected foul play. Still, by 1940, the consensus was that Gaines had vanished of his own volition.⁶

The efforts to figure out just what happened to Gaines continued into the twenty-first century, the most comprehensive effort to solve the mystery coming from the *Riverfront Times* in St. Louis in 2007. Reporter Chad Garrison engaged in local interviews with Gaines family members and confidants and came to a similar conclusion. Gaines left on his own. The *New York Times* made its own effort in 2009, the *Washington Post* in 2013. Even more promising, the Emmett Till Unsolved Civil Rights Crime Act, passed in 2008, created a cold-case initiative for federal investigators to take up suspicious, potentially racially-motivated deaths during the civil rights movement. Many hoped that the FBI would take up the case of Gaines, but in 2015, the Bureau announced that it had not reviewed and had no plans to review the disappearance.⁷

⁶ Endersby and Horner, *Lloyd Gaines and the Fight to End Segregation*, 219-228.

⁷ The FBI does not even keep a file on Gaines, as a FOIA request to the Bureau turned up nothing. Chad Garrison, "The Mystery of Lloyd Gaines," *Riverfront Times*, 4 April 2007, <https://www.riverfronttimes.com/stlouis/the-mystery-of-lloyd-gaines/Content?oid=2479115>; David Stout, "Quiet Hero of Civil Rights History: A Supreme Triumph, Then Into the Shadows," *New York Times*, 11 July 2009, A19; Robert Elias, "Lloyd Gaines, A Lost Hero of the Civil Rights Era," *Washington Post*, 15 March 2013, https://www.washingtonpost.com/opinions/lloyd-gaines-a-lost-hero-of-the-civil-rights-era/2013/03/15/9162c66e-8bf3-11e2-9f54-f3dd70acad2_story.html;

Perhaps the most interesting lead generated by the search for Gaines came from Lorenzo Greene, a professor of black history at Lincoln University, Gaines's alma mater, who claimed that Gaines had relocated to Mexico and that the two had talked several times in that country. Gaines's fraternity brothers claimed that they had received postcards from him emanating from Mexico, though they never produced the postcards. Despite such claims, investigations into the student's whereabouts centered on interviews with friends and family living within the United States. There was never a substantive inquiry into potential Mexican records.⁸

Seventy-eight years after Gaines disappeared, I was invited to participate in a "New Books in the Field" author panel at the Law and Society Association's annual meeting in Mexico City to profile my book, *Jim Crow's Last Stand: Nonunanimous Criminal Jury Verdicts in Louisiana* (LSU Press, 2015), a second edition of which appeared in 2019, and seventy-nine years after he disappeared, I travelled to Mexico's capital. The trip was a rare treat, as American historians have fewer opportunities for overseas work than their World or European history counterparts, and I didn't want the trip to be a simple book talk. And so, though I do

John Lewis, "Emmett Till Unsolved Civil Rights Crimes Reauthorization Act Passed By Congress," Press Release, 12 December 2016, <https://johnlewis.house.gov/media-center/press-releases/emmett-till-unsolved-civil-rights-crimes-reauthorization-act-passed>; and Alan Scher Zagier, "No FBI Cold Case Inquiry for Missing Civil Rights Pioneer Lloyd Gaines," *Columbia Missourian*, 1 August 2015, https://www.columbiamissourian.com/news/state_news/no-fbi-cold-case-inquiry-for-missing-civil-rights-pioneer/article_6d4433ff-5fa8-5a1a-8b51-4fa642fe524c.html.

⁸ "Research Notes on Lloyd Gaines," Box 30, Greene, Lorenzo, and Thomasina Talley, Papers, CA 5520, State Historical Society of Missouri, Columbia, Missouri.

not speak Spanish, and read it only marginally well, I decided to use the opportunity to hunt for Lloyd Gaines.

It was, to some degree, a fool's errand. I rode through the dusty streets of the sprawling city from downtown to Universidad Nacional Autónoma de México to look at old telephone directories from the 1940s. The school's Instituto de Investigaciones Históricas is also an important repository but had no directories beyond 1922. The next day it was onto Archivo Histórico de la Ciudad de México, where the language barrier ultimately felled any progress, and we finally settled on my return the next day. When I arrived a second time, I was fortunate enough to find Latin American historian and Virginia Tech emeritus professor Linda Arnold, who spoke English and had spent decades attempting to organize and digitize the labyrinthine and largely inaccessible records at the Archivo General de la Nación. The searchable PDFs on her computer included the country's immigration records through the 1940s, divided by country of origin, and she assured me that if Gaines had moved to Mexico, he would appear in the records.⁹

That wasn't necessarily true. Emigration to Mexico was not always made through official channels, but it did happen regularly. In the antebellum era, between five and ten thousand enslaved people escaped to Mexico as part of the Underground Railroad. In the postbellum era, it

⁹ "Directorio de la Empresa de Teléfonos Ericsson, S.A.," Fondo Antonio Alzate, No. adquisición 59145, Instituto de Investigaciones Históricas, Universidad Nacional Autónoma de México, Ciudad de México. For the city archive, see Archivo Histórico de la Ciudad de México, Avenida de La Paz 26, Colonia Chimalistac, Delegación Álvaro Obregón C.P. 01070, Ciudad de México. For the national archive, see Archivo General de la Nación, Av Eduardo Molina 113, Penitenciaría Ampliación, 15280 Venustiano Carranza, Ciudad de México.

was former Confederates who generally moved South. In the late-nineteenth and early-twentieth century, Mexico welcomed American entrepreneurs in an attempt to grow the country's economy in the style of the late Industrial Revolution in the US. After World War I and lasting through the Cold War, Mexico became a haven for radicals and persecuted leftists, including a wave of black activists and artists who came under suspicion of communism. While the Archivo General de la Nación holds immigration and naturalization records for those who went through official channels, there are plenty whose journey was far less official.¹⁰

Thus our search for anyone named Gaines turned up nothing, but the assumption that he would have changed his name for privacy made that absence unsurprising. After several failed efforts, we tried to pinpoint unique information about Gaines that would appear in such a database. Gaines, for example, was born in the small town of Water Valley, Mississippi, and a search for Water Valley generated two results: one for a man, Roy Holcomb, who came to Mexico City with a last known address of Chicago, and another for a man, Herbert Carr Gore, who immigrated to Juarez in April 1940. Considering that Gaines disappeared from Chicago in 1939, both seemed legitimate candidates

¹⁰ There is no good estimate of the number of undocumented American immigrants living in Mexico in the first half of the twentieth century. The emigration from the United States to Mexico is far less studied than the reverse action, but there is good secondary work on the subject. For the phenomenon in the nineteenth century, see Todd W. Wahlstrom, *The Southern Exodus to Mexico: Migration Across the Borderlands After the American Civil War* (Lincoln, NE, 2015). For the phenomenon in the twentieth and twenty-first century, see Sheila Croucher, *The Other Side of the Fence: American Migrants in Mexico* (Austin, TX, 2010).

to be the civil rights icon. It seemed a series of coincidences almost too good to be true.¹¹

There was, after the discovery, a Schrodinger's cat quality to the rest of my trip to Mexico City, consumed as it was with the Law and Society Association's annual meeting. Part of me wanted to rush back home and try to find Holcomb and Gore, knowing that if they left no trace in the US, they could very well be Gaines. Another part of me wanted to remain in a state of suspended animation, thinking that I had found him, knowing that if both Holcomb and Gore left a trace in the US, they could not be Gaines.

They left a trace. Census records showed that Gore was born in Water Valley but had moved to El Paso in his youth, and the move to Juarez was not a long trip. Holcomb had moved to Chicago from Water Valley in his twenties, beginning his career as a bookkeeper and rising to the level of purchasing manager, his position taking him around the globe, including to Mexico City.¹² Both were white. Neither were Gaines. Schrodinger's cat was dead.

¹¹ Departamento de Migración, Subserie 18, Estadounidenses, Caja 075, exp. 139. Holcomb, Richard Roy. s/f. (2 Fojas). Forma: F.5. Nombre: Holcomb, Richard Roy. Año de nacimiento: 1891. Lugar de nacimiento: Water Valley, Miss. Lugar de residencia: Chicago, Ill. Anexos: Forma F.5. Registro: 541520; and Departamento de Migración, Subserie 18, Estadounidenses, Caja 063, exp. 002. Gore Whitehead, Herbert Carr. 17/abril/1940. (4 Fojas). Forma: F.14. Nombre: Gore Whitehead, Herbert Carr. Año de nacimiento: 1915. Lugar de nacimiento: Water Valley, Miss. Lugar de ingreso: Cd. Juárez, Chih. Fecha de ingreso: 28/marzo/1940. Lugar de residencia: Cd. Juárez, Chih. Anexos: 2 Forma F.5 y F.14 Parte 2. Registro: 132419, Archivo General de la Nación, Ciudad de México.

¹² For Roy Holcomb, see Thirteenth Census of the United States, 1910, Population Schedule, Water Valley, Mississippi, p. 20A; Fourteenth Census of the United States, 1920, Population Schedule, Chicago, Illinois, Ward 7, p. 11B; and Sixteenth Census of the United States, 1940, Chicago, Illinois, Ward 7, p. 2B. Holcomb also appears

Despite my disappointment, the effort, I think, was not completely in vain. Historians are concerned most with interpreting and contextualizing historical facts, but such interpretations are facilitated by the more pedestrian chore of finding the salient facts. Because of that emphasis on interpretation, however, we are loathe to publish negative results, as do those in the hard sciences. Negative results in the sciences are important because even unsuccessful hypotheses prevent future waste and replication. Historians usually do not have a corollary to the importance of failure, but my failed Mexican hunt for Gaines seems an exception. While the disappearance of the civil rights icon remains a mystery, it is clear that if he did move to Mexico during the war years, he did not leave a trace in the immigration record. And that is, in and of itself, important, as that information hopefully prevents future waste and replication.

Of course, there was also a clear intent by Gaines to create those negative results. He was, in a sense, claiming the right to be forgotten, a legal concept that has developed in the twenty-first century as the internet and connected-device age has made privacy a real concern. The effort of individuals to "have certain data deleted so that third persons can no longer trace them" has been widely debated and implemented, at least in part, in places like the European Union. It is the intentional fudging of results, so to speak, an effort to eliminate a historical record before it becomes historical record with which historians of the future will have to grapple. As problematic as it might be for historians, if such a right exists, perhaps Gaines was asserting

in various border crossing and international passenger lists traveling to and from Europe and Latin America. For Herbert Carr Gore, see "Herbert Carr Gore," 449144317, Social Security Applications and Claims Index, 1936-2007; Fifteenth Census of the United States, 1930, Population Schedule, El Paso, Texas, p. 12A; and Sixteenth Census of the United States, 1940, Population Schedule, El Paso, Texas, p. 10B.

a version of it in 1939. Maybe negative results in this case should be the only results, as the subject would have wanted.¹³

Historians, though, will always seek to discover historical stories, however difficult subjects make it for them. And so taking the general historical rejection of the right to be forgotten as a priori—at least in the sense of what Marc Bloch and his cohort would call the *longue durée*—we can see that a more standard interpretation of negative results also provides some interpretive hints as to the whereabouts of the man who was hiding from history. If Gaines did move to Mexico, for example, he was careful to cover his tracks, living in the country illegally without participating in the formal immigration process, a process that was ubiquitous during the cooperative era of World War II. That would say something substantial about his desperation, his desire for anonymity, that someone whose public life was defined by a challenge to an unjust law would live his private life in opposition to the just laws of another country. For those who surmise that Gaines's life took a different turn, that he was perhaps the victim of foul play, of white supremacist retribution for his participation in the opening salvo of the NAACP's educational desegregation strategy, his absence from Mexican records only bolsters such claims.

Of course, even when there is benefit to such negative results, there is often a stereotype against publishing

¹³ Quote from Rolf H. Weber, "The Right to Be Forgotten: More Than a Pandora's Box?" *Journal of Intellectual Property, Information Technology and E-Commerce Law* 2 (2011): 121. For more on the right to be forgotten, see, for example, Jef Ausloos, "The 'Right to be forgotten'—Worth remembering?" *Computer Law & Security Review* 28 (April 2012): 143–152; and Steven C. Bennett, "The Right to be forgotten: Reconciling EU and US Perspectives," *Berkeley Journal of International Law* 30 (2012): 161.

them—even, in fact, in the sciences. Though there is a broad recognition of the value of negative results, there is also a publication bias and “difficulty in communicating negative results,” explained a group of Australian researchers in the biological journal *Disease Models and Mechanisms*. “Negative findings are a valuable component of the scientific literature because they force us to critically evaluate and validate our current thinking, and fundamentally move us towards unabridged science.” It is, even when negative results produce problems for scientific researchers, a subject that is readily discussed as a value-added proposition to the intellectual project. The form and structure of experiments and the data that accrues might not meet a given hypothesis, but it does provide data that can be usable for other work.¹⁴

Likewise, my search for Lloyd Gaines did not meet my hopeful, desperate hypothesis, but it did provide data that can be used by future hunters for the civil rights icon. The form and structure of my experiment, for example, shifted emphasis away from family interviews in the United States and moved it to archival work in one of the places Gaines may have travelled and thus left a footprint.

¹⁴ Natalie Matosin, Elisabeth Frank, Martin Engel, Jeremy S. Lum, and Kelly A. Newell, “Negativity towards negative results: a discussion of the disconnect between scientific worth and scientific culture,” *Disease Models and Mechanisms* 7 (February 2014): 171-173. For more examples of such discussions, see Sven Hendrix, “Should I Publish Negative Results or Does This Ruin My Career in Science?” *Smart Science Career*, <https://smartsciencecareer.com/negative-results/>; Emma Grandquist, “Why science needs to publish negative results,” *Elsevier*, 2 March 2015, <https://www.elsevier.com/authors-update/story/innovation-in-publishing/why-science-needs-to-publish-negative-results>; and Gabriella Anderson, “No result is worthless: the value of negative results in science,” *BioMed Central*, 10 August 2012, <http://blogs.biomedcentral.com/on-medicine/2012/10/10/no-result-is-worthless-the-value-of-negative-results-in-science/>.

The names I found turned out not to be Gaines, but they now can be eliminated as possibilities for the researchers who come along next.

Negative results can matter in historical studies. We are interpreters more than anything else, usually leaving our conclusions to evolve with the state of our research, making negations of original hypotheses the creation of new ones, ultimately placing negative results beside the point. But in the more pedestrian act of hunting for the fodder for such interpretations, negative results can matter. They keep us working together, eliminating research avenues through failure just as they do through success. When we generate negative results, publishing them can only sustain the broader historical project.

Or, as Mark Twain, himself a unique historical thinker, once explained, “What gets us into trouble is not what we don’t know, it’s what we know for sure that just ain’t so.”¹⁵

¹⁵ Chris A. Kramer, “Mark Twain’s Serious Humor and That Peculiar Institution: Christianity,” in *Mark Twain and Philosophy*, ed. Alan H. Goldman (Lanham, MD, 2017), 127.

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