

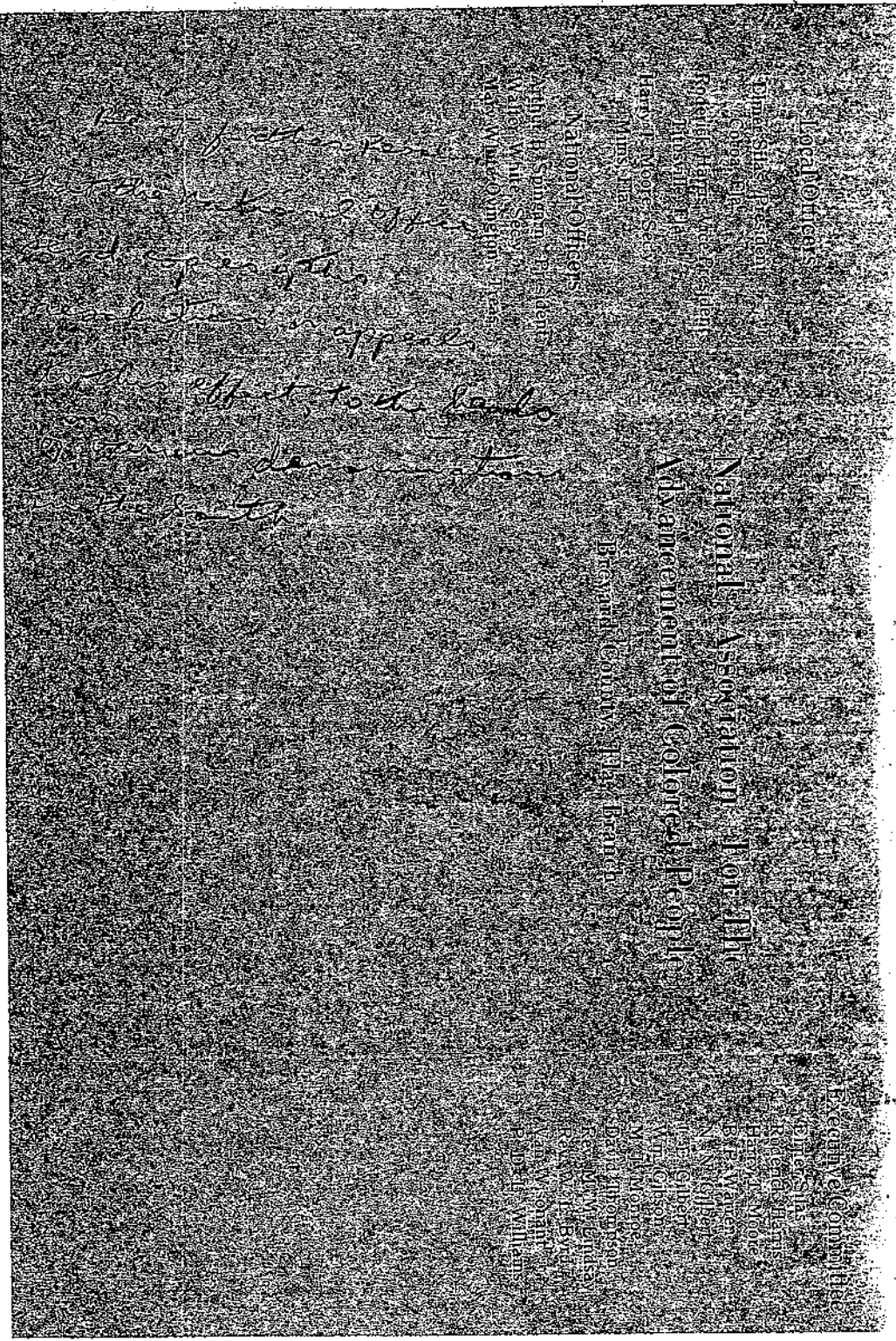
291 N. EQUINE STREET
TAMPA, FLORIDA
LEGISLATIVE SERVICE CENTER
TAMPA, FLORIDA 33603

1/2/54

Dear Sir

I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the proposed purchase of the land at the corner of the 1st and 2nd streets, and in reply to inform you that the same has been referred to the Board of Public Works for their consideration.

I am, Sir, very respectfully,
Your obedient servant,
John J. [Name]



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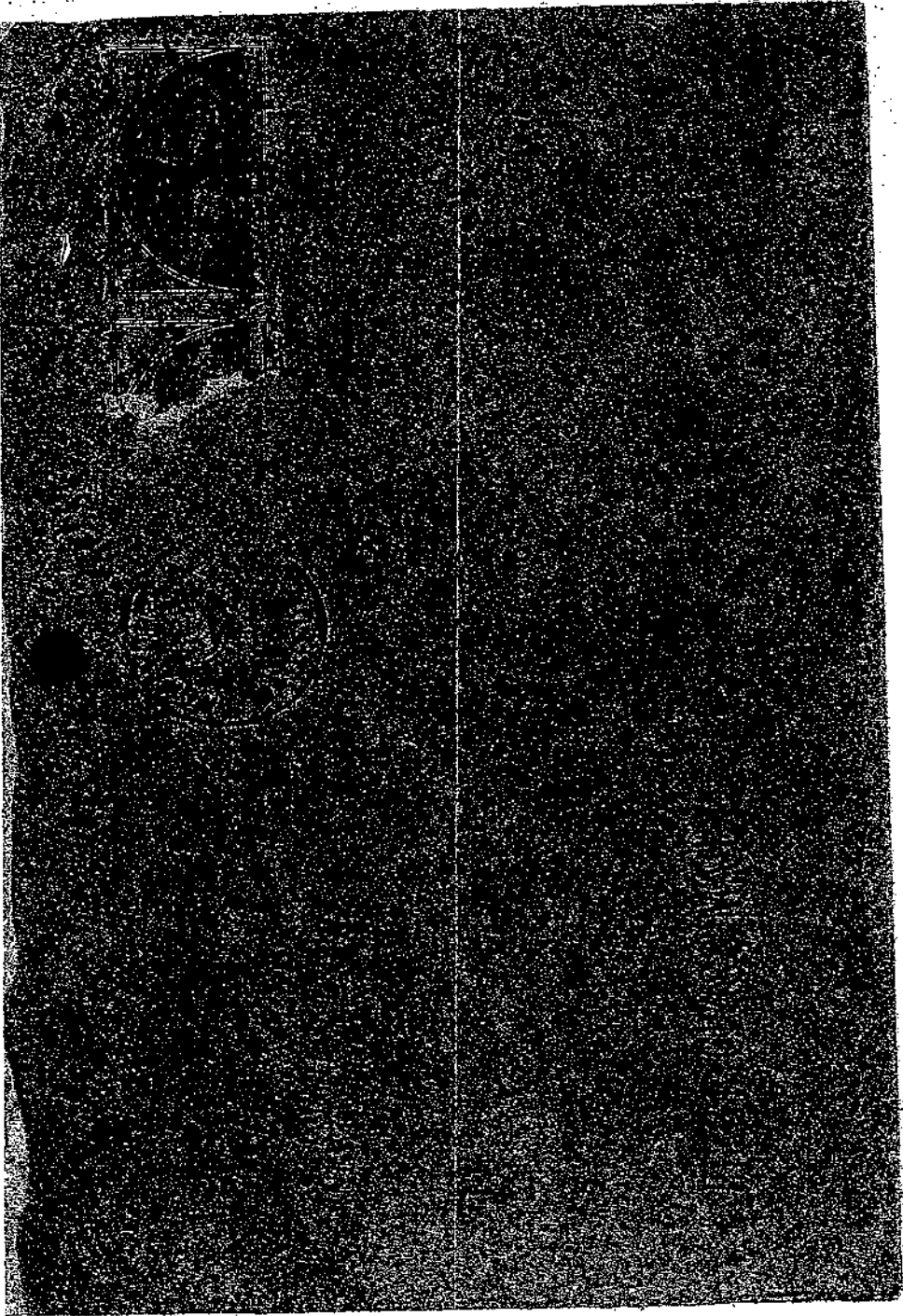
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69 FIFTH AVENUE, NEW YORK, 3 N. Y.

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357

May 10, 1944

MEMORANDUM

To: Presidents of Branches
 From: Legal Staff
 Subject: Outline of Procedure for Legal Cases

We are enclosing for your information and direction two copies of the N. A. A. C. P. Hand Book for Procedure in Handling Legal Cases. One of these copies should be given to the Chairman of the Legal Redress Committee.

We hope that this hand book will be of assistance in handling the problems which come to the attention of the Branch. If there are questions not covered by the hand book, we will be happy to give our advice and assistance as they arise.

NAACP

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Outline of
Procedure
for
Legal Cases

Published by the
NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE
69 Fifth Avenue, New York 11, N. Y.

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IN GENERAL

Legal work is one of the important phases of our program. Our branches and the national office will receive more and more requests for legal assistance. It is therefore necessary that our branches maintain effective legal programs. All legal work of the branches should be coordinated with the legal program of the national office.

With more than 500 branches of varying sizes in all sections of the country it is impossible to set up any type of model procedure that will fit all cases of all branches. This outline is merely an effort to set up certain basic principles to assist our branches in their legal cases. The outline will be revised from time to time.

The legal work of the NAACP consists of two general types: (1) defending penniless Negroes who are the victims of injustice solely because of race or color; and (2) affirmative legal action to compel the enforcement of laws prohibiting discrimination because of race or color. In the first category are cases where innocent Negroes are about to be convicted or have been convicted by juries from which all Negroes have been permanently excluded, or convicted by confessions extracted by force and violence, etc. Cases in the other category are cases to prevent the ex-

Part I
BASIC PROCEDURE

In order to maintain an effective legal program it is necessary to have the machinery to properly handle cases. This machinery is already established within the framework of the NAACP.

A. NATIONAL LEGAL STAFF:

The National Board of Directors appoints a chairman and the members of our National Legal Committee. Efforts have been made to find representatives from all sections of the country to represent the national office in legal matters as well as to help our branches on their legal cases. The Special Counsel and the Assistant Special Counsels have the duty of handling legal cases of national importance and to coordinate the legal work of the national office and the branches. The Chairman of the National Legal Committee makes assignments of cases to members of the legal committee.

B. BRANCH LEGAL STAFF:

Each branch is to appoint a legal redress committee whose duties have been set out in the branch constitution as follows:

The Legal Redress and Legislation Committee shall be comprised of a group of lawyers and shall be the state laws and local ordinances.

It shall investigate all cases reported to it for legal redress, consulting when necessary with the attorneys of the National Legal Committee, and shall watch over all litigation in which the Branch is interested.

The Legal Redress and Legislation Committee shall not give general legal advice.

C. BRANCH LEGAL PROGRAM:

The Legal Redress Committee should have a year round legal program. There are usually cases of legal defense which come up from time to time and it is impossible to program these cases other than to set up the machinery for handling them effectively when they come up.

At the same time the committee should be working on affirmative legal action to obtain full citizenship rights for its members such as cases to equalize school facilities to enforce state civil rights statutes in states where they now exist, to register Negro voters where they are prevented from registering because of color, to vote in primaries, to be excluded to give vent discrimination in transportation, to secure public housing, and to prevent discrimination in housing projects.

(1) Types of Cases:

The NAACP is not a legal aid society. We do not

(2) Investigation:

Each proposed case should be carefully and thoroughly investigated before any commitments are made. All complaints should be in the form of a letter. Either a lawyer or member of the committee with some legal experience should help these persons plan and to mark out his affidavit. All possible leads should be investigated, as far as possible before any legal action is taken. Affidavits should be taken from all persons having information concerning the case.

Although speed is essential in legal cases, it is also necessary to proceed with caution. A thorough investigation is essential because in the case of one for one and the results of the investigation can be used at the trial. It may then be found that the accused needlessly incurred expense and embarrassment.

The results of the investigation should be given to the Executive Committee with the recommendation of the Legal Redress Committee. If in doubt, refer the matter to the national office for advice.

(3) Preparation for Trial:

The most important item is to get a competent, honest, interested and courageous lawyer for the case. If the branch does not have such an attorney, you should start. Care must be taken to retain an attorney who is not only competent but also one who will be willing to raise all questions necessary to the case.

In many cases lawyers have for one reason or another refused to raise certain questions such as the question of Negroes from juries of third degree

be kept advised of every step before it is taken. In some cases you have been unsuccessful in obtaining counsel from the U. S. Supreme Court in good cases because of errors in the record from the lower courts which could have been corrected if we had been in the case from the beginning rather than called in for the first time after conviction.

Be sure that all agreements as to fees and services to be rendered are made in writing. Have it understood that the lawyer is to make regular reports to the local branch and to the Special Counsel concerning the case.

(4) Cooperation with the National Office:

The national office is always ready to cooperate to insure the fullest cooperation. Keep the national office advised of all steps before they are taken. Send the national office copies of all proposed pleadings and the legal staff will go over them and give advice based upon other similar cases handled by the Association. By doing this you will have the combined advice of your local attorney and the legal staff of the national office.

(5) Building Public Sentiment:

While the Legal Redress Committee is handling the actual case, the branch should organize a defense committee for the particular case to raise funds and to arouse public sentiment against the injustices of the law. This case is an example.

Send letters to churches and signing of all in the neighborhood. Prepare short leaflets for distribution. Invite representatives of all interested or

Part II
FEDERAL CONSTITUTION AND STATUTES

The Executive Committee, as well as the Legal Referees Committee, should have some knowledge of certain fundamental principles of the United States Constitution and laws which provide for the protection of certain rights for all citizens regardless of their race or color. It is our duty to see that these laws are enforced.

Some of the civil rights protected by these statutes are:

1. Slavery is abolished and peonage is punishable as a federal crime.

2. The right of citizens to vote cannot be abridged by the United States or by any State on account of race or color.

3. All persons within the jurisdiction of the United States shall have the same right to enforce contracts or sue. No state shall give evidence and to the full and equal benefit of all laws and proceedings as is enjoyed by white citizens.

4. All persons shall be subject to the punishment, pains, penalties, taxes, licenses and excise of equal and to no other.

All citizens shall have the same right in every

States or person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws is liable in an action at law, suit in equity, or other proper proceeding for redress.

Citizens possessing all other qualifications may not be disqualified from jury service in Federal or State courts on account of race or color, any other charge with the duty of selection or summoning of jurors who shall exclude citizens for reasons of race or color shall be guilty of a misdemeanor.

8. A conspiracy of two or more persons to deprive any person or class of persons of equal protection of the laws is punishable as a crime and the conspirators are also liable to damages.

Part III
STATE CONSTITUTION AND LAWS

A local lawyer should be requested to prepare for the use of your branch a digest of similar sections of the Constitution and laws of your state. All states having Civil Rights Statutes a digest of these statutes should also be made. Send copies of these digests to the national office.

Part IV
SUGGESTED PROCEDURE IN FEDERAL TYPICAL CASES

handle cases where there is prejudice against race or color and where there is the possibility of establishing a precedent for the protection of the legal rights of Negroes in general.

Members of the legal staff of the national office may prepare detailed procedure for properly raising such questions as the exclusion of Negroes from jury service and other constitutional questions which will be sent to your lawyer whenever requested for a particular case.

B. METHODS OF COMBATING POLICE BRUTALITY:

(1) Investigation:

Each NAACP branch should investigate all cases of police brutality. Accurate records of investigations and newspaper clippings should be kept from year to year. Regular reports should be made to the National Office.

As in other legal defense cases, careful investigation should be made of each case. Affidavits should be obtained and copies made.

(2) Criminal Action:

In extreme cases of death or serious bodily harm as the result of police brutality every effort should be made to have the officer indicted and tried on a criminal charge.

Present affidavits to the local prosecutor and urge immediate prosecution.

Where local courts permit, court should be made

(3) Civil Action:

Either the person who has been a victim of police brutality or, if dead, his relatives should institute a civil action for damages.

(4) Departmental Hearing:

Formal charges with affidavits attached should be filed with the police authorities with a request that they be investigated and it substantiated that the officer be dismissed. Request a public hearing of the charge.

(5) Grand Jury Investigation:

Where your records show a large number of cases of police brutality they should be presented to the grand jury with a request for an investigation.

(6) Protests:

A well-organized campaign depends upon a vigorous and sustained program of protest. Hold mass meetings. Hold mock trials. Organize a large committee composed of representatives of all organized groups. Urge local newspapers to join in the campaign. Release periodic statements showing the extent of police brutality.

(7) Campaign for Negro Policemen:

If there are no Negro policemen in your community include in your program efforts to secure Negro policemen.

C. PROCEED TO EQUALIZE EDUCATIONAL OPPORTUNITIES:

- (1) Every citizen regardless of race, creed or political belief has a right to participate equally in all public educational facilities whether as student, teacher or administrator.
- (2) In every given community there can be only one public school system — where separate schools are maintained, the white schools and the Negro schools are unequal parts of a single public school system.
- (3) Every citizen and taxpayer has the right to full information on all details of the public school system in his community and each separate part thereof.
- (4) The N.A.A.C.P. does not wish to lower the educational level for whites but to raise the educational level for Negroes.
- (5) Democracy cannot be safe without an informed intelligent electorate which means extending the facilities of public education full to every citizen.
- (6) Negro school teachers owe it to themselves and to the future citizens whom they teach to insist upon and to exercise their full rights on all occasions.

PRELIMINARY PROCEDURE

A local education committee should make a study of the schools in the area of the

- (2) Do the laws themselves provide for equal school facilities?
- (3) How are school funds raised?
- (4) How are school funds disbursed?
- (5) What if any provision is made for procuring local school buses?
- (6) Are state and local school boards elected or appointed? If appointed by whom?
- (7) Are records of state and local school boards open to the public by statute?

B. An active and competent committee should be organized to make a careful study of the school system in your community. This committee should make a comparative study of the following items:

- (1) How do the Negro school buildings and grounds compare with the white ones? (Get photographs of the buildings)
- (2) How does the equipment of these buildings and grounds compare?
- (3) If the white schools have bus transportation for school children is the same offered to the Negroes in the same area?

- (4) Is the full of school term for Negro children the same as for white?

(7) Are attendance laws enforced in the same manner for Negro children as for white children?

(8) Are there any Negroes on the school board?

(9) A joint committee composed of a few representatives of both committees mentioned above should apply for permission to and inspect the minutes of the local school board for several years past.

(10) How are teachers appointed and how are their salaries fixed?

(11) How are funds distributed for buildings and equipment?

(12) How are funds distributed for maintenance and what share is given to the separate schools for Negroes?

(13) What is the percentage the total Negro population bears to the total population of your community? (Census figures)

(14) What is the percentage the school population of Negroes bears to the total school population of your community?

(15) The same committee should investigate the annual reports of state and local school boards and suggest for public education and make the comparisons as in (9) above.

(16) The information collected should be assembled

When the material is assembled the next step is to make it public by giving it to the Negro press and the dailies for news stories, editorial comment and for their files—give it to all interested groups. Using the branch as the central unit begin to organize a joint committee of all interested groups such as parent-teacher groups, ministers, N. W. C. A., Y. M. C. A., Urban League, labor unions, etc.

Hold mass meetings to acquaint the public with the inequalities and to thereby build up public support for your efforts to secure equality.

NOTE: When the material is assembled send it to the legal department of the national office for advice and cooperation on the next step to be taken.

PETITION TO LOCAL SCHOOL BOARDS

It is better to concentrate on one item than to attempt to cover the entire field with one stroke. Once the principle of equality is established it will be easy to continue the campaign to equalize educational opportunities.

A petition should be prepared for presentation to the local school board on the item of attack agreed upon.

(17) Petitions should be prepared by local legal committees in conjunction with legal depart-

(e) Allege sole basis of inequality is race or color.

(d) Allege this is violation of equal protection clause of the 14th Amendment to the U. S. Constitution.

(c) Close with a prayer for the equalization of opportunities.

B. Request a public hearing on the petition before the local school board.

(1) Organize a joint committee of representatives of groups of people interested in the problem.

(2) Appoint a spokesman for the board and the committee to present the problem.

(3) Have prepared a list of persons present and the groups they represent and leave a copy with the school board.

C. Give the very widest publicity to the petition and the meeting with the school board. Give copies of the petition to the press and the list of persons present.

(a) Call on editors of all newspapers in community.

(b) Ask for editorial support for campaign.

(c) Send speakers to Church, Parent-Teacher Association, Labor Union, etc.

NOTE: If the local school board grants the petition

procedure on these four cases has been prepared.

Always bear in mind that these inequalities *cannot be removed overnight*—we are in for a long hard campaign.

DENIAL OF RIGHT TO REGISTER OR VOTE:

There are legal precedents established which have declared it unlawful to deny Negroes the right to register or to vote in general elections. There is a case pending which it is hoped will outlaw the "white primary". Despite these precedents, most Negroes in the South are denied the right to register and/or vote. It is the duty of our branches to correct this.

These violations of the right to register and vote are not only subjects for civil action but also are violations of certain criminal statutes. Each branch in areas where Negroes are denied the right to vote should first discover the method used to disfranchise Negroes and notify the national office. Procedure will be sent to you to follow in securing the necessary facts to furnish the basis for either civil or criminal action.

ENFORCEMENT OF CIVIL RIGHTS STATUTES:

Directors of the Federal Civil Liberties Statutes Section

warded to the franchise upon request. Any type of discrimination against Negroes because of race or color by governmental agencies such as state, city, county or public boards such as boards of education can be attacked under these statutes. Refusal to permit Negroes to take examinations for public employment such as policemen can be attacked by this procedure as well as discrimination in payment of salaries. These statutes should be carefully studied because we have not used them enough. Although the procedure is technical the national legal staff has used this type of procedure in enough cases to be in a position to lend you procedure for your particular case whenever requested.

PEONAGE:

All cases of peonage of suspected peonage or slavery should be sent to the national office at once so that they can be referred to the U.S. Department of Justice for criminal prosecution.

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Roy Wilkins, Editor

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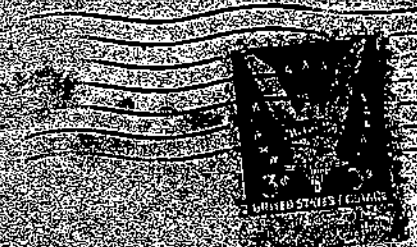
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March, 1944

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1101 Central Ave.
TAMPA 2, FLORIDA



Mr. Harry T. Moore
Box 4
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OFFICE OF THE GRAND PRESIDENT

1515-A Central Avenue

TAMPA, FLORIDA

August 9, 1944

Dear Mr. Moore:

You may reach Dr. Jehn E. Culmer,
president of the Wage Earners Ins. Co. at the
St. Agnes Episcopal church, Miami.

We have a movement on here to oust
Norman Lacey from any official capacity with the
NAACP. He is one heluva darky. He keeps confusion
moving every week. We think we have him this time
though there is many a slip between the cup and the
lip.

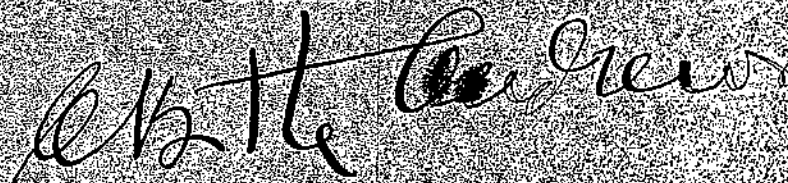
I know of no other organization at
the moment. If one comes to mind I shall be glad to
advise you.

You may add H. E. S. Reeves Miami Times
and F. E. Washington Pensacola Citizen.

I am becoming more active with the local
and hope to be of some help to you and others in this
fine movement. I was among those who organized it here
some years ago but Lacey drove us out with his squabbling.

Kindest regards to all.

Your friend



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Mr. Harry T. Moore
Box Four
Mims, Florida

Dear Sir:

I have your fine letter of the first instant calling meeting of certain leaders of the state of Florida to discuss certain opportunities that are now afforded the Negro citizen of Florida, as a result of the opinion of the United States Supreme Court in the Texas Primary Case.

It seems now that I will not be in the state at the time of your meeting, yet I should like to know if you have had any answer to your letters.

Respectfully yours,

S. D. McGill
S. D. McGill

SDM/vj

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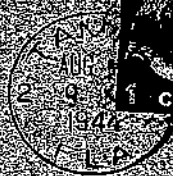
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Tampa, Florida

August 10 , 1944

Mr. Harry T. Moore

Mims , Florida

Dear Sir :

After reading your release in regards to the proposed mass meeting for making our people " vote conscious", I am writing to say that I am in accord with your program 100 per cent .

I would like very much to attend this meeting and will do so, if it is possible. Rev. Potter has been very sick and is not able to be left alone as yet, for that reason I am handicapped in getting about, however, as stated before, you have my full endorsement of this meeting.

Please inform me. if you wish us to publish this release.

Respectfully yours,

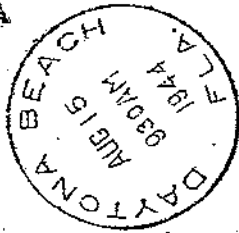
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C-9

BOARD MEETING MONDAY NIGHT
BEFORE THE FIRST SUNDAY
OF EACH MONTH

New Mt. Zion Baptist Church

REV. GEO. O. SUMNER, D. D., PASTOR
231 WEAVER STREET, PHONE 615 W

S. H. LEWIS, CHURCH CLERK
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DAYTONA BEACH, FLORIDA

August 14th 1944

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C-9

CONFERENCE THURSDAY NIGHT
BEFORE THE FIRST SUNDAY
OF EACH MONTH

Mr. Harry T. Moore
Box 4
Miami Fla.

Dear Sir:

Your letter was received and contents carefully noted. I think the steps you are taking are very wise indeed. Sorry however I will not be able to attend because of previous engagements in the same week.

Wishing you much success,

Respectfully yours,

