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 601 CYPRESS AVE., SANFORD

FLORIDA STATE CONFERENCE OF THE

National Association

FOR THE

Advancement of Colored People

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 WEST PALM BEACH  
 REV. E. J. JACKSON

Nims, Florida  
 June 14, 1945

Attorney E. K. McIlhenny  
 Graham Building  
 Jacksonville, Florida

Dear Sir:

Through the press and through conversation with Mr. F. L. Redding, president of our Jacksonville Branch, I learned about your successful handling of the case of Mrs. Dallas Graham against the Duval County Supervisor of Registration. I am writing now to ask your opinion about a similar case.

Last October Mr. F. L. Bryant of Old Town, president of our Dixie County Branch, was refused permission to register for the General Election in November. Another Negro asked to be registered at the same time. The Registrar told them he was afraid there would be trouble if Negroes attempted to vote in Dixie County. The lawyer whom whom we consulted then advised that we file a petition for writ of mandamus, but he later decided that the books would be closed before the papers could be properly drawn and filed.

Do you think a civil suit for damages would be advisable now? Or would you advise some other legal procedure? Negroes are not permitted to vote in some of these counties up there, and unless we take some action, they may never enjoy this constitutional right.

Please give us your opinion in this case, and give us the approximate cost of any legal action that you might advise. If possible, please let us hear from you by June 19, as we shall hold a district meeting on June 20.

Sincerely yours,  
 Harry T. Moore

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ATTY. S. D. MCGILL  
 ATTY. L. E. THOMAS  
 EDWARD D. DAVIS



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Progressive Voters' League  
Of  
Brevard County, Fla.

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All Ministers and Heads of  
Organizations

Mims, Fla.  
August 14, 1948

Mr. N. N. Gilbert  
Titusville, Fla.

Dear Mr. Gilbert :

As the time is approaching for your City Primary, I think we should try to get a few of our leaders together and make plans for same. It is urgent that we meet at an early date, as we do not know just how much pressure we may have to exert to gain the privilege of voting in this Primary.

I would have taken this matter up earlier, but my car has been giving me trouble for over a week, and I still have to carry it back to the garage. I am suggesting, therefore, that you try to get them to meet here at my home, Thursday night or Friday night should be a good time.

We would like to have these persons to meet with us :

- 1. Rev. Forder
- 2. Rev. Burno
- 3. Mr. Alex Adams
- 4. Mr. E. F. Warren
- 5. Mr. R. Harris
- 6. Mr. Wm. Gibson

Please try to get in touch with these persons and see if you can arrange for them to meet here. Of course, we want you here, also. If they cannot come Thursday or Friday, see if they can come Monday or Tuesday night of next week.

Sincerely yours,

Harry T. Moore

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 VOLUSIA COUNTY  
 ALLEN E. ATTAWAY  
 WEST PALM BEACH  
 REV. E. J. JACKSON

Miss, Fla.  
 September 4, 1945

Attorney R. E. McElrath  
 131 Graham Building  
 Jacksonville, Fla.

Dear Sir :

Two-day four Negroes attempted to register for the Titusville City Primary, which will be held Sept. 30, but they were refused permission to qualify. The person in charge of the books stated that they had orders from the City Council to register nobody but white people.

We wish to take the necessary legal action to have these books opened for the registration of Negro citizens in Titusville. Will it be possible for you to take this case for us? If so, please let us know what the cost will be. This case will be sponsored by the Crawford County Branch, NAACP, of which I am secretary. Please send me information as to the total cost, down payment, etc.

The city registration books are open only on Tuesdays and next Tuesday, Sept. 11, is supposed to be the last day. Please answer by return mail.

Very truly yours,

Harry T. Moore

1875  
1876  
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1880  
1881  
1882

1883

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 EARL G. BROUGHTON  
 VOLusia COUNTY  
 ALLEN L. ATTAWAY  
 WEST PALM BEACH  
 REV. E. J. JACKSON

Mims, Fla.

September 4, 1945

Attorney S. D. McGill  
 610 W. Duval St.  
 Jacksonville, Fla.

Dear Attorney McGill :

To-day four of our members attempted to register for the Titusville City Primary, which will be held Sept. 24, but they were refused permission to qualify. The person in charge of the books stated that they had orders from the City Council to register nobody but white people.

We wish to take the necessary legal action to have these books opened for the registration of our people in Titusville. Will it be possible for you to take this case for us? If so, please let me know what the cost will be. This case will be sponsored by the Brevard County Branch, of which I am secretary.

The city registration books are open only on Tuesdays, and next Tuesday, Sept. 11, is supposed to be the last day. The men who want to use the books are willing to file suit.

Please answer by return mail.

Sincerely yours,

Harry H. Moore

100-105-100 9/8/43

RECORDS OF THE DEPARTMENT OF THE INTERIOR

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C. 20240

Mims, Fla.  
September 24, 1945

Attorney E. K. McIlrath  
121 Graham Building  
Jacksonville, Fla.

Dear Sir :

This is the third letter that I have mailed you since we talked in Jacksonville on Sept. 8th, but I have failed to get a reply from either letter. Our Branch treasurer also says he mailed you \$500 on the Titusville Primary Case the first of that same week. I am wondering now if you have received my letters, or whether you have written me and your letter was mislaid or lost. Have you received the \$500 ?

Please let us hear from you in regards to the legal action that you have taken, or plan to take, in this case. We are particularly anxious to win this case, as so much depends upon it. We want to drive the opposing wage men, so that the way will be clear when the next primary comes. The future success of our work in Brevard County will depend in a large measure upon our winning this case. We urge, therefore, that you take every action possible to overcome the defiant attitude of these local officials. If necessary, sue the whole group. If you will just push the legal side of this case, you need not worry about the balance of your money.

By all means let us hear from you, as the situation is becoming embarrassing to the officers of our Branch. Our members are beginning to ask about this matter, and we have no definite information to give them. We therefore are urgently in need of a direct statement from you as to the present status of the case, so that we can keep up the morale of our members. Please let us hear from you this week, as we are holding a meeting Sunday.

Very truly yours,

Harry T. Hearn





NOV 13 1943  
MIRAMONTE AVENUE  
MIRAMONTE FLORIDA



Mr. Harry T. Moore  
Principal Colored School  
Mims, Florida

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CORNER 12<sup>th</sup> STREET AND NORTH SAPODILLA AVENUE

WEST PALM BEACH, FLORIDA

Oct. 1, 1945

Mr. Harry I. Moore Sec'y.,  
N. P. V. L. Of Florida  
Mims, Florida

Dear Sir ;

I feel justified in saying that the time and ener-  
gy spent in making the trip to Orlando  
was really not in vain. Matter of fact it was  
really an inspiration meeting you and, the reali-  
zation of being a part of an organization which  
in every respect mean so much to our race as  
a whole.

I shall immediately start working toward perfect-  
ing an organization through out District #6.

Therefore I am asking that you please send me  
all necessary information, a constitution,  
and literature dealing with the organization  
so that I may become well conservant with  
matters pretaining to same.  
I shall expect this be return mail.

Trusting that you and family are enjoying  
the very best of health.

I am,

Very truly yours,

  
S. M. Fluellyn

Progressive Voters League  
of Florida

Mims, Florida  
October 9, 1945

Fellow Citizens:

Negro citizens of Volusia County are urged to meet at Mt. Zion A.M.E. Church, on Campbell Street, Daytona Beach, Florida, Wednesday, October 17, 1945, at 7:30 P.M., for the purpose of organizing a county unit of the Progressive Voters League of Florida. We are particularly anxious for our ministers, teachers, and leading laymen to attend this meeting.

Representatives from Seminole, Flagler, Putnam, and St. Johns Counties are also invited to be present, so that we may make tentative plans for getting units established in these counties.

The Negro's political future is brighter now than at any time since since the turn of the century. The United States Supreme Court decision in the Texas Primary Case might well be styled a second emancipation for Negroes in the south. The Florida Supreme Court also has ruled that Negroes have a right to vote in Democratic primaries. We must now organize ourselves to take full advantage of these opportunities.

Two things must be done: (1) We must increase our efforts to gain for Negro citizens all over Florida the right to participate freely in all elections. (2) We must teach the masses of our people the importance of the ballot. These are the two primary objectives of the Progressive Voters League.

Sincerely yours,

Milton P. Cooke, State President

Rev. A. W. Smith, Local Pastor

C. T. Williams, Chairman  
Fifth Congressional District

Harry T. Moore,  
Executive Secretary

Mrs. Lydia B. Pettis, Acting Chairman  
Volusia County

October 26, 1945

Honorable R.A. Gray  
Secretary of State  
Tallahassee, Florida

Dear Mr. Gray:

Re: Secretary of State - Primary Elections -  
Registration of negro as a democrat in  
primary registration books.

Receipt is acknowledged of your letter of October 18, 1945, enclosing letter to you of Mr. Roland X. Droit, Supervisor of Registration of Highlands County, dated October 13, 1945, and copy of your answer to him of October 18, 1945. The question propounded to you by Mr. Droit, and with respect to which you request my opinion is stated here as follows:

Should a county registration officer comply with the application of a negro, who is otherwise a qualified elector under the laws of Florida, for registration as a democrat in the primary registration books of the county?

You are referred to two recent cases of our Supreme Court Davis vs. State ex rel. Cromwell, 25 So. 2d. 85, and Davis vs. State ex rel. Chavis, 25 So. 2d. 87. Cromwell and Chavis are negroes, residents of Escambia County. Upon refusal of Mr. Ben E. Davis, Supervisor of Registration of Escambia County, to comply with the request of such negroes that they be registered in the primary election books of such county as democrats, these negroes instituted action in mandamus to require said officer to so register them. This office participated in the defense of said county officials in these suits. Upon final hearing the trial court issued peremptory writ of mandamus which, in effect, directed that said supervisor of registration so register such negroes. The cases were appealed to our Supreme Court, and we participated in such cases on appeal.

Directly involved in both of these cases was the question set forth above, along with certain procedural questions of no

moment here. It was our contention in the trial court and in briefs filed and argument made in such cases in the Supreme Court that the registration officer of Escambia County was not required to register these two negroes in the primary registration books as democrats. The question presenting this issue to the Court, set forth in Appellant's briefs in both of such cases, is quoted by the Court in the Cromwell case, and that part of the decision in the Cromwell case together with the Court's answer to such question, is set forth as follows:

"The controlling question which is sought to be adjudicated here is stated by the appellant as follows:

"Question No. 11.

"Where a negro person of African descent, who is otherwise a qualified elector under the laws of Florida, desires to be registered as such elector affiliated with the Democratic Party, appears at the office of the Supervisor of Registration in Escambia County, Florida, and offers to comply with all of the requirements of Section 102.21, Florida Statutes Annotated, and requests that he be registered as such an elector on the registration books of such county, and the State Democratic Executive Committee of Florida has resolved that the terms and conditions of which legal electors shall be declared and taken as proper members of the Democratic Party of Florida shall be 'White Persons,' is such a negro person entitled to be registered as a Democratic Elector on such books provided such books are open for such purpose under the law?"

"We think this question is put at rest adversely to the contention of the appellant by the opinion and judgment of the Supreme Court of the United States in the case of *Smith v. Allwright, Election Judge, et al.*, 321 U.S. 649, 64 S.Ct. 757, 759, 88 L. Ed. 1594, 151 A.L.R. 1110."

In both the Cromwell and Chevils cases the Supreme Court of Florida affirmed the Circuit Court of Escambia County. Thus, the above contention so made by us with respect to the right of

such supervisor of registration to refuse to register these negroes, as aforesaid, was unsuccessful. It is observed that in view of the holding of the Supreme Court of the United States in the case of Smith vs. Allwright, supra, our Supreme Court was permitted little, if any, latitude in their choice of an answer to the above quoted question.

In view of the foregoing, it appears the above question properly is answered as follows:

The registration officer of Highlands County should be guided with respect to the application of negroes to be registered in the primary registration books as democrats by the decisions of the Supreme Court of Florida in the above noted Cromwell and Chavis cases, which is that they are entitled under the law to register as members of the party of their choice, and having so done, to vote in the primary of that party.

Very truly yours,

J. TOM WATSON  
Attorney General