

N. A. A. C. P.
LEGAL DEFENSE
20 WEST 40TH STREET
NEW YORK 18, N. Y.

E. K. McILRATH



TO YOUR FAVOR
BUY U.S. SAVINGS BONDS
REGULARLY



Dear Mr. Moore:
I am glad to hear from you and
hope you are well. I would like
to hear from you again soon.

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hope you are well. I would like
to hear from you again soon.

Mr. Harry Moore
Box 4
Mims, Florida

After 6 days return to
E. K. McILRATH,
121 Graham Building,
JACKSONVILLE 2, FLORIDA.

December 9, 1946

Mr. Harry Moore
Box 4
Mims, Fla.

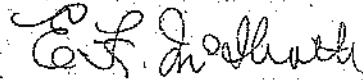
Dear Harry:

I have your letter of December 6 and I am heartily ashamed of myself, but apparently I am unable to do everything just as I would like. I thought surely that when the F. B. I. got onto this situation that it would carry on, but I don't know.

To be quite frank with you, I probably went over my head in this case; I was so anxious to help you folks out. But when it gets right down to the handling of the matter, it takes so much time out of my office that frequently when I planned to be in Titusville something else here held me up.

As a matter of fact, I would be glad to have you come by to see me but I think, possibly, it would be best for you to bear with me a while longer and perhaps after the Christmas holidays I can give as near undivided attention to the situation in Titusville as possibly can be. In the meantime I will do my best under the circumstances and assure you that my delay in handling this was not due to deliberate intent.

Very truly yours,



E. K. McIlrath

em/c

"To promote the general welfare by furnishing information on candidates and measures."

FLORIDA VOTERS' LEAGUE

Dec. 12, 1946.

JAMES F. HOSIC, President
ROYAL W. FRANCE, Vice Pres.
FRED S. HALL, Treasurer
EDWIN L. CLARKE, Secretary
Winter Park, Florida

Mr. Harry T. Moore,
Mims, Florida.

Dear Mr. Moore,

STATE COUNCIL

RAYMOND F. BELLAMY, Tallahassee
LLOYD F. BOYLE, Sanford
HELEN W. COLE, Winter Park
CAXTON DOGGETT, Mt. Dora
PAUL S. FINNER, Tallahassee
EDNA C. FULLER, Orlando
WALTER P. FULLER, St. Petersburg
ROBERT J. GISLER, Gainesville
WALTER GOSPELL, Kissimmee
HAMILTON HOLT, Winter Park
R. F. HOWES, DeLand
EDWARD A. JOHNSON, Orlando
FRANCIS P. LOCKE, Miami
HELEN MARSHALL, Jacksonville
A. R. MEAD, Gainesville
WILLIAM MELCHER, Winter Park
WALTER METCALF, Tampa
PAUL S. PIERCE, Winter Park
RAYMOND ROBBINS, Brooksville
MORRIS A. SKOR, Orlando
E. J. SMITH, St. Cloud
FRANCIS PRESCOTT SMITH, Winter Haven
LUDD M. SPIVEY, Lakeland

Many thanks for your letter and

the enclosures, both of which are of much interest.

Enclosed is a card giving my class hours. At other times I have individual conferences with students, but these can always be shifted without trouble.

I am glad to know that Mr. Smith will be in Winter Park. I'll announce the event and try to have a delegation present.

Your approval of our efforts to promote interracial cooperation are much appreciated. I could wish that results would come much faster, they are distressingly slow, even though over the years we can see some improvement.

Sincerely,

Edwin L. Clarke

Edwin L. Clarke

Mims, Florida
December 25, 1946

Atty. G. M. McIlrath
121 Graham Building
Jacksonville, Florida

Dear Atty. McIlrath:

I have your letter of December 9, in which you expressed your determination to push our registration case after the holiday rush has passed.

Shortly after your letter came, I also received a communication from Miss Marian Tyus Perry, assistant special counsel of the NAACP, with reference to this same matter. Miss Perry inclosed a copy of a letter from the U. S. Department of Justice, which gave a report of the investigation conducted by FBI agents in Brevard County last August. For your information I am inclosing copies of both letters.

You will note that the Department is hung up on the interpretation of some Florida statute whereby a voter who wishes to change his party affiliation must make application in writing. We did not know about this law when we were trying to get registered as Democrat prior to the May primaries. However, when a committee of us had made two unsuccessful attempts to catch Supervisor E. J. Bailey in his office, I wrote Mr. Bailey and stated our desire to make a change of party affiliation. In that letter I inclosed a copy of a letter from Attorney General Tom Watson, in which he stated that precinct clerks had a right to make such changes. All of this was sent to Mr. Bailey by registered mail, with return receipt requested. Mr. Bailey has never answered this letter.

I am wondering if the letter mentioned above, copy of which is inclosed, would satisfy the statute with reference to written applications. You already know, of course, that Brevard County registration officials have not been so "jam up" in observing the Florida registration laws. I refer particularly to their failure to issue registration receipts, as required by a Florida law.

The Department is somewhat in error in its report on those who were seeking to register for the first time. In only one precinct (Mims) were we able to get any new voters registered as Democrats, and one of those (Catherine Campbell) could not vote because her registration had been changed before the list was sent to the voting booth. We have of only four Negroes who voted in the Democratic Primary, and all of these were in Mims Precinct.

Please send Miss Perry any information that you may have with reference to the Florida statute and the situation described above.

Very truly yours,

Harry E. Moore

cc: Miss Marian Tyus Perry

December 5, 1946

Miss Marian Bynas Perry
Assistant Special Counsel
National Association for the
Advancement of Colored People
20 West 107th Street
New York 18, New York

Dear Miss Perry:

On July 15, 1946, I advised you that the Department had initiated an investigation of complaints to the effect that Florida registration officials had refused to register certain Negroes as Democrats prior to the Florida primary of May 1946. In your letter of July 9, 1946, you submitted certain material stated to have been prepared by Mr. Harry T. Moore of Mims, Florida.

Our investigation, which included the complaints referred to by Mr. Moore and which covered alleged attempts to register in Mims, Titusville, Cocoa, and Melbourne, Brevard County, Florida, disclosed that most of those attempting to register had previously registered as Republicans and were seeking to change their affiliations to the Democratic Party. It also appears that a Florida statute provides that persons seeking to change party affiliations should do so in writing. Notwithstanding the statute, the complainants, according to the investigation, made their applications orally. It appears, therefore, that the statute was not complied with. There are other features in the cases which would need careful consideration before prosecution could be initiated, but the matter of non-compliance with the statute is the most serious.

As to those persons seeking to register for the first time, a number of them registered and voted as Democrats in the primary. On the other hand, there was possibly one instance of a refusal of Democratic registration to a Negro and in that particular instance there were no witnesses to the alleged refusal.

Under the circumstances set out above, it does not appear that prosecution would be successful. I note, however, that civil suits were at one time contemplated by an attorney retained by Mr. Harry T. Moore, representing the NAACP and on behalf of himself and others similarly situated. I mention this because of the possibility that the Florida attorney retained by Mr. Moore may be aware of an interpretation of the Florida statute referred to above permitting a change of party registration upon oral application. If you have any information on this point, I should be glad to receive it. Otherwise, it would seem that the cases, so far as criminal proceedings are concerned, do not warrant further action.

Respectfully,

For the Attorney General

STERLING L. GAUBLE
Assistant Attorney General

December 5, 1946

Miss Marian Wynn Perry
Assistant Special Counsel
National Association for the
Advancement of Colored People
20 West Forty-fifth Street
New York 18, New York

Dear Miss Perry:

On July 15, 1946, I advised you that the Department had initiated an investigation of complaints to the effect that Florida registration officials had refused to register certain Negroes as Democrats prior to the Florida primary of May 1946. In your letter of July 2, 1946, you submitted certain material stated to have been prepared by Mr. Harry T. Moore of Mims, Florida.

Our investigation, which included the complaints referred to by Mr. Moore and which covered alleged attempts to register in Mims, Titusville, Cocoa, and Melbourne, Brevard County, Florida, disclosed that most of those attempting to register had previously registered as Republicans and were seeking to change their affiliations to the Democratic Party. It also appears that a Florida statute provides that persons seeking to change party affiliations should do so in writing. Notwithstanding the statute, the complainants, according to the investigation, made their applications orally. It appears, therefore, that the statute was not complied with. There are other features in the cases which would need careful consideration before prosecution could be initiated, but the matter of non-compliance with the statute is the most serious.

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Respectfully,

For the Attorney General

THON L. CAUDLE
Assistant Attorney General

20 West 40th Street
New York 18, N. Y.
December 9, 1946

Mr. Harry P. Moore, Executive Secretary
Florida State Conference of the NAACP
Box 4
Miami, Florida

Dear Mr. Moore:

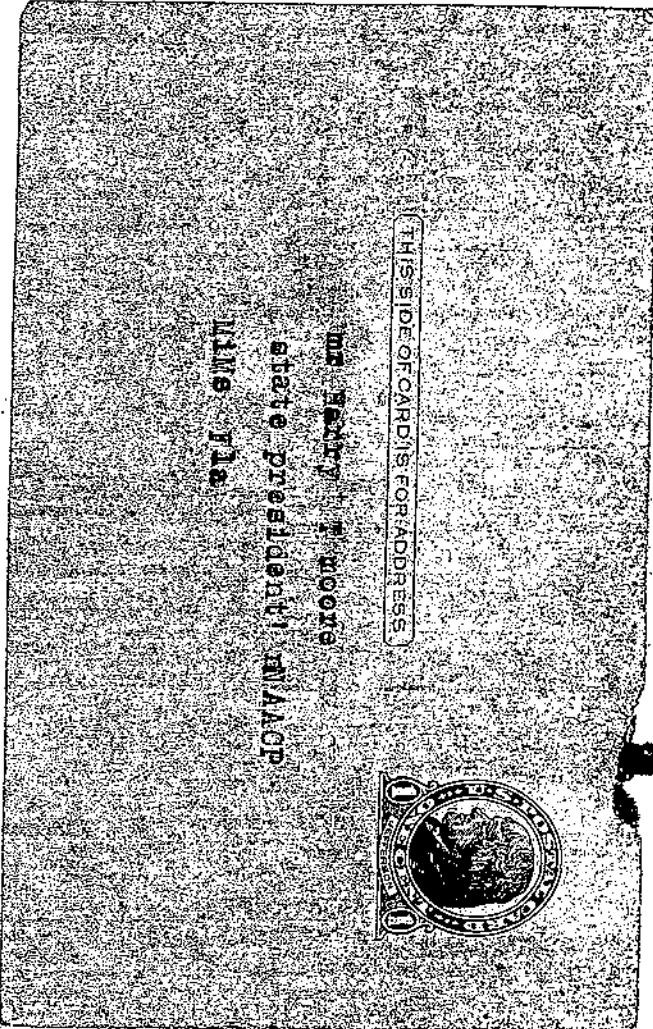
I am enclosing for comment a copy of
a letter from the United States Department of
Justice, Washington 25, D. C., with reference to
complaints to the effect that Florida registration
officials had refused to register certain Negroes
as Democrats prior to the Florida primary of
May 1946.

Very truly yours,

Marion Ryan Perry
Assistant Special Counsel

MRP/vj
Enclosure

STAPLES



THIS SIDE OF CARD IS FOR ADDRESS

Mr. Harry F Moore

State President, NAACP

LANS, Pa.

Dear ser

this is to let you no that this

Branch will have a representatives

in Lake Wales on aug 31

Your truly pres of the

Rt pierce Branch

H Gilbey

H. Gilbey

Mims, Florida
December 25, 1946

Atty. E. K. McIlraith
1310 Graham Building
Jacksonville, Florida

Dear Atty. McIlraith:

I have your letter of December 9, in which you expressed your determination to push our registration case after the holiday rush has passed.

Shortly after your letter came, I also received a communication from Miss Marian Wynn Perry, assistant special counsel of the NAACP, with reference to this same matter. Miss Perry inclosed a copy of a letter from the U. S. Department of Justice, which gave a report of the investigation conducted by FBI agents in Brevard County last August. For your information I am inclosing copies of both letters.

You will note that the Department is held up on the interpretation of some Florida statute whereby a voter who wishes to change his party affiliation must make application in writing. We did not know about this law when we were trying to get registered as Democrats prior to the May primaries. However, when a committee of us had made two unsuccessful attempts to catch Supervisor W. J. Bailey in his office, I wrote Mr. Bailey and stated our desire to make a change of party affiliation. In this letter I inclosed a copy of a letter from Attorney General Tom Watson, in which he stated that precinct clerks had a right to make such changes. All of this was sent to Mr. Bailey by registered mail, with return receipt requested. Mr. Bailey has never answered this letter.

I am wondering if the letter mentioned above, copy of which is inclosed, would satisfy the statute with reference to written applications. You already know, of course, that Brevard County registration officials have not been so "jam up" in observing the Florida registration laws. I refer particularly to their failure to issue registration receipts, as required by a Florida law.

The Department is somewhat in error in its report on those who were seeking to register for the first time. In only one precinct (Mims) were we able to get any new voters registered as Democrats, and one of these (Catherine Campbell) could not vote because her registration had been changed before the list was sent to the voting booths. We had only four Negroes who voted in the Democratic Primary, and all of these were in Mims Precinct.

Please read Miss Perry's information that you may have with reference to the Florida statute and the situation described above.

Very truly yours,

Harry T. Moore

cc - Miss Marian Wynn Perry

Mims, Florida
December 15, 1946

Atty. E. K. McElrath
11 Graham Building
Jacksonville, Florida

Dear Atty. McElrath:

I have your letter of December 9, in which you expressed your determination to keep our registration case after the holiday rush has passed.

Shortly after your letter came, I also received a communication from Miss Maria Wynn Perry, assistant special counsel of the NAACP, with reference to this same matter. Miss Perry enclosed a copy of a letter from the U. S. Department of Justice, which gave a report of the investigation conducted by FBI agents in Brevard County last August. For your information I am inclosing copies of both letters.

You will note that the Department is held up as the interpretation of some Florida statute whereby a voter who wishes to change his party affiliation must make application in writing. We did not know about this law when we were trying to get registered as Democrats prior to the May primaries. However, when a committee of us had made one unsuccessful effort to catch Supervisor W. J. Bailey in his office, I wrote Mr. Bailey and stated our desire to make a change of party affiliation. In this letter I enclosed a copy of a letter from Attorney General Tom Watson, in which he stated that precinct clerks had a right to make such changes. All of this was sent to Mr. Bailey by registered mail, with return receipt requested. Mr. Bailey has never answered this letter.

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The Department is somewhat in error in its report on those who were mailed as ineligible for the first time. In only one precinct (Mims) were we mailed as ineligible. We were registered as Democrats, and one of those (Catherine Campbell) had her party change and registration had been changed before the list was sent to the mailing booth. The name of only one person was deleted in the Democratic Primary, and all of these were in the Mims precinct.

I am sure you will have no further questions that you may have with reference to the above mentioned case.

Very truly yours,

Harry T. Moore

cc - Miss Maria Wynn Perry

Atty. E. M. McIlrath
121 South Walling
Gainesville, Florida

Miss, Florida
December 25, 1946

Dear Atty. McIlrath:

I have your letter of December 9, in which you expressed your determination to
register cases after the holiday rush has passed.

Shortly after your letter came, I also received a communication from Miss Marian
Berry, assistant special counsel of the NAACP, with reference to this same matter.
I have inclosed a copy of a letter from the U. S. Department of Justice, which
is a part of the investigation conducted by FBI agents in Brevard County last
year. For your information I am inclosing copies of both letters.

It will be noted that the Department is held up on the registration of some Florida
citizens who wish to change his party affiliation. He did not know about this law when we were trying to get registered as
members of the NAACP. However, when a committee of us had made the
arrangements to catch Supervisor W. J. Bailey in his office, I wrote
him and stated our desire to make a change of party affiliation. He said he
would get a copy of a letter from Attorney General Tom Watson, in which he stated that
citizens have a right to make such changes. All of this was seen by Mr. Bailey
and he registered easily with return receipt requested. Mr. Bailey has now received this
letter.

In an endeavor to satisfy the statute with reference to written applications, you will, of course,
find that the Brevard County Registrar's office has not been so "jam up" as the
Florida Registrar's office. I refer particularly to their failure to register
citizens in Brevard County, Florida.

What is error in its report on those who were only one product (I am) were we able to
and out of these (Catherine Campbell) were we able to
changed before the 22nd was not to be
in the Democratic Primary, and those who were

You may have with reference to the

Very truly yours,

Harry T. Moore

N. A. A. C. P.
20 W. 40th STREET
NEW YORK 18, N. Y.



MISS EVANGELINE MOORE
MIMS, FLORIDA

January 2, 1947

Mr. Harry T. Moore
Executive Secretary
Box 4
Mims, Florida

In re: State of Fla. v. Joseph Palmer

My dear Professor Moore:

I have your letter in regard to the above matter and I hope to have something definite in regard to the progress of this matter within the next ten days.

There have been several changes in procedure in handling this class of case before our supreme court, so it is a question of whether I should proceed further with habeas corpus or whether to take the clemency route.

Respectfully yours,

S. D. McGill

sdm/j

January 2, 1947

Mr. Harry T. Moore
Executive Secretary
Box 4
Mims, Florida

In re: State of Fla. v. Joseph Palmer

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I have your letter in regard to the above matter and I hope to have something definite in regard to the progress of this matter within the next ten days.

There have been several changes in procedure in handling this class of case before our supreme court, so it is a question of whether I should proceed further with habeas corpus or whether to take the clemency route.

Respectfully yours,

S. D. McGill

sdm/3

Mims, Florida
February 14, 1940

Mr. J. A. Helder
School Trustee, District # 1
Mims, Florida

Dear Sir :

Several weeks ago members of our Committee talked with you about certain improvements that are needed at the Mims and Titusville High schools. For the Mims School we suggested: (1) water toilets connected with the main building, (2) electric lights for the building, and (3) a larger bus to relieve the crowded conditions on the present one. For the Titusville School we suggested: (1) the sealing of the building, (2) installing the toilets on the inside of the building, and (3) sufficient chairs for the auditorium.

We are mindful of the fact that you promised to look into these matters, and it is not our intention to rush you. However, there are two of these items that we consider more urgent. They are: (1) a larger bus, and (2) sufficient seats for the auditorium in Titusville.

Our bus is often crowded to the extent that the boys have to stand up and some of the girls have to sit on each other. This, of course, is a very unpleasant situation, and it will be even worse as the weather gets warmer. The Titusville School has needed seats in the auditorium for several years. The teachers there have asked for seats. They have even offered to raise money to pay half on the seats, if the Board would pay the other half. Even this year the teachers have asked for help on 200 seats, but they were told that this is not in the budget for this year. The teachers and children therefore have had to raise money to buy 100 chairs. They still need more chairs.

We feel that this is not fair. It is our opinion that equipping the auditorium and equipping the school building is solely the duty of the Board. The Titusville School was built over 10 years ago, and the building never has been completed. It has never been properly equipped. Yet last year the Board was able to buy additional land near the Titusville White School, and it is now preparing to buy additional property in Melbourne. In view of these facts, we feel

that the Board should be able to provide seats for the Titusville
Negro School and a larger bus for the 11222 children.

These two improvements are urgently needed. We shall be very
grateful, therefore, if you can secure favorable action on these
at an early date.

Respectfully yours,

Committee :

502 West Broadway
Ocala, Florida
June 18, 1946

Dear Friends:

A few days ago, we wrote you relative to our efforts to place Mr. Harry T. Moore, President of the State Conference of N.A.A.C.P. Branches on a full time salary basis.

We are writing you on the subject again, because we feel that the letter escaped your attention, or perhaps you have not considered the urgency of the matter.

We desire to have Mr. Moore begin his full time duties not later than August 1st. Therefore we are pleading with you to let us hear from you and your organization as soon as possible, and not later than July 1st.

This method of raising funds will not be a regular thing. The State N.A.A.C.P. Conference meeting at Panama City last week, perfected plans that will take care of this budget after the first year. We are simply asking certain wide-awake, progressive organizations who believe in the Negro's future, to make the initial investment in Florida's Racial welfare.

Many organizations and N.A.A.C.P. branches have responded in a splendid way. We would like to hear from YOU, before we give this list to the Negro Press for publication.

Make all checks payable to G. D. Rogers, Treasurer, and mail to Edward D. Davis, 502 West Broadway, Ocala, Florida.

DO THIS NOW:

Sincerely yours,
Budget Committee

Earl E. Broughton, Chairman

2912 - 26th Street, Tampa

Edward D. Davis, Secretary
G. D. Rogers, Treasurer
Mrs. Viola T. Hill
Rev. R. H. Johnson

502 W. Broadway, Ocala
Central Life Ins. Co., Tampa
626 W. Washington St., Orlando
P. O. Box 509, Orlando

502 W. Broadway
Ocala, Florida
May 27, 1946

Heads of Business, Fraternal, Religious,
And Educational Organizations in Florida

Dear Co-Workers:

Negro citizens of Florida have had just cause to rejoice over the rapid growth of the NAACP in our state during the past five years. The Florida State Conference has grown from a small group of nine branches in 1941 to a strong organization of fifty-two branches at the present time. As the organization has developed, the fight for democracy has been intensified, and all Negro citizens have been benefitted thereby.

It is common knowledge that this steady growth has been due largely to the energetic leadership of Mr. Harry T. Moore, president of the Florida State Conference during the past five years. During these years, Mr. Moore has been forced to divide his time between the NAACP and his regular school work. We feel that the organization has not reached the stage where a full-time worker is needed. The present work must be maintained, and the NAACP must be carried into other counties in Florida. Mr. Moore has agreed to devote his full time to this important work.

We estimate that a budget of \$7,000.00 will be needed to finance this work for the first year. This will include office equipment, supplies, traveling expenses, salary, etc. Since the work of the NAACP benefits ALL the people, we are asking the various business, fraternal, religious, and educational organizations in Florida to help underwrite the budget for the first year. The Central Insurance Company has pledged \$500.00, and the Women's Auxiliary of the General Baptist State Convention has pledged \$100.00. Will your organization please contribute at least _____ to the budget? Make checks, or money orders, to G. D. Rogers, Tampa. Mail them to Edward D. Davis, 502 W. Broadway, Ocala.

If possible, please let us hear from you by the time of our Sixth Annual Meeting in Panama City, June 7 - 9. We hope to have our plans sufficiently advanced to begin full-time operation on July 1, 1946. Your full cooperation will be appreciated.

Sincerely yours,
Budget Committee :

Earl E. Broughton, Chairman

Edward D. Davis, Secretary
G. D. Rogers, Treasurer
Mrs. Viola T. Hill
Rev. R. H. Johnson

2912 - 26th Street, Tampa

502 W. Broadway, Ocala
Central Life Ins. Co., Tampa
626 W. Washington St., Orlando
P. O. Box 509, Orlando

Mims, Florida
February 22, 1947

Florida Members
United States Senate
Washington, D. C.

Dear Sirs :

Florida's 45 branches of the National Association for the Advancement of Colored People are deeply concerned about two matters now pending in the United States Senate

The first of these is the question of seating Theodore C. Bilbo, senator-elect from Mississippi. We feel that the evidence presented to the investigating committee last year is sufficient to substantiate the claim that Senator Bilbo's behavior has made him unfit to occupy a seat in such an honorable body as the United States Senate. His dealings with certain war contractors are questionable, to say the least. And his open appeal to racial prejudice in an effort to keep Negroes from voting in the primaries last summer was contrary to all decent principles of democratic government. How can Senator Bilbo take the oath of office - the oath to uphold the Constitution - when he has publicly urged that certain qualified citizens be denied their Constitutional right to vote? An oath under such circumstances would be little more than "sounding brass or a tinkling cymbal". We urge, therefore, that you firmly oppose the seating of Mr. Bilbo. We suggest also that action be initiated to remove such a character from the payroll and thus eliminate this waste of tax money.

We also are intensely interested in the resolutions designed to eliminate the practice of unlimited debate in the United States Senate. The filibuster is undemocratic. In any truly democratic body the will of the majority should prevail. If a small minority can block a vote on important measures and thus defeat the will of the majority, then we have no true democracy. So long as a small minority in the United States Senate can vote the will of the majority, we cannot justly criticize Russia for her exercise of veto powers in the United Nations Security Council. By all means, let us have democratic procedure in the Senate. We solicit your active support of this movement to outlaw the filibuster. We urge that you help to pass a resolution that will make it possible to limit debate by a majority vote, and thus enable the highest legislative body in our country to dispose of measures according to the will of the majority.

Respectfully yours,

Harry T. Moore
Executive Secretary

Miss, Florida
February 22, 1947

Florida Members
United States Senate
Washington, D. C.

Dear Sirs :

Florida's 65 branches of the National Association for the Advancement of Colored People are deeply concerned about two matters now pending in the United States Senate

The first of these is the question of seating Theodore G. Bilbo, senator-elect from Mississippi. We feel that the evidence presented to the investigating committee last year is sufficient to substantiate the claim that Senator Bilbo's behavior has made him unfit to occupy a seat in such an honorable body as the United States Senate. His dealings with certain war contractors are questionable, to say the least, and his open appeal to racial prejudice in an effort to keep Negroes from voting in the primaries last summer was contrary to all decent principles of democratic government. How can Senator Bilbo take the oath of office - the oath to uphold the Constitution - when he has publicly urged that certain qualified citizens be denied their Constitutional right to vote? An oath under such circumstances would be little more than "sounding brass or a tinkling cymbal". We urge, therefore, that you firmly oppose the seating of Mr. Bilbo. We suggest also that action be initiated to remove such a character from the payroll and thus eliminate this waste of tax money.

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Respectfully yours,

Harry T. Moore
Executive Secretary

The Importance Of The Primaries

The 1946 Democratic Primary is now history, and it might be well to look back and make a few observations.

The participation of Negroes in the Democratic Primary this year marks the climax of a long and difficult struggle. When the Brevard County Branch of the NAACP was first organized back in the early 1930's, we learned that the Pensacola Branch was preparing court action in an effort to open up Democratic primaries to Negro voters. Realizing the great importance of this effort, our Branch sent Pensacola a small contribution. Jacksonville was considering similar action about the same time. But it was the U. S. Supreme Court decision in April, 1944, that really drove the opening wedge. And again Pensacola instituted action in the state courts in an effort to make the Supreme Court's ruling effective in Florida. Jacksonville, West Palm Beach, Tampa, and Brevard County soon followed with similar suits.

This long fight to open up the Democratic Party to Negro voters has helped to emphasize the importance of the primaries. For a number of years Florida Negroes have voted in general elections, and there has been very little opposition from the whites. Why, then, has there been such strong opposition to our voting in the primaries? Why have the "powers that be" fought so hard to preserve the so-called "white primaries"? Was it because they feared that Negro voters would contaminate white voters? No. We have been voting together in general elections - even in the same booths - and nobody has been contaminated. Our enemies have fought to keep us out of the primaries because they fully realized that the Democratic Primary is the real election in Florida. Therefore, they have been reluctant to give us a voice in the selection of those officials who are to rule us.

Unfortunately, many Negroes themselves do not seem to realize the great importance of the primary. A few weeks before the May Primaries we were talking with a prominent Negro Republican, and this is the expression that he made: "I never like to beat a man in the primary. I rather beat him in the general election". Was not this wistful thinking? How often do Negro voters in Florida help to beat anybody in general elections? I have lived in Brevard County for more than 15 years, and only once during that time have Negroes been able to help beat a candidate in a general election. And that happened because a Democratic incumbent on the County Commission had made such a bad record that many Democrats voted for the Republican candidate.

When influential Negroes make such statements as the one mentioned above, they play right into the hands of those white people who are so anxious to keep us disfranchised. Such people want us to be perfectly satisfied with voting in the general election, when they know quite well that the primary, in most cases, is really THE ELECTION in the South. Such people argue that Negroes enjoy the right to vote, as guaranteed by the 15th Amendment, because Negroes can vote in general elections. But what good is the "right to vote" in general elections, when the governor, the sheriff, and the county commissioners have already been selected in the primaries? So often do we read these common statements in Florida daily papers: (1) "Nomination in Democratic Primaries is tantamount to election". (2) "Registered Democrats outnumber Republicans 16 to 1".

These odds are too great to be overcome in general elections.

Thinking Negroes want not only the "right to vote", they want the right to help elect somebody to public office. To do this with any degree of success, we must prepare ourselves to vote in the primaries. And to vote in Democratic primaries, we must be registered as Democrats.

Harry T. Moore, Executive Secretary
Progressive Voters' League of Florida
July 28, 1946

March 12, 1947.

Mr. E. E. Callaway,
Attorney at Law,
Lakeland, Florida.

Dear Mr. Callaway:

I have your letter of March 10, 1947, relative to the killing of a negro in Volusia County by a Deputy Sheriff attempting to arrest him.

Of course, you understand that Federal jurisdiction is limited in matters of this kind to cases in which the purpose of the assault was to deprive the person of some right secured to him by the Federal Constitution or Laws. If it is a plain case of unlawful homicide or assault, or the result of some personal encounter, Federal Courts have no jurisdiction to intervene.

As I have no means to investigate the matter myself, I am referring your letter to the District Attorney of this District for his consideration and action if the matter be cognizable under Federal law.

With best wishes, I am

Very sincerely,

Louis W. Strum,
U. S. District Judge.

Copy -
Honorable Herbert L. Phillips,
United States District Attorney,
Tampa, Florida.

With enclosure.

March 12, 1947.

Mr. E. E. Callaway,
Attorney at Law,
Lakeland, Florida.

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Louie W. Strum,
U. S. District Judge.

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U. S. District Judge.

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Honorable Herbert L. Phillips,
United States District Attorney,
Tampa, Florida.

With enclosure.

STATE OFFICERS

HARRY T. MOORE, PRESIDENT
BOX 4, MIMS
DR. C. F. DUNCAN, VICE-PRESIDENT
417 1/2 BROAD ST., JACKSONVILLE
FRANK C. BURTS, VICE-PRESIDENT
226 E. LAKE AVE., TAMPA
BEATRICE MCLIN, SECRETARY
335 JACKSON ST., N. ST. PETERSBURG
EMMA A. PICKETT, ASSISTANT SECRETARY
3410 E. BUFFALO AVE., TAMPA
REV. K. S. JOHNSON, TREASURER
601 CYPRESS AVE., SANFORD

FLORIDA STATE CONFERENCE OF THE

National Association

FOR THE

Advancement of Colored People

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LEGAL COMMITTEE

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

Mims, Florida

June 3, 1946

Governor Millard F. Caldwell
Capitol Building
Tallahassee, Florida

Dear Governor :

On March 12th we reported to you the case of Leroy Bradswell, Negre veteran of Midway, who is said to have disappeared while in the custody of peace officers of Gadsden County. I also have your letter of March 15th, in which you said that you were writing the Sheriff of that county for further information in connection with this case.

We are anxious to know the results of your investigation. Has Bradswell been located? Was he injured in any way by the officers? Please let us know the facts in this case.

On April 10th we received a copy of your letter to the Honorable Murray Sams, State Attorney at Deland, in which you asked him to investigate the death of James Fuller, Volusia County Negro, who was allegedly shot by a Deputy Sheriff near Pierson. We shall be grateful for a report on his findings in this case.

Sincerely yours,

Harry T. Moore

A Message From The Executive Secretary
To
The Florida NAACP One-Day Meeting In Lake Wales

Dear Co-Workers :

Eight months have passed since we submitted our last formal report to the One-Day Emergency Conference in Orlando on Nov. 1, 1946. At that time we had just begun our work as a full-time executive secretary for the Florida State Conference of the NAACP.

Our work in Florida has continued to grow during these eight months. Whereas on Nov. 1 there were 61 branches in Florida, we now have 71 senior branches in this state. Among the branches recently organized are Apopka, Oakland, Crescent City, Plant City, Crystal River, Lakeland, Sarasota, Greenville (Madison County), and Eatonville. Inverness now has its quota of 50 members, and we hope to complete the organization of the branch there next week. Seeds have been planted in several other communities, and it is our hope that these will soon develop favorably.

Our youth work is also taking on new life. The Florida A. & M. and the Bethune-Cookman College Chapters have been revived, and several new youth councils have been organized. Among these are West Palm Beach, Ft. Lauderdale, Titusville, Pegasus, Orlando, St. Petersburg, Fruitland Park, and Panama City. Florida now has 18 chartered youth groups, and we hope that others will be organized by the time of our Third Annual Youth Meeting, which will be held in Miami, Aug. 29 - 31.

We cannot over-emphasize the importance of our youth work. The future success of this great organization will depend, in a large measure, upon the young people whom we can train now to carry on when we have passed off the stage of action. Every branch should organize a youth council. You need only 25 young people under 25 years of age to get a charter for a youth council or college chapter. We suggest that you appoint a committee now to work on this project.

Again we must pay tribute to our many branch workers over the state who have helped us to realize this increase in the number of senior branches and youth councils. Among these are Mrs. Maggie Hayward, Julia Woodson, Rebecca Lindsay, Bernice Williams, Mary Croon, Golfe Lang, Misses A. L. Motley, O. B. Holin, Rev. R. H. Johnson, K. C. Strachan, A. L. Russell, W. J. H. Black, Messrs. R. A. Reddick, E. K. Ross, Edward Brown, J. Maxwell Charlow, Neil Humphrey, Harry L. Barney, T. R. Reid, L. E. Hall, Lester V. Baker, and C. C. Washington.

Perhaps our major effort during the past few months has been the fight against the white primary. Realizing the fundamental importance of this issue, we put everything that we had into the fight to maintain free and unfettered elections in Florida. Because of our efforts in this direction, the Florida State Conference received an award of honor at the 38th Annual Conference of the NAACP, held recently in Washington, D. C. We also have kept up the fight against lynching, mob violence, and police brutality.

Our main handicap during these eight months has been the lack of regular financial support from many of our branches. It seems that some of our branches did not realize that we have been operating on a full-time basis since Sept. 1, 1946, and they have been slow in sending financial support to the State Conference, according to the plan adopted in Panama City last year. Some branches, especially those in the larger cities, seem to find it difficult to collect 50¢ per member every six months for the support of the State Conference. In such cases we suggest that the branches put on some project to raise their quota for the Conference. In the meantime, we must keep reminding our people that \$1.00 per year from each member will not finance all the work of the NAACP. The National Office needs more money, the State Conference must be supported, and the individual branches need money for their local activities. Our people must be led to realize that freedom never descends upon a people. It is always bought with a price.

We wish to thank the Florida Baptist women, led by Mrs. Viola T. Hill, and the Committee at the Florida A. & M. College, under the leadership of Dr. Gray, for their generous financial contributions to the State Conference. We are very grateful to those branches that have been quick to respond to our urgent appeal of May 21, and we hope that plans can be worked out at

this meeting whereby the Conference will receive the necessary financial support at regular intervals.

We also are deeply concerned about the success of our membership drive. Some branches seem to be lagging a bit. Florida cannot afford to fall under its quota of 25,000 members for 1947. Surely 25,000 Florida citizens are willing to endorse the great work of the NAACP by taking out a membership this year. We therefore urge our branches to redouble their efforts to reach, or surpass, their quotas for 1947. Let us not relax now; but let us keep on "driving" until Christmas, if necessary.

privilege

It has been our pleasure to visit many of the branches during the past few months, and we are very grateful for the many courtesies shown us. The spirit has been good, and it has been a pleasure to work with you. We pray that this spirit of co-operation will continue and that our strength will be blessed more and more in this great struggle to secure for ourselves our people a fuller enjoyment of their Constitutional rights and privileges.

Harry E. Moore, Executive Secretary
Florida State Conference, NAACP
Lake Wales - July 11, 1947

1337 Connecticut Avenue, N. W.
Washington 6, D. C.
July 10, 1947

Mr. Harry T. Moore, Executive Secretary
Florida State Conference, NAACP
Progressive Voters' League of Florida, Inc.

Dear Mr. Moore :

I wish to acknowledge your letter of July 5, with thanks for your courtesy of giving me your viewpoint and that of the organization which you represent.

I wish to assure you with all sincerity that the Republican Party will do all in its power to eliminate the disgrace of lynch law and mob violence.

You will recognize the fact that it may be necessary for a Republican President, in cooperation with a Republican Congress, to be in office before this necessary legislation can be enacted.

Sincerely yours,

Carroll Reece
Chairman
Republican National Committee

Copy

1337 Connecticut Avenue, N. W.
Washington 6, D. C.
July 10, 1947

Mr. Harry T. Moore, Executive Secretary
Florida State Conference, NAACP
Progressive Voters' League of Florida, Inc.

Dear Mr. Moore :

I wish to acknowledge your letter of July 8, with thanks for your courtesy of giving me your viewpoint and that of the organization which you represent.

I wish to assure you with all sincerity that the Republican Party will do all in its power to eliminate the disgrace of lynch law and mob violence.

You will recognize the fact that it may be necessary for a Republican President, in cooperation with a Republican Congress, to be in office before this necessary legislation can be enacted.

Sincerely yours,

Carroll Reece
Chairman
Republican National Committee

Copy

Mims, Florida
June 13, 1947

Florida Delegation
United States Congress
Washington, D. C.

Dear Sirs :

Again we must remind you of the urgent need of a strong Federal law against lynching and mob violence. The recent acquittal of self-confessed lynchers in Greenville, S. C., affords additional proof that the individual states are unable to cope with this great evil.

And our own state is no exception. No doubt you still remember the several lynchings that have blotted Florida's record during the past few months : (1) Celler Harrison at Marianna in 1943, (2) Willie James Howard near Live Oak in 1944, (3) Jesse James Payne near Madison in 1945, and (4) Sam McFadden at Branford in 1945. These are the recorded lynchings. There have been rumors and strong evidence of others. For example, on January 7, 1946, Leroy Bradwell, a Negro veteran of Midway, Fla., mysteriously disappeared while in the custody of Sheriff Edwards and Deputy Maple of Gadsden County. Three witnesses have testified that these two officers carried Leroy from his mother's home about 11:30 that night, and the boy has not been seen or heard of since. Affidavits to this effect were submitted to Governor Caldwell, but no action has been taken.

In only one of these cases (Sam McFadden) has anyone been arrested or convicted. Even in this case the Suwannee County Grand Jury refused to return an indictment, and Federal authorities could move only under a weak civil rights statute. Thus a man gets off with only a year in jail and a fine of \$1000 for committing first degree murder. In the other cases mentioned above the officers were not even suspended for their failure to protect the helpless prisoners entrusted to their care.

We cannot afford to wait until the several states get "trained" or "educated" to the point where they can take effective action in such cases. Human life is too valuable for mere experimenting of this kind. The Federal Government must be empowered to take the necessary action for the protection of its citizens. We need a Federal law with "teeth". We therefore urge you to work for the passage of the Wagner-Morse-Case Bill during this session of Congress.

Respectfully yours,

Harry T. Moore, Executive Secretary
Florida State Conference, NAACP
Progressive Voters' League of Florida, Inc.

Titusville, Florida
August 6, 1947

Hon. L. C. Crafton
City Attorney
Titusville, Florida

Dear Sir :

We, a group of Negro citizens of the City of Titusville, are writing to ask your opinion with reference to a proclamation by Mayor W. J. Darden, which appeared on page 2 of the Titusville Star-Advocate, under date of Aug. 5, 1947, and which reads, in part : " I, W. J. Darden, Mayor of the City of Titusville, do hereby proclaim that a Primary Election of the white qualified electors will be held at the City Hall in the City of Titusville, on Tuesday, Sept. 2, 1947, for the purpose of nominating the following candidates for the General Election." Will qualified Negro citizens of the City of Titusville be permitted to vote in the City Primary on Sept. 2, 1947 ?

We have been, and still are, under the impression that all qualified citizens have a legal right to vote in the Primaries of the City of Titusville, as well as in the General Election. Our impression is based on recent rulings by the U. S. Supreme Court, by various other Federal and state courts, and on an opinion by Attorney General J. Tom Watson. We fully realize that the Primary is the most important election, and that those citizens who cannot vote in the Primary have very little voice in the affairs of the City.

Many of us have been citizens and tax payers in Titusville for a number of years, and we solicit the right to vote in the Primaries on Sept. 2 and Sept. 23, 1947, as well as in the General Election on Oct. 10, 1947. Please let us know if we are to have this privilege. An early reply will be appreciated.

Respectfully yours,

Mims, Florida
June 11, 1947

Governor Willard Caldwell
Capital Building
Tallahassee, Florida

Dear Governor :

We are inclosing newspaper articles relative to the case of Barnett Smith, chief of police at Ocala, who is now under a bond of \$5000 on a charge of unjustifiable homicide in the fatal shooting of Bob Rufus, a Negro, on May 30, 1947.

Naturally, we have our opinion about this case; but we are not attempting to pass on its merits now, because it is to come before the Grand Jury. However, we must ask you to investigate this matter for the safety of Negro citizens in Ocala. You will note that four Negroes testified against Smith at the preliminary hearing. It has been reported to us this week that Smith is back on the police force and that he has been molesting some of the Negroes who were witnesses against him. We feel that some action should be taken to protect State witnesses from such intimidation. In fact, we feel that it is a disgrace to let this man remain on the police force with such a serious charge against him. If he has killed one citizen unlawfully, he could easily kill another before the Grand Jury meets, or before his trial is held.

One of these clippings is from the Titusville Star-Advocate, and you will note the unfavorable reputation that Smith built up while he was on the police force in Titusville. Smith was finally dismissed from the force in Titusville after he had shot at and beaten up an elderly white man there. In fact, Smith was convicted in this case on a charge of assault and battery.

There seems to be ample evidence to show that Smith is a dangerous type of person to have on any police force. Human life is too precious to risk letting a man of that type carry a gun and exercise authority.

In view of these facts, we respectfully urge you to act for the protection of the witnesses for the State. We also feel that Smith should be relieved of his duties as an officer, at least until his innocence is clearly established.

Respectfully yours,

Harry E. Moore
Executive Secretary

Mims, Florida
June 11, 1947

Governor Hilliard F. Caldwell
Capital Building
Tallahassee, Florida

Dear Governor :

We are inclosing newspaper articles relative to the case of Bennett Smith, chief of the police at Oviedo, who is now under a bond of \$5000 on a charge of unjustifiable homicide in the fatal shooting of Bob Rufus, a Negro, on May 30, 1947.

Naturally, we have our opinion about this case; but we are not attempting to pass on its merits now, because it is to come before the Grand Jury. However, we must ask you to investigate this matter for the safety of Negro citizens in Oviedo. You will note that four Negroes testified against Smith at the preliminary hearing. It has been reported to us this week that Smith is back on the police force and that he has been molesting some of the Negroes who were witnesses against him. We feel that some action should be taken to protect State witnesses from such intimidation. In fact, we feel that it is a disgrace to let this man remain on the police force with such a serious charge against him. If he has killed one citizen unlawfully, he could easily kill another before the Grand Jury meets, or before his trial is held.

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In view of these facts, we respectfully urge you to act for the protection of the witnesses for the State. We also feel that Smith should be relieved of his duties as an officer, at least until his innocence is clearly established.

Respectfully yours,

Harry E. Moore
Executive Secretary

Mims, Florida
April 30, 1947

Atty. E. E. Callaway
217½ E. Main Street
Lakeland, Florida

Dear Atty. Callaway :

I received your communications relative to the James Fuller and the Katie Rainge Cases, and we appreciate your efforts to get some action through Judge Strum and District Attorney Phillips. Yes, we have noticed that, under existing laws, it is very difficult to get successful prosecution of such cases in Federal courts.

We are wondering now about the advisability of carrying the Rainge Case into the state courts. We realize, of course, that the opposition would have certain advantages in picking the jury, etc. Yet, it seems that with the testimony of the white doctor in New Smyrna, we would have fairly strong evidence that rough handling by Deputy Galbreath caused the miscarriage. We also have Negro witnesses who saw Galbreath push Mrs. Rainge. In other words, our evidence seems to be good. And although we would have to risk a prejudiced jury, we are wondering if it would not help our cause to have this case "aired" in court. Even if the verdict is against us, there might be some benefits. It would expose this type of police brutality to many white people who are inclined to be fair-minded in such matters, and it might serve as a warning to officers of the law. The chances are that they do not enjoy being sued. It would also serve to enhance the value of the NAACP in the sight of our own people. Many Negroes are still wondering about this case, and they are expecting us to carry it into court.

What would be the legal procedure, a damage suit against Galbreath as an individual, or against the Sheriff's Office? For how much would you sue? Please send us your terms for handling such a suit in the Circuit Court. What would be the additional cost if we decided to make an appeal to the State Supreme Court? Please send us this information at your earliest convenience. Then we can consider same and make our decision.

I also shall be grateful if you will return the correspondence relative to the Sautter Case in Titusville. I left these letters with Judge Blanton in February. We want to present this case to the Parole Board.

We are pleased to report that we now have a new branch in Madison County at Greenville. We got one at Greensboro in Cadogan County last year. So West Florida is moving up.

Sincerely yours,

Harry T. Moore, Executive Secretary
Florida State Conference, NAACP

Mims, Florida
April 5, 1947

Rev. J. A. Finlayson
2222 Charles Avenue
Coconut Grove, Florida

Dear Rev. Finlayson :

No doubt you have heard much about the "White Primary" Bill that is being sponsored by Senator John E. Mathews of Duval County. This Bill will be presented to the Legislature when it convenes on April 8th.

The Mathews Bill is aimed directly at Negro voters, and every Negro organization in Florida should oppose its passage. Colored-aided white citizens also oppose this Bill.

We note that the General Baptist State Convention will convene in Tallahassee next week. The 1947 Session of the Legislature will also open in Tallahassee next week. We are thinking, therefore, that it will be logical for your Convention to adopt a resolution urging defeat of the Mathews Bill. Copies of your resolution could be submitted to the Senate, to the House, and to the Governor. In fact, you might have a committee from your Convention to present the resolutions to the Legislature and to the Governor.

This matter is of vital importance to our group, and we shall be very grateful if you will get the necessary action. The NAACP and the Progressive Veterans' League are ready to cooperate in every way.

Sincerely yours,

Harry T. Moore
Executive Secretary

cc :
Mrs. Viola T. Hill
Rev. George G. Sumner

March 18, 1947

Mr. E. E. Callaway,
Attorney at Law,
Lakeland, Florida.

Re: Complaint against a deputy sheriff of
Volusia County - Alleged violation of
civil rights - James Fuller, alleged victim.

Dear Sir:

Your letter of the 10th instant addressed to Judge Strum has been passed on to me by him with the request that I write you. He has furnished me copy of the letter he addressed to you in reply to your letter.

It appears from your letter that James Fuller, alleged victim, was engaged with others in a gambling game referred to as "shooting craps", and while engaged in such game a deputy sheriff by the name of Kitchens flushed them and arrested all of them except Fuller who ran and, as he was fleeing, Kitchens, the deputy sheriff, shot him and the bullet entered the victim's back and resulted in his death.

It is very doubtful in my mind whether prosecution can be had under Section 52 of Title 18, U. S. C. A. A sheriff by the name of Screws was prosecuted under this section along with a deputy and convicted in Georgia and the Supreme Court of the United States reversed the case on certiorari, as you no doubt know, and it was sent back for trial and Judge Strum presided at the second trial and the jury acquitted Screws. I will argue before the Circuit Court of Appeals at Jacksonville next Monday a similar case against Crows, the main difference in the cases being the letter "S". Crows was a constable and marshal at Branford and arrested a man and took him to the Suwannee River and made him jump in the river, resulting in his death. I prosecuted the case and Crows was convicted and his attorneys have taken an appeal and the same is to be argued before the court of appeals here next Monday.

While a majority of the Supreme Court in the Screws case reversed it for a reason that was never urged in either the trial court or the court of appeals, I agree with the reasoning of the minority of the Supreme Court and with Judge

-2-

Sibley who wrote a dissenting opinion in the *Crows* case because I learned the law as laid down by the Supreme Court of the United States in the case of *United States v. Cruikshank*, decided in 1875 and reported in 92 U. S. Reports, page 542. However, as an official I prosecuted the *Crows* case and supported the opinion of the majority of the Supreme Court which indirectly held that prosecutions can be had under Section 52 if the facts justify, notwithstanding Section 52 fails to name any civil right guaranteed by the Constitution.

The proper procedure to be followed in such cases is for interested parties to make a detailed report to the Attorney General for the attention of the Civil Rights Unit. After giving consideration to the matter, they issue to me or the proper United States Attorney such instructions as they may think the facts warrant, and if they think the facts justify it, they direct an F.B.I. investigation. The report of the F.B.I. investigator is then considered by the United States Attorney and by the attorneys in the Civil Rights Unit and it is determined whether the facts justify federal action or whether the matter should be left to the state.

Very truly yours,

HERBERT S. PHILLIPS,
United States Attorney

Mims, Florida
November 25, 1947

Mr. A. A. Dunn
County Commissioner
Brevard County
Mims, Florida

Dear Sir :

We regret to report that quite a few of the Negro voters in Mims were unable to vote in the trustee election on November 4, 1947, because the polls in this precinct closed before 7:00 P. M. Most of the men were working, and they did not get chance to go to the polls until after they came home that evening. We estimate that more than a dozen qualified Negroes were not able to vote because of this early closing of the polls.

It had been announced through the papers, both local and state, that polls would be open from 7:00 A. M. to 7:00 P. M. This, I think, is the new Florida law. But the polls in our precinct were closed before 6:00 P. M. When several Negroes attempted to vote at 6:00 P. M., they were told that it was too late, because the polls closed at sundown.

We shall be very grateful if necessary precautions can be taken to make sure that the polls to-day, and in future elections, remain open until the legal hour for closing.

Respectfully yours,

Harry T. Moore, President
Mims Unit - Progressive Voters' League