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AUG 6 1941

August 4, 1941

Honorable Thurgood Marshall  
Special Counsel  
National Association for the  
Advancement of Colored People  
69 Fifth Avenue  
New York, New York.

RE: State ex rel vs. City Election  
Board of the City of Tampa.

Dear Mr. Marshall:

Since our last letter of a day or two ago we have had a complete transcript of the record made in this case which we are enclosing herewith together with a complete copy of Chapter 15533, Laws of Florida, 1931.

These pleadings and the Act are self-explanatory. Also the judgment of the Court.

Chapter 15533, as you will see, created the Board of Elections for the City of Tampa and gave this Board full control of all elections in the City, including primary elections.

We are preparing the necessary appeal papers for appealing the case to the Supreme Court of Florida.

You will note that we won in the Circuit Court about three fourths of what we were asking for but we did not win the right to vote in the primary election to be held on the first Tuesday in September.

Of course, the Board of Elections could not legally prohibit our clients from voting in the general election but it is a fact that they were denied the right to register until after the primary election and it was strongly intimated to those who applied for registration that they would not be allowed to vote in either the primary or general election. That is why the petition and alternative writ of mandamus were drawn as they were.

You will note the last paragraph of the Judge's Order, which provides that they can vote in the primary if they are qualified members of a recognized political party as defined

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by Section 18, Chapter 15533, and not otherwise.

We are contending that this is an erroneous Order and that under the general law as well as the Act itself any qualified elector, regardless of party or party affiliations or whether they belong to any political party or not, is entitled to vote in the primary where it is a general municipal primary and not a party primary and especially where the expense of the primary is paid out of the public fund.

I believe that you will agree with us on this proposition.

We will appreciate any helpful suggestions you may make in the matter.

With best wishes.

Very truly yours,

BRYAN & BRYAN

*E. L. Bryan*  
E. L. Bryan

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