

Lacey - Tampa 7/21/41

December 16, 1941

Mr. E. Norman Lacey, Secretary
Tampa Branch, NAACP
1806 Ashley Street
Tampa, Florida

Dear Mr. Lacey:

This will acknowledge receipt of copy of your letter which you sent to Mr. LaFlare.

With reference to the Tampa voting case, as I remember it the case was filed at the request of the local branch, and after it was filed we were requested to render our assistance. At the time the case was filed I was over my head in work on the Texas Primary case, a dozen or more teachers' salaries cases, several criminal cases pending in lower courts, state appellate courts and the United States Supreme Court. There are many members of our National Legal Committee who give their services free of charge, and I have been trying to work with them on all of these cases.

After the Tampa case was filed I requested the pleadings in your case, and I eventually received them. We went over them, sent them to a member of our National Legal Committee for opinion, and in September of this year I wrote to Mr. Bryan requesting information as to the latest developments in the case, pointing out to him that "I doubt, however, that we can do much until after the decision on the appeal." I have not received any word as to what the decision was on the appeal. I still am not quite clear as to what you want me to do in the situation - whether you want us to file a brief, argue a case on appeal, or exactly what you want us to do. Since the case was filed by the local branch, we did assume that you would expect our cooperation concerning the question as to whether or not the case will be taken to the United States Supreme Court.

We discussed the case last weekend with some members of our Legal Committee in Washington, and there is a very real difficulty involved in this case. The question of the right of Negroes to vote in the primaries is not a question peculiar to Tampa or to the State of Florida. It is common throughout

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the south. We urge all of our branches to await the outcome of the new Texas Primary case, which we believe will be the opening wedge to break up the white primary throughout the south, including Tampa, Florida. We have pooled most of our resources in this case, and we have done considerable research on this question. No doubt you, as a layman, might believe as other laymen do that the only thing necessary to file and win a case is to draw up a pleading and put it in court. To give you an idea of what is necessary in these cases: We did research for four years before filing our cases to break down discrimination in state universities; we did research for more than three years, and are still doing research, on the cases to equalize teachers' salaries; we have been working on the question of primaries since 1925, and the first real break is at hand as a result of the recent decision of the United States Supreme Court in a case involving a primary in Louisiana. This case, however, is a precedent only where federal officers are being voted for in the primary, and we feel it far wiser to stick to our Texas Primary case which involves a primary for nomination of federal officers. We did expect to follow this case with cases involving municipal primaries, but we would not like to see a voting case in the United States Supreme Court which would be one involving a municipal primary rather than one involving a primary for federal officers.

A great part of this battle for our rights depends upon strategy and timing of cases. That is what we try to do in this office, so that we will not have 410 branches acting as individuals rather than as part of a well-coordinated fight. That is the reason we have been waiting anxiously to find out what decision is reached in the appeal of your case. After the decision is reached, there will then be the problem to be discussed in a conference between the branch and our National Legal Committee as to whether we should go further on this case or should await the decision in the Texas Primary case. I am sure you are familiar with the developments in the Texas case, all of which developments have appeared in our press releases and in the bulletins.

Getting back to your letter to Mr. LaFlore, I am sure you realize that your statement that I had not written "a word" to your lawyers is incorrect; and, as a matter of fact, I sent copies of the letters to your lawyers to the branch. On July 22 we received our first letter from Mr. Bryan, and on July 29 I wrote to Mr. Bryan giving him certain suggestions and requesting copy of the pleadings. On August 2 we received a letter from Mr. Bryan with a copy of the order, and on August 6 received copies of the pleadings. You will note that when we received our first letter from Mr. Bryan the case had already been decided by the lower court. When I returned to the office after an absence in September, I wrote Mr. Bryan on September 30 asking for the latest developments; and on October 6 we received word from him that the case was pending on appeal.

As to the question of Congressman Mitchell's statement that there are a legion of cases that the Association could take up, I agree with that statement. I am forced to turn down hundreds of cases for one reason and for one reason only, namely: We do not have sufficient funds for financing the case, sufficient funds to hire lawyers, nor sufficient funds to put more lawyers in this office. The reason we do not have sufficient

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funds is simply the fact that we have been unable to collect more funds.

~~Insofar as concerning~~ the question of men in the field building up the Association, we have just as many men and women in our field work as our budget will stand, and expect to have a representative in Florida next Spring.

As a paid official of the N.A.A.C.P., I am subject to criticism, orders, charges or mandates from branches and individuals who are members of the Association. It has been true, however, that with the exception of yourself and Mr. LeFlore, I have not had any of these directed at me. All of our branches understand fully the difficult position we are in and the necessity of wholehearted cooperation from all of us. I regret that you feel as you do about this whole matter, and I feel that you should try to understand the situation here in this office and try to realize the work we have been doing, including constant pressure on every government agency we can find to clear up the situation in the shipyard in Tampa. This case, naturally, necessitated several trips to Washington by both Mr. White and myself. It should be pointed out that while we were in Washington those several times in the last two years in the interest of the Tampa shipyard situation, there is no doubt but that other branches were worried about the fact that their cases were not getting any attention.

It seems to me that your entire complaint is that we do not understand the situation in your branch and other small branches, especially in the south. I think you should also realize that it is quite evident you do not understand the situation here in this office. There is one full-time lawyer on the staff of the N.A.A.C.P. There are 409 other active branches of the Association throughout the country. There are from fifty to one hundred branches which are semi-active. All of these branches consider this office as the headquarters and quite naturally consider us as their lawyer. In addition to these branches, there are hundreds of individuals who are members of the Association who are constantly writing to us for advice. In order that the record may be completely straight, I hope you realize that I have other duties in addition to the legal work which come about because of the fact that we are forced to maintain a limited staff in order to keep within our budget. This should, I feel, give you a fairly accurate picture of what we are up against.

To give you some conception of the work involved here, and not as a defense to your charges, I left New York on the last day of October to spend one day in Washington and to return to the office the following day. It developed that I was forced to go out into the field on a case and did not return to the office until a month later. Then I stayed in the office two days, went back out into the field to try cases, and did not return to the office until yesterday. For the first time in its history, the United States Department of Justice is busy on our cases to protect the rights of Negroes. I have been working with representatives in the Attorney General's office for the past six weeks. I have been forced to make several trips to get information concerning these cases, and for that reason, along with the fact that we have teachers' salaries cases pending in eight states and many other cases, it has been impossible to take care of every item of business requiring our attention.

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I trust that the foregoing clears up any misapprehension under which you may have been laboring as to our intentional delay, or neglect in giving your case our attention, and that you will let me know whether you expect us to file a brief in the appellate court on the voting case, or just what you wish us to do in the matter.

Sincerely yours,

Thurgood Marshall
Special Counsel

TM/gj
enclosure

cc: Mr. J.L. LaFlare
Mobile, Alabama

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