

Tampa

February 9, 1942

Mr. E. Norman Lacey  
1806 Ashley Street  
Tampa, Florida

Dear Mr. Lacey:

Since writing you earlier today, Miss Baker has shared with me your letter of February 6 and I would like to mention the statement you make in that letter concerning me.

As to the mass meeting on Wednesday night, which, incidentally, was February 4, I cannot see where you can find any basis for the statement that I promised you or anyone else to be present at the mass meeting, and I hope that in the future you will be careful to quote me correctly. If there is anything that I resent, it is for someone to quote me incorrectly, regardless of who he is.

I do not remember talking to you at all about Wednesday or Thursday, February 4 or 5. I did tell Mr. Malloy that I was to argue the teachers' salary case in Tampa on February 3 and would be in Fort Pierce on February 7, and that during the time between these two dates I would be available for whatever meetings the people in Florida might arrange. I explained to him that he should clear all engagements with Mr. Noah W. Griffith and Attorney Samuel D. McGill in Jacksonville so that there would be no conflict in dates. After that time and prior to my coming to Tampa, the Jacksonville case was set for February 4; and if anyone had checked with either McGill or Griffith as I suggested, they would have known that it would be impossible for me to be in Jacksonville and Tampa on the same date. They would likewise know that it is impossible to change the date for the case in Jacksonville on February 4. I also remember distinctly telling you on the night of February 2 that I was leaving Tampa on the afternoon of February 3, and it was for that reason that I spoke to your Branch at its regular meeting on the night of February 2.

Now, as to the Primary case, I have done everything in my power to explain to you and others the difficulties of that

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case. When I stopped by Tampa in January, at no expense to the Branch, I explained that I did not believe that the Supreme Court would grant certiorari in your case and that I still believed my memorandum sent to Mr. Bryan on January 22 (with a copy to you) was law on the case. I suggested that we bring a case in the federal court, as you will remember, and we discovered at this January meeting that no one had actually attempted to vote in the Primary and we therefore did not have an opportunity to bring a case in the federal courts. I explained that although I doubted seriously that the Supreme Court would grant certiorari, we would have our representative in Washington look after the filing of the case in the United States Supreme Court. (Please refer to my letter to you under date of January 30 in confirmation of this.)

When I returned to Washington, I found in Dr. Ransom's office a letter from Mr. Bryan requesting that Dr. Ransom not only look after the filing of the case but that he also sign the petition for certiorari because Mr. Bryan was not a member of the United States Supreme Court. At first, both Dr. Ransom and the other members of the Legal Committee refused to sign the petition for certiorari. I persuaded them to join me in signing the petition when it was prepared because of the fact that I believed the Tampa Branch should have an opportunity to present their case to the United States Supreme Court. So, on Tuesday, January 27, Dr. Ransom telegraphed Mr. Bryan that we would sign the petition. On Thursday, January 28, we received a letter from Mr. Bryan requesting that we prepare the petition for certiorari, which we had never agreed to do. On Friday, January 30, Dr. Ransom telegraphed Mr. Bryan that he could not prepare the petition because he was not sufficiently familiar with the case to do so in such a short time.

Yesterday I asked Dr. Ransom whether the petition was ever sent to him to be filed, and he said that it had not been sent to him. I do not see how under the sun you can blame us for not having the case filed when it was never sent to us.

I explained to you, Mr. Malloy and the President of the Branch last week that I hoped that we would be able to get another case started properly and in the proper court, and that I would be more than happy to cooperate in any way possible. In light of this, I regret exceedingly your willingness to write this office and to repeatedly make statements concerning us without any foundation in fact. I have done everything in my power on this Primary case, and the only reason it was not filed is because your lawyer did not send it to be filed. I realize that the Branch is in a difficult spot on the case; I also realize that it is human nature to want to place the blame on somebody else. But I certainly will not stand by and

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see you attempt to shift the blame to me when I not only cooperated as far and as fully as possible, but also had to persuade members of the Legal Committee to agree to cooperate in the case.

Very truly yours,

Thurgood Marshall  
Special Counsel

TH/ej

cc:

Mr. Dan H. Malloy  
409 S. Fremont Street  
Tampa, Florida