

FLORIDA TEACHER SUES
FOR EQUAL SALARY

1938

Titusville, Florida, June 3.- John Gilbert, teacher and principal in the Cocoa junior high school (colored) of Brevard county, has filed a petition with the circuit court of the county, seeking a writ of mandamus to compel the Board of Public Instruction to establish equal salary schedules for white and colored teachers.

The petition was filed May 24 by the law firm of McGill and McGill of Jacksonville. S. D. McGill of the firm is receiving advice and assistance from the legal staff of the National Association for the Advancement of Colored People in New York.

The petition of Principal Gilbert states further that he holds a second grade certificate from the state department of education and is in his eleventh year of teaching. His salary is \$50 a month for a nine-months term. Mr. Gilbert also receives an additional \$288 per year as principal of the school, making a total of \$738. White teachers with the same grade certificate and the same teaching experience receive \$100 a month or \$900 per year. White teaching principals are paid an additional amount above the \$900.

Pointing out that the salary differential for teaching is 100%, the petition asserts that the said differential is based solely on race and color of the teacher and "denies to petitioner and others of his race the equal protection of the laws guaranteed by the 14th amendment to the Constitution of the United States."

At first the petition was filed in the supreme court of Florida which has concurrent jurisdiction with the circuit courts in mandamus actions. The supreme court, however, can refuse to take original jurisdiction and in this case it did so, referring the petitioner to the circuit court.

If the circuit court dismisses the petition for any reason, it will be taken then to the supreme court of the state.

Court attaches were frank in stating that no petition of this kind had ever been filed and the court would have to make research into the legal question involved. The petition is similar to those which have been filed by lawyers in several counties in Maryland. In three of the Maryland counties, the boards of "education equalized salaries by an agreement out of court.

The Florida case is the first in the Deep South where Negro teachers have challenged the great difference between the salaries paid them and those paid white teachers of the same training and same experience and performing the same duties. The Florida action is being watched keenly by other southern states for if it is successful, it will have a profound effect upon the fortunes of Negro teachers in the South.