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J.S.F. Condit

July 26, 1939

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Mr. Thurgood Marshall
Asst. Special Counsel NAACP
69 Fifth Avenue
New York, N.Y.

Re: Gilbert v. Highfill et al

Dear Mr. Marshall:

I received a wire from the Supreme Court of Florida yesterday informing me that the judgment of the Supreme Court dismissing our petition for mandamus in the above cause had been affirmed and that the opinion of the court was being mailed to me so today I have the opinion of the Supreme Court copy of which is herewith inclosed.

It occurs to me that we have a clear cut federal question now to be presented to the United States Supreme Court. You will observe, however, that at the top of page 4 of the opinion that the court agrees with us on the question of discrimination as guaranteed under the Fourteenth Amendment to the Constitution of the United States. The affirmance of the judgment is based on other grounds.

Read the opinion and let me have your reflections upon it.

Respectfully yours,

S. D. McGill

S. D. MCGILL

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FLORIDA SUPREME COURT TURNS
DOWN TEACHERS SALARY CASE

1439

Tallahassee, Florida, July 26.- The Supreme Court of Florida in an opinion by Mr. Justice Chapman affirmed the decision of the Circuit Court of Brevard County, Florida denying a writ of mandamus to John Gilbert, a Negro school principal, to compel the Board of Public Instruction of Brevard County to equalize teachers' salaries. The Supreme Court of Florida stated that "we fully agree with counsel for relator and the authorities cited in their brief on the question of discrimination and an equal protection of the law as guaranteed by the 14th amendment to the Constitution of the United States. We do not think that either of these questions is presented by this record."

Mr. Gilbert was represented by Attorney S. D. McGill of Jacksonville, Florida, member of the National Legal Committee of the N.A.A.C.P., Thurgood Marshall, N.A.A.C.P. Special Counsel, William H. Harwick and Wm. S. Robinson of Jacksonville, Florida.

The question of future steps in the fight to equalize teachers' salaries in Florida is being considered by the attorneys in the case.