

McGill

July 23, 1939

TO: JOHN A. RUSSELL, and  
JOHN MULLAN

FROM: THOMAS M. MCGILL

RE: GILBERT V. MCGILL, et al.

Enclosed is copy of letter from McGill and  
also copy of opinion in the Florida Teachers' salary  
case.

Please let me have your suggestions on this  
at once, especially as to application for certiorari to  
the United States Supreme Court.

I believe the whole basis of the decision is on  
page 4, the language starting with "We fully agree with  
counsel...", and that it is alright, but I am afraid that  
the language starting "It is the duty of the respondents..."  
just about throws us completely out of court. But we are  
driven almost again to our Federal cases which are based  
on the theory of induction.

TH:GM  
cc: Mr. T. M. McGill.

FLORIDA TEACHERS SALARY CASE LOST

1934  
Tallahassee, Florida, July 28.- 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.

///

TH:GEM