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# PRESS SERVICE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

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## DEMANDS ATTORNEY GENERAL HALT TEXAS PRIMARY COLOR BAR AS UNCONSTITUTIONAL

New York, July 27.- Warning that "Your administration will be held strictly accountable and we urge immediate action by your office", Walter White, Secretary, National Association for the Advancement of Colored People, today wired Attorney General Homer S. Cummings protesting that "Texas Democrats are deliberately flouting Federal constitution and laws by denying qualified Negro and Mexican Democratic voters registration for and participation in Democratic primaries to be held July twenty-eighth and August twenty-fifth." This action is characterized by the N.A.A.C.P. secretary as a "further attempt to evade consequences of United States Supreme Court decisions in Nixon vs. Herndon, 273 U.S. 536, and Nixon vs. Condon and Kolle, 286 U.S. 73, and of decision of United States District Court, Western District of Texas, El Paso Division at October 1933 Term in Nixon vs. McCann and Brenk".

The telegram continues, "National Association for Advancement of Colored People calls on you as Attorney General to make immediate investigation and notify all Texas election officials they will be prosecuted to full extent of law if qualified Negro and Mexican voters are excluded from primaries. Negro Democratic voters in Texas and other Southern states expect just as much attention from Department of Justice in enforcing citizenship rights as in apprehending gangsters and kidnappers. This wilful flouting of express rulings of United States Supreme Court that neither by law nor enabling acts can qualified Negro voters be excluded is a form of gangsterism of far reaching effect. Attorney General of Texas in recent opinion flagrantly advocated denial to Negro voters right to participate. Your administration will be held strictly accountable and we urge immediate action by your office".

### Farley and Hurja Fail to Act

In a letter to Senator Robert F. Wagner of New York, and other leading Democratic Senators dated July 25, Mr. White complains that in spite of repeated communications to Chairman James A. Farley of the Democratic National Committee and Emil Hurja, Assistant to the Chairman, dating from March 29, this year, they have failed to act "as decisively and as speedily as should be the case", in inducing the State Democratic Committees of various southern states to abstain from further illegal attempts to bar qualified Negro voters from participating in Democratic primaries.

"On July 16", says Mr. White's letter, "we had occasion again to write Mr. Farley advising him that we had just received telegraphic and other communications from Texas with the information that Attorney General James V. Allred of that state had rendered an opinion on July 12 that "Negroes are not entitled to vote in coming Democratic primaries". This opinion was based on a resolution adopted at the Democratic Party's State Convention at Houston on May 24, which read:

"Be it resolved, that all white citizens of the State

of Texas who are qualified to vote under the Constitution and Laws of the State, shall be eligible to membership in the Democratic Party and as such entitled to participation in its deliberations".

"This resolution, the Attorney General said, in effect limited the right to participation in Democratic primaries to whites, and consequently excluded Negroes. Up to this time we have had no satisfactory answer to our communications".

Communications addressed to Mr. Emil Hurja, Mr. Farley's assistant have elicited no more definite reply than an acknowledgment and the information that the matter had been referred to Mr. Farley "and that of course would cover the situation".

In the Association's July 16 letter to Mr. Farley, Mr. White warned that "Should you fail to take action we propose to appeal to the courts and to fight these efforts at exclusion to the bitter end. Already steps have been taken preliminary to such legal action."

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