

THURLOW SMOOT

DOCKETED

MAY 20 1968

CIVIL RIGHTS

May 16, 1968

34-035-21A

Mr. Robert Rotatori
Assistant U. S. Attorney
Federal Post Office Building
Cleveland, Ohio

Re: United States of America -v- International
Brotherhood of Electrical Workers, Local No.
38, et al.
Case No. C 67-575

Dear Mr. Rotatori:

Enclosed please find a copy of the Interrogatories
which I have filed today of the above-captioned case.

Very truly yours,

Thurlow Smoot
Attorney for Defendants

TS:ko

Enc.

cc: Mr. Owen Fiss ✓

170-57-9	
DEPARTMENT OF JUSTICE	
10	MAY 17 1968
R.A.O.	
CIVIL RIGHTS DIV.	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,
by Ramsey Clark,
Attorney General,

Plaintiff,

-vs-

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL NO. 38,
et al.,

Defendants

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CIVIL ACTION NO. C 67-575

INTERROGATORIES TO THE
UNITED STATES OF AMERICA

To: Robert Rotatori, Assistant U. S. Attorney
Federal Post Office
Cleveland, Ohio

Defendants Local 38 International Brotherhood of
Electrical Workers and the Electrical Joint Apprenticeship
Committee by their attorney submit the following interroga-
tories to be answered by the plaintiff separately and fully,
in writing, under oath, pursuant to Rule 33 of the Federal
Rules of Civil Procedure:

1. State what "pattern or practice" of resistance
to the full enjoyment of any of the rights secured by Title
VII occurred prior to July 2, 1965, in relation to defendant
Local 38.

2. State what "pattern or practice of resistance
to the full enjoyment of any of the rights secured by Title
VII occurred prior to July 2, 1965, in relation to defendant
Electrical Joint Apprenticeship Committee.

3. State what "pattern or practice" of resistance to the full enjoyment of any of the rights secured by Title VII occurred from July 2, 1965, to the date complaint was filed in this matter in regard to defendant Local 38.

4. State what "pattern or practice" of resistance to the full enjoyment of any of the rights secured by Title VII occurred from July 2, 1965, to the date complaint was filed in this matter in regard to defendant Electrical Joint Apprenticeship Committee.

5. State what "pattern or practice" of resistance to the full enjoyment of any of the rights secured by Title VII has occurred since filing of the complaint herein as to defendant Local 38.

6. State what "pattern or practice" of resistance to the full enjoyment of any of the rights secured by Title VII has occurred since filing of the complaint herein as to defendant Electrical Joint Apprenticeship Committee.

7. With respect to each and every answer to interrogatories above numbered 1 to 6 inclusive, state in detail the following:

a. The facts upon which each contention and each such answer is based;

b. The assumptions upon which each contention and each answer is based;

c. The opinions or conclusions upon which each contention and each such answer is based.

8. State the name, present address, title or position, employer, union membership or apprenticeship and professional qualifications of each person who furnished to plaintiff oral or written information, testimony or statements which contain the facts, assumptions, opinions and/or conclusions referred to in interrogatories 1 to 6 inclusive.

9. State the name, present address, title or position, employer, union membership or apprenticeship and professional qualifications of all persons having knowledge of relevant facts.

10. State the name, present address, title or position, employer, union membership or apprenticeship or that there is no union affiliation and professional qualifications of all persons upon whose verbal or written statements plaintiff decided to issue the complaint and whether any of these were formal charges, and the names and addresses of persons having custody or control of any such written statements.

11. State whether these charges or statements were the same as those filed with the Ohio Civil Rights Commission in 1966 or 1967 against either defendant herein and what action the Ohio Civil Rights Commission took on such charges and the date of the final entry and the final entry made thereon by said Civil Rights Commission.

12. State whether these charges or statements were the same as those filed with the Equal Employment Opportunity Commission in 1966 or 1967 against either defendant herein and what action the Equal Employment Opportunity Commission took on such charges and the date of the final entry and the final entry made thereon by the said Equal Employment Opportunity Commission. State whether a settlement was entered into between the defendants herein and the EEOC Regional Office and whether or not the Attorney General sent a memorandum opposing such settlement and asking the EEOC to refuse to approve said settlement and the action of the EEOC thereon and the name and address of the person in the Attorney General's office having custody and control of a copy of said agreement and the memorandum opposing it.

13. State and specify all written statements or written memoranda taken by plaintiff, including the FBI, of persons interviewed in connection with this case, the whereabouts of the statements or written memoranda with the name and address of the person having custody or control thereof.

14. State whether and during what period, if any, the Electrical Joint Apprenticeship Committee was not in compliance with 29 CFR 30, Bureau of Apprentice Training requirements and the State of Ohio Apprenticeship Committee requirements.

15. a. State the name and address of any and every individual alleged by Plaintiff to have been discriminated against by the defendant Local 38, the date of the discrimination, the alleged facts about it, and the employee, member agent or officer of Local 38 allegedly causing the discrimination.

b. State the name and address of any and every individual alleged by Plaintiff to have been discriminated against by the defendant Electrical Joint Apprenticeship Committee, the date of the discrimination, the alleged facts about it, and the employee, member, agent or officer of EJAC allegedly causing the discrimination.

16. Paragraph 8 of the complaint of the plaintiff states in substance that "Local 38 has pursued and continues to pursue a policy and practice of discriminating against negroes . . . (a) by refusing in the operation of its hiring hall to refer negro applicants for employment on the same basis as white applicants are referred." State in regard to said allegation which negro applicants for employment have been refused such referral, their addresses, the date or dates such refusal took place and the reasons given for such refusal, whether it was oral or written, and the name and address of

person or persons refusing to make the referral, and if written, the person having custody or control of such documents.

17. Paragraph 8(b) of the complaint reads as follows: "By giving, in the operation of its hiring hall, a priority to members of Local 38 from which negroes have been excluded because of their race." State the facts upon which this allegation is based and the contention of plaintiff in regard to it.

18. Paragraph 8(c) of the complaint reads: "By denying negroes membership in the union." Please state the name and address of every negro denied membership in the union, the date when he was denied membership, the person or persons advising him that he was denied membership and whether it was done orally or in writing, and if in writing, describe the documents in detail and state the person or persons, with addresses, who have custody or control of the documents.

19. Paragraph 8(d) of the complaint reads as follows: "By refusing to enter collective agreements with electrical contractors who are negro and who employ negroes on the same terms and conditions as offered to electrical contractors who are white or who employ only white persons." State the name of each negro electrical contractor, with his address, with whom Local 38 refused to enter collective agreements, when such refusal took place, the person or persons who made the refusal, their relationship to Local 38, what was said or done in such refusal and any documents setting forth that refusal, and the person or persons in custody of such documents.

20. Paragraph 8(e) of the complaint reads as follows: "By failing and refusing to take reasonable steps to eliminate the effects of its previous policies and practices of discriminating on the basis of race." State when such failure and refusal occurred, to whom and by whom the failure or refusal was stated and whether orally or in writing, and if in

writing, the person, with address, who has custody and control of such document.

21. Paragraph 8 of the complaint, after stating that "Local 38 has pursued and continued to pursue a policy and practice of discriminating against negroes...this policy and practice is implemented among other ways as follows:", then follows the (a), (b), (c), (d), and (e) referred to above. State now the "other ways" in which this policy and practice is implemented, the persons involved, their addresses, and the actions which so implemented this policy and practice, the dates and who the victims of this policy were by name and address, and whether they gave a statement to the Department of Justice or the FBI and where that statement is now located and the person having custody or control thereof.

22. Paragraph 9 of the complaint reads as follows: "The defendant Joint Apprenticeship Committee has pursued and continues to pursue a policy and practice of discriminating against negro applicants for admission to the apprenticeship program on account of their race. This policy has been implemented in part by applying subjective criteria in the selection process in such a way as to exclude from the apprenticeship program negroes whose objective qualifications were equal or superior to those of white applicants who were accepted." State the names and addresses of the negro applicants who were discriminated against by the application of said subjective criteria, the dates of the alleged discrimination, the names of the person or persons who so excluded them, whether orally or in writing, and if in writing, the name and address of the person in custody and control of the document.

23. Paragraph 9 of the complaint above quoted states this policy has been implemented in part by applying subjective criteria, etc. Please state in what remaining "part or parts"

this policy and practice of discrimination against negroes has been implemented so as to exclude them from the apprenticeship program, giving the names of the negroes so excluded, the date or dates when they were excluded, the persons excluding them, whether it was done orally or in writing, and if in writing, describe the document and the name and address of the person having custody and control of the document.

24. Paragraph 10 of the complaint reads as follows:

"By reason of the policies and practices described in the preceding paragraphs, negroes have been almost totally excluded on account of their race from the apprenticeship program and from membership in Local 38 as apprentices and as journeymen, and Negroes have been denied employment opportunities in the jurisdiction of Local 38 because of their race." State whether there are any additional negro applicants for admission to the apprenticeship program, negroes desiring admission to the Local 38, or negroes denied employment opportunities by Local 38, covered by this paragraph who are not named through your answer to interrogatories numbered 17 to 21 inclusive. If there are such additional negroes, state their names, addresses, whether excluded from membership, apprenticeship or employment, the date when they were so excluded, who excluded them, with address, what notification of their exclusion was given to them, and whether given orally or in writing and if in writing, the name and address of the person having custody and control of the document.

25. With respect to each and every answer to interrogatories above numbered 16 to 24 inclusive, state in detail the following:

a. The facts upon which each contention and each such answer is based;

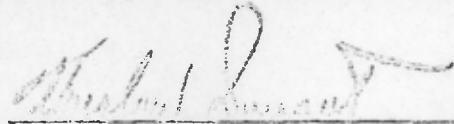
b. The assumptions upon which each contention and each answer is based;

c. The opinions or conclusions upon which each contention and each such answer is based.

26. State and specify all memoranda, correspondence or other documents which the plaintiff states contains relevant information concerning the issues in this case, including pattern or practice of discrimination as presently known to the government and the whereabouts of all such memoranda, correspondence or other documents with the name and address of the person having custody or control thereof.

27. State the number of employees of the Department of Justice, including the FBI and the number of white employees and negro employees. State the pay and civil service grade or rank, if any, of all white employees and of all negro employees.

28. Each of the interrogatories hereinabove is deemed to be a continuing interrogatory, and the defendants make demand upon the plaintiff that in the event that at any later date, plaintiff obtains any additional facts, or obtains or makes any assumptions or reaches any conclusions, opinions or contentions, that are different from those set forth in its answers to interrogatories; that in such case, plaintiff amend its answers to said interrogatories promptly and sufficiently prior to trial to fully set forth such different names of persons, facts, assumptions, conclusions, opinions, and/or contentions.



THURLOW SMOOT
Attorney for Defendants
2141 - 55 Public Square
Cleveland, Ohio 44113
781-1930

S E R V I C E

The within Interrogatories were served upon Robert Rotatori, Assistant U. S. Attorney, Federal Post Office Building, Cleveland, Ohio, by mail on this 16th day of May, 1968.

