

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

UNITED STATES OF AMERICA, by
ROBERT CLARK,
Attorney General,

Plaintiff,

v.

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

Defendants.

CIVIL ACTION NO. 6473

APPLICATION FOR
REPLEVIN BY EXHAUSTION

The plaintiff respectfully moves the Court for
an Order enjoining the defendant Local 212 from
administering any journeyman examination for admission
to the Local until the trial of this cause on July 8,
1968.

As grounds therefore, the plaintiff shows:

1. Local 212 filed on June 5, 1968, a pre-trial
submission in which it represented, inter alia, that it
proposed to administer on June 10, 1968, a journeyman
examination. It further represented that at least one
Negro who has applied for membership since July 2, 1965,
was not to be offered the opportunity to take this
examination.

Wij
Please put in my local 212 file

filed 6/7/68

2. Since July 2, 1965, at least 9 Negroes have applied for journeyman membership in Local 212. None of these Negroes has been offered an opportunity to take a journeyman examination.

3. Since July 2, 1965, defendant Local 212 has administered journeyman examinations to at least 48 white persons.

4. The administration of another journeyman examination to any group of applicants which fails to include every Negro who has made application and who has not been examined, or the administration of any examination whatsoever which deprives Negro applicants of the opportunity to gain membership on the same terms and conditions as have been or are available to white persons, will deprive Negroes of the rights to equal employment opportunity secured to them by Title VII of the Civil Rights Act of 1964, to the irreparable injury of the plaintiff and of Negro applicants for admission to the local.

Respectfully submitted,

/s/

JOHN S. KILLY, JR.

Attorney

Department of Justice

/s/

R. WILKINSON JR. CHURCH

Assistant United States Attorney

AFFIDAVIT

Washington)
District of Columbia)

Monica Gallagher, being first duly sworn, deposes and says:

1. I am an attorney employed by the United States Department of Justice and one of the attorneys for the plaintiff in this cause.

2. I have attended the depositions of Robert Wehmann, Business Agent for the defendant, and of Harry Williams, former business agent of the defendant. I have studied and am familiar with the records, photographed by the plaintiff in this matter. Under my partial supervision, agents of the United States Department of Justice have made an investigation to determine the race of certain individuals who had applied for membership in, or had other dealings with, the defendant Local 212, and I have reason to believe that the information supplied by them concerning the race of these individuals is accurate and correct.

3. On the basis of my study of these records, the testimony I have heard, and the racial identification described above, I believe and state that at least nine Negroes have applied for membership in Local 212 since

July 2, 1965; that none of these Negroes has been afforded an opportunity to take a journeyman examination; and that at least 45 white persons have been offered an opportunity to take a journeyman examination since July 2, 1965.

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MONICA CALLAGHER

Subscribed and sworn to before
me this day of June, 1966

Notary Public

My Commission Expires: