

file

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Owen M. Fiss
Special Assistant
Civil Rights Division

DATE: November 27, 1967

ADW:clk

FROM : Arthur D. Wolf
Attorney
Central Section

DJ 170-57-5
34-035-18

SUBJECT: United States v. IBEW Local No. 38

On the morning of November 27, 1967, I spoke with Robert Rotatori, Assistant United States Attorney, concerning our suit against the electricians. He stated that Judge Green had indicated, off the record, that he thought our settlement letter of October 13, 1967, was too general. He thought it invited the kind of response which we received from Mr. Smoot. Judge Green thought the letter should have been more specific. It should have stated the terms which we would request in an order if we won the case.

Mr. Rotatori said that the Judge did not think the letter "put Smoot on the spot." For example, with regard to the apprenticeship program, the letter did not say what kind of procedures and standards would be acceptable to the government. It did not state how much credit should be allocated to the oral interview, nor did it say who should decide which candidates would be selected for the program. With regard to contractors, we did not set forth what the minimum standards should be for affiliation with the union.

Mr. Rotatori stated that he intended to speak with the Judge's law clerk Monday afternoon, November 27, 1967. At that time he would obtain more information about the Judge's views on the matter. Bob said the Judge was reluctant to engage in full discussion of the matter without the presence of defense counsel. Bob said he would call us back late Monday or early Tuesday to discuss the matter further after consultation with the law clerk. We would then be in a position to decide whether a supplemental settlement letter should be sent to Mr. Smoot.

With regard to the motions and other matters pending before the Court, Mr. Rotatori advised that the Judge indicated that would be decided this week.