

DEPARTMENT OF JUSTICE

ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	Bob Owen			
2.				
3.				
4.				

- | | | |
|---|---|---|
| ☐ SIGNATURE | ☐ COMMENT | ☐ PER CONVERSATION |
| ☐ APPROVAL | ☐ NECESSARY ACTION | ☐ AS REQUESTED |
| ☐ SEE ME | ☐ NOTE AND RETURN | ☐ NOTE AND FILE |
| ☐ RECOMMENDATION | ☐ CALL ME | ☐ YOUR INFORMATION |
| ☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ | | |
| ☐ PREPARE REPLY FOR THE SIGNATURE OF _____ | | |

REMARKS

FYI; please return.

FROM:	NAME	BUILDING & ROOM	EXT.	DATE
	Owen Fiss		11/30/67	

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Owen M. Fiss
Special Assistant
Civil Rights Division

DATE: November 30, 1967

ADW:clk

FROM : Arthur D. Wolf
Attorney
Central Section

DJ 170-57-5
34-035-18

a d w
11/30/67
SUBJECT: United States v. IBEW Local No. 38

On November 30, 1967, I received a telephone call from Robert Rotatori, Assistant United States Attorney, Cleveland, Ohio. He related the substance of his conversation on November 29, 1967, with David Perelman, law clerk to Judge Green. The conference between Rotatori and Perelman was convened at the request of Perelman.

Perelman told Rotatori that the Judge did not think that our settlement letter of October 13, 1967, was sufficiently specific, and could not be used to pin Smoot down. The Judge wants to be able to say to Smoot: "Is this proposal acceptable or not? If not, what is your recommendation?"

Rotatori and Perelman discussed each of the areas mentioned in our letter. In each area, Perelman indicated the lack of specificity. With regard to journeymen, for example, we should specify the requirements for admission into the union, and if we desire tests, to state what it should comprise (e.g., mechanical aptitude test). Concerning the apprenticeship program, we should state who should administer the oral interview (e.g., members of Board of Education, members of union, etc.), and how much weight should be allocated to the oral interview. In our letter we suggested that subjective elements should be controlled and safeguards should be imposed on written examinations. Perelman indicated that those safeguards should be spelled out. Similarly, we should detail the kind of informational program we believe the defendants should undertake to dispel the notions that they discriminate (e.g., union representative should visit all high schools in Negro areas once a year to discuss employment opportunities in the union).

With regard to the job referral system, Perelman suggested that we should list the criteria which would be acceptable to the United States for the operation of that system. If a written test is permissible, we should state what its contents should be. Concerning the collective bargaining relationship between the union and electrical contractors, the standards for affiliation should be set forth. For example, we might only require bonding, some experience, and ability to qualify as an employer under the State Unemployment or Workmen's Compensation Plan. Finally, if we want the union to maintain different records, we should indicate what kinds of records should be maintained and how they should be kept.

Bob recommended that we send Smoot another letter along the lines suggested in his conversation with the Judge's law clerk. We might begin the letter stating that in reevaluating our letter of October 13 and Smoot's response, we have decided to detail the general suggestions made in the first letter. Bob said that he thought the Judge wanted us to do this before the next conference so that the Judge could narrow the areas of disagreement, if possible, and either resolve them or set a trial date.

Bob stated that he expects the Judge to rule on the motions and other matters presently before him within the next day or so.