

Memorandum



Subject NAACP's Brief on its Renewed Motion to Intervene in the Chicago School Case		Date SEP 23 1981 ACR:mvr DJ 144-100-23-1
To James P. Turner Deputy Assistant Attorney General Civil Rights Division	From Alexander C. Ross Special Counsel for Litigation Civil Rights Division	

The NAACP's position is that it should now be allowed to intervene because its interests "are no longer being adequately represented by the United States." In support the brief cites a number of the criticisms we made in our July 21, 1981, Response and questions how our concerns could have been "allayed or resolved" because the Board has yet to do very much.

Our brief is due October 6. I do not think we should get into a quarrel over what our Response and the Joint Statement do or do not mean. I think we should say that we made a number of criticisms of the direction the Board was taking, that we have accepted the Board's good faith promise to address these concerns, and that there is no way we (or the NAACP) can judge the adequacy of the Board's plan until it is produced in December. We could suggest that the NAACP be allowed to intervene for the limited purpose of commenting on the Board's planning criteria and instructions scheduled to be produced by October 31 -- with a caveat that this should be done in such a way that the final plan will not be further delayed. In any event, the question of the adequacy of the United States' representation of the applicant class cannot be addressed until the final plan has been submitted and some concrete provision, which the NAACP believes is inconsistent with the law or the Consent Decree, has been approved by the United States (assuming that there might be such a provision).

I would like to have your views on this.

cc: Hold