

LANGE, SIMPSON, ROBINSON & SOMERVILLE

EXCHANGE SECURITY BANK BUILDING

BIRMINGHAM, ALABAMA 35203

September 1, 1967

Mr. Ruben King  
Commissioner  
Department of Pensions  
and Security  
Montgomery, Alabama 36104

Re: State v. Gardner

Dear Mr. King:

This is to give you a further report in this matter. I have just received a call from Mr. Owen Fiss, Department of Justice, who stated that the purpose of his communication was merely to assure us that his department and HEW would cooperate as far as possible in bringing this matter to a satisfactory conclusion. I read to him the language which I suggested as an addition, but was careful to state that I had no authority in the matter and that, regardless of the authority received, I might wish to change the language myself. He did not express assent as far as the language was concerned, but stated he would have to obtain departmental authority for everything. He also stated that it would, of course, be necessary that the State Department furnish reports as to non-compliance, or compliance, etc., as specified in the opinion itself, and inquired whether we would have any objection to the proper representative, or representatives, of HEW contacting your agency. I stated that I personally had no objection and that I did not think that you would have any, but that this is something that should be cleared with you. I realize that on account of the fact that all departmental agencies of the state in Montgomery are very busy at present on account of the legislature's being in its last week of the session, the probability is that nothing can be definitely

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decided until next week. It will be of benefit to all concerned if a decision can be made at the earliest practicable time next week on the courses to be taken.

Yours very truly,

  
Reid B. Barnes

Special Assistant Attorney General

RBB:csj


cc: Mrs. Mary Lee Stapp  
Legal Advisor  
Department of Pensions and Security  
Montgomery, Alabama 36104

bc: Mr. Owen Fiss, Attorney (Air Mail - Special Delivery)  
Department of Justice  
Washington, D. C. 20530

P. S. to Mr. Fiss:

This is a blind copy, but there is really nothing in it that should not be communicated to you. After concluding the call from you to me today, I decided it would be better to pass your suggestion about direct communications between the departments on to Mr. King and allow him to voice any objection if he has any. I do not think that there will be any objection.

Sincerely yours,

  
Reid B. Barnes

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LANGE, SIMPSON, ROBINSON & SOMERVILLE  
THIRD FLOOR  
EXCHANGE-SECURITY BANK BUILDING  
BIRMINGHAM 3, ALABAMA



S P E C I A L D E L I V E R Y

VIA AIR MAIL

Mr. Owen M. Fiss, Attorney

Department of Justice

Washington, D. C. 20530

(With Instruction at the Request of  
Mr. Fiss Not to Open in the Mail Room)

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