

Trial File
Title VI Unit

April 11, 1967

Owen M. Fiss
Special Assistant
Civil Rights Division

DJ 171-1-3

The State of Alabama, et al. v.
John W. Gardner, et al.
Nos. 24468, 24561

I spoke to Reid Barnes in connection with his letter of April 6, 1967, and reminded him of our previous understanding regarding the state welfare plans on file with HEW. That understanding was that the plans would be considered part of the record because both the hearing examiner and district court took "judicial notice" of the plans and that they should be treated similar to an exhibit (i.e., he could reproduce the pertinent portions of the plans in an appendix attached to his brief.) Mr. Barnes agreed to follow this procedure and said that the letter was prompted by the fact that he did not remember the understanding and all particulars.

He also mentioned - in passing - that it might be necessary for him to apply for an extension of time for submitting his brief. Finally, he expressed some surprise that he was never served with a copy of our motion seeking leave to file a brief in excess of the prescribed number of pages. I apologized for that.

4/25 - filed in Mr. Poor's Alabama Welfare file

cc: Owen
A & R Section
Fiss