

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA  
NEW ORLEANS DIVISION

RICHARD B. SOBOL, GARY DUNCAN, ISAAC REYNOLDS, for themselves and all other persons similarly situated,	:	
	:	CIVIL ACTION
	:	NO. 67-243
PLAINTIFFS	:	SECTION "E"
v.	:	
LEANDER H. PEREZ, SR., individually, and as Chairman of the Plaquemines Parish Council; LEANDER H. PEREZ, JR., individually, and as District Attorney for the Twenty-Fifth Judicial District of Louisiana;	:	
HON. EUGENE E. LEON, individually, and as Judge of the Twenty-Fifth Judicial District Court of Louisiana,	:	
DEFENDANTS	:	

AMENDED COMPLAINT

I. JURISDICTION

1. This action is brought pursuant to 42 U.S.C. Section 1983 (1964) to redress deprivations of rights, privileges and immunities secured by the Constitution and laws of the United States, specifically: rights secured by U.S. CONST., ART. IV, Section 1 (Full Faith and Credit Clause) ART. VI, CL. 2 (Supremacy Clause), the Privileges and Immunities, Due Process and Equal Protection Clauses of the Fourteenth Amendment, and 42 U.S.C. Section 1981. A declaratory judgment is sought pursuant to 28 U.S.C. Sections 2201-2202, that L.S.A.-R.S. 37:213 and 37:214 are unconstitutional on their face and as applied to plaintiff Sobol. Injunctive relief is sought restraining the institution of prosecution against Plaintiff Sobol under these Louisiana

statutes. This Court has jurisdiction pursuant to 28 U.S.C. Sections 1331, 1343(3),(4). A three-judge court is required by 28 U.S.C. Sections 2281, 2284 (1964).

## II. PARTIES

2. Plaintiff Sobol is a citizen of the United States and a domiciliary of the District of Columbia. He is an attorney at law admitted to practice in the District of Columbia and the State of New York, as well as before the Supreme Court of the United States, the United States Court of Appeals for the Fifth Circuit, the United States Court of Appeals for the District of Columbia Circuit, and the United States District Court for the Eastern District of Louisiana. He is expert in legal issues dealing with civil rights and constitutional law, having handled numerous cases in these fields in both state and federal courts.

3. Plaintiff Sobol is presently employed by the Lawyers Constitutional Defense Committee (hereinafter "LCDC"), a non-profit corporation organized under the membership corporation laws of the State of New York for the purposes (as described in its charter) "of providing without cost and assisting in the obtaining of legal counsel to persons engaged in activities aimed at achieving the equal protection of law and other rights guaranteed by the Constitution of the United States and who are unable to obtain such counsel without assistance." The United States Department of the Treasury, by a letter of determination dated July 10, 1964, confirmed that LCDC qualified for tax exemption and tax deductability of contributions under Section 501(c)(3) of the Internal Revenue Code. By Opinion #786, dated December 24, 1964, the Standing Committee on Professional Ethics of the American Bar Association found that LCDC's program "is clearly within the standards and practices of the American Bar Association."

4. LCDC maintains three offices in association with local counsel in the South of the United States, one in each of the cities of Selma, Alabama; Jackson, Mississippi; and New Orleans, Louisiana. Each office is staffed by a full-time attorney assisted, from time to time, by volunteer attorneys serving periods from several weeks to several months in one or another of the offices. Since 1964, LCDC has sponsored more than 250 such volunteer attorneys. During this period, no lawyers have volunteered from the Southern States, except one from Virginia. LCDC's staff attorneys (with a single exception) are also of northern extraction, members of the bars of their respective home states and of the bars of one or more federal courts in the States where they are now located. The volunteer lawyers are entirely uncompensated; LCDC in some, but not all, cases pays their out-of-pocket expenses during their periods of service. Staff attorneys are paid by LCDC. In each State, LCDC staff and volunteer attorneys are associated in the handling of cases with one or more Negro attorneys, members of the bars of the respective states, who participate in the representation of clients to the extent their time and the great volume of work allows.

5. The LCDC staff attorneys and volunteer lawyers, acting in association with local counsel, provide uncompensated legal advice and representation to persons who cannot otherwise obtain adequate and satisfactory counsel in matters involving federal and constitutional rights in the states where the LCDC offices are located. These attorneys and LCDC never receive a fee or compensation of any sort from a client. The staff attorneys are experts in the field of civil rights and liberties deriving from the Constitution and laws of the United States and the procedures for their vindication in criminal and civil causes. By educational

conferences and in-service training, volunteer lawyers are also given considerable specialized proficiency in these fields. LCDC attorneys, in association with local counsel, principally represent Negro citizens and civil rights workers in cases arising out of efforts to achieve equal rights for Negroes. They have participated in handling thousands of such cases, usually involving defense of state criminal prosecutions or affirmative actions in the federal courts seeking school desegregation, equal employment opportunities, and redress of other federal constitutional and statutory violations. They have gained the trust and confidence of Negro citizens and civil rights workers in Alabama, Mississippi and Louisiana. Prior to the advent of LCDC, these Negroes and civil rights workers were unable to obtain adequate representation -- or, often, representation of any sort-- because of the great volume of work and the sparsity of local attorneys in the three states willing to act in these matters, and particularly to act without compensation. Because of widespread hostility of white communities in the states to civil rights activities and persons involved in them, and because of the alliance in interest of local lawyers to the white communities, Negroes and civil rights workers have no trust or confidence in most local lawyers in these matters. Even where local lawyers will agree to represent these persons, local lawyers frequently will not raise, or capably and zealously present, federal constitutional contentions that are locally unpopular.

6. Since 1964, LCDC has been associated with the law office of Collins, Douglas and Elie in New Orleans, Louisiana. The members of said firm--Robert F. Collins, Nils R. Douglas and Lolis E. Elie-- are Negro attorneys licensed to practice in the State of Louisiana. For several years, this firm has represented persons associated with the

Congress of Racial Equality, the National Association for the Advancement of Colored People and other civil rights groups in legal matters arising out of their efforts to achieve equal rights for Negroes. There are few lawyers in the State of Louisiana, other than Collins, Douglas and Elie, who consistently handle cases that threaten, or are designed to protect, the efforts of Negro citizens to achieve equal rights and equal opportunities secured by federal law. The association of LCDC with Collins, Douglas and Elie has been for the purpose of assisting them in their efforts to provide representation to persons who cannot otherwise obtain adequate and satisfactory counsel in matters arising out of civil rights activities and involving federal and constitutional rights. Because of this association, Collins, Douglas and Elie has been able to undertake many more representations in this area than otherwise would have been possible. In the last three years, LCDC has assigned to work with Collins, Douglas and Elie numerous unpaid volunteer lawyers for short periods of time and a number of paid staff lawyers for longer periods of time. Plaintiff Sobol has been assigned since July, 1966 to work in association with Collins, Douglas and Elie in the matters described above.

7. Plaintiff Gary Duncan is a Negro citizen of the United States and a resident of Plaquemines Parish, Louisiana. He is being represented by Robert F. Collins, Nils R. Douglas and plaintiff Sobol in a criminal case out of Plaquemines Parish which arises from the exercise, by members of his family, of federally guaranteed rights, and which raises important constitutional issues, as more fully set out hereafter in paragraphs 11 and 12.

8. Plaintiff Isaac Reynolds is a Negro citizen of the United States and a resident of New Orleans Parish, Louisiana. He is the Southern Regional Director of the

Congress of Racial Equality, an organization whose goals include the achievement of equal civil, political and economic rights and opportunities for Negro citizens of the United States, and the encouragement of Negro citizens in the exercise of their rights under the Constitution and laws of the United States. In this work plaintiff Reynolds and others of his staff have worked in Plaquemines Parish, Louisiana, as well as elsewhere in the State of Louisiana and by their work, they have incurred the hostility of a dominant part of the white communities in which they work, and of the state and local officials in those communities, who resist the achievement of racial equality and the advancement of equal civil, economic and political rights and opportunities for the Negro. On numerous occasions in the past, these workers for the Congress of Racial Equality have been represented by plaintiff Sobol in association with Collins, Douglas and Elie in various litigation in the State and federal courts in Louisiana. No such case involved solely issues of state law; each litigation involved substantial claims or contentions under the Laws and Constitution of the United States. Plaintiff Reynolds and his staff and the local Negroes with whom they work have trust and confidence in Sobol as a lawyer and counsellor in matters involving federal civil rights. They have no trust or confidence in members of the bar of Louisiana who maintain offices and practice in Plaquemines Parish in such matters, and they have not sufficient resources to retain paid counsel in all these matters.

9. Duncan and Reynolds sue on their own behalf and on behalf of all persons similarly situated - Negroes and civil rights workers - who are represented and wish to be represented by Sobol in the State and federal courts in the State of Louisiana in matters involving federal claims and

contentions. This class is so numerous that joinder of all its members herein is impracticable. There are questions of law and questions of fact common to the class; the claims of Duncan and Reynolds are typical of the claims of the class; and these two named plaintiffs will fairly and adequately protect the interests of the class. Defendants have acted on grounds generally applicable to the class, thereby making appropriate final injunctive relief with respect to the class as a whole. Separate actions by individual members of the class would create a risk of inconsistent adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the defendants. Questions of law and fact common to the members of the class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

10. Defendant Leander H. Perez, Sr. is Chairman of the Plaquemines Parish Council, and as such is chief elected officer of the Parish. He has general supervision over law enforcement in Plaquemines Parish. Defendant Leander H. Perez, Jr. is the District Attorney of the Twenty-Fifth Judicial District of Louisiana and in this capacity has authority to institute and maintain prosecutions against persons arrested in Plaquemines Parish. Defendant Eugene E. Leon is Judge of the Twenty-Fifth Judicial District Court. In this capacity he is the trial judge in the matter entitled Louisiana v. Duncan, more fully described hereafter in paragraphs 11 and 12, in which a petition for a writ of certiorari to the Supreme Court of the United States is scheduled to be filed on May 21, 1967. Defendant Leon would preside over the trial of any charges that may be instituted against plaintiff Sobol in Plaquemines Parish. Each defendant

is sued in his individual and official capacity.

### III. FACTS

11. In the fall of 1966, this Court ordered desegregation of the Plaquemines Parish Schools. United States v. Plaquemines Parish School Board. This order was met by vigorous and vocal opposition by defendants Perez, Sr. and Perez, Jr., who by their words and actions encouraged resistance to the order. As a result of an incident growing out of the implementation of this Court's order, on October 28, 1966, plaintiff Duncan was arrested and charged in the Juvenile Division of the Twenty-Fifth Judicial District Court with cruelty to a juvenile, in violation of L.S.A.-R.S. 14:93. Duncan was arrested in connection with his action on extricating his two young cousins, who had transferred to the formerly all-white school, from a situation in which they were being harassed outside the school by a group of white boys. Plaintiff Duncan's cousins had been repeatedly harassed since their transfer to the formerly all-white school. In early November, 1966, Duncan came to the office of Collins, Douglas and Elie and plaintiff Sobol and requested representation in connection with this charge. This representation was jointly undertaken by Collins, Douglas and Sobol. Plaintiff Duncan sought representation by these attorneys because he believed that no lawyer in Plaquemines Parish would vigorously assert all possible defenses and issues in this case, particularly in light of its involvement with court ordered school desegregation. On November 21, 1966, Robert F. Collins and plaintiff Sobol appeared together before the Juvenile Division in the Twenty-Fifth Judicial District Court in Pointe-a-la-Hache to represent Duncan. Mr. Collins introduced Mr. Sobol to the court and stated that he was associated with him and Mr. Douglas in the defense of the

matter. Collins filed at that time a Motion to Quash the Information and an Application for a Bill of Particulars, both signed and verified by Collins. The Motion to Quash argued that Duncan could not properly be charged in juvenile court on the facts as alleged. The motions were assigned for argument on January 4, 1967. The next day, November 22, 1966, Duncan was charged with simple battery on the identical facts and for the second time was arrested and placed on bond. On December 7, 1966, Duncan pleaded not guilty to the simple battery charge. On January 4, 1967, the cruelty to a juvenile charge was voluntarily nolle prossed by the State in response to defendant's Motion to Quash. The trial of the battery case was set for January 25, 1967. Mr. Collins had another commitment on that date that prevented his attending the trial, and the case was tried by plaintiff Sobol, without objection by the Court or the District Attorney. Prior to trial, plaintiff Sobol filed a "Demand for Trial by Jury," which was signed and verified by Robert F. Collins. The demand argued that trial by jury on a charge of the magnitude of battery was guaranteed by the Fourteenth Amendment to the United States Constitution. The Demand was denied and a Bill of Exception was formally reserved. After trial to the court, defendant was convicted. He was sentenced on February 1, 1967 to a sixty-day term and a \$150 fine. The trial judge granted bond pending a petition for review in the Supreme Court of Louisiana on the right to jury issue.

12. On February 6, 1967, a petition for a writ of certiorari was filed in the Louisiana Supreme Court by Collins, Douglas and Sobol in behalf of Duncan. On February 21, 1967, these attorneys received in the mail an order from the Supreme Court of Louisiana denying defendant's petition for a writ of certiorari. This order had the effect of cancelling Duncan's bond. Thereupon, in the absence from the

office of Collins and Douglas, plaintiff Sobol telephoned defendant Leon, the trial judge in the case, and asked for an immediate appointment. An appointment for 12:00 noon the same day was granted. Plaintiff Sobol met with defendant Leon shortly after noon and presented to him a Motion for Bond, together with a Notice of Intention to Petition the Supreme Court of the United States for a Writ of Certiorari. The question proposed to be presented to the Supreme Court of the United States is whether the Fourteenth Amendment protects the right to trial by jury in state courts. Bond pending disposition of the case in the Supreme Court of the United States was granted by Judge Leon. As plaintiff Sobol was leaving the courthouse, he was placed under arrest. The warrant specified that the charge was "practicing law without a license." Upon information and belief, the warrant was signed by defendant Leon and was actually made out while plaintiff Sobol was in defendant Leon's office pursuant to the aforementioned appointment. Sobol was fingerprinted, was "mugged" and was compelled to surrender to the authorities various items of personal property, including his brief case containing the file in Louisiana v. Duncan. Sobol's bond was set at fifteen hundred dollars (\$1500) by defendant Leon, and Sobol was incarcerated in Plaquemines Parish Jail for approximately three hours before he was able to make bond and be released. On information and belief, no information has yet been filed against him, but such information will be filed unless enjoined by this Court.

13. (a) On October 27, 1966, plaintiff Sobol, on behalf of thirteen Negro residents of Claiborne Parish, Louisiana, instituted a proceeding in this Court against defendant Perez and others to enjoin prosecutions pending against those persons under the mandatory attendance law of Louisiana. Blackman v. Louisiana, (Civil Action No. 66-587).

The complaint in that action alleges that the Claiborne Parish prosecutions amount to discriminatory enforcement of law by the state in violation of the Fourteenth Amendment of the United States Constitution in that the mandatory attendance law (L.S.A.-R.S. 17:221, 221.1) was not enforced against notorious, large scale and continuing violations that occurred in Plaquemines Parish simultaneously with the alleged minor violations in Claiborne Parish. It was further alleged that defendant Perez had encouraged violations of law by white persons after school desegregation in Plaquemines Parish was ordered by this Court, and publicly announced that violators would not be prosecuted. A preliminary injunction against the Claiborne Parish prosecutions was issued by this Court (Christenberry, J.) on November 2, 1966. The action is still pending. Upon information and belief, this action resulted in anger and hostility towards plaintiff Sobol on the part of defendant Perez.

(b) Plaintiff Sobol, as attorney of record, is handling approximately thirteen cases involving federal and civil rights on the docket of this Court.

#### IV. FIRST CAUSE OF ACTION

14. (a) On the day of his arrest, plaintiff Sobol had visited defendant Leon in chambers in Pointe a la Hache in connection with review by the Supreme Court of the United States of Louisiana v. Duncan. Specifically, plaintiff Sobol went to defendant Leon's chambers to file a Notice of Intention to Petition the United States Supreme Court for a Writ of Certiorari, and a Motion for Bond pending the disposition of the case in the Supreme Court of the United States. The case in the Supreme Court of the United States will raise a significant question concerning the application of the Sixth Amendment right to trial by jury in the state courts.

It was necessary to secure bond in order to present this question to the Supreme Court because the sentence imposed on Duncan was less than the period within which the case would have been decided by the Supreme Court. Thus, the case would have become moot if a stay of enforcement of judgment had not been obtained. Moreover, neither the Supreme Court of Louisiana nor the Supreme Court of the United States would have considered an application for a stay of enforcement on bond that had not first been presented to defendant Leon (the trial court) for consideration. As a member of the Bar of the Supreme Court of the United States, plaintiff Sobol has the right to take all steps necessary to present matters to that Court. The arrest of plaintiff Sobol and the institution of any criminal proceedings against him in connection with his taking of these steps abridges his privileges and immunities as an attorney practicing before the Supreme Court of the United States and violates the supremacy clause of the United States Constitution, and violates the rights of plaintiff Duncan sought to be preserved in Louisiana v. Duncan.

(b) For the reasons stated in paragraph 14(a) of this complaint, L.S.A.-R.S. 37:213 and 37:214 are unconstitutional as applied to plaintiff Sobol's conduct, heretofore described.

(c) For the reasons stated in paragraphs 14(a) and (b) of this complaint, plaintiff Sobol's arrest and consequent prosecution are unconstitutional.

#### V. SECOND CAUSE OF ACTION

15. Plaintiff Sobol has handled legal matters as an expert in the Federal questions involved and only in association with local counsel. In this context, the arrest of plaintiff Sobol described in paragraph 12 of this complaint

is, and the institution of any proceedings against him based on charges of practicing law without a license would be, based exclusively on conduct that the State of Louisiana cannot constitutionally prohibit, restrain or punish, by reason of:

(a) plaintiff Sobol's rights, privileges and immunities secured by U. S. CONST., Art. IV, Section 1, Art. VI, cl. 2; and Amend. XIV, Section 1, including but not limited to his rights of free speech and expression, his federal privileges and immunities to practice his profession in the federal courts and to be heard in a professional capacity on federal issues; and his right to exercise his profession without capricious and arbitrary interference by the State of Louisiana, and

(b) the rights, privileges and immunities secured to plaintiffs Reynolds and Duncan and their class by U.S. CONST., Art. VI, cl. 2 to counsel of their choice associated with counsel admitted in the state in criminal proceedings against them; their federal privilege and immunity of adequate representation by experienced and competent counsel whom they choose and whom alone they trust to represent them in matters of federal law; their rights under the Supremacy Clause to adequate presentation of their federal contentions, with needed legal assistance, in the courts of the State of Louisiana; and their rights of free speech and expression, including both the right effectively to defend in the courts criminal prosecutions against them whose purpose and consequence is to deny them freedom of speech and expression, and the right affirmatively and effectively to employ litigation as a means of political expression.

16. Plaintiff Sobol's arrest and consequent prosecution described in paragraph 12 of this complaint is calculated to, and has the effect of, prohibiting and restraining him from, and of punishing him for, conduct protected by the federal constitutional guarantees enumerated in paragraph 15(a) and (b) of this complaint.

17. It is calculated to, and has the effect of, depriving plaintiffs Duncan and Reynolds and their class of the rights, privileges and immunities enumerated in paragraph 15(b) of this complaint, and of harassing, repressing and intimidating them in and from the exercise and enjoyment of those rights, privileges and immunities.

18. For the reasons stated in paragraphs 15-17 of this complaint, plaintiff Sobol's arrest is and consequent prosecution would be unconstitutional.

#### VI. THIRD CAUSE OF ACTION

19. L.S.A.-R.S. 37:213 and 37:214 are unconstitutional as applied to the conduct on which plaintiff Sobol's arrest and prosecution were based, because as so applied L.S.A.-R.S. 37:213 and 37:214 infringe the federal rights, privileges and immunities enumerated above.

20. For the reasons stated in paragraph 19 of this complaint, plaintiff Sobol's arrest is and consequent prosecution would be unconstitutional.

#### VII. FOURTH CAUSE OF ACTION

21. (a) Plaintiff Sobol has handled legal matters as an expert in the federal questions involved and only in association with local counsel. Plaintiff Sobol is only temporarily in Louisiana.

(b) For this reason plaintiff Sobol's activities as an attorney fall clearly within the exemption for out

of state attorneys practicing in association with attorneys admitted to the state bar as set forth in L.S.A.-R.S. 37:214. Prosecution of plaintiff Sobol in light of the language of this provision would constitute denial of equal protection of laws and discriminatory enforcement of laws, in violation of the Fourteenth Amendment to the United States Constitution.

22. If L.S.A.-R.S. 37:213 and 37:214 make plaintiff Sobol's activities as an attorney, heretofore described, criminal, these statutes are unconstitutional on their faces because:

(a) they are vague and fail to give fair notice and warning of the conduct which they prohibit, in violation of the due process clause of the Fourteenth Amendment; and

(b) they are vague and overbroad, and thus infringe the rights described in paragraph 15(a) and (b) of this complaint, in violation of the constitutional provisions cited therein.

23. The State of Louisiana is prohibited from applying L.S.A.-R.S. Sections 37:213 and 37:214 to plaintiff Sobol's conduct, heretofore described, by the due process clause of the Fourteenth Amendment.

24. For the reasons stated in paragraphs 21, 22 and 23 of this complaint, plaintiff Sobol's arrest and consequent prosecution is unconstitutional.

#### VIII. FIFTH CAUSE OF ACTION

25. Plaintiff Sobol's arrest was effected and his prosecution is maintained by the defendants with the purpose and design to harass and intimidate him and the other individual and class plaintiffs in connection with, and to obstruct, punish and deter their exercise of, their respective

federal rights, privileges and immunities described in paragraph 15(a) and (b) of this complaint.

26. For the reasons stated in paragraph 25 of this complaint, plaintiff Sobol's arrest and consequent prosecution would deny plaintiffs the rights, privileges and immunities enumerated in paragraph 15(a) and (b) of this complaint, and deny them the equal protection of the laws secured by the Fourteenth Amendment, and therefore is and would be unconstitutional.

#### IX. SIXTH CAUSE OF ACTION

27. Plaintiff Sobol's arrest was effected and his prosecution is maintained by the defendants with the purpose, design and effect of harassing and intimidating him, and visiting reprisal upon him, for his conduct of the litigation in courts of the United States described in paragraph 13 of this complaint, and for his conduct of other litigation in the courts of the United States designed to protect and secure the federal rights, privileges and immunities of Negro citizens of Louisiana.

28. The arrest was effected by the defendants with the further purpose, design and effect of suppressing the unpopular views of the plaintiffs on the subject of racial equality, and of denying them equal rights, privileges and immunities, including those secured by this Court's decree in United States v. Plaquemines Parish School Board, on account of their views and of race or color, in violation of the Equal Protection Clause of the Fourteenth Amendment and 42 U.S.C. Section 1981.

29. For the reasons stated in paragraphs 27 and 28 of this complaint, the prosecution violates Article VI, cl. 2 of the Constitution, and the Privileges and Immunities, Due

Process and Equal Protection Clause of the Fourteenth Amendment, and 42 U.S.C. Section 1981.

X. SEVENTH CAUSE OF ACTION

30. By long-established custom and usage, the State of Louisiana, and particularly Plaquemines Parish, denies plaintiffs Duncan and Reynolds and the class plaintiffs the equal protection of the laws guaranteed by the Fourteenth Amendment by depriving them of opportunities for legal representation, and for access to the courts, and for legal advocacy in support of their rights, equal to the opportunities which Louisiana and Plaquemines Parish give persons not Negroes or civil rights workers; and the State of Louisiana and Plaquemines Parish further deny plaintiffs Duncan and Reynolds and the class plaintiffs the same rights to sue, be parties, give evidence and to the full and equal benefit of laws and proceedings for the security of person and property as are enjoyed by white citizens, by depriving them of the same opportunities for legal representation that are available at the Louisiana bar to whites. Plaintiff Sobol's arrest was effected by the defendants with the design and effect of supporting and enforcing this unconstitutional custom and usage.

31. For the reasons stated in paragraph 30 of this complaint, the arrest and consequent prosecution are unconstitutional.

XI. COLOR OF LAW; CONSPIRACY

32. All of the acts alleged in this complaint to have been done by the defendants were done under color of law of the State of Louisiana and under color of the defendants' respective offices as officers and agents of the State.

33. Upon information and belief, all of the acts alleged in this complaint to have been done by the defendants were done pursuant to a conspiracy among the defendants and with other persons not known to plaintiffs, which conspiracy has the purposes and objectives described in paragraphs 25, 27, 28 and 30 of this complaint.

## XII. EQUITY

34. Plaintiff Sobol's arraignment on the charge described in paragraph 12 of this complaint is scheduled for March 8, 1967 in the Twenty-Fifth Judicial District Court.

35. Unless restrained by order of this Court, defendant Perez, Jr. will file an information against plaintiff Sobol and will then prosecute or cause him to be prosecuted before defendant Leon.

36. This prosecution of plaintiff Sobol will have the destructive harassing and intimidating effects upon federal rights described in paragraphs 14, 15, 16, 17, 25, 27, 28 and 30 of this complaint.

37. Those effects will result from plaintiff Sobol's prosecution and possible conviction, even in the event that his conviction is subsequently reversed or overturned on an appeal, because the publicity attendant upon conviction will cause the class plaintiffs as laymen to believe that Sobol can no longer represent them in matters of federal rights, and they will cease to seek his representation, with the consequence that their federal rights will be unprotected.

38. The same effects will result from plaintiff Sobol's trial, even in the event he is not convicted, since the circumstance of acquittal upon a single charge will not suffice to dispel the impression which publicity attending the trial will create in the minds of the class plaintiffs

as laymen, that Sobol is not capable or able to represent them in matters of federal rights.

39. Every day that the charge described in paragraph 12 of this complaint remains pending against plaintiff Sobol, irreparable injury is done the plaintiffs, in that:

(a) plaintiff Sobol is deterred by fear of an information being filed against him and of possible conviction and sentence on this charge, or of the filing of additional charges under the same assertion of state authority, from vigorously pursuing his undertakings to represent the other individual and class plaintiffs in matters of federal rights;

(b) the class plaintiffs are discouraged from seeking representation by plaintiff Sobol, by reason of the unresolved assertion by defendants that he is not able and capable to represent them in matters of federal rights, and also for fear that persons represented by Sobol will thereby incur the anger and enmity of defendants and other powerful state and local officials of the State of Louisiana which is prosecuting Sobol; and

(c) the individual plaintiffs, other than Sobol, and their class are deterred and discouraged from civil rights activities of the sort described in paragraph 4 of this complaint, out of fear that they cannot and will not be protected by Sobol in the event of the repressive arrests and prosecutions which for many years have been the ordinary response of the defendants and the State of Louisiana and its officers and agents to civil rights activity.

40. For the reasons stated in paragraphs 34-39 of this complaint, plaintiffs are irreparably injured by the prosecution of plaintiff Sobol, their federal rights are destroyed day by day, they cannot obtain vindication of those rights in the state courts of Louisiana and they have no adequate remedy at law.

XIII. PRAYER

41. WHEREFORE, plaintiffs respectfully pray:

a. that a three judge court be convened, pursuant to 28 U.S.C. Sections 2281, 2284.

b. that this Court issue a temporary restraining order restraining the defendants, their agents, employees, subalternates and persons acting in concert or cooperation with them:

(1) from instituting criminal proceedings against plaintiff Sobol or continuing any proceedings against Sobol for practicing law without a license; and

(2) from harassing, intimidating or taking any other action against plaintiff Duncan in connection with or arising out of Louisiana v. Duncan, and/or as a result of his representation by plaintiff Sobol.

c. that after opportunity to the defendants to be heard, this court issue a preliminary injunction similarly restraining the defendants during the pendency of the present action;

d. that after hearing on the merits, this court declare L.S.A.-R.S. 37:213 and 37:214 unconstitutional on their face and as applied to plaintiff Sobol, and permanently enjoin defendants, their agents, employees, subalternates and persons in concert or cooperation with them from arresting, instituting proceedings against or prosecuting plaintiff Sobol on a charge of practicing law without a license, and order plaintiff Sobol discharged from the obligation of his bond to appear and answer the charge; and order that Fifteen Hundred Dollar (\$1500) bond cancelled; and

e. that the court grant plaintiffs their costs and such other and further relief as may be equitable and proper.

Respectfully submitted,

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By: \_\_\_\_\_

Attorneys for Plaintiffs

Dated: February 27, 1967

STATE OF LOUISIANA

PARISH OF ORLEANS

VERIFICATION

RICHARD B. SOBOL, being duly sworn, deposes and says:

1. I am a plaintiff in this action.
2. I am an attorney admitted to practice before the Bar of this Court.
3. The facts alleged in the amended complaint herein are true based upon my personal knowledge, except as to those facts alleged upon information and belief, and I believe those facts are true and accurate.

\_\_\_\_\_  
RICHARD B. SOBOL

Sworn to and subscribed  
before me this \_\_\_\_ day  
of February, 1967.

\_\_\_\_\_  
NOTARY PUBLIC