

The File

October 16, 1967

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DJ 171-32-4

Sobol v. Perez
CA No. 67-243 (ED La.)

On late Saturday night, October 14, I spoke with Ray Terry, in New Orleans. He then informed me that on Friday afternoon, October 13, we were served with a motion by the State of Louisiana to intervene in Sobol v. Perez. He also read to me a letter from Judge Leon which intimated that the Louisiana Bar Association was intending to move to intervene in this case. (In a conversation with Tony Amsterdam, on September 21, he informed me that the defendants had previously requested the State Bar Association to intervene but they declined the invitation because they were of the view that Sobol had not violated the statutes in question.)

This morning I was advised by Miss Gorman that the motion of the State to intervene was noticed for a hearing at 11:00 am October 18, 1967. Accordingly, I telephoned Judge Cassibry's secretary to ask whether the Judge wanted the United States represented at that hearing. First, she told me that the hearing will be recessed until October 25 and secondly, she asked whether I would like to speak to the Judge. I said that I would, if she thought it was appropriate.

I then spoke with Judge Cassibry on the telephone about the motion of the State to intervene. He said that there was no need for the United States to be represented at the hearing. He asked whether

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the United States had any objection to the intervention by the State. I replied that I had not seen the papers filed by the State but that I could see no reason why the United States would object. I said that it was in our interest to have all the views expressed. He then proceeded to discuss the motion of the United States to intervene. He apologized for the delay in ruling on our motion but he said that was due to the fact that he had not given the State notice of that hearing. He remarked that he did not think it was necessary, under the statute, to give notice of that hearing but that he thought he should do so just to be on the safe side. He also said that he believed that such notice would be unnecessary once the State had intervened in the case and that he was glad he did not rule on the motion of the United States before this because it meant that the United States would only be permitted to come in and go out, and then come in again. Finally, he said he saw no reason why the United States should not be permitted to intervene in the case.

At the end of the conversation I inquired as to whether he thought it necessary for the United States to brief the 2283 issue at this stage, or whether the motion to intervene would be decided purely on the basis of Title IX. He said that the motion of the United States to intervene would be decided first and there would be no intermediate hearing on defendants' motion for summary judgment. In all likelihood there would be just the single hearing on the merits at which time the Court would consider the 2283 issue. He also said that another pre-trial conference would be held and the parties would be asked to enter a pre-trial order for the purpose of the hearing on the merits. I said that we would gladly be down to New Orleans for any such meeting whenever it was called.