

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

RICHARD B. SOBOL, et al.,	:	
Plaintiffs,	:	
UNITED STATES OF AMERICA,	:	CIVIL ACTION
Plaintiff-Intervenor,	:	NO. 67-243
v.	:	SECTION "E"
LEANDER H. PEREZ, SR., et al.	:	
Defendants,	:	
STATE OF LOUISIANA,	:	
Defendant-Intervenor,	:	
JOHN P. DOWLING, et al.	:	
Defendant-Intervenors,	:	
LOUISIANA STATE BAR ASSOCIATION,	:	
Defendant-Intervenor.	:	

PLAINTIFFS' STATEMENT OF THE ISSUES

The plaintiffs submit to this Court that the following issues are presented in this cause at this time:*

1. Whether the conduct for which plaintiff Sobol is being prosecuted is conduct which the State of Louisiana is constitutionally forbidden to prohibit or punish because:

a) Sobol's representation of plaintiff Duncan in a criminal matter, without compensation and in association with counsel locally licensed in Louisiana, is protected by the plaintiff Duncan's Sixth Amendment right to counsel of his choice;

* We do not treat herein the issues presented by the Government's complaint in intervention.

b) Sobol's representation of Duncan in these circumstances, for the purpose of presenting federal constitutional contentions on Duncan's behalf, is protected by the rights guaranteed Duncan and Sobol by the supremacy clause and the privileges and immunities clause of the Fourteenth Amendment;

c) Sobol's representation of Duncan in these circumstances, in a litigation that was being prepared for review by the Supreme Court of the United States, to whose bar Sobol is admitted, is protected by Duncan's and Sobol's rights under the supremacy clause and the privileges and immunities and due process clauses of the Fourteenth Amendment;

d) Sobol's representation of Duncan in these circumstances is protected by the rights of free association and expression guaranteed to Sobol and Duncan by the First and Fourteenth Amendments.

2. Whether LSA-R.S. 37:213 and 37:214 are unconstitutional in their application to plaintiff Sobol by force of the several constitutional guarantees enumerated in the subsections of question 1, supra.

3. Whether LSA-R.S. 37:213 and 37:214 are facially unconstitutional as vague and overbroad regulations trenching upon the preferred federal rights of expression, association and adequate representation by counsel in the presentation of federal defenses against a state criminal prosecution.

4. Whether the prosecution of plaintiff Sobol is rendered unconstitutional by the due process and equal protection clauses of the Fourteenth Amendment because it constitutes a groundless harassment and intimidation of the plaintiffs in the exercise of their federal rights because:

a) Plaintiff Sobol's representation of Duncan in association with counsel locally licensed in Louisiana constitutes no arguable violation of LSA-R.S. 37:213 and 37:214, and his prosecution is maintained solely to intimidate Sobol and the class of client plaintiffs;

b) Sobol's representation of Duncan under these circumstances after his introduction to the Plaquemines Parish court by locally licensed counsel, and his subsequent repeated appearance without objection by the judge or state's counsel was so accepted and encouraged as to make his subsequent prosecution "an indefensible sort of entrapment" in violation of Sobol's rights under the due process clause of the Fourteenth Amendment and his client's Sixth Amendment rights;

c) The prosecution of Sobol is maintained with the design and effect of deterring Negroes and civil rights workers from the exercise of federally protected freedoms, and of deterring attorneys from representing them in matters seeking to vindicate those freedoms;

d) Sobol's prosecution is maintained with the purpose and effect of harassing him and punishing him for his representation of Negroes and civil rights workers in matters presenting federal civil rights questions before this Court and other courts to whose bar Sobol is admitted.

e) Sobol's prosecution is maintained with the purpose and effect of perpetuating the pattern and practice of the State of Louisiana and Plaquemines Parish to deny Negroes and civil rights workers adequate and equal access to representation by counsel, particularly in matters involving federal civil rights.

5. Whether consistently with accepted notions of equity and comity, and the statutory command of 28 U.S.C. 2283, this Court may and should:


a) enjoin a prosecution of plaintiff Sobol which violated the federal constitutional guarantees enumerated in the preceding four questions;

b) issue a declaratory judgment that Sobol's prosecution is federally unconstitutional by force of the several constitutional guarantees enumerated in the preceding four questions;

c) enjoin any other and future prosecutions of Sobol by Plaquemines Parish and the State of Louisiana for the unauthorized practice of law based upon Sobol's representation of Negroes and civil rights workers in criminal prosecutions or any matters involving federally guaranteed rights, in association with locally licensed lawyers;

d) issue a declaratory judgment that LSA-R.S. Sections 37:213 and 37:214 are unconstitutional on their face and/or as applied to the conduct of Sobol.

Respectfully submitted,


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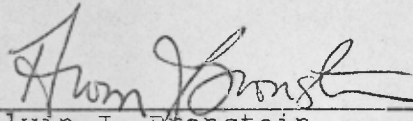
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Dated: January 22, 1968

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Statement of the Issues were personally served on counsel of record for all parties by delivering same to them on January 22, 1968.



Alvin J. Bronstein
Attorney for Plaintiffs