

July 16, 1968

OMF:daw  
170-57-5  
#34-035-18

Thurlow Smoot, Esq.  
55 Public Square  
Cleveland, Ohio 44113

Re: United States v. International  
Brotherhood of Electrical Workers,  
Local No. 38; Electrical Joint  
Apprenticeship and Training Committee  
(C.A. No. C 67-575)

Dear Mr. Smoot:

This is in response to your letter of July 8, 1968, in which you requested that we provide you with copies of certain documents that you wish to have in connection with your pre-trial preparation.

Pursuant to that request, I am enclosing copies of the following documents:

(1) The signed statements of Messrs. Cockrell, Hunter, McKenzie and Roberts, as requested in paragraph 1(d) of your letter. These statements were obtained by investigators for the Department of Labor in October 1966.

(2) The reports of interviews that were prepared by investigators of the Department of Labor in October 1966. These documents are covered by paragraphs 1(b) and 1(c) of your letter, and the interviewees are Messrs. Ralph Jones, Frederick Green, Richard Woods, Larry Gay, and Clifton Callahan.

These persons together with those identified in the preceding paragraph of this letter were the ones, according to our information, interviewed by the Department of Labor in connection with the investigation of the policies and practices of the defendants, and they were all identified in response to interrogatory 10.

(3) The Report of the Cleveland Community Relations Board on Recruitment of Minority Group Apprentices, 1963-69, as requested in paragraph 3 of your letter.

(4) The Final Summary Report of the Cleveland Task Force Team for the President's Equal Opportunity Commission of 1964 as requested in paragraph 3 of your letter. The Report contains chapters on seven mid-western cities besides Cleveland; we are sending you a copy of the chapter on Cleveland.

In providing you with the above documents, we do not mean to suggest in any way that it is the Department of Justice's position that they are discoverable or that you are entitled to have them under the Federal Rules and applicable decisions. See, e.g., Fusco v. Richard W. Kaase Baking Co., 205 F. Supp. 459, 464 (N.D. Ohio 1962). Instead, we are providing them to you in order to expedite this litigation and because no policies would be adversely affected by producing them.

The remaining requests in your letter of July 8th relate to two groups of internal memoranda prepared by attorneys of the Department of Justice and their staff, one summarizing their "analysis of the records obtained from the defendants" and the second summarizing "notes and recollections of oral interviews." These internal memoranda, all prepared

by us with an eye toward this litigation, contain impressions, conclusions or recommendations of Department of Justice attorneys and their staff and reflect the legal theories and strategy developed in connection with this case. These documents clearly fall within the work-product doctrine and producing them would, in our judgment, impair the important policies articulated in Hickman v. Taylor, 329 U.S. 445 (1947).

Sincerely,

OWEN M. FISS  
Attorney  
Civil Rights Division

cc: Honorable Ben C. Green