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September 15, 1967

OMF:daw
170-57-5
#34-035-1B

Honorable James C. Connell
Chief Judge
Federal District Court
Old Federal Building
Cleveland, Ohio

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

Dear Chief Judge Connell:

We are writing this letter to request that you designate a judge on your court to hear and determine the above-captioned case.

This case was filed under section 707 of the Civil Rights Act of 1964, and subsection (b) of that section provides that, with respect to any case brought under that section, whenever a request for convening of a three-judge court is not filed by the Attorney General, it shall be the duty of the chief judge of the district in which the action is pending to immediately designate a judge to hear and determine the case. The pertinent portion of that subsection reads in full:

"In the event the Attorney General fails to file such a request [for convening of a three-judge court] in any

cc: Thurlow Smoot, Esq.

cc: Records
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such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

"It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

We appreciate your consideration in this matter.

Sincerely,

Owen M. Fiss
Attorney
Civil Rights Division

Robert J. Rotatori
Assistant U.S. Attorney