

September 19, 1967

To: John Doar
From: Owen Fiss
Re: Alabama v. Gardner

I think I should bring to your attention one "minor" crisis that is brewing at this time -- that concerns the Alabama welfare case. You will recall that the Court of Appeals stayed its vacation of the injunction below for 30 days in order to give Alabama time to submit the necessary assurance. That 30 day period is rapidly expiring without any word from Alabama. Immediately after the decision was rendered I called Reid Barnes to tell him we would meet with him at any time to assist him; HEW sent them a telegram once again offering assistance; the letter transmitting the payments for the month of September made another offer of assistance; and the only response thus far has been a telegram from the State Commissioner telling us that he has been studying the opinion. My personal judgment is that they will submit an assurance before the deadline but we might want to start considering the alternative in case they do not. (One alternative might be a federal regulation authorizing HEW to disburse the money directly to the welfare recipients. Another alternative might be an enforcement suit.) I have discussed this matter with Slim and Ed Yourman at HEW, and I am just writing this memorandum to keep you abreast.

cc: Mr. Owen

Mr. Fiss