

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

DEC 18 1978

TYLER DIVISION

MURRAY L. HARRIS, CLERK
BY DEPUTY *Louise Carroll*

J. and R. DOE, et al.,
Plaintiffs,
vs.
JAMES PLYLER, et al.,
Defendants.

CIVIL ACTION NO.
TY-77-261-CA

MOTION OF THE UNITED STATES FOR
PERMISSION TO TRANSFER RECORDS
TO ADDITIONAL ATTORNEYS

On September 9, 1977, this Court entered an Order prohibiting all persons present at the hearing on plaintiffs' motion for a preliminary injunction from revealing to any person the true identity of the plaintiffs in this action. The Order provided that in the event it is necessary for an attorney in this action to reveal the identity of the plaintiffs to any other office personnel, the attorney shall submit an affidavit to the presiding judge stating the reason why it is necessary to reveal the identity of the plaintiffs to other persons.

The undersigned attorney who attended the hearing in question on behalf of the United States is assigned to the Education Section, Civil Rights Division, Department of Justice. Under the usual operations of the Civil Rights Division, appeals are handled by attorneys assigned to a separate Appellate Section within the Division. Under these procedures, the appellate work in this action has been assigned to attorney Mark L. Gross who will work under the supervision of attorney Jessica D. Silver. To

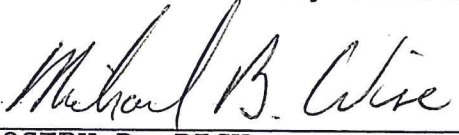
adequately perform their duties, these attorneys will need access to all records in this case, including those which reveal the true identity of the plaintiffs. Both Mr. Gross and Ms. Silver are informed that, should the Court grant them permission to learn the true identity of the plaintiffs, they will be bound by all provisions of the protective Order of September 9, 1977. The affidavit of Michael B. Wise supporting this motion is attached and incorporated herein by reference.

WHEREFORE, the United States respectfully requests that this Court enter an Order granting Mark L. Gross and Jessica D. Silver, attorneys in the Appellate Section, Civil Rights Division, Department of Justice, full access to the record in this action.

JOHN H. HANNAH, JR.
United States Attorney

Respectfully Submitted,

DREW S. DAYS III
Assistant Attorney General



JOSEPH D. RICH
MICHAEL B. WISE
Attorneys
Department of Justice
Washington, D.C. 20530

AFFIDAVIT

CITY OF WASHINGTON
DISTRICT OF COLUMBIA


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)
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SS

I, Michael B. Wise, being first duly sworn, state:

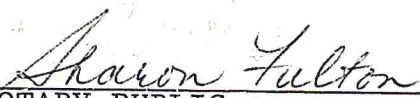
I am an attorney with the Education Section of the Civil Rights Division, Department of Justice, who was present at the hearing held on September 9, 1977, on plaintiffs' motion for a preliminary injunction in Doe v. Plyler, Civil Action No. TY-77-261-CA (E.D. Texas), at which the true identities of the plaintiffs were revealed.

In keeping with the usual procedures of the Civil Rights Division, primary responsibility for the representation of the United States in this action has now been assigned to attorneys in the Appellate Section of the Division. These attorneys, Mark L. Gross and Jessica D. Silver, will require full access to the record in this action, including those documents and portions of the transcript which reveal the true identities of the plaintiffs, in order to fully represent the interests of the United States.

Both Mr. Gross and Ms. Silver are aware of the provisions of the Order of September 9, 1977, in this action and know that they will be bound by the provisions of that Order should the Court grant them permission to learn the true identities of the plaintiffs.


MICHAEL B. WISE

Subscribed and sworn to
before me this 11th day
of December, 1978.


NOTARY PUBLIC

My Commission expires: October 31, 1980

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion of the United States for Permission to Transfer Records to Additional Attorneys and supporting Affidavit upon all counsel of record by sending a copy by United States mail, postage prepaid, addressed as follows:


Peter Roos, Esq.
Mexican-American Legal Defense
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This the 14th day of December, 1978.


MICHAEL B. WISE
Attorney
Department of Justice
Washington, D.C. 20530