



U.S. Department of Justice
Office of the Solicitor General

Washington, D.C. 20530

May 29, 1985

MEMORANDUM TO: D. Lowell Jensen
Acting Deputy Attorney General
FROM: Rex E. Lee
Solicitor General
SUBJECT: Weekly Report

| <u>PROJECTED DATE</u> | <u>PERSONS</u> | <u>EVENT DESCRIPTION</u> |
|---------------------------|-----------------------|---|
| 5/30/85 | FRIED | Address before the Ninth Circuit Judicial Conference, entitled "Politics, Principles and the Law." |
| 5/30/85 | CLAIBORNE KNEEDLER | Filing of brief amicus curiae in support of appellant in <u>Pino v. District Court of the Second Judicial District's Children's Court, etc.</u> The issue is whether the Indian Child Welfare Act vests tribal courts with exclusive jurisdiction over the adoption of an illegitimate Indian child born of Indian parents domiciled on an Indian reservation. |
| 5/30/85 | CLAIBORNE SHAPIRO | Filing of brief amicus curiae in support of appellant in <u>Transcontinental Gas Pipe Line Corp. v. State Oil and Gas Board of Mississippi.</u> The issue is whether the state can require an interstate pipeline to purchase gas at a uniform percentage from all owners in a common pool of gas, when doing so will increase rates charged the ultimate consumers of gas in other states. |

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| 5/30/85 | FREY KUHLIK | Filing of merits brief in <u>United States v. Loud Hawk</u> . The issue is whether the constitutional speedy trial rights of a group of criminal defendants are violated when their trial is delayed by the adjudication of their own motions to dismiss the indictment and to suppress evidence. |
| 6/5/85 | GELLER KNEEDLER | Filing of jurisdictional statement in <u>Heckler v. Owens</u> . The issues are: (1) whether Social Security claimants who fail to exhaust their administrative remedies or to seek individual waivers of the exhaustion requirement, and who also have not sought judicial review within 60 days of a final administrative decision as required by statute, can be included as members of a class in a class action challenging the constitutionality of a provision of the Social Security Act; and (2) whether it was constitutional for Congress to provide survivors' benefits during the period 1979-1983 to widowed spouses who remarry but not to divorced spouses who remarry. |
| 6/5/85 | GELLER ROTHFELD | Filing of jurisdictional statement in <u>Department of the Treasury v. Galloto</u> . The issue is whether a former mental patient's constitutional rights are violated by federal statutory provisions which prohibit persons with a history of mental illness from owning guns, and which provide no opportunity for removing such a disability in individual cases. |

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| 6/7/85 | GELLER WRIGHT | Filing of brief amicus curiae in support of petitioners in <u>Regents of the University of Michigan v. Ewing</u> . The issue is whether the substantive due process rights of a medical student who was on academic probation were violated by the medical school's denial of his request to retake a standardized comprehensive examination, requisite for entering the clinical phase of the academic program, which he failed the first time. |
| 6/7/85 | CLAIBORNE OBERLY | Filing of brief amicus curiae in support of respondents in <u>Midlantic National Bank v. New Jersey Dep't of Environmental Protection</u> , and <u>O'Neill v. City of New York, et al.</u> The issue is whether a trustee in bankruptcy must comply with state laws regulating the disposal of hazardous wastes when exercising his power under Section 554 of the Bankruptcy Code to abandon property that is a financial burden to the bankrupt estate. |
| 6/10/85 | FREY PINCUS | Filing of cert. petition in <u>In re Grand Jury Subpoena, U.S.A., Hana Koecher</u> . The issue in this espionage case is whether there should be an exception to the privilege against adverse spousal testimony for cases involving joint criminal activity by spouses. |

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| 6/13/85 | FREY HOROWITZ | Filing of merits brief in <u>United States v. Von Neumann</u> . The issues are: (1) Whether a statutory provision permitting a claimant to petition the Customs Service for discretionary remission or mitigation of penalties for violations of the customs laws creates a property interest subject to the Due Process Clause; and (2) If so, whether the mere passage of 36 days from the filing of a petition to its disposition is a due process violation. |
| 6/16/85 | WALLACE ROTHFELD | Filing of brief amicus curiae in support of petitioners in <u>Matsushita Electric Industrial Co., Ltd., et al. v. Zenith Radio Corp., et al.</u> The issues concern an appeals court's reversal of a summary judgment in favor of the defendants in a large antitrust suit brought by several American television manufacturers against a number of Japanese companies, alleging a conspiracy to sell at artificially low prices in the American market. |
| 6/17/85 | GELLER SCHWARTZ | Filing of cert petition in <u>Block v. Payne</u> . The issues are: (1) whether a Farmers Home Administration press release announcing the availability of special crop loans, issued after a natural disaster in 1973, violated an agency regulation requiring publicity of the special statutory loan provisions; and (2) if so, whether FmHA's non-compliance with the publicity regulation permits a court acting under the Administrative Procedure Act to "enforce" it by overriding a separate FmHA regulation establishing a deadline for filing loan applications. |

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| 6/19/85 | WALLACE ROTHFELD | Filing of cert. petition in <u>FDIC v. Philadelphia Gear Corporation</u> . The issue is whether a standby letter of credit issued by a bank for the benefit of a customer's creditor is a "deposit" for purposes of the Federal Deposit Insurance Act. |
| 6/27/85 | GELLER ROTHFELD | Filing of cert. petitions in <u>Schultz v. Palmer and Library of Congress v. Shaw</u> . The issue in these cases is whether sovereign immunity precludes the award of prejudgment interest or "delay adjustments" against the government in Title VII cases. |
| 6/27/85 | FRIED SHAPIRO | Filing of merits brief in <u>NLRB v. Financial Institution Employees</u> . The issue is whether all bargaining unit employees, not just union members, must be given the opportunity to vote on the affiliation of their bargaining representative with an international union before the newly affiliated union has a right to continued recognition as the unit employees' exclusive bargaining representative. |
| 6/28/85 | GELLER LEVY | Filing of merits brief in <u>Pennsylvania Bureau of Correction v. U.S. Marshals Service</u> . The issue is whether a district court has the authority to require the United States Marshals Service rather than the state to transport state prisoners to a federal court-house for the trial of a § 1983 suit brought by one of the prisoners. |

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| 7/8/85 | FRIED McCONNELL | Filing of brief amicus curiae in support of appellants in <u>Thornburg v. Gingles</u> . The issue is whether it was erroneous for a district court to invalidate under the Voting Rights Act certain multi-member legislative districts in North Carolina in which minority candidates had in fact achieved significant electoral successes. |
| *7/12/85 | FREY ALITO | Filing of merits brief in <u>United States v. Inadi</u> . The issue is whether the government, in order to secure the admission at a conspiracy trial of the statements of a co-conspirator, must either show that the declarant is unavailable or produce him at trial. |
| 7/17/85 | FRIED LARKIN | Filing of cert. petition in <u>Orr v. Turner</u> . The issue is whether a district court lacks authority under Title VII to order the government to hire a minority job applicant who has not been found to have been the victim of discrimination, in order to enforce the "good faith" terms of a consent decree. |

*New Entries

cc: Terry H. Eastland
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