



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

Washington, D.C. 20530

July 3, 1985

MEMORANDUM TO: D. Lowell Jensen
Deputy Attorney General

FROM: Charles Fried
Acting Solicitor General *cf*

SUBJECT: Weekly Report

<u>PROJECTED DATE</u>	<u>PERSONS</u>	<u>EVENT DESCRIPTION</u>
7/5/85	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.
7/8/85	FRIED LARKIN	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.

AG Reading
cc: Mark E.

<u>PROJECTED DATE</u>	<u>PERSONS</u>	<u>EVENT DESCRIPTION</u>
7/11/85	WALLACE 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.
7/12/85	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.
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.
7/15/85	GELLER KNEEDLER	Filing of cert. petition in <u>Heckler v. Polaski, et al.</u> The issue is whether Social Security disability claimants can be judicially excused in a class action from exhausting their administrative remedies.
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.

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7/18/85	CLAIBORNE KNEEDLER	Filing of brief amicus curiae in support of petitioners in <u>South Carolina, et al. v. Catawba Tribe of South Carolina</u> . The issue is whether a state statute of limitations and law of adverse possession apply to the tribe's claim to a 144,000 acre tract that was conveyed by the tribe to the State of South Carolina in 1840.
7/18/85	GELLER OBERLY	Filing of brief amicus curiae in support of petitioners in <u>Evans v. Jeff D., et al.</u> The issue is whether it is per se unethical for defendants in a civil rights case to insist on tying settlement negotiations on the merits of the case with settlement of any claim for attorneys' fees that might be advanced by the plaintiffs' attorneys.
8/1/85	GELLER OBERLY	Filing of merits brief in <u>Heckler v. Roy</u> . The issue is whether federal statutes requiring applicants for food stamps and AFDC to provide their state welfare agencies with their social security numbers violate the Free Exercise Clause as applied to persons who hold a sincere religious belief that SSNs are part of a "great evil."
8/1/85	CLAIBORNE ALITO	Filing of brief amicus curiae in <u>Exxon Corp., et al. v. Hunt</u> . The issue is whether an excise tax imposed by the New Jersey Spill Compensation and Control Act was preempted by the later-enacted federal "Superfund" statute.

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8/1/85	FRIED KNEEDLER	Filing of merits brief in <u>Heckler v. American Hospital Association, et al.</u> The issue is whether Section 504 of the Rehabilitation Act of 1973 prohibits a hospital from withholding nourishment or medically indicated treatment from a handicapped child, solely because of his handicap.
*8/8/85	GELLER MINEAR	Filing of merits brief in <u>EEOC v. Federal Labor Relations Authority.</u> The issue is whether a proposal by a federal employees' union that an agency comply with an OMB circular governing agency contracting-out decisions is a mandatory subject of bargaining.

* New Entries

cc: Terry H. Eastland
Director of Public Affairs

Mark T. Sheehan
Assistant Director
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Stephen Galebach ✓
Senior Special Assistant
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