



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

Washington, D.C. 20530

April 24, 1985

MEMORANDUM TO: D. Lowell Jensen
Acting Deputy Attorney General

FROM: *R. Lee* Rex E. Lee
Solicitor General

SUBJECT: Weekly Report

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<u>PROJECTED DATE</u>	<u>PERSON</u>	<u>EVENT DESCRIPTION</u>
*4/30/85	FREY KNEEDLER	Filing of brief as amicus curiae in support of the petitioner in <u>Maine v. Moulton</u> . The issue is whether the Sixth Amendment prohibits the use at trial of post-indictment statements made by a defendant to a co-defendant who was acting as an informant, when the contact was initiated by the defendant and the investigation pertained not to the underlying crime but to threats made by the defendant against the informant and other prospective government witnesses.
5/2/85	FREY LEVY	Filing of cert. petition in <u>United States v. Quinn</u> . The issue is whether the owner of a boat that was searched and from which marijuana was seized has standing to contest the search and seizure when the owner himself had never used the boat and had let it out of his possession for a two-year period.

<u>PROJECTED DATE</u>	<u>PERSON</u>	<u>EVENT DESCRIPTION</u>
5/2/85	FRIED CORWIN	Filing of cert. petition 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.
*5/3/85	FREY KNEEDLER	Filing of cert. petition in <u>Turnbo v. Burrus</u> . The issues are: (1) Whether the courts of a sending state (in this case, the federal government) have jurisdiction under the Interstate Agreement on Detainers Act to enjoin the transfer of a prisoner to a receiving state for trial there; and (2) Whether the anti-shuttling provisions of the Act are violated when a prisoner is returned to the sending state after dismissal of the indictment in the receiving state.
5/4/85	WALLACE LAUBER	Filing of cert. petition in <u>United States v. American College of Physicians</u> . The issue is whether commercial advertising income received by a tax-exempt organization that publishes a medical journal is "unrelated trade or business income" taxable to the organization under Sections 511 to 513 of the Internal Revenue Code.
*5/6/85	GELLER ROTHFELD	Filing of jurisdictional statement in <u>Department of the Treasury v. Galioto</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.

<u>PROJECTED DATE</u>	<u>PERSON</u>	<u>EVENT DESCRIPTION</u>
5/6/85	CLAIBORNE OBERLY	Filing of merits brief in <u>United States v. Riverside Bayview Homes, Inc.</u> The issue is whether federal jurisdiction to regulate discharges into "wetlands" under the Clean Water Act is limited to areas that support aquatic vegetation only by virtue of "frequent flooding" from adjacent streams, lakes, or seas.
5/6/85	GELLER ALITO	Filing of merits brief in <u>Cleavinger v. Saxner.</u> The issue is whether members of a prison disciplinary committee are entitled to absolute immunity from personal damages liability.
5/6/85	FREY KUHLIK	Filing of merits brief in <u>United States v. Lane.</u> The issues are: (1) whether a harmless error standard should apply to misjoinder of offenses under Rule 8 of the Federal Rules of Criminal Procedure; and (2) whether there is sufficient evidence of mail fraud where the mailing took place after receipt of the proceeds of the fraud.
5/6/85	FRIED McCONNELL	Filing of brief as amicus curiae in support of petitioners in <u>Bender v. Williamsport Area School District.</u> The issue is whether a voluntary, student-led religious group may meet on public high school premises on the same terms that the school applies to student groups engaging in non-religious extracurricular activities.

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5/6/85	FREY SCHWARTZ	Filing of merits brief in <u>United States v. Rojas-Contreras</u> . The issue is whether the Speedy Trial Act, 18 U.S.C. 3161(c)(2), prohibits commencement of trial within 30 days of the return of a superseding indictment when a defense-preparation period of 30 days subsequent to an earlier indictment has already been allowed and the superseding indictment contains no new charges.
5/9/85	CLAIBORNE SHAPIRO	Filing of brief as 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.
5/9/85	GELLER PINCUS	Filing of cert. petition in <u>United States v. City of Fulton</u> . The issue is whether the Secretary of Energy may impose an interim increase in the rates charged for electricity generated by federal hydroelectric projects pending confirmation of the rate increase by the Federal Energy Regulatory Commission.
5/16/85	WALLACE ROTHFELD	Filing of brief as 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.

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*5/28/85	CLAIBORNE GANZFRIED	Filing of cert. petition in <u>ICC v. State of Texas</u> . The issue, as in <u>ICC v. Tri-State Motor Transit Co.</u> (petition filed 3/25/85), is whether the Hobbs Act bars a party from relitigating the validity of an agency rule after the rule has been upheld by another court of appeals and the statutory 60-day period for seeking judicial review has expired.
5/30/85	CLAIBORNE KNEEDLER	Filing of brief as 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	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.

*New Entries

cc: Terry H. Eastland
Director of Public Affairs

Judith Hammerschmidt
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Attorney General

Mark T. Sheehan
Assistant Director
Office of Public Affairs

Date

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