



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

Washington, D.C. 20530

June 12, 1985

MEMORANDUM TO: D. Lowell Jensen
Deputy Attorney General

FROM: Charles Fried
Acting Solicitor General

SUBJECT: Weekly Report

<u>PROJECTED DATE</u>	<u>PERSONS</u>	<u>EVENT DESCRIPTION</u>
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.
*6/14/85	FRIED	Speech before the American Association of University Professors, on the subject of academic freedom and the courts.

<u>PROJECTED DATE</u>	<u>PERSONS</u>	<u>EVENT DESCRIPTION</u>
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.
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.
6/21/85	WALLACE LAUBER	Filing of jurisdictional statement in <u>United States v. Hemme.</u> The issue is whether an amendment to the federal estate tax enacted on October 4, 1976 was constitutional as applied retroactively to a gift made on September 28, 1976.

<u>PROJECTED DATE</u>	<u>PERSONS</u>	<u>EVENT DESCRIPTION</u>
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	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.
*6/28/85	FRIED	Speech before the Federalist Society, Washington, D.C.
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.
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.

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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.
*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.

*New Entries

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