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COMMENDATIONS

The following **Assistant United States Attorneys** have been commended:

ANDREW B. BAKER (Indiana, Northern) by Mr. Sanford A. Solomon, Division Counsel, and Colonel Robert F. Harris, Corps of Engineers, Department of the Army, for his successful, untiring efforts in collecting a fine awarded the government in a Clean Water Act and Rivers and Harbors Act case.

ROBERT H. BICKERTON and DALE L. DU TREMBLE (South Carolina) by Deputy Chief Counsel James A. Quinn, South Carolina Wildlife and Marine Resources Department, for his prosecuting undercover cases involving illegal clamming.

R. MICHAEL BURKE (Hawaii) by Postal Inspector T. L. Schoenekase, U.S. Postal Service, for his fine job in defending the Postal Service in an accident case.

ROBERT E. L. EATON (District of Columbia) by Colonel Seymour Copperman, Chief, General Litigation Division, for his outstanding performance in an age discrimination case.

JOSEPH M. GUERRA, III (New York, Western) by former Director William H. Webster, Federal Bureau of Investigation, for his outstanding prosecution of a RICO case involving burglaries and the interstate transportation of stolen property.

JOHN R. HALEY (South Carolina) by Special Agent-in-Charge Paul Lyon, Bureau of Alcohol, Tobacco and Firearms, for his successful trial of a previously convicted felon for possession of a firearm.

JOHN R. HALLIBURTON (Louisiana, Western) by Regional Attorney Patrick C. Murphy, Office of General Counsel, Department of Agriculture, for his excellent work in obtaining a favorable ruling in a case involving hydrological conditions; and by District Counsel Anthony M. Tamburo, Veterans Administration, for protecting the Veteran Administration's integrity in a complex medical malpractice action.

Department Attorney **ANN M. KANAMINE** (Land and Natural Resources Division) by United States Attorney James J. West, Pennsylvania, Middle, for her assistance in a criminal Toxic Substance Control Act case, involving the illegal storage of PCB laden oil.

WILLIAM C. LUCIUS and DAVID STEPHENS (South Carolina) by Assistant Secretary for Labor Management Standards Salvatore R. Martoche, Department of Labor, for their excellent and longstanding support in prosecuting crimes against labor organizations and their members.

WARD A. MEYTHALER (Florida, Middle) by Special Agent-in-Charge Robert W. Butler, Federal Bureau of Investigation, for his tenacity and perseverance in prosecuting a narcotics and continuing criminal enterprise statute case.

THOMAS J. MOTLEY (District of Columbia) by Supervisory Special Agent-in-Charge Peter A. Gullota, Jr., Federal Bureau of Investigation, for his competent and dedicated work in a felony violation of 18 U.S.C. §2314 (Interstate Transportation of a Falsely Made Security) case.

M. SUSAN MURNANE (Michigan, Eastern) by Chief W. T. Bigby, Collection Division, Internal Revenue Service, for lending her expertise on prosecution issues and related statutory provisions during the Revenue Office Continuing Professional Education Training.

CRAIG H. NAKAMURA (Hawaii) by Resident Agent-in-Charge Jo Ann C. Kocher, Bureau of Alcohol, Tobacco and Firearms, for his successful prosecution of a receipt and possession of a firearm by a convicted felon case.

KARL R. OVERMAN (Michigan, Eastern) by General Counsel Donald L. Ivers, Veterans Administration, for his successful efforts in a race and sex discrimination case.

ELLEN G. RITTEMAN (Michigan, Eastern) by District Counsel J.M. MacMillan, Veterans Administration, for her time and effort expended in a "slip and fall" case.

POINTS TO REMEMBER

Impact of the McNally Decision.

On June 24, 1987, the Supreme Court handed down the decision in McNally v. United States, No. 86-234 (1987), declaring that the mail fraud statute, 18 U.S.C. §1341, does not reach schemes or artifices to defraud persons or entities of "intangible rights." Departing from a long line of courts of appeals decisions, the Court held that the statute "clearly protects property rights, but does not refer to the intangible right of the citizenry to good government." Slip op. at 5. Moreover, the Court held that a scheme which would result in a gain of money or property to the defendants does not violate the statute. Instead, the Court required that a loss of the victim's property rights must be pled and proven. Slip op. at 10-11. Because this decision may well have an impact on cases either pending in United States Attorneys' offices, or cases in which convictions were obtained but collateral attacks will be made under Section 2255, the following problems and possible solutions should be considered. Because many of the issues facing the Department by virtue of this decision are indeed difficult, the following guidance is offered:

(1) Extent of property rights protected by the mail fraud statute. The McNally decision itself does little to define "property" rights falling within the protections of the mail fraud statute. There is, however, some basis for construing the opinion narrowly, and by contrast, offering courts a flexible definition of "property." The majority in McNally observed that the case did not proceed on the theory that the State was defrauded of any money, that it would have paid less for its insurance policies procured by it and lying at the heart of the scheme, or even that it would have obtained more favorable policies had there been no scheme to defraud. Finally, the majority added that the only money received by defendants was not shown to have belonged to the State; nor was the State deprived of control over how that money was spent. Slip op. at 10.

Special care should be taken by offices litigating cases arguably affected by this decision to define the interests involved in a way that would most clearly be regarded as embodying some form of property right. Further guidance presumably will be forthcoming next Supreme Court term in a case in which the Solicitor General is currently litigating a mail fraud prosecution in which the interest at

stake involved the reputation of the Wall Street Journal. See Carpenter v. United States, No. 86-422. Similar arguments may well be successful where the property interest at stake is a trademark, copyright or other similar interest capable of sustaining monetary damages when infringed.

A common factual scenario involved in many of the "intangible rights" cases possibly affected by McNally is where a public official or even a private employee receives a bribe, kickback or other corrupt payment in return for influencing the purchasing or contracting decisions of his or her principal. The first court of appeals decision following McNally offers some hope that such cases, if properly pleaded and proven, may still be viable. In United States v. Fagan, No. 86-2284 (5th Cir. June 30, 1987), the Court distinguished McNally. It reasoned that because the employer has an equitable right to any payments, whether in the form of bribes or kickbacks, the resulting failure to turn them over constitutes a loss of property to the employer. Slip op. at 19. The court also observed that payments made by an employer pursuant to a mail fraud scheme over which it had no control or knowledge deprived the employer of property in a second way. The court concluded that the employer there was deprived of the property or money paid out pursuant to the contract under false pretenses. Id.

In pursuing these theories, it is advisable to strengthen your case by relying on any provisions, such as state laws, rules of ethics, etc., that would impose upon an agent the obligation to turn over payments received in the course of his or her duties to their principal.

Finally, many cases involve situations in which the defendant corruptly makes payments on projects subject to competitive bidding requirements. In addition to the Fagan theory advanced above, it may be possible to show some deprivation of property rights. Even when the payor is the lowest bidder, thereby precluding any argument that the bribe or kickback induced the employer to reject a lower bid by another contractor, you should explore whether the proof in your case will allow you to indict and prosecute on the theory that the payor, namely the corrupt contractor, might well have himself bid lower on the contract but for the kickback or bribe. Cf. United States v. Connor, 752 F.2d 566, 573 (11th Cir.)(pre-McNally case in which mail fraud was found to be properly predicated on conduct that precluded employer from knowing whether he could have obtained a better deal), cert. denied, 106 S. Ct. 72 (1985); United States v. Bush, 522 F.2d 641, 648 (7th Cir. 1975)(deal profitable to the principal nevertheless violated the mail fraud statute because the employer might have been able to obtain a better contract had it known of the scheme), cert. denied, 424 U.S. 977 (1976). As stated above, the McNally court specifically noted that that case had not proceeded on such theories.

(2) Pleading and Proof Problems in Cases in Which Indictments Have not Yet Been Returned or in which Superseding Indictments May Be Filed. The Court in McNally took pains to point out that "as the action comes to [us], there was no charge and the jury was not required to find that the Commonwealth itself was defrauded of any money or property." Slip op. at 10. It is clearly to the government's advantage, and most likely a necessity after McNally, that government attorneys allege in any forthcoming indictments that the scheme to defraud involved property interests. As with other elements of the offense, the language of the statute itself should be included in the indictment.

As with the indictment itself, the jury instructions should make as plain as possible your theory that conviction must be obtained on the property rights theory required by McNally, with the statutory language again serving as a guide.

(3) Cases in Which Convictions Have Been Obtained Involving Facts Falling within the McNally Holding. A large number of convictions have been obtained using the "intangible rights" theory now invalidated by McNally. The position you take will largely depend upon the procedural posture of your case:

(a) Retroactive Effect of McNally. In a number of cases, the indictment and proofs offer no argument that property rights were affected by the mail fraud scheme. It is doubtful that a defendant can be deprived of the benefit of the McNally decision solely on the ground that his conviction became final before McNally was decided. The decision will presumably be given retroactive effect where the conviction (whether by jury verdict or guilty plea), was based on conduct which has now been authoritatively held in McNally not to constitute a federal offense. Of course, if the guilty plea and accompanying factual basis are sufficiently broad, and especially where the plea is to an indictment that tracks the statutory language, it may be possible to argue that the defendant should not be allowed to collaterally attack his conviction. Moreover, if the defendant has fully completed his sentence, and can show no continuing impediments flowing from the conviction, such as probation or parole for example, you may argue that the issue has become moot.

Alternatively, it may be possible to save some cases in which the proofs and indictment clearly established a loss of property rights, but the jury charge did not focus sufficiently on this issue. See Pope v. Illinois, No 85-1973, slip op. at 6, n. 7 (U.S. May 4, 1987)(harmless error analysis may be applied to a jury charge on essential elements of the offense). The strength of any harmless error argument will depend, as it does in other contexts, upon many fact-bound factors, such as the strength of the evidence against the accused, the language of the jury charge when read in its entirety, etc. Finally, in some cases you may be able to avoid entirely review of mail fraud counts where the defendant received concurrent sentences and will suffer no adverse collateral consequences as a result of the affirmance of the unreviewed conviction. See generally, United States v. Grunsfield, 558 F.2d 1231 (6th Cir.), cert. denied, 434 U.S. 879 (1979). However, cases decided after the special assessment provision, 18 U.S.C. §3013 (1982 ed., Supp. III), went into effect do not lend themselves to such arguments as sentences no longer will be truly concurrent. See generally United States v. Ray, No. 86-281 (U.S. May 18, 1987).

(b) Re-Indictment Within the Statute of Limitations. Assuming that the proofs will sustain an allegation that the scheme deprived the principal of property rights, there is no bar to re-indictment within the statute of limitations, even if the previous indictment already proceeded to trial and resulted in a conviction that has now been invalidated. See Montana v. Hall, No. 86-1381 (U.S., Apr. 27, 1987).

(c) Re-Indictment After The Statute of Limitations Normally Would Have Expired. A more difficult situation is posed by cases in which the statute of limitations is alleged to pose a bar to re-indictment. 18 U.S.C. §3288 provides that when an indictment is dismissed "for any error, defect, or

irregularity with respect to the grand jury, or an indictment or information filed after the defendant waives in open court prosecution by indictment is found otherwise defective or insufficient for any cause, and after the period prescribed by the applicable statute of limitations has expired," a new indictment may be obtained within six calendar months of the dismissal. It may be possible to argue that this provision applies to defects or deficiencies that are not merely technical in nature. See United States v. Horowitz, 756 F.2d 1400, 1403 (9th Cir. 1985), citing cases for the proposition that "'§3288 was meant to apply whenever the first charging paper was vacated for any reason whatever'." Accord, United States v. Charnay, 537 F.2d 341 (9th Cir.), cert. denied, 429 U.S. 1000 (1976)(re-indictment on essentially same facts held permissible).

[NOTE: In some cases, Title 18 U.S.C. §666 may make it possible to prosecute state and local officials who receive bribes and/or illegal gratuities even where there is no tangible loss as in McNally. This relatively new statute (effective October 12, 1984), makes it a federal felony for an agent of a state or local government to receive anything of value "for or because of" the recipient's conduct in any transaction or matter or series of transactions or matters involving $5,000 or more concerning the affairs of such state and local government agency and provided the state or local government agency receives more than $10,000 in federal funds in any one year period.]

As cases and theories interpreting McNally continue to unfold, the Criminal Division would welcome and disseminate to other offices any ideas that you may have. Please Contact Samuel Rosenthal, Chief, Appellate Section, FTS 633-3521 or Gerald McDowell, Chief, Public Integrity Section, FTS 724-6963.

(Criminal Division)

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Personnel.

Effective July 30, 1987, **Thomas J. Ashcraft** was appointed by the Attorney General, pursuant to 28 U.S.C. §546, as the United States Attorney for the Western District of North Carolina.

(Executive Office)

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Sexual Offenses under the Indian Major Crimes Act, 18 U.S.C. §1153.

Section 87 of the Criminal Law and Procedure Technical Amendments Act of 1986, Pub. L. No. 99-646, 100 Stat. 3623, Nov. 10, 1986, entitled the "Sexual Abuse Act of 1986," replaced Title 18, Chapter 99 (Rape) with Chapter 109A (Sexual Abuse). This necessitated conforming amendments to the Indian Major Crimes Act, 18 U.S.C. §1153, which was undertaken in subsection (c)(5) of Section 87. Subsection (c)(5) calls for the striking out of "rape, involuntary sodomy, carnal knowledge of any female, not his wife, who had not attained the age of sixteen years, assault with intent to commit rape," and inserting in lieu thereof "a felony under chapter 109A." The draftsman overlooked the fact that Section 1153 had been amended earlier that year by the insertion of the offense "felonious molestation of a minor" between the offenses of "sodomy" and "carnal knowledge" by

Pub. L. No. 99-303, 100 Stat. 438, May 15, 1986. The failure to direct deletion of "felonious molestation of a minor" (which also became superfluous by enactment of Chapter 109A) presents a problem for the codifier. Rather than inserting a reference to chapter 109A on either side of "felonious molestation of a minor," the editors of West's 1987 paperback edition of Federal Criminal Code and Rules and 1987 supplement to the United States Code Annotated elected to reprint Section 1153 without change, followed by an ambiguous explanatory note. Do not be misled. Section 1153 has been amended. Sexual offenses committed by Indians in Indian country are prosecutable only under 18 U.S.C. §1153, and only if they are felonies under chapter 109A. A technical amendment will be proposed to delete the now superfluous offense of "felonious molestation of a minor."

(Criminal Division)

CASENOTES

OFFICE OF THE SOLICITOR GENERAL

Attached to this Bulletin are case summaries of United States Supreme Court decisions, October Term 1986. The summaries are grouped by substantive matter.

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OFFICE OF LEGISLATIVE AFFAIRS

SELECTED HIGHLIGHTS OF CONGRESSIONAL ACTIVITIES FROM JULY 1, 1987 - AUGUST 7, 1987

House-Senate Iran/Contra Hearings. On July 29 and 30, 1987, Attorney General Meese appeared before the joint House-Senate Select Committee on the Iran/-Contra matter. The Attorney General reviewed in detail his four-day fact finding inquiry which revealed the diversion of profits from Iranian arms sales to the Nicaraguan Contras. Attorney General Meese effectively clarified misstatements by the Committee and the press on such issues as the shredding of documents in the presence of Department of Justice officials; experience of Department officials conducting the weekend inquiry; and coverage of the Boland Amendment, though in the latter point, he stressed that his position on its inapplicability to NSC staff was subject to a more in-depth legal evaluation.

Price-Anderson Amendments. On July 30, 1987, the House overwhelmingly passed H.R. 1414 without an amendment that would treat the Secretary of Energy as if he were a contractor for purposes of government liability, which the Department vigorously opposed. The Secretary indicated that he would join in our veto recommendation if such a provision was enacted.

Atomic Testing Veterans. On July 30, 1987, Assistant Attorney General Richard Willard testified before the House Armed Services Subcommittee on Procurement and Military Nuclear Systems concerning litigation

involving the atomic weapons testing program. The hearing focused on the national defense implications of repealing Section 1631 of the DOD Authorization Act of 1985. The Department strongly supports this Section, which provides that suits against the United States under the Federal Tort Claims Act shall be the exclusive remedy for radiation related injuries caused by contractors in carrying out the atomic weapons testing program.

Defense Procurement Fraud. On Thursday, July 30, Assistant Attorney General Weld and Deputy Assistant Attorney General Toensing, Criminal Division, accompanied by representatives of the FBI, appeared before Chairman Dingell's Subcommittee on Oversight and Investigations to discuss three defense procurement fraud cases as to which the Department of Justice declined prosecution. The Subcommittee staff concluded that there was no mismanagement by the Department, but that the cases lacked prosecutive merit because the Department of Defense contract managers were aware of all the pertinent facts. The thrust of the hearing, therefore, was to discuss what can be done to improve defense contracting.

Foreign Agents Compulsory Ethics in Trade Act. The House Judiciary Subcommittee on Administrative Law and Governmental Relations held a hearing on H.R. 1231, the Foreign Agents Compulsory Ethics in Trade Act of 1987. This bill, sponsored by Representatives Wolpe and Kaptur, sponsors of similar legislation last session, would impose a four-year ban on the ability of former high-level Executive Branch officials to advise or represent foreign entities.

The hearing began with testimony from the bill's sponsors and continued with a panel composed of State, Justice and Commerce representatives. Based on the questions asked of the Executive Branch witnesses there appears to be so much indecision on both sides of the aisle that the bill's chances for progress appear poor. The members seem to acknowledge the seemingly insurmountable complexities of administering a statute like the proposed bill, and doubt the wisdom of imposing a ban on advising foreign entities without imposing a similar ban on rendering advice to domestic entities. They also acknowledged the competing interests of preserving American jobs and having the cheapest and best goods available to American consumers.

Antitrust. On August 5, the Senate Judiciary Committee reported out S. 430, a bill to make resale price maintenance illegal. The measure is specifically aimed at overturning a 1984 Supreme Court decision on the subject. More importantly, it would also undermine the "rule of reason" that has governed antitrust analysis since the Supreme Court's 1977 decision in Continental T.V., Inc. v. GTE Sylvania, Inc. The rule of reason has given manufacturers (and especially small businesses) the flexibility they need to decide how best to distribute their products. The bill passed, as amended, by voice vote, despite the vigorous opposition of Senator Thurmond and the Antitrust Division. A DeConcini/Grassley substitute bill improved the legislation somewhat, but S. 430 is still a bill the Department opposes.

Whistleblower Protection. On August 3, 1987, the Senate Governmental Affairs Subcommittee on Federal Services, Post Office, and Civil Service held a hearing on S. 508 which focused primarily upon criticism of the Office of Special Counsel, despite Committee recognition of significant improvement during the tenure of

Special Counsel Weiseman. The Department submitted a statement of Deputy Assistant Attorney General Stuart Schiffer for the record which plainly set forth our plenary opposition to this bill.

Malt Beverage Interbrand Competition Act. On August 4, 1987, Assistant Attorney General Charles F. Rule testified before the Senate Judiciary Subcommittee on Antitrust, Monopolies and Business Rights to express Department of Justice opposition to the bill. The proposal would create an unnecessary special antitrust rule for vertical terrritorial arrangements in the malt beverage industry. Because of the peculiar structure of this industry, if approved, the bill would cover consumers. In addition, the legislation would increase confusion in the courts over the use of vertical restraints in other industries.

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LAND AND NATURAL RESOURCES DIVISION

URBAN MASS TRANSPORTATION ACT DOES NOT CREATE PRIVATE RIGHT OF ACTION; CITY AND ITS OFFICIALS LACK STANDING TO CHALLENGE CONVERSION OF SITE FROM STORAGE FACILITY TO BUS GARAGE UNDER NEPA.

A regional urban transportation authority proposed to purchase a tract in the City of Evanston, Illinois, currently used by a steel warehousing business, for conversion into a bus storage and maintenance facility. The purchase was to be funded in part with federal funds provided by the Urban Mass Transportation Administration (UMTA), Department of Transportation.

The City of Evanston, its mayor, and two individual aldermen sued to block the sale and conversion. The plaintiffs' alleged the defendants had failed to give any adequate public notice of the public hearings required by the Urban Mass Transportation Act, 49 U.S.C. §1601 et seq., and further alleged that the defendants had violated NEPA by failing to prepare and file an EIS concerning the project. The district court, however, dismissed the complaint for lack of standing.

The court of appeals affirmed, holding that the Urban Mass Transportation Act does not create a private right of action. The court further found that the plaintiffs lacked standing to invoke NEPA because they had failed to allege any specific, concrete facts by which it could be deduced that the conversion of the site from a steel warehousing facility to a bus garage would result in any adverse environmental injuries which would be suffered by the plaintiffs.

City of Evanston v. Regional Transportation Authority, ___F.2d___, No. 86-2113 (7th Cir. July 10, 1987). D. J. # 90-1-0-2381. Attorneys: Robert L. Klarquist, (FTS 633-2731), Anne S. Almy (FTS 633-2749) and Peter R. Steenland (FTS 633-2748) Land and Natural Resources Division.

OFFICE OF THE SOLICITOR GENERAL
JULY 1987

CASE SUMMARIES
DECISIONS OF THE UNITED STATES SUPREME COURT
October Term 1986

AFFIRMATIVE ACTION AND DISCRIMINATION

Board of Directors of Rotary International v. Rotary Club of Duarte, No. 86-421 (May 4, 1987).

The Supreme Court ruled that a California law requiring state Rotary Clubs to admit women does not violate the club members' freedom of association.

California Federal Savings and Loan v. Guerra, No. 85-494 (Jan. 13, 1987).

Contrary to the suggestion in our amicus brief, the Supreme Court ruled that a California statute that requires employers to provide leave and reinstatement to pregnant employees is not preempted by Title VII of the Civil Rights Act of 1964.

City of Pleasant Grove v. United States, No. 85-1244 (Jan. 21, 1987).

The Court ruled that annexation of both inhabited and uninhabited land may constitute a change in voting practice or procedure requiring preclearance under Section 5 of the Voting Rights Act of 1965 and that petitioner had not met its burden of showing the lack of discriminatory purpose in this case.

Goodman v. Lukens Steel Co., No. 85-1626 (June 19, 1987).

Contrary to our amicus brief, the Court ruled that the respondent unions had violated Title VII and Section 1981 by refusing to assert union members' claims of racial discrimination against an employer.

Johnson v. Transportation Agency, No. 85-1129 (Mar. 25, 1987).

Contrary to our amicus filing, a majority of the Court held that the affirmative action plan at issue in this case--which allowed sex to be

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considered as one factor in making promotions to positions that have traditionally underrepresented women--did not violate Section 703 of Title VII of the Civil Rights Act of 1964.

United States v. Paradise, No. 85-999 (Feb. 25, 1987).

A 5-4 Supreme Court rejected the government's argument and concluded that a one-black-for-one-white promotion requirement was permissible under the Equal Protection Clause of the Fourteenth Amendment. The Court applied strict scrutiny analysis to the relief ordered by the district court and found the plan narrowly tailored to serve a compelling state interest.

Saint Francis College v. Al-Khazraji, No. 85-2169 (May 18, 1987).

A unanimous Court held that persons of Arabian ancestry may bring suit alleging racial discrimination under 42 U.S.C. §1981.

School Board of Nassau County v. Arline, No. 85-1277 (Mar. 3, 1987).

Contrary to the position we espoused in our amicus brief, the Supreme Court ruled that Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794, bars discrimination against a person who is handicapped within the meaning of the statute as a result of tuberculosis, on the ground that she is contagiousness with the disease.

Shaare Tefila Congregation v. Cobb, No. 85-2156 (May 18, 1987).

A unanimous Supreme Court ruled that Jews can state a claim for racial discrimination under 42 U.S.C. §1982 because they were among the peoples considered to be distinct races at the time the statute was passed.

Wimberly v. Labor and Industrial Relations Commission of Missouri, No. 85-129 (Jan. 21, 1987).

The Supreme Court unanimously held that a Missouri statute disqualifying pregnant women from receiving unemployment benefits, because they left work voluntarily and for a reason not attributable to their employment, was consistent with the Federal Unemployment Tax Act, 26 U.S.C. §3304(a)(12).

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ATTORNEY FEES

Crawford Fitting Co. v. J. T. Gibbons, Inc., No. 86-322 (June 15, 1987).

The Supreme Court concluded that a federal court awarding fees to a prevailing party seeking fees for its expert witnesses is bound by the limits set in 28 U.S.C. §1821, rather than Federal Rules of Civil Procedure 54(d).

Hewitt v. Helms, No. 85-1630 (June 19, 1987).

The Court adopted our amicus suggestion and held that a party must obtain some relief on the merits of his claim before he can "prevail" in an action for attorney's fees under 42 U.S.C. §1988.

North Carolina Department of Transportation v. Crest Street Community Council, No. 85-767 (Nov. 4, 1986).

Adopting the position that the government asserted as amicus curiae, the Supreme Court held that a court may only award attorney's fees under the Civil Rights Attorney's Fees

Awards Act of 1976, 42 U.S.C. §1988 in an action to enforce the civil rights laws, and not in a separate action brought solely to recover attorney's fees.

Pennsylvania v. Delaware Valley Citizens' Council, No. 85-5 (June 26, 1987).

As we urged in our amicus brief, a 5-4 majority of the Court reversed the action of the lower court in construing Section 304(d) of the Clean Air Act to permit enhancement of a reasonable lodestar fee to compensate for the risk of loss and nonpayment. Four members of the Court expressed that such enhancements are never appropriate. Justice O'Connor concurred on the particular facts of this case.

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CIVIL PROCEDURE/DUE PROCESS

Agency Holding Corp. v. Malley-Duff & Associates, No. 86-497 (June 22, 1987).

The Court decided that the four-year statute of limitations applicable to Clayton Act civil enforcement actions, 15 U.S.C. §15b, applies in civil cases brought under the Racketeer Influenced and Corrupt Organizations Act.

Board of Pardons v. Allen, No. 86-461 (June 9, 1987).

The Court held that a Montana parole statute creates a liberty interest in parole release that is protected by the Due Process Clause.

Bowen v. Gilliard, No. 86-509 (June 25, 1987).

The Court held, as we argued in our brief, that a modification of the federal statutes governing Aid to Families with Dependent Children requiring inclusion in the family unit of all children living in the same home, did not violate the Takings Clause, the Due Process Clause, or equal protection principles.

Brock v. Roadway Express, Inc., No. 85-1530 (Apr. 22, 1987).

In considering whether Section 405 of the Surface Transportation Act of 1982, 49 U.S.C. App. §2305, violates procedural due process principles, a divided Supreme Court agreed with our contention that an evidentiary hearing is not required before a discharged worker is temporarily reinstated by the Secretary of Labor. The Court also held, however, that the employer's due process rights were violated because he had not been informed of the substance of the evidence supporting the employee's complaint that led to reinstatement.

Burlington Northern R.R. Co. v. Woods, No. 85-1088 (Feb. 24, 1987).

The Supreme Court held that an Alabama statute imposing a 10-percent penalty on frivolous appeals of money judgments had no application to diversity suits in federal court in light of Federal Rules of Civil Procedure 38.

Frazier v. Hebbe, No. 86-475 (June 19, 1987).

The Court decided that a federal district court may not adopt rules requiring members of the state bar in which it sits who apply for admission to live or maintain an office in that state.

Goodman v. Lukens Steel Co., No. 85-1626 (June 19, 1987).

The Court ruled that the state statute of limitations for personal injury actions should govern suits under 42 U.S.C. §1981. See also above under "Affirmative Action and Discrimination."

Stringfellow v. Concerned Neighbors in Action, No. 85-184 (Mar. 9, 1987).

The Supreme Court agreed with our amicus brief and held that a district court order denying intervention as of right but allowing permissive intervention with restrictions, is not a final order subject to immediate appeal under 28 U.S.C. §1291.

Rivera v. Minnich, No. 86-98 (June 25, 1987).

The Court decided that a state's requirement that proof of paternity of an illegitimate child need only be made by a preponderance of the evidence does not violate the Due Process Clause.

Tull v. United States, No. 85-1259 (Apr. 28, 1987).

The Court, rejecting our argument, held that the Seventh Amendment guarantees a jury trial in the liability phase (but not the penalty phase) of a civil action for violation of the Clean Water Act.

West v. Conrail, No. 85-1804 (Apr. 6, 1987).

A unanimous Court held that while the district court correctly concluded that the six month statute of limitations of Section 10(b) of the NLRB should be "borrowed" for purposes of determining the timeliness of this action alleging unfair labor practices and breach of the duty of fair representation, it erred in also imposing the NLRA's service requirements, in lieu of the less stringent requirements of Rules 3 and 4 of the Federal Rules of Civil Procedure.

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CRIMINAL LAW/CRIMINAL PROCEDURE
(Excluding DEATH PENALTY, MIRANDA AND SEARCH AND SEIZURE)

Bourjaily v. United States, No. 85-6725 (June 23, 1987).

The Supreme Court ruled--as we suggested--that (1) Federal Rules of Evidence 104 (a) allows a trial court to consider a co-conspirator's out-of-court statement in deciding whether that statement should itself be admitted under Rule 801(d)(2)(E); and (2) no independent reliability inquiry is needed under the Confrontation Clause if a statement meets the requirements of the co-conspirator rule.

Burger v. Kemp, No. 86-5375 (June 26, 1987).

The Court rejected petitioner's claim that he was denied his constitutional right to effective assistance of counsel because his attorney labored under a conflict of interest and failed to make an adequate investigation of the possibility of mitigating circumstances of the offense.

California v. Brown, No. 85-1563 (Jan. 27, 1987).

The Court ruled that an instruction cautioning a sentencing jury not to be

"swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling" did not violate the Eighth or Fourteenth Amendments.

City of Houston v. Hill, No. 86-243 (June 15, 1987).

The Supreme Court held that a municipal ordinance that makes it unlawful to interrupt a police officer in the performance of his duty is substantially overbroad under the First Amendment.

Cruz v. New York, No. 85-5939 (Apr. 21, 1987).

Contrary to our amicus position, the Court held, on the particular facts of the case, that the Sixth Amendment Confrontation Clause bars the admission of a nontestifying codefendant's confession incriminating the defendant even if the codefendant's confession is corroborated by the defendant's own confession.

Granberry v. Greer, No. 85-6790 (Apr. 21, 1987).

A unanimous Court held that when a state fails to raise an arguably meritorious nonexhaustion defense in response to a habeas corpus petition filed in federal district court, the court of appeals should exercise discretion to determine whether to address the petition on the merits.

Griffith v. Kentucky, No. 85-5221 (Jan. 13, 1987).

In this case, the Court determined that the rule announced in Batson v. Kentucky--that the use of peremptory challenges by the prosecution to strike members of the defendant's race from the jury venire violates the Fourteenth Amendment--applies retroactively to all litigation pending on direct review or not yet final when Batson was decided.

Hilton v. Braunskill, No. 86-108 (May 26, 1987).

As we urged in our amicus brief, the Court held that federal courts deciding whether to stay, pending appeal, an order granting habeas corpus relief under Federal Rules of Appellate Procedure 23 are not restricted to considering only the prisoner's risk of flight, but may also consider other factors such as the danger posed to the community, the State's interest in detention, and the like.

Kelly v. Robinson, No. 85-1033 (Nov. 12, 1986).

The Court held that restitution obligations imposed as probation conditions in state criminal proceedings may not be discharged in a voluntary bankruptcy proceeding in federal court.

Kentucky v. Stincer, No. 86-572 (June 19, 1987).

The Supreme Court decided that respondent's rights under the Confrontation Clause were not violated when he was excluded from a competency hearing of two child witnesses who later testified against him in open court and were subjected to cross-examination.

McNally v. United States, No. 86-234 (June 24, 1987).

Contrary to our position, the Court ruled that the federal mail fraud statute, 18 U.S.C. §1341, applies only to schemes whose objective is the acquisition of money and property, and does not extend to the intangible rights of the citizenry to good government.

Miller v. Florida, No. 86-5344 (June 9, 1987).

The Court unanimously held that application of revised state sentencing guidelines to petitioner, whose crimes occurred before the law was revised, violated the Ex Post Facto Clause of the Constitution.

Montana v. Hull, No. 86-1381 (Apr. 27, 1987).

The Court, summarily reversing the judgment below, held that the Double Jeopardy Clause did not forbid the trial of a defendant for sexual assault after his previous conviction for incest had been overturned for technical reasons.

O'Lone v. Shabazz, No. 85-1722 (June 9, 1987).

As we urged in our amicus brief, the Supreme Court ruled that the court of appeals erred in placing the burden on prison officials to demonstrate that no alternative methods of accommodating prisoners' religious rights were available and concluded that the policies which allegedly interferred with Islamic prisoners' free exercise were reasonably related to legitimate penological objectives.

Pennsylvania v. Finley, No. 85-2099 (May 18, 1987).

The Court ruled that the protective procedures established in Anders v. California, 386 U.S. 738 (1967) which require court permission for withdrawal by appointed counsel from allegedly frivolous appeals by indigent defendants, need not be extended to collateral state court postconviction proceedings.

Pennsylvania v. Ritchie, No. 85-1347 (Feb. 24, 1987).

The Supreme Court held that neither the Confrontation Clause nor the Compulsory Process Clause of the Sixth Amendment is violated when a state protective service agency refuses to comply with a pretrial subpoena seeking access to records relating to child abuse of a defendant's victim after a judge determines, on the basis of a comprehensive in camera inspection, that the evidence is not material.

Ray v. United States, No. 86-281 (May 18, 1987).

The Court, vacating a lower court decision as we urged, held that because petitioner had not in fact been assessed concurrent sentences, the court below erred in relying on the "concurrent sentences doctrine" in refusing to hear petitioner's challenge to his second conviction.

Richardson v. Marsh, No. 85-1433 (Apr. 21, 1987).

As we urged in our amicus brief, the Court ruled that the Confrontation Clause does not prevent the admission in a joint conspiracy trial of a nontestifying codefendant's confession when the confession is redacted to eliminate any reference to the defendant, and the jury is instructed not to use the evidence against defendant.

Ricketts v. Adamson, No. 86-6 (June 22, 1987).

As we urged, the Court held that respondent's breach of his plea agreement permitted prosecution on the original charges notwithstanding his right against Double Jeopardy under the Fifth and Fourteenth Amendments.

Rock v. Arkansas, No. 86-130 (June 22, 1987).

The Court held that a state which imposes a blanket exclusion of hypnotically refreshed testimony infringes a

defendant's right to testify on his own behalf.

Rodriguez v. United States, No. 86-5504 (Mar. 23, 1987).

Rejecting our position, the Court summarily held that 18 U.S.C. §3147, which mandates a minimum two year sentence in addition to the felony term for anyone committing a felony on release pending a judicial proceeding, does not require a mandatory term of confinement, or abrogate a judge's authority under 18 U.S.C. §3651 to suspend that sentence and impose probation for that term.

Solorio v. United States, No. 85-1581 (June 25, 1987).

The Supreme Court accepted our invitation to overrule O'Callahan v. Parker, 395 U.S. 258 (1969), and held that a serviceman is subject to a court-martial for any offense committed while a member of the armed services.

Tanner v. United States, No. 86-177 (June 22, 1987).

As we urged, the Court ruled that Federal Rules of Evidence 606(b) bars an evidentiary hearing into allegations that jurors used alcohol and drugs during trial. The Court also remanded the petitioner's conviction for conspiring to defraud the United States under 18 U.S.C. §371 for a redetermination of the relationship between the defrauded agency, the petitioner, and the government.

Town of Newton v. Rumery, No. 85-1449 (Mar. 9, 1987).

The Court ruled that a "release-dismissal" agreement whereby a criminal indictment is dismissed in return for a promise not to bring a Section 1983 action is not always invalid as against public policy.

Turner v. Safley, No. 85-1384 (June 1, 1987).

The Court adopted our amicus position and ruled that claims by prisoners of constitutional violations should be rejected if the prison regulation at issue bears a reasonable relationship to a legitimate penological interest. On that basis, prisoners First Amendment rights were held not impermissibly burdened by regulations limiting inmate correspondence, but the right to marry was unjustifiably impinged by the Missouri marriage regulation.

United States v. John Doe, Inc. I, No. 85-1613 (Apr. 21, 1987).

Accepting arguments that we advanced in our merits brief, the Supreme Court decided that (1) Federal Rules of Criminal Procedure 6(e) does not prohibit an attorney who had access to grand jury materials in a criminal case from using those materials to prepare a related civil case; and (2) the district court correctly allowed disclosure of the grand jury materials to previously uninvolved attorneys, even though most of the materials could have been obtained through the civil discovery process.

United States v. Mendoza-Lopez, No. 85-2067 (May 26, 1987).

The Court held, as we argued, that Congress had not intended for the validity of an underlying deportation order to be reviewable in a prosecution under 8 U.S.C. §1326. The Court also held, however, that a collateral challenge was nevertheless permissible under the Due Process Clause where, as here, the deportation proceeding effectively eliminates the right of the alien to obtain judicial review.

United States v. Salerno, No. 86-87 (May 26, 1987).

The Court agreed with the position in our merits brief that pretrial detention based on danger to the community, in accordance with 18 U.S.C. §3142(e), does not violate substantive or procedural due process and is not prohibited by the Eighth Amendment's Excessive Bail Clause.

Young v. Vuitton et Fils, No. 85-1329 (May 26, 1987).

The Supreme Court agreed with our amicus submission that (1) district courts have inherent authority to appoint private attorneys to prosecute criminal contempt actions; and (2) counsel for a party that is a beneficiary of a court order may not be appointed to undertake criminal prosecutions for alleged violations of that order. A plurality of the Court also ruled that the harmless error rule cannot apply when an attorney for an interested party prosecutes a criminal contempt.

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DEATH PENALTY

Booth v. Maryland, No. 86-5020 (June 15, 1987).

The Supreme Court held that the use of victim impact statements at the sentencing phase of a capital murder trial violates the Eighth Amendment's proscription against cruel and unusual punishment.

Buchanan v. Kentucky, No. 85-5348 (June 24, 1987).

The Court ruled that (1) petitioner was not deprived of his right to an impartial jury because the prosecution was permitted to "death qualify" the jury; and (2) the prosecution's use of an examining psychologist's report to rebut other psychiatric evidence did not violate the Fifth and Sixth Amendments.

Gray v. Mississippi, No. 85-5454 (May 18, 1987).

The Court reaffirmed its decision in Davis v. Georgia, 429 U.S. 122 (1976), and held that, when a trial court improperly excludes from a capital jury a qualified prospective juror, a death sentence imposed by the jury must be reversed and the exclusion may not be subjected to harmless-error analysis.

Hitchcock v. Dugger, No. 85-6756 (Apr. 22, 1987).

A unanimous Court reversed petitioner's death sentence because the judge and jury had not considered evidence that petitioner had offered in mitigation.

McCleskey v. Kemp, No. 84-6811 (Apr. 22, 1987).

The Supreme Court held that a statistical study indicating that racial considerations enter into capital sentencing determinations did not establish that petitioner's capital sentence violated the Eighth or Fourteenth Amendments.

Martin v. Ohio, No. 85-6461 (Feb. 25, 1987).

The Supreme Court held that certain jury instructions in a murder case in which self-defense was pleaded as an affirmative defense did not violate the Due Process Clause, and that due process is not implicated when a state places the burden of proving self-defense in a murder case.

Sumner v. Shuman, No. 86-246 (June 22, 1987).

The Court struck down a statute that mandated the death penalty for prisoners who murder fellow inmates while serving a life sentence without possibility of parole.

Tison v. Arizona, No. 84-6075 (Apr. 21, 1987).

The Court held that the Eighth Amendment does not preclude a state from imposing the death penalty in a felony murder case where the defendant had major participation in the felony committed and displayed a reckless indifference to human life.

Truesdale v. Aiken, No. 86-1384 (Mar. 23, 1987).

The Court, in a 6-3 decision, summarily reversed a decision of the Supreme Court of South Carolina, holding that the State should have retroactively applied Skipper v. South Carolina, 476 U.S. ____ (1986), which requires the admission in capital sentencing procedures of evidence relevant to a defendant's probable future conduct, in a federal habeas corpus action on a conviction that was final before Skipper was decided.

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ECONOMIC LIBERTY

Bowen v. Gilliard, No. 86-509 (June 25, 1987).

See summary above under "Civil Procedure/Due Process."

Federal Communications Commission v. Florida Power Corp., No. 85-1658 (Feb. 25. 1987).

A unanimous Supreme Court held--as we urged--that the FCC's regulation of prices charged for using utility poles under the Pole Attachments Act, 47 U.S.C. §224, does not effect a taking of property without just compensation under the Fifth Amendment because utility owners are not compelled to accept cable lines on their utility poles.

First English Evangelical Lutheran Church v. County of Los Angeles, No. 85-1199 (June 9, 1987).

The Court ruled that temporary regulatory takings of property give rise to a damages remedy under the Takings Clause of the Fifth Amendment and, contrary to our amicus submission, held that the Takings Clause is self-executing.

Hodel v. Irving, No. 85-637 (May 18, 1987).

The Supreme Court unanimously ruled, contrary to our position on the merits, that Section 207 of the Indian Land Consolidation Act of 1983 worked a taking of property without just compensation.

Keystone Bituminous Coal Association v. DeBenedictis, No. 85-1092 (Mar. 9, 1987).

The Court held that Pennsylvania's Bituminous Mine Subsidence and Land Conservation Act, restricting the right of mineral owners to remove coal where removal may cause surface damage, even where damage waivers are procured from owners of the surface estate, does not effect a taking of property without just compensation or constitute an impairment of the right to freedom of contract.

Nollan v. California Coastal Commission, No. 86-133 (June 26, 1987).

Adopting the analytical framework we urged, the Supreme Court ruled that respondent's imposition of an access-easement condition was a "taking," and could not be treated as an exercise of land-use regulation power because it did not serve public purposes related to the permit requirement.

San Francisco Arts & Athletics, Inc. v. United States Olympic Committee, No. 86-270 (June 25, 1987).

The Court ruled that the First Amendment does not prohibit Congress from (1) granting a trademark in the word "Olympic"; and (2) granting exclusive use of a word without requiring the user to prove that an unauthorized use is likely to cause confusion.

United States v. Cherokee Nation, No. 85-1940 (Mar. 31, 1987).

In a unanimous opinion, the Court accepted our argument that the United States' navigational servitude bars a takings claim by Indian tribes whose instream interests were damaged by improvements made on the Arkansas River.

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ECONOMIC REGULATION

Cargill, Inc. v. Montort of Colorado, Inc., No. 85-473 (Dec. 9, 1986).

In this case arising under the Clayton Act, the Court concluded that (1) a private plaintiff seeking injunctive relief under Section 16 of the statute must prove a threat of antitrust injury; (2) threat of lost profits does not constitute a threat of antitrust injury; and (3) respondent had failed to raise or demonstrate that petitioner had engaged in predatory pricing. In its third holding, the Court rejected our suggestion that predatory pricing may never constitute antitrust injury.

Clarke v. Securities Industry Association, No. 85-971 (Jan. 14, 1987).

The Court upheld our position and ruled that the Controller of the Currency correctly determined that a bank's conduct of a security business should not be subject to the branching restrictions contained in 12 U.S.C. §36(f).

CTS Corp. v. Dynamics Corp. of America, No. 86-71 (Apr. 21, 1987).

The Court agreed with our amicus suggestion that the Indiana Control Share Acquisition Chapter is not preempted by the Williams Act, but also held, contrary to our brief, that it does not violate the Commerce Clause.

Interstate Commerce Commission v. Brotherhood of Locomotive Engineers, No. 85-792 (June 8, 1987).

Rejecting our arguments on justiciability but vacating a decision unfavorable to us, the Court ruled that ICC's orders denying a petition for clarification were unreviewable. Four Justices, concurring in the result, agreed with us that the court of appeals was wrong on the merits.

Interstate Commerce Commission v. Texas, No. 85-1222 (Jan. 20, 1987).

A unanimous Supreme Court agreed with us that 49 U.S.C. §10505(f) authorizes the ICC to exempt the motor

freight portion of a trailer-on-flat-car plan wholly within the state of Texas from state regulation.

324 Liquor Corp. v. Duffy, No. 84-2022 (Jan. 13, 1987).

The Court struck down a New York statute which mandated that liquor retailers charge at least 112% of the wholesaler's "posted" bottle price at the time of the retail sale finding that it violated §1 of the Sherman Antitrust Act.

Welch v. Texas Department of Highways and Public Transportation, No. 85-1716 (June 25, 1987).

A plurality of the Court held that the Eleventh Amendment bars an injured employee of a State operated railroad from suing a state in federal court under the Jones Act, 46 U.S.C. §688.

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FREE SPEECH AND ASSOCIATION

Arkansas Writers' Project, Inc. v. Ragland, No. 85-1370 (Apr. 22, 1987).

The Supreme Court held that an Arkansas sales tax law that taxes general interest magazines but not newspapers or religious, professional, trade and sports journals violates the freedom of press guarantee of the First Amendment.

Board of Airport Commissioners v. Jews for Jesus, No. 86-104 (June 15, 1987).

A unanimous Court ruled that a resolution banning all First Amendment activities at a public airport is overbroad and so violates the First Amendment.

City of Houston v. Hill, No. 86-243 (June 15, 1987).

See summary above under "Criminal Law/Criminal Procedure."

Federal Election Commission v. Massachusetts Citizens for Life, No. 85-701 (Dec. 15, 1986).

The Court held that Section 316 of the Federal Election Campaign Act (2 U.S.C. §441b)--which prohibits corporations from using treasury funds in connection with federal elections--was an unconstitutional restriction of free speech as applied to a corporation formed solely to express political views that had not issued any capital stock.

Meese v. Keene, No. 85-1180 (Apr. 28, 1987).

The Court accepted the arguments that we advanced in our merits brief and held that the use of the term "political propaganda" as neutrally defined in the Foreign Agents Registraton Act of 1938 does not violate the First Amendment.

Munro v. Socialist Workers Party, No. 85-656 (Dec. 10, 1986).

The Court held that a Washington statute that required a minor-party candidate to receive 1% of the votes cast in the primary election before becoming eligible for the general election did not violate the First or Fourteenth Amendment.

Pope v. Illinois, No. 85-1973 (May 4, 1987).

The Court held that, when applying the Miller test to allegedly obscene materials, the jury should use a reasonable person test, and not a community standards test, to determine whether the material lacks serious literary, artistic, political, or scientific value.

Rankin v. McPherson, No. 85-2068 (June 24, 1987).

Contrary to the position we asserted in our amicus brief, a divided Court held that the First Amendment was violated when a public employee was fired after stating, upon hearing of the attempted assassination of the President, that "If they go for him again, I hope they get him."

San Francisco Arts & Athletics, Inc. v. United States Olympic Committee, No. 86-270 (June 25, 1987).

See summary above under "Economic Liberty."

Tashjian v. Republican Party of Connecticut, No. 85-766 (Dec. 10, 1986).

A state statute requiring voters in any political party primary to be registered members of that party was struck down, by a 5-4 margin, as violating the First and Fourteenth Amendment right to freedom of association.

Turner v. Safley, No. 85-1384 (June 1, 1987).

See summary above under "Criminal Law/Criminal Procedure."

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JURISDICTION

Asahi Metal Industry Co. v. Superior Court, No. 85-693 (Feb. 24, 1987).

The Court ruled that because of the heavy burden imposed on the foreign company if forced to litigate in California, and because California's interest in exerting jurisdiction was slight, it would be a violation of the Due Process Clause for a California Court to exercise personal jurisdiction over a Japanese company whose products were sold in California by an intermediate company operating in Taiwan.

Burke v. Barnes, No. 85-781 (Jan. 14, 1987).

The Supreme Court, agreeing with the position we asserted in our merits brief, held that a lawsuit by Members of Congress challenging the President's pocket veto of a bill in 1983 was moot because the bill expired several weeks before the court of appeals entered its judgment in this case.

Burlington Northern R.R. Co. v. Brotherhood of Maintenance of Way Employees, No. 86-39 (Apr. 28, 1987).

A unanimous Supreme Court held that a federal district court does not have jurisdiction under the Norris-LaGuardia Act to enjoin secondary picketing in railway labor disputes.

Burlington Northern R.R. Co. v. Oklahoma Tax Commission, No. 86-337 (Apr. 28, 1987).

The Court unanimously agreed with our amicus submission that Section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976 permits federal district court review of alleged overvaluation of railroad property by state tax officials.

Caterpillar v. Williams, No. 86-526 (June 9, 1987).

The Supreme Court held that respondents' state-law complaint for breach of individual employment contracts was not removable to federal court for lack of a federal question, notwith-

standing their claims that the individual contracts were subsumed in the collective bargaining agreement when they rejoined the bargaining unit.

Interstate Commerce Commission v. Brotherhood of Locomotive Engineers, No. 85-792 (June 8, 1987).

See summary above under "Economic Regulation."

Iowa Mutual Insurance Co. v. LaPlante, No. 85-1589 (Feb. 24, 1987).

The Supreme Court held that federal district courts may not exercise diversity jurisdiction over a dispute before an Indian tribal court has first had an opportunity to determine its own jurisdiction.

Metropolitan Life Insurance Co. v. Taylor, No. 85-686 (April 6, 1987).

The Court unanimously held that petitioner's common law causes of action filed in state court were preempted by ERISA and came within the scope of Section 502(a)(1)(B) of the statute, and thus were removable to federal court under 28 U.S.C. §1441(b).

Pennzoil Co. v. Texaco Inc., No. 85-1798 (Apr. 6, 1987).

The Court held that the federal district court should have abstained from enjoining Pennzoil from executing on a $12 billion judgment that it obtained in Texas state court.

United States v. Hohri, No. 86-510 (June 1, 1987).

A unanimous Supreme Court, agreeing with our position held that appeals from district court cases involving both Little Tucker Act and FTCA claims lie exclusively in the Federal Circuit, not the regional courts of appeals.

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LABOR

Citicorp Industrial Credit v. Brock, No. 86-88 (June 22, 1987).

Accepting the arguments we made in our merits brief, the Supreme Court held that Section 15 (a)(1) of the Fair Labor Standards Act bar interstate transportation or sale of "hot goods" acquired by secured creditors pursuant to a security agreement.

Fall River Dyeing & Finishing Corp. v. National Labor Relations Board, No. 85-1208 (June 1, 1987).

As we urged in our brief on the merits, the Court held that the National Labor Relations Board properly found that there was substantial continuity between the operations of petitioner and its predecessor and that petitioner was a successor employer obligated to recognize and bargain with the union that had represented the predecessor's employees.

Fort Halifax Packing Co. v. Coyne, No. 86-341 (June 1, 1987).

Contrary to our suggestion, a closely-divided Court held that a Maine statute requiring employers to provide employees a one-time severance payment in the event of a plant closing was not preempted by the Employee Retirement Income Security Act of 1974 or by the National Labor Relations Act.

International Brotherhood of Electrical Workers v. Hechler, No. 85-1360 (May 26, 1987).

The Supreme Court ruled that respondent's state law tort claim that her union had breached its duty of care to provide its members with a safe workplace was not sufficiently independent of the collective bargaining agreement to prevent it from being preempted by Section 301 of the Labor Management Relations Act of 1947, 29 U.S.C. §185.

Metropolitan Life Insurance Co. v. Taylor, No. 85-686 (Apr. 6, 1987).

See summary above under "Jurisdiction."

NLRB v. International Brotherhood of Electrical Workers, No. 85-1924 (May 18, 1987).

Rejecting our arguments, the Court ruled that a union does not violate Section 8(b)(1)(B) of the National Labor Relations Act by disciplining a supervisor member who does not participate as the employer's representative in collective bargaining or grievance adjustment, and whose employer has not entered into a collective-bargaining agreement with the union.

Pilot Life Insurance Co. v. Dedeaux, No. 85-1043 (Apr. 6, 1987).

As we urged in our amicus filing, a unanimous Court held that Section 514(a) of the Employee Retirement Income Security Act of 1974 preempts state common law actions alleging improper processing of claims for benefits under an ERISA-regulated plan.

Rose v. Arkansas State Police, No. 85-1388 (Nov. 3, 1986).

In a summary reversal of a decision of the Arkansas Court of Appeals, the Court agreed with our position and invalidated an Arkansas statute which reduces workmen's compensation awards by the amount of outside benefits, finding it inconsistent with the Federal Benefits Act, which provides a one-time death benefit to state law enforcement officers "in addition to any other benefit due from any other source."

Wimberly v. Labor and Industrial Relations Commission of Missouri, No. 85-129 (Jan. 21, 1987).

See summary above under "Affirmative Action and Discrimination."

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LAND AND NATURAL RESOURCES

Amoco Production Co. v. Village of Gambell, No. 85-1239 (Mar. 24, 1987).

The Court adopted our arguments that (1) the court of appeals erred by directing that a preliminary injunction must issue whenever an environmental statute is violated; and (2) Section 810(a) of the Alaska National Interest Lands Conservation Act does not apply to Outer Continental Shelf areas.

California Coastal Commission v. Granite Rock Co., No. 85-1200 (Mar. 24, 1987).

Contrary to our amicus brief, the Court held that the California Coastal Commission's imposition of a permit requirement on operation of an unpatented mining claim in a National Forest was not preempted by Forest Service regulations, federal land use statutes, or the Coastal Zone Management Act.

First English Evangelical Lutheran Church v. County of Los Angeles, No. 85-1199 (June 9, 1987).

See summary above under "Economic Liberty."

International Paper Co. v. Ouellette, No. 85-1233 (Jan. 21, 1987).

The Court held that the Clean Water Act preempts courts from applying the common law of states affected by pollution originating in another state, and the courts must instead apply the law of the source state in such a case. It disagreed with our suggestion, however, that the law of the affected state could be used if the choice-of-law rules of the source state would indicate the application of the law of the affected state.

Keystone Bituminous Coal Association v. DeBenedictis, No. 85-1092 (Mar. 9, 1987).

See summary above under "Economic Liberty."

Nollan v. California Coastal Commission, No. 86-133 (June 26, 1987).

See summary above under "Economic Liberty."

Texas v. New Mexico, No. 65 Orig. (June 8, 1987).

The Court issued a decree in this original action between Texas and New Mexico that concerns the use of water from the Pecos River.

United States v. Cherokee Nation, No. 85-1940 (Mar. 31, 1987).

See summary above under "Economic Liberty."

Utah Division of State Lands v. United States, No. 85-1772 (June 8, 1987).

In a 5-4 opinion, the Court ruled--contrary to the position we set forth in our merits brief--that title to the bed of Utah Lake passed to the State of Utah under the equal footing doctrine upon Utah's admission to the Union in 1894.

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MIRANDA

Arizona v. Mauro, No. 85-2121 (May 4, 1987).

The Court decided that respondent's privilege against compelled self-incrimination was not violated when police officers taped conversations that he had with his wife shortly after his arrest.

Colorado v. Connelly, No. 85-660 (Dec. 10, 1986).

As we argued in our amicus brief, the Court held that, while the defendant's mental state is relevant when examining whether a confession is voluntary, mental capacity is only one factor in that inquiry and a showing of police coercion is a necessary predicate to a conclusion that a confession was not voluntary. The Court also held that a state need only prove waiver of Miranda rights by a preponderance of the evidence, not a clear and convincing evidence standard.

Colorado v. Spring, No. 85-1517 (Jan. 27, 1987).

As we urged in our amicus brief, the Supreme Court held that a suspect's awareness of all crimes about which he may be questioned is not relevant in determining the validity of his decision to waive the Fifth Amendment's

privilege against compelled self-incrimination.

Connecticut v. Barrett, No. 85-899 (Jan. 27, 1987).

As we suggested in our amicus brief, the Court held its decision in Edwards v. Arizona, 451 U.S. 477 (1981), did not require the suppression of an oral confession made by a defendant who only insisted that he would not make a written confession.

Greer v. Miller, No. 85-2064 (June 26, 1987).

The Court held that a prosecutor's single question at trial concerning respondent's post-arrest silence did not require reversal of the conviction in this case, noting that the jury was immediately instructed to disregard the question.

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PREEMPTION/FEDERALISM

American Trucking Associations v. Scheiner, No. 86-357 (June 23, 1987).

The Supreme Court ruled that a state statute that imposes lump-sum annual taxes on the operation of trucks on the state's highways violates the Commerce Clause by creating a financial barrier around Pennsylvania.

Burlington Northern R.R. Co. v. Oklahoma Tax Commission, No. 86-337 (Apr. 28, 1987).

See summary above under "Jurisdiction."

Burlington Northern R.R. Co. v. Woods, No. 85-1088 (Feb. 24, 1987).

See summary above under "Civil Procedure/Due Process."

CTS Corp. v. Dynamics Corp. of America, No. 86-71 (Apr. 21, 1987).

See summary above under "Economic Regulation."

California v. Cabazon Band of Mission Indians, No. 85-1708 (Feb. 25, 1987).

The Supreme Court held that Congress had not expressly consented to state regulation of gambling activities of Indian tribes and that state law had been preempted by federal and tribal interests.

California v. Superior Court of California, No. 86-381 (June 9, 1987).

The Court decided that the Extradition Act, 18 U.S.C. §3182, prohibits the California Supreme Court from refusing to permit extradition under the facts of this case.

California Coastal Commission v. Granite Rock Co., No. 85-1200 (Mar. 24, 1987).

See summary above under "Land and Natural Resources."

California Federal Savings and Loan v. Guerra, No. 85-494 (Jan. 13, 1987).

See summary above under "Affirmative Action and Discrimination."

Caterpillar v. Williams, No. 86-526 (June 9, 1987).

See summary above under "Jurisdiction."

City of Newport v. Iacobucci, No. 86-139 (Nov. 17, 1986).

The Supreme Court decided that its holding in New York State Liquor Authority v. Bellanca, 452 U.S. 714 (1981) (per curiam)--that the Twenty-First Amendment authorizes a state to ban nude dancing as part of a liquor license control program--applies with equal force where the initial determination of local prohibition is decided by popular election.

Fort Halifax Packing Co. v. Coyne, No. 86-341 (June 1, 1987).

See summary above under "Labor."

International Brotherhood of Electrical Workers v. Hechler, No. 85-1360 (May 26, 1987).

See summary above under "Labor."

International Paper Co. v. Ouellette, No. 85-1233 (Jan. 21, 1987).

See summary above under "Land and Natural Resources."

Metropolitan Life Insurance Co. v. Taylor, No. 85-686 (Apr. 6, 1987).

See summary above under "Jurisdiction."

Pennzoil Co. v. Texaco Inc., No. 85-1798 (Apr. 6, 1987).

See summary above under "Jurisdiction."

Perry v. Thomas, No. 86-566 (June 15, 1987).

The Court ruled that the Federal Arbitration Act preempts a California statute allowing employees to sue for wages due without regard to a private agreement to arbitrate.

Pilot Life Insurance Co. v. Dedeaux, No. 85-1043 (Apr. 6, 1987).

See summary above under "Labor."

Puerto Rico. v. Branstad, No. 85-2116 (June 23, 1987).

The Court ruled that federal courts may order a State Governor to fulfill the State's obligation to deliver fugitives from justice under the Extradition Clause.

R.J. Reynolds Tobacco Co. v. Durham County, No. 85-1021 (Dec. 9, 1986).

The Supreme Court ruled that a state may impose a nondiscriminatory ad valorem property tax on imported goods stored under bond in a customs warehouse and destined for domestic manufacture and sale without violating the Supremacy, Import-Export, or Due Process Clauses of the Constitution.

Rockford Life Insurance Co. v. Illinois Department of Revenue, No. 86-251 (June 8, 1987).

In a unanimous opinion, the Court ruled, as we urged in our amicus brief, that Ginnie Maes are not exempt from state taxation under Revised Statutes §3701.

Rose v. Arkansas State Police, No. 85-1388 (Nov. 3, 1986).

See summary above under "Labor."

Rose v. Rose, No. 85-1206 (May 18, 1987).

The Court held, contrary to our amicus brief, that a state court could order a totally disabled veteran to pay child support, even though these funds would be paid from his federal veterans benefits.

South Dakota v. Dole, No. 86-260 (June 23, 1987).

The Court accepted our arguments and ruled that a federal statute withholding highway funds from states with

a drinking age below 21 is a legitimate exercise of the Spending Power, and does not violate the Twenty-First Amendment.

324 Liquor Corp. v. Duffy, No. 84-2022 (Jan. 13, 1987).

See summary above under "Economic Regulation."

Tyler Pipe Industries v. Washington State Department of Revenue, No. 85-1963 (June 23, 1987).

The Supreme Court ruled that Washington's manufacturing tax, which effectively applies only to those whose goods are manufactured within the state and sold out of state, violates the Commerce Clause.

Welch v. Texas Department of Highways and Public Transportation, No. 85-1716 (June 25, 1987).

See summary above under "Economic Regulation."

West Virginia v. United States, No. 85-937 (Jan. 13, 1987).

A unanimous Court agreed with the position we asserted and held that federal law governs the interest to be recovered as damages for delayed payment of a contractual obligation to the United States.

Western Air Lines, Inc. v. Board of Equalization, No. 85-732 (Feb. 24, 1987).

The Supreme Court held that a South Dakota statute did not violate 49 U.S.C. App. §1513(d)(1), which prohibits the imposition of discriminatory state property taxes on air carriers, because the statute was an "in lieu" tax wholly utilized for airport and aeronautical purposes.

Wimberly v. Labor and Industrial Relations Commission of Missouri, No. 85-129 (Jan. 21, 1987).

See summary above under "Affirmative Action and Discrimination."

Wright v. City of Roanoke Development and Housing Authority, No. 85-5915 (Jan. 14, 1987).

The Supreme Court held that neither the Housing Act of 1937 nor the Brooke Amendment to that statute precluded respondents' private cause of action against the City under 42 U.S.C. §1983 charging that they had been overbilled for utilities in violation of a rent ceiling imposed by the statute.

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RELIGION

Ansonia Board of Education v. Philbrook, No. 85-495 (Nov. 17, 1986).

As we urged in our amicus curiae brief, the Supreme Court held that Section 701(j) of the Civil Rights Act of 1964 requires only that an employer offer a reasonable accommodation of an employee's religious beliefs, rather than accepting the employee's preferred method of accommodation.

Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos, No. 86-179 (June 24, 1987).

As we urged in our merits brief, the Supreme Court ruled that Section 702 of the Civil Rights Act of 1964, which exempts religious organizations from the prohibition against religious discrimination in employment, does not violate the Establishment Clause of the First Amendment.

Edwards v. Aguillard, No. 85-1513 (June 19, 1987).

The Supreme Court ruled that Louisiana's Creationism Act violates the Establishment Clause because it lacks a clear secular purpose.

Hobbie v. Unemployment Appeals Commission of Florida, No. 85-993 (Feb. 25, 1987).

Rejecting our amicus suggestion, the Court ruled that a state violates the Free Exercise Clause of the First Amendment when it denies unemployment benefits to an individual who was discharged because of her refusal, on religious grounds, to work on certain days of the week.

O'Lone v. Shabazz, No. 85-1722 (June 9, 1987).

See summary above under "Criminal Law/Criminal Procedure."

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SEARCH AND SEIZURE

Anderson v. Creighton, No. 85-1520 (June 25, 1987).

As we urged, the Court held that federal law enforcement officials are entitled to qualified immunity for an allegedly unlawful search if a reasonable officer could have believed the search to be lawful, in light of clearly established law and the information possessed by the searching officer.

Arizona v. Hicks, No. 85-1027 (Mar. 3, 1987).

The Supreme Court held that under the "plain view" doctrine enunciated in Coolidge v. New Hampshire, 403 U.S. 443 (1971), police must have probable cause to believe that an item is evidence of a crime or contraband in order to pick the item up and examine it.

California v. Rooney, No. 85-1835 (June 23, 1987).

The Court dismissed the writ of certiorari in this case as improvidently granted. Certiorari had been issued to decide whether a privacy expectation was retained in a bag placed in a communal trash bin. A majority believed the case did not properly present the issue.

Colorado v. Bertine, No. 85-889 (Jan. 14, 1987).

The Court accepted the analysis set forth in our amicus brief and held that the search of respondent's automobile was a valid inventory search under the Court's prior caselaw.

Griffin v. Wisconsin, No. 86-5324 (June 26, 1987).

As we suggested in our amicus brief, the Court held that warrantless searches of probationers' homes are permitted under the Fourth Amendment.

Illinois v. Krull, No. 85-608 (Mar. 9, 1987).

As we suggested in our amicus brief, the Court held that the Fourth Amendment exclusionary rule does not exclude evidence obtained by police acting in objectively reasonable reliance on a statute that authorized warrantless administrative searches but was subsequently found to violate the Fourth Amendment.

Maryland v. Garrison, No. 85-759 (Feb. 24, 1987).

The Court upheld a search pursuant to a warrant which mistakenly failed to specify which of two premises on the third floor were to be searched, and the evidence in question was found before the searching officers became aware that they were in separate premises as to which the probable cause stated in the warrant affidavit did not reach.

New York v. Burger, No. 86-80 (June 19, 1987).

The Court held that a search made under a New York statute authorizing the warrantless search of automobile junkyards falls within the exception to the warrant requirement for administrative inspections of "clearly regulated" businesses, and does not offend the Fourth Amendment.

O'Connor v. Ortega, No. 85-530 (Mar. 31, 1987).

Rejecting the contrary suggestion of our amicus brief, a plurality of the Court held public employees may, in certain circumstances, retain a legitimate expectation of privacy in their place of work. The Court then also ruled, however, that a warrant was not required for public employee searches and that a standard of reasonableness, not probable cause, should guide the determination whether non-investigatory, work-related intrusions, or investigatory searches related to employee misconduct, violate the Fourth Amendment.

United States v. Dunn, No. 85-998 (Mar. 3, 1987).

The Court agreed with us that the area near respondent's barn and the barn itself were not within the curtilage of his house for Fourth Amendment purposes. The Court, however, rejected our bright-line test that would define the curtilage as the area inside the nearest fence surrounding a fenced house in favor of its own four-part test.

United States v. Merchant, No. 85-1672 (Mar. 24, 1987).

Our petition for certiorari, which involved the good faith exception to the exclusionary rule, was dismissed as improvidently granted.

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STATUTORY INTERPRETATION

Agency Holding Corp. v. Malley-Duff & Associates, No. 86-497 (June 22, 1987)

See summary above under "Civil Procedure/Due Process."

Alaska Airlines, Inc. v. Brock, No. 85-920 (Mar. 25, 1987).

A unanimous Supreme Court accepted the arguments advanced in our merits brief and held that the legislative veto provision contained in Section 43(f)(3) of the Airline Deregulation Act of 1978 was severable from the remainder of Section 43.

Amoco Production Co. v. Village of Gambell, No. 85-1239 (Mar. 24, 1987).

See summary above under "Land and Natural Resources."

Ansonia Board of Education v. Philbrook, No. 85-495 (Nov. 17, 1986).

See summary above under "Religion."

Bowen v. Yuckert, No. 85-1409 (June 8, 1987).

The Court upheld the validity of the Secretary of Health and Human

Services' severity regulation, which allows the Secretary to determine whether an individual is disabled and thus eligible for benefits under the Social Security Act.

Brock v. Roadway Express, Inc., No. 85-1530 (Apr. 22, 1987).

See summary above under "Civil Procedure/Due Process."

Burlington Northern R.R. Co. v. Brotherhood of Maintenance of Way Employees, No. 86-39 (Apr. 28, 1987).

See summary above under "Jurisdiction."

Burlington Northern R.R. Co. v. Oklahoma Tax Commission, No. 86-337 (Apr. 28, 1987).

See summary above under "Jurisdiction."

California v. Superior Court of California, No. 86-381 (June 9, 1987).

The Court decided that the Extradition Act, 18 U.S.C. §3182, prohibits the California Supreme Court from refusing to permit extradition under the facts of this case.

Cargill, Inc. v. Montort of Colorado, Inc., No. 85-473 (Dec. 9, 1986).

See summary above under "Economic Regulation."

Citicorp Industrial Credit v. Brock, No. 86-88 (June 22, 1987).

Accepting the arguments we made in our merits brief, the Supreme Court held that Section 15(a)(1) of the Fair Labor Standards Act bar interstate transportation or sale of "hot goods" acquired by secured creditors pursuant to a security agreement.

City of Pleasant Grove v. United States, No. 85-1244 (Jan. 21, 1987).

See summary above under "Affirmative Action and Discrimination."

Clarke v. Securities Industry Association, No. 85-971 (Jan. 14, 1987).

See summary above under "Economic Regulaton."

Immigration and Naturalization Service v. Cardoza-Fonseca, No. 85-782 (Mar. 9, 1987).

The Supreme Court disagreed with the assertion in our merits brief and held that the standard of proof for applications for asylum under Section 208(a) of the Immigration and Nationality Act is less than, not the same as, the standard of proof for withholding deportation under Section 243(h) of the Act.

Immigration and Naturalization Service v. Hector, No. 86-21 (Nov. 17, 1986).

Accepting our suggestion and summarily reversing the decision of the court of appeals, the Court held that an illegal alien could not obtain suspension of deportation under Section 244(a)(1) of the Immigration and Nationality Act, since the term "child" in that section does not encompass a niece of the alien.

Lukhard v. Reed, No. 85-1358 (Apr. 22, 1987).

As we urged in our amicus filing, the Court ruled that personal injury awards could be treated as income for purposes of determining eligibility for AFDC benefits.

Rockford Life Insurance Co. v. Illinois Department of Revenue, No. 86-251 (June 8, 1987).

See summary above under "Preemption/Federalism."

Rodriguez v. United States, No. 86-5504 (Mar. 23, 1987).

See summary above under "Criminal Law/Criminal Procedure."

Rose v. Rose, No. 85-1206 (May 18, 1987).

See summary above under "Preemption/ Federalism."

Saint Francis College v. Al-Khazraji, No. 85-2169 (May 18, 1987).

See summary above under "Affirmative Action and Discrimination."

School Board of Nassau County v. Arline, No. 85-1277 (Mar. 3, 1987).

See summary above under "Affirmative Action and Discrimination."

Shaare Tefila Congregation v. Cobb, No. 85-2156 (May 18, 1987).

See summary above under "Affirmative Action and Discrimination."

Shearson/American Express Inc. v. McMahon, No. 86-44 (June 8, 1987).

As we urged, the Court decided that alleged violations of Section 10(b) of the Securities Exchange Act of 1934 and of the RICO statute are arbitrable under the Federal Arbitration Act, 9 U.S.C. §1 et seq.

Societe Nationale Industrielle Aerospatiale v. United States District Court, No. 85-1695 (June 15, 1987).

As we suggested in our amicus brief, the Supreme Court ruled that the Hague Evidence Convention does not provide exclusive or mandatory procedures for obtaining documents and information located in a foreign signatory's territory.

Stringfellow v. Concerned Neighbors in Action, No. 85-184 (Mar. 9, 1987).

See summary above under "Civil Procedure/Due Process."

Welch v. Texas Department of Highways and Public Transportation, No. 85-1716 (June 25, 1987).

See summary above under "Economic Regulation."

West v. Conrail, No. 85-1804 (Apr. 6, 1987).

See summary above under "Civil Procedure/Due Process."

Western Air Lines, Inc. v. Board of Equalization, No. 85-732 (Feb. 24, 1987).

See summary above under "Preemption/ Federalism."

Wimberly v. Labor and Industrial Relations Commission of Missouri, No. 85-129 (Jan. 21, 1987).

See summary above under "Affirmative Action and Discrimination."

Wright v. City of Roanoke Development and Housing Authority, No. 85-5915 (Jan. 14, 1987).

See summary above under "Preemption/ Federalism."

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TAX

American Trucking Associations v. Scheiner, No. 86-357 (June 23, 1987).

See summary above under "Preemption/ Federalism."

Arkansas Writers' Project, Inc. v. Ragland, No. 85-1370 (Apr. 22, 1987).

See summary above under "Free Speech and Association."

Burlington Northern R.R. Co. v. Oklahoma Tax Commission, No. 86-337

See summary above under "Jurisdiction."

Commissioner v. Asphalt Products Co., No. 86-1053, 1054 (June 1, 1987).

The Supreme Court, per curiam, followed the language of 26 U.S.C. §6653 (a)(1) to uphold its penalty of five percent of the entire underpayment of a tax year if any part of the underpayment was due to the tax payer's negligence.

Commissioner v. Fink, No. 86-511 (June 22, 1987).

The Court agreed with our view and held that a dominant shareholder who voluntarily surrenders a portion of his shares to the corporation, but retains control, may not deduct from capital income his basis in the surrendered shares.

Commissioner v. Groetzinger, No. 85-1226 (Feb. 24, 1987).

In a 6-3 decision that refused to accept the position we asserted, the Court concluded that a full-time gambler who wagers solely for his own account is engaged in a "trade or business" within the meaning of Sections 162(a) and 62(1) of the Internal Revenue Code.

Jersey Shore State Bank v. United States, No. 85-1736 (Jan. 20, 1987).

Adopting our arguments, a unanimous Supreme Court concluded that the government need not send the same notice of unpaid tax to lenders under Section 3505 of the Internal Revenue Code, that it sends to employers under Section 6303(a) of the Code.

O'Connor v. United States, No. 85-558 (Nov. 4, 1986).

As we argued in our brief, a unanimous Court held that Article XV of the Panama Canal Treaty did not exempt certain United States citizens working in Panama from paying United States income taxes.

R.J. Reynolds Tobacco Co. v. Durham County, No. 85-1021 (Dec. 9, 1986).

See summary above under "Preemption/ Federalism."

Rockford Life Insurance Co. v. Illinois Department of Revenue, No. 86-251 (June 8, 1987).

See summary above under "Preemption/ Federalism."

Tyler Pipe Industries v. Washington State Department of Revenue, No. 85-1963 (June 23, 1987).

See summary above under "Preemption/ Federalism."

United states v. General Dynamics Corp., No. 85-1385 (Apr. 22, 1987).

Accepting the arguments we asserted in our brief, the Supreme Court ruled that an accrual basis taxpayer providing medical benefits to its employees may not deduct an estimate of its obligation to pay for medical care for claims that have not yet been reported to the employer.

Western Air Lines, Inc. v. Board of Equalization, No. 85-732 (Feb. 24, 1987).

The Supreme Court held that a South Dakota statute did not violate 49 U.S.C. App. §1513(d)(1), which prohibits the imposition of discriminatory state property taxes on air carriers, because the statute was an "in lieu" tax wholly utilized for airport and aeronautical purposes.

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TORT LIABILITY/IMMUNITY

Anderson v. Creighton, No. 85-1520 (June 25, 1987).

See summary above under "Search and Seizure."

Atchison, Topeka & Santa Fe Railroad Co. v. Buell, No. 85-1140 (Mar. 24, 1987).

A unanimous Court held that because an injury was caused by conduct that may have been subject to arbitration under the Railway Labor Act, it does not deprive a railroad employee of his right to bring an action for damages under the Federal Employers' Liability Act.

City of Springfield v. Kibbe, No. 85-1217 (Feb. 25, 1987).

In a brief per curiam opinion, the Court dismissed, as improvidently granted, a petition presenting the question whether a municipality could be held liable under 42 U.S.C. §1983 for the negligence of its employees.

United States v. Johnson, No. 85-2039 (May 18, 1987).

As we urged, the Supreme Court, by a vote of 5-4, reaffirmed the Feres doctrine and applied it to bar actions under the Federal Tort Claims Act on behalf of a service member killed during an activity incident to service, due to alleged negligence by civilian employees of the federal government.

United States v. Stanley, No. 86-393 (June 25, 1987).

Accepting our arguments, the Supreme Court held that a serviceman may not bring a Bivens action for damages against his military supervisors if the serviceman's injuries arose out of activity that are incident to his service.

Office of the Solicitor General
July 1987

CUMULATIVE LIST OF CHANGING FEDERAL CIVIL POSTJUDGMENT INTEREST RATES

(As provided for in the amendment to the Federal Postjudgment Interest Statute, 28 U.S.C. §1961, effective October 1, 1982.)

Effective Date	Annual Rate	Effective Date	Annual Rate
12-20-85	7.57%	04-10-87	6.30%
01-17-86	7.85%	05-13-87	7.02%
02-14-86	7.71%	06-05-87	7.00%
03-14-86	7.06%	07-03-87	6.64%
04-11-86	6.31%	08-05-87	6.98%
05-14-86	6.56%		
06-06-86	7.03%		
07-09-86	6.35%		
08-01-86	6.18%		
08-29-86	5.63%		
09-26-86	5.79%		
10-24-86	5.75%		
11-21-86	5.77%		
12-24-86	5.93%		
01-16-87	5.75%		
02-13-87	6.09%		
03-13-87	6.04%		

NOTE: When computing interest at the daily rate, round (5/4) the product (i.e., the amount of interest computed) to the nearest whole cent.

For cumulative list of those federal civil postjudgment interest rates effective October 1, 1982, through December 19, 1985, see United States Attorneys' Bulletin, Vol. 34, No. 1, Page 25, January 17, 1986.

LISTING OF ALL BLUESHEETS IN EFFECT
AUGUST 28, 1987

AFFECTS USAM	TITLE NO.	DATE	SUBJECT
1-1.550	TITLE 1	6/25/87	Communications from the Department
1-8.000	TITLE 1	7/13/87	Relations with the Congress
1-11.350*	TITLE 1	5/06/86	Policy with Regard to Defense Requests for Jury Instruction on Immunized Witnesses
9-1.177	TITLE 9	12/31/85	Authorization for Negotiated Concessions in Organized Crime Cases
9-2.132*	TITLE 9	12/31/85	Policy Limitations on Institution of Proceedings - Internal Security Matters
9-2.133	TITLE 9	5/08/87	Consultation Prior to Initiation of Criminal Charges
9-2.136*	TITLE 9	6/04/86	Investigative and Prosecutive Policy for Acts of International Terrorism
9-2.136*	TITLE 9	10/24/86	Investigative and Prosecutive Policy for Acts of International Terrorism
9-2.151*	TITLE 9	12/31/85	Policy Limitations - Prosecutorial and Other Matters, International Matters
9-2.160*	TITLE 9	7/18/85	Policy with Regard to Issuance of Subpoenas to Attorneys for Information Relating to the Representation of Clients
9-7.2000*	TITLE 9	4/06/87	The Electronic Communications Act of 1986
9-7.5000*	TITLE 9	4/06/87	Forms - The Electronic Communications Act of 1986
9-11.220 C.8.*	TITLE 9	4/14/86	All Writs Act Guidelines
9-11.368(A)*	TITLE 9	2/04/86	Amendment to Rule 6(e) Federal Rules of Criminal Procedure Permitting Certain Disclosure to State and Local Law Enforcement Officials
9-20.215*	TITLE 9	2/11/86	Policy Concerning State Jurisdiction Over Certain Offenses in Indian Reservations

* Bluesheet has been approved by the Advisory Committee and will be incorporated into revised Manual.

LISTING OF ALL BLUESHEETS IN EFFECT
AUGUST 28, 1987

AFFECTS USAM	TITLE NO.	DATE	SUBJECT
9-38.211*	TITLE 9	4/23/87	Administrative Forfeiture of Real Property
9-79.252	TITLE 9	4/01/87	Consultation Prior to Institution of Criminal Charges Under 31 U.S.C. §5324
9-100.205	TITLE 9	4/01/87	Controlled Substance Analogue Enforcement Act
9-100.280*	TITLE 9	1/15/87	Consultation Prior to Institution or Dismissal of Criminal Charges Under Continuing Criminal Enterprise Statute
9-103.132; 9-103.140*	TITLE 9	6/30/86	Revisions to the Prosecutive Guidelines for the Controlled Substance Registrant Protection Act Concerning Consultation Prior to Prosecution
9-103.300	TITLE 9	5/28/87	Mail Order Drug Paraphernalia Control Act
9-105.000*	TITLE 9	1/15/87	Money Laundering
9-105.200	TITLE 9	4/01/87	Forfeiture of Proceeds of Foreign Controlled Substance Violations
9-110.800*	TITLE 9	7/07/86	Murder-for-Hire and Violent Crimes in Aid of Racketeering Activity
9-111.800*	TITLE 9	1/15/87	Forfeiture of Substitute Assets (Bluesheet will expire 6/15/88)
9-131.030*	TITLE 9	5/13/86	Consultation Prior to Consultation
9-131.040; 9-131.180	TITLE 9	10/06/86	Hobbs Act Approval
9-131.110*	TITLE 9	5/13/86	Hobbs Act Robbery
10-2.186	TITLE 10	9/27/85	Grand Jury Reporters
10-2.315*	TITLE 10	11/17/86	Veterans Readjustment Appointment (VRA) Authority
10-2.340 et seq.	TITLE 10	5/18/87	Youth and Student Employment Programs
10-2.534*	TITLE 10	3/20/86	Compensatory Time

LISTING OF ALL BLUESHEETS IN EFFECT
AUGUST 28, 1987

AFFECTS USAM	TITLE NO.	DATE	SUBJECT
10-2.650*	TITLE 10	1/07/87	Awards
10-8.120*	TITLE 10	1/31/86	Policy Concerning Handling of Agency Debt Claim Referrals Where the Applicable Statute of Limitations has Run

UNITED STATES ATTORNEYS' MANUAL--TRANSMITTALS

The following United States Attorneys' Manual Transmittals have been issued to date in accordance with USAM 1-1.500.

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 1	(Transmittals A2 through A10 have been superseded.)			
	A11	2/22/84	2/10/84	Complete revision of Ch. 1, 2
	A12	3/19/84	2/17/84	Complete revision of Ch. 4
	A13	3/22/84	3/9/84	Complete revision of Ch. 8
	A14	3/23/84	3/9 & 3/16/84	Complete revision of Ch. 7, 9
	A15	3/26/84	3/16/84	Complete revision of Ch. 10
	A16	8/31/84	3/02/84	Complete revision of Ch. 5
	A17	3/26/84	3/26/84	Complete revision of Ch. 6
	A18	3/27/84	3/23/84	Complete revision of Ch. 11, 13, 14, 15
	A19	3/29/84	3/23/84	Complete revision of Ch. 12
	A20	3/30/84	3/23/84	Index to Title 1, Table of Contents to Title 1
	A21	4/17/84	3/23/84	Complete revision of Ch. 3
	A22	5/22/84	5/22/84	Revision of Ch. 1-6.200
	AAA1	5/14/84		Form AAA-1
	B1	7/01/85	8/31/85	Revision to Ch. 1-12.000
	B2	8/31/85	7/01/85	Revisions to Ch. 11
	B3	4/15/86	4/01/86	New Ch. 16
	B4	11/01/86	10/31/86	Revisions to Chs. 1,2,4,6, 10 and 13
	B5	6/23/86	12/31/85	Revisions to Ch. 5
	B6	7/01/86	12/31/85	Revision to Ch. 3
	B7	9/26/86	8/04/86	Revisions to Ch. 15

*Transmittal is currently being printed.

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 2	(Transmittals A2 through A4 have been superseded.)			
	A5	2/10/84	1/27/84	Complete revision of Title 2-replaces all previous transmittals
	A11	3/30/84	1/27/84	Summary Table of Contents to Title 2
	AAA2	5/14/84		Form AAA-2
	B1	6/10/86	12/31/85	Revisions to Ch. 3
TITLE 3	(Transmittal A2 has been superseded.)			
	A3	10/11/83	8/4/83	Complete revision of Title 3-replaces all previous transmittals
	AAA3	5/14/84		Form AAA-3
TITLE 4	(Transmittals A2 through A6 have been superseded.)			
	A7	4/16/84	3/26/84	Complete revision of Ch. 7, 8, 12
	A8	4/16/84	3/28/84	Complete revision of Ch. 2, 14, 15
	A9	4/23/84	3/28/84	Complete revision of Ch. 3
	A10	4/16/84	3/28/84	Complete revision of Ch. 10
	A11	4/30/84	3/28/84	Complete revision of Ch. 1, 9, Index to Title 4
	A12	4/21/84	3/28/84	Complete revision of Ch. 6
	A13	4/30/84	3/28/84	Complete revision of Ch. 4
	A14	4/10/84	3/28/84	Complete revision of Ch. 13
	A15	3/28/84	3/28/84	Complete revision of Ch. 5
	A16	4/23/84	3/28/84	Complete revision of Ch. 11
	AAA4	5/14/84		Form AAA-4
	B1	11/05/85	8/01/85	Revisions to Chapters 1-8, and 11-15
TITLE 5	(Transmittal A2 has been superseded.)			
	A3	3/22/84	3/5/84	Complete revision of Ch. 1, 2, 3 (was 2A)

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 5	A4	3/28/84	3/12/84	Complete revision of Ch. 12 (was 9C)
	A4	undated	3/19/84	Complete revision of Ch. 5 (was Ch. 4), 6, 8
	A5	3/28/84	3/20/84	Complete revision of Ch. 9, 11 (was 9B)
	A6	3/28/84	3/22/84	Complete revision of Ch. 7
	A7	3/30/84	3/20/84	Complete revision of Ch. 10 (was 9A)
	A8	4/3/84	3/22 & 3/26/84	Complete revision of Ch. 13, 14, 15, Table of Contents to Title 5
	A9	12/06/84	11/01/84	Revisions to Chapter 1
	A11	4/17/84	3/28/84	Complete revision of Ch. 4 (was Ch. 3)
	A12	4/30/84	3/28/84	Index to Title 5
	AAA5	5/14/84		Form AAA-5
	B1	6/03/85	5/01/85	Revisions to Ch. 1 and Ch. 4
	B2	6/30/86	12/31/85	Revisions to Chs. 1-10
TITLE 6	A2	3/23/84	3/2/84	Complete revision of Title 6-replaces all prior transmittals
	A3	12/19/84	12/14/84	Revision to Ch. 4 and Index
	AAA6	5/14/84		Form AAA-6
	B1	2/14/86	10/01/85	Revisions to Chapters 1-4, 6
	B2	10/31/86	8/01/86	Revisions to Chapters 4 and 6
TITLE 7	(Transmittals A2 and A3 have been superseded.)			
	A4	1/6/84	11/22/83	Complete revision to Title 7-replaces all prior transmittals
	A12	3/3/84	12/22/83	Summary Table of Contents to Title 7
	AAA7	5/14/84		Form AAA-7
	B1	3/24/86	3/05/86	Revision to Chapters 1-5
TITLE 8	AAA8	5/14/84		Form AAA-8

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 8	B1	10/01/85	6/01/85	Complete revision to Title 8 (Supersedes A1, A2, and A12
TITLE 9	(Transmittals A5 through A12, A14, A47, A49 A50, A56 and A61 have been superseded.)			
	A13	1/26/84	1/11/84	Complete revision of Ch. 132, 133
	A14	2/10/84	1/27/84	Revisions to Ch. 1 (Superseded by A78)
	A15	2/1/84	1/27/84	Complete revision of Ch. 8
	A16	3/23/84	2/8/84	Complete revision of Ch. 135, 136
	A17	2/10/84	2/2/84	Complete revision of Ch. 39
	A18	2/3/84	2/3/84	Complete revision of Ch. 40
	A19	3/26/84	2/24/84	Complete revision of Ch. 21
	A20	3/23/84	2/8/84	Complete revision of Ch. 137, 138
	A21	3/19/84	2/13/84	Complete revision of Ch. 34
	A22	3/30/84	2/01/84	Complete revision of Ch. 14
	A23	8/31/84	2/16/84	Revisions to Ch. 2
	A24	3/23/84	2/28/84	Complete revision of Ch. 65
	A25	3/26/84	3/7/84	Complete revision of Ch. 130
	A26	3/26/84	2/8/84	Complete revision of Ch. 44
	A27	3/26/84	3/9/84	Complete revision of Ch. 90
	A28	3/29/84	3/9/84	Complete revision of Ch. 101
	A29	3/26/84	3/9/84	Complete revision of Ch. 121
	A30	3/26/84	3/19/84	Complete revision of Ch. 9
	A31	3/26/84	3/16/84	Complete revision of Ch. 78
	A32	3/29/84	3/12/84	Complete revision of Ch. 69
	A33	3/29/84	3/9/84	Complete revision of Ch. 102
	A34	3/26/84	3/14/84	Complete revision of Ch. 72

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 9	A35	3/26/84	2/6/84	Complete revision of Ch. 37
	A36	3/26/84	2/6/84	Complete revision of Ch. 41
	A37	4/6/84	2/8/84	Complete revision of Ch. 139
	A38	3/29/84	2/28/84	Complete revision of Ch. 47
	A39	3/30/84	3/16/84	Complete revision of Ch. 104
	A40	4/6/84	3/9/84	Complete revision of Ch. 100
	A41	4/6/84	3/9/84	Complete revision of Ch. 110
	A42	3/29/84	3/14/84	Complete revision of Ch. 64
	A43	4/6/84	3/14/84	Complete revision of Ch. 120
	A44	4/5/84	3/21/84	Complete revision of Ch. 122
	A45	4/6/84	3/23/84	Complete revision of Ch. 16
	A46	2/30/84	2/16/84	Complete revision of Ch. 43
	A47	4/16/84	3/28/84	Revisions to Ch. 7 (Superseded by A63)
	A48	4/16/84	3/28/84	Complete revision of Ch. 10
	A49	4/16/84	3/28/84	Revisions to Ch. 63 (Superseded by A74)
	A50	4/16/84	3/28/84	Revisions to Ch. 66 (Superseded by A60)
	A51	4/6/84	3/28/84	Complete revision of Ch. 76, deletion of Ch. 77
	A52	4/16/84	3/30/84	Complete revision of Ch. 85
	A53	6/6/84	3/28/84	Revisions to Ch. 4
	A54	7/25/84	6/15/84	Complete revision of Ch. 11
	A55	4/23/84	4/6/84	Complete revision of Ch. 134
	A56	4/30/84	3/28/84	Revisions to Ch. 42 (Superseded by A87)
	A57	4/16/84	3/28/84	Complete revision of Ch. 60, 75
	A58	4/23/84	4/19/84	Summary Table of Contents of Title 9
	A59	4/30/84	4/16/84	Entire Index to Title 9

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 9	A60	5/03/84	5/03/84	Complete revision of Ch. 66 (Supersedes A50)
	A61	5/03/84	4/30/84	Revisions to Ch. 1, section .103 (Superseded by A78)
	A62	12/31/84	12/28/84	Revisions to Ch. 123
	A63	5/11/84	5/9/84	Complete revision to Ch. 7 (Supersedes A47)
	A64	5/11/84	5/11/84	Revision to Ch. 64, section .400-700
	A65	5/17/84	5/17/84	Revisions to Ch. 120
	A66	5/10/84	5/8/84	Complete revision to Ch. 131
	A67	5/11/84	5/09/84	Revisions to Ch. 121, section .600
	A68	5/28/84	5/08/84	Revisions to Ch. 104
	A69	5/09/84	5/07/84	Revisions to Ch. 21, section .600
	A70	5/17/84	5/16/84	Revisions to Ch. 43, section .710
	A71	5/21/84	5/21/84	Complete revision of Ch. 20
	A72	5/25/84	5/23/84	Complete revision of Ch. 61
	A73	6/18/84	6/6/84	Complete revision of Ch. 17
	A74	6/18/84	6/7/84	Complete revision of Ch. 63 (Supersedes A49)
	A75	6/26/84	6/15/84	Complete revision of Ch. 27
	A76	6/26/84	6/15/84	Complete revision of Ch. 71
	A77	7/27/84	7/25/84	Complete revision of Ch. 6
	A78	9/10/84	8/31/84	Complete revision of Ch. 1 (Supersedes A14 and A61)
	A79	8/02/84	7/31/84	Complete revision of Ch. 18
	A80	8/03/84	8/03/84	Complete revision of Ch. 79
	A81	8/06/84	7/31/84	Revisions to Ch. 7
	A82	8/02/84	7/31/84	Revisions to Ch. 75

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 9	A83	8/02/84	7/31/84	Revisions to Ch. 90
	A84	9/10/84	9/7/84	Complete revision of Ch. 2
	A85	7/25/84	2/17/84	Revisions to Ch. 136
	A86	8/02/84	7/31/84	Revisions to Ch. 60
	A87	11/14/84	11/09/84	Revisions to Ch. 42 (Supersedes A56)
	A88	8/31/84	8/24/84	Complete revision of Ch. 12
	A89	12/31/84	12/31/84	Complete revision of Ch. 4
	A90	10/10/84	10/01/84	Complete revision of Ch. 73
	A91	12/12/84	11/23/84	Revisions to Ch. 70
	A92	12/14/84	11/09/84	Revisions to Ch. 75
	A93	12/31/84	12/06/84	Revisions to Ch. 7
	A94	12/20/84	12/14/84	Correction to Ch. 27
	AAA9	5/14/84		Form AAA-9
	B1	3/15/85	01/31/85	Revisions to Ch. 60
	B2	3/29/85	01/31/85	Revisions to Ch. 61
	B3	3/29/85	01/31/85	Revisions to Ch. 71
	B4	6/24/85	4/01/85	Revisions to Ch. 63
	B5	6/24/85	4/04/85	Revisions to Ch. 11
	B6	6/27/85	4/01/85	Revisions to Ch. 139
	B7	6/27/85	5/01/85	Revisions to Ch. 12
	B8	7/01/85	4/01/85	Revision to Ch. 4
	B9	7/31/85	7/31/85	Revision to Ch. 130
	B11	9/27/85	7/01/85	Revision to Ch. 27 and Ch. 38
	B12	9/27/85	7/01/85	Revision to Ch. 2
	B13	10/01/85	7/01/85	Revision to Ch. 60

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 9	B14	11/29/85	8/01/85	Revision to Ch. 2
	B15	10/21/85	7/01/85	Revision to Ch. 75
	B16	10/22/85	7/01/85	Revision to Ch. 64
	B17	10/21/85	8/30/85	Revision to Ch. 136
	B18	10/21/85	8/01/85	Revision to Ch. 63
	B19	11/05/85	8/01/85	Revision to Ch. 133
	B20	11/01/85	8/30/85	Revision to Ch. 134
	B21	11/05/85	8/01/85	Revision to Ch. 11
	B22	11/01/85	8/01/85	Revision to Ch. 61
	B23	11/20/85	11/05/85	Revision to Ch. 71
	B24	11/20/85	11/05/85	Revision to Ch. 46
	B25	11/01/85	8/01/85	Revision to Ch. 90
	B26	11/29/85	8/01/85	Revision to Ch. 138
	B27	11/01/85	8/01/85	Revision to Ch. 48
	B28	11/29/85	8/01/85	Revision to Ch. 65
	B29	11/01/85	11/05/85	Revision to Ch. 103
	B30	11/29/85	11/05/85	Revision to Ch. 49
	B31	11/01/85	8/01/85	Revision to Ch. 7
	B32	12/01/85	8/01/85	Revision to Ch. 40
	B33	11/01/85	8/01/85	Revision to Ch. 69
	B34	02/14/86	12/31/85	Revision to Ch. 20
	B35	12/31/85	8/01/85	Revision to Ch. 132
	B36	11/29/85	8/01/85	Revision to Ch. 110
	B37	02/12/86	11/05/85	Revision to Ch. 8
	B38	3/20/86	12/31/85	Revision to Ch. 18

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 9	B39	11/29/85	11/05/85	Revision to Ch. 60
	B40	02/12/86	11/05/85	Revision to Ch. 34
	B42	05/07/86	12/01/85	Revision to Ch. 15
	B43	04/08/86	3/01/86	Revision to Ch.6
	B44	04/18/86	03/01/86	Revision to Ch. 111
	B45	04/08/86	3/01/86	Revision to Ch. 21
	B46	02/14/86	12/31/85	Revision to Ch. 42
	B47	04/08/86	3/01/86	Revision to Ch. 60
	B53	10/1/86	7/31/86	Revision to Ch. 1
	B55	10/1/86	7/31/86	Revision to Ch. 7
	B56	10/10/86	10/1/86	Revision to Ch. 21
	B57	10/17/86	3/01/86	Revision to Ch. 111
	B58	1/30/87	10/01/86	Revision to Ch. 61 & 64
	B62	3/31/87	3/20/87	Revision to Ch. 18
TITLE 10	(Transmittal A2 through A7 have been superseded.)			
	A8	4/5/84	3/24/84	Complete revision of Ch. 1
	A9	4/6/84	3/20/84	Complete revision of Ch. 7
	A10	4/13/84	3/20/84	Complete revision of Ch. 5
	A11	3/29/84	3/24/84	Complete revision of Ch. 6
	A12	4/3/84	3/24/84	Complete revision of Ch. 8
	A13	9/4/84	3/26/84	Complete revision of Ch. 10
	A14	4/23/84	3/28/84	Complete revision of Ch. 4
	A15	4/17/84	3/28/84	Complete revision of Ch. 3, 9
	A16	5/4/84	3/28/84	Index and Appendix to Title 10

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 10	A17	3/30/84	3/28/84	Summary Table of Contents to Title 10
	A18	5/4/84	4/13/84	Complete revision to Ch. 2
	A19	5/02/84	5/01/84	Revisions to Ch. 4
	A20	8/31/84	5/24/84 & 7/31/84	Revisions to Ch. 2
	A21	6/6/84	5/1/84	Corrected TOC, Ch. 4 and pages 23, 24
	A22	7/30/84	7/27/84	Revision to Ch. 2
	A23	8/02/84	7/31/84	Revision to Ch. 2
	A24	11/09/84	10/19/84	Revision to Ch. 2
	A25	11/09/84	10/19/84	Revision to Ch. 2
	A26	11/28/84	11/28/84	Revision to Ch. 2
	A27	12/07/84	11/01/84	Revision to Ch. 2
	AAA10	5/14/84		Form AAA-10
	B1	3/15/85	1/31/85	Revision to Ch. 2
	B2	5/31/85	5/01/85	Revision to Ch. 2
	B3	6/27/85	4/01/85	Revision to Ch. 2
	B4	7/23/85	4/01/85	Revision to Ch. 4
	B5	02/20/86	01/27/86	Revision to Ch. 3
	B6	3/18/87	3/01/87	Revision to Ch. 6
	B7	7/31/85	5/01/85	Revision to Ch. 2 Appendix--Form Index
	B8	11/01/85	8/16/85	Revisions to Ch. 2 and Ch. 8
	B9	11/01/85	8/16/85	Revision to Ch. 2
	B10	11/29/85	8/21/85	Revision to Ch. 2
	B11	11/29/85	8/16/85	Revision to Ch. 2
	B12	11/29/85	8/01/85	Revision to Ch. 2
	B13	11/14/86	11/07/86	Revision to Ch. 2

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 10	B14	11/29/85	8/01/85	Revision to Ch. 2
	B15	01/14/86	12/17/85	Revision to Ch. 2
	B17	03/01/86	12/31/85	Revision to Ch. 7
	B18	9/10/86	07/31/86	Revision to Ch. 9
	B19	03/20/86	12/31/85	Revision to Ch. 5
	B21	04/15/86	04/01/86	Revision to Ch. 3
	B23	3/18/87	7/31/86	Revision to Ch. 2 & 3
	B24	06/24/86	06/01/86	Revision to Ch. 6
TITLE 1-10	A1	4/25/84	4/20/84	Index to USAM
TITLE 11	B1	6/02/86	4/30/86	New Title 11

If you have any questions regarding the above, please contact Judy Beeman at FTS 673-6348.

TELETYPES TO ALL UNITED STATES ATTORNEYS FROM THE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

08-04-87 From Laurence S. McWhorter, Acting Director, by Tim Murphy, Associate Director, Debt Collection, re: "Change in Federal Civil Postjudgment Interest Rates."

08-18-87 From Manuel A. Rodriguez, Legal Counsel, re: "Retirement System Fraud Case Witnesses."

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