

clerk

MEMORANDUM

TO: Gene Comey
FROM: Lewis F. Powell, Jr.

Two points:

1. Utah/Idaho Bar Meeting. I plan to talk informally, and briefly, about the 1976 Term of Court. In doing this, I do not elaborate on our opinions. Rather, I try merely - on a highly selective basis - to identify cases of special interest, summarizing the issue and what we held.

Corvallis Sand Co., 75-567, will be of interest to lawyers in these states. As the case is a bit technical (at least for me), I would like to have a half a page summary. I believe Dave Martin worked with me on the case. I am sending him a copy of this memo, but count on you for "overseeing" the various loose ends that remain.

I would appreciate your giving me a similar summary of International Teamsters v. T.I.M.E., Inc. This is a major case and is difficult to summarize. But I don't want to get into detail. The "bottom line" will suffice.

I believe I have generally in mind the other cases - perhaps a dozen - that I will mention.

2. Summer Projects. At the panel discussion Saturday when our 1976 Term decisions were discussed,

the three professors focused a good deal of attention on Mt. Healthy. They view the Fourteenth Amendment issue in that case as being of major importance - that is, whether, absent 1983 jurisdiction, the Fourteenth Amendment itself confers a Bivens-type jurisdiction. I do not recall whether my bench memo this Term fully explored this question. Unless you and your co-clerks think it has been fully explored, please add it to the summer project list.

L.F.P.