

Harold Leventhal Papers
A Finding Aid to the Collection in the Library of Congress



Manuscript Division, Library of Congress
Washington, D.C.
2010

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Prepared by Connie L. Cartledge with the assistance of Andrew M. Passett and Sherralyn McCoy

Finding aid encoded by Library of Congress Manuscript Division, 2011

Collection Summary

Title: Harold Leventhal Papers

Span Dates: 1932-1980

Bulk Dates: (bulk 1964-1979)

ID No.: MSS59162

Creator: Leventhal, Harold, 1915-1979

Extent: 80,000 items

Extent: 236 containers

Extent: 94 linear feet

Language: Collection material in English

Location: Manuscript Division, Library of Congress, Washington, D.C.

LC Catalog record: <https://lcn.loc.gov/mm81059162>

Summary: Lawyer and jurist. Chiefly correspondence, case files, notebooks and notes, and office files documenting Leventhal's service as judge on the United States. Court of Appeals for the District of Columbia Circuit; together with private correspondence, files from his legal practice in Washington, D.C., speeches and writings, and other papers.

Selected Search Terms

The following terms have been used to index the description of this collection in the LC Catalog. They are grouped by name of person or organization, by subject or location, and by occupation and listed alphabetically.

People

Bastian, Walter M. (Walter Maximillian), 1891-1975--Correspondence.

Bazon, David L. (David Lionel), 1909-1993--Correspondence.

Burger, Warren E., 1907-1995--Correspondence.

Danaher, John Anthony, 1899- --Correspondence.

Douglas, Kirk, 1916- --Correspondence.

Fahy, Charles, 1892-1979--Correspondence.

Ginsburg, David, 1912-2010--Correspondence.

Jesus Christ--Nativity.

Johnson, Lyndon B. (Lyndon Baines), 1908-1973--Correspondence.

Kennedy, John F. (John Fitzgerald), 1917-1963--Correspondence.

Leventhal, Harold, 1915-1979.

Lusky, Louis--Correspondence.

McGowan, Carl, 1911-1987--Correspondence.

Pilpel, Harriet F.--Correspondence.

Reed, Stanley Forman, 1884-1980--Correspondence.

Sirica, John J.--Correspondence.

Sobeloff, Simon Ernest, 1894-1973--Correspondence.

Stone, Harlan Fiske, 1872-1946--Correspondence.

Tamm, Edward A. (Edward Allen), 1906- --Correspondence.

Wright, J. Skelly--Correspondence.

Organizations

American Telephone and Telegraph Company.

Democratic National Committee (U.S.)

Democratic National Convention (1964 : Atlantic City, N.J.)

Ginsburg and Leventhal.

Mississippi Freedom Democratic Party.

United States. Court of Appeals (2nd Circuit)

United States. Court of Appeals (District of Columbia Circuit)

United States. Office of Price Administration.

Yale University.

Subjects

Administrative law--United States.
Christmas.
Constitutional law--United States.
Criminal law--United States.
Local transit--Fares--Washington (D.C.)
Nuremberg War Crime Trials, Nuremberg, Germany, 1946-1949.
Pageants--Washington (D.C.)
Practice of law--Washington (D.C.)
Telephone--Rates--United States.
War crime trials--Germany.
Watergate Trial, Washington, D.C., 1973.

Occupations

Judges.
Lawyers.

Provenance

The papers of Harold Leventhal, lawyer and jurist, were deposited in the Library of Congress in 1980 by his wife, Kathryn K. Leventhal.

Processing History

The Harold Leventhal Papers were processed in 1995. The finding aid was revised in 2010.

Transfers

Sound recordings have been transferred to the Library's Motion Picture, Broadcasting and Recorded Sound Division, where they are identified as part of these papers.separatedmaterial

Copyright Status

Copyright in the unpublished writings of Harold Leventhal in these papers and in other collections in the custody of the Library of Congress is reserved. Consult reference staff in the Manuscript Division for further information.

Access and Restrictions

Restrictions apply governing the use, photoduplication, or publication of items in this collection. Consult reference staff in the Manuscript Division for information concerning these restrictions. In addition, many collections are stored off-site and advance notice is needed to retrieve these items for research use.

Preferred Citation

Researchers wishing to cite this collection should include the following information: Container number, Harold Leventhal Papers, Manuscript Division, Library of Congress, Washington, D.C.

Biographical Note

Date	Event
1915, Jan. 5	Born, New York, N.Y.
1934	A.B., Columbia University, New York, N.Y.
1936	LL.B, Columbia University, New York, N.Y. Admitted to New York state bar
1936-1937	Law clerk, Justice Harlan Fiske Stone, United States Supreme Court
1938	Law clerk, Justice Stanley Forman Reed, United States Supreme Court
1938-1939	Staff member, Office of Solicitor General
1939-1940	Chief of litigation, bituminous coal division, Department of the Interior
1940-1943	Assistant general counsel, Office of Price Administration
1945-1946	Staff member, Justice Robert H. Jackson, Nuremberg War Crime Trials
1946	Admitted to the District of Columbia Bar
1946-1965	Member, Ginsburg & Leventhal and successor law firms, Washington, D.C.
1948	Married Kathryn Kumler Executive officer, task force on independent regulatory commissions for the Hoover Commission
1951-1952	Chief counsel, Office of Price Stabilization
1952-1965	General counsel, Democratic National Committee
1957-1962	Visiting lecturer, Yale Law School, Yale University, New Haven, Conn.
1965-1979	Judge, United States Court of Appeals for the District of Columbia Circuit
1979, Nov. 20	Died, Washington, D.C.

Scope and Content Note

The papers of Harold Leventhal (1915-1979) span the years 1932-1980, with the majority of the papers concentrated in the period 1964-1979. The bulk of the material documents Leventhal's career as judge of the United States Court of Appeals for the District of Columbia, 1964-1979. The papers consist of five series: [Correspondence](#), [Private Legal Practice](#), [United States Court of Appeals File](#), [Speeches and Writings File](#), and [Miscellany](#).

The [Correspondence](#) series, 1940-1979, includes incoming and outgoing letters relating to personal and professional matters. An item worthy of special mention is a letter from actor Kirk Douglas to Leventhal reflecting on their friendship. It is attached to a 9 September 1976 letter of Leventhal to Douglas located in the folder "D" miscellaneous, 1974-1976.

Papers in the [Private Legal Practice](#) series, 1947-1966, reflect Leventhal's diverse legal practice as a member of the firm of Ginsburg and Leventhal. Leventhal provided counsel on rate-making theory for the American Telephone and Telegraph Company. In his capacity as general counsel to the Democratic National Committee, he played a critical part in the seating of the Mississippi Freedom Democratic Party delegation at the national party's convention in 1964 in Atlantic City, New Jersey. The files in this series are incomplete and do not fully record Leventhal's years as a private attorney, and there are only a few items relating to his major consumer case concerning the illegality of a District of Columbia transit bus fare increase (*Bebchick v. Public Utilities Commission*).

The [United States Court of Appeals File](#), 1932-1979, documents Leventhal's fourteen years of service as a federal appellate judge. This file consists of four subseries: [Correspondence](#), [Case File](#), [Notebooks and Notes](#), and [Office File](#). The [Correspondence](#) subseries, 1964-1979, includes incoming and outgoing memoranda primarily between Leventhal and his judicial colleagues. Arranged by court term, the memoranda reveal the spirited give and take of the members of the court when deciding cases. Correspondence in *Allen v. Morton* consists chiefly of letters from the public criticizing the court's prohibition of government sponsorship of the nativity scene in the Christmas pageant of peace near the White House in Washington, D.C.

The [Case File](#), 1932-1979, the largest subseries in the [Court of Appeals File](#), comprises almost half of the collection. It includes correspondence and memoranda, chiefly between judges, court clerks, and lawyers, as well as opinions (primarily

in draft form), orders, briefs, motions, reports, notes, and printed matter. The cases are arranged into three categories: general, Watergate, and district court and other circuit cases.

The general files category of the [Case File](#) comprises the bulk of the [Court of Appeals](#) series and is arranged chronologically by court term, September through June, and therein by case number. The numbering system of cases changed in the 1970 term, at which point cases were assigned numbers containing a yearly prefix. Since the number assignment apparently began in January by calendar year, cases sometimes have yearly prefixes which differ from their term, e.g. the 1970 term has some cases bearing the 1971 prefix. In addition, cases in the 1970 through 1973 terms have two styles of numbers because some cases were carried forward into later terms. Cases are filed by date of last court action. The general files reflect the diverse and intricate nature of the cases heard by the court of appeals in the areas of criminal law, constitutional law, and administrative law. Administrative law was Leventhal's principal interest, and he made many contributions to the field through his opinions, speeches, and writings. Many of the general case files are incomplete, however, and contain only a few items.

The remaining case files refer to the Watergate break-in litigation and to Leventhal's work on cases in the United States District Court for the District of Columbia and as a visiting judge for the United States Court of Appeals for the Second Circuit. These files provide extensive documentation of the court of appeals review of federal district judges' rulings relating to the 1972 break-in at the Democratic National Committee headquarters in the Watergate apartment complex and the cover-up of the burglary by government officials.

The final two subseries of the [United States Court of Appeals](#) File consist of [Notebooks and Notes](#) and an [Office File](#). The [Notebooks and Notes](#), 1965-1979, contain the detailed notes Leventhal took about the cases that came before him for oral argument and his notes taken in conference in three-judge panels or en banc when a case was heard by the entire court. The [Office File](#) subseries, 1936-1979, relates to Leventhal's administrative and professional duties as an appellate judge and chronicle his activities with various committees, bar associations, and law schools. Also reflected are topics of interest to him, such as the media, science, and attorneys' fees for public interest representation. There is some overlap between the [Office File](#) subseries and the [Private Legal Practice](#) series.

The [Speeches and Writings File](#), 1946-1980, documents Leventhal's busy schedule as a speaker and writer. The files contain correspondence, memoranda, and drafts and final copies and often include an extensive amount of research material. Speech texts are arranged by date of engagement, and articles are arranged by date of publication. A few of Leventhal's articles are interfiled with the speech texts, Set A, final copies. Notebooks in the writings file contain notes by Leventhal on a variety of topics and some of his jottings made while attending various meetings.

The final series, [Miscellany](#), 1940-1979, consists mainly of teaching material relating to Leventhal's appointment as a visiting lecturer at Yale University, 1957-1962. Other files document his service with the Office of Price Administration and as a member of the prosecution staff for the Nuremberg War Crime Trials.

Among the more significant and frequent of Leventhal's correspondents are Walter M. Bastian, David L. Bazelon, Warren E. Burger, John Anthony Danaher, Kirk Douglas, Charles Fahy, David Ginsburg, Lyndon B. Johnson, John F. Kennedy, Louis Lusky, Carl McGowan, Harriet F. Pilpel, Joseph Pois, Stanley Forman Reed, John J. Sirica, Simon Ernest Sobeloff, Harlan Fiske Stone, Edward A. Tamm, and J. Skelly Wright.

Arrangement of the Papers

The collection is arranged in five series:

- [Correspondence, 1940-1979](#)
- [Private Legal Practice, 1947-1966](#)
- [United States Court of Appeals File, 1932-1979](#)
- [Speeches and Writings File, 1946-1980](#)
- [Miscellany, 1940-1979](#)

Description of Series

Container	Series
BOX 1-15	<p><u>Correspondence, 1940-1979</u></p> <p>Correspondence and memoranda, including attachments and enclosures, between Leventhal and family, friends and acquaintances, lawyers, judges, acquaintances, and the public. Arranged alphabetically by name of person, organization, or subject.</p>
BOX 15-33	<p><u>Private Legal Practice, 1947-1966</u></p> <p>Correspondence, memoranda, briefs, judgments, testimony, transcripts, notes, background information, printed matter, and other legal documents pertaining to Leventhal's early career as a lawyer. Arranged alphabetically by name of person or organization, subject, or type of material.</p>
BOX 33-191	<p><u>United States Court of Appeals File, 1932-1979</u></p>
BOX 33-38	<p><u>Correspondence, 1964-1979</u></p> <p>Correspondence and memoranda between Leventhal and lawyers, judges, court staff, and the public relating to his activities as federal appellate judge. Arranged alphabetically by topic or type of material and therein chronologically.</p>
BOX 38-140	<p><u>Case File, 1932-1979</u></p> <p>Correspondence, memoranda, opinions, orders, briefs, motions, transcripts, reports, notes, printed matter, and other legal papers documenting Leventhal's tenure as a court of appeals judge. Arranged by category into general, Watergate, and district court and other circuit cases. The general cases are arranged chronologically by court term and therein by case number. The Watergate files are arranged alphabetically by topic or type of material; the cases are further arranged by case number. The district court and other circuit cases are arranged by case number.</p>
BOX 141-148	<p><u>Notebooks and Notes, 1965-1979</u></p> <p>Notebooks and notes about cases that came before the District of Columbia court of appeals. Arranged alphabetically by topic or type of material and therein chronologically.</p>
BOX 149-191	<p><u>Office File, 1936-1979</u></p> <p>Correspondence, memoranda, opinions, notes, reports, agendas and minutes of meetings, and printed matter. Arranged alphabetically by name of person or organization, topic, or type of material.</p>
BOX 191-230	<p><u>Speeches and Writings File, 1946-1980</u></p> <p>Correspondence, memoranda, speeches, articles, reviews, notes, research material, and printed matter. Filed in two categories: speech file and writings file. The speech file is arranged alphabetically by topic or type of material and therein chronologically. The speech texts are further divided into categories: set A, final copies, and set B, drafts and related material. The writings file is arranged alphabetically by type of material.</p>

BOX 230-236

Miscellany, 1940-1979

Correspondence, memoranda, notes, photographs, course outlines and examinations, background information, and printed matter.

Arranged alphabetically by name of organization, topic, or type of material.

Container List

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BOX 1-15	Correspondence, 1940-1979 Correspondence and memoranda, including attachments and enclosures, between Leventhal and family, friends and acquaintances, lawyers, judges, acquaintances, and the public. Arranged alphabetically by name of person, organization, or subject.
BOX 1	Auerbach, Carl, 1973-1978 "A" miscellaneous, 1956-1979 (2 folders) Bastian, Walter M. and Eva, 1958-1978 Bazelon, David L., 1956-1979, undated "B" miscellaneous 1956-1974 (4 folders)
BOX 2	1975-1979, undated (5 folders) Chayes, Abram, 1961-1977 Congratulatory letters re judiciary appointment, 1965 A-H (3 folders)
BOX 3	J-Z (4 folders) "C" miscellaneous, 1954-1979 (5 folders)
BOX 4	Danaher, John Anthony, 1965-1979 (2 folders) DiSalle, Michael V., 1956-1966, 1975-1978 "D-E" miscellaneous, 1955-1979, undated (8 folders) Finkelstein, Jerry, 1962-1979 Foreign visitors, 1973-1977 Fortas, Abe, 1961-1971
BOX 5	Francis, Charles I., 1957-1968 (2 folders) Friendly, Fred, 1976-1979, undated (2 folders) Frohlich, Newton, 1967-1978 "F" miscellaneous 1956-1977 (6 folders)
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Correspondence, 1940-1979

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BOX 9	"L" miscellaneous, 1946, 1955-1979
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	Selden Society, London, England, 1965-1970
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Correspondence, 1940-1979

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BOX 14	"T" miscellaneous, 1957-1979 (3 folders) United Jewish Appeal of Greater Washington, D.C., 1965-1972 "U-V" miscellaneous, 1958-1979 (2 folders) Washington, George T. and Helen, 1965-1971 "W" miscellaneous, 1955-1979, undated (7 folders)
BOX 15	"Y-Z" miscellaneous, 1955-1979 (2 folders) Unidentified, 1949, 1961, 1970-1979
BOX 15-33	Private Legal Practice, 1947-1966 Correspondence, memoranda, briefs, judgments, testimony, transcripts, notes, background information, printed matter, and other legal documents pertaining to Leventhal's early career as a lawyer. Arranged alphabetically by name of person or organization, subject, or type of material.
BOX 15	American Telephone and Telegraph Co. Case material, undated (2 folders) Federal Communications Commission Correspondence, 1964 Meetings re interstate earnings, 1964 (2 folders) Presentations 1961-1963 (3 folders)
BOX 16	1964 General, 1961-1963 (2 folders) Notebook, 1962-1963 (2 folders) Bebchick, Leonard N., 1957-1964, undated
BOX 17	Briefs, list, undated Briefs and memoranda (bound), 1963-1964 (2 vols.)
BOX 18	Caribbean Federation for Mental Health of New York, New York, N.Y., 1964 Cases <i>In re</i> Chesapeake & Potomac Tel. Co. rate case, 1963-1965 Vol. 1, briefs and rulings
BOX 19	Vol. 2, testimony of company

Private Legal Practice, 1947-1966

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BOX 20	Vol. 3, testimony of Public Utilities Commission and General Services Administration staff
BOX 21	Vol. 4, testimony re rate of return
BOX 22	Vol. 5, testimony of affiliates Vol. 6, phase II of proceeding
BOX 23	Vol. 7, research memoranda Fleming v. R. C. Williams & Co., 1947-1950 (2 folders) Lech v. McCann, 1963
BOX 24	Little Big Inch pipeline conversion project litigation Vol. 1, Federal Power Commission docket, 1954-1955 Vol. 2, administrative presentations, 1953-1956
BOX 25	Vol. 3, antitrust suit against Texas East Transmission Corp., summary judgment, 1954
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BOX 27	Little Big Inch pipeline conversion project litigation Vol. 5, City of Pittsburgh v. Federal Power Comm'n, 1955 Vol. 6, Federal Power Commission remand proceeding, part A, 1956
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BOX 29	Vol. 9, Federal Power Commission remand proceeding, part B, 1956-1957
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BOX 32	Vol. 14, chronology of activities by or in behalf of barge operators, 1957 Rosensteil v. Kaufman, 1959 Comparable earnings, 1962-1965 Cooper, Joseph D., 1960-1963, undated (2 folders) Democratic National Committee, 1953-1965, undated (2 folders)
BOX 33	Gibbs and Gideon (law firm), 1957-1961 Hausman, Robert M., 1963-1965 Hull, William J., 1958-1963 Kirwan, John and Rosemarie, 1963-1965 Magidson, Adolph, 1950-1962 Pensions, 1962 Schaffner, Bertram H., 1961-1964 (2 folders) Schaffner, Gertrude and Milton, 1959-1966, undated (3 folders) Signode Steel Strapping Co., 1960

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BOX 33-191 **United States Court of Appeals File, 1932-1979**

BOX 33-38 **Correspondence, 1964-1979**

Correspondence and memoranda between Leventhal and lawyers, judges, court staff, and the public relating to his activities as federal appellate judge.
Arranged alphabetically by topic or type of material and therein chronologically.

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BOX 34 1977-1979

(5 folders)

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(1 folder)

BOX 36 (3 folders)

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(5 folders)

BOX 37 1974-1976

(9 folders)

BOX 38 1977-1979

(4 folders)

BOX 38-140 **Case File, 1932-1979**

Correspondence, memoranda, opinions, orders, briefs, motions, transcripts, reports, notes, printed matter, and other legal papers documenting Leventhal's tenure as a court of appeals judge.

Arranged by category into general, Watergate, and district court and other circuit cases. The general cases are arranged chronologically by court term and therein by case number.

The Watergate files are arranged alphabetically by topic or type of material; the cases are further arranged by case number. The district court and other circuit cases are arranged by case number.

BOX 38 General

1964 September term

2577 *In re Clifton*

17358 Duesing v. Udall

17403 Douglass v. Udall [See 17358](#)

17404 Graham v. Udall [See 17358](#)

17405 Johnston v. Udall [See 17358](#)

18799 National Bank of Washington v. Zoning Comm'n of D.C.

18828 McGill v. United States

United States Court of Appeals File, 1932-1979

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	18999	District of Columbia Nat'l Bank v. District of Columbia
	19034	Kaiser v. Fitzgerald
	19051	Retail Store Employees Union Local 400 v. National Labor Relations Bd.
	19064	Shimon v. United States
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	19086	Howell v. Einbender
	19107	Herman v. Anacostia Chrysler-Plymouth
	19112	Barrett v. United States
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	19136	Pence v. Tobriner
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	19240	Powell v. District of Columbia Parole Bd.
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	2768	Watkins v. United States
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	18639	Oppenheimer v. District of Columbia
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	19038	Black v. United States
	19085	Stone v. United States
	19155	Barnes v. Harkins
	19160	Brown v. United States
	19192	Owens v. United States
	19195	Hollingsworth v. United States
	19209	North Cent. Airlines v. Civil Aeronautics Bd.
	19213	Weinberg v. Macy
	19221	Corbett v. Federal Communications Comm'n
	19227	Warren v. United States
	19232	Snow v. District of Columbia
	19233	Snow v. District of Columbia See 19232
	19241	Sessoms v. United States
	19246	Govan v. United States
	19270	Cross v. United States
	19273	Schlaifer v. Washington
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19447	Eastern Airlines v. Civil Aeronautics Bd.
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19471	Nance v. United States
19484	Vauss v. United States
19485	Millmoe v. Toomey
19498	Glover v. United States
19509	Hedgepeth v. United States
19520	Stith v. United States
19540	Farrell v. United States
19545	Jackson v. United States
19547	Powell v. Paige
19550	Hinton v. United States
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19568	Robinowitz v. Sholem
19577	Philadelphia Television Broadcasting Co. v. Federal Communications Comm'n
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19591	Taggart v. United States
19592	Proctor v. United States See 19591
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19613	Jones v. United States
19616	United Auto. Workers v. National Labor Relations Bd.
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19674	Gray Properties v. Tobriner
19677	Reed Enters. v. Corcoran
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	19722	Luros v. Sirica See 19677
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	19729	Thorpe v. Thorpe
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	19753	Chauffeurs, Teamsters & Helpers Local 200 v. National Labor Relations Bd.
	19760	Forbush v. United States
	19764	Gallagher v. Quinn
	19782	Powell v. National Sav. & Trust Co.
	19787	Dalmo Sales v. First Fed. Sav. & Loan Ass'n of Washington
	19793	Powell v. Zuckert
	19805	Barkley v. United States
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