



U. S. Department of Justice

Office of the Solicitor General

JdC, KCC
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Solicitor General

Washington, D.C. 20530

March 5, 1999

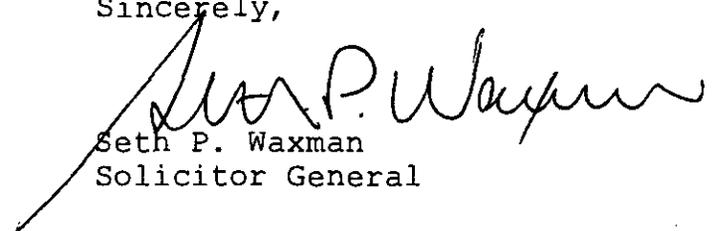
Mr. Thomas Griffith
Office of the Senate Legal Counsel
United States Senate
642 Hart Senate Office Building
Washington, DC 20510

Dear Mr. Griffith:

By letter dated March 11, 1998, the Attorney General notified the President of the Senate that, after close and careful scrutiny, the Department of Justice had concluded that it would not defend the constitutionality of Section 1128B(a)(6) of the Balanced Budget Act of 1997. That provision was then subject to constitutional challenge in two cases, New York State Bar Association v. Reno, 97-CV-1768-TJM-DRH (N.D.N.Y.), and Magee v. United States, No. 98-CA-073 (D.R.I.).

I write to let you know that in the New York Bar Association case, the district court entered an unpublished order enjoining enforcement of Section 1128B(a)(6). A copy of that order is enclosed. I decided that an appeal would not be taken from that order, and the appeal therefore has been dismissed. The Magee case is still pending as of this writing.

Sincerely,


Seth P. Waxman
Solicitor General

Enclosure

cc: Geraldine Gennet
Counsel to the House of Representatives
United States House of Representatives