

No. 87-253

IN THE
Supreme Court of the United States

OCTOBER TERM, 1987

OTIS R. BOWEN, SECRETARY OF HEALTH AND
HUMAN SERVICES,

Appellant

v.

CHAN KENDRICK, *et al.*

On Appeal from the United States District Court
for the District of Columbia

**MEMORANDUM FOR APPELLEE UNITED FAMILIES
OF AMERICA IN SUPPORT OF APPELLANT**

PAUL ARNESON
1701 Pennsylvania Ave.
Suite 940
Washington, D.C. 20006
(202) 785-0530

MICHAEL J. WOODRUFF
MICHAEL A. PAULSEN
c/o CENTER FOR LAW &
RELIGIOUS FREEDOM
P.O. Box 1492
Merrifield, VA 22116
(703) 560-7314

MICHAEL W. MCCONNELL
1111 E. 60th St.
Chicago, IL 60637
(312) 702-3306
Counsel of Record

EDWARD R. GRANT
CLARKE D. FORSYTHE
AMERICANS UNITED FOR LIFE
LEGAL DEFENSE FUND
343 S. Dearborn St., Rm. 1804
Chicago, IL 60604
(312) 786-9494

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This is an interlocutory appeal, filed by the Solicitor General pursuant to 28 U.S.C. 1252, from an order of the district court issued April 15, 1987. That order held that the Adolescent Family Life Act, 42 U.S.C. (& Supp. III) 300z *et seq.* (the "AFLA"), is unconstitutional insofar as it involves "religious organizations" in its programs. J.S. App. 46a. After entry of that order, the district court heard additional argument on two remaining issues in the case. On August 13, 1987, the district court issued a final judgment, which the Solicitor General lodged with this Court by letter of August 19, 1987. The Solicitor General has also filed a notice of appeal from the final judgment, on behalf of the Secretary.

Appellee United Families of America is an organization with members who are parents of minor children eligible for services provided under the AFLA. United Families of America was defendant-intervenor in the proceeding below, where it defended the constitutionality of the AFLA. Within the time limits set by 28 U.S.C. 2101 (a), United Families of America will file a notice of appeal from the final judgment of August 13, 1987, and will file a jurisdictional statement in accord with Sup. Ct. Rules 12 and 15.

The Solicitor General's jurisdictional statement raises essentially the same issues that United Families of America will raise in its appeal. United Families of America's reasons for noting probable jurisdiction will be set forth in full in its jurisdictional statement. Judicial economy suggests that these submissions be considered together. We therefore urge this Court to postpone consideration of the jurisdictional statement in No. 87-253 until all related appeals have been docketed, at which time we would urge the Court to note probable jurisdiction and consolidate the appeals.

Respectfully submitted,

PAUL ARNESON
1701 Pennsylvania Ave.
Suite 940
Washington, D.C. 20006
(202) 785-0530

MICHAEL W. McCONNELL
1111 E. 60th St.
Chicago, IL 60637
(312) 702-3306
Counsel of Record

MICHAEL J. WOODRUFF
MICHAEL A. PAULSEN
c/o CENTER FOR LAW &
RELIGIOUS FREEDOM
P.O. Box 1492
Merrifield, VA 22116
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EDWARD R. GRANT
CLARKE D. FORSYTHE
AMERICANS UNITED FOR LIFE
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