

Per Curiam

WHITE, EXECUTOR OF THE ESTATE OF SMITH v.  
UNITED STATES ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE SECOND CIRCUIT

No. 88-928. Argued October 3, 1989—Decided October 16, 1989

Certiorari dismissed. Reported below: 853 F. 2d 107.

*Kenneth A. Payment* argued the cause for petitioner. With him on the briefs was *James M. White, pro se*.

*Alan I. Horowitz* argued the cause for respondents. With him on the brief were *Solicitor General Starr, Assistant Attorney General Peterson, Deputy Solicitor General Wallace, Charles E. Brookhart, and Joan I. Oppenheimer.\**

PER CURIAM.

The writ of certiorari is dismissed as improvidently granted.

JUSTICE WHITE dissents.

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\**Waller H. Horsley, Louis A. Craco, Charles E. Heming, Jonathan G. Blattmachr, Arthur M. Sherwood, Alexander C. Cordes, Sanford J. Schlesinger, Jules J. Haskel, Albert Kalter, Thomas P. Sweeney, and Geraldine S. Hemmerling* filed a brief for the New York State Bar Association et al. as *amici curiae* urging reversal.