

# The Burger Court Opinion Writing Database

## *American National Bank & Trust Co. of Chicago v. Haroco, Inc.*

473 U.S. 606 (1985)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

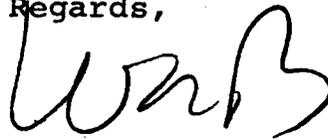
June 21, 1985

Re: No. 84-822 - Am. National Bank v. Haroco

Dear Byron:

I join the June 17, per curiam.

Regards,



Justice White

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To: The Chief Justice  
Justice Brennan  
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From: Justice White

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-822

AMERICAN NATIONAL BANK AND TRUST COM-  
PANY OF CHICAGO, ET AL., PETITIONERS *v.*  
HAROCO, INC. ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE SEVENTH CIRCUIT

[May —, 1985]

PER CURIAM.

This is a private civil action brought under the Racketeer Influenced and Corrupt Organizations Act (RICO), Pub. L. 91-452, Title IX, 84 Stat. 941, as amended, 18 U. S. C. §§ 1961-1968. Respondents' complaint alleged that petitioner bank and several of its officers had fraudulently charged excessive interest rates on loans. The gist of the claim was that the bank had lied with regard to its prime rate and that the rate charged to respondents, which was pegged to the prime, was therefore too high. The complaint alleged that this scheme to defraud, which was carried on through the mails, violated 18 U. S. C. § 1962(c), in that the mailings constituted a pattern of racketeering activity by means of which petitioners conducted, or participated in the conduct of, the bank. The only injuries alleged were the excessive interest charges themselves.

The District Court dismissed on the ground that the complaint did not state a claim. 577 F. Supp. 111 (ND Ill 1983). In its view, "to be cognizable under RICO [the injury] must be caused by a RICO violation and not simply by the commission of predicate offenses, such as acts of mail fraud." *Id.*, at 114. The Court of Appeals for the Seventh Circuit reversed, rejecting various formulations of a requirement of a distinct RICO injury. We granted certiorari to consider the ques-

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2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 84-822

AMERICAN NATIONAL BANK AND TRUST COM-  
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The District Court dismissed on the ground that the complaint did not state a claim. 577 F. Supp. 111 (ND Ill 1983). In its view, "to be cognizable under RICO [the injury] must be caused by a RICO violation and not simply by the commission of predicate offenses, such as acts of mail fraud." *Id.*, at 114. The Court of Appeals for the Seventh Circuit reversed, rejecting various formulations of a requirement of a distinct RICO injury. We granted certiorari to consider the ques-

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2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 84-822

AMERICAN NATIONAL BANK AND TRUST COM-  
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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

May 28, 1985

84-822 American National Bank v. Haroco

Dear Byron:

I will await the dissent.

Sincerely,

*Lewis*

Justice White

lfp/ss

cc: The Conference

1985 MAY 28

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CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

Supreme Court of the United States  
Washington, D. C. 20543

JUN 3 1985

June 3, 1985

JUN 3 1985

Re: No. 84-822 American National Bank and Trust Company  
v. Haroco

Dear Byron,

Please join me.

Sincerely,

*W*

Justice White

cc: The Conference

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

May 28, 1985

Re: American National Bank & Trust Co. v.  
Haroco, Inc., 84-822

Dear Byron:

Please join me.

Respectfully,



Justice White

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JUSTICE SANDRA DAY O'CONNOR

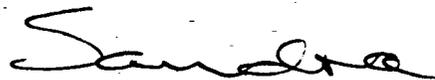
May 28, 1985

No. 84-822 American National Bank & Trust  
Co. of Chicago v. Haroco, Inc.

Dear Byron,

I agree with your Per Curiam.

Sincerely,



Justice White

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