

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

AMERICAN NATIONAL RED CROSS v. S. G. ET AL.
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE
FIRST CIRCUIT
No. 91-594. Argued March 3, 1992—Decided June 19, 1992

In a state-court tort action, respondents alleged that one of them had contracted AIDS from a transfusion of contaminated blood supplied by petitioner American National Red Cross. The Red Cross removed the suit to the Federal District Court, claiming federal jurisdiction based on, *inter alia*, the provision in its federal charter authorizing it "to sue and be sued in courts of law and equity, State or Federal, within the jurisdiction of the United States." The court rejected respondents' motion to remand the case to state court, holding that the charter provision conferred original federal jurisdiction. The Court of Appeals reversed.

Held: The charter's "sue and be sued" provision confers original federal court jurisdiction. Pp.3-16.

(a) A congressional charter's "sue and be sued" provision may be read to confer federal court jurisdiction if, but only if, it specifically mentions the federal courts. The charter must contain an express authorization, such as "in all state courts . . . and in any circuit court of the United States," *Osborn v. Bank of the United States*, 9 Wheat. 738, 818, or "in any court of law or equity, State or Federal," *D'Oench, Duhme & Co. v. Federal Deposit Ins. Corp.*, 315 U.S. 447, 455-456, rather than a mere grant of general corporate capacity to sue, such as "in courts of record, or any other place whatsoever," *Bank of the United States v. Deveaux*, 5 Cranch 61, 85-86, or "in all courts of law and equity within the United States," *Bankers Trust Co. v. Texas and Pacific R. Co.*, 241 U.S. 295, 304-305. The Red Cross charter provision has an express authorization and thus should be read to confer jurisdiction. Pp.3-9.

(b) Respondents' several arguments against this conclusion—that the well-pleaded complaint rule bars the removal; that language in congressional charters enacted closely in time to

the 1947 amendment of the Red Cross charter incorporating the provision in dispute show a coherent drafting pattern that casts doubt on congressional intent to confer federal jurisdiction over Red Cross cases; and that the 1947 amendment was meant not to confer jurisdiction, but to clarify the Red Cross' capacity to sue in federal courts where an independent jurisdictional basis exists—are all unavailing. Pp.9-15.

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(c)The holding in this case leaves the jurisdiction of the federal courts well within Article III's limits. This Court has consistently held that Article III's "arising under" jurisdiction is broad enough to authorize Congress to confer federal court jurisdiction over actions involving federally chartered corporations. P.16.

938 F.2d 1494, reversed and remanded.

SOUTER, J., delivered the opinion of the Court, in which WHITE, BLACKMUN, STEVENS, and THOMAS, JJ., joined. SCALIA, J., filed a dissenting opinion, in which REHNQUIST, C. J., and O'CONNOR and KENNEDY, JJ., joined.