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COMMENDATIONS

Assistant United States Attorney STUART M. BERNSTEIN, Southern District of New York, has been commended by Mr. James J. McHugh, Acting Judge Advocate General, Department of the Navy, for his representation of the Department of the Navy's interests in Kreindler v. Department of the Navy.

Assistant United States Attorney SUZANNE B. CONLON, Central District of California, has been commended by Mr. L. O. Poindexter, Inspector in Charge, U.S. Postal Service, for her work in the prosecution of United States v. John C. Hollingshead. The case resulted in a two-year prison term for John Hollingshead.

Assistant United States Attorney RUTH N. GLUSHIEN, Southern District of New York, has been commended by Mr. Michael J. Lonergan, Regional Inspector General for Investigations, United States Department of Agriculture, for her fine work in United States v. Miquel A. Munez and Jorge Villanueva.

Assistant United States Attorney MICHAEL P. HEISKELL, Northern District of Texas, has been commended by Mr. Rodman John Redard, Regional Inspector, Environmental Protection Agency, for the superb manner in which he prosecuted United States v. J. D. Edge, an intricate case which involved an EPA sewer construction grant project.

United States Attorney RONALD RENCHER and Assistant United States Attorney SAMUEL ALBA, District of Utah, have been commended by Mr. Stanley Sporkin, Director, Securities and Exchange Commission, for the successful prosecution of United States v. Johny Bowman Kearney. The case involved a complicated scheme to defraud public investors through the sale of debt securities.

First Assistant United States Attorney FRED G. RODRIQUEZ and Assistant United States Attorney DANIEL E. MAESO, Western District of Texas, have been commended by Mr. John C. Keeney, Deputy Assistant Attorney General, Criminal Division, for their outstanding work in the case of United States v. Modesto Rojas-Berrios and Sidney Muller-Schroeder, which was a prosecution under the Arms Export Control Act.

Assistant United States Attorney JOAN B. SAFFORD, Northern District of Illinois, has been commended by Mr. James Bittman, Chief, Criminal Investigation Division, Internal Revenue Service, for her extraordinary efforts on the Joseph Guidish cases. These investigations represented a substantial expenditure of IRS resources.

Assistant United States Attorney STEVEN W. SNARR, District of Utah, has been commended by The Attorney General, William French Smith. Mr. Snarr's supportive role during the pre-trial and trial phases contributed significantly to the successful outcome in the case of United States v. Franklin.

Assistant United States Attorney JOHN J. THAR, Southern District of Indiana, has been commended by Mr. B. G. Martin, Inspector in Charge, U.S. Postal Service, for the successful prosecution of Gary Dennis Light, who was found guilty on March 9, 1981, of robbing a U.S. Postal Service employee and placing his life in jeopardy by use of a dangerous weapon.

United States Attorney R. E. THOMPSON, District of New Mexico, has been commended by Chief Martin E. Vigil, New Mexico State Police, for his dedication in performing a task resulting in a successful prosecution of the Prichard/DePalma case.

Assistant United States Attorney ANN C. WILLIAMS, Northern District of Illinois, has been commended by Mr. James O. Ingram, Special Agent in Charge, Federal Bureau of Investigation, for her professionalism displayed in the handling of United States v. Joseph R. Russo. The case resulted in a conviction on all six counts.

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NO. 9

POINTS TO REMEMBERPRE-TRIAL DIVERSION PROGRAM

The Department's Pre-Trial Diversion Program (USAM 1-12.000 through 12.806) is intended to provide an alternative to prosecution. One of the operating principles in selecting a case for diversion is that the case be one the prosecutor would prosecute (USAM 1-12.020). Cases that are normally declined are not appropriate for diversion.

This reminder is prompted by a review of reports indicating that diversion is being utilized for offenses such as the theft of a bottle of cologne and Christmas stocking having a value of \$2.55; theft of film and candy having a value of \$3.86; theft of a bottle of Revlon nail polish having a value of \$1.20, etc.

Criminal Division

CIVIL DIVISION

Acting Assistant Attorney General Thomas S. Martin

Gray Panthers v. Califano, D.C. Cir. No. 79-1603 (March 18, 1981)
D.J. # 137-16-859

DUE PROCESS; ORAL HEARING; MEDICARE; D.C.
CIRCUIT GRANTS PETITION FOR REHEARING AND
REVERSES ITS EARLIER HOLDING THAT ORAL
HEARINGS ARE REQUIRED IN MEDICARE DISPUTES
INVOLVING CLAIMS OF LESS THAN \$100.

In this case, the D.C. Circuit had originally overturned a district court decision upholding the "paper hearing" procedures which are made available to claimants under the Medicare program, when disputed claims are less than \$100. Under these procedures, beneficiaries who dispute a benefits determination may submit written arguments to the Agency, but no opportunity to present oral argument or evidence is afforded. The D.C. Circuit held these procedures unconstitutional, reasoning that due process requires the availability of an oral hearing before the government may deprive anyone of a property right.

In a significant reversal of its own ruling, the panel has itself granted rehearing and vacated its earlier judgment. The Court accepted the government's argument that an oral hearing is only one element in the arsenal of available procedural safeguards, whose worth in any procedural system must be evaluated by the formula laid down in Mathews v. Eldridge, 424 U.S. 319 (1976), that is, whether its "probable value" is outweighed by its "fiscal and administrative burdens." Applying the Eldridge formula, the Court determined that while the paper hearing procedures were not entirely satisfactory, their defects could be cured by more adequate notice provisions, and that oral hearings (the cost of which would have exceeded the amount of the claim at issue) were not mandated by the due process clause, at least in those great majority of Medicare claims not involving the credibility of the claimant.

Attorney: Alfred Mollin (Civil Division)
FTS 633-4027

Schweiker v. Hansen, Sup. Ct. No. 80-1162 (April 6, 1981)
D.J. # 137-78-79

ESTOPPEL AGAINST U.S.; SUPREME COURT REAFFIRMS RULE AGAINST ESTOPPING THE GOVERNMENT.

In a divided opinion, the Second Circuit estopped the Department of HHS from denying SSI benefits based on claimant's failure to submit a written application in circumstances where claimant relied on HHS' misinformation in failing to file, and where HHS' internal claims manual requires employees to solicit written applications in all circumstances. In our certiorari petition, we argued that the Second Circuit decision conflicted with the rule of FCIC v. Merrill that the estoppel doctrine does not apply against the government. In a per curiam opinion, the Supreme Court has just reversed on the strength of our certiorari petition. The Court agreed that the decision below was inconsistent with Merrill, and further agreed that the government was not guilty here of "affirmative misconduct," which, the Court has suggested in dicta on past occasions, could possibly justify application of the estoppel doctrine.

Attorney: Mark H. Gallant (Civil Division)
FTS 633-4052

Fair v. Baldrige, Sup. Ct. No. 80-975 (March 23, 1980)
D.J. # 145-9-503

STANDING; CENSUS; ILLEGAL ALIENS: SUPREME COURT DENIES CERTIORARI IN ACTION CHALLENGING COUNTING OF ILLEGAL ALIENS IN 1980 DECENNIAL CENSUS.

This action involves a challenge by a nationwide organization and twenty-six past and present federal legislators to the Census Bureau's announced intention to count as many persons as possible, including illegal aliens, in the 1980 census. The case was originally heard by a three-judge court which ruled that plaintiffs had no standing and that on the merits, the Census Bureau's plan to count illegal aliens was constitutionally correct. The three-judge court also ruled that the case should have been heard by a single judge. Plaintiffs appealed to the D.C. Circuit, and in the meantime attempted to appeal to the Supreme Court, and sought a stay from that Court on the eve of the 1980 census. The Supreme Court denied the stay and dismissed the appeal. Back in the court of appeals, the D.C. Circuit affirmed the decision by the district court. Plaintiffs then filed for a writ of certiorari, asserting that they did have standing and that the Constitution required that illegal aliens

be enumerated separately from the census counts used to apportion representatives and distribute funds. The Supreme Court has just denied certiorari.

Attorneys: Frederic Cohen (formerly of
Civil Division)
Douglas Letter (Civil Division)
FTS 633-5431

Aetna Insurance Co. v. United States, Sup. Ct. Nos. 80-1137,
80-1145, and 80-1178 (certiorari denied on March 23, 1981)
D.J. # 157-22-2045

FLOOD CONTROL; SOVEREIGN IMMUNITY: SUPREME
COURT DENIES CERTIORARI IN TETON DAM DIS-
ASTER TORT SUIT.

In 1976 the Teton Dam, still under construction, collapsed and caused a disastrous flood. Congress passed special legislation compensating the victims of the flood, but excluding insurance companies from the compensation scheme. A group of insurance companies brought a tort suit against the United States to recover approximately \$13,000,000 in claims paid to insureds. The government moved to dismiss the suit under 33 U.S.C. 702c, a provision of the 1928 Flood Control Act immunizing the United States from liability for flood damages. The district court declined to dismiss the suit, however, because in its view the Teton Dam was not a flood control project and therefore was not covered by the 1928 Act's immunity provision. The district court certified its decision for interlocutory appeal, and the Ninth Circuit granted our petition to take the interlocutory appeal. The court of appeals reversed the district court's decision, and ordered the district court to dismiss the insurance companies' lawsuit. The court of appeals agreed with our position that the Teton Dam was, in reality, a flood control project even though the act authorizing the dam did not mention flood control. The court also rejected the insurance companies' alternative argument that the government's flood immunity applied only where there was a "natural" flood, not where there was a man-made flood created solely by government negligence. Lastly, the court declined to limit the 1928 Act's immunity provision to the Mississippi River basin, as the insurance companies had urged, and reaffirmed our position that the Federal Tort Claims Act, enacted 20 years after the 1928 Flood Control Act, did nothing to abrogate the 1928 Act's immunity provision.

Various plaintiffs filed three different petitions for certiorari, raising all the questions decided by the Ninth Cir-

cuit. The Supreme Court has just denied certiorari, bringing this litigation against the United States to a close.

Attorney: John F. Cordes (Civil Division)
FTS 633-4212

Control Data Corporation, et al. v. Malcolm Baldrige, Secretary of Commerce, et al., D.C. Cir. Nos. 80-1143, etc. (March 25, 1981)
D.J. # 145-9-498

STANDING; GOVERNMENT PROCUREMENT STANDARDS;
DISAPPOINTED v. POTENTIAL BIDDERS: D.C. CIR-
CUIT DISMISSES "POTENTIAL BIDDER" ACTIONS
FOR LACK OF STANDING UNDER THE ZONE OF
INTERESTS TEST.

In this suit, four manufacturers and suppliers of computer systems and equipment for the government claimed the right to challenge rules promulgated by the Secretary of Commerce pursuant to the Brooks Act, 40 U.S.C. 759. These rules establish mandatory specifications governing virtually all procurements of computer equipment by the federal government.

On appeal, the D.C. Circuit held that plaintiffs lack standing under the zone of interest limitation to challenge the government's own specifications for any computer equipment that it may purchase. The court's significant 30-page unanimous decision, written by Judge Tamm, also restricts the impact of Scanwell Laboratories, Inc. v. Shaffer, 424 F.2d 859 (D.C. Cir. 1970) and its progeny which have granted standing to disappointed bidders for government contracts. Importantly, the court distinguished between disappointed and potential bidders, and concluded that even disappointed bidders must meet the zone of interests test.

These standards will improve competition and save the government \$61 million during the next five years alone. Additionally, the decision should serve as a valuable precedent for the government and could save hundreds of millions of dollars by barring similar future litigation.

Attorney: Mark Mutterperl (Civil Division)
FTS 633-5735

Coastal States Gas Corp. v. Department of Energy, C.A. 3
No. 80-2199 (March 19, 1981) D.J. # 145-189-2

FREEDOM OF INFORMATION; SANCTIONS FOR INADE-
QUATE "VAUGHN" INDEX; THIRD CIRCUIT VACATES
ORDER TO PRODUCE CONTESTED DOCUMENTS IN FOIA
CASE AND REMANDS FOR FURTHER PROCEEDINGS
WHERE DISTRICT COURT'S RULING WAS BASED ON
GOVERNMENT'S DILATORINESS AND ON UNSPECIFIED
INADEQUACY OF GOVERNMENT'S VAUGHN INDEX.

In this FOIA case the district court entered partial judgment against the government, stating that the government's initial Vaughn index was "woefully inadequate" but making no other findings as to the merits of the exemptions (b)(5) and (b)(7)(A) claimed by the government for the documents at issue.

In vacating the order of the district court and remanding for further proceedings the Third Circuit held: (1) that the order was appealable (as an injunction) even though it was not a final judgment as to all of the documents involved in the case; (2) that the district court's order could not be sustained as a default judgment since the government was guilty of, at most, only a single failure to comply with an order to produce a Vaughn index; (3) that the district court's order could not be sustained as a summary judgment since the government's initial index, even if not adequate to meet the government's ultimate burden of proof, did raise disputed issues of material fact as to the applicability of the exemptions claimed; (4) that the district court's order could not be sustained as a judgment on the merits since no warning had been given to the government that it would be expected to rest its case on its initial Vaughn index; and (5) that the Third Circuit will, in the future, require district courts to state explicitly the legal basis and findings underlying their decision that documents are either exempt or disclosable under the FOIA.

The Court of Appeals did state that, in the future, it would not be unreasonable to require that the government rest on its first Vaughn index and that improper withholding under the FOIA may encompass either withholding which is substantively unmeritorious or undue delay by the government in providing sufficient information to justify withholding. The court noted, however, that where the exemptions claimed by the government are designed to protect third parties or national security interests, in camera review would probably be more appropriate than immediate entry of judgment where the government has failed to provide sufficient evidence to support its claims.

Attorney: Marc Johnston (Civil Division)
FTS 633-1673

State of Tennessee, et al. v. Louisville & Nashville R.R. Co., et al., C.A. 6 No. 79-1515 (March 20, 1981) D.J. # 59-12-3109

TENTH AMENDMENT; DISCRIMINATORY STATE TAXES; RAILROAD REVITALIZATION ACT; SIXTH CIRCUIT SUSTAINS CONSTITUTIONALITY UNDER THE TENTH AMENDMENT OF FEDERAL STATUTE PROHIBITING TAX DISCRIMINATION AGAINST RAILROADS BY THE STATES.

The Sixth Circuit has just affirmed the judgment of the district court sustaining the constitutionality of Section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976, 49 U.S.C. §11503 (1979 Supp.), which prohibits states from imposing discriminatory ad valorem property taxes upon railroads as compared with other forms of commerce. The state of Tennessee brought suit challenging the constitutionality of Section 306 on the grounds that it impaired Tennessee's sovereign power to tax in violation of the Tenth Amendment. The district court ruled that Section 306 was a rational exercise of Congress' Commerce Clause powers that overrides in importance Tennessee's interest in taxing railroads more heavily than other forms of commerce. This favorable decision should be helpful in a similar suit brought by the state of Arizona in which the government also prevailed and which is now pending on Arizona's appeal to the Ninth Circuit.

Attorney: Mary McReynolds (Civil Division)
FTS 633-1672

Edwin Miller, et al. v. United States, C.A. 8 No. 79-1964 (Affirmed March 18, 1981) D.J. # 157-42-408

TORT CLAIMS; FERES DOCTRINE; EIGHTH CIRCUIT EN BANC AFFIRMS DISMISSAL OF TORT ACTION BASED ON THE FERES DOCTRINE.

In this Tort Claims Act case, a serviceman was killed in an accident while working on the base after normal duty hours in a part time capacity for a private contractor. The district court dismissed the tort case relying upon Feres v. United States, 340 U.S. 135. A panel of the Eighth Circuit, one judge dissenting, reversed. The full court of appeals, by a 5-3 vote, affirmed the district court.

The court of appeals refused to hold that every action for injuries sustained by an active duty serviceman while on base is barred by Feres. Instead, the court analyzed the reasons for the Feres rule and found them applicable here. The court emphasized that the decedent "was always subject to call for active duty, and that the immediacy of his peculiar and special relation-

ship to his military superiors had not been severed by any such formality as a furlough, leave or pass". The dissenting judges would have ruled that the Feres doctrine does not bar this action because the decedent was not engaged in any activity "incident to his service". He was working in a civilian capacity for a private contractor.

This decision should prove to be a significant precedent and should limit the impact of a recent Fifth Circuit decision, Parker v. United States, 611 F.2d 1007 (5th Cir. 1980).

Attorneys: Joseph Moore (Assistant United
States Attorney)
Mark Mutterperl (Civil Division)
William Kanter (Civil Division)
FTS 633-3045

APRIL 24, 1981

NO. 9

Walter L. Griffin v. United States, Capitol City Moving & Storage Company, and Allstate Insurance Company, _____ F.2d _____, No. 79-1458) (10th Cir., March 17, 1981)

FEDERAL TORT CLAIMS ACT: CIRCUIT COURT HOLDS UNITED STATES ENTITLED TO IMMUNITY FROM TORT SUIT UNDER "STATUTORY EMPLOYER" PROVISIONS OF KANSAS WORKMEN'S COMPENSATION ACT.

The Circuit Court affirmed the District Court's entry of summary judgment in this personal injury suit brought pursuant to the Federal Tort Claims Act. Injury to the plaintiff, an employee of a private contractor, occurred while he was moving government office furniture. He received workmen's compensation from his employer, Capitol City Moving & Storage; he then sought recovery against the United States for the same injury. The General Services Administration had contracted with plaintiff's employer to perform the work. Under the Federal Tort Claims Act, the United States is liable to suit only in the same manner and to the same extent as a private individual under like circumstances under the law of the place where the act occurred. The GSA contract required the contractor to carry workmen's compensation insurance and thus indirectly paid for it. Under Kansas law if a worker is entitled to receive benefits from his employer, he cannot bring a common-law negligence action against his employer. This exclusion remedy defense is extended under Kansas law to the entity hiring the employer, the "principal", if 1) the work done by the employer is inherent in and an integral part of the principal's business or 2) the work performed by the employer would have ordinarily been done by employees of the principal. The Court found the moving of furniture to be an integral part of GSA's business and therefore covered by the exclusion remedy defense.

Attorney: Mary K. Briscoe
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Topeka, Kansas
FTS 752-2850

Marlo Perez Santos v. Miami Region, U.S. Customs Service, et al.,
C.A. 1 No. 80-1403 (March 4, 1981) D.J. # 35-65-28

REMOVAL OF FEDERAL EMPLOYEE; PROTECTED
SPEECH: FIRST CIRCUIT REJECTS FIRST AMEND-
MENT ATTACK ON CUSTOMS SERVICE REMOVAL OF
THE SERVICE.

The First Circuit recently affirmed the judgment of the district court sustaining the removal of plaintiff from the U.S. Customs Service. Plaintiff, a GS-2 telephone operator, had been removed for sending letters to customs brokers (private businessmen licensed, regulated and in daily contact with Customs) concerning their supposed complaints to Customs of poor telephone service and generally alleging illegal and unusual activities going on within Customs, and for circulating leaflets to the general public accusing Customs broadly and vaguely of improper conduct and employment discrimination. Plaintiff first challenged his removal administratively before the Federal Employees Appeals Authority (now the Merit Systems Protection Board) and failed to present any evidence to support the charges made in his letters and leaflets. The FEAA upheld the removal. Plaintiff brought suit and his removal was again upheld by the district court.

In affirming the district court, the court of appeals rejected plaintiff's First Amendment claim that he was punished for having exercised his First Amendment speech rights. This is the first appellate decision of which we are aware to apply one of the criteria articulated by the Supreme Court in Pickering v. Board of Education for determining whether a public employee's speech that is critical of his employer can properly be the basis for dismissal, viz., whether the speech constitutes "matters of public concern." The court found plaintiff's speech to have disrupted the work of the agency and to have stirred discord among Customs employees. The court also found that his speech identified no particular problems that needed correction. The court noted that his speech had been directed to no one in a position to deal with his criticisms in an orderly manner such as his superiors or normal grievance channels. The court held that Perez' groundless attacks "involve[d] matters of little, if any, public concern." Thus, the court concluded that his speech was entitled to no constitutional protection.

Attorney: Mary McReynolds (Civil Division)
FTS 633-1672

Edwin Marger v. Griffin Bell, C.A. 1 No. 80-1478 (March 6, 1981)
D.J. # 145-12-3546

DRUG ENFORCEMENT; ASSIGNMENT OF CLAIMS: FIRST
CIRCUIT RULES THAT ATTORNEY'S CLAIM TO MONEY
SEIZED BY DEA IS BARRED BY THE ASSIGNMENT OF
CLAIMS ACT

Plaintiff, an attorney, instituted this action in attempting to recover \$250,955.00 seized by the Drug Enforcement Administration from a car driven by his client. The attorney's claim to the money was based on his client's assignment of her interest in the money to the attorney following the incident. In affirming the district court's decision the Court of Appeals for the First Circuit accepted our argument that plaintiff's claim is barred by the Assignment of Claims Act, 31 U.S.C. §203, and that he lacks standing to challenge the search of the car which his client was driving.

Attorney: Susan Herdina (Civil Division)
 FTS 633-4552

John Sinclair, et al. v. Richard G. Kleindienst, et al., D.C. Cir.
No. 79-2010 (March 9, 1981) D.J. # 145-12-1922

QUALIFIED IMMUNITY; WARRANTLESS SURVEILLANCE:
D.C. CIRCUIT AFFIRMS RULING THAT FORMER ATTOR-
NEY GENERAL IS QUALIFIEDLY IMMUNE FOR AUTHOR-
IZING WARRANTLESS NATIONAL SECURITY SURVEIL-
LANCES.

The District of Columbia Circuit has affirmed the district court ruling that former Attorney General John N. Mitchell is qualifiedly immune for authorizing warrantless national security surveillances of the Black Panther Party and White Panther Party. The case arose from the criminal action in which the Supreme Court first ruled that domestic security surveillances required prior judicial authorization, United States v. U.S. District Court, 407 U.S. 297 (1972). The Court of Appeals emphasized that former officials must be protected from harassing suits and that damages suits against federal officials should be resolved on pre-trial motions wherever possible. On the record before it, the Court held the former Attorney General's judgment that these organizations posed that a national security threat was a reasonable one and was corroborated by contemporaneous findings of the House Committee on Internal Security. With respect to Mr. Mitchell's legal judgment that no warrant was required, the Court noted that this accorded with the decisional law at the time. The Court found further evidence of good faith in Mr. Mitchell's institution of internal restraint on wiretapping,

even though the Court recognized that there were no judicially defined minimization or other reasonableness requirements at the time.

Attorney: Larry Gregg (Civil Division)
FTS 724-6732

TAX DIVISION
Acting Assistant Attorney General John F. Murray

United States and Revenue Agent Anthony J. Nowinski v.
Bernard Sommer, No. 79-C-2010 (N.D. Ill.) D.J. #5-23-8453

By Memorandum Opinion filed January 30, 1981, the District Court granted petitioners' motion for summary judgment and ordered enforcement of an Internal Revenue Service administrative summons issued in connection with an investigation of the tax exempt status of a purported church known as The Chapel of the Tolerants. The Court held that the "respondent's statement that taxpayer is a church does not prevent enforcement of the summons" and that the Government had fully complied with the requirements of 26 U.S.C. Section 7605(c), which restricts the scope of examination of churches.

Attorney: John S. Miles (Tax Division)
FTS 724-6563

United States of America, et al. v. James L. Maxwell, et al.,
Civil No. CIV-LV-80-284 (D. Nev.) D.J. #5-46-798

On March 9, 1981, Chief Judge Harry Claiborne ordered enforced a John Doe summons directed to a barter organization. At the enforcement hearing, the respondents challenged the showing made to obtain the Court's permission to issue and serve the summons, as required by 26 U.S.C. Section 7609(f). Over the Government's objection, the Court allowed this challenge on the ground that the Court may inquire into the underlying reasons for the issuance of the summons so as to determine whether its process has been abused. The Court held that the United States had a reasonable basis for asserting that it believed the members of the bartering organization had not complied with the Internal Revenue laws. Although the Court expressed doubts as to the validity of an Internal Revenue Service survey of a bartering organization in Los Angeles, it used the results of the survey, together with respondent's statements that he believed that members of his organization were not complying with the tax laws, as a justification for the enforcement of the summons.

Attorney: Barry Lieberman (Tax Division)
FTS 724-6432

United States v. Pittsburgh Trade Exchange, _____ F. 2d _____
No. 80-2484 (3d Cir.) D.J. #5-64-2491

The Third Circuit's March 27, 1981, decision in this case is the first appellate court opinion to address the "John Doe" summons provision of the Internal Revenue Code (26 U.S.C. Section 7609(f) and (h)) since its enactment in 1976. Such summonses are typically issued when the Internal Revenue Service is attempting to obtain the identities of taxpayers who have engaged in various transactions which have potential tax implications. The "John Doe" provision requires that the Internal Revenue Service demonstrate, in an *ex parte* district court proceeding, "a reasonable basis for believing" that these various unidentified taxpayers may have failed to comply with the tax laws. The Court of Appeals concluded that an experienced revenue agent's testimony that the non-cash barter transactions under investigation here are "inherently susceptible to tax error" met the statutory standard. The Court of Appeals specifically rejected the holdings of three reported district court opinions (two of which are pending on Government appeals) requiring a more direct and substantial showing to meet the standard.

This opinion will have a significant and positive impact on the Internal Revenue Service's ability to utilize John Doe summonses in its national barter exchange audit program, as well as providing a favorable precedent to other courts considering what constitutes a "reasonable basis for believing" that unnamed taxpayers may have violated the revenue laws.

Attorney: William A. Whitley (Tax Division)
FTS 633-2832

Russell T. Johnson v. Internal Revenue Service, Civil No.
SA-77-CA-5 (W.D. Texas) D.J. #5-76-1942

In a significant ruling in the Privacy Act tort area, Senior Judge D.W. Suttle ruled on March 10, 1981, that a person damaged by a violation of the Privacy Act can only recover statutory damages and actual out-of-pocket losses.

Russell T. Johnson was a Revenue Officer in San Antonio who was investigated by the Inspection Division of the Service after he had reported a significant amount of interest income on his return. The Inspectors interviewed several witnesses over a two-year period, but they did not interview Johnson until sixteen months after Johnson had first learned of the

investigation. Prior to their first interview of Johnson, the Inspectors had issued a third-party summons which sought records relating to Johnson's tax liability for a ten-year period.

Johnson filed this suit in 1977, seeking injunctive relief and damages under the Privacy Act. In 1979, the court dismissed most of the suit. However, the court held that the Inspectors, by not interviewing Johnson at the outset, had violated subsection (e)(2) of the Privacy Act, which requires agencies to collect information about an individual directly from him or her, "to the greatest extent practicable."

A four-day trial on damages was held during the week of February 23, 1981. Johnson claimed, through expert psychiatric and medical testimony, \$700,000 in damages arising from depression, and from severe aggravation of serious pre-existing stomach and lung diseases. Johnson also claimed damages for loss of income and loss of reputation. Johnson argued that all of these damages were a direct result of the Inspectors' failure to interview him first, since the root cause of these damages was his uncertainty over the scope of the investigation. Moreover, he argued the Inspectors' refusal to interview him for over a year, coupled with the issuance of the summons, gave him legitimate reason to suspect that he was the subject of a full-scale civil, or possibly criminal, fraud investigation.

In his ruling, Judge Suttle dismissed the loss of income and loss of reputation claims for insufficiency of proof. He found that Johnson had suffered psychological and medical injuries as a result of the Inspectors' failure to collect information directly from him. However, he concluded that, as a matter of law, such damages are not compensable under the Privacy Act, and limited Johnson's recovery to the statutory minimum of one thousand dollars.

Attorney: Robert L. Gordon (Tax Division)
FTS 724-6390

OFFICE OF LEGISLATIVE AFFAIRS
Acting Assistant Attorney General Michael W. Dolan

SELECTED CONGRESSIONAL AND LEGISLATIVE ACTIVITIES

APRIL 2, 1981 - APRIL 15, 1981

H.R. 2098. - Inspector General Act Amendments of 1981.

On Wednesday, April 8, 1981, Edward C. Schmults, Deputy Attorney General, testified before the Subcommittee on Legislation and National Security of the House Committee on Government Operations concerning H.R. 2098 - the Inspector General Act Amendments of 1981. The Department has serious reservations over the blanket extension of the 1978 Inspector General Act to the Department.

Debt Collection Legislation. There are numerous pieces of legislation in both the House and Senate which attempt to strengthen the government's efforts in collecting debts owed to it. Included in these bills: permitting agencies to use credit bureaus and collection agencies, offset of government debts against income tax refunds, and stricter reporting requirements to the Congress on overdue debts owed the agencies. The Department is following these bills closely.

Judiciary Committee Hearings/Antitrust Matters. The Senate Judiciary Committee has scheduled hearings for April 20 and April 21, 1981 concerning two separate antitrust matters. On April 20, 1981 the Committee will hold a hearing on S. 816 which would limit the ability of foreign governments to sue in United States courts for antitrust violations. On April 21, 1981, the Committee will hold a hearing on possible legislation making a defendant liable only for damages attributable to sales by a nonconspirator in an antitrust violation case.

Capital Punishment. On April 10, 1981 the Senate Judiciary Committee held a hearing on S. 114, a bill to restore capital punishment for federal crimes. Although D. Lowell Jensen, Assistant Attorney General for the Criminal Division will support the legislation, he recommended certain technical changes in S. 114.

Criminal Code. On April 8, 1981 the House Judiciary Subcommittee on Criminal Justice met to discuss Criminal Code legislation. Chairman Conyers indicated that the Subcommittee would handle the legislation in a piecemeal fashion. At the outset the Subcommittee will hold hearings on five areas: definition of states of mind, sentencing laws and alternatives, defenses, mental competency provisions, and attempt. Members attending the meeting other than Chairman Conyers were Congressmen Sieberling and Kindness. The Subcommittee is scheduled to meet every Wednesday beginning April 15, 1981, to

deal with these issues.

DOJ authorization. The FY 1982 authorization bill for the Department was introduced as H.R. 3111 on April 7 by Chairman Rodino and as S. 951 on April 8 by Chairman Thurmond. The Senate version is virtually identical to the draft bill the Department sent to the Congress (with the addition of a section on INS overtime payments which we subsequently requested). The House version, however, uses the dollar figures from the Carter Administration budget. Moreover, H.R. 3111 omits certain provisions requested by the Department, most notably the section repealing the statutes that established the U.S. Trustees program. In addition, the House bill does not contain a requested section to refine the process by which a "moiety reward" is paid by DEA to an informer and a section which would take the Marshals Service out of the business of serving private process.

Immigration Task Force. The Interagency Task Force on Immigration and Refugee Policy is proceeding on schedule. The option papers have been written and the recommendations should reach the President's desk by May 4, 1981. Meanwhile, participants in the Task Force have been meeting with committee staffers and various state delegations with an interest in immigration issues. Joint hearings are scheduled for May 5, 6, and 7, but no Administration witnesses will be asked to testify.

FOIA Amendments. The Department is working on a comprehensive package to amend FOIA. Within the next month we may have a package ready to send around for clearance.

Nominations:

On April 2, 1981, the United States Senate confirmed the following nominations:

Carol E. Dinkins to be Assistant Attorney General, Land and Natural Resources Division;

D. Lowell Jensen to be Assistant Attorney General, Criminal Division; and

Theodore B. Olsen to be Assistant Attorney General, Office of Legal Counsel.

Federal Rules of Criminal Procedure

Rule 48(a). Dismissal. By Attorney
for Government.

Defendants entered into plea agreements whereby they agreed to plead guilty to one count of their indictments in exchange for dismissal of all other counts by the Government in return for their continued cooperation. There was no explicit agreement as to sentencing. After they pled guilty but prior to sentencing, the prosecutor modified the plea agreements to include sentencing recommendations because of the defendants' extraordinary usefulness to a continuing investigation and their great personal risk. Upon learning that the judge did not intend to follow the modified plea agreements, of which he had never been apprised, the Government moved to dismiss the indictments under Rule 48(a). The judge denied leave to dismiss the indictments, refused to permit defendants to withdraw their guilty pleas, and sentenced them to larger sentences than those recommended.

The defendants and the prosecutor jointly challenged the court's actions. The Court of Appeals reversed, holding that the prosecutor is the best judge of whether a pending prosecution should be terminated and that the district court should grant leave to dismiss an indictment under Rule 48(a) unless the prosecutor's decision is "clearly contrary to manifest public interest." See United States v. Cowan, 524 F.2d 504 (5th Cir. 1975) (as reported at 24 USAB 125 (No. 3; 1/27/76)). The Court found that the public interest would be served by dismissal of the indictments to reward defendants for their past cooperation, since the prosecutor's credibility might be doubted in future cases involving informants or defendants who testify in return for lenient treatment, and to gain their continued cooperation regarding other possible unidentified defendants. The Court also stated that the fact that the motion to dismiss was filed after defendants had pled guilty should not preclude it from being granted since such a motion could be filed at any stage of the proceedings, even after sentencing.

(Reversed and remanded with instructions).

United States v. Robert Hamm; United States v. Willis Judge Butler, et al., 638 F.2d 823 (5th Cir. March 2, 1981)

LISTING OF ALL BLUESHEETS IN EFFECT

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
TITLE 1		
Undtd	1-1.200	Authority of Manual; A.G. Order 665-76
11-20-80	1-1.550	Communications from the Department
6-21-77	1-3.100	Assigning Functions to the Associate Attorney General
6-21-77	1-3.102	Assignment of Responsibility to DAG re INTERPOL
6-21-77	1-3.105	Reorganize and Redesignate Office of Policy and Planning as Office for Improvements in the Administration of Justice
4-22-77	1-3.108	Selective Service Pardons
6-21-77	1-3.113	Redesignate Freedom of Information Appeals Unit as Office of Privacy and Information Appeals
6-21-77	1-3.301	Director, Bureau of Prisons; Authority to Promulgate Rules
6-21-77	1-3.402	U.S. Parole Commission to replace U.S. Board of Parole
12-15-80	1-5.410	Subpoena of Reporters
4-28-77	1-6.200	Representation of DOJ Attorneys by the Department: A.G. Order 633-77
8-30-77	1-9.000	Case Processing by Teletype with Social Security Administration
10-31-79	1-9.000	Procedure for Obtaining Disclosure of Social Security Administration Information in Criminal Proceedings
11-16-79	1-9.000	Notification to Special Agent in Charge Concerning Illegal or Improper Actions by DEA or Treasury Agents

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
12-16-80	1-9.100	Relationships with Client Agencies
12-09-80	1-11.500	Informal Immunity
12-16-80	1-13.010	Proceedings Before U.S. Magistrates
7-14-78	1-14.210	Delegation of Authority to Conduct Grand Jury Proceedings
	TITLE 2	
3-2-81	2-2.120	Rehearings En Banc
1-03-77	2-3.210	Appeals in Tax Cases
	TITLE 3	
Undtd	3-4.000	Sealing and Expungement of Case Files Under 21 U.S.C. 844
	TITLE 4	
11-27-78	4-1.200	Responsibilities of the AAG for Civil Division
9-15-78	4-1.210- 4-1.227	Civil Division Reorganization
4-14-80	4-1.213	Federal Programs Branch Case Reviews
5-12-80	4-1.213	Organization of Federal Programs Branch, Civil Division
4-01-79	4-1.300- 4-1.313	Redelegations of authority in Civil Division Cases
11-07-80	4-1.312	Cases Coming Before the U.S. Customs
5-05-78	4-1.313	Addition of "Direct Referral Cases" to USAM 4-1.313
7-18-80	4-1.320	Impositions of sanctions upon Government Counsel and Upon the Government Itself
8-15-80	4-1.327	Judicial Assistance to Foreign Tribunals
4-01-79	4-2.110- 4-2.140	Redelegation of Authority in Civil Division Cases
5-12-80	4-2.230	Monitoring of pre- and post judgment payments on VA educational overpayment accounts

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
7-07-80	4-2.230	Monitoring of pre- and post judgment payments on VA educational overpayment accounts
2-22-78	4-2.320	Memo Containing the USA's Recommendations for the Compromising or Closing of Claims Beyond his Authority
11-13-78	4-2.433	Payment of Compromises in Federal Tort Claims Act Suits
8-13-79	4-3.000	Withholding Taxes on Backpay Judgments
5-05-78	4-3.210	Payment of Judgments by GAO
6-01-78	4-3.210	New telephone number for GAO office handling payment of judgments
5-14-79	4-4.230	Attorneys' Fees in EEO Cases
11-21-80	4-4.240	Attorney fees in FOI and PA suits
1-16-81	4-4.260	Attorneys' Fees Award in S.S. Act Review Cases
4-01-79	4-4.280	New USAM 4-4.280, Dealing with Attorney's Fees in Right To Financial Privacy Act Suits
8-08-80	4-4.310; 320; 330	Cases with International or Foreign Law Aspects
4-01-79	4-4.530	Addition to USAM 4-4.530 (costs recoverable from United States)
4-01-79	4-4.810	Interest recoverable by the Gov't.
4-01-79	4-5.229	New USAM 4-5.229, dealing with limitations in Right To Financial Privacy Act suits.
2-15-80	4-5.530; 540; 550	FOIA and Privacy Act Matters
4-1-79	4-5.921	Sovereign immunity
4-01-79	4-5.924	Sovereign immunity

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
5-05-80	4-6.400	Coordination of Civil & Criminal Aspects of Fraud & Official Corruption Cases
5-12-80	4-6.600	Monitoring of pre- and post judgment payments on VA educational overpayment accounts
7-07-80	4-6.600	Monitoring of pre- and postjudgment Payments on VA Educational Overpayment Accounts
5-12-80	4-6.600	Memo of Understanding for Conduct of Test Program to Collect VA Educational Assistance Overpayments Less Than \$600
8-15-80	4-7.400	Application of State Law to Questions Arising in the Foreclosure of Government-Held Mortgages
1-5-81	4-8.800	Claims Referred by Railroad Retirement Board
9-05-80	4-8.900	Renegotiations Act Claims
9-24-79	4-9.200	McNamara-O'Hara Service Contract Act Cases
9-24-79	4-9.700	Walsh-Healy Act cases
8-08-80	4-10-100	Cancellation of Patents
8-01-80	4-11.210; 220; 230	Copyright, Patent, and Trademark Litigation
4-01-79	4-11.850	New USAM 4-11.850, discussing Right To Financial Privacy Act litigation
4-21-80	4-11.860	FEGLI litigation
4-07-80	4-12.250; .251; .252	Priority of Liens (2420 cases)
5-22-78	4-12.270	Addition of a New Sentence to USAM 4-12.270
4-16-79	4-13.230	New USAM 4-13.230, discussing revised HEW regulations governing Social Security Act disability benefits
11-7-80	4-13.330	Customs Matters
7-25-80	4-13.330	Customs Matters
11-27-78	4-13.335	News discussing "Energy Cases"

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
7-30-79	4-13.350	Review of Government Personnel Cases under the Civil Service Reform Act of 1978
8-1-80	4-13.350	Review of Government Personnel Cases under the Civil Service Reform Act of 1978
4-1-79	4-13.361	Handling of Suits Against Gov't Employees
6-25-79	4-15.000	Subjects Treated in Civil Division Practice Manual
TITLE 5		
9-06-77	5-3.321; 5-3.322	Category 1 Matters and Category 2 Matters-Land Acquisition Cases
9-14-78	5-4.321	Requirement for Authorization to Initiate Action
9-14-78	5-5.321	Requirement for Authorization to Initiate Action
9-14-78	5-7.120	Statutes Administered by the General Litigation Section
9-14-78	5-7.314	Cooperation and Coordination with the Council on Environmental Quality
9-14-78	5-7.321	Requirement for Authorization to Initiate Action
9-14-78	5-8.311	Cooperation and Coordination with the Council on Environmental Quality
TITLE 6		
4-22-80	6-3.630	Responsibilities of United States Attorney of Receipt of Complaint
TITLE 7		
6-21-77	7-2.000	Part 25-Recommendations to President on Civil Aeronautic Board Decisions, Procedures for Receiving Comments by Private Parties

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
TITLE 8		
6-21-77	8-2.000	Part 55-Implementation of Provisions of Voting Rights Act re Language Minority Groups (interpretive guidelines)
6-21-77	8-2.000	Part 42-Coordination of Enforcement of Non-discrimination in Federally Assisted Programs
5-23-80	8-2.170	Standards for Amicus Participation
10-18-77	8-2.220	Suits Against the Secretary of Commerce Challenging the 10% Minority Business Set-Aside of the Public Works Employment Act of 1977 P.L 95-28 (May 13, 1977)
5-23-80	8-2.400	Amicus Participation By the Division
5-23-80	8-3.190	Notification to Parties of Disposition of Criminal Civil Rights Matters
5-23-80	8-3.300	Notification to Parties of Disposition of Criminal Civil Rights Matters
TITLE 9		
7-11-79	9-1.000	Criminal Division Reorganization
Undtd (3-80)	9-1.103	Description of Public Integrity Section
3-14-80	9-1.103	Criminal Division Reorganization
Undtd	9-1.215	Foreign Corrupt Practices Act of 1977-15 U.S.C. 78m(b)(2)-(3); 15 U.S.C. 78dd-1; and 15 U.S.C. 78dd-2
4-14-80	9-1.403; .404;.410	Criminal Division Reorganization
4-16-80	9-1.502	Criminal Division Brief/Memo Bank
7-08-80	9-1.503	Case Citation

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
6-22-79	9-2.000	Cancellation of Outstanding Memorandum
1-8-81	9-2.145	Interstate Agreement on Detainers
12-09-80	9-2.148	Informal Immunity
Undated	9-2.164	Policy With Regard to the Issuance of Subpoenas to Members of the News Media, Subpoenas for Telephone Toll Records of Members of the News Media, and the Interrogation, Indictment, or Arrest of, Members of the News Media
Undated	9-2.166	Grand Jury Subpoenas for Telephone Toll Records
2-28-80	9-4.116	Oral Search Warrants
6-28-79	9-4.600	Hypnosis
Undtd	9-7.000; 9-7.317	Defendant Overhearings and Attorney Overhearings Wiretap Motions
9-15-80	9-7.110	Authorization of Applications for Interception Orders
9-10-80	9-7.230;9-7.927; 9-7.928	Trap and Trace Guidelines
9-15-80	9-7.910	Form Interception Application
9-15-80	9-7.921	Form Interception Order
7-28-80	9-8.130	Motion to Transfer
2-06-80	9-11.220	Use of Grand Jury to Locate Fugitives
9-18-80	9-11.220	Obtaining Records To Aid in the Location of Federal Fugitives by Use of the All Writs Act, 28 U.S.C. 1651
12-13-78	9-11.220	Use of Grand Jury to Locate Fugitives
5-31-77	9-11.230	Grand Jury Subpoena for Telephone Toll Records

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
8-13-79	9-11.230	Fair Credit Reporting Act and Grand Jury Subpoenas
8-13-80	9-11.230	Fair Credit Reporting Act and Grand Jury Subpoenas
Undated	9-11.230	Limitations on Grand Jury Subpoenas
10-06-80	9-17.000	Speedy Trial Act
7-22-80	9-20.140 to 9-20.146	Indian Reservations
1-21-81	9-37.000	Habeas Corpus
10-22-79	9-42.000	Coordination of Fraud Against the Government Cases (non-disclosable)
6-06-80	9-42.520	Dept. of Agriculture-Food Stamp Violations
6-09-80	9-47.140	Foreign Corrupt Practices Act Review Procedure
2-17-81	9-60.140	Kidnapping
5-22-79	9-61.132 & 9-61.133	Steps to be Taken to Assure the Serious Consideration of All Motor Vehicle Theft Cases for Prosecution
7-28-80	9-61.620	Supervising Section and Prosecutive Policy
7-28-80	9-61.651	Merger
7-28-80	9-61.682	Night Depositories
7-28-80	9-61.683	Automated Teller Machines (Off-Premises)
7-28-80	9-61.691	Extortion- Applicability of the Hobbs Act (18 U.S.C. 1951) to Extortionate Demands Made Upon Banking Institutions
7-28-80	9-63.518	Effect of <u>Simpson v. United States</u> on 18 U.S.C. 924(c)
7-28-80	9-63.519	<u>United States v. Batchelder</u> , 42 U.S. 114 (1979)

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
7-28-80	9-63.642	Collateral Attack by Defendants on the Underlying Felony Conviction
7-28-80	9-63.682	Effect of §5021 Youth Corrections Act Certificate on Status as Convicted Felon
8-13-80	9-65.806	Offenses Against Officials of the Coordination Council for North American Affairs (TAIWAN)
8-08-79	9-69.260	Perjury: False Affidavits Submitted in Federal Court Proceedings Do Not Constitute Perjury Under 18 USC 1623
2-17-81	9-69.421	Fugitive Felon Act
11-28-80	9-69.500	Prosecutions of Escapes by Fed. Prisoners
9-5-80	9-70.002	Farm Labor Contractor Registration Act
6-11-80	9-75.000	Obscenity
6-11-80	9-75.080; 084	Sexual Exploitation of Children; Child Pornography
6-11-80	9-75.110	Venue
6-11-80	9-75.140	Prosecutive Priority
6-11-80	9-75.631	Exception - Child Pornography Cases
9-5-80	9-78.400	7 U.S.C. 2041, <u>et. seq.</u>
3-12-79	9-79.260	Access to Information Filed Pursuant to the Currency & Foreign Transactions Reporting Act
10-6-80	9-85.315	Census
8-7-80	9-100.280	Continuing Criminal Enterprise (408) 21 U.S.C. 848
1-30-81	9-110.100	RICO Guidelines
10-24-80	9-110.300, <u>et seq.</u>	Extortionate Credit Transactions

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
5-23-80	9-120.210	Directory: Dept. of Motor Vehicles Driver's License Bureau
1-8-81	9-120.210	Internal Revenue Service Tax Returns
2-29-80	9-121.120, .153 and .154	Authority to Compromise & Close Appearance Bond Forfeiture Judgements
4-21-80	9-121.140	Application of Cash Bail to Criminal Fines
4-05-79	9-123.000	Costs of Prosecution (28 U.S.C. 1918(b))
1-29-81	9-139.740	47 USC 506- The LEA Act (Coercive Practices Affecting Broadcasting)

(Revised 4-24-81)

Listing of all Bluesheets in Effect

Title 10--Executive Office for United States Attorneys

Title 10 has been distributed to U.S. Attorneys Offices only, because it consists of administrative guidelines for U.S. Attorneys and their staffs. The following is a list of all Title 10 Bluesheets currently in effect.

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
9-8-80	10-2.100	Notice to Competitive Service Applicants or Employees Proposed for Appointment to Excepted Positions
2-19-81	10-2.101	Submission of SF-61, Appointment Affidavits
7-14-80	10-2.123	Tax Check Waiver (Individual)
8-6-80	10-2.142	Employment Review Committee for Non-Attorneys
7-16-80	10-2.144	Certification Procedures for GS-9 and Above Positions
9-12-80	10-2.145	Procedures for Detailing Schedule C Secretaries to Competitive Service Positions
Undtd (12-5-80)	10-2.150	New Authority to Make 1-Yr. Temporary Appointments
11-25-80	10-2.162	Stay-In-School Program
7-16-80	10-2.193	Requirements for Sensitive Positions- Non-Attorney
8-14-80	10-2.193	Preappointment Security Requirements
10-29-80	10-2.194	Procedures for Requesting Access to Sensitive Compartments Info. (SCI)
3-27-81	10-2.194	Security Clearances for U.S. Attorneys
4-3-81	10-2.412	Time Spent in Training as Hours of Work under FLSA
6-13-80	10-2.420	Justice Earnings Statement
5-23-80	10-2.520	Racial/Ethnic Codes

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
8-22-80	10-2.523	Affirmative Action Monitoring Procedures
11-25-80	10-2.524	Collection, Retention & Use of Applicant Race, Sex, and Ethnicity Data
10-24-80	10-2.525	Facility Accessibility
8-22-80	10-2.525	Employment Review Procedures for Grades GS-1 - GS-12
10-6-80	10-2.540	Performance Appraisal System for Attorneys
6-11-80	10-2.545	Younger Fed. Lawyer Awards
8-26-80	10-2.551	Standard of Conduct
6-18-80	10-2.552	Financial Disclosure Report
6-11-80	10-2.564	Authorization & Payment of Training
7-11-80	10-2.611	Restoration of Annual Leave
3-27-81	10-2.615	Leave Status in Emergency Situations
9-29-80	10-2.630	SF 2809- Health Benefits Registration Form
6-6-80	10-2.650	Unemployment Compensation for Federal Employees
6-6-80	10-2.660	Processing Form CA-1207
6-6-80	10-2.664	OWCP Uniform Billing Procedure
4-3-81	10-3.321	Salaried Federal Court Reporters
6-23-80	10-4.262	Procedures
10-30-80	10-4.430	Closing Notice for Case Files
11-25-80	10-5.240	Collection of Parking Fees
8-5-80	10-6.100	Receipt Acknowledgment Form USA-204
6-23-80	10-6.220	Docketing & Reporting System
5-16-80	Index to Title 10	

UNITED STATES ATTORNEYS' MANUAL--TRANSMITTALS

The following United States Attorneys' Manual Transmittals have been issued to date in accordance with USAM 1-1.500. This monthly listing may be removed from the Bulletin and used as a check list to assure that your Manual is up to date.

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE MO/DAY/YR</u>	<u>DATE OF Text</u>	<u>CONTENTS</u>
1	1	8/20/76	8/31/76	Ch. 1,2,3
	2	9/03/76	9/15/76	Ch. 5
	3	9/14/76	9/24/76	Ch. 8
	4	9/16/76	10/01/76	Ch. 4
	5	2/04/77	1/10/77	Ch. 6,10,12
	6	3/10/77	1/14/77	Ch. 11
	7	6/24/77	6/15/77	Ch. 13
	8	1/18/78	2/01/78	Ch. 14
	9	5/18/79	5/08/79	Ch. 5
	10	8/22/79	8/02/79	Revisions to 1-1.400
	11	10/09/79	10/09/79	Index to Manual
	12	11/21/79	11/16/79	Revision to Ch. 5, 8, 11
	13	1/18/80	1/15/80	Ch. 5, p. i-11, 29-30, 41-45
A2	9/29/80	6/23/80	Ch. 7, Index to Title 1, Revisions to Ch. 2, 5, 8 Ch. 2, 5, 8	
2	1	6/25/76	7/04/76	Ch. 1 to 4
	2	8/11/76	7/04/76	Index
3	1	6/23/76	7/30/76	Ch. 1 to 7
	2	11/19/76	7/30/76	Index

DATE OF TEXT

	3	8/15/79	7/31/79	Revisions to Ch. 3
	4	9/25/79	7/31/79	Ch. 3
4	1	1/02/77	1/02/77	Ch. 3 to 15
	2	1/21/77	1/03/77	Ch. 1 & 2
	3	3/15/77	1/03/77	Index
	4	11/28/77	11/01/77	Revisions to Ch. 1-6, 11-15 Index
5	1	2/04/77	1/11/77	Ch. 1 to 9
	2	3/17/77	1/11/77	Ch. 10 to 12
	3	6/22/77	4/05/77	Revisions to Ch. 1-8
	4	8/10/79	5/31/79	Letter from Attorney General to Secretary of Interior
	5	6/20/80	6/17/80	Revisions to Ch. 1-2, New Ch. 2A, Index to Title 5
6	1	3/31/77	1/19/77	Ch. 1 to 6
	2	4/26/77	1/19/77	Index
	3	3/01/79	1/11/79	Complete Revision of Title 6
7	1	11/18/77	11/22/76	Ch. 1 to 6
	2	3/16/77	11/22/76	Index
8	1	1/04/77	1/07/77	Ch. 4 & 5
	2	1/21/77	9/30/77	Ch. 1 to 3
	3	5/13/77	1/07/77	Index
	4	6/21/77	9/30/76	Ch. 3 (pp. 3-6)
	5	2/09/78	1/31/78	Revisions to Ch. 2
	6	3/14/80	3/6/80	Revisions to Ch. 3

		<u>DATE OF TEXT</u>		
9	1	1/12/77	1/10/77	Ch. 4, 11, 17, 18, 34, 37, 38
	2	2/15/78	1/10/77	Ch. 7, 100, 122
	3	1/18/77	1/17/77	Ch. 12, 14, 16, 40, 41, 42, 43
	4	1/31/77	1/17/77	Ch. 130 to 139
	5	2/02/77	1/10/77	Ch. 1, 2, 8, 10, 15, 101, 102, 104, 120, 121
	6	3/16/77	1/17/77	Ch. 20, 60, 61, 63, 64, 65, 66, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 85, 90, 110
	7	9/08/77	8/01/77	Ch. 4 (pp. 81- 129) Ch. 9, 39
	8	10/17/77	10/01/77	Revisions to Ch. 1
	9	4/04/78	3/18/78	Index
	10	5/15/78	3/23/78	Revisions to Ch. 4, 8, 15, and new Ch. 6
	11	5/23/78	3/14/78	Revisions to Ch. 11, 12, 14, 17, 18, & 20
	12	6/15/78	5/23/78	Revisions to Ch. 40, 41, 43, 44, 60
	13	7/12/78	6/19/78	Revisions to Ch. 61, 63, 64, 65, 66
	14	8/02/78	7/19/78	Revisions to Ch. 41, 69, 71, 75, 76, 78, & 79
	15	8/17/78	8/17/78	Revisions to Ch. 11

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16	8/25/78	8/02/78	Revisions to Ch. 85,90,100, 101, & 102
17	9/11/78	8/24/78	Revisions to Ch. 120,121,122, 132,133,136,137, 138, & 139
18	11/15/78	10/20/78	Revisions to Ch. 2
19	11/29/78	11/8/78	Revisions to Ch. 7
20	2/01/79	2/1/79	Revisions to Ch. 2
21	2/16/79	2/05/79	Revisions to Ch. 1,4,6,11, 15,100
22	3/10/79	3/10/79	New Section 9-4.800
23	5/29/79	4/16/79	Revisions to Ch. 61
24	8/27/79	4/16/79	Revisions to 9-69.420
25	9/21/79	9/11/79	Revision of Title 9 Ch. 7
26	9/04/79	8/29/79	Revisions to Ch. 14
27	11/09/79	10/31/79	Revisions to Ch. 1, 2, 11, 73, and new Ch. 47
28	1/14/80	1/03/80	Detailed Table of Contents p. i-iii (Ch. 2) Ch. 2 pp 19-201
29	3/17/80	3/6/80	Revisions to Ch. 1, 7, 11, 21, 42, 75, 79, 131, Index to Title 9
30	4/29/80	4/1/80	Revisions to Ch. 11, 17, 42

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	38	7-8-80	7-27-80	Revisions to Ch. 2, 16, 17, 60, 63, & 73, Index to Manual
	*A2	11-4-80	10-6-80	New Ch. 27, Revisions to Ch. 1, 2, 4, 7, 17, 34, 47, 69, 120, Index to Title 9, and Index to Manual

*Due to the numerous requests for the U.S. Attorneys' Manual from the private sector, the Executive Office has republished the entire Manual and it is now available to the public from the Government Printing Office. This publication is the exact same one that has already been issued to Department of Justice offices. To differentiate the transmittals issued after the GPO publication from previously issued transmittals the Manual Staff has devised a new numbering system. Please note that transmittal numbers issued from hereon will be prefaced with the letter "A." The private sector may order the Manual from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The stock number is 0469T10 and the price is \$145.00, which includes updates.