



U.S. Department of Justice
Executive Office for United States Attorneys

United States Attorneys' Bulletin



Published by:

*Executive Office for United States Attorneys, Washington, D.C.
For the use of all U.S. Department of Justice Attorneys*

TABLE OF CONTENTS

	<u>Page</u>
COMMENDATIONS.....	665
CLEARINGHOUSE	
Memorandum of Understanding Between the Departments of Justice and Defense Relating to the Investigation and Prosecution of Certain Crimes.....	667
Victim and Witness Protection Act: Appeal Briefs on Behalf of United States Available in <u>United States v. Wesley and Cooper</u> (No. 84-3287, 5th Circuit).....	668
POINTS TO REMEMBER	
Bluesheets and Transmittals, <u>United States Attorneys'</u> <u>Manual</u>	669
Bureau Of Alcohol, Tobacco And Firearms (BATF) Policy On Mental Disabilities.....	669
Criminal Division Brief/Memo Bank.....	670
Executive Office Staff Directory.....	670
Teletypes To All United States Attorneys.....	670
CASENOTES	
OFFICE OF THE SOLICITOR GENERAL	
Cases Recently Filed In The Supreme Court By The Solicitor General.....	671
CIVIL DIVISION	
Supreme Court Grants Certiorari And Vacates, On Jurisdictional Grounds, Decision Invalidating Medicare Regulation Permitting Higher Reimbursement Rates For Specialists Performing Services Similar To Those Performed By Plaintiff Family Physicians. <u>Margaret M. Heckler v. Michigan Academy of Family Physicians</u>	672
Supreme Court Vacates And Remands Seventh Circuit's Federal Tort Claims Act Judgment Against The United States For Federal Mine Inspectors' Alleged Negligent Enforcement Of The Mine Safety Act. <u>United States v. Hylin</u>	673
Supreme Court Vacates Court Of Appeals Estoppel Decision In Light Of Recent Supreme Court Decision. <u>Payne v. Block</u>	674

TABLE OF CONTENTS

	<u>Page</u>
Supreme Court Denies Certiorari In Magistrates Case. <u>Pacemaker Diagnostic Clinic Of America, Inc. v.</u> <u>Instromedix, Inc.</u>	675
D.C. Circuit Upholds Adequacy Of FBI Freedom of Information Act (FOIA) Search And Vacates Award Of Attorney's Fees In Nine-Year-Old King Assassination Records Case. <u>Weisberg v. Department of Justice</u>	676
D.C. Circuit En Banc Reverses Dismissal Of Suit Challenging United States Military's Use Of Property In Honduras. <u>Ramirez de Arellano v. Weinberger</u>	677
Third Circuit Holds That Federal Supervisors Are Absolutely Immune From The Common Law Torts Of Assault And Intentional Infliction Of Emotional Distress But Not Immune From A Claim Of Battery. <u>Shirley Araujo v. James S. Welch</u>	678
Sixth Circuit Dismisses As Moot The Constitutional Claims Of A Tenant Receiving Federal Rent Assistance. <u>Nancy Moore v. Kentwood Apartments, Inc.</u>	679
Seventh Circuit Holds That Applicants For Privately Owned, Federally Subsidized Rental Housing Do Not Have A Constitutionally Protected "Property Interest" In The Receipt Of The Federal Subsidy. <u>Kathy Eidson v. Samuel R. Pierce, Jr.; Sandra Germain v.</u> <u>Recht-Goldin-Siegel Properties</u>	680
Equally Divided En Banc Seventh Circuit Vacates Panel Decision And Dismisses Plaintiff's Action On The Basis Of Feres Doctrine. <u>West v. United States</u>	681
Ninth Circuit Holds That A District Court May Not Prelimi- narily Enjoin The Enforcement Of An INS Regulation To Other Than Named Parties In The Absence Of Class Certification. <u>National Center for Immigrants Rights v. Smith</u>	682

TABLE OF CONTENTS

	<u>Page</u>
APPENDIX	
FEDERAL RULES OF CRIMINAL PROCEDURE, <u>Rule 32(a)(1)(A)</u> . (This page should be placed on permanent file, by Rule, in each United States Attorney's library.).....	683
FEDERAL RULES OF CRIMINAL PROCEDURE, <u>Rule 32 (c)(3)(A) and (D)</u> . (This page should be placed on permanent file, by Rule, in each United States Attorney's library.).....	684
Criminal Division Brief/Memo Bank (Memorandum from Assistant Attorney General Stephen S. Trott, dated August 17, 1984.).....	685
Executive Office Staff Directory.....	688
<u>United States Attorneys' Manual</u> - Bluesheets.....	697
<u>United States Attorneys' Manual</u> - Transmittals.....	700
List of Teletypes to All United States Attorneys.....	711
List of United States Attorneys.....	712

COMMENDATIONS

Assistant United States Attorney JAMES R. ASPERGER, Central District of California, was commended by Mr. Edward J. Schierberl, Jr., Inspector in Charge of the United States Postal Service, Los Angeles Division, for the successful prosecution of Joseph Givens, Jr., a paid confidential informant for the United States Postal Service. Givens was providing information to postal inspectors about an armed postal robbery and, ultimately, he turned out to be the robber.

Assistant United States Attorney DANIEL J. BRODERICK, Central District of California, was commended by Mr. Ted W. Hunter, Special Agent in Charge, Drug Enforcement Administration, Los Angeles Division, for the successful prosecution of Thomas Reese, a notorious narcotics dealer, for conspiracy, distribution of heroin and cocaine, and illegal possession of firearms.

United States Attorney GERALD D. FINES, Central District of Illinois, was presented with the Chief Postal Inspector's Special Award for his excellent performance in the administration of justice. The award, from Chief Postal Inspector Kenneth H. Flosschen, was presented to United States Attorney FINES by Mr. L.W. Wiggs, Inspector in Charge, St. Louis. Division.

Assistant United States Attorney DAVID A. KATZ, Central District of California, was commended by Mr. Edward J. Schierberl, Jr., Inspector in Charge of the United States Postal Service, Los Angeles Division, for the successful prosecution of Michael Malone, for armed postal robbery, aiding and abetting, and accessory after the fact.

Assistant United States Attorney DANIEL E. MAESO, Western District of Texas, was commended by Mr. William von Raab, Commissioner of Customs, United States Customs Service, for his successful prosecution of four conspirators for the kidnapping and murder of a U.S. Customs inspector.

Assistant United States Attorney PETER B. ROBINSON, Northern District of California, was commended by Mr. Robert S. Gast II, Special Agent in Charge, Federal Bureau of Investigation, San Francisco, for his successful prosecution of United States v. Campbell.

Assistant United States Attorney HENRY H. ROSSBACHER, Central District of California, was commended by Mr. William W. Collier, Special Agent in Charge, Los Angeles Field Office, Office of

Export Enforcement, United States Department of Commerce, for his splendid work in the prosecution of Astrobar Corporation. The corporation was convicted and fined for violating the Export Administration Act by illegally exporting to Hong Kong without a validated export license a special type of Polaroid film used primarily in nuclear research.

Assistant United States Attorney JACK THAR, Southern District of Indiana, was commended by Mr. S. Anthony Long, Prosecuting Attorney, Warrick County, for his assistance and cooperation in the successful prosecution of a drug dealer, who claimed association with representatives of the government as an undercover agent.

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS
William P. Tyson, Director

CLEARINGHOUSE

Memorandum of Understanding Between the Departments of Justice and Defense Relating to the Investigation and Prosecution of Certain Crimes

In August 1984, Attorney General Smith and Secretary of Defense Weinberger signed a Memorandum of Understanding Between the Departments of Justice and Defense Relating to the Investigation and Prosecution of Certain Crimes. The Memorandum was developed with the expectation that the more complex cases require the joint efforts of the Departments of Justice and Defense, and defines the prosecutor's responsibility for coordinating and effectuating the various interests of the United States.

Your special attention is directed to the treatment of investigative jurisdiction of corruption, fraud and theft cases, and the responsibilities of the prosecutor:

1. To concur prior to the independent initiation of any corruption investigation by the Department of Defense;
2. To hold a conference to determine investigation jurisdiction in all fraud and theft matters; and
3. To concur before the Department of Defense can initiate any administrative investigation or actions during the pendency of any criminal investigation.

The Criminal Division is preparing revisions to Section 9-42.530 of the United States Attorneys' Manual which will incorporate these responsibilities. In the meantime, the DOD/DOJ Fraud Procurement Unit has developed substantial expertise in these investigations and can assist in structuring and conducting the investigations requiring expertise from the Federal Bureau of Investigation and the Department of Defense. Questions concerning the Memorandum of Understanding should be directed to the Fraud Section of the Criminal Division at FTS 724-7038 or the DOD/DOJ Fraud Procurement Unit at FTS 557-5171.

Because of the breadth of the Memorandum of Understanding and its application to both investigative and prosecutive jurisdiction, copies are being made available upon request to Ms. Susan A. Nellor, Assistant Director, Legal Services, at FTS 633-4024. Please specify item number CH-10.

Victim and Witness Protection Act: Appeal Briefs on Behalf of United States Available in United States v. Wesley and Cooper (No. 84-3287, 5th Circuit)

The United States Attorney's office for the Middle District of Louisiana has provided the Executive Office with copies of the appeal briefs filed on behalf of the United States as appellee in the criminal case of United States v. Wesley and Cooper (No. 84-3287, 5th Circuit). This case involves a felon who was arrested for possession of a firearm and who, while in custody, allegedly solicited the assistance of a second party to threaten a third party to commit perjury at the felon's trial.

An earlier Clearinghouse item (Volume 32, Number 13, dated July 13, 1984) made available copies of jury instructions covering the following matters as they relate to obstruction of justice: evidence tending to show defendant's consciousness of guilt; conspiracy; elements of 18 U.S.C. §1503; elements of 18 U.S.C. §1512; evidence of similar transactions by one defendant to be considered in determining whether the target of an alleged threat perceived the statements of the defendant's accomplice as a threat; and the principle of conscious avoidance of knowledge. The United States Attorney's office for the Middle District of Louisiana has indicated that the appeal briefs are more complete than the jury instructions.

Copies of the appeal briefs filed by the United States may be obtained by contacting Ms. Susan A. Nellor, Assistant Director, Legal Services, at FTS 633-4024. Please request item No. CH-11, 1984.

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS
William P. Tyson, Director

POINTS TO REMEMBER

Bluesheets and Transmittals, United States Attorneys' Manual

Appended to this issue of the Bulletin are updated lists of United States Attorneys' Manual Bluesheets and Transmittals, as of October 30, 1984.

(Executive Office)

Bureau of Alcohol, Tobacco and Firearms (BATF) Policy on Mental Disabilities

Three statutory provisions, 18 U.S.C. §§842(i), 922(g) and (h), and 18 U.S.C. App. §1202(a), impose firearms and explosives restrictions on persons with certain mental disabilities. The BATF policy states that these restrictions apply to any person who has been acquitted of a crime by reason of insanity as well as to any person who has otherwise been adjudicated insane under state law. However, in the Department of Treasury's view, once a person initially subject to the limitations has been determined to be competent in accordance with the laws of the state in which he or she was committed or adjudged as incompetent or insane, and has had all of his or her civil rights restored, the disability no longer attaches. The rationale for the BATF policy is that continued imposition of the restrictions after restoration of civil rights to the individual would offend the individual's Fifth Amendment right to due process.

The Office of Legal Counsel (OLC) was requested by the Department of Treasury to review the BATF policy and provide its interpretation of the three statutory provisions. On May 2, 1984, OLC responded that the Department of Treasury should conform its pertinent interpretations to the legal position of the Department of Justice which is that the continued imposition of firearms limitations upon persons previously adjudged to be mentally deficient raises no substantial constitutional problems under the Due Process Clause, U.S. Const., amend. V. (Copies of the response were provided to all United States Attorneys by memorandum dated September 12, 1984.)

(Executive Office)

Criminal Division Brief/Memo Bank

The Office of Enforcement Operations maintains the Criminal Division's Brief/Memo Bank, a document storage and retrieval system designed to offer convenient access to previously prepared legal memoranda and briefs dealing with criminal matters. A description of this resource is contained in USAM 9-1.501.

In order that this system be more useful, the Criminal Division has requested that copies of legal memoranda, letters, or other material prepared in your offices which would be helpful to others researching similar issues be forwarded to the Legal Reference Unit, Office of Enforcement Operations, Criminal Division, Room 302, Federal Triangle Building, 315 Ninth Street, N.W., Washington, D.C. 20530. Anyone wishing to avail themselves of this resource may contact the Legal Reference Unit at FTS 724-7184.

A copy of the memorandum, dated August 17, 1984, from Assistant Attorney General Stephen S. Trott of the Criminal Division, has been reproduced as an appendix to this Bulletin.

(Criminal Division)

Executive Office Staff Directory

Appended to this Bulletin is an update of the Executive Office for United States Attorneys' Staff Directory.

(Executive Office)

Teletypes To All United States Attorneys

A listing of the teletypes sent by the Executive Office during the period from October 15, 1984, through November 2, 1984, is attached as an appendix to this issue of the Bulletin. If a United States Attorney's office has not received one or more of these teletypes, copies may be obtained by contacting Ms. Theresa Bertucci, Chief of the Communications Center, Executive Office for United States Attorneys, at FTS 633-1020.

(Executive Office)

OFFICE OF THE SOLICITOR GENERAL
Solicitor General Rex E. Lee

The Solicitor General has authorized the filing of:

A direct appeal to the Supreme Court in Roy v. Cohen, No. 83-1179 (M.D. Pa. June 25, 1984). The question presented is whether federal statutes requiring applicants for benefits under various federal welfare programs to provide the administering state agency with their social security numbers (SSNs) are unconstitutional as applied to persons claiming that the use of SSNs violates their religious beliefs.

A brief as amicus curiae in Jensen v. Quaring, cert. granted, No. 83-1944 (Oct. 1, 1984). The principal question of interest to the United States, because of its relationship to the issue in Roy v. Cohen, is whether Nebraska's statutory requirement for a photographic driver's license is unconstitutional as applied to persons claiming that the use of a photograph violates their religious beliefs.

CIVIL DIVISION

Acting Assistant Attorney General Richard K. Willard

Margaret M. Heckler v. Michigan Academy of Family Physicians,
___ U.S. ___, No. 84-120 (Oct. 1, 1984). D.J. # 145-16-1033.

SUPREME COURT GRANTS CERTIORARI AND VACATES,
ON JURISDICTIONAL GROUNDS, DECISION INVALIDAT-
ING MEDICARE REGULATION PERMITTING HIGHER
REIMBURSEMENT RATES FOR SPECIALISTS PERFORM-
ING SERVICES SIMILAR TO THOSE PERFORMED BY
PLAINTIFF FAMILY PHYSICIANS.

Under the Medicare Program, Part B, providing supplementary medical coverage for physicians' services, the Secretary of Health and Human Services promulgated 42 C.F.R. §405.504(b), which recognizes that in certain localities a specialist may charge more than a non-specialist for performing a similar service and therefore permits a higher reimbursement scale for specialists. Blue Cross/Blue Shield of Michigan (BC/BSM), like contract carriers administering the Medicare Part B program on the Secretary's behalf in some 47 states, accordingly developed a three-tiered system of reimbursement for similar services depending on whether the providing physician was a hospital specialist, other specialist, or non-specialist. In general, under this system, non-specialists--including certain members of the plaintiff family physicians' organization--received lower reimbursements than physicians classified as specialists for performing similar services. Ruling on the plaintiffs' challenge to the Secretary's regulation, the district court held, inter alia, that the regulation violated 42 U.S.C. §1395u(b)(3), requiring that the Secretary "take into consideration" prevailing charges for similar services in establishing reimbursement rates, since the Secretary had not proven that the rates in Michigan corresponded to the prevailing charges by physicians there.

The Sixth Circuit affirmed on the merits, after holding as a threshold matter that the district court had had jurisdiction over the plaintiffs' challenge to the regulation. The court acknowledged that after United States v. Erika, Inc., 456 U.S. 201 (1982), it was clear that 42 U.S.C. §1395ff of the Medicare Act barred judicial review of determinations of the amounts of benefits under Part B. This case was different, the court said, because here the plaintiffs were not directly challenging a decision on the amount of benefits but only a "mechanism" for computing that amount.

We sought certiorari on the jurisdictional question, arguing that the Supreme Court's intervening action in Heckler v. Ringer, 104 S.Ct. 2013 (1984), had eliminated any possibility that Erika

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

could be so restricted. Ringer held, inter alia, that there was no judicial review of the regulation challenged in that case, which had barred all reimbursement under Part B for a particular type of medical service. We noted that the Court had granted certiorari and vacated the judgment of the court of appeals in Heckler v. Starnes, 104 S.Ct. 2673 (1984), for reconsideration in light of Ringer. The Court has just granted our request that it take the same course here.

Attorneys: Anthony J. Steinmeyer
FTS 633-3388

Marilyn Urwitz
FTS 633-3469

United States v. Hylin, ___ U.S. ___, No. 83-1818 (1984). D.J. #
157-23-1566.

SUPREME COURT VACATES AND REMANDS SEVENTH
CIRCUIT'S FEDERAL TORT CLAIMS ACT JUDGMENT
AGAINST THE UNITED STATES FOR FEDERAL MINE
INSPECTORS' ALLEGED NEGLIGENT ENFORCEMENT OF
THE MINE SAFETY ACT.

Plaintiff in this case brought suit under the Federal Tort Claims Act alleging that the federal Mine Enforcement and Safety Administration ("MESA") negligently enforced provisions of the Federal Metal and Nonmetallic Mine Safety Act, Pub. L. No. 89-577, 80 Stat. 772, codified at 30 U.S.C. §721 et seq., by requiring a private mine owner to make otherwise perfectly proper safety modifications, which allegedly increased the danger of another violation of the Mine Safety Act which had gone unnoticed by the MESA inspectors, and which ultimately resulted in the death of plaintiff's husband, an employee at the mine. The district court dismissed the case, holding that the alleged negligence of the MESA inspectors was not the proximate cause of the husband's death. The Seventh Circuit reversed, holding that the United States could be held liable as a "private individual under the circumstances" under the Good Samaritan Doctrine of Illinois law and that the United States was not exempt from liability under the "discretionary function" exception of 28 U.S.C. §2680(a).

The United States petitioned for certiorari, asking the Supreme Court to hold the petition until after it had decided the then-pending cases of United States v. S.A. Empresa De Viacao Aerea Rio Grandense, No. 82-1349 ("Varig") and United States v.

CIVIL DIVISION

Acting Assistant Attorney General Richard K. Willard

United Scottish Insurance Co., No. 82-1350, which had been argued and were awaiting decision. Subsequently, the Court decided Varig and United Scottish, holding that the discretionary function exemption of the FTCA barred suits against the FAA for allegedly negligently certifying aircraft for use in commercial aviation. On October 1, 1984, the Supreme Court vacated the Seventh Circuit's decision in Hylin and remanded the case for further consideration in light of Varig and United Scottish.

Attorneys: Robert S. Greenspan
FTS 633-5428

Mark Pennak
FTS 633-4214

Payne v. Block, ___ U.S. ___, No. 83-1691 (Oct. 1, 1984). D.J. # 145-8-1081.

SUPREME COURT VACATES COURT OF APPEALS ESTOPPEL
DECISION IN LIGHT OF RECENT SUPREME COURT
DECISION.

Plaintiff Payne, a farmer in north Florida, brought this class action alleging that the Farmers Home Administration had made inadequate public announcements of a 1973-74 emergency loan program in 13 counties in Florida that had been declared a disaster area as a result of rains and flooding. The district court ruled that the agency's news media announcements were inadequate because of failure to mention beneficial terms (one percent interest and \$5,000 forgiveness), and ordered the agency to make new public announcements and to reopen the program in Florida. That government argued on appeal that the relevant details of the program were published in the Federal Register, and that, under Schweiker v. Hansen, 450 U.S. 785 (1981), any asserted lack of compliance with an "instruction" about making additional news media announcements could not authorize reopening of a program that was subject to a 1974 application cut-off date. The court of appeals rejected these arguments, holding that Hansen was distinguishable, and that the case was controlled by the doctrine that an agency must comply with its internal procedures. E.g., Morton v. Ruiz, 415 U.S. 199 (1974).

Our petition for certiorari was filed on April 16, 1984. On October 1, 1984, the Supreme Court granted the petition, vacated the judgment of the court of appeals, and remanded for further

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

consideration in light of the Court's recent reaffirmation of the estoppel doctrine in Heckler v. Community Health Services, No. 83-56 (May 21, 1984).

Attorneys: Michael Kimmel
FTS 633-5714

Richard Olderman
FTS 633-4052

Pacemaker Diagnostic Clinic of America, Inc. v. Instromedix, Inc.
U.S. , No. 83-1873 (Oct. 1, 1984). D.J. # 27-8-225.

SUPREME COURT DENIES CERTIORARI IN MAGISTRATES
CASE.

The Ninth Circuit panel in this case originally held that the consensual reference provisions in the Federal Magistrates Act violated Article III by impermissibly conferring the "essential attributes of the judicial power" on non-Article III judicial officials. Soon thereafter, challenges to the authority of magistrates to enter final decisions were made in almost every circuit. We intervened in the Pacemaker case and successfully sought rehearing en banc, and we intervened to defend the consensual reference provisions in most other circuits.

The en banc Ninth Circuit, and in its wake six other circuits, have now upheld the authority of magistrates to try cases upon the consent of the parties. Petitions for certiorari were filed in Pacemaker and in cases arising from the First and Second Circuits. On October 1, the Supreme Court entered an order denying petitions for certiorari in the three cases. The Court's action should increase our already solid chance of successfully defending the consensual reference provision in the remaining circuits.

Attorneys: William Kanter
FTS 633-1597

Harold Krent
FTS 633-3159

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

Weisberg v. Department of Justice, _____ F.2d _____, No. 82-1229
(D.C. Cir. Oct. 5, 1984). D.J. # 145-12-2590.

D.C. CIRCUIT UPHOLDS ADEQUACY OF FBI FREEDOM
OF INFORMATION ACT (FOIA) SEARCH AND VACATES
AWARD OF ATTORNEY'S FEES IN NINE-YEAR-OLD KING
ASSASSINATION RECORDS CASE.

Plaintiff brought this action under the Freedom of Information Act in 1975, seeking the release of information relating to the assassination of Dr. Martin Luther King, Jr. In the course of the litigation, the Department of Justice released to plaintiff approximately 60,000 pages of material (largely without deletions) and conducted countless searches of the Department's records. Plaintiff, however, remained dissatisfied with the Department's search and with its exemption claims. Thus, when the district court finally granted summary judgment with respect to both the Department's search and its exemption claims, plaintiff appealed. When the district court subsequently awarded plaintiff approximately \$110,000 in fees and costs, including a multiplier of 50 percent, the Department appealed.

The court of appeals has now affirmed the district court's decision ending the litigation on the merits, and has vacated the award of fees and costs. In a comprehensive 50-page opinion, the D.C. Circuit stated that "the search efforts of the Department and the FBI were entirely adequate." The court also upheld all of the Department's exemption claims. Finally, with respect to the fee award, the court remanded the case to the district court for a thorough inquiry into plaintiff's eligibility for, and entitlement to, fees under the FOIA; the court's language indicated grave misgivings about the appropriateness of any fee award in this case, let alone a fee award of the magnitude allowed by the district court. The court made clear that the district court's award encompassed fees for an enormous amount of unproductive time, and that plaintiff certainly did not achieve the kind of "exceptional success" that would warrant a multiplier.

Attorneys: Leonard Schaitman
FTS 633-3441

John S. Koppel
FTS 633-5459

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

Ramirez de Arellano v. Weinberger, ___ F.2d ___, No. 83-1950 (D.C. Cir. Oct. 5, 1984) (en banc). D.J. # 145-15-1474.

D.C. CIRCUIT EN BANC REVERSES DISMISSAL OF
SUIT CHALLENGING UNITED STATES MILITARY'S USE
OF PROPERTY IN HONDURAS.

On a 6-4 vote, the District of Columbia Circuit has reinstated a lawsuit challenging American and Salvadoran military use of private property in Honduras. An American citizen is the sole owner of the corporations which hold title to the Honduran property. His suit seeks injunctive and declaratory relief against American military officials on the ground that military use of his property violates the Due Process and Just Compensation Clauses of the Constitution, and also is unauthorized by American law. The district court dismissed the suit as a non-justiciable political question. A 2-1 panel of the court of appeals affirmed on the ground that "equitable discretion" prevented judicial intervention. On rehearing en banc, however, the full court of appeals now has remanded the case to the district court for discovery and possibly a trial.

In an extremely lengthy opinion by Judge Wilkey, the court of appeals concluded that plaintiffs' allegations were sufficient to survive a motion to dismiss. The court rejected, with the case in its current posture, the government's various claims that the political question, equitable discretion, standing, and act of state doctrines required dismissal of this suit. The court questioned as a legal matter whether there was any legal authority for the United States' actions in using American-owned private property in Honduras for military training. The court also viewed as a disputed factual issue the question whether Honduras had ratified the United States' actions and was willing to pay compensation for use of the private property. The court seemingly left open the possibility of summary judgment for the government upon a persuasive factual and legal showing.

We are presently considering whether to seek certiorari.

Attorneys: William Kanter
FTS 633-1597

John Rogers
FTS 633-1673

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

Shirley Araujo v. James S. Welch, ___ F.2d ___, No. 84-5070 (3d Cir. Sept. 7, 1984). D.J. # 157-63-395.

THIRD CIRCUIT HOLDS THAT FEDERAL SUPERVISORS ARE ABSOLUTELY IMMUNE FROM THE COMMON LAW TORTS OF ASSAULT AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS BUT NOT IMMUNE FROM A CLAIM OF BATTERY.

The plaintiff in this case was the civilian equal employment opportunity officer for the Army under the overall command of the defendant, Major General Welch. Plaintiff alleged that during the course of a conversation, the defendant began to berate her regarding her job performance and "repeatedly pok[ed] and shov[ed] her in the chest . . . [and] used loud, vulgar, threatening, demeaning and abusive language . . . which threatened her employment with the federal government." (Slip op. at 3). Plaintiff thereafter brought suit, alleging that defendant's alleged actions constituted the common law torts of (1) assault, (2) battery, and (3) intentional infliction of emotional distress. Defendant moved to dismiss the complaint, contending that he was entitled to absolute immunity from plaintiff's tort claims under Barr v. Matteo, 360 U.S. 564 (1959). The district court denied the motion and defendant appealed.

In a decision entered September 7, 1984, the Third Circuit reversed in part and affirmed in part. Finding first that General Welch had satisfied the requirement that the alleged torts arise from discretionary acts (slip op. at 5-6), the court of appeals ruled that General Welch was entitled to absolute immunity under Barr on plaintiff's common law claims of assault and intentional infliction of emotional distress. The court reasoned that immunity was necessary for these tort claims because "government officials such as Major General Welch, must be able to speak freely to their employees without 'apprehension that the motives that control his official conduct may, at any time, become the subject of inquiry in a civil suit for damages.'" (Slip op. at 8, quoting Spaulding v. Vilas, 161 U.S. 483, 498 (1896).) However, the Third Circuit affirmed the district court's refusal to accord immunity on plaintiff's common law battery claim reasoning that a battery could not conceivably advance the "legitimate objectives of the office." (Id. at 8).

Attorneys: Barbara Herwig
FTS 633-5425

Mark W. Pennak
FTS 633-4214

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

Nancy Moore v. Kentwood Apartments, Inc., F.2d _____, No. 83-1603 (6th Cir. Sept. 13, 1984). D.J. # 130-38-1228.

SIXTH CIRCUIT DISMISSES AS MOOT THE CONSTITUTIONAL CLAIMS OF A TENANT RECEIVING FEDERAL RENT ASSISTANCE.

In this case, a private landlord sought to evict a tenant receiving federal housing assistance under Section 8 of the United States Housing Act, 42 U.S.C. §1437(f). In a mistaken application of federal housing guidelines, the landlord believed that the tenant was required to furnish certain information concerning a person the landlord believed to be living with the tenant. Upon the tenant's refusal to furnish the information, the landlord attempted to terminate the tenant's Section 8 housing assistance and evict her. The tenant brought suit to enjoin the threatened termination, claiming that the Department of Housing and Urban Development was constitutionally required to promulgate regulations prohibiting termination of benefits in the absence of a trial-type due process hearing. However, subsequent to the suit, the tenant married the person with whom she had been living and provided the information requested by the landlord.

The district court dismissed the suit, holding that the landlord's actions were purely private and that there was an absence of the requisite "federal action" necessary to support plaintiff's constitutional claims. On appeal, we argued that plaintiff's case was mooted by subsequent developments and should be dismissed as moot under the Supreme Court's decision in City of Los Angeles v. Lyons, 103 S.Ct. 1660 (1983). In a short, not-for-publication decision issued September 13, 1984, the Sixth Circuit agreed, remanding the case to the district court with instructions to dismiss the complaint as moot.

Attorneys: Anthony Steinmeyer
FTS 633-3388

Mark W. Pennak
FTS 633-4214

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

Kathy Eidson v. Samuel R. Pierce, Jr.; Sandra Germain v. Recht-Goldin-Siegel Properties, F.2d, Nos. 83-2414, 83-2559 (7th Cir. 1984). D.J. ## 145-17-3699; 145-17-3104.

SEVENTH CIRCUIT HOLDS THAT APPLICANTS FOR PRIVATELY OWNED, FEDERALLY SUBSIDIZED RENTAL HOUSING DO NOT HAVE A CONSTITUTIONALLY PROTECTED "PROPERTY INTEREST" IN THE RECEIPT OF THE FEDERAL SUBSIDY.

In these consolidated appeals, private landlords denied the applications of several applicants for housing subsidized under Section 8 of the United States Housing Act, 42 U.S.C. §1437(f). Under the Section 8 program, the eligibility of applicants for the rental subsidy is determined by reference to criteria established by the statute and regulations. However, the actual selection of tenants is left by statute to the private landlord who is entitled to reject applicants by reference to the landlord's own selection criteria. In both Eidson and Germain the private landlords had rejected plaintiff applicants by reference to their own privately developed selection criteria on such grounds as bad credit history or unfavorable reports from prior landlords. Plaintiffs brought suit, contending that they were entitled to challenge the denial in a due process hearing before an impartial HUD employee. In addition, plaintiffs contended that the Due Process Clause of the Fifth Amendment required HUD to promulgate regulations establishing procedures for such hearings.

The district courts dismissed the complaints, holding that plaintiffs, as applicants, did not have a protected property interest in the receipt of the Section 8 benefits. In a unanimous decision, the Seventh Circuit affirmed on the same ground. The court of appeals reasoned that under the Section 8 program, the private owner had discretion to accept or reject applicants as a matter of business judgment in an effort to accept only those applicants who will be "responsible tenants." In these circumstances, the court ruled, a hearing would be pointless since the actual selection between otherwise eligible individuals is totally discretionary. The court explained that it would be "virtually impossible to state in criteria with legal force which applicants would be suitable tenants." (Slip op. at 20; emphasis the court's). In so holding, the Seventh Circuit expressly rejected as wrongly decided the Ninth Circuit's contrary holding in Ressler v. Pierce, 692 F.2d 1212 (9th Cir. 1982).

Attorneys: Anthony Steinmeyer
FTS 633-3388

Mark W. Pennak
FTS 633-4214

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

West v. United States, ___ F.2d ___, No. 83-1842 (7th Cir. Oct. 4, 1984). D.J. #157-24-296.

EQUALLY DIVIDED EN BANC SEVENTH CIRCUIT
VACATES PANEL DECISION AND DISMISSES PLAINTIFF'S
ACTION ON THE BASIS OF FERES DOCTRINE.

Plaintiff, a former serviceman, brought this action on behalf of his two daughters, one of whom was born dead and the other of whom was born with birth defects. Plaintiff alleged that the Army had negligently identified his blood type on his dog tags as "A Negative," that his blood type is really "A Positive," that the incompatibility between plaintiff's and his wife's blood types caused the children to be born with their injuries, and that the Army's erroneous classification of plaintiff's blood type on his dog tags was the proximate cause of the injuries. The district court dismissed on the basis of Feres v. United States, 340 U.S. 135 (1950). The court of appeals reversed. We petitioned for rehearing en banc which the court granted. Immediately after argument on October 4, 1984, the court issued an order that it had voted four to four (nine judges had participated in the vote on our petition but one of them had since gone on senior status), that the panel opinion had been vacated by the grant of rehearing en banc, and that on a tie vote the judgment of the district court dismissing the case on the basis of Feres was affirmed. The decision by the full court vacates the panel opinion which, although somewhat narrowly drafted, would have been frequently cited against us.

Attorneys: Anthony Steinmeyer
FTS 633-3388

Nicholas Zeppos
FTS 633-5431

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

National Center for Immigrants Rights v. Smith, ___ F.2d ___, No. 84-5504 (9th Cir. 1984). D.J. # 39-12C-1880.

NINTH CIRCUIT HOLDS THAT A DISTRICT COURT MAY NOT PRELIMINARILY ENJOIN THE ENFORCEMENT OF AN INS REGULATION TO OTHER THAN NAMED PARTIES IN THE ABSENCE OF CLASS CERTIFICATION.

This case involves a challenge to an INS regulation intended to protect the American labor force. Aliens who are not authorized to work in the United States under the Immigration and Nationality Act, and who are arrested on grounds warranting deportation, may be released on bond pending administrative proceedings in which discretionary relief may be sought. Formerly such aliens generally did not have their release on bond conditioned on their not working, although they still were not authorized to work. The INS promulgated a regulation which would generally impose such a condition; that is, unauthorized employment by an alien pending deportation proceedings would be a basis for rearrest. The district court preliminarily enjoined the enforcement of the regulation, holding that the plaintiff aliens had a "fair chance" of demonstrating (1) that the regulations exceed the statutory authority of the Attorney General because "no work riders" are unrelated to ensuring the attendance of aliens at administrative hearings, and (2) that the regulations restrict the exercise of a constitutionally protected liberty interest in employment without procedural due process. The court preliminarily enjoined enforcement of the regulation nationwide, but did not certify a class.

On our appeal, the Ninth Circuit affirmed the district court's holding that the plaintiffs had a "fair chance" of success on the merits. The court of appeals, however, agreed with our argument that, in the absence of class certification, the preliminary injunction may properly cover only the named plaintiffs. The case was accordingly remanded "for possible modification of the injunction."

Attorneys: Leonard Schaitman
FTS 633-3441

John Rogers
FTS 633-1673

FEDERAL RULES OF CRIMINAL PROCEDURE

Rule 32(a)(1)(A). Sentence and Judgment. Sentence.
Imposition of Sentence.

Rule 32(c)(3)(A) Sentence and Judgment. Presentence
and (D). Investigation. Disclosure.

Defendant pled guilty to a narcotics violation. The presentence report was disclosed to defense counsel prior to sentencing, and indicated that marijuana plants having a street value of \$1,646,000 were seized. At sentencing defense counsel did not object to the stated value but clarified that defendant was not responsible for all of the plants; however, the court estimated the value for which defendant was responsible at "maybe a million dollars." The court never asked defendant whether he had seen or objected to the factual accuracy of the report. Defendant appealed his sentence, asserting that the court failed to assure him access to the report and an opportunity to dispute the exaggerated street value which he argued would be closer to \$32,700.

The court held that the judge did not fulfill the additional requirements imposed upon him by the 1983 amendments to Rule 32(a)(1)(A) and (c)(3)(A) and new subsection (D). In order to avoid future violations, the court recommended that a written record be made that the defendant was personally questioned as to whether he/she had an opportunity to read the report; whether defendant and his/her counsel discussed it; and whether defendant challenges any facts in the report, and if so, that findings were made regarding each inaccuracy or that a determination was made that the controverted matter would not be relied on in sentencing.

(Vacated and remanded for resentencing.)

United States v. Dennis D. Rone, ___ F.2d ___, No. 83-3132
(7th Cir. Sept. 4, 1984).

FEDERAL RULES OF CRIMINAL PROCEDURE

Rule 32(c)(3)(A) and (D) Sentence and Judgment. Presentence
Investigation. Disclosure.

See Rule 32 (a)(1)(A), this issue of the Bulletin for
syllabus.

United States v. Dennis D. Rone, ___ F.2d ___, No. 83-3132
(7th Cir. Sept. 4, 1984).

Memorandum



VOL. 32

NOVEMBER 2, 1984

NO. 21

Subject <u>Criminal Division Brief/Memo Bank</u>	Date 17 AUG 1984 SST:FDH:GMCN:LRK:ks
----------------------------------------------------------------	----------------------------------------------------

To All United States Attorneys

From Stephen S. Trott SST/OK
Assistant Attorney General
Criminal Division

As you know, the Office of Enforcement Operations maintains the Criminal Division's Brief/Memo Bank, a document storage and retrieval system designed to offer convenient access to previously prepared legal memoranda and briefs in order to avoid needless duplication of work efforts and permit legal research to be performed more expeditiously and thoroughly. A description of this resource is contained in the United States Attorneys' Manual at 9-1.501.

Materials currently filed in the Brief/Memo Bank include Supreme Court and Court of Appeals briefs and memoranda to the Solicitor General recommending for or against appeal which are forwarded routinely by the Appellate Section, and Attorney General orders and Division directives which are printed in the Federal Register.

In order that this system be more useful, it is requested that copies of legal memoranda, letters, or other material prepared in your offices which would be helpful to others researching similar issues be forwarded to the Legal Reference Unit, Office of Enforcement Operations, Criminal Division, Room 302-Federal Triangle Building, 315 9th Street, N. W., Washington, D. C. 20530.

For your information and distribution to your staff, a copy of the general topics contained in the Brief/Memo Bank indexing system is attached. In addition, indices are maintained by statutory and regulatory citations and Federal Rules numbers. Finally, a separate index is maintained to cover statements of internal policies and procedures. Persons asking for information need not give any numerical or topical reference, but should define as clearly and specifically as possible the legal issue in which they are interested. Anyone wishing to avail themselves of this resource may contact the Legal Reference Unit at FTS 724-7184.

Attachment

BRIEF/MEMO BANK - INDEX

GENERAL TOPICS

Part A: Stages of the Criminal Justice Process

1. Law Enforcement Agencies
2. Investigative Practices & Techniques
3. Arrest
4. Bail and Pretrial Detention
5. Grand Jury
6. Indictments and Informations
7. Joinder and Severance
8. Discovery
9. Jurisdiction and Venue
10. Pleas
11. Other Pretrial Proceedings and Motions
12. Prosecutor
13. Defense Counsel
14. Defendant
15. Judge
16. Jury Instructions
17. Jury Trials
18. Trial
19. Sentencing
20. Appeals
21. Corrections and Prisoners
- 22-29 Reserved

Part B: Quasi-Criminal and Non-Criminal Proceedings Concerning the Criminal Division

30. Administrative Proceedings (Generally)
31. INS Proceedings and Issues
32. Civil Proceedings and Issues
33. Special and Other Proceedings
34. Contempt
- 35-39 Reserved

Part C: Evidentiary Issues

40. Evidence
41. Witnesses
42. Privileges
- 43-49 Reserved

Part D: Constitutional Issues

50. Constitutional Powers of the Government
51. The Exclusionary Rule
52. Search & Seizure
53. Surveillance, Undercover Agents & Informants

- 54. Interrogations and Confessions
- 55. Right to Counsel
- 56. Identifications
- 57. Confrontation
- 58. Speedy Trial
- 59. Public Trial
- 60. Double Jeopardy
- 61. Privilege Against Self-Incrimination
- 62-68 Reserved
- 69. Other Constitutional Issues

Part E: Substantive Aspects of Criminal Law

- 70. Criminal Offenses
- 71. Basic Elements of Criminal Offenses
- 72. Non-Principal Liability for Criminal Acts
- 73. Defenses
- 74. Immunities from Prosecution
- 75-79 Reserved

Part F: Other Considerations

- 80. Crime and Criminal Justice
- 81. Courts, Court Systems, and Judicial Administration
- 82. Words and Phrases
- 83. Assorted Minor Topics
- 84. International Law
- 85. Revision of the Federal Criminal Code
- 86. Records and Recordkeeping
- 87. Organization, History & Jurisdiction of the Department of Justice

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS
STAFF DIRECTORY

OFFICE OF THE DIRECTOR AND DEPUTY DIRECTOR
Main Justice Building, Room 1619

<u>DIRECTOR</u> - William P. (Bill) Tyson	633-2121
Secretary/Assistant to the Director - Nancy L. Smith	2121
Chief, Communications Center - Theresa Bertucci (Head of Communications Center; mail control; information)	1020
Staff Assistant - Maria Fulginiti (Communications Center)	1020
Recorder Information Number (U.S. Attorneys are notified when this number is activated for special information, e.g., Conferences, Allocations)	1042
Special Counsel - Judith H. (Judi) Friedman (Law Enforcement Coordinating Committee Program)	3276
Program Analyst - (Vacant)	
Writer/Editor - (Vacant)	
Staff Assistant - Trish Nance (Administrative Aide and general support to Special Counsel)	3276
<u>DEPUTY DIRECTOR</u> - Laurence S. (Larry) McWhorter	633-2123
Secretary to the Deputy Director - Lee Cumberland (Financial disclosure reports)	2123
Attorney Advisor - B. Boykin Rose (Support of AGAC and Special Assignment)	1038
Senior Staff Assistant for Attorney Hiring - D. Glen Stafford (Pre-employment processing of Assistant U.S. Attorney applicants; Special Assistant U.S. Attorneys; Law Clerk-AUSA conversions; Employment Review Analysis; Status of attorney appointments)	2074
Staff Assistant to the Senior Staff Assistant for Attorney Hiring - Debra J. (Debi) Cleary	2074

Equal Employment Opportunity Office

Patrick Henry Building, 601 D Street, N.W., Rm. 9304

Equal Employment Opportunity Officer - Frances H. Cuffie (General Policy Development)	272-6952
EEO Employment Opportunity Specialist - Laverne A. Parks (Equal Employment Opportunity Complaint Processing)	6952
EEO Employment Opportunity Specialist - H. Daryl Thomas (National Selective Placement, Black Affairs, and American Indian Programs)	6952
Equal Employment Opportunity Specialist - Yvonne J. Makell (National Federal Women's, Hispanic, and Asian/Pacific Programs)	6952

OFFICE OF LEGAL EDUCATION
Main Justice Building, Room 1627

DIRECTOR - Richard E. (Dick) Carter (Policy development and oversight of Department of Justice continuing legal education programs)	633-1621
Secretary to the Director - Zemoria McClain (Clerical support and assistant to the Director; OLE correspondence coordinator)	1621

Attorney General's Advocacy Institute (AGAI)
Main Justice Building, Room 1342

Director, Attorney General's Advocacy Institute - Thomas G. Schrup (Department of Justice attorney legal education)	633-4104
Assistant Director (Civil) - Barbara Berman	4104
Assistant Director (Criminal) - John Panneton	4104
Assistant Director (Appellate) - Vacant	4104

Legal Education Institute (LEI)
Universal North Bldg., 1875 Conn. Ave., NW, Rm. 1034

Director, Legal Education Institute - Karen Sherman (Inter-agency continuing legal education programs)	673-6372
Assistant Director - Bonnie L. Gay	6372
Assistant Director - Grace L. Mastalli	6372
Assistant Director - Susan L. Moss	6372

OFFICE OF MANAGEMENT INFORMATION SYSTEMS AND SUPPORT
Universal North Bldg., 1875 Conn. Ave., NW, Rm. 1035

DIRECTOR - C. Madison (Brick) Brewer 673-6379
 (PROMIS Project Manager, Policy Development, and supervision
 of all management information systems and services)

Secretary to the Director - Della-Ann Lehmann 6379

Office Manager - Maureen Williams 6379
 (Office Management - OMISS)

Information Services Staff

ASSISTANT DIRECTOR - Jack S. Rugh 6379
 (Technical support of PROMIS implementation; and operation;
 coordinates activities and requirements of the Docket and
 Reporting System)

FIELD SYSTEMS SUPPORT SECTION

Computer Specialist - Glenn Weiland 673-6379
 (Assists computer based districts with PROMIS software
 implementation and support; coordinates installation of
 PRIME computer and associated telecommunications equipment)

CENTRAL SYSTEMS SUPPORT SECTION

Supervisory Computer Specialist - James R. Hopson 6379
 (Responsible for Docket and Reporting to PROMIS and PROMIS
 to Docket and Reporting data base conversions; operates
 Docket and Reporting System)

Computer Specialist - Josef Lederle 5678
 (Assists PROMIS computer based districts with
 implementation; Docket and Reporting)

Computer Specialist - John Garvey 5670
 (Docket and Reporting software and operations
 support)

Computer Specialist - Jeannie Scott 5683
 (Responsible for PROMIS to Docket and Reporting
 collection's conversions software development and
 support and Central Collections systems development)

Computer Programmer - Carlos Landerer 5667
 (Docket and Reporting software and operations support)

Management Analyst - Martha (Marti) Evans 673-5621
 (Assists districts with Docket and Reporting system
 problems; trains users; operates Docket and Reporting
 system)

Management Assistant - Sharon White 5621
 (Assists districts with Docket and Reporting system
 problems; trains user; operates Docket and Reporting
 system)

WORD PROCESSING APPLICATIONS SECTION

Applications Development Specialist - L. Carol Sloan 6379
 (Technical development and support of word processing
 based case management system; Development of administrative
 and word processing applications)

Applications Development Specialist - Mary Kay McGinty 6379
 (Technical development and support of word processing
 based case management system;. Development of administra-
 tive and word processing applications)

Management Services Staff

ASSISTANT DIRECTOR - Vacant 673-6379
 (PROMIS implementation; litigation support; JURIS; word
 processing management)

Attorney-Advisor - Michael E. (Mike) Snyder 6379
 (Contracting Officer's Technical Representative (COTR)
 for PROMIS; Coordinates computer-based PROMIS implemen-
 tations; litigation support)

Management Analyst - Eileen S. Menton 6379
 (Coordinates word processing based case management
 implementations; litigation support)

Management Analyst - Sharon Hopson 6379
 (Docket and Reporting and PROMIS codes; Case management
 implementation)

Management Analyst - Linda S. Barth 6379
 (Support of word processing sites; studies of operations;
 case management implementation)

Budget and Procurement Specialist - M. Joanne Beckwith 6379
 (Procurement of word processing and ADP equipment)

Debt Collections Staff
 Skyline Building One, Suite 800-A

ASSISTANT DIRECTOR - Vacant	756-6287
Secretary to the Assistant Director - Linda D. Weller (Administrative and clerical support to section)	6287
Management Analyst - John Fay	6287
Management Analyst - Patrick C. (Pat) McAloon	6287
Management Analyst - Barbara A. Tone	6287
Management Analyst - Judith Johnson (Training of collections personnel; Department's debt collection program review)	6287

OFFICE OF LEGAL SERVICES
 Main Justice Bldg., Rm 1630

ASSISTANT DIRECTOR - Susan A. (Sue) Nellor (Policy development and supervision of all legal services, <u>United States Attorneys' Bulletin, United States Attorneys' Manual</u>)	633-4024
Secretary to the Assistant Director - Shirley A. Daughtry	4024
Attorney-Advisor - Wendy A. Jacobus (Freedom of Information and Privacy Acts; EEO legal matters; allegations of misconduct/AUSAs; GAO and legislative inquiries; ethics inquiries and general legal services)	4024
Attorney-Advisor - Christopher V. (Chris) Taffe (EEO legal matters; allegations of misconduct/AUSAs; GAO and legislative inquiries; ethics inquiries; general legal services)	4024
Attorney-Advisor - Manuel A. (Manny) Rodriguez (EEO legal matters; allegations of misconduct/AUSAs; GAO and legislative inquiries; ethics inquiries; labor relations; general legal services)	4024
Paralegal - GERALYN DOWLING (Requests for representation; recusals; cross-designation; GAO and legislative inquiries)	4024
Attorney-Advisor - Margaret A. (Margie) Smith (Freedom of Information and Privacy Acts)	633-1038
Paralegal - Carolyn D. Poindexter (Freedom Of Information Act/Privacy Act requests)	4024

United States Attorneys' Bulletin and United States Attorneys' Manual
Universal North Bldg., 1875 Conn. Ave., N.W., Room 1136

Editor - Judith Beeman 673-6348
(United States Attorneys' Manual)

Editor - Judith C. Campbell 6348
(United States Attorneys' Bulletin)

OFFICE OF ADMINISTRATION AND REVIEW
Patrick Henry Building, Room 9420

DIRECTOR - Richard L. (Dick) DeHaan 272-6924
(Policy development, supervision of administrative
services and review activities)

Secretary to the Director - Debbie Pereira 6924

ASSOCIATE DIRECTOR - Francis X. (Frank) Mallgrave 6924
(Administrative activities)

Financial Management Staff
Patrick Henry Building, Room 9402

ASSISTANT DIRECTOR - Vacant 272-6935

Financial Manager - Bobbe S. Richtel 6935
(Budget; overtime and travel allotments;
litigation expenses, financial procedures and
reports)

Staff Assistant - Gerri Rodkey 6935
(Foreign travel; relocation; temporary
support positions)

Facilities Management and Support Services Staff Section
Patrick Henry Building, Room 9402

ASSISTANT DIRECTOR - Richard L. (Dick) Kidwell 272-6942
(Space assignment, alterations, use; building services;
telephone service; physical security; safety and accident
reports; health unit participation)

Space Management Specialist - Vacant 6942

Support Services Manager - Virginia L. (Gini) Trotti 6947
(Office furnishings, equipment (purchase and rental); libraries;
printing; cleaning, repair services; records disposal; shipment
(governmental bills of lading); consultation on office moves)

Office Services Assistant - Helen L. Brooks 272-6947
 (Administrative support for procurement; inventory control
 liaison for non-ADP/WP lease equipment)

District Representative - Richard Marquart 6947
 (District inquiries - Districts 01 through 33)

District Representative - Tyranja (Tanny) Jackson 6947
 (District inquiries - Districts 34 through 64)

District Representative - Robert Breeze 6947
 (District inquiries - Districts 65 through 98)

Evaluation Staff

Patrick Henry Building, Room 9412

ASSISTANT DIRECTOR - Ernest R. (Ernie) Bengtson 272-6930

Attorney - Donald R. (Don) Burkhalter 6930
 (Evaluation of legal and administrative management,
 departmental priority programs and problems, areas of
 litigation and staffing)

Senior Counsel - John Beal 6930
 (Revision of United States Attorney Office
 evaluation program, including development of
 evaluation of departmental priority programs,
 utilization of PROMIS data in evaluation
 program, and review of evaluator training.)

Evaluator - Thom Zinser (Debt Collection Evaluations) 6930

Personnel Management Staff

Patrick Henry Building, Room 9322

ASSISTANT DIRECTOR - Vacant 272-6918

Personnel Officer - Daniel W. (Dan) Gluck 6918

Operations Unit

Team I - Sally S. Ruble 6899
 Supervisory Personnel Management Specialist

Team II - Melinda B. Morgan
Supervisory Personnel Management Specialist

272-6893

(Processing of actions pertaining to the following areas:

- administrative pay increases
- awards
- classification of General Schedule Positions
- disciplinary and adverse actions
- employee benefits such as leave, retirement,
health and life insurance
- hiring of non-attorneys
- performance appraisals and work plans

Responsible for providing service in the above mentioned
areas for the districts indicated on Chart on Page 696.)

Programs Unit

Mary L. Fox - Supervisory Personnel Management Specialist

6812

(Responsible for various Personnel Programs)

DISTRICT		Serviced By:	DISTRICT		Serviced By:
01 Ala.	N.	Team One	44 Mo.	E.	Team Two
02	M.	" "	45	W.	" "
03	S.	" "	46 Mont.		Team One
06 Alaska		" "	47 Nebr.		Team Two
08 Arizona		Team Two	48 Nev.		" "
09 Ark.	E.	" "	49 N.H.		Team One
10	W.	" "	50 N.J.		Team Two
11 Cal.	N.	" "	51 N.M.		" "
12	C.	" "	52 N.Y.	N.	Team One
98	S.	" "	53	E.	" "
97	E.	" "	54	S.	" "
13 Colo.		Team One	55	W.	Team Two
14 Conn.		" "	56 N.C.	E.	Team One
15 Del.		" "	57	M.	" "
16 D.C.		Team Two	58	W.	" "
17 Fla.	N.	Team One	59 N.D.		" "
18	M.	" "	60 Ohio	N.	Team Two
04	S.	" "	61	S.	" "
19 Ga.	N.	" "	62 Okla.	N.	" "
20	M.	" "	63	E.	" "
21	S.	" "	64	W.	" "
93 Guam		Team Two	65 Oregon		Team One
22 Hawaii		Team Two	66 Pa.	E.	" "
23 Idaho		Team One	67	M.	" "
24 Ill.	N.	" "	68	W.	" "
25	S.	" "	69 P.R.		Team Two
26	C.	" "	70 R.I.		Team One
27 Ind.	N.	Team Two	71 S.C.		Team One
28	S.	" "	73 S.D.		" "
29 Iowa	N.	" "	74 Tenn.	E.	" "
30	S.	" "	75	M.	" "
31 Kansas		" "	76	W.	" "
32 Ky.	E.	Team One	77 Texas	N.	Team Two
33	W.	Team Two	78	E.	" "
34 La.	E.	Team One	79	S.	" "
95	M.	" "	80	W.	" "
35	W.	" "	81 Utah		" "
36 Maine		" "	82 Vermont		Team One
37 Md.		Team Two	83 Va.	E.	Team Two
38 Mass.		Team One	84	W.	" "
39 Mich.	E.	" "	94 V.I.		" "
40	W.	" "	85 Wash.	E.	Team One
41 Minn.		" "	86	W.	" "
42 Miss.	N.	" "	87 W.V.	N.	Team Two
43	S.	" "	88	S.	" "
			89 Wisc.	E.	Team One
			90	W.	" "
00 EOUSA		Team Two	91 Wyoming		" "

LISTING OF ALL BLUESHEETS IN EFFECT
October 25, 1984

<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
1-11.240	TITLE 1	7/31/84	Immunity for the Act of Producing Reports
1-11.400	TITLE 1	6/21/84	Immunity
1-12.020	TITLE 1	6/29/84	Pre-Trial Diversion Program
1-12.100	TITLE 1	4/24/84	Eligibility Criteria
9-2.132	TITLE 9	3/21/84	Policy Limitations on Institution of Proceedings-Internal Security Matters
9-2.133	TITLE 9	4/09/84	Policy Limitations on Institution of Proceedings, Consultation Prior to Institution of Criminal Charges
9-2.151	TITLE 9	8/10/84	Policy Limitations-Prosecutorial and Other Matters, International Matters.
9-4.543	TITLE 9	8/10/84	Subpoenas to obtain Records Located in Foreign Countries.
9-7.013	TITLE 9	4/03/84	Procedures for Lawful, Warrantless Interceptions of Verbal Communications
9-7.1000	TITLE 9	5/02/84	Video Surveillance
9-11.220C	TITLE 9	8/27/84	Obtaining Records to Aid in the Location of Federal Fugitives by Use of All Writs Act

* Approved by Advisory Committee, being permanently incorporated.

** In printing.

LISTING OF ALL BLUESHEETS IN EFFECT
October 30, 1984

<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
9-11.230	TITLE 9	4/16/84	Fair Credit Reporting Act and Grand Jury Subpoenas-Discretion of U.S. Attorneys
9-11.250	TITLE 9	7/9/84	Advice of Rights to Targets and Subjects of Grand Jury Investigations
9-11.270	TITLE 9	8/10/84	Limitation on Resubpoenaing Contumacious Witness before Successive Grand Juries
9-12.340	TITLE 9	7/24/84	Forfeiture
9-21.340 to 9-21.350	TITLE 9	3/12/84	Psychological/Vocational Testing; Polygraph Examinations for Prisoner-Witness Candidates
9-27.510	TITLE 9	5/25/84	Opposing Offers to Plead Nolo Contendere
9-38.000	TITLE 9	4/06/84	Forfeitures
9-60.134 to 9-60.135	TITLE 9	3/30/84	Allegations of "Mental Kidnapping" or "Brainwashing" by Religious Cults; "Deprogramming" of Religious Sect Members
9-60.215	TITLE 9	3/30/84	"Electronic, Mechanical or Other Device" (18 U.S.C. §2510(5))
9-60.231 *	TITLE 9	3/30/84	Scope of Prohibitions
9-60.243	TITLE 9	3/30/84	Other Consensual Interceptions
9-60.291	TITLE 9	3/30/84	Interception of Radio Communications

LISTING OF ALL BLUESHEETS IN EFFECT
October 25, 1984

<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
9-61.130 to 9-61.134	TITLE 9	4/30/84	National Motor Vehicle Theft Act-Dyer Act (18 U.S.C. §§2311-2313)
9-61.640 to 9-61.642	TITLE 9	4/30/84	Bank Robbery
9-63.132 to 9-63.133	TITLE 9	5/02/84	Indictment; Death Penalty
9-63.195	TITLE 9	5/02/84	Protection of Confiden- tiality of Security Procedures
9-63.460 to 9-63.490	TITLE 9	5/02/84	Obscene or Harassing Telephone Calls - 47 U.S.C. §223
9-71.400	TITLE 9	5/25/84	Prosecutive Policy
9-75.091 *	TITLE 9	3/28/84	47 U.S.C. §223-Comment
9-75.140 *	TITLE 9	3/28/84	Prosecutive Policy
9-130.300	TITLE 9	4/09/84	Prior Authorization Generally
9-131.030	TITLE 9	4/09/84	Consultation Prior to Prosecution
9-131.110	TITLE 9	4/09/84	Hobbs Act Robbery
9-139.202	TITLE 9	6/29/84	Supervisory Jurisdiction
9-139.220	TITLE 9	6/29/84	Alternative Enforcement Measures
10-2.800; 10-9.160	TITLE 10	4/30/84	Notice of Provision for Special Accommodations
10-4.350	TITLE 10	7/31/84	Use By United States Attorneys Offices of Forfeited Vehicles and Other Property
10-4.418	TITLE 10	7/20/84	Maintenance of Attorney- Client Information

UNITED STATES ATTORNEYS' MANUAL--TRANSMITTALS

The following United States Attorneys' Manual Transmittals have been issued to date in accordance with USAM 1-1.500.

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 1	A2	9/29/80	6/23/80	Ch. 7, Index to Title 1, Revisions to Ch. 2, 5, 8
	A3	9/23/81	8/3/81	Revisions to Ch. 1, 5, 12, Title 1 Index, Index to USAM
	A4	9/25/81	9/7/81	Revisions to Ch. 15, Index to Title 1, Index to USAM
	A5	11/2/81	10/27/81	Revisions to Ch. 5, 7
	A6	3/11/82	12/15/81	Revisions to Ch. 3, 5, 11, Title 1 Index, Index to USAM
	A7	3/12/82	2/9/82	Revisions to Ch. 8, Index to Title 1
	A8	5/6/82	4/27/82	Revisions to Ch. 2, 8, Title 1 Index, Index to USAM
	A9	3/9/83	8/20/82	Revisions to Ch. 5, 9, 10, 14
	A10	5/20/83	4/26/83	Revisions to Ch. 11
	A11	2/22/84	2/10/84	Complete revision of Ch. 1, 2
	A12	3/19/84	2/17/84	Complete revision of Ch. 4
	A13	3/22/84	3/9/84	Complete revision of Ch. 8
	A14	3/23/84	3/9 & 3/16/84	Complete revision of Ch. 7, 9
	A15	3/26/84	3/16/84	Complete revision of Ch. 10

* Transmittal is currently being printed.

(2)

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 1	A16	8/31/84	3/02/84	Revision to Ch. 5
	A17	3/26/84	3/26/84	Complete revision of Ch. 6
	A18	3/27/84	3/23/84	Complete revision of Ch. 11, 13, 14, 15
	A19	3/29/84	3/23/84	Complete revision of Ch. 12
	A20	3/30/84	3/23/84	Index to Title 1, Table of Contents to Title 1
	A21	4/17/84	3/23/84	Complete revision of Ch. 3
	A22	5/22/84	5/22/84	Revision of Ch. 1-6.200
	AAA1	5/14/84		Form AAA-1
TITLE 2	A2	9/24/81	9/11/81	Revisions to Ch. 2
	A3	1/20/82	11/10/81	Revisions to Ch. 3
	A4	5/17/83	10/1/82	Revisions to Ch. 2
	A5	2/10/84	1/27/84	Complete revision of Title 2-replaces all previous transmittals
	A11	3/30/84	1/27/84	Summary Table of Contents to Title 2
	AAA2	5/14/84		Form AAA-2
TITLE 3	A2	7/2/82	5/28/82	Revisions to Ch. 5
	A3	10/11/83	8/4/83	Complete revision of Title 3-replaces all previous transmittals
	AAA3	5/14/84		Form AAA-3

(3)

TRANSMITTAL
AFFECTING
TITLE

TITLE 4

<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>Contents</u>
A2	7/30/81	5/6/81	Revisions to Ch. 2, 3, 4, 9, 11, 12, 15, Index to Title 4 & Index to USAM
A3	10/2/81	9/16/81	Revisions to Ch. 1
A4	3/10/82	8/10/81	Revisions to Ch. 1, 2, 4, 5, 8, 10, 11, 13, Index to Title 4
A5	10/15/82	5/31/82	Revisions to Ch. 2, 3, 12
A6	4/27/83	2/1/83	Revisions to Ch. 2, 3, 9, and 12
A7	4/16/84	3/26/84	Complete revision of Ch. 7, 8, 12
A8	4/16/84	3/28/84	Complete revision of Ch. 2, 14, 15
A9	4/23/84	3/28/84	Complete revision of Ch. 3
A10	4/16/84	3/28/84	Complete revision of Ch. 10
A11	4/30/84	3/28/84	Complete revision of Ch. 1, 9, Index to Title 4
A12	4/21/84	3/28/84	Complete revision of Ch. 6
A13	4/30/84	3/28/84	Complete revision of Ch. 4
A14	4/10/84	3/28/84	Complete revision of Ch. 13
A15	3/28/84	3/28/84	Complete revision of Ch. 5
A16	4/23/84	3/28/84	Complete revision of Ch. 11
AAA4	5/14/84		Form AAA-4

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 5	A2	4/16/81	4/6/81	Revisions to Ch. 1, 2, 2A, 3, 4, 5, 7, 8, New Ch. 9, 9A, 9B, 9C, & 9D
	A3	3/22/84	3/5/84	Complete revision of Ch. 1, 2, 3(was 2A)
	A4	3/28/84	3/12/84	Complete revision of Ch. 12 (was 9C)
	A4	undated	3/19/84	Complete revision of Ch. 5 (was Ch. 4), 6, 8
	A5	3/28/84	3/20/84	Complete revision of Ch. 9, 11 (was 9B)
	A6	3/28/84	3/22/84	Complete revision of Ch. 7
	A7	3/30/84	3/20/84	Complete revision of Ch. 10 (was 9A)
	A8	4/3/84	3/22 & 3/26/84	Complete revision of Ch. 13, 14, 15, Table of Contents to Title 5
	A11	4/17/84	3/28/84	Complete revision of Ch. 4 (was Ch. 3)
	A12	4/30/84	3/28/84	Index to Title 5
	AAA5	5/14/84		Form AAA-5
	TITLE 6	A2	3/23/84	2/8/84
AAA6		5/14/84		Form AAA-6
TITLE 7	A2	6/30/81	6/2/81	Revisions to Ch. 5, Index to Title 7, Index to USAM
	A3	12/4/81	11/16/81	Revisions to Ch. 5
	A4	1/6/84	11/22/83	Complete revision to Title 7-replaces all prior transmittals

(5)

TRANSMITTAL
AFFECTING
TITLE

<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>	
A12	3/3/84	12/22/83	Summary Table of Con- tents to Title 7	
AAA7	5/14/84		Form AAA-7	
TITLE 8	A1	4/2/84	2/15/84	Ch. 1, 2, Index to Title 8
A2	6/21/82	4/30/82	Complete revision to Title 8	
A12	3/30/84	2/15/84	Summary Table of Con- tents to Title 8	
AAA8	5/14/84		Form AAA-8	
TITLE 9	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 USAM
A3	6/30/81	4/16/81	Revisions to Ch. 1, 4, 7, 21, 42, 61, 69, 72, 104, Index to USAM	
A4	6/1/81	5/29/81	Revisions to Ch. 4, 7, 70, 78, 90, 121, New Ch. 123, Index to Title 9, Index to USAM	
A5	11/2/81	6/18/81	Revisions to Ch. 4, 8, 20, 47, 61, 63, 65, 75, 85, 90, 100, 110, 120, Index to Title 9, Index to USAM	
A6	12/11/81	10/8/81	Revisions to Ch. 17, Title 9 Index, Index to USAM	
A7	1/5/82	10/8/81	Revisions to Ch. 2, 7, 37, 60, 90, 139, Title 9 Index, Index to USAM	

(6)

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 9	A8	1/13/82	11/24/81	Revisions to Ch. 34, Index to Title 9, Index to USAM
	A9	3/12/82	9/8/82	Revisions to Ch. 11, Title 9 Index, Index to USAM
	A10	10/6/82	3/29/82	Revisions to Ch. 1, 11, 16, 69, 79, 120, 121, Entire Title 9 Index, Index to USAM
	A11	3/2/83	9/8/82	Revisions to Ch. 120, 121, 122
	A12	9/19/83	5/12/83	Revisions to Ch. 101
	A13	1/26/84	1/11/84	Complete revision of Ch. 132, 133
	A14	2/10/84	1/27/84	Revisions to Ch. 1
	A15	2/1/84	1/27/84	Complete revision of Ch. 8
	A16	3/23/84	2/8/84	Complete revision of Ch. 135, 136
	A17	2/10/84	2/2/84	Complete revision of Ch. 39
	A18	2/3/84	2/3/84	Complete revision of Ch. 40
	A19	3/26/84	2/7/84	Complete revision of Ch. 21
	A20	3/23/84	2/8/84	Complete revision of Ch. 137, Ch. 138
	A21	3/19/84	2/13/84	Complete revision of Ch. 34
	A22	3/30/84	2/01/84	Complete revision of Ch. 14
	A23	8/31/84	2/16/84	Revision to Ch. 2

(7)

TRANSMITTAL
AFFECTING
TITLE

TITLE 9

<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
A24	3/23/84	2/28/84	Complete revision of 65
A25	3/26/84	3/7/84	Complete revision of Ch. 130
A26	3/26/84	2/8/84	Complete revision of Ch. 44
A27	3/26/84	3/9/84	Complete revision of Ch. 90
A28	3/29/84	3/9/84	Complete revision of Ch. 12, Ch. 101
A30	3/26/84	3/19/84	Complete revision of Ch. 9
A31	3/26/84	3/16/84	Complete revision of Ch. 78
A32	3/29/84	3/12/84	Complete revision of Ch. 69
A33	3/29/84	3/9/84	Complete revision of Ch. 102
A34	3/26/84	3/14/84	Complete revision of Ch. 72
A35	3/26/84	2/6/84	Complete revision of Ch. 37
A36	3/26/84	2/6/84	Complete revision of Ch. 41
A37	4/6/84	2/8/84	Complete revision of Ch. 139
A38	3/29/84	2/28/84	Complete revision of Ch. 47
A39	3/30/84	3/16/84	Complete revision of Ch. 104
A40	4/6/84	3/9/84	Complete revision of Ch. 100
A41	4/6/84	3/9/84	Complete revision of Ch. 110
A42	3/29/84	3/09/84	Complete revision of Ch. 64
A43	4/6/84	3/14/84	Complete revision of Ch. 120

(8)

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 9	A44	4/5/84	3/21/84	Complete revision of Ch. 122
	A45	4/6/84	3/23/84	Complete revision of Ch. 16
	A46	2/30/84	1/16/84	Complete revision of Ch. 43
	A47	4/16/84	3/28/84	Revisions to Ch. 7
	A48	4/16/84	3/28/84	Complete revision of Ch. 10
	A49	4/16/84	3/28/84	Revisions to Ch. 63
	A50	4/16/84	3/28/84	Revisions to Ch. 66
	A51	4/6/84	3/28/84	Complete revision of Ch. 76, deletion of Ch. 77
	A52	4/16/84	3/30/84	Complete revision of Ch. 85
	A53	6/6/84	3/28/84	Revisions to Ch. 4
	A54	7/25/84	6/15/84	Complete revision of Ch. 11
	A55	4/23/84	4/6/84	Complete revision of Ch. 134
	A56	4/30/84	3/28/84	Revisions to Ch. 42
	A57	4/16/84	3/28/84	Complete revision of Ch. 60, 75
	A58	4/23/84	4/19/84	Summary Table of Contents of Title 9
	A59	4/30/84	4/16/84	Entire Index to Title 9
	A60	5/03/84	5/03/84	Complete revision of Chapter 66
	A61	5/03/84	4/30/84	Revisions to Chapter 1, section .103

(9)

TRANSMITTAL
AFFECTING
TITLE

<u>NO.</u>	<u>DATE OF</u> <u>TRANSMITTAL</u>	<u>DATE OF</u> <u>TEXT</u>	<u>CONTENTS</u>	
TITLE 9	A63	5/11/84	5/9/84	Complete revision to Ch. 7
	A64	5/11/84	5/11/84	Revision to Ch. 64, section .400-700
	A65	5/17/84	5/17/84	Revisions to Ch. 120
	A66	5/10/84	5/8/84	Complete revision to Ch. 131
	A67	5/11/84	5/09/84	Revisions to Ch. 121, section .600
	A69	5/09/84	5/07/84	Revisions to Ch. 21, section .600
	A70	5/17/84	5/16/84	Revisions to Ch. 43, section .710
	A71	5/21/84	5/21/84	Complete revision of Ch. 20
	A72	5/25/84	5/23/84	Complete revision of Ch. 61
	A73	6/18/84	6/6/84	Complete revision of Ch. 17
	A74	6/18/84	6/7/84	Complete revision of Ch. 63
	A75	6/26/84	6/15/84	Complete revision of Ch. 27
	A76	6/26/84	6/15/84	Complete revision of Ch. 71
	*A77	7/27/84	7/25/84	Revision to Ch. 6
	A79	8/02/84	7/31/84	Revision to Ch. 18
	A80	8/03/84	8/03/84	Revision to Ch. 79
	A81	8/06/84	7/31/84	Revision to Ch. 7
	A83	8/02/84	7/31/84	Revision to Ch. 90
	*A84	9/10/84	9/7/84	Revision to Ch. 2
	*A85	7/25/84	2/17/84	Revision to Ch. 136
	A86	8/02/84	7/31/84	Revision to Ch. 60
	*A88	8/31/84	8/24/84	Revision to Ch. 12
	AAA9	5/14/84		Form AAA-9

(10)

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 10	A2	11/2/81	8/21/81	Revisions to Ch. 2, 3, 6, Index to Title 10
	A3	12/1/81	8/21/81	Revisions to Ch. 2
	A4	12/28/81	---	Title Page to Title 10
	A5	3/26/82	1/8/82	Revisions to Ch. 2, 6, Index to Title 10
	A6	6/17/82	1/4/82	Revisions to Ch. 4, Index to Title 10
	A7	3/4/83	5/31/82	Revisions to Ch. 2, 3, 5, 6, and New Ch. 9
	A8	4/5/84	3/24/84	Complete revision of Ch. 1
	A9	4/6/84	3/20/84	Complete revision of Ch. 7
	A10	4/13/84	3/20/84	Complete revision of Ch. 5
	A11	3/29/84	3/24/84	Complete revision of Ch. 6
	A12	4/3/84	3/24/84	Complete revision of Ch. 8
	*A13	9/4/84	3/26/84	Complete revision of Ch. 10
	A14	4/23/84	3/28/84	Complete revision of Ch. 4
	A15	4/17/84	3/28/84	Complete revision of Ch. 3, 9
	A16	5/4/84	3/28/84	Index and Appendix to Title 10
	A17	3/30/84	3/28/84	Summary Table of Con- tents to Title 10
	A18	5/4/84	4/13/84	Complete revision to Ch. 2

**TRANSMITTAL
AFFECTING
TITLE**

TITLE 10

<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
A19	5/02/84	5/01/84	Revisions to Chapter 4
A20	8/31/84	5/24/84 & 7/31/84	Revisions to Chapter 2
A21	6/6/84	5/1/84	Corrected TOC Chapter 4 and pages 23, 24
A22	7/30/84	7/27/84	Revision to Ch. 2
A23	8/02/84	7/31/84	Revision to Ch. 2
AAA10	5/14/84		Form AAA-10

TITLE 1-10

A1	4/25/84	4/20/84	Index to USAM
----	---------	---------	---------------

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS
William P. Tyson, Director

Teletypes To All United States Attorneys

- 10/15/84--From William P. Tyson, Director, Executive Office for United States Attorneys, by Susan A. Nellor, Assistant Director for Legal Services, re: "Comprehensive Crime Control Act of 1984, Pub. L. No. 98-473."
- 10/16/84--From William P. Tyson, Director, Executive Office for United States Attorneys, by Susan A. Nellor, Assistant Director for Legal Services, re: "Comprehensive Crime Control Act of 1984, Pub. L. No. 98-473."
- 10/17/84--From William P. Tyson, Director, Executive Office for United States Attorneys, by Susan A. Nellor, Assistant Director for Legal Services, re: "Unauthorized Survey."
- 10/19/84--From William P. Tyson, Director, Executive Office for United States Attorneys, by Susan A. Nellor, Assistant Director for Legal Services, re: "Survey Request by the General Accounting Office Regarding the National Narcotics Border Interdiction System (NNBIS)."

UNITED STATES ATTORNEYS' LIST

<u>DISTRICT</u>	<u>U.S. ATTORNEY</u>
Alabama, N	Frank W. Donaldson
Alabama, M	John C. Bell
Alabama, S	J. B. Sessions, III
Alaska	Michael R. Spaan
Arizona	A. Melvin McDonald
Arkansas, E	George W. Proctor
Arkansas, W	W. Asa Hutchinson
California, N	Joseph P. Russoniello
California, E	Donald B. Ayer
California, C	Robert C. Bonner
California, S	Peter K. Nunez
Colorado	Robert N. Miller
Connecticut	Alan H. Nevas
Delaware	Joseph J. Farnan, Jr.
District of Columbia	Joseph E. diGenova
Florida, N	W. Thomas Dillard
Florida, M	Robert W. Merkle, Jr.
Florida, S	Stanley Marcus
Georgia, N	Larry D. Thompson
Georgia, M	Joe D. Whitley
Georgia, S	Hinton R. Pierce
Guam	David T. Wood
Hawaii	Daniel A. Bent
Idaho	William R. Vanhole
Illinois, N	Dan K. Webb
Illinois, S	Frederick J. Hess
Illinois, C	Gerald D. Fines
Indiana, N	R. Lawrence Steele, Jr.
Indiana, S	John D. Tinder
Iowa, N	Evan L. Hultman
Iowa, S	Richard C. Turner
Kansas	Benjamin L. Burgess
Kentucky, E	Louis G. DePalaise
Kentucky, W	Ronald E. Meredith
Louisiana, E	John Volz
Louisiana, M	Stanford O. Bardwell, Jr.
Louisiana, W	Joseph S. Cage, Jr.
Maine	Richard S. Cohen
Maryland	J. Frederick Motz
Massachusetts	William F. Weld
Michigan, E	Leonard R. Gilman
Michigan, W	John A. Smietanka
Minnesota	James M. Rosenbaum
Mississippi, N	Glen H. Davidson
Mississippi, S	George L. Phillips
Missouri, E	Thomas E. Dittmeier
Missouri, W	Robert G. Ulrich

UNITED STATES ATTORNEYS

<u>DISTRICT</u>	<u>U.S. ATTORNEY</u>
Montana	Byron H. Dunbar
Nebraska	Ronald D. Lahners
Nevada	Lamond R. Mills
New Hampshire	W. Stephen Thayer, III
New Jersey	W. Hunt Dumont
New Mexico	William L. Lutz
New York, N	Frederick J. Scullin, Jr.
New York, S	Rudolph W. Giuliani
New York, E	Raymond J. Dearie
New York, W	Salvatore R. Martoche
North Carolina, E	Samuel T. Currin
North Carolina, M	Kenneth W. McAllister
North Carolina, W	Charles R. Brewer
North Dakota	Rodney S. Webb
Ohio, N	Patrick M. McLaughlin
Ohio, S	Christopher K. Barnes
Oklahoma, N	Layn R. Phillips
Oklahoma, E	Donn F. Baker
Oklahoma, W	William S. Price
Oregon	Charles H. Turner
Pennsylvania, E	Edward S. G. Dennis, Jr.
Pennsylvania, M	David D. Queen
Pennsylvania, W	J. Alan Johnson
Puerto Rico	Daniel F. Lopez-Romo
Rhode Island	Lincoln C. Almond
South Carolina	Henry Dargan McMaster
South Dakota	Philip N. Hogen
Tennessee, E	John W. Gill, Jr.
Tennessee, M	Joe B. Brown
Tennessee, W	W. Hickman Ewing, Jr.
Texas, N	James A. Rolfe
Texas, S	Daniel K. Hedges
Texas, E	Robert J. Wortham
Texas, W	Helen M. Eversberg
Utah	Brent D. Ward
Vermont	George W. F. Cook
Virgin Islands	James W. Diehm
Virginia, E	Elsie L. Munsell
Virginia, W	John P. Alderman
Washington, E	John E. Lamp
Washington, W	Gene S. Anderson
West Virginia, N	William A. Kolibash
West Virginia, S	David A. Faber
Wisconsin, E	Joseph P. Stadtmueller
Wisconsin, W	John R. Byrnes
Wyoming	Richard A. Stacy
North Mariana Islands	David T. Wood