

USAM



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

United States Attorneys' Bulletin



**EXECUTIVE
OFFICE FOR
UNITED
STATES
ATTORNEYS**

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.....	737
POINTS TO REMEMBER	
Application Of Insanity Defense Changes To Pending Cases....	739
Bluesheets And Transmittals United States Attorneys' Manual.	740
Crimes In Federal Judicial Districts.....	740
JURIS Data Base Listing.....	740
Teletypes To All United States Attorneys.....	740
CASENOTES	
OFFICE OF THE SOLICITOR GENERAL	
Cases Recently Filed In The Supreme Court By The Solicitor General.....	741
CIVIL DIVISION	
Supreme Court Grants Certiorari In Combined Federal Campaign Case. <u>Devine v. NAACP Legal Defense and Education Fund, Inc.</u>	742
Supreme Court Agrees To Decide Whether Orders Denying Qualified Immunity To Government Officials In Constitutional Damages Actions Are Immediately Appeal- able Under The Cohen Collateral Order Doctrine. <u>Mitchell v. Forsyth</u>	742
D.C. Circuit Reverses District Court Order Requiring Labor Department To Pay An Estimated \$215 Million In Supplemental Unemployment Assistance. <u>International Union, United Automobile Aerospace and Agricultural Implement Workers of America v. Donovan</u>	744
D.C. Circuit Holds That Secretary Of HHS Must Attempt To Determine Whether Iran Has A Qualifying Social Insurance System Which Would Permit Resumption Of Suspended Social Security Payments To Iranian Citizens Residing In Iran, Even In The Absence Of Direct Government-To-Government Contacts Between The United States And Iran. <u>Ganem v. Heckler</u>	745
D.C. Circuit Grants Rehearing And Further Restricts Third Party Grant Claims On Jurisdictional Grounds. <u>National Juvenile Law Center v. Regnery</u>	746

TABLE OF CONTENTS

	<u>Page</u>
Ninth Circuit Upholds Constitutionality Of OBRA Income-Verification Requirements, Upholds USDA Implementing Regulations Against APA, FOIA And Privacy Act Challenges. <u>Alcaraz v. Block</u>	748
TAX DIVISION	
Tax Court Holds <u>Baggot</u> And <u>Sells</u> Decisions Non- Retroactive. <u>Kluger v. Commissioner</u>	750
OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS.....	751
APPENDIX	
FEDERAL RULES OF CRIMINAL PROCEDURE, <u>Rule 35(b)</u> . (This page should be placed on permanent file, by Rule, in each United States Attorney's library.).....	752
<u>United States Attorneys' Manual</u> - Bluesheets.....	753
<u>United States Attorneys' Manual</u> - Transmittals.....	757
Crimes in Federal Judicial Districts.....	769
JURIS Data Base Listing.....	770
List of Teletypes to All United States Attorneys.....	773
List of United States Attorneys.....	774

COMMENDATIONS

Assistant United States Attorney CHARLES BENSON BURCH, Northern District of California, was commended by Mr. Thaddeus Rojek, District Counsel, United States Customs Service, for persuading the court to grant the government's motion for summary judgment thereby forfeiting \$831,160.45 to the United States.

Assistant United States Attorney CAROL BRICKLEY, Debt Collection Unit, Western District of Pennsylvania, was commended by Mr. John E. Pisano, Manager, Title I Branch, Department of Housing and Urban Development, for her excellent performance in obtaining payments on behalf of the Pittsburgh office, Title I Branch, in fiscal year 1984.

Assistant United States Attorney PATRICK R.S. BUPARA, Northern District of California, was commended by Mr. Stanley Sporkin, General Counsel, Central Intelligence Agency, for his successful efforts to protect information concerning sensitive intelligence sources and methods from unauthorized disclosure.

Assistant United States Attorney CORNELIUS JOSEPH CALNAN, Chief, Civil Division, Southern District of Texas, was selected as the 1984 Employee of the Year in the supervisory category by the Houston-Galveston Area Federal Business Association.

Assistant United States Attorney JANIS CAPLAN GORDON, Northern District of Georgia, was commended by Mr. Rufus E. Embry, Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Atlanta, Georgia, for her exemplary service during the investigation and trial in the matter of United States v. Emanuel Isaacs. The Isaacs case was a significant arson prosecution involving organized criminal groups which vied for control of Atlanta's nude dancing clubs.

Assistant United States Attorney ESTHER Z. HIRSH, Northern District of California, was commended by Mr. Richard J. Riseberg, Office of General Counsel, Department of Health and Human Services (HHS), for her successful representation of HHS in a Health Education Assistance Loan, Chapter 13 bankruptcy case.

Assistant United States Attorney CHARLES R. NIVEN, Middle District of Alabama, was commended by Mr. Charles R. Jeter, Regional Administrator, Environmental Protection Agency, Region IV, for his successful prosecution of the first criminal case in the southeast under the Resource Conservation and Recovery Act in United States v. Hayes International.

Assistant United States Attorney RONALD J. SIEVERT, Eastern District of Texas, was commended by Governor Mark White, State of Texas, and Mr. William H. Webster, Director, Federal Bureau of Investigation, for his successful investigation and prosecution of Lester Leroy Bower, Jr., charged with capital murder. Assistant United States Attorney SIEVERT was appointed as Special Prosecutor under the Cross-Designation program.

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

POINTS TO REMEMBER

Application of Insanity Defense Changes to Pending Cases

Chapter IV of the Comprehensive Crime Control Act of 1984 substantially modifies the federal law on the insanity defense and on the disposition of individuals suffering from a mental disease who are involved in the federal criminal justice system.

As a result of ex post facto considerations with regard to the application of some of the provisions of Chapter IV to pending cases, the Department has determined that, except for the cases described below, prosecutions should not seek to apply the new statutory standard and burden of proof provisions to conduct occurring prior to the date of enactment, October 12, 1984. See Dobbert v. Florida, 432 U.S. 282, 292 (1976), citing, Beazell v. Ohio, 269 U.S. 167, 169-170 (1925); United States v. Williams, 475 F. 2d 355 (D.C. Cir. 1973). However, in cases in which the defendant presents a clear danger of serious violence, and in which there exists a likelihood of acquittal under the prior judicially-developed standard in the circuit but a likelihood of conviction under the standard recently adopted in the Fifth Circuit, prosecutors should consider arguing that a judicial acceptance of the Fifth Circuit standard is appropriate (see United States v. Lyons, 741 F. 2d 243 (5th Cir. 1984)). Before making such an argument, however, authorization must be obtained from the Assistant Attorney General for the Criminal Division. Assistant United States Attorneys should telephone the Criminal Division contacts listed below regarding requests for authorization.

In addition, because the quantum of evidence necessary to produce an insanity acquittal under the prior burden of proof may not necessarily be sufficient under the due process clause to support involuntary commitment, the policy of the Department is that the automatic commitment procedures of new 18 U.S.C. §4243 (and the use of the not guilty only by reason of insanity special verdict of new 18 U.S.C. §4242) should not be applied to persons whose changed conduct occurred before October 12, 1984. See Jones v. United States, ___ U.S. ___, 103 S.Ct. 3043 (1983).

All other provisions of Chapter IV, including the revision to Rule 704 of the Federal Rules of Evidence concerning expert opinion testimony, are immediately applicable to pending cases.

Inquiries concerning the new provisions should be directed to Beneva Weintraub (724-7083) or William Brown (724-6899) in the General Litigation and Legal Advise Section. In addition, copies of significant pleadings and decisions involving the insanity defense should be sent to the General Litigation and Legal Advise Section, 315 9th Street, N.W., Room 504, Washington, D.C. 20530.

(Criminal Division)

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 November 15, 1984.

(Executive Office)

Crimes in Federal Judicial Districts

The 1983 crime data, "Crimes in Federal Judicial Districts," Uniform Crime Report, Federal Bureau of Investigation, is appended to this Bulletin.

(Executive Office)

JURIS Data Base Listing

Appended to this issue of the Bulletin is the most recent JURIS Data Base listing, revised as of November 1984.

(Executive Office)

Teletypes To All United States Attorneys

A listing of the teletypes sent by the Executive Office during the period from November 1, 1984, through November 30, 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 brief as amicus curiae in support of the petitioner in Mountain States Telephone & Telegraph Co. v. Pueblo of Santa Ana, S.Ct. No. 84-262. The questions presented are (1) whether the conveyance by the respondent Pueblo in 1928 of a right-of-way permitting petitioner to maintain a telephone line across the Pueblo's land--made with the approval of the Secretary of the Interior acting pursuant to Section 17 of the Pueblo Lands Act of 1924, 43 Stat. 636--should be declared invalid because the conveyance was not also approved by Congress; and (2) whether this suit by respondent seeking to recover treble damages for the allegedly unlawful presence of the telephone line on Pueblo lands is barred by the doctrine of res judicata.

A brief as amicus curiae in support of petitioner in Williamson County Regional Planning Comm'n v. Hamilton Bank of Johnson City, Inc., S. Ct. No. 84-4. The questions presented are (1) whether, under the Court's decision in Parratt v. Taylor, 451 U.S. 527 (1981), respondent has stated a claim for a taking of its property without just compensation, in violation of the Fifth and Fourteenth Amendments, even though it has not pursued state procedures to obtain compensation or shown that those procedures are inadequate; (2) whether respondent's claim of an unconstitutional taking, based on the rejection by the petitioner Planning Commission of a particular preliminary plat for development of a subdivision, was ripe for adjudication, even though respondent did not revise its submission in an effort to meet the Commission's concerns, did not seek a variance from the applicable zoning ordinance and subdivision regulations, and did not seek judicial review in state court; (3) whether the Commission's rejection of respondent's preliminary plat constituted a "taking" even though the zoning ordinance, subdivision regulations, and other criteria applied by the Commission concededly advanced legitimate interests, permitted substantial development of respondent's tract, and did not have a uniquely harsh impact on respondent or interfere with any distinct investment-backed expectations; (4) whether the Commission's disapproval of respondent's preliminary plat constituted a "taking" for which the Constitution requires the payment of just compensation, even though the district court held that the Commission's actions were not authorized by state law; and (5) whether, even if the Commission's disapproval of respondent's preliminary plat resulted in a taking if the restrictions it involved had been permanently applied to respondent's land, a taking occurred by virtue of the temporary application of those restrictions for a 16-month period between the date on which respondent acquired the land and the date of the jury's verdict that restrictions would amount to a taking if permanently applied.

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

Devine v. NAACP Legal Defense and Education Fund, Inc., ___ U.S. ___, No. 84-312 (Oct. 29, 1984). D.J. # 145-156-371.

SUPREME COURT GRANTS CERTIORARI IN COMBINED
FEDERAL CAMPAIGN CASE.

The Supreme Court has recently granted our petition for a writ of certiorari in this case involving the Combined Federal Campaign (CFC), a government sponsored program of charitable solicitation in the federal workplace. The suit was brought by seven legal defense funds challenging the constitutionality of Executive Order 12404, which limits participation in the CFC to traditional health and welfare charities and thus excludes legal advocacy groups. A divided panel of the D.C. Circuit affirmed a lower court decision holding the exclusion invalid on first amendment grounds. The government's suggestion for rehearing en banc was denied by a four to four vote.

Attorneys: Paul Blankenstein
FTS 633-3602

Alfred Mollin
FTS 724-6807

Mitchell v. Forsyth, ___ U.S. ___, No. 84-335 (Oct. 29, 1984). D.J. # 145-12-1827.

SUPREME COURT AGREES TO DECIDE WHETHER ORDERS
DENYING QUALIFIED IMMUNITY TO GOVERNMENT
OFFICIALS IN CONSTITUTIONAL DAMAGES ACTIONS
ARE IMMEDIATELY APPEALABLE UNDER THE COHEN
COLLATERAL ORDER DOCTRINE.

In this action seeking damages from then Attorney General Mitchell for the alleged violation of plaintiff's constitutional rights, resulting from the authorization in 1970 of a warrantless domestic security electronic surveillance on which plaintiff was overheard, the district court rejected the Attorney General's claims to absolute and qualified immunity. On appeal, the Third Circuit held that it lacked jurisdiction to consider the appeal from the denial of qualified immunity, rejecting defendant's arguments that after the reformulation of qualified immunity in

CIVIL DIVISION

Acting Assistant Attorney General Richard K. Willard

Harlow v. Fitzgerald, 457 U.S. 800 (1982), an order denying qualified immunity should be immediately appealable as a collateral order under Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541 (1949). The court of appeals accepted jurisdiction over the appeal from the district court's denial of absolute immunity and affirmed.

The Solicitor General, on behalf of former Attorney General Mitchell, filed a petition for a writ of certiorari seeking review of the question of the appealability of denials of qualified immunity, the merits of the qualified immunity claim made in this case, and the refusal to grant absolute immunity for the act of authorizing a national security electronic surveillance. On October 29, 1984, the Supreme Court granted certiorari on all questions.

There is a serious split among the circuits on the question of appealability of denial of qualified immunity. The First and District of Columbia Circuits have held that such orders are per se appealable; the Eighth Circuit accepts appealability if the entitlement to qualified immunity is a question of law; the Third and Fourth Circuits have rejected appealability; the Fifth Circuit will, as a matter of discretion, consider an appeal from a denial of qualified immunity only if coupled with a proper collateral order appeal, such as denial of absolute immunity; and the issue is pending before the Seventh Circuit and the Eleventh Circuit en banc. Resolution of the question will eliminate the evident confusion in the area.

Attorneys: Gordon Daiger
FTS 724-6794

Larry Gregg
FTS 724-6732

CIVIL DIVISION

Acting Assistant Attorney General Richard K. Willard

International Union, United Automobile Aerospace and Agricultural
Implement Workers of America v. Donovan, ___ F.2d ___, No. 83-2026
(D.C. Cir. Oct. 23, 1984). D.J. # 145-10-2461

D.C. CIRCUIT REVERSES DISTRICT COURT ORDER
REQUIRING LABOR DEPARTMENT TO PAY AN ESTIMATED
\$215 MILLION IN SUPPLEMENTAL UNEMPLOYMENT
ASSISTANCE.

Plaintiff United Automobile Workers Union, claiming to represent some of its members, and several individual plaintiffs filed this case against the Department of Labor, arguing that state unemployment agencies, acting under the Department's guidance, had improperly denied claims for benefits under the 1974 Trade Act during the years between 1975 and 1981.

In the district court, Judge Joyce Green ruled for plaintiffs ordering the Department of Labor to alter its guidance to the state agencies and to "direct" those agencies to reopen cases and review them under new standards announced by the court. The Department of Labor estimated that compliance with the court's order would cost \$215 million.

The D.C. Circuit reversed on October 23, 1984, in a 2-1 decision. First, the appellate court ruled that the district court had no authority to grant relief to workers nationwide in the absence of class certification. Next, the court decided that the UAW did not have standing to represent even its own membership since this suit was, in reality, one for damages on behalf of certain members of the union though ostensibly requesting declaratory and injunctive relief.

Even the claims of named individual plaintiffs were dismissed. The appeals court held that a provision in the Trade Act calling for state review of benefit determinations required, at the least, that state agencies be joined in this case as necessary parties. Further, it stated that such a joinder could not have occurred in the District of Columbia since the state agencies that had ruled against the individual plaintiffs were outside that district court's jurisdiction.

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

Finally, the court of appeals suggested that the district court's "very dubious" order, even if it had been valid, would have been "a futile thing" unless the state agencies had previously agreed to reprocess cases at the direction of the Secretary of Labor.

Attorneys: Michael Hertz
FTS 724-7179

William Cole
FTS 633-2786

Ganem v. Heckler, ___ F.2d ___, No. 83-1990 (D.C. Cir. Oct. 23, 1984). D.J. # 137-16-1016.

D.C. CIRCUIT HOLDS THAT SECRETARY OF HHS MUST ATTEMPT TO DETERMINE WHETHER IRAN HAS A QUALIFYING SOCIAL INSURANCE SYSTEM WHICH WOULD PERMIT RESUMPTION OF SUSPENDED SOCIAL SECURITY PAYMENTS TO IRANIAN CITIZENS RESIDING IN IRAN, EVEN IN THE ABSENCE OF DIRECT GOVERNMENT-TO-GOVERNMENT CONTACTS BETWEEN THE UNITED STATES AND IRAN.

In the wake of the seizure of the U.S. Embassy in Teheran in November, 1979, the President and the Treasury Department froze all financial transactions between the United States and Iran, including payments under Social Security and other federal programs. In August, 1980, the Treasury Department permitted federal agencies to resume payments to individuals in Iran, leaving the decision to the discretion of the various agencies. The Secretary of HHS chose not to resume payments to individuals in Iran because she did not have access to records and beneficiaries in Iran, and because she could not make the determination--required by the Social Security Act, 42 U.S.C. §402(t)--that Iran has a qualifying social insurance system that falls within the exception to the general rule prohibiting Social Security payments to individuals who have been out of the United States for more than six months.

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

Plaintiff, a 78 year old resident and citizen of Iran, brought this action seeking resumption of her widow's insurance payments. The district court denied plaintiff's request for a writ of mandamus, holding that the court lacked jurisdiction over the Secretary's nonfinal decision to suspend plaintiff's benefits, that the decision to insist on direct government-to-government contacts was committed to the Secretary's discretion, and that in any event there was no basis for a writ of mandamus.

Plaintiff appealed, and the D.C. Circuit has now reversed. The court of appeals first joined the seven other circuits that have held that mandamus jurisdiction is available in cases arising under the Social Security Act, and then proceeded to issue the writ in this case. The court held that the Secretary's insistence upon direct government-to-government contacts to determine the nature of the Iranian social insurance system "constitute[s] such a complete abnegation of the Secretary's responsibilities that issuance of the writ is warranted." The court remanded the case to the Social Security Administration to allow the Secretary to conduct the required inquiry into Iranian social insurance law through such other means (e.g., expert testimony) as may be available.

Attorneys: Robert S. Greenspan
FTS 633-5428

John S. Koppel
FTS 633-5459

National Juvenile Law Center v. Regnery, F.2d _____, No. 83-1644
(D.C. Cir. June 22, 1984). D.J. # No. 145-0-1253.

D.C. CIRCUIT GRANTS REHEARING AND FURTHER
RESTRICTS THIRD PARTY GRANT CLAIMS ON JURIS-
DICTIONAL GROUNDS.

Plaintiffs, including a law center and one of its juvenile clients, brought this suit to challenge the decision of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) against renewing a discretionary grant which funded the law center's litigation activities against state and local government defendants. The district court had ruled that the OJJDP was required under the Constitution and principles of equitable estoppel to fund until completion all pending cases that were

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

initially brought with federal grant funds. On appeal, we contested the district court's equity jurisdiction in view of the statutory scheme of direct appellate review of all grant denials by the agency, and we further challenged its ruling on the merits. The D.C. Circuit (in an opinion written by Judge Wright and joined in by Judges Bork and Scalia) unanimously reversed the award on the merits. The court reached both the constitutional claim and the estoppel argument on the theory that the exclusive review scheme did not preempt the rights of third party grant beneficiaries, as distinct from those of disappointed grant applicants themselves, to seek emergency relief in the district court.

We moved for rehearing before the panel. Without challenging the determination that a grantee's beneficiaries should be permitted to advance in a district action constitutional claims which would otherwise be unredressable under the direct review scheme, we urged the court to reconsider its ruling that the contract-based estoppel claims of third party beneficiaries could be similarly heard, pointing out that virtually every grant denial could form the basis for such a claim, and that the recognition of a contractual right of action in the name of such parties could substantially undermine the exclusive review scheme that Congress had so carefully crafted. Labeling its ruling sua sponte, the court granted rehearing and issued a comprehensive new (per curiam) opinion which retrenched from the determination that the district court was authorized to entertain the estoppel claims, and which recast the favorable ruling for OJJDP along strictly constitutional lines. (Much of the original discussion of the estoppel question reappeared under the panel's distinct analysis of the juvenile client's Fifth Amendment property interest claim.)

Attorneys: Carolyn B. Kuhl
FTS 633-5421

Mark H. Gallant
FTS 633-3425

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

Alcaraz v. Block, ___ F.2d ___, No. 83-2137 (9th Cir. Nov. 2, 1984).
D.J. # 145-8-1507.

NINTH CIRCUIT UPHOLDS CONSTITUTIONALITY OF
OBRA INCOME-VERIFICATION REQUIREMENTS, UP-
HOLDS USDA IMPLEMENTING REGULATIONS AGAINST
APA, FOIA AND PRIVACY ACT CHALLENGES.

These consolidated cross-appeals involve the Secretary of Agriculture's implementation of a requirement that all adults in households with children participating in the school lunch, milk or breakfast programs must disclose their social security numbers as a condition of program eligibility. After hearing evidence that fraud and abuse in the school lunch program was costing the taxpayers upwards of \$200 million per year, Congress imposed this requirement to facilitate the verification of the income levels of beneficiaries on an emergency basis in the Omnibus Budget Reconciliation Act of 1981. The Secretary concluded that Congress intended the disclosure requirement to apply equally to the Child Care Food Program and the Summer Food Services Program (which incorporate the eligibility requirements of the school meals programs), and he endeavored to implement the requirement within narrow statutory deadlines by issuing a series of directives and regulations with immediate effective dates to participating state agencies. Plaintiffs, including the State of California, an unnamed illegal alien, and four nationwide classes of individuals and organizations, variously resisted SSN disclosure under all programs on constitutional, statutory and procedural grounds. The district court enjoined the collection of SSNs under certain programs pending corrective rulemaking proceedings based on the Secretary's failure to comply with sections 553(b) and 553(d) of the APA, but rejected plaintiffs broader challenges, and the parties cross-appealed.

The Ninth Circuit has just issued an exhaustive opinion which rules for the Secretary on every issue. The court agreed with us (1) that the statute does not violate undocumented aliens' Fifth Amendment privilege against self-incrimination since the "legal compulsion" needed to trigger its protections is not present when disclosure is made to secure government benefits in an elective program; (2) that the SSN disclosure requirement did not invidiously discriminate against aliens or the economically disadvantaged since it is both facially neutral and advances the

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

"compelling" interest of "reducing fraud in entitlement programs [and] preserv[ing] limited resources for those who are truly deserving"; and (3) that the Secretary reasonably construed the disclosure requirement as applying to all three programs. The most important aspects of the decision lie in the court's analysis of the APA issues. First, the court instructed that when (as here) an agency has voluntarily waived the "grants or benefits" exception (5 U.S.C. §553(a)(2)) to the APA's informal rulemaking requirements, it "should have more latitude in determining when to invoke 'good cause' [to forego the APA's public] notice and comment requirements" than the courts have traditionally allowed. Second, the court held that it was unnecessary even to find that the Secretary had "good cause" to forego notice and comment rulemaking here since it agreed with our contention that the Secretary's straightforward implementation of the statute's new eligibility requirement was "interpretive" rather than "substantive" in nature and thus was not subject to 5 U.S.C. §553(b) and (d) to begin with. In so ruling, the court flatly rejected the theory advocated by Professor Davis (and embraced by the D.C. Circuit) that regulations should be treated as "substantive" for APA purposes whenever they have a "substantial impact," are "binding," or translate into additional administrative burdens "for the regulated population." The court instead agreed with our submission that a rulemaking is "substantive" only where it is legislative in nature and amounts to creating "new law" at the agency (rather than the congressional) level.

Attorneys: Anthony J. Steinmeyer
FTS 633-3388

Mark H. Gallant
FTS 633-3425

TAX DIVISION
Assistant Attorney General Glenn L. Archer, Jr.

Kluger v. Commissioner, No. 26124-83, 83 T.C. 21 (Sept. 11, 1984).

TAX COURT HOLDS BAGGOT AND SELLS DECISIONS
NON-RETROACTIVE.

The Commissioner issued a statutory notice of deficiency for 1979 to the taxpayer, individually and as the surviving wife of a grand jury target. The notice was concededly based entirely on information from the grand jury proceedings pursuant to an order of a federal district court under Rule 6(e)(3)(C)(i), Federal Rules of Criminal Procedure. Such order was acknowledged not to be in accordance with the standards later laid down by the Supreme Court in United States v. Baggot, 463 U.S. ____ (1983), and United States v. Sells Engineering, Inc., 463 U.S. ____ (1983), because it was issued at a time when no civil litigation was in preparation or pending between the husband, his estate, his wife or the United States; and the government had shown no particularized need for the materials.

The Tax Court denied the taxpayer's motion to suppress all evidence obtained from the grand jury materials and to shift the burden of going forward with the evidence, holding, inter alia, that: (1) the Tax Court has jurisdiction to review an order of a United States District Court insofar as it may affect rulings on evidence and procedure in cases properly before it; (2) the standards announced in Baggot and Sells Engineering do not apply retroactively because they were new rules and not necessary consequences of prior Supreme Court rulings; their enforcement would not enhance the accuracy of the trial or substantially further the purposes of the new rules and would have a disruptive effect on the administration of justice; and (3) even assuming the grand jury materials were obtained illegally, the exclusionary rule would not apply following the Supreme Court's decision in United States v. Leon, 468 U.S. ____ (July 5, 1984).

Attorney: Robert E. Lindsay
FTS 633-2914

OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS
Assistant Attorney General Robert A. McConnell

SELECTED CONGRESSIONAL AND LEGISLATIVE ACTIVITIES

OCTOBER 20, 1984 - NOVEMBER 20, 1984

HIGHLIGHTS

The 98th Congress adjourned on October 12, 1984. The 99th Congress will convene on January 3, 1985. A summary of the 98th Congress, other than the Comprehensive Crime Control Act of 1984, will appear in the next issue of the United States Attorneys' Bulletin.

FEDERAL RULES OF CRIMINAL PROCEDURE

Rule 35(b). Correction or Reduction of Sentence.
Reduction of Sentence.

One hundred nineteen days after the Supreme Court denied his petition for a writ of certiorari, defendant filed a motion requesting reduction of sentence pursuant to Rule 35(b) which provides that a court may reduce a sentence ". . . within 120 days after entry of any order or judgment of the Supreme Court denying review of . . . a judgment of conviction."

Where defendant's motion was filed the day before the 120-day jurisdictional time limit expired and was not resolved by the district court before the 120-day deadline, the district court lost jurisdiction to decide the motion and the time limitation may not be extended at the discretion of the judge.

(Motion denied.)

United States v. Thomas D. Gaertner, 590 F. Supp. 271 (E.D. Wis. July 25, 1984).

LISTING OF ALL BLUESHEETS IN EFFECT
November 15, 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
1-12.400 **	TITLE 1	10/12/84	PTD Agreement
1-12.602 **	TITLE 1	10/12/84	Letter to Offender-- (USA Form 185)
1-12.603 **	TITLE 1	10/12/84	Agreement--(USA Form 186)
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

* Approved by Advisory Committee, being permanently incorporated.

** In printing.

LISTING OF ALL BLUESHEETS IN EFFECT
November 15, 1984

<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
9-11.220C	TITLE 9	8/27/84	Obtaining Records to Aid in the Location of Federal Fugitives by Use of All Writs Act
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
9-42.530 **	TITLE 9	10/9/84	Dept. of Defense Memorandum of Understanding
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

LISTING OF ALL BLUESHEETS IN EFFECT
November 15, 1984

<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
9-60.243 *	TITLE 9	3/30/84	Other Consensual Interceptions
9-60.291 *	TITLE 9	3/30/84	Interception of Radio Communications
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 Confidentiality 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
9-75.084 **	TITLE 9	10/12/84	Comment-Child Pornography Statutes
9-75.091 *	TITLE 9	3/28/84	47 U.S.C. §223-Comment
9-75.140 *	TITLE 9	3/28/84	Prosecutive Policy
9-75.621 **	TITLE 9	10/12/84	Exception-Child Pornography Cases
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

LISTING OF ALL BLUESHEETS IN EFFECT
November 15, 1984

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	Complete revision of 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

(4)

TRANSMITTAL
AFFECTING
TITLE

<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	Complete revision of Title 6-replaces all prior transmittals
	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	Revisions 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. 101
A29	3/26/84	3/9/84	Complete revision of Ch. 121
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

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 9	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
	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

TRANSMITTAL
AFFECTING
TITLE

NO.

DATE OF
TRANSMITTAL

DATE OF
TEXT

CONTENTS

TITLE 9

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

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

A68

5/28/84

5/18/84

Revisions to Ch. 104

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

TRANSMITTAL
AFFECTING
TITLE

<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>	
TITLE 9	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	Complete revision of Ch. 6
	A79	8/02/84	7/31/84	Complete revision of Ch. 18
	A80	8/03/84	8/03/84	Complete revision of Ch. 79
	A81	8/06/84	7/31/84	Revisions to Ch. 7
	A83	8/02/84	7/31/84	Revisions to Ch. 90
	*A84	9/10/84	9/7/84	Complete revision of Ch. 2
	*A85	7/25/84	2/17/84	Revisions to Ch. 136
	A86	8/02/84	7/31/84	Revisions to Ch. 60
	A88	8/31/84	8/24/84	Complete revision of Ch. 12
	AAA9	5/14/84		Form AAA-9
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

TRANSMITTAL
AFFECTING
TITLE

<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
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 Contents to Title 10
A18	5/4/84	4/13/84	Complete revision to Ch. 2
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

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
	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

District	Population	Index	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny-theft	Motor vehicle theft
Northern Alabama	2,304,736	93,168	196	539	2,255	5,397	23,451	54,786	6,544
Middle Alabama	935,691	32,039	90	183	535	2,527	8,465	19,105	1,134
Southern Alabama	718,573	37,154	78	209	1,105	3,357	10,569	20,388	1,448
Alaska	479,000	28,829	66	486	465	1,923	5,720	17,085	3,084
Arizona	2,963,000	189,382	213	1,241	3,923	9,265	49,440	114,721	10,579
Eastern Arkansas	1,399,478	55,590	120	438	1,290	3,221	15,057	32,631	2,833
Western Arkansas	928,522	25,903	58	148	324	1,331	7,323	15,509	1,210
Northern California	6,023,595	386,134	443	2,826	17,032	18,667	92,699	230,287	24,180
Eastern California	4,345,301	287,317	361	1,795	7,424	14,339	81,790	165,917	15,691
Central California	12,719,786	884,335	1,696	6,601	57,169	55,096	252,368	405,060	106,345
Southern California	2,085,318	123,192	139	871	4,201	5,831	33,603	65,859	12,688
Colorado	3,139,000	208,025	202	1,316	3,968	9,469	48,101	133,271	11,698
Connecticut	3,138,000	156,204	129	627	2,296	4,715	39,988	89,421	15,028
Delaware	606,000	33,124	25	229	699	1,793	7,414	20,908	2,056
District of Columbia	623,000	58,893	183	433	7,949	3,804	12,527	30,020	3,977
Northern Florida	1,134,692	57,600	75	530	1,139	5,143	14,839	33,314	2,560
Middle Florida	5,560,136	340,000	482	2,692	10,107	25,499	95,469	190,855	14,896
Southern Florida	3,985,172	326,626	642	1,948	16,880	23,155	81,594	176,627	25,780
Northern Georgia	3,046,648	155,815	279	1,200	5,739	9,253	42,829	85,407	11,108
Middle Georgia	1,606,371	57,401	129	431	1,263	3,525	16,941	32,314	2,798
Southern Georgia	1,078,981	45,025	75	390	1,265	2,630	12,844	25,677	2,144
Hawaii	1,023,000	59,432	57	301	1,330	891	13,636	38,920	4,297
Idaho	989,000	38,233	35	181	270	1,875	9,206	24,979	1,687
Northern Illinois (1)	7,917,741	458,999	924	2,902	27,692	21,247	101,828	247,238	57,168
Southern Illinois	1,267,906	44,033	113	293	942	2,583	11,998	26,095	2,009
Central Illinois	2,300,353	95,037	75	424	1,645	4,681	25,610	59,989	2,613
Northern Indiana	2,268,906	93,829	148	620	2,344	3,060	21,447	57,732	8,478
Southern Indiana	3,210,094	132,443	138	889	3,130	5,218	32,700	81,197	9,171
Northern Iowa	1,386,099	44,627	25	99	331	1,130	10,575	30,691	1,776
Southern Iowa	1,518,901	69,222	43	266	861	2,507	16,024	46,711	2,810
Kansas	2,425,000	109,847	137	627	2,038	5,117	28,318	68,735	4,875
Eastern Kentucky	1,813,012	61,015	210	427	1,135	4,490	17,644	32,950	4,159
Western Kentucky	1,900,988	66,554	154	390	2,101	3,060	18,642	38,372	3,835
Eastern Louisiana	1,716,575	97,825	327	930	5,889	6,544	24,218	51,397	8,520
Middle Louisiana	629,230	38,101	80	235	1,011	3,969	9,983	21,143	1,680
Western Louisiana	2,092,195	87,154	222	605	1,533	7,099	23,158	50,952	3,585
Maine	1,146,000	42,186	24	193	311	1,301	11,415	27,022	1,920
Maryland	4,304,000	230,564	367	1,412	14,950	18,007	52,697	127,443	15,688
Massachusetts	5,767,000	288,971	203	1,495	12,023	19,543	72,291	133,883	49,533
Eastern Michigan	6,269,327	448,855	838	3,761	23,648	24,510	118,075	215,421	62,602
Western Michigan	2,799,673	138,588	72	1,324	2,225	8,615	35,363	86,697	4,292
Minnesota	4,144,000	167,177	69	927	3,298	3,615	44,571	106,034	8,663
Northern Mississippi	997,420	26,314	115	211	416	1,702	8,387	14,360	1,123
Southern Mississippi	1,589,580	56,681	175	405	1,234	2,997	18,092	31,224	2,554
Eastern Missouri	2,611,427	116,245	215	648	4,835	6,971	31,658	61,961	9,957
Western Missouri	2,358,573	108,891	188	682	3,511	6,668	28,858	63,179	5,825
Montana	817,000	37,945	30	162	192	1,353	7,420	26,918	1,870
Nebraska	1,597,000	60,489	42	339	796	2,300	12,408	42,026	2,578
Nevada	891,000	59,709	114	457	2,737	2,530	17,922	31,749	4,200
New Hampshire	959,000	32,187	19	187	231	763	7,882	21,359	1,746
New Jersey	7,468,000	385,600	399	2,266	20,086	18,553	92,391	206,778	45,127
New Mexico	1,399,000	88,783	124	671	1,595	7,218	21,813	53,077	4,285
Northern New York	3,264,556	110,233	72	428	1,859	4,107	31,452	68,389	3,926
Southern New York (2)	1,785,004	70,557	66	242	2,558	3,263	18,273	40,726	5,429
Eastern New York (2)	9,727,704	732,782	1,705	3,965	86,988	45,825	168,733	314,612	110,954
Western New York	2,889,736	129,239	115	661	3,378	6,257	30,657	80,619	7,552
Eastern North Carolina	2,299,546	94,069	212	516	1,757	6,420	27,884	53,388	3,892
Middle North Carolina	1,913,753	78,509	139	366	1,362	5,507	21,523	46,625	2,987
Western North Carolina	1,868,701	81,873	139	450	1,721	6,322	22,941	47,055	3,245
North Dakota	680,000	18,193	14	85	53	213	2,967	13,983	878
Northern Ohio	5,892,032	257,931	341	1,890	9,344	12,063	67,130	140,090	27,073
Southern Ohio	4,853,968	226,190	259	1,497	7,788	9,577	57,049	140,066	9,954
Northern Oklahoma	859,571	47,747	60	292	1,173	2,196	13,906	25,185	4,935
Eastern Oklahoma	687,811	23,505	39	121	342	1,106	8,100	11,965	1,832
Western Oklahoma	1,750,618	91,311	150	834	2,730	4,921	27,776	46,935	7,965
Oregon	2,662,000	166,398	109	1,078	4,533	7,266	46,472	98,880	8,060
Eastern Pennsylvania	5,031,534	195,812	404	1,320	13,298	10,363	46,635	102,004	21,788
Middle Pennsylvania	2,632,381	69,851	70	392	1,143	2,316	19,014	43,794	3,122
Western Pennsylvania	4,231,085	114,440	109	737	6,060	4,570	30,776	59,610	12,578
Rhode Island	955,000	47,802	26	160	1,078	2,128	12,722	25,463	6,225
South Carolina	3,264,000	155,723	321	1,144	3,425	15,243	42,263	85,501	7,826
South Dakota	700,000	17,833	15	119	111	595	3,820	12,453	720
Eastern Tennessee	1,975,155	62,512	117	355	1,182	3,033	17,651	34,884	5,290
Middle Tennessee	1,356,542	52,138	133	459	2,066	2,229	15,354	29,038	2,859
Western Tennessee	1,353,303	73,296	160	868	4,846	3,388	23,493	33,863	6,678
Northern Texas	4,729,892	315,100	643	2,183	9,347	15,623	84,296	183,120	19,888
Southern Texas	5,138,146	319,240	941	2,181	13,574	11,641	92,128	154,042	44,733
Eastern Texas	2,120,015	84,915	207	515	1,682	4,624	24,330	49,087	4,470
Western Texas	3,735,947	209,603	448	1,454	5,166	10,317	61,444	117,333	13,441
Utah	1,619,000	82,859	56	403	1,041	2,644	16,446	58,453	3,816
Vermont	525,000	21,697	19	214	146	317	5,724	14,296	981
Eastern Virginia	3,679,385	169,321	273	1,118	5,503	6,336	39,508	108,768	7,815
Western Virginia	1,870,615	50,547	114	252	629	2,011	11,547	33,946	2,048
Eastern Washington	1,065,112	57,512	54	301	676	2,291	14,406	37,587	2,197
Western Washington	3,234,888	203,831	158	1,622	3,857	7,027	56,120	126,366	8,681
Northern West Virginia	882,408	18,674	30	110	256	515	5,666	10,885	1,212
Southern West Virginia	1,082,592	28,859	66	153	613	1,632	7,789	16,249	2,357
Eastern Wisconsin	2,891,466	134,027	85	553	3,012	3,146	26,936	92,735	7,560
Western Wisconsin	1,859,534	68,161	46	308	403	1,517	15,044	48,699	2,144
Wyoming	514,000	20,631	30	110	153	926	3,626	14,932	854

(1) The Northern Illinois Federal Judicial District includes Chicago. 1982 and 1983 figures for Chicago are not comparable.
 (2) The Southern New York District includes the six counties immediately north of New York City, plus Bronx and Manhattan (New York County). The Eastern New York District includes Long Island (Nassau and Suffolk Counties), plus Queens, Brooklyn (King County), and Staten Island (Richmond County).

Crime data in Uniform Crime Reports are tabulated considering law enforcement jurisdictions and Bureau of the Census area breakdowns. For this reason, crimes are tabulated for New York City as a whole and not by boroughs or counties. Therefore, New York City was assigned to the Eastern District since the population of the boroughs in that District is greater than the population of the boroughs in the Southern District (4.5 million to 2.6 million).

JURIS DATA BASE LISTING
Revised November 1984

CASELAW

U.S. Supreme Court	178 U.S. (1900) - Slips
Federal Reporter, 2d Series	300 F.2d (1962) - Slips
Federal Supplement	332 F.Supp (1970) - Slips
Court of Claims	134 Ct. Cl. - 223 Ct. Cl. (1956 - April 30, 1980)
Federal Rules Decisions	73 F.R.D. (1976) - Slips
Court of Military Review	1 C.M.R. - 50 C.M.R. (1951-1975)
Military Justice Reporter	1 M.J.R. Slips (1974 - Present)
Atlantic 2d Reporter	370 A.2d (1977) - Present (D.C. cases only)
Bankruptcy Reporter	1 B.R. (1979) - Slips
Claims Court	1 Cl.Ct. (1982) - Slips

STATLAW - STATUTORY LAW

Public Laws	93rd - 98th Congress (1-149)
United States Code	1976 Edition, Including Supp. V
Executive Orders	12/31/47 - 2/27/84
Civil Works Laws	Vols. 1-4, (8/1790 - 11/1966) and Selected Public Laws to 7/1983

ADMIN - ADMINISIRATIVE LAW

Published Comptroller General Decisions	Vols. 1-62 (1921-September, 1983)
** Unpublished Comptroller General Decisions	(1/5/51 - 4/5/84)
Opinions of the Attorney General	Vols. 1-43 (1791-1980)
O.L.C. Memorandums	Vols. 1 - 3 (1977-1979)
Board of Contract Appeals	Vols. 56-2 to 83-1 (7/56-5/83)
** Federal Labor Relations Authority	Vols. 1-13 (1/79-2/84)
Decisions & Reports on Rulings of the Asst. Sec. of Labor for Labor Management Relations	1 A/SLMR - 8 A/SLMR (1/73-12/78)
Federal Labor Relations Council	Vols. 1-6 (1/70-12/78)
Rulings on Requests of the Asst. Sec. of Labor for Labor Management Relations	Volume 1 (2/70-6/75)

- * New Juris File
** Major File Additions

HUD Administrative Law Decisions
 Merit Systems Protection Board
 * Board of Immigration Appeals Divisions

Selected Decisions
 Vols. 1-7 (2/79 - 9/81)
 Vols. 14 (1972)-18 (1984)
 and slips

REGS - FEDERAL REGULATIONS

** Code of Federal Regulations
 ** Unified Agenda of Federal Regulations

1982 Edition, Titles 1-39
 1983 Edition, Titles 3
 and 48
 1984 Edition, Titles 1-39
 October, 1984 Edition

DIGEST - WEST HEADNOTES

Supreme Court Reporter
 Federal Reporter, 2d Series
 Federal Supplement
 Federal Rules Decisions
 Regional Reporters (State Cases)

1961 - advance sheets
 1960 - advance sheets
 1960 - advance sheets
 1960 - advance sheets
 1967 - advance sheets

WORKPRDT - DEPARTMENT OF JUSTICE WORKPRODUCT

Enforcement Decisions

Tax Division's Summons
 Enforcement Decisions

SHEPARD'S CITATIONS

United States Reports
 Supreme Court Reporter
 Lawyer's Edition (1st & 2d Series)
 Federal Reporter
 Federal Reporter Second Series
 Federal Supplement
 Federal Rules Decisions
 Court of Claims
 Court Martial Reports
 Military Justice Reporter

1944 - Present
 1944 - Present
 1944 - Present
 1970 - Present
 1951 - Present
 1975 - Present

INTERNATIONAL AGREEMENTS

Bevans: Treaties and Other International
 Agreements of the United States
 United States Treaties and Other
 International Agreements
 Department of Defense Unpublished
 International Agreements

Vols. 1-12 (1776-1949)
 Vols. 1-32 (1/50 - 12/81)
 (6/47 - 3/81)

BRIEFS - DEPARTMENT OF JUSTICE BRIEFS

Office of the Solicitor General Briefs

Briefs filed for cases
decided since the
October 1982 Term or
for cases still pending
Selected Appellate Briefs
(1981 - Present)
Selected Appellate Briefs
(1979 - Present)

Civil Division Briefs

Civil Rights Briefs

* Land and Natural Resources
Division Briefs

Selected Appellate Briefs
(1983 - Present)

INDLAW - INDIAN LAW

Opinions of the Solicitor (Interior)
Ratified Treaties
Unratified Treaties
Presidential Proclamations
Executive Orders and Other Orders
Pertaining to Indians

Vols. 1 and 2 (1917 - 1974)
1778 - 1880
1801 - 1868
1879 - 1968
1871 - 1971

FOIA - FREEDOM OF INFORMATION ACT

FOIA Update Newsletter

Vol. 1, No. 1 - Vol. 5,
No. 2 (Fall, 1979 -
Spring, 1984)

FOIA Short Guide

FOIA Case List Publication
(September 1983 Edition)

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

Teletypes To All United States Attorneys

- 11/01/84--From Judith H. Friedman, Special Counsel to the Director, Executive Office for United States Attorneys, re: "Allocation of LECC/Victim-Witness Coordinator Positions."
- 11/09/84--From William P. Tyson, Director, Executive Office for United States Attorneys, by Susan A. Nellor, Director, Office of Legal Services, re: "Aviation Drug-Trafficking Control Act."
- 11/14/84--From William P. Tyson, Director, Executive Office for United States Attorneys, by C. Madison Brewer, Director, Office of Management Information Systems and Support, re: "Special Assessment to be Imposed on Convicted Federal Defendants."
- 11/16/84--From William P. Tyson, Director, Executive Office for United States Attorneys, by Susan A. Nellor, Director, Office of Legal Services, re: "Victim and Witness Handbook and Pamphlet entitled 'Preparing to Testify.'"
- 11/20/84--From William P. Tyson, Director, Executive Office for United States Attorneys, by Susan A. Nellor, Director, Office for Legal Services, re: "United States Attorney Salary Increase."
- 11/23/84--From William P. Tyson, Director, Executive Office for United State Attorneys, by Susan A. Nellor, Director, Office for Legal Services, re: "Comprehensive Crime Control Act."

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. DeFalaise
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