



United States Attorneys' Bulletin



**EXECUTIVE
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COMMENDATIONS

Assistant United States Attorney RILEY J. ATKINS and First Assistant United States Attorney JACK C. WONG, District of Oregon, were commended by Mr. LaVorn A. Taylor, District Counsel, Veterans Administration, for their successful work in the preparation and trial of Pard v. United States.

Assistant United States Attorney WILLIAM C. CARPENTER, JR., District of Delaware, was commended by District Director Clare Shy Winter, Internal Revenue Service, for his successful prosecution of Traves Brownlee.

Assistant United States Attorney KENNETH C. ETHERIDGE, Southern District of Georgia, was commended by Mr. Bobby R. Gillham, Special Agent in Charge, Federal Bureau of Investigation for his excellent representation of the government's interest in Ostera v. United States.

Assistant United States Attorneys J. MICHAEL FAULKNER and DAVID G. WEDDLE, Southern District of Georgia, were commended by Director E. P. Peters, Georgia Bureau of Investigation, for their successful prosecution involving various state officials associated with the Red Evans Smuggling Organization.

Assistant United States Attorneys HOLLY FITZSIMMONS, NANCY L. GRIFFIN, and H. JAMES PICKERSTEIN, District of Connecticut, were commended by Mr. James E. Quinn, District Director, Internal Revenue Service, for their assistance in the case of David H. MacKenzie, Inc.

Assistant United States Attorney ANDREW R. HAMILTON, Western District of Washington, was commended by Mr. Stephen E. Higgins, Director, Bureau of Alcohol, Tobacco and Firearms, for his valuable contributions to the Bureau's Explosives and Arson Enforcement Programs.

Assistant United States Attorney GREGORY G. HOLLOWS, Eastern District of California, was commended by Colonel Arthur E. Williams, Corps of Engineers, Department of the Army, Sacramento District, for his outstanding effort in the case of Donaldson v. United States.

Assistant United States Attorney JOHN S. LEONARDO, District of Arizona, was commended by Mr. Howard W. Dodds, Regional Director, Office of Professional Responsibility, Immigration and Naturalization Service, for his exemplary efforts in the investigation and successful prosecution of a corrupt government employee.

Assistant United States Attorney VIRGINIA A. MATHIS, District of Arizona, was commended by Mr. Logan A. Slaughter, District Counsel, Veterans Administration, for her professional and successful efforts in the prosecution of Jolliff v. United States.

Assistant United States Attorney PETER B. ROBINSON, Northern District of California, was commended by Mr. Terry R. Farmer, District Attorney, County of Humboldt, for his outstanding work in handling many of Humboldt County's marijuana cases.

Assistant United States Attorney THOMAS H. ROCHE, Eastern District of New York, was commended by Chief Postal Inspector K. H. Fletcher, United States Postal Service, for his successful prosecution of individuals involved in the theft and fencing of stolen United States postage.

Assistant United States Attorney ANN CATHERINE ROWLAND, Northern District of Ohio, was commended by Mr. William H. Webster, Director, Federal Bureau of Investigation, for her outstanding work in the prosecution of Dennis Glendenning.

Assistant United States Attorney KATHLEEN ANN SUTULA, Northern District of Ohio, was commended by Mr. Alan G. Sumberg, Associate Regional Counsel, Federal Aviation Administration, Department of Transportation, for her successful conclusion, by settlement, of Dailey v. United States.

Assistant United States Attorney SANFORD SVETCOV, Northern District of California, was commended by Mr. Eric G. Larson, Regional Chief Inspector, United States Postal Service, for his presentation at a Fraud Refresher Training Course held for Postal Inspectors on January 7-9, 1985.

Assistant United States Attorney ELLIOT R. WARREN, District of Connecticut, was commended by Mr. James E. Quinn, District Director, Internal Revenue Service, for his successful involvement in the motion hearings, trial preparation and trial of David H. MacKenzie, Inc.

POINTS TO REMEMBER

Bluesheets and Transmittals, United States Attorneys' Manual

Updated lists of United States Attorneys' Manual Bluesheets and Transmittals are appended to this Bulletin.

(Executive Office)

Comprehensive Crime Control Act of 1984

The Comprehensive Crime Control Act of 1984 enacted new Section 3143 of Title 18 which requires that bail pending appeal must be denied unless, among other things, the appeal raises a "substantial question of law or fact likely to result in reversal or an order for a new trial."

Two circuit courts have issued opinions addressing the question of what constitutes a "substantial question likely to result in reversal." See United States v. Giancola, No. 84-3861 (11th Cir. Feb. 15, 1985); United States v. Miller, Nos. 84-1733 and 84-1734 (3d Cir. Jan. 18, 1985). Both courts found that a district court must engage in a two-prong analysis. First, the court must determine whether the appeal raises a substantial question. Second, the court must determine whether a decision on the question favorable to the defendant is likely to result in reversal.

The Department's position is that Miller and Giancola are correct insofar as they require a two-step analysis. As to what constitutes a "substantial question" and what constitutes "likely to lead to reversal," the Department's positions are as follows:

1. A substantial question exists if a district court determines that a defendant's position on their question has a substantial chance of prevailing. A defendant's burden under this test is met if he or she is able to demonstrate that the question is a "close one" or one which could very well go the other way. It is not sufficient to show simply that reasonable judges could differ or that the issue is fairly debatable or not frivolous. On the other hand, a defendant does not have to show that it is likely or probable that he or she will prevail on the issue on appeal. (The Eleventh Circuit in Giancola, in large part, adopted this definition. The Third Circuit in Miller, however, indicated that a lower standard was sufficient.)

2. A substantial question is likely to lead to reversal if it is so integral to the merits of the conviction that it is more probable than not that reversal of the conviction will occur if the question is decided in the defendant's favor. In deciding if a defendant has met this burden, a district court must assume a contrary appellate ruling on the substantial question and assess the impact of such assumed error on the conviction. (This standard is an extension of Giancola and Miller, both of which did not define what "likely" meant. Miller, in fact, expressly refused to define likely as probable.)

The above standard should be urged whenever the government is required to respond in a district court to a defendant's application for bail pending appeal or in a court of appeals to an Emergency Motion for Bail. Any questions concerning this matter

should be directed to Sam Rosenthal, Chief of the Appellate Section of the Criminal Division, or William J. Landers, Special Counsel to the Assistant Attorney General.

(Criminal Division)

Criminal Tax "Protest" JURIS File Available

"Protest," the Tax Division's compilation of criminal tax protest cases, arranged by recurring tax protest issues as identified by the Division, is now available as a file for searching on JURIS in the tax file group. Prosecutors should find the new file useful for initiating and facilitating research in criminal tax protester-type prosecutions. Periodic case and issue updates are anticipated. For further information contact: Michael E. Karam, Criminal Section, Tax Division, FTS 633-5150.

(Tax Division)

Debt Collection Personnel Receive Special Achievement Awards for Outstanding Contribution in Debt Collection for Fiscal Year 1983.

The Director, Executive Office for United States Attorneys, selected 35 debt collection employees, listed below, to receive a Special Achievement Award for Outstanding Contributions in Debt Collection for Fiscal Year 1983. The Debt Collection Special Achievement Award is a prestigious national award given to outstanding debt collection personnel from those districts which achieved the best debt collection record during the fiscal year. The award is given in recognition of the significant contributions made by each of the recipients during the previous year to the success of the Department's debt collection mission.

Congratulations to the award recipients for a job well done.

Northern Alabama

Mary Lee Estock
Kathy J. Cade
Mildred E. Davis

Hawaii

Lisa S. Yoshimura

Idaho

Rosemary S. Zimbelman

Massachusetts

Nancy K. Campbell
Nancy M. Hogan
Michele P. Kelly
Cathy L. Kibbey

Eastern Missouri

C. Lillian Metzger
Joy L. Williams
Geneva M. Perkins

Northern Iowa

Rita K. Bigelow

Eastern Kentucky

Glenda P. Glass
Charlotte L. Paynter
Sandra S. Prather
Barbara M. Turpin
Lynne E. Woodrum

Western Louisiana

Margaret M. Bond

Maryland

Alberta D. Eaton
Wayne S. Krawczyk

Eastern Tennessee

Virginia A. Passmore

Utah

Virginia P. Streeter
Debbie N. Koga

Personnel

Effective Friday, February 22, 1985, William French Smith resigned as Attorney General.

Effective Monday, February 25, 1985, Edwin Meese, III received the Oath of Office as Attorney General.

Effective Tuesday, March 5, 1985, Carol E. Dinkins resigned as Deputy Attorney General.

Montana

Deborah L. Boyle
Debra D. Leary

Nebraska

Barbara J. Cathro

Eastern North Carolina

Paul F. Campbell
Ada P. Mooneyham

North Dakota

Linda L. Webb

Oregon

Jacqueline R. Borgeson

Middle Tennessee

Carol J. Rabideau
Cynthia C. Greer

Eastern Virginia

Shirley G. Parks
Yvette Glee

(Executive Office)

(Executive Office)

Tax Division's Office of Special Litigation Handles Tax Shelter-Related Litigation

The newly-formed Office of Special Litigation in the Tax Division is now handling all civil litigation, involving the organizers, promoters, and sellers of abusive tax shelters or other abusive plans or arrangements, such as protest organizations, before federal district courts that falls within the jurisdiction of the Tax Division. The following examples are illustrative of the cases being handled by the Office of Special Litigation:

1. Suits seeking injunctions against promoters, protesters, or aiders and abettors under 26 U.S.C. §§ 7402, 7407 and 7408;
2. Prosecutions for civil or criminal contempt, arising out of the violation of 26 U.S.C. §§ 7402, 7407 or 7408 injunctions;
3. Refund suits, arising out of the assessment of penalties under 26 U.S.C. §§ 6700 and 6701;
4. Summons matters related to investigations of liability for penalties under 26 U.S.C. §§ 6700 and 6701. See also, USAM 6-3.230;
5. Motions for return of property under Rule 41(e) of the Federal Rules of Criminal Procedure connected with the investigation of abusive tax shelters or protest organizations;
6. Defense of motions for temporary restraining order, motions for preliminary injunction and injunction actions relative to the assessment and collection of penalties assessed by the Internal Revenue Service pursuant to 26 U.S.C. §§ 6700 and 6701;
7. Defense of motions for temporary restraining order, motions for preliminary injunction and injunction actions brought by promoters to stop the Internal Revenue Service's sending of pre-filing notices to investors. See also, USAM 6-3.380;
8. Defense of tort suits against the United States and Bivens suits and suits alleging violations of the disclosure provisions of 26 U.S.C. § 6103 against Internal Revenue Service and other government employees, arising from their investigation and handling of abusive tax shelter matters.
9. Defense of refund suits involving violations of tax shelter registration requirements under 26 U.S.C. §§ 6111 and 6112, as provided in 26 U.S.C. §§ 6701 and 6708.

Whenever an action is filed to restrain or enjoin the Internal Revenue Service from taking action relative to an abusive tax shelter, such as sending pre-filing notices or assessing or collecting penalties pursuant to 26 U.S.C. §§ 6700 and 6701, the United States Attorney should immediately notify the Tax Division and furnish copies of the pleadings. Notification should be made by telephone to Carolyn M. Parr, Acting Chief, Office of Special Litigation, or, if she is unavailable, to Angelo I. Castelli, Assistant Chief, or Claire Fallon, Assistant Chief, at FTS 272-6572. Since motions for temporary restraining order and preliminary injunction are often set for hearing on very short notice, immediate coordination is required so that a defense may be formulated, including obtaining the necessary information from the Internal Revenue Service, and if possible, arrangements may be made for an attorney in the Office of Special Litigation to handle the hearing or, alternatively, and time permitting, the necessary pleadings can be prepared by the Office of Special Litigation and forwarded to the United States Attorney. Motions for return of property under Rule 41(e) may also require response on short notice and should be similarly handled by the United States Attorney.

With regard to refund suits and other litigation in which the government is in a defensive posture, the United States Attorney should immediately forward copies of the complaints to the Tax Division, Attention: Carolyn M. Parr, Acting Chief, Office of Special Litigation, Post Office Box 7238, Washington, D.C. 20044, as well as the appropriate District Counsel and District Director of the Internal Revenue Service.

Recommendations for prosecution for criminal contempt, arising out of the violation of 26 U.S.C. §§ 7402, 7407 or 7408 injunctions, are directly referred to the Office of Special Litigation, rather than to the United States Attorney, by the appropriate District Counsel of the Internal Revenue Service. Since in most instances the injunction with respect to which contempt is sought will have been obtained by the Office of Special Litigation, generally the criminal contempt prosecution will be handled by the Office as well.

(Tax Division)

Teletypes to All United States Attorneys

A listing of recent teletypes sent by the Executive Office is appended to this 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)

CASENOTES

OFFICE OF THE SOLICITOR GENERAL

The Solicitor General has authorized a direct appeal in Bell v. Wamble, CA No. 77-0254-CV-W-8 (W.D. Mo. 1984). The issue, as in Aguilar v. Felton (No. 84-0237, argued Dec. 5, 1984), is whether a program providing remedial education by federally-funded teachers at religious schools violates the Establishment Clause of the First Amendment. We will ask that the case be held pending decision in Felton.

CIVIL DIVISION

SUPREME COURT RULES THAT A JUDGMENT AGAINST A PUBLIC OFFICIAL IN HIS/HER OFFICIAL CAPACITY IN AN ACTION UNDER 42 U.S.C. §1983 IMPOSES LIABILITY ON THE MUNICIPALITY WHICH HE/SHE REPRESENTS.

Two individuals who were maliciously assaulted, stabbed and shot by an off-duty Memphis police officer brought this suit for damages under 42 U.S.C. §1983 against the off-duty officer in his personal capacity, and against the director of the Memphis Police Department in his official capacity. The off-duty officer failed to defend the suit, and a default judgment was entered against him. The district court also entered judgment against the director of police in his official capacity, on the basis that due to inherently deficient police department procedures, no steps had been taken to curb the offending officer's known violent propensities or to protect the public.

The Sixth Circuit reversed the judgment against the director of police. Although the parties and the lower court had treated the claims against him as brought in his official capacity, nevertheless the court of appeals, without any analysis, determined that they were in reality claims against him in his personal capacity, for which he was entitled to qualified immunity. In denying rehearing, the court stated that it did not see an official capacity suit as being the same as a suit against the city itself or involving the same legal principles.

The Supreme Court granted certiorari, and we appeared as amicus curiae urging reversal, because the blurring of the distinction between official capacity and personal capacity claims could unduly confuse and complicate the large volume of litigation involving federal officials. The Court has just reversed, ruling that its prior decisions in Monell v. New York City Dept. of

Social Services, 436 U.S. 658 (1978) (holding that a municipality is a "person" for purposes of a suit under Section 1983), Hutto v. Finney, 437 U.S. 678 (1978) (holding that a judgment against a state official in his/her official capacity would be paid from state funds) and Owen v. City of Independence, 445 U.S. 622 (1980) (holding that a municipality is not shielded by the qualified immunity which would be available to its servants sued in their personal capacities), "plainly implied" that a judgment against a public servant in his official capacity imposes liability on the entity which he represents. Therefore, the Court concluded, the qualified immunity which might be available to the director of police in his personal capacity did not shield him (and his municipal employer) in this suit against him in his official capacity. Justice Rehnquist dissented, on the basis that suits for money damages (rather than just injunctive relief) should be required to name the governmental entity as defendant rather than just its employee in his official capacity.

Elizabeth Brandon v. John D. Holt, ___ U.S. ___, No. 83-1622 (Jan. 21, 1985). D. J. # 157-72-476.

Attorneys: Barbara Herwig (Civil Division) FTS 633-5425;
Wendy Keats (Civil Division) FTS 633-3355.

D.C. CIRCUIT AFFIRMS DISTRICT COURT DECISION INVALIDATING FDIC REGULATION LIMITING INSURANCE COVERAGE ON MONIES PLACED IN BANKS BY DEPOSIT BROKERS

Deposit brokers combine the monies of numerous investors and arrange for the placement of these huge sums of monies in banks. The brokers structure the transactions so that each individual investor contributes less than \$100,000. In that way the investors get the high interest rate paid to large depositors but take no risk since they are fully insured because each investor contributes less than \$100,000 (the FDIC maximum). The FDIC concluded that this constituted a misuse of deposit insurance and was especially concerned that brokers targeted their funds at weak banks, which were willing to pay high interest rates to attract desperately needed funds. The FDIC (along with the Federal Home Loan Bank Board, the agency that regulates savings and loans) adopted a regulation providing that all monies placed in a bank by or through a broker would be aggregated and insured up to \$100,000. The district court enjoined the rule, holding that the rule violated the statutory requirement that the FDIC insure each beneficial owner of an account up to \$100,000. We took an appeal and sought expedition, which the D.C. Circuit denied. However, after briefing, the D.C. Circuit sua sponte set the case for an expedited argument. After hearing argument, the court issued an order affirming the district court and stating that an opinion would follow.

FAIC Securities, Inc. v. United States, F.2d _____, No. 84-5408 (D.C. Cir. Jan. 30, 1985). D. J. # 145-113-253.

Attorneys: Anthony J. Steinmeyer (Civil Division) FTS 633-3388; Nicholas S. Zeppos (Civil Division) FTS 633-5431.

LAND AND NATURAL RESOURCES DIVISION

JURISDICTION IN COURT OF APPEALS FOUND LACKING DURING PENDING OF MOTION FOR RECONSIDERATION OF MOTION FOR STAY.

The Third Circuit dismissed Nicolet's appeal for lack of jurisdiction. Nicolet had filed suit seeking to stop EPA from conducting a cleanup under Section 104 of CERCLA, pending court review. The district court's judgment against Nicolet rested on alternative holdings. The court's statements could be construed as holding that either no pre-cleanup review was appropriate or that EPA had not acted in an arbitrary or capricious manner. After filing its notice of appeal, Nicolet filed a motion for reconsideration and for a stay pending appeal. The trial judge orally denied the stay, but no written ruling on the stay was obtained. The court never ruled on the motion for reconsideration. Because of this, the Third Circuit ruled that it had no jurisdiction over the case and dismissed the appeal, citing Griggs v. Provident Consumer Discount Co., 459 U.S. 56 (1982). At this point, we assume that Nicolet will attempt to secure a ruling on its motion for reconsideration from the district court and, assuming it is denied, file another notice of appeal.

Nicolet v. Eichler, F.2d _____, No. 84-1191 (3d Cir. Jan. 4, 1985). D. J. # 90-11-3-37.

Attorneys: David C. Shilton (Land and Natural Resources Division) FTS 633-4010; Kathleen P. Dewey (Land and Natural Resources Division) FTS 633-4519.

CLEAN WATER ACT; AGRICULTURAL EXCEPTION IN SECTION 404(b)(1) INAPPLICABLE TO LAND CONVERSION WHERE LAND HAS REVERTED TO WETLAND.

In a significant wetlands decision, the Seventh Circuit narrowly interpreted the "agricultural exceptions" in Section 404(f)(1) of the Clean Water Act (CWA), 33 U.S.C. §1344(f)(1). In so ruling, the Seventh Circuit followed the Fifth Circuit's decision in Avoyelles Sportsmen's League v. Marsh, 715 F.2d 897 (5th Cir. 1983), by interpreting the "savings clause" in CWA Section

404(f)(2) to require a 404 permit for agricultural activities that reduce the reach of wetlands, even if those activities might otherwise be exempted from the permit requirement by Section 404(f)(1). The Seventh Circuit's decision is especially significant in that the wetlands at issue were "reverted" wetlands that had, in the past, been drained and used for crops.

Also of importance, the Seventh Circuit narrowed the grounds on which it would estop the United States. The Seventh Circuit is one of those circuits which allow estoppel against the government. In this decision, however, the Seventh Circuit established plainly that "the government may not be estopped on the same terms as any other litigant," and followed this Division's recent victory in City of Alexandria v. United States, 737 F.2d 1022 (Fed. Cir. 1984), by holding that estoppel will not be against the government unless the estopping statements are made in writing and by officials at a policy-making level.

Applying the foregoing analysis, the Seventh Circuit affirmed that the largest dryland farming operation in Wisconsin had committed civil contempt by disobeying a previous consent decree and refusing to apply for Section 404 permits for their farming activities. Through these activities, the defendants had attempted to drain almost 1,000 acres of inland wetlands, allegedly to fill a network of "irrigation ditches" for their commercial cranberry bogs. The court of appeals also affirmed, in all requests but one, a restoration plan imposed on the defendants by the district court. In this one request, the court of appeals found the district court to have abused its discretion in ordering the defendants to "undo" a 10-acre, \$400,000 cranberry bed expansion project. Such a result was inequitable here, the court of appeals ruled, because: (1) the Corps conceded that a permit for this project would have been granted if applied for; (2) the expanded cranberry bog is not an inherently incompatible use of wetlands; and (3) Corps personnel knew of this project but said nothing until it was completed.

Despite the reversal on one aspect of the restoration plan, the court of appeals decision in all other requests followed the government's position on appeal. The Corps, which had previously lost a criminal contempt action against these defendants, is delighted.

United States v. Huebner, F.2d _____, No. 83-3140 (7th Cir. Jan 11, 1985). D. J. # 90-5-1-1-2090.

Attorneys: Donald T. Hornstein (Land and Natural Resources Division) FTS 633-2813; Jacques B. Gelin (Land and Natural Resources Division) FTS 633-2762.

STATUTE OF LIMITATIONS; 28 U.S.C. §2401(a) DOES NOT BAR
SUIT BY HEIR OF INDIAN ALLOTTEE TO RECOVER FAIR MARKET
VALUE OF LAND SOLD BY BIA WITHOUT HER CONSENT.

The court of appeals reversed the district court's holding that the six-year statute of limitations in 28 U.S.C. §2401(a) bars this action by an heir of an Indian allottee to recover damages in the amount of the fair market value of the land which had been sold by the Bureau of Indian Affairs (BIA) to the Forest Service in 1954 allegedly without her consent.

Despite the fact that Mottaz had amended her complaint to drop her claim for title and rescission of the sale (leaving only a claim for money damages), the court of appeals held that her complaint "must be read as raising one essential claim that her land was sold without her consent, that she did not receive payment . . . , and that, accordingly, the sale was void and she retains title to the land."

The court, therefore, reasoned that if the sale was void "the concept that a cause of action 'accrues' at some point is inapplicable because the allottee simply retains title all along" and cited to Ewert v. Bluejacket, 259 U.S. 129 (1922). Thus, if the sale was void, no cause of action accrues and no statute of limitations begins to run. The court then held that for the district court to determine if this action was time-barred, it must first resolve several questions. Was BIA required by statute to get her consent before sale? If so, did she consent? The court held that if the government could prove it paid Mottaz, it would have shown consent and, therefore, that it holds valid title. If the government cannot prove payment, then it does not hold title and she can force the government to pay her the fair market value of the land rather than to simply return the land.

In other words the court of appeals remanded for a determination on the merits. If Mottaz loses her case on the merits, the statute of limitations bars the actions; if she wins her case on the merits, then the statute of limitation has not run because no cause of action has accrued. The bottom line is that the statute of limitations defense is of no use in actions against the United States by Indians who claim the transfer of title to their land was void.

Mottaz v. United States, No. 83-2582 (8th Cir. Jan. 18, 1985). D. J. # 90-2-4-795.

Attorneys: J. Carol Williams (Land and Natural Resources Division) FTS 633-2757; David C. Shilton (Land and Natural Resources Division) FTS 633-4010.

AGENCY'S USE OF LARGER JET AIRPLANE AT JACKSON HOLE DID NOT TRIGGER NEED TO PREPARE SECTION 303(c) STATEMENT.

In this petition for review, Sierra Club challenged FAA's amendments of operations specifications of two airlines to permit permanent B-737 jet service to Jackson Hole Airport which is located within the Grand Teton National Park. Sierra Club contended that FAA was required to prepare an Environmental Impact Statement (EIS) on this action and that, since this activity involves a use of parkland, FAA was required to reach a determination pursuant to Section 303(c) of the Transportation Code (formerly Section 4(f)) that there is no prudent or feasible alternative to this use and that the project minimizes harm to the park. The court of appeals affirmed FAA's orders.

The court held that FAA's preparation of an environmental assessment, against the background of the EIS which it had prepared when B-737 service was permitted on a temporary basis, was adequate. The court rejected Sierra Club's challenge to FAA's use of cumulative noise analysis rather than single event analysis and observed that "[t]he agency is entrusted with the responsibility of considering the various modes of scientific evaluation and theory and choosing the one appropriate for the given circumstances." The court also rejected Sierra Club's argument that the increased noise in the park from this jet service was a "constructive use" of the park requiring a 303(c) statement. The court held that Section 303(c) was intended to apply "during the planning stages of major new physical 'facilities' . . . [not] to create ongoing review of relatively minor changes in the operational characteristics of an established transportation facility." A contrary view, in the court's words, "would produce a blizzard of useless 303(c) statements."

Sierra Club v. The Department of Transportation, F.2d ,
Nos. 83-1832, 83-1877 (D.C. Cir. Jan. 25, 1985). D. J. #
90-5-2-3-1527.

Attorneys: J. Carol Williams (Land and Natural Resources Division) FTS 633-2757; Martin W. Matzen (Land and Natural Resources Division) FTS 633-4426.

STANDING NOT PRESENT WHEN DISPUTE NOT RIPE FOR JUDICIAL REVIEW.

Organizations of residents and potential mass transit users in Los Angeles, challenged the decision of the federal Urban Mass Transit Administration (UMTA) to grant funds to the Rapid Transit District to design and engineer a mass transit system for Los Angeles (the "Wilshire Subway"), alleging violations of the Urban

Mass Transportation Act (UMT Act), 49 U.S.C. §1601 et seq., and of NEPA, 42 U.S.C. §4321 et seq. The Ninth Circuit, in a per curiam opinion for publication, held that (1) no private cause of action under UMT Act could be implied in this case, and (2) the plaintiffs had failed to demonstrate sufficient injury to confer standing to challenge agency action under the APA, 5 U.S.C. §701 et seq., because the dispute was not "ripe" for judicial review. This latter ruling was despite the fact that Congress has already appropriated funds for construction of a metro rail project by the District.

Rapid Transit Advocates, Inc. v. Southern California Rapid Transit District, F.2d _____, Nos. 83-6149, 83-6150 (9th Cir. Jan. 18, 1985). D. J. # 90-1-4-2192.

Attorney: Joseph F. Butler (Assistant United States Attorney, Central District of California) FTS 798-2408.

QUIET TITLE ACT; 12-YEAR STATUTE OF LIMITATIONS BARS STATE'S SUIT AGAINST THE UNITED STATES.

A unanimous court of appeals rejected California's appeal from an adverse judgment in an action to quiet title to a portion of the bed of the Yuba River, land which the United States claimed. The property was acquired from private landowners in the early 1900's as part of a joint federal-state project to reverse damage caused by dredge-mining for gold in the Yuba River Valley. Although the State shared equally in the financing of the project, the United States took exclusive title to the property in a series of deeds duly recorded in the county land records. California brought this action to quiet title in 1978, but the court of appeals held the action was barred by the 12-year statute of limitations found in 29 U.S.C. §2409(a)(f). The court concluded that the fact California knew at the time that the deeds carried the name of the United States alone, established actual knowledge of the claim. The court further held that the claim of the United States need not be adverse to the plaintiff's claim to trigger the running of the statute of limitations and that no tolling arises from the fact that the State contributed half the cost of acquiring the property.

State of California v. Yuba Goldfields, F.2d _____, No. 83-2401 (9th Cir. Jan. 21, 1985). D. J. # 90-1-5-1968.

Attorneys: John Bryson (Land and Natural Resources Division) FTS 633-2740; Robert Klarquist (Land and Natural Resources Division) FTS 633-2732.

CONSENT DECREE SUSTAINED DESPITE NONDISCLOSURE OF
IDENTITY OF APPLICANT FOR REGISTRATION.

The court of appeals, on a 2-1 vote, reversed a district court judgment adverse to EPA. During the course of litigation on the constitutionality of the data consideration and disclosure provisions of FIFRA, see Ruckelshaus v. Monsanto Co., 104 S. Ct. 2862 (1984), EPA inadvertently disclosed confidential data submitted by Monsanto to an attorney, who declined to identify his client. To forestall any use of the data to Monsanto's competitive disadvantage, EPA and Monsanto agreed to a screening process for all subsequent applications for pesticide registrations for products containing active ingredients similar to that which the disclosed data related. The consent decree provided that EPA's Scientific Advisory Panel could screen such applications in secret, although Monsanto and the applicant had the right to make presentations to the Panel. When an application was submitted to the Panel for screening, Monsanto demanded the identity of the applicant and the precise active ingredient, but EPA and the Panel refused. The district court, however, granted that right to Monsanto, holding that Monsanto's due process rights would otherwise be violated. The court of appeals reversed, holding that due process did not require the relief Monsanto requested from the terms of the consent decree, and that premature disclosure of the identity of the applicant would violate the applicant's own confidentiality rights under the statute.

Monsanto Co. v. Ruckelshaus, F.2d _____, No. 84-1024 (8th Cir. Jan. 24, 1985). D. J. # 1-656.

Attorneys: John A. Bryson (Land and Natural Resources Division) FTS 633-2740; Anne S. Almy (Land and Natural Resources Division) FTS 633-2749.

JURISDICTION; D.C. CIRCUIT HAS EXCLUSIVE JURISDICTION
OVER SUIT TO COMPEL EPA TO ENFORCE CLEAN AIR ACT AND
RCRA REGULATIONS.

The court of appeals affirmed the dismissal of a suit brought to compel the Administrator to enforce Clean Air Act and RCRA regulations, compel abatement of hazardous conditions, and initiate a Superfund response because of health dangers posed by asbestos mining and milling wastes. Consistent with the decision below, the court distinguished this case from Adamo Wrecking Co. v. United States, 434 U.S. 275 (1978), and found that the "no visible emission" standard promulgated by the EPA under the Clean Air Act, 42 U.S.C. §7412 "is an emission standard within the meaning of" the section, and that review is therefore within the exclusive jurisdiction of the D.C. Circuit.

Finally, the court found that subsequent events--the completion of a permanent relocation program for affected residents under Superfund, and an active enforcement effort by the EPA and the Department of Justice (United States v. Metate Asbestos Corp. (D. Ariz., No. CIV 83-309-GLO-RMB))-- rendered all other claims for relief moot. In connection with this finding, the court rejected arguments that the issues on appeal were "capable of repetition, yet evading review," and found that the EPA met the even higher burden of sustaining mootness applicable when the "voluntary cessation" doctrine applies. Thus, the court could not reach the more "intriguing and complex legal questions" of relief under the specific statutes, the Mandamus Act, the Declaratory Judgment Act, and 28 U.S.C. §1331, which were addressed by the district court in its order of dismissal (13 ELR 20400).

Luckie v. EPA, F.2d _____, No. 83-1907 (9th Cir. Jan. 25, 1985). D. J. # 90-5-1-1-1749.

Attorneys: David O. Ledbetter (Land and Natural Resources Division) FTS 633-4226; Anne S. Almy (Land and Natural Resources Division) FTS 633-2749.

OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS

SELECTED CONGRESSIONAL AND LEGISLATIVE ACTIVITIES JANUARY 23, 1985 - FEBRUARY 19, 1985

HIGHLIGHTS

The following is a summary of crime-related legislation introduced in the 99th Congress.

Anti-Crime Legislation. Three parts of the President's Comprehensive Crime Control Act of 1984, which were approved by the Senate but not by the House, were S. 1763 (habeas corpus reform), S. 1764 (exclusionary rule reform) and S. 1765 (death penalty) of the 98th Congress. On January 22 of this year, Chairman Thurmond introduced each of these three bills exactly as passed by the Senate last year: S. 237 (exclusionary rule), S. 238 (habeas corpus) and S. 239 (death penalty).

Crime Bill Implementation. The feature of the Comprehensive Crime Control Act of 1984, which has been of major interest to state and local authorities, is the provision for sharing of forfeiture proceeds with participating state and local law enforcement agencies. The Department is still in the process of developing detailed guidelines to govern this sharing of forfeited property. In the meantime, one sharing of forfeited property has been approved by the Attorney General. That case, in Texas, involved the seizure of real property used to process marijuana. The Attorney General has authorized the transfer of an amount in

excess of \$40,000 each to a local sheriff's office and to the Texas Department of Public Safety, both of which contributed substantially to the investigation resulting in the forfeiture. This type of sharing is expected to greatly enhance cooperation among federal, state and local law enforcement agencies in the fight against drug trafficking. A number of other instances of sharing of forfeiture proceeds can be expected next month when the new forfeiture guidelines are expected to be finalized and issued. It is expected that the House Subcommittee on Crime will hold oversight hearings on forfeiture in general and sharing of proceeds in particular this summer.

Criminal Justice Issues. All remains relatively quiet on the criminal justice front. The majority of congressional interest in recent weeks has focused upon implementation of the landmark Comprehensive Crime Control Act of 1984. Among the provisions of last year's law generating inquiries are those providing new sources of money for state and local agencies and research organizations. We expect that it will be May or June before grants begin to be made under the new justice assistance and victim assistance provisions of the new law. Hearings are expected later this year on our implementation of the pharmacy robbery measure enacted last summer; some in the pharmaceutical industry feel that our investigative and prosecutive guidelines are overly restrictive while some state and local law enforcement groups think they are not restrictive enough. Numerous oversight hearings relative to our crime bill implementation activities also can be expected in the months ahead.

LISTING OF ALL BLUESHEETS IN EFFECT
MARCH 1, 1985

<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)
9-2.111	TITLE 9	10/26/84	Declinations
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
9-2.142(1)(c)(2)(c)	TITLE 9	10/26/84	Dual and Successive Federal Prosecution Policy
9-2.144	TITLE 9	10/26/84	Interstate Agreement on Detainers
9-2.147	TITLE 9	10/26/84	Extradition and Deportation
9-2.149	TITLE 9	10/26/84	Revocation and Naturalization
9-2.151	TITLE 9	8/10/84	Policy Limitations-Prosecutorial and Other Matters, International Matters.

* Approved by Advisory Committee, being permanently incorporated.

** In printing.

LISTING OF ALL BLUESHEETS IN EFFECT
MARCH 1, 1985

<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
9-2.172	TITLE 9	10/26/84	Appearance Bond Forfeiture Judge
9-2.173	TITLE 9	10/26/84	Arrest of Foreign Nationals
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
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 tc 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

LISTING OF ALL BLUESHEETS IN EFFECT
MARCH 1, 1985

<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
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 "Brain-washing" by Religious Cults; "Deprogramming" of Religious Sect Members
9-60.134 to 9-60.135	TITLE 9	12/14/84	Allegations of "Mental Kidnapping" or "Brain-washing" 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
9-60.400	TITLE 9	12/31/84	Criminal Sanctions Against Illegal Electronic Surveillance - the Foreign Intelligence Surveillance Act (FISA), 50 U.S.C. §1809
9-60.830**	TITLE 9	2/20/85	Special Forfeiture of Collateral Profits of Crime ("Son of Sam")
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)

LISTING OF ALL BLUESHEETS IN EFFECT
MARCH 1, 1985

<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
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
9-64.212**	TITLE 9	2/20/85	Prosecution Policy Concerning Robbery of Persons Possessing Non-Postal Service Money or Property of the United States
9-69.342**	TITLE 9	2/20/85	Sentencing in Prison Contraband Cases
9-71.400*	TITLE 9	5/25/84	Prosecutive Policy
9-75.000	TITLE 9	12/10/84	Obscenity
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

LISTING OF ALL BLUESHEETS IN EFFECT
MARCH 1, 1985

<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
9-131.110	TITLE 9	4/09/84	Hobbs Act Robbery
9-133.010**	TITLE 9	2/20/85	Investigative Jurisdiction: 29 U.S.C. §501(c) and 18 U.S.C. §664
9-134.010**	TITLE 9	2/20/85	Investigative Jurisdiction: 18 U.S.C. §1954
9-136.020**	TITLE 9	2/20/85	Investigative Jurisdiction: 18 U.S.C. §1027
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
10-3.530	TITLE 10	01/07/85	Advances to Non-Department of Justice Employees
10-3.560	TITLE 10	12/13/84	Relocation
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

* Transmittal is currently being printed.

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 1	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
	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

TRANSMITTAL
AFFECTING
TITLE

<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>Contents</u>	
TITLE 3	A3	10/11/83	8/4/83	Complete revision of Title 3-replaces all previous transmittals
	AAA3	5/14/84		Form AAA-3
TITLE 4	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

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 4	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
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

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

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

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

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

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

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 9	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	Complete revision of Ch. 6
	A78	9/10/84	8/31/84	Complete revision of Ch. 1
	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
	A82	8/02/84	7/31/84	Revisions to Ch. 75
	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
	A90	10/10/84	10/01/84	Complete revision of Ch. 73
	A94	12/20/84	12/14/84	Correction to Ch. 27
	AAA9	5/14/84		Form AAA-9

TRANSMITTAL
AFFECTING
TITLE

<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
	A19	5/02/84	5/01/84	Revisions to Chapter 4

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 10	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
	A24	11/09/84	10/19/84	Revision to Ch. 2
	A25	11/09/84	10/19/84	Revision to Ch. 2
	A26	11/28/84	11/28/84	Revision to Ch. 2
	A27	12/07/84	11/01/84	Revision to Ch. 2
	AAA10	5/14/84		Form AAA-10
TITLE 1-10	A1	4/25/84	4/20/84	Index to USAM

TELETYPES

- 02/15/85--From C. Madison Brewer, Director, Office of Management Information Systems and Support, re: "Work of Debt Collection Units."
- 02/19/85--From Laurence S. McWhorter, Deputy Director, Executive Office for United States Attorneys, re: "Memorial Fund for Leonard Gilman."
- 02/19/85--From William P. Tyson, Director, Executive Office for United States Attorneys, re: "Personnel and Administrative Changes."
- 02/20/85--From Richard L. Kidwell, Assistant Director, Facilities Management and Support Services, by Gini Trotti, Support Services Manager, re: "Federal Administrative Procedure Sourcebook."
- 02/22/85--From C. Madison Brewer, Director, Office of Management Information Systems and Support, re: "Certified Letters to Criminal Fine Debtors."

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