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United States Attorneys' Bulletin



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Editor-in-Chief: Susan A. Nellor FTS 633-4024
Editor: Judith C. Campbell FTS 673-6348

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COMMENDATIONS

Assistant United States Attorney JOSEPH W. ANDERSEN, District of Utah, was commended by Ms. Cynthia L. Attwood, Associate Solicitor, and Mr. Alan Yamamoto, Attorney, Division of Mine Safety and Health, for his high quality of work and many hours spent preparing for the hearing and motions in Society of Professional Journalists v. Secretary of Labor.

Assistant United States Attorneys FREDERICK M. BROSIO, JR., DZINTRA I. JANAVS, EUGENE KRAMER, and ROGER E. WEST, Central District of California, were commended by Mr. Harold J. Hughes, Acting General Counsel, United States Postal Service, for their exceptional representation of matters involving the Postal Service.

Assistant United States Attorney CHARLES E. BROWN, Northern District of Georgia, was commended by Mr. Thomas V. Cash, Special Agent in Charge, Atlanta Field Division, Drug Enforcement Administration (DEA), for his successful prosecution of a DEA drug diversion case.

Assistant United States Attorney M. ALAN CEBALLOS, Middle District of Florida, was commended by Mr. William H. Webster, Director, Federal Bureau of Investigation, for his outstanding work in the prosecution of Bobby Roy Dennis, Sr.

Assistant United States Attorney THOMAS M. COFFIN, District of Oregon, was commended by Attorney General Dave Frohnmayer, Salem, Oregon, for his successful prosecution of Stanley A. Meyers. This case reflects the successful implementation of the LECC Program.

Assistant United States Attorney PAUL R. CORRADINI, District of Arizona, was commended by Mr. Prescott A. Berry, District Director, Internal Revenue Service, Department of the Treasury, for his effective and successful representation of the government in Watson v. United States.

Assistant United States Attorneys ANTONIA G. DARLING and JOSEPH G. JARZABEK, Western District of Louisiana, were commended by Mr. Edmund J. Pistey, Special Agent in Charge, and Mr. Myron R. Fuller, Supervisory Senior Resident Agent, Federal Bureau of Investigation, Shreveport, Louisiana, for their successful prosecution of Patrick H. Wright, Jr. and William Edward Armstrong on Hobbs Act related charges.

Assistant United States Attorney LOUIS DEMAS, Eastern District of California, was commended by Mr. Wilbur W. Jennings, Regional Attorney, Department of Agriculture, for his excellent preparation of the Memorandum of Points and Authorities, filed in

support of Defendant's Motion for Partial Summary Judgment, in United States v. Cook.

Assistant United States Attorney ROGER W. DOKKEN, District of Arizona, was commended by Mr. Arthur G. Matthias, District Ranger, Elden Ranger District, Department of Agriculture, for his successful prosecution of the Aguayo, Paredes, and Silva fuelwood theft case.

Assistant United States Attorney CURTIS S. FALLGATTER, Middle District of Florida, was commended by Mr. Edward D. Conroy, Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Miami, Florida, for his successful prosecution of United States v. Mulherin.

Assistant United States Attorney and Lead Drug Task Force Attorney CRAIG A. GILLEN, Atlanta Drug Task Force, Northern District of Georgia, was commended by Mr. Thomas V. Cash, Special Agent in Charge, Atlanta Field Division, Drug Enforcement Administration, for his work in the successful prosecution of Harold Rosenthal, "Operation Southern Comfort."

Assistant United States Attorney JAMES D. JENSEN, Northern District of Ohio, was commended by Mr. Joseph E. Griffin, Special Agent in Charge, Federal Bureau of Investigation, Cleveland, Ohio, for his excellent work in prosecuting the Monica case.

Assistant United States Attorney JAMES C. LYNCH, Northern District of Ohio, was commended by Mr. Frank S. Sato, Inspector General, Veterans Administration, for his outstanding cooperation and initiative shown in the successful prosecution of Frank P. Yandura.

Assistant United States Attorney VIRGINIA ANN MATHIS, District of Arizona, was commended by Mr. Gregory G. Ferris, District Counsel, Veterans Administration, Phoenix, Arizona, for her successful representation of the Veterans Administration in Macias v. United States.

Assistant United States Attorneys LELAND L. SMITH and MARK D. STUAAN, were commended by Mr. Larry J. Hollingsworth, Special Agent in Charge, Chicago Field Office, Department of Defense, for their skillful presentation and successful prosecution of the Pace Development Incorporated case.

Assistant United States Attorney PETER STIRBA, District of Utah, was commended by Mr. Glade S. Bigler, Utah District Counsel, Veterans Administration, for his high quality of legal services and successful litigation of a complicated medical malpractice case involving asbestos.

Assistant United States Attorneys HERBERT C. SUNDBY and JACK C. WONG, District of Oregon, were commended by Mr. LaVorn A. Taylor, District Counsel, Veterans Administration, Portland, Oregon, for their successful representation of the Veterans Administration in Gowan v. United States.

United States Attorney BRENT D. WARD, District of Utah, was commended by Attorney General William French Smith and Mr. William H. Webster, Director, Federal Bureau of Investigation, for his successful prosecution of United States v. Affleck.

Assistant United States Attorney ROBERT P. WEIDNER, District of Arizona, was commended by Mr. Robert P. Abele, President, Arizona Farmers Production Credit Association, for his diligent efforts in securing an indictment against Martha Bond Duncan.

Assistant United States Attorney ROBERT S. YERKES, Middle District of Florida, was commended by Mr. William H. Webster, Director, Federal Bureau of Investigation, for his efforts in the successful prosecution of Larry David Barnette.

POINTS TO REMEMBER

Comprehensive Crime Control Act of 1984, Pub. L. No. 98-473

The Comprehensive Crime Control Act of 1984, Pub. L. No. 98-473, §§9302(c) and 303(c), 97 Stat. 1837 (Oct. 12, 1984), amended the Criminal Forfeiture Provisions of RICO in 18 U.S.C. §1963(c) and the Drug Felony Statutes in 21 U.S.C. §853(c) to codify the relation back doctrine. Under this doctrine, forfeiture relates back to the time of the commission of the act, giving rise to the forfeiture. Consequently, assets subject to forfeiture, which are transferred to a third party prior to conviction, are still subject to forfeiture, unless the third party can establish that he/she was a bona fide purchaser for value and was without reason to believe the asset was subject to forfeiture. These provisions will have application primarily in situations where a forfeitable asset is purportedly transferred to a third party for services rendered, otherwise the asset received in exchange could be forfeited.

Recently, a number of challenges have been made to the government's right to seize such assets when they are transferred as payment for legal fees incurred in defending against the criminal charge, which is the predicate for the forfeiture. Specifically, it is alleged that such forfeitures violate the constitutional right to counsel and the presumption of innocence under the Due Process Clause.

The Asset Forfeiture Office of the Criminal Division has been developing pleadings and information relevant to these issues. They can assist in determining whether a third party is an innocent bona fide purchaser and inform you of other decisions concerning the particular issues and of problems encountered in other applications of the forfeiture provisions in these situations. Also, because of the rapidly developing body of law concerning the application of the forfeiture provisions, it is imperative to have a central monitoring point so that the government can provide uniform responses to the constitutional challenges to these provisions as the cases work their way through the appellate process.

Therefore, in order to coordinate the government's responses and to monitor the developing caselaw, all United States Attorneys' offices, Criminal Division Attorneys' offices and all Criminal Division attorneys must obtain, until further notice, the concurrence of the Assistant Attorney General in charge of the Criminal Division prior to seeking forfeiture of or restraining the transfer of an asset which has been transferred by a defendant to a third party in exchange for services rendered.

The Executive Office for United States Attorneys encourages United States Attorneys and their Assistants to cooperate in this effort to implement this vital new legislation and protect the government's interest in forfeitable property. The Asset Forfeiture Office will be distributing additional material concerning this issue in the near future. Brad Cates, Director of the Asset Forfeiture Office, will head this effort on behalf of the Assistant Attorney General and can be contacted for guidance and assistance at FTS 272-6420.

(Criminal Division)

Cumulative List of Changing Federal Civil Postjudgment Interest Rates.

Appended to this Bulletin is an updated "Cumulative List of Changing Federal Civil Postjudgment Interest Rates," as provided for in the amendment to the Federal Postjudgment Interest Statute, 28 U.S.C. §1961, effective October 1, 1982.

(Executive Office)

Ethical Question - Outside Employment

The Executive Office for United States Attorneys recently received a request from an Assistant United States Attorney for approval, pursuant to 28 C.F.R. §45.735-12, to co-author a legal treatise on computer fraud. The Executive Office granted approval in this instance, since the Assistant's work would be performed

during off-duty hours and would not interfere with his/her official duty as an Assistant United States Attorney. Furthermore, the work would not be dependent on information obtained as a result of employment with the federal government, would not draw on official data or ideas which have not become a part of the body of public information, and would not generally violate the provisions of 28 C.F.R. §45.735-12.

United States Attorney office personnel are cautioned that no employee shall engage in any professional practice or any other outside employment if:

1. The activity will in any manner interfere with the proper and effective performance of the employee's official duties;
2. The activity will create or appear to create a conflict of interest;
3. The activity will reflect adversely upon the Department of Justice;
4. The employee's position in the Department of Justice will influence or appear to influence the outcome of the matter;
5. The activity will involve assertions that are contrary to the interests or positions of the United States; or
6. The activity involves any criminal matter or proceeding whether federal, state, or local, or any other matter or proceeding in which the United States (including the District of Columbia government) is a party or has a direct and substantial interest.

An Assistant considering outside employment, after determining that none of the criteria listed above is involved, should contact, in writing, the Office of Legal Services, Executive Office for United States Attorneys, Room 1629, Main Building, 10th and Pennsylvania Avenue, N.W., Washington, D. C. 20530, and state the reasons for the request.

(Executive Office)

Reminder of United States Attorneys' Procedures for Responding to Congressional Requests for Information

Chapter 8 of Title 1, United States Attorneys' Manual, delineates the responsibilities and procedures for responding to Congressional inquiries made to the Department. The overall

responsibility for liaison between the Department and Members of Congress lies with the Office of Legislative and Intergovernmental Affairs ("OLIA"). Routine Congressional correspondence on specific matters sent to United States Attorneys, however, may be responded to by the United States Attorney directly, with a copy forwarded to OLIA. "Routine" correspondence includes the following:

1. Employment related information such as vacancies, inquiries, recommendations, etc.;
2. Public information related to specific cases, i.e., cases, grand jury indictments, court dates, etc.;
3. Legal procedure, i.e., processes clearly defined in statutes and/or regulations; and
4. Press releases, reports or other published information.

Where the subject matter of the Congressional correspondence does not fall within one of the above categories, it is "non-routine." If such correspondence is received, the United States Attorney should acknowledge receipt of the correspondence, indicating that a further response will be forthcoming from the Department. A copy of the incoming inquiry together with a draft reply should then be promptly forwarded to OLIA for any necessary coordination within the Department and preparation of a final response to the Member of Congress.

If it is unclear whether the Congressional request falls within the routine or non-routine area, the United States Attorney should contact OLIA for a determination as to the type of response which should be made.

(Executive Office)

Personnel

Effective March 31, 1985, Lamond R. Mills resigned as the United States Attorney in the District of Nevada.

Effective April 1, 1985, William A. Maddox was court appointed United States Attorney in the District of Nevada.

Effective April 1, 1985, Daniel A. Hedges resigned as the United States Attorney in the Southern District of Texas, and James L. Powers was court appointed as the United States Attorney.

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 the filing of:

A petition for a writ of certiorari in Commodity Futures Trading Commission v. Schor, 740 F.2d 1262 (D.C. Cir. 1984). The issue is whether the CFTC has jurisdiction under the Commodity Exchange Act to adjudicate state law-based counterclaims arising out of the same transaction with respect to which reparations proceedings are pending before the Commission.

A petition for a writ of certiorari in United States v. Inadi, No. 83-1882 (3d Cir. Nov. 13, 1984). The issue is whether the government, in order to secure the admission of the statements of a co-conspirator at a conspiracy trial, must either show that the declarant is unavailable or produce him at trial.

A petition for a writ of certiorari in National Labor Relations Board v. Financial Institution Employees, 752 F.2d 356 (1984). The issue is whether the NLRB reasonably concluded that all bargaining unit employees, not just union members, must be afforded the opportunity to vote on the affiliation of their bargaining representative with an international union before the newly affiliated union has a right to continued recognition as the unit employees' exclusive bargaining representative.

A petition for a writ of certiorari in Tri-State Motor Transit Co. v. Interstate Commerce Commission, 739 F.2d 1373 (8th Cir. 1984). The issue is whether the Hobbs Act, 28 U.S.C. §2342 et seq., bars a party from seeking to relitigate the validity of an agency rule after the rule has been upheld by another court of appeals and the statutory 60-day period for seeking judicial review has expired.

CIVIL DIVISION

SUPREME COURT REVERSES NINTH CIRCUIT CONSTRUCTION OF KEY
AFDC PROVISION.

In this case the Supreme Court granted our petition for a writ of certiorari to resolve a conflict in the circuits over whether mandatory withholdings from pay such as income taxes, constitute "income" under the Aid For Dependent Children (AFDC) program. The Ninth Circuit decision on review held that mandatory withholdings do not constitute income under the statute, and that, therefore, withholdings cannot be included within the \$75 work expense disregard in Section 402(a)(8) of the AFDC Act, 42 U.S.C. §602(a)(8)(Supp. V (1981)).

On July 19, 1984, while the case was pending, the President signed into law the Deficit Reduction Act of 1984, Pub. L. No. 98-369. Section 2625(a) of that legislation clarifies the AFDC statute and supports the position of the government that payroll withholdings do in fact constitute income for purposes of the AFDC Act. After enactment of the Deficit Reduction Act, the Solicitor General applied directly to Justice Rehnquist for a stay of the injunction issued by the district court years before in this case, ordering the State of California to pay augmented benefits to AFDC recipients. On August 10, 1984, Justice Rehnquist granted the government's stay request, and stayed prospectively the district court injunction. On February 27, 1985, the Supreme Court reversed the Ninth Circuit on the merits, holding that income tax withholdings constitute "income" both under the 1984 Act and under prior law.

Health and Human Services (HHS) estimates that this decision will save the government approximately \$56 million dollars per year.

Heckler v. Turner, ___ U.S. ___, No. 83-1097 (Feb. 27, 1985).
D. J. # 145-16-2113.

Attorneys: William Kanter (Civil Division) FTS 633-1597;
Richard Olderman (Civil Division) FTS 633-4052.

SUPREME COURT REJECTS NINTH CIRCUIT'S VIEW THAT WARSAW
CONVENTION ESTABLISHES ABSOLUTE LIABILITY REGIME.

Respondent Valerie Saks filed suit to recover damages for a permanent hearing loss she sustained aboard an international Air France flight. Liability for any death or personal injury caused by an "accident" during international air travel is governed by

the Warsaw Convention, a multilateral treaty which establishes a uniform international basis for recovery, and limits the carriers' potential liability. In 1966, the international carriers independently adopted the so-called Montreal Agreement to avoid a denunciation of the Convention by the United States. In that agreement the carriers voluntarily stipulated to increase the ceiling on liability for international flights beginning or ending in the United States and to waive the "due care" defense to liability that is available to them under the Warsaw Convention. In seeking to recover under the Convention in the present case, Saks conceded that her hearing loss was attributable solely to normal cabin pressure changes, but contended that the Convention, as "modified" by the Montreal Agreement, established a regime of absolute liability for any injury occasioned by the flight, regardless of fault. The Ninth Circuit agreed with Saks. The Supreme Court granted certiorari to resolve a split among the circuits on this issue and requested the views of the Solicitor General.

Agreeing with the arguments we advanced as amicus curiae, the Supreme Court has just reversed. In a unanimous opinion, the Court reviewed the operative language of the Convention (both the official French version and the English translation), and concluded that proof of some "accident" -- defined as "an unusual or unexpected event external to the [internal physical reaction of the] passenger" -- was a mandatory prerequisite to recovery under the treaty itself. The Court buttressed this conclusion by examining subsequent discussions of the liability provisions in the minutes of recent international conventions at which amendments to the liability provisions were proposed, and by reviewing foreign precedents. (We were assisted in our canvassing of these sources by the Departments of State and Transportation, and the Civil Aeronautics Board.)

Air France v. Saks, ___ U.S. ___, No. 83-1785 (Mar. 4, 1985).
D. J. # 145-0-1553.

Attorney: Mark H. Gallant (Civil Division) FTS 633-3425.

TENTH CIRCUIT STRIKES DOWN HHS REIMBURSEMENT FORMULA ON
MALPRACTICE INSURANCE.

This is the third adverse court of appeals decision in the multi-circuit litigation challenging Secretary Califano's attempt to revise the formula by which Health and Human Services (HHS) reimburses hospitals their Medicare share of malpractice insurance. The Tenth Circuit held that the HHS reimbursement formula was arbitrary and capricious because it was based on a study the authors of which conceded was not a valid basis for statistical inference.

Humana of Aurora v. Heckler, ___ F.2d ___, No. 83-2417 (10th Cir. Feb. 11, 1985). D. J. #137-13-236.

Attorneys: Anthony J. Steinmeyer (Civil Division) FTS 633-3388; Robert V. Zener (Civil Division) FTS 633-4027.

OFFICES OF UNITED STATES ATTORNEY

FORMER GOVERNMENT OFFICIAL PLED GUILTY TO VIOLATIONS OF
18 U.S.C. §208(a) and §1001.

Dr. Herman E. Thomason, former Deputy Director of the Science and Engineering Directorate at Marshall Space Flight Center, Huntsville, Alabama, received a two year split sentence with 2 months to serve and was fined \$50,000 on his guilty plea to charges of conflict of interest, 18 U.S.C. §208(a), and false statements, 18 U.S.C. §1001.

Thomason was charged with participating by recommending the acquisition of a computer graphics design system by Marshall Space Flight Center from Intergraph Corporation. At that time, Thomason was the beneficiary of a trust which owned approximately 27,000 shares of Intergraph Corporation stock. Thomason admitted making false statements to NASA in a financial disclosure report concerning his interest in the trust; which owned the Intergraph Corporation stock which was acquired over 10 years ago. The substantial number of shares owned by the trust occurred as a result of stock splits.

United States v. Herman E. Thomason, No. CR-85-P-0037-NE (N.D. Ala Feb. 7, 1985).

Attorney: Herbert H. Henry, III (Assistant United States Attorney, Northern District of Alabama) FTS 229-1785.

DEFENDANT SENTENCED TO 50 YEARS, AND A \$25,000 FINE AND
FORFEITURES OF PROFITS UNDER 21 U.S.C. §848.

On March 1, 1985, Chief Judge Perez-Gimenez in United States District Court, Puerto Rico, sentenced Carlos Wilfredo Cuevas-Morales to 50 years and a \$25,000 fine and forfeitures of profits, under 21 U.S.C. §848, continuing criminal enterprise statute. This was the first continuing criminal enterprise prosecution in Puerto Rico.

Cuevas-Morales directed a major drug importing enterprise dealing in marihuana, heroin and cocaine from Colombia and Mexico. His operation was assisted by attorneys and protection was

provided by corrupt members and former members of the Police of Puerto Rico.

United States v. Carlos Wilfredo Cuevas-Morales, No. 84-305
(D. P.R. Mar. 1, 1985).

Attorneys: Roberto Moreno (Assistant United States Attorney, Special Prosecutions Unit, District of Puerto Rico) FTS 753-4323; Dana Biehl (Special Attorney, Criminal Division) FTS 724-7144.

LAND AND NATURAL RESOURCES DIVISION

CLEAN WATER ACT: EPA'S FUNDAMENTALLY DIFFERENT FACTOR/
VARIANCES FROM PRE-TREATMENT STANDARDS PROMULGATED TO
CONTROL INDIRECT DISCHARGES OF TOXIC POLLUTANTS THROUGH
PUBLICLY-OWNED TREATMENT WORKS SUSTAINED.

The Natural Resources Development Council (NRDC) had prevailed in the Third Circuit on its claim that Section 301(1) of the Clean Water Act (CWA), 33 U.S.C. §1311(1), prohibits the Environmental Protection Agency (EPA) from issuing to individual dischargers "fundamentally different factor" (FDF) variances from the pre-treatment standards promulgated to control "indirect discharges" of toxic pollutants through publicly-owned treatment works. 719 F.2d 624 (1984). Section 301(1) provides that the Administrator "may not modify" such standards as to pollutants listed as toxic under Section 307, 33 U.S.C. §1317.

By a 5-4 decision (White, J.), the Supreme Court reversed, holding that because neither the language of the CWA nor its legislative history evinced a clear congressional intent to preclude EPA from such "fine-tuning" of its pre-treatment standards for toxic wastes, this was an appropriate case for judicial deference to EPA's interpretation of its authority. EPA had developed the seldom-utilized FDF variance mechanism "as a mechanism for ensuring that its necessarily rough-hewn categories do not unfairly burden atypical plants." NRDC had conceded, and the Court held, that Section 301(1) did not "forbid every change in the toxic waste standards;" and the dispute was "reduced to an argument over the means used by EPA to define subcategories of indirect dischargers in order to achieve the goals of the Act." The FDF variances are not available on the two statutory grounds (economic and water quality, Section 301(c) and (g)) which Congress intended to foreclose for toxic wastes. And the Court was unpersuaded that this "laudable corrective mechanism" posed a threat to the goals and operation of the CWA.

The dissent (Marshall, J., joined for the most part by O'Connor, J.) would have held that both the language and legislative history of the CWA foreclosed EPA from issuing FDF variances from pre-treatment standards for toxic wastes.

Chemical Manufacturers Ass'n v. NRDC, _____ U.S. _____, No. 83-1013; EPA v. NRDC, _____ U.S. _____, No. 83-1373 (Feb. 27, 1985). D. J. # 90-5-1-7-703.

Attorneys: Samuel A. Alito (Office of the Solicitor General) FTS 633-4277; Barry S. Neuman (Land and Natural Resources Division) FTS 633-2664.

INDIANS HELD ENTITLED TO RECOVER FOR FAIR RENTAL VALUE OF LAND ACQUIRED BY NEW YORK STATE FROM TRIBE IN 1755 IN VIOLATION OF NONINTERCOURSE ACT.

This case involved a suit by the Oneida Indians against the counties of Oneida and Madison, New York, and the State of New York, to recover fair rental value for their use and occupation for two years of 841 acres of some 100,000 acres that were acquired by the State of New York from the Oneida Nation in 1795, without the approval of the federal government, in violation of the Nonintercourse Act, 25 U.S.C. §177. A sharply divided court (5 to 4) upheld the court of appeals on the following issues and held: (1) that the Oneidas have a federal common law right of action for violation of their possessory rights, which was not preempted by the Nonintercourse Act because the Act did not speak directly to the question of remedies for unlawful conveyances of Indian land; (2) the State's statute of limitations does not apply to and bar the Indians' claim because its applications would be inconsistent with the federal policy against the application of such state statutes in the context of Indian claims; (3) the Indians' cause of action did not abate when the Nonintercourse Act expired in 1793 because subsequent reenactments of the statute contained substantially the same restraint on the alienation of Indian lands; (4) the treaties of 1798 and 1802, in which the Oneidas ceded additional land to the State, were insufficient to demonstrate that the United States ratified New York's unlawful purchase of the land, particularly in light of the principles that treaties with Indians should be construed liberally in their favor and that congressional intent to extinguish Indian title must be plain and unambiguous and will not be lightly implied; (5) the Indians' claims are not barred by the political question doctrine since Congress' constitutional authority over Indian affairs does not render the claims nonjusticiable.

The Court reversed the court of appeals and remanded on the issue of whether the federal courts could exercise ancillary jurisdiction over the counties' cross-claim against the State of

New York for indemnification. The Court held that the court of appeals erred in exercising ancillary jurisdiction over the counties' cross-claim for indemnity by the State. The cross-claim raises an issue of state law, the Court stated, and there was no evidence that New York waived its constitutional immunity under the Eleventh Amendment to suit in federal court. Finally, the Court declined to express an opinion on the question of whether equitable considerations should limit the relief available to the Oneidas, because this issue was not addressed by the court of appeals or presented to it by either the counties or the State. The Court recognized the potential consequences of affirmance and that Congress has in the past enacted legislation to extinguish Indian title and claims in other Eastern states and could be expected to do so in this case, calling upon the necessity for congressional action.

County of Oneida, New York v. Oneida Indian Nation of New York State, ___ U.S. ___, Nos. 83-1065 and 83-1240 (Mar. 4, 1985). D. J. # 90-1-4-2661.

Attorneys: Edwin S. Kneeder (Office of the Solicitor General) FTS 633-3261; Arthur E. Gowran (Land and Natural Resources Division) FTS 633-2754.

INTERVENTION DENIED TO ENVIRONMENTALISTS IN CONDEMNATION PROCEEDINGS

The Seventh Circuit (Judge Cudahy dissenting) affirmed the district court's order, which had denied Save the Dunes Council's (STDC) motion to intervene in the United States' condemnation action. The court determined that STDC failed to meet three of the four requirements for intervention as of right. Although its petition for intervention was timely, STDC failed to show a sufficient interest in the property, failed to show that denial of intervention impeded its ability to protect any interest in the property and failed to show that its interest was not adequately protected by existing parties. The Seventh Circuit also held that the district court did not abuse its discretion in denying permissive intervention.

United States v. Save The Dunes Council, Inc., ___ F.2d ___, No. 84-1018 (7th Cir. Feb. 22, 1985). D. J. # 33-15-322-3457.

Attorneys: Andrew A. Baker, Jr. (Assistant United States Attorney, N.D. Indiana) FTS 370-5215; Kathleen P. Dewey (Land and Natural Resources Division) FTS 633-4519.

FEDERAL CIRCUIT FIXES AMOUNT OF AGRICULTURAL LAND OWED INDIANS.

In an action brought under the Indian Claims Commission Act, 25 U.S.C. §70 et seq., the Indians sought compensation for the extinguishment of their aboriginal title to lands in Arizona. Although the Indians claimed damages in excess of \$250 million, the Claims Court entered a judgment for \$5,529,339.

The Indians then appealed to the Federal Circuit, which affirmed all of the Claims Court's findings with one exception, Gila River Pima-Maricopa Indian Community v. United States No. 83-1108 (Fed. Cir. April 12, 1984). As for that one exception, the court of appeals found that the Claims Court had not adequately explained the basis for its ruling that the amount of patented agricultural land within the claims area was 300,000 acres instead of the 500,000 acres claimed by the Indians. The case was remanded to the trial court for a further explanation concerning that issue.

Upon remand, the Claims Court directed the parties to submit further statements with respect to the agricultural acreage matter. The parties, however, jointly responded by seeking an extension for the purposes of perfecting a proposed settlement. Instead of granting the requested extension, the Claims Court, acting upon its own initiative, immediately entered an opinion again confirming its original acreage figure, but offering very little in the way of additional explanation. The Indians appealed once more.

On the second appeal, the Federal Circuit again found that the trial court had failed to adequately explain its basis for arriving at the 300,000-acre figure. This time, however, instead of remanding the case, the court of appeals conducted its own review of the record and concluded that the amount of potential agricultural land in the claims area was 375,000 acres. While this was more than the amount found by the Claims Court, it was still well under the 500,000 acres claimed by the Indians. The Federal Circuit's finding, concerning the amount of agricultural land, had the effect of raising the amount of the total award from \$5,529,339 to \$6,260,589. The court of appeals also stated that the trial judge's action in entering the award, when the parties had jointly requested a short extension to perfect a settlement, was "highly arbitrary," resulting in additional, unnecessary work for the parties and for the court of appeals.

Gila River Pima-Maricopa Indian Community v. United States,
F.2d, No. 84-1580 (Fed. Cir. Feb. 22, 1985). D. J. #
90-2-20-459.

Attorneys: George R. Hyde (Land and Natural Resources Division) FTS 633-3522; Bernard M. Sisson (Land and Natural Resources Division) FTS 724-7392.

LAKE NOT MADE NAVIGABLE FOR PURPOSES OF EQUAL FOOTING
DOCTRINE BY VIRTUE OF ITS USE BY FLOATPLANES.

This case raised the question of whether floatplane use may render a lake or river navigable for purposes of title under the "equal footing" doctrine. In this "test" case, Alaska argued that title to the bed of Slopbucket Lake was transferred to the State at statehood because the small lake is susceptible to floatplane use. The Bureau of Land Management (BLM) had determined Slopbucket Lake is nonnavigable and that the bed is therefore federally-owned public land available for conveyance to native corporations pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. §1601 et seq. In response, the State brought this Quiet Title action and moved for summary judgment on the ground that floatplanes constituted a customary mode of trade and travel on Slopbucket Lake at the time of statehood. The United States also sought summary judgment on the basis that floatplanes are legally irrelevant to navigability for title determinations. The district court agreed with the United States, 563 F. Supp. 1223 (D. Alas. 1983).

The court of appeals affirmed, noting that "the crux of the test is still the requirement that the body of water be susceptible to use as a highway or channel for commerce on water," and that "[t]his necessarily involves the utilization of the waterway as a path between two points." The court observed that floatplanes go to and from the lake instead of traveling "on the water." Thus, the court concluded that use of a lake by floatplanes is insufficient as a matter of law to render the lake navigable for purposes of title.

State of Alaska v. United States, ___ F.2d ___, No. 84-3625
(9th Cir. Feb. 28, 1985). D. J. # 90-1-5-2110.

Attorneys: Blake A. Watson (Land and Natural Resources Division) FTS 633-2772; David C. Shilton (Land and Natural Resources Division) FTS 633-4427.

CUMULATIVE LIST OF CHANGING FEDERAL CIVIL POSTJUDGMENT INTEREST RATES

(As provided for in the amendment to the Federal Postjudgment Interest Statute, 28 U.S.C. §1961, effective October 1, 1982.)

<u>Effective Date</u>	<u>Annual Rate</u>	<u>Effective Date</u>	<u>Annual Rate</u>
10-01-82	10.41%	12-23-83	10.10%
10-29-82	9.29%	01-20-84	9.87%
11-25-82	9.07%	02-17-84	10.11%
12-24-82	8.75%	03-16-84	10.60%
01-21-83	8.65%	04-13-84	10.81%
02-18-83	8.99%	05-16-84	11.74%
03-18-83	9.16%	06-08-84	12.08%
04-15-83	8.98%	07-11-84	12.17%
05-13-83	8.72%	08-03-84	11.93%
06-10-83	9.59%	08-31-84	11.98%
07-08-83	10.25%	09-28-84	11.36%
08-10-83	10.74%	10-26-84	10.33%
09-02-83	10.58%	11-28-84	9.50%
09-30-83	9.98%	12-21-84	9.08%
11-02-83	9.86%	01-18-85	9.09%
11-24-83	9.93%	02-15-85	9.17%

NOTE: When computing interest at the daily rate, round (5/4) the product (i.e., the amount of interest computed) to the nearest whole cent.

LISTING OF ALL BLUESHEETS IN EFFECT
MARCH 22, 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 22, 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.
9-7.1000*	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 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

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<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
9-48.120**	TITLE 9	3/07/85	Computer Fraud-Reporting Requirements
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 Inter- ceptions
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)

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<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
9-63.251**	TITLE 9	2/25/85	Policy Concerning Prosecution - 18 U.S.C. §32(b)
9-63.271**	TITLE 9	2/25/85	Policy Concerning Prosecution - 18 U.S.C. §33
9-63.460 to* 9-63.490	TITLE 9	5/02/84	Obscene or Harassing Telephone Calls - 47 U.S.C. §223
9-63.1130**	TITLE 9	2/25/85	Policy Concerning Prosecution - 18 U.S.C. §1365
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

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<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
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
9-133.010**	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

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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
	A9	12/06/84	11/01/84	Revisions to Chapter 1
	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

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	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
	A3	12/19/84	12/14/84	Revision to Chapter 4 and Index
	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
	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

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

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

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 9	A35	3/26/84	2/6/84	Complete revision of Ch. 37
	A36	3/26/84	2/6/84	Complete revision of Ch. 41
	A37	4/6/84	2/8/84	Complete revision of Ch. 139
	A38	3/29/84	2/28/84	Complete revision of Ch. 47
	A39	3/30/84	3/16/84	Complete revision of Ch. 104
	A40	4/6/84	3/9/84	Complete revision of Ch. 100
	A41	4/6/84	3/9/84	Complete revision of Ch. 110
	A42	3/29/84	3/09/84	Complete revision of Ch. 64
	A43	4/6/84	3/14/84	Complete revision of Ch. 120
	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

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<u>TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 9	A52	4/16/84	3/30/84	Complete revision of Ch. 85
	A53	6/6/84	3/28/84	Revisions to Ch. 4
	A54	7/25/84	6/15/84	Complete revision of Ch. 11
	A55	4/23/84	4/6/84	Complete revision of Ch. 134
	A56	4/30/84	3/28/84	Revisions to Ch. 42
	A57	4/16/84	3/28/84	Complete revision of Ch. 60, 75
	A58	4/23/84	4/19/84	Summary Table of Contents of Title 9
	A59	4/30/84	4/16/84	Entire Index to Title 9
	A60	5/03/84	5/03/84	Complete revision of Chapter 66
	A61	5/03/84	4/30/84	Revisions to Chapter 1, section .103
	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

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 9	A71	5/21/84	5/21/84	Complete revision of Ch. 20
	A72	5/25/84	5/23/84	Complete revision of Ch. 61
	A73	6/18/84	6/6/84	Complete revision of Ch. 17
	A74	6/18/84	6/7/84	Complete revision of Ch. 63
	A75	6/26/84	6/15/84	Complete revision of Ch. 27
	A76	6/26/84	6/15/84	Complete revision of Ch. 71
	A77	7/27/84	7/25/84	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
	A87	11/14/84	11/09/84	Revision to Ch. 42
	A88	8/31/84	8/24/84	Complete revision of Ch. 12

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<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>	
TITLE 9	A90	10/10/84	10/01/84	Complete revision of Ch. 73
	*A91	12/12/84	11/23/84	Revision to Ch. 70
	*A93	12/31/84	12/06/84	Revisions to Ch. 7
	A94	12/20/84	12/14/84	Correction to Ch. 27
	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
	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

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 10	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
	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
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TITLE 1-10	A1	4/25/84	4/20/84	Index to USAM

TELETYPES

- 03-11-85 From Richard L. DeHaan, Director, Office of Administration and Review, Executive Office for United States Attorneys, re: "Six Month Furniture/Equipment Allowance."
- 03-18-85 From William P. Tyson, Director, Executive Office for United States Attorneys, by Richard L. DeHaan, Director, Office of Administration and Review, re: "Attorney Training Limitations."
- 03-20-85 From William P. Tyson, Director, Executive Office for United States Attorneys, re: "United States Attorneys Conference - 1985."

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