



# United States Attorneys' Bulletin



EXECUTIVE  
OFFICE FOR  
UNITED  
STATES  
ATTORNEYS

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COMMENDATIONS

Assistant United States Attorney CHRISTOPHER B. BARIL, District of Vermont, was commended by Mr. William H. Webster, Director, Federal Bureau of Investigation, for his untiring efforts in the successful prosecution of United States v. Kenneth Lee Estes.

Assistant United States Attorneys RICHARD N. COX and LARRY A. MACKEY, Central District of Illinois, were commended by Mr. L. W. Wiggs, Inspector-in-Charge, United States Postal Service, for their competence and professionalism in the successful prosecution of a complex mail fraud/racketeering case.

Assistant United States Attorney SERENA H. DOBSON, Eastern District of Pennsylvania, was commended by Commander J. W. Austin, United States Navy, for her presentation at an "EEO for Managers" meeting held recently in Philadelphia.

Assistant United States Attorney ROGER L. DUNCAN, Southern District of Indiana, was commended by Mr. William H. Webster, Director, Federal Bureau of Investigation, for his outstanding efforts in connection with the investigation and prosecution of Morton L. Dock.

Assistant United States Attorney STEVEN J. ENGELMYER, Eastern District of Pennsylvania, was commended by Mr. Drew Spalding, Acting General Counsel, United States Government Printing Office, for his successful resolution of United States v. International Lithographing Corporation and Barry J. Green.

Assistant United States Attorney EDWARD T. ELLIS, Eastern District of Pennsylvania, was commended by the Director of the Veterans Administration (VA) for his representation of the VA in Lockley v. United States.

Assistant United States Attorneys JAMES R. GAILEY and KEVIN R. MARCH, Southern District of Florida, were commended by Attorney General Edwin Meese III for their efforts in the case of United States v. John Lomelo, Jr. Copies of Attorney General Meese's letters to Mr. GAILEY and Mr. MARCH are appended to this Bulletin.

Assistant United States Attorney LYNDIA F. KENT, Northern District of Florida, was commended by Mr. H. Dean Paulus, Resident Agent-in-Charge, Drug Enforcement Administration, Jacksonville, Florida, for her outstanding contributions during the past five years in the field of drug law enforcement.

Assistant United States Attorney WILLIAM C. LUCIUS, District of South Carolina, was commended by Mr. Robert J. Ivey, Special Agent-in-Charge, Federal Bureau of Investigation, for his exem-

plary efforts in the recent prosecution of United States v. Davis and United States v. Grant.

Assistant United States Attorney CHRISTINA M. MCKEE, Northern District of Indiana, was commended by Ms. Constant B. Chevalier, Regional Inspector General for Investigations, Department of Agriculture, Chicago, Illinois, for her professional and dedicated performance in prosecuting United States v. Farrell and Miller.

Assistant United States Attorney PATTI R. PAGE, District of Vermont, was commended by Mr. David C. Emery, District Director, Small Business Administration, for the successful resolution of United States v. Northland Products, Inc., in which the government recovered more than \$500,000 of assets that were in the process of being smuggled into Canada.

Assistant United States Attorney SOLOMON E. ROBINSON, Eastern District of California, was commended by Mr. John J. Knapp, General Counsel, Department of Housing and Urban Development (HUD), for his outstanding legal representation of HUD in United States v. McLennan and Greenfair, Ltd. v. United States.

Assistant United States Attorneys RACHEL SHAO and CATHERINE L. VOTAW, Eastern District of Pennsylvania, were commended by the Regional Federal Highway Administrator for their outstanding performance in Vine Street Concerned Citizens, Inc. v. Dole and Larson. Assistant United States Attorney SHAO was also commended by Lieutenant Colonel Ralph V. Locurcio, Department of the Army, Corps of Engineers, for her litigative skills in Bloom v. United States.

Assistant United States Attorney JAMES G. SHEEHAN, Eastern District of Pennsylvania, was commended by Mr. Stanley Marcus, former United States Attorney, Southern District of Florida, for his representation of that office in Wright v. United States.

Assistant United States Attorney KARLA R. SPAULDING, Middle District of Florida, was commended by Mr. Robert W. Butler, Special Agent-in-Charge, Federal Bureau of Investigation, for her expert and highly competent prosecution of C. Wayne Prater.

#### CLEARINGHOUSE

#### Possible Conflict of Interest Regarding Employment of Judicial Law Clerks.

The United States Attorney's Office for the Southern District of California recently researched the issue of whether employment by the United States Attorney's office of a law clerk currently or previously employed by a United States District Judge or

Magistrate constitutes a conflict of interest, and has prepared a memorandum discussing three cases addressing this point (Hall v. Small Business Administration, 695 F.2d 175 (5th Cir. 1983); United States v. Trigg, 392 F.2d 860 (7th Cir. 1968); and Brown v. Trans-World Airlines, Inc., 746 F.2d 1354 (8th Cir. 1984)).

A copy of the memorandum discussing this issue and relative sections of an appellate brief filed in the Southern District of California, which discuss this issue can be obtained from the Office of Legal Services, Room 1629, 10th and Pennsylvania, Avenue, N.W., Washington, D. C. 20530. Please request item number CH-21.

(Executive Office)

#### POINTS TO REMEMBER

##### Asset Forfeiture Fund

Since the President signed the supplemental legislation authorizing appropriation for the Justice Assets Forfeiture Fund, any requests by state or local law enforcement agencies for a share in cash or proceeds forfeited by the federal government may now be processed and it is anticipated that disbursement from the Fund will take place in the near future.

Because the program is new and there are existing requests that must be handled first, please be advised that some initial delay should be anticipated. This backlog situation should remedy itself shortly, with the end result being the expeditious disbursement of checks for future approved applicants.

Payments of expenses for forfeiture and sale authorized by law have been, and will continue to be, paid prior to forfeiture monies being deposited in the Fund. Expenses for awards for information, retrofit, and purchases of evidence, are fund expenses, and are capped in the amounts that seizing agencies may authorize. See 28 U.S.C. §524(C)(1). These categories of expenses are likewise payable, now that the Fund is operative.

The number of the Fund account is 15X5042. If there are any questions about the operation of the Fund, or the status of a particular request at the Asset Forfeiture Office of the Criminal Division, please do not hesitate to contact Attorney Mark Barrett, at FTS 272-6423, or Paralegal Tressa Borland, at FTS 272-6981.

(Criminal Division)

Bluesheets and Transmittals, United States Attorneys' Manual.

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

(Executive Office)

Department Policy With Respect to Local Court Rules Requiring Mandatory Arbitration

By memorandum dated August 21, 1985, to all Assistant Attorneys General and United States Attorneys, Deputy Attorney General D. Lowell Jensen disseminated a directive regarding the policy of the Department of Justice with respect to participation in any local program of mandatory arbitration pursuant to court order. The directive, which will be published as an appendix to the Department's regulations on settlement authority, 28 C.F.R. Part 0, Subpart Y, is reproduced as an appendix to this issue of the Bulletin.

(Executive Office)

Personnel

On September 18, 1985, Anton R. Valukas was sworn in as the Presidentially-appointed United States Attorney for the Northern District of Illinois.

(Executive Office)

Remand of Social Security Disability Cases Involving a Mental Impairment--Action.

On August 28, 1985, the Department of Health and Human Services promulgated new regulations for the adjudication of claims involving a mental impairment, as mandated by Section 5(A) of the Social Security Disability Benefits Reform Act of 1984, Pub. L. No. 98-460. These revised regulations are intended to reflect advances in medical treatment and in methods of evaluating certain mental impairments, and provide up-to-date medical criteria for use in the evaluation of disability claims based on mental disorders.

Section 5(c) of the 1984 Disability Amendments states that any unfavorable disability determinations on applications involving mental impairment made after the date of enactment (October 9, 1984) must be reviewed under the new regulations. Included in the mental impairment claims eligible for readjudication are cases now pending on judicial review in which the Secretary of Health and Human Services issued a final decision after

October 9, 1984. The Department of Health and Human Services is requesting that this group of cases be remanded so that those cases can be readjudicated pursuant to the new regulations for evaluating mental impairments. The Department of Health and Human Services is preparing a list of cases for which remand should be requested. This list will be of assistance in identifying cases. However to be certain that all cases are correctly identified, Social Security Disability cases, other than those contained in the list, where the final agency decision was issued since October 9, 1984, should be reviewed.

A mental impairment claim can be identified if the administrative record includes any of the following:

1. A diagnosis of some type of mental impairment appears in the diagnosis block (#29) on the SSA-831, Disability Determination and Transmittal.
2. Evidence received from a mental health professional indicates the presence of a mental impairment.
3. The decision of the administrative law judge includes in the findings of fact that the claimant has a mental impairment.

Because of the potentially large workloads for the Social Security Administration in remanded cases, the Civil Division requests that each United States Attorney's office diligently oppose any time limits being placed on those remands. Shortly, the Civil Division will forward further instruction on how to handle cases decided on or before October 9, 1984.

If you have any questions which should be directed to the Department of Justice, call Sheila Lieber, Assistant Director, Federal Programs Branch, at FTS 633-3786 or Brook Hedge, Director, Federal Programs Branch, at FTS 633-3501. Questions which the Office of General Counsel of the Department of Health and Human Services should address concerning the identification of mental impairment cases eligible for remand, or the new mental impairment regulations may be directed to George Lowe, in the Office of General Counsel, Social Security Division, at FTS 987-2425, if the answer has not been filed, or to the appropriate regional attorney's office, if the answer has been filed.

(Civil 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 Acting Solicitor General has authorized the filing of:

A petition for certiorari in James v. United States, Nos. 83-2276 & 4522 (5th Cir.). The question presented is whether 33 U.S.C. §702c bars FTCA damage actions against the United States for injuries suffered in boating accidents on flood control reservoirs.

A cross-petition for certiorari in McSurely v. McClellan, S. Ct. No. 85-420. The question presented is whether the court of appeals correctly held a Senate aide liable in damages for his conduct in returning copies of documents that had been used in a congressional investigation.

A petition for certiorari in United States v. Friday, S. Ct. No. 85-428. The question presented is whether black state employees establish a claim under the Civil Rights Act of 1964 by identifying current disparities between themselves and white employees holding the same jobs, when such disparities result from a state policy before 1965 of paying blacks lower salaries than whites.

A petition for certiorari in Community Nutrition Institute v. Young, 757 F.2d 354 (D.C. Cir. 1985). The question presented is whether Section 406 of the Food, Drug and Cosmetic Act requires the FDA to employ formal rulemaking procedures in specifying safe levels of aflatoxin in corn products.

CIVIL DIVISION

ELEVENTH CIRCUIT HOLDS THAT FBI'S DECISION TO OBTAIN AN INDIVIDUAL'S RELEASE FROM JAIL FOR USE AS AN INFORMANT IS COVERED BY THE DISCRETIONARY FUNCTION EXCEPTION OF THE FTCA.

Plaintiff was seriously injured in a barroom fight with an FBI informant. The informant, who had a prior history of such violent encounters, had been released from jail through the FBI's

efforts. Although plaintiff conceded that the decision to use informants was a discretionary function which could not give rise to liability under the Federal Tort Claims Act (FTCA), he claimed that the FBI had breached a mandatory duty at the operational level by failing to follow internal FBI guidelines concerning the selection of informants. The court held that the existence of the guidelines was not sufficient to make non-discretionary the decision to select a particular person as an informant.

Ostera v. United States,      F.2d     , No. 85-8045, (11th Cir. Aug. 26, 1985). D. J. # 157-20-436.

Attorneys: Barbara L. Herwig (Civil Division) FTS 633-5425;  
Irene M. Solet (Civil Division) FTS 633-3355.

ELEVENTH CIRCUIT HOLDS THAT STATE WHICH FUNDED MEDICAID  
ABORTIONS PURSUANT TO COURT ORDER IS NOT ENTITLED TO  
FEDERAL REIMBURSEMENT.

While the constitutionality of the Hyde Amendment was being litigated, and before the Supreme Court held that states need not fund abortions for which the Hyde Amendment makes federal reimbursement unavailable, a group of Medicaid beneficiaries procured a district court injunction ordering the state of Georgia to continue subsidizing abortions under its Medicaid program. When Health and Human Services (HHS) later refused to reimburse Georgia for the abortions that had been funded under the order, Georgia filed the instant suit.

On cross-motions for summary judgment, the district court ruled that an HHS regulation, 45 C.F.R. §205.10, obligated HHS to reimburse Georgia. We appealed, and the Eleventh Circuit reversed.

The court of appeals held that the HHS regulation relied upon by Georgia does not authorize federal reimbursement where a state has been enjoined to subsidize medical services that are ineligible, as a matter of law, for federal reimbursement. This HHS interpretation of the regulation, the court held, is entitled to deference. Moreover, a contrary interpretation would make the regulation invalid, at least in the circumstances of this case, since the Hyde Amendment is a statute and cannot be overridden by a regulation.

State of Georgia v. Heckler,      F.2d     , No. 84-8472 (11th Cir. Aug. 16, 1985). D. J. # 137-19-529.

Attorneys: Robert S. Greenspan (Civil Division) FTS 633-5428;  
Marc Johnston (Civil Division) FTS 633-3305.

## LAND AND NATURAL RESOURCES DIVISION

HIGHWAY OFFICIALS VIOLATED SECTION 4(f) OF THE FEDERAL  
HIGHWAY ACT AND NEPA.

Plaintiffs, a number of organizations and individuals, sued to enjoin the proposed improvement and expansion of two obsolete interstate highways, I-30 and I-35W, that intersect near the center of Fort Worth, Texas, including the interchange between them known as the Mixmaster, and to require that the existing overhead section of one highway be demolished and replaced by a depressed freeway. Plaintiffs alleged that state and federal highway officials had violated NEPA, Section 4(f) of the Federal Highway Act, the public hearing and notice requirement of that Act, and the FHWA's noise abatement regulations. After a 21-day hearing, the district court rejected every one of plaintiffs' claims. 586 F. Supp. 1094.

On appeal, plaintiffs challenged all of the district court's findings and conclusions but the noise abatement issue. The Fifth Circuit, in a 45-page opinion, reversed and remanded, holding:

First, the decision not to prepare an environmental impact statement (EIS) for the I-35W project, including the overhead, was unlawful on two grounds. One, the highway officials failed to prepare an adequate and reviewable administrative record supporting their determination once the overhead expansion was included in that project, and two, the decision to prepare a Negative Environmental Declaration was unreasonable since the project raises substantial environmental issues. The test in the Fifth Circuit as to whether an agency must prepare an EIS, the court stated, is that a plaintiff has the initial burden of alleging facts that show that a project would significantly affect some human environmental factor. If the plaintiff sustains this burden, and the court concludes that the project might affect a single environmental factor, then the agency must prepare an EIS. Since the court required defendants to prepare an EIS for the I-35W project as it included the overhead, it concluded it did not have to address the merits of appellants' segmentation argument that highway officials improperly segmented the overhead from the I-30 project and shifted it into the I-35W project.

Second, the Section 4(f) report, prepared nearly two years after the final Negative Declaration for the I-35W project and which concluded that the expanded overhead would have minimal environmental effects on all the historic sites other than the Public Market Building, and which did not mention the Water Garden, was inadequate. The overhead expansion would amount to a constructive "use" of those properties. In so doing, the court of appeals reversed a contrary finding by the district court. The

court held that appellants had met their burden, if alleged facts showed that the proposed project would constructively use the sites protected by Section 4(f), just as in their NEPA claim they had shown that the proposed project may affect significantly the quality of some environmental factors. In sum, the administrative record, the court wrote, reveals that the highway officials never gave any meaningful consideration at all to the consequences of the overhead expansion, that they decided on the negative declaration before they shifted the overhead into the I-35W project, and that they added nothing by way of environmental consideration once they had made the change.

Third, that in shifting the overhead from the I-30 project to the I-35W project, the state highway officials violated the notice and hearing requirements of Section 128 of the Highway Act, rejecting the district court's finding that they appeared to have been careless with these requirements but that there was not a bad-faith effort to deceive the public. Section 128 does not embody a good-faith but careless exception to the notice and hearing requirements.

Since plaintiffs had not complained of the manner in which the highway officials processed the remainder of the I-35W project, the court wrote that the officials might elect to review the environmental effects of the expanded overhead, independent of the remainder of the I-35W project, emphasizing that it was expressing no opinion upon the merits of the dispute, holding only that the officials had failed to carry out the procedures required by law.

Citizen Advocates for Responsible Expansion, Inc. (I-CARE) v. Dole, F.2d \_\_\_\_\_, No. 84-1180 (5th Cir. Aug. 23, 1985).  
D. J. # 90-1-4-2567.

Attorneys: Jacques B. Gelin (Land and Natural Resources Division) FTS 633-2762; David C. Shilton (Land and Natural Resources Division) FTS 633-5580.

#### INDIAN FISHING RIGHTS VIOLATED BY COLUMBIA RIVER COMPACT.

This was the latest appeal in the on-going Sohappy litigation, an action brought by the United States in 1968 on behalf of four Indian tribes to establish their entitlement to a certain portion of the fish runs up the Columbia River. The court of appeals affirmed the district court's finding that the fishery regulations promulgated by the Columbia River Compact violated the Indians treaty fishing rights. The court declined to reconsider the finding made by a motions panel that the appeal was not under the "capable of repetition yet evading review" standards. The court further found it unnecessary to resolve the issue of whether the 1977 Columbia River Management Plan, a comprehensive plan

concerning the Columbia River fisheries, was in force, given the fact that two tribes had earlier given notice of their withdrawal from the plan. The district court had, the Ninth Circuit found, sufficient power under its retained jurisdiction in the 1969 decree and the 1977 management plan to make modifications if changed circumstances warranted them. The court of appeals further found that, even without those sources of authority, the district court had the power to protect the Tribes' fishing treaty rights.

United States and Confederated Tribes v. States of Oregon, Washington and Idaho, F.2d, No. 83-4254 (9th Cir. Aug. 25, 1985). D. J. # 90-2-0-642.

Attorneys: Maria A. Iizuka (Land and Natural Resources Division) FTS 633-2753; Dirk D. Snel (Land and Natural Resources Division) FTS 633-4400.

ENDANGERED SPECIES ACT, NEPA, AND WATER RESOURCES ACT  
NOT VIOLATED IN CONNECTION WITH CORPS BARBERS POINT  
HARBOR IN HAWAII.

In 1982, certain residents of Hawaii filed a complaint to enjoin the construction of the Barbers Point deep draft harbor on the island of Oahu. Construction of the project, authorized by Congress in 1965, was the joint responsibility of the United States Army Corps of Engineers and the State of Hawaii Department of Transportation. The plaintiffs alleged violations of the Endangered Species Act, NEPA, and the Water Resources Development Act. Following a hearing on plaintiffs' motion for preliminary injunction, the district court dissolved its previously entered TRO, denied plaintiffs' motions for preliminary and permanent injunctions and for partial summary judgment and granted the defendants' cross-motions for summary judgment on all claims. The Ninth Circuit affirmed.

The court rejected appellant's Endangered Species Act argument that the 'akoko' plant should have been given the same protections during the period it was proposed to be listed as endangered as when the plant was officially designated as endangered. The court noted that the statute clearly differentiates between the duties owed a species designated as endangered and the duties owed a species proposed for listing, *i.e.*, the statute requires the federal agency to issue a biological assessment and to confer with the FWS for protection of a species proposed to be listed. In addition, the Ninth Circuit rejected Enos' allegation that the Secretary of the Interior abused his discretion in failing to designate a critical habitat for the 'akoko' plant once it had been listed. The Secretary's failure to designate a critical habitat was found not to be an abuse of discretion where the

determination would have been based on inadequate information. The court also rejected Enos' NEPA challenges. First, the court rejected Enos' allegation that the shoreside facilities construction was a federal action under NEPA since it was state funded and since the federal government exercised no control over the planning and development of these facilities. Second, the court ruled that the Corps' discussion of the secondary effects of the project in the EIS was adequate. Third, the court determined that the Corps' decision not to supplement the EIS in light of new information based on increased harbor size, archaeological discoveries, revised population statistics, proposed development plans and impact on lifestyles was reasonable. Finally, the Ninth Circuit rejected Enos' Water Resources Development Act claims since they were raised for the first time on appeal and because Enos lacked standing to bring claims for relief under the APA for violation of that statute.

Enos v. Marsh, F.2d, No. 84-1640, (9th Cir. Aug. 27, 1985). D. J. # 90-1-4-2509.

Attorneys: Claire L. McGuire (Land and Natural Resources Division) FTS 633-2855; Jacques B. Gelin (Land and Natural Resources Division) FTS 633-2762.

#### RESTART OF UNDAMAGED UNIT 2 AT THREE MILE ISLAND AUTHORIZED.

In March 1979, when the serious accident occurred at the Three Mile Island Unit 2 ("TMI-2") nuclear power plant, the Three Mile Island Unit 1 plant ("TMI-1") was shut down for normal refueling and maintenance. NRC then issued an order requiring that TMI-1 remain shut down until the Commission, after a public hearing, determined that there was reasonable assurance that the licensee, the Metropolitan Edison Company, could restart and operate the unit without endangering the health and safety of the public.

In response to the Commission's order, a Licensing Board held adjudicatory hearings extending over 155 days and, ultimately, issued four partial decisions concluding that TMI-1 could be restarted, subject to 155 conditions to assure its safe operation. Among other things, the Licensing Board determined that the licensee, now reorganized as GPU Nuclear ("GPUN"), had now demonstrated a sufficient degree of managerial integrity so as to allow it to restart TMI-1.

Following the close of the hearings, Metropolitan Edison pled guilty in federal court to criminal falsification of leak rate test reports with regard to TMI-2 prior to the accident. In addition, it was disclosed that Metropolitan Edison officers who no longer have any responsibilities regarding TMI-1, had falsified

statements in a report prepared by the licensee in response to an NRC order.

The petitioners, relying upon these events, moved the Licensing Board to reopen the hearings. The Licensing Board denied the motions but the Appeals Board agreed that the hearings should be reopened. The Commission, in turn, reversed the Appeal Board. The Commission determined that, because the management issue had been thoroughly explored at the hearings and because the subjects of the reopening motions involved personnel at TMI-2 who would no longer have any responsibilities for TMI-1, there were no reasons warranting the reopening of the hearings.

The court of appeals, by a 2-1 vote, upheld the Commission. First, the court determined that the restart proceedings were not proceedings to amend the license for TMI-1; hence, Section 189(a) of the Atomic Energy Act, 42 U.S.C. §2239(a), which requires a hearing upon all matters involving the amendment of a license, was not applicable here. Second, the court ruled that NRC properly relied upon extra-record material when it made its decision to reject the petitions to reopen the hearings. Finally, the court ruled that the Commission had properly declined to reopen the hearings. NRC, the court held, could properly rely upon the United States Attorney's statement that there was no evidence that any person in GPUN's present management hierarchy had any knowledge of the leak rate data falsifications or participated in making the doctored report to NRC.

Judge Adams dissented. He found the restart proceedings to be indistinguishable from license amendment proceedings; hence, under Section 189(a), hearings are required on all relevant matters. Judge Adams would have ruled that NRC was required to hold hearings on the leak rate data issue rather than relying upon the criminal proceedings. Judge Adams would have also directed NRC to reopen the hearings to consider the false report to NRC.

Three Mile Island Alert, Inc. v. Nuclear Regulatory Commission, \_\_\_\_\_ F.2d \_\_\_\_\_, Nos. 85-3301, 85-3302, 85-3310, 85-3315 (3d Cir. Aug. 27, 1985). D. J. # 90-1-4-2882.

Attorneys: Peter R. Steenland, Jr. (Land and Natural Resources Division) FTS 633-2748; Robert L. Klarquist (Land and Natural Resources Division) FTS 633-2731.

## UNITED STATES ATTORNEYS' OFFICES

## NORTHERN DISTRICT OF FLORIDA

DISTRICT COURT SUMMARILY UPHOLDS BOP'S DRUG SURVEILLANCE PROGRAM.

Nine plaintiffs, inmates at the Federal Correctional Institute, (FCI) Tallahassee, sought declaratory and injunctive relief plus \$560,000 in damages from the Bureau of Prisons, claiming Fourth and Fifth Amendment violations resulting from the implementation of the Bureau of Prisons urinalysis/drug surveillance program. Under this program, urine samples are randomly collected, assigned a number, then shipped to a laboratory for examination that can detect the presence of cannabinoid metabolites. Positive test results are used as evidence in prison disciplinary hearings. Disciplinary committees may impose segregation, loss of good time and they may recommend rescission of parole eligibility dates. Plaintiffs claimed the taking of the urine samples violated their protection against unreasonable searches. They also claimed that the testing and lab procedures were inaccurate and this denied them the guarantee of due process. The government filed an extensive motion to dismiss/request for summary judgment which included written (unpublished) opinions of similar suits in other districts. Technical data supporting the accuracy of the testing procedures were also submitted for the court's consideration.

On August 12, 1985, District Court Judge Maurice Paul filed an eight-page opinion granting the government's motion for summary judgment. The opinion addresses the test to be applied in balancing the rights of the inmates with the legitimate interests of the institution, issues discussed in Bell v. Wolfish, 441 U.S. 520 (1979). The opinion also addresses the standards to be applied in reviewing institution disciplinary boards.

Szili v. Carlson, TCA 84-7196-MMP (ND Fla. 1985).

Attorney: Paul Alan Sprowls (Assistant United States Attorney, Northern District of Florida) FTS 965-7537.

## OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS

SELECTED CONGRESSIONAL AND LEGISLATIVE ACTIVITIES  
AUGUST 21, 1985 - SEPTEMBER 18, 1985HIGHLIGHTS

Anti-Fraud Enforcement Initiative of 1985. On September 16 the Attorney General announced our eight-bill anti-fraud enforcement legislative package. The announcement received wide coverage in the print media and has evoked substantial interest. In light of the bulk of this package (some 66 pages of legislation and 53 pages of section-by-section summary), the following capsulization of the legislation is offered:

\* Program Fraud Civil Penalties Act creates an administrative alternative to judicial proceedings in small cases of fraud against the government (\$100.00 or less) by authorizing federal agencies, if the Department of Justice declines to pursue criminal or civil judicial remedies, to institute administrative money penalty proceedings and levy penalties of up to \$5,000 per false claim plus double damages.

\* False Claims Act Amendments strengthen the 1863 False Claims statute to raise the per claim penalty from \$2,000 to \$5,000, streamline procedural provisions and authorize Department attorneys to compel production of evidence needed to prepare civil fraud cases.

\* Contract Disputes and Federal Courts Improvements Act Amendments would make technical changes in current law to eliminate needless litigation and provide for all Contracts Disputes Act cases to be brought in the Claims Court.

\* Bribes and Gratuities Act strengthens the ability of the government to void contracts tainted by bribery and to recover up to 10 times the amount of any contract so voided.

\* Grand Jury Disclosure Amendments would facilitate sharing of grand jury information with civil attorneys for purposes of civil prosecution and with administrative agencies for purposes of administrative proceedings thus avoiding the necessity of duplicating investigative work already done by a grand jury.

\* Anti-Fraud Criminal Enforcement Act strengthens the ability of DOD auditors to compel production of books and records, makes it a federal crime to obstruct an audit, empowers courts to require convicted defendants to pay the costs of investigation and prosecution by the government, and expands

the injunction-against-fraud statute to cover procurement fraud.

\* Federal Computer Systems Protection Act would create a comprehensive federal criminal statute covering all aspects of computer crime.

\* Debt Collection Act Amendments would authorize the Attorney General to contract with private attorneys for assistance in collecting debts owed to the government.

Designer Drugs. On September 18, Assistant Attorney General Stephen Trott, of the Criminal Division, testified before the Senate Judiciary Committee in support of our bill to strengthen our ability to prosecute those who market slightly modified formulations of controlled substances in an effort to circumvent the law. So far, no major opposition to the bill has surfaced.



**Office of the Attorney General**  
**Washington, D. C. 20530**

10 September 1985

Mr. James R. Gailey  
Assistant United States Attorney  
Southern District of Florida  
Miami, Florida 33130

Dear Mr. Gailey:

It is with personal pride and pleasure that I thank you on behalf of the Department of Justice and Mr. Stephen S. Silver, Senior Vice President of Manor HealthCare Corp. for your efforts in the case of United States v. John Lomelo, Jr.

Your dedication and perseverance in the investigation and trial of this matter is truly commendable. The efforts by you, Assistant United States Attorney March and Special Agent Taylor have brought great commendation to the Department of Justice. Thank you for a job well done.

With best personal wishes,

Sincerely,

A handwritten signature in cursive script that reads "Edwin Meese III".

EDWIN MEESE III  
Attorney General

cc: Mr. Leon Kellner  
United States Attorney  
Southern District of Florida



Office of the Attorney General  
Washington, D. C. 20530

10 September 1985

Mr. Kevin R. March  
Assistant United States Attorney  
Southern District of Florida  
Miami, Florida 33130

Dear Mr. March:

It is with personal pride and pleasure that I thank you on behalf of the Department of Justice and Mr. Stephen S. Silver, Senior Vice President of Manor HealthCare Corp. for your efforts in the case of United States v. John Lomelo, Jr.

The professionalism and dedication exhibited by you, Assistant United States Attorney Gailey and Special Agent Taylor in this very important case is truly commendable. You should be extremely proud and I wish to thank you for a job well done.

With best personal wishes,

Sincerely,

EDWIN MEESE III  
Attorney General

cc: Mr. Leon Kellner  
United States Attorney  
Southern District of Florida



U.S. Department of Justice  
Office of the Deputy Attorney General

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The Deputy Attorney General

Washington, D.C. 20530

August 21, 1985

MEMORANDUM FOR ALL ASSISTANT ATTORNEYS GENERAL AND  
ALL UNITED STATES ATTORNEYS

FROM:   
D. Lowell Jensen  
Deputy Attorney General

SUBJECT: Department Policy With Respect to Local Court  
Rules Requiring Mandatory Arbitration

In recent years, a number of district courts have adopted or broadened the scope of their local rules of court providing for mandatory arbitration of certain types of civil cases pending in the district. The Department of Justice supports efforts in numerous contexts to explore means of alternative dispute resolution in order to reduce the number of cases that must endure the expense of trial in the courts, and we have endorsed a limited pilot program of mandatory arbitration in several districts since 1978. However, the recent effort by additional district courts to adopt local rules for mandatory arbitration of cases has raised several questions with respect to the participation by the United States in arbitration under the various plans. These plans vary widely with respect to the types of cases that are sent to arbitration and to the treatment of cases in the arbitration process.

The attached directive sets forth the policy of the Department of Justice with respect to participation in any local program of mandatory arbitration pursuant to court order. Under this policy, the Department anticipates that many cases involving only money damages of a limited amount (such as \$100,000) can be litigated under the experimental arbitration programs of the various districts. However, in view of the existing regulations of the Department with respect to settlement of cases, the attorney for the government in each case is instructed to take appropriate measures to preserve the interests of the United States and to ensure that a case is not settled in a manner inconsistent with the delegation of settlement authority under the Department's regulations. The Department particularly opposes the imposition of penalties or sanctions against the United States for failure to acquiesce in any arbitration award.

The attached directive will be published as an appendix to the Department's regulations on settlement authority, 28 C.F.R. Part 0, Subpart Y. Please ensure that this directive is brought to the attention of the attorneys under your direction who are assigned to a case that is ordered to mandatory arbitration under a local court rule.

## DIRECTIVE

Participation by the United States in Court-Annexed Arbitration(a) Considerations Affecting Participation in Arbitration.

(1) The Department recognizes and supports the general goals of court-annexed arbitration, which are to reduce the time and expenses required to dispose of civil litigation. Experimentation with such procedures in appropriate cases can offer both the courts and litigants an opportunity to determine the effectiveness of arbitration as an alternative to traditional civil litigation.

(2) An arbitration system, however, is best suited for the resolution of relatively simple factual issues, not for trying cases that may involve complex issues of liability or other unsettled legal questions. To expand an arbitration system beyond the types of cases for which it is best suited and most competent would risk not only a decrease in the quality of justice available to the parties but unnecessarily higher costs as well.

(3) In particular, litigation involving the United States raises special concerns with respect to court-annexed arbitration programs. A mandatory arbitration program potentially implicates the principles of separation of powers, sovereign immunity, and the Attorney General's control over the process of settling litigation.

(b) General Rule Consenting to Arbitration  
Consistent With the Department's Regulations

(1) Subject to the considerations set forth in the following paragraphs and the restrictions set forth in paragraphs (c) and (d), in a case assigned to arbitration or mediation under a local district court rule, the Department of Justice agrees to participate in the arbitration process under the local rule. The attorney for the government responsible for the case should take any appropriate steps in conducting the case to protect the interests of the United States.

(2) Based upon its experience under arbitration programs to date, and the purposes and limitations of court-annexed arbitration, the Department generally endorses inclusion in a district's court-annexed arbitration program of civil actions --

(A) in which the United States or a Department, agency, or official of the United States is a party, and which seek only money damages in an amount not in excess of \$100,000, exclusive of interest and costs; and

(B) which are brought (i) under the Federal Tort Claims Act, 28 U.S.C. 1346(b), 2671 et seq., or (ii) under

the Longshoreman's and Harbor Worker's Compensation Act, 33 U.S.C. 905, or (iii) under the Miller Act, 40 U.S.C. 270(b).

(3) In any other case in which settlement authority has been delegated to the United States Attorney under the regulations of the Department and the directives of the applicable litigation division and none of the exceptions to such delegation apply, the United States Attorney for the district, if he concludes that a settlement of the case upon the terms of the arbitration award would be appropriate, may proceed to settle the case accordingly.

(4) Cases other than those described in paragraph (2) that are not within the delegated settlement authority of the United States Attorney for the district ordinarily are not appropriate for an arbitration process because the Department generally will not be able to act favorably or negatively in a short period of time upon a settlement of the case in accordance with the arbitration award. Therefore, this will result in a demand for trial de novo in a substantial proportion of such cases to preserve the interests of the United States.

(5) The Department recommends that any district court's arbitration rule include a provision exempting any case from arbitration, sua sponte or on motion of a party, in which the objectives of arbitration would not appear to be realized, because the case involves complex or novel legal issues, or because legal issues predominate over factual issues, or for other good cause.

(c) Objection to the Imposition of Penalties or Sanctions Against the United States for Demanding Trial De Novo

(1) Under the principle of sovereign immunity, the United States cannot be held liable for costs or sanctions in litigation in the absence of a statutory provision waiving its immunity. In view of the statutory limitations on the costs payable by the United States (28 U.S.C. 2412(a) & (b) and 1920), the Department does not consent to provisions in any district's arbitration program providing for the United States or the Department, agency, or official named as a party to the action to pay any sanction for demanding a trial de novo -- either as a deposit in advance or as a penalty imposed after the fact -- which is based on the arbitrators' fees, the opposing party's attorneys' fees, or any other costs not authorized by statute to be awarded against the United States. This objection applies whether the penalty or sanction is required to be paid to the opposing party, to the clerk of the court, or to the Treasury of the United States.

(2) In any case involving the United States that is designated for arbitration under a program pursuant to which such a penalty or sanction might be imposed against the United States, its officers or agents, the attorney for the government is

instructed to take appropriate steps, by motion, notice of objection, or otherwise, to apprise the court of the objection of the United States to the imposition of such a penalty or sanction.

(3) Should such a penalty or sanction actually be required of or imposed on the United States, its officers or agents, the attorney for the government is instructed to --

(A) advise the appropriate Assistant Attorney General of this development promptly in writing;

(B) seek appropriate relief from the district court; and

(C) if necessary, seek authority for filing an appeal or petition for mandamus.

The Solicitor General, the Assistant Attorneys General, and the United States Attorneys are instructed to take all appropriate steps to resist the imposition of such penalties or sanctions against the United States.

(d) Additional Restrictions

(1) The Assistant Attorneys General, the United States Attorneys, and their delegates, have no authority to settle or compromise the interests of the United States in a case pursuant to an arbitration process in any respect that is inconsistent with the limitations upon the delegation of settlement authority under the Department's regulations and the directives of the litigation divisions. See 28 C.F.R. Part 0, Subpart Y and Appendix to Subpart Y. The attorney for the government shall demand trial de novo in any case in which --

(A) settlement of the case on the basis of the amount awarded would not be in the best interests of the United States;

(B) approval of a proposed settlement under the Department's regulations in accordance with the arbitration award cannot be obtained within the period allowed by the local rule for rejection of the award; or

(C) the client agency opposes settlement of the case upon the terms of the settlement award, unless the appropriate official of the Department approves a settlement of the case in accordance with the delegation of settlement authority under the Department's regulations.

(2) Cases sounding in tort and arising under the Constitution of the United States or under a common law theory filed against an employee of the United States in his personal capacity for actions within the scope of his employment which are

alleged to have caused injury or loss of property or personal injury or death are not appropriate for arbitration.

(3) Cases for injunctive or declaratory relief are not appropriate for arbitration.

(4) The Department reserves the right to seek any appropriate relief to which its client is entitled, including injunctive relief or a ruling on motions for judgment on the pleadings, for summary judgment, or for qualified immunity, or on issues of discovery, before proceeding with the arbitration process.

(5) In view of the provisions of the Federal Rules of Evidence with respect to settlement negotiations, the Department objects to the introduction of the arbitration process or the arbitration award in evidence in any proceeding in which the award has been rejected and the case is tried de novo.

(6) The Department's consent for participation in an arbitration program is not a waiver of sovereign immunity or other defenses of the United States except as expressly stated; nor is it intended to affect jurisdictional limitations (e.g., the Tucker Act).

(e) Notification of New or Revised Arbitration Rules

The United States Attorney in a district which is considering the adoption of or has adopted a program of court-annexed arbitration including cases involving the United States shall --

(1) advise the district court of the provisions of this section and the limitations on the delegation of settlement authority to the United States Attorney pursuant to the Department's regulations and the directives of the litigation divisions; and

(2) forward to the Executive Office for United States Attorneys a notice that such a program is under consideration or has been adopted, or is being revised, together with a copy of the rules or proposed rules, if available, and a recommendation as to whether United States participation in the program as proposed, adopted, or revised, would be advisable, in whole or in part.

LISTING OF ALL BLUESHEETS IN EFFECT  
SEPTEMBER 27, 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
9-2.133*	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
9-2.160	TITLE 9	7/18/85	Policy with Regard to Issuance of Subpoenas to Attorneys for Information Relating to the Representation of Clients
***9-2.172*	TITLE 9	10/26/84	Appearance Bond Forfeiture Judge

\* Approved by Advisory Committee, being permanently incorporated.

\*\* In printing.

\*\*\* Bluesheet extended until October 1, 1985.

LISTING OF ALL BLUESHEETS IN EFFECT  
SEPTEMBER 27, 1985

<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
***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
9-8.250	TITLE 9	8/16/85	Policy Concerning Application of Youth Corrections Act to Offenses Committed before Oct. 12, 1984
***9-11.220*	TITLE 9	3/28/85	Extraterritorial Effect of the All Writs Act, 28 U.S.C. §1651
9-18.200	TITLE 9	8/09/85	Policy Concerning Application of Insanity Defense Reform Act of 1984 Offenses. Committed Before Date of Enactment
9-21.340 to 9-21.350	TITLE 9	3/12/84	Psychological/Vocational Testing; Polygraph Examinations for Prisoner-Witness Candidates
9-27.510*	TITLE 9	5/25/84	Opposing Offers to Plead Nolo Contendere
9-34.600	TITLE 9	8/16/85	Policies Concerning the New Sentencing Scheme Scheduled to Take Effect in November 1986
9-38.000*	TITLE 9	4/06/84	Forfeitures
9-40.400	TITLE 9	7/15/85	Policy Concerning Prosecution Under New Bank Bribery Statute (18 U.S.C. §215)
9-42.530*	TITLE 9	10/9/84	Dept. of Defense Memorandum of Understanding
9-46.130; 9-46.140*	TITLE 9	5/06/85	Program Fraud and Bribery-- Policy Considerations; Criminal Division Contact

LISTING OF ALL BLUESHEETS IN EFFECT  
SEPTEMBER 27, 1985

<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
***9-48.120*	TITLE 9	3/07/85	Computer Fraud-Reporting Requirements
***9-49.150; 9-49.160*	TITLE 9	3/22/85	18 U.S.C. §1029-Reporting Requirements; Fraudulent Use of Credit Cards and Debit Instruments-Prosecutions under 18 U.S.C. §1029 Statutes in Title 15
9-60.134; 9-60.135*	TITLE 9	12/14/84	Allegations of "Mental Kidnapping" or "Brain-washing" by Religious Cults; "Deprogramming" of Religious Sect Members
9-60.291*	TITLE 9	3/30/84	Interception of Radio Communications
9-60.291;* 9-60.292	TITLE 9	5/06/85	Interception of Radio Communications; Unauthorized Reception of Cable Service
9-60.291;* 9-60.292	TITLE 9	8/16/85	Interception of Radio Communications: Unauthorized Reception of Cable Service
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
9-60.730	TITLE 9	8/16/85	Prosecutive Policy
***9-60.830*	TITLE 9	2/20/85	Special Forfeiture of Collateral Profits of Crime ("Son of Sam")
***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

LISTING OF ALL BLUESHEETS IN EFFECT  
SEPTEMBER 27, 1985

<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
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
***9-65.940*	TITLE 9	3/28/85	Policy Concerning Prosecution - 18 U.S.C §115
9-69.342	TITLE 9	2/20/85	Sentencing in Prison Contraband Cases
9-71.260	TITLE 9	8/16/85	Prosecution of Criminal Copyright Infringement Under 18 U.S.C. §2314
9-71.400*	TITLE 9	4/26/85	Prosecutive Policy
9-75.000*	TITLE 9	12/10/84	Obscenity
9-75.084*	TITLE 9	10/12/84	Comment-Child Pornography Statutes
***9-75.621*	TITLE 9	10/12/84	Exception-Child Pornography Cases
9-90.330*	TITLE 9	5/06/85	Computer Espionage
9-90.600*	TITLE 9	5/06/85	Registration
***9-103.130; 9-103.140*	TITLE 9	3/28/85	Controlled Substances Registrant Protection Act of 1984-Investigative & Prosecutive Guidelines; Criminal Division Approval
***9-103.230*	TITLE 9	3/28/85	Policy Consideration -- Aviation Drug Trafficking Control Act
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  
SEPTEMBER 27, 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
***9-138.030*	TITLE 9	3/28/85	Consultation Prior to Prosecution
10-2.512*	TITLE 10	7/22/85	Compensation of Court Appointed U.S. Attorneys
10-2.655*	TITLE 10	5/28/85	Quality Step Increases
***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
10-6.213	TITLE 10	4/13/85	Monthly Reporting for Immediate Declination of Civil Referrals
10-8.110;111; 10-8.112*	TITLE 10	4/13/85	Judgment Policy

## 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	(Transmittals A2 through A10 have been superseded.)			
	A11	2/22/84	2/10/84	Complete revision of Ch. 1, 2
	A12	3/19/84	2/17/84	Complete revision of Ch. 4
	A13	3/22/84	3/9/84	Complete revision of Ch. 8
	A14	3/23/84	3/9 & 3/16/84	Complete revision of Ch. 7, 9
	A15	3/26/84	3/16/84	Complete revision of Ch. 10
	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

\*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 2		(Transmittals A2 through A4 have been superseded.)		
	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		(Transmittal A2 has been superseded.)		
	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		(Transmittals A2 through A6 have been superseded.)		
	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	(Transmittal A2 has been superseded.)			
	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
	B1	6/03/85	5/01/85	Revisions to Ch. 1 and Ch. 4

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 6	A2	3/23/84	3/2/84	Complete revision of Title 6-replaces all prior transmittals
	A3	12/19/84	12/14/84	Revision to Ch. 4 and Index
	AAA6	5/14/84		Form AAA-6
TITLE 7	(Transmittals A2 and A3 have been superseded.)			
	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 Contents 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 Contents to Title 8
	AAA8	5/14/84		Form AAA-8
TITLE 9	(Transmittals A5 through A12, A14, A47, A49 A50, A56 and A61 have been superseded.)			
	A13	1/26/84	1/11/84	Complete revision of Ch. 132, 133
	A14	2/10/84	1/27/84	Revisions to Ch. 1 (Superseded by A78)
	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

TRANSMITTAL  
AFFECTING  
TITLE

<u>TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 9	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	2/24/84	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 Ch. 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

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 9	A33	3/29/84	3/9/84	Complete revision of Ch. 102
	A34	3/26/84	3/14/84	Complete revision of Ch. 72
	A35	3/26/84	2/6/84	Complete revision of Ch. 37
	A36	3/26/84	2/6/84	Complete revision of Ch. 41
	A37	4/6/84	2/8/84	Complete revision of Ch. 139
	A38	3/29/84	2/28/84	Complete revision of Ch. 47
	A39	3/30/84	3/16/84	Complete revision of Ch. 104
	A40	4/6/84	3/9/84	Complete revision of Ch. 100
	A41	4/6/84	3/9/84	Complete revision of Ch. 110
	A42	3/29/84	3/14/84	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	2/16/84	Complete revision of Ch. 43
	A47	4/16/84	3/28/84	Revisions to Ch. 7 (Superseded by A63)

**TRANSMITTAL  
AFFECTING  
TITLE**

<u>TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 9	A48	4/16/84	3/28/84	Complete revision of Ch. 10
	A49	4/16/84	3/28/84	Revisions to Ch. 63 (Superseded by A74)
	A50	4/16/84	3/28/84	Revisions to Ch. 66 (Superseded by A60)
	A51	4/6/84	3/28/84	Complete revision of Ch. 76, deletion of Ch. 77
	A52	4/16/84	3/30/84	Complete revision of Ch. 85
	A53	6/6/84	3/28/84	Revisions to Ch. 4
	A54	7/25/84	6/15/84	Complete revision of Ch. 11
	A55	4/23/84	4/6/84	Complete revision of Ch. 134
	A56	4/30/84	3/28/84	Revisions to Ch. 42 (Superseded by A87)
	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 Ch. 66 (Supersedes A50)
	A61	5/03/84	4/30/84	Revisions to Ch. 1, section .103 (Superseded by A78)
	A62	12/31/84	12/28/84	Revisions to Ch. 123
	A63	5/11/84	5/9/84	Complete revision to Ch. 7 (Supersedes A47)

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 9	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	5/08/84	Revisions to Ch. 104
	A69	5/09/84	5/07/84	Revisions to Ch. 21, section .600
	A70	5/17/84	5/16/84	Revisions to Ch. 43, section .710
	A71	5/21/84	5/21/84	Complete revision of Ch. 20
	A72	5/25/84	5/23/84	Complete revision of Ch. 61
	A73	6/18/84	6/6/84	Complete revision of Ch. 17
	A74	6/18/84	6/7/84	Complete revision of Ch. 63 (Supersedes A49)
	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 (Supersedes A14 and A61)
	A79	8/02/84	7/31/84	Complete revision of Ch. 18
	A80	8/03/84	8/03/84	Complete revision of Ch. 79

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TITLE 9	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	Revisions to Ch. 42 (Supersedes A56)
	A88	8/31/84	8/24/84	Complete revision of Ch. 12
	A89	12/31/84	12/31/84	Complete revision of Ch. 4
	A90	10/10/84	10/01/84	Complete revision of Ch. 73
	A91	12/12/84	11/23/84	Revisions to Ch. 70
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	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
	B1	3/15/85	01/31/85	Revisions to Ch. 60
	B2	3/29/85	01/31/85	Revisions to Ch. 61
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	B4	6/24/85	4/01/85	Revisions to Ch. 63
	B5	6/24/85	4/04/85	Revisions to Ch. 11
	B6	6/27/85	4/01/85	Revisions to Ch. 139
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TITLE 10	(Transmittals A2 through A7 have been superseded.)			
	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 Ch. 4
	A20	8/31/84	5/24/84 & 7/31/84	Revisions to Ch. 2
	A21	6/6/84	5/1/84	Corrected TOC, Ch. 4 and pages 23, 24
	A22	7/30/84	7/27/84	Revision to Ch. 2
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	A24	11/09/84	10/19/84	Revision to Ch. 2

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EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS  
TELETYPES TO ALL UNITED STATES ATTORNEYS

- 09-17-85 From William P. Tyson, Director, Executive Office for United States Attorneys, by Thomas G. Schrup, Acting Director, Office of Legal Education, re: "Criminal Trial Advocacy Course, Washington, D.C., October 21-November 1, 1985."
- 09-17-85 From C. Madison Brewer, Director, Office of Management Information Systems and Support, by Tim Murphy, Assistant Director, Debt Collection Staff, re: "Public Health Service Scholarship Claim Referrals."
- 09-19-85 From William P. Tyson, Director, Executive Office for United States Attorneys, by Thomas G. Schrup, Acting Director, Office of Legal Education, re: "Third Creditors' Rights and Remedies Training Conference, New Orleans, Louisiana, November 18-21, 1985."
- 09-20-85 From William P. Tyson, Director, Executive Office for United States Attorneys, by Thomas G. Schrup, Acting Director, Office of Legal Education, re: "Hazardous Waste Law Enforcement Conference, Bal Harbour, Florida, October 21-23, 1985."

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