



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

United States Attorneys' Bulletin



**EXECUTIVE
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 UNITED
 STATES
 ATTORNEYS**

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Laurence S. McWhorter, Acting Director

Editor-in-Chief: Jason P. Green FTS 633-4024
 Editor: Judith C. Campbell FTS 673-6348

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COMMENDATIONS

The following Assistant United States Attorneys have been commended:

SIDNEY P. ALEXANDER and DEVON L. GOSNELL (Tennessee, Western) by Regional Inspector General for Investigations Jack C. Kean, Department of Labor, for their exemplary assistance in a complicated fraud case, involving fraudulent schemes for employment benefits, computer access, credit cards, altered money orders, and bogus job offerings.

ANN FRANCES CARPINI (Florida, Middle) by former Director William H. Webster, Federal Bureau of Investigation, for her outstanding prosecution of a child pornography and mail fraud case.

MICHAEL A. CAULEY (Florida, Middle) by Sheriff Aubrey Rogers, Collier County, Florida, for his successful work in an important drug case.

NATHAN DODELL (District of Columbia) by General Counsel Diane S. Killory, Federal Communications Commission, for his successful conclusion of a Bivens action; and by Solicitor William H. Briggs, Jr., Nuclear Regulatory Commission, for his outstanding handling of a Freedom of Information Act case.

ROBERT C. DOPF (Iowa, Southern) by District Counsel T.F. Crane, Corps of Engineers, Department of the Army, for his significant victory in a case of first impression in interpretation of the Iowa Recreational Use Statute.

JOHN C. EARNEST, JR. (Alabama, Northern) by Assistant Inspector General for Investigations Stephen Marica, Small Business Administration, for his excellent work provided in a loan fraud case.

ROBERT E. L. EATON, JR. (District of Columbia) by Acting General Counsel Douglas A. Riggs, Department of Commerce, for his successful defense of a Freedom of Information Act case.

LYNNE L. ENGLAND (Florida, Middle) by Assistant General Counsel Neal C. Lawson, Veterans Administration, for her excellent professional support in a Privacy Act case.

PHILIP G. ESPINOSA (Arizona) by Chief Patrol Agent Jerald D. Jondall, Immigration and Naturalization Service, for his successful prosecution of two transportation of illegal aliens cases.

KENNETH C. ETHERIDGE (Georgia, Southern) by Brigadier General Alcide M. Lanoue, Department of the Army, for his successful defense of a medical malpractice case.

JOHN R. HALLIBURTON (Louisiana, Western) by District Counsel Anthony M. Tamburo, Veterans Administration, for his successful efforts in a Title VII case; and by Major General A. M. Stroud, Jr., the Adjutant General, Louisiana Military Department, for his assistance and cooperation in a complicated Bivens and tort claims case.

MARK V. JACKOWSKI (Florida, Middle) by Resident Agent-in-Charge Michael Powers, Drug Enforcement Administration, for his excellent and successful prosecutive efforts in a drug case.

BETH L. LEVINE (California, Southern) by Commander Arthur R. Philpott, Deputy Assistant Judge Advocate General, Department of the Navy, for her outstanding legal representation provided to the Navy in a civil action.

EDITH S. MARSHALL (District of Columbia) by Assistant General Counsel John H. Thompson, Veterans Administration, for her excellent representation of the VA's policy regarding "homeless veterans."

MICHAEL L. MARTINEZ (District of Columbia) by Chief Counsel John J. Kelleher, United States Secret Service, Department of the Treasury, for his successful defense of a Bivens and tort claims action.

ROSLYN O. MOORE-SILVER, WM. ALLEN STOOKS, and First Assistant United States Attorney VIRGINIA A. MATHIS (Arizona) by Special Agent-in-Charge Herbert H. Hawkins, Jr., Federal Bureau of Investigation, for their participation in a Moot Court training exercise for FBI agents.

MARK E. NAGLE (District of Columbia) by Associate General Counsel Darrel J. Grinstead, Department of Health and Human Services, for his excellent job in obtaining the denial of a TRO application to block the relocation of HHS's Family Support office.

STUART H. NEWBERGER (District of Columbia) by Associate General Counsel Darrel J. Grinstead, Department of Health and Human Services, for his successful defense of a constitutional and statutory challenge to the dismissal of a former HHS attorney; and by Lt. Colonel James C. Babin, Office of the Judge Advocate General, Department of the Air Force, for his outstanding job in obtaining a denial of a preliminary injunction in Arrow Air v. United States.

KARL R. OVERMAN (Michigan, Eastern) by Mary Anne Gibbons, Office of Labor Law, United States Postal Service, for his successful defense of a Title VII case; and Assistant U.S. Attorneys OVERMAN and FRANCIS L. ZEBOT by Chief Counsel Saul A. Green, Department of Housing and Urban Development, for their successful defense of a multi-family HUD foreclosure and Chapter 11 bankruptcy case.

REBECCA L. ROSS (District of Columbia) by Acting Director Robert M. Gates, Central Intelligence Agency, for her outstanding representation of a complicated tort action and for her excellent advocacy on behalf of the CIA during her career with the United States Attorney's office.

MICHAEL J. RYAN (District of Columbia) by Edward S. Faggen, Legal Counsel, Metropolitan Washington Airports, for his exceptional representation of the Federal Aviation Administration in a government contract case; and by Commander C. Josephson, Chief, Claims and Litigation, United States Coast Guard, for his successful defense of a Wrecked-Vessel Statute case.

JAMES C. SABALOS, EVAN M. SPANGLER, and FRANCES H. STACY (Texas, Southern) by Special Agent-in-Charge Andrew J. Duffin, Federal Bureau of Investigation, for their outstanding work in a case involving an interstate stolen car ring.

EMILY M. SWEENEY (Ohio, Northern) by Associate Chief Counsel Craig E. Richardson, Drug Enforcement Administration, for her successful handling of a Bivens action.

CASENOTES

OFFICE OF THE SOLICITOR GENERAL

The Solicitor General has authorized the filing of:

A brief amicus curiae in Boyle v. United Technologies Corp., 792 F.2d 413 (4th Cir. 1986). The issue is the scope of the military contractor defense.

A petition for a writ of certiorari in United States Postal Service v. National Association of Letter Carriers, No. 86-5296 (D.C. Circuit). The question presented is whether an arbitration award ordering reinstatement of a Postal Service employee should be set aside as contrary to public policy.

A protective petition for a writ of certiorari in Bowen v. Hyatt, 803 F.2d 376 (4th Cir. 1986). The questions presented are (1) whether the court of appeals erred in requiring the Secretary to reopen the claims of thousands of class members in this case; and (2) whether the court of appeals correctly awarded respondents over \$200,000 in attorney fees and costs under the Equal Access to Justice Act.

OFFICE OF LEGISLATIVE AFFAIRS

SELECTED CONGRESSIONAL AND LEGISLATIVE ACTIVITIES MAY-JUNE 1987

HIGHLIGHTS

Foreign Sovereign Immunities Act. On May 28, 1987, Deputy Assistant Attorney General Stuart Schiffer, Civil Division, testified before the House Judiciary Subcommittee on Administrative Law and Governmental Relations regarding three bills that would amend the Foreign Sovereign Immunities Act, H.R. 1149, H.R. 1689, H.R. 1888. Mr. Schiffer explained that the Department of Justice supports H.R. 1149, which pertains to the admiralty provisions of the FSIA, and agrees with H.R. 1888's underpinning concept regarding the interpretation of an agreement to arbitrate as evidence of intent to waive sovereign immunity. However, the Department shares the State Department's concern about H.R. 1689, which would expand the application of prejudgment attachment and broaden the definition of foreign state property for judgment execution purposes.

Money Laundering Control Act of 1986. On June 9, 1987, the House Banking Subcommittee on Financial Institutions Supervision, Regulation and Insurance conducted an oversight hearing on the effects of the Money Laundering Control Act of 1986. On the international level, the Subcommittee was not satisfied by the apparent lack of progress; although Manuel Johnson of the Federal Reserve System testified that a Code of Conduct draft will be presented at the next Basle

Committee meeting in Switzerland. Domestically, Rep. Barnard insisted that there is no deterrent effect from the investigative efforts of the Interagency Bank Fraud Enforcement Working Group.

Mr. Johnson indicated that the Federal Reserve has monitored state member banks' compliance with the Bank Secrecy Act (BSA) and the Anti-Drug Abuse Act of 1986. In addition, the Federal Reserve contributed to banker educational programs and provided guidance to banking organizations for complying with the BSA.

Congressional Oversight of Intelligence Activities. On June 10, 1987, the Subcommittee on Legislation of the Permanent Select Committee on Intelligence concluded their hearings on H.R. 1013, a bill that would make the notice requirement, regarding covert operations, inflexible. The Department believes this bill is unconstitutional to the extent that it would encroach upon the President's authority to conduct the nation's foreign relations. Under Secretary of State Michael Armacost explained that the word "timely" is not measured solely by the clock, it focuses on the risks involved, both to the success of the mission and to the safety of human lives. Addressing concerns on the Iran affair, Mr. Armacost reminded the Subcommittee of the Tower Board's conclusion that the Iran affair was a failure of men not the system.

Trade Legislation. On June 11, the Senate Governmental Affairs Committee marked up Committee Chairman John Glenn's trade proposal, S. 1233, adding portions of six trade bills, introduced by other Senators, as amendments to the proposal. The legislation was adopted despite a veto signal contained in a DOJ letter sent to the Committee prior to the markup. Republicans on the panel objected strongly to passage of the measures.

Other Senate Committees are also at work on trade legislation. Majority Leader Robert Byrd postponed full Senate consideration of the House-passed H.R. 3 trade bill, as well as any other trade measures, until the Senate leadership settles on the components of a comprehensive package of trade legislation.

Debt Collection Act. After months of development work, the Department of Justice will soon submit to OMB for Administration clearance an omnibus bill to strengthen the ability of the government to collect debts owed to the United States. Under existing law, debts owed to the federal government are collected under the collection laws of the various states. This makes it extremely difficult to conduct a nation-wide training program for federal debt collection officers and results in inequities as to debtors in that the Department may be able to collect monies owed the United States by a citizen in New York while an identically situated debtor in Texas may be able to avoid payment of his obligation by virtue of the vagaries of state statutes. The draft bill would create a uniform system for collection of debts owed the United States and, if enacted, would significantly enhance the Department's ability to enforce money judgments. Informal discussions with OMB indicate that there is strong support for this measure. The Department is seeking quick clearance of the draft bill so that it can be formally submitted to the Congress at the earliest possible date.

Anti-Obscenity Legislation. In followup of the Attorney General's Pornography Commission's recommendations, the Department developed a comprehensive anti-obscenity legislative package which was forwarded to OMB for clearance. This draft bill makes a number of improvements in federal child pornography and obscenity laws. The most important, and likely the most controversial, provisions seek to

address the problems of cable television pornography, telephone "dial-a-porn" services, and the problem of interstate trafficking in obscenity. Preliminary discussions with key congressional staffers indicates that prospects are favorable for enactment of at least some parts of this legislation by the 100th Congress.

Drug Coordination. Congressional reactions to and press coverage of the President's announcement of the designation of "lead agency responsibilities" in the fight against drugs have generally been favorable. This and other activities of the National Drug Policy Board headed by the Attorney General have served to undermine arguments for a federal "drug czar." Despite this, the Department faces a tough up-hill fight, because the superficial appeal of "drug czar" legislation is politically irresistible to many Members of Congress.

LAND AND NATURAL RESOURCES DIVISION

UNLIMITED EXTENSION OF TIME FOR STEEL COMPANY'S COMPLIANCE WITH CONSENT DECREE BASED ON PENDING BUBBLE PROPOSAL NOT JUSTIFIED.

Wheeling-Pitt agreed to comply with the State of West Virginia's federally approved air pollutant emission limitations for its sinter strand windbox by installing pollution control equipment at its Follansbee, West Virginia, plant, by the compliance deadline under the Clean Air Act. The district court granted a "temporary stay," with no fixed compliance date, of the company's obligations, dependent upon the State of West Virginia Air Pollution Control Commission's approval of an alternate proposal, a "bubble." (A bubble is a scheme, which the EPA sanctioned and the Supreme Court approved, that allows a polluter to meet clean standards by averaging emissions from various sources.)

The court of appeals reversed and remanded, holding: (1) the district court's modification of the consent decree was a final appealable order; (2) Although the district court had some equitable discretion, it abused its discretion in this case by staying indefinitely the company's obligations to comply with the statutory deadline; (3) the court's reliance on Wheeling-Pitt's pending bubble application as a basis for its extension of the company's compliance date was a legal error, because a bubble proposal is without effect until the proposal has been approved both by the state agency and the EPA; (4) neither the company's bankruptcy proceeding under Chapter 11, nor its recent economic losses could serve as a basis upon which to relieve it from its consent decree obligations. Finally, the court, declining to grant the government's motion for contempt and summary judgment, wrote that it was confident the district court on remand will recognize the sense of urgency embodied in the court's opinion and will act accordingly. Subsequently, the district court ordered the plant closed.

United States v. Wheeling-Pittsburgh Steel Corporation, No. 86-3456, F.2d (3d Cir. May 18, 1987). D. J. # 90-5-2-1-691. Attorneys: Jacques B. Gelin (FTS 633-2762) and Robert L. Klarquist (FTS 633-2731), Land and Natural Resources Division.

CORPS OF ENGINEERS EIS ON WALLISVILLE PROJECT APPROVED.

In 1973, the district court barred construction of the Wallisville Dam and Reservoir Project near Houston, Texas, on the grounds that the Corps of Engineers' environmental impact statement (EIS) suffered from numerous shortcomings. Sierra Club v. Froehlke, 359 F. Supp. 1289 (S.D. Tex.). The Fifth Circuit reversed many of the district court's findings but agreed that the EIS was subject to certain defects; accordingly, the court let the injunction stand pending the Corps' action to cure the defects. Sierra Club v. Callaway, 499 F.2d 982 (1974).

Thereafter, the Corps restudied the project and prepared and circulated a Post Authorization Change Report (PACR) and EIS. The Corps then drafted a Supplemental Information to the Post Authorization Change Report (SIPACR) containing conclusions regarding the impacts of the revised project which differed in some respects from those presented in the PACR/EIS. Congress, acting without any request from the Corps, enacted legislation, which expressly referenced the SIPACR, authorizing construction of the revised project.

After seeking public comment, the Corps decided to proceed with construction of the revised project. The government then filed a motion in the district court to dissolve the outstanding injunction.

The Fifth Circuit reversed the district court's denial of the motion. First, it found, that NEPA does not place any constraints upon Congress' authority to enact legislation and, hence, the authorization legislation could not be set aside on NEPA grounds. Second, it ruled the new information and conclusions contained in the SIPACR was not sufficiently significant to require an SEIS. Finally, resolving an issue not reached by the district court, the court ruled that the EIS concerning the revised project was adequate. Accordingly, the Fifth Circuit vacated the injunction and directed that the case be dismissed.

Sierra Club v. Froehlke, No. 86-2247, ___ F.2d ___, (5th Cir. May 11, 1987).
D. J. # 90-1-4-380. Attorneys: Robert L. Klarquist (FTS 633-2731), Ray Ludwiszewski (FTS 633-2756), Peter R. Steenland (FTS 633-2748), and David C. Shilton (FTS 633-5580), Land and Natural Resources Division.

WORST CASE ANALYSIS ON EIS FOR GYPSY MOTH SPRAYING HELD ADEQUATE.

In 1982, appellants sought to enjoin state and federal officials from aerial spraying of chemical insecticides to eradicate gypsy moths in residential areas of Oregon. The Ninth Circuit held that the Programmatic EIS and EA did not meet NEPA requirements; on remand the district court enjoined defendants' spraying. In 1984 a newly issued EIS was likewise challenged (Phase II). Before trial, but after receiving new information from various sources, the EIS was withdrawn for supplementation. Phase III began with the issuance of a 1985 EIS. After trial, the district court found the main text of the EIS legally adequate, but held that the worst case analysis did not meet the "plain language" requirements. A statewide and nationwide injunction issued. The court later ruled, however, that the worst case analysis in the 1986 Addendum met readability and other requirements and lifted the injunction.

On appeal, the Ninth Circuit affirmed on the substantive challenges, holding that under the "rule of reason" the 1985 EIS and 1986 Addendum contained a

"reasonably thorough discussion of the significant aspects of the probable environmental consequences." The court found the main text clearly organized and sufficiently well written, and held that the presentation of the worst case analysis in an appendix did not render it unreadable.

In the attorneys' fees portion of the decision, the court, held that the Secretary's position as to the readability requirements of the worst case analysis in Phase III was well argued and substantially justified as a matter of law and fact. The court, however, remanded the portion of the decision relating to Phase II attorneys' fees for clarification as to whether the court employed the "material factor/catalytic role" standard in concluding that the appellants were not prevailing parties.

Oregon Environmental Council v. Kunzman, Nos. 85-4266, 4308, and 86-3779, F.2d _____, (9th Cir. May 12, 1987). D. J. # 90-1-4-2447. Attorneys: Peter R. Steenland (FTS 633-2748), and Dirk D. Snel (FTS 633-4400), Land and Natural Resources Division.

NEPA CHALLENGE TO OIL AND GAS LEASE NOT SUBJECT TO 90-DAY STATUTE OF LIMITATIONS IN MINERAL LANDS LEASING ACT.

Plaintiffs filed suit and sought a preliminary injunction claiming that BLM's issuance of an oil and gas lease, based on a Finding of No Significant Impact (FONSI) and approval of an application for permit to drill, was in violation of NEPA and the Endangered Species Act. The district court denied the injunction and dismissed the suit, holding (1) the NEPA claim was time-barred under the 90-day statute of limitations in the Mineral Lands Leasing Act, 30 U.S.C. §226-2; alternatively, the claim would be barred by laches and the failure to exhaust administrative remedies; and at any rate, the challenge to the FONSI was without merit, 613 F. Supp. 1182.

The Tenth Circuit affirmed on other grounds. It found plaintiffs failed to show that the agency's finding was unreasonable, and held the FONSI, based on the substantial EA, was "within the bounds of reasoned decisionmaking." The court further held that the developmental plans were not concrete enough at the leasing stage to require an EIS; the "specificity that NEPA requires is simply not possible absent concrete proposals."

Park County Resource Council, Inc. v. Department of Agriculture, 817 F.2d 609, (10th Cir. Apr. 17, 1987). D. J. # 90-1-4-2907. Attorneys: Ellen J. Durkee and Jacques B. Gelin (FTS 633-2762), Land and Natural Resources Division.

FEDERAL RULES OF CRIMINAL PROCEDURE

Rule 43. Presence of the Defendant.

During jury voir dire defendants objected that the government was using its peremptory challenges to exclude blacks from the panel. The government was allowed to offer explanations for its peremptory challenges in an in camera proceeding. The defendants appealed, contending that by holding the jury exclusion hearing in camera, outside the presence of defense counsel and the defendants, the court violated their rights under Rule 43 to be present at trial.

The Court of Appeals rejected the defendants' argument. When the United States Supreme Court addressed the issue of discriminatory use of peremptory jury challenges in Batson v. Kentucky, ___ U.S. ___, 106 S.Ct. 1712, 90 L.Ed.2d (1986), it expressly refrained from fashioning a procedure for hearings on alleged misuse of peremptories. The Court of Appeals held that the trial judge was well informed of the basis for defense counsel's objections to the challenges, and the procedure the judge set up for evaluating the claim demonstrated careful attention to the defense argument. Once the defendants had made a prima facie case of misuse of the challenges there was nothing more for them to do. At that point the trial court was entitled to hear from the government under whatever circumstances the judge believed appropriate. The court also held that Rule 43(a) does not require that the government's explanation for use of the challenges be placed on the record.

(Remanded with instructions in part and otherwise affirmed.)

United States v. Davis, 809 F.2d 1194 (6th Cir., January 15, 1987).

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>
12-20-85	7.57%	04-10-87	6.30%
01-17-86	7.85%	05-13-87	7.02%
02-14-86	7.71%	06-05-87	7.00%
03-14-86	7.06%		
04-11-86	6.31%		
05-14-86	6.56%		
06-06-86	7.03%		
07-09-86	6.35%		
08-01-86	6.18%		
08-29-86	5.63%		
09-26-86	5.79%		
10-24-86	5.75%		
11-21-86	5.77%		
12-24-86	5.93%		
01-16-87	5.75%		
02-13-87	6.09%		
03-13-87	6.04%		

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.

For cumulative list of those federal civil postjudgment interest rates effective October 1, 1982, through December 19, 1985, see United States Attorneys' Bulletin, Vol. 34, No. 1, Page 25, January 17, 1986.

LISTING OF ALL BLUESHEETS IN EFFECT
JUNE 26, 1987

<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
1-11.350*	TITLE 1	5/06/86	Policy with Regard to Defense Requests for Jury Instruction on Immunized Witnesses
9-2.132*	TITLE 9	12/31/85	Policy Limitations on Institution of Proceedings - Internal Security Matters
9-2.133	TITLE 9	5/08/87	Consultation Prior to Initiation of Criminal Charges
9-2.136*	TITLE 9	6/04/86	Investigative and Prosecutive Policy for Acts of International Terrorism
9-2.136*	TITLE 9	10/24/86	Investigative and Prosecutive Policy for Acts of International Terrorism
9-2.151*	TITLE 9	12/31/85	Policy Limitations - Prosecutorial and Other Matters, International Matters
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
9-7.2000*	TITLE 9	4/06/87	The Electronic Communications Act of 1986
9-7.5000*	TITLE 9	4/06/87	Forms - The Electronic Communications Act of 1986
9-11.220 C.8.*	TITLE 9	4/14/86	All Writs Act Guidelines
9-11.368(A)*	TITLE 9	2/04/86	Amendment to Rule 6(e) Federal Rules of Criminal Procedure Permitting Certain Disclosure to State and Local Law Enforcement Officials
9-20.215*	TITLE 9	2/11/86	Policy Concerning State Jurisdiction Over Certain Offenses in Indian Reservations
9-38.211*	TITLE 9	4/23/87	Administrative Forfeiture of Real Property
9-75.120	TITLE 9	6/10/87	Multiple Prosecutions of Obscenity Offenses

* Bluesheet has been approved by the Advisory Committee and will be incorporated into revised Manual.

LISTING OF ALL BLUESHEETS IN EFFECT
JUNE 26, 1987

<u>AFFECTS USAM</u>	<u>TITLE NO.</u>	<u>DATE</u>	<u>SUBJECT</u>
9-79.252	TITLE 9	4/01/87	Consultation Prior to Institution of Criminal Charges Under 31 U.S.C. §5324
9-100.205	TITLE 9	4/01/87	Controlled Substance Analogue Enforcement Act
9-100.280*	TITLE 9	1/15/87	Consultation Prior to Institution or Dismissal of Criminal Charges Under Continuing Criminal Enterprise Statute
9-103.132; 9-103.140*	TITLE 9	6/30/86	Revisions to the Prosecutive Guidelines for the Controlled Substance Registrant Protection Act Concerning Consultation Prior to Prosecution
9-103.300	TITLE 9	5/28/87	Mail Order Drug Paraphernalia Control Act
9-105.000*	TITLE 9	1/15/87	Money Laundering
9-105.200	TITLE 9	4/01/87	Forfeiture of Proceeds of Foreign Controlled Substance Violations
9-110.800*	TITLE 9	7/07/86	Murder-for-Hire and Violent Crimes in Aid of Racketeering Activity
9-111.800*	TITLE 9	1/15/87	Forfeiture of Substitute Assets (Bluesheet will expire 6/15/88)
9-131.030*	TITLE 9	5/13/86	Consultation Prior to Consultation
9-131.040; 9-131.180	TITLE 9	10/06/86	Hobbs Act Approval
9-131.110*	TITLE 9	5/13/86	Hobbs Act Robbery
10-2.186	TITLE 10	9/27/85	Grand Jury Reporters
10-2.315*	TITLE 10	11/17/86	Veterans Readjustment Appointment (VRA) Authority
10-2.340 <u>et seq.</u>	TITLE 10	5/18/87	Youth and Student Employment Programs
10-2.534*	TITLE 10	3/20/86	Compensatory Time
10-2.650*	TITLE 10	1/07/87	Awards
10-8.120*	TITLE 10	1/31/86	Policy Concerning Handling of Agency Debt Claim Referrals Where the Applicable Statute of Limitations has Run

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
	B1	7/01/85	8/31/85	Revision to Ch. 1-12.000
	B2	8/31/85	7/01/85	Revisions to Ch. 11
	B3	4/15/86	4/01/86	New Ch. 16
	B4	11/01/86	10/31/86	Revisions to Chs. 1,2,4,6, 10 and 13
	B5	6/23/86	12/31/85	Revisions to Ch. 5
	B6	7/01/86	12/31/85	Revision to Ch. 3
	B7	9/26/86	8/04/86	Revisions to Ch. 15

*Transmittal is currently being printed.

TRANSMITTAL
AFFECTING
TITLE

<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
B1	6/10/86	12/31/85	Revisions to Ch. 3
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
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
B1	11/05/85	8/01/85	Revisions to Chapters 1-8, and 11-15
TITLE 5	(Transmittal A2 has been superseded.)		
A3	3/22/84	3/5/84	Complete revision of Ch. 1, 2, 3 (was 2A)

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 5	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
	B2	6/30/86	12/31/85	Revisions to Chs. 1-10
	TITLE 6	A2	3/23/84	3/2/84
A3		12/19/84	12/14/84	Revision to Ch. 4 and Index
AAA6		5/14/84		Form AAA-6
B1		2/14/86	10/01/85	Revisions to Chapters 1-4, 6
B2		10/31/86	8/01/86	Revisions to Chapters 4 and 6
TITLE 7		(Transmittals A2 and A3 have been superseded.)		
TITLE 7	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
	B1	3/24/86	3/05/86	Revision to Chapters 1-5
TITLE 8	AAA8	5/14/84		Form AAA-8

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 8	B1	10/01/85	6/01/85	Complete revision to Title 8 (Supersedes A1, A2, and A12)
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
	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, 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
	A33	3/29/84	3/9/84	Complete revision of Ch. 102
	A34	3/26/84	3/14/84	Complete revision of Ch. 72

TRANSMITTAL
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TITLE

<u>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	3/14/84	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)
	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

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
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)
	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
	A81	8/06/84	7/31/84	Revisions to Ch. 7
	A82	8/02/84	7/31/84	Revisions to Ch. 75

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 9	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
	A92	12/14/84	11/09/84	Revisions to Ch. 75
	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
	B3	3/29/85	01/31/85	Revisions to Ch. 71
	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
	B7	6/27/85	5/01/85	Revisions to Ch. 12
	B8	7/01/85	4/01/85	Revision to Ch. 4
	B9	7/31/85	7/31/85	Revision to Ch. 130
	B11	9/27/85	7/01/85	Revision to Ch. 27 and Ch. 38
	B12	9/27/85	7/01/85	Revision to Ch. 2
	B13	10/01/85	7/01/85	Revision to Ch. 60

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 9	B14	11/29/85	8/01/85	Revision to Ch. 2
	B15	10/21/85	7/01/85	Revision to Ch. 75
	B16	10/22/85	7/01/85	Revision to Ch. 64
	B17	10/21/85	8/30/85	Revision to Ch. 136
	B18	10/21/85	8/01/85	Revision to Ch. 63
	B19	11/05/85	8/01/85	Revision to Ch. 133
	B20	11/01/85	8/30/85	Revision to Ch. 134
	B21	11/05/85	8/01/85	Revision to Ch. 11
	B22	11/01/85	8/01/85	Revision to Ch. 61
	B23	11/20/85	11/05/85	Revision to Ch. 71
	B24	11/20/85	11/05/85	Revision to Ch. 46
	B25	11/01/85	8/01/85	Revision to Ch. 90
	B26	11/29/85	8/01/85	Revision to Ch. 138
	B27	11/01/85	8/01/85	Revision to Ch. 48
	B28	11/29/85	8/01/85	Revision to Ch. 65
	B29	11/01/85	11/05/85	Revision to Ch. 103
	B30	11/29/85	11/05/85	Revision to Ch. 49
	B31	11/01/85	8/01/85	Revision to Ch. 7
	B32	12/01/85	8/01/85	Revision to Ch. 40
	B33	11/01/85	8/01/85	Revision to Ch. 69
	B34	02/14/86	12/31/85	Revision to Ch. 20
	B35	12/31/85	8/01/85	Revision to Ch. 132
	B36	11/29/85	8/01/85	Revision to Ch. 110
	B37	02/12/86	11/05/85	Revision to Ch. 8
	B38	3/20/86	12/31/85	Revision to Ch. 18

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 9	B39	11/29/85	11/05/85	Revision to Ch. 60
	B40	02/12/86	11/05/85	Revision to Ch. 34
	B42	05/07/86	12/01/85	Revision to Ch. 15
	B43	04/08/86	3/01/86	Revision to Ch.6
	B44	04/18/86	03/01/86	Revision to Ch. 111
	B45	04/08/86	3/01/86	Revision to Ch. 21
	B46	02/14/86	12/31/85	Revision to Ch. 42
	B47	04/08/86	3/01/86	Revision to Ch. 60
	B53	10/1/86	7/31/86	Revision to Ch. 1
	B55	10/1/86	7/31/86	Revision to Ch. 7
	B56	10/10/86	10/1/86	Revision to Ch. 21
	B57	10/17/86	3/01/86	Revision to Ch. 111
	B58	1/30/87	10/01/86	Revision to Ch. 61 & 64
	B62	3/31/87	3/20/87	Revision to Ch. 18
TITLE 10	(Transmittal 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

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 10	A17	3/30/84	3/28/84	Summary Table of Contents to Title 10
	A18	5/4/84	4/13/84	Complete revision to Ch. 2
	A19	5/02/84	5/01/84	Revisions to 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
	A23	8/02/84	7/31/84	Revision to Ch. 2
	A24	11/09/84	10/19/84	Revision to Ch. 2
	A25	11/09/84	10/19/84	Revision to Ch. 2
	A26	11/28/84	11/28/84	Revision to Ch. 2
	A27	12/07/84	11/01/84	Revision to Ch. 2
	AAA10	5/14/84		Form AAA-10
	B1	3/15/85	1/31/85	Revision to Ch. 2
	B2	5/31/85	5/01/85	Revision to Ch. 2
	B3	6/27/85	4/01/85	Revision to Ch. 2
	B4	7/23/85	4/01/85	Revision to Ch. 4
	B5	02/20/86	01/27/86	Revision to Ch. 3
	B6	3/18/87	3/01/87	Revision to Ch. 6
	B7	7/31/85	5/01/85	Revision to Ch. 2 Appendix--Form Index
	B8	11/01/85	8/16/85	Revisions to Ch. 2 and Ch. 8
	B9	11/01/85	8/16/85	Revision to Ch. 2
	B10	11/29/85	8/21/85	Revision to Ch. 2
	B11	11/29/85	8/16/85	Revision to Ch. 2
	B12	11/29/85	8/01/85	Revision to Ch. 2
	B13	11/14/86	11/07/86	Revision to Ch. 2

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE OF TRANSMITTAL</u>	<u>DATE OF TEXT</u>	<u>CONTENTS</u>
TITLE 10	B14	11/29/85	8/01/85	Revision to Ch. 2
	B15	01/14/86	12/17/85	Revision to Ch. 2
	B17	03/01/86	12/31/85	Revision to Ch. 7
	B18	9/10/86	07/31/86	Revision to Ch. 9
	B19	03/20/86	12/31/85	Revision to Ch. 5
	B21	04/15/86	04/01/86	Revision to Ch. 3
	B23	3/18/87	7/31/86	Revision to Ch. 2 & 3
	B24	06/24/86	06/01/86	Revision to Ch. 6
TITLE 1-10	A1	4/25/84	4/20/84	Index to USAM
TITLE 11	B1	6/02/86	4/30/86	New Title 11

If you have any questions regarding the above, please contact Judy Beeman at FTS 673-6348.

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