



# United States Attorneys' Bulletin



**EXECUTIVE  
OFFICE FOR  
UNITED  
STATES  
ATTORNEYS**

*Published by:*

*Executive Office for United States Attorneys, Washington, D.C.  
For the use of all U.S. Department of Justice Attorneys*

Laurence S. McWhorter, Director

Editor-in-Chief: Manuel A. Rodriguez FTS 633-4024  
Editor: Judith A. Beeman FTS 673-6348  
Editorial Assistant: Regina Murray FTS 673-6348

## TABLE OF CONTENTS

	<u>Page</u>
COMMENDATIONS.....	25
POINTS TO REMEMBER	
Congressional Liaison.....	27
Debt Collection News Conference .....	27
Health and Human Services .....	28
New and Expanded Initiatives in the Federal Organized Crime Effort .....	29
Pretrial Detention Reporting Requirements .....	30
Personnel .....	31
CASENOTES	
Office of the Solicitor General .....	31
Office of Government Ethics.....	33
APPENDIX	
Cumulative List of Changing Federal Civil Postjudgment Interest Rates.....	36
List of Teletypes to All United States Attorneys.....	37
List of United States Attorneys.....	38
Order Directing New and Expanded Initiatives in the Federal Organized Crime Effort.....	40

COMMENDATIONS

The following Assistant United States Attorneys have been commended:

DAVID L. ALLRED (Alabama, Middle) by Special Agent in Charge William L. Hinshaw, II, Federal Bureau of Investigation, for his persuasive skill in prosecution of a complicated and unique civil rights case.

W. LEON BARFIELD (Georgia, Southern) by Director William S. Sessions, Federal Bureau of Investigation, for the exceptional manner in which he handled the prosecution of over 25 defendants in a drug conspiracy case.

STEVEN BELL (Ohio, Northern) by Regional Chief Postal Inspector, K.C. Weaver, Office of the Regional Chief Inspector, United States Postal Service, for his expertise in obtaining an injunctive relief against a company operating a mail order promotion in the Northern District of Ohio.

CHARLENE DAVIS (District of Delaware) by Salvatore R. Martoche, Assistant Secretary for Labor-Management Standards, Department of Labor, for providing tremendous support and effort in the investigation into labor activities at the Port of Wilmington, Delaware.

CHARLES A. DEMONACO (Pennsylvania, Western) by Joseph R. Davis, Assistant Director - Legal Counsel, Federal Bureau of Investigation, for his participation in the role of defense counsel during the New Agents Moot Court Program.

PATRICK J. FOLEY (Ohio, Northern) by Special Agent in Charge Dieter H. Harper, Office of the Inspector General, United States Department of Transportation, for his outstanding handling of a case involving a Federal Aviation Administration employee who had falsely claimed moving expenses from the FAA.

JOSEPH H. GROFF, III, JAY P. MCCLOSKEY and MARGARET D. MCGAUGHEY (District of Maine) by the Drug Enforcement Administration's Boston Field Division, for their outstanding contributions to the field of drug law enforcement.

J. MICHAEL HANNON (District of Columbia) by President Charles J. Hersey, Hotel Security Officer's Association, for his successful prosecution of offenses involving prostitution in and around hotels in the District of Columbia.

MARCIA HARRIS (Ohio, Southern) by Special Agent in Charge, Ralph L. Grayson, United States Secret Service, Department of the Treasury, for her successful prosecution in their first major credit card and factoring case.

NINA L. HUNT (Georgia, Northern) by Joseph R. Davis, Assistant Director - Legal Counsel, Federal Bureau of Investigation, for her outstanding performance which resulted in a successful conclusion in a complex civil case.

**CLIFFORD D. JOHNSON** (Indiana, Northern) by District Counsel Stephen E. Smith, Department of the Army, Louisville District Corps of Engineers, for successfully representing the interests of the Corps of Engineers in a case involving the Clean Water Act.

**PATRICIA KENNY, ANA BARNETT and ALAN DAGEN** (Florida, Southern) by Assistant Director Herbert A. Biern, Board of Governors of the Federal Reserve System, for their outstanding representation of the Board of Governors.

**JAMES H. LEAVEY and KENNETH P. MADDEN** (District of Rhode Island) by Special Agent in Charge John J. Coleman, New England Field Division, Drug Enforcement Administration, for their successful prosecution of major drug cases and in the successful forfeiture of criminally acquired assets.

**NORMAN A. MOSCOWITZ** (Florida, Southern) by Director William S. Sessions, Federal Bureau of Investigation, for his successful investigation and prosecution involving the Intercontinental Coin Exchange.

**EDWARD NUCCI, KENNETH NOTO, ROBERT O'NEILL and JOHN O'SULLIVAN** by Joseph R. Davis, Assistant Director - Legal Counsel, Federal Bureau of Investigation, for providing their expertise in the role of defense counsel during the New Agents Moot Court program.

**JOHN O'SULLIVAN** (Florida, Southern) by Ambassador Everett Ellis Briggs, Embassy of the United States, Tegucigalpa, Honduras, for his successful prosecution of a major drug case.

**SUE L. ROBINSON** (District of Delaware) by Inspector in Charge David A. Planey, United States Postal Service, for successfully representing the Postal Service in two civil cases involving slip and fall accidents.

**ROBERT C. SELDON** (District of Columbia) by Deputy Director Michael Wolf, Office of Special Investigations, Criminal Division, Department of Justice, for his outstanding representation in a complex and time-consuming FOIA case.

**CHRISTIAN STICKAN and JOHN SIEGEL** (Ohio, Northern) by Salvatore R. Martoche, Assistant Secretary for Labor-Management Standards, Department of Labor, for their excellent case presentation in a criminal case involving falsifying union records.

**JAMES M. WARDEN** (Indiana, Southern) by Director William S. Sessions, Federal Bureau of Investigation, for his successful prosecution in an unusual and difficult case involving politically sensitive election laws.

**PAUL E. WILBURN, III** (District of South Carolina) by Inspector in Charge Robin A. Luers, Office of the Inspector General, for his preparation and presentation of the defense of the Postal Service in a complicated civil case.

POINTS TO REMEMBERCongressional Liaison

Assistant United States Attorney Steve Korotash has been selected to fill the newly created position of Congressional Liaison for United States Attorneys, according to the announcement of Laurence McWhorter, Director of the Executive Office for United States Attorneys, and Robert Ulrich, Chairman of the Attorney General's Advisory Committee of United States Attorneys.

"Korotash, of the Western District of Oklahoma, will be responsible for monitoring legislation of interest to United States Attorneys and working with the Attorney General's Advisory Committee Subcommittee on Legislation to develop legislation beneficial to United States Attorneys," Mr. McWhorter said.

According to Ulrich, the position was created at the request of the Attorney General's Advisory Committee in order to provide United States Attorneys a greater role in the legislation process.

Citing the recent introduction of the Federal Debt Collection Procedures Act of 1987, a bill created and crafted by various United States Attorneys and Assistants, Ulrich said that United States Attorneys have begun to take an active role in the legislative process.

"We felt that by having an Assistant United States Attorney in this position, we will have someone that really knows what it's like in the field and will be particularly sensitive to the concerns of United States Attorneys and Assistants," Ulrich said.

United States Attorneys or Assistants who have ideas for legislation should contact Mr. Korotash in Room 1607, Main Justice or at (FTS 633-3467).

(Executive Office for U.S. Attorneys)

\* \* \* \*

Debt Collection News Conference

On January 14, 1988, Attorney General Edwin Meese III, and Director James Miller III, Office of Management and Budget, held a joint press conference to discuss debt collection. They were joined by United States Attorneys Joseph Whittle of Kentucky, Stephen McNamee of Arizona, Vinton Lide of South Carolina, Frank Donaldson of Alabama and Edward Dennis of Pennsylvania, who described debt collection cases that have been pursued in their offices in recent weeks. All five have been key players in developing strategies in the debt collection initiative.

To a packed audience of reporters from both the Department of Justice and White House beats, Attorney General Meese and Director Miller declared the resolve of this Administration to ensure that the money owed to the United States is collected.

Director Miller stated that "the problem is (that) when people get away with not paying the loans, the burden falls on the ordinary taxpayer, the honest taxpayer....It is simply not fair to let people get off the hook and get away with not paying....So we're going after them.

"I want to thank Ed personally and indicate my appreciation and respect to the Department of Justice and all that it has done, and these United States Attorneys who have put a priority on this....I want to congratulate the people at the Department of Justice who said to themselves: 'This is an outrage, and we're going after those people and get the money back.'"

The Attorney General stressed that this work is about fairness to the taxpayer. Mr. Meese noted that in his frequent visits to the United States Attorneys' offices, he has met the members of the Debt Collection Units. "Some of our most dedicated workers in the Department of Justice....are those involved in this program."

In speaking about "Operation Deadbeat," Mr. Meese stated, "The Justice Department's (debt collection) effort is the product of many years of hard work by our United States Attorneys who have been experimenting with a variety of different techniques, and now have a nation-wide program going....They (the United States Attorneys) have been the driving force behind the legislation which we hope will be considered during this next year by the Congress to reform debt collection procedures.

"It is their energy and drive, as represented by the gentlemen that you see here today and their colleagues throughout the country, which is really going to make the success, the continuing success of this effort."

(Executive Office for U.S. Attorneys)  
Debt Collection Staff

\* \* \* \*

### Health and Human Services

The Department of Health and Human Services will shortly be promulgating regulations under Title X of the Public Health Service Act, 42 U.S.C. Section 300, implementing the Act's prohibitions on abortions and abortion-related activities. The Civil Division has worked closely with Health and Human Services, The White House, and the Office of Legal Counsel in this matter. Litigation over the regulations is expected immediately upon promulgation. All litigation over the

rules will be handled by the Civil Division due to the Civil Divisions prior work in this matter. In the event that a case is filed in your district, notify Thomas Millett (FTS 633-3403) of the Civil Division immediately.

(Civil Division)

\* \* \* \*

**New and Expanded Initiatives in  
the Federal Organized Crime Effort**

On January 20, 1988, Attorney General Meese issued the following memorandum on new and expanded initiatives in the Federal organized crime effort.

In order to maximize the benefits to be derived from a close working relationship and coordination between the United States Attorney as the chief federal prosecutor in each District and the Organized Crime Strike Force Chief, and in order to capitalize on our recent successes against organized crime, the Department will implement the following initiatives:

A. Strike Force handling of investigative matters shall be contingent upon the submission of a Case Initiation Report (CIR) immediately upon the Strike Force's initial participation in a matter and upon the United States Attorney signifying approval in writing or by allowing ten days to pass without objecting to the Strike Force handling.

B. The United States Attorney's concurrence will be required for all of the following:

- Title III (electronic surveillance) requests
- informations
- indictments
- immunities
- dual prosecution policy waivers
- media and attorney subpoenas
- negotiated dispositions
- sentence recommendations

C. The Strike Force Attorney in Charge will consult with the United States Attorney prior to all major investigative steps, e.g., arrest and search warrants, to the fullest extent possible. When a case reaches the indictment stage, the United States Attorney will have the responsibility to determine the composition and duties of the litigation team, at least one of whom shall be a Strike Force attorney.

D. The United States Attorney or his designee will handle all media relations in Strike Force matters.

E. Strike Force Attorneys in Charge will be appointed by the Assistant Attorney General of the Criminal Division after receiving the advice of the United States Attorney for the district in which the Strike Force is located.

F. The United States Attorney in the headquarters city of each Strike Force will be the rating official for the Attorney in Charge's annual performance rating. The reviewing official for the Attorney in Charge's annual performance rating will be the Assistant Attorney General of the Criminal Division, who shall receive and consider the written advice of the Chief of the Organized Crime and Racketeering Section, Criminal Division, and the responsible Deputy Assistant Attorney General. The rating official for the annual performance ratings of Strike Force Special Attorneys will be the Strike Force Attorney in Charge. The reviewing official will be the relevant Deputy Chief of the Organized Crime and Racketeering Section, Criminal Division.

G. Each Strike Force Attorney in charge will participate in meetings and operations of the United States Attorney's Office as the principal advisor for organized crime matters, and attend all weekly or other periodic meetings of supervisory personnel in the headquarters United States Attorney's Office. The Attorney in Charge will fully brief and consult with the headquarters district United States Attorney weekly, and with other United States Attorneys as requested by them, on all district Strike Force activities, resource allocations and investigative/prosecutive strategy. The United States Attorney shall furnish appropriate guidance on all such matters. Each Strike Force Executive Committee will meet not less frequently than monthly.

H. Strike Forces will be housed in close proximity to the United States Attorneys' offices, consistent with contractual commitments and logistical conditions, in order to achieve cost-effective sharing of facilities and resources (e.g., law libraries) and to promote a community of effort.

These policies are to be implemented effective February 1, 1988 except that the change in the personnel rating procedure (paragraph above) will go into effect at the beginning of the next rating period, July 1, 1988.

A copy of the Attorney General's Order directing these new initiatives is attached at the Appendix of this Bulletin.

(Office of the Attorney General)

\* \* \* \*

### Pretrial Detention Reporting Requirements

Since October 1, 1985 United States Attorneys' offices have provided the Department with information on the number of pretrial detention hearings, the

results, the basis for judicial rulings, and the outcome of subsequent court reviews. We have used this information to monitor implementation of pretrial detention provisions of the Bail Reform Act and to respond to Congressional and public inquiries.

We will no longer require these reports after your submission for December 1987. A new reporting system within the Administrative Office of the United States Courts will meet the Department's continuing need for information, without any reporting burden on your office.

(Criminal Division)

\* \* \* \*

### Personnel

Effective January 4, 1988, Robert J. Wortham was reappointed by the President as United States Attorney for the Eastern District of Texas.

Effective December 9, 1987, Samuel A. Alito, Jr. was Presidentially appointed United States Attorney for the District of New Jersey.

(Executive Office for U.S. Attorneys)

\* \* \* \*

### CASENOTES

#### OFFICE OF THE SOLICITOR GENERAL

The Solicitor General has authorized the filing of:

A petition for certiorari in Clark v. Commissioner, (828 F. 2d 221 (4th Cir. 1987)). The issue is whether "boot" (cash or other property) paid on a pro-rata basis to the shareholders of one of the corporations involved in a reorganization is to be treated as a dividend.

A petition for certiorari in Bowen v. Georgetown University Hospital, 821 F. 2d 750 (D.C. Cir. 1987). The issue is whether Health and Human Services may issue regulations modifying Medicare provider reimbursement standards applicable to past accounting periods, or whether the APA prohibits retroactive regulations.

A petition for certiorari in United States v. A & B Heating and Air Conditioning, Inc., 823 F. 2d 462 (11th Cir. 1987). The issue is whether a corporate debtor can designate its priority tax payments made pursuant to Chapter 11 bankruptcy plan so that they will first be allocated to the debtor's unpaid withholding taxes.

An amicus brief in Arizona v. Roberson, 2 CA-CR 4474-5 (Ariz. Ct. App. Mar. 19, 1987) (unpublished opinion). The issue is whether, under Edwards v. Arizona, 451 U.S. 477 (1981), a suspect's request for counsel bars subsequent police-initiated inquiries in the course of an independent investigation of an unrelated offense conducted after comprehensive Miranda warnings.

An amicus brief in Jenkins v. Missouri, 639 F. Supp. 19 (W.D. Mo. 1986). The issue is whether a district court has the power to order the State of Missouri to raise taxes to fund a desegregation plan.

An amicus brief in Allied Tube & Conduit Corp. v. Indian Head, Inc., 817 F. 2d 938 (2d Cir. 1987). The issue is whether petitioner's actions affecting the contents of the 1981 National Electrical Code adopted by the National Fire Protection Organization, a private, voluntary membership organization, are shielded from liability under the Sherman Act under the Noerr doctrine.

An amicus brief in Kadrmias v. Dickinson Public Schools, 402 N.W. 2d 897 (N.D. 1987). The issue is whether the user-fee system authorized by North Dakota state law and implemented by the Dickenson Public School system, under which the parents of children must pay a certain, nonwaivable fee in order for their children to use the school bus system, violates the Equal Protection Clause of the Fourteenth Amendment.

An amicus brief in Shell Oil Co. v. Iowa Department of Revenue, No. 87-984. The question presented is whether, for purposes of determining the amount of income of a multi-state corporation that may be apportioned to any one of the States in which it does business, the Outer Continental Shelf Lands Act precludes the inclusion of income earned from the sale of oil and gas extracted from the Outer Continental Shelf in the pre-apportioned income base of the State's apportionment formula.

\* \* \* \*

## OFFICE OF GOVERNMENT ETHICS

Acceptance of Food and Refreshments

Recent newspaper articles have suggested that this office has issued a "new rule" on Executive branch employees' acceptance of meals from members of the media, lobbyists, lawyers and contractors. The "new" rule that they discussed is simply a newly revised version of the Federal Communications Commission's standards of conduct which reflects this office's long-standing interpretation of Executive Order 11122 and 5 C.F.R. Part 735. In general, an Executive branch employee is prohibited from accepting "one-on-one" meals from someone who hosts that individual because of his/her government position, regardless of the cost of the meal.\* The following is a portion of Office of Government Ethic's October 23, 1987, DAEO-gram on this topic. For a more detailed discussion of these issues, please refer to the memorandum.

**Basic Rule**

"Pursuant to section 201 of Executive Order 11222 and the implementing regulations at 5 C.F.R. §735.202(a), without a written exception drafted by his/her agency and approved pursuant to subsection (b) discussed below, an employee of the Executive branch may not accept, directly or indirectly, **anything** of monetary value from an organization or person who:

- (1) Has, or is seeking to obtain, contractual or other business or financial relations with his/her agency;
- (2) Conducts operations or activities that are regulated by his/her agency;  
or
- (3) Has interests that may be substantially affected by the performance or nonperformance of his/her official duty.

Meals and entertainment, as items of monetary value, clearly fall within these restrictions.

---

\*The term "one-on-one" meals should not be read so literally as to cover only those situations where there is one host and one guest. It should be read to include any situation where one or more prohibited sources host one or a very small number of employees with or without their spouses at a restaurant or private club where the meal is purportedly the reason for the individuals to meet at that time. This is distinguished from the larger group gathering where the invitees and/or the hosts are more diverse. While acceptance of the meal during an occasion fitting the latter description may still be improper, there is some possibility it can be covered by an exception discussed herein.

"Further, pursuant to section 201 of E.O. 11222 and 5 C.F.R. §735.201(a), an Executive branch employee shall avoid any action, whether or not specifically prohibited by the Executive Order and Part 735 of Title 5 C.F.R., which might result in, or create the appearance of, using public office for private gain; giving preferential treatment to any person; making a government decision outside official channels; or affecting adversely the confidence of the public in the integrity of the Government."

Individuals or organizations who fall into any of the categories listed in 5 C.F.R. 735.202(a), or individuals or organizations who offer anything of monetary value to an Executive branch employee simply because of the employee's government position are considered "prohibited sources" for purposes of the memorandum. Consequently, the acceptance of a "one-on-one" meal from a "prohibited source," absent the application of a narrow exception regarding relatives and close personal friends, is prohibited. Furthermore, an employee's acceptance of food and refreshments at a larger group gathering hosted by a "prohibited source" is also prohibited, unless the agency's regulations contain an approved exception for such acceptance.

"Executive Order 11222 at subsection 201(b) recognizes that individual agencies may need to provide for certain exceptions to this broad restriction. These exceptions are to be tailored to situations where acceptance of gifts from otherwise prohibited sources might be appropriate in view of the agency's work and duties. The Order provides general examples of the kinds of exceptions anticipated. The regulatory provision for agency-specific exceptions is found in 5 C.F.R. §735.202(b) and, like the Executive Order, it sets forth examples of the kinds of exceptions agencies could consider for inclusion in their regulations.

"The exception which directly addresses the acceptance of food and entertainment from otherwise prohibited sources is found at 5 C.F.R. §735.202(b)(2). It states that an agency may develop an exception through regulation approved by the then Civil Service Commission, now this Office which would-

[p]ermit acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or an inspection tour where an employee may properly be in attendance."

This exception is the one which people have apparently relied upon in justifying the offer and acceptance of the "one-on-one meal." "It has been and is the position of this Office that a meal at a restaurant or private club during which some business may be discussed is **not** a meeting of the kind contemplated by this exception....What is contemplated by this exception is the kind of luncheon or dinner attended by a large group at which the employee is the guest speaker [often referred to as the 'rubber chicken' exception], or the real working meeting

at which food is brought in to facilitate the continuance of the work and is not itself the focus of the meeting....An agency which has adopted language similar to that of §735.202(b)(2), should have been, and must in the future, follow this interpretation when counseling its employees."

"The second exception which has been used occasionally to justify the acceptance of the "one-on-one" meal from an otherwise prohibited source is one based upon that suggested in §735.202(b)(1) for gifts given for-

'....obvious family or personal relationships....when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors.'

In many of its training sessions, OGE has heard individuals claim that they have worked with a non-government individual for so long that they have become personal friends, and that the meals offered by the non-government employee are based upon that relationship. If that is the case, then the exception would apply. What frequently occurs, however, is that the non-government individual uses the meals as a business deduction. Consequently, they are not gifts of a personal friendship, but are business expenses. "Further, even though the personal relationship may exist, certain government employees are in such conflict-sensitive positions that the perception of an improper gift will still be present. In those cases, we would hope that the government employee and the prohibited source/'friend' would recognize this and both strive to avoid creating any appearance of impropriety on the part of the government employee by simply enjoying each other's company without involving gifts."

"We have been encouraging agencies to review their regulatory exceptions in order to provide guidance to their employees on the issue of attending certain widely-attended receptions held by what might otherwise be prohibited sources. We believe that there are certain instances where an agency may have a legitimate interest in permitting attendance at certain group events where food is served so that employees may be able to meet on a less formal basis and have an interchange of ideas with a variety of individuals, including members of non-government groups, legislators and other government agency personnel, who are interested in but may have divergent positions on the same issues. The food and refreshments involved should of course, not be excessive." The general standards we have expressed to the FCC and others in the past who have wished to implement such a regulation are contained in the October 23 DAEO-gram.

"Again, it is important to stress two points. First, if an agency does not have such an exception, attendance at such an event by one or more of the agency's employees where the host is a prohibited source will fall within the restriction. Second, if an agency does have such an exception, it will still not permit the acceptance of the one-on-one meal."

In addition, the memorandum draws attention to three criminal conflict-of-interest statutes, 18 U.S.C. §201, 203 and 209, which may apply to the offer by nonfederal sources and acceptance by Executive branch employees of gratuities, which includes meals and entertainment. Although the memorandum did not analyze the statutes, it referred to recent court decisions and indicated that the application of the statutes to meals and entertainment would turn on the particular facts of the situation.

APPENDIXCUMULATIVE 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%	07-03-87	6.64%
04-11-86	6.31%	08-05-87	6.98%
05-14-86	6.56%	09-02-87	7.22%
06-06-86	7.03%	10-01-87	7.88%
07-09-86	6.35%	10-23-87	6.90%
08-01-86	6.18%	11-20-87	6.93%
08-29-86	5.63%	12-18-87	7.22%
09-26-86	5.79%	01-15-88	7.14%
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.

\* \* \* \*

TELETYPE TO ALL UNITED STATES ATTORNEYS  
FROM THE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

- 01/11/88 From Frederick J. Hess, United States Attorney, Southern District of Illinois, to All United States Attorneys, re: Multi-District Plea Agreements.
- 01/13/88 From Helen M. Eversberg, United States Attorney, Western District of Texas, to All United States Attorneys, re: Videos or Still Photographs About Significant Cases.
- 01/14/88 From Robert G. Ulrich, United States Attorney, Western District of Missouri, to All United States Attorneys, re: Press Conference.
- 01/21/88 From Laurence S. McWhorter, Director, Executive Office for U.S. Attorneys, to All United States Attorneys, re: Points of Contact for Bank Fraud Matters.
- 01/25/88 From Gail Williamson, Personnel Officer, Executive Office for U.S. Attorneys, to All Administrative Officers, re: Payroll Calendar of Significant Changes.

\* \* \* \*

UNITED STATES ATTORNEYS' LIST

<u>DISTRICT</u>	<u>U.S. ATTORNEY</u>
Alabama, N	Frank W. Donaldson
Alabama, M	James Eldon Wilson
Alabama, S	J. B. Sessions, III
Alaska	Michael R. Spaan
Arizona	Stephen M. McNamee
Arkansas, E	Charles A. Banks
Arkansas, W	J. Michael Fitzhugh
California, N	Joseph P. Russoniello
California, E	David F. Levi
California, C	Robert C. Bonner
California, S	Peter K. Nunez
Colorado	Robert N. Miller
Connecticut	Stanley A. Twardy, Jr.
Delaware	William C. Carpenter, Jr.
District of Columbia	Joseph E. diGenova
Florida, N	K. Michael Moore
Florida, M	Robert W. Merkle
Florida, S	Leon B. Kellner
Georgia, N	Robert L. Barr, Jr.
Georgia, M	Samuel A. Wilson
Georgia, S	Hinton R. Pierce
Guam	K. William O'Connor
Hawaii	Daniel A. Bent
Idaho	Maurice O. Ellsworth
Illinois, N	Anton R. Valukas
Illinois, S	Frederick J. Hess
Illinois, C	J. William Roberts
Indiana, N	James G. Richmond
Indiana, S	Deborah J. Daniels
Iowa, N	Charles W. Larson
Iowa, S	Christopher D. Hagen
Kansas	Benjamin L. Burgess, Jr.
Kentucky, E	Louis G. DeFalaise
Kentucky, W	Joseph M. Whittle
Louisiana, E	John Volz
Louisiana, M	P. Raymond Lamonica
Louisiana, W	Joseph S. Cage, Jr.
Maine	Richard S. Cohen
Maryland	Breckinridge L. Willcox
Massachusetts	Frank L. McNamara, Jr.
Michigan, E	Roy C. Hayes
Michigan, W	John A. Smietanka
Minnesota	Jerome G. Arnold
Mississippi, N	Robert Q. Whitwell
Mississippi, S	George L. Phillips
Missouri, E	Thomas E. Dittmeier
Missouri, W	Robert G. Ulrich

UNITED STATES ATTORNEYS' LIST  
(Continued)

<u>DISTRICT</u>	<u>U.S. ATTORNEY</u>
Montana	Byron H. Dunbar
Nebraska	Ronald D. Lahners
Nevada	William A. Maddox
New Hampshire	Richard V. Wiebusch
New Jersey	Samuel A. Alito, Jr.
New Mexico	William L. Lutz
New York, N	Frederick J. Scullin, Jr.
New York, S	Rudolph W. Giuliani
New York, E	Andrew J. Maloney
New York, W	Roger P. Williams
North Carolina, E	J. Douglas McCullough
North Carolina, M	Robert H. Edmunds, Jr.
North Carolina, W	Thomas J. Ashcraft
North Dakota	H. Gary Annear
Ohio, N	Patrick M. McLaughlin
Ohio, S	D. Michael Crites
Oklahoma, N	Tony Michael Graham
Oklahoma, E	Roger Hilfiger
Oklahoma, W	William S. Price
Oregon	Charles H. Turner
Pennsylvania, E	Edward S. G. Dennis, Jr.
Pennsylvania, M	James J. West
Pennsylvania, W	J. Alan Johnson
Puerto Rico	Daniel F. Lopez-Romo
Rhode Island	Lincoln C. Almond
South Carolina	Vinton DeVane Lide
South Dakota	Philip N. Hogen
Tennessee, E	John W. Gill, Jr.
Tennessee, M	Joe B. Brown
Tennessee, W	W. Hickman Ewing, Jr.
Texas, N	Marvin Collins
Texas, S	Henry K. Oncken
Texas, E	Robert J. Wortham
Texas, W	Helen M. Eversberg
Utah	Brent D. Ward
Vermont	George J. Terwilliger III
Virgin Islands	Terry M. Halpern
Virginia, E	Henry E. Hudson
Virginia, W	John P. Alderman
Washington, E	John E. Lamp
Washington, W	Gene S. Anderson
West Virginia, N	William A. Kolibash
West Virginia, S	Michael W. Carey
Wisconsin, E	Patricia J. Gorence
Wisconsin, W	Patrick J. Fiedler
Wyoming	Richard A. Stacy
North Mariana Islands	K. William O'Connor



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

**Order Directing New and Expanded  
Initiatives in the Federal Organized Crime Effort**

In order to achieve the optimum integration of all available resources in the federal organized crime enforcement effort, and to take full advantage of the proceedings and recommendations of the President's Commission on Organized Crime and the United States Attorneys' Advisory Committee, it is hereby directed that:

1. The United States Attorney is the chief federal prosecutor in each judicial district. As is appropriate to that statutory role, the United States Attorney shall play a leading role in the development and implementation of an organized crime enforcement plan in each district. Within 90 days of this Order, each United States Attorney in a district in which a Strike Force is active shall submit to the Attorney General in writing a strategic plan to identify and address organized crime conditions in his or her district. This plan shall be updated annually thereafter. These district organized crime enforcement plans shall be drawn up with the participation of the local Law Enforcement Coordinating Committee, and the local Strike Force Executive Committee, if any.

2. In the interests of efficiency and effective law enforcement, Strike Force operations shall be coordinated with United States Attorney's office operations in the following manner:

a) Strike Force handling of investigative matters shall be contingent upon the submission of a Case Initiation Report immediately upon the Strike Force's initial participation in a matter and upon the United States Attorney signifying approval in writing or by allowing ten days to pass without objecting to the Strike Force handling.

b) United States Attorney's concurrence will be required for all of the following:

- Title III (electronic surveillance) requests
- informations
- indictments
- immunities
- dual prosecution policy waivers
- media and attorney subpoenas
- negotiated dispositions
- sentence recommendations.

- 2 -

c) The Strike Force Attorney in Charge shall consult with the United States Attorney prior to all major investigative steps, e.g., arrest and search warrants, to the fullest extent possible. When a case reaches the indictment stage, the United States Attorney shall have the responsibility to determine the composition and duties of the litigation team, at least one of whom shall be a Strike Force attorney.

d) The United States Attorney or his designee shall handle all media relations in Strike Force matters.

e) Strike Force Attorneys in Charge shall be appointed by the Assistant Attorney General of the Criminal Division after receiving the advice of the United States Attorney for the district in which the Strike Force is located.

f) The United States Attorney in the headquarters city of each Strike Force will be the rating official for the Attorney in Charge's annual performance rating. The reviewing official for the Attorney in Charge's annual performance rating will be the Assistant Attorney General of the Criminal division, who shall receive and consider the written advice of the Chief of the Organized Crime and Racketeering Section, Criminal Division, and the responsible Deputy Assistant Attorney General. The rating official for the annual performance ratings of Strike Force Attorneys will be the Strike Force Attorney in Charge. The reviewing official will be the relevant Deputy Chief of the Organized Crime and Racketeering Section, Criminal Division.

g) Each Attorney in Charge shall participate in meetings and operations of the United States Attorney's Office as the principal advisor for organized crime matters, and shall attend all weekly or other periodic meetings of supervisory personnel in the headquarters United States Attorney's Office. The Attorney in Charge will fully brief and consult with the headquarters district United States Attorney weekly, and with other United States Attorneys as requested by them, on all district Strike Force activities, resource allocations and investigative/prosecutive strategy. The United States Attorney shall furnish appropriate guidance on all such matters. Each Strike Force Executive Committee shall meet not less frequently than monthly.

h) Strike Forces shall be housed in close proximity to the United States Attorneys' offices, consistent with contractual commitments and logistical conditions, in order to achieve cost-effective sharing of facilities and resources (e.g., law libraries) and to promote a community of effort.

- 3 -

i) This Order is not intended to modify or repeal any provision of the United States Attorneys' Manual except to the extent inconsistent herewith, nor confer any rights, privileges or benefits upon subjects of investigation or upon defendants. See United States v. Caceres, 440 U.S. 741 (1979).

Dated: 20 January 1988

Edwin Meese III  
EDWIN MEESE III  
Attorney General