



UNITED STATES ATTORNEYS' BULLETIN

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FORTY-THIRD YEAR

JUNE 1, 1995

To Our Readers:

This edition of the United States Attorneys' Bulletin is dedicated to the victims and all of our friends and colleagues in Oklahoma City. We were all horrified by the tragedy that has occurred and, at the same time, we have all worked together to do whatever we can to contribute to the healing process.

The true heroes in this have been the members of the Office of the United States Attorney for the Western District of Oklahoma and our other friends in the federal agencies that were affected by this terrible tragedy. Together they have worked to begin the healing process and continue the necessary business of the Department of Justice and the Government.

Many United States Attorneys' offices have provided direct assistance to our efforts to establish and maintain the Command Center that has been set up in Oklahoma City. They are providing staff and anything that is needed to ensure that the Command Center is operating smoothly and supporting the investigators and attorneys who are working on this case. In addition, members of the Department's Employee Assistance Program have assured that services were available to Department of Justice employees. Members of the Executive Office for United States Attorneys have assisted in the acquisition, transportation, and installation of equipment and services in direct support of the Command Center and the Office of the United States Attorney. The Criminal Division has assisted us in providing much needed parts for the computer system. The Office of Victims of Crime has assisted in providing victim/witness assistance.

I wish to thank the many people who are contributing to the efforts to assist in Oklahoma City. I apologize if I have forgotten anyone in this expression of thanks. The unending offers of support and assistance from throughout the country have been truly unbelievable. The resolve of the many men and women that make up the Department of Justice family will allow us to move forward. It has also heightened our awareness of the value of life, family, and friendships. We thank you for your continued support.

Sincerely,

A handwritten signature in cursive script that reads "Carol DiBattiste".

Carol DiBattiste

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*From the
Editor-in-Chief*

In order to better serve Assistant United States Attorneys and United States Attorneys, we have been soliciting your ideas on how to make the Bulletin a more useful publication. This issue reflects some of the innovations you have suggested, including an article about a new litigation technique, the Transcript Presentation Manager; an update from the Office of Legal Education's Publications Unit; some computer-related news; and a more readable format. Future issues will bring further changes. After this issue, commendations will no longer be published in monthly editions of the Bulletin. Instead, we will publish a special issue once a year to highlight your significant accomplishments. Also for future issues, we are considering including interviews with Department officials on key issues, and historical articles about the development of the Department. In short, we hope that the Bulletin will be a vehicle to unite headquarters in Washington, DC, with the field. Please continue to provide us with your input by contacting me at (202)616-5210 or by Email at AEX02(DNISSMAN).



David Marshall Nissman

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ATTORNEY GENERAL HIGHLIGHTS

Civil Rights Bluesheet

On May 10, 1995, Attorney General Janet Reno signed the new Civil Rights bluesheet which was forwarded to All United States Attorneys and the Assistant Attorney General, Civil Rights Division. The newly renamed Sections 8-3.000 through 8-3.150 in the bluesheet replace the previously applicable Sections 8-3.000 through 8-3.150 in Title 8 of the *United States Attorneys' Manual*, and the bluesheet supersedes any remaining provisions of Title 8, Chapter 3, of the *United States Attorneys' Manual* which are inconsistent with the new bluesheet.

Administration's Counterterrorism Legislation

On May 1, 1995, the President transmitted to Congress the Antiterrorism Amendments Act of 1995. This bill and the Omnibus Counterterrorism Act of 1995, which was transmitted to Congress on February 9, 1995, represent a concerted effort to improve the Government's ability to detect both foreign and domestic terrorism. A copy of the Fact Sheet on the Administration's Counterterrorism Legislation is attached as **Appendix A**. Questions concerning the Anti-terrorism Amendments Act of 1995 should be directed to Assistant United States Attorney Monte Stiles, Executive Office for United States Attorneys, (202)514-1023.

AG Addresses Federal Law Enforcement Officers' Association

On May 5, 1995, Attorney General Janet Reno addressed the Federal Law Enforcement Officers' Association in Newark, New Jersey, in honor and recognition of acts of valor, courage, and great devotion, including the four Alcohol, Tobacco and Firearms agents who gave their lives, and the sixteen wounded, at Waco. Agents Stephen Willis, Robert Williams, Conway LeBleu, and Todd McKeehan perished doing their duty. Daniel McFadden of the Park Police rescued three aliens in the Atlantic waters. Chris Bauer and Michael Brenner of the Customs Service rescued crew members of a sinking fishing ship off Cape Cod. The quick actions of Rebecca Perkins of the General Services Administration were instrumental in saving a fellow Federal officer. The Attorney General said that law enforcement is one of the most difficult jobs in America, and that law enforcement officers are American heroes.

AG Responds to Media Questions about Oklahoma Bombing

In her weekly press conference on Thursday, May 4, 1995, Attorney General Reno responded to media questions about the Oklahoma City bombing and related issues. Excerpts from the press conference are reprinted below:

Q – Attorney General, yesterday several Democratic congressmen called for hearings into the militia movement in this country. Do you think such congressional hearings would be a good idea, and do you think the Justice Department could add anything to that debate if such hearings were to be held?

Atty Gen. Reno – I would defer to Congress as to how it should pursue issues, but I think it is important that we do it carefully, thoughtfully, without politics, and in a thoughtful bipartisan way. I think it is important that we address what we as a nation can do in a thoughtful way, consistent with due process to prevent the violence that occurred in Oklahoma City.

Q – If I may follow, do you feel we fully understand all of the ramifications and intents of the various militia movements out there?

Atty Gen. Reno – Sir, I could never understand what happened in Oklahoma City and anything related to it.

Q – Does that mean you think Oklahoma City was related to the militia?

Atty Gen. Reno – The question that was posed was do we think we fully understand all that's going on out there. And I, for one, do not understand and cannot comprehend anybody that would do something like Oklahoma City or anything related to it.

Q – General Reno, is the search for John Doe #2 stalemated at the moment?

Atty Gen. Reno – Again, the bureau has a large number of leads and is pursuing each lead. At this point, John Doe #2 has not been identified.

Q – How much of a disappointment was Jacks and Land?

Atty Gen. Reno – When you talk about a disappointment, it is a disappointment that John Doe #2 has not been identified or taken into custody. But it is also important that people who are not guilty, who are not implicated, are quickly clarified as such. And so I'm glad that that

process worked where those very unusual coincidences took place.

Q – Ms. Reno, are investigators convinced or do we know, in fact, whether there is a John Doe # 2, or is that being rethought?

Atty Gen. Reno – Again, I would not comment on any other aspect of it.

Q – Attorney General, the National Rifle Association's leaders say that they have been unfairly linked with the kind of militia groups that are associated with the Oklahoma City bombing. Do you think that's true? And secondly, they're calling for, along with some members of Congress, hearings, of course, into the Waco case and Ruby Ridge. Is that timing inappropriate, given what's going on right now?

Atty Gen. Reno – So far, I know of no links between the NRA and what happened in Oklahoma City, and I think it is important that nobody jump to conclusions, that nobody link anybody to something unless there is solid evidence to support it. I also think it is important that we talk together in a thoughtful dialogue about the issues that confront this country, and I look forward to continuing to do that with those that want to pursue thoughtful, constructive dialogue.

With respect to the hearings, I think if there are hearings, they have got to be done in a thoughtful, objective, bipartisan way. To inject politics into this is wrong. I think all Americans concerned about the future of this country want to do everything they can to avoid the violence, to prevent the horror of Oklahoma City, to end the violence on our streets. The best way to do that, I think, is for us to come together, working with law enforcement to insure a firm, fair law enforcement that is consistent with due process, while at the same

time taking all steps possible to prevent violence before it starts.

Q – Miss Reno, on use of military in counterterrorism, you and Deputy Attorney General Gorelick have characterized the administration's proposal to revise posse comitatus as being rather narrow, limited, just an extension of chemical and biological cases. But in the counter-terrorism bill, it appears that there's language that suggests a much broader use of the military in any number of investigations. Do you see any contradiction there?

Atty Gen. Reno – We want to work with Congress to draft legislation that is as narrow as possible, while at the same time it would permit us to use, in instances where the military had the only expertise with respect to a chemical agent or some biological agent, that we could use their assistance in a very narrow and limited way. And as I told the leaders of Congress when they met with the president, we want to work with them on this legislation to make sure that it's crafted very narrowly, that it's done consistent with due process and our traditional concerns, and that it gives us the access to the assistance that the military can provide.

Q – Just a follow-up, the Section 101 on counterterrorism bill doesn't seem very narrow at all, just on a surface reading of it. Does that concern you?

Atty Gen. Reno – What we want to do, and what I told Senator Dole and others, is that we would like to be able to sit down with their staff and, as we work through this issue, craft the most careful legislation possible.

Q – Ms. Reno, when you say you wanted to be able to use the military with chemical or biological agent attack – to do what? What would they do?

Atty Gen. Reno – For example, if there were a chemical attack where the military had the only expertise concerning the chemical agents involved and they knew how to handle it and what to do, I think it would be imperative for this nation's safety that they be able to assist in addressing that problem.

Q – So it's strictly to clean up, and if that were the case, does that require a change in the posse-comitatus law?

Atty Gen. Reno – It might not just be to clean up, it might be to prevent as well, to participate with law enforcement to, in certain instances, participate with law enforcement in suggesting how to apprehend somebody so there wouldn't be a danger to the surrounding community. It's based on common sense. If the military is the only agency with expertise in this area, I don't think we want to risk our nation's safety, our citizen's safety, if we can craft a solid piece of legislation that gives us access to that knowledge and that expertise while at the same time properly limiting the military's role.

Q – Does the FBI even have that much nuclear, biological and chemical equipment, such as the special suits and the special equipment used to clean up areas?

Atty Gen. Reno – When you talk about equipment, there have been situations where we have been able to use military equipment but not the military personnel by contract or other means. But it is the expertise that we are really saying, look, if the military has that expertise and if it is critical, surely we can work together to craft a piece of legislation that limits the military role, while at the same time ensuring the access to the expertise.

Q – A couple of outside witnesses, ma'am, in the last week at the Judiciary Hearing at the Senate suggested that these militias, these

ad hoc militias, have no legal standing under the law. In fact, the words in the Constitution, "well regulated militia" imply that somebody should regulate these organizations. Do you have any feelings about – any attitudes on whether these militias are legal or not and whether there's an area for Federal oversight in the operation of these organizations?

Atty Gen. Reno – Again, I think it is important that those groups that want to meet, even if they disagree with Government, have the right to meet, to talk. I think it is important that Government take those steps that are reasonable and prudent to follow up on leads that indicate that violence may occur. And I don't think that that should be associated necessarily with militia groups. I think we have got to be very careful that we do not characterize a group and generalize from the action of one person to a group as a whole. I think it is important that we pursue all of these issues looking at what law enforcement's role should be, which is the pursuit of evidence to prevent crime.

Q – You mentioned interpreting the guidelines on domestic surveillance. Are you and the FBI Director, do you think, on the same wavelength in terms of what the FBI can and cannot do?

Atty Gen. Reno – I think we both feel very comfortable with our general feeling about the guidelines: that properly construed, they can give law enforcement the tools to do the job.

Department Urges Congress to Retain Heavier Penalties for Crack Cocaine Offenses

The Justice Department submitted legislation to Congress to correct a recommendation by the United States Sentencing Commission that

would dramatically reduce the punishment for trafficking in crack cocaine.

Attorney General Janet Reno opposes measures that fail to reflect the harsh and terrible impact of crack on communities across America. Opposition was also voiced by the United States Attorneys, who met at the United States Attorneys' Conference in San Antonio, Texas, April 10-14, and by Jo Ann Harris, Assistant Attorney General in charge of the Criminal Division, who represents the Justice Department on a non-voting basis at meetings of the Sentencing Commission. On April 10, 1994, the Commission voted 4-3 to make the penalties for crack cocaine offenses equal to those for powder cocaine, despite evidence that crack does greater harm to vulnerable communities. The Commission's recommendation would become law November 1 if no action is taken by Congress to reject it.

Although the Justice Department has recognized that an adjustment in the current penalty structure might be appropriate, it has maintained that any such adjustment must reflect the greater dangers associated with crack as opposed to cocaine powder. Chairperson of the Attorney General's Advisory Committee, Michael Stiles, said that United States Attorneys believe the Sentencing Commission made a serious mistake in recommending equivalent treatment of crack and powder cocaine offenses, and that the overwhelming reaction of Federal prosecutors is that the recommendation was inappropriate. The Attorney General and the United States Attorneys also expressed their opposition to the Commission's decision to significantly reduce sentences in money laundering cases -- an important weapon in combatting narcotics violations, health care fraud, and financial institution fraud.

Administration Launches Bill to Help End Illegal Immigration

On May 3, 1995, Attorney General Janet Reno and Immigration and Naturalization Service (INS) Commissioner Doris Meissner announced the Clinton Administration's new and comprehensive initiative, The Immigration Enforcement Improvements Act of 1995, to help end illegal immigration. It was also introduced in the Senate by Senators Edward M. Kennedy (D-MA), Paul Simon (D-IL), and Barbara Boxer (D-CA). The Act will expand the Administration's efforts to control our nation's borders, aggressively pursue and expedite the removal of criminal and other illegal aliens, enhance the ability of the INS to find and penalize smugglers, eliminate the job magnet through increased work site enforcement, and improve employment verification systems. Several measures in the bill will make it faster and easier for the U.S. to exclude and deport illegal aliens. If you would like a copy of the press release outlining these measures, please contact the *United States Attorneys' Bulletin* Staff, (202)514-3572.

Deportation of Criminal Aliens

On April 28, 1995, the Attorney General forwarded a memorandum to all Federal prosecutors outlining the Administration's commitment to deporting criminal aliens from the United States as expeditiously as possible. It provides prosecutors with a general overview and policy guidance on (1) using stipulated administrative deportation orders in connection with plea agreements; (2) providing for deportation as a condition of supervised release under 18 U.S.C. § 3583(d); and (3) seeking judicial deportation

orders pursuant to the recently enacted judicial deportation statute, 8 U.S.C. § 1252a(d). Federal prosecutors should seek the deportation of deportable alien defendants in whatever manner is deemed most appropriate and exceptions must have written approval of the United States Attorney or a designated supervisory Assistant United States Attorney. For a copy of the Attorney General's memorandum, please contact the *United States Attorneys' Bulletin* Staff, (202)514-3572.

Migration Relationship Agreement Between United States and Republic of Cuba

On May 2, 1995, Attorney General Janet Reno announced a modification to our Cuban migration policy. This modification will seek to address safety and humanitarian concerns and to ensure that migration between the countries is safe, legal, and orderly. If you would like a copy of the White House press release detailing the agreement, please contact the *United States Attorneys' Bulletin* Staff, (202)514-3572.

Department Consolidates Air Fleets to Transport Prisoners and Criminal Aliens

Two air flight systems to transport criminal aliens and prisoners have been merged into a single, coordinated airline with regular routes, hubs, and a feeder system like other airlines. The main hub will be in Oklahoma City. The

consolidation, recommended by the Aviation Policy Working Group under the direction of FBI Director Louis Freeh, will maximize use of the air fleets operated by the Immigration and Naturalization Service and the Marshals Service. The fleet includes two Boeing 727's, a DC-9, a Convair, a Gulfstream G-1, and four Sabreliners, totaling nearly 500 seats. Nearly 40 cities will be served under the new system which features an 1,800 bed Bureau of Prisons transfer facility adjacent to the U.S. Marshals' air facility at Will Rogers Airport.

Outplacement Efforts for the Civil Division's Portland Field Office Attorneys

On April 27, 1995, Deputy Attorney General Jamie Gorelick forwarded a memo concerning outplacement efforts for six attorneys working in the Civil Division's Portland, Oregon, Field Office which is scheduled to close on September 30, 1995. The office was established to handle the Washington Public Power Supply System (WPPSS) litigation which was recently settled. Three of the attorneys have indicated an interest in relocating to New York City and/or Washington, D.C., if positions are not available in the west. The memorandum encloses the attorneys' qualifications and requests that they be considered for vacancies. If you would like a copy of the Attorney General's memorandum, please call the *United States Attorneys' Bulletin* Staff, (202)514-3572.



UNITED STATES ATTORNEYS' OFFICES

The Transcript Presentation Manager

Las Vegas AUSA Walt Ayers was involved in a case that had hundreds of recorded conversations. In preparing the case for court, he realized how difficult and inefficient traditional methods of transcript preparation and audio redaction were. He approached his systems manager, Rudy Ferrara, and asked him to develop a computer program that would provide instantaneous reduction capabilities and would display the transcript on a large screen while the tapes were being played for the jury.

The result of this inquiry is the Transcript Presentation Manager (the Manager)—the latest technology in computer litigation, and a program that may eventually take the place of audiotapes in the courtroom. It uses Windows 3.1, making it very simple to operate. Investigating agencies' stenographers can use the Manager to transcribe conversations directly on the computer.

The Manager works by converting the analog audiotape to a digital sound file, and matching the transcript along a time line. This produces an electronic copy of the sound and text. The digital format is easier to hear and control than the audiotapes, and the digitized audio on the computer is easier to understand than the analog tape on standard dictation machines, a feature that appeals to transcribers. Hardware to run the Manager costs less than \$5,000 and is reusable for other cases. It includes a Windows compatible sound card (\$250), a 1-2 gigabyte hard drive (less than \$1,000), and a 27-inch monitor with speakers for jury presentations (\$2,700).

The Transcript Presentation Manager is now available from the Executive Office for United States Attorneys' Office Automation Staff at no cost. Please contact Carol Sloan at (202)616-6969 for further information.

Commendations

The following Assistant United States Attorneys have been commended:

Lee Altschuler and Dennis Michael Nerney (California, Northern District), by Senior Resident Agent Scott G. Pearson, United States Department of the Interior, Fish and Wildlife Service, for Lee's successful prosecution of three defendants for violating the Endangered Species Act, and for Michael's successful prosecution of a case involving smuggling of endangered plants.

Robert C. Anderson (Tennessee, Middle District), was presented a plaque by Special Agent in Charge Raymond McKinnon, and Resident Agent in Charge Vincent Morgano, Drug Enforcement Administration, Atlanta Field Division, for his support of cooperative law enforcement efforts in narcotics cases in Tennessee.

John Beasley (District of Columbia), by District Director William J. Carroll, Immigration and Naturalization Service, for his successful prosecution of United States v. Sao Katok, Linda Troung, and Chau Van Nguyen, a case that violated the Mann Act.

John H. Bennett (North Carolina, Eastern District), by Captain Charles S. Harris, United States Coast Guard, for his successful prosecution of United States vs. Etheridge, an extortion case.

Michael J. Bidwill (District of Arizona), by Special Agent in Charge Thomas J. Kneir, FBI, Albuquerque, New Mexico, for the successful prosecution of United States vs. Victor Martinez, a multiple shooting incident occurring at the San Juan Indian Pueblo.

Barbara Bisno and Mark Lavine (Florida, Southern District), by Chief Mary C. Spearing, Fraud

Section, Criminal Division, for their presentations to the Health Care Fraud Working Group.

Edwin B. Brzezinski and Joseph B. Moore (Missouri, Eastern District), by Regional Director William W. Schenk, National Park Service, for their successful prosecution in a recent case involving a concession operation that violated recently implemented concession regulations at the Ozark National Scenic Riverways.

Mark Byrne and Steven Arkow (California, Central District), by Sheriff Sherman Block, County of Los Angeles, for their prosecution of Edward Jamison in United States vs. Jamison, for making false statements on a tax return and structuring transactions to avoid current reporting requirements.

Darcy A. Cerow (District of Arizona), by Special Agent in Charge Bernard L. LaForest, Bureau of Alcohol, Tobacco and Firearms, for the successful prosecution of United States v. William Schoening, et al., a case involving a conspiracy to unlawfully transfer unregistered destructive devices and unlawful transfer of destructive devices.

Kenneth Chadwell (Michigan, Eastern District), by Special Agent Joseph S. Secrete, Bureau of Alcohol, Tobacco and Firearms, Detroit, for his valuable assistance and representation in the investigation and prosecution of an armed career criminal in United States v. Ragazzino.

Ronald Cheng; Michael Terrell; James P. Walsh, Jr.; Michael C. Zweiback; and David C. Scheper (California, Central District), by Special Agent in Charge George A. Rodriguez, Bureau of Alcohol, Tobacco and Firearms, for their successful efforts in prosecuting firearms felonies.

David Corra and Allyson Fritz (Florida, Southern District), by Commissioner James T. Moore, Florida Department of Law Enforcement, for their assistance during "Operation Crackerjack/Sidearm," an HIDTA/OCDEFT investigation.

Bryan Daly, Nathan Hochman, William W. Carter, and former AUSAs Carol Gillam and Adam Schiff (California, Central District), by Director Louis J. Freeh, Federal Bureau of Investigation, for their outstanding performance during the investigation and successful prosecution of Agri-Empire, Inc., for violating the Resource Conservation and Recovery Act.

Mark Davis (Virginia, Eastern District), by Assistant Director-in-Charge W. Lane Crocker, FBI, Washington, D.C., for his excellent lecture on gun violations in the District of Columbia at a recent meeting of FBI agents.

Kimberly Dunne and Barbara Scheper (California, Central District), by Sheriff Sherman Block, County of Los Angeles, for their distinguished participation in the "Operation Big Spender" corruption investigation and their work in connection with the case, United States v Jack Grey, et al.

Joan E. Evans (Virginia, Eastern District), by Special Agent in Charge Frank J. Frysiek, U.S. Customs Service, Sterling, Virginia, for her successful prosecution of 12 defendants who were involved in a long-term cocaine smuggling operation from Kingston, Jamaica, to the United States.

Patrick Fitzgerald (California, Central District), by Special Agent in Charge James E. Bauer, U.S. Secret Service, for his successful prosecution of United States v. Giora Eshkol, a counterfeiting investigation.

Penelope Coblentz Fleming, Charles A. Guadagnino, Susan M. Knepel, Michelle A. Leslie, William J. Lipscomb, Matthew V. Richmond, Monica Rimai, Lisa T. Warwick, and Nancy-Ellen Zusman (Wisconsin, Eastern District), were honored by Director David M. Mikelson, Food Stamp Program, and Officer in Charge, Food and Consumer Service Field Office, United States Department of Agriculture, for their vigorous and effective advocacy in both written submissions and oral arguments to the Federal district courts, and for successfully defending the administrative actions of the Department of Agriculture against numerous individuals charged with violations of the Food Stamp Act.

Nicholas Gess (District of Maine), by Patrick J. Kennedy, Member of Congress, for his participation in a recent Crime Bill conference at Salve Regina University in Newport.

Robert E. Goldman (Pennsylvania, Eastern District), by Chief Lawrence M. Beeman, Mine Safety and Health Administration (MSHA) for his successful prosecution of a mine foreman for threatening to assault a Mine Safety and Health Administration coal mine inspector and for providing a false statement to the MSHA accident investigation team.

Daniel Goodman and Stefan Stein (California, Central District), by Sheriff Sherman Block, County of Los Angeles, for their dedicated participation and noteworthy accomplishments while serving as members of the "Operation Big Spender" Task Force, and their work in connection with the prosecution of United States v. J. C. Miller, et al., a police corruption case.

Mikal G. Hanson (District of South Dakota), by Director Grace Mendez, Children's Helper Project, Standing Rock Sioux Tribe, Fort Yates, North Dakota, for his valuable training program concerning the prosecution

of various cases occurring on the Standing Rock Sioux Reservation.

Mark S. Hardiman (California, Central District), by Inspector in Charge L. S. Crawford, Jr., United States Postal Inspection Service, Los Angeles Division, for his outstanding advocacy skills in presenting an armed assault case to the Grand Jury.

Joseph H. Hartzler (Illinois, Central District), was named the 1995 Multiple Sclerosis Father of the Year by the Multiple Sclerosis Society, and was honored by President Clinton in a ceremony at the White House on May 19, 1995.

Bruce R. Hegyi (District of Columbia), by Major General Nolan Sklute, Judge Advocate General, Department of the Air Force, Washington, D.C., for his successful representation of the Air Force in a complicated contract dispute.

Mark Hulkower, Robert Chesnut, and Gordon Kromberg (Virginia, Eastern District), by Director Louis J. Freeh, FBI, Washington, D.C., for their success in obtaining guilty pleas of Aldrich and Rosario Ames; the forfeiture of property acquired with the proceeds of illegal activities; and the repatriation of money from their overseas accounts.

Janice Innis-Thompson, Inspector Richard Donovan, and LECC/Victim-Witness Coordinator Joan Wickett (New York, Western District), for assisting with seminars for senior citizens on protecting themselves against fraud.

Wendy Jacobus (Florida, Southern District), by District Counsel K. Sue Meyer, Department of Veterans Affairs, Bay Pines, Florida, for obtaining a judgment in favor of the United States in a complex medical negligence case.

Stephen R. Kaufman (Pennsylvania, Western District), by

Acting Special Agent in Charge Robert J. Friedman, Jr., FBI, Pittsburgh, for his professional skill in bringing a consumer product tampering case to a successful conclusion.

Dennis Kennedy (Virginia, Eastern District), by Director Louis J. Freeh, FBI, for support during an investigation into a bank embezzlement case, and for bringing the case to a favorable conclusion.

E. James King (Michigan, Eastern District), by Assistant Special Agent in Charge Melvin Smith, DEA, for his outstanding effort in instructing a group of state and local police officers on conspiracy investigations, Federal statutes, and courtroom testimony.

John Klein (Virginia, Eastern District), by Deputy Assistant Director John R. Michaud, Training, Naval Criminal Investigative Service, Washington, D.C., for his outstanding presentations on prosecuting fraud cases and search warrants at a Basic Procurement Fraud Investigations Course in Dam Neck, Virginia.

Lisa Lench (California, Central District), by Executive Director William T. Waters, Los Angeles Metropolitan High Intensity Drug Trafficking Area, for her assistance and support to agents and task force officers assigned to the Southern California Drug Task Force, and for assistance during the investigation of Operation Fox Hunt.

Tom LeClaire (District of Arizona), by Superintendent Joseph F. Alston, Glen Canyon National Recreation Area, National Park Service, Department of the Interior, Page, Arizona, for providing a legal update for the law enforcement staff and for his valuable contribution to the success of the annual law enforcement refresher.

James R. Lesousky (Kentucky, Western District), received a Certificate of Commendation for his outstanding work with victims of fraud, white collar, and violent crime cases. Also receiving certificates were **Legal Secretary Beverly Koloms; Debt Collection Agents Debbie Beld, Kim Breit, Wendy Parel, and Supervisory Debt Collection Agent Roberta Brazzell.**

James R. Mann (Louisiana, Eastern District), by Inspector in Charge K. D. Kell, U.S. Postal Inspection Service, New Orleans, for his professional efforts in obtaining guilty pleas on child pornography cases.

Charlotte Mapes (District of Colorado), received a Certificate of Appreciation from Chief Counsel Dennis F. Hoffman, Drug Enforcement Administration, Washington, D.C., for her valuable assistance in responding to a discovery order in a case in Colorado Springs, and for bringing the matter to a satisfactory conclusion.

Anna Martinez (Florida, Southern District), by G. Honey, Drugs Liaison Officer, HM Customs and Excise, British Consulate, Miami, for her successful prosecution of a drug importation case.

Iden Martyn (EOUSA and Ohio, Northern District), by all members of the Native American Issues Subcommittee of the Attorney General's Advisory Committee, for his notable achievements on a variety of Native American issues.

Kevin G. Matthews and Patrick M. Brady (California, Southern District), by Director Louis J. Freeh, Federal Bureau of Investigation, for their efforts in the investigation into the illegal acquisition of the Independence Bank in Encino, California.

Kathleen McDermott (District of Maryland), by Robert L. Vogel, Attorney at Law, Washington, D.C., for negotiating acceptable settlement in U.S. ex rel. Schenherr v. U.S. Homecare Corp., a home health care fraud case.

James Mitchell (Michigan, Eastern District), received a Certificate of Appreciation from District Director Dennis A. Mickel, Federal Protective Service Division, General Services Administration, Detroit, for delivering an excellent presentation at a "Violence in the Workplace" workshop for Federal managers and supervisors.

Thomas O. Mucklow; Robert H. McWilliams, Jr.; and Sam Nazzaro (West Virginia, Northern District), by James W. Davis, Jr., Office of the Prosecuting Attorney, Hancock County, New Cumberland, for their efforts in several cases against defendants involved in a murder.

Sherry Muncy (West Virginia, Northern District), by Regional Inspector General for Investigations Jon E. Novak, Department of Agriculture, Riverdale, Maryland, for her successful prosecution of a honey producer who defrauded the Agriculture Department of approximately \$125,000 in loan funds in 1992.

Paula Newett (Virginia, Eastern District), by Brigadier General M. Scott Magers, Acting Judge Advocate General, Department of the Army, Washington, D.C., for her excellent representation in a Title VII discrimination and retaliation case which resulted in a favorable jury verdict for the Army on all 28 causes of action.

Paula Newett, Larry Gregg, Dennis Szybala, and Victim Witness Coordinator Karen Spinks (Virginia, Eastern District), by Colonel Timothy E. Naccarato, Chief, Litigation Division, Office of

the Judge Advocate General, Department of the Army, Arlington, Virginia, for their valuable assistance and support of the Department of the Army in the discrimination and retaliation case described above.

Karen Norris (Texas, Western District), by District Counsel Logan A. Slaughter, Department of Veterans Affairs, Houston, for securing a dismissal of a tort case.

Sharon Novitsky (District of Arizona), by Program Coordinator Michael Zahab, Arizona Trial Lawyers Association, Phoenix, for her excellent presentation on DNA and the law at the 1995 People's Law School Spring Session at the Arizona State University College of Law.

Ira Oring (District of Maryland), by Special Agent in Charge Steven W. Mason, United States Secret Service, Baltimore, for his exemplary prosecutorial efforts in United States v. Albert Brown, et al., a bank fraud case.

Rodolfo Orjales (California, Northern District), by U. S. Postal Inspectors Robert C. Wight and Robin O. Shipman, United States Postal Inspection Service, San Francisco, for his outstanding work on the Carton-Hodgson, Inc. case.

John F. Paniszczyn (Texas, Western District), by Logan A. Slaughter, District Counsel, Department of Veterans Affairs, Houston, for his excellent representation in the successful defense of a medical malpractice case.

Special Assistant United States Attorney **Barbara Papademetriou** (Florida, Southern District), by Inspector in Charge R. B. Cesa, United States Postal Inspection Service, Miami Division, for her successful handling of a civil forfeiture case.

Stephen Parker (Tennessee, Western District), by Director of Fire Services Charles E Smith, City of Memphis, for successful prosecution in U.S. v. Cortezi, an arson case that resulted in the death of four individuals including two fire fighters.

Warrington S. Parker III (California, Central District), by Inspector in Charge L. S. Crawford, Jr., United States Postal Inspection Service, Los Angeles, for his successful prosecution of an armed assault case.

Richard G. Patrick and Michael A. Johns (District of Arizona), by Director Burrett Clay, Bureau of Land Management, Department of the Interior, Phoenix, for their excellent presentations on bankruptcy and injunctive relief at the National Training Center in Phoenix.

Rosa Rodriguez-Mera (Florida, Southern District), by Special Agent in Charge James S. Milford, Drug Enforcement Administration, West Palm Beach, for her superlative performance in the prosecution of a Palm Beach County case that was severed at indictment, which created two separate trials, judges, motions, etc.

Vivan Rosado (Florida, Southern District), by Deputy Administrator Stephen H. Greene and Chief Counsel Dennis Hoffman, Drug Enforcement Administration, Washington, D.C., for her excellent representation in Enrico Verdolin vs. Janet Reno, an age discrimination case. She was also commended by Chief Counsel Bruce Granger, Department of Health and Human Services, Atlanta, for her excellent motion that resulted in the court dismissing the Margarita Soto Canino v. Dr. Philip Lee, Dir., Public Health Service; Kathleen M. Hawk, Dir., U.S. Federal Bureau of Prisons; James Michael Fitzpatrick, Warden, Miami Metropolitan

Correctional Facility, et al. case, involving several EEO claims against the Federal Bureau of Prisons.

Robert A. Rosenberg (Florida, Southern District), by Jacqueline Baker, President, Broward County Legal Secretaries Association, for conducting a Continuing Legal Education Seminar on the Federal Rules of Civil Procedure.

Alka Sagar (California, Central District), by Assistant Commissioner Donald Vogel, Internal Revenue Service, for her participation as a speaker at the Health Care/Insurance Fraud Conference in New Orleans, Louisiana.

United States Attorney **Thomas P. Schneider** (Wisconsin, Eastern District); Deputy Director for Programs and Assistant United States Attorney **Iden Martyn** [Executive Office for United States Attorneys (EOUSA) and Ohio, Northern District]; Acting Assistant Director **Donna Enos** (EOUSA LECC Victim-Witness Staff); Assistant Director **Lynn Solien** (EOUSA Financial Litigation Staff); and Attorney Advisor **Peter Coniglio** (EOUSA Financial Litigation Staff), by Director Aileen Adams, Office for Victims of Crime, for their assistance and advice in drafting the 1995 Attorney General Guidelines for Victim and Witness Assistance.

Thomas C. Simon (District of Arizona), by Superintendent Herbert T. Yazhe, Canyon De Chelly National Monument, National Park Service, Chinle, Arizona, for his success in prosecuting three individuals who assaulted a Federal park service employee.

Barbara Skalla and Jack Geise (District of Maryland), by Special Agent in Charge Peter F. Gruden, Drug Enforcement Administration, Washington, D. C., for their successful prosecution of United States v.

Linwood Gray et al., a narcotics case.

William Soisson and E. James King (Michigan, Eastern District), by Administrator Thomas A. Constantine, Drug Enforcement Administration, Washington, D.C., for their successful prosecution of 52 members of the "Best Friends" drug conspiracy, many of whom were involved in 18 homicides.

Michael Stern and Rafael Gonzalez (Michigan, Eastern District), were presented plaques by Special Agent in Charge Bernard H. LaForrest, Bureau of Alcohol, Tobacco and Firearms, Phoenix, for their successful prosecution of 24 members of the "Jones Organization," a Detroit gang which frequently resorted to contract murder to carry out illegal narcotics trafficking.

Peter G. Strasser and Mary Jude Darrow (Louisiana, Eastern District), by Supervisory Special Agent Richard M. Higgins, FBI, New Orleans, for their professionalism and legal skill in the prosecution of several cases related to the failure of Enterprise Savings and Loan in Marrero, Louisiana.

Dennis E. Szybala (Virginia, Eastern District), by District Counsel Robert E. Hadley, Department of Veterans Affairs, Roanoke, for his successful defense of a medical malpractice case.

Special Assistant United States Attorney **Stephen J. Stone** (Georgia, Northern District), by Assistant Counsel John J. Ralston, Defense Logistics Agency, Alexandria, for reaching an acceptable settlement in a collection action.

Susan Tarbe, Laura Bonn, Magda Lovinsky, Nina Mandel, and Alex Angueira (Florida, Southern District), by Special Agent in Charge Kent E. Walker, Food and

Drug Administration, Miami, for their significant contribution to the success of the Office of Criminal Investigations' mission.

Julie Werner-Simon (California, Central District), by Program Director Angela D. Williams, U.S. Information Service (USIS), Paris, France, for her participation in the USIS France Speaker Program and her excellent lectures on various legal issues and discussions on comparative law and the U.S. Constitution.

Andrew C. White (District of Maryland), by Special Agent in Charge Margaret Moore, Bureau of Alcohol, Tobacco and Firearms, Baltimore, for the outstanding prosecution of armed career criminal Kenneth E. Baron.

Scott L. Wilkinson (North Carolina, Eastern District), by Special Agent in Charge John E. Morley, FBI, Charlotte, for his successful prosecution of United States vs. Mark C. Kirby. Also by Michael L. Mitchell, Regional Inspector General for Investigation, Resolution Trust Corporation, Atlanta, Georgia, for his commendable prosecution of cases for the Resolution Trust Corporation.

Honors and Awards

HUD Special Achievement Award for ACE Working Group

On April 9, 1995, Linda Wawzenski, District of Northern Illinois, accepted an award on behalf of the ACE Working Group for their efforts in support of HUD's Operation Safe Home initiative. As part of the Attorney General's Advisory Committee on Financial Litigation, the ACE Working Group and the many Assistant United States Attorneys throughout the nation have played a key role in the success of HUD's Operation Safe Home to crack down on civil fraud in HUD-assisted housing programs.

During the first 12 months of Operation Safe Home, AUSAs enabled HUD to act quickly and efficiently through civil remedies to protect the rights of tenants and HUD, resulting in judgments or settlements in 18 cases for over \$25 million. Another 61 cases involving over \$57 million of equity skimming have since been accepted and are being pursued by AUSAs. The ACE Working Group was also commended for assisting in the development of the strategies and plans designed to begin the assault on equity skimming and the orientation of other AUSAs to HUD programs and problems, a key ingredient to the success of the program.



HUD Inspector General Susan Gaffney (left) presents award to AUSA Linda Wawzenski (right)

Award for Combatting Fraud in Publicly Funded Housing District of Maryland

On May 9, 1995, First Assistant United States Attorney **Gary P. Jordan** and Assistant United States Attorney **Kathleen Gavin** accepted an award on behalf of the District of Maryland from the Office of the Inspector General, U. S. Department of Housing and Urban Development, for their work in helping to combat fraud in publicly funded housing by successfully prosecuting 12 individuals as part of their investigation into allegations of corruption and bribery within the Housing Authority of Baltimore City. The award was presented at a Manager's Conference for HUD Inspector Generals.

Induction into the American College of Trial Lawyers

United States Attorney **James B. Burns** (Illinois, Northern District) and Assistant United States Attorney **David H. Miller** (Indiana, Northern District), were inducted into the American College of Trial Lawyers on April 8 and 9, 1995, respectively, at the spring meeting of the American College of Trial Lawyers in Amelia Island, Florida. The American College of Trial Lawyers is a professional association of lawyers skilled and experienced in the trial of cases, and dedicated to maintaining and improving the standards of trial practice, the administration of justice, and the ethics of the profession.

National Volunteer Week Awards' Ceremony

On April 28, 1995, in a Department of Justice National Volunteer Week Awards Ceremony held in Washington, D.C., Carol DiBattiste, Director, EOUSA, presented the following United States Attorneys' office and Executive Office for

United States Attorneys' personnel awards for the time and efforts they have given to their communities:

District of Arizona
Michael J. Bidwill

Southern District of California

Shaun R. Alcorn
Martha A. Armenta
Debra B. Branse
Gricelda G. Covington
Gonzalo P. Curiel
Marietta Geckos
Roger W. Haines, Jr.
Melissa D. Johnson
Patricia A. Lytle
Brenda Mason
Polly M. Montano
Sylvia Rojas-Frazier
Dicie F. Rose
Victoria Sellers
Marcello Serrano-Gomez

District of Columbia

Denise Abrahams
John D. Bates
David Baum
Alan Boyd
Marina U. Braswell
Angela Brown
Nancy Bukas
Mannone Butler
Ralph Caccia
Martin Carpenter
Ann Carroll
Erik Christian
Carol Collins-Koroma
Rudolph Contreras
James Cooper
M. Evan Corcoran
Ken Cowgill
Dee Davis
Larry Dew
Ron Dixon
John Dominquez
Steve Durhan
Mark J. Ehlers
Sherri Evans
Jay Farris
Hollis Fleischer
Wykema Fletcher
Antonio Flournoy
David Foster
Dan Friedman
Greg Gruber
Charles Hall

Kim Hall
Linda C. Harris
Nathan Hawkins
Tim Heaphy
Bruce R. Hegyi
Albert Herring
Tom Hibarger
Eric Holder, Jr.
Paul Howes
L'Tanjua R. Jackson-McGinnis
Iola Jenkins
Brenda Jones
Terry Keeney
Glen Kirscher
Andrew Klein
Doug Klein
Carolyn Kurtzack Kolben
Pam Larsen
Margaret Lawton
Mary Lou Leary
Debra Long-Doyle
Edith S. Marshall
Steven J. McCool
Michelle Mumm
Richard Nelson
SuZanne C. Nyland
Kevin Ohlson
Bill O'Malley
Leutrell Osborne
Nancy Page
Channing Phillips
Elizabeth Poteat
Shane Read
Richard Roberts
Steve Roman
Latonya D. Rouse
Dave Schertler
Sherri L. Schornstein
Cheryl Sims
DeMaurice Smith
Renate Stanley
Barbara J. Valliere
Jessica Van Landingham
Jane Weaver
Kenneth Wainstein
Brad Weinsheimer
Pete White
Ken Whitted
Monty Wilkinson
Shanlon Wu
Fred Yette
Tom Zeno

Middle District of Florida

Virginia M. Covington
Frank Hall
Tracy Ray

District of Idaho

Monte J. Stile

Southern District of IndianaLinda R. Birdcell
Betty Dickey
Linda A. Van Horn**District of Kansas**Shirley Ackerman
Debra Austin
Michael Christensen
Phyllis Creed
Connie Dearmond
Joan Gay
Annette Gurney
Patti Korwin
Nedra McNeil
Emily Metzger
Robin Moore
Sean Moore
Sharon Mize
Randall K. RathbunElizabeth Rogers
Robin Rowland
Virginia Ruedebusch
Richard Robin Schodorf
Lori Sutton
Chris Watney
Jackie Williams
Mary Woo**Eastern District of Louisiana**Walter F. Becker, Jr.
Hattie M. Broussard
Karen P. Dixon
Michael W. Magner
Richard W. Westling**Eastern District of Michigan**Krishna S. Dighe
Janet F. Kiihr
Christopher P. Yates**Western District of Michigan**Mark V. Courtade
Marie E. Jennett**New Jersey**Bryan Blaney
Brenda Bracy
Joseph Braunreuther
Carol Broadway
Thomas Brown
Robin Brown-Thompson
Colette BuchananRenee Bumb
Scott Christie
Paula Dow
Mary Gladney
Lourdes Gonzales
Robert Hanna
Yvonne Hardy-Chrysostom
Lisa Hatcher
Noel Hillman
Mary Hunter
Darrick Hurd
Sherry Hutchins
Roberta Klotz
Yvette D. Mouton
Jeannie Powell
Ana Pratts
Lisa Russell-Charles
Elizabeth Soares
Millie J. Stovall
John Suarez
Constance Wall
Stacey Williams
Amy Winkelman**New Mexico**Kenneth C. Berry
Brenda J. Winchester**Northern District of Ohio**Christa D. Brunst
William J. Edwards
Vikki G. Friday
Gale Ann Giera
Thomas J. Gruscinski
Joanne M. Harrison
Steven J. Paffilas
Dan A. Polster
Marlon A. Primes
Alex A. Rokakis
John D. Sammon
David A. Sierleja
Stephen G. Sozio
Phillip J. Tripi
James R. Wooley**Western District of Pennsylvania**Mary Beth Buchanan
Mary T. Fenlock**District of Rhode Island**Ira Belkin
Stephanie S. Browne
Maria Branco
Michael E. Davitt
Anthony DiGioia
Sylvia DulgarianEdwin J. Gale
Gale E. James
Gerard B. Sullivan**District of South Carolina**Marvin Jennings Caughman
Sheila P. Cook
Leslie A. Mullins
Clarissa W. Whaley**Eastern District of Texas**Madeline G. Badon
Wilma Ruth Blackshear
Sandra M. Bridges
Judith Ann Carter
Janet Dunning
Daryl G. Fields
Princess A. Flanagan
Mary Anne Glossup
Joseph D. Henderson
Loretta Dean Lee
Lenita M. Persohn**Southern District of Texas**

Guy L. Womack

Executive Office for United States AttorneysMoreland Allen
Barbara Buchanan
Katrina Carter
Robert Kearsley
Gary W. Wagoner
Shelia Washington

These employees spent numerous hours volunteering with community service organizations and office-sponsored activities such as the Legal Advocates in Education and Partners in Education Programs, tutoring and mentoring, community service projects, blood drives, etc.

In addition, the Attorney General presented the Attorney General's Citizen Volunteer Service Award to Myrna Antonio-Hall and Dorothy Saxer, both of the United States Attorney's office, Western District of Pennsylvania, in recognition of their work on the Criminal Justice Parks Work Pilot Program.

Significant Issues/Events

Appointment Southern District of Alabama

On May 2, 1995, J. Don Foster took the Presidential Oath of Office as United States Attorney for the Southern District of Alabama.

Nomination Western District of Oklahoma

On May 8, 1995, President Clinton nominated Patrick M. Ryan to be the United States Attorney for the Western District of Oklahoma. Ryan will serve as interim United States Attorney pending Senate confirmation.

Appointment Southern District of Florida

AUSA Ilona Maxine Holmes was appointed by Governor Lawton Chiles to serve as a Broward County Court Judge, effective April 17, 1995. Ms. Holmes served as an Assistant United States Attorney for the Southern District of Florida since February 1991.

Relocation of United States Attorney's Offices

The following are changes in United States Attorneys' offices.

United States Attorney's office
Western District of Michigan
Mail Address:
P.O. Box 208
Grand Rapids, MI 49501-0208

Street Address:
Suite 501
330 Ionia Avenue, N.W.
Grand Rapids, MI 49503
Telephone number remains the same:
(616)456-2404

United States Attorney's office
Northern District of West Virginia
Mail Address:
P.O. Box 591
Wheeling, WV 26003-0011

Street Address:
Horne Building
1100 Main Street, Suite 200
Wheeling, WV 26003-0011
Telephone number:
(304)234-0100

Western District of New York
Telephone number:
(716)551-4811

Significant Cases

Computer Hacker Sentenced Central District of California

On April 10, 1995, self-taught computer expert Kevin Lee Poulsen was sentenced to 51 months in prison and ordered to pay \$58,000 in restitution for crimes which included electronically discovering FBI wiretaps. This sentence does not include espionage-related charges that Poulsen must face next in San Jose.

AUSA David Schindler
AUSA Debra Yang

Sentence for Smuggling of Endangered Animals into the U.S. Central District of California

A Chinese national was sentenced in U. S. District Court on April 4, 1995, to 21 months in prison for smuggling parts of endangered animals into the United States. Chang Hao An was stopped by Federal customs agents at the Los Angeles International Airport in September 1994 with suitcases containing a complete Siberian tiger skeleton.

AUSA Nathan Hochman
AUSA Patricia Beaman

Leaders of the Mexican Mafia Indicted Central District of California

On May 1, 1995, an indictment charged 22 members and associates of the Mexican Mafia with waging a longstanding campaign of violence and intimidation to collect street taxes from Latino gangs throughout California. The gang is charged under the Federal Racketeer Influenced Corrupt Organizations Act for its alleged involvement in five murders, seven conspiracies to commit murder, and five assaults. Five of the suspects charged are imprisoned, 14 have been arrested, and two are being sought.

AUSA Lisa Lench
AUSA Uttah Dhillon

Indictment for Securities Scheme Central District of California

On April 19, 1995, Joseph Sevitski, was charged with 29 counts of securities fraud, mail fraud, and money laundering. He is accused of using \$9 million from investors nationwide to pay expenses for his firm, Sevitski and Associates, and for his family. Sevitski allegedly promised investors guaranteed monthly returns on investments, some as high as 140 percent, based on the sale of oil and gas from Sevitski projects.

AUSA Barbara Scheper

Indictment in Telemarketing Fraud Case Central District of California

Lottery millionaire Carl D. Traina and 13 others were indicted on April 27, 1995, for allegedly using false promises of big prizes to take tens of thousands of dollars from victims all over the United States. Most of the alleged victims of Traina's two companies, San Remo Sales and Nu Tech Limited, were elderly persons.

AUSA Stephen Larson

**Five Men Arrested in Boiler Room
Operation
Southern District of Florida**

A 22-count indictment was returned on April 21, 1995, charging five men with running a boiler room operation that bilked approximately 200 victims of over \$1,000,000. According to the indictment, the defendants sold snack vending machines to victim customers throughout the United States. The defendants are accused of collecting money without delivering machines, and making false claims about the income history of the machines.

AUSA Rolando Garcia

**Juvenile to Stand Trial as Adult
Southern District of Florida**

On April 19, 1995, a Federal Grand Jury returned an indictment charging two men, including one juvenile, with carjacking and using a firearm during a violent crime. The underage defendant will be tried as an adult. The men are accused of shooting and paralyzing a Lauderdale Lakes man during a carjacking. The prosecution represents the first "interest of justice" adult prosecution of a juvenile in the Southern District of Florida.

AUSA Phillip DiRosa

**Government Prevails in Its Appeal
of Search and Seizure Issue
Southern District of Florida**

On February 21, 1995, the Eleventh Circuit Court of Appeals issued a decision reversing the District Court's suppression of physical evidence seized in a 75-ton cocaine case. Defendant Salvador Magluta was indicted for allegedly managing a continuing criminal enterprise responsible for importing and distributing cocaine and acquiring \$2 billion in drug proceeds. The District Court had suppressed vital physical and documentary evidence based on its reading of the Payton v.

New York standard for entry into a suspect's home to execute an arrest warrant. The appellate court reversed, holding that there was sufficient cause to justify the initial entry.

AUSA Christopher J. Clark
AUSA Anne M. Hayes

**Indictment for Firearms
Trafficking to the Caribbean
Southern District of Florida**

On April 18, 1995, a Federal Grand Jury indicted Luis Negron on five counts of allegedly making false statements in the purchases of firearms, AK-47s, and Goyco Rodriguez on eleven firearms offenses that included delivering firearms to the United States Postal Service for shipment in interstate and foreign commerce without notice to the carrier. The firearms were shipped via United States Postal Service Express Mail to Puerto Rico.

AUSA Orlando A. Prescott

**Fraudulent Electronic Tax Return
Scheme
Northern District of Georgia**

On April 13, 1995, a Federal Grand Jury in the Northern District of Georgia returned a criminal indictment charging 17 persons in a 54-count indictment involving a scheme to file fraudulent electronic tax returns to generate refunds. The indictment charges that from January to April 1993, the defendants filed 53 false returns claiming over \$130,000 in refunds.

AUSA John Davis
AUSA Art Leach

**Pair on FBI's Ten Most Wanted
List Sentenced
Northern District of Illinois**

On May 9, 1995, Claude Daniel Marks and Donna Jean Willmott were sentenced to six years and three years, respectively, for

conspiracy to transport military explosives they knew would be used to commit terrorist acts. The fugitives had been on the FBI's Ten Most Wanted List from April 1987 until their surrender on December 6, 1994.

AUSA Daniel Gillogly
AUSA Deborah Devaney

**Massive Tax Fraud Conspiracy
Northern District of Illinois**

On April 12, 1995, an indictment was returned charging John C. Kim and 13 co-defendants with engaging in a massive income tax fraud conspiracy that continued over a 20-year period. The indictment charges that the defendants skimmed large amounts of cash from the operation of martial arts schools in Chicago, Minnesota, and Texas, and failed to report the income to the IRS.

AUSA Helene Greenwald
AUSA Kaarina Salovaara

**Conviction in Firearms Case
Northern District of Illinois**

On March 24, 1995, a jury convicted Henrikas Malukas of attempting to illegally export firearms, possession of machine guns, and possession of firearms while being an illegal alien. Malukas' co-defendant, Arunas Krasauskas, pled guilty to firearms charges on the morning of the trial. The defendants had admitted to ATF agents that they were attempting to buy and export thousands of guns to Russia and former Yugoslavia through Lithuania.

AUSA Sheila Finnegan
AUSA Mark Hersh

**Chicago Mob's No. 2 Man
Sentenced
Northern District of Illinois**

James Marcello, a high-ranking mobster, was sentenced on April 5, 1995, to 150 months imprisonment for his 1993 conviction on

racketeering, gambling, loan-sharking, and extortion charges. Marcello and Sam Carlisi, who headed the Chicago "Outfit," ran bookmaking, street tax collection, and "juice loan" operations in Chicago. They and other members of Carlisi's crew used violence, threats, and intimidation to collect gambling and loan debts, and to intimidate the owner of a chain of movie theaters. Marcello, Carlisi, and two top aides agreed to forfeit \$550,000 in illicit profits. The judge granted the Government's motion for a two-level upward departure for Marcello's involvement in organized crime, and further enhanced his sentence for obstructing justice through filing a false affidavit, lying about his true employment, and for his role in the conspiracy to murder a member of the Carlisi's crew to prevent him from cooperating.

AUSA Mark Vogel

El Rukn Convicted Second Time Northern District of Illinois

On March 22, 1995, after a three-week trial, a jury convicted a former high-ranking El Rukn leader in the first retrial resulting from allegations of misconduct by prosecutors. William Doyle was convicted of racketeering, conspiracy, and narcotics conspiracy. Doyle was also convicted of personally killing three people, attempting to murder two others, and participating in the planning of other fatal shootings. Doyle had refused to accept a 20-year sentence previously offered by the Government, and now faces life imprisonment.

AUSA Vicki Peters
AUSA Eddie Stephens
AUSA Chris Cook

Members of Travelers Street Gang Indicted Northern District of Illinois

On April 19, 1995, 21 members of the Traveling Vice Lords street gang

were charged in a 74-count indictment with crack cocaine and heroin distribution, conspiracy, and fire-arms charges.

AUSA Frank Lipuma
AUSA Patricia Holmes

U.S. Homecare to Pay U.S. \$650,000 District of Maryland

On April 24, 1995, it was announced that the U.S. Homecare Corporation, a New York based home health care agency, will pay the Government \$650,000 to settle allegations that they submitted false claims to the Medicare Program. The Government's investigation focused on the Corporation's business in Miami and alleged that from approximately May 1993 through October 1993, U.S. Homecare medical records were deficient; a substantial percentage of the records contained deficiencies such as forged nurses signatures, false medical information, and canned nursing notes.

AUSA Kathleen McDermott
DOJ Attorney Sara Strauss, Criminal
Division

Conviction Under New Federal Child Support Law District of Massachusetts

On May 10, 1995, a Michigan surgeon was convicted of willful failure to pay child support in the nation's first Federal trial under the Child Support Recovery Act of 1992. The evidence showed that from October 1992 to September 1993, he paid a total of only \$10,950 on a \$5,000 per month child support obligation, while his earnings for the period exceeded \$225,000.

AUSA Jeanne M. Kempthorne

Jails Agree to Upgrade Conditions Northern and Southern Districts of Mississippi

Two Mississippi jails, Sunflower County Jail, Indianola, and Forrest

County Jail, Hattiesburg, agreed on April 20, 1995, to upgrade their conditions of confinement. Investigations had revealed inadequate medical care, insufficient staffing, and improper fire safety. Investigations of 18 Mississippi jails were launched pursuant to the Civil Rights of Institutionalized Persons Act following a series of prisoner suicides. Ten other Mississippi jails entered agreements last year. The Justice Department will monitor the jails to ensure that they are complying with the agreements.

AUSA Alford Morton, ND
AUSA John Hailman, ND
USA Brad Pigott, SD
DOJ Attorney David Deutsch,
Civil Rights Division

CPA Sentenced for Mail Fraud/Bank Fraud Scheme Southern District of Mississippi

On May 1, 1995, a CPA was sentenced to 97 months in prison and ordered to pay \$5.7 million in restitution for a mail and bank fraud scheme arising out of the failure of Andrew Jackson Life Insurance Company. As President, CEO, and owner of Andrew Jackson Life, Perry G. Blocker diverted millions of dollars of policyholder premiums to poor investment schemes in a Mexican telephone company and a cabinet manufacturer. Loss to the policyholders, state guaranty funds, and debenture and certificate holders to date is in excess of \$48 million.

AUSA Peter Barrett

FACE Violation Fine Western District of Missouri

On May 1, 1995, Regina Dinwiddie was ordered to pay \$4,739.92 in compensatory damages as a result of her violation of the Freedom of Access to Clinic Entrances Act of 1994. She is also prohibited from coming within 500 feet of any such clinic, other than to engage in legitimate personal activity.

Deputy United States Attorney
Alleen S. Castellani

**Immigration Fraud Guilty Verdict
District of Nevada**

On May 8, 1995, Jose Velez, national president of the League of United Latin American Citizens from 1990 to 1994, was found guilty of 10 counts of immigration fraud. Velez had conspired to file false legalization applications on behalf of thousands of unqualified alien applicants, and was convicted of filing false legalization applications on behalf of nine unqualified aliens.

AUSA Mike Barr
DOJ Attorney Richard Shine,
Criminal Division

**Sentencing for Sexual Abuse
District of Nevada**

On April 26, 1995, Max Weaselboy, a 36-year old Native American, was sentenced to 97 months imprisonment for sexually abusing the daughters of his common law wife.

AUSA Ron Rachow

**Maximum Penalty for Ortho
Pharmaceutical Corp.
District of New Jersey**

At a sentencing hearing on April 10, 1995, U.S. District Court Judge William G. Bassler ordered Ortho Pharmaceutical Corp. (Ortho), a wholly-owned subsidiary of Johnson & Johnson, to pay a statutory maximum fine of \$5 million, plus \$2.5 million in restitution to the Government for investigation and prosecution costs. Ortho had been convicted of conspiring to obstruct justice, obstructing justice, and corruptly persuading employees to destroy documents relating to a Federal investigation of the drug company's extensive Retin-A public relations campaign.

AUSA Richard J. Schechter
DOJ Attorney Kenneth L. Jost,
Office of Consumer Litigation

**Former Mexican Deputy Attorney
General Wanted in Mexico but
Held on U. S. Currency Reporting
Violation
District of New Jersey**

Mario Ruiz Massieu, former Deputy Attorney General of Mexico, facing a pending complaint in the United States for failing to report approximately \$40,000 in currency while preparing to fly from Newark to Madrid, Spain, has now been charged in Mexico with obstructing justice in connection with an investigation into the September 1994 assassination death of his brother. The Department of Justice has filed a provisional warrant in Newark Federal Court seeking Massieu's extradition to Mexico.

AUSA Al Rivas

**Man Indicted on Murder,
Weapons, and Robbery Charges
District of New Jersey**

On May 15, 1995, Christopher Green was indicted for murder, robbery, and firearms charges in connection with a March 1995 shooting at the Montclair, New Jersey, Post Office. Green is accused of robbing money and other U.S. property from two postal employees, and murdering them using a semi-automatic handgun. He also is charged with the murder of two postal customers, and the attempted murder of a third postal customer.

Executive AUSA Stuart Rabner
AUSA Carolyn Murray

**Manufacturer of "Sweet'N Low"
Pleads Guilty
Eastern District of New York**

In Brooklyn Federal District Court on April 12, 1995, the Cumberland Packing Corporation, the manufacturer of Sweet'N Low, its president, vice president, five employees and contractors pled guilty to tax, conspiracy, obstruction of justice, and/or false statement charges. As part of

its plea agreement, Cumberland agreed to pay a fine of \$2 million. Between 1988 and 1993 Cumberland generated approximately \$2.9 million through a false invoice scheme, which was used for illegal political contributions. The contributions were made in an attempt to obtain support for the continuation of the Congressional moratorium on the banning of Saccharin, a key ingredient in Sweet'N Low.

AUSA Julie Copeland

**\$1.5 Million in Civil Fraud
Settlement
Eastern District of New York**

On April 27, 1995, the U.S. obtained a \$1.5 million civil fraud settlement against Harris Corporation, a defense contractor based in Melbourne, Florida. Harris had been accused of making false statements while negotiating contracts with the United States Navy.

AUSA Jody Kasten

**"La Quica" Sentenced to
Life in Prison
Eastern District of New York**

On May 5, 1995, Dandeny Munoz Mosquera was sentenced to life imprisonment on charges of racketeering, conspiracy, operating a continuing criminal enterprise, and involvement in the bombing of Avianca flight 203. Mosquera had been convicted in 1992 for making false statements to a Federal agent and with possessing a false and fictitious Colombian ID card. Those charges led to a three-year investigation linking him to the brutal murders of the Medellin Cartel members, members of rival narcotics organizations, various informants against the Cartel, and dozens of police officers in Medellin. Evidence also established that Mosquera was responsible for the November 1989 bombing of Avianca flight 203 which killed all 107 passengers and crew members. He was also responsible for rocket

attacks in Bogota, including the American Embassy; for involvement in two failed attempts to murder former President George Bush; and for planning and detonating a bus bomb full of Ammonium Nitrate Fuel Oil (ANFO), a powerful explosive, which destroyed the headquarters of the Departamento Administrativo de Seguridad, the equivalent of the Colombian FBI, killing over 80 people and injuring over 400.

AUSA Cheryl L. Pollak
AUSA Beth A. Wilkinson

**Abortion Clinic Violence
Indictment
Northern District of New York**

Chairman of the Central New York Right to Life Federation, John Arena, and Chairperson of the Auburn New York Right to Life Movement, Michelle Wentworth, were indicted on April 26, 1995, on Hobbs Act charges after they allegedly attacked two upstate New York clinics with butyric acid. Several people were overcome by vapor inhalation and required hospital treatment.

FAUSA Joseph A. Pavone

**Doctors Indicted in Scheme to
Defraud Medicare
Southern District of New York**

On May 1, 1995, six defendants, including three physicians, were indicted for conspiring to defraud Medicare of \$15 million through false reimbursement of claims for medical equipment.

AUSA James E. Johnson
AUSA Patrick Smith

**Baseball Star Sentenced on Tax
Evasion Charges
Southern District of New York**

On April 24, 1995, major league baseball player Darryl Strawberry was sentenced in White Plains Federal Court to six months of home

confinement on charges of evading approximately \$96,000 in taxes for 1987 through 1990. Strawberry admitted that he had earned hundreds of thousands of dollars in cash from autograph signing shows and other personal appearances, and had intentionally failed to report the income.

AUSA Carol L. Sipperly

**Indictment in Attempted
Bombing Case
Southern District of New York**

On April 13, 1995, Ramzi Yousef and Abdul Hakim Murad were indicted for their alleged involvement in a conspiracy and attempt to bomb U.S. commercial airlines servicing air routes in the Far East. Yousef was recently extradited from Pakistan to stand trial on charges relating to his involvement in the bombing of the World Trade Center. Murad was turned over to United States officials on April 12, 1995, in Manila by the Government of the Republic of the Philippines, and arrested upon his arrival in the Southern District of New York. The superseding indictment, filed March 22, 1995, was unsealed on April 12, 1995, and combines the new charges alleging criminal activities that took place in the Philippines with the existing indictment charging Yousef and others with the bombing of the World Trade Center. Murad is not charged with the World Trade Center bombing. As part of the alleged conspiracy, Yousef placed a bomb on Philippines Airline (PAL) Flight 434 on December 11, 1994, while it was enroute from Manila to Tokyo. The bomb exploded while the plane was in flight, killing one Japanese passenger.

AUSA J. Gilmore Childers
AUSA Michael J. Garcia
AUSA Lev L. Dassin

**Con Edison Sentence \$2 Million
Southern District of New York**

On April 21, 1995, Con Edison was sentenced to a \$2 million fine and three years probation for deliberately concealing the release of 200 pounds of asbestos that occurred after a steam manhole explosion in the Gramercy Park section of Manhattan. U.S. District Judge John S. Martin also ordered that a court-appointed monitor be named to insure Con Edison's compliance with the environmental rules, regulations, and laws, stating that the monitor was necessary because of the "many disturbing things" he found in the case. Con Ed pled guilty on October 31, after two and a half weeks of trial. Constantine J. Papakrasas, former Assistant Vice President in charge of Con Ed's Steam Operations Division, also entered a guilty plea in the case, and was sentenced to a \$5,000 fine.

AUSA Andrea Likwornik
AUSA Peter Sprung

**Alleged Leader of Philadelphia
Drug Gang Charged for
Drug Crimes
Eastern District of Pennsylvania**

On April 27, 1995, Catalina Garcia, alleged leader of a North Philadelphia drug gang, and 33 other persons were charged with a variety of drug crimes for their participation in a heroin and cocaine operation that netted up to \$4 million per year over the past 10 years. According to the indictment, Garcia allowed members of other drug gangs to sell in his territory by renting them rights for \$1,000 per week.

AUSA Judy Smith
AUSA Michael Schwartz

**Health Care Fraud Verdict
Eastern District of Pennsylvania**

On May 4, 1995, John Cocivera, owner of six defunct durable medical equipment companies, was found guilty of 205 counts involving

fraud and false claims to Medicare. He defrauded Medicare out of approximately \$3 million in a boiler room telemarketing operation that delivered unnecessary medical equipment to approximately 5,000 elderly Medicare beneficiaries in about 10 mid-Atlantic and mid-West states. Cocivera's companies were also found guilty of mail fraud, filling false claims, money laundering, and structuring bank deposits to evade currency reporting requirements.

AUSA Richard P. Barrett
AUSA Debra L. W. Cohn

Indictment in Cross-Burning Incident District of Rhode Island

On April 28, 1995, a Federal Grand Jury returned a three-count indictment charging Albert M. Davis and Joseph Davis of Providence with burning crosses in front of the residence of a man in Providence in the late night and early hours of July 4 and 5, 1993. Two other men pled guilty to these 1993 cross burnings. The alleged cross burnings were the culmination of conduct designed to harass Lateef Saibu and his son, and included shouting racial slurs, stealing Saibu's ATM card, and threatening to assault him. Saibu was forced to move out of his home.

AUSA Edwin J. Gale
DOJ Attorney Steven Dettelbach,
Civil Rights Division

Family Members Charged with Murder Western District of Tennessee

On April 21, 1995, five defendants, including three brothers, their mother, and a family friend were indicted on charges of conspiracy to violate the Hobbs Act by means of robbery, murder, arson, conspiracy to obstruct justice, and use of a firearm during a crime of violence. The indictment charges that the victims were murdered after they surprised the defendants in the act of stealing a trailer full of mussel shells from the victims' home. The

defendants' mother allegedly provided her sons with false alibies, lied to the Grand Jury, and stalked Federal witnesses. One of the brothers escaped from custody and is still at large.

AUSA Stephen C. Parker
AUSA Jennifer Lawrence Webber

Prison Escapee Sentenced Eastern District of Texas

On April 20, 1995, Clarence Robinson, who was on the U.S. Marshal's Top 15 Most Wanted List, was sentenced to 345 months in prison for his escape from Federal custody in February 1994. Robinson was serving a five-year sentence for possessing a firearm during a drug trafficking crime, and was awaiting sentencing for an attempted escape violation.

AUSA David H. Henderson
AUSA Kerry Klintworth

Funeral Home Owner Convicted of Money Laundering Northern District of Texas

On April 24, 1995, Ronald Hughes, Sr., was convicted of money laundering. A 17-count indictment charged Hughes and his co-defendants with participating in a scheme to hide millions of dollars which they knew came from the sale of illegal drugs. The judge also ordered Hughes to forfeit \$4.9 million in cash.

AUSA Rose L. Romero
AUSA Michael Uhl

The Assistant United States Attorneys responsible for the "Houston Business-woman Convicted of Fraud" case summary, Southern District of Texas, reported in the May 1, 1995, issue of the *USAB* should have been reported as Larry Eastep, Quincy Ollison, and Bill Yahner.

INS Officer Guilty of Bribery and Drug Trafficking Southern District of Texas

On April 12, 1995, a Federal Jury in Houston returned a guilty verdict against Mario Santana for conspiracy to possess with intent to distribute cocaine and marijuana, money laundering, and two counts of receiving a bribe. Santana, while employed as an INS Detention Enforcement Officer at the Immigration Detention Center in Los Fresnos, transported cocaine and marijuana north from the Rio Grande Valley area on approximately eight occasions. The Government showed that Santana used INS buses and vans to transport marijuana loads totalling 600 kilograms for Juan Antonio Ortiz and the Juan Garcia Abrego Organization and, in some cases, transported INS detainees with the drugs.

AUSA Melissa Annis

INS Inspector Among 14 Indicted Southern District of Texas

A 10-year veteran of INS was among the defendants charged on May 8, 1995, in a Federal indictment with alleged conspiracy and possession with intent to distribute more than a ton of marijuana. The indictment charges that the defendants, as part of the Marco Torres narcotics organization, used torture and murder to enforce discipline and inhibit competition. The indictment also includes a criminal forfeiture claim against two ranches, a feed lot, a dance hall, and other property alleged to have been acquired with proceeds of the drug trafficking operation.

AUSA Terry Clark

Civil Suit Filed Against Koch Industries and Its Subdivisions Southern District of Texas

On April 27, 1995, The Department of Justice, the Environmental

Protection Agency, and the United States Coast Guard announced a civil suit filed against Kansas-based Koch Industries and several of its subdivisions for unlawfully discharging millions of gallons of oil into the waters of Kansas, Oklahoma, Texas, Louisiana, Missouri, and Alabama. The action charges that since 1990, Koch and its subsidiaries were responsible for more than 300 oil spills that occurred primarily as a result of breaks in gathering lines caused by corrosion.

AUSA Gordon Speights Young
DOJ Attorney Angela F. O'Connell,
Environment and Natural Resources
Division

Former INS Inspector Pled Guilty to Bribery Southern District of Texas

Ernest G. Rivas pled guilty on May 3, 1995, to receiving at least \$33,000 in exchange for allowing loads of marijuana to cross into the United States at Hidalgo, Texas.

AUSA Don DeGabrielle
AUSA Michael Shelby

Telemarketing Operators Charged with Fraud Southern District of Texas

Seventeen individuals were arrested and indicted on April 20, 1995, as a result of Federal investigations into telemarketing operations in Houston. One indictment charges Samuel Deblasio and 13 others with 26 counts of mail and wire fraud, conspiracy, and money laundering. According to the indictment, 2,500 people were defrauded out of more than \$2 million through a mail fraud scheme. The other indictment charges Houston businessman Morris Sylvester and three others with operating a fraudulent telemarketing scheme that allegedly collected approximately \$230,000 from victims during a six-month operation.

AUSA Mary Jane Harmon

Major Fraud for Concealing Cost Savings Southern District of Texas

On May 3, 1995, a Houston Federal Grand Jury indicted Stewart and Stevenson Services, Inc., the corporation's president, and others, in a six-count indictment alleging that the defendants conspired to defraud the United States, and made false material statements to an agency of the U.S. According to the indictment, Stewart and Stevenson, O'Neal, McFarland, Edson, and Hardy conspired with Runion, who at the time of the alleged offenses was employed with a prime contractor on a U.S. Air Force contract, to obtain a subcontract to build power generating systems for the Royal Saudi Arabian Air Force under the Peace Shield program. A material change was made which allegedly resulted in several million dollar cost savings which was not returned to the U.S. under the terms of the contract.

AUSA Al Balboni

Two Sentenced for Conspiracy to Transport Minors Across State Line Eastern District of Virginia

On April 14, 1995, John A. Walling and Donna D. Jones were sentenced to 135 months imprisonment and a \$150 special assessment for charges of conspiracy to transport children across state lines for child prostitution and sexual activity.

AUSA Mark J. Hulkower

108-Count Felony Telemarketing Indictment Eastern District of Virginia

On April 11, 1995, a Federal Grand Jury in Alexandria returned a 108-count felony indictment in United States District Court against four northern Virginia residents accused of helping run a multi-state telemarketing fraud scheme in which scores

of victims were defrauded with respect to the purchase of pizza vending machines. Bonnie R. Wolf, Richard B. Norton, Bryan G. Lanier, and Christopher J. Howard were charged with conspiracy, wire and mail fraud, and money-laundering.

AUSA Daniel L. Bell, II
AUSA Kathleen M. Kahoe
DOJ Attorney Marie O'Rourke,
Criminal Division

Indictment for Threatening Calls Eastern District of Washington

On April 11, 1995, a Federal Grand Jury indicted Daniel Adam Mathison for allegedly making threatening phone calls to an anti-abortion counseling service in Wenatchee, Washington. The indictment also charged him with calling and threatening to shoot demonstrators outside abortion clinics.

AUSA Robert Ellis



EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

EOUSA Staff Update

Mary Jude Darrow, an Assistant United States Attorney for the Eastern District of Louisiana, has joined the staff of the Office of Legal Education on a one-year detail.

Donna Everett, an Assistant United States Attorney for the Central District of California on detail, will now be serving as the ACE Coordinator for EOUSA and will act as a liaison to the Native American Issues Subcommittee of the Attorney General's Advisory Committee.

Nick Gess, Assistant United States Attorney for the District of Maine, who has been at EOUSA on detail with the Counsel to the Director, is now working in the Office of Legislative Affairs.

Eileen Gleason, Assistant United States Attorney for the Eastern District of Louisiana, is scheduled to begin a one-year detail with the Office of Legal Education on June 12.

Yvonne Makell, EOUSA's Assistant Director for Equal Employment Opportunity, has announced her retirement from EOUSA and from a distinguished career in the Federal Government.

Monte Stiles, Assistant United States Attorney for the District of Idaho, has joined the staff of Counsel to the Director, EOUSA, on a five-month detail.

Audrey Williams, past Editor of the *Bulletin*, has retired after serving 25 years in the Department of Justice. Audrey spent seven of those years with the Executive Office for United States Attorneys as Editor of the *Bulletin*.

Sentencing Guidelines Software

A new version of the sentencing guidelines software, ASSYST (Version 2.0a), and the user's manual, has been loaded on the EOUSA Bulletin Board (BBS). This version eliminates some problems that were experienced with Version 2. If you have access to the BBS, you can download this software yourself, or see your system manager for assistance. If you have questions, please contact Carol Sloan, Office Automation, EOUSA, (202)616-6969.

EOUSA to Provide Assistance to Moscow Training Institute

Dick De Haan, EOUSA's National Advocacy Center Project Manager, and Tom Majors from the Office of Legal Education, will participate as team members in a program to provide technical assistance to the Institute for Training the Managing Ranks of the General Procuracy of the Russian Federation in Moscow, where senior Russian prosecutors are trained.

The team is under the auspices of the American Prosecutors Research Institute (APRI), an affiliate of the National District Attorneys Association, and provides assistance to APRI in training techniques, course planning and management, use of audiovisual aids, etc.

In February 1995, during the first phase of this project, four representatives of the Institute visited the United States and observed training practices at the Office of Legal Education and visited the U.S. Attorney's office in the Eastern District of Virginia. In May 1995, Mr. De Haan participated in a series of presentations for faculty and management personnel at the Institute in Moscow. Mr. Majors will accompany a second team of instructors in September of this year.

Case Management Update

Reporting Criminal Cases and Matters Filed Under The Child Support Recovery Act of 1992

In a memorandum to all United States Attorneys, the Case Management Staff of EOUSA has requested that **all** criminal cases/matters filed under the Child Support Recovery Act (CSRA) of 1992 (18 USC 228), **including those which are classified as Petty Offenses** and filed in Magistrate

Court, since October 1, 1994, be reported immediately through your local case management systems. EOUSA will use this information to provide reports to the Attorney General and others on enforcement actions in this area. If you have questions, please contact Sharon Hopson or Patti Ostrowski, (202)616-6919, or Email AEX02(SHOPSON) or AEX02(POSTROWS).

Security Education Materials

Assistant Director Paula Nasca, EOUSA Security Programs Staff, sent all United States Attorneys' offices copies of workplace violence materials to assist offices in conducting security education and awareness training for employees. Because violence in the workplace is increasing in the form of threats, assaults, stalkings, sabotage, car bombings, and homicides, managers are asked to be more sensitive to signs which may indicate that an employee may become violent. Copies of a video, "Workplace Violence: The Risk from Within," discusses observable signs such as changes in productivity or social interaction and emotional behavior, and describes methods for managing such behavior and defusing potential problem situations. Other materials included in the security package for avoiding or coping with violence in the Federal workplace include booklets on avoiding rape and sexual assault, coping with threats and violence, how to be streetwise and safe, and carjacking. Copies of these materials and the video are available from your Security Program Manager or by calling Sharon Adrian, EOUSA Security Programs Staff, (202)616-6878. If there are questions or concerns about an employee's behavior, please contact EOUSA's Security Programs Staff, (202)514-4024, or Kathy Young, EOUSA's Employee Assistance Program, Justice Management Division, (202)514-3194.

Post-Traumatic Stress: Understanding the Syndrome

The trauma of the bombing in Oklahoma City has been felt throughout the nation. People everywhere have been wondering "why?" and many United States Attorney's office employees have been contacting the Employees Assistance Program (EAP) asking "Why is this affecting me so profoundly?" By definition, a traumatic event is a sudden, unexpected happening that may cause intense emotional feelings – an event outside of the range of normal, day-to-day experiences.

Responses to traumatic incidents can be categorized as follows:

Physical symptoms, including:

- Shock
- Sleep Disturbance
- Restlessness
- Fatigue/Exhaustion
- Change in Appetite
- Hyper-vigilance
- Inability to Relax
- Physical Discomfort

Changes in thought patterns, including:

- Disbelief
- Flashbacks
- Nightmares
- Intrusive recollections
- Self-blame
- Sense of loss
- Violent fantasies
- Memory difficulties
- Concentration problems
- Difficulty making decisions
- Fearful, guilty, or angry thoughts
- Increased worry

Emotional reactions, including:

- Emotional numbness
- Anxiety
- Depression
- Irritability
- Withdrawal
- Loss of Motivation

- Sense of Vulnerability
- Emotional Hypersensitivity
- Fear
- Sorrow and Grief
- Anger
- Low Frustration Tolerance
- Guilt
- Feelings of Loss
- Feelings of Helplessness
- Avoidance

In coping with the aftermath of a traumatic incident, it is helpful to talk about the event as often as you like. Find family, friends, and co-workers that are good listeners, and spend time with people who are supportive. Contact EAP for support. After a traumatic event, try to keep your daily life as normal as possible. It may even be helpful to try to structure your time and include time to relax, exercise, and eat properly. It is important to continue things that you enjoy and to watch the use of alcohol and drugs, as many people may try to "numb" the pain. Most importantly, remember that reacting to a traumatic event is normal. It may help to remember that a seemingly abnormal reaction to an abnormal situation is completely normal. Triggers, which are stress reactions that occur after the event, may continue for some time, and individuals may continue to react to media articles, anniversaries of the events, etc.

For helpful information about post-traumatic stress syndrome, or if you would like to talk about the impact of the bombing on you, please contact Kathy Young, EAP, (202)514-3194.

Open Season for Federal Employees' Group Life Insurance

The Office of Personnel Management (OPM) has announced a Federal Employees' Group Life

Insurance (FGLI) open enrollment period from May 22 through July 21, 1995. This will allow employees who have previously waived or cancelled coverage to have the opportunity to enroll; however, covered employees are not permitted to add to their existing levels or options of coverage during this time. Contact your Administrative staff if you have any questions.

EOUSA, FEDEX, and I/O Vision Systems Work Together to Remove Barrier

The EOUSA Personnel Staff employs a visually-challenged secretary who is able to read Emails and electronically transmitted correspondence. However, one obstacle for her has been carbon-set forms, such as those from FedEx, that must be typed on standard electronic typewriters. After consulting with a manager at FedEx about the problem, it was discovered that there is a software package for commercial users, "Fedex Ship," that works with the JAWS software application. The EOUSA Personnel Staff has agreed to be part of a test of FedEx's Government services version of this software in June. The *United States Attorney's Bulletin* staff will be following this article with news about the Government services version of the software in future issues. For more information, please contact Assistant Director Gail Williamson, EOUSA Personnel, (202)616-6873.

Email Etiquette Tips

At the recent United States Attorneys' Conference in San Antonio, the United States Attorneys' office from the Northern District of Georgia shared a list of etiquette tips for Email users. A copy is attached as **Appendix B**.

Office of Legal Education

OLE Publications Project Update

The OLE Publications Branch published its first book, *Capital Litigation in the Federal Courts*. The book was given to attendees at the Death Penalty Conference in Dallas in May and was published electronically through the use of an automated legal research program, USABook. OLE will be mailing out library copies of the death penalty books to each United States Attorneys' office for placement in law libraries.

At the Environmental Crimes Conference in San Antonio in May, the Publications Branch handed out a second database containing hundreds of summaries of environmental crimes cases. The summaries were prepared by ECS Trial Attorney Herb Johnson.

The latest version of the USABook program, new data files, and the text of *Capital Litigation in the Federal Courts* in WordPerfect format can all be downloaded from the OLE Publications Conference and File Section on the EOUSA Bulletin Board System (BBS). Use TELUS or a similar communications program to dial one of the eight BBS numbers, (202)616-6668, 6669, 6670, 6671, 6672, 6673, 6674, or 6675. After logging in, type J, and then 28 to join the OLE Publications Conference. Then select F from the main menu to view the files.

We will update you on new publications through the *Bulletin*. Please contact David Nissman, (202)616-5210, if you have quality materials for inclusion in our publications. Guidelines for submissions are available on the EOUSA BBS.

Office of Legal Education Projected Courses

James A. Hurd, Jr., Director, OLE, is pleased to announce projected course offerings for the months of June through September 1995 for the Attorney General's Advocacy Institute (AGAI) and the Legal Education Institute (LEI). A list of these courses follows.

AGAI

AGAI provides legal education programs to Assistant United States Attorneys (AUSAs) and attorneys assigned to Department of Justice (DOJ) divisions. Courses listed on page 213 are tentative; however, OLE sends Email announcements to all United States Attorneys' offices (USAOs) and DOJ divisions approximately eight weeks prior to the courses.

LEI

LEI provides legal education programs to all Executive Branch attorneys, paralegals, and support personnel. LEI also offers courses designed specifically for paralegal and support personnel from USAOs (indicated by an *). OLE funds all costs for paralegals and support staff personnel from USAOs who attend LEI courses. Approximately eight weeks prior to each course, OLE sends Email announcements to all USAOs and DOJ divisions requesting nominations for each course. Nominations are to be returned to OLE via FAX, and then student selections are made.

Other LEI courses offered for all Executive Branch attorneys (except AUSAs), paralegals, and support personnel are officially announced via mailings to Federal departments, agencies, and USAOs every four months. Nomination forms are available in your Administrative Office or attached as **Appendix C**. They must be received by OLE at least 30 days prior to the commencement of each course. Notice of acceptance or non-selection will be mailed to the address typed in the address box on the nomination form approximately three weeks before the course begins. **Please note that OLE does not fund travel or per diem costs for students attending LEI courses (except for paralegals and support staff from USAOs for courses marked by an *).**

Office of Legal Education Contact Information

Address: Bicentennial Building, Room 7600
600 E Street, N.W.
Washington, D.C. 20530

Telephone: (202)616-6700
FAX: (202)616-7487

Director James A. Hurd, Jr., AUSA, Virgin Islands
Deputy Director David W. Downs
Assistant Director (AGAI-Criminal) Dixie Morrow, AUSA, MDGA
Assistant Director (AGAI-Criminal) Angel Moreno, AUSA, SDTX
Assistant Director (AGAI-Civil and Appellate) Tom Majors, AUSA, WDOK
Assistant Director (AGAI-Asset Forfeiture and
Financial Litigation) Kathy Stark, AUSA, SDFL
Assistant Director (LEI) Donna Preston
Assistant Director (LEI) Janet Craig, AUSA, SDTX
Assistant Director (LEI-Paralegal and Support) Donna Kennedy

AGAI COURSES

June 1995

<u>Date</u>	<u>Course</u>	<u>Participants</u>
5-9	Advanced Civil Trial	AUSAs, DOJ Attorneys
6-8	Advanced Bankruptcy	AUSAs, DOJ Attorneys
6-9	Advanced Narcotics	AUSAs, DOJ Attorneys
12-20	Criminal Trial Advocacy	AUSAs, DOJ Attorneys
13-15	Affirmative Civil Enforcement	AUSAs, DOJ Attorneys
19-23	Criminal Federal Practice	AUSAs, DOJ Attorneys
20-22	Second Circuit Asset Forfeiture Component	AUSAs, DOJ Attorneys
27-30	Public Corruption	AUSAs, DOJ Attorneys

July 1995

11-14	Violent Crime	AUSAs, DOJ Attorneys
17-21	Advanced Criminal Trial	AUSAs, DOJ Attorneys
17-21	Ninth Circuit Asset Forfeiture Component	AUSAs, DOJ Attorneys
18-21	Advanced Evidence (Civil)	AUSAs, DOJ Attorneys

August 1995

1-4	Evidence for Experienced Litigators	AUSAs, DOJ Attorneys
7-15	Criminal Trial Advocacy	AUSAs, DOJ Attorneys
15-17	Alternative Dispute Resolution	AUSAs, DOJ Attorneys
15-17	Third Circuit Asset Forfeiture Component	AUSAs, DOJ Attorneys
21-9/1	Civil Trial Advocacy	AUSAs, DOJ Attorneys
22-24	Criminal Chiefs	USAO Criminal Chiefs
29-31	First Assistant United States Attorneys	USAO First Assistants

September 1995

6-8	Civil Rights	AUSAs, DOJ Attorneys
7-8	ARPA - Asset Forfeiture	AUSAs, DOJ Attorneys
11-19	Criminal Trial Advocacy	AUSAs, DOJ Attorneys
12-15	Civil Federal Practice	AUSAs, DOJ Attorneys
26-29	Basic Asset Forfeiture	AUSAs, DOJ Attorneys

LEI COURSES

June 1995

<u>Date</u>	<u>Course</u>	<u>Participants</u>
1-2	Agency Civil Practice	Attorneys
5	Statutes and Legislative Histories	Attorneys, Paralegals
6-7	Freedom of Information Act for Attorneys and Access Professionals	Attorneys, Paralegals
8	Privacy Act	Attorneys, Paralegals
6-8	Advanced Bankruptcy	Attorneys
12-16	Civil Paralegal *	USAO Paralegals
20-22	Discovery	Attorneys
23	Advanced Freedom of Information Act	Attorneys, Paralegals
27	Legal Writing	Attorneys
28-30	USA Secretaries Seminar	USA Secretaries
28-30	Attorney Supervisors	Attorneys

July 1995

6-7	Alternative Dispute Resolution	Attorneys
10-14	Basic Paralegal (USAOs) *	USAO Paralegals
11-12	Federal Acquisition Regulations	Attorneys
12-13	Freedom of Information Act for Attorneys and Access Professionals	Attorneys, Paralegals
14	Privacy Act	Attorneys, Paralegals
21	Legal Writing	Attorneys
24	Ethics and Professional Conduct	Attorneys
24-28	Appellate Paralegal *	USAO, DOJ Paralegals
31-8/8	Financial Litigation Paralegal Seminar *	USAO Paralegals

August 1995

14	Fraud, Debarment and Suspension	Attorneys
14-18	Legal Support Staff *	USAO Paralegals
17-18	Evidence	Attorneys
21-22	Federal Administrative Process	Attorneys
23	Introduction to Freedom of Information Act	Attorneys, Paralegals
28-9/1	Experienced Legal Secretary *	USAO Legal Secretaries

September 1995

6	Appellate Skills	Attorneys
11	Statutes and Legislative Histories	Attorneys
12-14	Environmental Law	Attorneys
13-15	Attorney Supervisors	Attorneys
13-15	Bankruptcy for Support Staff *	USAO Paralegals
26	Computer Assisted Legal Research	Attorneys, Paralegals
27	Computer Acquisitions	Attorneys, Paralegals
28	Ethics and Professional Conduct	Attorneys
28	Computer Law	Attorneys
29	Legal Writing	Attorneys

DEPARTMENT OF JUSTICE HIGHLIGHTS

Antitrust Division

Antitrust Suit Challenges Microsoft's Purchase of Intuit

A \$2 billion deal planned by Microsoft Corporation to buy Intuit Inc., which includes "Quicken," the leader in personal finance software, was challenged on April 27, 1995, when the Antitrust Division filed suit in U.S. District court in San Francisco to block the merger on the grounds it would likely lead to higher prices and lessened innovation in the personal finance software market. Intuit's Quicken is the leading personal finance software and the top selling home personal computer software product, and Microsoft's "Money" is the number two personal finance competitor. In 1994, these companies accounted for more than 90 percent of personal finance software sales in the U.S.

Attorney: Michael Bailey,
(202)307-6200

International Dealer Charged with Collusive Bidding

William Barrett Numismatics Limited, a Canadian Corporation, was charged April 6, 1995, with collusive bid rigging in connection with a November 1990 auction involving the sale of old and rare banknotes, proofs, and specimens from the archives of the American Bank Note Company.

Attorneys: John J. Greene,
(212)264-0650

Patricia L. Jannaco, (212)264-0660
Juliette P. Tugander, (212)264-0657

Civil Division

Mortgage Corporation to Pay \$6.3 Million in Claims

On March 31, 1995, the Department of Justice agreed to accept \$6.3 million from First Union Mortgage Corporation (FUMC), Charlotte, North Carolina, in settlement of claims concerning FUMC's improper origination of home mortgage loans guaranteed by the Department of Veterans Affairs (VA). Between September 1984 and March 1986 in Colorado Springs, Colorado, and between March 1987 and May 1989 in Atlantic Beach, Florida, FUMC employees recorded false information regarding borrowers on applications and related forms necessary to obtain loans guaranteed by the VA. Numerous loans went into default as a result of these false statements, causing the VA to lose several million dollars under its loan guarantee program.

Attorney: David Long,
(202)307-0455

Universal Propulsion Settles Contract Dispute No. 93-2280 (April 17, 1995) [9th Cir., D.Ariz.]

Universal Propulsion Company, a military contractor, will pay the United States \$1 million to settle allegations that it overcharged the Government for labor in manufacturing rocket catapults. The Defense Criminal Investigative Service, Phoenix, investigated the matter.

Attorney: Richard G. Vartain,
(202)307-0195

Torres v. Shalala No. 93-9001 (March 30, 1995) [5th Cir., N.D. Tex.] CLASS ACTIONS, SOCIAL SECURITY, EQUAL PROTECTION

Torres sought judicial review of a denial of Social Security disability benefits. His principal claim was

that he was entitled under equal protection to obtain the same relief that has been accorded to New York State residents in a settlement of a recent class action, Stieberger v. Sullivan, 738 F. Supp. 716 (S.D.N.Y. 1990); 801 F. Supp. 1079 (1992). The Fifth Circuit held that Torres was not similarly situated to those class members because he did not reside in the Second Circuit. This decision helps to establish the important principle that when relief is given in geographically limited class actions, even in a settlement, that relief is limited to class members and will not later have to be provided nationwide.

Attorneys: William Kanter,
(202)514-4575
Frank A. Rosenfeld, (202)514-0168

East Food & Liquor, Inc. v. United States

No. 94-1902 (March 29, 1995)
[7th Cir., N.D. Ill.]
FOOD STAMPS,
DE NOVO REVIEW

East Food & Liquor, Inc. was disqualified for four years by Illinois from participating in WIC, a federally funded nutrition program run by the States. After a full administrative hearing, the state found that the store had violated WIC regulations. The store later sought de novo review in Federal court. The Seventh Circuit held that the state agency findings precluded federal de novo review.

Attorneys: Robert S. Greenspan,
(202)514-5428
Edward Himmelfarb, (202)514-3547

Bailor v. Salvation Army and United States

No. 94-2660 (April 4, 1995)
[7th Cir., N.D. Ind.]
FEDERAL TORT CLAIMS ACT

Bailor was assaulted by an escapee from a halfway house operated by the Salvation Army under a contract with the Federal Bureau of Prisons (BOP). Bailor sued the Salvation Army for common-law negligence

and the BOP under the Federal Tort Claims Act (FTCA). The district court granted the Salvation Army's motion for summary judgment and the Government's motion to dismiss for lack of jurisdiction. The Seventh Circuit affirmed. It rejected the claim against the Salvation Army because the charity had little control over the prisoner, could not reasonably foresee the attack, and needed flexibility in its work as a matter of public policy. The court further held that the Government was liable neither for its own alleged negligence in releasing the prisoner to the halfway house, nor, vicariously, for the Salvation Army's actions. The BOP's own actions were protected by the discretionary function exception to the FTCA. The Salvation Army's alleged negligence was not deemed attributable to the BOP because the charity was an independent contractor, not a BOP employee.

Attorneys: Robert S. Greenspan,
(202)514-5428
William G. Cole, (202)514-4549

Clark v. Widnall, Secretary of the Air Force

No. 94-1208 (April 4, 1994)
[10th Cir., D. Col.]
ARMED FORCES

The Air Force paid for two years of Dr. Clark's medical education in return for his agreement to serve on active duty for three years. Then, to further its need for certain specialists, the Air Force deferred Clark's service so he could complete an approved residency. When Clark instead pursued an unapproved residency in plastic surgery, the Air Force called him to active duty. The Tenth Circuit upheld the Air Force's action; Clark's contract was unambiguous in giving the Air Force "the sole authority to excuse Clark from his military duties."

Attorneys: Barbara C. Biddle,
(202)514-2541
Robert D. Kamenshine,
(202)514-2494

Civil Rights Division

New Criminal Section Chief

Richard W. Roberts, Principal Assistant United States Attorney in Washington, D.C., was named Chief of the Criminal Section of the Civil Rights Division on May 1, 1995. Mr. Roberts succeeds Linda Davis, who was nominated by President Clinton for a position on the D.C. Superior Court.

Significant Cases

United States v. Brown

No. 92-6546 (Mar. 21, 1995)
[6th Cir., M.D.Tenn.]

The defendant was convicted of being an accessory after the fact to the shooting of a synagogue, and making false statements before a grand jury. The court first found that property rights other than ownership are protected by Section 1982, including the "use" of property. The court further rejected the argument that the Government had set a "perjury trap" in inviting him before the grand jury. Finally, the court held that the search of his apartment did not violate the Fourth Amendment.

Attorneys: Sam Bagenstos,
(202)514-2174
Tom Chandler, (202)514-3728

U.S. vs. American Family Mutual Insurance Co.

On March 30, 1995, the American Family Mutual Insurance Company agreed to pay over \$16 million for allegedly refusing to insure African American homes and for providing other African Americans with inferior policies. This is the first Justice Department action against an insurance company under the Federal Fair Housing Act.

Attorneys: Robert S. Berman,
(202)307-3100
Susan Barbosa-Fisch,
(202)514-3539
Timothy J. Moran, (202)514-3510

Criminal Division

United States vs. Beech Aircraft Corp.

After a two year investigation, Beech Aircraft was charged and pled guilty on May 12, 1995, to making false statements to the United States, resulting in fines and sanctions totaling more than \$1 million. Beech failed to notify the Government of a subcontractor's use of Egyptian labor, and wrongfully billed the Government for the cost of that labor.

Attorney: Peter B. Loewenberg,
(202)616-2557

U.S. v. Jose O. Tosado-Torres, et al.

On April 17, 1995, car dealers Jose Tosado-Torres and Felix Valentin each were sentenced to 21 months of imprisonment in connection with a scheme involving money-laundering and currency transaction reporting violations. They are among nine individual defendants and three corporate defendants indicted in "Operation Big Ticket," which targeted car and boat dealerships in Puerto Rico that accepted illegal cash proceeds from drug traffickers for the purchase of "big ticket" items such as luxury cars and boats. To date, 11 defendants have been found guilty. The final defendant is awaiting trial.

Attorneys: Bruce A. Pagel,
(202)514-0917
Frank Rebollo, (809)749-4378

United States v. Lee Chagra, et al.

On April 26 and May 3, 1995, eleven of the fourteen defendants convicted in United States v. Lee Chagra et al. were sentenced to terms of imprisonment ranging from 3 months to 20 years. The conspiracy involved distributors and sources of supply in Pennsylvania, Florida, and Texas, who distributed in excess of 200 kilograms of cocaine and 1,000 pounds of

marijuana between 1988 and 1993. Lee A. Chagra, Jr., the chief source of supply for a pipeline of cocaine and marijuana from El Paso to Pittsburgh, was sentenced to 20 years and a fine of \$50,000.

Attorneys: Philip Urofsky,
(202)514-3910
AUSA Margaret Picking

Surety Bond Scheme

On April 24, 1995, Steven Jones pled guilty to an information charging him with one count of conspiracy in connection with a fraudulent surety bond scheme. Jones and his co-conspirators forged deeds conveying vacant properties, which were then used as collateral for surety bonds sold to Federal Government contractors. Jones also gave grossly inflated appraisals for the properties.

Attorney: Joel Leising,
(202)514-0626

Nigerian Letter Scam

On April 25, 1995, in the third Federal prosecution arising out of schemes of this type, a jury convicted Henry Achiekwelu on all nine counts in an indictment charging him with wire fraud. Achiekwelu defrauded EER Systems, Inc., a Virginia aerospace contractor, of nearly \$4.4 million, by offering EER's president a share of \$28.5 million the defendant claimed to have obtained illegally from the Nigerian Government.

Attorneys: Nicole Healy,
(202)514-0248
Patrick Donley, (202)514-0626

Indictment for Receiving Gratuities

On April 27, 1995, Herbert S. Cables, Jr., former Deputy Director of the National Park Service, was indicted for receiving gratuities including \$2,200 in cash and the use

of a Mercedes Benz. Cables is alleged to have received the gratuities from Theodore A. Prakope, who was president of Barren Island Marina, a concession operated under a contract with the National Park Service. Prakope has previously pled guilty to giving a gratuity to Cables.

Attorneys: Nancy Newcomb,
(202)514-1458
David H. Katz, (202)514-0626

Guilty Plea for Accepting Payoffs

On April 6, 1995, Phillip McLaughlin, a former bank officer who was working under contract with the FDIC, pled guilty to accepting approximately \$40,000 in payoffs from businessmen Joseph Maguire and Daniel Hanson. In return for the payoffs, Hanson and Maguire received lucrative FDIC contracts to repossess and manage assets of the failed Bank of New England.

Attorneys: AUSA Joseph Savage,
District of Massachusetts
Marcia Isaacson, (202)514-1808

Environment and Natural Resources Division

US v. Hercules, Inc., et al.

Under a consent decree filed on April 18, 1995, in the U. S. District Court in Wilmington, Delaware, 31 businesses will share in the cost of decontaminating a toxic waste site, at an estimated cost of \$33.5 million. In addition, they will reimburse the Superfund \$4.3 million and the State of Delaware \$196,000 for response costs. The defendants also agreed to pay future response costs, estimated at \$1.2 million, and pay all costs of Department of Justice enforcement since April 1988.

Attorneys:
AUSA Patricia Hannigan,
District of Delaware
Robert Miller, (202)514-4797
Cathy Rojko, (202)514-4797

First Prosecution Under EPA Environmental Justice Initiative US v. Herman W. Parramore, Jr., et al.

In the first criminal prosecution under the Environmental Justice Initiative, Herman W. Parramore, Jr., entered a felony guilty pleas to the knowing illegal discharge of untreated acidic substances into a public sewer system, and storage of vast quantities of hazardous wastes without a permit. Parramore and his company, Sogreen Corporation, were indicted on October 5, 1994, for violations stemming from a fire at the plant causing the evacuation of 75 nearby residents. The facility is located in a residential area in Tifton, Georgia, and within blocks of a public school.

Attorney: AUSA Miriam Duke,
Middle District of Georgia

US v. Ketchikan Pulp Company

Ralph Lewis, president of KPC, entered guilty pleas on behalf of the corporation to one CWA felony for the knowing discharge of pollutants to United States waters and 14 CWA misdemeanors for negligent discharge, all in violation of its NPDES permit. The plea agreement includes a \$3 million penalty (\$1.75 million suspended). In April 1990, during a one week maintenance downtime, KPC knowingly discharged wastewater and solids from the mill's primary clarifier. From January 16, 1991, through December 31, 1993, KPC negligently discharged magnesium oxide from sewer manholes on 14 occasions.

Attorneys: AUSA Timothy Burgess,
District of Alaska
ECS Charles A. De Monaco,
(202)272-9879
ECS Rick Filkins, (202)272-5799

US v. Steve Czarniecki, US v. Collier Oil

For a guilty plea to making false statements to the U.S. Air Force, Steve Czarniecki, former supervisor at Collier Oil, was sentenced to four months in prison, a \$5,000 fine, and \$4,250 in restitution. Collier Oil will be sentenced on a similar plea on May 31. Czarniecki, a subcontractor hired by Collier Oil was caught by agents of the FBI and the Air Force Office of Special Investigations dumping petroleum wastes from Maxwell Air Force Base into a ravine in a rural area near Clanton, Alabama. Czarniecki and Collier Oil certified to the United States Air Force that the waste had been recycled at the Collier Oil Company.

Attorneys: AUSA David Allred, Middle District of Alabama
ECS John Smeltzer, (202)272-9859

US v. Mark O. Henry and Robert D. LaFlamme

A 16-count indictment was returned against Mark O. Henry and Robert D. LaFlamme charging them with mail fraud, conspiracy, and transportation of hazardous waste to an unpermitted facility, in violation of RCRA. The indictment alleges that Henry and LaFlamme defrauded companies, individuals, and the State of Massachusetts of more than \$1 million by promising to recycle oil contaminated soil and failing to do so; by promising to recycle soil and failing to recycle the soil; and by failing to pay the state of Massachusetts the hazardous waste transporter fee due when oil contaminated soil was not recycled.

Attorneys: ECS Steve Herm, (202)272-9847
ECS Jeremy Korzenik, (202)272-5798

Office of Justice Programs

Open Lines of Communication and Collaboration

At the direction of the Attorney General, Marlene Beckman of the Office of Justice Program's (OJP) Office of the Assistant Attorney General has launched an initiative to better inform United States Attorneys about the activities of OJP and expand lines of communication and collaboration. As part of this effort, an OJP staff member has been assigned to each United States Attorney's office (USAO) as the point of contact for OJP, and United States Attorneys have been requested to appoint individuals within their offices to maintain an ongoing flow of information between OJP and the USAOs. As an introduction, OJP liaisons have sent letters to United States Attorneys, including the PAVNET Resource Guide and the PAVNET Online User's Guide. OJP has requested that United States Attorneys provide the Office of Juvenile Justice and Delinquency Prevention (OJJDP) with information regarding juvenile justice and youth violence issues. This information will help OJJDP to gain a local perspective on the problems facing communities; assist in their effort to prevent and reduce crime and violence; help OJJDP with program planning for next fiscal year; and allow them to use information regarding programs or laws that may impact ongoing initiatives that could be shared with other localities. Please contact Katherine Deoudes, OJJDP, if you have items of interest, 633 Indiana Avenue, N.W., Washington, D.C. 20531, or fax (202)514-6382. If you have questions or suggestions regarding issues that you would like to see addressed through this partnership, please contact Marlene Beckman, (202)307-5933.

Office of Violence Against Women

Director Campbell Visits Maine

On April 19, 1995, Director Bonnie Campbell, Office of Violence Against Women, visited Maine to announce \$426,000 in Federal grants for Maine, to raise awareness of violence against women, and to warn of efforts in Congress to cut the Crime Bill's violence against women funds. She announced that Maine was close to qualifying for a \$426,000 STOP grant (Services, Training, Officers, and Prosecutors) to hire law enforcement, prosecutors, and victims services personnel to address violence against women. The grants could be used to pay for crisis centers, counselors and victims' advocates, police, and prosecutors to specialize in domestic violence or sexual assault, domestic violence hot-lines, or lighting for unsafe streets, parks, and paths. Questions should be directed to the Violence Against Women office, (202)307-6026.

Violence Against Women Act STOP Grants

Applications under the Violence Against Women Act for the STOP (Services, Training, Officers, and Prosecutors) grants were recently mailed to contacts designated by the Governor in each State. Each State will receive \$25,000 for Fiscal Year 1995, as soon as its completed application is returned to the Violence Against Women Program office, and approximately \$400,000 as soon as an implementation plan is received. These funds are for this fiscal year only; additional funds will become available on October 1.

STOP is a block grant to the state which, in turn, disburses subgrants to appropriate state/local entities.

Contacts designed by each Governor are the only applicants who can apply for these funds. Because the money cannot be disbursed until the application is received by OJP, districts are encouraged to submit their applications to OJP as soon as possible. Please contact the Office of Justice Programs, Violence Against Women Program Office, (202)307-6026, for further information.

Tax Division

United States v. CF&I Fabricators of Utah, Inc.

Nos. 94-4034, 94-4035, and 94-4036 (April 27 1995) [10th Cir.]
BANKRUPTCY, EXCISE TAX

In a decision filed on April 27, 1995, the Tenth Circuit affirmed the adverse judgment of the district court in United States v. CF&I Fabricators of Utah, Inc. The primary issue was the proper bankruptcy priority of the excise tax, imposed pursuant to Code Section 4971, on the underfunding of pension plans. The Government suggested that the court hear the case en banc to reconsider In re Cassidy, 983 F.2d 161 (10th Cir. 1992), in which the court had held that, for purposes of priority of distribution, bankruptcy courts may disregard the fact that Congress called something a "tax" and treat it as a penalty if that is its true nature. The court declined to reconsider Cassidy and held that it was bound by the decision to treat the Section 4971 tax as a penalty because its purpose was to penalize rather than to raise tax revenues. This holding is in conflict with In re Mansfield Tire and Rubber Co., 942 F.2d 1055 [6th Cir. 1991, cert. denied, 112 S.Ct. 1165 (1992)]. The court of appeals also affirmed the subordination of the § 4971 tax to other general unsecured claims under "principles of equitable subordination" codified in Bankruptcy Code § 510(c).

Attorneys: Kenneth Rosenberg,
(202)514-1919
Gary Gray, (202)514-3005

Bank Fraud Case

On April 28, 1995, in the District Court for the Southern District of California, a jury acquitted Donald E. DeLoux of two counts of bank fraud and one count of making false statements on a bank loan application. DeLoux was the President, Chief Financial Officer, and owner of DeLoux Schools of Cosmetology (DSC), which was engaged in the business of operating a chain of 18 cosmetology schools and selling wholesale beauty products throughout California. DeLoux was acquitted of allegedly devising a scheme to obtain \$550,000 in loan proceeds from a California bank by submitting false loan applications and failing to inform the bank of all outstanding loans and the true status of DSC's participation in Federally sponsored educational financial aid programs.

Attorneys: Thomas Klumper,
(202)616-3795

Richard Pietrofeso, (202)514-8204



ETHICS AND PROFESSIONAL RESPONSIBILITY

OPR Case Summaries

Trial Conduct – Opening Statements – Vouching for Witness

A Court of Appeals criticized an AUSA's opening statement in a money-laundering trial. The Assistant told the jury that a cooperating Government witness had testified in an earlier case in which the Government had secured a conviction. The Court concluded that the Assistant had improperly vouched for the witness, but noted

that the prosecutor had acknowledged the impropriety of the remark during oral argument on appeal. In an interview with OPR, the Assistant described the remark as the result of a "lack of concentration" and as a "momentary lapse." He admitted that he had erred, and he explained that the United States Attorney and the First Assistant United States Attorney had counseled him on the matter. Due to the Assistant's candor with OPR and the Court, his lack of previous misconduct, the counseling he had received, and the chastening by the Court, OPR saw no need for additional action and closed its inquiry.

Grand Jury Proceedings – Deliberations of Grand Jury

The foreman of a grand jury told the prosecutor that the grand jury had decided not to return an indictment in a routine case, in which there appeared to be substantial evidence of a crime. After discussing the situation with his supervisor, the prosecutor returned to the grand jury and inaccurately reported that the supervisor had asked him to determine why the grand jury had refused to indict so that the case could be presented to a second grand jury in such a way as to obtain an indictment.

The members of the first grand jury asked the prosecutor to give them additional instructions and explanations of the law. The grand jury then returned an indictment. The prosecutor subsequently admitted misunderstanding the instructions of the supervisor and acknowledged that it was inappropriate to ask the grand jury to reveal the substance of its deliberations. The prosecutor received an oral reprimand for the inappropriate conduct.

Other Developments in Professional Responsibility

Grand Jury Subpoena – Identity of Client's Fee-Payer

The United States Court of Appeals for the Ninth Circuit in Ralls v. United States, (9th Cir., No. 94-16344, April 4, 1995) quashed a grand jury subpoena issued to a criminal defense lawyer that required him to divulge the identity of the person who paid the lawyer's fee to represent another client involved in the same criminal activity. The court found that the identity of the fee payer and the fee arrangements in this particular case were "inextricably intertwined" with confidential communications and, therefore, fell within the attorney-client privilege.

Synopsis of Opinion: Stephen Ralls, a criminal defense lawyer, was paid by a client/fee-payer to represent a defendant, Philip Bonnette. Bonnette was arrested with another defendant in connection with their attempt to transport approximately 300 pounds of cocaine from Arizona to California. The Government later issued a grand jury subpoena to Ralls seeking to discover the identity of the person who hired Ralls, the amount of money paid, the method of payment, and other information concerning the fee. Ralls moved to quash the subpoena. The district court ordered Ralls to testify regarding the fee-payer's identity and fee arrangements, but held that all other conversations between Ralls and the fee-payer were privileged. Ralls refused and was held in contempt and appealed.

The court of appeals noted that the attorney-client privilege does not generally safeguard against the disclosure of either the identity of the fee-payer or the fee arrangement. The attorney-client privilege applies only to confidential communications and the payment of fees is usually incidental to the attorney-client relationship. A narrow exception applies that allows an attorney to

invoke the privilege to protect the identity of a client or information regarding fee arrangements if disclosure would convey information that ordinarily would be conceded to be part of the usual privileged communications between a lawyer and a client.

The court noted that the Fifth Circuit has held that if the disclosure of the client's identity also reveals the confidential purpose for which he has consulted an attorney, both the confidential communication and the client's identity are protected as privileged. In contrast, however, the attorney-client relationship does not exist where the attorney acts as a mere conduit for the transfer of money.

In this case, the court determined that the identity of the fee payer and the fee arrangements were "inextricably intertwined" with confidential communications and fell within the attorney-client privilege. According to Ralls' sealed affidavit, the fee-payer sought Ralls' advice regarding his involvement in the crime for which Bonnette was arrested. Further, the fee-payer paid for Bonnette's legal fees in the very same matter that gave rise to the attorney-client relationship. Disclosure of the fee-payer's identity, therefore, would expose the substance of a confidential communication between the attorney and the fee-payer, the court concluded. The subpoena was quashed in its entirety.

Disclosure to Opposing Party – Statute of Limitations

The American Bar Association Committee on Ethics and Professional Responsibility issued a formal opinion which deals with whether an attorney must disclose to an opposing party and the court that the statute of limitations has run. Formal Opinion 94-387, Disclosure to Opposing Party and Court That Statute of Limitations Has Run, September 26, 1994.

An attorney has no ethical duty to inform an opposing party that her client's claim is time-barred; to the contrary, it may well be unethical to disclose such information without the client's consent. The ethics rules do not preclude an attorney from negotiating with an opposing party about a civil claim that may not be susceptible to judicial enforcement because the statute of limitations has run.

An attorney in this situation, however, must be careful not to make any affirmative misrepresentations about the facts showing that the claim is time-barred or suggest that she plans to do something to enforce the claim which, in fact, she has no intention of doing. While an attorney is not ethically obligated to reveal to opposing counsel the fact that her client's claim is time-barred in the context of negotiations, she does have an obligation to inform her own client of this fact, and of the likelihood that the action will be defeated if the defendant realizes that the statute has run and asserts this defense.

Further, the ABA Committee concluded that it is generally not a violation of the ethics rules to file a time-barred lawsuit, so long as this does not violate the law of the relevant jurisdiction. As long as the attorney makes no misrepresentations in pleadings or orally to the court or opposing counsel, she has breached no ethical duty towards either.

The Committee also found no basis in the ethics rules for reaching a different result simply because an attorney represents the government in a civil matter. The government attorney in these circumstances has the same ethical obligations to her government client and to the court as does an attorney representing a private client.

Updated Prosecutorial Misconduct Monographs – Ninth and Eleventh Circuits

Updated monographs on prosecutorial misconduct from the Ninth Circuit and the Eleventh Circuit are now available from Professional Responsibility Officers in each United States Attorney's office and the litigation divisions.

If readers are aware of similar monographs on prosecutorial misconduct written by the attorneys in your office, please send them to the Professional Responsibility Advisory Board via Email [AEX03 (PROLINE)] and to the OLE Publications Branch [AEX02 (DNISSMAN)] for use in future publications.



CAREER OPPORTUNITIES

Civil Rights Division – Experienced Attorney for Complaint Adjudication Office

The Office of Attorney Personnel Management, U.S. Department of Justice, is seeking an experienced attorney for the position of Supervisory Attorney in the Complaint Adjudication Office (CAO), Civil Rights Division, in Washington D.C. The CAO is responsible for rendering the Department's final decisions in complaints of discrimination filed by employees of and applicants to the Department on the basis of race, color, religion, national origin, sex, age, or disability in hiring, promotion, discipline, and other aspects of the employment process. These complaints have been processed through various steps of the Department's equal employment opportunity program, including counseling; investigation; and, at the option of

the complainants, a hearing. The supervisory attorney will report directly to the Complaint Adjudication Officer for final review, be responsible for reviewing the work of five or six attorneys, and be responsible for handling some of his/her own cases as well.

Applicants must possess a J.D. degree, be an active member of the bar in good standing (any jurisdiction), and have at least three years of post-J.D. experience. Prior management experience will be considered but is not essential. No telephone calls please. Applicants must submit a resume or current OF-612 (Optional Application for Federal Employment) to:

U.S. Department of Justice
Civil Rights Division
10th and Pennsylvania Ave, N.W.
Room 5718
Washington, D.C. 20530

A current SF-171 (Application for Federal Employment) will still be accepted as well. **This position is open until filled, but no later than June 16, 1995.** Current salary and years of experience will determine the appropriate salary level from GS-14 (\$60,925-\$79,200) to GS-15 (\$71,664-\$93,166). The U.S. Department of Justice is an Equal Opportunity/Reasonable Accommodation Employer. It is the policy of the Department of Justice to achieve a drug-free workplace and persons selected will, therefore, be required to pass a urinalysis test to screen for illegal drug use prior to final approval.

Civil Rights Division – Employment Litigation Section/Deputy Chief

The Office of Attorney Personnel Management of the U.S. Department of Justice is seeking an experienced attorney for the position of Deputy Chief of the Employment Litigation Section in the Civil Rights Division in Washington, D.C. The incumbent will assist the Section Chief and two other Deputy Chiefs in the supervision of the activities of a staff of approximately 55, including 25

attorneys; handle complex or sensitive matters directly, on occasion; and share responsibility for personnel, fiscal, and other administrative matters affecting the Section. The post requires extended hours and a moderate amount of travel.

The Employment Litigation Section (ELS) is responsible for enforcing Title VII of the Civil Rights Act of 1964 with respect to state and local governments. The ELS also defends Federal agencies in Federal court actions challenging implementation of nondiscrimination and affirmative action provisions related to Federal contracting, such as the Executive Order 11246 program. The ELS has a diverse practice in district courts throughout the country, including cases initiated through internal ELS investigations or referrals from other Federal agencies, often with complex trials and negotiated settlements. It brings both individual cases and complex pattern or practice cases that frequently involve the use of statisticians, labor economists, and testing experts.

Applicants must possess a J.D. degree, be an active member of the bar in good standing (any U.S. jurisdiction), and have a minimum of four years of post-J.D. experience. Candidates should also possess superior writing skills as well as a thorough knowledge of Title VII case law, employment testing principles, and Federal court civil trial practice. No telephone calls please. Applicants must submit a current resume or OF-612 (Optional Application for Federal Employment), a recent writing sample (unedited by others), and current performance appraisal, if applicable, postmarked by June 9, 1995, to the address below. A current SF-171 (Application for Federal Employment) will still be accepted as well.

U.S. Department of Justice
Civil Rights Division
P.O. Bdx 65310
Washington, D.C. 20035-5310
ATTN: ELS-DEP

Salary will be set in the GS-15 range (currently \$71,664 to \$93,166). The U.S. Department of Justice is an Equal Opportunity/Reasonable

Accommodation Employer. It is the policy of the Department of Justice to achieve a drug-free work place and persons selected will, therefore, be required to pass a urinalysis test to screen for illegal drug use prior to final appointment.

Executive Office for United States Attorneys – Detail to Legal Programs Staff

The Legal Programs Staff of the Executive Office for United States Attorneys is seeking an Assistant United States Attorney (AUSA) with a background in financial litigation for a six-month to one year detail in Washington, D.C.

The AUSA will work closely with Special Counsel (to the Attorney General) Gerald Stern. The AUSA will be primarily involved in the Department's participation in the Administrative Office of United States Courts' development of the National Fine Center project. The detail will include coordination of the training and implementation phases of the project throughout the United States, and will provide an excellent opportunity to become familiar with a variety of criminal collection enforcement issues.

If you are interested, please send a resume and a letter outlining your experience and interests to Iden Martyn at AEX02(IMARTYN). This should be accompanied by a letter from your United States Attorney endorsing the detail. If you have any questions, please call Mr. Martyn, (202)616-6444.

Immigration and Naturalization Service – Experienced Attorneys, GS-11 to GS-14

The Office of Attorney Personnel Management, U.S. Department of Justice, is seeking experienced attorneys for general attorney positions with the Immigration and Naturalization Service (INS) Border Patrol Sector offices in Laredo, Texas, and Del Rio, Texas.

Responsibilities include representing INS in exclusion, deportation, and rescission proceedings before Immigration Judges (often involving detained aliens, most of whom have committed criminal offenses); representing the INS before administrative law judges in employer sanctions and civil document fraud cases; providing legal advice and training to the Border Patrol Agents; and providing litigation support to United States Attorneys' offices on immigration related cases.

Applicants must possess a J.D. degree, be an active member of the bar in good standing (any jurisdiction), and have at least one year of post-J.D. legal experience. Applicants must submit a resume, a law school transcript (if the J.D. degree was received within the past five years), and an indication of preferred location(s) to:

Gregory J. Ball
District Counsel
Office of the District Counsel
United States Immigration and Naturalization Service
P. O. Box 34178
San Antonio, Texas 78265-4178

No telephone calls please. Applications must be postmarked by June 9, 1995. Current salary and years of experience will determine the appropriate salary level from the GS-11 (\$35,578 to \$46,249) to the GS-14 (\$59,920 to \$77,893) range. The United States Department of Justice is an Equal Opportunity/Reasonable Accommodation Employer. It is the policy of the Department to achieve a drug-free workplace, and persons selected will be required to pass a urinalysis test to screen for illegal drug use prior to final appointment.

United States Attorney's Office – Northern District of Ohio

The United States Attorney's Office for the Northern District of Ohio is seeking an experienced criminal prosecutor to fill a position in the

newly created one-attorney branch office in Youngstown, Ohio. Applicants should be experienced in criminal matters and also have the ability to handle basic high volume civil litigation such as foreclosures, bankruptcy, etc. Applicants must possess excellent courtroom skills and be able to demonstrate research and writing ability.

The position will be servicing various criminal agencies and a newly dedicated Federal courthouse housing a United States District Judge, a United States Magistrate Judge, and a United States Bankruptcy Judge. The Youngstown Division of the Northern District of Ohio will handle litigation arising in four counties in the northeastern corner of the State of Ohio.

In the future, the position will also entail handling litigation from a 2,100 prisoner Federal prison which is being constructed in Elkton, Ohio, approximately 30 miles southwest of Youngstown.

Preference in the selection process will be accorded to applicants with strong academic credentials, at least two years of progressively responsible litigation experience, and a demonstrated ability to work independently with a minimum of supervisory oversight. Candidates who are not members of the Ohio Bar must be eligible for admission by reciprocity or sit for the Ohio Bar examination within a reasonable time. Salary will be determined by the level of experience of the selected candidate. Applicants must submit a current resume and their latest SF-50 (Notification of Personnel Action), if applicable, to William J. Edwards, First Assistant United States Attorney, 1800 Bank One Center, 600 Superior Avenue, East, Cleveland, Ohio 44114-2600, as soon as possible. The United States Department of Justice is an Equal Opportunity/Reasonable Accommodation Employer. It is the policy of the Department to achieve a drug-free workplace, and persons selected will be required to pass a urinalysis test to screen for illegal drug use prior to final appointment.

ADMINISTRATION COUNTERTERRORISM LEGISLATION

FACT SHEET

May 1, 1995

- o On February 9, 1995, the President transmitted to the Congress the "Omnibus Counterterrorism Act of 1995". On May 1, 1995, the President transmitted to Congress the "Antiterrorism Amendments Act of 1995". Together, these bills represent a concerted effort to improve the government's ability to detect both foreign and domestic terrorism.
- o Major provisions of these bills would:
 - o Provide clear Federal criminal jurisdiction for any international terrorist attack that might occur in the United States.
 - o Provide Federal criminal jurisdiction over terrorists who use the United States as the place from which to plan terrorist attacks overseas.
 - o Provide a workable mechanism, utilizing U.S. District Court Judges appointed by the Chief Justice, to deport expeditiously alien terrorists without risking the disclosure of national security information or techniques.
 - o Require the Treasury Department to study the inclusion of taggants (microscopic unique particles) in standard explosive device raw materials to permit tracing the source of those materials after an explosion; whether common chemicals used to manufacture explosives can be rendered inert; and whether controls can be imposed on certain basic chemicals used to manufacture other explosives.
 - o Require the Treasury Department to promulgate regulations regarding the inclusion of taggants in explosives and impose felony criminal penalties on those who possess or sell explosives which they know do not contain taggants.
 - o Implement an international treaty requiring the insertion of a chemical agent into plastic explosives when manufactured, to make them detectable.
 - o Expand Federal jurisdiction over cases involving bomb threats.
 - o Expand existing Racketeering statutes to include terrorist acts as legal predicates.
 - o Expand the current authority of the military to investigate and perform other law enforcement functions in cases involving nuclear materials, to cases involving chemical and biological weapons. Only the military has the specialized expertise and equipment to handle these materials and civilian law enforcement is at a substantial disadvantage as a result.

- o Apply the same legal standard in national security cases that is currently used in routine criminal cases for obtaining permission to track telephone traffic with "pen registers" and "trap and trace" devices. "Pen registers" are devices which report the telephone number dialed. "Trap and trace" devices report the telephone number from which a call originates ("Caller ID"). Neither device records or permits law enforcement to listen to the actual conversation which is taking place.
- o Permit access to financial and credit reports in antiterrorism cases, as is currently permitted with bank records in such cases, to permit law enforcement to track the source and use of funds by suspected terrorists.
- o Expand the existing laws which punish those who assault or murder certain federal employees. Under existing law, only limited categories of federal employees are covered. Under the Administration proposal, all federal employees and members of their immediate families, including members of the uniformed services, are covered.
- o Enable law enforcement agencies to use formal written requests from the FBI to obtain records critical to terrorism investigations from hotels, motels, common carriers, storage facilities and vehicle rental facilities. These same records are all available to the FBI in routine criminal cases through the grand jury subpoena process.
- o Expand the authority of law enforcement agencies to conduct electronic surveillance, within existing constitutional safeguards. The expansion would:
 - o Permit the FBI to obtain emergency wiretaps for no more than 48 hours in certain national security cases, thus permitting the FBI to obtain the more complicated court order yet not lose valuable evidence while the court order is sought. Approval for such an order would come from either the Attorney General or the Deputy Attorney General. This is the same emergency authority which now exists for law enforcement in routine criminal investigations.
 - o Eliminate a burdensome and unnecessary requirement of multi-point or "roving" wiretaps. A multi-point or "roving" wiretap permits federal agents to wiretap those criminals and terrorists who utilize modern technology to switch from telephone line to telephone line and has been successfully used since 1986. However, existing law requires proof that the criminal or terrorist is switching phone lines for the express purpose of evading surveillance. Although this may reasonably be inferred in most cases, it is difficult to prove and not required under the Constitution. The change will not expand the types of situations in which a multi-point or "roving" wiretap may be used, only the number of such cases.

- o Eliminate the statutory but not constitutionally-required provision of law which requires the suppression of evidence in wiretap cases when even the most technical mistakes occur. The amendment would substitute the existing constitutional standard which applies to all other warrants, namely that suppression only occur when there is "bad faith" demonstrated on the part of law enforcement.
- o Criminalize the possession of stolen explosives material.
- o Require a minimum mandatory sentence of imprisonment of 10 years for those who sell or otherwise transfer firearms or explosives with the knowledge that the firearms or explosives will be used to commit a crime of violence.
- o Provide a source of funds for the digital telephony bill passed by Congress last session, ensuring court-authorized law enforcement access to electronic surveillance of digitized communications.

EMAIL ETIQUETTE AND TIPS
from the
United States Attorney's Office
Northern District of Georgia

DO NOT USE ALL CAPS. When you type in all caps, IT IS DISTRACTING AND MAKES YOUR MESSAGE READ LIKE YOU ARE SHOUTING. Unless you want to emphasize your message or otherwise express some urgency, please AVOID ALL CAPS.

Use "URGENT," "ASAP," etc. sparingly. Use discretion when sending messages identified as "URGENT," "ASAP," etc. These messages should be sent only in true emergencies. Basically, avoid crying wolf too often.

Create personal groups. Create personal groups to send Emails (e.g., divisions, sections). Many messages sent to system-wide groups only apply to a narrow group of office members. System-wide messages take a lot of time to send and bog down the system.

Send system-wide messages during off hours. Because system-wide messages bog down the system, please send them only before work, after work or during lunch, unless there is a real rush. We have all experienced the futility of trying to use Email when our screen is frozen as system-wide messages are being delivered.

Use Emails to the world sparingly. As with system-wide Emails sent in-house, Emails sent out over the Wide Area Network (DOJ and all U.S. Attorney offices) tie up a lot of equipment and resources. Use such Emails sparingly, and first get approval from the First Assistant U.S. Attorney or the U.S. Attorney.

Do not abuse the privilege of sending out Emails. Emails relating to office functions, births and other matters of office interest may be included in Emails, but be mindful that such messages generally should be sent during nonworking or lunch hours.

Cool off before responding. If an Email message makes you angry, consider cooling off and not pressing the reply key immediately. A rash word in writing can come back to haunt you, especially if it is redistributed electronically or printed out.

Make replies clear. When you receive a message needing a response, consider responding more completely than yes/no to avoid confusing the original sender who may not recall precisely what message he or she sent. If you prefer to send the less time-consuming yes/no reply, consider hitting the "5" key to forward the message back to the sender as an attachment. Then the sender can simply tab for a reminder of the original message he or she sent.

Send messages in English. The system sends WordPerfect documents in unreadable Sanskrit-like format unless you save it in 4.2 before sending it. If you are unfamiliar with the 4.2 saving process, check with the systems manager. All attachments should be sent in English unless you want to send them in Sanskrit for security purposes.

Use your "cc" and "bcc" options. To avoid retyping the same message over and over remember you can always press Shift F3 to send a copy or a blind copy to someone. If you are receiving a message, also remember that you can press the 2 key to find out who else was copied.

Never send classified information on Email. Ever!

Beware of privacy concerns. Do not put anything on e-mail that would embarrass you or the office if it appeared in tomorrow's headlines. In this age of creative discovery and computer hackers, you can never be assured that your private communications will remain private.

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LEI COURSE CONTACT:

Return Mailing Address: Must be typed and fit into the box below

	LEI USE ONLY	
	ACCEPTED	NOT SELECTED

C O U R S E	Course Name	Course Date(s)	Course Location
N O M I N E E	Name		Title
	Office, Agency, or Department		Phone Number
Q U E S T I O N N A I R E	1. Has the nominee applied for this course in the past and not been selected? Yes No (please circle) If yes, how many times?		
	2. What percentage of nominee's work involves the subject(s) of the course?		
	3. Indicate the level of skill or knowledge nominee has in this area: Novice Intermediate Advanced (please circle)		
	4. How many years has the nominee worked in this area?		
	5. What training/prerequisite courses has the nominee had in this area?		
	6. If necessary, please indicate any special considerations:		
S U P E R V I S O R	Name		Title
	Phone Number	Number of Nominees Submitted	Order of Preference of this Nominee

**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>						
01-12-90	7.74%	06-28-91	6.39%	12-11-92	3.72%	05-27-94	5.28%
02-14-90	7.97%	07-26-91	6.26%	01-08-93	3.67%	06-24-94	5.31%
03-09-90	8.36%	08-23-91	5.68%	02-05-93	3.45%	07-22-94	5.49%
04-06-90	8.32%	09-20-91	5.57%	03-05-93	3.21%	08-19-94	5.67%
05-04-90	8.70%	10-18-91	5.42%	04-07-93	3.37%	09-16-94	5.69%
06-01-90	8.24%	11-15-91	4.98%	04-30-93	3.25%	10-14-94	6.06%
06-29-90	8.09%	12-13-91	4.41%	05-28-93	3.54%	11-11-94	6.48%
07-27-90	7.88%	01-10-92	4.02%	06-25-93	3.54%	12-09-94	7.22%
08-24-90	7.95%	02-07-92	4.21%	07-23-93	3.58%	01-06-95	7.34%
09-21-90	7.78%	03-06-92	4.58%	08-20-93	3.43%	02-03-95	7.03%
10-27-90	7.51%	04-03-92	4.55%	09-17-93	3.40%	03-03-95	6.57%
11-16-90	7.28%	05-01-92	4.40%	10-15-93	3.38%	03-31-95	6.41%
12-14-90	7.02%	05-29-92	4.26%	11-17-93	3.57%	04-28-95	6.28%
01-11-91	6.62%	06-26-92	4.11%	12-10-93	3.61%		
02-13-91	6.21%	07-24-92	3.51%	01-07-94	3.67%		
03-08-91	6.46%	08-21-92	3.41%	02-04-94	3.74%		
04-05-91	6.26%	09-18-92	3.13%	03-04-94	4.22%		
05-03-91	6.07%	10-16-92	3.24%	04-01-94	4.51%		
05-31-91	6.09%	11-18-92	3.76%	04-29-94	5.02%		

Note: For a cumulative list of Federal civil postjudgment interest rates effective October 1, 1982, through December 19, 1985, see Vol. 34, No. 1, p. 25, of the United States Attorneys' Bulletin, dated January 16, 1986. For a cumulative list of Federal civil postjudgment interest rates from January 17, 1986 to September 23, 1988, see Vol. 37, No. 2, p. 65, of the United States Attorneys' Bulletin, dated February 15, 1989. For a cumulative list of Federal civil postjudgment interest rates effective October 21, 1988 through December 15, 1989, see Appendix G of Vol. 43, No. 1, of the United States Attorneys' Bulletin, dated January 1, 1995.

APPENDIX
E

UNITED STATES ATTORNEYS

<u>DISTRICT</u>	<u>U.S. ATTORNEY</u>	<u>DISTRICT</u>	<u>U.S. ATTORNEY</u>
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