



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

United States Attorneys' Bulletin



**EXECUTIVE
OFFICE FOR
UNITED
STATES
ATTORNEYS**

Published by:

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

William P. Tyson, Director

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

TABLE OF CONTENTS

	<u>Page</u>
COMMENDATIONS.....	193
CLEARINGHOUSE	
Application for Transfer of Federally Forfeited Property.....	195
Criminal Division Monograph on the Travel Act, 18 U.S.C. §1952.....	195
Office Management: Use of OCR Reduces Time to Copy Trial Documents....	195
POINTS TO REMEMBER	
Personnel.....	196
Requests for Authorization to Move for or Consent to Closure of all or Part of a Judicial Proceeding.....	196
CASENOTES	
OFFICE OF THE SOLICITOR GENERAL.....	196
CIVIL DIVISION.....	197
LAND AND NATURAL RESOURCES DIVISION.....	199
UNITED STATES ATTORNEYS' OFFICES.....	201
APPENDIX.....	203

COMMENDATIONS

The following Assistant United States Attorneys have been commended:

THOMAS M. BAUER and GREGORY C. SASSE (Ohio, Northern) by Special Agent-in-Charge Joseph E. Griffin, Federal Bureau of Investigation, for their excellent efforts in the prosecution of a complex narcotics case.

J. MATTHEW CAIN and KEVIN P. CONNOLLY (Ohio, Northern) by Assistant Director Joseph R. Davis, Legal Counsel Division, Federal Bureau of Investigation, for their outstanding participation in the New Agents Moot Court Program at the FBI Academy in Quantico, Virginia.

LANCE A. CALDWELL (Oregon) by Assistant Director James D. McKenzie, Federal Bureau of Investigation, for his outstanding presentation on the prosecutive approach to major bank fraud investigations at a FBI/FDIC specialized regional training seminar.

M. ELLEN DENNIS (Michigan, Eastern) by Deputy General Counsel Robert E. Coy, Veterans Administration, for her effective representation of a sex and race discrimination case.

NATHAN FISHBACH (Wisconsin, Eastern) by the Veterans Administration for his defense of a case involving multiple allegations of negligence by the Veterans Hospital in its treatment of the defendant; and by Mr. Monroe Woods, Regional Administrator, Food and Nutrition Service, Department of Agriculture, for his skillful handling of a case involving a recently enacted provision of the Food Stamp Act.

ERIC J. KLUMB (Wisconsin, Eastern) by Special Agent-in-Charge H. Ernest Woodby, Federal Bureau of Investigation, for his successful prosecution of an 18 U.S.C. §§1341 and 1343 violations case; and by the Winnebago, Wisconsin, Sheriff's Department for his outstanding job in prosecuting a narcotics trafficking case.

LINDA L. LATTIMORE (Texas, Southern) by Associate Director Phillip C. McGuire, Bureau of Alcohol, Tobacco and Firearms, for her successful prosecution of a case involving the manipulation of children to commit flagrant violations of federal firearms and tax laws.

CHRISTOPHER L. MILNER (Texas, Southern) by Associate Regional Commissioner David V. Vandersall, Immigration and Naturalization Service, for his presentation on prosecution strategies at the INS Southern Regional United States Attorneys Conference.

STEPHEN S. MORRIS and T. SCOTT WOODWARD (Texas, Southern) by Assistant Attorney General William Bradford Reynolds, Civil Rights Division, for their successful conclusion of two civil rights cases.

STANLEY L. PATCHELL (Arizona) by Assistant Federal Public Defender Pamela J. Franks, Phoenix, Arizona, for his cooperation, honesty and straight forwardness in dealing with opponent counsel in the Public Defender's office.

LAWRENCE S. ROBBINS (New York, Eastern) by Commissioner William von Robb, United States Customs Service, for his handling of a case involving shipments of dam equipment and parts in violation of the Hostage Crisis Embargo in 1980.

DEBORAH A. ROBINSON (District of Columbia) by Colonel Seymour Copperman, Chief, General Litigation Division, Office of the Judge Advocate General, Department of the Air Force, for her outstanding advocacy in a case involving debarment, contracts, Bivens claims, grand jury evidence, and DOD/DOJ/IRS Joint Task Force activities.

ERIC WILLIAM RUSCHKY (South Carolina) by Supervisory Senior Resident Agent William E. Nettles, Jr., Federal Bureau of Investigation, for his outstanding work and cooperation in prosecuting cases with the FBI; and by Special Agent-in-Charge, Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, for his successful prosecution of a firearms fencing case.

NASH W. SCHOTT (Virginia, Eastern) by Deputy Assistant Attorney General Roger J. Marzulla, Land and Natural Resources Division, for his contribution to the litigation to compel the attendance of Anne Burford as an out-of-state witness in criminal proceedings in the State of Alabama.

DAVID STEPHENS and JOHN BARTON (South Carolina) by Chief A. Wendell Dixon, Criminal Investigation Division, Internal Revenue Service, for their successful prosecution of a tax protestor.

ANN MARIE TRACEY (Ohio, Southern) by Assistant Attorney General F. Henry Habicht II, Land and Natural Resources Division, for her successful prosecution of a case involving illegal disposal and failure to mark PCBs, and concealment and conspiracy to defraud the Environmental Protection Agency.

KENNETH E. VINES (Alabama, Middle) by Mr. Jeffrey Axelrad, Director, Torts Branch, Civil Division, for his excellent work in the successful resolution of a complex Federal Tort Claims Act case.

R. JEFFREY WAGNER (Wisconsin, Eastern) by Special Agent-in-Charge H. Ernest Woodby, Federal Bureau of Investigation, for his outstanding performance in the successful prosecution of a mail fraud case.

MARY C. WILLIAMS (District of Columbia) by Major General Robert D. Morgan, Commanding General, U.S. Army Communications-Electronics Command, Department of the Army, for her outstanding assistance with litigation challenging the award of the Single Channel Objective Tactical Terminal Contract; and by Brigadier General John L. Fugh, Assistant Judge Advocate General for Civil Law, Department of the Army, for her superb professional efforts in a case involving a \$105 million negotiated procurement for development of advanced satellite communication terminals.

WAYNE P. WILLIAMS (District of Columbia) by Colonel E.D. George, Chief, Neurosurgery Service, Walter Reed Army Medical Center, for his successful defense of the government's interest in a case involving complex neurosurgical and neuroradiological medicolegal issues.

CLEARINGHOUSEApplication for Transfer of Federally Forfeited Property - Form DAG-71

The application for transfer of federally forfeited property (Form DAG-71) has been revised. In April a copy of the form was mailed to United States Attorneys for distribution to the various law enforcement agencies in their districts. The form may be photocopied. However, if you require an original copy of the form, please contact the Office of Legal Services at FTS 633-4024, and request item number CH-34.

(Executive Office)

Criminal Division Monograph on The Travel Act, 18 U.S.C. §1952

The Travel Act is one of the racketeering laws which United States Attorneys may include in an indictment without consulting Department of Justice headquarters. The Act has unusually wide applicability in federal criminal prosecutions, and is one of the more frequently applied criminal provisions.

The Organized Crime and Racketeering Section of the Criminal Division has compiled a monograph, dated March 1986, entitled "The Travel Act (18 U.S.C. §1952): Prosecution of Interstate Acts in Aid of Racketeering." The monograph should assist United States Attorneys' offices personnel in criminal cases applying the Travel Act. Use of the monograph should reduce research time into the Travel Act's extensive case law.

Copies of the monograph may be obtained by contacting the Office of Legal Services at FTS 633-4024. Please request item number CH-35.

(Executive Office)

Office Management: Use of OCR Reduces Time to Copy Trial Documents and is a Cost Savings to United States Attorney's Office

The Optical Character Reader (OCR) reads and formats documents into a word processing work file for subsequent modification/editing and printing. The New Jersey United States Attorney's Office has used its OCR to reduce the time and effort necessary to retype documents received from outside agencies. Prior to installation of the OCR, which handles twelve font types and reads 125 pages per hour, the New Jersey office edited and retyped lengthy transcripts received from phone interceptions prior to trial. The office's litigative resources were severely strained by this process. The use of the OCR to enter documents into the word processor for editing has reduced the time involved in reproducing necessary legal documents. For example, over 500 transcripts relevant to a drug case were read into the work file via the OCR and reformatted in three days. Previously, the same documents would have required three typists to retype them over a four week period. Or an outside service would have charged an estimated amount of \$18,000, whereas the actual cost was less than \$500--an obvious savings.

Additionally, the OCR makes it possible to build a document/brief bank by copying briefs, indictments, motions and other documents. The OCR can also be used to restore documents lost or damaged as a result of a word processor system malfunction.

If your office has an OCR and you would like to know more about how the New Jersey office is using their OCR to save time and money, contact Mr. Thomas Haggerty, System Manager, on FTS 341-2155.

(Executive Office)

POINTS TO REMEMBER

Personnel

Effective May 23, 1986, Jerome G. Arnold was court-appointed United States Attorney for the District of Minnesota.

(Executive Office)

Requests for Authorization to Move for or Consent to Closure of all or Part of a Judicial Proceeding

No Department attorney shall move for or consent to the closure of all or part of a judicial proceeding without the express authorization of the Deputy or Associate Attorney General. See 28 C.F.R. §50.9. Requests originating from Divisions supervised by the Deputy Attorney General require Deputy Attorney General authorization; ones originating from Divisions supervised by the Associate Attorney General require authorization by the Associate Attorney General. Requests to close proceedings supervised by the Criminal Division should be directed to the Head of the Legal Support Unit, Office of Enforcement Operations, at FTS 724-6672.

(Criminal Division)

CASENOTES

OFFICE OF THE SOLICITOR GENERAL

The Solicitor General has authorized the filing of:

A brief amicus curiae in Ansonia Board of Education v. Philbrook, 757 F.2d 476 (2d Cir. 1985). The issue is whether a school board contract that does not allow an employee to apply "necessary personal business" leave to days of mandatory religious observance violates Title VII of the Civil Rights Act of 1964.

A protective petition for certiorari in Dixon v. Bowen, 785 F.2d 1102 (2d Cir. 1986). The question presented is the validity of the "severity" regulation used by the Secretary of Health and Human Services when reviewing claims for disability benefits under the Social Security Act.

A petition for certiorari in Thomas v. Outboard Marine Corp., 773 F.2d 883 (7th Cir. 1985). The question presented is whether the Environmental Protection Agency has statutory authority to enter private property when necessary to plan the cleanup of environmental pollutants under the Comprehensive Environmental Response, Compensation and Liability Act.

A petition for certiorari in United States v. Mendoza-Lopez, 781 F.2d 111 (8th Cir. 1985). The issue is whether a defendant in a prosecution under 8 U.S.C. §1326 may collaterally attack the validity of the underlying deportation order.

A petition for certiorari in United States v. Schwartz, 785 F.2d 673 (9th Cir. 1986). The question is whether the Double Jeopardy Clause bars a prosecution appeal from the trial judge's dismissal of an indictment for insufficient evidence.

A brief amicus curiae in Michigan v. Shabaz, 424 Mich. 42 (1985). The question presented is whether the flight of an individual from the police, after attempting to hide a gun in a paper bag, into an area known for criminal activity constitutes reasonable suspicion for an investigative detention.

CIVIL DIVISION

SUPREME COURT ACCEPTS OUR ARGUMENT THAT CONGRESS HAS NOT BARRED WAIVERS OF ATTORNEY FEES WHEN ATTORNEYS SETTLE CLASS ACTION CASES IN WHICH ATTORNEYS' FEES ARE AUTHORIZED.

A Legal Aid office attorney filed a civil rights action against the State of Idaho on behalf of institutionalized children. The parties reached a settlement that provided for a waiver of attorneys' fees, but included significant non-monetary relief for the members of the class. The plaintiffs then sought attorneys' fees from the district court which had approved the settlement under Federal Rules of Civil Procedure 23 with the waiver of a fee. The district court denied the fee, but the Ninth Circuit reversed on appeal. The court of appeals ordered enforcement of the substantive aspects of the settlement and an award of an attorney fee. Idaho sought and was granted certiorari. The government filed a brief as amicus curiae, arguing that the Ninth Circuit had erred in finding that waivers of attorneys' fees under these circumstances are per se void. The Supreme Court agreed that Congress had not barred waivers of attorneys' fees, and that the district court had not acted improperly by denying a fee here. The Court found that there may be circumstances in which such waivers should be found to be fundamentally unfair (such as when they are forced upon a plaintiff by an unscrupulous defense attorney) and that the matter must be left in the discretion of the district court to determine in individual instances.

Evans v. Jeff D., ___ U.S. ___, No. 84-1288 (Apr. 21, 1986). D. J. # 145-0-1691. Attorneys: John F. Cordes (FTS 633-3380) and Douglas N. Letter (FTS 633-3602), Civil Division.

SIXTH CIRCUIT HOLDS FERES DOCTRINE AND INTENTIONAL TORT EXCEPTION BAR SURVIVOR'S CLAIM FOR NEGLIGENT ENLISTMENT AND NEGLIGENT SUPERVISION OF SERVICEMAN WHO WAS MURDERED OFF POST BY OTHER SERVICEMEN.

Plaintiff's son enlisted in the Army at age 17. During basic training, he was murdered by three Army privates while they were on a weekend pass away from the base. His mother brought this wrongful death action under the Federal Tort Claims Act. She alleged that the Army recruiters had been negligent and had violated Army regulations in accepting her son for enlistment because they did not secure her consent to his enlistment and because they failed to discover his juvenile criminal record. She also alleged that the Army had been negligent and had violated Army regulations in supervising her son and his assailants. The district court dismissed the action on the grounds that it was barred by both the doctrine of Feres v. United States, 340 U.S. 135 (1950), and by the intentional tort exception.

On appeal, the Sixth Circuit stayed the case pending the Supreme Court's decision in United States v. Shearer, 105 S.Ct. 3039 (1985). It has now held that Shearer is controlling. The Sixth Circuit held that Feres barred the negligent supervision claim, and that plaintiff's allegation that the Army had violated its own regulations was not a basis for distinguishing Shearer. The court also held that the claim of negligent enlistment was barred by the intentional tort exception, but acknowledged that Shearer had only "equivocal precedential value" on this issue. The court, however, found the opinion's "reasoning to be compelling." This application of Shearer is significant because the intentional tort exception is broader than the Feres doctrine, since the former applies to civilians as well as members of the military.

Satterfield v. United States, ___ F.2d ___, No. 83-5930 (6th Cir. Apr. 18, 1986). D. J. # 157-30-243. Attorneys: Anthony J. Steinmeyer (FTS 633-3388), Civil Division.

EIGHTH CIRCUIT, AFFIRMING DISTRICT COURT, RULES THAT GRANDPARENT DEEMING APPLIES IN THE AFDC PROGRAM WHEN THE MINOR PARENT MEETS THE AGE AND SCHOOL REQUIREMENTS FOR AFDC ELIGIBILITY.

Plaintiffs, a class of eighteen year old parents with dependent children living with their parents, brought suit challenging the Secretary's regulations regarding the grandparent deeming provision of the Deficit Reduction Act. The provision requires the Secretary to consider the income of grandparents in the AFDC household in determining AFDC eligibility and need when the minor parent of the dependent child lives with her parents, and when the minor parent "is under the age selected by the State pursuant to Section 606(a)(2)." The Secretary issued a regulation pursuant to this provision, applying grandparent deeming when the minor parent meets the age requirement without regard to the school attendance requirement of Section 606(a)(2). The district court invalidated the regulation, holding that these requirements were inseparable under 606(a)(2) and that the cross-reference in the grandparent deeming provision to Section 606(a)(2) necessarily incorporated both requirements. Based on this opinion, the court of appeals affirmed.

Morrison v. Heckler, ___ F.2d ___, No. 85-5098MN (8th Cir. Apr. 11, 1986).
D. J. # 137-39-451. Attorneys: William Kanter (FTS 633-1597) and
Deborah R. Kant (FTS 633-3424), Civil Division.

NINTH CIRCUIT HOLDS THAT DISCRETIONARY FUNCTION EXCEPTION PRECLUDES
CHALLENGE TO BPA'S DECISION TO RELY ON FAA MINIMUM STANDARDS IN
MARKING ITS TRANSMISSION LINES.

A pilot crashed after his airplane struck ground wires built by the Bonneville Power Administration (BPA) to protect its transmission lines. Plaintiff, the pilot's wife, brought suit against the BPA alleging that it was negligent in failing to alert pilots by installing marker spheres on the ground wires. The BPA argued that its decision not to install warning devices constituted a "discretionary function" within the meaning of the FTCA, primarily because it had relied on FAA recommendations in not marking this stretch of lines. The district court rejected that defense and assessed \$315,000 in damages against the government.

The court of appeals reversed. It held that the discretionary function exception applies, because the BPA "affirmatively decided to adopt the FAA's policy," albeit with certain exceptions, its overall safety strategy was "grounded in social, economic, and political policy" and thus could not be second-guessed in a tort suit. The court also held that the rationale in Varig was fully applicable here since the BPA was acting in a proprietary and not a regulatory capacity.

Mitchell v. United States, ___ F.2d ___, No. 85-3744 (9th Cir. Apr. 15, 1986). D. J. # 157-81-357. Attorneys: Robert S. Greenspan (FTS 633-5428) and Harold J. Krent (FTS 633-3159), Civil Division.

LAND AND NATURAL RESOURCES DIVISION

EAJA AWARD NOT AVAILABLE WHERE GOVERNMENT ULTIMATELY PREVAILED AND
WHERE FEES WERE INCURRED IN OPPOSING NON-GOVERNMENTAL PARTIES.

An environmental group sued the Corps of Engineers and private developers, under the Clean Water Act (CWA), to enjoin land clearing activities on a tract that plaintiffs alleged was a wetland and thus required a Section 404 permit. Two trials were held. One to determine the wetland issue, and the other to determine what land clearing activities would require permitting. On appeal, the Fifth Circuit reversed the lower court's decision, and upheld EPA's 80% wetland determination.

The district court, thereafter, approved an award of attorneys' fees in excess of \$100,000 against the government. On appeal from the award, the government, while conceding liability for fees incurred during the preliminary injunction phase of the litigation, argued that it should not be held liable for fees for the two trials and the appeal. The court of appeals completely disallowed fees for the wetlands trial and the appeal. The court held that fees would be improper for the activities trial, but remanded for the district court to consider the bearing of the primary jurisdiction issue on the fee award. The

court cautioned that if the district court still found it appropriate to award fees solely against the government, the burden would be on the plaintiff to prove that the fees "were incurred in opposing improper government resistance to their rightful demands." The court made clear that the "when appropriate" standard for awarding fees under the CWA does not permit fees where, as here, the government ultimately prevailed and where fees were incurred in opposing non-governmental parties.

Avoyelles Sportsmen's League v. Marsh, ___ F.2d ___, No. 85-4202 (5th Cir. Apr. 2, 1986). D. J. # 62-33-64. Attorneys: Maria A. Iizuka (FTS 633-2753) and Robert L. Klarquist (FTS 633-2731), Land and Natural Resources Division.

DRAINING WETLANDS DOES NOT QUALIFY FOR AGRICULTURAL EXEMPTION UNDER SECTION 404(f) OF THE CLEAN WATER ACT.

This was an appeal from the granting of a preliminary injunction against a farmer who wished to build certain improvements on his land, which was largely wetland. His improvements would have had the effect of draining much of the land. He claimed that the land had been continuously farmed for a long period of time and that he was entitled to an exemption from Corps regulation under Section 404(f) of the Clean Water Act. That section allows discharges of dredged or filled materials as part of normal farming operations, among other things. The court found that the exceptions should be construed narrowly, and found that the farmer did not come within them.

United States v. Akers, ___ F.2d ___, No. 85-1750 (9th Cir. Mar. 26, 1986). D. J. # 90-5-1-1-2185. Attorneys: Edward J. Shawaker (FTS 633-4010) and Robert L. Klarquist (FTS 633-2731), Land and Natural Resources Division.

KNOWLEDGE NOT AN ELEMENT FOR CONVICTION UNDER RESOURCE CONSERVATION AND RECOVERY ACT.

Finding the evidence in the record sufficient for conviction, the court of appeals reversed the district court's order granting defendants' motions for judgments of acquittal, notwithstanding the jury's guilty verdict. Defendants were prosecuted for knowingly transporting a hazardous waste to a facility without a hazardous waste permit in violation of 42 U.S.C. §6928(d)(1) of the Resource Conservation and Recovery Act (RCRA), a felony. A central issue on appeal was the degree of knowledge necessary for conviction. The court of appeals held that for conviction under 42 U.S.C. §6928(d)(1) knowledge of RCRA regulations is not required. Thus in a prosecution under 42 U.S.C. §6928(d)(1), it is not a defense to claim no knowledge that a material was a hazardous waste within the meaning of RCRA's regulations nor to claim ignorance of the permit regulations. The court held that the government must show that the defendant knew the nature of the waste (here paint and solvents) and also must show that the defendant knew the permit status of the facility. This latter burden, in the court's view, is met if the government shows that the defendant willfully failed to determine the permit status of the facility. "[I]f the transporter does not know a permit is required, but knows the facility does not have one, or knows he has not inquired, then sufficient knowledge is shown."

United States v. Hayes International, ___ F.2d ___, No. 84-7796 (11th Cir. Apr. 21, 1986). D. J. # 62-2-2. Attorneys: J. Carol Williams (FTS 633-2757) and Dirk D. Snel (FTS 633-4400), Land and Natural Resources Division.

EAJA FEES NOT RECOVERABLE IN TORT CASES.

Valdez, an enrolled member of the Navajo Tribe, sued the United States asserting a breach of duty where the Bureau of Indian Affairs allegedly disbursed funds improperly from his individual Indian money account. The case was settled and Valdez, thereafter, sought attorneys' fees under the Equal Access to Justice Act (EAJA) and the Federal Tort Claims Act. His application for fees was denied.

The court of appeals affirmed. On appeal, the government argued that fees for tort cases may not be recovered under EAJA. Even if Valdez's claim could arguably come under EAJA, the government's position was substantially justified.

Valdez v. United States, ___ F.2d ___, No. 84-1680 (10th Cir. Apr. 1, 1986). D. J. # 90-2-4-871. Attorneys: Maria A. Iizuka (FTS 633-2753) and David C. Shilton (FTS 633-5580), Land and Natural Resources Division.

UNITED STATES ATTORNEYS' OFFICES

CALIFORNIA, EASTERN

DISTRICT COURT RULES THAT 21 U.S.C. §881(a)(7) IS INTENDED TO PERMIT FORFEITURE OF THE ENTIRE LOT OR TRACT OF LAND UPON WHICH A FELONY DRUG VIOLATION OCCURS.

Claimant requested dismissal of the government's request for forfeiture in rem of a parcel of land used to grow marijuana. Claimant argued that 21 U.S.C. §881(a)(7) should be narrowly construed to permit forfeiture only of that portion of the property directly connected to the illegal activity. After review of the legislative history of the statute, the court concluded that Congress intended the statute to be construed broadly, and that the statute is intended to permit forfeiture of the entire lot or tract of land upon which a felony drug violation occurs even if the violation occurs on only a small portion of the property.

United States v. Real Property, Plumas County, APN: 122-210-08, ___ F. Supp. ___, Civ. No. S-85-1360-LKK (E.D. Cal. Apr. 1, 1986). Attorneys: Gregory G. Hollows, Assistant United States Attorney, Eastern District, California (FTS 440-2331).

MICHIGAN, EASTERN

THE "SUE AND BE SUED" CLAUSES OF THE HOUSING ACTS DO NOT WAIVE SOVEREIGN IMMUNITY WITH RESPECT TO §1981 AND §1982 ACTIONS FOR DAMAGES AGAINST HUD.

In Selden, the Sixth Circuit held, inter alia, that the "sue and be sued" clauses of the Housing Acts (12 U.S.C. §1702 and 42 U.S.C. §1404a) do not waive sovereign immunity with respect to §1981 and §1982 actions for damages brought against HUD. The court found that those "sue and be sued" clauses only waive sovereign immunity for claims against HUD which set forth violations of substantive provisions of the Housing Acts. There is very little published law on this issue, and there is a split in the circuits as to the correct analysis of the issue. The Sixth Circuit's opinion carefully reviews the existing case law and ultimately applies the sovereign immunity analysis initially set forth in FHA v. Burr, 309 U.S. 240 (1940).

Selden Apts. v. U.S. Dept. of Housing and Urban Development, ___ F.2d ___, No. 85-1048 (6th Cir. Mar. 7, 1986). Attorneys: Jan Kittel Mann (FTS 226-6175) and Geneva Halliday (FTS 226-2163), Assistant United States Attorneys, Eastern District, Michigan.

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

- 04-29-86 From William P. Tyson, Director, by Laurence S. McWhorter, Deputy Director, re: "Financial Disclosure Reports - Annual Filing Date."
- 05-13-86 From C. Madison Brewer, Director, Office of Management Information Systems and Support, by Tim Murphy, Assistant Director, Debt Collections Staff, re: "Change in Federal Civil Postjudgment Interest Rates."
- 05-16-86 From William P. Tyson, Director, Executive Office for United States Attorneys, re: "Position Vacancy: Deputy Chief for Litigation, General Litigation and Legal Advice Section, Criminal Division."
- 05-16-86 From William P. Tyson, Director, by Thomas Schrup, Acting Director, Office of Legal Education, re: "Criminal Trial Advocacy Course - June 16-27, 1986."
- 05-22-86 From Richard E. DeHaan, Director, Office of Administration and Review, re: "Expiration of Interim Civil Service Retirement System."
- 05-23-86 From William P. Tyson, Director, re: "Attorney General Meese's Appearance on the David Brinkley Show."
- 05-28-86 From William P. Tyson, Director, re: "Contacts with Heads of Federal Agencies Regarding Information Relevant To Budget Formulation and Resource Allocation."

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>
12-20-85	7.57%
01-17-86	7.85%
02-14-86	7.71%
03-14-86	7.06%
04-11-86	6.31%
05-14-86	6.56%

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

For cumulative list of those Federal Civil Postjudgment Interest Rates effective October 1, 1982, through December 19, 1985, see United States Attorneys' Bulletin, Vol. 34, No. 1, Page 25, January 17, 1986.

UNITED STATES ATTORNEYS' LIST

<u>DISTRICT</u>	<u>U.S. ATTORNEY</u>
Alabama, N	Frank W. Donaldson
Alabama, M	John C. Bell
Alabama, S	J. B. Sessions, III
Alaska	Michael R. Spaan
Arizona	Stephen M. McNamee
Arkansas, E	George W. Proctor
Arkansas, W	J. Michael Fitzhugh
California, N	Joseph P. Russoniello
California, E	Donald B. Ayer
California, C	Robert C. Bonner
California, S	Peter K. Nunez
Colorado	Robert N. Miller
Connecticut	Stanley A. Twardy, Jr.
Delaware	William C. Carpenter, Jr.
District of Columbia	Joseph E. diGenova
Florida, N	W. Thomas Dillard
Florida, M	Robert W. Merkle
Florida, S	Leon B. Kellner
Georgia, N	Stephen S. Cowen
Georgia, M	Joe D. Whitley
Georgia, S	Hinton R. Pierce
Guam	David T. Wood
Hawaii	Daniel A. Bent
Idaho	Maurice O. Ellsworth
Illinois, N	Anton R. Valukas
Illinois, S	Frederick J. Hess
Illinois, C	Gerald D. Fines
Indiana, N	James G. Richmond
Indiana, S	John D. Tinder
Iowa, N	Evan L. Hultman
Iowa, S	Richard C. Turner
Kansas	Benjamin L. Burgess, Jr.
Kentucky, E	Louis G. DeFalaise
Kentucky, W	Joseph M. Whittle
Louisiana, E	John Volz
Louisiana, M	Stanford O. Bardwell, Jr.
Louisiana, W	Joseph S. Cage, Jr.
Maine	Richard S. Cohen
Maryland	Breckinridge L. Willcox
Massachusetts	William F. Weld
Michigan, E	Roy C. Hayes
Michigan, W	John A. Smietanka
Minnesota	Jerome G. Arnold
Mississippi, N	Robert Q. Whitwell
Mississippi, S	George L. Phillips
Missouri, E	Thomas E. Dittmeier
Missouri, W	Robert G. Ulrich

UNITED STATES ATTORNEYS

<u>DISTRICT</u>	<u>U.S. ATTORNEY</u>
Montana	Byron H. Dunbar
Nebraska	Ronald D. Lahners
Nevada	William A. Maddox
New Hampshire	Richard V. Wiebusch
New Jersey	Thomas W. Greelish
New Mexico	William L. Lutz
New York, N	Frederick J. Scullin, Jr.
New York, S	Rudolph W. Giuliani
New York, E	Reena Raggi
New York, W	Salvatore R. Martoche
North Carolina, E	Samuel T. Currin
North Carolina, M	Kenneth W. McAllister
North Carolina, W	Charles R. Brewer
North Dakota	Rodney S. Webb
Ohio, N	Patrick M. McLaughlin
Ohio, S	Anthony W. Nyktas
Oklahoma, N	Layn R. Phillips
Oklahoma, E	Roger Hilfiger
Oklahoma, W	William S. Price
Oregon	Charles H. Turner
Pennsylvania, E	Edward S. G. Dennis, Jr.
Pennsylvania, M	James J. West
Pennsylvania, W	J. Alan Johnson
Puerto Rico	Daniel F. Lopez-Romo
Rhode Island	Lincoln C. Almond
South Carolina	Vinton DeVane Lide
South Dakota	Philip N. Hogen
Tennessee, E	John W. Gill, Jr.
Tennessee, M	Joe B. Brown
Tennessee, W	W. Hickman Ewing, Jr.
Texas, N	Marvin Collins
Texas, S	Henry K. Oncken
Texas, E	Robert J. Wortham
Texas, W	Helen M. Eversberg
Utah	Brent D. Ward
Vermont	George W. F. Cook
Virgin Islands	James W. Diehm
Virginia, E	Justin W. Williams
Virginia, W	John P. Alderman
Washington, E	John E. Lamp
Washington, W	Gene S. Anderson
West Virginia, N	William A. Kolibash
West Virginia, S	David A. Faber
Wisconsin, E	Joseph P. Stadtmueller
Wisconsin, W	John R. Byrnes
Wyoming	Richard A. Stacy
North Mariana Islands	David T. Wood