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UNITED STATES DEPARTMENT OF JUSTICE

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EXECUTIVE OFFICE FOR U.S. ATTORNEYS
Acting Director William P. Tyson

COMMENDATIONS

Assistant United States Attorney JOSEPH F. CIMINI, Middle District of Pennsylvania, has been commended by Bureau of Prisons Regional Director Gerald M. Farkas, for his extraordinary efforts in the defense of the warden and staff at Lewisburg in the civil contempt case Jordan, et al. v. Arnold.

Assistant United States Attorney ELLLIOT ENOKI, District of Hawaii, has been commended by W. Graham Clayton, Jr., Secretary of the Navy, for his critical contribution to positive outcome of a critical important civil action suit in Hawaii against the Department of Defense and the Navy.

Assistant United States Attorney JAMES P. LOSS, District of Arizona, has been commended by Abraham I. Kleks, District Director of the Food and Drug Administration, for his excellent handling and adjudication of United States v. Anderson Clayton & Co. and United States v. Casa Grande Oil Mill.

Criminal Division Attorney BRIAN McDONALD, has been commended by United States Attorney Paul F. Murray, District of Rhode Island, for his successful prosecution of two members of the Coventry, Rhode Island, Police Department for violating the civil rights of John J. DeAngelis at the time of his arrest in February, 1978.

Assistant United States Attorneys ROBERT TREVEY and JOHN WEST, Eastern District of Kentucky, have been commended by James W. Moorman, Assistant Attorney General for the Land and Natural Resources Division, for their successful efforts in McCoy-Elkhorn Coal Corp. v. Costle.

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POINTS TO REMEMBER

ERISA: USE OF LABOR DEPARTMENT PERSONNEL AS WITNESSES

The United States Department of Labor has requested that Justice Department attorneys desiring a Labor Department employee to testify in legal procedings as to matters of opinion or interpretation involving the Employee Retirement Income Security Act (ERISA, 29 U.S.C. 1001, et seq.) notify J. Vernon Ballard, Deputy Administrator, United States Department of Labor, Washington, D.C. 20216, in writing, at least three weeks in advance of the trial or other proceeding where the employee's appearance is required.

The Labor Department has advised us that generally Labor Department Compliance Officers are not experts nor are they authorized to express the opinions of the Department of Labor on legal issues such as the coverage of employee pension and welfare benefit plans under ERISA, the kinds of records required to be kept under ERISA, and the scope of responsibilities imposed by ERISA on plan fiduciaries. The Department of Labor will make every effort to expedite such requests by the Department of Justice where trial schedules require it. However, in appropriate individual cases a Compliance Officer may testify to certain matters of interpretation or opinion where those matters have been reviewed and cleared in advance by the Department of Labor's national offices. In order to facilitate the Department of Labor's efforts to provide such testimony, any notice to the Department of Labor requesting such testimony should delineate in detail the opinion testimony which is sought and the facts upon which the opinion will be based. Examples of the kinds of information required by the Department of Labor in connection with its established advisory opinion procedure are set forth in the Federal Register, Vol. 41, No. 168 - Friday, August 27, 1976.

In cases involving ERISA in which it is anticipated that the appearance of a Department of Labor employee (other than employees of the Department of Labor's Office of the Inspector General who have been assigned to work directly with Department of Justice Strike Force attorneys) will be necessary to testify as to purely factual matters, the Department of Labor requests that written or telephonic notice be given at least three days in advance of the date of the employee's anticipated testimony. Notification under these circumstances should also go to J. Vernon Ballard. His phone number is FTS 523-9590. Any problems with this procedure may be directed to Jerry Toner, Labor Unit, Organized Crime & Racketeering Section (FTS 633-1214).

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SPEEDY TRIAL ACT AND PLEA AGREEMENTS ON LESS THAN THE WHOLE INDICTMENT

Care should be taken when negotiating pleas to less than all the counts of an indictment that the open counts not be dismissed prior to the imposition of sentence. If this means that those counts will remain open beyond the time fixed for trial by the Speedy Trial Act or the district plan, a continuance pursuant to 18 U.S.C. 3161(h)(8) should be requested so that the counts will not be lost should the defendant withdraw his plea or the court refuse its approval of the agreement. This procedure has been tentatively sanctioned by U.S.D.C.W.D. Wisconsin. See also the guidelines of the Court of Appeals for the Second Circuit, (January 16, 1979), I(G), for an alternative method of achieving the same result.

(Criminal Division)

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CIVIL DIVISION
Assistant Attorney General Barbara Allen Babcock

GTE Sylvania, Inc., et al. v. Consumers Union, No. 78-1248 (Sup. Ct., May 14, 1979) DJ 145-186-5

FOIA: Supreme Court Grants Certiorari To Resolve Jurisdictional Questions Under The Freedom Of Information Act

This case raises questions concerning the scope of district court jurisdiction under the Freedom of Information Act. Plaintiffs, fourteen television manufacturers, filed a "reverse" FOIA suit in the District of Delaware to enjoin the Consumer Product Safety Commission from releasing television related accident data. That suit resulted in the issuance of a permanent injunction barring disclosure of the data, a decision which has been affirmed by the Third Circuit. Subsequent to the filing of the Delaware action, Consumers Union, the requester of the accident reports, filed the instant FOIA suit in the District of Columbia Circuit, seeking disclosure of the very documents which were the subject of an injunction in Delaware. In its second opinion in the suit, the CADC ruled that the existence of a permanent injunction in Delaware was no bar to litigation of the FOIA issue in this Circuit. The court ignored our argument that the FOIA only gives rise to jurisdiction when documents are being "improperly withheld," 5 U.S.C. 552(a)(4)(B), and also ignored the argument that principles of comity, as well as the danger of subjecting the government to conflicting decrees, mandated that the case be dismissed. The court suggested that the above problems could be avoided in future cases by joining requesters in future "reverse" FOIA litigation under Rule 19, F.R.C.P. The Supreme Court has granted certiorari in response to a petition filed by the manufacturers.

Attorney: Frederic D. Cohen (Civil Division)
FTS 633-3449

Jaffee v. United States, No. 78-1478 (Sup. Ct., May 21, 1979) DJ 145-15-1110

Sovereign Immunity: Supreme Court Denies Certiorari In Case Defense Where Petitioners Contended Sovereign Immunity Doctrine Was Inapplicable To Their Claim Against The Government For Purported Deliberate Exposure Of Petitioners To Nuclear Radiation At Dangerous Levels

Petitioners sought from the government medical examinations and medical care for all servicemen compelled to be present at a 1953 atmospheric nuclear test at Camp Desert Rock, Nevada. Petitioners' claim was based on allegedly deliberate violation of rights guaranteed by the First, Fourth, Fifth, Eighth, and Ninth Amendments to the United States Constitution. With the exception of one claim for injunctive relief, both the district court and the Third Circuit construed petitioners' claim as one for money damages against the United States, and ordered the claim dismissed under the sovereign immunity doctrine. In the Supreme Court petitioners contended that they merely sought equitable relief not barred by sovereign immunity, that the doctrine should not apply in cases of deliberate constitutional violations, and that the doctrine was outmoded and should be abolished altogether. The Court has just denied the petition for certiorari. Petitioners' additional claims against individual government officials are still pending in the lower courts.

Attorney: John Cordes (Civil Division)
FTS 633-3426

Cooper v. Department of Navy, No. 75-3500 (5th Cir., May 7, 1979) DJ 145-6-1483

FOIA: Fifth Circuit Rules That Navy Aircraft Accident Reports Are Not Subject To Mandatory Disclosure Under FOIA

In this Freedom of Information Act suit, plaintiff sought access to an aircraft accident report ("AAR") prepared by the Navy as part of its accident investigation program to determine remedial measures to prevent future similar accidents. The Fifth Circuit agreed with our argument that the AAR is exempt from mandatory disclosure, but further emphasized that disclosure would be ordered if the Navy breaches the confidentiality of the report by making it available to the aircraft

manufacturer to assist it in defending private tort litigation arising out of the accident.

Attorney: Thomas G. Wilson (Formerly of the Civil Division)

Charles M. Loomis v. John L. McLucas, et al., No. 78-1797 (10th Cir., May 14, 1979) DJ 145-18-573

Review Of Administrative Action: Tenth Circuit Rules That The Statutorily Prescribed Jurisdiction Of The FAA And NTSB May Not Be Preempted Through Direct Appellate Review

In this case, plaintiff, a 72 year old man with an artificial heart valve, sought to mandamus the FAA to issue him a medical certificate necessary to obtain a private pilot's license. He argued that because of the delays inherent in the administrative process and the FAA's view that an artificial heart valve was incompatible with flying safety, the statutory scheme -- an appeal to the NTSB and petition for review in the court of appeals -- did not afford him an adequate remedy. However, the district court dismissed the action for lack of jurisdiction.

On appeal, the Tenth Circuit affirmed, holding that the statutorily prescribed method was the exclusive one of obtaining judicial review of the FAA's action. Further, the court emphasized that mandamus will not lie to direct how discretionary acts are to be performed and that it is not a proper means of obtaining injunctive or declaratory relief. It also noted that if the plaintiff believed that there was an immediate need for relief, he should have taken the prescribed appeal to the court of appeals and requested accelerated review there.

Attorney: Marleigh Dover Lang (Civil Division)
FTS 633-3449

United States of America v. Friend's Stockyard, Inc.; and United States of America v. Grantsville Community Sale, Inc., Nos. 78-1482, 78-1483 (4th Cir., May 3, 1979) DJ 136-35-180

Fourth Circuit Affirms District Court Decision Applying Federal Rule Of Strict Liability For Conversion Of Livestock Subject To Farmers Home Administration Security Interest

In two cases filed by the Government against livestock market agencies for conversion of livestock subject to a Farmers Home Administration security interest, the district court, departing from Fourth Circuit precedent, held that federal law governed and that the federal rule was strict liability for conversion. The district court held, alternatively, that the applicable state law (Maryland) was also strict liability of market agencies. Thus, the government won under either independent theory.

On appeal, the Fourth Circuit affirmed the result, primarily relying on the Supreme Court's recent decision in United States v. Kimbell Foods, Inc., 47 U.S.L.W. 4342 (April 2, 1979). In Kimbell Foods the Supreme Court held that federal law applies to cases involving FmHA and SBA transactions but that, in most cases, the relevant state law will be incorporated as the federal law. The Fourth Circuit, in following that part of the Kimbell Foods decision, has sub silentio overruled its precedent in United States v. Union Livestock Sales Co., 298 F.2d 755 (1962, which held that state law governs.

Attorney: Freddi Lipstein (Civil Division)
FTS 633-3389

CIVIL RIGHTS DIVISION
Assistant Attorney General Drew S. Days, III

United States v. Guntram Weissenberger and Eva Marie Weissenberger, d/b/a The Westover Companies (E.D. Pa.) CA No. 79-1700 DJ 175-62-114

Fair Housing Act of 1968

On May 10, 1979, we filed a complaint in which we alleged that the defendants had violated the provisions of the Fair Housing Act of 1968 by only considering one-half of a wife's income, and not considering a wife's age or her job stability in qualifying married couples for tenancy. Defendants own and operate 1,372 apartments in suburban Philadelphia. A consent decree was entered by the Honorable Clifford Scott Green on May 11, 1979, under which the defendants are required to undertake an affirmative program to comply with the provisions of the Fair Housing Act, including (a) giving equal consideration to the income, age, and job stability of women in qualifying applicants; (b) conducting an educational program for employees and an advertising program to advise the public of their nondiscriminatory policies; and (c) reporting and records inspection provisions. We had coordinated our negotiations with the Pennsylvania Human Relations Commission which is negotiating a similar resolution of a complaint.

Attorney: Carl Gabel (Civil Rights Division)
FTS 633-4853

Alaska v. United States (D.D.C.) CA No. 78-0484, DJ 166-6-1

Section 5 and Section 203 of the Voting Rights Act

On May 10, 1979, Judge Oberdorfer signed a dismissal order. The state, through a declaratory judgment action, had sought a Section 4 bailout. We then conducted two investigations which produced sufficient evidence to convince the state that language minorities still encountered obstacles in attempting to participate in the electoral process. The state opted not to pursue its lawsuit but rather to attempt to remedy compliance problems under both Section 5 and Section 203.

Attorney: Robert S. Berman (Civil Rights Division
FTS 724-6680

OFFICE OF LEGISLATIVE AFFAIRS
Assistant Attorney General Patricia M. Wald

SELECTED CONGRESSIONAL AND LEGISLATIVE ACTIVITIES

MAY 1 - MAY 15, 1979

DOJ Authorization. On May 1 the Senate Judiciary Committee marked up and ordered reported the DOJ Authorization bill. A committee print was used as the markup vehicle and amendments to it were approved as indicated. The committee print as amended in the markup contains additional funding authority above the submitted budget of approximately $38 million.

The significant amendments were as follows:

1. By Kennedy - an additional $2 million for the Civil Division.

2. By Baucus - an additional $5.1 million for the Lands Division.

3. By Metzenbaum - an additional $2 million for the Civil Rights Division.

4. By Biden - an additional $2.3 million for the Criminal Division.

5. By Leahy - an additional $5 million for the Antitrust Division for use in the State Antitrust Grant program. He stated that only $1 million of the $10 million available this year had been used and this was the reason he wanted the program continued another year.

6. By Metzenbaum - a prohibition against the FBI acquiring message switching equipment unless approved by the Judiciary Committees. He and Kennedy in a discussion of the amendments indicated that the amendment simply put into law the existing agreement with the Department.

7. By DeConcini - an additional $941, 000 for the Witness Protection Program.

8. By DeConcini - an amendment (requested by the Department) that authorizes service of process by the marshals for private parties only in the cases of indigents, when otherwise expressly required by statute or as ordered by the court in extraordinary circumstances.

9. By Kennedy - a reduction of $3 million for the marshals in view of the DeConcini amendment.

10. By Kennedy - a perfecting amendment to the FBI "Sting" authority plus a requirement for an audit-type report to the Committee showing the gross amounts of funds taken in and expended in the various operations. It was announced that Director Webster had agreed to the amendment.

11. By Mathias - an additional $2.6 million for the FBI Bank Robbery program.

12. By Thurmond - an additional $500,000 for the FBI anti-terrorism efforts and an additional $1,750,000 for FBI programs at Quantico.

13. By Biden - a technical amendment concerning the DEA authorization plus two other DEA amendments. One would provide DEA authority to settle tort claims arising overseas and the other would resolve a problem concerning payments for information leading to drug seizures.

14. By DeConcini - an additional $7 million for I&NS. He indicated that the funds would improve border operations.

15. By DeConcini - an additional $5 million to the Attorney General to continue the State Drug programs now being funded by LEAA.

The committee print contains some particularly noteworthy items:

1. It provides $500,000 for a management analysis and preparation of the plan for a case management information and tracking system.

2. It earmarks $31.5 million for specific antitrust programs.

3. It raises the amounts for Prisons by approximately $5 million and specifically earmarks $28,168,770 for inmate medical services and $100,000 for inmate legal services.

4. It does not include the usual provision for authorizing reimbursement to the FBI for services performed for congressional committees.

5. It does not include an I&NS Inspector General or provision for an LA corrections center (both are contained in the House bill).

6. It includes a prohibition against use of funds authorized in this bill to pay raises, etc. This could be very troublesome.

7. It contains a requirement for periodic evaluations of DOJ programs somewhat different from the corresponding provision in the House bill.

8. It prohibits any I&NS employee from receiving more pay than the Commissioner.

9. It does not contain a requirement for reimbursement to the FBI for costs of furnishing conviction data on job applicants to banks.

10. It earmarks $2,052,000 for the anti-Nazi program (the House bill provides $3,000,000).

Lobbying Reform. On May 2 the Danielson Subcommittee completed its markup of the definition section of H.R. 81, the lobbying reform legislation. The only significant amendments were an expansion of the geographical exemption to include the lobbying organization's entire state and an exclusion of organization membership communications from the definition of lobbying communication.

Customs Court Reform. The trade bill drafting group has accepted our recommendations for inclusion of the Title 19 portion of our customs court legislation in the new trade bill. Unless significant and unforeseen objections are heard, the Title 19 portion of our customs court legislation will be enacted, leaving only the Judiciary Committees to consider the Title 28 portion of our proposal.

Speedy Trial. The Senate Judiciary Committee began hearings during the week of April 30 on the Administration's proposals to amend the Speedy Trial Act prior to the effective date of the dismissal sanctions on July 1. Senator Biden chaired the hearings at which Assistant Attorney General Heymann testified. Biden indicated that he opposes the Administration position. Although there appears to be sufficient support in the Committee to favorably report our bill, there may be a problem getting the Congress to act prior to July 1. Congressman Conyers, who chairs the House Subcommittee, has thus far not taken any action.

Diversity of Citizenship Jurisdiction. The Department is transmitting to the Office of Management and Budget for clearance three amendments to our diversity bill. The amendments would provide for: (1) federal jurisdiction based on diversity in mass tort cases; (2) removal from state courts to federal courts of cases in which a substantial federal defense is asserted; and (3) removal from state court to federal court, in diversity cases where the out-of-state defendant claims prejudice, for the sole purpose of having the court transfer the case to another state court. These amendments should eliminate some of the technical objections to abolition of diversity jurisdiction.

The Senate Judiciary Committee has tentatively scheduled for June 4 and 5 its final day of hearings on diversity. The House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice plans to delay markup on the bill until after action by the Senate Judiciary Committee.

Archaeological Resources Protection Act. Michael Hawkins, U.S. Attorney for Arizona, testified before the Senate Energy Subcommittee on Parks and Recreation on May 1. The Subcommittee reacted favorably to both the bill and the testimony. Mike Hawkins impressed on the Subcommittee that there is presently no law available in his area on thefts of Indian and other artifacts, since the Ninth Circuit's finding that the relevant section of the Antiquities Act is unconstitutional. Chairman Bumpers indicated an intention to expedite consideration of the bill, S. 490.

Interdiction of Drug Smugglers on the High Seas. On May 8 the House Interstate and Foreign Commerce Subcommittee on Coast Guard and Navigation ordered favorably reported H.R. 2583, Representative Biaggi's bill to plug the loophole in existing law which prevents any individual on board a U.S. vessel or an American citizen on board a foreign vessel from being prosecuted for possessing a controlled substance outside U.S. territorial waters. The bill was amended in Subcommittee in accordance with several suggestions from the Interagency Committee for Coordination of Maritime Drug Interdiction. In its present form H.R. 2583 has the unqualified support of the Administration. The bill is expected to be approved by the full Interstate and Foreign Commerce Committee in mid-June. Because there is no opposition to H.R. 2583,

Representative Biaggi hopes to have the bill placed on the suspension calendar when it reaches the floor of the House.

Judicial Tenure. On May 8 the Senate Judiciary Subcommittee on Improvements in Judicial Machinery held hearings on the judicial tenure portion of S. 678, Senator Kennedy's proposed Federal Courts Improvement Act; Senator Nunn's proposed Judicial Tenure Act, S. 295; and Senator Bayh's S. 522, the proposed Judicial Discipline Act. Journalist Clark Mollenhoff and Robert DuBill, executive editor of the Gannett News Service, testified as to the need for reform in the area of judicial discipline. However, both witnesses declined to support any particular bill. A panel of Federal judges also testified before the Subcommittee. Chief Judge James Browning of the Ninth Circuit argued that judicial tenure legislation is unnecessary because the judicial circuit councils in each circuit are moving swiftly to implement a recommendation by the Judicial Conference that each council establish machinery to investigate and act upon allegations of judicial maladministration. (The Judicial Conference approved a resolution in March outlining basic disciplinary procedures to be used but explicitly opposing removal of a judge from office by any method other than impeachment.) Chief Judge J. Edward Lumbard of the Second Circuit endorsed the basic tenets of Senator Nunn's bill, i.e., that a centralized judicial disciplinary system would be appropriate for serious cases and that removal of a judge from office by means other than the impeachment process is constitutional.

Residency, U.S. Attorney, E.D.N.Y. On May 2 the Senate passed S. 567, a bill which would permit the United States Attorney and Assistant United States Attorneys for the Eastern District of New York to reside within 20 miles of their district. Current law requires all U.S. Attorneys and Assistants to reside within their districts except for the District of Columbia and the Southern District of New York; the legislation would extend this exception to the Eastern District of New York. On the House side, the bill enjoys the support of Ms. Holtzman, in whose congressional district the Eastern District of New York lies. Ms. Holtzman has agreed to assist in moving the legislation expeditiously through the House Judiciary Committee and then the full House.

Bilingual Courts. On May 17 United States Attorney Julio Morales-Sanchez (Puerto Rico) will testify before the House Judiciary Subcommittee on Civil and Constitutional Rights on H.R. 2972, a bill to permit bilingual proceedings in the federal courts in Puerto Rico. Although we may have some reservations over the language of this particular bill, the concept of permitting Spanish to be spoken in the District of Puerto Rico has long been a priority of the Civil Rights Division. Similar legislation passed the Senate last year but died in the House in the closing days of the 95th Congress. We anticipate that if the bill can get through the House this Congress, it will encounter little Senate opposition.

Court Improvements. On May 7 Assistant Attorneys General Daniel Meador (Office for Improvements in the Administration of Justice) and Carr Ferguson (Tax Division) testified before the Senate Judiciary Subcommittee on Improvements in Judiciary Machinery. The subject of the hearing was S. 677, an Administration-proposed court reform bill, and S. 678, a Kennedy-DeConcini bill including similar provisions and several additional ones. Mr. Meador's

testimony basically addressed both bills, endorsing S. 677 and also endorsing, with some reservations, S. 678.

Criminal Code Reform. The House Subcommittee on Criminal Justice has issued a revised schedule, with a target date of June 15 for completion of consideration of all issues and for issuance of a draft. Immediately after completion of the discussion meetings, the Subcommittee will hold hearings on drug offenses. Chairman Drinan may also schedule hearings on sentencing. A staff person with an extensive background in sentencing has been added to the Subcommittee.

LEAA Reauthorization. The House Budget Resolution passed without lowering the LEAA Presidential budget mark. We are now working with OMB to muster support for the House Resolution in conference. A Gephardt amendment to wipe out LEAA grant funds was handily defeated. The House Judiciary Committee is continuing its three day markup of the LEAA bill. It is likely civil justice may be dropped from the research authorization of the new National Institute of Justice. The bill must be voted out of the House Judiciary Committee by May 15.

Juvenile Justice Reauthorization. We sent up a bill on May 15 to reauthorize the Juvenile Justice Act. The bill was drafted after extensive consultation with outside groups, state and local governments, and congressional staffs. Nonetheless, due to the widespread unhappiness over the budget cuts to the program in fiscal year 1980, it is expected that the hearings will be fraught with dissension and concerns about our commitment to the program. Both the Bayh staffers and the House Education and Labor Subcommittee, which handled the bill, are expected to add many amendments and to try to raise the authorization.

Ethics. The Rules Committee did not reach the Ethics amendments, S. 869, on May 9 due to the President's energy bills. The Committee is due to take them up during the week of May 14.

Magistrates. The bill, H.R. 1046, is due for House Judiciary markup on May 22.

Illinois Brick. The Senate Judiciary Committee favorably reported this bill after accepting certain amendments proposed by Senator Mathias. The vote along largely partisan lines was 9-8. The bill is likely to face a filibuster on the floor. On the House side, the members of the Rodino Subcommittee plan to meet informally during the week of May 14 to discuss their plans for marking up the bill.

Institutions. Although we expected H.R. 10 to come up on the House floor during the week of May 7, it has been further delayed because of the budget resolution, Alaska lands, and gas rationing. It has been tentatively rescheduled for the week of May 14.

DEA Authorization. On May 9 the House Interstate and Foreign Commerce Committee ordered favorably reported H.R. 3987, a bill extending for one fiscal year the authorization of appropriations for the Drug Enforcement

Administration. (This is a "clean bill" replacing H.R. 3036). H.R. 3987 authorizes appropriations of up to $194 million for fiscal year 1980. In addition, the bill contains a section allowing DEA to pay tort claims in the manner authorized by Section 2672 of Title 28, U.S. Code, when such claims arise in foreign countries in connection with DEA operations abroad. Finally, the bill provides that automatic awards currently available under the customs laws for informant information leading to the seizure and forfeiture of property would not be given to informers in cases involving controlled substances.

NOMINATIONS:

On May 3, 1979, the Senate received the following nominations:

Amalya L. Kearse, of New York, to be U.S. Circuit Judge for the Second Circuit.

Henry A. Politz, of Louisiana, to be U.S. Circuit Judge for the Fifth Circuit.

Mary M. Schroeder, of Arizona, to be U.S. Circuit Judge for the Ninth Circuit.

Peter J. Wilkes, of Illinois, to be U.S. Marshal for the Northern District of Illinois.

On May 8, 1979, the Senate received the following nominations:

Francis D. Murnaghan, Jr., of Maryland, to be U.S. Circuit Judge for the Fourth Circuit.

Arthur L. Nins, III, of New Jersey, to be a Judge of the U.S. Tax Court.

On May 9, 1979, the Senate received the following nomination:

Paul G. Hatfield, of Montana, to be a U.S. District Judge for the District of Montana.

On May 10, 1979, the Senate confirmed the following nominations:

George E. Cire, of Texas, James DeAnda, of Texas, Norman W. Black, of Texas, Gabrielle Anne Kirk McDonald, of Texas, and George P. Kazen, of Texas, each to be a U.S. District judge for the Southern District of Texas.

Joyce Hens Green, of Virginia, to be U.S. District Judge for the District of Columbia.

William Ray Overton, of Arkansas, to be U.S. District Judge for the Eastern District of Arkansas.

Harold Duane Vietor, of Iowa, to be U.S. District Judge for the

Southern District of Iowa.

Donald James Porter, of South Dakota, to be U.S. District Judge for the District of South Dakota.

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ADDENDUM

UNITED STATES ATTORNEYS' MANUAL--BLUESHEETS

The following Bluesheets have been sent to press in accordance with 1-1.550 since the last issue of the Bulletin.

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5/14/79	4-4.230	Attorneys' fees in EEO cases
5/22/79	9-16.210	Explanation of "special parole" in entry of pleas pursuant to Rule 11 F.R. Crim.P.
5/22/79	9-61.132-133	Steps To Be Taken To Assure The Serious Consideration Of All Motor Vehicle Theft Cases For Prosecution
5/22/79	9-63.165	Revision of prosecutive policy to reflect availability of civil penalty for processing individuals who attempt to carry a firearm aboard a carrier aircraft

(Executive Office)

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UNITED STATES ATTORNEYS' MANUAL--TRANSMITTALS

The following United States Attorneys' Manual Transmittals have been issued to date in accordance with USAM 1-1.500. This monthly listing may be removed from the Bulletin and used as a check list to assure that your Manual is up to date.

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17	9/11/78	8/24/78	Revisions to Ch. 120,121,122, 132,133,136,137, 138, & 139
18	11/15/78	10/20/78	Revisions to Ch. 2
19	11/29/78	11/8/78	Revisions to Ch. 7
20	2/1/79	2/1/79	Revisions to Ch. 2
21	2/16/79	2/5/79	Revisions to Ch. 1,4,6,11, 15,100
22	3/10/79	3/10/79	New Section 9-4.800
23	5/29/79	4/16/79	Revisions to Ch. 61

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