



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

United States Attorneys' Bulletin

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COMMENDATIONS

Assistant United States Attorney GARY ANNEAR, District of North Dakota, has been commended by William T. Jennetti, General Counsel of the Small Business Administration, for his outstanding services rendered to the SBA in obtaining indictments against a North Dakota Trustee in Bankruptcy violations which resulted in a conviction.

Assistant United States Attorney RANDOLPH BAXTER, Northern District of Ohio, has been commended by John H. Kelso, Director of Compliance Branch Department of Health, Education and Welfare, for his unstinted effort in United States v. Article of Device...Acu-Dot...

Assistant United States Attorney RALPH E. CASCARILLA, Northern District of Ohio, has been commended by William H. Webster, Director of the Federal Bureau of Investigation, for his excellent and all-out effort during the investigation and prosecution of the case involving Ray T. Davis and others.

Assistant United States Attorney KENNETH JOSEPHSON, Western District of Missouri has been commended by Kurt W. Muellenberg, Inspector General of the General Services Administration, for his successful disposition in the case involving the Gladstone Office Machine Company.

United States Attorney ROBERT B. KING, First Assistant United States Attorney WAYNE A. RICH, JR. and Assistant United States Attorney REBECCA A. BETTS, Southern District of West Virginia, have been commended by William H. Webster, Director of the Federal Bureau of Investigation, for their excellent efforts in the prosecution of J. Richard Barber for violation of the Hobbs Act.

Assistant United States Attorney SOLOMAN OLIVER, JR., Northern District of Ohio, has been commended by James W. Moorman, Assistant Attorney General of the Land and Natural Resources Division, for his work on the enforcement action against the United States Steel Corporation.

Assistant United States Attorney DAVID H. SHAPIRO, District of Columbia, has been commended by Frank L. Skillern, Jr., General Counsel of FDIC, for his efforts on behalf of the FDIC in May v. FDIC.

Assistant United States Attorney JOHN J. THAR, Southern District of Indiana, has been commended by Patrick H. Steele, Special Agent in charge of the Indianapolis Field Office, United States Secret Service, for his successful conviction of Nunnally D. Brunson, Jr. for his participation in the counterfeiting of approximately \$1,000,000 on the South side of Indianapolis.

EXECUTIVE OFFICE FOR U.S. ATTORNEYS
William P. Tyson, Acting DirectorPOINTS TO REMEMBER

An opinion has just been published at 479 F. Supp. 970 in the following case summary on United States of America v. Senex Eleemosynary Corp., Inc., et al.

United States of America v. Senex Eleemosynary Corp., Inc., et al.
479 F.Supp. 970, No. 79-2661-Civ-SMA (S.D.Fla. October 17, 1979)

Food, Drug & Cosmetic Act; Injunction against compounding, promotion and distribution of Drug for Unapproved New Use.

Defendants operated a "club" which sold "memberships" to elderly people whereby they received informational literature regarding health and nutrition, and a six-month supply of a drug item called "GH-3 (Equivalent)", which purportedly retards the aging process and alleviates conditions associated with the elderly, including "everything from hair loss and arthritis to acne and senility" and diabetes, cardio-vascular problems, hypertension and cancer. The drug, generically known as procaine hydrochloride, essentially is novocaine in liquid form to be taken orally.

At a three-day hearing on the Government's Motion for Preliminary Injunction, the Government successfully argued that a known drug may not be distributed for a "new" use unless there is FDA approval or "general recognition" in the medical community of the drug's safety and efficacy for the intended use. The defendants claimed that there was proof of the drug's efficacy, but introduced only "anecdotal evidence" in the form of testimony of witnesses who claimed to have benefited from the drug. The defendants alternatively argued that, as they do not supply the drug to any "club member" who had not furnished a prescription for the drug from the member's personal physician, and as the prescription was then "filled" by a "pharmacy" operated for that purpose by the defendants, their activities were exempted from the normal FDA requirements.

District Judge Sidney M. Aronovitz rejected these defenses. He noted that expert witnesses testified for the Government that the drug was generally regarded in the medical community to be ineffective except as an anesthetic, and that the doctors' prescriptions, having been prompted by the requests of their patients

(who had been convinced of the drug's usefulness by Defendants' promotional activities) amounted to little more than the prescribing of a "placebo" to give patients peace of mind in situations where there is no effective treatment; the Court held that this "practice of pharmacy" defense sought to be raised was inapplicable to these facts. The Court further noted the absence of any controlled scientific study, which has resulted in any general recognition that the drug is effective for any of the uses indicated by defendants. The Order of Preliminary Injunction, which has just been published, also distinguished the standards applicable to a statutory injunction from those applicable in an equity action.

Attorneys: Kenneth D. Stern, AUSA (S.D.Fla.)
Anita Johnson, Consumer Affairs Section
Catherine L. Copp, Attorney, FDA

The Sentencing Options of Federal District Judges

The February issue of Federal Rules Decisions includes an article entitled "The Sentencing Options of Federal District Judges," by Anthony Partridge, Alan J. Chaset, and William B. Eldridge of the Federal Judicial Center's Research Division. Based on a paper written for the benefit of district judges, the work has been published in article form because of its potential interest to practicing lawyers and others involved in the sentencing process. It goes beyond the formal language of the sentencing statutes, and considers how the judge's sentence influences the treatment an offender receives from the Bureau of Prisons and the Parole Commission.

(Executive Office)

Criminal Division Attorney Vacancies

The Criminal Division of the Department of Justice is seeking experienced prosecutors to fill a number of positions at all levels throughout the Division. Some Sections in the Division have openings to be filled immediately while other Sections anticipate openings in the near future.

The Division particularly welcomes applications from women and minority attorneys. Attorneys interested in working in the Criminal Division should send a resume and indicate the kind of work they are interested in, to:

Susan L. Moss
Assistant to the Deputy Assistant Attorney General
Criminal Division
Department of Justice
Washington D.C. 20530

(Criminal Division)

CIVIL DIVISION
Assistant Attorney General Alice Daniel

Alford v. CIA, No. 79-1871 (5th Cir., January 25, 1980) DJ
145-1-695

FOIA: Fifth Circuit Affirms Denial Of
Access To CIA Document And Applies To
The Privacy Act Principles Developed
Under The FOIA For In Camera Review

This action involved an attempt by the plaintiff under the Privacy Act to gain access to a CIA document concerning her which she claimed needed correction. The CIA asserted in an affidavit that the document was exempt from disclosure because the information in it was provided by a foreign government and release would reveal the source as well as jeopardize cooperation with foreign intelligence services. The district court granted judgment to the CIA on the basis of the affidavit, and found that in camera review was unnecessary.

The Fifth Circuit has just affirmed the district court's holding, finding that the decision not to conduct an in camera inspection was wholly within the discretion of the district court. In addition, the court used the standard developed under the Freedom of Information Act, stating that the document at issue was exempt from disclosure because the description in the affidavit alone showed that the contested document logically fell within the category of the Privacy Act exemption claimed.

Attorney: Douglas N. Letter (Civil Division)
FTS 633-3427

Brown v. Califano, No. 78-1864 (D.C. Cir., January 31, 1980)
DJ 145-16-806

Busing: D.C. Circuit Upholds Constitution-
ality Of "Anti-Busing" Statutes

In an unanimous opinion written by Senior Judge Bazelon, the D.C. Circuit has upheld the constitutionality of a series of statutes which prohibit the Department of Health, Education, and Welfare from "directly or indirectly" ordering any school district to institute busing for purposes of desegregation. Our argument, which was adopted by the Court, was that the statutes are constitutional because they do not remove the alternative under which HEW would refer to the Department of Justice any case where it feels that busing may be needed. The Department of Justice, in turn, would file suit to require desegregation. The Court agreed that the purpose and effect of the statutes (known

as the Esch, Scott-Mansfield, Byrd, and Eagleton-Biden Amendments) was only to prevent HEW from inducing a school district from adopting busing by making the powerful threat to cut off the district's funds. The amendments do not, we explained, prevent HEW from using a threat of a fund cut-off to bring about other remedies, nor do they stop HEW from attempting to persuade the district to adopt a voluntary busing program, or to threaten to refer the case to Justice if the district does not. Finally, the alternate route of actually referring a case to the Justice Department for litigation does not appear on its face to be inadequate or to "restrict, abrogate, or dilute" the guarantee of equal protection, the Court held.

The Court rejected the plaintiffs' argument that the statutes are unconstitutional because of the alleged anti-busing intent behind them. The Court reasoned that the speeches of a few supporters do not necessarily reflect the intent of Congress as a whole, and that it was only Congress' apparent intent to restrict HEW and not to eliminate busing. Furthermore, the Court held that a statute is not unconstitutional unless it has a discriminatory impact, regardless of the intent.

Attorney: Frank Rosenfeld (Civil Division)
FTS 633-3969

Ellis v. Merit Systems Protection Board, No. 79-2453 (3rd Cir., January 18, 1980) DJ 35-144

Civil Service Reform Act: Third Circuit
Issues Opinion Supporting Government's
Construction Of Judicial Review Provisions
Of The Civil Service Reform Act Of 1978

The Civil Service Reform Act of 1978 allows direct review in the courts of appeals of administrative personnel decisions. The Third Circuit has just ruled that federal personnel cases instituted prior to January 11, 1979 are within the scope of the Savings Clause of the new Act and are thus not directly reviewable in the courts of appeals. By this decision, the Third Circuit joined other circuits which have also ruled in our favor on this issue. In Re: Earl Christian, 606 F.2d 822 (8th Cir. 1979); Motley v. Secretary of the Army, 608 F.2d 122 (5th Cir. 1979); Kyle v. ICC, No. 79-1307 (D.C. Cir., October 26, 1979); Andrew Aaron v. United States Department of Treasury, et al., No. 79-7443 (9th Cir. December 5, 1979); Accord, Gaskins v. United Postal Service, Appeal No. 5-79 (Ct. Cl. October 23, 1979).

Attorney: Charlene McIntyre (Civil Division)
FTS 633-4630

Exner v. FBI, Nos. 78-1152 and 78-1880 (9th Cir., February 4, 1980) DJ 145-12-2683

Privacy Act: Ninth Circuit Holds That Four
Records Systems Maintained By The F.B.I. Are
Exempt From Disclosure Under The Privacy Act

The Ninth Circuit held that §552a(j)(2) of the Privacy Act empowers the Federal Bureau of Investigation to promulgate regulations exempting certain systems of records from access and disclosure. The Court further upheld the regulation which appears at 28 C.F.R. §16.91 and which totally exempts material contained in the Central Records System, the Electronic Surveillance Indices, the Identification Division Records System or the National Crime Information Center. However, despite the fact that neither the district court nor the court of appeals ordered the disclosure of any information for which the F.B.I. had claimed an exemption, the Court affirmed an award of attorney's fees to the plaintiff. The court reasoned that Exner had successfully forced the F.B.I. to process her request ahead of the prior requests of other people. We plan to seek rehearing of that portion of the order.

Attorney: Linda M. Cole (Civil Division)
FTS 633-3525

Greater Tampa Chamber of Commerce v. Goldschmidt, No. 79-1123
(D.C. Cir., February 8, 1980) DJ 145-18-548

Standing: D.C. Circuit Holds No Standing
To Challenge Executive Agreement Regulating
Air Travel

Plaintiffs, representatives of various cities and certain individuals, brought suit alleging that the Executive Agreement currently in effect between the United States and the United Kingdom regulating air travel is contrary to the Federal Aviation Act. The court of appeals has just held that the plaintiffs lack standing. The court concluded that even if the plaintiffs' complaint were justified, the courts would not be able to redress the injuries alleged, lack of adequate air service with the United Kingdom.

Attorney: Alice Mattice (Formerly of the Civil Division)
9-862-2425

McElrath v. Califano, No. 78-1849 (7th Cir., January 25, 1980)
DJ 145-16-1267

Social Security: Seventh Circuit Requires
Children Benefited By AFDC To Obtain Social
Security Numbers

An Illinois family challenged HEW's requirement that children benefited by AFDC must obtain social security numbers and supply them to HEW as a condition of eligibility. Plaintiff challenged the requirement as being inconsistent with the authorizing statute and with the policy of the Privacy Act. The Seventh Circuit accepted our argument that children benefited by AFDC are "applicants for or recipients of aids" as that phrase is used in the statute to define who must supply social security numbers, and also found no violation of the Privacy Act. The Second Circuit had previously upheld the government's position on this issue.

Attorney: Michael Hertz (Civil Division)
FTS 633-4096

Marshall v. Sink, No. 77-2614 (4th Cir., January 24, 1980)
DJ 236452-155

Mine Safety Act: Fourth Circuit Upholds
Constitutionality Of Warrantless Safety
Inspections Of Mines

In this case, the Fourth Circuit has rejected a challenge to the constitutionality of the warrantless search provisions of the Mine Safety Act, as applied to small mines. The court based its holding on the strong governmental interest in unannounced inspections, the limitations placed on the searches by statute, and the pervasive nature of the regulation of the mining industry. For these reasons, the court held that this case was distinguishable from the Supreme Court's decision in Marshall v. Barlow's, Inc., where the Court struck down the warrantless search provisions under OSHA. The court specifically rejected appellant's argument that small mines are exempt from warrantless inspections because they are small and because they have only been federally regulated since 1969. In dismissing these arguments, the court noted that conditions in a small mine may be just as hazardous as those in mines in general, which prompted federal regulation. This opinion is in line with recent similar rulings from the Third and Sixth Circuits, and will help in identical pending cases in other circuits.

Attorney: Douglas N. Letter (Civil Division)
FTS 633-3427

Ward, et al. v. Campbell, No. 77-2503 (5th Cir., January 21, 1980) DJ 35-19M-9

Coordinated Federal Wage System: The Fifth Circuit, Endorsing The "Arbitrary Or Capricious" Standard Of Review For Grading Determinations, Upholds The Civil Service Commission's Decision To Reclassify WG-11 Electrical Linemen At The WG-10 Level Under The Coordinated Federal Wage System

In 1965, the Civil Service Commission was charged with implementing a Coordinated Federal Wage System, under which jobs in all agencies would be classified in accordance with uniform grading standards. See 5 U.S.C. 5341 et seq. The CSC accordingly began developing job grading standards for all occupations covered by the new system, including that of electrical lineman. In 1973, the plaintiffs, electrical linemen at Fort Benning, were reclassified at the WG-10 level under the Commission's new grading standards. The district court ruled that the decision to reclassify plaintiff's at the WG-10 level was arbitrary, capricious, and not supported by substantial evidence.

The court of appeals reversed this decision. First, the court held that the proper standard of review for classification actions is the arbitrary and capricious standard established by 5 U.S.C. 706(2)(A), not the substantial evidence standard of 5 U.S.C. 706(2)(E). On the merits, the court ruled that the issue in the case was not whether plaintiffs' jobs were exactly described by the published WG-10 grading standard, but rather whether plaintiffs' work was more closely comparable to the WG-10 standard than to any other published standard. See 5 U.S.C. 5346(b).

Attorney: Frederic D. Cohen (Civil Division)
FTS 633-5054

OFFICE OF LEGISLATIVE AFFAIRS
Assistant Attorney General Alan A. Parker

SELECTED CONGRESSIONAL AND LEGISLATIVE ACTIVITIES

FEBRUARY 5 - FEBRUARY 19, 1980

Medical Records Privacy. Meetings with Subcommittee staff resolved some of the problems which Justice had with the present form of this legislation, though a few major problems remain. Full Government Operations Committee action is expected late this month. Senate will complete hearings and hold markup in March or April.

Stanford Daily. Senate Constitution Subcommittee agreed to report out only Titles I and IV of the Bayh bill, S. 1790. These two titles are the Administration bill. Several amendments proposed by Hatch will be polled out of the Subcommittee. Then full Judiciary Committee will hold hearings on all four titles of the Bayh bill before they markup the bill as reported by the Subcommittee.

House Courts Subcommittee met to discuss this bill on February 12, but took no action on it. Further information about the use of warrants by the federal law enforcement agencies following the Stanford Daily decision has been requested and the subcommittee is expected to meet again late this week. The product of this Subcommittee's action is expected to be broader than the Administration bill, since some of the minority are in favor of the broader bill. Kastenmeier is expected to use the Administration bill as the vehicle for markup and does not plan to offer broadening amendments himself, but will leave that to the other members, although he will not necessarily oppose those amendments.

Fair Housing. The House Judiciary Committee plans to continue markup of H.R. 5200, the Fair Housing amendments, on February 20.

Age Discrimination in Federal Judgeship Selection. On February 13 the House Select Committee on Aging held a hearing concerning the possibility of age discrimination in the selection of federal judges. Lawrence Hammond, Deputy Assistant Attorney General, Office of Legal Counsel, testified for the Department.

Communications. The VanDeerlin Subcommittee marked up H.R. 6121. The full Committee on Commerce is expected to go to markup by February 20. Within the next few days OMB will issue an Administration position paper and offer amendments for full Committee markup. The Department is invited to participate in

these deliberations. Meanwhile, Antitrust's comments on the Savings Clause and the bill's effect on the 1956 consent decree with Bell Telephone, is on its way to the full Committee.

Statute of Limitations on Indian Claims. On February 7, 1980, the Senate Select Committee on Indian Affairs voted to extend to December 31, 1984, the time in which the United States may bring an action on behalf of Indian tribes for actions occurring prior to 1966. The statutory period in 28 U.S.C. 2415 was extended to April 1, 1980, by the 95th Congress, but the Department of Interior had testified in December 1979 that there are still a significant number of cases which it may refer to the Department of Justice that would not be finished by the April 1 deadline. At that time, Justice had deferred to Interior as to whether the time period should be extended.

FTC Authorization/Legislative Veto. On February 6 the Senate began floor consideration of S. 1991, the FTC authorization bill. A crucial vote on an amendment by Senator Schmitt (similar to a provision in the House-passed bill) to include a one-House legislative veto mechanism failed on a vote of 44-53. The so-called "Levin-Boren compromise" -- which requires action by both Houses of Congress and the President to prevent a rule from taking effect but is nonetheless troublesome for other reasons -- passed by vote of 87-10.

Regulatory Reform. Markup of H.R. 3263, the Administration's regulatory reform proposal, proceeds slowly in the House Judiciary Subcommittee on Administrative Law and Governmental Relations. Thus far the Subcommittee has delayed consideration of all controversial issues. In light of this slow pace, it seems unlikely that a bill will emerge from Subcommittee for at least another month.

On the Senate side, markup of S. 262 resumed in the Governmental Affairs Committee on February 19, and may be completed as early as the end of that week. The bill then goes to the Judiciary Committee on a 45-day referral.

Venue. On February 20 Assistant Attorney General James Moorman (Land and Natural Resources Division) will testify before the Senate Judiciary Subcommittee on Improvements in Judicial Machinery on S. 739 and S. 1472, two venue proposals. S. 739 would restrict venue in civil actions against the United States to the district in which the impact is "substantial;" S. 1472 would have a similar effect with respect to environmental actions. The stated intent of the chief sponsors (Senator Laxalt and DeConcini, respectively) is to have cases, particularly environmental cases, decided by local federal courts as opposed to those in the District of Columbia.

We have been requested by the White House to attempt to compromise with Senators DeConcini and Laxalt on this issue. Accordingly, the Civil and Lands Divisions, in conjunction with the Office of Legislative Affairs and Improvements in the Administration of Justice, are currently working on compromise language to present to Senate staffers later this week.

FOIA Amendments. Active review of the amendments requested by various agencies is now being conducted in the Associate Attorney General's office, with a goal of getting a package to the Attorney General in the near future. House Information Subcommittee (Government Operations) will be holding a hearing on the CIA and FOIA on February 20.

Graymail Legislation. On February 12 the House Permanent Select Committee on Intelligence ordered favorably reported H.R. 4736, the proposed Classified Information Criminal Trial Procedures Act. The Committee adopted almost all of the amendments made by the Legislation Subcommittee. Section 107(a)(2) was modified by the full Committee to provide that pre-trial disclosure of the names of government rebuttal witnesses could be ordered by a trial judge if he considered it appropriate in light of what the defendant had to disclose, and taking into account the likelihood of harm to or bribery of a witness or damage to the national security. The nine Committee members present approved the bill by a unanimous vote. There appears to be little opposition to H.R. 4736, since key civil liberties groups and government agencies have already agreed to a number of compromises which are embodied in the bill. Action by the Senate Judiciary Subcommittee on Criminal Justice on similar legislation (S. 1482) is expected in the near future.

Criminal Code Reform. The House Subcommittee continued markup sessions, working on through February 13. The next session is scheduled for Wednesday, February 20. Staff is expected to have a section by section analysis of the bill by that meeting. Decisions reached recently include:

1. Deleted §272(d)(1)(B), which provided a defense when force was used against an officer not acting in good faith.
2. Deleted as an exception to conspiracy §1735, relating to disobeying a judicial order.
3. Raised the grading in §1728, demonstrating to influence a judicial proceeding to a class B from a class C misdemeanor.
4. Deleted §3705(c) under which the aggregate of consecutive sentences of imprisonment could not exceed the maximum term of imprisonment for an offense one grade higher than the most serious offense. The Subcommittee determined that the Sentencing Committee

should set such guidelines.

5. Left for further consideration the issue of interstate commerce jurisdiction for the Hobbs Act.

NOMINATIONS:

On February 8, 1980, the Senate received the following nominations:

Henry S. Dogin, of New York, to be Director of the Office of Justice Assistance, Research, and Statistics; and

Homer F. Broome, Jr., of California, to be Administrator of the Law Enforcement Assistance Administration.

TAX DIVISION

Assistant Attorney General M. Carr Ferguson

Joseph and Roberta Vallerand v. William Connett,
District Director, Internal Revenue CV79-1166-WMB
(C.D. Calif.) DJ 5-12C-3248

The Internal Revenue Service examined the taxpayers' books and records for the 1975 and 1976 tax years in 1978. In 1979, the Service notified taxpayers that reexamination was necessary and requested them again to make their books and records available. Taxpayers requested that the District Director hold a hearing to determine the necessity of a reexamination. When the District Director refused, taxpayers instituted this action, seeking to have a writ of mandamus issued requiring the Service to grant them a hearing on the grounds that the determination to reexamine was an "adjudication" under the Administrative Procedures Act.

Granting the Government's motion to dismiss, the court noted that Section 7605(b) of Internal Revenue Code (26 U.S.C.) sets forth the only procedural limitation on reexaminations: that the examining agent receive clearance from his superior. The court also noted that because the Service could only compel the taxpayers to turn over their books and records by issuing a summons and then seeking enforcement of the summons in district court, there was no harm imminent and the case was not ripe.

Attorneys: Assistant United States Attorney
Charles M. Magnuson (CD California)
FTS 798-2410

Robert S. Horwitz (Tax Division)
FTS 724-6422

Federal Rules of Criminal Procedure

Rule 11(f). Pleas. Determining Accuracy
of Plea.

Defendant appealed from conviction of illegal entry into the United States after a prior conviction for the same offense, arguing that the initial conviction, which caused the later conviction to constitute a felony, was defective for failure to comply with Rule 11(f).

After first agreeing with defendant that the initial conviction was defective for non-compliance with Rule 11(f), the Court held that the defendant could use the subsequent proceeding charging him with felony illegal entry as a forum to collaterally attack the initial conviction for illegal entry. In view of the violation of Rule 11(f) in the first conviction, the alien could be convicted only of misdemeanor violation of the illegal entry statute.

(Vacated and remanded.)

United States v. Sergio Lopez-Beltran, 607 F.2d 1223
(May 29, 1979)

LISTING OF ALL BLUESHEETS IN EFFECT

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
	TITLE 1	
5-23-78	1 thru 9	Reissuance and Continuation in Effect of BS to U.S.A. Manual
Undtd	1-1.200	Authority of Manual; A.G. Order 665-76
9-30-76	1-2.200	Advisory Committee of U.S. Attorneys; Subcommittee on Indian Affairs
6-21-77	1-3.100	Assigning Functions to the Associate Attorney General
6-21-77	1-3.102	Assignment of Responsibility to DAG re INTERPOL
6-21-77	1-3.105	Reorganize and Redesignate Office of Policy and Planning as Office for Improvements in the Administration of Justice
4-22-77	1-3.108	Selective Service Pardons
6-21-77	1-3.113	Redesignate Freedom of Information Appeals Unit as Office of Privacy and Information Appeals
6-21-77	1-3.301	Director, Bureau of Prisons; Authority to Promulgate Rules
6-21-77	1-3.402	U.S. Parole Commission to replace U.S. Board of Parole
Undtd	1-5.000	Privacy Act Annual Fed. Reg. Notice; Errata
12-5-78	1-5.400	Searches of the News Media
8-10-79	1-5.500	Public Comments by DOJ Emp. Reg., Invest., Indict., and Arrests
4-28-77	1-6.200	Representation of DOJ Attorneys by the Department: A.G. Order 633-77

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
8-30-77	1-9.000	Case Processing by Teletype with Social Security Administration
10-31-79	1-9.000	Procedure for Obtaining Disclosure of Social Security Administration Information in Criminal Proceedings
11-16-79	1-9.000	Notification to Special Agent in Charge Concerning Illegal or Improper Actions by DEA or Treasury Agents
11-8-78	1-11.901	New Request Form for Authorization to Apply for Compulsion Order (Immunity)
7-14-78	1-14.210	Delegation of Authority to Conduct Grand Jury Proceedings
1-03-78	TITLE 2 2-3.210	Appeals in Tax Case
Undtd	TITLE 3 3-4.000	Sealing and Expungement of Case Files Under 21 U.S.C. 844
11-27-78	TITLE 4 4-1.200	Responsibilities of the AAG for Civil Division
9-15-78	4-1.210- 4-1.227	Civil Division Reorganization
4-1-79	4-1.300- 4-1.313	Redelegations of authority in Civil Division Cases
5-5-78	4-1.313	Addition of "Direct Referral Cases" to USAM 4-1.313
4-1-79	4-2.110- 4-2.140	Redelegation of Authority in Civil Division Cases
2-22-78	4-2.320	Memo Containing the USA's Recommendations for the Compromising or Closing of Claims Beyond his Authority

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
11-13-78	4-2.433	Payment of Compromises in Federal Tort Claims Act Suits
8-13-79	4-3.000	Withholding Taxes on Backpay Judgments
5-05-78	4-3.210	Payment of Judgments by GAO
6-01-78	4-3.210	New telephone number for GAO office handling payment of judgments
5-14-79	4-4.230	Attorneys' Fees in EEO Cases
11-27-78	4-4.240	Attorney fees in FOI and PA suits
4-1-79	4-4.280	New USAM 4-4.280, dealing with attorney's fees in Right To Financial Privacy Act suits
4-1-79	4-4.530	Addition to USAM 4-4.530 (costs recoverable from United States)
4-1-79	4-4.810	Interest recoverable by the Gov't.
4-1-79	4-5.229	New USAM 4-5.229, dealing with limitations in Right To Financial Privacy Act suits.
4-1-79	4-5.921	Sovereign immunity
4-1-79	4-5.924	Sovereign immunity
9-24-79	4-9.200	McNamara-O'Hara Service Contract Act cases
9-24-79	4-9.700	Walsh-Healy Act cases
4-1-79	4-11.210	Revision of USAM 4-11.210 (Copyright Infringement Actions).
4-1-79	4-11.850	New USAM 4-11.850, discussing Right To Financial Privacy Act litigation
6-4-79	4-12.250; 4-12.251	Priority of Liens (2410 cases)
5-22-78	4-12.270	Addition to USAM 4-12.270

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
4-16-79	4-13.230	New USAM 4-13.230, discussing revised HEW regulations governing Social Security Act disability benefits
11-27-78	4-13.335	News discussing "Energy Cases"
7-30-79	4-13.350	Review of Government Personnel Cases under the Civil Service Reform Act of 1978
4-1-79	4-13.361	Handling of suits against Gov't Employees
6-25-79	4-15.000	Subjects Treated in Civil Division Practice Manual
	TITLE 5	
9-14-78	5-1.110	Litigation Responsibility of the Land & Natural Resources Division
9-14-78	5-1.302	Signing of Pleadings by AAG
9-7-78	5-1.310	Authority of U.S. Attorneys to Initiate Actions Without Prior Authorization to Initiate Action
9-14-78	5-1.321	Requirement for Authorization to Initiate Action
1-3-79	5-1.325; 5-1.326	Case Weighting System, Case Priority System, Procedures
9-7-78	5-1.620	Settlement Authority of Officers within the Land and Natural Resources Division
9-7-78	5-1.630	Settlement Authority of U.S. Attorneys
9-14-78	5-2.130	Statutes administered by Pollution Control Section
9-14-78	5-3.321	Requirement for Authorization to Initiate Action

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
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9-14-78	5-2.312	Cooperation and Coordination with Environmental Protection Agency
9-14-78	5-2.321	Requirement for Authorization to Initiate Action
9-06-77	5-3.321; 5-3.322	Category 1 Matters and Category 2 Matters-Land Acquisition Cases
9-14-78	5-4.321	Requirement for Authorization to Initiate Action
9-14-78	5-5.320	Requirement for Authorization to Initiate Action
9-14-78	5-7.120	Statutes Administered by the General Litigation Section
9-14-78	5-7.314	Cooperation and Coordination with the Council on Environmental Quality
9-14-78	5-7.321	Requirement for Authorization to Initiate Action
9-14-78	5-8.311	Cooperation and Coordination with the Council on Environmental Quality
TITLE 7		
6-21-77	7-2.000	Part 25-Recommendations to President on Civil Aeronautic Board Decisions, Procedures for Receiving Comments by Private Parties
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6-21-77	8-2.000	Part 55-Implementation of Provisions of Voting Rights Act re Language Minority Groups (interpretive guidelines)
6-21-77	8-2.000	Part 42-Coordination of Enforcement of Non-discrimination in Federally Assisted Programs

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
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10-16-79	8-3.130	Authorizations for Grand Jury Proceedings, Arrests and Indictments
	TITLE 9	
7-11-79	9-1.000	Criminal Divison Reorganization
11-13-79	9-1.160	Requests for Grand Jury Authorization Letters for Division Attorneys
Undtd	9-1.215	Foreign Corrupt Practices Act of 1977- 15 U.S.C. 78m(b)(2)-(3); 15 U.S.C. 78dd-1; and 15 U.S.C. 78dd-2
6-22-79	9-2.000	Cancellation of Outstanding Memorandum
5-11-79	9-2.025	Trade Secrets Act-Prosecution Under 18 U.S.C. 1905
1-25-80	9-2.145	Interstate Agreement on Detainers
4-16-79	9-2.168	State and Territorial Prisoners Incarcerated in Federal Institutions
6-28-79	9-4.600	Hypnosis
9-26-77	9-4.950; 9-4.954	New Systems Notice. Requirements Privacy Act--Safeguard Procedures of the Tax Reform Act of 1976
Undtd	9-7.000; 9-7.317	Defendant Overhearings and Attorney Overhearings Wiretap Motions
8-16-79	9-7.230	Pen-Register Surveillance
6-17-77	9-8.100	Diversion of Juvenile Cases to State Authorities
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<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
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12-13-78	9-11.255	Grand Jury Practice
5-22-79	9-16.210	Explanation of "Special Parole" in Entry of Pleas Pursuant to Rule 11 F.R. Crim. P.
6-7-79	9-21.000	Witness Security Program
9-15-77	9-27.000	Federal Telephone Search Warrant System
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10-22-79	9-42.000	Coordination of Fraud Against the Government Cases (non-disclosable)
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9-06-77	9-42.450	Fraud Against the Government - Medicaid Fraud
9-06-77	9-42.450	Fraud Against the Government; 18 U.S.C. 287
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8-10-78	9-42.500	Referral of Food Stamp Violations
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5-25-78	9-131.200	Proof of "Racketeering" Involvement is Not an Element of a Hobbs Act Violation

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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