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EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

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COMMENDATIONS

Assistant United States Attorney and Chief, Civil Division, CURTIS E. ANDERSON and Assistant United States Attorney BARBARA V. TINSLEY, Northern District of Georgia, were commended by Mr. Norman A. Carlson, Director, Federal Prison System, for their successful settlement of Loe v. Smith, a case challenging conditions of confinement at the United States Penitentiary in Atlanta.

Assistant United States Attorney LORRAINE I. GALLINGER, District of Montana, was commended by Mr. Richard P. Kusserow, Inspector General, Department of Health and Human Services, for her successful prosecution of United States v. Arkava. This case involved the misuse of over $351,300 in federal grant funds.

Assistant United States Attorneys JOHN CLEMENT GIBBONS and DEBORAH SHEFLER, Northern District of California, were commended by Mr. Karl Kabeiseman, General Counsel, Defense Logistics Agency, for their cooperation in the litigation and settlement of the debarment proceedings against National Semiconductor Corp.

Assistant United States Attorney MARSHA L. JOHNSON, Southern District of Illinois, was commended by Mr. Charles L. Dempsey, Inspector General, Department of Housing and Urban Development, for her efforts in the joint investigation of fraudulent activities at the East St. Louis, Illinois, Housing Authority.

First Assistant United States Attorney THOMAS M. LARSON, Western Distict of Missouri, was commended by Mr. Phillip C. McGuire, Associate Director for Law Enforcement, Bureau of Alcohol, Tobacco and Firearms, for the assistance he rendered to the Bureau, and to the agent in charge, throughout a coroner's inquest proceeding.

Assistant United States Attorney PHILIP J. MACDONNELL, District of Arizona, was commended by Mr. Craig L. Beauchamp, Regional Inspector General for Investigations, Department of Agriculture, for the excellent manner in which he handled the prosecution of Denny Millhouse. Defendant Millhouse was indicted on three counts of conversion of Commodity Credit Corporation collateral and one count of submission of a false statement.

Special Assistant United States Attorney DONALD M. RENO, JR., District of Arizona, was commended by Mr. Dale W. Cozart, Chief Patrol Agent, Immigration and Naturalization Service, for his cooperation with INS in the prosecution of several cases involving the smuggling of aliens into the United States.

Assistant United States Attorney LELAND L. SMITH, Central District of Illinois, was commended by Mr. J.R. Starkey, District Director (Chicago), Internal Revenue Service, for his successful prosecution recommendations and the subsequent guilty pleas relative to currency reporting requirement violations.

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS
William P. Tyson, Director

CLEARINGHOUSE

Victim and Witness Protection Act--Eighth Circuit Opinion Available in United States v. Florence (No. 83-2537, 8th Circuit)

By teletype to all United States Attorneys dated August 24, 1984, the Executive Office advised that on August 20, 1984, the United States Court of Appeals for the Eighth Circuit upheld the constitutionality of the restitution provisions of the Victim and Witness Protection Act of 1982 in United States v. Florence (see Clearinghouse, USAB, Vol. 32, No. 14, July 27, 1984). The court rejected in full Appellant Florence's contentions that Sections 3579 and 3580 of Title 18 were unconstitutional because they (1) violated his Seventh Amendment right to a jury trial and (2) lacked standards and thus offended due process and equal protection.

Copies of the opinion may be requested from Ms. Susan A. Nellor, Assistant Director, Legal Services, FTS 633-4024. Please specify item number CH-9.

(Executive Office)

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS
William P. Tyson, Director

POINTS TO REMEMBER

Arguing Against Bail For Fugitives From Foreign Countries

Occasionally, law enforcement agencies will receive notice that there is an outstanding arrest warrant in a foreign country for a person arrested in the United States for a violation of United States law. In some cases, Assistant United States Attorneys have argued against bail on the United States charges because of the outstanding foreign warrant. Depending on how the argument is made, this can lead to embarrassment if the foreign country has not officially requested the United States to arrest the person for extradition. It may be that the offense for which the person is sought is not extraditable under the extradition treaty, or that the foreign country has decided, for other reasons, not to request extradition.

Under many extradition treaties, a request for an arrest can be made only by a diplomatic note from the foreign embassy to the State Department. To check whether there has been a request for extradition, and, if so, how to handle the case, call the Office of International Affairs, Criminal Division, at FTS 724-7600.

(Criminal Division)

Bluesheets and Transmittals, United States Attorneys' Manual

Updated lists of United States Attorneys' Manual Bluesheets and Transmittals are appended to this Bulletin.

(Executive Office)

Confessions of A Collections Lawyer

Reprinted by special permission from the American Bar Association and appended to this issue of the Bulletin is the article, "Confessions of a Collections Lawyer," by Cynthia B. Malament.

(Executive Office)

JURIS Data Base Listing

Appended to this issue of the Bulletin is the most recent JURIS Data Base listing, revised as of September 1984.

(Executive Office)

New Agreement Between The United States And The United Kingdom On Access To Evidence In The Cayman Islands

On July 26, 1984, the United States exchanged diplomatic correspondence with the government of the United Kingdom establishing a procedure for expedited access to Cayman Islands bank and business records needed for use in United States investigations and proceedings arising from, related to, connected with, or resulting from illegal narcotics trafficking. The agreement entered into force on September 6, 1984, when the United Kingdom government formally notified us that the Cayman government had enacted the municipal legislation needed to implement it. The agreement will remain in force for fifteen months, and both governments have agreed that if it works successfully they will begin negotiation of a mutual assistance treaty providing for obtaining evidence in a broader variety of criminal matters.

The agreement is the result of negotiations between the United States Departments of Justice and State, the British Foreign and Commonwealth Office, and the Cayman government. The negotiations were begun in response to three factors: the growing role of the Cayman Islands' banks and businesses in the illegal "laundering" of narcotics assets, the crucial need of United States prosecutors and investigators to obtain evidence of these transactions for use in major drug cases, and the keen British concern about the increased use of subpoenas served on the United States branches of international banks and businesses to compel production of records maintained in bank secrecy jurisdictions abroad. See In Re Grand Jury Proceedings (Bank of Nova Scotia) ___ F.2d ___, (No. 83-5708, 11th Cir. Aug. 14, 1984); In Re Grand Jury (Bank of Nova Scotia), 691 F.2d 1384 (11th Cir. 1983, and In Re Grand Jury Subpoena Directed To Marc Rich A.G., 707 F.2d 663 (2d Cir. 1983).

Under the agreement, the various complicated and time-consuming processes for obtaining evidence from the Cayman government, including letters rogatory, will be replaced by a single, simple procedure. The United States Attorney General will issue a "certificate" to the Attorney General of the Cayman Islands

stating that specified records located in the Cayman Islands are relevant to a narcotics-related case or investigation in the United States. The certificate can be made in connection with federal investigations, with cases awaiting trial, or with civil or administrative proceedings ancillary to narcotics-related litigation (e.g., civil forfeiture proceedings under 21 U.S.C. §848). The matter need not specifically involve narcotics charges if the investigation or case is materially related to narcotics trafficking. For example, a pending or contemplated tax case qualifies for treatment under the procedure if the "likely source" of income of the target is narcotics trafficking.

The certificate will not contain any information about the case other than the docket number or grand jury number and the Attorney General's assurance that the matter indeed falls within the scope of this agreement. Therefore, use of the certificate process will not compromise grand jury secrecy or risk jeopardizing the investigation. Of course, the prosecutor must be prepared to provide the Department with sufficient information regarding the investigation or case to enable the Attorney General to determine if the issuance of a certificate to Cayman authorities is appropriate. The certificate must contain the name of the specific Cayman bank or business where the documents are located, and, where appropriate, the account number or other identifying information. It will be difficult, if not impossible, to process any request in which the prosecutor does not know what Cayman bank or business has custody or control of the needed records.

Upon receipt of the certificate, the Cayman Attorney General is obliged under the agreement to order the bank or business which possesses the records sought to surrender them to the Cayman Attorney General within fourteen days. Once the records are surrendered, the Cayman Attorney General forwards them to the United States Attorney General. The agreement also obligates the Cayman government, on request of the United States Attorney General, to provide the foundation testimony needed for the admission of the records into evidence before our courts. Banks or individuals who fail to produce the records outlined in the certificate face the imposition of fines and imprisonment, and the Cayman authorities will obtain a warrant to search for and seize the records for delivery to the United States. Banks or persons who refuse to provide the needed authentication testimony will also be subject to fines or imprisonment.

The United States has agreed that the procedures outlined above will be the exclusive means used to obtain documentary information in narcotics-related investigations and cases. Therefore, until further notice no subpoenas should be issued to banks or businesses in the United States for the production of records located in the Cayman Islands for use in narcotics-related cases or investigations, and any subpoenas outstanding should not be enforced, without the express prior approval of the Department. This does not apply to subpoenas seeking substantive witness testimony from Cayman residents found in the United States, or to subpoenas seeking Cayman records in cases or investigations which are unrelated to drug trafficking (and hence would not qualify for assistance under the agreement). The issuance of all subpoenas to institutions in this country for records located abroad continues to be governed by the November 22, 1983, telex from the Associate Attorney General to all United States Attorneys, and such subpoenas may only be issued after clearance from the Office of International Affairs.

We are hopeful this new agreement will significantly enhance the ability of federal investigators and prosecutors to obtain authenticated copies of documents concerning secret transactions in the Cayman Islands' banks, trust companies, and other businesses used to "launder" the fruits of narcotics trafficking. We will carefully follow the progress of all requests under the agreement, and monitor the effectiveness of the agreement in meeting the United States' investigative needs. To this end, it is essential that each prosecutor who utilizes the agreement coordinate closely with the Office of International Affairs throughout the execution of the request.

In order to take full advantage of the opportunity presented by this new arrangement to advance our priority narcotics investigations, and to insure that the obligations undertaken by the United States are met, further details on the process for the issuance of the certificate by the United States Attorney General will be circulated in the very near future. In particular, we will provide you with a specific format to be utilized by your prosecutors for presentation of investigative material and background information necessary to support an Attorney General certification. In the meantime, please respond by telex to Philip T. White, Director, Office of International Affairs, Criminal Division, identifying any case or investigation which is related to narcotics trafficking and in which we need documentary

evidence located in the Cayman Islands. For each case or investigation please give the following information:

1. The names of the primary target of the case or investigation;

2. The name and FTS telephone number of the prosecutor;

3. A brief description of the charges outstanding or the allegations under investigation;

4. Whether or not subpoenas are outstanding in the United States in connection with the case.

(Criminal Division)

Personnel

On October 3, 1984, Patrick M. McLaughlin was court appointed United States Attorney for the Northern District of Ohio.

On October 1, 1984, Gary L. Richardson resigned as United States Attorney for the Eastern District of Oklahoma.

(Executive Office)

Procedure for Assisting the President's Commission on Organized Crime

By legislation that became effective on July 17, 1984, Congress authorized federal law enforcement agencies to provide certain types of assistance to the President's Commission on Organized Crime. Procedures to ensure expeditious and uniform responses to Commission requests by Department of Justice employees are set out in a memorandum from Associate Attorney General D. Lowell Jensen to Heads of Offices, Boards, Bureaus, Divisions, and all United States Attorneys, dated July 26, 1984. The memorandum is appended to this Bulletin.

(Executive Office)

Relationships With Client Agencies

The Debt Collection Staff, Office of Management Information Systems and Support, Executive Office for United States Attorneys, recommends that all United States Attorney offices keep client agencies fully apprised of the receipt, status, and final disposition of all debt claims referred for litigation and enforced collection.

The Treasury Fiscal Requirements Manual requires agencies to submit quarterly reports to the Department of the Treasury and the Office of Management and Budget (OMB) which include data on the number and dollar amount of claims referred to the Department of Justice. This data is used by OMB to report to the Cabinet Council on Management and Administration concerning the government's debt collection performance, and to the Congress as required by the Debt Collection Act of 1982, Public Law No. 97-365. We have been advised by OMB that data reported by the agencies, and like data provided by the Department of Justice to OMB, reflect major differences. While we are working to resolve these differences, unless a reciprocal line of communication exists between United States Attorney offices and their client agencies, confusion as to the existence, number, and dollar amount of claims referred to the Department will continue.

A policy to ensure that all United States Attorneys keep their client agencies fully informed of case progress, development, and decisions is outlined in the following steps which have proven useful in a number of United States Attorney offices. This policy is set forth in the United States Attorneys' Manual at USAM 1-9.110, and should be applied, as appropriate, to debt claims referred by agencies for litigation and enforced collection.

1. Promptly upon receipt of a complaint against an agency, the Division or United States Attorney's office, as appropriate, should mail a notification letter to the General Counsel of the agency or to his or her designee. (Where time does not permit, e.g., where a motion for a TRO has been filed, it may be necessary to notify the agency by telephone.) At the same time, or as soon thereafter as possible, the agency should be provided with the name(s) and telephone number(s) of the Justice Department attorney(s) to whom the case has been assigned. The agency should be requested, in turn, to provide the Justice Department attorney(s) with the name, direct mailing address, and telephone number of the agency attorney to whom communications with respect to the case should be directed.

2. With respect to affirmative cases, receipt of a referral from a client agency should be acknowledged promptly and names of attorneys exchanged as in Paragraph 1.

3. Unless reasons of economy indicate otherwise, copies of all significant documents filed in court in both

defensive and affirmative cases should be sent, immediately upon receipt or service, to the client agency. If a client agency specifically requests, copies of all documents filed should be sent. (Service of a summons and complaint on the client agency may normally be assumed, and copies of exhibits forwarded by the client agency need not be reproduced and returned.)

4. In non-delegated cases, the United States Attorney should also send copies of all documents filed in court to the Division responsible for the case.

5. An agency should be notified in advance of any significant hearings, oral arguments, depositions, or other proceedings.

6. Appropriate steps should be taken to consult adequately with agencies in advance regarding positions we intend to urge in court. Under no circumstances should a case be compromised or settled without advance consultation with a client agency, unless the agency has clearly indicated that some other procedure would be acceptable.

Furthermore, when a debt claim is compromised and a payment received is payment in full, or when the final payment is received, the "Notification of Compromise" letter, appended to this Section of the Bulletin, should be sent to the agency.

(Executive Office)

Use of Social Security Administration's Teletype Facility in Social Security Litigation

By letter dated August 29, 1984, the Office of General Counsel, Health and Human Services (HHS), has requested further assistance of the United States Attorneys' offices in helping HHS to manage effectively their enormous caseload of social security matters. (See our teletype to all U.S. Attorneys, dated September 5, 1984.)

HHS advises that as of July of this year, they have received over 17,500 new social security civil actions, and have been experiencing serious problems in filing answers in a timely fashion. HHS suggests that if United States Attorneys' offices

would increase their use of the HHS teletype facility, HHS could improve their ability to meet court deadlines for filing answers which would, consequently, reduce the need for obtaining extensions of time to answer.

Procedures for notifying HHS of new cases by teletype are set forth in USAM 1-9.130 (3/84). In brief, they require that U.S. Attorneys' offices notify HHS within 3 days of being served with a complaint that new cases have been filed and require HHS to prepare an answer. The notification should, whenever possible, be made via the use of a teletype. The teletype should be routed to "RR AA SSAGC," and should contain the following information:

1. Case caption;
2. Plaintiff's social security number;
3. District court where case filed;
4. Date the complaint was filed;
5. Date the United States Attorney was served;
6. Name and FTS telephone number of the Assistant United States Attorney handling the case; and
7. Date a petition in forma pauperis was filed, if applicable.

HHS requests United States Attorneys' assistance in implementing a new procedure, in addition to the one above. United States Attorneys are requested to provide the following information to HHS via teletype in matters where the U.S. Attorney is served with an order requiring compliance and action by HHS during the trial of the case. The same routing indicator should be used as set out above, and the information requested is as follows:

1. Case caption;
2. Plaintiff's social security number;
3. Type of order issued;
4. Operative time limits for HHS action; and
5. Name and FTS telephone number of the Assistant United States Attorney handling the case.

Should a United States Attorney's office not have teletype equipment compatible with that of HHS, the responsible Assistant United States Attorney should provide HHS with the appropriate information via telephone call. When using the telephone, the information should be directed to Ms. Margaret Handel, at FTS 934-7543. United States Attorneys are, however, requested to use the teletype whenever possible since this allows HHS the maximum response time.

(Executive Office)

Teletypes To All United States Attorneys

A listing of the teletypes sent by the Executive Office during the period from September 24, 1984, through October 5, 1984, is appended to this issue of the Bulletin. If a United States Attorney's office has not received one or more of these teletypes, copies may be obtained by contacting Ms. Theresa Bertucci, Chief of the Communications Center, Executive Office for United States Attorneys, at FTS 633-1020.

(Executive Office)

"Notification of Compromise" Letter
[on United States Attorney letterhead]

>[Date]

>[Name]
>[Title]
>[Agency]
>[Mailing Address]

Re: Notification of Compromise of [Name of Agency] Claim Debtor's full name: [last name, first name, middle name] Agency's file or claim identification number: _____ United States Attorney's claim number: _____

Dear> :

The above-referenced claim, which was referred to this office for litigation and enforced collection, has been satisfied pursuant to a compromise agreement between the United States Attorney and the debtor. [The attached documentation relates to the compromise of this claim.]

The total amount recovered on the claim is: $ _____.

Any additional amount shown on your records as due from the debtor on this claim should be adjusted to reflect that the claim has been satisfied in full.

Very truly yours,

>[Name]
United States Attorney

[Attachment(s)]

(Executive Office)

OFFICE OF THE SOLICITOR GENERAL
Solicitor General Rex E. Lee

The Solicitor General has authorized the filing of an amicus curiae brief in Town of Hallie v. City of Eau Claire, No. 82-1832. The question presented is whether the "state action" exemption to the Sherman Antitrust Act is available to a municipality that acts in accordance with a state's specific statutory grant of authority to act in an allegedly anticompetitive manner. The United States contends that the municipality is entitled to the exemption.

The Solicitor General has authorized the filing of a petition for a writ of certiorari in Saxner v. Benson, 727 F.2d 669 (7th Cir. 1984). The court of appeals affirmed a jury verdict in favor of prisoners who claimed that they had been denied due process by officials sitting on the prison's Disciplinary Committee. The question presented is whether the officials are entitled to absolute immunity because of the quasi-judicial nature of their functions.

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

Bureau of National Affairs v. Department of Justice and Environmental Defense Fund (EDF) v. OMB, ___ F.2d ___, Nos. 83-1138 and 83-1685 (D.C. Cir. Aug. 31, 1984). D.J. # 145-1-928.

D.C. CIRCUIT RULES THAT PERSONAL APPOINTMENT LOGS ARE NOT "AGENCY RECORDS" UNDER FOIA AND THAT AGENCY BUDGET REQUESTS ARE EXEMPT FROM DISCLOSURE.

In separate FOIA actions brought against the Department of Justice and the Office of Management and Budget, plaintiffs sought to obtain the daily business appointment calendars and telephone message slips kept and maintained by high level agency officials (such as then Assistant Attorney General Baxter) or their personal secretaries. In this case of first impression, a panel of Judges Mikva, Edwards and Bazelon, unanimously held that these materials were properly regarded as the "personal papers" of their creators which Congress did not intend to "sweep into FOIA's reach." The court specifically "conclude[d] that appointment materials that are created solely for an individual's convenience, that contain a mix of personal and business entries, and that may be disposed of at the individual's discretion" are not "agency records" and thus are beyond the reach of FOIA. In an analysis that would appear equally applicable to an agency employee's notes and drafts, the court further explained that "FOIA's reach does not extend to such personalized documents absent some showing that the agency itself exercised control over or possession of the documents."

The panel also reversed the district court's determination in the EDF v. OMB that EPA's own final budget request for the toxic waste "Superfund" was subject to disclosure under FOIA. The court of appeals agreed with us "that, because the President bears the ultimate responsibility for submitting a final budget proposal to the Congress, recommendations made to him by the agencies [through OMB] are predecisional deliberative interagency memoranda exempt from disclosure under 5 U.S.C. §552(b)(5)."

Attorneys: Leonard Schaitman
FTS 633-3441

Mark Gallant
FTS 633-3925

CIVIL DIVISION
Acting Assistant Attorney General Richard K. Willard

Michael D. Barnes v. Ray Kline, ___ F.2d ___, No. 84-5155 (D.C. Cir. Aug. 29, 1984). D.J. # 145-171-422.

D.C. CIRCUIT HOLDS PRESIDENT CANNOT POCKET VETO A BILL DURING AN INTERSESSION CONGRESSIONAL ADJOURNMENT.

The Constitution provides that, when the President withholds his approval from a bill but does not return the bill to Congress for possible override, the bill automatically becomes law "unless the Congress by their [a]djournment prevent its [r]eturn" -- in which case the bill is deemed "pocket vetoed." Some sixty years ago, the Supreme Court held that the President is prevented from returning a bill within the meaning of the constitutional provision by an intersession congressional adjournment. Some ten years ago, the D.C. Circuit held that the President is not prevented from returning a bill by an intrasession congressional adjournment, at least when Congress has appointed agents to receive messages from the President during its absence. Last fall, a bill imposing certain conditions on United States military assistance to El Salvador failed to receive the President's approval and was not returned to Congress. Because Congress was in an intersession adjournment when the President's time to consider the bill expired, the Executive Branch took the position the bill was pocket vetoed.

A number of members of Congress, joined by the Senate in its institutional capacity, challenged the pocket veto. They pointed out that congressional agents had been appointed to receive messages from the President during Congress's intersession adjournment, and argued that, as a practical matter, this meant the President had not been prevented from returning the bill. In response, we argued that the Supreme Court has foreclosed assertion that an intersession adjournment does not prevent return of a bill within the meaning of the Constitution. In addition, we argued that a correct construction of the Constitution and the Supreme Court precedents leads to the conclusion that return of a bill is prevented whenever either house of Congress adjourns for more than three days, whatever the nature of the adjournment. The

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district court agreed with our first argument, finding that the Supreme Court has dispositively decided that the pocket veto clause is applicable during intersession adjournments; it did not address our second argument.

On an expedited appeal, the D.C. Circuit reversed. Two members of the court of appeals panel believe the pocket veto clause is inapplicable in the circumstances at issue. Judge Bork dissented on the ground that, in his view, none of the congressional plaintiffs had standing to raise the issue.

Attorneys: William Kanter
FTS 633-1597

Marc Johnston
FTS 633-3305

City of New York v. Heckler, ___ F.2d ___, No. 84-6037 (2d Cir. Aug. 27, 1984). D.J. # 137-52-1052.

SECOND CIRCUIT AFFIRMS DISTRICT COURT INJUNCTION REQUIRING THE SECRETARY OF HHS TO REOPEN AND READJUDICATE THE CLAIMS OF MENTALLY IMPAIRED SOCIAL SECURITY CLAIMANTS GOING BACK TO APRIL 1, 1980, AND AWARDING INTERIM BENEFITS PENDING READJUDICATION OF THE CLAIMS OF TERMINATEES.

Eight unnamed individual plaintiffs suing on behalf of themselves and a statewide class, and the City and State of New York brought this action for declaratory and injunctive relief on February 8, 1983, alleging that the Secretary of HHS had established unwritten practices, policies, and standards for the evaluation of mental impairments under Titles II and XVI of the Social Security Act in contravention of existing regulations. After a trial the district court ruled in favor of the plaintiffs and ordered the Secretary to reopen and readjudicate claims going back to April 1, 1980, and to reinstate to benefits those whose benefits had been terminated. We then appealed and obtained a partial stay pending appeal. Our appeal did not challenge the merits, but instead focused on several jurisdictional issues and the lack of authority to award interim benefits.

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The court of appeals has just affirmed the district court's decision. The court determined that as to terminatees the presentment requirement of 42 U.S.C. §405(g) was met by the filing of the disability questionnaire. The court also ruled that §405(g)'s exhaustion requirement was waivable over the Secretary's objection because plaintiffs' claims were "substantially" collateral to their claims for benefits, because exhaustion was futile, and because many individuals in the class would suffer irreparable injury in the form of a "severe medical setback" if they had to exhaust the administrative process. The court determined that the 60-day time-bar in §405(g) would not be applicable in this case because it "was effectively tolled during the time that SSA's policy of applying the challenged presumption concerning residual functional capacity remained operative but undisclosed" to the individual plaintiffs. The court also determined that mandamus would be available as an alternative basis for jurisdiction even though the court had specifically acknowledged that §405(g) was an adequate remedy. Finally, the court ruled that the district court had authority to award interim benefits because such benefits are appropriate when one decision is invalidated and an earlier favorable decision reinstated in its place.

We filed a petition for rehearing with a suggestion of rehearing en banc on September 14, 1984.

Attorneys: William Kanter
FTS 633-1597

Howard Scher
FTS 633-4820

Pollard v. Grinstead, ___ F.2d ___, No. 83-2074 (4th Cir. Aug. 16, 1984). D.J. # 35-79-234.

FOURTH CIRCUIT REVERSES DISTRICT COURT ORDER REQUIRING MULTIPLE REMEDIES UNDER TITLE VII UNLESS A DEFENDANT CAN SHOW BY CLEAR AND CONVINCING EVIDENCE THAT THE PLAINTIFF WOULD NOT HAVE BEEN PROMOTED IN THE ABSENCE OF DISCRIMINATION.

Plaintiff initially filed an administrative challenge to a promotion selection by the Defense Logistics Agency (DLA). After the EEOC held that the agency had discriminated against plaintiff

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and another complainant on the basis of race, DLA made a second, remedial selection between the two men and awarded a promotion with back pay to the other person. Plaintiff then filed this Title VII action, and prevailed after trial. The district court held that because DLA could not show by clear and convincing evidence that plaintiff would not have been promoted in the absence of discrimination, he was entitled to relief.

In a ruling that will aid in removing the specter of multiple liability in situations in which more than one person has challenged an employment action as discriminatory, the Fourth Circuit adopted our arguments and reversed. The court held that the remedial selection had afforded plaintiff complete redress and effectuated the "make whole" purposes of Title VII. Once the district court determined that the agency had completed that process in a nondiscriminatory manner, it was clear that plaintiff had been denied the promotion for a reason other than discrimination and the inquiry should have ended.

Attorneys: Robert Greenspan
FTS 633-5428

Barbara Woodall
FTS 633-3355

Ford v. Estelle, ___ F.2d ___, No. 83-2151 (5th Cir. Sept. 4, 1984). D.J. # 144-75-1523.

FIFTH CIRCUIT ADOPTS OUR CONSTRUCTION OF THE MAGISTRATES ACT, HOLDING THAT DISTRICT COURTS MAY NOT REFER JURY TRIALS TO MAGISTRATES UNDER THE AUTHORITY OF 28 U.S.C. §636(b)(1)(B) WITHOUT THE CONSENT OF THE PARTIES.

Several district courts have adopted local rules permitting district court judges to refer evidentiary hearings in prisoner petition cases to magistrates, subject to de novo review. The plaintiff in this Section 1983 action requested a trial by jury and arguably objected to the reference of his action to a magistrate. After a jury was empanelled, the magistrate dismissed the civil rights action for failure to prosecute, and plaintiff timely filed objections to the district court judge. The judge adopted the magistrate's recommendations, and dismissed the action.

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On appeal, plaintiff challenged the statutory basis for and constitutionality of the reference procedure. The Fifth Circuit invited us to intervene on both issues. We argued that in light of the statutory language and legislative history, Congress had not authorized magistrates to conduct evidentiary hearings before juries, absent the consent of the parties. In addition, we reasoned that because of the weighty Article III and Seventh Amendment issues presented, the court should construe the statutory authorization narrowly so as to avoid reaching the constitutional questions. The court of appeals adopted our analysis, holding that the reference was not authorized by statute and accordingly vacating the district court's judgment.

Attorneys: William Kanter
FTS 633-1597

Harold Krent
FTS 633-3159

Raymond A. Shaw v. United States, ___ F.2d ___, No. 83-3759 (9th Cir. Aug. 31, 1984). D.J. # 145-82-997.

NINTH CIRCUIT REDUCES $11 MILLION AWARD IN TORT CASE.

The government conceded negligence in a tort action where a baby suffered severe brain damage during delivery. The district court (Tanner, J.), entered damages for the plaintiff of $11,732,345. On our appeal, the court of appeals reversed the bulk of the damage award and directed the district court to enter a reduced judgment more than $6 million less than the original judgment. The court of appeals held that the district court had erred in failing to deduct federal and state taxes from the portion of lost earnings, and in calculating the discount rate. The appellate court found the district court's award of $5 million in non-pecuniary damages to be excessive in light of comparable

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state law awards, and reduced that award to $1 million. The appellate court also reduced the award to the parents for loss of the child's love and companionship from $2 million to $100,000 for the same reason.

Attorneys: Robert Kopp
FTS 633-3311

Eloise Davies
(formerly of the Appellate Staff.)

LAND AND NATURAL RESOURCES DIVISION
Assistant Attorney General F. Henry Habicht, II

Carson-Truckee Water Conservancy District v. Watt, ___ F. 2d ___, No. 83-1549 (9th Cir. Aug. 22, 1984). D.J. # 90-1-2-1067.

SECRETARY OF THE INTERIOR NOT OBLIGATED TO SELL WATER FROM STAMPEDE DAM.

This latest in a series of cases concerning the Truckee River and Pyramid Lake in Nevada, involves the Bureau of Reclamation's operation of the Stampede Dam. The Carson-Truckee Water Conservancy District sought a declaratory judgment that the Secretary violated the reclamation laws in refusing to sell water from the Stampede Dam and that the Endangered Species Act (ESA) does not bar the Secretary from selling the water. The Ninth Circuit held that the Secretary is not obligated to sell the water at this time and that his present operation of the dam is not arbitrary and capricious. The court refused, however, to rule on the Secretary's obligation under ESA to the project's water entirely for conservation purposes. The court stated that since the Secretary was actively seeking to use the project for conservation purposes, there was no need to decide the extent of his affirmative obligation under the ESA should the Secretary later decide not to use the water for conservation purposes.

Attorneys: Albert M. Ferlo, Jr.
FTS 633-2774

Dirk D. Snel
FTS 633-4400

Cities Service Pipeline Company v. United States, ___ F.2d ___, No. 84-845 (Fed. Cir. Sept. 6, 1984). D.J. # 90-5-1-4-155.

COMPANY LIABLE FOR CLEAN-UP COSTS FOR ITS FAILURE TO DETECT AND PREVENT DAMAGE TO ITS PIPELINE.

This case involved an appeal of a decision of the United States' Claims Court denying Cities Service's request to recover oil spill clean-up costs from the United States pursuant to Section 311(i)(1) of the Federal Water Pollution Control Act, 33 U.S.C. §1321(i)(1)(1976). Section 311(i)(1)(D) permits the recovery of oil spill clean-up costs where the owner of a

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facility from which oil is discharged into the navigable waters of the United States establishes that the discharge was caused solely by the act or omission of a third party. The oil spill resulted from a rupture in Cities Service's pipeline in Harris County, Texas. The trial court accepted the company's testimony that a piece of heavy equipment, operated by an unknown third party, struck the pipeline sometime after its installation in 1970, but not immediately prior to the rupture. The damage weakened the pipeline causing it to break in March of 1980. The trial court concluded that Cities' normal use of the pipeline was an affirmative act contributing to the rupture and spill and the company could have prevented the rupture through the exercise of due care. Consequently, the trial court denied Cities' request for clean-up costs.

The court of appeals affirmed. The court found that the portion of the trial court's decision, which denied recovery on the basis of the contributory actions of the company in operating the pipeline over time, was unnecessary to the result under the facts of the case. Rather, upholding another conclusion of the trial court, the court found that Cities' omission to act --to take adequate measures to prevent and detect the damage to its pipeline--inevitably led to the discharge. The court noted Cities' aerial inspection program was not reasonably calculated to detect damage caused by the use of heavy equipment near the pipeline, which activity the company conceded it was aware of for some time.

Attorneys: Arthur E. Gowran
FTS 633-2754

Robert L. Klarquist
FTS 633-2731

Carstens v. NRC, ___ F.2d ___, No. 83-1879 (D.C. Cir. Sept. 7, 1984). D.J. # 90-10-5-29.

NRC's ASSESSMENT, THAT SEISMIC RISK TO SAN ONOFRE NUCLEAR POWER DOES NOT PRESENT UNDUE SAFETY RISK, SUSTAINED.

The D.C. Circuit affirmed an NRC decision granting operating licenses for the San Onofre Nuclear Generating Station. Petitioners, who intervened in the licensing proceedings, principally challenged the NRC's determination that seismic activity in the area would not present an undue safety risk. The

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panel unanimously rejected petitioners' contentions, noting with respect to the technical and scientific issues raised that the NRC's discretion was quite broad and the court's reviewing function was correspondingly limited. The court also rejected the argument that NRC had displayed an attitude of hostility and bias against petitioners such as to justify a reversal of the decision to grant the license.

Attorneys: John A. Bryson
FTS 633-2740)

David C. Shilton
FTS 633-5580

FEDERAL RULES OF EVIDENCE

Rule 801(d)(2). Definitions. Statements which are not hearsay. Admission by party-opponent.

Defendant was convicted of conspiracy to export firearms. The trial was the third on firearms charges, the first two having ended in mistrials. Defense counsel's opening statement at the second trial was seemingly inconsistent with his opening statement at the third trial. The government sought to use the prior statement as evidence at the subsequent trial in order to prove that fundamental portions of the defense were fabricated.

In a lengthy opinion, the Second Circuit held that under Rule 801(d)(2)(C) and (D) there is no absolute rule preventing use of defense counsel's prior opening statement as an admission against a criminal defendant in a subsequent trial on the same charges. The court concluded, however, that the use of such statements must be circumscribed, and discussed the policies involved and the procedures to be followed by the court before permitting use of such statements.

(Affirmed.)

United States v. Bernard McKeon, 738 F.2d 26 (2d Cir. June 20, 1984).

Confessions of a Collections Lawyer *

by Cynthia B. Malament

Lawyers hate to confess to anything, and I am no exception. But to understand a consumer debt-collection practice (commonly known as collections) requires some forthright admissions to dispel the miasma of myth that has made this area of the law distasteful to many lawyers. These myths stem from a lack of knowledge about collections, a Dickensian perception of the debt collector, and a lawyerly inability to admit that collections just might be challenging.

Confession No. 1: Collections is the practice of law in reverse.

The truly difficult stages of this type of case, the most involved and time-consuming, are considered routine in other litigation areas. The least complex phases of a collection case demand the most thorough attention.

A collections lawyer is a litigation specialist. Filing suits — many suits — is standard procedure if the practice is to be financially rewarding, because each suit asks for sums that would be rejected outright by lawyers in other matters. It often takes ten to 20 — or even more — cases to earn the same fee produced by one noncollection case. Yet that multitude of collection cases usually takes less time and effort to complete than the noncollection matter.

For all collection cases, preparing the pleading is routine. The cause of action is usually contract or, for credit card debt, accounts stated. Occasionally, very rarely, it is for replevin or detinue. The lawyer develops a form that states the cause of action, leaving space for the parties' names and the amount owing. The language used is straight from the hornbook. In some jurisdictions, the courts insist that their own forms be used.

The major difficulty lies in finding the defendant. Often, the address provided by the creditor is no longer valid. The debtor has moved several times. He has also changed jobs or names, has closed a post office box, or has disconnected his telephone. Telephone calls produce such answers as, "Never heard of him," or, "You've got the wrong number." The lawyer should do everything within reason to establish a good address — check for forwarding addresses, write to the motor vehicle licensing authority, interview employers, call the relatives. The one matter the collections lawyer must not get involved in is finding the defendant.

Best leave the sleuthing to a "defendant locater." Popularly known as a skip tracer, this person is indispensable to collections practice. Retaining an efficient one requires trial and error, but an effective skip tracer will find most defendants at a cost in line with what the creditor can expect to recover. The really persistent skip tracer is the collections lawyer's best friend, for once you establish a good address, you have eliminated the first major obstacle to completing the case.

The lawyer's next best friend (sometimes the same as the skip tracer) is a private process server. That is because, after you establish the address, the next greatest difficulty is to serve the defendant. I have learned that not all people readily fling open their front doors, admit to their true identities, and accept summons with a smile. Many defendants attempt to evade service, so the lawyer must choose the most effective manner of service. Mail is certainly cheapest, the sheriff will cost more, but private process is usually the most successful, if the cost justifies the expected recovery.

From service of process to entry of judgment is the easiest part of the collections case, because most defendants never respond to the suit. You file a motion for summary judgment with the initial pleading, if allowed, and the court enters judgment for the client without a contest. When a defense is filed, discovery rarely takes place. Many small-claims courts permit no discovery. While other areas of litigation require depositions, experts, exhibits, and witness preparation, the collections lawyer again relies mainly on forms — interrogatories or requests for admissions, which are sent by return mail when a notice of defense is filed.

While the answers or admissions may prove helpful, the best "discovery" is usually a telephone call to the defendant (acting for himself) or to the lawyer. This call most often produces the response of, "Sure, the money is owed, but I (or my client) can't pay it." In those cases, negotiate an arrange-

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ment to pay, sign a formal agreement, and submit the deal to the court. Then judgment is entered or the case is "returned to files" or "passed for settlement" while payments are made.

Of course, not all cases can be settled. Trials usually take place before a judge much accustomed to hearing such cases. Jury trials are a rarity, and if one is set, the demand was made in the defendant's pleadings. Collections lawyers do not parade their wares before a jury.

Pretrial preparation is brief. Generally, only one witness is needed to put on the creditor's case. He produces the business records. In a volume practice, having a dozen or more cases set for trial on the same day is common. A few may actually be set for trial (the rest resulting in summary judgment), and in those few, almost all are settled before the judge takes the bench. Trials are short. Most judges do not favor courtroom dramatics in these types of cases.

Not every case is a victory for the plaintiff, but the win-lose ratio is certainly favorable.

Now for the Hard Part

Presuming no appeal once judgment is entered, the difficult aspect of the case is over for most litigators. Not so in collections. The hard part is just beginning. Getting the judgment paid and satisfied is what makes or breaks the collections lawyer. Supplementary proceedings to discover assets, wage garnishments, bank and personal-property attachments, real estate liens, writs, contempt citations – these are the real tools of the collections practice, and the lawyer must be thoroughly knowledgeable in their use.

In collections, the lawyer doesn't just think of what a particular rule says. He has memorized all the rules and analyzed every nuance of their application. The successful collections lawyer goes beyond the rules – he knows the informal rules of behavior of each local court. For example, he knows that in one judge's court, when the clerk finishes reading the docket, 20 minutes remain before the judge takes the bench. Time enough to settle half a dozen cases. In another courtroom, the judge does both jobs, his own and the clerk's. Cases must be settled beforehand.

Because time is of the essence (to borrow a phrase), a volume collections practice is filled with forms. All areas of law could benefit from some forms and standard procedures, but collections could not exist without them. These are form letters, form settlement agreements, form pleadings, more form letters, form stipulations, and even more form letters. They may be pre-printed or produced by word processor or computer. The means may vary but the result is the same. The collections lawyer who can fill in the blanks has found that certain route to success.

I like to believe that collection lawyers are too busy settling cases to keep accurate time records. Whatever the reason, time records are, fortunately, not required. Most work is done on a contingent fee. As long as the cases move forward, the client is more interested in the amount of money collected than the hours spent.

Confession Number 2: Collections work is repetitive, but never boring.

In collections, the defendant almost always represents himself. Therefore, the collections attorney is in constant contact with people from all segments of society and all economic levels, including (but certainly not limited to) teachers, administrators, bureaucrats, doctors, politicians, lawyers, and even some judges. I must admit that working out a monthly payment plan with a judge was not the most rewarding experience of my career. Some defendants have valid defenses, only a handful are truly fraudulent, many are just down on their luck, a number are only forgetful, and the rest are simply enjoying the game.

Many defendants, with or without legal counsel, offer excuses for nonpayment that present a constant challenge to the attorney's credibility, vulnerability, and good judgment. More often than not there is no denial that the money is due and owing. Rather, the money just cannot be paid. Although arrangements to pay are an integral part of the practice, they should at least be reasonable. Yet not all individuals agree with that concept. For example:

- A defendant is represented by counsel, who calls and says: "My client has no assets, no income, and many debts. If you insist on full payment at one time, bankruptcy will be filed. However, if you can accept $10 per month, I will convince him to hold off the bankruptcy."
  I am to overlook that the debt is $500, meaning that it will take more than four years to pay it off (interest-free, of course). I am to overlook that the cost for filing bankruptcy may exceed the amount of the entire debt. But I do not overlook that my client will not benefit at all by accepting $10 per month. I reject the offer, and (to no one's surprise) the defendant does not file for bankruptcy. Instead, we agree to a higher monthly amount.
- A couple was sued for an unpaid credit-card bill of $1,500. They offered to pay $20 per month, maximum. We went to trial. Outside the courtroom a man and a woman were discussing their recent vacation in the Bahamas. She was wearing a beautiful silver fox jacket. He had on an Italian silk suit. The case was called, and this well-dressed couple turned out to be the defendants who could afford only $20 per month. Judgment was entered for the plaintiff. I did not accept the $20 per month. I did not even get the fox jacket. But the wage garnishment quickly satisfied the judgment – and the client.
- A bank account is attached after judgment. The defendant calls and says she was using that money to buy food for her infant. Without it, the baby will go hungry. I agree to release the attachment and the defendant agrees to a monthly payment schedule. (Who would keep food from a child?) Two months later, the agreement is broken. I attach the bank account again, but this time the money is gone, along with the hope of getting the rest of the judgment paid. Later, I discover that the woman had no children. Some lessons you learn the hard way.

Another popular reason for nonpayment of debts due in

The collections lawyer who can fill in the blanks has found that certain road to success.

retail credit cases is that the merchandise was faulty, a valid defense in some cases. Either the case is settled or the creditor may lose in court. But too often this defense is raised when the merchandise has been purchased at least a year earlier, yet there had been no complaints from the purchaser until suit was filed. These cases are usually won in court.

Then there are the reasons for nonpayment that are simply a result of the realities of life. Such as broken dreams...the man who finally bought his Cadillac, but could not make more than two payments. The woman who obtained a new job, bought an expensive wardrobe on her credit card, and then was suddenly fired. The father who always borrowed money so he could buy everything his family wanted, but was unexpectedly laid off.

Broken homes...the husband whose wife charged a fortune on his credit card, then walked out on him and the unpaid bills. The wife whose husband left for parts unknown, leaving all the bills. The couple who were divorced, but never decided who was responsible for the outstanding debts. The parents who co-signed the loan for their son's new motorcycle. The son and the bike have disappeared, but the unpaid loan balance remains.

Broken promises...the promise to pay. The promise to sign a new agreement to pay the debt. The promise just to call back.

With all these reasons, as tragic or as outlandish as they may be, the collections lawyer must find the practical approach, recognizing the business interests of the client and the business nature of this area of the law. The bottom line

Eighty percent in the hand is worth 100 percent in the bush, especially since the bush may be gone tomorrow.

is getting payment – if not in full, then at least some reasonable percentage. I often remind myself and my client that 80 percent in the hand is better than 100 percent in the bush, particularly when the bush may not be around tomorrow.

Confession Number 3: Collections is the practice of law.

• Contracts – A client provided goods or services to someone and did not get paid. An agreement was entered into, a party performed, another party breached. The classic contracts case. Goods were sold. A warranty was given. A security interest was filed. The Uniform Commercial Code comes into play.

• Consumer transactions – A bill was sent. The creditor tried to collect on his own. Truth-In-Lending, Fair Billing Act, Fair Debt Collection Practices Act – all federal statutes that must be taken into account. One spouse signed for the debt: Is the other spouse responsible? A state's equal rights amendment is at issue; in another jurisdiction a statute is controlling. The defendant lied on his loan application. Can his property be attached before judgment? Can his wages be garnished before judgment?

• Real estate – The defendant entered into a contract for sale of her home, but the deed has not yet been recorded: can the real property be attached by the judgment creditor? A piece of property was transferred right before judgment: was it a fraudulent conveyance?

• Evidence – Can the defendant's statement, recorded by the creditor's employee who is unavailable for trial, be admissible under the business-records exception? Is the only employee available for trial the proper custodian of the books and records kept in the home office in another jurisdiction? How can the case be proved when all the documents were lost or destroyed two years ago?

• Bankruptcy – Should the credit-card purchases made two months before the filing of bankruptcy be excluded as fraudulent transactions? Can the new car be repossessed under a petition to grant relief from the stay of execution? Can the real property owned jointly by husband and wife be held outside the bankruptcy estate when only one spouse files bankruptcy and the debt is against both? Should the creditor try to convert the Chapter 13 bankruptcy to Chapter 7?

• Civil procedure – Must the written contract be produced to support a motion for summary judgment on an account-stated cause of action that grows out of a retail credit sale? Will interest be allowed? Prejudgment and postjudgment? At the bank's rate that the client had to pay? Is it replevin or detinue? (Does it really matter?)

• Limitations – What type of acknowledgment of the debt will toll the statute of limitations? Has the acknowledgment by one co-maker tolled the statute as to the other? Can our three-and-a-half-year-old claim fit under the U.C.C.?

These are just a few of the issues in collections. Naturally, not every case raises an issue, but the imponderables occur often enough to keep the practice busy, challenging, and anything but dull.

Now for my final confession. Basically, collections lawyers do what any other trial lawyers do: analyze cases, research the law, negotiate settlements, and litigate in court. In collections, it is done with a higher volume of cases per client, a lower monetary amount per case, and plenty of forms. Yet the goals are the same – to act professionally, to use the law to the best of your ability, never to forget the ethical considerations, and – most important – to give the client the best representation possible.

The Human Condition

The difference is that, for the collections lawyer, it almost always pays to be fairly flexible and extremely tolerant when working with a defendant, particularly the pro se defendant. Any person who is sued for money owing will be angry, fearful, depressed, indignant, or all of the above. Persuading that defendant to agree to a payment schedule demands the patience of Job and the judgment of Solomon. The collections lawyer must respond to the defendant's emotional outbursts with an equable tolerance for the human condition.

Like radiators, people in hot water need to let off steam. The basic questions are, how much can the defendant pay and when. I will not tolerate personal insults or outright screaming, but I am willing to listen to a lot of hard-luck stories to get that question answered.

JURIS DATA BASE LISTING
Revised September 1984

CASELAW

U.S. Supreme Court	178 U.S. (1900) - Slips
Federal Reporter, 2d Series	300 F.2d (1962) - Slips
Federal Supplement	332 F.Supp (1970) - Slips
Court of Claims	134 Ct. Cl. - 223 Ct. Cl. (1956 - April 30, 1980)
Federal Rules Decisions	73 F.R.D. (1976) - Slips
Court of Military Review	1 C.M.R. - 50 C.M.R. (1951-1975)
Military Justice Reporter	1 M.J.R. Slips (1974 - Present)
Atlantic 2d Reporter	370 A.2d (1977) - Present (D.C. cases only)
Bankruptcy Reporter	1 B.R. (1979) - Slips
Claims Court	1 Cl.Ct.(1982) - Slips

STATLAW - STATUTORY LAW

Public Laws	93rd - 98th Congress (1-149)
United States Code	1976 Edition, Including Supp. V
Executive Orders	12/31/47 - 2/27/84
Civil Works Laws	Vols. 1-4, (8/1790 - 11/1966) and Selected Public Laws to 7/1983

ADMIN - ADMINISIRATIVE LAW

** Published Comptroller General Decisions	Vols. 1-62 (1921-September, 1983)
** Unpublished Comptroller General Decisions	(1/5/51 - 4/5/84)
Opinions of the Attorney General	Vols. 1-43 (1791-1980)
O.L.C. Memorandums	Vols. 1 - 3 (1977-1979)
Board of Contract Appeals	Vols. 56-2 to 83-1 (7/56-5/83)
Federal Labor Relations Authority	Vols. 1-11 (1/79-2/83)
Decisions & Reports on Rulings of the Asst. Sec. of Labor for Labor Management Relations	1 A/SLMR - 8 A/SLMR (1/73-12/78)
Federal Labor Relations Council	Vols. 1-6 (1/70-12/78)
Rulings on Requests of the Asst. Sec. of Labor for Labor Management Relations	Volume 1 (2/70-6/75)
HUD Administrative Law Decisions	Selected Decisions
Merit Systems Protection Board	Vols. 1-7 (2/79 - 9/81)

* New Juris File
** Major File Additions

REGS - FEDERAL REGULATIONS

** Code of Federal Regulations	1982 Edition, Titles 1,4, 5, 8-45, 50 1983 Edition, Titles 3 and 48 1984 Edition, Titles 1, 4, 5, 7-10, 12 and 13
Unified Agenda of Federal Regulations	April, 1984 Edition

DIGEST - WEST HEADNOTES

Supreme Court Reporter	1961 - advance sheets
Federal Reporter, 2d Series	1960 - advance sheets
Federal Supplement	1960 - advance sheets
Federal Rules Decisions	1960 - advance sheets
Regional Reporters (State Cases)	1967 - advance sheets

WORKPRDT - DEPARTMENT OF JUSTICE WORKPRODUCT

Enforcement Decisions	Tax Division's Summons Enforcement Decisions

SHEPARD'S CITATIONS

United States Reports	1944 - Present
Supreme Court Reporter	1944 - Present
Lawyer's Edition (1st & 2d Series)	1944 - Present
Federal Reporter	1970 - Present
Federal Reporter Second Series	1970 - Present
Federal Supplement	1970 - Present
Federal Rules Decisions	1970 - Present
Court of Claims	1970 - Present
Court Martial Reports	1951 - Present
Military Justice Reporter	1975 - Present

INTERNATIONAL AGREEMENTS

Bevans: Treaties and Other International Agreements of the United States	Vols. 1-12 (1776-1949)
United States Treaties and Other International Agreements	Vols. 1-32 (1/50 - 12/81)
Department of Defense Unpublished International Agreements	(6/47 - 3/81)

BRIEFS - DEPARTMENT OF JUSTICE BRIEFS

Office of the Solicitor General Briefs	Briefs filed for cases decided since the October 1982 Term or for cases still pending
Civil Division Briefs	Selected Appellate Briefs (1981-Present)

INDLAW - INDIAN LAW

Opinions of the Solicitor (Interior)	Vols. 1 and 2 (1917 - 1974)
Ratified Treaties	1778 - 1880
Unratified Treaties	1801 - 1868
Presidential Proclamations	1879 - 1968
Executive Orders and Other Orders Pertaining to Indians	1871 - 1971

FOIA - FREEDOM OF INFORMATION ACT

FOIA Update Newsletter	Vol. 1, No. 1 - Vol. 5, No. 2 (Fall, 1979 - Spring, 1984)
FOIA Short Guide	FOIA Case List Publication (September 1983 Edition)

U.S. Department of Justice

Office of the Associate Attorney General

The Associate Attorney General

Washington, D.C. 20530

26 JUL 1984

MEMORANDUM

TO: Heads of Offices, Boards, Bureaus, Divisions, and All United States Attorneys

FROM: D. Lowell Jensen
Associate Attorney General

SUBJECT: Procedures for Assisting the President's Commission on Organized Crime

By legislation that became effective on July 17, 1984, Congress authorized federal law enforcement agencies to provide certain types of assistance to the President's Commission on Organized Crime. In order to permit the Commission to carry out its important task, the following procedures are promulgated to ensure expeditious and uniform Department of Justice responses to Commission requests.

I. Information Sharing Generally

All employees of the Department of Justice are to provide to the Commission, promptly and to the extent permitted by law,* such information as it may require for purposes of carrying out its functions. This encompasses investigative information (including, to the extent described below, the results of electronic surveillance) requested by the Commission or believed by the possessing agency to be relevant to a Commission request. Such information will be provided fully, except to the extent that such disclosure may jeopardize federal law enforcement interests.

* Particular note should be made of the strictures and limitations in Rule 6, Federal Rules of Criminal Procedure, and those in 26 U.S.C. 6103 pertaining to tax information.

II. Title III Access

With respect to disclosure to the Commission, as authorized by Section 6 of the enabling statute, of information obtained under Title III of the Organized Crime Control Act (18 U.S.C. 2510 et seq.), the following procedures will be followed:

1. A federal agent who is requested by the Commission to supply it with information in his possession which he knows was obtained under Title III, or who otherwise becomes aware of the relevance of such information to the Commission's work, will promptly notify his supervisors of the interest or possible interest of the Commission in the information. If the information was the subject of a Commission request, he will also inform the Commission representative who made the request of the existence, but not the substance, of possibly relevant information. The national headquarters of the agency will promptly bring the matter to the attention of the Department of Justice official designated in part V of this memorandum.

2. Within 24 hours of the receipt of the notification, or as soon thereafter as possible, the Attorney General or his designee will authorize such disclosure as is appropriate under 18 U.S.C. 2517, except to the extent that he determines such disclosure may jeopardize federal law enforcement interests. If he determines that disclosure of requested information may jeopardize federal law enforcement interests, he will promptly so inform the Commission.

3. If the Attorney General or his designee authorizes disclosure, the agency having custody of the tapes, logs, or transcripts containing the requested information will promptly make copies available to the Commission. The Commission will maintain such material under conditions of security equal to those employed by the agency from which the material was obtained.

The procedures for authorizing disclosure of Title III information by the Commission -- whether in public testimony, in an interim or final report, or otherwise -- will be as follows:

1. The Executive Director of the Commission will make application to the Attorney General or his designee for authorization to make the disclosure, specifying the information to be disclosed and the manner and context of its proposed disclosure.

2. After reviewing such application, the Attorney General or his designee will authorize such disclosure, except to the extent that he determines such disclosure may jeopardize federal law enforcement interests. If he determines that disclosure may jeopardize federal law enforcement interests, he will promptly so inform the Commission.

III. Litigation Involving the Commission

Sections 2, 3, and 6 of the enabling statute provide for prompt assistance to the Commission by the Attorney General in the enforcement of subpoenas, applications for writs, and applications for notice-delay orders under the Right to Financial Privacy Act ("RFPA"). Such assistance will be provided in the following manner:

When the Commission decides that it is necessary to file an application for judicial enforcement of a Commission subpoena (including a response to a motion to quash or modify a subpoena or to enlarge or shorten the time for compliance, or for a protective order), a writ of habeas corpus ad testificandum, or judicial delay in notice under the RFPA, attorneys for the Commission will draft all process, pleadings, and briefs relevant to the application and will submit the drafts to the United States Attorney (or his designee) in the judicial district in which the application is to be filed. The United States Attorney (or his designee) will review the drafts, and will make any necessary revisions, to ensure that the substance and form of the application and supporting materials comport with relevant practices, precedents, and rules of court in that district, and are consistent with positions of the Department of Justice in other federal court litigation. The United States Attorney (or his designee) for the judicial district in question, or a Strike Force attorney assigned to that district, will enter an appearance together with attorneys for the Commission, in the United States District Court for that district, and will file the application, introduce the attorneys for the Commission, move (if necessary) for admission of the Commission attorneys to the bar of the court pro hac vice, present the application, and offer such oral argument in support thereof as the court requires. Attorneys for the Commission, under the supervision of the United States Attorney, will present such oral argument as necessary to the extent permitted by the court and the local rules governing oral argument. Attorneys for the Department will represent the Commission in all appeals stemming from such applications.

Attorneys for the Department of Justice (including United States Attorneys or their designees) will represent the Commission in civil actions when it is named as a defendant, and will -- to the extent determined by the Department to be appropriate in light of 28 C.F.R. 50.15 and 50.16 -- represent the members of the Commission, and members of the staff of the Commission, when they are named in their individual capacities as defendants in civil actions as a result of the performance of their official duties. Before filing pleadings or briefs in such cases, attorneys for the Department will consult with the Executive Director of the Commission, to ensure that Department attorneys are adequately informed of all relevant facts and do not inadvertently take any litigating positions that could prejudice the Commission's operations or investigations.

In all cases where it is appropriate for both attorneys for the Department of Justice and attorneys for the Commission to sign pleadings or briefs (including, but not limited to, applications to enforce subpoenas, to obtain writs, and to delay notice under the RFPA) attorneys for the Department will sign as the attorneys of record and attorneys for the Commission as "Of Counsel," or such other designation as is appropriate.

IV. Requests to Compel Testimony

Requests for approval of the issuance of orders compelling a person to testify or produce materials pursuant to 18 U.S.C. 6002 and 6004 will be submitted by the Commission directly to the Witness Records Unit of the Criminal Division. That unit will handle such requests as expeditiously as possible and will ensure that appropriate agency and Criminal Division name checks are made. The unit will prepare a letter authorizing the issuance of a compulsion order for the Assistant Attorney General's signature in the same manner as it prepares letters for such authorization at the request of federal agencies pursuant to 18 U.S.C. 6004.

V. Department of Justice Contact

The Chief of the Organized Crime and Racketeering Section, Criminal Division, is designated to serve as the contact person for investigative matters involving the Commission.

LISTING OF ALL BLUESHEETS IN EFFECT
September 28, 1984

AFFECTS USAM	TITLE NO.	DATE	SUBJECT
1-11.240	TITLE 1	7/31/84	Immunity for the Act of Producing Reports
1-11.400	TITLE 1	6/21/84	Immunity
1-12.020	TITLE 1	6/29/84	Pre-Trial Diversion
1-12.100	TITLE 1	4/24/84	Eligibility Criteria
9-2.111 *	TITLE 9	10/19/83	Declination of a Prosecution for National Security Reasons
9-2.132	TITLE 9	3/21/84	Policy Limitations on Institution of Proceedings-Internal Security Matters
9-2.133	TITLE 9	4/09/84	Policy Limitations on Institution of Proceedings, Consultation Prior to Institution of Criminal Charges
9-2.134 9-2.135 *	TITLE 9	4/24/84	Policy Limitations on Institution of Proceedings, Consultation in Other Situations
9-2.151 **	TITLE 9	8/10/84	Policy Limitations-Prosecutorial and Other Matters, International Matters.
9-4.543	TITLE 9	8/10/84	Subpoenas to obtain Records Located in Foreign Countries.
9-7.013	TITLE 9	4/03/84	Procedures for Lawful, Warrantless Interceptions of Verbal Communications
9-7.1000	TITLE 9	5/22/84	Video Surveillance

* Approved by Advisory Committee, being permanently incorporated.
** In printing.

LISTING OF ALL BLUESHEETS IN EFFECT
SEPTEMBER 28, 1984

AFFECTS USAM	TITLE NO.	DATE	SUBJECT
9-11.230	TITLE 9	4/16/84	Fair Credit Reporting Act and Grand Jury Subpoenas-Discretion of U.S. Attorneys
9-11.250	TITLE 9	7/9/84	Advice of Rights to Targets and Subjects of Grand Jury Investigations
9-11.270	TITLE 9	8/10/84	Limitation on Resubpoenaing Contumacious Witness before Successive Grand Juries
9-12.340	TITLE 9	7/24/84	Forfeiture
9-21.340 to 9-21.350	TITLE 9	3/12/84	Psychological/Vocational Testing; Polygraph Examinations for Prisoner-Witness Candidates
9-27.510	TITLE 9	5/25/84	Opposing Offers to Plead Nolo Contendere
9-38.000	TITLE 9	4/06/84	Forfeitures
9-60.134 to 9-60.135	TITLE 9	3/30/84	Allegations of "Mental Kidnapping" or "Brainwashing" by Religious Cults; "Deprogramming" of Religious Sect Members
9-60.215	TITLE 9	3/30/84	"Electronic, Mechanical or Other Device" (18 U.S.C. §2510(5))
9-60.231 *	TITLE 9	3/30/84	Scope of Prohibitions
9-60.243	TITLE 9	3/30/84	Other Consensual Interceptions
9-60.291	TITLE 9	3/30/84	Interception of Radio Communications

LISTING OF ALL BLUESHEETS IN EFFECT
SEPTEMBER 28, 1984

AFFECTS USAM	TITLE NO.	DATE	SUBJECT
9-61.130 to 9-61.134	TITLE 9	4/30/84	National Motor Vehicle Theft Act-Dyer Act (18 U.S.C. §§2311-2313)
9-61.640 to 9-61.642	TITLE 9	4/30/84	Bank Robbery
9-63.132 to 9-63.133	TITLE 9	5/02/84	Indictment; Death Penalty
9-63.195	TITLE 9	5/02/84	Protection of Confidentiality of Security Procedures
9-63.460 to 9-63.490	TITLE 9	5/02/84	Obscene or Harassing Telephone Calls - 47 U.S.C. §223
9-71.400	TITLE 9	5/24/84	Prosecutive Policy
9-75.091 *	TITLE 9	3/28/84	47 U.S.C. §223-Comment
9-75.140 *	TITLE 9	3/28/84	Prosecutive Policy
9-130.300	TITLE 9	4/09/84	Prior Authorization Generally
9-131.030	TITLE 9	4/09/84	Consultation Prior to Prosecution
9-131.110	TITLE 9	4/09/84	Hobbs Act Robbery
9-139.202	TITLE 9	6/29/84	Supervisory Jurisdiction
9-139.220	TITLE 9	6/29/84	Alternative Enforcement Measures
10-2.800; 10-9.160	TITLE 10	4/30/84	Notice of Provision for Special Accommodations
10-4.350	TITLE 10	7/31/84	Use By United States Attorneys Offices of Forfeited Vehicles and Other Property
10-4.418	TITLE 10	7/20/84	Maintenance of Attorney-Client Information

The following United States Attorneys' Manual Transmittals have been issued to date in accordance with USAM 1-1.500.

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 1	A2	9/29/80	6/23/80	Ch. 7, Index to Title 1, Revisions to Ch. 2, 5, 8
	A3	9/23/81	8/3/81	Revisions to Ch. 1, 5, 12, Title 1 Index, Index to USAM
	A4	9/25/81	9/7/81	Revisions to Ch. 15, Index to Title 1, Index to USAM
	A5	11/2/81	10/27/81	Revisions to Ch. 5, 7
	A6	3/11/82	12/15/81	Revisions to Ch. 3, 5, 11, Title 1 Index, Index to USAM
	A7	3/12/82	2/9/82	Revisions to Ch. 8, Index to Title 1
	A8	5/6/82	4/27/82	Revisions to Ch. 2, 8, Title 1 Index, Index to USAM
	A9	3/9/83	8/20/82	Revisions to Ch. 5, 9, 10, 14
	A10	5/20/83	4/26/83	Revisions to Ch. 11
	A11	2/22/84	2/10/84	Complete revision of Ch. 1, 2
	A12	3/19/84	2/17/84	Complete revision of Ch. 4
	A13	3/22/84	3/9/84	Complete revision of Ch. 8
	A14	3/23/84	3/9 & 3/16/84	Complete revision of Ch. 7, 9
	A15	3/26/84	3/16/84	Complete revision of Ch. 10

* Transmittal is currently being printed.

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 1	A16	8/31/84	3/02/84	Revision to Ch. 5
	A17	3/26/84	3/26/84	Complete revision of Ch. 6
	A18	3/27/84	3/23/84	Complete revision of Ch. 11, 13, 15, 15
	A19	3/29/84	3/23/84	Complete revision of Ch. 12
	A20	3/30/84	3/23/84	Index to Title 1, Table of Contents to Title 1
	A21	4/17/84	3/23/84	Complete revision of Ch. 3
	A22	5/22/84	5/22/84	Revision of Ch. 1-6.200
	AAA1	5/14/84		Form AAA-1
TITLE 2	A2	9/24/81	9/11/81	Revisions to Ch. 2
	A3	1/20/82	11/10/81	Revisions to Ch. 3
	A4	5/17/83	10/1/82	Revisions to Ch. 2
	A5	2/10/84	1/27/84	Complete revision of Title 2-replaces all previous transmittals
	A11	3/30/84	1/27/84	Summary Table of Contents to Title 2
	AAA2	5/14/84		Form AAA-2
TITLE 3	A2	7/2/82	5/28/82	Revisions to Ch. 5
	A3	10/11/83	8/4/83	Complete revision of Title 3-replaces all previous transmittals
	AAA3	5/14/84		Form AAA-3

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	Contents
TITLE 4	A2	7/30/81	5/6/81	Revisions to Ch. 2, 3, 4, 9, 11, 12, 15, Index to Title 4 & Index to USAM
	A3	10/2/81	9/16/81	Revisions to Ch. 1
	A4	3/10/82	8/10/81	Revisions to Ch. 1, 2, 4, 5, 8, 10, 11, 13, Index to Title 4
	A5	10/15/82	5/31/82	Revisions to Ch. 2, 3, 12
	A6	4/27/83	2/1/83	Revisions to Ch. 2, 3, 9, and 12
	A7	4/16/84	3/26/84	Complete revision of Ch. 7, 8, 12
	A8	4/16/84	3/28/84	Complete revision of Ch. 2, 14, 15
	A9	4/23/84	3/28/84	Complete revision of Ch. 3
	A10	4/16/84	3/28/84	Complete revision of Ch. 10
	A11	4/30/84	3/28/84	Complete revision of Ch. 1, 9, Index to Title 4
	A12	4/21/84	3/28/84	Complete revision of Ch. 6
	A13	4/30/84	3/28/84	Complete revision of Ch. 4
	A14	4/10/84	3/28/84	Complete revision of Ch. 13
	A15	3/28/84	3/28/84	Complete revision of Ch. 5
	A16	4/23/84	3/28/84	Complete revision of Ch. 11
	AAA4	5/14/84		Form AAA-4

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 5	A2	4/16/81	4/6/81	Revisions to Ch. 1, 2, 2A, 3, 4, 5, 7, 8, New Ch. 9, 9A, 9B, 9C, & 9D
	A3	3/22/84	3/5/84	Complete revision of Ch. 1, 2, 3(was 2A)
	A4	3/28/84	3/12/84	Complete revision of Ch. 12 (was 9C)
	A4	undated	3/19/84	Complete revision of Ch. 5 (was Ch. 4), 6, 8
	A5	3/28/84	3/20/84	Complete revision of Ch. 9, 11 (was 9B)
	A6	3/28/84	3/22/84	Complete revision of Ch. 7
	A7	3/30/84	3/20/84	Complete revision of Ch. 10 (was 9A)
	A8	4/3/84	3/22 & 3/26/84	Complete revision of Ch. 13, 14, 15, Table of Contents to Title 5
	A11	4/17/84	3/28/84	Complete revision of Ch. 4 (was Ch. 3)
	A12	4/30/84	3/28/84	Index to Title 5
	AAA5	5/14/84		Form AAA-5
TITLE 6	A2	3/23/84	2/8/84	Complete revision of Title 6-replaces all prior transmittals
	AAA6	5/14/84		Form AAA-6
TITLE 7	A2	6/30/81	6/2/81	Revisions to Ch. 5, Index to Title 7, Index to USAM
	A3	12/4/81	11/16/81	Revisions to Ch. 5
	A4	1/6/84	11/22/83	Complete revision to Title 7-replaces all prior transmittals

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
	A12	3/3/84	12/22/83	Summary Table of Contents to Title 7
	AAA7	5/14/84		Form AAA-7
TITLE 8	A1	4/2/84	2/15/84	Ch. 1, 2, Index to
	A2	6/21/82	4/30/82	Complete revision to Title 8
	A12	3/30/84	2/15/84	Summary Table of Contents to Title 8
	AAA8	5/14/84		Form AAA-8
TITLE 9	A2	11/4/80	10/6/80	New Ch. 27, Revisions to Ch. 1, 2, 4, 7, 17, 34, 47, 69, 120, Index to Title 9, and Index to USAM
	A3	6/30/81	4/16/81	Revisions to Ch. 1, 4, 7, 21. 42, 61, 69, 72, 104, Index to USAM
	A4	6/1/81	5/29/81	Revisions to Ch. 4, 7, 70, 78, 90, 121, New Ch. 123, Index to Title 9, Index to USAM
	A5	11/2/81	6/18/81	Revisions to Ch. 4, 8, 20, 47, 61, 63, 65, 75, 85, 90, 100, 110, 120, Index to Title 9, Index to USAM
	A6	12/11/81	10/8/81	Revisions to Ch. 17, Title 9 Index, Index to USAM
	A7	1/5/82	10/8/81	Revisions to Ch. 2, 7, 37, 60, 90, 139, Title 9 Index, Index to USAM

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 9	A8	1/13/82	11/24/81	Revisions to Ch. 34, Index to Title 9, Index to USAM
	A9	3/12/82	9/8/82	Revisions to Ch. 11, Title 9 Index, Index to USAM
	A10	10/6/82	3/29/82	Revisions to Ch. 1, 11, 16, 69, 79, 120, 121, Entire Title 9 Index, Index to USAM
	A11	3/2/83	9/8/82	Revisions to Ch. 120, 121, 122
	A12	9/19/83	5/12/83	Revisions to Ch. 101
	A13	1/26/84	1/11/84	Complete revision of Ch. 132, 133
	A14	2/10/84	1/27/84	Revisions to Ch. 1
	A15	2/1/84	1/27/84	Complete revision of Ch. 8
	A16	3/23/84	2/8/84	Complete revision of Ch. 135, 136
	A17	2/10/84	2/2/84	Complete revision of Ch. 39
	A18	2/3/84	2/3/84	Complete revision of Ch. 40
	A19	3/26/84	2/7/84	Complete revision of Ch. 21
	A20	3/23/84	2/8/84	Complete revision of Ch. 137, Ch. 138
	A21	3/19/84	2/13/84	Complete revision of Ch. 34
	A22	3/30/84	2/01/84	Complete revision of Ch. 14
	A23	8/31/84	2/16/84	Revision to Ch. 2

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 9	A24	3/23/84	2/28/84	Complete revision of 65
	A25	3/26/84	3/7/84	Complete revision of Ch. 130
	A26	3/26/84	2/8/84	Complete revision of Ch. 44
	A27	3/26/84	3/9/84	Complete revision of Ch. 90
	A28	3/29/84	3/9/84	Complete revision of Ch. 12 Ch. 101
	A30	3/26/84	3/19/84	Complete revision of Ch. 9
	A31	3/26/84	3/16/84	Complete revision of Ch. 78
	A32	3/29/84	3/12/84	Complete revision of Ch. 69
	A33	3/29/84	3/9/84	Complete revision of Ch. 102
	A34	3/26/84	3/14/84	Complete revision of Ch. 72
	A35	3/26/84	2/6/84	Complete revision of Ch. 37
	A36	3/26/84	2/6/84	Complete revision of Ch. 41
	A37	4/6/84	2/8/84	Complete revision of Ch. 139
	A38	3/29/84	2/28/84	Complete revision of Ch. 47
	A39	3/30/84	3/16/84	Complete revision of Ch. 104
	A40	4/6/84	3/9/84	Complete revision of Ch. 100
	A41	4/6/84	3/9/84	Complete revision of Ch. 110
	A42	3/29/84	3/09/84	Complete revision of Ch. 64
	A43	4/6/84	3/14/84	Complete revision of Ch. 120

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 9	A44	4/5/84	3/21/84	Complete revision of Ch. 122
	A45	4/6/84	3/23/84	Complete revision of Ch. 16
	A46	2/30/84	1/16/84	Complete revision of Ch. 43
	A47	4/16/84	3/28/84	Revisions to Ch. 7
	A48	4/16/84	3/28/84	Complete revision of Ch. 10
	A49	4/16/84	3/28/84	Revisions to Ch. 63
	A50	4/16/84	3/28/84	Revisions to Ch. 66
	A51	4/6/84	3/28/84	Complete revision of Ch. 76, deletion of Ch. 77
	A52	4/16/84	3/30/84	Complete revision of Ch. 85
	A53	6/6/84	3/28/84	Revisions to Ch. 4
	A54	7/25/84	6/15/84	Complete Revision of Ch.
	A55	4/23/84	4/6/84	Complete revision of Ch. 134
	A56	4/30/84	3/28/84	Revisions to Ch. 42
	A57	4/16/84	3/28/84	Complete revision of Ch. 60, 75
	A58	4/23/84	4/19/84	Summary Table of Contents of Title 9
	A59	4/30/84	4/16/84	Entire Index to Title 9
	A60	5/03/84	5/03/84	Complete revision of Chapter 66
	A61	5/03/84	4/30/84	Revisions to Chapter 1, section .103

TRANSMITTAL EFFECTING TITLE		NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 9		A63	5/11/84	5/9/84	Complete revision to Ch. 7
		A64	5/11/84	5/11/84	Revision to Ch. 64, section .400-700
		A65	5/17/84	5/17/84	Revisions to Ch. 120
		A66	5/10/84	5/8/84	Complete revision to Ch. 131
		A67	5/11/84	5/09/84	Revisions to Ch. 121 section .600
		A69	5/09/84	5/07/84	Revisions to Ch. 21 section .600
		A70	5/17/84	5/16/84	Revisions to Ch. 43 section .710
		A71	5/21/84	5/21/84	Complete Revision of Ch. 20
	*	A72	5/25/84	5/23/84	Complete Revision of Ch. 61
		A73	6/18/84	6/6/84	Complete Revision of Ch. 17
	*	A74	6/18/84	6/7/84	Complete Revision of Ch. 63
		A75	6/26/84	6/15/84	Complete Revision of Ch. 27
		A76	6/26/84	6/15/84	Complete Revision of Ch. 71
	*	A79	8/02/84	7/31/84	Revision to Ch. 18
	*	A80	8/03/84	8/03/84	Revision to Ch. 79
	*	A81	8/06/84	7/31/84	Revision to Ch. 7
	*	A83	8/02/84	7/31/84	Revision to Ch. 90
	*	A86	8/02/84	7/31/84	Revision to Ch. 60
		AAA9	5/14/84		Form AAA-9

TRANSMITTAL AFFECTING TITLE		NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 10		A2	11/2/81	8/21/81	Revisions to Ch. 2, 3, 6, Index to Title 10
		A3	12/1/81	8/21/81	Revisions to Ch. 2
		A4	12/28/81	---	Title Page to Title 10
		A5	3/26/82	1/8/82	Revisions to Ch. 2, 6, Index to Title 10
		A6	6/17/82	1/4/82	Revisions to Ch. 4, Index to Title 10
		A7	3/4/83	5/31/82	Revisions to Ch. 2, 3, 5, 6, and New Ch. 9
		A8	4/5/84	3/24/84	Complete revision of Ch. 1
		A9	4/6/84	3/20/84	Complete revision of Ch. 7
		A10	4/13/84	3/20/84	Complete revision of Ch. 5
		A11	3/29/84	3/24/84	Complete revision of Ch. 6
		A12	4/3/84	3/24/84	Complete revision of Ch. 8
	*	A13	9/4/84	3/26/84	Complete revision of Ch. 10
		A14	4/23/84	3/28/84	Complete revision of Ch. 4
		A15	4/17/84	3/28/84	Complete revision of Ch. 3, 9
		A16	5/4/84	3/28/84	Index and Appendix to Title 10
		A17	3/30/84	3/28/84	Summary Table of Contents to Title 10
		A18	5/4/84	4/13/84	Complete revision to Ch. 2

TRANSMITTAL AFFECTING TITLE	NO.	DATE OF TRANSMITTAL	DATE OF TEXT	CONTENTS
TITLE 10	A19	5/02/84	5/01/84	Revisions to Chapter 4
	A21	6/6/84	5/1/84	Corrected TOC Chapter 4 and pages 23, 24
	A22	7/30/84	7/27/84	Revision to Ch. 2
	A23	8/02/84	7/31/84	Revision to Ch. 2
	AAA10	5/14/84		Form AAA-10
TITLE 1-10	A1	4/25/84	4/20/84	Index to USAM

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS
William P. Tyson, Director

Teletypes To All United States Attorneys

09/24/84--From William P. Tyson, Director, Executive Office for United States Attorneys, by Susan A. Nellor, Assistant Director, re: "Use of Social Security Administration's Teletype Facility in Social Security Litigation."

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