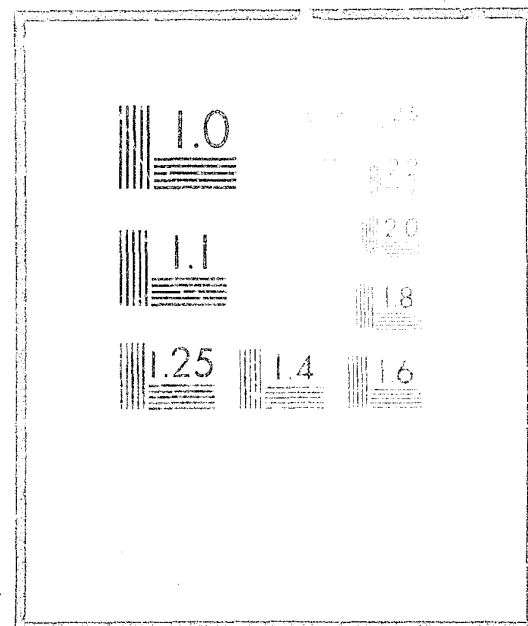


NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



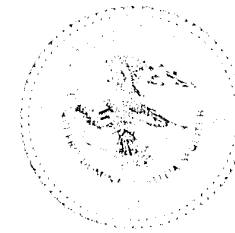
Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

8/11/77

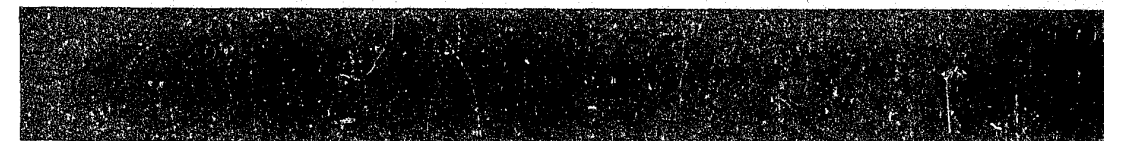
11 m e d



United States
Department of Justice

LEGAL ACTIVITIES 1976

40171



[illegible]

ACROSS THE SNOW

in the then newly

The U.S. Department of Justice has been described as the largest law office in the world. It is that—and much more. The Attorney General is the Federal Government's chief legal officer. The U.S. Government is his client. The Department of Justice is his staff. But this staff, which comprises approximately 52,500 persons throughout the Nation and its territories, performs many law enforcement functions in addition to providing legal services to the U.S. Government.

The post of Attorney General was created by the Judiciary Act of September 24, 1789, but it was an office that was created, not a department. Edmund Randolph, of Virginia, was the first Attorney General.

¹The Office of the Solicitor General, the Office of Legal Counsel, the Office of Professional Responsibility, the Office of Legislative Affairs, the Public Information Office, the Office of Policy and Planning, the Executive Office for U.S. Attorneys, the Office of Management and Finance, and the Pardon Attorney.

⁸ The Federal Bureau of Investigation, the Law Enforcement Assistance Administration, the Bureau of Prisons, the Immigration and Naturalization Service, the Drug Enforcement Administration, the Community Relations Service and the U.S. Marshals Service.

of rooms was provided for them in the then newly completed Treasury Building.

On January 10, 1871, Congress began the long series of enactments whereby the control and supervision of U.S. prisons and prisoners were vested in the Attorney General. In 1879 the Attorney General was authorized by Congress to expend part of a sum appropriated for the detection and prosecution of crime to investigate official acts, records, and accounts of officials under the jurisdiction of the Department of Justice. Thus, what has developed into the Federal Bureau of Investigation began as a force of examiners at first hired by the Attorney General from other departments but after 1908, maintained as the Department's own Bureau of Investigation.

1

The almost intolerable situation was finally ended on October 25, 1974, when the \$12 million Department of Justice Building, occupying an entire city block, was dedicated in the presence of the President and the Chief Justice of the United States. But today the Department must again utilize space in several other buildings to house some of its personnel.

* * *

The Lawyer's Function in the Department of Justice

Although the Attorney General is the chief legal officer of the United States, most personnel of the Department of Justice are not engaged in doing lawyer's work. Of over 52,500 employees, 19,678 are in the FBI, 9,410 are in the Immigration and Naturalization Service, 8,553 are in the Bureau of Prisons. Very few of these employees do lawyer's work. Most of the Department's more than 3,500 lawyers are found in the Offices of the Attorney General and the Deputy Attorney General (27), the Office of the Solicitor General (26), the Office of Legal Counsel (16), the six legal divisions of the Department (1,552) and the offices of the 94 U.S. Attorneys (1,582).

The lawyers of the Department of Justice do not do all or even most of the lawyer's work which is done for the Federal Government. Speaking generally, the function of the Department of Justice is to represent the United States in court. The day-to-day "office lawyering" of the Federal Government—negotiating contracts, receiving complaints and settling them, providing Government officials with the legal advice they require in conducting their operations etc.—is done by lawyers in the operating departments and agencies. This kind of legal service is usually provided by lawyers in the office of the general counsel of a department or agency, who perform essentially the same function for their superiors as "house counsel" perform for a large corporation. When a department or agency is involved in or is contemplating litigation, however, the matter is generally turned over to the Department of Justice.

With several important exceptions, the bulk of the Department's litigation function is performed by the 94 U.S. Attorneys and their staffs. Their work "on the line" is guided and assisted by the lawyers in the several legal divisions in Washington, who also handle directly special categories or cases in their respective areas of responsibility. The principal exceptions to this general division of function between Department of Justice attorneys in Washington and those in the

field are found in the Antitrust, Tax, and Civil Rights Divisions whose lawyers conduct the bulk of the litigation in their respective areas of responsibility.

There follows a general description of the work of the Department of Justice lawyers headquartered in Washington.

* * *

Antitrust Division

The mission of the Antitrust Division is to enforce the Federal antitrust laws and thereby to prevent restraints of trade and monopolies in order that business competition may be free and open. This function is of paramount importance in maintaining the economic system of free enterprise upon which this country is founded.

The antitrust laws affect all industries and apply to every phase of business including production, manufacture, transportation, distribution, and marketing. Antitrust enforcement has many different aspects and relates to such matters as cartels, price fixing, conspiracies, boycotts and other restraints of trade, attempts to monopolize and monopolization, restrictive patent and trademark agreements, mergers, and other matters. Criminal proceedings, civil injunction suits, and civil damage and penalty cases are brought and tried by this Division.

The principal work of the Division comprises preliminary investigations into alleged antitrust violations, grand jury proceedings, preparation of antitrust cases for filing, the trial of such cases, appellate proceedings, the negotiation of consent decrees and enforcement of final judgments. The Division also plays an increasingly important role as the Administration's principal spokesman for competition policy in regulated industries. The Division's regulatory reform program involves formal participation in Federal administrative agency proceedings to promote competitive principles, and the development and support of legislative initiatives to promote deregulation and eliminate unjustifiable exemptions from the antitrust laws.

In addition, the Antitrust Division represents the United States in judicial proceedings to review certain orders of the Interstate Commerce Commission, Federal Maritime Commission, Federal Communications Commission, and Atomic Energy Commission, and directly represents the Secretary of the Treasury and the Civil Aeronautics Board in certain review proceedings. It also participates in cases of the Federal Trade Commission before the Supreme Court. This

work is conducted, for the most part, by attorneys of the Appellate Section.

There are 12 legal sections of the Division located in Washington—Appellate, Consumer Affairs, Evaluation, Foreign Commerce, General Litigation, Judgments and Judgment Enforcement, Patent, Public Counsel, Special Litigation, Special Regulated Industries, Special Trial and Trial.

In addition, the Division has field offices located in Atlanta, Chicago, Cleveland, Dallas, Los Angeles, New York, Philadelphia, and San Francisco. Attorneys may request assignment to Washington or to a field office. Within reasonable limitations, such requests are considered in making assignments.

The four litigating sections located in Washington—Trial, Special Trial, General Litigation and Special Litigation—are charged with the duty of investigating alleged antitrust violations. They proceed by grand jury investigation, by the issuance of civil investigative demands under the Antitrust Civil Process Act, or by the direction of investigations conducted by the Federal Bureau of Investigation. Attorneys in these sections engage in essentially the same activities as attorneys assigned to the seven field offices operated by the Division. Unlike the field offices, which are responsible for all antitrust violations within their regions, the activities of the Washington litigating sections are divided on the basis of particular commodities, with each section handling an approximately equal share of the commodity lists. Attorneys who initiate an investigation are generally assigned to pursue that investigation and to conduct the case which may result.

The Evaluation Section prepares legal studies with respect to difficult antitrust policy questions and reviews conceptual approaches to litigation from the standpoint of legal theory.

The Foreign Commerce Section conducts civil and criminal investigations of all business activities which may illegally restrain U.S. export or import trade and inward or outward foreign investment. This Section monitors and participates in competition-related proceedings at the International Trade Commission. The Section also deals with legislation relating to foreign competition and with the work of international organizations concerning competition issues.

The Judgments and Judgment Enforcement Section participates in the framing of litigated judgments, negotiates consent judgments, handles the enforcement of judgments including divestiture, and advises on relief in proposed complaints. The Section is de-

veloping a significant litigating capability, to enable it to enforce compliance with outstanding judgments through civil and criminal contempt prosecutions.

The Patent Section conducts investigations and prosecutes cases involving restrictive patent licensing arrangements. It also seeks to protect the integrity of the patent system by bringing both civil and criminal sanctions to bear when investigation uncovers fraud in the procurement or enforcement of patents.

The Public Counsel Section of the Antitrust Division is specifically authorized to appear before regulatory agencies to conduct litigation involving transportation, power, and public utilities industries, and to prepare reports to other Federal agencies and to Congress as required or authorized. It also conducts litigation in Federal courts challenging antitrust violations in the industries for which it has responsibilities.

The recently established Special Regulated Industries Section is responsible for activities in the fields of banking, finance, securities and communications, and in the delivery of professional services. It both conducts litigation and makes appearances before regulatory agencies.

The Consumer Affairs Section of the Antitrust Division engages in litigation in the Federal courts and represents the interests of consumers in competition before various legislative, administrative, and regulatory agencies, and participates in interagency activities affecting the interest of consumers. This Section was organized in December 1970, to consolidate the responsibilities of the Department of Justice for the enforcement of various consumer protection statutes.

The work of the attorneys in the Antitrust Division is highly diversified and interesting in nature. Newly appointed attorneys in the Division are assigned to work with experienced attorneys on investigations and cases, and to assist in analyzing, correlating, and reducing to usable form documentary and oral evidence. The younger attorneys prepare legal and factual memoranda, and participate in every phase of antitrust work from the beginning of the investigation through the trial of the case. Attorneys are advanced in their responsibilities commensurate with their ability, experience, and industry. The Division as a general rule tries between 10 and 20 cases a year, and the number of litigated cases may be expected to increase in the future. In addition, opportunities arise for appearance in arguments on motions and other pretrial court participation and for appearances in a large number of administrative agency proceedings on behalf of the Division.

Employment in the Antitrust Division affords the young attorney an excellent chance to learn thoroughly antitrust problems and to play an important part in shaping business practices. He may advance quickly to more important work and ultimately may find himself primarily responsible for antitrust enforcement in a wide area of commercial activity.

* * *

Civil Division

The Civil Division of the Department of Justice offers the young attorney the nearest equivalent in the Federal Government to the litigation experience available in a large law firm with a general practice. This is because the Civil Division is responsible for nearly all litigation in which the United States, through its departments, agencies, offices, and instrumentalities, becomes involved as plaintiff or defendant except those tax, land, antitrust, civil rights, and criminal matters, which are the responsibility of the specialized divisions within the Department.

This Division is divided into the following separate legal staffs which are organized as sections or units: Admiralty and Shipping, Appellate, Court of Claims, Customs, Economic Litigation, Foreign Litigation, Frauds, General Claims, General Litigation, Judgment Enforcement, Information and Privacy, Patents, and Torts. All of these sections or units are located in Washington except the Customs Section which is located in New York. The Admiralty and Shipping Section also has offices in New York and San Francisco. These sections are primarily responsible for the Government's civil litigation which is handled either by the Division's attorney or by the U.S. Attorneys or by both. Ultimate responsibility for all cases remains in the Division.

These several sections of the Civil Division, in their respective spheres of litigation, are responsible for the representation of the United States in all Federal courts throughout the country and occasionally, in State courts. Since the various departments and agencies of the Government engage in innumerable commercial activities similar to those of a modern corporation, such as buying, selling, construction, shipping, production of energy, insurance, and banking, the Division's litigation encompasses the entire spectrum of legal problems encountered by private business enterprises and, in addition, a broad and highly significant area of the special public and constitutional problems peculiar to governmental functions and activities.

With Civil Division guidance and assistance, the U.S. Attorneys and their staffs prepare and try or settle most of the cases of certain types such as tort claims, civil fraud actions, veterans' cases, suit in contract by the Government involving relatively small amounts of money, and collection proceedings. In some of these, and in many cases of other types, Civil Division attorneys conduct all phases of the litigation.

Opportunity to gain a thorough knowledge and substantial experience in a specialized field of law is afforded the young attorney working in sections such as: Admiralty, Customs, Patents, or Torts. The General Litigation, General Claims, Court of Claims, and Appellate Sections, on the other hand, offer excellent opportunities for acquiring background and experience in broader fields of civil litigation. A more detailed description of the sections and units which may be of interest to a young attorney is the following:

Admiralty and Shipping Section.—This Section (which has field offices in New York and San Francisco) conducts all litigation by or against the Government relating to ships, shipping, navigable waters and workmen's compensation. Admiralty litigation is largely comprised of suits in tort for damages by or to vessels, seamen, cargoes and shore installations; suits in contract involving ships, shipment, and the construction or repair of vessels; proceedings to enforce navigation and shipping laws, and litigation based on international maritime agreements. This Section handles directly all of its own cases.

Appellate Section.—The Appellate Section is assigned all Civil Division appellate cases and matters. This includes briefing and arguing most of the Division's cases in the Circuit Courts of Appeal and in various State appellate courts, briefing most and arguing some of the Division's cases in the Supreme Court, and preparing most certiorari petitions and briefs in opposition for submission to the Supreme Court in the Division's cases. The Section also prepares recommendations for or against appeal or certiorari in any of the Division's cases in which lower court decisions are adverse to the Government.

Court of Claims Section.—This Section defends all suits in the Court of Claims except those involving Admiralty, Patent, Lands and Natural Resources Division and Tax Division matters. The Section defends claims based on contracts with the United States, either express or implied, including suits on Government construction, procurement and service contracts; claims involving rate disputes in the transportation of Government property; claims for just com-

pensation under Fifth Amendment requisitions of personal property; Renegotiation Act claims; salary or retirement claims by civilian and military personnel; claims founded on general statutes, Federal regulations or the Constitution, and cases or matters authorized by special legislation. This Section handles directly all of its own cases.

Customs Section.—This Section represents the Government in all cases pending in the United States Customs Court, which involve challenges by importers (and in some instances American manufacturers, producers and wholesalers) to the appraisement or classification of imported merchandise, and to the resulting duties assessed under the Tariff Act of 1930, as amended, and the Tariff Schedules of the United States, as well as civil actions against other protestable decisions of Customs officials, as provided in 28 U.S.C. 1582. In addition to the responsibility for cases before the trial and appellate terms of the Customs Court, the Customs Section, working in conjunction with the Appellate Section, has responsibility for Customs cases appealed to the Court of Customs and Patent Appeals. This Section handles directly all of its own cases.

Economic Litigation Section.—The Economic Litigation Section presently has its principal responsibilities in several different areas of litigation.

The petroleum allocation program authorizing the Federal Energy Administration to issue regulations for the entire petroleum industry requires the Section to resist challenges to these regulations by those affected by the program and to enforce compliance with the regulations.

The Renegotiation Act authorizes the Government to reclaim excess profits realized in defense contracts. The Renegotiation Board by unilateral order makes a finding of excess profits. An affected company has a right of a petition for *de novo* review in the Court of Claims and this Section has the responsibility for resisting such petitions.

The Section handles litigation arising out of the fixing of rates by the Department of Interior for the sale of water for various purposes, *e.g.*, hydroelectric power, irrigation, and flood control. The Section handles directly most of its own litigation.

Foreign Litigation Unit.—The Foreign Litigation Unit conducts all legal proceedings in foreign tribunals by and against the United States, its agencies and instrumentalities; defends all suits in foreign tribunals against diplomatic and consular agents of the United States and civilian or military personnel stationed

abroad who are being sued civilly on acts which they have performed in the course of their Government service; furnishes legal representation to officials of the Department of Justice and other law enforcement officers of the United States who are criminally charged with violations of foreign law as a result of acts which they performed in the course of their service; and asserts sovereign immunity in suits against foreign states in American domestic courts in instances where the Department of State has recognized such immunity. In addition, the Unit serves as "central authority" for the United States in executing international judicial assistance requests from foreign tribunals under the Hague Service Convention of 1965, TIAS 6638, and the Hague Evidence Convention of 1969, TIAS 7444, and gives counsel and guidance to the Departmental attorneys and to United States Attorneys with regard to judicial assistance requests issued by our courts and addressed to foreign tribunals.

Frauds Section.—The Frauds Section is responsible for all civil suits under the False Claims Act, related statutes, and the common law, to recover damages for fraud against the Government. Most of the suits are brought under statutes which allow the Government to recover double damages, or other elective remedies, for any losses resulting from fraud. The majority of the cases involve fraud in the negotiation or performance of procurement contracts with the Government, and various types of fraud by beneficiaries, contractors and other participants in Federal programs relating to housing, agriculture, subsidy, surplus, surplus property disposal and foreign aid. The Section also has responsibility for the recovery of damages arising under the Anti-Kickback and bribery laws. The Section handles directly less than half of its own cases.

General Claims Section.—The General Claims Section is responsible for all suits and claims for money on behalf of the Government not otherwise specially assigned within the Department of Justice, including (1) suits and claims based on express or implied contracts, (2) suits against borrowers, guarantors and sureties, (3) civil penalty and forfeiture actions, (4) the foreclosure of mortgage liens, (5) claims in bankruptcy, insolvency, corporation reorganization, arrangement and probate and administration proceedings, (6) devises and bequests to the Government, (7) motor carrier reparation cases, and (8) actions for money under statutes such as the Elkins Act.

In addition, the Section is responsible for the assertion of veterans' reemployment rights in private

industry and their claims for related benefits guaranteed by 50 U.S.C. App. 459. It carries responsibility for suits against the Government for benefits under veterans' insurance programs and the defense of the Government's fiscal interests in foreclosure, quiet title and partition actions in which the Government or a Government officer or agency is named as a defendant because of non-tax liens on the property involved. The Section handles directly a fraction of its own cases.

General Litigation Section.—The General Litigation Section is responsible for a wide variety of litigation by and against the United States, its officers and agencies in Federal district courts and State courts, if the latter cannot be removed. The bulk of its cases include proceedings for judicial review of orders of administrative agencies, defense of actions against Government agencies and their officials to enjoin official acts, challenges to the constitutionality of various Federal statutes and programs, cases alleging discrimination by would-be, present and former Government employees, actions in the nature of mandamus to compel officials to act, suits for declaratory judgments, and defense of suits brought in the district courts by Government contractors.

A substantial part of this Section's cases consist of suits under the Social Security Act, Civil Service and Veterans' Preference Acts, the 1972 amendments to the Civil Rights Act of 1964, statutes administered by the Department of Agriculture such as the Agricultural Marketing Agreement Act, the Agricultural Adjustment Act, and the Food Stamp Act, and district court suits under the Tucker Act. Many General Litigation cases are emergency situations because the plaintiffs are seeking temporary restraining orders or preliminary injunctions with hearings set on expedited schedules.

Although its work is mostly that of defending suits brought against the Government and all injunctions, this Section also institutes actions under several statutes including the Taft-Hartley Act's injunctions against strikes endangering the national health and safety, civil enforcement proceedings under the Labor-Management Reporting and Disclosure Act, actions under both the Occupational Health and Safety Act and the Federal Coal Mine Health and Safety Act, and the Anti-Pandering Act.

General Litigation attorneys will also assist and advise United States Attorneys in situations where Government employees are subpoenaed to be deposed or testify or to produce certain files and records, in ac-

tions to which the Government is not a party. The Section handles directly a fraction of its own cases, but shares heavily with the United States Attorneys, the preparation and briefing of cases assigned to United States Attorneys.

Information and Privacy Unit.—The Information and Privacy Unit is responsible for handling or supervising litigation under the Freedom of Information Act, the Federal Advisory Committee Act, and the Privacy Act. In addition, the Unit has responsibility for handling suits seeking to enjoin the Government from releasing information, litigation seeking to alter or expunge material from Government records, actions which, in essence, seek damages or injunctive relief due to alleged invasion of privacy by the Government or Government officials from the officials as individuals.

Judgment Enforcement Unit.—This Unit conducts or supervises litigation and other activities connected with collecting and enforcing civil judgments obtained by or referred to the Civil Division. In addition to executions, garnishments, supplementary proceedings and the like, the Unit attends to the interests of the Government as a judgment creditor in bankruptcies, receivership proceedings and estate matters, in actions against third-party converters and in actions to set aside fraudulent conveyances, among others. It also acts to perfect or renew the Government's lien position, and to protect it in third-party foreclosure actions.

Patent Section.—The Patent Section represents the Government in all patent, trademark and copyright litigation. A principal part of this litigation involves the defense of suits for patent and copyright infringement in the Court of Claims and the conduct of legal proceedings before Patent Office boards and the courts to establish Government priority of invention. Other litigation conducted by the patent staff includes the defense of suits under the Invention Secrecy Act and the Mutual Security Act, the prosecution of suits for specific performance to acquire title to patents, the prosecution of suits to cancel patents secured by fraud on the Patent Office, and the defense of suits challenging action taken by the Register of Copyrights. The Section handles directly all of its own cases.

Tort Section.—The Tort Section defends suits against the United States under the Tort Claims Act for personal injury, death and property damage resulting from the alleged negligence of civilian and military personnel acting within the scope of their

service, and defends tort suits against cost-plus-a-fixed-fee contractors. Affirmative tort suits and claims, including claims under the Medical Care Recovery Act, on behalf of the United States are also within the responsibility of the Section. The Section is also responsible for handling administrative claims filed under the Act as a result of Justice Department activities and for administrative claims forwarded to the Department of Justice for approval or disapproval by all other government agencies. The Section handles only a fraction of its own cases; but such cases as it does handle directly include a sizeable number of aviation disaster and medical malpractice cases.

* * *

Civil Rights Division

The Civil Rights Division is responsible for enforcing the Nation's civil rights laws and executive orders relating to the field of civil rights. These laws prohibit discrimination on account of race, national origin, religion, and in some instances sex, in employment, education, housing, voting, public accommodations and facilities, and federally assisted programs. The Division also enforces Federal criminal statutes which prohibit violations of individuals' civil rights and acts of interference with the exercise of certain other federally secured rights.

The Division, created by the passage of the Civil Rights Act of 1957, has grown steadily to an authorized strength of approximately 200 attorneys, all of whom are headquartered in Washington, D.C.

The primary work of Division attorneys involves litigation and related matters. Except for the criminal enforcement work, where cases are normally tried before a jury, the suits filed by the Division are in equity—usually before a single judge—seeking remedies through the injunctive process.

The Division is divided into ten major units, each of which has jurisdiction over particular subject areas and related statutes:

—the Employment Section, enforcing Title VII of the Civil Rights Act of 1964, as amended in 1972, and Executive Order 11246;

—the Education Section, enforcing Title IV of the 1964 Act;

—the Housing Section, enforcing Title VIII of the Civil Rights Act of 1968;

—the Voting Section, enforcing the Voting Rights Act of 1965, as amended in 1970 and 1975;

—the Criminal Section, enforcing the criminal provisions of the post-Civil War civil rights statutes, Title IX and portions of Title I of the 1968 Act;

—the Federal Programs Section, responsible under Executive Order 11764 for assisting Federal agencies in coordinating their compliance programs under Title VI of the 1964 Act, which prohibits discrimination in federally funded programs;

—the Public Accommodations and Facilities Section, enforcing Titles II and III of the 1964 Act and is responsible for ensuring the civil rights of persons involuntarily confined to penal institutions;

—the Office of Special Litigation, responsible for ensuring the rights of persons civilly committed to institutions and with ensuring certain other rights of handicapped persons;

—the Office of Indian Rights, responsible for securing certain constitutional rights to individuals from abuse by tribal governments under Title II of the 1968 Act (Indian Bill of Rights), enforces other federal civil rights statutes when Indians are involved;

—the Appellate Section, responsible for handling and coordinating appeals arising from the Division's litigation, developing *amicus curiae* participation in appellate courts, handling legislative matters. This section also contains an office of research to provide factual analyses for policy and planning.

The Civil Rights Division affords the young lawyer an opportunity to gain first-hand trial and appellate experience in a vital, developing area of the law. Lawyers also gain knowledge of all phases of federal legal practice, including many important questions of constitutional and statutory construction. Division attorneys often must travel to the scene of civil and criminal cases to conduct on-the-spot discovery and deposition, and, of course, participate in the actual pretrial and trial proceedings.

New attorneys will be considered for assignment to any of the Division's sections. Assignment to one of the trial sections is most common. The Division seeks to assign attorneys to the sections they prefer, subject to the available openings and needs of the Division.

When attorneys first arrive in the Division, they are given several briefings on general policy and procedure and apprised of recent civil rights decisions. Division on-the-job training consists of a series of trial technique seminars and having new attorneys accompany more experienced attorneys on one or more field trips. There is also available a special six-week assignment to the U.S. Attorney's Office in Washington for concentrated trial experience.

Travel in the Division varies from section to section and month to month. As a general rule, attor-

neys assigned to dual sections can expect to spend up to one-third of their time on the road, with trips of various lengths.

During fiscal year 1975 (ending June 30, 1975), the Division's litigation involved important cases in all its areas of concern. Following are brief descriptions of recent developments in the Division's activities in each of these areas:

Employment.—Division efforts to eliminate unlawful employment discrimination have resulted in significant gains for minority and women employees in a variety of industries and in state and local governments across the Nation.

Although the Justice Department's authority to file job discrimination suits against private employers was transferred to the Equal Employment Opportunity Commission on March 24, 1974, prior to that transfer the Department filed two industry-wide, nation-wide suits against the trucking and steel industries. During fiscal year 1975, the Department was active in the enforcement and implementation of consent decrees in those cases—which together involved more than one million employees. The Department is the sole federal agency empowered to redress employment discrimination practices in state and local governments. Accordingly, this Division has initiated action in fourteen cases where police and fire departments, municipal governments as a whole, and state laws were perpetuating unequal employment opportunities and policies.

In recent years, the Division has participated in several cases resulting in landmark decisions in the employment field. Important legal precedents have been established on such issues as the nondiscriminatory use of employment tests, the setting of goals and timetables for the hiring of qualified minority and women workers, the availability of back pay to victims of discrimination, and the adoption of seniority systems which correct the effects of past discrimination.

Education.—The Civil Rights Division is currently involved in over 200 school desegregation cases involving more than 500 school districts. In most cases, final student assignment plans are in effect, and the remaining responsibilities include solving problems that arise in the desegregation process. Examples of such problems are the discriminatory demotion and dismissal of minority teachers, the creation of predominantly white split-off or splinter school districts, the establishment of segregated classrooms within a desegregated school, the granting of improper student

transfers to avoid attendance at integrated schools, and the sale of public school property to private segregated academies.

A recent survey by the Department of Health, Education, and Welfare illustrates the significant progress that has been made by formerly *de jure* segregated school systems in the South. Whereas in 1968, 68 percent of all black students in the 11-state South attended all-black schools, by the 1972-73 school year that percentage had decreased to 9 percent.

With the task of dismantling formerly dual school systems in the Southern States largely completed, the Division has become increasingly involved in school cases involving Northern cities. In addition to its traditional responsibilities in the school desegregation field, the Division has become involved in several new types of equal education opportunity cases. Examples include cases involving discrimination against Mexican-American and American Indian students, the failure to provide English language instruction to non-English speaking students, the denial of education to the educable mentally retarded, and discrimination against minority teachers in hiring and promotion and against women teachers in promotion opportunities.

Housing.—The Civil Rights Division enforces the Fair Housing Act of 1968. By the close of fiscal year 1975, the Division had filed over 190 suits alleging a pattern or practice of racial discrimination by a wide variety of defendants ranging from small trailer parks to large real estate firms, apartment management companies and municipal governments. A large percentage of these suits are resolved by consent decrees which require implementation of comprehensive affirmative action programs to guarantee the housing rights of minority groups.

The Division has given increased attention to the recovery of damages for victims of unlawful discrimination. A number of consent decrees have included such provisions, including one involving the largest apartment management company in Memphis, Tennessee, which was required to offer over \$150,000 in free rent to alleged victims of discrimination.

In August 1974, Congress amended the Fair Housing Act to prohibit discrimination on the basis of sex, as well as race, color, religion and national origin. The Division has filed four suits to enforce this new amendment and has established a Sex Discrimination Unit within the Housing Section to identify instances of sex discrimination and to educate the public as to the new responsibilities.

Voting.—The provisions of the Voting Rights Act of 1965, as amended in 1970 and 1975, which suspended literacy tests and other similar tests and devices in all States, have resulted in the elimination of much of the discrimination in voting and have reduced the volume of litigation in this field. However, reapportionment activity as a result of the Supreme Court's "one person, one vote" decisions and the completion of the 1970 census have again increased the number of voting complaints. Also, the Supreme Court has handed down a series of rulings broadly interpreting the provisions of Section 5 of the Voting Rights Act, which requires covered political jurisdictions to submit proposed changes in voting qualifications and procedures to either the Attorney General or the District Court for the District of Columbia for review as to nondiscriminatory purpose or effect.

In addition, the 1975 amendments to the Act, extend the protections of the Voting Rights Act to language minorities such as Asian-Americans, Hispanic-Americans, American Indians and Alaskan Natives.

Federally Assisted Programs.—The Civil Rights Division has devoted considerable attention to expansion of the Department's Title VI responsibilities. The Federal Program Section has, among other projects, assisted many Federal agencies in the development of uniform Title VI regulations and effective compliance programs; assisted the Law Enforcement Assistance Administration in conducting major civil rights compliance reviews of criminal justice agencies receiving Federal funds; conducted reviews of the use of revenue sharing funds to ensure nondiscrimination and instituted suit when necessary; and become involved in several lawsuits alleging discrimination by federally funded institutions and service agencies.

Criminal Interference with Federally Protected Rights and Activities.—The Civil Rights Division institutes on the average of 40 to 50 criminal proceedings each year against individuals acting to deprive citizens of their constitutional rights. In fiscal 1975, the Division reviewed approximately 9000 complaints of alleged violations of criminal civil rights laws. 55 of these matters were presented for consideration to federal grand juries which returned 26 indictments against 51 persons. Most of these defendants are law enforcement officers charged with unlawful beatings of citizens; however, a recent court decision has construed the statute also to apply to a public defender found guilty of illegally extracting money from indigent clients. Other noteworthy cases have involved the prosecutions of alleged Klansmen for bombing

school buses and several migrant crew leaders for holding workers in peonage and involuntary servitude. In addition, the Division has been in the forefront of activities designed to minimize the violence in Boston, Massachusetts, and Louisville, Kentucky, in the wake of court ordered desegregation in those cities. Where necessary, the Division has initiated prosecutions after receiving evidence of interference with the court orders and attempts to intimidate citizens who were exercising their constitutional rights to attend school without discrimination on account of race.

Public Accommodations and Facilities.—While in general there has been widespread compliance with the public accommodations laws, the Division continues to bring approximately 40 lawsuits each fiscal year against defendants who refuse to comply voluntarily. Injunctions against discriminatory practices are usually obtained either by consent decree or after trial.

Recent court decisions have broadened the scope of the Federal law in this area. For example, a Federal appeals court recently ruled that bars containing mechanical amusement devices, such as pinball machines and pool tables, which have moved in interstate commerce, fall within coverage of the 1964 Act as "places of entertainment." The Supreme Court has recently ruled that recreational associations which hold themselves out as private clubs, but are in fact open only to the white public, must cease discriminating and open their facilities to persons on an equal basis without regard to race.

Public facilities are all facilities owned, operated, or managed by or on behalf of any state or local government. The major emphasis of the Division has been with the civil rights of inmates of state and local penal institutions. Although the Division has developed a substantial litigative program involving racially segregated institutions, the major problems in this field of the law are not those of racial discrimination. The major problems concern, rather, the denial of constitutional rights—regardless of race—to be free from cruel and unusual punishment and to be accorded the fundamental protections of due process. Since there are no statutes giving the Attorney General authority to sue in this area, most of our major cases have involved participation as plaintiff-intervenor and *amicus curiae*. Most of these cases are litigated on a state-wide, system-wide basis, rather than attacking the problem prison-by-prison or jail-by-jail.

Special Litigation.—The Office of Special Litigation is charged with the responsibility of establishing

and protecting the constitutional rights of children and mentally and physically handicapped persons of all ages. Such persons often may be identified as residents of state and local governmentally operated mental hospitals; mental retardation facilities; juvenile reformatories, training schools, or detention centers; homes for dependent and neglected children; homes for the aged; and facilities for the physically handicapped and diseased. Our responsibility is met by participating in selected litigation which will define the controlling principles of law in this new and rapidly developing area.

Most of the resources of the office are presently allocated to cases which are designed to define and establish a constitutional right to adequate care and treatment for civilly confined mentally ill and retarded persons and juvenile delinquents. Most of the constitutional rights involved in such cases are viewed as arising from the principle that due process requires that conditions of civil confinement be related to the purposes for such confinement. Our experience has been that the conditions of confinement in such facilities often constitute cruel and unusual punishments of truly shocking proportions.

The office is participating in a small number of cases testing the constitutionality of civil commitment statutes which do not provide basic procedural protections and has also brought suit against the State of Pennsylvania to enforce Medicare/Medicaid related safety regulations and thereby protect the health and safety of residents of privately operated nursing homes, who are the intended beneficiaries of such federal programs.

Office of Indian Rights.—This Office, established in July, 1973, is developing legal bases for protecting the civil rights of American Indians through civil and criminal litigation. Under Title II of the Civil Rights Act of 1968, 25 U.S.C. 1301, *et seq.* (Indian Bill of Rights), the Office has moved to secure certain constitutional rights to individuals from abuse by tribal governments.

The Office handles all matters arising from any statute enforced by the Civil Rights Division which involve American Indians.

Appellate Section.—The Appellate Section was established in September, 1974, to handle and coordinate all appeals arising from the Division's litigation. The section is responsible for reviewing court decisions to determine if appeals are appropriate, preparing briefs, and participating in oral arguments. The section is also responsible for preparing all papers submitted by the Division in the Supreme Court.

Attorneys in this section may be required to assist in the development of legislation for the Division, such as drafting bills or testimony, or preparing comments on bills already pending in the Congress. The section is responsible for handling all Freedom of Information Act and Privacy Act requests. The section also provides legal advice upon the request of the Assistant Attorney General or other sections

* * *

Criminal Division

The Criminal Division coordinates the enforcement of all Federal criminal statutes except a small number assigned to the Civil Rights, Tax, and Antitrust Divisions. The Division's responsibility extends to overseeing criminal matters under more than 900 statutes handled in the field by the 94 United States Attorneys' offices in the 50 states and outlying possessions. The Criminal Division's broad responsibility in the field of criminal law and procedure affords young attorneys an excellent opportunity to participate in this important work.

The Division is also actively involved in developing legislation and programs in the fields of crime prevention and law enforcement assistance. The work of this Division is divided among 10 sections: Appellate, Fraud, General Crimes, Government Regulations and Labor, Internal Security, Legislation and Special Projects, Narcotic & Dangerous Drug, Organized Crime and Racketeering, Public Integrity, and Special Litigation. The following is a brief outline of the legal work that is characteristic of each of the sections referred to:

Appellate Section.—The function of the Appellate Section is to uphold convictions on review in higher courts and to secure constitutional and statutory interpretations favorable to the Government. The primary duties of the section attorneys are to prepare briefs on the merits, petitions, jurisdictional statements, and responses to petitions for certiorari in Supreme Court cases. For example, the section drafted over 1,200 Supreme Court briefs last year.

Attorneys from the Court of Appeals Review Unit review and assist United States Attorneys in preparing briefs before Courts of Appeals. During Fiscal Year 1975, for example, this unit reviewed 697 appellate briefs. In addition, section attorneys themselves briefed and argued many other appellate cases, including those generated by various strike forces of the Organized Crime and Racketeering Section. This work represents a substantial part of the work-

load of the Appellate Section, since many of the cases have voluminous records and raise complex legal issues.

Fraud Section.—The mission of the Fraud Section is to coordinate the Federal law enforcement effort directed against a variety of white collar offenses. Included among the offenses handled by the Fraud Section are violations of the mail and wire fraud statutes; Securities Acts; numerous false statement and claim statutes; provisions designed to protect banking institutions from fraud and misapplications; criminal statutes relating to the administration of the National Bankruptcy Act and, a host of other anti-fraud statutes.

In furtherance of this objective, the Fraud Section routinely (a) provides legal and policy guidance relating to white collar crime cases to United States Attorneys including the drafting of indictments, pleadings and briefs; (b) maintains liaison with relevant Federal investigative and regulatory agencies; (c) supervises and participates in major fraud investigations and prosecutions where indicated; (d) evaluates the need for additional legislation designed to curb the instances of white collar crime; (e) comments on pending legislative proposals affecting white collar crime enforcement; (f) discerns emerging and significant white collar crime trends; (g) provides litigation support services to the United States Attorneys including processing their requests for authorization to grant immunity and witness protection; and (h) responds to Congressional and public inquiries.

Section attorneys, as in the case of recent comprehensive fraud-against-the-Government investigation into Federal housing programs, are called upon to work with other Federal agencies such as the Department of Defense, Agriculture, Health, Education and Welfare, Labor, the United States Postal Service, the Securities and Exchange Commission and with United States Attorneys in coordinating major enforcement undertakings in the criminal fraud field.

While the primary work of attorneys in the Fraud Section is assisting and coordinating the enforcement efforts of United States Attorneys, section attorneys are frequently called upon to take part directly in grand juries and trials.

General Crimes Section.—The General Crimes Section has responsibility for some 700 statutes relating to protection of: (1) government operations and property (attacks on Federal officers, including the President and members of Congress, and foreign offi-

cials, theft of government property, counterfeiting, postal offenses, and interception of communications); (2) channels of interstate commerce (aircraft hijacking, cargo theft, transportation of stolen property and trafficking in stolen and counterfeit securities); (3) public (crimes on Federal lands and the high seas, riot, explosives and weapons control offenses, bank robbery, kidnapping and extortion) and (4) legal procedures (obstruction of justice, false testimony, prison offenses, Speedy Trial Act, Pre-trial Diversion, Fugitive Felon Act and Dangerous Special Offenders).

The section also maintains a specialized Prosecution Unit which seeks to develop and prosecute multi-district or complex cases, particularly where assistance is sought by the various United States Attorneys in the field. Although prosecutions are generally conducted by the various offices of the United States Attorneys, section attorneys who are not in the Prosecution Unit are also occasionally requested to participate directly in grand jury prosecutions, or present and argue trial motions, brief and argue appeals, or assist or conduct trials in selected prosecutions.

Attorneys in the section provide coordination of prosecutions, on both policy and operational levels, with other divisions, departments and agencies; respond to Congressional and private inquiries; and initiate or review recommendations for proposed legislation relating to the assigned areas of statutory responsibility. They also advise and assist United States Attorneys and other Federal attorneys on Departmental policy matters, research legal questions, and make prosecutive determinations.

This section is also directly involved with efforts to foster anti-crime measures by Federal, state and private agencies and institutions. In the bank robbery prevention area, for example, procedures have been instituted within the section for filing civil suits under the Bank Protection Act regulations against banks which fail to record adequate "bait" money information or otherwise violate those regulations.

This section has also assisted in efforts to improve preventive and accountability measures within the transportation industry to combat cargo theft. In the auto theft area, the section has contributed to a number of projects of the Federal Interagency Committee on Auto Theft Prevention and has assisted in developing and implementing a program which returns youthful interstate auto theft offenders to local authorities at Federal expense. In connection with the overall enforcement effort for concurrent jurisdiction

offenses, section attorneys have aided in the development and improvement of Federal-State Law Enforcement Committees throughout the Nation in an effort to coordinate the activities of Federal, state and local prosecutors and investigative agencies. Finally, this section was instrumental in the establishment of a Federal Advisory Committee on False Identification, in an effort to meet the problems of criminals obtaining and using false identification documents.

Government Regulations and Labor Section.—The Government Regulations and Labor Section supervises litigation to enforce criminal and civil sanctions of a variety of statutes providing for the regulation of private activity by Federal departments and agencies. Included are statutes directed to the protection of consumers; protection of public health; protection of miners, longshoremen, atomic energy industry employees and other workers; regulation of agriculture and meat, poultry and egg production; regulation of all modes of transportation; and regulation of communications.

The section supervises criminal and civil litigation arising under the Immigration and Nationality Act. Section attorneys brief and argue most cases involving petitions for review of deportation orders in the courts of appeals, as well as a number of appeals from district court decisions in immigration and naturalization cases, and handle a substantial amount of immigration litigation at the district court level.

Supervision of all extradition and international judicial assistance matters is assigned to the section. It reviews and aids in the preparation of documents supporting extradition requests of this country and reviews all documents submitted pursuant to extradition requests from foreign countries. Section attorneys frequently represent foreign governments in extradition proceedings and brief and argue extradition cases in the courts of appeals. The section also participates in the negotiation of extradition treaties with foreign delegations.

A major area of the section's jurisdiction is supervision and direct participation in the enforcement of Federal criminal statutes relating to employee-employer relationships and the internal operations of labor unions. Included are statutes prohibiting interference with interstate commerce by extortion, embezzlement of union assets, improper payments by employers to union officials, embezzlement of the assets of pension and welfare funds, and the payment of kickbacks to influence the acts of trustees or

agents of pension or welfare funds. The section also has jurisdiction of offenses involving the use of explosives in connection with labor disputes and violations of the reporting requirements of the Welfare and Pension Plans Disclosure Act and of the Labor Management Reporting and Disclosure Act.

Finally, the section supervises criminal and civil litigation under the obscenity laws; the enforcement of criminal and civil sanctions of the customs laws; and the enforcement of a variety of other criminal statutes, such as the White Slave Traffic Act, the copyright laws, the Jenkins Tobacco Tax Act, the Export Control Act, the Gold Labeling Act, and criminal sanctions under the Soldiers' and Sailors' Civil Relief Act.

Internal Security Section.—The Internal Security Section handles matters relating to the Nation's internal security, including the prosecution of cases involving treason, espionage, sedition, sabotage and violations of the Neutrality, Trading with the Enemy, Munitions Control and Bartlett Acts. The section also administers the Foreign Agents Registration Act of 1938, as well as two additional registration statutes, and supervises the enforcement of the Military Selective Service Act. The section also provides the Executive Secretary and staff of the Interdepartmental Committee on Internal Security.

Organizationally, the work of the Internal Security Section is divided into two units, the Statutory Unit and the Registration Unit.

Section personnel directly handle violations of the treason, sabotage and espionage statutes and they work closely with the United States Attorneys in neutrality cases and in handling fishing violations which must be coordinated with other executive departments and agencies. Section attorneys involved in these and other internal security cases may be called upon to take part directly in grand jury, trial or appellate work. Criminal violations and the civil aspects of the Registration statutes are handled by personnel of our Registration Unit, who also conduct inspection and field conferences designed to facilitate the effective enforcement of the Foreign Agents Registration Act of 1938, as amended.

Legislation and Special Projects Section.—The Legislation and Special Projects Section has primary responsibility for developing and supporting the Criminal Division's legislative program and for providing legal research and advice to other sections, United States Attorneys, and Federal investigative agencies.

The principal work of section attorneys during recent years has been preparation of a complete Federal Criminal Code. This effort is directed at developing a draft Code acceptable both to Congress and to the Department of Justice. To that end, section attorneys have worked closely with Senate Judiciary Committee staff in preparing a Senate Report on resulting Code legislation. Attorneys participated with other representatives of the Department in testifying before the Senate Judiciary Committee on various Code provisions.

This section also prepares responses to the many requests from congressional committees and government agencies for comment upon pending legislation. In addition, the section provides legal work in support of the Assistant Attorney General in the discharge of his responsibilities as an ex officio member of the Advisory Committee on Criminal Rules of the Judicial Conference.

This section also conducts a training program for new Department attorneys who may be assigned responsibility for the trial of Federal criminal cases. In this connection, the section also prepares trial practice manuals for United States Attorneys and supervises the preparation of the Criminal Division's contribution to the United States Attorneys Manual. In order to carry out its responsibilities in the area of legal research, the section maintains a legislative history unit to compile legislative history and other materials concerning significant legislation.

Finally, the section has the responsibility for supervising the responses made by the Criminal Division to requests for records received from citizens pursuant to the Freedom of Information and Privacy Acts.

Narcotic and Dangerous Drug Section.—The Narcotic and Dangerous Drug Section is responsible for criminal and civil litigation arising under Federal laws pertaining to narcotics, marihuana, and other dangerous drugs classified as "controlled substances" under the Controlled Substances Act. In addition, this section is responsible for supervision of proceedings arising under the Narcotic Addict Rehabilitation Act of 1966.

In order to fulfill these responsibilities, section attorneys assist United States Attorneys' Offices in the prosecution of cases involving violations of the Controlled Substances Act. Frequently, section attorneys are asked by United States Attorneys for interpretations of provisions of the Controlled Substances Act and for the Department policy regarding sections of

the Act. Section attorneys also review and process United States Attorneys' requests for witness protection, electronic surveillance, witness immunity, authority to dismiss indictments, and authority to appeal adverse decisions. Finally, in major narcotic cases, section attorneys often travel to United States Attorneys' offices in order to participate directly in grand jury proceedings and trials.

From time to time, section attorneys are temporarily assigned to United States Attorneys' offices to handle the pretrial preparation and trial of various drug cases. Section attorneys work closely with special prosecutive teams known as "Controlled Substance Units" operating in United States Attorneys' offices in 19 major cities. The units are responsible for prosecuting major narcotic conspiracy cases. Section attorneys monitor the units' activities, coordinate their multi-district investigations, and furnish any assistance that may be needed. The section also represents the Drug Enforcement Administration in district and appellate courts in cases involving administrative controlled substance decisions by that agency.

Organized Crime and Racketeering Section.—Organized Crime is the largest section of the Criminal Division, and has responsibility for supervising the Department's prosecutive efforts against racketeers and syndicated criminal operations. The section has responsibility for enforcement of offenses involving subjects who are associated with organized crime. In addition, the section has specific responsibility for enforcement of the Consumers Credit Protection Act of 1968, the Gambling Devices Act of 1962, and laws pertaining to gambling, extortion, infiltration of legitimate business, and liquor violations.

Most of the attorneys in this section are assigned to one of the Organized Crime Strike Forces that are maintained in major metropolitan areas throughout the country. Since 1967, when it was first initiated, the Strike Force concept has been used to bring together the efforts of various Federal investigative agencies under the legal guidance of section attorneys and United States Attorneys. The result is a team approach to challenge organized crime in a particular area.

Section attorneys work closely with the Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Alcohol, Tobacco and Firearms, Secret Service, Customs, Internal Revenue Service, and with state and local law enforcement officers.

Attorneys spend a large part of their time preparing for and conducting grand jury proceedings. During fiscal year 1975, for example, section attor-

neys spent 1,199 days grand jury time. During the same period, section attorneys spent 2,825 days in court.

Public Integrity Section.—The Public Integrity Section was formed in early 1976 in response to an increased Federal emphasis on the criminal prosecution of public officials for misconduct in, or misuse of, office.

The activities of the section concern three major areas: (1) Federal officials, (2) state and local officials, and (3) election fraud.

In the first area the section supervises the prosecution of all Federal officials for misconduct in office under various Federal statutes such as bribery, graft, conflict of interest, embezzlement, and extortion. The second area consists of prosecutions of state and local officials for misconduct in office which is a violation of Federal law. This includes such things as extortion which obstructs interstate commerce and mail and wire fraud. Recent legal precedents have greatly increased the number of Federal prosecutions in this area. The final area consists of election fraud matters including, among other things, recent legislation providing more effective reporting and disclosure requirements with respect to the receipt and expenditure of Federal election campaign funds.

While the primary work of attorneys in the Public Integrity Section is directing and coordinating the enforcement efforts of United States Attorneys, section attorneys are frequently called upon to take part directly in grand jury, trial, or appellate work. This is normally done in joint efforts with United States Attorneys, however, on occasion, section attorneys have sole responsibility for prosecutions.

Special Litigation Section.—The Special Litigation Section supervises and conducts civil litigation arising from the operation of the prison system, the procedures of the Bureau of Prisons and the activities of the Parole Board. It defends and initiates civil litigation arising out of the criminal justice system and/or the investigative activities of law enforcement agencies when the cases involve new or unique issues which would have a broad impact on law enforcement generally, or when such cases involve broad constitutional questions or issues relating to special investigative techniques such as electronic surveillance. It also supervises civil forfeitures under the Control Substances Import and Export Act, the Contraband Transportation Act, the Customs Laws, the Trading with the Enemy Act, and the neutrality statutes.

Most of the attorneys' time is spent directly in the litigation of cases. Complaints and petitions are either

received directly by service on Department officials or are forwarded by the United States Attorneys' offices for handling by this section. The cases range from damage claims against various government officers based on illegal wiretapping to alleged violations of a Federal prisoner's constitutional rights. Such cases are generally handled by section attorneys who file responsive pleadings, conduct discovery and appear at all hearings. They also write the briefs and present the oral argument on any appeals in such cases.

* * *

Land and Natural Resources Division

Litigation involving the acquisition, administration and disposition of federal property, the protection and management of Indian property, and the safeguarding and enhancement of the American environment generally, falls within the responsibility of the Land and Natural Resources Division. Although the variety and magnitude of this litigation defy brief description, some idea of the range of the Division's activities may be gained from a consideration of the work of the Division's seven litigating sections.

Pollution Control Section.—The Pollution Control Section supervises the handling of all suits, both civil and criminal, brought by the United States to abate sources of pollution. These cases arise principally under the Clean Air Act and the Federal Water Pollution Control Act Amendments of 1972, but litigation also arises under the Refuse Act, the Noise Control Act of 1972, the Solid Waste Disposal Act, the Safe Drinking Water Act of 1974, the Marine Protection, Research and Sanctuaries Act of 1972, and other statutes. Under Section 10 of the River and Harbor Act of 1899, the Section has pursued a vigorous litigation program to protect wetland areas from destruction. The Section also represents the Administrator of the Environmental Protection Agency in proceedings brought directly in appellate courts to review his actions to implement the various environmental statutes he administers.

On June 30, 1975, the Pollution Control Section had on its dockets almost 1,000 cases and matters. Approximately 370 of these were appellate court proceedings to review some action of the Administrator of the Environmental Protection Agency; cases of this type are handled exclusively by Pollution Control Section personnel. The remaining cases were mostly district court cases, which are handled primarily, but not exclusively, by the United States Attorneys; Pol-

lution Control Section attorneys frequently have an opportunity to work with the United States Attorneys in the preparation and trial of the district court cases. Cases in the Court of Claims are handled exclusively by Pollution Control Section attorneys.

Land Acquisition Section.—The acquisition, either by direct purchase or through the institution of condemnation proceedings, of such lands as may be needed by the Federal Government for its various activities, is the function of the Land Acquisition Section. On June 30, 1975, the Land Acquisition Section was in the process of attempting to secure through direct purchase 2,685 tracts of land. On the same date, the Section was prosecuting condemnation proceedings involving 10,397 tracts of land. Where acquisition is by purchase, the responsibilities of attorneys in this Section are analogous to those of attorneys in a large law firm, and include the preparation of a contract, or of options to purchase, and title approval. Where land is being acquired through condemnation, attorneys in the Section try the cases before juries, commissions, or district judges, directly or by supervision of the United States Attorneys. Condemnation trials are the most numerous civil actions in the federal courts. Legal issues frequently involved in such cases include the power of the United States to condemn under specific Acts of Congress, the ascertainment of unique property interests, the methods of valuing different types of real property (such as golf courses, manufacturing sites, residences, oil and gas fields, etc.), the applicability of zoning regulations, problems relating to subdivisions, capitalization of income, and the admissibility of different types of evidence.

Indian Resources Section.—The Indian Resources Section was established on May 27, 1975, for the purpose of representing individual Indians and Indian tribes in suits seeking to establish and protect their interests in property. These include suits to establish water rights, to establish and protect hunting and fishing rights, to collect damages for trespass on Indian lands, and to establish reservation boundaries. Approximately 175 cases were under the supervision of this Section as of June 30, 1975. Although most of these cases are being handled primarily by the United States Attorneys, the attorneys in the Section have frequent opportunities to appear in court, either to assist the United States Attorneys, or to appear in cases being handled exclusively by the Section staff.

Indian Claims Section.—The Indian Claims Section defends the United States against legal and equitable

claims asserted by Indian tribes under the Constitution, laws, and treaties of the United States. Claims which accrued prior to August 13, 1946, are initially adjudicated by the Indian Claims Commission; claims accrued after August 13, 1946, may be asserted directly in the Court of Claims. As of June 30, 1975, 210 cases—all of them handled by staff attorneys—were on the docket of the Indian Claims Section.

Marine Resources Section.—The Marine Resources Section handles litigation relating to the protection, control and use of the mineral and biological resources of the Outer Continental Shelf. A major activity of this Section since its establishment in 1969 has been the representation of the interests of the United States in original suits in the Supreme Court to establish whether, and the extent to which, the federal government or the States possess interests in the Outer Continental Shelf. Litigation relating to the newly extended fisheries jurisdiction of the United States is expected to play a significant role in the work of the Section in the near future.

Because the area of responsibility of the Marine Resources Section is highly specialized, attorneys in that Section handle personally almost all of the litigation assigned to the Section, both in the district and appellate courts; however, the case-load of the Section is quite small (there were only 19 cases on the docket of the Section as of June 30, 1975, eight of which were original actions in the Supreme Court) and it is not anticipated that any additional attorneys will be assigned to the Section in the near future.

General Litigation Section.—All matters and lower court cases coming within the area of responsibility of the Land and Natural Resources Division, and not falling under the jurisdiction of any of the specialized sections, are assigned to the General Litigation Section. These include actions to remove clouds and to quiet title, to recover possession of land, to recover damages for trespasses upon lands, to determine boundaries, to cancel patents, to set aside *ad valorem* taxes and tax sales, to establish rights in minerals, including mineral leases, timber, oil reserves and other natural resources, to establish and protect federal water rights, to defend actions for compensation for the claimed taking by the United States of real property or any interests therein, to defend actions seeking to establish an interest in real property adverse to the United States, to assert claims by the government for damages resulting from negligence in causing forest fires, to defend against suits by individuals to review administrative decisions with respect

to the issuance of oil and gas leases and other decisions relating to the disposition of federally owned lands, and to defend government officers in suits to enjoin, on environmental grounds, the construction or operation of government projects or programs.

As of June 30, 1975, there were approximately 1650 cases pending in the General Litigation Section. Most of the cases are tried in the United States district courts, a considerable volume in the United States Court of Claims, some in the State courts, and occasionally, under the direction of the Solicitor General, the Section handles the trial before a special master of an original suit in the Supreme Court. Attorneys in the Section attend to many of the lower court cases themselves, and supervise and assist the United States Attorneys in handling many others.

Appellate Section.—The Appellate Section handles all appeals in cases initially tried in the lower courts under the supervision of the General Litigation, Pollution Control, Land Acquisition and Indian Resources Sections. The attorneys in the Section prepare the memoranda and briefs, and argue the cases, which are in the federal courts of appeals throughout the country, and, occasionally, in state appellate courts. In addition, drafts concerning Supreme Court review of cases are prepared by the Section, which consults with the Solicitor General's staff on such matters. Almost 1,000 cases were being handled by the Appellate Section as of June 30, 1975. A new attorney can anticipate briefing and arguing at least one appeal before the end of his first year in the Section.

* * *

Tax Division

The Tax Division is charged with the responsibility of representing the United States and its officers in civil and criminal litigation arising under the internal revenue laws, other than proceedings in the United States Tax Court.⁵ While the Division's primary client is the Internal Revenue Service, it also represents such agencies as the Department of Defense and the Energy Research and Development Administration in dealings with state and local taxing authorities. Consequently, the young attorney is offered an outstanding opportunity to specialize in both tax law and litigation. Due to the large amount of tax litigation

⁵ In litigation in the United States Tax Court, the Commissioner of Internal Revenue is represented by the attorneys in the Office of Chief Counsel, Internal Revenue Service. Appeals from decisions of the Tax Court, however, are the responsibility of the Appellate Section of the Tax Division.

conducted in the courts, both Federal and state, a young attorney in the Division is assigned more responsibility in the preparation and trial of law suits than he would be likely to get in private practice or most other fields of governmental legal work.

A new attorney will be assigned to one of the eight sections within the Division. The Criminal Section supervises the prosecution of tax fraud cases which are handled by United States Attorneys, but Section attorneys frequently handle such trials at the request of a United States Attorney. All civil tax litigation in Federal and state courts is handled by one of the four Civil Trial Sections organized along geographical lines. The Court of Claims Section handles suits in that forum. The Appellate Section handles appellate work in all civil and substantially all criminal tax cases. The Review Section is responsible for coordinating the Division's settlement policies in litigated cases and for conducting research in legislative and general legal matters.

Appellate Section.—At the outset, lawyers assigned to the Appellate Section will spend most of their time analyzing cases in order to determine the desirability of appeal or certiorari, or whether appeal or certiorari should be opposed. They also will be briefing cases in the courts of appeals, and thereafter will have an opportunity to argue cases for the Government in the courts of appeals throughout the country. Work in connection with Supreme Court litigation, including preparation of petitions for certiorari, memoranda in opposition to taxpayers' petitions, and drafting on briefs on the merits is also a part of the appellate attorney's activities in conjunction with the Office of the Solicitor General.

Civil Trial Sections.—In these Sections the new attorney is presented the opportunity of working in all phases of civil tax litigation in the Federal district courts and state courts. Due to the multi-faceted workload handled by the Civil Trial Sections the new attorney has a unique chance to gain expertise in all areas of civil tax law. Some of the types of cases handled by these sections include: refund suits in the Federal district courts, tax claims in bankruptcies, receiverships and probate proceedings, the establishment of tax lien priorities in foreclosure suits, collection suits, injunctions, Government immunity cases, summons enforcement proceedings, suits under the Freedom of Information Act, and tort claims against Government personnel.

Court of Claims Section.—This Section handles all refund suits brought in the Court of Claims. The

unique Court of Claims procedures give the attorneys in that section experience in both trial and appellate techniques. Young lawyers coming into this section are, at the outset, given cases of lesser importance to handle on their own under the supervision of experienced personnel. They will probably also be assigned to help senior trial attorneys in the preparation of complicated cases. Actual appearance in court in interesting cases comes very quickly in this section of the Division.

Criminal Section.—In the Criminal Section one significant duty is the review and analysis of recommendations for criminal prosecution of tax frauds which are sent to the Division by the Internal Revenue Service. Attorneys performing this work become familiar with general principles of criminal law and procedure as well as basic concepts of taxation. They necessarily must learn to exercise sound judgment in evaluating evidence. Often, on difficult and complicated cases, lawyers from this section are sent to the field to handle grand jury presentations and trials of criminal tax cases. In addition, they frequently are called upon to advise United States Attorneys on problems arising in the handling of criminal cases.

Review Section.—Lawyers in the Review Section are required to appraise settlement offers in the light of litigation possibilities and policy considerations, to review recommendations with respect to such offers, and to advise as to their acceptance or rejection. This is one of the best sections in which to learn the basic principles of tax law. Lawyers in this section, as in the other sections, are concerned with litigation problems as well as tax problems; however, in the Review Section much of the time of the attorneys is spent in tax analysis and in developing and applying practical skills in the negotiation of settlements. More than half of the court cases are settled, many of them with the active participation of the Review Section. In addition, attorneys in the Review Section will conduct extensive legislative and legal research in the general revenue area.

The Tax Division conducts a training program designed: (1) to acquaint Division attorneys with legislative changes and new developments in the Federal revenue laws; and (2) to improve trial strategy and techniques. Key officials of the Division and the Internal Revenue Service, as well as leading members of the bar and the academic community, participate in this training program.

* * *

Community Relations Service

The Community Relations Service (CRS) is an ele-

ment of the Department which serves as an impartial catalyst in helping communities to settle ethnic and racial disputes at the conference table rather than on the streets or in the courts.

Created by Title X of the Civil Rights Act of 1964, the CRS does not enforce laws, regulate practices, or grant funds. CRS' specific concern is with the resolution of community disputes which arise from alleged or actual discrimination based on race, color, or national origin.

The CRS works directly in communities with the parties to a conflict. It maintains a professional staff that is highly skilled and trained in methods and techniques for settling intergroup and socioeconomic problems. The agency's effectiveness lies in the ability of its staff to persuade all involved and relevant segments of the community to work together toward resolution of the problems causing racial or ethnic tension and conflict.

The CRS offers its help either on its own motion, when it thinks that peaceful relations among citizens of a community are threatened, or at the request of an appropriate State or local official or other interested person. Although litigation is not a service that CRS provides, Federal Courts have referred cases to the agency to see if mediation could settle the issues. The CRS assistance takes the form of two basic services: conciliation and mediation.

The CRS defines conciliation as intervening in difficult situations as a neutral third party and helping opposing sides work out a settlement by opening up communications, presenting relevant facts objectively, suggesting alternatives, and other such steps. The emphasis is on dealing with rising tension quickly to avert a blowup. Exchanges between the disputing parties take place on an essentially informal basis. Acting as liaison between law enforcement agencies and minorities during marches and other demonstrations is one example of a frequent CRS conciliation role.

Mediation is defined as the more formal process of arranging and conducting negotiations that deal with a list of specific issues. Negotiations take place only with the sanction of the disputing parties. The negotiations are also conducted according to established procedural rules, which both sides agree to in advance.

The two sides are told what to expect. Either may withdraw at any point they feel their interests are not being served. But CRS professionals try to keep productive negotiations going as long as possible in the interest of reaching a settlement.

The objective is the same in either case: voluntary settlement of the antagonists' differences. The two processes differ in that mediation leads to a written agreement, which has self-enforcing mechanisms.

In performing their duties, the CRS professionals seek the cooperation of appropriate State and local public and private agencies. As a part of its functions, the CRS encourages communities to eliminate the discrimination that causes racial problems by undertaking specific corrective programs. The agency facilitates this activity wherever possible and places high priority on establishing contact between communities and the public and private resources needed to implement such programs.

* * *

Immigration and Naturalization Service

The Immigration and Naturalization Service is responsible for the administration and enforcement of the Immigration and Nationality Act and related statutes. It is called upon to furnish services of many kinds and in great volume, principally to people of foreign birth. Functionally, the work of the Immigration and Naturalization Service can be divided into the following activities: (1) to prevent the illegal entry of persons into the United States; to inspect persons applying for admission or reentry into the United States, facilitate the entry of those lawfully admissible, and exclude those found inadmissible; (2) to take into custody and expel aliens unlawfully in the United States; (3) to encourage and facilitate the naturalization of applicants who meet the statutory requirements and to prevent the naturalization of persons not qualified for citizenship; and (4) to investigate violations of the Immigration and Nationality Act in support of deportation or denaturalization proceedings.

There are two fields within which new attorneys may develop their skills, abilities and general knowledge of immigration laws and procedures: Trial Attorney Section and Citizenship Section.

Trial Attorney Section.—Attorneys assigned to the Trial Attorney Section are classified as Trial Attorney (Immigration). The principal duties of attorneys in this section are the preparation and presentation of deportation and exclusion cases before an Immigration Judge. They prepare appeal briefs filed with the Board of Immigration Appeals and encounter motions and briefs in behalf of the Government in opposition to those made in behalf of the alien. Trial attorneys may be assigned to maintain liaison with, and render

assistance to the office of the U.S. Attorney in the preparation and trial of immigration cases in both the Civil and Criminal Divisions of the Federal District and Appellate courts in the area. They also render advisory services to the staff officers of the district, and as required, appear on behalf of the Service in making representations in criminal cases where recommendations against deportation are sought in State courts.

Citizenship Section.—Attorneys assigned to the Citizenship Section are classified as General Attorney (Nationality). The principal duties of attorneys in this section include conducting preliminary examinations of petitioners for naturalization and representing the Attorney General in the presentation and trial of naturalization cases before Federal and State courts. On the basis of evidence adduced at a formal hearing, the Citizenship Section attorney prepares an appropriate recommendation to the court. If the recommendation is for denial, or for granting with the facts to be presented to the court, the Citizenship Section attorney submits a memorandum to the court setting forth a summary of the evidence, his findings of fact and conclusions of law. Citizenship Section attorneys also review and make determinations on applications for various benefits and privileges, under the nationality laws, including determinations on citizenship questions, applications for certificates of citizenship, etc. Claims to citizenship involve persons who may have acquired United States citizenship at birth abroad through their citizen parents or who may have derived citizenship after birth upon the naturalization of their parents. In determining such questions, Citizenship Section attorneys are required to interpret and apply the full gamut of immigration laws and relating foreign and domestic laws concerning adoption, legitimation, marriage and divorce.

The positions of Trial Attorney (Immigration) and General Attorney (Nationality) are assigned to Service field offices located at many different points in the United States, and positions at some locations require periodic travel. When feasible, newly appointed attorneys attend a training course at the Service's Officer Development Center. Thereafter, they receive further instruction at the field office level, and undergo on-the-job training under the guidance of experienced attorneys.

* * *

Board of Immigration Appeals

The Attorney General is charged with the adminis-

tration and enforcement of the Immigration and Nationality Act of 1952, and all other laws relating to the immigration and naturalization of aliens. The Attorney General has delegated certain aspects of his power and authority for the administration of the immigration laws to the Board of Immigration Appeals. The Board is an independent quasi-judicial body which operates under the supervision and direction of the Attorney General and is solely responsible to him. It is completely independent of the Immigration and Naturalization Service, the body charged with the enforcement of the immigration laws.

The Board is composed of a chairman, four members and an executive assistant (who is also an alternate board member). The Board is authorized a staff of attorney-examiners who assist the Board in the preparation of Board decisions.

The Board has been given jurisdiction to hear appeals from decisions of the Immigration and Naturalization Service in the form of formal orders entered by Immigration Judges and District Directors. These orders are usually rendered after due process hearings at which the alien is represented by counsel. The majority of appeals reaching the Board involves orders of deportation and applications for relief from deportation. Other cases before the Board involve the exclusion of aliens applying for admission to the United States, petitions to classify the status of alien relatives for the issuance of preference immigrant visas, fines imposed upon carriers for the violation of the immigration laws, and motions for reopening and reconsideration of decisions previously rendered.

* * *

Office of Legal Counsel

Headed by an Assistant Attorney General, this Office prepares the formal opinions of the Attorney General, informal opinions and legal advice to the various governmental agencies, and assists the Attorney General in the performance of his functions as legal adviser to the President and as a member of and legal adviser to the Cabinet. In those connections, the Office is frequently called upon to consider important questions of constitutional, criminal, administrative, and international law.

Except in the rare case when a formal Attorney General's opinion is requested (in which event the Office will draft the opinion for the Attorney General's consideration), the Office is normally the ultimate authority in the Executive branch on the exposition of the Constitution and the statutes of the United States as they may be involved in the adminis-

tration of programs entrusted to the executive departments and agencies.

The Office advises the Attorney General in connection with his review of decisions of the Board of Immigration Appeals of the Department of Justice, and furnishes guidance to the executive departments and agencies on matters relating to the ethical conduct of Government employees, particularly matters involving the conflict-of-interest laws.

The Office frequently provides advice directly to the White House on a variety of legal questions, many relating to the constitutional powers of the President, both war powers and domestic powers. It frequently prepares and delivers testimony to Congress on behalf of the Administration on a variety of public issues. In recent years these have included, for example, newsman's privilege, executive privilege, congressional immunities, capital punishment, the Arab boycott, New York City's fiscal problems, voter registration, impoundment of appropriated funds, intelligence oversight, and legislative veto of agency action.

The Office of Legal Counsel also serves as in-house counsel to the various component parts of the Department of Justice. The Office works with the Offices of the Attorney General, the Deputy Attorney General, and the Office of Legislative Affairs on the legal aspects of legislation proposed either as a part of the President's legislative program or by the Members of Congress and often is involved in the drafting of proposed legislation. On some matters the Office operates directly as staff to the Attorney General.

The new lawyer entering the Office of Legal Counsel will be joining approximately fourteen other staff attorneys, less than half of whom have been in the Office for more than three years. The new lawyer may expect to work directly with the two Deputy Assistant Attorneys General, the Assistant Attorney General, and in some cases with the Attorney General on any of the above mentioned legal activities. Moreover, he may expect to work directly with members of other agencies in relation to their problems and participate directly in interagency or intradepartmental working groups.

There is generally no court work connected with the activities of the Office, but the Office is sometimes consulted by litigating divisions of the Department in connection with litigation.

The Office of Legal Counsel, because it carries heavy and important workload with a small staff, normally hires persons with some experience, for example, those who have served as law clerks to judges.

However, current law school graduates with outstanding law school records are also encouraged to apply.

* * *

Office of the Solicitor General

The major function of the Solicitor General's Office is to supervise the handling of Government litigation in the Supreme Court. Virtually all of such litigation is channeled through the Office of the Solicitor General and is actively supervised by that Office. This involves about two-thirds of all the cases the Supreme Court decides on the merits each year.

Specifically, the Solicitor General determines the cases in which Supreme Court review will be sought by the Government, and the positions the Government will take in that Court in all the cases in which it is interested. The staff reviews and revises the petitions, briefs, and memoranda filed by the Government in its Supreme Court litigation. The Solicitor General personally assigns the oral argument of all Government cases, either to himself, to a member of his staff, or to other Government attorneys. Most of the Government cases in the Supreme Court are argued by the Solicitor General or his staff.

Another function of the Office is to review all cases lost by the Department of Justice in the lower courts to determine whether they should be appealed to the next higher tribunal, e.g., from a district court to a court of appeals. The Solicitor General decides whether or not a review should be sought. The Office does not, however, ordinarily participate directly in the preparation of the briefs or arguments in any court other than the Supreme Court.

* * *

Law Enforcement Assistance Administration

With the passage of the Omnibus Crime Control and Safe Streets Act of 1968, the Congress established the Law Enforcement Assistance Administration (LEAA) within the Department of Justice. Its mission: To provide funds and technical assistance for the Nation's first comprehensive crime control program. At the end of fiscal year 1976, LEAA's budget will total more than \$5.2 billion to support this national effort. In 1974, the Congress enacted the Juvenile Justice and Delinquency Prevention Act. This Act places responsibility for coordinating the entire range of Federal juvenile delinquency prevention and control activity within LEAA. It established a new fund source for State efforts to streamline the

juvenile justice system and combat the increasing rate of crimes committed by juveniles.

LEAA impacts on crime and delinquency by:

—Encouraging and assisting States in developing comprehensive plans for improving the entire range of crime control and criminal justice activities—police, courts, and corrections.

—Providing massive Federal financial assistance to enable State and local governments to implement the planned improvements.

—Supporting and conducting research in new methods of crime prevention and control.

—Applying statistical research and systems analysis in the criminal justice field.

—Providing leadership and policy guidance for national-scope projects to help States and localities improve the entire range of crime reduction efforts of the law enforcement and criminal justice system.

Most of the LEAA's lawyers are in: Office of General Counsel, Office of Civil Rights Compliance, Office of Regional Operations, and National Institute of Law Enforcement and Criminal Justice.

Here is a brief description of those offices and work performed by attorneys assigned to them:

Office of General Counsel (OGC).—This Office provides legal assistance and advice to agency officials in the exercise of their duties. It acts as liaison with the Department of Justice Office of Legal Counsel, the Office of Management and Budget, the General Services Administration, the General Accounting Office and other Federal, State, local and private counsel on legal problems affecting grants, contracts and administrative matters.

Lawyers in General Counsel give opinions, interpretations, and advice on legal aspects of LEAA activities and on policy matters affecting the agency or its statutory authority. They administer all agency legal actions relating to the Freedom of Information Act, National Environmental Policy Act, Federal Advisory Committee Act, the Privacy Act, Historic Site Preservation Act and the Relocation Assistance Act. Lawyers also participate in LEAA training efforts in the areas of statutory authorization, financial management, audit, environmental regulations, hearing and appeal procedure and regulations, standards and goals, and contracts.

They prepare litigation reports for the Civil and Criminal Divisions of the Department of Justice in cases where LEAA is a party to a suit and act as agency counsel to trial lawyers in litigation affecting the agency. During the past year, the Office partic-

ipated in approximately sixteen (16) law suits affecting the agency.

They also advise on the development of legislation affecting LEAA, help draft legislation relating to the Crime Control Act and Juvenile Justice Act for submission to the Department of Justice and the Office of Management and Budget, and prepare legislative history material on all legislation affecting the agency.

In addition, the General Counsel's Office provides legal assistance in these areas: administrative hearing and appeal proceedings to resolve disputed issues; audit resolution and collection activities; review for legal sufficiency all contract activity, including requests for contract action, requests for bid proposals, contract modification and amendments, sole source justifications, and all supporting documentation; preparation of rules, regulations, and directives; conflict of interest statutes, regulations, and standards of conduct; Freedom of Information Act requests; Privacy Act matters; and processing of patent rights and copyright dispositions on LEAA-supported inventions and publications.

Office of Civil Rights Compliance (OCRC).—To receive IEAA funds, State and local criminal justice agencies must comply with civil rights laws, regulations, and Executive orders. Attorneys in the Office of Civil Rights Compliance (OCRC) work in three basic areas; monitoring State and local agencies receiving LEAA funds to determine whether they are in compliance; processing complaints of alleged discrimination by grant recipients; and developing programs to improve employment of minority group members and women.

Office of Regional Operations (ORO).—There are lawyers on the staffs of the ten (10) LEAA regional offices, providing technical assistance to individual State courts and prosecutors offices in developing improved policies and operations.

This Office also coordinates national scope programming and project activity of LEAA and provides technical assistance to State and local governments in the implementation of LEAA initiatives.

Its lawyers generally function as courts specialists, developing national-level programs to improve the administration of justice. They work with the judiciary, prosecution, and defense, in devising programs to improve training, modernize procedures and introduce new techniques.

Among the courts-related projects which have been supported by LEAA are: special training sessions for judges of limited or special jurisdiction; a nationwide

survey of public defender systems; evaluation of the American Bar Association Standards for Courts; a program to reduce appellate delay; and a State court system master plan.

National Institute of Law Enforcement and Criminal Justice (NILECJ).—The Institute, LEAA's research arm, supports programs to improve the operations of courts. Its lawyers help to develop and supervise such research projects as: development of models of court-flow processes which provide an opportunity to evaluate the effect of various procedures on court operations; studies of law revision, including an evaluation of the benefits derived from combining all pretrial motions into a single judicial hearing; and a study of pretrial delay in criminal cases which resulted in 24 procedural recommendations to reduce court delay.

* * *

United States Attorney's Offices

Federal law places upon the Attorney General responsibility for the conduct of all litigation affecting the interests of the United States. This responsibility is discharged by delegating authority to officers throughout the country to handle such litigation and to appear in the various Federal courts as the Government's advocates. These field officers are the U.S. Attorneys. There are 94 U.S. Attorneys stationed throughout the United States, Puerto Rico, the Virgin Islands, the Canal Zone, and Guam—one for each judicial district. Many states, such as Connecticut, Nebraska and Wyoming, constitute a single judicial district and thus are served by a single U.S. Attorney. Other more populous states are divided into several districts and may have as many as four U.S. Attorneys, as in New York, Texas, and California.

U.S. Attorneys are appointed by the President and confirmed by the Senate, for a term of four years. They and their Assistant U.S. Attorneys must be residents of the district to which they are appointed. The U.S. Attorneys' offices vary considerably in size; professional staffs range from one Assistant in the Guam office to over 150 in the District of Columbia office, with most offices employing between five and fifteen Assistants.

More than 1,500 Assistant U.S. Attorneys and over 1,700 support personnel assist the U.S. Attorneys in the preparation and argument of the vast majority of Federal cases. During Fiscal Year 1975, U.S. Attorneys' offices terminated over 46,000 criminal cases and

more than 33,000 civil cases. The average 30-plus hours per month spent in courtroom work by each Assistant added up to 536,493 man-hours spent before grand juries, trial and appellate courts, magistrates, and referees in bankruptcy, litigating civil and criminal matters involving frauds, narcotics, lands, tax, torts, etc. The types of litigation in which U.S. Attorneys and their Assistants become involved are as diverse as the interests of the U.S. Government.

Advocacy training at both the basic and advance levels is provided to Assistant U.S. Attorneys by the Attorney General's Advocacy Institute, a part of the Executive Office for United States Attorneys in Washington, D.C. The Institute provides a basic trial advocacy course designed to give junior attorneys the most realistic advocacy training possible, through lectures and mock trials presided over by Federal Dis-

trict Court judges, assisted by senior trial attorneys. Continuing legal education is also provided, on topics pertinent to the work of the Department of Justice.

For information concerning employment opportunities in the U.S. Attorney's offices, an applicant should write directly to the U.S. Attorney for the district in which he or she has an interest. All attorney recruitment is handled independently within each office.

* * *

For additional information about the Attorney General's Employment Program for Honor Law Graduates or other employment you may write or call Mr. Philip H. Modlin, Executive Assistant to the Deputy Attorney General, at the Department of Justice, Washington, D.C. 20530, telephone 202-737-8200.

END