

BENCHBOOK
FOR
UNITED STATES
DISTRICT JUDGES

PREPARED UNDER THE AUSPICES OF THE FEDERAL JUDICIAL CENTER
AFTER COMPILATION BY THE STAFF OF THE
INSTITUTE OF JUDICIAL ADMINISTRATION
UNDER THE SUPERVISION OF A COMMITTEE OF
UNITED STATES DISTRICT JUDGES

10/25/69

INTRODUCTION

This Bench Book was prepared, in response to a substantial demand, to provide United States District Judges with a quick-reference checklist covering points arising in their bench work. Each judge has his own style and his own local practices, and so will probably wish to make additions, deletions and modifications in what is suggested here. Ample space is provided for this purpose. And of course, not all of the procedures described herein are handled exclusively by the judge; some are frequently and even primarily performed by Commissioners and Magistrates.

In order to limit the size of the Bench Book, statutes and rules were omitted, as were copies of printed forms; and citations were held to a minimum.

The Federal Judicial Center contracted with the Institute of Judicial Administration to prepare a draft of the Bench Book under the supervision of a committee consisting of Hon. John F. Dooling, Jr. (E. D., N. Y.), Hon. Robert E. Maxwell (N. D., W. Va.), and Hon. Hubert L. Will (N. D., Ill.).

Personal bench books and other like materials which Federal Judges had prepared and often found useful in their bench work were sent to the Federal Judicial Center at its general request. This material, in addition to numerous suggestions for changes and additions received from 35 judges who used the book over a 30-day test period, form the basis of this compilation. Among the many judges who have contributed this inestimable service to the Center are:

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Winston E. Arnow, Alfred A. Arraj, Richard R. Austin, James F. Battin, William H. Becker, Robert C. Belloni, George H. Boldt, Hugh H. Bownes, Howard C. Bratton, Jean S. Breitenstein, Bailey Brown, Wesley E. Brown, Algernon L. Butler, William J. Campbell, G. Harold Carswell, James M. Carter, Herbert W. Christenberry, A. Sherman Christensen, Thurmond Clarke, Thomas J. Clary, Ben C. Connally, William Harold Cox, Thomas F. Croake, Edward M. Curran, John T. Curtin, Frederick A. Daugherty, Bernard M. Decker, John W. Delehant, Edward J. Devitt, John F. Dooling, Jr., James E. Doyle, William E. Doyle, Edward Dumbauld, Joe Ewing Estes, James T. Foley, Ralph M. Freeman, Eugene A. Gordon, Wallace S. Gourley, June A. Green, Sherrill Halbert, Pearson M. Hall, John B. Hannum, Roy W. Harper, Oren Harris, A. Andrew Hauk, Frederick J. R. Heebe, John O. Henderson, Walter E. Hoffman, Timothy S. Hogan, Frank A. Hooper, Edwin F. Hunter, Jr., Elmo B. Hunter, William J. Jameson, Frank M. Johnson, Jr., Woodrow W. Jones, Frank A. Kaufman, Irving R. Kaufman, William C. Keady, Fred Kunzel, Earl R. Larson, James L. Latchum, Alexander A. Lawrence, William J. Lindberg, William A. McRae, Jr., Thaddels M. Machnowick, Walter R. Mansfield, Abraham L. Marovitz, Rabe R. Marsh, Robert E. Maxwell, Lewis R. Morgan, Robert D. Morgan, William D. Murray, James L. Noel, Jr., John W. Peck, Milton Pollack, David S. Porter, Manuel L. Real, George S. Register, Edwin A. Robson, Alvin B. Rubin, Frank M. Scarlett, Russell E. Smith, Gus J. Solomon, Adrian A. Spears, Edwin M. Stanley, William E. Steckler, Edwin D. Steel, Jr., Albert Lee Stephens, Jr., Roy L. Stephenson, Sidney Sugarman, Dorwin W. Suttle,

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Fred M. Taylor, Robert L. Taylor, Bruce R. Thompson, Robert Van Pelt, James A. Walsh, Carl A. Weinman, Caleb M. White, H. E. Widener, Jr., Hubert L. Will, Paul X. Williams, Frank W. Wilson, Alfonso J. Zirpoli.

The draft sections of the Bench Book were originally prepared by the Institute. As they were compiled, copies were furnished the Judges Committee for changes, additions and complete re-editing. Several extended meetings of the Judges Committee, the staff assigned by the Institute and the Director of the Center were held and this final draft resulted. Primarily, it is the product of the Judges Committee.

The Center is grateful to Judges Dooling, Maxwell and Will, as well as the Institute, for their untiring work on the book. If it is found useful, the credit is due to their able leadership and devotion to the project. To them, the Institute and its staff, Professors Delmar Karlen, James T. Brennan, Messrs. Thomas G. Guszowski, Richard H. Reimer and Orville P. Sherwood, we extend our thanks and appreciation.

We commend the Bench Book to you. If in your use of it you find errors, omissions or needed changes, we would deeply appreciate your advising us so we may make any necessary corrections.

The Center will keep the Bench Book up to date by furnishing you looseleaf additions from time to time.

October 31, 1969

The Federal Judicial Center

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1.00 CRIMINAL PROCEEDINGS

INITIAL APPEARANCE
FRCrP 5

1. Inform defendant:
 - a. of the complaint against him and of any affidavit filed therewith;
 - b. of his right to employ counsel, or in the alternative to request the assignment of counsel if he is unable to employ counsel (*see* ASSIGNMENT OF COUNSEL Sec. 1.02, *infra.*);
 - c. of his right to have a preliminary examination, *FRCrP 5 (c)*;
 - d. that he is not required to make any statement;
 - e. that if he has made a statement, he need say no more;
 - f. that if he starts to make a statement, he may stop at any time [*cf* *Miranda v. Arizona*, 384 US 436 (1966)]; and
 - g. that any statement made by him may be used against him.
2. Allow defendant a reasonable opportunity to consult with counsel.
3. Set bail. (*See* BAIL Sec. 1.03, *infra.*)

ASSIGNMENT OF COUNSEL
18 USC 3006A
CJA Forms 2, 3a & 3b

1. Preliminary

a. Ask defendant:

- (1) his name;
- (2) his age;
- (3) the extent of his education and schooling;
- (4) if he is currently, or if he has recently been under the care of a physician or a psychiatrist, or if he has been hospitalized or treated for narcotic addiction;
- (5) if he has an attorney.

2. If defendant has no attorney:

a. inform defendant:

- (1) of his constitutional right to be represented by an attorney at every stage of the proceedings;
- (2) that if he is unable to afford an attorney, the court will appoint an attorney for him without cost to him, *18 USC 3006A*;
- (3) that he is not required to have an attorney if he does not so desire, but that it would be unwise for him to proceed without an attorney and why; and
- (4) of the offense with which he is charged;

b. ask defendant:

- (1) if he has any questions;
- (2) if he understands his right to an attorney;
- (3) if he wishes and is able to obtain counsel for himself; and
- (4) if he wants the court to appoint counsel for him.

3. If defendant wishes appointed counsel:

- a. have him complete CJA Form 2 or CJA Form 3a and 3b, if this has not already been done; and
- b. inform him that he is swearing to his answers to the questions on the form and that he may be penalized for perjury if he gives false information.

4. If defendant does not wish counsel:

- a. ask defendant:
 - (1) why he does not want an attorney;
 - (2) if any threats or promises have been made to him to induce him to waive his right to an attorney;
- b. tell defendant that the court cannot urge him too strongly to obtain an attorney.

NOTE: A type of public defender operation is functioning in the Northern District of Illinois (Chicago); the District of Arizona and the Southern and Northern Districts of California. Anyone interested in these operations may contact the Chief Judges of these districts.

BAIL
18 USC 3141-3150
FRCrP 12(b) (5), 32(a) (1), 38(a) (1), 42(b), 46

1. Preliminary

a. Ask defendant

- (1) his name;
- (2) his age;
- (3) if he has an attorney. If defendant is unrepresented by counsel, inform him of his right to counsel and appoint counsel if defendant qualifies. (*See* ASSIGNMENT OF COUNSEL Sec. 1.02, *supra*.)

2. Bail inquiry

- a. Obtain from U. S. Attorney or arresting officer information concerning the nature and circumstances of the alleged offense, the kinds and quantity of evidence against the accused, and his prior record.
- b. Examine Bail Reform Act questionnaire (Form No. 1) if used.
- c. If no questionnaire is employed, the following questions addressed to the defendant may be helpful:
 - (1) Are you married?
 - (2) Do you have any children?
 - (3) Are you living with your wife and/or children?
 - (4) Are you employed?
 - (5) How long have you been employed with your present employer?
 - (6) What is your average weekly or monthly take home pay?
 - (7) Do you own an automobile?
 - (8) Do you have a savings account, bonds, stocks, or similar liquid assets?
 - (9) Do you own or rent your home?

- (10) How long have you lived at your present address?
- (11) How long have you lived in this city (state) or the surrounding area?
- (12) Where did you live before that?
- (13) Do you own any other real property?
- (14) Do you have a telephone?
- (15) Do you possess a passport? [NOTE: The defendant might be asked to deposit his passport with the marshal (bailiff) as a condition of bail.]
- (16) Do you owe anyone any money, have to make any mortgage payments, time payments, or other periodic payments?
- (17) Are you regularly receiving medical treatment?
- (18) Have you ever been treated or hospitalized for mental illness?

4. Set Bail. *18 USC 3146*; Bail Reform Act Form No. 2.

a. State explicitly whether:

- (1) defendant may sign own bond without sureties;
- (2) sureties will be required;
- (3) a cash deposit will be required;
- (4) the defendant is being placed in the custody of a designated person or organization which has agreed to supervise him;
- (5) any restrictions are imposed on the travel, associations, or place of abode of the defendant;
- (6) the defendant is required to return to custody after specified hours; and
- (7) any other conditions are imposed (deemed reasonably necessary to assure the appearance of the defendant) *18 USC 3146(a)*.

- b. Execute Bail Reform Act, Form No. 2, and obtain defendant's acknowledgement on form.
- c. Explain to defendant:
 - (1) when he is to appear in court again or how he will be advised when next to appear in court;
 - (2) the consequences and possible penalties if he fails to appear or if he violates conditions of bail.
18 USC 3150.
- d. If defendant is ordered held without bail in a capital case or after conviction, state reason for denial of bail. *18 USC 3148.*

WAIVER OF INDICTMENT
FRCrP 6 & 7, FRCrP Form 18

NOTE: An offense which may be punishable by death must prosecuted by indictment and therefore precludes waiver of indictment under *FRCrP 7(a)*.

1. Preliminary

a. Ask defendant:

- (1) his name;
- (2) his age;
- (3) the extent of his education and schooling;
- (4) if he is currently, or if he has recently been under the care of a physician or a psychiatrist, or if he has been hospitalized or treated for narcotic addition;
- (5) if he has an attorney. If defendant is unrepresented by counsel, inform him of his right to counsel and appoint counsel if defendant qualifies. (*See* ASSIGNMENT OF COUNSEL Sec. 1.02, *supra*.)

2. Ask defendant if he has been furnished with a copy of the charge against him.

3. Explain to defendant in detail the charge against him.

4. Ask defendant if he understands the charge against him.

5. Inform defendant:

- a. that unless he waives indictment he may not be charged with a felony unless a grand jury finds by return of an indictment that there is probable cause to believe that a crime has been committed and that he committed it;
- b. that if he does not waive indictment, the government may present the case to the grand jury and request it to indict him;
- c. that a grand jury is composed of at least 16 and not more than 23 persons and that at least 12 grand jurors must find that there is probable cause to believe he

committed the crime with which he is charged before he may be indicted *FRCrP 6(a) & 6(f)*;

- d. that the grand jury might or might not indict him for the same or some other offense;
 - e. that if he waives indictment by the grand jury the case will proceed against him on the U. S. Attorney's information just as though he had been indicted.
6. Ask defendant:
- a. if he has discussed the matter of waiving his right to indictment by the grand jury with his attorney;
 - b. if he understands his right to indictment by a grand jury;
 - c. if any threats or promises have been made to induce him to waive indictment;
 - d. if he wishes to waive his right to indictment by a grand jury. *FRCrP 7(b)*.
7. Ask defense counsel if he sees any reason why the defendant should not waive indictment.
8. Ask defendant if he waives indictment. If he does:
- a. have defendant sign waiver of indictment form in open court (*FRCrP Form 18*); and enter an order and finding that the waiver is knowledgeably and voluntarily made and is accepted; and
 - b. proceed to arraignment on information. (*See ARRAIGNMENT AND PLEA-ADULT OFFENDERS Sec. 1.05 infra.*)
9. If defendant does not waive indictment:
- a. inquire of the U. S. Attorney whether it is the intention of the government to present the matter to the grand jury;
 - b. if so, continue or reset bail. (*See BAIL Sec. 1.03, infra.*)
 - c. if not, discharge defendant.

ARRAIGNMENT AND PLEA-ADULT OFFENDERS
FRCrP 10 & 11

1. Ask defendant:
 - a. his name;
 - b. his age (if under 26, *see* ARRAIGNMENT AND PLEA-YOUTH OFFENDERS AND YOUNG ADULT OFFENDERS Sec. 1.06, *infra.*);
 - c. the extent of his education and schooling;
 - d. if he is currently, or if he has recently been under the care of a physician or a psychiatrist, or if he has been hospitalized or treated for narcotic addiction; how does he feel physically today;
 - e. if he has an attorney (if he has none, *see* ASSIGNMENT OF COUNSEL Sec. 1.02, *supra.*)
 - f. if he has received a copy of the indictment (information);
 - g. if he has had time to consult with his attorney;
 - h. if he is satisfied with his attorney (only if counsel is court-appointed);
 - i. if he wants the indictment (information) read or if he will waive the reading of the indictment (information).
2. Have indictment (information) read if defendant desires.
3. Ask defendant:
 - a. if he is ready to plead;
 - b. what is his plea. *FRCrP 10.*
4. If defendant's plea is not guilty:
 - a. set date for post-arraignment motions (*see* OMNIBUS HEARING Sec. 4.01, *infra.*) or trial; and
 - b. continue or reset bail. (*See* BAIL Sec. 1.03, *supra.*)

5. If defendant's plea is guilty or nolo contendere:
[*FRCrP 11; McCarthy v. United States, 394 U.S. 459 (1969).*]
 - a. before accepting plea:
 - (1) ascertain and make finding that defendant:
 - (a) is acting voluntarily (if in doubt, consider whether the defendant should be committed to a hospital for a mental examination, *18 USC 4244*);
 - (b) fully understands his rights;
 - (c) fully understands the consequences of his plea;
 - (d) is in fact guilty;
 - (2) explain and ask defendant if he understands:
 - (a) that the court need not accept his plea unless satisfied of defendant's guilt and that defendant fully understands his rights;
 - (b) that if he pleads not guilty he would be entitled to a speedy and public trial by a judge or jury;
 - (c) that at such trial the government would have to confront him with the witnesses upon whose testimony it relied to obtain a conviction, and he would have the right to cross-examine these witnesses;
 - (d) that at such trial he would be presumed innocent until such time, if ever, as the government established his guilt by competent evidence to the satisfaction of the judge or jury beyond a reasonable doubt;
 - (e) that at such a trial he would be entitled to compulsory process to call witnesses;
 - (f) the nature and essential elements of the charge to which he is pleading;

- (g) the range of penalties to which he is subjecting himself by his plea including the maximum sentence (*see* CRIMES AND PENALTIES Sec. 6.00, *infra.*);
 - (h) that if he is pleading nolo contendere a finding of guilty will be entered upon the acceptance of his plea.
- (3) ask defendant:
 - (a) if any threats or promises have been made to induce him to plead guilty (nolo contendere);
 - (b) if he believes there is any understanding or if any predictions have been made to him concerning the sentence he will receive;
 - (c) if he committed the offense (if plea is nolo contendere, omit);
 - (d) just what he did (obtain admission of necessary acts, knowledge, and intent);
 - (e) if he still wishes to plead guilty (nolo contendere);
 - (f) any additional questions required by the circumstances.
- (4) ask defense counsel if he knows any reason why defendant should not plead guilty (nolo contendere);
- b. accept or reject plea;
- c. if plea is rejected, or if defendant refuses to plead, enter a plea of not guilty and set date for trial;
- d. if plea is accepted, enter an order to that, finding that the plea is knowledgeable, voluntary and has a basis in fact that contains all the elements of the crime and is therefore accepted; and, after determining whether a presentence report should be prepared, proceed as appropriate:
 - (1) to sentence immediately;
 - (2) order preparation of presentence report;

- (3) set date for sentencing;
- (4) inform defendant when he is to appear in court again or how he will be advised when next to appear in court;
- e. continue or reset bail. (*See* BAIL Sec. 1.03, *supra.*)

ARRAIGNMENT AND PLEAS
YOUTH OFFENDERS AND YOUNG ADULT OFFENDERS
18 USC 5005-5025 and 4209

1. Ask defendant:

- a. his name;
- b. his age;

[NOTE: A YOUTH OFFENDER is defined as a person under the age of 22 years at the time of conviction. 18 USC 5006(e), (h).

A YOUNG ADULT OFFENDER is defined as a person who has attained his 22nd birthday - but has not attained his 26th birthday at the time of conviction. 18 USC 4209.

NOTE ALSO: Where a mandatory penalty is provided, a Young Adult Offender may not be sentenced under the Youth Corrections Act. Pub. L. 85-752, Sec. 7.]

- c. the extent of his education and schooling;
- d. if he is currently, or if he has recently been under the care of a physician or a psychiatrist, or if he has been hospitalized or treated for narcotic addiction;
- e. if he has an attorney (if he has none, *see* ASSIGNMENT OF COUNSEL Sec. 1.02, *supra.*);
- f. if he has received a copy of the indictment (information);
- g. if he has had time to consult with his attorney;
- h. if he is satisfied with his attorney (only if counsel is court-appointed);
- i. if he wants the indictment (information) read or if he will waive the reading of the indictment (information).

2. Have indictment (information) read if defendant desires.

3. Ask defendant:

- a. if he is ready to plead;
- b. what is his plea. *FRCrP 10.*

4. If defendant's plea is not guilty:
 - a. set date for post-arraignment motions or trial (*see* OMNIBUS HEARING Sec. 4.01, *infra.*; and
 - b. continue or reset bail. (*See* BAIL Sec. 1.03, *supra.*)
5. If defendant's plea is guilty or nolo contendere:
[*FRCrP 11; McCarthy v. United States, 394 U.S. 459 (1969)*]
 - a. before accepting plea:
 - (1) ascertain and make finding that defendant:
 - (a) is acting voluntarily (if in doubt, consider whether the defendant should be committed to a hospital for a mental examination, *18 USC 4244*);
 - (b) fully understands his rights;
 - (c) fully understands the consequences of his plea;
 - (d) is in fact guilty;
 - (2) explain and ask defendant if he understands:
 - (a) that the court need not accept his plea unless satisfied of defendant's guilt and that defendant fully understands his rights;
 - (b) that if he pleads not guilty he would be entitled to a speedy and public trial by a judge or jury;
 - (c) that at such trial the government would have to confront him with the witnesses upon whose testimony it relied to obtain a conviction, and he would have the right to cross-examine these witnesses;
 - (d) that at such trial he would be presumed innocent until such time, if ever, as the government established his guilt by competent evidence to the satisfaction of the judge or jury beyond a reasonable doubt;
 - (e) that at such trial he would be entitled to compulsory process to call witnesses;

- (f) the nature and essential elements of the charge to which he is pleading;
- (g) that the maximum penalty provided by law for the offense with which he is charged is _____ (see CRIMES AND PENALTIES Sec. 6.00, *infra.*);

NOTE: If it is clearly apparent that the defendant does not merit treatment as a Youth Offender, proceed to (3), this Section.

- (h) that he may be sentenced under the Youth Corrections Act if the court finds that there is reason to believe that the defendant will benefit from the treatment provided under the Act, 18 USC 5010 (b);
- (i) that he need not be sentenced under the Youth Corrections Act but may, in the discretion of the court, receive the maximum penalty provided by law for the offense with which he is charged, 18 USC 5010(d);
- (j) that he may receive an indefinite sentence under the Youth Corrections Act and in some circumstances he might be kept in custody or under supervision for as long as 6 years even though the maximum penalty under the statute for the offense with which he is charged may be less but in any event he would be required to be released conditionally on or before the expiration of four years from the date of his conviction, 18 USC 5010(b), 5017(c);
- (k) that he may receive an indefinite sentence under the Youth Corrections Act for any term not in excess of the maximum provided by statute for the offense with which he is charged; and in this event he may be released conditionally at least 2 years before the end of the sentence imposed, and he may be discharged unconditionally 1 year after his conditional release, and he must be released unconditionally not later than at the expiration of the maximum sentence imposed, 18 USC 5010(c), 5017(d);

(1) the general nature of custodial training available under the Youth Corrections Act at federal youth centers; (*see* FEDERAL YOUTH CENTERS, Sec. 5.11, *infra.*);

/1/ a federal youth center to which he would be sent if sentenced under the Youth Corrections Act is different from a regular prison;

/2/ at such a center he would be with a relatively small group of boys approximately his own age;

/3/ vocational training is mandatory for all;

/4/ educational courses are available to all and mandatory for all those who have not achieved a sixth grade level of education;

/5/ the physical facilities of the federal youth centers are modern;

/6/ living quarters are generally barracks-style dormitories;

/7/ generally there is a substantial amount of personal freedom and freedom of movement within the institution;

/8/ lounges and libraries are available as well as sports and other recreational opportunities;

/9/ that in the event he were to become a disciplinary problem at a Youth Center he might be transferred to a regular penal institution;

(m) that if he is sentenced under the Youth Corrections Act his conviction will be automatically set aside upon his unconditional discharge from commitment or probation prior to the expiration of the term imposed upon him *18 USC 5021*; and that while this will not undo the fact of his conviction, it will remove certain occupational disabilities and restore him to the full enjoyment of certain civil rights;

- (n) that if he is pleading nolo contendere a finding of guilty will be entered upon the acceptance of his plea;
- (3) ask defendant:
 - (a) if any threats or promises have been made to induce him to plead guilty (nolo contendere);
 - (b) if he believes there is any understanding or if any predictions have been made to him concerning the sentence he will receive;
 - (c) if he committed the offense (if plea is nolo contendere, omit);
 - (d) just what he did (obtain admission of necessary acts, knowledge, and intent);
 - (e) if he still wishes to plead guilty (nolo contendere);
 - (f) if he wishes to be considered for treatment under the Youth Corrections Act;
 - (g) any additional questions required by the circumstances;
- (4) ask defense counsel if he knows any reason why defendant should not plead guilty (nolo contendere);
- b. accept or reject plea;
- c. if plea is rejected, or if defendant refused to plead, enter a plea of not guilty and set date for trial;
- d. if plea is accepted, determine whether a presentence report should be prepared and as appropriate:
 - (1) proceed to sentence immediately;
 - (2) order preparation of presentence report;
 - (3) set date for sentencing;
 - (4) inform defendant when he is to appear in court again or how he will be advised when next to appear in court;
- e. continue or reset bail. (*See* BAIL Sec. 1.03, *supra*.)

PROCEEDINGS AGAINST JUVENILES
18 USC 5001-5003, 5031-5035

1. Definitions

- a. A JUVENILE is a person who has not attained his 18th birthday at the time the alleged offense was committed. 18 USC 5031; It has been held in *U.S. v. Fotto*, 103 F.Supp. 430, that this refers to the time when the alleged offense was committed.
- b. JUVENILE DELINQUENCY is the violation of a law of the United States committed by a juvenile and not punishable by death or life imprisonment. 18 USC 5031.

2. Initial appearance

- a. Ask juvenile:
 - (1) his name;
 - (2) his age;
 - (3) the extent of his education and schooling;
 - (4) if he is currently, or if he has recently been under the care of a physician or a psychiatrist, or if he has been hospitalized or treated for narcotic addiction;
 - (5) if his parents are present;
 - (6) if he is represented by counsel.
- b. Inform juvenile:
 - (1) of charge against him;
 - (2) of his right to counsel (*see* ASSIGNMENT OF COUNSEL Sec. 1.02, *supra.*);
 - (3) of his right to remain silent;
 - (4) that any statement he makes may be used against him;
 - (5) that if he starts to make a statement, he may stop at any time [*cf* *Miranda v. Arizona*, 384 US 436 (1966)];

- (6) that if he consents he may be proceeded against as a juvenile unless the government objects, *18 USC 5032*;
- (7) that if he consents to be proceeded against as a juvenile:
 - (a) he may be committed for a period not exceeding his minority; but
 - (b) he may not receive a greater sentence than that authorized by statute for the offense he is alleged to have committed, *18 USC 5034*;
 - (c) should he be found to be a juvenile delinquent he will not receive a criminal record or lose his civil rights;
 - (d) he will not be indicted by a grand jury nor entitled to a trial by jury, *18 USC 5033*;
 - [NOTE: But see *Nieves v. United States*, 280 F Supp 994 (SDNY 1968) holding that the Federal Juvenile Delinquency Act was unconstitutional to the extent that it requires a juvenile to waive his right to a jury trial in order to be proceeded against under the Act. This question has not reached U. S. Supreme Court]; and
 - (e) he will have the right to confront and cross-examine the witnesses against him and to present witnesses in his own behalf;
- (8) that if he does not consent to be proceeded against as a juvenile:
 - (a) he may be proceeded against like a youth offender; or
 - (b) the United States Attorney may decline to prosecute him and may turn him over to state authorities, *18 USC 5001*; and
- (9) that if he is proceeded against in the federal courts like a youth offender:

- (a) he will be entitled to the same procedure as is afforded youth offenders (*see* ARRAIGNMENT AND PLEA-YOUTH OFFENDERS AND YOUNG ADULT OFFENDERS Sec. 1.06, *supra.*);
- (b) he may receive an indefinite sentence under the Youth Corrections Act and in some circumstances he might be kept in custody or under supervision for as long as 6 years even though under the Juvenile Delinquency Act he could not receive a sentence exceeding his minority or that authorized by statute for the offense with which he is charged; but if sentenced under this provision of the Youth Corrections Act, he would be required to be released conditionally on or before the expiration of four years from the date of his conviction, 18 USC 5010(b), 5017(c), 5034;
- (c) he may receive an indefinite sentence under the Youth Corrections Act for any term not in excess of the maximum provided by statute for the offense with which he is charged even though this term might extend beyond the period of his minority and even though under the Juvenile Delinquency Act he could not receive a sentence exceeding his minority; but if sentenced under this provision of the Youth Corrections Act, he may be released conditionally at any time and must be released conditionally at least 2 years before the end of the sentence imposed, and he may be discharged unconditionally not later than at the expiration of the maximum sentence imposed, 18 USC 5034, 5010(c), 5017(d);
- (d) if sentenced, he may be sent to the same correctional institution to which he would have been sent to had he elected to be proceeded against as a juvenile.

c. Ask juvenile:

- (1) if he is ready to decide whether he wishes to be proceeded against as a juvenile; or

- (2) if he wants more time to consider whether or not he wishes to be proceeded against as a juvenile.
 - d. If juvenile is not ready to decide whether he wishes to be proceeded against as a juvenile:
 - (1) grant such continuance as may be necessary in order to permit the juvenile to consult with an attorney and his parents in order that he may understandingly give his written consent to be proceeded against as a juvenile.
 - (2) set bail if not previously set, *18 USC 5035*:
 - (a) ask juvenile -
 - /1/ Do you live with your parents?
 - /2/ Do you attend school?
 - /3/ Do you have a job?
 - /4/ Do you want to be released in the custody of your parents (relative) until your hearing?
 - (b) *also see* BAIL Sec. 1.03, *supra*.
 - e. If juvenile is ready to decide whether he wishes to be proceeded against as a juvenile proceed as in part 3 below.
3. Juvenile's decision whether to be proceeded against under the Juvenile Delinquency Act
- a. Ascertain if juvenile's parents (guardian) are present.
 - b. Ask juvenile:
 - (1) if he is represented by counsel;
 - (2) if he and his parents are satisfied with his attorney (only if court-appointed);
 - (3) if he and his parents have previously received a written copy of the issues.
 - c. Inform juvenile:
 - (1) of his right to consent to be proceeded against as a juvenile;

- (2) that once he voluntarily consents to be proceeded against as a juvenile, he will not later be able to change his mind.
- d. Ask juvenile:
 - (1) if he has discussed the matter of consenting to be proceeded against as a juvenile with his parents and his attorney;
 - (2) if he understands:
 - (a) the nature of the charge against him;
 - (b) his right to be proceeded against as a youth offender, with indictment by grand jury and trial by jury;
 - (c) his alternative rights under the Juvenile Delinquency Act;
 - (3) if any promises or threats have been made to induce him to consent to be proceeded against as a juvenile;
 - (4) if he consents to be proceeded against as a juvenile.
- e. Ask juvenile's counsel if he sees any reason for the juvenile not to consent to be proceeded against as a juvenile.
- f. If juvenile consents to be proceeded against as a juvenile, have him sign consent form USA No. 15 in open court.
- g. If juvenile does not consent to be proceeded against as a juvenile:
 - (1) inform him that the U. S. Attorney may prosecute him or surrender him to state authorities; *18 USC 5001*; and
 - (2) set bail if none has previously been set, or remand to custody. (*See* paragraph 2.d.(2), this Section, *supra.*)

OFFENSE COMMITTED IN ANOTHER DISTRICT
FRCrP 20

1. Ask defendant:
 - a. his name, and
 - b. his age;
 - c. the extent of his education and schooling;
 - d. if he is currently, or if he has recently been under the care of a physician or a psychiatrist, or if he has been hospitalized or treated for narcotic addiction;
 - e. if he has an attorney. (If defendant is not represented by counsel, inform him of his right to counsel and appoint counsel if he qualifies. *See* ASSIGNMENT OF COUNSEL Sec. 1.02, *supra*.)
2. Examine defendant's written statement that he wishes to plead and be sentenced in district where he is held.
3. Examine consents of United States' Attorneys.
4. Obtain waiver of indictment if required. (*See* WAIVER OF INDICTMENT Sec. 1.04, *supra*.)
5. Explain to defendant that his case cannot be handled in this court unless he wishes to plead guilty or nolo contendere.
NOTE: for Juveniles, *see* 18 USC 5031 and FRCrP 20 (d).
6. Ask defendant whether he has consented in writing to:
 - (1) plead guilty or nolo contendere;
 - (2) waive proceedings in the district in which the crime was allegedly committed;
 - (3) be proceeded against in this court.
7. Explain to defendant and ask if he understands that:
 - (1) he has a right to be tried in the district where the crime is alleged to have been committed;
 - (2) he cannot be convicted or sentenced in this court unless he gives his consent freely;

- (3) if he does not consent to be proceeded against in this court, he may be proceeded against in the district in which the crime was allegedly committed.

8. Take plea.

NOTE: All points should be covered in taking plea as in ordinary arraignment. *See* relevant portions of ARRAIGNMENT AND PLEA-ADULT OFFENDERS Sec. 1.05, *supra*.

REMOVAL TO A DISTANT DISTRICT
FRCrP 40(b)

1. Ask defendant if he has an attorney. (If defendant is not represented by counsel, inform him of his right to counsel and appoint counsel if he qualifies. (*See* ASSIGNMENT OF COUNSEL Sec. 1.02, *supra*.)
2. Ascertain from U. S. Attorney or arresting officer:
 - a. where the alleged crime was committed;
 - b. whether the arrest was with or without a warrant;
 - c. whether the warrant was based upon an indictment or information.
3. Have defendant identified.
4. Inform defendant of his rights. *FRCrP 40(b)(2)*, 5(b). (*See* INITIAL APPEARANCE Sec. 1.01, *supra*.)
5. Explain and ask defendant if he understands:
 - a. what a warrant of removal is;
 - b. his right to a hearing;
 - c. that he may waive this right;
 - d. that if he does not waive this hearing:
 - (1) if prosecution is by indictment, the prosecution must establish that the defendant is the person named in the indictment (of which a certified copy must be produced);
 - (2) if prosecution is by complaint or information, the prosecution must establish that there is probable cause to believe that the defendant is guilty of the offense therein charged;

- (3) if the arrest was without a warrant the prosecution must establish probable cause to believe the defendant is guilty of the offense charged, in which event the hearing may be continued for a reasonable time until a warrant is obtained from the district in which the offense was committed.
 - e. that at this hearing he will not be required to testify;
 - f. that at this hearing he may cross-examine the witnesses against him;
 - g. that he may introduce evidence at this hearing in his own behalf; and
 - h. that if the prosecution fails to establish probable cause, he will be discharged.
6. Continuance
- a. A continuance may be necessary if the defendant wishes to obtain an attorney, if the defendant fails to waive the hearing on removal, or if either the U. S. Attorney or the defendant requires time to prepare for the hearing.
 - b. Set bail. (*See* BAIL Sec. 1.03, *supra.*)
7. Procedure for accepting waiver of hearing on removal
- a. Ask defendant:
 - (1) if he has discussed the waiver of his right to a hearing on removal with his attorney;
 - (2) if he understands his right to a hearing on removal;
 - (3) if he understands the nature of the charges against him;
 - (4) if he understands the consequences of his waiver of a hearing on removal;
 - (5) if any threats or promises have been made by anyone to induce him to waive his right to a hearing;

(6) if he wishes to waive his right to a hearing.

b. Have defendant sign a waiver of hearing on removal.

8. Hearing on removal

- a. If defendant does not waive hearing, proceed with hearing. (If warrant is based on indictment, the hearing is limited to the issue of identity. If warrant is based on complaint or information, the issues at the hearing are both identity and probable cause.)
- b. After hearing, issue warrant of removal or discharge defendant.
- c. If warrant of removal is issued, set bail or continue bail previously set. (*See* BAIL Sec. 1.03, *supra.*)

TRIAL OUTLINE

1. Determine if counsel are ready to proceed with the trial. [NOTE: Reasonable discretion should be exercised in the granting of repeated continuances requested by defendant because of differences with his attorney, or because the defendant wishes to obtain new counsel.]
2. Jury is selected. (*See* JURY SELECTION Sec. 1.11, *infra.*)
3. Give preliminary instructions to the jury. (*See* PRELIMINARY INSTRUCTIONS Sec. 1.13, *infra.*)
4. Ascertain whether any party wishes to invoke the rule to exclude witnesses scheduled to testify in the case from the courtroom.
5. Hear motions made or deferred until this time.
6. Government counsel makes opening statement.
7. Defense counsel makes opening statement.
8. Government counsel calls witnesses. (*See* *FRCrP* 28 concerning expert witnesses and interpreters.)
9. Government rests.
10. Motion for judgment of acquittal. *FRCrP* 29(a).
11. Defense counsel calls witnesses for the defense.
12. Defense rests.
13. Counsel call reply and rebuttal witnesses.
14. Government rests on its entire case.
15. Defense rests on its entire case.
16. Motion for judgment of acquittal. *FRCrP* 29(a), (b).
17. Consider requests for instructions from counsel. *FRCrP* 30.
18. Rule on counsel's requests for instructions and inform counsel as to the substance of the court's charge out of hearing of the jury. *FRCrP* 30.

19. Closing arguments by counsel.
20. Charge the jury. (*See* GENERAL INSTRUCTIONS AT END OF CASE Sec. 1.14, *infra.*) *FRCrP* 30.
21. Pass on objections to the charge and make any appropriate additional charge. *FRCrP* 30.
22. Request counsel to decide which exhibits they desire to be sent to the jury room.
23. Place deputy U. S. Marshal under oath to attend the jury. (*See* OATHS Sec. 5.01, *infra.*)
24. Have the clerk give the jury the exhibits and the verdict forms (if used).
25. Instruct the jury to go to the jury room and commence its deliberations.
26. Excuse and thank alternate jurors. *FRCrP* 24(c).
27. Recess court during the jury deliberations.
28. Answer any questions submitted by jury (in writing) and give any appropriate additional instructions. (*See* GENERAL INSTRUCTIONS AT END OF CASE Sec. 1.14, *infra.*)
29. If the jury fails to arrive at a verdict before the conclusion of the first day's deliberations, provide either for their overnight sequestration or secure the written consent of the defendant(s) and all counsel to the jury's separation and admonish the jurors as to their conduct and fix the time for their return to resume deliberations.
30. If the jury cannot agree on a verdict, declare a mistrial. *FRCrP* 31(d).
31. When the jury has agreed upon a verdict, reconvene court and take the verdict. (*See* VERDICT Sec. 1.15, *infra.*)
32. Poll the jury upon demand of either party. (In some districts all 12 jurors sign the verdict.) (*See* VERDICT Sec. 1.15, *infra.*) *FRCrP* 31(d).
33. Thank and discharge the jury.

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34. If the verdict is "not guilty," discharge the defendant.
35. Entertain any motion for acquittal. *FRCrP 29(c)*.
36. If the defendant has been found guilty, order him bound over to the custody of the U.S. Marshal unless the defendant has been admitted to bail and bail is to be continued until he is sentenced. *FRCrP 32(a)*.
37. Adjourn or recess court.

JURY SELECTION
28 USC SECTIONS 1861-1874
FRCrP 24

Note: This section may require alteration in order to conform to the local plan for selecting jurors as it contemplates a procedure in which the jury box is filled with 12 jurors and additional veniremen are present in the courtroom. Some courts may prefer to fill the jury box with 12 jurors plus an additional number of jurors equal to the number of peremptory challenges available to all defendants and the government. And some courts may prefer to select the regular and alternate jurors at the same time.

1. Ascertain that defendant is present. *FRCrP 43*.
2. Attempt to secure consent (written) to a jury composed of less than 12 jurors. *FRCrP 23(b)*. (Recommendation of Judicial Conference of U.S.)
3. Have clerk call roll of veniremen.
4. Have clerk administer voir dire oath to the entire panel.
5. Fill the jury box.
6. Instruct all jurors whether in the jury box or not to listen to the questions and statements of the court.
7. State: "This is a criminal case and comes before you by reason of an indictment (information)."
8. Read or explain the indictment (information).
9. State that the defendant has pleaded not guilty and has thereby raised issues of fact to be tried by a jury.
10. Instruct the jurors:
 - a. that the indictment returned by the Grand Jury (information filed by the U.S. Attorney) is a formal document which the government uses to commence its charge against the defendant and upon which it brings its case into court and that the indictment serves no other trial purpose whatsoever. The sole purpose of an indictment (information) is to serve as an accusation or charge which the United States makes against the defendant. It serves to inform the defendant of the crime with which he is charged;

- b. that the indictment (information) is not evidence against the accused and affords no inference of guilt; and
 - c. that the government has the burden of proof to establish guilt beyond a reasonable doubt.
- 11. Inform the jurors of the nature and purpose of the voir dire.
- 12. Explain the voir dire procedure to be employed.
- 13. If additional challenges are to be allowed, inform counsel for multiple defendants of the number of additional peremptory challenges allowed and whether the peremptory challenges may be exercised separately or must be exercised jointly. *FRCrP 24(b)*.
- 14. Conduct voir dire examination of panel. (*See* STANDARD VOIR DIRE Sec. 1.12, *infra*.)
- 15. Pass on all challenges for cause. *28 USC 1870*.
- 16. Allow parties to exercise peremptory challenges. *FRCrP 24*.
- 17. Since parties may stipulate that a jury may consist of less than 12 (Rule 23(b)), obtain an agreement to accept a unanimous verdict of less than 12 jurors, or, if this is refused, direct the selection of alternate jurors. *FRCrP 23(b)*, *FRCrP 24(c)*.
- 18. Direct clerk to swear in the regular and alternate jurors selected. (*See* OATHS Sec. 5.01, *infra*.)
- 19. Thank and excuse veniremen not selected for jury duty.

STANDARD VOIR DIRE QUESTIONS

Note: This section assumes that the court will conduct the voir dire examination, 12 jurors will be placed in the jury box, and the remaining prospective members of the jury will be present in the courtroom.

1. Instruct all prospective jurors whether or not in the jury box to listen to the questions and statements of the court.
2. The information called for by the following questions should have been obtained in questionnaires directed to the jurors before the panel was called and may be furnished to counsel prior to commencing the voir dire. If the information has not been furnished to counsel, the following questions should be asked of each juror in the jury box:
 - a. Beginning with the first juror, Mr. _____, please state so that the court and counsel can hear you:
 - (1) your name;
 - (2) the spelling of your last name;
 - (3) your present address;
 - (4) the addresses at which you have resided during the past five years;
 - (5) your present occupation and the name and address of your employer;
 - (6) your employment for the past five years;
 - (7) if retired:
 - (a) your former occupation;
 - (b) how long you have been retired;
 - (c) your employment for the five years preceding retirement.
 - (8) if you are married, please give the employment of your spouse for the past five years;
 - (9) please give a similar employment history of any other person who has resided with you during the past five years.

3. Suggested questions for the entire prospective jury panel, anticipating negative answers: (These may be supplemented by questions submitted in advance by counsel.)

(Each member of the panel in the jury box is requested to raise his hand if his answer to any question is YES. He is then questioned individually, and excused or not as appears proper.)

- a. (Request defendants to rise and identify them.) Are you personally acquainted with any of the defendants, related to them by blood or marriage, or do you or any member of your immediate family have any connection of any kind with any of the defendants?
- b. (If the defendant is a corporation) Are you an officer, director, stockholder or employee of _____?
- c. (Request counsel to rise and introduce them.) Do you know or are you related by blood or marriage to counsel for the government or any of the defendants?
- d. Has any lawyer in this case acted as your attorney or the attorney for any of your immediate family or close friends to your knowledge?
- e. Have you ever served as a juror in a criminal or a civil case, or as a member of a grand jury, either in the federal or state courts?
- f. Have you or your family ever been the victim of a crime or participated in a criminal case as a complainant, witness for the government or in some other capacity?
- g. Have you or your family ever participated in a criminal case as a defendant, witness for the defense, or in some other capacity?
- h. Do you of your own knowledge know anything at all about the facts of this case?
- i. Do you remember having read or heard anything about this case?
- j. Have you an opinion as to the guilt or innocence of any of the defendants of any of the charges contained in the indictment at this time or have you ever expressed an opinion as to the guilt or innocence of any of the defendants?

- k. Has anyone talked to you about this case?
- l. Have you or any of your immediate family or any of your close personal friends ever served as law enforcement officers?
- m. Are you or have you ever been an official or employee of the United States Government?
- n. Is or has any member of your immediate family ever been an official or employee of the United States Government?
- o. Do you or does any member of your immediate family have any dealings with the United States Government, or any of its agencies, or with any of the defendants from which you might profit?
- p. Have you ever had, or do you now have, or do you presently anticipate having, any case or dispute with, or claim against, the United States Government or any of the defendants?
- q. Do you know of any reason why you may be prejudiced for or against the government or any of the defendants because of the nature of the charges or otherwise?
- r. Do you have any belief or opinion that any of the offenses with which any of the defendants are charged are unique in any respect, in the sense that they should be pursued with extraordinary vigor, or that they shouldn't constitute an offense, or that they carry penalties which you may consider improper?
- s. (Capital cases only.) Do you have conscientious scruples against capital punishment? (In the event of an affirmative answer, individual questioning should follow the guidelines set forth in *Witherspoon v. Illinois*, 391 US 510 (1968).)
- t. If you were the U. S. Attorney charged with the responsibility for prosecuting this case, or if you were any of the defendants on trial here today charged with the same offenses, or their counsel, do you know of any reason why you would not be content to have your case tried by someone in your frame of mind?

- u. (In protracted cases only.) Would you object to sitting on a lengthy case which might last (considerably) beyond your term of jury duty?
 - v. If you are selected to sit on this case, will you be unable or unwilling to render a verdict solely on the evidence presented at the trial and the law as I give it to you in my instructions, disregarding any other ideas, notions, or beliefs about the law you may have encountered in reaching your verdict?
 - w. Can you think of any other matter which you should call to the court's attention which may have some bearing on your qualifications as a juror, or which may prevent your rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?
4. Counsel may submit further questions in writing.
5. If any juror is excused, the venireman who replaces him should be asked:
- a. The personal identification, residence and employment history questions set forth in part 2 above.
 - b. Did you hear and pay close attention to the questions asked by the court (counsel)?
 - c. Would you have answered yes to any of these questions?
- () If YES, to which question or questions?

PRELIMINARY INSTRUCTIONS

1. Preliminary instructions to jury to be given prior to opening statements.
 - a. This case will proceed in the following order -
 - (1) The government may make an opening statement outlining its case.
 - (2) Then the defendant may make an opening statement outlining his case.
 - (3) Neither party is required to make an opening statement.
 - (4) The opening statements are not evidence but are merely to aid you in generally understanding the nature of the case and the significance of evidence when it is introduced.
 - (5) After the opening statements, if any are made, the government will introduce evidence.
 - (6) At the conclusion of the government's evidence, the defendant has the right to introduce evidence. However, he need not do so.
 - (7) Rebuttal evidence may be introduced.
 - (8) At the conclusion of all the evidence, the attorneys may make their closing arguments to you.
 - b. Faithful performance by you of your duties is vital to the administration of justice.
 - c. The law applicable to this case will be contained in the instructions I give you during the course of the trial, and it is your duty to follow all such instructions.
 - d. It is your duty to determine the facts and to determine them from the evidence and the reasonable inferences arising from such evidence, and in so doing you must not indulge in guesswork or speculation.

- e. The evidence which you are to consider consists of the testimony of witnesses and the exhibits admitted in evidence. The term "witness" means anyone who testifies in person or by deposition, including the defendant. The admission of evidence in court is governed by rules of law. From time to time it may be the duty of the attorneys to make objections and my duty as judge to rule on those objections and whether you can consider certain evidence. You must not concern yourself with the objections or the court's reasons for these rulings. You must not consider testimony or exhibits to which an objection was sustained or which has been ordered stricken.
- f. Opening statements and closing arguments of the attorneys are intended to help you in understanding the evidence and applying the law, but they are not evidence.
- g. You must not be influenced in any degree by any personal feeling of sympathy for, or prejudice against, the government or any of the defendants in this case, for each is entitled to the same fair and impartial consideration.
- h. No statement or ruling or remark which I may make during the presentation of testimony is intended to indicate my opinion as to what the facts are. You are to determine the facts. In this determination, you alone must decide upon the believability of the evidence and its weight and value. In considering the weight and value of the testimony of any witness you may take into consideration the appearance, attitude and behavior of the witness, the interest of the witness in the outcome of the case, the relation of the witness to the government or any of the defendants, the inclination of a witness to speak truthfully or not, the probability or improbability of the witness' statements, and all other facts and circumstances in evidence. Thus, you may give the testimony of any witness just such weight and value as you may believe the testimony of such witness is entitled to receive.
- i. Until this case is submitted to you for your deliberation, you must not discuss this case with anyone or remain within hearing of anyone discussing it. Neither should you read any newspaper article, listen to any radio broadcast, nor view any television program which discusses the case. After this case has been submitted to you, you must discuss this case only in the jury room when all members of the jury are present. You are to keep an open mind and you must not decide any issue in this case until the case is submitted to you for your deliberation under the instructions of the court.

GENERAL INSTRUCTIONS AT END OF CASE

Note: These instructions are of a general nature and not designed for specific cases. Numerous instructions are contained in Le Buy, *Manual on Jury Instructions on Federal Criminal Cases*, 36 FRD 457 and 33 FRD 523; Mathes, *Jury Instructions and Forms for Federal Criminal Cases*, 27 FRD 39; Mathes and Devitt, *Federal Jury Practice and Instructions*; Brenner, *Selected Jury Instruction Forms in an SEC Criminal Case*, 41 FRD 93. See also Devitt, *Ten Practical Suggestions about Federal Jury Instructions*, 38 FRD 75. The Center will issue a separate book detailing instructions in specific categories of cases.

1. Instructions concerning manner of deliberation to be given before the jury retires.
 - a. In order to return a verdict, each juror must agree thereto.
 - b. Jurors have a duty to consult with one another to deliberate with a view to reaching an agreement, if it can be done without violence to individual judgment.
 - c. Each juror must decide the case for himself, but only after an impartial consideration of the evidence with his fellow jurors.
 - d. In the course of deliberations, a juror should not hesitate to re-examine his own views and change his opinion if convinced it is erroneous.
 - e. No juror should surrender his honest conviction as to the weight or effect of the evidence solely because of the opinion of his fellow jurors, or for the mere purpose of returning a verdict.

NOTE: If necessary, this charge may be repeated to a jury which has not reached agreement upon a verdict.

Source: *ABA Minimum Standards Relating to Trial by Jury*, Sec. 5.4.

2. If verdict forms are to be employed, explain them to the jury and instruct the Marshal to distribute the forms.

VERDICT
FRCrP 31 & 32

Note: This procedure may have to be altered to conform to local practices concerning the use of verdict forms and the taking of a verdict.

1. Instruct the clerk to determine whether all the jurors are present.
2. Ask the defendant to rise.
3. Ask foreman if jury has agreed upon a verdict.
4. If verdict form is used:
 - a. instruct the foreman to hand the verdict to the clerk;
 - b. ascertain that all jurors have signed verdict form (if local practice);
 - c. read verdict aloud or return it to clerk to be read aloud (according to local practice).
5. If verdict form is not used, ask foreman: "How do you find as to the defendant _____ on count number _____.
NOTE: Cover each defendant on each count.
6. Poll jury upon request of defendant or U.S. Attorney (or on own motion). *FRCrP 31(d)*.
7. If the poll discloses that the jury is not unanimous, direct the jury to retire for further deliberations or discharge the jury. *FRCrP 31(d)*.
8. Discharge the jury (unless it is to continue deliberations as to other defendants) and thank the jurors for their attention and diligent consideration of the case.
9. If verdict is not guilty, discharge defendant, sign and direct entry of judgment. *FRCrP 32(b)*.

10. If verdict is guilty, as appropriate:
 - a. proceed to sentence immediately (*see* SENTENCING Sec. 1.16 *infra*);
 - b. order preparation of presentence report;
 - c. set date for sentencing;
 - d. inform defendant how he will be advised when to next appear in court.
11. Continue or reset bail. (*See* BAIL Sec. 1.03, *supra*.)
12. Order judgment entered by clerk and sign same. *FRCrP* 32(b).
13. Adjourn or recess court.

SENTENCING
18 USC 3568, 3651, 4208, 4209,
4251, 5010, 5034
FRCrP 32, 33
Carter & Kunzel, Forms of Adjudication
for Use in Sentencing, 44 FRD 197

1. Prior to sentencing hearing ---

- a. Consider whether the offender should be committed to a hospital for a psychiatric evaluation. 18 USC 4244.
- b. Furnish offender and his counsel with a copy of the Presentence Report, unless the Report contains information which, if disclosed, would be harmful to the offender or other persons. In the latter event, the court may state orally or in writing a summary of the factual information to be considered in determining sentence and allow defendant or his counsel to comment thereon. The statement may be made in camera. See Proposed Amendment to FRCrP 32(c)(2).
- c. Consider advisability of committing offender to custody of the Attorney General pending study and report prior to sentencing. 18 USC 4208(b), 4252, 5010(e).
NOTE: The procedure established by 18 USC 4208(b) is not available to any offender convicted of an offense for which a mandatory penalty is provided. Pub. L. 87--752, Sec. 7 (1958).

2. Before imposing sentence ---

- a. Ascertain whether offender and his counsel are present.
- b. Ask defense counsel if there is any reason why sentence should not be imposed at this time.
- c. Ask defendant if there is any reason why sentence should not be imposed at this time.
- d. Ask defense counsel if he has anything to say in his client's behalf, or whether he wishes to present any information in mitigation of punishment. FRCrP 32(a)(1).
- e. Ask offender if he has anything to say in his own behalf, or whether he wishes to present any information in mitigation of punishment. FRCrP 32(a)(1).
- f. Ask the U. S. Attorney if he has any comments or recommendations prior to sentencing.

3. When imposing sentence ---

- a. Sentence offender for each count upon which he has been convicted and designate as to each sentence whether it is concurrent or consecutive.
- b. State the sentence if a straight fixed term sentence is imposed under *18 USC 4082(a)*; if not, state statutory section under which special sentence is imposed. In particular see *18 USC 3651, 4208(a)*.
- c. If execution of the sentence is stayed for a period, continue bail or set new bail. (*See BAIL Sec. 1.03 supra.*)
- d. Special classes of offenders ---
 - (1) Juveniles-- *see 18 USC 5034* and PROCEEDINGS AGAINST JUVENILES Sec. 1.07, *supra*.
 - (2) Youth Offenders-- *see 18 USC 5010* and ARRAIGNMENT AND PLEAS-YOUTH OFFENDERS AND YOUNG ADULT OFFENDERS Sec. 1.06, *supra*.
 - (3) Young Adult Offenders-- *see 18 USC 4209, 5010* and Sec. 1.06 this benchbook. [NOTE: An offender in this class is ineligible for treatment under the Youth Corrections Act if a mandatory penalty is required by statute. *Pub. L. 87-752, Sec. 7 (1958).*]
 - (4) Narcotic Addicts-- *see 18 USC 4251 et seq.* and *see SENTENCING UNDER NARCOTIC REHABILITATION ACT Sec. 3.03, infra. See also Secs. 1.06, 1.07, supra.*

4. When granting probation---

- a. Withhold imposition of sentence; or
- b. Impose sentence and suspend execution (in whole or in part).
- c. Make conditions of probation clear including method for ascertaining if offender has complied with such conditions, particularly where the terms include restitution or the payment of damages and/or family support. *18 USC 3651, 4208, FRCrP 32(e)*.
- d. Set fine and conditions and terms for payment.

5. After sentence is pronounced ---

a. Inform offender:

- (1) that he will be given credit toward his sentence for any days spent in federal custody in connection with the offense for which sentence has been imposed, *18 USC 3568*;
- (2) of his right to appeal if he did not plead guilty, *FRCrP 32(a)(2)*;
- (3) of his right to apply for leave to appeal in forma pauperis if he is unable to pay the cost of an appeal if he did not plead guilty, *FRCrP 32(a)(2)*; and
- (4) that if represented by court-appointed counsel, his attorney will continue to represent him through appeal, if any (unless a substitute counsel is later appointed). *18 USC 3006A(c)*.

2.00 CIVIL PROCEEDINGS

TRIAL OUTLINE

1. Determine if counsel are ready to proceed with the trial.
(NOTE: Reasonable discretion should be exercised in the granting of repeated continuances requested by the parties because of differences with their attorneys, or because the parties wish to obtain new counsel.)
2. Jury is selected. (*See* JURY SELECTION Sec. 2.02, *infra.*)
3. Give preliminary instructions to the jury. (*See* PRELIMINARY INSTRUCTIONS Sec. 2.04, *infra.*)
4. Ascertain whether any party wishes to invoke the rule to exclude from the courtroom witnesses scheduled to testify in the case.
5. Hear motions made or deferred until this time.
6. Plaintiff's counsel makes opening statement.
7. Defense counsel makes opening statement.
8. Plaintiff's counsel calls witnesses for the plaintiff.
9. Plaintiff rests.
10. Hear appropriate motions.
11. Defense counsel calls witnesses for the defense.
12. Defense rests.
13. Counsel call reply and rebuttal witnesses.
14. Plaintiff rests on its entire case.
15. Defense rests on its entire case.
16. Rule on appropriate motions.
17. Consider requests for instructions from counsel. *FRCP 51.*
18. Rule on counsel's requests for instructions and inform counsel as to the substance of the court's charge out of hearing of the jury. *FRCP 51.*

19. Closing arguments by counsel.
20. Charge the jury. (*See* GENERAL INSTRUCTIONS AT END OF CASE Sec. 2.05, *infra.*) *FRCP* 51.
21. Pass on objections to the charge and make any additional appropriate charge.
22. Request counsel to decide which exhibits they desire to be sent to the jury room.
23. Place deputy U.S. Marshal under oath to attend the jury. (*See* OATHS Sec. 5.01, *infra.*)
24. Have the clerk give the exhibits and the verdict forms to the jury.
25. Instruct the jury to go to the jury room and commence its deliberations.
26. Excuse and thank alternate jurors. *FRCP* 47(b).
27. Recess court during the jury deliberations.
28. Answer any questions submitted by the jury (in writing) and give any appropriate additional instructions. (*See* GENERAL INSTRUCTIONS AT END OF CASE Sec. 2.05, *supra.*)
29. If the jury fails to arrive at a verdict before the conclusion of the first day's deliberations, provide either for their overnight sequestration or secure the written consent of the parties and all counsel to the jury's separation; admonish the jurors as to their conduct; and fix the time for their return to resume deliberations.
30. If the jury cannot agree on a verdict, declare a mistrial.
31. When the jury has agreed upon a verdict, reconvene court and take the verdict. (*See* VERDICT Sec. 2.06, *infra.*) *FRCP* 49.
32. Poll the jury upon demand of either party. (In some districts all jurors agreeing on the verdict sign the verdict form.)
33. Thank and discharge the jury.
34. Entertain appropriate motions and enter judgment.
35. Adjourn or recess court.

JURY SELECTION
28 USC 1861--1874

NOTE: This section may require alteration in order to conform to the local plan for selecting jurors as it contemplates a procedure in which the jury box is filled with 12 jurors and additional veniremen are present in the courtroom. Some courts may prefer to fill the jury box with 12 jurors plus an additional number of jurors equal to the number of peremptory challenges available to all parties. And some courts may prefer to select the jury and alternate jurors at the same time.

1. Have clerk call roll of veniremen.
2. Attempt to secure consent (written) to a jury composed of less than 12 jurors. *FRCP 48*. (Recommendation of Judicial Conference of U.S.)
3. Have clerk administer voir dire oath to the entire panel.
4. Fill the jury box; but have remaining veniremen stay in courtroom.
5. Instruct all jurors whether or not in the jury box to listen to the questions and statements of the court.
6. Make a brief statement concerning the type of civil case to be tried.
7. Explain the nature and purpose of the voir dire and the procedure to be employed. *FRCP 47(a)*.
8. Inform counsel for multiple parties of the number of additional peremptory challenges to be allowed and whether the peremptory challenges may be exercised separately or must be exercised jointly. *28 USC 1870*.
9. Conduct voir dire examination of the panel.
10. Pass on all challenges for cause. *28 USC 1870*.
11. Allow parties to exercise peremptory challenges. *28 USC 1870*.
12. If not already done, request the parties to stipulate to accept a majority verdict or a unanimous verdict by less than 12 jurors in the event jurors are excused, *FRCP 48*; or
13. Direct the selection of alternate jurors. *FRCP 47(b)*.

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2.02.2

14. Direct the clerk to swear in the regular and alternate jurors selected. (*See* OATHS Sec. 5.01, *infra.*)
15. Thank and excuse veniremen not selected for jury duty.

STANDARD VOIR DIRE QUESTIONS

NOTE: This section assumes that the judge will conduct the voir dire examination, 12 jurors will be placed in the jury box, and the remaining prospective members of the jury will be present in the courtroom.

1. Instruct all prospective jurors whether in the jury box or not to listen to the questions and statements of the court.
2. Questions to be asked of each juror in the jury box (if the information is not otherwise furnished to counsel):
 - a. Beginning with the first juror, Mr. _____, please state so that the court and counsel can hear you:
 - (1) your name;
 - (2) the spelling of your last name;
 - (3) your present address;
 - (4) the addresses at which you have resided during the past five years;
 - (5) your present occupation and the name and address of your employer;
 - (6) your employment for the past five years;
 - (7) if retired,
 - (a) your former occupation;
 - (b) how long you have been retired;
 - (c) your employment for the five years preceding retirement;
 - (8) if you are or have been married, please give the employment of your spouse for the past five years;
 - (9) please give a similar employment history of any other person who has resided with you during the past five years.

3. Suggested questions for the entire prospective jury panel, anticipating negative answers: (These may be supplemented by questions submitted in advance by counsel.)

(Each member of the panel in the jury box is requested to raise his hand if his answer to any question is YES. He is then questioned individually, and excused or not as appears proper.)

- a. (Request parties to rise and identify them.) Are you personally acquainted with, related to, or have you had business dealing with, or been employed by any of the parties, or does any member of your family have, or in the past had, a similar relationship or business connection?
- b. (If any party is a corporation.) Are you an officer, director, stockholder or employee of _____?
- c. (Request counsel to rise and introduce them.) Do you know or are you related by blood or marriage to counsel for any party?
- d. Have any of the counsel in this case or any members of their firms acted as your attorney or the attorney for any of your immediate family or close friends to your knowledge?
- e. Have you ever served as a juror in a criminal or a civil case, or as a member of a grand jury, either in the federal or state courts?
- f. Have you or your family ever participated in a law suit as a party or witness or in some other capacity?
- g. Do you of your own knowledge have any information about the facts of this case?
- h. Do you remember having read or heard anything about this case?
- i. Have you any opinion whatsoever about this case?
- j. Has anyone talked to you about this case?
- k. If you were one of the parties in this case, do you know of any reason why you would not be content to have the case tried by someone in your frame of mind?

1. If you are selected to sit on this case, will you be unable or unwilling to render a verdict solely on the evidence presented at the trial and the law as I give it to you in my instructions, disregarding any other ideas, notions, or beliefs about the law you may have encountered in reaching your verdict?
- m. (In protracted cases only.) Would you object to sitting on a lengthy case which might last (considerably) beyond your term of jury duty?
- n. Can you think of any other matter which you should call to the court's attention which may have some bearing on your qualifications as a juror, or which may prevent your rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?
4. Questions anticipating negative answers which may be asked when an insurance company is involved:
 - a. Do you, does anyone in your family, or do any of your close friends have any connection with the insurance business as an officer, employee, stockholder, claims adjuster, or otherwise?
 - b. Would either the knowledge or the suspicion that one or more of the parties to this suit were or were not covered in whole or in part by insurance affect your ability to render a fair and impartial verdict based solely upon the evidence and the court's instructions as to the law?
5. Counsel may submit further questions in writing.
6. If any juror is excused, the venireman who replaces him should be asked:
 - a. The personal identification, residence and employment history questions set forth in part 2 above.
 - b. Did you hear and pay close attention to the questions asked by the court (counsel)?
 - c. Would you have answered yes to any of these questions?
 - (1) If YES, to which question or questions?

PRELIMINARY INSTRUCTIONS

1. Preliminary instructions to the jury to be given prior to opening statements.
 - a. This case will proceed in the following order ---
 - (1) The plaintiff may make an opening statement outlining his case.
 - (2) Then the defendant(s) may also make an opening statement outlining his case.
 - (3) Neither party is required to make an opening statement.
 - (4) The opening statements are not evidence but are merely to aid you in understanding the significance of evidence when it is introduced.
 - (5) After the opening statements, if any are made, the plaintiff will introduce evidence.
 - (6) At the conclusion of the plaintiff's evidence, the defendant(s) may introduce evidence.
 - (7) Rebuttal evidence may be introduced.
 - (8) At the conclusion of all the evidence, the attorneys may make their closing arguments to you.
 - (9) After the closing arguments, you will be given further instructions and you will deliberate, and arrive at your verdict.
 - b. Faithful performance by you of your duties is vital to the administration of justice.
 - c. The law applicable to this case will be contained in the instructions I give you during the course of the trial, and it is your duty to follow all such instructions.
 - d. It is your duty to determine the facts and to determine them from the evidence and the reasonable inferences arising from such evidence, and in so doing you must not indulge in guesswork or speculation.

- e. The evidence which you are to consider consists of the testimony of witnesses and the exhibits admitted in evidence. The term "witness" means anyone who testifies in person or by deposition. The admission of evidence in court is governed by rules of law. From time to time it may be the duty of the attorneys to make objections and my duty as judge to rule on those objections and thus whether you can consider certain evidence. You must not concern yourself with the objections or the court's reasons for these rulings. You must not consider testimony or exhibits to which an objection was sustained or which has been ordered stricken.
- f. Opening statements and closing arguments of the attorneys are intended to help you in understanding the evidence and applying the law, but they are not evidence.
- g. You must not be influenced in any degree by any personal feeling of sympathy for or prejudice against the parties or their counsel.
- h. No statement or ruling or remark which I may make during the presentation of testimony is intended to indicate my opinion as to what the facts are. You are to determine the facts. In this determination, you alone must decide upon the believability of the evidence and its weight and value. In considering the weight and value of the testimony of any witness you may take into consideration the appearance, attitude and behavior of the witness, the interest of the witness in the outcome of the suit, the relation of the witness to the parties, the inclination of the witness to speak truthfully or not, the probability or improbability of the witness' statements, and all other facts and circumstances in evidence. Thus you may give the testimony of any witness just such weight and value as you may believe the testimony of such witness is entitled to receive.
- i. Until this case is submitted to you for your deliberation, you must not discuss this case with anyone or remain within hearing of anyone discussing it; nor read any newspaper article, listen to any radio broadcast, nor view any television program which discusses the case. After this case has been submitted to you, you must discuss this case only in the jury room when all members of the jury are present. You are to keep an open mind and you must not decide any issue in this case until the case is submitted to you for your deliberation under the instructions of the court.

GENERAL INSTRUCTIONS AT END OF CASE

NOTE: These instructions are of a general nature and not designed for specific cases. Numerous form instructions are contained in Mathes, *Jury Instructions and Forms for Federal Civil Cases*, 28 FRD 401 and 22 FRD 127; Mathes & Devitt, *Federal Jury Practice and Instructions*; see also Devitt, *Ten Practical Suggestions about Federal Jury Instructions*, 38 FRD 75. The Center will issue a separate book detailing instructions in specific categories of cases.

1. Instructions concerning manner of deliberation, to be given before the jury retires.
 - a. In order to return a verdict, each juror must agree thereto. (Unless the parties have agreed that a majority verdict may be accepted. *FRCP 48*.)
 - b. Jurors have a duty to consult with one another to deliberate with a view to reaching agreement, if it can be done without violence to individual judgment.
 - c. Each juror must decide the case for himself, but only after an impartial consideration of the evidence with his fellow jurors.
 - d. In the course of deliberations, a juror should not hesitate to re-examine his own views and change his opinion if convinced it is erroneous.
 - e. No juror should surrender his honest conviction as to the weight of effect of the evidence solely because of the opinion of his fellow jurors, or for the mere purpose of returning a verdict.

NOTE: If necessary, this charge may be repeated to a jury which has not reached agreement upon a

Source: *ABA Minimum Standard Relating to Trial by Jury*, Sec. 5.4.

2. If verdict forms are to be employed, explain them to the jury and instruct the Marshal to distribute the forms.

VERDICT
FRCP 48, 49

Wright, *Use of Special Verdicts in Federal Court*, 38 FRD 199

NOTE: This procedure may have to be altered to conform to local practices concerning the use of verdict forms and the taking of a verdict.

1. Instruct the clerk to determine whether all the jurors are present.
2. Ask the foreman if the jury has agreed upon a verdict.
3. If verdict form is used:
 - a. instruct the foreman to hand the verdict to the clerk;
 - b. ascertain that all jurors (or agreed number) have signed verdict form (if signing verdict is local practice); and
 - c. read verdict aloud or return it to clerk to be read aloud (according to local practice).
4. If verdict form is not used, ask foreman "What is your verdict?"
5. If answers to interrogatories are inconsistent, either with each other or with the general verdict, either enter judgment in accord with the answers notwithstanding the verdict, return the jury for further deliberation on the verdict and answers, or order a new trial as appropriate. *FRCP 49(b)*.
6. Poll jury upon request of any party.
7. If the poll discloses that the jury is not unanimous (or less than the stipulated majority), direct the jury to retire for further deliberations or discharge the jury. *FRCP 48*.
8. Instruct the clerk to record the verdict or findings of fact.
9. Discharge the jury and thank the jurors for their attention and diligent consideration of the case.
10. Order entry of judgment upon the verdict. *FRCP 58*.
11. Adjourn or recess court.

3.00 NARCOTICS

CIVIL COMMITMENT OF NARCOTIC ADDICTS
TITLE I
42 USC Secs. 3411-3426

1. Initial appearance

a. Ask patient:

- (1) his name;
- (2) his age;
- (3) the extent of his education and schooling;
- (4) if he is currently, or if he has recently been under the care of a physician or a psychiatrist, or if he has been hospitalized or treated for narcotic addiction;
- (5) if he has an attorney; [and if he understands that, although an Assistant U.S. Attorney may have assisted him in preparing his petition, the Assistant U.S. Attorney does not represent him as counsel in these proceedings]
- (6) if he has received a copy of the petition filed against (by) him;
- (7) if there is a criminal charge pending against him or if he is on parole or probation. 42 USC 3421.

b. Inform patient that:

- (1) a petition has been filed which alleges that he is a narcotic addict;
- (2) anyone who knowingly makes any false statement in such a petition is subject to a criminal penalty;
- (3) he has a right to counsel at every stage of the judicial proceedings; and if he is unable to afford counsel, the court will appoint counsel for him (see ASSIGNMENT OF COUNSEL Sec. 1.02, *supra.*) 42 USC 3413 (1);
- (4) the present proceedings against him will not result in a criminal conviction or give him a criminal record;

- (5) the court will appoint two qualified physicians, one of whom will be a psychiatrist, to examine him;
- (6) the results of any hearing, examination, test or procedure under this petition may not be used against him in any criminal proceeding;
- (7) for the purpose of the examination the court will commit him for a period of _____ (not exceeding 30 days) to the custody of the Surgeon General for confinement in _____ (hospital or other facility);
- (8) he has a right to have a qualified physician retained by him present during any examination;
- (9) his physician will not be permitted to participate in making the examination or preparing the report;
- (10) after the examination each court-appointed doctor will write a report stating his conclusions as to whether he is a narcotic addict and is likely to be rehabilitated through treatment;
- (11) copies of these reports will be made available to him and his counsel;
- (12) after these reports have been filed, he will be returned to court for further proceedings unless he has signed a waiver of notice and hearing;
- (13) if both physicians conclude in their written reports that he is not a narcotic addict, or if he is an addict that he is not likely to be rehabilitated through treatment, the court will discharge him and dismiss the proceedings;
- (14) if both physicians agree that he is an addict who is likely to be rehabilitated through treatment and he signs a waiver of notice and hearing and requests immediate commitment, the court may then commit him to the custody of the Surgeon General for treatment immediately without a hearing: in the absence of a waiver, a hearing must be held prior to commitment;

- (15) if either but not both of the physicians indicate that he is a narcotic addict who is likely to be rehabilitated through treatment or if either physician is unable to reach any conclusion by reason of his refusal to submit to a thorough examination, a hearing will be held;
- (16) he and his attorney will receive notice of the hearing;
- (17) he may be confined in a hospital or other facility until after the hearing has been concluded;
- (18) he will have 15 days in which to elect that all issues of fact with respect to his alleged narcotic addiction will be determined by a jury, otherwise these issues of fact will be decided by the court;
- (19) at a hearing following his examination, the physicians who examined him may testify; and he will be permitted to testify, present and cross-examine witnesses;
- (20) until after the hearing is concluded he may be detained in a suitable hospital or other facility;
- (21) if after the examination and hearing the court or a jury determines that he is a narcotic addict who is likely to be rehabilitated through treatment, his petition will be granted and the court will order him civilly committed to the care and custody of the Surgeon General for treatment in a hospital;
- (22) he will have the right to appeal any final order of commitment;
- (23) under such a civil commitment, he may be confined to an institution for a period of 6 months, although he may be released earlier;
- (24) during such a period of commitment he may not voluntarily withdraw from such treatment;
- (25) if he escapes or attempts to escape while before the Court, or from the institution where he is confined, or while enroute to or from that institution, he will be guilty of a crime;

- (26) after confinement for more than 3 months, he may file a petition for his release with the court, which may, with or without a hearing, order his continued confinement or release and may place him under post-hospitalization supervision;
 - (27) when released from confinement, he will be returned to court; and the court may place him under the care and custody of the Surgeon General for the three-year period immediately following release for treatment and supervision under the post-hospitalization program as the Surgeon General may direct;
 - (28) thus the treatment (including post-hospitalization treatment) may last 42 months; and
 - (29) should he fail or refuse to cooperate in such post-hospitalization program, or be determined by the Surgeon General to have relapsed to the use of narcotic drugs, he may be recommitted for another 6-month period in an institution followed by additional post-hospitalization treatment and supervision.
- c. Ask patient if he understands the nature of the civil commitment proceedings and if he still wishes to submit himself for an examination and possible commitment and treatment.
 - d. Appoint examining physicians. (These may be physicians at the institution to which patient is being sent.)
 - e. Set date for filing of physicians' reports.
 - f. Ask patient if he wishes to sign a waiver of notice and hearing and a request of immediate commitment to the custody of the Surgeon General. Advise patient that he may sign a waiver of notice and hearing at the institution to which he is being sent for examination, or he may be returned to court for a hearing at a later date.
 - g. Order patient committed to the custody of the Surgeon General for confinement in a suitable hospital or other facility for examination.

ELECTION FOR TREATMENT
UNDER
NARCOTIC ADDICT REHABILITATION ACT
TITLE II
28 USC Secs. 2901 et seq.

1. Ask defendant:
 - a. his name;
 - b. if he has an attorney. (If he has none, *see* ASSIGNMENT OF COUNSEL Sec. 1.02, *supra*.)
2. Determine that defendant is eligible for treatment under the Narcotic Addict Rehabilitation Act. 28 USC 2901 (g).
3. Inform defendant and ask if he understands that ---
 - a. He is eligible to elect to apply for treatment under the Narcotic Addict Rehabilitation Act in lieu of prosecution.
 - b. If he elects to apply for treatment:
 - (1) he will be committed to the custody of the Surgeon General and confined immediately for a period not to exceed 60 days for examination;
 - (2) he will not be able to withdraw during this time;
 - (3) he will not be entitled to bail;
 - (4) the prosecution will be held in abeyance during this period.
 - c. If he elects to apply for treatment under the Narcotic Addict Rehabilitation Act and he is determined to be an addict who is likely to be rehabilitated, he will be civilly committed to the custody of the Surgeon General.
 - d. If he is committed to the Surgeon General for treatment under the Narcotic Addict Rehabilitation Act:
 - (1) he may not voluntarily withdraw from the examination or any treatment which may follow;
 - (2) treatment may last for 36 months;
 - (3) he will be confined to an institution during treatment;

- (4) he may be conditionally released for supervised aftercare treatment in the community at the discretion of the Surgeon General;
 - (5) the determination of narcotic addiction and the subsequent civil commitment will not be deemed a criminal conviction;
 - (6) the charge against him will be dismissed if he successfully completes treatment; but
 - (7) if he does not successfully complete treatment, prosecution on the charge may be resumed;
- e. He has a maximum of 5 days within which to make the election. 28 USC 2902(a).

4. Ask defendant:

- a. if he is ready to exercise his option to elect treatment under the Narcotic Addict Rehabilitation Act;
 - (1) Grant any necessary continuance and inquire as to bail. (See BAIL Sec. 1.03, *supra*.)
- b. if he elects to be considered for treatment under the Narcotic Addict Rehabilitation Act;
- c. if any threats or promises have been made to induce him to elect to be considered for treatment under the Narcotic Addict Rehabilitation Act;
- d. if he believes there is any understanding or if any predictions have been made to him concerning:
 - (1) his addiction;
 - (2) the court's exercise of its option not to commit him under the Narcotic Addict Rehabilitation Act; or
 - (3) the length of his commitment should he be confined for treatment under the Narcotics Rehabilitation Act.

5. Ask defense counsel if he knows any reason why defendant (should) (should not) elect to apply for treatment under the Narcotics Rehabilitation Act.

6. If defendant elects not to be considered for treatment under the Narcotic Addict Rehabilitation Act, continue with ARRAIGNMENT AND PLEA-ADULT OFFENDERS Sec. 1.05, *supra* (or other appropriate procedural steps).
7. If defendant elects to be considered for treatment under the Narcotic Addict Rehabilitation Act, commit the defendant to the custody of the Surgeon General for a period not to exceed sixty days for examination and determination as to whether he is an addict and is likely to be rehabilitated through treatment.

SENTENCING UNDER
NARCOTIC ADDICT REHABILITATION ACT
TITLE III
18 USC Sec. 4251 et seq.
FRCrP 32 & 33

1. Prior to sentencing hearing ---

- a. Consider whether the offender should be committed to a hospital for a mental examination. *18 USC 4244.*
- b. Furnish offender and his counsel with a copy of the Presentence Report, unless the Report contains information which, if disclosed, would be harmful to the offender or other persons. *See Proposed Amendment to FRCrP 32(c)(2).*
- c. Determine if offender is eligible for a treatment sentence under the Narcotic Addict Rehabilitation Act. *18 USC 4251(f).*

2. Before imposing sentence ---

- a. Ascertain whether offender and his counsel are present.
- b. Ask defense counsel if he has anything to say in his client's behalf, or whether he wishes to present information in mitigation of punishment. *FRCrP 32(a)(1).*
- c. Ask defense counsel if there is any reason why the offender should not be sentenced to treatment under the Narcotic Addict Rehabilitation Act.
- d. Ask the U.S. Attorney if he has any comments or recommendations prior to sentencing.
- e. Ask offender if he has anything to say in his behalf or if he wishes to present any information in mitigation of punishment. *FRCrP 32(a)(1).*
- f. Ask offender if there is any reason why he should not be sentenced to treatment under the Narcotic Addict Rehabilitation Act.

3. Examination

- a. If the court believes the eligible offender is an addict and would be likely to be rehabilitated through treatment, commit the eligible offender to the custody of the Attorney General for an examination to determine whether he is an addict and is likely to be rehabilitated through treatment and report to the court within 30 days. *18 USC 4252.*

4. Sentencing after examination

- a. If after examination the court determines that offender is not an addict or is an addict not likely to be rehabilitated through treatment, impose sentence authorized or required by law. 18 USC 4253(b). (See SENTENCING Sec. 1.16, *supra*.)
- b. If court determines after examination that the eligible offender is an addict and is likely to be rehabilitated, commit offender to the custody of the Attorney General for treatment under Chapter 314 of Title 18 (unless the Attorney General has certified that adequate facilities or personnel for treatment are unavailable) for an indeterminate period of time not to exceed ten years of the maximum sentence that could otherwise have been imposed. 18 USC 4253.

5. After sentence is pronounced

a. Inform offender:

- (1) that he will be given credit toward his sentence for any days spent in federal custody in connection with the offense for which sentence has been imposed, 18 USC 3568;
- (2) of his right to appeal if he did not plead guilty, FRCrP 32(a)(2);
- (3) of his right to apply for leave to appeal *in forma pauperis* if he is unable to pay the cost of an appeal if he did not plead guilty, FRCrP 32(a)(2); and
- (4) that if represented by court-appointed counsel, his attorney will continue to represent him through appeal, if any (unless a substitute counsel is later appointed). 18 USC 3006A(c).

4.00 MISCELLANEOUS PROCEEDINGS

OMNIBUS HEARING AND CRIMINAL DISCOVERY PROCEDURE
18 USC 3500; FRCrP 12, 16, 17.1

NOTE: Some courts find an omnibus hearing expedites the disposition of cases--often without a trial--and promotes a fairer trial if one is required. Its use may encourage voluntary disclosure even prior to arraignment. Experience with the omnibus hearing indicates that prosecution attorneys, as well as those for the defense, can benefit from the broad use of discovery devices in criminal cases. With a view toward widening the use of the omnibus procedure, a short summary of the procedure and the form employed in the Western District of Texas have been provided below.

In the Texas district court an attorney for a defendant entering a plea of not guilty is asked at the time of arraignment whether he is willing to participate in the omnibus hearing program. If the defense attorney agrees to take part in pretrial discovery proceedings, a date is immediately set for an omnibus hearing and the attorney is directed to confer with the Government's attorney for the purpose of engaging in discovery, exploration of issues, and plea discussion. Copies of Form OH-3 (reproduced below) are distributed to counsel for both sides during arraignment. At the subsequent conference, the attorneys circle the appropriate items on the form which have been satisfactorily explored and disposed of through discovery, and note those matters upon which they have failed to reach agreement. Also, Form OH-3 provides descriptions of motions which may be brought to the attention of the court if an omnibus hearing is held. At the conclusion of the attorneys' conference, they may decide that a hearing is unnecessary. If a hearing is still required, Form OH-3 becomes a motion by the defense and by the prosecution for the relief requested, and a short-hand record of the action taken, matters still undecided, and stipulations made by either side. Counsel will in most cases file no further written motions. At both the attorneys' conference and the omnibus hearing, the defendant is informed that admissions made by either him or his counsel may not be used against him unless the admissions are reduced to writing and signed by both the defendant and his attorney, as provided in Rule 17.1, FRCrP.

In addition to the omnibus hearing form and procedure, local rule 2.04 of the District Court in the Northern District of Illinois, establishing an alternative procedure for pretrial discovery in criminal cases, which is applicable, even without the consent of the accused, and involves little or no judge time, is set forth below.

See in general: Miller, *The Omnibus Hearing--An Experiment in Federal Criminal Discovery*, 5 San Diego L. Rev. 293 (1963); Report of the Subcommittee on Pretrial in Criminal Cases, 37 F.R.D. 95 (1965); Right of Defendant in Criminal Cases to Inspection of the Prosecution's Witness for Purposes of Cross-Examination or Impeachment, 7 A.L.R. 3rd 819 (1966); Statements and Reports of Government Witnesses Producing in Federal Criminal Cases under the Jencks Act (18 USC 3500), 5 A.L.R. 3rd 763 (1966); Panel Discussion--Discovery in Criminal Cases, 44 F.R.D. 481 (1968); Comment: Criminal Procedure--Disclosure of Prosecutor's Evidence--Disclosure of Favorable and Material Evidence Required Although Procurable by Diligent Defense Counsel, 42 N.Y.U. L. Rev. 764 (1967).

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4.01.3

FORM OH-3
Revised 5/15/69

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL No. _____

Defendant

INSTRUCTIONS

If an item numbered below is not applicable to this case, then counsel will note the same in the margin opposite the item number with the letters "N. A."

A. DISCOVERY BY DEFENDANT

(Circle Appropriate Response)

1. The defense states it (has) (has not) obtained full discovery and (or) has inspected the Government file, (except)
(If Government has refused discovery of certain materials, defense counsel shall state nature of material. _____.)
2. The Government states it (has) (has not) disclosed all evidence in its possession, favorable to defendant on the issue of guilt. In the event defendant is not satisfied with what has been supplied him in response to questions 1 and 2 above then:
3. The defendant requests and moves for - (Number circled shows motion requested)

3. (a) Discovery of all oral, written or recorded statements or memorandum of them made by defendant to investigating officers or to third parties and in the possession of the Government.
(Granted) (Denied)
3. (b) Discovery of the names of Government's witnesses and their statements. (Granted) (Denied)
3. (c) Inspection of all physical or documentary evidence in Government's possession. (Granted) (Denied)
4. Defendant, having had discovery of Items #2 and #3, (requests and moves) (does not request and move) for discovery and inspection of all further or additional information coming into the Government's possession as to Items #2 and #3 between this conference and trial. (Granted) (Denied)
5. The defense moves and requests the following information and the Government states - (circle the appropriate response)
5. (a) The Government (will) (will not) rely on prior acts or convictions of a similar nature for proof of knowledge or intent.
(1) Court rules it (may) (may not) be used.
(2) Defendant stipulates to prior conviction without production of witnesses or certified copy.
(Yes) (No)
5. (b) Expert witness (will) (will not) be called:

(1) Name of witness, qualification and subject of testimony, and reports (have been) (will be) supplied to the defense.

5. (c) Reports or tests of physical or mental examinations in the control of the prosecution (have been) (will be) supplied.

5. (d) Reports of scientific tests, experiments or comparisons and other reports of experts in the control of the prosecution, pertaining to this case (have been) (will be) supplied.

5. (e) Inspection and/or copying of any books, papers, documents, photographs or tangible objects which the prosecution -
(Circle appropriate response)

(1) obtained from or belonging to the defendant, or

(2) which will be used at the hearing or trial,

(have been) (will be) supplied to defendant.

5. (f) Information concerning a prior conviction of persons whom the prosecution intends to call as witnesses at the hearing or trial (has been) (will be) supplied to defendant.

5. (g) Government (will) (will not) use prior felony conviction for impeachment of defendant if he testifies.

Date of conviction _____ Offense _____

(1) Court rules it (may) (may not) be used.

(2) Defendant stipulates to prior conviction without production of witnesses or certified copy.

(Yes) (No)

5. (h) Any information Government has, indicating entrapment of defendant (has been) (will be) supplied.

B. MOTIONS REQUIRING SEPARATE HEARING

6. The defense moves - (Number circled shows motion requested)

6. (a) To suppress physical evidence in plaintiff's possession on the grounds of - (Circle appropriate response)

(1) Illegal search and seizure

(2) Illegal arrest

6. (b) Hearing on motion to suppress physical evidence set for _____.

(Defendant will file formal motion accompanied by memorandum brief within ____ days. Government counsel will respond within ____ days thereafter.)

6. (c) To suppress admissions or confessions made by defendant on the grounds of - (Circle appropriate response)

(1) Delay in arraignment

(2) Coercion or unlawful inducement

(3) Violation of the *Miranda* Rule

(4) Unlawful arrest

(5) Improper use of lineup (*Wade, Gilbert, Stovall* decisions)

(6) Improper use of photographs.

6. (d) Hearing to suppress admissions, confessions, lineup and photos is set for:

(1) Date of trial, or

(2) _____.

(Defendant will file formal motion accompanied by memorandum brief within _____ days. Government counsel will respond within _____ days thereafter.)

The Government to state:

6. (e) Proceedings before the grand jury (were) (were not) recorded.

6. (f) Transcriptions of the grand jury testimony of the accused, and all persons whom the prosecution intends to call as witnesses at a hearing or trial (have been) (will be) supplied.

6. (g) Hearing re supplying transcripts set for

_____.

6. (h) The Government to state:

(1) There (was) (was not) an informer (or lookout) involved;

(2) The informer (will) (will not) be called as a witness at the trial;

(3) It has supplied the name, address and phone
number of the informer; or

(4) It will claim privilege of non-disclosure.

6. (i) Hearing on privilege set for

6. (j) The Government to state:

There (has) (has not) been any - (Circle the appropriate
response)

(1) Electronic surveillance of the defendant or his
premises;

(2) Leads obtained by electronic surveillance of
defendant's person or premises;

(3) All material will be supplied, or

6. (k) Hearing on Disclosure set for

C. MISCELLANEOUS MOTIONS

7. The defense moves - (Number circled shows motion requested)

7. (a) To dismiss for failure of the indictment (or information)
to state an offense. (Granted) (Denied)

7. (b) To dismiss the indictment or information (or count _____
thereof) on the ground of duplicity. (Granted) (Denied)

7. (c) To sever case of defendant _____ and
for a separate trial. (Granted) (Denied)
7. (d) To sever count _____ of the indictment or information
and for a separate trial thereon. (Granted) (Denied)
7. (e) For a Bill of Particulars. (Granted) (Denied)
7. (f) To take a deposition of witness for testimonial purposes
and not for discovery. (Granted) (Denied)
7. (g) To require Government to secure the appearance of
witness _____ who is subject to
Government direction at the trial or hearing. (Granted)
(Denied)
7. (h) To dismiss for delay in prosecution. (Granted) (Denied)
7. (i) To inquire into the reasonableness of bail. Amount fixed
_____. (Affirmed) (Modified to _____.)

D. DISCOVERY BY THE GOVERNMENT

Statements by the defense in response to Government requests.

8. Competency, Insanity and Diminished Mental Responsibility

8. (a) There (is) (is not) any claim of incompetency of
defendant to stand trial.
8. (b) Defendant (will) (will not) rely on a defense of
insanity at the time of offense;
If the answer to 8(a) or (b) is "will"
8. (c) Defendant (will) (will not) supply the name of his
witnesses, both lay and professional, on the above
issue;

- 8. (d) Defendant (will) (will not) permit the prosecution to inspect and copy all medical reports under his control or the control of his attorney;
- 8. (e) Defendant (will) (will not) submit to a psychiatric examination by a court appointed doctor on the issue of his sanity at the time of the alleged offense.

9. Alibi

- 9. (a) Defendant (will) (will not) rely on an alibi;
- 9. (b) Defendant (will) (will not) furnish a list of his alibi witnesses (but desires to be present during any interview).

10. Scientific Testing

- 10. (a) Defendant (will) (will not) furnish results of scientific tests, experiments or comparisons and the names of persons who conducted the tests.
- 10. (b) Defendant (will) (will not) provide the Government with all records and memoranda constituting documentary evidence in his possession or under his control or (will) (will not) disclose the whereabouts of said material. If said documentary evidence is not available but destroyed, the defense (will) (will not) state the time, place and date of said destruction and the location of reports, if any, concerning said destruction.

11. Nature of the Defense

11. (a) Defense counsel states that the general nature of defense is - (Circle appropriate response)
- (1) Lack of knowledge of contraband
 - (2) Lack of specific intent
 - (3) Diminished mental responsibility
 - (4) Entrapment
 - (5) General Denial. Put Government to proof, but will offer evidence after Government rests.
 - (6) General denial. Put Government to proof, but will offer no evidence after Government rests.
11. (b) Defense counsel states it (will) (will not) waive husband and wife privilege.
11. (c) Defendant (will) (may) (will not) testify.
11. (d) Defendant (will) (may) (will not) call additional witnesses.
11. (e) Character witnesses (will) (may) (will not) be called.
11. (f) Defense counsel will supply Government names, addresses and phone numbers of additional witnesses for defendant _____ days before trial.

Rulings on Government request and motions

12. Government moves for the defendant -
12. (a) To appear in a lineup. (Granted) (Denied)
12. (b) To speak for voice identification by witness.
(Granted) (Denied)

- 12. (c) To be finger printed. (Granted) (Denied)
- 12. (d) To pose for photographs. (Not involving a re-enactment of the crime.) (Granted) (Denied)
- 12. (e) To try on articles of clothing. (Granted) (Denied)
- 12. (f) Surrender clothing or shoes for experimental comparison. (Granted) (Denied)
- 12. (g) To permit taking of specimens of material under fingernails. (Granted) (Denied)
- 12. (h) To permit taking samples of blood, hair and other materials of his body which involve no unreasonable intrusion. (Granted) (Denied)
- 12. (i) To provide samples of his handwriting. (Granted) (Denied)
- 12. (j) To submit to a physical external inspection of his body. (Granted) (Denied)

E. STIPULATIONS

If the stipulation form will not cover sufficiently the area agreed upon, it is recommended that the original be attached hereto and filed at the omnibus hearing.

(All stipulations must be signed by the defendant and his attorney, as required by Rule 17.1, FRCrP.)

13. It is stipulated between the parties:

- 13. (a) That if _____
was called as a witness and sworn he would testify he
was the owner of the motor vehicle on the date referred

to in the indictment (or information) and that on or about that date the motor vehicle disappeared or was stolen and that he never gave the defendant or any other person permission to take the motor vehicle.

Attorney for Defendant

Defendant

13. (b) That the official report of the chemist may be received in evidence as proof of the weight and nature of the substance referred to in the indictment (or information).

Attorney for Defendant

Defendant

13. (c) That if _____ the official Government chemist were called, qualified as an expert and sworn as a witness he would testify that the substance referred to in the indictment (or information) has been chemically tested and is _____ and the weight is _____.

Attorney for Defendant

Defendant

13. (d) That there has been a continuous chain of custody in Government agents from the time of the seizure of the contraband to the time of the trial.

Attorney for Defendant

Defendant

13. (e) Miscellaneous stipulations:

Attorney for Defendant

DefendantF. CONCLUSION

14. Defense counsel states:

14. (a) That defense counsel as of the date of this conference of counsel knows of no problems involving delay in arraignment, the *Miranda* Rule or illegal search and seizure or arrest, or any other constitutional problem, except as set forth above. (Agree) (Disagree)

14. (b) That defense counsel has inspected the check list on this OH-3 Action Taken Form, and knows of no other motion, proceeding or request which he desires to press, other than those checked thereon.
(Agree) (Disagree)

15. Defense counsel states:

15. (a) There (is) (is not) (may be) a probability of a disposition without trial.

15. (b) Defendant (will) (will not) waive a jury and ask for a court trial.
15. (c) That an Omnibus Hearing (is) (is not) desired, and government counsel (agree) (disagree).
15. (d) If all counsel conclude after conferring, that no motions will be urged, that an Omnibus Hearing is not desired, they may complete, approve and have the defendant sign (where indicated) Form OH-3, and submit it to the Court not later than five (5) days prior to the date set for the Omnibus Hearing, in which event no hearing will be held unless otherwise directed by the Court.
15. (e) If a hearing is desired, all counsel shall advise the Court in writing not later than five (5) days prior to the date set for the Omnibus Hearing whether or not they will be ready for such hearing on the date set in the Order Setting Conference of Counsel and Omnibus Hearing.

APPROVED:

Dated: _____

Attorney for the United States

SO ORDERED:

Attorney for Defendant_____
United States District Judge

APPROVAL BY COURT

The above Omnibus Hearing Report form is hereby adopted by the Court as binding upon the parties with the exception of Nos.

to which exception has been taken by one or both of the parties, and upon a timely request for review by the Court on the above-numbered orders, the Court makes the following ruling:

No.

Court Ruling

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Dates Set for Hearings and Trial

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Trial	_____

Judge, District Court

Illinois, Northern District
Criminal Rules 2.04

PRETRIAL DISCOVERY AND INSPECTION

(a) Within five (5) days after the arraignment the United States Attorney and the defendant's attorney shall confer and, upon request, the government shall:

(1) Permit defendant's attorney to inspect and copy or photograph any relevant written or recorded statements or confessions made by the defendant, or copies thereof, within the possession, custody or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government;

(2) Permit defendant's attorney to inspect and copy or photograph any relevant results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the case, or copies thereof, within the possession, custody or control of the government, the existence of which is known, or by the exercise of due diligence may become known to the attorney for the government;

(3) Permit defendant's attorney to inspect and copy or photograph any relevant recorded testimony of the defendant before a grand jury;

(4) Permit defendant's attorney to inspect and copy or photograph books, papers, documents, tangible objects, buildings or places which are the property of the defendant and which are within the possession, custody or control of the government;

(5) Permit defendant's attorney to inspect and copy or photograph the Federal Bureau of Investigation Identification Sheet indicating defendant's prior criminal record;

(6) Permit defendant's attorney to inspect, copy or photograph any evidence favorable to the defendant;

(b) If, in the judgment of the United States Attorney, it would not be in the interests of justice to make any one or more disclosures set forth in paragraph (a) and requested by defendant's counsel, disclosure may be declined. A declination of any requested disclosure shall be in writing, directed to defendant's counsel, and signed personally by the United States Attorney or the First Assistant United States Attorney, and shall specify the types of disclosures that are declined. If the defendant seeks to challenge the declination, he shall proceed pursuant to subsection (c) below;

(c) Additional discovery or inspection. If additional discovery or inspection is sought, defendant's attorney shall confer with the appropriate Assistant United States Attorney within ten (10) days of the arraignment (or such later time as may be set by the Court for the filing of pretrial motions) with a view to satisfying these requests in a cooperative atmosphere without recourse to the Court. The request may be oral or written and the United States Attorney shall respond in like manner.

(d) In the event defendant thereafter moves for additional discovery or inspection, his motion shall be filed within the time set by the Court for the filing of pretrial motions. It shall contain:

- (1) the statement that the prescribed conference was held;
- (2) the date of said conference;

(3) the name of the Assistant United States Attorney with whom conference was held; and

(4) the statement that agreement could not be reached concerning the discovery or inspection that is the subject of defendant's motion.

(e) Any duty of disclosure and discovery set forth in this Rule is a continuing one and the United States Attorney shall produce any additional information gained by the government.

(f) Any disclosure granted by the government pursuant to this Rule of material within the purview of Rules 16(a)(2) and 16(b), Federal Rules of Criminal Procedure, shall be considered as relief sought by the defendant and granted by the Court.

QUALIFICATION AND ORIENTATION
OF
ENTIRE BODY OF PROSPECTIVE JURORS

NOTE: In accordance with the local plan for the random selection of jurors, this procedure may be eliminated entirely or substantially altered to conform to the local plan.

1. Verification of juror qualifications

- a. Open court.
- b. Introduce court, clerk and others.
- c. Roll call by clerk.
- d. Question entire body of prospective jurors concerning their qualifications for jury service. (The following may be omitted or performed by clerk's office.)

(1) Questions anticipating positive answers:

(Each member of the panel is requested to stand or raise his hand if his answer to any question is NO.)

- (a) are you a citizen of the United States?
- (b) have you attained the age of 21 years?
- (c) have you been a resident of the _____
Judicial District of _____ for a
period of one year?
- (d) are you a registered voter in your county
in the _____ Judicial District of _____?
- (e) are you able to read, write, speak and
understand the English language?

(2) Questions anticipating negative answers:

(Each member of the panel is requested to stand or raise his hand if his answer to any question is YES.)

- (a) do you have a mental or physical infirmity which,
in your opinion, makes you incapable of rendering
efficient jury service?

- (b) is there pending against you any federal or state charge for the commission of a crime punishable by imprisonment for more than one year?
 - (c) have you ever been convicted in a state or federal court of a crime punishable by imprisonment for more than one year without being restored to the enjoyment of your civil rights by pardon or amnesty?
 - (d) are you now in active service in any of the armed forces of the United States?
 - (e) are you now a regularly employed and paid member of a fire department or police department within this state?
 - (f) are you a public officer in the executive, legislative or judicial branches of the government of the United States, the State of _____ or any subdivision of the State and now actively engaged in the performance of your official duties?
- e. Announce grounds for excuse from jury service upon personal request based on undue hardship or extreme inconvenience.
28 USC 1866(c).
 - f. Excuses considered by court and appropriate jurors excused.
2. General instructions to jurors.
- a. Discuss functions as jurors.
 - b. State functions of courtroom attendants.
 - c. Distinguish between criminal and civil cases.
 - d. Advise against staying in halls, overhearing discussions between attorneys, litigants and witnesses. Use jury assembly room.
 - e. Caution against viewing premises and locale involved unless ordered by court.
 - f. Note-taking by members of the jury.

GRAND JURY
28 USC 1861--1874

1. Initial matters
 - a. Ask clerk to call jurors.
 - b. Explain service in detail including length of service.
28 USC 1866(c).
 - c. Appoint foreman, deputy foreman and bailiff.
 - d. Ask clerk to swear foreman, deputy foreman and bailiff.
(See OATHS Sec. 5.01, infra.)
 - e. Ask clerk to swear remaining grand jurors. *(See OATHS Sec. 5.01, infra.)*
 - f. Instruct grand jury. (Sample charges: *12 FRD 495; 16 FRD 93; 17 FRD 331; 18 FRD 211; 19 FRD 117.*)
 - g. Excuse grand jury from courtroom to begin their work.
2. When grand jury has concluded deliberation:
 - a. reconvene court;
 - b. determine whether the indictments have been properly completed;
 - c. direct the filing of indictments with the clerk;
 - d. recess or excuse the grand jury; and
 - e. issue warrants for arrest of defendants not heretofore arrested, but only if requested to do so by the U. S. Attorney.

FOREIGN EXTRADITION PROCEEDINGS
18 USC 3181--3195

1. Ascertain:
 - a. the identity of the prisoner;
 - b. whether the prisoner is represented by counsel.
(*See* ASSIGNMENT OF COUNSEL Sec. 1.02, *supra*.)
18 USC 3006A(b).
2. Inform prisoner:
 - a. of the charge upon which extradition is sought;
 - b. under what circumstances the United States will pay the costs of subpoenaing witnesses material to his defense, *18 USC 3191*;
 - c. of his right to a hearing, *18 USC 3189*;
 - d. that at a hearing the issues will be:
 - (1) whether the prisoner is charged with a crime for which there is a treaty or convention for extradition between the United States and the demanding country, *18 USC 3184*;
 - (2) whether the warrants and documents demanding the surrender of the prisoner are properly and legally authenticated, *18 USC 3190*; and
 - (3) whether the commission of the crime alleged is so established as to justify the prisoner's apprehension and commitment for trial if the offense had been committed in the United States.
18 USC 3184; see also, Benson v. McMahon, 127 U.S. 457 (1888).
3. Obtain waiver of hearing, hold hearing, or grant continuance if necessary. (*See* BAIL Sec. 1.03, *supra*.)
4. Determine whether prisoner is extraditable.
5. Release prisoner or commit him to jail until surrender shall be made. *18 USC 3184*.

NATURALIZATION PROCEEDINGS
Substantative Law 8 USC 1421 et seq.
Hearing Procedure 8 USC 1447 et seq.

1. Determine if petitioner is present.
2. Ascertain:
 - a. that 30 days have elapsed since the filing of the petition, or that the Attorney General has waived this time requirement, *8 USC 1447(c)*;
 - b. the recommendation of the examining officer;
 - c. whether the Attorney General wishes to exercise his right to introduce evidence and to cross-examine the petitioner and his witnesses, *8 USC 1447(d)*;
 - d. that a general election is not scheduled to be held within 60 days, *8 USC 1447(c)*;
 - e. if petitioner wishes a decree entered for the purpose of changing his name, *8 USC 1447(e)*.
3. If naturalization is recommended (or ordered after a hearing), administer oath:

"I, _____, _____, do solemnly swear (affirm) to support the Constitution of the United States; to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state or sovereignty of which or to whom I have previously been a subject or citizen; to support and defend the Constitution and the laws of the United States against all enemies, foreign and domestic, to bear true faith and allegiance to the same, and to bear arms on behalf of the United States when required by law (to perform noncombatant service in the Armed Forces of the United States when required by law) (to perform work of national importance under civilian direction when required by law). So help me God." (Under the penalties of perjury.) *8 USC 1448(a)*.
4. Ascertain whether petitioner possesses any hereditary title or orders of nobility in any foreign state. If he does, administer oath expressly renouncing such title or order of nobility. *8 USC 1448(b)*.

10/25/69

4.05.2

5. Address (or designate some member of the community to address) naturalized citizens on the general topic of the meaning of United States Citizenship and the importance of each citizen's participation in the workings of a democracy. *36 USC 154.*

5.00 USEFUL INFORMATION

1. OATH TO VENIREMEN:

You and each of you, do solemnly swear (affirm) that the answers you shall give to the questions propounded to you by or under direction of the court touching your possible service as jurors in this case shall be the truth, the whole truth, and nothing but the truth. So help you God. (Under the penalties of perjury.)

2. OATH TO FOREMAN OF GRAND JURY:

You, as foreman of this grand jury, do solemnly swear (affirm) that you shall diligently inquire into, and true presentment make of all such matters and things as shall be given you in charge, or otherwise come to your knowledge, touching your present grand jury service: The counsel of the United States, your fellows, and your own, you will keep secret; you shall not present any person through hatred, malice or ill will: nor shall you leave any person unrepresented through fear, favor or affection, nor for any reward, or hope or promise thereof; but in all your presentments, you shall present the truth, the whole truth, and nothing but the truth, to best of your skill and understanding, so help you God. (Under the penalties of perjury.)

3. OATH TO OTHER GRAND JURORS:

You, and each of you, do solemnly swear (affirm) that you shall diligently inquire into, and true presentment make of all such matters and things as shall be given you in charge, or otherwise come to your knowledge, touching your present grand jury service: The counsel of the United States, your fellows, and your own, you will keep secret; you shall not present any person through hatred, malice or ill will: nor shall you leave any person unrepresented through fear, favor or affection, nor for any reward, or hope or promise thereof: but in all your presentments, you shall present the truth, the whole truth, and nothing but the truth, to the best of your skill and understanding, so help you God. (Under the penalties of perjury.)

4. OATH TO JURY IN CRIMINAL CASE:

You and each of you, do solemnly swear (affirm) that you will well and truly try the issue between the United States and the prisoner, and a true verdict give according to the evidence and the law. So help you God. (Under the penalties of perjury.)

CALENDAR OF LEGAL HOLIDAYS

The following are national legal holidays: (Effective 1/1/70:
5 USC 6103)

New Year's Day	January 1
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	Fourth Monday in October
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

Insert calendar for current year showing
local legal and religious holidays:

COMMONLY USED ABBREVIATIONS OF NAMES OF FEDERAL AGENCIES

ACDA—Arms Control and Disarmament Agency.	IADB—Inter-American Defense Board.
AEC—Atomic Energy Commission.	ICC—Interstate Commerce Commission; Indian Claims Commission.
AID—Agency for International Development.	IRS—Internal Revenue Service.
AMS—Agricultural Marketing Service.	MA—Maritime Administration.
ARC—American Red Cross.	MATS—Military Air Transport Service.
ARS—Agricultural Research Service.	NASA—National Aeronautics and Space Administration.
BDSA—Business and Defense Services Administration.	NATO—North Atlantic Treaty Organization.
BEC—Bureau of Employees' Compensation.	NBS—National Bureau of Standards.
BLS—Bureau of Labor Statistics.	NIH—National Institutes of Health.
CAB—Civil Aeronautics Board.	NLRB—National Labor Relations Board.
CAP—Civil Air Patrol.	NSA—National Shipping Authority; National Security Agency.
CCC—Commodity Credit Corporation.	NSC—National Security Council.
CEA—Council of Economic Advisers.	NSF—National Science Foundation.
CIA—Central Intelligence Agency.	OAS—Organization of American States.
CSC—Civil Service Commission.	OECD—Organization for Economic Cooperation and Development.
DASA—Defense Atomic Support Agency.	OEP—Office of Emergency Planning.
FAA—Federal Aviation Agency.	PBS—Public Buildings Service.
FAS—Foreign Agricultural Service.	PHA—Public Housing Administration.
FBI—Federal Bureau of Investigation.	PHS—Public Health Service.
FCA—Farm Credit Administration.	RB—Rencotiation Board.
FCC—Federal Communications Commission.	REA—Rural Electrification Administration.
FDA—Food and Drug Administration.	RRB—Railroad Retirement Board.
FDIC—Federal Deposit Insurance Corporation.	SBA—Small Business Administration.
FHA—Federal Housing Administration; Farmers Home Administration.	SEC—Securities and Exchange Commission.
FHLBB—Federal Home Loan Bank Board.	SSA—Social Security Administration.
FMC—Federal Maritime Commission.	SSS—Selective Service System.
FMCS—Federal Mediation and Conciliation Service.	TVA—Tennessee Valley Authority.
FNMA—Federal National Mortgage Association.	USCG—United States Coast Guard.
FPC—Federal Power Commission.	USES—United States Employment Service.
FRS—Federal Reserve System.	USIA—United States Information Agency.
FTC—Federal Trade Commission.	USMC—United States Marine Corps.
GAO—General Accounting Office.	VA—Veterans Administration.
GPO—Government Printing Office.	WAC—Women's Army Corps.
GSA—General Services Administration.	WAVES—Women Accepted for Volunteer Emergency Service (Women's Reserve, USNR).
HHFA—Housing and Home Finance Agency.	

For determining any day of the week for any specific date within 200 years from the introduction of the "New Style", 1753 to 2000, inclusive.

COMMON YEARS 1753 TO 1999										Jan. (31 d.)	Feb. (28 d.)	March (31 d.)	April (30 d.)	May (31 d.)	June (30 d.)	July (31 d.)	Aug. (31 d.)	Sept. (30 d.)	Oct. (31 d.)	Nov. (30 d.)	Dec. (31 d.)
1761	1789	1801	1829	1857	1885	1903	1931	1959	1987	4	7	7	3	5	1	3	6	2	4	7	2
1767	1795	1807	1835	1863	1891	1914	1942	1970	1998												
1778	1806	1818	1846	1874	1902	1925	1953	1981													
1762	1790	1813	1841	1869	1897	1915	1943	1971	1999	5	1	1	4	6	2	4	7	3	5	1	3
1773	1801	1819	1847	1875	1903	1926	1954	1982													
1779	1802	1830	1858	1886	1909	1937	1965	1993													
1757	1785	1803	1831	1859	1887	1910	1938	1966	1994	6	2	2	5	7	3	5	1	4	6	2	4
1763	1791	1814	1842	1870	1898	1921	1949	1977													
1774	1803	1825	1853	1881	1904	1927	1955	1983													
1754	1782	1805	1822	1850	1878	1901	1918	1946	1974	2	5	5	1	3	6	1	4	7	2	5	7
1765	1793	1805	1833	1861	1889	1901	1929	1957	1985												
1771	1799	1811	1839	1867	1895	1907	1935	1963	1991	3	6	6	2	4	7	2	5	1	3	6	1
1755	1783	1800	1823	1851	1879	1902	1930	1958	1986												
1766	1794	1806	1834	1862	1890	1913	1941	1969	1997	7	3	3	6	1	4	6	2	5	7	3	5
1777	1806	1817	1845	1873	1896	1919	1947	1975													
1758	1786	1809	1837	1865	1893	1905	1933	1961	1989												
1769	1797	1815	1843	1871	1899	1911	1939	1967	1995												
1775	1803	1826	1854	1882	1905	1922	1950	1978													
1753	1781	1810	1838	1866	1894	1906	1934	1962	1990	1	4	4	7	2	5	7	3	6	1	4	6
1759	1787	1821	1849	1877	1900	1917	1945	1973													
1770	1798	1827	1855	1883	1900	1923	1951	1979													

LEAP YEARS, 1756 TO 2000										Jan. (31 d.)	Feb. (29 d.)	March (31 d.)	April (30 d.)	May (31 d.)	June (30 d.)	July (31 d.)	Aug. (31 d.)	Sept. (30 d.)	Oct. (31 d.)	Nov. (30 d.)	Dec. (31 d.)
1764	1792	1804	1832	1860	1888	1904	1932	1956	1984	7	3	4	7	2	5	7	3	6	1	4	6
1768	1796	1808	1836	1864	1892	1904	1932	1960	1988	5	1	2	5	7	3	5	1	4	6	2	4
1772	1800	1812	1840	1868	1896	1908	1936	1964	1992	3	6	7	3	5	1	3	6	2	4	7	2
1776	1804	1816	1844	1872	1900	1912	1940	1968	1996	1	4	5	1	3	6	1	4	7	2	5	7
1780	1808	1820	1848	1876	1904	1916	1944	1972	2000	6	2	3	6	1	4	6	2	5	7	3	5
1756	1784	1824	1852	1880	1904	1920	1948	1976		4	7	1	4	6	2	4	7	3	5	1	3
1760	1788	1828	1856	1884	1908	1924	1952	1980		2	5	6	2	4	7	2	5	1	3	6	1

1	2	3	4	5	6	7
1 Monday	1 Tuesday	1 Wednesday	1 Thursday	1 Friday	1 Saturday	1 SUNDAY
2 Tuesday	2 Wednesday	2 Thursday	2 Friday	2 Saturday	2 SUNDAY	2 Monday
3 Wednesday	3 Thursday	3 Friday	3 Saturday	3 SUNDAY	3 Monday	3 Tuesday
4 Thursday	4 Friday	4 Saturday	4 SUNDAY	4 Monday	4 Tuesday	4 Wednesday
5 Friday	5 Saturday	5 SUNDAY	5 Monday	5 Tuesday	5 Wednesday	5 Thursday
6 Saturday	6 SUNDAY	6 Monday	6 Tuesday	6 Wednesday	6 Thursday	6 Friday
7 SUNDAY	7 Monday	7 Tuesday	7 Wednesday	7 Thursday	7 Friday	7 Saturday
8 Monday	8 Tuesday	8 Wednesday	8 Thursday	8 Friday	8 Saturday	8 SUNDAY
9 Tuesday	9 Wednesday	9 Thursday	9 Friday	9 Saturday	9 SUNDAY	9 Monday
10 Wednesday	10 Thursday	10 Friday	10 Saturday	10 SUNDAY	10 Monday	10 Tuesday
11 Thursday	11 Friday	11 Saturday	11 SUNDAY	11 Monday	11 Tuesday	11 Wednesday
12 Friday	12 Saturday	12 SUNDAY	12 Monday	12 Tuesday	12 Wednesday	12 Thursday
13 Saturday	13 SUNDAY	13 Monday	13 Tuesday	13 Wednesday	13 Thursday	13 Friday
14 SUNDAY	14 Monday	14 Tuesday	14 Wednesday	14 Thursday	14 Friday	14 Saturday
15 Monday	15 Tuesday	15 Wednesday	15 Thursday	15 Friday	15 Saturday	15 SUNDAY
16 Tuesday	16 Wednesday	16 Thursday	16 Friday	16 Saturday	16 SUNDAY	16 Monday
17 Wednesday	17 Thursday	17 Friday	17 Saturday	17 SUNDAY	17 Monday	17 Tuesday
18 Thursday	18 Friday	18 Saturday	18 SUNDAY	18 Monday	18 Tuesday	18 Wednesday
19 Friday	19 Saturday	19 SUNDAY	19 Monday	19 Tuesday	19 Wednesday	19 Thursday
20 Saturday	20 SUNDAY	20 Monday	20 Tuesday	20 Wednesday	20 Thursday	20 Friday
21 SUNDAY	21 Monday	21 Tuesday	21 Wednesday	21 Thursday	21 Friday	21 Saturday
22 Monday	22 Tuesday	22 Wednesday	22 Thursday	22 Friday	22 Saturday	22 SUNDAY
23 Tuesday	23 Wednesday	23 Thursday	23 Friday	23 Saturday	23 SUNDAY	23 Monday
24 Wednesday	24 Thursday	24 Friday	24 Saturday	24 SUNDAY	24 Monday	24 Tuesday
25 Thursday	25 Friday	25 Saturday	25 SUNDAY	25 Monday	25 Tuesday	25 Wednesday
26 Friday	26 Saturday	26 SUNDAY	26 Monday	26 Tuesday	26 Wednesday	26 Thursday
27 Saturday	27 SUNDAY	27 Monday	27 Tuesday	27 Wednesday	27 Thursday	27 Friday
28 SUNDAY	28 Monday	28 Tuesday	28 Wednesday	28 Thursday	28 Friday	28 Saturday
29 Monday	29 Tuesday	29 Wednesday	29 Thursday	29 Friday	29 Saturday	29 SUNDAY
30 Tuesday	30 Wednesday	30 Thursday	30 Friday	30 Saturday	30 SUNDAY	30 Monday
31 Wednesday	31 Thursday	31 Friday	31 Saturday	31 SUNDAY	31 Monday	31 Tuesday

To learn what day of the week any date in history fell upon, or any date in the future up to the year 2000 will fall upon—

1. Find the year in the Common Year Table at the upper left or in the leap year table below it.
2. Follow the parallel column toward the right to the month involved.
3. This shows you which of the 7 columns at the bottom to use as the calendar for the year and month.
4. The day of the week is shown in this column at the right of the day of the month sought.

Units of Measurement—Conversion Factors*

Units of Length

To Convert from Centimeters	
To	Multiply by
Inches.....	0.393 700 8
Feet.....	0.032 808 40
Yards.....	0.010 936 13
Meters.....	0.01

To Convert from Meters	
To	Multiply by
Inches.....	39.370 08
Feet.....	3.280 840
Yards.....	1.093 613
Miles.....	0.000 621 37
Millimeters.....	1 000
Centimeters.....	100
Kilometers.....	0.001

To Convert from Inches	
To	Multiply by
Feet.....	0.083 333 33
Yards.....	0.027 777 78
Centimeters.....	2.54
Meters.....	0.025 4

To Convert from Feet	
To	Multiply by
Inches.....	12
Yards.....	0.333 333 3
Miles.....	0.000 189 39
Centimeters.....	30.48
Meters.....	0.304 8
Kilometers.....	0.000 304 8

* All boldface figures are exact; the others generally are given to seven significant figures.

In using conversion factors, it is possible to perform division as well as the multiplication process shown here. Division may be particularly advantageous where more than the significant figures published here are required. Division may be performed in lieu of multiplication by using the reciprocal of any indicated multiplier as divisor. For example, to convert from centimeters to inches by division, refer to the table headed "To Convert from *Inches*" and use the factor listed at "centimeters" (**2.54**) as divisor.

To Convert from Yards	
To	Multiply by
Inches.....	36
Feet.....	3
Miles.....	0.000 568 18
Centimeters.....	91.44
Meters.....	0.914 4

To Convert from Miles	
To	Multiply by
Inches.....	63 360
Feet.....	5 280
Yards.....	1 760
Centimeters.....	160 934.4
Meters.....	1 609.344
Kilometers.....	1.609 344

Units of Mass

To Convert from Grams		
To	Multiply by	
Grains.....	15.432 36	
Avoirdupois Drams.....	0.564 383 4	
Avoirdupois Ounces.....	0.035 273 96	
Troy Ounces.....	0.032 150 75	
Troy Pounds.....	0.002 679 23	
Avoirdupois Pounds.....	0.002 204 62	
Milligrams.....	1 000	
Kilograms.....	0.001	

To Convert from Metric Tons		
To	Multiply by	
Avoirdupois Pounds.....	2 204.623	
Short Hundredweights.....	22.046 23	
Short Tons.....	1.102 311 3	
Long Tons.....	0.984 206 5	
Kilograms.....	1 000	

To Convert from Grains		
To	Multiply by	
Avoirdupois Drams.....	0.036 571 43	
Avoirdupois Ounces.....	0.002 285 71	
Troy Ounces.....	0.002 083 33	
Troy Pounds.....	0.000 173 61	
Avoirdupois Pounds.....	0.000 142 86	
Milligrams.....	64.798 91	
Grams.....	0.064 798 91	
Kilograms.....	0.000 064 798 91	

To Convert from Avoirdupois Pounds		
To	Multiply by	
Grains.....	7 000	
Avoirdupois Drams.....	256	
Avoirdupois Ounces.....	16	
Troy Ounces.....	14.583 33	
Troy Pounds.....	1.215 278	
Grams.....	453.592 37	
Kilograms.....	0.453 592 37	
Short Hundredweights.....	0.01	
Short Tons.....	0.000 5	
Long Tons.....	0.000 446 428 6	
Metric Tons.....	0.000 453 592 37	

To Convert from Kilograms		
To	Multiply by	
Grains.....	15 432.36	
Avoirdupois Drams.....	564.383 4	
Avoirdupois Ounces.....	35.273 96	
Troy Ounces.....	32.150 75	
Troy Pounds.....	2.679 229	
Avoirdupois Pounds.....	2.204 623	
Grams.....	1 000	
Short Hundredweights.....	0.022 046 23	
Short Tons.....	0.001 102 31	
Long Tons.....	0.000 984 2	
Metric Tons.....	0.001	

To Convert from Avoirdupois Ounces		
To	Multiply by	
Grains.....	437.5	
Avoirdupois Drams.....	16	
Troy Ounces.....	0.911 458 3	
Troy Pounds.....	0.075 954 86	
Avoirdupois Pounds.....	0.062 5	
Grams.....	28.349 523 125	
Kilograms.....	0.028 349 523 125	

To Convert from Short Hundredweights		
To	Multiply by	
Avoirdupois Pounds.....	100	
Short Tons.....	0.05	
Long Tons.....	0.044 642 86	
Kilograms.....	45.359 237	
Metric Tons.....	0.045 359 237	

To Convert from Short Tons		
To	Multiply by	
Avoirdupois Pounds.....	2 000	
Short Hundredweights.....	20	
Long Tons.....	0.892 857 1	
Kilograms.....	907.184 74	
Metric Tons.....	0.907 184 74	

To Convert from Long Tons		
To	Multiply by	
Avoirdupois Ounces.....	35 840	
Avoirdupois Pounds.....	2 240	
Short Hundredweights.....	22.4	
Short Tons.....	1.12	
Kilograms.....	1 016.046 908 8	
Metric Tons.....	1.016 046 908 8	

To Convert from Troy Ounces		
To	Multiply by	
Grains.....	480	
Avoirdupois Drams.....	17.554 29	
Avoirdupois Ounces.....	1.097 143	
Troy Pounds.....	0.083 333 3	
Avoirdupois Pounds.....	0.068 571 43	
Grams.....	31.103 476 8	

To Convert from Troy Pounds		
To	Multiply by	
Grains.....	5 760	
Avoirdupois Drams.....	210.651 4	
Avoirdupois Ounces.....	13.165 71	
Troy Ounces.....	12	
Avoirdupois Pounds.....	0.822 857 1	
Grams.....	373.241 721 6	

Units of Capacity, or Volume, Liquid Measure

To Convert from Milliliters		
To	Multiply by	
Minims.....	16.230 73	
Liquid Ounces.....	0.033 814 02	
Gills.....	0.008 453 5	
Liquid Pints.....	0.002 113 4	
Liquid Quarts.....	0.001 056 7	
Gallons.....	0.000 264 17	
Cubic Inches.....	0.061 023 74	
Liters.....	0.001	

To Convert from Liters		
To	Multiply by	
Liquid Ounces.....	33.814 02	
Gills.....	8.453 506	
Liquid Pints.....	2.113 376	
Liquid Quarts.....	1.056 688	
Gallons.....	0.264 172 05	
Cubic Inches.....	61.023 74	
Cubic Feet.....	0.035 314 67	
Milliliters.....	1 000	
Cubic Meters.....	0.001	
Cubic Yards.....	0.001 307 95	

To Convert from Cubic Meters		
To	Multiply by	
Gallons.....	264.172 05	
Cubic Inches.....	61 023.74	
Cubic Feet.....	35.314 67	
Liters.....	1 000	
Cubic Yards.....	1.307 950 6	

To Convert from Minims		
To	Multiply by	
Liquid Ounces.....	0.002 083 33	
Gills.....	0.000 520 83	
Cubic Inches.....	0.003 759 77	
Milliliters.....	0.061 611 52	

To Convert from Gills	
To	Multiply by
Minims.....	1 920
Liquid Ounces.....	4
Liquid Pints.....	0.25
Liquid Quarts.....	0.125
Gallons.....	0.031 25
Cubic Inches.....	7.218 75
Cubic Feet.....	0.004 177 517
Milliliters.....	118.294 118 25
Liters.....	0.118 294 118 25

To Convert from Liquid Pints	
To	Multiply by
Minims.....	7 680
Liquid Ounces.....	16
Gills.....	4
Liquid Quarts.....	0.5
Gallons.....	0.125
Cubic Inches.....	28.875
Cubic Feet.....	0.016 710 07
Milliliters.....	473.176 473
Liters.....	0.473 176 473

To Convert from Liquid Ounces	
To	Multiply by
Minims.....	480
Gills.....	0.25
Liquid Pints.....	0.062 5
Liquid Quarts.....	0.031 25
Gallons.....	0.007 812 5
Cubic Inches.....	1.804 687 5
Cubic Feet.....	0.001 044 38
Milliliters.....	29.573 53
Liters.....	0.029 573 53

To Convert from Cubic Feet	
To	Multiply by
Liquid Ounces.....	957.506 5
Gills.....	239.376 6
Liquid Pints.....	59.844 16
Liquid Quarts.....	29.922 08
Gallons.....	7.480 519
Cubic Inches.....	1 728
Liters.....	28.316 846 592
Cubic Meters.....	0.028 316 846 592
Cubic Yards.....	0.037 037 04

To Convert from Cubic Inches	
To	Multiply by
Minims.....	265.974 0
Liquid Ounces.....	0.554 112 6
Gills.....	0.138 528 1
Liquid Pints.....	0.034 632 03
Liquid Quarts.....	0.017 316 02
Gallons.....	0.004 329 0
Cubic Feet.....	0.000 578 7
Milliliters.....	16.387 064
Liters.....	0.016 387 064
Cubic Meters.....	0.000 016 387 064
Cubic Yards.....	0.000 021 43

To Convert from Cubic Yards	
To	Multiply by
Gallons.....	201.974 0
Cubic Inches.....	46 656
Cubic Feet.....	27
Liters.....	764.554 857 984
Cubic Meters.....	0.764 554 857 984

To Convert from Liquid Quarts	
To	Multiply by
Minims.....	15 360
Liquid Ounces.....	32
Gills.....	8
Liquid Pints.....	2
Gallons.....	0.25
Cubic Inches.....	57.75
Cubic Feet.....	0.033 420 14
Milliliters.....	946.352 946
Liters.....	0.946 352 946

To Convert from Gallons	
To	Multiply by
Minims.....	61 440
Liquid Ounces.....	128
Gills.....	32
Liquid Pints.....	8
Liquid Quarts.....	4
Cubic Inches.....	231
Cubic Feet.....	0.133 680 6
Milliliters.....	3 785.411 784
Liters.....	3.785 411 784
Cubic Meters.....	0.003 785 411 784
Cubic Yards.....	0.004 951 13

Units of Capacity, or Volume, Dry Measure

To Convert from Liters	
To	Multiply by
Dry Pints.....	1.816 166
Dry Quarts.....	0.908 082 98
Pecks.....	0.113 510 4
Bushels.....	0.028 377 59
Dekaliters.....	0.1

To Convert from Dekaliters	
To	Multiply by
Dry Pints.....	18.161 66
Dry Quarts.....	9.080 829 8
Pecks.....	1.135 104
Bushels.....	0.283 775 9
Cubic Inches.....	610.237 4
Cubic Feet.....	0.353 146 7
Liters.....	10

To Convert from Cubic Meters	
To	Multiply by
Pecks.....	113.510 4
Bushels.....	28.377 59

To Convert from Dry Pints	
To	Multiply by
Dry Quarts.....	0.5
Pecks.....	0.062 5
Bushels.....	0.015 625
Cubic Inches.....	33.600 312 5
Cubic Feet.....	0.019 444 63
Liters.....	0.550 610 47
Dekaliters.....	0.055 061 05

To Convert from Dry Quarts		
To	Multiply by	
Dry Pints.....	2	
Pecks.....	0.125	
Bushels.....	0.031 25	
Cubic Inches.....	67.200 625	
Cubic Feet.....	0.038 889 25	
Liters.....	1.101 221	
Dekaliters.....	0.110 122 1	

To Convert from Pecks		
To	Multiply by	
Dry Pints.....	16	
Dry Quarts.....	8	
Bushels.....	0.25	
Cubic Inches.....	537.605	
Cubic Feet.....	0.311 114	
Liters.....	8.809 767 5	
Dekaliters.....	0.880 976 75	
Cubic Meters.....	0.008 809 77	
Cubic Yards.....	0 011 522 74	

To Convert from Bushels		
To	Multiply by	
Dry Pints.....	64	
Dry Quarts.....	32	
Pecks.....	4	
Cubic Inches.....	2 150.42	
Cubic Feet.....	1.244 456	
Liters.....	35.239 07	
Dekaliters.....	3.523 907	
Cubic Meters.....	0.035 239 07	
Cubic Yards.....	0.046 090 96	

To Convert from Cubic Inches		
To	Multiply by	
Dry Pints.....	0.029 761 6	
Dry Quarts.....	0.014 880 8	
Pecks.....	0.001 860 10	
Bushels.....	0.000 465 025	

To Convert from Cubic Feet		
To	Multiply by	
Dry Pints.....	51.428 09	
Dry Quarts.....	25.714 05	
Pecks.....	3.214 256	
Bushels.....	0.803 563 95	

To Convert from Cubic Yards		
To	Multiply by	
Pecks.....	86.784 91	
Bushels.....	21.696 227	

Units of Area

To Convert from Square Centimeters	
To	Multiply by
Square Inches.....	0.155 000 3
Square Feet.....	0.001 076 39
Square Yards.....	0.000 119 599
Square Meters.....	0.000 1

To Convert from Square Meters	
To	Multiply by
Square Inches.....	1 550.003
Square Feet.....	10.763 91
Square Yards.....	1.195 990
Acres.....	0.000 247 105
Square Centimeters.....	10 000
Hectares.....	0.000 1

To Convert from Hectares	
To	Multiply by
Square Feet.....	107 639.1
Square Yards.....	11 959.90
Acres.....	2.471 054
Square Miles.....	0.003 861 02
Square Meters.....	10 000

To Convert from Square Inches	
To	Multiply by
Square Feet.....	0.006 944 44
Square Yards.....	0.000 771 605
Square Centimeters.....	6.451 6
Square Meters.....	0.000 645 16

To Convert from Square Feet	
To	Multiply by
Square Inches.....	144
Square Yards.....	0.111 111 1
Acres.....	0.000 022 957
Square Centimeters.....	929.030 4
Square Meters.....	0.092 903 04

To Convert from Square Yards	
To	Multiply by
Square Inches.....	1 296
Square Feet.....	9
Acres.....	0.000 206 611 6
Square Miles.....	0.000 000 322 830 6
Square Centimeters.....	8 361.273 6
Square Meters.....	0.836 127 36
Hectares.....	0.000 083 612 736

To Convert from Acres	
To	Multiply by
Square Feet.....	43 560
Square Yards.....	4 840
Square Miles.....	0.001 562 5
Square Meters.....	4 046.856 422 4
Hectares.....	0.404 685 642 24

To Convert from Square Miles	
To	Multiply by
Square Feet.....	27 878 400
Square Yards.....	3 097 600
Acres.....	640
Square Meters.....	2 589 988.110 336
Hectares.....	258.998 811 033 6

10/25/69

5.06

SECTION 5 - LIFE TABLES

Table 5-4. Expectation of Life at Single Years of Age, by Color and Sex: United States, 1967

Age	Total			White			Nonwhite		
	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female
0	70.5	67.0	74.2	71.3	67.4	75.1	64.6	61.1	69.2
1	71.1	67.7	74.6	71.7	67.8	75.3	65.0	61.6	69.5
2	70.2	66.8	73.7	70.8	67.4	74.4	65.2	61.8	69.6
3	69.2	65.8	72.8	69.9	66.2	73.5	64.2	60.9	68.7
4	68.3	64.9	71.8	68.9	65.5	72.5	63.3	59.9	67.8
5	67.3	63.9	70.9	68.0	64.6	71.5	62.4	59.0	66.8
6	66.4	63.0	69.9	67.0	63.6	70.6	61.4	58.1	65.9
7	65.4	62.0	68.9	66.0	62.7	69.6	60.4	57.1	64.9
8	64.4	61.0	68.1	65.1	61.7	68.6	59.5	56.1	63.9
9	63.4	60.1	67.0	64.1	60.7	67.6	58.5	55.2	62.0
10	62.4	59.1	66.0	63.1	59.7	66.7	57.5	54.2	61.0
11	61.5	58.1	65.0	62.1	58.7	65.7	56.5	53.2	60.0
12	60.5	57.1	64.0	61.1	57.6	64.7	55.4	52.2	59.0
13	59.5	56.1	63.0	60.1	56.6	63.7	54.3	51.3	58.0
14	58.5	55.2	62.1	59.2	55.6	62.7	53.2	50.3	57.1
15	57.6	54.2	61.1	58.2	54.6	61.7	52.1	49.4	56.1
16	56.6	53.3	60.1	57.3	53.6	60.7	51.0	48.4	55.1
17	55.7	52.4	59.1	56.3	52.7	59.7	50.0	47.5	54.2
18	54.7	51.4	58.2	55.4	51.7	58.8	48.9	46.6	53.2
19	53.8	50.5	57.2	54.4	51.1	57.9	48.0	45.7	52.3
20	52.9	49.6	56.3	53.5	50.2	56.9	47.1	44.8	51.3
21	51.9	48.7	55.3	52.5	49.3	55.9	46.1	43.9	50.4
22	51.0	47.8	54.3	51.6	48.4	55.0	45.2	43.1	49.4
23	50.1	46.9	53.4	50.7	47.5	54.0	44.3	42.2	48.5
24	49.2	46.0	52.4	49.7	46.6	53.0	43.4	41.3	47.6
25	48.2	45.1	51.5	48.8	45.7	52.1	42.5	40.5	46.6
26	47.3	44.2	50.5	47.8	44.7	51.1	41.6	39.7	45.7
27	46.3	43.3	49.5	46.9	43.8	50.1	40.8	38.7	44.8
28	45.4	42.3	48.6	46.0	42.9	49.2	40.0	38.0	43.9
29	44.4	41.4	47.6	45.0	41.9	48.2	40.1	37.1	43.0
30	43.5	40.5	46.7	44.1	41.0	47.2	39.1	36.3	42.1
31	42.6	39.6	45.7	43.1	40.1	46.3	38.3	35.5	41.2
32	41.6	38.7	44.8	42.2	39.1	45.3	37.4	34.7	40.3
33	40.7	37.7	43.8	41.2	38.2	44.4	36.6	33.9	39.4
34	39.8	36.8	42.9	40.3	37.3	43.4	35.7	33.0	38.5
35	38.9	35.9	41.9	39.3	36.4	42.5	34.9	32.2	37.7
36	37.9	35.0	41.0	38.4	35.4	41.5	34.1	31.4	36.8
37	37.0	34.1	40.1	37.5	34.5	40.6	33.3	30.6	36.0
38	36.1	33.2	39.1	36.6	33.6	39.6	32.4	29.9	35.1
39	35.2	32.3	38.2	35.6	32.7	38.7	31.6	29.1	34.3
40	34.3	31.4	37.3	34.7	31.8	37.8	30.8	28.3	33.4
41	33.4	30.6	36.4	33.8	30.9	36.8	30.0	27.6	32.6
42	32.5	29.7	35.5	32.8	29.9	35.9	29.2	26.8	31.8
43	31.6	28.8	34.6	32.0	29.1	35.0	28.5	26.1	31.0
44	30.8	28.0	33.7	31.1	28.2	34.1	27.7	25.3	30.2
45	29.9	27.1	32.8	30.2	27.4	33.2	26.9	24.6	29.4
46	29.0	26.3	31.9	29.4	26.6	32.3	26.2	23.9	28.6
47	28.2	25.5	31.0	28.5	25.7	31.4	25.5	23.2	27.8
48	27.3	24.6	30.1	27.6	24.9	30.5	24.7	22.5	27.0
49	26.5	23.8	29.3	26.8	24.1	29.6	24.0	21.8	26.3
50	25.7	23.1	28.4	26.0	23.3	28.7	23.3	21.1	25.5
51	24.9	22.3	27.6	25.1	22.5	27.8	22.6	20.5	24.8
52	24.1	21.5	26.7	24.3	21.7	27.0	21.9	19.8	24.0
53	23.3	20.8	25.9	23.5	20.9	26.2	21.2	19.2	23.3
54	22.5	20.0	25.0	22.7	20.2	25.3	20.6	18.6	22.6
55	21.8	19.3	24.2	22.0	19.5	24.5	19.9	18.0	21.9
56	21.0	18.6	23.4	21.2	18.8	23.6	19.3	17.4	21.2
57	20.3	17.9	22.6	20.4	18.1	22.8	18.7	16.9	20.6
58	19.5	17.3	21.8	19.7	17.4	22.0	18.1	16.3	19.9
59	18.8	16.6	21.0	19.0	16.7	21.2	17.5	15.8	19.3
60	18.1	16.0	20.2	18.2	16.1	20.4	17.0	15.3	18.7
61	17.4	15.3	19.4	17.5	15.4	19.6	16.4	14.7	18.1
62	16.7	14.7	18.7	16.8	14.8	18.8	15.6	14.2	17.5
63	16.1	14.1	17.9	16.2	14.2	18.0	15.3	13.7	16.9
64	15.4	13.5	17.2	15.5	13.6	17.3	14.8	13.2	16.3
65	14.8	13.0	16.4	14.8	13.0	16.5	14.3	12.7	15.8
66	14.2	12.4	15.7	14.2	12.5	15.8	13.9	12.3	15.4
67	13.5	11.9	15.0	13.6	11.9	15.1	13.5	12.0	15.0
68	13.0	11.4	14.3	13.0	11.4	14.3	13.2	11.7	14.6
69	12.4	10.8	13.7	12.4	10.9	13.7	12.9	11.4	14.3
70	11.8	10.4	13.0	11.8	10.4	13.0	12.6	11.2	13.9
71	11.3	10.0	12.4	11.2	9.9	12.3	12.3	11.0	13.5
72	10.7	9.5	11.8	10.7	9.4	11.7	12.0	10.8	13.2
73	10.2	9.1	11.1	10.1	9.0	11.1	11.8	10.6	12.8
74	9.7	8.7	10.5	9.6	8.6	10.4	11.5	10.4	12.4
75	9.2	8.3	10.0	9.1	8.2	9.9	11.2	10.3	12.0
76	8.7	7.9	9.4	8.6	7.8	9.3	10.9	10.1	11.6
77	8.3	7.5	8.8	8.1	7.4	8.7	10.5	9.8	11.2
78	7.8	7.1	8.3	7.6	7.0	8.2	10.2	9.6	10.7
79	7.3	6.7	7.8	7.2	6.6	7.6	9.8	9.3	10.3
80	6.9	6.4	7.3	6.7	6.2	7.1	9.4	9.0	9.8
81	6.5	6.0	6.8	6.3	5.8	6.6	9.0	8.7	9.4
82	6.0	5.7	6.3	5.9	5.5	6.1	8.6	8.4	9.0
83	5.6	5.3	5.8	5.5	5.1	5.7	8.3	8.0	8.5
84	5.3	5.0	5.4	5.1	4.8	5.3	7.9	7.7	8.1
85	4.9	4.7	5.0	4.7	4.5	4.9	7.6	7.5	7.7

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MORTALITY TABLES (LIFE EXPECTANCY)*

Age	American Experience (1843-1858)		American Men Ultimate (Davis Extension) (1900-1915)		Commissioners 1941 Standard Ordinary (1930-1940)		Annuity Table for 1949—Male (1939-1949)		United States Total Population (1949-1951)		Commissioners 1958 Standard Ordinary (1950-1954)	
	Deaths Per 1000	Expecta-tion of Life-Years	Deaths Per 1000	Expecta-tion of Life-Years	Deaths Per 1000	Expecta-tion of Life-Years	Deaths Per 1000	Expecta-tion of Life-Years	Deaths Per 1000	Expecta-tion of Life-Years	Deaths Per 1000	Expecta-tion of Life-Years
0	154.70	41.45	27.85	60.80	22.58	62.33	4.04	73.18	29.76	68.07	7.08	68.30
1	63.49	47.94	7.39	61.52	5.77	62.76	1.58	72.48	2.30	69.16	1.76	67.78
2	35.50	50.16	4.81	60.98	4.14	62.12	.89	71.59	1.39	68.31	1.52	66.90
3	23.91	50.98	3.85	60.27	3.38	61.37	.72	70.65	1.05	67.41	1.46	66.00
4	17.70	51.22	3.55	59.50	2.99	60.58	.63	69.70	.86	66.48	1.40	65.10
5	13.60	51.13	3.32	58.71	2.76	59.76	.57	68.75	.76	65.54	1.35	64.19
6	11.37	50.83	3.13	57.91	2.61	58.92	.53	67.78	.68	64.59	1.30	63.27
7	9.75	50.41	2.94	57.09	2.47	58.08	.50	66.82	.61	63.63	1.26	62.35
8	8.63	49.90	2.76	56.25	2.31	57.22	.49	65.85	.56	62.67	1.23	61.43
9	7.90	49.33	2.53	55.41	2.12	56.35	.48	64.89	.54	61.70	1.21	60.51
10	7.49	48.72	2.37	54.55	1.97	55.47	.48	63.92	.53	60.74	1.21	59.58
11	7.52	48.08	2.30	53.67	1.91	54.50	.49	62.95	.54	59.77	1.23	58.65
12	7.54	47.45	2.30	52.80	1.92	53.60	.50	61.98	.58	58.80	1.26	57.72
13	7.57	46.80	2.37	51.92	1.98	52.78	.51	61.01	.65	57.83	1.32	56.80
14	7.60	46.16	2.49	51.04	2.07	51.89	.52	60.04	.75	56.87	1.39	55.87
15	7.63	45.50	2.64	50.17	2.15	50.99	.54	59.07	.87	55.91	1.46	54.95
16	7.66	44.85	2.86	49.30	2.19	50.10	.55	58.10	1.00	54.96	1.54	54.03
17	7.69	44.19	3.16	48.44	2.25	49.21	.57	57.13	1.10	54.02	1.62	53.11
18	7.73	43.53	3.48	47.59	2.30	48.32	.58	56.17	1.19	53.07	1.69	52.19
19	7.77	42.87	3.75	46.75	2.37	47.43	.60	55.20	1.27	52.14	1.74	51.28
20	7.80	42.20	3.92	45.93	2.43	46.54	.62	54.23	1.35	51.20	1.79	50.37
21	7.86	41.53	4.02	45.11	2.51	45.66	.65	53.27	1.41	50.27	1.83	49.46
22	7.91	40.85	4.12	44.29	2.59	44.77	.67	52.30	1.47	49.34	1.86	48.55
23	7.96	40.17	4.18	43.47	2.68	43.88	.70	51.33	1.50	48.41	1.89	47.64
24	8.01	39.49	4.25	42.65	2.77	43.00	.73	50.37	1.52	47.49	1.91	46.73
25	8.06	38.81	4.31	41.83	2.88	42.12	.77	49.41	1.53	46.56	1.93	45.82
26	8.13	38.12	4.35	41.01	2.99	41.24	.81	48.44	1.55	45.63	1.96	44.90
27	8.20	37.43	4.39	40.18	3.11	40.36	.85	47.48	1.59	44.70	1.99	43.99
28	8.26	36.73	4.41	39.36	3.25	39.49	.90	46.52	1.64	43.77	2.03	43.08
29	8.34	36.03	4.43	38.53	3.40	38.61	.95	45.56	1.71	42.84	2.08	42.16
30	8.43	35.33	4.46	37.70	3.56	37.74	1.00	44.61	1.79	41.91	2.13	41.25
31	8.51	34.63	4.48	36.87	3.73	36.88	1.07	43.65	1.88	40.99	2.19	40.34
32	8.61	33.92	4.51	36.03	3.92	36.01	1.14	42.70	2.00	40.06	2.25	39.43
33	8.72	33.21	4.59	35.19	4.12	35.15	1.21	41.75	2.13	39.14	2.32	38.51
34	8.83	32.50	4.68	34.35	4.35	34.29	1.30	40.80	2.27	38.22	2.40	37.60
35	8.95	31.78	4.78	33.51	4.59	33.44	1.39	39.85	2.43	37.31	2.51	36.69
36	9.09	31.07	4.94	32.67	4.86	32.59	1.49	38.90	2.62	36.40	2.64	35.78
37	9.23	30.35	5.12	31.83	5.15	31.75	1.61	37.96	2.84	35.49	2.80	34.88
38	9.41	29.62	5.32	30.99	5.46	30.91	1.73	37.02	3.09	34.59	3.01	33.97
39	9.59	28.90	5.56	30.15	5.81	30.08	1.87	36.08	3.37	33.70	3.25	33.07
40	9.79	28.18	5.84	29.32	6.18	29.25	2.03	35.15	3.68	32.81	3.53	32.18
41	10.01	27.45	6.16	28.49	6.59	28.43	2.22	34.22	4.02	31.93	3.84	31.29
42	10.25	26.72	6.54	27.66	7.03	27.62	2.48	33.30	4.40	31.06	4.17	30.41
43	10.52	26.00	6.94	26.84	7.51	26.81	2.80	32.38	4.81	30.19	4.53	29.54
44	10.83	25.27	7.42	26.03	8.04	26.01	3.19	31.47	5.27	29.34	4.92	28.67
45	11.16	24.54	7.94	25.22	8.61	25.21	3.63	30.57	5.75	28.49	5.35	27.81
46	11.56	23.81	8.52	24.43	9.23	24.41	4.12	29.68	6.28	27.65	5.83	26.95
47	12.00	23.08	9.18	23.62	9.91	23.65	4.66	28.80	6.85	26.82	6.36	26.11
48	12.51	22.36	9.89	22.83	10.64	22.88	5.25	27.93	7.45	26.00	6.95	25.27
49	13.11	21.63	10.70	22.06	11.45	22.12	5.88	27.07	8.08	25.20	7.60	24.45
50	13.78	20.91	11.58	21.29	12.32	21.37	6.56	26.23	8.76	24.40	8.32	23.63
51	14.54	20.20	12.54	20.53	13.27	20.64	7.28	25.40	9.50	23.61	9.11	22.82
52	15.39	19.49	13.62	19.79	14.30	19.91	8.04	24.58	10.33	22.83	9.96	22.03

[Revised mortality tables should be consulted as issued.]

MORTALITY TABLES (LIFE EXPECTANCY*) (Cont'd)

Age	American Experience (1843-1858)		American Men Ultimate (Davis Extension) (1900-1915)		Commissioners 1941 Standard Ordinary (1930-1940)		Annuity Table for 1949—Male (1939-1949)		United States Total Population (1949-1951)		Commissioners 1958 Standard Ordinary (1950-1954)	
	Deaths Per 1000	Expecta-tion of Life-Years	Deaths Per 1000	Expecta-tion of Life-Years	Deaths Per 1000	Expecta-tion of Life-Years	Deaths Per 1000	Expecta-tion of Life-Years	Deaths Per 1000	Expecta-tion of Life-Years	Deaths Per 1000	Expecta-tion of Life-Years
53	16.33	18.79	14.78	19.05	15.43	19.19	8.84	23.78	11.24	22.06	10.89	21.25
54	17.40	18.09	16.08	18.33	16.65	18.40	9.68	22.99	12.22	21.31	11.90	20.47
55	18.57	17.40	17.47	17.62	17.98	17.78	10.56	22.20	13.27	20.57	13.00	19.71
56	19.89	16.72	19.02	16.93	19.43	17.10	11.49	21.44	14.41	19.84	14.21	18.97
57	21.34	16.05	20.69	16.25	21.00	16.43	12.46	20.68	15.63	19.12	15.54	18.23
58	22.94	15.39	22.51	15.58	22.71	15.77	13.46	19.93	16.93	18.41	17.00	17.51
59	24.72	14.74	24.49	14.93	24.57	15.13	14.54	19.20	18.30	17.72	18.59	16.81
60	26.69	14.10	26.68	14.29	26.59	14.50	15.66	18.40	19.77	17.04	20.34	16.12
61	28.88	13.47	29.03	13.67	28.78	13.88	16.87	17.76	21.33	16.30	22.24	15.44
62	31.29	12.86	31.59	13.06	31.18	13.27	18.20	17.06	23.02	15.72	24.31	14.78
63	33.94	12.26	34.37	12.47	33.76	12.69	19.67	16.37	24.75	15.08	26.57	14.14
64	36.87	11.67	37.38	11.90	36.58	12.11	21.28	15.60	26.52	14.45	29.04	13.51
65	40.13	11.10	40.66	11.34	39.64	11.55	23.07	15.01	28.43	13.83	31.75	12.90
66	43.71	10.54	44.18	10.80	42.96	11.01	25.03	14.36	30.60	13.22	34.74	12.31
67	47.65	10.00	48.03	10.28	46.56	10.48	27.19	13.71	33.13	12.62	38.04	11.73
68	52.00	9.47	52.16	9.77	50.46	9.97	29.58	13.08	35.98	12.04	41.68	11.17
69	56.76	8.97	56.64	9.28	54.70	9.47	32.20	12.46	39.08	11.47	45.61	10.64
70	61.99	8.48	61.47	8.81	59.30	8.99	35.09	11.86	42.49	10.92	49.79	10.12
71	67.67	8.00	66.70	8.35	64.27	8.52	38.27	11.28	46.26	10.38	54.15	9.63
72	73.73	7.55	72.33	7.91	69.66	8.08	41.77	10.71	50.44	9.86	58.65	9.15
73	80.18	7.11	78.39	7.49	75.50	7.64	45.62	10.15	54.99	9.35	63.26	8.69
74	87.03	6.68	84.92	7.08	81.81	7.23	49.85	9.61	59.88	8.87	68.12	8.24
75	94.37	6.27	91.94	6.69	88.64	6.82	54.50	9.09	65.16	8.40	73.37	7.81
76	102.31	5.88	99.51	6.32	96.02	6.44	59.61	8.58	70.89	7.95	79.18	7.39
77	111.06	5.49	107.65	5.96	103.99	6.07	65.22	8.10	77.13	7.52	85.70	6.98
78	120.83	5.11	116.31	5.62	112.59	5.72	71.37	7.63	83.80	7.11	93.06	6.59
79	131.73	4.74	125.69	5.30	121.86	5.38	78.11	7.17	90.85	6.71	101.19	6.21
80	144.47	4.39	135.74	4.99	131.85	5.06	85.50	6.74	98.41	6.34	109.98	5.85
81	158.60	4.05	146.42	4.69	142.60	4.75	93.59	6.32	106.61	5.97	119.35	5.51
82	174.30	3.71	157.87	4.41	154.16	4.46	102.44	5.92	115.58	5.63	129.17	5.19
83	191.56	3.39	170.05	4.14	166.57	4.18	112.11	5.54	125.33	5.29	139.38	4.89
84	211.36	3.08	183.15	3.89	179.88	3.91	122.67	5.18	135.76	4.98	150.01	4.60
85	235.55	2.77	197.07	3.65	194.13	3.66	134.18	4.84	146.88	4.69	161.14	4.32
86	265.68	2.47	211.80	3.42	209.37	3.42	146.71	4.51	158.67	4.41	172.82	4.06
87	303.02	2.18	227.29	3.21	225.63	3.19	160.33	4.20	171.12	4.14	185.13	3.80
88	346.69	1.91	244.08	3.00	243.00	2.98	175.12	3.90	184.24	3.90	198.25	3.55
89	395.86	1.66	261.70	2.81	261.44	2.77	191.15	3.62	198.03	3.66	212.46	3.31
90	454.55	1.42	280.35	2.63	280.99	2.58	208.49	3.36	212.49	3.44	228.14	3.06
91	532.47	1.19	299.46	2.46	301.73	2.39	227.19	3.12	227.62	3.24	245.77	2.82
92	634.26	.98	321.08	2.30	323.64	2.21	247.33	2.88	243.43	3.04	265.93	2.58
93	734.18	.80	341.88	2.15	346.66	2.03	268.96	2.67	260.12	2.86	289.30	2.33
94	857.14	.64	363.64	2.01	371.00	1.84	292.12	2.47	277.68	2.69	316.66	2.07
95	1,000.00	.50	387.76	1.87	396.21	1.63	316.83	2.28	295.82	2.54	351.24	1.80
96			411.11	1.74	447.19	1.37	343.12	2.10	314.23	2.39	400.56	1.51
97			443.40	1.61	548.26	1.08	370.97	1.94	332.60	2.26	488.42	1.18
98			457.63	1.50	724.67	.78	400.35	1.79	351.15	2.14	668.15	.83
99			500.00	1.34	1,000.00	.50	431.20	1.65	370.06	2.03	1,000.00	.50
100			562.50	1.19			463.41	1.52	389.04	1.92		
101			571.43	1.07			496.87	1.40	407.79	1.83		
102			666.67	.83			531.39	1.29	426.00	1.74		
103			1,000.00	.50			566.76	1.20	443.54	1.66		
104							602.71	1.10	460.60	1.59		
105							638.96	1.02	477.40	1.53		
106							675.14	.94	494.13	1.46		
107							710.90	.86	511.00	1.40		
108							745.82	.75	528.10	1.34		
109							1,000.00	.50	545.29	1.29		

[Revised mortality tables should be consulted as issued.]

*RESEARCH REFERENCES: See Am Jur 2d, DAMAGES; DEATH; EVIDENCE.

LIST OF LOCAL ATTORNEYS WITH ADDRESSES AND
TELEPHONE NUMBERS

LIST OF LOCAL MEDICAL SPECIALISTS BY SPECIALTY
WITH ADDRESSES AND TELEPHONE NUMBERS

TABLE OF MEDICAL ABBREVIATIONS

aa	of each	er	emergency room
abd	abdomen	ext	external
ac	before meals	f	fahrenheit
ad. lib.	as desired	fh	family history
amp.	ampoule	fx	fracture
amt.	amount	gi	gastro-intestinal
ant	anterior	gm	gram
bid	twice a day	gr	grain
biw	twice weekly	gtts	drops
bmr	basal metabolism rate	gu	genito-urinary
bp	blood pressure	gyn	gynecology
brp	bathroom privileges	h	hypodermically
<u>c</u>	centigrade	H ₂ O	water
c	with	hs	hour of sleep
ca	carcinoma	hypo	hypodermic
cap	capsule	ht	height
cbc	complete blood count	i & o	intake & output
-cc	cubic centimeter	im	intramuscularly
comp	compound	iv	intravenously
d & c	dilation & curettage	l&w	living & well
doa	dead on arrival	llq	left lower quadrant
dsd	dry sterile dressing	luq	left upper quadrant
eeg	electroencephalogram	npo	nothing by mouth
ent	ear, nose & throat	n	negro
ekg (or ecg)	electrocardiogram	obs	obstetrics

TABLE OF MEDICAL ABBREVIATIONS (Cont'd)

5.10.2

O ₂	oxygen	r	rectal
od	every day, daily	rhd	rheumatic heart disease
od	right eye	rlq	right lower quadrant
on	every night	rtc	return to clinic
oob	out of bed	<u>ruq</u>	right upper quadrant
or	operating room	s	without
os	left eye	sc	subcutaneously
ou	both eyes	sol	solution
oz.	ounce	spec.	specimen
pc	after meals	ss	soap solution
per	by	staph	staphylococcus
pe	physical examination	stat	at once
ph	physical history or past history	strep	streptococcus
po	by month	tba	to be admitted
pos	positive	tab	tablet
post-op	postoperative	tci	to come in
pp	postpartum	to	telephone order
prn	whenever necessary	tid	3 times a day
pta	prior to admission	tiw	3 times a week
pulv	powder	w	white
q.	each, every	♂	male
qd	every day	♀	female
qid	4 times a day	>	more than
qod	every other day	<	less than
qh	every hour	↑	increased, increasing
qs	suff. quantity	↓	decreased, decreasing

FEDERAL YOUTH CENTERS

1. Ashland, Kentucky

The Federal Youth Center, Ashland, Kentucky, is located approximately 10 miles west of Huntington, West Virginia.

The Center has an average population of 475 youthful offenders, ranging in age from 16-22, but the greatest number are 18 and 19 years of age, and most are committed under provisions of the Federal Juvenile Delinquency and Youth Corrections Acts. All have violated federal laws, most (60 per cent) having driven a stolen car across a state line. Usually, the car was taken for joyriding, or to flee problems in the home community. Other offenses involve a wide variety of federal laws, but few include serious acts of violence, as these generally fall under state jurisdiction.

Ashland occupies a somewhat unique position in the Bureau of Prisons pattern of classification by type of institution. It serves a group somewhat older than at the Robert F. Kennedy Youth Center, Morgantown, West Virginia, but somewhat younger and less delinquently oriented than is typically found at the institutions at Milan, Michigan, Petersburg, Virginia, and Tallahassee, Florida. All designations for Ashland are made by the Bureau of Prisons' headquarters office in Washington on the basis of presentence report material. The Ashland institution serves states east of the Mississippi River.

Upon admission, most youths appear emotionally, educationally, and vocationally handicapped. Some have physical problems. Intelligence is distributed among the group as it is nation-wide, but educational achievement lags behind the national average.

Tests, interviews, and social histories are used initially in developing a program relevant to individual needs and capabilities. Close staff relationships subsequently provide a more direct and reliable base for program refinements and personality evaluations.

Housing is of room and dormitory type, of varying capacities, with space provided for leisure time activities. A trained staff is alert to emerging behavior patterns among residents, and helps the individual recognize and work out his problems. Relationships developed between staff and the youths are instrumental in reshaping attitudes and behavior.

Other quarters are designated for participants in community programs, and those who need closer control. While these quarters represent opposites in terms of control features, the youths in each receive close attention because of recognized special needs.

The Center may be likened to an outside community with respect to facilities and services. Educational and vocational programs employ the latest techniques and use modern equipment. Achieving a high school education and a marketable job skill are realistic goals within reach of most residents. Various types of counseling are available for the emotionally handicapped. A religious, recreational and medical staff provides for needs in those areas.

The Center continues to expand its development and use of community resources in employment, academic, and vocational training areas. This has made possible an increase in the variety and level of program opportunities. Participation in community programs also means a partial "re-entry" into society. It offers a chance for staff to assess individual progress, and work with problems the inmate may not have had at the institution.

Intermediate links to community programs have been developed in two areas. The Rehabilitation Services Administration maintains a unit which serves all qualified residents and works closely with Center staff. The unit offers vocational counseling, and financial aid for many employment-related purposes. This has increased the range of vocational program choices available. Project Newgate is a recent program addition which aims at facilitating college study for individuals with the necessary potential. University and Center staff collaborate in the college preparatory program, which uses modern techniques and equipment. Research to evaluate results of the project is a continuous effort, by which the program can achieve positive change and growth.

The Center program ultimately is aimed at correction of the offender. It is committed to no one course of action in this pursuit, but rather to the innovation, evaluation and refinement of selected approaches which offer promise of better results.

2. El Reno, Oklahoma

Located 30 miles west of Oklahoma City, El Reno is a reformatory for youthful and young adult offenders from 18 to 23 years old. The average age is 21. A large portion of these youths are committed under the Youth Corrections Act.

The optimum population is 900 and the actual count usually does not vary significantly from that. These young men are confined as a result of having violated the Dyer Act by driving a stolen vehicle across a State line. At any given time, about 50 different federal offenses will be represented in the El Reno population.

As a very general profile, a typical youth at El Reno has lived most of his life in a metropolitan area, is the product of a broken or matriarchal-dominated home, is a school dropout; and has been committed to State correctional institutions or has been under supervision of State juvenile authorities.

The most critical period in a man's program at El Reno is when he first arrives. It is during this period that he forms his ideas of his new surroundings, the staff, and the program, and if these impressions are inappropriate, the process of change is very slow.

Newcomers are initially placed in the Admission-Orientation Unit, which is an open dormitory. An individual remains in this unit and its program from four to six weeks, and during this period, he is in particularly close contact with the staff. He attends a series of lectures and discussions designed to orient him to the functioning

and total program of the institution and our expectations for him. He is given a complete physical check-up, interviewed by the Case-worker, interviewed by the staff Psychiatrist or Psychologist if indicated, and tested by the Education Department and Psychology Department. Proper analysis of data collected from these sources is essential to initial programming. The inmate's problems and needs must be identified so that corrective action can be scheduled. This leads to goal-oriented classification.

Most of the men received at El Reno for training and treatment are school dropouts, yet still at an age where they can identify with the academic setting. For this reason, heavy emphasis is placed on elementary and high school education. El Reno has modern educational facilities that include a large library. Every inmate with educational deficiencies will be provided with remedial instruction until qualified to participate in vocational training, on-the-job training or work experience. In addition, he will be encouraged to complete requirements for his high school diploma through special General Educational Development preparation classes. College correspondence courses are also available.

The academic instruction is integrated with formal vocational training, which includes auto mechanics, machine shop, welding, horticulture, and cooking and baking. In addition, on-the-job training is available in the paint shop (including silk screen process), plumbing shop, electrical shop, carpentry shop, and laundry and dry cleaning.

The Machine Tool and Die Factory and the Broom Factory emphasize on-the-job training in a production situation and the men employed by those two factories are paid according to their work effort and skills. The factories employ approximately 300 inmates or one-third of the population. A number of the inmates also participate in the institution's work-release program.

An active religious program is carried on under the direction of a Protestant and a Catholic chaplain.

Traditionally, El Reno is a progressive institution and new ideas in the field of correction are constantly being incorporated into the training and treatment program. The classification program has revolutionized concepts of diagnosis, training and treatment, and the process has been adopted in many State institutions and in a number of foreign countries.

3. Englewood, Colorado

The Englewood Federal Youth Center is located fourteen miles from downtown Denver in Jefferson County, Colorado. It furnishes supervision, training and treatment for juveniles and youths who have been committed to the care of the Attorney General for various Federal offenses.

The optimum population of the institution from the standpoint of effective use of programs and facilities is 325. Englewood residents range in age from 15 to 22, but most are in the 16 to 19 age group and come from the states west of the Mississippi River. Most are committed under the Federal Juvenile Delinquency Act, since the offenses occurred before their eighteenth birthday. Others who are somewhat older are committed under the provisions of the Youth Corrections Act. The greatest proportion have driven stolen cars across state lines, usually in an attempt to leave a stressful situation.

The next largest group is made up of those who have committed offenses on government reservations, either military or Indian Reservations. These offenses are considerably varied, including some serious acts against other persons.

Most new residents present a picture of severe deprivation--social, economic, vocational, educational, and religious. Few have finished high school and most are academically retarded in relation to their actual years of attendance. They possess very little knowledge of the world of work, and consequently have developed no skills.

At Englewood, heavy emphasis is placed on remedying educational defects, hopefully to the point of high school completion. Education is a fulltime activity and is given high priority.

The institution's vocational training program is designed to give entry level skills in a number of occupations and trades. As a natural sequel to vocational training, a number of youths enter the work-release program in Denver and the surrounding area. Wherever possible, placement is made to further the training received in the institution.

Ordinarily, Indians from the reservations make up approximately 20 per cent of the population. This is a particularly disadvantaged group, having lived in poverty and idleness with little or no training in their own culture and heritage. Through cooperation with the Bureau of Indian Affairs, many, when released, have been relocated where they can further the education and training received in the institution.

Although not originally designed as a youth center, the Englewood plant lends itself well to the team approach to program planning and implementation. Four major living units, housing approximately 80 youths each, furnish living space for the residents. Each unit has thirty-two private rooms and a flexible dormitory area, as well as dayrooms, recreation rooms, and space for group and individual counseling.

Immediately upon arrival the new resident is assigned to a

counselor who guides him throughout his stay, helping him work through his problems, assisting him in his program planning, and generally encouraging him toward the achievement of his institutional and release goals.

The counselor is a member of the treatment team which plans the entire institutional program for and with the resident, setting goals, reviewing achievement and planning for release. Other members of the team are the caseworker, chaplain, and unit supervisor. Two psychologists and one psychiatrist serve all four unit teams.

A Catholic and a Protestant chaplain conduct full programs of religious activities for the Englewood population.

Being located near a rather large metropolitan area, the institution makes use of the nearby colleges and universities. In addition, it serves as a training ground for social work students, students in the field of education, recreation specialists, mental health workers, psychology students, and chaplains.

All the programs at the Center operate with one goal in mind-- to return to society an individual equipped with the knowledge, skills, and attitudes to enable him to lead a productive life without further engagement in unlawful activities.

4. Milan, Michigan

The Federal Correctional Institution at Milan is located 30 miles southwest of Detroit and was originally designed to accommodate short term adult offenders. In order to take advantage of the close proximity of nearby universities, research centers, and a broad range of community resources, the institution was converted in 1967 to a center for young adult offenders ranging in age from 18 to 24. There are approximately 550 young adult offenders confined at Milan, most of them from Detroit, Chicago and other large cities in the midwest. Youthful offenders from the Courts in Indiana, Ohio, Michigan, Western New York, and Middle and Western Pennsylvania are ordinarily committed to this facility. Approximately 65 per cent are serving sentences for transporting a stolen motor vehicle across State lines.

A trained staff administers treatment programs designed to meet the individual needs of youthful offenders, whose deficiencies range from a lack of saleable skills to more involved personal problems. Most of the commitments are "drop-outs" from public schools who possess the same intelligence distribution as the national population, but who are educationally retarded from two to four years. The majority have few, if any, occupational skills and have failed to develop acceptable work habits and attitudes.

An educational program which attempts to merge both academic and vocational instruction into an integrated curriculum has been developed. Vocational and general education facilities are now located separately

but a new Treatment Center Complex is being planned. When this facility is completed, the supportive education phase of the school program and the vocational shops will be integrated into one Education and Training Center.

Vocational training programs are conducted in the broad occupational fields of power mechanics, metal fabricating and the masonry phase of the building and construction trade. Through the use of the "cluster approach," students can be taught the fundamentals of more than one specific job. The concept of grouping skills into levels and stages of training has been employed in the curriculum development of all vocational courses.

A number of "on-the-job" training programs are offered in the Food Service, Mechanical Service and Industries. More training activities of this nature are planned.

Outdoor recreational courts and fields have been completed. Present plans call for construction of a gymnasium adjacent to these facilities in the near future. The auditorium presently serves as gymnasium and provides a setting for a number of activities, such as basketball, weekly and special movies, card tournaments and variety shows. A recreational annex provides an area for other related activities.

A wide span of psychological services is available ranging from group therapy to informal counseling by experienced correctional officers.

Staff training is provided by the full-time psychiatrist and psychologist, and to some extent, by local universities.

Spiritual guidance and counseling are available to inmates through an active religious program directed by two full-time chaplains.

Since the mission of the institution is to reintegrate the offender into the community as a law-abiding citizen, the major thrust of all correctional effort must be community oriented. Consequently, it is not unusual to find young offenders holding jobs in surrounding communities under work-release and others attending vocational schools, colleges or universities in the area through the study-release program. Community Treatment Centers -- transitional residences -- are used to help many Milan inmates adjust gradually to the responsibilities of life in the community.

A recent working agreement with the State Department of Vocational Rehabilitation has resulted in the placement of a full-time Vocational Rehabilitation counselor at the institution. He provides services ranging from the purchase and fitting of artificial limbs to special tutoring for those with physical or emotional disorders.

In 1969, Milan became the fourth institution in the Bureau of Prisons to establish a special treatment unit in accordance with Title II of the Rehabilitation Act (NARA). The unit's professional staff provides inmate addicts committed under the Act by the court with an intensive program of treatment, including counseling. If paroled, the releasee must remain under supervision in a community aftercare

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program for 10 years or until expiration of sentence, whichever is earlier.

Milan's new mission poses unusual demands. However, the challenge is being met through the present expansion and renovation of facilities and the proposed future development of a treatment and industrial complex. This complex, in turn, will provide proper settings for implementing innovations in inmate treatment and training, using community and institutional resources to the fullest extent.

5. Lompoc, California

The Federal Correctional Institution at Lompoc, California, is located 150 miles northwest of Los Angeles near Santa Maria. The institution is designed to provide a corrective treatment program for men generally in the age range of 18 to 25 years who have violated various federal statutes. Most youths received at this institution live in states west of the Rocky Mountains, the largest group coming from courts in California.

The Lompoc program is planned for an average population of 1,100 inmates with a staff of 280 employees. The institution reservation covers some 3,000 acres, including the institution proper, surrounding buildings and the far area. The 30 acres within the fenced enclosure contains 11 housing units, a food service department, vocational and maintenance shops, three industrial factories, a hospital, chapel, recreation field, auditorium, library, and school.

As its mission, Lompoc attempts to guide and develop the attitudes of the men to conform with the laws and acceptable rules of conduct of society. The challenges faced by the staff involve finding ways to fulfill the offender's personal needs as much as possible, to provide stabilizing influences which have often been absent in his previous environment and to give him opportunities to improve his education and work skills. Above all, he must be motivated to help himself.

During the first month following admission to the institution, the new arrival undergoes a period of orientation and observation.

He receives a complete physical examination and will be provided any medical attention that may be required. The institution hospital is fully accredited by the Joint Commission on Hospital Accreditation.

During the orientation period, the education department administers educational achievement and occupational aptitude tests to determine the inmate's academic and vocational needs. Immediately after admission he is interviewed by his caseworker to obtain necessary social history data. The caseworker serves as a primary source of information and assistance to the man throughout his stay in the institution.

The various test results and other information gathered throughout the orientation period are incorporated into a classification study. Using this data, a treatment team will plan an institutional program geared toward preparing the individual for his ultimate return to the community. The program developed is, as far as possible, in keeping with the offender's needs, desires and potential ability. Adjustments will be made in the program according to the inmate's changing needs throughout his institutional stay.

A wide variety of trade training opportunities is provided to meet a man's interests, aptitudes and capacities. Printing, electronic cable repair, furniture refinishing, carpentry, electrical work, plumbing, meat processing, refrigeration, painting, auto mechanics, welding, machine shop, and aircraft sheetmetal are some fields available.

Educational advancement is stressed. Academic programs are offered that lead to the granting of a high school equivalency certificate or a high school diploma issued by the local school district. Classes are conducted during the day by the institution's educational staff and a full evening program is directed by teachers recruited from the local area schools. College courses for an Associate of Arts degree are conducted in the regular evening school program and a number of correspondence courses on the college level are available through different universities. A unique instructional system has been developed at Lompoc which is becoming a prototype for correctional education and remedial training. Electronic teaching machines which are easily programmed to individual requirements are used in classrooms for small groups who have had difficulty in their school years responding to the traditional systems.

Psychological and casework counseling services are offered to all the men routinely and intensive counseling is programmed for those who need it. Group counseling is conducted for men who want to participate on a voluntary basis. Spiritual counseling and religious services are provided by the Catholic and Protestant chaplains. An active recreation program appeals to a variety of interests in sports, games, arts and crafts, and musical activities.

6. Morgantown, West Virginia

The Robert F. Kennedy Youth Center, Morgantown, West Virginia, opened its doors to its first residents on January 14, 1969. The Center, the newest institution in the Federal Prison System, is a self-sufficient community, featuring an innovative campus plan of modern architecture. Supervision, treatment, education and training activities are integrated to move center residents through a concentrated self-improvement program. All potential commitments to this facility are carefully screened through review of presentence report material and special designation must be made by the Bureau of Prisons' headquarters office in Washington.

Approximately 325 teenage youths who violated federal laws are committed to the Center. Most are young men in the age range from 16 to 18, with more than two-thirds committed for driving stolen cars across a state line. Many of these youths have taken cars for joy-riding, or as a means of running away from unpleasant situations in the home community.

Other youths are sent to the Center for forging government checks, for stealing from the mails, for "moonshining" on a hillside farm, or for other federal law violations. Rarely is anyone committed for a serious act of violence, since this type of offense generally falls under the jurisdiction of state rather than federal courts.

Most youths admitted to the Center are "dropouts" from public schools, having the same intelligence distribution as the nation as

a whole, but educationally retarded by two to three years. Few have any work skills. Some have physical or emotional handicaps which can be corrected, or which they can be trained to overcome.

The Center uses new techniques by which youths can be evaluated according to their behavior characteristics, maturity level and psychological orientation. Each youth is placed in a treatment program developed for the needs determined by this evaluation.

A vital part of the program is staff matching, in which youths are assigned to counselors whose temperament and personality best suit them to work with particular types of youth. The relationships which develop between the counselors and the youths are of particular importance in shaping and changing the youth's attitudes and behavior.

A youth spends his first two weeks in the Admission unit, where he is classified and placed in the appropriate behavioral category. He is then assigned to his cottage. There the implementation, direction and evaluation of his institutional program, and eventually, determination of his readiness for parole, is the responsibility of the cottage committee. This committee, which functions as a treatment team, has as its primary members the caseworker, an education specialist/teacher, and the correctional counselors.

Lengthy descriptions of the four behavior categories (BC) have been developed but briefly they may be described as BC-1 immature, BC-2 neurotic, BC-3 psychopathic, and BC-4 subcultural.

A secure, non-threatening environment is provided residents in behavior category 1. They will be encouraged to learn responsibility

and to develop maturity by correctional counselors who were selected for their ability to be instructive, patient, reassuring and supportive.

Treatment of BC-2 youths will focus on exploration of underlying personality conflicts. These boys receive intensive individual and group counseling to help them develop a greater awareness of their actual strengths, limitations, needs and impulses. Youths are encouraged to talk to their counselors, who provide emotional support while conflicts are being resolved.

Youths in the BC-3 groups have a highly controlled environment. Emphasis is on large group activities, which will change frequently to supply the novelty, excitement and stimulation sought by these boys. Counselors will enforce strict adherence to rules. BC-3 youths will be encouraged to conform, to accept responsibility for their own acts, and to learn to develop genuine, meaningful relationships with others.

The emphasis in the BC-4 treatment program is to help these youths change their gang-influenced value systems and to teach them how to meet their status and material needs in ways acceptable to society. They receive firm control and direction to minimize negative influences by the group.

Specific individualized goals for each youth are established in three program areas: education, work and group living. He participates both in setting his goals and the dates for periodic reviews, at which time he will be expected to have reached specified levels of achievement. The purpose of his participation is to involve the youth in responsibility for planning his own future.

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in the original printed publication

Part of the funds he earns go toward the student's institution expenses. While all youths have to pay rent for their rooms, the apprentice and honor students pay more for their more desirable quarters. Youths pay for cleaning and laundering their own clothes. There also is a point-charge for use of most recreational facilities.

The cottage committee handles all disciplinary problems. Disciplinary measures available range from fines and loss of privileges to transfer to another institution. The idea of the "punishment must fit the crime" is replaced with the "discipline must fit the person." The accent at the Youth Center is on the positive, focusing on rewards rather than punishment.

The student's day, for program purposes, is divided into six blocks of time of approximately two hours each. Three of the four daytime blocks are set aside for education and/or industrial training. The fourth time period during the regular working day is for chores and on-the-job training assignments. The two evening periods are used for leisure time activities and counseling. Selection of academic, training and other activities are on the basis of how they meet the needs of a given youth in terms of his intellectual, skill-level and social development.

An "integrated curriculum" concept is used at the Center, with educational and trade training coordinated so that a youth may achieve the equivalent of a high school education as he gains vocational skills. Physical education and training for bodily fitness is an important facet of the program, as well as the introduction to rules of good sportsmanship.

The vocational training program covers four industrial areas, or clusters: aerospace, graphic arts, electricity-electronics, and technical services. Students receive basic training across a range of occupational areas and more intensive training in fields for which they show an aptitude.

Some of the work normally assigned to institution inmates in the food service, shops and offices is performed by civilian personnel. A dental assistant, a registered nurse, seamstress, many of the food service staff, and some teachers, in addition to secretarial and clerical personnel, are women.

The housing units are grouped informally around a "community square" which includes a dining room, school and library, auditorium, gymnasium, chapel, vocational shops and other service buildings. This complex of units contains most of the formal training and re-education programs. The special design of the housing units at the Center permits small living units for 12 to 16 people. This allows organization of the population into groups which have similar problems or needs. Emphasis on the small group is one of the most distinguishing characteristics of the plan.

The auditorium, gymnasium and indoor swimming pool are comparable to those found in most new high schools. The Center also has softball and baseball fields and other outside recreation areas. A Student Services building houses the laundry, commissary, canteen, and the barber shop. There also are facilities for worship, meditation, education and reinforcement of moral and ethical values by persons of all faiths.

The new Youth Center is an outstanding example of the results of the effort to relate architectural design closely to the program planned for an institution. It offers many advantages which are present in few other correctional institutions. The physical plant is small enough to permit close relationships between staff and youths; it permits great flexibility in program planning; it is located on a site which is essentially attractive, and is close to a broad range of community resources, including those of West Virginia University, which will serve greatly to enrich the program.

An especially designed research program will evaluate the results of the treatment programs developed in this favorable environment, constantly improving the techniques for changing the behavior of delinquent youth.

The results of this experimentation and evaluation will be available to all levels of government, federal, state, and local, to assist in making correctional programs for juveniles an effective method of intervening early in potential criminal careers.

7. Petersburg, Virginia

The Federal Reformatory, Petersburg, Virginia, is located 25 miles southeast of Richmond. One of several youth institutions operated by the U. S. Bureau of Prisons, Petersburg is responsible for the care and treatment of approximately 525 youth and young adult federal offenders, between the ages of 18 and 24. The majority of these offenders are committed for interstate transportation of stolen motor vehicles, and some from states along the eastern seaboard north from the Carolinas. Other offenses include postal and bank robbery, narcotics offenses, larceny and burglary, liquor law, and Selective Service Act violations.

The physical plant of the Federal Reformatory consists of old and new buildings, including open dormitories, dormitories with individual rooms and a cell house with more secure, individual cells. The grounds cover 1,344 acres, including a farm and dairy. A tire recapping plant and furniture rebuilding plant are operated by Federal Prison Industries.

A new educational and vocational complex was completed recently. Projected plans now include a new gymnasium, offices for the classification and parole staff, and an interdenominational chapel.

For many years most of the Reformatory population consisted of older offenders from the southern states, but in the late 1960's, a population change occurred which brought commitments from the northeastern section of the country. The commitment ages have dropped steadily until today the average age of the population is approximately 20.5 years.

Accompanying these changes in the type of offender being committed was a necessary change in the institution's goals and programs. Methods of treatment appropriate for the older inmate proved ineffective in dealing with the young adult. Training programs had to be redesigned to provide inmates with skills that would be marketable in the urban, industrial northeast.

The institution is now integrating treatment and operational activities for a stronger, more effective program that can be directed toward a single goal, correction of the young adult offender. In meeting this goal, the institution attempts to help inmates prepare themselves to function effectively in the community after release.

Academic and vocational education account for a large portion of the total program at Petersburg. The programs are vocationally oriented and are supported by special education, general development classes, related training classes, remedial reading laboratories, a library, a resource materials center, and a recreation program. The five technical programs cover auto body repair, auto mechanics, machine shop, masonry, and welding. On-the-job activities offer training in carpentry, electricity, landscaping, painting, plumbing, and power plant operation. Training is geared to the employment opportunities available, and the job skills the inmate will need to compete in the labor market on release.

Training in the five technical programs is conducted in a new educational complex, with the latest tools and equipment. The course

materials are broken down into modules and stations, and satisfactory application of every module studied is required for course completion.

The academic program is designed to raise a trainee's comprehension level to the point where he can readily read and understand the technical materials used in vocational training. He also can earn a G.E.D. (high school equivalency) certificate and can participate in college-accredited courses offered in the institution by a neighboring college. Approximately 80 per cent of the population is enrolled annually in the institution school program. The completion rate is about 65 per cent. Of those who fail to complete, about one-half are transferred or discharged and the other half are dropped for lack of effort, motivation, or ability.

In its programs, the reformatory has the cooperation of outside agencies, such as the public schools, colleges, the State Department of Education and the Virginia Department of Vocational Rehabilitation. The latter maintains a full-time four-man staff at the institution, to provide counseling, vocational analysis, placement for work-release and post-release employment, and make referrals for other services. Industry in the area also provides technical assistance as well as employment opportunities for the trainees.

The classification process at Petersburg is carried out by a team, consisting of a social caseworker who functions as chairman, a liaison officer (correctional counselor), and a teacher from the educational staff. The team works closely with the offender, developing

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goals for him and making periodic reviews to check on his progress.

A full religious program, including counseling, is carried on by the full time Protestant and Catholic chaplains.

Social services are supplied through a staff of six professionally-trained caseworkers. Group counseling is conducted by the caseworkers and other trained staff members. All departments, however, are encouraged to become involved in group activities designed to correct attitudinal deficiencies of the young offender.

8. Tallahassee, Florida

The Federal Correctional Institution at Tallahassee is designed for youth and adult offenders who have violated various federal laws.

The population is composed of approximately 500 offenders between the ages of 18 and 25. This institution serves, for the most part, courts in the southeastern band of states. Tallahassee commitments are regarded as hopeful cases for rehabilitation, although a very high percentage have had previous difficulties with the law and have been in one or more institutions.

The behavior patterns of these young men have resulted in a wide variety of offenses. At Tallahassee, as at other youth institutions, the most common offense is transportation of a stolen automobile interstate. Other offenses include possession or sale of narcotics, forging government checks, theft on a government reservation, kidnapping and bank robbery.

Intellectually, Tallahassee residents differ little, if any, from the national average. However, the majority are school drop-outs and often score two or three grades below the level of education completed. Few have occupational skills. Family disorganization is a common characteristic of their life history.

There are four basic elements in the Tallahassee program-- (1) diagnosis of the needs of the individual, (2) assigning him to an institutional program designed to meet those needs, (3) evaluation of results and (4) pre-release and post-release planning to help the inmate make a successful adjustment on his return to the community.

Individual programs are under the guidance of case management teams. These are composed of a caseworker, education specialist, psychologist and correctional counselor. While tests, subjective analysis and community resources make major contributions in guiding the team decisions, stress is placed upon the inmate's participation in planning goals for himself and on the observations of personnel involved in his daily life.

Program components include education, both supportive and vocational; group and individual counseling; religious participation; medical care; and recreation. Formalized vocational training programs are supplemented by structured on-the-job training programs in several occupational fields and by community training and work-release programs. Group and individual counseling or therapy is supplied by a staff of social workers, psychologists, chaplains, and correctional officers trained in group work. Graduate students in social work, psychology and criminology and upper class law school students add to the effectiveness of the counseling programs.

The Tallahassee community is an integral part of the institution program. Florida State University and Florida A and M are located in Tallahassee. Both participate in cooperative programs training inmates, students and personnel. They are major resources in research programs. The Florida State divisions of Social Work, Psychology and Criminology have well established intern programs at the institution and also provide personnel training.

Ongoing and productive research has been made possible at Tallahassee through the interest of university personnel, the presence of staff with research interests and capacities and administrative support.

Work- and study-release are continuing community-based programs. Approximately one half of the work-releasees sent into the community are employed in fields for which they were trained at the institution. Contacts between employers and institution personnel supply feedback on the quality and effectiveness of training programs.

Combining the resources of the institution and the community, the Tallahassee staff expects to make significant contributions to correctional knowledge in diagnosis, program building and evaluation. The goal is, of course, an increasing percentage of young men with the desire and the capacity to be productive citizens after release.

6.00 CRIMES & PENALTIES

CRIMES AND PENALTIES

TITLE 7, U.S.C.

Sec.	608(c) 14 -	Commodity handling regulations	\$50-\$500 for each day violation continued
	1596(a)	- Federal Seed Act violations	\$1,000 - first offense \$2,000 - subsequent

CRIMES AND PENALTIES

TITLE 8, U.S.C.

Sec. 1252(d)	- Violation of supervision regulations by deportable alien	\$1,000 and/or 1 year
1282(c)	- Alien crewman remaining in U. S.	\$500 and/or 6 months
1306(c)	- Fraudulent statements contained in alien's registration	\$1,000 and/or 6 months
1324	- Smuggling, transporting alien	\$2,000 and/or 5 years
1325	- Illegal entry	\$500 and/or 6 months - 1st offense \$1,000 and/or 2 years - subsequent offense
1326	- Re-entry of deported alien	\$1,000 and/or 2 years
1357(b)	- Perjury (<i>re 18 USC 1621</i>)	\$2,000 and/or 5 years

CRIMES AND PENALTIES

TITLE 15, U.S.C.

Sec.	1	- Trusts in restraint of trade	\$50,000 and/or 1 year
	2	- Monopolizing trade	\$50,000 and/or 1 year
	77 X	- Securities violations	\$5,000 and/or 5 years
	714m(a)	- False statements to C.C.C.	\$10,000 and/or 5 years

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CRIMES AND PENALTIES

TITLE 16, U.S.C.

Sec.	9(a)	- Violation of government park regulations as misdemeanor	Not more than \$100 and/or not more than 3 months
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CRIMES AND PENALTIES

TITLE 18, U.S.C.

Sec.	2	- Principals - aiding and abetting	Punishable as a principal
	3	- Accessory after the fact	Not more than 1/2 maximum imprisonment or fined not more than 1/2 maximum prescribed for penalty of principal, or both; if punishable by death, not more than 10 years
	4	- Misprision of felony	\$500 and/or 3 years
	13	- Laws of states adopted for areas within federal maritime and territorial jurisdiction	Like punishment provided
	32	- Destruction of aircraft or aircraft facility	\$10,000 and/or 20 years
	33	- Destruction of motor vehicles or motor vehicle facilities	\$10,000 and/or 20 years
	34	- if death results	Death or life imprisonment
	35(a)	- Imparting false information	\$1,000 (civil penalty)
	35(b)	- Imparting false information-willfully and maliciously	\$5,000 and/or 5 years
	43	- Interstate trans. of wildlife	\$500 and/or 6 months
	81	- Arson	\$1,000 and/or 5 years
		Arson-building with people	\$5,000 and/or 20 years
	111	- Assault on government employee	\$5,000 and/or 3 years
		- With deadly weapon	\$10,000 and/or 10 years
	113	- Assault (w/i maritime juris.)	
	(a)	- with intent to murder rape	20 years
	(b)	- felony (other than murder or rape)	\$3,000 and/or 10 years
	(c)	- with dangerous weapon	\$1,000 and/or 5 years
	(d)	- by striking, beating or wounding	\$500 and/or 6 months
	(e)	- simple assault	\$300 and/or 3 months

Title 18 (cont'd)

Sec. 114	- Maiming	\$1,000 fine and/or 7 years
152	- Concealment of assets in Bankruptcy	\$5,000 and/or 5 years
153	- Embezzlement by Trustee in Bankruptcy	\$5,000 and/or 5 years
201	- Bribery of public officials and witnesses	Not more than \$20,000 or 3 times the amount of the bribe (greater) and/or 15 years
203	- Compensation to Congressmen, officers and others	\$10,000 and/or 2 years disqualified from office
204	- Practice in Court of Claims by Congressmen	\$10,000 and/or 2 years disqualified from office
205	- Conflict of Interest with official duties - present employees of U. S.	\$10,000 and/or 2 years
207	- Conflict of Interest with official duties - Former employee of U.S. - Partner of employee of U.S.	\$10,000 and/or 2 years \$5,000 and/or 1 year
208	- Conflict of Interest with official duties - where employee of U.S. has personal financial interest	\$10,000 and/or 2 years
209	- Payment (or receipt) of Supplemental income to (by) employee of U.S. for services as officer of U.S. from sources other than the treasury	\$5,000 and/or 1 year
210	- Offer or promise to procure appointive office	\$1,000 and/or 1 year
211	- Acceptance of or solicitation of same	\$1,000 and/or 1 year

Title 18 (cont'd)

Sec. 212	- Offer of loan or gratuity to bank examiner	\$5,000 and/or 1 year and amount of loan or gratuity
213	- Acceptance of such loan or gratuity by bank examiner	\$5,000 and/or 1 year; and amount of loan or gratuity, and removal from position
215	- Receipt of commissions or gifts for procuring loans	\$5,000 and/or 1 year
224	- Bribery in sporting contest	\$10,000 and/or 5 years
231	- Civil disorders	\$10,000 or 5 years or both
241	- Conspiracy against rights of citizens - if death results	\$10,000 or 10 years or both Term of years or life
242	- Deprivation of rights under color of law	\$1,000 and/or 1 year
	Deprivation of rights under color of law - where death results	Term of years or life
243	- Exclusion of jurors on account of race or color	\$5,000
244	- Discrimination against servicemen	\$500
286	- Conspiracy to defraud government with respect to claims	\$10,000 and/or 10 years
287	- Filing false claims against U.S.	\$10,000 and/or 5 years
331	- Mutilation of coins	\$2,000 fine and/or 5 yrs.
	Uttering mutilated coins	\$2,000 fine and/or 5 yrs.
333	- Mutilation of currency	\$100 fine and/or 6 months

Title 18 (cont'd)

Sec. 371	- Conspiracy to commit offense or to defraud U.S.	\$10,000 and/or 5 yrs; if misdemeanor, not to exceed misdemeanor penalty
372	- Conspiracy to impede justice or to injure government officer	\$5,000 and/or 6 years
402	- Criminal contempt	\$1,000 and/or 6 months
471	- Making Counterfeit money	\$5,000 and/or 15 years
472	- Passing counterfeit obligations	\$5,000 and/or 15 years
473	- Dealing in counterfeit obligations	\$5,000 and/or 10 years
474	- Possession of counterfeit plates	\$5,000 and/or 15 years
475	- Imitating obligations or securities; advertisements	\$500 fine
480	- Possessing counterfeit securities	\$1,000 and/or 1 year
484	- Connecting parts of different notes	\$1,000 and/or 5 years
485	- Counterfeiting coins	\$5,000 and/or 15 years
487	- Making counterfeit dies for coins	\$5,000 and/or 15 years
491	- Tokens or paper used as money	\$1,000 and/or 1 year
493	- Forgery of bonds and obligations of lending agencies	\$10,000 and/or 5 years
495	- Forgery of contracts, deeds, and powers of attorney	\$1,000 and/or 10 years
499	- Forgery of military passes	\$2,000 and/or 5 years
500	- Forging or passing forged money orders	\$5,000 and/or 5 years

Title 18 (cont'd)

Sec. 542	- Entry of goods into U.S. by means of false statements	\$5,000 and/or 2 years
545	- Smuggling goods into U.S.	\$10,000 and/or 5 years
549	- Removing goods from customs custody	\$5,000 and/or 2 years
594	- Intimidation of voters	\$1,000 and/or 1 year
613	- Political contributions by agents of foreign principles	\$5,000 and/or 5 years
641	- Theft of Govt. property - theft less than \$100	\$10,000 and/or 10 years \$1,000 and/or 1 year
643	- Embezzlement of public money - if less than \$100	Sum equal to amount embezzled and/or 10 yrs; \$1,000 and/or 1 year
645	- Embezzlement by court officers - Amount less than \$100	Double amount embezzled and/or 10 years; \$1,000 and/or 1 year
655	- Theft by bank examiner - Amount less than \$100	\$5,000 and/or 5 years \$1,000 and/or 1 year
656	- Embezzlement by employee of bank - Amount less than \$100	\$5,000 and/or 5 years \$1,000 and/or 1 year
657	- Embezzlement by employee of credit or insurance institution - Amount less than \$100	\$5,000 and/or 5 years \$1,000 and/or 1 year
658	- Conversion of property mortgaged to farm credit agencies - Property less than \$100	\$5,000 and/or 5 years \$1,000 and/or 1 year
659	- Theft from interstate shipment - Property less than \$100	\$5,000 and/or 10 years \$1,000 and/or 1 year
660	- Embezzlement of carrier's funds derived from interstate commerce	\$5,000 and/or 10 years

Title 18 (cont'd)

Sec. 661	- Theft (w/i maritime jurisdiction)	\$5,000 and/or 5 years;
	- Property less than \$100	\$1,000 and/or 1 year
662	- Receiving stolen property (w/i maritime jurisdiction)	\$1,000 and/or 3 years
	- if value less than \$100	\$1,000 and/or 1 year
664	- Theft or embezzlement from employee benefit plan	\$10,000 and/or 5 years
700	- Desecration of the flag of the U.S.	\$1,000 and/or 1 year
701	- Illegal use of government insignia	\$250 and/or 6 months
702	- Illegal wearing of uniform	\$250 and/or 6 months
751	- Escape from federal custody	\$5,000 and/or 5 years
	- if extradition, misdemeanor or prior to conviction	\$1,000 and/or 1 year
	- if arrested as a juvenile delinquent	\$1,000 and/or 1 year
752	- Instigating or assisting escape	Same as Sec. 751
792	- Harboring or concealing persons	\$10,000 and/or 10 years
832	- Transportation of Explosives, radioactive material, etc. in passenger car or passenger vehicle	\$1,000 and/or 1 year
	- if death or bodily harm results	\$10,000 and/or 10 years
834	- Violation of I.C.C. regulations regarding shipment of explosives	\$1,000 and/or 1 year
	- if death or bodily harm	\$10,000 and/or 10 years
837(d)	- Bomb threats	\$1,000 and/or 1 year
871	- Threats against the President	\$1,000 and/or 5 years

Title 18 (cont'd)

Sec. 875	- Interstate communications	
(a)	- Ransom for kidnapped person	\$5,000 and/or 20 years
(b)	- Extortion (kidnap or injure)	\$5,000 and/or 20 years
(c)	- Threat to kidnap or injure	\$1,000 and/or 5 years
(d)	- Extortion (injure property or reputation or accuse of crime)	\$500 and/or 2 years
876	- Mailing threatening communications (Ransom or extortion)	\$5,000 and/or 20 years
	- (to kidnap or injure person)	\$1,000 and/or 5 years
	- (to injure property or reputation or accuse of crime)	\$500 and/or 2 years
877	- Mailing threat from foreign country	
	- demanding ransom for return of kidnap victim	\$5,000 and/or 20 years
	- threat to kidnap or injure	\$1,000 and/or 5 years
	- with intent to extort	\$5,000 and/or 20 years
	- threat to injure property or reputation of another (including a deceased) or threat to accuse another of a crime with intent to extort	\$500 and/or 2 years
911	- False personation - citizen of U. S.	\$1,000 and/or 3 years
912	- Impersonating a federal officer	\$1,000 and/or 3 years
913	- Impersonator making arrest or search	\$1,000 and/or 3 years
914	- False personation - creditor of U.S.	\$5,000 and/or 5 years
922	- Unlawfully manufacturing, dealing in, importing or otherwise receiving, sending, etc., firearms	\$5,000 and/or 5 years
924	- Giving false information to obtain firearms	\$5,000 and/or 5 years
	- Shipping or receiving firearms intending to commit a felony	\$10,000 and/or 10 years + forfeiture of firearms

Title 18 (cont'd)

Sec. 1001	- False statements (government agency)	\$10,000 and/or 5 years
1002	- Possession of false papers to defraud U.S.	\$10,000 and/or 5 years
1005	- Bank entries, reports and transactions	\$5,000 and/or 5 years
1006	- False entries in government records	\$10,000 and/or 5 years
1007	- False statement to F.D.I.C.	\$5,000 and/or 2 years
1008	- False statement to obtain loan from Federal Savings and Loan Assn.	\$5,000 and/or 2 years
1010	- False statements to H.U.D. and F.H.A.	\$5,000 and/or 2 years
1015	- False statements (naturalization)	\$5,000 and/or 5 years
1020	- False statements about materials and work on highway projects	\$10,000 and/or 5 years
1071	- Concealing person from arrest - if warrant issued for felony or after conviction	\$1,000 and/or 1 year \$5,000 and/or 5 years
1072	- Concealing escaped prisoner	3 years
1073	- Flight to avoid prosecution or giving testimony	\$5,000 and/or 5 years
1074	- Unlawful flight to avoid prosecution for destruction of real or personal property	\$5,000 and/or 5 years
1084	- Transmission of wagering information	\$10,000 and/or 2 years
1111	- Murder - 1st degree - 2nd degree	death or life imprisonment any term of years

Title 18 (cont'd)

Sec. 1112	- Manslaughter - involuntary - voluntary	\$1,000 and/or 3 years 10 years
1113	- Attempt to commit murder or manslaughter	\$1,000 and/or 3 years
1114	- Killing of Judge, U.S. Attorney, and other named federal officers	As in Sections 1111 and 1112
1201	- Kidnapping	Death, if kidnapped person is harmed and if jury so recommends. If death penalty is not imposed, for term of years or life.
1202	- Receipt of ransom money	\$10,000 and/or 10 years
1263	- Required documents in interstate shipment of liquor	\$1,000 and/or 1 year
1301	- Importing lottery tickets	\$1,000 and/or 2 years
1302	- Mailing lottery tickets Subsequent offense	\$1,000 and/or 2 years 5 years
1304	- Broadcasting lottery information	\$1,000 and/or 1 year
1341	- Mail fraud	\$1,000 and/or 1 year
1342	- Use of fictitious name or address in the mails	\$1,000 and/or 5 years
1343	- Fraud by wire, radio or television	\$1,000 and/or 5 years
1361	- Malicious mischief - government property or contracts - if property less than \$100	\$10,000 and/or 10 years \$1,000 and/or 1 year
1362	- Destruction of communication facilities owned or operated by U.S. or used for military purposes by U.S.	\$10,000 and/or 10 years

Title 18 (cont'd)

Sec. 1363	- Destruction or injury to property (other than arson) w/i maritime or territorial jurisdiction of U.S. - if dwelling or if life endangered	\$1,000 and/or 5 years \$5,000 and/or 20 years
1381	- Enticing desertion and harboring deserters	\$2,000 and/or 3 years
1382	- Illegally entering military reservation	\$500 and/or 6 months
1403	- Use of communications facilities for narcotics	\$5,000 and/or 5 years [Each use is a separate offense]
1407	- Failure to register at border as convicted narcotic addict	\$1,000 and/or 1-3 yrs.
1461	- Mailing obscene matter - 1st offense - subsequent offense	\$5,000 and/or 5 years \$10,000 and/or 10 yrs.
1462	- Importation of obscene matter	Same as for Sec. 1461
1463	- Mailing indecent matter on envelopes	\$5,000 and/or 5 years
1464	- Broadcasting obscene language	\$10,000 and/or 2 years
1465	- Transportation of obscene matters	\$5,000 and/or 5 years
1503	- Influencing or injuring officer, juror or witness	\$5,000 and/or 5 years
1505	- Obstruction of proceedings departments, agencies & committees	\$5,000 and/or 5 years
1507	- Picketing or parading to effectuate 1503	\$5,000 and/or 1 year
1508	- Recording, listening to or observing proceedings of grand or petit juries	\$1,000 and/or 1 year

Title 18 (cont'd)

Sec. 1510	- Obstruction of criminal investigation	\$5,000 and/or 5 years
1542	- False statement in application and use of passport	\$2,000 and/or 5 years
1546	- Fraud and misuse of visas, etc.	\$2,000 and/or 5 years
1621	- Perjury	\$2,000 and/or 5 years
1622	- Subornation of perjury	\$2,000 and/or 5 years
1701	- Obstruction of mails generally	\$100 and/or 6 months
1702	- Obstruction of correspondence	\$2,000 and/or 5 years
1703	- Delay or destruction of mail	\$100 and/or 1 year
	- by postal employee	\$500 and/or 5 years
	- by postal employee (newspaper)	\$100 and/or 1 year
1705	- Destruction of letter boxes or mail	\$1,000 or 3 years
1707	- Theft of property used by the postal service	\$1,000 and/or 3 years If value of property does not exceed \$100, \$500 and/or 1 year
1708	- Mail theft	\$2,000 and/or 5 years
1709	- Theft of mail by postal employee	\$2,000 and/or 5 years
1711	- Misappropriation of postal funds	Amt. embezzled and/or 10 years
	- if amount is less than \$100	\$1,000 and/or 1 year
1715	- Mailing nonmailable firearms	\$1,000 and/or 2 years
1716	- Mailing injurious articles	\$1,000 and/or 1 year;
	- (with intent to kill or injure)	\$10,000 and/or 20 years;
	- if death results	imprisonment for any term of years or death

Title 18 (cont'd)

Sec. 1717	- Mailing nonmailable letters, etc.	\$5,000 and/or 10 years
1718	- Libelous matter on envelopes	\$1,000 and/or 1 year
1720	- Re-use of cancelled stamps	\$500 and/or 1 year
	- if postal employee	\$500 and/or 3 years
1751	- Assassinating the President	Death or life imprisonment if Murder 1; term of years or life imprisonment if Murder 2; 10 yrs. if voluntary manslaughter; \$1,000 and/or 3 years if involuntary manslaughter
	- Kidnapping the President	Term for years or life imprisonment
	- resulting in death	Death, term for years or life imprisonment
	- Attempted kidnapping or assassination	Term for years or life imprisonment
	- Conspiracy to kidnap or assassinate	Term for years or life imprisonment
	- resulting in death	Death, term for years or life imprisonment
	- Assaulting the President	\$10,000 and/or 10 years
1791	- Traffic in contraband articles in federal prisons	10 years
1792	- Mutiny, riot in federal prisons	10 years
1853	- Cutting trees on public lands	\$1,000 and/or 1 year
1855	- Timber set afire on public lands	\$5,000 and/or 5 years
1856	- Failure to extinguish campfires, etc.	\$500 and/or 6 months
1951	- Interference with commerce by extortion	\$10,000 and/or 20 yrs.

Title 18 (cont'd)

Sec. 1952	- Interstate travel or transportation in aid of racketeering enterprises	\$10,000 and/or 5 years
1953	- Interstate transportation of wagering paraphernalia	\$10,000 and/or 5 years
2031	- Rape	Death or imprisonment for any term of years
2032	- Carnal knowledge of female under 16	15 years - 1st offense 30 years - sub. offense
2101	- Travel in interstate commerce to incite a riot	\$10,000 and/or 5 years
2111	- Robbery on Government reservation	Not more than 15 years
2112	- Robbery of personal property of U. S.	Not more than 15 years
2113(a)	- Bank robbery with force and violence or entering a bank with intent to commit any felony affecting the bank	\$5,000 and/or 20 years
(b)	- Without force and violence, over \$100	\$5,000 and/or 10 years
(c)	- Without force and violence, under \$100	\$1,000 and/or 1 year
(d)	- By assault or use of deadly weapon	\$10,000 and/or 25 years
(e)	- Murder or kidnapping during commission of bank robbery	10 years or death if jury verdict so directs
2114	- Robbery of the mails or other property of the U.S.	10 years - 1st offense 25 years - sub.offense, or use of dangerous weapon or wounding custodian of mail
2115	- Breaking and entering Post Office	\$1,000 and/or 5 years
2116	- Breaking and entering Railway Post Office	\$1,000 and/or 3 years

Title 18 (cont'd)

Sec. 2117	- Breaking or entering carrier facilities	\$5,000 and/or 10 yrs.
2199	- Stowaways on vessels or aircraft	\$1,000 and/or 1 year
2231	- Assault or resistance - person authorized to serve search warrant	\$5,000 and/or 3 years; \$10,000 and/or 10 yrs. if dangerous weapon used
2312	- Transporting stolen motor vehicles	\$5,000 and/or 5 years
2313	- Sale or receipt of stolen vehicles	\$5,000 and/or 5 years
2314	- Transporting stolen goods, securities or monies used in counterfeiting	\$10,000 and/or 10 yrs.
2315	- Sale or receipt of stolen goods	\$10,000 and/or 10 yrs.
2421	- Transporting a woman for prostitution or other immoral purposes	\$5,000 and/or 5 years
2422	- Coercion or enticement of female	\$5,000 and/or 5 years
2423	- Coercion or enticement - minor female	\$10,000 and/or 10 yrs.
2511	- Interception and disclosure of wire or oral communications	\$10,000 and/or 5 years
2512	- Manufacture, distribution, possession of intercepting devices	\$10,000 and/or 5 years
3150	- Jumping bail	(1) \$5,000 and/or 5 years - felony or after conviction
		(2) If charged with misdemeanor -- fine not more max. provided for that misdemeanor and/or 1 yr.

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6.18.15

Title 18 (cont'd)

Sec. 3150 (cont'd)

(3) If released for
appearance as
material witness -
\$1,000 and/or
1 year

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6.19

CRIMES AND PENALTIES

TITLE 19, U.S.C.

Sec. 1304(e)	- Failure to mark imported articles	\$5,000 and/or 1 year
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CRIMES AND PENALTIES

TITLE 21, U.S.C.

Sec. 111	- Violation of regulations to prevent contagious diseases	\$100-\$1,000 and/or 1 year
120	- Violation of regulations on exporting and transporting infected livestock	\$100-\$1,000 and/or 1 year
121	- Violation of regulations on shipments from areas suspected infected	\$100-\$1,000 and/or 1 year
174	- Importation, transportation concealment of narcotic drugs	1st offense: \$20,000 and 5-20 years, no probation; 2nd offense: \$20,000 and 10-40 years, no probation
176(a)	- Smuggling of marihuana	Same as for Sec. 174
176(b)	- Sale of heroin to juveniles	\$20,000 and 10 years to life; death if the jury decides
331(q)(1)	- Manufacture of depressant or drug - with intent to defraud or mislead	1st offense: 1 year and/or \$1,000 3 years and/or \$10,000 2nd offense: 3 years and/or \$10,000
331(q)(2)	- Sale or delivery of depressant or drug - sale to minor	Same as for Sec. 331(q)(1) 1st offense: 2 years and/or \$5,000 2nd offense: 6 years and/or \$15,000
331(q)(3)	- Possession of drug	Same as for Sec. 331(q)(1)
603-623	- Violation of Meat Inspection requirements, adulteration, misbranding - with intent to defraud	\$1,000 and/or 1 year \$10,000 and/or 3 years

10/25/69

6.22

CRIMES AND PENALTIES

Title 22, U.S.C.

Sec. 1203	- Perjury by embassy or consulate personnel	\$3,000 and 1 - 3 years
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CRIMES AND PENALTIES

TITLE 26, U.S.C.

Sec. 4704(a)	- Purchasing or dispensing narcotic drugs except in original stamped package [Penalty provision 7237(a)]	1st offense: probation possible; 2-10 years and \$20,000. 2nd offense: no probation; 5-20 years and \$20,000. Subsequent offense: 10-40 years and \$20,000.
4705(a)	- Dispensing narcotic drugs not in pursuance of a written order [Penalty provision 7237(b)]	1st offense: no probation; 5-20 years and \$20,000. 2nd offense: 10-40 years and \$20,000.
	- Person over 18 supplying juvenile	10-40 yrs. and \$20,000
4724	- Failure to register and pay special tax on narcotic drugs [Penalty provision 7237]	1st offense: probation possible; 2-10 years and \$20,000. 2nd offense: no probation; 5-20 years and \$20,000. Subsequent offense: 10-40 years and \$20,000.
*4742(a)	- Transfer of marihuana not in pursuance of written order form - Person over 18 supplying juvenile	1st offense: 5-20 years and \$20,000. 2nd offense: 10-40 years and \$20,000 10-40 years and \$20,000
*4744(a)	- Possession of marihuana	1st offense: 2-10 years and \$20,000. 2nd offense: 5-20 years and \$20,000. Subsequent offense: 10-40 years and \$20,000

Title 26 (cont'd)

Sec. *4755(a)	- Trafficking in marihuana	1st offense: 2-10 years and \$20,000 2nd offense: 5-20 years and \$20,000 Subsequent offense: 10-40 years and \$20,000
5205(a)(2)	- Stamps on distilled spirits	\$10,000 and/or 5 years
5301(c)	- Refilling liquor bottle	\$1,000 and/or 1 year
5601	- Illegal distilling	\$10,000 and/or 5 years
5602	- Tax fraud by distiller	\$10,000 and/or 5 years
5603(a)	- Fraudulent records or false entries	\$10,000 and/ or 5 years
5603(b)	- Failure to keep records	\$1,000 and/or 1 year
5604	- Unlawful use of stamps for distilled spirits	\$10,000 and/ or 5 years
5605	- Failure to record disposition of spirits	\$1,000 and/or 2 years
5606	- Violation of regulations governing distilled spirits	\$1,000 and/or 1 year
5607	- Unlawful use, recovery or concealment of spirits	\$10,000 and/or 5 years
5685	- Possession of firearms when violating liquor laws	\$5,000 and/or 10 years
5686	- Possession of liquor or property to be used to violate liquor laws	\$5,000 and/or 1 year
(5861 (5871 (5872	- Unlawful dealing in firearms	\$10,000 and/or 10 years; and forfeiture of firearms

Title 26 (cont'd)

Sec. 5821(e)	- Failure to disclose intention of making firearm	\$2,000 and/or 5 years
5841	- Failure to register a firearm	\$2,000 and/or 5 years
5851	- Possessing firearm unlawfully transferred or made	\$2,000 and/or 5 years
5852	- Removing or changing identification marks on firearm	\$2,000 and/or 5 years
5854(b)	- Failure to register firearm and pay special tax	\$2,000 and/or 5 years
5861	- Failure to register firearms, unlawful interstate transportation of firearms, and other prohibited acts	\$10,000 and/or 10 years
7201	- Willful attempt to evade or defeat tax	\$10,000 and/or 5 years plus cost of prosecution
7202	- Willful failure to collect or pay over tax	\$10,000 and/or 5 years plus costs
7203	- Willful failure to file return, supply information or pay tax	\$10,000 and/or 1 year plus costs
7206	- Fraud or false statements with regard to tax	\$5,000 and/or 3 years plus costs
7214(a)	- Unlawful conduct by Revenue Officers	\$10,000 and/or 5 years
7215	- Failure to collect, pay, or account for taxes	\$5,000 and/or 1 year
7262	- Violation of occupational wagering tax	Fine not less than \$1,000 and not more than \$5,000
7271	- Offenses with respect to tax payable by stamp	\$50 for each offense
7302	- Possession of property for use in violating Revenue laws and regulations	Forfeiture of property

*Marihuana offenders are now eligible for parole provisions of 18 U.S.C. 4202, Sec. 501 of Title V of the Narcotic Rehabilitation Act of 1966, 80 Stat. 1438. See Legislative History, United States Code. *Congressional and Administrative News*, 89th Congress, Second

CRIMES AND PENALTIES

TITLE 29, U.S.C.

Sec. 186	- Illegal payments by employers to employee representatives	\$10,000 and/or 1 year
501(c)	- Embezzlement of union funds	\$10,000 and/or 5 years
530	- Deprivation of union members' rights by violence	\$1,000 and/or 1 year

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6.35

CRIMES AND PENALTIES

TITLE 35, U.S.C.

Sec. 292	- False marking of patents	\$500 per offense
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CRIMES AND PENALTIES

TITLE 42, U.S.C.

Sec. 406	- Fraudulently misleading claimants, taking excessive fees	\$500 and/or 1 year
408	- False or fraudulent statements	\$1,000 and/or 1 year

CRIMES AND PENALTIES

TITLE 45, U.S.C.

Sec. 359(a)	- Failure to make report, furnish information; false or fraudulent claims	\$10,000 and/or 1 year
359(b)	- Agreement by employer to bear employee's contribution for insurance	\$10,000 and/or 1 year

CRIMES AND PENALTIES

TITLE 49, U.S.C.

Sec. 20 (7) (b)	- False reporting or destruction of accounts, records, etc. by public carriers	\$5,000 and/or 2 years
322(a)	- Violation of rules, regulations, license requirements applicable to motor carriers	\$100 to \$500, 1st offense; \$200 to \$500, 2nd and subsequent offenses
322(g)	- Failure of motor carrier to keep required records	Same as 322(a)
1472(i)	- Aircraft piracy	Minimum of 20 years if death penalty not imposed
(j)	- Interference with flight crew	\$10,000 and/or 20 years
	- with dangerous weapon	Life imprisonment or term for years
(1)	- Carrying concealed weapon aboard aircraft	\$1,000 and/or 1 year
(m) (1)	- False information	\$1,000 and/or 1 year
(2)	- Maliciously given	\$5,000 and/or 5 years

CRIMES AND PENALTIES

TITLE 50, U.S.C. (App.)

- | | | | |
|-------------|---|--------------------------------------|-------------------------|
| Sec. 462(a) | - | Violations of Selective Service laws | \$10,000 and/or 5 years |
| 462(b) | - | Transfer of false certificates | \$10,000 and/or 5 years |