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CRIMINAL CODES

Operations Branch
Division of Information Systems
Administrative Office of U. S. Courts
Washington, D.C. 20544



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Section

1. Federal Offender Statistics
2. Bulletin No. 510--District Court Offices and Statistical Code Numbers
3. District Identification Codes - 1940-1972
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5. Instructions for Processing Criminal Forms

NOTE: Instructions used by Clerks of Court appear in Federal Offender Statistics, Revised 5-73

Instructions for reporting persons placed under supervision of Federal Probation System contained in Chapter 11 of the U.S. Probation Officers' Manual.

Reports of Federal Offender Statistics appear in:

Annual Report of the Director
Semi-Annual Report of the Director
Federal Offenders in U. S. District Courts--Annual

FEDERAL OFFENDER STATISTICS

Until 1935 clerks of the district courts made summary reports to the Washington office. Under Attorney General Homer Cummings, these reports were furnished on a case-by-case basis using the JS-1 summary form, and the JS-2 filing and JS-3 termination cards. The A.O. continued this procedure beginning in 1941.

The present cards with only four revisions since 1941 were used to facilitate the keypunch operation since originals were used until 1969 as master records. Now we retain the filing cards for use in looking up old cases and the terminations to cross check with probation reports and for reference.



Criminal filings in FY 1972

	<u>CASES</u>	<u>DEFENDANTS</u>
Indictments.....	31,601	45,494
Indictment waived.....	4,402	5,126
Information.....	10,268	11,693
From state courts.....	62	126
Fed. Juvenile Delinquency Act.....	668	720
Other.....	42	46

The JS-2 case card tells us:

- A. District, Office and Docket number and date filed
- B. Defendants in such cases
- C. Name of each defendant
- D. Offenses charged including number of counts (only major offense is used)
- E. Proceeding by which case was docketed:
 - 1. Indictment
 - 2. Indictment waived
 - 3. Information
 - 4. Removal from state court
 - 5. FJDA
 - 6. Other
- F. Rule 20 F.R.Cr.P. transfer
- G. Reopens, corrections, supplementary reports

F & G

A

B

C

NEW R.20
 REOPEN COR

DISTRICT	OFFICE	DOCKET NUMBER	DATE FILED
1	2	3	5

DEFT. NO. 4

NAMES OF DEFENDANTS (LAST NAME FIRST) 9

6 I PROCEEDING COMMENCED BY:

1 INDICTMENT	4 REMANDED FROM APPELLATE COURT	7 APPEAL FROM U.S. MAGISTRATE
2 INFORMATION	5 REMOVED FROM STATE COURT	9 F.J.D.A.
3 WAIVER OF INDICTMENT (INFORMATION)	6 REINSTATED OR REOPENED	OTHER
8 RULE 20 (ALSO CHECK PROCEEDING COMMENCED, ABOVE) <input type="checkbox"/> TRANSFER <input type="checkbox"/> RETURNED		DISTRICT NO. DOCKET NUMBER
		8

1
2
3
4
5
6
7
8

II OFFENSE OR OFFENSES CHARGED

U.S. Code Title and Section Description of Offense

(LIST AND NUMBER ADDITIONAL DEFENDANTS ON BACK)

No. of Counts

1		
2		
3		

INITIAL CRIMINAL DOCKET REPORT-1.5.2 REV. 1972

JS-3 Termination card tells us:

Defendant accounting

	<u>Not Convicted</u>	<u># Convicted</u>
A. Dist/Office/Docket No./Date terminated.	X	X
B. Rule 20.....	X	X
C. Name	X	X
D. Duplicate defendant.....	X	X
E. Method of disposition.....	X	X
F. Judge.....	-	X
G. Type of counsel.....	X	X
H. Observation and study.....	-	X
I. Sentence.....	-	X
J. Procedure under law.....	-	X

Definite(regular)
 YCA
 FJDA
 Indeterminate
 Probation
 Variations
 Split
 Mixed

A
C & D

RECEIVED BY RULE 20 FROM: (B)	DISTRICT	OFFICE	DOCKET NUMBER	DEPT NO	DATE TERMINATED	NAME OF DEFENDANT (LAST NAME FIRST)
I FILED INITIAL <input type="checkbox"/> NOT GUILTY <input type="checkbox"/> NOLDED <input type="checkbox"/> GUILTY	DATE		LAST		DATE	Y OTHER DISPOSITION: OF ALL OFFENSES CHARGED: OF PART OF OFFENSES CHARGED SPECIFY UNDER PROPER HEADING <input type="checkbox"/> NOLLED OR DISCONTINUED <input type="checkbox"/> QUASHED OR DISMISSED OTHER (SPECIFY) <input type="checkbox"/>
II TRIAL JURY <input type="checkbox"/> NOT GUILTY <input type="checkbox"/> GUILTY	COURT		DATE		JUDGE (F)	
III OFFENSES OF WHICH CONVICTED: CONVICTED OF ALL OFFENSES CHARGED <input type="checkbox"/> OF PART OF OFFENSES OR OF LESSER OFFENSE (SPECIFY)						
IV SENTENCE: (I)						
VI DOES THIS REPORT SHOW THE FINAL DISPOSITION OF ALL OFFENSES CHARGED? <input type="checkbox"/> YES <input type="checkbox"/> NO VII COUNSEL CJA APPT <input type="checkbox"/> PRIVATE <input type="checkbox"/> WAIVED <input type="checkbox"/> OTHER APPT <input type="checkbox"/> NONE <input type="checkbox"/> PUBLIC / COMMUNITY DEFENDER <input type="checkbox"/>						
CSB 166501 BSC OBSERVATION DATE <input type="checkbox"/> NONE (H) <input type="checkbox"/> 3010b <input type="checkbox"/> 4244 <input type="checkbox"/> 4208b.c <input type="checkbox"/> 5034 <input type="checkbox"/> 4252	STATUTORY PROCEDURE (J) <input type="checkbox"/> 0 REGULAR <input type="checkbox"/> 4 5010c <input type="checkbox"/> 1 4208 A-1 <input type="checkbox"/> 5 FJDA <input type="checkbox"/> 2 4208 A-2 <input type="checkbox"/> 6 4253b <input type="checkbox"/> 3 5010b <input type="checkbox"/> 7 4253b <input type="checkbox"/> 8 28-2902a,b <input type="checkbox"/> 8 21-844b		G MAIL TO: ADMINISTRATIVE OFFICE, U.S. COURTS, WASHINGTON, D.C. 20544			

Type	Total defendants terminated FY 1972	
	With 3 territories and D. C.	Without 3 territories
Gross.....	62,491	61,806
Rule 20.....	1,963	1,962
Duplicate defendants.....	7,427	7,317
NET DEFENDANTS.....	53,101	52,527

Used in AR 1972
Tables D-4, D-5,
D-4a and D-5a and
D-6 and D-7

For the Federal Offender Statistics analysis we add age, race, sex and prior criminal record from the Probation Form 3 furnished separately by the U. S. probation officer for all defendants convicted.

How these statistical reports are used:

JS-1 is used for keeping manual account of activity by district and office.

JS-2 is used in Annual Report and Federal Offenders.

JS-3 is used in Annual Report and when demographic data is added, this material is summarized for Federal Offender Statistics reports.

More directly the various computer tabulations are used for answering questions about the type of prosecution carried out in the courts using the 4-column offense code and the outcome of the individual defendant in each case.

Studies are made by Congressional Committees, FJC and for internal use.

Publications are:

1. Annual Report of the Director
2. Federal Offenders in U. S. District Courts
3. Crimes and Sentences (1967-1971)
4. Statistical Abstract of the U. S.

Other requests received from:

Department of Justice
Selective Service
Temporary Emergency Court of Appeals
Supreme Court
Library of Congress--Legislative Research
General Accounting Office
Congressional Committees on Juvenile Delinquency, Organized
Crime, Constitutional Rights, Government Operations
Congressional requests

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

SUPREME COURT BUILDING
WASHINGTON, D.C. 20544

ROWLAND F. KIRKS
DIRECTOR

WILLIAM E. FOLEY
DEPUTY DIRECTOR

March 21, 1972

TO : Clerks of Court
Federal Probation Officers
Referees in Bankruptcy

SUBJECT: 1. Revision of United States District Court Offices
Statistical Code Numbers.
2. Mailing of statistical reports to Administrative
Office of the United States Courts

- 1) With the establishment of additional places for holding court and the enactment of P. L. 92-208 establishing the Middle District of Louisiana, we are providing herewith a revised list of United States District Court Offices statistical code numbers which are to be used in identifying all statistical forms provided to the Administrative Office of the U. S. Courts.

The revised list supercedes any other lists on hand and is to be used beginning April 1, 1972 to identify the District Court and Office on the following statistical forms:

Criminal: JS-1, JS-2, and JS-3
Civil: JS-5, JS-6, and JS-9
Trials: JS-10 (Both white and blue copies)
Bankruptcy: BK forms and JS-19 and JS-22
Probation: Form 3's, Form 9, and Form 5

Additional copies of this listing can be obtained on request.

- 2) The Division of Information Systems recently underwent reorganization and the Operations Branch now handles all statistical reports.

This relocation, along with the out of date addresses used by many districts, causes delays in the routing of statistical reports to the Operations Branch.

In order to prevent mis-routing of mail and certain delay beginning with the March 1972 reports use the following address for all statistical reports noted under (1) above:

OPERATIONS BRANCH, DIS
ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS
WASHINGTON, D. C. 20544



It would also be very helpful if each envelope is noted as to contents, such: Civil Only; Probation Only; Both Civil and Criminal. If all reports are being submitted, show Statistical Reports on the envelope.

A handwritten signature in cursive script, appearing to read "Paul C. Bender". The signature is written in black ink and is positioned above the typed name.

Paul C. Bender
Chief, Division of
Information Systems

Attachment

**ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
DIVISION OF INFORMATION SYSTEMS
UNITED STATES DISTRICT COURT OFFICE CODE NUMBERS
FOR USE BY CLERKS OF COURT AND PROBATION OFFICERS**

The following U. S. District Court Office code numbers are to be used in identifying district and office when preparing statistical forms furnished to the Division of Information Systems, Administrative Office of the United States Courts.

<u>District Code</u>	<u>Office Number</u>	<u>District</u>	<u>District Code</u>	<u>Office Number</u>	<u>District</u>
090	1	D. of C.	206	.....	New York, N.:
				1	Albany
100	.....	Maine:		2	Auburn
	1	Bangor		3	Binghamton
	2	Portland		4	Malone
				5	Syracuse
				6	Utica
101	.....	Massachusetts:	207	.....	New York, E.:
	1	Boston		1	Brooklyn
	2	New Bedford		2	Mineola
	3	Springfield		3	Westbury
	4	Worcester			
102	.....	New Hampshire:	208	.....	New York, S.:
	1	Concord		1	New York City
	2	Littleton			
103	.....	Rhode Island:	209	.....	New York, W.:
	1	Providence		1	Buffalo
				2	Canandaigua
				3	Elmira
104	.....	Puerto Rico:		4	Jamestown
	1	Mayaguez		6	Rochester
	2	Ponce			
	3	San Juan	210	.....	Vermont:
				1	Brattleboro
205	.....	Connecticut:		2	Burlington
	2	Hartford		3	Montpelier
	3	New Haven		5	Rutland
	5	Bridgeport		6	Windsor
	6	Waterbury		7	Saint Johnsbury
	7	New London			



311	.....	Delaware:	420	.....	South Carolina, E.:
	1	Wilmington		1	Aiken	
312	.....	New Jersey:		2	Charleston
	1	Camden		3	Columbia	
	2	Newark		4	Florence	
	3	Trenton		5	Orangeburg	
313	.....	Pennsylvania, E:		6	Greenville
	1	Easton		7	Spartanburg	
	2	Philadelphia		8	Anderson	
	3	Media		9	Greenwood	
	4	Reading		0	Rock Hill	
314	.....	Pennsylvania, M.:	422	.....	Virginia, E.:
	1	Harrisburg		11	Darlington	
	2	Lewisburg		1	Alexandria	
	3	Scranton		2	Norfolk	
	4	Williamsport		3	Richmond	
	5	Wilkes Barre		4	Newport News	
315	.....	Pennsylvania, W.:	423	.....	Virginia, W.:
	1	Erie		1	Abingdon	
	2	Pittsburgh		2	Big Stone Gap	
416	.....	Maryland:		3	Charlottesville
	1	Baltimore		4	Danville	
	2	Cumberland		5	Harrisonburg	
	3	Denton		6	Lynchburg	
417	.....	North Carolina, E.:	424	.....	West Virginia, N.:
	1	Clinton		1	Clarksburg	
	2	Elizabeth City		2	Elkins	
	3	Fayetteville		3	Martinsburg	
	4	New Bern		4	Parkersburg	
	5	Raleigh		5	Wheeling	
	6	Washington		6	Fairmont	
	7	Wilmington		425	West Virginia, S.:
	8	Wilson		1	Bluefield	
418	.....	North Carolina, M.:		2	Charleston
	1	Durham		3	Huntington	
	2	Greensboro		4	Lewisburg	
	3	Rockingham		5	Beckley	
	4	Salisbury	526	.....	Alabama, N.:
	5	Wilkesboro		1	Anniston	
	6	Winston Salem		2	Birmingham	
419	.....	North Carolina, W.:		3	Florence
	1	Asheville		4	Gadsden	
	2	Bryson City		5	Huntsville	
	3	Charlotte		6	Jasper	
	4	Shelby		7	Tuscaloosa	
	5	Statesville		8	Decatur	
	6	Rutherfordton				

527	.....	Alabama, M.:	53L	.....	Louisiana, E.:
	1	Dothan		2	New Orleans
	2	Montgomery	*53N	.....	Louisiana, M.:
	3	Opelika		3	Baton Rouge
528	.....	Alabama, S.:	536	.....	Louisiana, W.:
	1	Mobile		1	Alexandria
	2	Selma		2	Lake Charles
529	.....	Florida, N.:		3	Monroe
	1	Gainesville		4	Opelousas
	2	Marianna		5	Shreveport
	3	Pensacola		6	Lafayette
	4	Tallahassee	537	.....	Mississippi, N.:
	5	Panama City		1	Aberdeen
53A	.....	Florida, M.:		2	Clarksdale
	1	Fernandia		3	Oxford
	2	Fort Myers		4	Greenville
	3	Jacksonville		5	Ackerman
	4	Live Oak	538	.....	Mississippi, S.:
	5	Ocala		1	Biloxi
	6	Orlando		2	Hattiesburg
	7	St. Petersburg		3	Jackson
	8	Tampa		4	Meridian
53C	.....	Florida, S.:	539	.....	Texas, N.:
	1	Miami		1	Abilene
	2	Fort Pierce		2	Amarillo
	4	Key West		3	Dallas
	9	West Palm Beach		4	Fort Worth
	10	Fort Lauderdale		5	Lubbock
53E	.....	Georgia, N.:		6	San Angelo
	1	Atlanta		7	Wichita Falls
	2	Gainesville	540	.....	Texas, E.:
	3	Newnan		1	Beaumont
	4	Rome		2	Marshall
53G	.....	Georgia, M.:		3	Paris
	1	Albany		4	Sherman
	2	Americus		5	Texarkana
	3	Athens		6	Tyler
	4	Columbus	541	.....	Texas, S.:
	5	Macon		1	Brownsville
	6	Thomasville		2	Corpus Christi
	7	Valdosta		3	Galveston
53J	.....	Georgia, S.:		4	Houston
	1	Augusta		5	Laredo
	2	Brunswick		6	Victoria
	3	Dublin			
	4	Savannah			
	5	Waycross			
	6	Swainsboro			

*Effective April 16, 1972. P.L. 92-208. For statistical purposes, effective April 1, 1972.

757	.....	Wisconsin, E.:	866	.....	Missouri, W.:
	1	Green Bay		2	Jefferson City
	2	Milwaukee		3	Joplin
	3	Oshkosh		4	Kansas City
758	.....	Wisconsin, W.:		5	St. Joseph
	1	Eau Claire		6	Springfield
	2	La Crosse	867	.....	Nebraska:
	3	Madison		4	Lincoln
	4	Superior		7	North Platte
	5	Wausau		8	Omaha
860	.....	Arkansas, E.:	868	.....	North Dakota:
	1	Batesville		1	Bismarck
	2	Helena		2	Grand Forks
	3	Jonesboro		3	Fargo
	4	Little Rock		4	Minot
	5	Pine Bluff	869	.....	South Dakota:
861	.....	Arkansas, W.:		1	Aberdeen
	1	El Dorado		2	Deadwood
	2	Fort Smith		3	Pierre
	3	Harrison		4	Sioux Falls
	4	Texarkana		5	Rapid City
	5	Fayetteville	97X	.....	Alaska:
	6	Hot Springs		1	Juneau
862	.....	Iowa, N.:		2	Nome
	1	Cedar Rapids		3	Anchorage
	2	Dubuque		4	Fairbanks
	3	Fort Dodge		5	Ketchikan
	4	Mason City	970	.....	Arizona:
	5	Sioux City		2	Phoenix & Prescott
	6	Waterloo		4	Globe & Tucson
863	.....	Iowa, S.:		5	Florence
	1	Council Bluffs	971	.....	California, N.:
	2	Creston		1	Eureka
	3	Davenport		3	San Francisco
	4	Des Moines		4	Oakland
	5	Keokuk		5	San Jose
	6	Ottumwa		6	Palo Alto
864	.....	Minnesota:	972	.....	California, E.:
	1	Winona		1	Fresno
	2	Mankato		2	Sacramento
	3	St. Paul		3	Redding
	4	Minneapolis			
	5	Duluth			
	6	Fergus Falls			
865	.....	Missouri, E.:			
	1	Cape Girardeau			
	2	Hannibal			
	4	St. Louis			

973	.....	California, C.:	1082	.....	Colorado:
	2	Los Angeles		1	Denver
974	.....	California, S.:		2	Durango
	3	San Diego		3	Grand Junction
975	.....	Hawaii:		4	Montrose
	1	Honolulu		5	Pueblo
976	.....	Idaho:	1083	.....	Kansas:
	1	Boise		1	Fort Scott
	2	Coeur D'Alene		2	Kansas City
	3	Moscow		3	Leavenworth
	4	Pocatello		4	Salina
977	.....	Montana:		5	Topeka
	1	Billings		6	Wichita
	2	Butte		7	Hutchinson
	3	Glasgow		8	Dodge City
	4	Great Falls	1084	.....	New Mexico:
	5	Havre		1	Albuquerque
	6	Helena		2	Las Cruces
	7	Kalispell		3	Las Vegas
	8	Livingston		5	Roswell
	9	Missoula		6	Santa Fe
	10	Lewistown		7	Silver City
	11	Miles City	1085	.....	Oklahoma, N.:
978	.....	Nevada:		1	Bartlesville
	1	Carson City		2	Miami
	2	Las Vegas		3	Pawhuska
	3	Reno		4	Tulsa
	4	Elko		5	Vinita
979	.....	Oregon	1086	.....	Oklahoma, E.:
1	Medford	9	Vale	1	Ada
2	Pendleton	10	Salem	2	Ardmore
3	Portland	11	Astoria	4	Durant
4	Burns	13	Hood River	5	Hugo
5	Klamath Falls	12	Coquille	6	Muskogee
6	Eugene			7	Okmulgee
980	.....	Washington, E.:		9	Poteau
	1	Yakima		10	South McAlester
	2	Spokane	1087	.....	Oklahoma, W.:
	3	Walla Walla		1	Enid
	4	Richland		2	Guthrie
981	.....	Washington, W.:		3	Lawton
	1	Bellingham		4	Mangum
	2	Seattle		5	Oklahoma City
	3	Tacoma		6	Ponca City
				7	Woodward
				8	Shawnee
				9	Pauls Valley
				10	Chickasha

1088	.....	Utah:
	1	Ogden
	2	Salt Lake City
1089	.....	Wyoming:
	1	Casper
	2	Cheyenne
	3	Evanston
	4	Lander
	5	Sheridan
0391	.....	Virgin Islands:
	1	Christiansted
	2	Frederiksted
	3	Charlotte Amalie
0592	.....	Canal Zone:
	1	Ancon (Balboa Division)
	2	Balboa
	3	Christobal
0993	.....	Guam:
	1	Agana

Distribution - Clerks of Court
Federal Probation Officers



Division of Information Systems
 Administrative Office of the United States Courts
 Identification Codes for District Courts, 1940 through 1972

District	1940	1954	1961	3 cols. only 1963 (1)	1966 (2)	1967 (3)	April 1, 1972 (4)
District of Columbia..	X0	1290	-	090	-	-	030
First Circuit							
Maine.....	10	0100	-	-	-	-	100
Massachusetts.....	11	0101	-	-	-	-	101
New Hampshire.....	12	0102	-	-	-	-	102
Rhode Island.....	13	0103	-	-	-	-	103
Puerto Rico.....	14	0104	-	-	-	-	104
Second Circuit							
Connecticut.....	20	0205	-	-	-	-	205
New York, N.....	21	0206	-	-	-	-	206
E.....	22	0207	-	-	-	-	207
S.....	23	0208	-	-	-	-	208
W.....	24	0209	-	-	-	-	209
Vermont.....	25	0210	-	-	-	-	210
Third Circuit							
Delaware.....	30	0311	-	-	-	-	311
New Jersey.....	31	0312	-	-	-	-	312
Pennsylvania, E.....	32	0313	-	-	-	-	313
M.....	33	0314	-	-	-	-	314
W.....	34	0315	-	-	-	-	315
Virgin Islands.....	X9	1391	-	391	-	-	391
Fourth Circuit							
Maryland.....	40	0416	-	-	-	-	416
North Carolina, E...	41	0417	-	-	-	-	417
M...	42	0418	-	-	-	-	418
W...	43	0419	-	-	-	-	419
South Carolina, E...	44	0420	-	-	420	-	-
W...	45	0421	-	-	420	-	-
South Carolina.....	-	-	-	-	420	-	420
Virginia, E.....	46	0422	-	-	-	-	422
W.....	47	0423	-	-	-	-	423
West Virginia, N....	48	0424	-	-	-	-	424
S....	49	0425	-	-	-	-	425
Fifth Circuit							
Alabama, N.....	50	0527	-	526	-	-	526
M.....	51	0528	-	527	-	-	527
S.....	52	0529	-	528	-	-	528
Florida, N.....	53	0530	-	529	-	-	529
M.....	-	-	-	530	-	-	53A
S.....	54	0531	-	531	-	-	53C
Georgia, N.....	55	0532	-	-	-	-	53E
M.....	56	0533	-	-	-	-	53G
S.....	57	0534	-	-	-	-	53J
Louisiana, E.....	58	0535	-	-	-	-	53L
M.....	-	-	-	-	-	-	53N
W.....	59	0536	-	-	-	-	536
Mississippi, N.....	V1	0537	-	-	-	-	537
S.....	V2	0538	-	-	-	-	538
Texas, N.....	V3	0539	-	-	-	-	539
E.....	V4	0540	-	-	-	-	540
S.....	V5	0541	-	-	-	-	541
W.....	V6	0542	-	-	-	-	542
Canal Zone.....	X7	1392	-	592	-	-	592

(-) Denotes no change to district code in this year.

SECTION 3.

For office codes see Bulletin 510 Revised. For district list of codes since 1940 see Identification Codes.

Division of Information Systems
 Administrative Office of the United States Courts
 Identification Codes for District Courts, 1940 through 1972 - Continued

District	1940	1954	1961	3 cols. only 1963 (1)	1966 (2)	1967 (3)	April 1, 1972 (4)
Sixth Circuit							
Kentucky, E.....	60	0643	-	-	-	-	643
W.....	61	0644	-	-	-	-	644
Michigan, E.....	62	0645	-	-	-	-	645
W.....	63	0646	-	-	-	-	646
Ohio, N.....	64	0647	-	-	-	-	647
S.....	65	0648	-	-	-	-	648
Tennessee, E.....	66	0649	-	-	-	-	649
M.....	67	0650	-	-	-	-	650
W.....	68	0651	-	-	-	-	651
Seventh Circuit							
Illinois, N.....	70	0752	-	-	-	-	752
E.....	71	0753	-	-	-	-	753
S.....	72	0754	-	-	-	-	754
Indiana, N.....	73	0755	-	-	-	-	755
S.....	74	0756	-	-	-	-	756
Wisconsin, E.....	75	0757	-	-	-	-	757
W.....	76	0758	-	-	-	-	758
Eighth Circuit							
Arkansas, E.....	80	0860	-	-	-	-	860
W.....	81	0861	-	-	-	-	861
Iowa, N.....	82	0862	-	-	-	-	862
S.....	83	0863	-	-	-	-	863
Minnesota.....	84	0864	-	-	-	-	864
Missouri, E.....	85	0865	-	-	-	-	865
W.....	86	0866	-	-	-	-	866
Nebraska.....	87	0867	-	-	-	-	867
North Dakota.....	88	0868	-	-	-	-	868
South Dakota.....	89	0869	-	-	-	-	869
Ninth Circuit							
Arizona.....	90	0970	971	-	-	970	970
California, N.....	91	0971	972	-	-	971	971
E.....	-	-	-	-	-	972	972
C.....	-	-	-	-	-	973	973
S.....	92	0972	974	-	-	-	974
Idaho.....	93	0973	976	-	-	-	976
Montana.....	94	0974	977	-	-	-	977
Nevada.....	95	0975	978	-	-	-	978
Oregon.....	96	0976	979	-	-	-	979
Washington, E.....	97	0977	980	-	-	-	980
W.....	98	0978	981	-	-	-	981
Hawaii.....	99	0979	975	-	-	-	975
Alaska, 1.....	X1	1393	970	-	-	-	-
2.....	X2	1394	970	-	-	-	-
3.....	X3	1395	970	-	-	-	-
4.....	X4	1396	970	-	-	-	-
Alaska.....	-	-	-	-	-	97X	97X
Guam.....	X6	1397	993	-	-	-	993
Tenth Circuit							
Colorado.....	01	1080	082	-	-	-	082
Kansas.....	02	1081	083	-	-	-	083
New Mexico.....	03	1082	084	-	-	-	084
Oklahoma, N.....	04	1083	085	-	-	-	085
E.....	05	1084	086	-	-	-	086
W.....	06	1085	087	-	-	-	087
Utah.....	07	1086	088	-	-	-	088
Wyoming.....	08	1087	089	-	-	-	089

- (1) Middle District of Florida established under P.L. 87-562, effective July 30, 1962.
- (2) Eastern and Western Districts of South Carolina consolidated under P.L. 89-242, effective October 7, 1965. Statistical Code 420 used for fiscal year 1966 for entire year.
- (3) Eastern and Central Districts of California established under P.L. 89-372, effective September 18, 1966. Statistical Codes 97X, 970, 971, 972 and 973 for fiscal year 1967 used entire year.
- (4) Middle District of Louisiana established under P.L. 92-208, effective April 16, 1972. Statistical Codes 53A, 53C, 53E, 53G, 53J, 53L and 53N used beginning April 1, 1972.

CRIMINAL OFFENSE CODE

Administrative Office of the United States Courts
Division of Information Systems--Operations Branch, Criminal/Probation Section
Effective Fiscal Years 1961 - 1972

The detailed offense list which will be shown in the tables published by the Administrative Office is controlled by the first two columns of the offense code.

SECTION 4.

D.I.S.--Operations Branch
March 1972

INTRODUCTION

What follows is an offense classification devised in 1961 and amended from time to time with the passage of new legislation by the Congress of the United States.

The seriousness of an offense is somewhat denoted by its classification number; however, the final determination as to the offense classification to use when there is a multiple count indictment or several separate indictments for one defendant is determined as follows:

1. The length of the maximum sentence is the first control. If the two charges were bank robbery and auto theft which respectively upon conviction would result in a 25-year and a 5-year sentence, bank robbery would be the offense classified.

2. When the maximum sentence for two or more offenses is the same, the offense against a person takes priority over a property crime. Thus, destruction of an aircraft (18 USC 32) and arson of a building with people in it (18 USC 81), each have a penalty of 20 years. For coding purposes the arson of a building would be classified as the offense.

3. Where the classification needs further delineation, the classifier (a) uses the offense which had a trial rather than the one with a plea of guilty; (b) favors the longer length of time from filing to disposition over a shorter period; (c) gives preference to the district's own court case over one received by transfer by F.R.Cr.P. 20.

For all attempts to commit a crime, proceedings under the Federal Juvenile Delinquency Act, conspiracies to commit an offense or crimes committed on any special maritime or territorial jurisdiction such as a military or Indian reservation, every effort should be made to classify the substantive offense.

<u>Code</u>	<u>Offense</u>	<u>U. S. Code Title and Section</u>
<u>General offenses</u>		
	1. Homicide	
0100	A. Murder, first degree	18:1111(a), 1153, 2113(e)
0200	B. Murder, second degree	18:1111(a), 1153
0300	C. Manslaughter	18:1112(a), 1115, 1153
0310	D. Negligent homicide	18:1112(a), 1115, 1153
	2. Robbery	
1100	A. Bank	18:2113(a) (d) (e)
1200	B. Postal	18:2114
1400	C. Other	18:113(b), 2111, 12
	3. Assault	18:111, 113(a) (b) (c), 114,
1500	A. Aggravated or felonious	372, 1153, 2231; 26:7212
1560	B. Fair Housing Law	26:7212; 42:3601-3707
1600	C. Other	18:113(d) (e); 29:530
	4. Burglary - breaking & entering	
2100	A. Bank	18:2113(a)
2200	B. Postal	18:2115, 16
2300	C. Interstate commerce	18:2117
2400	D. Other	18:1153, 2111
	5. Larceny & Theft	
3100	A. Bank	18:2113(b) (c)
3200	B. Postal	18:1702, 4, 7, 8
3300	C. Interstate commerce	18:659
3400	D. U. S. property	18:641
3600	E. Transportation, etc. of stolen property	18:2314 - 17
3700	F. Other - felony	18:661, 1153, 662
3800	G. Other - misdemeanor	18:661, 1153, 662
	6. Embezzlement & fraud	
	Embezzlement	
4100	A. Bank	18:656, 1005
4200	B. Postal	18:1709-11, 21, 27
	C. Other	
4310	1. Public moneys or property	18:641-43, 47-50, 52, 53
4320	2. Lending, credit & insurance institutions	18:657
4330	3. By officers of a carrier	18:660
4340	4. World War Veterans Relief	38:3501
4350	5. By officer or employee of U. S.	18:153, 646, 54
4390	6. Other	18:1025; 29:501, 502
	Fraud	
	D. Income tax	
4510	1. Evade or defeat	26:7201, 2 (formerly 145(b))
4520	2. Other felony	18:287; 26:7206 (1)(2)(5)
4530	3. Failure to file	26:7203 (formerly 145 (a))
4540	4. Other misdemeanor	26:3401-4, 6647, 7404, 5, 7

<u>Code</u>	<u>Offense</u>	<u>U. S. Code Title and Section</u>
4600	E. Lending & credit institutions	18:658, 1006, 8-14, 1907, 9
4700	F. Postal & interstate wire, radio, etc.	18:1341-43, 1719, 20, 25
4800	G. Veterans & allotments	18:289; 37:251-54; 38:3502, 5; 50 App:1008, 2213a
4900	H. Other fraud	
4910	1. Bankruptcy	18:152
4920	2. Marketing agreements & Commodity Credit	15:713, 14m(a)-(d)
4931	3. Securities & Exchange Commission	15:77a-bbbb, 78a-jj, 79-79z 80a-b
4932	4. Other tax	
4933	a. Excise	26:4234, 4461, 62, 4901, 5762 5821 (7201-3 penalties)
4940	b. Wagering	26:4401(a)(b)(c), 11-13 21 (1)(2), (7201-3, 62 penalties)
4950	c. Other	26:7201-3, 7
4960	5. Railroad retirement & unemployment	45:228 a-y, 351-67, (228 m, 359(a) penalties)
4970	6. Social security	42:301-1370(408, 1307, 1368(a) penalties)
4980	7. False personation	18:449, 706, 711, 911-17, 1730
4991*	8. Nationality laws (fraud citizenship)	18:911, 1015
4992*	9. Passport fraud	18:1542-44
4993*	10. Other	
4994	a. False claims & statements	18:287, 1001
4999	b. Conspiracy to defraud	18:286
	c. Conspiracy (general)	18:371
	d. False entries	18:2073
	e. Other	See card index file for U.S. titles and sections
5100	7. Auto theft	
5200	A. Transportation, etc., of stolen motor vehicles or aircraft	18:2312-13
	B. Other auto theft	18:13
5500	8. Forgery & counterfeiting	
5600	A. Transportation of forged securities	18:2314
5710	B. Postal forgery	18:500
5720	C. Other forgery	
5800	1. Other U. S. forgery	18:471, 72, 78, 94, 95, 97, 98
	2. Other	18:1025
	D. Counterfeiting	18:471-74, 481, 485-87 500-3, (except forgery)

<u>Code</u>	<u>Offense</u>	<u>U. S. Code Title and Section</u>
	9. Sex offenses	
6100	A. Rape	18:113(a), 1153, 2031, 32
6200	B. White slave traffic & importing aliens	18:1328, 2421-24
6300	C. Other sex offenses	18:1153
	10. Narcotics (See supplemental instructions)	
6500) Prior	A. Marihuana Tax Act	21:176(a); 26:4741-62, 7237 penalty
) to		
6600) May 1,	B. Narcotics - border registration	18:1407
6700) 1971	C. Narcotics - other	18:494, 1403, 6; 21:171-200, except 176(a); 26:4701-36, 7237 penalty; 42:261
6800	D. Controlled substances	
	11. Miscellaneous general offenses	
7100	A. Bribery	18:201-15, 224
	B. Traffic offenses	
7210	1. Drunken driving	18:13
7220	2. Traffic offenses	18:13
	C. Escape	
7310	1. Escape	18:751, 1073
7311	2. Jumping Bail	18:3146
7312	3. Bail Reform Act of 1966	18:3150
7313	4. Escape - Work Release Program 18:4082(d)	18:751
7320	5. Aiding or harboring	18:752, 55, 1071, 72, 1791, 1792
7400	D. Extortion, racketeering & threats	18:872-77, 1951, 18:837
7401	1. Threats against the President Beg. 7/1/69	18:871
	E. Interstate travel or trans- portation in aid of racke- teering:	18:1952*
7410	1. Arson	
7420	2. Bribery	
7430	3. Extortion	
7440	4. Gambling	
7450	5. Liquor	
7460	6. Narcotics	
7470	7. Prostitution	
7480	8. Racketeering	
7490	9. Extortionate Credit Transactions	18:891-896
7500	F. Gambling and lottery	15:1171-77; 18:13, 1301-4
7520	1. Travel in aid of racketeering	18:1953
7530	2. Transmit wagering information	18:1084

* Formerly coded 7520.

<u>Code</u>	<u>Offense</u>	<u>U. S. Code Title and Section</u>
7600	G. Kidnapping	18:1201, 1202
7610	H. Kidnapping	18:13
7700	I. Perjury	18:1621-23; 22:1203; 8:1357 (b)
7800	J. Firearms & weapons	15:901-9, 1242, 43; 26:5814, 41, 51, 61; 49:1472 (L)
7820	K. Firearms, unlawful possession	18:App.1201-1202
7830	L. Firearms	18:921-28
	M. Other miscellaneous general offenses	
7910	1. Arson	18:13, 1153
7920	2. Abortion	18:13
7930	3. Bigamy	18:13
7940	4. Malicious destruction of property	18:13, 1362-63
7950	5. Disorderly conduct	18:13
7961	6. Travel to incite to riot	18:2101-2
7962	7. Civil disorder	18:231-234 (0100 if death results)
7990	8. Other	18:13; 16: 9(a)
	12. Immigration laws	
8710) 4th Col.	A. Illegal entry	8:1325
8720) was X	B. Illegal re-entry	8:1326
8730) prior to	C. Other immigration	8:1252, 82, 1324; 18:1546
8740) FY 1971	D. Illegal entry (subsequent)	8:1325
8750 *)	E. Fraud citizenship & immigration laws	18:911 alone or combined with above Title 8
8900	13. Liquor, Internal Revenue	26:5001-5693, (5601-8, 7273 (a), 7206 (4) penalties)
	14. Federal Statutes	
	A. Agriculture & conservation	
9110	1. Agricultural Acts	7:1-17, 511, 601-59, 1281-1407
9120	2. Federal Seed Act	7:1551-1610
9130	3. Game conservation Acts	16:256b, 661-68d, 671-94b, 852, 981-91; 18:41, 43, 44; 25:216
9140	4. Insecticide Act	7:135-135k
9150	5. Trespass on timber & government lands	16:551; 18:1851-56
9160	6. Packers & Stockyards Act	7:181-231
9170	7. Plant quarantine	7:151-67
9180	8. Handling of animals-- research	7:2131-2154
9200	B. Antitrust violations	15:1-3, 13a, 20, 24
9300	C. Fair Labor Standards Act	29:201-19
9400	D. Food & Drug Act	21: (except 90, 171-200, 234)
9500	E. Migratory Bird laws	16:701-18i
9600	F. Motor Carrier Act	49:301-27 (Ch. 8, Part II)
	G. National defense laws	
9710	1. Selective Service Acts	50 App:301-18, 451-70
9720	2. Illegal use of uniform	18:701-6, 11
9730	3. Defense Production Act 1950	50 App:2061-2166
*8750	- Applies to 5 districts (Texas, Southern and Western, Arizona, California, Southern and New Mexico)	

<u>Code</u>	<u>Offense</u>	<u>U. S. Code Title and Section</u>
	4. Economic Stabilization Act of 1970	
9731	a. Prices	
9732	b. Rents	
9733	c. Wages	
9740	5. Alien registration	8:1301-6
	6. Treason etc.	
9751	a. Treason	18:2381
9752	b. Espionage	18:793, 94; 50 App: 618
9753	c. Sabotage	18:2151-56
9754	d. Sedition	18:953, 2384, 2387-90
9755	e. Smith Act	18:2385
9760	7. Curfew-restricted areas	18:1382, 83, 2152
9770	8. Exportation of war materials	22:455, 1934; 50 App:2021-32
9780	9. Trading with Enemy Act (Foreign funds control, etc)	50 App: 1-31
9790	10. Other National defense	See card index file for U. S. titles and sections
9791	11. Subversive Activities Control Act	50:786(794 Penalty Sec.)
	H. Mail, transport obscene material	
9810	1. Obscene mail	18:1461, 63, 1718
9820	2. Obscene matter in inter- state commerce	18:1462, 65
	I. Other federal statutes	
	1. Civil rights	
9901	a. Civil rights	18:241-44
9902	b. Election law violations	18:592-612
9910	2. Communication Acts, (incl. wire tapping)	47:220(e), 301, 18:501, 2, 605, 1464
9911	a. Wire interception	18:2510-2520
	3. Contempt	
9921	a. Contempt	18:401, 2
9922	b. Contempt-Congressional	2:192
	4. Customs laws	
9931	a. Customs laws (<u>except narcotics & liquor</u>)	18:541-52
9932	b. Importing injurious animals & birds	18:42
	5. Interstate commerce	
9941	a. Connally Act-Hot Oil Act	15:715 - 15K
9942	b. Transport convict made goods in interstate commerce	18:1761
9943	c. Railroad & transport- ation acts	49:2, 3, 41 (except Part II); 45:152, 181, 2
9944	d. Distruction of property interstate commerce	15:1281
	6. Labor	
9951	a. Transportation of strikebreakers	18:1231

U. S. Code
Title and Section

<u>Code</u>	<u>Offense</u>	<u>U. S. Code</u> <u>Title and Section</u>
9952	b. Taft Hartley Act (Labor Management Relations)	29:141-97
9953	c. Eight hour day on public works	40:321, 22
9954	d. Peonage	18:1581-88
9960	7. <u>Liquor (excl. Internal Revenue)</u>	18:545, 1154-56, 1262-65; 27:203,7
	8. Marine	
9971	a. Maritime & shipping laws	14:83-85; 18:2196, 97, 2271-79; 33:407-11, 433, 34, 441; 46:151-63, 526m 801-42
9972	b. Stowaways	18:2199
9973	c. Federal Boat Safety Act of 1971	P.L. 92-75
	9. Postal laws	
9981	a. Non-mailable material (firearms, poison, etc)	18:1715-16
9982	b. Injury to property	18:1705, 6
9983	c. Obstructing the mail	18:1701
9984	d. Violations by postal employees	18:1703, 12, 13, 20, 26
9989	e. Other postal laws	See card index file for U.S. titles and sections
	10. All other federal statutes	
9991	a. Destroying federal property	18:1361, 2071 (a)(b)
9992	b. Intimidation of witnesses, jurors, etc.	18:1503-5
9993	c. Aircraft regulations	18:32, 35; 49:1301-1542 (except 1472(b))
9994	d. Explosives (except on vessels)	18:832-35,844;50:121-144
9995	e. Gold Acts	12:95a, 248n; 31:773a-d, 821, 2a
9996	f. Train wrecking	18:1992
9999	g. Other	See card index file for U.S. titles and sections

Special situations

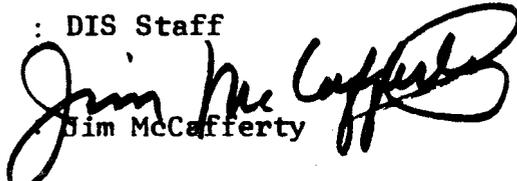
9999	Misprision of a felony	18:4
Code	Accessory, etc.	18:3
According to the substantive offense	Offense in maritime and territorial jurisdiction of U. S.	18:7
	Laws of the States adopted for areas under Federal jurisdiction	18:3

UNITED STATES GOVERNMENT

Memorandum

TO : DIS Staff

DATE: August 19, 1971

FROM : 
Jim McCafferty

SUBJECT: Drug Abuse Prevention and Control Act of 1970--Supplemental Code

Effective date for most of these provisions is the first day of the seventh month after October 26, 1970 or May 1, 1971 (P.L. 91-513).

The new DAPCA of 1970 repeals prior sections of the U. S. Code which contain the offenses and penalties for:

importation of narcotics,
dangerous drugs and marihuana and
provisions of the revenue laws relating
to narcotics and marihuana

The only laws not carried over to the new code are:

18 U.S.C. 1407 which requires narcotic addicts and violators to register prior to crossing our borders. (Repealed 5-1-71)

and

21 U.S.C. 191, 192 and 193 which relate to importation and exportation of opium between the U. S. and China (Repealed 5-1-71)

We will, of course, have pending prosecutions and sentences involving persons who have been charged with the former offenses which we have coded as:

6500	A. Marihuana Tax Act 21:176 (a); 26:4741-62,7237 Penalty
6600	B. Narcotics - border registration, 18:1407
6700	C. Narcotics - Other, 18:494;1403-6;21:171-200, except 176 (a), 26:4701-36,7237 Penalty; 42:261

For the above use DIS offense code for all criminal and for all probation cases in the system prior to May 1, 1971. Therefore, do not change the 6500, 6600 or 6700 codes to new codes shown below.



New codes are to be used for all cases where the clerk of the court or the probation officer has indicated the particular violation under the DAPCA of 1970.

In doing so, please keep three classification rules in mind. What offense upon conviction could result in the highest penalty and what drug law offense was being committed, that is, narcotic drug, marihuana or dangerous substance? What schedule of controlled substance (I, II, III, IV and V) was violated as shown as part of the description of the offense? When this is unknown, record as a 0. Further, was it selling, possession, importation, manufacture or records including prescription?

Though the offenses and penalties are provided in Part II. Reference can be made to this list, however, each DAPCA case can be coded easily by using the classification appearing in Part I below:

Part One

The Drug Abuse and Prevention Act of 1970 (DAPCA) (Title 21 USC Sections 801-966) became effective on May 1, 1971. Using the information furnished by the Clerk of Court or the Probation Officer, code DAPCA offenses beginning July 1, 1971 as follows:

<u>Drug involved</u>	<u>Code for Col. 1 and 2</u>	<u>Schedule Number (3rd Column)</u>
Marihuana	65	I, II, III, IV, V
Narcotic (Opium, cocaine, heroin, etc.)	67	(1) (2) (3) (4) (5)
Controlled substance	68	Use "0" if Schedule is unknown

For the fourth column of the offense code use:

1. for selling, distribution, or dispensing
2. for importation
3. for manufacture
4. for possession
5. records, prescriptions, fraudulent prescriptions

Thus, if a person is reported charged with possession of marihuana (Schedule I), code 6514. Selling marihuana would be 6511. Selling opium (Schedule II) would be 6721. Selling methadone (Schedule II), 6821. Making a controlled substance, Barbitol (Schedule IV), 6844.

Refer to the statutes as required. Try not to code controlled substance if it is certain that it is marihuana or narcotic drugs.

A list of the DAPCA Statutes and Penalties follow:

Drug Abuse Prevention and Control Act of 1970
(Public Law 91-513, October 27, 1970 84 Stat. 1264)

Part D, Offenses and Penalties

<u>Title 21</u> <u>Section</u>	<u>Description</u>	<u>Penalty</u> <u>1st & 2nd Offense</u>	<u>Special</u> <u>Parole</u> <u>Term</u>
Sec. 841b(1)A	Create, manufacture, distribute or dispense controlled narcotic drug under Schedules I and II	\$25,000 and/or 15 years; 2nd-\$50,000 and/or 30 yrs	3 yrs. 6 yrs.
B	Create, manufacture, distribute or dispense controlled non-narcotic drug under Schedules I, II, or III	\$15,000 and/or 5 years; 2nd-\$30,000 and/or 10 yrs	2 yrs. 4 yrs.
b(2)	Create, manufacture, distribute or dispense controlled drug under Schedule IV	\$10,000 and/or 3 years; 2nd-\$20,000 and/or 6 yrs	1 yr. 2 yrs.
b(3)	Create, manufacture, distribute or dispense controlled drug under Schedule V	\$5,000 and/or 1 year; 2nd-\$10,000 and/or 2 yrs	None None
Sec. 842a(4)	Knowing removal, alteration or obliteration of symbols or labels	\$25,000 and/or 1 year; 2nd-\$50,000 and/or 2 yrs	None None
a(5)	Knowing refusal or failure to make, keep or furnish records as required	\$25,000 and/or 1 year; 2nd-\$50,000 and/or 2 yrs	None None
(6)	Refusal to allow authorized entry or inspection	\$25,000 and/or 1 year; 2nd-\$50,000 and/or 2 yrs	None None
(7)	Removing, breaking, injuring, or defacing seal	\$25,000 and/or 1 year; 2nd-\$50,000 and/or 2 yrs	None None
(8)	Illegal use of information acquired in course of an authorized inspection	\$25,000 and/or 1 year; 2nd-\$50,000 and/or 2 yrs	None None
Sec. 843a(2)	Use of fictitious, revoked or suspended registration number in the course of manufacturing or distributing a controlled substance	\$30,000 and/or 4 years; 2nd-\$60,000 and/or 8 yrs	None None

<u>Title 21-Cont.</u> <u>Section</u>	<u>Description</u>	<u>Penalty</u> <u>1st & 2nd Offense</u>	<u>Special</u> <u>Parole</u> <u>Term</u>
Sec. 843a(3)	Acquisition or possession of controlled substance by misrepresentation, fraud, etc.	\$30,000 and/or 4 years; 2nd-\$60,000 and/or 8 yrs	None None
(4)	Furnishing false information in any application, report or record required	\$30,000 and/or 4 years; 2nd-\$60,000 and/or 8 yrs	None None
(5)	Making, distributing or possessing anything designed to reproduce the identifying mark of any drug so as to render such drug a counterfeit substance	\$30,000 and/or 4 years; 2nd-\$60,000 and/or 8 yrs	None None
b	Use of communications facility in committing any act constituting a felony under Chapter 13 of this title	\$30,000 and/or 4 years; 2nd-\$60,000 and/or 8 yrs	None None
Sec. 844	Possession of controlled substance	\$5,000 and/or 1 year; 2nd-\$10,000 and/or 2 yrs	None None
Sec. 845	Distribution of controlled substance to person under 21 years of age	Double penalty of Sec. 841(b); 2nd-triple penalty of Sec. 841(b)	None None
Sec. 847	Attempt and conspiracy	Maximum prescribed for the offense	None
Sec. 848	Continuing criminal enterprise	\$100,000 and 10 yrs.-life plus forfeiture of profits; 2nd-\$200,000 & 20 yrs.-life plus forfeiture of profits; no probation or suspension	None None
Sec. 960b(1)	Knowing or intentional importation or exportation of controlled substance -if narcotic drug in Schedule I or II	\$25,000 and/or 15 years 2nd-\$50,000 and/or 30 yrs	3 yrs. 6 yrs.
(2)	-if other drug	\$15,000 and/or 5 years; 2nd-\$30,000 and/or 10 yrs	2 yrs. 4 yrs.
(2)	-Schedule IV	\$15,000 and/or 5 years	1 yr.

<u>Title 21-Cont.</u> <u>Section</u>	<u>Description</u>	<u>Penalty</u> <u>1st & 2nd Offense</u>	<u>Special</u> <u>Parole</u> <u>Term</u>
Sec. 961	Prohibited acts B		
	Violation of Sec. 954- transshipment and intransit shipment of controlled sub- stances		
	Sec. 961 (1)	Civil--\$25,000	
	Sec. 961 (2)	1 yr. and/or \$25,000	
Sec. 962a	Second or subsequent of- fense under Sec. 960 (b) above		
Sec. 962b	Second or subsequent of- fense under Subchapter II Sec. 961(1) or 961(2)	Imprisonment and/or fine double	
Sec. 962c	If second or subsequent conviction of Sec.960 (b)	In addition to imprison- ment and fine twice special parole term	
Sec. 962d	Sec. 851 applicable for sentencing dangerous special drug offender under Sec. 849 (see above)		
Sec. 963	Attempt and conspiracy	Maximum prescribed for the offense	

Administrative Office, U. S. Courts
Division of Information Systems
Criminal Section

Instructions for Processing Criminal Forms in
the Administrative Office, Fiscal Year 1972 (Revised)

Termination Coding - Criminal Defendants - Form J.S. 3 and
J.S. 4 Criminal Analysis Card, Revised Fiscal Year 1972

J.S. 3 Terminations
Disposition and Sentence Coding

At the time the J.S. 3's are matched to the pending tape a duplicate J.S. 3 is punched, interpreted and paired with each original J.S. 3. The yellow top stripe of the original and duplicate J.S. 3 shows the print-out of the filing information as follows: Proceeding, Offense, District, Office, Defendant number, Month and calendar year filed, and Defendant name.

The duplicate J.S. 3 is pre-punched as follows:

<u>Card Col.</u>	<u>Item</u>
1-3	1. District
4	2. Office
5-10	3. Docket Number
11-12	4. Defendant Number
13-16	5. Date terminated, month and calendar year
18	6. Punched "8" for defendants disposed of by Rule 20 transfer
39	7. Type of proceeding

Coding of J.S. 3's - Pass over all Rule 20 transfers, no coding is needed. The "8" which has been punched in Col. 18 provides for these. For all other J.S. 3's, from information provided on the original record, enter codes in red, in spaces provided in the lower left corner of the duplicate J.S. 3 as follows (information will be punched in the card as indicated; columns in parentheses indicate tape record fields):

<u>Card Col.</u>	<u>Item</u>
40-43 (29-32)	1. <u>Offense at termination</u> - Item III of J.S. 3. District of <u>Columbia only</u> , code offense of which convicted. For <u>dismissed or acquitted</u> code offense at filing. In all other districts Murder 1st and 2nd degree and Man-slaughter (Codes 0100, 0200 and 0300) should be reviewed

SECTION 5.

Card
Col.

2

Item

and if reduced at conviction code accordingly and immediately punch into Col. 40-43. For all others the computer transfers the offense at filing into the offense at termination field.

44
(33)

2. Disposition - Item I, II, or V of J.S. 3
Code disposition as follows:

- 0 Dismissed statistically
- X NARA Title I & III, 28:2902(a), (b)
- 1 nolle, dismissed, other

Acquitted

- 2 By court
- 3 By jury
(Motion for judgment of acquittal made by court or defendant, use code "2"; if motion is made by U.S. Attorney, use code "1", dismissed.)

*Convicted

- 4 Initial plea guilty
- 5 Initial plea nolo contendere
- 6 Plea guilty, initial plea not guilty
- 7 Plea nolo, initial plea not guilty
(When initial and last plea are made on same day, code "4" or "5" except when change of plea occurs during or after trial, then code "6" or "7", whichever code applies.)
- 8 By court after trial
- 9 By jury verdict

45
(34)

3. Counsel - Item VII of J.S. 3. Code as follows:

- X Not reported
- 1 C.J.A. appointment
- 2 Private
- 3 Waived
- 4 Other appointment
- 5 None
- 6 Public/Community defender

46-49
(35-38)

4. Judge - enter judge code from Judge List

*For defendants disposed of under 21 U.S.C. 844(b) code method of conviction as reported on JS-3. When order for expungement is received collect all JS records and have name of defendant changed to Jane or John Doe on all tape records.

Collected JS cards will be returned by branch Chief for each request.

Col.Item50
(39)Sentence - Item IV of J.S. 3. (Also see Attachment 1) ³5. Observation - code as follows:

- 0 None
- 1 T.18:4244, 4245, 4246 (Mental incompetency)
- 2 T.18:5034, (F.J.D.A.) (Do not code observation if used to indicate an F.J.D.A. sentence)
- 3 T.18:5010 (e) (YCA and YO)
- 4 T.18:4208 (b), (c)
- 5 T.18:4252 (NARA - 30 days examination)

51
(40)6. Sentence - code as follows:

- 1 Sentence to imprisonment or probation a/o fine
- 2 Split sentence - 6 mos. imprisonment and under, with probation to follow. When imprisonment is 4 days or less ignore the imprisonment and code probation only, "1" above.
- 3 Mixed sentence - over 6 mos. imp. followed by probation (usually imposed on 2 or more counts or indictments)
- 4 DAPCA split sentence
- 5 Imprisonment a/o probation concurrent or consecutive to another sentence already in effect
- 6 DAPCA
- 7 DAPCA mixed sentence

52
(41)7. Statutory procedure - code as follows:

- 0 None (regular parole, probation, fine)
- 1 T.18:4208 (a) (1) (minimum of less than one third and maximum sentence imposed.)
- 2 T.18:4208 (a) (2) (indeterminate, maximum sentence imposed) not to be coded on sentence of less than 1 year
- 3 T.18:5010 (b) (Y.C.A. indeterminate)
- 4 T.18:5010 (c) (Y.C.A. definite, in excess of six years)
- 5 F.J.D.A. (Should be coded "9" Col. 39, proceeding)
- 6 T.18:4253 (a) (NARA - Indeterminate not to exceed ten years, or maximum sentence that could have been imposed)
- 7 T.18:4253 (b) (NARA - regular sentence. If one of the statutes 1 thru 5 is reported code accordingly)
- 8 DAPCA (If 1 thru 5, code accordingly)
- 9 NARA reopened after Title I civil commitment

53
(42)8. Type of sentence - code as follows:

- 0 To be deported or probation without supervision in the 5* immigration districts; sentence suspended "I.S.S."; imprisonment four days or less; time served; fine only remitted or suspended
- * Texas Southern (541) and Western, (542), Arizona (970), California Southern (974), and New Mexico (084).

Card
Col.

4

Item

53
(42)

8. Continued

Imprisonment

- 1 5 days thru 12 months and 1 day
- 2 12 months and 2 days thru 35 months
- 3 36 months thru 59 months (5010 (b) always coded 3)
- 4 60 months and over. (5010 (c) always coded 4)

Probation

- 5 Supervised, direct from court
- 6 Unsupervised (include firms and corporations);
deported except in the 5 immigration districts;
release to military service and probation
terminates.
- 7 Following a term of imprisonment on split or mixed
sentences; state or local sentence to imprisonment
or jail; another sentence to probation (code "5"
Col. 52)
- 8 To begin on release from military service; hos-
pital or special custody.
- 9 Fine only, to be paid (remitted or suspended code
"0"; ignore penalty or costs)

54-56
(43-45)

9. Term of Imprisonment in months

When type of sentence is 1, 2, 3, or 4, (Col. 53)
enter, in months, the maximum term of imprisonment
to be served, except as follows:

- 000 15 days or less (four days or less Code 0
Col. 53)
- 048 Minority, F.J.D.A. (unless time can be computed)
- 048 18:5010 (b), Y.C.A.
- 540 Life
- 999 999 months and over
- 000 Death (Code "4" Col. 53)

57-58
(46-47)

10. Term of probation in months

Code term of probation in months; fifteen days or
less code "00"; 99 months and over code "99"

Card
Col.

Item

5

59
(48)

11. Amount of Fine - code as follows:

1	\$1-99
2	\$100-249
3	\$250-499
4	\$500-999
5	\$1,000-2,499
6	\$2,500-4,999
7	\$5,000-9,999
8	\$10,000-49,999
9	\$50,000-and over

(Fine only remitted or suspended code "0" Col. 53)

Note: Unusual situations not covered by the above codes must be resolved as they occur. Special conditions are covered by card index notes.

Criminal Analysis J.S. 4

Presentence Coding

Each quarter the termination tape is updated with disposition and sentence information from the duplicate J.S. 3's. The termination tape is then sorted alpha by district. A C.A.J.S. 4 is punched, and a listing made, for each convicted defendant.

Presentence information is coded for all convicted defendants for whom a Probation Form 3 or 3A is on file.

Enter codes, in red, in spaces provided on the C.A.J.S. 4 card as follows (Fields on the tape record are the same as the card columns shown below):

Card
Col.

Item

49

1. Sex

- 1 Male
- 2 Female
- 3 Corporation or firm

Note: After all coding for the year is completed if there is no probation report, code according to name and code Col. 50-55 "XXXXXX".

50

2. Race

- 0 Corporation or firm
- 1 White
- 4 Negro
- 5 Indian (American)
- 6 Chinese
- 7 Japanese
- 8 Other
- X Unknown or not reported

51-52

3. Birth Year

Enter last two digits of year born

XX Corporation or firm; unknown or not reported

Card
Col.

2

Item

53

4. Prior record (Use Code as reported on Probation Form
3 or 3A)

- 0 No known prior conviction
- 1 Prior conviction(s) resulting in probation only or a suspended sentence without probation (also applies to cases of fine only).
- 2 Prior conviction(s) resulting in sentence to 1 year or less (includes split or mixed sentences where commitment part is 1 year or less).
- 3 Prior commitment(s) under juvenile delinquency procedure.
- 4 Prior conviction(s) resulting in confinement of more than one year
- X Unknown or not reported

54

5. Pre-sentence investigation

Thru F.Y. 1969

Beg. F.Y. 1970

- | | |
|-------------------------------|-------------------------------|
| 1 Complete | 1 Presentence |
| 2 Partial | 2 Limited |
| 3 None | 3 None |
| X Not reported or unavailable | X Not reported or unavailable |

55

*6. Probation Officer recommendation

- 1 For probation (Fair)
- 2 Against probation (Poor risk)
- 3 None
- X Unavailable, or not reported

* Do not code beginning fiscal year 1970.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
 DIVISION OF INFORMATION SYSTEMS
 WASHINGTON, D.C. 20544

CRIMINAL TERMINATION CODES - F/Y 1972

(Card Columns 29-48 Precoded from J.S. 3)

Card Col.	J.S. 4 Coding	Card Col.	J.S. 4 Coding - Con't.
29-32	<u>OFFENSE</u> - See detailed codes	42	Type of sentence:
33	<u>DISPOSITION</u>	43-45 (mos)	0 Suspended sentence, etc. <u>Imprisonment</u> 1 5 days - 12 mos and 1 day 2 12 mos and 2 days-35 mos. 3 36 mos - 59 mos 4 60 mos and over
	0 Dismissed statistically		<u>Probation</u>
	X NARA 28:2902 (a), (b)	46-47 (mos)	5 Super direct from court
	1 Nollled, dism, other		6 Unsupervised
	2 Acquitted by court		7 To follow a term of impr
	3 Acquitted by jury		8 Super on release from m/s; hosp; local auth
	4 Plea guilty		9 Fine only
	5 Plea nolo	48 (amt)	<u>Amount of Fine</u>
	6 Plea guilty, initial plea N/G		1 \$1-99
	7 Plea nolo, initial plea N/G		2 \$100-249
	8 Convicted by court		3 \$250-499
	9 Convicted by jury		4 \$500-999
34	<u>COUNSEL APPOINTED</u>		5 \$1,000-2,499
	X Not reported		6 \$2,500-4,999
	1 Criminal Justice Act. Appt.		7 \$5,000-9,999
	2 Private counsel		8 \$10,000-49,999
	3 Waived counsel		9 \$50,000- and over
	4 Other appt.		
	5 None		
	6 Public/Community Defender		
39-42	<u>SENTENCE</u>		<u>Additional C.A.J.S. 4 CODING</u>
39	Observation:	49	<u>SEX</u>
	0 None		1 Male 2 Female 3 Corp
	1 18:4244-45		
	2 18:5034 - FJDA	50	<u>RACE</u>
	3 18:5010(e) YCA		0 Corp
	4 18:4208(b), (c)		1 White
	5 18:4252		4 Negro
40	Sentence:		5 Amer Indian
	1 Impr or prob a/o fine		6 Chinese
	2 Impr -6 mos plus prob (split)		7 Japanese
	3 Impr over 6 mos plus prob(mixed)		8 Other
	4 DAPCA split sentence		X Unkn/not rptd
	5 Impr a/o prob. conc/consec to another sent. already in effect.		
	6 DAPCA-Regular sentence	51-52	<u>BIRTH YEAR</u>
	7 DAPCA-Mixed sentence		XX Corp/unkn/not rptd Others-enter last two digits of yr
41	<u>Statutory Procedure</u>		<u>PRESENTENCE INVESTIGATION</u>
	0 None		Prior record } Investigation } code as rpt Recommendation }
	1 18:4208 (a)(1) Min.-Max.	53	X Unkn, not rptd, unavail.
	2 18:4208 (a)(2) Indeterminate	54	
	3 18:5010 (b) YCA indeterminate	55	
	4 18:5010 (c) YCA over 6 yrs.		
	5 18:5034 FJDA		
	6 18:4253 (a) NARA Indet.		
	7 18:4253 (b) NARA Regular sent.		
	8 DAPCA -Regular sentence		
	9 DAPCA -Reopened after civ.comm.		

Administrative Office, U. S. Courts
 Division of Information Systems
 Criminal Section

Criminal Records - Card and Tape Records

<u>Description</u>	<u>Filings</u>		<u>Terminations</u>	
	<u>J.S. 2 and tape record</u>	<u>J.S. 3</u>	<u>Dup. J.S. 3</u>	<u>C.A.J.S. 4 and tape record</u>
District	1-3	1-3	1-3	1-3
Office	4	4	4	4
Docket no.	5-10	5-10	5-10	5-10
Deft. no.	11-12	11-12	11-12	11-12
Date filed Mo. & Cal. Yr.	13-16			13-16
Date terminated, month & Cal. Yr.		13-16	13-16	
Proceeding	17		39	17
"X" to split file		17		
Offense at filing	18-21			18-21
Term. R. 20 transfer "8"		18	18	
Dup. deft. "X"		22	22	22
Program control	23			
Date filed Mo. & F. Yr.	(Tape)24-27			
F. Y. Term. Interval				24-26 27-28
Offense at term.			40-43	29-32
Disposition			44	33
Counsel			45	34
Judge			46-49	35-38
Transferring district	49-50			
Observation			50	39
Sentence			51	40
Statute			52	41
Type			53	42
Term impr. Name			54-56	43-45
Term prob.			57-58	46-47
Fine			59	48
Sex				49
Race				50
Birth year				51-52
Prior record				53
Presentence				54
P. O. recommendation				55

<u>Description</u>	<u>Filings</u>		<u>Terminations</u>	
	<u>J.S. 2 and tape record</u>	<u>J.S. 3</u>	<u>Dup. J.S. 3</u>	<u>C.A.J.S. 4 and tape record</u>
Rule 20 term.				57
Program control				58
Transferring district				59-60
Name				61-80

DIVISION OF INFORMATION SYSTEMS - OPERATIONS BRANCH
CRIMINAL SECTION

OSST CODES TO BE USED IN JS-3 DEFENDANT TERMINATION CODING (EFFECTIVE 12/71)

Second digit "1" (sentence code) can be replaced by a "5" if sentence is consecutive or concurrent with sentence already in effect.

I. Special Code

0100 - Refer to regular coding instructions

II. IMPRISONMENT

Impr. only

0101, 2, 3, 4

Impr. w/observation

1101, 2, 3, 4

3101, 2, 3, 4

4101, 2, 3, 4

Impr. w. statute

0112, 3, 4

0122, 3, 4

0133, 0144

Impr. after obs. with statute

1112, 3, 4

1122, 3, 4

1133

1144

3112, 3, 4

3122, 3, 4

3133

3144

4112, 3, 4

4122, 3, 4

Impr. with probation

0201

0301, 2, 3, 4

Impr. after obs. w/probation

1201

3201

4201

1301, 2, 3, 4

3301, 2, 3, 4

4301, 2, 3, 4

Impr. w/statute and probation

0312, 3, 4
0322, 3, 4

Impr. after obs. with statute & prob.

1312, 3, 4
1322, 3, 4
3312, 3, 4
3322, 3, 4
4312, 3, 4
4322, 3, 4

III. PROBATION

0105 - direct. w/super.
0106 - unsupervised
0108 - after hospital, military, special custody
0507 - after state or local sent.

Probation with obs.

1105
3105
4105
4106

IV. FINE

0109

V. JUVENILES

Impr.

0151, 2, 3, 4
0551, 2, 3, 4

Impr. with obs.

1151, 2, 3, 4
2151, 2, 3, 4

Juv. Probation

0155 (with obs. 1155, 2155)
0557

VI. NARA

4253 (a)

5161, 2, 3, 4

4253 (b)

5112, 3, 4
5122, 3, 4
5133
5144
5171, 2, 3, 4
5175 (Probation)

Reopened after Title I or III civil commitment

5191, 2, 3, 4
5195 (Probation)

VII. DAPCA (21:801 - 21:965 Special Parole)

Impr. only

(Code 6 (sentence code) is also used if)
(sentence is concurrent or consecutive to)
(another sentence already in effect.)

0681, 2, 3, 4

Impr. w/observation

1681, 2, 3, 4
2651, 2, 3, 4
3681, 2, 3, 4
4681, 2, 3, 4
5681, 2, 3, 4

Impr. with stat.

0612, 3, 4
0622, 3, 4
0633
0644

Impr. after obs. w/statute

1612, 3, 4
1622, 3, 4
1633
1644
2651, 2, 3, 4
3612, 3, 4
3622, 3, 4
3633
3644
4612, 3, 4
4622, 3, 4
5612, 3, 4
5622, 3, 4
5633
5644

Impr. with probation

0491 (Split Sentence)
0781, 2, 3, 4 (Mixed Sentence)

Impr. after obs. w/Probation

1401
2401
3401
4401
1781, 2, 3, 4
2751, 2, 3, 4
3781, 2, 3, 4
4781, 2, 3, 4
5401
5781, 2, 3, 4

Impr. with statute and probation

0712, 3, 4
0722, 3, 4

Impr. after obs. w/statute & probation

1712, 3, 4
1722, 3, 4
2752, 3, 4
3712, 3, 4
3722, 3, 4
4712, 3, 4
4722, 3, 4
5712, 3, 4
5722, 3, 4

Probation only

0655 Juvenile
0685 Direct from Court
0686

Probation with obs.

1685
2655
3685
4685
5685

Do not code the time under special parole. This coding scheme allows that there is a special parole period for these cases that is not shown in our codes.

OSST - observation, sentence, statutory procedure, type
OBS. - observation
NARA - Narcotic Addict Rehabilitation Act 1966
DAPCA- Drug Abuse Prevention Control Act 1970

Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.



GR Press Photo by JOHN R. FULTON JR.

Dr. Duncan Littlefair, An Unexpected Defender

. . . But One Smiled

Editor's Note: An Sunday, Sept. 15, Dr. Duncan Littlefair preached a sermon at Fountain Street Church in which he strongly defended President Ford's pardon of former President Nixon as proper forgiveness. This week, he discussed those ideas with The Press.

By Scott Scholten

When Dr. Duncan Littlefair began his forgiveness-clad defense of President Ford's pardon of Richard Nixon, he raised a few eyebrows in the pews at Fountain Street Church.

When he finished, he drew a round of spontaneous applause.

doesn't undermine the legal system, rather fulfills it, because the power of pardon, like veto, is a perfectly rightful special privilege of Presidents; justice was done because proper punishment for an erring President was achieved by Nixon's departure from office and admission of guilt by accepting the pardon; the pardon was for the office, not the man, and punishment of the man would have punished the office (the two are inseparably linked for life, he said) and, in effect, all of us that it represents; and, the President is more than an ordinary citizen, elevated by the honor of his office to a special place under, not above the law.

know better than we who've had him under a microscope for 25 years, that Jerry is a moral man."

Although the copy of ^{the Special Prosecutors} ~~my~~ memorandum from Henry Ruth
to ^{him} ~~me~~ dated September 3, 1974 "Subject: Mr. Nixon" was
sent to ^{me} ~~you~~ in confidence, ^{Mr. Jaworski advised me that if I were} ~~if you are~~ willing to assume the
responsibility for its release, ^{he would} ~~I shall~~ raise no objection
to ^{my} ~~your~~ doing so.

In the event of its release, ^{Mr. Jaworski said he} ~~we~~ would expect, ~~of course,~~
that it be made available in its entirety, including the first
and last paragraphs of the memorandum.



Ford Reported Rejecting Haig's Pardon Bid

United Press International
Former White House chief
of staff Alexander M. Haig Jr.,
approached President Ford
nine days before the Nixon
presidency ended about a pos-

QUESTIONS

✓ 1. Immunity for Nixon

President: Helen.

Q. Mr. President, aside from the Special Prosecutor's role, do you agree with the bar association that the law applies equally to all men, or do you agree with Governor Rockefeller that former President Nixon should have immunity

✓ 5. Pardon Is an Option

Q. Mr. President, may I just follow up on Helen's question. Are you saying sir that the option of a pardon for former President Nixon is still an option that you will consider depending on what the courts will do?

I believe that Governor Rockefeller will take over my responsibilities heading the subcommittee of the Domestic Council on Privacy. Governor Rockefeller with his vast experience in foreign policy can make a significant contribu-

✓ 15. Questions on Nixon

Q. Mr. President, have there been any communications between the special prosecutor's office and anyone on your staff regarding President Nixon?



"I'm afraid someone else will have to grant you a pardon for playing hooky from school and ripping your shirt!"



'Hypothetical' Pardon Query Reported

Gerald R. Ford while serving as Vice President, was asked a "hypothetical" question whether he would pardon

then-President Nixon if Mr. Nixon resigned from office, NBC News reported last night.

The White House declined direct comment on the report.

NBC quoted sources as say-

ing, no deal between me and the former President, nor between my staff and the staff of the former President, none whatever."

committee on questions surrounding the pardon of the former President and it would be inappropriate to comment on any matters regarding his testimony at this time."

Mr. Ford announced his

In the same news conference, Mr. Ford was reminded that he was asked during the

The case of the former President grossly divided our nation.

Further, it has diverted our attention from the search for effective solutions to many complex problems which we face today. President Ford acted decisively out of an overriding concern that a prolonged prosecution of Richard Nixon would delay the start of this vital search.

I would like to add, that the power to grant a pardon is the President's exclusive right under the Constitution. The exercise of this power is an act of high mercy designed, by our nation's founders, to temper justice.



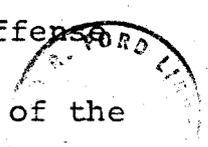
Gerald Ford

LAW WEEKLY

In his quest for "justice and mercy" Gerald R. Ford lost sight of the real meaning of the authority vested in him to forgive transgressions against the sovereign. The Vietnam era "deserters" and "draft evaders" are destined to become the victims of his most questionable exercise of his presidential power to date.

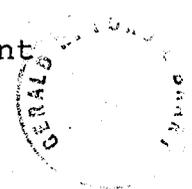
Presidential Proclamation No. 4313 summoned up the totality of the constitutional authority vested in him by Article II to establish guilt, virtually eliminate prosecutorial discretion, legislate punishment and erect a monument to unequal protection.

In the guise of "earned re-entry", guilt by proclamation is not only established, but elevated to the level of desertion in time of war (a capital offense even in "undeclared" wars) and willful evasion of the draft. The extent of the President's overstatement of the case is clear when one considers that during the last decade fewer than ten per cent of persons administratively classified as "deserters" by the military have been prosecuted under Article 85 of the Uniform Code of Military Justice. In fact, Department of Defense data through 1973 concerning those known to have been absent in foreign countries confirm that in nearly half the cases (forty-four per cent) the military decided not to prosecute for even the lesser offense of "absence without proper authority" under Article 86 of the



Uniform Code. These figures are significant because while desertion involves a substantial burden of proof with respect to intent to remain away permanently, unauthorized absence is so easily proven that not-guilty pleas border on the ludicrous. The civilian scene offers only slightly more support to the President's case. No matter whose count one accepts, less than twenty-five per cent of those believed to be in "exile" as civilians are currently under indictment. Of the nearly 3,500 cases completed in 1973, conviction for any Selective Service violation was obtained in only twenty-eight per cent of the total.

The foregoing Department of Defense and Justice statistics from a recent pre-proclamation survey of the problem by Alfred B. Fitt writing in the New York Times Magazine on September 8, 1974 would seem to invite a broadening, rather than the questionable legal tactic of narrowing prosecutorial discretion. Under the Ford plan the prosecutor's office is little more than a way station en route to a Selective Service Office. The President's clear command that some alternative service will be required is a significant departure from what has been long recognized as the prosecutor's duty and obligation to weigh each prospective action in light of both the individual's circumstances and the public interest. The independent prosecutor, though a member of the Executive Branch, has traditionally been a significant point of discretion in our common law system, even against hostile or "runaway" grand juries. While the Proclamation's



page 3

restraints upon that discretion do not rise to the level of the Saturday Night Massacre, they are nonetheless unfortunate precedents.

Perhaps the graveman of the mistake in the President's edict lies not in what it did but in what it did not do. It did not grant or promise amnesty. It did not grant or promise pardons. Utilization of the Proclamation vehicle without even reference to these terms provided the first hint that a stranger to the constitutional scene was about to emerge. Avoidance of the clear Presidential power of pardon in favor of some amorphous concept labeled "reconciliation" dangerously exceeded the authority conferred by Article II, Section 2, and no amount of summoning of the penumbra of remaining presidential powers conferred by Article II changed that fact.

It is no mere coincidence that both the Lincoln and Truman precedents cited the pardon power as authority. Lincoln dealt with Confederate rebels as a group and therefore labeled his action as both "pardon and amnesty," while Truman's "Amnesty Board" made recommendation on a case-by-case basis and the 1,523 persons receiving favorable treatment were granted individual "pardons." Presidents Jefferson, Madison and Jackson each granted "full pardons" or "full and free pardons" to military personnel accused or convicted of desertion.

Pardons and amnesty were frequently granted conditionally

or with groups of persons excepted from the beneficiary category. Jefferson's offer required surrender within four months. Jackson's plan returned imprisoned soldiers to duty and barred those at large from serving again. The Lincoln amnesty excepted officers of the Confederate government and turncoat United States officers. But none of the aforementioned conditions or exceptions was even remotely comparable to the anti-pardon position reflected by Mr. Ford's offer of mere prosecutorial amnesia coupled with a requirement for "alternative service."

The problem with alternative service, especially where no criminal sentence has been adjudicated, is that it is in reality an alternative punishment. While the law clearly allows alternative service for a limited category of persons classified as "conscientious objectors" prior to induction, to hold it out as an alternative to a legislatively enacted criminal sanction is not only without precedent, but is a clear invasion of the legislative prerogative to establish penalties for violation of societal norms or legislative mandates. To contend that the President may unilaterally change the nature of punishment for a criminal act, as opposed to eliminating or reducing such punishment by the exercise of his pardon authority, is to read Article II as vesting in the President powers specifically reserved to the Congress in Article I.



Even the much-discussed plea bargaining situation is not analogous because it involves merely a reduction in the quantum, not nature, of permissible punishments -- and judicial concurrence is required.

But one need not resort to theory -- although a President can ill afford the luxury of dismissing it -- to see the inequities inherent in the present scheme. A citizen with his eye upon the mythical maximums authorized by law is likely to be grossly deceived by the Ford deal of two years alternative service. The previously cited Justice and Defense data also revealed that only seven per cent of the civilian evaders convicted in 1973 were imprisoned. And further, that of the persons convicted by military courts, forty per cent served no time, forty-one per cent were sentenced to six months or less, and less than five per cent were sentenced to more than one year. Any attempt to rationalize the potential for longer periods of involuntary servitude under the Ford scheme by pointing to the stigma of conviction in a minority of the cases must be weighed against the problems arising from the uneviable circumstance of being accused but never excused by the state.

But even constitutional transgressions may be viewed less harshly if they achieve a desirable social end and offer "justice" in the process. Mr. Ford's Proclamation serves neither of these



objectives. First, to the extent that requiring the individual citizen's to a legislative mandate authorizing conscript armies is a prerogative of the Sovereign worthy of preservation, the Proclamation carries a powerful message. If this precedent is valid, one who has doubts about his desire to serve should run, go underground, lie or cheat, but under no circumstances should he put on a uniform.

Those who did not serve will not be pardoned, but they will in many cases escape the civil burdens attaching to convicted criminals in our society. Those who underwent a change of heart or conscience while in the military are clearly less fortunate. Not only is there no pardon, the "deserter" returns to his civilian community with a discharge certificate which clearly labels him as Undersirable. After completion of alternative service, the vietnam era "deserter" may request a "Clemency Discharge" in lieu of his Undesirable Discharge certificate. No one really knows what a Clemency Discharge is except that it carries with it the same disabilities as an Undesirable Discharge certificate. It also deprives the holder of any veterans' benefits regardless of the length of good military or alternative service and it connotes service under "other than honorable conditions." In fact, because Undesirable Discharges may be grounded upon varying indicators of "unfitness for service" ranging from shirking of duties to failure to pay just debts, there is a clear and present danger

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that the discharge which readily identifies one as a war resister is an additional detriment.

Standing alone this difference in treatment for essentially the same offense is egregious enough. But the extent of the tragedy is even more apparent when one looks at the social profiles of the two groups. Evader profiles are largely unscientific, but most evidence points to a middle class upbringing, some college, and average or better intelligence. By way of contrast, the Department of Defense advises that the "deserter" profiles reflects a high school drop-out of less-than-average intelligence who probably raised his social standing by entering the armed forces. Even under "reconciliation," those persons who were least able to "fight the system", pay the higher price.

One can only hope that Presidential Proclamation No. 4313 will prove to be a trial balloon -- a bad idea which will be withdrawn or "modified" to the inoperative point.

One has a right to expect that a President trained at the Bar should appreciate our constitutional scheme, the value of precedent, and the rule of law at least as well as a haberdasher named Harry.



1. Pre-indictment issue

2. Lack of specificity

- a) Time & relationship or transactions
- b) Description of acts
- c) Statutory citation

3. Acceptance

4. Conditions, if any

- to be effective only on his satisfactory
- agreeing to controlled disposition of papers
- agreements re defense of suits vs. Nixon in his capacity as Pres or as individual or (??) not against this Pres — only aspect of case that bears on RN's pers. liability

5. Immunity effects

6. Pre-conditions

- a) Self-stated bill of particulars of circumstances that arguably be grounds for federal criminal prosecution
- b) Controlled disposition of papers
- c) - assume obligation to respond to subpoenas & in default U.S. Govt employees entitled to follow Court-imposed directions

7. If some specificity desired, sources could be

- a) RN's own statements
- b) Jaworski
- c) House Judiciary Committee report

— also reserve right to protect for Nat Sec. on what he is going to produce.



ANSWERS TO THE BASIC QUESTIONS ON THE NIXON PARDON

The harsh reaction to the Nixon pardon generally works back to three questions on people's minds:

- . Was there a deal?
- . Is this a coverup?
- . Is this Equal Justice?

A little logic and perspective can answer these questions.

The Deal issue can be answered with simple logic. The notion of a prior deal is inherently illogical? How would Nixon enforce such a deal? What sanction could he use if it were broken? If Ford were so devious and dishonest and opportunistic to make such a deal in the first place, he would have been sufficiently devious and dishonest and opportunistic to disregard it afterward, when a pardon was clearly not in Ford's personal best interest.

The Coverup issue must be considered first with a little perspective. Watergate and related offenses have already been investigated and prosecuted with an effort all out of proportion to the normal standards of American criminal justice. An estimated \$10,000,000 has already been spent on Watergate and related investigation and prosecution. That is more than the *total combined* prosecution budgets of Cincinnati plus Cleveland plus Dallas plus Fort Worth plus Miami plus Milwaukee plus Minneapolis plus New Orleans plus Pittsburgh plus St. Paul!! The kind of evidence that was available, moreover, taped conversations, was far superior to the evidence normally available.

That \$10,000,000 of total effort was necessary because of the political implications of Watergate. But in terms of normal standards of American criminal justice, it was extravagant.

But investigation and prosecution did not end there. Nixon is still under subpoena. Without the pardon he might take the Fifth Amendment. Now he cannot withhold tapes or testimony without becoming liable to prosecution for perjury. Far from covering up anything, the pardon has facilitated full exposure, regarding Watergate itself.

The non-Watergate charges must be considered further with some perspective. Tax fraud, ITT, the Milk Fund et al. were all investigated far more thoroughly than would normally



be expected. The evidence on them was presented to the House Judiciary Committee, a body far more competent and high-powered than any grand jury. Members of that committee were looking for all possible specific criminal acts, in order to strengthen their case. They could find only one, obstruction of justice on the Watergate case. The other charges, they concluded, did not offer a basis for criminal prosecution.

The Equal Justice issue, whether the pardon of Nixon sets a standard of leniency for the rich and well-connected different from the normal standard of American criminal justice, must also be considered with perspective.

First, the Watergate breakin would have been handled as a simple burglary before the Nixon Administration, if it had been without political implications. Under the general prosecution policy in the District of Columbia, the defendents in such a breakin, being without criminal weapons and criminal records, would have gotten First Offender Treatment, no jail sentences. There would have been no conspiracy

The Nixon Administration, however, started enforcement of the Federal Wiretap Act, making wiretapping a Federal offense. So the case was transfered to Federal Court.

Over 80% of those convicted in wiretap cases get sentences of one year or less; 10-20% get probation.

Nixon was accused by the first article of Impeachment of Obstruction of Justice. In FY 1974 there were 42 Federal convictions on this charge. The cases generally involved threats against witnesses. 45% of the defendents convicted, however, got probation, *and that included the bulk of those without previous criminal records who did not threaten violence against witnesses!*

Thus, Nixon was pardoned for a crime for which, under normal standards of American criminal justice, he would probably never have gone to jail. He was pardoned after having gone through an experience far more rigorous and painful than a normal criminal trial. Mountains of evidence had been considered by a tribunal of 35 outstanding lawyers, under intense worldwide publicity. Nixon himself did not appear on the witness stand, to be sure, but instead he had the far more humiliating experience of publication of tapes of his conversations about his worst problems. In terms of loss of mobility, income, and dignity, he had already been punished far more than the average defendent faced with similar charges.

WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
List	Defendants Disposed of in Fiscal Year 1974 in United States District Courts Who Had Been Charged with Intimidation of Witnesses, Jurors, Etc. 18 USC 1503-5	10/9/1974	C

File Location:

Philip Buchen Files, Box 32, folder "Nixon Pardon - General (1)"

RESTRICTION CODES

- (A) Closed by applicable Executive order governing access to national security information.
- (B) Closed by statute or by the agency which originated the document.
- (C) Closed in accordance with restrictions contained in the donor's deed of gift.

1. Equal Treatment for Watergate Defendants
2. Pardoning Watergate Defendants; "The Study"
3. Background: Usual Clemency Procedure
4. Outside Clemency Review

5. Getting the Facts Out
6. Knowing What Was Pardoned; Pardon Scope
7. Timing
8. Integrity of the Law
9. Judicial Determination of Standards

10. Your Credibility
11. Change of Mind; Public Reaction; Agony Intensified
12. Nixon Health; Prepare the Public
13. "Deal"



1. EQUAL TREATMENT FOR WATERGATE DEFENDANTS

(See also "Integrity of the Law" at page 8)

QUESTION: Is it an unjust denial of equal treatment to refuse to pardon the Watergate defendants?

ANSWER: The situation of former President Nixon is very different from that of the Watergate defendants, especially those awaiting trial. */ The Nixon situation is unique.

1. Previous Official Determination. Richard Nixon has already been found unanimously by the House Judiciary Committee to have engaged in substantial misbehavior.

2. Punishment Already Suffered. To resign from the Presidency is a disgrace in history and in the eyes of the people. To be raised to this office, especially by a landslide vote, is to be honored extraordinarily. To leave it under the circumstances in which Richard Nixon did, is to be punished more than any other American leader has. To be sure, there is punishment in any fall from grace, but the depth of Richard Nixon's fall is unique.

3. Public Contribution. In dispensing mercy we should look not only to a man's transgressions but also to his contributions to the public welfare. There may not be unanimous acclaim for Richard Nixon's policies, but perhaps even his severest critics admit that some of his policies advanced the public interest and contributed to world peace. Such contributions are a matter of degree, but Richard Nixon's situation is unique.

4. Public Distress or Polarization. Many Americans would be distressed over the indictment and the appearance "in the dock" of a former President. **/ Because, moreover, a substantial number of Americans would feel strongly alienated from any such proceedings, the possibility of political polarization is real.

The cumulative effect is to make Richard Nixon's situation unique. Perhaps some or many will disagree, but perhaps most Americans can understand why I think the Nixon case is different.

ALTERNATIVE QUESTION: Since all the others were involved in the same crime, ostensibly at the behest of their pardoned leader, how can you justify trying them now?

ANSWER: We cannot know whether the facts about the role of these other defendants are as you state them until there is a trial. When the facts become known, they can be taken into account in the usual way after trial in sentencing and in normal clemency procedures. Those who occupy a position of public trust in the service of a President are morally responsible for their own actions.

*/ and **/ on the following page

Footnotes from 1.

* You might be asked about the Watergate defendants' suggestion that an 1856 Supreme Court case implies that a pardon for one is a pardon for all. You should not comment on a defendant's legal argument to the court.

**/ Some might think that such distress would reflect an excessive and unwise mystique surrounding Presidents and former Presidents, but it seems to be a fact.



2. PARDONING WATERGATE DEFENDANTS: "THE STUDY"

QUESTION: Will you now pardon the Watergate defendants facing trial?

ANSWER: The normal processes of justice will be followed.

FOLLOWUP QUESTION: Does that mean you have decided against any future clemency for (a) those already convicted who have either completed or are now serving their sentences, or (b) those who may be convicted in the future?

ANSWER: The only thing I have decided is that the usual processes should be followed. If I point out that those normal processes include published regulations on Presidential clemency, please do not infer that I am contemplating future clemency.

QUESTION: You said that pardon for Dean and other Watergate defendants is being considered. Did you consider blanket pardoning? If not, what was being studied? Is the study complete? What is the result?

ANSWER:

1. I never contemplated blanket pardons and certainly no general pretrial clemency.
2. The Nixon case is unique. (See elaborated answer on this point.)
3. I did want an examination of proper procedures for processing any clemency petitions that are in fact received.
4. The proper procedure is that any convicted person may apply through the Department of Justice in the usual manner.

3. BACKGROUND: USUAL CLEMENCY PROCEDURE

Under published regulations, after conviction and sentencing one ordinarily applies for Executive Clemency through the Department of Justice. Upon receipt of the petition, the Attorney General uses the Office of the Pardon Attorney and reviews the request, conducts whatever investigation is necessary, and then forwards recommendations to the White House.

Before petitioning for a pardon, one who has been imprisoned must ordinarily, under existing regulations, wait three years -- or five in certain cases */ -- after his release. (Nothing prevents the Attorney General from making appropriate adjustments in this requirement or from amending his regulations generally.) There is no fixed waiting period for requests for the commutation of a sentence. (Commutation is usually granted only when other relief is not available from a court or parole board, but exceptions are provided for in the regulations.)

The President does not ordinarily review personally each clemency recommendation from the Justice Department. There are too many of them. Under past practice **/ Justice Department recommendations were reviewed by White House counsel who could forward them for personal Presidential attention where necessary.

*/ Such as perjury or the violation of a public trust involving personal dishonesty.

**/ We do not necessarily want to commit ourselves to preserving this practice.

4. OUTSIDE CLEMENCY REVIEW

QUESTION: Would it not be better to have the Special Prosecutor's Office or independent advisors outside of the government make recommendations relating to clemency petitions from Watergate defendants?

ANSWER:

1. The Office of the Pardon Attorney was established to process petitions for clemency so that the individuals who prosecute an individual are not the same ones deciding whether he should get clemency. The prosecutorial role of the Special Prosecutor could be inconsistent with the role of evaluating a petition for clemency.

2. Processing petitions for clemency is not a part of the responsibility of the Special Prosecutor as set forth in the regulations for the Department of Justice.

3. Although outside review by persons outside of the government does have certain advantages, there should be a presumption in favor of regular procedures. And I have no reason to believe that this function is not best performed by those persons who do it on a regular basis. They do, incidentally, in the process of preparing their recommendations, solicit the opinion of the prosecutor and make appropriate additional inquiries.

4. Note: As to any fear that the Pardon Attorney (who was appointed during the Nixon administration) might be too lenient with regard to Nixon administration officials involved in Watergate: I have no reason to think so. The Attorney General will, of course, take appropriate steps to insure impartial consideration. Furthermore, Justice Department recommendations will be reviewed in the White House.

5. Note: As to any fear that the usual standards for Justice Department clemency recommendations are too restrictive or too harsh: I am confident that the Justice Department administers its clemency responsibility conscientiously and if any change in its procedures or standards are warranted, I am sure that the Attorney General and the Deputy Attorney General will consider them.

5. GETTING THE FACTS OUT

QUESTION: Does the pardon mean that the people and the history will never know the full facts about Richard Nixon's possible crimes or other misbehavior in office? */ Is the pardon another coverup?

ANSWER:

1. The American people already know a great deal about the Nixon Presidency.
2. The House Judiciary Committee has published its official findings on Richard Nixon's behavior in office.
3. The pardon does not itself preclude any report on all matters within the Special Prosecutor's jurisdiction, at a time and in a manner consistent with his responsibilities.
 - (a) The Special Prosecutor already has the materials related to the Watergate coverup.
 - (b) Any other needed information may well be available in connection with other proceedings and, wherever Mr. Nixon himself is a witness, the pardon prevents any Fifth Amendment claim to silence based on the possibility of incrimination under Federal law.
 - (c) It is possible that other arrangements for access to the Nixon files might be worked out. I myself have long urged and will continue to urge full disclosure by Mr. Nixon.

*/ Another form for this question:

Do you agree with former Special Prosecutor Cox that "the guilt or innocence of a high official charged with crime, especially a President, should be determined once and for all by the established procedures of justice in order to lay to rest claims of political vendetta. To short circuit the process invites endless uncertainty and division."

6. KNOWING WHAT WAS PARDONED: PARDON SCOPE

QUESTION: Was it wise to pardon Richard Nixon without knowing what, if any, offenses he might have committed?

ANSWER: The Watergate coverup charges are pretty well known and I did have information from the Special Prosecutor's office that not even probable criminal guilt could be established with respect to an additional 10 specified allegations concerning Mr. Nixon.

FOLLOWUP QUESTION: Does that mean that evidence of crime in these or any other now-unspecified matters might not turn up in the future?

ANSWER: One can never be certain what will appear in the future. */

QUESTION: A pardon for Watergate can be understood to serve a national purpose, but why a pardon that covers possible tax fraud as well? Wouldn't the nation be better served by a demonstration that even a President cannot cheat on his taxes?

ANSWER: What really mattered was Watergate and the resulting harassment of the former President. Anything less than a full pardon would have left open the door to continued attacks and would have defeated my purpose which is to put this whole affair behind us.

*/ Note: This is a very troublesome point. It would be unwise to make any predictions or estimates that additional and significant improprieties might not yet appear.



7. TIMING

QUESTION: Why did you grant the pardon when you did? Wouldn't it have been better to wait (1) until indictment, if any, and trial of Nixon, (2) until wider consultation with Congress and the public, or (3) until the jury in the Watergate trials is sequestered?

ANSWER:

1. Once I had decided that Mr. Nixon should, as an act of mercy, be spared any imprisonment, there seemed to be no reason to open him and the American people to the distress of a trial.*/ Under these circumstances, a trial seemed unnecessarily harassing and vindictive toward him and pardon

NOTE: See separate answers on

- getting the facts out
- getting a judicial determination of standards
- what was pardoned

2. More consultation might have been preferable, **/ but I never doubted the wide diversity of views on this subject. Consensus did not seem possible.

3. Some may think that a pardon for Nixon before the jury is sequestered in the Watergate trials might possibly be thought prejudicial to the defendants, but that is a matter for the courts to decide. Accordingly, further comment on this point by me seems inappropriate.

*/Does not explain failure to wait for an indictment.

**/ The Attorney General might appropriately have been consulted about both substance or form, but you had advice of counsel and based your judgment on your own fundamental conception of mercy and on broad considerations of the national interest.



8. INTEGRITY OF THE LAW

QUESTION: Doesn't the pardon mean that significant personages violate the law with impunity while the more humble suffer the law's full rigors? */

ANSWER: This concern is understandable but

1. All persons -- Presidents included -- are subject to the law. And I believe that the law has triumphed in Watergate. It has routed out and put a stop to the Watergate wrongs.

2. In a very real sense the nation has rendered a verdict on Richard Nixon.

3. Clemency is also a part of our system of law. To pardon is to forgive and not to excuse the conduct that may have been involved.

4. It is a unique act of mercy for a man

- (a) whose conduct has already been found unacceptable but
- (b) who has already suffered greatly
- (c) who has surely contributed to the public interest in some respects, and
- (d) whose trial would have distressed many of the public.

5. The whole Watergate situation is unique.

ALTERNATIVE QUESTION: Is this pardon a precedent that no President should ever be tried for his possible crimes?



9. JUDICIAL DETERMINATION OF STANDARDS

QUESTION: Doesn't the pardon mean that the courts will never have the occasion to define appropriate standards of conduct for Richard Nixon and other Presidents?

ANSWER:

1. The courts are not the exclusive institution by which governmental standards of conducted are determined. */
2. The courts may have occasion to consider such standards in other cases.
3. The House Judiciary Committee has already made historically significant determinations of this sort.
4. The proper standards of behavior seem quite clear with respect to most Watergate related matters. **/

*/ Constitutional history and other institutions have a very major role in this process.

**/ Whether this is true with respect to the ten other matters of the Special Prosecution Force, most cannot be fully known at this stage.



10. YOUR CREDIBILITY

QUESTION: What do you plan to do to restore your credibility and regain the trust of the American people?

ANSWER: I hope that my credibility is not lost. The country knows that controversial decisions are not always popular. And I have changed my mind on this question. But I hope that even those who disagree with my decision understand that every statement I have made on this subject represented my genuine thinking at the time. Candor is the basis of trust, as I intend to go on speaking sincerely, even when I change my mind.



11. CHANGE OF MIND: PUBLIC REACTION: AGONY INTENSIFIED

QUESTION: Do you now believe that you were correct at your last press conference when you said a pardon now would be unwise and untimely?

ANSWER: As I have said, I reconsidered my earlier judgment and came to believe that a pardon was a proper act of mercy that best serves the interests of the nation. I fully understand that it would have been better for me politically to have stayed with my earlier position, but that is not my criterion.

QUESTION: Did you consider or suspect the public reaction that actually occurred to your pardon of former President Nixon?

ANSWER: I knew there would be great concern. I did not try to predict its extent, because I believed and still believe that the grant of mercy was the right thing for me to do.

QUESTION: Hasn't the pardon intensified national agony as much as a trial of the former President would have?

ANSWER: Although the matter is not capable of clear proof either way, I believe that the adverse national consequences of a Nixon trial and possible additional punishment would have been much greater.



12. NIXON HEALTH: PREPARE THE PUBLIC

QUESTION: Was the timing dictated by what you viewed as a health emergency?

ANSWER: As I said in my speech, the former President's health was a factor, but not in the sense of an emergency. My concern is for the very long time needed to start and complete a trial, and once the decision was made, the sooner the better.

FOLLOWUP QUESTION: If not, why did you not do something to prepare the American public for your reversal instead of acting precipitously?

ANSWER: In a matter this controversial there is not much that can be done to "prepare" the public as you put it. All I could do was to explain my reasoning openly and candidly, which I did.

13. "DEAL"

QUESTION: The concern has been expressed here and there that the pardon arose from some "deal."

ANSWER: There was no deal. Had there been any such deal I would not have indicated at my last press conference that indictment and other legal process should probably precede a pardon.

QUESTION: Is it true, as reported in the press, that Haig and Kissinger conveyed Nixon's desire for a pardon to you indirectly before he resigned? Did you indicate to him in any way that you would grant a pardon?

ANSWER:

QUESTION: When did you decide to pardon the former President?

ANSWER:

