TO: Professor Victoria S. Diaz

FROM: Marta Vides

RE: United States Attorney General -- Scope of Mandate

23 October 1979

This memorandum discusses, in brief, the jurisdiction of the Office of the Attorney General of the United States. The Attorney General (A.G.) is the head of the Justice Department, appointed by the President. As such, the A.G. has supervisory power over all officers of the Department, including the Solicitor General and the United States District Attorney. The A.G. may require any officer, employee or agency of the Department to perform any duty required of the Department 28 U.S.C. §510. A substantial function of the A.G. is litigation in which the United States is a party, or has an interest. The federal statutes also assign to the A.G. the duty of advising the President and the heads of the executive departments on questions of law.

The province of the A.G. combined with the Associate Attorney General and the Deputy Attorney General covers a variety of areas. In addition to the Department's many divisions, it contains the Law Enforcement Assistance Administration, the Bureau of Prisons, the Federal Bureau of Investigations, the Drug Enforcement Administration, the Community Relations Service, the Immigration and Naturalization Service and all the offices of the United States attorneys and United States marshals. (See the attached chart for a graphic illustration.)

The A.G. is the legal arm of the President and of the United States government generally. The A.G. supervises all litigation to which the United States, an agency or its officer is a party 28 U.S.C. §519. He may also authorize any officer of the Department of Justice to protect the interests of the United States in a suit pending in any United States court or State court 28 U.S.C. §519. However, determination of the existence of such interest lies in the discretion of the trial court. The A.G. also has duties, assigned by Congress, with regard to several particular kinds of litigation and proceedings in which the United States is interested, such as litigation concerning: aliens, federal tort claims, restraints of trade and waters. These latter duties are outlined in the United States code sections dealing specifically with these areas.

In addition, the A.G. has power to initiate a prosecution where he decides a particular statute has been violated. He has the authority to dismiss any action or enter a nolle prosequi whenever he deems proper, and he has the power to enter into a compromise 28 U.S.C. §2414. The A.G. may also certify to the fact that he decides that no appeal will be taken from a judgment against the United States, or that no further review will be sought from a decision affirming such adverse judgment. The A.G. is also charged with giving his advice and opinion on questions of law to the President 28 U.S.C. §511, the heads of the executive departments 28 U.S.C. §512, and the secretaries of the military departments 28 U.S.C. §513, whenever his advice is requested. It is the duty of the A.G. to give his opinion on questions of law arising in the administration of the particular department on request by the department head and he will usually decline requests beyond that limit. The A.G. renders all the legal service necessary for these departments and agencies when the interests of the United States are involved 28 U.S.C. §514. However, the A.G. has no duty to advise or counsel Congress or any of its committees.

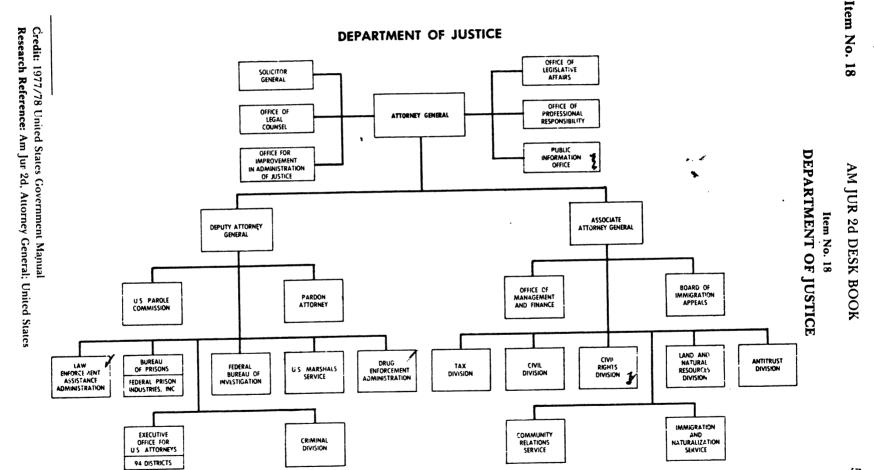
The A.G. gives his opinion for the information of the person or department requesting it. Although the opinions of the A.G. have no judicial effect, great deference is given to them. When a question of law is before the court, the A.G.'s opinion is usually highly persuasive and often followed. In California, where administrative remedies must first be exhausted, an opinion of the A.G. sought for an administrative matter may directly affect the rights of many people.

I have tried to make a broad sweep of the Attorney General's office. If you would like more information on a particular area, I would be glad to research further.

Attachments:

1. Memo on Selected Publications

2. Organizational Chart U.S.A.G. Office



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TO: Professor Victoria S. Diaz

FROM: Marta Vides

RE: Publications of the Attorney General

23 October 1979

Attached you will find copies from a catalogue of Justice Department publications. I have included a list of periodicals (serials) issued in 1978 and 1979 as well as a list of one-time publications issued in July and August 1979. The current 1979 catalogue of Government Publications was being bound when I researched this problem but these should give you a feeling for the kinds of publications issued by the A.G. through the Justice Department.

I also skimmed through the 1978 publications and found such works as:

"Facing Tomorrow's Terrorist Incident Today" -- Terrorism in the U.S. 35p. by the LEAA.

"Prisoner Management and Control" -- Prison discipline. 28 p. by the Prisons Bureau.

"English and the Federal Government" -- A home study course for citizenship. 99p. by the INS.

"School Disruptions: Tips for Educators and Police" -- School Security measures and discipline, by the LEAA and the National Institute of Education.

"Desegregation Without Turmoil: The Role of Multi-Racial Community Coalitions in Preparing for a Smooth Transition" -- An experience guide. 45 p. originally published by the National Conference of Christians and Jews. reprint by the Community Relations Service.

The SCU Law Library has the following publications available:

The Opinions of the Attorney General. A compilation of all the A.G. opinions generally. Certain agencies or units also publish their own opinions separately, such as, Antitrust Unit, Environmental Unit, Commission of Patents and Immigration Decisions.

The Opinions of the California Attorney General. Each state publishes their own A.G. opinions.

National Association of Attorneys General Newsletter and Digest of Selected Opinions of State Attorneys General. quarterly. Contains articles regarding state attorney general offices, legislation in different states and a synopsis of selected opinions. \*Included in this report. . . **.** .

- National Association of Attorneys General. Proceedings of the annual meeting of NAAG. Contains speeches from the conference.
- United States Attorney General, First Annual Report. Contains overview essays on every area of the Justice Department and all departments of government. Introduced as the first comprehensive report to Congress and the American people on what Federal Government is doing to make the U.S. a safer and more just Nation. \*Included in this report.
- Annual Report of the United States Attorney General. Contains annual reports by the heads of all the Justice Divisions.
- Bureau of Narcotics and Dangerous Drugs. bi-monthly. Contains articles on latest drug enforcement methods, Interpol and domestic police department news, and "Notable Cases" - a synopsis on domestic and international cases.

Office of Personnel and Training: Directory of Organizations Serving Minority Communities. (1971)

Designed primarily as a recruitment tool. Contains list of Federal and National public and private agencies; local organizations by state classified by Women, Negro, Spanish-Surname, American Indian, Oriental and Other (Jews, Referral Centers). Included addresses and phone numbers as well as a list of television and radio stations serving minority communities.

The SCU Law Library also has a limited selection of one-time publications by the Justice Department but most of it is not current. A broader selection is available at the SC County Law Library.

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