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**SendTo:** CN=Jeremy Gunn/O=ARRB @ ARRB  
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**BlindCopyTo:** CN=R ecord/O=ARRB  
**From:** CN=Dennis Quinn/O=ARRB  
**DisplayFromDomain:**  
**DisplayDate:** 07/05/1995  
**DisplayDate\_Time:** 9:27:21 AM  
**ComposedDate:** 07/05/1995  
**ComposedDate\_Time:** 9:14:06 AM  
**Subject:** Re: DOJ Procedures on Enforcement of Agency Subpoenas

I have no caselaw per se, but several months ago I copied portions of Chapter 3 from Matthew Bender's treatise on Admin Law for Sheryl. I have a copy of that in my research file. It lists dozens of cases dealing with subpoena enforcement. It also contains a portion of the FTC statute (I have not yet copied the statute itself from the library). I will send it over. I think Frank is the best person to do research on this issue. I would be happy to get him started if you like.

To: Dennis Quinn/ARRB  
Cc: Jeremy Gunn/ARRB  
Date: 07/05/95 08:56:58 AM  
Subject: Re: DOJ Procedures on Enforcement of Agency Subpoenas

This morning I started looking into the subpoena issue. I noticed that Section 555(d) of the APA discusses issuance of subpoenas and that Section 6(c) of the Attorney General's Manual on the APA deal with agency issuance of subpoenas. Do you have any case law research on either of these provisions? I would like to have a summer intern research case law on agencies' enforcement of subpoenas. Do you have any suggestions as to who might be the best to do this kind of work? You mentioned that you would be getting a copy of the relevant provisions of the FTC statute. Would you send it to me if you have a copy?

To: Jeremy Gunn/ARRB  
Cc: Dennis Quinn/ARRB  
Date: 06/22/95 09:49:39 AM  
Subject: DOJ Procedures on Enforcement of Agency Subpoenas

Sorry this took so long--I've been playing phone tag with people at DOJ all week. Anyway, I spoke to several friends and law school colleagues currently working at DOJ, none of whom provided any real help. Most of these people are trial lawyers, who told me that when they want documents from opposing parties, they send out requests for production of documents as part of discovery (which was what I always did). When they don't get the docs they want, they get orders to compel. A few of the people I spoke to referred me to Federal Programs Branch, which I finally called. I spoke to Art Goldberg, the Assistant Director. Art is in charge of the enforcement of agency issued subpoenas. Art said there are no internal rules or procedures to which he could refer me. He told me that when they enforce subpoenas they use the statutory authority of the agency. I read him the sections of our statute dealing with subpoenas. He told me (as have several other government lawyers) that ours was the most vague statutory reference to subpoenas he had ever heard. Generally, the agency statute provides an extensive grant of authority, with a list of circumstances under which subpoenas can be issued and enforced. He said the FTC's statute was a good example (I'm getting a copy today). He said if we wrote him a quick letter, he'd assign a junior lawyer to look further into it and come up with some suggestions for us. I told him I'd get back to him on that. I'd be happy to discuss this matter further with you. Also, if you have other projects you need help with, let me know.

**Body:**  
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**ReturnReceipt:**  
**Categories:**