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Reagan & Bush

Reagan Bush Committee

901 South Highland Street, Arlington, Virginia 22204 (703) 685-3400

October 22, 1980

Honorable Benjamin R. Civiletti
Attorney General
Department of Justice
Room 5111
Constitution Avenue between
9th and 10th Streets, N.W.
Washington, D.C. 20530

Dear Mr. Attorney General:

Pursuant to Section 601 of the Ethics in Government Act of 1978, 28 U.S.C. Sec. 591, et seq., on behalf of the Reagan Bush Committee, I hereby request that you, in your capacity as Attorney General, conduct an investigation of several apparent violations of criminal statutes by officials of the Carter Administration.

It is our contention that non-exempt officials of the Carter Administration have "used official authority or influence for the purpose of interfering with or affecting the result of an election," in the words of the prohibiting statute. This has been done on a massive scale, more than any other administration in modern times. This massive abuse of official authority and influence has been orchestrated from the White House itself in flagrant disregard of the post-Watergate election reforms. It seems clear that the activities detailed herein warrant the appointment of a Special Prosecutor and that it is in the public interest that you begin an investigation as soon as possible.

The law prohibiting the abuses detailed herein was summarized in a Memorandum dated February 4, 1980 issued from the Carter White House and distributed to all administration officials. It read, in part:

"A number of criminal statutes prohibit the use of federal programs, property, or employment for political purposes. . . .

"Criminal statutes also prohibit a federal employee from using his or her 'official authority for the purpose of interfering with, or affecting, the nomination or election of any candidate'. . . . The Hatch Act contains a similar provision which

*Referred to 601-241-2401
11.17*

is applicable to all federal employees whether or not they are exempt from the Hatch Act's restrictions on political activity.

"Violation of the criminal statutes relating to political activity are punishable by imprisonment and/or the payment of a substantial fine. Certain staff members may also be subject to investigation and possible prosecution by a Special Prosecutor in connection with alleged violations of these statutes."1/

Thus, by its own admission, the Carter Administration, including White House staff members, appointed cabinet and agency officials and others have knowingly carried on questionable activities with full knowledge and warning that their activities could subject them to investigation and prosecution. We submit that this is a scandal of the highest magnitude which imposes on you the obligation to have the activities listed herein investigated and then evaluated by a duly designated special prosecutor.

These questionable activities are detailed in Exhibit A 2/ as reported by the press 3/, may be classified in two major areas; (1) use of and activity by federal employees for political purposes, and (2) use of appropriated public funds for political gain.

1. Use of and activity by federal employees for political purposes

- a) Making government-wide requests, via White House Memorandum, for information to be used by President Carter on upcoming campaign excursions.

1/ References to the applicable statutes, 18 U.S.C. Sec. 591 et seq. and 5 U.S.C. Secs. 7322 and 7324, are contained either explicitly or implicitly throughout the memorandum.

2/ In Exhibit A, the activities listed herein are more fully described, along with related conduct of the President and his Cabinet officers which bear out the existence of a massive conspiracy, directed from the White House itself, to violate criminal statutes by applying and using the people, the funds and even the secrets of government for political survival.

3/ A copy of each news article referred to herein is contained in Appendix B.

Making department-wide requests that employees of the departments comply with White House request. (Baltimore Sun, October 18, 1980)

-- violation of 18 U.S.C. Sec. 595, U.S.C. Secs. 7322 and 7324, 31 U.S.C. Sec. 628, 31 U.S.C. Sec. 665. et seq.

- b). Possible bribery conspiracy involving Carter/Mondale Deputy National Fundraiser Nick Rizzo, Housing and Urban Development Assistant Secretary Larry Simons, and Massachusetts real estate developers seeking HUD grants. (Boston Herald American, June 27, 1980)
-- violation of 18 U.S.C. Sec. 201, 18 U.S.C. Sec. 595.
- c) Secretary of Health and Human Services Patricia Roberts Harris' use of eleven HHS employees for unreimbursed political travel and for writing inflammatory, racist, political speeches. (Federal Times, September 1, 1980)
-- violation of 5 U.S.C. Sec. 7324, 18 U.S.C. Sec. 585.
- d) Coercion of HHS employees in Denver regional office by HHS Deputy Secretary Robert H. Maloney to campaign and help re-elect various Senators and Representatives in trouble this election. (Federal Times, August 18, 1980)
-- violation of 5 U.S.C. Sec. 7322 and 7324, 18 U.S.C. Sec. 595, possibly 18 U.S.C. Sec. 594.
- e) Office of Management and Budget Report, prepared by federal employees critiquing Republican economic proposals and distributed at Carter/Mondale campaign rally in New Jersey. (Chicago Tribune, September 10, 1980)
-- violation of 5 U.S.C. Sec. 7324, 18 U.S.C. Sec. 595
- f) President Carter's March 26, 1979 exemption of 275,000 employee positions in the Bureau of Census from the Civil Service Reform Act, signed by him into law October 13, 1978. It was announced that hiring would be based on political affiliation with the party of the incumbent administration. (Washington Post, June 30, 1980)
-- violation of 5 U.S.C. Sec. 2302(b), 18 U.S.C. Sec. 600, 5 U.S.C. Sec. 7324.

- g) Secretary of Transportation Neil Goldschmidt's remarks that he represented the "political arm" of the cabinet, that he would look for ways to deny funds to Chicago due to Mayor Byrne's endorsement of primary opponent Edward M. Kennedy, and his subsequent retaliatory grant withdrawals until Byrne agreed to support President Carter. (National Journal, April 5, 1980; Washington Star, September 10, 1980; Newsweek, September 29, 1980)
-- violation of 18 U.S.C. Secs. 595 and 601.
- h) White House Chief of Staff Jack Watson's remarks that "when all things are considered and everything else is equal, and its a matter of discretion, one way or another, the President will move in favor of his friends." (National Journal, April 5, 1980 -- discussion of strategically timed grants to key primary states such as Maine, New Hampshire and Florida).
-- violation of 18 U.S.C. Secs. 595, 600 and 601.
- 2) Use of appropriated funds for political gain
- a) October 7, 1980 letter by White House staffer and accompanying memorandum calling on all departments and agencies to participate in media plan to stress President Carter's accomplishments in office. The memo specifically encouraged the use of the radio and television facilities within the departments, installed for coverage of official matters, for political interviews with local stations. (New York Times, October 20, 1980)
-- violation of 18 U.S.C. Sec. 595, 5 U.S.C. Secs. 7322 and 7324, 31 U.S.C. Sec. 628, 31 U.S.C. Sec. 665 et seq., 26 U.S.C. Sec. 9004.7, 11 CFR Sec. 106, 41 CFR Sec. 101-20.701(c).
- b) Office of Personnel Management Director Alan K. Campbell's calling a partisan press

conference on federal property to attack Ronald Reagan's plan for a hiring freeze within 24 hours of the candidate's announcement of same.

-- violation of 31 U.S.C. Sec. 628, 31 U.S.C. Sec. 665 et seq., 41 CFR Sec. 101-20.701(c).

- c) Secretary of State Muskie's travel with and use of a State Department employee at the Democratic National Convention to prepare his political speeches (Washington Post, August 15, 1980)
-- violation of 31 U.S.C. Sec. 628, 31 U.S.C. Sec. 665 et seq., 26 U.S.C. Sec. 9004.7, 11 CFR Sec. 106.
- d) Secretary Harris' expenditure of \$10,000 in government funds for the trips referenced at 1(c) above.
-- violation of 31 U.S.C. Sec. 628, 31 U.S.C. Sec. 665 et seq., 26 U.S.C. Sec. 9004.7, 11 CFR Sec. 106.
- e) The detail of 218 HHS employees to the White House to relieve staff members so they can participate in President Carter's re-election campaign.
-- violation of 31 U.S.C. Sec. 628, 31 U.S.C. Sec. 665 et seq., 3 U.S.C. Sec. 105 et seq., and possibly 5 U.S.C. Secs. 7322 and 7324.
- f) In addition to the Hatch Act violations discussed in 1(e) above, the OMB report represents a misuse of government salaries and facilities.
-- violation of 31 U.S.C. Sec. 628, 31 U.S.C. Sec. 665 et seq., 41 CFR Sec. 101-20.701(c).

You may recall, Mr. Civiletti, that on September 29, 1976 Carter, the candidate, commented on the propriety of then President Ford's acceptance of golf invitations from corporations. He stated that the Watergate special prosecutor Charles Ruff ought to make "a full report" -- of wrong-doing or of the lack of foundation for allegations -- as soon as the facts about Ford's campaign finances were determined.

"If there are facts discerned or determined by the special prosecutor, they ought to be made available to the public, before or after the election."

When asked whether he believed Ford showed bad judgment, Carter replied:

"In the aftermath of Watergate there has been a general tightening of standards on the performance of public officials. This tightening is good. The Watergate tragedy also showed that concealment of a mistake or impropriety can be more serious in some instances than impropriety itself." (UPI, September 29, 1976)

President Carter and his administration should be held to the high standards set by President Ford in 1976. Based on my reading and research of the Ethics Act, a special prosecutor should be requested once it is determined that there are facts sufficient to support the allegations. It is my hope that, in recognition of your responsibility, you will take the necessary steps to being the requested investigation and appointment of a special prosecutor in order to minimize the chance of this abuse recurring in the future.

Sincerely,