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JOHN C. ARMOR, ESQ.

Law Offices of  
John C. Armor, P.A.

18 November, 1982

Capitol Hill  
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Washington, D.C. 20002  
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Edwin W. Meese, III  
Presidential Counsel  
The White House  
Washington, D.C. 20004

Dear Mr. Meese:

I wrote and filed one of the briefs in the case of Nixon v. Fitzgerald, which was decided by the Supreme Court in June. I happen to have opposed the result which the Court ultimately reached, namely that any President enjoys absolute immunity from any civil suits, for any actions taken as President.

However, it has occurred to me recently that there is a possible valuable aspect to this case, vis a vis President Reagan's efforts to reduce the drug trade. It would allow certain actions by the President at minimal cost, which might have major impact on large-scale drug dealers.

For many years I have followed the efforts to shut down major drug trading in Baltimore, and in many other major population centers. I am acutely aware that there is often a broad gap in the results of investigations, between what is known, and what can be proved in court as a matter of criminal law. Especially with the kingpins in drug trading and organized crime generally, it is often true that the investigation can establish who are the major figures, but cannot come up with sufficient admissable evidence to obtain a criminal conviction of them.

For many years I have thought about whether it would be possible for the Mayor of a city, or Governor of a state, to issue a press release naming names, and providing pictures, of those key individuals who were known to be running large drug operations, or other major criminal activities, but who could not be effectively prosecuted criminally. Such a statement could include a request to all members of the legitimate business community, with particular focus on the banks, to cease doing business in any capacity with these individuals. But it was clear why such a statement could never be issued; a public official who released such a statement would be certain to be sued immediately by the targets of the statement.

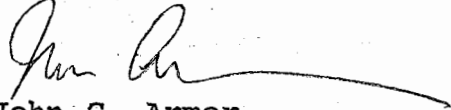
Edwin W. Meese, III  
18 November, 1982  
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The possible beneficial use of the Nixon v. Fitzgerald then becomes clear. There is exactly one public official in the United States today who could safely make such a statement, containing such an appeal to the legitimate business community, to isolate these professional cancers. That public official is President Reagan.

This would be a very unusual step. However, its legality has been clearly established by the Supreme Court. And, as we all know, the continued and active involvement of legitimate business, and especially the banks, with those who run the drug trade and other criminal activities, is essential to the continuance of those activities.

I hope this suggestion might be of use to you.

Sincerely,

A handwritten signature in cursive script, appearing to read "John C. Armor", with a long horizontal flourish extending to the right.

John C. Armor

JCA/jy

SPECIAL ASSISTANT TO  
THE ATTORNEY GENERAL



1/7/83

Bill,

The Associate Attorney General's office came up with the attached draft response. Substantively, I think it supplies the information you requested. I leave it to you to decide if the tone of the letter should be made more conciliatory.


Your drinking buddy and  
humble servant,

A handwritten signature in cursive script, appearing to read "Rogers".



U.S. Department of Justice  
Office of the Associate Attorney General

January 7, 1983

TO: Roger Clegg  
FROM: Ken  Casuso

I hope this response  
is appropriate and not too  
strong. I regard the fourth  
paragraph as optional.

John C. Armor, Esquire  
Capitol Hill  
401 A Street, N.E.  
Washington, D.C. 20002

Dear Mr. Armor:

Edwin Meese, III has referred your letter of November 18, 1982, to me for a response. You suggest, in light of the decision of Nixon v. Fitzgerald, that the President should "issue a press release naming names, and providing pictures, of those key individuals who were known to be running large drug operations, or other major criminal activities, but who could not be effectively prosecuted criminally."

We thank you for your suggestion, but we see several problems with it. Most important, we believe that no government official, much less the President of the United States, should accuse an individual of a crime when the government cannot prove that crime in a court of law. Any such action would be inconsistent with fundamental principles of a free and fair society.

Further, from a law enforcement perspective, such a press release could have adverse affects. It could prejudice ongoing or future investigations of suspected criminals. By generating publicity, it could also jeopardize any eventual trials if and when sufficient evidence is developed.

We believe that Nixon v. Fitzgerald is designed to give the President of the United States the freedom to faithfully execute the laws without fear of reprisal in form of civil actions for monetary damage. We doubt that that decision was intended to permit the President to take actions of the kind you suggest.

Very truly yours,

Michael Uhlmann

*Thank you for writing.*