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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name ROBERTS, JOHN: FILES

Withdrawer

RBW 8/4/2005

File Folder [CORRESPONDENCE - MISCELLANEOUS (12/09/1982 - 12/14/1985)]

FOIA

F05-139/01

Box Number

COOK

18RW

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	CHECK	PERSONAL CHECK	1	11/11/1982	B6	502

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE

WASHINGTON

December 9, 1982

MEMORANDUM FOR JOHN M. FOWLER
GENERAL COUNSEL
DEPARTMENT OF TRANSPORTATION

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Fraydun Manocherian

The attached correspondence is forwarded for your review and direct response as you deem appropriate. Please provide this office with copies of any correspondence from your office to Mr. Manocherian.

Thank you.

Attachment

FFF:JGR:aw 12/9/82

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

December 9, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Mailgram from Fraydun Manocherian

Fraydun Manocherian sent you a mailgram proposing that one-tenth of one cent per gallon of the contemplated five cent per gallon gasoline tax be used for highway safety programs. I have prepared a response thanking Manocherian for his views and indicating that you forwarded his letter to the Department of Transportation for their consideration, and a memorandum to John M. Fowler, General Counsel at the Department of Transportation, transmitting the letter for appropriate action.

Attachments

THE WHITE HOUSE

WASHINGTON

December 9, 1982

Dear Mr. Manocherian:

Thank you for your mailgram of December 2, 1982, suggesting that one-tenth of one cent per gallon of the proposed five cent per gallon gasoline tax be devoted to highway safety programs. I have taken the liberty of forwarding your correspondence to the Department of Transportation, the agency most directly involved with the issues you raised. I am certain your proposal will receive the careful consideration of officials at that department.

Thank you again for sharing your views with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Fraydun Manocherian
New York Health & Racquet Club
475 Park Avenue South
New York, New York 10016

FFF:JGR:aw 12/9/82

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THE WHITE HOUSE
WASHINGTON

December 9, 1982

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FFF:JGR:aw 12/9/82

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Subj.
Chron

ID # 113287 CU5A002

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1*Rebuttal*Name of Correspondent: Kayden Manocherian☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Opportunities for citizens to reduce
highway accidents

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>CV Holland</u>	ORIGINATOR	<u>8/2/12 103</u>		<u>1/1</u>
<u>CUAT18</u>	Referral Note: <u>D</u>	<u>8/2/12 06</u>		<u>8/2/12 16</u>
	Referral Note:	<u>1/1</u>		<u>1/1</u>
	Referral Note:	<u>1/1</u>		<u>1/1</u>
	Referral Note:	<u>1/1</u>		<u>1/1</u>
	Referral Note:	<u>1/1</u>		<u>1/1</u>

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
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DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.



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PLEASE SERIOUSLY CONSIDER HAVING THIS LEGISLATION INTRODUCED AND ENACTED AS AN AMENDMENT TO THE FIVE CENT TAX LEGISLATION,

RESPECTFULLY YOURS,

FRAYDUN MANOCHERIAN

22:20 EST

MGMCCMP

Mr. Fraydun Manocherian
New York Health & Racquet Club
475 Park Avenue South
New York, New York 10016

Western Union Mailgram

1-077301L336010 12/02/82 ICS NY45340
00026 MLTN VA 12/02/82

WXSA

113287CU

THE HON FRED F FIELDING
COUNSEL TO THE PRESIDENT
%THE WHITE HOUSE 1600 PENNSYLVANIA AVE
WASHINGTON DC 20500

DEAR MR FIELDING

THE NUMBER ONE CAUSE OF GRIEF AND INJUSTICE TO THE AMERICAN PEOPLE IS AUTO ACCIDENTS. EVERY YEAR WE LOSE MORE MEN, WOMEN AND CHILDREN IN AUTOMOBILE ACCIDENTS THAN WE LOST IN OUR TEN YEARS INVOLVEMENT IN VIETNAM.

THIS SLAUGHTER CAN BE CONSIDERABLY REDUCED.

SUBSTANTIAL EFFORTS HAVE BEEN MADE TOWARD THE DEVELOPMENT OF SAFER CARS AND ROADS, BUT, TO REAP THE FULL BENEFIT OF THESE PROGRAMS, WE MUST HAVE A NATIONAL EFFORT TO DEVELOP BETTER DRIVERS - THE KIND OF DRIVERS WHO PREVENT ACCIDENTS.

MOST AUTOMOBILE SAFETY EXPERTS AGREE THAT 90 PERCENT OF ACCIDENTS ARE ULTIMATELY CAUSED BY THE DRIVER.

IT SEEMS MOST LIKELY, AN ADDITIONAL FIVE CENTS TAX WILL BE IMPOSED ON GASOLINE. I RESPECTFULLY SUGGEST, THAT ONE TENTH OF ONE CENT PER GALLON OF THIS TAX SO COLLECTED, BE USED TOWARD SAFETY ON OUR HIGHWAYS THAT ARE BUILT, AND ARE TO BE BUILT. THIS ONE MILL PER GALLON WOULD RAISE OVER \$100,000,000 ANNUALLY. IT WOULD BE AN AVERAGE COST OF APPROXIMATELY ONE DOLLAR PER CAR PER YEAR.

THE PROPOSED FUNDS SHOULD BE USED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION TO ACHIEVE THE FOLLOWING:

1. DRAMATIZE THE IMPORTANCE OF GOOD JUDGMENT ON THE PART OF THE DRIVER,
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3. MAKE THE PUBLIC AWARE OF THE MAJOR CAUSES OF ACCIDENTS.
4. DEMONSTRATE THE HORRIBLE RESULTS OF ACCIDENTS THAT KILL OVER 1,000 PERSONS A WEEK AND MAIM OR INJURE OVER 70,000.
5. CORRELATE ALL RELATED RESEARCH FINDINGS AND CONVEY SUCH FACTS TO DRIVERS.

THE WHITE HOUSE
WASHINGTON

December 9, 1982

Dear Mr. Manocherian:

Thank you for your mailgram of December 2, 1982, suggesting that one-tenth of one cent per gallon of the proposed five cent per gallon gasoline tax be devoted to highway safety programs. I have taken the liberty of forwarding your correspondence to the Department of Transportation, the agency most directly involved with the issues you raised. I am certain your proposal will receive the careful consideration of officials at that department.

Thank you again for sharing your views with us.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Fraydun Manocherian
New York Health & Racquet Club
475 Park Avenue South
New York, New York 10016

FFF:JGR:aw 12/9/82

cc: FFFielding
✓ JGRoberts
Subj.
Chron



Department of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

JAN 19 1983


General Counsel

JAN 14 1983

**MEMORANDUM TO: FRED F. FIELDING
COUNSEL TO THE PRESIDENT**

SUBJECT : Correspondence from Fraydun Manocherian

Attached for your information is a copy of the suggested reply to the telegram from Fraydun Manocherian who proposed that a portion of the gasoline tax be designated for highway safety purposes. This reply was forwarded to Craig Fuller on December 29, in response to his referral of December 22, 1982, to the Executive Secretariat.


John M. Fowler
General Counsel

TSp 2-4

DEC 29 1982

MEMORANDUM TO: Craig L. Fuller
Deputy Assistant to the President
and Director, Office of Cabinet
Administration

SUBJECT : Correspondence from Fraydun Manocherian
ID #073050CA

In response to your referral of December 22, 1982, I am
sending you a suggested reply to a letter from
Mr. Fraydun Manocherian who proposed that a portion of
the gasoline tax be designated for highway safety purposes.

for *Alex Simons*
Katherine M. Anderson
Director
Executive Secretariat

Enclosure

Retyped in S-10 per A.Simons:blw:12/29/82
see previous grid for cc
s-10 control #384171

S U G G E S T E D

R E P L Y

Dear Mr. Manocherian:

Thank you for your recent letter suggesting that a portion of the gasoline tax increase be used to wage a national research and educational campaign to increase the safety of our highways. The Administration's primary purpose in proposing a user fee increase was to provide necessary funds for capital investment in our deteriorating highways and transit systems. However, with this legislation an average of more than \$580 million in Highway Trust Fund dollars will be available for highway safety purposes each year.

I believe we have begun a new era for highway safety in this country, one that recognizes the need for maintaining and improving the safety of the motoring public, while also practicing fiscal restraint. While past efforts have kept the risk of death or injury from worsening, the measures taken are being outpaced by changes in the vehicle mix, driver population, travel patterns, and other factors that call for innovative solutions.

As a first step, the Department of Transportation earlier this year completed a rulemaking action which identified those State and local highway safety programs that are most effective in reducing accidents, injuries and fatalities. The programs identified include alcohol countermeasures, police traffic services, occupant protection, traffic records, emergency medical services, and safety construction and operational improvements. In the future, Federal aid will be directed primarily to these programs that have shown a high payoff in terms of reduced deaths and injuries and to safety programs that are truly

assistance in all areas of highway safety, but will focus its efforts on these priority programs.

I am encouraged with the progress which the Department of Transportation is making with respect to highway safety and fully support its efforts, especially its program to encourage the motoring public to wear their safety belts and ensure that all children are adequately protected in child restraints.

I have taken additional steps to raise the public's awareness about traffic safety and driver behavior. To this end, on April 14, 1982, I appointed a Presidential Commission on Drunk Driving to assist the States in their fight against the epidemic of drunk driving on their roads. More recently, I signed into law legislation (Section 408, Public Law 97-364) Alcohol Traffic Safety Incentive Grants) which provides Federal incentive grants to States that implement effective programs to reduce drunk driving.

I will continue to monitor these and other highway safety programs conducted by the Department and will do everything feasible to assist the States and communities in reducing the unnecessary tragedy on our Nation's highways.

Sincerely,

Mr. Fraydun Manocherian
415 Park Avenue South
New York, New York 10016

1-077301L336010 12/02/82 ICS NY45349
00026 MLTN VA 12/02/82

WXSA

-3

113287CU

THE HON FRED F FIELDING
COUNSEL TO THE PRESIDENT
%THE WHITE HOUSE 1600 PENNSYLVANIA AVE
WASHINGTON DC 20500

DEAR MR FIELDING

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PLEASE SERIOUSLY CONSIDER HAVING THIS LEGISLATION INTRODUCED AND ENACTED AS AN AMENDMENT TO THE FIVE CENT TAX LEGISLATION,

RESPECTFULLY YOURS,

FRAYDUN MANOCHERIAN

22:20 EST

MGMCCMP

Mr. Fraydun Manocherian
New York Health & Racquet Club
475 Park Avenue South
New York, New York 10016

COB

ID # 113287 CU

SAC

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING

☐ H - INTERNAL

☐ I - INCOMING

Date Correspondence Received (YY/MM/DD) 1/1

Rebuttal

Name of Correspondent: Rayden Monochian

☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Opportunities for Citizens to Review Highway Accidents

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>CV Holland</u>	ORIGINATOR	<u>82112103</u>		<u>C 82112109</u>
<u>CVAT18</u>	Referral Note: <u>D</u>	<u>82112106</u>		<u>C 82112109</u>
<u>CVFIEL</u>	Referral Note: <u>S</u>	<u>82112109</u>	<u>FF</u>	<u>A 82112109</u>
	Referral Note: <u>attached memo from FF to John Fowler</u>			<u>12.09.82</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:			

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THE WHITE HOUSE

WASHINGTON

December 9, 1982

Dear Mr. Manocherian:

Thank you for your mailgram of December 2, 1982, suggesting that one-tenth of one cent per gallon of the proposed five cent per gallon gasoline tax be devoted to highway safety programs. I have taken the liberty of forwarding your correspondence to the Department of Transportation, the agency most directly involved with the issues you raised. I am certain your proposal will receive the careful consideration of officials at that department.

Thank you again for sharing your views with us.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Fraydun Manocherian
New York Health & Racquet Club
475 Park Avenue South
New York, New York 10016

FFF:JGR:aw 12/9/82

cc: FFFielding
JGRoberts
Subj.
Chron

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WASHINGTON

December 9, 1982

MEMORANDUM FOR JOHN M. FOWLER
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Attachments

1-0773010336010 12/02/82 ICS NY45340
00026 MLTN VA 12/02/82

WXSA

113287CU

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%THE WHITE HOUSE 1600 PENNSYLVANIA AVE
WASHINGTON DC 20500

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Western Union Mailgram

3
FEB 1964

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22:20 EST

MGMCCMP

Mr. Fraydun Manocherian
New York Health & Racquet Club
475 Park Avenue South
New York, New York 10016

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

December 13, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Check to President Reagan
from W.T. Fletcher

W.T. Fletcher of Rancho Palos Verdes, California, sent Congressman Mark Siljander a check for \$100, payable to "President Reagan's." The Congressman contacted Fletcher, who told him to send the check to the White House. Siljander forwarded the check to James Rosebush, who has requested advice on the appropriate disposition.

I have drafted a proposed letter from you to Siljander, advising him of the prohibitions contained in 18 U.S.C. § 607(a) (Supp. IV 1980) and indicating that we have returned the check to Fletcher. I have also drafted a "thanks, but no thanks" letter to Fletcher, and a memorandum to Rosebush describing our disposition of the matter. Since the letter to the Congressman discusses the law, I think it is better coming from you than Rosebush.

Attachments

THE WHITE HOUSE
WASHINGTON

December 13, 1982

MEMORANDUM FOR JAMES S. ROSEBUSH

FROM: FRED F. FIELDING *Orig. signed by FFF*
SUBJECT: Check from W.T. Fletcher

You requested advice on the appropriate disposition of a check from W.T. Fletcher, payable to "President Reagan's," which was forwarded to you by Congressman Siljander. As you will see from the attached, I have returned the check to Mr. Fletcher with a note indicating that the President cannot accept it, and have written to Congressman Siljander advising him of this disposition.

Attachment

FFF:JGR:aw 12/13/82

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE
WASHINGTON

December 13, 1982

Dear Congressman Siljander:

On December 1, 1982, you forwarded to James Rosebush a check originally sent to you by W.T. Fletcher. The check, for \$100, was payable to "President Reagan's." Mr. Rosebush has forwarded the check to me for appropriate disposition.

Federal law generally prohibits the receipt of political contributions on federal property by officers of the United States (with a limited exception for Congressional staffers). See 18 U.S.C. § 607(a) (Supp. IV 1980). Even if the check were intended not as a political contribution but a personal gift, the President has established a policy of not accepting such gifts. Accordingly, I have returned the check to Mr. Fletcher, with a note advising him that the President cannot accept it.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

The Honorable Mark D. Siljander
United States House of Representatives
Washington, D.C. 20515

FFF:JGR:aw 12/13/82

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE
WASHINGTON

December 13, 1982

Dear Mr. Fletcher:

Your check (#395) for \$100, payable to "President Reagan's," has been forwarded to me. You originally sent the check to Congressman Siljander, who, on your subsequent instructions, forwarded the check to the White House.

While we appreciate the "good luck" sentiments noted on your check, please be advised that the President cannot accept it. I am accordingly returning the check to you.

With best wishes,

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. W.T. Fletcher
5431 Littlebow Road
Rancho Palos Verdes, California 90274

Enclosure

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FFF:JGR:aw 12/13/82

cc: FFFielding
JGRoberts
Subj.
Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

John Rose
- letter to Congress
advising him of the law
- signature of *PL*

☐ O - OUTGOING

☐ H - INTERNAL

☐ I - INCOMING

Date Correspondence
Received (YY/MM/DD) 1 1

Name of Correspondent: James S. Rosebush / Mark Siljander

☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Check #395 from W.T. Fletcher made out to President Reagan

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>W Halland</u>	ORIGINATOR	<u>82112108</u>			<u>1 1</u>
<u>WAT18</u>	Referral Note: <u>D</u>	<u>82112109</u>		<u>S</u>	<u>82112120</u>
	Referral Note: _____	<u>1 1</u>			<u>1 1</u>
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	Referral Note: _____	<u>1 1</u>			<u>1 1</u>
	Referral Note: _____	<u>1 1</u>			<u>1 1</u>

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

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B - Non-Special Referral
C - Completed
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THE WHITE HOUSE
WASHINGTON

TO: *Pres. Nixon*

FROM: JAMES S. ROSEBUSH

() FYI

() LET'S DISCUSS

() PLEASE COMMENT

*The attached was forwarded
to Mr. [unclear] [unclear] [unclear]
to his discretion.*

Thanks. He cannot take

MARK D. SILJANDER
4TH DISTRICT, MICHIGAN

COMMITTEES:
SMALL BUSINESS

VETERANS' AFFAIRS

WASHINGTON OFFICE:
1022 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-3761

ROBIN M. LUKETINA
ADMINISTRATIVE ASSISTANT



Congress of the United States
House of Representatives

Washington, D.C. 20515

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(516) 982-0722

15788 WEST MICHIGAN AVENUE
THREE RIVERS, MICHIGAN 49093
(616) 279-7125

December 1, 1982

113759

James S. Rosebusch
Special Assistant
The White House
Washington, D.C. 20500

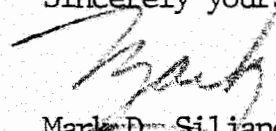
Dear James,

I recently recieved this check made out to
President Regan.

My office has contacted Mr. Fletcher, and we
were told to foreward this to the proper staff mem-
ber in the White House. I appreciate your cooperation
in this matter.

If you have any further questions please feel
free to contact my office.

Sincerely yours,


Mark D. Siljander
Member of Congress

MDS/wtn

WITHDRAWAL SHEET

Ronald Reagan Library

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ROBERTS, JOHN: FILES

Withdrawer

RB 8/4/2005

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File Folder

[CORRESPONDENCE - MISCELLANEOUS (12/09/1982 - 12/14/1985)]

FOIA

F05-139/01

COOK

Box Number

18RW

DOC Document Type

NO Document Description

No of	Doc Date	Restric-
pages		tions

1 CHECK

1 11/11/1982 B6

502

PERSONAL CHECK

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

December 14, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JSR*

SUBJECT: Forfeiture Case of William J. Diego

The Office of the Counsellor to the President has referred to you a letter and accompanying materials sent to Mr. Meese, concerning an effort by the U.S. Attorney in San Diego to effect a forfeiture of \$178,000 in cash. The money was abandoned along a freeway and innocently discovered by William J. Diego, who gave it to the police and claimed it under California's lost property statute. The U.S. Attorney instituted forfeiture proceedings to recover the money under 21 U.S.C. § 881 (1976), which provides that "[a]ll moneys . . . furnished or intended to be furnished by any person in exchange for a controlled substance" "shall be subject to forfeiture to the United States and no property right shall exist in them." The Government alleges, and Diego does not dispute, that the money was involved in drug transactions. Diego's lawyers, from the firm of Gray, Carey, Ames & Frye, filed a petition with the Department of Justice for remission or mitigation of the forfeiture, on the grounds that forfeiture in the case of an innocent finder would not advance the Government's interest in depriving narcotics traffickers of their illicit proceeds and would violate the policy of California's lost property statute. The petition, supported by local media and the San Diego Police, was denied by a Section Chief of the Criminal Division.

Diego's lawyers have filed a request for reconsideration with the Attorney General, and have simultaneously addressed a petition to Mr. Meese, suggesting that the earlier denial by "lower-level staffers" did not adequately consider the policy implications. The petition asks Meese to intercede with the Criminal Division. It is accompanied by a "Dear Ed" letter reviewing the case from Richard Burt, a partner in the firm representing Diego. We are requested by the Office of the Counsellor to the President to draft a reply.

I do not think it would be appropriate for Mr. Meese to intercede in this forfeiture action, which Diego's attorneys have promised will be litigated if their petition is denied.

If Meese were successfully to do what Diego's attorneys ask, it would mean the loss of \$178,000 to the United States, and the concomitant enrichment of a friend's client (and, through what I assume is a contingency fee arrangement, the friend himself). Appearances alone preclude this. In any event, I am not persuaded by Diego's arguments. The forfeiture statute gives the United States the right to the drug money, a right which is paramount to any rights mere finders may have. While Diego is correct that this may discourage finders from turning in money they discover, such cases are probably rare. Finders such as Diego may, as a matter of equity, be entitled to some reward, but surely not all of the money they happened to stumble across.

I have drafted a proposed reply for Meese. The reply is careful not to express any view on the merits, since the matter could well end up in court and it would be unfortunate to have Meese suggesting reservations about the Government's position.

Attachment

THE WHITE HOUSE

WASHINGTON

December 20, 1982

MEMORANDUM FOR EDWIN MEESE III
COUNSELLOR TO THE PRESIDENT

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Richard A. Burt
on William J. Diego Forfeiture Case

Richard A. Burt of the San Diego law firm of Gray, Cary, Ames & Frye asked in his December 2, 1982 letter to you that you intervene in Justice Department consideration of the forfeiture case involving William J. Diego, a client of Burt's firm. Diego innocently discovered \$178,000 in cash alongside a highway, and turned it over to the police, claiming it under California's lost property statute. The U.S. Attorney, however, instituted forfeiture proceedings under 21 U.S.C. § 881 (1976), which provides that all moneys furnished or intended to be furnished in illegal drug transactions shall be subject to forfeiture to the United States, and no property right shall exist in them. The evidence indicates that the abandoned money was drug related. Diego filed a petition for remission or mitigation of forfeiture, which was denied by the Criminal Division of the Justice Department. He has filed a petition for rehearing with the Attorney General, and asks you to intercede. His argument is that forfeiture in this case will not advance the government's objective of taking profits from narcotics traffickers, but will frustrate the policies of California's lost property statute.

I recommend that you not become involved in the case. The matter is currently pending, on the government's complaint for forfeiture, before the United States District Court for the Southern District of California. If Diego has valid objections they may be raised in that forum, and the Justice Department has so advised him. In any event, Diego's arguments are not persuasive. The forfeiture statute gives the United States the right to the drug money, a right which is paramount to Diego's right as a mere finder.

I have drafted a proposed reply for your signature.

FFF:JGR:aw 12/20/82

cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE
WASHINGTON

December 20, 1982

Dear Dick:

Thank you for your letter of December 2, 1982, describing the situation of your client, William J. Diego. I appreciate the spirit in which your letter was written.

I must, however, decline to become involved in the particular case of Mr. Diego. That case is pending before the courts, and it would not be appropriate for me to intercede. I am confident that you will understand the necessity for my position.

Sincerely,

Edwin Meese III
Counsellor to the President

Richard A. Burt, Esq.
Gray, Cary, Ames & Frye
525 B Street
Suite 2100
San Diego, California 92101

EMIII:FFF:JGR:aw 12/20/82

cc: EMeeseIII
FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

December 14, 1982

DRAFT

Dear Dick:

Thank you for your letter of December 2, 1982, describing the situation of your client, William J. Diego. I appreciate the spirit of concern about the success of the Government's general effort to eliminate the financial incentives of narcotics trafficking in which your letter was written.

I must, however, decline to become involved in the particular case of Mr. Diego. That case is pending before the courts, and it would not be appropriate for me to intercede. I am confident that you will understand my position.

Sincerely,

Edwin Meese III
Counsellor to the President

Richard A. Burt, Esq.
Gray, Cary, Ames & Frye
525 B Street
Suite 2100
San Diego, California 92101

WHITE HOUSE COUNSELLOR'S OFFICE TRACKING WORKSHEET

JL002

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD)

8211216

Roberts

Name of Correspondent:

Richard A. Burt

☒ CN Mail Report

User Codes: (A) _____

(B) _____

(C) _____

Subject:

Writer is concerned over the proposed
seizure of money found by his client,
which the U. S. Attorney has declared narcotics-
related.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
	CNHAMM	C	8211216			1 1
	CNCRIB	A	8211206		C	821121800
	CNMEES	I	8211206		C	8211206
	✓ CU FIEL	D	8211218			1 1
	CU AT18	D	8211210		435	82112120

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
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to be used as Enclosure

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GRAY, CARY, AMES & FRYE

ATTORNEYS AT LAW

525 B STREET, SUITE 2100

SAN DIEGO, CALIFORNIA 92101

TELEPHONE [714] 236-1661

TELECOPIER [714] 236-1048

WUD TWX 910 335-1273

GORDON GRAY (1877-1967)
W. P. CARY (1882-1943)
WALTER AMES (1893-1980)
FRANK A. FRYE (1904-1970)

OTHER OFFICES
IN
LA JOLLA
EL CENTRO

113267

December 2, 1982

Honorable Edwin Meese, III
Counselor to the President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Petition of William J. Diego

Dear Ed:

I was pleased recently to read your interview in the National Law Journal concerning the Administration's much-needed top priority drive against narcotics trafficking and organized crime, particularly the enhanced use of the drug forfeiture statute, 21 U.S.C. § 881, to eliminate the incentive of drug traffickers by pursuing not only contraband but also their profits. Coincidentally, we are involved in a proposed forfeiture which may harm these increased enforcement efforts and also presents significant questions of policy with regard to the entire program. As such, I believe it merits your immediate attention.

We represent William J. Diego, who found a large amount of U.S. currency by a highway here last year and promptly delivered the currency to the San Diego Police as required by California law. Thereafter, Diego acquired sole title to the find, but the U.S. Attorney here is seeking to forfeit the money as being narcotics-related. Because the proposed forfeiture seeks to take property from an innocent, law-abiding citizen, we believe it to be wholly misguided.

There is now pending a petition before Assistant Attorney General D. Lowell Jensen to stop the proposed forfeiture; the government's forfeiture action here has been stayed by the court pending the outcome of this administrative proceeding. Attached is a formal request (and copy of the pending petition) from my colleague, Barry Quinn, which sets forth in detail the various policy considerations involved, all of which, we believe, favor the return of the found currency to our client. This letter summarizes the four major points. Briefly, the government should not proceed with this forfeiture because:

1. The purpose of the forfeiture statute is to deprive narcotics traffickers of the means by which they commit, and the fruits of, their crimes. In our case, however, it was Bill Diego's actions in finding the currency and voluntarily surrendering it to the police which deprived the wrongdoers of their gain in the first instance. Forfeiture

Honorable Edwin Meese, III
Counselor to the President
December 2, 1982
Page 2

here will therefore in no sense advance the purposes behind the statute under which it is sought.

2. Substantial harm is likely to be caused to the recently expanded use of the drug forfeiture statute under which this forfeiture is proposed because the person from whom forfeiture is sought here could not be more innocent, law-abiding, honest or sympathetic. At best, even if the government wins the forfeiture, it will have led off its series of forfeitures under this program with a case which is sure to generate considerable adverse publicity; at worst, a loss will establish the worst sort of precedent against the entire program, risking much to take very little from someone not even peripherally involved in narcotics trafficking.

3. Not only will forfeiture not fulfill the purposes behind the federal statute, but it will affirmatively frustrate the efforts of California law enforcement officials to police compliance with the Lost Property Statute, which imposes an affirmative duty on finders to deliver property to the police. Both District Attorney Ed Miller and officials at the San Diego Police Department as well as the editors of the Evening Tribune and television broadcaster KCST-39 have supported our position in this regard in writing, attached as exhibits to the petition; and

4. The message to Californians who find lost property that they should not do their duty and turn it in for fear of forfeiture will also handicap law enforcement, both federal and state, in the general sense that leads and evidence of possible criminal activity will be lost.

Because I believe the questions posed by the proposed forfeiture and pending petition are matters of serious concern that lower-level staffers at the Justice Department have so far refused even to consider, I respectfully request that you intercede with Lowell Jensen to assure that the important policy issues which support granting the petition are considered fully.

On a personal note, Vangie and I will attend Pete Wilson's swearing-in next month in Washington, and we hope we get a chance to see you and Ursula then. Also, please give my best wishes to Bill Clark.

Sincerely yours,



Richard A. Burt

RAB:wpc
Enclosures

GRAY, CARY, AMES & FRYE

ATTORNEYS AT LAW

GORDON GRAY (1877-1967)
W. P. CARY (1882-1943)
WALTER AMES (1893-1980)
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JEFFREY A. DAVIS

OF COUNSEL
JOHN M. CRANSTON

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TELEX II 910 335-1273

OTHER OFFICES
IN
LA JOLLA
EL CENTRO

December 2, 1982

Honorable Edwin Meese, III
Counselor to the President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Petition of William J. Diego

Dear Mr. Meese:

This letter is to seek your review of a petition to stop a proposed forfeiture now pending before Assistant Attorney General D. Lowell Jensen. We believe the proposed forfeiture is likely to have a distinct negative impact on the Administration's recently announced stepped-up enforcement efforts against narcotics trafficking and organized crime insofar as they involve the broader use of the narcotics forfeiture statute, 21 U.S.C. § 881. Those efforts have lately been to seize not only contraband but also the "fruits" of drug deals thus eliminating the profit of drug traffickers. Because this forfeiture poses the threat of substantial harm to the government's expanded use of the drug forfeiture statute, we believe significant questions of policy are involved which merit your immediate attention.

Unlike any other drug-related forfeiture of which we are aware, our case involves the proposed forfeiture of currency from an innocent finder, William J. Diego, who

Honorable Edwin Meese, III

December 2, 1982

Page 2

delivered currency he found beside a highway in San Diego to the police and thereafter established exclusive title to the found property under the California Lost Property Statute, Civil Code § 2080 et seq. The currency was then seized by the Drug Enforcement Administration ("DEA") as being narcotics-related, although its prior owner has never claimed it. Because the forfeiture seeks to take property not from narcotics traffickers but from an innocent and honest finder who complied fully with his legal duties under California law, we believe it should not go forward.

The remission petition before Mr. Jensen asks the Attorney General to instruct the U.S. Attorney here not to proceed with the forfeiture. A copy of the petition, the second to be filed on Diego's behalf, is attached. Although Diego's first petition met all administrative standards to grant remission, it was erroneously denied for reasons of standing by lower-level staffers at the Justice Department, which prompted the second petition. The pending petition provides, we think, the appropriate opportunity to review the important policy considerations involved and the adverse impact the proposed forfeiture is likely to produce, before any final decision is reached.

Specifically, we believe that the U.S. Attorney here should not proceed with the proposed forfeiture because:

(a) Bill Diego is an innocent bona fide finder and honest citizen who should not be penalized, but rather should be rewarded, for his honesty.

(b) Because Bill Diego was entirely uninvolved with the currency except as its finder,^{1/} and because under California law, he alone now possesses title to the property, forfeiture here will not advance the policies behind the federal narcotics forfeiture statute -- which seeks to deny to narcotics traffickers the means by which they accomplish or

^{1/} Everyone connected with this case, from the San Diego Police Department ("SDPD") and the DEA investigators to the U.S. Attorney here, readily concede Diego's innocent lack of involvement. Indeed, at the request of DEA, Bill Diego took -- and passed -- a polygraph examination administered by the SDPD to that effect. A copy of the polygraph report is attached as an exhibit to the enclosed petition.

Honorable Edwin Meese, III
December 2, 1982
Page 3

facilitate their crimes or the fruits of that crime -- but will most definitely, under these circumstances involving an innocent finder, frustrate the purposes behind the California Lost Property Statute under which Diego acquired title to the currency. This will be true even if the government can prove in court that the currency is narcotics-related, because the forfeiture seeks to take the currency from Bill Diego, an honest and innocent citizen, rather than from narcotics traffickers.

The obvious and important public policy underlying the California statute -- to provide for efficient and certain resolution of disputes over found property -- will be greatly frustrated if California citizens are persuaded not to follow their duty to deliver found property to peace officers in the first instance as the statute requires. By its actions in seeking forfeiture the federal government is, in effect, penalizing Bill Diego for his honesty and full compliance with California law. If this forfeiture is allowed to proceed, the federal government will send a clear message to Californians who come within the purview of Civil Code § 2080 et seq. that honesty is not the best policy if the found property could possibly be subject to federal forfeiture. This is not an illusory concern, as there are a considerable number of different forfeiture provisions in the United States Code ranging in subject matter from customs offenses to illicit manufacture of alcohol to firearms and fisheries violations, as well as the narcotics forfeiture statute involved here. Such a result, particularly in view of the lack of any compelling reason to allow forfeiture under federal law, will have a direct negative impact on the administration of law and justice in California. Indeed, at least two media editorials here in San Diego, both of which are attached as exhibits to Diego's initial petition, have expressed this concern. And law enforcement authorities here, particularly the San Diego County District Attorney and officials at SDPD, have, as the letter attached as an exhibit to the petition sets forth, taken the position that this forfeiture will have a direct negative effect on their enforcement of the California statute. They too believe that Bill Diego is entitled to the property he found.

(c) Not only will the actions of the local U.S. Attorney's Office in pursuing this particular matter not advance the purposes and policies behind the federal narcotics forfeiture statute under which they are proceeding, but, in fact, such actions are likely to harm in a significant way the

Honorable Edwin Meese, III
December 2, 1982
Page 4

recent program here to expand the use of the forfeiture provisions to seize buildings, land, businesses, and other heretofore untouched "fruits" of drug trafficking. As the numerous articles and reports about this program invariably reveal, this expanded use of the forfeiture statute has yet to be authorized by the courts. It is obvious that the large amounts of money involved in some of these significant forfeitures will virtually guarantee that they will be strongly contested. It therefore seems particularly self-defeating for this program for the government to lead off these series of challenges with a case in which it seeks to take property away from an entirely innocent, law-abiding and sympathetic individual. This will place the government and its entire -- and otherwise laudable -- program in the worst possible light, virtually at its inception. Of course, if the petition fails and the forfeiture proceeding is renewed, Diego intends to litigate his case vigorously before a jury, which will no doubt receive its share of publicity.

(d) Proceeding with forfeiture in cases involving innocent finders will also harm the government's efforts to enforce the law generally because finders will not deliver any property they find -- to the local police or anyone else, especially federal authorities -- if they believe it may be seized and forfeited. The government will therefore lose a valuable source of information about possible criminal activity because citizens will realize that it is in their best financial interest never to become involved. Indeed, the DEA would not have been able to commence its now abandoned investigation without Bill Diego's help in turning the found property over to the SDPD in the first place.

Clearly, the government's principal objective in these matters is to investigate, prosecute and convict the criminal, and take from him, where authorized by law, property employed in or resulting from his criminal conduct -- but not to proceed against innocent, law-abiding citizens who have made the investigation and subsequent prosecution and conviction (where there is one) possible in the first place.

(e) There is legal authority, cited in Diego's petitions, for the proposition that forfeiture should not occur against a subsequent bona fide purchaser, and there is no reason that this reasoning should not extend to preclude forfeiture against an innocent bona fide finder as well.

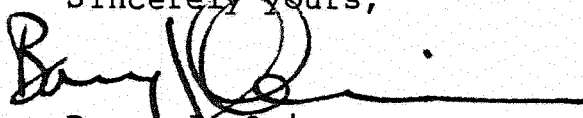
Honorable Edwin Meese, III
December 2, 1982
Page 5

(f) Finally, the resources of the U.S. Attorney's Office would be better spent attacking real criminals rather than innocent and honest citizens. This is particularly true since President Reagan recently announced the commencement of an enhanced effort to combat drug trafficking here in San Diego, among other cities. No conceivable harm, but rather considerable benefit will inure to the government by publicly honoring Bill Diego for his honesty and contribution to law enforcement.

On Bill Diego's behalf, and to avoid an unnecessary lawsuit which seems certain to have a significant adverse effect on the government's enhanced program to combat narcotics trafficking as well as the administration of California law, we respectfully request that you intercede with Assistant Attorney General Jensen to ensure that the important policy issues which support granting the petition are fully considered.

If we can answer any question you or your staff might have regarding Diego or his petition, we would be happy to do so. We stand ready to assist in any manner to help Bill Diego obtain the property we believe lawfully should be his.

Sincerely yours,



Barry J. Quinn
For
GRAY, CARY, AMES & FRYE

BJQ:wpc
Enclosures

cc: William James Diego

1
2
3 GRAY, CARY, AMES & FRYE
4 2100 Union Bank Building
5 San Diego, CA 92101
6 (714) 236-1661

7 Attorneys for Petitioner

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BEFORE THE ATTORNEY GENERAL
OF THE
UNITED STATES OF AMERICA

11 In the Matter Of \$178,780)
12 in U.S. Currency and Other)
13 Items, Case No. R2-82-X050)
14 WILLIAM JAMES DIEGO,)
15 Petitioner.)

REQUEST FOR RECONSIDERATION
OF DENIAL OF PETITION FOR
REMISSION OR MITIGATION OF
FORFEITURE

16 Pursuant to 28 C.F.R. Sections 9.3(e) and (j)-(m),
17 WILLIAM JAMES DIEGO respectfully requests the Attorney General
18 to reconsider the denial of his petition to remit to him
19 certain items seized from him, including \$178,780 in U.S.
20 currency, and in support thereof respectfully shows:

21 1. As set forth more fully in the Petition for
22 Remission or Mitigation of Forfeiture dated February 4, 1982,
23 and accompanying Memorandum of Law, and the Supplemental
24 Petition dated March 30, 1982 (together, the "petition"),
25 copies of all of which are attached as Exhibits "A," "B" and
26 "C," respectively, the subject property, including
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