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THE WHITE HOUSE

WASHINGTON

February 10, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: HUD Unauthorized Use of Government Vehicles

On January 26 Michael Francis Marshall, Vice President of an American Federation of Government Employees Local based at HUD, wrote suggesting that you include Secretary Pierce's actions with regard to a HUD IG report in your review of conflict of interest among high level HUD employees. He enclosed a copy of a letter he wrote on the same day to Secretary Pierce. In that letter Marshall cited an IG report identifying non-official uses of government vehicles by HUD officials and quoted 31 U.S.C. § 638a(c)(2), which provides that wilful use of a government vehicle for non-official purposes is punishable by suspension for at least one month.

I talked with HUD General Counsel John Knapp about this, and he advised me that the HUD officials in question would soon be asked to reimburse the government for the documented instances of non-official use. He indicated that the statutory penalty would not be invoked because the violations were not wilful. On the basis of your advice at this morning's staff meeting I called Knapp to tell him that this determination should be documented in writing, and he assured me that it would be.

I do not think that any response to Mr. Marshall's one-sentence letter is required. He presumably will receive a substantive response to his letter to Secretary Pierce.

FG123**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

- ☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
 Date Correspondence
 Received (YY/MM/DD) 1 1

Name of Correspondent: Michael Francis Marshall

☐ MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Secretary Pierce's action with regard
to HUD IG Audit 83-AO-165-0001

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 Holland</u>	ORIGINATOR	<u>8310208</u>			<u>1 1</u>
<u>WAT 18</u>	Referral Note: <u>A</u>	<u>8310208</u>			<u>1 1</u>
	Referral Note:				<u>1 1</u>
	Referral Note:				<u>1 1</u>
	Referral Note:				<u>1 1</u>
	Referral Note:				<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:

- 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.

Housing Local No 476

American Federation of Government Employees

Affiliated with the A.F.L. - C.I.O.

Department of Housing and Urban Development

Washington, D. C. 20410



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Roberts -
Pls get on top of this
ASAP & advise
me. > 2/6

123502 CU

January 26, 1983

Mr. Fred Fielding
Counsel to the President
the White House
Washington, D. C. 20500

Dear Mr. Fielding:

You might want to include Secretary Pierce's actions in regards to HUD IG Audit 83-AO-165-0001 issued November 3, 1982 in your review of possible conflict of interest among high level HUD employees.

Sincerely;

A handwritten signature in cursive script, appearing to read "Michael Francis Marshall".

Michael Francis Marshall
Vice President, AFGE Local 476
3257 HUD Building
451 7th St. S. W.
Washington, D. C. 20410

Housing Local No 476

American Federation of Government Employees

Affiliated with the A.F.L. - C.I.O.

Department of Housing and Urban Development

Washington, D. C. 20410



January 26, 1983

Mr. Joseph H. Parker
Director, Headquarters'
Operations Division,
Office of Inspector General
U. S. Department of HUD

Dear Mr. Parker:

Recently, AFGE Local 476 came across the law we cite in the attachment. We thought that your Office might be interested in this law.

Since Mr. Dempsey advised AFGE Local 476 to address our concerns to your office, AFGE Local 476 is sending this note to you.

Sincerely;

A handwritten signature in cursive script, which appears to read "Michael Francis Marshall".

Michael Francis Marshall
Vice President, AFGE Local 476

Housing Local No 476

American Federation of Government Employees

Affiliated with the A.F.L. - C.I.O.

Department of Housing and Urban Development

Washington, D. C. 20410



January 26, 1983

Hon. Samuel R. Pierce Jr.
Secretary, U. S. Department
of Housing and Urban Development

Dear Mr. Pierce:

Recently, in connection with a proposed adverse action, AFGE Local 476 discovered this law codified at 31 USC 638a(c)(2) which states:

"Any officer or employee of the Government who willfully uses or authorizes the use of any Government-owned passenger motor vehicle or aircraft, or of any passenger motor vehicle or aircraft leased by the Government, for other than official purposes or otherwise violates the provisions of this paragraph shall be suspended from duty by the head of the department concerned, without compensation, for not less than one month, and shall be suspended or summarily removed from office if circumstances warrant."

We recalled that IG Audit 83-AO-165-0001 issued November 3, 1982 identified members of your Principal Staff who abused Government vehicles. Among those that AFGE Local 476 have been able to confirm as abusers of Government vehicles are:

Dr. June Koch, Deputy Under Secretary for Intergovernmental Relations
Mr. Donald I Hovde, Under Secretary of HUD
Philip Abrams, A/S for Housing, Federal Housing Commissioner
E. S. Savas, A/S for Policy Development and Research.

Doubtless, the Inspector General identified other Principal Staff who abused Government vehicles. The Inspector General possibly also knows those officials or employees who 'willfully authorized' the misuse of Government vehicles.

The question AFGE Local 476 has for your office is: will you enforce this law?

Sincerely;

A handwritten signature in dark ink, appearing to read "Michael Francis Marshall". The signature is fluid and cursive, with the last name being particularly prominent.

Michael Francis Marshall
Vice President, AFGE Local 476