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THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

WASHINGTON, D.C. 20201

May 4, 1983

MEMO TO: Michael McManus

Please accept this belated letter of appreciation for making it possible for Margi and me to use the President's box at the Kennedy Center. It was the highlight of my wife's visit. The other guests including Virginia Knauer were enjoyable and in all it was just a perfect evening.


E. Carson Conrad
Executive Director

Michael McManus
Deputy Assistant to the President
The White House
Washington, D.C. 20500

THE WHITE HOUSE
WASHINGTON

February 6, 1984

Mike,

Case Conrad has called on the
attached this morning. We just
got the letter in hand.

I am sending a copy of it to
Fred Ryan.

Please advise as to what I should
tell Mr. Conrad.

MOC



THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS
WASHINGTON, D.C. 20001

January 31, 1984

Dear Mike:

We are meeting with Don Smith of the Southland Corporation News Bureau regarding several projects on February 7.

One project which will be discussed is the U.S. Olympic medal winners national tribute tour in August after the summer games. You will recall you met with Mr. Smith and Ash Hayes of the PCPFS staff on this project last summer. In planning their tour of the United States, they have reserved Monday, August 13 and Tuesday, August 14 to be available for the President. What can we say to him about President Reagan's availability and interest in meeting with these outstanding young diplomats for America either in California or in Washington?

Best regards,

A handwritten signature in blue ink, appearing to read "C. Carson Conrad".

C. Carson Conrad
Executive Director

Michael A. McManus, Jr.
Deputy Assistant to the President
The White House
Washington, DC 20500

THE WHITE HOUSE

WASHINGTON

September 26, 1984

MEMORANDUM FOR JOHN HERRINGTON

FROM: MIKE McMANUS *MM*

The last time I spoke to Coach George Allen, he proposed Charles Luckman as the replacement for Leon Weil on the President's Council on Physical Fitness and Sports.

Mr. Luckman designed the National Fitness Academy. His resume is attached.



THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS
WASHINGTON, D.C. 20001

September 24, 1984

Dear Mike:

Thank you for the opportunity to meet with you last week to discuss some important items with Coach Allen. Thanks also for your gracious hospitality.

Biographical information on Charles Luckman who Coach Allen has proposed as the replacement for Leon Weil on the President's Council on Physical Fitness and Sports is enclosed.

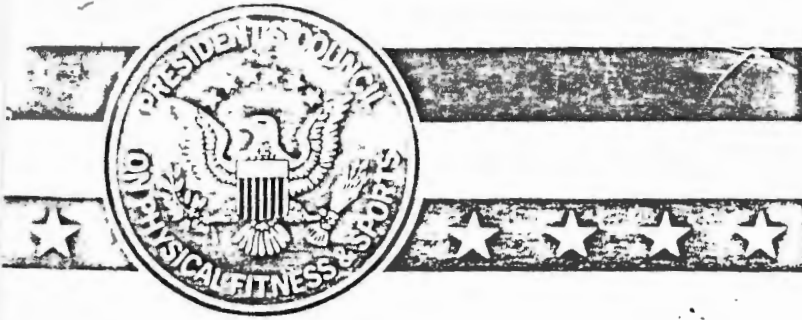
Sincerely,

A handwritten signature in black ink that reads "Ash".

Ash Hayes, Ed.D.
Acting Executive Director

Michael A. McManus, Jr.
Deputy Assistant to the President
The White House
Washington, D.C. 20500

Enclosure



Sent to City Editors of

LOS ANGELES HERALD EXAMINER
LOS ANGELES TIMES

For Immediate Release

Washington, DC - Eight residents of the Los Angeles area have been named Special Advisors to the President's Council on Physical Fitness and Sports. Members of the group include Otis Chandler, chairman of the board and editor-in-chief of the TIMES MIRROR; Samuel Schulman, principal owner of the Seattle SuperSonics basketball team; and actress-singer Dinah Shore.

Others in the Los Angeles contingent are Willard Harris, president of Rampart General in Irvine; Charles Hathaway, president of LAACO Incorporated; Charles Luckman, chairman and chief executive officer of Luckman Management Corporation; Saul Marell, president of Seaboard Industries, Inc.; and Waller Taylor II, a partner in the firm of Adams, Duque and Hazeltine.

The appointments were announced by the chairman of the President's Council, George Allen, who also lives in Los Angeles.

There are 43 Special Advisors to the President's Council, and most are corporate chief executive officers. They serve as a link between the council and the private sector, advise the council on issues affecting employee fitness programs, and provide counsel on program development and administration.

Miss Shore was a member of the President's Council during the Carter administration and has participated in the TV, radio and print advertising campaigns of the council.

-30-

Note: A complete list of the Special Advisors is enclosed. For additional information, contact V. L. Nicholson, Director of Information, The PCPFS, 202/755-7478.

CHARLES LUCKMAN, FAIA

**Chairman and Chief Executive Officer
Luckman Management Corporation**

Charles Luckman is an internationally known architect, developer, businessman, public servant, author and lecturer.

Youth

Charles Luckman was born in Kansas City, Missouri in 1909. He was graduated with highest honors from Northeast High School and his classmates had the foresight to vote him "the boy most likely to succeed". At the same time, he was selected as "the State's outstanding high school graduate", and as such was awarded a four-year scholarship to the University of Missouri. He declined the scholarship because the University did not have a School of Architecture, and he was determined to become an architect.

Instead, he moved to Chicago, worked for two years as an engineering draftsman and then entered the School of Architecture at the University of Illinois.

He was graduated Magna Cum Laude at the head of his class in 1931, and was the only architectural student in his class elected to Tau Beta Pi, the nation's highest honorary engineering fraternity.

Immediately following graduation, he passed the State examination and received his license to practice architecture.

Business Career

Because in 1931 our nation was in a serious depression with no architectural activity, Mr. Luckman took a "temporary" job as a designer in the advertising department of a large soap company – which turned out to be an 18-year detour from architecture, and the beginning of an unusually successful career in business.

He worked his way up from the bottom of the ladder to become president of the Pepsodent Company at the age of 33, and at the age of 37, president of all American companies of Lever Brothers, a part of Unilever Ltd, one of the biggest conglomerates in the world. Under his dynamic leadership, sales and profits of both companies rose to all-time record levels.

In 1950, after moving Lever headquarters from Boston to the new Lever House on Park Avenue in New York, Mr. Luckman decided to return to architecture. He left Lever Brothers, moved to Los Angeles, and established the firm of Pereira & Luckman, a partnership that was dissolved in 1958 when Mr. Luckman bought his partner's entire interest.

In the ensuing years, The Luckman Partnership, inc. became one of the largest and most distinguished planning, architecture and engineering firms in the United States. It is totally owned by the employees. The firm has this year passed the \$5 billion mark.

Mr. Luckman serves on the Board of Directors of TelePrompTer Corporation and is Chairman of its Franchise Committee. In addition, he serves as Chairman of the Committee on Organization of the Board of Directors of The Flying Tiger Line, Inc.

Mr. Luckman is also Chairman and Chief Executive Officer of Luckman Management Corporation. LMC is set up to handle all types of large-scale commercial developments, providing a full range of services including site analysis, financial analysis, financing, architectural coordination, leasing and construction management. LMC's headquarters are in Los Angeles, California.

Architectural Career

Mr. Luckman began his active architectural practice in Los Angeles in 1950.

After studying day and night for five months, he took and passed the California State Architectural Examination, and is today the most widely licensed architect in the United States.

During the past 28 years, The Luckman Partnership, with headquarter offices in Los Angeles, has received more than 90 major design awards, while at the same time completing 94 percent of all projects within the client's budget.

As one of the world's largest and most successful architectural firms, TLP has designed hundreds of significant projects, including the new Madison Square Garden Center in New York; the United States World's Fair Pavilion, New York; the Prudential Center, Boston; the Manned Spacecraft Center, Houston; Stanford University's Hoover Library and Linear Accelerator Center; the Los Angeles International Airport; the Los Angeles World Zoo; the University of California at Santa Barbara; the Los Angeles Convention and Exhibition Center; the Veterans Administration Hospitals in La Jolla and Los Angeles; the 40-story headquarters building for the First National Bank of Oregon in Portland; the "fabulous" Forum sports arena in Inglewood; Phoenix Civic Plaza, a combined convention center and concert hall; the Broadway Plaza, a new Urban Center including a 32-story office building, 23-story Hyatt Regency Hotel, new Broadway Department Store and unique two-level Galleria covering an entire square block in downtown Los Angeles; the 62-story headquarters building for United California Bank in Los Angeles; the headquarters for Ralph M. Parsons Company in Pasadena; the National Security and Resources Study Center in Los Alamos, New Mexico for the Department of Energy; the movable Aloha Stadium in Honolulu, Hawaii; an 800-room Hyatt Regency Hotel in Dearborn, Michigan; a 700-room Hyatt Regency Hotel in Phoenix, Arizona; a new City Hall, Library, Police Building and support facilities for the City of Inglewood, California.

In 1963, Mr. Luckman was elected to the College of Fellows of the American Institute of Architects, the highest honor that can be given to an architect. In addition, he has received the Distinguished Service Citations from the California Council of the American Institute of Architects, the City of Los Angeles, the County of Los Angeles, the State of California and the General Service Administration in Washington, D.C. He presently serves on the Institute's Select Committee to study the Future of Architectural Education in America.

Educational Activities

Mr. Luckman has served since 1960 as a Trustee of the 19 California State Colleges, the largest college system in the Western world. He has served two terms as Chairman of the Board of Trustees.

In 1967, Governor Reagan appointed him to the Educational Commission of the Fifty States.

During the past 25 years, Mr. Luckman has served on the Board of Associates of Northwestern University; the Board of Associates of the California Institute of Technology; the President's Council of George Pepperdine College; the President's Council of Loyola University in Los Angeles; and the University of Illinois Foundation. He is a popular author and lecturer on the problems, progress and potential of higher education.

Community Career

Throughout his lifetime, Mr. Luckman has unselfishly contributed his time, talents and resources to worthy community activities.

In 1969, President Nixon appointed Mr. Luckman to the Pennsylvania Avenue Commission, one of two architects in the country so honored. In previous years he has served various Presidents of the United States as a Special Advisor to the United States Delegation to the United Nations in Geneva; the Commission on Civil Rights; the Commission on Equality of Treatment and Opportunity in Armed Services; the Committee on International Trade Development; and as Chairman of the World Food Commission.

He is a member of the Los Angeles District Attorney's Advisory Council, the Board of Trustees of the National Art Museum of Sport, the Committee for Economic Development, the California Museum Foundation, Los Angeles World Affairs Council, Los Angeles Area Chamber of Commerce, Los Angeles Central City Association, Los Angeles Beautiful, Southern California Music Association, California Round Table, United Crusade and Chairman of Board of Councilors, Brain Research Institute of the University of California Los Angeles.

He has served California on the Governor's Commission on Metropolitan Area Problems.

Mr. Luckman has also served as an officer and director of the Southern California Symphony Association, Hollywood Bowl Association, American Heritage Foundation, American Red Cross, YMCA, United Nations Association of Los Angeles, Community Chest, Children's Hospital in Boston, National Conference of Christians and Jews for Southern California, Junior Achievement, and the Board of AID-United Givers, where he has twice served as president of this community-wide organization.

Mr. Luckman served as president of the Los Angeles Ballet for four years, and presently serves as a member of the Board of Directors and its Executive Committee.

Distinguished Awards

His long business and public service career has earned Mr. Luckman a long list of honors and awards. Mr. Luckman holds an honorary Doctor of Fine Arts degree from the California College of Arts and Crafts and an honorary Doctor of Laws degree from the University of Miami. At the commencement exercises in June, 1970, the President of the University of Illinois presented Mr. Luckman with the Alumni Association's "Distinguished Achievement Award".

Mr. Luckman was named "Man of the Year" in 1974 by the Los Angeles Area Chamber of Commerce Construction Industries Committee. He was honored for his distinguished contributions to the entire construction industry and for his lifetime commitment to the community.

In 1945, the United States Junior Chamber of Commerce designated Mr. Luckman as one of the ten "outstanding young men" in the nation. In 1947, Forbes Magazine named him one of the fifty foremost industrialists in the country.

He has also received the Horatio Alger Award of the American Schools and Colleges Association; the "Outstanding Management Executive" Award of the New York Management Club; the First Annual Professional and Civic Award of the Building Contractors Association of California, Los Angeles Chapter; the First Annual Public Service Award of the Consulting Engineers Association of California; the "Make America Beautiful Award" of the National Association of Realty Boards; and the Gold Plate Award from the American Academy of Achievement.

He is one of the few architects ever recognized by Honor resolutions of the California State Assembly, the Los Angeles County Board of Supervisors and the City of Los Angeles.

In 1964, 1967, 1968, and again in 1973, Mr. Luckman received the Freedom Foundation's coveted George Washington Honor Medal for "an outstanding public address", making him the only four-time gold medal winner in their history.

Foreign Awards

Of special significance, Mr. Luckman was one of the youngest recipients of the Cross of Chevalier, the French National Legion of Honor; England's Order of St. John; and the Star of Solidarity, the highest award bestowed by the Italian Republic on an American.

Office of the
Deputy Assistant Attorney General

Washington, D.C. 20530

FEB 17 1984

MEMORANDUM FOR RICHARD HAUSER
DEPUTY COUNSEL TO THE PRESIDENT

Re: President's Council on Physical
Fitness and Sports

This memorandum responds to the oral request from David Waller, Senior Associate Counsel to the President, for our views regarding a proposed joint project which would be undertaken by the President's Council on Physical Fitness and Sports (the Council) in cooperation with the National Fitness Foundation (the Foundation), a non-profit corporation established to promote physical fitness programs in the United States. Mr. Waller has expressed concern over the propriety of the Council's undertaking such a joint project, in part because three of the seven directors of the Foundation also serve as members of the Council, including the Chairman of the Foundation, Mr. George Allen, who also serves as Chairman of the Council.

As set forth in detail below, we believe the Council should not undertake the proposed joint project. First, we question whether the Council has the authority, pursuant to the Executive order under which it was established, to undertake operational responsibilities, such as entering into joint projects with private entities. Moreover, participation by the Council members who serve on the Foundation in any official matter related to such projects could violate the conflict of interest laws. See 18 U.S.C. §§ 205 & 208. Finally, the circumstances surrounding the establishment of the Foundation and its overlap in Board membership with the Council, combined with its participation in joint activities with the Council, could well make it appear that it was established to act as an agency of the United States government, as prohibited by 31 U.S.C. § 9102. As a prudential

matter, we also recommend that you seriously consider eliminating all overlap between the membership of the Council and Foundation, even if no joint projects are undertaken. 1/

I. Background

The Council traces its origin back to 1956, when President Eisenhower established its predecessor, the President's Citizens Advisory Committee on the Fitness of American Youth. See Executive Order No. 10673 (July 16, 1956), 3 C.F.R. 1954-1958 Comp. p. 326. This citizens advisory committee was charged with "consider[ing] and evaluat[ing]" public and private efforts "to achieve[] a happier, healthier, and more completely fit American Youth." The citizens committee submitted its advice to a separate committee, entitled the President's Council on Youth Fitness, which was chaired by the Vice President and comprised of cabinet officers. This latter committee was entrusted with operational responsibilities relating to youth fitness, in particular, with promoting "the efficacy of existing programs and the launching of additional programs which will enhance the fitness of American youth." Executive Order No. 10673, § 2, 3 C.F.R., 1954-1958 Comp. p. 327.

During most of the period between 1956 and 1970, successive Presidential Executive orders continued these two committees, although minor changes were made in the committees' membership, titles, and the scope of particular responsibilities. 2/ In 1970, however, the operational committee, then titled the President's Council on Physical Fitness and Sports, was abolished, and its responsibilities for developing and coordinating a national program for physical fitness and sport were transferred to the Secretary of Health, Education and Welfare (HEW). See Executive Order No. 11562 (Sept. 25, 1970), 3 C.F.R. 172 (1971). The citizens advisory committee, then titled the Citizens Advisory Committee on Physical Fitness and Sports, was continued as an advisory committee to the President and the Secretary of HEW, and renamed the President's Council on Physical Fitness and Sports.

1/ We express no opinion as to whether initiation of such projects or the overlap in Boards would violate the Standards of Conduct for the Department of Health and Human Services, or whether such programs fall within the statutory mandate of that Department. That question should be addressed in the first instance by the HHS General Counsel's office.

2/ The citizens committee was temporarily dropped between 1962 and 1968.

This division of responsibility has generally been continued in the most recent order signed by President Reagan, Executive Order No. 12345 (Feb. 2, 1982), 3 C.F.R. 130 (1983). 3/ Under this order, the Secretary of Health and Human Services (HHS) (the successor to the Secretary of HEW) is directed to "develop and coordinate a national program for physical fitness and sports." 4/ The Council, comprised of 15 members appointed by

3/ A subsequent order, Executive Order No. 12399 (Dec. 31, 1982), 3 C.F.R. 236 (1983), extended the termination date of the Council until September 30, 1984.

4/ In particular, the Secretary is to:

(a) Enlist the active support and assistance of individual citizens, civic groups, private enterprise, voluntary organizations, and others in efforts to promote and improve the fitness of all Americans through regular participation in physical fitness and sports activities.

(b) Initiate programs to inform the general public of the importance of exercise and the link which exists between regular physical activity and such qualities as good health and effective performance.

(c) Strengthen coordination of Federal services and programs relating to physical fitness and sports participation and invite appropriate Federal agencies to participate in an interagency committee to coordinate physical fitness and sports activities of the Federal establishment.

(d) Encourage State and local governments to emphasize the importance of regular physical fitness and sports participation.

(e) Seek to advance the physical fitness of children, youth, adults, and senior citizens by systematically encouraging the development of community recreation, physical fitness, and sports participation programs.

(f) Develop cooperative programs with medical, dental, and other similar professional societies to encourage the implementation of sound physical fitness practices and sports medicine services.

(g) Stimulate and encourage research in the areas of sports medicine, physical fitness, and sports performance.

(continued)

the President, is to "advise the President and the Secretary concerning progress made in carrying out" these responsibilities, and to advise the Secretary on ways of "enhancing opportunities for participation in physical fitness and sports activities" and on "State, local, and private actions to extend and improve physical activity programs and services." Executive Order No. 12345, § 3.

According to documents supplied to this Office by Mr. Waller, including a letter from Mr. C. Carson Conrad, Executive Director of the Council, the Council is currently considering entering into a joint project with the Foundation, which, as we noted above, is a non-profit corporation chaired by Mr. Allen. The purposes of the Foundation, as set forth in its Articles of Incorporation, are substantially similar to those vested by Executive Order No. 12345 in the Secretary of HHS: namely, to support the development and implementation of public and private programs encouraging physical fitness and sports participation by the American people. 5/ In fulfilling its responsibilities, the Foundation has "established" a National Physical Fitness Testing Week (May 6-12, 1984), and has authorized "Living Well," apparently a separate corporation,

4/ (continued)

(h) Assist educational agencies at all levels in developing high quality, innovative health and physical education programs which emphasize the importance of exercise to good health.

(i) Assist recreation agencies and national sports governing bodies at all levels in developing "sports for all" programs which emphasize the value of sports to physical, mental, and emotional fitness.

(j) Assist business, industry, government, and labor organizations in establishing sound physical fitness programs to elevate employee fitness and to reduce the financial and human costs resulting from physical inactivity.

5/ In particular, the Foundation is:

To provide and support educational programs and services for educators, business, government and the general public encouraging physical fitness and sports participation by the American people.

To support the development and implementation of programs by encouraging physical fitness and sports participation by the American people.

(continued)

to administer a \$2.00 per person physical fitness test to the public during this week, the proceeds from which will go to the Foundation. The Foundation has sought the Council's assistance in this project as a "cooperating agency." Although the details of the Council's proposed participation have not been made clear, the Council staff apparently would be involved in "supervis[ing]" the joint effort, including perhaps providing some funding and staff assistance and allowing use of the Council's logo. The terms of the joint project would be outlined in a letter of agreement signed by the Chairman of the Council and the Executive Director of the Foundation.

II. Authority of the Council to Undertake Joint Projects with the Foundation

In considering the legality of this proposed agreement, the most immediate problem, in our view, is that it appears to exceed the scope of the Council's authority under Executive Order No. 12345. Under this Executive order, as well as under the earlier Executive orders regulating the citizens advisory committee, the Council is directed only to provide advice, not to organize or actively participate in any public or private sector physical fitness projects. Such operational responsibilities are vested in the Secretary of HHS, not in the Council. Indeed, under the Federal Advisory Committee Act, 5 U.S.C. App. § 9(b), an advisory committee may undertake operational responsibilities only when specifically directed by the President. 6/ The absence of any specific provision in Executive Order No. 12345 granting this power to the Council indicates that the initiation of joint operational projects by the Council and Foundation could violate not only the Executive order but also the Federal Advisory Committee Act.

5/ (continued)

To support and assist non-profit tax exempt organizations, government agencies and public bodies which promote or encourage physical fitness and sports participation by the American people.

To develop and release publications primarily to the attainment of the purposes of the Foundation.

To provide funding sufficient to implement these purposes.

6/ Given the limitation under § 9(b), we do not think that operational responsibilities vested in the Secretary could be delegated to the Council without amending the Executive order.

In addition to exceeding the limitations imposed in Executive Order No. 12345, which could probably be amended to authorize such operational efforts, 7/ participation of the Council in joint projects could make it appear that the Foundation was created in violation of 31 U.S.C. § 9102, which restricts the government's involvement in establishing corporations. Under this provision, Federal agencies are prohibited from establishing or acquiring corporations to act as agencies without specific Congressional authorization. The purpose of this provision, which is part of a 1945 act imposing various financial restrictions on government corporations, See 31 U.S.C. §§ 9101-9109, is to preclude "any corporation from being created, organized, or acquired . . . by the Federal Government for the purpose of acting as an agency or instrumentality of the United States, except by an act of Congress . . . specifically authorizing such action." H.R. Rep. No. 856, 79th Cong., 1st Sess. 17 (1945).

Although this Office has not had occasion to interpret § 9102 often, we think a court interpreting that provision would probably examine a variety of factors in determining whether a government entity has "established or acquired" a private corporation to act as an agency within the meaning of this section. The first consideration which the court would probably review is the circumstances under which the corporation was created. If officials of the Federal government were actively involved in creating the corporation, this could suggest that the corporation was being established to act as an instrumentality of the government. A second factor which would bear on this determination is the degree of control exercised by the government over the corporation. If officials of the government served on the board of the corporation, and controlled its operations, such control would increase the possibility that the corporation could be utilized as an instrumentality of the Federal government. If, on the other hand, the membership of the private corporation were made up

7/ In order for the Executive order to be amended to authorize such operational activities by the Council, the Department of HHS would need to have statutory authority to hire volunteers -- i.e. members of the Council from private life -- to participate in such operational activities. In addition, you should be aware that 31 U.S.C. § 1347 would limit the continued existence of any operational committee, or the operational components of an otherwise advisory committee, to one year, unless it obtained a specific Congressional appropriation or authorization. Accordingly, if the Council were unable to obtain such support, its operational activities would have to terminate after one year. See generally Memorandum for Jonathan Sloat, General Counsel and Congressional Liason, United States Information Agency, from Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel, dated Sept. 16, 1982.

exclusively of private persons, it would be more difficult to view it as an instrumentality of the government. A third factor which would probably bear on any such determination would be the nature of activities undertaken by the corporation. A corporation which was actively involved in joint projects with the government, supplementing the activities of the government, would be more likely to be viewed as an instrumentality of the government than a corporation involved in totally independent efforts unrelated to traditional government functions.

In suggesting these criteria, we do not mean to imply that any single factor or combination of factors would necessarily be dispositive in a particular situation. The fact that advisory committee members from private life are necessarily and appropriately involved in private activities precludes the application of any bright line standards for determining when their activities are limited by § 9102. Obviously, many members of Federal advisory committees have been directors of private corporations before their appointment to committees, or have helped establish private corporations after their appointment, and there is generally no concern that such corporations are acting as agencies of the United States. Whether any particular activity transgresses the limitation in § 9102 must be determined on the facts of each case.

Without reaching any conclusion regarding the establishment and operation of the Foundation, we believe serious questions could be raised under § 9102 if the Council and Foundation undertook joint projects. The powers and purposes of the Foundation closely parallel those of the Council. In addition, at least one member of the Council was actively involved in the creation of the Foundation, and currently three out of seven members of the Foundation serve on the Council. If the Foundation were also to undertake joint projects with the Council, it could well be viewed as a corporation established by officials of an agency of the United States to further the activities of that agency.

This conclusion raises a related concern: does the continued membership on the Foundation of the Chairman and the two other Council members raise a problem under § 9102, even if the Foundation does not undertake any joint projects with the Council? Based on what we understand to be the circumstances under which the Foundation was created, and the substantial influence of the several members of the Council serving on the Foundation's Board

over its operations, we recommend, as a prudential matter, that you seriously consider eliminating all overlap in membership between the two entities. ^{8/} This would mitigate any appearance that the Foundation is impermissibly supplementing the efforts of the Council. Without further detail regarding all the circumstances surrounding the creation of the Foundation and the planned activities of the Council and the Foundation, however, we hesitate to say whether this action is required by § 9102.

III. Conflicts of Interest

The service of the three Council members on the Board of the Foundation raises a related problem under the conflict of interest laws, to which the members are subject as Federal employees. ^{9/} Although we defer to the General Counsel's office of HHS regarding any restrictions imposed by that Department's standards of conduct upon the Council members, participation of Council members in any joint projects would violate 18 U.S.C. § 208. This section, among other things, prohibits an employee, including a special government employee, from taking official action on any particular matter in which an organization for which he serves as a trustee has a financial interest. The statute applies even if the financial interest of the organization is not competing with or adverse to any interest of the government. See Memorandum for Fred Fielding, Counsel to the President, from Assistant Attorney General Olson, Office of Legal Counsel, dated May 5, 1983, at p. 3. In light of this limitation, participation of Council members serving on the Foundation in any joint fundraising project or decision involving

^{8/} When the Foundation was created, we orally advised your Office, and Mr. Waller orally advised Mr. Allen, that the activities and membership of the Council and the new Foundation should be kept completely separate. We were particularly concerned that he not be placed in a position of appearing to use his position as Chairman of the Council to further any interests of the private Foundation.

^{9/} In light of their limited service, it is likely that most, if not all, of the Council members from private life are "special government employees" as that term is defined in 18 U.S.C. § 202. As such, they are subject to a more limited application of some of the conflict of interest laws. See Federal Personnel Manual, Appendix C.

such a joint project would not be permitted under § 208, since the Foundation has a financial interest in such matters. 10/

The fact that the three Council members on the Board could not involve themselves in any matter in which the Foundation has a financial interest does not mean that their continued service on both boards would violate § 208. Certainly, if the Council members recused themselves from all such matters, they would not fall within the letter of § 208. There is a point, however, where the activities of the Foundation and the Council become so intertwined, and the influence of Mr. Allen, as Chairman of both entities, and other overlapping Board members, so significant, that the best course would be to terminate all overlap. Whether that point has been reached in this case can only be determined on the basis of a complete examination of all of the proposed activities of the two entities. 11/

10/ The restriction on an individual employee's activities under § 208 may be waived if "the official responsible for appointment to [the employee's] position" determines in writing that the interest of the employee "is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect" from the employee. 18 U.S.C. § 208(b). In this case, the individual responsible for the appointment of Council members is the President, who has delegated his authority to grant a waiver under § 208 to the Counsel to the President. See 3 C.F.R. § 100.735-32. Thus, the President or the Counsel to the President could waive this prohibition if they reasonably determined, under the facts of this case, that the Council members serving on the Foundation fell within the coverage of § 208(b). Without complete information concerning the full scope of the overlap in responsibilities between the Council and Foundation, however, we are unable to say whether, or in what circumstances, such a determination could reasonably be made in this case.

11/ The Council members who serve on the Foundation should also be aware that 18 U.S.C. § 205 imposes a reciprocal limitation on their participation on behalf of the Foundation. Under this provision, a government employee is generally prohibited from acting as an agent before any government agency with respect to any proceeding, application, request for a ruling or other determination, contract, claim or any other matter in which the United States is a party or has a financial interest. Members of the Council who are special government employees are subject to this restriction only (1) with respect to any matter in which they have at any time participated personally and substantially as a government employee and (2) if they have served on the Council for more than 60 of the last 365 days, with respect to any matter which is pending in the department or agency in which they are serving.

IV. Conclusion

As set forth more fully above, we believe there are serious legal problems with the Council participating in or sponsoring a physical fitness project with the Foundation. As a preliminary matter, the Executive order establishing the Council does not appear to authorize it to undertake such operational activities, although the order could probably be amended to avoid this difficulty. More importantly, however, the coordination of the Council's activities with those of the Foundation could make the latter appear to be acting as an agency of the United States, especially given the circumstances under which it was created and the overlap in its membership with that of the Council. A further complicating factor raised by such projects is the conflict of interests that would arise under 18 U.S.C. §§ 205 and 208 for Council members serving on the Foundation. Although such a conflict technically could be avoided if these members recused themselves in all cases of overlapping obligations, the breadth of the overlap could be such that an appearance of impropriety would remain. Accordingly, we conclude that the Council should avoid entering into any agreements with the Foundation to undertake joint physical fitness programs, at least so long as the overlap in membership continues.

Robert B. Shanks
Deputy Assistant Attorney General
Office of Legal Counsel

cc: David B. Waller
Senior Associate Counsel
to the President



THE SOUTHLAND
OLYMPIC NEWS BUREAU

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New York, New York 10017
800-221-1984
In New York State Call: 212-883-9542

April 6, 1984

Mr. Michael McManus
Assistant to the President
THE WHITE HOUSE
Washington, D.C.

Dear Mike:

Re: Tribute for the U.S. Olympic
Medal Winners - 1984

For your convenient reference, attached is a copy of Don Smith's letter following our discussion in your office last August. (

We are now finalizing all details for each city during the week's tribute. We are wondering if it is possible for you to tell us something about President Reagan's plans - whether he will be on the West Coast during the week of August 12th or, does he plan to be at the White House on the 14th?

As you know, we are flexible and can arrange his greeting in either location. However, if it is on the West Coast, we still plan to make our first stop in Washington...arriving on the night of August 13 with the official greetings taking place on August 14. I am sure you understand that we cannot plan anything for the day in Washington until we know whether or not Mr. Reagan will be there.

Believe me, it is not our intention to pressure you at this time; however, it would be most helpful for us to know where and how to arrange the President's greeting our medalists.

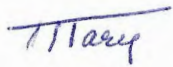
Should it be on the West Coast, we tentatively plan (with your approval) a kick-off breakfast on Monday, August 13, at a convenient location for the President, concluding at an hour which would insure our arrival in Washington prior to 9:00 p.m. that evening.

2-2-2
April 6, 1984

If, on the other hand, he plans to be in Washington, we can easily plan the greeting for the morning of Tuesday, August 14, with the remainder of the day for other activities until we leave for New York at 5:00 p.m.

Any information you can give us at this time would be most appreciated.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Mary Baker", enclosed within a light blue rectangular box.

Mary Baker

CC: Don Smith
Dr. Ashton Hayes
President's Committee on Physical Fitness



THE SOUTHLAND
OLYMPIC NEWS BUREAU

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New York, New York 10017
800-221-1984
In New York State Call: 212-883-9542

August 19, 1983

Mr. Michael McManus
Assistant to the President
THE WHITE HOUSE
Washington, DC

Dear Mike:

It was a pleasure to meet you at the White House this week and I am, of course, grateful for the time you took to discuss with Mary Baker and myself the participation of President Reagan in the national tribute to our U.S. medal winners immediately following the 1984 Games in Los Angeles.

All of us involved in the project strongly believe it will be a precedent-setting event, a milestone in U.S. Olympic history, and we are pleased that the President and the Administration are lending us their support.

As I mentioned to you, President Reagan comes first. It is proper and logical that he should be the first person to greet the U.S. champions. Whether this can be done in Washington or on the West Coast is something you will have to determine. No matter, we are setting aside Monday, August 13th, and Tuesday, August 14th, as the days on which the group can be made available to Mr. Reagan. If he meets with them in, say, Los Angeles on Monday, we would still like to plan on something at the White House the following day.

In the meantime, we are pushing ahead. Our other dates are all in place: Wednesday, August 15th, in New York City; Thursday, August 16th, in Orlando, Fla.; Friday, August 17th, in San Francisco, and Saturday, August 18th, in Dallas, Tex.

Mary Baker will be making final arrangements for hotels, banquets, civic receptions, transportation etc. But, again, the first two days are being set aside for President Reagan, either on the West Coast or in the Capital.

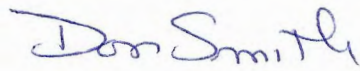
Mr. Michael McManus
2-2-2
August 19, 1983

I trust you will keep us advised, as well as Casey Conrad and Ash Hayes at the President's Council on Physical Fitness and Sports, as to any arrangements you and your staff are able to make in the months ahead. I realize we can't carve anything in stone at this point, Mike, but I am sure you understand that we are anxious to know your plans as soon as possible.

Again, it was nice meeting you. I look forward to working with you on the national tribute tour.

With best wishes.

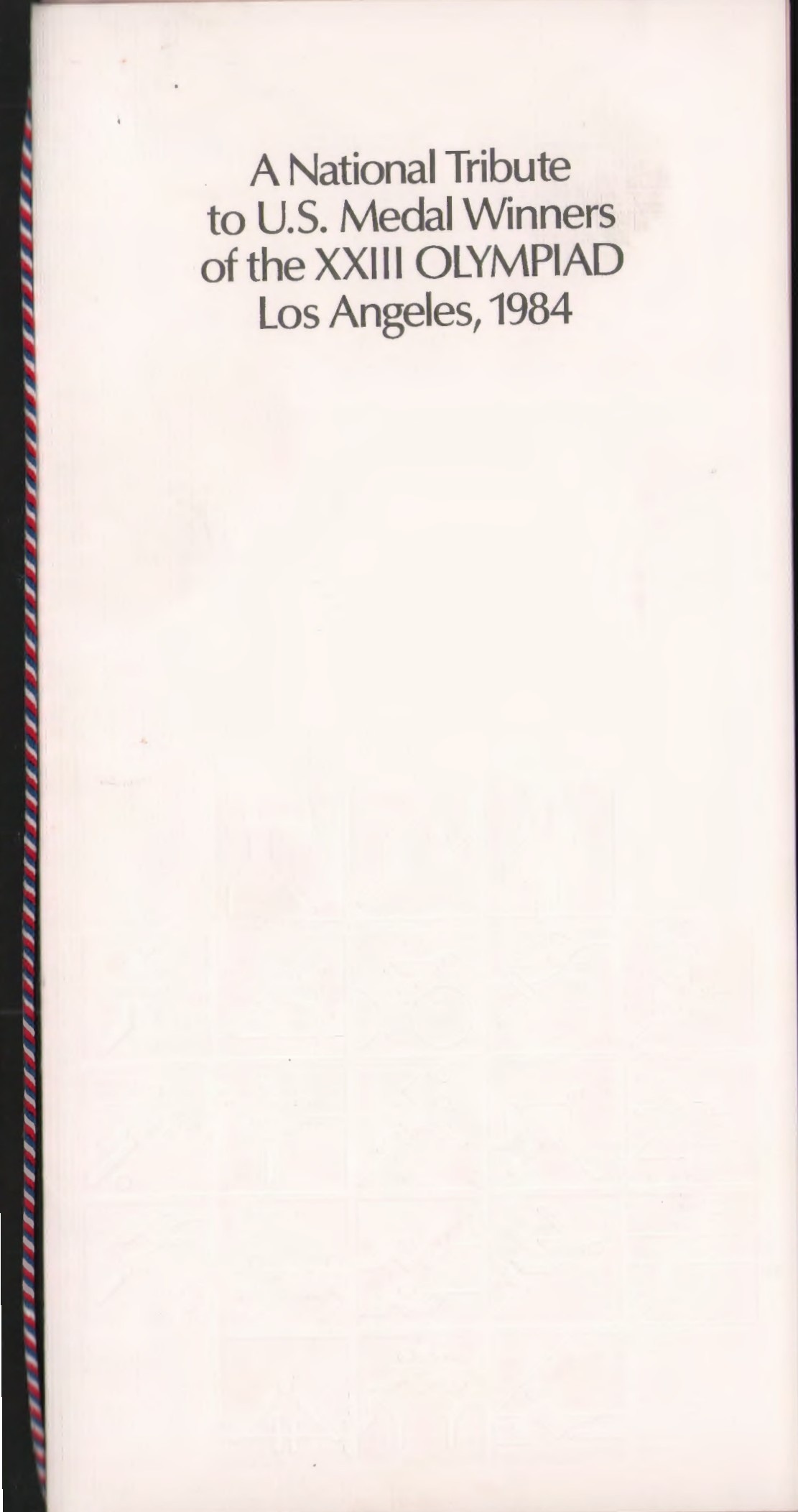
Sincerely,

A handwritten signature in blue ink that reads "Don Smith". The signature is written in a cursive, slightly slanted style.

Don Smith

cc: Mrs. Mary Baker
Mr. Casey Conrad
Dr. Ash Hayes
Mr. Bill Scott

A National Tribute
to U.S. Medal Winners
of the XXIII OLYMPIAD
Los Angeles, 1984



A National Tribute

Unprecedented in Olympic History



WHAT: A nationwide tribute to all United States medal winners in the 1984 Olympic Games.

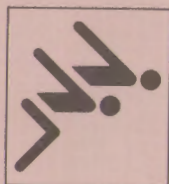
WHEN: August 13th through August 19th, 1984.

WHY: A chance for America to honor its U.S. Olympic heroes, starting with the President of the United States at the White House.

WHERE: In five cities from coast to coast—Washington, D.C....New York City...Orlando, Fla. (Disney World)...San Francisco...and Dallas.

HOW: By special charter airplanes departing from Los Angeles the morning after the closing ceremonies.

The Premise



Traditionally, recognition of America's Olympic medal winners—and, indeed, all Olympic athletes—has been confined to post-Games television network interviews, the print media, and hometown parades.

Now, for the first time, The Southland Corporation is proposing a national "Salute to Achievement" for all U.S. medal winners—Gold, Silver, Bronze—a coast-to-coast tribute to the men and women whose performances in Sarajevo and Los Angeles in 1984 will earn them a place in Olympic history.

Salute to Achievement



As part of its role as a major corporate sponsor of the Olympics, Southland plans to take all Olympic medalists to the American public... in Washington, D.C., Orlando / Disney World, New York City, San Francisco and Dallas... following the close of the 1984 Games in Los Angeles.

Recognizing that each of the medal winners will want to share his or her hour of glory with a spouse, parent or special friend, Southland will also extend an invitation to one guest of each of the medal winners.

The Olympic flame will be extinguished on the evening of August 12, 1984, in the Los Angeles

Coliseum, bringing the Games to a ceremonial conclusion. The "Salute to Achievement" will keep the Olympic spirit burning brightly for an additional week, beginning with a personal greeting at the White House by the President and a welcome by both houses of Congress in joint session. Succeeding days will bring exciting city-wide welcomes, a day of fun at Orlando's Walt Disney World, and a Texas-style grand finale in Dallas.

The entire week will be a gala celebration of festivity, rejoicing, fun and entertainment—celebrity luncheons, state banquets, and national media receptions. An opportunity for all America to reach out to its Olympic medal winners in person.

A truly national tribute, richly deserved.

Participants



HONORED GUESTS
U.S. medal winners and their guests

INVITATIONAL
Executives of the U.S. Olympic Committee

Special Guests

Selected Press



Schedule

Monday, August 13
Los Angeles

"Send-off" breakfast
with Olympic officials

Tuesday, August 14
Washington, D.C.

White House Reception
Capitol-Joint Session of
Congress

Wednesday, August 15
New York City

The Mayor of each of
these cities is planning
his own distinctive
welcome, presenting the
city's characteristic way
of honoring public
heroes.

Thursday, August 16
Orlando/Walt Disney
World

Friday, August 17
San Francisco

Official receptions

Saturday, August 18
Dallas

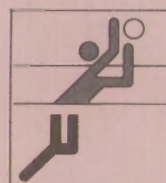
Caravan parades

Sunday, August 19
Departures to
individual destinations

Banquets

Special Entertainment

Transportation between the cities will be on
United Airlines Chartered Jets—(late afternoon
departures)—to arrive at destinations in early
evening for an informal dinner with entertain-
ment, merriment and fun.



Why a National Tribute?

- To honor—the American Way—all of our U.S. medal winners
- To build on the pulse of national pride generated during the Olympic Games
- To present our medal winners as role models for aspiring young athletes
- To give all Americans the opportunity to express their affection for our medal winners in their hour of glory
- To recognize a new measure of achievement for the U.S. Olympic Committee and U.S. amateur federations
- To involve local communities and their citizens directly with the Olympic Games
- To launch an awareness campaign for the 1988 Olympic Games

An Invitation



Kindly accept this brochure as an invitation to all our amateur athletes who win gold, silver or bronze medals at the 1984 Summer and Winter Olympic Games to participate in an event unprecedented in Olympic history.

We hope you will join us, along with one guest of your choice—a spouse, parent or special friend.

As a major sponsor of the Olympics, we are proud of our country's amateur athletes. The 1984 Games afford us the opportunity to join millions of others from coast to coast in this national tribute to those of you who capture an Olympic medal after years of arduous training.

We want to personally thank the officials of the United States Olympic Committee for their endorsement and assistance in planning this tribute. Also, our appreciation is extended to the President and members of Congress together with the mayors and their staffs who have enthusiastically consented to help make this the most memorable week in Olympic history.

May I extend to each of you my best wishes for your personal achievement during both the winter and summer Olympic Games.

Sincerely,

John P. Thompson
Chairman

THE SOUTHLAND CORPORATION



Please indicate your intention to participate by filling out the form on this brochure. This information is needed NOW to help us in planning accommodations, transportation and each program in the individual cities.

Please fill out and return

If I am fortunate enough to win a medal during the 1984 Los Angeles Olympic Games, I am:

☐ Interested in the Southland tribute

☐ Not interested

☐ I wish to take a guest on the tour

☐ I will not be taking a guest

Name _____

Address _____

City, State _____

Home Phone _____

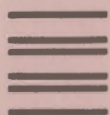
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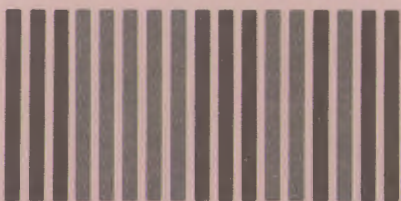
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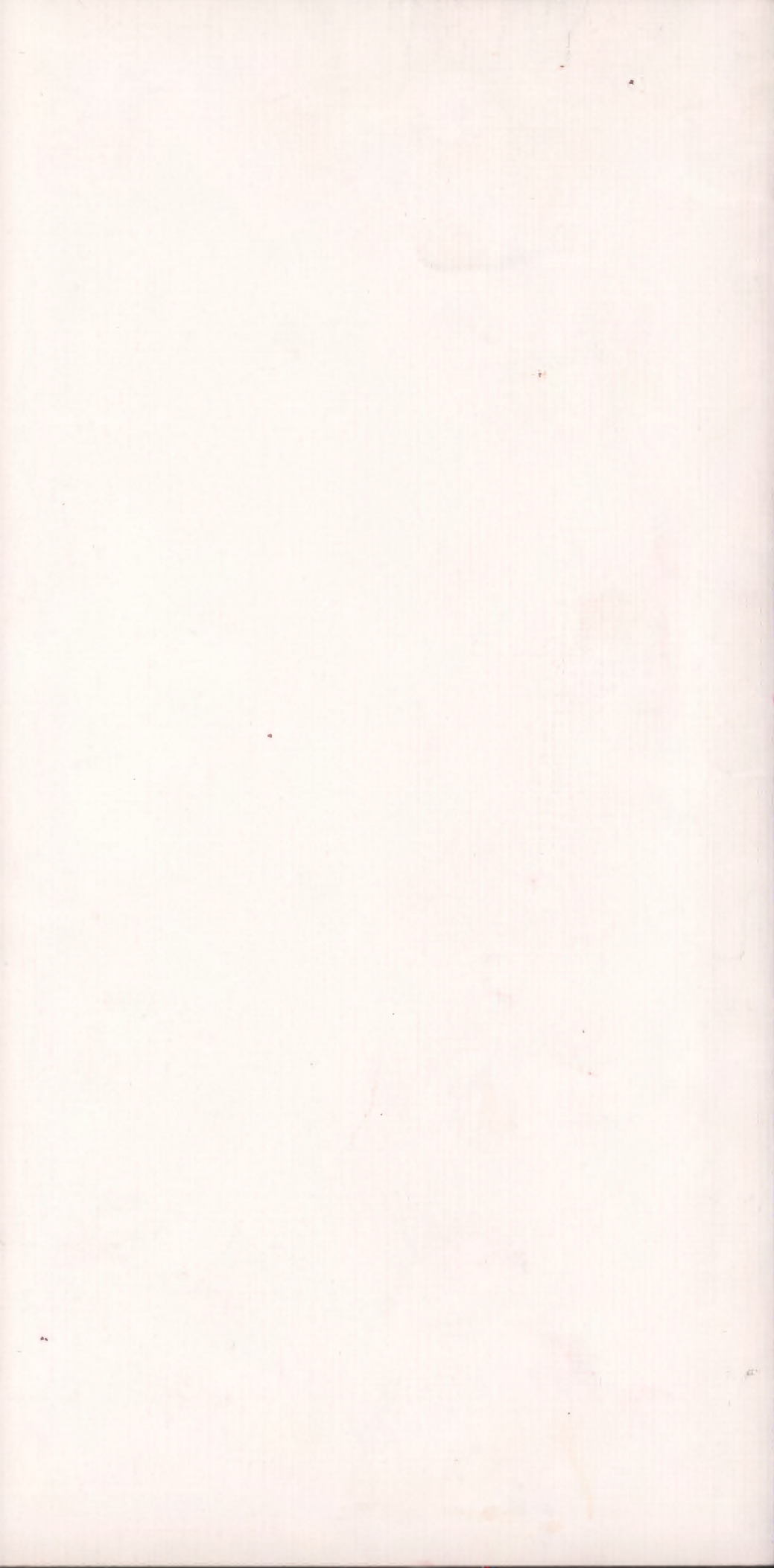
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THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS
AND SPORTS



From the desk of . . .
Executive Director
(202) 272-3421

October 3, 1984

Dear Mike:

Coach Allen wanted me to forward
this updated biography on Charles
Luckman to you.

Best regards,

Ash
Ash Hayes

CHARLES LUCKMAN, FAIA

**Founding Partner
The Luckman Partnership, inc.**

Charles Luckman has earned international recognition in two careers. First, as the "Boy Wonder" of American business who became president of Lever Brothers, the giant soap company, at age 37, and later as the architect of such landmarks as Madison Square Garden, Los Angeles International Airport, Cape Canaveral Missile Test Center, and Prudential Center in Boston. A dedicated public servant, he is a prominent civic leader, author, lecturer, architect and businessman.

Youth

Charles Luckman was born in Kansas City, Missouri, on May 16, 1909. He was graduated with highest honors from Northeast High School, selected as "the State's outstanding high school graduate," and awarded a four-year scholarship to the University of Missouri. He declined the scholarship because the University did not have a School of Architecture.

He was graduated magna cum laude in 1931 from the School of Architecture at the University of Illinois. He was the only architectural student in his class elected to Tau Beta Pi, the nation's highest honorary engineering fraternity. Immediately following graduation, he passed the State examination and received his license to practice architecture.

Business Career

Because of the depression, in 1931 Mr. Luckman took a "temporary" job with a large soap company, which turned out to be an 18-year detour from architecture and the beginning of a meteoric career in business.

He rose rapidly from a store-to-store salesman to become president of Pepsodent Company at age 33 and president of all American companies of Lever Brothers at age 37. Under his leadership, sales and profits of both companies reached record high levels and employees enjoyed a progressive labor relations program which provided the highest wages in the industry and a healthy employee benefit package.

In 1950, Mr. Luckman, whose guiding hand was responsible for the design of the revolutionary Lever House in New York, decided to return to architecture. He left Lever Brothers to form his architectural partnership in Los Angeles.

In the ensuing years, The Luckman Partnership, inc. became one of the largest and most distinguished planning and architecture firms in the United States. In 1977, The Luckman Partnership became the first major architectural firm in the country to be entirely employee owned. The firm has completed more than \$5 billion in successful projects.

Mr. Luckman serves on the Board of Directors of Tiger International and is Chairman of the Nominating Committee.

Architectural Career

Mr. Luckman began his active architectural practice in Los Angeles in 1950. Through the years, The Luckman Partnership has received more than 92 major design awards. As a result of Mr. Luckman's philosophy that "creativity and effective management are coequal to the development of a successful project," 94 percent of all projects have been completed within budget.

Mr. Luckman's firm is internationally known for its creative ideas. Examples include: design of the first cable suspended roof for a convention center (Madison Square Garden); design and development of the first stadium with stands that move on air to provide excellent sight lines for both football and baseball (Aloha Stadium); development of "interstitial space" concept in hospital design (Veterans Administration Hospitals); design and development of the largest solar collector at the time for the National Security and Resources Study Center in Los Alamos; master plan for the first space launching center (Cape Kennedy) before any nation had fully developed space vehicles.

Among the firm's hundreds of projects designed with creative ideas are Johnson Space Center (NASA), Houston; The Forum, Inglewood, California; Xerox Corporation Headquarters, Connecticut; First Interstate Bank Corporate Headquarters, Los Angeles; Broadway Plaza, Los Angeles; Phoenix Civic Center; Warner Brothers Office Building, Burbank, California; and CBS Television City, Los Angeles.

In 1963, Mr. Luckman was elected to the College of Fellows of the American Institute of Architects. His other architectural honors include Distinguished Service Citations from the California Council of the American Institute of Architects, the City and County of Los Angeles, the State of California and the General Service Administration in Washington, D.C.

Educational Activities

Mr. Luckman is the only Trustee to have served for 22 years on the Board of the California State University System, the largest college system in the Western world. He was appointed to the Board, successively, by three Governors: Edmund G. "Pat" Brown, Ronald Reagan and Jerry Brown. He served two terms as Chairman.

He also served on the Educational Commission of the Fifty States and has served on the Boards of Northwestern University, California Institute of Technology, Pepperdine College and Loyola University.

He is a popular author and lecturer on the problems, progress and potential of higher education.

He holds an honorary Doctor of Laws degree from the University of Miami and an honorary Doctor of Fine Arts degree from the California College of Arts and Crafts.

Community Career

Throughout his life, Mr. Luckman has unselfishly contributed his time, talents and resources to worthy community activities. He has served on the Board of Directors of more than 60 civic organizations, including the Board of Councillors of the Brain Research Institute of UCLA, which he serves as Chairman, the Governor's Commission on Metropolitan Area Problems, the California Round Table, and four years as president of the Los Angeles Ballet.

At the national level, he has served as an advisor to several United States Presidents. He was Special Advisor to the U.S. Delegation to the United Nations in Geneva, Chairman of the World Food Commission, a member of the Pennsylvania Avenue Commission, and he also served on numerous other Presidential commissions and committees.

Distinguished Awards

Mr. Luckman has received nearly 50 major awards, including seven for his leadership in business management, 17 for his contributions as an architect, and 23 for his dedicated public service. Among these are three foreign awards: France's Cross of Chevalier, England's Order of St. John, and Italy's Star of Solidarity.

He received the prestigious 1981 Henry Laurence Gantt Medal from the American Management Associations and the American Society of Mechanical Engineers for "distinguished achievement of management as a service to the community." He is the first architect ever to receive this award, the highest honor bestowed by the American Management Associations.

In 1974, he was named "Man of the Year" by the Los Angeles Chamber of Commerce "for his distinguished contributions to the entire construction industry and for his lifetime commitment to the community." In 1970, the University of Illinois honored him with the Illini Achievement Award, the highest honor given to an alumnus.

He was named by Forbes Magazine as one of the fifty foremost industrialists in the country and by the United States Chamber of Commerce as one of the ten outstanding young men in the nation. His long list of honors includes the Horatio Alger Award of the American Schools and Colleges Association, the Outstanding Management Executive Award of the New York Management Club, and the Gold Plate Award from the American Academy of Achievement. He is the only four-time gold medal winner of the Freedom Foundation's coveted George Washington Honor Medal.

Personal

Mr. Luckman and his wife, Harriet, reside in Los Angeles. They have three sons, Charles, Jr., James, and Stephen, all residents of California. James is managing partner of The Luckman Partnership, inc.



THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS
WASHINGTON, D.C. 20001

November 29, 1984

Dear Marge:

Alice Wheaton, one of our part-time staffers, has requested an autographed photo of President Reagan. I know you must be swamped with such requests, but I told her I would ask. If it is appropriate, she requested that the photo be addressed: Alice Wheaton, Coordinator of Federal Interagency Health/Fitness Council. Ms. Wheaton has done much of the work in getting this group started and promoting fitness programs within government agencies. She has devoted many hours of her own time to this cause.

Thanks, Marge. If there is any problem please let me know (272-3430). Your help is greatly appreciated, as always. I look forward to seeing you soon.

Sincerely,

Lisa

Lisa Kanner
Public Affairs Specialist

Marge Crawford
Asst. to Mike McManus
West Wing
White House
Washington, D.C. 20500

enclosure

*Sent 12/3 to hoesje Alwauls
picture sent back to Lisa 12/11*