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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
				7/06/1004	D.C.	715
1	MEMO	JOHN G. ROBERTS TO FRED F. FIELDING RE. ALLEGATIONS OF WASTE, FRAUD, AND ABUSES AT THE NAT. INST. OF EDUC. Felcased in Part 4/21/		7/26/1984	B6	
2	LETTER	STAFF AT NIE TO INSP. GENERAL'S HOT LINE RE. WASTE, FRAUD, AND ABUSES AT N.I.E.	4	ND	B6	716
3	МЕМО	JOHN G. ROBERTS TO FRED F. FIELDING RE. ALLEGATIONS OF WASTE, FRAUD, AND ABUSES AT N.I.E. Pelased in flu	1 4/2	7/30/1984 1 / 66	. B6	717
4	МЕМО	JOHN G. ROBERTS TO FRED F. FIELDING RE. ALLEGATIONS OF WASTE, FRAUD, AND ABUSES AT N.I.E. (ANNOTATED)		7/26/1984		718
5	LETTER	CHRISTOPHER JOSEPH CATANESE TO PRESIDENT REAGAN RE. SUMMER JOB 239808	1	, 6/24/1984		719

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]

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

E.O. 13233

WASHINGTON

July 26, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Allegations of Waste, Fraud, and Abuses at the National Institute of Education

You asked that I review the allegations of waste, fraud, and abuses at the National Institute of Education (NIE) that surfaced in the June 25, 1984 edition of the "Department of Education Weekly." The "Weekly" and other publications were sent an anonymous four-page memorandum from "staff at NIE that know and posses [sic] integrity," detailing abuses of office by nine named NIE officials, including the Director, Manuel Justiz, and most of his staff. The memorandum also named seven NIE employees who could substantiate the charges, if given adequate "protection." The memorandum was originally sent to the Education Inspector General.

The memorandum contains a potpourri of allegations, such as:



I telephoned Education General Counsel Maureen Corcoran to discuss the allegations. She referred me to

BL

31

On the issue of travel bonus points, is revising Education's guidance to make it clear that such points may not be used for personal travel, even if the points are not transferrable and of no value to the Government.

I do not think any action by our office is necessary at this time. Allegations have been raised and are being investigated in the appropriate manner. The Department ethics officer has reviewed the charges with the head of the office and is satisfied that there are no continuing violations.

pt

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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THE WHITE HOUSE WASHINGTON

Fred--

Attached is material which Was sent to ppo. Thought was sent to PPO. Thought the attention of your office.

Becky Norton Dunlop

of Education Weslaw)

Volume 5 Number 29

June 25, 1984

WASHINGTON FOCUS: Members of Congress proved once again last week that they are loathe to give up even one iota of influence when it comes to determining which of their constituents may become the beneficiaries of federal largesse. At the risk of politicizing a new program designed to award fellowships to talented classroom teachers (see story, p. 4), members of the House Committee on Education and Labor rejected an amendment from Rep. Steve Bartlett (R-Tex.) that would have barred members of the House and Senate from participating in the selection process for fellowship recipients. As currently formulated the bill provides that fellowships be awarded to two teachers in each Congressional district with selections to be made by a board chosen by the President, the Speaker of the House and the Majority Leader of the Senate. The debate arose when Bartlett charged that achieving equitable distribution of the awards could be insured through designating geographic areas other than Congressional districts. When the Committee proved unreceptive to his argument, he offered his amendment. Although voting against the measure, Rep. Paul Simon (D-Ill.) asserted that the legislation's aim was "clearly not to make the fellowship awards political." But Rep. Thomas Coleman (R-Mo.) warned that "by rejecting Bartlett's amendment, it makes things look worse." It was also pointed up that the bill provides that award ceremonies be held "in consultation with" the Congressman and Senator representing the district in which the fellows teach. Simon rejoined that this was to give "attention, honor and focus" to the program. So as it was finally reported out of the Committee, the bill left members of Congress with the potential to exert a good deal of influence in determining just who our most talented teachers are.

MAJOR STORIES IN THIS ISSUE

Democrats Will Give "Leadership" In	Reagan Administration Spotlights
Education, Platform Draft Says	1 Adult Literacy Initiative
A CONTRACTOR OF THE PROPERTY O	
Allegations of Waste, Fraud and	ED Official Rules Out "Massive" Aid
Abuses" Surface at ED's NIE	2 Program for Classroom Technology.

Mark Up of Talented Teacher Act
Sparks Lively Committee Debate 4

COMMENTARY: A Democratic Platform Even a Republican Could Love. . . 7

- 5

DEMOCRATIC PLATFORM DOCUMENT
PROMISES "A PARTNERSHIP FOR EXCELLENCE"

The Democratic Party appears to be more interested in attracting the traditionally Republican "farm vote" than in wooing its already heavily committed education constituency, if the first draft of the party platform produced by the Democratic Party Platform Committee provides any insight into the policy-makers' thinking.

Department of Education Weekly is published weekly (50 times a year). Copyright © 1984. Feistritzer Publications, 1901 Pennsylvania Avenue, N.W., Suite 707, Washington, D.C. 20006, (202) 463-8344. Publisher: C. Emily Feistritzer, Editor: Kathleen C. Price. Subscription Rate: \$224 for one year; \$398 for two years; \$74 a year for additional copies in the same envelope.

The 56-page platform draft released last week devotes less than a single page to outlining the party's education agenda should it regain control of the White House in the November election.

The document addresses the education issue by stating: "No public investment is more important than the one we make in the minds, skills and discipline of our people." And it goes on to say: "Our very future in international economic competition depends on skilled workers and on first-rate scientists, engineers, and managers."

However having acknowledged these realities and after dutifully attacking the Reagan Administration for "aggressively slashing education programs," the platform makes no specific promises with regard to the targeting of financial assistance or creating new or innovative program initiatives.

What the Democrats do promise is the creation of a "partnership for excellence among federal, state and local governments." And they pledge to provide "leadership at the federal level" for "local governments already strapped for funds by this Administration..."

While the document does note that localities "cannot be expected to bear alone the burden of undertaking the efforts we need for quality education," it stops short of promising the type of commitment that supporters within the education community might well have expected.

Moreover the areas that are identified as in need of improvement are the very ones addressed by the studies produced by the Reagan Administration's National Commission on Excellence in Education. Among the initiatives the Party promises to "support" are: New ties between businesses and schools; improvements in teacher training and the upgrading of teacher salaries; new labs, and new programs to motivate gifted students.

The document however pointedly refrains from defining such terms as "leadership" and "support," and it is reasonably doubtful whether the Party's education agenda as currently written would elicit one word of criticism from the Reagan Administration or from Republicans generally.

If education was worth a single page in the platform draft, the subject of agriculture was worth twice the amount of space and a greater degree of specificity.

When it came to wooing the nation's traditionally Republican farmers, the party pledged "beginning next January" to write a "new long-term farm bill." It also addressed with some specificity where "federal assistance" would be "target(ed)" and talked about pricing and tax policies.

Granted the document currently circulating in Washington is a first draft (and was already being revised at the time of its release), but unless substantive changes are made in the Democrats' education agenda it will be difficult to distinguish it from the Reagan Administration's current commitment to excellence.

NIE PROBE WOULD OPEN "CAN" OF WORMS," EMPLOYEES ALLEGE

An anonymous group of employees at the Department of Education's National Institute of Education (NIE) is circulating a document alleging "waste, <u>fraud</u>,

and abuses" on the part of NIE director Dr. Manuel Justiz, his wife Robin Justiz and seven high-ranking officials at the education research agency.

The allegations are in the form of a memorandum to the Department's Inspector General's Hot Line. The document was received by Department of Education Weekly accompanied by an unsigned letter that stated in part: "The current Director and his acting deputy think that they are above the law. Unless something is done soon, some irreversible contracts will be awarded and many good employees, particularly in the contracts office will be lost."

Despite the anonymous nature of the memorandum, a Department official has told Department of Education Weekly that the employee insurrection against Justiz and his associates was instigated by a former aide to the director whose husband is "well connected within the Republican Party."

The former aide, who is now employed by another government agency, is currently out of the country and could not be reached for comment.

The memorandum's authors however obviously went to great pains to document instances of the alleged instances of fraud and misuse of government funds. They list the names of several NIE employees who received large cash awards and/or received preferential treatment with regard to travel and leave time.

Coming in for particular fire was Justiz himself whom the authors accuse of awarding contracts and grants that "have some kind of deal underneath," and they identify him as the individual responsible for "all the waste, fraud and abuses currently going on" within his agency.

Also coming under sharp attack is Mrs. Justiz, who is currently a candidate for the New Mexico state legislature. Among the allegations levelled against her are charges that she "uses NIE's offices, telephones, supplies and staff to conduct personal business which lately includes her campaign..."

In addition to naming persons alleged to be actively involved in abuses at NIE, the document also lists seven individuals as "witnesses that can verify, first hand, the allegations presented."

In closing, the memorandum to the Inspector General notes: "We believe that once you start the investigation, you will open a big can of worms ... Employees have been and are being abused for almost no reason. We cannot go on travel to monitor our contracts for which we have responsibility. The Director's Office states that there are no monies and yet they all travel for both official and unofficial business at the expense of project monitoring."

This is the second report of alleged misuse of funds and personnel to surface with regard to NIE in recent weeks.

Last month controversy arose around the publication of the Congressionally-mandated School Finance Study, when it was alleged that individuals working on the project used government workers to type, proofread and do research for a book containing at least 14 working papers commissioned by the government under contract. (See Department of Education Weekly, May 14, 1984)

The allegations concerning the Study were brought to the attention of Education Secretary Terrel H. Bell together with a request for an investigation by the Inspector General's Office.

Interestingly a representative from that office was present last week at Bell's press conference announcing details of the labs and centers competition.

HOUSE COMMITTEE CLEARS SCHOLARSHIPS, FELLOWSHIPS FOR TEACHERS

The House Committee on Education and Labor marked up and reported out last week legislation that establishes the Carl D. Perkins Scholarship Program for outstanding high school graduates seeking to enter the teaching profession and which creates a national fellowship program for talented teachers.

The bill (H.R. 4477), popularly referred to as the "Talented Teacher Act," is in the form of an amendment to the Higher Education Act of 1965. The scholarship and fellowship programs, which were originally incorporated in the now defunct Higher Education Act of 1984 (See Department of Education Weekly, April 23 and May 7, 1984), were originally proposed in the Merit Pay Task Force Report prepared earlier this year for the Committee.

The legislation, which was never in serious danger of a Committee defeat, did spark some lively debate and gave rise to a series of amendments affecting the scholarship program. As finally formulated the bill authorizes the appropriation of funds to provide grants to states for a total of 10,000 scholarships to be awarded over the next five years.

An amendment offered by Rep. Steven Gunderson (R-Wis.) defined that selection process to the extent of requiring that "the selection criteria and procedures to be used by the State shall reflect the present and projected teacher needs of the State, including the demand for and supply of elementary teachers ..., and the demand for teachers with training in specific academic disciplines."

After some debate it was agreed to strike a portion of the Gunderson Amendment that specifically included mathematics, science and foreign languages among the "specific academic disciplines."

The Committee's decision to omit that language stemmed in large measure from the members' growing concern that in the next five years the most serious teacher shortages may well be in the nation's elementary schools, and the conviction that states should have the right to individually determine where their greatest areas of need exist.

Other amendments accepted by the Committee included:

- A measure allowing individuals "who teach in a school serving large numbers of high concentrations of economically disadvantaged children or who teach children with limited English proficiency or handicapped children" to "pay back" their award by being required to teach for only one year (rather than the otherwise required two years) for each year of scholarship money they receive:
- A measure requiring that if the recipient is receiving other forms of student financial aid, the amount of the scholarship shall not be such as to exceed the cost of his schooling, and
 - A provision allowing recipients to teach in private nonprofit schools

CIVIL RIGHTS COMMISSION LOOKS AT SCHOOL DISCIPLINE

Are minority students more likely to be targets of more and harsher disciplinary treatment than their white counterparts? The U.S. Commission on Civil Rights is apparently uncertain of the answer, but it has launched a study to find out.

The study, scheduled for release in 1986, will examine whether public schools administer discipline on a discriminatory basis, and it will also look at how the discipline process relates to student suspensions.

In a separate study, targeted for completion in late 1985, the Commission will also study the cause of increased isolation of Hispanic students and explore successful and failed attempts to reduce isolation. Among the factors to be examined will be magnet schools, new school construction and student transportation.

provided the school is "located in a district eligible for assistance" under Chapter 1 or that the institution is serving handicapped children on a full-time basis.

The teacher fellowship provision of the bill provides for awards to outstanding inservice teachers, provided that the amount of the fellowship does not exceed the salary being paid the recipient.

The primary focus of debate on this portion of the bill centered on a provision requiring that fellowship winners be selected on the basis of two from each Congressional district.

Rep. Steve Bartlett (R-Tex.) offered an amendment that would have barred members of Congress from making recommendations on talented teachers, but the measure was defeated by a voice vote. Bartlett contended that using the districts as a geographical unit of selection would tend to politicize the program.

ADULT LITERACY SUBJECT OF MAJOR REAGAN ADMINISTRATION FOCUS

Education Secretary Terrel H. Bell is forging ahead with a concerted effort to carry out the National Adult Literacy Initiative (ALI) announced last September by President Reagan.

The presidentially established ALI is already working within the Department to raise public awareness about the scope and consequences of adult illiteracy and to increase public and private participation in literacy development activities.

Under the leadership of Diane Vines, ALI has set up networks in the Department that focus on technology development, language minorities, and learners with disabilities. ALI has also promoted extensive collaboration with private sector organizations.

In accordance with these efforts, the Department has now established a continuing working relationship with the Assault on Illiteracy Program (AOIP)

which provides a framework for national black organizations to work together to encourage blacks to improve their literacy skills.

While there are no recent surveys on the extent of adult illiteracy in this country, Mary Cross, a staff member of ALl, told participants in the Department's monthly Education Forum that "a combination of indirect indices and old data" suggest that as many as one-third of all black Americans may be functionally illiterate.

To emphasize the Department's commitment to working with AOIP, Bell has sent letters to all state governors emphasizing that a main AOIP goal is to work with literacy groups at the state and local levels and to organize state and local AOIP chapters.

The Secretary also informed the governors that the Department's regional staff will be available, upon request, to help states in working with organizations on literacy efforts.

In addition to the newly formed association with AOIP, ALI has also launched a variety of other activities designed to focus attention on and generate involvement in the area of adult literacy. These include:

- Establishing a National Adult Literacy Project to study and disseminate information about successful programs and practices;
- Promoting the use of work-study students in literacy programs through the funding of pilot projects with the goal of developing a manual of successful strategies for the use of these students as a major resource for the literacy effort;
- Instituting an electronic mail/telecommunications system called LitNet that would link literacy groups across the country for the purpose of sharing information about funding sources, program models and the like; and
- Cooperating with the Business Council for Effective Literacy in an effort to promote public/private sector partnerships for literacy.

With the annual cost of adult illiteracy estimated at approximately \$6 billion, it is not surprising that the Business Council -- composed of 26 corporate leaders -- is committed to providing active private sector support for the effort.

ED PLANS NO "MASSIVE FEDERAL AID PROGRAM" FOR SCHOOL TECHNOLOGY EFFORTS

Educators should grab hold of "the unlimited capacity of technology to increase classroom productivity," but not look to the federal government to provide "massive" aid for educational software or hardware, according to Donald Senese, the Department of Education's assistant secretary for research and development.

In an address to the National Educational Computing Conference in Dayton, Senese stated that the Department planned to concentrate on programs that "give direction for schools to participate in the technological revolution."

He specifically pointed to efforts by the National Diffusion Network to encourage technology use in schools and to \$1.5 million in grants awarded last year for school technology projects.

COMMENTARY

By the Publisher

The first draft of the Democratic platform is out. Produced by the Democratic Party Platform Committee, the 56-page single-spaced document includes less than a page on education under the subtitle, "Investing in America." It follows in its entirety:

Education -- No public investment is more important than the one we make in the minds, skills, and discipline of our people. Our very future in international economic competition depends on skilled workers and on first-rate scientists, engineers, and managers. Today, education in America needs help. But, the Reagan Administration offers misleading homilies about the importance of education while aggressively slashing education programs.

This is intolerable. We know that every dollar we invest in education is ultimately returned to us six-fold. We know that education is key to our ability to compete in the future, to be productive in tomorrow's jobs. We know that the education of our citizens is critical to our democracy.

While education is the responsibility of local government, local governments already strapped for funds by this Administration cannot be expected to bear alone the burden of undertaking the efforts we need for quality education -- from teacher training, to the salaries needed to attract and retain able teachers, to new labs, to new programs to motivate gifted students, to new ties between businesses and schools -- without leadership at the federal level. Democrats will provide that leadership. We will create a partnership for excellence among federal, state and local governments. We will support local efforts to assure literacy; to upgrade vocational education; to provide access to advanced technology; to recruit the finest young people into teaching careers and help experienced teachers improve their skills. We will insist that every child be afforded an equal opportunity to fulfill his or her potential. We will pay special attention to the needs of disadvantaged minority students and the handicapped; education is their hope for the future.

We will make certain that higher education does not become a luxury affordable only by the children of the rich. That is Ronald Reagan's America. In our America, no qualified student should be deprived of the ability to go on to college because of financial circumstance. Our black colleges must be supported and strengthened. These are not government "give-aways." They are among the soundest investments we can make.

With the exception of the obvious criticims of the Reagan Administration, it reads like what we've heard from the current administration for the last three-and-a-half years -- with the exception of calls for tuition tax credits and school prayer. For a party that has prided itself on introducing numerous federal education programs, this platform leaves a lot to be desired in being concrete and specific and in stating what will be done differently.

It's really too bad. There has never been a better time to spell out plans for education. Recommendations of the numerous reports on the condition of American education of the last year provide ample blueprints. In addition, the Democratic Party Platform Committee listened to influential educational leaders, among them Al Shanker, President of the American Federation of Teachers. Shanker understands education and the politics of it as well as anybody. He warned the Committee that President Reagan's strategy of convincing the public he really cares about improving education "may succeed if the Democratic Party doesn't add a new goal to the traditional quest for access and equity and that goal is quality."

Emily Feestretzer

RESOURCES

PUBLICATIONS

Studies of U.S. Universities Research Equipment Needs Inconclusive is a 17page report from the U.S. General Accounting Office assessing how well past studies have defined the nationwide deficiency in university research equipment in an attempt to determine current needs. To order: U.S. General Accounting Office, Document Handling and Information Services Facility, P.O. Box 6015, Gaithersburg, MD 20877, (202) 275-6241. Report No. GAO/RCED-84-105. Cost: Free.

Secondary Market Activities of the Student Loan Marketing Association is a 17-page report from the U.S. General Accounting Office discussing the Association's secondary market activities in support of student loan programs since it began operations in 1973. To order: U.S. General Accounting Office, Document Handling and Information Services Facility, P.O. Box 6015, Gaithersburg, MD 20877, (202) 275-6241. Accession No. 124184; Report No. GAO/HRD-84-51. Date: May 18, 1984. Cost: Free.

Teacher Incentives: A Tool for Effective Management is a 49-page report published by the National Association of Secondary School Principals, the National Association of Elementary School Principals and the American Association of School Administrators. It examines the strengths and weaknesses of various teacher incentive plans and provides information on how to develop a school district plan. To order: Publications and Sales Department, National Association of Secondary School Principals, 1904 Association Drive, Reston, VA 22091, (703) 860-0200. Order No.: 2108405. Cost: \$5.00 plus \$2.00 for shipping and handling: discounts for multiple-copy purchases available.

MEETINGS

"Prescriptions for Excellence in Schools: Who's Responsible for What?" --July 11-13 -- Pennsylvania State University. Contact: Robert F. Nicely Jr. 277 Chambers Building, Pennsylvania State University, University Park, PA 16802,

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STAFF AT NIE TO INSP. GENERAL'S HOT LINE RE. WASTE, FRAUD, AND ABUSES AT N.I.E.

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

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

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

The National Council on Educational Research (NCER) is the advisory and general policy body for the National Institute of Education. NCER was authorized with NIE in The Education Amendments of 1972 (P.L.92-318-Section 405 of the General Education Provisions Act). The 15 member Council is appointed by the President (3-year terms) with the advice and consent of the Senate. The Council "shall establish general policies for and review the conduct of the Institute." The Council also has the authority to advise and make recommendations to the NIE Director and Assistant Secretary, conduct studies, and prepare an annual report to the Congress and the President.

Legislative History. When NIE was authorized in 1972, the House version of the bill provided NIE with an advisory council and the Senate version provided NIE with a policy council which would have policy authority over powers, duties and authorities of the Institute. The compromise in the House-Senate conference committee established NCER which would be primarily an advisory body with general policy making authority (not a board of directors). The conference report (No.92-798) for 5, 659 (PL92-318) states:

> "The conferees believe that both an independent Council with decision-making authority and a strong Directorship are needed to lead a vigorous Institute. It is intended that the Director of NIE have full responsibility for specific program policies and for the management of the Institute. The Council would establish overall policies leaving to the Director decisions about programs, initiatives, and funding." (emphasis added, p.203)

Current Status. Contrary to congressional intentions that members serve staggered 3 year terms, President Reagan dismissed all NCER members last summer (1982). He nominated 13 individuals to NCER in June and Sept. and 12 of the 13 were confirmed in December 1982. The first meeting of this Council was held on February 17-18, 1983 in Washington. The Council hired four staff members and, without prior notice or public distribution of the content (a violation of their own procedures), passed 14 resolutions and

NIE has a new Director, Dr. Manuel Justiz of the University of New Mexico. He took office at the beginning of January 1983. Mr. Robert Sweet, who was deputy director (served as acting director from June through December 1982), has been hired as the first executive director of the NCER. In all prior years NCER has used staff support supplied by the NIE Director. Sweet, an active candidate for the directorship, worked for the position and against the President's nominee, Dr. Justiz. Sweet made calls and visits to Congress in this cause prior to and during Dr. Justiz' Senate confirmation process.

NCER Attempt to Administer NIE. Legislative intent is clear that the director has authority to make program, management (personnel and operations), and funding decisions The NCER resolutions (adopted 2/18/83) are in violation of congressional intent and are clearly designed to (a) harrass the director, (b) create a "new right" think tank within the Department, and (c) help NCER's executive director to gain power over the agency (which he lost when not selected for the directorship). The NCER actions and resolutions do the following

-limit the director's power to hire and maintain excepted service personnel (dispite the director's statutory authority to hire up to one-fifth of the staff on this basis -Sec. 405(e)(5) of the General Education provisions Act). SEE NOTE*

-prevent the director from exercising his statutory -Sec. 405(eX3) GEPA-authority to establish and maintain research fellowships in NIE.

-require that all meetings of the director and his staff be announced to the NCER staff and be open to the NCER executive director and staff.

-hired 4 professional staff persons (in addition to demands that NIE provide staff

and clerical support to the Council).

-set aside 1.5% (\$834,000) of the FY83 budget for NCER for travel, consultants, conferences, studies, commissioned papers and reports, and "other such assistance as the Council shall determine to be necessary." SEE ATTACHED PAGE FOR SIZE OF COST INCREASES OVER PRIOR NCER FUNDING & WHY THIS VIOLATES CONGRESSIONAL INTENTIONS OF THE HOUSE AND SENATE APPROPRIATIONS COMMITTEES.

*The Director of the Institute has, under Section 405(e)(5) of the General Education Provisions Act, the authority to hire -without regard to the strictures of the federal competitive service—"such technical or professional employees of the Institute which he deems necessary to accomplish its functions..." (emphasis added). The director is given this statutory authority to hire as many such employees (within funding limits) for terms of three years, and up to one-fifth of all full time regular technical or professional employees (with no limits on term of service).

^{*}Prepared by David Florio, American Educational Research Association

MESSE VENET SUPPORT FUNDING INTENT

Congress appropriated \$55.6 million for NIE in FY83. This amount is the limit under the Omnibus Budget Reconciliation Act of 1981. NIE had \$74J million in FY80 and in FY81 (prior to rescissions). Funding history a FY81 \$65.6 million, FY82 \$53.4 million, and FY83 \$55.6 million. Dispite the 25% cut in NIE funding over recent years, the NCER wants to set aside funds clearly appropriated for R&D program purposes—NOTE: FY83 conference reports of House and Senate L/HHS/Education appropriations actions indicate that appropriated funds are to be used for continuations and competitions in the three NIE program areas: teaching & learning, dissemination and improvement of practice, and education policy & organization (management & finance). Yet NCER wants funds amounting to nearly a 600% increase over prior years.

NCER spending comparisions 1978 to 1982 (prior to the current NCER action) & the FY83 spending request made by the executive director (Robert Sweet) prior to the Council action to set aside 1.5% or \$834,000 for NCER purposes (NOTE: This funding set aside would be in addition to the costs of staff salaries and NCER member travel to meetings, which is paid for out of Education Department salary and expense/council funds.):

NCER Travel (for Committee members - does not include staff travel request below):
1978 - 1982 annual average = \$29,000
1983 request of Robert Sweet NCER Exec. Director and Council = \$22,700 (for 8 months) or at \$34,050 annually
Annual percent cost increase for travel 17%

NCER Salaries 1978-1982 average \$89,000 —1982=\$105,000 for 4 staff: one GS 14-15 one GS 13 one GS 8

one GS 6 secretary

Note: all of the above staff were NIE staff assigned to work with the Council

1983 request of Robert Sweet and Council = \$152,000 for 4 staff:

Note: the following levels are given as salary range examples because these will be employees of NCER—not NIE— and, therefore, are not subject to civil service ranks one SES

one GS 13 two GS 12

Note: Mr. Sweet also requested, above the actions of the Council, three more professional employees at the GS 12 level and one secretary.

Annual percent cost increase for salaries 45%

NCER Consultants: 1978 - 1982 annual average = \$3,240 1983 request of Robert Sweet and NCER = \$24,000 Annual percent cost increase for consultants 641%

NCER Special Studies:
1978 one study costing \$2-5,000
1979 to 1982 no costs for special studies
1983 request of Robert Sweet and Council = \$750,000
Annual percent cost increase for special studies 75,000%
Percent cost increase from prior study 14,900%

Total NCER Costs average 1978 to 1982 = \$138,000 NCER Request for FY83 with Sweet and Council = \$949,000 Total NCER annual percent cost increase for all NCER costs = 591%

WASHINGTON

July 30, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Phi Delta Kappa Magazine (Prepared by Campaign)

Richard Darman asked that we provide comments to Mike Baroody on a draft candidate article for the education magazine Phi Delta Kappan. I received the article at 2:00 p.m.; comments were due by 3:00 p.m. In light of the imminent deadline I telephoned my comments directly to Baroody. The only substantive legal comment concerned the first sentence on page 2: "The motto of the United States is 'E Pluribus Unum,' -- out of many, one." In fact, 36 U.S.C. § 186 specifies that "[t]he national motto of the United States is declared to be 'In God we trust'." Accordingly, I advised Baroody's office not to refer to "E Pluribus Unum" as our national motto.

A memorandum to Baroody memorializing our review and comments is attached.

Attachment

WASHINGTON

July 30, 1984

MEMORANDUM FOR MICHAEL E. BAROODY

DEPUTY ASSISTANT TO THE PRESIDENT

DIRECTOR, PUBLIC AFFAIRS

FROM:

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

SUBJECT:

Phi Delta Kappa Magazine (Prepared by Campaign)

Counsel's Office has reviewed the proposed article for the education magazine Phi Delta Kappan. As we have advised orally, the first sentence on page 2 should be changed. Pursuant to 36 U.S.C. § 186, the national motto is "In God We Trust, " not "E Pluribus Unum."

cc: Richard G. Darman

FFF:JGR:aea 7/30/84

bcc: FFFielding/JGRoberts/Subj/Chron

WASHINGTON

July 30, 1984

MEMORANDUM FOR MICHAEL E. BAROODY

DEPUTY ASSISTANT TO THE PRESIDENT

DIRECTOR, PUBLIC AFFAIRS

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Phi Delta Kappa Magazine (Prepared by Campaign)

Counsel's Office has reviewed the proposed article for the education magazine Phi Delta Kappan. As we have advised orally, the first sentence on page 2 should be changed. Pursuant to 36 U.S.C. § 186, the national motto is "In God We Trust," not "E Pluribus Unum."

cc: Richard G. Darman

FFF:JGR:aea 7/30/84

bcc: FFFielding/JGRoberts/Subj/Chron

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WHITE HOUSE STAFFING MEMORANDUM

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The President's Authorized Campaign Committee

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MEMORANDUM

TO:

MARGARET TUTWILER

THROUGH:

ED ROLLINS

FROM:

JIM LAKE JULY 20, 1984

DATE:

PHI DELTA KAPPAN QUESTIONNAIRE

Per the procedures outlined in Fred Fielding's November 28, 1983 memo on candidate questionnaires, I am enclosing draft responses to a set of questions from Phi Delta Kappan magazine.

Before making any revisions, please bear in mind that Phi Delta Kappan has imposed a 2-3,000 word limit; our draft response is words.

Please advise me at your earliest possible convenience of White House approval of the responses. We need the approval notice by August 1 to meet our deadline.



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

April 4, 1984

to McMonus 4/11/84

Jor, ord or o

MEMORANDUM FOR THE HONORABLE CRAIG L. FULLER
ASSISTANT TO THE PRESIDENT
FOR CABINET AFFAIRS

Enclosed is a copy of a letter from Dennis Doyle of the American Enterprise Institute of Public Policy Research requesting that the President submit a major article for the "back to school" issue of Phi Delta Kappan.

Phi Delta Kappan is a well-respected scholarly journal with a circulation of 140,000. This is the most widely read periodical in the field of education, except for the NEA monthly publication. We will, of course, be pleased to help if you decide to participate.

In order to put the September issue together, they would need to have the President's article by mid-summer.

T. H. Bell

Enclosure



March 22, 1984

Dr. Gary L. Jones
Under Secretary of Education
Department of Education
Room 4015
400 Maryland Avenue, SW
Washington, DC 20202

Dear Gary:

As you know from our phone conversation of Thursday, March 22, Mr. Robert Cole, editor of the Phi Delta Kappan magazine asked that I contact you to see if President Reagan would contribute an article for the September 1984 "back to school" issue. The Kappan plans to run two articles, one by each of the major presidential candidates, in light of the increasing national interest in education.

Mr. Cole will be pleased to learn that you will raise the issue with President Resgan and recommend that he submit a manuscript to the Kappan.

By way of background let me briefly describe the Kappan. It reaches 140,000 subscribers each nonth and is read by a substantially larger audience. The Kappan readership is what trade publications describe as "upscale"; nearly all the readers hold Bachelor degrees, and many, if not all, have advanced degrees. As well, the readership is almost entirely comprised of professionals: elementary and secondary teachers and administrators, school board members, university and college staff and faculty, education researchers and policy analysts, and laymen with an interest in education. The September issue of the Kappan includes the findings of the annual Gallup poll of attitudes toward education, making it the most widely read and cited issue of the year.

It is the only education publication devoted to education policy; in sum, it is the most important education magazine being published today. Accordingly, the <u>Kappan</u> provides an important and influential forum for the two principal presidential candidates.

Three to four thousand words would be an appropriate length. To assure September publication, you should plan to submit final copy by mid-summer. As well, an $8" \times 12"$ glossy of President Reagan should be included.

Bob Cole will write as well to formally confirm the <u>Rappan</u>'s interest. For my part, I think this is an important opportunity to reach education decision makers and look forward to seeing President Reagan's piece.

Best Wishes,

Denis P. Doyle

Director, Education Policy Studies

DFD:1s

cc: Bob Cole, Phi Delta Kappan

THE HONORABLE RONALD REAGAN President of the United States

Article for Phi Delta Kappan Magazine July 18, 1984

There is an old saying that a school is a building with four walls and the future inside. America's education professionals -- teachers, administrators, school board members, college and university faculty -- are the custodians of that future. It is an enormous responsibility, and one that all too often goes without adequate recognition and thanks.

America's future does depend upon what goes on inside the four walls of our local schools. Today's schoolchildren will be the men and women who lead America into a new generation of freedom and prosperity. So it is appropriate to ask ourselves: What can we as a society do to support the American educational system? And what can we do to support those teachers who work to secure for our children a future full of opportunity and prosperity?

On May 22, 1984, I signed a Presidential proclamation naming 1984-1985 the Year of Excellence in Education. The purpose of the proclamation was to encourage parents, teachers, administrators and government officials to observe this year with activities aimed at restoring the preeminence of America's educational system among the nations of the world.

We live in times that are unforgiving of mediocrity, poor citizenship and lack of interest in the world about us. Lack of understanding about technological developments or events in even the most remote corners of the globe may affect all our lives. Mankind has rarely faced a period in which preservation of world peace and economic vitality depend more on the able citizenship of individuals. Only informed citzens can meet the challenge to preserve America's priceless heritage of democracy, individual liberty and the rule of law.

America is blessed with the resources to meet that challenge. Nearly 200 years ago Massachusetts enacted the first comprehensive state school law in the new American republic. Soon other states enacted similar laws, and America boasted the first public school system in history.

In the decades that followed, our rich network of public. church and private schools performed a miracle. With tide after tide of immigrants thronging to our shores, our schools taught the children of those new Americans a new language and a new way of life -- democracy.

The motto of the United States is "E Pluribus Unum." -outh of many, one. And more than any institution, our schools
built that one from the many. For more than a century and a
half American schools have provided the bright, eager minds of
our sons and daughters with the skills to keep our country a
land of opportunity and prosperity that is the envy of the
whole world.

Yet today, some of our schools aren't doing the job they should. Of course, there are many fine schools and thousands of dedicated superintendents, principals and teachers. But from 1963 to 1980, Scholastic Aptitude Test scores showed a virtually unbroken decline. Science achievement scores of 17-year-olds have shown a steady fall. Most shocking, today more than one-tenth of our 17-year-olds are functionally illiterate, and the figure may be as high as forty percent among minority youth.

One of the highest priorities of my Administration was to study and suggest improvements in the nation's education system. Only six months after we took office. I created the National Commission on Excellence in Education —— a bipartisan panel of the nation's most eminent educators, representing all elements of the education community.

The Commission's report, entitled "A Nation at Risk." shocked the country by giving America's school system failing grades. The Commission found that "... the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people." Placing the 20-year decline in standards in a historical perspective, the report declared. "We have even squandered the gains in student achievement made in the wake of the Sputnik challenge We have, in effect, been committing an act of unthinking, unilateral educational disarmament."

Some have suggested there is only one anwer to this problem -- more federal spending. But that's been tried. Expenditures in our nation's schools for 1983, according to the National Center of Educational Statistics, will total \$230 billion. That's up seven percent from the year before -- about double the rate of inflation, and double what we spent on education just ten years ago. So if money alone were the answer, the problem would have been shrinking, not growing.

American schools don't need vast new sums of money as much as they need a few fundamental reforms, and I believe there are six steps we can take to help turn our schools around and return excellence to American education.

First, we need to restore good, old-fashioned discipline. In too many schools across the land, teachers can't teach because they lack the authority to make students take tests and turn in homework. Some don't even have the authority to control their class and are in danger of verbal and physical abuse from classroom violence. According to a report by the National Institute of Education in 1978, 1,000 teachers were assaulted and required medical attention each month. About 6,000 were robbed each month and another 125,000 were threatened with physical harm.

The Institute's statistics also show the chilling effects of school crime on our children. In 1978, three million secondary school students were victims of in-school crime each month. More than 250,000 students were physically attacked each month. About 2.5 million students were victims of thefts or robberies each month. Almost eight percent of urban junior and senior high school students missed at least one day of school each month because they were afraid to go to school.

It is time for America to stand up and say: This must stop. We need to write stricter discipline codes and support our teachers when they enforce those codes. Back at the turn of the century, one education handbook told teachers that in enforcing discipline, "You have the law back of you. You have intelligent public opinion back of you." We must make both of those sentiments true once again.

The Department of Justice is establishing a National School Safety Center to counsel teachers and other school officials about their legal rights within the classroom and to provide a computerized national clearinghouse for school safety resources. In addition, the Justice Department will file friend-of-the-court briefs to support the rights of school administrators to enforce discipline. And right now the Justice Department is studying possible amendments to federal law that would help principals and others reestablish order in our schools.

Second, we must end the drug and alcohol abuse that plagues hundreds and thousands of our children. Chemical abuse by young people not only damages the lives of individual users. but also can create a drug culture at school. We need to teach our sons and daughters the dangers of drug and alcohol abuse. enforce the law and to rehabilitate the users. Whatever it takes, we must make certain America's schools are temples of learning, not drug dens.

Third, we must raise academic standards and expectations. Today, 35 states require only one year of math for a high school diploma; 36 require only one year of science. Many exchange students from foreign countries -- Japan, West Germany and others -- are quick to point out that our academic standards are not as tough as theirs.

In her well-known study, Barbara Lerner found that the amount of homework assigned in a school is the single most reliable predictor of how well the students in that school are going to perform on national tests. Our sons and daughters need to do more work, to do better work and to spend more time in school. Now, that's not a prescription for gloomy students. Instead, educators have found time and time again that when students know their parents and teachers believe them capable of a great deal and expect them to perform accordingly, students gain self-confidence, enjoy their work and live up to those high expectations.

Fourth, we must encourage good teaching. One of the best ways to achieve this is to pay and promote teachers on the basis of their competence and merit. Merit pay for teachers enjoys overwhelming support among parents of school children. They believe hard-earned tax dollars should be used to encourage the best in our teachers, just as our school should encourage the best in our students. But contrary to popular belief, merit pay also is supported by most teachers. Polls show that merit pay has the support of 61 percent of National Education Association members, 62 percent of American Pederation of Teachers members, and 70 percent of independent teachers.

Fifth, we must restore parents and state and local governments to their rightful place in the educational process. Education begins at home, where it is a parental right and responsibility. Decisions about discipline. curriculum and academic standards — the factors that make a school good or bad — shouldn't be made by people in Washington. They should be made at the local level by parents. teachers, and administrators in their own communities.

Sixth and last, we must teach the basics. Too many of our students graduate from high school prepared neither for work nor for higher education. Compared to other industrialized nations, we're slipping far behind in such basic areas as the sciences and math. In Japan, for example, specialized study in mathematics, biology and physics starts in the sixth grade. In the Soviet Union, students learn the basic concepts of algebra and geometry in elementary school. So Japan, with a population only about half the size of ours, graduates more engineers than we do. The Soviet Union graduates from college almost five times more engineering specialists than we do.

The federal government can support these reforms and do so without recycling still more tax dollars or imposing still more regulations. For example, our Administration has replaced 29 narrow categorical education programs with one block grant to give state and local officals greater freedom. And in my FY 1985 budget, I call for that grant to be increased by \$250 million. We've instituted major regulatory reforms to dig educators out from under mountains of red tape.

Last October. I signed a proclamation establishing a program of partnerships in education. Businesses, labor unions and other groups of working people form partnerships with schools in their communities. They donate their time and resources to those schools to help support education programs the schools could not otherwise afford.

Now there's one more effort we're making at the federal level that should be mentioned. It's controversial, and it's been sneered at by many both inside and outside the educational community. But I'm absolutely determined to see it through. The God who blessed us with life, gave us knowledge and made us good and caring people should never have been expelled from our schools. I support efforts to return voluntary prayer to our schools and I support the right of student religious organizations to enjoy equal access to public school facilities.

As we struggle to teach our children the fundamental values we hold so dear, we dare not forget that our civilization was built by men and women who placed their faith in a loving God. If the Congress can begin each day with a moment of prayer and meditiation, then so can our sons and daughters.

It isn't just basic subjects that need to be taught; it's also basic values. We must educate our children in the great devotional and critical writings, for it is not only through technical knowledge that Americans live in abundance and freedom. If we fail to instruct our children in justice, religion and liberty, we will be condemning them to a world without virtue. They'll live in a twilight of civilization where great truths have been forgotten.

In the year since the National Commission on Excellence in Education released its report. I'm happy to say that we have made great progress. Americans have drawn together to meet the rising tide of mediocrity with a tidal wave of school reforms. Since my Administration placed education at the top of the national agenda, we've seen a grassroots revolution that promises to strengthen every school in the country. From Maine to California, parents, teachers, school officials, and state and local officeholders have begun vigorous work to improve the fundamentals — not fancy budget structures, not frills in the curriculum, but teaching and learning. In the words of Education Secretary Terrel Bell, "There is currently the greatest, most far-reaching, the most promising reform and renewal of education we have seen since the turn of the century."

Since 1980, more than half of our 16,000 school districts have increased the number of credits they require in basic, subjects like English, science and math. Almost 40 percent are set to raise their standards by 1985. Today, all 50 states have task forces on education, 44 are increasing graduation requirements, 42 are studying improvements in teacher certification, and 13 are establishing master teacher programs to attract top students into teaching and reward our best teachers.

At the local level, parents have begun to give students new support in ways that range from helping on field trips to raising money for special projects. School boards have begun to write stricter discipline codes and rewrite curricula to stress the basics. And in community after community, the individual efforts of teachers and principals are turning schools around.

State by state, the success stories are mounting. We can be pleased about this, for our children need good schools today more than ever. We stand on the verge of a new age -- a computer age -- when medical breakthroughs will add years to our lives. Information retrival systems will bring all the world's great literature, music and drama into the family home. And advances in space travel will make the space shuttle Columbia look as old-fashioned as Charles Lindbergh's plane. The Spirit of St. Louis.

If America is to offer greater economic opportunity to her citizens, if she's to defend our freedom and keep the peace, then our children will need wisdom, courage and strength. These are virtues beyond their reach without education and without the dedicated professionals who staff and run our schools. In the words of Thomas Jefferson, "If a nation expects to be ignorant and free ... it expects what never was and never will be."

An education that trains the mind and fills the heart with hope is the treasure American schools can give our children. If all of us -- teachers, parents and government officials -- provide our schools and school systems with the support they need, I'm confident that in the coming years American schools will give our sons and daughters richer treasure than ever before.

God bless you for all you are doing for the youth of our country and for all personal sacrifices you make to assure that our children's and our nation's future is bright.

WASHINGTON.

July 30, 1984

MEMORANDUM FOR MICHAEL E. BAROODY

DEPUTY ASSISTANT TO THE PRESIDENT

DIRECTOR, PUBLIC AFFAIRS

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Phi Delta Kappa Magazine (Prepared by Campaign)

Counsel's Office has reviewed the proposed article for the education magazine Phi Delta Kappan. As we have advised orally, the first sentence on page 2 should be changed. Pursuant to 36 U.S.C. § 186, the national motto is "In God We Trust," not "E Pluribus Unum."

cc: Richard G. Darman

FFF:JGR:aea 7/30/84

bcc: FFFielding/JGRoberts/Subj/Chron

WASHINGTON

July 30, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Allegations of Waste, Fraud, and Abuses at the National Institute of Education

In response to my memorandum of July 26 on the abovereferenced subject you suggested that Maureen Corcoran be
urged to take personal charge of the review of allegations
concerning the National Institute of Education. I talked
with Ms. Corcoran today and relayed your suggestion. She
agreed that was in a difficult position, and
indicated that she would independently review the
allegations to ensure that there were no continuing improper
practices.

WASHINGTON

July 26, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Allegations of Waste, Fraud, and Abuses at the National Institute of Education

Whe want to take the

You asked that I review the allegations of waste, fraud, and abuses at the National Institute of Education (NIE) that surfaced in the June 25, 1984 edition of the "Department of Education Weekly." The "Weekly" and other publications were sent an anonymous four-page memorandum from "staff at NIE that know and posses [sic] integrity," detailing abuses of office by nine named NIE officials, including the Director, Manuel Justiz, and most of his staff. The memorandum also named seven NIE employees who could substantiate the charges, if given adequate "protection." The memorandum was originally sent to the Education Inspector General.

The memorandum contains a potpourri of allegations, such as:

I telephoned Education General Counsel Maureen Corcoran to discuss the allegations. She referred me to

BL

Blo

WASHINGTON

August 1, 1984

Dear Mr. Catanese:

This is written in response to your letter of June 24, 1984 to the President. In that letter you requested that the President assist you in finding employment in order that you might be in a position to contribute to the GOP Victory Fund.

I must advise you that it would be inappropriate for the President or any member of the Administration to assist you in finding employment in exchange for political support or contributions. If you have not yet found employment I recommend that you write directly to the Department of Labor for any guidance that Department may be able to provide. You should not, however, discuss any contributions you intend to make with your anticipated wages.

Sincerely,

John G. Roberts
Associate Counsel to the President

John Robert

Mr. Christopher J. Catanese 7340 Perth Street New Orleans, LA 70126

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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5 **LETTER** 6/24/1984 B6

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CHRISTOPHER JOSEPH CATANESE TO PRESIDENT REAGAN RE. SUMMER JOB

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

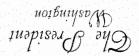
- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
- B-4 Release would disclose trade secrets or confidential or financial 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]

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

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