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FOIA

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16IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO HOLLAND RE APPOINTMENT TO INTERNATIONAL PRIVATE ENTERPRISE TASK FORCE (PARTIAL)	1	5/23/1983	B6	470

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.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Statement on Implementation of the
Federal Strategy for Prevention of
Drug Abuse and Drug Trafficking - 1982

The Department of Justice has submitted the above-referenced testimony, which is to be delivered by DEA Acting Administrator Francis Mullen on May 24 before the House Select Committee on Narcotics Abuse and Control. The somewhat laborious statement begins with an overview of the drug trafficking and abuse situation, discussing heroin, cocaine, amphetamines, methaqualone, and marihuana. The next portion of the testimony reviews the involvement of organized crime -- both traditional (Mafia) and non-traditional (motorcycle gangs, prison gangs, South American syndicates) -- in narcotics trafficking. The remainder of the testimony surveys DEA efforts to combat the problem, focusing on international control efforts (eradicating drugs in source countries such as Pakistan and Thailand) as well as domestic law enforcement. In the latter category Mullen discusses the new FBI/DEA arrangement, the Vice President's South Florida Task Force, the new Organized Crime Drug Enforcement Task Force Program, and the new National Narcotics Border Interdiction System.

I see no legal objections. There is nothing new in this testimony. Mullen notes at several points that international eradication efforts are only a long-term proposition, and that domestic law enforcement must be the primary focus. This simply reflects the well-known tension between DEA and Dom DiCarlo's Bureau of International Narcotics Matters at the State Department. There is no need for us to comment.

THE WHITE HOUSE

WASHINGTON

May 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Invitation to President to Tour
House Under Construction in Phoenix

During his recent visit to Phoenix, the President received the attached invitation to tour a lavish mansion being constructed in the area. The invitation came from the Moss-Bronson Company, real estate broker for the mansion. The company obviously hoped to publicize its product by having the President tour it.

I recommend no reply. The opportunity for the President to accept the invitation has obviously passed. The invitation itself is such a crass commercial ploy that it should simply be ignored.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Taping: American Physical
Therapy Association

Richard Darman has requested that any comments on the draft remarks for the above-referenced occasion be submitted directly to Aram Bakshian by 1:00 p.m. today. The remarks refer to the assassination attempt and the President's and Mr. Brady's personal experience with physical therapy. I see no legal objection.

Attachment

THE WHITE HOUSE

WASHINGTON

May 20, 1983

MEMORANDUM FOR ARAM BAKSHIAN, JR.
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Taping: American Physical
Therapy Association

Counsel's Office has reviewed the above-referenced remarks,
and finds no objection to them from a legal perspective.

cc: Richard G. Darman

FFF:JGR:aw 5/20/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Yet Another Request for Use of the
Presidential Seal by the President's
Committee on Employment of the Handicapped

Rick Kuhlmeier, apparently an individual active in the handicapped community, has written the President asking him to give back the use of his Seal to the President's Committee on Employment of the Handicapped (PCEH). You will recall that in years past the PCEH issued invitations to its annual gatherings in the name of the President and with the Presidential Seal. This Administration halted the practice. The Chairman of the PCEH wrote you requesting permission to issue invitations in the President's name, which you denied, stating: "In light of the significant number of Presidential committees, commissions, and task forces, it is not possible to authorize any one group to take action in the President's name -- including issuing invitations -- without real risk of a broad expansion of the practice in a manner that would create the possibility of abuse and ultimately demean the Office of the Presidency by overuse." Another member of the PCEH, Kathleen Olson, had written earlier seeking permission to use the Seal on the invitations. You advised Olson that uses of the Seal were limited by law and that the permitted uses did not include use by the PCEH on its invitations. I have drafted a reply to Kuhlmeier consistent with these earlier responses and established policy.

Attachment

THE WHITE HOUSE

WASHINGTON

May 20, 1983

Dear Mr. Kuhlmeier:

Thank you for your letter to the President concerning the use of the Seal of the President and the President's name on the invitations to the annual meeting of the President's Committee on Employment of the Handicapped. In that letter you requested an explanation of why the President's name and seal may not be used on the invitations.

In light of the significant number of Presidential committees, commissions, and task forces, it is not possible to authorize any one group to take action in the President's name -- including issuing invitations -- without real risk of a broad expansion of the practice in a manner that would create the possibility of abuse and ultimately demean the Office of the Presidency by overuse. We have accordingly found it necessary to adopt the general policy of not permitting such groups to take action in the President's name.

Title 18 of the United States Code, Section 713, is the principal federal law governing use of the Seal of the President of the United States. Section 713 proscribes use of the Presidential Seal except as authorized under regulations promulgated by the President. The regulations to which reference is made are embodied in Executive Order 11649 (February 16, 1972), as amended by Executive Order 11916 (May 28, 1976). I attach for your information a copy of 18 U.S.C., § 713, the notes to which include the Executive Orders mentioned. You will note that permissible uses of the Seal are limited by law. As a matter of policy, the Administration adheres to these regulations when responding to requests on use of the Seal. In light of these requirements, we cannot approve the use of the Seal on the Committee's annual invitations.

Let me assure you that our position with respect to use of the Seal of the President and the President's name by Presidential committees is being uniformly applied, and, as I hope and believe you know, in no way represents a change in the commitment of the President to the work of the Committee on Employment of the Handicapped or to the concerns of the handicapped community.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Rick Kuhlmeier
3104 Demetrius
Las Vegas, Nevada 89101

Attachment

FFF:JGR:aw 5/20/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Presidential Remarks -- Presentation
of Outstanding Exporter Awards

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Aram Bakshian by 1:00 p.m. today. The remarks are to be made at a Rose Garden ceremony Monday, at which the President will present the "E" and "E Star" awards to companies and organizations for opening export markets for American products. The remarks stress the importance of increasing exports to economic growth, and review some of our initiatives designed to aid exporters, including the Export Trading Company Act. I see no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

May 20, 1983

MEMORANDUM FOR ARAM BAKSHIAN, JR.
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Presidential Remarks -- Presentation
of Outstanding Exporter Awards

Counsel's Office has reviewed the above-referenced remarks,
and finds no objection to them from a legal perspective.

cc: Richard G. Darman

FFF:JGR:aw 5/20/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

May 23, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Letter to the President from
Parents of Girl Murdered by
Subject of Court-Martial Proceedings

Army PFC Wyatt Matthews was convicted by a general court-martial of murdering and raping Phyllis Villanueva, and sentenced to death. The Army Court of Military Review affirmed the findings and sentence; the Court of Military Appeals heard argument on April 20, 1983. If this court affirms the death sentence, the case would be presented to the President under 10 U.S.C. § 871(a). This provides: "No court-martial sentence extending to death or involving a general or flag officer may be executed until approved by the President. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of the sentence or any part of the sentence, as approved by him, except a death sentence."

Mrs. Villanueva's parents, Mr. and Mrs. William Pike, have written the President to express their hope that the President give Matthews the death penalty. Anne Higgins obtained a fact sheet on the case from the Department of Defense, but decided not to respond to the Pikes. The case is still pending on appeal, so we obviously cannot discuss its merits with the Pikes. Furthermore, the responsibility of the President under 10 U.S.C. § 871(a) "is judicial in its character, not administrative." Runkle v. United States, 122 U.S. 543, 558 (1887). As Attorney General Bates advised President Lincoln, "Undoubtedly the President, in passing upon the sentence of a court martial, and giving to it the approval without which it cannot be executed, acts judicially When the President . . . performs this duty . . . his act has all the solemnity and significance of the judgment of a court of law." 11 O.A.G. 21 (1864).

While we accordingly cannot comment on the merits, I do think the Pikes deserve some reply. The reply would at least establish for the record that nothing improper was done in response to their letter. I have drafted a reply for your signature, explaining why the President cannot comment on or become involved in the case until it reaches him pursuant to 10 U.S.C. § 871(a).

Attachment

THE WHITE HOUSE

WASHINGTON

May 23, 1983

Dear Mr. and Mrs. Pike:

I am writing in response to your letter to the President, concerning your daughter Phyllis Jean Villanueva and the case involving PFC Wyatt Matthews.

This case is currently pending in the military courts, and the President may be called upon to review the decision of those courts. For these reasons, it would be inappropriate for the President to comment upon the case or become involved in it in any way prior to the time it is presented to him for review pursuant to law. I hope you will understand why we must take this position.

With deepest sympathy,

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. and Mrs. William C. Pike
2620 Niazuma Avenue South
Apt. C
Birmingham, Alabama 35205

FFF:JGR:aw 5/23/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

May 23, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Request that Mrs. Reagan Appear on
Simplicity Sewing Catalogue Cover

Jim Rosebush denied a request from Simplicity Sewing that Mrs. Reagan appear on the cover of their catalogue. In exchange for her appearance, Simplicity would donate \$10,000 to a charity designated by Mrs. Reagan, and permit her to include a brief message inside the catalogue. Rosebush denied the request on the ground that "the First Lady is prohibited from endorsing community [sic - presumably should be commercial] enterprises."

Simplicity's lobbyist has asked for reconsideration, noting that the catalogue reaches over 9 million middle-American women, that Mesdames Ford and Carter appeared on similar publications, and that this proposal "can in no way be compared to a previous incident involving alleged improprieties utilizing the First Lady's appearance on a Japanese Women's Magazine cover." Two Congressmen from districts containing Simplicity operations, Mark Siljander (R-Mich.) and Bill Green (R-N.Y.), have also written Rosebush, asking that he permit Simplicity to respond to his concerns. Rosebush has asked you if he was wrong to deny the request.

I think Rosebush's denial was correct, assuming he meant to object to having the First Lady appearing to endorse a "commercial" and not "community" enterprise. As a general policy, we do not approve the use of a photograph or likeness of the First Lady in any manner that suggests or could be construed as endorsement of a commercial product or enterprise. In this case, her appearance on the Simplicity catalogue cover could easily be construed as an endorsement of Simplicity.

It is unclear from the incoming whether Rosebush wants simply a vote of confidence or responses to Simplicity's lobbyist and the Congressmen. I hesitate to respond

directly since Rosebush handled this matter himself in the first instance. I have drafted a memorandum to him noting that we agree with his decision and offering to respond to his correspondents if he wishes.

Attachment

THE WHITE HOUSE

WASHINGTON

May 23, 1983

MEMORANDUM FOR JAMES S. ROSEBUSH
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request that Mrs. Reagan Appear on
Simplicity Sewing Catalogue Cover

We agree entirely with your decision not to approve the request to have the First Lady appear on the cover of the Simplicity Sewing Catalogue. As you know the White House adheres to a policy of not approving the use of a photograph or likeness of the President or First Lady in any manner that suggests or could be construed as endorsement of a commercial enterprise. Mrs. Reagan's appearance on the Simplicity Sewing Catalogue could easily be construed as an endorsement of the products advertised therein. (We assume that in your letter to Mr. Chwat you meant to say "commercial enterprises" rather than "community enterprises.")

If you would like us to respond directly to Mr. Chwat and Congressmen Siljander and Green, we would be happy to do so.

FFF:JGR:aw 5/23/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 23, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Letter to James A. Baker III from the
Ulans, Concerning Conflict of Interest

The Ulans of Lauderdale Lakes, Florida wrote Mr. Baker to complain about "various cases of conflict of interest," citing specifically EPA, Richard Perle, and nepotism. They want to know what we're doing about it and whether this Administration will be like Grant's or Harding's.

I have drafted a reply that expresses our commitment to public integrity. The response avoids, as I think it must, any discussion of the specific instances cited by the Ulans.

Attachment

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THE WHITE HOUSE

WASHINGTON

May 23, 1983

Dear Mr. and Mrs. Ulan:

I am writing in response to your letter to James A. Baker III. In that letter you expressed your concern about "various cases of conflict of interest that have been appearing in the national media," and asked what the Executive Office was doing about it.

Let me assure you that this Administration is committed to maintaining the highest standards of public integrity, scrupulously avoiding not only actual conflict of interest but even the appearance of conflict of interest. The public trust placed in us by the American people demands no less.

The national media, as you note, often carry allegations of conflict of interest with respect to those serving in government. Such allegations are investigated as appropriate by the pertinent authorities, and the typical finding -- seldom as prominently featured in the media as the original allegations -- is that the allegations are without substance. We do, however, take seriously any suggestion of impropriety on the part of government officials, and take whatever steps are necessary to ensure that there is no violation of the public trust. It is, in our view, critical that citizens such as yourselves retain confidence in the integrity of public officials and governmental processes.

Thank you for sharing your views with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. and Mrs. Martin Ulan
2950 NW 46th Avenue
Lauderdale Lakes, Florida 33313

FFF:JGR:aw 5/23/83
cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

May 23, 1983


MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appointment of Michael Roth to International Private Enterprise Task Force

I have reviewed the Personal Data Statement submitted by Michael Roth and see nothing that would preclude his appointment to serve as a member of the International Private Enterprise Task Force. The Task Force was established by Executive Order 12395 (November 20, 1982). It consists of up to twenty-one members appointed by the President from among leaders of the private sector, "chosen primarily from the chief operating or chief executive officers of private enterprises, including agribusinesses." The Task Force is to give advice on the role private enterprise can play in implementing programs and activities under the Foreign Assistance Act of 1961.

Mr. Roth is an attorney and a review of his resume indicates that he may be considered a leader of the private sector, although he is not a chief operating or executive officer of an enterprise.



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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 23, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Remarks: National Medal
of Science Presentation

Richard Darman has requested that comments on the above-referenced remarks be sent directly to Aram Bakshian by noon today. The brief remarks stress the importance of maintaining our technological leadership in the face of increasing competition from abroad. I have no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

May 23, 1983

MEMORANDUM FOR ARAM BAKSHIAN, JR.
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Remarks: National Medal
of Science Presentation

Counsel's Office has reviewed the above-referenced remarks and finds no objection to them from a legal perspective.

cc: Richard G. Darman

FFF:JGR:aw 5/23/83

cc: FFFielding
JGRoberts
Subj.
Chron