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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FIELDING RE WEST POINT CADET (WITH ATTACHED MEMO AND LETTER)	5	5/24/1983	B6	1283
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COPY - Reagan Presidential Record

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

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

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

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

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

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

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

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

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

E.O. 13233

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

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

Roberts, John

Withdrawer

IGP 8/3/2005

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1 MEMO

5 5/24/1983 B6

1283

ROBERTS TO FIELDING RE WEST POINT CADET
(WITH ATTACHED MEMO AND LETTER)

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

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THE WHITE HOUSE

WASHINGTON

May 24, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Testimony on H.R. 743, for the
Relief of Theda June Davis

The Office of Legislative Affairs at the Department of Justice is seeking OMB clearance of a letter to Chairman Rodino, opposing enactment of H.R. 743, a bill for the private relief of Ms. Theda June Davis. Davis was employed by SER/Jobs for Progress, Inc., a federally funded subgrantee of the City of Phoenix under the Economic Opportunity Act of 1964. Davis won a discrimination suit under Title VII against SER for \$35,000 plus interest. SER reportedly cannot pay because it is prohibited from using federal grant funds for this purpose. The federal government itself was not found culpable or liable. H.R. 743 would nonetheless give Davis her money from the federal fisc.

The Department's letter opposes H.R. 743 on the usual grounds: private bills lead to unequal results, and force the federal government to pay even though it is legally blameless. The letter also notes that interest under the bill, if allowed, should be allowed pursuant to 28 U.S.C. § 1961, the general interest on judgments provision. I contacted OLA concerning the reference to 28 U.S.C. § 2411(b) in the first paragraph; they agreed that was an error and it will be changed. I see no other legal objections.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 24, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement on S. 52, The Armed
Career Criminal Act of 1983

Deputy Assistant Attorney General James Knapp proposes to deliver the above-referenced statement to the Senate Judiciary Committee on May 26. The statement express general support for S. 52, which would create a new federal offense covering persons with two or more robbery or burglary felony convictions who commit another such offense while armed with a firearm. The testimony takes care to stress that federal prosecution under S. 52 would be very selective. Last year's version of this bill was of course vetoed, in part because of expressed constitutional reservations about a provision giving local prosecutors a veto over federal decisions to prosecute. This version of the bill contains a section providing that cases lodged with local prosecutors may only be considered for federal prosecution at the request of the local prosecutor. The testimony objects to this provision, and offers the alternative of an expression in the statute of Congress' intent that federal prosecutions normally not be brought unless the state or local prosecutor concurs. The testimony also suggests that the prior offenses be proved prior to attachment of jeopardy, to avoid double jeopardy problems if one of the prior offenses is later found to be constitutionally infirm, and that it not be required that the defendant himself possess a firearm so long as one of his cohorts did.

I see no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

May 24, 1983

MEMORANDUM FOR GREGORY JONES
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement on S. 52, The Armed
Career Criminal Act of 1983

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

FFF:JGR:aw 5/24/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

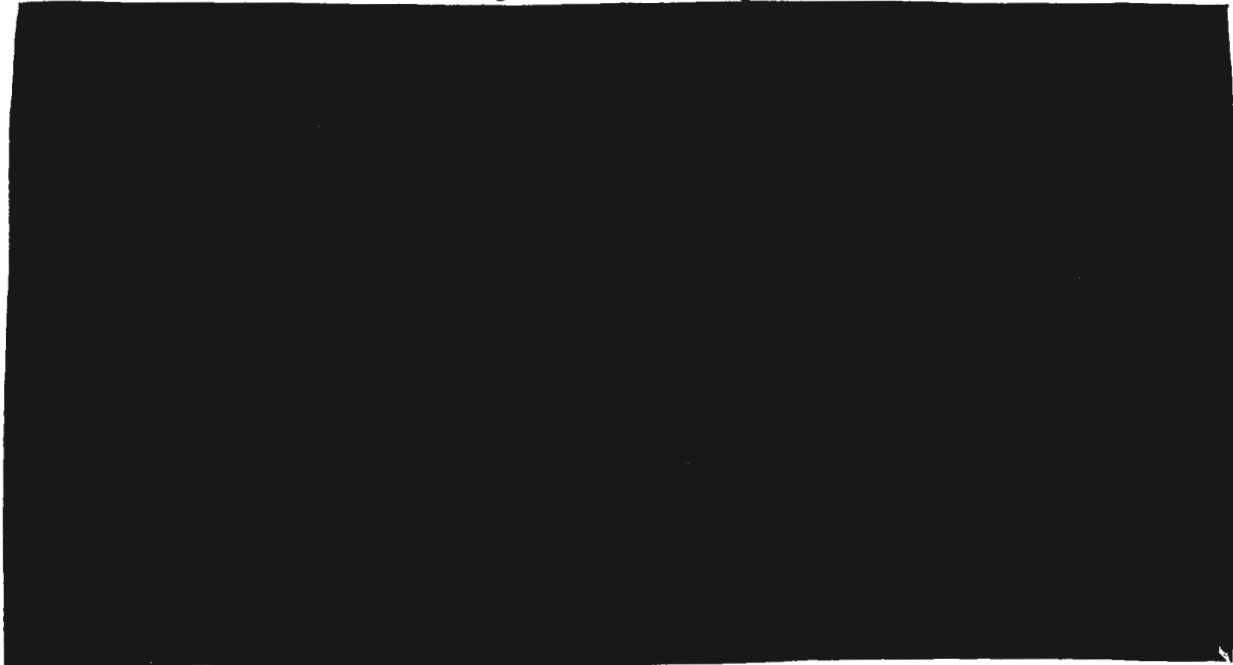
May 24, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Nomination of George E. Moose
to be Ambassador to Benin

I have reviewed the materials submitted by Mr. Moose in connection with his prospective nomination to be ambassador to Benin, and see nothing that would preclude his nomination.



COPY - Reagan Presidential Record

b6

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 24, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement on Parental Kidnapping
Prevention Act of 1980

Lawrence Lippe, Chief of the General Litigation Section of the Department of Justice's Criminal Division, proposes to deliver the above-referenced statement before the Senate Subcommittee on Juvenile Justice tomorrow, May 25. The statement is simply the latest episode in the recurring dispute between the FBI and the Congress on the use of the unlawful flight statute, 18 U.S.C. § 1073, in child custody cases. Congress, in response to tearful witnesses, wants the FBI to help foil abductions of children by one estranged spouse from the other, and provided in the Parental Kidnapping Act of 1980 that 18 U.S.C. § 1073 be used for this purpose. The Bureau does not want to get involved in such domestic disputes, and views 18 U.S.C. § 1073 -- historically designed for the hunting of dangerous fugitives -- as an inapt vehicle. After the 1980 Act the FBI issued guidelines authorizing FBI jurisdiction in such cases under 18 U.S.C. § 1073 only if the state requesting such assistance were committed to extraditing the fleeing parent and prosecuting him or her as a fugitive (as opposed to simply using the FBI to locate the child) and the child were in danger of abuse or neglect. This policy was criticized and, last December, Justice suspended the guidelines, leaving the decision whether to invoke jurisdiction under 18 U.S.C. § 1073 to the individual U.S. Attorneys. Lippe's testimony reviews this history and explains the suspension of the guidelines.

I see no legal objections. There is a typographical error on a critical date which should be corrected.

Attachment

THE WHITE HOUSE

WASHINGTON

May 24, 1983

MEMORANDUM FOR GREGORY JONES
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement on Parental Kidnapping
Prevention Act of 1980

Counsel's Office has reviewed the above-referenced statement, and finds no objection to it from a legal perspective. On page 7, line 10, I assume "1983" should be "1982."

FFF:JGR:aw 5/24/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 24, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Draft Proclamation Designating May 25, 1983, as Missing Children's Day

Dodie Livingston has requested comments on the above-referenced draft proclamation by 2:00 p.m. today. (It was received in our office at 11:30 a.m. today.) The proclamation is neither traditional nor has it been requested by joint resolution, but I am advised by Dodie Livingston's office that during his recent trip the President promised Senator Hawkins that he would issue such a proclamation.

The proclamation discusses the tragedy of missing children, with particular reference to the case of Etan Patz, who disappeared May 25, 1979. It was drafted at the Department of Justice and has been approved by OMB. I see no legal objection, but have noted several stylistic ones in the attached memorandum for your signature.

Attachment

THE WHITE HOUSE

WASHINGTON

May 24, 1983

MEMORANDUM FOR DODIE LIVINGSTON

FROM: FRED F. FIELDING

SUBJECT: Draft Proclamation Designating May 25, 1983, as Missing Children's Day

Counsel's Office has reviewed the above-referenced draft proclamation, and finds no objection to it from a legal perspective. We do, however, note the following stylistic points:

1. The last sentence of the first paragraph is awkward. If "[f]inding and safely returning these children" is viewed as a single grammatical entity, the verb should be "has." If not, "a national problem" should be "national problems."
2. In the first sentence of the third paragraph, "who" should be "that."
3. In the second line on page 2, "1982" should be "1983."

FFF:JGR:aw 5/24/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 25, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Jim Brady to be Honorary
Chairman of the "Vest Fund"

Sarah McElroy has inquired if we see any problems with Jim Brady serving as Honorary Chairman of a gala evening at the Kennedy Center to benefit the Vest Fund. The Vest Fund, a non-profit, charitable organization, purchases bullet-proof vests for policemen. The gala evening, scheduled for June 20, will be emceed by Phyllis Diller, and feature at least a tape by the President (already completed; he may attend in person), the cast of Hill Street Blues, the Washington Redskins, and Mr. T.

There are no legal bars to Mr. Brady accepting the invitation. We generally discourage such activity to avoid showing favoritism among charities and precipitating a flood of similar requests, but these concerns would not seem particularly strong in this case and, in any event, can be appropriately weighed by Mr. Brady and his office.

When I called Ms. McElroy to obtain more information about her request, she noted that Mr. Brady had also been invited to be Honorary Chairman of the upcoming March of Dimes casino night. What has been said in connection with the Vest Fund applies to this request as well, with the additional caveat that assurances should be obtained from the March of Dimes that the planned "gambling" activities have been approved by local authorities.

Attachment

THE WHITE HOUSE

WASHINGTON

May 25, 1983

MEMORANDUM FOR SARAH K. McELROY

FROM: FRED F. FIELDING

SUBJECT: Jim Brady to be Honorary
Chairman of the "Vest Fund"

You have inquired whether this office sees any problems with Jim Brady accepting an invitation to be Honorary Chairman of the Vest Fund Kennedy Center gala planned for June 20. There are no legal bars to accepting such an invitation should Mr. Brady desire to do so. In responding to inquiries on honorary chairmanships from members of the White House staff we generally raise the prudential concerns of showing favoritism among charities and precipitating a flood of similar requests, but these concerns would not seem particularly strong in this instance.

I also understand that Mr. Brady has been invited to be Honorary Chairman of the upcoming March of Dimes casino night. While I see no legal problems with this request, assurances should be obtained from the March of Dimes that any planned "gambling" activities have been approved by the local authorities.

FFF:JGR:aw 5/25/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

May 25, 1983

APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

DATE OF INTERVIEW: May 24, 1983 (by telephone)



CANDIDATE: William Perry Pendley

POSITION: Assistant Secretary of Interior
for Energy and Minerals

INTERVIEWER: John G. Roberts *JGR*

Comments

William Perry Pendley is currently serving as Deputy Assistant Secretary of Interior for Energy and Minerals and is to be nominated for the post of Assistant Secretary. Mr. Pendley's financial holdings present no impediment to this nomination:

 Mrs. Pendley is currently employed by the Federal Energy Regulatory Commission (FERC) as a part-time staff attorney in the producer rate section.


b6

THE WHITE HOUSE

WASHINGTON

May 26, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: S. 653 - Foundation for the Advancement
of Military Medicine Act

Counsel's Office has reviewed the above-referenced enrolled bill. We agree with the Department of Justice that the bill as enacted is unconstitutional because of the composition and method of appointment of the contemplated Council of Directors. In light of the fact that our concerns have been communicated to Congress and in light of the commitments in the draft signing statement that these concerns will be addressed in future corrective legislation, it would appear that if the bill is signed we would have done all that can be done to preserve our constitutional arguments and minimize the precedential significance of this bill.

I feel it is, however, somewhat unrealistic to expect Congress to pass such corrective legislation should this bill become law. The "better government" approach would be to disapprove the bill and await passage and submission of a corrected version. While we do not view as sufficient the reason given by the Office of Management and Budget for the President to sign the bill -- to wit, "the fact that Justice in its initial review of the bill pronounced it constitutional and on that basis the Administration supported its enactment" -- the decision whether to approve the bill is a political one. The long-range legal impact on the constitutional power of the Executive would appear to be minimal.

FFF:JGR:aw 5/26/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 26, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Youth Citizenship Award

You will recall that William F. Sittmann asked for your views on establishing a Presidential Youth Citizenship Award program, to recognize volunteer youth organizations which successfully completed community service projects. In response to my previous memorandum on the proposal you noted that the contemplated program sounded very similar to one already in existence involving W. Clement Stone. Through the good graces of Karen Kwiatt, I have now obtained some material on the program to which you referred, the Congressional Award Program. Congress established this program in Public Law 96-114, 93 Stat. 851 (1979), "to promote initiative, achievement, and excellence among youths in areas of public service, personal development, and physical and expedition fitness." Under the program gold, silver, and bronze medals are awarded to persons aged 14-21 years who complete projects approved by the Congressional Award Board. The basics of the program are indistinguishable from Sittmann's proposal, aside from the obvious difference of which branch of government administers it.

I have drafted a fresh memorandum to Sittmann, noting the existence of the Congressional Award Program and suggesting that his proposal would be redundant.

Attachment

THE WHITE HOUSE

WASHINGTON

May 26, 1983

MEMORANDUM FOR WILLIAM F. SITTMANN
SPECIAL ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Youth Citizenship Award

You have asked for our views on the proposal to establish a Presidential Youth Citizenship Award program. As described in your memorandum, youth organizations could earn Presidential recognition by completing a community improvement project.

This proposal is very similar to the already extant Congressional Award Program, established pursuant to the Congressional Award Act, Public Law 96-114, 93 Stat. 851 (November 16, 1979). The stated purpose of the Congressional Award Program is "to promote initiative, achievement, and excellence among youths in the areas of public service, personal development, and physical and expedition fitness." Under the program gold, silver, and bronze medals are awarded to youths aged 14-21 who successfully complete approved projects, including community service projects.

I have attached for your information a copy of the Congressional Award Act and other material on the Congressional Award Program. In light of the existence of the Congressional Award Program, the proposed Presidential Youth Citizenship Award Program strikes me as redundant.

Attachment

FFF:JGR:aw 5/26/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 27, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Correspondence from Marvin Spike
Concerning Presidential Seal

You will recall that you sent a letter to Marvin Spike, President of ASI, objecting to the appearance of items bearing the Presidential Seal in ASI's "Something Special" catalogue. Mr. Spike would like to know which distributor brought the matter to your attention; I recommend simply ignoring this inquiry. Spike agreed to notify his personnel of the ban on use of the Seal, to avoid the problem in the future. He also indicated he would use his trade magazines to advise the specialty advertising industry of the prohibition. By way of explanation (and passing the buck), he noted that manufacturers of products bearing logos submit the examples they want to appear in the ASI catalogue, and that the offending items were submitted by their manufacturers. In an extended "P.S." Spike objects to the statutory protection of the Seal, opining that the Government should encourage people to recognize and promote the Seal.

Unless you are seized with a burning desire to engage Mr. Spike in debate on the desirability of protecting the Presidential Seal, I see no need for further correspondence.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 27, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Civil Aeronautics Board Decision
in Aeronaves Del Peru, S.A.

Richard Darman's office has asked for comments by close of business Tuesday, May 31, 1983 on the above-referenced CAB decision, which was submitted for Presidential review as required by § 801(a) of the Federal Aviation Act of 1958, as amended, 49 U.S.C. § 1461(a). Under this section, the President may disapprove, solely on the basis of foreign relations or national defense considerations, CAB actions involving either foreign air carriers or domestic carriers involved in foreign air transportation. If the President wishes to disapprove such CAB actions, he must do so within sixty days of submission (in this case, by July 18, 1983).

The order here has been reviewed by the appropriate departments and agencies, following the procedures established by Executive Order No. 11920 (1976). OMB recommends that the President not disapprove, and reports that the NSC and the Departments of State, Defense, Justice and Transportation have not identified any foreign relations or national defense reasons for disapproval. Since this order involves a foreign carrier, the standard sentence designed to preserve availability of judicial review is omitted from the proposed letter from the President to the CAB Chairman.

This order renews foreign carrier permits for service between Peru and Miami. It suspends the renewed permits, however, until Peru abides by the Peru-U.S. Air Transport Service Agreement by ceasing to interfere with the service of Challenge Air Transport permitted under that agreement.

A memorandum for Darman is attached for your review and signature.

Attachment

THE WHITE HOUSE

WASHINGTON

May 27, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Civil Aeronautics Board Decision
in Aeronaves Del Peru, S.A.

Our office has reviewed the above-referenced CAB decision and related materials and has no legal objection to the procedure that was followed with respect to Presidential review of such decisions under 49 U.S.C. § 1461(a).

We also have no legal objection to OMB's recommendation that the President not disapprove this order or to the substance of the letter from the President to the CAB Chairman prepared by OMB.

FFF:JGR:aw 5/27/83

cc: FFfielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 31, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Piedmont High School Band
Request for Funds

Harold Hale, a member of the Oklahoma House of Representatives, has written the President to ask if there are any funds available to help the Piedmont High School Band attend the International Youth Music Festival in Vienna this July. The band played for the President during his visit to Oklahoma, and has been invited to represent the United States at the Festival. The student-musicians have raised \$60,000 but are still \$40,000 short of the necessary amount. Rick Neal sent Hale an interim response and referred the letter to our office.

I have drafted a reply for your signature advising Mr. Hale that the White House has no funds to dispense for such purposes, and recommending that he contact the National Endowment for the Arts.

Attachment

THE WHITE HOUSE

WASHINGTON

May 31, 1983

Dear Representative Hale:

The Office of Intergovernmental Affairs has referred your April 26 letter to this office for appropriate handling. In that letter you noted that the Piedmont High School Band had been selected to participate in the International Youth Music Festival in Vienna this July, but had fallen some \$40,000 short in raising funds to enable it to accept the honor. You inquired if any funds were available to assist the student-musicians.

I am sorry to have to advise you that the White House has no funds available for this purpose. As you know, we operate under a budget approved by Congress, and can only expend funds on White House operations.

The only possible source of funds that I can think of in the federal government is the National Endowment for the Arts, an independent agency. I do not know if that agency will be able to assist the Piedmont High School Band, but it is worth a try. The Endowment will, in any event, be more familiar with other sources of funding for this type of endeavor than we are at the White House.

I am sorry that we could not be of more direct assistance. I certainly hope the band is able to participate in the Festival, since I am confident that it would ably represent our country.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Harold Hale
State Representative
State Capitol
Oklahoma City, Oklahoma 73105


FFF:JGR:aw 5/31/83
cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

May 31, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS 

SUBJECT: Advisory Commission on Intergovernmental Relations

I have reviewed the Personal Data Statements submitted by Governor Babbitt, Governor Matheson, State Senator Passannante, and Mayor Harrison, who are to be appointed to the Advisory Commission on Intergovernmental Relations. Governor Thornburgh is also to be appointed to the Commission with this group, but he has yet to submit a PDS. The Office of Intergovernmental Affairs has requested clearance of the prospective appointees by June 1, so I thought it best to review and report on the four who have contemplated the necessary forms rather than delaying further due to Governor Thornburgh's delinquency.

The Commission was established by 42 U.S.C. § 4271 et seq. to provide guidance and assistance in dealing with inter-governmental problems in our federal system. Appointees are from specified categories of state and local officeholders and are selected from lists submitted by specified organizations of such officeholders. Governors are selected from a list submitted by the Governors' Conference, state legislators from a list submitted by the Board of Managers of the Council of State Governments, and mayors from a list submitted jointly by the National League of Cities and the United States Conference of Mayors. 42 U.S.C. § 4273. Barbara McQuown of the Office of Presidential Personnel has confirmed that the five subject individuals were selected from lists submitted by the appropriate organizations.

By statute the gubernatorial, mayoral, and legislative membership on the Commission must be bi-partisan. These prospective appointees will vice members of the same party, with the exception of Governor Babbitt who is being reappointed, so there is no difficulty with the bi-partisan requirement.

The Personal Data Statements of Governors Babbitt and Matheson, Senator Passannante, and Mayor Harrison reveal nothing that would preclude their appointments to the Commission.

THE WHITE HOUSE

WASHINGTON

May 31, 1983

APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

DATE OF INTERVIEW: Tuesday, May 31, 1983 (by telephone)
CANDIDATE: Howard M. Messner
POSITION: Assistant Administrator for Administration, EPA
INTERVIEWER: John G. Roberts *JGR*

Comments

I have reviewed the Personal Data Statement and SF 278 submitted by Howard Messner, who is to be nominated for the post of Assistant Administrator for Administration at the Environmental Protection Agency. Nothing disclosed on those forms would preclude Mr. Messner's appointment, or indeed be the subject of any discussion whatsoever. Mr. Messner has spent his career in government service and his financial picture is very simple. He affirmed orally that there was nothing in his personal, professional, or financial background that could be a source of controversy or embarrassment to the President.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

May 31, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Draft Presidential Taping
-- Justin Dart Tribute

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Aram Bakshian by noon today. The brief remarks extend congratulations to Justin Dart, who is being honored by the Los Angeles Area Council of the Boy Scouts. I have reviewed the remarks and see no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

May 31, 1983

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Presidential Taping
-- Justin Dart Tribute

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

cc: Richard G. Darman

FFF:JGR:aw 5/31/83

cc: FFFielding
JGRoberts
Subj.
Chron