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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name ROBERTS, JOHN: FILES

Withdrawer

IGP 8/4/2005

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FOIA

F05-139/01

Box Number

COOK

21IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FIELDING RE DEPUTY UNDERSECRETARY OF COMMERCE	1	7/7/1983	B6	498
2	MEMO	ROBERTS TO HAUSER RE ASSISTANT SECRETARY OF TREASURY	2	7/8/1983	B6	499

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

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E.O. 13233

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

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 1, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Sculpture of the President

Mr. Deaver's office, apparently through Bill Sittmann, has asked for our views on a proposal from Werner Gundlach to have the sculptor Arno Breker execute a sculpture of the President. According to Gundlach, Breker -- 83 years old -- is Europe's greatest living sculptor in the classic tradition. Gundlach proposes to have a private citizen commission the work, and has taken the extraordinary liberty of writing Justin Dart and Norton Simon in a not-too-subtle effort to enlist their support.

There would be no legal bar to the President agreeing to sit for a sculpture commissioned by private citizens. The sculpture would become the property of whomever commissioned it. It seems obvious to me, however, that it would be extremely unwise for the President to agree to such an arrangement. Sitting for a sculpture strikes me as the epitome of conceit and majesty, hardly the image we want to portray. Commissioning the work by wealthy cronies lends support to the charges of a rich man's Presidency, and the American arts community could well object to the importation of a foreigner to execute the work. I have drafted a memorandum to Sittmann noting these concerns. Since the question is not a legal one, I did not consider it appropriate for our office to respond directly to Gundlach.

Attachment

THE WHITE HOUSE

WASHINGTON

July 6, 1983

MEMORANDUM FOR WILLIAM F. SITTMANN
SPECIAL ASSISTANT TO THE PRESIDENT

FROM: RICHARD A. HAUSER
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Sculpture of the President

Your office has asked for our views on Werner Gundlach's proposal to have private citizens commission a sculpture of the President, to be executed by European sculptor Arno Breker. There is no legal bar to such a proposal. The completed sculpture would become the property of whomever commissioned it.

I think you will concur, however, that it would be inappropriate and impolitic for the President to agree to such an arrangement. As you know, the President receives many requests to sit for portraits, and it would certainly be difficult to distinguish the various requests should we depart from the policy of uniformly declining them. Sitting for a sculpture commissioned by friends may also raise concerns with respect to the public image the President wishes to convey. Having the sculpture executed by a foreigner -- after turning down so many requests from Americans -- would be perceived as a slight by the American artistic community. In sum, we strongly recommend against encouraging Mr. Gundlach in his efforts, although there is no legal bar to them.

RAH:JGR:aw 7/6/83

cc: RAHauser
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 1, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: INS v. Chadha

Craig Fuller has asked for our analysis of the legislative veto opinion "as soon as possible." We did, of course, provide such an analysis to the Senior Staff the morning after the decision was announced.

I recommend sending Fuller a copy, with a cover memorandum reviewing events subsequent to preparation of the analysis, specifically the convening of the Justice Department working group and the recommendation of our office that Legislative Affairs become involved to calm the fears of Congress.

Attachment

THE WHITE HOUSE

WASHINGTON

July 1, 1983

MEMORANDUM FOR CRAIG L. FULLER

FROM: RICHARD A. HAUSER

SUBJECT: INS v. Chadha

You have asked for our analysis of the Supreme Court's legislative veto opinion "as soon as possible." We provided such an analysis to the Senior Staff the morning after announcement of the decision. A copy of that analysis is attached.

Since that time a working group chaired by Assistant Attorney General Olson has been convened to assess the impact of the decision. Our office, OMB, and Legislative Affairs are represented on the working group, in addition to the pertinent offices and divisions of the Justice Department and several other departments. The group is monitoring transmissions to Congress to ensure consistency with the Court's decision and to provide advance warning of any potential disputes concerning the effect of the decision.

It was the general consensus of the group that an immediate effort should be made to prevent Congressional overreaction to the Chadha decision. Our office has recommended that Legislative Affairs meet with appropriate legislators and perform a calming function, advising them that we would comply with existing "report" provisions and would work closely with Congress in assessing the long-term effect of Chadha. Establishment of such a low-key approach and cooperative tone will do much to dissipate Congressional fears and prevent Congressional overreaction.

RAH:JGR:aw 7/1/83

cc: RAHauser
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

July 1, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Arthur Green vs. Joseph Green and Mary Stein

Arthur Green is a disappointed litigant in a New Jersey probate proceeding. In an effort to redress his grievances, he has filed a pro se petition for certiorari with the U.S. Supreme Court (No. 82-2000), claiming violations of due process and equal protection. Green has also written Mr. Fielding and the President, providing them with a copy of his petition. In his letter to the President, Green notes that he recognizes the separation of powers and only enclosed the petition for the President's information.

We obviously cannot comment on Green's frivolous petition, which is pending before the Court. I do not think we should respond to Green at all. Like the case of Jarndyce v. Jarndyce described in Charles Dickens' Bleak House, probate disputes begin with a death but have a way of never dying themselves, and it would be unfortunate for the White House to become involved in this one.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 5, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM:

JOHN G. ROBERTS *JSR*

SUBJECT:

Contract for Travel Services

Kathleen E. Martin, President of Executive Travel Advisors, has written Mr. Fielding to complain that her company was not awarded the GSA contract to supply travel services to U.S. Government Agencies in the San Francisco area. Mrs. Martin apparently thinks she is entitled to the contract because hers is a small, woman-owned business. She also suggests that the contract be divided so that more than one company could benefit.

I have prepared a reply advising Mrs. Martin that the White House does not become involved in particular government procurement matters.

Attachment

THE WHITE HOUSE

WASHINGTON

July 5, 1983

Dear Mrs. Martin:

Thank you for your letter of June 10 to Fred Fielding. In that letter you objected to the award by the General Services Administration of a travel services contract to a company other than your own. You also suggested that the contract be divided so that more than one company might benefit.

As a general matter, the White House adheres to a policy of not becoming involved in or commenting upon particular procurement matters. The policy preserves the independence and integrity of the procurement process, administered by GSA. I trust you will appreciate the need for us to adhere to this policy.

Sincerely,

Richard A. Hauser
Deputy Counsel
to the President

Mrs. Kathleen E. Martin
President
Executive Travel Advisors
1541 Old Bayshore Highway
Burlingame, California 94010

RAH:JGR:aw 7/5/83

cc: RAHauser
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 6, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Use of Presidential Seal in
Fundraising for Presidential Yacht Potomac

J. Rock Tonkel of the public relations firm Jerold Panas, Young & Partners, Inc., has written requesting permission to use the Presidential Seal in fundraising to restore FDR's Presidential yacht, the Potomac. The ship is now docked in Oakland, and a committee has been formed to restore it and operate it as a monument to FDR. The committee hopes to raise \$5 million to restore the yacht and establish an endowment for its annual upkeep. The yacht is actually owned by the Port of Oakland. The Port and the restoration committee, a non-profit corporation, have entered into an agreement whereby the committee will restore, maintain, and operate the vessel. The Port has already committed \$400,000 to the project.

The seal would be used on the cover of the fundraising booklet, to "establish[] the magnitude of the project and identif[y] the project with the U.S. Presidency." Despite the good intentions of those involved in this effort, I do not think we can sanction the proposed use of the seal. While we could readily permit its use on the finished product -- and should express our willingness to do so -- we should not permit the seal to be used in fundraising. To do so would convey the false impression of governmental or Presidential involvement with the private fundraising effort. Mr. Tonkel admits as much in describing the purpose behind his contemplated use of the seal, "to identify the project with the U.S. Presidency."

I have drafted a reply for your signature. Mr. Tonkel notes in his letter that he will direct a request for a Presidential letter in support of the fundraising to Mr. Meese. Presumably Meese will refer that to us, but the issue of the use of the seal is a separate one and we need not synchronize the responses.

Attachment

THE WHITE HOUSE

WASHINGTON

July 6, 1983

Dear Mr. Tonkel:

Thank you for your letter on behalf of the Board of Directors of the Association for the Restoration of the Presidential Yacht Potomac. In that letter you requested permission to use the Seal of the President in connection with a campaign to raise funds to restore, maintain, and operate the Potomac.

I regret to inform you that we cannot grant the permission you seek. Our decision is in no sense a reflection on the praiseworthy effort to restore President Roosevelt's yacht. The project, as described in the materials you forwarded to us, is very exciting and filled with great possibilities for average citizens and serious students of FDR's era. We cannot, however, agree to any use of the Presidential Seal in connection with private fundraising efforts. To do so would convey the misleading impression of official sponsorship of the fundraising.

We would be happy to consider requests for permission to use the Presidential Seal in historically appropriate ways on the yacht itself. Such use on the finished monument to President Roosevelt does not present the difficulties that inexorably accompany any use of the Seal in connection with fundraising.

Thank you for advising us of the efforts to restore the Potomac. You have our best wishes for success.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. J. Rock Tonkel
Managing Partner
Jerold Panas, Young
& Partners, Inc.
2504 Pacific Avenue
San Francisco, California 94115

FFF:JGR:aw 7/6/83
cc: FFFfielding/JGRoberts/Subj./Chron

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1 MEMO

1 7/7/1983 B6

498

ROBERTS TO FIELDING RE DEPUTY
UNDERSECRETARY OF COMMERCE

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

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E.O. 13233

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

THE WHITE HOUSE

WASHINGTON

July 8, 1983

Dear Ms. Corrothers:

With regard to your prospective appointment as Commissioner to the U.S. Parole Commission, it will be necessary for you to complete the enclosed Personal Data Statement and Financial Disclosure Report. Please return these forms to me at your earliest convenience.

With best wishes,

Sincerely,

A handwritten signature in dark ink, appearing to read "John G. Roberts", with a stylized, flowing script.

John G. Roberts
Associate Counsel
to the President

Ms. Helen G. Corrothers
8150 West Seventh Street
Pine Bluff, Arkansas 71603

Enclosures

WITHDRAWAL SHEET

Ronald Reagan Library

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2 MEMO

2 7/8/1983 B6

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ROBERTS TO HAUSER RE ASSISTANT
SECRETARY OF TREASURY

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

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THE WHITE HOUSE

WASHINGTON

July 11, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: "Fair Housing Amendments of 1983" for
Transmittal to Congress by the President

Richard Darman has asked for our views as soon as possible on the Administration's fair housing amendments and an accompanying section-by-section analysis. We received and cleared the original version of these items on June 14. Three changes have been made in the previously-approved material, at the recommendation of Hamilton Fish, ranking Republican on the House Judiciary Committee. The changes would provide a 120-day period after receipt of a complaint during which the Secretary of HUD generally must decide whether to pursue it, and authorize the Secretary to pursue claims deferred to state agencies and unresolved after 90 days or even prior to expiration of the 90-day period if he certifies that protection of rights and justice so requires. I have indicated the new sections on the bill. HUD, Justice, CMB, and OPD have reviewed and approved the changes. I have also reviewed them, and am not disposed to interpose any objection to them.

Attachment

THE WHITE HOUSE

WASHINGTON

July 11, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: "Fair Housing Amendments of 1983" for
Transmittal to Congress by the President

Counsel's Office has reviewed the changes in the "Fair Housing Amendments of 1983," and finds no objection to them from a legal perspective.

FFF:JGR:aw 7/11/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 11, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: ✓ Draft Statement Before Members of
Subcommittee on Alcoholism and Drug
Abuse on DEA's Views on "Look-Alike Drugs"

A representative of DEA (as yet unidentified) proposes to deliver the above-referenced statement on July 14. The testimony concerns "look-alike" drugs, which are legal, non-controlled substances designed and marketed to resemble controlled substances and mimicking their effect, though on a smaller scale. For example, a typical "look-alike" is a legitimate caffeine capsule with the same shape and coloring as a popular, illegal "speed" capsule. The testimony notes three general problems with the "look-alike" industry: (1) "look-alikes" can be abused when taken in large quantities, (2) they contribute to acceptance of the view that drugs should be consumed not for medicinal purposes but for pleasure, and (3) serious consequences attend the confusion between "look-alikes" and the real things -- e.g., someone accustomed to taking six caffeine "look-alike" tablets could easily kill himself if he took six of the speed tablets the "look-alikes" were designed to resemble.

The testimony notes DEA's success in promulgating a model act addressed to the "look-alike" problem, its efforts to educate appropriate officials concerning the problem, the role of the legitimate pharmaceutical industry in declining orders to produce "look-alikes," and inter-agency cooperative efforts. In general the testimony urges caution in addressing the problem through federal legislation.

The second sentence on page 6 bemoans the fact that "no single Federal agency has jurisdiction over all facets of this drug abuse problem." Such language plays directly into the hands of those who support creation of a drug czar, and could be very embarrassing to the Administration should this debate be joined anew. We should recommend deletion of the sentence.

Attachment

THE WHITE HOUSE

WASHINGTON

July 11, 1983

MEMORANDUM FOR GREGORY JONES
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Statement Before Members of
Subcommittee on Alcoholism and Drug
Abuse on DEA's Views on "Look-Alike Drugs"

Counsel's Office has reviewed the above-referenced draft testimony. The second sentence on page 6 should be deleted, since it plays into the hands of those who favor creation of a "drug czar" with jurisdiction over all aspects of the drug abuse problem, something the Administration has strongly opposed. We have no other objections.

FFF:JGR:aw 7/11/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 11, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Civil Aeronautics Board Decisions in
Action Air Cargo Corporation, The Flying
Tiger Line, Inc., Northwest Airlines,
Inc., and Capitol Air, Inc.

Richard Darman's office has asked for comments by close of business Wednesday, July 13, 1983 on the above-referenced CAB decisions, which were 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 these cases, by July 23).

The orders here have 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 these orders involve domestic carriers, judicial review is theoretically available. Hence, the proposed letter from the President to the CAB Chairman prepared by OMB includes the standard sentence designed to preserve availability of judicial review, as contemplated by the Executive Order for cases involving domestic airlines.

The Action Air Cargo order authorizes service by that carrier between Jamaica and the U.S. The remaining orders authorize service by Flying Tiger between the U.S. on the one hand and Australia and Lebanon on the other, and by Northwest and Capitol between the U.S. and Lebanon. My review of the orders confirms OMB's description of them as "routine, noncontroversial matters."

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

Attachment

THE WHITE HOUSE

WASHINGTON

July 11, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Civil Aeronautics Board Decisions in
Action Air Cargo Corporation, The Flying
Tiger Line, Inc., Northwest Airlines,
Inc., and Capitol Air, Inc.

Our office has reviewed the above-referenced CAB decisions 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 these orders or to the substance of the letter from the President to the CAB Chairman prepared by OMB.

FFF:JGR:aw 7/11/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

July 11, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Harper Inquiry Concerning
Debate Briefing Book

By memorandum dated July 1, Wendell Gunn advised Jim Cicconi that William Coleman had called to alert him to a prohibition on the preparation of campaign materials by government employees on government time. Ed Harper sent you a copy of the memorandum with a "let's discuss" note.

Coleman was presumably referring to the requirement that appropriated funds be used only for the purposes for which they were appropriated, 31 U.S.C. § 628, which the Comptroller General has interpreted to mean that official funds may not be used for purely partisan political purposes. As noted in the memorandum of June 27 to Richard Hauser from myself and Sherrie Cooksey, Hatch Act questions may also be presented if members of the Domestic Policy staff involved in the briefing book preparation were not paid from the White House appropriation.

This concern has gradually been appearing in news and commentary, though hardly with the prominence accorded other aspects of the episode. The argument that government property could not have been involved, since the material was designed for the partisan political purpose of the debate, would cover much but not all of the material which has been uncovered among the Reagan campaign materials. For example, the memorandum to the Carter Cabinet from Anne Wexler and Al McDonald cannot immediately be categorized as a non-government document. In any event, I do not think we should be formulating legal positions on this matter for public consumption. Having turned the matter over to Justice, we are in the position of relying on their legal analysis of the operative facts, and it does not strike me as profitable to engender public debate on the legal implication of hypothetical facts when Justice is investigating to determine the actual facts.

More generally, I question whether it would be in our best interest to focus attention on this broad issue. Harper simply indicated he wanted to "discuss" the question, so I have not drafted any memorandum.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 11, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Kerr-McGee v. Watt

Myles Flint of the Department of Justice, Lands Division, called me on July 7 to advise me that a demand for documents in the Executive Office of the President had arisen in connection with the above-referenced litigation. The case concerns phosphate mining in the Osceola National Forest, and is linked to the President's decision to veto H.R. 9 earlier this year. I requested that Flint forward copies of the pertinent papers to our office, and told him that someone from our office would be in touch with him to coordinate a response. The whole package is submitted to you for appropriate staffing.

Attachment

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 11, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Fact Sheet Re: Fair Housing
Amendments Act of 1983

Richard Darman has requested comments by 2:00 p.m. today on the above-referenced fact sheet. The fact sheet, prepared by HUD and reviewed by Public Affairs, reviews the highlights of the previously-cleared Administration proposal to strengthen the fair housing laws. I have reviewed the fact sheet and find it to be an accurate representation of the Administration bill. The second "bullet" item notes that our bill would permit the Attorney General to sue "for equitable relief or civil penalty." The "or" should be changed to "and/or."

Attachment

THE WHITE HOUSE

WASHINGTON

July 11, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Fact Sheet Re: Fair Housing
Amendments Act of 1983

Counsel's Office has reviewed the above-referenced draft fact sheet, and finds it to be an accurate reflection of the Administration's proposed amendments to the fair housing laws. In the second "bullet" item, however, "equitable relief or civil penalty" should be changed to "equitable relief and/or civil penalty."

FFF:JGR:aw 7/11/83

cc: FFFielding
JGRoberts
Subj.
Chron