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**Folder Title:** Chron File (09/01/1983-09/08/1983)

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# WITHDRAWAL SHEET

# Ronald Reagan Library

Colle	ection Name			V	Vithdra	awer
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File	Folder	CHRON FILE (09/01/1983 - 09/08/1983)		F	OIA	
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1	MEMO	ROBERTS TO FIELDING RE TELEGRAM FROM HARRIET BURNSTEIN	1	9/6/1983	В6	566
		FROM HARRIET BURNSTEIN				
2	MEMO	ROBERTS TO HOLLAND RE WILLIAM	2	9/7/1983	В6	567

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]

#### WASHINGTON

September 1, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Remarks: Kennedy Space Center Picnic

at Cape Canaveral, Florida

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Aram Bakshian by noon today. Two sets of remarks have been provided. Both focus on the successes of our space program. The first version announces that NASA will begin work on a space station as our next space priority; the second version omits this announcement. I have no legal objections to either version.

At the bottom of page 4 of both drafts, however, Neil Armstrong's famous words are rendered "...one small step for man, one giant leap for mankind." It is my recollection that he actually said "one small step for a man, one giant leap for mankind," but the "a" was somewhat garbled in transmission. Without the "a," the phrase makes no sense. I recommend calling this to the attention of Bakshian.

washington September 2, 1983

## MEMORANDUM FOR THE RECORD

FROM:

JOHN G. ROBERTS

SUBJECT:

B. Dalton Literacy Project

After confering with Richard A. Hauser, I advised Livingston's office that we had no objections to the draft letter. I also told Michael Castine that B. Dalton should be admonished not to use the letter in a commercially exploitive fashion, but only in connection with the literacy campaign itself.

WASHINGTON

September 2, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT

Proposed Executive Order Entitled President's Commission on Industrial

Competitiveness

Richard Darman has asked for our comments by September 6 on a proposed executive order to increase the size of the new Commission on Industrial Competitiveness from 25 to 30 members. The order has been approved by OMB and, as to form and legality, by the Office of Legal Counsel. OLC notes that recent regulations issued by the Committee Management Secretariat on Federal Advisory Committees provide that advisory committee membership should be limited to 25 unless it is determined that more members are needed for the committee's functions or to achieve balanced membership. Even if this regulation applies to Presidential advisory committees, Ted Olson has opined that the signing of the executive order constitutes the requisite determination.

## WASHINGTON

# September 2, 1983

MEMORANDUM FOR RICHARD G. DARMAN

ASSISTANT TO THE PRESIDENT

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Proposed Executive Order Entitled President's Commission on Industrial

Competitiveness

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

Tard

WASHINGTON

September 6, 1983

MEMORANDUM FOR RICHARD G. DARMAN

ASSISTANT TO THE PRESIDENT

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Proposed Executive Order Entitled President's Commission on Industrial

Competitiveness

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

Recent regulations issued by the Committee Management Secretariat on Federal Advisory Committees provide that advisory committee membership should be limited to 25 unless it is determined that more members are needed for the committee's functions or to achieve balanced membership. Even if this regulation applies to Presidential advisory committees, the Department of Justice, Office of Legal Counsel has opined that the signing of the executive order constitutes the requisite determination. I agree.

FFF:JGR:aea 9/6/83

cc: FFFielding

**JGRoberts** 

Subj. Chron

WASHINGTON

September 2, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Draft GSA Bill to Amend Section 103 of the Presidential Recordings and Materials

Preservation Act - Nixon Papers

Greg Jones of OMB has asked if we have any objection to GSA's proposal to amend the Presidential Recordings and Materials Preservation Act to eliminate the requirement that the Nixon files be maintained in the Washington area. The provision was originally enacted to prevent the feared dispersal of evidence of alleged Watergate transgressions. GSA no longer believes the restriction to be necessary, and unless it is removed, GSA cannot go forward with plans for the Nixon library at San Clemente.

OMB and Justice have no objection, although some unidentified marginalian has suggested making the first sentence consistent with the preamble of the bill, a sound suggestion. I see no relation between this bill and the pending questions concerning our possible review of the Nixon special files scheduled to be released to the public.

### WASHINGTON

September 2, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Proposed Executive Order Entitled President's Commission on Industrial

Competitiveness

Richard Darman has asked for our comments by September 6 on a proposed executive order to increase the size of the new Commission on Industrial Competitiveness from 25 to 30 members. The order has been approved by OMB and, as to form and legality, by the Office of Legal Counsel. OLC notes that recent regulations issued by the Committee Management Secretariat on Federal Advisory Committees provide that advisory committee membership should be limited to 25 unless it is determined that more members are needed for the committee's functions or to achieve balanced membership. Even if this regulation applies to Presidential advisory committees, Ted Olson has opined that the signing of the executive order constitutes the requisite determination.

### WASHINGTON

September 1, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Freedom of Information Act Request of

Melvin K. Najarian

The Department of Defense has forwarded to us a document found in its files, responsive to an FOIA request filed by Melvin K. Najarian, who asked for files relating to former Assistant Secretary of the Navy, George A. Sawyer. The document is a copy of Sawyer's response to our Personal Data Statement memorandum. I called Defense to determine the origin of that document, and was advised that Sawyer kept a copy in his own files. I see no basis for objecting to its release. We advise individuals that their responses to the PDS will be kept confidential, but we cannot be responsible for copies retained by the individuals themselves.

### WASHINGTON

September 6, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS.

SUBJECT:

Request for Tape of President

Discussing Bing Crosby

Some time ago I recommended that we advise Mr. Deaver's office that the President should decline to provide a tape of his remembrances of Bing Crosby, to be used on a syndicated radio program styled as a tribute to Crosby. prepared a letter for your signature to the president of the radio production firm stating our "policy" of not involving the President in such commercial activity. You requested that I review precedent on the matter, including activities concerning Bob Hope and James Bond. I polled the other attorneys and the most I could determine was that the "policy" was as stated, though it was often honored in the breach. The results of the James Bond taping - including the airing of television commercials with excerpts from the taping - serve more as a reminder of the need to adhere more strictly to the policy than as precedent for departure from it. The President was of course involved in the Bob Hope special, aired by NBC.

I have revised the memorandum to Sittmann to note that while exceptions have been made, we generally discourage participation by the President in this sort of commercial activity. The proposed letter to the company president need not be changed. There is no reason to alert him to the fact that we have made exceptions to our policy in the past.

WASHINGTON

September 6, 1983

MEMORANDUM FOR WILLIAM F. SITTMANN

SPECIAL ASSISTANT TO THE PRESIDENT

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Request for Tape of President

Discussing Bing Crosby

Attached is a proposed response to the correspondence requesting the President to participate in a commercial radio program honoring Bing Crosby. The response declines the request on the basis of our policy of avoiding involvement by the President in commercial activity. We have occasionally departed from this policy in the past, as for example when the President participated in a taping for Bob Hope's 80th birthday celebration, aired by NBC. That was an unusual case, however, and this does not seem to be of a similar stature. If Mr. Deaver considers this request an appropriate candidate for an exception, we can revisit the question. Otherwise, I will send the letter.

FFF: JGR: aea 9/6/83

cc: FFFielding

**JGRoberts** 

Subj. Chron

WASHINGTON

August 5, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Request for Tape of President Discussing Bing Crosby

Ted LeVan, President of the radio production company Narwood Productions, has written Jim Jenkins to request that the President provide a tape of remembrances concerning Bing Crosby. Narwood is producing a three-hour tribute to Crosby, to be aired Thanksgiving weekend on a network of 250 radio stations, and would like to include the President's recollections. Per Mr. Deaver's instructions, Bill Sittmann has asked for our recommendation.

The radio program is of course a commercial enterprise, and our standard policy is to avoid involving the President in such activity. I see no reason to depart from that policy in this instance. I have prepared a reply to LeVan for your signature, and an appropriate memorandum to Sittmann seeking his office's concurrence.

Attachment

Pls del (eg, Jun But lare, etc)

WASHINGTON

August 5, 1983

MEMORANDUM FOR WILLIAM F. SITTMANN

SPECIAL ASSISTANT TO THE PRESIDENT

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Request for Tape of President

Discussing Bing Crosby

Attached is a proposed response to the correspondence requesting the President to participate in a commercial radio program honoring Bing Crosby. If you concur, I will send the letter.

Marie Commence Color Commence the Commence of

Attachment

FFF:JGR:aw 8/5/83

cc: FFFielding
JGRoberts
Subi

Subj. Chron

id# 159175
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# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

□ O - OUTGOING				
☐ H - INTERNAL				
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COMMENTS:				
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Keep this worksheet attached to the original incoming letter. Send all routing updates to Central Reference (Room 75, OEOB). Always return completed correspondence record to Central Files. Refer questions about the Correspondence Tracking system to Central Reference, ext. 2590

### WASHINGTON

September 6, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Draft Legislation regarding National Productivity and Innovation Act of 1983

Richard Darman has asked for comments by September 8 on the above-referenced draft legislation, section-by-section analysis, and accompanying Presidential transmittal letter. The legislation emerged from the Cabinet Council on Commerce and Trade, and the letter was drafted by the Department of Justice.

Title II of the bill provides that joint research and development projects are not per se illegal under the antitrust laws, and limits recovery under those laws for conduct that is part of a joint R&D project to actual, rather than treble, damages. The damage limitation only applies if particulars of the joint R&D project have been reported to the FTC and the Attorney General. Title III provides that certain licensing arrangements are not per se violative of the antitrust laws, and limits damages as in Title II. Title IV specifies that certain arrangements in connection with patent or copyright licensing are not per se illegal, and Title V closes a loophole in the patent laws by providing that importers of products produced abroad by a protected process are liable for patent infringement.

The proposed Presidential letter reviews the significance of R&D to industrial competitiveness, reviews what we have done to aid R&D to date, and provides an overview of the legislation. The letter states that the bill will require courts to consider the procompetitive effects of joint R&D projects challenged under the antitrust laws. This is an accurate shorthand, since proscribing per se treatment means that the projects will be analyzed under the "rule of reason" approach, i.e., balancing procompetitive against anticompetitive effects.

I have no substantive objections.

# WASHINGTON

September 6, 1983

MEMORANDUM FOR RICHARD G. DARMAN

ASSISTANT TO THE PRESIDENT

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Draft Legislation regarding National Productivity and Innovation Act of 1983

Counsel's Office has reviewed the above-referenced draft legislation and the accompanying section-by-section analysis and transmittal letter, and finds no objection to these items from a legal perspective. In the first line of the carryover paragraph between page 2 and 3 of the letter, "insure" should be "ensure."

FFF:JGR:aea 9/6/83

cc: FFFielding

**JGRoberts** 

Subj. Chron

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	<i>II</i>	 	

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

□ O · OUTGOING □ H · INTERNAL □ I · INCOMING □ Date Correspondence Received (YY/MM/DD)  Name of Correspondent:  RICHAR		ARMAN	(P)			
Subject: Draft Legislat.	ion re	: Natio	nal Proc			ty
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Comments:						

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

# WITHDRAWAL SHEET

# **Ronald Reagan Library**

Collection Name

ROBERTS, JOHN: FILES

Withdrawer

IGP 8/4/2005

File Folder

CHRON FILE (09/01/1983 - 09/08/1983)

*FOIA* 

F05-139/01

COOK

Box Number

28IGP

DOC Document Type NO Document Description pages

No of Doc Date Restric-

tions

1 **MEMO**  9/6/1983 B6 566

ROBERTS TO FIELDING RE TELEGRAM FROM HARRIET BURNSTEIN

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]

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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.

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# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

□ O · OUTGOING □ H · INTERNAL □ I · INCOMING □ Date Correspondence Received (YY/MM/DD)  Name of Correspondent:	iet Bu	rastu	n	
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Subject: Low Suttle	ment			<u>,</u>
ROUTE TO:	AC	TION	DISP	OSITION
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Comments:				
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2158779507 TDMT PHILADELPHIA PA 110 08-31 0154P EST PMS HELEN VANDAMN, WHITE HOUSE SOCIAL SECRETARY RPT DLY MGH, DLR WASHINGTON DC

DEAR MS VANDAMN THIS IS TO ADVISE YOU OF AN OUT OF COURT SETTLEMENT FINALIZED BY THE IN THE AMOUNT OF \$260,000 REPRESENTING ADMITTED ROBBERY AND ABDUCTION THESE FUNDS WERE TO MAVE BEEN DEPOSITED IN MY PRIVATE ACCOUNT THE BANK OF CORAL GABLES BANK AND TRUST CORAL GABLES FLORIDA SOMETIME AGO I HAVE MADE EXTENDED PLANS ON THIS SETTLEMENT THE UNITED STATES ATTORNEY ALSO

REQUESTED THAT I LEAVE FOR EUROPE UNDER SECRET COVER OR MATTERS PERTAINING TO THE PRESIDENT I AM LEAVING BY HOMESTEAD AIR FORCE BASE WITH MY FAMILY AND ONE PRIVATE PHYSICIAN AND WILL BE IN TOUCH AT A FUTURE DATE VERY CORDIALLY

MARRIET BURNSTEIN 1030 LANCASTER AVE ROSEMONT PA 19010

1357 EST

1401 EST

WASHINGTON

September 6, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Draft GSA Bill to Amend Section 103 of the Presidential Recordings and Materials Preservation Act - Nixon Papers

With respect to your query, no move of the files, even if Congress passes this bill, is imminent. The San Clemente library project still has to be approved and the facility actually constructed before the Archivist can even consider moving the files. The bill is simply designed to remove an obvious legal impediment to consideration by Congress of the San Clemente library proposal. Enactment of the bill would not itself result in any movement of the files, and so there is no need for us to withhold our approval of the bill to ensure the geographic proximity of the files for any possible review in connection with the privilege questions.

WASHINGTON

September 2, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Draft GSA Bill to Amend Section 103 of the Presidential Recordings and Materials

Preservation Act - Nixon Papers

Greg Jones of OMB has asked if we have any objection to GSA's proposal to amend the Presidential Recordings and Materials Preservation Act to eliminate the requirement that the Nixon files be maintained in the Washington area. The provision was originally enacted to prevent the feared dispersal of evidence of alleged Watergate transgressions. GSA no longer believes the restriction to be necessary, and unless it is removed, GSA cannot go forward with plans for the Nixon library at San Clemente.

OMB and Justice have no objection, although some unidentified marginalian has suggested making the first sentence consistent with the preamble of the bill, a sound suggestion. I see no relation between this bill and the pending questions concerning our possible review of the Nixon special files scheduled to be released to the public.

Attachment

Mond 40

### WASHINGTON

September 7, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS

SUBJECT:

Appointment of Richard A. Gallun as a Member of the John F. Kennedy

Center for the Performing Arts Advisory

Committee

I have reviewed the Personal Data Statement submitted by the above-referenced individual for appointment as a member of the Kennedy Center Advisory Committee.

Appointments to the Kennedy Center Advisory Committee are authorized by Public Law 85-874 § 2(c). Appointees "shall be persons who are recognized for their knowledge of, or experience or interest in, one or more of the arts in the fields covered by the [Kennedy Center]." Id. Mr. Gallun is very active in the arts in the Milwaukee area, serving as President of the Ballet Foundation of Milwaukee, a director of the Milwaukee Repertory Theatre, and a director of the United Performing Arts Fund. Based on my review of his Personal Data Statement, I see no reason to object to his appointment.

WASHINGTON

TO:

Linvestigate

in connection with

This letter confirms in writing your express consent for the Federal Bureau of Investigation to make an investigation of your background as part of the consideration for your application for employment.

You should be aware that the authority to collect this background information is based on the President's executive powers in Article II of the Constitution. The information will be used to obtain necessary clearances to assist you in your work. The background information, which includes a review of FBI files, will be disclosed to another Federal agency, to assist in its process of clearing you. Wilfully making a false statement, or concealing a material fact, may constitute a violation of Section 1001, Title 18, of the U.S. Code.

By volunteering information about how you exercise rights guaranteed by the First Amendment, it will be assumed that you are expressly authorizing the maintenance of this information in the records of any Federal agency.

The FBI investigation will include the collection and use of relevant information in the files of various Federal agencies and it is necessary that you authorize the disclosure of such information to the FBI.

If you consent to such an investigation, and to the disclosure of relevant information by other Federal departments and agencies to the FBI, please sign your name below and return this original letter of consent to me.

Thank you.	
Approved:	
Date:	

### WASHINGTON

September 7, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Your Inquiry Concerning Letter From Larry Smith to Jack Sparks

Central Files reveals that Larry Smith is a pest who has been writing everyone in an unsuccessful effort to obtain a "photo opportunity." Interestingly, the last document in the file, a memorandum addressed to Mr. Deaver, Senator Laxalt, and yourself, from Pen James, suggests that the question of Smith's use of the Laxalt letter came up before, but there is no record in the files of any action having been taken.

## WASHINGTON

August 30, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Letter from Larry Smith to Jack Sparks

Jack Sparks, Chairman of the Board of Whirlpool, called John Stiner of Virginia Knauer's office to complain about a letter he had received from one Larry Smith. Sparks suggested that the letter be reviewed by our office, and Stiner forwarded it to me.

Smith's letter is extremely offensive and suggests Smith has exploitable "contacts" within the Administration, which he is willing to put to work for clients for \$1,000 per day, plus expenses. As evidence of his clout, Smith appends a May 8, 1981, letter from Senator Laxalt to Mr. Deaver, advising that Justin Dart asked for a "photo opportunity" for Smith.

I do not know who Smith is, nor do I think it matters. I have prepared an appropriately stern letter to Smith, and one to Sparks advising him of our action.

Attachments

9 agree her down ??

### WASHINGTON

September 7, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Draft Proclamation Designating Thursday, November 24, 1983, as

Thanksgiving Day

Dodie Livingston has asked for our views on the above-referenced draft proclamation. The proclamation has not been requested by joint resolution but is of course traditional, and this draft has been approved by OMB. The proclamation, like the holiday itself, is imbued with religious overtones, but contains sufficient recognition of the separation of church and state and the pluralistic nature of our society to blunt the protests of all but the most fanatic civil libertines. I have no objections.

## WASHINGTON

# September 7, 1983

MEMORANDUM FOR DODIE LIVINGSTON

SPECIAL ASSISTANT TO THE PRESIDENT

DIRECTOR, SPECIAL PRESIDENTIAL MESSAGES

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Draft Proclamation Designating Thursday, November 24, 1983, as Thanksgiving Day

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

FFF:JGR:aea 9/7/83

cc: FFFielding

**JGRoberts** 

Subj. Chron

# WHITE HOUSE

CORRESPON	NDENCE TRA	CKING WORK	(SHEET			
□ O - OUTGOING □ H - INTERNAL □ I - INCOMING □ Date Correspondence Received (YY/MM/DD) / /						
Name of Correspondent: DODIE	LIVING	STON_				
☐ MI Mail Report Use	er Codes: (A)		(B)	_ (C)	)	
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C - Comment/Recommendation R D - Draft Response S F - Furnish Fact Sheet X to be used as Enclosure	- Info Copy Only/No A - Direct Reply w/Copy - For Signature - Interim Reply	ction Necessary	DISPOSITION CODES:  A · Answered B · Non-Special Refe  FOR OUTGOING CORE  Type of Response =  Code =  Completion Date =	IESPON Initials "A"	of Signer	ded
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WASHINGTON

September 7, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Joey Adams Foreword

You will recall that after determining that the proceeds from Joey Adams' forthcoming book on humor would go to the Actors Youth Fund, we advised Kathleen Osborne that our office would have no objection to the President writing a brief foreword to the book, pursuant to Mr. Adams' request and the President's expressed desire to comply with that request. Since I had contacted him in the course of reaching the foregoing conclusion, Adams sent a draft of the book to me and indicated that he wanted me to be his only point of contact in connection with the project. I recommend sending the book to Osborne for either routing to the speechwriters or special messages or the President's own drafting of a brief message.

WASHINGTON

September 7, 1983

MEMORANDUM FOR KATHLEEN OSBORNE

PERSONAL SECRETARY TO THE PRESIDENT

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Joey Adams Foreword

On August 18, I advised you that our office had no objection to the President complying with Joey Adams' request that he write a brief foreward to Adams' forthcoming book on humor, the proceeds of which are to go to the Actors Youth Fund. Adams has now sent our office a draft of the book to facilitate preparation of the foreword. I am sending the draft to you so that it may be routed as appropriate to whomever will be working on this project. As I indicated in my earlier memorandum, our office should review a draft of the proposed foreword.

Attachment

FFF:JGR:aea 9/7/83

cc: FFFielding

JGRoberts

Subj. Chron

WASHINGTON

August 18, 1983

MEMORANDUM FOR KATHLEEN OSBORNE

PERSONAL SECRETARY TO THE PRESIDENT

FRED F. FIELDING Orig. signed by FFF

FROM:

COUNSEL TO THE PRESIDENT

SUBJECT:

Request that President Write Foreword

You will recall that Joey Adams, President of The Actors Youth Fund, asked the President to write a foreword to his new book on the uses of humor. We advised that it would be inappropriate for the President to do so, in light of the White House policy of avoiding involvement in commercial ventures. The President thereupon inquired if Adams were doing the book for the benefit of The Actors Youth Fund. Mr. Adams has been out of the country, and only recently has been able to return our calls. He has now indicated that all of the proceeds of the book will in fact go to The Actors Youth Fund. Accordingly, we have no objection to the President writing a brief foreword to Mr. Adams' book, should he desire to do so. Our office, however, should review a draft of the proposed foreword.

FFF:JGR:ph 8/18/83 cc: FFFielding JGRoberts 🗸 Subject Chron.

WASHINGTON

September 6, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 2

SUBJECT:

Request for Permission to Use

President's Poem "Time" in 1984 Edition

of Anthology of Magazine Verse and

Yearbook of American Poetry

Alan Pater, President of Monitor Book Company, has requested permission to reprint the President's poem, "Time," in the 1984 anthology of magazine verse published by Monitor. It took some time to locate the poem as it appeared in the Winter 1982 issue of the obscure magazine "Tendril," the citation provided by Pater. That magazine identified the poem as reprinted from the newspaper, "Uncle Sam."

I see no reason to object to Monitor's contemplated reprinting of the President's poem. The poem is a private product of the President's, so it is technically not our call on whether to approve its use but the President's personal decision. I do not think it worth wasting the President's time to call this matter to his attention, however, and recommend that we simply advise Monitor that we have no objection. If you disagree, I will draft an appropriate memorandum for the President.

WASHINGTON

September 6, 1983

Dear Mr. Pater:

This is written in response to your letter to the President requesting permission to reprint his poem, "Time," in the 1984 edition of the Anthology of Magazine Verse and Yearbook of American Poetry. You indicated in your letter that the poem was originally published in the Winter 1982 issue of Tendril magazine.

We have no objection to your contemplated reprinting of the poem. I would point out, however, that <u>Tendril</u> indicates that "Time" was reprinted from the newspaper Uncle Sam.

Sincerely,

Fred F. Fielding Counsel to the President

Mr. Alan F. Pater President Monitor Book Company, Inc. 195 South Beverly Drive Beverly Hills, California 90212

FFF:JGR:aea 9/6/83

cc: FFFielding/JGRoberts/Subj./Chron

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

□ O · OUTGOING		4		
□ H · INTERNAL				
□ I - INCOMING  Date Correspondence  Received (YY/MM/DD)				
Name of Correspondent: Clan F	: Pater			
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Subject: Requests permissi	on to u	se Pres	ident por	em
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Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

#### WASHINGTON

September 8, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Justice Department Views on S. 804, the "Undercover Operations Act of 1983"

OMB has provided us with a copy of a proposed letter from Assistant Attorney General McConnell to Chairman Thurmond, generally objecting to S. 804. That bill, largely a reaction to Abscam, would circumscribe Justice undercover operations and expand the entrapment defense. The provisions as they would appear in 18 U.S.C., and Justice's views, are described below.

- 18 U.S.C. § 3801 would expressly authorize undercover operations and require the Attorney General to issue guidelines governing them. Justice notes several technical problems with this provision but registers no serious objection.
- 18 U.S.C. § 3802 would clarify the authority of undercover operations to use funds in running cover operations. Justice supports this provision.
- 18 U.S.C. § 3803 requires satisfaction of certain threshold requirements before an undercover operation may be commenced, including a highly restrictive "probable cause" standard for undercover investigations of "religious" or "political" organizations. Justice strenuously opposes these requirements.
- 18 U.S.C. § 3804 would expand the liability of the United States for tortious conduct with some nexus to an undercover operation, and is opposed by Justice on the ground that present remedies are adequate.
- 18 U.S.C. § 3805, which would require an annual report to Congress on undercover operations, is also opposed as burdensome and potentially disruptive of ongoing investigations.

A separate section of the bill would create a statutory entrapment defense far broader than that currently recognized by the courts. The bill would codify the

"objective test" rejected by the Supreme Court in <u>United States v. Russell</u>, 423 U.S. 411 (1973), under which the jury would consider not the subjective predisposition of the defendant to commit the crime but whether the methods used by the government would make it more likely than not that a normally law-abiding citizen would commit a similar offense. Justice opposes this radical departure from existing law, noting that it would simply provide a loophole for criminals.

I have no objection to the proposed letter.

#### WASHINGTON

September 8, 1983

MEMORANDUM FOR JAMES C. MURR

OFFICE OF MANAGEMENT AND BUDGET

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Justice Department Views on S. 804,

the "Undercover Operations Act of 1983"

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

FFF:JGR:aea 9/8/83

cc: FFFielding

**JGRoberts** 

Subj. Chron

## WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

□ O - OUTGOING □ H - INTERNAL □ I - INCOMING □ Date Correspondence Received (YY/MM/DD)	C. ML				re please
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## EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET WASHINGTON, D.C. 20503

August 30, 1983

166772 W

### LEGISLATIVE REFERRAL MEMORANDUM

TO:

Legislative Liaison Officer

Department of the Treasury

SUBJECT: Justice views on S. 804, the "Undercover Operations Act of 1983."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please provide us with your views no later than September 9, 1983.

Direct your questions to Gregory Jones (395-3856), of this office.

Assistant Director for Legislative Reference

Enclosures

cc: M. Whlmann F. Fielding

K. Wilson M. Horowitz K. Collins A. Curtis

WASHINGTON

September 8, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Seal Inquiry

You referred a call from State Representative, Tom Riner, to me. Riner stated that the Kentucky Legislature wanted to use the Presidential Seal, absent the banner describing the seal as such, in a display along with the national motto. (Pursuant to 36 U.S.C. § 186, the national motto is "In God we trust.") I suggested to Riner that it would be more appropriate to use the Great Seal for such a display. He accepted the suggestion, and asked for a copy of the Great Seal. The attached letter, for your signature, provides Riner with a copy, and reminds him, as I did by telephone, of the proscriptions contained in 18 U.S.C. § 713(a). Representative Riner indicated that prompt action would be appreciated.

WASHINGTON

September 8, 1983

Dear Mr. Riner:

Pursuant to your conversation with John Roberts of my staff, please find enclosed a color print of the Great Seal of the United States. It is our understanding that the Seal will be used by the Legislature in an appropriate display, along with an inscription of the national motto. As Mr. Roberts advised you, it would be more appropriate to use the Great Seal than the Seal of the President for such display purposes.

I have also taken the liberty of enclosing a copy of the statutory provision, 18 U.S.C. § 713(a), governing use of the Great Seal. If we may be of any further assistance, please do not hesitate to call upon us.

With best wishes,

Sincerely,

Fred F. Fielding Counsel to the President

The Honorable Tom Riner
Member of the House of Representatives
of the State of Kentucky
1143 East Broadway
Louisville, Kentucky 40204

Enclosures

FFF:JGR:aea 9/8/83

bcc: FFFielding/JGRoberts/Subj./Chron

WASHINGTON

September 7, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

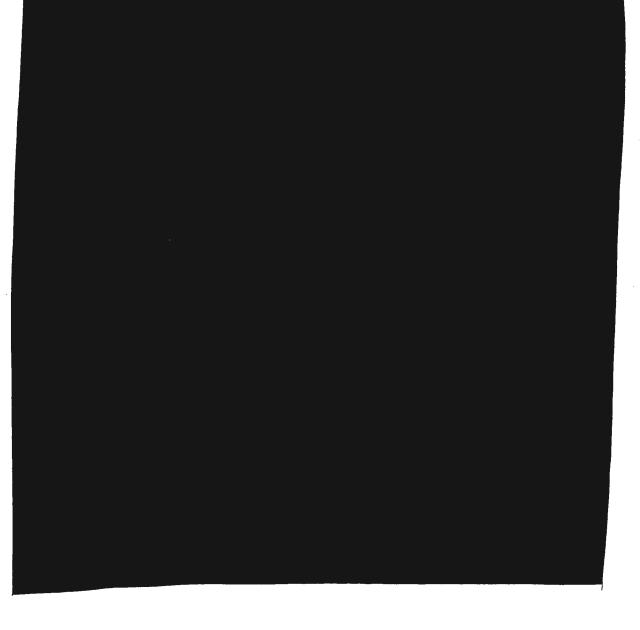
FROM:

JOHN G. ROBERTS

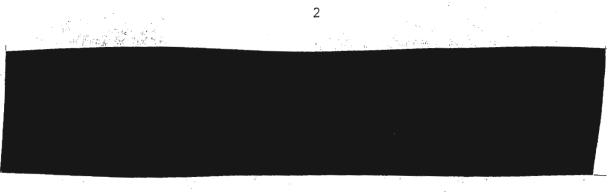
SUBJECT:

William H. Luers

I have reviewed the SF-278 and other forms submitted by William H. Luers in connection with his prospective appointment as Ambassador to Czechoslovakia.



ble



#### WASHINGTON

September 8, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Draft Statement and Fact Sheet Regarding National Productivity and Innovation Act of 1983

Richard Darman has asked for comments by 5:00 p.m. today on the above-referenced draft statement and fact sheet. These items are largely drawn from the previously reviewed proposed letter from the President transmitting the legislation to Congress. By memorandum, dated September 6, you noted no legal objection to the bill or to the transmittal letter. I have noted several stylistic points in the attached draft memorandum to Darman, but see no legal objections.

WASHINGTON

September 8, 1983

MEMORANDUM FOR RICHARD G. DARMAN

ASSISTANT TO THE PRESIDENT

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Draft Statement and Fact Sheet Regarding National Productivity and Innovation Act of 1983

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

In the last line of page 2 of the draft statement, and in the first line of page 2 of the fact sheet, "insure" should be "ensure." In line 6 on page 3 of the statement, we recommend changing "ignore" to the less confrontational "overlook," and in line 7 of page 2 of the fact sheet, "to" should be deleted.

Attachment

FFF:JGR:aea 9/8/83

cc: FFFielding

**JGRoberts** 

Subj. Chron

WASHINGTON

September 8, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS JERJaes

SUBJECT:

Presidential Address: Annual Meeting of National Association of Towns and Townships - Monday, September 12, 1983

Richard Darman asked that comments on the above-referenced remarks be sent directly to Ben Elliott by noon today. The remarks reaffirm the President's commitment to local government and reducing the role of federal government, and review Administration initiatives in the areas of federalism and the economy.

In the third paragraph on page 9, the President reaffirms his support of "legislation that provides for a member nominated by your organization to be placed on the Advisory Commission on Intergovernmental Relations." The format for appointments to the Commission from other groups, such as the Council of State Governments or National League of Cities, is for the President to appoint a specified number of individuals from larger lists submitted by those groups. See 42 U.S.C. § 4273. The phrasing used in the speech is thus acceptable, assuming the nominee of the National Association of Towns would be "placed" on the Commission by the President, rather than by the Association itself. This is all that is envisioned by the Association, which simply wants equal treatment with states, cities, and counties.

#### WASHINGTON

September 8, 1983

MEMORANDUM FOR BEN ELLIOTT

PRESIDENTIAL SPEECHWRITING OFFICE

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Presidential Address: Annual Meeting of National Association of Towns and Townships - Monday, September 12, 1983

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

FFF:JGR:aea 9/8/83

cc: FFFielding

**JGRoberts** 

Subj. Chron

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## WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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Document No.	

# WHITE HOUSE STAFFING MEMORANDUM

DATE: September 7	TION/CONCURR	ENCE/C	DMMENT DUE BY: NO	ON TOMORROW	
SUBJECT: PRESIDENTIAL A	T	OWNS	MEETING OF NATIO AND TOWNSHIPS , SEPTEMBER 12, 1		N OF
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Please provide edits by noon tomorrow, The my office. Thank you.	s/comments nursday, Se	direc ptemb	tly to Ben Elliot	t in room 100 Formation copy	EOB to

#### WASHINGTON

September 8, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Civil Aeronautics Board Decision in

Tower Air, Inc.

Richard Darman's office has asked for comments as soon as possible 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 October 28).

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 domestic carrier, judicial review is theoretically available, and the proposed letter from the President to the CAB Chairman prepared by OMB includes the standard sentence designed to preserve availability of judicial review.

The order authorizes specified service by Tower Air on a New York-Brussels-Tel Aviv route.

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

#### WASHINGTON

September 8, 1983

MEMORANDUM FOR RICHARD G. DARMAN

ASSISTANT TO THE PRESIDENT

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Civil Aeronautics Board Decision in

Tower Air, Inc.

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:aea 9/8/83

cc: FFFielding

JGRoberts

Subj. Chron

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# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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## WHITE HOUSE STAFFING MEMORANDUM

DATE: September 8 ACTIO	DN/CONCUR	RENCE/CO	MMENT DUE BY:	c.o.b. Se	eptembe	er 15
SUBJECT: CAB Decision:	Tower A	ir, In	C.			
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MEESE			HICKEY			
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FELDSTEIN			SVAHN			
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FULLER			WHITTLESEY			
GERGEN		. 🗆	-			
REMARKS:						1
Please forward any corc.o.b. September 15,	nments/re L983.	ecommer	ndations to my	office by		
Thank you.						

**RESPONSE:**