

Ronald Reagan Presidential Library Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Roberts, John G.: Files
Folder Title: Chron File (10/25/1983-10/31/1983)
Box: 62

To see more digitized collections visit:
<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:
<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

Withdrawer

File Folder CHRON FILE (10/25/1983 - 10/31/1983)

IGP 8/30/2005

FOIA

F05-139/01

Box Number

COOK

37IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FRED FIELDING (PARTIAL)	1	10/25/1983	B6	1254
2	LETTER	FIELDING TO K. WILLIAM O'CONNOR (PARTIAL)	1	10/25/1983	B6	1255
3	MEMO	ROBERTS TO FIELDING RE CORRESPONDENCE FROM SPENCER HICKMAN (PARTIAL)	1	10/25/1983	B6	610
4	MEMO	ROBERTS TO FIELDING RE USE OF AIR TRAVEL CLUB AWARDS	2	10/25/1983	B6	611
5	MEMO	ROBERTS TO HOLLAND RE PRESIDENT'S ADVISORY COMMITTEE ON WOMEN'S BUSINESS OWNERSHIP (PARTIAL)	1	10/27/1983	B6	612
6	MEMO	ROBERTS TO HAUSER RE SETTLEMENT OF CIVIL SUIT (PARTIAL)	1	10/28/1983	B6	613

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.

THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement of Lowell Jensen Regarding
Inspector General Act - H.R. 3625 on
October 26, 1983

Lowell Jensen proposes to deliver the attached testimony tomorrow before the Subcommittee on Legislation and National Security of the House Government Operations Committee. The testimony reiterates the Justice Department's traditional opposition to proposals to extend the Inspector General Act of 1978 to the Justice Department. Jensen's proposed testimony stresses the existence of the Office of Professional Responsibility, which handles the functions that would be delegated to an Inspector General, and notes that an Inspector General at the Justice Department would be inconsistent with the Attorney General's paramount responsibility for law enforcement. The testimony concludes by referring to the Administration proposal submitted in the last Congress to establish an Inspector General at the Departments of Justice and Treasury, with more limited responsibilities and powers than the typical Inspector General. I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Lowell Jensen Regarding
Inspector General Act - H.R. 3625 on
October 26, 1983

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

FFF:JGR:aea 10/25/83
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR JAMES A. BAKER III
ASSISTANT TO THE PRESIDENT
CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Access Charges to be Imposed by the FCC
(Docket No. 78-72)

Attached is a copy of our response to the letter sent to you by GTE Corporation Chairman Theodore F. Brophy, concerning access charges proposed by the FCC in Docket No. 78-72.

Attachment

FFF:JGR:aea 10/25/83

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 25, 1983

Dear Mr. Brophy:

Thank you for your letter of October 4 to James A. Baker III. You enclosed with that letter a copy of a letter to Federal Communications Commission Chairman Mark S. Fowler, concerning proposed access charges in FCC Docket No. 78-72.

Please be assured that your views will receive careful consideration by the appropriate officials in the executive branch. In this regard we note that copies of the letter to Chairman Fowler have been sent to officials in the Department of Justice.

Thank you for sharing your views with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Theodore F. Brophy
Chairman of the Board
GTE Corporation
One Stamford Forum
Stamford, CT 06904

bcc: James A. Baker III

FFF:JGR:aea 10/25/83
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Access Charges to be Imposed by the FCC
(Docket No. 78-72)

Theodore F. Brophy, Chairman of the Board of GTE Corporation, has written Mr. Baker to object to the proposed access charges to be imposed by the Federal Communications Commission on AT&T's long-distance competitors. Brophy attached a copy of a letter to FCC Chairman Fowler from the competitors, making the case that the contemplated charges would prevent effective competition with AT&T. The level of charges is the subject of a formal FCC proceeding, Docket No. 78-72. Copies of the letter to Fowler were sent to all interested parties, including the Attorney General and the Antitrust Division.

The FCC is, of course, an independent regulatory agency, so the Administration's views on matters pending before it should ordinarily be presented on the record by the appropriate department, in this case the Justice Department. That department has received copies of the analysis sent by Brophy to Baker, so unless the White House is disposed to become more directly involved in this matter - for example, by reviewing Justice's position - there is no need for any action or further referrals. In short, I recommend that we do nothing other than send Brophy a simple acknowledgment, stating that his views will receive careful consideration by appropriate executive branch officials - i.e., those in the Justice Department. A draft is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Jimmy Stewart Request

By letter dated October 10 Jimmy Stewart asked the President to serve on the Orme School Advisory Council.. The Orme School is a highly-regarded private prep school in Mayer, Arizona, which Stewart's son Ron attended. The purpose of the Advisory Council is to promote a capital campaign by the school. Those agreeing to serve on the Advisory Council expressly permit their names to be listed on a letterhead that will be used in the fundraising efforts.

Presidential Correspondence referred the matter to Kathy Osborne, and Osborne sent it along to us. She advised that the President thinks he should respond personally.

The President should not accept Stewart's invitation to serve on the Advisory Council. Stewart explicitly recognizes that the school simply wants to use the President's name to promote its fundraising efforts. Such activity is unfair to similarly situated schools and other non-profit organizations that do not have Stewart's access to the President, and is ultimately demeaning to the Office, using it as a huckster's ploy. Agreeing to Stewart's request would also associate the President with an organization about which we know little and the activities of which are beyond our control. The risk of embarrassment is intolerably high. I have drafted a transmittal memorandum for Osborne and, in light of the President's expressed wishes, a proposed reply for his signature.

Attachment

THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR KATHLEEN OSBORNE
PERSONAL SECRETARY TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Jimmy Stewart Request

Attached is a draft response for the President's signature, declining Jimmy Stewart's request that he serve on the Orme School Advisory Council. If the President would prefer, I would be happy to send the letter over my signature.

Attachment

FFF:JGR:aea 10/25/83

cc: FFfielding/JGRoberts/Subj/Chron

DRAFT

THE WHITE HOUSE

WASHINGTON

October 25, 1983

Dear Jimmy:

Thank you for your letter of October 10, inviting me to serve on the Orme School Advisory Council, which you will chair.

I would normally be delighted to serve on any group chaired by you. In this instance, however, my lawyers advise me that the responsibilities of office preclude my accepting your gracious invitation. From the earliest days of my Administration we have been compelled to adhere to a policy of declining requests that I become involved in private fundraising efforts. As you might imagine, we receive countless such requests from worthy charities or other organizations. Since I cannot possibly accept them all, it seemed to me that the only fair thing to do was to adopt a policy of not participating in any private fundraising.

I am also advised that my participation could create problems, both real and apparent, with respect to any dealings the Orme School might have with the federal government. I trust you will understand not only the reasons I must decline your request but also how difficult it is for me to do so. I take considerable comfort in the knowledge that, given its choice for Chairman of the Advisory Council, the Orme School is already well on its way to achieving its goals.

Warmest personal regards,

Sincerely,

Mr. James Stewart
9201 Wilshire Boulevard
Beverly Hills, California 90210

RR:JGR:aea 10/25/83

cc: FFFielding/JGRoberts/Subj/Chron

DRAFT

THE WHITE HOUSE
WASHINGTON

October 25, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Allegation of Violation of Personnel
Statutes by [REDACTED] b6

The Special Counsel of the Merit Systems Protection Board has written to advise you that he has completed his investigation into an allegation that [REDACTED] b6
[REDACTED] violated personnel statutes in the course of "RIFing" an employee. Special Counsel O'Connor has concluded that the allegation is unsubstantiated.

This notice to you is in one sense gratuitous, since the pertinent statute only requires a report to the President by the Special Counsel when he determines that a Presidential appointee has committed a violation. 5 U.S.C. § 1206(g)(2). O'Connor has advised us, however, that he prefers to notify our office when he determines that an allegation is unsubstantiated as well. He has explained that since these allegations often become public it is only fair to the individual involved to at least let our office know when the Special Counsel has completed an inquiry and determined that no violation took place. I have drafted a brief acknowledgment.

Attachment

THE WHITE HOUSE
WASHINGTON

October 25, 1983

Dear Mr. O'Connor:

Thank you for your letter of October 14. In that letter you advised us that you had completed an investigation into an allegation that [REDACTED] had engaged in improper personnel practices, and concluded that the allegation was unsubstantiated. b6

Thank you for advising us of the disposition of this matter.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. K. William O'Connor
Special Counsel
U.S. Merit Systems Protection
Board
1120 Vermont Avenue, N.W.
Washington, D.C. 20419

FFF:JGR:aea 10/25/83
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: H.R. 3929 - Federal Supplemental
Compensation Extension

Yesterday Richard Darman asked for our views as soon as possible on enrolled bill H.R. 3929, a bill to extend federal supplemental compensation. Darman's office did not, however, forward a copy of the bill itself, only the OMB memorandum. Repeated calls to Darman's office to obtain a copy of the bill were fruitless until late in the day, when we were provided a copy of the bill and simultaneously advised that the President had already signed it. So far as I am aware no one from our office had an opportunity to review this bill prior to the President's signing.

I have reviewed the bill and have no objection to it, although I do not think we should let the circumvention of our office's review pass without some remonstrance. A draft is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 3929 - Federal Supplemental
Compensation Extension

Although you asked for our views on the above-referenced enrolled bill, your office did not provide us a copy of the bill until after it had been signed by the President. It is of course necessary for us to see the bill itself before commenting upon it. We remain capable of providing comments promptly, as we have done often in the past, and I consider it unfortunate that our views were dispensed with in this case.

FFF:JGR:aea 10/25/83

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Anonymous Allegations Concerning
New England ICC and FHA Office

Mr. Baker received an unsigned letter, purportedly written on behalf of "many regulated motor carriers," alleging that several ICC staff members from New England use government cars to travel between their homes and work. The staff members are identified with some specificity, one by name. The letter asserts that a similar situation exists in the New England area involving Federal Highway Administration staffers.

Although there is much to be said in favor of a general rule of ignoring anonymous complaints, I suppose we should forward copies of the letter to the ICC and Transportation general counsels, for whatever action they deem appropriate. Drafts for this purpose are attached.

Attachments

THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR JOHN H. BROADLEY
GENERAL COUNSEL
INTERSTATE COMMERCE COMMISSION

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Anonymous Allegations

The attached anonymous letter, which was sent to White House Chief of Staff James A. Baker III, is forwarded to you for whatever review and action you consider appropriate.

Attachment

FFF:JGR:aea 10/25/83

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR JAMES H. BURNLEY IV
GENERAL COUNSEL
U.S. DEPARTMENT OF TRANSPORTATION

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Anonymous Allegations

The attached anonymous letter, which was sent to White House Chief of Staff James A. Baker III, is forwarded to you for whatever review and action you consider appropriate.

Attachment

FFF:JGR:aea 10/25/83

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE
WASHINGTON

October 25, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Correspondence from Spencer Hickman
Concerning [REDACTED]

b6

Spencer Hickman of Bedford Heights, Ohio has written you an unusual letter attempting to link allegations against [REDACTED]

[REDACTED]

b6

I do not recommend that you become involved in Mr. Hickman's affairs. I have drafted a memorandum referring the entire package to the Solicitor of Labor, for whatever review and action he deems appropriate.

Attachment

THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR FRANCIS LILLY
SOLICITOR, U.S. DEPARTMENT OF LABOR

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Spencer Hickman
Concerning Jackie Presser

The attached materials are submitted for whatever review and action, if any, you deem appropriate.

FFF:JGR:aea 10/25/83
cc: FFFielding/JGRoberts/Subj/Chron

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

Roberts, John

Withdrawer

IGP 8/5/2005

File Folder

CHRON FILE (10/25/1983 - 10/31/1983)

FOIA

F05-139/01

COOK

Box Number

37IGP

DOC Document Type

No of Doc Date Restriction

NO Document Description

pages

tions

4 MEMO

2 10/25/1983 B6

611

ROBERTS TO FIELDING RE USE OF AIR TRAVEL
CLUB AWARDS

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.

THE WHITE HOUSE
WASHINGTON

October 25, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Holtzinger Correspondence

Your former partner John Holtzinger has written, sending the AEI analysis of natural gas proposals he forgot to send on some previous occasion, and a report of certain FERC public meetings. He states that FERC is dominated by a non-Republican majority sympathetic to the FERC bureaucracy, and indicates that this will affect the views FERC presents in the legislative battles on decontrol. I think a substantive response would be inappropriate, but have prepared a brief "thank you" note.

Attachment

THE WHITE HOUSE

WASHINGTON

October 26, 1983

Dear Jack:

Thank you for your recent letter and the accompanying copy of the American Enterprise Institute analysis of natural gas proposals.

I am also grateful for the benefit of your views on the current workings of the Federal Energy Regulatory Commission, and the potential problems that deserve review.

Again, thank you.

Sincerely,

Fred F. Fielding
Counsel to the President

John E. Holtzinger, Jr., Esquire
Morgan, Lewis & Bockius
1800 M Street, N.W.
Washington, D.C. 20036

FFF:JGR:aea 10/26/83
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 25, 1983

Dear John:

Thank you for your recent letter and the accompanying copy of the American Enterprise Institute analysis of natural gas proposals. I hope to have an opportunity to peruse the AEI publication in the near future, although with things as they are I may be reduced to quick skimming.

I am also grateful for the benefit of your expert views on the current workings of the Federal Energy Regulatory Commission.

Again, thank you for writing.

Sincerely,

Fred F. Fielding
Counsel to the President

John E. Holtzinger, Jr., Esquire
Morgan, Lewis & Bockius
1800 M Street, N.W.
Washington, D.C. 20036

FFF:JGR:aea 10/25/83
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 24, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Honegger Files

The Honegger Files saga continues. When Honegger left the White House she signed a memorandum to H.P. Goldfield, pursuant to which she was permitted to take copies of White House documents with her to the Justice Department, on the conditions that they be maintained separate from any Justice files and eventually returned to the White House. When reminded of her commitment to return the files Honegger reported that they had been left behind at Justice. Justice returned a small box of files to us, and I delivered those to Terry Good at Central Files.

Good compared the inventory of files turned in by Honegger when she left the White House with the files returned by the Justice Department. Pursuant to the agreement the latter should have been a subset of the former, as Honegger supposedly took to Justice duplicates of files she turned in. In fact, there is no overlap at all. This probably means that Honegger took originals and not duplicates with her to Justice. Since no inventory was taken of the files Honegger took to Justice, there is also no way of knowing if all of them have been returned. We should discuss.

Attachment

THE WHITE HOUSE

WASHINGTON

October 26, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Taping - 2) International Song Festival - 3) Texas GOP Fundraiser

Richard Darman has asked that we send comments directly to Ben Elliott on the above-referenced remarks by 8:00 a.m. October 26. The International Song Festival remarks stress the role of music as a unifying force, and, presumably because the audience is in Latin America and the Iberian Peninsula, the contributions to our society of Hispanic Americans.

The Texas GOP Fundraiser remarks discuss Beirut and Grenada, asserting that we will not yield to terrorists in Beirut and that the Grenada effort is already bearing fruit in greater stability with prospects of democratic elections. The remarks then move on to the economic recovery, responding to the drought problems in West Texas by noting that 28 counties are covered by disaster declarations, and that declarations for five more counties are being processed.

I think it would be better to delete any reference to the pending disaster declarations, particularly in these political fundraising remarks. The reference strongly suggests that the review of the possible disaster declarations will be influenced by political considerations. I have attached a draft memorandum making this point; in light of the short turn-around, I have also taken the liberty of raising it orally with Elliott, who agreed to make the requested change.

Attachment

THE WHITE HOUSE

WASHINGTON

October 26, 1983

MEMORANDUM FOR BEN ELLIOTT
ACTING DIRECTOR
PRESIDENTIAL SPEECHWRITING OFFICE

FROM: FRED F. FIELDING

SUBJECT: Presidential Taping - 2) International
Song Festival - 3) Texas GOP Fundraiser

Counsel's Office has reviewed the above-referenced draft remarks. We have no objection from a legal perspective to the International Song Festival remarks. With respect to the Texas Fundraiser remarks, we recommend deleting "and declarations for five more counties are being processed" on page 2, lines 22-23. This reference to declarations that have not been finalized, in political remarks, suggests that political considerations may enter into the declaration decision.

cc: Richard G. Darman

FFF:JGR:aea 10/26/83

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 26, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Message Request for Arthur Morrisette,
President of Interstate Van Lines Honoring
the 40th Anniversary of that Company

Anne Higgins has asked whether a message from the President can be sent to Arthur E. Morrisette, who will be honored at a party on October 29 commemorating the fortieth anniversary of Interstate Van Lines, the company he founded. The message was requested by a company official. Mr. Morrisette, nearing his seventieth birthday, is a loyal supporter who has been active in the area of community service. Each Christmas he decorates one of his vans as "the world's largest mobile Christmas card" and has it tour around to nursing and convalescent homes, with a stop in front of the White House. The proposed message discusses free enterprise, Morrisette's contributions to the economy, and his community spirit.

We normally do not approve messages to companies as such, to avoid associating the President with particular commercial ventures. In this case, however, the message is to Morrisette as an individual, not to his company. The company is not mentioned in any way. The information we have on Morrisette suggests that a Presidential message would be appropriate. I have drafted a memorandum to Higgins noting that we have no legal objection.

Attachment

THE WHITE HOUSE

WASHINGTON

October 26, 1983

MEMORANDUM FOR ANNE HIGGINS
SPECIAL ASSISTANT TO THE PRESIDENT
DIRECTOR OF CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Message Request for Arthur Morrisette,
President of Interstate Van Lines Honoring
the 40th Anniversary of that Company

You have asked whether a Presidential message may be sent to Arthur E. Morrisette, on the occasion of the fortieth anniversary of the founding of his company, Interstate Van Lines. You also provided a draft message.

It is our normal policy not to approve messages to companies, to ensure that the President does not become associated with particular commercial ventures. In this case, however, the message has been prepared as a message to Morrisette as an individual, not to his company. Accordingly, we have no legal objections, and leave it to your discretion whether a message to Morrisette as an individual should be sent.

FFF:JGR:aea 10/26/83
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 26, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill H.R. 3706 -
Martin Luther King, Jr. Birthday

Richard Darman has asked for our views by close of business October 27 on the above-referenced enrolled bill, which would make the third Monday in January a federal holiday in commemoration of the birthday of Martin Luther King, Jr. OMB and OPM recommend approval. The President has of course stated that he will sign this bill. I have reviewed the memorandum for the President prepared by David Stockman, and the bill itself, and can discern no Constitutional or other purely legal reason that would preclude signing of the bill. An appropriate memorandum for Darman is attached for your review and signature.

Attachment

THE WHITE HOUSE

WASHINGTON

October 26, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3706 -
Martin Luther King, Jr. Birthday

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

FFF:JGR:aea 10/26/83

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 26, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Request for Suggestions to Further
Utilize Material on Cassette of the
Television Show HEROES -- The Official
Story of the Medal of Honor

Some time ago Chuck Ashman of Twentieth Century-Fox sent you a cassette of the television show "Heroes - The Official Story of the Medal of Honor," which aired over the Fourth of July. Ashman indicated that he would like you to see it and would enjoy your suggestions about its further utilization. This was originally staffed to H.P., and you sent an acknowledgment to Ashman on August 17. Our law clerk Claudia has viewed the show and reports that it is a stirring and patriotic tribute to the Medal of Honor winners. I do not know if you want to view it, or what you and H.P. worked out concerning this matter, but I have prepared, with Claudia's able assistance, a draft that might serve to put this to rest. The draft will probably be taken to mean you saw the film, although it does not say as much. It indicates that you have sent the cassette to Media Relations and Planning, for their information only. We could not think of anything else to do with it.

Attachment

THE WHITE HOUSE

WASHINGTON

October 26, 1983

Dear Chuck:

Please excuse my delay in getting back to you on your television show "Heroes - The Official Story of the Medal of Honor." The film is a fine tribute to America's military heroes. The remembrances of the Medal of Honor recipients were fascinating and I am certain the production stirred the hearts not only of Americans across the country but also of the men and women serving our country in uniform around the world.

I'm afraid that I do not have much to offer in the way of specific suggestions concerning further use of the film. You have already tapped an important outlet in Armed Forces Broadcasting, and the public affairs offices of the different service departments have much greater expertise in this area than I. I have, however, sent the cassette along to our own Office of Media Relations and Planning, to make certain they are aware of it.

Thank you again for sharing this marvelous film with me. You can take great pride in it.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Chuck Ashman
Twentieth Century-Fox
Box 900
Beverly Hills, CA 90213

FFF:JGR:aea 10/26/83
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 26, 1983

MEMORANDUM FOR KARNA SMALL

DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR OF MEDIA RELATIONS
AND PLANNING

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Suggestions to Further
Utilize Material on Cassette of the
Television Show HEROES -- The Official
Story of the Medal of Honor

Chuck Ashman of Twentieth Century-Fox submitted this film on Medal of Honor recipients to me, and I am sending it along to you, for your information only.

Attachment- cassette

FFF:JGR:aea 10/26/83

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 26, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement of Robert M. Stutman
Regarding Drug Smuggling on the
New England Coast on October 31, 1983

OMB has provided us with a copy of the statement Robert Stutman, DEA Special Agent in Charge of the Boston Field Division, proposes to deliver before the Senate Foreign Relations Committee at Newport, Rhode Island, on October 31. The testimony reviews initiatives to confront the drug smuggling activity along the New England Coast, focusing on the recent successes of three task forces formed in the area. The testimony concludes by stressing the highly organized structure of smuggling operations, and their connections to traditional organized crime. I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

October 26, 1983

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Robert M. Stutman
Regarding Drug Smuggling on the
New England Coast on October 31, 1983

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

FFF:JGR:aea 10/26/83
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE
WASHINGTON

October 27, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

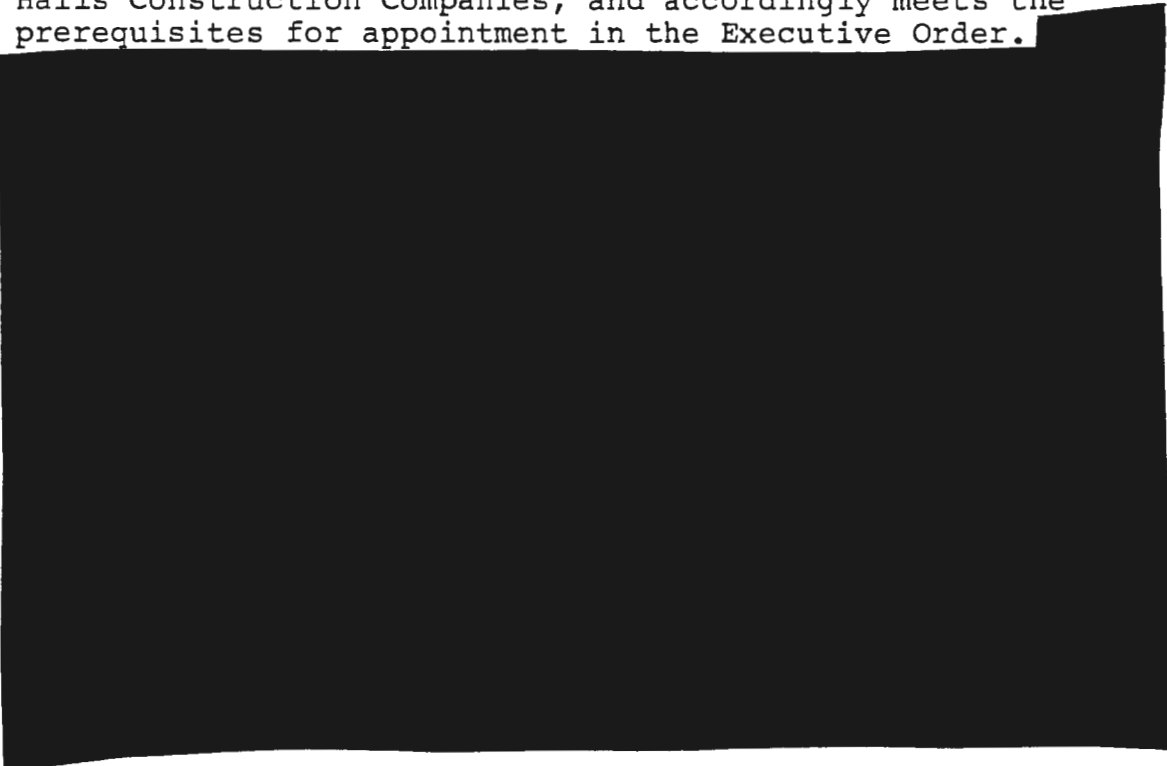
JOHN G. ROBERTS *JGR*

SUBJECT:

Appointment of Jean Hails to the
President's Advisory Committee on
Women's Business Ownership

I have reviewed the Personal Data Statement submitted by Jean Hails in connection with her prospective appointment to the President's Advisory Committee on Women's Business Ownership. The President is authorized to appoint no more than 15 members to this committee by Executive Order 12426 (June 22, 1983). Members "shall have particular knowledge and expertise concerning the current status of businesses owned by women in the economy and methods by which these enterprises might be encouraged to expand." The functions of the committee are to review the status of businesses owned by women, foster private sector support for women entrepreneurs, and advise the President and Small Business Administration on these issues.

Mrs. Hails is the owner and Chief Executive Officer of the Hails Construction Companies, and accordingly meets the prerequisites for appointment in the Executive Order.



b6

THE WHITE HOUSE

WASHINGTON

October 28, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Presidential Tappings
1) Operation Opportunity Conference
2) Tune in Awards Dinner

Richard Darman has asked that comments on the above-referenced draft tapings be sent directly to Ben Elliott by noon today. The Tune In Awards Dinner salutes voluntarism and applauds those receiving awards, including Jay Rockefeller and Cardinal Cooke. The OPIC conference remarks stress the progress of the economic recovery and the Administration's support for Americans trying to do business abroad. I have no substantive objections, but have noted two technical ones in the attached draft memorandum for Elliott.

Attachment

THE WHITE HOUSE

WASHINGTON

October 28, 1983

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL SPEECHWRITING OFFICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Presidential Tapings
1) Operation Opportunity Conference
2) Tune in Awards Dinner

Counsel's Office has reveiwed the above-referenced draft tapings, and finds no objection to them from a legal perspective. On page 2, line 16 of the Tune In remarks, should "as" be "of"? On page 2, line 19, "Administration's" should be "Administrations."

cc: Richard G. Darman

FFF:JGR:aea 10/28/83

bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 28, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: National Bar Association Grant from
the Minority Business Development Agency

You have asked that I determine the status of the Minority Business Development Agency (MBDA) grant to the National Bar Association (NBA). By letter dated September 9, NBA President-elect Dennis W. Archer informed you that the NBA current grant from MBDA was due to expire on September 30, and that NBA was seeking renewal of the grant in the amount of \$275,000.

I contacted the Chief Counsel of MBDA, Linda Sundro, who advised me that the NBA grant had lapsed, and that MBDA did not intend to renew it. According to Sundro, the decision was based on MBDA's policy that grants to trade or professional organizations not be open-ended, but only be extended to permit the organization to become self-sufficient. This policy is, in turn, based on the view that MBDA should be most concerned with direct development of minority businesses, while funding of trade and professional organizations only promotes this development indirectly.

In the case of NBA, the project officer determined that NBA had become self-sufficient, and no longer required federal funds. Sundro advised me that NBA has been actively arguing against the decision not to renew the grant, pointing out that numerous other trade and professional organizations no less self-sufficient than it continue to receive MBDA grants. Sundro indicated that NBA's argument was, to some extent, a valid one, but only because NBA's grant is the first one to which MBDA's new policy has been applied. As Sundro put it, "somebody's got to be first," and the other trade and professional organizations cited by NBA will probably not have their grants renewed when they do come up for renewal. As Sundro explained, the NBA grant just happened to come up for renewal at the time MBDA settled on its policy concerning trade and professional organizations.

Let me know if you need anything further.

THE WHITE HOUSE
WASHINGTON

October 28, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Settlement of Civil Suit
Involving [REDACTED] *b6*

[REDACTED] sent our office a copy of a settlement agreement entered in a case pending in the United States District Court for the Central District of California, [REDACTED]

[REDACTED]

b6

Nothing in this civil lawsuit or the proposed settlement casts any cloud on [REDACTED] ability to continue to discharge his office.

THE WHITE HOUSE

WASHINGTON

October 31, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Letter Regarding Money Order
Cashed Illegally

On October 27 Anne Higgins forwarded to you a copy of an August 22 letter to the President, in which the writer confessed theft of a government check from a mail box, conspiracy to cash the check, and the successful cashing of the check by a co-conspirator, with whom he split the money. The writer, whose identity is presently unknown to our office, offered to pay back the \$250 check with eight and one-half weekly payments of \$25 (sic).

The facts disclosed in the letter establish violations of 18 U.S.C. §§ 641 and 1708, quite apart from possibilities of state prosecution for basic theft. Section 641 prohibits theft of "any record, voucher, money, or thing of value of the United States" -- in this case the government check -- and sets a penalty of up to ten years imprisonment and/or a fine of up to \$10,000. Section 1708 prohibits theft from a mail box, and sets a penalty of up to five years imprisonment and/or a fine of up to \$2,000. Restitution of the funds stolen would not, of course, erase the offense, United States v. Powell, 294 F.Supp. 1353, 1355 (D.Va. 1968), aff'd, 413 F.2d 1037 (4 Cir. 1969), although an offer to make restitution would be highly pertinent to any exercise of prosecutorial discretion.

You indicated in your reply to Higgins of October 29 that you would raise the matter in the abstract with the Justice Department. I see nothing objectionable in this contemplated course of action, and in light of the small amount involved would suspect that Justice would be willing, through the appropriate U.S. Attorney, to decline prosecution in exchange for restitution. This assumes that the facts are as indicated, that our correspondent has no other record, and that his letter was not prompted by the imminent success of an investigation into the matter.

Two other points may prove troublesome and should be discussed when you raise the matter with Justice. Our correspondent has of course violated state law by his actions, and no agreement between him and federal

authorities can bind the local District Attorney. In addition, the writer will most likely have to turn in the accomplice who cashed the check, who does not appear to have joined in the confession.

In any event, I recommend raising the matter with Justice without further delay. It was not clear to me whether (1) you would do so orally, (2) you wanted me to do so orally, or (3) you wanted me to prepare a memorandum for your signature. I recommend that you or I raise the matter orally with Schmults, Jensen, or Trott, and, assuming a reaction as outlined above, send over a memorandum after obtaining (if possible) the subject's name and address. I do not think there will be a need to involve the President personally, since I suspect Justice will be only too happy on its own to get the money back and let matters rest there. They have bigger fish to fry than a one-time theft of a \$250 check -- if in fact that is all that's involved.

THE WHITE HOUSE

WASHINGTON

October 31, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: OMB Views on S. 563, a Bill to
Reform the Laws Relating to Former
Presidents

Greg Jones of OMB sent this matter to me, explaining that it had been handled by H.P. in the past. S. 563 is identical to S. 1325, introduced last year, and OMB intends to send a letter on S. 563 identical to the one it sent last year on S. 1325, mutatis mutandis. The bill would affect Presidential libraries, staff and spouses of former Presidents, and protection for former Presidents and their families and Vice Presidents.

With respect to libraries, the bill would authorize GSA to accept buildings or land donated for use as a Presidential library, and would direct GSA to issue architectural standards for such libraries. The section of the bill dealing with libraries is rife with committee legislative vetoes that are clearly invalid under INS v. Chadha. Section 102 of the bill would require the President to dispose of Presidential records of no "administrative, historical, informational, or evidentiary value," but only after obtaining the written approval of the Archivist. Current law permits such disposal. 44 U.S.C. § 2203(c).

Title II would increase allowances for widows or widowers of former Presidents and decrease funds available to a former President to wind up his affairs. It would permit federal employees to be detailed to the staff of a former President on a reimbursable basis, and would permit federal funds to be used by a former President to prepare memoirs only if GSA publishes and distributes them.

Title III would specify the length of Secret Service protection for various relatives of former Presidents, and the criteria for initial extensions of this time period. Additional extensions would require the approval of an advisory committee consisting of the Congressional leadership, guided by an advisory panel appointed by the Comptroller General.

OMB's proposed letter - identical to the one it sent on the identical bill last year - opposes the bill, on both policy and legal grounds. The letter notes that "...the Department of Justice has advised us that the provisions of Title I ... concerning the prospectus procedure by which Presidential libraries would be authorized are troublesome and may have constitutional implications." I think this can be strengthened considerably in light of Chadha. The letter also objects to the Secret Service advisory panel as a violation of separation of powers, which it clearly is.

In my view the letter should also stress that the provision requiring written approval of the Archivist prior to disposal of certain records must be interpreted as not altering the fact that the Archivist is guided by and subject to the authority of the President. This is consistent with previous Department of Justice views. As an executive official the Archivist answers to the President and cannot be placed in a superior position with respect to any matter.

A draft memorandum to Jones is attached. Jones advises that hearings on this bill are imminent and would like our views by close of business today.

THE WHITE HOUSE

WASHINGTON

October 31, 1983

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: OMB Views on S. 563, a Bill to
Reform the Laws Relating to Former
Presidents

You have advised our office that the Office of Management and Budget intends to send a letter to Congress on S. 563 identical to the letter sent last year on S. 1325, mutatis mutandis. We recommend two minor changes in the letter.

The sentence that currently reads "We should also note that the Department of Justice has advised us that the provisions of Title I ... concerning the prospectus procedure by which Presidential libraries would be authorized are troublesome and may have constitutional implications" can and should be considerably strengthened in light of the Supreme Court's intervening decision in INS v. Chadha. That decision makes it clear that the prospectus procedure is constitutionally invalid. You should obtain the views of the Department of Justice on the exact wording of a replacement sentence.

With respect to section 102 of the bill, amending 44 U.S.C. § 2203(c), last year's letter did not note that the provision requiring the President to obtain the written views of the Archivist must be interpreted consistent with the principle that the Archivist is guided by and subject to the President's authority. In our view, this year's letter should do so. Serious constitutional questions would be raised were the Congress to attempt to make the authority of a subordinate executive branch official superior to that of the President on any matter. It is our understanding that the Department of Justice objected to this provision, and you should consult with that Department to obtain appropriate language to add to the letter.

FFF:JGR:aea 10/31/83

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 31, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bills -- H.R. 730
Relief of Ronald Goldstock and
Augustus M. Statham -- H.R. 732
Relief of Gregory B. Dymond and
Four Others - Reimbursements for
Relocation Expenses

Richard Darman has asked for our comments on Enrolled Bill H.R. 730 by close of business November 1 and on Enrolled Bill H.R. 732 by close of business November 2. Both bills provide private relief to individuals who relied on erroneous advice given them by the Department of Labor. H.R. 730 would pay relocation expenses to two Labor SES employees who incurred such expenses after being erroneously advised that they were reimbursable. H.R. 732 would pay moving expenses to five individuals who left the Postal Service to join the Labor Inspector General's Office. Again, the individuals were erroneously advised that such expenses were reimbursable.

Labor proposed these private relief bills, and OMB recommends approval. The Government is under no legal obligation to the seven individuals. In Schweiker v. Hansen, 450 U.S. 785 (1981), the Supreme Court reaffirmed the basic principle that there can be no estoppel against the Government on the basis of erroneous advice from subordinate officials, particularly in the area of financial disbursements. As Judge Friendly pointed out in a dissent so compelling that the Supreme Court adopted its reasoning and reversed the majority without even hearing arguments: "[F]unds contributed by all citizens, with definite limitations upon their use, are not to be diverted to a person not within these limitations simply because the Federal Government has not been able to secure perfect performance from its hundreds of thousands of employees scattered throughout the continent." Hansen v. Harris, 619 F.2d 942, 954 (2 Cir. 1980) (dissenting opinion), majority summarily reversed sub nom. Schweiker v. Hansen, 450 U.S. 785 (1981).

Nor do I think there is a very compelling fairness argument in these cases, since the individuals would probably have incurred the expenses in question regardless of whether they were reimbursable, as thousands of people accepting employment with the Government do every year. Nonetheless, we can hardly recommend a veto of legislation proposed by Labor, and there is no constitutional reason not to sign these private relief bills.

Attachments

THE WHITE HOUSE

WASHINGTON

October 31, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 730 -- Relief of
Ronald Goldstock and Augustus M.
Statham -- Reimbursement for
Relocation Expenses

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

FFF:JGR:aea 10/31/83

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 31, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 732 -- Relief of
Gregory B. Dymond and Four Others --
Reimbursement for Relocation Expenses

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

FFF:JGR:aea 10/31/83

cc: FFFielding
JGRoberts
Subj
Chron