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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FIELDING RE DEPARTMENT OF JUSTICE PROSECUTION OF ALLEGED VIOLATIONS OF THE GUN CONTROL ACT OF 1968 (PARTIAL)	1	2/9/1984	B6	720
2	MEMO	FIELDING TO CRAIG FULLER RE DEPARTMENT OF JUSTICE PROSECUTION OF ALLEGED VIOLATIONS OF THE GUN CONTROL ACT OF 1968 (PARTIAL)	1	2/9/1984	B6	721
3	MEMO	ROBERTS TO HOLLAND RE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (PARTIAL)	1	2/9/1984	B6	722
4	MEMO	ROBERTS TO HOLLAND RE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (PARTIAL)	1	2/9/1984	B6	723
5	MEMO	ROBERTS TO HAUSER RE PRESIDENT'S ADVISORY COMMITTEE ON WOMEN'S BUSINESS OWNERSHIP (PARTIAL)	2	2/10/1984	B6	724
6	MEMO	ROBERTS TO FIELDING RE EARL C. BERGER (PARTIAL)	1	2/13/1984	B6	725

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

B-1 National security classified information [(b)(1) of the FOIA]
B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

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

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

Withdrawer
IGP 8/30/2005

File Folder CHRON FILE (02/07/1984 - 02/13/1984)

FOIA
F05-139/01

Box Number
COOK
451GP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
7	MEMO	FIELDING TO D. LOWELL JENSEN RE EARL C. BERGER (OPEN IN WHOLE)	1	2/13/1984	B6	726

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]
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E.O. 13233

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

THE WHITE HOUSE

WASHINGTON

February 7, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Draft CIA Statement (John McMahon) for the House Intelligence Committee on H.R. 3460 and H.R. 4431, Bills to Regulate Public Disclosure of Information Held by CIA

OMB has asked for our views by noon today on the attached testimony, which CIA Deputy Director McMahon proposes to deliver tomorrow before the House Select Committee on Intelligence. The testimony concerns H.R. 3460 and H.R. 4431, two bills designed to exempt CIA operational files from the Freedom of Information Act. H.R. 4431 is a companion to S. 1324, the Administration-supported bill that passed the Senate by unanimous consent. McMahon's testimony is substantially the same as testimony and reports previously cleared in the course of securing Senate passage of S. 1324.

The testimony cites four principal reasons in support of exempting CIA operational files from FOIA. First, review of such files imposes an enormous burden on the agency with practically no benefit to the public under FOIA. All the files must be painstakingly reviewed, by properly cleared and knowledgeable intelligence officers (not FOIA clerks), and yet the result is almost always that nothing meaningful can be released because of the applicability of existing exemptions from disclosure. Exempting the files from review under FOIA would remove the burden of processing FOIA requests, with little loss of disclosure.

Second, an exemption from FOIA review for operational files would help restore the confidence of CIA sources in the ability of our government to keep a secret. At present, CIA operatives cannot give their agents blanket assurances that secrets will be kept, because all operational files are subject to FOIA review. While the information can usually be kept from disclosure by an exemption, it is far more reassuring to be able to tell potential sources that the files are not even subject to FOIA review.

Third, there is always the possibility of error in the FOIA review process. Under FOIA, segregable material not subject to an exemption must be disclosed. The usual result is

disclosure of a highly expurgated document. Each black mark on a document, however, requires careful consideration, and there is always the possibility of letting important information slip out during review of files subject to a FOIA request.

Finally, exempting operational files from FOIA review would permit much quicker processing of other FOIA requests by the agency. Again, since the laborious review of operational files typically yields little disclosable material, the loss to achieve this significant gain in processing other requests is minimal.

I have reviewed the testimony and have no objections. It is, as noted, substantially similar to previous testimony we have cleared.

Attachment

THE WHITE HOUSE

WASHINGTON

February 7, 1984

MEMORANDUM FOR JAMES C. MURR
CHIEF, ECONOMICS-SCIENCE-GENERAL
GOVERNMENT BRANCH, OMB

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft CIA Statement (John McMahon) for the House Intelligence Committee on H.R. 3460 and H.R. 4431, Bills to Regulate Public Disclosure of Information Held by CIA

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

FFF:JGR:aea 2/7/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 7, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Legislative Veto and Regulatory Reform

Bob Bedell has provided me with a copy of the testimony Chris DeMuth proposes to deliver tomorrow before Senator Grassley's Subcommittee on Administrative Practice and Procedure. The testimony discusses Grassley's proposed amendment of S. 1080, the regulatory reform bill, which would require affirmative Congressional approval of major rules (while providing an opportunity for disapproval of minor rules).

You may recall that I mentioned at our February 2 staff meeting that DeMuth was trying to obtain Administration support for such an approach to regulatory accountability in the post-Chadha world. This testimony does not announce any Administration position, noting that the matter is still under review. The testimony simply discusses policy arguments pro and con on various forms of regulatory oversight.

I have no objections. There is no need for us to respond at this point, but I wanted to keep you abreast of developments on this issue.

Attachment

THE WHITE HOUSE

WASHINGTON

February 7, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Statement of William Bradford Reynolds Regarding Civil Rights of Institutionalized Persons Act (CRIPA) on February 8, 1984

OMB has asked for any comments on the attached testimony, which Brad Reynolds proposes to deliver tomorrow before a joint hearing of the Subcommittee on Courts and the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee. The testimony concerns enforcement of the Civil Rights of Institutionalized Persons Act by the Civil Rights Division.

The testimony begins by stressing the virtues of the Division's emphasis on negotiations with states to achieve institutional reform, rather than immediate resort to hostile litigation. Reynolds then reviews the statistics on investigations (31 initiated by this Administration) and cites several examples of successful negotiations with states.

The testimony concludes with a lengthy discussion of the reasons the Division refuses to take a position on the "deinstitutionalization/revitalization" debate. That debate is between those who favor deinstitutionalization -- placing the retarded not in institutions but in smaller settings integrated with the community -- and those who favor upgrading the quality of the institutions. Reynolds contends that litigators who favor deinstitutionalization sue institutions not to bring them into line with constitutional standards but rather as part of a grand strategy to force them to close. The Division, according to the testimony, will not pursue this tactic, and will not seek to enlist the courts on either side of this public policy debate, which should be resolved by democratic processes.

The testimony strikes me as very defensive in tone throughout, although there is little that can be done about that at this point. I have no legal objections (other than a minor point noted in the attached memorandum), although it should be recognized that Reynolds' attribution of somewhat Machiavellian motives to litigators in this area may generate some controversy.

THE WHITE HOUSE

WASHINGTON

February 7, 1984

MEMORANDUM FOR JAMES C. MURR
CHIEF, ECONOMICS-SCIENCE-GENERAL
GOVERNMENT SECTION, OMB

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of William Bradford Reynolds Regarding Civil Rights of Institutionalized Persons Act (CRIPA) on February 8, 1984

Counsel's Office has reviewed the above-referenced proposed testimony. On page 7, line 3, it seems that "negotiations" should be changed to "consent decrees" -- otherwise the sentence makes no sense. While we have no legal objections, the testimony strikes us as overly defensive throughout. Perhaps this tone could be moderated somewhat if there remains time for revisions. It might also be desirable to soften the attribution of Machiavellian motives to deinstitutionalization litigators on pages 12-14.

FFF:JGR:aea 2/7/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 8, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Statement of William Bradford Reynolds Regarding Civil Rights of Institutionalized Persons Act (CRIPA) on February 8, 1984

OMB has asked for our immediate comments on a revised version of Brad Reynolds's proposed testimony on enforcement of the Civil Rights of Institutionalized Persons Act. You will recall that we found the earlier version too defensive, and that we objected to the attribution of Machiavellian motives to certain litigators in the area. I am happy to report that the revised version is vastly improved: more positive in tone, with the entire discussion of the motives of deinstitutionalization litigators omitted.

In light of the imminent deadline for comments -- the testimony is to be delivered today -- I have advised OMB that we have no objections to the revised version.

Attachment

THE WHITE HOUSE

WASHINGTON

February 8, 1984

Dear Mr. Jones:

I am writing in reply to your letter of December 27, 1983. That letter was written in response to my own of December 20, in which I advised you that White House policy did not permit staff members to intervene on behalf of private parties concerning matters those parties have pending before agencies with adjudicative functions. Pursuant to this policy, I was compelled to decline your request that the White House intervene on behalf of Dr. Peter Ng with respect to his application before the Immigration and Naturalization Service.

In your letter of December 27 you rejected the stated purpose of the White House policy -- to maintain public confidence in the impartial administration of our laws -- on the ground that "the American public has lost that confidence a long time ago." You also suggested that my letter was evidence of alleged Administration insensitivity to the interests of Fundamental Christians.

With respect, I cannot share your view that the American public has lost confidence in the impartial administration of our laws. In any event, even if the public has lost such confidence, it will hardly be restored by White House interference in the adjudicative responsibilities of agencies on behalf of those who are fortunate enough to secure the support of influential individuals such as yourself.

I must also object to your suggestion that my response to Dr. Ng's case reflects insensitivity to the interests of Fundamental Christians. The White House policy prohibiting intervention on behalf of private parties with respect to matters those parties have pending before agencies with adjudicative functions is applied in an even-handed fashion without regard to the beliefs or other characteristics of the individual involved.

Nor do I share your view that this Administration has been insensitive to the interests of Fundamental Christians. In my view, the Administration has done much to advance the interests of Fundamental Bible-believing Christians. That which has been done, incidentally, has not been done to gain political support from that group, but because it was right. By the same token, political considerations will not move us to do that which is not right.

I am sorry that you do not agree with us concerning the desirability of a policy that precludes White House interference in private matters pending before agencies with adjudicative responsibilities. I hope and trust, however, that you will view this disagreement for what it is, and not as evidence of broad insensitivity on the part of this Administration to the interests of Fundamental Christians.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Bob Jones III
President, Bob Jones University
Greenville, SC 29614

cc: The Honorable Strom Thurmond
The Honorable Carroll Campbell

bcc: Morton C. Blackwell

FFF:JGR:aea 2/8/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 8, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Correspondence With Bob Jones III

You will recall that Bob Jones III, President of Bob Jones University, wrote Morton Blackwell, seeking White House intervention in a private case pending before the INS. Blackwell referred the letter to us, and on December 20 we advised Mr. Jones that White House policy precluded intervention on behalf of private parties concerning matters pending before agencies with adjudicative functions. On December 27 Jones sent you a hostile reply, criticizing the Administration's insensitivity to the interests of Fundamental Christians. I drafted a response for your signature, which you held in abeyance pending receipt of Morton Blackwell's views on Jones's intemperate reply.

We have now received Blackwell's views. Blackwell offered no guidance on whether or how to respond to Jones. Instead, he seemed to concur in Jones's views, at least to the extent of remarking that they are shared by conservative religious leaders, and not suggesting that they are groundless. He also enclosed briefing materials on a wide variety of religious issues.

I have updated the draft reply, which I still believe should be sent. It may only precipitate further denunciations from Mr. Jones, but I do not think his letter should go unanswered.

Attachments

THE WHITE HOUSE

WASHINGTON

February 8, 1984

MEMORANDUM FOR PETER J. RUSTHOVEN

FROM: JOHN G. ROBERTS

SUBJECT: Matthews Case

On February 8 I took a call for you from Randall Williams, a member of the family of the victim in the Matthews case. Williams had been referred to our office by the Department of Defense. He wanted an explanation for the decision not to apply Executive Order 12460 to the Matthews case, when the court specifically noted it could be so applied. Williams said that the immediate family was very disappointed and upset by the decision, as was the entire Birmingham community.

Williams was in town and hoped to meet with someone who could explain the President's decision to spare Matthews to him. I advised him that you handled the matter for our office, and that you would contact him when you returned. I hope this was not taking excessive liberty. I could not answer Williams's question; indeed, I was surprised that the order did not apply to Matthews. Since Matthews was spared the death penalty by operation of § 6 of the Executive Order, I think Williams is quite correct in viewing it as the President's decision -- however advised by Defense. Williams was very polite to me, and I think he sincerely wants an explanation that he can take back to the family and the community. As he stated to me, "I'm sure there's a reason the President did this, and I want to let everyone know what it is, because they're all very upset."

Williams can be reached at (205)877-3154.

THE WHITE HOUSE

WASHINGTON

February 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Presidential Radio Talk: Crime

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by noon today. The remarks concern the crime package that passed the Senate by an overwhelming vote and was pronounced "dead on arrival" by some wags when it reached the House. The remarks review the administrative law enforcement initiatives -- the new FBI role in drug cases, the organized crime task forces, the budget increases -- and then describe how the Comprehensive Crime Control Act passed the Senate but has been "bottled up" in the House. The President reviews the major provisions of the bill -- forfeiture, exclusionary rule reform, sentencing, bail -- and urges the House to bring the bill up for consideration next week, which is National Crime Prevention Week. The remarks conclude by suggesting that listeners contact their Representatives on the subject.

The first line of the last paragraph on page 2 begins "Another reform, called the exclusionary rule, would allow..." The reform is not called the exclusionary rule. I suggest changing to "Another reform would amend the so-called exclusionary rule to allow..."

The second paragraph on page 3 discusses bail reform and cites a specific case in which a man charged with armed robbery was released pending trial and robbed a bank and shot a policeman four days later. I do not think this raises prejudicial publicity concerns, since the individual is not named. I have, however, alerted Tex Lezar, who will also be reviewing the remarks, to this concern, and he assured me that the question would be thoroughly reviewed at Justice. In addition, I recommend changing "he and a companion robbed a bank and shot a policeman" to "he and a companion were arrested for robbing a bank and shooting a policeman." This avoids having the President pronounce the two guilty before their trial.

The mild suggestion at the end of the remarks to contact Congress does not, in my view, raise concerns under the Anti-Lobbying Act, as that Act has been interpreted by our

office and the Office of Legal Counsel. Even assuming that the Act applies to the President -- something we have never conceded -- the sentence hardly constitutes the sort of overbearing lobbying campaign against which the Act was directed.

Attachment

THE WHITE HOUSE

WASHINGTON

February 9, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Radio Talk: Crime

Counsel's Office has reviewed the above-referenced proposed remarks. In the first line of the last paragraph on page 2, we recommend changing "Another reform, called the exclusionary rule, would allow" to "Another reform would amend the so-called exclusionary rule to allow." In the last line of the second paragraph on page 3, "he and a companion robbed a bank and shot a policeman" should be changed to "he and a companion were arrested for robbing a bank and shooting a policeman," to avoid having the President pronounce the individuals guilty before trial.

cc: Richard G. Darman

FFF:JGR:aea 2/9/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Department of Justice Prosecution of Alleged Violations of the Gun Control Act of 1968

Craig Fuller has asked for our views on a letter to Mr. Meese from Burkett Van Kirk, a Washington attorney. Van Kirk suggested in his letter that the prosecution of [redacted] for violations of the Gun Control Act of 1968 by the U.S. Attorney for the Middle District of Florida violated Administration policy. According to Van Kirk, [redacted] a collector of valuable guns, is being prosecuted for minor technical violations of the recordkeeping provisions of the Gun Control Act, because [redacted] refused to cooperate with the U.S. Attorney's investigation of public corruption. Van Kirk quotes from a 1982 letter from Meese to Senator Thurmond to the effect that it is not Administration policy "to search for minor technical infractions by otherwise law-abiding sportsmen, collectors, and dealers instead of concentrating on firearms violations by criminals." b6

I contacted Jay Stephens for more information. Stephens advises that the [redacted] case is in trial at this point, and that the prosecution was reviewed at the Department. Stephens indicated that [redacted] was not viewed by the Department as the model citizen [redacted] attorney describes [redacted] to be. b6

I recommend advising Fuller that any White House intervention would be inappropriate, and sending a letter over your signature to Van Kirk noting that we will not intervene. The incoming and a copy of our reply should be sent to Justice.

Attachment

THE WHITE HOUSE

WASHINGTON

February 9, 1984

MEMORANDUM FOR CRAIG L. FULLER
ASSISTANT TO THE PRESIDENT
FOR CABINET AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Department of Justice Prosecution of Alleged Violations of the Gun Control Act of 1968

You have asked for our views on a letter to Mr. Meese from Burkett Van Kirk, concerning the criminal prosecution of [redacted] was indicted last September by a Federal grand jury for violations of the Gun Control Act of 1968. Mr. Van Kirk suggested in his letter that the prosecution of [redacted] was inconsistent with Administration policy concerning prosecutions under the Gun Control Act. b6

We have discussed the matter with the Department of Justice, and have confirmed that the matter was reviewed at the Department. The [redacted] case is currently in trial, and it would be inappropriate for the White House to intervene in any way. I have prepared a reply to Mr. Van Kirk advising him that we adhere to the policy of not interfering with the prosecution of particular criminal cases, and referring his letter to the Department. Unless you object, I will send the letter. b6

Attachment
FFF:JGR:aea 2/9/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 9, 1984

Dear Mr. Van Kirk:

Thank you for your letter of December 21, 1983, to Edwin Meese, III. That letter discussed the pending criminal prosecution of Howard Shaw.

Established White House policy precludes members of the White House staff from interfering in the prosecution of particular criminal cases in any way. This policy is designed to preserve public confidence in the impartial administration of the criminal laws. I have referred your letter to the Department of Justice, without recommendation, for whatever review and action that Department considers appropriate.

I hope you will appreciate the reasons we must adhere to this policy. Thank you for sharing your concerns with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Burkett Van Kirk, Esquire
Webster, Chamberlain & Bean
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

FFF:JGR:aea 2/9/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 9, 1984

MEMORANDUM FOR JAY B. STEPHENS
DEPUTY ASSOCIATE ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Department of Justice Prosecution of Alleged Violations of the Gun Control Act of 1968

The attached correspondence, together with a copy of my reply, is submitted for whatever action you consider appropriate.

Many thanks.

Attachment
FFF:JGR:aea 2/9/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Grantee Procurement Action in Regard to Attachment O, OMB Circular A-102

Minority Associates Contracting Organization, Inc. (MACO) was the second-lowest bidder for a contract with the Park Control Municipal Utility District. The District is a grantee of the Coastal Energy Impact Program (CEIP) of the National Oceanic and Atmospheric Administration in the Department of Commerce. Ann Malinowsky, President of MACO, wrote you on February 1, contending that the low bid accepted by the District did not comply with the guidelines in Attachment O of OMB Circular A-102, since it was not accompanied by a financial statement. She requests that OMB review CEIP grantee requirements with respect to Attachment O, and advise her on any administrative recourse available to her.

On February 8, Malinowsky telephoned your office, stating that she needed our reply for a meeting being held that day at MACO. Before returning her call I discussed the matter with John Cooney in the OMB General Counsel's office, who advised that MACO's recourse was through agency (i.e., Commerce) review processes. I called Malinowsky and advised her that our office did not handle procurement matters, and that OMB Counsel advised that she seek recourse through the agency review process. Malinowsky stated that she wanted to discuss the matter with OMB and was referred to our office, and that she still wanted to discuss with OMB how it enforces its Circular A-102. I told her that I would be happy to refer her correspondence to OMB; a memorandum accomplishing this is attached for your signature.

Attachment

THE WHITE HOUSE

WASHINGTON

February 9, 1984

MEMORANDUM FOR JOHN F. COONEY
ASSISTANT GENERAL COUNSEL
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Grantee Procurement Action in Regard to Attachment O, OMB Circular A-102

The attached correspondence is referred to your office for such action and direct response as you consider appropriate. John Roberts of this office discussed the correspondence with Ms. Malinowsky on February 8, advising her, as he had discussed with you, that her recourse was through agency review procedures. Ms. Malinowsky persisted in her desire to have the matter of compliance with Attachment O of OMB Circular A-102 considered at OMB, and requested that the material be referred to OMB. We assured her that we would happily comply with her request.

Many thanks.

FFF:JGR:aea 2/9/84
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

February 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Enrolled Bill H.R. 2727 -- Codification of Recent Laws Concerning Money, Finance, and Transportation

Richard Darman asked for our views on the above-referenced enrolled bill by 5:00 p.m. Friday, February 10. H.R. 2727 is part of the ongoing project to enact the titles of the United States Code as positive law. It would make certain conforming amendments to parts of 31 and 49 U.S.C. enacted as positive law, to reflect changes made by statutes that did not specifically refer to the codified versions. The bill passed both Houses by voice vote. OMB recommends approval, Transportation and Treasury have objection, and Justice has no comment. As with all bills that are part of the codification project, H.R. 2727 contains language to the effect that its passage effects no substantive change in the law, and that any offense committed under the uncodified version of the law is deemed to have been committed under the appropriate section of the codification.

I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference James M. Frey, and the bill itself, and have no objections. I have alerted the Executive Clerk to a technical error in the enrolled bill -- "appeal" in § 6(a) should be "repeal" -- but this does not affect the President's action.

Attachment

THE WHITE HOUSE

WASHINGTON

February 9, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2727 -- Codification of Recent Laws Concerning Money, Finance, and Transportation

Counsel's Office has reviewed the above-referenced enrolled bill, and finds no objection to it from a legal perspective. We have alerted the Executive Clerk to a technical error in the enrolled bill -- "appeal" in § 6(a) should be "repeal" -- and the Clerk has notified the appropriate Congressional officials. This does not affect the President's action.

FFF:JGR:aea 2/9/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 9, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS

SUBJECT: Appointment of Nackey Scripps Loeb to the Architectural and Transportation Barriers Compliance Board

I have reviewed the Personal Data Statement submitted by Nackey Scripps Loeb in connection with her prospective appointment to the Architectural and Transportation Barriers Compliance Board. This Board monitors compliance with Federal rules governing access for the handicapped, and investigates alternative approaches to architectural, transportation, and attitudinal barriers that impede the mobility of the handicapped. The President is authorized to appoint eleven members of the general public to the Board by 29 U.S.C. § 792(a)(1)(A). That provision specifies that five of the eleven "shall be handicapped individuals."

Mrs. Loeb, who is handicapped, is the President and Publisher of The Union Leader, the controversial New Hampshire daily. [redacted]

b6

THE WHITE HOUSE

WASHINGTON

February 9, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS

SUBJECT: Appointment of Nackey Scripps Loeb to the Architectural and Transportation Barriers Compliance Board

I have reviewed the Personal Data Statement submitted by Nackey Scripps Loeb in connection with her prospective appointment to the Architectural and Transportation Barriers Compliance Board. This Board monitors compliance with Federal rules governing access for the handicapped, and investigates alternative approaches to architectural, transportation, and attitudinal barriers that impede the mobility of the handicapped. The President is authorized to appoint eleven members of the general public to the Board by 29 U.S.C. § 792(a)(1)(A). That provision specifies that five of the eleven "shall be handicapped individuals."

Mrs. Loeb, who is handicapped, is the President and Publisher of The Union Leader, the controversial New Hampshire daily. [redacted]

b6

THE WHITE HOUSE

WASHINGTON

February 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Representative Levitas Request for List of Presidential Advisory Committees, Task Forces, Etc.

On February 2, 1984, a member of Congressman Levitas's staff called Executive Clerk Ron Geisler and asked for a list of all commissions, councils, boards, task forces, etc. established by President Reagan. Ron told the irritated caller that such a list was not readily available. The caller then asked for at least a list of commissions established by executive order. Ron told her that we would get back to her, and referred the inquiry to the Legislative Affairs Office. Dave Wright of Legislative Affairs asked me this morning if we had any objection to releasing to Levitas the attached list, which Ron provided. The list, which may be incomplete, is kept by the Clerk's Office on an ongoing basis. It includes both advisory committees and governmental task forces, whether established by executive order, statute, Presidential statement, or memorandum.

Legislative Affairs does not know why Levitas wants the list. A comparison of this President's propensity to create committees with that of President Carter would not be fruitful from Levitas's point of view. Excluding committees established by statute, Carter created 83 commissions, task forces, etc., in his first three years, compared to 72 for President Reagan. Levitas may have other interests, such as compliance with the Advisory Committee Act.

I think we should release the list to Levitas, along with Ron's note explaining how it was compiled. The vast majority of the committees or task forces were publicly announced when formed; those few interagency task forces or working groups that were not are not confidential in any sense. Levitas has told Wright that he would like an answer today.

THE WHITE HOUSE

WASHINGTON

February 10, 1984

Dear Mr. Jones:

I am writing in reply to your letter of December 27, 1983. That letter was written in response to my own of December 20, in which I advised you that White House policy did not permit staff members to intervene on behalf of private parties concerning matters those parties have pending before agencies with adjudicative functions. Pursuant to this policy, I was compelled to decline your request that the White House intervene on behalf of Dr. Peter Ng with respect to his application before the Immigration and Naturalization Service.

In your letter of December 27 you rejected the stated purpose of the White House policy -- to maintain public confidence in the impartial administration of our laws -- on the ground that "the American public has lost that confidence a long time ago." You also suggested that my letter was evidence of alleged Administration insensitivity to the interests of Fundamental Christians.

With respect, I cannot share your view that the American public has lost confidence in the impartial administration of our laws. In any event, even if the public has lost such confidence, it will hardly be restored by White House interference in the adjudicative responsibilities of agencies on behalf of those who are fortunate enough to secure the support of influential individuals such as yourself.

I must also object to your suggestion that my response to Dr. Ng's case reflects Administration insensitivity to the interests of Fundamental Christians. The White House policy prohibiting intervention on behalf of private parties with respect to matters those parties have pending before agencies with adjudicative functions is applied in an even-handed fashion without regard to the beliefs or other characteristics of the individual involved.

FFF:JGR/kl
FFFielding
JGRoberts
Subj.
Chron.

Nor do I share your view that this Administration has been insensitive to the interests of Fundamental Christians. It is my personal opinion that this Administration has done much to advance the interests of Fundamental Bible-believing Christians. That which has been done, incidentally, has not been done to gain political support from that group, but because it was right. By the same token, political considerations will not move us to do that which is not right.

I am sorry that you do not agree with us concerning the desirability of a policy that precludes White House interference in private matters pending before agencies with adjudicative responsibilities. I hope and trust, however, that you will view this disagreement for what it is, and not as evidence of broad insensitivity on the part of this Administration to the interests of Fundamental Christians.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Bob Jones III
President, Bob Jones University
Greenville, SC 29614

cc: The Honorable Strom Thurmond
The Honorable Carroll Campbell

THE WHITE HOUSE

WASHINGTON

February 10, 1984

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS

SUBJECT: Appointments of Paula L. Brown and Donald V. Seibert to the President's Advisory Committee on Women's Business Ownership

By Executive Order 12426 (June 22, 1983) the President is authorized to appoint no more than 15 members to the President's Advisory Committee on Women's Business Ownership, which is to review the status of businesses owned by women, foster private sector support for women entrepreneurs, and advise the President and the Small Business Administration ("SBA") on these issues. 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."

Paula Brown (a.k.a. Paula Winningham) is the President of P.L. Brown Associates, an industrial management consulting firm. Her firm receives direct assistance from the SBA, one of the entities this Commission is to advise. I do not view this as a disabling conflict, however, in light of the very general advisory responsibilities of the Commission. (I might feel differently if the Commission's role were specifically to review the SBA, but that is not the case.)

[redacted]

b6

[redacted]

b6

THE WHITE HOUSE

WASHINGTON

February 10, 1984

Dear Ms. Hartenfeld:

I am in receipt of the check from Indiana University dated February 2, 1984, in the amount of $893.00, representing expenses of $293.00 and an honorarium of $600.00. As I explained to Ilene Nagel during my visit to the Law School, I must decline to accept the generous offer of an honorarium for my participation in the Harriss lecture series. I am, accordingly, returning the check to you, and would request that a new check be drawn solely to cover my expenses of $293.00.

Once again, thank you for your assistance.

Sincerely,

John G. Roberts
Associate Counsel
to the President

Ms. Kathy Hartenfeld
Indiana University School ofLaw
Bloomington, Indiana 47405

THE WHITE HOUSE

WASHINGTON

February 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: State of Oregon Questionnaire and Iowa Catholic Conference Questionnaire Responses From Reagan-Bush '84

Richard Darman has asked for our comments by 1:00 p.m. February 13 on a proposed statement by candidate Reagan solicited by the State of Oregon, and proposed responses to questions posed by the Iowa Catholic Conference. Both items were prepared by the campaign committee. The Oregon statement reviews the accomplishments of the first term and repeats the themes of the State of the Union address. The responses to the Iowa questionnaire deal with questions on abortion, arms control, capital punishment, the economy, tuition tax credits, farm policy, housing, human rights, and Central America. I have reviewed the material and have no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

February 10, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: State of Oregon Questionnaire and
Iowa Catholic Conference Questionnaire
Responses From Reagan-Bush '84

Counsel's Office has reviewed the above-referenced statement, and finds no objection to it from a legal perspective. In line 7 of the response to question 7 of the Iowa Catholic Conference questionnaire, however, "had" should be "has."

FFF:JGR:aea 2/10/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: H. LAWRENCE GARRETT, III

SUBJECT: Enrolled Bill H.R. 3969 -- Panama Canal Commission Proxies

Attached with the incoming, for your review and comment or signature, is a memorandum for Richard G. Darman, transmitting your approval of the above-referenced enrolled bill. This item is due by 5:00 p.m. today.

Attachment

THE WHITE HOUSE

WASHINGTON

February 10, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3969 -- Panama Canal Commission Proxies

At your request, Counsel's Office has reviewed the above-referenced enrolled bill, and has no legal objection to it being signed by the President

FFF:HLG:aea 2/10/84
cc: FFFielding/HLGarrett/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Presidential Taping: Citizens for the Republic Dinner

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by noon today. The brief comments praise the contribution of Mr. Deaver, the guest of honor at the dinner, briefly review the successes of the past three years, and urge continued commitment to the basic values guiding the Administration. I have no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

February 10, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Taping: Citizens for the Republic Dinner

Counsel's Office has reviewed the above-referenced remarks, and finds no objection to them from a legal perspective. On page 1, line 21, "its" should be "it's," as it is on line 22.

cc: Richard G. Darman

FFF:JGR:aea 2/10/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 13, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Request by Congressman Daniel That The President and Mrs. Reagan Sign Olympics Statement

M & M Mars, the candy people, are a sponsor of the Olympics. Indeed, they are the "official candy" of the 1984 Olympic Games. Congressman Dan Daniel (D-VA) brought representatives of M & M to see the President last fall, and the M & M people presented the President with an Olympic candy jar. At that meeting the President also agreed to participate in M & M's "Sign Up America" project to support the Olympics, although it is not clear to what extent the details of the project were explained to the President. Daniel has now sent B. Oglesby parchments for the President and First Lady to sign. The parchments contain a quotation from Jesse Owens, the slogan "Sign Up America," and the statement "We pledge our support for the 1984 Olympic Games and wish success for our U.S. Team." Oglesby has asked for our guidance.

I contacted Vivian Anderson on Daniel's staff for more details. According to Anderson, M & M and other Olympics sponsors plan to collect signatures to the above-quoted pledge from millions of citizens across the country. On opening day, the Jaycess and the U.S. Olympic Committee will present a scroll with the signatures to the U.S. Olympic Team, as a show of support. M & M has also agreed to donate $0.10 to the U.S. Olympic Committee for every signature to the pledge. Anderson, after checking with M & M, assures me that the company will not use the parchment itself or the fact of the signatures in any commercial advertising.

I recommend advising Oglesby that we have no objection to the President and the First Lady signing the documents, provided that Congressman Daniel and the M & M people are forewarned that the documents may not be used in any way in connection with advertising by M & M. A memorandum to Oglesby is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

February 13, 1984

MEMORANDUM FOR M. B. OGLESBY, JR.
ASSISTANT TO THE PRESIDENT
FOR LEGISLATIVE AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request by Congressman Daniel That The President and Mrs. Reagan Sign Olympics Statement

You have asked for our views on Congressman Dan Daniel's request that the President and the First Lady sign parchment documents submitted by Daniel pledging their support for the 1984 Olympics and the U.S. Olympic Team. Conversations between my staff and that of Congressman Daniel have established that the signatures are sought as part of an effort by Olympics sponsor M & M Mars Company to obtain signatures to the pledge from citizens across the country. The signatures are to be presented on opening day by the Jaycees and the U.S. Olympic Committee to the U.S. Team. M & M Mars has agreed to donate $0.10 to the U.S. Olympic Committee for every signature obtained.

We have no objection to the President and the First Lady signing the documents, provided that Congressman Daniel is reminded, in writing when the documents are delivered to him, that the documents themselves or the fact that the Reagans signed them may not be used in any way in advertising by M & M Mars or any other promotional activity to benefit M & M Mars.

FFF:JGR:aea 2/13/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 13, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: H. LAWRENCE GARRETT, III

SUBJECT: Proposed Executive Order Entitled "Award of the Purple Heart"

Attached with the incoming, for your review and comment or signature, is a memorandum for Richard G. Darman, transmitting your approval of the above-referenced proposed Executive Order. This item is due by 5:00 p.m., Tuesday, February 14.

Attachment

THE WHITE HOUSE

WASHINGTON

February 13, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled "Award of the Purple Heart"

At your request, Counsel's Office has reviewed the above-referenced proposed Executive Order, and has no legal objection to it being signed by the President.

FFF:HLG:aea 2/13/84
cc: FFFielding/HLGarrett/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 13, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Amendments Proposed by the District Government to H.R. 3932 Regarding D.C. Chadha

OMB has asked for our views by February 17 on a draft Justice report on a proposal by the D.C. Government concerning the D.C. Chadha problem. The D.C. proposal is an old one, set forth in a November 17 letter from Mayor Barry to Senator Mathias. The proposal would amend the Self-Government and Governmental Reorganization Act by adding two provisions: a section retroactively validating any law passed by the D.C. Council, and a severability clause.

The Mayor maintains that this is a "compromise" that would solve the District's bond problem without deciding the Chadha issue. In fact, however, the severability clause would effectively decide the Chadha issue in the District's favor. There is little doubt that the legislative veto in the Self-Government and Governmental Reorganization Act is unconstitutional. When the severability clause is added, a court considering the Act would simply strike down the legislative veto, leaving intact the provisions authorizing the D.C. Council to enact laws. The end result would be that Congress could only block D.C. Council actions by passing a law disapproving the action -- precisely what the District has wanted all along.

The draft Justice report notes this effect, and opposes the proposal. The report reiterates our support, expressed in McConnell's November 15, 1983 letter, for a two-track approach to the D.C. Chadha problem, generally providing only an opportunity for Congressional disapproval of D.C. Council actions, except in the criminal area, where affirmative approval would be required. The report also notes the flaws in the retroactive validation provision, which would have the unintended effect of validating D.C. Council actions struck down by courts or, as in the case of the sexual crimes statute, blocked by an exercise of the legislative veto. (Or, more accurately, presumably blocked. The issue of the effect of the past exercise of an unconstitutional legislative veto is currently before the courts.)

I have no objections. Our office agreed with Justice some time ago to oppose the Mayor's "compromise;" this letter is simply the formal statement of that position.

Attachment

THE WHITE HOUSE

WASHINGTON

February 13, 1984

MEMORANDUM FOR JANET M. FOX
LEGISLATIVE ANALYST
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Amendments Proposed by the District Government to H.R. 3932 Regarding D.C. Chadha

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

FFF:JGR:aea 2/13/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 13, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Draft Testimony of the General Services Administration on Presidential Libraries

OMB has asked for our views by close of business February 16 on the attached testimony, which Archivist Robert Warner proposes to deliver on February 23 before the Subcommittee on Government Information, Justice and Agriculture of the House Committee on Government Operations. The testimony is directed at three bills pending in the House that would, in varying degrees, prohibit the Government from spending money to maintain new Presidential libraries. Typically, the bills provide that private donations must not only fund construction of the proposed Presidential library (as is now the case) but must also establish an endowment to fund operation of the library.

In his proposed testimony Archivist Warner opposes these bills. His basic position is that Presidential records are government property -- either through deeds or, since 1981, under the Presidential Records Act -- and that the Government has certain responsibilities with respect to that property, including preservation, processing, and making the records available in a form that is useful to scholars and the general public. Warner argues that the discharge of these basic responsibilities cannot be made dependent upon private funding.

I have no objections to Warner's position that the Government should remain in the business of preserving, processing, and making Presidential records available to the public. He is correct that such records are, under the Presidential Records Act, the property of the United States. 44 U.S.C. § 2202. While we may at some point want to challenge specific provisions of that Act, such as the 12-year maximum limit on restrictions on disclosure, see 44 U.S.C. § 2204(a), I do not foresee any need to challenge the basic statement in § 2202 that "[t]he United States shall reserve and retain complete ownership, possession, and control of Presidential records."

Attachment

THE WHITE HOUSE

WASHINGTON

February 13, 1984

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Testimony of the General Services Administration on Presidential Libraries

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

FFF:JGR;aea 2/13/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 13, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Revised Draft DOJ Report on S. 645, The Courts Improvement Act Regarding Intercircuit Tribunal

OMB has asked for our views by close of business February 14 on a proposed revised version of the Department of Justice report on S. 645, the Court Improvements Act of 1983. When Justice submitted its first proposed report on S. 645 for OMB clearance, we noted no objection to most of the positions taken in the report. These included support for (1) elimination of Supreme Court mandatory appellate jurisdiction, (2) repeal of civil litigation priorities, (3) a federal courts study commission, and (4) a Chancellor of the United States; opposition to (1) the State Justice Institute and (2) a judicial disqualification amendment; and "deference to Congress" concerning increased judicial survivors' annuities.

The sticking point, of course, was Justice's proposed support for Title VI, the Intercircuit Tribunal. An Administration position on the Intercircuit Tribunal was hammered out last fall, in the course of clearing testimony Jonathan Rose eventually delivered before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Judiciary Committee on November 10, 1983. The proposed report is presented by Justice as being consistent with the cleared testimony by Rose.

The section on the Intercircuit Tribunal, pages 5-8, is consistent with Rose's testimony, and I have no objections to it. Rose's testimony concluded that reforms such as abolition of diversity jurisdiction and restrictions on prisoner petitions "should be tried before, or at least at the same time as, a structural change of perhaps major magnitude." The proposed report contains essentially identical language (p. 7, ll. 5-7).

Attachment

February 13, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Revised Draft DOJ Report on S. 645, The Courts Improvement Act Regarding Intercircuit Tribunal

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

FFF:JGR:aea 2/13/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 13, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Cabinet Council on Legal Policy With The President: (1) Task Force on Legal Equity for Women (2) Victims of Crime Legislation (3) Interim Report by the Task Force on Family Violence

We have received the briefing papers for tomorrow's meeting of the Cabinet Council on Legal Policy (CCLP). Three topics are on the agenda: (1) a report concerning the activities of the Task Force on Legal Equity for Women, (2) a decision on whether to support Justice's proposed victims of crime legislation, and (3) an interim report from the Attorney General's Task Force on Family Violence.

1. Task Force on Legal Equity for Women. The Attorney General has submitted a memorandum for the President on this topic, reviewing the formation of the Task Force in 1981 and the various reports it has submitted through the CCLP since that time. The memorandum notes that the Fourth Quarterly Report was submitted last December, containing reports from 26 agencies concerning reviews of sex bias in regulations, policies, and practices. The Fifth Quarterly Report, currently in utero, will contain such progress reports from 15 agencies.

The Attorney General recommends three steps be taken to expedite and promote the work of the Task Force. First, he urges that the Administration move actively to obtain passage of S. 501, the bill designed to correct the gender specific language in the U.S. Code identified in previous quarterly reports filed by the Task Force. Second, he recommends that the President direct agencies to complete their internal review of sex bias by April 1, to expedite preparation of the next quarterly report. Third, the Attorney General asks the President to direct the Task Force to take an active role in correcting sex bias identified by the agencies as soon as possible.

I have no objection to any of these recommendations. The Administration is already on record as supporting S. 501, and the other recommendations simply promote the work of the Task Force.

2. Victims of Crime Legislation. A memorandum from John Svahn to the members of the CCLP outlines the dispute between Justice and OMB on proposed legislation to aid victims of crime. Justice's bill, awaiting OMB clearance, would create a Crime Victim's Assistance Fund. Money would flow into the fund from: (1) new fees assessed against every federal convict ($25 for misdemeanant, $50 for felon), (2) all criminal fines from federal convicts, (3) a percentage of the salaries paid to federal inmates, (4) a percentage of any payments to parolees, (5) all proceeds from literary rights sold by a criminal arising from his criminal act, (6) public contributions, (7) funds from other Federal agencies. Of money available in the Fund, 50 percent would go to reimburse states that reimburse victims, 30 percent to states for nonfinancial assistance to victims, and 20 percent for federal nonfinancial assistance to victims.

Justice argues that the bill is consistent with the Administration commitment to help victims of crime. It is fiscally responsible, since no new appropriation is requested, and funds would only be disbursed to the extent available. Reimbursing the states avoids excessive federal intrusion into a matter primarily of state concern. Most states that have victim relief provisions do not distinguish between victims of state and federal crime, so some federal support for such programs is appropriate.

OMB objects to the bill largely on the ground that, in the hands of Congress, it will become an item of ever-increasing appropriations. The Justice scheme will fund compensation only for a minute percentage of victims, resulting in pressure for appropriated funds to supplement the Fund.

I do not have strong feelings either way. There is merit to the Justice contention that some federal reimbursement is appropriate, since current state victim relief systems benefit victims of federal as well as state crime. The approach of a "users' fee" on federal criminals also has a certain appeal, although the small, flat fee for felons is a little disconcerting (Murder? That'll be $50).

3. Interim Report of the Task Force on Family Violence. Lois Herrington will deliver an interim report on the work of this task force, established by the Attorney General on September 19, 1983. The Task Force, chaired by Detroit Chief of Police William Hart, has had several meetings. There are no briefing papers on this topic.

THE WHITE HOUSE

WASHINGTON

February 13, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Suggested Presidential Draft Regarding James V. Allday and His National Knife Magazine Fundraising Effort

On January 26, 1984, you sent a memorandum to Anne Higgins concerning the request from James V. Allday, editor and publisher of National Knife Magazine, that the President co-sponsor or endorse a fundraising drive by the magazine for the benefit of the families of the servicemen killed in the Beirut bombing. We advised Higgins that the President could not be a co-sponsor of the fundraising drive, but that he could write a letter commending Allday for his efforts. Higgins's office has now submitted a draft letter for our review.

The draft is consistent with the guidelines in our January 26 memorandum, as it praises in a general way Allday's efforts to benefit the Marine Relief Fund but does not involve the President in the specifics of the fund-raising scheme. As noted in our memorandum, we should prepare a letter to Allday explaining that the President cannot be listed as a co-sponsor of his drive. It seems best to me to send that letter with the commendatory message prepared by Higgins's office, to avoid confusion. A memorandum to Patricia Gleason, who worked on the matter for Higgins, and a letter to Allday from you, is attached. If you agree, you should sign the letter and have both items sent to Allday by Higgins.

Attachment

THE WHITE HOUSE

WASHINGTON

February 13, 1984

MEMORANDUM FOR PATRICIA GLEASON
STAFF ASSISTANT
OFFICE OF WHITE HOUSE CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Suggested Presidential Draft Regarding James V. Allday and His National Knife Magazine Fundraising Effort

Counsel's Office has reviewed the draft message from the President to James V. Allday submitted with your memorandum of February 3, and has no objection to it from a legal perspective. We do, however, recommend changing "generosity" in the first line to "efforts" and "their very worthy goal" in the penultimate line to "this very worthy endeavor."

As noted in my memorandum of January 26 to Anne Higgins, I have prepared a letter to Allday explaining that the President should not be listed as a co-sponsor of his fundraising scheme. That letter should be sent to Allday along with the Presidential message prepared by your office.

Attachment

FFF:JGR:aea 2/14/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 14, 1984

Dear Mr. Allday:

Thank you for your telegram advising the President of the laudable efforts of National Knife Magazine to aid the families of the servicemen who gave their lives in Beirut. In that telegram you requested that the President support your efforts and permit his name to be listed as a co-sponsor.

The President has found it necessary to adhere to a policy of generally not becoming involved in charitable fundraising to the extent of permitting his name to be listed as a co-sponsor. This policy is necessary in light of the vast number of requests the President receives, and the inability of the White House to monitor private fundraising efforts, which would be necessary were the President to be listed as a co-sponsor or otherwise closely associated with any particular fundraising effort.

I am certain you will understand that our inability to grant your request that the President be listed as a co-sponsor does not in any sense constitute an adverse reflection on your praiseworthy efforts. Indeed, it is my understanding that the President has signed a message expressing his appreciation for those efforts.

With best wishes,

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. James V. Allday
Editor and Publisher
National Knife Magazine
P.O. Box 21070
Chattanooga, TN 37421

FFF:JGR:aea 2/14/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 13, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Earl C. Berger

Earl C. Berger, a California attorney, has written several brief letters to Craig Fuller, threatening to place a lien on the White House to satisfy what he considers to be an outstanding judgment against the United States. Fuller has not responded. Berger was the lead attorney in the successful class action brought against the United States by certain public school teachers, March v. United States, 506 F. 2d 1306 (D.C. Cir. 1974). Berger contends that the United States has not complied with the Court of Appeals instructions on remand, both as to payments owed the teachers and attorneys fees owed him.

In fact, according to Ted Grossman, the Justice Department attorney handling the case, [redacted] The litigation has been largely resolved, consistent with the Court of Appeals opinion. This week Grossman intends to go into court seeking to vacate the judgment against the United States under Federal Rule of Civil Procedure 60(b), with the consent of the plaintiff class (now represented by counsel other than Berger). The basis for the motion will be that the judgment has been satisfied. b6

[redacted] b6

Since this matter is still technically an active case, I recommend referring Berger's letters to Justice for whatever reply the attorneys handling the case consider appropriate. A memorandum to Jensen accomplishing this is attached.

Attachment

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name
ROBERTS, JOHN: FILES

Withdrawer
IGP 8/5/2005

File Folder
CHRON FILE (02/07/1984 - 02/13/1984)

FOIA
F05-139/01
COOK

Box Number

451GP

DOC NO	Document Type / Document Description	No of pages	Doc Date	Restrictions	
7	MEMO FIELDING TO D. LOWELL JENSEN RE EARL C. BERGER	1	2/13/1984	B6	726

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.