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WITHDRAWAL SHEET

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Withdrawer

IGP 8/30/2005

FOIA

F05-139/01

COOK

50IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FIELDING RE GOVERNMENT WITNESSES (PARTIAL)	2	3/27/1984	B6	757
2	MEMO	FIELDING TO JENSEN RE GOVERNMENT WITNESSES (PARTIAL)	1	3/27/1984	B6	758
3	CASEFILE	GOVERNMENT WITNESSES (PARTIAL) 207330	1	ND	B6	759

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]

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COPY - Reagan Presidential Record

THE WHITE HOUSE

WASHINGTON

March 23, 1984

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS 

SUBJECT: Commissioner Kaufman

With respect to the attached, Kaufman refused to agree to the revision in his testimony insisted upon by Justice and our office. The testimony was accordingly postponed, and you may be hearing from the Commissioner's office on this.

THE WHITE HOUSE

WASHINGTON

March 21, 1984

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Irving R. Kaufman
Concerning H.J. Res. 490, Subpoena
Power for Commission on Crime,
March 22, 1984

Counsel's Office has reviewed the above-referenced proposed testimony. In this testimony Chairman Kaufman of the President's Commission on Organized Crime requests authority for the Commission to have access to transcripts of wiretaps authorized under Title III of the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. §§ 2510-2520. As noted in the testimony, access would be limited to closed cases in which disclosure would not affect the integrity of any ongoing investigation or prosecution.

The testimony fails to note, however, that no Title III material will be released to the Commission without the express approval of the Attorney General. It is our understanding that a condition of the Justice Department support for Kaufman's request for access to Title III material is that such express approval by the Attorney General be required. The testimony should accordingly be revised to reflect this requirement. It is hardly enough to state, as Kaufman does on page 7, that the Commission "would seek the approval of the appropriate agency on a case by case basis when access or disclosure is sought." Express approval by the Attorney General is an added protection against abuse of the highly unusual right of access to sensitive Title III wiretap material, and that protection should be insisted upon and made explicit.

cc: Michael M. Uhlmann
Special Assistant to the President
Assistant Director for Legal Policy
Office of Policy Development

FFF:JGR:aea 3/21/84


bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 23, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Request for President Reagan to Write
an Article on the Presidency for the
Special Symposium Issue of "National
Forum" on the Bicentennial of the
Constitution

Mark Cannon has forwarded materials describing the contemplated issue of National Forum on the Bicentennial of the Constitution, and has asked for your help in securing the agreement of the President to write the article on the Presidency. National Forum is the quarterly publication of the national university honor society Phi Kappa Phi. Phi Kappa Phi has some 235 chapters, primarily in state university systems. According to the outline submitted by Cannon, guest editor of the issue, the issue will, like Gaul, be divided into three parts: The first part will present the historical background of the framing of the Constitution; part two is entitled "Retrospective and Prospective Views of the Three Branches" and will contain general articles on Congress (tentatively by Speaker Tip O'Neill), the Supreme Court (by the Chief Justice), and the Presidency (which, Cannon hopes, will be by the President); and part three will contain articles on a range of Constitutional issues, such as First Amendment freedoms, property rights, national security, and so on.

I see no legal difficulties with the President authoring the article on the Presidency, should he desire to do so. I would not, however, support such a proposal on policy grounds. National Forum is a somewhat academic, intellectually-oriented journal and Cannon contemplates that the article on the Presidency will contain a legal and historical discussion. I do not think the public reacts well to articles that are transparently ghost-written, and an article of the sort sought by Cannon, suitable for this journal, would clearly not be the natural product of the President. I think the sort of article contemplated by Cannon would more appropriately be authored by the Counsel to the President, or perhaps someone from the Department of Justice. Our office could compose a thoughtful piece without too much trouble, drawing primarily on sources such as The Federalist and secondary works such as the studies of executive power by Professor Corwin. We should discuss.

THE WHITE HOUSE

WASHINGTON

March 23, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Inquiry From Congressman Brooks
on Telephone Recording


As we have discussed, Mike Horowitz has asked for our views on a proposed response to the January 18, 1984 letter from Congressman Jack Brooks concerning compliance with General Services Administration regulations on telephone recording. As it turns out, Brooks wrote to OMB, CEA, CEQ, USTR, and OFPP -- not OA. OA became involved because of Horowitz's suggestions that OA respond on behalf of the entire EOP, and that OA develop regulations concerning recording on behalf of the entire EOP. I recommend that we not support these suggestions, which Ed Wilson advises do not commend themselves to OA in any event. With your approval I will advise Horowitz's office that each agency that received a letter from Brooks should respond individually, and that we should not gratuitously devise a comprehensive response for the EOP as a whole. Each agency will, of course, have to verify the substance of its response to Brooks for itself, since we have no information about the practices in question at OMB, OFPP, CEA, CEQ, or USTR.

THE WHITE HOUSE

WASHINGTON

March 26, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Letter to J. Peter Grace and
Dr. Armand Hammer Regarding
"Yankee Trader/YAK-40" Project

T. Wilson, proprietor of Appleseed Enterprises, has sent a note to Mr. Baker, asking him to convey enclosed identical letters to J. Peter Grace and Dr. Armand Hammer. The letters contain instructions on how to invest in the "Yankee Trader/YAK-40 Project," by depositing \$1-22 million in a specified account.

The material should be returned to Mr. Wilson. A draft doing so is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

March 26, 1984

Dear Mr. Wilson:

Your note of March 19, 1984 to White House Chief of Staff James A. Baker, III has been referred to me for appropriate handling. That note requested that Mr. Baker convey enclosed letters to Mr. J. Peter Grace and Dr. Armand Hammer.

Mr. Baker is not involved in any way with your business activities and it would be wholly inappropriate for him to act as an intermediary for you in connection with those activities. I am, accordingly, returning your correspondence to you. Neither Mr. Baker nor anyone else at the White House has taken any action to contact individuals on your behalf.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Thomas D. Wilson
1919 Calvert Street, N.W.
Washington, D.C. 20009

FFF:JGR:aea 3/26/84
cc: FFFfielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 26, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Statement of James I.K. Knapp
Concerning Assault on Federal Officers

We have been provided with a copy of testimony Deputy Assistant Attorney General James I.K. Knapp proposes to deliver on March 28 before the Subcommittee on Criminal Justice of the House Judiciary Committee. The testimony concerns H.R. 5150, a bill to strengthen the laws covering assaults and murders of federal officials and to make it a federal offense to kill or assault certain relatives of federal officials. The testimony expresses basic support for the objectives of this legislation, but notes a preference for the formulation in S. 779 and Parts G and K of Title X of S. 1762, the Senate-passed Comprehensive Crime Control Act. The House bill completely redrafts 18 U.S.C. §§ 111 and 1114, while the Senate bill selectively amends those sections. The Senate approach is preferable because it preserves favorable judicial precedent interpreting the current law. I have reviewed the testimony and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 26, 1984

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of James I.K. Knapp
Concerning Assault on Federal Officers

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

FFF:JGR:aea 3/26/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 26, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Card With Cover Picture of
the First Lady

Cathleen M. Leiser of Virginia Beach sent Mrs. Reagan a supportive note on a card depicting Mrs. Reagan sniffing cocaine, and urged that Mrs. Reagan sue the company responsible for the card. The card, entitled "Nancy Snorts," was copyrighted in 1982 by Rockshots, Inc., of New York. In light of your previous decision to write to the company responsible for the "Queen Nancy" postcard, I assume you will want to object to this considerably more offensive card as well, and appropriate drafts are attached. As was the case with the "Queen Nancy" postcard, however, my own view continues to be that objecting to such distasteful parodies does little good and that it is better simply to ignore them.

Attachment

THE WHITE HOUSE

WASHINGTON

March 26, 1984

Dear Mr. Rock:

A citizen complaint has alerted us to the existence of your card entitled "Nancy Snorts." This hideous card depicts the First Lady preparing to inhale cocaine. Needless to say, we share the view of the citizen who complained to us that the card is "trash."

Quite apart from questions of taste, your knowing publication, distribution, and sale of a false representation of the First Lady raise serious concerns. Creating and publishing such a false representation exceeds the appropriate bounds of even the broadest conception of "humor" or commentary. Certainly Mrs. Reagan's activities in such areas as promoting the Foster Grandparents Program or combatting drug abuse among our Nation's youth have subjected her to some publicity, but her prominence hardly confers a license for the grotesque misrepresentation on your card.

We are deeply offended by the card and disappointed that your company would include such an item among its products.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Michael Rock
President, Rockshots, Inc.
51 West 21st Street
New York, New York 10010

FFF:JGR:aea 3/26/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 26, 1984

Dear Ms. Leiser:

Thank you for your recent note to the First Lady. That note was written on a hideous card depicting the First Lady preparing to inhale cocaine, and you urged Mrs. Reagan to sue the company responsible for the card.

It goes without saying that we share your view that the card is "trash." Enclosed for your information is a copy of a letter I wrote to the President of Rockshots, Inc., which published the offending card. I do not know if this letter will cause the company to remove its grotesque card from the market, but at least the company will not be in doubt as to our views on this subject.

Thank you for calling this unfortunate matter to our attention. We appreciate your concern.

Best wishes,

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Cathleen M. Leiser
1700 Ashton Drive
Virginia Beach, VA 23464

FFF:JGR:aea 3/26/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 26, 1984

MEMORANDUM FOR JAMES S. ROSEBUSH
DEPUTY ASSISTANT TO THE PRESIDENT
OFFICE OF THE FIRST LADY

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Card With Cover Picture of
the First Lady

You forwarded to this office a card sent to the First Lady by Cathleen M. Leiser of Virginia Beach. The cover of the card depicted Mrs. Reagan preparing to inhale cocaine, and Ms. Leiser urged that the company responsible for the card be sued.

I doubt that such a suit would be successful, and in any event it would simply generate publicity for the hideous card and the company responsible for it. I have, however, written the company to express our strong objections to the card. Copies of that letter and a response to Ms. Leiser are attached for your information.

Attachments

FFF:JGR:aea 3/26/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 27, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Justice Department

The attached sheet describes the order of succession at the Department of Justice. I have advised Larry Speakes of the first part.

The answer to your second question, concerning the length of time an acting official may serve, is considerably more complicated. Officials appointed pursuant to the Vacancy Act, 5 U.S.C. §§ 3345-3347, may serve for not more than 30 days. 5 U.S.C. § 3348. The provision authorizing the President to "detail" other Executive branch officials confirmed by the Senate to fill vacancies caused by the resignation of the head of an Executive department or other official specifically "does not apply to a vacancy in the office of Attorney General." 5 U.S.C. § 3347. Thus, at first blush, I do not think the President can appoint an Acting Attorney General.

The President could theoretically appoint an Acting Deputy Attorney General, but I know in the past we have objected to putting officials in a "double acting" role, as would be the case with an Acting Deputy Attorney General acting as Attorney General. (Lowell Jensen's case is distinguishable, since he would act as Attorney General by virtue of the succession statute, 28 U.S.C. § 508.)

Tex Lezar tells me that the Vacancy Act does not apply to Justice. That is true for officials acting by virtue of the statutory succession in 28 U.S.C. § 508. It is also true for officials delegated responsibilities by the Attorney General pursuant to 28 U.S.C. § 510. In both cases the officials do not hold their offices pursuant to the Vacancy Act, but rather 28 U.S.C. §§ 508 and 510, and accordingly are not subject to the limitations of the Vacancy Act. In all other cases, however, such as a Presidential detail, I believe the Vacancy Act would apply.

THE WHITE HOUSE

WASHINGTON

March 27, 1984

Pursuant to 28 U.S.C. § 508, the order of succession in the Department of Justice is:

Attorney General
Deputy Attorney General
Associate Attorney General.

Pursuant to an order of the Attorney General dated June 1, 1983, and issued pursuant to 28 U.S.C. § 510, the order following the above is:

Solicitor General
Assistant Attorney General, Office of Legal Counsel
Assistant Attorney General, Criminal Division
Assistant Attorney General, Civil Division.

THE WHITE HOUSE

WASHINGTON

March 27, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Draft Presidential Message For Publication
of Republican Agenda for U.S. Technological
Leadership and Industrial Competitiveness

Richard Darman has asked for comments by March 27 on a proposed Presidential message to serve as a preface to a report to be issued by Republican Congressmen entitled "Targeting the Process of Innovation: A Republican Agenda for U.S. Technological Leadership and Industrial Competitiveness." Jay Keyworth, who drafted the proposed Presidential preface, advises that the group that will issue the Report "is a responsible group in tune with the President's philosophy," although there are disagreements with some specific proposals of the Report. Keyworth states that the preface was drafted to commend the group's initiative and approach without explicitly endorsing the legislative proposals.

In fact, the preface reads as a blanket endorsement of the Report's recommendations. I do not know how passages such as "[y]our proposals to reestablish an environment in which American ingenuity will flourish are well chosen and deserve widespread public support. I commend them to your colleagues of both parties," can be read as not endorsing the group's specific proposals. This is particularly dangerous since the Report begins (pp. 1-2) with an explicit statement of support for as yet unidentified House bills. (The bill numbers are to be added "in final versions.") In short, Keyworth would have the President sign a blank check of support for the group.

The attached memorandum for Darman objects to sending a preface without knowing what bills the Report will endorse, and notes that the language of the preface is not consistent with Keyworth's representation that it does not endorse specific proposals. Substitute language actually doing what Keyworth says the preface does -- endorsing the group's initiative and approach, but not specific proposals -- is also provided.

Attachment

THE WHITE HOUSE

WASHINGTON

March 27, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Presidential Message For Publication
of Republican Agenda For U.S. Technological
Leadership and Industrial Competitiveness

You have asked for our views on a proposed message from the President to be used as a preface to the report prepared by Congressmen Ed Zschau and Dan Ritter's Republican High Technology Task Force. We have no legal objections to such a message. The proposed draft, however, does not merely commend the group's initiative and approach, as stated by the author of the draft, but will doubtless be read as a blanket endorsement of the group's recommendations. This is particularly ill-advised since the report will express support for specific House bills that are as yet unidentified. The proposed preface must be revised so that it cannot be construed as a general endorsement of the group's recommendations.

We recommend changing the second sentence of the first paragraph to read: "Your effort to reestablish an environment in which American ingenuity will flourish is timely and deserves widespread public support." The third sentence should be deleted. In the fourth sentence, "These are important steps that" can be changed to "The Agenda outlines steps to." We also recommend that those involved in this area determine precisely what bills will be endorsed in the report's opening pages, and whether the Administration can support those bills. Without such information the preface would essentially constitute a "blank check" of Presidential support to those issuing the report.

FFF:JGR:aea 3/27/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 27, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Rights of Individuals Who Assist
the Government as an Undercover
Agent and Government Witnesses

b6
[REDACTED] has written the
President, recounting his sacrifices to assist Federal law
enforcement authorities in [REDACTED] in 1982.
[REDACTED]

b6
b7c

- 2 -

[REDACTED]

b6
b7c

In light of the foregoing I recommend no response from the White House. The danger of misuse by [REDACTED] of any type of response is too great. I have prepared a referral memorandum to Justice, alerting them to proceed with caution.

b6

Attachment

THE WHITE HOUSE

WASHINGTON

March 27, 1984

MEMORANDUM FOR D. LOWELL JENSEN
ACTING DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Rights of Individuals Who Assist
the Government as an Undercover
Agent and Government Witnesses

The attached letter to the President is referred to you for whatever action you consider appropriate. In the course of considering how to handle [REDACTED] letter, this office contacted FBI Special Agent [REDACTED] in [REDACTED] solely to determine the accuracy of [REDACTED] representations. Special Agent [REDACTED] was very helpful, and advised us that [REDACTED] who himself has been convicted of passing bad checks, had misused letters of commendation in the past in an effort to obtain a bank loan. Accordingly, we have not responded to [REDACTED] in any fashion.

Attachment

FFF:JGR:aea 3/27/84

cc: FFFielding/JGRoberts/Subj/Chron

b6

ID # 207330 CU

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1/84Name of Correspondent: [REDACTED] *blb*☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Reports of individuals who assert
the government as an undercover agent
and government witnesses.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CV Holland</u>	ORIGINATOR	<u>8410216</u>			<u>1 1</u>
<u>CV AT18</u>	Referral Note: <u>D</u>	<u>8410217</u>			<u>58410227</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference. ext. 2590.

THE WHITE HOUSE

WASHINGTON

March 27, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Correspondence From L. Arnold Pyle
Concerning Letter He Received From
General Daniel O. Graham For High Frontier

You staffed this item to me for direct response, and I have prepared and signed the attached proposed response. Mr. Pyle of Jackson, Mississippi wrote the President to note his objection to representations about America's defenses in fundraising material distributed by High Frontier. You will recall that the material in question contained a copy of the supportive letter from the President to High Frontier's leader, General Daniel Graham, and that by letter dated February 22, 1984, you objected to use of this Presidential letter in fundraising by High Frontier. It seemed appropriate to point out in my response to Mr. Pyle that our office had objected to High Frontier's use of the Presidential letter, since Mr. Pyle could well assume, on the basis of the letter, that the White House was in some sense affiliated with High Frontier. Before sending the response to Pyle, however, I wanted to make certain you had no objection to the reference to our earlier letter to Graham.

Attachment

THE WHITE HOUSE

WASHINGTON

March 28, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Western Art Festival and the Awarding
of "Man of the West" to the President

The San Dimas Festival of Western Arts is a non-profit tax-exempt organization, essentially a subsidiary of the San Dimas Chamber of Commerce. The Festival will be holding its Eighth Annual Western Art Exhibition and Sale on April 28, 1984. At each such show the Festival honors an individual as "Man of the West." Past recipients include Roy Rogers, Olaf Wieghorst, John Wayne, Louis L'Amour, Gene Autry, Iron Eyes Cody, and Ben Johnson. In a January 16, 1984 letter, Executive Director of the Festival Robert L. Poff advised his personal friend Bob Carleson that the Festival wanted to name the President this year's "Man of the West." The President would receive a bronze sculpture and be painted by one of the Festival's artists.

The President will be in China during the Exhibition, but apparently the Festival still wants to bestow the honor and Mr. Deaver has agreed that it may be accepted. At the last minute it occurred to Linda Frick that our office should review the proposed letter of appreciation from the President, since the Exhibition is also a sale and since the Festival plans to use the statement in press releases.

I am not troubled by the President accepting the "Man of the West" honor from the Festival, or sending an appropriate message thanking the Festival for the honor. The Festival and Exhibition are non-profit activities, promoting a distinctly American cultural heritage. The fact that individual artists will be selling paintings that are exhibited strikes me as incidental to the cultural celebration. The President will not be endorsing any particular artist, simply recognizing the contributions of western art in general.

Nor am I bothered by the contemplated use of the President's message in Festival press releases, so long as the message is consistent with the foregoing. The draft message thanks the Festival for the honor of being named "Man of the West," praises the prior recipients, and wishes the Festival success in its "April celebration." No mention is made of

- 2 -

the concomitant art sale. I recommend deleting a reference to Bob Carleson in the message, since Bob has gone on to the private sector. A draft memorandum to Linda Frick is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

March 28, 1984

MEMORANDUM FOR LINDA FRICK
STAFF ASSISTANT
OFFICE OF WHITE HOUSE CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Western Art Festival and the Awarding
of "Man of the West" to the President

You have asked for our views on a proposed message from the President to the Executive Director of the San Dimas Festival of Western Arts. The Festival, a non-profit, tax-exempt organization, holds an annual celebration of western art, at which individual artists not only exhibit their works but also offer them for sale. At each annual show a "Man of the West" is chosen, and this year President Reagan has been selected for the honor.

If the President has decided to accept the "Man of the West" honor, we have no objection to sending a brief message of appreciation to the Festival, nor would we object to the Festival reprinting the message in its press releases. The Festival and exhibition promote western art in general rather than individual artists, and the President may be associated with such a general cultural activity. The President's message should, however, avoid any mention of the art sale and individual artists, and the proposed draft appropriately does so. We do, however, recommend deleting the first sentence of the second paragraph of the proposed message, since Bob Carleson has now left the White House staff.

Finally, we assume that the Festival organizers have been advised that the President will not be able to sit for a portrait by one of the Festival artists, apparently a traditional part of the "Man of the West" honor.

cc: Frederick J. Ryan, Jr.
Special Assistant to the President
Director of Scheduling

FFF:JGR:aea 3/28/84

cc: FFFielding/JGRoberts/Subject/Chron.

THE WHITE HOUSE

WASHINGTON

March 28, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Request for Permission to Use Presidential Seal on Upcoming Book "Presidential Elections in Maryland"

Last November Thomas H. Hattery of Lomond Publications, Inc., telephoned your office with a Seal question and was referred to me. Hattery asked if he could have a copy of the Presidential Seal to use in conjunction with a map of Maryland on the cover of the upcoming Lomond book, Presidential Elections in Maryland. I advised Hattery that such use would probably be permitted, so long as the use of the Seal on the cover did not create the impression that the book was an official publication, but that he should address a formal inquiry, in writing, to you.

Hattery did so by letter dated November 18, 1983, which you staffed to Ed Wilson. The letter, however, differed from Hattery's oral representation, in that it referred to use of the Seal "in our promotional material." You responded to Hattery on December 2, 1983, advising that the Seal may be used in books on the Presidency but not in advertising copy.

Yesterday I received a call from Hattery's secretary, who stated she had lost the copy of the Seal and needed one for their promotional material. After reviewing the file, I reminded her that our December 2 letter was quite explicit that the Seal may not be used for promotional purposes. She responded that they had lost that letter as well, and needed the Seal for use on the book cover even if they cannot use it in advertising.

I have no objection to sending Lomond a copy of the December 2 letter; indeed, we should do so to remind them of the prohibition on use of the Seal in advertising. We should also send a copy of the Seal, since the December 2 letter approves use of the Seal in connection with the book itself. The attached cover letter for your signature reiterates the prohibition on use of the Seal in advertising copy.

Attachment

THE WHITE HOUSE

WASHINGTON

March 28, 1984

Dear Mr. Hattery:

Last fall you requested permission to use the Seal of the President in connection with your upcoming book Presidential Elections in Maryland. By letter dated December 2, 1983, I advised you that the Seal may be used on the book itself but that it may not be used in any advertising copy. As I pointed out, use of the Seal in promotional material would not only contravene accepted advertising standards but, more seriously, would also violate a criminal statute, 18 U.S.C. § 713. Copies of the pertinent provisions were enclosed for your information.

Your office has now requested copies of our letter of December 2 and the Seal itself. A copy of the December 2 letter, with enclosures, is attached, as is a copy of the Seal. I would emphasize once again that the Seal may only be used on your book about the Presidency, and for no other purpose.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Thomas H. Hattery
Vice President
Lomond Publications, Incorporated
Post Office Box 88
Mt. Airy, Maryland 21771

FFF:JGR:aea 3/28/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 28, 1984

Dear Mr. Wilson:

Your note of March 19, 1984 to White House Chief of Staff James A. Baker, III has been referred to me for appropriate handling. That note requested that Mr. Baker convey enclosed letters to Mr. J. Peter Grace and Dr. Armand Hammer.

Mr. Baker is not involved in any way with your business activities and it would be wholly inappropriate for him to act as an intermediary for you in connection with those activities. I am, accordingly, returning your correspondence to you. Neither Mr. Baker nor anyone else at the White House has taken any action to contact individuals on your behalf.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Thomas D. Wilson
1919 Calvert Street, N.W.
Washington, D.C. 20009

FFF:JGR:aea 3/28/84
cc: FFFielding/JGRoberts/Subj/Chron

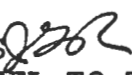
cc: James A. Baker, III
Assistant to the President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

March 28, 1984

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Statement Concerning Narcotics Enforcement
on April 2, 1984

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

THE WHITE HOUSE

WASHINGTON

March 30, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement of Thomas L. Sheer Concerning
Drug Abuse Problems and Resultant Crimes
in the New York Area (April 2, 1984)

We have been provided a copy of testimony FBI Special Agent in Charge Thomas L. Sheer proposes to deliver on April 2 before a hearing of the House Appropriations Committee concerning drug law enforcement in New York. Sheer reviews the steps taken by the New York FBI office to implement the decision that the Bureau become involved in drug law enforcement, and discusses several successful operations conducted by the FBI. The testimony stresses the focus of the Bureau on the link between organized crime and drug trafficking. I have reviewed the proposed testimony, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 30, 1984

MEMORANDUM FOR ADRIAN CURTIS
BUDGET EXAMINER
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Thomas L. Sheer Concerning
Drug Abuse Problems and Resultant Crimes
in the New York Area (April 2, 1984)

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

FFF:JGR;aea 3/30/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 29, 1984

Dear Mr. Wilson:

Your note of March 19, 1984 to White House Chief of Staff James A. Baker, III has been referred to me for appropriate handling. That note requested that Mr. Baker convey enclosed letters to Mr. J. Peter Grace and Dr. Armand Hammer.

As you know, Mr. Baker is not involved in any way with your business activities; regardless of that, it would be wholly inappropriate for him to act as an intermediary for you in connection with those activities. I am, accordingly, returning your correspondence to you. You should also be aware that neither Mr. Baker nor anyone else at the White House has taken any action to contact individuals on your behalf.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Thomas D. Wilson
1919 Calvert Street, N.W.
Washington, D.C. 20009

cc: James A. Baker, III
Assistant to the President
Chief of Staff

FFF:JGR:aea 3/29/84

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 30, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: GAO Report Entitled "Justice Can Further
Improve Its Monitoring of Changes in
State/Local Voting Laws"

Assistant Attorney General Robert McConnell has sent you a copy of Justice's comments on the December 19, 1983 GAO report on Justice's monitoring of changes in state and local voting laws. The report was largely favorable to Justice's Civil Rights Division, concluding that the Division's decisions on preclearance of voting changes under section 5 of the Voting Rights Act:

have been made in accordance with existing legal standards and established procedures. We found no evidence that the division had applied arbitrary administrative standards in making decisions. Also on the basis of our review of correspondence files, we found no evidence that parties outside of the division influenced its decisions.

The report did recommend that the Division institute a general review of new state laws in covered jurisdictions to catch voting law changes that should have been but were not submitted for preclearance. In its letter Justice pats itself on the back for the favorable conclusion in the GAO report, and announces that it has accepted the rather minor GAO recommendations for further improving its performance.

No response is necessary.

Attachment

THE WHITE HOUSE

WASHINGTON

March 30, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Card With Cover Picture of
The First Lady

The attached letter contains your revisions to my draft of March 26. You asked whether I was certain the drug depicted on the card was cocaine. Carlton Turner advises that drug abusers rarely inhale heroin and that the card doubtless depicts the vastly more common practice of inhaling cocaine.

Attachment

THE WHITE HOUSE

WASHINGTON

March 30, 1984

Dear Ms. Leiser:

Thank you for your recent note to the First Lady. That note was written on a hideous card depicting the First Lady preparing to inhale cocaine, and you urged Mrs. Reagan to sue the company responsible for the card.

It goes without saying that we share your view that the card is "trash." Enclosed for your information is a copy of a letter I wrote to the President of Rockshots, Inc., which published the offending card. I do not know if this letter will cause the company to remove its grotesque card from the market, but at least the company will not be in doubt as to our views on this subject.

Thank you for calling this unfortunate matter to our attention. We appreciate your concern.

Best wishes,

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Cathleen M. Leiser
1700 Ashton Drive
Virginia Beach, VA 23464

FFF:JGR:aea 3/30/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 30, 1984

Dear Mr. Rock:

A citizen complaint has alerted us to the existence of your card entitled "Nancy Snorts." This card depicts the First Lady preparing to inhale a proscribed substance, ostensibly cocaine. Needless to say, we share the view of the citizen who complained to us and described the card as "trash."

Quite apart from questions of taste, your knowing publication, distribution, and sale of a false representation of the First Lady raise serious concerns. Creating and publishing such a false representation exceeds the appropriate bounds of even the broadest conception of "humor" or commentary. Certainly Mrs. Reagan's strong activity in programs to combat drug abuse among our Nation's youth is well known; her prominence and interest in dealing with this problem hardly confers a license for the grotesque misrepresentation on your card.

We are deeply offended by the card and disappointed that your company would include such an item among its products, and strongly urge that you reconsider its use.

I will await your response.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Michael Rock
President, Rockshots, Inc.
51 West 21st Street
New York, New York 10010

FFF:JGR:aea 3/30/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 30, 1984

MEMORANDUM FOR JAMES S. ROSEBUSH
DEPUTY ASSISTANT TO THE PRESIDENT
OFFICE OF THE FIRST LADY

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Card With Cover Picture of
the First Lady

You forwarded to this office a card sent to the First Lady by Cathleen M. Leiser of Virginia Beach. The cover of the card depicted Mrs. Reagan preparing to inhale cocaine, and Ms. Leiser urged that the company responsible for the card be sued.

I doubt that such a suit would be successful, and in any event it would simply generate publicity for the hideous card and the company responsible for it. I have, however, written the company to express our strong objections to the card. Copies of that letter and a response to Ms. Leiser are attached for your information.

Attachments

FFF:JGR:aea 3/30/84

cc: FFFielding/JGRoberts/Subj/Chron