

Ronald Reagan Presidential Library Digital Library Collections

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

Collection: Roberts, John G.: Files
Folder Title: Chron File (10/01/1984-10/05/1984)
Box: 65

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

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

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

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

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

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name ROBERTS, JOHN: FILES

Withdrawer

DLB 8/6/2005

File Folder CHRON FILE (10/01/1984-10/05/1984)

FOIA

F05-139/01

Box Number 65

COOK

7DLB

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO THE FILE, RE: JOHN MEAD	1	10/1/1984	B6	821

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

ROBERTS, JOHN: FILES

Withdrawer

DLB 8/6/2005

File Folder

CHRON FILE (10/01/1984-10/05/1984)

FOIA

F05-139/01

COOK

Box Number

65

7DLB

DOC Document Type

No of Doc Date Restric-
pages tions

NO Document Description

1 MEMO

1 10/1/1984 B6

821

ROBERTS TO THE FILE, RE: JOHN MEAD

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

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

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

THE WHITE HOUSE

WASHINGTON

October 1, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: International Bar Association Twentieth
Biennial Conference -- Vienna, Austria

On August 21 Faith Whittlesey sent Mr. Fielding a copy of a speech she proposed to deliver at the International Bar Association meeting. She requested any comments as soon as possible, and in any event before the end of the day. I read the remarks, discussed them with Mr. Hauser, and with his concurrence advised Whittlesey that our office had no objection to the content of her proposed speech. This matter accordingly may be closed out.


Attachment

THE WHITE HOUSE

WASHINGTON

October 1, 1984

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS 

SUBJECT: Mailing of Jewish New Year Letters
to Rabbis and Institutional Leaders

After raising this matter at a morning staff meeting, I advised Mr. Breger that we could not approve his proposal to expand the mailing of the Jewish New Year letter. I told Mr. Breger that his analogy to the mailing of Christmas letters was flawed, since that mailing is not financed by appropriated funds. I also noted that any effort to finance an expanded mailing of the Jewish New Year letter at this time with appropriated funds would encounter immediate criticism as a misuse of such funds for political purposes.

THE WHITE HOUSE

WASHINGTON

October 1, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Request From Dixon National Bank
and Universal Match

Universal Match Corporation has written you, and orally asked Ron Jackson, if it can produce matchbooks for the Dixon National Bank. The matchbooks depict the Reagan boyhood home on one side, and a bust of the President -- "Dixon's Favorite Son" -- with Dixon's Main Street in the background on the other side. The flap reads "1981-85-89 Years as President." You will recall that Universal and Dixon National Bank erred in 1981 by using a matchbook design with the Presidential Seal; Universal has apparently learned its lesson and is now seeking advance approval.

I see no reason or basis for us to object to the proposed design. Unlike the offending 1981 matchbook design, this one contains neither the statutorily protected Seal nor a drawing of the White House. It does contain an image of the President, but we can hardly object to a depiction linking the President with the town of Dixon. Furthermore, there is no suggestion on the matchbook that the President is linked with the bank or any other commercial enterprise. The attached draft advises Universal that we have no objection to the matchbook design.

Attachment

THE WHITE HOUSE

WASHINGTON

October 1, 1984

Dear Mr. Yalem:

Thank you for your letter concerning the proposed design of matchbooks ordered by the Dixon National Bank. The bank would like to order matchbooks with the Reagan boyhood home depicted on the back cover, and a bust of the President in the foreground and Dixon in the background on the front cover.

I have no legal objection to the proposed design. The matchbook design contains neither the statutorily protected Seal of the President, nor any depiction that suggests or could be construed as a commercial endorsement by the President or the White House. Accordingly, approval from this office is not required to proceed with production of the matchbooks.

Thank you for raising this matter with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Harold P. Yalem
Universal Match Corporation
400 Paul Avenue
St. Louis, Missouri 63135

FFF:JGR:aea 10/1/84
cc: FFFfielding/JGRoberts/Subj/Chron
bcc: Ron Jackson
White House Staff Mess

THE WHITE HOUSE

WASHINGTON

October 1, 1984

MEMORANDUM FOR WILLIAM A. DELPHOS
VICE PRESIDENT
OVERSEAS PRIVATE INVESTMENT CORPORATION

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: OPIC Request for Letter From the President

You have requested that the President sign a letter to OPIC President Craig A. Nalen, requesting a report of OPIC activities and accomplishments. It is our understanding that as a matter of fact, OPIC has already prepared such a report, and would like to introduce it with a letter from the President. This office would have no objection to a letter from the President being included at the beginning of the special OPIC report, but I cannot approve an actual request for the report in the letter.

Thank you for raising this matter with us.

FFF:JGR:aea 10/1/84
cc: FFFielding/JGRoberts/SUBj/Chron

THE WHITE HOUSE

WASHINGTON

October 2, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Enrolled Bill S. 32 -- Record
Rental Amendment of 1984

Richard Darman has asked for comments on the above-referenced enrolled bill by noon Wednesday, October 3. This bill, which passed both Houses by voice vote, would extend copyright protection to cover the unauthorized rental, leasing, or lending of phonograph records for commercial advantage by purchasers without permission from the owners of the copyright. Copyright owners currently have no protection against such commercial exploitation of their material, and apparently the commercial record renting business is beginning to flourish. The bill provides only civil penalties, and has a five-year sunset provision.

OMB, Justice, Commerce, and NEA recommend approval; CEA has no objection. 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.

Attachment

THE WHITE HOUSE

WASHINGTON

October 2, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill S. 32 -- Record
Rental Amendment of 1984

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


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

THE WHITE HOUSE

WASHINGTON

October 2, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Draft Proclamation: National
Children's Week, 1984

Duncan Clark has asked for comments on the above-referenced draft proclamation as soon as possible. The proclamation, which designates next week as "National Children's Week," was drafted by HHS and has been approved by OMB. It emphasizes that the children of America are our future and stresses the importance of the institution of the family in shaping the next generation.

The text of the proclamation states that it was authorized and requested by the Congress pursuant to S.J. Res. 325. This is inaccurate. Congress passed and the President signed the House version of the resolution, H.J. Res. 153, not the Senate version. The necessary change in the draft is noted in the attached proposed memorandum for Clark.

Attachment

THE WHITE HOUSE

WASHINGTON

October 2, 1984

MEMORANDUM FOR DUNCAN CLARK
OFFICE OF WHITE HOUSE CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Proclamation: National
Children's Week, 1984

Counsel's Office has reviewed the above-referenced draft proclamation.

Congress authorized and requested this proclamation pursuant to House Joint Resolution 153, not Senate Joint Resolution 325 as indicated in the draft. Accordingly, in the last paragraph on the first page of the draft, "Senate Joint Resolution 325" should be changed to "House Joint Resolution 153."


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

THE WHITE HOUSE

WASHINGTON

October 2, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Draft Proclamation: National
Employ the Handicapped Week, 1984

Duncan Clark has asked for comments as soon as possible on the above-referenced draft proclamation. The proclamation, authorized and requested annually by 36 U.S.C. § 155, designates the first full week in October as "National Employ the Handicapped Week." The proclamation was drafted by Labor and has been approved by OMB. It notes the progress that has been made in expanding opportunities for the handicapped but stresses that more remains to be done. I have reviewed the draft proclamation and have no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

October 2, 1984

MEMORANDUM FOR DUNCAN CLARK
OFFICE OF WHITE HOUSE CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Proclamation: National
Employ the Handicapped Week, 1984

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

FFF:JGR:aea 10/2/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 2, 1984

Dear Mr. Becket:

Congratulations on your prospective reappointment as a Member of the National Institute of Building Sciences. In connection with your prospective reappointment, it is necessary for you to complete the enclosed forms and return them to me at your earliest convenience.

You may respond to the Personal Data Statement (PDS) in memorandum form, addressed to Mr. Fielding; the questions need not be repeated. Please do not hesitate to contact me if you have any questions concerning the PDS or the Executive Personnel Financial Disclosure Report (SF-278). My office telephone number is (202)456-7953.

I have enclosed memoranda outlining how the conflict of interest laws apply to one in your position.

Again, my congratulations.

Sincerely,

A handwritten signature in dark ink, appearing to read "John G. Roberts", with a long horizontal stroke extending to the right.

John G. Roberts
Associate Counsel to the President

Mr. MacDonald G. Becket
10445 Wilshire Blvd. #2001
Los Angeles, CA 90024

THE WHITE HOUSE

WASHINGTON

October 2, 1984

Dear Mr. Boone:

Congratulations on your prospective reappointment as a Member of the National Institute of Building Sciences. In connection with your prospective reappointment, it is necessary for you to complete the enclosed forms and return them to me at your earliest convenience.

You may respond to the Personal Data Statement (PDS) in memorandum form, addressed to Mr. Fielding; the questions need not be repeated. Please do not hesitate to contact me if you have any questions concerning the PDS or the Executive Personnel Financial Disclosure Report (SF-278). My office telephone number is (202)456-7953.

I have enclosed memoranda outlining how the conflict of interest laws apply to one in your position.

Again, my congratulations.

Sincerely,



John G. Roberts
Associate Counsel to the President


Mr. Kyle C. Boone
P.O. Box 425
Weaverville, NC 28787

THE WHITE HOUSE

WASHINGTON

October 2, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Enrolled Bill S. 2000 -- Variable
Interest Rates for Indian Funds
Held in Trust

Richard Darman has asked for comments on the above-referenced enrolled bill by 1:00 p.m. Wednesday, October 3. This bill, which passed both Houses by voice vote, would amend 25 U.S.C. § 161a to permit the Secretary of the Treasury to invest Indian trust funds at market rates. Until the Secretary of the Interior invests Indian trust funds, they are held by the Secretary of the Treasury, and 25 U.S.C. § 161a, enacted in 1929, currently provides that such funds may receive a return of only four percent when held by Treasury. The four percent return is a relic that costs the Tribes several hundred thousand dollars per year.

OMB, Interior, and Treasury recommend approval. 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.

Attachment

THE WHITE HOUSE

WASHINGTON

October 2, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill S. 2000 -- Variable
Interest Rates for Indian Funds
Held in Trust

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

FFF:JGR:aea 10/2/84


cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 3, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Enrolled Bill S. 1770 --
Oil and Gas Lease Extension

Richard Darman has asked for comments on the above-referenced enrolled bill by close of business today. This bill would settle the confusion surrounding a particular oil lease. Briefly, a mining company commenced drilling operations under a lease that had expired, in reliance on erroneous representations from the United States Geological Survey (USGS). The term of the lease provided that it would expire if operations were not commenced before a specific date and operations were not commenced until after that date. USGS, however, told the company to proceed and the company, unmindful that its lease had expired by operation of law, proceeded at considerable expense. The bill would overturn the expiration provision and stipulate that the lease is still in force.

OMB recommends approval; Interior has no objection. The company has no legal claim against the United States for reinstatement of its lease. As the Supreme Court recently reaffirmed, there is no estoppel against the Government. In Justice Holmes's famous phrase, citizens must turn square corners when dealing with the Government -- unless, of course, they can obtain relief legislation, such as this bill. I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

October 3, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill S. 1770 --
Oil and Gas Lease Extension

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

FFF:JGR:aea 10/3/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 3, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill S. 2614 --
Indian Financing Act Amendments

Richard Darman has asked for comments on the above-referenced enrolled bill by close of business today. This bill would make an assortment of minor, non-controversial amendments to the Indian Financing Act of 1974, 25 U.S.C. § 1451 et seq. The bill would generally increase authorized appropriations under the Act, broaden the circumstances under which Federal loans may be made to individual Indians, and permit the Secretary of the Interior to accept security other than bonds when loaning to an Indian-owned enterprise. Of particular interest to this office is section 3, which deletes an unconstitutional legislative veto provision from the 1974 Act.

OMB and Interior recommend approval; Justice has no objection. 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.

Attachment

THE WHITE HOUSE

WASHINGTON

October 3, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill S. 2614 --
Indian Financing Act Amendments

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

FFF:JGR:aea 10/3/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 3, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Draft Proclamation:
National Quality Month

Duncan Clark has asked for comments by close of business today on the above-referenced draft proclamation. The proclamation, authorized and requested by S.J. Res. 304, would designate this month as National Quality Month. The proclamation was drafted by Commerce and has been approved by OMB. It stresses the importance of quality in our Nation's economic welfare. I have reviewed the draft proclamation, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

October 3, 1984

MEMORANDUM FOR DUNCAN CLARK
OFFICE OF WHITE HOUSE CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Proclamation:
National Quality Month

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

FFF:JGR:aea 10/3/84


cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 3, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: H.J. Res. 605 -- U.S. Policy
in Opposition to Torture

Richard Darman has asked for comments on the above-referenced enrolled resolution by 3:00 p.m. today. This resolution would express the policy of the United States in opposition to torture. It would request the President to direct our U.N. permanent representative to continue to raise the issue of torture, and involve the United States in formulating international standards against torture. The resolution would also request the Secretary of State to instruct our ambassadors to report on incidents of torture and meet with groups active in opposing torture (such as Amnesty International, a prime mover behind the bill). Finally, the resolution would direct the Secretary of Commerce to continue to enforce existing restrictions on the export of crime control equipment, and would provide that law enforcement training for foreign personnel furnished by the U.S. include pertinent training in human rights.

The resolution passed both Houses by voice vote. OMB, State, NSC, Defense, and Commerce recommend approval. The resolution is mildly objectionable as an interference in the Executive's conduct of foreign relations, but State notes that, substantively, the resolution reflects current Administration policy. Accordingly, I see no reason to interpose an objection.

Attachment

THE WHITE HOUSE

WASHINGTON

October 3, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: H.J. Res. 605 -- U.S. Policy
in Opposition to Torture

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


FFF:JGR:aea 10/3/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE
WASHINGTON

October 4, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: S.J. Res. 322 -- Mental
Illness Awareness Week

Richard Darman has asked for comments on the above-referenced enrolled resolution by 4:00 p.m. today. This resolution, which passed both Houses by voice vote, designates the week beginning this Sunday as "Mental Illness Awareness Week." OMB and HHS recommend approval, and I have no objections. We should emphasize the need to have an appropriate proclamation, called for by the resolution, submitted as soon as possible.

Attachment

THE WHITE HOUSE

WASHINGTON

October 4, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: S.J. Res. 322 -- Mental
Illness Awareness Week

Counsel's Office has reviewed the above-referenced enrolled resolution, and finds no objection to it from a legal perspective. Since the week in question begins this Sunday, a proclamation should be prepared as soon as possible.

FFF:JGR:aea 10/4/84


cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 4, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Letter From Carhart Requesting Appointment
Regarding Presentation of Book Entitled
"Battles and Campaigns in Vietnam"

Paul Thompson and Robert Kimmitt have asked for our views on a request from a Vietnam Veteran, Tom Carhart, to present to the President an inscribed copy of his new book, Battles and Campaigns in Vietnam. The burden of the book is that the United States did not lose militarily in Vietnam. Kimmitt has prepared a scheduling proposal for a Presidential meeting with Carhart, but wanted your views before proceeding.

The obvious problem is that Carhart may use the occasion to publicize his new book. Even if Carhart agrees not to make any promotional use of his meeting with the President, media accounts will have the effect of promoting Carhart's book. No one has read the book, however, and I do not think we should so cavalierly associate the President with it. The attached memorandum for Kimmitt notes that the proposed meeting would inevitably link the President with the book, that we would prefer the meeting not take place because of the commercial promotion problem (unless NSC has strong policy reasons for the meeting), and that at the very least NSC and our office would have to review the book before any meeting.

Attachment

THE WHITE HOUSE

WASHINGTON

October 4, 1984

MEMORANDUM FOR ROBERT KIMMITT
PAUL THOMPSON
NATIONAL SECURITY COUNCIL

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Letter From Carhart Requesting Appointment
Regarding Presentation of Book Entitled
"Battles and Campaigns in Vietnam"

You have asked for our views on a proposed meeting at which Tom Carhart would present the President with a copy of his new book, Battles and Campaigns in Vietnam. Any meeting so centered on a new book would inevitably link the President with the book. This office would generally oppose such a meeting, because of the inevitable impression that the President has endorsed the book, which would of course contravene our policy of avoiding endorsements of commercial products or enterprises. If the National Security Council favors such a meeting for significant policy reasons, however, we would interpose no objection. I am concerned, however, that we know little about Battles and Campaigns in Vietnam itself. Before any meeting at which the book will be featured takes place, the book will have to be carefully reviewed by NSC and this office, and perhaps others as well.

FFF:JGR:aea 10/4/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 4, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Clearance for Publication of Remarks
Made by Eliza Paschall Before Board
Meeting of National Federation of
Republican Women

Faith Whittlesey has asked you to review a summary of a speech a member of her staff, Eliza Paschall, delivered before a Board Meeting of the National Federation of Republican Women (NFRW). The speech concerned gender discrimination in employment, and the NFRW would like to publish the summary in its monthly newsletter.

In the summary Paschall stresses that equal pay for equal work is the law and is being enforced, primarily by the EEOC. She dismisses the canard that women are discriminated against because they receive \$0.59 to every \$1.00 earned by men by noting that the statistical average does not take into account the relatively recent influx of women into the work force (so that they typically have less seniority than men), the fact that women more often work part-time, or the fact that women take longer and more frequent leaves from the work force. On the controversial subject of equal pay for work of "comparable worth," Paschall simply cites the National Academy of Sciences study concerning the confusion over what "comparable worth" means.

I have only one quibble with the summary. In the first paragraph, Paschall states that it is illegal to pay a woman less than a man for doing the same or substantially the same work "or work of equal work, effort and responsibility." The quoted language is a vague gloss readily capable of being misinterpreted. I think it better to adhere to the universally accepted formulation of "the same or substantially the same work."

Attachment

THE WHITE HOUSE

WASHINGTON

October 4, 1984

MEMORANDUM FOR FAITH RYAN WHITTLESEY
ASSISTANT TO THE PRESIDENT
FOR PUBLIC LIAISON

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Clearance for Publication of Remarks
Made by Eliza Paschall Before Board
Meeting of National Federation of
Republican Women

Counsel's Office has reviewed the summary of the speech Eliza Paschall delivered before the Board Meeting of the National Federation of Republican Women (NFRW). You have advised that the NFRW proposes to publish the summary in its monthly newsletter. Only one small item in the summary causes concern. In the first paragraph, Paschall asserts that it is illegal for an employer to pay a woman less than a man for the same work or substantially the same work, "or work of equal work, effort and responsibility." I recommend deleting the quoted language. It is an imprecise gloss on the universally accepted "same or substantially the same work" formulation, and, particularly in light of the "comparable worth" controversy, is readily capable of being misinterpreted.

FFF:JGR:aea 10/4/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 3, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: H.R. 5147 -- Eastern Pacific
Tuna Licensing Act of 1984

Richard Darman has asked for comments on the above-referenced enrolled bill by 3:00 p.m. today. This bill would implement U.S. obligations under the interim East Pacific Ocean Tuna Fishing Agreement between the U.S., Costa Rica, Panama, Guatemala, and Honduras. The bill would authorize the Secretary of State to issue appropriate regulations and appoint U.S. representatives to the council established by the agreement. Acts in violation of the agreement or implementing regulations would be prohibited by the bill, and the prohibitions would be enforced by the Coast Guard, Commerce, and the Customs Service. In addition, the Secretary of Commerce would be authorized to designate officers and employees of the various states to function as Federal law enforcement officers in enforcing the Act.

The affected agencies recommend approval, except for Justice. Justice objects strenuously to the diffusion of law enforcement authority among various Federal agencies, and, in particular, the authorization for state officials to discharge Federal law enforcement responsibilities. As Justice sees it, any decision to grant Federal law enforcement power to state officials should be made by the chief Federal law enforcement officer, the Attorney General. Justice also objects that the bill is ambiguous concerning whether civil or criminal penalties are intended under the Act. Justice has submitted a proposed memorandum of disapproval explaining its objections.

In recommending approval despite Justice's objections, Director Stockman notes that Justice and Commerce can work on an agreement to govern the deputizing of state officials. I tend to agree with Stockman. Justice's most pressing concern, that unqualified state officials will be enforcing Federal law, will not arise until, if ever, the Secretary of Commerce authorizes state officials to so act. Justice can act within the executive branch to ensure that any such authorizations are carefully controlled.

Attachment

THE WHITE HOUSE

WASHINGTON

October 3, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 5147 -- Eastern Pacific
Tuna Licensing Act of 1984

Counsel's Office has reviewed the above-referenced enrolled bill. I share the concerns of the Department of Justice with respect to section 9(b) of the bill, which authorizes the Secretary of Commerce to designate state officials and employees to perform Federal law enforcement functions. On balance, however, I do not recommend disapproval of the bill. Section 9(b) simply permits the Secretary of Commerce to designate state officials and employees to function as Federal law enforcement agents; it does not require such designations. Justice can work with Commerce to ensure that such designations, if any, are appropriately limited.

FFF:JGR:aea 10/3/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 5, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Radio Talk: Drugs
(10/4 -- 4:30 p.m. Draft)

Richard Darman has asked that comments on the above-referenced draft radio talk be sent directly to Ben Elliott by 10:00 a.m. today. The remarks review candidate Mondale's proposed "new" initiatives to combat drug abuse and trafficking, noting that the Administration is already actively -- and successfully -- pursuing Mondale's "new" proposals. The remarks note that the Vice President is already acting as a high-level drug coordinator as head of the National Narcotics Border Interdiction System, that international cooperation is vastly improved, that enforcement efforts have been dramatically increased, and that cooperation with State and local officials has never been better. The remarks conclude by reviewing efforts spearheaded by the First Lady to reduce the demand for drugs among young people. I have reviewed the remarks and have no objections, beyond the minor point that is raised in the attached draft memorandum for Elliott.

Attachment

THE WHITE HOUSE

WASHINGTON

October 5, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Radio Talk: Drugs
(10/4 -- 4:30 p.m. Draft)

Counsel's Office has reviewed the above-referenced draft radio talk. I recommend that the word "regional" be inserted between "new" and "organized" in line 21 on page one. Otherwise listeners may be left with the impression that we are simply multiplying the bureaucracy rather than covering the country with new enforcement resources.

cc: Richard G. Darman

FFF:JGR:aea 10/5/84


bcc: FFFielding/JGRoberts/SUBj/Chron

THE WHITE HOUSE

WASHINGTON

October 5, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Draft Proclamation: Thanksgiving Day, 1984

Duncan Clark has requested comments by noon October 9 on the above-referenced draft proclamation. The proclamation has not been requested by Congress but is, of course, an established tradition. It was drafted by the Speechwriters and has been approved by OMB. The proclamation reviews the historic roots of Thanksgiving celebrations, antedating the Pilgrims, and notes the American tradition of giving thanks to God. I have reviewed the draft proclamation and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

October 5, 1984

MEMORANDUM FOR DUNCAN CLARK

OFFICE OF WHITE HOUSE CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Proclamation: Thanksgiving Day, 1984

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

FFF:JGR:aea 10/5/84

cc: FFFielding/JGRoberts/Subj/Chron