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Withdrawer

CAS 8/30/2005

FOIA

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COOK

31CAS

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO DIANNA HOLLAND RE REAPPOINTMENT TO PRESIDENT'S COMMITTEE ON MENTAL RETARDATION (PARTIAL)	1	1/11/1985	B6	1264
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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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C. Closed in accordance with restrictions contained in donor's deed of gift.


COPY - Reagan Presidential Record

THE WHITE HOUSE

WASHINGTON

January 4, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS 
SUBJECT: Proposed (Revised) Letter to ITC
Regarding Alkaline Batteries

This matter may be closed out. I advised Darman's office on January 3 that we had no legal objection to the revised letter, after obtaining Mr. Hauser's concurrence in that course of action.


Attachment

THE WHITE HOUSE

WASHINGTON

January 4, 1984

MEMORANDUM FOR THE FILES

FROM: JOHN G. ROBERTS 
SUBJECT: Surrogate Speakers Request

After discussing this inquiry with Mr. Hauser, I advised Hutton that the White House should not assist Louis Harris and Associates, Inc., in filling the program for that company's for-profit symposium. Harris should be advised to contact Secretary Regan and Director Stockman directly, and those officials can decide if it is in the interest of their agencies to appear before Harris' group.

cc: Sherrie Cooksey

THE WHITE HOUSE

WASHINGTON

January 3, 1985

MEMORANDUM:

TO: SHERRIE COOKSEY

THROUGH: FREDERICK J. RYAN, JR.

FROM: DEBBIE HUTTON *ijh*

SUBJECT: Surrogate Speakers Request

PLEASE PROVIDE YOUR RECOMMENDATION AND COMMENTS ON THE FOLLOWING REQUEST UNDER CONSIDERATION:

Event: Meeting and Remarks with Financial and Corporate Leaders sponsored by Louis Harris and Associates, Inc.

Date: January 8, 1985 - at 8:15 am and 10:15 am

Location: Madison Hotel, Washington, DC

Background: See attached. The request for a photo with the President has been regretted, and Mike McManus' office has requested our help in securing Secretary Regan to speak at 8:15 am and David Stockman at 10:15 am on 1/8 to talk about the budget and tax simplification. Those gathering are clients of Mr. Harris' (he holds this meeting every year) and Mr. Harris' has assured this office that all remarks will be off-the record during each question and answer session which will be chaired by Mr. Harris. Shall we pursue this with Secretary Regan and Director Stockman?

RECOMMEND ACCEPT _____ RECOMMEND WHITE HOUSE STAFF _____

RECOMMEND REGRET _____ RECOMMEND CABINET MEMBER _____

RECOMMEND SUB-CABINET MEMBER _____

RESPONSE DUE _____ ASAP.

LOUIS HARRIS AND ASSOCIATES, INC

630 FIFTH AVENUE

NEW YORK, NEW YORK 10111

TEL: (212) 975-1800 TELEX: 148383

WASHINGTON, D. C.

SAN FRANCISCO

LONDON

PARIS

December 7, 1984

Mr. Michael A. McManus
Deputy Assistant to the
President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mike:

This will follow up on our conversation of the other day. During the week of January 7th, 1985, over a two day span, I plan to hold some top level conferences with 40 of our top clients from the financial and corporate world in Washington. During this time, we will have sessions with the Chairman of the Federal Reserve, the Speaker of the House, the Majority Leader of the Senate, and other top leaders in the Executive Branch and Congress.

To a man, the group would like nothing more --- and would change their plans and dates --- if it were possible to hold a session in the White House, where they could get a briefing on where the economy is headed, the question of cuts in spending and the deficit, taxes, and matters close to where they live.

But, most of all, they would like to have some contact with the President. My own view is that if he could just drop in, not to address them or to answer any questions, but just to have a group picture with them, that in itself would mean more than all the other experiences put together. As you can imagine, they all voted for the President, I'm sure contributed to his campaign, and to have such a group picture taken would be an important event in their lives.

Most of the people coming will be from the financial world. They constitute the core of the actual money managers, who in the aggregate manage \$700 billion of the pension funds and other assets. They make or break the financial markets. While they work for banks, investment banking firms, and other institutions, they make the investment decisions for their companies, not the Chief Executive Officers of those institutions.

From their recent behavior on Wall Street, obviously they need some reassuring, so I think there would be some highly positive effect from their visit to the White House.

Mr. Michael A. McManus

December 7, 1984

Page 2

The corporate people also come from some of the most important and prestigious companies, including AT&T, Exxon, and Philip Morris. Stan Scott of Philip Morris, whom I believe you know, is working closely with me on this program.

I would deeply appreciate it if we can work this out. You name the time any time during the week of January 7th, and the people will be there. All the other meetings will be arranged around this pivotal visit.

Best,

Lou Harris

Louis Harris

THE WHITE HOUSE

WASHINGTON

January 4, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Photo Album for Gala Entertainers

Billie Shaddix visited me this afternoon to discuss an inquiry he had received from Bill Henkel on behalf of the PIC. The PIC plans to have the President and Mrs. Reagan present those entertainers performing at the Gala with photo albums memorializing their visit to Washington for the Inaugural. The albums would include not only photographs with the President and First Lady, but also photographs of the subjects' activities in Washington.

Shaddix was reluctant to accede to Henkel's request to assign photographers to trail the entertainers during their stay in Washington when they were not with the President or First Lady. His reluctance seemed justified to me. We discussed the following approach:

1. PIC would hire photographers to trail the stars when they were not with the President. Official White House photographers could take over when the President or First Lady were present.
2. All film would be turned over to Shaddix for processing and preparing the contact sheets.
3. PIC would be billed for prints and the album covers.

I have no difficulty with using White House photographers to photograph the stars with the President and First Lady. Using the White House Photo Office to process the non-official photographs of the stars (without the President or First Lady) can be justified on the basis of the need to maintain control over what will appear in the album alongside the official photographs. There is little danger of adverse criticism of the above approach: PIC will be paying for everything except that which is clearly within the scope of the Photo Office's duties. If you agree, I will advise Shaddix and Henkel to proceed as noted above.

THE WHITE HOUSE

WASHINGTON

January 7, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Correspondence from Duracell Counsel
Concerning ITC Decision

James N. Bierman of Foley & Lardner wrote you on January 3 on behalf of his client, Duracell, reiterating the arguments against Presidential disapproval of the ITC decision and requesting an opportunity to meet with Messrs. Baker, Fuller, Meese, Oglesby, Stockman, Svahn and yourself to discuss the matter. I knew that you would have opposed any such meeting; in light of the President's decision the matter is now OBE and I see no need for any response. You should, however, be aware that Mr. Bierman's letter contains an implicit threat (second paragraph) to litigate the question of the scope of Presidential review in a Section 337 case, to which I can only reply, in an Eastwoodian fashion, "Go ahead. Make my day...."

THE WHITE HOUSE

WASHINGTON

January 7, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Letter of December 13 from Chief Justice
Burger Concerning the Comprehensive Crime
Control Act

On December 13 the Chief Justice wrote the President, complaining about a provision in that part of the Comprehensive Crime Control Act of 1984 that establishes the U.S. Sentencing Commission, "an independent commission in the judicial branch" (emphasis supplied). Under the Act the Judicial Conference (chaired by the Chief) is to submit the names of six active Federal judges, from which list the President is to appoint at least three to full-time positions on the Commission. The statute specifies that "a Federal judge may serve as a member of the Commission without resigning his appointment as a Federal judge."

The Chief objects to taking sitting active judges away from their duties, and also questions the constitutionality of an Article III judge accepting appointment to a full-time independent commission. He notes that he does not plan to send over a list until Congress corrects or amends the statute, perhaps by allowing senior judges to be appointed to the Commission.

I referred the letter to Lowell Jensen's office at Justice for their views (that office is involved in starting up the Commission). They recommended holding out the possibility of corrective legislation, but not accepting the Chief's threat to delay until such legislation is passed, stressing that it is important that the Commission begin its work promptly. If Congress does respond to the Chief's concerns, active judges could be replaced on the Commission after helping start it up. The Chief's concern about not replacing the judges rings a bit hollow when one considers how many vacancies currently exist and may shortly be filled. As soon as we move on those vacancies, the judges sent to the Sentencing Commission will be "replaced" many times over, at least so far as current workloads are concerned.

- 2 -

The outlines of the proposed response suggest to me that it should be sent from Justice, since it deals with precisely what the Department is willing to support. The attached reply for your signature advises the Chief that Justice will be responding directly to him.

Attachment

THE WHITE HOUSE

WASHINGTON

January 7, 1985

Dear Mr. Chief Justice:

Thank you for your letter of December 13, 1984 to the President. In that letter you expressed concern over that section of the Comprehensive Crime Control Act of 1984 that provides for full-time service on the new United States Sentencing Commission by at least three "Federal judges in regular active service." You noted that the Act made no provision for replacement of the judges, and you suggested that the Act be amended to permit senior judges to be considered for service on the Commission.

I have referred your correspondence to those officials at the Department of Justice who are closely involved with implementing the Comprehensive Crime Control Act and establishing the Sentencing Commission; you should receive a detailed response from them shortly. I remain hopeful that something can be done to respond to your concerns without delaying the critical work of the Sentencing Commission. That work must begin promptly and, as Congress recognized, must be informed by the perspective that can be brought to bear by members of the Federal bench.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Warren E. Burger
The Chief Justice of the
United States
Washington, D.C. 20543


FFF:JGR:aea 1/7/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

January 9, 1985

MEMORANDUM FOR ROGER CLEGG
ASSOCIATE DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Crime in New York

On December 28, 1984, we forwarded to you correspondence from a South African victimized by crime in New York. The attached additional correspondence is referred to the Department for direct response and whatever other action you consider appropriate. We have not responded to Mr. Joslin in any way.

Many thanks.

THE WHITE HOUSE

WASHINGTON

January 9, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Appointment of Lloyd N. Cutler
to the Commission on Executive,
Legislative, and Judicial Salaries
(the "Quadrennial Commission")

I have reviewed the Personal Data Statement submitted by Mr. Cutler in connection with his prospective appointment to the Quadrennial Commission, and have no objection to proceeding with the appointment. The President is authorized to appoint three members to the Commission pursuant to 2 U.S.C. § 352(1)(A). The only statutory requirement in the enabling act is that the Commissioners be "from private life," a requirement satisfied in Cutler's case.

As we discussed, Cutler's prospective appointment presented a problem under 18 U.S.C. § 219, since Cutler was registered as a foreign agent. I advised Cutler that he would be required to terminate his registration (and, of course, refrain from any activities that would require registration) during the period of his government service. Cutler agreed to do so and has in fact terminated his registration (copy of letter to Justice Department Registration Unit attached).

Cutler serves as a member of the American Bar Association Commission on Federal Judicial Compensation, but has agreed to resign to avoid any apparent conflict if appointed to the Quadrennial Commission.

I have not yet received a completed PDS from Alexander B. Trowbridge, the other prospective appointee to the Commission, but he has been contacted and urged to expedite completion of the form.

Attachment

THE WHITE HOUSE

WASHINGTON

January 10, 1985

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Proclamation of
"National Information Processing
Week" for INFOMART Opening

Counsel's Office has reviewed the request from Dallas Market Center Co. for a Presidential proclamation or other message to mark the opening of INFOMART, a permanent marketplace for producers of information processing products, in Dallas. As you are aware, established White House policy precludes the issuance of proclamations that are not requested by joint resolution of Congress or traditionally issued (e.g., Thanksgiving). In fact, any sort of Presidential message would be inappropriate in this case, because of the commercial nature of the event. The White House does not approve messages from the President that are or could be construed as an endorsement of a commercial product, enterprise, or event. Adherence to this policy is necessary to avoid unseemly commercialization of the office.

FFF:JGR:aea 1/10/85


cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

January 10, 1985

MEMORANDUM FOR THE FILES

FROM: JOHN G. ROBERTS 
SUBJECT: Article for ABA Journal on the Subject
of Equal Access to Justice Act


By telephone conversation yesterday I advised Breger that our office had no objection to the article, but that he must obtain clearance from the Department of Justice (Associate Deputy Attorney General Roger Clegg).

THE WHITE HOUSE

WASHINGTON

January 11, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Nicaraguan Refugees

Bob Kimmitt has asked if you have any legal problems with the attached proposal to involve the President and the White House in efforts to raise funds for a new, private sector "Nicaraguan Refugee Fund." Faith Whittlesey has already been involved in establishing the organization, and the organizers want a January 22 Roosevelt Room briefing for corporate CEOs. They hope that, after the briefing, the CEOs "will then -- on their own -- find it in their hearts to pledge seed money" for the program. The organizers also plan a formal dinner in March, and hope the President will drop by.

I recommend stopping any White House involvement in this effort. I have no doubt of the bona fides of the organizers, but the White House generally does not lend its facilities for private fundraising. The corporate CEOs would doubtless view the solicitation from the "private" organization as having official backing if they learn about it at a White House briefing. A memorandum to Kimmitt is attached for your review and signature.

Attachment

THE WHITE HOUSE

WASHINGTON

January 11, 1985

MEMORANDUM FOR ROBERT KIMMITT
DEPUTY ASSISTANT TO THE PRESIDENT
FOR NATIONAL SECURITY AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Nicaraguan Refugees

You have asked for my views on a proposal to involve the President and the White House in fundraising efforts for a private organization, the Nicaraguan Refugee Fund. In particular, organizers of the Fund have requested a Roosevelt Room briefing for corporate CEOs from whom they would then solicit "seed money."

Established White House policy generally precludes use of White House facilities for fundraising for private organizations, no matter how laudable the efforts of the organization. The corporate CEOs targeted by the organizers of the Fund would doubtless perceive the solicitations as having official approval, which is not the case and cannot be the case. Accordingly, I must counsel against holding the briefing or any other function coordinated with fundraising for the Fund.

FFF:JGR:aea 1/11/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE
WASHINGTON

January 11, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Reappointment of Anne C. Seggerman
to the President's Committee on
Mental Retardation

I have reviewed the Personal Data Statement submitted by the above-named individual in connection with her prospective reappointment to the President's Committee on Mental Retardation (PCMR). The PCMR, established by Executive Order 11776, provides advice to the President on mental retardation, Federal programs in the area, and the development and dissemination of information on mental retardation. The PCMR submits an annual report to the President on mental retardation.

Pursuant to section 2 of Executive Order 11776, several Cabinet members serve on the Committee ex officio, and the President may appoint "[n]ot more than twenty-one other members...employed in either the public or the private sectors...includ[ing] specialists in medicine and other healing arts, human development, special education, law, and employment problems, as well as members of foundations and other private organizations active in the mental retardation field."

Mrs. Seggerman clearly satisfies the criteria of the Executive Order.



THE WHITE HOUSE

WASHINGTON

January 15, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Proposed Presidential Statement:
Birthday of Dr. Martin Luther King, Jr.
(January 14 Draft)

Richard Darman has asked that comments on the above-referenced proposed statement be sent directly to Ben Elliott as soon as possible. The brief statement praises Dr. King for his example of "moral leadership" and advocacy of peaceful change. I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

January 15, 1985

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Presidential Statement:
Birthday of Dr. Martin Luther King, Jr.
(January 14 Draft)

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

cc: Richard G. Darman

FFF:JGR:aea 1/15/85


cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

January 15, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Lahaina Galleries Inc. Use of
Presidential Photo in Advertising

John Marion, Sr., sent his son John Marion, Jr., the attached advertisement from the January 1985 issue of Connoisseur magazine, and Junior sent it on to our office. The advertisement for Lahaina Galleries, Inc., features a photograph of Eva Makk and her husband meeting the President. The photograph bears the customary "with appreciation and best wishes" calligraphy and the President's signature.

This use of the President's photograph and signature violates our policy against any use that suggests endorsement of a commercial product or enterprise. The attached draft letter to Makk directs her to cease such misuse of the photograph.

Attachment

THE WHITE HOUSE

WASHINGTON

January 15, 1985

Dear Mrs. Makk:

Your advertisement in the January 1985 issue of Connoisseur magazine has been called to our attention. That advertisement features an autographed photograph of your meeting with the President.

Established White House policy prohibits any use of the name, likeness, photograph, or signature of the President in any manner that suggests or could be construed as endorsement of a commercial product or enterprise. Your advertisement contravenes this policy. You should immediately cancel the advertisement and take whatever other steps are necessary to ensure that the photograph is not used in any manner for commercial promotion. Please advise me of the action you have taken.

Sincerely,

Fred F. Fielding
Counsel to the President

Mrs. Eva Makk
1515 Laukali Street
Honolulu, HI 96821

FFF:JGR:aea 1/15/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE


WASHINGTON
January 17, 1985

APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

DATE OF INTERVIEW: January 17, 1985 (by telephone)
CANDIDATE: Kyle C. Boone
POSITION: Member, National Institute of Building Sciences
INTERVIEWER: John G. Roberts *JGR*

COMMENTS:

Kyle C. Boone is being considered for reappointment to the National Institute of Building Sciences (NIBS) "as representative of the public interest," 12 U.S.C. § 1701j-2(c)(4). Mr. Boone meets the statutory requirements for this appointment. The statute provides that "[t]hose representing the public interest on the Board shall include architects..., " id. § 1701j-2(c)(1), and Mr. Boone is an architect.. The statute also provides that "[s]uch members of the Board shall hold no financial interest or membership in, nor be employed by, or receive other compensation from, any company, association, or other group associated with the manufacture, distribution, installation, or maintenance of specialized building products, equipment, systems, subsystems, or other construction materials and techniques for which there are available substitutes." Mr. Boone reaffirmed that he had no affiliation that would disqualify him under this provision.

 b6
He was originally cleared by me for appointment to the NIBS Board on March 9, 1983. Reappointments are authorized, see 12 U.S.C. § 1701j-2(c)(3), but no individual may serve more than three consecutive three-year terms. This is Mr. Boone's first reappointment.

THE WHITE HOUSE


WASHINGTON
January 17, 1985

APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

DATE OF INTERVIEW: January 17, 1985 (by telephone)
CANDIDATE: MacDonald G. Becket
POSITION: Member, National Institute of Building Sciences
INTERVIEWER: John G. Roberts *JGR*

COMMENTS:

MacDonald G. Becket is being considered for reappointment to the National Institute of Building Sciences (NIBS) "as representative of the public interest," 12 U.S.C. § 1701j-2(c) (4). Mr. Becket meets the statutory requirements for this appointment. The statute provides that "[t]hose representing the public interest on the board shall include architects..., " id. § 1701j-2(c) (1), and Mr. Becket is an architect. The statute also provides that "[s]uch members of the Board shall hold no financial interest or membership in, nor be employed by, or receive other compensation from, any company, association, or other group associated with the manufacture, distribution, installation, or maintenance of specialized building products, equipment, systems, subsystems, or other construction materials and techniques for which there are available substitutes." Mr. Becket confirmed that he had no affiliation that would disqualify him under this provision.

 b6
He was originally cleared by Ed Wilson for appointment to the NIBS board in early 1983. Reappointments are authorized, see 12 U.S.C. § 1701j-2(c) (3), but no individual may serve more than three consecutive three-year terms. This is Mr. Becket's first reappointment.

I should note that Mr. Becket serves as "honorary consul" for Sri Lanka, a position that triggers the Foreign Agents Registration Act (FARA) and would appear to subject him to disqualification under 18 U.S.C. § 219. That provision makes it a felony for an employee of the United States to act as an agent for a foreign principal required to register under FARA. The NIBS enabling statute, however, specifies that "[t]he members of the initial or succeeding Boards shall not, by reason of such membership, be deemed to be employees of the United States Government." 12 U.S.C. § 1701j-2(c) (6). Accordingly, the prohibition of 18 U.S.C. § 219 is not triggered, and does not represent an obstacle to Mr. Becket's service on the NIBS board.

THE WHITE HOUSE

WASHINGTON

January 18, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

OMB's Bulletin Concerning the
Competition in Contracting Act of 1984

Joe Wright has asked for your clearance as soon as possible on a letter he proposes to send to Chairman Jack Brooks concerning Administration constitutional objections to certain provisions of the Competition in Contracting Act of 1984. I provided information to you on these constitutional problems by memoranda dated November 7 and November 28, 1984 (copies attached). Briefly, the Justice Department has concluded that provisions in the Act authorizing the Comptroller General to lift a stay of a government contract award triggered by a bid protest and to award attorneys fees and costs to a prevailing bid protester are unconstitutional because such actions are executive in nature and the Comptroller General is a legislative, not executive officer. OMB issued a bulletin consistent with the Justice opinion, and Brooks objected to it. The draft letter from Wright to Brooks simply reiterates the Justice view, and notes that OMB is bound by it -- thus the bulletin. There is nothing new here; I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

January 18, 1985

MEMORANDUM FOR JOSEPH R. WRIGHT
DEPUTY DIRECTOR
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: OMB's Bulletin Concerning the
Competition in Contracting Act of 1984

Counsel's Office has reviewed your proposed reply to Chairman Brooks concerning the above-referenced topic, and finds no objection to it from a legal perspective.

FFF:JGR:aea 1/18/85


cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

January 18, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Briefing of Corporate Executives
on Nicaragua (Nicaraguan Refugees)

Bob Kimmitt has supplied additional facts concerning the proposed (and scheduled) Roosevelt Room briefing for corporate CEOs on Nicaragua, requested by the newly-organized Nicaraguan Refugee Fund. You will recall that you counseled against the briefing by memorandum dated January 11 (copy attached), on the ground that the White House should not be used for fundraising for a private organization. In his petition for rehearing Kimmitt argues that this policy will not be violated, since any fundraising will take place away from the White House after the briefing, at a reception hosted by the Fund at the Hay-Adams.

I suppose we could permit the briefing to take place -- Kimmitt suggests it is desirable from the standpoint of Administration policy -- but I think his "Chinese wall" argument is a bit artificial. The briefing and the later fundraising reception are a package, and will doubtless be perceived as such by the CEOs. Nonetheless, our policy is just that -- a policy rather than a legal requirement -- and if NSC strongly wants to hold the briefing, I have no problem with letting them do so, with as clear a wall between the White House and the subsequent fundraising as possible. A memorandum along these lines is attached; if you are inclined to stick to our guns I will be happy to draft a memorandum along those lines.

Attachment

THE WHITE HOUSE

WASHINGTON

January 18, 1985

MEMORANDUM FOR ROBERT KIMMITT
DEPUTY ASSISTANT TO THE PRESIDENT
FOR NATIONAL SECURITY AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Briefing of Corporate Executives
on Nicaragua (Nicaraguan Refugees)

You have supplied additional facts concerning the proposed January 22 Roosevelt Room briefing for corporate CEOs, and have requested that I reconsider my opinion that the briefing would contravene White House policy against use of the White House for private fundraising. You stressed that any fundraising by the Nicaraguan Refugee Fund (NRF) would be restricted to a reception held away from the White House after the briefing.

Your attempt to separate the White House briefing from the subsequent fundraising strikes me as somewhat artificial, and I suspect many of the CEOs will perceive the two events as linked. Nonetheless, I would interpose no objection to the briefing if (1) it is your view that the briefing advances important White House policies in the area (apart from any desire to assist the NRF), and (2) every effort is made to ensure that the CEOs understand that the fundraising activities of the NRF are not endorsed or in any way sponsored by the Government.

FFF:JGR:aea 1/18/85

cc: FFFielding
JGRoberts
Subj
Chron