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THE WHITE HOUSE
WASHINGTON

March 1, 1985

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS *JGR*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Appointment of Maureen Reagan to U.S.
Delegation to the World Conference of
the United Nations Decade for Women, 1985

On February 28, 1985, I telephoned Ralph Tarr, Acting Assistant Attorney General for the Office of Legal Counsel, to obtain his advice concerning the prospective appointment of Maureen Reagan to the U.S. Delegation to the World Conference of the United Nations Decade for Women, 1985. My question to Tarr was whether any problems were presented under the Anti-Nepotism Act, 5 U.S.C. § 3110, by Maureen Reagan's appointment. Tarr researched the question and returned my call later in the day.

The President is authorized by 22 U.S.C. § 287(d) to appoint individuals "to represent the United States in organs and agencies of the United Nations." That authority, with respect to organizations such as this Conference, was delegated to the Secretary of State on February 28, 1948, by President Truman. Tarr advised that in light of the delegation of authority Maureen Reagan's appointment would not constitute a violation of the Anti-Nepotism Act. According to Tarr, the statute is concerned with the act of appointment, and a delegation of authority operates to transfer responsibility for that act to the delegate.

THE WHITE HOUSE

WASHINGTON

March 1, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Cutler Call

You may recall that our office objected on February 19 to a proposed letter from the President to the Commission on Executive, Legislative, and Judicial Salaries. The letter requested that the Commission review the legislative veto problem in its enabling legislation and the general effectiveness of the statutory scheme, in addition to its narrower statutory duties. We objected because (1) the President should not seek legal guidance from an independent commission, (2) the legislative veto problem in the statute did not in any way affect the responsibilities of the Commission, and (3) the President should not seek policy guidance from a commission to which he appoints only three of the nine members. Your memorandum of February 19 to Chew noting these objections apparently sufficed to kill the letter.

I received a call earlier this week from the Executive Director of the Commission, who had been told (unclear by whom) that the letter was stalled in our office. She advised me that the proposed letter had been prepared by the Commission in the first place, after approval by Mr. Meese. I told her that the letter might not be sent.

Today (2:00 p.m.) I received a call from Lloyd Cutler, who as you know serves on the Commission. He wanted to know why the letter was not going to be sent, stating that both he and Mr. Brady agreed to serve on the Commission with the understanding that it would address the broader questions. He also stated that the letter had been approved by Mr. Meese. I did not want to get into specifics with Mr. Cutler, but indicated the general nature of our concerns. He noted that he would explore the matter further with you.


I did not and do not know of any implicit or explicit understandings Cutler or Brady may have had when they were appointed to the Commission, nor am I aware of any representations made by Mr. Meese. I adhere to the view that the President should not ask an independent commission to which he appoints only one-third of the members for legal advice on a perceived legislative veto problem. The President can turn to our office or the Justice Department for all the legal advice he needs.

THE WHITE HOUSE

WASHINGTON

March 1, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Suggested Letter From POTUS Regarding
Support for Concept of Public/Private
Partnership Between the Minuteman
Regional Vocational School and the
Towns of Lexington and Lincoln, MA

Fred Ryan has asked for guidance concerning a request that the President sign a letter supporting a proposed "private sector initiative" in Lexington, Massachusetts. The request came in a letter to Jim Coyne from Peter Crafts of the Minuteman Regional Vocational Technical High School. The School plans to cooperate with local businesses in building a \$15 million hotel conference center at the school. Town meetings will be held in April in Lexington and the neighboring town of Lincoln, and a vote will be taken on the proposal.

Mr. Crafts wants a Presidential letter to help sway those at the town meeting. He notes in his letter (p. 2) that when he submitted his request before the election he "was told by Council [sic] to the President it was an inappropriate time for a Presidential endorsement." Our office has no record of any such advice; inquiries with the Private Sector Initiatives Office indicate the request was put off orally by them.

I recommend that we not approve this letter. Although the draft is as bland as possible, I do not think the President should be dragged into local politics, endorsing one side of an issue pending before the yeomanry of Lexington and Lincoln. A draft for Ryan is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

March 1, 1985

MEMORANDUM FOR FREDERICK J. RYAN, JR.
SPECIAL ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL SCHEDULING

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Suggested Letter From POTUS Regarding
Support for Concept of Public/Private
Partnership Between the Minuteman
Regional Vocational School and the
Towns of Lexington and Lincoln, MA

You have asked for our views on a response to a request for a Presidential letter endorsing a private sector initiative in Lexington and Lincoln, Massachusetts. According to the incoming, the proposal to create a \$15 million hotel conference center at Minuteman Regional Vocational Technical School will be voted on at town meetings in Lexington and Lincoln in April. I do not think it advisable to involve the President in a local decision of this sort by endorsing one side of an issue that will be presented to the voters. Accordingly, I recommend that the letter not be sent.

FFF:JGR:aea 3/1/85

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 4, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Request for White House Memorabilia
to Donate to a High School Auction

Mary Ann Fackelman of the Photo Office has received a letter requesting that she donate White House memorabilia for an auction to benefit St. John's High School of Toledo, Ohio, or that she offer a personal tour of the White House to be auctioned off. It is my understanding that it is our general policy to decline such requests, although I have seen frequent exceptions to the rule. In any event, the attached draft memorandum to Fackelman and accompanying reply on her behalf decline the request.

Attachment

THE WHITE HOUSE
WASHINGTON

March 4, 1985

Dear Father Kappes:

Thank you for your letter of February 14 to Mary Ann Fackelman of the White House Photography Office. Ms. Fackelman has referred that letter to this office for review. In your letter you requested White House memorabilia or a White House tour that could be auctioned off to benefit St. John's High School.

I must advise you that established White House policy generally prohibits providing memorabilia, tours, or the like for use in fundraising activities. As I am certain you will appreciate, the White House receives innumerable requests to participate in such activities. Since all cannot be granted, fairness dictates adherence to a general policy of denying them all. Furthermore, any White House participation would necessitate some monitoring of the fundraising activity and the sponsoring organization, which the White House is not equipped to do. Accordingly, we must decline your request.

I hope you will understand that our response is in no way to be construed as an adverse reflection on St. John's High School.

Sincerely,

Fred F. Fielding
Counsel to the President

The Reverend Joseph B. Kappes, S.J.
Associate to the President
St. John's High School
5901 Airport Highway
Toledo, OH 43615

FFF:JGR:aea 3/4/85
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE
WASHINGTON

March 4, 1985

MEMORANDUM FOR MARY ANN FACKELMAN
WHITE HOUSE PHOTO OFFICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for White House Memorabilia
to Donate to a High School Auction

Attached is a copy of my response to Joseph B. Kappes on your behalf. As you will note, I advised Reverend Kappes that White House policy precludes granting his request for White House memorabilia or a White House tour to be auctioned off to benefit St. John's High School.

Thank you for raising this matter with us.

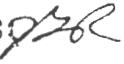
FFF:JGR:aea 3/4/85
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 5, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Request for POTUS to Call Bob Hope
Regarding Donation of 337 Acres
to the Presidential Fitness Program

Phil Regan, a personal friend of the President, has written him to pass along a suggestion from Bob Hope's attorney that the President call Hope to expedite a possible donation by Hope of 337 acres in Malibu to the Presidential Fitness Program. Regan suggested the donation to Hope, and Hope apparently approved but has been "procrastinating" with a final answer. George Allen has been involved in the negotiations.

Obviously the President should not twist Hope's arm as Regan suggests. Attached is a draft reply for Kathy Osborne's signature, with a cover memorandum. Also attached is a warning memorandum for Deaver, in light of George Allen's planned visit with the President on Thursday.

Attachments

THE WHITE HOUSE
WASHINGTON

March 5, 1985

MEMORANDUM FOR KATHY OSBORNE
PERSONAL SECRETARY TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for POTUS to Call Bob Hope
Regarding Donation of 337 Acres
to the Presidential Fitness Program

Phil Regan has written the President, conveying a suggestion from Bob Hope's lawyer that a call from the President would help expedite a possible donation by Hope of 337 acres of Malibu land to the Presidential Fitness Program. You have asked if I have any objection to your responding to Mr. Regan that such action would be inappropriate. I have no objection, and have prepared a draft reply for your signature.

Thank you for raising this matter with me.

Attachment

FFF:JGR:aea 3/5/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

March 5, 1985

Dear Phil:

Thank you for your letter of February 27 to the President. In that letter you indicated that Mr. Bob Hope was considering donating land in Malibu to the Presidential Fitness Program, and you passed along a suggestion from Mr. Hope's attorney that a call from the President would expedite consummation of the donation.

I think you will recognize that it would be inappropriate for the President to use either his office or his personal friendship with Mr. Hope in this fashion. Furthermore, the President receives countless requests to aid particular charitable organizations and activities, and has been compelled to adopt a policy of generally declining to become personally involved in promotion or fundraising for them. Again, I am certain you will appreciate the need for this policy, as well as the need to adhere to it in this instance.

Thank you for your kind thoughts.

Sincerely,

Kathy Osborne
Personal Secretary
to the President

Mr. Phil Regan
1123 S. Orange Grove Avenue
Pasadena, CA 91105

KO:JGR:aea 3/5/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE
WASHINGTON

March 5, 1985

MEMORANDUM FOR MICHAEL K. DEEVER
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: George Allen

It is my understanding that George Allen will meet with the President on March 7. In connection with that meeting, you should be aware of an issue that Allen might -- if not warned off in advance -- attempt to raise.

On February 27, 1985, a personal friend of the President, Phil Regan, wrote the President (copy attached) to suggest that he call Bob Hope to help expedite a possible donation by Hope of 337 acres of land in Malibu to the Presidential Fitness program. The letter indicates that Allen has been involved in the negotiations. I have prepared a draft reply for Kathy Osborne's signature (copy attached) advising Regan that such action by the President would be inappropriate. Whoever is handling the Allen meeting should warn Allen not to raise the Hope donation question with the President in any manner.

Attachments

FFF:JGR:aea 3/5/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

March 5, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Cutler Call

As we discussed, attached is a proposed letter from the President to Nicholas Brady, asking that the Commission on Executive, Legislative, and Judicial Salaries review the effectiveness of the statutory scheme for setting the salaries of top officials. The draft makes no reference to any legislative veto problem, and also makes clear that any Commission recommendations will be reviewed within the Administration. A cover memorandum for Chew explains why the revised letter is being submitted, and requests appropriate staffing.

Attachment

THE WHITE HOUSE

WASHINGTON

March 5, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Presidential Letter to the
Commission on Executive, Legislative,
and Judicial Salaries

By staffing memorandum dated February 15, you requested comments on a proposed draft letter from the President to Nicholas Brady, Chairman of the Commission on Executive, Legislative, and Judicial Salaries. The letter asked for recommendations from the Commission on how to resolve a perceived constitutional problem in the Commission's enabling legislation, and how to make the statutory scheme more effective. I responded on February 19 with a recommendation that the letter not be sent, noting that the President should seek neither legal nor policy guidance from a Commission to which he appoints only three of nine members.

It has since come to my attention that the Presidential appointees to the Commission were given assurances prior to their appointments that the President would request them to go beyond their narrow statutory mandate and examine the need for reform of the statutory pay scheme. In light of these assurances a letter of some sort should be sent. I continue to object to any specific reference to or request for guidance on any perceived legislative veto problem, but a general request to consider the need for reform of the statutory scheme would be tolerable. I have attached a revision of the February 15 draft along the foregoing lines for appropriate staffing.

Attachment

FFF:JGR:aea 3/5/85
cc: FFFielding/JGRoberts/Subj/Chron

DRAFT

March 5, 1985

Dear Mr. Brady:

It is important as the Commission on Executive, Legislative, and Judicial Salaries begins its work to recognize that the statutory framework under which the Commission operates has failed in the past to resolve salary determinations in an orderly and effective manner. I would hope that the Commission, in addition to its statutory obligations, could review the entire statutory scheme for setting the salaries of top government officials, and develop recommendations for any necessary changes.

I would like the recommendations of the Commission on this broader question as soon as possible, so they may be reviewed and evaluated within the Administration. Thank you for your efforts in this regard.

Sincerely,

RR

Mr. Nicholas Brady
Chairman, Commission on Executive,
Legislative, and Judicial Salaries
734 Jackson Place
Washington, D.C. 20503

RR:JGR:aea 3/5/85
cc: FFFielding/JGRoberts/Subj/Chron

DRAFT

THE WHITE HOUSE

March 6, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Correspondence Concerning Social
Security Disability Claim

Senator Rockefeller has written the President on behalf of a constituent, Russell Kilpatrick, who has a pro se petition for certiorari pending against the United States before the United States Supreme Court. The case concerns a Social Security disability claim. B. Oglesby referred the letter directly to you.

Surprisingly enough, it appears that Mr. Kilpatrick's case may be the proverbial meritorious needle in the pro se haystack. Largely because of the adverse publicity surrounding the Administration's non-acquiescence policy with respect to the standards for reviewing Social Security disability claims, Congress late last year passed legislation revising and clarifying how such claims were to be handled. Although Mr. Kilpatrick lost in the lower courts, it now seems that he could well prevail in light of the amendment of the statute. The Department of Justice has been granted an extension of time to file its opposition to cert (until April 3), and is considering advising the Court that the case should be remanded to the Court of Appeals for reconsideration in light of the statutory change.

I do not think it appropriate to let Senator Rockefeller in on all of this; the attached draft noting that Justice is reviewing the petition and will respond by April 3 should suffice.

Attachment

March 6, 1985

Dear Senator Rockefeller:

Thank you for your letter of February 22 to the President. That letter concerned a case one of your constituents, Russell Kilpatrick, has pending before the Supreme Court of the United States.

The case in question is styled Kilpatrick v. Heckler, No. 84-6189. Mr. Kilpatrick has filed a pro se petition for certiorari, seeking Supreme Court review of an adverse decision of the Court of Appeals. The Department of Justice is presently reviewing Mr. Kilpatrick's petition and will file a formal response with the Court on behalf of the respondent, Secretary Heckler, on or before April 3. Since the matter is pending before the Court, it would be inappropriate for me to comment further.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable John D. Rockefeller
United States Senate
Washington, D.C. 20510

FFF:JGR:aea 3/6/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

March 6, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Fedders Letters

Attached is a draft reply to a letter on the Fedders case. If you agree, we can use this as a form for other Fedders responses. With respect to Fedders himself, the response simply notes that he was appointed by the Chairman of the SEC, and resigned on February 26, 1985. The remainder of the response discusses Administration initiatives in the area of spousal abuse: the Attorney General's Task Force on Family Violence, the Victims of Crime Act of 1984, and ongoing Justice Department programs.

Attachment

THE WHITE HOUSE

WASHINGTON

March 6, 1985

Dear Ms. Drumm:

Thank you for your letter of February 25 concerning John Fedders. Mr. Fedders was appointed to his position at the Securities and Exchange Commission by the Chairman of that Commission. As you are no doubt aware, Mr. Fedders resigned on February 26, 1985.

The Administration has been very active in seeking to address the problem of spousal abuse. In 1983 the Attorney General's Task Force on Family Violence was formed to identify the scope of the problem of family violence and to develop suitable recommendations for doing something about it. The Task Force conducted hearings across the country and issued a comprehensive report in September 1984. The recommendations contained in that report are now being implemented.

One of the recommendations of the Task Force was that steps be taken to provide greater assistance to victims of spousal abuse. The Administration sponsored and succeeded in obtaining passage of the Victims of Crime Act of 1984, chapter XIV of the Comprehensive Crime Control Act of 1984. That legislation established a Crime Victims Fund to support crime victim assistance programs in the various states. To receive funding under the statute the chief executive of the state must certify that "priority shall be given to eligible crime victim assistance programs providing assistance to victims of sexual assault, spousal abuse, or child abuse." Section 1404 of Public Law 98-473, 98 Stat. 2172-2173.

In addition, the Department of Justice participates on an ongoing basis in a wide variety of research, education, and training programs concerned with the problem of spousal abuse, often in cooperation with state and local agencies. In short, the Administration has been actively addressing this problem for some time. The recent publicity surrounding this topic only serves to heighten our resolve to continue our efforts.

- 2 -

Thank you for sharing your concerns with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Cynthia J. Drumm
Attorney at Law
301 North Memorial Drive
St. Louis, Missouri 63102


FFF:JGR:aea 3/6/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

March 7, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Synopsis of Yamada Memorandum
on Burford Legal Fees

In his memorandum of March 6 to you, EPA Acting General Counsel Gerald Yamada concludes that EPA lacks the legal authority to reimburse Anne Burford for the legal fees incurred by her subsequent to her resignation as EPA Administrator. Yamada's memorandum begins with a review of the factual background:

11/22/82: Subpoena served on Burford
12/2/82: Burford testifies, refuses to produce documents
12/16/82: House cites Burford for contempt
12/20/82: Burford retains private counsel pursuant to oral agreement with EPA; firm advises her until 1/3/83. (Payment of fees by EPA approved by GAO, 1/18/84.)
2/3/83: Adverse decision in U.S. v. House of Representatives
late Feb: DOJ initiates investigation into charges against Burford
3/4,
3/7/83: Schmults letters advising Burford that DOJ will not represent her on subjects of investigation; Burford retains private counsel
3/9: Burford resigns.

According to Yamada, Burford is seeking reimbursement for fees incurred in defending her conduct as EPA Administrator in connection with:

- revision of the House contempt citation on 5/3/83
- appearance as a witness before the Lavelle grand jury and during the trial
- September 28, 1983 Committee hearing.

In the next section of his memorandum, Yamada reviews the law on Government payment for private counsel. He concludes that EPA has the authority to hire private counsel on an informal basis, as GAO determined in connection with

approving the use of private counsel for Burford during 12/20/82 - 1/3/83. Turning to the specifics of Burford's request, however, Yamada notes:

-- Burford resigned on 3/9/83, and any fees incurred after that date -- in contrast to the 12/20 - 1/3/83 fees -- cannot be considered authorized by EPA.

-- The 5/3/83 revision of the contempt citation was negotiated by the Government; Government officials were available to Burford for this purpose; there was no need for private counsel.

-- With respect to Burford's role in the Lavelle proceedings, no DOJ representation was available, 28 C.F.R. 50.15(b)(1), and agency reimbursed representation should not be provided for the same reason: the interests of the Government and employees or ex-employees who appear as witnesses in a Federal criminal prosecution are not always the same.

-- The September 28, 1983 hearing was in connection with a Congressional investigation directed against Burford. The Government does not pay for private counsel to defend an individual against an investigation it is conducting. This rule developed with respect to Executive branch investigations and should be extended to congressional ones as well. Furthermore, all the issues had been resolved by the time of the hearing; there was no need for private counsel.

Yamada's memorandum avoids some critical issues. He focuses on Burford's resignation and argues that fees incurred thereafter cannot be considered authorized by EPA. This proves EPA is not required to reimburse Burford; it does not prove EPA may not do so. There is no discussion of whether EPA may authorize the incurring of some of the fees nunc pro tunc, if it is seen to advance agency interests.

Yamada seems on solid ground with respect to the fees incurred in connection with the May 3 revision and the Lavelle proceedings, but he offers no support beyond his own ipse dixit for the critical assertion with respect to the September 28 hearing. Yamada notes that reimbursement is not available for fees incurred in defending against an executive branch investigation, and then simply states that the same rule should apply to congressional investigations. This strikes me as debatable, at least when the investigation was sparked, in part, by an inter-branch dispute. Again, the issue is simply not addressed by Yamada.

THE WHITE HOUSE

WASHINGTON

March 11, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Traffic Hearing

You requested that I keep you advised concerning the attached. At 11:14 a.m. today, that distinguished jurist, S.K. Foshee, Hearing Examiner, dismissed the charge against me. It occurs to me that Mr. Foshee's learning and insight are wasted at Traffic Court, and that he should be considered for elevation.

Attachment

THE WHITE HOUSE

WASHINGTON

December 18, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Traffic Hearing

You have asked for a report on the traffic court appearance noted on my schedule for yesterday. I am in the process of contesting a citation issued to me in connection with an automobile accident that occurred on October 22, 1984 at 10:30 p.m., as I was returning home at the end of a normal workday. I was cited for "failure to devote full time and attention" -- a laughable catch-all charge that the prosecution will be hard-pressed to prove. There was no question of my being under the influence, although the judgment of the police officer suggests the same cannot be said of him. The ticket was for a mere \$25.00, but having never been cited for a moving violation in my entire 15 years of driving, and feeling confident I was not at fault in this instance (and of course fearful of an increase in my insurance rates), I have decided to take the matter all the way to the Supreme Court, if necessary. My "case" has been continued until February because the police officer failed to show up -- understandable in view of the weakness of his case. I will keep you advised.

I will be more than happy to rehearse my oral argument for you if you desire to be informed of the details of the accident itself. Seriously, there was no personal injury to anyone in the accident, and the only serious property damage was to my vehicle. The insurance company has taken care of everyone involved; the only outstanding issue is my liability for the \$25.00 ticket. Still continuing in a serious vein, I believe my driving at the time was exemplary and that by increasing the risk to myself I actually avoided a far more serious accident for the other drivers, whose cars were stopped in the middle of the G.W. Parkway.

Attachment

Go for it
Gunn link
→

THE WHITE HOUSE

WASHINGTON

March 11, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Acceptance of Commercial Discounts


I think section B on page 1 is too broad. As written it would, for example, prohibit a White House staff member from accepting the "Government rate" at a hotel, even if the rate was offered on a Government-wide basis, if the hotel hosted or hoped to host any type of White House group. Clause B.3. would prohibit White House staffers from taking advantage of any Government-wide discount, since the discount is obviously offered in the hope of obtaining more Government business. Yet I do not see White House staffers participating in such discounts as an abuse. In fact, I think section B can be deleted altogether. The protection from abuse provided by the requirement in section A that the discount not be offered only to White House staffers strikes me as sufficient.

THE WHITE HOUSE

WASHINGTON

March 11, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Letter From Governor Deukmejian
Regarding Navy Contract

You will recall that David Chew asked our office to prepare a response for the President's signature to a letter from Governor Deukmejian, urging that a Navy contract be awarded to a California company. I detailed for you background to the correspondence unknown to Chew, and recommended that a response not be sent over the President's signature; you submitted such a recommendation to Chew. Chew telephoned me late Friday to indicate that he agreed that a substantive reply should not be sent by the President, but he asked that we prepare a simple acknowledgment noting that the matter had been referred to Secretary Weinberger. A draft with cover memorandum is attached. As I noted in my March 8 memorandum, Weinberger has already prepared and is waiting to sign a substantive reply; his office has been alerted to note in the reply that it is in response to Deukmejian's letter to the President as well as to Deukmejian's letter to Weinberger.

Attachments

THE WHITE HOUSE

WASHINGTON

March 11, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Letter From Governor Deukmejian
Regarding Navy Contract

By memorandum dated March 8, I recommended that the President not send a substantive reply to Governor Deukmejian's letter of February 22. I noted that the Governor had sent a virtually identical letter to Secretary Weinberger, who was preparing a substantive reply. You have now requested that we prepare a simple acknowledgment of the Deukmejian letter for the President's signature; an appropriate draft is attached. Secretary Weinberger's office has been advised that the Secretary's reply should indicate that it covers the letter to the President as well as the nearly identical one received by the Secretary.

Attachment

FFF:JGR:aea 3/11/85

cc: FFFielding
JGRoberts
Subj
Chron

DRAFT

March 11, 1985

Dear George:

Thank you for your letter of February 22, conveying additional information on the Todd Shipyard bid to construct the Arleigh Burke Class Aegis Destroyer. I appreciate your sharing your concerns about this matter with me. I have referred your correspondence to Secretary Weinberger, who will provide you with a substantive reply shortly.

Again, thank you for raising this matter with me. Please be assured that your concerns will receive every appropriate consideration.

Sincerely,

RR

The Honorable George Deukmejian
Governor of California
Sacramento, CA 95814

RR:JGR:aea 3/11/85
bcc: FFFielding
JGRoberts
Subj
Chron

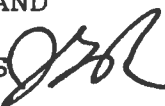
DRAFT

THE WHITE HOUSE

WASHINGTON

March 12, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS 

SUBJECT: Appointment of Joe L. Allbritton to the
John F. Kennedy Center for the Performing
Arts Board of Trustees

I have reviewed the Personal Data Statement submitted by the above-named individual in connection with his prospective appointment to the JFK Center for the Performing Arts Board of Trustees. The President is authorized to appoint 30 general trustees to this board under 20 U.S.C. § 76h(a). Mr. Allbritton satisfies the only statutory requirement for trustees, i.e., that they be citizens of the United States. The duties of the Board consist of maintaining and administering the Kennedy Center, and I see nothing that would preclude the conflict-free discharge of this responsibility by Mr. Allbritton.

Attachment

THE WHITE HOUSE

WASHINGTON

March 12, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Address: Canadian Luncheon

David Chew has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by close of business today. The remarks stress the closeness of U.S. - Canadian ties, praise Prime Minister Mulroney, and marvel at the Canadian economic renaissance. The President emphasizes that continued economic progress will result from easing the burden of taxes and regulation. Moving to foreign affairs, the remarks review the need to upgrade NATO conventional forces and negotiate reduction in nuclear stockpiles, while pursuing research on the Strategic Defense Initiative. In his remarks the President announces that he and Mulroney will (1) issue a declaration on acid rain, (2) issue a declaration on modernizing the North American air defense system, (3) exchange ratification instruments for the Pacific Salmon Treaty, (4) sign a law enforcement assistance treaty, and (5) issue a declaration on trade.

I have no legal objections, but have noted two minor stylistic ones in the attached draft for Elliott.

Attachment

THE WHITE HOUSE

WASHINGTON

March 12, 1985

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Address: Canadian Luncheon

Counsel's Office has reviewed the above-referenced remarks, and finds no objection to them from a legal perspective. On page 1, line 17, "gentlemen" should be "gentleman." In paragraph 3 on page 5, perhaps "America" wherever it appears should be changed to "the United States" or "the States." The Canadians are themselves, after all, Americans.

cc: David Chew

FFF:JGR:aea 3/12/85

bcc: FFFielding

JGRoberts

Subj

Chron

THE WHITE HOUSE

WASHINGTON

March 12, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Prospective Nomination of Sheldon J. Krys
to be Ambassador to Trinidad and Tobago

I have reviewed the SF-278 and related materials submitted in connection with the above-referenced nomination, and have no objection to proceeding with it. I have been advised by William E. Gressman of the State Department that Crystal Oil Company, stock of which is owned by Mr. Krys, does no business in Trinidad and Tobago.


Attachment

THE WHITE HOUSE

WASHINGTON

March 12, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Response to Governor Graham's Letter
to President on Mariel Boatlift

Bob Kimmitt has provided us with a copy of a proposed letter from Deputy Secretary of State Dam to Governor Graham of Florida, responding to correspondence from Graham on the U.S. - Cuban agreement to repatriate certain Marielitoes excludable from the United States under U.S. law. Mr. Hauser and I attended an NSC meeting on this question on January 22, 1985; the draft response is along the lines agreed to by all at that meeting.

Briefly, the background: The 1980 Mariel boatlift sent to our shores a large number of convicts and mental patients excludable under U.S. immigration law (though the number of such misfits was a small percentage of all Marielitoes.) When Cuba refused to take these excludables back, the U.S., as required by Section 243(g) of the Immigration and Nationality Act, suspended the issuance of visas in Havanna. As you know, Cuba and the U.S. have now reached an agreement whereby Cuba will accept the return of excludables and visa processing in Havanna will recommence. Graham was concerned that not all Marielitoes in Florida prisons would be covered by the agreement, but only those identified on a negotiation list, leaving him with some on his hands.

Dam's response explains how the list was compiled, and states that the agreement only covers those on the list. At the same time, the draft states that our authorities will expect Cuba to accept other, "unlisted" excludables, as required by law. (Whether Cuba will live up to this expectation is unclear, and depends on delicate negotiations and, in particular, how the repatriation of those on the list proceeds.) Dam's letter also advises Graham on the probable effects of reopening visa processing in Havanna -- an increase in Cuban emigration, but nothing approaching the Mariel flood.

The letter is consistent with the consensus of the January 22 meeting, and I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 12, 1985

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Response to Governor Graham's Letter
to President on Mariel Boatlift

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

FFF:JGR:aea 3/12/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

March 12, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

National Academy of Engineering
Symposium on "The Advancement of
Industrial Competitiveness"

David Chew has asked if you have any objections to proposed responses from the President and Mr. Regan to a February 19 letter from Secretary Weinberger. The responses have been cleared by NSC, OPD, Cabinet Affairs, and OSTP. In his letter of February 19, Secretary Weinberger requests that the President send a letter to the National Academy of Engineering, urging the Academy to undertake a program designed to promote American industrial competitiveness. The Academy is prepared to embark on such a venture and would like it to be launched by the President. The Academy would also like the President to address its symposium kicking off the program.

In his response, Regan advises Weinberger that he will recommend that a Presidential letter be sent, and that a scheduling proposal has been submitted. Assuming the Presidential letter will in fact be sent, this is unobjectionable.

The proposed letter from the President to the Academy asks the Academy, in cooperation with other suitable organizations, to conduct a campaign to ensure American technological leadership. The letter then reviews what the President said in his State of the Union message about a "Second American Revolution" based on technology, and the need to regain industrial competitiveness. According to the letter, the program must enlist the best minds of the country and the private sector must take the lead.

The National Academy of Engineering was established by the National Academy of Sciences. The National Academy of Sciences has a congressional charter, which provides that any department of the U.S. Government may call upon it for information, but it is a private organization and not a Federal agency. It receives no appropriation from Congress (though various studies it conducts may be pursuant to a grant from Congress).

I see no problems with the President's or Mr. Regan's letters. The President's letter simply reiterates themes he has stressed before, and urges the Academy to look into the broad issue of industrial competitiveness, which they already are anxious to do in any event.

Attachment

THE WHITE HOUSE

WASHINGTON

March 12, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: National Academy of Engineering
Symposium on "The Advancement of
Industrial Competitiveness"

You have asked for my views on a proposed letter from the President to the National Academy of Engineering, requesting that the Academy undertake a program to restore American industrial competitiveness. The letter was requested by the Academy, through Secretary Weinberger. I have reviewed the proposed letter and find no objection to it from a legal perspective. I also have no objection to the accompanying letter from Mr. Regan to Secretary Weinberger.

FFF:JGR:aea 3/12/85

cc: FFFielding
JGRoberts
Subj
Chron