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63LOJ

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FRED FIELDING (PARTIAL)	1	11/5/1985	B6	1206
2	MEMO	FIELDING TO PAUL THOMPSON (PARTIAL)	1	11/5/1985	B6	1207

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

November 1, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Proposed Packwood/Domenici Letters

Attached is a letter Director Miller proposes to send to Senators Packwood and Domenici, concerning the constitutional questions that have been raised on Gramm-Rudman-Hollings. The letter recommends that automatic sequestering be triggered (1) by an OMB report unless Congress dictates otherwise by joint resolution, or (2) by joint resolution. This would remove GAO (substituted for the Congressional Budget Office in the latest version of Gramm-Rudman-Hollings) from the process, and would ensure that any legally effective action be taken either by an executive agency (OMB) or by Congress enacting legislation. The Miller letter also recommends a severability clause with respect to the debt ceiling, in light of other constitutional concerns about Gramm-Rudman-Hollings that have been raised.

This is a quick treatment of a complex problem, but I have no objection on the merits, and it is important to begin creating some record of Administration views on this issue while there is still time. I would change "dictates otherwise" in point one to "overrides OMB," lest "dictates otherwise" be misunderstood to mean Congress could dictate, for example, that GAO or CBO make the decision.

Attachment

THE WHITE HOUSE

WASHINGTON

November 1, 1985

MEMORANDUM FOR JEFF EISENBACH
EXECUTIVE ASSISTANT TO THE DIRECTOR
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Packwood/Domenici Letters

I have reviewed the proposed letters from Director Miller to Senators Packwood and Domenici. I recommend changing "dictates otherwise" in point one to "overrides OMB," lest "dictates otherwise" be misinterpreted as suggesting Congress could dictate that another entity, such as GAO or CBO, make the decision.

cc: David L. Chew

FFF:JGR:aea 11/1/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

November 1, 1985

MEMORANDUM FOR ANNE HIGGINS
SPECIAL ASSISTANT TO THE PRESIDENT
DIRECTOR OF CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Message Request from Pen James
Congratulating Pan Am on the 50th Anniversary
of the China Clipper

You have asked for my views on a request for a Presidential message commemorating the fiftieth anniversary of the first flight of Pan Am's China Clipper, which opened the Pacific to commercial aviation.

The anniversary is not only a commercially significant one for Pan Am, but an historically significant one for the Nation as well. Nonetheless, Pan Am is sponsoring the commemoration to promote its commercial activities. Indeed, Pan Am is selling tickets for a special anniversary flight.

Furthermore, and more importantly, Pan Am is currently involved in a very sensitive proceeding, seeking to sell off most of its Pacific routes. Since this matter may be presented to the President for decision, I think he should avoid saying anything about Pan Am, particularly about Pan Am in the Pacific.

Thus, I think this request should be declined.

FFF:JGR:aea 11/1/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

November 4, 1985

MEMORANDUM FOR RICHARD DAVIS
ASSOCIATE DIRECTOR
CABINET AFFAIRS



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

SUBJECT: Request for a Major Disaster
Declaration -- Louisiana

This will confirm my oral advice of November 1, to the effect that Counsel's Office has reviewed the request for a major disaster declaration from the Governor of Louisiana, and that the request appears to comply with the requirements of the Disaster Relief Act of 1974, Public Law 93-288. We have also reviewed the implementation materials prepared by FEMA, and find no objection to them from a legal perspective.

cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

November 4, 1985

MEMORANDUM FOR TOM GIBSON
DIRECTOR OF PUBLIC AFFAIRS

FROM: JOHN G. ROBERTS, JR.
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Talking Points on October Economic
and Domestic Highlights

Counsel's office has reviewed the above-referenced talking points and has no objection to them from a legal perspective.

cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

November 4, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS, JR. 
SUBJECT: International Aviation Inquiries

I talked with Matt Scocozza, the Assistant Secretary of Transportation for Policy and International Affairs, concerning the status of the Pan Am-United proceeding, and of the effort to revise the outdated Executive Order on international aviation cases. He advised that the Department had reached a final decision on Pan Am-United, and transmitted it to the White House on October 31. This will not be formally announced, however, until Thursday, November 7. (The sixty day review period will run from October 31.) The final decision is consistent with the initial decision announced in early October: approval of the route sale, with a "soft spin-off" of Seattle: i.e., a proceeding will be instituted to determine if any competing carrier is better than United in Seattle.

Scocozza recommended that any inquiries the White House received be referred to the Department of State. Under the Act, the President can disapprove a Department decision only for foreign policy reasons, and State is the appropriate agency to field foreign policy arguments. State can bring any meritorious arguments to the President's attention during staffing of the decision by OMB. Scocozza urged that the case not be discussed with outside parties at the White House, since the President is an ultimate decision-maker in this regulatory proceeding. State is not, and accordingly can meet more freely with outside interested parties.

Scocozza advised that revisions to the Executive Order were still being drafted at Transportation and OMB. He did not think there were any significant disagreements, only drafting details to be worked out.

THE WHITE HOUSE

WASHINGTON

November 5, 1985

MEMORANDUM FOR ELAINE CRISPEN
PRESS SECRETARY TO THE FIRST LADY

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for the President and the First Lady
to Autograph Pictures which Appeared on the
Cover of TV Guide for the Southern California
Chapter of American Women in Radio/TV Auction

You have asked for my views on a request from the Southern California Chapter of American Women in Radio and Television that the President and First Lady autograph TV Guide cover portraits. The autographed portraits would then be auctioned off to benefit a children's hospital and a scholarship fund.

As a matter of policy we do not permit official memorabilia to be donated to be auctioned off to benefit charity. Such activity is, in essence, a marketing of the Office, and, in my view, diminishes the prestige of the Office. The President and Mrs. Reagan are free, if they choose to do so, to donate personal items, as opposed to official memorabilia, to be auctioned off to benefit charity. I would not encourage this practice, since it will inevitably precipitate a flood of requests from other charities for similar treatment.

An autographed magazine cover falls within the category of personal items, not official memorabilia. The President and Mrs. Reagan are thus free to comply with this request, if they desire to do so.

FFF:JGR:aea 11/5/85

cc: FFFielding

JGRoberts

Subj

Chron

THE WHITE HOUSE

WASHINGTON

October 11, 1985

MEMORANDUM FOR RICHARD K. WILLARD
ACTING ASSISTANT ATTORNEY GENERAL
CIVIL DIVISION, U.S. DEPARTMENT OF JUSTICE

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Recess Appointments

Attached are:

1. Hauser reply to Byrd
2. White House press release of October 8
3. List of recess appointments, Johnson-Reagan
(Johnson list may be incomplete).

THE WHITE HOUSE
WASHINGTON

November 5, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Request from [REDACTED] for Meeting with
Administration Official to Discuss Possible
Ways to Get his Wife Out of Moscow

[REDACTED] has written you, at the suggestion of Dennis Archer, to request your help in arranging a meeting with an appropriate Administration official to discuss the problems he and others have encountered in obtaining permission for their Soviet spouses to emigrate. I talked to [REDACTED] when he called your office yesterday, and told him that we would refer the matter to the NSC. [REDACTED] indicated that he had been in communication with the NSC himself, and remained hopeful that something could be done prior to or at the summit.

I see no legal problems with the NSC considering this issue. The only remotely possible question would be fraudulent marriage for immigration purposes, but there is no suggestion of that. In a possible excess of caution, however, we should at least note that NSC should at some point check with INS, assuming this matter goes forward. In light of my conversation with [REDACTED] I see no need for you to reply to his letter.

Attachment

THE WHITE HOUSE
WASHINGTON

November 5, 1985

MEMORANDUM FOR PAUL THOMPSON
GENERAL COUNSEL
MILITARY ASSISTANT TO THE ASSISTANT TO THE
PRESIDENT FOR NATIONAL SECURITY AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request from [REDACTED] for Meeting with
Administration Official to Discuss Possible
Ways to Get his Wife Out of Moscow

b6

In the attached correspondence, [REDACTED] requests a
meeting to discuss the problems he and others have en-
countered in seeking permission from the Soviet government
for their Soviet spouses to emigrate. I understand that
[REDACTED] has also raised this directly with the NSC, and I am
accordingly referring his correspondence to you for whatever
action or other staffing within NSC you consider appropriate.
The only suggestion I would make, if a decision is made to
proceed with this matter in some fashion, is that you check
with INS to ensure that there are no problems on our side of
this immigration question.

b6

FFF:JGR:aea 11/5/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

November 5, 1985

MEMORANDUM FOR RICHARD A. HAUSER

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Appointments of James Q. Wilson and
Albert J. Wohlstetter to the President's
Foreign Intelligence Advisory Board

I have reviewed the Personal Data Statements submitted by James Q. Wilson and Albert J. Wohlstetter in connection with their prospective appointments to the reconstituted President's Foreign Intelligence Advisory Board, and have no objection to proceeding with the appointments. The President may appoint up to 14 members to the new PFIAB, each of whom must be from outside the government and "qualified on the basis of achievement, experience, and independence."

James Q. Wilson teaches at Harvard and UCLA, and is a recognized authority on criminal justice and other public policy issues. His PDS presents no problems. Albert Wohlstetter is a defense consultant who has served on many scientific advisory boards. I contacted him to inquire about possible conflicts of interest. He said he could not conceive of any, and he knew of no current contracts with any intelligence agency, although some of his work in the defense field involves intelligence issues. I cautioned him to be alert for conflict problems and to seek our advice on any that might arise.

cc: Dianna G. Holland

THE WHITE HOUSE

WASHINGTON

November 6, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Draft Version of the President's Article
"The Presidency: Roles and Responsibilities"

We previously noted no objection to the proposal to publish an 800-word excerpt from the President's article on the Presidency as part of the New Federalist Papers series. The editor of the series has now submitted the 800-word excerpt. I have no objection to the excerpt.

Attachment

THE WHITE HOUSE

WASHINGTON

November 6, 1985

Dear Mr. Barlow:

Thank you for your letter of October 29. Along with that letter you submitted an 800-word excerpt from the President's article on the Presidency, which you propose to distribute as part of the Bicentennial project of the New Federalist Papers.

I have reviewed the excerpt and have no objection to it. Thank you for your consideration in permitting us to review the excerpt. Once again, best of luck with this exciting project.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Jack Barlow
480 N. Indian Hill Blvd.
Suite 2
Claremont, CA 91711

FFF:JGR:aea 11/6/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

November 8, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: PIC - Audit Letter

Bob Barker has sent you a draft of a letter for your signature as General Counsel to PIC, to be sent to the PIC auditors. I understand a meeting has been set for 10:00 a.m., Tuesday, November 12, to discuss the letter.

The draft, which has been approved by Barker, LaForce, Hale, and Soll, discusses the pending and potential claims known to PIC. I have no way of independently assessing the accuracy or the comprehensiveness of the factual information in the letter. We are aware of some of the details of the Taste of America/Arata Exposition dispute, which appears to be accurately described in the letter. We are also aware of some of the details of the AFTRA complaint. The draft letter notes that the discrimination charge filed with the EEOC and referred to the D.C. Office of Human Rights is "dormant." You will recall that a decision was made not to take any affirmative action to close out the charge, since neither the complainants nor the Office of Human Rights are pressing it.

Barker also raises the question of continued insurance coverage. Barker's letter, dated November 6, states that insurance coverage "will expire" on November 1, 1985. Coverage is on a "claims made" basis, so PIC officers and directors are exposed. PIC's insurance brokers recommended continuation of coverage, but this recommendation was not followed.

THE WHITE HOUSE

WASHINGTON

November 8, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: PSI Office Hosting Premier
of "To Protect the Children"

Fred Ryan has asked if the Office of Private Sector Initiatives may "host" the screening of a documentary film on child molestation. Ryan states that admission will be free and all costs have been covered.

I do not think PSI should be listed as "host" of an affair paid for by others. To do so would raise supplementation of appropriations problems, or at least the appearance of such problems, since it would appear that PSI was conducting the activity, with funds provided from the outside. In the past we have avoided these problems by having the outside group sponsor or host the event, "in cooperation with" PSI. It is not clear from Ryan's memorandum what group would host this if not PSI, but we should recommend this alternative.

THE WHITE HOUSE

WASHINGTON

November 8, 1985

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: PSI Office Hosting Premier
of "To Protect the Children"

You have asked if the Office of Private Sector Initiatives (PSI) may "host" the screening of a movie on child molestation. You indicated that admission would be free and that all costs have been covered.

If PSI were to "host" this event, which has been funded by outside groups, serious questions of illegal supplementation of appropriations would arise. It would be preferable for the outside groups providing the funding to host or sponsor the event, "in cooperation with" PSI. This would also be more in keeping with PSI's role as a facilitator and promoter of private sector activities, rather than the source of such initiatives.

I express no view on the underlying policy question of whether PSI should be involved in this particular activity.

FFF:JGR:aea 11/8/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

November 8, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Red Cross Financial Problems --
Proposed Presidential Tapings

David Chew has alerted us that the Red Cross, which is facing a financial crisis because of the unusually high number of natural disasters this year, has requested that the President tape a television spot, mention the Red Cross in a radio address, and issue a press release urging citizens to contribute. In a note to you, Chew suggested you coordinate with Linda Chavez.

I have no legal objections to the President complying with the Red Cross request. The Red Cross has always been the leading exception to the usual rules barring the President from charitable fundraising for a particular organization. We should, of course, review any draft messages. I assume Chavez is handling the preparation; the attached memorandum to her, copy to Chew, notes we have no objections to proceeding.

Attachment

THE WHITE HOUSE

WASHINGTON

November 8, 1985

MEMORANDUM FOR LINDA CHAVEZ
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, OFFICE OF PUBLIC LIAISON

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Red Cross Financial Problems --
Proposed Presidential Tapings

I have been advised by David Chew that the Red Cross has requested support from the President in connection with an emergency appeal to the public for contributions. I have no legal objection to the President taping a television spot, mentioning the Red Cross in a radio address, or issuing a press release urging support for the Red Cross, as requested by the Red Cross. The Red Cross has always been the leading exception to the usual rules barring the President from charitable fundraising for a particular organization. This office should, of course, review the text of any statements on this matter.

cc: David L. Chew

FFF:JGR:aea 11/8/85

bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

November 12, 1985

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS 
SUBJECT: PIC Counsels Meeting

Today from approximately 10:15-10:45 a.m. Mr. Fielding met in his office with Robert Barker, Pierre LaForce, and John Roberts, concerning the PIC Counsel's letter to the auditors. Mr. Fielding began the discussion by noting his concern over the lapse of insurance coverage, which occurred on November 1 and which Mr. Barker advised Mr. Fielding of by letter dated November 6. Mr. Barker noted that Fred Hale made that decision, without consultation. Mr. Fielding suggested noting the facts concerning the lapse of insurance coverage in the audit letter; Messrs. Barker and LaForce agreed that this was a good idea.

Mr. Barker noted that PIC had some \$250,000 left in the bank, \$50,000 of which would probably be given to the Building Sciences Museum at the request of John Rogers. Mr. Barker expressed the view that the remainder should be kept by PIC and not disbursed. Mr. Fielding questioned whether Fred Hale was under a fiduciary obligation to invest this sum prudently; Mr. LaForce stated he probably was (though no shareholders existed to challenge whatever Hale did) and that Hale was in fact investing the sum prudently (in money market funds).

Mr. Barker noted that Fred Hale was preparing the final tax return, and that PIC would file for exemption from D.C. taxes on investment earnings and that the exemption would be granted. Tom Moran, according to Mr. Barker, issued an opinion to that effect. Mr. Fielding asked if he should sign the letter to the auditors, and both Mr. Barker and Mr. LaForce recommended that he do so. Mr. Fielding noted that he was signing in reliance on the representations of Messrs. Barker and LaForce, who were familiar with the substance of the matters discussed in the letter.

cc: Fred F. Fielding

THE WHITE HOUSE

WASHINGTON

November 12, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Semi-Annual Report to Congress
on Iran Emergency

Treasury now advises, after consultation with State, that the error in point four of the draft report is in the number of new successful small claimants, not the total number of such claimants. Thus, in the last sentence of point four, "five" should be changed to "two." To cure the second error noted in my November 6 memorandum, Treasury has agreed to delete, in the first line of the second paragraph of point 8, on page 4, "On July 31, 1985, Congress passed, and." The sentence would thus begin "On August 16." In the next line, the comma after "signed" should then be deleted.

THE WHITE HOUSE

WASHINGTON

November 13, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Arata Expositions Inc. v. Presidential
Inaugural Committee -- "A Taste of
America"

Charles E. Wilson, counsel for Arata Expositions, has served John Lifton with the summons and complaint in his suit against the Presidential Inaugural Committee -- A Taste of America. You will recall that Lifton was registered agent for the 1981 Inaugural Committee. Wilson served Lifton, apparently assuming he was also agent for the 1985 committee, by certified mail/return receipt, pursuant to Rule 4(c)(3) of the District of Columbia Superior Court Rules. Roger Clark, counsel for Lifton, was kind enough to forward the summons and complaint to you, rather than simply returning it to Wilson.

Bob Barker and Bruce Soll have been handling all of this litigation. I recommend sending the correspondence to them for appropriate handling. I do not think we need to respond to Clark, and certainly do not recommend a reply from this office to Wilson.

Attachment

THE WHITE HOUSE

WASHINGTON

November 13, 1985

MEMORANDUM FOR ROBERT W. BARKER, ESQUIRE
WILKINSON, BARKER, KNAUER & QUINN

BRUCE SOLL, ESQUIRE
MICHAEL E. DEEVER & ASSOCIATES, INC.

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Arata Expositions Inc. v. Presidential
Inaugural Committee -- "A Taste of
America"

As you will see from the attached, counsel for Arata Expositions has attempted to serve the Presidential Inaugural Committee -- A Taste of America by serving the agent for the 1981 Inaugural Committee. I am forwarding this correspondence to you for appropriate handling.

Attachment

FFF:JGR:aea 11/13/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

November 14, 1985

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: DOE Draft Report on H.R. 1524 --
Employee Polygraph Protection Act

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

THE WHITE HOUSE

WASHINGTON

November 14, 1985

MEMORANDUM FOR RICHARD A. HAUSER

FROM:

JOHN G. ROBERTS 

SUBJECT:

Panama Canal Alternative Study Commission

You have asked if a judge may serve on the so-called Panama Canal Alternative Study Commission. Pursuant to Section 1109 of the Panama Canal Act of 1979, 22 U.S.C. § 3619, the President is authorized to "appoint the representatives of the United States to any joint committee or body with the Republic of Panama to study the possibility of a sea level canal in the Republic of Panama pursuant to Article XII of the Panama Canal Treaty of 1977." The President is also directed to transmit the text of any completed study to Congress.

The Commission is authorized only to conduct a study, and accordingly the U.S. representatives will not be engaged in any functions which can only be performed by an executive officer of the United States. I therefore see no constitutional objection to appointing a member of the judiciary as the U.S. representative to this study commission.

§ 3619. Joint sea level canal study**(a) Committee: appointment of representatives**

The President shall appoint the representatives of the United States to any joint committee or body with the Republic of Panama to study the possibility of a sea level canal in the Republic of Panama pursuant to Article XII of the Panama Canal Treaty of 1977.

(b) Transmittal of study to President of the Senate and Speaker of the House of Representatives

Upon the completion of any joint study between the United States and the Republic of Panama concerning the feasibility of a sea level canal in the Republic of Panama pursuant to paragraph 1 of Article XII of the Panama Canal Treaty of 1977, the text of the study shall be transmitted by the President to the President of the Senate and to the Speaker of the House of Representatives.

(c) Congressional authorization respecting construction of sea level canal

No construction of a sea level canal by the United States in the Republic of Panama shall be undertaken except with express congressional authorization after submission of the study by the President as provided in subsection (b) of this section.

(Pub.L. 96-70, Title I, § 1109, Sept. 27, 1979, 93 Stat. 459.)

Effective Date. Section effective Oct. 1, 1979, see section 3304 of Pub.L. 96-70, set out as a note under section 3601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-70, see 1979 U.S. Code Cong. and Adm. News, p. 1034.

§ 3620. Authority of Ambassador

(a) The United States Ambassador to the Republic of Panama shall have full responsibility for the coordination of the transfer to the Republic of Panama of those functions that are to be assumed by the Republic of Panama pursuant to the Panama Canal Treaty of 1977 and related agreements.

(b) (1) The Commission shall not be subject to the direction or supervision of the United States Chief of Mission in the Republic of Panama with respect to the responsibilities of the Commission for the operation, management, or maintenance of the Panama Canal, as established in this chapter or any other Act or in the Panama Canal Treaty of 1977 and related agreements, except that the Commission shall keep the Ambassador fully and currently informed with respect to all activities and operations of the Commission.

(2) Except as provided in paragraph (1) of this subsection, section 2680a of this title shall apply with respect to the activities of the Commission.

(Pub.L. 96-70, Title I, § 1110, Sept. 27, 1979, 93 Stat. 459.)

References in Text. This chapter, referred to in subsec. (b) (1), in the original read "this Act" meaning Pub.L. 96-70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979, which in addition to enacting this chapter, amended section 2778 of this title, sections 305, 5102, 5316, 5342, 5343, 5348, 5373, 5504, 5533, 5541, 5583, 5595, 5724a, 6301, 6322, 6323, 8102, 8146, 8335, 8336, 8339, 8348, 8701, and 8901 of Title 5, Government Organization and Employees, sections 1101 and 1182 of Title 8, Aliens and Nationality, section 213 of Title 29, Labor, sections 403, 3401, and 3682 of Title 39, Postal Service, and sections 191, 195, and 196 of Title 50, War and

National Defense, repealed section 3402 of Title 39, and section 191b of Title 50, and enacted provisions set out as notes under sections 3601, 3602, and 3852 of this title, sections 8336 and 8339 of Title 5, and sections 1101 and 1182 of Title 8.

Effective Date. Section effective Oct. 1, 1979, see section 3304 of Pub.L. 96-70, set out as a note under section 3601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-70, see 1979 U.S. Code Cong. and Adm. News, p. 1034.

§ 3621. Security legislation

It is the sense of the Congress that the best interests of the United States require that the President enter into negotiations with the Republic of Panama for the purpose of arranging for the stationing of United States military forces, after the

THE WHITE HOUSE

WASHINGTON

November 14, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Scheduling Recommendation

Fred Ryan has asked for our views on a request that the President serve as honorary chairman of and/or attend a dinner at which Ross Perot will become the third recipient of the Winston Churchill Award. The award is given by the Winston Churchill Foundation of the United States, which provides scholarships and fellowships for Americans to study at Churchill College, Cambridge University. The letter to Fred Ryan notes that the award dinner is expected to raise \$1.5 million for the Foundation.

This request appears to be covered by the usual honorary chairmanship policy: since this is neither a charity with which the President is personally involved or was personally involved prior to assuming office, nor a charity with which the Presidency is traditionally associated, the request should be declined. Further, a message should not be sent, since the dinner is a private fundraising event, and our established policy generally precludes endorsing particular fundraisers.

Ryan's note to you suggests this was discussed at the long range scheduling meeting; I am of course not privy to what was said at that time.

Attachment

THE WHITE HOUSE

WASHINGTON

November 14, 1985

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Scheduling Recommendation

You have asked for my views on a request that the President serve as honorary chairman of and/or attend a dinner at which Ross Perot will receive the Winston Churchill Award. The dinner will be a fundraiser for the Winston Churchill Foundation of the United States.

Established White House policy generally restricts acceptance of honorary chairmanships to those charitable organizations with which the President has been personally involved or with which the Presidency has been traditionally associated. Since this Foundation does not fall within either exception, the President should not agree to serve as honorary chairman. In addition, since the dinner is a fundraiser for a private organization, a message should not be sent, nor can I recommend that the President attend.

FFF:JGR:aea 11/14/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

November 15, 1985

Dear Roger:

Thank you for sending along the complaint and summons that counsel for Arata Expositions attempted to serve on John Liftin, in the mistaken belief that Mr. Liftin was an agent for the 1985 Inaugural Committee. The 1985 Inaugural Committee has not yet been served in this action, but it appears that Arata is pressing a claim against Taste of America, and is including the Inaugural Committee in the belief that Taste of America is part of or otherwise affiliated with the Inaugural Committee. Both Taste of America and the Inaugural Committee agree this is not the case.

Should you or Mr. Liftin receive any other papers from counsel for Arata, I would simply return them to him and advise him that Mr. Liftin is not an agent for the 1985 Inaugural Committee.

Thank you for your assistance.

Sincerely,

Fred F. Fielding
Counsel to the President

Roger A. Clark, Esquire
Rogers & Wells
1737 H Street, N.W.
Washington, DC 20006

FFF:JGR:aea 11/15/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

November 15, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Request for the President to Serve as the
Honorary National Chairman of the Campaign
for Norman Rockwell

You will recall that Silvio Conte asked the President to serve as honorary chairman of a fundraising campaign to raise funds to expand a Norman Rockwell museum in Conte's district. We prepared a letter to Conte declining for the usual reasons, but on circulating to Legislative Affairs for comments we learned that the President had told Conte that he "would love to do it if it is legal." It is, of course, legal, though contrary to policy. I think this should be explained in a decision memorandum for the President. A draft is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

November 15, 1985

MEMORANDUM FOR THE PRESIDENT

FROM: FRED F. FIELDING

- I. SUBJECT: Norman Rockwell Museum in Stockbridge, Massachusetts.
- II. ORIGINATOR: Congressman Silvio Conte (R-Massachusetts).
DATE: October 22, 1985
- III. ACTION FORCING EVENT: Request from Congressman Conte that you serve as honorary chairman of a campaign to raise funds to expand the Norman Rockwell Museum in Stockbridge, Massachusetts.
- IV. ANALYSIS: Congressman Conte has requested that you serve as honorary chairman of a fundraising campaign to raise \$5 million to expand the Norman Rockwell Museum in Stockbridge, Massachusetts (within Conte's district). Normally this request would have been routinely denied, pursuant to usual White House policy that restricts honorary chairmanships to organizations with which you have been personally involved (e.g., Motion Picture Country House and Hospital) or with which the Presidency has been traditionally associated (e.g., American Red Cross). I am advised, however, that you told Conte at a recent leadership meeting that you "would love to do it if it is legal." It clearly is legal for you to accept this honorary chairmanship, though doing so would be making an exception to usual White House policy.
- V. RECOMMENDATION: None
- VI. DECISION:

_____ approve _____ approve as amended _____ reject

FFF:JGR:aea 11/15/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

November 15, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: PIC Directors Resolution Approving \$50,000 Disbursement to the National Building Museum

John Rogers has asked you to review a proposed PIC directors resolution approving the disbursement of \$50,000 to the National Building Museum. Rogers serves on both the PIC board and the Museum board, so the proposed transaction presents a classic conflict of interest for Rogers. I asked our intern Andrew Richner to research D.C. law on this subject (both PIC and the Museum are D.C. nonprofit corporations); a copy of his memorandum is attached.

The issue was most fully considered in Stern v. Lucy Webb Hayes National Training School for Deaconesses and Missionaries, 381 F. Supp. 1003 (D.D.C. 1974), which ruled that the interested director should (1) fully disclose to the other directors his conflict of interest, and (2) refrain from voting on the issue. This proposed transaction may go forward, but Rogers should not sign the resolution, and the resolution should state that his position on the Museum board is known to the signing directors. Such explicit written disclosure is apparently not strictly required, but, in my view, is desirable to avoid any evidentiary questions concerning the fact or adequacy of the required disclosure.

A revised resolution with cover memorandum is attached for your review and, with respect to the cover memorandum, your signature.

Attachment

cc: Andrew Richner

THE WHITE HOUSE

WASHINGTON

November 15, 1985

MEMORANDUM FOR MICHAEL K. DEEVER
RONALD E. WALKER
JOHN F. W. ROGERS

FROM: FRED F. FIELDING

SUBJECT: PIC Directors Resolution Approving \$50,000
Disbursement to the National Building Museum

I was recently asked to review a proposed PIC directors resolution authorizing the disbursement of \$50,000 to the National Building Museum. PIC director John F. W. Rogers serves on the Museum board as well, and, under D.C. law, should abstain from voting on this resolution. D.C. law also requires that the fact of Rogers's conflict of interest on this issue be fully disclosed to the disinterested directors. I have revised the proposed resolution accordingly.

Attachment

FFF:JGR:aea 11/15/85

cc: FFFielding
JGRoberts
Subj
Chron

ADOPTION OF RESOLUTION BY WRITTEN CONSENT
OF THE BOARD OF DIRECTORS OF
THE COMMITTEE FOR THE
50TH AMERICAN PRESIDENTIAL INAUGURAL

The undersigned, being directors of The Committee for the 50th American Presidential Inaugural ("Committee") and believing their actions to be in the best interests of Committee, do hereby adopt by written consent the following resolution as the action of the Board of Directors of Committee pursuant to the laws of the District of Columbia:

RESOLVED, that Committee, a District of Columbia nonprofit corporation, shall, and hereby does agree to disburse \$50,000.00 (fifty thousand dollars) in a check payable to the National Building Museum, a privately funded cultural institution dedicated to commemorating and encouraging the American building arts.

FURTHERMORE, it is understood that the National Building Museum will be notified that their receipt of funds is contingent upon their representation that they presently possess a determination letter as to their 501(c)(3) status and that they will immediately forward a copy of same to Committee.

This action is taken with full knowledge that abstaining director John F. W. Rogers also serves on the Board of Trustees of the National Building Museum.

DATED: November __, 1985

Michael K. Deaver

Ronald H. Walker

THE WHITE HOUSE

WASHINGTON

November 15, 1985

MEMORANDUM FOR RICHARD A. HAUSER

FROM:

JOHN G. ROBERTS 

SUBJECT:

Amendment to West Virginia
Major Disaster Request

FEMA has proposed amending the President's recent disaster declaration for West Virginia to waive the requirement that Federal funds be limited to 75 percent of total eligible costs for public assistance. Pursuant to 42 U.S.C. § 5178, Federal individual and family assistance must be limited to 75 percent, and this limitation cannot be waived by the President. The 75 percent limitation for Federal public assistance, however, is a matter of policy and FEMA regulation. The disaster in West Virginia was so catastrophic (calling to mind Disraeli's distinction between a disaster and a catastrophe) that the state cannot meet 25 percent of the costs for public assistance. Insisting on the 75 percent limitation on Federal funds would mean that needed assistance would simply not be provided.

I discussed this issue with Spence Perry, the new FEMA general counsel. He stated that he was confident that providing 100 percent Federal funding above \$20 million (with the 75/25 split below that) would be consistent with the intent of the Disaster Relief Act. He also stated that the regulations specifying the 75/25 split could be superseded by Presidential Declaration. The reason for the 75/25 policy is fairly clear: to avoid case-by-case negotiation for every disaster. FEMA has developed a formula for when to invoke this new exception to the policy, based on per capita cost of the disaster. According to FEMA, only 12 disasters have met this "catastrophic disaster" threshold since 1953.

I raised the question whether states could go back and argue that the exception should be applied retroactively to them. Perry said that perhaps 3-4 disasters since 1979 would fall under the exception, with a possible additional expense of \$6-10 million.

A copy of my memorandum to Rick Davis is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

November 15, 1985

MEMORANDUM FOR RICHARD DAVIS
ASSOCIATE DIRECTOR
CABINET AFFAIRS

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Amendment to West Virginia
Major Disaster Request

Counsel's Office has reviewed the proposed amendment to the West Virginia disaster declaration. This amendment would create an exception to established policy, codified in FEMA regulations, that Federal public assistance be limited to 75 percent of eligible costs. While this may legally be done, it will create a precedent for increased Federal assistance that will be difficult to overlook with respect to future catastrophic disasters, and may even precipitate petitions from other states for retroactive application of the new exception. Whether the case for provision of additional Federal assistance in this instance is so compelling as to justify the burden of these other claims, and the cost of abandoning a clear, fixed rule, is an issue on which we must be guided by FEMA.

cc: David L. Chew